



Application Assessment Panel

Tuesday 3 September 2024
3.00pm

Agenda

Application Assessment Panel (AAP) Meetings:

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

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

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

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

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

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

Outline of Meeting Protocol & Procedure:

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

Disclaimer:

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

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

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

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

Application Assessment Panel Membership: 1 Chair and 2 Panel Members

Quorum: 3 Panel members

Woollahra Municipal Council

Notice of Meeting

26 August 2024

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

CC: The Mayor
All Councillors

Application Assessment Panel – 3 September 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Application Assessment Panel** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on Tuesday 3 September 2024 at 3.00pm.

Members of the Public may:

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

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

Information on how to listen and/or address the Panel will be available on Council's website https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/aap.

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

Regards,

Craig Swift-McNair
General Manager

Application Assessment Panel

Agenda

Item	Subject	Page
1.	Opening	
2.	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3.	Leave of Absence and Apologies	
4.	Declarations of Interest	
Items to be Decided by this Committee using its Delegated Authority		
D1	Confirmation of Minutes of Meeting held on 13 August 2024 - 24/143090.....	7
D2	DA69/2024/1 - 177 Underwood Street Paddington - 24/152535..... *See Recommendation Page 39	9
D3	DA 98/2024/1 1 New Beach Road DARLING POINT - Cruising Yacht Club of Australia (CYC) - 24/152791 *See Recommendation Page 218	193

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 13 AUGUST 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/143090
Purpose of the Report: The Minutes of the Application Assessment Panel of 13 August 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Application Assessment Panel Meeting of 13 August 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Application Assessment Panel Minutes of 13 August 2024 for confirmation.

Discussion:

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

Options:

Submission of Minutes to the [insert meeting] is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

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

Policy Implications:

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

Financial Implications:

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

Resourcing Implications:

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

Conclusion:

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

Attachments

Nil

DEVELOPMENT APPLICATION ASSESSMENT REPORT

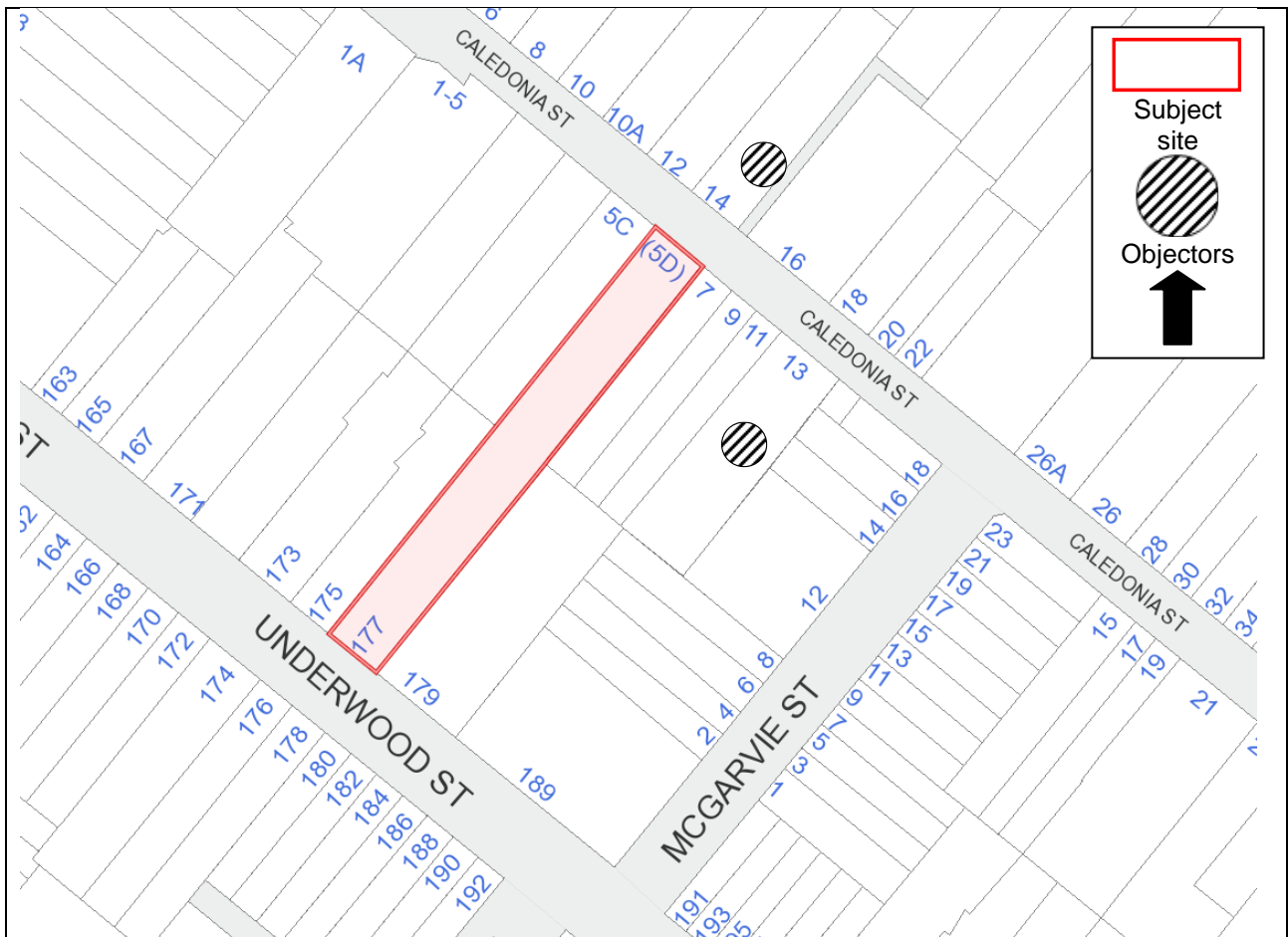
ITEM No.	D2
FILE No.	DA 69/2024/1
ADDRESS	177 Underwood Street PADDINGTON
SITE AREA	392.1m ²
ZONING	R2 Low Density Residential
TYPE OF CONSENT	Local Development
PROPOSAL	Demolition of the existing dwelling and construction of a new dwelling with a basement level, swimming pool, garage with loft above and associated landscaping
COST OF WORKS	\$2,528,947.00
DATE LODGED	13/03/2024 20/06/2024 Amended Plans 22/07/2024 Amended Plans 19/08/2024 Amended Plans
APPLICANT	Pohio Adams Pty Ltd
OWNER	Mrs L F Turnbull
AUTHOR	Mr V Aleidzans
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Three (3)
RECOMMENDATION	Conditional Approval

1. REASONS FOR RECOMMENDATION

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

- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015;
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality;
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory;
- The site is suitable for the proposed development;
- The Clause 4.6 is well-founded and as such, the exceedance of the statutory height of buildings development standard is justified; and
- The proposal is in the public interest.

2. LOCALITY PLAN



- Confirming translucent glazing behind privacy screening to first floor west elevation bathroom windows.

The proposal was **amended again on 19/08/2024** and involved the following changes.

- Corrected anomalies in the drawings to remove any work that encroached over the boundary to 175 Underwood Street, Paddington.
- Removal of north-eastern side fencing and relocation to property boundary.
- New timber paling fence along north-eastern side boundary.

As amended, the proposal involves demolition of the existing dwelling and construction of a new dwelling with a basement level, swimming pool, garage with loft above and associated landscaping.

Basement Level

- Bathroom;
- Linen cupboard;
- Laundry;
- Wine cellar;
- Storage area; and
- Plant room.

Ground Floor

- Entry area;
- Living room;
- Study;
- Hallway;
- Pantry;
- Open planned kitchen, dining and living room configuration;
- Internal access stairs;
- Outdoor area including BBQ facilities and swimming pool; and
- Garage accessed via Caledonia Street with pool equipment area and access stairs to the loft above.

First Floor

- Three bedrooms of which each will provide for robe spaces and an ensuite. Bedroom 1 will have access to a street facing balcony with a shallow Juliet balcony accessed via the master bedroom;
- Hallway;
- Linen cupboard;
- Internal access stairs; and
- New loft above garage along Caledonia Street providing for bathroom, kitchenette, access stairs and storage spaces.

Attic Floor

- Bedroom with robe spaces and bathroom; and
- Access stairs.

Roof Level

- Photovoltaic panels and skylights throughout.

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	250mm or 3% departure from the 9.5m control	Satisfactory

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is a regularly shaped allotment which is located on the north-eastern side of Underwood Street and is bound by Caledonia Street to the rear. The site is legally described as Lot 1 is Deposited Plan 1099820.
To Underwood Street, the sites primary frontage length equals 6.71m with the secondary frontage length to Caledonia Street equalling 6.75m. The sites side boundaries measure 56.65 and 58.59 in length, respectively. Overall, the site area equals 392.1m ² .
Topography
The subject site is generally flat and does experience any steep changes in topography.
Existing buildings and structures
At present, the subject site comprises a two-storey rendered masonry, terrace comprised of two storey principal gable form with a rear skillion extension and two storey rear wing. A swimming pool is located within the rear setback with hard paved and soft landscaped areas are exhibited throughout the site. Along Caledonia Street is a concrete driveway with remnant brick garage walls and partial roof structure.
Surrounding Environment
The immediate locality is typically defined by low density residential development with both Underwood Street and Caledonia Street providing for traditional one and two storey dwelling and terrace houses with some later infill development and contemporary alterations and additions. Some sites within this residential block also exhibit a through site connection between Underwood Street and Caledonia Street. Therefore, Caledonia Street does comprise vehicle access and garaging to some sites which do exhibit this connection.

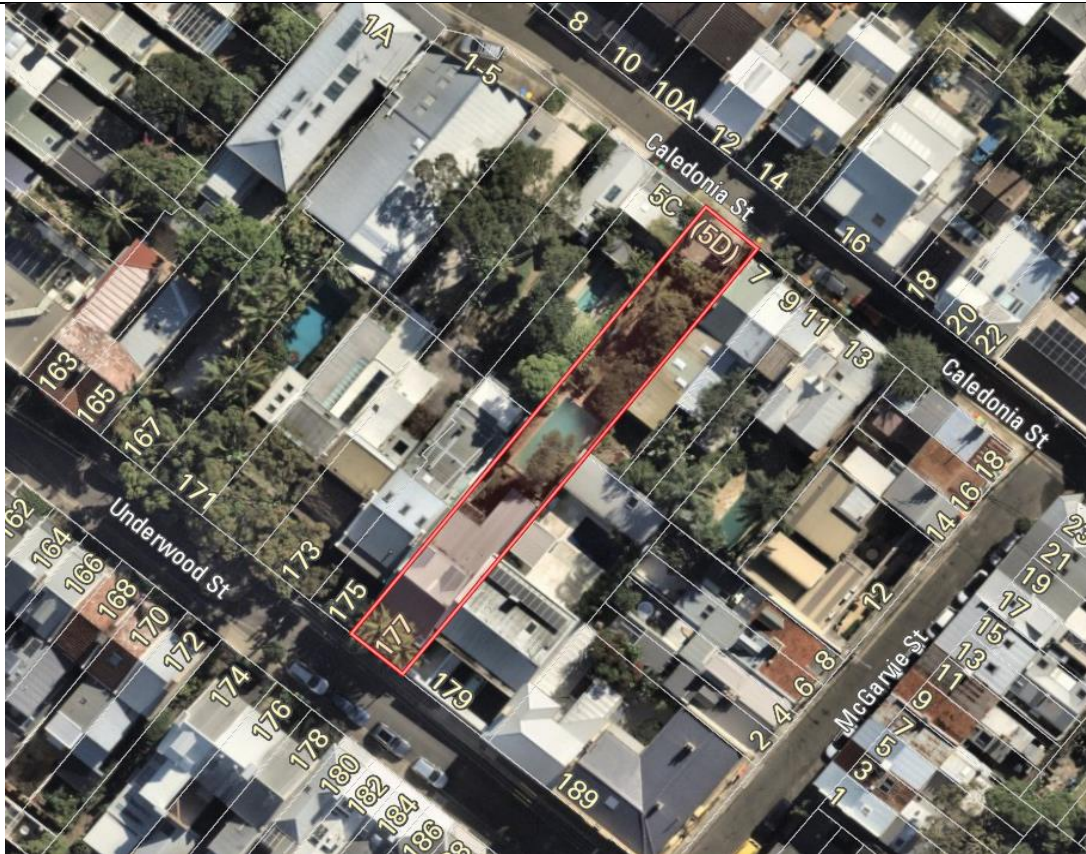


Image 1: Aerial view of the subject site



Image 2: Subject site as viewed from Underwood Street



Image 3: No. 179 Underwood Street, Paddington



Image 4: Nos. 173 and 175 Underwood Street, Paddington



Image 5: Subject site as viewed from Caledonia Street



Image 6: Nos. 173 (loft) and 175 (garage) Underwood Street as viewed from Caledonia Street

7. RELEVANT PROPERTY HISTORY

Relevant Application History
<p>Additional information and design amendments were requested on 12 June 2024 pertaining to:</p> <ul style="list-style-type: none"> - Clarifying the use of the loft structure. - Submission of a north-western side elevation of the proposed loft. - Hourly shadow diagrams between 12pm-3pm on 21 June. - Revised deep soil landscaped area calculation plans. - Deletion of dormer windows to the loft structure. - Deletion of arched recesses to the fin walls to the Underwood Street elevation. - Simplification of French doors to the Underwood Street elevation. - Clarification on the operability of attic windows. - Redesign of W.09. <p>A response to the additional information request was submitted on 25/06/2023.</p> <p>Additional information as requested on 05 July 2024 pertaining to:</p> <ul style="list-style-type: none"> - Amended Clause 4.6 variation request. - Additional shadow diagrams. - Amendments to street facing loft window. - Amendments to skylight location on loft roof. - Amendment to solid to void ratios to the Underwood Street elevation. <p>A response to the additional information request was submitted on 01 August 2024 which also included a revised BASIX Certificate and confirmed privacy treatments to select windows on the revised architectural plans.</p> <p>Amended plans were received on 19/08/2024 and involved the following changes.</p> <ul style="list-style-type: none"> - Corrected anomalies in the drawings to remove any work that encroached over the boundary to 175 Underwood Street, Paddington. - Removal of north-eastern side fencing and relocation to property boundary. - New timber paling fence along north-eastern side boundary.
Relevant Compliance History
N/A

8. REFERRALS

Referral	Summary of Referral Response	Attachment
Development Engineering	Satisfactory, subject to the recommended conditions of consent.	3
Trees and Landscaping	Satisfactory, subject to the recommended conditions of consent.	4
Heritage	Satisfactory, subject to the recommended conditions of consent. It is noted that the original heritage referral response was supplemented by further commentary provided by Council's Team Leader of Heritage which also informs this assessment.	5 and 6

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

9. ADVERTISING AND NOTIFICATION

9.1. Notification Period

The application was advertised and notified from 03/04/2024 to 18/04/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Miles Lee and Amelia Morgan – 14 Caledonia Street, Paddington

2. The Paddington Society
3. Sally Morrell – 13 Caledonia Street, Paddington

The submissions raised the following issues:

Issue	Conclusion	Section
Waste management during construction. Inappropriate location of waste storage areas and site access during construction.	The proposed waste storage area is considered to be the most appropriate as it where vehicle access to the site is currently available. Potential impacts associated with waste management during construction would be suitably addressed via the recommended conditions of consent.	23
Construction impacts including noise, inability to access off street parking, traffic disruptions, concentration of waste materials, odour and visual impact.	It is considered that construction related impacts would be addressed via the recommended conditions of consent.	23
Cumulative impacts of construction and waste management if consent is given to other applications and construction occurs at the same/similar time.	It is considered that such matters would be addressed by conditions of consent. There is no mechanism available to Council to control or stagger the commencement of construction times.	23
The proposed garage and loft structure will take away an open air car space and will create adverse amenity impacts including overshadowing and loss of natural ventilation upon surrounding properties that are inconsistent with the streetscape.	Caledonia Street comprises several garaging structures and dwellings where through site connectivity to Underwood Street is not available. Additionally, loft structures have been recently approved at Nos. 175 Underwood Street (DA2022/582/1) and 173 Underwood Street (DA2020/122) which is currently under construction. The traditional character would not be compromised. The proposed garage and loft structure would not create any adverse amenity impacts upon surrounding properties noting there are no adverse overshadowing or reduced ventilation concerns.	14.1.17
Reduced property values.	The impact of the proposed development on property values is not a relevant consideration under S4.15 of the Act, which requires consideration of economic impacts in the locality. It is the long standing position of the Land and Environment Court that the loss of property values to individual owners is not a relevant planning consideration (<i>Alphatex Australia v the Hills Shire Council</i>) [2009]).	N/A
The building should be retained and not demolished.	Demolition of the existing dwelling is supported from a heritage perspective noting that past alterations and additions have resulted in irreversible loss of fabric.	13.5
No geotechnical report was submitted with the application.	A geotechnical report accompanied this application and no objections have been raised to this aspect of the proposal by Council's Development Engineer, subject to the recommended conditions of consent.	13.7 and 14.1.8
The deep soil landscaped area calculation plans are incorrect.	Calculation plans have been corrected and compliance with the minimum requirement is achieved.	14.1.9
Tree removal.	No objections have been raised by Council's Tree and Landscaping Officer subject to the recommended conditions of consent.	14.4
The proposed roof form is not traditional.	The proposed roof form is acceptable from a heritage perspective and offers a contextually acceptable response to the conservation area and proposed infill dwelling.	14.1.5

Issue	Conclusion	Section
Incompatible solid to void ratios.	The proposed solid to void ratios are deemed acceptable and no objections have been raised by Council's Heritage Officer in this regard.	14
Height, bulk, scale, footprint and form are inconsistent with the surrounding properties, character of streetscape and locality.	The proposed infill development is supported in this circumstance as it would provide for an acceptable integration within the context of the Heritage Conservation Area, streetscape and general locality. No objections have been raised in this regard by Council's Heritage Officer.	13.5 and 14
Setback of excavation associated with the swimming pool.	No objections have been raised with regard to the proposed setback of excavation from property boundaries subject to the recommended conditions of consent. The proposed swimming pool would not give rise to any unreasonably adverse amenity impacts to surrounding properties.	14.1.8
Visual privacy impacts.	There are no unreasonably adverse visual privacy impacts considered to arise.	14.1.11
The proposal does not satisfy the loft structure objectives or controls within the WDCP 2015.	The proposed loft structure is considered to be contextually appropriate and is satisfactory against the relevant considerations of the Woollahra DCP 2015.	14.1.17

9.2. Replacement Application

The additional information and design amendments noted in Section 2 were not renotified to surrounding residents/previous objectors because they were considered to have no greater environmental or amenity impact.

9.3. Statutory Declaration

The applicant completed the statutory declaration dated 22/04/2024 declaring that the site notice was erected and maintained during the notification period.

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

10.1. Chapter 2 – Coastal Management

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

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

10.2. Chapter 4 – Remediation of Land

Under Clause 4.6(1)(a) of SEPP (Resilience and Hazards) 2021, consideration has been given as to whether the subject site on which the development is occurring is contaminated. The subject site has not been identified on Council's mapping system as being potentially contaminated.

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

11. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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

11.1. Chapter 2 Standards for residential development—BASIX

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

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

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

12.1. Chapter 2 Vegetation in Non-Rural Areas

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

12.2. Chapter 6 Water Catchments

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

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

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.
The proposal will have no significantly adverse impacts on the Sydney Harbour Catchment, subject to standard conditions.

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

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1. Part 1.2: Aims of Plan

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

13.2. Land Use Table

R2 Low Density Residential zone

The proposal is defined as an attached 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.

	Proposed	Control	Complies
Maximum Building Height	9.75m	9.5m	No

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Section 13.4. Notably the definition of building height excludes chimneys per the Woollahra LEP 2014.

13.4. Part 4.6: Exceptions to Development Standards

Departure

The proposal involves a non-compliance with the height of buildings statutory control under Part 4.3 of the Woollahra LEP 2014, as detailed in Section 8.3. The variation equals 250mm which is a 3% departure from the standard.

Purpose

Section 4.6 allows for the contravention of a development standard (provided that the standard is not expressly excluded from the section), with the objectives of the section being:

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

Justification Requirements

Section 4.6(3) states that:

Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

Section 4.6(3) does not require the applicant to demonstrate those matters solely in the written request.

Applicant's Written Request

Section 35B of the *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document [the written request] setting out the grounds on which the applicant seeks to demonstrate the matters in section 4.6(3) paragraphs (a) and (b).

The applicant has provided a written request in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*.

Other Matters put by the Applicant

In addition to the written request the applicant has provided the following material seeking to demonstrate the matters in section 4.6(3) of the Woollahra LEP:

- Statement of Environmental Effects (SEE) prepared by pohio adams pty ltd.

Council's Assessment

Section 4.6(3) requires Council to be satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

Council is required to undertake a critical review of the written request, and any other material that the Applicant has provided seeking to demonstrate the matters in section 4.6(3). This is set out below.

Step 1: Are the planning instrument, development standard and proposed variation identified in the written request accurate?

In determining whether the information contained within the written request is accurate, the following questions have been considered:

Is the provision proposed to be varied a development standard?

Yes, Clause 4.3 of the Woollahra LEP 2014 is a development standard.

Is the development standard proposed to be varied one that can be varied, and not excluded from the operation of section 4.6 by section 4.6(8)?

Yes, the development standard pertaining to height of buildings may be varied and is not excluded from the operation of Clause 4.6 by Clause 4.6(8).

Is the correct LEP or SEPP section (and objectives if relevant) referenced?

Yes, the correct sections of the Woollahra LEP 2014 (including objectives) have been referenced.

Is the extent of the variation correctly identified?

Yes, it has been correctly identified.

Step 2: Section 4.6(3)(a): Is compliance unreasonable or unnecessary?

In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (**Wehbe**), Preston CJ established five potential tests (the Wehbe test) for determining whether a development standard could be considered unreasonable or unnecessary:

- The first is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The second is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
- The third is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
- The fourth is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- The fifth is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary."

However, the five tests set out in *Wehbe* above are not the only ways that an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary. In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (**Initial Action**), Preston CJ stated at paragraph 22:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

Assessment:

To determine whether the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, the following questions have been considered:

Has the applicant adopted one or more of the Wehbe tests to demonstrate that compliance is unreasonable or unnecessary in the circumstances?

The applicant has relied on Test 1 established in *Wehbe* to demonstrate that the development standards are unreasonable and unnecessary in this circumstance.

Has the applicant used another method to justify that the variation is unreasonable or unnecessary?

No.

Are the arguments put forward by the applicant, to demonstrate compliance is unreasonable or unnecessary in the circumstances, supported and why?

Yes, consideration has been given the underlying objectives of the height of buildings development standard and the objectives of the subject R2 Low Density Residential zone. An assessment against these objectives is provided below.

The objectives underlying Clause 4.3 – Height of Buildings

(a) to establish building heights that are consistent with the desired future character of the neighbourhood,

The variation would provide a design which is consistent with the immediate heritage context and desired future character. This provides for a consistent height and pattern with the terrace group along Underwood Street. The variation is quite minor and would not compromise the desired future character of the neighbourhood.

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

The subject site does not adjoin any differing zone boundaries.

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

The non-compliant roof section would not generate any adverse overshadowing impacts upon neighbouring properties and is deemed acceptable.

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

The proposal will be suitably integrated in the context of the site, streetscape and conservation area including with the bulk and scale of surrounding development. Impacts associated with visual intrusion are mitigated by the sympathetic design response. The non-compliant roof section would not generate any adverse overshadowing impacts upon neighbouring properties. Given the minor nature of the non-compliance it would not create any view loss concerns. The proposed variation would not generate any visual privacy concerns noting it pertains to part of the roof parapet. In terms of acoustic privacy the proposal includes activities associated with a dwelling and swimming pool which would be contextually appropriate given the surrounding land uses.

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

The proposal would not affect any public views of the harbour and surrounding areas.

The objectives of the R2 Low Density Residential zone

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

The existing residential land use is maintained and the proposal will continue to provide for the housing needs of the community.

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

This objective is not relevant to the proposed scope of works.

- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*

Overall, the proposed development is considered to be of a sympathetic design which aligns with the overall character and amenity of the surrounding neighbourhood. The proposal will offer a sympathetic response to the heritage conservation area and will be compatible with surrounding development so as to ensure a positive integration. The variation does not compromise this outcome.

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

The variation is limited to part of the roof parapet with the remaining areas of the dwelling (excluding chimney) achieving compliance. Given the minor nature of the variation it is unlikely that this would be perceived by the casual observer thereby achieving an acceptable bulk and scale presentation which is in keeping with the desired future character.

- *To ensure development conserves and enhances tree canopy cover.*

The proposal would have no adverse impacts on tree canopy cover.

Step 3: Section 4.6(3)(b) Are there sufficient environmental planning grounds to justify the contravention?

In *Initial Action* Preston CJ provided the following guidance (at paragraphs 23 and 24) concerning whether there will be sufficient environmental planning grounds to justify a contravention of the development standard:

- 23 *As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See Four2Five Pty Ltd. v Ashfield Council. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act.*
- 24 *The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". ... the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15].*

Section 1.3 of the EPA Act reads as follows:

1.3 Objects of Act

The objects of this Act are as follows:

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

Assessment:

To determine whether the applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard, the following questions have been considered:

What environmental planning grounds have been put forward to justify the variation?

The nominated environmental planning grounds are:

- The proposal will provide for an increased landscaped area which offers an increased amenity to occupants and surrounds.
- The proposal will comprise a high quality architectural design with a sympathetic and well integrated massing, proportion, detail and materiality.

- The proposed roof massing including parapet and chimney are contextually appropriate and well-proportioned which relate to the heights, pitches and articulation of neighbouring development.
- The proposal will provide for an ecologically sustainable development outcome for the subject site.

Are the environmental planning grounds specific to the proposed variation?

Yes, the nominated environmental planning grounds are specific to the proposed variations.

Are there sufficient environmental planning grounds to justify the proposed variation to the development standard?

This assessment has had regard to the written Clause 4.6 variation request and is satisfied that there are sufficient environmental planning grounds to justify the proposed variation as considered above.

Conclusion

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

13.5. Part 5.10: Heritage Conservation

The subject site is not identified as a heritage item, however, is located within the Paddington Heritage Conservation Area. Having regard to Council's Heritage Officer's referral response, the existing dwelling is considered to make a neutral contribution to the Conservation Area.

Council's Heritage Officer concurs with the findings of the submitted Heritage Impact Statement which concluded that the existing building form has undergone extensive alterations and additions which have resulted in irreversible loss of fabric which includes the original structure and materials. It was stated that as a consequence of the works undertaken in the 1970's at the subject site, the current dwelling is almost a total replacement when compared to the original. It is acknowledged that there are numerous other dwelling that are better examples, of Victorian-era terraces within Paddington which exhibit a greater degree of internal and external integrity. The subject site and building is not a locally significant item and has failed to meet any of the criteria for listing.

On that basis the proposed demolition of the dwelling which has been extensively modified is supported by Council's Heritage Officer noting that this would not have a negative impact on the character of the Paddington Heritage Conservation Area. This assessment has also had regard to the planning principle established in *Helou v Strathfield Municipal Council [2006] NSWLEC*.

The proposed infill development is supported in this circumstance as it would provide for an acceptable integration within the context of the Heritage Conservation Area, streetscape and general locality. No objections have been raised in this regard by Council's Heritage Officer.

The site is not in an area of Potential Aboriginal Heritage Sensitivity, however, conditions of consent pertaining to unexpected findings of Aboriginal objects and Aboriginal heritage due diligence responsibilities have been included.

Furthermore, there are no heritage items within proximity of the site that would be adversely impacted by the proposal.

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

13.6. Part 6.1: Acid Sulfate Soils

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

13.7. Part 6.2: Earthworks

In accordance with the submitted geotechnical report, the proposal involves excavation with a maximum depth of approximately 3.5m from the existing ground surface levels for the proposed basement.

The submitted Geotechnical Report identified the following subsurface conditions:

- a) *Silty sand to a depth of 0.85m, 0.7m and 0.4m at location of BH1, BH2 and BH3 respectively.*
- b) *Depth of natural sand with various density from a depth beneath the fill to a termination depth of 1m, 0.9m and 0.9m in BH1, BH2 and BH3 respectively.*
- c) *Sandstone bedrock was inferred beneath the natural sand at depths ranging between 0.9m and 1m.*
- d) *Groundwater other than perched seepage was not observed during the investigation.*

The greatest depth of excavation will occur at 1.5m from side boundaries noting that excavation to a depth of 770mm is required for revised site levels throughout the rear of the site. Works to a depth of 1.66m are required for the garage which would have a nil side setback and in part have a nil setback to the rear boundary. Excavation works to the swimming pool are also required.

The extent of excavation has been considered by Council's Development Engineer who has raised no concerns to this aspect of proposal subject to the recommended conditions of consent. Any potentially adverse impacts arising as a consequence of the proposed excavation works are considered to be suitably managed by conditions of consent.

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

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1. Chapter C1: Paddington Heritage Conservation Area

14.1.1. Section C1.3.4: Multi-Storey Terrace Style Housing

As already detailed in Section 8.5 of this assessment report, the proposed demolition of the existing building is considered satisfactory.

14.1.2. Section C1.3.13: Infill Development (New Development)

The proposal is satisfactory with regard to objectives O1, O2, O3, O4, O5 and controls C1, C3, C4, C5, C6, C7, C9, C11, C12, C13, C14, C15 and C16.

The proposal is considered satisfactory with regard to the relevant considerations under sections C1.4 and C1.5 of the chapter as discussed below.

The proposed infill development is supported as it would not detract from the significant features and qualities of the neighbourhood and broader locality without affecting maintenance of significant elements. Overall, it will make a positive contribution to the character of the locality and will sit quietly in this context. Compliance with C3 is achieved.

The proposed infill development would be well integrated in the Underwood streetscape and is not of a scale that would undermine this context. The proposal (except for part of a parapet) will achieve compliance with the prescribed 9.5m building height development standard in the WLEP 2014 and will respect the massing of adjoining development. Compliance with C4 is achieved.

The form and scale of the proposed infill dwelling is consistent with the neighbouring contributory items which complies with C5.

The proposed infill dwelling adopts the established orientation pattern of the streetscape with the proposed front and rear setback aligning with the existing patterns. This is acceptable having regard to C6, C7, C9 and C11.

With regard to C12, the proposal will ensure that sufficient deep soil landscaping is provided with Council's Tree Officer raising no concerns with the proposal subject to the recommended conditions of consent. Compliance is achieved.

The proposed materials, finishes and textures are generally appropriate to the historic context which is satisfactory having regard to C13, C14, C15 and C16.

14.1.3. Section C1.4.1: Principal Building Form and Street Front Zone of Contributory Buildings

The proposal is satisfactory with regard to objectives O1, O2, O3, O6, O7, O8, O10, O11, O12, O13 and controls C1, C2, C3, C7, C8, C10, C11, C12, C14 and C15 in the circumstances of this case.

As already detailed throughout this assessment report, the existing dwelling has been extensively modified over time both internally and externally. In the circumstances of this case, the complete demolition is supported.

14.1.4. Section C1.4.3: Rear Elevations, Rear Additions, Significant Outbuildings and Yards

The proposal is satisfactory with objectives O1, O2, O3, O4, O5 and controls C5, C8, C11, C12, C13, and C14 in the circumstances of this case.

The proposed demolition is supported as the original rear characteristics have been lost.

There are no significant rear structures that would be demolished.

14.1.5. Section C1.4.4: Roofs and Roof Forms

The proposal will comply with objective O3 and controls C6, C8 and C10.

Council's Heritage Officer has not raised any objection to the proposed replacement building in terms of its roof form and materiality. The form is considered appropriate in its surrounding context and the architectural design of the infill dwelling. C6 and C8 are achieved.

C10 specifies that rear roof planes are not to incorporate more than 25% transparent material. This includes the area of skylights and dormer windows. The rear roof plane would incorporate 5% of transparent materials inclusive of the dormer which achieves compliance.

14.1.6. Section C1.4.5: Building Height, Bulk, Form and Scale

The proposal is considered satisfactory with regard to objectives O4, O5 and O6 and controls C3, C4, C5 and C7.

The proposed infill development is of a consistent height, bulk, scale and form with surrounding buildings and would provide for a suitable integration into the context of the streetscape, heritage conservation area and locality. Compliance with C3 is achieved.

With regard to No. 179 Underwood Street, solar access to a minimum area of 35m² for 2hrs will be retained between 10am-12pm on 21 June.

In terms of No. 7 Caledonia Street, there are no additional shadows that would be cast beyond the current condition between 9am-3pm on June 21.

Overall the proposal is considered acceptable having regard to the solar access requirements stipulated by C4. The proposal would not further impact upon north facing habitable room windows of surrounding buildings and compliance with C5 is achieved.

The proposed dwelling includes windows orientated toward the rear of the site which is considered to maximise opportunities for solar access given their orientation to the north-east. This is considered to be a suitable site specific response which satisfies C6.

The proposal conforms to the height of appropriate adjacent buildings in accordance with control C7.

14.1.7. Section C1.4.6: Site Coverage, Setbacks and Levels

The proposal satisfies objectives O1, O2, O3, O4, O5, O6 and controls C1, C3, C4, and C7.

The proposal maintains an acceptable front and rear configuration which is consistent with the predominant setback alignments within the streetscape and will incorporate a consistent footprint with similar properties in the immediate vicinity. The proposal will maintain consistent ground and first floor levels with the existing built form and of neighbouring sites.

14.1.8. Section C1.4.7: Excavation

The proposal will satisfy objectives O1, O2, O3, O4, O5, O6, O7, O9, O10 and controls C1, C2, C3, C4, C6 and C7.

The proposed excavation would not occur under common walls or footings, freestanding boundary walls, under any part of adjoining land nor would it occur under or forward of the front façade. In accordance with the submitted geotechnical report, the proposal involves excavation with a maximum depth of approximately 3.5m from the existing ground surface levels for the proposed basement.

The submitted Geotechnical Report identified the following subsurface conditions:

- e) *Silty sand to a depth of 0.85m, 0.7m and 0.4m at location of BH1, BH2 and BH3 respectively.*
- f) *Depth of natural sand with various density from a depth beneath the fill to a termination depth of 1m, 0.9m and 0.9m in BH1, BH2 and BH3 respectively.*
- g) *Sandstone bedrock was inferred beneath the natural sand at depths ranging between 0.9m and 1m.*
- h) *Groundwater other than perched seepage was not observed during the investigation.*

The greatest depth of excavation will occur at 1.5m from side boundaries noting that excavation to a depth of 770mm is required for revised site levels throughout the rear of the site with works to a depth of 1.66m required for the garage which would have a nil side setback and in part a nil setback to the rear boundary.

Rooms at the basement are not considered habitable and therefore their amenity is not compromised by their location.

Per C2, the proposal is not considered to cause any damp problems to party walls noting the separation of excavation from such areas.

Groundwater was not encountered during the geotechnical investigation. However, it is considered that appropriate stormwater management conditions are incorporated into this consent which have been recommended by Council's Development Engineer and are deemed to satisfy C3.

Per C4, the proposed floor levels are consistent with adjoining properties, thereby achieving compliance.

Having regard to C6, the proposed excavation to accommodate the garage and loft structure is fairly limited noting the structure is acceptable having regard to the requirements of Section C1.5.6 of this Chapter in the Woollahra DCP 2015. This structure does not adjoin any of the areas specified in C6(b) and it is not considered that any original footings would be adversely impacted. Compliance is achieved.

With respect to C7, the swimming pool excavation has been setback at least 1.5m from the property boundaries and is compliant. Given the proposed setback, it is not considered that any impacts to original footings would occur. A satisfactory geotechnical report also accompanied the application which was reviewed by Council's Development Engineer. No objections on a technical basis were raised to this aspect of the development subject to the recommended conditions of consent. Compliance with C7 is achieved.

A geotechnical report accompanied this application and no objections have been raised to this aspect of the proposal by Council's Development Engineer, subject to the recommended conditions of consent.

Furthermore, Council's Heritage Officer has recommended conditions pertaining to unexpected archaeological finds and due diligence responsibilities.

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

Site Area: 392.1m ²	Proposed	Control	Complies
C4 Principal rear area of private open space on allotments greater than 180m ² – Principal Area Minimum Area	38.70m ² (plus extensive private open space provided beyond) 3m	35m ² 3m	Yes Yes
C4 Minimum unbuilt upon area	33.31% (130.63m ²)	18% (70.57m ²)	Yes
C4 Minimum deep soil landscape area for dwelling-house	12.90% (50.61m ²)	12% (47.05m ²)	Yes

A consistent landscaped area presentation within the street front zone is proposed which is acceptable with C1, C2 and C3.

In accordance with C4, the proposal provides for a compliant deep soil landscaped area, unbuilt upon area and private open space as detailed in the compliance table above.

Council's Tree and Landscaping Officer has raised no concerns regarding the proposed deep soil and landscaped outcome therefore achieving compliance with C7, C8, C19, C20, C22 and C23. In accordance with C9, the private open space will serve as an extension of the dwelling and offer a positive amenity for its occupants thereby achieving compliance.

C10 specifies that stairways and ramps may be used to provide access from the building to the open space in cases of sloping sites and grade variations. New stairs are proposed to accommodate access from the proposed garage/studio building along the rear to the private open space and primary dwelling which is contextually acceptable.

The proposal does not require raising of private open space levels to provide level access from the proposed dwelling. Notably, there would be no adverse impacts on adjoining properties nor the significance of the property as a consequence of the proposed private open space. Compliance with C11 is achieved.

The proposed swimming pool is located within the rear setback which complies with C13.

The swimming pool is not considered to generate any adverse amenity impacts upon surrounding properties noting this is not a raised structure and forms part of the private open space area which is consistent with the location of open space at adjoining properties. The proposed pool equipment is located within the garage and acoustic impacts would be addressed by the recommended conditions so too would the discharge of backwash. Compliance with C15 is achieved.

Per C16, the proposed swimming pool would not have any adverse vegetative impacts which is supported by Council's Tree and Landscaping Officer subject to the recommended conditions of consent. Compliance is achieved.

Per C17, the proposed pool coping would not rise more than 300mm above existing ground level and no portion of the pool casing would be visible from either the public or private domain. Compliance is achieved.

The proposed stormwater configuration is deemed acceptable by Council's Development Engineer subject to the recommended conditions which would satisfy C18.

The proposal will achieve the relevant objectives O1, O3, O4, O5, O6, O7, O8, and O9.

14.1.10. Section C1.4.9: Views

The proposal will satisfy the relevant objectives O1, O2 and O3 and comply with controls C1, C2, C3.

The proposal is not considered to give rise to any view loss impacts from the public domain nor from surrounding properties as there are no significant view lines available across the subject site. It is also acknowledged that no objections on the basis of view loss were received.

This assessment has also considered the planning principle established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* and the proposal is acceptable with respect to view loss. Compliance with C1 is achieved.

There are no public views identified in Section C1.6.2 that would be impacted by the proposal and compliance with C2 is achieved.

New landscaping works would not obstruct views which complies with C3.

14.1.11. Section C1.4.10: Acoustic and Visual Privacy

As it pertains to the new infill dwelling, the proposed will introduce privacy screening to the first floor north-western elevation to mitigate overlooking impacts toward No. 175 Underwood Street. Translucent glazing to bathroom windows along this same elevation is also proposed. Remaining windows to the dwelling house at the various levels have either been orientated across the front or rear of the subject site rather than adjoining properties which is deemed acceptable. No additional privacy treatments are required to the dwelling beyond those already proposed.

Skylights to the roof form of the loft structure would not generate any overlooking impacts upon surrounding properties. The window which addresses Caledonia Street would be separated from No. 14 Caledonia Street by approximately 5m noting that the relationship would be with the front setback which is occupied by an open hardstand parking area rather than areas of private open space or sensitive internal areas. To the dwelling itself the window would be separated by approximately 10m which is considered suitable in diluting and mitigating opportunities for overlooking.

A shallow Juliet style balcony is proposed to the first floor main bedroom along the rear elevation. Given the limited width, it is considered to be more of a 'break out' space rather than one that could be furnished. This is located via a bedroom and is not a primary useable area of open space.

Overall, the development as proposed will not result in any adverse acoustic or visual privacy impacts, and is acceptable with regard to controls C3, C4, C5 and will achieve the relevant objectives O1, O2.

It is acknowledged that the subject site and proposed windows are not in proximity to any unreasonably high noise sources or in sensitive locations. There are no exacerbated acoustic privacy impacts that would occur as a consequence of the proposal.

14.1.12. Section C1.5.1: Dormers and Skylights

The proposal will satisfy O1 and comply with controls C22, C28, C29 and C30.

In accordance with C22, two dormers are appropriate on the rear roof plane as they would have a maximum width of 1.2m with the roof width being at least 6m. The top of the dormers would be set at least 300mm below the ridgeline and set at least 400mm above the finished floor level of the attic.

The dormers have been arranged symmetrically, do not incorporate any type of balcony, do not comprise glazed cheeks and do not necessitate the infilling of pediments. The proposal would not have any adverse impacts upon the significance of adjoining properties or on the streetscape. Compliance with C22 is achieved.

Per C28, the proposed skylights are to be of a low profile and flush with the roof surface. They are to have a simple, unobtrusive detailing and be non-reflective with the colouring to merge with the roofing material. This requirement is addressed by **Condition D.1**.

Glazing on the principal roof form does not exceed more than 1.5m² as specified by C29 with 1m² proposed, respectively.

As already addressed within this assessment report the total area of transparent material including dormers would not exceed 25% of the rear roof plane which complies with C30.

14.1.13. Section C1.5.2: Chimneys

The proposal is satisfactory having regard to objective O1 and control C1 noting that demolition of the building is supported due to the extensive modifications and loss of original fabric which has occurred over time. A new chimney breast is proposed and no objections have been raised by Council's Heritage Officer in this regard.

14.1.14. Section C1.5.3: Windows, Doors, Shutters and Security

The proposal will satisfy objectives O1 and O3 and comply with controls C1, C3, C4, C5, C7, C8, C9, C10 and C11. The proposed windows and doors are supported in terms of their materiality and proportions.

14.1.15. Section C1.5.5 Fences, Walls and Gates

The proposal will achieve objectives O1, O3, O4, O5, O6, O7 and is acceptable with controls C1, C2, C3, C13, C14, C15 and C17.

New fencing and gates are constructed to the boundary therefore achieving compliance with C1.

New gates will not encroach into or onto public land thereby achieving compliance with C2.

The proposed pedestrian gates along the frontages would be constructed in line with fencing as required by C3.

Within the street front zone, the proposed fencing outcome is contextually acceptable having regard to the pattern of fencing along Underwood Street and with the architectural style of the proposed infill dwelling as required by C13.

Regarding C14, C15 and Table 5, a new portion of boundary wall is proposed along the shared side boundary with No. 7 Caledonia Street. Although the nominated wall height would be 2.2m which is non-compliant with the 1.8m control, a signed agreement between the neighbours has been submitted with the DA. The new wall along the southern boundary would not be visible from the public domain and would have no impacts upon the historical fabric of the conservation area. This element is supported in this case despite the non-compliance.

New timber paling fence to a height of 1.8m is proposed along part of the north-eastern side boundary which is supported having regard to the above controls.

In accordance with C17 and Table 4 in Section C1.5.8 the material of timber is acceptable and supported.

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

The proposal will achieve the relevant objectives O1, O4, O5, O6, O8, O9, O10, O11, O12, O13, O14 and comply with controls C1, C2, C3, C4, C5, C6, C9, C10, C14 and C15.

The location of the garage structure is generally supported due to there already being vehicle access at the subject site noting that other dwellings which address the street also comprise rear vehicle access. The suitability of the proposed loft structure is discussed further below. It is important to note that the proposal would not have any unreasonably adverse impacts upon the public and private domains.

Council's Development Engineer has raised no issue to the proposed vehicle access and car parking arrangement subject to the recommended conditions of consent. The landscaping and private open space outcomes discussed earlier within this report are supported. Extensive excavation is not required to accommodate the proposed parking arrangement. Overall, the proposal is acceptable having regard to C1.

Per C5, the proposed design and location of car parking would allow for suitable vehicular manoeuvrability into and out of a space without the loss of on-street parking opposite or abutting the proposed vehicle entry. Compliance is achieved.

Per C8, a suitable contemporary design is achieved which complies in this regard.

The proposal is acceptable with C9 as the distance between the rear of the dwelling (as proposed) and rear boundary is greater than 10m (being 32.353m). The site has a rear boundary width of 6.75m and no objections have been raised by Council's Development Engineer regarding access subject to the recommended conditions. The general controls have been satisfied.

The proposed beam adjoining the rear boundary is deemed to provide for an inappropriate interface immediately to Caledonia Street due to its visual bulk and perceived enclosure of the pedestrian entry way. It is therefore required to be removed per **Condition D.1**. The remaining beams are acceptable on the basis of their setback from the rear boundary and visually recessed nature. As conditioned, the proposal is acceptable with regard to C10 as it will provide for an acceptable interface between the public and private domain noting the rear fence and gates are greater than 1.2m in width along the rear boundary.

The proposal provides for one parking space which is below the maximum permitted for residential dwellings under Chapter E1 of the Woollahra DCP 2015 and achieves the relevant controls C1-C13 under this Part. Compliance with C14 and C15 is thereby achieved.

14.1.17. Section C1.5.7: Lofts over Garages and Studios

The proposal will achieve the relevant objectives O1, O2, O3, O4, O5, O6, O7 is acceptable with regard to controls C1 and C2.

O1 To ensure that loft structures over garages or studios are sympathetic in their location, massing, form and scale to the traditional rear elevations, yards, and laneways.

The proposal has incorporated a sense of openness to the north of the structure with pedestrian gate and access from the street to the primary dwelling. This will allow for visual connectivity to the rear elevation of the proposed infill development. Caledonia Street comprises several garaging structures and dwellings where through site connectivity to Underwood Street is not available. Additionally, loft structures have been recently approved at Nos. 175 Underwood Street (DA2022/582/1) and 173 Underwood Street (DA2020/122) which is currently under construction.

The design of the structure is compliant with guidance provided under Section C1.5.7 of the WDCP 2015 ensuring that the overall scale and massing is in accordance with what would be reasonably expected. The structure along with fencing has been suitably scaled for pedestrians in terms of overall height, articulation and modulation. The location and design is deemed acceptable in the circumstances of the case and O1 is upheld.

O2 To ensure that loft structures over garages or studios do not detract from the significance of unaltered groups of buildings.

As above, the proposed loft structure is considered to be sympathetic to the site's location and context of the street. The proposal would not detract from unaltered groups of buildings. O2 is upheld.

O3 To ensure that loft structures over garages or studios do not impact on the privacy of adjoining properties.

The proposed loft structure will have acceptable privacy relationships. O3 is upheld.

O4 To ensure that loft structures do not result in a non-compliance with the private open space and deep soil landscaped area requirements.

As detailed throughout this assessment report, the proposal would not compromise the suitable provision of private open space and deep soil landscaping. O4 is upheld.

O5 To ensure that loft structures are appropriately orientated to minimise overshadowing on adjoining/adjacent open space.

The proposal would not generate unreasonably adverse overshadowing impacts. O5 is upheld.

O6 To minimise the visual impact of loft structures when viewed from public areas and private land.

The structure along with fencing has been suitably scaled for pedestrians in terms of overall height, articulation and modulation. The design of the structure is compliant with guidance provided under Section C1.5.7 of the WDCP 2015 ensuring that its overall scale and massing is in accordance with what would be reasonably expected. O6 is upheld.

O7 To ensure that loft structures above garages and studios do not preclude the maintenance and conservation of items that contribute to the significance of the heritage conservation area.

The proposal would not affect the maintenance of elements which contribute to the HCA. O7 is upheld.

C1 Loft structures may be permitted where:

- a) the site dimensions are a minimum of 30m long and 5.24m wide and where the structure will not adversely impact on the traditional character of the rear elevations, yards, and laneways;*

The subject site has minimum lengths of at least 30m and a minimum width of at least 5.24m which complies. The proposal would not adversely impact upon the character of the rear elevations noting that an open pedestrian passageway is proposed along the northern side of this structure. Caledonia Street comprises several garaging structures and dwellings where through site connectivity to Underwood Street is not available. Additionally, loft structures have been recently approved at Nos. 175 Underwood Street (DA2022/582/1) and 173 Underwood Street (DA2020/122) which is currently under construction. The traditional character would not be compromised.

- b) the structure will not adversely impact on the amenity, visual privacy and overshadowing of the property, neighbouring properties and public open space (the controls in Section 1.4.5 Building height, bulk, form and scale apply);*

There are no adverse amenity impacts that would arise as a consequence of this structure which achieves compliance. This has already been detailed throughout the assessment report.

- c) the structure does not require the footprint of the garage or studio to be extended so that the controls in Section 1.4.8 Private open space, swimming pools, courtyards and landscaping cannot be satisfied. Where there is an existing non-compliance with these controls, the existing private open space and deep soil landscaping is not to be further reduced;*

As already detailed within this assessment report, the proposal would not compromise a suitable landscaped amenity within the subject site and would still facilitate an acceptable degree of private open space including swimming pool and courtyard.

d) *all access to the loft is provided internally;*

Access is internalised as required.

e) *habitable room windows within the loft with a direct sightline to the habitable room windows in the existing building on the site and neighbouring buildings have a separation distance of at least 9m;*

The loft will have acceptable privacy relationships with surrounding properties as required.

f) *the structure extends over only a single space garage or studio;*

The loft will extend over a single car space as required.

g) *the loft and garage (or studio) structure is a maximum of 4.34m wide;*

A maximum width of 4.34m is proposed which complies.

h) *the roof structure is gable ended to the rear boundary, with a maximum ridge height of 5.5m and maximum wall height of 3.9m (on or adjacent to a side boundary);*

A maximum ridge height of 5.5m and maximum wall height of 3.65m are proposed which complies.

i) *windows are located only in the centre of gable ends and must be either: a single double hung sash window, or inward opening window of traditional proportions;*

The proposed street facing window achieves compliance.

j) *does not include balconies, decks, or other similar cantilevered structures;*

The proposal does not include such features and achieves compliance.

k) *a maximum of two skylights per roof plane, provided they comply with controls C28, C29 and C30 in Section 1.5.1 Dormers and skylights;*

Three skylights are proposed to the loft with two located on one roof plan and the third located on the other roof plane. The design guidance is achieved.

l) *the ground floor level of the principal building form is higher than the natural ground level at the rear boundary; and*

The ground floor of the principal building form is higher than the natural ground level at the rear boundary. This is the case for the existing and proposed situation.

m) *the maintenance of elements that contribute to the heritage conservation area, such as sandstone walls, will not be adversely affected. Also refer to C1.5.6 Fences, walls and gates*

The proposal would not affect the maintenance of elements which contribute to the HCA. Furthermore the proposal is acceptable with regard to C1.5.6 of the Woollahra DCP 2015.

C2 Loft structures will not be permitted:

a) *over garages or studios in the street front zone;*

This outcome is not proposed.

hh) *if the subject property is part of an original row of houses, comprising an unaltered group, and the proposal demonstrates an adverse impact on this group;*

The proposed garage and loft above does not necessitate the removal of any original elements or structures. As already detailed Garages are a consistent feature along Caledonia Street noting there is currently a loft above the garage at No. 171 Underwood Street with other proximate approvals for loft structures. The proposal has incorporated a sense of openness to the north-west of the structure with pedestrian gate and access from Caledonia Street to the primary dwelling. This will allow for a visual connectivity the rear elevation of the subject proposed dwelling and neighbouring site.

Furthermore, there are no adverse amenity impacts deemed to arise upon surrounding properties as detailed in this report.

ii) *if the rear of the property is orientated towards the north between NNE and NNW (true north) (see Appendix 1);*

Although the rear of the property is orientated between NNE and NNW, it is important to acknowledge that Caledonia Street comprises several garaging structures and dwellings where through site connectivity to Underwood Street is not available. Additionally, loft structures have been recently approved at Nos. 175 Underwood Street (DA2022/582/1) and 173 Underwood Street (DA2020/122) which is currently under construction. Therefore, despite the orientation of the subject site the proposed loft structure would not be out of character with the streetscape and development pattern noting there would be no adverse amenity impacts generated upon surrounding properties. It is therefore supported in this case.

jj) *with a dormer window; and*

No dormer windows are proposed to this structure.

kk) *over a multiple space garage.*

The loft would be located over a single car space which is supported.

14.1.18. Section C1.5.8: Materials, Finishes and Details

The proposal will achieve the relevant objectives O1, O2, O3 and comply with controls C1, C2, C3, C4, C5, C6 and Table 8. Council's Heritage Officer raises no objection to the proposed materials and finishes palette which is considered contextually acceptable.

14.1.19. Section C1.5.9: Exterior Colours

The proposal will achieve the relevant objective O1 and comply with controls C1, C3, C4 and C6. The proposed exterior colour scheme is considered acceptable as it would have an appropriate relationship with the surrounding context.

14.1.20. Section C1.5.10: Gardens and Trees

The proposal is satisfactory with regard to objectives O2, O3, O4 and O5 along with controls C2, C3, C4, C5 and C6. No objections have been raised by Council's Tree and Landscaping Officer having regard to the proposed landscaping outcome nor any impacts to significant vegetation subject to the recommended conditions of consent.

14.1.21. Section C1.5.11: Satellite Dishes, Aerials, Air Conditioning Units and Other Site Facilities

The proposal is satisfactory with regard to objectives O1, O2, O3 and O4 and controls C2, C4, C6 and C13.

A plant room is located at the basement level with pool equipment located in the garage. There are no adverse visual impacts that would occur upon the streetscape or surrounding properties which is acceptable. It is considered that any potential acoustic impacts would be suitably addressed by the conditions of consent.

14.2. Chapter E1: Parking and Access

	Proposed	Control	Complies
Max Number of Car Parking Spaces – Dwelling	1 Space	2 Spaces	Yes

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

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

14.3. Chapter E2: Stormwater and Flood Risk Management

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

14.4. Chapter E3: Tree Management

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

14.5. Chapter E5: Waste Management

The applicant provided a SWMMP with the development application and it was considered unsatisfactory noting that suitable waste management requirements are also enforced by the conditions of consent.

14.5.1. Section E5.2: Demolition and Construction Phase

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

14.5.2. Section E5.3: On-Site Waste and Recycling Controls for all Development

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

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

14.6. Chapter E6: Sustainability

14.6.1. Section E6.3: Solar Energy Systems

	Proposed	Control	Complies
Maximum Projection Above Roof Surface	<300mm	300mm	Yes
Location of Solar Energy System	Behind the Front Setback	Behind the Front Setback	Yes
Location of Solar Energy System in a Heritage Conservation Area	Not within the Principal Building	Not within the Principal Building	Yes

Per C1 the proposed solar energy system would not have an unreasonable visual impact upon the streetscape or area, would not impact views from Sydney Harbour, adjoining properties or views from private property.

As detailed in the compliance table above, the proposal is satisfactory with respect to C2.

The proposal was also accompanied by a BAISX certificate with these requirements addressed by the conditions of consent.

Overall, the proposal is acceptable with regard to the objectives and controls in Chapter E6 of the Woollahra DCP 2015.

15. DRAFT AMENDMENTS TO POLICIES AND PLANS

None relevant.

16. CONTRIBUTIONS PLAN

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

16.1. Section 7.12 Contributions Plan

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

Cost of Works	Rate based on cost of works
\$2,528,947.00	>\$200,000 = 1%

Refer to **Condition D.5**.

16.2. Subdivision 4 Housing and Productivity Contributions

Section 7.24 of the Environmental Planning and Assessment Act 1979 identifies that the object of this subdivision is to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a housing and productivity contribution to be required.

Division 1 of the Environmental Planning and Assessment (Housing and Productivity Contribution) Ministerial Order 2023 sets out the classes of development, which require a housing and productivity contribution.

The proposal does not require a housing and productivity contribution.

17. APPLICABLE ACTS/REGULATIONS

17.1. Environmental Planning and Assessment Regulation 2021

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

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

17.2. Swimming Pools Act 1992

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

Additional provisions relate to:

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

These requirements are imposed by standard conditions.

18. THE LIKELY IMPACTS OF THE PROPOSAL

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

19. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

20. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

21. CONCLUSION

The proposal is acceptable against the relevant considerations under s4.15.

22. DISCLOSURE STATEMENTS

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

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

THAT Council, as the consent authority, is satisfied that the written request from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the 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

THAT Council, as the consent authority, grant development consent to Development Application No. 69/2024/1 for demolition of the existing dwelling and construction of a new dwelling with a basement level, swimming pool, garage with loft above and associated landscaping on land at 177 Underwood Street Paddington, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

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

<p>A. 2.</p>	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney's eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the <i>BCA</i>.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none"> • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, or • the occupation of the <i>site</i> by any person unless authorised by an occupation certificate.
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		Condition Reason: To ensure all parties are aware of the relevant definitions.		
A. 3.	Approved Plans and Supporting Documents			
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.			
	Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.			
	Reference	Description	Author	Date
	DA.0.11 (Issue E)	Proposed Site Plan & Site Analysis	Pohio Adams Architects	19/8/2024
	DA.1.00 (Issue B)	Demolition Ground Floor Plan	Pohio Adams Architects	19/8/2024
	DA.1.01 (Issue A)	Demolition First Floor Plan	Pohio Adams Architects	01/03/2024
	DA.1.02 (Issue B)	Demolition Garage Plan	Pohio Adams Architects	19/8/2024
	DA.1.10 (Issue A)	Proposed Basement Plan	Pohio Adams Architects	01/03/2024
	DA.1.11 (Issue E)	Proposed Ground Floor Plan	Pohio Adams Architects	19/8/2024
	DA.1.12 (Issue E)	Proposed First Floor Plan	Pohio Adams Architects	19/8/2024
	DA.1.13 (Issue A)	Proposed Attic Floor Plan	Pohio Adams Architects	01/03/2024
	DA.1.14 (Issue C)	Proposed Garage Ground Floor Plan	Pohio Adams Architects	19/8/2024
	DA.1.15 (Issue E)	Proposed Garage First Floor Plan	Pohio Adams Architects	19/8/2024
	DA.2.10 (Issue C)	Proposed West Elevation	Pohio Adams Architects	19/8/2024
	DA.2.10B (Issue C)	Proposed West Elevation – Loft	Pohio Adams Architects	19/8/2024
	DA.2.13 (Issue C)	Proposed North Elevation	Pohio Adams Architects	8/7/2024
	DA.2.13b (Issue C)	Proposed North Elevation Main House	Pohio Adams Architects	19/8/2024
	DA.2.14 (Issue C)	Proposed South Elevation	Pohio Adams Architects	22/7/2024
	DA.2.14b (Issue E)	Proposed South Elevation Studio	Pohio Adams Architects	19/8/2024
	DA.2.15 (Issue A)	Proposed East Elevation	Pohio Adams Architects	01/03/2024
	DA.2.15B (Issue A)	Proposed East Elevation – Loft	Pohio Adams Architects	8/7/2024
	DA.2.20 (Issue C)	External Materials and Colours	Pohio Adams Architects	22/7/2024
	DA.2.21 (Issue C)	External Materials and Colours	Pohio Adams Architects	8/7/2024
	DA.2.22 (Issue C)	Material Board	Pohio Adams Architects	22/7/2024
	DA.3.10 (Issue C)	Proposed Longitudinal Section 1	Pohio Adams Architects	19/8/2024
	DA.3.11 (Issue D)	Proposed Longitudinal Section 2	Pohio Adams Architects	19/8/2024
	DA.3.12 (Issue C)	Proposed Longitudinal Section 3	Pohio Adams Architects	20/06/2024
	DA.3.13 (Issue D)	Proposed Longitudinal Section 4	Pohio Adams Architects	8/7/2024
	DA.3.14 (Issue B)	Proposed Cross Section 1	Pohio Adams Architects	20/06/2024
	DA.3.15 (Issue B)	Proposed Cross Section 2	Pohio Adams Architects	20/06/2024
	1739015S_02	BASIX Certificate	NSW Department of Planning and Environment	31 July 2024

	LC01 – LC07	Landscape Plan	Studio U.C	13/2/24																												
		Arboricultural Impact Assessment Report	Ezigrow	18/1/24																												
	G23085PAD-R01F	Geotechnical Report	Geo-Environmental Engineering	06/12/2023																												
	23S0275-Rev 1	Construction Methodology Report	Structure Engineering	17/04/2024																												
	230394 C-DA000-P2 C-DA100-P2 C-DA101-P2 C-DA200-P2	Stormwater Management Plans	JHA Engineers	08/03/2024 08/03/2024 08/03/2024 08/03/2024																												
		Site Waste Minimisation and Management Plan	Christopher Adams	06/03/2024																												
	<p>Notes:</p> <ul style="list-style-type: none">Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development. <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>																															
A.	4.	<p>Tree Preservation and Landscaping Works</p> <p>While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.</p> <p>a) The following trees must be retained:</p> <ul style="list-style-type: none">Trees on private land: <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>3</td><td><i>Plumeria</i> spp</td><td>175 Underwood St</td><td>4 x 4</td></tr><tr><td>4</td><td><i>Backhousia citriodora</i></td><td>175 Underwood St</td><td>10 x 4</td></tr></table> <p>The tree/s required to be retained must appear coloured green on the Construction Certificate plans.</p> <p>b) The following trees may be removed:</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>2</td><td><i>Archontophoenix alexandrae</i></td><td>Rear Yard</td><td>6 x 2</td></tr><tr><td>5</td><td><i>Olea europea</i></td><td>Rear Yard</td><td>8 x 6</td></tr><tr><td>6 – 15</td><td><i>Archontophoenix alexandrae</i></td><td>Front Yard</td><td>4 – 10 x 2</td></tr></table> <p>The tree/s that may be removed must appear coloured red on the Construction Certificate plans.</p>			Council Ref No	Species	Location	Dimension (metres)	3	<i>Plumeria</i> spp	175 Underwood St	4 x 4	4	<i>Backhousia citriodora</i>	175 Underwood St	10 x 4	Council Ref No	Species	Location	Dimension (metres)	2	<i>Archontophoenix alexandrae</i>	Rear Yard	6 x 2	5	<i>Olea europea</i>	Rear Yard	8 x 6	6 – 15	<i>Archontophoenix alexandrae</i>	Front Yard	4 – 10 x 2
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	<p>The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.</p> <p>Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.</p>
A. 5.	<p>Development Consent is Not Granted in Relation to these Matters</p> <p>This approval does not give consent to use of the loft structure above the garage as a secondary dwelling.</p> <p>Condition Reason: To ensure all parties are aware of works that have not been granted consent.</p>
A. 6.	<p>Ancillary Aspects of Development (section 4.17(2) of the Act)</p> <p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs. <p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>
A. 7.	<p>No Underpinning works</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.</p> <p>Condition Reason: To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.</p>

DEMOLITION WORK

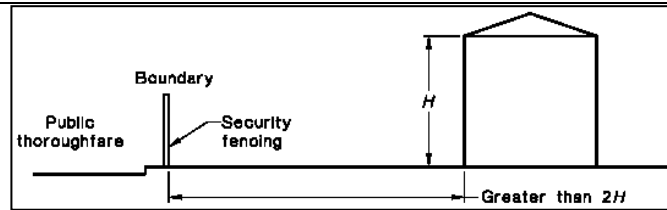
B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	<p>Construction Certificate Required Prior to Any Demolition</p> <p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> Before issue of a construction certificate
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	<ul style="list-style-type: none"> • Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	<p>Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
B. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
B. 3.	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • all hazardous materials identified on the site, • the specific location of all hazardous materials identified,

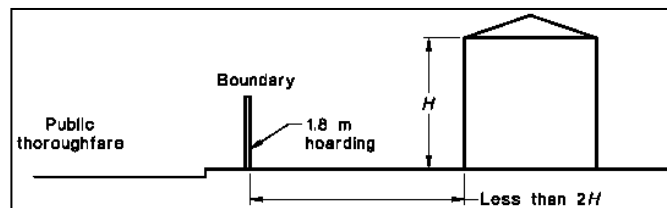
	<ul style="list-style-type: none">• whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and• safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>																								
B. 4.	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none">• road pavement,• street signage including street lights,• kerb and gutter,• footway including pedestrian crossings, footpath, and driveways,• retaining walls, or other significant structures,• Heritage Items, including street name inlays,• utility service items including historical utility covers, and• drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>																								
B. 5.	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td></tr><tr><td>Property Damage Security Deposit - making good any damage caused to any property of the Council</td><td>\$67,000.00</td><td>No</td><td>T115</td></tr><tr><td colspan="4">INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i></td></tr><tr><td>Security Deposit Administration Fee</td><td>\$225.00</td><td>No</td><td>T16</td></tr><tr><td>TOTAL SECURITY AND FEES</td><td>\$67,225.00</td><td></td><td></td></tr></table>	Description	Amount	Indexed	Council Fee Code	SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				Property Damage Security Deposit - making good any damage caused to any property of the Council	\$67,000.00	No	T115	INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>				Security Deposit Administration Fee	\$225.00	No	T16	TOTAL SECURITY AND FEES	\$67,225.00		
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	<p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable], • the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure any relevant security and fees are paid.</p>
<p>B. 6.</p>	<p>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</p> <p>Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.</p>



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.



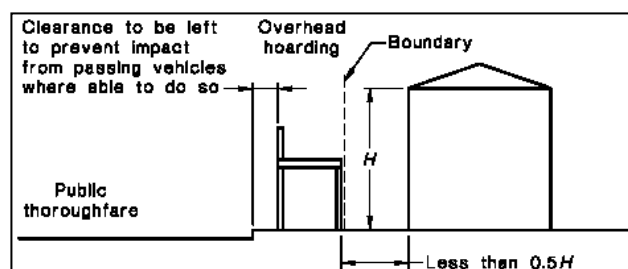
Type B Hoarding

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

	<p>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.</p> <p>Hoardings on Public Land including ‘Creative Hoardings’ All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.</p> <p>A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council’s Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council’s website www.woollahra.nsw.gov.au</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. • Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy: <ul style="list-style-type: none"> A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: <ol style="list-style-type: none"> 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 <p>Condition Reason: To ensure public safety.</p>
<p>B. 7.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p>

Clause 70 of the Regulation provides:

Erection of signs

- For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.

Clause 75 of the Development Certification and Fire Safety Regulation provides:

Signs on development sites

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

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

Notes:

- Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with.
- If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.

Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.

B. 8. Toilet Facilities

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>Each toilet provided:</p> <ol style="list-style-type: none"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
B. 9.	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier. <p>Notes:</p> <ul style="list-style-type: none"> Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor. <p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
B. 10.	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Condition Reason To control the risks of demolition work.</p>

B.	11.	Construction Management Plan Arborist Review				
		<p>Prior to any site works, any Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none">a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.;c) Site construction access, temporary crossings and movement corridors on the site defined;d) Contractors car parking;e) Phasing of construction works;f) The space needed for all foundation excavations and construction works;g) All changes in ground level;h) Space for site sheds and other temporary structures such as toilets;i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; andj) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas. <p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p>				
B.	12.	Arborists Documentation and Compliance Checklist				
		<p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none">• A record of the condition of trees to be retained prior to and throughout development.• Recommended actions to improve site conditions and rectification of non-compliance.• Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>Prior to any site works</td><td><ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</td></tr></table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
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	<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>
B. 13.	<p>Aboriginal Objects – Unexpected Findings</p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ol style="list-style-type: none"> Not further disturb or move these objects or bones. Immediately cease all work at the particular location. In the case of suspected human remains, notify NSW Police. 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. Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. <p>Notes:</p> <ul style="list-style-type: none"> The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
B. 14.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>

B. 15.	Dilapidation Reports for Existing Buildings
	<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> <ul style="list-style-type: none"> a) No. 175 Underwood Street b) No. 179 Underwood Street c) No. 5C Caledonia Street d) No. 7 Caledonia Street <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p> <p>Notes:</p> <ul style="list-style-type: none"> • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings. <p>Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
B. 16.	Adjoining Buildings Founded on Loose Foundation Materials
	<p>Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings.

	<ul style="list-style-type: none"> The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.
	<p>Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>
B. 17.	<p>Piezometers for the Monitoring of Ground Water Levels</p> <p>Before any site work commences, 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall must be provided. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.</p> <p>The GWL monitoring wells and monitoring program must be maintained until the issue of the occupation certificate.</p> <p>The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.</p> <p>Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).</p> <p>Condition Reason: To ensure that piezometers are provided to monitor ground water levels.</p>
B. 18.	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil.

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	Modification of Details of the Development (section 4.17(1)(g) of the Act
	<p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) Any new skylights are to be of a low profile, flush with the roof surface. They are to have simple, unobtrusive detailing and be non-reflective. The colouring is to merge with the roofing material in order to comply with:</p> <ul style="list-style-type: none"> Woollahra DCP 2015, Chapter C1, Clause 1.5.1, Objective O1 and Control C28 <p>b) The proposed beam adjoining the rear boundary as shown highlighted in yellow on Diagram 1 below is to be deleted in order to comply with:</p> <ul style="list-style-type: none"> Woollahra DCP 2015, Chapter C1, Clause 1.5.6, Objectives O4, O5, and Control C10 and Table 7. <div data-bbox="352 1162 1329 1702" data-label="Diagram"> <p>Diagram 1- Beam highlighted in yellow to be deleted.</p> </div> <p>Notes:</p> <p>a) 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.</p> <p>b) Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.</p>

	Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.																
D. 2.	Payment of Long Service Levy 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">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr><tr><td>Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr><tr><td>TOTAL LEVIES</td><td colspan="3">\$0</td></tr></table> Building and Construction Industry Long Service Payment The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441. How must the payments be made? Payments must be made by: <ul style="list-style-type: none">• cash deposit with Council,• credit card payment with Council, or• bank cheque made payable to Woollahra Municipal Council. Condition Reason: To ensure any relevant levy is paid.	Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No		TOTAL LEVIES	\$0		
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Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No															
TOTAL LEVIES	\$0																
D. 3.	BASIX Commitments Before the issue of any construction certificate, BASIX Certificate No. 1739015S_02 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. Notes: <ul style="list-style-type: none">• Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act.• Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.																

	<p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
D. 4.	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
D. 5.	<p>Payment of S7.12 Contributions Levy</p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The cost estimate report must be in the form of:</p> <ul style="list-style-type: none"> • 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. <p>The applicable levy rate is to be calculated using the summary schedule below.</p>

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

How must the payments be made?

Payments must be made by:

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

Deferred or periodic payment of section 7.12 levy

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

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

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,
- the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).

Condition Reason: To ensure any relevant contributions are paid.

D. 6.	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
D. 7.	<p>Swimming and Spa Pools – Child Resistant Barriers</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>Notes:</p> <ul style="list-style-type: none"> 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. <p>Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.</p>
D. 8.	<p>Swimming and Spa Pools – Backwash</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>Notes:</p> <ul style="list-style-type: none"> 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. 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. <p>Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.</p>

D.	9.	<p>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
D.	10.	<p>Road and Public Domain Works</p> <p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <p>a) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.</p> <p>Note: All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP.</p> <p>b) The reinstatement of all damaged footpath, 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.</p>

c) 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
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Infrastructure Works Bond - completing any public work required in connection with the consent.	\$ Nil	No	T113
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	\$ Nil	No	T113
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee	\$ 674	No	T45
TOTAL SECURITY AND FEES	\$ 674		

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.
- 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.

	<ul style="list-style-type: none"> 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. <p>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.</p>
D. 11.	<p>Engineer Certification</p> <p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.</p> <p>Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>
D. 12.	<p>Geotechnical and Hydrogeological Design, Certification and Monitoring</p> <p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared and certified 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"> 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. 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). 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. 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. Provide a Geotechnical and Hydrogeological Monitoring Program that:

	<ul style="list-style-type: none"> • will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan. <p>Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p>
D. 13.	<p>Ground Anchors</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"> 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. 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. c) If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the Roads Act 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. A minimum of four weeks should be allowed for assessment. <p>Notes:</p> <ul style="list-style-type: none"> • To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds. • Road has the same meaning as in the Roads Act 1993. • 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. <p>Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.</p>

D.	14.	<p>Vehicular Access and Parking Arrangement</p> <p>Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the <i>Regulation</i>, must include detailed architectural plans and specifications showing the following:</p> <ol style="list-style-type: none"> The proposed double garage must have minimum dimensions of 5.4m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans, Finished floor levels at both ends of the proposed garage entry must be clearly depicted on the architectural drawings. Since the proposed garage has no setback from the property boundary and there is a longitudinal fall on the frontage road, the applicant must ensure that the finished levels of the garage slab across the entry is tapered so that it is parallel to the longitudinal fall of the existing gutter to prevent car scraping, In light of point (b) above and to ensure that vehicular access meets all the requirement of AS 2890.1 in terms of car scraping, longitudinal profiles (scale 1:20) along <u>each</u> side/edge of the vehicular crossing must be submitted to an accredited certifier for assessment. The driveway profiles along each side/edge of the proposed crossing is to start from the road centreline which include the Council's standard layback and gutter into the garage slab. The driveway profiles shall be prepared by a chartered professional civil engineer which contain all relevant details: reduced levels in AHD for <u>both</u> existing and proposed finished levels, depth of cut/fill, grades representing in percentage and horizontal distances representing in chainages. Council's standard layback is 450mm wide and back of layback is 70mm above the gutter invert. All driveway grades and transitions must comply with AS2890.1-2004 and Council's specifications. <p>The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: <i>Parking Facilities - Off-Street Car Parking</i>.</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>Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the <i>Act</i>.</p> <p>Note: Clause 146 of the <i>Regulation</i> prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.</p> <p>Note: Clause 145 of the <i>Regulation</i> prohibits the issue of any Construction Certificate that is inconsistent with this consent.</p> <p>Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>
D.	15.	<p>Stormwater Management Plan</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>

	<p>a) General design in accordance with stormwater management plans, referenced 230394-P2, prepared by JHA Engineers, dated 08/03/2024, other than amended by this and other conditions.</p> <p>b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings.</p> <p>c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet will be permitted for each frontage. The kerb discharge must be located within the frontage of the site.</p> <p>d) A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.</p> <p>e) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the boundary junction pit by gravity.</p> <p>f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath.</p> <p>g) Dimensions of all drainage pits and access grates must comply with AS3500.3.</p> <p>h) Compliance with the objectives and performance requirements of the BCA.</p> <p>i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p>The Stormwater Management Plan must also include the following specific requirements:</p> <p>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:</p> <p>a) All pipe layouts, dimensions, grades, lengths and material specification.</p> <p>b) Location of proposed rainwater tanks.</p> <p>c) All invert levels reduced to Australian Height Datum (AHD).</p> <p>d) Location and dimensions of all drainage pits.</p> <p>e) Point and method of connection to Council's drainage infrastructure.</p> <p>f) Overland flow paths over impervious areas.</p> <p>Rainwater Reuse System Details:</p> <p>a) Any potential conflict between existing and proposed trees and vegetation.</p> <p>b) Internal dimensions and volume of the proposed rainwater storage.</p> <p>c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures.</p> <p>d) Details of access and maintenance facilities.</p> <p>e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.</p> <p>f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks</p> <p>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.</p>
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	<p>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).</p> <p>Notes:</p> <ul style="list-style-type: none"> The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	<p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
D. 16.	<p>Electric vehicle circuitry and electric vehicle charging point requirements</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>Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).</p>

E. BEFORE BUILDING WORK COMMENCES

E. 1.	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> that the work must be carried out in accordance with the requirements of the Building Code of Australia, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. All new guttering is to comply with the provisions of AS3500.
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	<p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
E. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent; “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
E. 3.	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and The person having the benefit of the development consent has: <ul style="list-style-type: none"> appointed a Principal Certifier for the building work, and notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
- appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the Principal Certifier of any such appointment, and
 - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Notes:

- **Building** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure.
- **New building** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.
- The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
- Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au
- It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act.
- Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.

Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.

F. DURING BUILDING WORK

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

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

	<p>iv. rock breaking, v. rock sawing, vi. jack hammering, or 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>Notes:</p> <ul style="list-style-type: none"> The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
F. 5.	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <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>Notes:</p> <ul style="list-style-type: none"> • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. <p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
<p>F. 6.</p>	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <p>a) erosion and sediment controls,</p> <p>b) dust controls,</p> <p>c) dewatering discharges,</p> <p>d) noise controls,</p> <p>e) vibration monitoring and controls, and</p> <p>f) ablutions.</p> <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>

<p>F. 7.</p>	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> the consent of the owners of such adjoining or supported land to trespass or encroach, or an access order under the Access to Neighbouring Land Act 2000, or an easement under section 88K of the Conveyancing Act 1919, or an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
<p>F. 8.</p>	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> the Soil and Water Management Plan required under this consent, "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

	<ul style="list-style-type: none"> Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 9.	Disposal of Site Water During Construction
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 10.	Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum
	<p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier’s satisfaction:</p> <ol style="list-style-type: none"> Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. Flood protection measures are in place confirming location, height and capacity.

	<p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F. 11.	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ul style="list-style-type: none"> a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules. <p>Notes:</p> <ul style="list-style-type: none"> • Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F. 12.	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>
F. 13.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ul style="list-style-type: none"> a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au

	<ul style="list-style-type: none"> • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
	<p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
F. 14.	<p>Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters</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>Notes:</p> <ul style="list-style-type: none"> • 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.
	<p>Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.</p>
F. 15.	<p>Site Waste Minimisation and Management – Demolition</p>
	<p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,

	<p>c) waste is only transported to a place that can lawfully be used as a waste facility,</p> <p>d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and</p> <p>e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.</p> <p>Notes:</p> <ul style="list-style-type: none"> Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
F. 16.	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <p>a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</p> <p>b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,</p> <p>c) consideration must be given to returning excess materials to the supplier or manufacturer,</p> <p>d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),</p> <p>e) the purpose and content of the storage areas must be clearly 'signposted',</p> <p>f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</p> <p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p> <p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p> <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
F. 17.	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p>

	<p>a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</p> <p>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</p> <p>c) No asbestos products may be reused on the site.</p> <p>d) No asbestos laden skip or bins must be left in any public place.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050 <p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
F. 18.	<p>Classification of Hazardous Waste</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>Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>
F. 19.	<p>Disposal of Asbestos and Hazardous Waste</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>Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>
F. 20.	<p>Asbestos Removal Signage</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>Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>
F.	21.	<p>Notification of Asbestos Removal</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>Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.</p>
F.	22.	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council’s Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ol style="list-style-type: none"> The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. <p>Trees must be pruned in accordance with Australian Standard AS 4373 “Pruning of Amenity Trees” and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
F.	23.	<p>Arborists Documentation and Compliance Checklist</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"> a record of the condition of trees to be retained prior to and throughout development, recommended actions to improve site conditions and rectification of non-compliance, and recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p>

		<table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>While site work is carried out</td><td><ul style="list-style-type: none">• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.• The project arborist must supervise the demolition of the existing pool and hard surface area within the TPZ of trees 3 and 4 The condition of exposed roots must be managed and documented.• 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.• 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.• Regular inspections as indicated in the Tree Management Plan.</td></tr></table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	While site work is carried out	<ul style="list-style-type: none">• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.• The project arborist must supervise the demolition of the existing pool and hard surface area within the TPZ of trees 3 and 4 The condition of exposed roots must be managed and documented.• 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.• 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.• Regular inspections as indicated in the Tree Management Plan.								
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F.	24.	<p>Replacement/Supplementary trees which must be planted</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 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>Condition Reason: To ensure the provision of appropriate replacement planting.</p>												
F.	25.	<p>Hand excavation within tree root zones</p> <p>While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>3</td><td><i>Plumeria</i> spp</td><td>175 Underwood St</td><td>2.4m</td></tr><tr><td>4</td><td><i>Backhousia citriodora</i></td><td>175 Underwood St</td><td>2.4m</td></tr></table>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	3	<i>Plumeria</i> spp	175 Underwood St	2.4m	4	<i>Backhousia citriodora</i>	175 Underwood St	2.4m
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	<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>Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p>
F. 26.	<p>Compliance with Geotechnical / Hydrogeological Monitoring Program</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"> the location and type of monitoring systems to be utilised, recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and the contingency plan. <p>Notes:</p> <ul style="list-style-type: none"> 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. <p>Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.</p>
F. 27.	<p>Vibration Monitoring</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>Notes:</p> <ul style="list-style-type: none"> • Professional engineer has the same mean as in Schedule 1 of the BCA. • Building has the same meaning as in section 1.4 of the Act i.e. "building includes part of a building and any structure or part of a structure...." • Supported land has the same meaning as in the Conveyancing Act 1919. <p>Condition Reason: To monitor and manage vibration impacts from development.</p>
<p>F. 28.</p>	<p>Site Cranes</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>Notes:</p> <ul style="list-style-type: none"> • Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place.

	<ul style="list-style-type: none"> 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.
	Condition Reason: To ensure site cranes are used safely with the relevant approvals.
F. 29.	Shoring and Adequacy of Adjoining Property
	<p>While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense:</p> <p>a) protect and support the adjoining premises from possible damage from the excavation.</p> <p>For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
	Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	Occupation Certificate (section 6.9 of the Act)
	<p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p>Notes:</p> <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters
	<p>Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992:</p> <p>a) Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>b) The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register.</p> <p>c) 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.</p>

	<p>d) Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.</p> <p>e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems.</p> <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>Notes:</p> <ul style="list-style-type: none"> NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au <p>Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.</p>
G. 3.	<p>Swimming Pool Fencing</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>Notes:</p> <ul style="list-style-type: none"> Pools commenced or completed after May 2013 must meet the BCA and AS1926. <p>Condition Reason: To ensure swimming pool safety.</p>
G. 4.	<p>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1739015S_02.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled. <p>Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>
G. 5.	<p>Landscaping</p> <p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.</p> <p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p>

G. 6.	Removal of Ancillary Works and Structures					
	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: a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing.					
	Condition Reason: To ensure that all ancillary matter is removed prior to occupation.					
G. 7.	Amenity Landscaping					
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.					
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.					
G. 8.	Arborists Documentation and Compliance Checklist – Prior to any occupation certificate					
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees.					
	All compliance certification documents must be kept on site by the site Supervisor.					
	As a minimum the following intervals of site inspections must be made:					
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	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
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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.						

G. 9.	<p>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="284 757 1385 1102"> <thead> <tr> <th data-bbox="284 757 627 846">Stage of arboricultural inspection and supervision</th><th data-bbox="627 757 1385 846">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="284 846 627 1102">Before the issue of any occupation certificate for the whole of the building</td><td data-bbox="627 846 1385 1102"> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
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G. 10.	<p>Commissioning and Certification of Systems and Works</p> <p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. All flood protection measures. All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. All stormwater drainage and storage systems. 				

	<p>e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require.</p> <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	<p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
<p>G. 11.</p>	<p>Works within Public Land (including Council, State or Federal owned land or property)</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> <p>a) stormwater pipes, pits, structures and connections to public stormwater systems within the road, b) driveways and vehicular crossings, c) renew/new retaining structures, d) overhang structures, e) encroachments or occupation or alienation of public land or property, f) removal of redundant driveways and any other structure, 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>Notes:</p> <ul style="list-style-type: none"> 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. 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 www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

	Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.
G. 12.	Works-As-Executed Certification of Stormwater Systems
	<p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:</p> <ul style="list-style-type: none"> a) compliance with conditions of development consent relating to stormwater, b) that all below ground structures are fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings, c) that only one stormwater outlet pipe to kerb for each frontage has been constructed within the frontage of the site, d) that the works have been constructed in accordance with the approved design, e) pipe invert levels and surface levels to Australian Height Datum, and f) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. <p>Notes:</p> <ul style="list-style-type: none"> • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.
G. 13.	Certification of Electric Vehicle Charging System
	<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.12 must be submitted to the satisfaction of the Principal Certifier.</p>
	Condition Reason: To ensure the certification of the electric vehicle charging system.

H. OCCUPATION AND ONGOING USE

H. 1.	Maintenance of BASIX Commitments
	<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1739015S_02.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p>
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.

<p>H. 2.</p>	<p>Maintenance of Landscaping</p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure “Local Native Plants for Sydney’s Eastern Suburbs” published by Woollahra, Waverley, Randwick and Botany Bay Councils. <p>Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>
<p>H. 3.</p>	<p>Swimming and Spa Pools – Maintenance</p> <p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <ol style="list-style-type: none"> a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health “Public Swimming Pools and Spa Pools Advisory Document” in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): <ul style="list-style-type: none"> • 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>Notes:</p> <ul style="list-style-type: none"> • 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. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au <p>Condition Reason: To ensure public health and safety.</p>
<p>H. 4.</p>	<p>Noise from Mechanical Plant and Equipment</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>

The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.

Notes:

- Words in this condition have the same meaning as in the Noise Policy for Industry (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government

Condition Reason: To protect the amenity of the neighbourhood.

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

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 [!\[\]\(31b03e46ee8a80a1f1467b8c03bd76e8_img.jpg\)](#) 
2. Clause 4.6 Written Request - Height [!\[\]\(7cea648fec4dfc1e99934873e9173b69_img.jpg\)](#) 
3. Development Engineer Referral Response [!\[\]\(01a1fc700f38e6e09ee62e6a9c54d804_img.jpg\)](#) 
4. Trees Referral Response [!\[\]\(5b4802b5ab32e2afe0a3214e088c55e2_img.jpg\)](#) 
5. Heritage - Referral Response [!\[\]\(b89ef0c055b78377f582d5966452ea89_img.jpg\)](#) 
6. Supplementary Heritage Referral Response [!\[\]\(90136a0f77adba2cf51723c9a7ae8606_img.jpg\)](#) 
7. Fence Agreement - 177 Underwood Street and 1 Caledonia Street PADDINGTON [!\[\]\(66766d3efd042fd755814511162914b7_img.jpg\)](#) 

UNDERWOOD STREET RESIDENCE - DEVELOPMENT APPLICATION
Respond to request for additional information #6 - 19/8/2024



Existing Location Aerial Plan : No.177, Underwood Street, Paddington, NSW (Lot 1 in DP1099820)

Project Overview (Woollahra Local Environmental Plan 2014 - pub. 23-1-2015)

- Proposal** : Residential new build of a 3 storey building including a basement, a new swimming-pool and a new rear garage with studio accommodation above.
- Land Zoning R2** : - Low Density Residential (pub. 14-4-2023)
- Height Of Building** : 9.5 m
- Floor Space Ratio** : NA
- Minimum Lot Size** : 230 m²
- Woollahra Significance** : Local
- Acid Sulfate Soils** : Class 5
- Land Reservation Acquisition** : NA
- Foreshore Building Line** : NA

Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW

General Notes

All work shall comply with the Australian National Construction Code and all other relevant and associated standards, codes and territorial authority by-laws. All work shall comply with the terms and conditions of the D.A and Construction Certificate issued for this project. Architectural drawings shall be read in conjunction with the joinery/ details, documentation from engineers and specialist consultants and vice versa. The contractor shall check and verify all dimensions and sizes on site prior to commencement of any work or preparation of shop drawings. Do not scale from drawings. Any discrepancies or variations are to be notified in writing to the Architect before the affected work commences.

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Revisions

A	01/03/2024	DA SUBMISSION
B	23/4/2024	DA ADDITIONAL INFORMATION
C	20/06/2024	DA ADDITIONAL INFORMATION #2
D	8/7/2024	DA ADDITIONAL INFORMATION #4
E	22/7/2024	DA ADDITIONAL INFORMATION #5
F	19/8/2024	DA UPDATE

Drawing Title

COVER SHEET

Drawing Status

**Development
Application**

Drawing Details

Scale	@ A3
Date	05/03/2024
Drawn	AP
Checked	CA

Drawing Number

DA.0.00

Issue

F

Architectural DA Drawing set				
Sheet Number	Sheet Name	Current Revision	Revision Date	Revision Description
DA.0.00	COVER SHEET	F	19/8/2024	DA UPDATE
DA.0.01	BASIX CERTIFICATE NOTES	A	01/03/2024	DA SUBMISSION
DA.0.10	SITE SURVEY PLAN	A	01/03/2024	DA SUBMISSION
DA.0.11	PROPOSED SITE PLAN & SITE ANALYSIS	E	19/8/2024	DA UPDATE
DA.0.12	SITE WASTE MANAGEMENT PLAN	A	23/4/2024	DA ADDITIONAL INFORMATION
DA.1.00	DEMOLITION GROUND FLOOR PLAN	B	19/8/2024	DA UPDATE
DA.1.01	DEMOLITION FIRST FLOOR PLAN	A	01/03/2024	DA SUBMISSION
DA.1.02	DEMOLITION GARAGE PLAN	B	19/8/2024	DA UPDATE
DA.1.10	PROPOSED BASEMENT PLAN	A	01/03/2024	DA SUBMISSION
DA.1.11	PROPOSED GROUND FLOOR PLAN	E	19/8/2024	DA UPDATE
DA.1.12	PROPOSED FIRST FLOOR PLAN	E	19/8/2024	DA UPDATE
DA.1.13	PROPOSED ATTIC FLOOR PLAN	A	01/03/2024	DA SUBMISSION
DA.1.14	PROPOSED GARAGE GROUND FLOOR PLAN	C	19/8/2024	DA UPDATE
DA.1.15	PROPOSED GARAGE FIRST FLOOR PLAN	E	19/8/2024	DA UPDATE
DA.1.16	PROPOSED SWEPT PATH FORWARD ENTRY PLAN	A	23/4/2024	DA ADDITIONAL INFORMATION
DA.1.17	PROPOSED SWEPT PATH REVERSE ENTRY PLAN	A	23/4/2024	DA ADDITIONAL INFORMATION
DA.1.18	PROPOSED SWEPT PATH FORWARD EXIT PLAN	A	23/4/2024	DA ADDITIONAL INFORMATION
DA.1.19	PROPOSED SWEPT PATH REVERSE EXIT PLAN	A	23/4/2024	DA ADDITIONAL INFORMATION
DA.2.10	PROPOSED WEST ELEVATION	C	19/8/2024	DA UPDATE
DA.2.10B	PROPOSED WEST ELEVATION - LOFT	C	19/8/2024	DA UPDATE
DA.2.13	PROPOSED NORTH ELEVATION	C	8/7/2024	DA ADDITIONAL INFORMATION #4
DA.2.13b	PROPOSED NORTH ELEVATION MAIN HOUSE	C	19/8/2024	DA UPDATE
DA.2.14	PROPOSED SOUTH ELEVATION	C	22/7/2024	DA ADDITIONAL INFORMATION #5
DA.2.14b	PROPOSED SOUTH ELEVATION STUDIO	E	19/8/2024	DA UPDATE
DA.2.15	PROPOSED EAST ELEVATION	A	01/03/2024	DA SUBMISSION
DA.2.15B	PROPOSED EAST ELEVATION - LOFT	A	8/7/2024	DA ADDITIONAL INFORMATION #4
DA.2.20	EXTERNAL MATERIALS AND COLOURS	C	22/7/2024	DA ADDITIONAL INFORMATION #5
DA.2.21	EXTERNAL MATERIALS AND COLOURS	C	8/7/2024	DA ADDITIONAL INFORMATION #4
DA.2.22	MATERIAL BOARD	C	22/7/2024	DA ADDITIONAL INFORMATION #5
DA.3.10	PROPOSED LONGITUDINAL SECTION 1	C	19/8/2024	DA UPDATE
DA.3.11	PROPOSED LONGITUDINAL SECTION 2	D	19/8/2024	DA UPDATE
DA.3.12	PROPOSED LONGITUDINAL SECTION 3	C	20/06/2024	DA ADDITIONAL INFORMATION #2
DA.3.13	PROPOSED LONGITUDINAL SECTION 4	D	8/7/2024	DA ADDITIONAL INFORMATION #4
DA.3.14	PROPOSED CROSS SECTION 1	B	20/06/2024	DA ADDITIONAL INFORMATION #2
DA.3.15	PROPOSED CROSS SECTION 2	B	20/06/2024	DA ADDITIONAL INFORMATION #2
DA.4.00	EXISTING GROSS FLOOR AREA	A	01/03/2024	DA SUBMISSION
DA.4.10	PROPOSED GROSS FLOOR AREA	A	01/03/2024	DA SUBMISSION
DA.4.20	LANDSCAPE AREA PLAN	B	20/06/2024	DA ADDITIONAL INFORMATION #2
DA.4.30	EXCAVATION AREA	A	01/03/2024	DA SUBMISSION
DA.4.31	EXCAVATION AREA 2	B	19/8/2024	DA UPDATE
DA.5.00	PROPOSED SHADOW DIAGRAM 21/6 - 9AM	E	19/8/2024	DA UPDATE
DA.5.00B	PROPOSED SHADOW DIAGRAM 21/6 - 10AM	B	19/8/2024	DA UPDATE
DA.5.00C	PROPOSED SHADOW DIAGRAM 21/6 - 11AM	B	19/8/2024	DA UPDATE
DA.5.01	PROPOSED SHADOW DIAGRAM 21/6 - 12PM	E	19/8/2024	DA UPDATE
DA.5.01B	PROPOSED SHADOW DIAGRAM 21/6 - 1PM	D	19/8/2024	DA UPDATE
DA.5.01C	PROPOSED SHADOW DIAGRAM 21/6 - 2PM	D	19/8/2024	DA UPDATE
DA.5.02	PROPOSED SHADOW DIAGRAM 21/6 - 3PM	E	19/8/2024	DA UPDATE
DA.6.00	3D VIEW - PHOTOMONTAGE	A	01/03/2024	DA SUBMISSION
DA.6.01	3D VIEW - PHOTOMONTAGE 2	A	01/03/2024	DA SUBMISSION

Grand total: 49

BASIX CERTIFICATE REQUIREMENTS

Landscape

The applicant must plant indigenous or low water use species of vegetation throughout 121m² of the site.

Rainwater tank

The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

Outdoor swimming pool

The swimming pool must not have a volume greater than 42 kilolitres.
The swimming pool must have a pool cover.
The swimming pool must be outdoors.

Assessor details and thermal loads

The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.

Glazing

The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.

FRAMES	MAXIMUM AREA - M2
aluminium	0
timber	42.43
uPVC	0
steel	0
composite	0
GLAZING	MAXIMUM AREA - M2
single	0
double	42.43
triple	0

Hot water

The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump with a performance of 21 to 25 STCs or better.

Natural lighting

The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.

Alternative energy

The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system.
The photovoltaic system must consist of:
• photovoltaic collectors with the capacity to generate at least 4 peak kilowatts of electricity, installed at an angle between 0 degrees and 10 degrees to the horizontal facing north west

Construction

The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.

CONSTRUCTION	AREA - M2	INSULATION
Floor - Concrete slab on ground, conventionnal slab.	134.1	none
Floor - above habitable rooms or mezzanine, treated softwood, frame: timber - H2 treated softwood	93.2	fibreglass batts or roll
external wall: cavity brick; frame: no frame.	343.3	polystyrene
external wall: framed (fibre cement sheet or boards); frame: timber - H2 treated softwood.	50.8	fibreglass batts or roll
external wall: framed (metal clad); frame: timber - H2 treated softwood.	22.5	fibreglass batts or roll
external wall: concrete panel/plasterboard; frame: no frame.	76.8	polystyrene
external garage wall: framed (fibre cement sheet or boards); frame: timber - H2 treated softwood.	8.58	fibreglass batts or roll
internal wall: plasterboard; frame: timber - H2 treated softwood.	232.2	none
internal wall: plasterboard; frame: timber - H2 treated softwood.	21.5	fibreglass batts or roll
ceiling and roof - raked ceiling / pitched or skillion roof, framed - metal roof, timber - H2 treated softwood.	55.86	ceiling: fibreglass batts or roll; roof: foil backed blanket.
ceiling and roof - flat ceiling / flat roof, framed - metal roof, timber - H2 treated softwood.	129.84	ceiling: fibreglass batts or roll; roof: foil backed blanket.

Insulation and glazing requirements for compliance:

. Weather Seal Entry Door

. R2.5 internal wall insulation to perimeter of bathroom in studio

. 40mm styrene board insulation to 40mm cavity in new Brick Cavity walls

. Note: This has been nominated to existing walls however dispensation can be applied where installation of this insulation is not possible

. R2.5 floor insulation to lightweight intermediate floors including above garage parking

. R4.0 insulation to exposed suspended slab ceiling (no dwelling above)

. Ceiling Insulation to Reach R6.0 + R1.3 Roof Blanket

. Entry sidelight and sliding window to be double-glazed (timber frame) (max. U-value = 2.6 / SHGC 0.53)

. Remaining windows and glazed doors to be doubleglazed (timber frame) (max. U-value = 2.6 / SHGC 0.50)

. Skylight to be double-glazed (max. U-value = 4.22 / SHGC 0.72)

Revisions

A 01/03/2024 DA SUBMISSION

General Notes

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Architect

*pohio*adams architects

478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Drawing Title

BASIX CERTIFICATE
NOTES

Drawing Status

Development
Application

Project Title

Underwood Street

177 Underwood Street, Paddington, 2021,
NSW

Drawing Details

Scale 1 : 100@ A3

Date 17/11/2023

Drawn AP

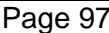
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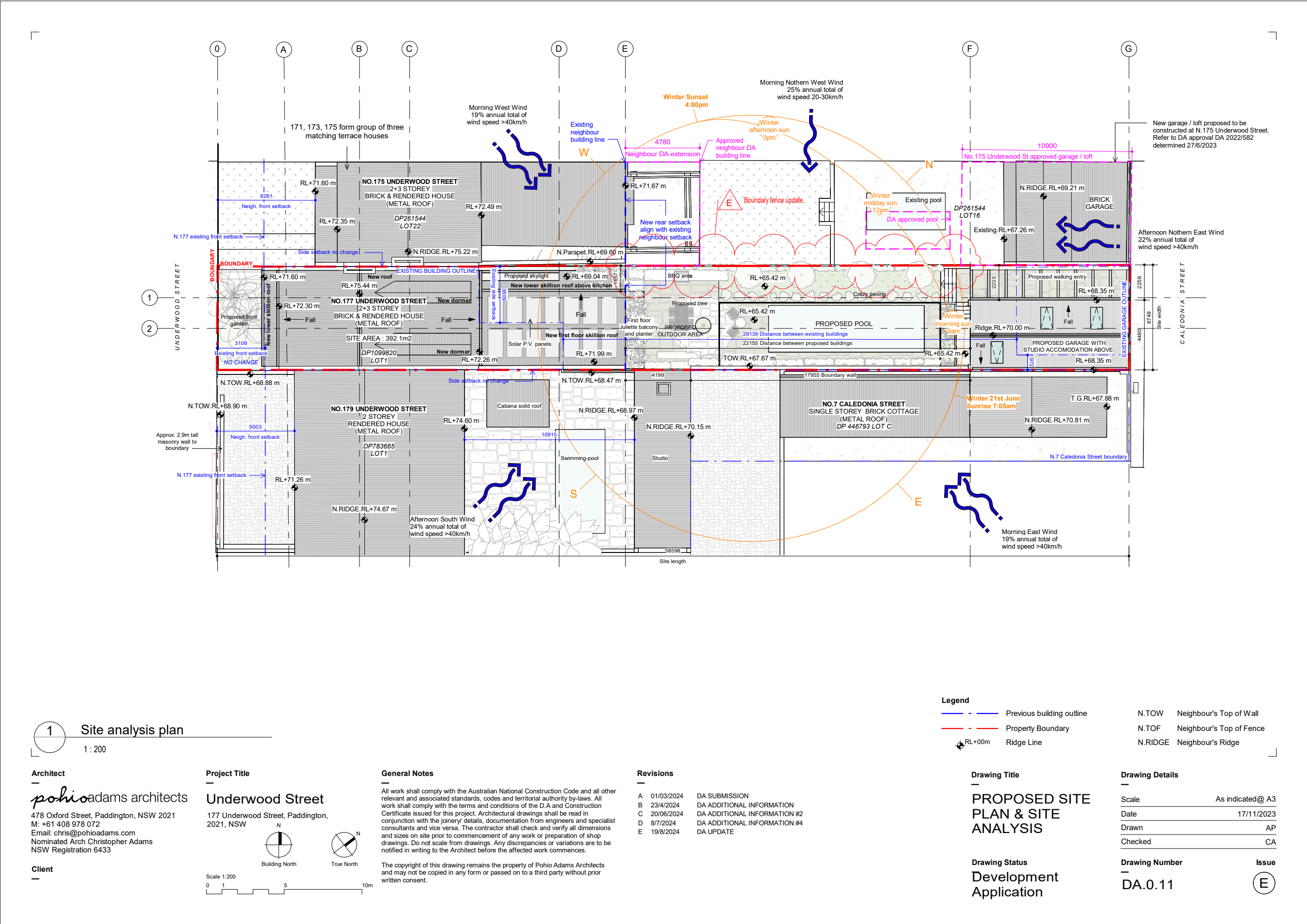
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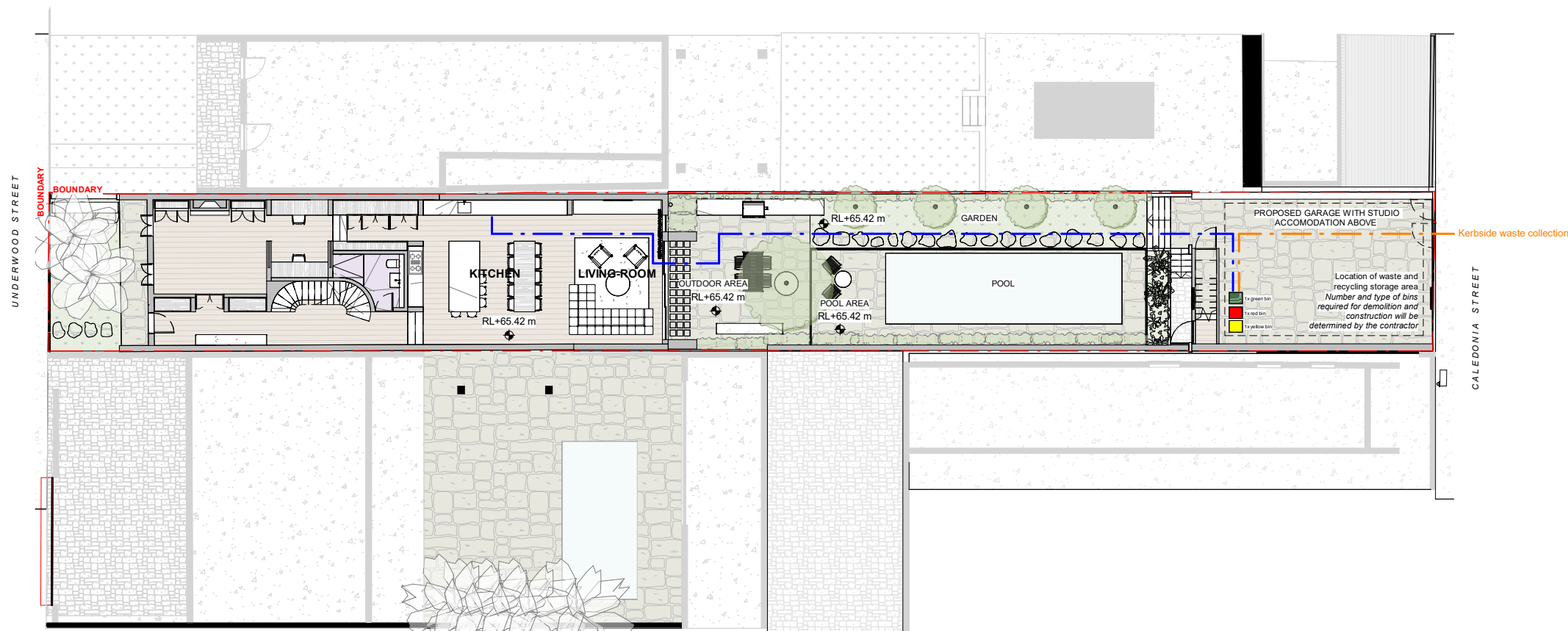
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Issue

A







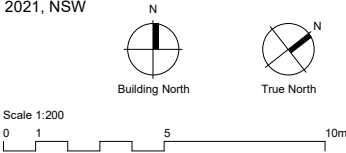
- Legend**
- Waste path from the building to external collection bins
 - Waste path from external collection bins to kerbside collection
 - Property Boundary

1
DA.0.21
Proposed ground floor plan 1/200
1 : 200

Architect
*pohio*adams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW



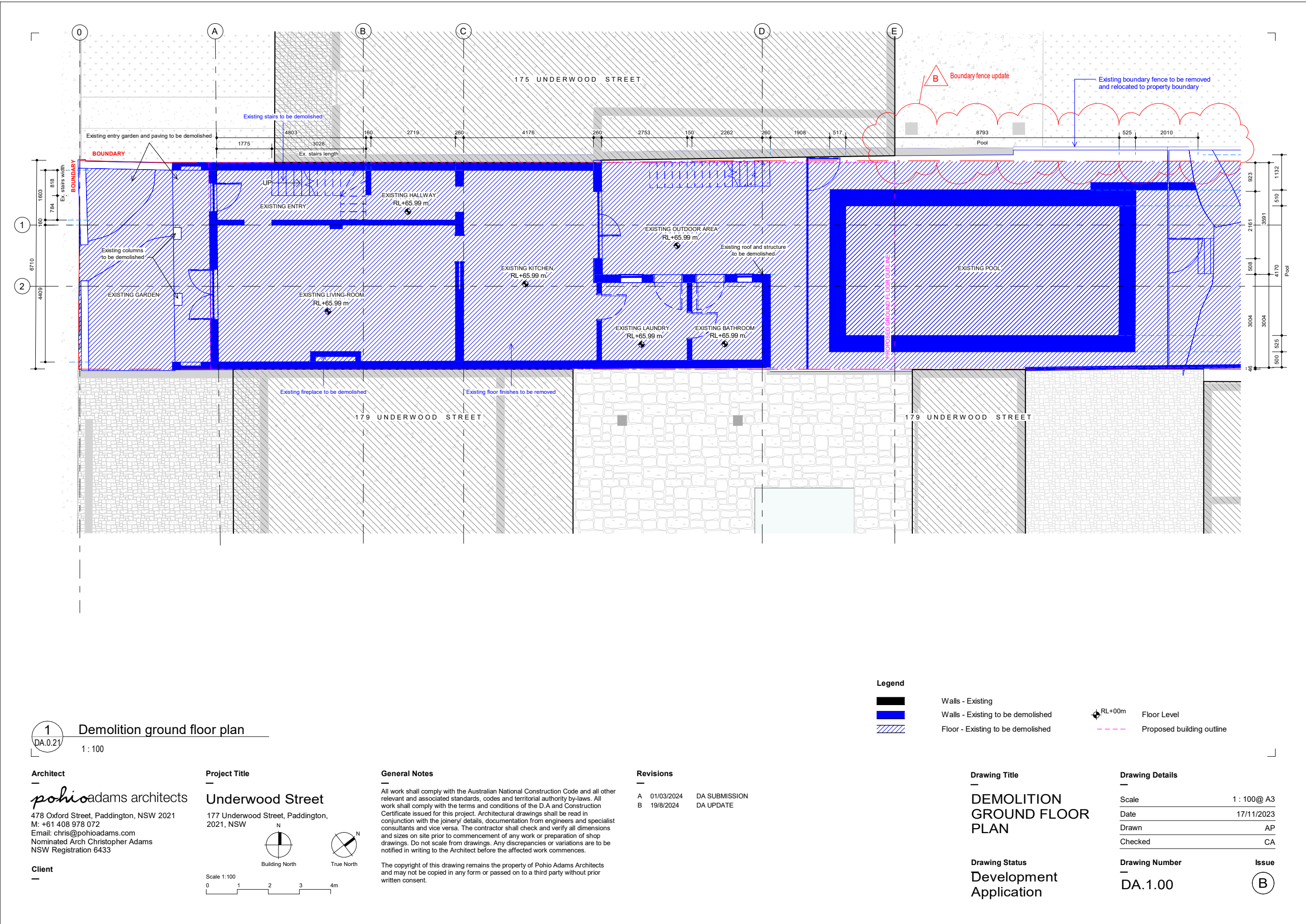
General Notes
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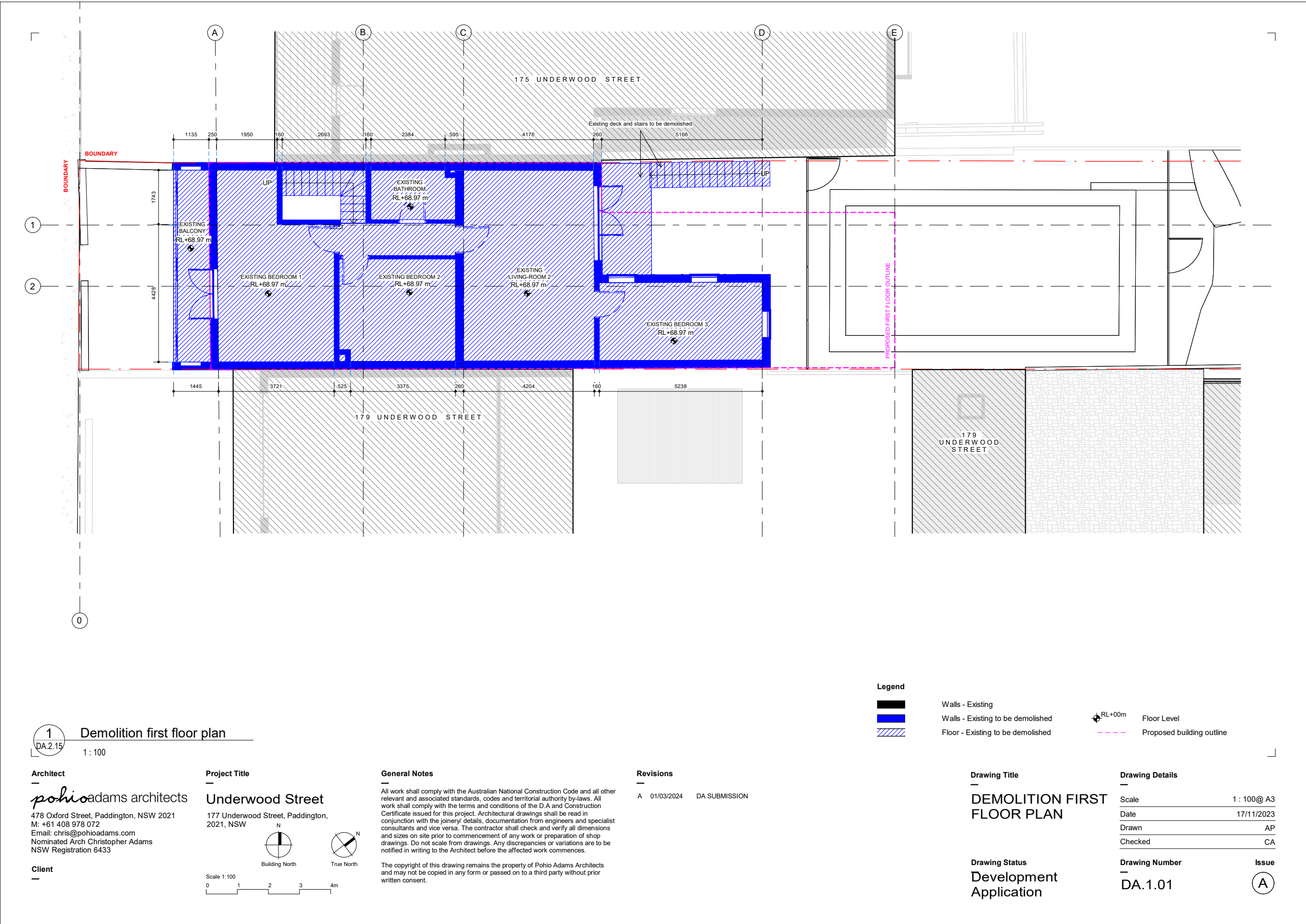
Revisions
A 23/4/2024 DA ADDITIONAL INFORMATION

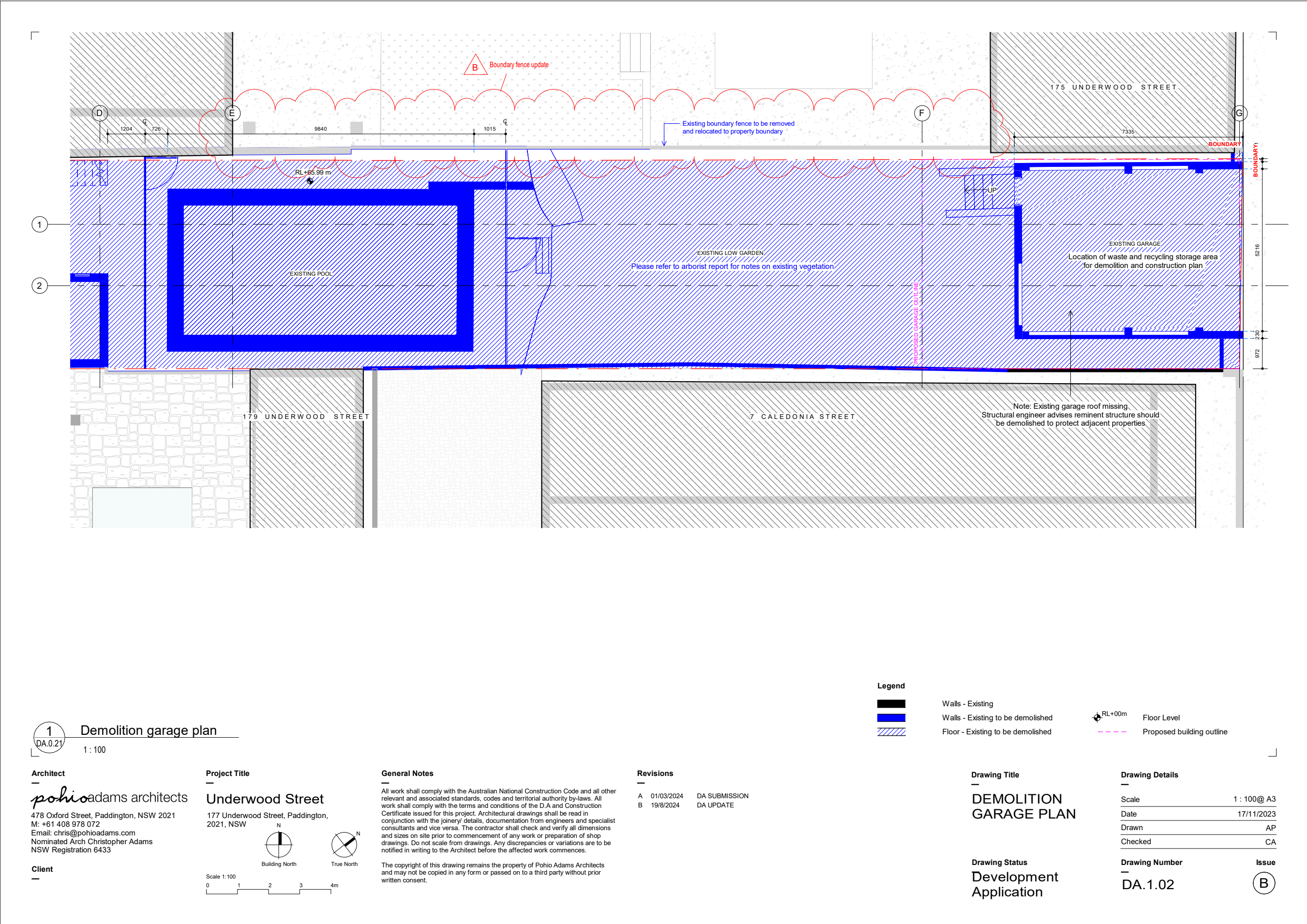
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**SITE WASTE
MANAGEMENT
PLAN**

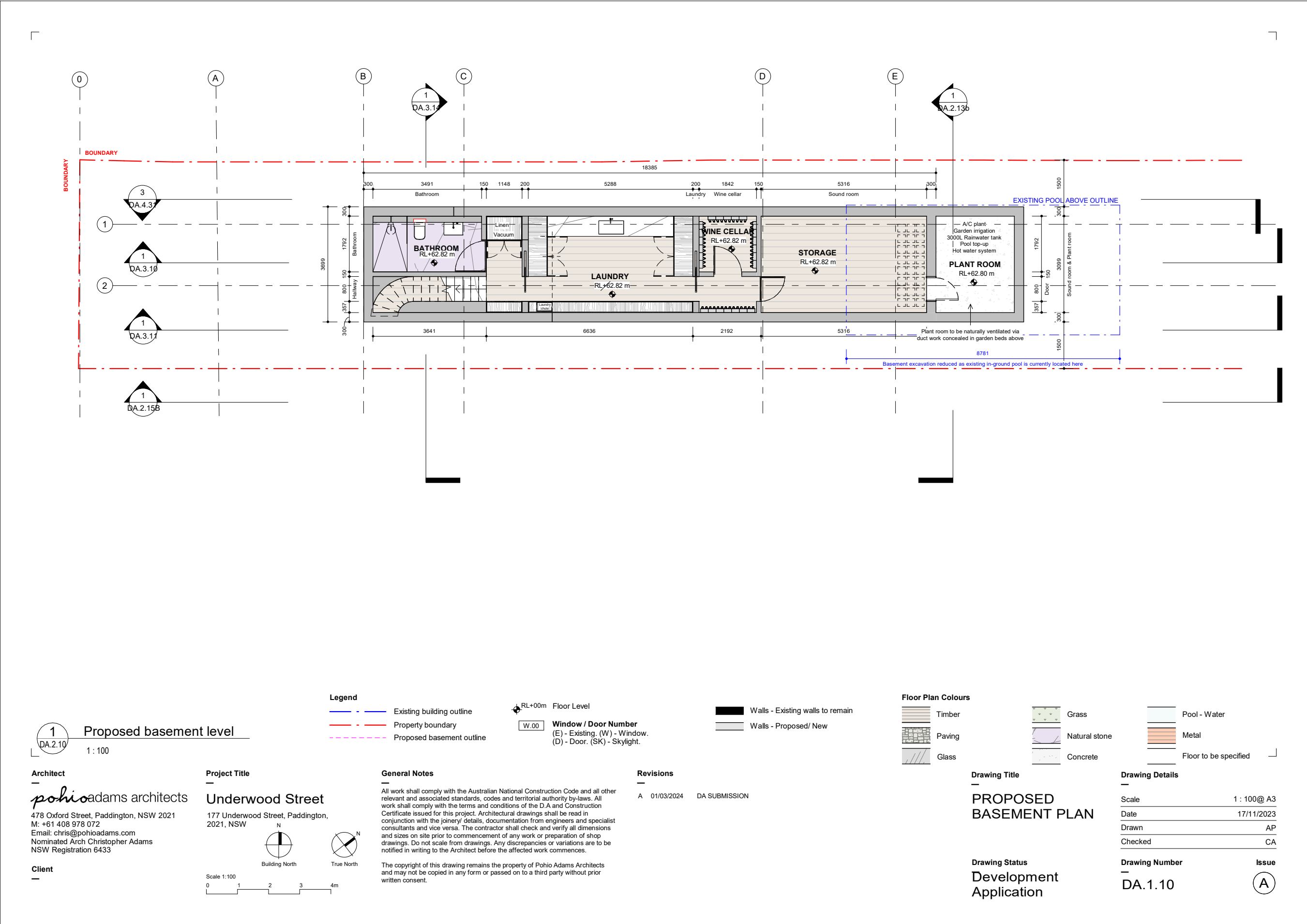
Drawing Status
**Development
Application**

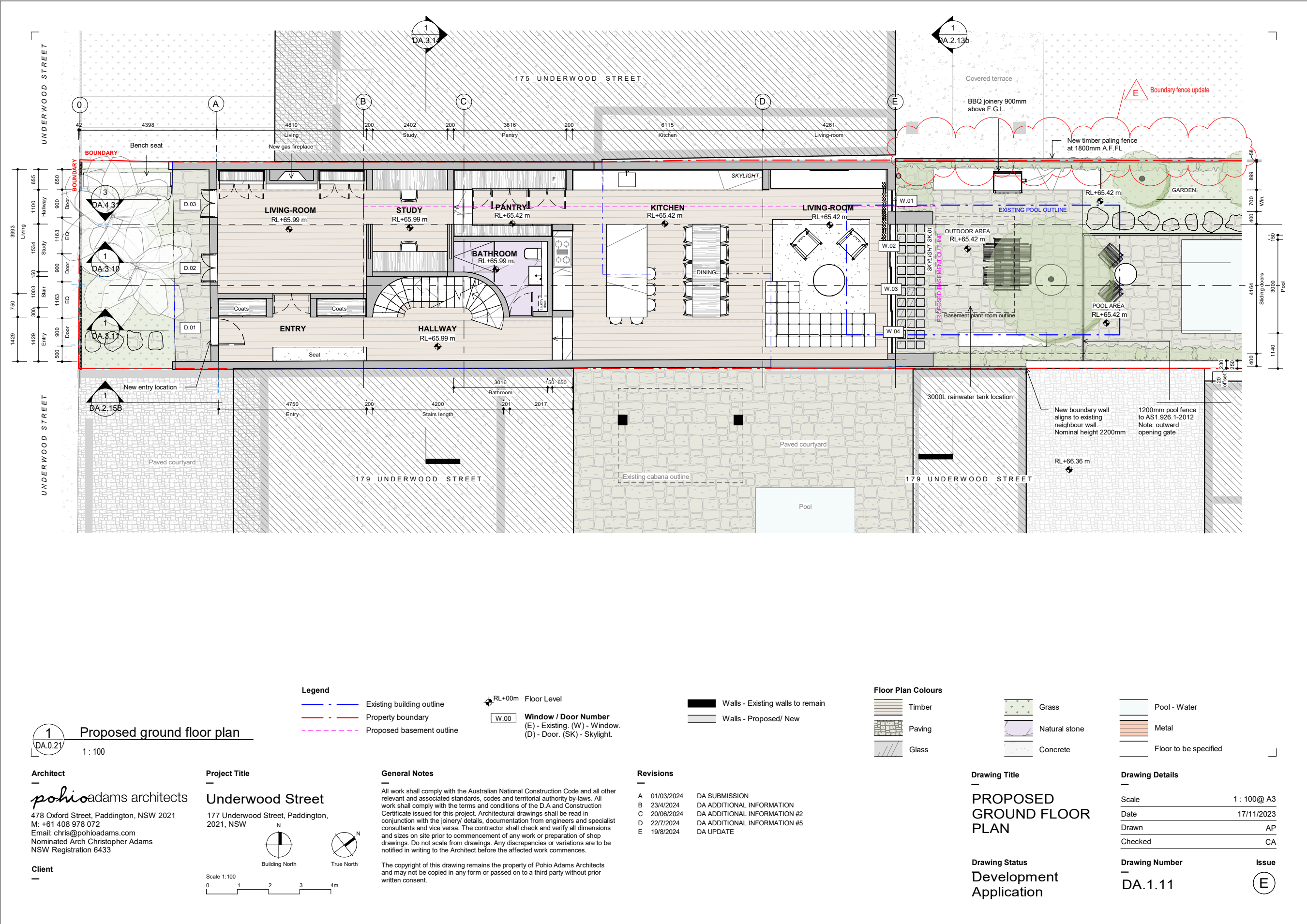
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Scale As indicated@ A3
Date 03/08/24
Drawn AP
Checked CA
Drawing Number
DA.0.12
Issue
A

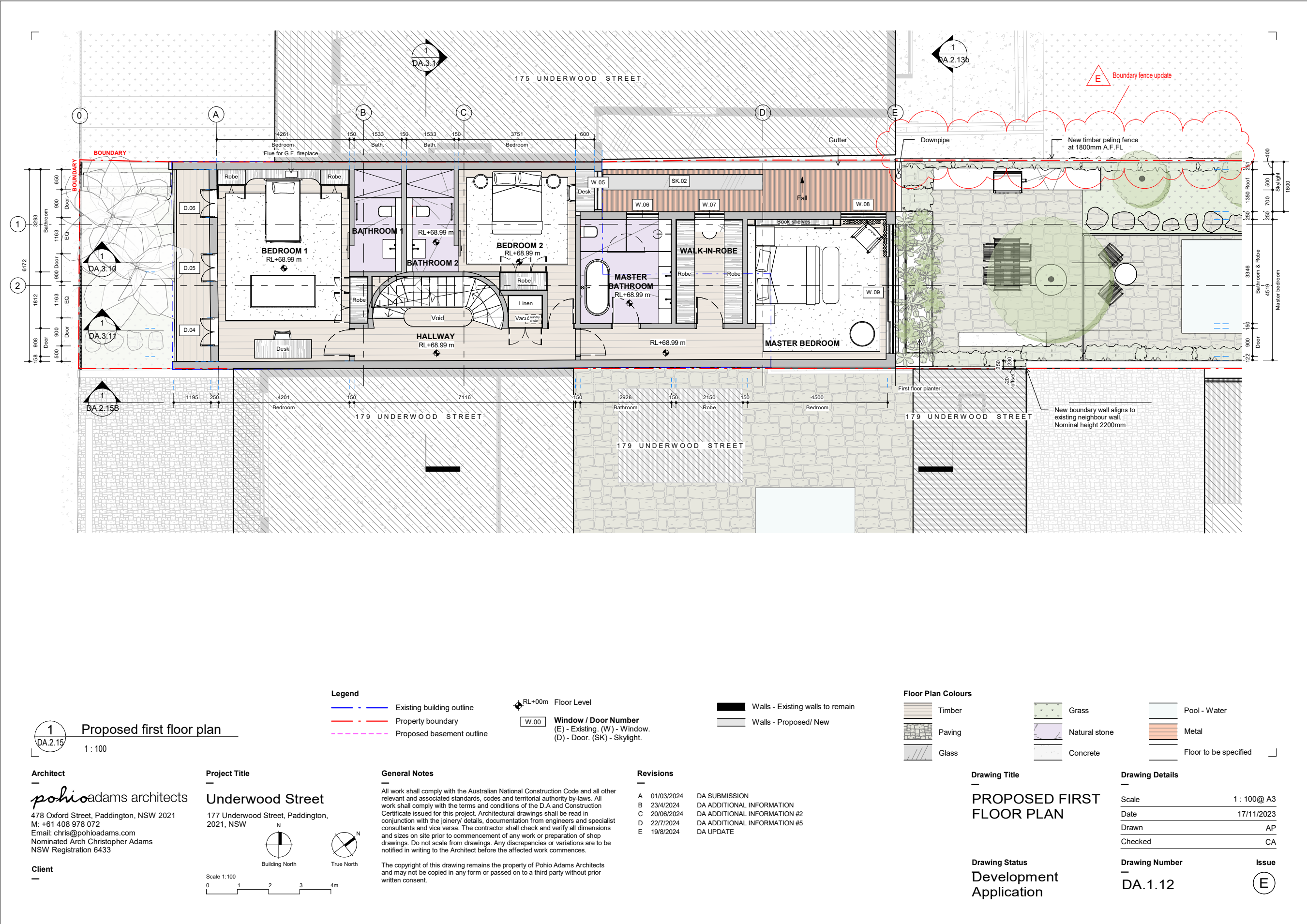


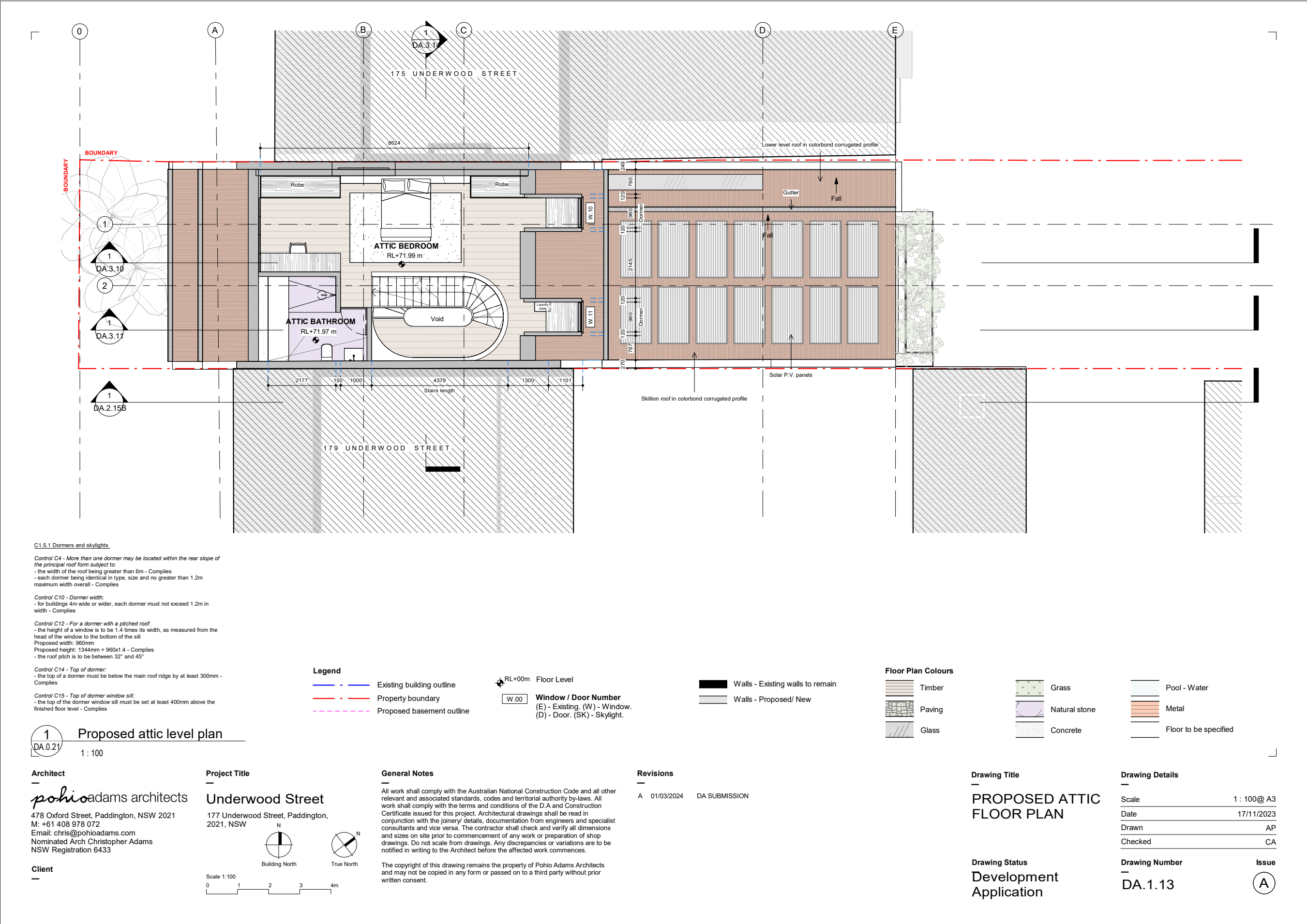


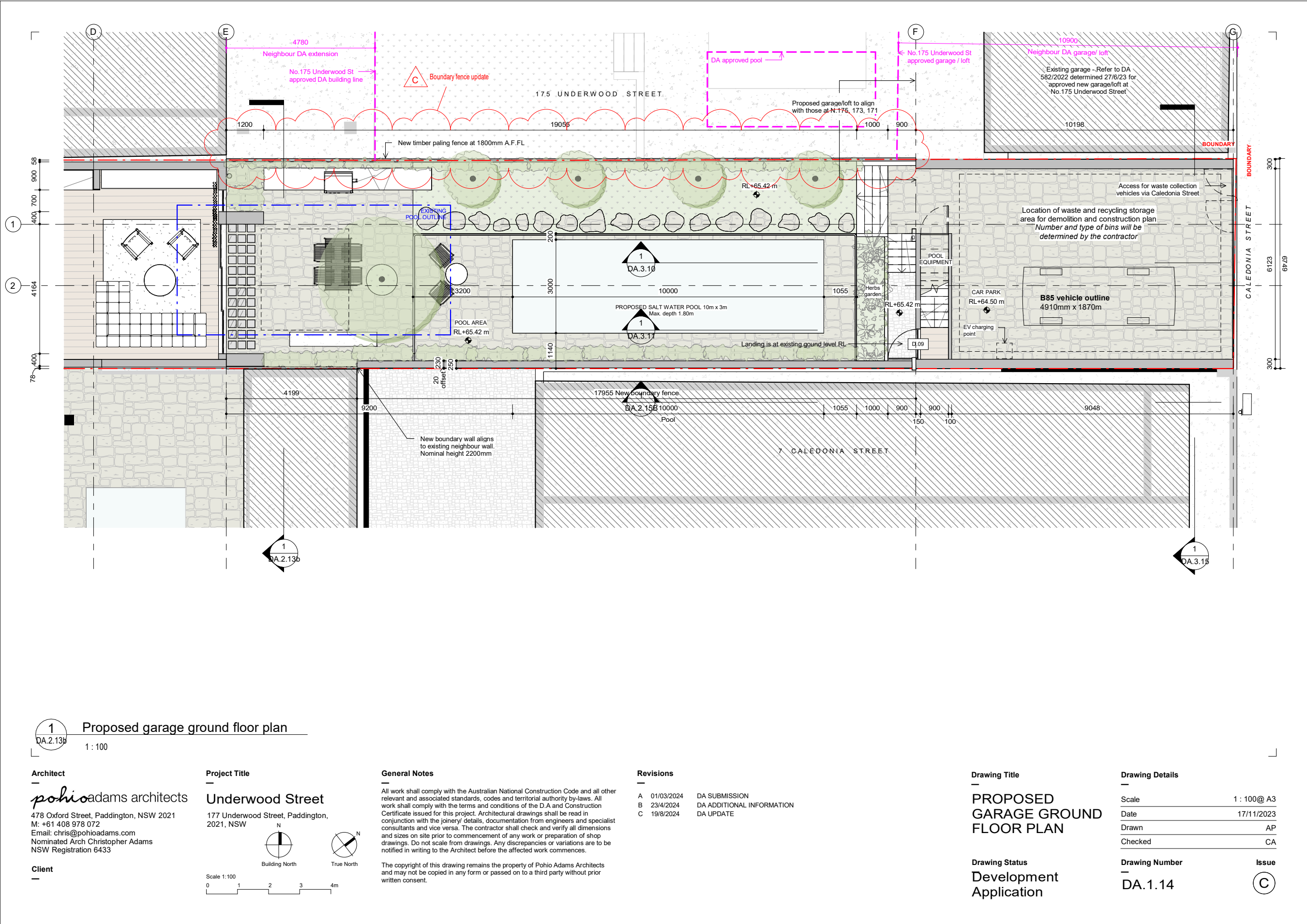


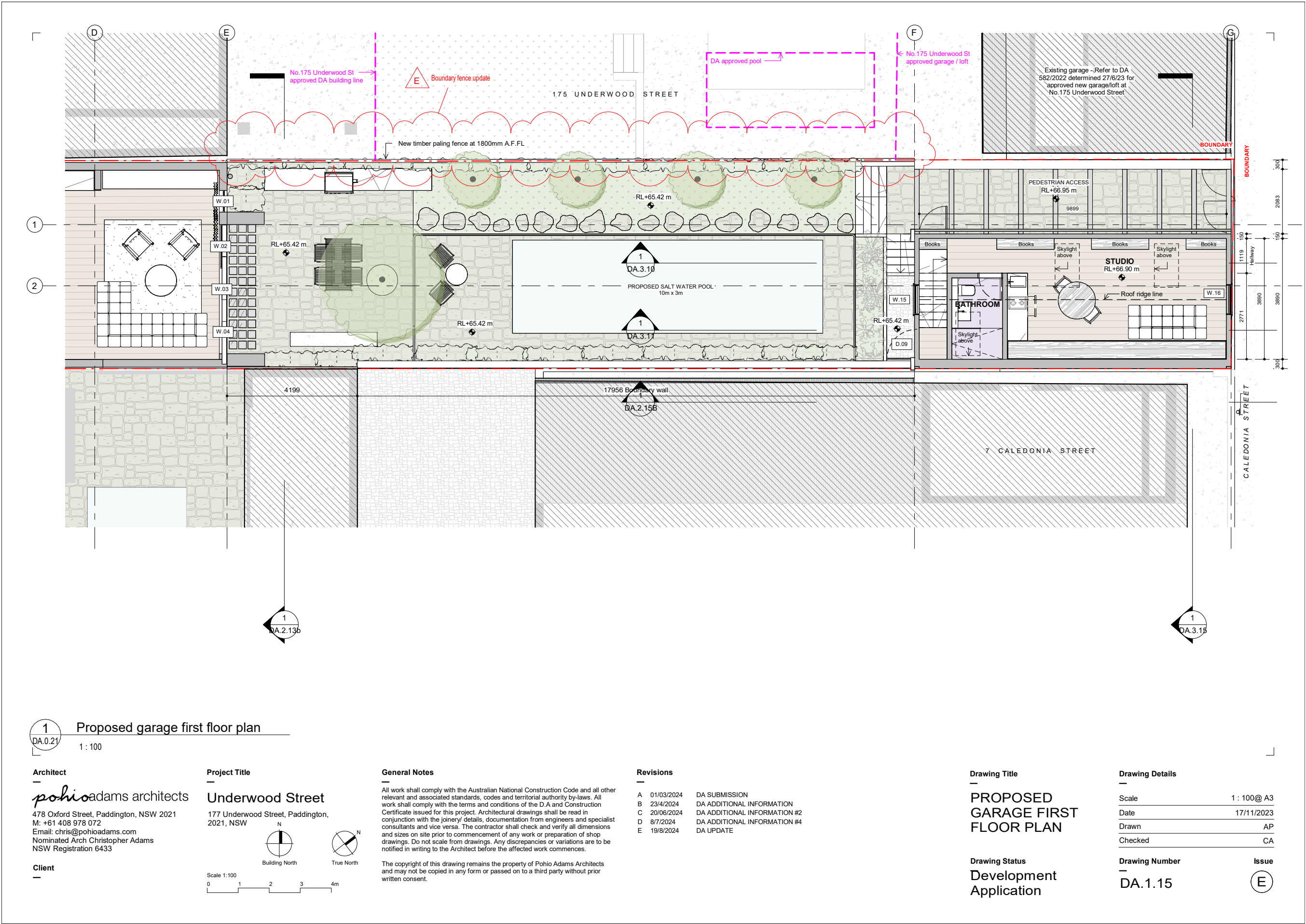


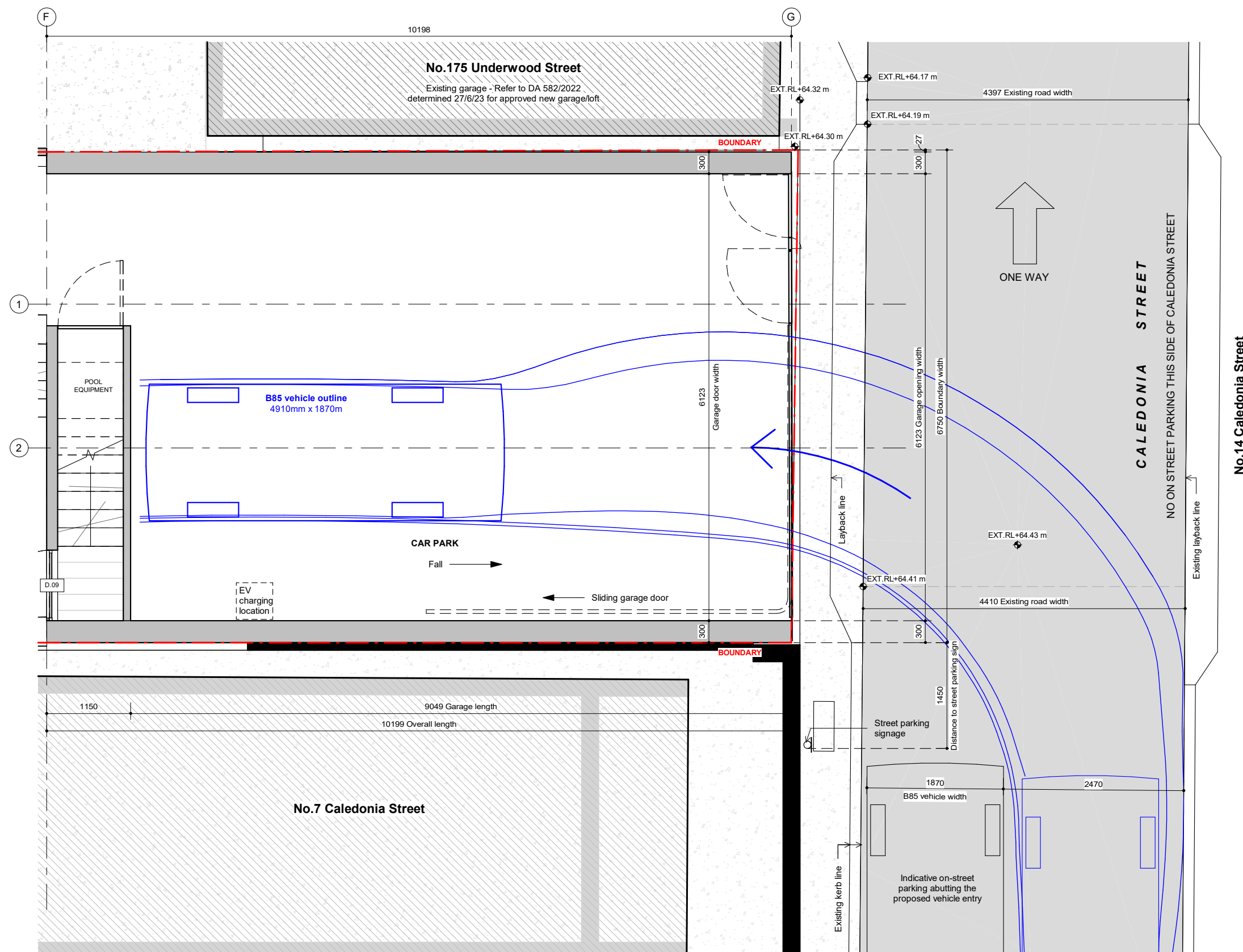












A	23/4/2024	DA ADDITIONAL INFORMATION
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pohioadams architects

478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohoadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

—

PROPOSED SWEEP PATH FORWARD ENTRY PLAN

Development
Application

Underwood Street

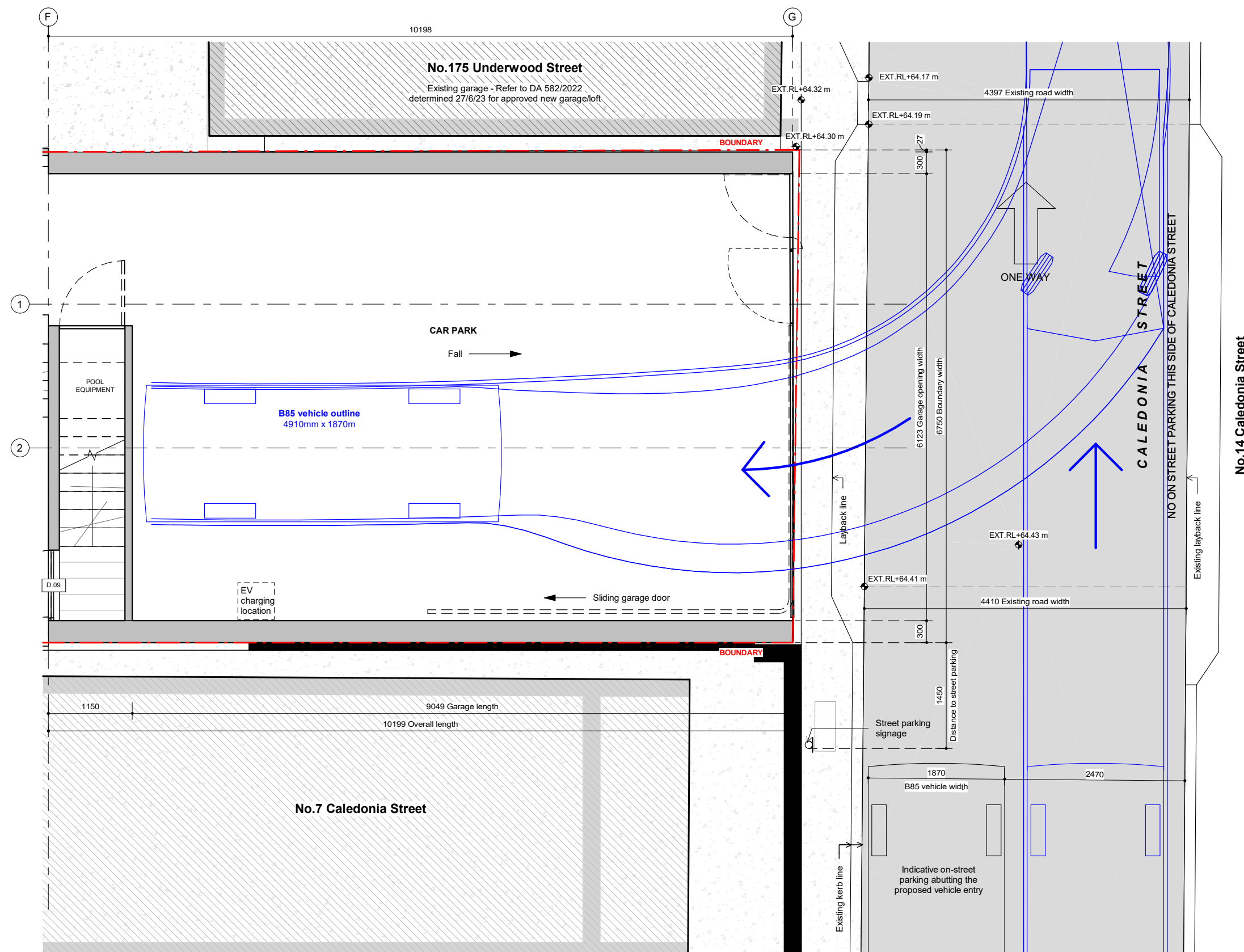
177 Underwood Street, Paddington, 2021,
NSW

Scale	1 : 50@ A3
Date	04/15/24
Drawn	ZL
Checked	CA

Issue

A

1 Proposed swept path plan - Single movement forward entry
DA.2.13b 1:50



A 23/4/2024 DA ADDITIONAL INFORMATION

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pohio adams architects

478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

—

PROPOSED SWEEP PATH REVERSE ENTRY PLAN

Development
Application

Underwood Street

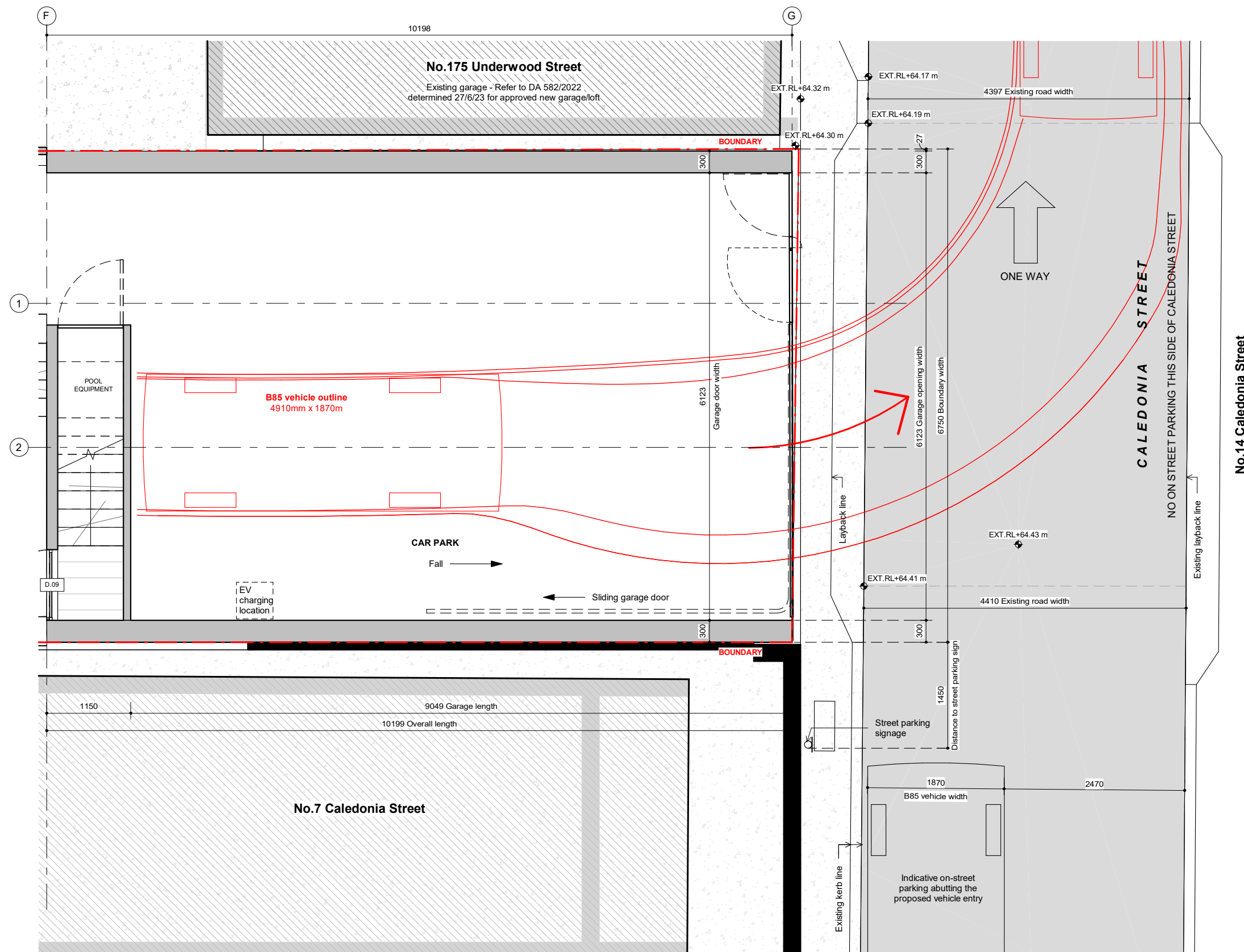
177 Underwood Street, Paddington, 2021,
NSW

