



Application Assessment Panel

Tuesday 24 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

16 September 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 – 24 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 24 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 3 September 2024 - 24/166986	7
D2	DA26/2024/1 - 3 Cranbrook Road, Bellevue Hill - 24/166655..... *See Recommendation Page 52	9
D3	DA 196/2024/1 2-12 Eastbourne Road DARLING POINT - 24/168639 *See Recommendation Page 250	233

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 3 SEPTEMBER 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/166986
Purpose of the Report: The Minutes of the Application Assessment Panel of 3 September 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 3 September 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Application Assessment Panel Minutes of 3 September 2024 for confirmation.

Discussion:

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

Options:

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

Community Engagement and / or Internal Consultation:

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

Policy Implications:

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

Financial Implications:

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

Resourcing Implications:

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

Conclusion:

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

Attachments

Nil

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA26/2024/1
ADDRESS	3 Cranbrook Road Bellevue Hill ('Rothesay')
SITE AREA	2008m ²
ZONING	R2 Low Density Residential
PROPOSAL	The demolition of existing ancillary structures, alterations and additions to an existing heritage listed dwelling house including demolition works, an excavated basement/lower level containing garaging and a swimming pool, a podium level with a landscaped roof, a west wing addition and landscaping works
TYPE OF CONSENT	Local development
COST OF WORKS	\$27,007,177
DATE LODGED	17/01/2024 original lodgement 09/05/2024 amended landscape plans 05/07/2024 amended architectural plans
APPLICANT	M Domazet
OWNER	M Domazet & J Singh
AUTHOR	Mr D Booth
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	6
RECOMMENDATION	Conditional approval

1. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and is recommended for approval because it is considered that:

- it is satisfactory with regard to all relevant planning policies including the provisions of WLEP 2014 and WDCP 2015 subject to conditions;
- it does not have the potential for significant adverse impacts upon the local built and natural environment including streetscape and residential amenity subject to conditions;
- it will not have any significant adverse social and economic impacts upon the locality;
- the site is suitable for the proposed development, as conditioned; and
- the proposal is not contrary to the public interest.

2. LEVEL OF DELEGATION

The application is to be determined by the Application Assessment Panel as it involves a cost of works in excess of \$2 million.

3. LOCALITY PLAN



4. DESCRIPTION OF THE PROPOSAL

On 9 May 2024, the landscape plans were amended in an effort to address objector's concerns.

The proposal was amended on 5 July 2024 in terms of the retention of an existing fireplace at Level 2 in response to concerns raised by Council's Heritage Officer and the lowering of the mid-section of the southern boundary fence in response to concerns from the owners of the adjoining property 5 Cranbrook Road.

The proposal involves the following:

- The demolition of existing ancillary structures including a garage/studio structure, a swimming pool, retaining walls, external stairs, paths, boundary fencing and walls.
- The partial demolition of the existing dwelling house ('Rothesay') including the west wing, alfresco, internal walls, internal stairs, windows and the roof to the Level 02 balcony.
- The addition of a partially excavated basement/lower level containing garaging for 2 vehicles, guest accommodation and a swimming pool.
- The addition of a podium level adjoining the lowest level of the dwelling house (Level 00) containing the general living areas with a portico to the south-eastern corner and a landscaped roof encircling a centrally located deep soil landscaped area.
- The addition of a new 2 storey west wing with a high ceiling/void above the lower level (at L01) and a flat roof covered with photovoltaic panels.
- Internal alterations to the existing dwelling house.
- Fenestration alterations to the existing dwelling house.

- Restoration works to the main roof of the existing dwelling house including replacement roofing materials, the removal of existing skylights and the addition of new skylights.
- New fencing to all boundaries.
- Landscaping works.

Below is a photomontage of the proposal from Cranbrook Road.



5. ISSUES

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

Clause	Development Standard	Departure from Control	Conclusion
4.3	Height of buildings	800mm or 8.4% departure from Councils 9.5m development standard.	The non-compliances relate to alterations to an existing built form and are considered to be satisfactory with regard to environmental impacts.
4.4E	Floor space ratio	66m ² or 6.6% departure from Councils 0.5:1 floor space ratio development standard.	The non-compliance can be attributed to gross floor area at basement level which does not involve any significant environmental impacts.

5.2. Other issues

Issue	Conclusion	Section
Objectors' concerns	Addressed by recommended conditions of consent or otherwise are not considered to warrant design amendments or the refusal of the application.	8.1
Front, rear and southern side boundary setback non-compliances	Satisfactory, as the objectives of the controls are considered to be upheld in this instance.	13.2
External wall height/inclined plane non-compliances	Satisfactory, as the objectives of the control are considered to be upheld in this instance.	13.2
Volume of excavation and basement wall setback non-compliances	Satisfactory subject to the conditions addressing tree impacts, geotechnical/hydrogeological impacts and other excavation related impacts.	13.2

Issue	Conclusion	Section
Raised level of the north-eastern section of the site non-compliance	Satisfactory, as the objective of the controls is considered to be upheld in this instance.	13.2
Deep soil landscaped area non-compliance	Satisfactory, as the objectives of the controls are considered to be upheld in this instance.	13.2
Front, side and rear fence height non-compliances.	Satisfactory, as the objectives of the controls are considered to be upheld in this instance.	13.2
Excavation of swimming pool below existing ground level non-compliance	Satisfactory, as the objectives of the controls are considered to be upheld in this instance.	13.2

6. SITE AND LOCALITY

The subject site has a 43.9m eastern front boundary including a 10.4m frontage to Cranbrook Road, a 46.7m northern side boundary, a 43.9m rear western side boundary and a 45.8m southern side boundary. The area of the site is 2008m².

The site falls approximately 6.5m from south to north and 8m from west to east.

The south-western corner of the site is occupied by the local heritage item 'Rothesay'; a 3 storey dwelling house with a 2 storey western wing, pitched roof forms and a tower. A detached 2 storey double garage/studio is located adjacent to the street frontage. A swimming pool is located in the north-western corner of the site. A series of retaining walls to the north-eastern section of the site supports an oval shaped, main open space area.

The adjoining property to the north-east (599-601 New South Head Road) is occupied by a 4 storey residential flat building.

The adjoining properties to the north (593, 595 and 597 New South Head Road) are occupied by 3 storey residential flat buildings.

The adjoining battle-axe property to the south-west (591 New South Head Road) is occupied by a 3 storey residential flat building.

The adjoining property to the north-west (589 New South Head Road) is occupied by a 3 storey residential flat building.

The adjoining property to the south (5 Cranbrook Road) is occupied by a 3 storey dwelling house.

The locality is characterised by 3 storey residential flat buildings and dwelling houses.

7. REFERRALS

Referral	Summary of Comment	Attachment
Development Engineer	Satisfactory, subject to conditions	2
Team Leader - Tree Management	Satisfactory, subject to conditions	3
Heritage Officer	Satisfactory, subject to a condition	4
Environmental Health Officer	Satisfactory	5

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 include the following:

1. The provisions of any environmental planning instrument.
2. The provisions of any proposed instrument that is/has been the subject of public consultation.

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

8. ADVERTISING AND NOTIFICATION

8.1. Submissions

The development application was advertised during the period 7-22 February 2024. Objections were received from:

1. **John Tauszik - 593 New South Head Road Rose Bay;**
2. **Shona Martyn - 4/591 New South Head Road Rose Bay;**
3. **Emma-Jane Elliott - 2/591 New South Head Road Rose Bay;**
4. **Darren Wright - 6/591 New South Head Road Rose Bay;**
5. **Helen and Grant Hansen - 5/591 New South Head Road Rose Bay; and**
6. **Joanna Barlow of McCormick and Associates Architects 13 Victoria Street Queens Park NSW 2022 of behalf of the owners of 5 Cranbrook Road.**

The objections raise the following concerns.

- *What is proposed to the common boundary with 593 New South Head Road in terms of fencing?*

The proposal involves the demolition of an existing approximately 5.1m high concrete wall to the north-western corner of the site (adjacent to the rear boundary of 593 New South Head Road), the raising of the ground level by 0-1.8m, the construction of a new 1.8m high retaining wall on top of the existing retaining wall with a 1.8m high timber paling fence on top with a combined height that is approximately 1.6m lower than the existing wall although located on the boundary whereas the existing wall is setback approximately 1m from the common boundary.

It is considered that the 1.6m reduction in height more than compensates for the 1m reduced setback from the common boundary with an overall benefit to the visual amenity of the adjoining property.

- *Landscaping impacts*

The owner of an adjoining property to the north (593 New South Head Road) has raised concerns that proposed trees will overhang the common boundary causing *issues/ overshadowing*.

The owners of units within the adjoining property to the south-west (591 New South Head Road) have requested that trees adjacent to the common boundary not exceed 9-9.5m at maturity to prevent overshadowing and view loss, that sufficient deep soil area be provided adjacent to the common boundary to facilitate tree plantings, that roots and branches not extend beyond the boundary/ be invasive and that non-deciduous species be selected for planting to prevent leaf fall from creating hazardous slippery conditions. It is also requested that trees adjacent to the northern boundary be tall enough to maintain the existing landscape screening of the residential flat buildings at 593-597 New South Head Road for privacy reasons.

The owner of the adjoining property to the south (5 Cranbrook Road) has raised concerns in relation to potential overshadowing from landscaping adjacent to the southern boundary.

The landscape plans were amended in response to the objectors' concerns. The following statement was provided explaining the amendments:

- *Confirming the species selections to the southern boundary will grow no higher than the green roof at RL 12.040.*
- *The replacement tree species - *Pyrus nivalis* (Snow Pear) - grows to a maximum 7-9m tall x 5-6m wide along the east, west and northern boundaries.*
- *The trees to western boundary are deciduous with leaf fall in June/July. This narrows the window of leaf drop to the winter months. Were evergreen species selected, leaf fall would be continuous throughout the year.*
- *The trees selected for the boundary plantings are not considered to have invasive or damaging root systems.*
- *Trees selected for the northern boundary have narrow dome canopies, any overhang formed by the tree canopy will be managed by the owners of 3 Cranbrook Rd.*
- *Further low value trees including African Olives have been shown for replacement with higher value ornamental trees such as *Pyrus nivalis*.*

It is considered that the amended landscape plans have adequately addressed the issues raised by the above-mentioned objections to the application.

Council's Team Leader- Tree Management has confirmed that tree canopies extending beyond the boundaries of the site is not an issue that warrants action and considers the amended landscape plans to be satisfactory in terms of tree impacts and plantings. Further, no objection has been raised to the proposed provision of deep soil landscaped area and planters in terms of facilitating adequate tree coverage.

- *Excavation/ geotechnical related concerns/ inadequate geotechnical report/ dilapidation surveys are essential*

Council's development engineer considers the geotechnical report submitted with the development application to be adequate and considers the proposal to be satisfactory in terms of excavation/geotechnical related impacts upon adjoining properties subject to conditions including vibration monitoring and dilapidation surveys/reports in relation to adjoining properties.

- *Heritage related impacts upon 'Rothesay'*

Council's Heritage Officer considers the amended application to be satisfactory subject to conditions.

This issue is discussed in greater depth under section 12.8.

- *Assurances are sought regarding the duration of the excavation and construction phases and related issues such as dust, noise, hours of operation, traffic and parking impacts*

The duration of excavation and construction phases is an unknown and is an issue beyond the scope of this report.

Dust control, noise, hours of operation, traffic and parking impacts are addressed by recommended conditions of consent.

- *The gross floor area calculations are queried*

The omission of the hallway and internal stair adjacent to the swimming pool and the cool room and dry room adjacent to the kitchen from gross floor area calculations are queried. This concern is concurred with and was raised with the applicant on 2 August 2024. In response, amended gross floor area/floor space ratio calculations and a Clause 4.6 written statement seeking the variation of the development standard have been submitted.

- *The proposal involves major deviations from Council's DCP controls including the rear boundary setback, excavation volume/ boundary setbacks and deep soil landscaped area*

The non-compliances with Council's DCP controls are considered to be satisfactory. These issues are discussed in greater depth under section 13.2.

- *The addition of photovoltaic solar panels to the roof of the proposed new western wing will have an adverse visual impact upon the adjoining property to the south-west (591 New South Head Road).*

The addition of photovoltaic solar panels to the roof of the proposed new western wing is considered to be the most appropriate location in order to minimise heritage impacts upon the existing dwelling house/heritage item and in this regard, Council's Heritage Officer is supportive of their location. It is considered that they will not have significant visual impacts upon the adjoining property.

- *Excessive height of the mid-section of the proposed fencing to the southern boundary*

Amendments to the proposal on 5 July 2024 included the lowering of the mid-section of the southern boundary fence in response to this concern. It is considered that the amended fencing adequately satisfies potential visual impacts upon the adjoining property.

8.2. Statutory declaration

The applicant has completed a statutory declaration declaring that the site notice was erected and maintained during the notification period.

8.3. Decision not to re-notify the amendments to the application

The amendments made to the application described under section 4 were not re-notified on the basis that it is considered that they did not involve any potential amenity impacts upon the locality.

