



# Woollahra Local Planning Panel (Public Meeting)

Thursday 1 August 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](mailto:records@woollahra.nsw.gov.au) by 12noon on the day before the meeting.

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

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

## Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

## Quorum:

3 Panel members



# Woollahra Municipal Council

## Notice of Meeting

23 July 2024

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

Dear Panel Members,

### Woollahra Local Planning Panel (Public Meeting) – 1 August 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 1 August 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](mailto:records@woollahra.nsw.gov.au) by **no later than 12 noon on the day before the meeting**.
- Watch and listen to the meeting live via Council's website **from 1.00pm on the day of the meeting:**  
[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/planning\\_panels/woollahra\\_local\\_planning\\_panel\\_wlpp/wlpp\\_agendas\\_audio\\_recordings\\_and\\_minutes](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_agendas_audio_recordings_and_minutes)

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

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

Regards,

Craig Swift-McNair  
General Manager



Woollahra Local Planning Panel

(Public Meeting)

Agenda

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	DA379/2023/1 - 12 The Crescent Vacluse - 24/128152 .....7	
	<b>*See Recommendation Page 65</b>	

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## **LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT**

<b>ITEM No.</b>	D1
<b>FILE No.</b>	DA379/2023/1
<b>ADDRESS</b>	12 The Crescent VAUCLUSE
<b>COUNCIL WARD</b>	Vaucluse
<b>SITE AREA</b>	968.3m <sup>2</sup>
<b>ZONING</b>	R2 Low Density Residential
<b>PROPOSAL</b>	Demolition of the existing dwelling and construction of a new dwelling, new swimming pool, landscaping and siteworks
<b>TYPE OF CONSENT</b>	Local development
<b>COST OF WORKS</b>	\$3,017,207.00
<b>DATE LODGED</b>	12/10/2023
<b>APPLICANT</b>	W Xiao
<b>OWNER</b>	W Xiao
<b>AUTHOR</b>	Mr S Grevler-Sacks
<b>TEAM LEADER</b>	Mr M Moratelli
<b>SUBMISSIONS</b>	12
<b>RECOMMENDATION</b>	Conditional Approval

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

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

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

**AND**

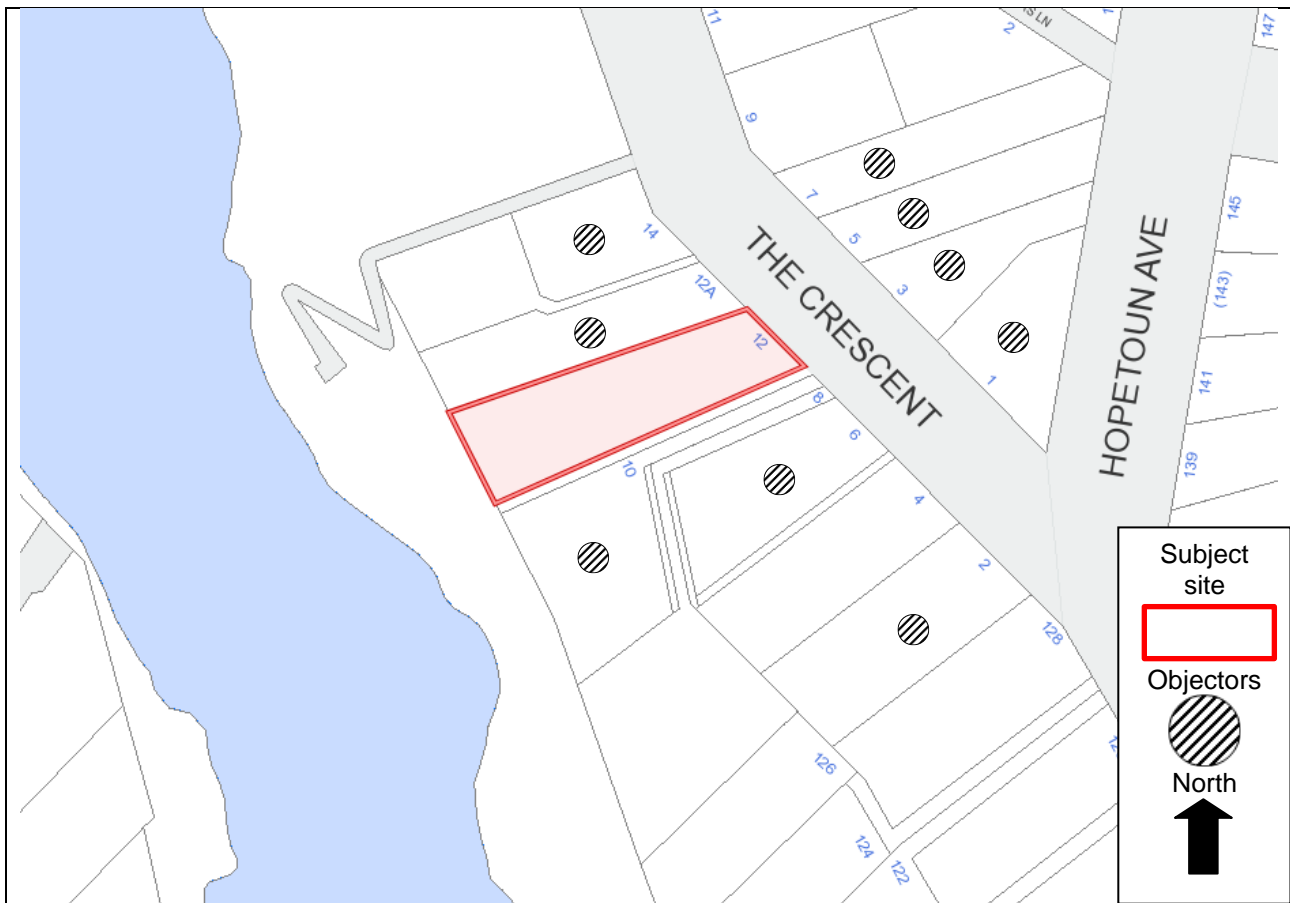
- Departure from development standards  
(a) Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%

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

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

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

### 3. LOCALITY PLAN



*Note: Multiple submissions provided by the residents of nos. 6, 12A and 14 The Crescent.*



*Existing dwelling viewed from The Crescent*





*Existing dwelling viewed from The Crescent*



*Rear elevation of existing dwelling*





*Aerial view of rear yard facing west*



*Aerial view of subject site and locality*

#### 4. PROPOSAL

The proposal as originally lodged included the following works:

- Demolition of the existing dwelling house on the site and all associated structures;
- Construction of a new dwelling house with basement car parking, rear yard with pool, and new landscaping.

Additional information was provided to Council on 11 December 2023 in response to the Stop the Clock letter issued by Council on 25 October 2023. The additional information included:

- Revised Survey Plan;
- Revised plans to include car parking dimensions and details;
- Demolition Report;
- Aboriginal Heritage Impact Assessment.

The proposal was then formally amended on 15/03/2024 in response to feedback provided by Council. The following documents were provided to Council:

- Cover letter outlining details of the amendments to the proposal;
- Amended Architectural Plans, including revised shadow diagrams;
- Revised Clause 4.6 Request;
- View Impact Assessment;
- Revised Overland Flow Assessment.

The amendments to the proposal include the following changes:

- Maximum building height reduced by 200mm;
- Batten screen to Level 1 mechanical plant area height reduced;
- Level 1 balustrade blade wall length and height reduced;
- Deletion of proposed Lower Ground 'home theatre' area and reconfiguration of Lower Ground ensuite and mechanical plant areas;
- Reduction in size of basement car parking area and subsequent increase to deep soil area within front setback;
- Reduction to overall excavation by approx. 185m<sup>3</sup>;
- Proposal to re-use approx. 15-20m<sup>3</sup> of excavated material for landscape retaining walls associated with the proposed rain garden and rear boundary wall.

#### 5. ISSUES

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

Clause	Development Standard	Departure from Control	Conclusion
Part 4.3	Height of Buildings	1.5m or 15.8% departure from the 9.5m control	Satisfactory

##### 5.2 Primary Issues

Issue	Conclusion	Section
Bulk and scale	Satisfactory. The numerical non-compliance is considered acceptable as the proposal is consistent with the relevant objectives in the Woollahra DCP 2015.	14.2.1
View loss	Satisfactory. The proposal is acceptable with regard to potential view loss arising from the proposed design.	14.2.3
Visual privacy	Satisfactory, subject to conditions.	14.2.3

### 5.3 Summary of Submissions

Issue	Conclusion	Section
Excessive height of development	The applicant has submitted a Clause 4.6 Request to vary the height of buildings development standard.  This request is considered to be well founded and therefore the height of the proposed development is considered to be acceptable.	13.3
Excessive bulk and scale of development	The bulk and scale of the proposed development is considered to be acceptable.	13.4 14.2.1
Incorrect FSR calculation	The floor space ratio of the proposed development, as amended, is considered to be accurate and complies with the development standard.	13.4
Excessive excavation	The proposed extent of excavation is considered to be acceptable.	13.9 14.2.2
Inconsistency with desired future character of the precinct	The proposed development is acceptable with regard to the desired future character of the area.	14.1
Impact of development on streetscape	The proposed dwelling will have an appropriate two-storey appearance within the streetscape.	14.1 14.2.3
Lack of front setback to development	The site has a front setback control of 7.1m. The proposal provides a front setback above ground level of approximately 8.2m, which complies with the control.	14.2.1
Inappropriate side setback to southern boundary	The proposal is considered to be consistent with the relevant side setback objectives of the DCP and the proposed non-compliance with the side setback control is acceptable.	14.2.1
Overshadowing and loss of solar access to surrounding properties	The extent of overshadowing to neighbouring properties created by the proposal is considered to be acceptable.	14.2.3
Impact of proposed new trees on overshadowing to neighbouring properties	The extent of overshadowing to neighbouring properties created by the proposal is considered to be acceptable.	14.2.3
View loss from surrounding properties	The extent of view loss from surrounding properties is considered acceptable.	14.2.3
Impact of proposed new trees on existing views to neighbouring properties	It is considered that the proposed new trees within the subject site will not unacceptably impact on existing views to neighbouring dwellings.	14.2.3
Visual privacy impact of development on surrounding properties	The proposal is acceptable with regard to visual privacy impacts, subject to conditions.	14.2.3
Excessive quantity and size of balconies	The quantity and extent of proposed balconies is considered excessive. Suitable conditions of consent have been imposed requiring the reduction in area or deletion of certain balconies to retain acceptable visual privacy to surrounding dwellings.	14.2.3
Insufficient tree canopy	Council's Tree and Landscape Officer has reviewed the application and advised that the proposal will provide sufficient tree canopy cover and is acceptable.	14.2.5
Rooftop location of mechanical plant and services	The proposed mechanical plant and services located on the rooftop are sufficiently screened by timber battens and landscaping and will not be readily visible from the public domain or surrounding properties. Appropriate conditions of consent regulating noise from the mechanical plant have also been imposed.	14.2.5
Removal of existing Jacaranda tree	Council's Tree and Landscape Officer has reviewed the application and advised that the proposed removal of the existing Jacaranda tree within the front setback is acceptable, and that the proposed replacement planting across the site will adequately compensate for the removal of canopy cover.	14.5

Issue	Conclusion	Section
Incorrect depiction of existing dwelling floor levels on Section drawings	Comparison of the existing ground level on the proposed plans with the existing level shown on the previously approved application (DA2022/210/1) are approximately the same. The existing ground level shown on the proposed set of plans as part the current application are considered accurate.	N/A

## PROPERTY DETAILS AND REFERRALS

### 6. SITE AND LOCALITY

<b>Physical features</b>
The subject site is located on the western side of The Crescent, Vaucluse. Parsley Bay Reserve adjoins the rear boundary of the site. The subject site has a 14.9m frontage to The Crescent, a western (rear) boundary to Parsley Bay Reserve of 18.9m, a northern side boundary of 57.5m and a southern side boundary of 61.6m. The site area measures 968.3m <sup>2</sup> .
<b>Topography</b>
The site falls approximately 8m from the street frontage to the rear western boundary.
<b>Existing buildings and structures</b>
The site is currently occupied by a 1-2 storey dwelling house with a swimming pool and garden at the rear.
<b>Surrounding Environment</b>
A 1.83m-wide public drainage reserve adjoins the subject site to the south. Beyond the drainage reserve to the south is an access handle that provides driveway access to battle-axe allotments at nos. 8 & 10 The Crescent. That access handle is adjoined to the south by the property at no. 6 The Crescent. To the north of the subject site is a two-storey dwelling at 12A The Crescent. The immediate locality is characterised by two and three-storey dwellings.

### 7. RELEVANT PROPERTY HISTORY

<b>Current use</b>
Residential
<b>Relevant Application History</b>
DA 210/2022 was approved by AAP on 21 February 2023 granting consent for substantial alterations and additions to the existing dwelling house. No Construction Certificate was issued and the works have not been constructed.
<b>Relevant Compliance History</b>
N/A
<b>Pre-DA</b>
N/A
<b>Requests for Additional Information and Replacement Applications</b>
Refer to Section 4
<b>Land and Environment Court Appeal(s)</b>
N/A

### 8. REFERRALS

Referral	Summary of Referral Response	Attachment
Heritage	Satisfactory, subject to conditions.	4
Parks and Open Space	Satisfactory, subject to conditions.	5
Technical Services – Drainage	Satisfactory, subject to conditions.	6
Trees and Landscaping	Satisfactory, subject to conditions.	7

## 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. The likely impacts of that development:
  - i) Environmental impacts on the natural and built environments
  - ii) Social and economic impacts
8. The suitability of the site
9. Any submissions
10. The public interest

## **9. ADVERTISING AND NOTIFICATION**

### **9.1 Submissions**

The application was advertised and notified from 1/11/2023 to 16/11/2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. John Bax – 1 The Crescent, Vacluse
2. Anthony and Kate Greenhill – 2 The Crescent, Vacluse
3. Natasha Woods and Robert Holt – 3 The Crescent, Vacluse
4. Dr Clinton Free and Jennifer Chambers – 5 The Crescent, Vacluse
5. Anthony Boskovitz obo Mrs Shields – 6 The Crescent, Vacluse
6. Josephine Blunck – 7 The Crescent, Vacluse
7. Daniel Barber obo Amber Schwarz – 10 The Crescent, Vacluse
8. Daniel Barber obo Andrew Saunders – 12A The Crescent, Vacluse
9. Joanna and James Morrison – 14 The Crescent, Vacluse

Multiple submissions were provided by or on behalf of the properties at nos. 6, 12A and 14 The Crescent. The submissions raised issues as outlined in Section 5.3 of this report.

### **9.2 Amended Application**

The amended application noted in Section 4 was not formally re-notified to surrounding residents and previous objectors under Schedule 1 of the Woollahra Community Participation Plan 2019 because the proposal, as amended, will have no greater impacts than the previously advertised application. However, the amended plans were informally re-notified to all objectors via email, with opportunity provided to all previous objectors to make further comment.

### **9.3 Statutory Declaration**

The applicant has completed the statutory declaration dated 23/11/2023 declaring that the site notice for DA379/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

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

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

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

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

### **11.1. Chapter 2 – Coastal Management**

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

The subject site is located within the Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11). 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 that the subject land is located within the *Foreshores and Waterways Area* pertaining to Part 6 – Water Catchments under SEPP (Biodiversity and Conservation) 2021, it is only the aims and the relevant provisions of Division 5 of Chapter 2 that are relevant to the subject development application.

The proposal is considered to be satisfactory with regard to these provisions on the basis that Council's engineering division have not raised any objection to the proposal in terms of:

- the proposed development causing an increased risk of coastal hazards on the subject land or other land subject to flood protection measures, subject to conditions, and
- the relevant provisions of any certified coastal management program that applies to the land.

The proposal is considered to be satisfactory with regard to the relevant provisions of Chapter 2 Coastal Management.

### **11.2. Chapter 4 – Remediation of Land**

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

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

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.

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

### **Part 2 – Vegetation in non-rural areas**

The provisions of Chapter 2 Vegetation in non-rural areas require the consideration of the proposal with regard to tree impacts. Three trees within the site are proposed to be removed. Council's Tree and Landscape Officer has provided the following tree impact assessment of the proposal:

*Inspection of the site and a review of the plans and documentation has revealed nine (9) trees within and adjacent to the site will be impacted by the proposal. The following tree numbering has been adopted from the Arboricultural Impact Assessment prepared by Birds Tree Consultancy dated 26 September 2023.*

*Tree Removal – Exempt Species*

*The plans and Arborist Report indicate tree 4 is proposed for removal. This tree has been identified as a *Strelitzia nicholai* (Giant Bird of Paradise). This species is listed as exempt from WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.*

*Tree Removal – Low Retention Value*

*The plans and Arborist Report indicate tree 3 is proposed for removal. The tree has been identified as a *Callistemon viminalis* (Bottlebrush). The tree has been rated as having Low Landscape Significance and Low Retention Value for various reasons including underperforming in health, suppressed by more dominant trees and found to be providing minimal amenity value to the immediate area.*

*The tree is supported for removal subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.*

*Tree Removal – Medium Retention Value*

*The plans and Arborist Report indicate tree 1 is proposed for removal as it is located within the footprint of the new garage. The tree has been rated as having Medium Landscape Significance and Medium Retention Value as it is visible from the street frontage and provides a positive contribution to the amenity and canopy cover of the immediate area.*

*Trees rated as being of Medium Retention Value are generally considered as less critical for retention than High Valued trees. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.*

*Modifications to the design to allow for the retention of this tree is not possible or practical due to it being positioned in the middle of the front yard which would require substantial design changes which are not considered reasonable.*

*It is considered that the new tree planting proposed throughout the property as shown on the submitted Landscape Plans will compensate for the loss of canopy cover and amenity resulting from the removal of this tree.*

*Tree Retention*

*The plans and Arborist Report indicate trees 2, 5, 6, 7, 8 and 9 are all proposed for retention.*

*Trees 5, 6, 7, 8 and 9 are located in the reserve at the rear of the property and will not be the subject of any encroachment into their Tree Protection Zones. No special tree protection measures are required for these trees.*

*Tree 2 which is located in the rear yard will be the subject of minor encroachments into its Tree Protection Zones which is considered to be within acceptable limits as defined by the Australian Standards AS4970 'Protection of trees on development sites'. To ensure the long-term viability of the tree, tree protection measures are to be installed and a Project Arborist is to be present on site during any works within its TPZs. This has been detailed in the conditions below for inclusion into the DA consent.*

Council's Tree and Landscape Officer considers the subject application to be satisfactory in terms of tree impacts, subject to conditions.



## Part 6 – Water Catchments

Part 6 (Water Catchments) of the SEPP applies to the subject site, which is located within the Sydney Harbour Catchment. It is also within the Foreshores and Waterways Area.

The relevant provisions of Part 6 and the Sydney Harbour Foreshores and Waterways Area DCP relate to the consideration of environmental impacts upon the harbour and adjoining foreshore areas including view impacts to and from the harbour and impacts upon items of environmental heritage, foreshore scenic qualities, landforms and ecology.

The proposal is considered to be satisfactory in terms of the applicable provisions of Part 6 and the associated Foreshores and Waterways Area DCP in terms of not having any significant potential for adverse environmental impacts upon Sydney Harbour and adjoining foreshore areas, including view impacts to or from Sydney Harbour.

The proposal as conditioned is considered to be satisfactory with regard to the relevant provisions of SEPP (Biodiversity and Conservation) 2021 and the associated Foreshores and Waterways Area DCP.

## 13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

### 13.1 Part 1.2: Aims of Plan

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

### 13.2 Land Use Table

The proposal is defined as a dwelling house and is permitted and is consistent with the objectives of the R2 Low Density Residential zone.

### 13.3 Part 4.3: Height of Buildings

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

	Existing	Proposed	Control	Complies
Maximum Building Height	8.4m	11m	9.5m	No

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Part 13.5.

### 13.4 Part 4.4: Floor Space Ratio

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

Site Area: 968.3m <sup>2</sup>	Existing	Proposed	Control	Complies
Floor Space Ratio	< 0.5:1	0.5:1 484m <sup>2</sup>	0.5:1 484.15m <sup>2</sup>	Yes

The proposal complies with the maximum floor space ratio prescribed by Part 4.4E(3) of Woollahra LEP 2014. It is also acceptable with regard to the relevant objectives under Part 4.4(1) of Woollahra LEP 2014 in the following manner:

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

Comment: The bulk and scale of the proposed dwelling is considered to be acceptable and in keeping with the desired future character of the area.

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

Comment: The proposed development will not result in unacceptable environmental effects on the use or enjoyment of adjoining properties or the public domain, subject to conditions.

- iii) *To ensure that development allows adequate provision on site for deep soil planting, tree canopy covering and areas of private open space*

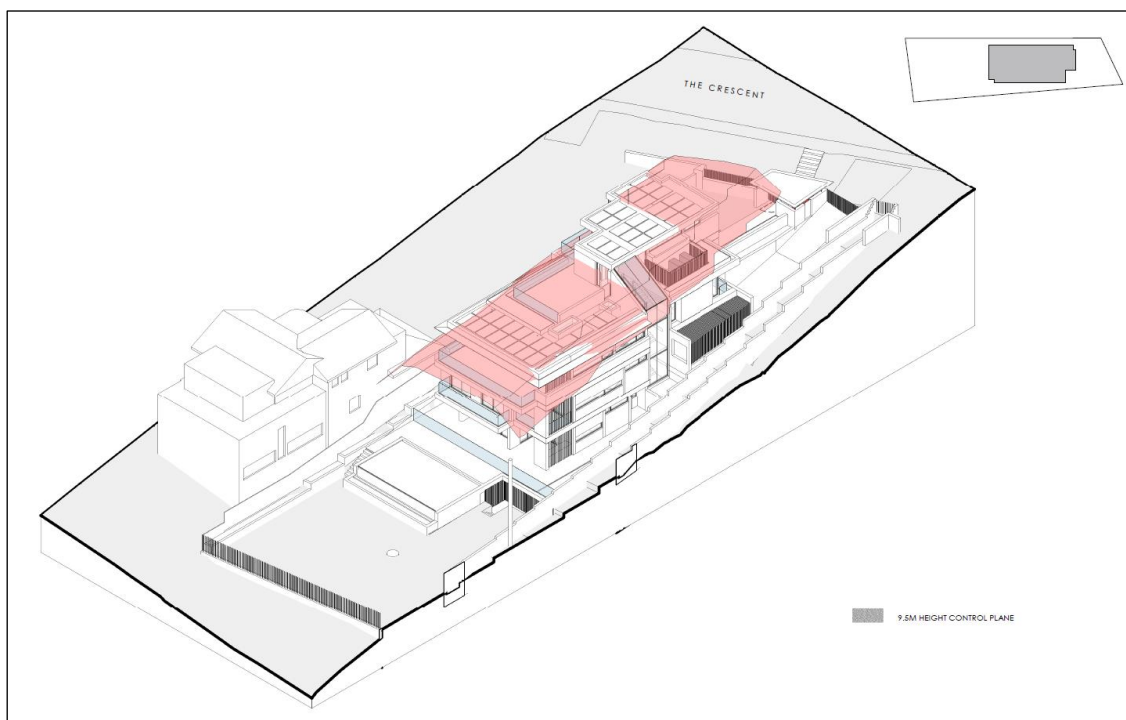
Comment: The proposed development will provide adequate provision of deep soil landscaped area and tree planting.

### 13.5 Part 4.6: Exceptions to Development Standards

#### 13.5.1 Departure

The proposed new dwelling will reach a maximum height of 11m measured from the existing ground level. It involves a 1.5m or 15.8% departure from the 9.5m height of buildings development standard under Part 4.3 of the Woollahra LEP 2014.

The elements of the development that exceed the 9.5m height limit include the upper portions and roof over the Level 1 master bedroom, ensuite, and staircase/lift, and the rear corners at the Ground Floor level.



Height Plane Diagram (Source: Kannfinch)

#### 13.5.2 Purpose

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

### 13.5.3 Written Request

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

The applicant has provided a written request in relation to the departure.

### 13.5.4 Assessment

#### **Clause 4.6 (4) (a) (i) – Assessment**

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

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

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

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

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

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

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

S1.3 of the EPA Act reads as follows:

#### *1.3 Objects of Act*

*(cf previous s 5)*

*The objects of this Act are as follows:*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

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

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

#### **Clause 4.6 (4) (a) (ii) – Assessment**

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

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

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the *Height of Buildings* development standard, and the zone objectives of the R2 Low Density Residential Zone. An assessment against these objectives is provided below.

#### **Clause 4.3 – Height of Buildings**

The objectives of Part 4.3 of the Woollahra LEP 2014 are as follows:

- *To establish building heights that are consistent with the desired future character of the neighbourhood*
- *To establish a transition in scale between zones to protect local amenity*
- *To minimise the loss of solar access to existing buildings and open space*
- *To minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion*
- *To protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Comment: The applicant has provided an accurate assessment of the proposed exceedance of the building height development standard against the objectives of Clause 4.3, and it is considered to adequately demonstrate that the exceedance of the development standard is consistent with the objectives of Part 4.3 of the LEP for the following reasons:

- The proposal is generally consistent with the desired future character for the area;

- The proposal complies with the requirements regarding solar access and overshadowing, view sharing, privacy and visual intrusion; and
- There will be no impacts on the public domain with regard to public views of the harbour and surrounding areas.

**Objectives of the R2 Low Density Residential Zone:**

The applicant has also provided assessment of the proposed exceedance of the building height development standard against the objectives of the R2 Low Density Residential Zone:

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood;*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood;*
- *To ensure development conserves and enhances tree canopy cover;*

Comment: The applicant has adequately demonstrated that the proposal is consistent with the R2 zone objectives.

As such, it is considered that there are sufficient environmental planning grounds to justify the contravention of the building height development standard as follows:

- The proposed development is of a type and form that is envisioned for the future character of Vaucluse West;
- The proposal remains consistent with the height and scale of similar development types along The Crescent;
- The portions of the proposed development that result in an exceedance of the maximum building height standard will not result in unacceptable overshadowing, view loss or acoustic and visual privacy impacts to the adjoining properties, having regard to the Woollahra DCP 2015 requirements, subject to conditions.

**Conclusion:**

The departure from the development standard is considered to be satisfactory with the intent of the R2 zone objectives and there are sufficient environmental planning grounds to justify the contravention:

- The objectives of the Clause 4.3 Height of Buildings development standard have been satisfied;
- The objectives of the R2 Low Density Residential zone have been satisfied; and
- There are sufficient environmental planning grounds to justify contravening the development standard in this instance.

**Clause 4.6 (4) (b)**

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

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

The Department issued a Planning Circular No. *PS20-002 (dated 05 May 2020)* which notified Councils of arrangements “...where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...” Clause 64 of the EPA Regulations provides that Council may assume the Director-General’s [Secretary’s] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

## **Conclusion**

The written submission from the applicant has adequately demonstrated that the variation of the development standard prescribed by *Clause 4.3* is justified pursuant to the relevant matters for consideration prescribed by *Clause 4.6*.

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

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

Accordingly, departure from the development standard is justified in this instance and departure from the control can be supported.

### **13.5.5 Conclusion**

Council is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

### **13.6 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 not an item of heritage significance, nor is it located within a Heritage Conservation Area. Council’s Heritage Officer reviewed the proposal and advised that it is acceptable with regard to the objectives in Parts 5.10 LEP 2014.

The proposal is therefore acceptable with regard to Part 5.10 of the Woollahra LEP 2014, subject to conditions.

### **13.7 Part 5.21: Flood Planning**

The objectives of Part 5.21 are:

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

The subject site is not located within a flood planning area under Part 5.21 of the LEP.

In deciding whether to grant development consent on land to which Part 5.21 applies, the consent authority must consider the following matters:

- a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- b) *the intended design and scale of buildings resulting from the development,*
- c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion*

Council's Drainage Engineer has reviewed the proposal and advised that it is acceptable subject to conditions.

### **13.8 Part 6.1: Acid Sulfate Soils**

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

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

### **13.9 Part 6.2: Earthworks**

The proposal involves excavation to accommodate the proposed new dwelling. The excavation extends to a maximum depth of approximately 3m, with a total volume of approximately 480m<sup>3</sup>. At the southern side of the site, excavation is proposed up to the boundary at the 'Mid Level', and is setback 1.9m from the northern side boundary.

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

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

The following comments are made in this regard:

- Council's Team Leader Development Engineering has raised no objection to the extent of the proposed earthworks in terms of geotechnical and hydrogeological issues subject to recommended conditions of consent.



- Council's consultant arborist considers the proposal to be satisfactory in terms of tree impacts, subject to conditions.
- Council's Heritage section has raised no objection to the proposed excavation subject to conditions relating to the potential unexpected finding of aboriginal/archaeological objects and associated requirements.
- Additional conditions of consent have been recommended limiting the times and duration of machine excavation and requiring adequate dust mitigation.

The proposal as conditioned is considered to be acceptable with regard to the provisions of Clause 6.2 of the Woollahra LEP 2014.

### **13.10 Part 6.9: Tree canopy cover in Zones R2 and R3**

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

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

Council's Tree and Landscape Officer has reviewed the proposal and provided the following comments:

*The submitted Landscape Plans prepared by Site Image dated 25 August 2023 has been reviewed in respect to the above canopy cover requirement. The Canopy Cover Plan included in the package indicates the proposal will provide 31.52% canopy cover provided by one existing tree and five new trees. It is noted that the new trees are all species with mainly broad canopies. It is believed that the calculation has been underestimated and is in fact expected to provide the required 35% canopy cover within 10 years when the trees reach maturity.*

The proposal is therefore acceptable with regard to Part 6.9 of Woollahra LEP 2014.

## **14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015**

### **14.1 Chapter B1: Vaucluse West Residential Precinct**

The proposal satisfies the precinct objectives outlined in Part B1.1.3 of the Woollahra DCP 2015.

The proposal meets the streetscape character and key elements of the precinct as it will appropriately address the street, and feature substantial landscaping within the front setback. The proposal will not impact on existing significant public views from The Crescent.

The proposed new dwelling is also consistent with the desired future character of the precinct. The dwelling is generally three storeys, with a portion in the middle (the staircase) that would present to the south as four storeys. The dwelling would present to the northern side as three storeys in height, and due to the topography of the site, would present as two storeys to The Crescent.



*Presentation of proposed dwelling to The Crescent (Source: Kannfinch)*

The proposal remains consistent with the relevant objectives relating to the Vaucluse West Precinct:

- O1 To respect and enhance the streetscape character and key elements of the precinct.*
- O2 To retain the scenic qualities provided by the dramatic topography and natural vegetation that provide an attractive setting on Sydney Harbour.*
- O3 To maintain the evolution of residential building styles through the introduction of good contemporary buildings incorporating modulation and a varied palette of materials.*
- O4 To minimise building bulk and scale of three storey development by designing development to generally present as a two storey form to the street.*
- O5 To design and site buildings to respond to the topography and minimise cut and fill.*
- O6 To protect important views from the public spaces of the precinct to the harbour and the city skyline including view corridors between buildings.*
- O7 To reinforce the landscape setting and maintain the existing tree canopy.*
- O8 To retain and reinforce the green setting of mature street trees, private trees and garden plantings*

- The proposal is consistent with the streetscape character and key elements of the precinct (O1);
- The site will retain existing significant trees and provide new planting to enhance tree canopy, improving the scenic qualities and vegetation of the site (O2, O7, O8);
- The contemporary dwelling will provide substantial articulation and modulation with a varied material palette (O3);
- The new dwelling will generally present to The Crescent as two storeys, and will remove the existing garage structure built to the front boundary, replacing it with internal garaging to improve the streetscape (O4);
- The proposal adequately responds to the site topography (O5);
- The proposal is acceptable with regard to view loss and view sharing (O6);

The proposal is therefore acceptable with regard to the Vaucluse West Precinct requirements.

## 14.2 Chapter B3: General Development Controls

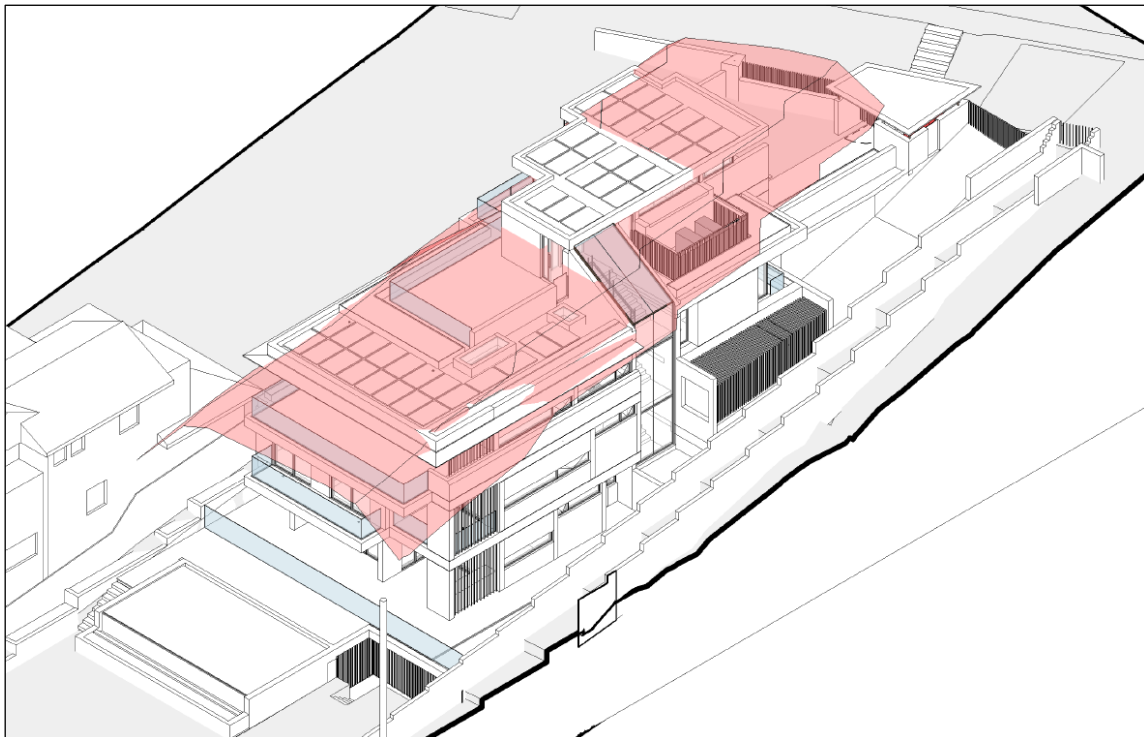
### 14.2.1 Part B3.2: Building Envelope

Site Area: 968.3m <sup>2</sup>	Existing	Proposed	Control	Complies
Front Setback	9.1m	6.6m (below ground) 8.2m (above ground)	7.1m	Partial
Side Boundary Setbacks (North)	1.1m	1.9m	1.9m	Yes
Side Boundary Setbacks (South)	1.1m	Nil	1.9m	No
Rear Setback	30m	22.8m	14.9m	Yes
Side Elevation maximum unarticulated wall length (North)	< 12m	< 12m	12m	Yes
Side Elevation maximum unarticulated wall length (South)	< 12m	< 12m	12m	Yes
Maximum Wall Height	Approx 6.4m	9.5m (North) 10m (South)	7.2m	No
Inclined Plane From Wall Height	Within building envelope control	Outside of building envelope control	45°	No
Maximum Unarticulated Length to Street	< 6m	< 6m	6.0m	Yes

The proposal generally complies with the front and rear setback requirements, and with the side setback requirement to the northern side boundary.

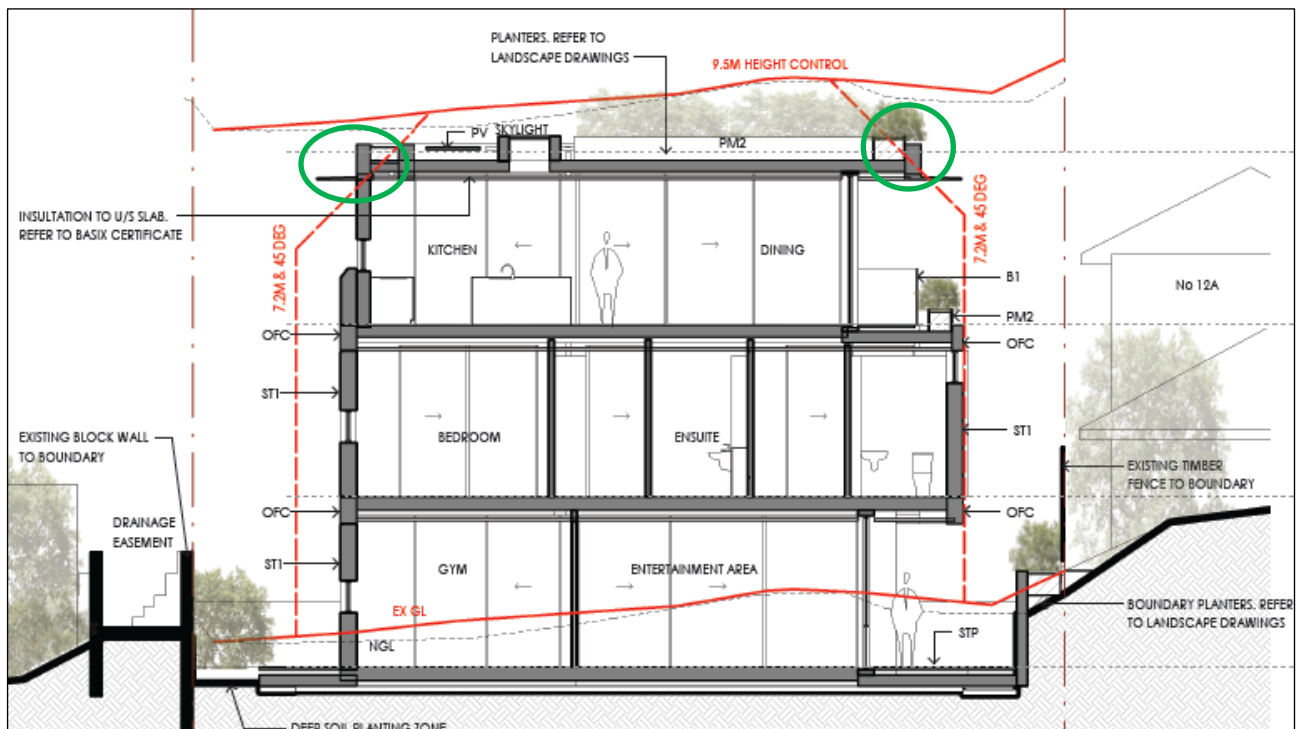
The proposal exhibits non-compliances with the southern side setback requirement, and with the wall height and inclined plan envelope controls.

Specifically, the garage is to be built up to the southern side boundary, with fixed timber battens forming the south-facing garage wall. Furthermore, elements of the upper portions of the dwelling will protrude from the building envelope set by the controls in Part B3.2 of the DCP and the 9.5m height limit as depicted in the height plane diagram below:

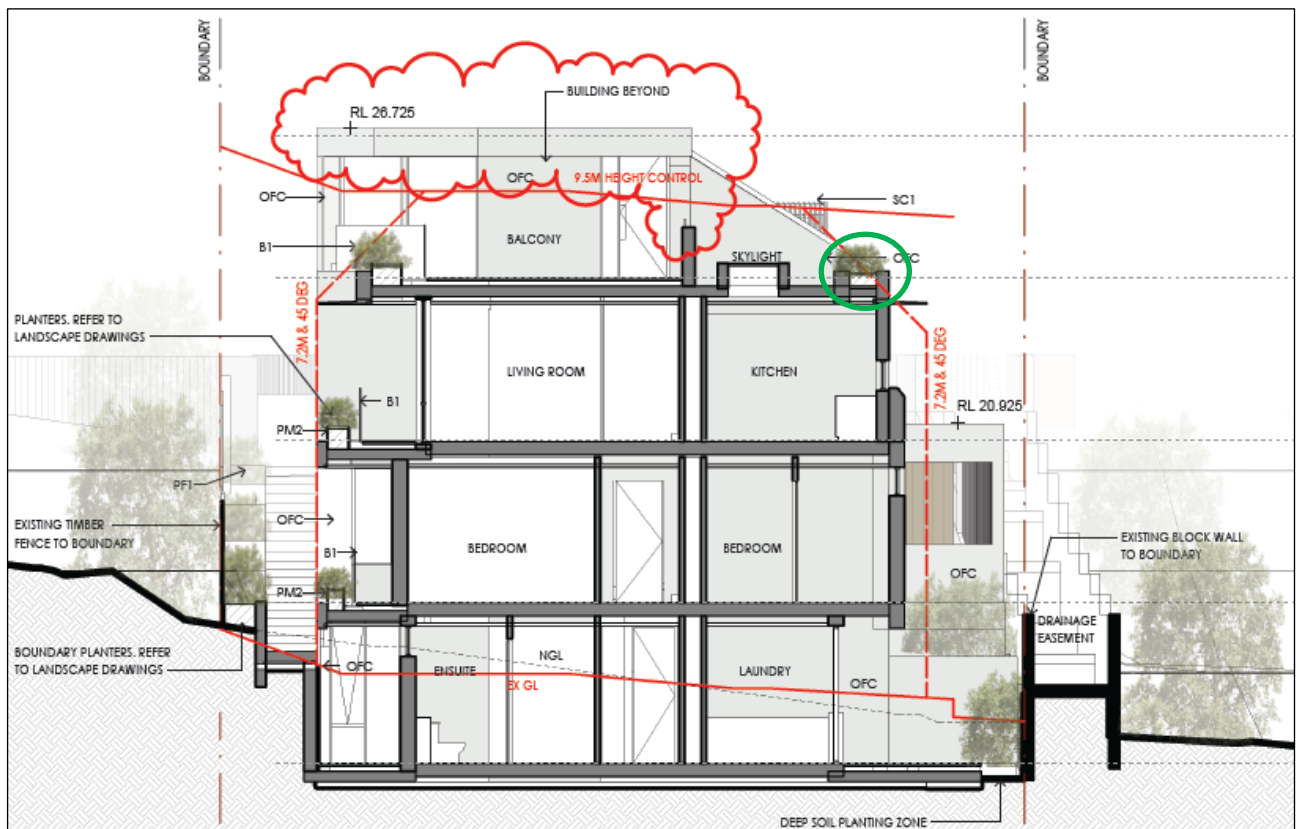


*Height Plane Diagram (Source: Kannfinch)*

The Short Section drawings provided with the architectural plans also demonstrate the extent of the non-compliances with the building envelope controls at various points through the site, as circled in green. The images show that the extent of non-compliance with the building envelope controls is generally minor, with the exception of the garage structure.

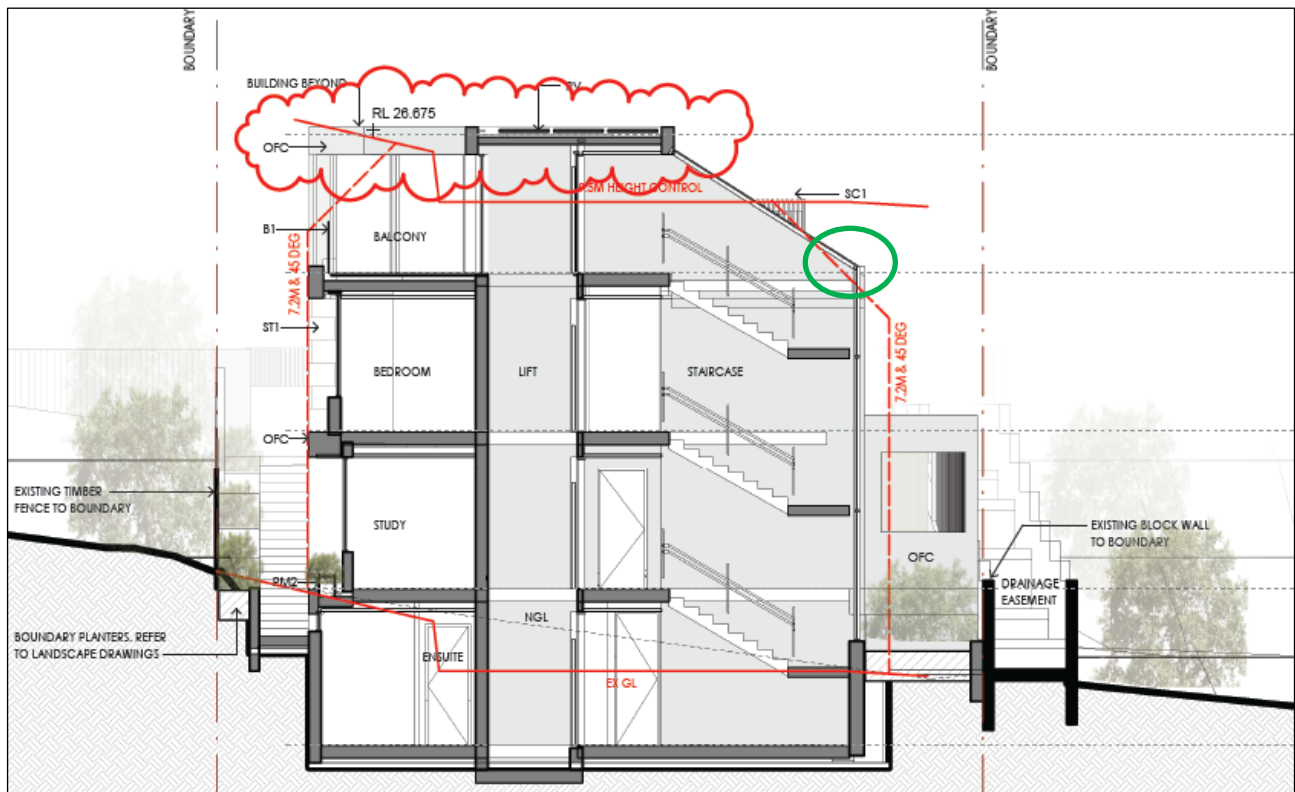


Excerpt from Section 02 (Source: Kannfinch)

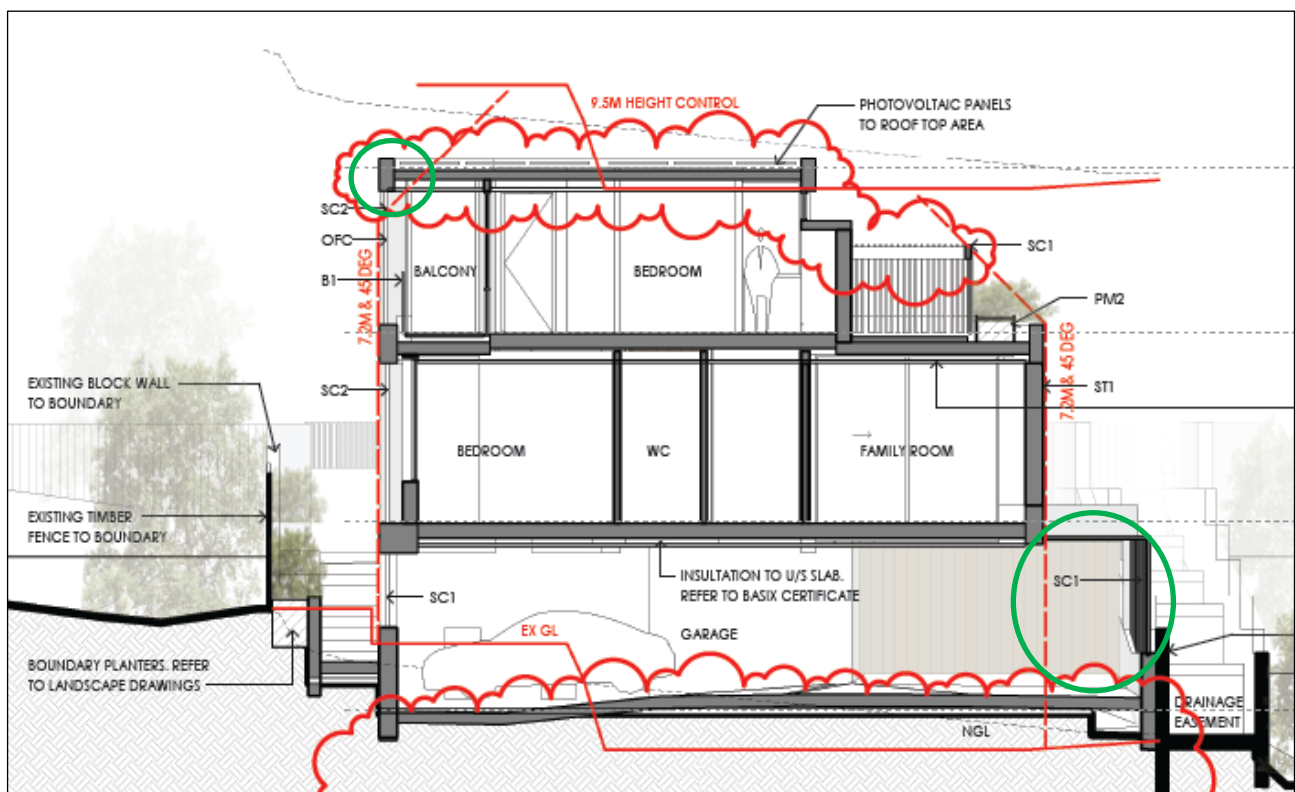


Excerpt from Section 03 (Source: Kannfinch)





Excerpt from Section 04 (Source: Kannfinch)



Excerpt from Section 05 (Source: Kannfinch)

A 1.83m-wide drainage reserve runs along the outside of the southern side boundary for the length of the site, as depicted in the Section drawings above.

Notwithstanding non-compliance with the side setback control at the southern side, and the wall height and inclined plane controls to both the northern and southern sides, the proposal is considered to be consistent with the relevant objectives as follows:

Part B3.2.3 – side setbacks:

- O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.*
- O2 To ensure the side elevation of buildings are well articulated.*
- O3 To protect the acoustic and visual privacy of residents on neighbouring properties.*
- O4 To facilitate solar access to habitable windows of neighbouring properties.*
- O5 To facilitate views between buildings.*
- O6 To provide opportunities for screen planting.*
- O7 To allow external access between the front and rear of the site*

- The proposal will retain reasonable separation between buildings. At the southern side, the only element of non-compliance is the garage, which reaches a height of approximately 3.5m above the existing ground level. As well, the 1.83m drainage easement will ensure sufficient separation to the south. The proposal complies with the setback at the northern side (O1);
- The dwelling is well articulated along both side elevations (O2);
- The proposal is acceptable with regard to acoustic and visual privacy, subject to conditions (refer to Section 14.2.3) (O3);
- The proposal is acceptable with regard to solar access and view sharing (O4 and O5);
- Screen planting opportunities remain along both the northern and southern sides (O6);
- Access is provided to the rear of the site along the northern side (O7).

Part B3.2.5 – wall height and inclined plane objectives:

- O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from neighbouring properties.*
- O2 To limit overshadowing of neighbouring properties across side boundaries.*
- O3 To limit overshadowing to south facing rear yards.*
- O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.*
- O5 To facilitate views between buildings*

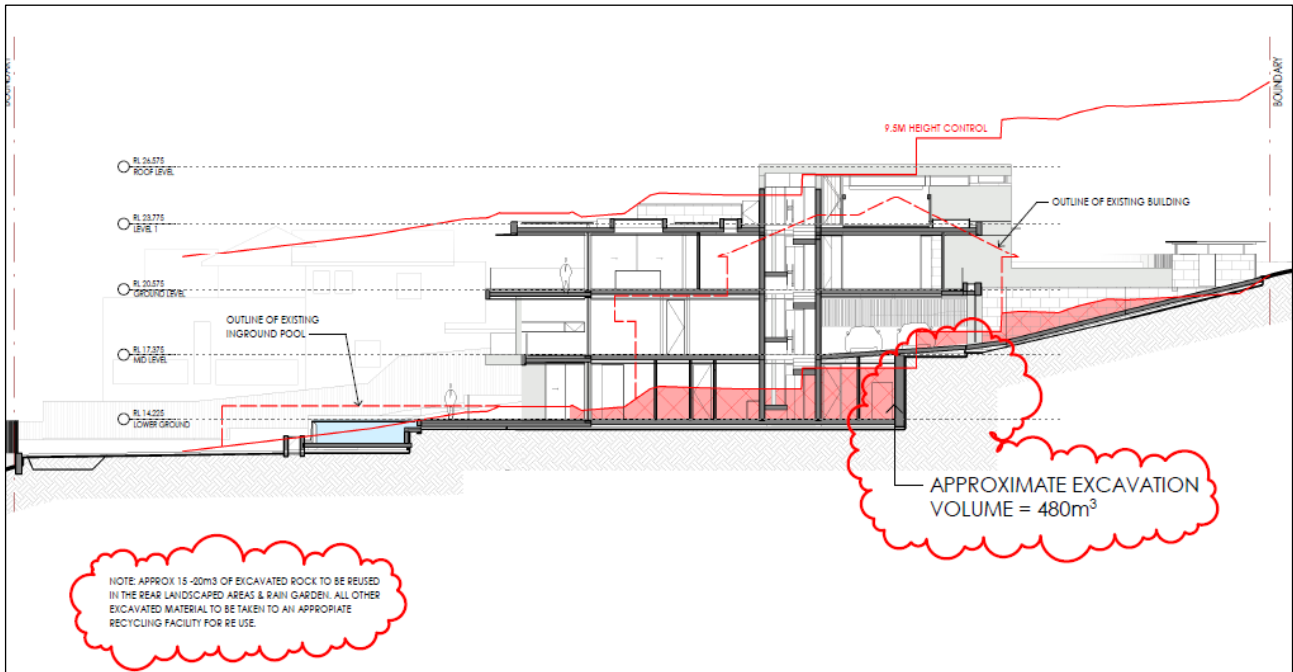
- The bulk, scale, and visual impact of the proposed dwelling is considered acceptable, with non-compliance with the building height development standard occurring toward the front of the site and sufficiently distanced from surrounding properties (O1);
- The extent of overshadowing is acceptable (O2 and O3);
- The proposal is acceptable with regard to acoustic and visual privacy, subject to conditions (refer to Section 14.2.3) (O4);
- The proposal will not impact on existing views between buildings (O5).

The proposal is therefore considered acceptable with regard to Part B3.2 of the Woollahra DCP 2015.

**14.2.2 Part B3.4: Excavation**

Site Area: 968.3m <sup>2</sup>	Proposed	Control	Complies
Maximum Volume of Excavation	480m <sup>3</sup>	243.7m <sup>3</sup>	No
Excavation, Piling and Subsurface Wall Setback	1.9m (North) 0m (South)	1.9m	No
Geotechnical Report	Report provided	Required Where > 2.0m	Yes

The proposal includes excavation to accommodate the lower half of the Lower Ground Level of the dwelling, and a portion of the garage and vehicular access areas.



Excerpt from Excavation Volume plan (Source: Kannfinch)

The site experiences a steep slope of approximately 10m across the length of the site, with the existing ground level featuring a number of stepped areas. The additional excavation over the volume set by Control C1 will allow for a more linear floor level to the Lower Ground Level while remaining compliant with the floor space ratio development standard.