Scale	1 : 50@ A3
Date	04/24/24
Drawn	ZL
Checked	CA

DA.1.17

A

1 Proposed swept path plan - Single movement reverse entry
DA.2.13b 1:50



Revisions

A	23/4/2024	DA ADDITIONAL INFORMATION
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General Notes

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Architect

pohio adams architects

478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072

Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Drawing Title

PROPOSED SWEEP PATH FORWARD EXIT PLAN

Drawing Status

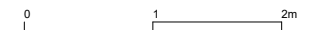
Development
Application

Project Title

Underwood Street

177 Underwood Street, Paddington, 2021,
NSW

Scale 1:50



Drawing Details

Scale 1:50@ A3

Date 04/24/24

Drawn ZL

Checked
CA

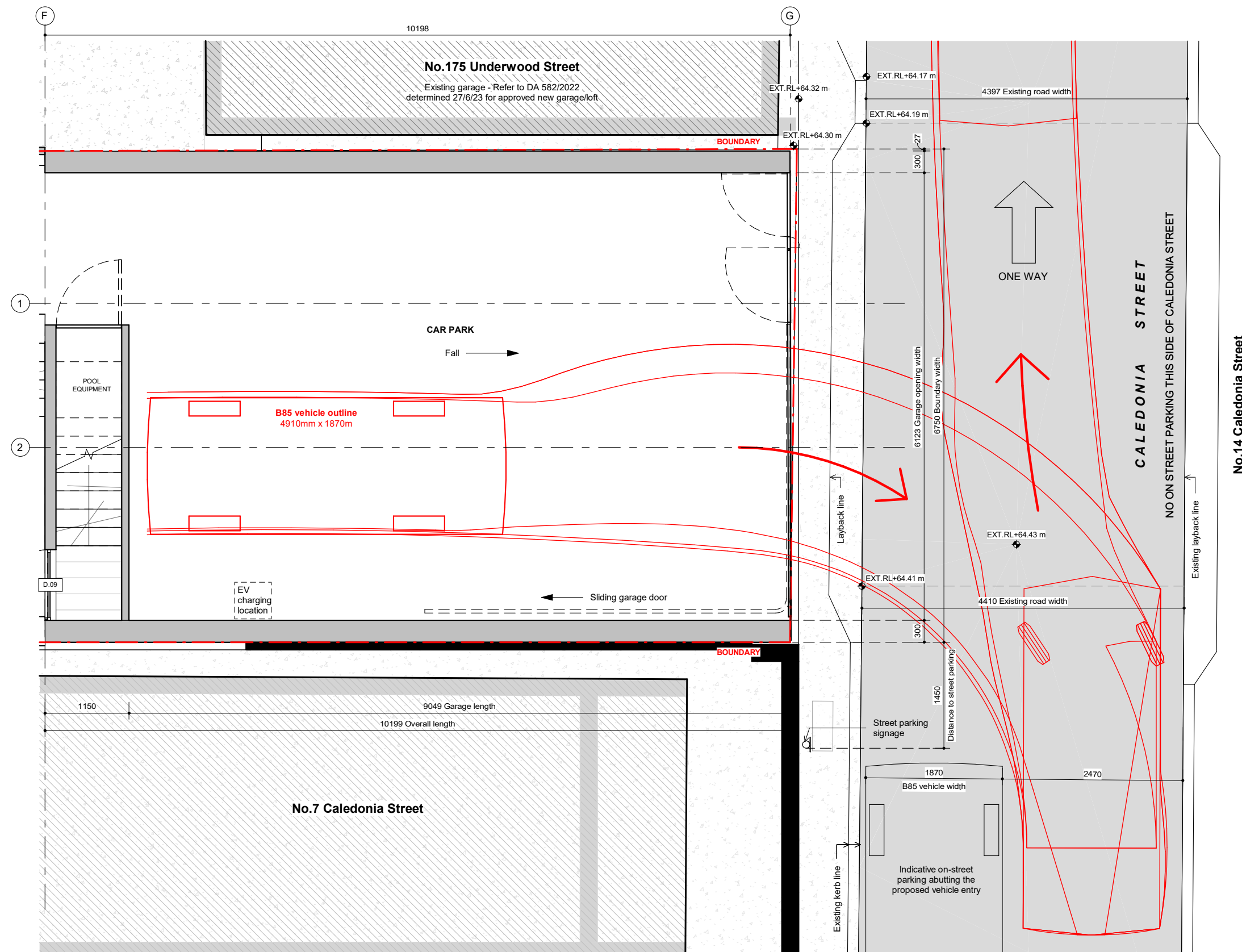
Drawing Number

DA.1.18

Issue

A

1 Proposed swept path plan - Single movement forward exit
DA.2.13b 1:50



Revisions

A 23/4/2024 DA ADDITIONAL INFORMATION

General Notes

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Architect

pohio adams architects

478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072

Email: chris@pohioadams.com

Nominated Arch Christopher Adams
NSW Registration 6433

Client

—

Drawing Title

PROPOSED SWEEP PATH REVERSE EXIT PLAN

Drawing Status

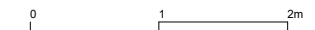
Development
Application

Project Title

Underwood Street

177 Underwood Street, Paddington, 2021,
NSW

Scale 1:50



Drawing Details

Scale 1 : 50@ A3

Date 04/16/24

Drawn	ZL
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Checked
CA

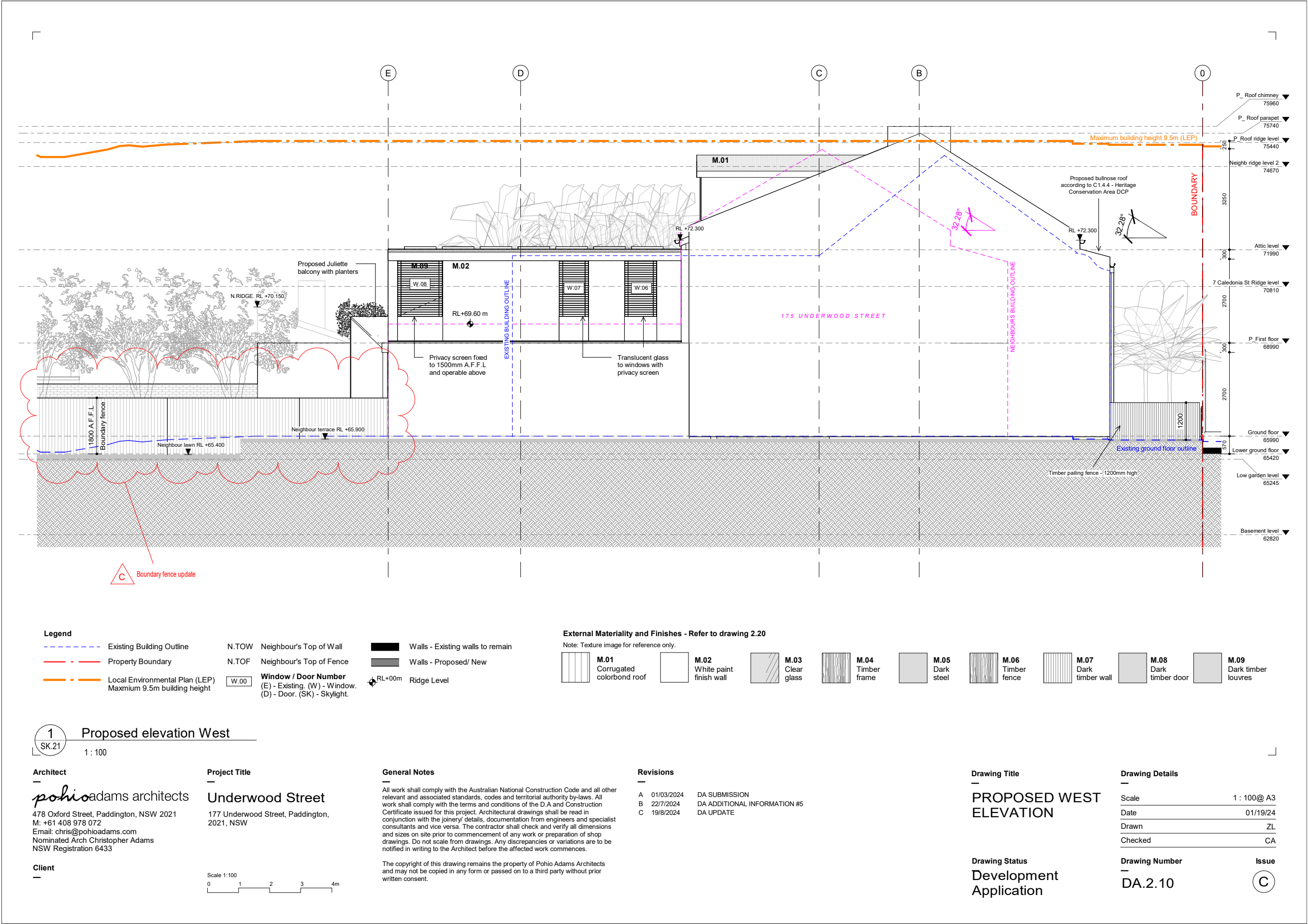
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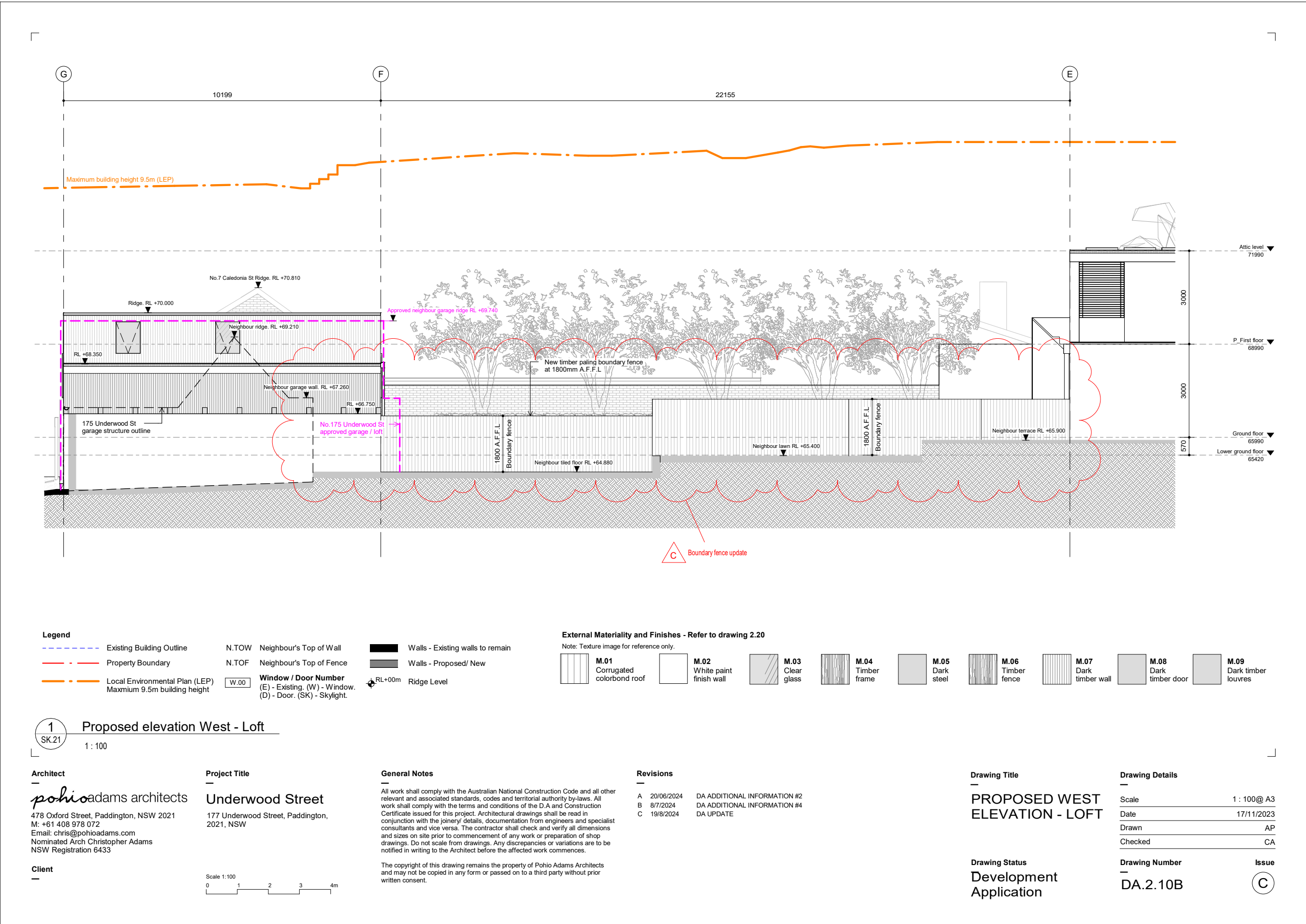
DA.1.19

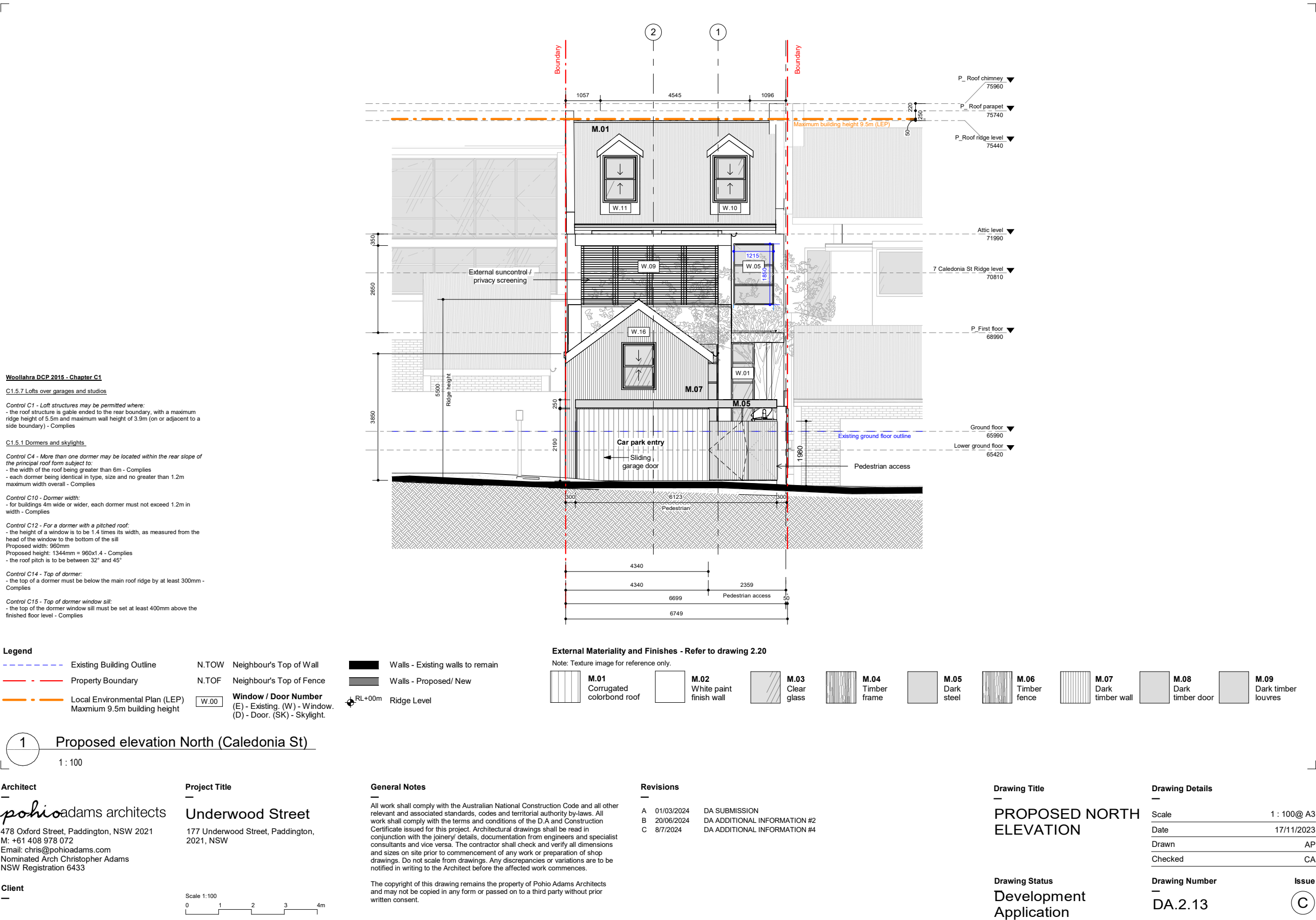
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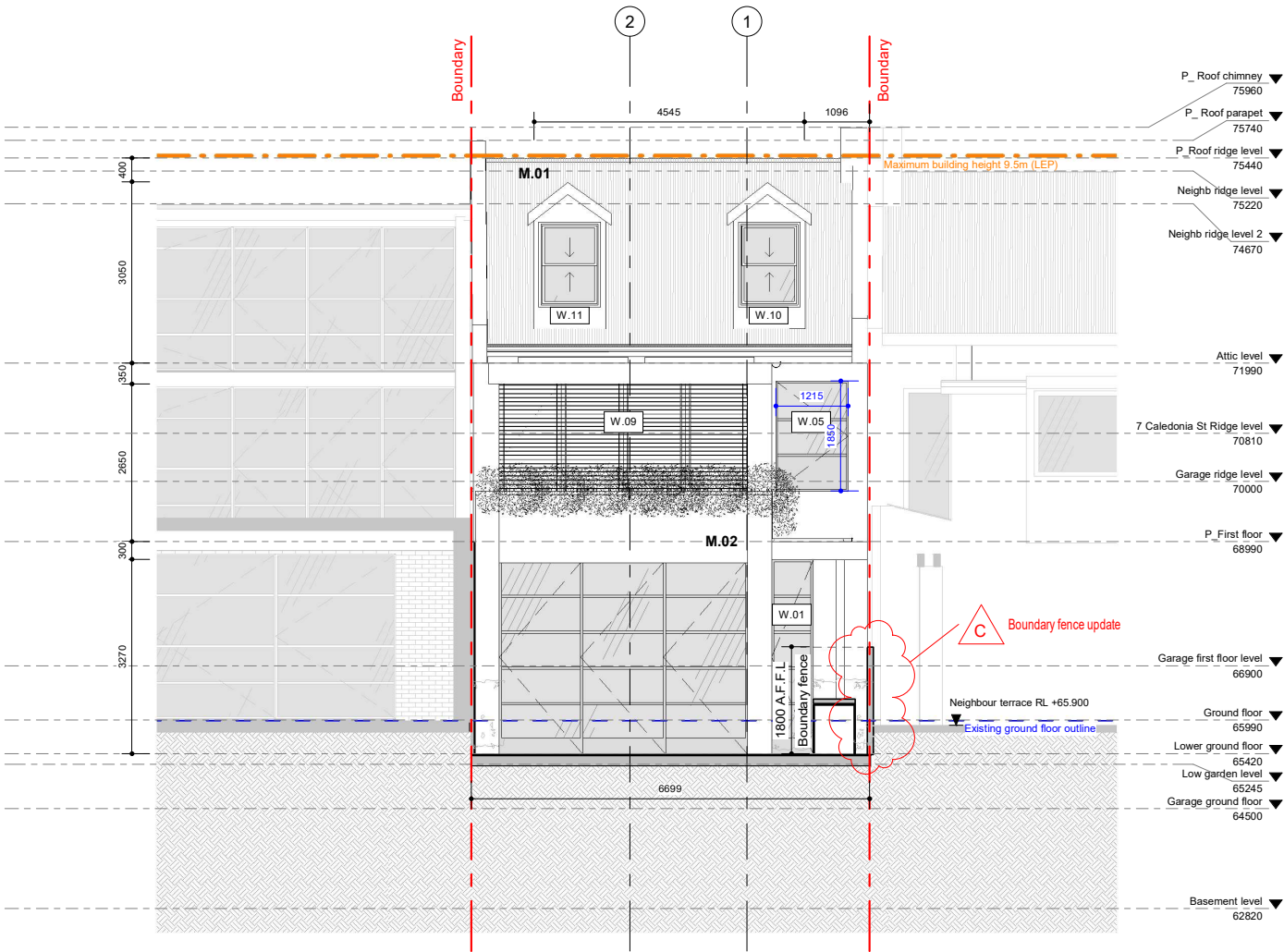
A

1 Proposed swept path plan - Single movement reverse exit
DA.2.13b 1 : 50









Legend

- Existing Building Outline
- Property Boundary
- Local Environmental Plan (LEP) Maximum 9.5m building height
- N.TOW Neighbour's Top of Wall
- N.TOF Neighbour's Top of Fence
- Window / Door Number (E) - Existing, (W) - Window, (D) - Door, (SK) - Skylight.
- Walls - Existing walls to remain
- Walls - Proposed/ New
- RL+00m Ridge Level

External Materiality and Finishes - Refer to drawing 2.20

Note: Texture image for reference only.

- M.01 Corrugated colorbond roof
- M.02 White paint finish wall
- M.03 Clear glass
- M.04 Timber frame
- M.05 Dark steel
- M.06 Timber fence
- M.07 Dark timber wall
- M.08 Dark timber door
- M.09 Dark timber louvres

1
DA.1.10
Proposed north elevation (house) 1/50
1 : 100

Architect

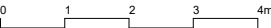
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW

Scale 1:100



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Revisions

A 01/03/2024 DA SUBMISSION
B 20/06/2024 DA ADDITIONAL INFORMATION #2
C 19/8/2024 DA UPDATE

Drawing Title

**PROPOSED NORTH
ELEVATION MAIN
HOUSE**

Drawing Status

**Development
Application**

Drawing Details

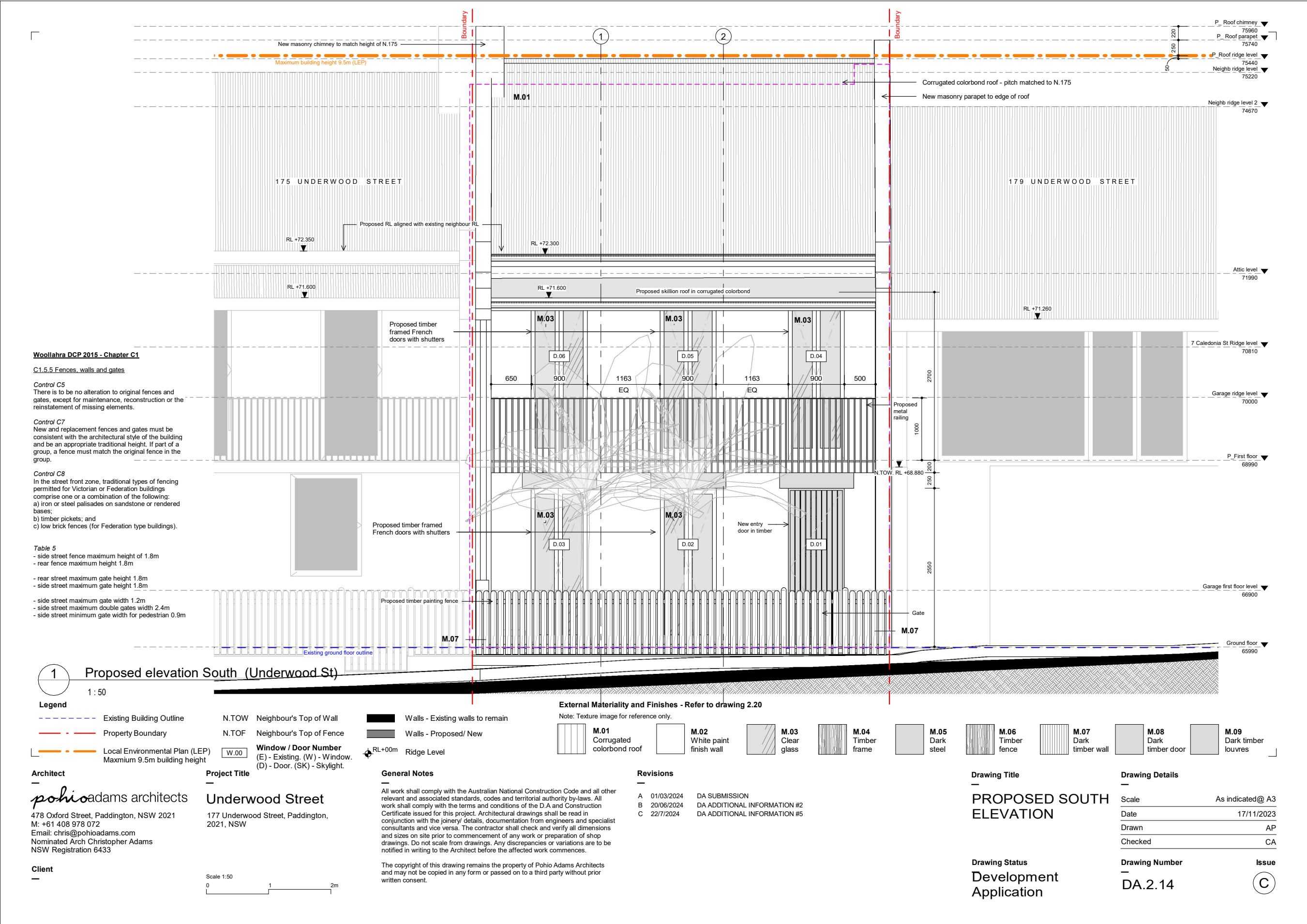
Scale 1 : 100@ A3
Date 10/20/23
Drawn AP
Checked CA

Drawing Number

DA.2.13b

Issue

C



Woollahra DCP 2015 - Chapter C1

C1.5.5 Fences, walls and gates

Control C5
There is to be no alteration to original fences and gates, except for maintenance, reconstruction or the reinstatement of missing elements.

Control C7
New and replacement fences and gates must be consistent with the architectural style of the building and be an appropriate traditional height. If part of a group, a fence must match the original fence in the group.

Control C8
In the street front zone, traditional types of fencing permitted for Victorian or Federation buildings comprise one or a combination of the following:
a) iron or steel palisades on sandstone or rendered bases;
b) timber pickets; and
c) low brick fences (for Federation type buildings).

Table 5

- side street fence maximum height of 1.8m
- rear fence maximum height 1.8m
- rear street maximum gate height 1.8m
- side street maximum gate height 1.8m
- side street maximum gate width 1.2m
- side street maximum double gates width 2.4m
- side street minimum gate width for pedestrian 0.9m

Legend

- Existing Building Outline
- Property Boundary
- Local Environmental Plan (LEP) Maximum 9.5m building height

N.TOW Neighbour's Top of Wall
N.TOF Neighbour's Top of Fence
Window / Door Number
(E) - Existing, (W) - Window, (D) - Door, (SK) - Skylight.

- Walls - Existing walls to remain
- Walls - Proposed/ New
- Ridge Level

External Materiality and Finishes - Refer to drawing 2.20

Note: Texture image for reference only.

- M.01 Corrugated colorbond roof
- M.02 White paint finish wall
- M.03 Clear glass
- M.04 Timber frame
- M.05 Dark steel
- M.06 Timber fence
- M.07 Dark timber wall
- M.08 Dark timber door
- M.09 Dark timber louvres

1 Studio south facade
1 : 50

Architect
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW

Scale 1:50
0 1 2m

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Revisions

A	01/03/2024	DA SUBMISSION
B	23/4/2024	DA ADDITIONAL INFORMATION
C	20/06/2024	DA ADDITIONAL INFORMATION #2
D	8/7/2024	DA ADDITIONAL INFORMATION #4
E	19/8/2024	DA UPDATE

Drawing Title

PROPOSED SOUTH
ELEVATION
STUDIO

Drawing Status

Development
Application

Drawing Details

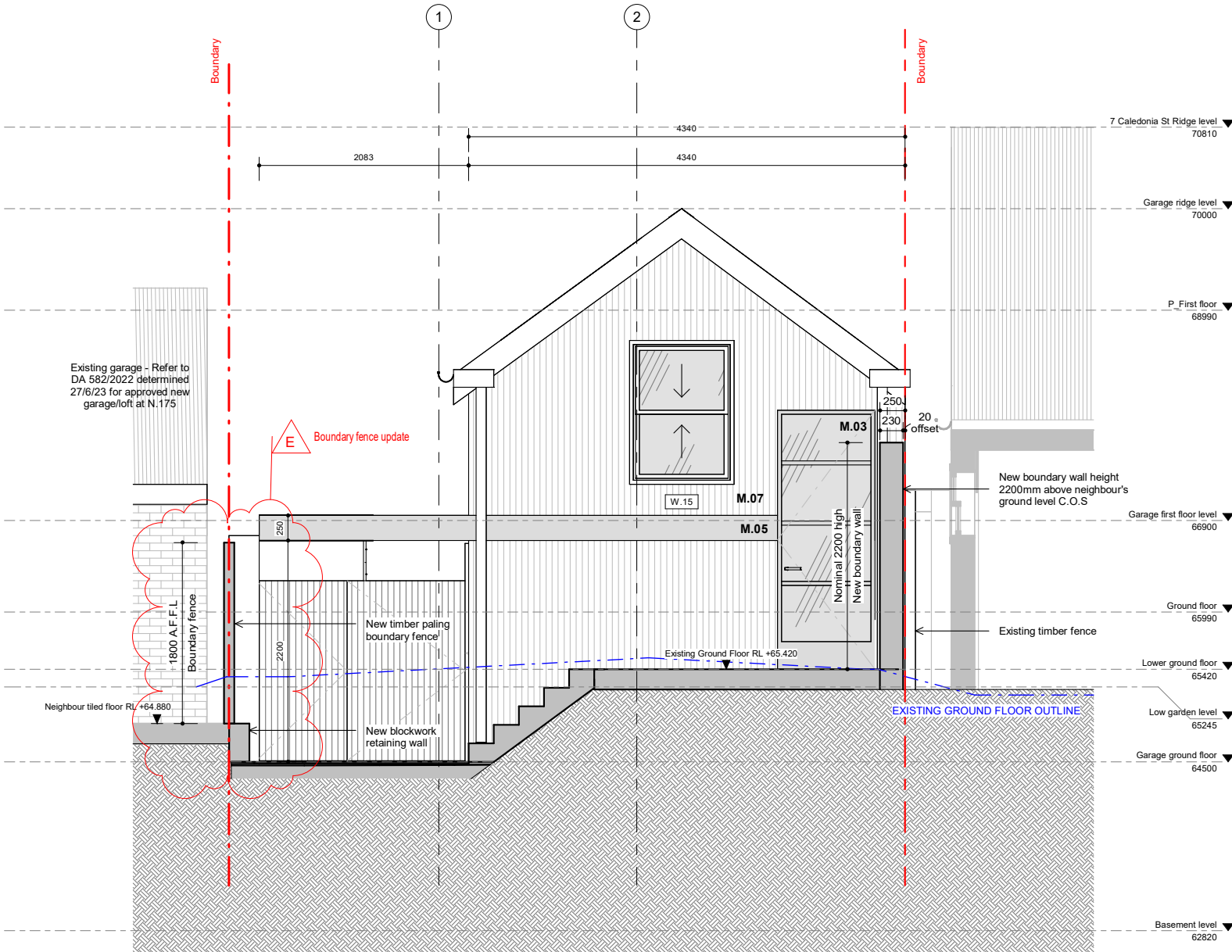
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Drawn	ZL
Checked	CA

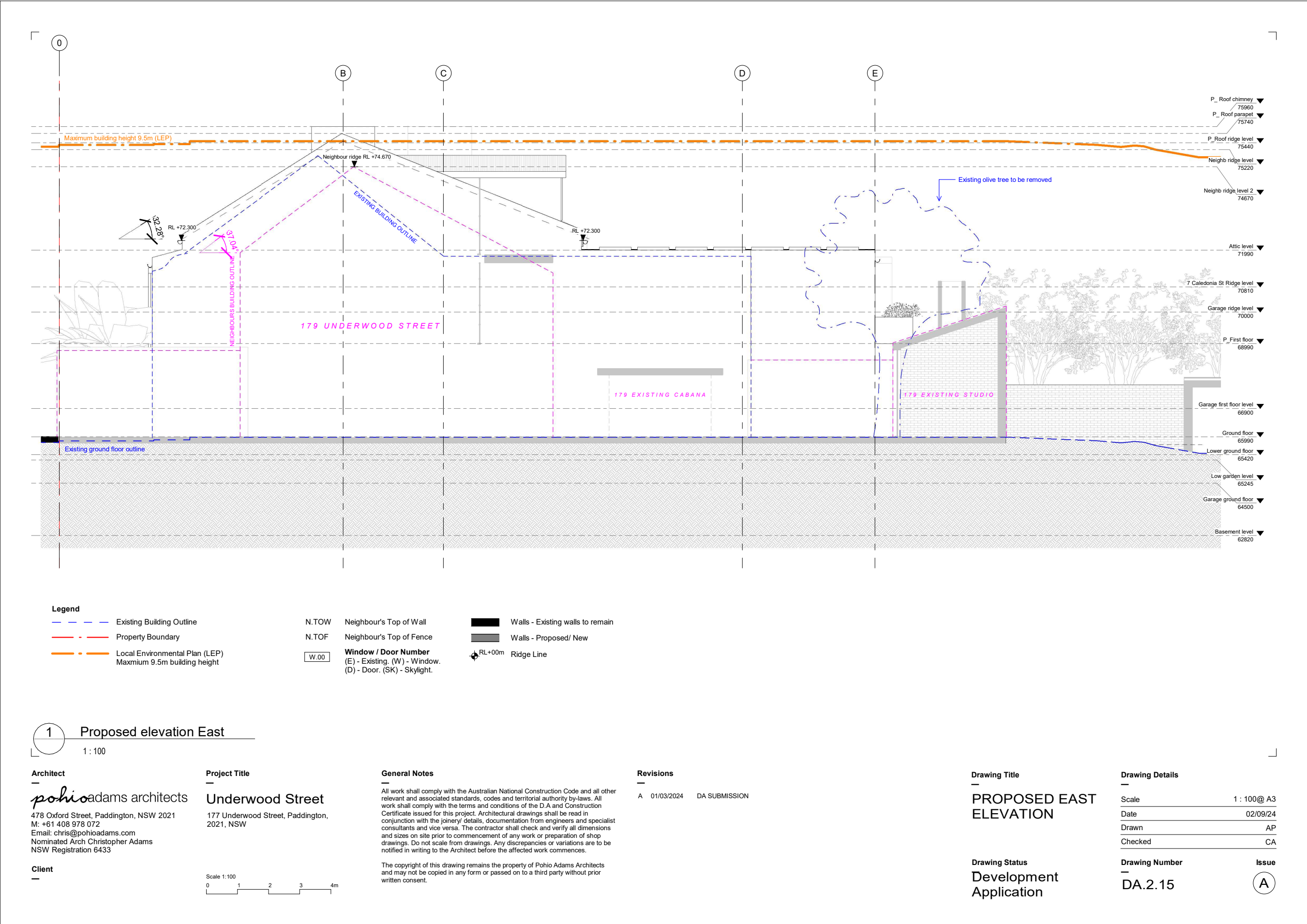
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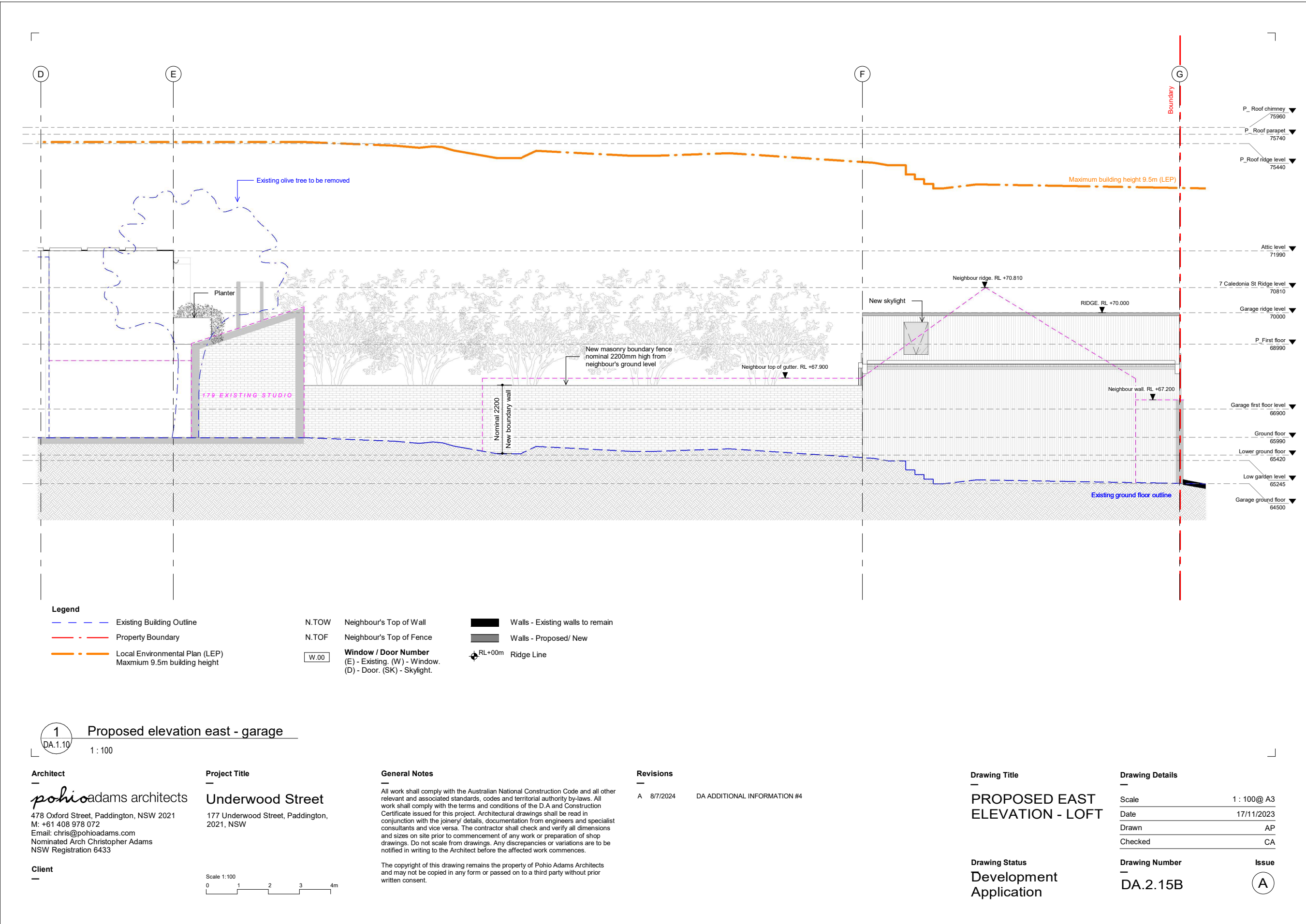
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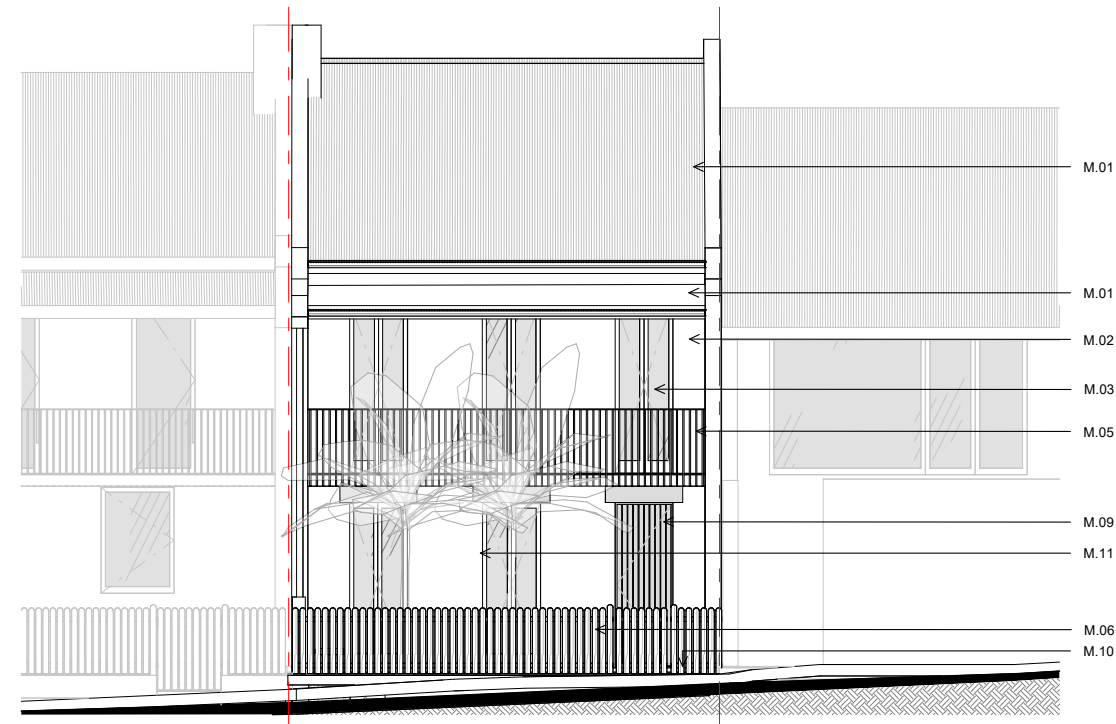
Issue

E









1 Proposed elevation South 2
1 : 100



M01 - Corrugated colorbond roof



M02 - Paint render wall - ref. Surfist, Dulux.



M03 - Clear glass timber framed French doors



M04 - Timber framed french door



M05 - Dark metal railing



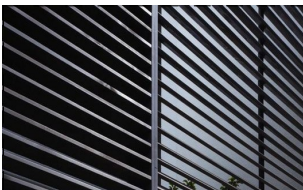
M06 - Timber fence



M07 - Dark vertical timber weatherboard



M08 - Dark timber door



M09 - Dark timber external louvres



M10 - Crazy paving external flooring



M11 - Proposed tree
Kentia palms underplanted with massed native
grasses and groundcovers

Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW

Scale 1:100
0 1 2 3 4m

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Revisions

A	01/03/2024	DA SUBMISSION
B	20/06/2024	DA ADDITIONAL INFORMATION #2
C	22/7/2024	DA ADDITIONAL INFORMATION #5

Drawing Title

**EXTERNAL
MATERIALS AND
COLOURS**

Drawing Status

**Development
Application**

Drawing Details

Scale	1 : 100@ A3
Date	11/21/23
Drawn	AP
Checked	CA

Drawing Number

DA.2.20

Issue

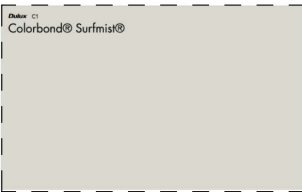
C



1 Proposed elevation North 2
1 : 100



M01 - Corrugated colorbond roof



M02 - Paint render wall - ref. Surfist, Dulux.



M03 - Clear glass timber framed French doors



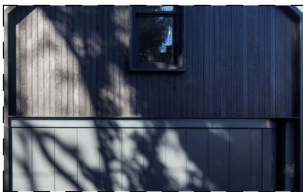
M04 - Timber framed french door



M05 - Dark metal beam



M06 - Timber fence



M07 - Dark timber finish wall



M08 - Dark timber door



M09 - Dark timber external louvres



M10 - Crazy paving external flooring



M11 - Proposed tree
Native evergreen specimen trees underplanted
with massed native groundcovers and
groupings of low grasses

Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
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2021, NSW

Scale 1:100
0 1 2 3 4m

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Revisions

A	01/03/2024	DA SUBMISSION
B	20/06/2024	DA ADDITIONAL INFORMATION #2
C	8/7/2024	DA ADDITIONAL INFORMATION #4

Drawing Title

**EXTERNAL
MATERIALS AND
COLOURS**

Drawing Status

**Development
Application**

Drawing Details

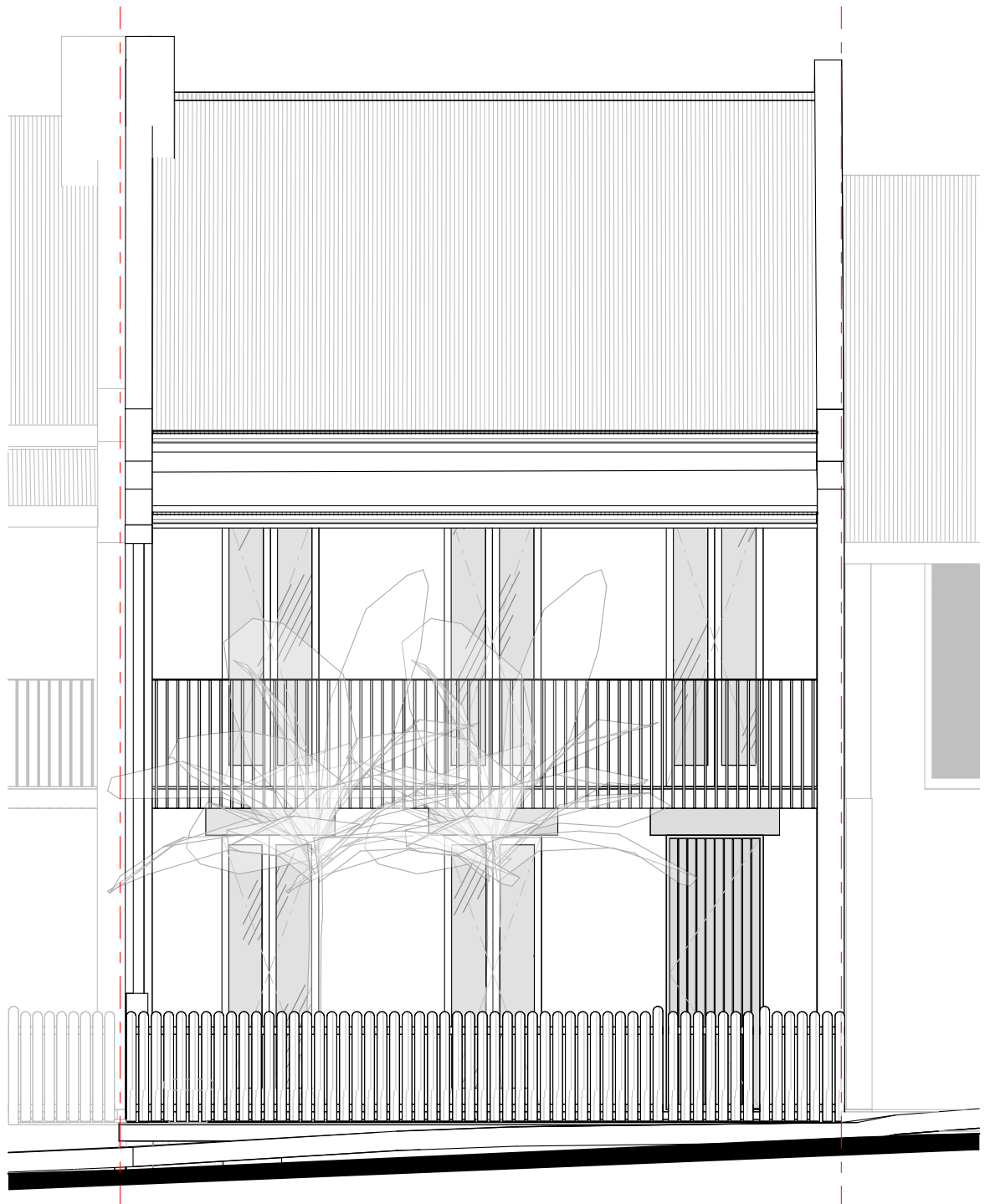
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Date	02/16/24
Drawn	AP
Checked	CA

Drawing Number

DA.2.21




Issue

C




French door timber framed paint finish - Monument, Dulux

Crazy paving external floor finish - Limestone, Eco Outdoor



Wall paint - Surfist, Dulux

External louvres metal finish - Dark brown, RAL8019



Project reference - Glenmore Road Residence
by Pohio Adams Architects

Architect
—
*pohio*adams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Project Title
—
Underwood Street
177 Underwood Street, Paddington,
2021, NSW

General Notes
—
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Revisions
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A 01/03/2024 DA SUBMISSION
B 20/06/2024 DA ADDITIONAL INFORMATION #2
C 22/7/2024 DA ADDITIONAL INFORMATION #5

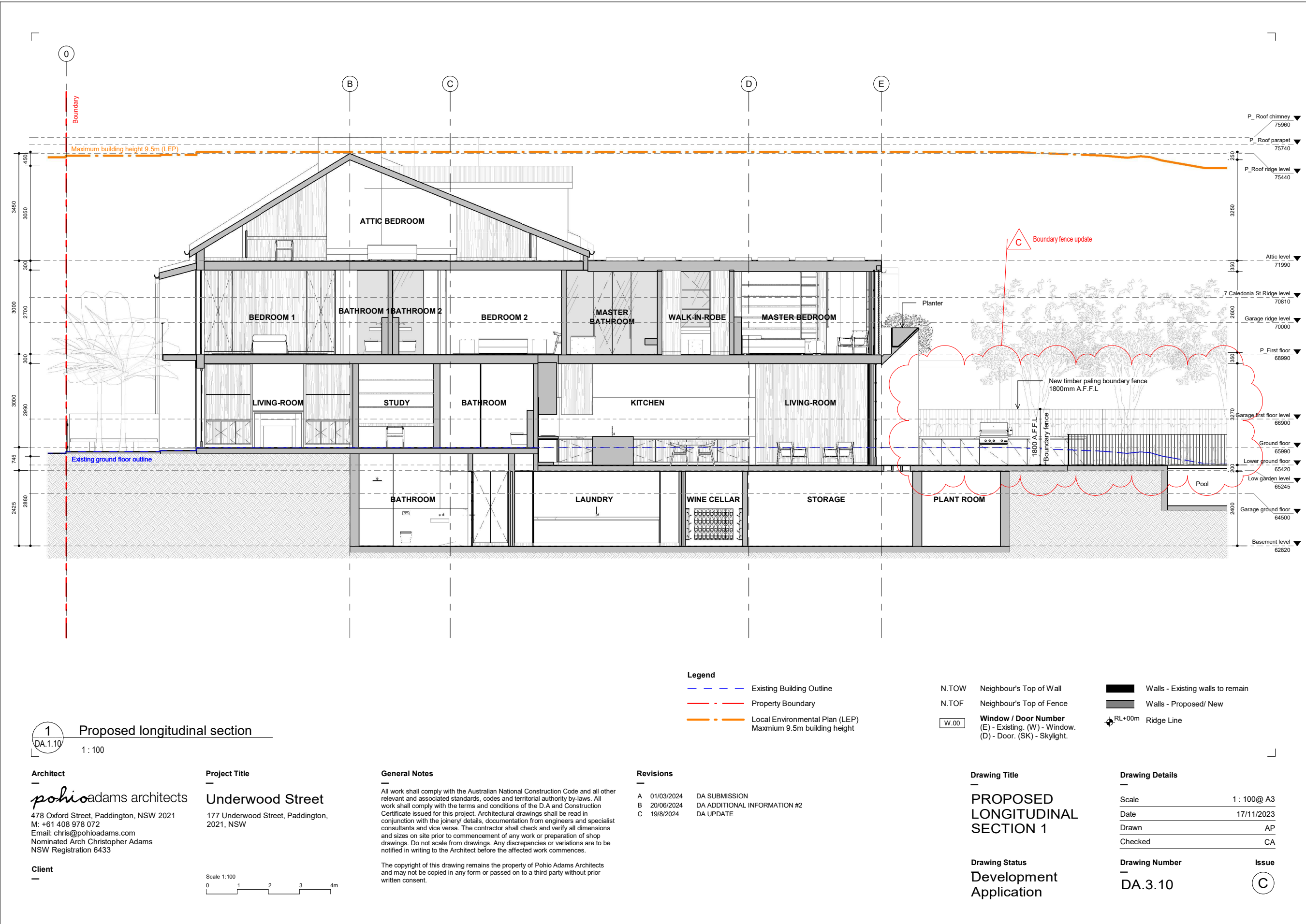
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MATERIAL BOARD

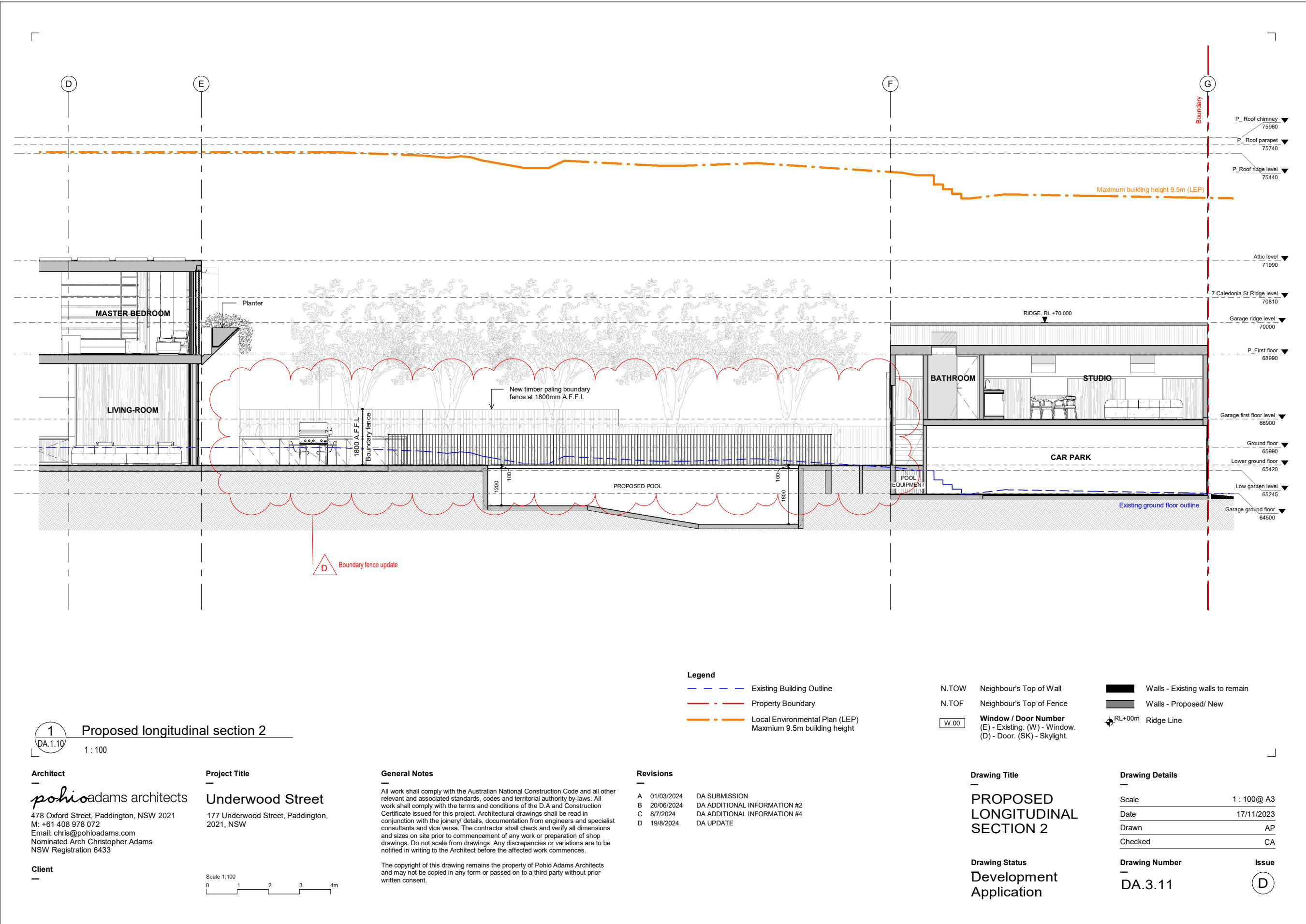
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Application**

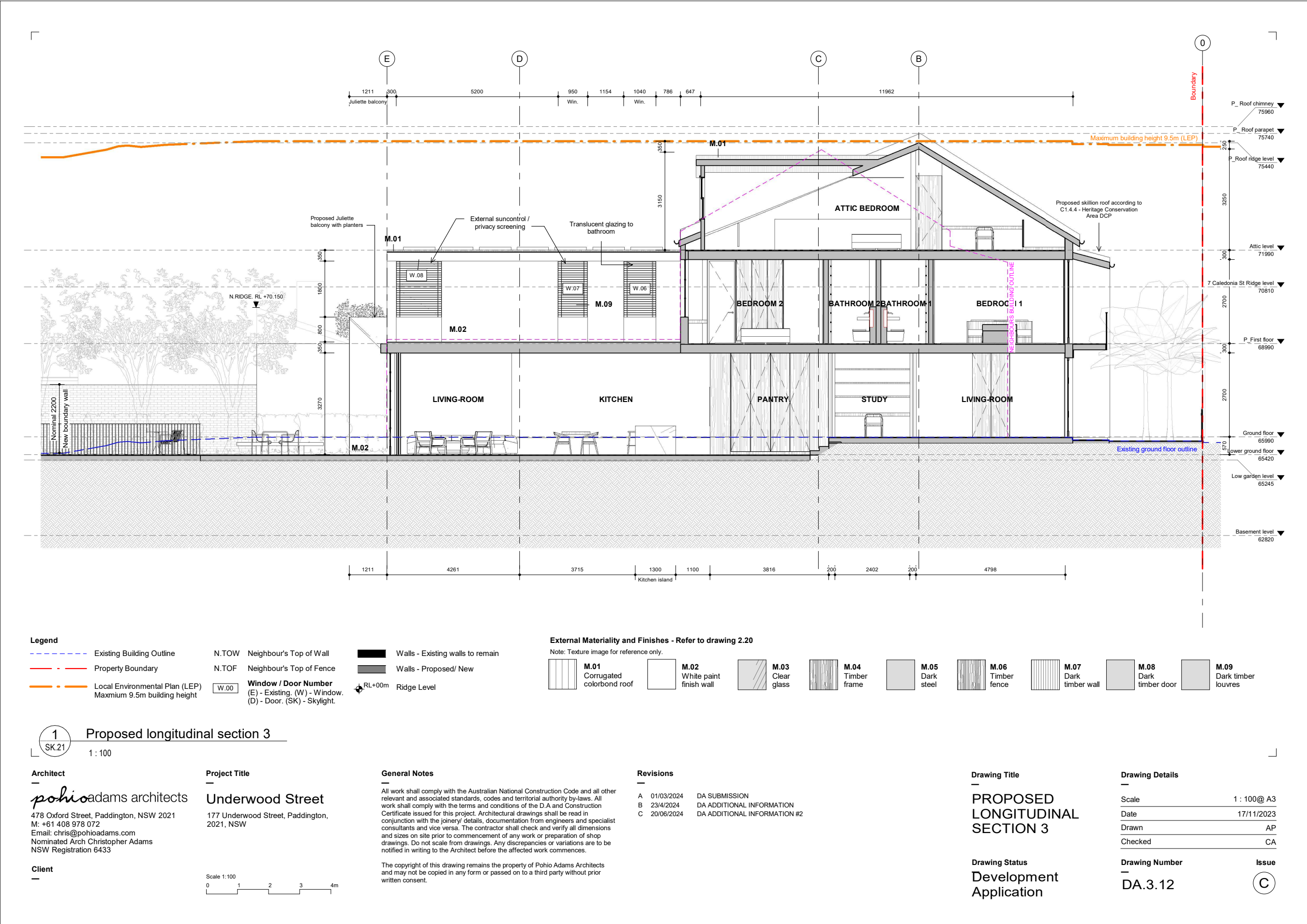
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Drawn AP
Checked CA

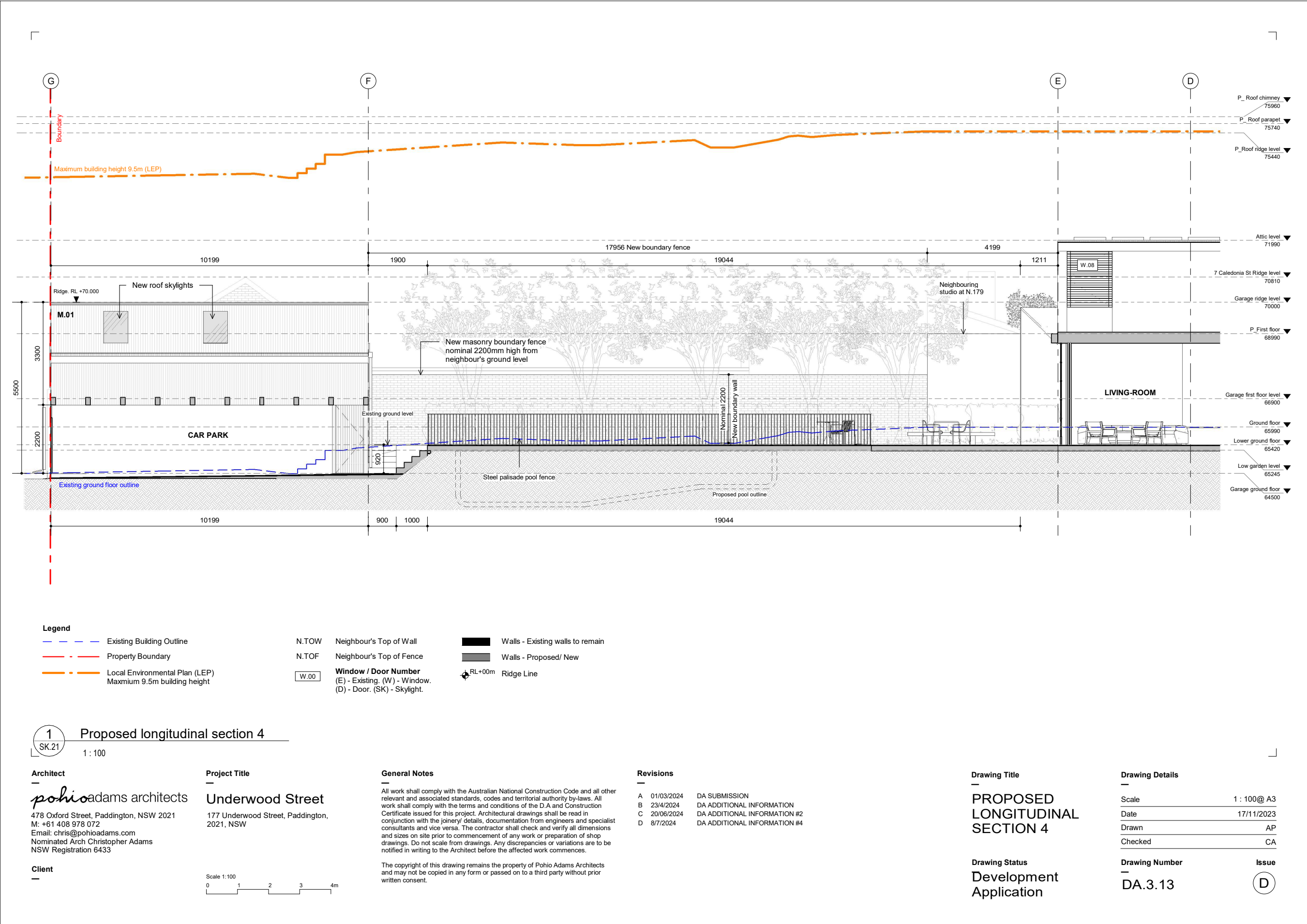
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DA.2.22

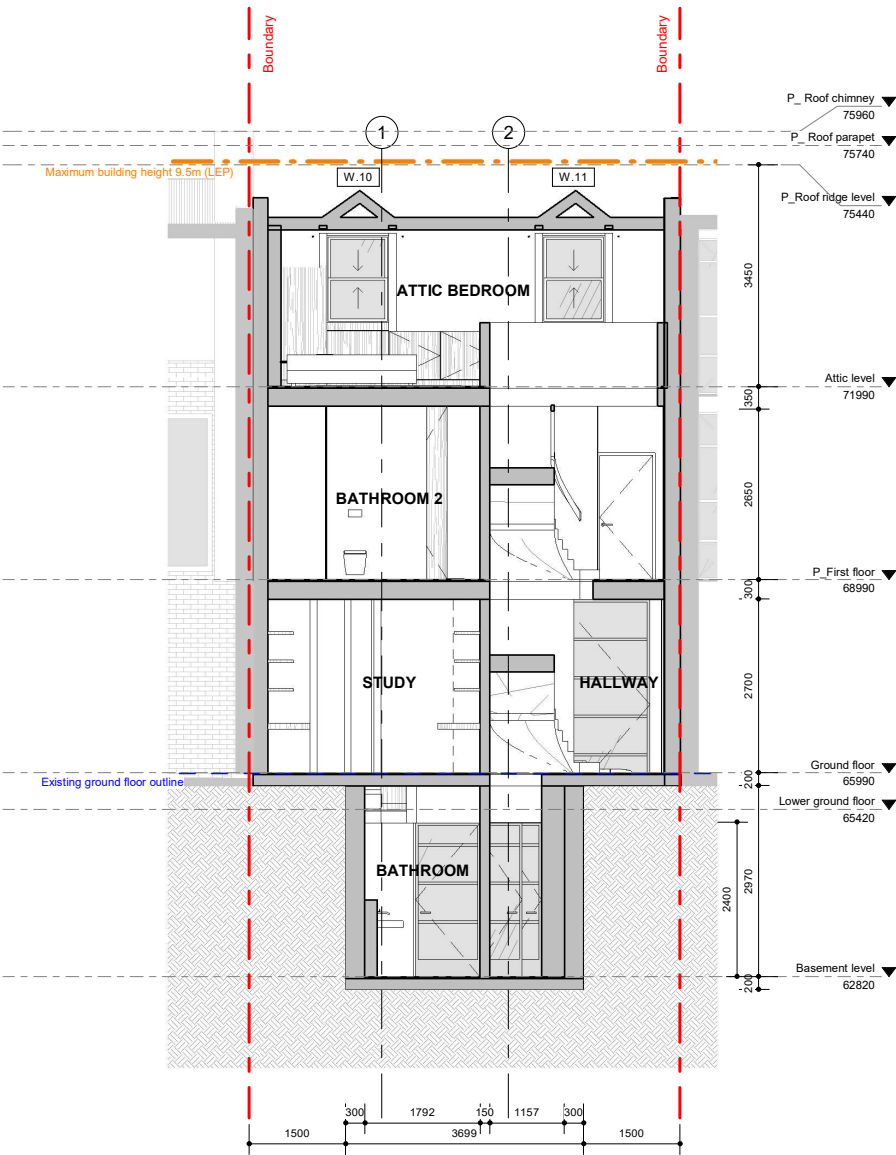
Issue
—
C











1
DA.1.10

Proposed cross section

1 : 100

Architect

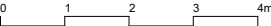
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW

Scale 1:100



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Revisions

A	01/03/2024	DA SUBMISSION
B	20/06/2024	DA ADDITIONAL INFORMATION #2

Legend

- Existing Building Outline
- Property Boundary
- Local Environmental Plan (LEP) Maximum 9.5m building height

N.TOW

Neighbour's Top of Wall

N.TOF

Neighbour's Top of Fence

W.00

Window / Door Number
(E) - Existing, (W) - Window,
(D) - Door, (SK) - Skylight.

Walls - Existing walls to remain

Walls - Proposed/ New

RL+00m Ridge Line

Drawing Title

**PROPOSED CROSS
SECTION 1**

Drawing Status

**Development
Application**

Drawing Details

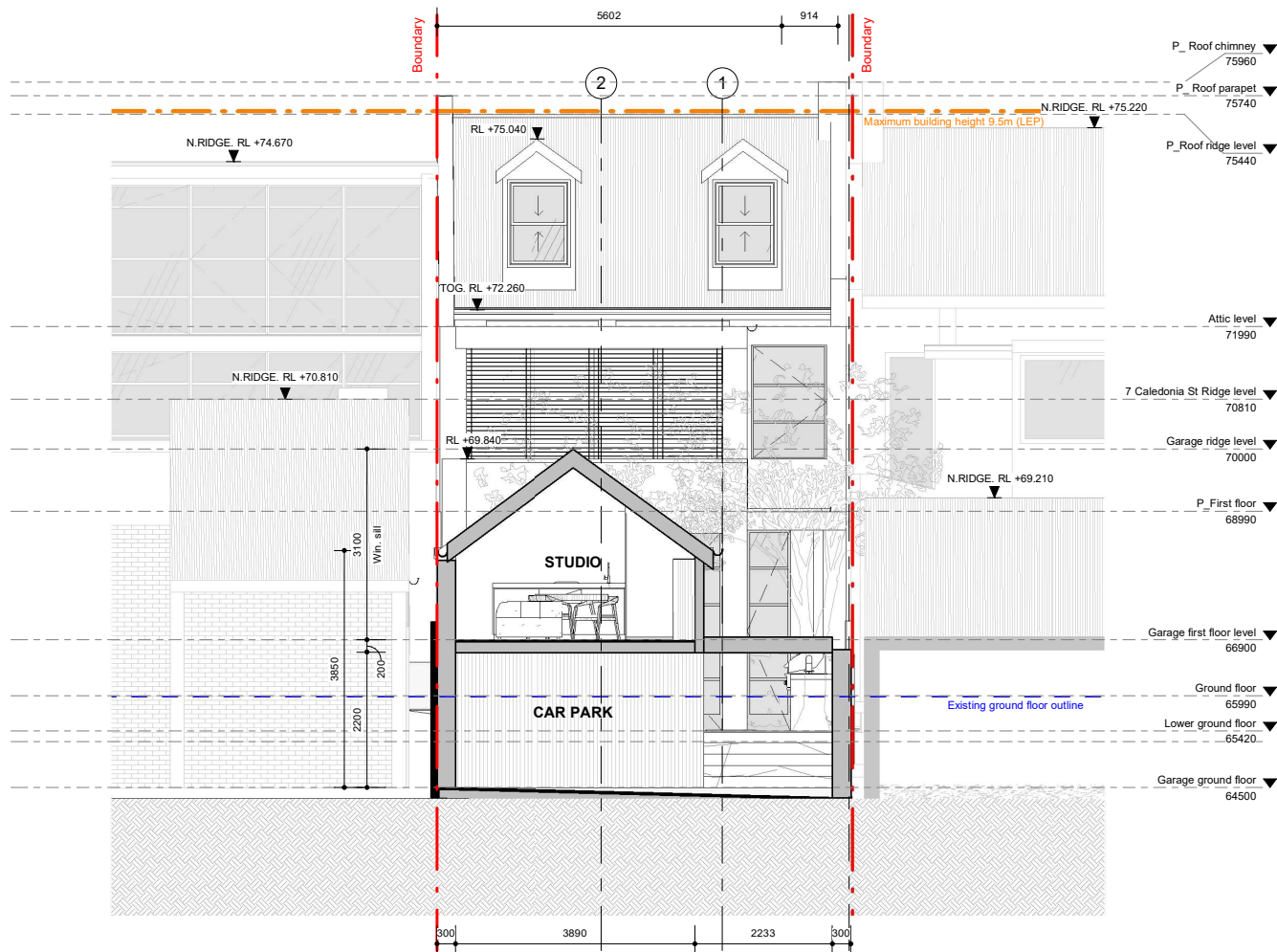
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Date	17/11/2023
Drawn	AP
Checked	CA

Drawing Number

DA.3.14

Issue

B



1 Proposed cross garage section
DA.1.14 1: 100

Architect
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW

Client

Scale 1:100
0 1 2 3 4m

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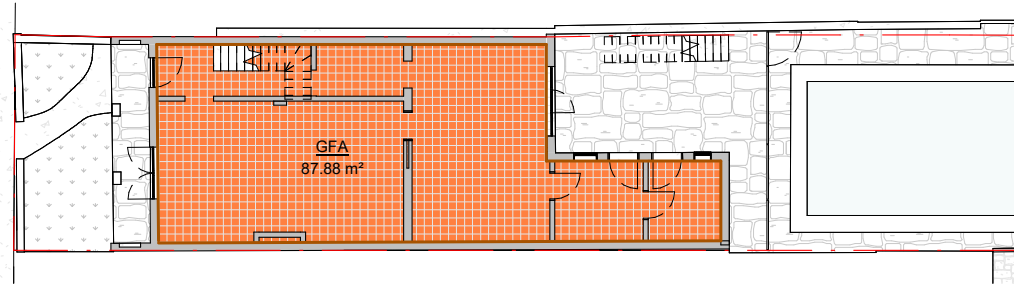
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Revisions		
A	01/03/2024	DA SUBMISSION
B	20/06/2024	DA ADDITIONAL INFORMATION #2

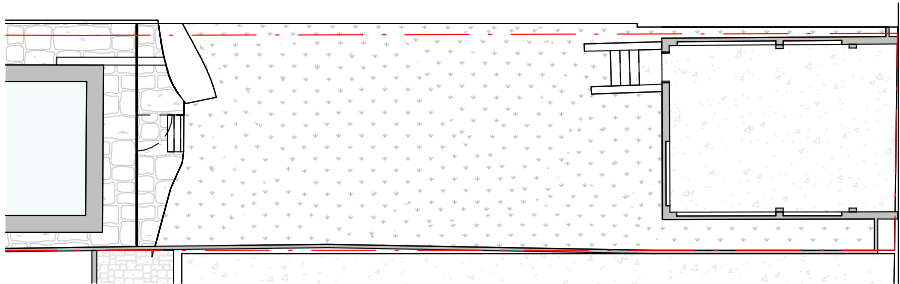
- Legend**
- Existing Building Outline
 - Property Boundary
 - Local Environmental Plan (LEP) Maximum 9.5m building height

- N.TOW Neighbour's Top of Wall
N.TOF Neighbour's Top of Fence
- Window / Door Number**
(E) - Existing, (W) - Window, (D) - Door, (SK) - Skylight.
- Walls - Existing walls to remain
Walls - Proposed/ New
Ridge Line

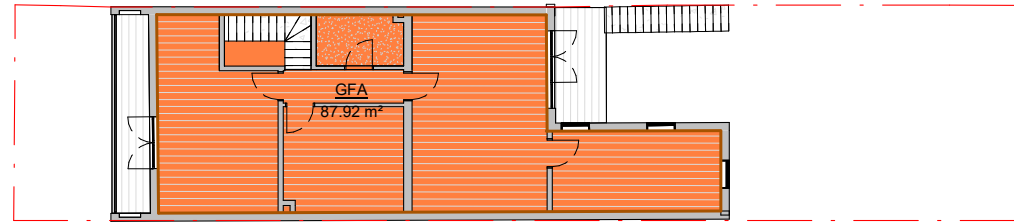
Drawing Title		Drawing Details	
PROPOSED CROSS SECTION 2		Scale	1: 100@ A3
		Date	17/11/2023
		Drawn	AP
		Checked	CA
Drawing Status Development Application		Drawing Number DA.3.15	Issue B



1 Ground floor
DA.0.21
1 : 200



2 Garage ground floor
DA.2.13b
1 : 200



3 First floor
DA.2.15
1 : 200

Existing
GFA

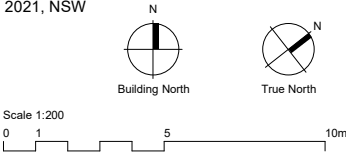
EXISTING GROSS FLOOR AREA

Area Schedule (Existing GFA)	
Level	Area
Ground floor	87.88 m²
First floor	87.92 m²
Garage	0 m²
Grand total	175.80 m²

Architect
*pohio*adams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
Underwood Street
177 Underwood Street, Paddington,
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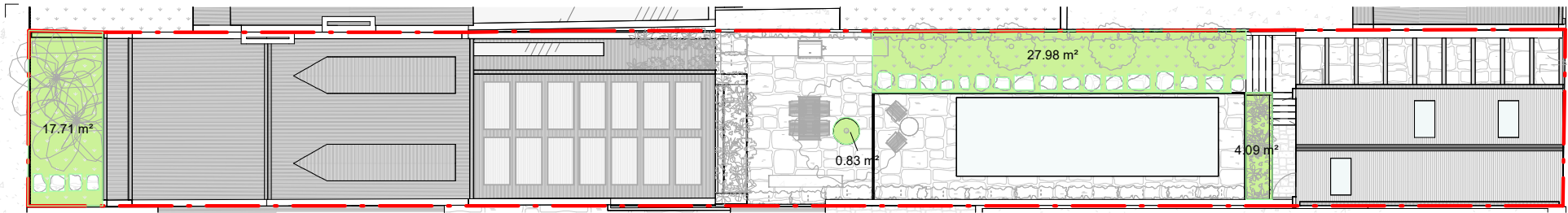
Revisions
A 01/03/2024 DA SUBMISSION

Drawing Title
EXISTING GROSS FLOOR AREA

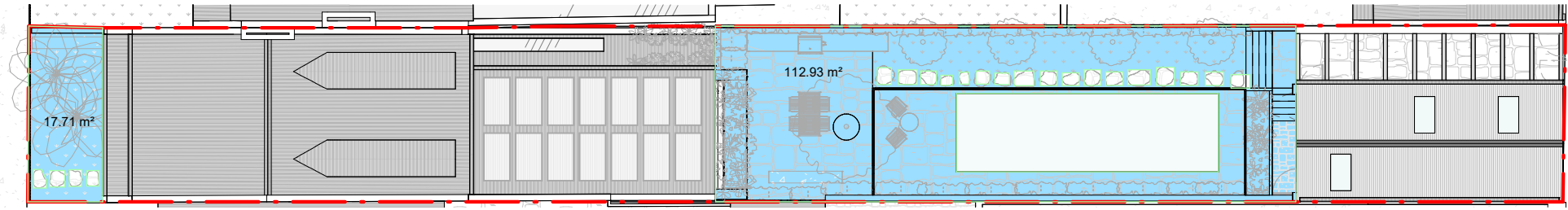
Drawing Status
Development Application

Drawing Details
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Date 17/11/2023
Drawn AP
Checked CA

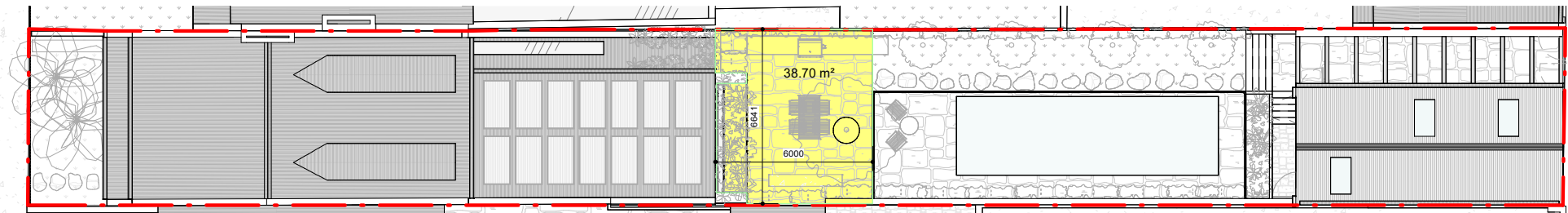
Drawing Number
DA.4.00
Issue
A



1 Deep soil area plan
DA.0.21
1 : 200



2 Unbuilt upon area plan
DA.0.21
1 : 200



3 Principal rear area plan
DA.0.21
1 : 200

Woollahra DCP 2015 - Chapter C1
C1.4.8 Private open space, swimming pools, courtyards and landscaping
Control C5 - Minimum unbuilt upon area and deep soil landscaped area
• Lot Area : 392.1 m²

• Min. principal rear area : 35m²
Proposed rear area : 38.70m² - Complies

• Min. principal rear area dimension : 3m
Principal rear area dimension : 6.6m - Complies

Deep soil landscaping
Requirement:
• Min. 12% of the site area is deep soil landscaping.
392.1m² x 12% = 47.05m² min.