9. SEPP (SUSTAINABLE BUILDINGS) 2022

Chapter 2 Standards for residential development—BASIX

Chapter 2 applies to the subject application in terms of commitments in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The subject application was accompanied by BASIX Certificate A1379043 demonstrating compliance with the relevant provisions of Chapter 2 of the SEPP. These requirements are addressed by recommended conditions of development consent.

10. SEPP (RESILIENCE AND HAZARDS) 2021

10.1 Chapter 4 Remediation of land

The provisions of Chapter 4 Remediation of Land requires consideration to be given as to whether the subject land is contaminated. In the absence of any information indicating the potential contamination of the site, further consideration of this issue is not considered warranted in this instance.

The proposal is considered to be satisfactory with regard to the relevant provisions of Chapter 4 Remediation of land.

11. SEPP (BIODIVERSITY AND CONSERVATION) 2021

11.1 Chapter 2 Vegetation in non-rural areas

The provisions of *Chapter 2 Vegetation in non-rural areas* require the consideration of the proposed development with regard to tree impacts.

Council's Team Leader-Tree Management has provided the following tree impact assessment:

An inspection of the site and a review of the plans and documentation has revealed 39 trees will be impacted by the proposal.

The following tree numbering is consistent with the Arboricultural Impact Assessment prepared by Naturally Trees dated 17 August 2023.

It should be noted that during a recent site inspection, it was considered that the condition of several trees has substantially declined since the applicants Arborist undertook their initial assessment. Therefore, some of the below ratings differ from those listed in the report. Landscape significance and retention ratings listed in the applicant's report.

Tree Removal – Under 5m Height

The plans indicate Trees 24 and 30 are proposed for removal.

The trees have been noted as being less than 5 metres in height and are not a prescribed tree as defined by the WMC DCP Chapter E.3 - Tree Management. The trees can be removed without consent regardless of the proposed development.

Tree Removal – Exempt Species

The amended landscape plans indicate Trees 3, 4 & 25 are proposed for removal.

These trees are identified as African Olives which is a species that is listed as exempt from WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.

Tree Removal – Low Retention Value

The plans indicate Trees 6, 13, 16, 20-23, 26, 29, 31, 37, 38 and 39 are proposed for removal as they will be directly impacted by the proposed development.

These trees have all been rated as having Low Landscape Significance and Low Retention Value for various reasons including underperforming in health, structural defects, suppressed by more dominate trees or found to be providing minimal amenity value to the immediate area.

Trees rated as having Low Retention Value are generally considered as not being important for retention, nor require special works or design modification to be implemented for their retention.

These trees are supported for removal conditional of replacement planting being undertaken in accordance with the amended landscape plans.

Tree Removal – Medium Retention Value

The plans indicate Trees 1, 2, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 27 and 36 are proposed for removal to facilitate the proposed development.

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

The plans indicate the trees are either located within the footprint of the new building or will be the subject of unacceptable encroachments into their Tree Protection Zones from the proposed development. The retention of these trees would require substantial design modifications which is not considered acceptable.

The amended landscape plans are considered to be satisfactory in terms of compensating for the loss of amenity and canopy cover resulting from the removal of these trees.

Tree Transplanting

The plans indicate Trees 18 & 19, are proposed to be transplanted into the new central lawn area.

Tree Retention

The plans indicate Trees 32, 33, 34 and 35 are proposed for retention. These trees have been identified as various species located adjacent to the site.

Works are proposed within their Tree Protection Zones which includes demolition, excavation and construction of the landscape upgrade works. None of the works have been deemed unacceptable in the applicants Arborist Report. Provided the works are undertaken using tree sensitive construction methods under the direct supervision of a Project Arborist, it is expected that all tree proposed for retention will remain viable.

The required tree protection measures have been detailed in recommended conditions of consent.

The proposal is considered to be satisfactory in terms of tree impacts subject to conditions.

11.2 Chapter 6 Water catchments

The land is located within the Sydney Harbour Catchment, outside the Foreshores and Waterways Area of the Catchment.

The proposal is considered to be satisfactory in terms of the *Division 2 Controls on development* generally subject to Council's standard conditions addressing stormwater run-off and sedimentation control.

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

12. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

12.1 Clause 1.2: Aims of Plan

The proposal as conditioned is considered to be consistent with the aims in Part 1.2(2) of Woollahra LEP 2014.

12.2 Land Use Table

The proposed works are associated with a dwelling house use which is permissible within the R2 Low Density Residential zone.

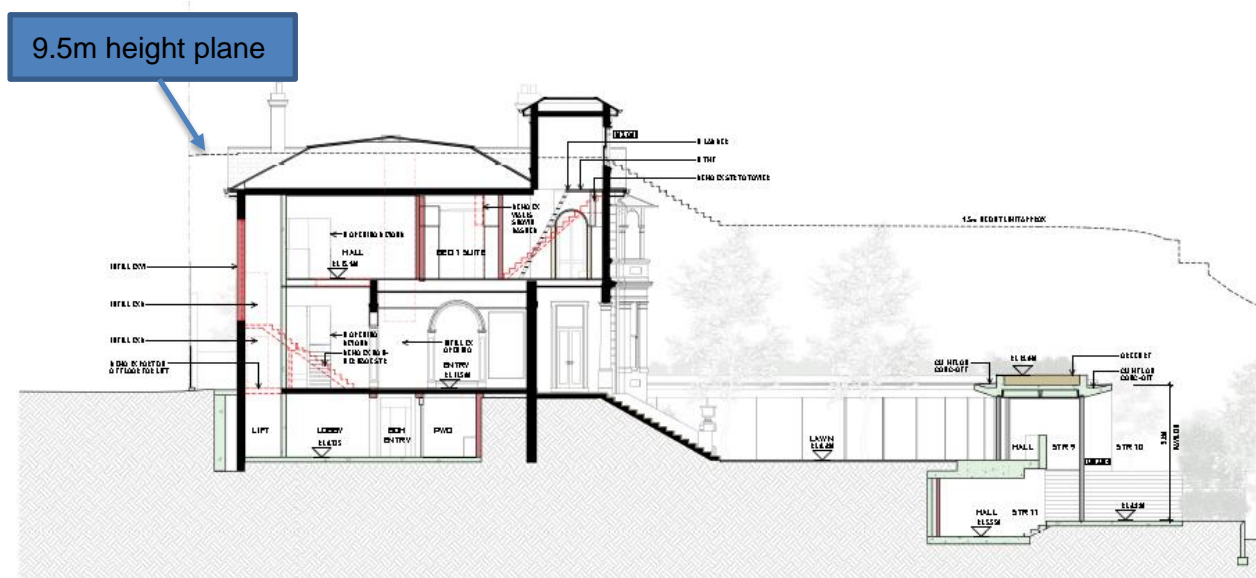
12.3 The objectives of the zone

The proposed works are considered to be consistent with the objectives of the R2 Low Density Residential zone.

12.4 Clause 4.3: Height of Buildings

Clause 4.3 limits development to a maximum height of 9.5m. The proposal documents a maximum height of approximately 10.3m, a non-compliance of 0.8m or 8.4%.

The non-compliances relate to the proposed restoration works to the upper section of the main roof of the heritage listed existing dwelling house including the replacement of roofing materials and ridge capping as documented in the image below. Council's 9.5 height plane is documented by the broken grey line.



A Clause 4.6 assessment of the non-compliance is provided below under section 12.6.

12.5 Clause 4.4: Floor Space Ratio

Clause 4.4 limits the development to a maximum floor space ratio of 0.5:1. The original application documented compliance with Council's floor space ratio development standard. However, it was revealed that several minor areas had been excluded that should not have been.

Subsequently, revised gross floor area/ floor space ratio calculations have been provided which document a revised floor space ratio of 0.53:1 which is non-compliant with Council's 0.5:1 floor space ratio development standard by 66m² (6.6%).

A Clause 4.6 assessment of the non-compliance is provided below under section 12.7.

12.6 Clause 4.6: Exception to Council's Height Development Standard

Departure

With a height of 10.3m, the proposal involves a 0.8m (8.4%) non-compliance with the 9.5m height of buildings development standard prescribed under Clause 4.3 of the Woollahra LEP 2014, as detailed in Section 12.4.

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:

- 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.

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—

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

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*, which is attached at **Attachment 7**.

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.

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.

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

Yes.

Is the extent of the variation correctly identified?

Yes.

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?

Yes.

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?

The arguments put forward by the consultant planner acting for the applicant that the proposed height non-compliant restoration works to the roof are necessary for the restoration of the heritage listed building, will not increase the height of existing roof and therefore will not impact upon the amenity of the locality are concurred with.

In this regard, Council's Heritage Officer has raised no objection to the subject height non-compliant restoration works and on the basis that the profile/built form of the roof is not being increased from that as existing, the restoration works will only have positive visual amenity impacts upon the locality with no adverse amenity impacts envisaged.

Accordingly, the non-compliances are considered to uphold the following objectives of the height of buildings development standard:

- (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.*

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 restoration of the existing degraded roof of the heritage listed dwelling house.
- The absence of any adverse amenity impacts upon the locality due to the maintenance of the existing roof profile/built form.

Are the environmental planning grounds specific to the proposed variation?

Yes.

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

Yes.

Conclusion

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

12.7 Clause 4.6: Exception to Council's Floor Space Ratio Development Standard

Departure

With a floor space ratio of 0.53:1, the proposal involves a 66m² (6.6%) non-compliance with the 0.5:1 floor space ratio development standard prescribed under Clause 4.4 of the Woollahra LEP 2014, as detailed in Section 12.5.

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:

- 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.

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—

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

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*, which is attached at **Attachment 8**.

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.

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.

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

Yes.

Is the extent of the variation correctly identified?

Yes.

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?

Yes.

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?

The arguments put forward by the consultant planner acting for the applicant are that:

- the proposed floor space ratio is transitional between higher density adjoining development to the north, east and west and lower density adjoining development to the south;
- the proposed built form is sympathetic to the heritage item including by enhancing the landscape setting and is contextually compatible with the scale of development within the locality;
- the proposal will not have any significant amenity impacts upon adjoining properties or the public domain;
- the proposal maintains adequate deep soil landscaped area, tree canopy cover and private public open space enhances the landscape setting.

The above-mentioned arguments are concurred with and are consistent with the referral responses of Council's Heritage Officer and Team Leader – Tree Management.

Accordingly, the non-compliance is considered to uphold the following objectives of the floor space ratio development standard:

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

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:

- k) 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,*
- l) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- m) to promote the orderly and economic use and development of land,*
- n) to promote the delivery and maintenance of affordable housing,*
- o) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- p) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- q) to promote good design and amenity of the built environment,*
- r) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- s) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- t) 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?

- *It has been held in Eather v Randwick City Council [2021] NSWLEC 1075 that a particularly small departure from the actual numerical standard which lacks any material impacts consequential of the departure will be a sufficient environmental planning ground to justify contravening the development standard.*

It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality.

- *The proposed variation results in a built form which is contextually responsive and appropriate with regard to surrounding development.*
- *The proposed development will provide a significant improvement in terms of enhancing the heritage item.*
- *The proposed variation will not result in any discernible increase to bulk and scale or change to the character of the existing dwelling when viewed from the neighbouring properties or public domain.*
- *The proposed FSR variation does not bring with it a form of development on the site that is noticeably larger than anticipated by the controls or inconsistent with the character for the locality generally.*
- *The variation facilitates an arrangement of floor space on the site in a manner that is effective in providing high levels of amenity to occupants of the development without impacting the amenity of neighbouring properties.*
- *The proposed development meets the objectives of the development standard and meets the objectives of the R2 Low Density Residential zone.*

The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c)); and*
- b. The proposed development promotes good design and amenity of the built environment through a well-considered contemporary design which is responsive to its setting and context, providing a high quality family home at an appropriate location (1.3(g)).*

Are the environmental planning grounds specific to the proposed variation?

Yes.

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

Yes.

Conclusion

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

12.8 Clause 5.10: Heritage Conservation

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

The subject site contains the local heritage item '*Rothesay*' - house and interiors, front garden.

Council's Heritage Officer has provided the following heritage related assessment of the proposal:

Clause 5.10 Heritage Conservation

- (1) *The objectives of this clause are as follows—*
- (a) *to conserve the environmental heritage of Woollahra,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

Structural adequacy

- *The geotechnical report by Crozier concludes:*

The risks assessed for the proposed development works were considered to be within 'Acceptable' risk levels (AGS 2007) when undertaken utilising the recommendations of this report and any future directive. The proposed works can be carried out within the existing site conditions with negligible impact to the site and neighbouring properties or structures provided the recommendations of this report are adhered to. Therefore, the proposed works are considered suitable for the site.

- *The feasibility study prepared by PMI Engineers concludes:*

A feasibility study has been carried out for the proposed retaining and excavation works at 3 Cranbrook Rd, Bellevue Hill. A braced contiguous pile retaining wall structure will be feasible for the boundary retaining wall conditions on the southern and western boundaries. The basement structures will require permeation grouting and careful hit and miss underpinning procedures to preserve the structural integrity of the existing masonry wall structures. With good construction practice and methodologies the excavations and retaining structures will not have any detrimental effects to neighbouring properties and surrounding land, nor any significant structural implications for the existing structure.