The proposal also exhibits non-compliance with Control C7 as excavation for the garage structure will extend to the southern boundary. This, however, will allow for internal garaging, thereby improving the appearance of the dwelling with the streetscape.

Furthermore, the proposal responds to the relevant objectives of Part B3.4 of the DCP as follows:

*O1 To set maximum acceptable volumes of excavation which:*

- a) *require buildings to be designed and sited to relate to the existing topography of the site;*
  - b) *ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation;*
  - c) *avoid structural risks to surrounding structures;*
  - d) *ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable;*
  - e) *enable deep soil planting in required setbacks;*
  - f) *ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and*
  - g) *satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings).*
- The proposed dwelling steps down toward the rear, following the slope of the site (O1a);
  - The proposal is acceptable on technical grounds (O1b, O1c);
  - Council's standard conditions have been imposed with regard to amenity impacts created by noise, vibration, and dust, and with regard to traffic and local infrastructure impacts (O1d, O1f);
  - The proposal provides compliant deep soil both within the site and within the front setback (O1e);



- The proposal is acceptable with regard to ecologically sustainable development. Portions of the excavated material will be re-used on site for landscaping and the rain garden (O1g).

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

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

Site Area: 968.3m <sup>2</sup>	Proposed	Control	Complies
Significant Trees	Retained	Retained	Yes
Siting of Development	Stepped Down with the Slope	Stepped Down with the Slope	Yes
Colour Scheme	Consistent	Consistent	Yes
Casual Surveillance – Windows Facing Street/Public Area	> One	One	Yes
Solar Access to Open Space of Adjacent Properties	> 35m <sup>2</sup>	35m <sup>2</sup> for 2 hours on 21 June	Yes
Solar Access to Nth Facing Living Areas of Adjacent Properties	> 3 hours	3 hours on 21 June	Yes
Distance of Habitable Room Windows to Adjacent Dwellings	< 9m	9.0m	No
Setback of Roof Terraces from Open Space/Habitable Room Windows of Adjoining Properties	< 12m	12.0m	No

*\*Existing non-compliance*

#### Part B3.5.1 – Streetscape and local character

As discussed in Section 14.1, the proposal is consistent with the desired future character of the area as set out in the precinct controls. The proposal also retains vegetation of landscape value, provides adequate tree canopy cover, and steps down sufficiently with the site topography. The contemporary form and materials proposed are appropriate, and the dwelling will provide passive surveillance toward The Crescent.

The proposal is acceptable with regard to Part B3.5.1 of the Woollahra DCP 2015.

#### Part B3.5.2 – Overshadowing

Part B3.5.2 of the DCP requires the following:

*C1 The development is designed so that:*

- sunlight is provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and*
- north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.*

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

The subject site is of an east-west orientation, such that there are neighbouring properties located directly to the south. In particular, the existing dwelling at no. 6 The Crescent is positioned in such a way that it could have solar access impacted by new development at the subject site.

Despite the site conditions, the proposal ensures that compliant solar access is retained to the dwelling at no. 6, with shadow diagrams provided by the applicant demonstrating that existing shadowing is reduced between 9am – 11am, and significant additional shadowing to the rear private open space area only created between 1pm – 3pm on 21 June. Furthermore, all north-facing windows to upper levels will continue to receive substantial direct sunlight on 21 June, with additional overshadowing to windows only occurring at 3pm.

The proposal complies with the requirements of, and is acceptable with regard to Part B3.5.2 of the Woollahra DCP 2015.

#### Part B3.5.3 – Public and private views

Part B3.5.3 requires that development must be designed and sited to maintain public views, and to enable sharing of views with surrounding properties, particularly from habitable rooms. It also requires that new tree planting preserves public and private views.

There are no public views that are likely to be affected by the proposed works.

The following private properties raised concern regarding the proposed development on the basis of view loss:

- 1 The Crescent, Vacluse
- 2 The Crescent, Vacluse
- 3 The Crescent, Vacluse
- 5 The Crescent, Vacluse
- 6 The Crescent, Vacluse
- 14 The Crescent, Vacluse

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

#### **1. The assessment of the views affected**

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

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

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

The existing views that are potentially affected, and their positions within the neighbouring properties, are presented in the images below:



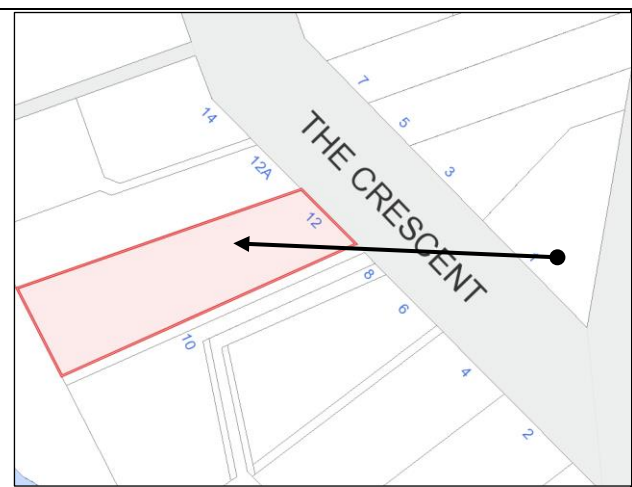
*Existing views to neighbouring dwellings*

1 The Crescent, Vaucluse

The dwelling at no. 1 The Crescent, directly east of the subject site, has affected views from the street-facing entry porch, and the street-facing balcony adjoining the study/bedroom.



*Existing view from entry porch*



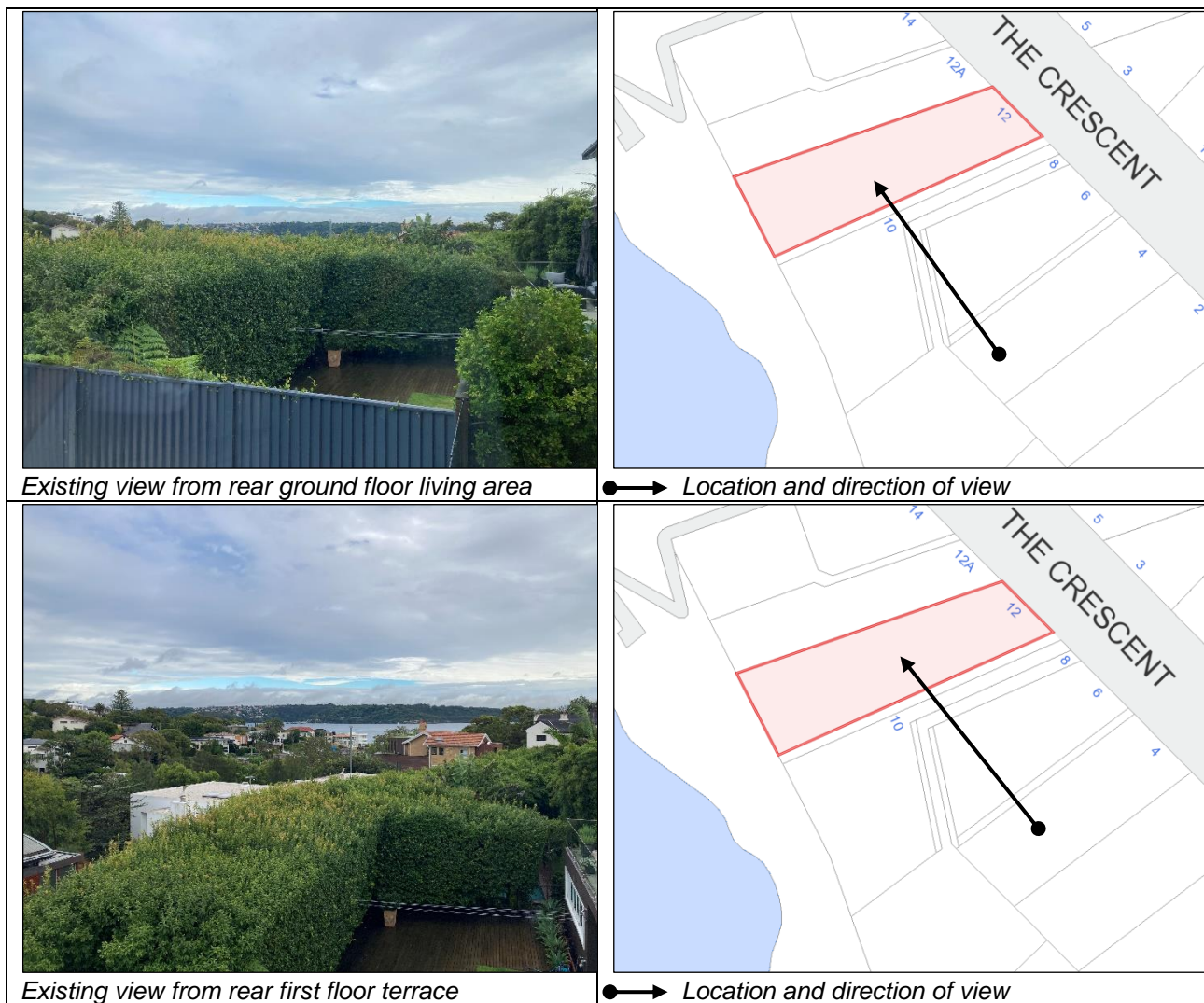
●→ Location and direction of view





## 2 The Crescent, Vaucluse

The dwelling at 2 The Crescent, south-east of the subject site, has affected views from the ground floor living area, and the first floor rear terrace.

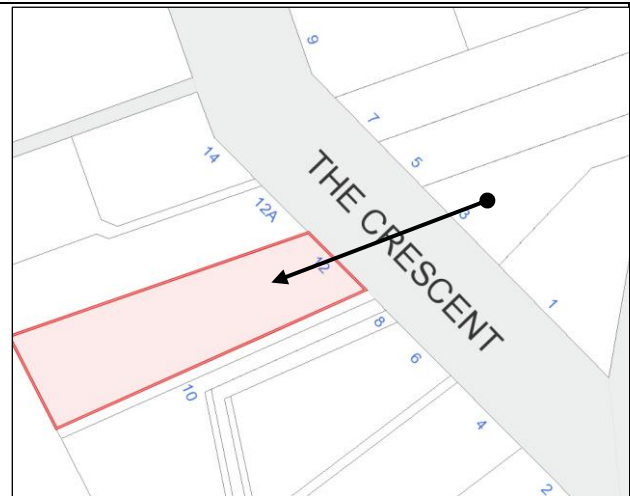


### 3 The Crescent, Vaucluse

The dwelling at 3 The Crescent, east of the subject site, has affected views from the ground floor living area balcony, and from the first floor master bedroom balcony.



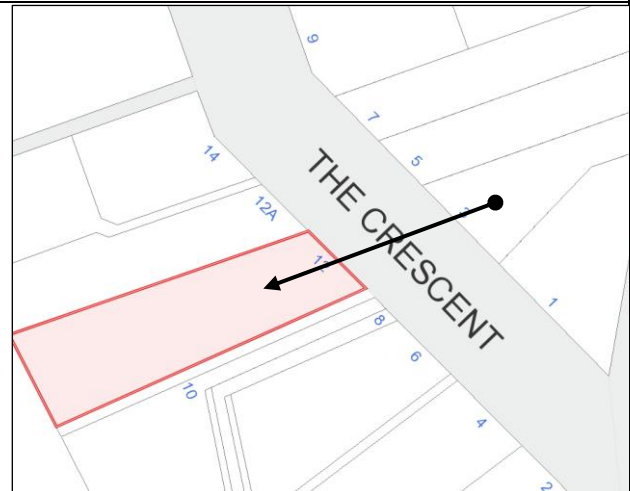
*Existing view from ground floor living area balcony*



●→ *Location and direction of view*



*Existing view from master bedroom balcony*

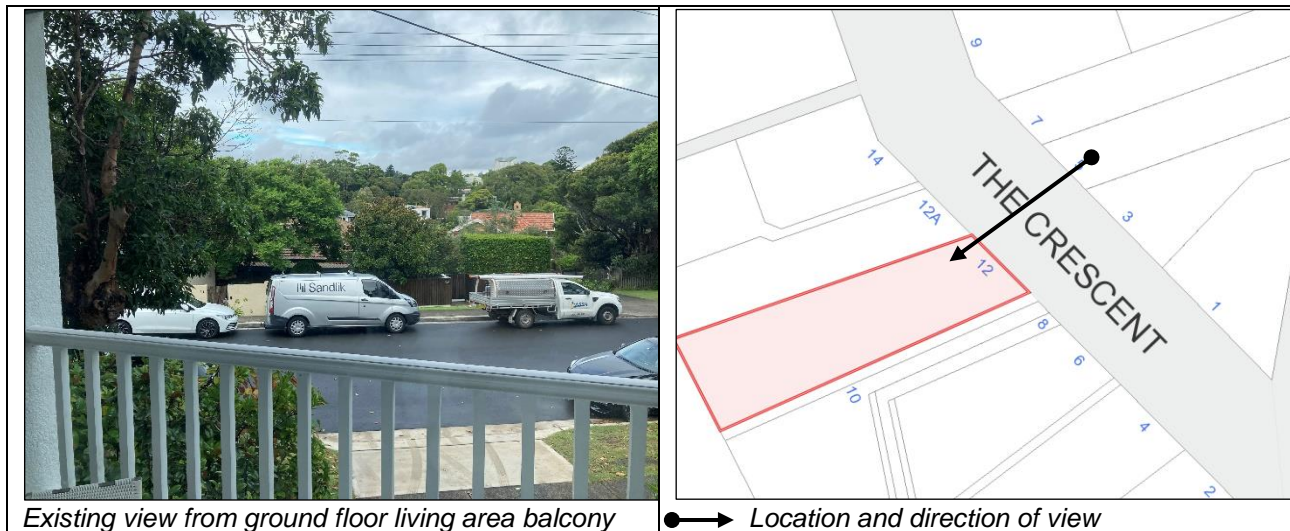


●→ *Location and direction of view*

### 5 The Crescent, Vaucluse

The semi-detached dwelling at 5 The Crescent has affected views from the street-facing bedroom balcony.

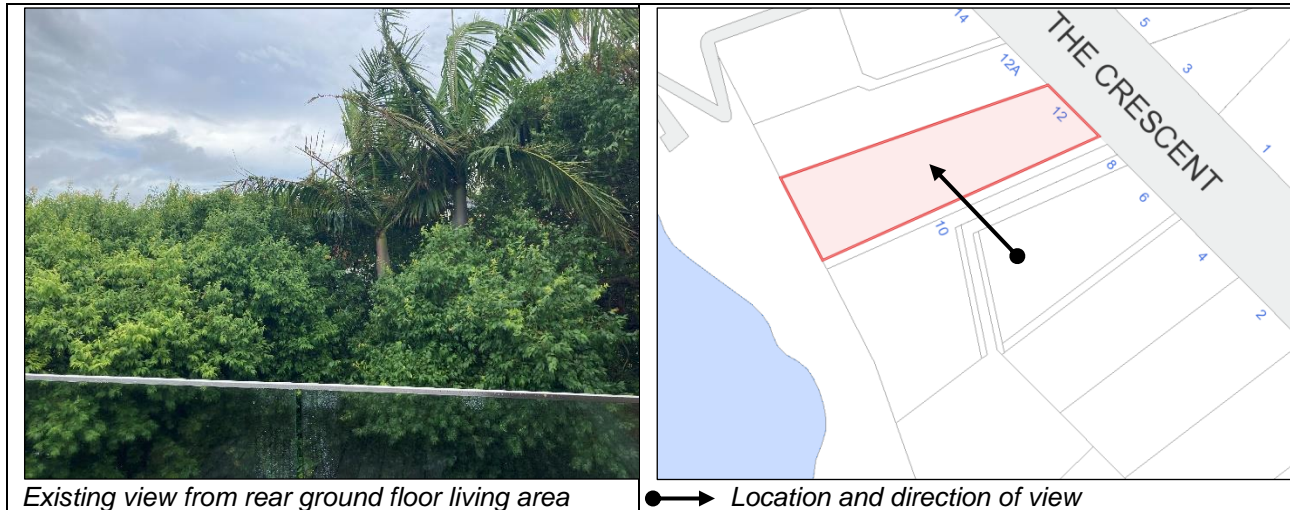



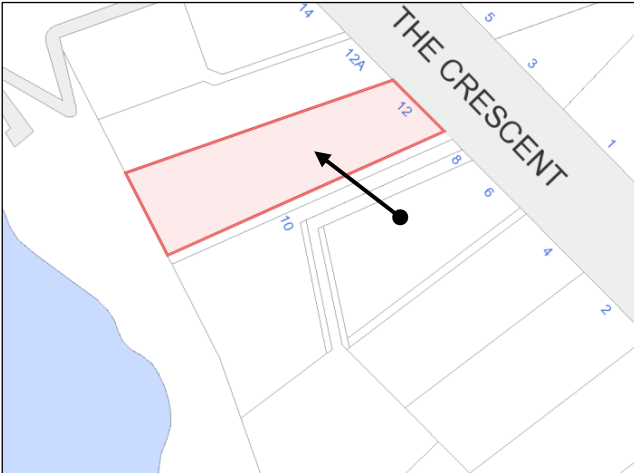

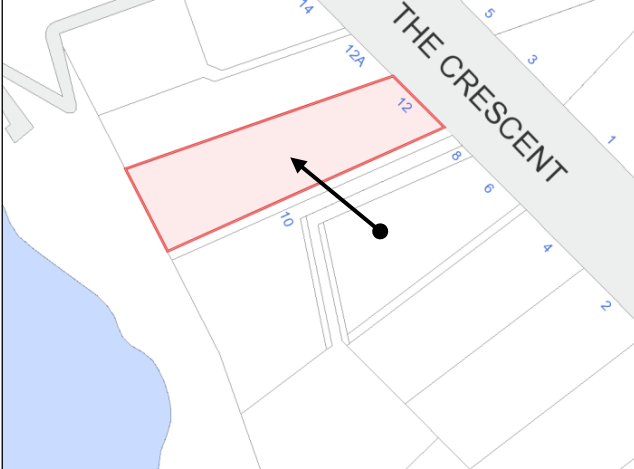

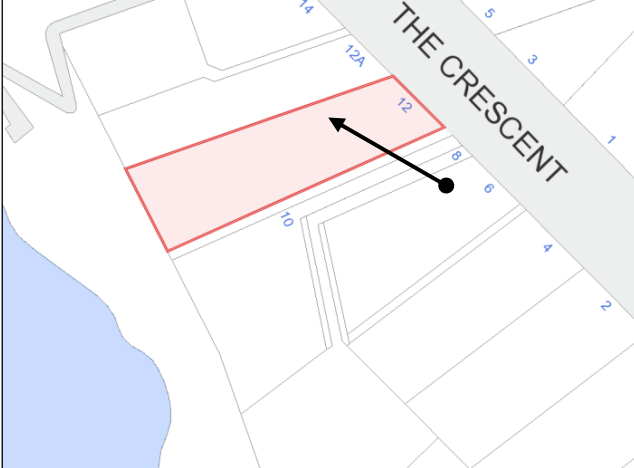


### 6 The Crescent, Vaucluse

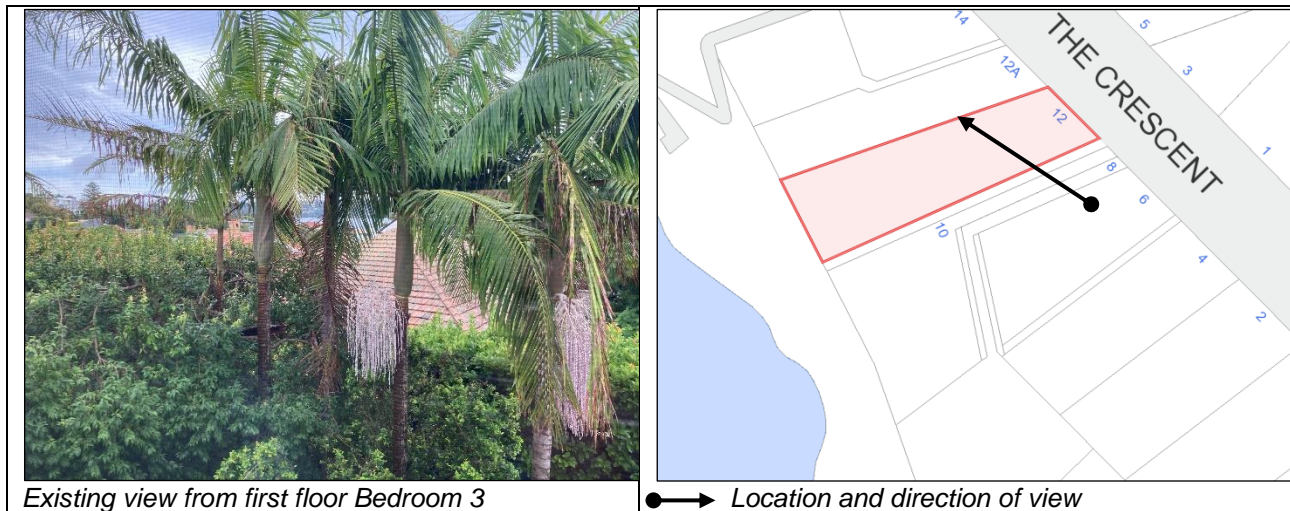
The dwelling at 6 The Crescent, south-east of the subject site, has affected views from the following locations:

- Ground floor living area and balcony;
- First floor Master Bedroom;
- First floor Master Bedroom rear terrace;
- First floor Bedroom 2;
- First floor Bedroom 3;



	
<p><i>Existing view from master bedroom window</i></p>	<p>●→ <i>Location and direction of view</i></p>
	
<p><i>Existing view from master bedroom terrace</i></p>	<p>●→ <i>Location and direction of view</i></p>
	
<p><i>Existing view from first floor Bedroom 2</i></p>	<p>●→ <i>Location and direction of view</i></p>

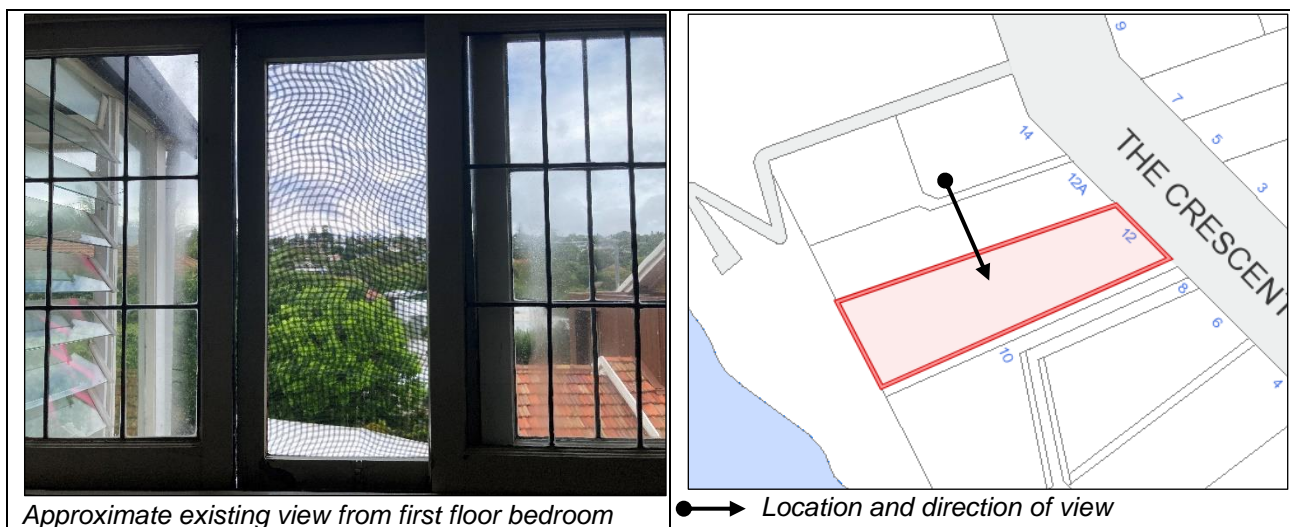




### 14 The Crescent, Vacluse

The dwelling at 14 The Crescent, located north-west of the subject site, is currently undergoing construction in relation to DA 604/2021 and CDC 201/2023. The property has affected views from the south-facing windows to Bedroom 1.

Photos from this property were taken from the south-facing windows to the kitchen, which will become a bathroom under the approved works. The photo location is adjacent to the affected bedroom.



### 3. The extent of the impact

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

The following section of the view loss assessment, addressing Parts 3 and 4 of the Tenacity test, have been separated into the following sections for convenience:

Assessment of the overall impact on nos. 1, 3, 5 & 14 The Crescent;

- (a) Assessment of the impact of the proposed built form and proposed landscaping on no. 2 The Crescent, and
- (b) Assessment of the impact of the proposed built form and proposed landscaping on no. 6 The Crescent

**(a) Assessment of the overall impact on nos. 1, 3, 5 & 14 The Crescent;**

The three dwellings at nos. 1, 3 & 5 The Crescent will be afforded views of the front elevation of the proposed new dwelling at the subject site.

The existing views from these dwellings across The Crescent and the subject site in a westerly direction include district views featuring suburban rooftops and tree canopy across Parsley Bay, with glimpses of the Parsley Bay Bridge pylons. There are also distant views of the CBD and North Sydney skylines afforded from certain vantage points.

The existing district views from these dwellings across Parsley Bay are not considered to be significant. Furthermore, notwithstanding the proposed new dwelling at no. 12, the dwellings at nos. 1, 3 & 5 will continue to benefit from similar district views across Parsley Bay, with skyline views remaining largely in place. The one exception to this is from the ground floor living room to no. 3 The Crescent, which may lose the existing partial skyline view. Nonetheless, it will retain skyline views from the street-facing first floor windows and balcony.



*Existing view from ground floor living area at 3 The Crescent*

Similarly, the dwelling at 14 The Crescent, currently undergoing construction works, features district views to the south across the side boundaries of the subject site. The views are afforded through narrow vertical windows to a bedroom. The views afforded from the bedroom are not considered to be significant. Furthermore, the bedroom benefits from a larger west-facing window that provides district views over Parsley Bay. Additionally, the current construction at no. 14 includes erection of a new rear-facing balcony adjoining the first floor living area that will afford comprehensive district views across Parsley Bay, and water views toward the north-west.

Any potential new landscaping to the subject site will not substantially impact on existing views afforded to the dwellings at nos. 1, 3, 5, & 14 The Crescent.

On balance, considering the significance of the views lost and the views retained to the existing dwellings at nos. 1, 3, 5 & 14 The Crescent, the view loss resulting from the proposed new dwelling is considered to be **negligible**.

View loss does not arise as a result of non-compliances with either the development standard, nor with the DCP controls.

The proposal is therefore acceptable with regard to potential view loss impacts on the dwellings at nos. 1, 3, 5 and 14 The Crescent.

**(b) Assessment of the impact of the proposed built form and proposed landscaping on no. 2 The Crescent**

In considering the potential view loss impacts on nos. 2 The Crescent, there are two elements of the proposal to be considered:

- The built form of the proposed dwelling;
- Landscaping to the rear private open space area.

The applicant has provided a view loss analysis that includes views from the properties at nos. 2 & 6 The Crescent. The analysis accounts only for the built form of the proposed dwelling – it does not account for impacts created by proposed new landscaping.

**Built form**

Existing views from the ground floor living area of no. 2 are blocked by boundary hedging to the neighbouring dwelling at no. 4 The Crescent, and currently no significant views are obtained at the ground floor level. It is unclear whether, in the absence of the planting, any significant views would be attained.

The first floor rear terrace provides views across the side boundaries of the subject site to the north-west, with the water of Sydney Harbour and the water/land interface visible.



The view loss analysis provided by the applicant includes a detailed model of the proposed dwelling inserted into the photos to illustrate the likely view loss, as demonstrated below:



*Existing view from ground floor living area of no. 2 The Crescent, with 3D model of dwelling overlaid*

At the ground floor level, the addition of the new dwelling is negligible. As stated, it is unclear whether views would be afforded in the absence of the neighbouring boundary planting, but if so, it is considered unlikely that the proposed new dwelling would impact on those views.

At the first floor level, the existing water views of Sydney Harbour and the water/land interface will remain in place, as demonstrated below:



*Existing view from first floor rear terrace of no. 2 The Crescent, with 3D model of dwelling overlaid*

The dwelling will continue to receive district views across Parsley Bay to the west and south-west. The overall impact on the existing views afforded to no. 2 The Crescent is considered to be **negligible**.

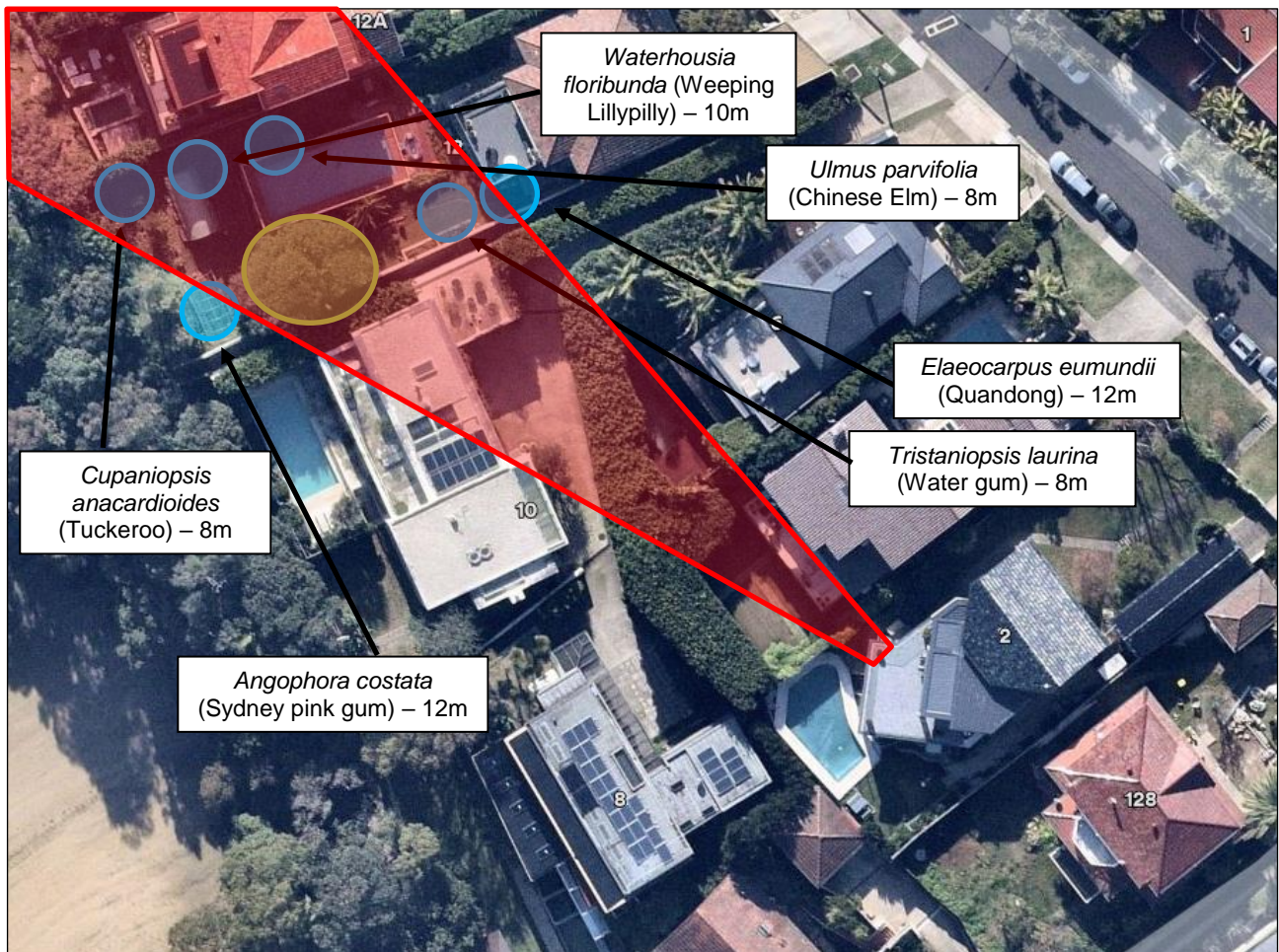
### **Landscaping**

New tree planting is proposed in the rear yard of the subject site.

It is noted that an existing *Glochidion ferdinandii* (Cheese tree) is situated adjacent to the southern side boundary, and is proposed to be retained. The existing tree measures approximately 9m in height, as per the provided arborist report.



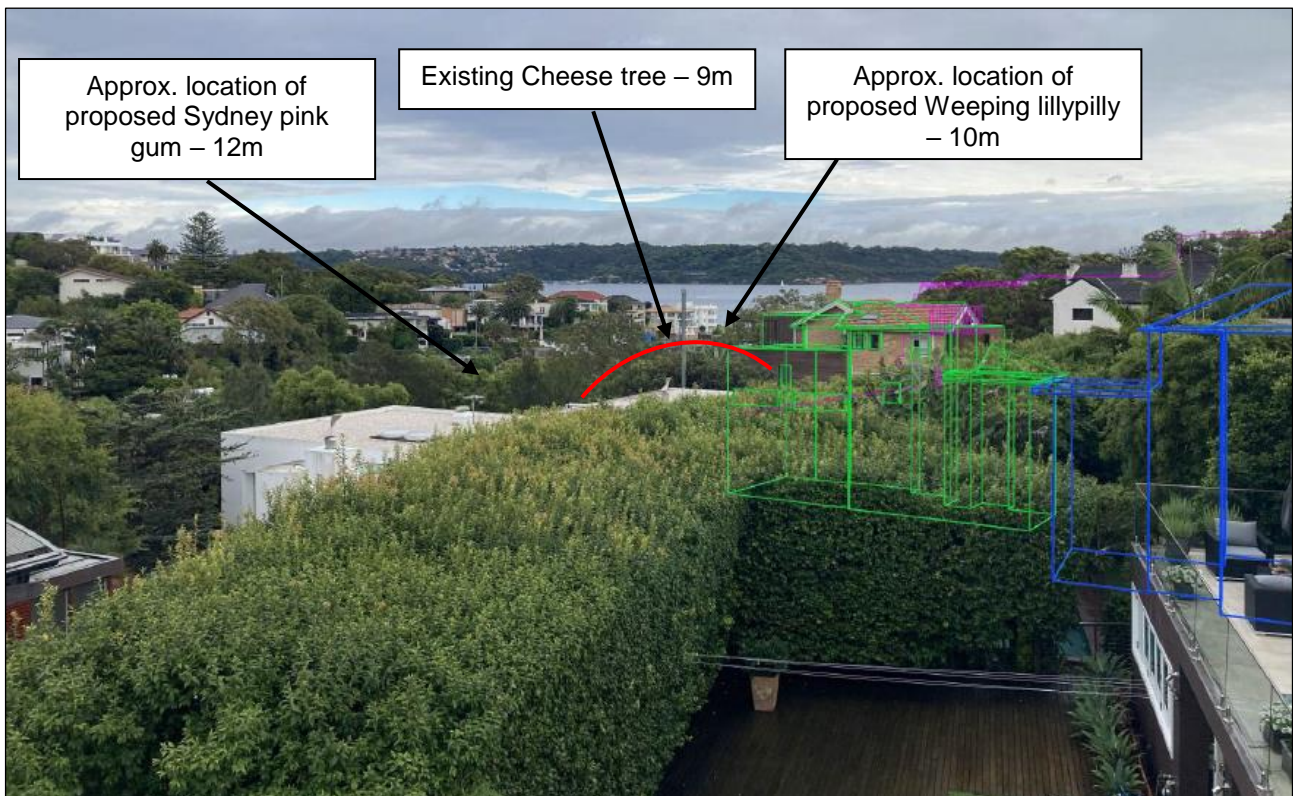
The aerial image below shows the Cheese tree to be retained in green, and the proposed new trees in blue with their nominal heights detailed as per Council's DA Guide. It also shows the existing viewpoints to the dwelling at no. 2 The Crescent with the approximate relevant view corridor depicted in red.



Aerial view of subject site showing relevant view points from no. 2 The Crescent and proposed new trees

Proposed new trees would sit within the existing view corridor from the first floor rear terrace to no. 2 The Crescent. The new trees within the corridor that exceed the height of the existing Cheese tree include the Weeping lillypilly in the north-western corner, directly behind the Cheese tree as viewed from no. 2 The Crescent, and the proposed new Sydney pink gum in the south-western corner.





Existing view from first floor rear terrace of no. 2 The Crescent, with proposed building outlined in *purple*  
Existing approximate Cheese tree canopy shown in *red*

There will be no substantial change in ground level between the locations of the existing Cheese tree and the proposed lillypilly. Considering the locations and heights of the proposed new trees, it is considered unlikely that the proposed new trees will result in any additional view loss to the dwelling at no. 2 The Crescent, and the impact of the proposed landscaping is considered to be **negligible**.

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

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

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

The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

View loss will not arise from the proposed new dwelling and associated landscaping, and any proposed non-compliances with the building height development standard or DCP controls will not contribute to any view loss from the dwelling at no. 2.

## Conclusion

The impact of the proposal on existing views to the dwelling at no. 2 The Crescent is considered to be negligible, and the proposal is acceptable with regard to the four step assessment of view sharing planning principles established by *Tenacity v Warringah (2004)*, specifically in relation to the impacts on no. 2 The Crescent.

### **(c) Assessment of the impact of the proposed built form and proposed landscaping on no. 6 The Crescent**

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

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

#### **Built form**

##### Ground floor

Available views from the ground floor level of no. 6 are blocked by existing thick vegetation. The extent of existing views from the ground floor level is therefore unclear.

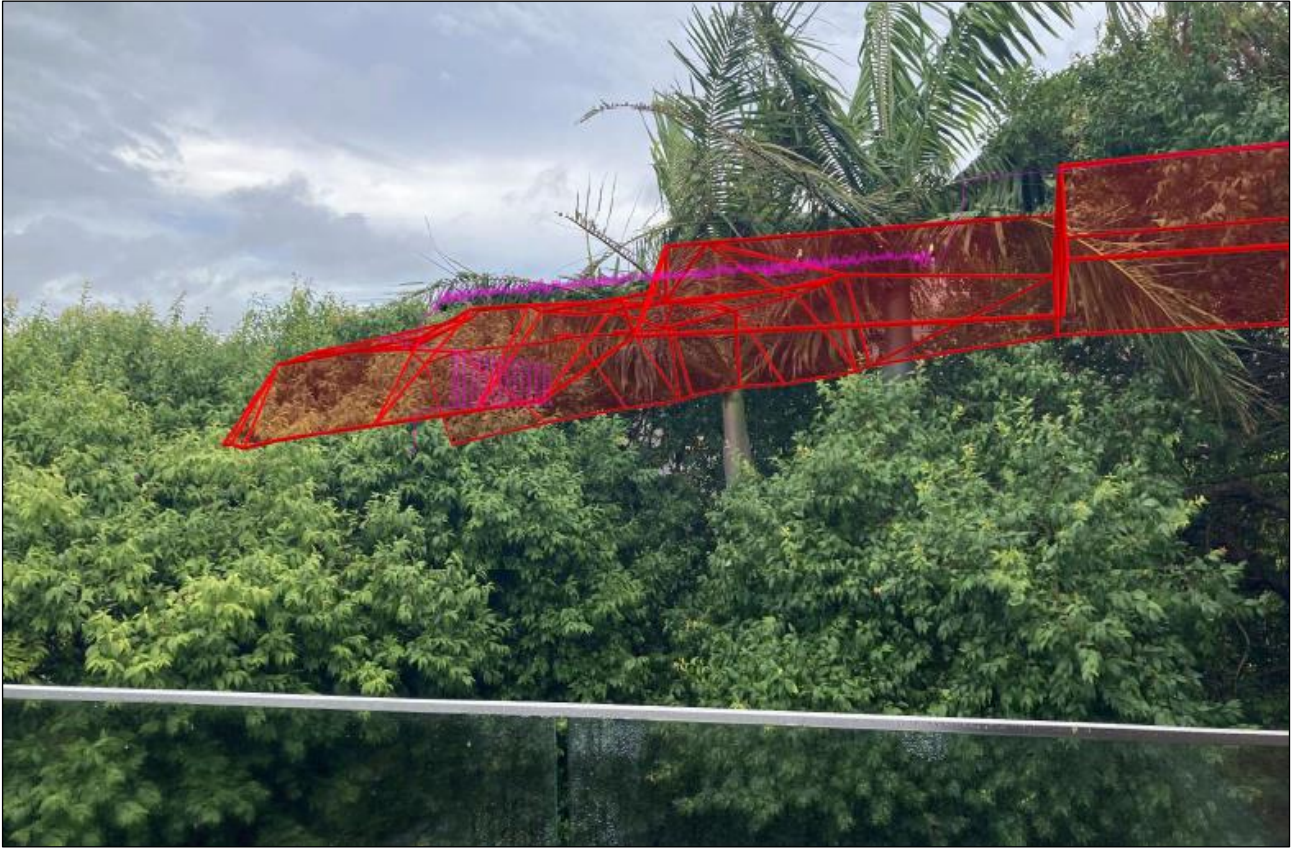
Due to the thick vegetation at the time of visiting the objecting site, the 3D model of the proposed dwelling is not visible in the view loss analysis prepared by the applicant, as shown below:



*Existing view from ground floor living area of no. 6 The Crescent, with 3D model of dwelling overlaid*



The applicant also provided an image demonstrating a compliant building envelope for the subject site (in red) and an outline of the proposed dwelling (in purple) to better illustrate the impact of the proposal from this position.



*Existing view from ground floor living area of no. 6 The Crescent, with compliant building envelope in red and proposed dwelling outline overlaid in purple*

This image demonstrates that the proposal is unlikely to have any more significant impact on existing views from this vantage point over a dwelling with a fully complying envelope.

### First Floor

At the first floor level, existing views are available from the three bedrooms along the northern side of the dwelling, as well as the rear terrace that adjoins the master bedroom.

Bedroom 2, located at the front of the dwelling, has existing water and land/water interface views to the north-west. These views would be removed as a result of the proposed new dwelling at no. 12 as demonstrated below with the purple line illustrating the proposed building envelope.





*Existing view from Bedroom 2 window with proposed dwelling outlined in purple*

Further analysis provided by the applicant shows that a compliant building envelope would have a similar impact on the view from Bedroom 2:



*Existing view from Bedroom 2 window with proposed dwelling plus compliant building envelope overlaid in red*



Bedroom 3 adjoins Bedroom 2 to the west. The window to Bedroom 3 will also experience view loss to the north-west. The view loss analysis provided by the applicant shows that, similar to Bedroom 2, views of Sydney Harbour and the land/water interface from this vantage point would be completely lost for both the dwelling as proposed and from a development with a compliant building envelope.



*Existing view from Bedroom 3 showing proposed building outline in purple*





*Existing view from Bedroom 3 showing compliant building envelope in red*

The master bedroom has a north-facing window, as well as a west-facing window and door to the adjoining rear terrace. The north-facing window provides water and land/water interface views to the north-west

The existing view will be substantially impacted by the proposed new dwelling at no. 12. A portion of the existing water view and land/water interface will remain, however it will be largely removed.





*Existing view from Master Bedroom showing proposed building outline in **purple***

As with Bedrooms 2 and 3, a compliant building envelope would result in a similar outcome, in that the existing view would be largely covered as demonstrated below.



*Existing view from Master Bedroom with compliant building envelope shown in **red***

From the rear terrace adjoining the Master Bedroom, the existing views toward Sydney Harbour and land/water interface would be largely retained.





*Existing view from rear terrace showing proposed building outline in purple*

### Summary

In summary, views to the existing dwelling at no. 6 The Crescent will be completely lost from Bedrooms 2 and 3, and views from the Master bedroom window will be heavily impacted. Substantial views will be retained to the rear first floor terrace adjoining the master bedroom.

The extent of view loss from the property at no. 6 The Crescent resulting from the built form of the proposed dwelling is considered to be **moderate**.

### **Landscaping**

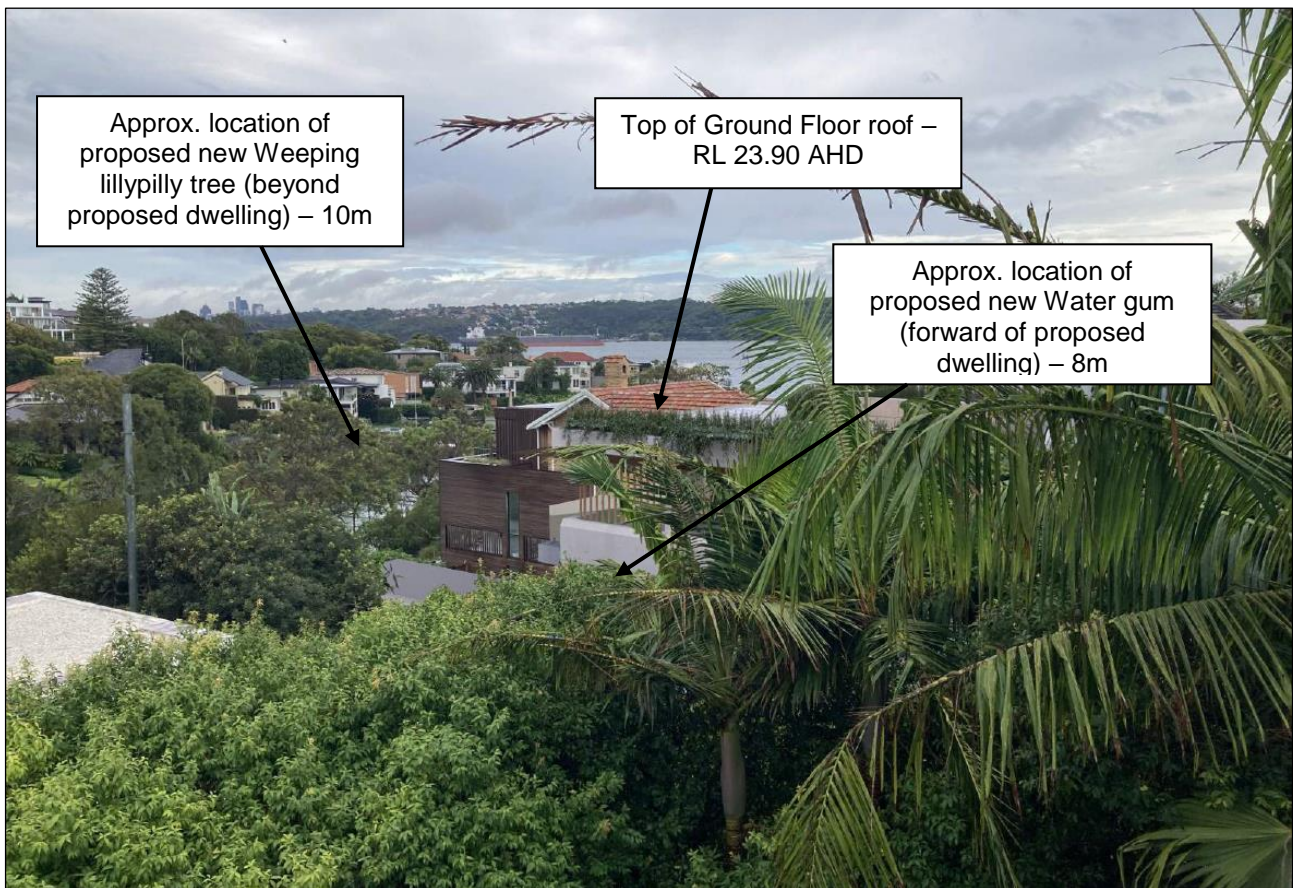
The proposed new Quandong tree adjacent to the southern boundary of the subject site would be in close proximity to the master bedroom window of no. 6. The eastern portion of the proposed tree canopy would encroach upon the view corridor from that window. However, Quandong trees generally have a narrow canopy spread that is unlikely to significantly impact on the master bedroom views. The proposed landscaping is therefore acceptable with regard to view impacts on the master bedroom window.

Two new trees would sit within the existing viewline attained from the rear terrace adjoining the master bedroom – the proposed new Water Gum along the southern boundary of the subject site, and the proposed new Weeping lillypilly tree in the north-western corner of the site. The Water Gum would attain a height of approx. 8m, and the lillypilly approximately 10m.



Aerial view of subject site showing relevant first floor view points from no. 6 The Crescent and proposed new trees





*Existing view from master bedroom terrace with 3D model of proposed dwelling*

The proposed Water gum would reach an approximate height of 8m as per Council's DA Guide, thereby attaining an overall height of RL 22.125 AHD (from ground level of RL 14.125 AHD), and sitting below the Ground Floor roof level of RL 23.90 AHD.

The proposed lillypilly would reach an approximate height of 10m as per Council's DA Guide, thereby reaching an approximate height of RL 22.70 AHD (from ground level of RL 12.70 AHD). The top of the Ground Level roof reaches a level of RL 23.90 AHD.

As both proposed new trees would sit below the roof height of the Ground Floor level of the proposed dwelling, it is considered that there would be minimal additional view loss impact to the rear terrace as a result of the proposed new trees within the site. The extent of view loss from the property at no. 6 The Crescent resulting from the new landscaping of the proposed dwelling is considered to be **minor**.

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

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

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



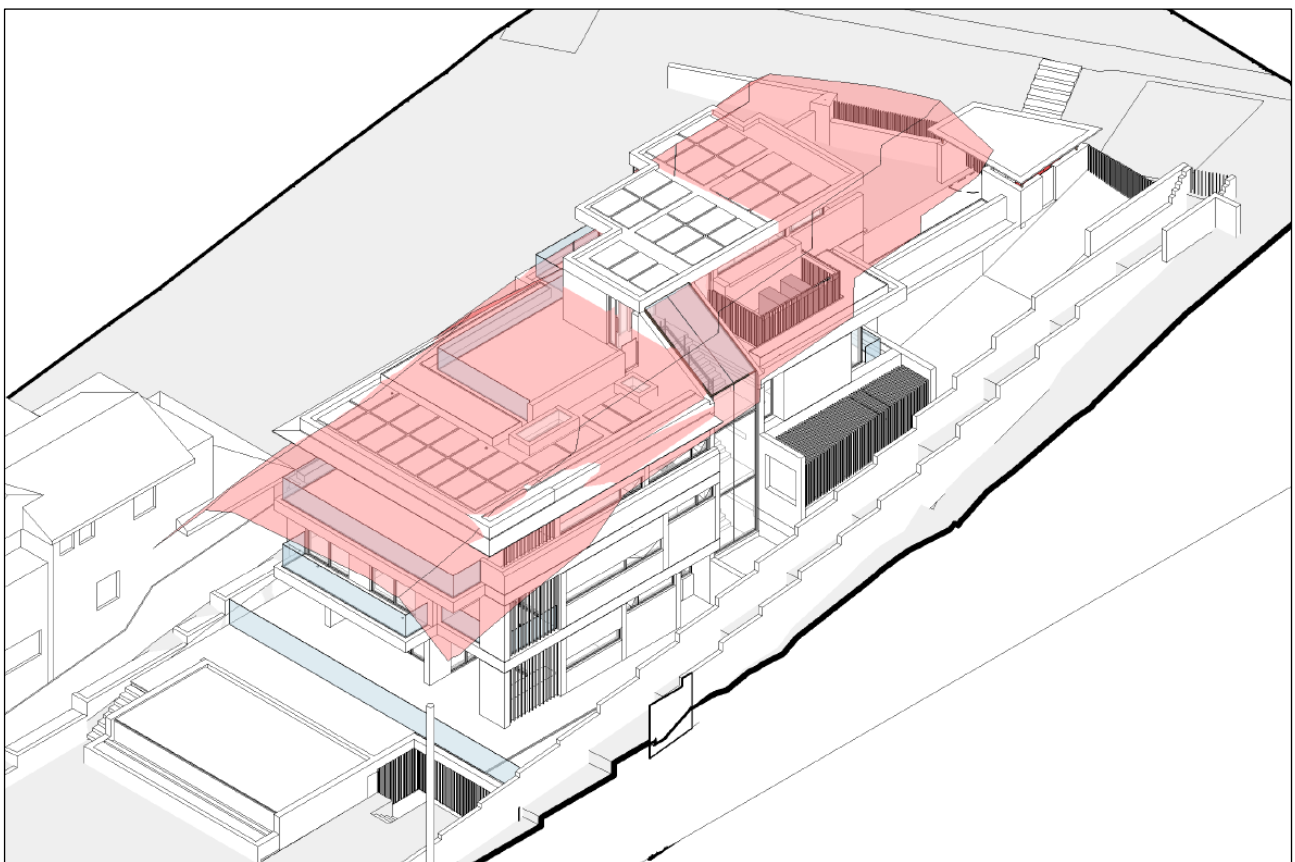
The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

The proposed new dwelling features a building envelope that exhibits non-compliance with the building height development standard, in particular elements of the upper level of the dwelling. Specifically, the roof over the staircase, lift shaft, and upper portion of the master bedroom will exceed the development standard.

Other elements of the development protrude from the building envelope set by the controls in Part B3.2 of the DCP as discussed above.

The non-compliances are demonstrated in the height plane diagram provided by the applicant:



*Height Plane Diagram (Source: Kannfinch)*

As discussed above, the extent of view loss resulting from the proposed design is commensurate with the view loss that would result from a development with a building envelope that complies with the relevant development standard and DCP controls. The proposal complies with the relevant floor space ratio control.

On balance, it is considered that both the proposed built form of the dwelling, and the proposed new landscaping, are acceptable with regard to the requirements of Part B3.5.3 of the Woollahra DCP 2015.

Part B3.5.4 – Acoustic and visual privacy

The proposed new dwelling will provide new windows and balconies that could result in visual privacy impacts toward neighbouring dwellings, in particular toward the existing dwellings at nos. 6, 10 & 12A The Crescent, which adjoin the subject site to the north and south.