• Proposed
= 50.61m² (Proposal complies)

Area Schedule (Deep soil area)	
Name	Area
Deep soil	27.98 m ²
Deep soil	17.71 m ²
Deep soil	4.09 m ²
Deep soil	0.83 m ²
Grand total: 4	50.61 m ²

Unbuilt upon area
Requirement:
• Min. 18% of the site area is unbuilt upon area.
392.1m² x 18% = 70.57m² min.

• Proposed:
= 130.63m² (Proposal complies)

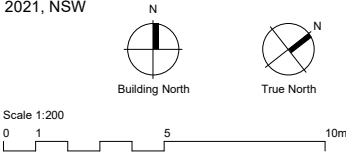
Area Schedule (Unbuilt upon area)	
Name	Area
Unbuilt upon area	17.71 m ²
Unbuilt upon area	112.93 m ²
Grand total: 2	130.63 m ²

Legend
- - - Property Boundary
Deep-soil area
Unbuilt upon area
Private open-space area

Architect
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

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2021, NSW



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Revisions
A 01/03/2024 DA SUBMISSION
B 20/06/2024 DA ADDITIONAL INFORMATION #2

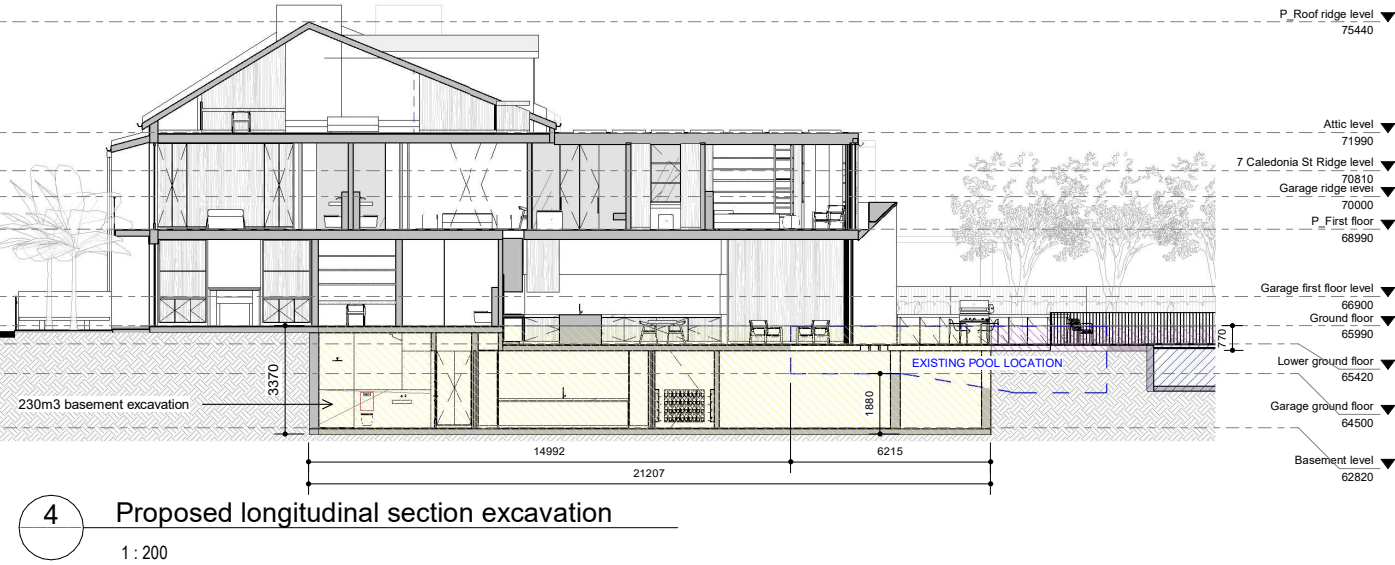
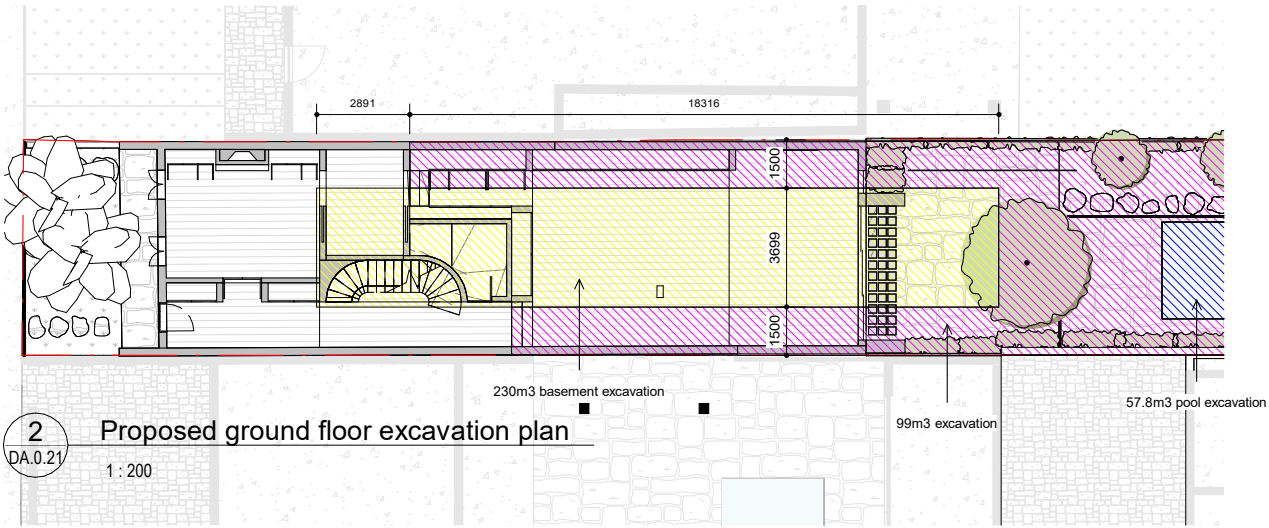
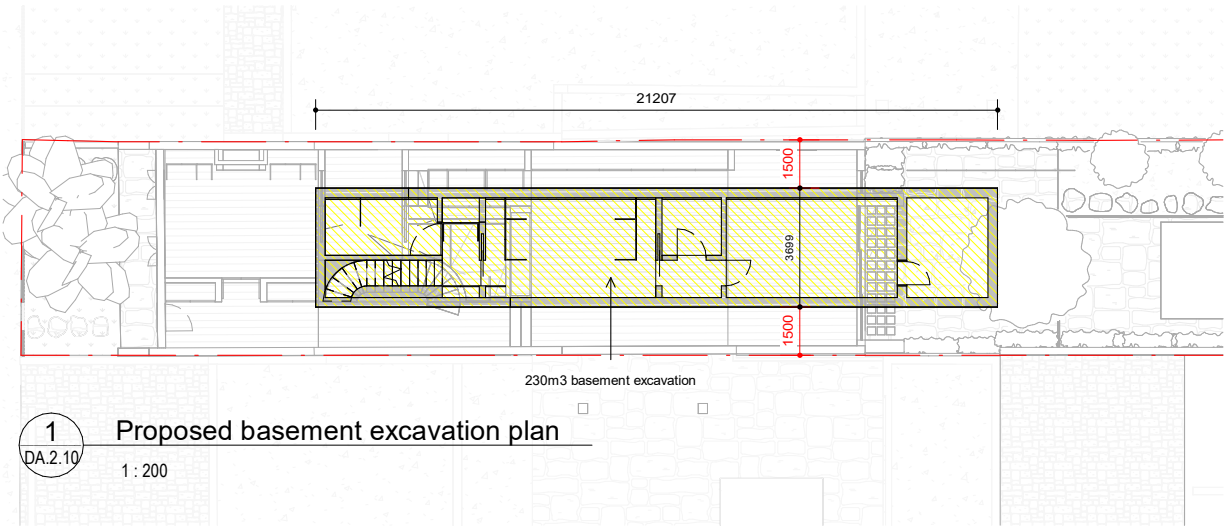
Drawing Title
LANDSCAPE AREA PLAN

Drawing Status
Development Application

Drawing Details
Scale As indicated@ A3
Date 17/11/2023
Drawn AP
Checked CA

Drawing Number
DA.4.20
Issue
B

DCP EXCAVATION CONTROLS



Legend

- Existing pool outline
- Property Boundary

Excavation depth

- max. 1660mm deep excavation
Total excavation volume:
38.58m² x h1.66m = **64m³**
- max. 770mm deep excavation
Total excavation volume:
128.3m² x h0.77m = **99m³**
- Pool excavation - 1200mm < deep excavation < 1800mm
Total excavation volume:
10 x 3.3 x h1.70m = **57.8m³**
- max. 3370mm deep excavation (basement)
Total excavation volume:
14.99 x 3.7 x h3.7 = 166.88m³
6.21 x 1.88 x h3.7 = 43.22m³
= **230m³**

Woollahra DCP 2015 - Chapter C1

C1.4.7 Excavation

Control C7 - Excavation may be permitted for structures such as pools, spas, or other permissible development if:

- for properties 6m or more in width, the outer edge of excavation is setback from side boundaries by at least 1.5m - Complies

Architect
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW

General Notes

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Revisions

A	01/03/2024	DA SUBMISSION
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Drawing Title
EXCAVATION AREA

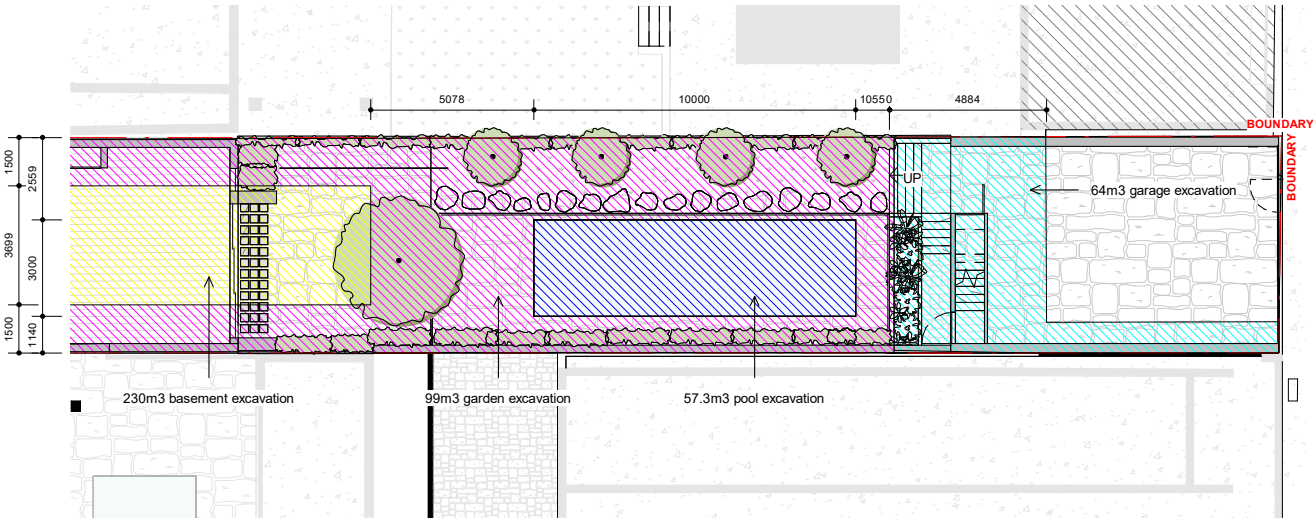
Drawing Status
Development Application

Drawing Details

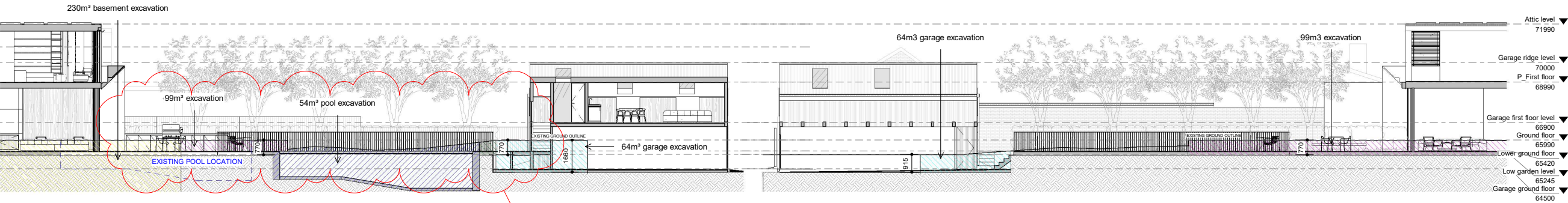
Scale	As indicated@ A3
Date	17/11/2023
Drawn	AP
Checked	CA
Drawing Number	DA.4.30
Issue	A

DCP EXCAVATION CONTROLS

- Legend**
- Existing pool outline
 - Property Boundary
- Excavation depth**
- max. 1660mm deep excavation
Total excavation volume:
38.58m² x h1.66m = **64m³**
 - max. 770mm deep excavation
Total excavation volume:
128.3m² x h0.77m = **99m³**
 - Pool excavation - 1200mm < deep excavation < 1800mm
Total excavation volume:
10 x 3.3 x h1.70m = **57.8m³**
 - max. 3370mm deep excavation (basement)
Total excavation volume:
14.99 x 3.7 x h3.7 = 186.88m³
6.21 x 1.88 x h3.7 = 43.22m³
= **230m³**



1 Proposed garage ground floor plan excavation plan
DA.2.13b 1 : 200



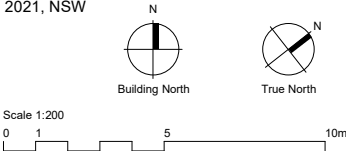
2 Proposed longitudinal section2 excavation
1 : 200

3 Proposed longitudinal section3 excavation
DA.1.10 1 : 200

Architect
pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW



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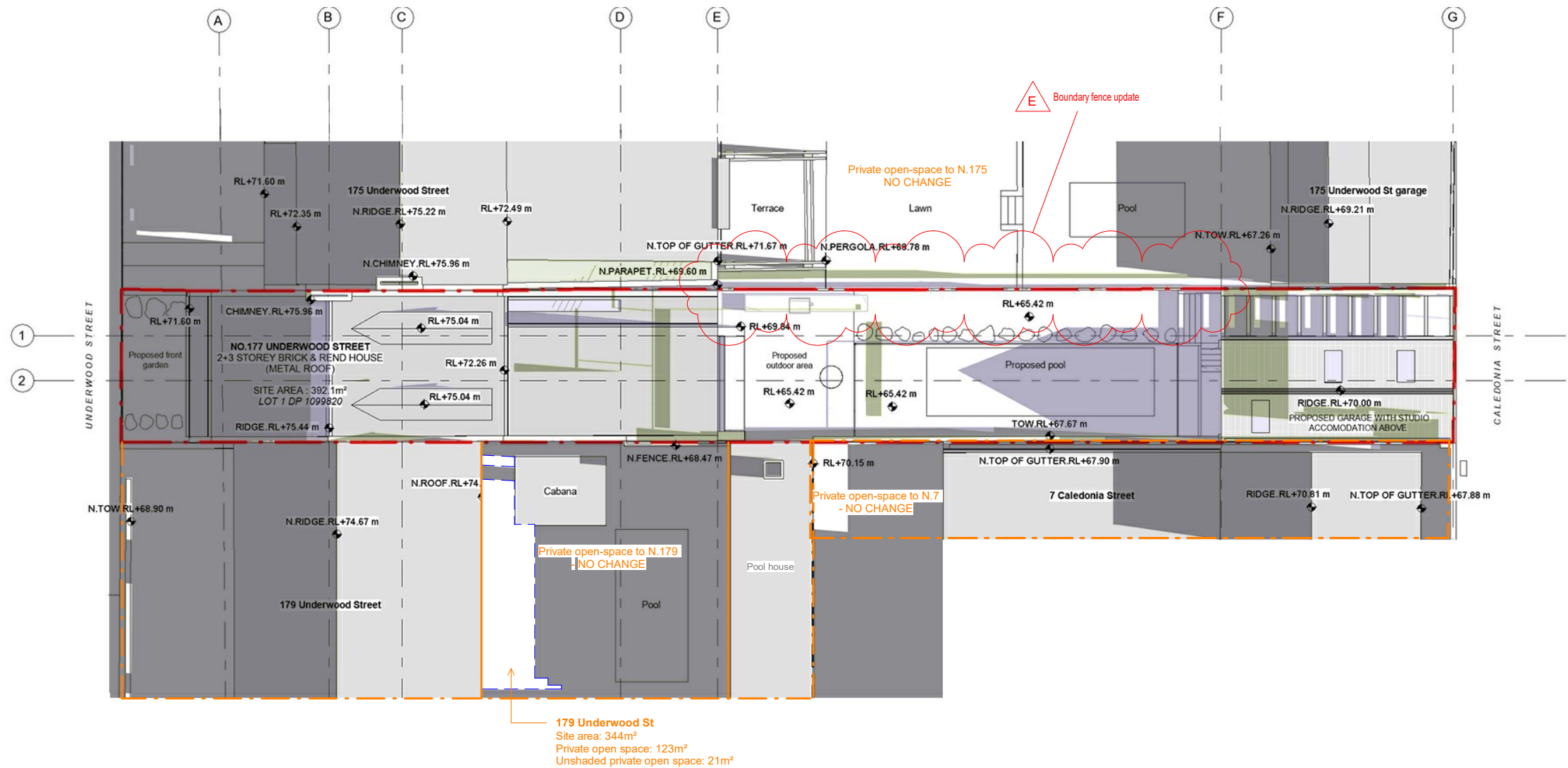
Revisions
A 01/03/2024 DA SUBMISSION
B 19/8/2024 DA UPDATE

Drawing Title
**EXCAVATION AREA
2**

Drawing Status
**Development
Application**

Drawing Details
Scale As indicated@ A3
Date 17/11/2023
Drawn AP
Checked CA

Drawing Number
DA.4.31
Issue
B



Legend

- Property Boundary
- Reduced Shadow from Proposal
- New Building Shadow from Proposal
- Existing Shadow from Proposal

1 Proposed overshadowing - June 21st - 9am
1:200

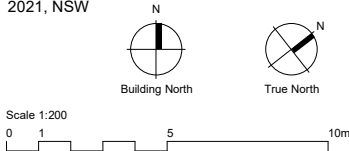
Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW



General Notes

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Revisions

A	01/03/2024	DA SUBMISSION
B	23/4/2024	DA ADDITIONAL INFORMATION
C	2/7/2024	DA SHADOW DIAGRAM CLARIFICATION
D	8/7/2024	DA ADDITIONAL INFORMATION #4
E	19/8/2024	DA UPDATE

Drawing Title

**PROPOSED
SHADOW DIAGRAM
21/6 - 9AM**

Drawing Status

**Development
Application**

Drawing Details

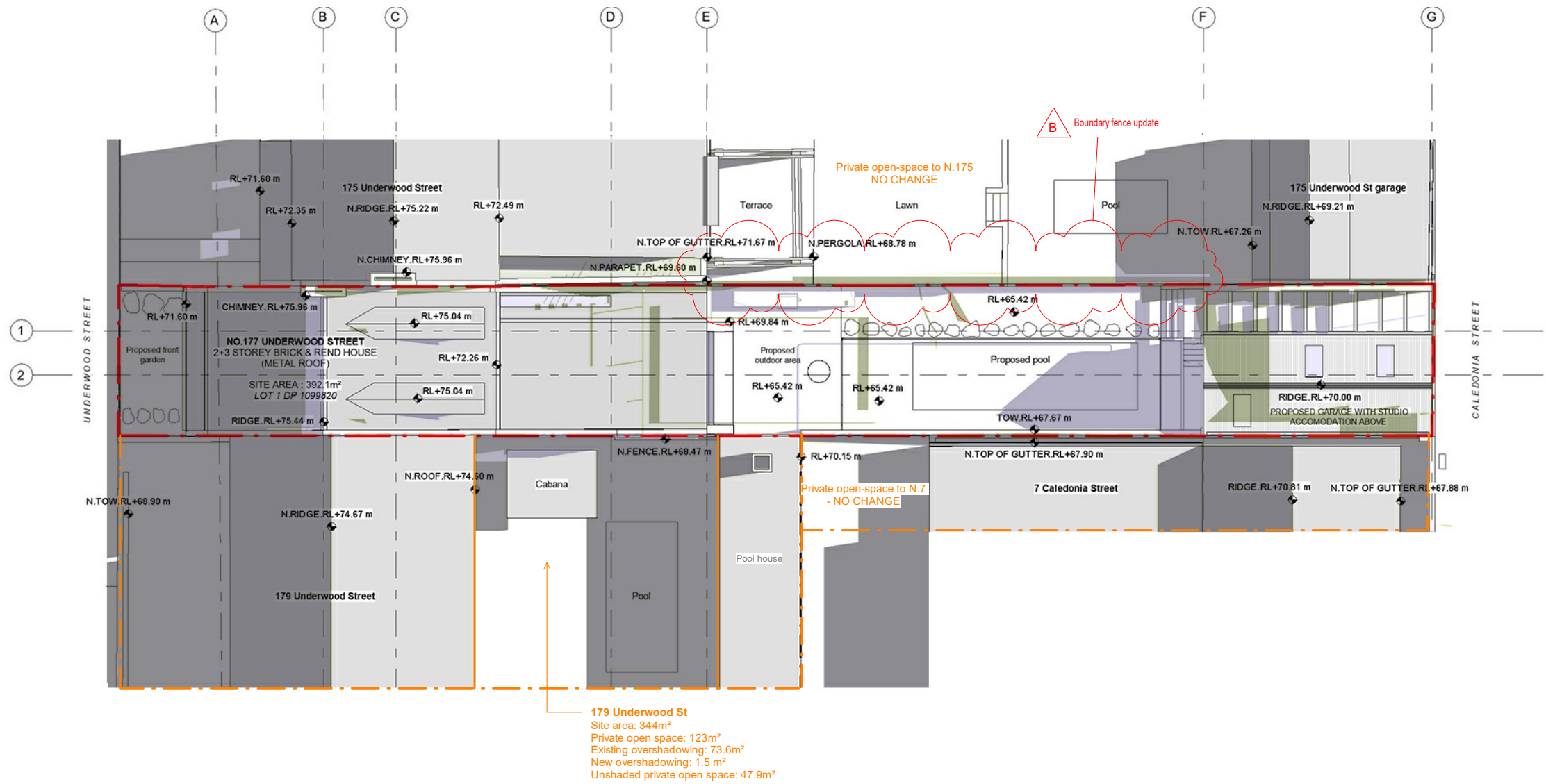
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Date	17/11/2023
Drawn	AP
Checked	CA

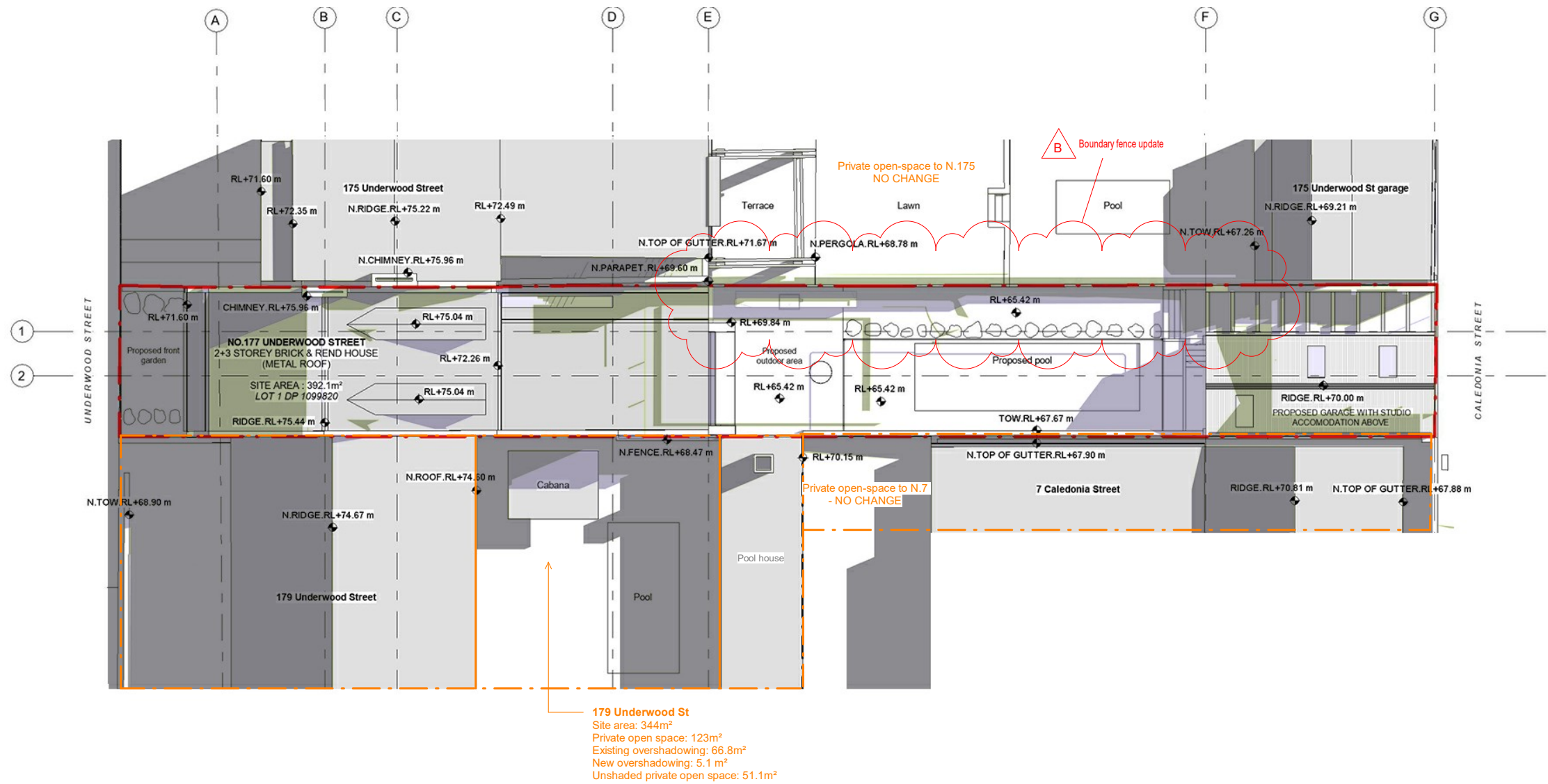
Drawing Number

DA.5.00

Issue

E





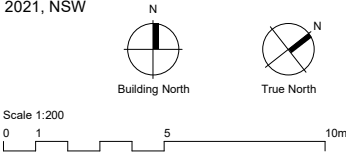
- Legend**
- Property Boundary
 - Reduced Shadow from Proposal
 - New Building Shadow from Proposal
 - Existing Shadow from Proposal

1 Proposed overshadowing - June 21st - 11am
1 : 200

Architect
*pohio*adams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW



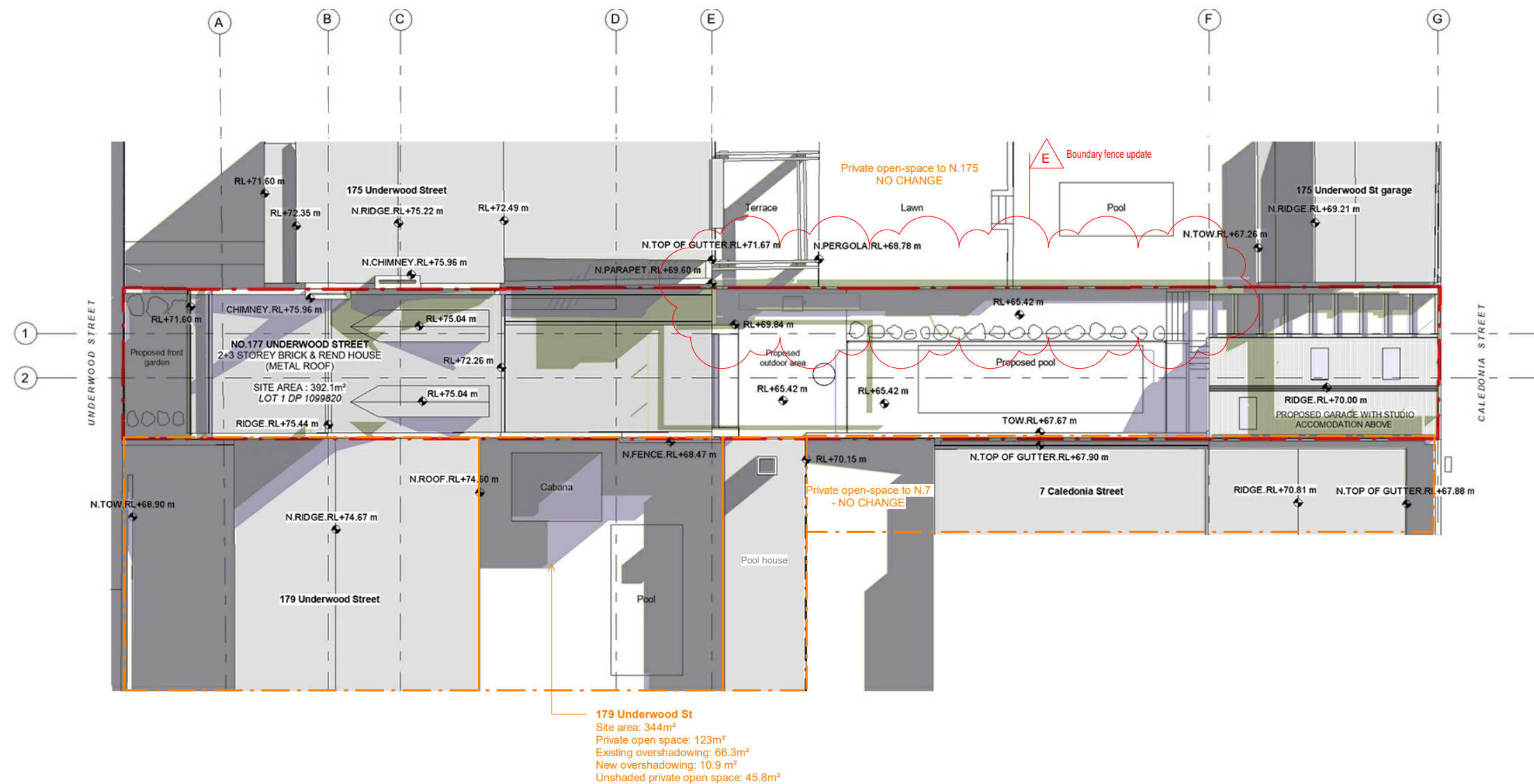
General Notes
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Revisions	
A	8/7/2024 DA ADDITIONAL INFORMATION #4
B	19/8/2024 DA UPDATE




Drawing Title
PROPOSED SHADOW DIAGRAM 21/6 - 11AM

Drawing Status
Development Application

Drawing Details	
Scale	As indicated@ A3
Date	17/11/2023
Drawn	AP
Checked	CA
Drawing Number	DA.5.00C
Issue	(B)



Legend

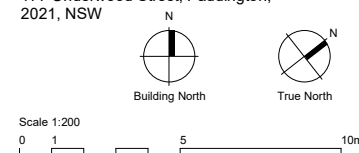
- Property Boundary
 Reduced Shadow from Proposal
 New Building Shadow from Proposal
 Existing Shadow from Proposal

1 Proposed overshadowing - June 21st - 12pm

Architect
—
pohio adams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
—
Underwood Street
177 Underwood Street, Paddington,
2021, NSW N



General Notes

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Revisions

A	01/03/2024	DA SUBMISSION
B	23/4/2024	DA ADDITIONAL INFORMATION
C	2/7/2024	DA SHADOW DIAGRAM CLARIFICATION
D	8/7/2024	DA ADDITIONAL INFORMATION #4
E	19/8/2024	DA UPDATE

Drawing Title

PROPOSED
SHADOW DIAGRAM
21/6 - 12PM

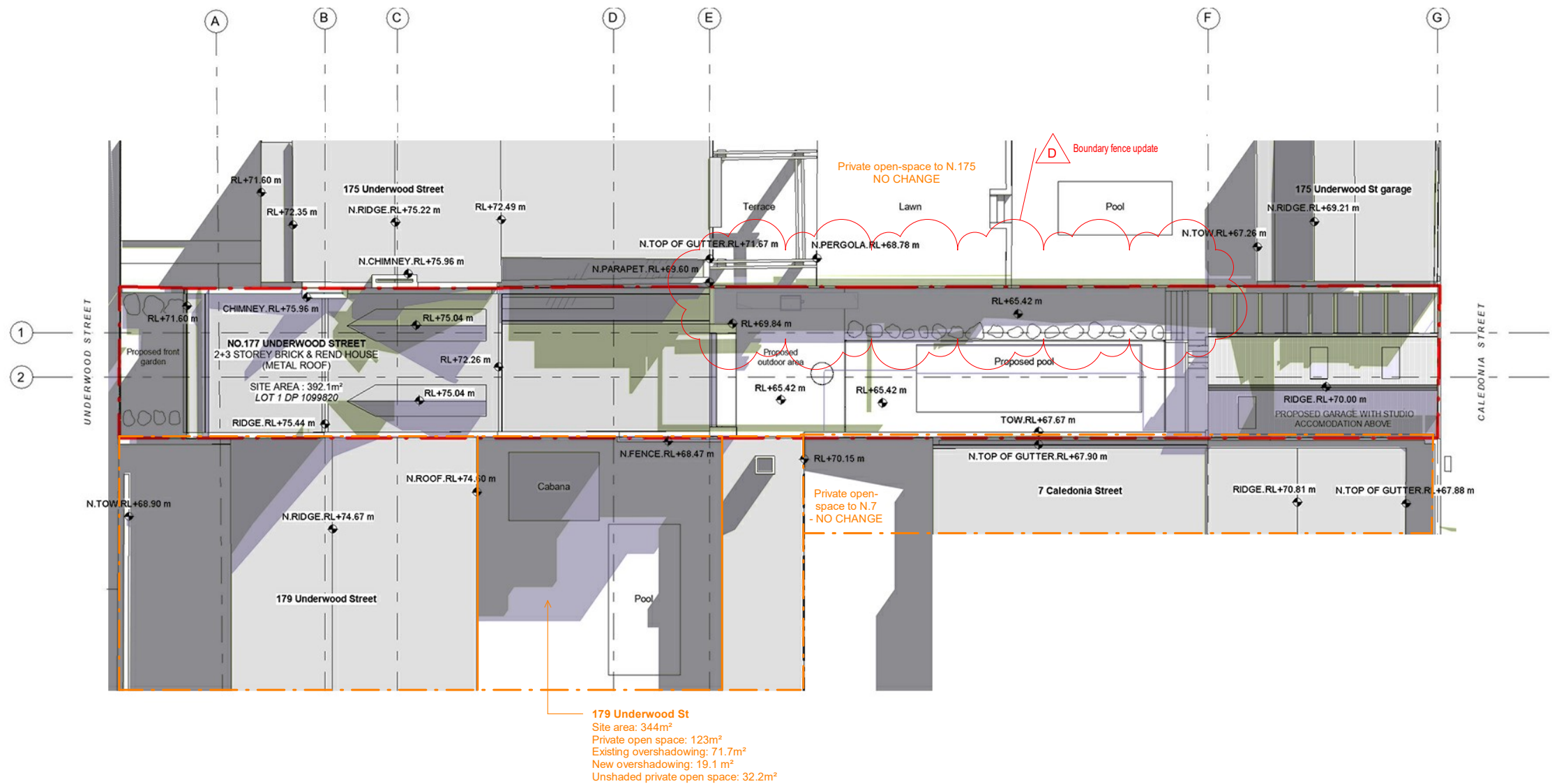
Drawing Status
Development
Application

Drawing Details

Scale	As indicated@ A3
Date	17/11/2023
Drawn	AP
Checked	CA

Drawing Number
—
DA.5.01

Issue
E



Legend

- Property Boundary
- Reduced Shadow from Proposal
- New Building Shadow from Proposal
- Existing Shadow from Proposal

1 Proposed overshadowing - June 21st - 1pm
1 : 200

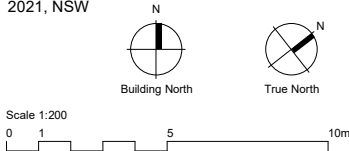
Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW



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Revisions

A	20/06/2024	DA ADDITIONAL INFORMATION #2
B	2/7/2024	DA SHADOW DIAGRAM CLARIFICATION
C	8/7/2024	DA ADDITIONAL INFORMATION #4
D	19/8/2024	DA UPDATE

Drawing Title

**PROPOSED
SHADOW DIAGRAM
21/6 - 1PM**

Drawing Status

**Development
Application**

Drawing Details

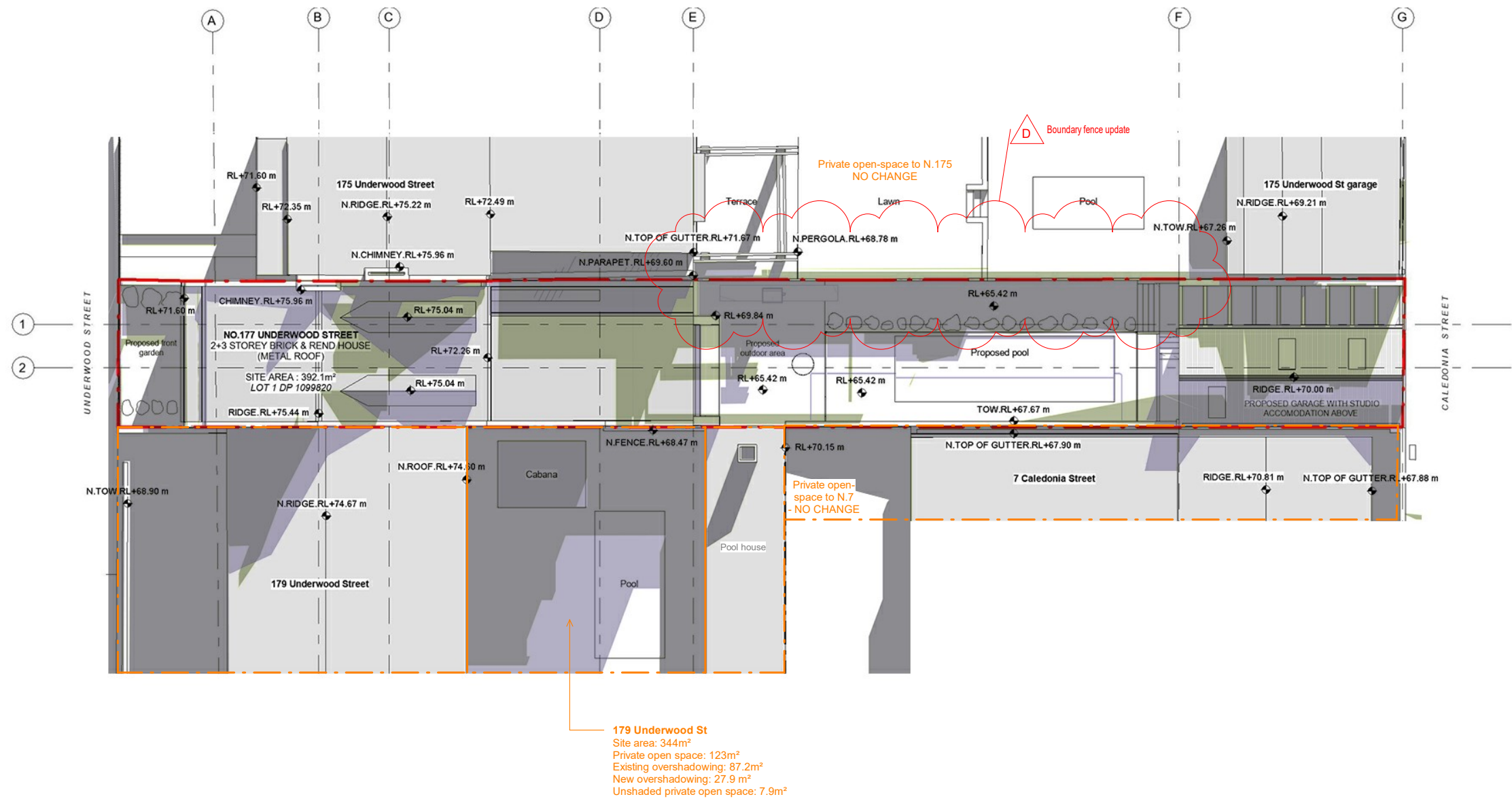
Scale	As indicated@ A3
Date	06/19/24
Drawn	ZL
Checked	CA

Drawing Number

DA.5.01B

Issue

D



Legend

- Property Boundary
- Reduced Shadow from Proposal
- New Building Shadow from Proposal
- Existing Shadow from Proposal

1 Proposed overshadowing - June 21st - 2pm
1:200

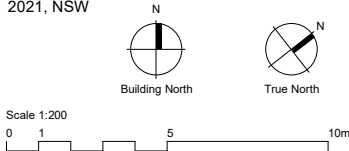
Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW



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Revisions

A	20/06/2024	DA ADDITIONAL INFORMATION #2
B	2/7/2024	DA SHADOW DIAGRAM CLARIFICATION
C	8/7/2024	DA ADDITIONAL INFORMATION #4
D	19/8/2024	DA UPDATE

Drawing Title

**PROPOSED
SHADOW DIAGRAM
21/6 - 2PM**

Drawing Status

**Development
Application**

Drawing Details

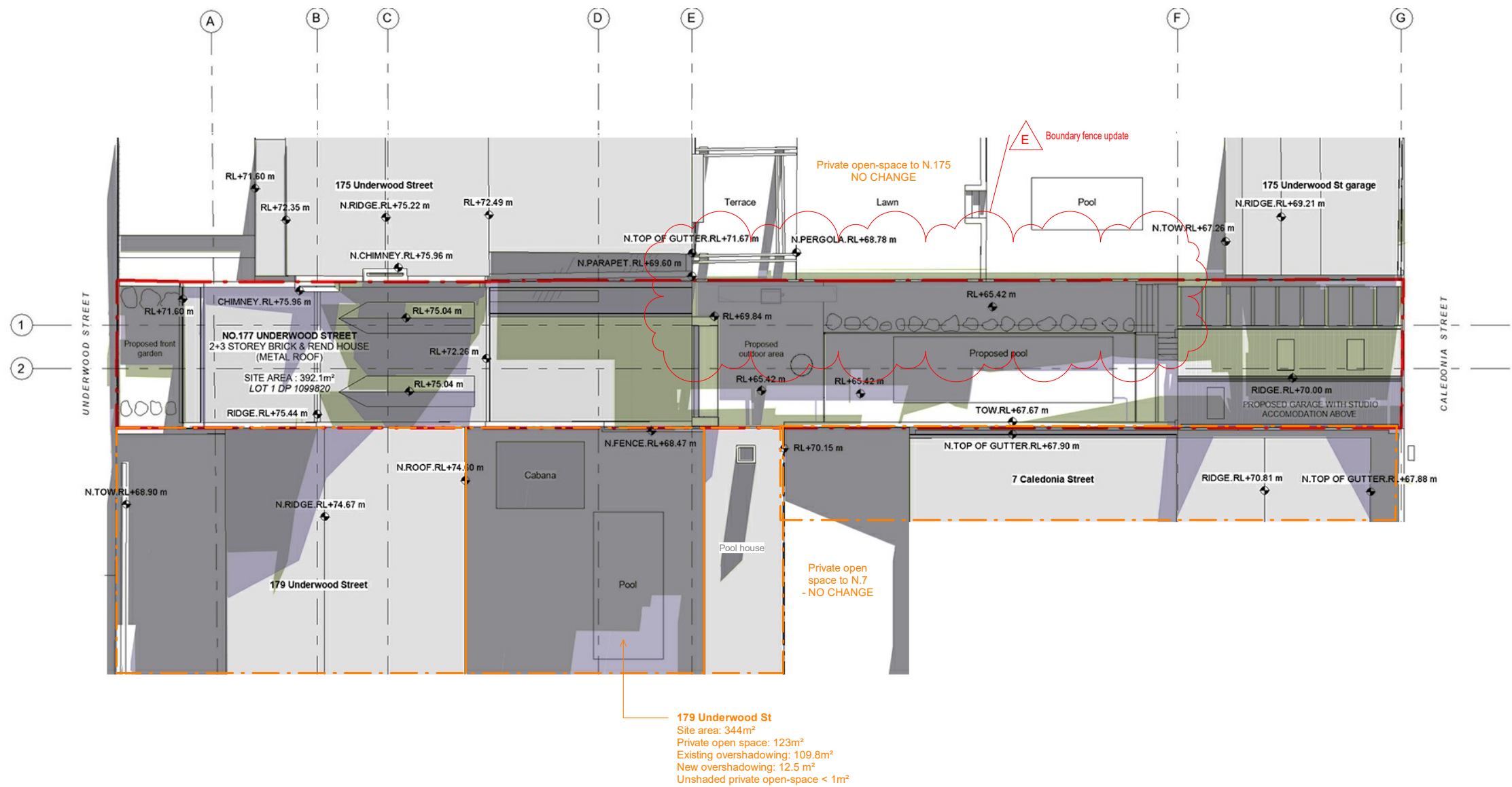
Scale	As indicated@ A3
Date	06/19/24
Drawn	ZL
Checked	CA

Drawing Number

DA.5.01C

Issue

D



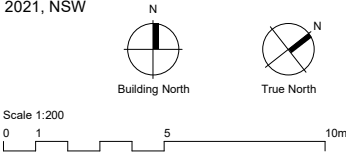
- Legend**
- Property Boundary
 - Reduced Shadow from Proposal
 - New Building Shadow from Proposal
 - Existing Shadow from Proposal

1 Proposed overshadowing - June 21st - 3pm
1 : 200

Architect
*pohio*adams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title
Underwood Street
177 Underwood Street, Paddington,
2021, NSW



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Revisions		
A	01/03/2024	DA SUBMISSION
B	23/4/2024	DA ADDITIONAL INFORMATION
C	2/7/2024	DA SHADOW DIAGRAM CLARIFICATION
D	8/7/2024	DA ADDITIONAL INFORMATION #4
E	19/8/2024	DA UPDATE

Drawing Title
**PROPOSED
SHADOW DIAGRAM
21/6 - 3PM**

Drawing Status
**Development
Application**

Drawing Details	
Scale	As indicated@ A3
Date	17/11/2023
Drawn	AP
Checked	CA
Drawing Number	DA.5.02
Issue	E



Architect

pohioadams architects
478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Project Title

Underwood Street
177 Underwood Street, Paddington,
2021, NSW

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Revisions

A 01/03/2024 DA SUBMISSION

Drawing Title

**3D VIEW -
PHOTOMONTAGE**

Drawing Status

**Development
Application**

Drawing Details

Scale @ A3
Date 17/11/2023
Drawn AP
Checked CA

Drawing Number

DA.6.00

Issue

A



Revisions

A 01/03/2024 DA SUBMISSION

General Notes

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Architect

*pohio*adams architects

478 Oxford Street, Paddington, NSW 2021
M: +61 408 978 072
Email: chris@pohioadams.com
Nominated Arch Christopher Adams
NSW Registration 6433

Client

Drawing Title

3D VIEW -
PHOTOMONTAGE 2

Drawing Status

Development
Application

Project Title

Underwood Street

177 Underwood Street, Paddington, 2021,
NSW

Drawing Details

Scale	@ A3
Date	03/06/24
Drawn	Author
Checked	Checker

Drawing Number

DA.6.01

Issue

A

*pohio*adams

architects

pohio adams Pty Ltd
ABN 84 105 946 512
478 Oxford St
Paddington NSW Australia 2021
Telephone 61 408 978 072
Email chris@pohioadams.com
Registered Arch Christopher Adams
NSW Registration 6433

08.07.24

The General Manager

Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

DA Application for 177 Underwood Street, Paddington NSW 2021

UPDATED Clause 4.6 Request for Variation of Height of Buildings Development Standard.

1.0 Introduction:

This request is made pursuant to the provisions of Clause 4.6 of Woollahra Local Environmental Plan 2014 (LEP 2014).

Variation under Clause 4.6 of LEP 2014 is requested in relation to the Height of Buildings Standard under Clause 4.3 of LEP 2014 in support of a Development Application (DA) for the new proposed dwelling at 177 Underwood St, Paddington (subject site).

The Objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes arising from a proposed development.

This proposal is based on the argument that variation of the Height of Buildings Standard in the circumstances of this DA would achieve a better planning outcome rather than requiring strict adherence to the Height of Buildings Standard.

Clause 4.6 of LEP 2014 allows a Consent Authority to grant a variation to a Development Standard as prescribed below.

Clause 4.6 – Exceptions to Development Standards

- (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 Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General 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 Director-General 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 E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 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.

(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) 2022 applies or for the land on which such a building is situated
- (c) clause 5.4. (caa) clause 5.5.

Please note that the Height of Buildings Development Standard is not specifically excluded from the operation of Clause 4.6 of LEP 2014.

2.0 The Development Standard and the variation sought:

Clause 4.3 – Height of Buildings Objectives

- (1) The objectives of this clause are as follows:
- (a) To establish building heights that are consistent with the desired future character of the neighbourhood,
 - (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.

Comment:

The subject site has a maximum Height of Buildings Standard of 9.5m.

Based on the Architectural Plans prepared for this application the proposed development proposes a breach of the 9.5m Height of Buildings Standard as a result of the proposed architectural detailing associated with the roof including side wall parapets. While the roof itself is wholly compliant with the control. The proposed breach is limited to small section of the boundary wall parapet detail around gridline 'R'. Please refer to drawings DA 2.10, DA 2.13, DA 2.14, & DA 2.15.

DA 2.14 shows that the roof ridgeline sits 50mm below the maximum permitted height. This drawing also shows that the masonry chimney structure that breaches the height limit is set to match the height of the adjacent chimney at 175 Underwood St.

The proposed development has a maximum height (excluding chimney) 9.750m to the top of the parapet representing under a 3% breach for a very small portion of the parapet detail on each side boundary. Please refer to architectural elevations DA 2.10 to DA2.15 showing parapet relative to 9.5m maximum height control.

3.0 The proposal will be in the public interest because it is consistent with the objectives of the Development Standard

Based on Clause 4.3(1) of LEP 2014, the Objectives of the Height of Buildings Standard are as follows:

- (1) The objectives of this clause are as follows:
- (a) To establish building heights that are consistent with the desired future character of the neighbourhood,
 - (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.

Comment:

We consider that the proposed development satisfies the Objectives of the Height of Buildings Standard for the following reasons:

In relation to objective (a):

- (a) The height of the ridgeline being the major portion of the roof is compliant, the non-compliance is limited to a 300mm wide section of parapet on each boundary wall. The height of the roof is driven by aligning the first-floor balcony with the immediate neighbouring terrace house at 175 Underwood St and providing a 2700mm ceiling height to the first floor, and NCC compliant ceiling height to the habitable attic. The geometry of the roof is driven by aligning the front face of the primary roof to the roof pitch of the group of terraces at 171-175 Underwood St. The proposed roof has parapet walls on each side boundary to follow the pattern of terraces at 171-175 Underwood St. The small non-compliances are driven by a design that provides consistency with the immediate heritage context and is consistent with the desired future character.
- (b) The subject site is not located at a transition between zones. The proposal does maintain a street alignment and traditional terrace form, similar to the existing dwelling. The proposal maintains the existing front setback as it transitions from 171-175 with a 6m setback to the zero setback of the E.J. Ward community centre at the corner of Underwood and Mcgarvie St. Maintaining existing landscaped front setback maintains streetscape amenity, and amenity to neighbouring properties unaffected by the minor height non-compliance.
- (c) Because of the lot orientation and location of the non-compliant roof section, the overshadowing impact of the proposal on neighbouring properties is nil with additional overshadowing being limited to falling on the roof of 179, not on private open space, or glazing. Please refer to the Shadow Diagrams prepared for the proposed development, drawings DA 5.00, 5.01, 5.02. The non-compliant roof section creates no additional overshadowing on neighbouring properties.
- (d) View Loss and Visual and Acoustic Privacy remains unaffected for neighbouring properties. The architectural plans show that the area of non-compliance sits in a position that has no impact on existing views or outlook. Based on an assessment of Tenacity Consulting v Warringah Council (Tenacity), being the Planning Principle of the Land and Environment Court, and the relevant provisions under Woollahra Development Control Plan 2015 the impact is nil.

In terms of Acoustic Impact, the proposed development is not likely to generate adverse Acoustic Impact as the proposed development only includes activities associated with a single dwelling and an existing pool.

In terms of Visual Privacy, the height encroachment has no adverse effect.

- (e) As previously noted, the proposed development will not impact on any Significant Views and Vistas identified under HCA DCP 2015 relating to public views. The design, massing, detail, and material selection along with the proposed front setback landscaping improve the streetscape. The non-compliant section of roof is an integral part of the overall roof that is otherwise compliant with the height control.

Based on the points outlined above and accompanying SEE, We consider that the breach of the Height of Buildings Standard is justified.

4.0 Is compliance with the Development Standard unreasonable or unnecessary in the circumstances of the case?

For the reasons outlined in this Clause 4.6 Request and the SEE, we consider that the compliance with the Height of Buildings Standard under LEP 2014 is unreasonable and unnecessary in the circumstances of the proposed development.

Please note the following points: -

- For the reasons outlined in this Clause 4.6 and the accompanying SEE, we consider that the compliance with the development standard is unreasonable and unnecessary.
- For the reasons referred to in this Clause 4.6 and the accompanying SEE, we consider that the Objectives of the Height of Buildings Standard and Objectives of the Low Density R2 zone are achieved, notwithstanding non-compliance with the Development Standard.
- The proposed non-compliance is minor and associated with roof articulation suitable for, and sympathetic with the surrounding Heritage Conservation Area. Additional bulk and scale are limited to architectural articulation characteristic of a Paddington terrace house.
- Furthermore, the proposed design, detail, and articulation of the façade provides a well-modulated and appropriate response to the site and immediate context.

Strict compliance with the control would result in a poor design outcome as the articulation of the roof form and façade would be unnecessarily compromised with a significantly lower roof pitch that would not match the contributory neighbours at 171-175 Underwood St.

5.0 Are there sufficient environmental planning grounds to justify contravening the Development Standard?

For the reasons outlined in the SEE and this Clause 4.6 Request, we consider that there are strong environmental planning grounds to justify contravention of the Height of Buildings Standard.

The environmental planning grounds which justify a contravention of Height of Buildings Standard are expressed in the SEE and this Clause 4.6 Request. Please note the following environmental grounds (positive outcomes) arising from the proposed development:

- The proposal provides almost twice the required Landscaped Area providing high quality amenity to the occupants and immediate neighbours who overlook the rear yard.
- The proposal provides a high-quality architectural outcome with sophisticated massing, proportion, details, and materiality. The existing dwelling is not a contributory item and offers poor amenity.
- The massing of the new roof and architectural details including parapet and chimney are contextually appropriate, well-proportioned, and related to neighbours in terms of chimney height and roof pitch and articulation.
- The proposed development includes a number of desirable Ecologically Sustainable Development elements which are referred to in the accompanying SEE.

6.0 Proposal will be in the public interest because it is consistent with the objectives of the zone

In accordance with Clause 4.6(4)(a), Development Consent must not be granted to a development that contravenes a Development Standard unless Council is satisfied in relation to the following matters:

- (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
- (e) the concurrence of the Director-General has been obtained.

The above matters are addressed in the SEE and this Clause 4.6 Request, including the following comments:

The subject site is zoned R2 Low Density Residential. Please note the following Objectives of the R2 Low Density Residential:

- 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 subject site is zoned R2 Low Density Residential. The existing dwelling and the proposed Alterations and Additions comprise a permissible use within the R2 Low Density Residential zone.

In relation to the relevant Objectives of the R2 Low Density Residential zone, please note the following:

- As to the first objective, the proposed development assists in providing housing for the needs of the community within a low-density zone.
- As to the second objective, the proposal will not impact other land uses providing facilities or services to meet the day to day needs of residents
- As to the third objective, the proposed development is compatible with the character and amenity of the surrounding neighbourhood for the reasons outlined in the SEE and this Clause 4.6 exception.
- As to the fourth objective, the proposed development is of a satisfactory Bulk, Height and Scale and achieves the Desired Future Character of the neighbourhood for the reasons outlined in this SEE. Please note the following:
 - i. The proposed roof ridge height is compliant with the control being 9450mm above GL
 - ii. The proposed development will not be visually incompatible when viewed from the streetscape. The proposed new façade, building massing and architectural detailing will make positive contributions to the streetscape.
 - iii. The proposed development does not impact on the Significant Views and Vistas identified in Woollahra Development Control Plan Paddington Heritage Conservation Area.
 - iv. For the reasons referred to in this document and the SEE, the proposed development will not impact on views from adjoining properties.
 - v. In relation to C1.3.13 Infill development (new development) Objectives O1 to O5 of the proposed development will respect and enhance the streetscape character and key elements of the precinct.
 - vi. The proposed development will not alter the topography of the subject site and will provide an increase in Landscaped Area and Deep Soil Landscaped Area on the subject site.

- As to the fifth objective, the proposed development includes a landscaping plan prepared by Studio UC that identifies trees to be removed and new replacement trees proposed. An arborist's report prepared by Ezigrow dated January 2024 is also provided and notes that the trees proposed for removal are of 'Z3' classification, refer report P.16. The net effect of the proposed changes improves usable shading to occupants by better placing appropriate tree species on the site. Specifically, the proposed Chinese Elm centred in the P.O.S. and the row of Macadamias along the north boundary. The proposal provides landscaped areas, and deep soil areas in excess of minimum requirements, and will provide tree canopy that is enhanced when compared to the current condition.

7.0 State or Regional environmental planning significance and the public benefit of maintaining the development standard

Clause 4.6 (5) relates to matters for consideration by the Secretary as to "whether contravention of the Development Standard raises any matter of significance for State or regional environmental planning."

The contravention of the Height of Buildings Standard in the circumstances of the proposed development does not raise any matter of significance for State or regional environmental planning.

8.0 is the objection to the Development Standard well founded?

We consider that this objection to the Development Standard is well founded for the reasons outlined in the Clause 4.6 Request and the accompanying SEE.

We consider that the proposed development will not be visually incompatible when viewed from the streetscape.

9.0 Concurrence of Planning Secretary

- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning 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 Planning Secretary before granting concurrence.

Comment:

The Department issued Planning Circular No. PS 20-002 (dated 5th May, 2020) which notified Council of arrangements "...when the Secretary's concurrence to vary development standards may be assumed (including when council or its Independent Hearing and Assessment Panel are to determine applications when development standards are varied) and clarify requirements around reporting and record keeping where that concurrence has been assumed".

Clause 64 of the EPA Regulations provides that Council may assume the Secretary's concurrence for exceptions to Development Standards, thus satisfying the terms of this provision.

Conclusion

Notwithstanding the breach of the Height of Buildings Standard, we consider that this request for variation of the Height of Buildings Standard is well founded.

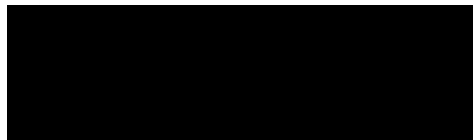
The architectural documentation including photo montages and shadow diagrams demonstrate that the requested variation will not have a significant impact on the streetscape, or amenity of the surrounding properties.

In our opinion the CI4.6 request adequately demonstrates strict compliance with the development standard is unreasonable or unnecessary in the circumstances of this case, and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, we believe the consent authority should be satisfied that the proposal will be in the public interest as it achieves the objectives of the standard and the objectives of the R2 Low Density Residential Zone pursuant to the LEP.

For the reasons outlined in this CI4.6 Request, we respectfully request variation of the Height of Buildings Standard on the basis the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted.

Please do not hesitate to contact me if any further information or clarification is required.

Yours sincerely



Christopher Adams BArch (hons) AIA NZIA
NSW Reg. 6433



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16 May 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Development Applications: 69/2024/1

ADDRESS: 177 Underwood Street PADDINGTON 2021

PROPOSAL: Demolition of the existing dwelling and construction of a new dwelling with a basement level, swimming pool, garage with loft above and associated landscaping

FROM: Mr W Huynh

TO: Mr V Aleidzans

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced Issue D, prepared by Pohio Adams Architects, dated 06/03/2024.
- Architectural Plans, referenced Issue E, prepared by Pohio Adams Architects, dated 23/04/2024.
- Survey Plan, referenced 64870/NS-Issue A, prepared by Hill & Blume, dated 26/10/2023.
- Stormwater Management Plan, referenced 230394-P2, prepared by JHA Engineers, dated 08/03/2024.
- Fencing Agreement, unreferenced, prepared by Pohio Adams Architects, dated 16/04/2024.
- Geotechnical Report, referenced G23085PAD-R01F, prepared by Geo-Environmental Engineering, dated 06/12/2023.
- Construction Methodology Report, referenced 23S0275-Rev 1, prepared by Structure Engineering, dated 17/04/2024.

3. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

a. Site Drainage comments

This property has a total site area of less than 500m² in which case the installation of an on-site stormwater detention (OSD) system is not required as per Chapter E2.2.4 of the Council's DCP. It is noted from the submitted stormwater management plan that stormwater runoff will be discharged to the street kerb, in which case conditions will be imposed to ensure all below ground structures



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are fully tanked so that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter. Conditions will be imposed to ensure the kerb discharge is limited to 20l/s to comply with Chapter E2.2.5 of the Council's DCP.

Council's Infrastructure and Sustainability Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with Chapter E2 "Stormwater and Flood Risk Management" DCP.

b. Flooding & Overland Flow comments

Not relevant

c. Impacts on Council Infrastructure comments

The applicant seeks to construct a new garage as part of this application. It is noted from the submitted architectural plans that there are no proposed changes to the existing vehicular crossing. Based on Council's own assessment, the existing vehicular crossing, layback and gutter is deemed to be serviceable. Therefore, the applicant is not required to upgrade the existing crossing as part of this application.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

The proposed vehicular access and parking arrangements are considered satisfactory.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Geo-Environmental Engineering, Ref: G23085PAD-R01F, dated 6 December 2023, has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 3.5 metres from the existing ground surface levels for the proposed basement.

The report identified that the subsurface conditions as:

- a) Silty sand to a depth of 0.85m, 0.7m and 0.4m at location of BH1, BH2 and BH3 respectively.*
- b) Depth of natural sand with various density from a depth beneath the fill to a termination depth of 1m, 0.9m and 0.9m in BH1, BH2 and BH3 respectively.*
- c) Sandstone bedrock was inferred beneath the natural sand at depths ranging between 0.9m and 1m.*
- d) Groundwater other than perched seepage was not observed during the investigation.*

The report made comments and recommendations on the following:

- Shoring and support,*
- Vibration Monitoring,*
- Excavation method,*
- Further Geotechnical input.*

The applicant has also submitted a construction methodology report confirming that the proposal will have no adverse impacts to structures on adjoining properties.



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In this regard, Council's Infrastructure & Sustainability Services Division has no objections to the proposed excavation on technical grounds. Notwithstanding this, Council's Planning Officer is also to undertake an assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the LEP and DCP.

4. RECOMMENDATION

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

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting documents

Reference	Description	Author	Date
G23085PAD-R01F	Geotechnical Report	Geo-Environmental Engineering	06/12/2023
23S0275-Rev 1	Construction Methodology Report	Structure Engineering	17/04/2024
230394	Stormwater Management Plans	JHA Engineers	
C-DA000-P2			08/03/2024
C-DA100-P2			08/03/2024
C-DA101-P2			08/03/2024
C-DA200-P2			08/03/2024

A.8 Ancillary Aspects of Development (section 4.17(2) of the Act)

A.31 No Underpinning Works

B. BEFORE DEMOLITION WORK COMMENCES

B.4 Erosion and Sediment Controls - Installation

B.7 Public Road Assets Prior to Any Work/Demolition

B.14 Payment of Security and Fees

Property Damage Security Deposit (S138)	\$67,000	No	T115
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B. 16.	Dilapidation Reports for Existing Buildings
	<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> <ul style="list-style-type: none"> a) No. 175 Underwood Street b) No. 179 Underwood Street c) No. 5C Caledonia Street d) No. 7 Caledonia Street <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be</p>



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	<p>observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p> <p>Notes:</p> <ul style="list-style-type: none"> The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings. <p>Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
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B.18 Adjoining buildings founded on loose foundation materials

B. 19.	<p>Piezometers for the Monitoring of Ground Water Levels</p> <p>Before any site work commences, 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall must be provided. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.</p> <p>The GWL monitoring wells and monitoring program must be maintained until the issue of the occupation certificate.</p> <p>The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.</p> <p>Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).</p> <p>Condition Reason: To ensure that piezometers are provided to monitor ground water levels.</p>
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B.21 Work (Construction) Zone – Approval & Implementation

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	13. Road and Public Domain Works																					
	<p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <p>a) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.</p> <p>Note: All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP.</p> <p>b) The reinstatement of all damaged footpath, 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.</p> <p>c) 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.</p> <p>Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:</p> <table border="1"> <thead> <tr> <th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr> </thead> <tbody> <tr> <td colspan="4">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td></tr> <tr> <td>Infrastructure Works Bond - completing any public work required in connection with the consent.</td><td>\$ Nil</td><td>No</td><td>T113</td></tr> <tr> <td>Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed</td><td>\$ Nil</td><td>No</td><td>T113</td></tr> <tr> <td colspan="4">INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i></td></tr> </tbody> </table>	Description	Amount	Indexed	Council Fee Code	SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				Infrastructure Works Bond - completing any public work required in connection with the consent.	\$ Nil	No	T113	Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	\$ Nil	No	T113	INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>				
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Public Road and Footpath Infrastructure Inspection Fee	\$ 674	No	T45
TOTAL SECURITY AND FEES	\$ 674		

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



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- 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.
 - 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.



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D.25 Erosion and Sediment Control Plan – Submissions & Approval
D.36 Professional Engineering Details
D.37 Engineer Certification

D 40.	<p>Geotechnical and Hydrogeological Design, Certification and Monitoring</p> <p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared and certified 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"> 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. 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). 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. 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. Provide a Geotechnical and Hydrogeological Monitoring Program that: <ul style="list-style-type: none"> will detect any settlement associated with temporary and permanent works and structures, will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), will detect groundwater changes calibrated against natural groundwater variations, details the location and type of monitoring systems to be utilised, details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and details a contingency plan.
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Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D 45.	Vehicular Access and Parking Arrangement
	<p>Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the <i>Regulation</i>, must include detailed architectural plans and specifications showing the following:</p> <ol style="list-style-type: none"> The proposed double garage must have minimum dimensions of 5.4m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans, Finished floor levels at both ends of the proposed garage entry must be clearly depicted on the architectural drawings. Since the proposed garage has no setback from the property boundary and there is a longitudinal fall on the frontage road, the applicant must ensure that the finished levels of the garage slab across the entry is tapered so that it is parallel to the longitudinal fall of the existing gutter to prevent car scraping, In light of point (b) above and to ensure that vehicular access meets all the requirement of AS 2890.1 in terms of car scraping, longitudinal profiles (scale 1:20) along <u>each</u> side/edge of the vehicular crossing must be submitted to an accredited certifier for assessment. The driveway profiles along each side/edge of the proposed crossing is to start from the road centreline which include the Council's standard layback and gutter into the garage slab. The driveway profiles shall be prepared by a chartered professional civil engineer which contain all relevant details: reduced levels in AHD for <u>both</u> existing and proposed finished levels, depth of cut/fill, grades representing in percentage and horizontal distances representing in chainages. Council's standard layback is 450mm wide and back of layback is 70mm above the gutter invert. All driveway grades and transitions must comply with AS2890.1-2004 and Council's specifications. <p>The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: <i>Parking Facilities - Off-Street Car Parking</i>.</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>Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the <i>Act</i>.</p> <p>Note: Clause 146 of the <i>Regulation</i> prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.</p>



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	<p>Note: Clause 145 of the <i>Regulation</i> prohibits the issue of any Construction Certificate that is inconsistent with this consent.</p>
	<p>Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>

<p>D 51.</p>	<p>Stormwater Management Plan</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> <ul style="list-style-type: none"> a) General design in accordance with stormwater management plans, referenced 230394-P2, prepared by JHA Engineers, dated 08/03/2024, other than amended by this and other conditions. b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet will be permitted for each frontage. The kerb discharge must be located within the frontage of the site. d) A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the boundary junction pit by gravity. f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath. 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. <p>The Stormwater Management Plan must also include the following specific requirements:</p> <p>Layout Plan</p> <p>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:</p> <ul style="list-style-type: none"> 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.
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	<p>f) Overland flow paths over impervious areas.</p> <p>Rainwater Reuse System Details:</p> <ul style="list-style-type: none"> 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 <p>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.</p> <p>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).</p> <p>Notes:</p> <ul style="list-style-type: none"> • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook". <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
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E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance

F.11 Maintenance of Environmental Controls

F.12 Compliance with Geotechnical/Hydrogeological Monitoring Program

F.13 Support of Adjoining Land and Buildings

F.14 Vibration Monitoring

F.15 Erosion and Sediment Controls – Maintenance

F.17 Disposal of Site Water during Construction

F.19 Site Cranes

F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

F 33.	<p>Shoring and Adequacy of Adjoining Property</p> <p>While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense:</p>
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	<p>a) protect and support the adjoining premises from possible damage from the excavation.</p> <p>For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. <p>Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.</p>
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G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works

G.29 Works within Public Land (including Council, State or Federal owned land or property)

G 32.	<p>Works-As-Executed Certification of Stormwater Systems</p> <p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:</p> <ul style="list-style-type: none"> a) compliance with conditions of development consent relating to stormwater, b) that all below ground structures are fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings, c) that only one stormwater outlet pipe to kerb for each frontage has been constructed within the frontage of the site, d) that the works have been constructed in accordance with the approved design, e) pipe invert levels and surface levels to Australian Height Datum, and f) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. <p>Notes:</p> <ul style="list-style-type: none"> The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. <p>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>
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H. OCCUPATION AND ONGOING USE

Nil

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil



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11 April 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 69/2024/1

ADDRESS: 177 Underwood Street PADDINGTON 2021

PROPOSAL: Demolition of the existing dwelling and construction of a new dwelling with a basement level, swimming pool, garage with loft above and associated landscaping

FROM: Sam Knight

TO: Mr V Aleidzans

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Hill & Blume, dated 26 October 2023
- Architectural Drawings, drawn by Pohio Adams Architects, dated 1 March 2024
- Arboricultural Impact Assessment Report, written by Ezigrow, dated 18 January 2024
- Landscape Plans, designed by Studio U.C, dated 13 February 2024

A site inspection was carried out on 18 April 2024.