Based on the findings of the above reports, the proposal does not present a risk of structural adequacy to surrounding structures that would have an adverse impact on identified heritage significance. The proposal aligns with the objectives of Clause 5.10(1)(b).

External alterations and additions

West wing/ pool

- *The west wing designed by Dawson Brown is graded as having low significance in the HIS. The demolition of it will have a positive impact on the visual curtilage of the original house and is supported. The demolition of the 1990s pool is also supported.*

Garage and studio

- *The demolition of the garage with studio above is supported. This structure does not contribute positively to the character of the site.*

Original house

- *The demolition of the intrusive first-floor balcony roof canopy will have a positive impact on the character of the original house and is supported.*
- *The new stone paving to existing external staircase leading from the garden to the ground floor verandah is supported.*
- *The restoration and refurbishment of existing floor tiles to the ground floor level verandah is supported.*
- *The new metal stair to the eastern verandah is an appropriate contemporary response and addition. The house was originally approached from New South Head Rd and now it is approached from Cranbrook Rd. The new stair supports the historical development of the site where the approach and street access changed as part of a 1930s subdivision of the original Rothesay and at which point Cranbrook Rd had been established. The subdivision of the larger site, resulting in the reorienting the street address is part of a wider historical context for the site and area. The associated removal of the balustrade and new entry doors to match existing doors to original entry to north is supported. This eastern entrance will appear secondary and subservient to the original north entry in its grandeur through its form and materiality.*
- *The replacement windows to south façade of the original house to match existing are supported. The new vertical strip window to the proposed stair hall is supported. The infilling of the non-original window to the staircase landing, constructed under BA1983/462, is supported. Repainting of all external elements is supported. New downpipes are supported.*
- *The new slate tiles to the roof-scape of the original house are supported. Replacement stainless steel roofing is supported. Removal of existing skylights and installation of new skylights is supported. Replacement copper cappings, flashings and downpipes are supported.*

New podium

- *The design of the new podium, including form, height, siting, expression and materiality, would complement the original house.*
- *The design is underpinned in classical ideals of architecture modulated into a clever contextual, contemporary response.*
- *The demolition of built accretions, new landscape and siting of the podium to generally encircle the existing oval would result in an improved visual curtilage and garden setting for the original house. This improved setting is a contemporary manifestation of the long lost original setting that extended to New South Head Rd and a fine response to site constraints.*
- *The visual prominence of the original house sited on an elevated position will be retained. The height of the upper level of the podium, including the roof structure and green roof, is lower than the height of the ground floor level, including the ceiling structure, of the original house.*
- *The lightweight structure, devoid of internal columns will be wrapped in a glazed skin between slender columns to the perimeter. The green roof will be supported by a lattice frame. The structure as a whole is of an aesthetic value and contemporary design excellence which parallels the aesthetic values of the original house.*

New west wing

- *The new west wing with a flat roof is a more modest addition than the existing west wing. Its façade composition, simplistic form and materiality make it readily distinguishable as a contemporary yet sympathetic addition which appears secondary to the original house.*
- *The roof, including skylight and PV panels, is supported.*

Materials, details, finishes and colours

- *The proposed materials in a combination of smooth and rough finishes and subdued colours in grey and white tones would complement the white painted rendered house and are supported.*
- *For the original house, the off-white finish for exteriors generally and pure white finish for door and window joinery, are supported.*

Detailed information regarding conservation works to original and significant exterior elements is to be provided as part of the Schedule of Conservation Works. A condition of consent to this effect has been recommended.

Internal alterations and additions

The current interiors, although traditional in appearance, retain limited original features. The earlier interiors, possibly original, are seen in the c. 1905 photographs included in the previous referral.

Lower ground floor level

- *The proposed alterations and additions to lower ground floor, including demolition and new build, within the original house are supported.*

Ground floor level

Entry hall

- *The internal decorative features to the entry hall are largely non-original. This includes the pilaster details to arched openings to the stair hall and dining, columns and associated pediment flanking opening to living, patterned ceiling, cornices and rose.*
- *The new opening with traditional door to the east wall of entry hall is supported. The replacement of bluestone flooring with timber flooring is consistent with the character of extant original interiors and is supported. Enlargement of the window opening to a door opening to the east wall and new doors to this new opening are supported.*
- *The infilling of the wall opening, made 2700mm high under BA1983/462, between entry hall and corridor (between dining and study) is supported.*

Butler's pantry

- *The butler's pantry is a secondary space, devoid of defining/decorative features. The portion of pantry protruding west of study appears to be a later addition. The south wall to the pantry was constructed anew under BA1983/462.*
- *The alterations and additions, internal and external, to the butler's pantry are supported.*

Dining, study and corridor

- *The study and dining previously acted as a parlour, separated by the wide arched opening.*
- *The dining has been extensively altered. The existing ceiling is non-original. The fireplace is original and the timber flooring appears to be original.*
- *The removal of non-original doors and fanlight between dining and corridor to its south, and demolition of non-original north wall to study would reinstate a historic connection, albeit in a modified manner. The new opening would enhance the character of the space by facilitating views into the new, grand stair hall.*

The proposed metal balustrade to the opening is inspired by existing metal grilles to windows, and is supported.

- *The corridor between dining and living is non-original and does not have any defining features worthy of retention. The proposed alterations and additions to the corridor, including demolition of ceiling and walls, are supported.*
- *As noted above, the north wall to study is non-original, and east wall has been previously altered. The east wall used to feature an opening, off centred to north, infilled under BA1983/462. The north wall used to feature an opening, off centred to east, infilled under BA1983/462. The proposed demolition of these walls is supported.*
- *The ceiling to the study is non-original and its demolition, including associated floor structure, is supported.*
- *The drawings included in BA1983/462 note that the fireplace in the study was relocated from Bedroom 5. Its fabric and detailing have been altered and do not match the original fireplace to Bedroom 2. Its removal is supported.*

Living

- *The living has been extensively altered, and the existing ceiling, including cornices and roses, are non-original. The timber flooring appears to be original.*
- *The west wall to living used to feature a smaller opening, off centred to north, infilled under BA1983/462. The new opening to this previously altered wall is supported.*

Stair hall, existing and proposed

- *The original staircase was within the entry hall. The demolition of non-original timber staircase, constructed under BA1983/462, is supported. The new lift and lobby in this space are supported.*
- *The proposed stair hall, including spiral staircase, would complement the grandeur of extant original interiors while providing a viable link with the new west wing. The stair hall and associated works are supported.*

First-floor level

- *The demolition of the walk-in-robe and the north wall to Bedroom 1 is supported.*
- *The demolition of the wall between walk-in-robe and Ensuite 1 on the first-floor is supported.*
- *The demolition works to Ensuites 1 and 2 are supported.*
- *The demolition of the non-original stair, which related an earlier ladder access, to the tower is supported.*
- *The new French doors to the north wall of Ensuite 1 (as replacement to existing window) and the east wall of Ensuite 2 are supported.*
- *Bedroom 2 has been altered in past works and its diminished character does not warrant retention of all internal features. The proposed alterations and additions in this bedroom are generally supported. The new walk-in-robe is supported.*
- *A supplementary letter to this application by Zoltan Kovacs Architects dated 3 July 2024 suggested that relocation of the original fireplace (except breast) from Bedroom 2 into Bedroom 4, where it would be in a sensitive and focal position in the room, would be an acceptable outcome. It is agreed that this proposal and its impact is acceptable in this instance. The room and its arrangement is highly altered. While the fireplace itself is original, retaining the fireplace within Bedroom 2 will confuse the arrangement of the room further. The retained chimney breast would maintain the interpretation of Bedroom 2 originally having a fireplace. The reposition of the fireplace within Bedroom 4, between two windows, will highlight the fireplace as a feature and focal point. This proposal is supported.*

- *Bedroom 5, extensively altered, does not retain any defining/decorative features and is graded as having low significance in the HIS. The proposed alterations and additions to this bedroom are supported.*

Detailed information regarding conservation works to original and significant interior elements is to be provided as part of the Schedule of Conservation Works. A condition of consent to this effect has been provided.

Conclusion

As outlined above, the proposal is supported, subject to conditions, as it is considered to enhance the cultural significance of the heritage item. While the changes proposed are extensive, elements that contribute to the historical significance and integrity of the site will be retained, in some instances restored, and conserved in order to enhance and elevate the significance.

The new elements being introduced are of a design quality that promote excellence and innovation, while also sensitively responding to the historic fabric. They have also been positioned discreetly within the existing landscape such that the heritage item will continue to take the landmark position on the site with minimal obstruction.

Extent of impact on the significance of items in the vicinity

The following heritage item is in close proximity of the proposal:

- *'The Chilterns - residential flat building and grounds,' item no. I320 at 593 New South Head Road, adjoins the site to the north.*

The proposed works at 3 Cranbrook Road would not adversely impact on the aesthetic values of 'The Chilterns.' The works would complement the modernist architectural style of the flat building and set an appropriate precedent for future works to culturally significant sites in the vicinity.

Aboriginal Heritage Impact Assessment

An Aboriginal Heritage Impact Assessment was prepared for the project. It concludes that the study area has been heavily disturbed through terracing and construction/landscaping works. Regardless, the proposed sub-surface excavation has the potential to impact on the Tuggerah soil landscape, which typically has a high potential for the presence of Aboriginal objects. However, due to the varied nature of archaeological finds in dune landscapes, the documented levels of historical disturbance to upper soil profiles, the small size of the study area and the presence of existing dwelling, it was concluded that proceeding with works, subject to precautionary conditions, and without the requirement of further testing or Aboriginal Heritage Impact Permits, would be acceptable.

Appropriate conditions of consent to manage Aboriginal heritage have been recommended.

Subject to conditions recommended by Council's Heritage Officer, the proposal is considered to be satisfactory with regard to the provisions of Clause 5.10 of Woollahra LEP 2014.

12.9 Clause 5.21: Flood Planning

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

Whilst the subject site is not located within Council's flood planning area, Council's Drainage Engineer has recommended a flood protection requirement (see recommended **Condition D.14**).

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Clause 5.21 of Woollahra LEP 2014.

12.10 Clause 6.1: Acid Sulfate Soils

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

The subject site is located within a Class 5 area as specified on the Acid Sulfate Soils Map but within close proximity to a Class 3 area to the north-east.

Council's Environmental Health Officer has advised that the application has adequately addressed the issue of potential acid sulphate affectation with no conditions of development consent is deemed necessary.

The proposed works are considered to be satisfactory with regard to the provisions of Clause 6.1 of Woollahra LEP 2014.

12.11 Clause 6.2: Earthworks

Clause 6.2(1) requires Council to ensure that any earthworks and associated groundwater dewatering will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In deciding whether to grant consent for earthworks and associated groundwater dewatering, the consent authority must consider the following matters:

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

The proposal involves substantial earthworks.

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

Council's Team Leader-Tree Management consider the proposed earthworks to be satisfactory in terms of tree impacts, subject to conditions.

Council's Heritage Officer has raised no objection to the proposed additional earthworks subject to conditions.

Additional conditions of consent have been recommended limiting the times and duration of machine excavation and requiring adequate dust mitigation.

The proposed works are considered to be acceptable with regard to the provisions of Clause 6.2 of the Woollahra LEP 2014 subject to conditions.

12.12 Part 6.9: Tree canopy cover in Zones R2 and R3

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

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

Council's Team Leader-Tree Management considers the application to be satisfactory with regard to the provisions of Part 6.9 of the Woollahra LEP 2014.

13. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

With regard to the implications of whether or not a development application is compliant with the provisions of a development control plan, Section 4.15 (3A) of the Environmental Planning and Assessment Act 1979 states:

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development. In this subsection, standards include performance criteria.*
- b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

Accordingly, Council is required to apply flexibility in the application of Woollahra DCP 2015 controls if the objectives of the control are achieved.

13.1 B1.8 Bellevue Hill North Precinct

The desired future character objectives of the Bellevue Hill North Precinct are as follows:

- O1 To respect and enhance the streetscape character and key elements of the precinct.*
- O2 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials.*
- O3 To maintain a transition of development scale from the residential flat buildings that address New South Head Road, to the dwelling houses that dominate the majority of the precinct.*
- O4 To reinforce a consistent building scale with streets.*
- O5 To ensure that development responds in form and siting to the street and subdivision pattern.*
- O6 To design and site buildings to respond to the topography and minimise cut and fill.*
- O7 To reinforce the landscape setting and maintain the existing tree canopy which forms a green backdrop when viewed from the harbour and the surrounding districts.*

- O8 *To retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.*
- O9 *To protect important views from the public spaces of the precinct to the harbour and city skyline, including view corridors between buildings.*
- O10 *To ensure that development facilitates view sharing to adjoining and adjacent private properties.*
- O11 *To ensure on-site parking does not dominate the streetscape.*

Streetscape character and key elements of the Bellevue Hill North precinct:

Development respects and enhances the existing elements of the neighbourhood character that contribute to the precinct including:

- a) *the rich mixture of residential architectural styles and forms, including dwelling houses and residential flat buildings;*
- b) *the relationship of development along New South Head Road to the promenade and the harbour;*
- c) *buildings set within highly visible gardens;*
- d) *the tree canopy formed by both street and private yard plantings;*
- e) *mature street trees, grassed verges and sandstone walls;*
- f) *harbour views available from the streets within the precinct; and*
- g) *the heritage significance of the adjoining Aston Gardens, Beresford Estate and Balfour Road Heritage Conservation Areas.*

Council's Heritage Officer has provided the following heritage related assessment of the proposal against the above-mentioned objectives.