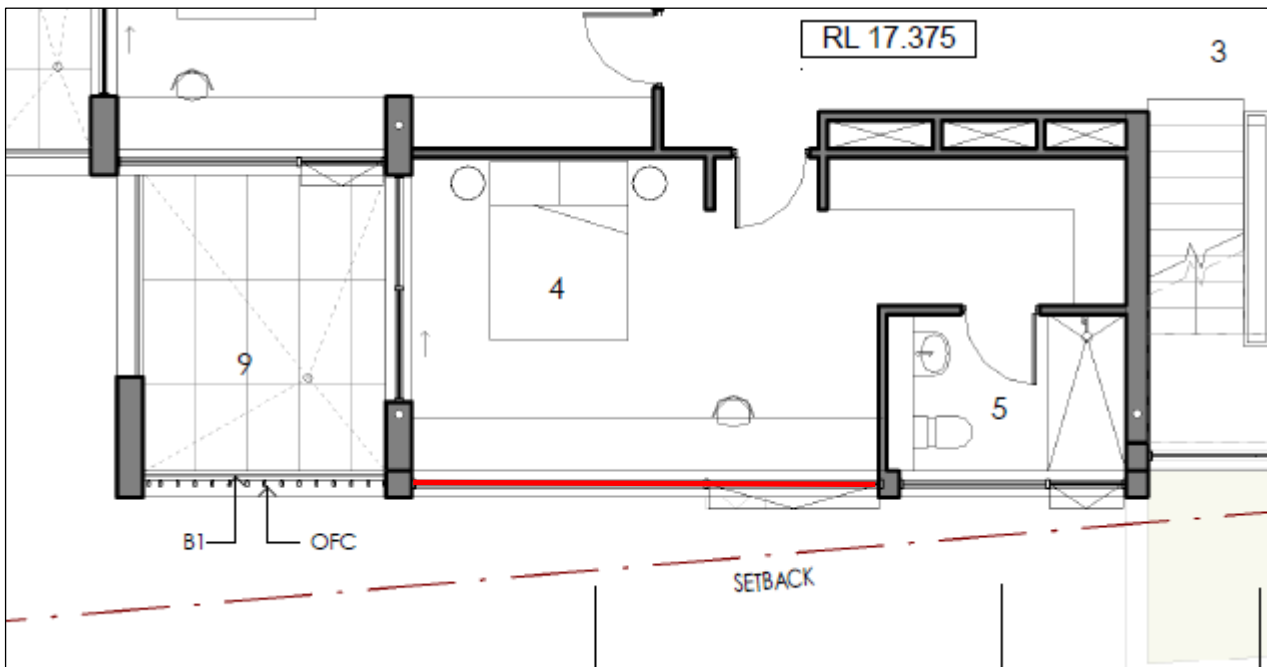
*Aerial view of subject site and surrounds*

**Southern aspect**

The majority of habitable room windows within 9m of neighbouring dwellings facing toward the southern boundary are appropriately treated or positioned to avoid direct overlooking of the neighbouring property at no. 10 The Crescent.

*Mid-Level*

The long, narrow, south-facing window to the Mid-Level Bedroom on the southern side of the dwelling will feature a sill height of RL 18.375, and head height of RL 18.925. It will sit almost directly opposite the north-facing living room and balcony to no. 10 The Crescent at a distance of approximately 5m. **Condition D.1 (a)** is recommended requiring that the window be redesigned so that it has a minimum sill height of 1.5m above the finished floor level of the bedroom in order to prevent overlooking of the internal habitable area of no. 10.



*Excerpt from Mid Level Plan showing window to be raised in red (Source: Kannfinch)*

The south-facing windows to the Ground Level Family Room will not be within 9m of any neighbouring dwellings and are acceptable. All other windows to the south elevation are also acceptable in their current form.

### **Northern aspect**

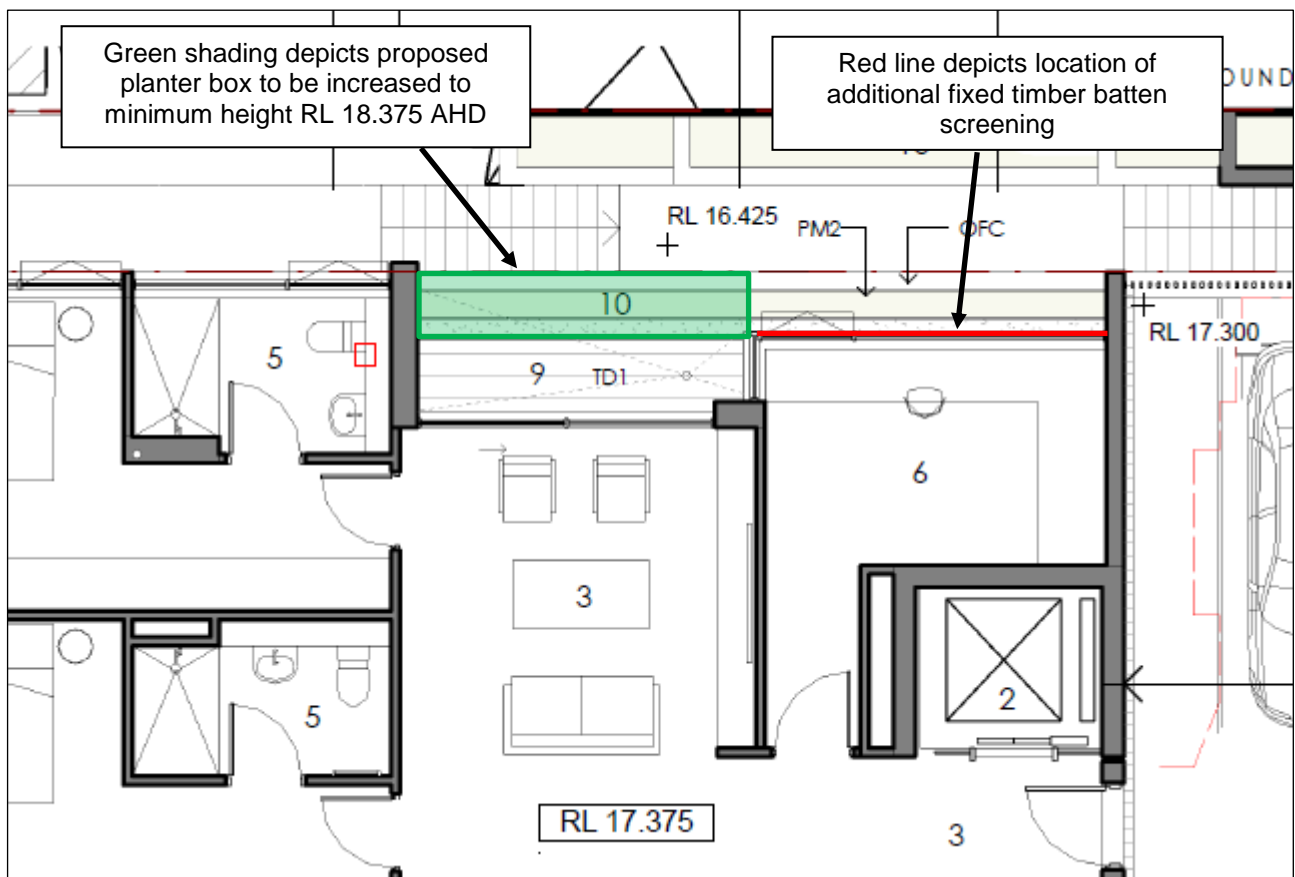
To the northern elevation, untreated north-facing windows and balconies are proposed at the Mid-Level, Ground Level, and Level 1.

#### *Mid-Level*

At the Mid-Level, the north-facing windows to the northern bedroom are highlight windows with a sill height of 2.1m, which is acceptable.

The north-facing study window and the small balcony adjoining the 'Lobby' are not located in close proximity of existing habitable areas, however would provide the potential for overlooking of the approved new front lawn and garden area at 12A The Crescent under DA 1/2022. The north-facing study window is required to incorporate fixed external timber batten screening to mitigate any overlooking to the north. Refer to **Condition D.1 (b)**.

The planter box external to the 'Lobby' balcony is required to have a minimum height of 1m above the finished floor level (i.e. minimum height of RL 18.375 AHD) to prevent overlooking from within the 'Lobby' area. The balcony itself is only approximately 0.9m wide and has an area of approximately 3.3m<sup>2</sup>. It is unlikely to experience extended periods of use and the 1m high planter box with planting over is considered sufficient for screening of the balcony. Refer to **Condition D.1 (c)**.



*Excerpt from Mid Level Plan illustrating visual privacy condition requirements*

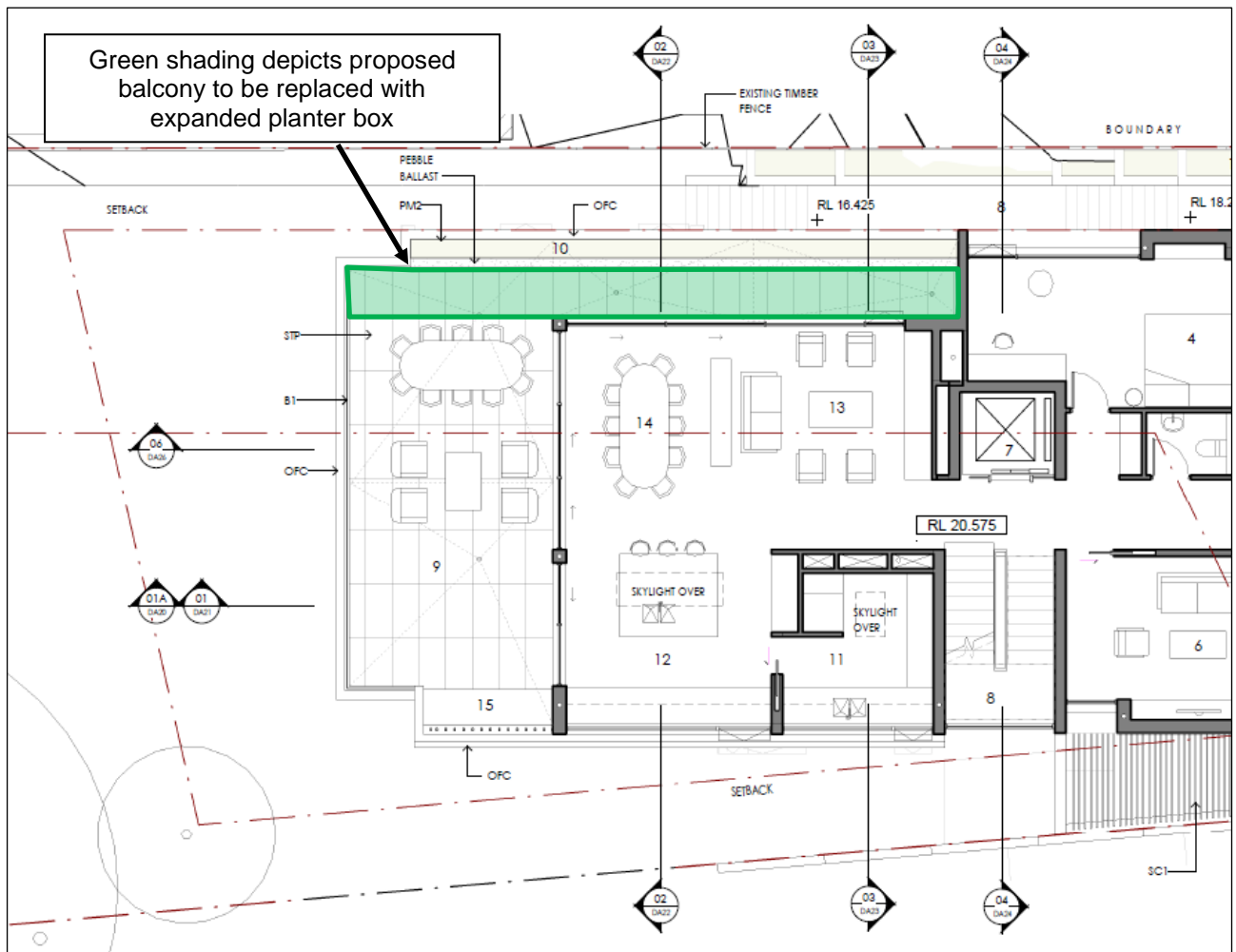
Furthermore, the rear-facing Mid Level balcony adjoining the two bedrooms is required to be deleted from the plans to prevent views toward the south-facing habitable room windows of the dwelling at 12A The crescent. Refer to **Condition D.1 (d)**.

#### *Ground Level*

At the Ground Level, the proposed bedroom features a north-facing untreated window within close proximity of the front garden at no. 12A. The front garden is not the primary private open space area of 12A, but is the only substantially vegetated area of the site that can be used recreationally. As such, the untreated north-facing bedroom window at the ground floor level is required to incorporate external fixed timber batten screening to match the adjacent north-facing bedroom window. Refer to **Condition D.1 (e)**.

The northern living and dining area features large north-facing windows with an adjoining wraparound balcony that also faces toward the north and west of the site. The balcony in particular is considered to be excessive in size, and would allow for overlooking of the neighbouring property at no. 12A to an unacceptable degree. In this regard, **Condition D.1 (f)** is recommended requiring replacement of the trafficable portion of balcony along the northern side of the family and living area with an expanded planter box along the northern side of the level to a height of 1m above the finished floor level (i.e. to a minimum height of RL 21.575 AHD).





*Excerpt from Ground Level Plan illustrating visual privacy condition requirements*

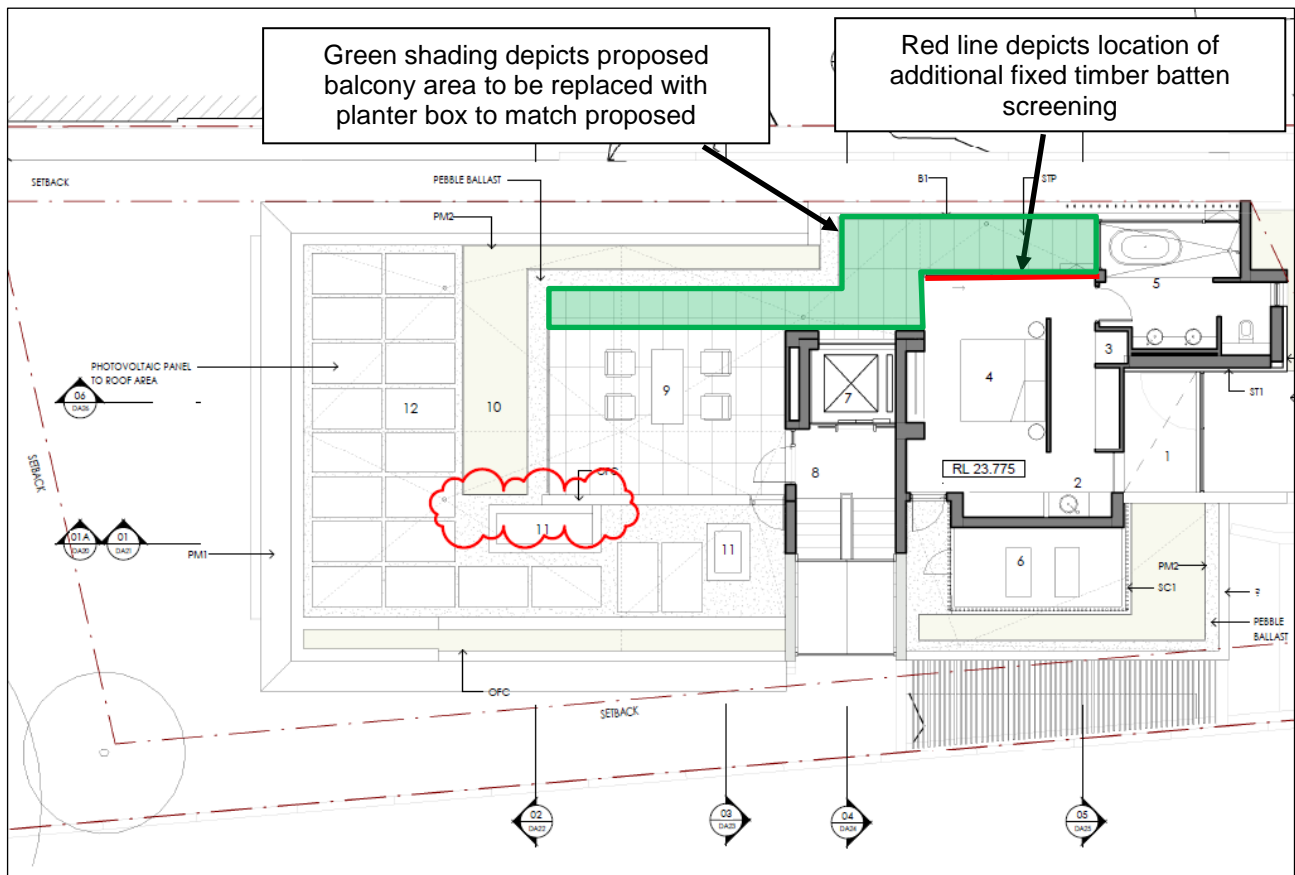
### Level 1

Level 1 of the new dwelling comprises of the master bedroom with ensuite at the front of the dwelling, and an adjoining roof terrace toward the rear.

In order to retain visual privacy to the front garden area of the northern adjoining property at 12A, two conditions have been imposed requiring the following modifications to the plans:

- A trafficable portion of roof terrace along the northern side of the master bedroom is to be replaced with a low planter to match the proposed planting at the rear of the roof terrace;
- the north-facing bedroom sliding door is required to be replaced with a window and fitted with external fixed timber batten screening to prevent overlooking of the front garden area of no. 12A;

The required changes have been illustrated below and included at **Condition D.1 (g), and (h)**.



Excerpt from Level 1 Plan illustrating visual privacy condition requirements

The proposal is acceptable with regard to Part B3.5.4 of the Woollahra DCP, subject to conditions.

#### Part B3.5.5 – Internal amenity

All habitable areas of the dwelling are appropriately located.

The architectural plans do not include an internal door to the Level 1 Master Bedroom. **Condition D.1 (i)** requires the addition of a doorway to allow internal access between the bedroom and the lift/stairwell.

The proposal is acceptable with regard to Part B3.5.5 of the Woollahra DCP 2015.

#### Conclusion

The proposal is acceptable with regard to Part B3.5 of the Woollahra DCP 2015, subject to conditions.

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

Site Frontage: 14.9m	Existing	Proposed	Control	Complies
Location of Parking	Outside the Buildable Area	Within the Buildable Area	Within the Buildable Area	Yes
Width of Parking Structure	5.9m	Within dwelling envelope	6m	Yes
Width of Driveway	-	3.6m	3.0m	No
Maximum Number of Driveways	One	One	One	Yes

The proposal includes the demolition of the existing garage structure adjoining The Crescent, and replacement with internal below-ground parking, and therefore complies with Control C1. The removal of the garage structure will have a positive impact on the streetscape and is acceptable. The 3.6m-wide driveway is acceptable.

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

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

Site Area: 968.3m <sup>2</sup>	Existing	Proposed	Control	Complies
Overall Deep Soil Landscaping	46% 445m <sup>2</sup>	37.2% 360m <sup>2</sup>	35% of Site Area 338.9m <sup>2</sup>	Yes
Deep Soil Landscaping – Front Setback	14.1% 17.2m <sup>2</sup>	47.2% 60m <sup>2</sup>	40% 50.8m <sup>2</sup>	Yes
Minimum Area of Private Open Space at Ground Level	> 35m <sup>2</sup>	> 35m <sup>2</sup>	35m <sup>2</sup>	Yes
Private Open Space at Ground Level – Maximum Gradient	< 1:10	< 1:10	1:10	Yes
Maximum Depth of Excavation for Landscaping	-	< 1.2m	1.2m	Yes
Existing Trees	Incorporated Into Landscaping	Incorporated Into Landscaping	Incorporated Into Landscaping	Yes
Maximum Height of Fencing	1.7m	1.7m	1.2m 1.5m and 50% open	No
Gate Swing	Opens Inward	Opens Inward	Opens Inward	Yes
Rear Fence Height	1.8m	Unclear	1.8m	Unclear
Lockable Mailboxes	Provided at Street Entrance	Provided at Street Entrance	Provided at Street Entrance	Yes
Air Conditioning Units	-	Not Visible from Public Domain	Not Visible from Public Domain	Yes
Swimming Pool Excavation, Piling and Subsurface Wall Setback	5m	2.2m	1.8m	Yes
Level of Swimming Pool Above or Below Ground Level	-	< 1.2m	Maximum 1.2m Change	Yes
Maximum Depth of Swimming Pool	< 2m	< 2m	2.0m	Yes

##### Part B3.7.1 – Landscaped areas and private open space

The proposal provides compliant quantities of deep soil area, both across the entirety of the site and within the front setback.

Council's Tree and Landscape Officer has reviewed the application and provided the following feedback in relation to tree canopy cover:

##### Canopy Cover

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

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

*The submitted Landscape Plans prepared by Site Image dated 25 August 2023 has been reviewed in respect to the above canopy cover requirement. The Canopy Cover Plan included in the package indicates the proposal will provide 31.52% canopy cover provided by one existing tree and five new trees. It is noted that the new trees are all species with mainly broad canopies. It is believed that the calculation has been underestimated and is in fact expected to provide the required 35% canopy cover within 10 years when the trees reach maturity.*

*Therefore, the Tree and Landscape team supports the proposed tree planting within the site and believes it will provide the canopy cover percentages required by the DCP.*

The proposal is therefore acceptable with regard to Part B3.7.1 of the Woollahra DCP 2015.

#### Part B3.7.2 – Fences

Replacement front fencing is proposed to a maximum height of 1.7m, and is 50% open, with the predominant height sitting below 1.5m. Notwithstanding the non-compliance with Control C4, the ground level at the front of the site sits below the street level as a result of the site topography, and as such the height exceedance is unlikely to be noticed from the public domain.

New rear fencing is also proposed in the form of a low sandstone wall with metal palisade fencing above, however imagery of the palisade fencing is not depicted on the architectural plans.

**Condition D.1 (j)** requires that the maximum height of the rear boundary fencing not exceed 1.8m above the existing ground level.

No new side fencing is proposed.

The proposal is acceptable with regard to Part B3.7.2 of the Woollahra DCP 2015, subject to conditions.

#### Part B3.7.3 – Site facilities

Services to the dwelling are located both within the proposed basement garage, and to the south-eastern corner of Level 1, external to the Master Bedroom. The roof services will be appropriately shielded by a timber screen and planting, which is acceptable.

The proposed pool plant equipment is to be located below the deck area adjacent to the pool, which is acceptable.

The proposal is acceptable with regard to Part B3.7.3 of the Woollahra DCP 2015.

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

The proposed swimming pool is appropriately located and is acceptable with regard to Part B3.7.4 of the DCP.

#### Conclusion

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

#### **14.2.6 Part B3.10: Additional Controls for Development in Sensitive Locations**

	Existing	Proposed	Control	Complies
Gate Opening onto Public Open Space	-	Opens Inwards	Opens Inwards	Yes

The proposal includes new landscaping toward the rear of the property, as well as an inward opening gate providing access from the site into the reserve.



Council's Open Space Officer has reviewed the application and advised that it is considered acceptable, subject to conditions.

The proposal is acceptable with regard to Part B3.10 of the Woollahra DCP 2015, subject to conditions.

#### 14.3 Chapter E1: Parking and Access

	Existing	Proposed	Control	Complies
Max Number of Car Parking Spaces – Dwelling	2 Spaces	2 Spaces	2 Spaces	Yes

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

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

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

#### 14.5 Chapter E3: Tree Management

Council's Tree and Landscape Officer has reviewed the proposal and provided the following feedback in relation to the proposed removal of trees and canopy cover:

##### Tree Removal – Exempt Species

*The plans and Arborist Report indicate tree 4 is proposed for removal. This tree has been identified as a Strelitzia nicholai (Giant Bird of Paradise). This species is listed as exempt from WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.*

##### Tree Removal – Low Retention Value

*The plans and Arborist Report indicate tree 3 is proposed for removal. The tree has been identified as a Callistemon viminalis (Bottlebrush). The tree been rated as having Low Landscape Significance and Low Retention Value for various reasons including underperforming in health, suppressed by more dominate trees and found to be providing minimal amenity value to the immediate area.*

*The tree is supported for removal subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.*

##### Tree Removal – Medium Retention Value

*The plans and Arborist Report indicate tree 1 is proposed for removal as it located within the footprint of the new garage. The tree has been rated as having Medium Landscape Significance and Medium Retention Value as it is visible from the street frontage and provides a positive contribution to the amenity and canopy cover of the immediate area.*

*Trees rated as being of Medium Retention Value are generally considered as less critical for retention than High Valued trees. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.*

*Modifications to the design to allow for the retention of this tree is not possible or practical due to it being positioned in the middle of the front yard which would require substantial design changes which are not considered reasonable.*

*It is considered that the new tree planting proposed throughout the property as shown on the submitted Landscape Plans will compensate for the loss of canopy cover and amenity resulting from the removal of this tree.*

Tree Retention

*The plans and Arborist Report indicate trees 2, 5, 6, 7, 8 and 9 are all proposed for retention.*

*Trees 5, 6, 7, 8 and 9 are located in the reserve at the ear of the property and will not be the subject of any encroachment into their Tree Protection Zones. No special tree protection measures are required for these trees.*

*Tree 2 which is located in the rear yard will be the subject of minor encroachments into its Tree Protection Zones which is considered to be within acceptable limits as defined by the Australian Standards AS4970 'Protection of trees on development sites'. To ensure the long-term viability of the tree, tree protection measures are to be installed and a Project Arborist is to be present on site during any works within its TPZs. This has been detailed in the conditions below for inclusion into the DA consent.*

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

#### **14.6 Chapter E4: Contaminated Land**

The proposal is acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

#### **14.7 Chapter E5: Waste Management**

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

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

The applicant has not provided a SWMMP with the development application. Considering the extent of work proposed, a SWMMP is required to be submitted to Council prior to issue of a Construction Certificate. Refer to **Condition D.24**.

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

#### **14.8 Chapter E6: Sustainability**

The proposal includes the provision of rooftop photovoltaic panels over both the Ground Floor level and Level 1. The panels will not be readily visible from any public domain areas, nor from adjoining properties.

**Condition D.1 (k)** requires that the proposed panels not exceed the respective roof parapet heights.

The proposal is acceptable with regard to Chapter E6 of the Woollahra DCP 2015, subject to conditions.

## **15. 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.

### **15.1 Section 7.12 Contributions Plan**

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

Refer to **Condition D.7**.

### **15.2 Application of Contributions**

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

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

## **16. APPLICABLE ACTS/REGULATIONS**

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

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

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

### **16.2 Swimming Pools Act 1992**

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

Additional provisions relate to:

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

These requirements are imposed by standard condition.

## **17. THE LIKELY IMPACTS OF THE PROPOSAL**

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



## 18. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## 19. THE PUBLIC INTEREST

The proposal is considered to not be contrary to the public interest, subject to conditions.

## 20. CONCLUSION

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

## 21. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, is satisfied that the written request from the applicant under Clause 4.6 of the Woollahra Local Environmental Plan 2014 to the height of buildings development standard under Clause 4.3 of Woollahra LEP 2014 has adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard and the zone. The Panel assumes the concurrence of the Secretary, Department of Planning, Industry and Environment.

### AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, grant development consent to Development Application No. 379/2023/1 for demolition of the existing dwelling and construction of a new dwelling, new swimming pool, landscaping and siteworks on land at 12 The Crescent Vaucluse, subject to the following conditions:

### A. GENERAL CONDITIONS

A. 1.	<b>Conditions</b>
	<p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations") and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>• Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence.</li><li>• Where there is any breach Council may without any further warning:<ul style="list-style-type: none"><li>a) Issue Penalty Infringement Notices (On-the-spot fines);</li><li>b) Issue notices and orders;</li><li>c) Prosecute any person breaching this consent; and/or</li><li>d) Seek injunctions/orders before the courts to restrain and remedy any breach.</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.</li> <li>• Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.</li> <li>• This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.</li> <li>• The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.</li> </ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the relevant legislation that applies to the development.</p>
A. 2.	<p><b>Definitions</b></p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p><b>Applicant</b> means the applicant for this consent.</p> <p><b>Approved Plans</b> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p><b>Local native plants</b> means species of native plant endemic to Sydney's eastern suburbs.</p> <p><b>Owner-builder</b> has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p><b>PC</b> means the Principal Certifier under the <i>Act</i>.</p> <p><b>Principal Contractor</b> has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p><b>Professional engineer</b> has the same meaning as in the <i>BCA</i>.</p> <p><b>Public place</b> has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p><b>Road</b> has the same meaning as in the <i>Roads Act 1993</i>.</p> <p><b>SEE</b> means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p><b>Site</b> means the land being developed subject to this consent.</p> <p><b>Site work</b> means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p><b>Woollahra LEP</b> means <i>Woollahra Local Environmental Plan 2014</i></p> <p><b>Woollahra DCP</b> means <i>Woollahra Development Control Plan 2015</i></p>

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

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

**Condition Reason:** To ensure all parties are aware of the relevant definitions.

**A. 3. Approved Plans and Supporting Documents**

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
DA10 Rev F	Lower Ground Level Plan	Kannfinch	4/03/2024
DA11 Rev F	Mid Level Plan		
DA12 Rev F	Ground Level Plan		
DA13 Rev F	Level 1 Plan		
DA14 Rev F	Roof Plan		
DA15 Rev F	Lower Ground Level Plan		
DA16 Rev F	Mid Level Plan		
DA17 Rev F	Ground Level Plan		
DA18 Rev F	Level 1 Plan		
DA19 Rev F	Roof Plan		
DA20 Rev F	Section 01A		
DA21 Rev F	Section 01		
DA22 Rev F	Section 02		
DA23 Rev F	Section 03		
DA24 Rev F	Section 04		
DA25 Rev F	Section 05		
DA26 Rev F	Section 06		
DA28 Rev F	Ramp Plan and Section		
DA30 Rev F	Elevation North & South		
DA31 Rev F	Elevation East		
DA32 Rev F	Elevation West		
1422104S_03	BASIX Certificate	NSW Department of Planning and Environment	16/07/2024
	Flood Risk Management Report		
34769PE2rpt	Geotechnical Report	JK Geotechnics	2/10/2023



	C100, 100, 101, 102, 103, 104, 500, 501	Landscape Plans	Site Image	15/09/23								
		Arboricultural Impact Assessment Report	Birds Tree Consultancy	26/09/23								
	230990 DA_C000-01 DA_C100-02 DA_C200-01 DA_C201-02 DA_C250-02	Stormwater Management Plans	Henry & Hymas	21/09/2023 28/09/2023 21/09/2023 28/09/2023 28/09/2023								
	<b>Notes:</b> <ul style="list-style-type: none"><li>Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.</li><li>These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.</li></ul>											
<b>Condition Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.												
<b>A. 4.</b>	<b>Ancillary Aspects of Development (section 4.17(2) of the Act)</b>											
	<p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.</li></ul>											
	<b>Condition Reason:</b> To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.											
<b>A. 5.</b>	<b>Tree Preservation and Landscaping Works</b>											
	<p>While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.</p> <p>a) The following trees must be retained:</p> <ul style="list-style-type: none"><li>Trees on private land:</li></ul> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>2</td><td><i>Glochidium ferdinandii</i></td><td>Rear Yard – southern boundary</td><td>9 x 8</td></tr></table>				Council Ref No	Species	Location	Dimension (metres)	2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	9 x 8
Council Ref No	Species	Location	Dimension (metres)									
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	9 x 8									

b)	The following trees may be removed:			
	<b>Council Ref No</b>	<b>Species</b>	<b>Location</b>	<b>Dimension (metres)</b>
	1	<i>Jacaranda mimosifolia</i>	Front Yard	12 x 12
	3	<i>Callistemon viminalis</i>	Rear Yard – southern boundary	6 x 4
	4	<i>Strelitzia nicolai</i> *	Rear Yard – southern boundary	7 x 5
<p>The tree/s that may be removed must appear coloured red on the Construction Certificate plans.</p> <p>The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.</p>				
<b>Condition Reason:</b> To ensure all landscape works are undertaken in accordance with the approved plans and documents.				
A. 6.	<b>No Underpinning works</b>			
	This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.			
	<b>Condition Reason:</b> To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.			
A. 7.	<b>Vehicular Access and Garaging</b>			
	Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicular access including any parking spaces must be designed and constructed to comply with the minimum requirements of AS2890.1 and the Council's DCP.			
	<b>Condition Reason:</b> To ensure the design of off-street parking spaces and vehicular access comply with Australian Standards.			

## DEMOLITION WORK

### B. BEFORE DEMOLITION WORK COMMENCES

<b>B. 1.</b>	<b>Recording of Buildings with Little or No Heritage Significance that are to be Demolished</b>
	<p>Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer.</p> <p>The photographic archival recording is to be submitted in a digital format and is to include the following:</p>

	<p>a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.</p> <p>b) Coloured photographs of:</p> <ul style="list-style-type: none"> <li>• each elevation,</li> <li>• each structure and landscape feature, and</li> <li>• views to the subject property from each street and laneway or public space.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at <a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf</a></li> </ul> <p><b>Condition Reason:</b> To ensure existing building and landscape elements are recorded.</p>
<b>B. 2.</b>	<p><b>Erosion and Sediment Controls – Installation</b></p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.</li> <li>• Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.</li> <li>• Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<b>B. 3.</b>	<p><b>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</b></p> <p>Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p>

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m

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

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

- b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.
- c) 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.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.
- f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.

**Condition Reason:** To ensure the protection of existing trees



<b>B. 4.</b>	<p><b>Identification of Hazardous Material</b></p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> <li>• all hazardous materials identified on the site,</li> <li>• the specific location of all hazardous materials identified,</li> <li>• whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and</li> <li>• safety measures to be put in place.</li> </ul> <p><b>Condition Reason:</b> To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
<b>B. 5.</b>	<p><b>Public Road Assets Prior to Any Work/Demolition</b></p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> <li>• road pavement,</li> <li>• street signage including street lights,</li> <li>• kerb and gutter,</li> <li>• footway including pedestrian crossings, footpath, and driveways,</li> <li>• retaining walls, or other significant structures,</li> <li>• Heritage Items, including street name inlays,</li> <li>• utility service items including historical utility covers, and</li> <li>• drainage structures/pits/pipes (CCTV footage).</li> </ul> <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p><b>Condition Reason:</b> To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
<b>B. 6.</b>	<p><b>Skeletal Remains</b></p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> <li>a) NSW Police, and</li> <li>b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> </ol>

	<p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p><b>Condition Reason:</b> To ensure the appropriate management of skeletal remains.</p>
<b>B. 7.</b>	<p><b>Aboriginal Objects – Unexpected Findings</b></p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ol style="list-style-type: none"> <li>Not further disturb or move these objects or bones.</li> <li>Immediately cease all work at the particular location.</li> <li>In the case of suspected human remains, notify NSW Police.</li> <li>Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.</li> <li>Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> <li>Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Definition of Aboriginal object, as per the National Parks &amp; Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.</li> </ul> <p><b>Condition Reason:</b> To protect Aboriginal objects</p>
<b>B. 8.</b>	<p><b>Aboriginal Heritage Due Diligence Responsibilities</b></p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks &amp; Wildlife Act 1974. Under the National Parks &amp; Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p><b>Condition Reason:</b> To protect Aboriginal heritage.</p>

B. 9.	<b>Aboriginal Heritage Induction</b>																																
	Prior to any site works, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a heritage induction programme, developed in consultation with LPLALC, prior to works proceeding.																																
	<b>Condition Reason:</b> To protect Aboriginal heritage.																																
B. 10.	<b>Site Inspection by LPLALC</b>																																
	Provision must be made for LPLALC to be involved in a secondary visual site inspection once excavation began on the pool area.																																
	<b>Condition Reason:</b> Recommendation of the AHIA as it concludes: Although no Aboriginal objects or places were identified during this report’s initial site inspection, it was requested directly by La Perouse LALC that they be notified once the pool area has been excavated for reconstruction and allowed to visually re-inspect that part of the project area.																																
B. 11.	<b>Payment of Security and Fees</b>																																
	Prior to any site works, the following security and fees must be paid in full:																																
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<b>How must the payments be made?</b>																																	
Payments must be made by:																																	
<ul style="list-style-type: none"><li>• cash deposit with Council,</li><li>• credit card payment with Council, or</li><li>• bank cheque made payable to Woollahra Municipal Council.</li></ul>																																	
The payment of a security may be made by a bank guarantee where:																																	
<ul style="list-style-type: none"><li>• the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li><li>• the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12</li></ul>																																	

	<p>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],</p> <ul style="list-style-type: none"> <li>the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,</li> <li>the bank guarantee is lodged with the Council prior to any site works being undertaken, and</li> <li>the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.</li> <li>The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.</li> <li>Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.</li> <li>Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.</li> <li>Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.</li> <li>The Refund of Security Bond Application form can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul>
	<p><b>Condition Reason:</b> To ensure any relevant security and fees are paid.</p>
<p><b>B. 12.</b></p>	<p><b>Dilapidation Reports for Existing Buildings</b></p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ol style="list-style-type: none"> <li>No. 8 The Crescent</li> <li>No. 10 The Crescent</li> <li>No. 12A The Crescent</li> </ol> <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p>

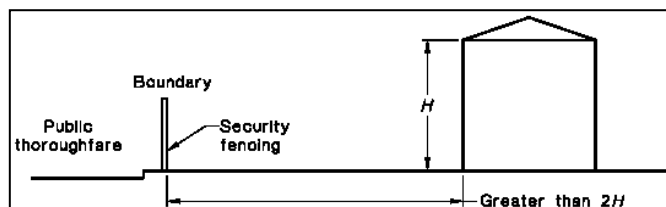


	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development.</li> <li>• This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.</li> <li>• Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.</li> <li>• Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.</li> </ul> <p><b>Condition Reason:</b> To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
<p><b>B. 13.</b></p>	<p><b>Dilapidation Reports for Public Infrastructure</b></p> <p>Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared.</p> <p>The dilapidation report must be submitted to Council prior to the commencement of any site work and include:</p> <ol style="list-style-type: none"> <li>a) closed circuit television/video inspection (in DVD format) and report of the existing underground drainage system adjoining the site,</li> <li>b) photographs showing any existing damage of the open stormwater channel adjoining the site,</li> <li>c) photographs showing any existing damage to the road pavement fronting the site,</li> <li>d) photographs showing any existing damage to the kerb and gutter fronting the site,</li> <li>e) photographs showing any existing damage to the footway including footpath pavement fronting the site,</li> <li>f) photographs showing any existing damage to retaining walls within the footway or road,</li> <li>g) photographs showing any existing damage to street signs, heritage name plates, and historical items,</li> <li>h) the full name and signature of the Chartered Professional Engineer.</li> </ol> <p>The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped.</p> <p>The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure.</li> <li>• Nothing in this condition prevents Council making any claim against security held for this purpose.</li> </ul>

	<p><b>Condition Reason:</b> To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.</p>
<b>B. 14.</b>	<p><b>Adjoining Buildings Founded on Loose Foundation Materials</b></p> <p>Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings.</li> <li>• The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.</li> </ul> <p><b>Condition Reason:</b> To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>
<b>B. 15.</b>	<p><b>Works (Construction) Zone – Approval and Implementation</b></p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988.</li> <li>• The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.</li> </ul> <p><b>Condition Reason:</b> To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>

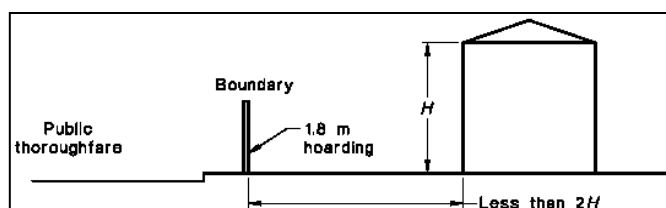
**B. 16. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection**

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



**Type A Hoarding**

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



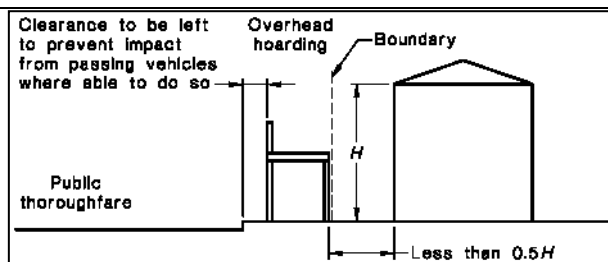
**Type B Hoarding**

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

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

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

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



The overhead protective structures must be installed and maintained in accordance with the NSW “Code of Practice - Overhead Protective Structures 1995”. This is code available at [www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf](http://www.safework.nsw.gov.au/_data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf)

### All Hoardings

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

### Hoardings on Public Land including ‘Creative Hoardings’

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

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

### Notes:

- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
  - A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more  
OR
  - B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more  
OR
  - C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
    - 1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or
    - 2. the land is zoned R2 Low Density Residential, or
    - 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road).
- Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council’s form “Application for a permit to use a footpath for the erection of a hoarding/scaffolding”. The Creative Hoardings Policy can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**Condition Reason:** To ensure public safety.



<p><b>B. 17.</b></p>	<p><b>Site Signs</b></p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p><b>Erection of signs</b></p> <ul style="list-style-type: none"> <li>For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.</li> <li>A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ul style="list-style-type: none"> <li>a) showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and</li> <li>c) stating that unauthorised entry to the work site is prohibited.</li> </ul> </li> <li>Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</li> <li>This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</li> <li>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</li> </ul> <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p><b>Signs on development sites</b></p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> <li>Each such person <b>MUST</b> ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with.</li> <li>If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.</li> </ul> <p><b>Condition Reason:</b> To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
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<p><b>B. 18.</b></p>	<p><b>Toilet Facilities</b></p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> <li>must be a standard flushing toilet, and</li> <li>must be connected to a public sewer, or</li> <li>if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or</li> <li>if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.</li> </ol> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999.</li> <li>This condition does not set aside the requirement to comply with SafeWork NSW requirements.</li> </ul> <p><b>Condition Reason:</b> To ensure toilet facilities are provided for workers at the work site.</p>
<p><b>B. 19.</b></p>	<p><b>Establishment of Boundary Location, Building Location and Datum</b></p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> <li>set out the boundaries of the site by permanent marks (including permanent recovery points),</li> <li>set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans,</li> <li>establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and</li> <li>provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.</li> <li>On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor.</li> </ul> <p><b>Condition Reason:</b> To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>

<b>B. 20.</b>	<p><b>Compliance with Australian Standard for Demolition</b></p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p><b>Condition Reason</b> To control the risks of demolition work.</p>
<b>B. 21.</b>	<p><b>Construction Management Plan Arborist Review</b></p> <p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none"> <li>a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;</li> <li>b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.;</li> <li>c) Site construction access, temporary crossings and movement corridors on the site defined;</li> <li>d) Contractors car parking;</li> <li>e) Phasing of construction works;</li> <li>f) The space needed for all foundation excavations and construction works;</li> <li>g) All changes in ground level;</li> <li>h) Space for site sheds and other temporary structures such as toilets;</li> <li>i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and</li> <li>j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.</li> </ul> <p><b>Condition Reason</b> To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p>
<b>B. 22.</b>	<p><b>Arborists Documentation and Compliance Checklist</b></p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>• A record of the condition of trees to be retained prior to and throughout development.</li> <li>• Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>• Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>

	<b>Stage of arboricultural inspection and supervision</b>	<b>Compliance documentation and photos must include</b>										
	Prior to any site works	<ul style="list-style-type: none"><li>• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li><li>• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li></ul>										
<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>												
<b>Condition Reason</b> To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.												
<b>B. 23.</b>	<b>Permissible work within Tree Protection Zones</b>											
Prior to any site works, the following works are permissible within the Tree Protection Zone:												
<table><tr><td><b>Council Ref No</b></td><td><b>Species</b></td><td><b>Radius from Centre of Trunk (Metres)</b></td><td><b>Approved works</b></td></tr><tr><td>2</td><td><i>Glochidium ferdinandii</i></td><td>4.9m</td><td>Installation of new swimming pool and Landscape works</td></tr></table>					<b>Council Ref No</b>	<b>Species</b>	<b>Radius from Centre of Trunk (Metres)</b>	<b>Approved works</b>	2	<i>Glochidium ferdinandii</i>	4.9m	Installation of new swimming pool and Landscape works
<b>Council Ref No</b>	<b>Species</b>	<b>Radius from Centre of Trunk (Metres)</b>	<b>Approved works</b>									
2	<i>Glochidium ferdinandii</i>	4.9m	Installation of new swimming pool and Landscape works									
The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.												
<b>Condition Reason</b> To establish the works which are permissible within the Tree Protection Zones.												
<b>B. 24.</b>	<b>Salvage Building Materials</b>											
<p>a) Architectural elements to be demolished such as bricks, stone, timber flooring, skirting, tiles, doors, windows and decorative elements must be salvaged and where possible reused on the project.</p> <p>b) Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.</p>												
<b>Condition Reason</b> To maximise reuse of historic fabric.												



<b>B. 25.</b>	<b>Encroachment on Public Open Space</b>
	<p>All proposed works must be contained wholly within the private property and not encroach into Parsley Bay Reserve.</p> <p>No consent is granted for any existing or proposed structures to be built on public open space or any stairs that provide access to the park to be built outside of the property boundary.</p>
	<b>Condition Reason:</b> To prevent works from occurring on public land.
<b>B. 26.</b>	<b>Access through Public Open Space</b>
	<p>Access to the rear of 12 The Crescent from the adjoining Parsley Bay Reserve will not be permitted unless a <i>Construction Access Through Public Open Space</i> permit has been obtained by Council's Open Space &amp; Trees Department. An application must be submitted to Council for assessment and approval at least 21 days prior to the date that construction access through the reserve is required.</p> <p>The principal contractor or project manager is required to submit an application on the appropriate Council form and pay the appropriate fee.</p>
	<b>Condition Reason:</b> To restrict access to the site subject to approval of the appropriate applications.

## REMEDICATION WORK

### C. ON COMPLETION OF REMEDIATION WORK

Nil

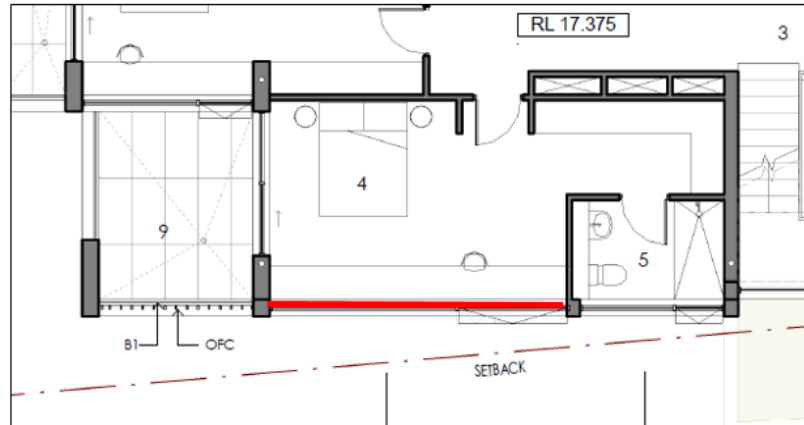
## BUILDING WORK

### D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

<b>D. 1.</b>	<b>Surrender of Consent (section 4.17(1)(b) and section 4.17(5) of the Act)</b>
	<p>Before the issue of any construction certificate, a notice of surrender development consent of DA 210/2022 issued on 21/02/2023 must be provided to Council in writing by the Owner of the land in compliance with clauses 67 and 68 of the Regulations.</p> <p>No construction certificate must be issued until Council has acknowledged in writing that this condition has been satisfied.</p>
	<b>Condition Reason:</b> To ensure an existing development consent/consents is/are surrendered.
<b>D. 2.</b>	<b>Modification of Details of the Development (section 4.17(1)(g) of the Act)</b>
	<p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p>

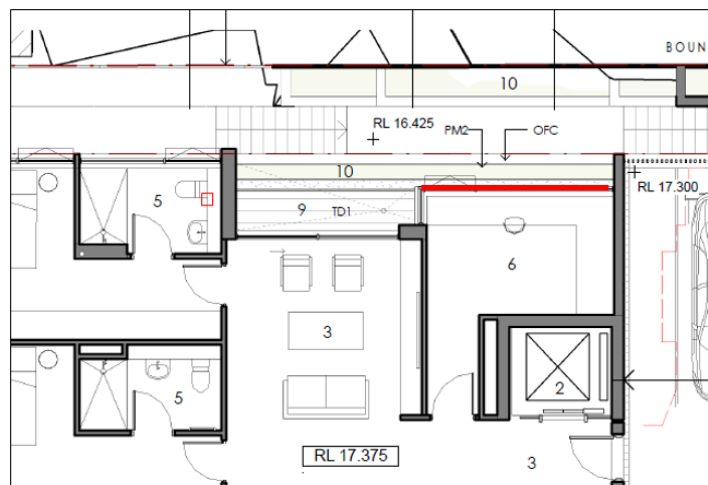
**a) Repositioning of south-facing Mid Level Bedroom window**

The proposed south-facing window to the bedroom on the Mid Level is to be repositioned such that it has a minimum sill height of 1.5m above the finished floor level of the bedroom. The window to be modified is depicted in red in the image below:



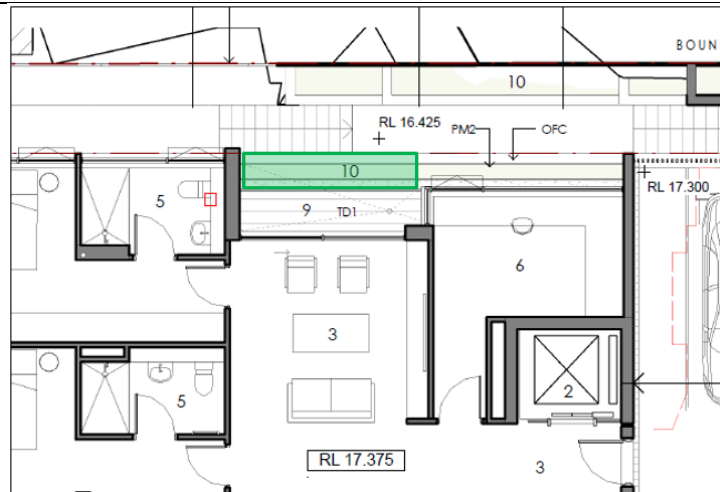
**b) External timber batten screening to north-facing Mid Level study window**

The full extent of the north-facing window to the Mid Level study is required to be fitted with external fixed timber batten screens to match other proposed external screening in order to prevent overlooking of the front-facing private open space area to the neighbouring dwelling at 12A The Crescent. The location of the required screening is depicted in red in the image below:



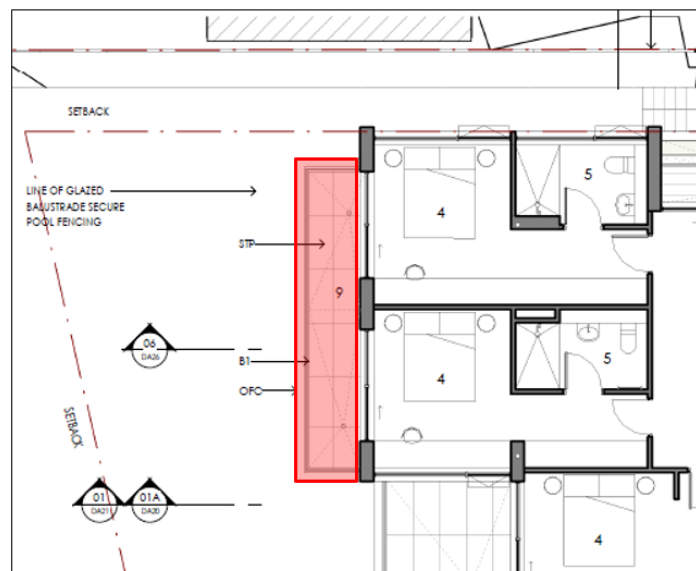
**c) Mid Level 'Lobby' balcony planter box height**

The planter box external to the Mid Level 'Lobby' balcony is required to have a minimum height of 1m above the finished floor level to prevent overlooking from within the lobby area toward the front private open space area of 12A The Crescent. The location of the planter to be raised is within the green box in the image below:



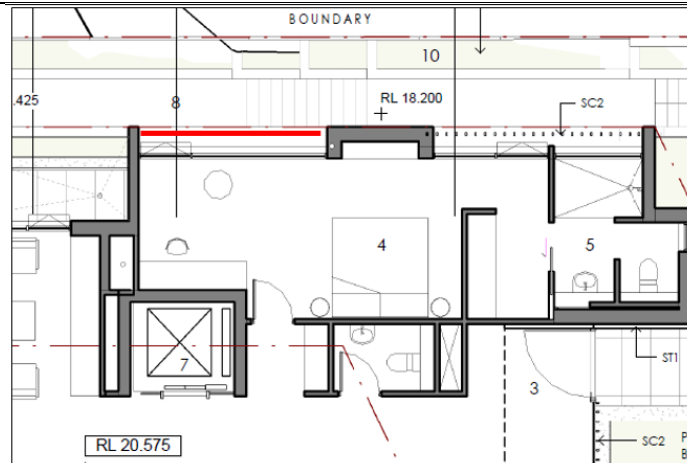
**d) Deletion of rear-facing Mid Level balcony**

The rear-facing Mid Level balcony that adjoins the two rear-facing bedrooms is to be deleted from the plans to prevent overlooking towards the south-facing habitable room windows of the dwelling at 12A The Crescent, as depicted in red in the image below:



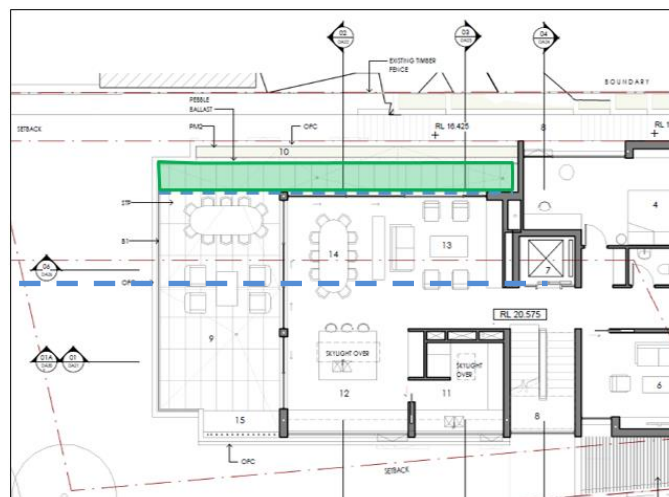
**e) External timber batten screening to north-facing Ground Level bedroom window**

The full extent of the north-facing window to the Ground Level bedroom is required to be fitted with external fixed timber batten screens to match other proposed external screening in order to prevent overlooking of the front-facing private open space area to the neighbouring dwelling at 12A The Crescent. The location of the required screening is depicted in red in the image below:



**f) Conversion of portion of Ground Floor wraparound balcony to planter box**

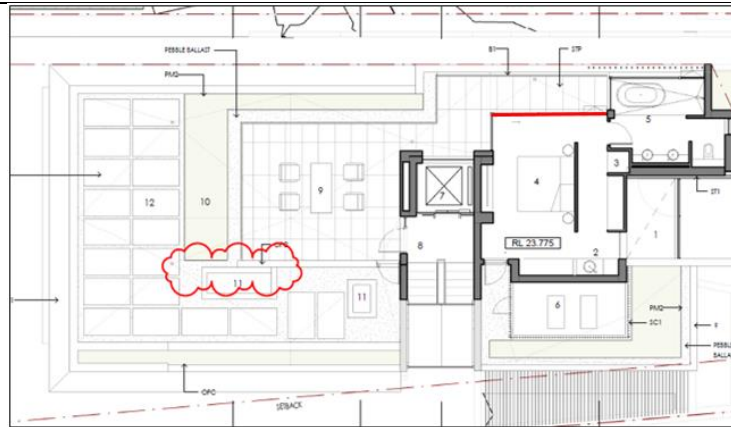
The trafficable portion of the Ground Level wraparound balcony on the northern side must be converted to a planter box to a height of 1m above the finished floor level and planted with suitable species similar to other planter boxes on the same elevation. The area to be converted is shown in green in the image below. The balustrade is to be relocated as depicted by the dashed blue line in the image below.