3. RELEVANT CONTROLS

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



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4. SUMMARY

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

5. COMMENTS

Inspection of the site and a review of the plans and documentation has revealed 15 trees within and adjacent to the site will be impacted by the proposal. The following tree numbering is consistent with the Arboricultural Impact Assessment prepared by Ezigrow dated 18 January 2024.

Tree Removal

The plans indicate trees 2, 5 – 15 are proposed for removal. The trees have been identified as an Olive tree and several Alexandria Palms located within the front and rear yards. The trees have been noted in good to fair health and condition.

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

As the proposal involves demolition and bulk excavations for the new building, garage and swimming pool, retention of the trees is not possible without substantial design changes which is not considered appropriate.

Therefore, to compensate for the loss of amenity and canopy cover resulting from tree removal, replacement planting is to be undertaken within the site in accordance with the submitted Landscape Plans.

Tree Retention

The plans indicate trees 3 and 4 will be retained. These have been identified as a Frangipani and Lemon Scented Myrtle tree located adjacent to the western boundary within 175 Underwood Street. The trees have been noted in good health and condition.

The existing masonry boundary wall and swimming pool has most likely limited root growth into the subject site. Therefore, it is not expected that the proposed works will adversely impact on the neighbour's trees.

However, to ensure they are not damaged, tree protection measures have been detailed in the below conditions for inclusion into the DA consent.

6. RECOMMENDATIONS

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



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A. GENERAL CONDITIONS

A. 1.

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
LC01 – LC07	Landscape Plan	Studio U.C	13/2/24
	Arboricultural Impact Assessment Report	Ezigrow	18/1/24

Notes:

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

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

Standard Condition A.2 (Autotext 2A)

A. 2.

Tree Preservation and Landscaping Works

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

a) The following trees must be retained:

Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
3	Plumeria spp	175 Underwood St	4 x 4
4	Backhousia citriodora	175 Underwood St	10 x 4

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)
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2	<i>Archontophoenix alexandrae</i>	Rear Yard	6 x 2
5	<i>Olea europea</i>	Rear Yard	8 x 6
6 – 15	<i>Archontophoenix alexandrae</i>	Front Yard	4 – 10 x 2

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.	<p>Construction Management Plan Arborist Review</p> <p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none"> a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas. <p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p>
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B. 2.	<p>Arborists Documentation and Compliance Checklist</p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> • A record of the condition of trees to be retained prior to and throughout development. • Recommended actions to improve site conditions and rectification of non-compliance. • Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="430 846 1209 1205"> <thead> <tr> <th data-bbox="430 846 598 936">Stage of arboricultural inspection and supervision</th><th data-bbox="598 846 1209 936">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="430 936 598 1205">Prior to any site works</td><td data-bbox="598 936 1209 1205"> <ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p> <p>Standard Condition B.29 (Autotext 29B)</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to any site works	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. 				

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	<p>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place.</p>
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	<p>The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> shaded green where required to be retained and protected shaded red where authorised to be removed shaded yellow where required to be transplanted shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p> <p>Standard Condition D.30 (Autotext 30D)</p>
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E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F 1.	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p>
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	<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>Condition Reason: To protect trees during the carrying out of sitework.</p> <p>Standard Condition F.8 (Autotext 8F)</p>
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<p>F 2.</p>	<p>Arborists Documentation and Compliance Checklist</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="427 1444 1209 1554"> <tr> <th data-bbox="427 1444 587 1554">Stage of arboricultural inspection and supervision</th><th data-bbox="587 1444 1209 1554">Compliance documentation and photos must include</th></tr> <tr> <td></td><td></td></tr> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include		
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				



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	<table border="1"> <tr> <td data-bbox="414 403 574 806">While site work is carried out</td><td data-bbox="574 403 1259 806"> <ul style="list-style-type: none"> The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist must supervise the demolition of the existing pool and hard surface area within the TPZ of trees 3 and 4. The condition of exposed roots must be managed and documented. 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. 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. Regular inspections as indicated in the Tree Management Plan. </td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p> <p>Standard Condition F.45 (Autotext 45F)</p>	While site work is carried out	<ul style="list-style-type: none"> The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist must supervise the demolition of the existing pool and hard surface area within the TPZ of trees 3 and 4. The condition of exposed roots must be managed and documented. 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. 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. Regular inspections as indicated in the Tree Management Plan.
While site work is carried out	<ul style="list-style-type: none"> The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist must supervise the demolition of the existing pool and hard surface area within the TPZ of trees 3 and 4. The condition of exposed roots must be managed and documented. 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. 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. Regular inspections as indicated in the Tree Management Plan. 		

F 3.	<p>Replacement/Supplementary trees which must be planted</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 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>Condition Reason: To ensure the provision of appropriate replacement planting.</p> <p>Standard Condition F.46 (Autotext 46F)</p>
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F 4.	<p>Hand excavation within tree root zones</p> <p>While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.</p>
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Council Ref No	Species	Location	Radius from centre of trunk (metres)
3	<i>Plumeria</i> spp	175 Underwood St	2.4m
4	<i>Backhousia citriodora</i>	175 Underwood St	2.4m

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

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

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

The project arborist must document compliance with the above condition.

Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.

Standard Condition F.50 (Autotext 50F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	Amenity Landscaping
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.
Standard Condition G.6 (Autotext 6G)	
G 2.	Landscaping
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.



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Condition Reason: To ensure that all landscaping work is completed prior to occupation.

Standard Condition G.26 (Autotext 26G)

G 3.

Arborists Documentation and Compliance Checklist – Prior to any occupation certificate

Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
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.

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

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

Condition Reason:

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

Standard Condition G.34 (Autotext 34G)

G 4.	Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building
	<p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees.



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<p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>	
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	
<p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	
Standard Condition G.35 (Autotext 34G)	

H. OCCUPATION AND ONGOING USE

H	1.	Maintenance of Landscaping
		During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.
		This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.
		Notes: <ul style="list-style-type: none">• This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.• Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
		Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
Standard Condition H.25 (Autotext 25H)		

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.



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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

19 April 2024
Completion Date

Valdis Aleidzans

From: Sagar Chauhan
Sent: Wednesday, 24 April 2024 10:53 AM
To: Valdis Aleidzans
Subject: Referral Response - Heritage - DA2024/69/1 - 177 Underwood Street
PADDINGTON

Hi Valdis

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 Pohio Adams Architects, dated 01/02/2024
- Demolition Report by Weir Phillips Heritage and Planning, dated February 2024
- Statement of Environmental Effects by Pohio Adams Architects, dated 06/03/2024

SUBJECT PROPERTY

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

The site is a long, narrow, rectangular allotment which falls gently from Underwood to Caledonia Street. On the site is located a two-storey rendered masonry, terrace comprised of two storey principal gable form with a rear skillion extension and two storey rear wing. The site has a frontage to Underwood Street and rear access from Caledonia Street. The site area is 392.1m² and is the only allotment which extends between Underwood and Caledonia Street.

The site shares its western boundary wall with No.175 Underwood Street, which is part of an intact row of three terrace dwellings. The site shares its eastern boundary wall with No. 179, a single terrace house constructed in the late mid to late-twentieth century. The site is not a part of a terrace row and was constructed at a different period than its neighbouring dwellings.

The dwelling is located close to the front boundary set behind a rendered masonry fence and tropical garden of palm trees and low shrubs. Behind the dwelling is a deep rear yard, with a paved outdoor area leading to a large fenced inground pool. Behind the pool, the garden extends to a walled concrete parking hardstand with access to Caledonia Street. The other boundary fences are constructed of a mix of timber paling, corrugated iron, and brick.

The rear of the site, with access to Caledonia Street, consists of a concrete driveway bounded by remnant brick garage walls and partial garage roof structure with a timber paling door leading to the rear yard. There is a mature tree along the rear northeastern boundary and a series of smaller plantings surrounding it. The pool, constructed c. 1970s, takes up a large portion of the middle of the site with a painted cement rendered finish and concrete 'Granolithic' surround, there is a metal fence and gate that separates the pool area from the rear of the dwelling.

A terrace was constructed on the site by 1886. The original terrace comprised of a two-storey principal building with a single storey attached rear wing. The principal building did not extend boundary to boundary as shown in Figure 1 below.

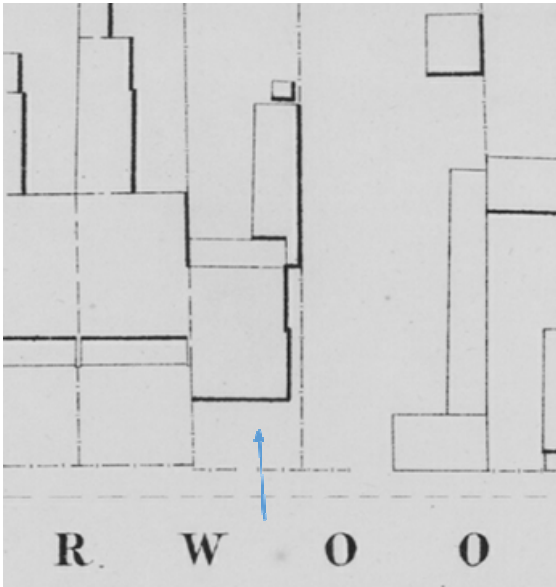


Figure 1: The subject site in 1886, indicated by blue arrow.
(Source: Woollahra maps)



Figure 2: The front elevation in 1972. (Source: BA1972/1174)



Figure 3: The rear elevation in 1972. (Source: BA1972/1174)

The original internal and external configuration and features were lost due to the unsympathetic alterations and additions approved under BA1972/1174. Under BA1972/1174, the principal building was extended boundary to boundary with addition of front verandah and balcony and a rear balcony. The principal building roof was modified to have a steeper pitch with two dormers to the rear roof plane. A two storey attached rear wing was also constructed.



Figure 4: The subject site in 1982. (Source: Anon., Paddington Field Survey 1982, 177 Underwood Street, Paddington, photograph, 1982, National Trust of Australia (NSW) and Perumal, Wrathall & Murphy Pty Ltd, Woollahra Libraries)

Due to the extent of past alterations and additions, the dwelling is considered to make a neutral contribution to Paddington heritage conservation area.

PROPOSAL

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

- The demolition of the existing dwelling and all other structures, including the current swimming pool, on the site.
- Removal of trees from the front and rear of the site. An arborist report will accompany the Development Application.
- Construction of a new two-storey terrace dwelling with a basement and attic levels.
- Installation of a new pool.
- New landscaping of the rear yard.
- Construction of a garage with studio at the rear of the site.
- New front garden landscaping.

NATIONAL PARKS & WILDLIFE ACT 1974

The site is not in an area of Potential Aboriginal Heritage Sensitivity. The proposal includes excavation and relevant conditions in this regard would be provided in response to an updated DA.

WOOLLAHRA LEP 2014

Clause 1.2 Aims of Plan

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

Clause 5.10 Heritage Conservation

1 (a) to conserve the environmental heritage of Woollahra,

1 (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

The subject site is not a heritage item, but is within Paddington heritage conservation area which is identified as a heritage item of local significance in Schedule 5 of the LEP. The subject site is considered to make a neutral contribution to the conservation area.

The NSW State Heritage Inventory includes the following statement of significance for the conservation area:

Paddington is a unique urban area which possesses historical, aesthetic, technical and social significance at a National and State level. An important factor in the significance of Paddington is its exceptional unity, encompassing scale, character, history, architecture and urban form.

The built environment of Paddington is an excellent example of the process of 19th century inner city urbanisation of Sydney which was largely completed by 1890. The predominant Victorian built form is an excellent representative example of the phenomena of land speculation and a 'boom' building period between 1870 and 1895.

The terraces of Paddington clearly trace the evolution of the imported English Georgian and Regency terrace models into the distinct Australian style evident in the Victorian era terraces.

Paddington retains many significant types of buildings that represent all phases of the suburb's historical development. These building types range from modest, small-scale, single storey timber and masonry cottages, to remnant examples of former gentry mansions, boom style middle-class terrace houses, apartment blocks and contemporary infill development, all of which are set in a varied network of streets, lanes and pedestrian accessways which reflect the phases of subdivision and development.

Paddington has a multitude of important historical and social associations. It is linked with the early transport routes along South Head Road (Oxford Street) and Point Piper Road (Jersey Road), the construction of Victoria Barracks in the 1840s, the gentry estates, prominent figures of the early colony, the speculative building boom between 1870 and 1890, and the development of Australian tennis at the White City site. Its historical and social associations extend to the periods of occupancy by immigrant groups and minority groups including the Chinese market gardeners, the Jewish community around the turn of the century, the European immigrants in the 1950s and an alternative artistic and intellectual population in the 1960s and 1970s. Today Paddington has a high level of social esteem and is regarded as one of Sydney's most desirable inner-city urban areas. The changing sociology of Paddington demonstrates phenomenal variations in status and changes in community attitudes to the 19th century suburb.

Paddington has important associations with the evolution of the conservation movement in Australia, in particular with the actions by the National Trust and the Paddington Society, which ensured its conservation at a time of redevelopment threat in the 1960s. It is significant as the first suburb classified by the National Trust, a community based, non-government organisation committed to promoting and conserving Australia's heritage. Paddington has a unique aesthetic significance due to the superimposition of the built form on a sloping topography which overlooks Sydney Harbour and its foreshores. The coherent and extensive Victorian built form comprising groups of terrace buildings on narrow allotments which step down hills, turn corners or sit in ranks along tree lined streets produces a singularly recognisable image.

Paddington provides vast opportunity for research, education and interpretation through the physical layout of its road network, its subdivision pattern and the varied form of buildings. These buildings provide an excellent record of past technologies and domestic lifestyles through features such as original external and internal building fabric, detailing and room layouts. Terrace houses, semi-detached dwellings, flat buildings and freestanding houses all show the evolving attitudes towards families and the home from the early 19th to the late 20th century.

Consideration

The HIS concludes:

No. 177 Underwood Street, originally a Victorian-era bald face terrace, has undergone substantial alterations and additions that have resulted in the irrevocable loss of fabric including much of the original structure and materials. The result of the 1970s works to the subject site is that the current dwelling is almost a total replacement. There are a number of other dwellings that are better examples of a Victorian-era terrace within the Paddington area that display a greater degree of external and internal integrity.

No. 177 Underwood Street is not a locally significant site has thus failed to meet any of the criteria for listing provided by Heritage NSW.

This assessment is concurred with. The proposed complete demolition of the extensively modified dwelling is supported as this would not have a negative impact on the character of the Paddington heritage conservation area.

The proposed infill generally copies the form, scale and character of a typical Victorian terrace in Paddington. This 'faux' representation of a historical architectural style is contrary to the conservation principles of Australia ICOMOS Burra Charter 2013 and to the objectives of Woollahra DCP 2015 Part C Chapter C1. The proposed infill does not demonstrate contemporary design excellence and would result in a muddled understanding of the site. The design of the infill is to be modified. This is further discussed below.

WOOLLAHRA DCP 2015

Part C Heritage Conservation Areas

Chapter C1 Paddington Heritage Conservation Area

Clause C1.3.4 Multi-storey terrace style housing

Objectives: O2

Control: C1

- The site originally comprised a semi-detached principal building with a single storey rear wing. The original configuration, including street front, side elevation and rear forms, has been lost. The proposed demolition is supported in this instance. (O2) (C1)

Clause C1.3.13 Infill development (new development)

Objectives: O1, O2, O3

Controls: C1, C3, C4, C5, C6, C7, C9, C11, C13, C14, C16, Table 2

- As noted above, the proposed infill imitates the form, scale, materiality and character of a Victorian character and this copying of traditional design ideas is not supported. The proposal would not make a positive contribution to the character of the neighbourhood and area. (C1) (C3)
- The form and scale of the proposed infill is consistent with the neighbouring contributory items. It adopts the established orientation pattern of the streetscape. The front and rear setbacks align with the existing patterns. (C4) (C5) (C6) (C7) (C9) (C11)
- The proposed materials, finishes and textures are generally appropriate to the historic context. The use of timber framed French doors and picket fence for a contemporary infill is considered appropriate. (C13) (C14) (C16) (Table 2)

C1.4.1 Principal building form and street front zone of contributory buildings

Objectives: O1, O4

Controls: C1, C2, C7, C8

- The principal building form has been extensively modified internally and externally. Its complete demolition is supported in this instance. (C1) (C2) (C7) (C8)

Clause C1.4.2 3 Rear elevations, rear additions, significant outbuildings and yards

Objectives: O1, O2

Controls: C5

- The original rear characteristics have been lost, and the proposed demolition at the rear is supported. (C5)

Clause C1.4.4 Roofs and roof forms

Objective: O1

Controls: C6, C8

- The proposed roof forms, although traditional, have been utilised in an inappropriate manner to present the dwelling as a traditional Victorian terrace. The use of traditional dormers is considered inappropriate for a contemporary infill. (C6) (C8)

Clause C1.4.5 Building height, bulk, form and scale

Objective: O3, O4

Control: C3

- The height and scale of the proposed infill are consistent with the existing developments in the streetscape. However, the proposed form and character that emulates a Victorian terrace is considered inappropriate in the streetscape. (C3)

Clause C1.4.7 Excavation

Objectives: O1

- The proposed excavation is supported from a cultural heritage perspective.

Clause C1.5.3 Windows, doors, shutters and security

Objectives: O3

Controls: C4

- The use of timber framed French doors is considered inappropriate for a contemporary building. The proposed windows are supported. (C1) (C4)

Clause C1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing facilities

Objectives: O2, O3, O4, O5

Controls: C1, C6, C9, C10, C11, Table 6

- The proposed garage is supported. (C1) (C6) (C9) (C10) (C11) (Table 6)

Clause C1.5.7 Lofts over garages and studios

Objectives: O1

Controls: C1

- The proposed loft is supported, except the traditional dormers which are considered inappropriate for a contemporary structure. (C1)

Clause C1.5.8 Materials, finishes and details

Objectives: O2

Controls: C4

- The proposed materials and finishes are generally supported, except the use of timber framed French doors. (C4)

Clause C1.5.9 Exterior colours

Objective: O1

Controls: C1, C3, C4

- The proposed colour scheme is supported. (C1) (C3) (C4)

CONCLUSION

Woollahra LEP 2014

Clause 1.2 Aims of Plan

Subclause 1.2. (2) (f) – The development does not conserve built and natural environmental heritage of Woollahra.

Clause Part 5.10 Heritage Conservation

1(a) The development does not conserve the heritage of Woollahra.

1(b) The impact upon the cultural heritage significance of the conservation area would be adverse.

4 This referral constitutes an assessment under this clause.

RECOMMENDATION

The proposed demolition of the extensively modified dwelling is consistent with the aims of Woollahra LEP 2014 Clause 1.2 (2) (f), Part 5.10; and Woollahra DCP 2015 Part C Chapter C1.

The proposed infill development is not consistent with the aims of Woollahra LEP 2014 Clause 1.2 (2) (f), Part 5.10; and Woollahra DCP 2015 Part C Chapter C1:

1. The proposed infill copies the roof forms and pitch, building envelope, modulation and articulation, relationship of solid and voids, and fenestration patterns of the adjoining Victorian terrace. The front verandah and balcony with arched recesses to fin walls, a skillion balcony roof, timber French doors, timber picket fence, and the steeply pitched roof to the principal building with traditional dormers present the infill as part of the adjoining terrace row of 171 to 175 Underwood St. This lack of distinction between new and old elements is contrary to the conservation principles of Australia ICOMOS Burra Charter 2013 and contrary to the objectives of Woollahra DCP 2015 Part C Chapter C1 Clause C1.3.13. The clause prescribes:

Infill development should not be a 'faux' representation of a historical architectural style. Rather, Council requires a contemporary design approach which respects:

- the historic context;
- siting; and
- architectural forms (including roof form, roof pitch, height, scale, massing, alignment, modulation, articulation and materials);

and achieves a cohesive relationship between the existing and new urban fabric.

2. The proposed infill development does not demonstrate contemporary design excellence, contrary to Woollahra DCP 2015 Part C Chapter C1 Clause C1.1.4 Objective O4, O7; and Clause C1.2.3; Clause C1.2.4 k); Clause C1.2.5; and Clause C1.3.13 Objectives O1, O2.
3. The traditional dormers to contemporary loft are considered inappropriate, contrary to Woollahra DCP 2015 Part C Chapter C1 Clause C1.1.4 Objective O4, O7; and Clause C1.2.3; Clause C1.2.4 k); Clause C1.2.5; and Clause C1.3.13 Objectives O1, O2. Window W.16 is to be modified in accordance with Clause C1.5.7 Control C1 i).
4. The proposed infill development is to be redesigned to demonstrate contemporary design excellence in accordance with Woollahra DCP 2015 Part C Chapter C1 Clause C1.1.4 Objective O4, O7; and Clause C1.2.3; Clause C1.2.4 k); Clause C1.2.5; and Clause C1.3.13 Objectives O1, O2. The approach prescribed under Clause C1.2.5 is to be implemented, with specific heed to the following:

Contemporary design provides the basis for the continuing enrichment of the historic interpretation of Paddington by adding to our understanding of contemporary life as expressed in the built environment. Issues of contemporary design are relevant to new development of a minor and major nature in the both the public and private domains. Quality architectural design must form the basis of any proposed new works. Contemporary design must be respectful of the HCA.

Council does not advocate replication of previous architectural styles in cases of infill development. However, infill development should be based on a contemporary design approach which respects the context, especially the predominant scale, form and articulation of buildings that characterise an area. New contemporary design should respect the historic built form of the Paddington HCA.

The use of contemporary design approaches, particularly to infill development, work to an intrusive building, work to the public domain, and work to buildings or building elements of heritage significance, must achieve a cohesive relationship between new and existing urban fabric, and respect and respond to the context of the HCA.

The following standard conditions are likely to be provided in response to an updated DA:

1. B.10 Aboriginal Objects – Unexpected Findings (Autotext 10B)
2. B.12 Aboriginal Heritage Due Diligence Responsibilities (Autotext 12B)

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 w: 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.



Valdis Aleidzans

From: Kristy Welfare
Sent: Thursday, 6 June 2024 5:09 PM
To: Valdis Aleidzans
Cc: George Fotis
Subject: DA2024/69/1 - 177 Underwood Street - further heritage comments

Hi Valdis,

I have looked into the development application for the above address following our discussion.

I note that Weir Phillips has submitted a Helou vs Strathfield Council (Helou) assessment on 24 April 2024 (24/72778). I have reviewed that document and the evidence it provides regarding the building and its contribution to the HCA in light of the planning principal set out in Helou vs Strathfield Council, and I have the following comments:

The first question of Helou asks what is the significance of the heritage conservation area?

The identified significance of the Paddington HCA is found in Part C1.2.1 of the Woollahra Development Control Plan 2015.

The second question of Helou asks what contribution does the individual building make to the significance of the conservation area?

While at first appearance the building presents as a typical Paddington terrace with verandah and iron lacework that would be considered contributory to the Paddington HCA, the evidence of the development of the site over time establishes that this building is entirely different in both form and ornamentation to the original narrower standalone terrace on the site. The Demolition Report and the Helou assessment provided deduce that the form of the original terrace was likely to have been a bald-faced type which differs from the extant building.

The existing presentation to the street appears to be a conjectural 1970s interpretation of the 1880's terrace house through the use of iron lacework, paired with modern openings to result in a building that confuses the understanding of the dwelling, contrary to Burra Charter principles. Although the dwelling sits quietly in the context of Underwood Street and the Paddington Heritage Conservation Area, it should not be considered a contributory item on this basis. The building neither contributes nor detracts and is considered to be a neutral building upon assessment.

I am therefore satisfied that, as the dwelling house is not considered to be a contributory item in the Paddington HCA, its demolition requires no further consideration regarding the provisions of the Land and Environment Court Planning Principle set out within Helou vs Strathfield Council.

Comments on the replacement building

With regard to form and finishes of the replacement building, I am satisfied that overall the replacement building is a simplified and unadorned version of the Paddington terrace form that sits quietly in its context. However, I concur with the previous heritage advice regarding the use of arched recesses to the fin walls and use of timber framed French doors to the front elevation as being inappropriate for a modern infill building. I am not of a mind to require a redesign of the overall form, however, I recommend the imposition of conditions requiring the deletion of the arched recesses and the confirmation that the front elevation French doors are not to be of a traditional profile. This is required to help establish the distinction between the replacement building and the neighbouring terrace row at 171-175 Underwood Street.

Part C1.5.8 Control C6 states that "Infill buildings must use materials, finishes, textures and details appropriate to the building type and style but should not replicate traditional details."

Changing these details would alter the presentation to Underwood Street to include an acceptable mix of traditional and modern materials to sit quietly in its context. Subject to the conditions as recommended, the proposal is an acceptable response to the form and materiality of the neighbouring sites and the immediate locality and is considered acceptable.

I recommend design change conditions D4 be imposed with the following required changes:

- The arched recesses to the fin walls to the Underwood Street elevation are to be deleted from the plan. (Woollahra DCP Part C 1.5.8 Control C6)
- The French doors to the Underwood Street (South) elevation are to be of a simple profile which does not seek to replicate a traditional profile. This detail is to be submitted to Council for approval by Council's Heritage Officer. (Woollahra DCP Part C 1.5.8 Control C6)

Kind regards,



Kristy Welfare
Acting Manager – Strategic Planning & Place

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
t: 02 9391 7925
e: Kristy.Welfare@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

Our Values: Respect for People | Integrity and Excellent Performance | Professional Quality Service | Open Accountable Communication

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



*pohio*adams

architects

pohio adams pty ltd
ABN 84 105 946 512
478 oxford st
paddington nsw australia 2021
telephone 61 408 978 072
email chris@pohioadams.com
registered arch christopher adams
nsw registration 6433

16.04.24

Agreement for Fencing Work

Between:

Name: Lucy Turnbull
Owner of: 177 Underwood St, Paddington, NSW 2021

And:

Name:
Owner of: 7 Caledonia St, Paddington, NSW 2021

Agreement:

The parties named above agree for fencing works to be carried out between 177 Underwood St and 7 Caledonia St, Paddington, New South Wales (The properties). The fencing work is to be undertaken as follows:

Fencing Location:

1. The fencing work is to be carried out wholly on the property of No.177 Underwood St immediately adjacent to the common boundary with No.7 Caledonia St.

Fencing Works:

2. The existing dividing fence between the properties is to be demolished and removed.
3. A new 2.2m tall (measured from existing ground level at No.7 Caledonia St) brick masonry wall, bagged, and painted, is to be constructed.
4. The new fence will be erected from the south end of the proposed new garage at No.177 to the north end of the existing studio at No.179 Underwood St Paddington.

Costs to be borne by 177 Underwood St

5. The total cost of the fencing works including demolition, rubbish removal, construction of necessary footings, and new masonry wall.
6. Consultant's costs including structural design of wall and footings.
7. Any fees associated with Council approvals and Certifier inspections.

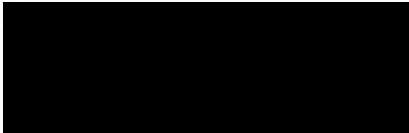
Costs to be borne by 7 Caledonia St

8. Paint finish to No.7 Caledonia side of wall.

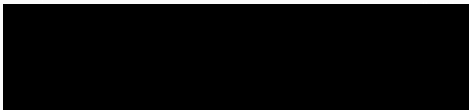
9. Make good of any garden, services, or building work on No.7 Caledonia St.

Drawings:

10. DA Drawings Plan DA.1.14 & Section DA.3.13, Prepared by Pohio Adams Architects set out the proposed works.



Signature



Name

Date

Date

*pohio*adams architects

pohio adams Pty Ltd
ABN 84 105 946 512
478 Oxford St
Paddington NSW Australia 2021
Telephone 61 408 978 072
Email chris@pohioadams.com
Registered Arch Christopher Adams
NSW Registration 6433

18.04.24

Agreement for Fencing Work

Between:

Name: Lucy Turnbull
Owner of: 177 Underwood St, Paddington, NSW 2021

And:

Name: Dianna Dean
Owner of: 7 Caledonia St, Paddington, NSW 2021

Agreement:

The parties named above agree for fencing works to be carried out between 177 Underwood St and 7 Caledonia St, Paddington, New South Wales (The properties). The fencing work is to be undertaken as follows:

Fencing Location:

1. The fencing work is to be carried out wholly on the property of No.177 Underwood St immediately adjacent to the common boundary with No.7 Caledonia St.

Fencing Works:

2. The existing dividing fence between the properties is to be demolished and removed.
3. A new 2.2m tall (measured from existing ground level at No.7 Caledonia St) brick masonry wall, bagged, and painted, is to be constructed.
4. The new fence will be erected from the south end of the proposed new garage at No.177 to the north end of the existing studio at No.179 Underwood St Paddington.

Costs to be borne by 177 Underwood St

5. The total cost of the fencing works including demolition, rubbish removal, construction of necessary footings, and new masonry wall.
6. Consultant's costs including structural design of wall and footings.
7. Any fees associated with Council approvals and Certifier inspections.

Costs to be borne by 7 Caledonia St

8. Paint finish to No.7 Caledonia side of wall.

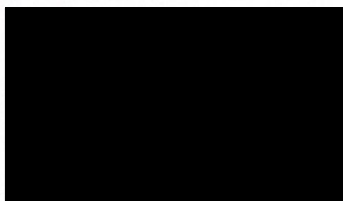
9. Make good of any garden, services, or building work on No.7 Caledonia St.

Drawings:

10. DA Drawings Plan DA.1.14 & Section DA.3.13, Prepared by Pohio Adams Architects set out the proposed works.

Timing:

11. Construction of the fence will be undertaken as soon as is practicably possible if, and when, the current DA application covering proposed works to 177 Underwood St is approved and accompanying Construction Certificate is issued.



Signature

Name

Date 22/4/2024

Date

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D3
FILE No.	DA98/2024/1
ADDRESS	1 New Beach Road DARLING POINT - <i>Cruising Yacht Club of Australia (CYC)</i>
SITE AREA	3,250m ² (land based component) 2.9223ha (water based component)
ZONING	RE1 Public Recreation
PROPOSAL	Six (6) new permanent marina berths to the CYCA marina
TYPE OF CONSENT	Local development
COST OF WORKS	\$0.00
DATE LODGED	11/04/2024
APPLICANT	Cruising Yacht Club of Australia
OWNER	Cruising Yacht Club Of Australia
AUTHOR	Mrs L Holbert
TEAM LEADER	Mr G Fotis
SUBMISSIONS	6 Submissions (1 Support)
RECOMMENDATION	Conditional Approval

1. REASONS FOR RECOMMENDATION

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

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

2. LOCALITY PLAN



⊗ All submissions were received from outside of the map area or no address was specified.

3. LEVEL OF DELEGATION

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

- The application is for a marina.

4. PROPOSAL

The application proposes six (6) additional permanent berths, including the following:

- Two permanent berths at the end of Arm A (18m and 21m);
- One new club berth to the inside of Arm A (12m); and
- Conversion and enlargement of three existing casual berths to permanent berths to Arm D (15m, 18m and 10m).

It is noted that the applicant seeks to amend **Conditions F.13** and **I.14** of DA 441/2009.

Condition F.13 states the following:

F.13 Occupation of Additional Berths

The additional berths are not to be occupied by vessels until the additional car parking spaces associated with the additional berths are made available. This condition is imposed to minimise the impact on street parking.

It is proposed to modify this condition as follows:

D.6 Occupation of Additional Berths

The additional six (6) berths associated with Plan No.DA2, DA3, DA5, DA6, Rev F, dated 20/03/2024 are not to be permanently occupied by vessels until a Green Travel Plan has been submitted and approved by Council.

Condition I.14 states the following:

I.14 Restrictions on the Berthing of Vessels

Vessels are not to be permanently berthed on the southern side of the extension to arm D or on the proposed pontoons to the perimeter of the deck to the west of the club building and to the perimeter of the proposed hardstand. No berthing facilities, i.e. mooring piles, berthing/finger pontoons or service pedestals are to be provided which would facilitate provision of additional berths in these locations. The number of wet berths is not to exceed 213.

It is proposed to modify this condition as follows:

H.9 Restrictions on the Berthing of Vessels

The number of wet berths must not to exceed 219.

Note: Condition A.5 has been imposed, so that this consent becomes an amending development application to DA441/2009 to ensure consistency between both development consents.

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

5.2 Primary Issues

Issue	Conclusion	Section
Visual Impact	Rushcutters Bay is dominated by moored vessels. The introduction of additional vessels into this setting is in-keeping with the character of the locality. The visual impacts of the proposed berths are not considered to adversely impact the visual quality of views to and from the heritage listed Rushcutters Bay Park, as detailed in Section 16.2 of this report.	16.2
Parking/traffic	The proposed additional berths are not considered to give rise to unacceptable parking and traffic impacts and were supported by Council's Traffic Department. This is further discussed below in Section 16.3 of this report.	16.3
Heritage	The additional berths do not result in any adverse impacts on the significance or setting of surrounding heritage items. Council's Heritage Officer has therefore supported the proposal. This is further discussed below in Section 16.1 of this report.	16.1

5.3 Summary of Submissions

Issue	Conclusion	Section
Visual Impact	Rushcutters Bay is dominated by moored vessels. The introduction of additional vessels into this setting is in-keeping with the character of the locality. The visual impacts of the proposed berths are not considered to adversely impact the visual quality of views to and from the heritage listed Rushcutters Bay Park, as detailed in Section 16.2 of this report.	9.1, 16.2

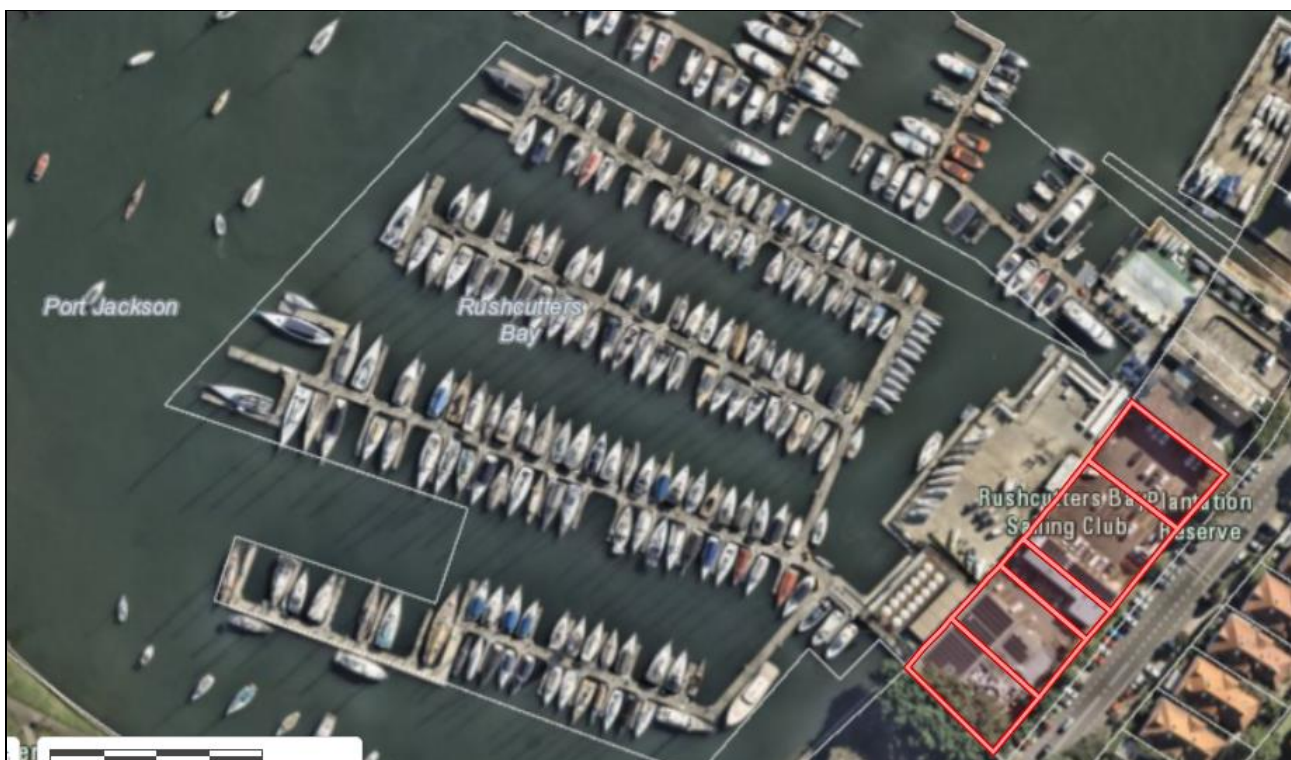
Issue	Conclusion	Section
Parking/traffic	The proposed additional berths are not considered to give rise to unacceptable parking and traffic impacts and were supported by Council's Traffic Department. This is further discussed below in Section 16.3 of this report.	9.1, 16.3
Noise	The proposed development is not considered to give rise to unacceptable noise impacts, subject to Conditions H.1, H.3, H.7 and H.8.	9.1, 13.1
Environmental impacts	The proposed development is not considered to give rise to any detrimental environmental impacts. This is further discussed below in Section 11.1 of this report.	9.1, 11.1

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
<p>The site comprises both land based and water based components.</p> <p>The land based component immediately adjoins D'Albora Marina to the north, Ruscutter's Bay Park to the south, New Beach Road to the east and the waters of Rushcutters Bay to the west. The site is situated on Crown Land. The land has a rectangular shape having an area of 0.325ha (approx). It has a frontage to New Beach Road of 101.45m, a northern boundary of 32.99m, a southern boundary of 34.66m and a slightly irregular western/foreshore boundary of 99.12m.</p> <p>The water based component occupying the waters of Rushcutters Bay is subject to a lease from Roads & Maritime Service. It is an irregularly shaped area, projecting a maximum 200m (approx.) from the mean high water mark (MHWM) x 190m (approx.), occupying an area of about 2.9323ha.</p>
Topography
<p>The ground floor of the buildings and the hardstand car parks, which is currently occupy the CYCA marina are on reclaimed land and is roughly level with New Beach Road. The slipway area located in the centre of the site is approximately RL2.4(AHD) near New Beach Road, grading to about RL0.07(AHD) to the west.</p>
Existing buildings and structures
<p>The site occupied by the CYCA is reclaimed land and waterway on the eastern side of Rushcutters Bay. The land is low lying and occupied by marina related buildings. There are various fixed and floating structures associated with boating extending into the waterway.</p> <p>The existing land based developments includes:</p> <ul style="list-style-type: none"> A two/three storey clubhouse and waterfront deck in the southern portion of the site. Facilities in the Club House include a café/bistro, bars, function rooms, offices and other club amenities; A hardstand area to the north of the Club House accommodating two car parks, providing a total of 69 car spaces; A two storey administrative building supporting the functioning of the marina. <p>The existing water based developments include:</p> <ul style="list-style-type: none"> Four floating marinas arms used for boat storage by the CYCA. The marina caters for single hulled yachts for the use of club members; A floating deck adjacent to the clubhouse utilised for outdoor dining purposes; A large concrete hardstand area for the use of dry boat storage (24 dry berths) adjacent to the car parking areas.
Surrounding Environment
<p>The CYCA is located on Rushcutters Bay in Darling Point. Darling Point is primarily characterised by residential uses, including dwelling houses and residential flat buildings. The harbour area comprises a number of uses including public parks, water based recreation facilities (marinas) and private residential properties. The subject site is immediately surrounded by the following:</p> <ul style="list-style-type: none"> To the north of the site is the D'Albora Marina, which includes a two storey commercial building accommodating shops, offices and cafes. The site also includes a floating Marina adjacent to the CYCA marina;

- To the east of the site is a narrow strip of crown land known as the 'Plantation Reserve'. The reserve accommodates vegetation and a footpath. Further east is New Beach Road, including on street parking. Elevated above New Beach Road are a number of two and three storey residential properties;
- To the south of the site is Rushcutters Bay Park, which extends to the south and west of Rushcutters Bay and includes open grass areas and sporting facilities;
- To the west of the site is Rushcutters Bay. Residential developments front the water on the opposite side of the bay.



7. RELEVANT PROPERTY HISTORY

Current use
Marina
Relevant Application History
<ul style="list-style-type: none"> • DA441/2009/3- Amendments to the existing marina by increasing the number of permanent wet berths from 213 berths to 219 berths using existing marina infrastructure – Withdrawn – 20/03/2024; • DA441/2009/2- Section 96 Modification: Relates to consent conditions C.1(a) - redesign of the 2 storey portion of the new building; C.1(b) - height of the 2 storey portion of the new building; C.1(d) & I.15 - the design of the hardstand and the storage of boats; C.24 - flood protection; F.13 - occupation of additional berths; and, I.14 - restrictions on the storage of vessels- Approved- 04/07/2011; • DA691/2010- Remediation of contaminated land in accordance with Condition A.3 of Development Consent number 441/2009/1-Approved- 07/03/2011; • DA441-2009- Marina redevelopment-Approved- 20/10/2010 (two stages of this development has been completed. • DA498/2016- Internal and external refurbishment of the existing CYCA Clubhouse & Annex buildings and the erection of temporary structures- Approval – 20/03/2017; • DA498/2016/5- to allow for a charity sailing regatta and function to the clubhouse, deck, water based hardstand and parking area- Approved- 06/03/2020; • DA498/2016/7- to change to the date of the charity sailing regatta and function to the clubhouse, deck, water based hardstand and parking area- Approved- 22/02/2022. • DA498/2016/8 - Modify the approved date of the PIF function – Approved -03/03/2023.
Relevant Compliance History
N/A
Pre-DA
N/A

Requests for Additional Information and Replacement Applications
N/A
Land and Environment Court Appeal(s)
N/A

8. REFERRALS

Referral	Summary of Referral Response	Attachments
Traffic	Satisfactory, subject to Conditions A.3, B.2 and H.4.	2
Environment and Sustainability	Satisfactory.	3
Heritage	Satisfactory.	4
Fire Safety	Satisfactory, subject to Conditions D.3 and G.2.	5
Department of Primary Industry: Fishing	No referral was required.	N/A

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

Designated Development (Schedule 3 of the Environmental Planning & Assessment Act, Regulation, 2021)

Schedule 3 of the Environmental Planning and Assessment Regulation 2000, provides circumstances where development may be classified as designated development. Marina development is included within Schedule 3. Schedule 3 defines 'Marinas' as follows:

- (1) *Development for the purposes of a marina or related facility is designated development if the marina or facility has an intended capacity of:*
 - (a) 15 or more vessels with a length of 20 metres or more, or
 - (b) 80 or more vessels of any length.
- (2) *Development for the purposes of a marina or related facility is designated development if:*
 - (a) *the marina or facility has an intended capacity of 30 or more vessels of any length, and the marina or facility:*
 - (i) *is located in non-tidal waters or within 100 metres of a wetland or aquatic reserve, or*
 - (ii) *requires the construction of a groyne or annual maintenance dredging, or*
 - (iii) *has a ratio of car park spaces to vessels of less than 0.5:1.*
- (3) *Development for the purposes of a boat repair or maintenance facility is designated development if the facility has an intended capacity of:*

- (a) 1 or more vessels with a length of 25 metres or more, or*
- (b) 5 or more vessels of any length at any one time.*

The existing facility would fall under this definition as it contains 80 or more vessels and the ratio of car parking spaces to vessels is less than 0.5:1. Notwithstanding this, Clause 40 of Schedule 3 provides circumstances where a development may not be classified as designated development. These are as follows:

- (1) Development involving alterations or additions to development, whether existing or approved, is not designated development if, in the consent authority's opinion, the alterations or additions do not significantly increase the environmental impacts of the existing or approved development.*
- (2) In forming its opinion, a consent authority must consider the following:*
 - (a) the impact of the existing development, including the following:*
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,*
 - (ii) rehabilitation or restoration of any disturbed land,*
 - (iii) the number and nature of all past changes and their cumulative effects,*
 - (b) the likely impact of the proposed alterations or additions, including the following:*
 - (i) the scale, character or nature of the proposal in relation to the development,*
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,*
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty,*
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts,*
 - (c) proposals to mitigate the environmental impacts and manage residual risk,*
 - (d) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

Having regard to the above matters, the proposed development is not considered to be designated development, for the following reasons:

- The proposed addition of 6 additional berths to the existing marina is not considered to significantly increase the environmental impacts of the existing marina development. This is further discussed below.
- NSW Maritime has issued land owners consent for the proposed works and has not raised any objections to the proposal or to the existing operation of the marina;
- The applicant has carried remediation works (DA331/2008) in relation to the contaminated land on the landward side of the site;
- The marina maintains 'clean marina' (Level 3 status) and is a Fish Friendly Marina, an accreditation provided by the Marine Industry Association (MIA) and endorsed by the International Council of Marine Industry Associations, Department of Primary Industries - Fisheries, Department of Planning and Environment and NSW EPA;
- The scope of the proposed development is of a minor nature, involving no physical works;
- The proposed development is considered acceptable in terms of its impact on views and visual amenity (this is discussed further in Section 16.2 of this report);
- The proposed development is considered acceptable in terms of its ecological impact (this is discussed further in Section 11.1 of this report);

- No external government department has raised any objection to the proposed development.

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 01/05/2024 to 31/05/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. 6 Submissions (1 Support) were received from:

1. Andrew Stewart, 23/93 Elizabeth Bay Road, Elizabeth Bay
2. C Tse, 68 Roslyn Gardens, Rushcutters Bay
3. Peter Jordaan, 8/75 Elizabeth Bay Road, Elizabeth Bay
4. Susan Hunter, (no address specified)
5. Dr M Di Napoli (no address specified)
6. Michael Jarvin, PO Box 69, Double Bay (Support)

The submissions raised the following issues:

- **The DA notes the existence of wetlands and seagrasses in the Rushcutters Bay area, but not in the near vicinity of CYCA. Further expansion of the club will increase its impact on the surrounding areas further depleting sea flora and fauna.**

Comment: Council's Sustainability Officer has supported the proposed development. The environmental impacts of the proposal, have been discussed further below in Section 11.1 of this report.

- **The proposed development is for the further expansion of an already crowded bay. The area looks like a crowded carpark where very few of the boats are every used.**

Comment: The proposed cumulative visual impacts of the development are considered acceptable. This has been further discussed below in Section 16.2 of this report.

- **The further expansion of the club, increase attendance at the noisy functions. This will increase the impact on the local residents.**

Comment: The proposed development does not make any changes to the operation of the club house in terms of capacity, trading hours or to the number of functions. Conditions have been imposed to ensure the acoustic privacy of surrounding properties is maintained, refer to **Conditions H.1, H.3, H.7 and H.8.**

- **By granting private 'ownership' over additional areas of Rushcutters Bay this will only deprive the greater Sydney public of the use of this area. This would decrease the area of clear water viewed from apartments and public parklands in the area. It would also decrease the available area available for public recreational use by other sailors, kayakers. It also increases the amount of boat traffic in the Rushcutters Bay area, making it more difficult for other water users to use these areas.**

Comment: The proposed berths are located within existing leased area, 3 of these berths are existing casual berths and a further berth is for club use only. The proposed development is not considered to result in any adverse navigation or visual impacts. These issues are further discussed below in Sections 11.1 and 16.2 of this report.

- **The proposal will affect the existing landscape, as there are already too many berths within Rushcutters Bay. The proposal will add to water pollution.**

Comment: The proposed visual impacts of the proposed are considered acceptable and have been further discussed below in Section 16.2 of this report. The ecological impacts have been demonstrated to be acceptable and have discussed below in Section 11.1.

- **The additional berths will result in additional traffic and parking issues in an already busy area. The additional berths will create adverse impacts on the amenity of the area in terms of noise.**

Comment: The proposed traffic/parking and noise impacts are considered to be of minor nature and are not considered to adversely impact the amenity of the locality. This is further discussed below in Sections 16.3 and 13.1 of this report.

9.2 Statutory Declaration

The applicant has completed the statutory declaration dated 03/06/2024 declaring that the site notice for DA98/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

10. SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 2 – Coastal Management

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

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

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

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

Chapter 4 – Remediation of Land

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

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

As the proposed development does not involve any physical works, it is considered that the land does not require further consideration under Section 4.6(3) and 4.6(4) of Chapter 4 – Remediation Of Land of the Resilience and Hazards SEPP 2021 and the proposal is acceptable with regard to Chapter 4 of the SEPP, given the proposed development does not result in any physical works to the seabed.

11. SEPP (BIODIVERSITY AND CONSERVATION) 2021

11.1 Chapter 6 – Water Catchments

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

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

The subject development is located Zone No W5 – Water Recreation. Commercial marinas are permissible with the consent within the W5 Zone.

Cl.6.6 - Water Quality and Quantity:

The proposed marina berths do not require the construction of any additional mooring piles or pontoons, therefore it is not considered that the development will result in any adverse impacts on water quality or water flows in the Harbour.

Cl.6.7 - Aquatic Ecology:

The proposed development does not involve any construction works to the seabed. Council's Environment and Sustainability Officer has concluded that the proposed development is satisfactory and has stated the following:

*The key environmental issue associated with the proposal is increased shading of the seabed as a result of the new permanent berths. A Marine Habitat Survey (H2O Consulting Group, May 2023) has been undertaken to assess this impact, (refer to **Attachment 7**).*

The Marine Habitat Survey describes the site as highly modified, including a shoreline consisting of seawalls and other development. The potential impacts of the proposal are summarised as:

- *Increased shading of the seabed, and*
- *Reduction in the biota inhabiting the existing pontoons.*

H2O conclude that these impacts are considered negligible due to the lack of seagrass and macroalgae on the seabed and the minimal amount of habitat to be reduced. No threatened species or communities will be significantly impacted by the proposal.

It is noted that the subject site is not located within or within a close proximity to the wetland protection areas, as shown on the Sydney Harbour Wetlands Protection Area Map (Sheet 10).

Cl.6.9 - Recreation and Public Access:

The proposed development does not alter public access to the Harbour and is acceptable in this regard.

6.18 - Marinas:

No changes to the existing collection, storage and disposal of waste has been proposed as part of this application.

The applicant has demonstrated that there is adequate depth of water to accommodate the new berths. Navigation and safety impacts of the proposal have been considered by TfNSW as part of the permission to lodge a development application process. TfNSW did not raise any navigation or safety concerns. Further to this, **Condition D.1(b)** does not allow for deep draft vessels that do not comply with the under keel clearance set out in AS3962 – Guidelines for Design of Marinas to enter the existing marina channels and fairways. **Condition H.9** also has been imposed to ensure that Club berths are used only by qualified skippers approved under CYCA's Operational Management Plan and/or the approved Navigation Plan for the marina. As the proposed development does not result in any construction works to the seabed the proposal would not impact the stability of the adjoining land, the foreshore or the natural seabed of the Harbour.

6.19 - Moorings:

Six (6) new moorings including 2 x 18m, 1 x 21m, 1 x 15m, 1 x 10m and 1 x 12m have been proposed. All berths will moor yachts with the exception of the 12m club vessel berth located on the eastern side of Arm D, which is proposed to accommodate a motor boat, refer to **Condition H.2**. The visual impact assessment has been considered below in Section 16.2 of this report.

No dredging will be required to carry out the proposed development and the applicant has demonstrated that there is adequate depth of water to accommodate the new berths. The CYC marina and club berths are publicly available, no changes to public access to the marina or to the public waters have been proposed by this application.

Cl.6.26 - Zoning:

The proposal constitutes alterations to a commercial marina, which is a permissible use under the W5 Water Recreation zoning. The proposed development is considered to be consistent with the relevant objectives of the W5 Water Recreation Zone.

Cl.6.28 - General:

The proposed development is considered acceptable in regard to the general principles for the following reasons:

- The proposed development is not considered to affect the natural assets within Sydney Harbour;
- The proposed development will not affect public access to the foreshore as the works are confined to the waters of Sydney Harbour;
- The visual amenity of the Harbour and foreshore are considered to be protected by the development. This is further discussed below in Section 16.2 of this report;
- The proposed berths will not conflict with the public use of the foreshore or Harbour;
- The proposed development does not give rise to any adverse ecology impacts on the Harbour and seabed, this is further discussed above;
- Transport for NSW have reviewed the proposal against its navigational safety guidelines, as part of the permission to lodge (owner's consent) process, to ensure navigational safety and that equitable access to the harbour is maintained;
- The proposed development will not result in any adverse traffic and parking impacts;

Cl.6.32 - Rocky Foreshores and Significant Seagrasses:

The subject development is not located within close proximity to any rocky foreshore or significant sea grass area and is acceptable in this regard.

Cl.6.33 - Boat Storage Facilities:

The proposed additional berths will respond to the established demand that has been identified by Sydney Harbour Boat Strategy prepared by TfNSW. During the strategy period of between 2010 and 2021 there has been limited growth in the available on-water boat storage. The CYCA is also hosts Sydney to Hobart Yacht race on an annual basis, which also contributes to the demand for boat storage. No changes to public access and no additional floating or fixed structures attached to the seabed has been proposed.

Transport for NSW have reviewed the proposal against its navigational safety guidelines as part of the permission to lodge (owners consent) process, to ensure navigational safety including to single moorings and that equitable access to the harbour is maintained.

Cl.51 - Heritage Conservation in Sydney Harbour:

The proposed development is located within the vicinity of the following heritage item that is identified in the SEPP Biodiversity & Conservation, 2021 Heritage Map:

- No.93 - HMAS Rushcutter Slipway.

Council's Heritage Officer has provided the following comments in relation to this heritage item:

Due to the location of the proposed works and their distance from the listed HMAS Rushcutter Slipways, there would be no adverse impact on the heritage significance of this item in the vicinity.

The proposal is considered acceptable in this regard. The surrounding State Significant and Local Heritage items that surrounding the subject site have been discussed below in Section 16.1 of this report.

Conclusion:

Subject to conditions to the proposed berths are considered to be satisfactory with regard to the relevant objectives and controls of the SEPP (Biodiversity and Conservation) 2021.

12. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

12.1 Part 1.2: Aims of Plan

Woollahra LEP, 2014 does not apply to the proposed development as the proposed development is located below the MHWL.

The proposed development is located on the seaward side of the mean high water mark (MHWL) within the W5 Water Recreation under Clause 6.26 of the SEPP (Biodiversity and Conservation) 2021. The (WLEP, 2014 does not apply to land below the MHWL). The proposal constitutes alterations to a commercial marina, which is a permissible use under the *W5 Water Recreation* zoning.

13. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

Woollahra DCP 2015 does not apply to the proposed development as the proposed development is located below the MHWL.

13.1 SREP (Sydney Harbour Catchment, 2005) DCP

The SHDCP applies to the proposed development as it applies to all development within the foreshores and waterways area as identified in the SEPP (Biodiversity & Conservation).

The subject site is located in the vicinity of seagrass beds, according to Map 11 of the DCP. Therefore a Marine Habitat Survey was carried out by H20 Consulting Group, refer to **Attachment 7**. This report states that there are no seagrass beds below the proposed development. Therefore the proposal is considered acceptable with regard to Part 2 of the DCP. This has been further discussed below in Section 11.1 of this report.

The proposed development is located within Landscape Character Area 10. The proposed development is located within a highly modified commercial foreshore containing a stone seawall to the shoreline. The proposed development is therefore not considered to impact any natural shorelines/outcrops and is generally considered to be compatible with the existing development within Rushcutters Bay.

The proposed berths are considered to be in-keeping with the highly modified commercial foreshore and have been appropriately positioned/sized to minimise impacts on Harbour views to and from Rushcutters Bay Park and the adjacent public foreshore path (which is an important public asset of considerable aesthetic, historical and cultural value). The proposed berths are not considered to detrimentally affect the visual amenity of Rushcutters Bay Park and the adjacent foreshore pathway as open water and land and water interface views will not be determinately affected. In addition the proposal is not considered to create unacceptable visual intrusion of the Harbour or create an unacceptable sense of enclosure of the Bay. The visual impacts of the development have been further discussed below in Section 16.2 of this report.

Location:

The proposed berths are considered to be in an appropriate location, within the shadow of existing berths. The new berths will use existing facilities and do not require any physical works to accommodate the additional boats.

Design and Layout:

The proposed berths are considered to be suitably designed and laid out.

Visual Impact:

The visual impacts of the proposed development are considered acceptable, as the proposal does not result in any significant impacts on the Harbour views to and from Rushcutters Bay Park and the adjacent public foreshore path. This is further discussed in Section 16.2 of this report.

Traffic and Parking:

The proposed development is of minor nature and is not considered to create unacceptable traffic and parking impacts. This is further discussed below in Section 16.4 of this report.

Noise:

Conditions of consent have been recommended to ensure the noise impacts of the additional berths do not result in adverse impacts on the acoustic privacy of surrounding residential properties including, offensive noise, hours of operation, times vessels have to be vacated and times vessels can be worked on, refer to **Conditions H.1, H.3, H.7 and H.8**.

Lighting:

It has been recommended that any lighting to be installed does not adversely impact the amenity of surrounding residential properties, refer to **Condition H.6**.

Conclusion:

Subject to conditions to the proposed berths are considered to be satisfactory with regard to the relevant objectives and controls of the Sydney Harbour Foreshores and Waterways Area – DCP 2005.

14. THE LIKELY IMPACTS OF THE PROPOSAL

15. APPLICABLE ACTS/REGULATIONS

15.1 Environmental Planning and Assessment Regulation 2021

Clause 64: Consent authority may require upgrade of buildings

Clause 64 of the Environmental Planning and Assessment Regulation 2021 requires an assessment of the development application against the Building Code of Australia (BCA), with particular respect to the fire provisions within the development.

Council's Fire Safety Officer has undertaken an assessment of the application, as detailed in **Attachment 5**. Building upgrade is required in **Condition D.3** and an annual fire safety schedule is required to be submitted as detailed in **Condition G.2**.

16. THE LIKELY IMPACTS OF THE PROPOSAL

S.4.15(1)(b) requires the likely impacts of the development (including environmental impacts on both the natural and built environments) and social and economic impacts in the locality to be taken into consideration.

The following is an assessment of the impacts of the current proposal.

16.1 Heritage:

The following State Heritage items are located within the vicinity of the subject site:

- Rushcutters Bay Park;
- Sewage Pumping Station 18;
- Sir David Martin Reserve;
- Yarranabbe Park.

Heritage Officer Comments:

- *The proposed new additional berths would not have any physical impact on the fabric of the heritage item in the vicinity, which is supported.*
- *It is noted that berths 2 and 4 would extend towards the land (towards Rushcutters Bay Park), and compared to the existing location of the berths, the proposed new berths would be closer to the park and the seawall. However, this DA has amended berths 2 and 4 (compared to DA2009/441/3). The amendments include reducing the size of berth no.2 from 21m long to 18m, and the use of less visually obtrusive and bulky vessel types for berth's 2 and 4, compared to the pervious application. As a result of these proposed modifications to berths 2 and 4, views to and from the heritage listed Rushcutters Bay Park and Yarranabbe Park would generally be retained. In addition, views to the seawall would also be largely retained.*

- *Birth no. 1A would also extend towards the seawall. However, due to its location, concealed next to the Club, and the small size of the berth and boat, it would have a neutral impact on the setting and views of the heritage item in the vicinity. The remainder of the new berths are sufficiently separated from the heritage item in the vicinity and would therefore not have any adverse impacts on its setting and views.*

The following Local Heritage items are located within the vicinity of the subject site:

- New Beach Road & 2A New South Head Road - Yarranabbe Park seawall and Rushcutters Bay Park seawall;
- Nos. 27-28, 29-30, 31-32, 33-34, 35-36 New Beach Road, Darling Point. Residential Flat Buildings and interiors, front gardens and retaining walls;
- Nos.37 - 38 New Beach Rd, Darling Point. Residential Flat Building and interior;
- No.1C New Beach Road, Darling Point - Sir David Martin Reserve including former HMAS Rushcutter, comprising the Sayonara slipway, ramps, sea wall, parade ground, drill hall and extension, sail loft, cottage and garden, R.A.N.S.A. boatshed and slipway, flagpole, memorial, plantation reserve, all building interiors and grounds;
- No.1C New Beach Road, Darling Point – HMAS Rushcutter Slipway

Heritage Officer Comments:

- *Due to the location of the proposed works and their distance from the listed residential flat buildings located between 27-38 New Beach Road, the '2 American Cotton Palms' at Loftus Road, 'Sir David Martin Reserve', and 'HMAS Rushcutter slipway', there would be no adverse impact on the heritage significance of these items in the vicinity.*
- *The proposed new additional berths would not have any physical impact on the fabric of the heritage items in the vicinity, which is supported.*
- *As discussed above, the new berths including both berths no.s 2 and 4 would extend further towards the land (towards Rushcutters Bay Park), and would be located close to the existing significant seawalls of the park. Compared to the existing location of the berths, the proposed new berths would be significantly closer to the park and the seawall. However, the amendments to berths 2 and 4 (compared to DA2009/441/3) result in the general retention of the setting and views to and from the heritage listed Rushcutters Bay Park and Yarrannabe Park. In addition, views to the seawall would also be largely retained.*
- *As discussed above, the remainder of the new berths would not have any adverse impacts on the setting and views to and from the heritage item in the vicinity.*

The proposed development is therefore considered to be acceptable in terms of heritage impacts.

16.2 Visual Impact & View Loss:

This proposal consists of six (6) new marina berths which includes:

- 1 x 21m berth and 1 x 18m berth to be located at the western end of Arm 'A';
- 1 x 15m (Berth 4) and 1 x 10m (Berth 1) to be located at the eastern end of Arm 'D';
- 1 x 18m berth (Berth 2) to be located on the eastern side of the primary walkway (parallel to the shoreline) of Arm 'D';
- 1 x 12m club berth (Berth 1A) is to be located on the eastern side of the primary walkway of Arm 'D' adjacent to the outdoor dining deck.

The applicant has lodged a Visual Impact Assessment (VIA). This report has been prepared by Clouston Associates, which has been prepared to be generally in accordance with the suggested methodology in Appendix D of the Sydney Harbour and Waterways Area DCP, 2005 with amendments so that the methodology reflects the findings of the Land and Environment in [*Rose Bay Marina Pty Limited v Woollahra Municipal Council 2013*], refer to **Attachment 6**. In this report the potential visual catchment of the proposal has been mapped, refer to **Figure 1**. It is considered that the potential visual catchment indicated by the applicant is considered to sufficiently encompass the properties that are likely to be affected by the proposal.

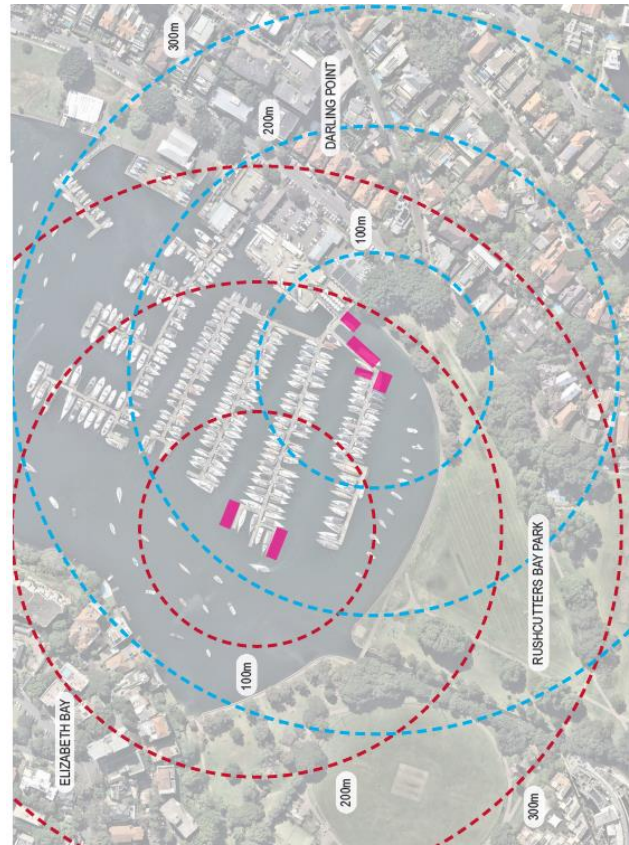


Figure 8 - Viewing distances Approximate locations of subject sites

Figure 1: Viewing distance/visual catchment of the proposal.

The visual impact assessment report has included photos of the subject site from 20 different viewing locations within the visual catchment area, refer to **Figure 2**. These viewing locations include the same 14 viewpoints that were identified in Dr Richard Lam's visual assessment for the DA2009/441. Additional viewpoints were also provided in the submitted visual assessment. These photos were taken from a mix of close range and medium range locations and are considered to be sufficient to adequately assess the visual impacts of the proposed new berths.



Figure 10 - Viewpoint Selection - Proposed Amendments (2023)

Approximate locations of subject sites Viewpoints selected from Dr. Lamb's report Additional viewpoints

Figure 2: Viewpoint Locations.

The visual impact of the proposed development was assessed for each viewpoint, refer to **Attachment 6**. The overall visual impact of the proposed development from each viewing location has been illustrated by **Figures 3, 4 and 5**. This visual impact assessment that has been provided by the applicant is considered to be thorough and provides a good representation of the potential impacts on the visual amenity and views of Sydney Harbour from the public domain. This report has concluded that the visual impacts created by the proposed development are acceptable.

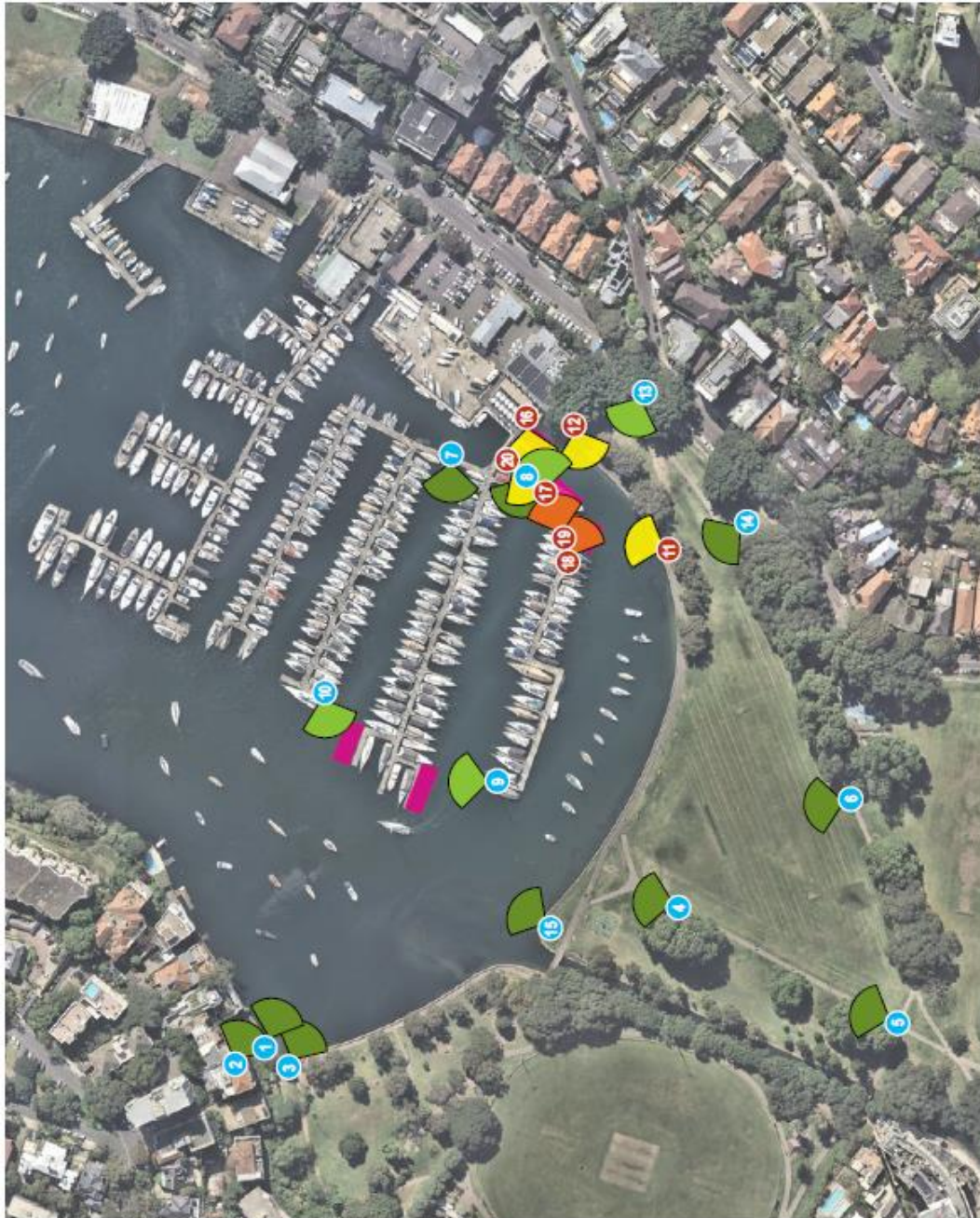


Figure 11 - Summary of view locations and visual impacts

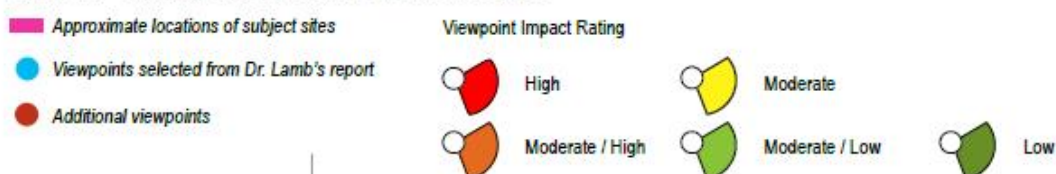


Figure 3: Viewpoint impact ratings provided by the applicant

	Receptor Identification (viewpoint no.)	OPERATIONAL PHASE										
		MAGNITUDE										Impact Rating
		Viewer Location	Viewer Activity	Number of Views	View Distance	View Orientation	Quantum of View	Period of View	Feature Skyline	View of Sky	Character Change	
View east from the elevated east side gardens at Ulverstone Apartments 65A Elizabeth Bay Road.	1	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View east from the dining room bay window at Unit 10 Ulverstone Apartments.	2	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	HIGH	LOW	LOW	LOW	LOW
View north-east from the Rushcutters Bay access steps to the harbour located at the north edge of Rushcutters Bay Park.	3	HIGH	HIGH	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View north from the north end of a central pedestrian path.	4	HIGH	HIGH	LOW	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	LOW	LOW
View north from the south end of a central pedestrian path.	5	HIGH	HIGH	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View north-west from the west edge of the Rushcutters Bay Park cafe seating wall.	6	HIGH	HIGH	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View west along the north edge of A Arm towards the subject site from the CYCA central pier.	7	HIGH	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW	LOW	LOW	LOW
View west along the south edge of A Arm towards the subject site from CYCA.	8	HIGH	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW	LOW	LOW	LOW
Detail view of the subject site at the west end of A Arm, from the west end of D Arm.	9	LOW	LOW	LOW	HIGH	MODERATE	MODERATE	LOW	LOW	LOW	LOW	MODERATE / LOW
Detail view of the subject site from the west end of B Arm.	10	LOW	LOW	LOW	HIGH	MODERATE	MODERATE	LOW	LOW	LOW	LOW	MODERATE / LOW

Figure 4: Summary of Visual Impact of Viewpoints 1 to 10, provided by the Applicant.

	Receptor Identification (viewpoint no.)	OPERATIONAL PHASE										
		MAGNITUDE										Impact Rating
		Viewer Location	Viewer Activity	Number of Views	View Distance	View Orientation	Quantum of View	Period of View	Feature Skyline	View of Sky	Character Change	
Detail view of the subject site at the east end of D Arm, viewing north-east from the foreshore footpath of the Rushcutters Bay Park.	11	HIGH	HIGH	LOW	HIGH	MODERATE	MODERATE	MODERATE	LOW	LOW	LOW	MODERATE
Detail view of the subject site at the east end of D Arm, from the east edge of the foreshore footpath of Rushcutters Bay Park.	12	HIGH	HIGH	LOW	HIGH	MODERATE	MODERATE	MODERATE	LOW	LOW	MODERATE	MODERATE
View north-west from the east edge of Rushcutters Bay Park opposite Loftus Road.	13	HIGH	HIGH	LOW	HIGH	MODERATE	MODERATE	MODERATE	LOW	LOW	LOW	MODERATE / LOW
View north-west from the footpath along the east edge of Rushcutters Bay Park.	14	HIGH	MODERATE	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
Detail view of the existing arrangement at the west end of A Arm, from the concrete structure above the park's stormwater outflow.	15	HIGH	LOW	LOW	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	LOW	LOW
Detail view of the subject site at the east end of A & D Arm, viewing south-west from the yacht club Rushcutters Bay Park entrance area.	16	HIGH	MODERATE	LOW	HIGH	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE
Detail view of the subject site at the east end of A Arm, viewing north-east from the east end of D Arm.	17	HIGH	LOW	LOW	HIGH	MODERATE	MODERATE	LOW	LOW	LOW	LOW	MODERATE / LOW
Detail view of the subject site at the east end of D Arm, viewing south-east from D Arm.	18	HIGH	LOW	LOW	HIGH	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE / HIGH
Detail view of the subject site at the east end of A & D Arm, viewing north-east from D Arm.	19	HIGH	LOW	LOW	HIGH	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE / HIGH
Detail view of the subject site at the east end of D Arm, viewing south-west from D Arm.	20	HIGH	LOW	LOW	HIGH	HIGH	MODERATE	LOW	LOW	LOW	MODERATE	MODERATE

Figure 5: Summary of the Visual Impact of Viewpoints 10 to 20, provided by the Applicant.

The applicant has also provided photos of the proposed berths with an equivalent sized boat in the berth locations, from different vantage points. A photo of the existing situation at these locations has also been provided, refer to **Attachment 6**. These photos demonstrate that the impacts on views and visual amenity are of a minor nature. An assessment of each of the proposed berths is provided below:

Berths to the western end of Arm 'A':

These berths include: 1 x 21m berth and 1 x 18m berth to be located at the western end of Arm 'A'. The visual impact of these berths are considered acceptable for the following reasons:

- These berths have been positioned the furthest distance from the shoreline;
- The vessels to be berthed will be positioned perpendicular to the shoreline;
- The vessels to be moored are yachts, which are less visually bulky than motorboats;
- The vessels to be moored in these berths will not be readily discernible given the distance from the shore line (approximately 180m) and as the view path is mostly obstructed by existing vessels moored on Arm 'A';
- The proposed berths will not obstruct any significant or iconic views;
- All viewpoints of these berths (No.1 to 8 and 15) identified by the visual impact assessment have concluded that these berths would have a low visual impact, refer to **Figures 4 and 5**, with the exception of viewpoints No.9 and 10. These viewpoints were identified to have a Moderate/Low visual impact. These impacts are considered acceptable given these viewpoints are close viewpoints obtained from the adjacent marina arms, which have low accessibility;
- The proposed berths would not result in any significant changes to the character of the locality.