- *The proposal would enhance the streetscape character by facilitating views to the restored heritage item, in conjunction to the additions exhibiting design excellence. (O1)*
- *The additions exhibiting design excellence would complement the residential buildings in the vicinity. (O2)*
- *The new podium would appear as a secondary element to the original house, and is of a scale, siting and height that complements the original house and buildings in the vicinity. As discussed above, the extent of cut and fill is supported. (O3) (O4) (O5) (O6)*
- *The site has limited visibility from the site other than some tall trees along the northern boundary being visible from New South Head Rd. The removal of the trees would have minimal impact on the green backdrop when viewed from the harbour and surrounding districts. The new vegetation to be planted along the northern boundary would make a positive contribution to the green backdrop in due time. (O7) (O8)*

Council's Team Leader-Tree Management considers the application to be satisfactory with regard to landscaping impacts. (O7) (O8)

With regard to the residual objectives, the following assessment is provided:

- *No significant impacts upon public and private views are envisaged. (O9) (O10)*
- *The proposed off-street car parking is housed within the B01 (basement) plan and will not be visible from streetscape perspectives. (O11)*

The proposal is considered to be satisfactory with regard to the desired future character objectives of the Bellevue Hill North Precinct.

13.2 Chapter B3: General Development Controls

B3.2.2: Front boundary setback

C1 The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street. Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).

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

Council's minimum front setback requirement (C1) is 7.5m in this instance, measured from the frontage to Cranbrook Road.

The proposed portico section of the podium structure with green roof is setback approximately 3.4m from the front boundary which is non-compliant.

The objectives of Council's front setback control are as follows:

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

O2 To provide consistent front setbacks in each street.

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

As stated in section 12.7, Council's Heritage Officer is supportive of the *design of the new podium, including form, height, siting, expression and materiality.*

Council's Team Leader-Tree Management considers the application to be satisfactory with regard to the proposed landscaping works adjacent to the street frontage.

The front elevation of the portico section of the podium structure is considered to be sufficiently open so as to comply with the provisions of C2.

The proposal is considered to be satisfactory with regard to the provisions of B3.2.2 of Woollahra DCP 2015.

B3.2.3: Side boundary setbacks

C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A.

C4 The building has a maximum unarticulated wall length of 12m to the side elevation.

The side boundary setbacks required by C1 are 3.4m in this instance.

Whilst the northern side boundary setback of the proposed podium structure with green roof of approximately 6.7m is compliant, the southern side setback of approximately 500mm is non-compliant.

The proposed infilling of the existing window to the southern side elevation of the existing dwelling house ('Rothesay') that is setback approximately 1.95m from the southern side boundary is non-compliant.

The proposed new western wing addition is sited on the same alignment as the southern elevation of the existing dwelling house; 1.95m from the southern side boundary which is non-compliant.

The objectives of the side boundary setback control are:

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

The non-compliances are considered to be consistent with the above-mentioned objectives with no significant amenity impacts upon the adjoining property to the south (5 Cranbrook Road) envisaged. In this regard, the outlook of the adjoining property to the south will predominantly be over the green roof of the proposed single storey podium structure to the north with views, solar access, privacy and visual amenity adequately maintained.

Council's Team Leader-Tree Management considers the application to be satisfactory with regard to the proposed landscaping works adjacent to the southern side boundary.

The proposed works are fully compliant with Council's 12m unarticulated wall length requirement.

The proposal is considered to be satisfactory with regard to the provisions of B3.2.3 of Woollahra DCP 2015.

B3.2.4: Rear boundary setback

- C1 The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.*

An 11.5m rear (western) boundary setback applies in this instance.

The proposed podium structure with green roof is setback 1.57m from the rear boundary which is non-compliant.

The proposed new western wing is setback 2.558m from the rear boundary, on the same alignment as the existing western wing, which is non-compliant. It should be noted however that the proposed western wing extends further to the south than the existing western wing.

The objectives of the rear boundary setback requirement are:

- O1 To provide private open space and landscaped areas at the rear of buildings.*
- O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.*
- O3 To avoid an unreasonable sense of enclosure.*
- O4 To provide separation between buildings to facilitate solar access to private open space.*
- O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.*
- O6 To contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat.*

The non-compliances are considered to be consistent with the above-mentioned objectives with no significant amenity impacts upon the adjoining properties to the west (589 & 591 New South Head Road) envisaged with solar access, privacy and visual amenity adequately maintained. Significantly, the most potentially affected adjoining property to the west (591 New South Head Road) will benefit visually from the replacement of the 2 storey northern section of existing western wing with a single storey podium structure.

Council's Team Leader-Tree Management considers the application to be satisfactory with regard to the proposed landscaping works adjacent to the western rear boundary.

The proposal is considered to be satisfactory with regard to the provisions of B3.2.4 of Woollahra DCP 2015.

B3.2.5: Wall height and inclined plane

C1 On land zoned R2 Low Density Residential and for a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone:

- a) the wall height is 7.2m above existing ground level; and*
- b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and*
- c) roof eaves may protrude into the setback if below the inclined plane.*

The proposal is non-compliant with Council's wall height and inclined plane control predominantly on the basis of the above-mentioned boundary setback non-compliances. Additionally, upper components of the proposed alterations and additions to the dwelling house ('Rothesay') are non-compliant.

The objectives of Council's wall height and inclined plane control are as follows:

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

The non-compliances are considered to be satisfactory in terms of amenity impacts upon adjoining properties for reasons outlined under the consideration of the setback non-compliances and the 9.5m height non-compliances with the residual non-compliances relating to the proposed external alterations and additions to the dwelling house ('Rothesay') minor in extent and considered to be satisfactory with regard to the above-mentioned objectives.

The non-compliances will not result in any visual impacts upon the streetscape as evidenced by Council's Heritage Officer's support of the proposal in this regard.

The proposal is considered to be satisfactory with regard to the provisions of B3.2.5 of Woollahra DCP 2015.

B3.4: Excavation

C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13A.

C6 Basement walls are no closer to the boundary than permitted by the setback controls.

The proposal involves approximately 2473m³ of excavation which exceeds Council's 451.6m³ maximum permissible volume of excavation by 2021.4m³.

The siting of the proposed basement walls are also non-compliant with Council's rear, southern side and front boundary setback requirements.

The objectives underlying the excavation controls are:

O1 To set maximum acceptable volumes of excavation which:

- a) require buildings to be designed and sited to relate to the existing topography of the site;*
- b) ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation;*
- c) avoid structural risks to surrounding structures;*
- d) ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable;*
- e) enable deep soil planting in required setbacks;*
- f) ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and*
- g) satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings).*

The proposed excavation is considered to be satisfactory by Council's Development Engineer in terms of geotechnical/hydrogeological and traffic related impacts subject to conditions.

The proposed excavation is considered to be satisfactory by Council's Team Leader-Tree Management in terms of tree impacts and landscaping provision subject to conditions.

Council's Heritage Officer considers the proposed excavation to be satisfactory in terms of potential structural impacts upon the heritage item subject to conditions and is supportive of the proposed alterations to the topography in terms of impacts upon the setting/curtilage of the heritage item.

Council's standard conditions addressing dust and noise impacts have been recommended.

It is proposed to utilise 167m³ of the excavated material as fill which will partially reduce energy expenditure and traffic impacts from transporting that material of the site. This commitment is reinforced by recommended **Condition D.1a**.

The residual non-compliance is considered to be justifiable on the basis of facilitating sympathetic additions to the curtilage of the heritage item thereby mitigating heritage related impacts.

The proposed excavation as conditioned is considered to satisfactorily accord with the above-mentioned objectives and satisfactory with regard to the provisions of B3.4 of Woollahra DCP 2015.

B3.5.1: Streetscape and local character

- C1 The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.*
- C2 Development retains vegetation of landscape value.*
- C3 Development steps down sloping sites and follows the topography of the land.*
- C4 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.*
- C5 Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.*

- C6 *The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).*
- C7 *In heritage conservation areas or where the existing the immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.*
- C8 *Roof materials are non-reflective and do not cause excessive glare to adjacent properties.*
- C9 *The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.*

Council's Heritage Officer considers the proposal to be satisfactory in terms of visual impacts upon the locality.

The proposed works are considered to be satisfactory by Council's Team Leader-Tree Management in terms of tree impacts subject to conditions.

The proposal is considered to be satisfactory with regard to the provisions of B3.5.1 of Woollahra DCP 2015.

B3.5.2: Overshadowing

- C1 *The development is designed so that:*
 - a) *sunlight is provided to at least 50% (or 35m² with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and*
 - b) *north-facing windows to upper level habitable rooms of adjacent dwellings receive at least all 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.*
- C2 *Lot orientation may make C1 above difficult to achieve so a reduced amount of solar access may be considered, provided the proposed building complies with all setback controls.*

Shadow diagrams submitted to Council demonstrate compliance with the overshadowing provisions of B3.5.2 of Woollahra DCP 2015.

B3.5.3: Public and Private Views

Public views

- C1 *Development is sited and designed so that the following public views are maintained or enhanced:*
 - a) *significant views and vistas identified in the precinct maps in this Chapter B1 Residential Precincts and Chapter B2 Neighbourhood HCAs of this DCP; and*
 - b) *views from other public open space areas, particularly from ridgelines to Sydney Harbour and the Sydney CBD skyline.*
- C2 *Vistas along streets are preserved or enhanced through sensitive development location and form.*
- C3 *Development on the low side of the street preserves district, iconic and harbour views from the street by:*

- a) *providing substantial breaks between buildings, front fences, car parking and other structures; and*
- b) *incorporating fences with transparent or open end panels at each side boundary to provide for views.*

C4 Roof forms on the low side of streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, plant equipment (including lifts and lift overruns) and similar structures are inappropriate.

Public views

No significant loss of public views are envisaged as a result of the proposed works.

Private views

The controls applicable to private views are as follows:

- C5 Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms.*
- C6 Development steps down the hillside on a sloping site.*
- C7 The design of the roof form (including roof terraces, lifts, lift overruns, stairwells, access hatches, screens, and other like structures) provides for view sharing.*
- C8 Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control. Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.*

The objective underlying the above-mentioned private views controls states:

- O3 To encourage view sharing as a means of ensuring equitable access to views from private property.*

No significant loss of private views to adjoining properties are envisaged as a result of the proposed works.

Landscaping based private view loss

- C9 The location and species of new tree planting frames and preserves public and private views. Planting must not be used to moderately, severely or devastatingly block views in accordance with the Tenacity Land and Environment Court Principle.*
- O4 To ensure that views are not unreasonably compromised by landscaping.*

On 9 May 2024, the landscape plans were amended in an effort to address objector's concerns including view loss concerns. No moderate-devastating loss of private views to adjoining properties are envisaged as a result of the proposed landscaping as amended.

The proposal is considered to be satisfactory with regard to the provisions of Part B3.5.3 of Woollahra DCP 2015.

B3.5.4: Acoustic and Visual Privacy

- C1 *Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings.*
- C2 *Dwellings located close to high noise sources, such as a busy road or railway line are to:*
- a) *be designed to locate habitable rooms and private open space away from the noise source; and*
 - b) *include sound attenuation measures, such as acoustic glazing and insulation.*
- C3 *Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.*
- C4 *New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m. This may be achieved by options including, but not limited to (in order of preference):*
- a) *Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.*
 - b) *Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space.*
 - c) *Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.*
 - d) *Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.*
 - e) *Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.*
- Note: Applicants may be required to demonstrate how privacy impacts are resolved by way of view line diagrams, photographs and other suitable means.*
- C5 *Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.*
- C6 *Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to:*
- a) *aesthetics of the building including impacts on visual bulk;*
 - b) *compliance with minimum boundary setback controls;*
 - c) *appearance from adjoining properties; and*
 - d) *views from adjoining or adjacent properties.*
- C7 *Private open spaces and the trafficable area of roof terraces (at or below the second storey) are to be suitably located and screened to prevent direct views to neighbouring:*
- a) *habitable rooms (including bedrooms) within 9m; and*
 - b) *private open space within 9m.*

Note: Private open space includes an area external to a building including land, terrace, balcony or deck.