**g) External timber batten screening to north-facing Level 1 bedroom window**

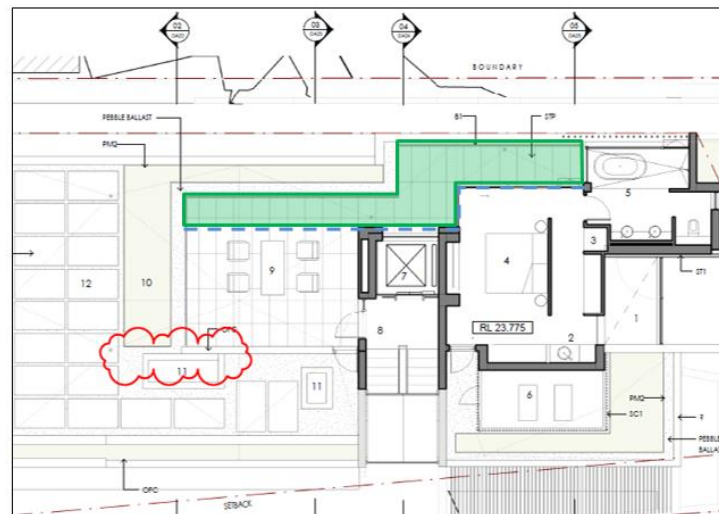
The full extent of the north-facing window to the Level 1 bedroom is required to be fitted with external fixed timber batten screens to match other proposed external screening in order to prevent overlooking of the front-facing private open space area to the neighbouring dwelling at 12A The Crescent. The location of the required screening is depicted in red in the image below:





**h) Portion of trafficable Level 1 terrace to be non-trafficable**

The northern portions of the Level 1 terrace are to be converted to a non-trafficable low planter to match the proposed Level 1 planter, as represented by a number '10' on the Level 1 Plan. The area to be converted is depicted in green in the image below, with the location of the relocated balustrade shown dashed in blue:



**i) Master Bedroom door to be shown on plans**

The Level 1 Plan is to be updated to include an internal doorway between the master bedroom and the lift entrance / staircase landing area.

**j) Rear boundary fencing not to exceed 1.8m height**

The proposed new fencing to the rear boundary, comprising of sandstone wall with palisade fencing over, is not to exceed a maximum height of 1.8m above the existing ground level in order to comply with the requirements of Part B3.7.2 of the DCP.

**k) Solar panel height**

The proposed rooftop solar panels are not to exceed the proposed maximum height of the dwelling, that being RL 26.725.

**Notes:**

- 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.

	<b>Condition Reason:</b> To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.												
D. 3.	<b>Payment of Long Service Levy</b>  Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier: <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4"><b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr><tr><td><b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a></td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr></table> <b>Building and Construction Industry Long Service Payment</b> The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website <a href="http://www.longservice.nsw.gov.au">www.longservice.nsw.gov.au</a> or the Long Service Corporation on 131 441.  <b>How must the payments be made?</b> Payments must be made by: <ul style="list-style-type: none"><li>• cash deposit with Council,</li><li>• credit card payment with Council, or</li><li>• bank cheque made payable to Woollahra Municipal Council.</li></ul> <b>Condition Reason:</b> To ensure any relevant levy is paid.	Description	Amount	Indexed	Council Fee Code	<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>				<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	
Description	Amount	Indexed	Council Fee Code										
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>													
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No											
D. 4.	<b>BASIX Commitments</b>  Before the issue of any construction certificate, BASIX Certificate No. 1422104S_03 must be submitted to the Principal Certifier with any application for a construction certificate.  All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.  <b>Notes:</b> <ul style="list-style-type: none"><li>• Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act.</li><li>• Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.</li></ul> <b>Condition Reason:</b> To ensure all commitments in the BASIX Certificate are incorporated into the development.												

**D. 5.**

**Road and Public Domain Works**

Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:

- a) If the existing vehicular crossing is damaged during construction, the existing crossing including layback and gutter must be reconstructed in accordance with Council's Crossing Specification, standard driveway drawing RF2\_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal sections along each side of the proposed crossing, starting from the centreline of the road pavement to the parking slab shall be submitted to Council for assessment,
- b) Details including longitudinal and sectional details and structural design and certification prepared by a Chartered Structural Engineer for the proposed pedestrian path/steps/ramp shall be submitted. The proposed pedestrian path/steps/ramp must be in plain concrete,
- c) Observe condition for the creation of positive covenant requirements.
- d) The reinstatement of all damaged kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers,
- e) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf,

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

Description	Amount	Indexed	Council Fee Code
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Infrastructure Works Bond</b> - completing any public work required in connection with the consent.	\$5,000	No	T113
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee	\$645	No	T45
<b>TOTAL SECURITY AND FEES</b>	\$5,645		

**How must the payments be made?**

Payments must be made by:

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

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

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

**Notes:**

- **Road** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.
- Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically:
  - Construction of driveways and/or new or alterations to footpath paving
  - Alteration and/or extension to Council drainage infrastructure
  - Alteration and/or addition of retaining walls
  - Pumping of water to Council's below ground stormwater system
  - Installation of soil/rock anchors under the roadway
  - Installation of Stormwater outlet pipes across the nature strip
- An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate.
- Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:
  - Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
  - Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.
- All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.
- The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.
- Any adjustments required from the garage slab and the street levels are to be carried out internally on private property



- Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".
- Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.
- All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).
- When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.
- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.
- When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.
- Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

**Condition Reason:** To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

**D. 6. Erosion and Sediment Control Plan – Submission and Approval**

Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:

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

Where there is any conflict The Blue Book takes precedence.

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

**Notes:**

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

- The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au), and The Blue Book is available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)
- Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.

**Condition Reason:** To prevent potential water pollution and dust nuisance.

**D. 7. Payment of S7.12 Contributions Levy**

A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.

A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.

The cost estimate report must be in the form of:

- A cost summary report, prepared by the applicant or a suitably qualified person for a development up to \$749,999; or
- A quantity surveyor’s report, for development over \$750,000.

The applicable levy rate is to be calculated using the summary schedule below.

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

**How must the payments be made?**

Payments must be made by:

- Cash deposit with Council,
- Credit card payment with Council, or
- Bank cheque made payable to Woollahra Municipal Council.

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

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

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

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

	<ul style="list-style-type: none"> <li>the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li> <li>the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,</li> <li>a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,</li> <li>the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and</li> <li>the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.</li> </ul> <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.</p> <p><b>Do you need HELP indexing the levy?</b> Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).</p> <p><b>Condition Reason:</b> To ensure any relevant contributions are paid.</p>
<b>D. 8.</b>	<p><b>Tree Protection Plan and Specification</b></p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> <li>shaded green where required to be retained and protected</li> <li>shaded red where authorised to be removed</li> <li>shaded yellow where required to be transplanted</li> <li>shaded blue where required to be pruned</li> </ul> <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> <li>Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected.</li> <li>The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices.</li> <li>Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 &amp; 5 of AS4970, providing guidance for the implementation of tree protection methods.</li> <li>To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist.</li> </ul>

	<p>c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p><b>Condition Reason:</b> To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
<b>D. 9.</b>	<p><b>Bushland and Public Open Space Protection</b></p> <p>Before the issue of any construction certificate, an appropriate erosion and sediment control plan must be prepared, with the required erosion and sediment controls implemented and maintained during construction to ensure that material does not migrate off-site and into Parsley Bay Reserve.</p> <p>Works must not impact on bushland, public open space or vegetation adjoining the property.</p> <p>Council will not permit the storage of building, excavation, demolition material or plant on Council's public open space or access to development through the adjoining Parsley Bay Reserve unless prior written approval has been obtained from Council's Open Space and Tree Division, via an application requesting access through public open space on the required form with the appropriate fee. The form is available from Council's Infrastructure and Sustainability Department.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• If access through a Reserve is approved a separate Bond will be required.</li> </ul> <p><b>Condition Reason:</b> To ensure the protection of bushland, public open space, or vegetation adjoining the property.</p>
<b>D. 10.</b>	<p><b>Professional Engineering Details</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• This does not affect the right of the developer to seek staged construction certificates.</li> </ul> <p><b>Condition Reason:</b> To ensure professional engineering details and technical specifications are provided.</p>



D. 11.	<p><b>Engineer Certification</b></p> <p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.</p> <p><b>Condition Reason:</b> To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>
D. 12.	<p><b>Geotechnical and Hydrogeological Design, Certification and Monitoring</b></p> <p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>These details must be certified by the professional engineer to:</p> <ol style="list-style-type: none"> <li>Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.</li> <li>Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).</li> <li>Provide details of cut-off walls or similar controls prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.</li> <li>Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter.</li> <li>Provide a Geotechnical and Hydrogeological Monitoring Program that: <ul style="list-style-type: none"> <li>will detect any settlement associated with temporary and permanent works and structures,</li> <li>will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),</li> <li>will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity),</li> <li>will detect groundwater changes calibrated against natural groundwater variations,</li> <li>details the location and type of monitoring systems to be utilised,</li> <li>details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>• details a contingency plan.</li> </ul>
	<p><b>Condition Reason:</b> To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p>
<b>D. 13.</b>	<p><b>Ground Anchors</b></p> <p>This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.</p> <p>Before the issue of any construction certificate, if ground anchors are proposed:</p> <ol style="list-style-type: none"> <li>a) Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any ground anchors extending beyond the boundaries of the subject property.</li> <li>b) The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.</li> <li>c) If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the Roads Act 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. A minimum of four weeks should be allowed for assessment.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.</li> <li>• Road has the same meaning as in the Roads Act 1993.</li> <li>• Clause 17 of the Roads (General) Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.</li> </ul> <p><b>Condition Reason:</b> To ensure the relevant approval is gained for any temporary ground anchors.</p>
<b>D. 14.</b>	<p><b>Parking Facilities</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6 Parking facilities - Off-street parking for people with disabilities, AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities respectively.</p>

	<p>Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993.</p> <p>The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.</p> <p><b>Condition Reason:</b> To ensure parking facilities are designed in accordance with the Australian Standard.</p>
<b>D. 15.</b>	<p><b>Relocation or Reconstruction of Council's Stormwater Drainage System</b></p> <p>Before the issue of any construction certificate, a separate application under Section 68 of the Local Government Act 1993 (Stormwater Drainage Activity Application) is to be made to and be approved by Council for the following works. The works must be carried out at the applicant's expense:</p> <ol style="list-style-type: none"> <li>The submission of a closed circuit television/video inspection (in DVD format) and report the condition of the existing Council's underground pipeline adjoining the site,</li> <li>The submission of photographs showing the existing condition of the open stormwater channel adjoining the site,</li> <li>Details including long section with all relevant design levels showing stormwater from the site being discharged to the open channel.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Four weeks should be allowed for assessment.</li> <li>The design and construction of the works must be in accordance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management and "Specification for Road Works, Drainage and Miscellaneous Works" which include Council's standard drawings. These documents are available from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</li> <li>To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.</li> </ul> <p><b>Condition Reason:</b> To ensure that the relevant approval is gained for any works for the relocation or reconstruction of any part of Council's drainage system.</p>
<b>D. 16.</b>	<p><b>Stormwater Management Plan</b></p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following:</p> <ol style="list-style-type: none"> <li>General design in accordance with stormwater management plans, referenced 230990-Rev 2, prepared by Henry &amp; Hymas, dated 28/09/2023, other than amended by this and other conditions,</li> <li>The proposed stormwater connection to the Council's drainage system as shown in drawing 230990_DA_C100-Rev 2, dated 28/09/2023 is not approved. A separate application under S68 of the Local Government Act (Stormwater Drainage Activity Application) for the proposed stormwater discharge must be made with Council for approval,</li> <li>The installation of stormwater filtration /treatment system which includes but not limited to the installation 1 x 50m<sup>2</sup> Bioretention system, 5kL rainwater tank and 3 x OceanGuard 200 by Ocean Protect to achieve the minimum the water quality targets stipulated in Chapter E2.2.3 of the Council's DCP,</li> <li>A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the Council's drainage system,</li> </ol>

- e) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings,
- f) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans,
- g) Dimensions of all drainage pits and access grates must comply with AS3500.3,
- h) Compliance with the objectives and performance requirements of the BCA,
- i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

#### **Layout plan**

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

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

#### **Rainwater Reuse System details:**

- a) Any potential conflict between existing and proposed trees and vegetation.
- b) Internal dimensions and volume of the proposed rainwater storage.
- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures.
- d) Details of access and maintenance facilities.
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
- f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks

For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.

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

#### **Notes:**

The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".

**Condition Reason:** To ensure that site stormwater is disposed of in a controlled and sustainable manner.



D. 17.	<p><b>Non-Gravity Drainage Systems</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site.</p> <p>The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p><b>Notes:</b> The Woollahra DCP is available from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></p> <p><b>Condition Reason:</b> To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
D. 18.	<p><b>Flood Protection</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in an area frequented by the residents such as the laundry,</p> <p><u>Flood Proof Material</u></p> <p>a) Flood compatible materials shall be used for all flood exposed construction.</p> <p><u>Electricals</u></p> <p>a) All flood exposed electrical wiring and equipment shall be waterproofed,</p> <p><u>Certification</u></p> <p>a) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.</li> </ul> <p><b>Condition Reason:</b> To ensure the development incorporates flood inundation protection measures.</p>

D. 19.	<p><b>Swimming and Spa Pools – Child Resistant Barriers</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans.</li> </ul> <p><b>Condition Reason:</b> To ensure child-resistant swimming and spa pool barriers are provided.</p>
D. 20.	<p><b>Swimming and Spa Pools – Backwash</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2.</li> <li>The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.</li> </ul> <p><b>Condition Reason:</b> To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.</p>
D. 21.	<p><b>Electric vehicle circuitry and electric vehicle charging point requirements</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan of all off-street car parking spaces, prepared by a suitably qualified person, which includes details and specifications to illustrate how the off-street car parking spaces will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charger point.</p> <p><b>Condition Reason:</b> To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).</p>

<b>D. 22.</b>	<b>Acoustic Certification of Mechanical Plant and Equipment</b>
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional acoustic engineer certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level, at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Where sound attenuation is required this must be detailed.</p> <p><b>Notes:</b> Further information including lists of Acoustic Engineers can be obtained from:</p> <ul style="list-style-type: none"> <li>- Australian Acoustical Society - professional society of noise-related professional <a href="http://www.acoustics.asn.au">www.acoustics.asn.au</a></li> <li>- Association of Australian Acoustical Consultant - professional society of noise related professionals <a href="http://www.aaac.org.au">www.aaac.org.au</a></li> </ul>
	<p><b>Condition Reason:</b> To ensure the development does not result in any unreasonable acoustic impacts.</p>
<b>D. 23.</b>	<b>Submission of a Site Waste Minimisation and Management Plan</b>
	<p>Before the issue of any construction certificate, a Site Waste Minimisation and Management Plan, prepared in accordance with Woollahra Development Control Plan 2015 Chapter E5 – Waste Management, is to be submitted to Council for approval.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The site waste minimisation and management is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may certify. Hence, the Site Waste Minimisation and Management Plan must be referred to Council for its approval prior to the issue of any construction certificate for such works.</li> <li>• It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.</li> </ul>
	<p><b>Condition Reason:</b> To ensure that the Waste Minimisation and Management Plan is assessed and approved by Council.</p>

## **E. BEFORE BUILDING WORK COMMENCES**

<b>E. 1.</b>	<b>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</b>
	<p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <p>a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,</p>

	<p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p> <p>a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or</p> <p>b) to the erection of a temporary building.</p> <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.</li> <li>• All new guttering is to comply with the provisions of AS3500.</li> </ul> <p><b>Condition Reason:</b> To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<p><b>E. 2.</b></p>	<p><b>Erosion and Sediment Controls – Installation</b></p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) The Soil and Water Management Plan if required under this consent;</p> <p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The International Erosion Control Association – Australasia (<a href="http://www.austieca.com.au/">www.austieca.com.au/</a>) lists consultant experts who can assist in ensuring compliance with this condition.</li> <li>• Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.</li> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.</li> <li>• Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.</li> <li>• Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>

E. 3.	<p><b>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</b></p>
	<p>Building work must not commence, until:</p> <ol style="list-style-type: none"> <li>A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and</li> <li>The person having the benefit of the development consent has: <ul style="list-style-type: none"> <li>appointed a Principal Certifier for the building work, and</li> <li>notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and</li> </ul> </li> <li>The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> <li>notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and</li> <li>notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and</li> </ul> </li> <li>The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> <li>appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and</li> <li>notified the Principal Certifier of any such appointment, and</li> <li>unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and</li> <li>given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.</li> </ul> </li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li><b>Building</b> has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure.</li> <li><b>New building</b> has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.</li> <li>The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125.</li> <li>Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act.</li> <li>Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.</li> </ul>
	<p><b>Condition Reason:</b> To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>



<b>E. 4.</b>	<b>Notification of Home Building Act 1989 requirements</b>
	<p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <ul style="list-style-type: none"> <li>a) In the case of work for which a Principal Contractor is required to be appointed: <ul style="list-style-type: none"> <li>• the name and licence number of the Principal Contractor, and</li> <li>• the name of the insurer by which the work is insured under Part 6 of that Act,</li> </ul> </li> <li>b) In the case of work to be done by an Owner-builder: <ul style="list-style-type: none"> <li>• the name of the Owner-builder, and</li> <li>• if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.</li> </ul> </li> </ul> <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p>
	<b>Condition Reason:</b> To ensure Council is notified of the Home Building Acts 1989 requirements.

## **F. DURING BUILDING WORK**

<b>F. 1.</b>	<b>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</b>
	<p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</li> <li>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</li> </ul> <p>This condition does not apply:</p> <ul style="list-style-type: none"> <li>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</li> <li>b) to the erection of a temporary building.</li> </ul> <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p>

	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>All new guttering is to comply with the provisions of AS 3500.</li> </ul>
	<p><b>Condition Reason:</b> To ensure compliance with the BCA and Home building Act 1989.</p>
<b>F. 2.</b>	<p><b>Requirement to Notify about New Evidence</b></p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p><b>Condition Reason:</b> To ensure Council and the Principal Certifier are made aware of new information.</p>
<b>F. 3.</b>	<p><b>Critical Stage Inspections</b></p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent.</li> <li>The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.</li> </ul> <p><b>Condition Reason:</b> To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<b>F. 4.</b>	<p><b>Hours of Work – Amenity of the Neighbourhood</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>No work must take place on any Sunday or public holiday.</li> <li>No work must take place before 7am or after 5pm any weekday.</li> <li>No work must take place before 7am or after 1pm any Saturday.</li> <li>The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> <li>piling,</li> <li>piering,</li> <li>rock or concrete cutting, boring or drilling,</li> <li>rock breaking,</li> <li>rock sawing,</li> <li>jack hammering, or</li> </ol> </li> </ol>

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

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

	<p>Trees must be pruned in accordance with Australian Standard AS 4373 “Pruning of Amenity Trees” and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p><b>Condition Reason:</b> To protect trees during the carrying out of sitework.</p>
<b>F. 7.</b>	<p><b>Maintenance of Environmental Controls</b></p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ol style="list-style-type: none"> <li>erosion and sediment controls,</li> <li>dust controls,</li> <li>dewatering discharges,</li> <li>noise controls,</li> <li>vibration monitoring and controls, and</li> <li>ablutions.</li> </ol> <p><b>Condition Reason:</b> To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<b>F. 8.</b>	<p><b>Compliance with Geotechnical / Hydrogeological Monitoring Program</b></p> <p>While site work is being carried out, excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer.</p> <p>The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:</p> <ol style="list-style-type: none"> <li>the location and type of monitoring systems to be utilised,</li> <li>recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>the contingency plan.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council’s recommendation that the author of the report be retained during the construction stage.</li> </ul> <p><b>Condition Reason:</b> To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.</p>
<b>F. 9.</b>	<p><b>Support of Adjoining Land and Buildings</b></p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain:</li> </ul>



	<ul style="list-style-type: none"> <li>- the consent of the owners of such adjoining or supported land to trespass or encroach, or</li> <li>- an access order under the Access to Neighbouring Land Act 2000, or</li> <li>- an easement under section 88K of the Conveyancing Act 1919, or</li> <li>- an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.</li> <li>• Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).</li> <li>• Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.</li> <li>• The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.</li> </ul> <p><b>Condition Reason:</b> To ensure that the support of adjoining land is not removed.</p>
<p><b>F. 10.</b></p>	<p><b>Vibration Monitoring</b></p> <p>While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.</p> <p>If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.</p> <p>Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.</p> <p>Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.</p> <p>The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p>

	<p>Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>Professional engineer</b> has the same mean as in Schedule 1 of the BCA.</li> <li>• <b>Building</b> has the same meaning as in section 1.4 of the Act i.e. “building includes part of a building and any structure or part of a structure....”</li> <li>• <b>Supported land</b> has the same meaning as in the Conveyancing Act 1919.</li> </ul> <p><b>Condition Reason:</b> To monitor and manage vibration impacts from development.</p>
<b>F. 11.</b>	<p><b>Erosion and Sediment Controls – Maintenance</b></p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> <li>a) the Soil and Water Management Plan required under this consent,</li> <li>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</li> <li>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ol> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.</li> <li>• Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.</li> <li>• Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<b>F. 12.</b>	<p><b>Disposal of Site Water During Construction</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993.</li> <li>b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water.</li> <li>c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.</li> </ol>

	<p><b>Condition Reason:</b> To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
<b>F. 13.</b>	<p><b>Site Cranes</b></p> <p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p> <p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place.</li> <li>Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.</li> </ul> <p><b>Condition Reason:</b> To ensure site cranes are used safely with the relevant approvals.</p>
<b>F. 14.</b>	<p><b>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</b></p> <p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ol style="list-style-type: none"> <li>Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.</li> <li>Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.</li> <li>Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.</li> <li>Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.</li> </ol>

	<p>e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.</p> <p>f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</p> <p>g) Flood protection measures are in place confirming location, height and capacity.</p> <p><b>Condition Reason:</b> To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
<b>F. 15.</b>	<p><b>Placement and Use of Skip Bins</b></p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <p>a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and</p> <p>b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.</li> </ul> <p><b>Condition Reason:</b> To ensure waste storage containers are appropriately located.</p>
<b>F. 16.</b>	<p><b>Prohibition of Burning</b></p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.</li> </ul> <p><b>Condition Reason:</b> To ensure no burning of waste occurs.</p>
<b>F. 17.</b>	<p><b>Dust Mitigation</b></p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <p>a) Dust screens to all hoardings and site fences.</p> <p>b) All stockpiles or loose materials to be covered when not being used.</p> <p>c) All equipment, where capable, being fitted with dust catchers.</p> <p>d) All loose materials being placed bags before placing into waste or skip bins.</p> <p>e) All waste and skip bins being kept covered when not being filled or emptied.</p> <p>f) The surface of excavation work being kept wet to minimise dust.</p>

	<p>g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>• Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from <a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a> and <a href="http://www.epa.nsw.gov.au">www.epa.nsw.gov.au</a>. Other specific conditions and advice may apply.</li> <li>• Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.</li> </ul> <p><b>Condition Reason:</b> To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<b>F. 18.</b>	<p><b>Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway</b></p> <p>While site work is being carried out, all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the development to which this consent relates must comply with Council’s Specification for Roadworks, Drainage and Miscellaneous Works (2012).</p> <p>The person with the benefit of this consent must meet all costs associated with such works.</p> <p>This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• A copy of Council’s Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure that any road, drainage, or miscellaneous works comply with Council’s specifications.</p>
<b>F. 19.</b>	<p><b>Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters</b></p> <p>While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time.</p> <p>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical.</p> <p>Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.</p> <p><b>Notes:</b></p>



	<ul style="list-style-type: none"> <li>This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992.</li> </ul>
	<p><b>Condition Reason:</b> To ensure access to swimming pools is effectively restricted to maintain child safety.</p>
<b>F. 20.</b>	<p><b>Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council</b></p> <p>Council drainage easement(s) drainage reserve(s) or stormwater system passes through the site. While site work is being carried out, no building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.</p> <p>Prior to the issue of any Occupation Certificate, for structures adjacent to the drainage reserve and/or Council's stormwater drainage system within the site, a chartered professional Structural Engineer shall certify that all footings and structures adjacent to Council's drainage infrastructures and/or drainage reserve have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to drainage reserve, easements and/or Council drainage pipes shall be constructed outside of Council's easement.</p> <p>Certification is to be provided to the Principal Certifier and a copy provided to Council, prior to issue of any Occupation Certificate.</p> <p>All stormwater drainage systems must be located without causing any damage to the public system. The stormwater drainage system must be protected, and must not be obstructed, removed, disconnected, or rendered inoperable.</p> <p>Works such as fences must not obstruct the natural floodway or alter the natural floodway in such a way as to direct or concentrate stormwater on to neighbouring properties.</p> <p>An inspection must be carried out by Council's Assets Engineer for the removal of the existing stormwater connection to the Council's pipe line that traverses the site. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier prior to issue of any Occupation Certificate.</p> <p>This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Local Government Act 1993 provides: <ul style="list-style-type: none"> <li>"59A Ownership of water supply, sewerage and stormwater drainage works <ul style="list-style-type: none"> <li>Subject to this Division, a Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the Council (whether or not the land is owned by the Council).</li> <li>A Council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the Council, the works are used in an efficient manner for the purposes for which the works were installed."</li> </ul> </li> </ul> </li> </ul>
	<p><b>Condition Reason:</b> To ensure the development does not adversely impact upon an existing stormwater drainage system or easement.</p>

<p><b>F. 21.</b></p>	<p><b>Site Waste Minimisation and Management – Demolition</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> <li>the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</li> <li>an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),</li> <li>separate collection bins and/or areas for the storage of residual waste are to be provided,</li> <li>the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’,</li> <li>measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and</li> <li>site disturbance must be minimised, and unnecessary excavation limited.</li> </ol> <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> <li>footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,</li> <li>any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,</li> <li>waste is only transported to a place that can lawfully be used as a waste facility,</li> <li>generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and</li> <li>evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.</li> </ul> <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from demolition activities.</p>
<p><b>F. 22.</b></p>	<p><b>Site Waste Minimisation and Management – Construction</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> <li>the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</li> <li>deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage,</li> <li>consideration must be given to returning excess materials to the supplier or manufacturer,</li> <li>an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),</li> <li>the purpose and content of the storage areas must be clearly ‘signposted’,</li> <li>contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</li> </ol>

	<p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p> <p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p> <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from construction activities.</p>
<p><b>F. 23.</b></p>	<p><b>Asbestos Removal</b></p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ul style="list-style-type: none"> <li>a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</li> <li>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</li> <li>c) No asbestos products may be reused on the site.</li> <li>d) No asbestos laden skip or bins must be left in any public place.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence.</li> <li>• All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> <li>- Work Health and Safety Act 2011,</li> <li>- Work Health and Safety Regulation 2017,</li> <li>- SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and</li> <li>- SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).</li> </ul> </li> <li>• For more information go to the SafeWork NSW website on asbestos <a href="http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos">www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos</a>, and <a href="http://www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice">www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice</a> or call 131 050</li> </ul> <p><b>Condition Reason:</b> To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
<p><b>F. 24.</b></p>	<p><b>Classification of Hazardous Waste</b></p> <p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p>

	<p><b>Condition Reason:</b> To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>
<b>F. 25.</b>	<p><b>Disposal of Asbestos and Hazardous Waste</b></p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p> <p><b>Condition Reason:</b> To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>
<b>F. 26.</b>	<p><b>Asbestos Removal Signage</b></p> <p>While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.</p> <p><b>Condition Reason:</b> To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>
<b>F. 27.</b>	<p><b>Notification of Asbestos Removal</b></p> <p>While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.</p> <p>The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.</p> <p><b>Condition Reason:</b> To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.</p>
<b>F. 28.</b>	<p><b>Arborists Documentation and Compliance Checklist</b></p> <p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> <li>a record of the condition of trees to be retained prior to and throughout development,</li> <li>recommended actions to improve site conditions and rectification of non-compliance, and</li> <li>recommendations for future works which may impact the trees.</li> </ol> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p>

	<b>Stage of arboricultural inspection and supervision</b>	<b>Compliance documentation and photos must include</b>									
	While site work is carried out	<ul style="list-style-type: none"><li>• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.</li><li>• The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter.</li><li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li><li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li><li>• Regular inspections as indicated in the Tree Management Plan.</li></ul>									
Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.											
Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.											
<b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.											
F. 29.	<b>Replacement/Supplementary trees which must be planted</b>										
	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 approved Landscape Plans.										
	The project arborist must document compliance with the above condition.										
	<b>Condition Reason:</b> To ensure the provision of appropriate replacement planting.										
F. 30.	<b>Hand excavation within tree root zones</b>										
	While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.										
	<table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>2</td><td><i>Glochidium ferdinandii</i></td><td>Rear Yard – southern boundary</td><td>4.9m</td></tr></table>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m		
Council Ref No	Species	Location	Radius from centre of trunk (metres)								
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m								



	<p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p> <p>All root pruning must be undertaken in accordance with the Australian Standard 4373 “Pruning of Amenity Trees” and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p>								
F. 31.	<p><b>Installation of stormwater pipes and pits in the vicinity of trees</b></p> <p>While site work is being carried out, excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees must be carried out by hand.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>2</td><td><i>Glochidium ferdinandii</i></td><td>Rear Yard – southern boundary</td><td>4.9m</td></tr></table> <p>Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed.</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees.</p>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m
Council Ref No	Species	Location	Radius from centre of trunk (metres)						
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m						

## G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	<p><b>Occupation Certificate (section 6.9 of the Act)</b></p> <p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>New building includes an altered portion of, or an extension to, an existing building.</li> </ul> <p><b>Condition Reason:</b> To ensure the building is suitable to occupy.</p>
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<b>G. 2.</b>	<b>Amenity Landscaping</b>
	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.
	<b>Condition Reason:</b> To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.
<b>G. 3.</b>	<b>Commissioning and Certification of Systems and Works</b>
	<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> <li>Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.</li> <li>All flood protection measures.</li> <li>All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking.</li> <li>All stormwater drainage and storage systems.</li> <li>All mechanical ventilation systems.</li> <li>All hydraulic systems.</li> <li>All structural work.</li> <li>All acoustic attenuation work.</li> <li>All waterproofing.</li> <li>Such further matters as the Principal Certifier may require.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).</li> <li>The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.</li> </ul>
	<b>Condition Reason:</b> To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.
<b>G. 4.</b>	<b>Commissioning and Certification of Public Infrastructure Works</b>
	Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect.

	<p>The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works-as-executed engineering plans and a survey report detailing all finished reduced levels.</p> <p><b>Condition Reason:</b> To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.</p>
<b>G. 5.</b>	<p><b>Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters</b></p> <p>Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992:</p> <ol style="list-style-type: none"> <li>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia.</li> <li>The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register.</li> <li>The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool.</li> <li>Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.</li> <li>Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems.</li> </ol> <p>Backwash must be discharged to the sewer in compliance with AS/NZS 3500.</p> <p>Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>NSW Health guidelines and fact sheets are available at <a href="http://www.health.nsw.gov.au">www.health.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.</p>
<b>G. 6.</b>	<p><b>Swimming Pool Fencing</b></p> <p>Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Pools commenced or completed after May 2013 must meet the BCA and AS1926.</li> </ul> <p><b>Condition Reason:</b> To ensure swimming pool safety.</p>
<b>G. 7.</b>	<p><b>Certification of Electric Vehicle Charging System</b></p> <p>Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D.21 must be submitted to the satisfaction of the Principal Certifier.</p>

	<b>Condition Reason:</b> To ensure the certification of the electric vehicle charging system.
<b>G. 8.</b>	<p><b>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</b></p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1422104S_03.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.</li> </ul> <p><b>Condition Reason:</b> To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>
<b>G. 9.</b>	<p><b>Landscaping</b></p> <p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.</p> <p><b>Condition Reason:</b> To ensure that all landscaping work is completed prior to occupation.</p>
<b>G. 10.</b>	<p><b>Removal of Ancillary Works and Structures</b></p> <p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ol style="list-style-type: none"> <li>a) the site sign,</li> <li>b) ablutions,</li> <li>c) hoarding,</li> <li>d) scaffolding, and</li> <li>e) waste materials, matter, article or thing.</li> </ol> <p><b>Condition Reason:</b> To ensure that all ancillary matter is removed prior to occupation.</p>
<b>G. 11.</b>	<p><b>Works within Public Land (including Council, State or Federal owned land or property)</b></p> <p>Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed must be completed to the satisfaction of Council, in compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the person with the benefit of this consents expense:</p> <ol style="list-style-type: none"> <li>a) stormwater pipes, pits, structures and connections to public stormwater systems within the road,</li> <li>b) driveways and vehicular crossings,</li> <li>c) renew/new retaining structures,</li> <li>d) overhang structures,</li> <li>e) encroachments or occupation or alienation of public land or property,</li> <li>f) removal of redundant driveways and any other structure,</li> </ol>

	<p>g) new footpaths, pathways, walkways, or dunny lanes, h) relocation of existing power/light pole, if applicable, i) relocation/provision of street signs, if applicable, j) new or replacement street trees, if applicable, k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street, l) new or reinstated kerb and guttering within the road, and m) new or reinstated road surface pavement within the road.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.</li> <li>• Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> or obtained from Council's customer service centre.</li> </ul> <p><b>Condition Reason:</b> To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.</p>
<p><b>G. 12.</b></p>	<p><b>Dilapidation Report for Public Infrastructure Works</b></p> <p>Before the issue of an occupation certificate for the whole of the building, a follow up dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site upon completion of the work must be submitted to Council.</p> <p>The dilapidation report must include:</p> <ul style="list-style-type: none"> <li>a) closed circuit television/video inspection (in DVD format) and report of the existing underground drainage system adjoining the site,</li> <li>b) photographs showing any existing damage of the open stormwater channel adjoining the site,</li> <li>c) photographs showing any existing damage to the road pavement fronting the site,</li> <li>d) photographs showing any existing damage to the kerb and gutter fronting the site,</li> <li>e) photographs showing any existing damage to the footway including footpath pavement fronting the site,</li> <li>f) photographs showing any existing damage to retaining walls within the footway or road,</li> <li>g) photographs showing any existing damage to street signs, heritage name plates, and historical items,</li> <li>h) the full name and signature of the Chartered Professional Engineer.</li> </ul> <p>The reports are to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital and date stamped.</p> <p>Before the issue of an occupation certificate for the whole building, written correspondence must be obtained from Council attesting to this condition being appropriately satisfied, and be provided to the Principal Certifier.</p>



	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>If the dilapidation report required by this condition is not provided and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.</li> </ul> <p><b>Condition Reason:</b> To ensure that any damage to public infrastructure is identified and rectified prior to the occupation of the whole building.</p>
<b>G. 13.</b>	<p><b>Covenant for Private Works on Council Property</b></p> <p>Before the issue of an occupation certificate for the whole of the building, a Positive Covenant, under section 88E of the Conveyancing Act 1919, must be created on the title of the subject property, providing for the insurance and indemnification of Council from any claims or actions, and the on-going maintenance of any private structures on or over Council property for which consent has been given, such as steps, retaining walls, access ways, overhang, balconies, awnings, signs and the like.</p> <p>The wording of the Instrument must be in accordance with Council's Positive Covenant Template t and the Instrument must be registered with the NSW Land Registry Services prior to the issuance of any occupation certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The property owner must reimburse all Council's expenses incurred in the drafting, negotiation and registration of the Positive Covenant.</li> <li>The required wording of the Instrument can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate.</li> <li>The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.</li> </ul> <p><b>Condition Reason:</b> To ensure Council is indemnified from any claims, actions, or the on-going maintenance of private structures on or over Council property prior to the occupation of the whole building.</p>
<b>G. 14.</b>	<p><b>Works-As-Executed Certification of Stormwater Systems</b></p> <p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:</p> <ol style="list-style-type: none"> <li>compliance with conditions of development consent relating to stormwater,</li> <li>that a stormwater treatment system has been constructed in accordance with the approved plans and meets the water quality targets stipulated in the Council's DCP,</li> <li>that all below ground structures are fully tanked such that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,</li> <li>pipe invert levels and surface levels to Australian Height Datum, and</li> <li>contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.</li> </ul>

	<p><b>Condition Reason:</b> To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>				
<b>G. 15.</b>	<p><b>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</b></p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>a) A record of the condition of trees to be retained prior to and throughout development.</li> <li>b) Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>c) Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1"> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> <tr> <td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				
<b>G. 16.</b>	<p><b>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</b></p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>a) A record of the condition of trees to be retained prior to and throughout development.</li> <li>b) Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>c) Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site.</p>				

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

<b>Stage of arboricultural inspection and supervision</b>	<b>Compliance documentation and photos must include</b>
Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> <li>• The project arborist must supervise the dismantling of tree protection measures</li> <li>• After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</li> </ul>

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

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

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

## H. OCCUPATION AND ONGOING USE

<b>H. 1.</b>	<p><b>Maintenance of BASIX Commitments</b></p> <p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1422104S_03.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p> <p><b>Condition Reason:</b> To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
<b>H. 2.</b>	<p><b>Maintenance of Landscaping</b></p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.</li> <li>• Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.</li> </ul>

	<p><b>Condition Reason:</b> To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>
<b>H. 3.</b>	<p><b>Swimming and Spa Pools – Maintenance</b></p> <p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <ol style="list-style-type: none"> <li>in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs,</li> <li>in compliance with the NSW Health “Public Swimming Pools and Spa Pools Advisory Document” in force at that time. Private pools are encouraged to comply with the same standards as applicable,</li> <li>in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems,</li> <li>with backwash being discharged to the sewer in compliance with AS/NZS 3500, and</li> <li>with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): <ul style="list-style-type: none"> <li>before 8 am or after 8 pm on any Sunday or public holiday, or</li> <li>before 7 am or after 8 pm on any other day.</li> </ul> </li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained.</li> <li>The NSW Health public swimming pools and spa pools guidelines are available at <a href="http://www.health.nsw.gov.au">www.health.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure public health and safety.</p>
<b>H. 4.</b>	<p><b>Outdoor Lighting – Residential</b></p> <p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p> <p><b>Condition Reason:</b> To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.</p>
<b>H. 5.</b>	<p><b>Outdoor Lighting – Roof Terraces</b></p> <p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p> <p>All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600mm above the finished floor level of the roof terrace.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the</li> </ul>

	<p>existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.</p> <p><b>Condition Reason:</b> To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.</p>
<b>H. 6.</b>	<p><b>Waste Management – Residential</b></p> <p>During the occupation and ongoing use, waste management must comply with the approved site waste minimisation and management plan (SWMMP) and with Woollahra DCP 2015, Chapter E5–Waste Management.</p> <p>The waste and recycling bins/crates must be placed on the footpath for collection, but not earlier than 12 hours prior to the designated collection time.</p> <p>The occupier of the site must remove waste and recycling bins/crates from the footpath within 12 hours of being emptied by Council’s waste service and they must be stored within the site in the approved waste storage area.</p> <p>No commercial waste must be placed within residential waste and recycling bins/crates.</p> <p><b>Notes:</b> For further residential wastes management policy information go to <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></p> <p><b>Condition Reason:</b> To ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.</p>
<b>H. 7.</b>	<p><b>Noise from Mechanical Plant and Equipment</b></p> <p>During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Words in this condition have the same meaning as in the Noise Policy for Industry (2017) <a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)">www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)</a> and Noise Guide for Local Government (2013) <a href="http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government">www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government</a></li> </ul> <p><b>Condition Reason:</b> To protect the amenity of the neighbourhood.</p>

## SUBDIVISION WORK

### I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil



**J. BEFORE SUBDIVISION WORK COMMENCES**

Nil

**K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

Nil

**LAND SUBDIVISION**

**L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**











Nil

**STRATA SUBDIVISION**

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

Nil

**Attachments**

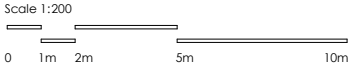
1. Architectural Plans, Elevations and Sections [↓](#) 
2. Landscape Plan [↓](#) 
3. Survey Plan [↓](#) 
4. Referral Response - Heritage [↓](#) 
5. Referral Response - Parks and Open Space [↓](#) 
6. Referral Response - Technical Services - Drainage [↓](#) 
7. Referral Response - Trees and Landscaping [↓](#) 
8. Clause 4.6 Variation Request [↓](#) 
9. Shadow Diagrams [↓](#) 
10. View Impact Analysis [↓](#) 



Client  
MR. WILLIAM XIAO

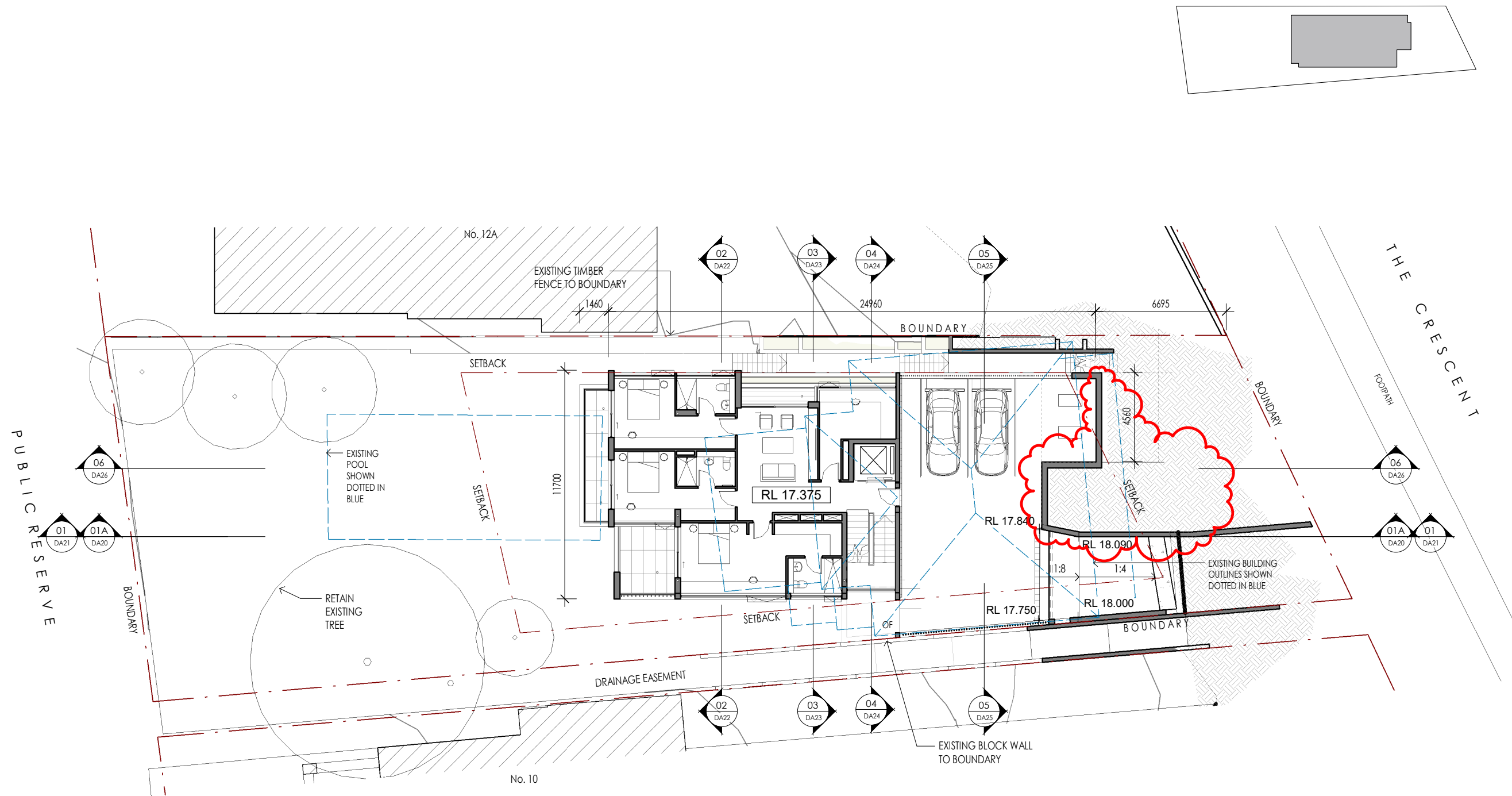
顶级私宅  
12 The Crescent Vaucluse NSW 2030

LOWER GROUND LEVEL PLAN



DA10  
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F  
Project No.  
6786

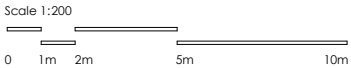


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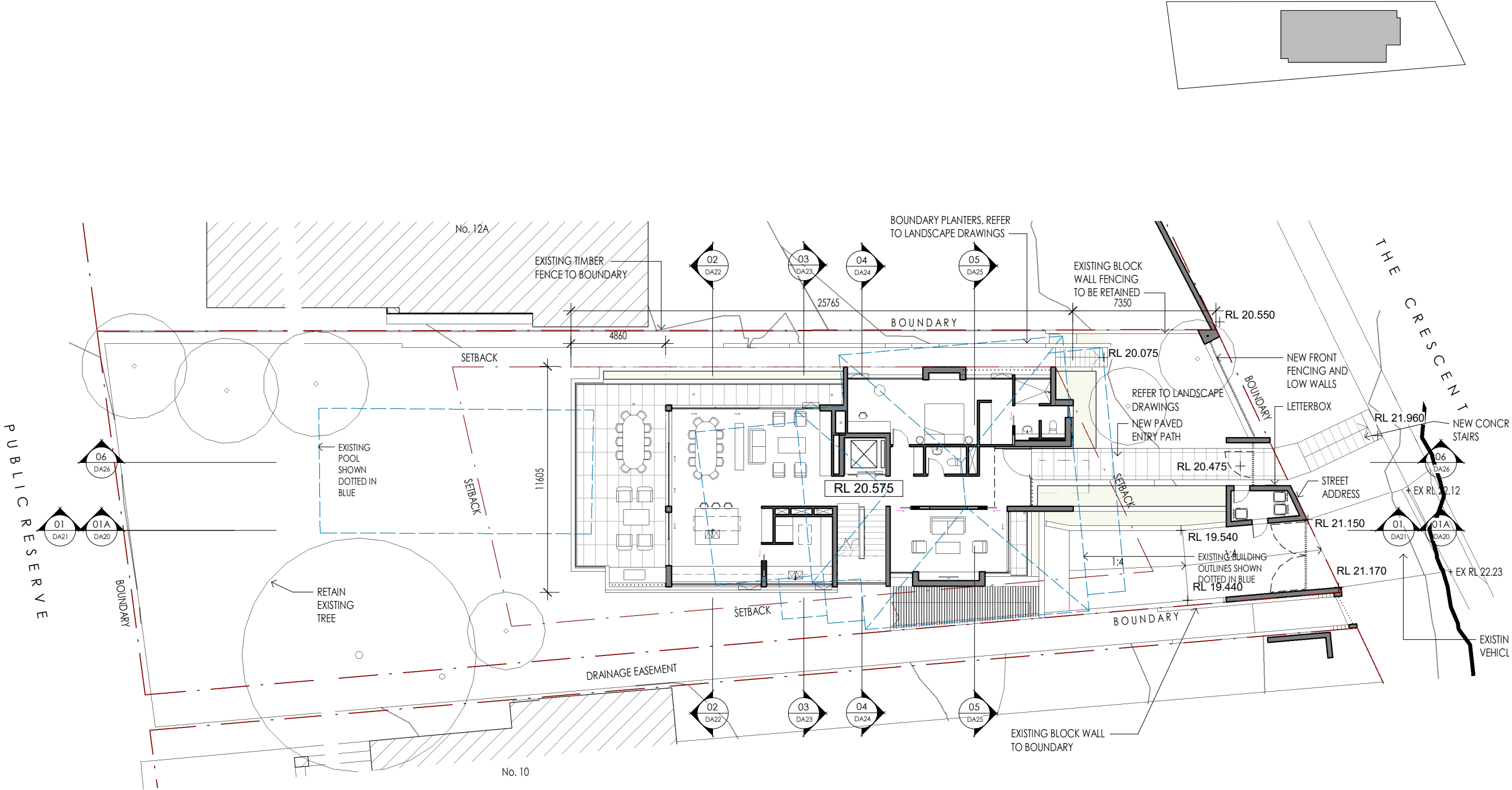
顶级私宅  
12 The Crescent Vacluse NSW 2030

MID LEVEL PLAN



DA11  
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F  
Project No.  
6786



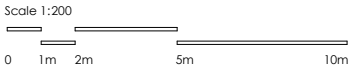
 KANNFINCH

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MR. WILLIAM XIAO

顶级私宅

12 The Crescent Vaucluse NSW 2030

GROUND LEVEL PLAN

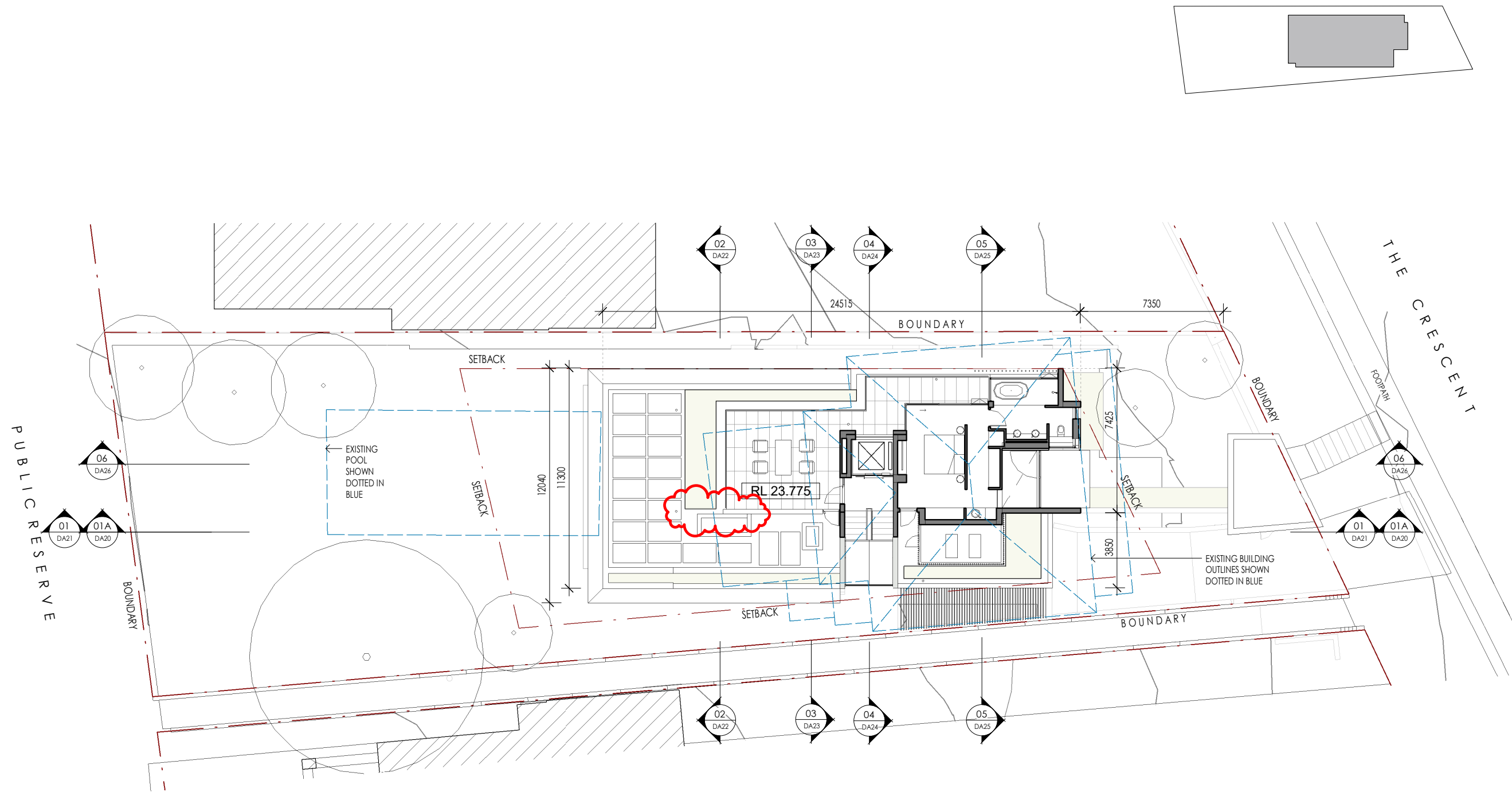


DA12

1 : 200 @ A3

F

Project No.  
6786

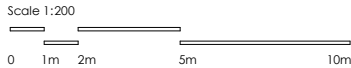




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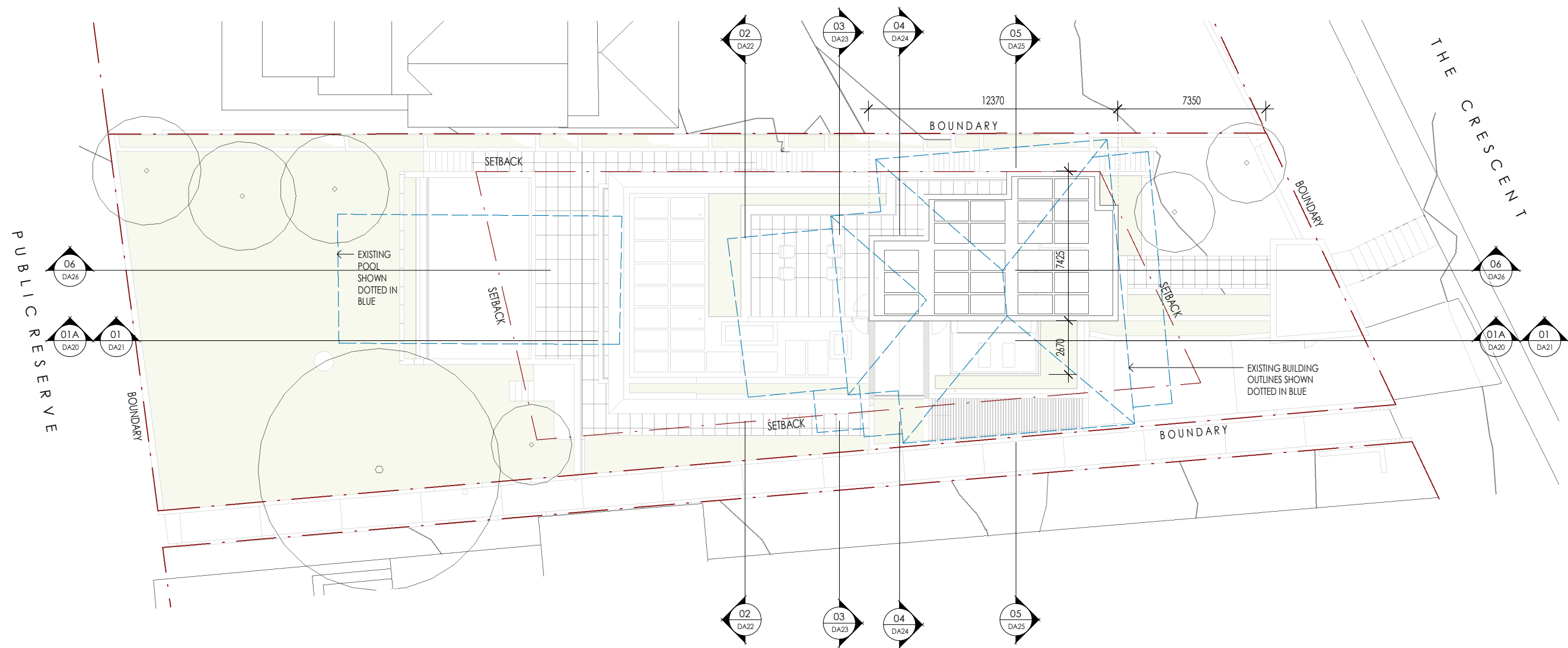
LEVEL 1 PLAN