Photo 1: Viewpoint No.15 Rushcutters Bay Park, as existing (source: VIA, Clouston Associates)



Photo 2: Viewpoint No.15 Rushcutters Bay Park, as proposed (source: VIA, Clouston Associates)

Berth Nos.1 & 1A:

These berths include: 1 x 10m (Berth 1) to be located at the eastern end of Arm 'D' and a 1 x 12m club berth (Berth 1A) to be located on the eastern side of the primary walkway of Arm 'D', adjacent to the outdoor dining deck. The visual impact on these berths are considered acceptable for the following reasons:

- Whilst, these vessels are located close to the shoreline these vessels are modestly sized, being between 10m-12m;

- Berth No.1 is not readily discernible with the exception of viewpoints No.19 and 20. It is noted that the visual impact assessment states there is a moderate/high visual impact from these viewpoints, refer to **Figure 5**. However the vessel to be berth in Berth No.1 is of a small size (a yacht up to 10m) and is positioned directly adjacent to the remainder of the berths on the northern side of Arm D. Subsequently this berth would have a negligible impact on views from these localities;
- No significant or iconic views will be obstructed by vessels moored in these proposed berths;
- Berth No.1A will only be visible from viewpoints Nos.11, 12, 16 and 17. This 12m motorboat to be used by club vessels is considered to have an acceptable visual impact, as this boat will be located within the north-eastern corner of the marina directly adjacent to the clubhouse.



Photo 3: Viewpoint No.17 Arm D, as existing
(source: VIA, Clouston Associates)



Photo 4: Viewpoint No.17 Arm D, Berth No.1A as proposed (source: VIA, Clouston Associates)



Photo 6: Viewpoint No.19 Arm D, as existing
(source: VIA, Clouston Associates)



Photo 7: Viewpoint No.19 Arm D, Berth Nos. 1 & 2 as proposed (source: VIA, Clouston Associates)

Note: The boat shown in berth No.2 is no longer the proposed boat size.

Berth No.4:

This berth is a 1 x 15m (Berth 4) to be located at the end of Arm 'D'. The visual impact of this berth is considered acceptable for the following reasons:

- Whilst, this berth is within close proximity (approximately 30m) of the shoreline, which includes the foreshore walkway within Rushcutters Bay Park, the berth has been positioned to be perpendicular to the shoreline to minimise its visual impact on the foreshore walkway and park;
- This berth will be sufficiently separated from the adjacent berth (Berth No.2) to prevent unacceptable cumulative visual impacts and the obstruction of views of the open water and the land and water interface from the foreshore walkway and Rushcutters Bay Park;

- Whilst, this berth and Berth No.2 will obstruct some views to the state significant heritage listed Rushcutters Bay Park and the heritage listed seawall, from various vantage points on Arm D of the marina (Viewpoints Nos.18 and 19). These viewpoints are from the marina arm, which are of low accessibility to the public. Subsequently, Council's Heritage Officer has supported the proposed berth in this location;
- The proposed vessel to be parked in this location is a yacht, which is less visually bulky than motorboats, refer to **Condition H.2**. The relatively low scale of the proposed vessel in this location will limit its impact on views to and from the heritage listed Rushcutters Bay Park and the heritage listed seawall;
- The remaining viewpoints that were identified in the VIA have a moderate or moderate to low visual impact. Viewpoints Nos.11, 12 and 20 were identified to have a moderate impact and Viewpoint Nos.13 and 17 was identified to have a moderate to low impact, refer to **Figure 5**;
- No significant or iconic views, including Sydney Tower will be impacted by this berth;
- The tNSW marina lease already allows for casual berthing in this location, thus the permanent berthing of vessels is not considered to result in adverse visual impacts for reasons stated above.



Photo 8: Viewpoint No.18 Arm D, as existing
(source: VIA, Clouston Associates)



Photo 9: Viewpoint No.18 Arm D, Berth Nos. 4 & 2 as proposed (source: VIA, Clouston Associates)
Note: The boat shown in berth 2 is no longer proposed. The proposed boat to berth 2 would not be visible from this viewpoint.

Berth No.2:

This berth is a 1 x 18m berth (Berth 2) to be located on the eastern side of the primary walkway (parallel to the shoreline) of Arm 'D'. The visual impact of this berth is considered acceptable for the following reasons:

- Whilst, this berth is within close proximity (approximately 30m) of the shoreline, which includes the foreshore walkway within Rushcutters Bay Park, **Condition H.2** does not allow for this berth to be used by motorboats (only yachts, which are less visually bulky than motorboats);
- Whilst, this berth has a horizontal orientation which lies parallel to the public walkway and Rushcutters Bay Park, which is an important public asset of considerable aesthetic, historical and cultural value. The new berth allows for the majority of open water views in the foreground and background to be maintained. The proposal is therefore not considered to create an unacceptable amount of visual intrusion of the Harbour or create an unacceptable sense of enclosure of the Bay, as viewed from the park and walkway;
- This berth will be sufficiently separated from the adjacent berth No.4 to prevent unacceptable cumulative visual impacts and the significant obstruction of the land and water interface and open water views from the foreshore walkway and Rushcutters Bay Park;

- Whilst, this berth and Berth No.4 will obstruct some views to the state significant heritage listed Rushcutters Bay Park and the heritage listed seawall, from various vantage points on Arm D of the marina (Viewpoints Nos.18 and 19). These viewpoints are from the marina arm, which is of low accessibility to the public. Council's Heritage Officer has subsequently supported the proposed berth in this location;
- The remaining viewpoints that were identified in the VIA have a moderate or moderate to low visual impact. Viewpoints Nos.11, 12, 16 and 20 were identified to have a moderate impact and Viewpoint Nos. 13 and 17 was identified to have a moderate to low impact, refer to **Figure 5**;
- No significant or iconic views, including Sydney Tower will be impacted by this berth;
- The NSW marina lease already allows for casual berthing in this location, thus the permanent berthing of vessels is not considered to result in adverse visual impacts for reasons stated above.



Photo 10: Viewpoint No.11 Rushcutters Bay Park/foreshore walkway, as existing (source: VIA, Clouston Associates)



Photo 11: Viewpoint No.11 Rushcutters Bay Park/foreshore walkway, Berth Nos. 2 & 4 as proposed (source: VIA, Clouston Associates)



Photo 12: Viewpoint No.12 Rushcutters Bay Park/foreshore walkway, as existing (source: VIA, Clouston Associates)



Photo 13: Viewpoint No.12 Rushcutters Bay Park/foreshore walkway, Berth Nos. 2 & 1A as proposed (source: VIA, Clouston Associates)

Conclusion:

The marinas in Rushcutters Bay are well established. The Bay is dominated by moored vessels. The introduction of more vessels into this setting is not out of keeping with the character of the location and the visual impacts of the proposed berths are not considered to be detrimental to the visual quality of views to and from the heritage listed Rushcutters Bay Park as detail above. The proposal is acceptable in this regard.

16.3 Traffic & Parking:

Table 1: Car parking

Non-residential Component	Quantity	Car parking requirements (AS 3962:2020 Marina Design)	Minimum Required Parking
Approved Marina			
(Wet berths)	213	0.25 per wet berths	53.25 spaces
(Swing Moorings)	24	0.25 per swing moorings	6 spaces
(Dry Berths)	24	0.25 per dry berth	6 spaces
(Staff)	40 Staff (Max staff daily)	0.25 per employee	10 Spaces
Total (required)			75.25 spaces (76 Spaces)
Total (provided)			69 spaces
Proposed Marina			
(Wet berths)	219	0.25 per wet berths	54.75 spaces
(Swing Moorings)	24	0.25 per swing moorings	6 spaces
(Dry Berths)	24	0.25 per dry berth	6 spaces
(Staff)	40 Staff (Max staff daily)	0.25 per employee	10 Spaces
Total (required)			76.75 spaces (77 Spaces)
Total (provided)			69 Spaces

Parking:

Parking for proposed marina use is calculated using the generation rates specified in Cl.8.2 of Australian Standard: 3962:2020 - Marina Design. It is noted that Part E1.5.2 of the WDCP, 2015 for non-residential parking rates (marinas) have not been applied, as the proposed development is located below the MHWL (WDCP, 2015 only applies to the land of the Woollahra Municipality). The relevant parking requirements for the proposed development have been calculated in Table 1 above. It is noted that this application does not result in any changes to approved swing moorings, dry boat storage or to the number of staff. However the development proposes to increase to the amount of wet berths. This results in an additional car parking demand of 1 car parking space. As the subject site contains 69 onsite car spaces, the proposed car parking shortfall is 8 spaces. The proposed development will increase the existing parking shortfall by 1 space. Council's Traffic Department has stated the following:

The proposed increase of berths would require additional provision of three (3) on-site parking spaces to comply with Council's DCP, or one (1) space as per AS3692:2020. Retaining the existing parking provision is however considered acceptable, as detailed below:

- 1) *Visitors to this site for day-to-day operations are club members who are aware of the on-site parking conditions. The parking availability is anticipated to affect travel behaviours and facilitate alternative transport modes including public transport and carpooling;*
- 2) *Traffic Management Plan has been prepared for special events and functions, where a surge of traffic is anticipated, to manage adverse traffic and parking impacts;*

- 3) *Additional discounted parking is available in nearby public car park which should be able to provide support to club members in need.*

In addition, A Green Travel Plan (GTP) is prepared which incorporates a Transport Access Guide (TAG) to facilitate alternative transport modes for members and staff and reduce parking demand. It is also proposed that occupancy travel survey will be undertaken to collect travel mode data within 3 months post approval as baseline and then 1 year post occupation to assess the performance targets set in the GTP for any necessary updates. This is considered acceptable. Should the DA be approved, survey data, performance assessment and updated GTP/TAG (if applicable) should be submitted one-year post occupation to Council's Traffic & Transport Department for review.

Parking Impacts:

The proposal is considered to have an acceptable parking impact for the following the reasons:

- Council's Traffic Department has not raised any objections in relation to car parking. Further to this, the applicant has submitted a Traffic Report, which has concluded that the development would be acceptable from a traffic planning perspective;
- The subject site is well serviced by public transport, including a bus services on New Beach Road/New South Head Road and Edgecliff train station that is located 400m from the site;
- Whilst, it is acknowledged that the surrounding streets have limited availability of on-street car parking, the CYCA has in place a number of mitigation measures to reduce parking conflicts in the locality including:
 - Traffic Management Plans for large annual events including the Sydney Race Village and the Charity Sailing Function;
 - Encouragement of club members to use public transport, ride share/taxis and carpooling;
 - The provision of discounted daily parking at the Point Parking at Edgecliff for members (daily rate of \$7).
- It is noted that the proposed berth (No.1A) would not generate additional parking demand, as this berth is to be used for club vessels only;
- A Green Travel Plan has been submitted and is considered acceptable, refer to **Condition H.4**.

Traffic:

The submitted traffic report has concluded that the proposal is unlikely to significantly increase the traffic generation of the existing development. Council's Traffic Department has not raised any objections in relation to parking and traffic.

Traffic Impacts

The proposal is considered to have an acceptable traffic impact for the following the reasons:

- The likely increased traffic generation would likely be outside of the peak traffic demand on the surrounding road network, as members would mostly access boats on weekends, school holidays and public holidays;
- The site is well connected to public transport, the different modes of transport have been specified above. A Transport Access Guide is available on the CYCA website;
- Council's Traffic Department has not raised any objections to the development in relation to traffic generation;
- It is noted that proposed berth No.1A would not generate additional traffic, as this berth is to be used for club vessels only.

Conclusion

For the reasons stated above the proposal is considered to have an acceptable impact on traffic and parking in the local area.

16.4 Hours of Use:

The original development consent for the marina berths (DA2009/441) did not include any hours of operation condition. Whereas, the trading hours of the existing club on site are as follows:

Monday to Saturday: 8am to 12am

Sundays and Public Holidays: 8am to 10pm

To protect the amenity of surrounding properties it is proposed that the following hours of operation for the proposed new marina berths be imposed:

Hours of Use

The hours of use are limited to the following:

- a) *Summer (daylight saving) seven (7) days a week, 7am to 6pm*
- b) *Winter (non-daylight saving) seven (7) days a week, 7am to 5pm*

These hours of operation relate to the operations of the new berths including dispensing of fuel, sewage pump out and tender service.

Marina berth holders may gain access to their vessels 24 hours a day, 7 days a week.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

It is noted that an identical condition for berths at the Rose Bay Marina has been proposed.

17. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development for the following reasons:

18. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

19. CONCLUSION

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

20. 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.

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

THAT the Council, as the consent authority, grant development consent to Development Application No. 98/2024/1 for six (6) new permanent marina berths to the CYCA marina on land at 1 New Beach Road Darling Point, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	Conditions
	<p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations") and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none">• Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence.• Where there is any breach Council may without any further warning:<ul style="list-style-type: none">a) Issue Penalty Infringement Notices (On-the-spot fines);b) Issue notices and orders;c) Prosecute any person breaching this consent; and/ord) Seek injunctions/orders before the courts to restrain and remedy any breach.• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.• Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.• This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.• The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.
	<p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
A. 2.	Definitions
	<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><i>Applicant</i> means the applicant for this consent.</p> <p><i>Approved Plans</i> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p>

	<p>Local native plants means species of native plant endemic to Sydney's eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the BCA.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none"> • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, or • the occupation of the <i>site</i> by any person unless authorised by an occupation certificate. <p>Condition Reason: To ensure all parties are aware of the relevant definitions.</p>
A. 3.	<p>Approved Plans and Supporting Documents</p> <p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.</p>

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.			
Reference	Description	Author	Date
DA2, DA3, DA5, DA6, Rev F	Architectural Plans	Copley Marine Group	20/03/2024
16.295r06v06	Traffic Impact Statement	Traffix	20/03/2024
16.295r07v03	Green Travel Plan	Traffix	20/03/2024
Notes: <ul style="list-style-type: none">Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.			
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act)		
The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.			
Notes: <ul style="list-style-type: none">This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.			
Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.			
A. 5.	Relationship with Development Consent to DA 441/2009/1		
Development consent No.441/2009/1 shall be modified by this consent, pursuant to Section 4.17(1)(b) of the <i>Environmental Planning and Assessment Act 1979</i> .			
Condition Reason: This condition has been imposed to ensure the development, will be consistent the previous consent DA2009/441.			

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	Construction Certificate Required Prior to Any Demolition
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	<p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> • Before issue of a construction certificate • Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125. <p>Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
<p>B. 2.</p>	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
<p>B. 3.</p>	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
<p>B. 4.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> • For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. • A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. • Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. • This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. • This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> • Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

	<p>Notes:</p> <ul style="list-style-type: none"> • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. • If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
<p>B. 5.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> a) must be a standard flushing toilet, and b) must be connected to a public sewer, or c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> • In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. • This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
<p>B. 6.</p>	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Condition Reason To control the risks of demolition work.</p>

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	<p>Modification of Details of the Development (section 4.17(1)(g) of the Act</p> <p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) Lighting:</p> <p>To assist with the safe navigation of vessels at night, additional lighting shall be installed within the marina that is of a colour, direction or intensity that will minimise visual confusion to passing vessels. This lighting must be designed to prevent and minimise intrusive to nearby residential properties.</p> <p>b) Vessel Depth:</p> <p>To maintain navigational safety, deep draft vessels that do not comply with the under keel clearances set out in Section 3.2 of AS 3962-2001- Guidelines for Design of Marinas, shall not enter the existing marina channels and fairways.</p> <p>Notes:</p> <ul style="list-style-type: none">• Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.• Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent. <p>Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p>																
D. 2.	<p>Payment of Long Service Levy</p> <p>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:</p> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr><tr><td>Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr><tr><td>TOTAL LEVIES</td><td colspan="3"></td></tr></table>	Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No		TOTAL LEVIES			
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TOTAL LEVIES																	

	<p>Building and Construction Industry Long Service Payment The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.</p> <p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>Condition Reason: To ensure any relevant levy is paid.</p>
D. 3.	<p>Building Upgrade (clause 64 of the Regulation)</p> <p>Before the issue of any construction certificate, the construction certificate plans and specification required to be submitted to the Principal Certifier, under clause 7 of the Development Certification and Fire Safety Regulation, must ensure the existing building is brought into total or partial conformity with the BCA, by detailing all building upgrade works required by this condition.</p> <p>The Principal Certifier must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA as in force at the date of the construction certificate application:</p> <p>a) That fire hose reels shall be provided as follows;</p> <ul style="list-style-type: none"> ○ No part of a berth should be beyond the reach of the nozzle end of a fully extended reel. Hose reels should be suitable for operation by one person. ○ The length of hose on any reel should be 36 m. ○ At least one reel should be located on the shoreline side of the first berth, and also at the seaward end of each walkway. ○ The maximum distance between any two reels should be 30 m. Where more than two reels are required, they should be evenly spaced along walkways. ○ At least two reels should be accessible from each berth. ○ The two most hydraulically disadvantaged reels (operated simultaneously) should each provide a minimum water flow rate of 0.63 L/s at a running pressure of not less than 275 kPa. ○ Where the required flow rate and running pressure cannot be achieved at all times from the normal water supply, a booster pump should be provided which should- <ul style="list-style-type: none"> • be self priming; • have the capacity to supply water at a minimum rate of 1.26 L/s at the required running pressure; and • operate automatically upon the flow of water through any hose reel. ○ Stand-alone mobile fire pumps should be considered, to augment the hose reels and other fire prevention devices. <p>b) That a fire hydrant shall be provided adjacent to the head of each gangway.</p> <p>c) Portable fire extinguishers for fire hazards that cannot be extinguished with water shall be provided at the appropriate locations.</p> <p>d) An audible fire alarm system shall be provided to the marina.</p>

	<p>e) That the selection and location of equipment, training of staff and marina users and the development of an emergency response plan (where relevant complying with AS 3745-2002) shall be jointly developed by the marina operators, NSW Fire Brigades (both the marine section and the local fire brigade), the Sydney Ports Corporation, the RAN and Maritime NSW.</p> <p>f) Double containment fuel lines shall be used for fuel delivery over water.</p> <p>Notes:</p> <ul style="list-style-type: none"> The measures contained in the building are inadequate: <ul style="list-style-type: none"> a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and/or b) to restrict the spread of fire from the building to other buildings nearby. The Principal Certifier issuing the construction certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this conditions specifies compliance with performance requirements of the BCA the Principal Certifier, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the BCA these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed Part 8 Division 8.2 or amended under section 4.55 of the Act. This condition does not set aside the Principal Certifier's responsibility to ensure compliance with clause 14 of the Development Certification and Fire Safety Regulation in relation to Fire Protection and Structural Adequacy. <p>Condition Reason: To ensure that, in accordance with clause 64 of the Regulation, that the existing building be upgraded to total or partial conformity with the BCA.</p>
<p>D. 4.</p>	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

D. 5.	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
D. 6.	<p>Occupation of Additional Berths</p> <p>The additional six (6) berths associated with Plan No.DA2, DA3, DA5, DA6, Rev F, dated 20/03/2024 are not to be permanently occupied by vessels until a Green Travel Plan has been submitted and approved by Council.</p> <p>Note: This condition amends Condition F.13 of DA441/2009.</p> <p>Condition Reason: This condition has been imposed to ensure the development, will be consistent the previous consent DA 441/2009.</p>

E. BEFORE BUILDING WORK COMMENCES

E. 1.	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> that the work must be carried out in accordance with the requirements of the Building Code of Australia, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.
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	<ul style="list-style-type: none"> All new guttering is to comply with the provisions of AS3500.
	<p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
E. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent; “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
E. 3.	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and The person having the benefit of the development consent has: <ul style="list-style-type: none"> appointed a Principal Certifier for the building work, and notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and

- notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
 - appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the Principal Certifier of any such appointment, and
 - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Notes:

- **Building** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure.
- **New building** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.
- The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
- Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au
- It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act.
- Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.

Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.

F. DURING BUILDING WORK

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

	<ul style="list-style-type: none"> i. piling, ii. piercing, iii. rock or concrete cutting, boring or drilling, iv. rock breaking, v. rock sawing, vi. jack hammering, or vii. machine excavation. <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>Notes:</p> <ul style="list-style-type: none"> • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
<p>F. 5.</p>	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ul style="list-style-type: none"> a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. b) Not use the road or footway for the storage of any article, material, matter, waste or thing. c) Not use the road or footway for any work. d) Keep the road and footway in good repair free of any trip hazard or obstruction. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway.

	<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>Notes:</p> <ul style="list-style-type: none"> • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. <p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
<p>F. 6.</p>	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>

<p>F. 7.</p>	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
<p>F. 8.</p>	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas. <p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>

<p>F. 9.</p>	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <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>Notes:</p> <ul style="list-style-type: none"> Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
<p>F. 10.</p>	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>
<p>F. 11.</p>	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <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>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

	<p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
F. 12.	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained. <p>Notes:</p> <ul style="list-style-type: none"> • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
F. 13.	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage, c) consideration must be given to returning excess materials to the supplier or manufacturer, d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), e) the purpose and content of the storage areas must be clearly 'signposted',

	<p>f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</p> <p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p> <p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p> <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
<p>F. 14.</p>	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <p>a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</p> <p>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</p> <p>c) No asbestos products may be reused on the site.</p> <p>d) No asbestos laden skip or bins must be left in any public place.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050 <p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>

F. 15.	Classification of Hazardous Waste
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F. 16.	Disposal of Asbestos and Hazardous Waste
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.
F. 17.	Asbestos Removal Signage
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F. 18.	Notification of Asbestos Removal
	While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.
	The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	Occupation Certificate (section 6.9 of the Act)
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.

	<p>Notes:</p> <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building.
	<p>Condition Reason: To ensure the building is suitable to occupy.</p>
<p>G. 2.</p>	<p>Fire Safety Certificates</p> <p>Before the issue of any occupation certificate to authorise a person:</p> <ol style="list-style-type: none"> to commence occupation or use of a new building, or to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building. <p>Notes:</p> <ul style="list-style-type: none"> In this condition: <ul style="list-style-type: none"> interim fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. final fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. new building has the same meaning as it has in section 6.1 of the Act. <p>Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.</p>
<p>G. 3.</p>	<p>Commissioning and Certification of Systems and Works</p> <p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. All flood protection measures. All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. All stormwater drainage and storage systems. All mechanical ventilation systems. All hydraulic systems. All structural work. All acoustic attenuation work. All waterproofing. Such further matters as the Principal Certifier may require. <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

- The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.

Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.

H. OCCUPATION AND ONGOING USE

H. 1.	<p>Hours of Use</p> <p>The hours of use are limited to the following:</p> <ul style="list-style-type: none"> a) Summer (daylight saving) seven (7) days a week, 7am to 6pm b) Winter (non-daylight saving) seven (7) days a week, 7am to 5pm <p>These hours of operation relate to the operations of the new berths including dispensing of fuel, sewage pump out and tender service.</p> <p>Marina berth holders may gain access to their vessels 24 hours a day, 7 days a week.</p> <p>Note: Deliveries to or dispatches from the site must not be made outside these hours. Trading hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling than such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.</p> <p>Condition Reason: This condition has been imposed to mitigate amenity impacts upon the neighbourhood.</p>
H. 2.	<p>Use of marina berths – boat lengths</p> <p>Marina berths must not be occupied by vessels, which exceed the length as shown on the approved plans for each berth or as limited by these conditions of consent.</p> <p>The proposed berths with the exception of the club berth (No.1A) must be occupied by yachts only. No motorboats are to occupy these berths at any time.</p> <p>Condition Reason: To mitigate amenity impacts.</p>
H. 3.	<p>Use of Marina</p> <p>To protect the amenity of surrounding residential properties the marina shall not be used for the picking-up or dropping-off of passengers as part of charter or commercial boating Business.</p> <p>No person is to be permitted to reside temporarily or permanently on any boat berthed in the marina.</p> <p>Condition Reason: To mitigate amenity impacts upon the neighbourhood.</p>

H. 4.	<p>Operation in Accordance with Green Travel Plan (GTP)/Traffic Management Plan (TMP)/Operational Traffic Management Plan (OTMP)</p> <p>During the occupation and ongoing use:</p> <ol style="list-style-type: none"> The operation and management of the premises shall be in accordance with the GTP/TMP/OTMP prepared by Traffix. The GTP/TMP/OTMP cannot be altered without the written consent of Council. Monitoring annual reports must be submitted for a minimum of 5 years post occupation. <p>Condition Reason: To maximise road safety and performance.</p>
H. 5.	<p>Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)</p> <p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p> <p>Notes:</p> <ul style="list-style-type: none"> essential fire safety measure has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation. annual fire safety statement has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation. Visit Council's website for additional information in relation to fire safety www.woollahra.nsw.gov.au. <p>Condition Reason: To ensure public safety.</p>
H. 6.	<p>Outdoor Lighting – Commercial</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>Notes:</p> <ul style="list-style-type: none"> 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 existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible. <p>Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.</p>
H. 7.	<p>Noise Control</p> <p>During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.</p> <p>Notes:</p> <ul style="list-style-type: none"> Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997.

	<ul style="list-style-type: none"> Useful links: <ul style="list-style-type: none"> Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise. NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.
	Condition Reason: To protect the amenity of the neighbourhood.
H. 8.	Noise from Mechanical Plant and Equipment
	<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>Notes:</p> <ul style="list-style-type: none"> Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
	Condition Reason: To protect the amenity of the neighbourhood.
H. 9.	Restrictions on the Berthing of Vessels
	<p>The number of wet berths is not to exceed 219.</p> <p>Note: This condition amends Condition I.14 of DA441/2009 (including all s4.55 approval(s)).</p>
	Condition Reason: This condition has been imposed to ensure the development, will be consistent the previous consent DA 441/2009 ((including all s4.55 approval(s))

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. Plans [!\[\]\(0f13e74bece43321be4542883500ac30_img.jpg\)](#) 
2. Traffic Referral Response [!\[\]\(c03b623d46cc76dcf514be21d5657bcb_img.jpg\)](#) 
3. Environment & Sustainability Referral Response [!\[\]\(9b582d2186c14f6dce24c5f5c96007ca_img.jpg\)](#) 
4. Heritage Referral Response [!\[\]\(ead3e8215385dedb2c4415cc9e9b6f5a_img.jpg\)](#) 
5. Fire Referral Response [!\[\]\(7a48ba1c1917ddee830d38be43bb5cdd_img.jpg\)](#) 
6. Visual Impact Assessment Report [!\[\]\(74d06ce741f8918a47bc9657447ce605_img.jpg\)](#) 
7. Marine Habitat Survey [!\[\]\(c886f0391727e273c2cd1c41622424f4_img.jpg\)](#) 
8. Green Travel Plan [!\[\]\(7b284afc779a1583fa21da89621a21b5_img.jpg\)](#) 

CRUISING YACHT CLUB OF AUSTRALIA
1 NEW BEACH ROAD
DARLING POINT NSW.

PROJECT 18156

DEVELOPMENT APPROVAL
DRAWING SET

CYCA. MARINA RECONFIGURATION

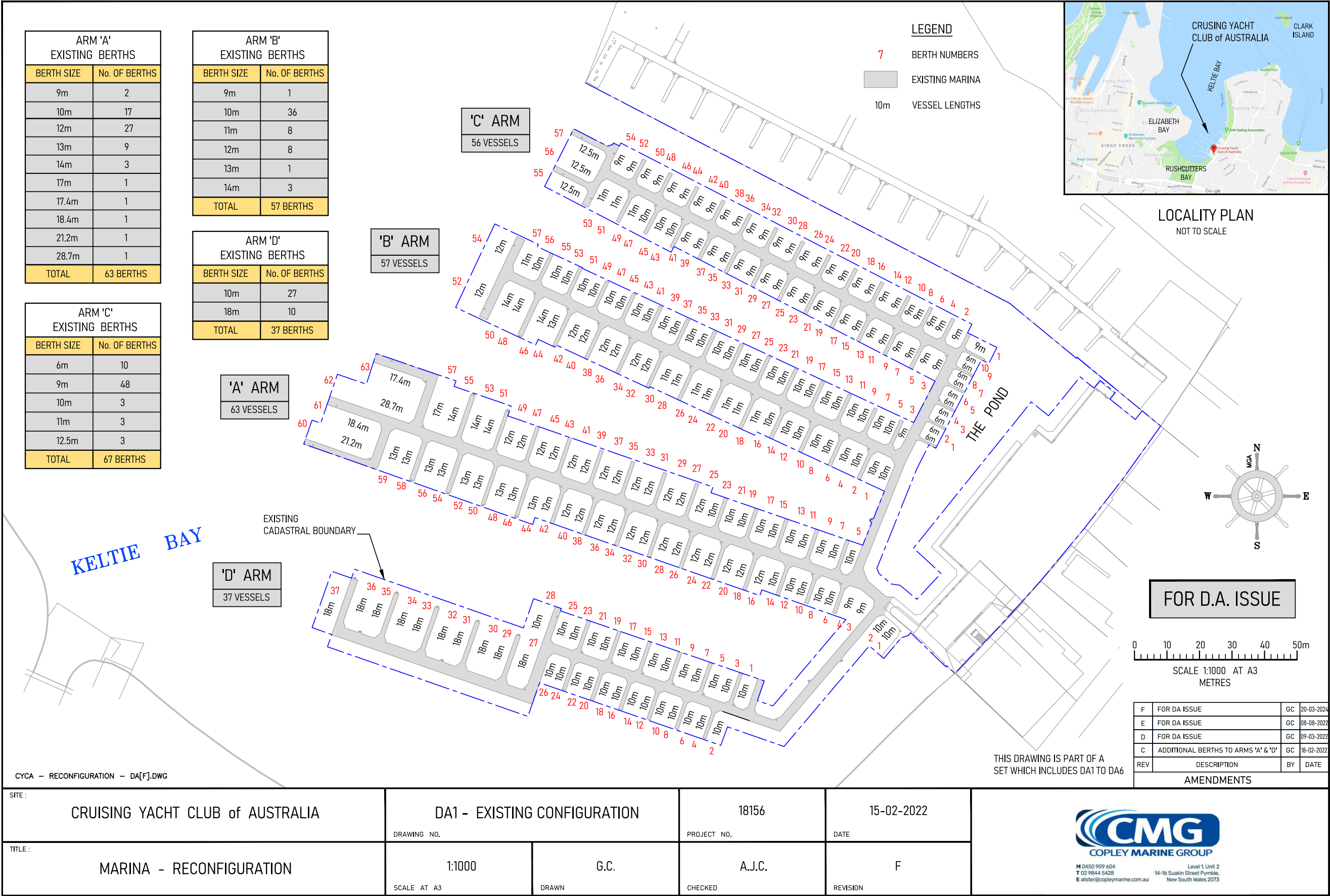
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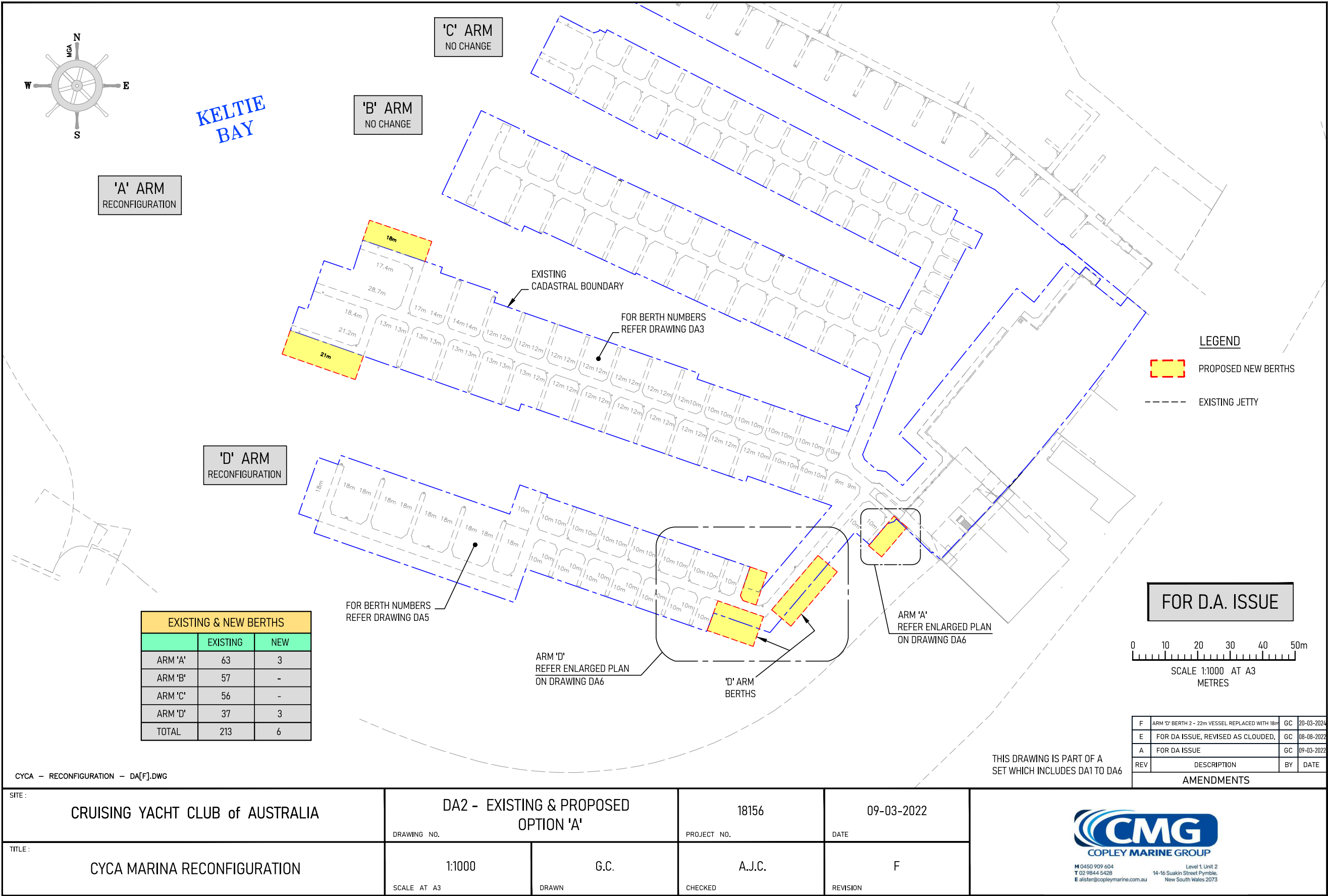
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- DA2 - EXISTING & PROPOSED - OPTION "A"
- DA3 - PROPOSED 'A' ARM - OPTION "A"
- DA4 - NOT USED
- DA5 - PROPOSED 'D' ARM
- DA6 - PROPOSED 'D' ARM ENLARGED

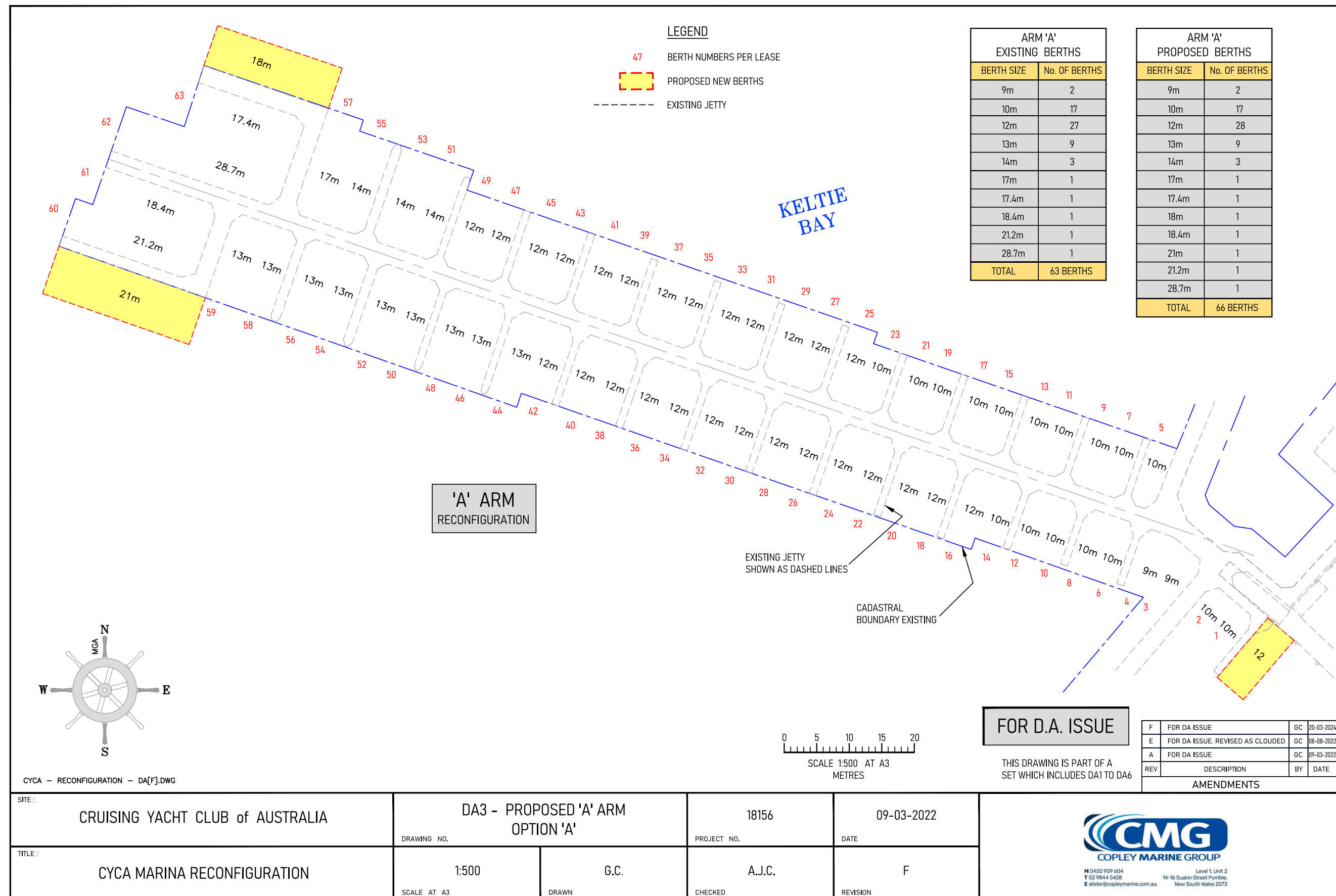
FOR D.A. ISSUE

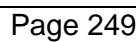


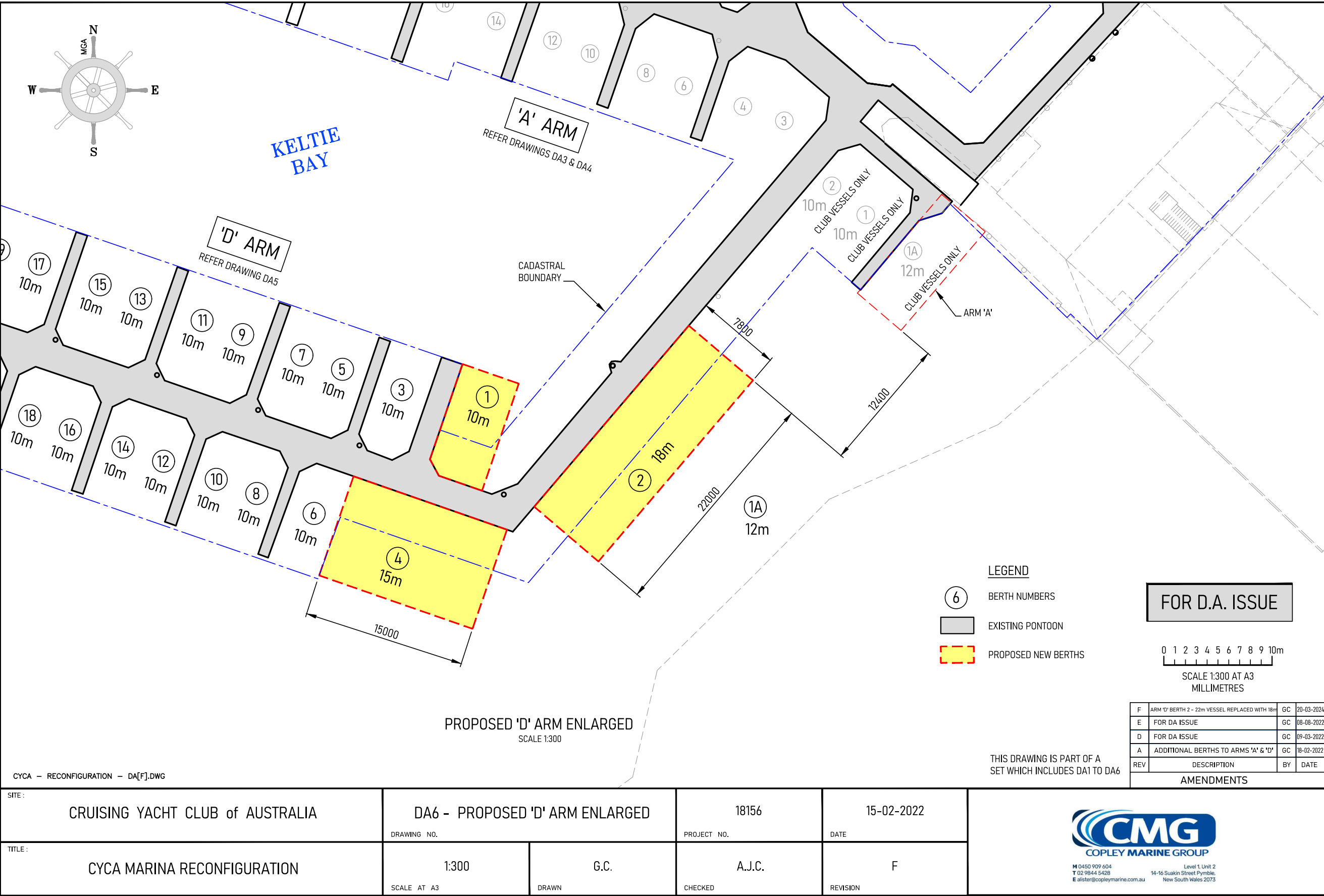
M 0450 909 604 Level 1, Unit 2
T 02 9844 5428 14-16 Suakin Street Pymble,
E alister@copleymarine.com.au New South Wales 2073











Completion Date: 1 August 2024

REFERRAL RESPONSE – TRAFFIC

FILE NO: Development Applications: 98/2024/1
ADDRESS: 1 New Beach Road DARLING POINT
PROPOSAL: Six (6) new permanent marina berths to the CYCA marina
FROM: Ms E Fang
TO: Mrs L Holbert

I refer to the memo from the Planning Department dated 20 May 2024 requesting comments in relation to the above.

1. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, unreferenced, prepared by Copley Marine Consulting Group, dated 22 March 2024.
- Traffic Impact Statement, referenced 16.295r06v06, prepared by Traffix, dated 20 March 2024.
- Green Travel Plan, referenced 16.295r07v03, prepared by Traffix, dated 20 March 2024.

2. ISSUES

Nil.

3. ASSESSMENT

The proposed increase of berths would require additional provision of three (3) on-site parking spaces to comply with Council's DCP, or one (1) space as per AS3692:2020. Retaining the existing parking provision is however considered acceptable, as detailed below:

- 1) Visitors to this site for day-to-day operations are club members who are aware of the on-site parking conditions. The parking availability is anticipated to affect travel behaviours and facilitate alternative transport modes including public transport and carpooling;
- 2) Traffic Management Plan has been prepared for special events and functions, where a surge of traffic is anticipated, to manage adverse traffic and parking impacts;
- 3) Additional discounted parking is available in nearby public car park which should be able to provide support to club members in need.

In addition, A Green Travel Plan (GTP) is prepared which incorporates a Transport Access Guide (TAG) to facilitate alternative transport modes for members and staff and reduce parking demand. It is also proposed that occupancy travel survey will be undertaken to collect travel mode data within 3 months post approval as baseline and then 1 year post occupation to assess the performance targets set in the GTP for any necessary updates. This is considered acceptable. Should the DA be approved, survey data, performance assessment and updated GTP/TAG (if applicable) should be submitted one-year post occupation to Council's Traffic & Transport Department for review.

4. RECOMMENDATION

Council's Traffic Engineer has reviewed the application and recommend that the development is satisfactory, subject to the following conditions:

A. GENERAL CONDITIONS

A.

5.

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
16.295r06v06	Traffic Impact Statement	Traffix	20 March 2024
16.295r07v03	Green Travel Plan	Traffix	20 March 2024

Notes:

•

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

•

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

Condition Reason:

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

B. BEFORE DEMOLITION WORK COMMENCES

B. 21.	Works (Construction) Zone – Approval and Implementation		
	If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.		
	If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.		
	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.		
	Notes: <ul style="list-style-type: none">A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988.		

	<ul style="list-style-type: none">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.
	Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Nil.

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

Nil.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Nil.

H. OCCUPATION AND ONGOING USE

H	63.	Operation in Accordance with Green Travel Plan (GTP)
		During the occupation and ongoing use: a) The operation and management of the premises shall be in accordance with the approved Green Travel Plan (GTP). b) The GTP cannot be altered without the written consent of Council. c) Monitoring annual reports must be submitted for a minimum of 5 years post occupation.
		Condition Reason: To maximise road safety and performance.

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.

Ever Fang
Traffic & Transport Team Leader

1/08/2024
Completion Date



Woollahra
Municipal
Council

24 May 2024

REFERRAL RESPONSE – ENVIRONMENT AND SUSTAINABILITY

FILE NO: Development Applications: 98/2024/1
ADDRESS: 1 New Beach Road DARLING POINT 2027
PROPOSAL: Six (6) new permanent marina berths to the CYCA marina
FROM: Rachel Anderson
TO: Mrs L Holbert

1. ISSUES

The main concern associated with the proposal is the potential impact to marine biodiversity through increased shading of the seabed.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, Copley Marine Group (22 March 2024)
- Marine Habitat Survey, H2O Consulting Group (8 May 2023)

3. ASSESSMENT

The proposal involves the establishment of 6 new permanent marina berths at the Cruising Yacht Club of Australia. No physical works are required for this as existing floating pontoons will be used. Impacts to water quality will be negligible since no construction is proposed.

The key environmental issue associated with the proposal is increased shading of the seabed as a result of the new permanent berths. A Marine Habitat Survey (H2O Consulting Group, May 2023) has been undertaken to assess this impact.

The Marine Habitat Survey describes the site as highly modified, including a shoreline consisting of seawalls and other development. The potential impacts of the proposal are summarised as:

- Increased shading of the seabed, and
- Reduction in the biota inhabiting the existing pontoons.

H2O conclude that these impacts are considered negligible due to the lack of seagrass and macroalgae on the seabed and the minimal amount of habitat to be reduced. No threatened species or communities will be significantly impacted by the proposal.

4. RECOMMENDATION

Council's Senior Environment and Sustainability Officer has determined that the proposal is satisfactory.

Rachel Anderson
Senior Environment and Sustainability Officer

Date: 24 May 2024

Page 1 of 1



Woollahra
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12 August 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 98/2024/1
ADDRESS: 1 New Beach Road DARLING POINT 2027
PROPOSAL: Six (6) new permanent marina berths to the CYCA marina
FROM: Nastaran Forouzesh
TO: Mrs L Holbert

1. DOCUMENTATION

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

- Drawing set by Copley Marine Group, dated 20 March 2024, Revision F
- Statement of Environmental Effects by Copley Marine Consulting Group Pty Ltd, dated 22 March 2024
- Visual impact assessment by Clouston Associates, dated 25 March 2024, Issue F

2. RESEARCH

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Previous Heritage Referral Response for DA2009/441/3 dated 14 December 2023
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

3. STATUTORY AND POLICY DOCUMENTS

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

- Heritage Act 1977 (as amended)
- Woollahra LEP 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY

The following description of the subject property which is currently owned by the Cruising Yacht Club of Australia (CYCA) has been sourced from the Heritage Referral Response by Council's Heritage Officer Mario D'Alessio on 6 October 2009 for DA2009/441/1:



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The subject site arises from initial land reclamation for construction of the New Beach Road, Darling Point roadway during the early 1880's. The land reclamation allowed for the establishment of the NSW Naval Brigade and creation of Yarranabee Park.¹

Further reclamation and construction of a later sandstone block sea wall in the 1890s replacing an earlier rough stone dyke wall allowed for the formation of ten small lots (Lots 1133 – 1142), the subject site comprises five of these lots (Lots 1133 – 1137).

The subject lots have been continuously used for maritime activities and contained various maritime structures including boatshed, jetties, pontoons and slipways.

The CYC site has significance for its social and historical links with Sydney Harbours Maritime heritage.

To the eastern side of the site exists a parcel of land known as "Plantation reserve" it is constructed with pedestrian footpath and a narrow nature strip. A significant portion of "Plantation reserve" is now surfaced with bitumen and used for vehicle parking which compromises the original intent.

In 2009 a Development Application (DA2009/441/1) was approved for the redevelopment of the subject property and included both land and water based works. The following description of the approved DA has been sourced from the Statement of Environmental Effects prepared for the current S4.55 Application:

- *Demolition of all land based buildings aside from the Club building;*
- *Extending marina arm 'D' for 9 additional yacht berths, and removal of 3 swing moorings;*
- *A hardstand supported on piers over the water for car parking (16 spaces) and a public walkway*
- *A floating pontoon to the perimeter of the hardstand*
- *Total onsite parking increased from 42 to 90 spaces (including a basement car park for 65 cars). The basement car park has not been built yet*

Since 2009, there have been further S4.55 Applications and DA's which included alterations and additions to the existing Club building, works to the marina, and use of the site.

In 2023, a S4.55 Application was submitted (DA2009/441/3) which included the addition of six new permanent marina berths. There were some heritage concerns regarding the impact of berth nos. 2 and 4 on views to the significant seawalls of Rushcutters Bay Park, as well as on the setting and views to and from the heritage listed Rushcutters Bay Park and Yarranabee Park.. The S4.55 Application was withdrawn.

The current DA is generally consistent with the recently withdrawn S4.55 Application discussed above (DA2009/441/3). However, the current application included modifications to the S4.55 Application in response to the heritage concerns that were raised.

The subject site is not a heritage item and is not located in a heritage conservation area. However, it is located in the vicinity of heritage items. The impact of the development on the heritage items in the vicinity will be addressed below.

¹ Demolition report by Urbis dated July 2009, p 29 - 30



Woollahra
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Heritage Act 1977

The subject site is not listed as a heritage item on the State Heritage Register. It is also not listed as a heritage item on a Section 170 Heritage and Conservation Register. However, the following heritage item listed on the State Heritage Register is located in proximity of the site:

- Ruschcutters Bay and Yarranabbe Parks (Listing number: 02041)

The Statement of Significance of the heritage item has been sourced from the State Heritage Register, dated 20 September 2019:

Ruschcutters Bay Park and Yarranabbe Park are state significant examples of the reservation of land for public recreation by councils in response to community lobbying. Both demonstrate the importance placed on inalienable and accessible public lands in Sydney from the mid to late-19th century and are amongst the largest harbour reclamation schemes for public recreation undertaken in the history of NSW. This broad expanse of open foreshore land, punctuated with rows of huge Moreton Bay figs form a magnificent southern boundary to this bay-side common, located beside the most densely populated area of Sydney, a place of respite from city life, and an opportunity to enjoy sweeping views of inner Sydney Harbour.

Both parks have historic significance marking the second wave of municipal park creation, part of 95 public parks created between 1863 and 1902 in Sydney, and of 50 created in the four-year lead up to 1888's centenary of the English colony. They reflect the influence of James Jones, Overseer for the Domains who laid out Victoria Park then Wentworth Park, incorporating sports ovals, greens and paths with lines or avenues of trees into the design, which was innovative and reflected practice in England and France in the 1870s. Ruschcutters Bay Park was designed by engineer Frederick Augustus (F.A.) Franklin, who also designed Sydney's Centennial Park. Both parks retain their structure and layout, edged by the distinctive late nineteenth-century sandstone seawall, divided in two by the storm-water canal, which formalised a natural water course in the late nineteenth century, and framed by mature Hills and Moreton Bay Figs.

Both parks have played a central role in the evolving landscape of leisure, sports and sports spectating in this densely-populated quarter of the city over the past 150 years and have strong, state significant associations with several sporting events, including the start of the Sydney to Hobart Yacht Race since 1945 and the international boxing events hosted at the adjacent Sydney Stadium from 1908. The western half of Ruschcutters Bay Park is dominated by the Grandstand and Reg Bartley Oval, which has provided an important recreational facility since 1894, and is a rare surviving example of a grandstand associated with a suburban park.

Ruschcutters Bay Park and Yarranabbe Park have research potential to inform our knowledge over Aboriginal-settler contact and possible conflict in the early colonial period and 19th century cultural interactions in inner Sydney, shifting camps and settlement, interactions with colonists and increasing suburbanisation. Both have research potential on early and ongoing Aboriginal resistance to colonialization, lobbying for equal rights and for better living conditions. The role of visiting World Champion heavyweight boxer, African-American Jack Johnson in 1908, his winning fight in the adjacent Sydney Stadium in front of 20,000 people, his meetings with Sydney Aboriginal activists and advocates and influence is but one topic. Ruschcutters Bay Park east may retain important archaeological remnants of early colonial rush-cutting skills and implements.

Yarranabbe Park has a strong association with the Navy, from its early international engagements in the Boer War and Boxers Rebellion in China, formed as the NSW Volunteer Naval Brigade, and across the Great War and WW2, with HMAS Ruschcutter stationed in the portion of the park now known as Sir David Martin Reserve from its formation in 1911. Training, resting and embarkation



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took place from this base, where several of the key naval buildings still stand and house continuing naval uses.

A Conservation Management Strategy (CMS) has been prepared for Rushcutters Bay Park and Yarranabbe Park by GML Heritage in August 2021. The CMS provides conservation policies in Chapter 3 to assist with the conservation and management of the heritage item. The CMS has also identified significant views to and from the heritage item in Section 2.2.6 and 2.7.2 of the report. These include:

- *Views and vistas within the parks, along the main pathways, along the seawall and of open grassed areas; and*
- *Views from public places, including from the water, other harbor parks, and on approach from New South Head Road.*

There are vast views to the harbor from Rushcutters Bay Park, as well as views from the harbor to the park, including to the significant seawall. It is noted that some of the views may be currently obstructed partially by the existing marina and existing berths. However, due to the distance of the existing water based structures, the obstruction is minor.

Views

Table 2.14 Significance of Views Within, From and To the Parks.

View	Comment	Grading of Significance
View 1	Serial views to Rushcutters Bay from New South Head Road through Rushcutters Bay Park.	Exceptional
View 2	Open internal views of Rushcutters Bay Park from the east.	High
View 3	Historical views across the stormwater channel into the opposing side of Rushcutters Bay Park, from the north.	High
View 4	Axial view along the diagonal pathway in Rushcutters Bay Park.	High
View 5	Constricted view along the Plantation Reserve footpath.	Little
View 6	Serial views to Rushcutters Bay from New Beach Road through Yarranabbe Park.	Exceptional
View 7	Open internal views of Yarranabbe Park along the seawall promenade.	Exceptional
View 8	Serial views to Yarranabbe Park from the water.	High
View 9	View to the northern edge of Yarranabbe Park from Beare Park, Potts Point.	Moderate
View 10	Constricted view from Arthur McElhone Reserve in front of Elizabeth Bay House.	Moderate
View 11	Visual catchment of the harbour to and from Yarranabbe Park, including to Potts Point, Garden Island, the Harbour Bridge and the North Shore.	Exceptional
View 12	Visual catchment of the harbour to and from Rushcutters Bay Park, restricted by marina berths.	Moderate

Figure 1. 'Significance of Views Within, from and to the parks', sourced from the CMS by GML Heritage, dated August 2021



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Council



Figure 2. 'Grading of significance – views', sourced from the CMS by GML Heritage, dated August 2021

The following consideration is provided:

- The proposed new additional berths would not have any physical impact on the fabric of the heritage item in the vicinity, which is supported.
- It is noted that berths 2 and 4 would extend towards the land (towards Rushcutters Bay Park), and compared to the existing location of the berths, the proposed new berths would be closer to the park and the seawall. However, this DA has amended berths 2 and 4 (compared to DA2009/441/3). The amendments include reducing the size of berth no.2 from 21m long to 18m, and the use of less visually obtrusive and bulky vessel types for berth's 2 and 4, compared to the previous application. As a result of these proposed modifications to berths 2 and 4, views to and from the heritage listed Rushcutters Bay Park and Yarrannabe Park would generally be retained. In addition, views to the seawall would



Woollahra
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also be largely retained.

- Birth no. 1A would also extend towards the seawall. However, due to its location, concealed next to the Club, and the small size of the berth and boat, it would have a neutral impact on the setting and views of the heritage item in the vicinity. The remainder of the new berths are sufficiently separated from the heritage item in the vicinity and would therefore not have any adverse impacts on its setting and views.

It should also be noted that due to the nature of the proposed development there would be no adverse impact on the Greater Sydney Harbour.

Woollahra LEP 2014

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

Significance of items in the vicinity

The following listed heritage items are located in proximity of the site:

- 'Sir David Martin Reserve including former HMAS Rushcutter, comprising the Sayonara slipway, ramps, sea wall, parade ground, drill hall and extension, sail loft, cottage and garden, R.A.N.S.A boatshed and slipway, flagpole, memorial, plantation reserve, all building interiors and grounds' at 1C New Beach Road, Darling Point (Item No. 170)
- 'HMAS Rushcutter slipway' at 1C New Beach Road, Darling Point (Item No. 171)
- 'Residential flat building and interiors, front garden and retaining wall' at 27-28 New Beach Road, Darling Point (Item No. 172)
- 'Residential flat building and interiors, front garden and retaining wall' at 29-30 New Beach Road, Darling Point (Item No. 173)
- 'Residential flat building and interiors, front garden and retaining wall' at 31-32 New Beach Road, Darling Point' (Item No. 174)
- 'Residential flat building and interiors, front garden and retaining wall' at 33-34 New Beach Road, Darling Point (Item No. 175)
- 'Residential flat building and interiors' at 37-38 New Beach Road, Darling Point (Item No. 176)
- 'Residential flat building and interiors' at 37-38 New Beach Road, Darling Point (Item No. 177)
- '2 American Cotton Palms' at Loftus Road (within road reserve), Darling Point LEP (Item No. 139)
- 'Yarranabbe Park seawall and Rushcutters Bay Park seawall' at New Beach Road and 2A New South Head Road, Darling Point (Item No. 670)

It should be noted that HMAS Rushcutter is listed as an Ineligible place on the Commonwealth Heritage list, as well as on the non-statutory Register of the National Estate.

Consideration

- Due to the location of the proposed works and their distance from the listed residential flat buildings located between 27-38 New Beach Road, the '2 American Cotton Palms' at Loftus Road, 'Sir David Martin Reserve', and 'HMAS Rushcutter slipway', there would be no adverse impact on the heritage significance of these items in the vicinity.
- The proposed new additional berths would not have any physical impact on the fabric of the heritage items in the vicinity, which is supported.
- As discussed above, the new berths including both berths no.s 2 and 4 would extend



Woollahra
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Council

further towards the land (towards Rushcutters Bay Park), and would be located close to the existing significant seawalls of the park. Compared to the existing location of the berths, the proposed new berths would be significantly closer to the park and the seawall. However, the amendments to berths 2 and 4 (compared to DA2009/441/3) result in the general retention of the setting and views to and from the heritage listed Rushcutters Bay Park and Yarranabee Park. In addition, views to the seawall would also be largely retained.

- As discussed above, the remainder of the new berths would not have any adverse impacts on the setting and views to and from the heritage item in the vicinity.

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

The subject site is not listed as a heritage item under the State Environmental Planning Policy (SEPP) Biodiversity and Conservation 2021. However, it is located in the vicinity of the following item:

- HMAS Rushcutter Slipways (Item No. 93)

Consideration

Due to the location of the proposed works and their distance from the listed HMAS Rushcutter Slipways, there would be no adverse impact on the heritage significance of this item in the vicinity.

7. CONCLUSION

Heritage Act, 1977

The development would have a neutral impact on the setting and views of the adjacent State heritage listed item, Rushcutters Bay and Yarranabee Parks.

Woollahra LEP 2014

Part 5.10

- Clause 1(a) The development does conserve the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the heritage items in the vicinity will be neutral.
- Clause 4 This referral constitutes an assessment under this clause.

8. RECOMMENDATION

The proposal is generally acceptable, as it complies with the relevant statutory and policy documents and would have a satisfactory impact.

No heritage conditions are required.

Nastaran Forouzesh
Heritage Officer

12 August 2024
Completion Date



Woollahra
Municipal
Council

8 August 2024

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: Development Applications: 98/2024/1
ADDRESS: 1 New Beach Road DARLING POINT 2027
PROPOSAL: Six (6) new permanent marina berths to the CYCA marina
FROM: A Wang
TO: Mrs L. Holbert

1. ISSUES

- *Annual Fire Safety Statement 2018/16.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced HPE 24/58749 prepared by Copley Marine Consulting Group, dated 22/03/2024.
- Architectural Plans, referenced DA1 – DA6, prepared by Copley Marine Group, dated 20-03-2024.

3. LEGISLATION

A Building Code of Australia (BCA) assessment of this development application is required to satisfy the following statutory provisions of the *Environmental Planning & Assessment Regulation 2021*.

- ☐ Clause 62 – Change of Use – ‘Fire safety and other considerations’
- *Category 1 fire safety provisions required*
- ☒ Clause 64 – ‘Consent authority may require buildings to be upgraded’
- Compliance with the BCA if more than 50% of the volume has been changed in the last 3 years
 - Fire safety – to protect persons using the building and facilitate their egress from the building as well as restricting the spread of fire from the building to other buildings
- ☐ Clause 63 – ‘Fire safety and other considerations applying to erection of temporary structures’
- fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.



Woollahra
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4. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

5. RECOMMENDATION

Council's Fire Safety Officer has determined that the proposal is satisfactory, subject to the following conditions:

A. GENERAL CONDITIONS

Nil

B. BEFORE DEMOLITION WORK COMMENCES

Nil

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	1.	Building Upgrade (clause 64 of the Regulation)
		<p>Before the issue of any construction certificate, the construction certificate plans and specification required to be submitted to the Principal Certifier, under clause 7 of the Development Certification and Fire Safety Regulation, must ensure the existing building is brought into total or partial conformity with the BCA, by detailing all building upgrade works required by this condition.</p> <p>The Principal Certifier must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA as in force at the date of the construction certificate application:</p> <p>a) That fire hose reels shall be provided as follows;</p> <ul style="list-style-type: none">o No part of a berth should be beyond the reach of the nozzle end of a fully extended reel. Hose reels should be suitable for operation by one person.o The length of hose on any reel should be 36 m.o At least one reel should be located on the shoreline side of the first berth, and also at the seaward end of each walkway.o The maximum distance between any two reels should be 30 m. Where more than two reels are required, they should be evenly spaced along walkways.o At least two reels should be accessible from each berth.o The two most hydraulically disadvantaged reels (operated simultaneously) should each provide a minimum water flow rate of 0.63 L/s at a running pressure of not less than 275 kPa.o Where the required flow rate and running pressure cannot be achieved at all times from the normal water supply, a booster pump should be provided which should-



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	<ul style="list-style-type: none"> • be self priming; • have the capacity to supply water at a minimum rate of 1.26 L/s at the required running pressure; and • operate automatically upon the flow of water through any hose reel. <ul style="list-style-type: none"> ○ Stand-alone mobile fire pumps should be considered, to augment the hose reels and other fire prevention devices. <p>b) That a fire hydrant shall be provided adjacent to the head of each gangway.</p> <p>c) Portable fire extinguishers for fire hazards that cannot be extinguished with water shall be provided at the appropriate locations.</p> <p>d) An audible fire alarm system shall be provided to the marina.</p> <p>e) That the selection and location of equipment, training of staff and marina users and the development of an emergency response plan (where relevant complying with AS 3745-2002) shall be jointly developed by the marina operators, NSW Fire Brigades (both the marine section and the local fire brigade), the Sydney Ports Corporation, the RAN and Maritime NSW.</p> <p>f) Double containment fuel lines shall be used for fuel delivery over water.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The measures contained in the building are inadequate: <ul style="list-style-type: none"> a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and/or b) to restrict the spread of fire from the building to other buildings nearby. • The Principal Certifier issuing the construction certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA the Principal Certifier, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the BCA these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed Part 8 Division 8.2 or amended under section 4.55 of the Act. • This condition does not set aside the Principal Certifier's responsibility to ensure compliance with clause 14 of the Development Certification and Fire Safety Regulation in relation to Fire Protection and Structural Adequacy. <p>Condition Reason: To ensure that, in accordance with clause 64 of the Regulation, that the existing building be upgraded to total or partial conformity with the BCA.</p>
--	---

E. BEFORE BUILDING WORK COMMENCES

Nil

F. DURING BUILDING WORK

Nil

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G	1.	Fire Safety Certificates
		<p>Before the issue of any occupation certificate to authorise a person:</p> <p>a) to commence occupation or use of a new building, or</p>



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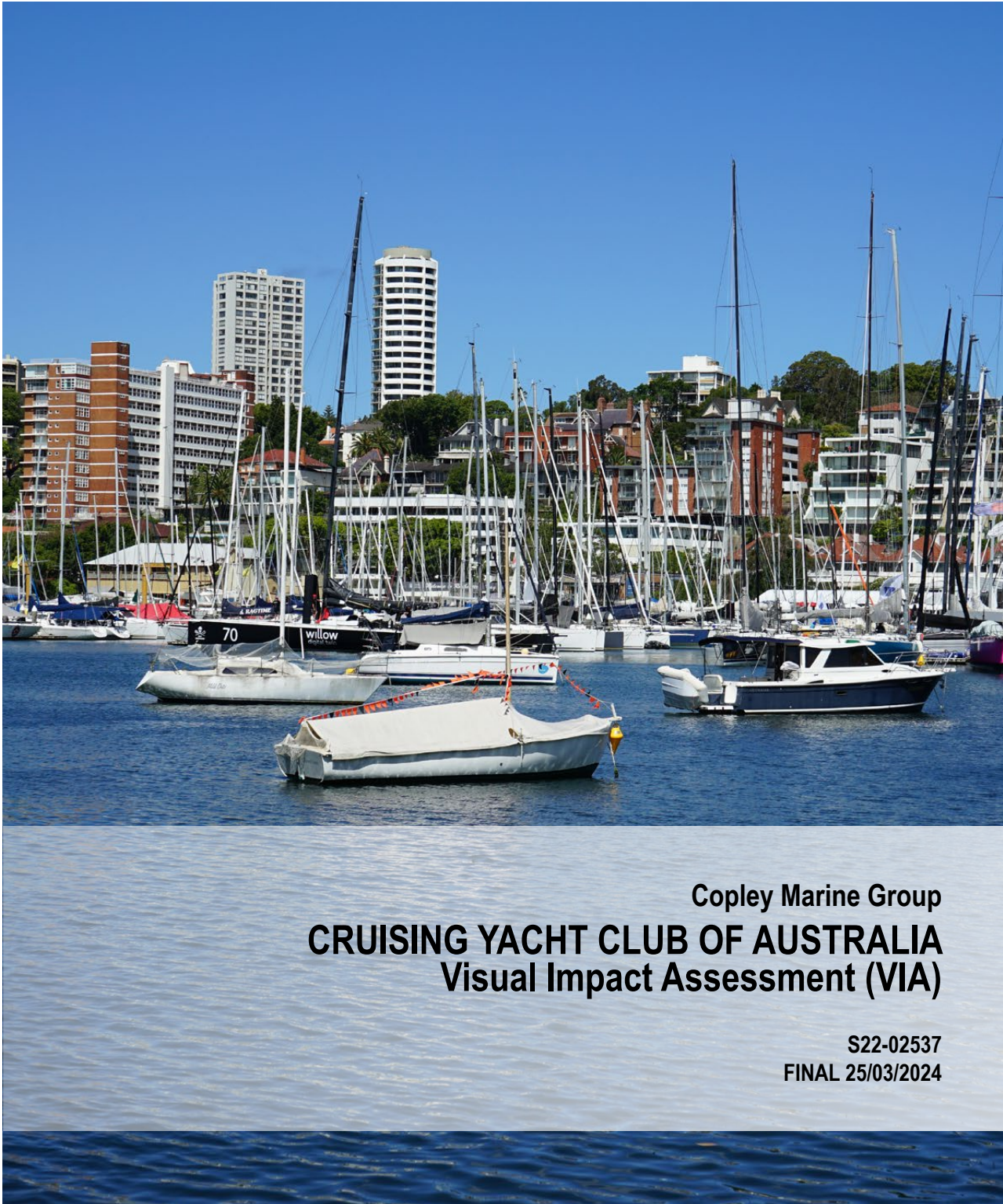
	<p>b) to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition: interim fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. final fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. new building has the same meaning as it has in section 6.1 of the Act. <p>Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.</p>
--	--

H. OCCUPATION AND ONGOING USE

<p>H 1.</p>	<p>Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)</p> <p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p> <p>Notes:</p> <ul style="list-style-type: none"> essential fire safety measure has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation. annual fire safety statement has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation. Visit Council's website for additional information in relation to fire safety www.woollahra.nsw.gov.au. <p>Condition Reason: To ensure public safety.</p>
-------------	--

A Wang
Fire Safety Officer

8 August 2024
Completion Date





Cover page: Rushcutters Bay Park looking toward the Yacht Club

CRUISING YACHT CLUB OF AUSTRALIA
VISUAL IMPACT ASSESSMENT (VIA)
FINAL

Copley Marine Group P/L
(For the Cruising Yacht Club of Australia)
Suite 2, Level 1
14-16 Suakin Street
PYMBLE
NSW 2073

Prepared by

CLOUSTON associates - a division of Beveridge Williams
Landscape Architects • Urban Designers • Landscape Planners
65-69 Kent Street • Sydney NSW 2000
PO Box R1388 • Royal Exchange NSW 1225 • Australia
Telephone +61 2 8272 4999
Contact: Crosbie Lorimer
Email • sydney@clouston.com.au
Web • www.clouston.com.au

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Note: This document is Preliminary unless validated.

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1.1 PURPOSE

PURPOSE

The purpose of this Visual Impact Assessment (VIA) is to respond to the intentions of the Cruising Yacht Club of Australia (CYCA) to formalise a number of minor berthing additions and amendments to its existing marina configurations.

PROJECT UPDATES

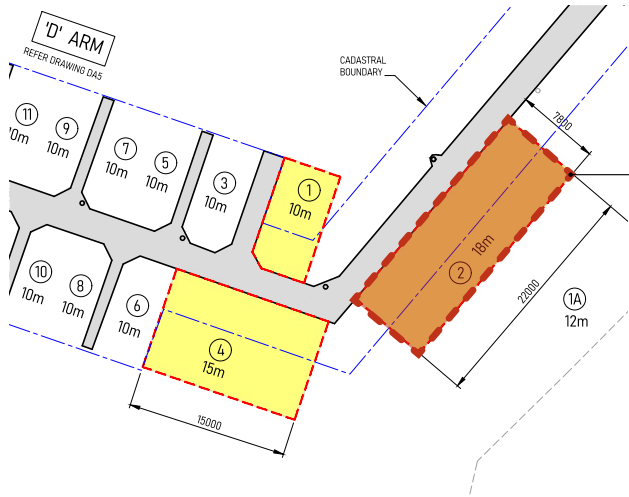
This VIA was originally prepared to accompany an Application for Modification of a Development Consent, managed by Copley Marine Group (CMG).

As the Applicant is seeking development consent for minor berth amendments, 'Permission to Lodge an Application to modify a Development Consent' was assessed by reference to Transport for NSW's (TfNSW's) 'Obtaining Permission to Lodge Policy', and provided by TfNSW on 5 October 2022.

Following review by Woollahra Municipal Council and their feedback provided in March 2024, this report has been amended to incorporate the feedback that:

- this proposal should constitute a new Development Application (not a Modification); and
- the length and vessel type proposed for Berth 2 is too large

Based on Council's comments, the 22m length *Palm Beach 65* powerboat vessel shown in the viewpoint images of this report is no longer the intended size or proposed vessel for Berth 2. Viewpoints 11, 12 & 13 which show the 22m vessel from the adjacent public spaces have been updated to show an 18m length yacht and are included in the addendum at the end of this document. Council have indicated their acceptance of the update to Berth 2. Viewpoints 16, 17, 18, 19 & 20 where the 22m vessel can also be seen from the floating pontoons of the marina, have not been updated to show the smaller vessel.



The proposal for Berth 2 has been updated since the modification issue in 2023.

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1.2 PROJECT BACKGROUND

THE SITE AND VISUAL CONTEXT

The site is located on the eastern foreshore of Rushcutters Bay near Rushcutters Bay Park in Darling Point, comprising of Club and Commercial Marinas. The land abutting the waterfront site is located within a Public Recreation zone (RE1) with uses of this type permissible with consent.

The visual catchment of the site is largely contained by the residential built form to the east of the Club and on the western side of Rushcutters Bay. More extensive views towards the Club and marina can be had from Rushcutters Bay Park to the south, while long distant views towards the north side of the harbour can be had to the north.

BRIEF HISTORY

The Cruising Yacht Club of Australia (CYCA) was formed in 1944 and is a world- renowned club, recognised for its expertise in race organisation and sea safety, conducting regattas and ocean races such as the Rolex Sydney Hobart Yacht Race.

Throughout the years the site has been subject to various Development Applications for improvements since its initial conception in 1944.

Relevant background information for this application includes:

- Statement of Intent that was prepared for Transport for NSW as part of the Permission to Lodge (PTL) process
- Dr. Richard Lamb's VIA reports for CYCA from 2009 and 2019 (noting that the 2019 DA did not go ahead).

The latter documents by Dr. Richard Lamb (particularly the 2019 Report) are of direct relevance to this VIA and the selected views are mostly based on the views assessed in Dr. Lamb's report.

1.3 DESCRIPTION OF PROPOSAL

This VIA is intended to assess the impacts of six additional permanent berths (see Figures 1 and 2 for marina layout and locations of proposed amendments):

- Two new berths on the outside of 'A' Arm (18m and 21m);
- One new Club Berth in 1A (the inside of 'A' Arm, eastern side); and
- Enlarge and convert three casual berths on the inside (eastern end) of 'D' Arm (Berth 1 - 10m, Berth 2 - 18m and Berth 4 - 15m) to permanent berths.

Changes to the berths will occur without any need for structural work.