- C8 *For a dwelling house, dual occupancy, semi-detached dwelling, or attached dwelling— the acceptability of any elevated balcony, deck, or terrace will depend on the extent of its impact, its reasonableness and its necessity.*

Note: Refer to Super Studio vs Waverley Council, (2004) NSWLEC 91

- C9 *Windows and balconies of an upper-level dwelling are designed to prevent overlooking of the private open space of a dwelling below within the same development.*

- C10 *The trafficable area of a roof terrace (above the second storey) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to:*

- a) neighbouring private open space within 12m; or*
- b) windows of habitable rooms in neighbouring dwellings within 12m.*

- C11 *Lighting installations on a roof terrace or upper level deck are:*

- a) contained within the roof terrace area and located at a low level; or*
- b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.*

Note: Lightinng of roof terraces must be designed in compliance with Australian Standards 4282-1997 Control of obtrusive effects of outdoor lighting.

The proposal is considered to be satisfactory with the above-mentioned controls with compliant lines of sight distances to privacy sensitive areas of adjoining properties achieved.

Council's standard condition pertaining to the control of outdoor lighting has been recommended (see **Condition H.4**).

Acoustic privacy assessment

It is considered that the proposal will not result in any significant acoustic privacy impacts upon adjoining properties subject to the imposition of Council's standard condition relating to the control of offensive noise (see **Condition H.5**).

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.5.4 of Woollahra DCP 2015.

B3.5.5: Internal amenity

- C1 *All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening.*
- C2 *All habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation.*
- C3 *The area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms.*
- C4 *Light wells must not be the primary air source for habitable rooms.*
- C5 *Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) is limited to a maximum room depth of twice the ceiling height.*

Several proposed BO1 (basement) level sanitary compartments are non-compliant with C2.

The objectives of the above-mentioned controls are as follows:

- O1 *To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.*
- O2 *To encourage buildings that are designed to maximise natural light provision in habitable rooms.*

On the basis that artificial light and ventilation are permitted to be provided to sanitary compartments under the health and amenity provisions of the Building Code of Australia, no objection is raised in relation to the non-compliance with C2. Compliance with the provisions of the Building Code of Australia is addressed by recommended **Conditions E.1 & F.1**.

The proposal as conditioned are considered to be satisfactory with regard to Council's internal amenity requirements stipulated under B3.5.5 of Woollahra DCP 2015.

B3.6: On-Site Parking

- C1 *On-site parking is designed and located so that it:*
 - a) *does not dominate the street frontage;*
 - b) *preserves significant trees and vegetation of landscape value; and*
 - c) *is located within the buildable area.*
- C2 *For garages facing the street frontage, the maximum garage width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.*
- C3 *Where possible on-site parking is to be accessed from the rear.*
- C4 *Where there is no rear lane access, on-site parking is located within the building envelope.*
- C6 *Notwithstanding C4, car parking structures may be located in the front setback (i.e. outside the building envelope) where:*
 - a) *the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 20A); and*
 - b) *the car parking structures is incorporated into a podium or street wall; and*
 - c) *the car parking structures is not more than 40m² in area.*
- C7 *For garages located in the front setback, the maximum height of the garage structure is 2.7m above the footpath level.*
- C9 *For separate structures, the roof form, materials and detailing complement the principal building.*
- C10 *Garage doors are designed to complement the building design and any important character elements within the street.*
- C11 *The width of driveways is minimised. Generally the width is no more than the minimum width required to comply with the relevant Australian Standards (see Section E1).*
- C12 *Only one driveway entrance is provided. For example, development involving more than one dwelling shares the driveway access.*

The proposed garaging located within the proposed BO1 (basement) level is compliant with the above-mentioned requirements and is considered to be satisfactory with regard to the provisions of Part B3.6 of Woollahra DCP 2015.

B3.7.1: Landscaped Areas and Private Open Space

	Proposed	Control	Complies
C1 Tree canopy area	39.3% (789m ²)	35% (703m ²)	Yes
C2 Deep soil landscaped area	29% (583m ²)	35% (703m ²)	No
C3 Deep soil landscaped area to front setback	39.45% (129m ²)	40% (131m ²)	No

These controls apply to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

C1 Tree canopy area is at least:

- a) 35% of the site area for dwelling houses, dual occupancies, semidetached development and attached dwellings.*

And at least half of the total tree canopy area on the site is contributed by canopy tree/s.

C2 35% of the site area is deep soil landscaped area.

C3 At least 40% of the front setback comprises deep soil landscaped area.

C4 For a dwelling house—a primary open space area of at least 35m² is provided.

C6 The primary open space area in C4 above has a gradient of no more than 1 in 10.

C7 Excavation or fill is permitted to achieve the required level area of primary open space up to 1.2m from existing ground level.

C8 Part of the primary open space area is directly accessible from a habitable room.

C10 Development takes advantage of opportunities to provide north-facing private open space to achieve comfortable year round use.

C11 Private open space is clearly defined for private use through planting, fencing or landscape features.

C12 The location of private open space:

- a) takes advantage of the outlook and natural features of the site;*
- b) reduces the adverse privacy and overshadowing impacts; and*
- c) addresses surveillance and privacy where private open space abuts public space.*

C14 Existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment.

C15 Native species are preferred and landscape designs are encouraged to provide at least 50% of the plants as native species.

C16 Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering. Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species.

C17 Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.

C18 The landscape design:

- a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality;*
- b) uses vegetation types that will not moderately, severely or devastatingly block views in accordance with the Tenacity Land and Environment Court Principle;*
- c) does not adversely affect the structure of the proposed building or buildings on neighbouring properties;*
- d) considers personal safety by ensuring good visibility along paths and driveways and avoiding shrubby landscaping near thoroughfares;*
- e) contributes to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and living areas and other habitable rooms;*
- f) improves privacy between dwellings;*
- g) minimises risk of damage to overhead power lines and other services; and*
- h) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.*

The objectives of the deep soil landscaped area controls are:

O1 To ensure that the areas outside the building contribute to the desired future character of the location.

O2 To provide sufficient deep soil landscaped area to encourage urban greening and maintain and enhance tree canopy cover which in turn contributes positively to the existing and desired future character of the locality.

O3 To provide for on-site stormwater absorption.

The non-compliances with C2 & C3 identified in the above table are considered to uphold the above-mentioned objectives on the following basis:

- Council's Team Leader - Tree Management and Heritage Officer consider the provision of deep soil landscaped area to be adequate.
- The proposal comprises a large area of green roof, which contributes to the landscaped character of the locality, despite not constituting 'deep soil landscaped area'.
- The proposal is compliant with Council's tree canopy requirement.
- Council's Development Engineer considers the site to be satisfactory in terms of stormwater management subject to **Conditions D.13 & D.14**.

The proposed raising of the north-western corner of the site by approximately 1.8m is non-compliant with 1.2m maximum specified by C7.

The underlying objective of the control states:

O1 To ensure the adequate provision of accessible and usable primary open space.

The proposed raising of the north-western section of the site to create a level landscaped area adjacent to the proposed main living area is considered to accord with the above-mentioned objective.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.7.1 of Woollahra DCP 2015.

B3.7.2: Fences

- C1 Fencing is designed and located to protect the inhabitants of the property, and allows for casual surveillance from the building to the street.*
- C2 The arrangement of built form, fences, landscaping and other features clearly defines any public, common, and private space.*
- C3 Front fences and walls assist in defining building entrances.*
- C4 The height of front fences does not exceed:
 - a) 1.2m if solid; or*
 - b) 1.5m if 50% transparent or open;**
- C8 Where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m—a 45° splay or its equivalent is provided either side (as applicable) of the entrance to ensure driver and pedestrian vision. The splay is to have minimum dimensions of 2m x 2m.*
- C9 The rear and side fences:
 - a) are located behind the building front setback; and*
 - b) do not exceed 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.**
- C10 Where there is a difference in ground level in excess of 1.2m either side of the boundary—the height of fences and walls may increase to 1.2m from the level of the high side.*
- C15 The design and materials of front fences and walls are compatible with those fences and walls that contribute positively to the streetscape.*

Front fencing

The proposed 1.8m high metal palisade front fencing/gates are non-compliant with C4.

The objectives of the front fence height control are as follows:

- O1 To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.*
- O2 To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.*
- O3 To ensure that fences and walls do not unreasonably restrict views and vistas from streets and other public spaces.*
- O4 To ensure that development creates well defined areas of public and private space.*

The proposed 1.8m high metal palisade front fencing/gates are lower than the existing gates, are considered to be satisfactory in terms of being contextually compatible within the local streetscape and are considered to be satisfactory by Council's Heritage Officer.

Side and rear fencing

The objective of the side and rear fence height control is:

O5 To ensure boundary fences between sites provide visual privacy without affecting the amenity of those sites in terms of views and sunlight.

The proposal involves the demolition of an existing approximately 5.1m high concrete wall to the north-western corner of the site (adjacent to the rear boundary of 593 New South Head Road), the raising of the ground level by 0-1.8m, the construction of a new 1.8m high retaining wall on top of the existing retaining wall with a 1.8m timber paling fence on top which is non-compliant with the 1.2m height above the high side of the boundary permitted by C.10.

The proposed new fencing to the north-western section of the site involves a combined height that is approximately 1.6m lower than the existing wall although it is located on the northern boundary whereas the existing wall is setback approximately 1m from the boundary.

It is considered that the 1.6m reduction in height more than compensates for the 1m reduced setback from the boundary with an overall benefit to the amenity of the adjoining property.

Otherwise, the proposed fencing to the northern side boundary either involves a height of 1.8m above the high side of the boundary which is non-compliant with the 1.2m height above the high side of the boundary permitted by C.10 or otherwise involves a height of 2.1-3.5m above the low side of the boundary which is non-compliant with C9.

The proposed non-compliant fencing to the northern side boundary will provide visual privacy whilst not affecting adjoining properties in terms of views or sunlight and accordingly upholds the underlying objective of the controls.

The proposed fencing to the western rear boundary either involves a height of 0.6-2.5m above the high side of the boundary which is partially non-compliant with the 1.2m height above the high side of the boundary permitted by C.10 or otherwise involves a height of 1.5-3.7m above the low side of the boundary which is non-compliant with C9.

The proposed non-compliant fencing to the western rear boundary is either the same height or lower than existing fencing. The non-compliant fencing will provide visual privacy whilst not affecting adjoining properties in terms of views or sunlight and accordingly upholds the underlying objective of the controls.

The proposed fencing to the southern side boundary involves a height of 1.8-2.9m above the low side of the boundary which is partially non-compliant with C9.

The proposal was amended on 5 July 2024 in terms of lowering of the mid-section of the southern boundary fence in response to concerns from the owners of the adjoining property 5 Cranbrook Road.

The proposed non-compliant amended fencing to the southern side boundary will provide visual privacy whilst not affecting adjoining properties in terms of views or sunlight and accordingly upholds the underlying objective of the controls.

The proposal is considered to be satisfactory with regard to the provisions of Part B3.7.2 of Woollahra DCP 2015.

B3.7.3: Site Facilities

- C1 *Lockable mail boxes are provided close to the street and are integrated with front fences or building entries.*
- C3 *Development that includes a residential component provides opportunity for at least one external clothes drying area.*
- C4 *External clothes drying areas have access to sunlight, and are located in a secure place away from public spaces and screened from public view. Note: External drying areas may be located in the deep soil landscaped area.*
- C7 *Mechanical plant equipment (including lift overruns) are not be visible from the streetscape or public domain.*
- C8 *Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located. *
- C9 *Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to adjoining properties. Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the Protection of the Environment Operations Act 1997 apply.*
- C10 *New fireplaces burn non-solid fuels, e.g. gas or electricity.*
- C12 *Site services are suitably integrated with the development including the landscape design and are not visually intrusive within the streetscape.*
- C13 *Hydraulic fire services such as fire hydrants and booster installations are concealed. These services are to be:*
- a) *enclosed with doors if located in the building façade, or*
 - b) *housed in a cabinet or enclosure if located external to the building.*

The location, design, colour and material of the doors, cabinet or enclosure are visually unobtrusive and suitably integrated with the development, including fencing and landscaping.

The proposal is considered to be compliant with the above-mentioned provisions, subject to Council's standard conditions requiring the adequate sound attenuation of the proposed mechanical plant.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.7.3 of Woollahra DCP 2015.

B3.7.4: Ancillary Development - Swimming pools

- C1 *The swimming pool does not occupy the deep soil landscaped area.*
- C2 *Excavation beyond the controls in Section B3.4 is permitted to accommodate a backyard swimming pool, where the pool is outside the building envelope.*
- C3 *The swimming pool (measured from the water edge) is at least 1.8m from property boundaries.*

- C4 The swimming pool surrounds are no more than 1.2m above or below the existing ground level.*
- C5 The swimming pool is no deeper than 2m from the pool surround level.*
- C6 The location and design of the swimming pool and associated works do not adversely impact on prescribed trees.*

The proposed swimming pool is compliant with the above-mentioned controls with the exception of the proposed 2.2m deep excavation in the vicinity of the pool which is non-compliant with the maximum permissible of 1.2m (C4).

The objectives of the control are as follows:

- O1 To provide for recreational opportunities for swimming without compromising the amenity of the neighbouring properties.*
- O2 To limit excavation.*
- O3 To retain trees and vegetation of landscape value.*

The non-compliance is considered to satisfactorily uphold the above-mentioned objectives for the following reasons:

- It is considered that the amenity of adjoining properties will not be significantly affected by the non-compliance.
- The proposed extent of excavation is considered to be satisfactory in terms of environmental impacts as discussed previously.
- Council's Team Leader - Tree Management considers the proposed excavation to be satisfactory in terms of tree impacts subject to conditions.