DA13  
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Project No.  
6786

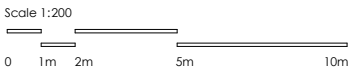




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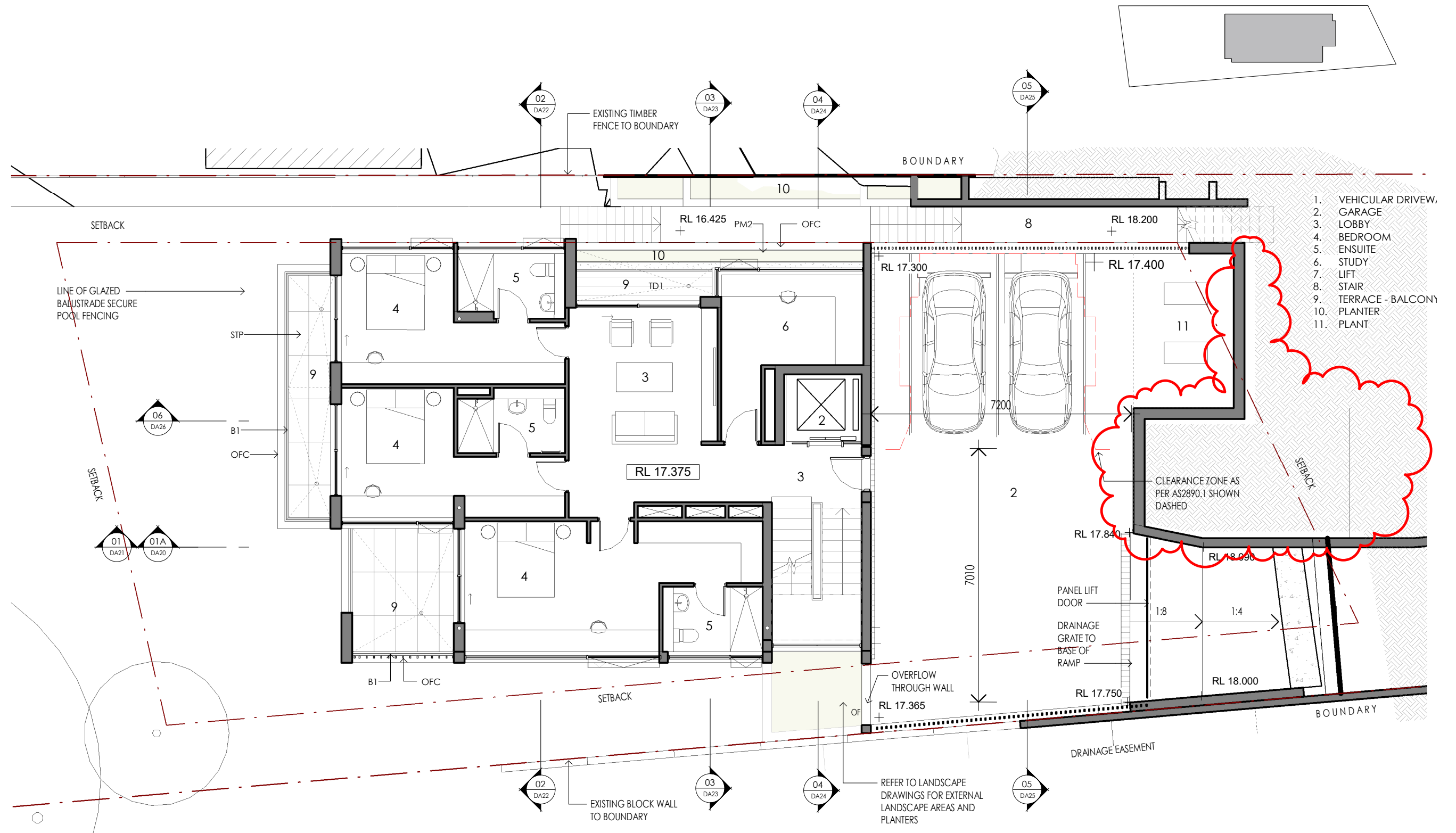
ROOF PLAN

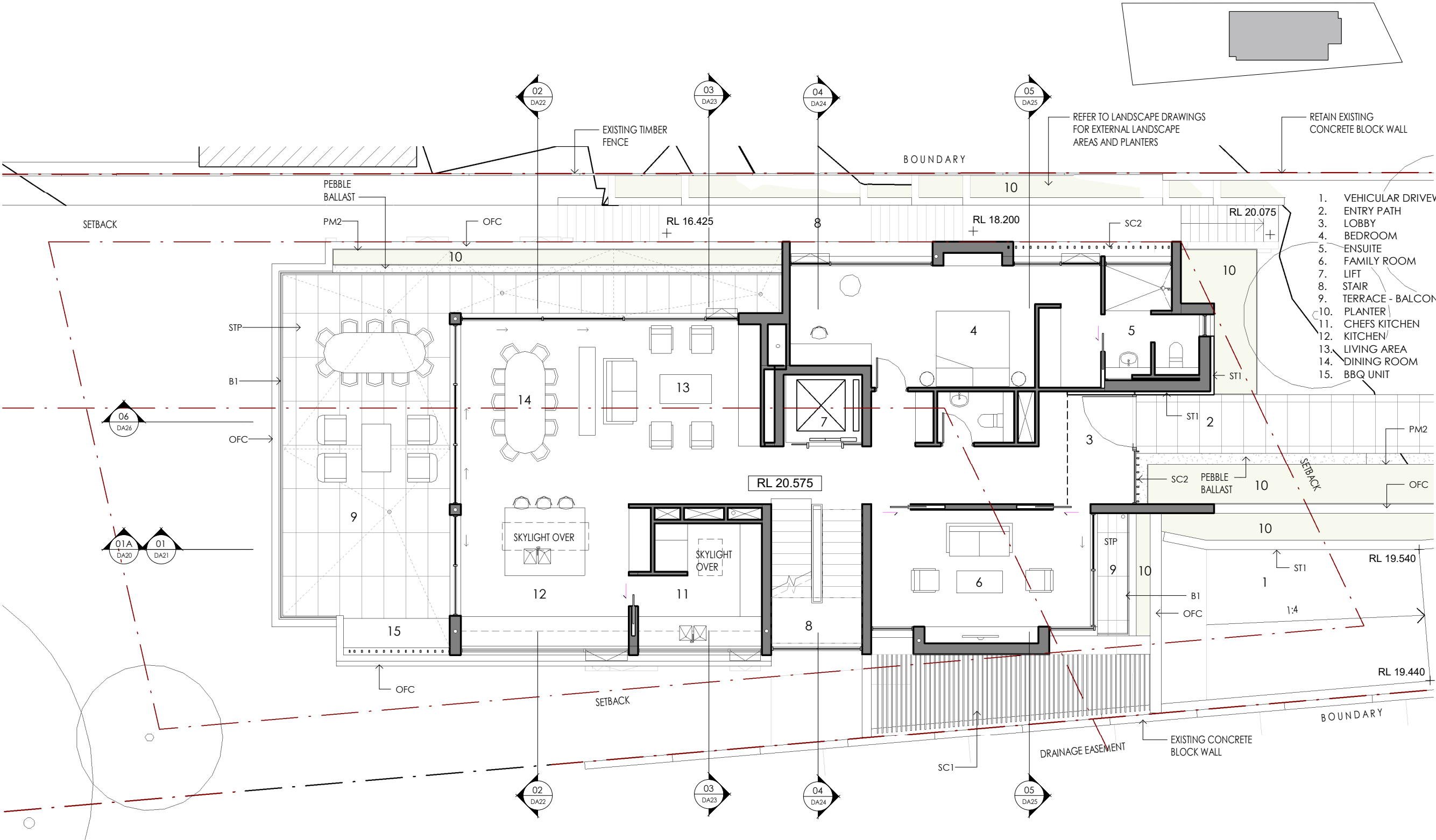


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1 : 200 @ A3

F  
Project No.  
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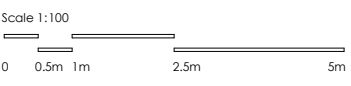




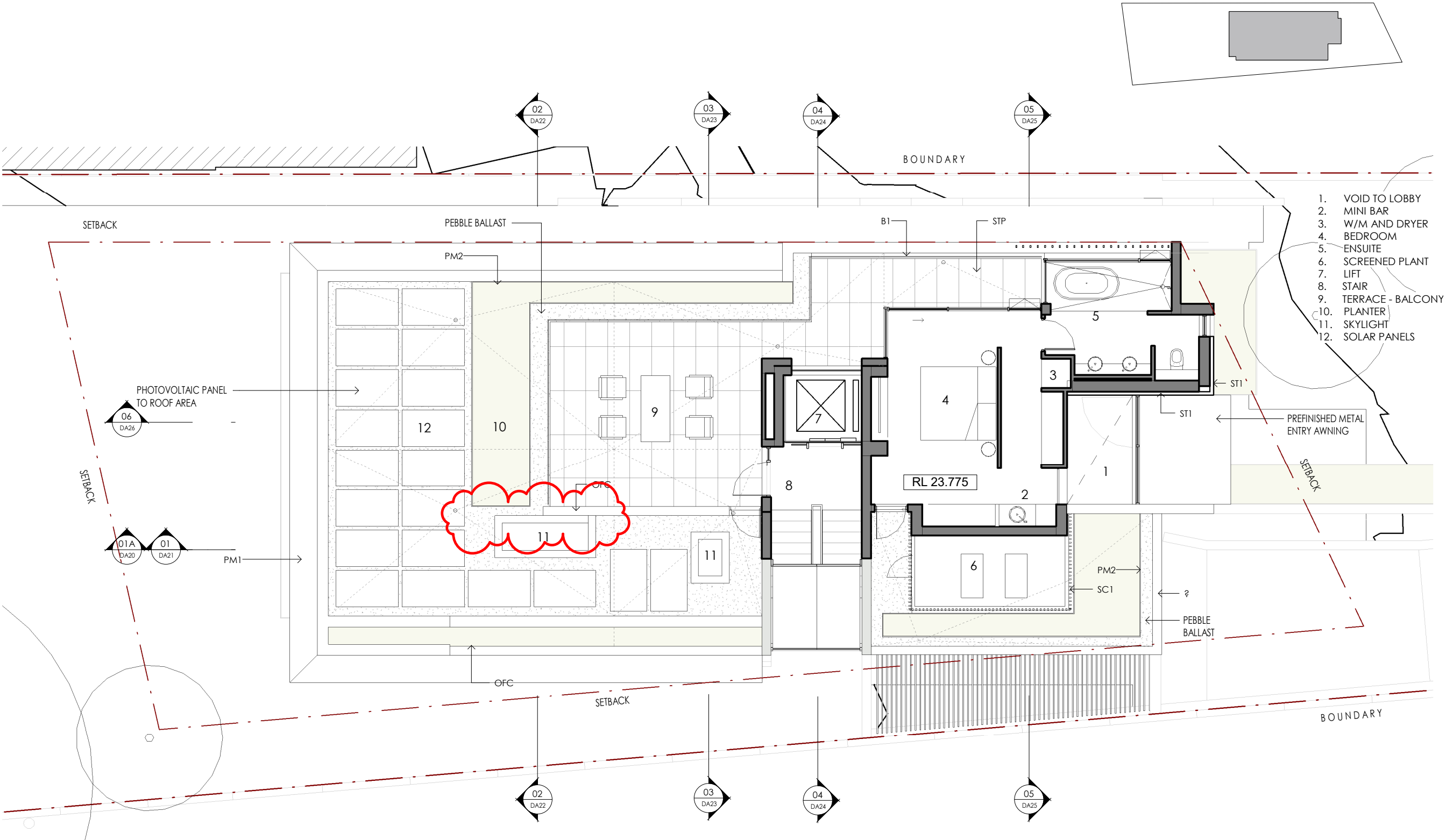
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**MR. WILLIAM XIAO**

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12 The Crescent Vaucluse NSW 2030

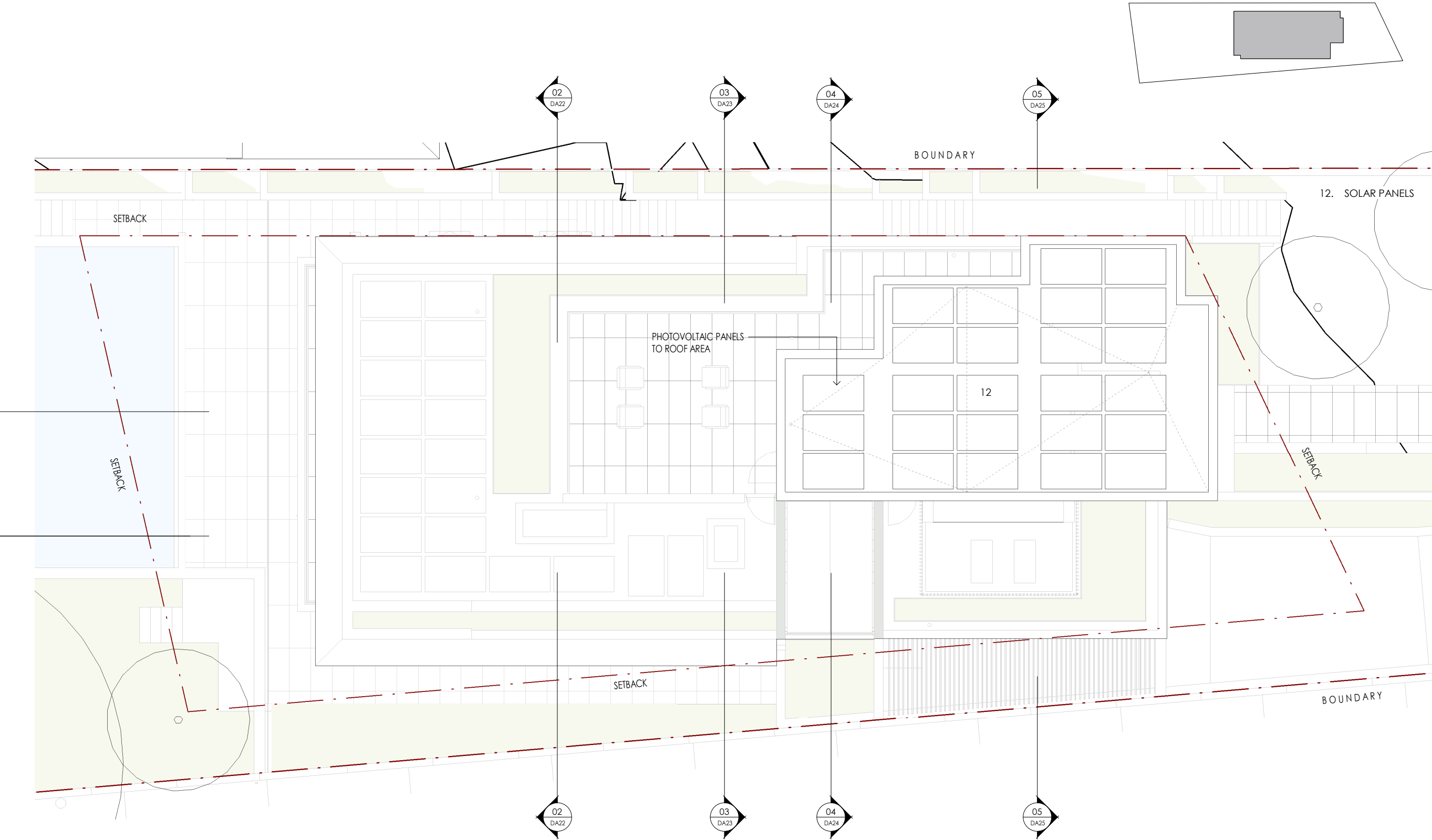
GROUND LEVEL PLAN



DA17  
1 : 100 @ A3  
F  
Project No.  
6786



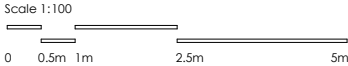




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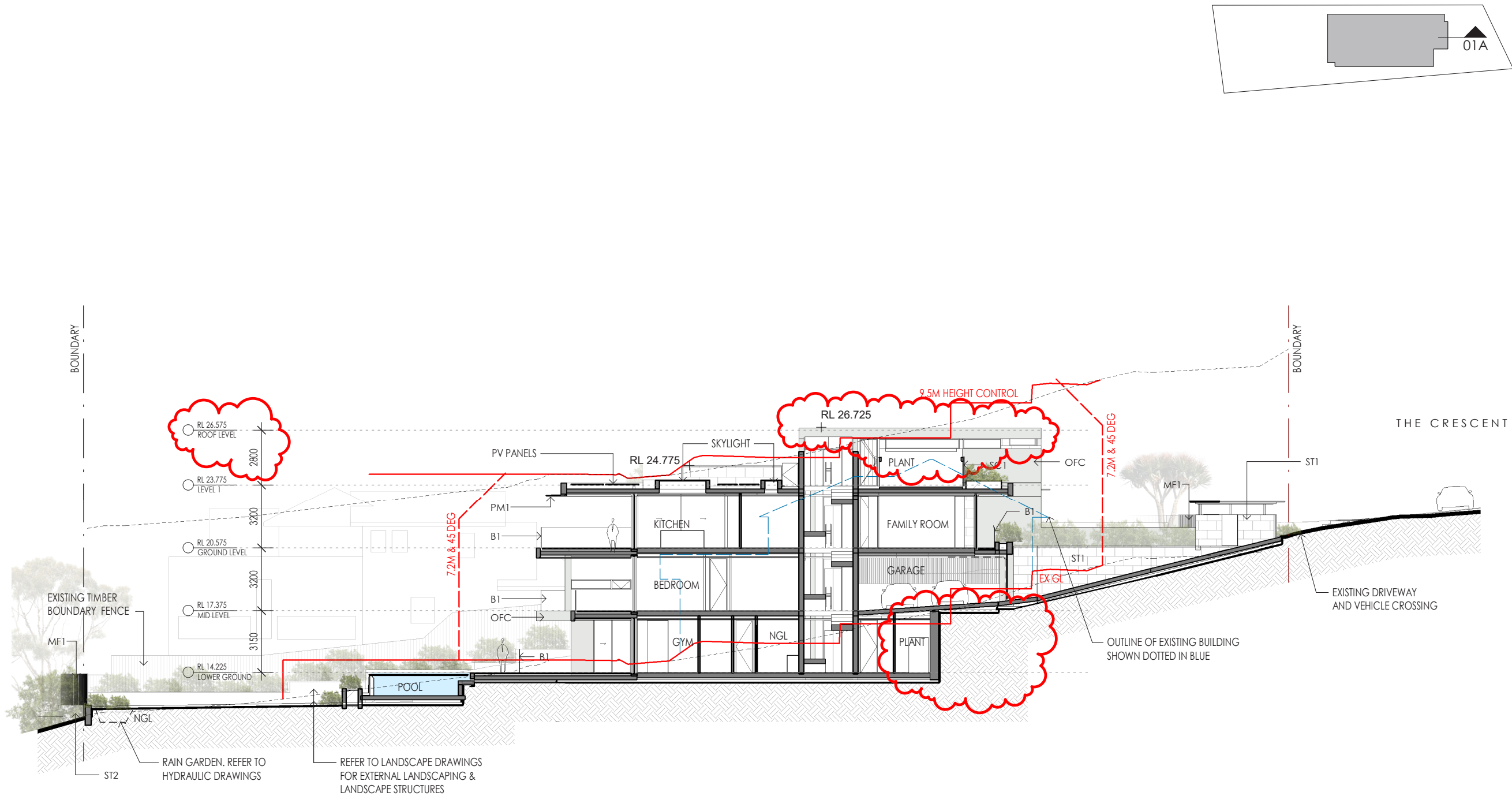
顶级私宅  
12 The Crescent Vaucluse NSW 2030

ROOF PLAN



DA19  
1 : 100 @ A3

F  
Project No.  
6786



SECTION 01A

FINISHES LEGEND

**WINDOWS**  
POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

**ENTRY DOOR**  
TIMBER PIVOT DOOR

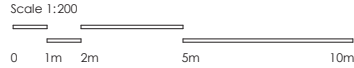
**BALUSTRADES**  
B1 FRAMELESS GLASS BALUSTRADE - CLEAR

**WALLS AND CLADDING**  
OFC OFF FORM CONCRETE - SILICATE STAIN  
ST1 STONE CLADDING - TRAVERTINE EFFECT  
ST2 RECYCLED STONE - SANDSTONE  
PF1 PAINT FINISH - EQ DULUX 'ANTIQUE WHITE'

**SCREENS**  
SC1 BATTEN SCREEN - FIXED - TIMBER EFFECT  
SC2 TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

**MISCELLANEOUS**  
PM1 PREFINISHED METAL - DARK BRONZE  
PM2 PREFINISHED METAL - DARK BRONZE  
MF1 METAL PALISADE FENCE - DARK BRONZE  
TD1 TIMBER DECKING  
STP STONE PAVING

SECTION 01A

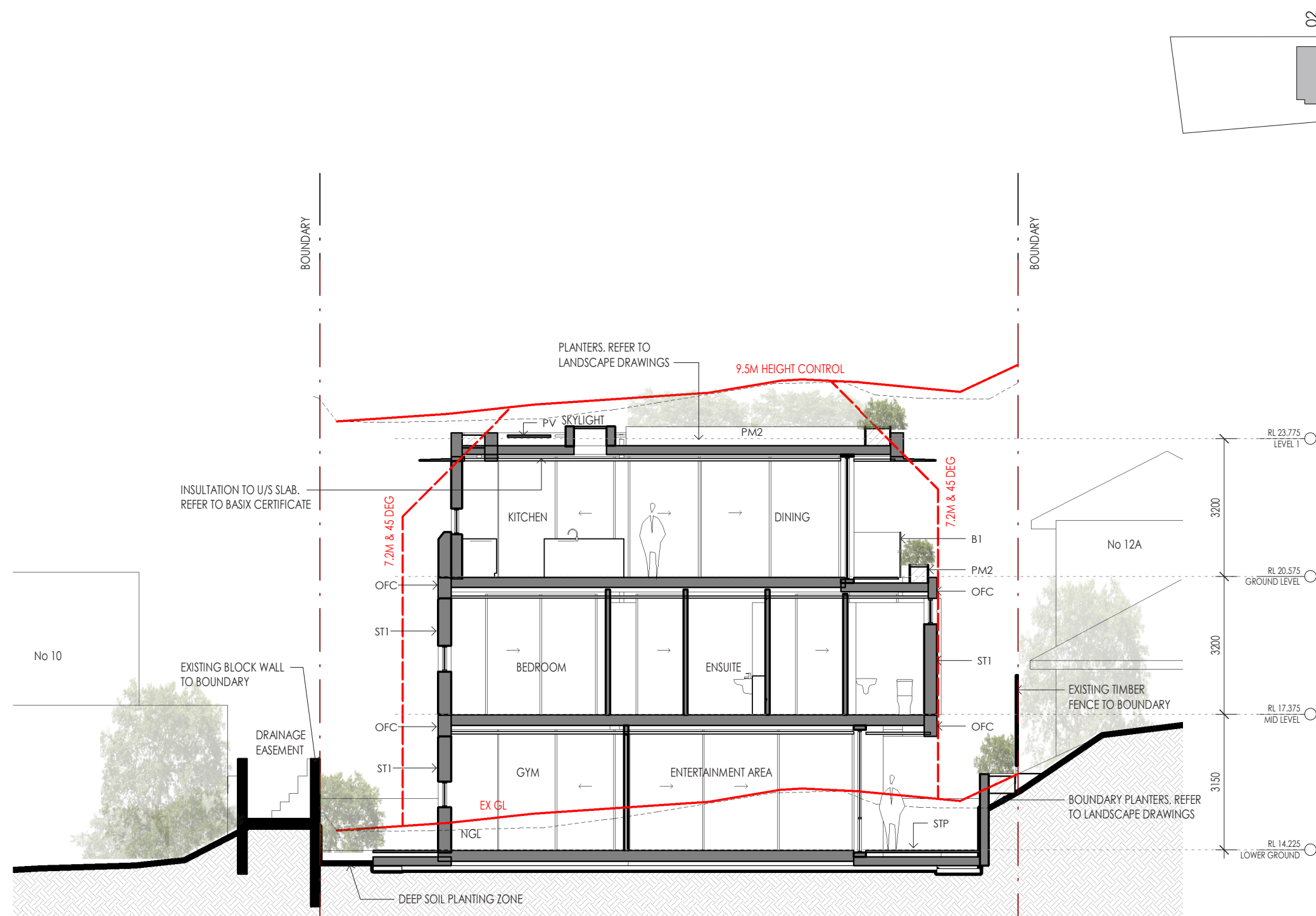


DA20  
As indicated @ A3  
F  
Project No. 6786



Scale 1:100

DA21 F  
As indicated @ A3 Project No. 6786



## SECTION 02

## FINISHES LEGEND

**WINDOWS**  
POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

**ENTRY DOOR**  
TIMBER PIVOT DOOR

**BALUSTRADES**  
B1 FRAMELESS GLASS BALUSTRADE - CLEAR

WALLS AND CLADDING		
OFC	OFF FORM CONCRETE	- SILICATE STAIN
ST1	STONE CLADDING	- TRAVERTINE EFFECT
ST2	RECYCLED STONE	- SANDSTONE
PF1	PAINT FINISH	- EQ DULUX 'ANTIQUE WHITE'

**SCREENS**

SC1	BATTEN SCREEN - FIXED - TIMBER EFFECT
SC2	TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

MISCELLANEOUS		
PM1	PREFINISHED METAL	- DARK BRONZE
PM2	PREFINISHED METAL	- DARK BRONZE
MF1	METAL PALISADE FENCE	- DARK BRONZE
TD1	TIMBER DECKING	
STP	STONE PAVING	

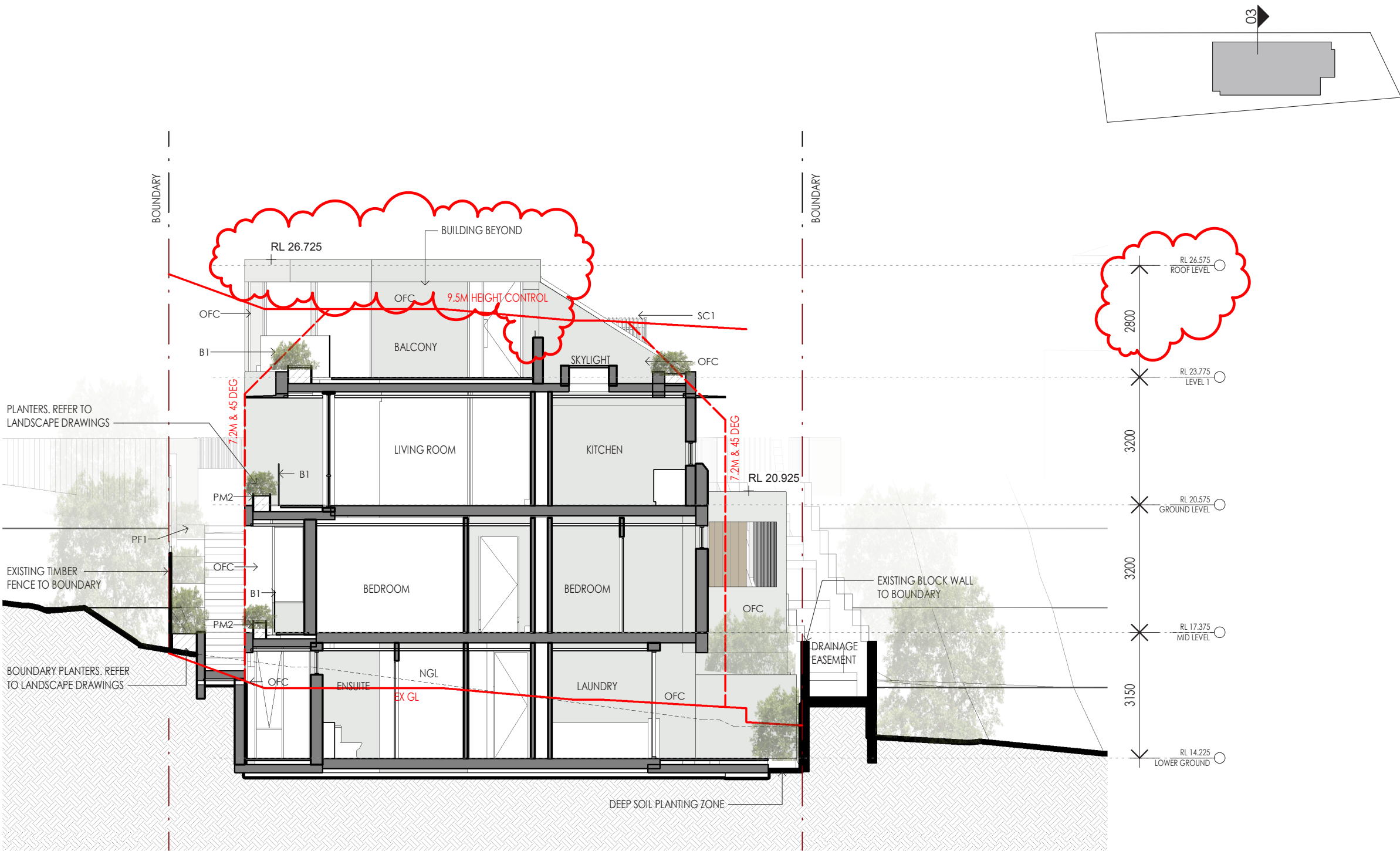
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DA22

As indicated @ A3 6

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Project No.  
6786



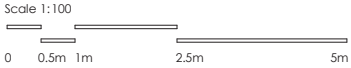


SECTION 03

FINISHES LEGEND

<b>WINDOWS</b>			<b>WALLS AND CLADDING</b>			<b>MISCELLANEOUS</b>		
POWDERCOATED ALUMINIUM FRAMES	-	DARK BRONZE	OFC	OFF FORM CONCRETE	- SILICATE STAIN	PM1	PREFINISHED METAL	- DARK BRONZE
WINDOW GLAZING - CLEAR			ST1	STONE CLADDING	- TRAVERTINE EFFECT	PM2	PREFINISHED METAL	- DARK BRONZE
<b>ENTRY DOOR</b>			ST2	RECYCLED STONE	- SANDSTONE	MF1	METAL PALISADE FENCE	- DARK BRONZE
TIMBER PIVOT DOOR			PF1	PAINT FINISH	- EQ DULUX 'ANTIQUE WHITE'	TD1	TIMBER DECKING	
<b>BALUSTRADES</b>						STP	STONE PAVING	
B1	FRAMELESS GLASS BALUSTRADE	- CLEAR						
			<b>SCREENS</b>					
			SC1	BATTEN SCREEN - FIXED - TIMBER EFFECT				
			SC2	TIMBER BATTEN EFFECT TYPE SCREEN - FIXED				

SECTION 03



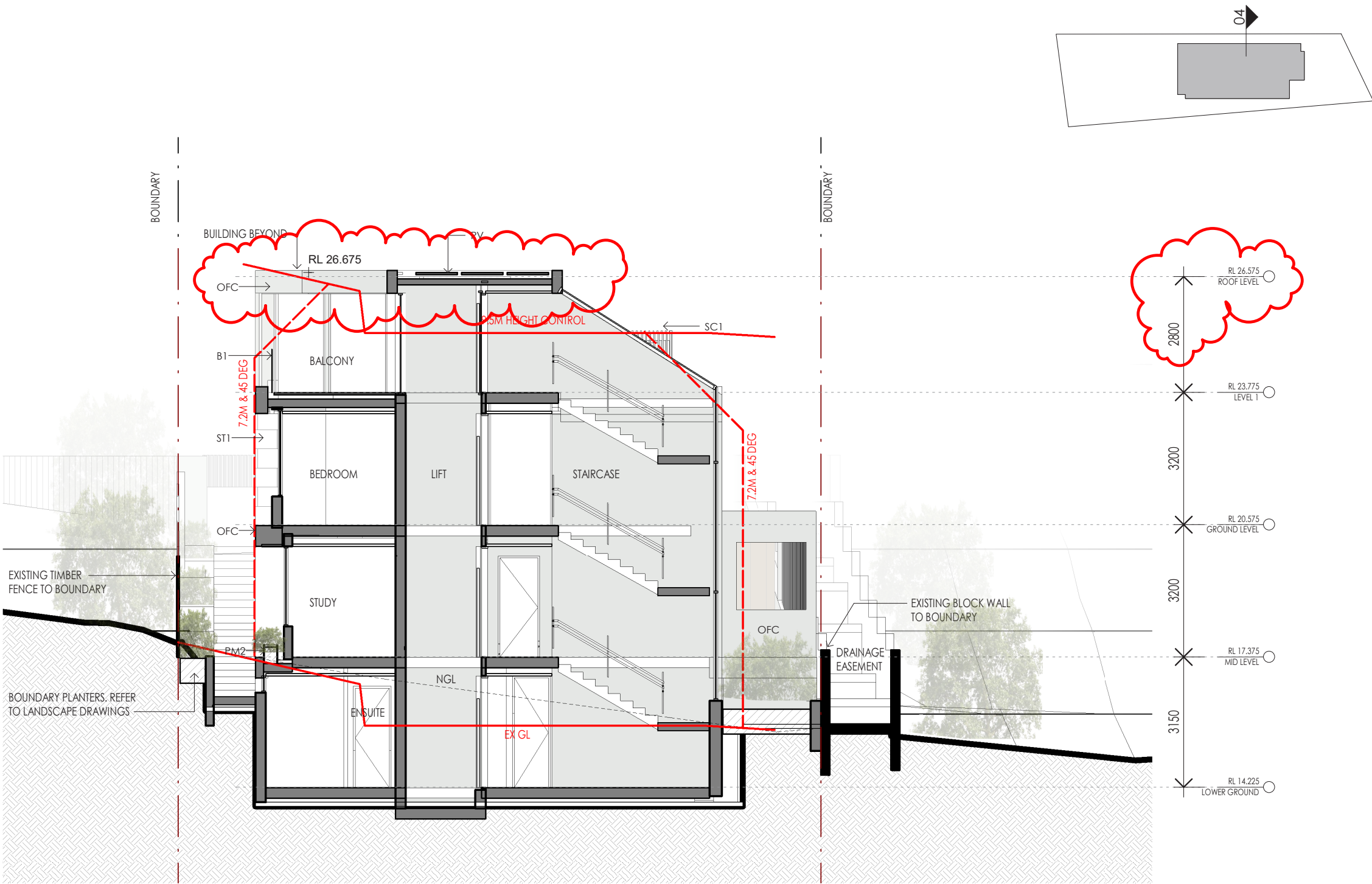
DA23  
As indicated @ A3

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Project No.  
6786

**KANNFINCH** Client  
MR. WILLIAM XIAO

顶级私宅  
12 The Crescent Vaucluse NSW 2030





SECTION 04

FINISHES LEGEND

**WINDOWS**  
POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

**ENTRY DOOR**  
TIMBER PIVOT DOOR

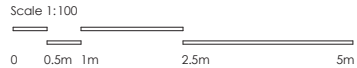
**BALUSTRADES**  
B1 FRAMELESS GLASS BALUSTRADE - CLEAR

**WALLS AND CLADDING**  
OFC OFF FORM CONCRETE - SILICATE STAIN  
ST1 STONE CLADDING - TRAVERTINE EFFECT  
ST2 RECYCLED STONE - SANDSTONE  
PF1 PAINT FINISH - EQ DULUX 'ANTIQUE WHITE'

**SCREENS**  
SC1 BATTEN SCREEN - FIXED - TIMBER EFFECT  
SC2 TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

**MISCELLANEOUS**  
PM1 PREFINISHED METAL - DARK BRONZE  
PM2 PREFINISHED METAL - DARK BRONZE  
MF1 METAL PALISADE FENCE - DARK BRONZE  
TD1 TIMBER DECKING  
STP STONE PAVING

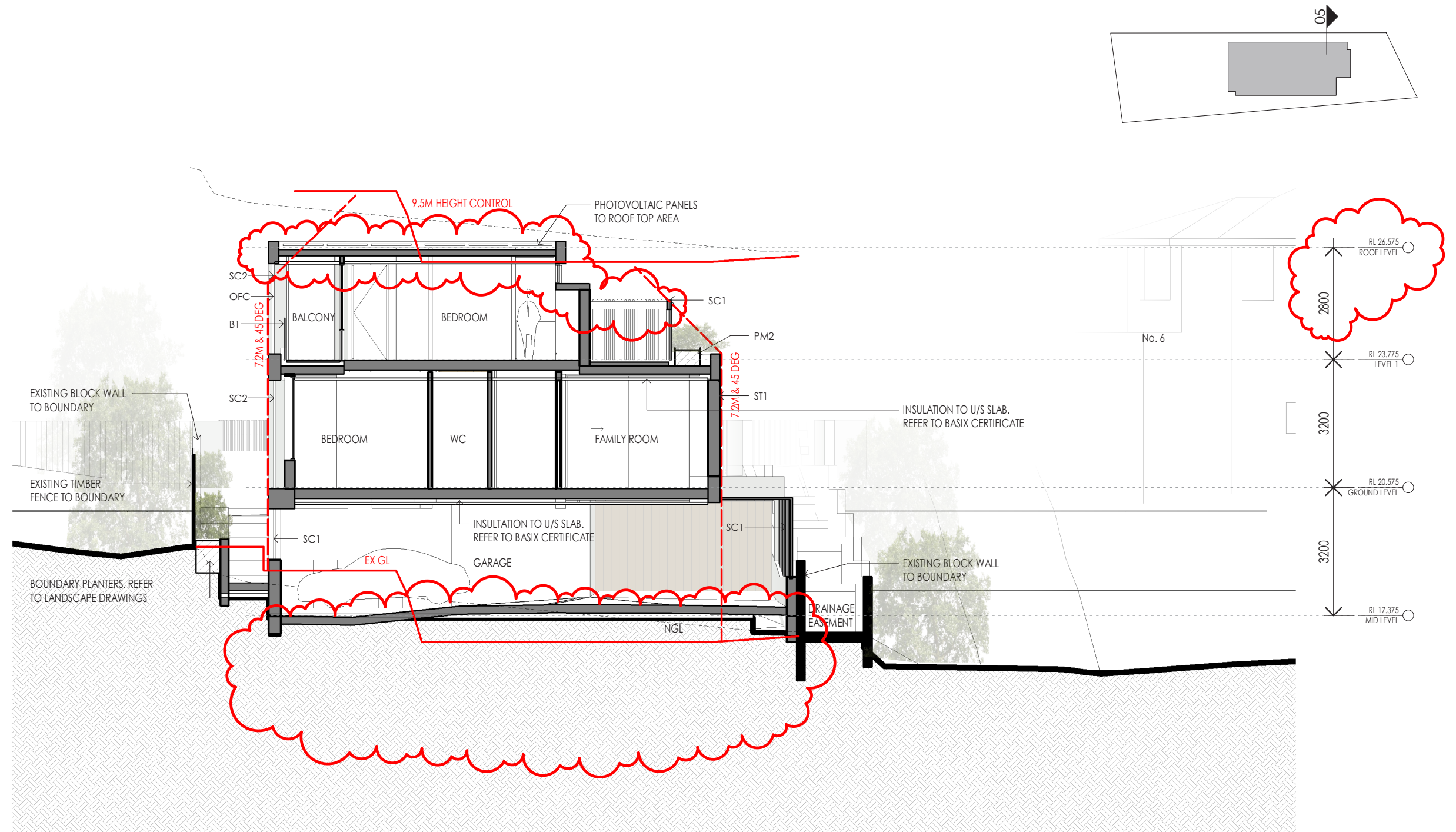
SECTION 04



DA24  
As indicated @ A3  
F  
Project No. 6786

**KANNFINCH** Client  
MR. WILLIAM XIAO

顶级私宅  
12 The Crescent Vaucluse NSW 2030



## SECTION 05

## FINISHES LEGEND

**WINDOWS**  
POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

**ENTRY DOOR**  
TIMBER PIVOT DOOR

**BALUSTRADES**  
B1 FRAMELESS GLASS BALUSTRADE - CLEAR

WALLS AND CLADDING		
OFC	OFF FORM CONCRETE	- SILICATE STAIN
ST1	STONE CLADDING	- TRAVERTINE EFFECT
ST2	RECYCLED STONE	- SANDSTONE
PF1	PAINT FINISH	- EQ DULUX 'ANTIQUE WHITE'

MISCELLANEOUS		
PM1	PREFINISHED METAL	- DARK BRONZE
PM2	PREFINISHED METAL	- DARK BRONZE
MF1	METAL PALISADE FENCE	- DARK BRONZE
TD1	TIMBER DECKING	
STP	STONE PAVING	

**SCREENS**

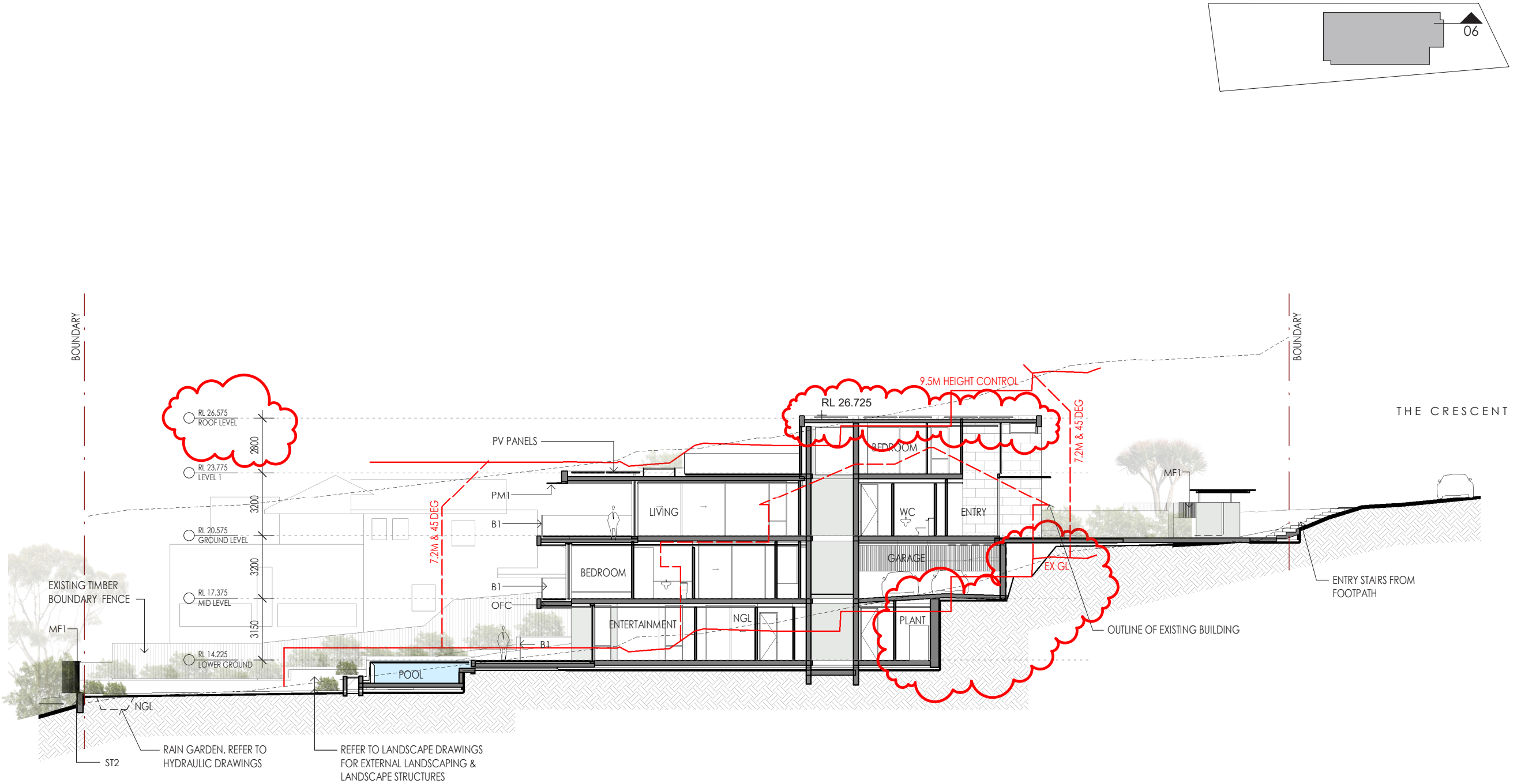
SC1	BATTEN SCREEN - FIXED - TIMBER EFFECT
SC2	TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

Scale 1:100

DA25

As indicated @ A3 6

F  
Project No.  
6786



FINISHES LEGEND

**WINDOWS**  
POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

**ENTRY DOOR**  
TIMBER PIVOT DOOR

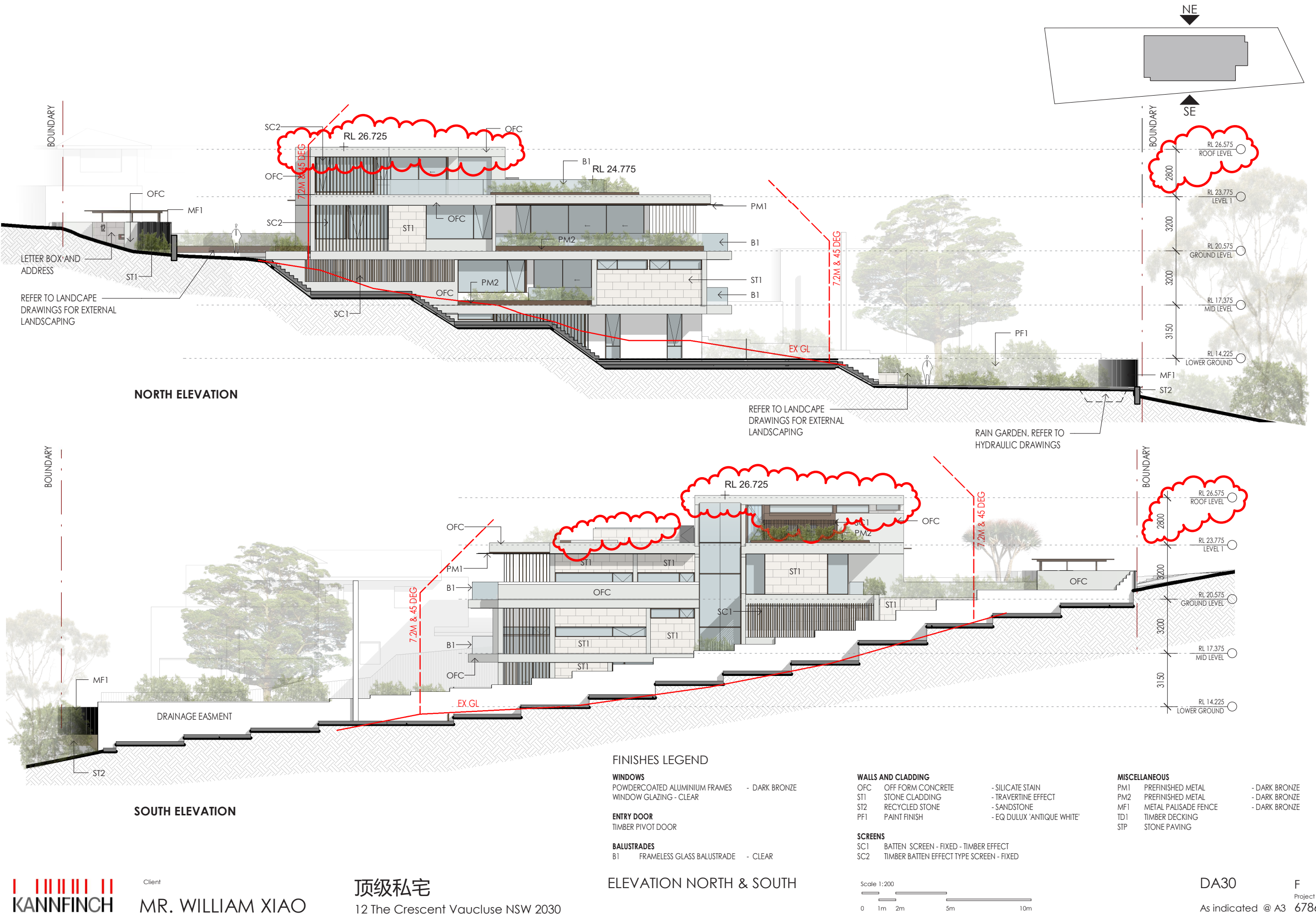
**BALUSTRADES**  
B1 FRAMELESS GLASS BALUSTRADE - CLEAR

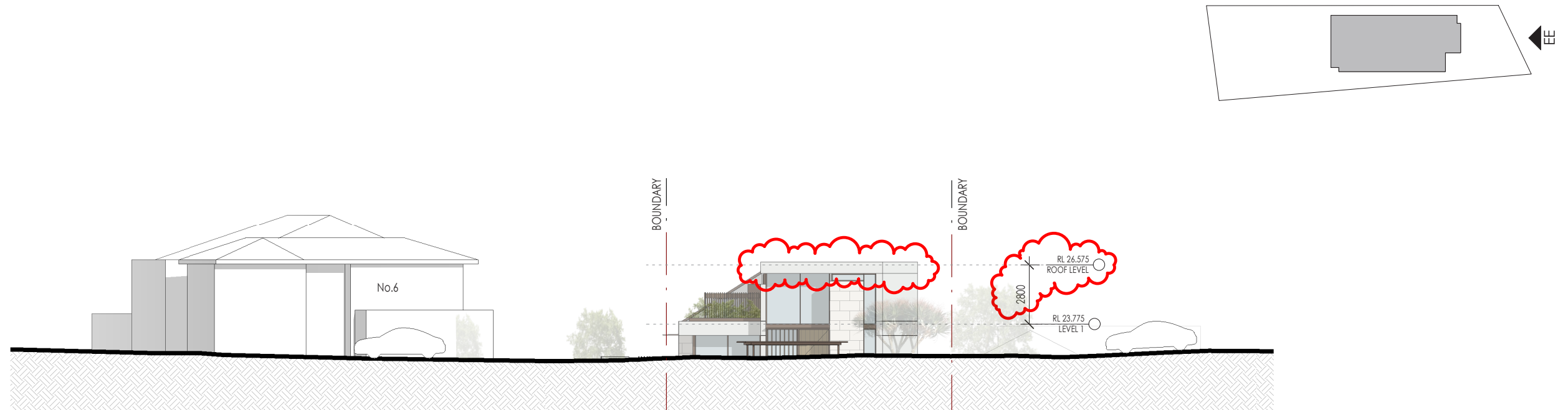
**WALLS AND CLADDING**  
OFC OFF FORM CONCRETE - SILICATE STAIN  
ST1 STONE CLADDING - TRAVERTINE EFFECT  
ST2 RECYCLED STONE - SANDSTONE  
PF1 PAINT FINISH - EQ DULUX 'ANTIQUE WHITE'

**SCREENS**  
SC1 BATTEN SCREEN - FIXED - TIMBER EFFECT  
SC2 TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

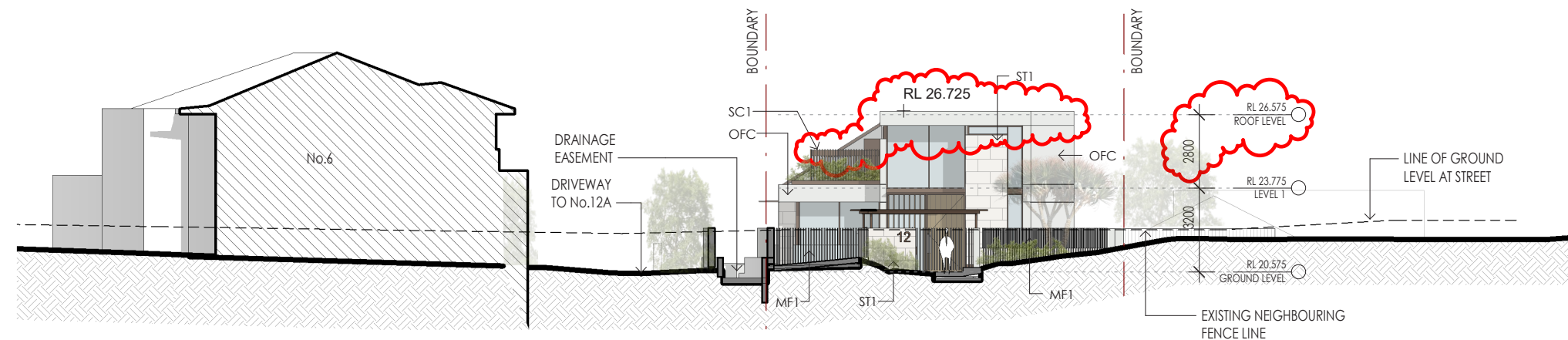
**MISCELLANEOUS**  
PM1 PREFINISHED METAL - DARK BRONZE  
PM2 PREFINISHED METAL - DARK BRONZE  
MF1 METAL PALISADE FENCE - DARK BRONZE  
TD1 TIMBER DECKING  
STP STONE PAVING







### EAST ELEVATION - STREETSCAPE



**EAST ELEVATION 01**

## FINISHES LEGEND

## WINDOWS

POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

ENTRY DOOR

TIMBER PIVOT DOOR

## BALUSTRADES

B1 FRAMELESS GLASS BALUSTRADE - CLEAR

## WALLS AND CLADDING

OFC	OFF FORM CONCRETE	- SILICATE STAIN
ST1	STONE CLADDING	- TRAVERTINE EFFECT
ST2	RECYCLED STONE	- SANDSTONE
PF1	PAINT FINISH	- EQ DULUX 'ANTIQUE WHITE'