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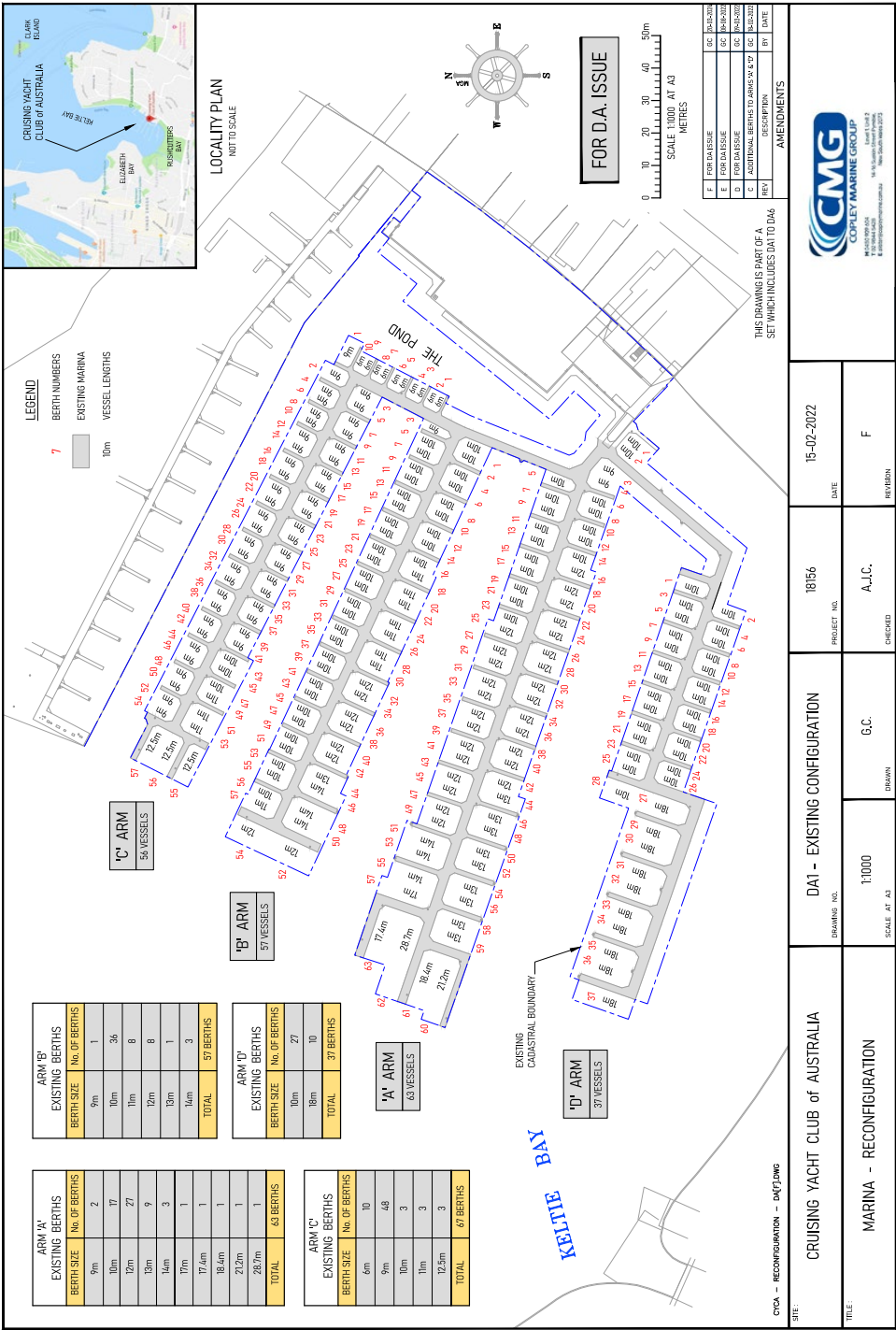


Figure 1 - Existing Marina Layout

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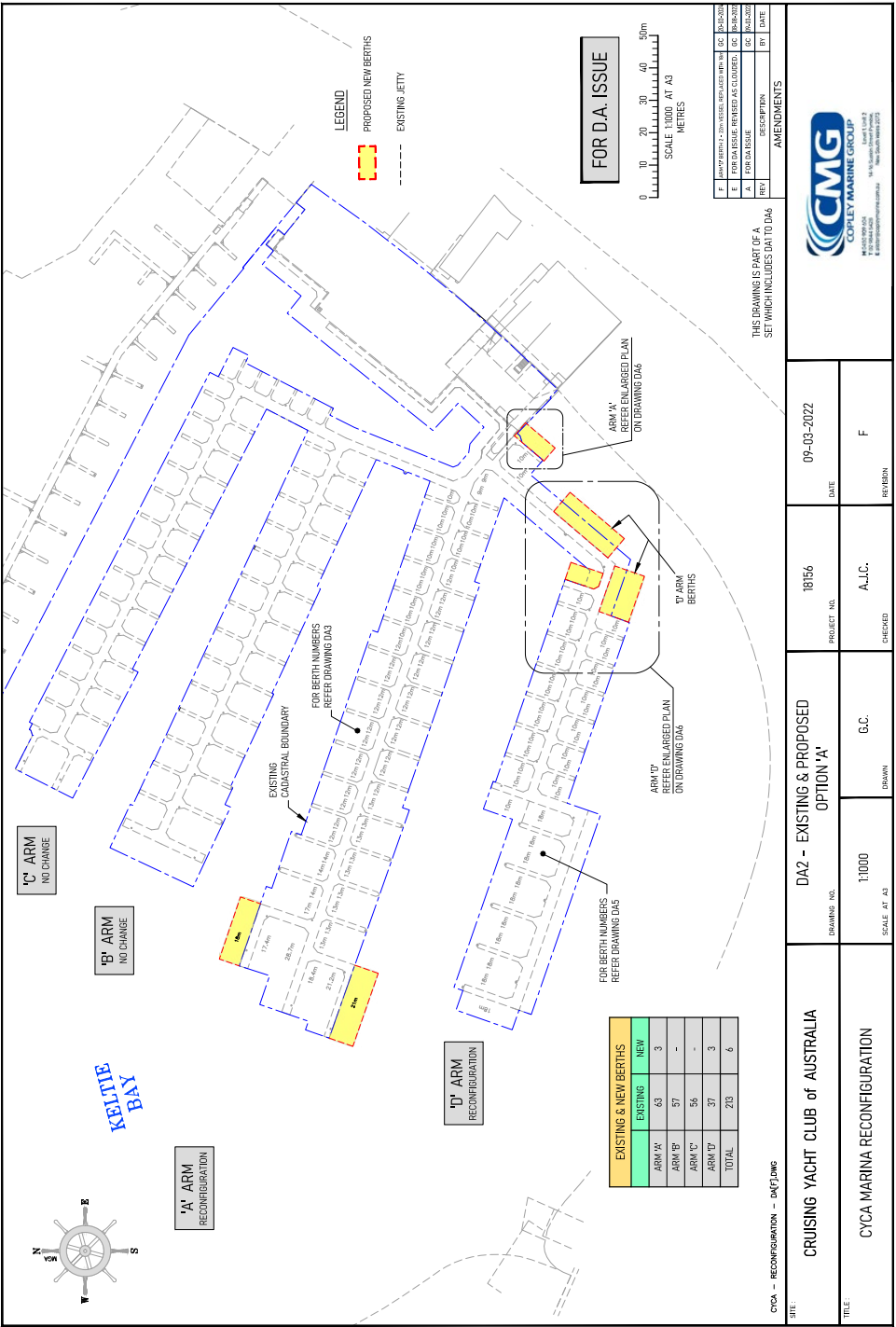


Figure 2 - Proposed Amendments

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2.1 SYDNEY HARBOUR DCP

The Sydney Harbour Foreshore and Waterways Area Development Control Plan (SHFWA DCP) 2005 uses performance-based criteria and guidelines relating to visual and natural environments.

The visual impact of proposed developments on the landscape is required to be considered by the consent authority. The DCP states that the visual impact of a development will vary depending on:

- The nature of the proposal - its height, siting, scale, colour, reflectivity and function
- The landscape setting in which it is proposed
- The degree of change created - whether it will be minimal or not
- The ability of the proposal to integrate with the landscape character.

The DCP also includes a Methodology for assessing the visual impacts of marina developments as described in Section 3.2 of this report.



2.2 RELEVANT CASE LAW

THE LAND AND ENVIRONMENT COURT PLANNING PRINCIPLES

The Land and Environment Court of New South Wales was established in 1980 by the Land and Environment Court Act 1979. Relevant principles have been developed in visual assessment case judgments to guide future decision-making in development appeals. These include separate but related principles for private and public domain views.

The principles set out a process for assessing the acceptability of impact. The two most relevant cases to this site are:

- Private views - Tenacity Consulting v Warringah Council (2004)
- Public domain views - Rose Bay Marina Pty Limited v Woollahra Municipal Council (2013)

Planning Principle for Private views - Tenacity Consulting v Warringah Council (2004)

The key points from this principle include:

Assessment of views to be affected

- Water views are valued more highly than land views.
- Iconic views (eg 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.

What part of the property the views are obtained

- The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.
- Sitting views are more difficult to protect than standing views.

Extent of the impact

- The impact on views from living areas is more significant than from bedrooms or service areas.
- It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Reasonableness of the proposal

- 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.

2.2 RELEVANT CASE LAW

Planning Principle for Public domain views - Rose Bay Marina Pty Limited v Woollahra Municipal Council (2013)

The assessment process from this principle includes:

Identification Stage

Identify the nature and scope of the existing views from the public domain:

- The nature and extent of any existing obstruction of the view.
- Relevant compositional elements of the view.
- What might not be in the view - such as the absence of human structures in the outlook across a natural area.
- Is the change permanent or temporary?

This is followed by identifying the locations in the public domain from which the potentially interrupted view is enjoyed and the extent of obstruction at each relevant location. The intensity of use of this locations is also to be recorded. Finally, the existence of any documents that identifies the importance of the view - ie. international, national, state or local heritage recognition is ascertained.

Analysis of impacts

- The analysis required of a particular development proposal's public domain view impact is both quantitative as well as qualitative.
- A quantitative evaluation of a view requires an assessment of the extent of the present view, the compositional elements within it and the extent to which the view will be obstructed by or have new elements inserted into it by the proposed development.
- In the absence of any planning document objective/aim, the fundamental quantitative question is whether the view that will remain after the development (if permitted) is still sufficient to understand and appreciate the nature of and attractive or significant elements within the presently unobstructed or partially obstructed view. If the view remaining (if the development were to be approved) will be sufficient to understand and appreciate the nature of the existing view, the fundamental quantitative question is likely to be satisfied.
- The outcome of a qualitative assessment will necessarily be subjective. However, although beauty is inevitably in the eye of the beholder, the framework for how an assessment is undertaken must be clearly articulated. Any qualitative assessment must set out the factors taken into account and the weight attached to them. Whilst minds may differ on outcomes of such an assessment, there should not be issues arising concerning the rigour of the process.
- As with Tenacity, a high value is to be placed on what may be regarded as iconic views (major landmarks or physical features such as land/water interfaces).

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2.2 RELEVANT CASE LAW

- Other factors to be considered in undertaking a qualitative assessment of a public domain view impact include:
- Is any significance attached to the view likely to be altered?
 - If so, who or what organisation has attributed that significance and why have they done so?
 - Is the present view regarded as desirable and would the change make it less so (and why)?
 - Should any change to whether the view is a static or dynamic one be regarded as positive or negative and why?
 - If the present view attracts the public to specific locations, why and how will that attraction be impacted?
 - Is any present obstruction of the view so extensive as to render preservation of the existing view merely tokenistic?
 - However, on the other hand, if the present obstruction of the view is extensive, does that which remains nonetheless warrant preservation (it may retain all or part of an iconic feature, for example)?
 - If the change to the view is its alteration by the insertion of some new element(s), how does that alter the nature of the present view?

The principles established by the Court from both cases have been integrated into the approach adopted for this evaluation.

2.3 PREVIOUS VIA HISTORY

PROPOSED ALTERATIONS & ADDITIONS TO EXISTING FACILITIES (2009)
In August 2009 a Visual Impact Assessment Report for Proposed Alterations and Additions to Existing Facilities was prepared for Cruising Yacht Club of Australia (CYCA) by Richard Lamb and Associates. The proposal was for:

- The demolition of the existing two storey Shipwrights' building and slipway located in the immediate vicinity of New Beach Road, which blocked views to the water from some existing residences in New Beach Road. The two storey component of the new building was located adjacent to the existing two storey building located on the boundary with the d'Albora Marina site.
- The addition to the marina which included an extension of Arm D, the provision of facilities for nine new yacht berths and the relinquishing of three leased swing moorings which would accommodate vessels up to a maximum of 18 metres in length.

In summary, the VIA established that the significance of potential visual effects would be Low and that this was acceptable given the nature of the development. It was considered that the proposed development would not adversely affect the existing visual character or scenic qualities of the Bay.

Similarly, the proposed new building would be appropriate to the streetscape of New Beach Road, determining overall that the proposed development would have acceptable visual impacts.

VISUAL IMPACT ASSESSMENT - DEVELOPMENT APPLICATION (2019)
In October 2019 a Visual Impact Assessment Report for a Development Application was prepared for Cruising Yacht Club of Australia (CYCA) by Richard Lamb and Associates.

The proposed development included alterations to the end of the existing Arm A to allow four larger vessels to be berthed, with the net addition of one vessel to be berthed. A number of piles would also be replaced as part of the application.

In summary, the VIA determined that the proposed development would cause no significant visual effects on the visual catchment, or to the visual character, scenic quality, or public domain sensitivity of the site.

There would be low to medium visual exposure to the closest view locations within the effective (immediate) visual catchment, including from the waterway, the north end of Rushcutters Bay Park and east-facing private domain locations.

The overall visual impacts of proposed development were found to be low and acceptable.

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3.1 APPROACH

GENERAL OVERVIEW

There are several critical dimensions of this project that will be demonstrated through the assessment and evaluation of a Visual Impact Assessment (VIA), which include:

- Ensuring the principal receptors (viewers) have been adequately identified, even at distance
- Prioritising views from the public domain as recommended in the Principles outlined in the NSW Land and Environment Court (Rose Bay Marina case)
- Establishing view loss potential and impact (Tenacity case)
- Being clear on and separately defining quantitative impacts (distance, magnitude, duration etc) as against qualitative impacts (viewer type, location etc)
- Providing a clear rationale for how impacts are compared and contrasted
- Ensuring images of viewpoints include 'worst case' locations
- Being clear on the differing forms of mitigation options, namely avoidance, amelioration (eg design), mitigation (eg screening) and compensation (on or off site).

The approach to this project will draw closely on the prior VIAs undertaken by Richard Lamb which adopts the general guidance on VIA preparation in the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (the Harbour DCP).

Visual Impact Assessment is by its nature not an exact science and consequently is subject to varied methodologies both in Australia and overseas. Potentially subjective assessment material and differences of opinion about how to best assess visual characteristics, qualities, degrees of alteration and viewer sensitivity often arise.

As a consequence, and as identified by the NSW Land and Environment Court, the key to a robust process is to explain clearly the criteria upon which an assessment is made.

VIA methodologies are often inconsistent and while various governments have generated specific methodologies, no Australian national framework exists. Within NSW, there are two recognised guidelines, the *Guidelines for Landscape Character and Visual Impact Assessment* as published by the Roads and Maritime Service (RMS) and *Appendix D of the SHFWA DCP*, as published by the Department of Planning. The SHFWA DCP methodology is considered the most appropriate to this study.

3.1 APPROACH

THE SHFWA DEVELOPMENT CONTROL PLAN

The SHFWA DCP assessment method has been developed specifically for marinas in the Sydney Harbour area by URS (2003). This method is based on certain assumptions or 'known characteristics' of marinas drawn from URS's study of 60 existing boat storage facilities within Sydney Harbour and its tributaries. These known characteristics are summarized below:

- The visual character of boats stored on swing moorings can differ from an equivalent number of boats stored in a marina, because boats on swing moorings are more dispersed, allowing visibility between and around vessels. On the other hand vessels stored in marinas can appear as a single visual element forming a visual extension of the adjoining land-based development.
- Marinas which contain a higher proportion of powerboats than swing mooring facilities can create greater visual bulk than yachts of similar length because the greater height to length ratio of powerboat hull and cabin compared to yachts.
- Marinas have a greater potential to block harbour views from adjoining foreshore public open space when compared to the equivalent number of boats stored on swing moorings.
- Marinas located in narrow bays and inlets have a higher potential to block views from open space and residences located at the head of the bay or inlet.
- The potential visual impact of marinas is significantly less when viewed from adjoining waterway or opposite shoreline, if the facilities are viewed against a background of large scale commercial, industrial or residential development or slopes and ridges with high elevation.
- The potential visual impact of marinas is significantly higher if viewed against un-vegetated flat low-lying land because a substantial portion of the moored boats will be viewed against the skyline.
- The potential visual impact on adjoining public open spaces and residential areas resulting from moored or berthed boats is strongly influenced by the relative size of the boat and distance from the viewer. For example a large power boat moored close to the shoreline will have a significantly higher visual impact than if it was moored on the waterway side of the marina.
- The degree of visual contrast between marina facilities, buildings and their background is the primary factor influencing the level of visual impact. The potential visual impact of such buildings is significantly reduced if the level of contrast in colour, texture, line and form between the building and background is minimised.
- The potential visual impact of marinas is reduced by the retention of view corridors from foreshore public open space to open water and from waterways back to sections of shoreline.

3.1 APPROACH

- The potential visual impact of marinas on adjoining residential development is strongly influenced by the degree of landform elevation with significantly less visual impact on elevated residences that have views over the top of marinas compared to residences located at elevations similar to the foreshore that have views blocked by boats and marina structures.
- Atmospheric factors such as rain, mist, fog and shadow all tend to reduce the visibility of stored boats.

The SHFWA DCP describes typical levels of potential visual impact resulting from marinas associated with various adjoining land uses as illustrated in Figure 03. This figure provides a general indication of likely potential impacts but is indicative only, with the actual visual impact being dependent on the particular combination of factors associated with each individual situation.

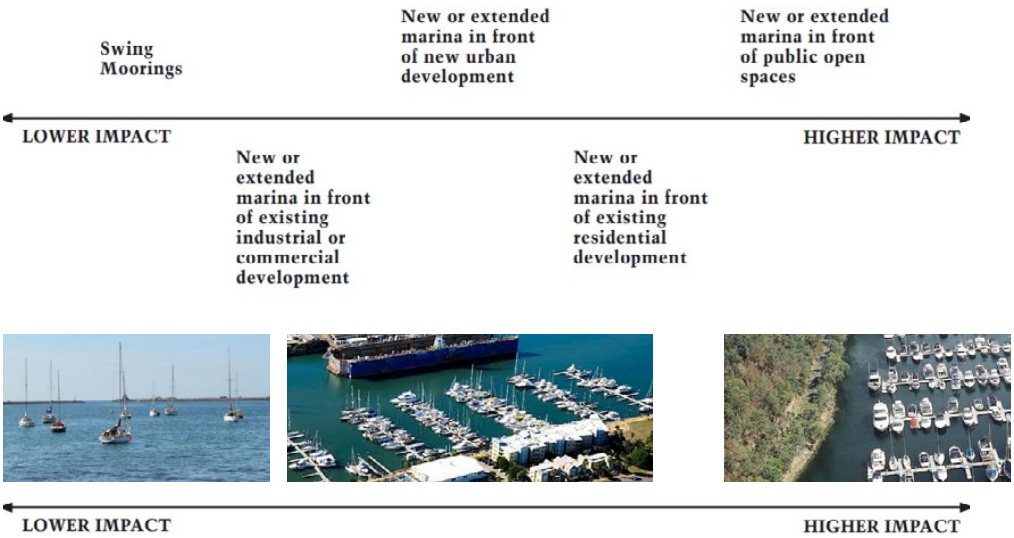


Figure 3 - Typical levels of potential marina visual impact - SHFWA DCP

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3.2 METHODOLOGY

STUDY METHODOLOGY

The SHFWA DCP recommended methodology involves four key stages of assessment as indicated in Figure 4. The initial step involves the collection of relevant information regarding the proposed development site, the proposed development and its compatibility with the performance criteria of the DCP.

The next step is to carry out a view analysis that identifies the potential visual catchment and areas from which the proposed development may be viewed. View points are analysed and defined into different categories in terms of their land use context and spatial relationship to the proposed development and the landscape in which they are located. A photographic inventory from identified key viewpoints is suggested, plotting the viewpoints on a map.

The next recommended step of the procedure is to prepare an evaluation matrix that summarises the full range of viewer situations identified, assessing the indicative contribution to potential visual impact of key factors for each selected viewpoint. The scores for these key factors are then averaged to determine a impact rating.

LAND & ENVIRONMENT COURT ON DCP METHODOLOGY

As noted previously, several recent NSW Land and Environment Court findings on visual assessment cases are also relevant to this study. They provide important guidance on defining rationale for both the quantitative and qualitative aspects of visual impact assessment and in particular in the areas of viewer category and sensitivity.

The SHFWA DCP Appendix D methodology broadly covers the recommended steps for identifying and analysing visual impacts discussed within the Land and Environment Courts Planning Principles. The Court’s findings on Rose Bay Marina Pty Limited v Woollahra Municipal Council (2013) note that the DCP methodology is:

‘designed to be a tool to assist proponents rather than guidelines prescribed by the DCP to assist a consent authority in assessing a proposal for a marina development’.

The court notes that, whilst helpful in assessing impacts, the DCP methodology is to be used as a guide only.

Whilst closely following the DCP recommended methodology, this study has made certain changes to ensure the methodology aligns further with the Court’s findings and allows for a more holistic assessment of visual impacts.

METHODOLOGY ADJUSTMENTS

The changes relate to the assessment factors that make up the DCP matrix, with some factors modified and others eliminated that the authors of this assessment believe are not well defined, are subject to change with circumstances or not easily assessed in this context. These changes are described below and shown in Figure 5 and 6.

3.2 METHODOLOGY

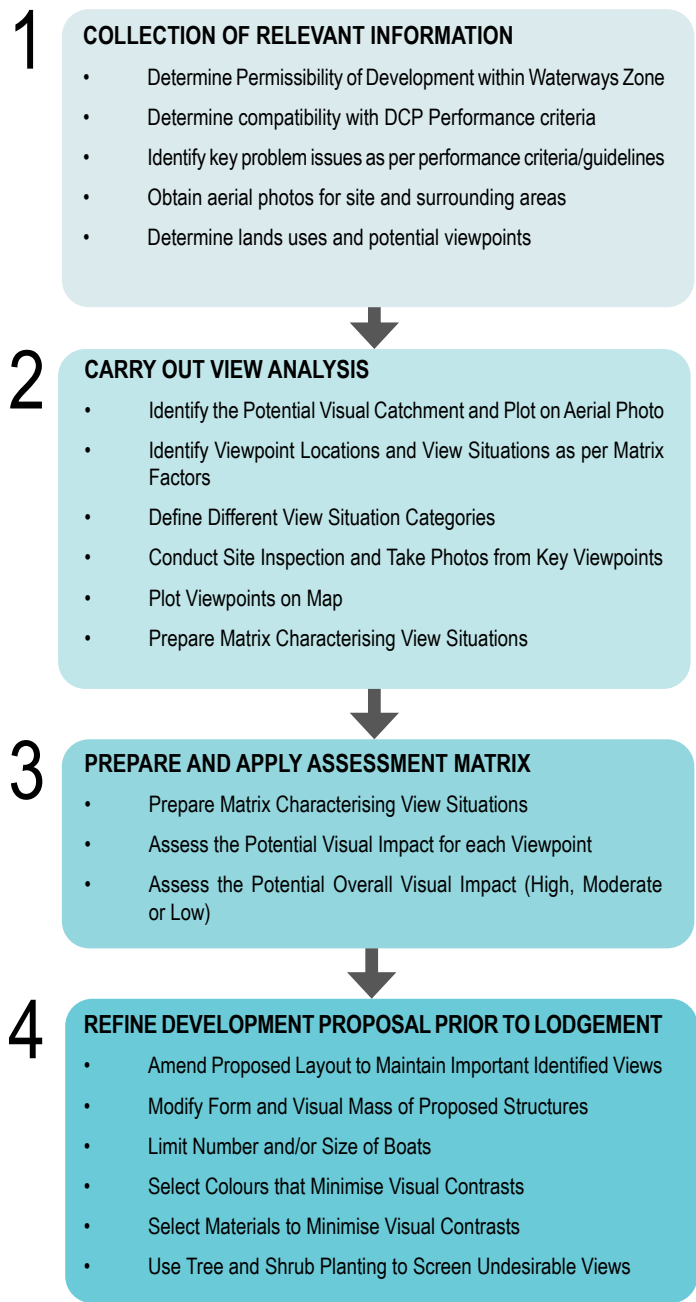


Figure 4 - Summary of SHFWA DCP recommended methodology

3.2 METHODOLOGY

Additional Assessment Factor
An additional assessment factor entitled 'Viewer Sensitivity' has been added. Each visual receptor type has an inherent and varied sensitivity to change in the visual scene based on the context in which the view is being experienced. This will have a direct bearing on the perception of visual impact experienced by the receptor. It is generally accepted that public open space and residential properties have the highest sensitivity to change (Rose Bay Marina Pty Limited v Woollahra Municipal Council 2013), with the former taking precedence. Minor roads and commercial premises have a lower visual sensitivity.

Modified Assessment Factors
The 'Location of Viewer' assessment factor has been modified to 'Quantum of View'. The quantum of view relates not just to view elevation as described in the SHFWA DCP methodology but also to the openness of the view and the angle of the view to the visual receptor.

A development located in the direct line of sight has a higher impact than if it were located obliquely at the edge of the view. Whether the view of the development is filtered by vegetation also affects the impact, as does the nature of the view (panoramic, restricted etc.). A small element within a panoramic view has less impact than the same element within a restricted or narrow view.

This study has combined 'Spatial Relationships' and 'Scale or Relative Size' into a new category entitled 'Magnitude of Change'. This criteria will provide a broader assessment of the changes within the view. Magnitude of Change is a quantitative assessment of the change in compositional elements of the view.

If the proposed development is largely similar in nature and scale to that of existing elements in the vicinity, the magnitude of change is low. If the development radically changes the nature or composition of the elements in the view, the magnitude of change is high. Distance from the development will accentuate or moderate the scale and variety of visible elements in the overall view and hence influence this rating.

Removed Assessment Factor
This assessment excludes the 'Motion of Objects' factor as this will be highly variable according to site wind conditions and not easily evaluated.

Final Rating
The scores for each assessment factor within the matrix table are totalled and an average taken. This score determines the overall visual impact rating for any given viewpoint. The ratings have been split into six levels (Negligible to High) as opposed to the DCP's recommended 3 categories (Low, Moderate, High), giving a wider ranging and more nuanced assessment (refer to Section 4 'Visual Impact Assessment' of this report for more details).

It should be noted that if this report followed the DCP Appendix D methodology without any adjustments/modifications, the study would not have led to different visual impact ratings for the receptors studied. The adjustments have simply widened the scope of the assessment, allowing a more rigorous assessment process.

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3.2 METHODOLOGY

Factor	Low Impact	Moderate Impact	High Impact
Location of viewer	Elevated position (ridge top) with clear view over marina.	Slightly elevated (lower slopes) with partial view over marina.	Adjoining shorelines or waterway with view blocked by marina and boats
Distance of View	Land areas or waterways. (> 1000m)	Land areas or water. (100 - 1000m)	Adjoining shoreline or waterway (<100m)
Period of view	Glimpse (e.g. moving car, bus or bike).	Few minutes up to half day (e.g. walking along foreshore, recreation in adjoining open space, boating on adjoining waterway).	Majority of day (e.g. adjoining residence or workplace)
Scale or relative size	Powerboat or yacht. (< 10m long)	Powerboat or yacht. (10 - 30m long)	Powerboat or yacht. (30 - 50m long)
Spatial relationships	Swing moorings adjoining relatively straight shoreline.	Marina adjoining relatively straight shoreline or swing moorings in narrow bay.	Marina in narrow enclosed bay.
Motion of objects	Motionless flags, wind generators and other objects.	Gently fluttering flags and slowly moving wind generators and other objects.	Flags fully extended and regularly changing direction, wind generators at full speed etc.

Figure 5 - Summary of Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (the Harbour DCP) recommended methodology

		Factor	Low Impact	Moderate Impact	High Impact
QUALITATIVE	Viewer Sensitivity	Viewer Location	Major arterial roads and rail viewpoints that are not highly scenic by nature or designation	Residential living areas with views to site	Public Open Space, Public Reserves, On water recreation, Scenic drives or walks
		Viewer Activity	Activity where the landscape context may be important but the activity not view focused (eg. sport, service providers)	Activity where the view is part of the experience but not the principal focus (eg. jogging, rowing etc)	Activity where the view is central to the experience (eg. walking for physical/ mental wellbeing or sitting)
		Number of Views	Relatively limited viewer numbers (eg. at a small park, on a local street)	Significant number of day-to-day viewers (ie. inner city streets)	High viewer numbers every day and all day (major park, walkway, light rail or train)
QUANTITATIVE	Nature of View	View Distance	Land areas or waterways. (> 1000m)	Land areas or water. (100 - 1000m)	Adjoining shoreline or waterway (<100m)
		View Orientation	The subject is not in the centre of the view and/or is one part of a broader panoramic scene	The subject occupies centre of the view or close to the centre	The subject occupies the centre of the view and in a wide band
		Quantum of view	Elevated position (ridge top) with clear view over marina, oblique or heavily filtered views, development within broad panoramic view cone	Slightly elevated (lower slopes) with partial view over marina, oblique view angle, view partially filtered	Adjoining shorelines or waterway with view blocked by marina and boats, direct, unfiltered view. Development occupies greater proportion of view.
		Period of view	Glimpse (e.g. moving car, bus or bike).	Few minutes up to half day (e.g. walking along foreshore, recreation in adjoining open space, boating on adjoining waterway).	Majority of day (e.g. adjoining residence or workplace)
	Quantum of Change	Feature Skyline	Some minor loss of skyline in the view	Moderate loss of skyline view	Major loss of skyline view
		View of Sky	Some loss of sky	Moderate loss of sky	High loss of sky
		Character Change	Swing moorings adjoining relatively straight shoreline. Elements and composition of the view remain largely unaltered.	Marina adjoining relatively straight shoreline or swing moorings in narrow bay. Elements within the view will be slightly at odds with existing features within the landscape.	Marina in narrow enclosed bay. Elements within the view will be greatly at odds with existing features in the landscape

Figure 6 - CLOUSTON Associates amended assessment factors matrix table (CLOUSTON amendments in blue)

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4.1 LANDSCAPE CHARACTER

Under the SHFWA DCP, Rushcutters Bay is classed as having a Landscape Character of Type 10.

- Type 10 applies to the wide open bays of the Eastern suburbs

The DCP states that the character of the area is dominated by wide open bays, retained edges, sandy beaches and adjacent park areas. Special natural features such as rock outcrops and platforms form part of the landscape and should be considered in terms of their scarcity within the local context.

Development is suitable for these areas providing consideration is given to:

- Preserving the special natural features that form an integral part of the character and vitality of the landscape including the natural shorelines, beaches, rock platforms and outcrops.
- The role of commercial activities within these areas is recognised as providing an important recreational resource and improving public enjoyment of the harbour.

The DCP also states that any development within Landscape Type 10 must satisfy the following criteria:

- It does not obscure, detract from or destroy special natural elements that are significant within the local context of the area.
- The open nature of the bays is not lost by overdevelopment of the foreshores.
- It has been demonstrated that the commercial activities proposed within and adjacent to the foreshores are necessary and that their proposed use is compatible with existing and likely future land uses.

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4.2 LANDSCAPE CHARACTER AND VISUAL ENVIRONMENT



Figure 7 -Rushcutters Bay within local context

4.2 VISUAL CATCHMENT

Figure 8 establishes the potential visual catchment based on Dr. Lamb's 2019 report. Dr. Lamb states that:

- The potential visual catchment is formed by ridgelines north and south of Rushcutters Bay. The visual catchment of the proposal is confined largely to the waterway, nearby residences located within the Bay, the marina itself and foreshore public reserves. There is minimal visibility from the roads to the east, west, and south of the site. These roads include parts of New Beach Road, New South Head Road and small sections of Yarranabbe Road.
- Close and medium distance views would be available from both the foreshore and locations on the sloping land that forms the ridge of Rushcutters Bay and Darling Point. Distant views would not be significantly affected by the proposal. Views to the proposed marina development, both land and water based, would be possible from all distances on the water. These views however would be highly restricted by the filtering and screening effects of intervening boats and masts other than in the closest range views within the southern part of the Bay immediately adjacent to the marinas and the closest parts of Rushcutters Bay Park.
- Vegetation within the park particularly which is concentrated around the north-west and south and south-west, would filter many views from parts of the park towards the proposed new vessel.
- The effective visual catchment is likely to be smaller and only include the closest parts of the potential visual catchment given that the forms, features and details proposed are unlikely to be perceivable in the majority of more distant views.
- The effective visual catchment also includes some private domain locations; for example, the south-facing residential development accessed via Elizabeth Bay Road and the Ulverstone Apartments at 65A Elizabeth Bay Road. Notwithstanding residential development exists along New Beach Road east and south-east of the subject site, from fieldwork inspections we determined that little, or limited view access may exist from this vicinity towards the proposed development, due to the blocking effects of the street trees, vegetation in Rushcutters Bay Park, the bulk and scale of the CYCA clubhouse and the filtering effects of multiple masts on views from the east, in particular.

With site visits taken, this report identifies that:

- The foreshore areas of Rushcutters Bay Park directly west and south of the subject sites are those potentially most affected by views to the subject site. This is because they are the closest viewing places and are at a similar relative level to that of the additional vessels.

With the potential visual catchment established, suitable viewpoints are then selected (refer Section 5) for the visual impact assessment of the Study Area.

4.2 VISUAL CATCHMENT

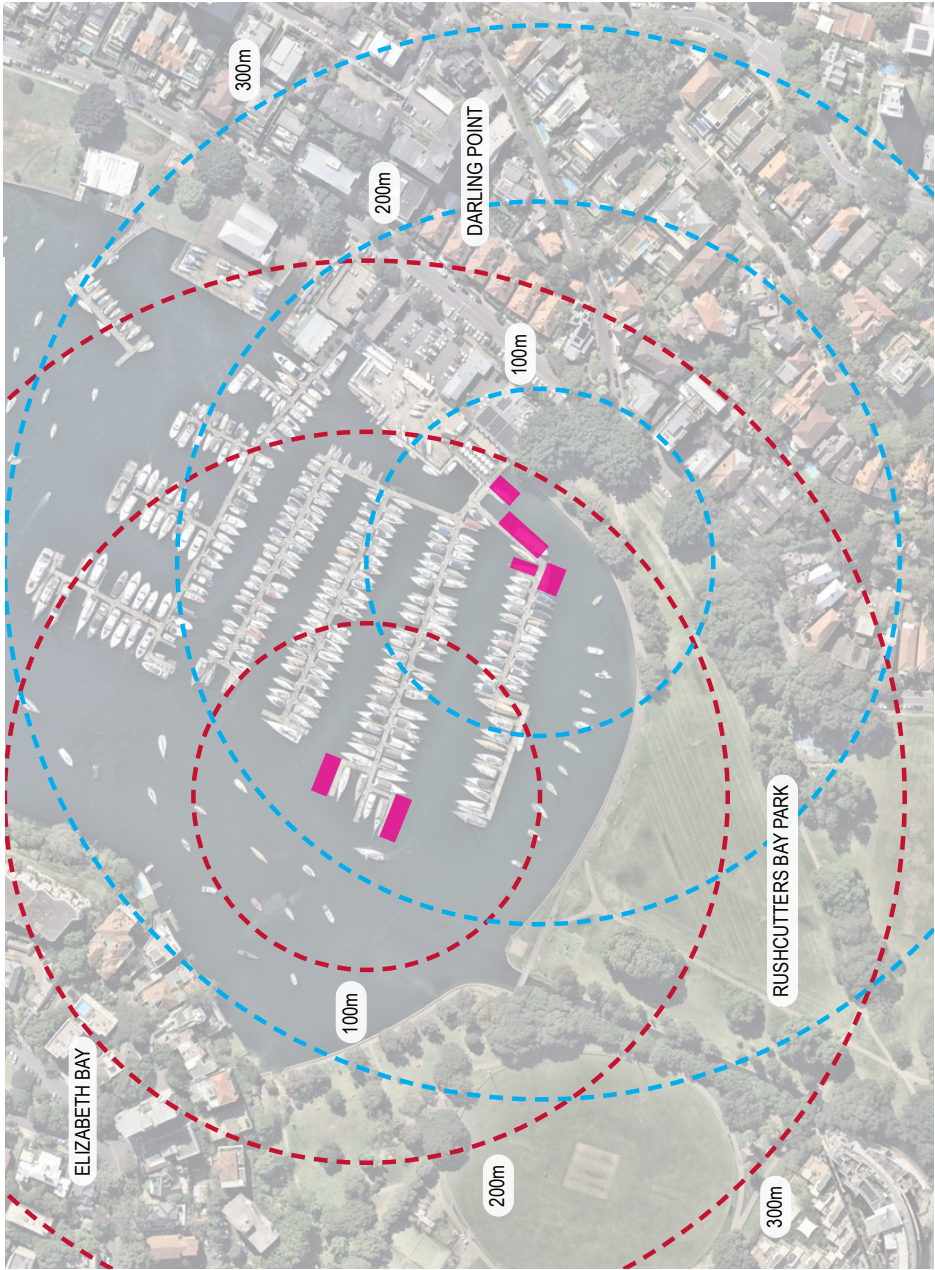


Figure 8 - Viewing distances ■ Approximate locations of subject sites

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5.1 VIEWPOINT SELECTION

The selected viewpoints were adapted from the Richard Lamb's CYCA VIA 2019 report. 14 viewpoints in Dr. Lamb's report, as shown in blue in figure 9, were selected as they were relevant to this report. Additional viewpoints, as shown in red in figure 10, were selected for this report to show detail views of the reconfiguration of the east end of A and D Arm.

Private Residential Viewpoints

- Viewpoint 1- View east from the elevated east side gardens at Ulverstone Apartments 65A Elizabeth Bay Road.
- Viewpoint 2- View east from the dining room bay window at Unit 10 Ulverstone Apartments.

Public Open Space Viewpoints - In Rushcutters Bay Park

- Viewpoint 3- View north-east from the Rushcutters Bay access steps to the harbour located at the north edge of Rushcutters Bay Park.
- Viewpoint 4- View north from the north end of a central pedestrian path.
- Viewpoint 5- View north from the south end of a central pedestrian path.
- Viewpoint 6- View north-west from the west edge of the Rushcutters Bay Park cafe seating wall.
- Viewpoint 11- Detail view of the subject site at the east end of D Arm, viewing north-east from the foreshore footpath of the Rushcutters Bay Park.
- Viewpoint 12- Detail view of the subject site at the east end of D Arm, from the east edge of the foreshore footpath of Rushcutters Bay Park.
- Viewpoint 13- View north-west from the east edge of Rushcutters Bay Park opposite Loftus Road.
- Viewpoint 14- View north-west from the footpath along the east edge of Rushcutters Bay Park.
- Viewpoint 15- Detail view of the existing arrangement at the west end of Arm A, from the concrete structure above the park's stormwater outflow.

Public Open Space Viewpoints - On Pontoons

- Viewpoint 7- View west along the north edge of A Arm towards the subject site from the CYCA central pier.
- Viewpoint 8- View west along the south edge of A Arm towards the subject site from CYCA.
- Viewpoint 9- Detail view of the subject site at the west end of A Arm, from the west end of D Arm.
- Viewpoint 10- Detail view of the subject site from the west end of B Arm.
- Viewpoint 16- Detail view of the subject site at the east end of A & D Arm, viewing south-west from the yacht club Rushcutters Bay Park entrance area.
- Viewpoint 17- Detail view of the subject site at the east end of A Arm, viewing north-east from the east end of D Arm.
- Viewpoint 18- Detail view of the subject site at the east end of D Arm, viewing south-east from D Arm.
- Viewpoint 19- Detail view of the subject site at the east end of A & D Arm, viewing north-east from D Arm.
- Viewpoint 20- Detail view of the subject site at the east end of D Arm, viewing south-west from D Arm.

Viewpoints 11, 12, 16, 17, 18, 19 and 20 are additional viewpoints over and above those in the Lamb Report.

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5.1 VIEWPOINT SELECTION

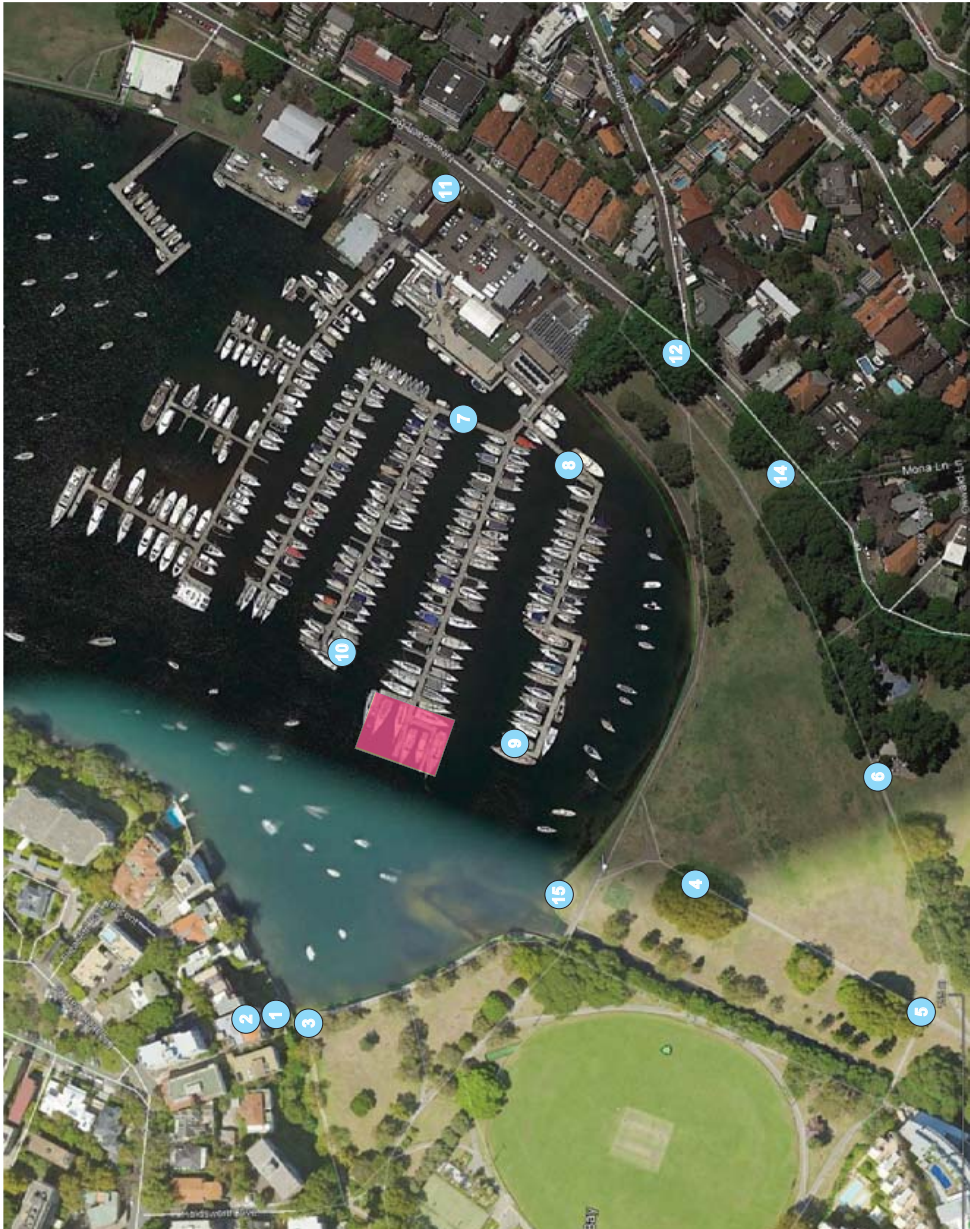


Figure 9 - Viewpoint Selection, Lamb VIA Report (2019)
Approximate location of the former subject site Former photomontage and view locations

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5.1 VIEWPOINT SELECTION

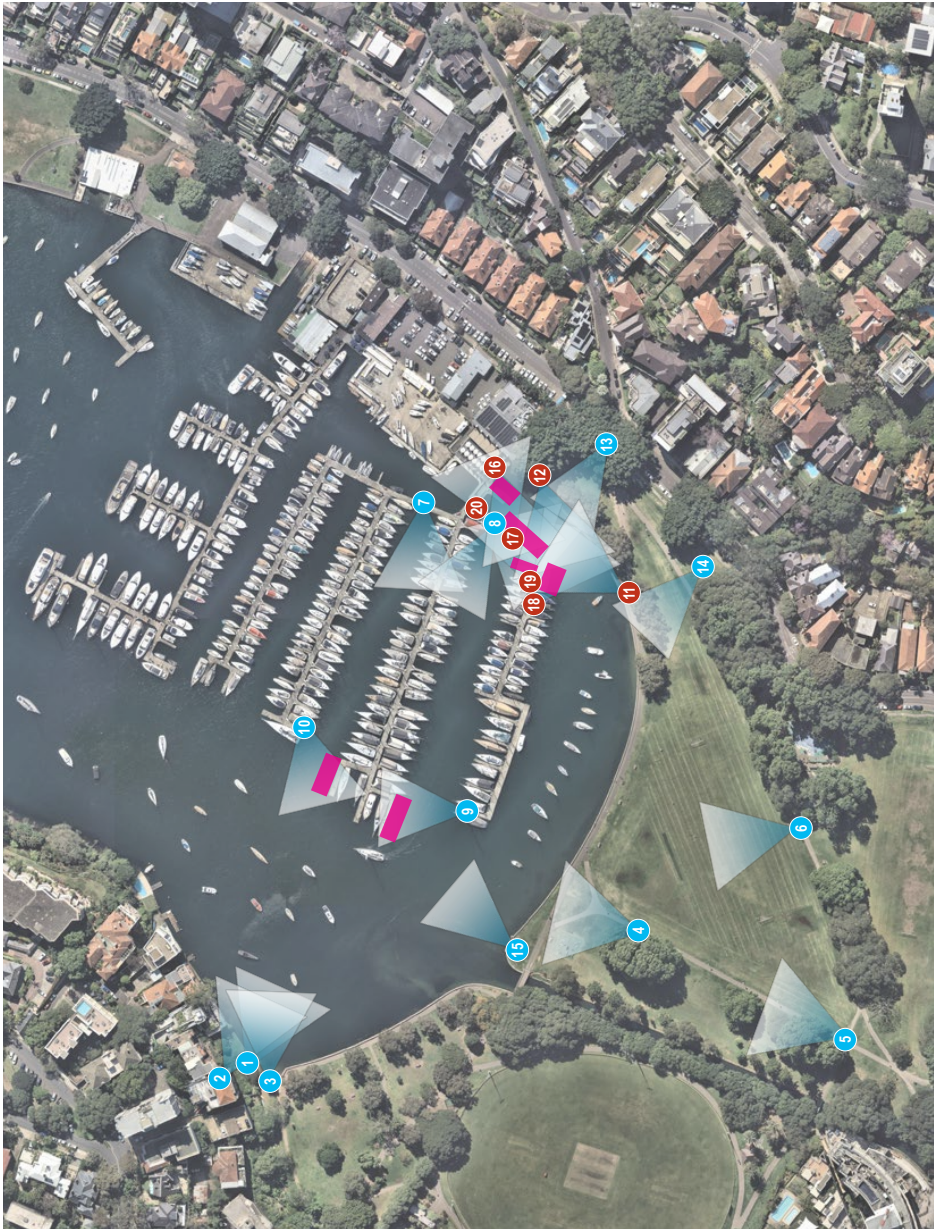
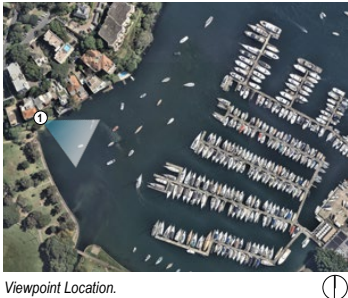


Figure 10 - Viewpoint Selection - Proposed Amendments (2023)
Approximate locations of subject sites Viewpoints selected from Dr. Lamb's report Additional viewpoints

5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 1

LOCATION	View east from the elevated east side gardens at Ulverstone Apartments 65A Elizabeth Bay Road.
DISTANCE	Approximately 180m.
RECEPTORS	Private Garden Terrace - apartment residents
EXISTING VIEW	Trees in the gardens are located in the foreground, filtering the view towards Rushcutters Bay. The existing marina and Rushcutters Bay Park are in the mid-ground. The Darling Point suburb with a few tall buildings dominating the skyline is in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed two new berths on the outside of A Arm will be visible in the centre of the view. These vessels simply foreground the views toward other vessels. Views of the mid-ground and background will remain unaffected and the skyline is unaltered. An impacted view is a fairly small portion of open water at Arm A in Rushcutters Bay. Overall, combined with the distance of the viewpoint to the proposed development, there is no discernible impact on the existing view.

VISUAL IMPACT RATING

LOW

Receptor Type	Private
Viewpoint Number	1
Qualitative - Sensitivity	
Viewer Location	MODERATE
Viewer Activity	MODERATE
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE/LOW
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



As currently approved



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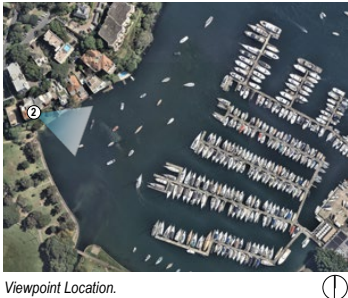
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 2

LOCATION	View east from the dining room bay window at Unit 10 Ulverstone Apartments.
DISTANCE	Approximately 180m.
RECEPTORS	Private - apartment residents.
EXISTING VIEW	The panoramic view shows unimpeded water view in the foreground and the marina and Rushcutters Bay Park in the mid-ground. The Darling Point suburb with a few tall buildings form the skyline in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed two new berths on the outside of AArm are visible in the centre of the view. These vessels simply foreground the views toward other vessels. Views of the mid-ground and background will remain the same and there is no change to the skyline. An impacted view is a fairly small portion of open water at Arm A in Rushcutters Bay. Overall, combined with the distance of the viewpoint to the proposed development, there is no discernible impact on the existing view.

VISUAL IMPACT RATING

LOW

Receptor Type	Private
Viewpoint Number	2
Qualitative - Sensitivity	
Viewer Location	MODERATE
Viewer Activity	MODERATE
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	HIGH
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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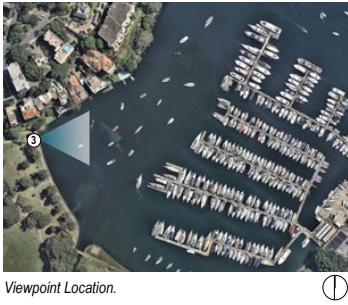
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 3

LOCATION	View north-east from the Rushcutters Bay access steps to the harbour located at the north edge of Rushcutters Bay Park.
DISTANCE	Approximately 160m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The view is looking across the marina towards Darling Point suburb. The foreground is comprised of unimpeded water views of Rushcutters Bay. The vessels form dominant features in the mid-ground while tall buildings and vegetation in the background define the skyline.



Viewpoint Location.

EXPECTED VISUAL IMPACT

Parts of the proposed development, two new berths on the outside of A Arm, are visible in views from this similar viewing level. Despite being visible, portions of the proposed development would be obscured by swing moored vessels in the close foreground occasionally. Overall, combined with the distance of the viewpoint to the proposed development and the openness of the visual scene with large open water and sky, the visual impact is minimal.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	3
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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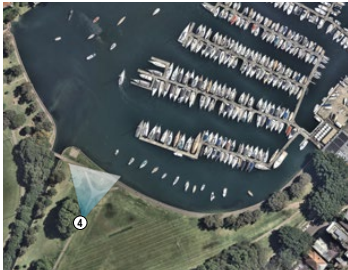
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 4

LOCATION	View north from the north end of a central pedestrian path.
DISTANCE	Approximately 170m.
RECEPTORS	Public - park users, local residents.
EXISTING VIEW	The foreground is comprised of open lawn in Rushcutters Bay Park. The marina and the residential buildings along the foreshore are in the mid-ground and Bradleys Head can be seen in the far distance.



Viewpoint Location.



EXPECTED VISUAL IMPACT

A small part of the proposed development, mainly the additional berth of A Arm at south, can be seen from this similar viewing level. The additional vessel at the proposed berth would block the background pontoons and vessels, but would not create notable character change. In addition, the tall slim masts of the additional vessels do not cause any significant impact on the view of sky or obstruct the landscape in the far distance.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	4
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	MODERATE
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 5

LOCATION	View north from the south end of a central pedestrian path.
DISTANCE	Approximately 280m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The majority of the view is dominated by the mature vegetation and lawn of Rushcutters Bay Park. A slim horizontal band of the upper parts of berthed vessels are visible in the mid-ground. Darling Point suburb with vegetation in Yarranabbe Park form the background.



Viewpoint Location.



EXPECTED VISUAL IMPACT

As a result of the distance from the viewpoint to the proposed development at A Arm and the mature trees obscuring the background views, the proposed being barely visible. The additional vessel at the proposed berth would block the background pontoons and vessels, but would not create notable character change. In addition, the tall slim masts of the additional vessels do not cause any additional impact on the view of sky or obstruct the landscape in the far distance.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	5
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 6

LOCATION	View north-west from the west edge of the Rushcutters Bay Park cafe seating wall.
DISTANCE	Approximately 200m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The majority of the view is dominated by the open lawn in Rushcutters Bay Park. Short sections of the floating pontoons and vessels above the sea wall are visible. The skyline is defined by the masts and the residential buildings along the foreshore. Bradleys Park can be seen in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed development, two new berths on the outside of A Arm, is hardly noticeable from this location due to the distance and the swing moored vessels that would block the additional vessels from time to time. The principal visual impact effects include the minor view blocking of the west shoreline of Rushcutters Bay and a small portion of the open water.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	6
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



As currently approved



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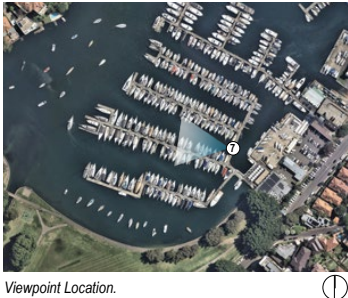
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 7

LOCATION	View west along the north edge of AArm towards the subject site from the CYCA central pier.
DISTANCE	Approximately 150m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view is looking across the marina towards Elizabeth Bay suburb. The foreground is comprised of an unimpeded water view. The vessels dominate the mid-ground and the masts form a part of the skyline. Tall buildings and vegetation can be seen in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

A portion of the proposed development, mainly the additional vessel at the north of the berth, is visible from this similar level of viewing. Main visual impact effects include the minor view blocking of some swing moored vessels in the back and a small part of the open water it occupies. The tall slim masts of the additional vessels do not cause any significant additional impact on the view of sky or obstruct the landscape in the background. Overall, combined with the change of character factor, there is an imperceptible impact on the existing view.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	7
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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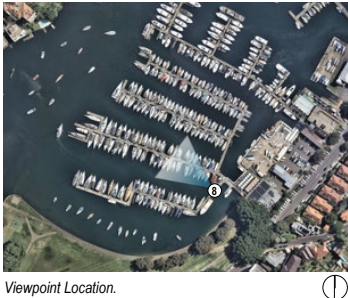
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 8

LOCATION	View west along the south edge of AArm towards the subject site from CYCA.
DISTANCE	Approximately 150m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view is looking across the marina towards Elizabeth Bay suburb. The foreground is comprised of an unimpeded water view. The vessels dominate the mid-ground and the masts form a part of the skyline. Tall buildings and vegetation can be seen in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed development is hardly noticeable from this similar level of viewing due to the blocking of existing berthed vessels along AArm. In addition, the tall slim masts of the additional vessels do not cause any significant additional impact on the view of sky or obstruct the landscape in the background. Overall, the proposed development is difficult to discern and does not create any character change to the existing view.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	8
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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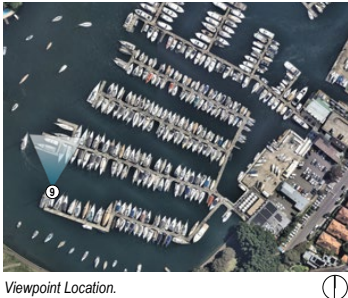
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 9

LOCATION	Detail view of the subject site at the west end of AArm, from the west end of D Arm.
DISTANCE	Approximately 30m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view focuses on the end of Arm A with residential buildings and foreshore vegetation seen in the background. The foreground is comprised of an unimpeded water view. The vessels and pontoon dominate the mid-ground and the masts form a part of the skyline.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed development, mainly the additional vessel at the south of the berth, is visible from this similar level of viewing. The additional vessel creates a horizontal band from the centre of the visual scene to the end of AArm. Main visual impact effects include an increased massing of the vessel closer to the viewer and the view blocking of background vessels, pontoons and trees along with a part of the open water it occupies. However, the masts of the additional vessels do not cause significant impact on the view of sky or obstruct the landscape in the background. Overall, due to the relatively low accessibility to this location and the insignificant character change, the visual impact is still relatively low.

VISUAL IMPACT RATING

MODERATE / LOW

Receptor Type	Public
Viewpoint Number	9
Qualitative - Sensitivity	
Viewer Location	LOW
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	LOW
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / LOW



As currently approved



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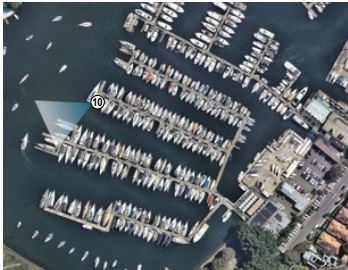
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 10

LOCATION	Detail view of the subject site from the west end of B Arm.
DISTANCE	Approximately 30m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view focuses on the end of Arm A with residential buildings and vegetation seen in the background. The foreground is comprised of an unimpeded water view. The vessels and pontoon dominate the mid-ground and the masts form a part of the skyline.



Viewpoint Location.



EXPECTED VISUAL IMPACT

The proposed development, mainly the additional vessel at the south of the berth, is visible from this similar level of viewing. The additional vessel creates a horizontal band from the centre of the visual scene toward the rest of A Arm. Main visual impact effects include an increased massing of the vessel closer to the viewer and the view blocking of background vessels, pontoons and trees and a small part of the open water it occupies. However, the masts of the additional vessels do not cause significant impact on the view of sky or obstruct the city skyline. Overall, due to the relatively low accessibility to this location and the insignificant character change, the visual impact is still relatively low.

VISUAL IMPACT RATING

MODERATE / LOW

Receptor Type	Public
Viewpoint Number	10
Qualitative - Sensitivity	
Viewer Location	LOW
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / LOW



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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 11

LOCATION	Detail view of the subject site at the east end of D Arm, viewing north-east from the foreshore footpath of the Rushcutters Bay Park.
DISTANCE	Approximately 50m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The view looks across the marina toward Darling Point suburb. The foreground is comprised of a small portion of the walkway in Rushcutters Bay Park and water view. The vessels dominate the mid-ground while tall buildings in Darling Point and trees in Yarranabbe Park can be seen in the background. The CYCA Clubhouse can be seen on the right of the view.



EXPECTED VISUAL IMPACT
The proposed development, one new club berth in the inside of A Arm and three converted berths at D Arm, are visible from the foreshore walk. The main visual impact effects include the increased bulk and massing of the vessels in these berths. As well, a perceptible portion of open water view in the foreground is affected. However, the view of sky and skyline are not significantly changed by the masts of additional vessels.

VISUAL IMPACT RATING	
MODERATE	
Receptor Type	Public
Viewpoint Number	11
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE



As currently approved



*** Previous 'As per application' now updated in the Addendum at the back of this report ***

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 12

LOCATION	Detail view of the subject site at the east end of D Arm, from the east edge of the foreshore footpath of Rushcutters Bay Park.
DISTANCE	Approximately 30m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The view looks across A Arm and D Arm with a portion of the walkway in Rushcutters Bay Park and water view in the foreground. The mid-ground is comprised of dense tree canopies. In the distance the Sydney Tower Eye can be seen along with the city skyline.



Viewpoint Location

EXPECTED VISUAL IMPACT

The proposed development, one new club berth in the inside of A Arm and three casual converted berths at D Arm, are visible from the foreshore walk. Main visual impact effects include the larger vessel size and mass closer to the viewer and the view blocking of a large portion of background pontoons and vessels including swing moored ones. As well, views of low level vegetation in the mid-ground and a portion of open water in the foreground are impacted (note that this image is at high tide). However, views of the skyline remain visible and the Sydney Tower Eye is still visible.

VISUAL IMPACT RATING

MODERATE

Receptor Type	Public
Viewpoint Number	12
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE



As currently approved



*** Previous 'As per application' now updated in the Addendum at the back of this report ***

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 13

LOCATION	View north-west from the east edge of Rushcutters Bay Park opposite Loftus Road.
DISTANCE	Approximately 60m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The visual scene is framed by mature fig trees and predominantly comprised of a foreground lawn area of the Rushcutters Bay Park. A small portion of water can be seen in the mid-ground. The buildings and vegetation along the foreshore are visible in the background. The CYCA Clubhouse is to the right of the view.



EXPECTED VISUAL IMPACT

The proposed development, one new club berth in the inside of A Arm and three casual converted berths at D Arm, are visible from this similar level of viewing. Despite the framing and filtering of the mature fig trees in the mid-ground, the visual impact to the existing view is perceptible. The principal visual impact includes the view blocking of the background pontoons and vessels along with the small loss of a portion of the open water. Although the skyline and view of sky remain unaffected, the proposed development results in some obscuring of the mid-level landscape view in the background.

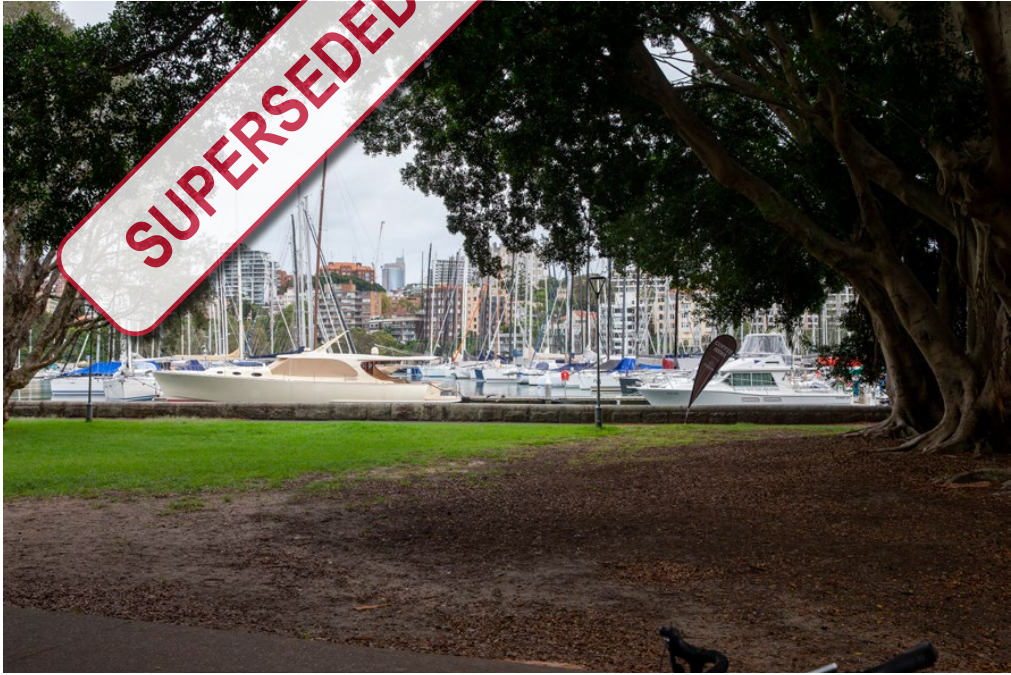
VISUAL IMPACT RATING

MODERATE / LOW

Receptor Type	Public
Viewpoint Number	13
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE / LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / LOW



As currently approved



*** Previous 'As per application' now updated in the Addendum at the back of this report ***

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 14

LOCATION	View north-west from the footpath along the east edge of Rushcutters Bay Park.
DISTANCE	Approximately 200m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The low foreground is composed of grass and a walkway in Rushcutters Bay Park. Trees in the mid-ground screen the marina and the buildings in the background, making the vessels less dominant in the visual scene.



Viewpoint Location.

EXPECTED VISUAL IMPACT

As a result of the distance from the viewpoint to the proposed development at A Arm and the mature trees heavily filtering the background views, almost no proposed development can be discerned from this similar level viewing. As the proposed development is blocked by existing pontoons and vessels from this location, the overall visual scene remains the same.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	14
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	MODERATE
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	LOW
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



As currently approved



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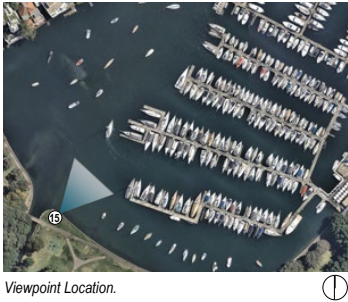
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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 15

LOCATION	Detail view of the existing arrangement at the west end of A Arm, from the concrete structure above the park's stormwater outflow.
DISTANCE	Approximately 100m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The foreground is comprised of unimpeded water views of Rushcutters Bay. The marina can be seen clearly in the mid-ground. Vegetation of Yarranabbe Park and buildings in Darling Point are visible in the background along with Bradleys Head in the farther distance.



EXPECTED VISUAL IMPACT

Parts of the proposed development, mainly the additional vessel at the south of the A Arm berth, is visible from this similar level of viewing. Main visual impact effects include the slight increase in the mass of the vessel closest to the viewer and the view blocking of background vessels and pontoons and a small area of the open water that currently exists. However, the tall slim masts of the additional vessels do not create significant view blocking effects to the view of sky, skyline and the distant background. In addition, there is no character change to the existing view.

VISUAL IMPACT RATING

LOW

Receptor Type	Public
Viewpoint Number	15
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	MODERATE
View Orientation	MODERATE
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	LOW



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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 16

LOCATION	Detail view of the subject site at the east end of A Arm & D Arm, viewing south-west from the yacht club Rushcutters Bay Park entrance area.
DISTANCE	Approximately 30m.
RECEPTORS	Public - pedestrians, pontoon users.
EXISTING VIEW	The view looks across A Arm and D Arm with unimpeded water view in the foreground. The mid-ground is comprised of dense tree canopies and a lawn area of Rushcutters Bay Park. In the distance the Sydney Tower Eye can be seen along with the city skyline.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed development, one new club berth in the inside of A Arm and three casual converted berths at D Arm, are visible from the access boardwalk of the CYCA viewing toward Rushcutters Bay Park. Main visual impact effects include the view blocking of a significant part of background pontoons and vessels including swing moorings. As well, views of nearly all low level vegetation in the mid-ground and a portion of open water in the low foreground are obscured. Note that the two photos were taken at differing states of tide meaning the impacts appear slightly exaggerated.

VISUAL IMPACT RATING

MODERATE

Receptor Type	Public
Viewpoint Number	16
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	MODERATE
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	HIGH
Quantum of View	HIGH
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	MODERATE
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE



As currently approved



* Previous 'As per application' image. Note: the PB65 motor vessel in Berth 2 is no longer the proposed vessel

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 17

LOCATION	Detail view of the subject site at the east end of A Arm, viewing north-east from the east end of D Arm.
DISTANCE	Approximately 20m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view focuses on the end of A Arm with the CYCA Clubhouse seen in the mid-ground. The pontoon and water view dominate the foreground while trees in Yarranabbe Park and tall buildings in Darling Point suburb can be seen in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

Parts of the proposed development, mainly the one new club berth in the inside of A Arm and one casual converted berth at D Arm, are visible from the D Arm pontoon viewing toward the CYCA Clubhouse. Views affected predominantly include the outdoor terrace area of the CYCA Clubhouse, the mature fig tree and sea wall in the mid-ground and the open water in the low foreground. The view of sky and skyline are slightly impacted. Overall, combined with the low number of views and the insignificant character of change, the visual impact to the existing view is still relatively low.

VISUAL IMPACT RATING

MODERATE / LOW

Receptor Type	Public
Viewpoint Number	17
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE / LOW
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE / LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / LOW



As currently approved



* Previous 'As per application' image. Note: the PB65 motor vessel in Berth 2 is no longer the proposed vessel

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 18

LOCATION	Detail view of the subject site at the east end of D Arm, viewing south-east from D Arm.
DISTANCE	Approximately 5m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view focuses on the end of D Arm with a portion of pontoons and a vessel in the low foreground. The foreground is dominated by the water view while the dense tree canopies in the mid-ground obscuring the residential buildings in the background.



EXPECTED VISUAL IMPACT

Parts of the proposed development, mainly the two casual converted berths at D Arm, are visible from the D Arm pontoon viewing toward the Rushcutters Bay Park at the east end. Views blocked predominantly include the mid-ground horizontal sea wall, a portion of the row of mature fig trees and most of the open water view in the foreground. The view of sky and skyline are slightly impacted while the visual impact on distant views of the residential buildings is lessened by the existing trees in the mid-ground. The visual impact on the existing view is clearly visible, but this is a limited view principally for those accessing vessels on the marina.

VISUAL IMPACT RATING

MODERATE / HIGH

Receptor Type	Public
Viewpoint Number	18
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	HIGH
Quantum of View	HIGH
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	MODERATE
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / HIGH



As currently approved



* Previous 'As per application' image. Note: the PB65 motor vessel in Berth 2 is no longer the proposed vessel

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 19

LOCATION	Detail view of the subject site at the east end of A & D Arm, viewing north-east from D Arm.
DISTANCE	Approximately 5m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view focuses on the end of D Arm with pontoons forming the low foreground. The CYCA Clubhouse can be seen clearly in the mid-ground. Buildings in Darling Point suburb along with mature fig trees in the mid-ground define the skyline.



EXPECTED VISUAL IMPACT

A portion of the proposed development, mainly the two casual converted berths at D Arm, are visible from the D Arm pontoon viewing toward the Cruising Yacht Club building. Main visual impact effects include reducing the view of the CYCA Clubhouse, the trunks of the mature fig trees and the sea wall in the mid-ground. As well, there is a significant view loss of the open water in the foreground. As a result of the tall thin mass, the view of sky and skyline remain mostly unaltered. Overall, although the number of views is low, the vessels added will form a noticeable change to the scene.

VISUAL IMPACT RATING

MODERATE / HIGH

Receptor Type	Public
Viewpoint Number	19
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	HIGH
Quantum of View	HIGH
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	MODERATE
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / HIGH



As currently approved



* Previous 'As per application' image. Note: the PB65 motor vessel in Berth 2 is no longer the proposed vessel

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5.2 VIEWPOINT VISUAL IMPACT ASSESSMENT

VIEWPOINT 20

LOCATION	Detail view of the subject site at the east end of D Arm, viewing south-west from D Arm.
DISTANCE	Approximately 8m.
RECEPTORS	Public - pontoon users.
EXISTING VIEW	The view focuses on the end of D Arm with large portion of water in the foreground. Few vessels can be seen in the mid-ground along with dense tree canopies which obstruct the residential buildings in the background.



Viewpoint Location.

EXPECTED VISUAL IMPACT

Parts of the proposed development, mainly the three casual converted berths at D Arm, are visible from the D Arm pontoon viewing toward south to Rushcutters Bay Park. As a result of the view orientation, the visual accessibility to the low level features of the park is diminished. As well, background swing moored vessels are blocked by the additional vessels. Although the open water in the close foreground remain uninterrupted, there is a noticeable level of water view loss. Due to the tall thin mass, the view of sky and skyline remain mostly unaltered. Overall, although the number of views is low, the vessels added are still noticeable in this modified scene.