The proposal is considered to be satisfactory with regard to the provisions of Part B3.7.4 of Woollahra DCP 2015.

13.3 Chapter E1: Parking and Access

Part E1.4: Residential parking

The proposal provides 2 off-street car parking which complies with the maximum requirement of 2 car parking spaces for a dwelling house development as per E1.4.2.

Part E1.10: Parking and access design standards

Council's Development Engineer considers the proposal to be satisfactory in terms of parking and access design.

13.4 Chapter E2: Stormwater and Flood Risk Management

The provisions of this chapter require the adequate provision of sustainable stormwater management, the controlled release of stormwater to prevent flooding downstream and the prevention of stormwater pollution to Sydney Harbour and waterways and to protect land and property from flooding.

Council's Development Engineer considers the proposal to be satisfactory in terms of stormwater management subject to **Conditions D.13 & D.14**.

Whilst the subject site is not located within Council's flood planning area, Council's Drainage Engineer has recommended a flood protection requirement (see recommended **Condition D.15**).

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part E2 of Woollahra DCP 2015.

13.5 Chapter E5: Waste Management

The provisions of this chapter aim to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

Council's standard conditions in order to adequately address the provisions of Chapter E5 of Woollahra DCP 2015 have been recommended.

14. CONTRIBUTION PLAN

The Section 7.12 Contributions Plan is applicable. A 1% levy (of the total cost of works) applies. The contribution is required by **Condition D.3** which will be used for a variety of works as outlined in the Section 7.12 Contributions Plan.

15. APPLICABLE ACTS/REGULATIONS

15.1 Clause 61(1) of the EPA Regulation 2021

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

15.2 Swimming Pools Act 1992

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

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

These requirements are addressed by recommended conditions.

15.3 National Parks and Wildlife Act 1974

Council's Heritage Officer considers the proposal to be satisfactory with regard to potential impacts upon Aboriginal archaeological objects and skeletal remains subject to recommended conditions.

16. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report.

17. THE SUITABILITY OF THE SITE

The site is considered suitable for the proposal as conditioned.

18. THE PUBLIC INTEREST

It is considered that the proposal is not contrary to the public interest.

19. CONCLUSION

This assessment has considered the application in terms of the relevant matters under Section 4.15(1) of the Environmental Planning and Assessment Act and other relevant considerations and the proposal is considered to be satisfactory in this regard, subject to conditions.

20. DISCLOSURE STATEMENTS

Under Section 10.4 of the Environmental Planning and Assessment Act, 1979 there have been no disclosure statements regarding political donations or gifts made to any Councillor or gifts made to any council employee submitted with this development application by either 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, is satisfied that the matters required to be addressed under Clause 4.6(4) of the Woollahra Local Environmental Plan 2014 have been adequately demonstrated and that consent may be granted to the development application, which contravenes the height of buildings and floor space ratio development standards prescribed under Clauses 4.3 and 4.4 of Woollahra LEP 2014 respectively.

AND

THAT the Council, as the consent authority, grant development consent to Development Application No. 26/2024/1 for the demolition of existing ancillary structures, alterations and additions to an existing heritage listed dwelling house including demolition works, an excavated basement/lower level containing garaging and a swimming pool, a podium level with a landscaped roof, a west wing addition and landscaping works on land at 3 Cranbrook Road Bellevue Hill, subject to the following conditions:

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.

	<ul style="list-style-type: none"> • 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>
<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. <p>Condition Reason: To ensure all parties are aware of the relevant definitions.</p>																												
A. 3.	<p>Approved Plans and Supporting Documents</p> <p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p> <table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>DA000 Rev A DA002 Rev A DA050 Rev A DA051 Rev A DA052 Rev A DA053 Rev A DA100 Rev A DA101 Rev A DA102 Rev A DA103 Rev B DA400 Rev A DA401 Rev A DA402 Rev A DA403 Rev B DA450 Rev B DA451 Rev B DA452 Rev B</td><td>Architectural drawings</td><td>Smart Design Studio</td><td>01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 05/07/2024 01/12/2023 01/12/2023 01/12/2023 05/07/2024 08/08/2024 08/08/2024 08/08/2024</td></tr><tr><td>Material sample board</td><td>Material sample board</td><td>N/A</td><td>N/A</td></tr><tr><td>Arboricultural Impact Appraisal and Method Statement</td><td>Arboricultural Impact Assessment Report</td><td>Naturally Trees</td><td>17/08/2023</td></tr><tr><td>LDA-01 Issue D LDA-02 Issue D LDA-03 Issue D LDA-04 Issue D LDA-05 Issue D LDA-06 Issue D</td><td>Landscape plans</td><td>Fieldwork</td><td>09/05/2024</td></tr><tr><td>2023-119</td><td>Geotechnical Report</td><td>Crozier Geotechnical Consultants</td><td>23/10/2023</td></tr><tr><td>23094 DA1.01-Rev 5</td><td>Stormwater Management Plans</td><td>Sparks and Partners</td><td>25/10/2023</td></tr></table>	Reference	Description	Author	Date	DA000 Rev A DA002 Rev A DA050 Rev A DA051 Rev A DA052 Rev A DA053 Rev A DA100 Rev A DA101 Rev A DA102 Rev A DA103 Rev B DA400 Rev A DA401 Rev A DA402 Rev A DA403 Rev B DA450 Rev B DA451 Rev B DA452 Rev B	Architectural drawings	Smart Design Studio	01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 05/07/2024 01/12/2023 01/12/2023 01/12/2023 05/07/2024 08/08/2024 08/08/2024 08/08/2024	Material sample board	Material sample board	N/A	N/A	Arboricultural Impact Appraisal and Method Statement	Arboricultural Impact Assessment Report	Naturally Trees	17/08/2023	LDA-01 Issue D LDA-02 Issue D LDA-03 Issue D LDA-04 Issue D LDA-05 Issue D LDA-06 Issue D	Landscape plans	Fieldwork	09/05/2024	2023-119	Geotechnical Report	Crozier Geotechnical Consultants	23/10/2023	23094 DA1.01-Rev 5	Stormwater Management Plans	Sparks and Partners	25/10/2023
Reference	Description	Author	Date																										
DA000 Rev A DA002 Rev A DA050 Rev A DA051 Rev A DA052 Rev A DA053 Rev A DA100 Rev A DA101 Rev A DA102 Rev A DA103 Rev B DA400 Rev A DA401 Rev A DA402 Rev A DA403 Rev B DA450 Rev B DA451 Rev B DA452 Rev B	Architectural drawings	Smart Design Studio	01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 01/12/2023 05/07/2024 01/12/2023 01/12/2023 01/12/2023 05/07/2024 08/08/2024 08/08/2024 08/08/2024																										
Material sample board	Material sample board	N/A	N/A																										
Arboricultural Impact Appraisal and Method Statement	Arboricultural Impact Assessment Report	Naturally Trees	17/08/2023																										
LDA-01 Issue D LDA-02 Issue D LDA-03 Issue D LDA-04 Issue D LDA-05 Issue D LDA-06 Issue D	Landscape plans	Fieldwork	09/05/2024																										
2023-119	Geotechnical Report	Crozier Geotechnical Consultants	23/10/2023																										
23094 DA1.01-Rev 5	Stormwater Management Plans	Sparks and Partners	25/10/2023																										

	<div>DA3.01-Rev 5</div> <div>DA4.01-Rev 5</div> <div>DA4.02-Rev 5</div> <div>DA4.03-Rev 5</div> <div>DA4.06-Rev 5</div> <div>DA4.07-Rev 5</div>			<div>25/10/2023</div> <div>25/10/2023</div> <div>25/10/2023</div> <div>25/10/2023</div> <div>25/10/2023</div> <div>25/10/2023</div>
<div>Notes:</div> <div><div><div>•</div><div>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.</div></div><div><div>•</div><div>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.</div></div></div>				
<div>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</div>				
<div>A. 4.</div>	<div>Ancillary Aspects of Development (section 4.17(2) of the Act)</div>			
<div>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.</div>				
<div><div>Notes:</div><div><div><div>•</div><div>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.</div></div></div></div>				
<div>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</div>				
<div>A. 5.</div>	<div>No Underpinning works</div>			
<div>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.</div>				
<div>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.</div>				
<div>A. 6.</div>	<div>Tree Preservation and Landscaping Works</div>			
<div>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.</div>				

a) The following trees must be retained:

Council Ref No	Species	Location	Dimension (metres)
32	<i>Callistemon viminalis</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations	8 x 5
33	<i>Banksia serrata</i>		4 x 3
34	<i>Tristaniopsis laurina</i>		5 x 3
35	<i>Howea forsteriana</i>		4 x 3

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Castanospermum australe</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations.	12 x 9
2	<i>Cinnamomum camphora</i>		16 x 20
3	<i>Olea europaea</i> subsp. <i>cuspidata</i> *		5 x 4
4	<i>Olea europaea</i> subsp. <i>cuspidata</i> *		6 x 5
5	<i>Brachychiton acerifolius</i>		10 x 4
6	<i>Cinnamomum camphora</i>		15 x 15
7	<i>Castanospermum australe</i>		12 x 4
8	<i>Castanospermum australe</i>		12 x 6
9	<i>Castanospermum australe</i>		12 x 6
10	<i>Castanospermum australe</i>		12 x 6
11	<i>Eucalyptus saligna</i>		20 x 15
12	<i>Ficus coronata</i>		8 x 6
13	<i>Waterhousea floribunda</i>		7 x 4
14	<i>Castanospermum australe</i>		9 x 6
15	<i>Cinnamomum camphora</i>		18 x 18
16	<i>Magnolia soulangeana</i>		5 x 4
17	<i>Magnolia grandiflora</i>		6 x 3
20 - 23	<i>Pyrus calleryana</i>		9 x 5
24	<i>Howea forsteriana</i>		4 x 3
25	<i>Olea europaea</i> subsp. <i>cuspidata</i> *		6 x 5
26	<i>Fraxinus augustifolia</i>		14 x 8
27	<i>Acer negundo</i>		12 x 8
29	<i>Howea forsteriana</i>		9 x 3
30	<i>Howea forsteriana</i>		4 x 3
31	<i>Howea forsteriana</i>		9 x 3
36	<i>Archontophoenix alexandrea</i>		9 x 3
37	<i>Cithraxylum spinosum</i>		9 x 7
38	<i>Syzygium spp</i>		6 x 3
39	<i>Camellia sasanqua</i>		5 x 4

<p>The tree/s that may be removed must appear coloured red on the Construction Certificate plans.</p> <p>The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.</p> <p>c) The following trees must be transplanted and successfully established in the location(s) indicated on the approved landscape plan:</p> <table border="1"> <thead> <tr> <th>Council Ref No</th><th>Species</th><th>Location (current)</th><th>Dimension (metres)</th></tr> </thead> <tbody> <tr> <td>18</td><td><i>Camellia sasanqua</i></td><td rowspan="2">Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations</td><td>5 x 4</td></tr> <tr> <td>19</td><td><i>Camellia sasanqua</i></td><td>5 x 4</td></tr> </tbody> </table> <p>The tree/s required to be transplanted must appear coloured yellow on the Construction Certificate plans.</p> <p>Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents. Standard Condition A.22 (Autotext 22A)</p>				Council Ref No	Species	Location (current)	Dimension (metres)	18	<i>Camellia sasanqua</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations	5 x 4	19	<i>Camellia sasanqua</i>	5 x 4
Council Ref No	Species	Location (current)	Dimension (metres)											
18	<i>Camellia sasanqua</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations	5 x 4											
19	<i>Camellia sasanqua</i>		5 x 4											

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	Construction Certificate Required Prior to Any Demolition
	<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 <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [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.	Identification of Hazardous Material
	<p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p>

	<p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place. <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>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>
<p>B. 4.</p>	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures,

- Heritage Items, including street name inlays,
- utility service items including historical utility covers, and
- drainage structures/pits/pipes (CCTV footage).

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.

If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.

Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.

B. 5. Payment of Security and Fees

Prior to any site works, the following security and fees must be paid in full:

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit - making good any damage caused to any property of the Council	\$666,700	No	T115
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Security Administration Fee	\$225	No	T16
TOTAL SECURITY AND FEES	\$666,925		

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.

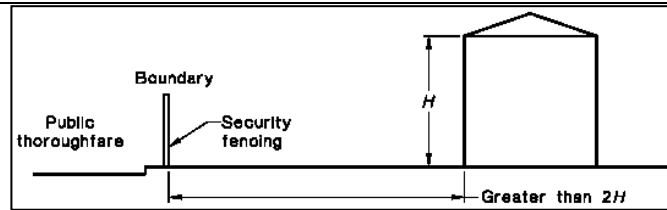
The payment of a security may be made by a bank guarantee where:

- 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

	<ul style="list-style-type: none"> 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>Dilapidation Reports for Existing Buildings</p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but are not limited to):</p> <ol style="list-style-type: none"> No. 1 Cranbrook Road No. 5 Cranbrook Road No. 591 New South Head Road No. 593 New South Head Road No. 595 New South Head Road No. 597 New South Head Road <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.