## SCREENS

SC1 BATTEN SCREEN - FIXED - TIMBER EFFECT  
SC2 TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

## MISCELLANEOUS

MISCELLANEOUS	
PM1	PREFINISHED METAL - DARK BRONZE
PM2	PREFINISHED METAL - DARK BRONZE
MF1	METAL PALISADE FENCE - DARK BRONZE
TD1	TIMBER DECKING
STP	STONE PAVING



Client

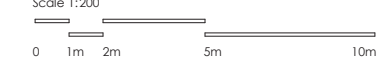
MR. WILLIAM XIAO

## 顶级私宅

12 The Crescent Vacluse NSW 2030

## ELEVATION EAST

Scale 1:200



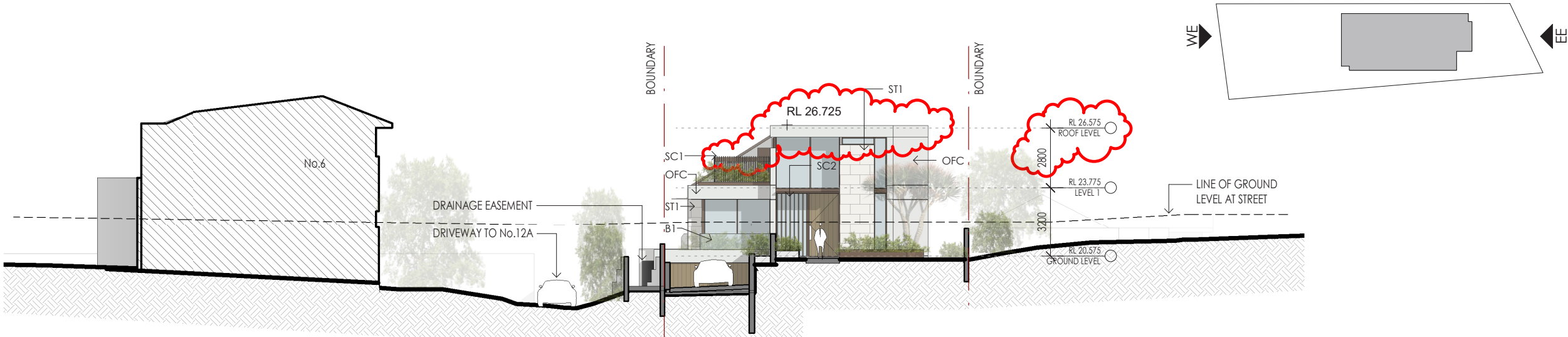
DA31

As indicated @ A3 6

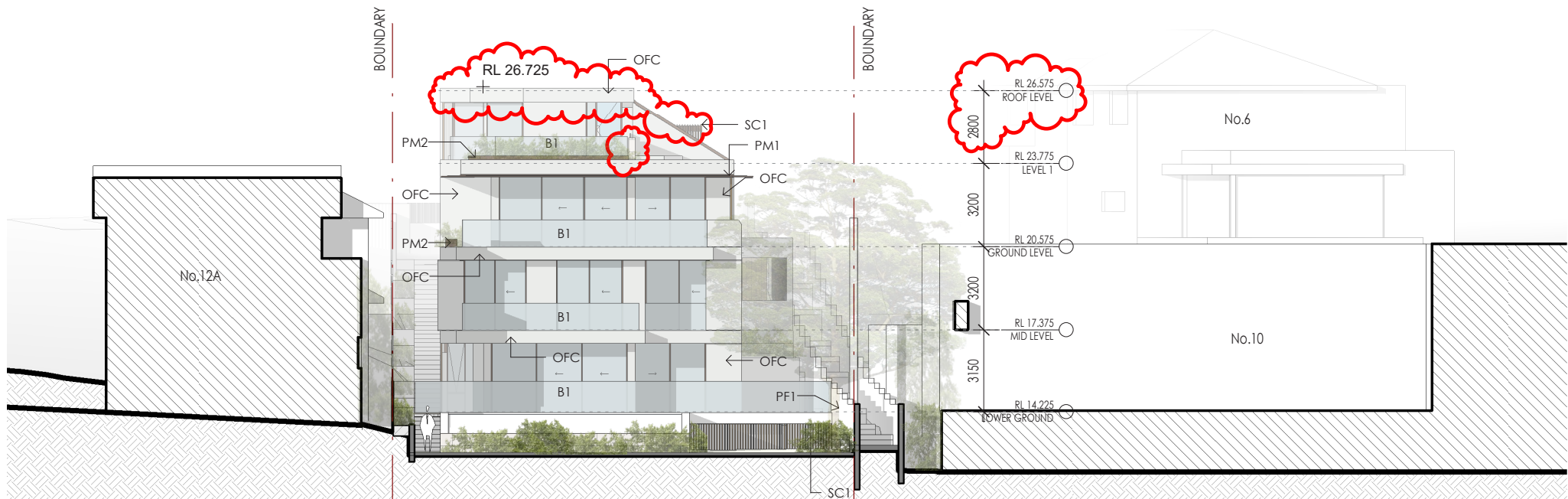
F

Project No.  
6786





EAST ELEVATION 02



WEST ELEVATION

FINISHES LEGEND

**WINDOWS**  
POWDERCOATED ALUMINIUM FRAMES - DARK BRONZE  
WINDOW GLAZING - CLEAR

**ENTRY DOOR**  
TIMBER PIVOT DOOR

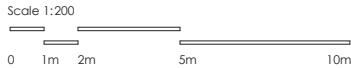
**BALUSTRADES**  
B1 FRAMELESS GLASS BALUSTRADE - CLEAR

**WALLS AND CLADDING**  
OFC OFF FORM CONCRETE - SILICATE STAIN  
ST1 STONE CLADDING - TRAVERTINE EFFECT  
ST2 RECYCLED STONE - SANDSTONE  
PF1 PAINT FINISH - EQ DULUX 'ANTIQUE WHITE'

**SCREENS**  
SC1 BATTEN SCREEN - FIXED - TIMBER EFFECT  
SC2 TIMBER BATTEN EFFECT TYPE SCREEN - FIXED

**MISCELLANEOUS**  
PM1 PREFINISHED METAL - DARK BRONZE  
PM2 PREFINISHED METAL - DARK BRONZE  
MF1 METAL PALISADE FENCE - DARK BRONZE  
TD1 TIMBER DECKING  
STP STONE PAVING

ELEVATION EAST & WEST



DA32 F  
As indicated @ A3 Project No. 6786

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MR. WILLIAM XIAO

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12 The Crescent Vaucluse NSW 2030

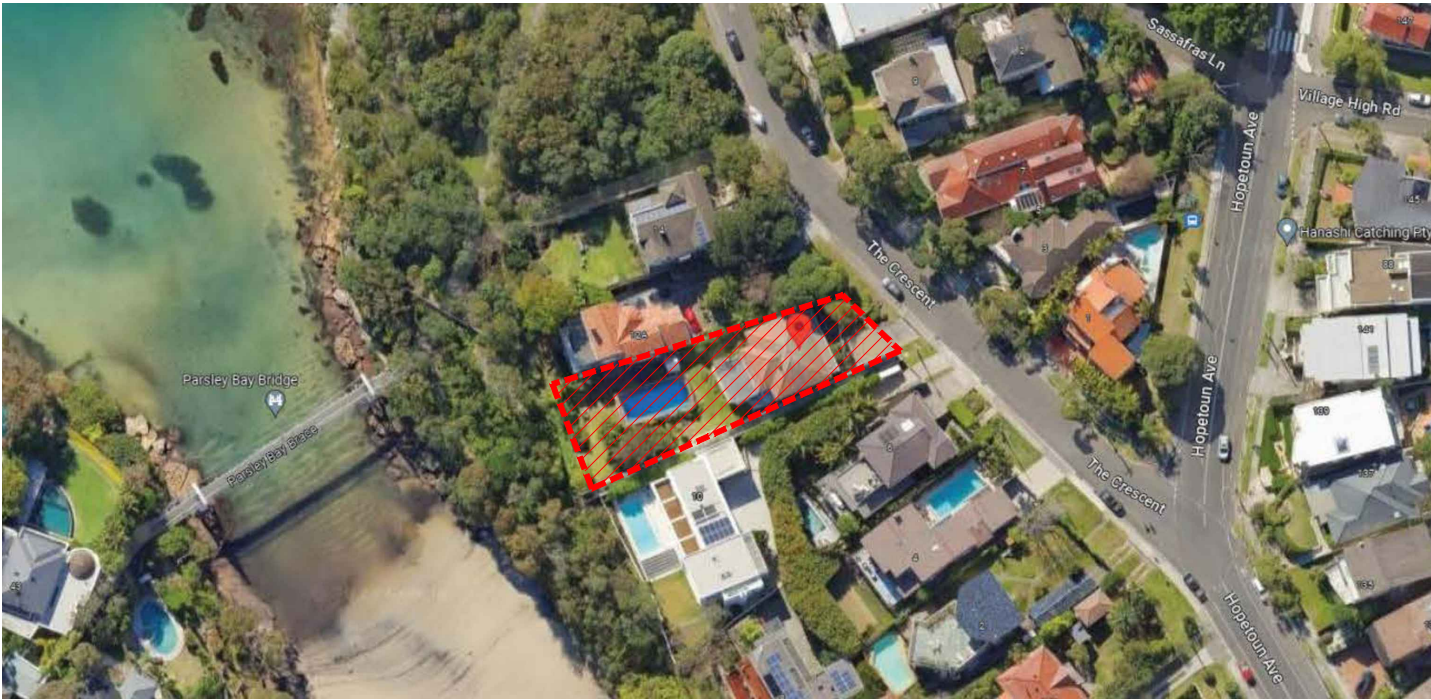
Residential Development

12 The Crescent, Vaucluse NSW 2030

Landscape Development Application

DRAWING SCHEDULE

Dwg No.	Drawing Title	Scale
000	Cover Sheet	N/A
C100	Landscape Masterplan (Render)	1:100 @ A1
100	Landscape Masterplan	1:100 @ A1
101	Landscape Plan - Lower Ground Level	1:50 @ A1
102	Landscape Plan - Mid Level	1:50 @ A1
103	Landscape Plan - Ground level	1:50 @ A1
104	Landscape Plan - Level 1	1:50 @ A1
500	Landscape Specification / Plant Schedule	N/A
501	Landscape Details	As Shown



Location Plan | N.T.S.

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B	Issue for Approval
A	Issue for Approval
Issue	Revision Description

BS	RS	15.08.2023
PH	RS	25.08.2023
Drawn	Check	Date

Legend

Key Plan

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Australia  
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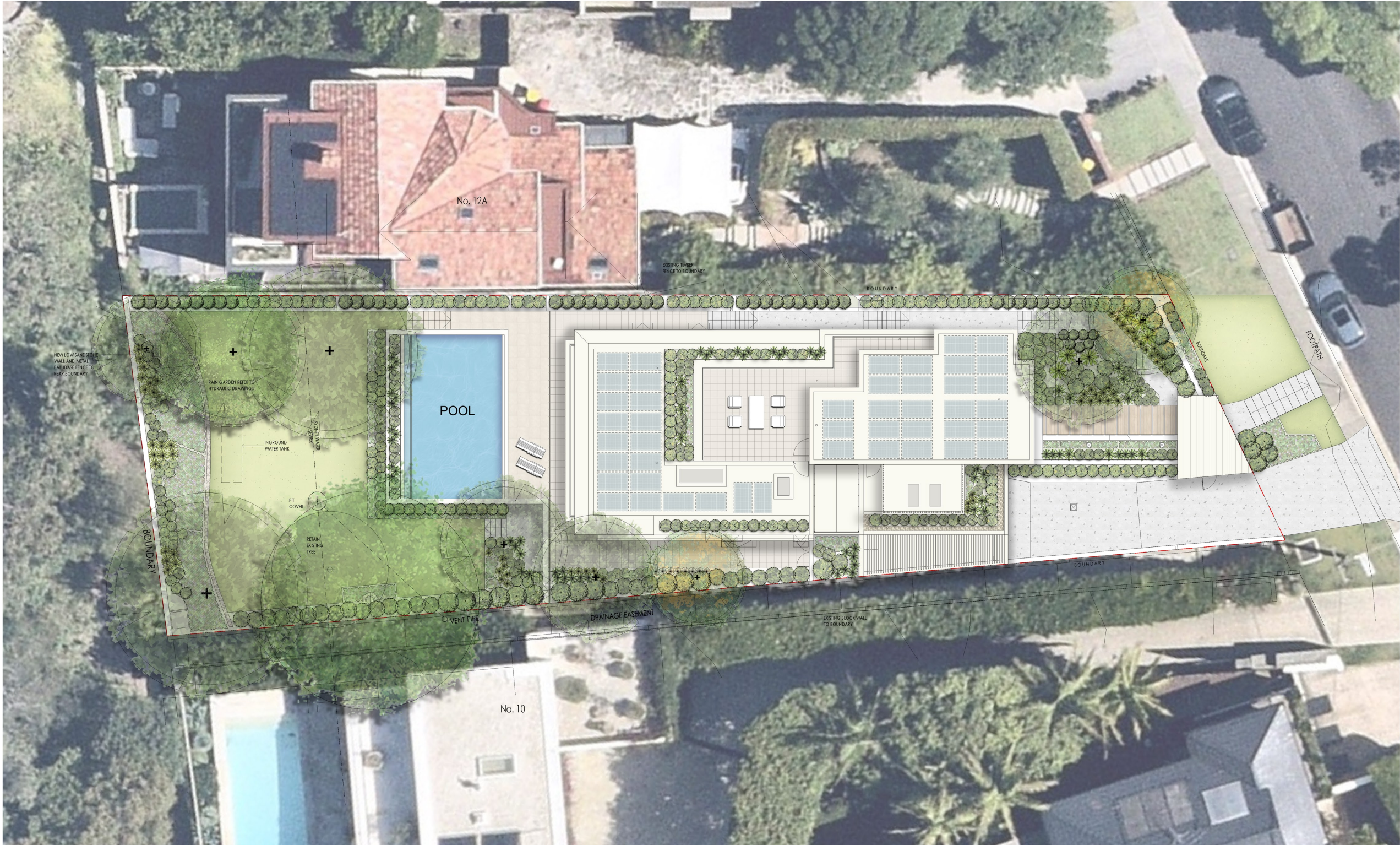
Client  
Mr. William Xiao

Project  
Residential Development  
12 The Crescent  
Vaucluse NSW 2030

Drawing Name  
Cover Sheet

DEVELOPMENT APPLICATION  
Scale 1:100 @ A1  
Job Number  
SS23-5196  
Drawing Number  
000  
Issue  
B





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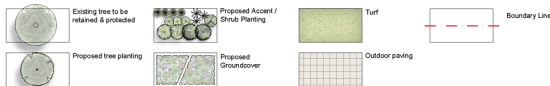
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Drawn	Check	Date

Legend



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Client

Mr. William Xiao

Project

Residential Development  
12 The Crescent  
Vaucluse NSW 2030

Drawing Name

Landscape Masterplan  
(Colour)

DEVELOPMENT APPLICATION

Scale 1:100 @ A1

Job Number

SS23-5196

0 1 2 3 4 5m

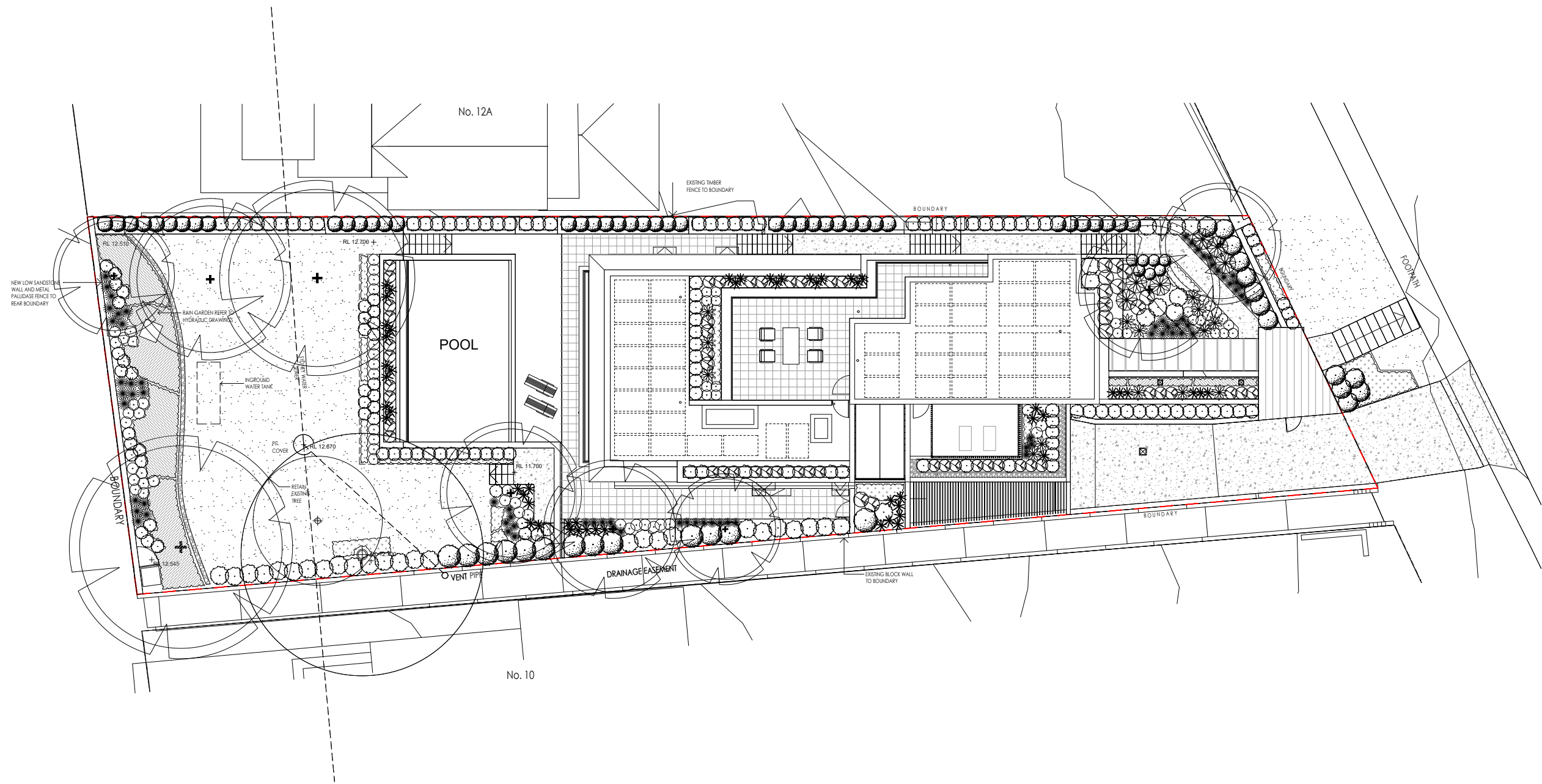
Drawing Number

C100

Issue

C





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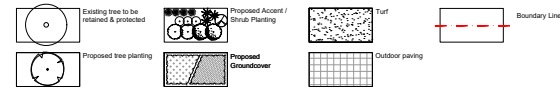
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Issue	Revision Description

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PH	RS	25.09.2023
Drawn	Check	Date

Legend



Key Plan



SITE IMAGE



Client

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Project

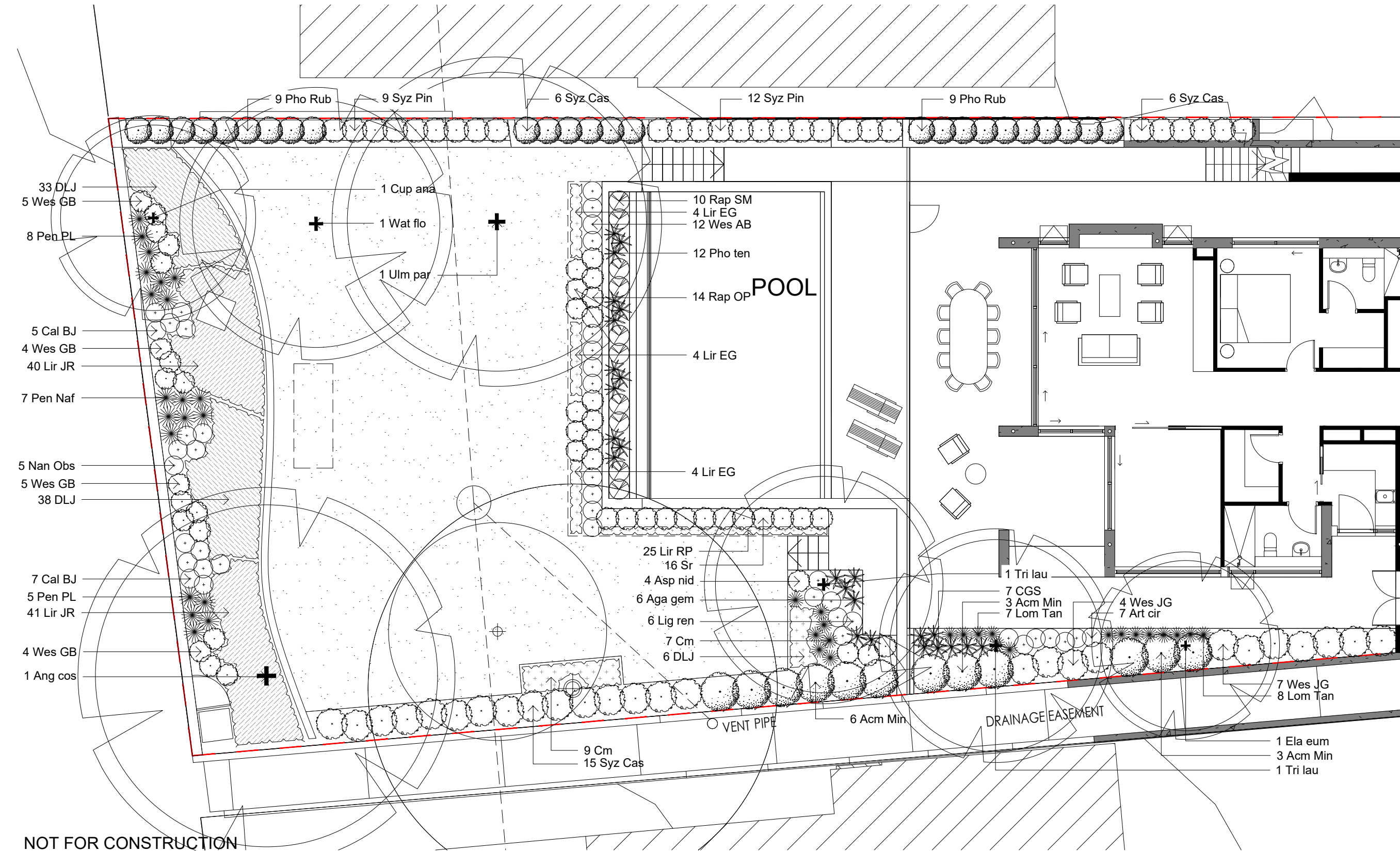
Residential Development  
12 The Crescent  
Vaucluse NSW 2030

Drawing Name

Landscape Masterplan

DEVELOPMENT APPLICATION

Scale 1:100 @ A1  
Job Number  
SS23-5196  
Drawing Number  
100  
Issue  
C



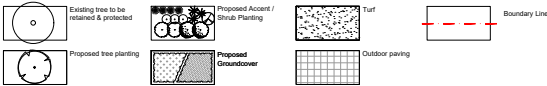
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A	Issue for Approval
Issue	Revision Description

BS	RS	29.08.2023
BS	RS	15.08.2023
PH	RS	29.08.2023
Drawn	Check	Date

Legend



Key Plan

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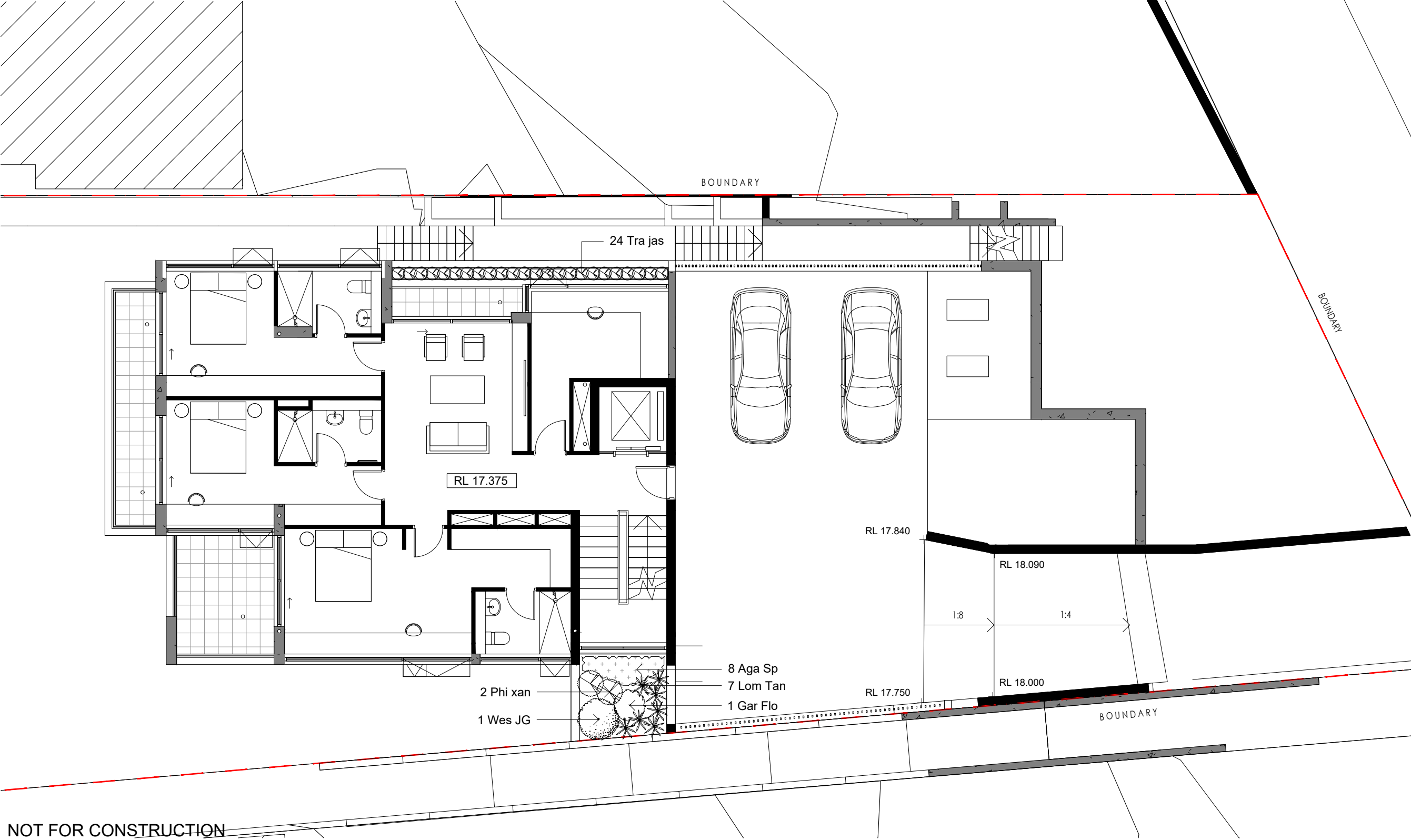
Project  
Residential Development  
12 The Crescent  
Vaucluse NSW 2030

Drawing Name  
Landscape Plan  
- Lower ground floor

DEVELOPMENT APPLICATION

Scale 1:50 @ A1  
Job Number  
SS23-5196  
Drawing Number  
101  
Issue  
C





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C	Issue for Approval	BS	RS	29.08.2023
B	Issue for Approval	BS	RS	15.08.2023
A	Issue for Approval	PH	RS	29.08.2023
Issue	Revision Description	Drawn	Check	Date

Legend

Key Plan



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Client  
**Mr. William Xiao**

Project  
**Residential Development  
12 The Crescent  
Vaucluse NSW 2030**

Drawing Name  
**Landscape Plan  
- Mid level**

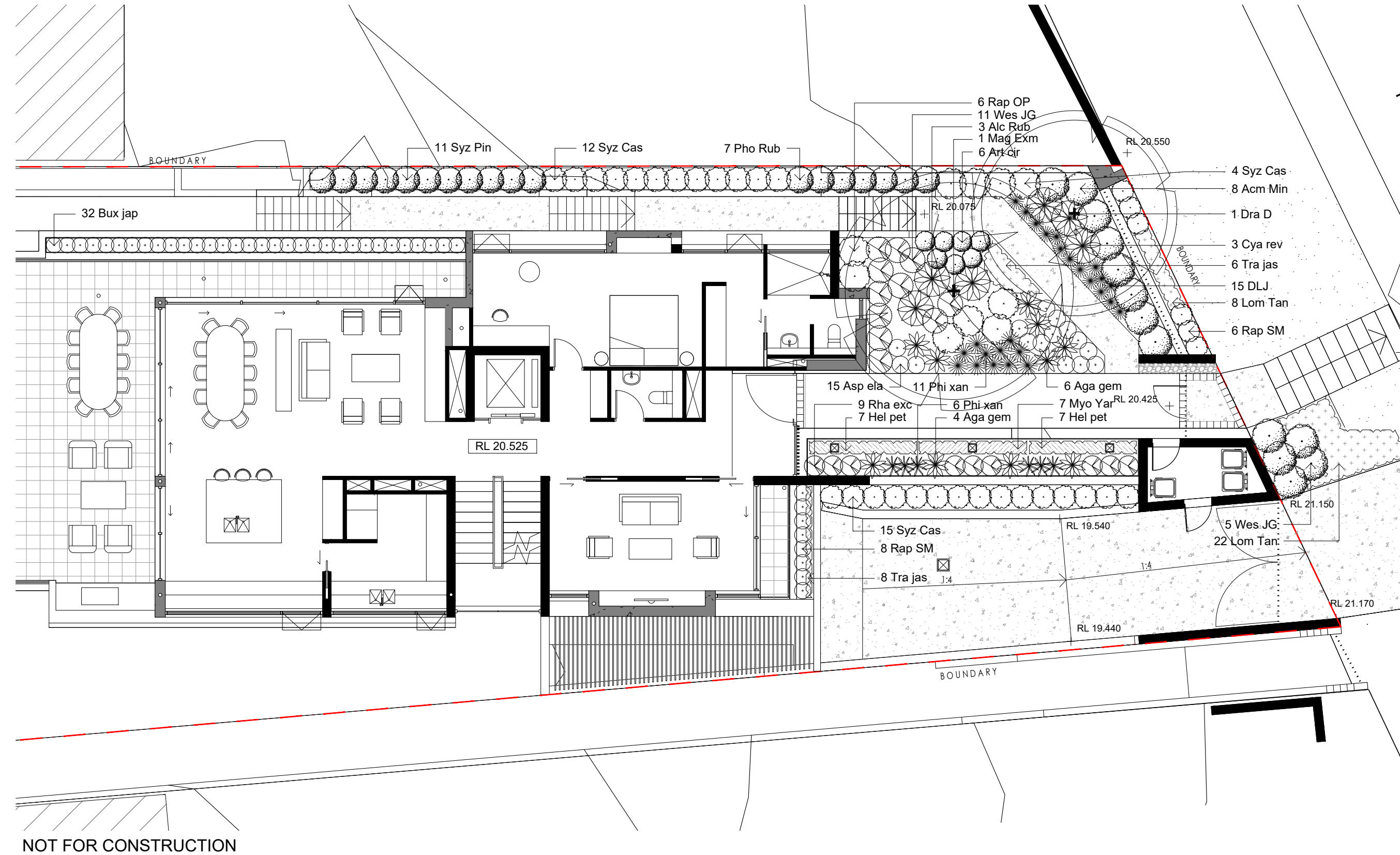
DEVELOPMENT APPLICATION

Scale 1:50 @ A1

Job Number  
**SS23-5196**

Drawing Number  
**102**

Issue  
**C**



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C	Issue for Approval	BS	RS	29.08.2023
B	Issue for Approval	BS	RS	14.08.2023
A	Issue for Approval	PH	RS	29.08.2023
Issue	Revision Description	Drawn	Check	Date

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Client  
**Mr. William Xiao**

Project  
**Residential Development**  
**12 The Crescent**  
**Vaucluse NSW 2030**

Drawing Name  
**Landscape Plan**  
**- Ground floor**

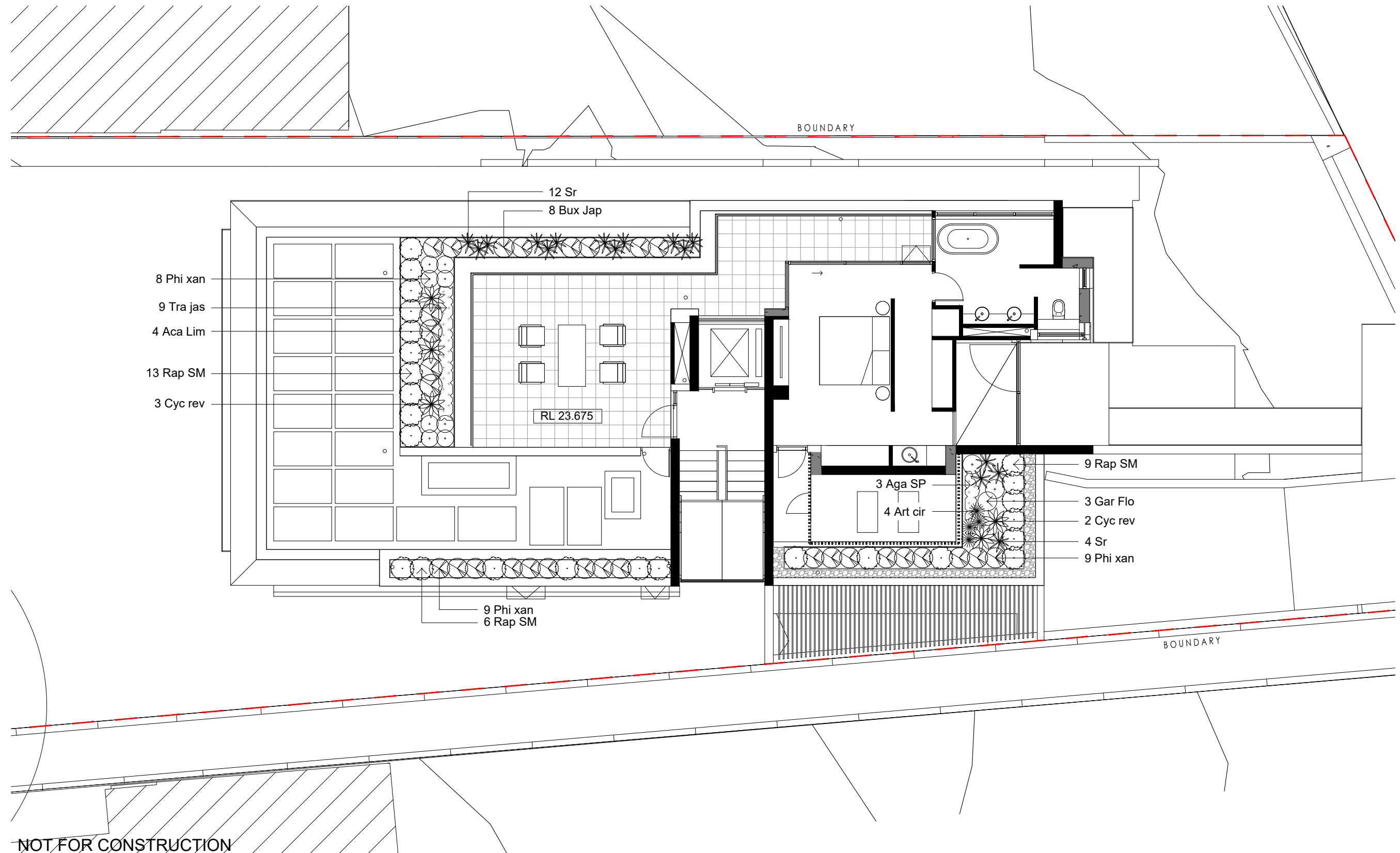
DEVELOPMENT APPLICATION

Scale 1:50 @ A1

Job Number  
**SS23-5196**

Drawing Number  
**103**

Issue  
**C**



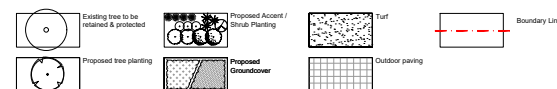
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Issue	Revision Description

BS	RS	29.09.2022
BS	RS	15.09.2022
PH	RS	25.08.2022
Drawn	Check	Date

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### Key Plan



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Client  
**Mr. William Xiao**

Project  
**Residential Development  
12 The Crescent  
Vaucluse NSW 2030**

Drawing Name  
Landscape Plan  
- Level 1

DEVELOPMENT APPLICATION

Scale 1:50 @ A1

Job Number SS23-5196

Drawing Number 104

Issue C



# SPECIFICATION

## GENERAL NOTES

### References

All plans and details included in the project documents shall be read in conjunction with this specification. All structural and civil works components of the landscape design shall be referenced to engineers' details and specifications. Read this specification in conjunction with the plant and materials schedules on the drawings. If in doubt about any detail or if conflicts are found in the documents, seek advice.

### Workmanship and Materials

The whole of the landscape works shall be carried out by a competent, trained and qualified landscape contractor who is experienced in horticultural practices, landscape construction and planting techniques. The landscape contractor shall hold a current Building Contractors License and/or be a financial member of LNA Landscape Association NSW & ACT or equivalent organisations in other states.

## EXISTING TREES AND SHRUBS

### Trees and Shrubs to be Retained and Protected

Identify and mark trees and shrubs to be retained using a suitable non-injurious, easily visible and removable means of identification. Protect from damage the trees and shrubs to be retained, including those beyond the site area, both above and below the ground. If a tree becomes damaged during the works or it is proposed to perform work on a tree, give written notice immediately and obtain instructions.

### Work Near Trees and Shrubs

Keep the area of the drip-line free from construction material and debris. Do not place bulk materials and harmful materials under foliage canopies or near trees. Do not place spoil from excavations against tree trunks. Prevent wind-blown building materials, such as cement, from covering trees and other plants. Do not remove topsoil from, or add topsoil to, the area within the drip-line of trees.

## EARTHWORKS

### Excavation, Trimming and Filling

Except as otherwise noted in the contract, bulk excavation is excluded from the landscape works. After the completion of bulk excavation by others, trim and fill the excavated ground surfaces to achieve design levels to accommodate finished materials as detailed. Prepare the sub-grade surface as required for the various finished ground treatments.

### Site Drainage

Keep the excavated works drained and free of standing water. Allow to supply and install sub-soil drainage pipes as required for the new works to ensure that all gardens are well drained. Connect the sub-soil drainage pipes to the nearest downstream stormwater pits. Include pipe filter socks and coarse sharp aggregate backfilling of trenches.

## HARDWORKS

### Furniture, Handrails, Balustrades

Supply and install the scheduled items in accordance with the manufacturer's recommendations, as detailed and in the locations shown on plan. Provide all footings and fixings required for the items to be stable and in accordance with applicable codes and standards.

- Balustrades: Equal to Stainform ONYX 50 316 Satin SS
- Handrails: Equal to Stainform ONYX 50 316 Satin SS
- Bench Seats: Teak timber TBS

### Garden Walls, Fences, Steps, TGSi and Edging

Construct garden walls, fences, steps, TGSi and edging as shown on plan, as detailed and of the material scheduled. Provide footings, step nosings, tactile surfaces to comply with Australian Standards and applicable legislation. Refer to engineer's details for structural retaining walls, concrete stairs, concrete strength, reinforcing and joint placement.

### Continuous, Unit and Loose Pavement

Install the scheduled material pavement to the locations shown on plan. Ensure that all subgrade/subsurface works are complete prior to commencing paving. Confer with the engineer to ensure the structural integrity of the subgrade. Ensure that the base course under paved surfaces is a continuous plane offering a constant depth of bedding material not exceeding 50mm. If laying unit pavers in a cement mortar bed on a concrete sub-base ensure that joints in paving match the location of joints in the concrete. Refer to engineer's details for heavy duty slabs, concrete stairs, concrete strength, reinforcing, and joint type and placement.

- Insitu concrete paths: Wood float coated finish, tool edged.
- Path joints: Construction joints at 3000mm centres max.

### Landscape Structures

All landscape structures shall have a common appearance in detail and material content while providing for the functional design requirements. The structure of all elements shall consist of a base frame of structural grade hardwood timber of sizes that sustain spans and maintain stability. Refer to drawn details for further information.

## SOFTWARES

### Site Soil Testing

Where site soil is to be retrieved from site and stored on site for reuse, undertake at least two (2) soil tests in locations as advised by the Project

Manager or as shown on the plans. Provide results and recommendations regarding soil additives for the benefit of healthy plant growth and to adjust the soil components to achieve an appropriate planting medium for successful plant development. Where topsoil is imported to site no testing of the imported soil is necessary but ensure that imported soil can be supplied with test data to verify that it suits the design plants.

### Subsoil

Excavate and/or fill all garden beds to bring the top of subsoil to at least 300mm below finished design soil levels. Excavate all turf areas to bring the subsoil to at least 100mm below finished design levels. In all areas shape the subsoil to fall to subsoil drains where applicable. Do not excavate within the drip line of trees and shrubs to be retained. Cultivate or rip the subsoil to a further depth of 100mm before placing top soil. Remove stones of size exceeding 25mm, clods of earth exceeding 50mm, and weeds, rubbish or other deleterious material brought to the surface during cultivation. Do not disturb services or existing tree roots. If necessary, cultivate these areas by hand. During cultivation, thoroughly mix in materials required to be incorporated into the subsoil, as recommended in the soil testing results and to manufacturer's recommendations. Trim the surface to design levels again after cultivation.

### Subsoil Drainage

Provide and install subsoil drainage equal to Vinidex 65mm (min) Draincoil with filter sock at the base of slopes, on the high side of paths, at the base behind retaining walls and where water is likely to accumulate at depth in the soil. Connect all subsoil drainage to the nearest downstream stormwater pit to ensure that subsoil water is managed and channelled to a stormwater drainage system. On sites with cross fall of less than 1:50 install subsoil drains to remove excess water from the subsoil in areas where water is likely to accumulate and may not penetrate lower strata naturally. Rip the sub-base surface 150mm deep before placing any soil. Install drainage pipes in subsoil trenches backfilled with 10mm blue metal (basally) equal to ANL Blue Metal.

Coordinate the connection of subsoil drains to stormwater pits with the Civil or Hydraulic contractor.

### Topsoil

Import topsoil for the garden and turf areas, unless the topsoil can be provided from material recovered from the site, as recommended in the soil testing results. Spread the topsoil on the prepared subsoil and grade evenly, compact lightly and uniformly in 150mm layers. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:

- Finished to design levels, allowing for mulch or turf, which is to finish flush with adjoining hard surfaces such as paths and edges;
- Smooth and free from inorganic matter, stones or clods of soil;
- Graded to drain freely, without ponding, to catchment and/or sub-soil drains;
- Graded evenly to adjoining surfaces; and
- Ready for planting.

### Compost

Provide, in accordance with AS 4454, well rotted vegetative material or animal manure, free from harmful chemicals, inorganic matter, grass, weeds and the reproductive parts of unwanted plants.

### Fertiliser

Provide proprietary fertilisers, delivered to the site in sealed containers marked to show manufacturer or vendor, weight, fertiliser type, N:P:K ratio, recommended uses, application rates and safety procedures. Apply appropriate fertiliser suited to the provenance of plants (indigenous or exotic) included in the design.

### Plants

- Supply plants in accordance with the landscape design drawings and schedules, which have the following characteristics:
- Pruning;
- Large healthy root systems, with no evidence of root curl, restriction or damage;
- Vigorous, well established, free from disease and pests, of good form consistent with the species/variety;
- Hardened off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site in full sun, partial shade or full shade conditions;
- Grown in final containers for not less than twelve weeks;
- Trees, unless required to be multi-stemmed, shall have a single leading shoot; and
- Containers shall be free from weeds and of appropriate size in relation to the specified plant size.

### Plant Installation

Following excavation of the planting hole, place and spread 15gms of wetting agent pre-mixed with one (1) litre of water. Place the plant correctly orientated to north or for best presentation. Backfill the planting holes with specified topsoil mixture. Lightly tamp and water to eliminate air pockets. Ensure that the backfill soil is not placed over the top of the root ball and that the root ball is not higher than the soil in which it is planted. Apply fertiliser, as specified around the plants in the soil at the time of planting.

### Embankment Stabilisation

Where necessary and shown on the drawings prevent soil erosion or soil movement by stabilising embankments as follows. As a minimum, this should be on slopes steeper than or equal to 1:3 gradient. Stabilise embankments using biodegradable fibre reinforced heavy weight jute fabric. Lay fabric from top to bottom of slope. Install in accordance with manufacturer's specification, including 300 x 300mm anchor trench at top and bottom of slope, backfilled with soil over the fabric and compacted into the trenches. Using U-shaped galvanised steel pegs at 1000 mm centres generally and 250mm centres at edge overlaps, secure the fabric to the prepared soil surface. Plant through

the fabric after it is installed.

### Root Barrier

Supply and install root control barriers to all new tree plantings adjacent to walls, paths, kerbs and all service trenches, where their proximity poses a threat to the stability of the built infrastructure. Install in accordance with manufacturer's recommendations.

### Mulch

Unless noted otherwise, mulch shall be approved proprietary recycled wood fibre or pine bark material. Place mulch in all garden beds to a depth of 75mm after all specified plants are installed. Keep mulch clear of all plant stems and rake to an even plane, flush with the surrounding surfaces evenly graded between design surface levels. Over fill to allow mulch to settle to the specified depth.

### Stakes and Ties

Stakes shall be durable hardwood, straight, free of knots and twists, pointed at one end, in the following quantities and sizes for each of the various plant pot sizes:

- Plants >25 lt: 1 off 38 x 38 x 1200mm;
- Semi-advanced plants >75 lt: 2 off 50x50x 1800mm;
- Advanced plants >100 lt: 3 off 50 x 50 x 2400mm.

### Turf

Turf shall be delivered to site as 25mm minimum thick cut rolls. Obtain turf from a specialist grower of cultivated turf. Turf shall have an even thickness, free from weeds and other foreign matter. Deliver turf to the site within 24 hours of being cut and lay it within 24 hours of delivery. Prevent it from drying out between cutting and laying. Lay the turf in the following manner:

- In stretcher pattern, joints staggered and close butted;
- Parallel long sides of level areas, with contours on slopes; and
- To finish flush, after lightly tamping, with adjacent finished surfaces and design levels.

Species: *Stenotaphrum secundatum* Sir Walter Soft-leaf Buffalo.

## IRRIGATION

Scope: Unless otherwise noted or instructed irrigate all planted areas shown on plans including planters, tubs, gardens, turf and the like. The irrigation system shall be an automatic permanent system, with an irrigation controller self operated via a soil moisture sensor. The system shall be calibrated to deliver the optimum rate and volume of water appropriate to the type of plants in the design. The system shall be adjustable and fully serviceable. The layout of the entire irrigation system shall focus on delivering the required amount of water to maintain healthy and vigorous growth. The irrigation system shall be such that, component theft, vandalism, over-spray and wetting of paths shall be reduced to a minimum or eliminated with the use of drip, pop-up sprinklers and judiciously placed fixed spray emitters. Generally, do not use fine mist emitters that provide a drifting mist that may wet paths and the buildings unless specifically required by the design.

The Landscape Contractor shall engage a qualified irrigation consultant to design the system, document all components, accessories and materials for review by the Landscape Architect prior to starting landscape works generally.

## LANDSCAPE MAINTENANCE

The Landscape Contractor shall rectify defects during installation and that become apparent in the works under normal use for the duration of the contract Defects Liability Period. Unless contracted otherwise, the Landscape Contractor shall maintain the contract areas by the implementation of industry accepted horticultural practices for 52 weeks from Practical Completion of the works. The landscape maintenance works shall include, but not be limited to:

- Replacing failed plants;
- Pruning;
- Insect and pest control;
- Fertilising;
- Maintaining and removing stakes and ties;
- Maintaining mulch;
- Mowing and top dressing;
- Irrigation and watering;
- Erosion control, and
- Weeding and rubbish removal.

### Maintenance Log Book

Implement and keep a maintenance log book recording when and what maintenance work has been undertaken and what materials, actions and decisions have been used, implemented and concluded to keep the landscape always looking its best. Enter data daily and review information every 2 weeks. Observe trends and develop a maintenance regime around seasonal and observed event occurrences.

### Maintenance Activities

During the defect maintenance period schedule the following activities to occur on a timely basis.

**Plant replacement** - Replace plants that have failed to mature, die or are damaged. Replacement plants shall be in a similar size and quality and identical species or variety to the plant that has failed. Replacement of plants shall be at the cost of the landscape contractor unless advised otherwise. If the cause of the failure is due to a controllable situation then correct the situation prior to replacing plants. Observe and replace failed plants within 2 weeks of observation.

**Pruning** - Prune dead wood, broken limbs, dead or infected foliage and as needed to develop strong, healthy plants to achieve the shape and form expected of the plant type. Observe daily and prune plants as necessary to

maintain acceptable growth habit.

### Insect, disease and pest control

- Avoid spraying:

- If ever possible;
- In wet weather or if wet weather is imminent;
- If target plants are still wet after rain;
- In windy weather; and
- If non-target species are too close.

Immediately report to the Project Manager any evidence of intensive weed infestation, insect attack or disease amongst plant material. Submit all proposals to apply chemicals and obtain approval before starting this work. When approved, spray with herbicide, insecticide, fungicide as appropriate in accordance with the manufacturers' recommendations. Observe daily and act as necessary to control any infestation or disease. Record in the logbook all relevant details of spraying activities including:

- Product brand / manufacturer's name,
- Chemical / product name,
- Chemical contents,
- Application quantity and rate,
- Date of application and location,
- Results of application, and
- Use approval authority.

### Fertilising

Fertilise gardens with a proprietary slow release fertiliser applied in accordance with the manufacturer's directions and recommendations. Apply 6-12 monthly. Record in the logbook all relevant details of fertilising including:

- Product brand / manufacturer's name,
- Fertiliser / product name,
- Application quantity and rate, and
- Date of application and location.

**Stakes and ties** - Adjust and replace as required to ensure plants remain correctly staked. Remove those not required at the end of the planting establishment period (Defects Liability Period). Inspect and act at least every 2 weeks.

**Maintaining mulch** - Maintain the surface in a clean, tidy and weed free condition and reinstate the mulch as necessary to ensure correct depth as specified. Observe weekly and replenish mulch as required.

**Mowing and top dressing** - Mow the turf to maintain a grass height of between 30-50mm. Do not remove more than one third of the grass height at any one time. Remove grass clippings from the site after each mowing. Top dress to a maximum of 10mm to fill depressions and hollows in the surface. Mow weekly/fortnightly in warmer months. Mow monthly or as required in cooler months. Top dress at approximately 6 monthly intervals.

**Irrigation and watering** - Maintain the irrigation system to sure that each individual plant receives the required amount of water to maintain healthy and vigorous growth. Adjust and calibrate as required. Provide additional watering, if necessary but inspect irrigation weekly and make repairs as necessary.

**Erosion control** - Where necessary, maintain the erosion control fabric in a tidy and weed free condition and reinstate as necessary to ensure control measures are effective where deemed necessary. Inspect every 2 weeks and act to repair any damage as soon as possible.

**Weeding and rubbish removal** - During the plant establishment period remove by hand, rubbish and weed growth that may occur or re-occur throughout all planted, mulched and paved areas. The contractor shall target weeds that are capable of producing a major infestation of unwanted plants by seed distribution. Whenever possible, time weed removal to precede flowering and seed set. Constant observation and removal of weeds is essential.