VISUAL IMPACT RATING

MODERATE

Receptor Type	Public
Viewpoint Number	20
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	LOW
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	HIGH
Quantum of View	MODERATE
Period of View	LOW
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	MODERATE
Overall Quantitative Magnitude Rating	MODERATE
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE



As currently approved



* Previous 'As per application' image. Note: the PB65 motor vessel in Berth 2 is no longer the proposed vessel

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5.3 VISUAL IMPACT SUMMARY

		OPERATIONAL PHASE										
	Receptor Identification (viewpoint no.)	MAGNITUDE										Impact Rating
		Viewer Location	Viewer Activity	Number of Views	View Distance	View Orientation	Quantum of View	Period of View	Feature Skyline	View of Sky	Character Change	
View east from the elevated east side gardens at Ulverstone Apartments 65A Elizabeth Bay Road.	1	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View east from the dining room bay window at Unit 10 Ulverstone Apartments.	2	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	HIGH	LOW	LOW	LOW	LOW
View north-east from the Rushcutters Bay access steps to the harbour located at the north edge of Rushcutters Bay Park.	3	HIGH	HIGH	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View north from the north end of a central pedestrian path.	4	HIGH	HIGH	LOW	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	LOW	LOW
View north from the south end of a central pedestrian path.	5	HIGH	HIGH	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View north-west from the west edge of the Rushcutters Bay Park cafe seating wall.	6	HIGH	HIGH	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
View west along the north edge of AArm towards the subject site from the CYCA central pier.	7	HIGH	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW	LOW	LOW	LOW
View west along the south edge of AArm towards the subject site from CYCA.	8	HIGH	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW	LOW	LOW	LOW
Detail view of the subject site at the west end of A Arm, from the west end of D Arm.	9	LOW	LOW	LOW	HIGH	MODERATE	MODERATE	LOW	LOW	LOW	LOW	MODERATE / LOW
Detail view of the subject site from the west end of B Arm.	10	LOW	LOW	LOW	HIGH	MODERATE	MODERATE	LOW	LOW	LOW	LOW	MODERATE / LOW

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5.3 VISUAL IMPACT SUMMARY

		OPERATIONAL PHASE										
	Receptor Identification (viewpoint no.)	MAGNITUDE										Impact Rating
		Viewer Location	Viewer Activity	Number of Views	View Distance	View Orientation	Quantum of View	Period of View	Feature Skyline	View of Sky	Character Change	
Detail view of the subject site at the east end of D Arm, viewing north-east from the foreshore footpath of the Rushcutters Bay Park.	11	HIGH	HIGH	LOW	HIGH	MODERATE	MODERATE	MODERATE	LOW	LOW	LOW	MODERATE
Detail view of the subject site at the east end of D Arm, from the east edge of the foreshore footpath of Rushcutters Bay Park.	12	HIGH	HIGH	LOW	HIGH	MODERATE	MODERATE	MODERATE	LOW	LOW	MODERATE	MODERATE
View north-west from the east edge of Rushcutters Bay Park opposite Loftus Road.	13	HIGH	HIGH	LOW	HIGH	MODERATE	MODERATE	MODERATE	LOW	LOW	LOW	MODERATE / LOW
View north-west from the footpath along the east edge of Rushcutters Bay Park.	14	HIGH	MODERATE	LOW	MODERATE	LOW	LOW	MODERATE	LOW	LOW	LOW	LOW
Detail view of the existing arrangement at the west end of A Arm, from the concrete structure above the park's stormwater outflow.	15	HIGH	LOW	LOW	MODERATE	MODERATE	LOW	MODERATE	LOW	LOW	LOW	LOW
Detail view of the subject site at the east end of A & D Arm, viewing south-west from the yacht club Rushcutters Bay Park entrance area.	16	HIGH	MODERATE	LOW	HIGH	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE
Detail view of the subject site at the east end of A Arm, viewing north-east from the east end of D Arm.	17	HIGH	LOW	LOW	HIGH	MODERATE	MODERATE	LOW	LOW	LOW	LOW	MODERATE / LOW
Detail view of the subject site at the east end of D Arm, viewing south-east from D Arm.	18	HIGH	LOW	LOW	HIGH	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE / HIGH
Detail view of the subject site at the east end of A & D Arm, viewing north-east from D Arm.	19	HIGH	LOW	LOW	HIGH	HIGH	HIGH	LOW	LOW	LOW	MODERATE	MODERATE / HIGH
Detail view of the subject site at the east end of D Arm, viewing south-west from D Arm.	20	HIGH	LOW	LOW	HIGH	HIGH	MODERATE	LOW	LOW	LOW	MODERATE	MODERATE

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5.3 VISUAL IMPACT SUMMARY

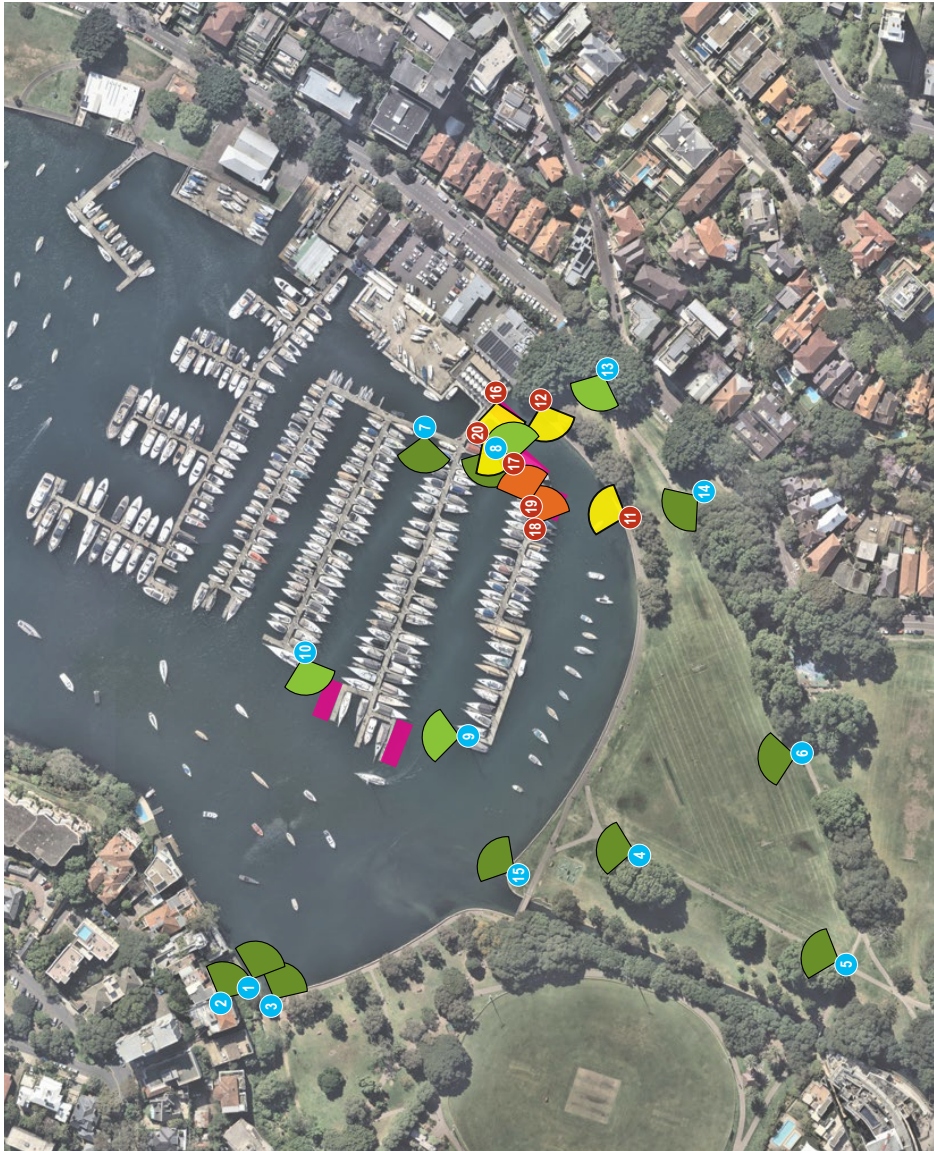
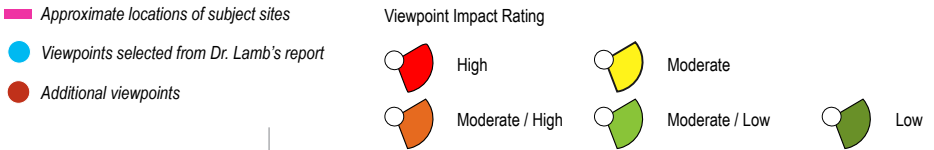


Figure 11 - Summary of view locations and visual impacts



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6.1 APPROACH AND APPLICATION

TYPES OF MITIGATION

There are typically three types of mitigation measures that can be employed when seeking to reduce visual impacts of marina construction or extension, as described below:

Avoidance

The proposal has been subject to significant analysis and modification since the Club was founded in 1944. The proposal is key to the functioning of the marina, with the Proposal being a permissible land use within the site. Avoidance measures have therefore not been considered applicable in this report.

Reduction

As the proposal is solely for amended berths and does not involve any new construction, the only reduction available would be in the size and mass of vessels berthed.

Vessel design has changed significantly over the last two decades with yachts and motor vessels generally having larger mass above the waterline. Accordingly, in this instance 'Reduction' is not considered applicable here.

Alleviation

Options to alleviate impacts are associated with detailed design features such as materials, finishes, reflectivity and planting character.

Typically mitigating visual impacts of views to marinas from public spaces such as parks might consider planting. In this instance, the impacts are not of such scale as to warrant planting and this would also potentially limit wider views. Hence 'Alleviation' is not considered applicable here.

SITE SPECIFIC RESPONSE

The proposed amendments do not entail the construction of any additional marina infrastructure.

The principal changes to the visual scene will therefore relate either to larger vessels in existing approved berths or additional vessels berthed alongside existing pontoons.

Consequently, none of the typical mitigation measures outlined earlier would apply in this situation.

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7.1 FINDINGS

SUMMARY OF FINDINGS

Overall, the following conclusions can be drawn on the proposed development impacts to visual amenity within the study area:

- the majority of the visual impacts fall within the Low to Moderate scale (eighteen viewpoints), with two viewpoints registering a Moderate/High rating (generally from views seen by users of the Club only) and no viewpoint identified as a High rating;
- the most significant public spaces that will be effected by the proposed development are those that are in close distance with the added vessels and have no vegetation screening or filtering in the foreground - such as the viewpoints perceived from the pontoons at the end of D & A Arm;
- where long distance views to the proposed development are possible, it is generally difficult to discern any change to the current visual scenes as there is existing vegetation or marina features (berthed vessels, pontoons or swing moored vessels) in front of the proposed development. As well, viewing from a far distance, the volume of the vessels is small enough to leave the open water view unimpeded;
- views of the skyline and sky remained mostly unaffected due to the form of the additional masts being thin in profile;
- although some viewpoints have a Moderate or Moderate/High rating, considering the not view-focused activities on site, low number of views, short period of view and minimal character of change, the proposed development does not create any significant visual change to the existing views;
- despite having a few Moderate and Moderate/High ratings, the general visual impact of the proposed development on the existing views is relatively low.

Of the 20 viewpoints selected and analysed the findings are as follows:

- Ten viewpoints with a **Low** rating
- Four viewpoints with a **Moderate/Low** rating
- Four viewpoints with a **Moderate** rating
- Two viewpoints with a **High/Moderate** rating.

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7.2 CONCLUSIONS

CONCLUSIONS

A comprehensive VIA of the proposed development on the surrounding area has been conducted and employs a rigorous, best practice methodology to identify levels of visual impacts based on a professional evaluation.

The study has thoroughly reviewed Dr. Lamb's 2009 and 2019 reports and further selected additional valid viewpoints. As well, the study has identified and evaluated the existing visual environment (while acknowledging that the current visual scenes are anticipated to change in the future) and key views before progressing to an assessment of quantitative and qualitative criteria using best practice methodology.

Whilst it is acknowledged that the perceived visual impact of the proposed development will vary from viewer to viewer, this best practice methodology concludes that the proposal does not cause any significant overall visual impact on the scene.



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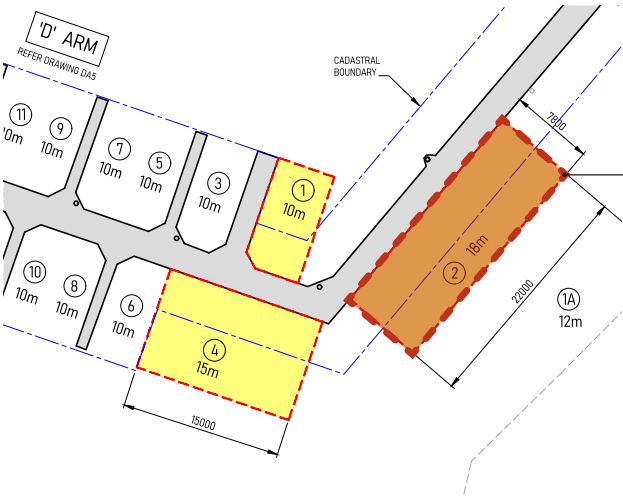
8.1 ADDENDUM RATIONALE

As described in the Introduction, an earlier version of this report was reviewed by *Woollahra Municipal Council* and their feedback was provided in March 2024. This addendum was prepared in response to the comment that the length and vessel proposed for Berth 2 are too large.

This VIA report previously showed a 22m length *Palm Beach 65* powerboat vessel in Berth 2 on the 'D' Arm of the marina for the 'As per application' images.

Viewpoints 11, 12 & 13 which showed the 22m vessel from the adjacent public spaces have been updated to show an 18m length yacht and are included in this addendum. The updated images were shown to Council prior to the re-issue of this report and Council indicated their acceptance of the update to Berth 2. The reduced berth length has also been indicated on the drawings.

Viewpoints 16, 17, 18, 19 & 20 where the 22m vessel can also be seen from the floating pontoons of the marina, have not been updated to show the smaller vessel.



The Berth 2 proposal has been updated since the modification issue in 2023.

An 18m length yacht is proposed in lieu of the 22m Palm Beach 65 motor boat in Berth 2 on 'D' Arm.

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8.2 VIEWPOINT VISUAL IMPACT ASSESSMENT - UPDATED

VIEWPOINT 11

LOCATION	Detail view of the subject site at the east end of D Arm, viewing north-east from the foreshore footpath of the Rushcutters Bay Park.
DISTANCE	Approximately 50m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The view looks across the marina toward Darling Point suburb. The foreground is comprised of a small portion of the walkway in Rushcutters Bay Park and water view. The vessels dominate the mid-ground while tall buildings in Darling Point and trees in Yarranabbe Park can be seen in the background. The CYCA Clubhouse can be seen on the right of the view.



EXPECTED VISUAL IMPACT

The proposed development, one new club berth in the inside of A Arm and three casual converted berths at D Arm, are visible from the foreshore walk. The main visual impact effects include the greater bulk and massing of the vessels in these berths. As well, a perceptible portion of open water view in the foreground is affected. However, the view of sky and skyline are not significantly changed by the masts of additional vessels.

VISUAL IMPACT RATING

MODERATE

Receptor Type	Public
Viewpoint Number	11
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE / LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE / LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE



As currently approved



As per application

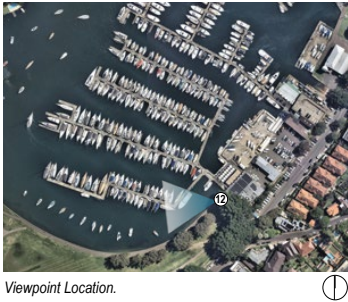
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8.2 VIEWPOINT VISUAL IMPACT ASSESSMENT - UPDATED

VIEWPOINT 12

LOCATION	Detail view of the subject site at the east end of D Arm, from the east edge of the foreshore footpath of Rushcutters Bay Park.
DISTANCE	Approximately 30m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The view looks across A Arm and D Arm with a portion of the walkway in Rushcutters Bay Park and water view in the foreground. The mid-ground is comprised of dense tree canopies. In the distance the Sydney Tower Eye can be seen along with the city skyline.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed development, one new club berth in the inside of A Arm and three casual converted berths at D Arm, are visible from the foreshore walk. Main visual impact effects include the larger vessel size and mass closer to the viewer and the view blocking of a large portion of background pontoons and vessels including swing moored ones. As well, views of low level vegetation in the mid-ground and a portion of open water in the low foreground are impacted (note that this image is at high tide). However, views of the skyline remain visible and the Sydney Tower Eye is still visible.

VISUAL IMPACT RATING

MODERATE

Receptor Type	Public
Viewpoint Number	12
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	MODERATE / LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE / LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE



As currently approved



As per application

CLOUSTON associates

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8.2 VIEWPOINT VISUAL IMPACT ASSESSMENT - UPDATED

VIEWPOINT 13

LOCATION	View north-west from the east edge of Rushcutters Bay Park opposite Loftus Road.
DISTANCE	Approximately 60m.
RECEPTORS	Public - park users, pedestrians.
EXISTING VIEW	The visual scene is framed by mature fig trees and predominantly comprised of a foreground lawn area of the Rushcutters Bay Park. A small portion of water can be seen in the mid-ground. The buildings and vegetation along the foreshore are visible in the background. The CYCA Clubhouse is to the right of the view.



Viewpoint Location.

EXPECTED VISUAL IMPACT

The proposed development, one new club berth in the inside of A Arm and three casual converted berths at D Arm, are visible from this similar level of viewing. Despite the framing and filtering of the mature fig trees in the mid-ground, the visual impact to the existing view is perceptible. The principal visual impact include the view blocking of the background pontoons and vessels along with the small loss of a portion of the open water. The skyline and view of sky remain unaffected.

VISUAL IMPACT RATING

MODERATE / LOW

Receptor Type	Public
Viewpoint Number	13
Qualitative - Sensitivity	
Viewer Location	HIGH
Viewer Activity	HIGH
Number of Views	LOW
Overall Qualitative Sensitivity Rating	MODERATE
Quantitative - Magnitude	
View Distance	HIGH
View Orientation	MODERATE
Quantum of View	LOW
Period of View	MODERATE
Quantum of Change - Feature Skyline	LOW
Quantum of Change - View of Sky	LOW
Quantum of Change - Character change	LOW
Overall Quantitative Magnitude Rating	MODERATE / LOW
Overall VISUAL IMPACT RATING (Combination of sensitivity and magnitude ratings)	MODERATE / LOW



As currently approved



As per application

CLOUSTON associates

8.3 CONCLUSIONS - UPDATED

CONCLUSIONS

A comprehensive VIA of the proposed development on the surrounding area has been conducted in the main body of this report and employs a rigorous, best practice methodology to identify levels of visual impacts based on a professional evaluation.

The study has thoroughly reviewed Dr. Lamb's 2009 and 2019 reports and further selected additional valid viewpoints. As well, the study has identified and evaluated the existing visual environment (while acknowledging that the current visual scenes are anticipated to change in the future) and key views before progressing to an assessment of quantitative and qualitative criteria using best practice methodology.

Whilst it is acknowledged that the perceived visual impact of the proposed development will vary from viewer to viewer, this best practice methodology concludes that the proposal does not cause any significant overall visual impact on the scene.

The smaller berth size and alternate vessel requested by Woollahra Municipal Council for Berth 2 have resulted in reducing the *Quantum of View* rating for the three land-based viewpoints selected and updated:

- **Viewpoint 11** - the *Quantum of View* rating changed from **Moderate** to **Moderate / Low** which caused the *Overall Quantitative Magnitude Rating* to drop to **Moderate / Low**
- **Viewpoint 12** - the *Quantum of View* rating changed from **Moderate** to **Moderate / Low** (which did not affect the *Overall Quantitative Magnitude Rating*)
- **Viewpoint 13** - the *Quantum of View* rating changed from **Moderate** to **Low** which caused the *Overall Quantitative Magnitude Rating* to drop to **Moderate / Low**. As the vessel no longer obscures the low level landscape view in the background, the text was updated in the 'Expected Visual Impact' section.

These updates to the *Quantum of View* were not significant enough to change the *Overall Visual Impact Ratings* for each view and:

- Viewpoint 11 remains a **Moderate** rating
- Viewpoint 12 remains a **Moderate** rating
- Viewpoint 13 remains a **Moderate / Low** rating

A reduction in Overall Quantitative Magnitude Rating is assumed for the pontoon based views (16, 17, 18, 19 & 20) that were not updated as part of this addendum.

The reduced Berth 2 size and particularly the change to the type of vessel which has a reduced volume and bulk have resulted in reducing the *Quantum of View* ratings, however this was not enough to change the overall *Visual Impact Rating*.





Marine Habitat Survey

Cruising Yacht Club of Australia, 1 New Beach Road, Darling Point

Prepared For: Copley Marine Consulting Group

Report Date: 08 May 2023



H2O Consulting Group Pty Ltd

P: 0414 848 105 | E: info@h2oconsultinggroup.com.au | W: www.h2oconsultinggroup.com.au



H2O Consulting Group Pty Ltd

PO Box 3257, Erina NSW 2250
Email: info@h2oconsultinggroup.com.au
Web: <https://h2oconsultinggroup.com.au>
Ph: 0414 848 105

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R0	Alex Swanson BMarBiol	David Cummings BSc (Hons) PhD	08/05/2023

Disclaimer:

The information provided in this document is based on knowledge, understanding and field observations at the time of review of associated materials and/or site survey. The report should be read and considered in its entirety including consideration of the limitations described in the report.

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Background

H2O Consulting Group was engaged by Copley Marine Consulting Group to provide a Marine Habitat Survey (MHS) of the seabed and surrounding marine habitat at the Cruising Yacht Club of Australia (CYCA), 1 New Beach Road, Darling Point. The site adjoins Sydney Harbour and falls within the Local Government Area of Woollahra.

The seabed and some shoreline areas of Sydney Harbour are vested in Roads and Maritime (Transport for NSW – TfNSW) as public owned land. Thus, Sydney Harbour waterfront landowners require consent for proposals involving such areas by TfNSW through granting 'Permission to Lodge' approvals relating to such land. The purpose of the MHS is to support a development application for the modified use of 3 permanent berths and creation of 3 new berths in the marina of the CYCA at Darling Point.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) consolidates planning instruments for the Sydney Harbour Catchment that includes the Sydney Harbour Catchment Regional Environmental Plan 2005 (Harbour REP). This includes further consideration for wetland protection provisions to conserve and protect any designated wetland.

In NSW, the *Fisheries Management Act 1994* (FM Act) provides for conservation and protection of fisheries resources, fish habitat and threatened aquatic species in NSW waters. Under the FM Act, as well as the New South Wales *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), there are requirements for the protection of estuarine vegetation such as mangroves, saltmarsh and seagrass.

NSW DPI may make further assessment, evaluations and recommendations that may include stipulating additional mitigation measures as a consent condition for the proposed development after review of this report.

This survey at 1 New Beach Road, Darling Point, has been conducted in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management* (Fairfull 2013).

Objectives

The objectives of this Marine Habitat Survey are to:

- Provide a clear description of the proposed modifications to berthing arrangements, marine environment including presence of threatened and/or invasive species and any relevant hydrological features.
- Where present, identify, describe (species & density) and map marine vegetation in the area affected and adjacent areas.
- Identify potential impacts the proposed modifications to berthing arrangements and, where appropriate, recommend mitigation measures to ameliorate any environmental effects on the marine environment.



Regional Context

Sydney Harbour (also referred to as Port Jackson) and its tributaries are of significance to social, economic and environmental values at local, state and national levels. The estuary is one of the most modified estuaries in Australia, with a heavily developed catchment. This includes over 50% of its shoreline having been replaced by seawalls and artificial structures, and 25% of shoreline having been removed due to reclamation and infilling (Hedge *et al.* 2013).

The Harbour is a drowned river valley characterised by steep sided banks (Hedge *et al.* 2013) and includes the areas of Middle Harbour and North Harbour. The main tributary is the Parramatta River which extends 20 km inland from the main harbour, while the Lane Cove River and Middle Harbour Creek in Middle Harbour are also major tributaries. The Subject Site is located on the southeast shore of Rushcutters Bay at Darling Point, on the southern shore of Sydney Harbour, east of the Sydney Harbour Bridge (Figure 1).

The nearest protected aquatic habitat is the North Harbour Aquatic Reserve located between Grotto Point and North Head (near Sydney Heads), which is approximately 7.5 km from the Subject Site. There are no aquaculture activities within the vicinity of the Subject Site, and commercial fishing activities in Sydney Harbour no longer occur.

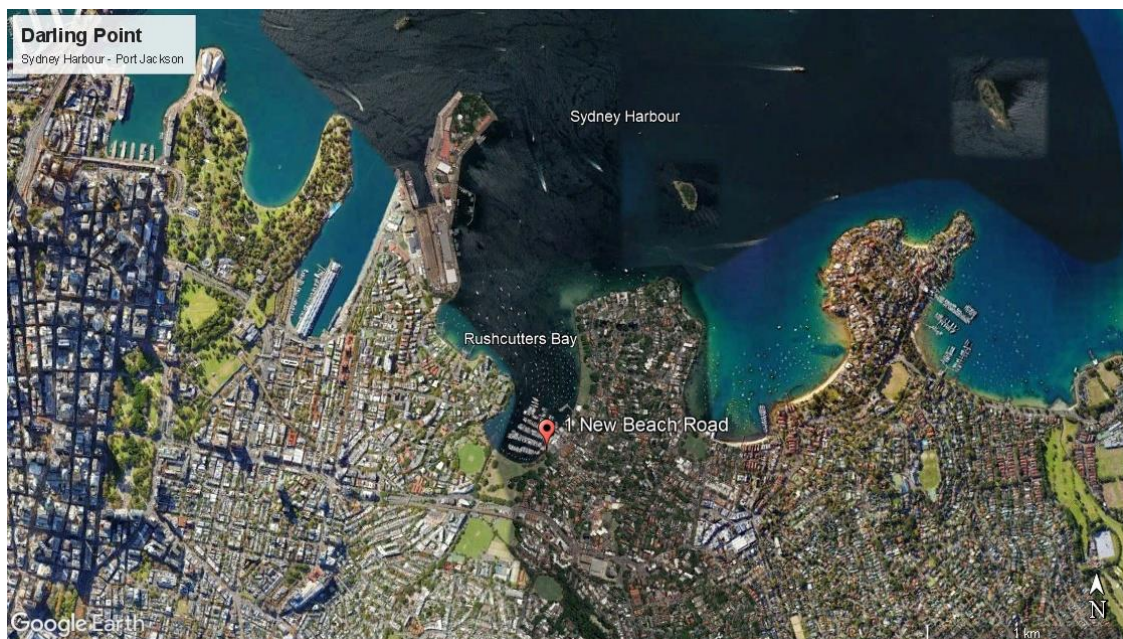


Figure 1: Locality of the Subject Site in Darling Harbour.

Existing Information

Despite being a heavily modified estuary, Sydney Harbour is home to a wealth of aquatic biodiversity, however many important aquatic macrophytes important to estuarine productivity, shoreline stability and that provide important shelter for aquatic species (West *et al.* 2004) are decreasing. Seagrass area has



declined extensively since 1986 (87ha), with only 50ha recorded in 2003. Saltmarsh has also declined with only 38ha remaining, yet mangroves, which prior to 1900 were uncommon, are increasing and currently occupy an area of 184ha (Hedge et al. 2013). Historical impacts on aquatic macrophytes and biodiversity in Sydney Harbour and its tributaries include inputs of contaminants, nutrients and suspended solids (Hedge et al. 2013), navigational dredging, high vessel usage and movements, shoreline developments, moorings and recreational boating (Cardno Lawson Treloar 2008, West 2011).

The DCP describes the aquatic ecological community adjoining the Subject Site as water, with communities adjacent to the site mapped as sandy beach and seagrass beds (NSW Planning and Environment 2005). The Harbour REP indicates the Subject Site is not within a designated Wetlands Protection Area, however multiple Wetlands Protection Areas exist on the southern, western and upper eastern shores of Rushcutters Bay (NSW Planning and Environment 2015).

NSW DPI habitat maps indicate the presence of mangroves, saltmarsh and seagrasses *Posidonia australis*, *Zostera capricorni* and to a lesser extent *Halophila ovalis* in Sydney Harbour and its tributaries (Creese et al. 2009). In six NSW estuaries, including Sydney Harbour, *P. australis* has been listed as an Endangered Population and added to Threatened Species Schedules under the FM Act (NSW DPI 2012a), while more recently *P. australis* seagrass meadows of the Manning-Hawkesbury ecoregion have been listed as an Endangered Ecological Community under the EPBC Act. Additionally, Coastal Saltmarsh has been listed as an Endangered Ecological Community in the NSW North Coast, Sydney Basin and South East Corner Bioregions under the BC Act, which also corresponds with the listing of Subtropical and Temperate Coastal Saltmarsh as a vulnerable ecological community under the EPBC Act. Inside Rushcutters Bay, mangroves, saltmarsh and seagrasses are absent with nearby known seagrasses restricted to some small beds of *Z. capricorni* on the western and southern shores of Elizabeth Bay and Double Bay, and well away from the Subject Site (Figure 2). Previous surveys conducted by H2O Consulting Group observed dense assemblages of common macroalgae, however, did not observe any seagrasses in the Subject Site (H2O Consulting, 2019).

In Sydney Harbour Black Rockcod (*Epinephelus daemeli*) may utilise deeper shoreline areas along rocky drop-offs where ledges, overhangs and caves occur. The Black Rockcod has been listed as a Vulnerable fish species under the FM Act as they have been historically overharvested and risks remain from fishing, climate change and water pollution (NSW DPI 2012b). The Little Penguin (*Eudyptula minor*) is also commonly seen foraging throughout the lower reaches of Sydney Harbour, while the colony in North Harbour near Manly is the only known breeding colony on mainland NSW and has subsequently been listed under the BC Act as an Endangered Population. The penguins nest along the rocky shorelines around Manly Point and in the Sydney Harbour National Park. Threats to the population include predation by dogs, cats and foxes, and the loss and disturbance of breeding and nesting habitat. Subsequently critical habitat has been declared on North and Middle Heads and around Manly Point (NSW NPWS 2002). More recently White's Seahorse (*Hippocampus whitei*) and the Cauliflower Soft Coral (*Dendronephthya australis*) have been listed as an Endangered species under the FM Act. The natural habitats of the White's Seahorse include sponge gardens, seagrass meadows and soft corals, while it is also known to use artificial habitats such as protective swimming net enclosures and jetty pylons (NSW DPI 2019). The Cauliflower Soft Coral occurs sporadically in estuaries including Port Stephens and Brisbane Water, where they grow in abundance, typically in areas with a sandy seabed and high current flow (NSW DPI 2021).



Caulerpa taxifolia is a fast-growing alga endemic to tropical waters of Australia that has rapidly colonised areas outside its natural range, including several areas inside Sydney Harbour (Hedge *et al.* 2013). Rushcutters Bay has been previously mapped as an area affected by the species in Sydney Harbour (NSW DPI 2011).

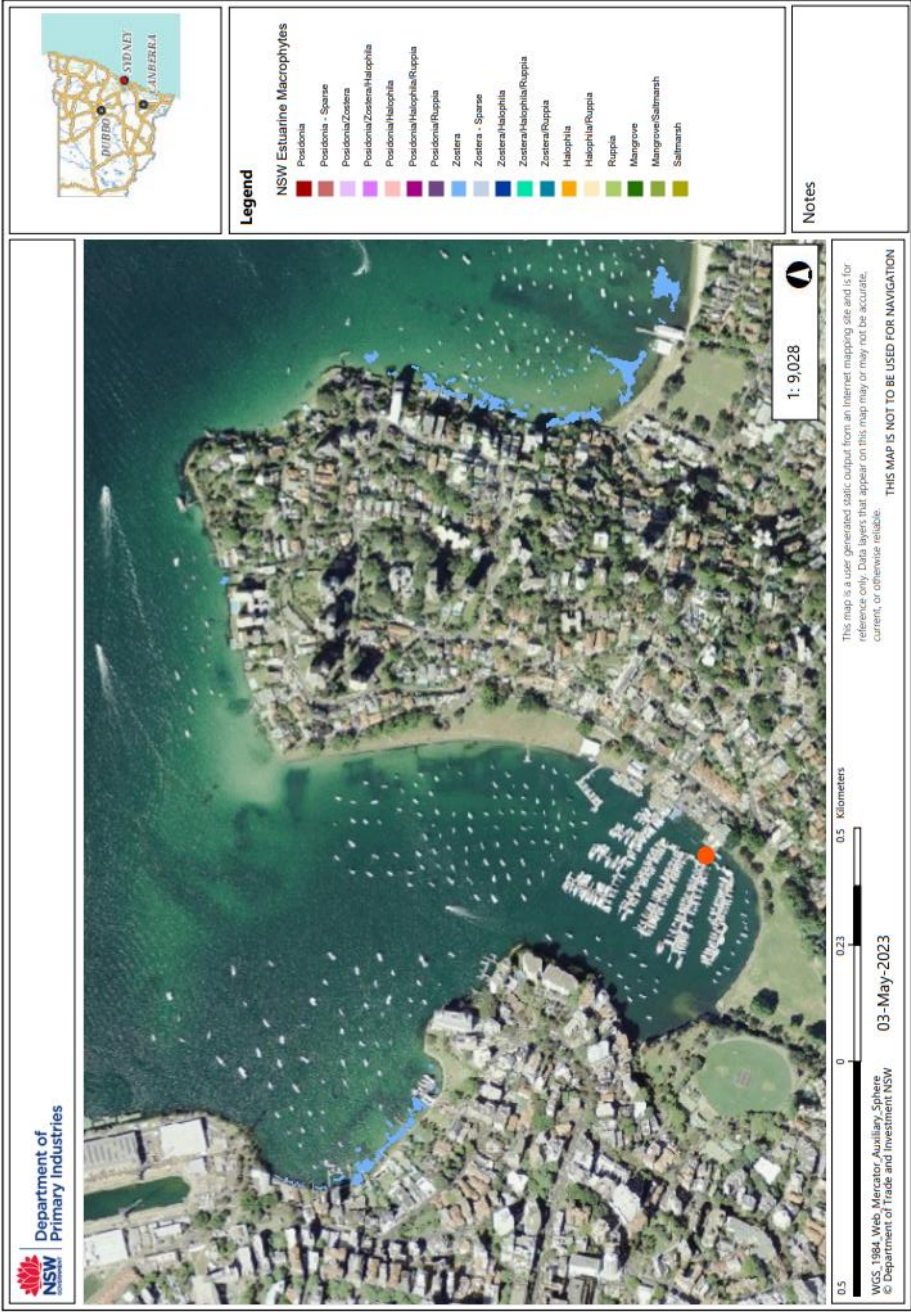


Figure 2: NSW DPI Fisheries mapping in the vicinity of the Subject Site (Source: NSW DPI 2023).
● Subject Site

Description of the Proposed Development

The proposed modifications include the following:

- Enlargement of three existing casual berths on the eastern end of D Arm (20m, 22m and 10m) and conversion to permanent berths,
- Creation of two new permanent berths on the outside of A Arm (18m and 21m); and
- Creation of one new permanent club berth on the inside of A Arm, in 1A.

The proposed modifications are proposed to be located inside the existing CYCA marina, the Subject Site (Figure 3). It is understood that the changes to the existing berths and creation of new berths will not require the construction of any additional piles or pontoons (Figure 4). Full design details are provided in Appendix 1.

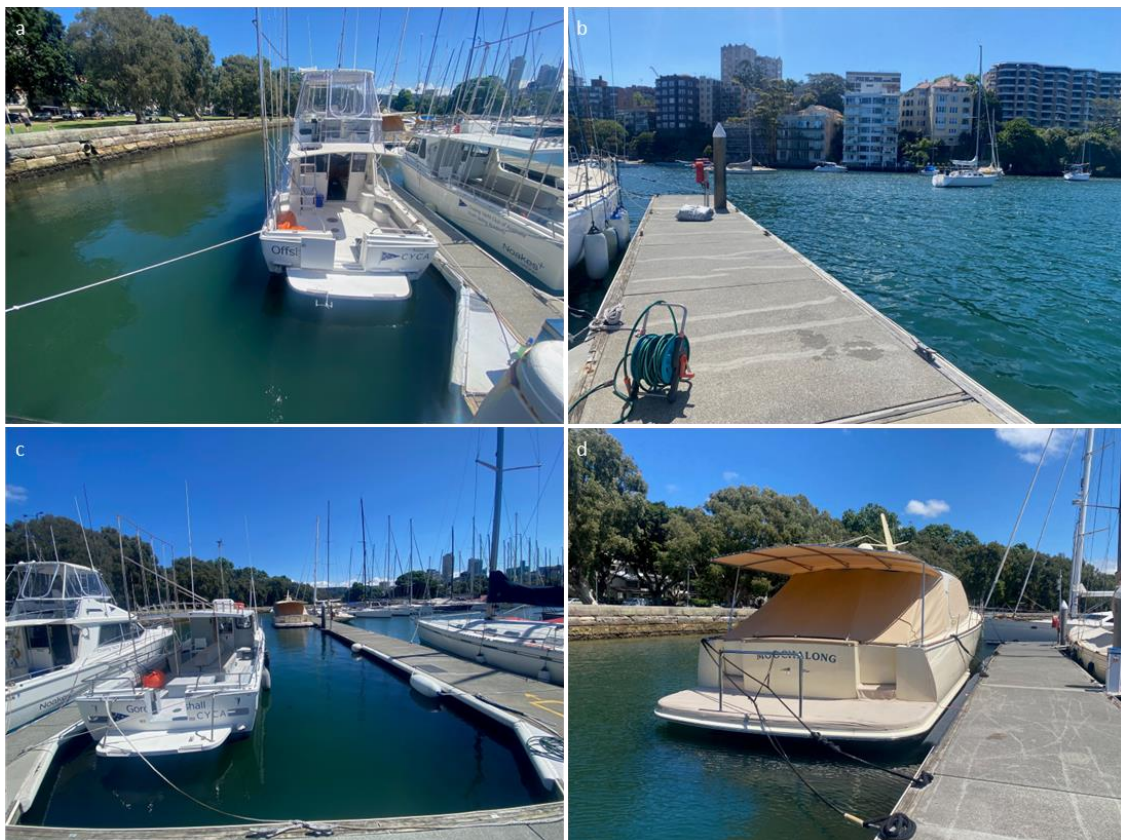
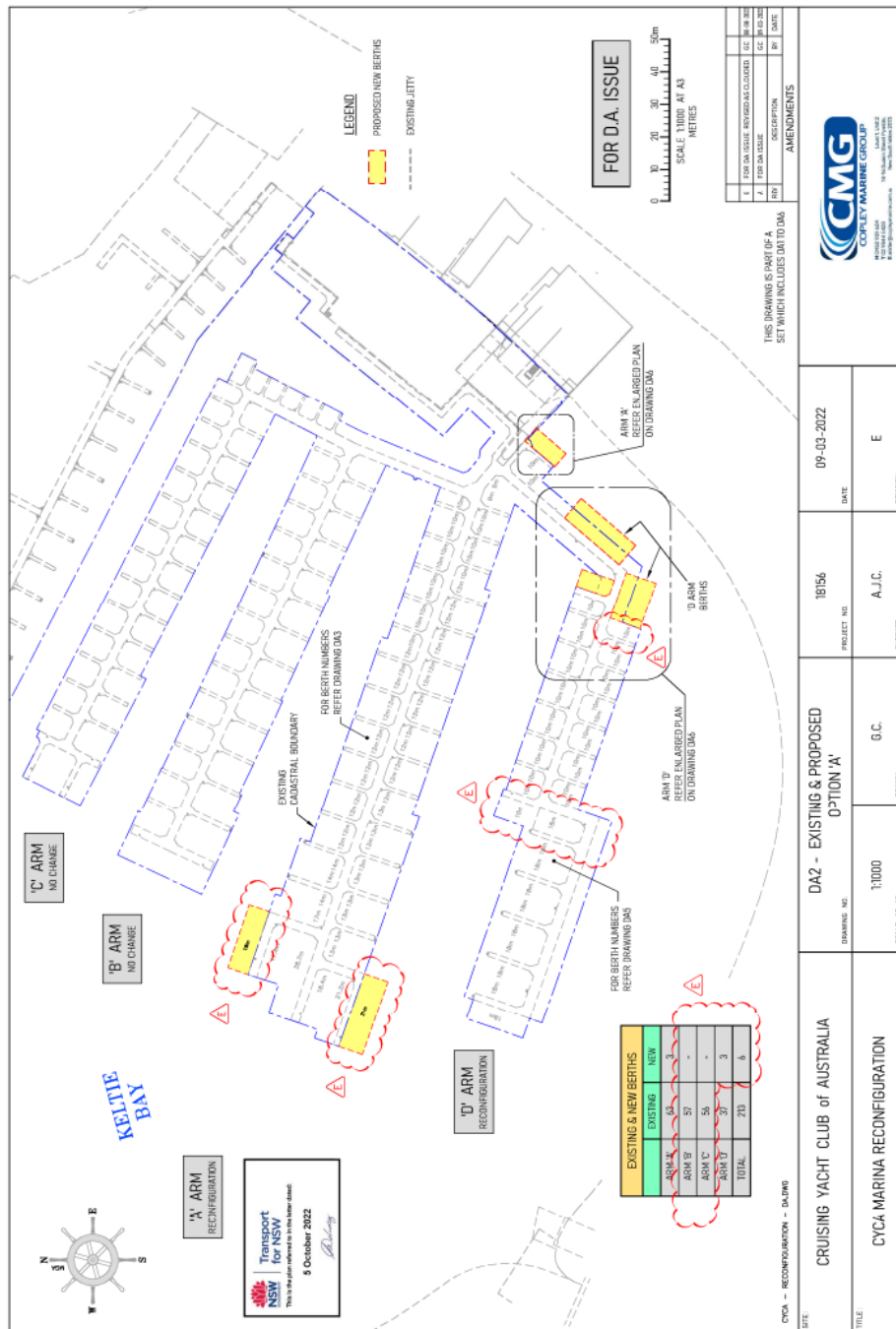


Figure 3: Locations of proposed new berthing arrangements at the Subject Site, showing a) inner Arm A, b) outer Arm A, c) conjunction of inner Arm A and Arm D; and d) inner Arm D.



Marine Habitat Survey | 1 New Beach Road, Darling Point



Study Methods

The Site Survey was undertaken at 1300 hrs on the 10 November 2022, at the start of the ebb tide. The tidal predictions for Darling Point on the day was 1.78 m high tide at 1005 hrs. Weather conditions were sunny with moderate north-easterly winds, while in-water visibility was variable, at 1-2 m in areas further from shore and <1 m in areas on outer arms.

The Study Area included a minimum distance of 10 m around the Project Area and modifications requiring authorisation. The survey was conducted by inspection from the shore and in the water using a Chasing M2 ROV with UHD video and still imagery capture capability. Marine habitat and features of interest were photographed using the ROV. Marine habitat was described based on the dominant flora and fauna observed. For seagrass habitat, density (abundance) and patchiness (sociability) were estimated using categories for each seagrass species present as per King and Barclay (1986) (See Table 1).

Table 1: Seagrass categories for density and patchiness developed from King and Barclay 1986.

Density	
Low	Sparse growth, up to 15% cover
Medium	Moderate growth 15 – 50% cover
High	Abundant growth greater than 50% cover
Patchiness	
Clumps	Individual strands or clumps (less than 1 m ²)
Patches	Patches of between 1 and 5 m ²
Beds	An area of relatively continuous seagrass greater than 5 m ²



Survey Results

The adjoining shoreline of the Subject Site is a highly modified commercial shoreline with a north-westerly aspect across Rushcutters Bay. Waterfront structures at the Subject Site include the large CYCA marina, consisting of a waterfront wharf and numerous floating pontoons forming four arms with 213 existing berths. The adjacent shoreline is highly modified, with stone seawalls lining the shoreline around the majority of Rushcutters Bay and significant inflow from drains connecting to Rushcutters Creek to the south. To the northeast of the Subject Site, waterfront structures include commercial buildings, additional marinas and jetties, carparks, and boathouses. To the southwest, the waterfront adjoins Rushcutters Bay Park.

Subtidal Habitat

Arm A (Inner)

Subtidal habitat within the proposed berth at the inner section of Arm A, and adjacent seabed, consisted of a seabed comprised of very fine silty sediment and organic debris, with a depth of between – 3.0 and -4.0 m. The adjacent piles and underside of pontoons provided artificial habitat for common brown macroalgae *Padina crassa* and Kelp (*Ecklonia radiata*), Forkweed (*Dictyota dichotoma*) and Coralline Alga (*Amphiroa anceps*) (Figure 5). These structures also supported assemblages of sessile invertebrates including Sydney Rock Oysters (*Saccostrea glomerata*) and Blue Mussels (*Mytilus edulis*). Bryozoans were common on the piles and pontoons, with the species Encrusting Red Bryozoan (*Mucropetraliella* sp.) growing on much of the pontoon surface and the Common Bugula (*Bugula neritina*) and Spaghetti Bryozoan (*Amathia verticillata*) apparent in large assemblages, with some common ascidians and encrusting sponges also observed (Figure 5).

Arm D (Inner)

Subtidal habitat within the proposed berth at the inner section of Arm D and the surrounding area consisted of seabed comprised of silty sediment, with some bioturbation and a depth between -3.0 and -4.0 m. Some old construction materials were also observed on the seabed that had been covered with silt and some growth (Figure 6). Artificial habitat provided by the existing piles supported occasional patches of macroalgae including Kelp (*Ecklonia radiata*) and the common brown macroalgae *Zonaria diesingiana*, while pontoon undersides provided habitat for Forkweed (*Dictyota dichotoma*) (Figure 6). Existing piles were high in faunal diversity, supporting dense assemblages of branching sponges, with occasional ascidians (*Ascidia sydneiensis*), hydroids and bryozoan species including the branching Common Bugula (*Bugula neritina*), Spaghetti Bryozoan (*Amathia verticillata*) and Encrusting Red Bryozoan (*Watersipora subtorquata*) (Figure 6).

Arm A (Outer)

Subtidal habitat within the proposed berth at the outer section of Arm A and the adjacent seabed was comprised of a bioturbated soft sandy seabed with a fine layer of silt, with a depth of approximately – 6.0 m (Figure 7). The subtidal habitat in this area was very turbid, with visibility of only 0.5 m, and algal wrack smothering the seabed in places. Levels of bioturbation observed in the area was indicative of workings by communities of soft sediment invertebrates. Artificial habitat provided by the piles and pontoon underside on the north and south of the outer Arm A supported a wide diversity of macroalgae species including all species previously observed at inner Arm A and inner Arm D, with the addition of Gulfweed (*Sargassum*



sp.) (Figure 7). Piles supported Blue Mussels (*Mytilus edulis*), dense assemblages of Red Encrusting Bryozoans (*Watersipora subtorquata*) and Spaghetti Bryozoans (*Amathia verticillata*), and solitary ascidians (*Ascidia sydneiensis*) and jewel anemones (species unknown) (Figure 7).

A number of fish species were observed during the survey within 10 m of the proposed berth, including Yellowfin Bream (*Acanthopagrus australis*), Luderick (*Girella tricuspidata*) and Fan-belly Leatherjackets (*Monacanthus chinensis*).

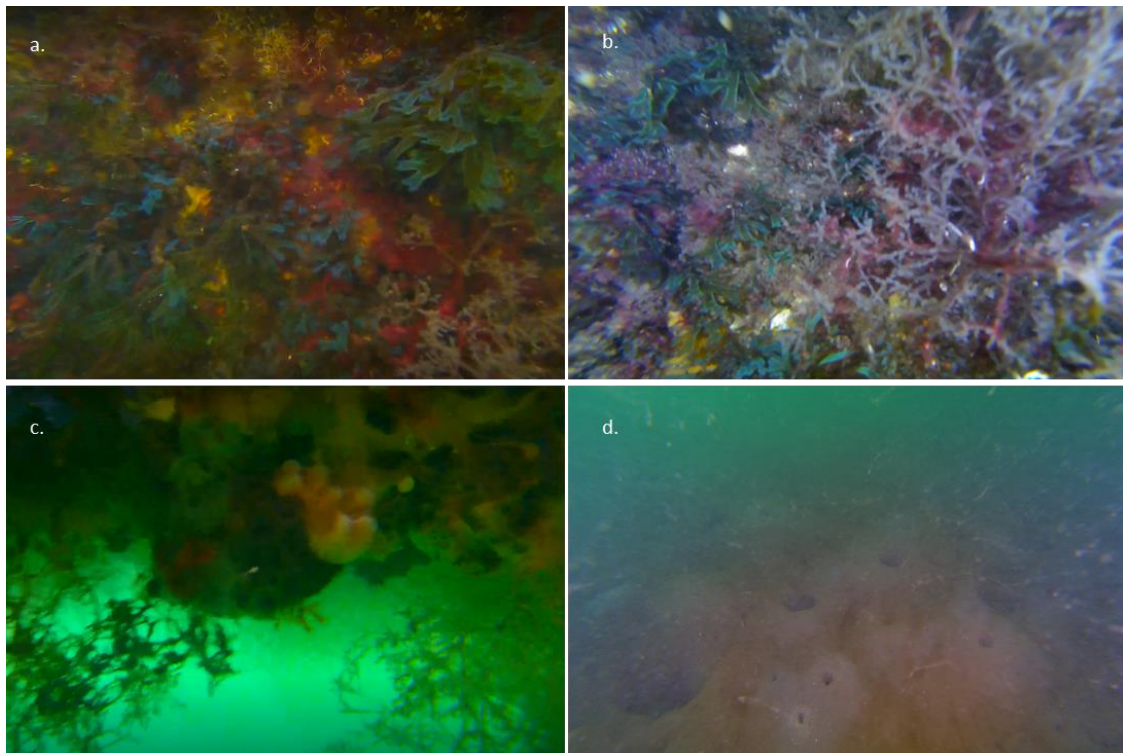


Figure 5: Typical subtidal habitat at inner Arm A, showing a) underside of pontoon with *D. dichotoma* and *Mucropetraliella*, b) underside of pontoon with *D. dichotoma* and *B. neritina*, c) underside of pontoon with common ascidian; and d) bioturbated silty seabed.

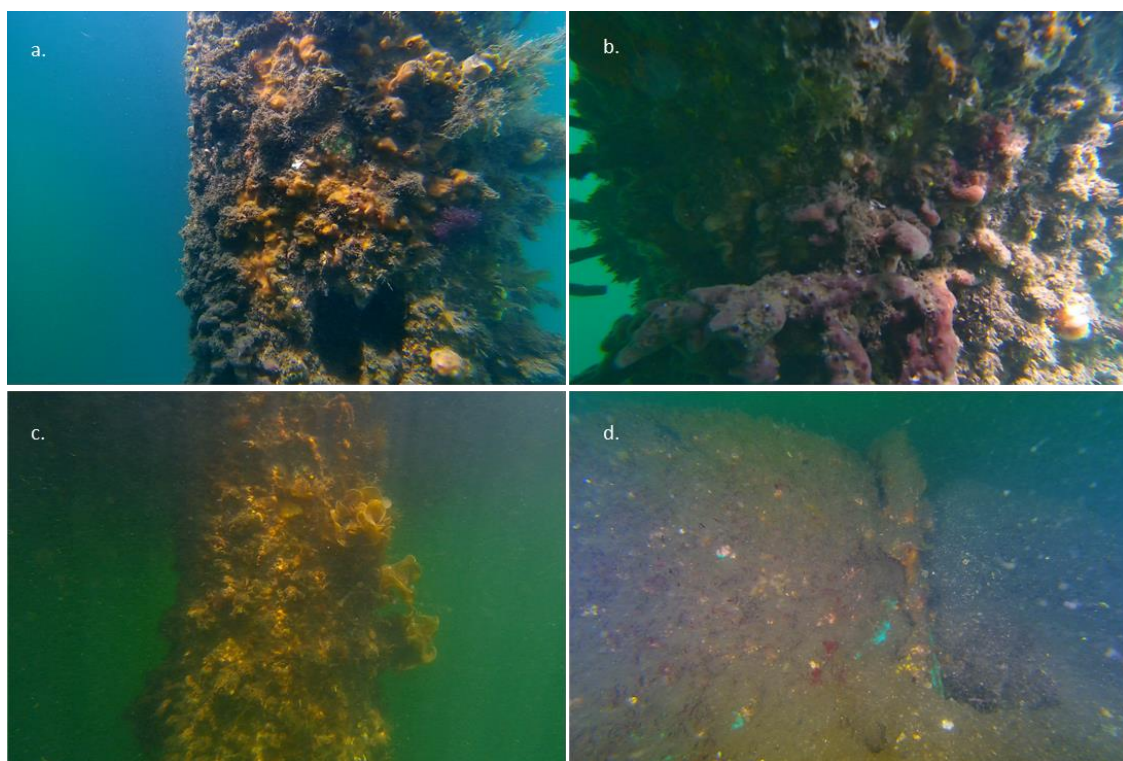


Figure 6: Typical subtidal habitat at inner Arm D, showing a) existing pile with bryozoan species and *A. sydneyensis*, b) existing pile with a high density of branching sponges, c) existing pile with the brown macroalga *Z. diesingiana*; and d) silty seabed with old construction materials.

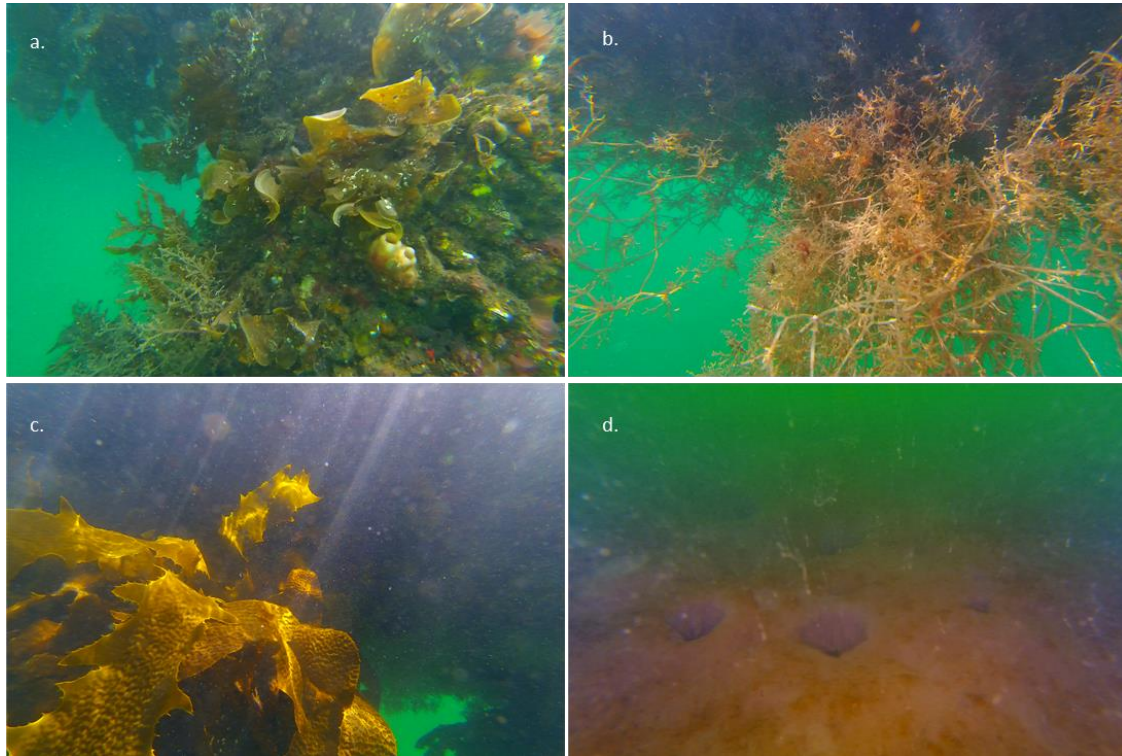


Figure 7: Typical subtidal habitat at outer Arm A, showing a) existing pile with *P. crassa*, *Sargassum*, *A. sydneyensis* and *A. verticillata*, b) underside of the pontoon with a high density of *A. verticillata*, c) existing pile with *E. radiata*; and d) bioturbated seabed with evidence of invertebrate habitat.

Invasive Species

No invasive species including the green alga *Caulerpa taxifolia* were observed in the Study Area.

Threatened Species

The EEC of Coastal Saltmarsh does not occur in the Study Area.

The seagrass *P. australis*, which is considered an Endangered Population in nearby Sydney Harbour under the FM Act and EEC in this region under the EPBC Act does not occur across the entirety of the outer Study Area, or in close proximity to the proposed works.

The Study Area had minimal potential habitat for the Vulnerable Black Rockcod (*E. daemeli*) with no rock undercutting or large boulders. Furthermore, the proposed works have minimal potential to pose a threat to this species.

The Endangered White's Seahorse (*H. whitei*) was not observed during the survey, with the lack of dense seagrass beds providing limited potential habitat for this species. The *H. whitei* species is, on occasions,



found on pylons, fine netting or underneath pontoons, particularly where stalked ascidians occur. Given the location in the lower reaches of the estuary, it is possible that this species could utilise habitat in seagrass beds of adjacent bays, however habitat within the Study Area provides only marginal opportunity for this species given dense stands of large macroalgae.

The Endangered Cauliflower Soft Coral (*D. australis*) was not observed during the survey.



Conclusions and Recommendations

Effects on the marine environment from the proposed modifications are likely to include:

- Increased shading of the seabed from the adapted and new permanent berths. This will reduce available light to some areas of the seabed, directly underneath and surrounding approximately 10 m. Given the seabed lacks any seagrasses and, of a much lesser significance, macroalgae, shading effects are expected to be of minimal ecological significance in this location.
- Some disturbance and potential reduction of biota inhabiting the side of the existing pontoons where boats will berth. New presence of boats and associated movement may impact available habitat space for existing biota; however, this is unlikely to have any significant or long term impacts.

The proposed modifications are not expected to have any ecologically significant impacts on any threatened or endangered species, populations or communities in the area. Impacts from the proposed modifications are limited to increased shading on unvegetated areas of seabed. The modification of existing casual berths to permanent berths and addition of new berths will increase the magnitude of seabed shading, through both increased shading area and extended periods of shading time. Given the proposed modifications do not include any construction works such as removal/excavation, piling or relocation works, it is expected that the modifications will have a very minimal impact on the existing habitat and biota.

In summary, the proposed modifications are not expected to have any significant impacts on the marine habitat in the area. Modifications are proposed to only include new permanent berths, occurring without any need for additional piles or pontoons, thus having no invasive or construction impacts. Wider impacts on more transient marine fauna species that may utilise the habitat at times are expected to be minimal.



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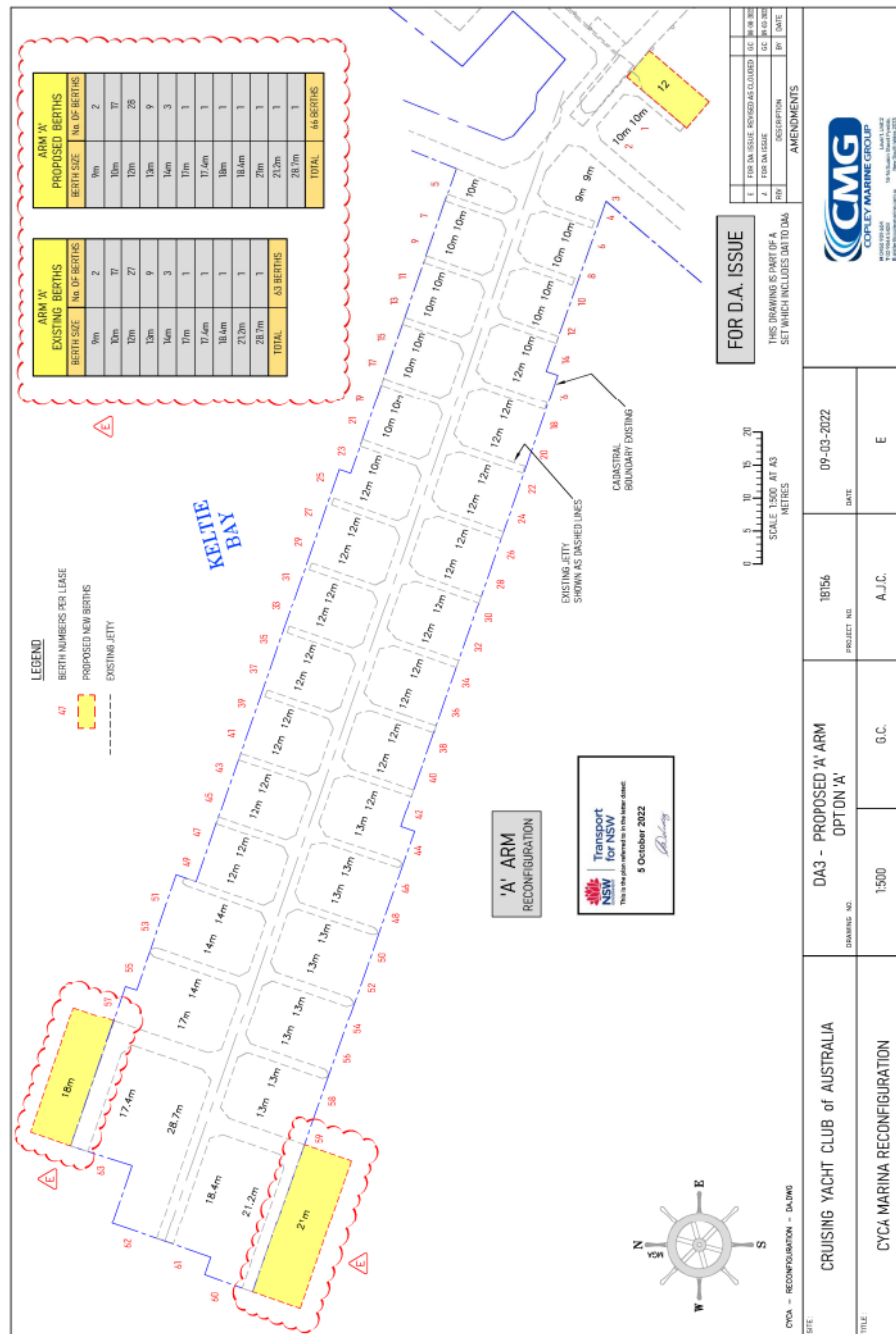
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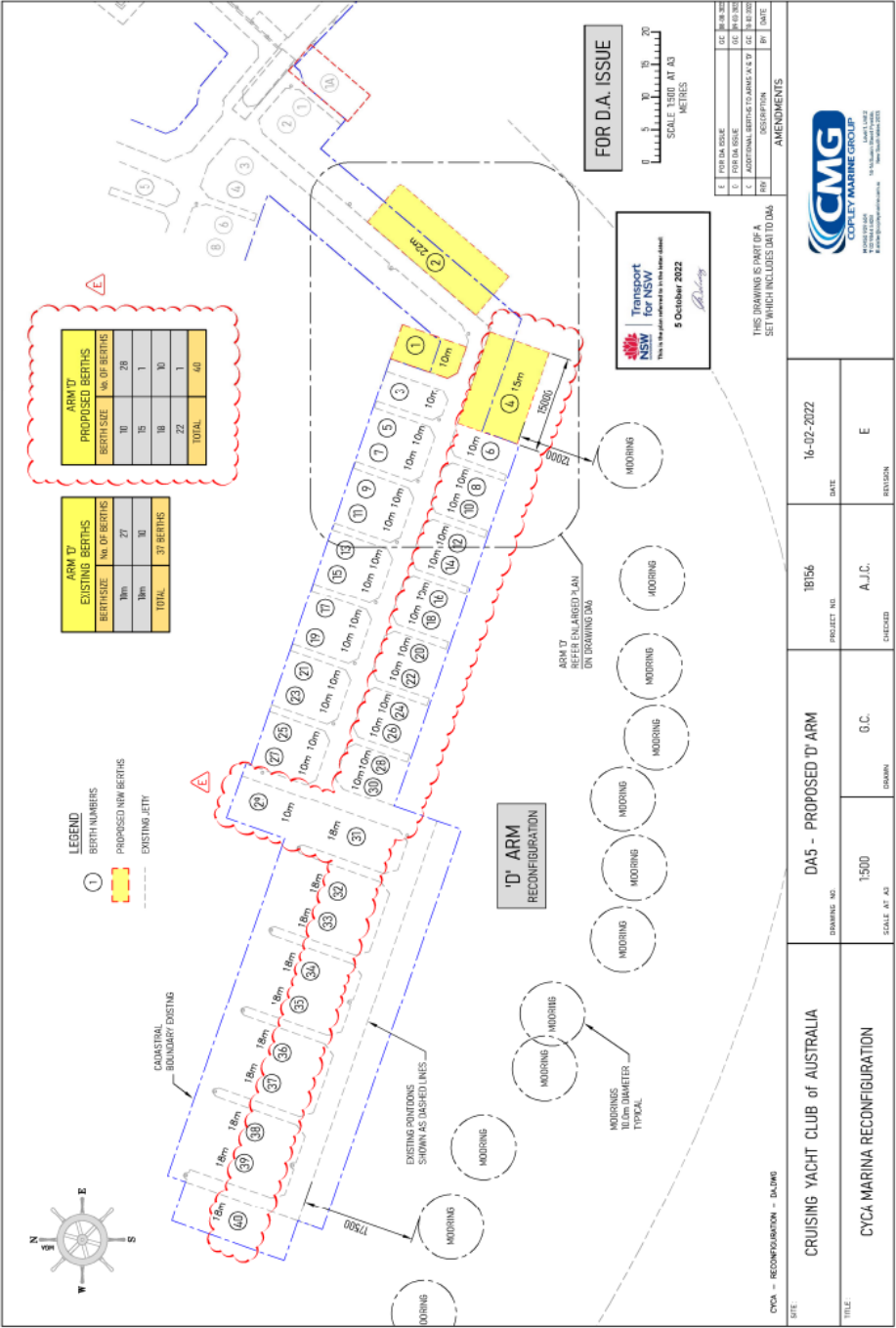


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H2O Consulting Group Pty Ltd

P: 0414 848 105 | E: info@h2oconsultinggroup.com.au | W: www.h2oconsultinggroup.com.au

TRAFFIX

TRAFFIC AND TRANSPORT PLANNERS

Suite 2.08, 50 Holt St
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills NSW 2012

t: (02) 8324 8700
w: www.traffic.com.au
acn: 065132961
abn: 66065132961

Reference: 16.295r07v03

20 March 2024

Cruising Yacht Club of Australia
1 New Beach Road
Darling Point NSW 2027

Attention: Matt van Kretschmar, Operations Manager

**Re: Cruising Yacht Club of Australia
Green Travel Plan**

Dear Matt,

We refer to the existing Cruising Yacht Club of Australia at 1 New Beach Road, and the proposed additional berths. This Green Travel Plan (GTP) has been prepared to address Council's requirement:

A Green Travel Plan (GTP), to facilitate the use of alternative transport modes and minimise adverse parking and traffic impacts on the surrounding road network. GTP should provide information including but not limited to:

- 1. Targets of plan;*
- 2. Strategies and measures to achieve the proposed targets;*
- 3. The implementation of plan, including measures intended to take and representative responsible for implementing and enforcing the plan.*

As such, a GTP has been prepared for the development, which accounts of the accessibility of the site with respect to active/public transport facilities. This GTP also incorporates a Transport Access Guide (TAG) that will be distributed to members and staff of the subject development.

➤ Background and Context

Site and Location

The Cruising Yacht Club of Australia (CYCA) is located at 1 New Beach Road in Darling Point approximately 330 metres north of New South Head Road and approximately 2.5 kilometres east of the Sydney central business district.

The site has a single frontage facing east to New Beach Road, whilst a marina operated by the CYCA extends over the western land boundary on Rushcutters Bay. The remainder of the site is bound by a separate marina development to the north and Rushcutters Bay Park to the south.

traffic impact studies | development feasibilities | planning proposals | construction traffic management plans | certification design statements |
traffic management studies | parking studies | transport modelling | sustainable transport | government liaison



The existing developments and outdoor space on-site consist of a two-storey clubhouse with outdoor dining, two-storey annex structure, the marina and a hardstand area ordinarily used for boat storage including:

- A total boat storage capacity of 213 wet berths and 24 dry berths for a total of 237 berths; and,
- Two car parking areas containing a total of 69 parking spaces of which six (6) spaces are reserved for directors/staff and the remaining 63 spaces available for club members.
- An on-site loading bay is integrated into the clubhouse building and accessed from a third vehicular crossover.



Figure 1: Location Plan



Figure 2: Site Plan



Subject Development

The following modifications are proposed to the existing marina at the Cruising Yacht Club of Australia in Darling Point:

- Two (2) new berths on the outside of A Arm (18m and 21m);
- One (1) new Club Berth in 1A (the inside of A-Arm, eastern side), which is for club activities only and does not generate additional parking demand;
- Enlarge and convert three casual berths on the inside (eastern end) of D Arm (15m, 18m and 10m) to permanent berths;
- No change to the existing car parking provision.

Accordingly, this GTP will be catered to the regular occupants of the club.

Green Travel Plan Objectives

The purpose of a GTP is to set site-specific actions and incentives to manage travel demands and embrace the principles of sustainable transport to maximise the use of transport modes that have a lower environmental impact such as walking, cycling, public transport, or car share schemes etc.

New developments present an excellent opportunity to accommodate innovative ideas at the early stage of a design so that transport demands arising from the future use of the development can be efficiently managed, and future occupants of the building would not need to depend on the usage of private vehicles.

Green Travel Plan Benefits

In addition to providing area-wide benefits such as reduction of congestion and pollution, travel plans can deliver a range of benefits to staff and members of a development that can:

- Reduce the need to provide parking within the development and on street parking demands in the locality.
- Contribute to corporate social responsibility relating to the triple bottom line and improve corporate image as an innovative and environmentally aware organisation.
- Create opportunities for healthier lifestyles and more vibrant, cohesive, and accessible communities.

➤ Site Audit

An overview is provided below of the sustainable transport options available to members and guests of the development. All public transport routes and stops in the locality are illustrated in **Figure 3**.

Bus

It is evident that the development benefits from good bus services with bus stops in either direction being situated within 400 metres of the site along New Beach Road. These services provide the following connections:

- 324 – Watsons Bay to Walsh Bay via Old South Head Road
- 325 – Watsons Bay to Walsh Bay via Vaucluse Road
- 328 – Bondi Junction to Darling Point (Loop Service)



- L24 – Vaucluse to City Wynyard (Limited Stops)

Train

In addition, the site is located within 800 metres of Edgecliff Railway Station which provides the following services:

- T4 – Eastern Suburbs and Illawarra Line
- South Coast Line

Ferry

The site is a one kilometre walk from Double Bay wharf, which lies on the F7 Eastern Suburbs Line. The above bus services also provide connection to the wider public transport network. Further information regarding bus frequencies is available from the Transport for NSW information website: <https://www.transportnsw.info>



Figure 3: Public Transport



Cycling Facilities

The development is well located to the local cycling infrastructure with connections to Potts Point, Paddington, Edgecliff and Double Bay. This will allow the increased use of cycling as an alternative travel mode for staff and members. The network is shown in **Figure 4** overleaf.



Figure 4: Cycleways



➤ Objectives and Targets

Objectives

The following objectives are set out to achieve the vision of this travel plan to maximise the use of transport modes that have a lower environmental impact such as walking, cycling, public transport, or car share schemes etc:

- Accessibility: improve access, safety amenity and convenience of sustainable transport modes for travel to and from the site.
- Incentives: incentivise the use of sustainable transport modes.
- Restrict: continue to limit the convenience of car parking to encourage other modes of transport.

Targets

The overall target of this travel plan is to reduce private vehicle trips to and from the club by maximising the use of transport modes that have a lower environmental impact such as walking, cycling, public transport, or car share schemes etc. The specific targets of this plan are as follows:

- Reduce the use of on-street parking by members and guests.
- Decrease the use of the on-site and satellite car parks.
- Increase the use of the public transport to and from the site.
- Increase the use of the active transport to and from the site.

Regular surveys will be conducted to set a baseline travel mode and future targets for travel modes based on the strategies below. The strategies will be reviewed regularly based on the survey results if targets are not being met.

➤ Actions and Strategy

This travel plan recommends the following measures to be implemented to maximise the use of alternative transport modes that have a lower environmental impact such as walking, cycling, public transport, or car share schemes etc.

- Public Transport
The nearby public transport services are illustrated within the TAG, and this would be distributed to all staff and members of the club. This will ensure all staff and members are aware of the alternative transport options available to avoid use of on-street parking and minimising the use of the club's car parks.
- On-Street Car Parking
Advise staff and members to avoid on-street car parking by using alternative transport options, the on-site car park if available or the discounted parking in a nearby private car park available to members.
- Car pooling
Staff and members will be encouraged to car pool where possible with the club to explore options to facilitate car pooling where possible.



- Cycling Explore the potential of providing bicycle parking and end of trip facilities for staff and members as well as visitor bicycle parking to encourage the use of cycling as a travel mode.
- Event Management: A separate Traffic Management Plan for the annual Sydney to Hobart Race Village and the Annual Sailing Charity Sailing Function to reduce private vehicle use during large events.
- Other Measures Council also has a continual responsibility to implement measures in the public domain that can influence a positive shift away from car-based travel, these include:
 - Footpaths, cycleways and pedestrian crossing facilities to be maintained in good order.
 - Continue to improve and maintain signage and way finding to / from key public transport hubs and destination.
 - Provide community cycling programs to assist inexperienced riders and improve on-road awareness.
 - Continue to improve sustainable transport infrastructure in the locality and update community on a regular basis.
 - Promote and advertise sustainable transport on public information boards.

➤ Transport Access Guide

The information provided in this plan will be provided to staff and members in a package of easy-to-understand information brochure often referred to as a Transport Access Guide (TAG).

The TAG will be provided to staff and members via email correspondence, with a copy on the website and additional copies available at all times in the building foyer. The TAG will provide a visual representation of customised travel information for people travelling to and from the site using alternate, sustainable modes of transport to encourage the use of non-car based travel.

A copy of the recommended TAG is provided in **Attachment 1**.

➤ Transport Information

There are several channels with information regarding local transport options. Providing staff and members with updated information will help facilitate journey planning and increase their awareness of convenient and potentially cost-saving transport options.

- Transport for NSW info: Up-to-date public transport timetables, fare information, and journey planning are provided by Transport for NSW at <http://www.transportnsw.info>
- Cycleway Finder: Service NSW provides and maintains a map with detailed cycling route information to encourage people of all levels of experience to ride a bicycle, the finder can be accessed at https://roads-waterways.transport.nsw.gov.au/maps/cycleway_finder
- Google Maps: Google Maps provides up-to-date information regarding all transport options; it also has a cycling mode for cyclists to identify appropriate cycle routes.



➤ **Monitoring and Maintenance**

Regular review of the success measures outlined in this plan will be undertaken as proposed to determine whether alternative or supplementary measures are necessary. Travel mode data will be collected via an occupant travel survey within the first three (3) months of determination of the application to provide suitable baseline travel data for both staff and members. A travel survey shall then be conducted one year post occupation to assess the performance targets set in the Green Travel Plan and updated if necessary. The Travel Access Guide is also to be updated simultaneously to reflect any updated to transport services in the vicinity of the site. This evaluation will provide a reliable overview of the areas in which the GTP is operating effectively and which areas that require more attention.

➤ **Conclusion**

This travel plan has recommended a number of actions to manage future travel demands being generated as a consequence of the development, specifically, these actions seek to reduce reliance on private vehicle trips and comprise the following:

- Encourage the use of public transport for staff, members and guests to reducing parking demands.
- Provide TAG at prominent locations on site and within the website.
- Provision of bicycle parking facilities.
- Develop forum to facilitate car pooling for staff, members and guests.
- Develop initiatives and incentives for the use of sustainable modes of transport.
- Maintain an open channel of communication with Council to maintain / improve existing sustainable infrastructure in the local area.

It is pertinent to note that those actions recommended in this travel plan are to be implemented together as a set of coordinated measures to achieve its maximum effect of influencing travel habits to increase non-car-based travel to and from the site, as well as promoting a healthier and active lifestyle.

We trust the above is of assistance and request that you contact the undersigned should you have any queries or require any further information.

Yours faithfully,

Traffix



Hayden Dimitrovski
Senior Engineer

Encl: Attachment 1 – Transport Access Guide

ATTACHMENT 1

Transport Access Guide

TRAVELLING TO CRUISING YACHT CLUB OF AUSTRALIA



CAR

By Car: There are parking spaces situated within the Cruising Yacht Club of Australia, which are provided for members only. In addition, discounted parking is provided for members at the Eastpoint carpark in Edgecliff. Limited on-street parking is also available outside the club on New Beach Road.

By Taxi: Taxis and ride sharing services are an efficient option, especially when travelling in groups. Being close to the Sydney central business district, they are freely available during all hours.

Special provisions may be made during the Rolex Sydney Hobart Yacht Race to provide a Taxi Zone for the convenience of patrons, which will be confirmed on the Cruising Yacht Club of Australia website.



BUS

By Bus: Bus stops and routes have been marked on the plan on this TAG. There are bus stops located on New Beach Road, adjacent to the club which can transport passengers to the Sydney central business district, Bondi Junction and the surrounding Eastern Suburbs region.



TRAIN

By Train: **Edgecliff Station** is located approximately one kilometre walking distance from the club, which lies on the **T4** Eastern Suburbs & Illawarra Line.

Services depart frequently from this station between Bondi Junction, the Sydney Central Business District and beyond.

TRANSPORT GOALS

This Transport Access Guide provides information to patrons on how to go to and from the Cruising Yacht Club of Australia by active travel — i.e. without a car.

Active Travel means public transport or even walking and cycling. It is easy to go to and from the Cruising Yacht Club of Australia by active public transport, as there are many public transport services nearby.

The Cruising Yacht Club of Australia supports active travel as its benefits include:

- Minimising car use
- Reduced carbon emissions and improved air quality
- Less traffic congestion
- A safer, more pleasant urban environment
- Opportunities for patrons to be more active

For further public transport information
go to www.transportsw.info or call 131 500



www.cyca.com.au



TRANSPORT ACCESS GUIDE

Cruising Yacht Club of Australia

**1 New Beach Road
Darling Point NSW 2027**



CYCLE NETWORK

The existing cycleways in the vicinity of the Yacht Club are presented in the figure below.