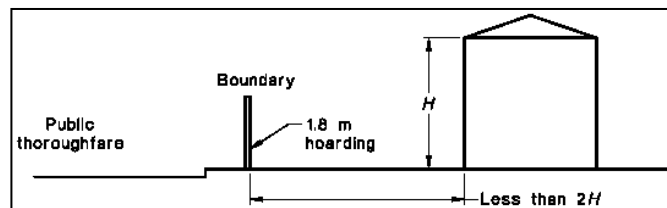
	<ul style="list-style-type: none"> • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council 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. 7.	<p>Dilapidation Reports for Public Infrastructure</p> <p>Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared.</p> <p>The dilapidation report must be submitted to Council prior to the commencement of any site work and include:</p> <ol style="list-style-type: none"> a) closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system fronting the site on Cranbrook Road, b) photographs showing any existing damage to the road pavement fronting the site, c) photographs showing any existing damage to the kerb and gutter fronting the site, d) photographs showing any existing damage to the footway including footpath pavement fronting the site, e) photographs showing any existing damage to retaining walls within the footway or road, f) photographs showing any existing damage to street signs, heritage name plates, and historical items, and g) the full name and signature of the Chartered Professional Engineer. <p>The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped.</p> <p>The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> • If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. • Nothing in this condition prevents Council making any claim against security held for this purpose. <p>Condition Reason: To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.</p>

<p>B. 8.</p>	<p>Adjoining Buildings Founded on Loose Foundation Materials</p> <p>Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. • The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919. <p>Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>
<p>B. 9.</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. 10.</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.



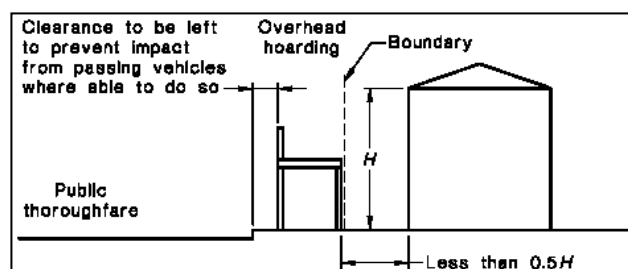
Type B Hoarding

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: <ul 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. 11.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p>

	<p>Erection of signs</p> <ul style="list-style-type: none"> For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ul 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. 12.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ul style="list-style-type: none"> a) must be a standard flushing toilet, and b) must be connected to a public sewer, or

	<p>c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or</p> <p>d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.</p> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> • In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. • This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
B. 13.	<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. 14.	<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>

B. 15.	Arborists Documentation and Compliance Checklist														
	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:														
	<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.														
	All compliance certification documents must be kept on site.														
	As a minimum the following intervals of site inspections must be made:														
	<table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>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.										
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.														
	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.														
	Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.														
	Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.														
B. 16.	Permissible work within Tree Protection Zones														
	Prior to any site works, the following works are permissible within the Tree Protection Zone:														
	<table><tr><th>Council Ref No</th><th>Species</th><th>Radius from Centre of Trunk (Metres)</th><th>Approved works</th></tr><tr><td>32</td><td><i>Callistemon viminalis</i></td><td>3.6m</td><td>Reconstruction of the boundary wall using tree sensitive construction methods.</td></tr><tr><td>33</td><td><i>Banksia serrata</i></td><td>2m</td><td>Reconstruction of the boundary wall using tree sensitive construction methods.</td></tr></table>				Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works	32	<i>Callistemon viminalis</i>	3.6m	Reconstruction of the boundary wall using tree sensitive construction methods.	33	<i>Banksia serrata</i>	2m
Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works												
32	<i>Callistemon viminalis</i>	3.6m	Reconstruction of the boundary wall using tree sensitive construction methods.												
33	<i>Banksia serrata</i>	2m	Reconstruction of the boundary wall using tree sensitive construction methods.												
	The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.														

	<p>Condition Reason To establish the works which are permissible within the Tree Protection Zones.</p> <p>Standard Condition B.30 (Autotext 30B)</p>						
B. 17.	<p>Recording of Significant or Contributory Buildings Prior to any Demolition or Alteration</p> <p>Prior to any site works and prior to the issue of any Construction Certificate, a full archival record of the building and landscape elements to be altered is to be submitted, to the satisfaction of Council's heritage officer.</p> <p>The archival record must be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment and Heritage, or by a suitably qualified consultant who demonstrates a working knowledge of archival principles.</p> <p>Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series: Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch.</p> <p>There must be one digital set of the photographic report. The following table summarises the lodgement details for photographic records.</p> <table><tr><th>Material</th><th>Minimum Requirement</th><th>Repository</th></tr><tr><td>Digital Materials</td><td>1 copy of photographic report including images</td><td>Woollahra Council – Report and images (digital)</td></tr></table> <p>The photographic archival recording is to be submitted in a digital format and is to include the following:</p> <p>a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.</p> <p>b) Floorplans of the internal layout and directional details of photographs taken.</p> <p>c) Coloured photographs of:</p> <ul style="list-style-type: none">• each elevation,• each structure and landscape feature,• internal images of each room and significant architectural detailing, and• views to the subject property from each street and laneway or public space. <p>Notes:</p> <ul style="list-style-type: none">• Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf	Material	Minimum Requirement	Repository	Digital Materials	1 copy of photographic report including images	Woollahra Council – Report and images (digital)
Material	Minimum Requirement	Repository					
Digital Materials	1 copy of photographic report including images	Woollahra Council – Report and images (digital)					
	<p>Condition Reason: To ensure existing contributory building and landscape elements are recorded.</p>						

B. 18.	Aboriginal Heritage Due Diligence Responsibilities
	<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>
	Condition Reason: To protect Aboriginal heritage.
B. 19.	Aboriginal Heritage – Induction
	<p>Prior to any site works, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.</p>
	Condition Reason: To protect Aboriginal heritage.

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE THE 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) 167m³ of excavated material is to be used on-site as fill.</p> <p>Notes:</p> <p>b) 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>c) 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
	<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>

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											
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.													
D. 3.	Payment of S7.12 Contributions Levy A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022. A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021. The cost estimate report must be in the form of: <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. The applicable levy rate is to be calculated using the summary schedule below.												
<table><tr><th colspan="2">Summary Schedule</th></tr><tr><th>Development Cost</th><th>Levy Rate</th></tr><tr><td>• Up to and including \$100,000</td><td>Nil</td></tr><tr><td>• More than \$100,000 and up to and including \$200,000</td><td>0.5% of the cost</td></tr><tr><td>• More than \$200,000</td><td>1% of the cost</td></tr></table>				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
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. 4. BASIX Commitments

Before the issue of any construction certificate, BASIX Certificate No. A1379043 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.

	<p>Notes:</p> <ul style="list-style-type: none"> Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any. <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
<p>D. 5.</p> <p>1</p>	<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> <ol style="list-style-type: none"> The removal of the existing dilapidated vehicular crossing including layback and gutter and the construction of a new 3 metres wide vehicular crossing in accordance with Council's Crossing Specification and standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment. The installation of stormwater outlet pipe across the nature strip in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. 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. The construction of a new Kerb Inlet Pit (KIP) with 1.8m precast lintel over the Council's existing underground drainage pipeline in Cranbrook Road for the proposed stormwater connection in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Council's Standard Drawing DR1 and to the satisfaction of Council's Assets Engineers. The new KIP must be located within the frontage of the site and be at least 0.5m from any crossing. 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. 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>Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:</p>

Description	Amount	Indexed	Council Fee Code
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.	\$ 15,000	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	\$ 15,674		

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.
- 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. 6.	<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> <ol style="list-style-type: none"> “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>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. 7.	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
D. 8.	<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. In particular, the geotechnical report must be certified by a Chartered Geotechnical Engineer with NER credentials.</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. 9.	<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. 10.	<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. 11.	<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.

	Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.
D. 12.	<p>Parking Facilities</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6 Parking facilities - Off-street parking for people with disabilities, AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities respectively.</p> <p>Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993.</p> <p>The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.</p> <p>Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>
D. 13.	<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> <ol style="list-style-type: none"> General design in accordance with stormwater management plans, referenced 23094-Rev 5, prepared by Sparks and Partners, dated 25/10/2023, other than amended by this and other conditions. 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. Discharge of stormwater from the site, by direct connection, to the Council's underground street drainage system in Cranbrook Road. The discharge must be located within the frontage of the site. Only one stormwater outlet will be permitted. 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. A pump out system must be installed which pumps to the On-site Stormwater Detention (OSD) system prior to discharging to the street drainage system by gravity. The pump out system must be designed in accordance with AS3500.3. A pump out system with a minimum storage volume of 9.5m³ must be installed to collect any surface runoff which cannot drain to the On-site Stormwater Detention (OSD) system by gravity. The pump out system must be designed in accordance with AS3500.3. The provision of stormwater treatment system including but not limited to 5m³ rainwater tank (RWT), 5 x OceanGuard and 5 x 690mm PSorb Stormfilter by Ocean Protect to meet the water quality targets stipulated in Chapter E2.2.3 of Council's DCP. Stormwater runoff from min. 324m² roof area must be directed to the 5m³ RWT for reuse purposes to comply with the MUSIC model.

- g) Details of backflow prevention measures/devices such as non-return valves must be provided to eliminate the risk of backflows from Council's drainage system into the site during flooding events. Backflow prevention devices must be located wholly within the subject site.
- h) The OSD system must be designed with a safe emergency surcharge/overflow route to Council's street drainage system in Cranbrook Road.
- i) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the proposed OSD system by gravity.
- j) The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- k) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- l) Detail any remedial works required to upgrade the existing stormwater drainage system.
- m) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans.
- n) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath.
- o) Dimensions of all drainage pits and access grates must comply with AS3500.3.
- p) Compliance with the objectives and performance requirements of the BCA.
- q) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout Plan

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

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

On-site Stormwater Detention (OSD) System Details:

- a) Any potential conflict between existing and proposed trees and vegetation.
- b) Internal dimensions and volume of the proposed detention storage.
- c) Diameter of the outlet to the proposed detention storage basin.
- d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures.
- e) Details of access and maintenance facilities.
- f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
- g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the OSD System.
- h) Non-removable fixing details for Orifice plates where used.

	<p>Rainwater Reuse System Details:</p> <ol style="list-style-type: none"> Any potential conflict between existing and proposed trees and vegetation. Internal dimensions and volume of the proposed rainwater storage. Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures. Details of access and maintenance facilities. Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products. 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>
<p>D. 14.</p>	<p>Non-Gravity Drainage Systems</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site.</p> <p>The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
<p>D. 15.</p> <p>5</p>	<p>Flood Protection</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <ol style="list-style-type: none"> A permanent flood risk management plan shall be installed in a prominent area of the garage,

	<p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p>
<p>D. 16.</p>	<p>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> shaded green where required to be retained and protected shaded red where authorised to be removed shaded yellow where required to be transplanted shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
<p>D. 17.</p>	<p>Schedule of Conservation Works</p> <p>A Schedule of Conservation Work is required prior to the issue of any Construction Certificate, and is to be prepared to the satisfaction of Council's heritage officer.</p> <p>The Schedule must outline elements of the original Rothesay villa which are to be conserved and restored as part of the retained historic building.</p>

	Further to this, prior to issue of the Occupation Certificate, a conservation report outlining that the works as detailed in the Schedule of Conservation Works are undertaken to a satisfactory manner must be prepared by an experienced heritage professional and submitted to Council for review.
	Condition Reason: <i>To ensure conservation works forming part of the Development Consent, are undertaken as detailed, and by qualified and/or experienced skilled personnel.</i>
D. 18.	Swimming and Spa Pools – Child Resistant Barriers <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. 19.	Swimming and Spa Pools – Backwash <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. 20.	Waste Storage – Single Dwelling <p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for:</p>

	<p>a) A storage area for 1 x 120 litre general wastes bin, one x 240 litre green waste bin, two x recycling crates behind the building line or within non-habitable areas of the dwelling.</p> <p>b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.</p>
	<p>Condition Reason: To ensure a waste and recycling storage area is provided.</p>
D. 21.	<p>Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water</p> <p>Before the issue of any construction certificate, the approved plans must be submitted to Sydney Water Tap In TM online service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met.</p> <p>The Tap In™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> • building plan approvals • connection and disconnection approvals • diagrams • trade waste approvals • pressure information • water meter installations • pressure boosting and pump approvals • changes to an existing service or asset, e.g. relocating or moving an asset. <p>Notes:</p> <ul style="list-style-type: none"> • For more information go to Sydney Water www.sydneywater.com.au/tapin/index.htm and www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm or call 1300 082 746. <p>Condition Reason: To ensure the development meets the requirements of Sydney Water, and protects existing assets owned by Sydney Water.</p>
D. 22.	<p>Light and Ventilation</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 all lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the BCA or clause 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of AS 1668.1, AS 1668.2 and AS/NZS 3666.1.</p> <p>If an alternate solution is proposed then the construction certificate application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert evidence of suitability.</p> <p>This condition does not set aside the mandatory requirements for ‘Legionella Control’ under the Public Health Act 2010 and Public Health Regulation 2022 in relation to regulated systems. This condition does not set aside the effect of the Protection of the Environment Operations Act 1997 in relation to offensive noise or odour.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> • Clause 69 of the Regulation requires compliance with the BCA. Clause 19 of the Development Certification and Fire Safety Regulation prevents the issue of a construction certificate unless the Principal Certifier is satisfied that compliance has been achieved. • Part 3, Division 1 of the Development Certification and Fire Safety Regulation details what information must be submitted with any construction certificate. It is the Applicant's responsibility to demonstrate compliance through the construction certificate application process. • Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the Protection of the Environment Operations Act 1997 have overriding effect if offensive noise or odour arises from the use. • Applicants must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of AS 1668.2. <p>Condition Reason: To ensure the development is provided with adequate light and ventilation.</p>
<p>D. 23.</p>	<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

<p>E. 1.</p>	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p>
---------------------	---

	<p>Notes:</p> <ul style="list-style-type: none"> • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<p>E. 2.</p>	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and b) The person having the benefit of the development consent has: <ul style="list-style-type: none"> • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> • Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act.