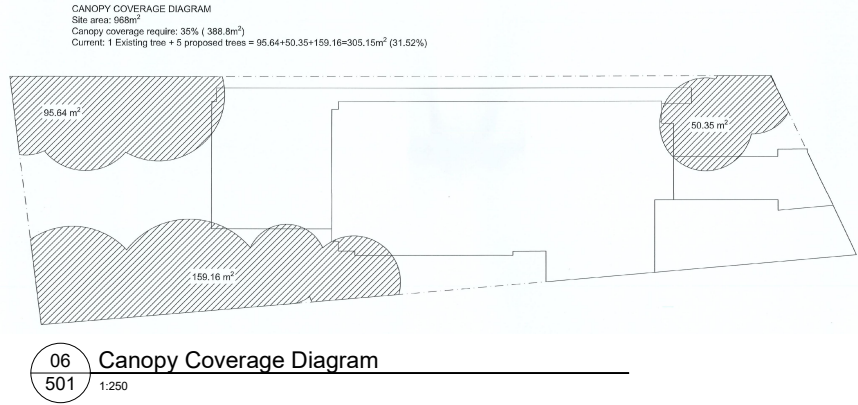
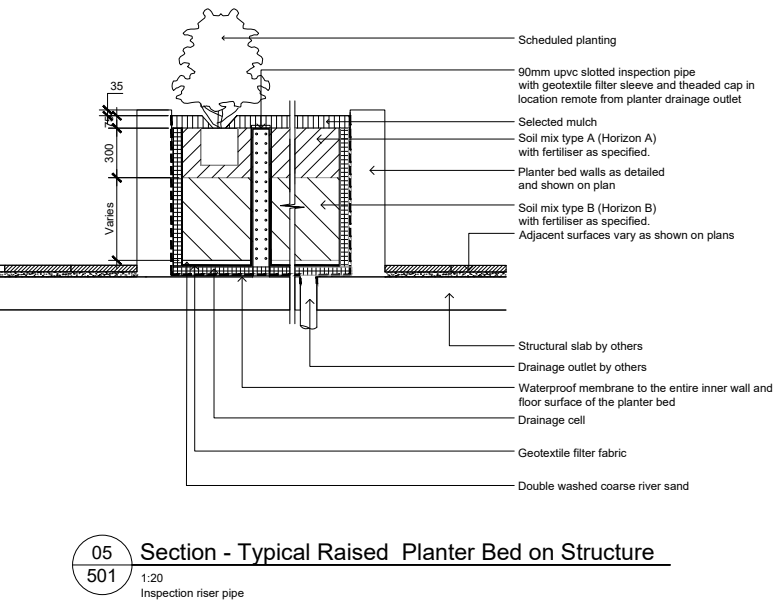
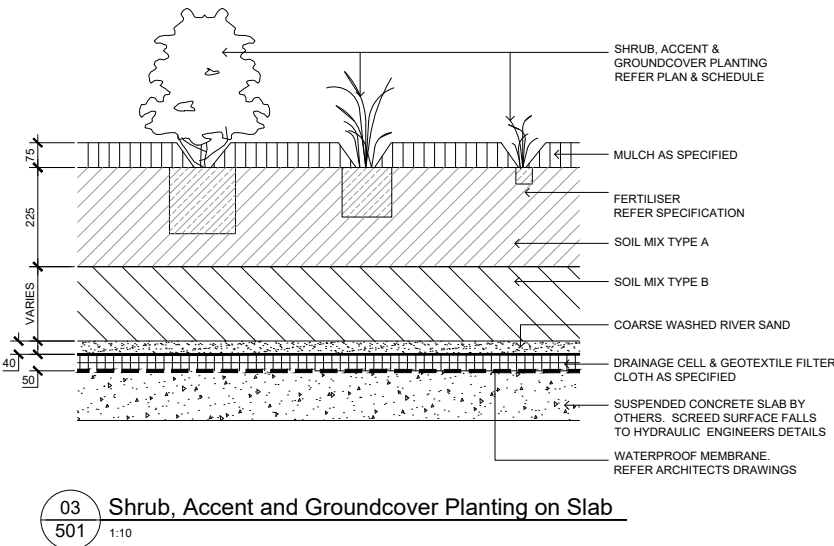
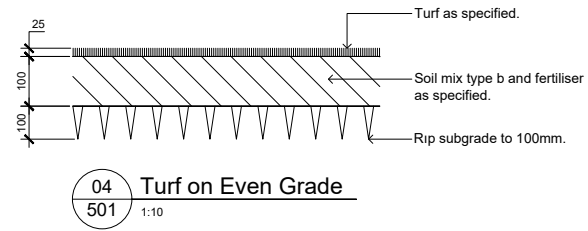
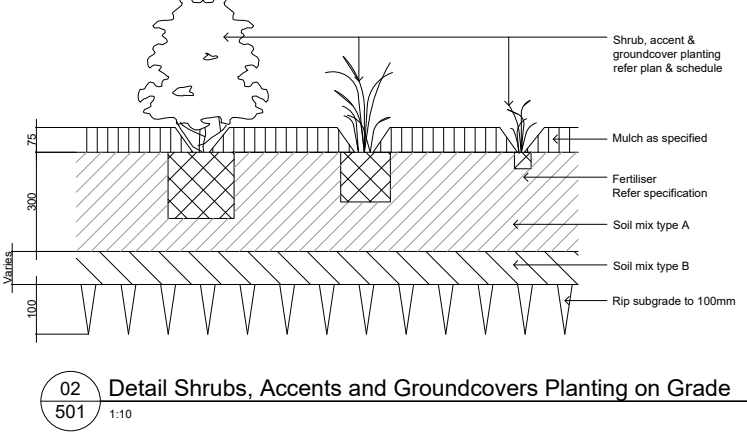
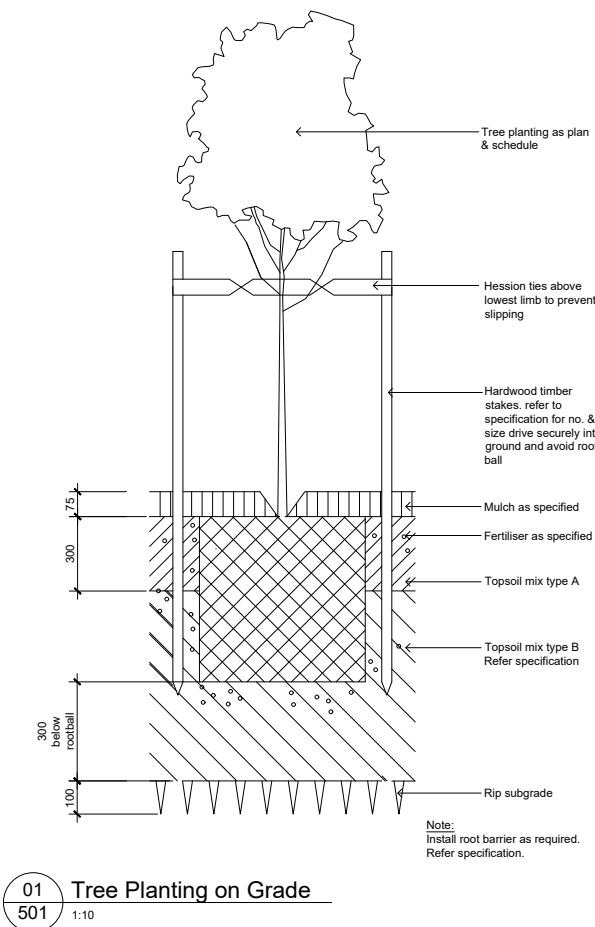
12 The Crescent Vaucluse						
Planting Schedule						
CODE	BOTANIC NAME	COMMON NAME	MATURE HEIGHT	Pot	Density	Quantity
			MATURE SPREAD	Size	m <sup>2</sup> / Lm	
TREES						
Ang cos	<i>Angophora costata</i>	Sydney Red Gum	15 x 8	200L	As Shown	1
Cup ana	<i>Cupaniopsis anacardioides</i>	Tuckaroo	10.0 x 6.0	100L	As Shown	1
Dra d	<i>Dracena draco</i>	Dragon Tree	7.0 x 6.0	400L	As Shown	1
Ela eum	<i>Elaeocarpus eumundi</i>	Eumundi Quandong	8.0 x 5.0	100L	As Shown	1
Mag Exm	<i>Magnolia grandiflora 'Exmouth'</i>	Magnolia Exmouth	10.0 x 6.0	100L	As Shown	1
Tri lau	<i>Tristania laurina 'Luscious'</i>	Water Gum	8.0 x 6.0	100L	As Shown	2
Ulm par	<i>Ulmus parvifolia</i>	Chinese Elm	10 x 8	100L	As Shown	1
Wat flo	<i>Waterhouisia floribunda</i>	Weeping Lily Pilly	15.0 x 8.0	100L	As Shown	1

ACCENTS / SHRUBS						
Acm Min	<i>Acmena smithii 'Minor'</i>	Lilly Pilly	3.0 x 3.0	300mm	As Shown	17
Aca Lim	<i>Acacia cognata 'limglight'</i>	River Wattle	0.5 x 1.0	300mm	As Shown	4
Agg gem	<i>Agave geminiflora</i>	Twin-flowered Agave	1.0 x 1.0	300mm	As Shown	16
Alc Rub	<i>Alcantaria imperialis 'Rubra'</i>	Giant Bromeliad	1.0 x 1.0	300mm	As Shown	3
Art cir	<i>Arthopodium cirratum</i>	Renga Lily	0.6 x 0.6	300mm	As Shown	17
Asp nidus	<i>Asplenium nidus</i>	Birds Nest Fern	1.0 x 1.5	300mm	As Shown	4
Bux jap	<i>Buxus microphylla 'Japonica'</i>	Japanese Box	1.5 x 1.0	300mm	As Shown	40
CGS	<i>Ctenanthe setosa 'Grey Star'</i>	Grey Star Ctenanthe	1.0 x 1.0	300mm	As Shown	7
Cya rev	<i>Cycas revoluta</i>	Sago Palm	1.0 x 1.5	45L	As Shown	8
Gar flo	<i>Gardenia augusta 'Florida'</i>	Gardenia	1.2 x 1.2	300mm	As Shown	4
Lig ren	<i>Ligularia reniformis</i>	Tractor Seat Ligularia	0.8 x 0.8	300mm	As Shown	6
Phi xan	<i>Philodendron xanadu</i>	Xanadu	1.2 x 1.0	300mm	As Shown	45
Pho ten	<i>Phormium tenax</i>	NZ Flax	0.8 x 0.8	300mm	As Shown	12
Pho Rub	<i>Photinia glabra 'Rubens'</i>	Dwarf Photinia	3.0 x 2.0	300mm	As Shown	25
Rap OP	<i>Raphiolepis indica 'Oriental Pearl'</i>	Indian Hawthorn Oriental Pearl	1.5 x 1.0	300mm	As Shown	20
Rap SM	<i>Raphiolepis indica 'Snow Maiden'</i>	Indian Hawthorn Snow Maiden	0.5 x 0.5	200mm	As Shown	52
Rha exc	<i>Rhapis excelsa</i>	Rhaphis Palm	2.0 x 1.5	45L	As Shown	9
Sr	<i>Strelitzia reginae</i>	Bird of Paradise	1.2 x 1.5	300mm	As Shown	32
Syz pin	<i>Syzygium australe 'Pinnacle'</i>	Syzygium Pinnacle	4.0 x 1.5	300mm	As Shown	32
Syz Cas	<i>Syzygium 'Cascade'</i>	Cascade Lillypilly	2.0 x 2.0	300mm	As Shown	58
Wes AB	<i>Westringia fruticosa 'Aussie Box'</i>	Dwarf Coastal Rosemary	0.7 x 0.7	200mm	As Shown	12
Wes JG	<i>Westringia 'Jervis Gem'</i>	Coastal Rosemary	1.5 x 1.0	300mm	As Shown	28

GRASSES / GROUNDCOVERS / TRAILERS						
Aga SP	<i>Agapanthus 'Summertime Pearl'</i>	Summertime Pearl Agapanthus	0.6 x 0.3	150mm	5/m <sup>2</sup>	11
Asp ela	<i>Aspidistra elatior</i>	Cast Iron Plant	0.8 x 0.8	200mm	As Shown	15
Cm	<i>Clivia miniata</i>	Bush Lily	0.6 x 0.6	150mm	5/m <sup>2</sup>	16
DLJ	<i>Dianella caerulea 'Little Jess'</i>	Dianella Little Jess	0.4 x 0.4	150mm	5/m <sup>2</sup>	21
Hel pet	<i>Helichrysum petiolatum</i>	Licorice Plant	0.4 x 1	200mm	5/m <sup>2</sup>	14
Lir EG	<i>Liriope muscari 'Evergreen Giant'</i>	Turf Lilly	0.6 x 0.6	150mm	5/m <sup>2</sup>	12
Lir RP	<i>Liriope muscari 'Royal Purple'</i>	Turf Lilly	0.45 x 0.45	150mm	5/m <sup>2</sup>	25
Lom Tan	<i>Lomandra longifolia 'Tanika'</i>	Mat Rush	1.0 x 1.0	150mm	5/m <sup>2</sup>	52
Myo Yar	<i>Myoporum parvifolium 'Yareena'</i>	Yareena Myoporum	0.15 x 1.5	150mm	5/m <sup>2</sup>	7
Tra jas	<i>Trachelospermum jasminoides</i>	Star Jasmine	0.5 x 1.0	150mm	5/m <sup>2</sup>	47

RAINGARDEN PLANT						
DLJ	<i>Dianella caerulea 'Little Jess'</i>	Dianella Little Jess	0.4 x 0.4	150mm	5/m <sup>2</sup>	71
Cal BJ	<i>Callistemon 'Better John'</i>	Bottlebrush	0.8 x 0.8	150mm	As Shown	12
Lir JR	<i>Liriope muscari 'Just Right'</i>	Lily Turf	0.5 x 0.5	150mm	5/m2	81
Nan Obs	<i>Nandina domestica 'Obsession'</i>	Dwarf Sacred Bamboo	0.6 x 0.6	300mm	As Shown	5
Pen Naf	<i>Pennisetum alopecuroides 'Nafray'</i>	Swamp Fountain Grass	0.6 x 0.6	150mm	As Shown	7
Pen PL	<i>Pennisetum alopecuroides 'Purple Lea'</i>	Swamp Fountain Grass	0.8 x 0.8	150mm	As Shown	13
Wes GB	<i>Westringia 'Grey Box'</i>	Coastal Rosemary	0.5 x 0.5	150mm	As Shown	18





NOT FOR CONSTRUCTION

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

A	Issue for Approval	PH	RS	25.08.2023
Issue	Revision Description	Drawn	Check	Date

Legend

Key Plan

SITE IMAGE



Client  
Mr. William Xiao

Project  
Residential Development  
12 The Crescent  
Vaucluse NSW 2030

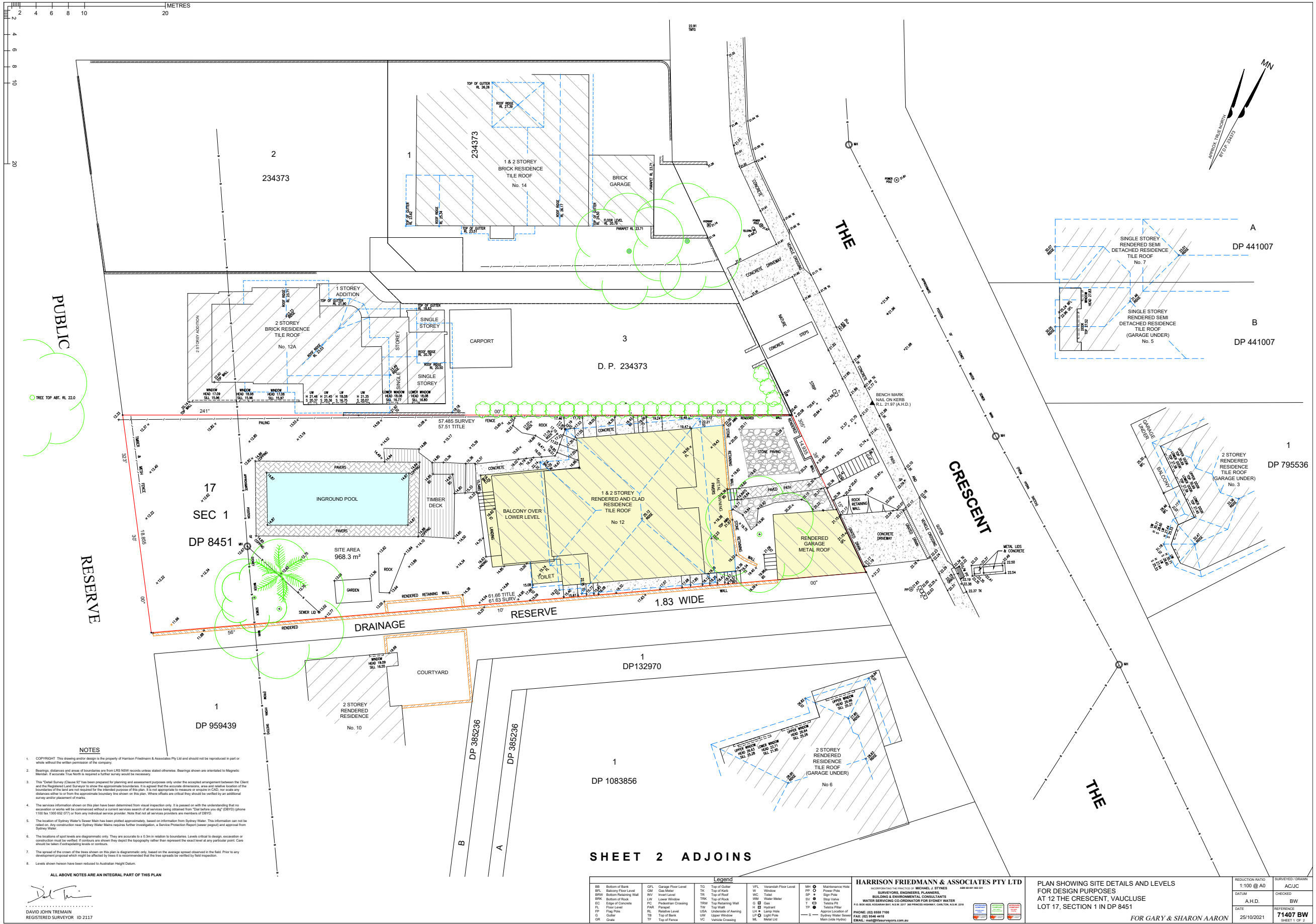
Drawing Name  
Landscape Details

DEVELOPMENT APPLICATION

Scale as shown @ A1

Job Number	Drawing Number	Issue
SS23-5196	501	A





## **Shaun Grevler-Sacks**

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**From:** Sagar Chauhan  
**Sent:** Wednesday, 24 January 2024 11:00 AM  
**To:** Shaun Grevler-Sacks  
**Subject:** Referral Response - Heritage - DA2023/379/1 - 12 The Crescent ~ VAUCLUSE

Hi Shaun

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

### **DOCUMENTATION**

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

- Drawing set by Kannfinch, dated 25/10/2021
- Statement of Environmental Effects by Planning Ingenuity, dated 08/10/2023
- Demolition Report by Weir Philips Heritage and Planning, dated December 2023
- Due Diligence Aboriginal Heritage Impact Assessment by Virtus Heritage, dated 24/11/2023

### **WOOLLAHRA LEP 2014**

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

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

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

The Demolition Report concludes:

The proposed works will have an acceptable impact on No. 12 The Crescent Street for the following reasons:

- No. 12 The Crescent is an example of a modest Inter-War period dwelling that was constructed no later than c. 1926.
- It has undergone substantial alterations and additions which have resulted in the irrevocable loss of original fabric including the original layout, some of the ceilings and the fireplace.
- The architect with which the dwelling is associated, George C. Thomas, was a minor designer who worked in the local area but who cannot be linked to any significant buildings.
- Listed examples of dwellings constructed in the Municipality of Woollahra display a greater degree of external and internal integrity and are, overall, more interesting examples of Inter-War period architecture.
- No. 12 The Crescent has thus failed to meet any of the criteria for listing provided by Heritage NSW. It is further noted that the fact there are heritage items in the vicinity suggest that the site has been included in past heritage reviews and previously discounted by Council.

The proposed removal of the existing dwelling will have an acceptable impact. There are other better examples of the period, and the building has failed to meet any of the criteria for listing provided by Heritage NSW. If required, an archival recording can be carried out to make a record of the dwelling.

The proposed works will have no impact on heritage items within the vicinity as the subject dwelling makes a very limited contribution to their setting, and as there will be no impact on their fabric because of the removal of the dwelling. The proposal will, overall, have no impact on the ability of the public to understand and appreciate the heritage significance of these items.

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

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

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

This report outlines the results of the Due Diligence Assessment generic process in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010) and considering Council's DA Guide for Aboriginal Heritage Impact Assessments.

Following the conditions of the Due Diligence Code, the desktop assessment and visual inspection found no known Aboriginal objects within 12 The Crescent, Vaucluse NSW.

Visual inspection of the project area was undertaken, and it was concluded that there was a low probability to encounter unknown Aboriginal objects considering the proposed impacts and the degree of disturbance in the area. The landscape and environmental conditions of the project area are consistent with other previous assessments that determined there to be a low potential for Aboriginal sites within the mid to upper slopes of colluvial bank soil landscapes, and the previous disturbance undertaken within the subject area has likely removed any Aboriginal objects that could have remained.

While located in proximity to previously recorded rock shelter sites, the assessment as well as consultation to date with La Perouse Local Aboriginal Land Council, review of AHIMS records, and low ground surface visibility coupled with erosional processes have determined that the potential for these site types to be present in the project area are low.

Commentary provided by Steven Ella (Site Officer, La Perouse Local Aboriginal Land Council) emphasized the importance of the project area within a larger cultural landscape, and he requested that LPLALC be involved in a secondary visual site inspection once excavation began on the pool area.

By completing this assessment, the Client has undertaken reasonable and practical measures to determine whether the proposed activities will harm Aboriginal objects.

No further investigations are required for the proposed works (as outlined in this report) to proceed, with caution, without an AHIP application in line with the recommendations below.

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) of Heritage NSW on 08/01/2024 has revealed that there are 0 recorded Aboriginal sites within a 50m buffer in or near the above location and no Aboriginal sites within a 50m buffer in or near the above location.

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

The AHIA recommends the following management procedure:

**Unexpected Find Procedure**

It is recommended that an Unexpected Find Procedure be implemented for the duration of the project. In the unlikely event that a suspected Aboriginal object/s (such as animal bones, shell material or stone artifacts) are impacted or unearthed during any of the activity on the property is identified, the procedure should include the following:

- Works are to stop immediately.
- The area of the suspected find/s is to be fenced off with an appropriate buffer and protected.
- A qualified archaeologist and representative of LPLALC are to be contacted to inspect the area and the nature of the find. LPLALC has also requested that Heritage NSW be notified.
- A representative(s) from LPLALC to determine the find's significance, in consultation with a qualified archaeologist or Heritage NSW and the requirements for an Aboriginal Heritage Impact Permit (AHIP).
- Works are not to proceed until written advice from the archaeologist or Heritage NSW on the appropriate management of the find.

**Unexpected Human Remains Procedure**

- Works are to stop immediately.
- The area of the suspected Human Remains find is to be secured and cordoned off.
- NSW Police are to be notified. No further works can be undertaken until the NSW Police provide written advice.

If these remains are deemed to require archaeological investigation by the NSW Police or NSW Coroner, then:

1. Heritage NSW and the relevant Aboriginal parties must be notified; and

A plan of management for the preservation of any identified Aboriginal human remains for salvage must be put in place or conducted under an AHIP methodology and variation developed in consultation with all relevant parties and Heritage NSW.

**Request for Secondary Visual Inspection**

Although no Aboriginal objects or places were identified during this report's initial site inspection, it was requested directly by La Perouse LALC that they be notified once the pool area has been excavated for reconstruction and allowed to visually re-inspect that part of the project area.

**Induction**

It is recommended that all site works and personnel involved in site impact works should be inducted and briefed on the possible identification of Aboriginal sites and objects during construction and their responsibilities according to the provisions of the National Parks and Wildlife Act 1974 and NPW Regulation 2019 in the unlikely event that unknown objects or items are uncovered during proposed works.

This induction package must be developed in consultation with LPLALC, prior to works proceeding.

**Comment by LPLALC**

A copy of this draft was provided to LPLALC on 14 November 2023 allowing 1 week for their comment and review. LPLALC supports the recommendations outlined in this report.

**Recommendations for Woollahra Council Aboriginal Heritage Sensitivity Map**

The project area falls under an area of "Potential Aboriginal Heritage Sensitivity" (Figure 3), as identified by Coast History and Heritage (2021). Because no new Aboriginal sites and/or objects were identified during the compilation of this report, there are not any changes that need to be made for the sensitivity map.

A copy of this report will be provided to Heritage NSW AHIMS, La Perouse Local Aboriginal Land Council and Woollahra Council.

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

**CONCLUSION**

**Woollahra LEP 2014**

Relevant conditions are provided below.

**National Park & Wildlife Act 1974**

Relevant conditions are provided below.

**RECOMMENDATION**

The proposal is supported, subject to following conditions:

*Standard conditions*

1. B.3 Recording of Buildings with Little or No Heritage Significance that are to be Demolished  
(Autotext 3B)
2. B.9 Skeletal Remains (Autotext 9B)
3. B.10 Aboriginal Objects – Unexpected Findings (Autotext 10B)
4. B.12 Aboriginal Heritage Due Diligence Responsibilities (Autotext 12B)

*Special conditions*

5. Aboriginal Heritage – Induction

Prior to any site works, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a

heritage induction programme, developed in consultation with LPLALC, prior to works proceeding.

**Condition Reason:** To protect Aboriginal heritage.

6. Site inspection by LPLALC

Provision must be made for LPLALC to be involved in a secondary visual site inspection once excavation began on the pool area.

**Condition Reason:** Recommendation of the AHIA as it concludes:

Although no Aboriginal objects or places were identified during this report's initial site inspection, it was requested directly by La Perouse LALC that they be notified once the pool area has been excavated for reconstruction and allowed to visually re-inspect that part of the project area.

7. Salvage Building Materials

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

**Condition Reason:** To maximise reuse of historic fabric.

Many Thanks  
Kind Regards



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

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

t: 9184 1027

e: [Sagar.Chauhan@woollahra.nsw.gov.au](mailto:Sagar.Chauhan@woollahra.nsw.gov.au) w: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

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

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



## REFERRAL RESPONSE – OPEN SPACE

**FILE NO:** DA210/2022/1  
**ADDRESS:** 12 The Crescent VAUCLUSE  
**PROPOSAL:** Partial demolition of existing dwelling and additions and alteration including a rear extension, new swimming pool and spa and landscaping.  
**FROM:** Roger Faulkner – Team Leader Open Space and Recreation Planning  
**TO:** David Booth – Senior Assessment Officer, Team North East  
**DATE:** 24/0/2023

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### DOCUMENTATION

The following DA documents were reviewed for this referral response:

- HPE 22/199991 – Statement of Environmental Effects – DA210/2022/1 – October 2022.
- HPE 22/200003 – Stormwater Layout Plan – DA210/2022/1 – 26 May 1022.
- HPE 22/199995 – Architectural Drawings – DA210/2022/1 – 17 September 2022.
- HPE 22/199996 – Landscape Plan – DA210/2022/1 – 23 September 2022.

### ASSESSMENT

This assessment and conditions of consent have been prepared based on the following issues:

- a) **Impacts on public open space and reserves**
- b) **Impacts on Council infrastructure**
- c) **Vehicle access and storage of materials in public open space**

My assessment is that the proposal is **satisfactory** in relation to impacts on public open space and impacts on Council infrastructure. The proposal is therefore **supported** in terms of impacts on public open space, subject to the following **conditions of consent** being met.

### CONDITIONS OF CONSENT

The following conditions are to be issued with any development consent.

**A. Conditions which must be satisfied prior to the issue of any construction certificate**

**A.1 Protection of public open space during works**

An appropriate Erosion and Sediment Control Plan must be submitted to demonstrate that material will not migrate off-site into Parsley Bay Reserve during the proposed works.

**A.2 Stormwater runoff during and after completion of works**

It is noted that the Stormwater Layout Plan proposes the following two options:

- Option 1: discharge to existing connection to Council's drainage system.*  
*Option 2: new connection to Council's drainage system.*

Stormwater runoff from 12 the Crescent into Parsley Bay Reserve is not permitted due to potential erosion environmental damage in this steep section of the reserve.

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

**B.1 Encroachment on public open space**

It should be noted that all proposed works must be contained wholly within the private property and not encroach into Parsley Bay Reserve.

No consent is granted for any existing or proposed structures to be built on public open space or any stairs that provide access to the park to be built outside of the property boundary.

**B.2 Access through public open space**

Access to the rear of 12 The Crescent from the adjoining Parsley Bay Reserve will not be permitted unless a *Construction Access Through Public Open Space* permit has been obtained by Council's Open Space & Trees Department. An application must be submitted to Council for assessment and approval at least 21 days prior to the date that construction access through the reserve is required.

The principal contractor or project manager is required to submit an application on the appropriate Council form and pay the appropriate fee.

**B.3 Storage of building material in public open space**

Building, excavation, demolition and construction material and plant must not be stored on public open space unless prior written approval has been obtained by Council's Open Space & Trees Department. An application for hoarding must be submitted to Council for assessment and approval at least 21 days prior to the date that storage approval is required.

The principal contractor or project manager is required to submit an application on the appropriate Council form and pay the appropriate fee.

Signed:



Roger Faulkner  
Team Leader Open Space and Recreation Planning  
Open Space and Trees Department  
24 January 2023



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27 June 2024

**REFERRAL RESPONSE – DRAINAGE**

**FILE NO:** Development Applications: 1/2023/379

**ADDRESS:** 12 The Crescent ~ VAUCLUSE 2030

**PROPOSAL:** Demolition of the existing dwelling and construction of a new dwelling, new swimming pool, landscaping and siteworks.

**FROM:** Michael Casteleyn

**TO:** Mr S Grevler-Sacks

---

**1. ISSUES**

None.

**2. DOCUMENTATION**

I refer to the following documents received for this report:

- 24/47234 Plans - Revised Architectural Plans - DA2023/379/1 - 12 The Crescent VAUCLUSE
- 24/47240 Document - Revised Overland Flow Assessment - DA2023/379/1 - 12 The Crescent VAUCLUSE Management Plan

**3. ASSESSMENT**

The DA submission has been reviewed.

**4. RECOMMENDATION**

Council's Drainage Engineer has determined that the proposal is satisfactory, subject to the following conditions:

<b>D 1.</b>	<b>Flood Protection</b>
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in an area frequented by the residents such as the laundry,</p>



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Flood Proof Material

- a) Flood compatible materials shall be used for all flood exposed construction.

Electricals

- a) All flood exposed electrical wiring and equipment shall be waterproofed,

Certification

- a) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation,

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

**Notes:**

- The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.

**Condition Reason:** To ensure the development incorporates flood inundation protection measures.

Michael Casteleyn  
Drainage Engineer

27/06/2024  
**Completion Date**



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23 November 2023

## REFERRAL RESPONSE – TREES AND LANDSCAPING

**FILE NO:** Development Applications: 379/2023/1

**ADDRESS:** 12 The Crescent ~ VAUCLUSE 2030

**PROPOSAL:** Demolition of the existing dwelling and construction of a new dwelling, new swimming pool, landscaping and siteworks.

**FROM:** Sam Knight

**TO:** Mr S Grevler-Sacks

---

### 1. ISSUES

None.

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Kannfinch, dated 21 April 2023
- Architectural Drawings, drawn by Kannfinch, dated 26 September 2023
- Arboricultural Impact Assessment Report, written by Birds Tree Consultancy, dated 26 September 2023
- Landscape Plans, designed by Site Image, dated 29 September 2023

A site inspection was carried out on 27 November 2023.

### 3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites





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- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

#### 4. SUMMARY

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

#### 5. COMMENTS

Inspection of the site and a review of the plans and documentation has revealed nine (9) trees within and adjacent to the site will be impacted by the proposal. The following tree numbering has been adopted from the Arboricultural Impact Assessment prepared by Birds Tree Consultancy dated 26 September 2023.

##### Tree Removal – Exempt Species

The plans and Arborist Report indicate tree 4 is proposed for removal. This tree has been identified as a *Strelitzia nicholai* (Giant Bird of Paradise). This species is listed as exempt from WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.

##### Tree Removal – Low Retention Value

The plans and Arborist Report indicate tree 3 is proposed for removal. The tree has been identified as a *Callistemon viminalis* (Bottlebrush). The tree has been rated as having Low Landscape Significance and Low Retention Value for various reasons including underperforming in health, suppressed by more dominant trees and found to be providing minimal amenity value to the immediate area.

The tree is supported for removal subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.

##### Tree Removal – Medium Retention Value

The plans and Arborist Report indicate tree 1 is proposed for removal as it is located within the footprint of the new garage. The tree has been rated as having Medium Landscape Significance and Medium Retention Value as it is visible from the street frontage and provides a positive contribution to the amenity and canopy cover of the immediate area.

Trees rated as being of Medium Retention Value are generally considered as less critical for retention than High Valued trees. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.

Modifications to the design to allow for the retention of this tree is not possible or practical due to it being positioned in the middle of the front yard which would require substantial design changes which are not considered reasonable.

It is considered that the new tree planting proposed throughout the property as shown on the submitted Landscape Plans will compensate for the loss of canopy cover and amenity resulting from the removal of this tree.

##### Tree Retention

The plans and Arborist Report indicate trees 2, 5, 6, 7, 8 and 9 are all proposed for retention.

Trees 5, 6, 7, 8 and 9 are located in the reserve at the rear of the property and will not be the subject of any encroachment into their Tree Protection Zones. No special tree protection measures are required for these trees.



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Tree 2 which is located in the rear yard will be the subject of minor encroachments into its Tree Protection Zones which is considered to be within acceptable limits as defined by the *Australian Standards AS4970 'Protection of trees on development sites'*. To ensure the long-term viability of the tree, tree protection measures are to be installed and a Project Arborist is to be present on site during any works within its TPZs. This has been detailed in the conditions below for inclusion into the DA consent.

#### Canopy Cover

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

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

The submitted Landscape Plans prepared by Site Image dated 25 August 2023 has been reviewed in respect to the above canopy cover requirement. The Canopy Cover Plan included in the package indicates the proposal will provide 31.52% canopy cover provided by one existing tree and five new trees. It is noted that the new trees are all species with mainly broad canopies. It is believed that the calculation has been underestimated and is in fact expected to provide the required 35% canopy cover within 10 years when the trees reach maturity.

Therefore, the Tree and Landscape team supports the proposed tree planting within the site and believes it will provide the canopy cover percentages required by the DCP.

## 6. RECOMMENDATIONS

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

### A. GENERAL CONDITIONS

A. 1.	<b>Approved Plans and Supporting Documents</b>													
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.													
	Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.													
	<table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>C100, 100, 101, 102, 103, 104, 500, 501</td><td>Landscape Plans</td><td>Site Image</td><td>15/09/23</td></tr><tr><td>n/a</td><td>Arboricultural Impact Assessment Report</td><td>Birds Tree Consultancy</td><td>26/09/23</td></tr></table>			Reference	Description	Author	Date	C100, 100, 101, 102, 103, 104, 500, 501	Landscape Plans	Site Image	15/09/23	n/a	Arboricultural Impact Assessment Report	Birds Tree Consultancy
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C100, 100, 101, 102, 103, 104, 500, 501	Landscape Plans	Site Image	15/09/23											
n/a	Arboricultural Impact Assessment Report	Birds Tree Consultancy	26/09/23											

**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



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original copy Council will provide you with access to its files so you may review our original copy of the approved plans.

- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.

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

Standard Condition A.2 (Autotext 2A)

**A. 2. Tree Preservation and Landscaping Works**

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

a) The following trees must be retained:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	9 x 8

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)
1	<i>Jacaranda mimosifolia</i>	Front Yard	12 x 12
3	<i>Callistemon viminalis</i>	Rear Yard – southern boundary	6 x 4
4	<i>Strelitzia nicolai*</i>	Rear Yard – southern boundary	7 x 5

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)

**B. BEFORE DEMOLITION WORK COMMENCES**

**B. 1. Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)**



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Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m

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

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

- b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.
- c) 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.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.
- f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.



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	<b>Condition Reason:</b> To ensure the protection of existing trees
	Standard Condition B.5 (Autotext 5B)

<b>B. 2.</b>	<b>Construction Management Plan Arborist Review</b>
	<p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none"> <li>a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;</li> <li>b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.;</li> <li>c) Site construction access, temporary crossings and movement corridors on the site defined;</li> <li>d) Contractors car parking;</li> <li>e) Phasing of construction works;</li> <li>f) The space needed for all foundation excavations and construction works;</li> <li>g) All changes in ground level;</li> <li>h) Space for site sheds and other temporary structures such as toilets;</li> <li>i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and</li> <li>j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.</li> </ul>
	<p><b>Condition Reason</b> To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p>

<b>B. 3.</b>	<b>Arborists Documentation and Compliance Checklist</b>
	<p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>• A record of the condition of trees to be retained prior to and throughout development.</li> <li>• Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>• Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>





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Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	<ul style="list-style-type: none"> <li>Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul>
<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	
<p><b>Condition Reason</b> To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>	
Standard Condition B.29 (Autotext 29B)	

B. 4.

Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
2	<i>Glochidium ferdinandii</i>	4.9m	Installation of new swimming pool and Landscape works

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

**Condition Reason** To establish the works which are permissible within the Tree Protection Zones.

Standard Condition B.30 (Autotext 30B)

**C. ON COMPLETION OF REMEDIATION WORK**

Nil.

**D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

D 1.	Tree Protection Plan and Specification
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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:

- a) Trees to be numbered and coloured in accordance with these conditions:
  - shaded green where required to be retained and protected
  - shaded red where authorised to be removed
  - shaded yellow where required to be transplanted
  - shaded blue where required to be pruned
- b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:
  - Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected.
  - The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices.
  - Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods.
  - To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist.
- c) References to applicable tree management plan, arborists report or transplant method statement.

This plan must be kept on site until the issue of the occupation certificate for the whole building.

**Condition Reason:** To ensure the construction certificate includes the approved tree management details, and all measures are implemented.

Standard Condition D.30 (Autotext 30D)

#### E. BEFORE BUILDING WORK COMMENCES

Nil.

#### F. DURING BUILDING WORK

<b>F</b>	<b>1.</b>	<b>Tree Preservation</b>
		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.
		General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent.



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	<p>b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.</p> <p>c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.</p> <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p><b>Condition Reason:</b> To protect trees during the carrying out of sitework.</p> <p>Standard Condition F.8 (Autotext 8F)</p>
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<p><b>F 2.</b></p>	<p><b>Arborists Documentation and Compliance Checklist</b></p> <p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <p>a) a record of the condition of trees to be retained prior to and throughout development,</p> <p>b) recommended actions to improve site conditions and rectification of non-compliance, and</p> <p>c) recommendations for future works which may impact the trees.</p> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="414 1388 1209 1500"> <tr> <th data-bbox="414 1388 582 1500">Stage of arboricultural inspection and supervision</th><th data-bbox="582 1388 1209 1500">Compliance documentation and photos must include</th></tr> <tr> <td data-bbox="414 1500 582 1500"></td><td data-bbox="582 1500 1209 1500"></td></tr> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include		
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F 3.	<p><b>Replacement/Supplementary trees which must be planted</b></p> <p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans.</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the provision of appropriate replacement planting.</p> <p>Standard Condition F.46 (Autotext 46F)</p>
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F	4.	<b>Hand excavation within tree root zones</b>					
	While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.						
	<table><tr><td>Council Ref No</td><td>Species</td><td>Location</td><td>Radius from centre of trunk (metres)</td></tr></table>				Council Ref No	Species	Location
Council Ref No	Species	Location	Radius from centre of trunk (metres)				



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2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m
<p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p> <p>All root pruning must be undertaken in accordance with the Australian Standard 4373 “Pruning of Amenity Trees” and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p> <p>Standard Condition F.50 (Autotext 50F)</p>			

F5.

Installation of stormwater pipes and pits in the vicinity of trees

While site work is being carried out, excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees must be carried out by hand.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
2	<i>Glochidium ferdinandii</i>	Rear Yard – southern boundary	4.9m

Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed.

The project arborist must document compliance with the above condition.

**Condition Reason:** To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees.

Standard Condition F.52 (Autotext 52F)

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

<b>G 1.</b>	<b>Amenity Landscaping</b>
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	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.
	<b>Condition Reason:</b> To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.

Standard Condition G.6 (Autotext 6G)

<b>G 2.</b>	<b>Landscaping</b>
	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.
	<b>Condition Reason:</b> To ensure that all landscaping work is completed prior to occupation.

Standard Condition G.26 (Autotext 26G)

<b>G 3.</b>	<b>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</b>				
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: <ul style="list-style-type: none"> <li>a) A record of the condition of trees to be retained prior to and throughout development.</li> <li>b) Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>c) Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1"> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> <tr> <td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				



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

Standard Condition G.34 (Autotext 34G)

<b>G 4.</b>	<b>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</b>				
	<p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> <li>A record of the condition of trees to be retained prior to and throughout development.</li> <li>Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>Recommendations for future works which may impact the trees.</li> </ol> <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="430 1008 1248 1265"> <thead> <tr> <th data-bbox="430 1008 710 1064">Stage of arboricultural inspection and supervision</th><th data-bbox="710 1008 1248 1064">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="430 1064 710 1265">Before the issue of any occupation certificate for the whole of the building</td><td data-bbox="710 1064 1248 1265"> <ul style="list-style-type: none"> <li>The project arborist must supervise the dismantling of tree protection measures</li> <li>After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</li> </ul> </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.35 (Autotext 34G)</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> <li>The project arborist must supervise the dismantling of tree protection measures</li> <li>After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</li> </ul>
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Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> <li>The project arborist must supervise the dismantling of tree protection measures</li> <li>After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</li> </ul>				

#### H. OCCUPATION AND ONGOING USE

<b>H 1.</b>	<b>Maintenance of Landscaping</b>
	<p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p><b>Notes:</b></p>



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	<ul style="list-style-type: none"><li>• This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.</li><li>• Owners must have regard to the amenity impact of trees upon the site and neighbouring land.</li></ul>
	<b>Condition Reason:</b> To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
	Standard Condition H.25 (Autotext 25H)

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

**Nil.**

**J. BEFORE SUBDIVISION WORK COMMENCES**

**Nil.**

**K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (subdivision works)**

**Nil.**

**L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (no subdivision works)**

**Nil.**

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

**Nil.**

Sam Knight  
**Tree Officer**

30 November 2023  
**Completion Date**



## REVISED CLAUSE 4.6 VARIATION STATEMENT

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The demolition the existing dwelling and the construction of a new three-storey residential dwelling with a pool, landscaping and siteworks.

12 The Crescent  
Vaucluse

Prepared for: William Xiao

REF: M230175

DATE: 12 March 2024

## Clause 4.6 variation statement – maximum height (clause 4.3)

### 1. Introduction

This Clause 4.6 Variation statement has been prepared for the applicant for the development at No. 12 The Crescent, Vacluse. The subject development seeks a variation to the height of buildings development standard contained in clause 4.3 of the *Woollahra Local Environmental Plan 2014* (WLEP).

We argue that there are sufficient environmental planning grounds to justify the variation, including, but not limited to, the fact that variation is caused by the steep slope of the site. Moreover, the proposal maintains the amenity of adjacent sites and is consistent with the objectives of the height of buildings development standard and the R2 Low Density Residential Zone, notwithstanding the variation. Accordingly, we argue that there is no public benefit to maintaining the standard in the circumstance of the case and a variation to clause 4.3 of the WLEP is appropriate in this instance.

### 2. Clause 4.3 of the WLEP

Clause 4.3(2) of the WLEP prescribes maximum building heights in the Woollahra Local Government Area. According to the WLEP:

*"building height (or height of building) means—*

*(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

*(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*

However, Clause 4.3(2A) states *Despite subclause (2) and clause 4.3A, the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.*

Therefore, the maximum height of the dwelling is 9.5m

### 3. Proposed Variation

The proposal attains a maximum height of 11m which represents a variation of 1.5m or 15.8% when measured to the roof of Level 1. The proposal also results in a minor variation to the southern corner of the ground floor level roof (up to 0.2m variation).

A section and 3D height blanket detailing the encroachment is provided below in **Figure 1**.





The objectives and provisions of clause 4.6 are as follows:

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.**
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
    - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
    - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
  - (4) *Development consent must not be granted for development that contravenes a development standard unless:*
    - (a) *the consent authority is satisfied that:*
      - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
      - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
    - (b) *the concurrence of the Secretary has been obtained.*
  - (5) *In deciding whether to grant concurrence, the Secretary must consider:*
    - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
    - (b) *the public benefit of maintaining the development standard, and*
    - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
  - (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:*
    - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
    - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** *When this Plan was made it did not include all these zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
  - (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
    - (a) *a development standard for complying development,*
    - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
    - (c) *clause 5.4.*
    - (caa) *clause 5.5.*

The development standards in clause 4.3 are not "expressly excluded" from the operation of Clause 4.6.

Objective 1(a) of Clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of Subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of Subclauses 4.6(3) & (4) in order to demonstrate to the consent authority that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and

is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by Subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, Subclause 4.6(6).

It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 so as to permit a maximum building height of 11m which equates to a numerical variation of 1.5m and a percentage variation of 15.8%.

**5. Compliance is unreasonable and unnecessary in the circumstances of the case (Clause 4.6(3)(a))**

Of relevance to Clause 4.6(3)(a), in *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

*"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

The judgement goes on to state that:

*"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

*"...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion*

*is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Compliance with the maximum building height development standard is considered to be unreasonable and unnecessary in this instance as the objectives of that standard are achieved for the reasons set out in Section 8 of this statement. For the same reasons, the objection is considered to be well-founded as per the first method underlined above. On this basis, the requirements of Clause 4.6(3)(a) are satisfied.

#### **6. Sufficient environmental planning grounds (Clause 4.6(3)(b))**

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the recent decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson.

The following planning grounds are submitted to justify contravening the maximum building height:

##### **1. The variation is a result of the site topography**

- a. The site falls steeply by approximately 10.3m from the front of the site to the rear boundary which is significantly greater than the extent of the maximum variation (1.5m).
- b. As detailed in Figure 1 above, the maximum extent of the variation is attributed to the rear portion of the Level 1 roof which is 1.5m above the 9.5m height limit. However, given the topography of the site, the front portion of the Level 1 roof is 1.3-2.2m lower than the 9.5m height limit. That is, the height variation can be attributed to the topography and the proposal represents a scale that is appropriate for the locality.
- c. The steep topography on the western side of The Crescent will ensure that only Ground and Level 1 are visible from the street and therefore the proposed development will appear like a height compliant building.

**2. The locality is not characterised by height compliant development**

- a. The locality is not characterised by development that is compliant with the height of buildings development standard as a result of the topography and proposed built form. In this regard, a review of Council's Clause 4.6 Register details many dwellings within the Vacluse West precinct resulting in variations to the height of buildings development standard. Whilst this is not sufficient to justify a variation on its own, it requires consideration of height in a different context to that of development that strictly complies with the height of buildings development standard. Furthermore, it is apparent that No. 12A The Crescent has an existing height of approximately 10.2m measured to the existing ridge (RL 23.73) which does not comply with the height of buildings development standard.

**3. The height variation will generate no impacts on the amenity adjoining properties**

- a. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:
  - i. The height breach creates no significant adverse overshadowing impacts to adjoining development or public domain when compared to a compliant development. Shadow diagrams submitted as part of this application demonstrate that adjacent properties will continue to achieve in excess of three hours of direct sunlight to their private open spaces and north facing windows. That is, although the additional height results in a minor degree of additional overshadowing but this will not result in a non-compliance with the solar access requirements nor have any noticeable impact on the amenity of the neighbouring properties or public domain. As such, the increase to overshadowing caused by the non-compliant elements would be insignificant;
  - ii. The height breach will result in no significant additional or adverse privacy impacts. The height breach is limited to the upper portion of Level 1 or the roof of the ground level which will have no greater impact on the privacy of adjoining properties than the compliant elements of the building. The trafficable portions of the roof terrace are below the height limit. All these areas are compliantly setback from all boundaries. As such, the loss of privacy caused by the non-compliant elements would be insignificant; and
  - iii. The height breach does not result in any significant additional view loss. Surrounding properties maintain a clear outlook towards the west which is facilitated by the steep local topography and building design. The view loss from the most affected property, No. 6 The Crescent, is not as a result of the height variation but rather the compliant height and permissible building envelope. When considering the extent of view sharing against the backdrop of the applicable planning controls, the extent of view loss caused by the non-compliant element is insignificant.



**4. GFA has been arranged above the height limit to minimise amenity impacts of adjacent sites**

- a. The proposed development provides for an appropriate distribution of GFA that has a negligible impact on the amenity of adjoining properties. In this regard, the proposed development is compliant with the FSR requirements and provides for an appropriate distribution of floor space partially above the height limit which will have a lesser impact on the amenity of adjoining properties than if the additional GFA was distributed towards the rear of any level of the dwelling.
- b. If the GFA permitted by the planning controls was redistributed below the height limit, the proposal would result in unreasonable overshadowing and/or view loss. In this regard, the additional height variation will result in a better outcome for the amenity of adjoining properties with a reduced extent of overshadowing loss of privacy and loss of views experienced as a result of the proposed development.

**5. The proposal meets aims and objectives of key planning documents**

- a. The proposed development meets the objectives of the development standard and meets the objectives of the R2 Low Density Residential zone (as further detailed in Section 8 below);
- b. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
  - i. The proposal promotes the orderly and economic use and development of land through the upgrade of an existing dwelling that is a listed heritage item (1.3(c));
  - ii. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development, particularly the fact the variations are directly attributable to the topography where the front elevation of the building is 1.3-2.2m below the height limit with the rear of the building resulting in a maximum variation of 1.5m. Furthermore, the variation does not have any material adverse impacts on the amenity of adjoining properties. The proposed additions allow for improved amenity for the occupants, complements the important design elements of the streetscape and does not result in any significant adverse impacts beyond those of a fully compliant development.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

*86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

**7. The Applicants written request has adequately addressed the matters required to be demonstrated by subclause (3), (Clause 4.6(4)(a)(i))**

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 5 above (and furthermore in terms of meeting the objectives of the development standard, this is addressed in 7a below). Clause 4.6(3)(b) is addressed in Section 6 above.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(i). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 8a and 8b.

**8. The proposed development is in the public interest because it is consistent with the objectives of the standard and the R2 Zone (Clause 4.6(4)(a)(ii))**

**8.1. The objectives of the Height of Buildings Standard**

The objectives of clause 4.3 of the WLEP are as follows:

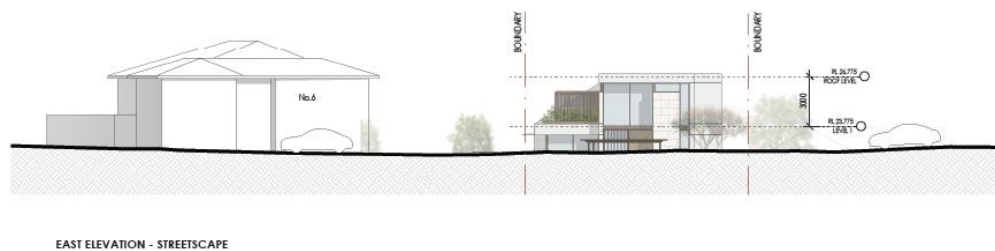
- (a) to establish building heights that are consistent with the desired future character of the neighborhood,
- (b) to establish a transition in scale between zones to protect local amenity,
- (c) to minimise the loss of solar access to existing buildings and open space,
- (d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
- (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.

In order to address the requirements of subclause 4.6(4)(a)(ii), each of the relevant objectives of Clause 4.3 are addressed in turn below.

**Objective (a): “to establish building heights that are consistent with the desired future character of the neighbourhood”**

The desired future character of the locality is not defined under WLEP 2014 and is subjective. Historically, Council has relied upon the provisions of WDCP 2015 to set the desired future character objectives of the locality however Preston CJ in *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115* found that the desired future character of the neighbourhood can also be set by the existing, recently approved and proposed buildings within the neighbourhood. In this case the desired future character can be set by the dwelling itself as the overall height is not increased by the proposal.

The proposed development is considered to be consistent and compatible with surrounding development. Notably, the proposed development sits well within the context of properties to the south which are higher (6 The Crescent is RL 28.95) and also those to the south which are lower (12A The Crescent is RL 23.73) than the proposed development (RL 26.75). As such, the proposed development forms a gradual transition in height that follows the slope of the land to ensure the proposed development, even with the variation, sits comfortably in its surroundings. This is detailed in Figure 2 below.



**Figure 2** Streetscape elevations between the higher No. 6 The Crescent and the lower proposed development

Although the proposal is of a similar scale to the many surrounding buildings, the development appears smaller than surrounding buildings when viewed from The Crescent, despite the height variation, which is attributed to its siting on the subject site to minimise the impact both from the streetscape and from surrounding properties. The scale of the dwelling, through its stepped and articulated form will ensure that the building sits comfortably in its context given the scale of surrounding properties. The design of the dwelling is also such that Level 1 is stepped back from the storeys below, assisting in minimising the visual impact of the variation when viewed from the harbour and surrounding properties. It will not be visually jarring or out of place when viewed from the harbour and surrounding properties.

With regard to the streetscape, the proposal will be compliant at the front elevation and presents two storeys to the street. This ensures that the dwelling appears as an LEP height compliant building when viewed from the street, in turn ensuring compatibility with the desired scale and height of development within the street. The proposal is considered to reflect the desired future character of the locality for the following reasons:

- The proposed development responds to the streetscape character elements in that the overall height is consistent with surrounding buildings, especially when viewed from The Crescent;
- The proposed development will retain the topography outside of the building envelope and provides a stepped form that falls with the topography;
- The redistribution of GFA above the height limit will allow for the retention of significant trees and the planting of significantly more trees in the rear yard adjacent to Parsley Bay Reserve to enhance linkages for the flora and fauna;

- The proposed built form will add another layer to the eclectic mix of buildings in the locality and provides for a well-designed contemporary dwelling on the site;
- The proposed dwelling has been designed to present as two storeys from The Crescent and steps down the site with the topography;
- The proposed dwelling has been designed to protect as far as practicable any important views existing over and across the site; and
- The proposal complies with the deep soil landscaped area requirements and will enhance the tree canopy on the site adjacent to Parsley Bay Reserve. In this regard, the proposed landscaping will complement the existing vegetation on the site and surrounding properties, to maintain the landscaped character of the locality.

Accordingly, the variation satisfies objective (a)

**Objective (b): “to establish a transition in scale between zones to protect local amenity”**

The site is located within the R2 Low Density Residential Zone and is entirely surrounded by sites which share this zoning. Accordingly, the development will not adversely affect any transition in scale between zones. As such, the proposal satisfies objective (b).

**Objective (c): “to minimise the loss of solar access to existing buildings and open space,”**

It is important to note, the use of the word “minimise” was considered in a recent judgement which included a variation to the height of buildings control in *Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council [2022] NSWLEC 1048* where Morris AC states:

*99. I do not accept Mr Perdigao’s evidence that for the impact to be minimised it would have to be reduced the smallest possible amount or degree. To do so would mean that there would be no impact at all. The objective of the control contemplates some impact, it just requires the impact to be minimised. I accept the submission of Mr To, for the Applicant, that to adopt this logic, there would always be a further reduction possible to the point of there being no breach and therefore no impact. This is not what is contemplated by cl 4.6 of the WLEP. It contemplates that the development standard will be breached. What has to be determined is if that breach is appropriate in the circumstances of the case. I consider that it is.*

Therefore, the proposed height variation will minimise the solar access impacts on surrounding properties.

As demonstrated in the shadow diagrams provided with the application, the variation to the height of buildings development standard will not result in any significant or unreasonable additional overshadowing of neighbouring properties or open space and complies with Council’s solar access requirements. Whilst additional overshadowing occurs, the proposal minimises the additional overshadowing which is largely related to the topography, existing built form and east-west orientation of the site.

The subject site and adjoining properties will continue to have excellent access to solar access in the primary areas of private open space and living rooms at the rear which ensures compliance with Council’s solar access controls. As such, the proposal meets objective (c).

**Objective (d): “to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,”**

Objective (d) also uses the word “minimise” in the objective and as discussed in *Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council [2022] NSWLEC 1048*, this contemplates a level of impact as a result of the height variation.

The impacts of overshadowing and visual intrusion or the impact of bulk are considered above. The remaining amenity impacts of the proposal are considered below.

#### Views

The proposed variation will not result in any significant loss of views or outlook compared to a building with a compliant height. The applicable planning controls effectively anticipate a continuous 9.5m high built form across the front of the site which will have a significantly greater impact than the proposed dwelling house. Furthermore, the surrounding properties are situated higher than the proposed dwelling and therefore enjoy views over and above the subject site from opposite the site which will not be significantly affected by the proposal, including the height variation. Most importantly, it is typically the compliant elements of the building or elements with compliant height behind that results in view loss for the most affected property at No. 6 The Crescent. At the very least, the stepped design of the proposal coupled with the appropriate distribution of GFA will "minimise" the impact on views for surrounding properties.

Accordingly, any potential loss of views created by the variation is considered to be reasonable within the context of the surrounding buildings and the topography.

#### Visual Privacy

The extent of variation will not adversely impact on existing levels of visual privacy. There are no new openings provided above the 9.5m height plane that will enable additional opportunities for overlooking greater than those provided by development that complies with the height of buildings development standard. Accordingly, the proposed development will not result in any adverse overlooking of neighbouring windows or private open space, despite the height variation.

#### Aural Privacy

The proposal involves the construction of a new dwelling house to replace an existing dwelling house. The proposed development is not anticipated to give rise to additional noise and disturbance to neighbouring properties, over and above the existing situation on site. Accordingly, the development will not give rise to adverse acoustic privacy impacts, despite the height variation.

#### Visual Intrusion

The proposed height is compatible with other buildings in the locality and the dwelling will undertake a form and materiality that is compatible with others in the immediate locality. The proposed variation will not impart significant visual impacts on the locality. Importantly, the proposal will not result in significant visual intrusion.

In light of the above, the proposal satisfies Objective (d).

**Objective (e): "to protect the amenity of the public domain by providing public views of the harbour and surrounding areas."**

There are no significant public views or vistas over the site, as mapped in chapter B3.8 WDCP, which will be affected by the proposed development. Any incidental views acquired from nearby properties are either unchanged or impacts upon them are anticipated by the controls. Accordingly, the proposal satisfies Objective (e).

### **8.2. Objectives of the R2 Low Density Residential Zone**

Clause 4.6(4)(a)(ii) also requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The objectives of Zone R2 Low Density Residential, and a response as to how the proposal meets the objective is provided as follows:

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

The proposal will provide a high-quality residential dwelling that is compatible with the character and amenity of the low density area and will meet the needs of residents. The height and scale of the development is consistent with the desired character of the neighbourhood.



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

Not applicable to the proposed development, which will not adversely affect any other facilities or services in the area to meet the day to day needs of residents.

- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*

The proposed construction of new dwelling is entirely compatible with the character of the streetscape and the Vaucluse West precinct. The proposed works are compatible with the scale of the existing and nearby buildings within the Crescent. Accordingly, the development will be compatible with the character and amenity of the locality.

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

The height and scale of the proposed development is consistent with the scale of other built form in the immediate vicinity of the site. Therefore, the proposed building will sit comfortably within the streetscape. As demonstrated above in Section 8a, the proposal is consistent with the desired future character of the Vaucluse West precinct.

- *To ensure development conserves and enhances tree canopy cover.*

The height variation will allow for a distribution of GFA above the height limit to maximise the rear setback to enhance the tree canopy and provides important flora and fauna linkages with Parsley Bay Reserve.

The proposed development is therefore considered to be consistent with the objectives of Zone R2 and the proposed variation is deemed to be acceptable.

#### **9. The concurrence of the secretary has been obtained (Clause 4.6(4)(b))**

The second precondition in Clause 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes the development standard is that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (Clause 4.6(4)(b)). Under Clause 64 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary has given written notice, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice.

#### **10. Whether contravention of the development standard raises any matter of significance for state of regional environmental planning (Clause 4.6(5)(b))**

Contravention of the maximum building height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

#### **11. The public benefit of maintaining the development standard (Clause 4.6(5)(b))**

As detailed in this submission there are no unreasonable impacts that will result from the proposed variation to the maximum building height. As such, there is no public benefit in maintaining strict compliance with the development standard. Whilst the existing building height does not meet the maximum building height prescribed for the site, the proposed development is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest.

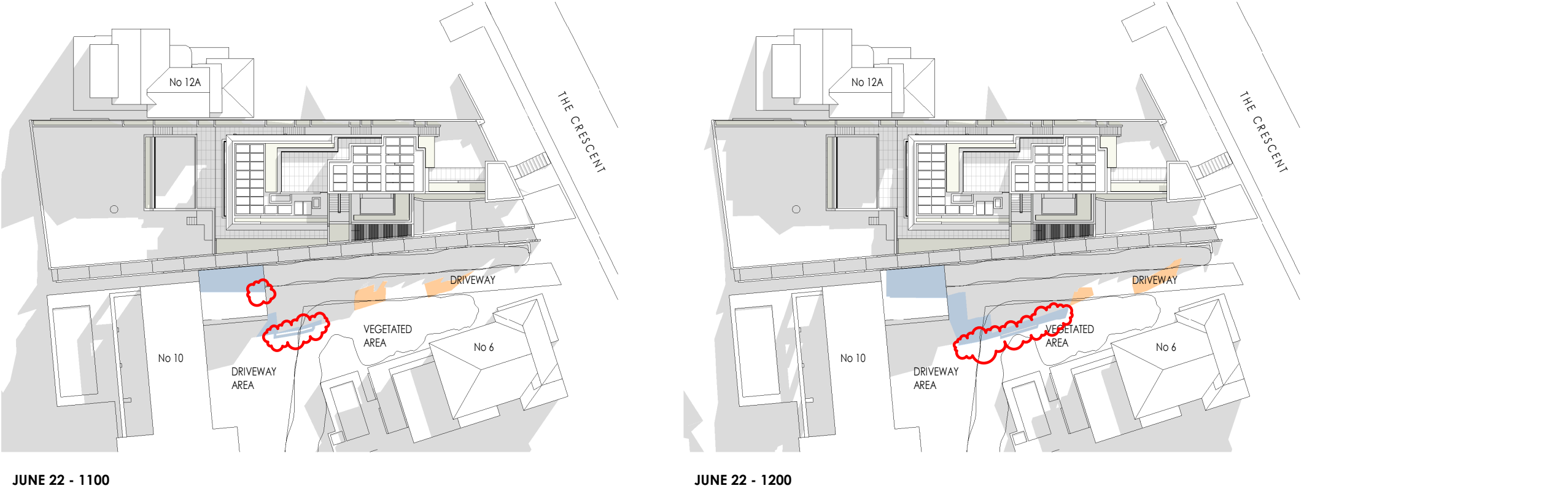
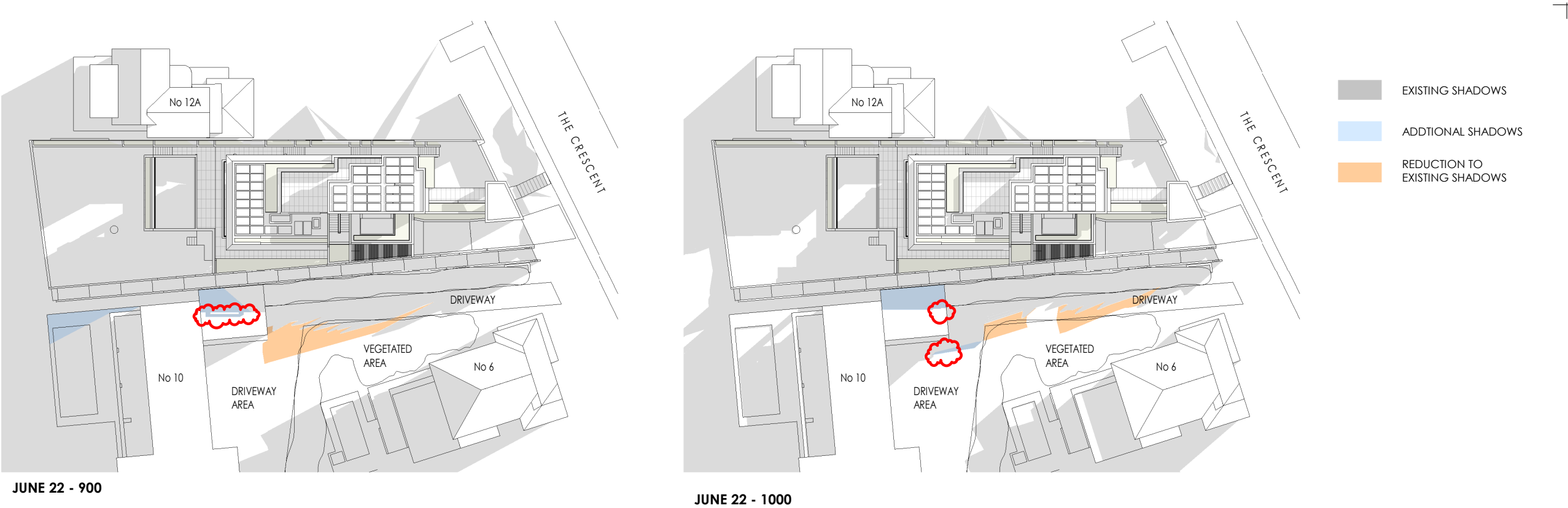


## 12. Conclusion

Having regard to all of the above, it is our opinion that compliance with the maximum building height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation is worthy of support.








Client  
**MR. WILLIAM XIAO**

**顶级私宅**  
12 The Crescent Vaucluse NSW 2030

**SHADOW DIAGRAMS**  
JUNE 22 - MID WINTER

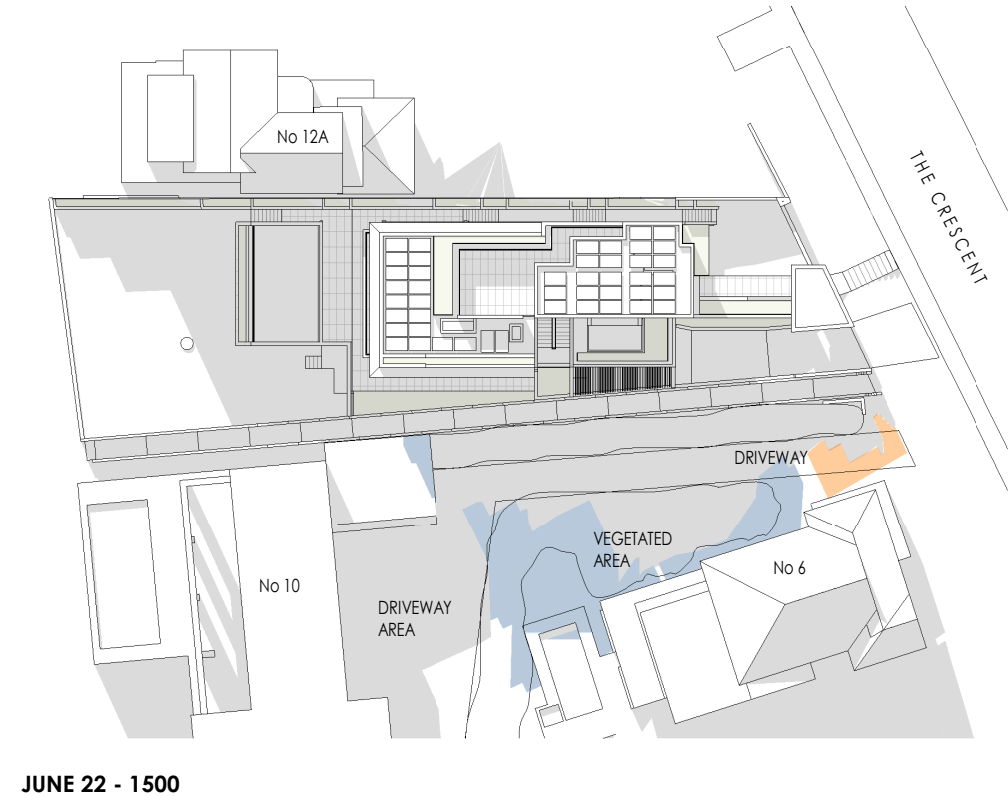
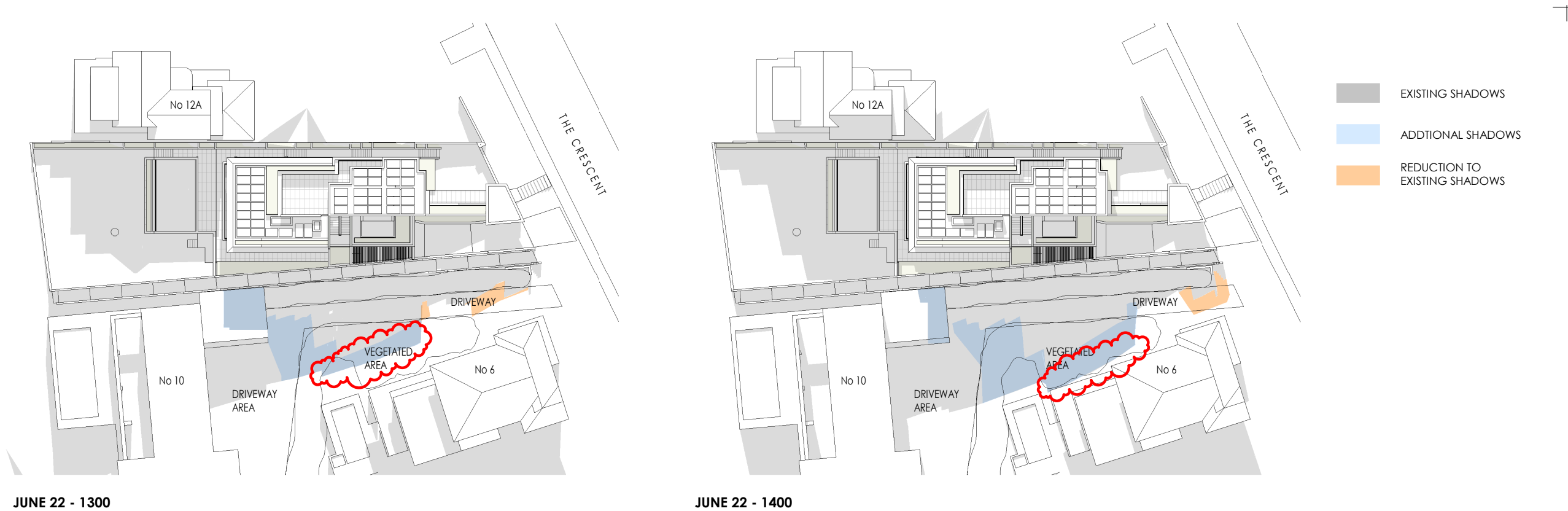
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**DA75**  
As indicated @ A3

**F**  
Project No.  
**6786**

4/03/2024 3:27:09 PM :Plot Date






Client  
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12 The Crescent Vaucluse NSW 2030

SHADOW DIAGRAMS  
JUNE 22 - MID WINTER

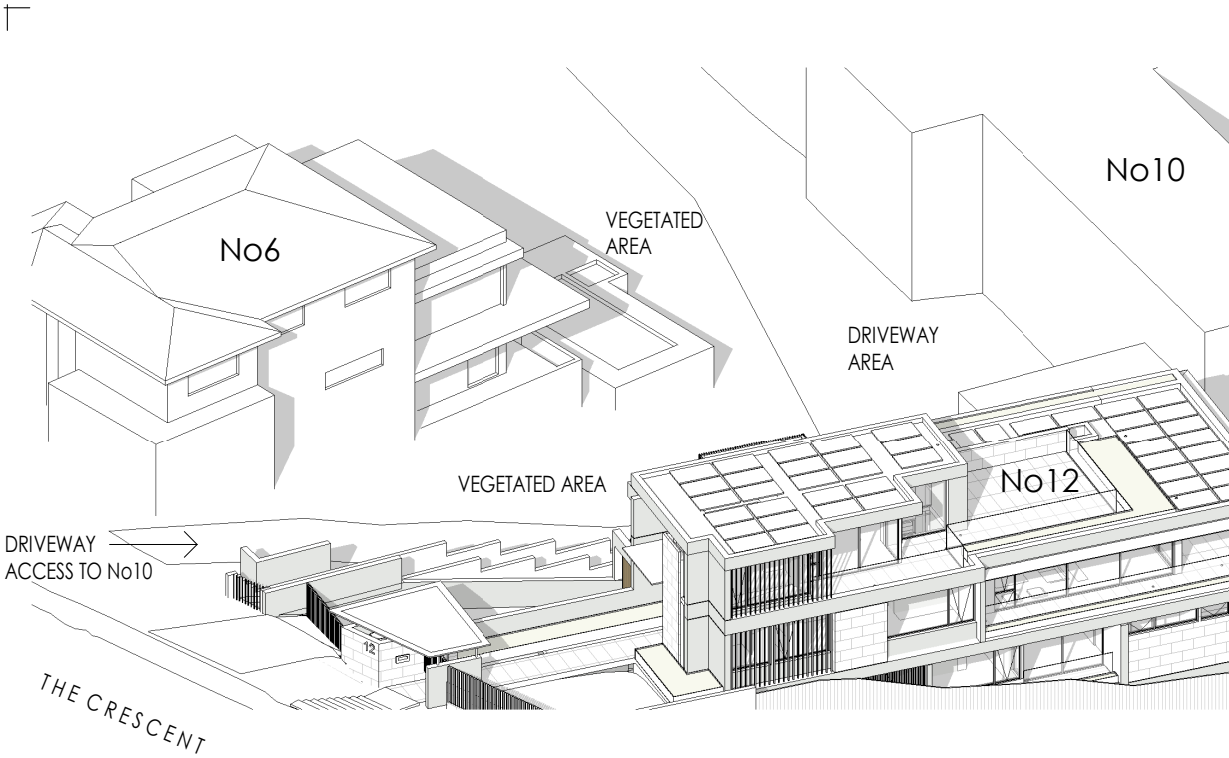
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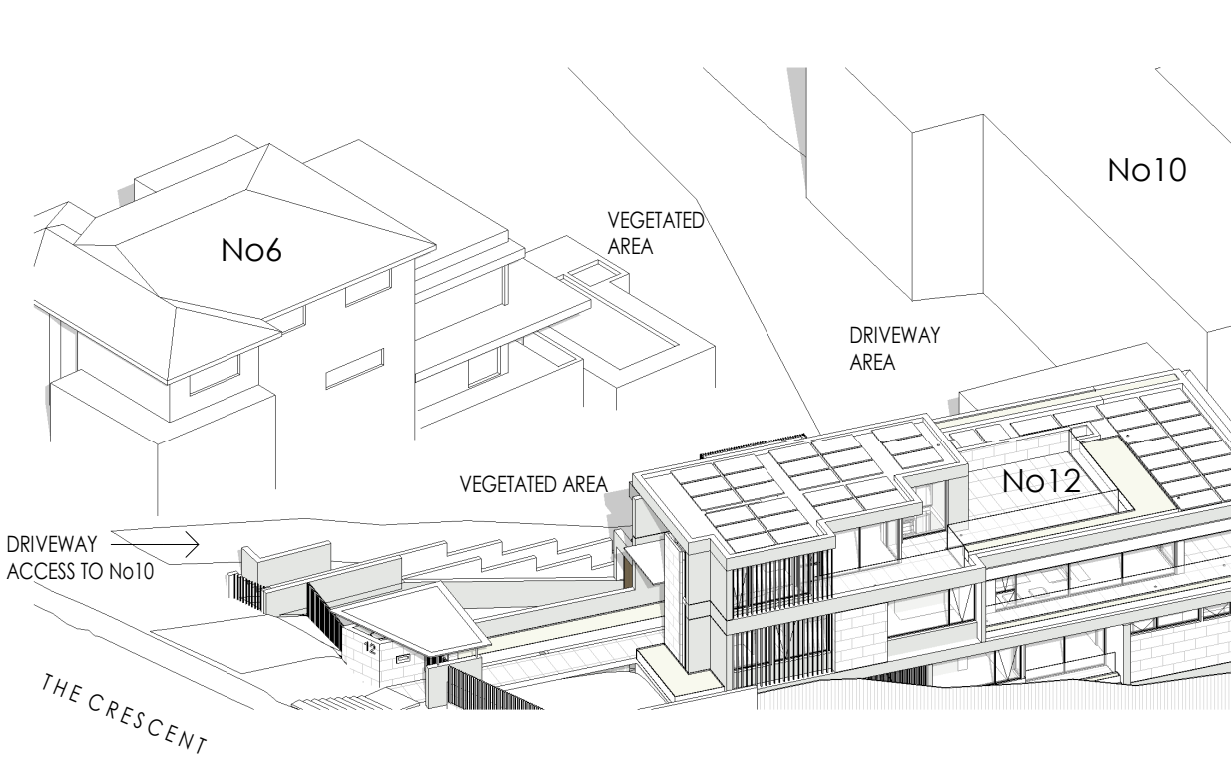
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Project No.  
**6786**

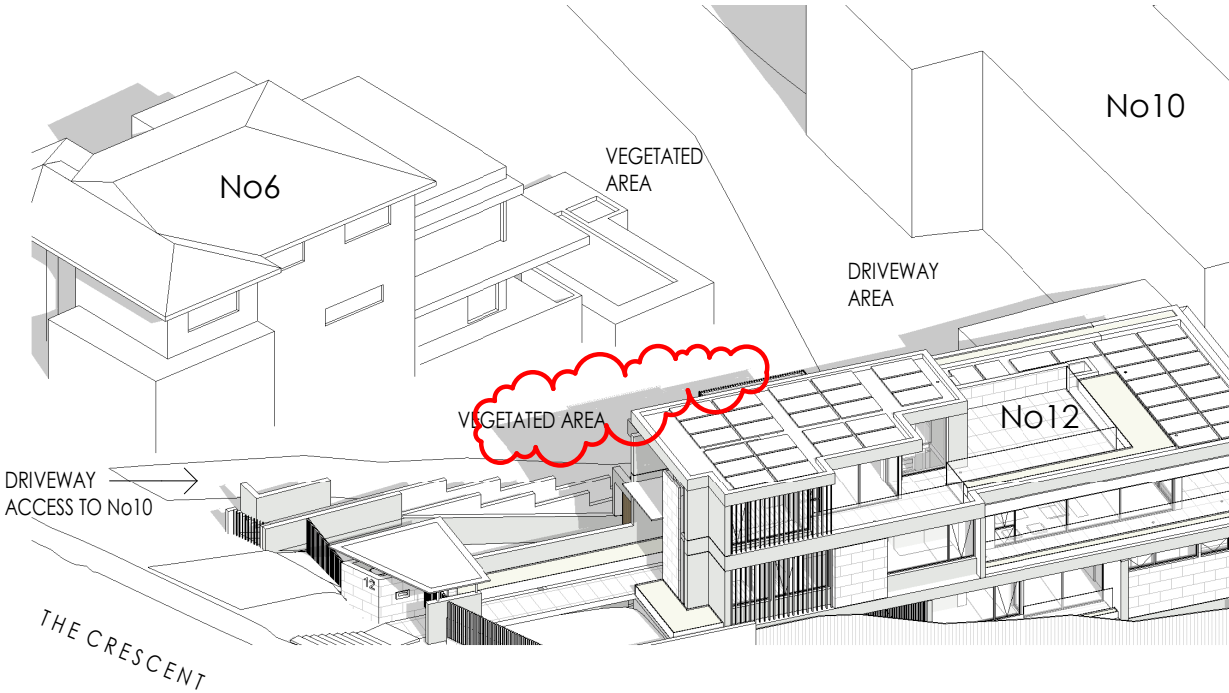
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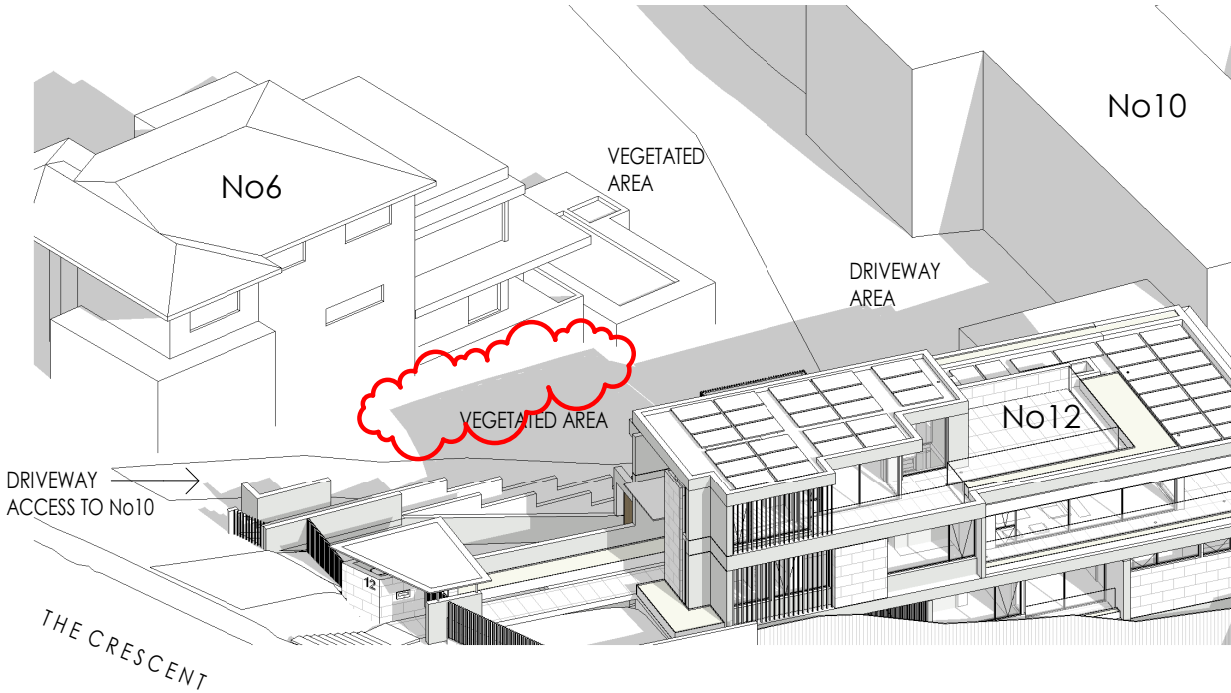
22 June 1100



22 June 1200



22 June 1300



22 June 1400

**KANNFINCH**

Client  
**MR. WILLIAM XIAO**

**顶级私宅**  
12 The Crescent Vaucluse NSW 2030

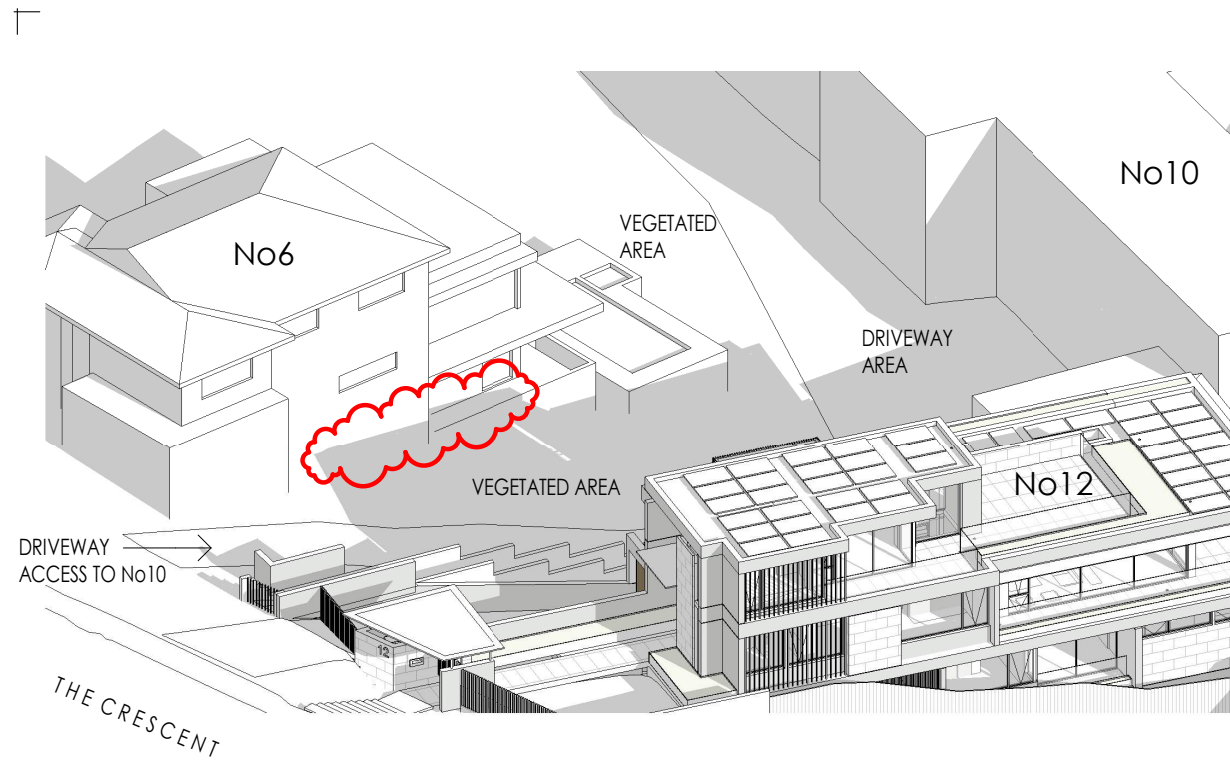
**SHADOW STUDIES**  
JUNE 22 - MID WINTER

**DA77**  
@ A3

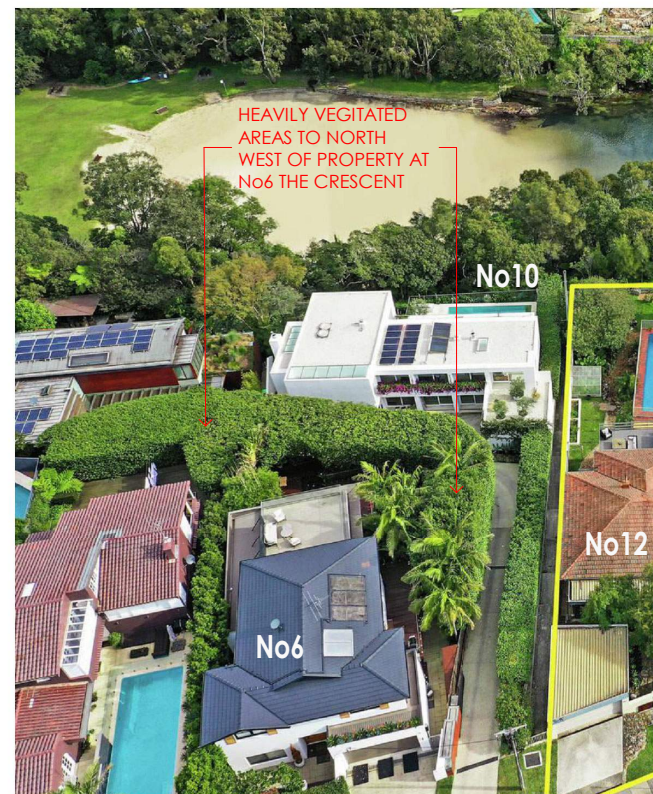
**F**  
Project No.  
**6786**

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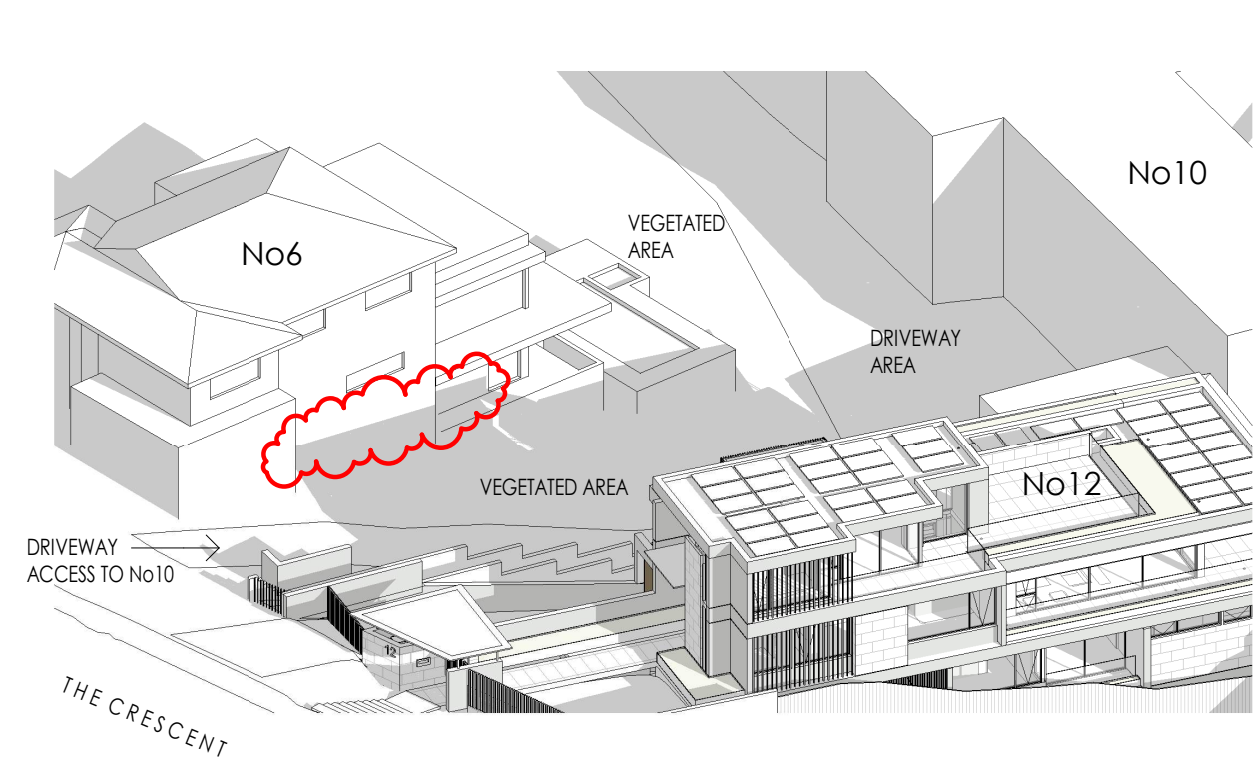




22 June 1445



### AERIAL VIEW - EXISTING SITE CONDITIONS



22 June 1500



THE PROPOSED RESIDENTIAL DWELLING  
AT No12 THE CRESCENT MAINTAINS  
SOLAR ACCESS TO HABITABLE ROOMS  
AND OUTDOOR AREAS AT No6 THE  
CRESCENT BETWEEN THE HOURS OF  
9.00AM - 3.00PM MID WINTER.

NOTE: SHADOW STUDIES PROVIDED  
**HAVE NOT** MODELLED SIGNIFICANT  
SCREEN PLANTING TO THE PROPERTY  
AT N06 THE CRESCENT WHICH WOULD  
RESULT IN SIGNIFICANT OVER  
SHADOWING TO ITS OWN OUTDOOR  
SPACES AND BUILDING FACADES  
DURING MID WINTER



KANNFINCH

Client

MR. WILLIAM XIAO

## 顶级私宅

12 The Crescent Vacluse NSW 2030

## SHADOW STUDIES

JUNE 22 - MID WINTER

DA78

1:1 @ A3

E

Project No.  
6786

4/03/2024 3:27:15 PM :Plot Date





2 THE CRESCENT - FIRST FLOOR TERRACE FACING NW - STANDING

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

**KANNFINCH** Client  
MR. WILLIAM XIAO

顶级私宅  
12 The Crescent Vaucluse NSW 2030

VIEW ANALYSIS  
No. 2 THE CRESCENT



CAMERA LOCATIONS

**NOTE:** PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

DA-VA01

Project No.  
6786

1/03/2024 12:22:30 PM :Plot Date





2 THE CRESCENT - FIRST FLOOR TERRACE FACING NW - STANDING

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL



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DA-VA02

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6786

1/03/2024 12:22:31 PM :Plot Date





2 THE CRESCENT - FIRST FLOOR TERRACE FACING NW - STANDING



CAMERA LOCATIONS

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No. 2 THE CRESCENT

DA-VA03  
Project No.  
6786

1/03/2024 12:22:32 PM :Plot Date





2 THE CRESCENT - GROUND FLOOR LIVING AREA FACING NW - STANDING

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

**KANNFINCH** Client  
MR. WILLIAM XIAO

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CAMERA LOCATIONS

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DA-VA04

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6786

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2 THE CRESCENT - GROUND FLOOR LIVING AREA FACING NW - STANDING

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

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DA-VA05  
Project No.  
6786

1/03/2024 12:22:34 PM :Plot Date





2 THE CRESCENT - GROUND FLOOR LIVING AREA FACING NW - STANDING



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

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MR. WILLIAM XIAO

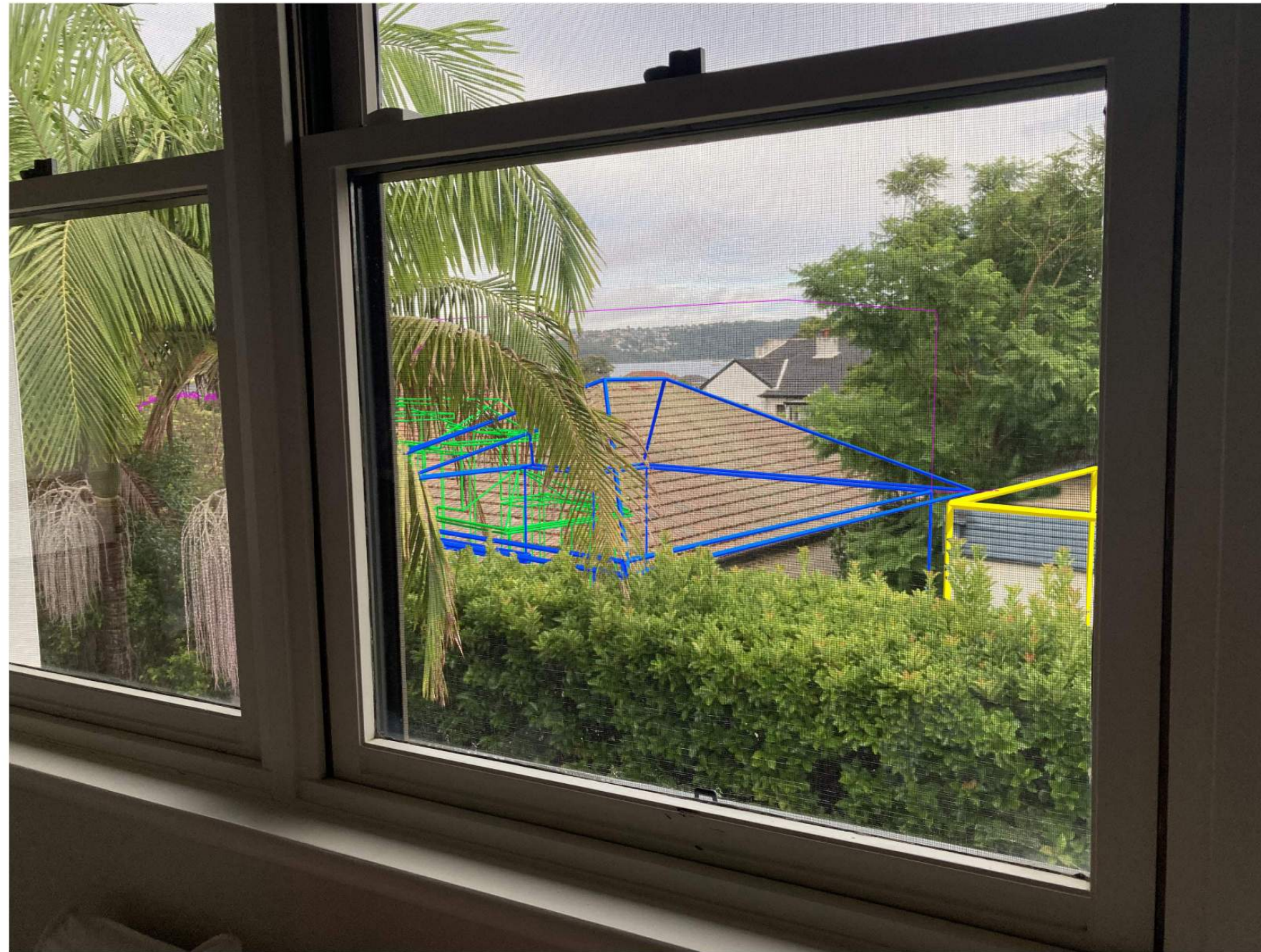
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12 The Crescent Vaucluse NSW 2030

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No. 2 THE CRESCENT

DA-VA06  
Project No.  
6786

1/03/2024 12:22:36 PM :Plot Date





## CAMERA LOCATIONS

**6 THE CRESCENT - BEDROOM 2 FACING W**

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

**NOTE:** PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRAH COUNCIL


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6 THE CRESCENT - BEDROOM 2 FACING W

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

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DA-VA08

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6786

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6 THE CRESCENT - BEDROOM 2 FACING W



CAMERA LOCATIONS

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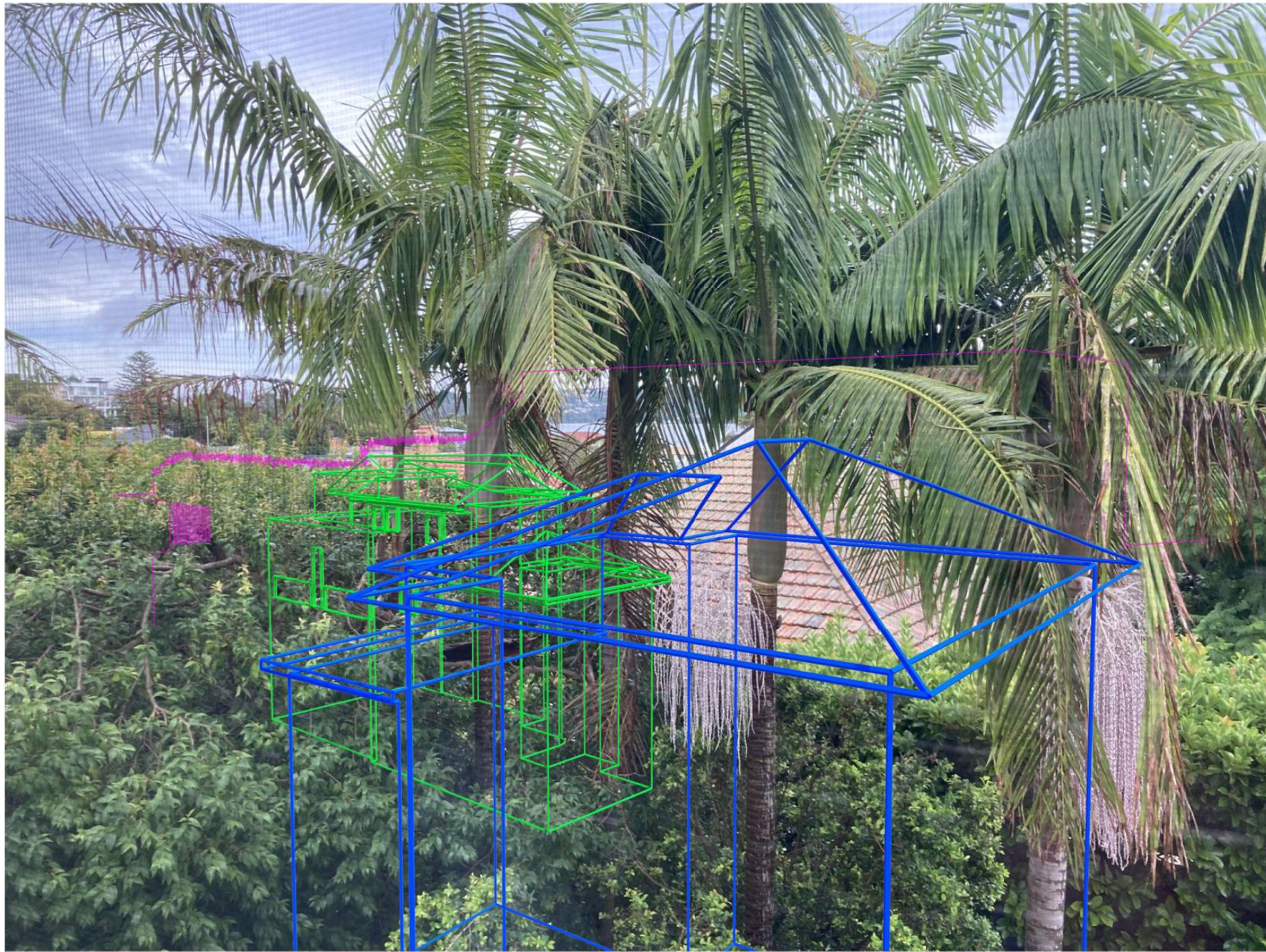
No 6 THE CRESCENT

DA-VA09

Project No.  
6786

1/03/2024 12:22:39 PM :Plot Date





6 THE CRESCENT - BEDROOM 3 FACING W

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

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CAMERA LOCATIONS

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Project No.  
6786

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6 THE CRESCENT - BEDROOM 3 FACING W

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

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6786

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6 THE CRESCENT - BEDROOM 3 FACING W



CAMERA LOCATIONS

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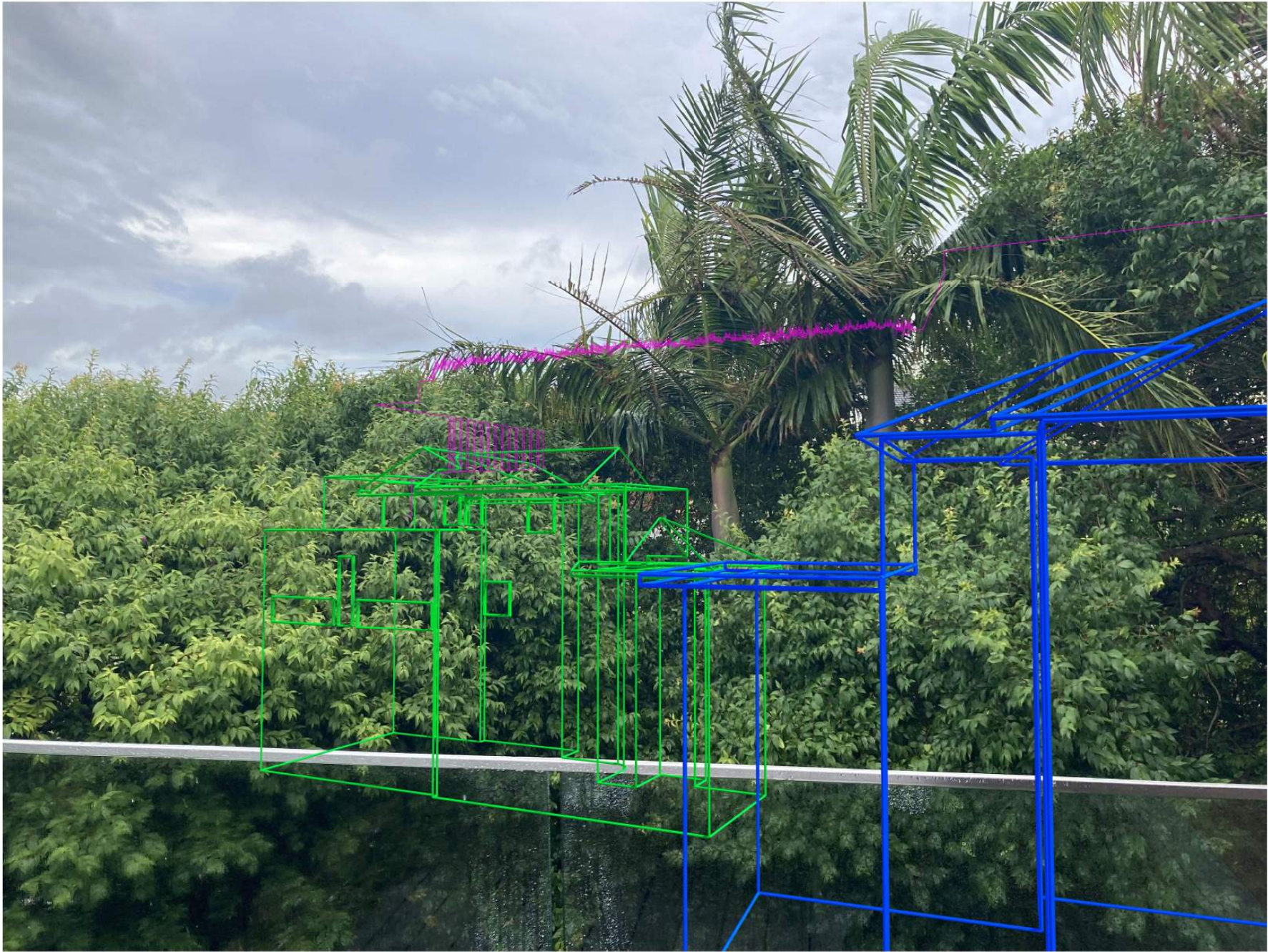
No 6 THE CRESCENT

DA-VA12

Project No.  
6786

1/03/2024 12:22:42 PM :Plot Date





6 THE CRESCENT - LIVING AREA BALCONY FACING NW

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

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No 6 THE CRESCENT



CAMERA LOCATIONS

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DA-VA13

Project No.  
6786

1/03/2024 12:22:43 PM :Plot Date





6 THE CRESCENT - LIVING AREA BALCONY FACING NW

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

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No 6 THE CRESCENT

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Project No.  
6786

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6 THE CRESCENT - LIVING AREA BALCONY FACING NW



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

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MR. WILLIAM XIAO

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No 6 THE CRESCENT

DA-VA16  
Project No.  
6786

1/03/2024 12:22:45 PM :Plot Date





6 THE CRESCENT - LIVING AREA FACING NW - SEATED

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

KANNFINCH  
Client  
MR. WILLIAM XIAO

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12 The Crescent Vaucluse NSW 2030

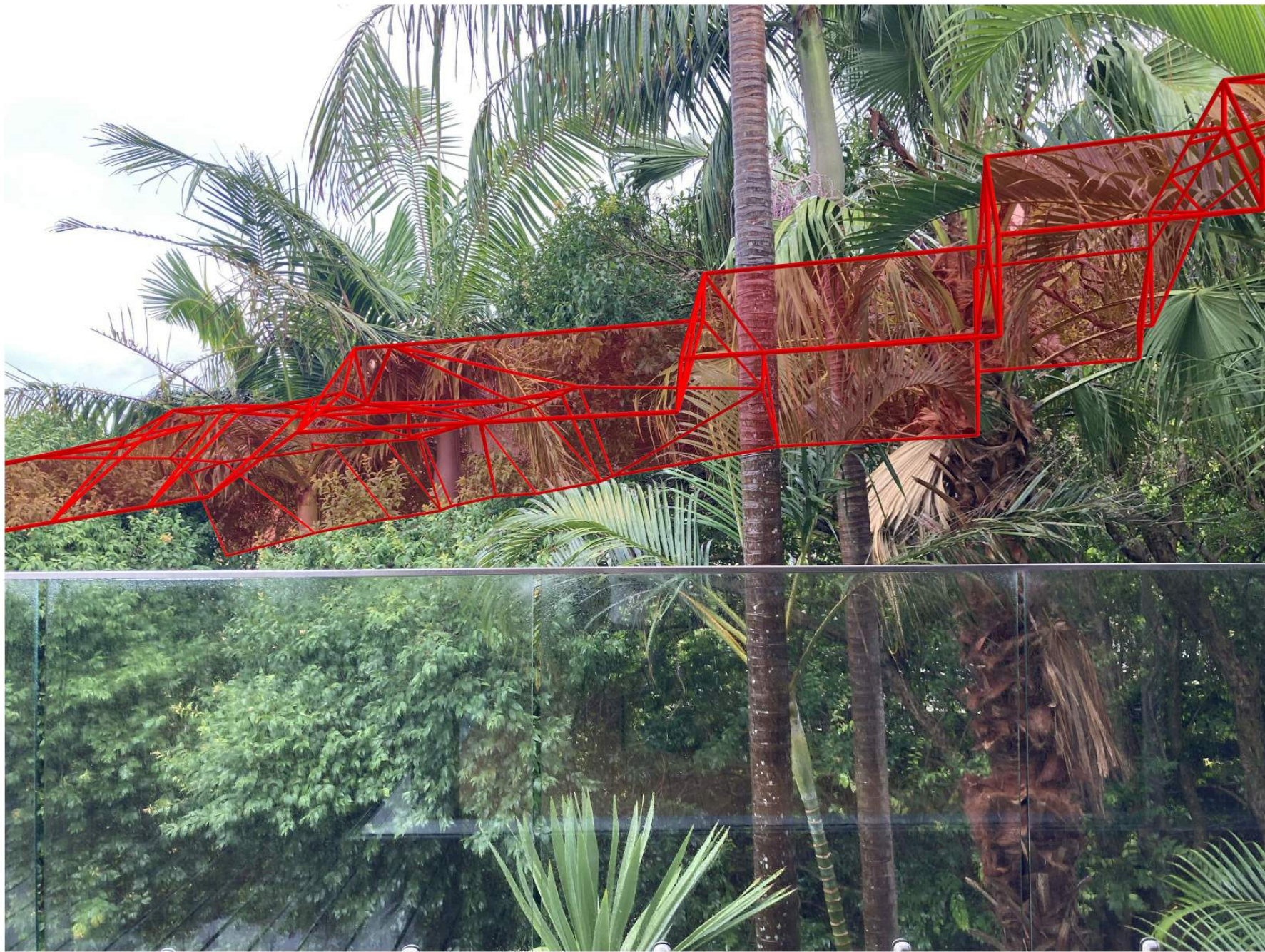
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No 6 THE CRESCENT

DA-VA17

Project No.  
6786

1/03/2024 12:22:46 PM :Plot Date





6 THE CRESCENT - LIVING AREA FACING NW - SEATED

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

**NOTE:** PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL



Client

MR. WILLIAM XIAO

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12 The Crescent Vaucluse NSW 2030

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No 6 THE CRESCENT

DA-VA18

Project No.  
6786

1/03/2024 12:22:47 PM :Plot Date





**6 THE CRESCENT - LIVING AREA FACING NW - SEATED**



## CAMERA LOCATIONS

**NOTE:** PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRAI COUNCIL



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12 The Crescent Vaucluse NSW 2030

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No 6 THE CRESCENT

DA-VA19

Project No.  
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CAMERA LOCATIONS

6 THE CRESCENT - MASTER BEDROOM TERRACE FACING NW

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

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DA-VA20

Project No.  
6786

1/03/2024 12:22:50 PM :Plot Date





6 THE CRESCENT - MASTER BEDROOM TERRACE FACING NW

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL



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No 6 THE CRESCENT

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6786

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6 THE CRESCENT - MASTER BEDROOM TERRACE FACING NW



CAMERA LOCATIONS

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6 THE CRESCENT - MASTER BEDROOM WINDOW FACING NW

- 12A THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - EXISTING BUILDING OUTLINES
- 12 THE CRESCENT - PROPOSED BUILDING OUTLINE

**KANNFINCH** Client  
MR. WILLIAM XIAO

顶级私宅  
12 The Crescent Vaucluse NSW 2030

VIEW ANALYSIS  
No 6 THE CRESCENT



CAMERA LOCATIONS

**NOTE:** PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

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6 THE CRESCENT - MASTER BEDROOM WINDOW FACING NW

12 THE CRESCENT - 9.5M HEIGHT PLANE



CAMERA LOCATIONS

NOTE: PLAN INDICATING SELECTED CAMERA LOCATIONS AND CORRESPONDING PHOTOS FOR ANALYSIS PROVIDED BY WOOLLAHRA COUNCIL

**KANNFINCH** Client  
MR. WILLIAM XIAO

顶级私宅  
12 The Crescent Vaucluse NSW 2030

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6 THE CRESCENT - MASTER BEDROOM WINDOW FACING NW



CAMERA LOCATIONS

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**KANNFINCH** Client  
MR. WILLIAM XIAO

顶级私宅  
12 The Crescent Vaucluse NSW 2030

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