	<ul style="list-style-type: none"> Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	<p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
E. 3.	<p>Notification of Home Building Act 1989 requirements</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none"> the name and licence number of the Principal Contractor, and the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none"> the name of the Owner-builder, and if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p> <p>Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.</p>
E. 4.	<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> <p>a) The Soil and Water Management Plan if required under this consent;</p> <p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>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.

	<ul style="list-style-type: none"> • 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>

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. <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>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>

- a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any work.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.
- f) Not stand any plant and equipment upon the road or footway.
- g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.
- h) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- 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.

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

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

Notes:

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

Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.

Condition Reason: To ensure that the support of adjoining land is not removed.

	Condition Reason: To monitor and manage vibration impacts from development.
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, rock breaking, rock sawing, jack hammering, or machine excavation. No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.

	<p>Notes:</p> <ul style="list-style-type: none"> • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • 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>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ol style="list-style-type: none"> erosion and sediment controls, dust controls, dewatering discharges, noise controls, vibration monitoring and controls, and ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<p>F. 6.</p>	<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. 7.	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</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>
F. 8.	<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. 9.</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"> a) the Soil and Water Management Plan required under this consent, b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.

	<ul style="list-style-type: none"> 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. 10.	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. 11.	Filling of Site
	<p>While site work is being carried out, to the extent that this consent permits filling of the site, such fill must be virgin excavated natural material ("VENM").</p> <p>Notes:</p> <ul style="list-style-type: none"> Under Schedule 1 of the Protection of the Environment Operations Act 1997 "virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines): <ul style="list-style-type: none"> that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and that does not contain any sulfidic ores or soils or any other waste, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being under an EPA Gazettal notice. Sulfidic ores and soils are commonly known as acid sulfate soils. If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the Protection of the Environment Operations Act 1997. A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the Protection of the Environment Operations Act 1997. Additional information is available from the NSW Environment Protection Authority website.
	Condition Reason: To ensure that waste material is not used as fill.
F. 12.	Site Cranes
	<p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p>

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

	<p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F. 14.	<p>Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway</p> <p>While site work is being carried out, all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the development to which this consent relates must comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).</p> <p>The person with the benefit of this consent must meet all costs associated with such works.</p> <p>This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.</p> <p>Notes:</p> <ul style="list-style-type: none"> A copy of Council's Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council's website www.woollahra.nsw.gov.au <p>Condition Reason: To ensure that any road, drainage, or miscellaneous works comply with Council's specifications.</p>
F. 15.	<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> <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>
F. 16.	<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>
F. 17.	<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. 18.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>

<p>F. 19.</p>	<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>
<p>F. 20.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> 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), separate collection bins and/or areas for the storage of residual waste are to be provided, the purpose and content of the bins and/or storage areas are to be clearly 'signposted', measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and 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"> footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, waste is only transported to a place that can lawfully be used as a waste facility, 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 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.

	Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.
F. 21.	<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"> deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, consideration must be given to returning excess materials to the supplier or manufacturer, 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), the purpose and content of the storage areas must be clearly ‘signposted’, 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, separate collection bins or areas for the storage of residual waste must be promoted, measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, site disturbance must be minimised and unnecessary excavation limited, all waste must be transported to a place that can lawfully be used as a waste facility, and 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>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
F. 22.	<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> <ol style="list-style-type: none"> Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. Be carried out in accordance with the relevant SafeWork NSW codes of practice. No asbestos products may be reused on the site. No asbestos laden skip or bins must be left in any public place. <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,

	<ul style="list-style-type: none"> - 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. 23.	<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. 24.	<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. 25.	<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. 26.	<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. 27.	<p>Archaeological Features – Unexpected Findings</p> <p>While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified.</p> <p>Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate.</p> <p>Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. • Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. • During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole). <p>Condition Reason: To protect archaeological features.</p>
F. 28.	<p>Skeletal Remains</p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> NSW Police, and The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>Condition Reason: To ensure the appropriate management of skeletal remains.</p>
F. 29.	<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.

	<p>f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
F. 30.	<p>Archaeological monitoring</p> <p>A suitably qualified archaeologist and a representative of La Perouse LALC should be present to monitor initial removal of soil during bulk excavation works to inspect the soil profile to determine the extent to which previously undisturbed sand deposits are present within the proposed maximum depth of excavation. Access for continued monitoring be provided if requested so by the archaeologist and LALC representative upon initial inspection</p> <p>Condition Reason: <i>To protect Aboriginal heritage.</i></p>
F. 31.	<p>Protection of historic fabric</p> <p>Significant building fabric and elements, including the louvres, staircase, original circular ceilings, floors, are to be protected during the works from potential damage. Protection systems must ensure significant fabric is not damaged or removed. All tradesmen and workers on site shall be made aware of the significant fabric on site.</p> <p>Condition Reason: <i>To ensure that significant fabric is not damaged during the works.</i></p>
F. 32.	<p>Specialist tradespersons</p> <p>All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods. CV's and previous work examples for specialist trades should be provided to Council's information.</p> <p>Condition Reason: <i>To ensure that significant fabric is not damaged during the works. To ensure that tradespersons working on historically sensitive material is appropriately skilled and experienced.</i></p>

F. 33.	<p>Salvage of historic fabric</p> <p>Elements to be demolished such as bricks, stone, timber flooring, skirting, tiles, doors, windows must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.</p> <p>Condition Reason: <i>To facilitate to reuse of materials of historic value.</i></p>
F. 34.	<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> <ul style="list-style-type: none"> a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. <p>Trees must be pruned in accordance with Australian Standard AS 4373 “Pruning of Amenity Trees” and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
F. 35.	<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> <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, and c) recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p>

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 boundary walls within the TPZ of trees A, B and C. The condition of exposed roots must be managed and documented. • The project arborist must supervise the installation of the new boundary walls within the TPZ of trees A, B and C, documenting the condition of roots and soil. • The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • 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.
<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>	
F. 36.	Replacement/Supplementary trees which must be planted
<p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area <delete this if planted in a planter box on a structure> and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the 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. 37.	Hand excavation within tree root zones
<p>While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.</p>	

Council Ref No	Species	Location	Radius from centre of trunk (metres)
32	<i>Callistemon viminalis</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/2023 for tree numbers and locations.	3.6m
33	<i>Banksia serrata</i>		2m

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

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

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.50 (Autotext 50F)

F. 38. Footings in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
32	<i>Callistemon viminalis</i>	Adj southern boundary – within 5 Cranbrook Rd	3.6m
33	<i>Banksia serrata</i>		2m

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.51 (Autotext 51F)

G. BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

<p>G. 1.</p>	<p>Occupation Certificate (section 6.9 of the Act)</p> <p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p>Notes:</p> <ul style="list-style-type: none"> • New building includes an altered portion of, or an extension to, an existing building. <p>Condition Reason: To ensure the building is suitable to occupy.</p>
<p>G. 2.</p>	<p>Commissioning and Certification of Systems and Works</p> <p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require. <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>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>

<p>G. 3.</p>	<p>Commissioning and Certification of Public Infrastructure Works</p> <p>Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect.</p> <p>The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works-as-executed engineering plans and a survey report detailing all finished reduced levels.</p> <p>Condition Reason: To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.</p>
<p>G. 4.</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> <ol style="list-style-type: none"> stormwater pipes, pits, structures and connections to public stormwater systems within the road, driveways and vehicular crossings, renew/new retaining structures, overhang structures, encroachments or occupation or alienation of public land or property, removal of redundant driveways and any other structure, new footpaths, pathways, walkways, or dunny lanes, relocation of existing power/light pole, if applicable, relocation/provision of street signs, if applicable, new or replacement street trees, if applicable, 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, new or reinstated kerb and guttering within the road, and new or reinstated road surface pavement within the road. <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. <p>Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.</p>

<p>G. 5.</p>	<p>Dilapidation Report for Public Infrastructure Works</p> <p>Before the issue of an occupation certificate for the whole of the building, a follow up dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site upon completion of the work must be submitted to Council.</p> <p>The dilapidation report must include:</p> <ol style="list-style-type: none"> closed circuit television/video inspection (in DVD format) of public stormwater drainage system fronting the site on Cranbrook Road, photographs showing any existing damage to the road pavement fronting the site, photographs showing any existing damage to the kerb and gutter fronting the site, photographs showing any existing damage to the footway including footpath pavement fronting the site, photographs showing any existing damage to retaining walls within the footway or road, photographs showing any existing damage to street signs, heritage name plates, and historical items, and the full name and signature of the professional engineer. <p>The reports are to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital and date stamped.</p> <p>Before the issue of an occupation certificate for the whole building, written correspondence must be obtained from Council attesting to this condition being appropriately satisfied, and be provided to the Principal Certifier.</p> <p>Notes:</p> <ul style="list-style-type: none"> If the dilapidation report required by this condition is not provided and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose. <p>Condition Reason: To ensure that any damage to public infrastructure is identified and rectified prior to the occupation of the whole building.</p>
<p>G. 6.</p>	<p>Positive Covenant and 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> <ol style="list-style-type: none"> compliance with conditions of development consent relating to stormwater, the structural adequacy of the On-site Stormwater Detention (OSD) system, that all below ground structures are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings, that a pump out system with minimum storage capacity of 9.5m³ has been installed to comply with AS3500.3, that any required stormwater treatment systems have been constructed in accordance with the approved construction stormwater plans and that the system meets the water quality targets stipulated in the Council's DCP, that backflow prevention measures/devices such as non-return valves have been provided to eliminate the risk of backflows from Council's drainage system into the site during flooding events and that backflow prevention devices are located wholly within the subject site,

	<p>g) that the OSD system has been provided with a safe emergency surcharge/overflow route to Council's street drainage system on Cranbrook Road,</p> <p>h) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans,</p> <p>i) that the works have been constructed in accordance with the approved design,</p> <p>j) pipe invert levels and surface levels to Australian Height Datum, and</p> <p>k) 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> <p>A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the stormwater treatment system and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p> <p>Notes:</p> <ul style="list-style-type: none"> The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. 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>
<p>G. 7.</p>	<p>Removal of Ancillary Works and Structures</p> <p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <p>a) the site sign,</p> <p>b) ablutions,</p> <p>c) hoarding,</p> <p>d) scaffolding, and</p> <p>e) waste materials, matter, article or thing.</p> <p>Condition Reason: To ensure that all ancillary matter is removed prior to occupation.</p> <p>Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.</p>
<p>G. 8.</p>	<p>Letter Box</p> <p>Before the issue of any occupation certificate, all letter boxes must be constructed and located in accordance with AS/NZS 4253: Mailboxes and to Australia Post's satisfaction.</p> <p>Notes:</p> <ul style="list-style-type: none"> Council has been alerted to an increase in mailbox theft, and as such, all new development, being new dwelling houses and residential flat buildings, are encouraged to have lockable mail boxes. <p>Condition Reason: To ensure that mail can be delivered to occupiers of the site.</p>

<p>G. 9.</p>	<p>Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters</p> <p>Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992:</p> <ol style="list-style-type: none"> Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia. The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register. 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. 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. Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems. <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>
<p>G. 10.</p>	<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>
<p>G. 11.</p>	<p>Certification of Electric Vehicle Charging System</p> <p>Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D.23 must be submitted to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure the certification of the electric vehicle charging system.</p>

<p>G. 12.</p>	<p>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. A1379043.</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>
<p>G. 13.</p>	<p>Amenity Landscaping</p> <p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p> <p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p>
<p>G. 14.</p>	<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>
<p>G. 15.</p>	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <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 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>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr></table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				
<p>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>					
G. 16.	<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.</p> <p>Documentation for each site visit must include:</p> <ul style="list-style-type: none">a) A record of the condition of trees to be retained prior to and throughout development.b) Recommended actions to improve site conditions and rectification of non-compliance.c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>Before the issue of any occupation certificate for the whole of the building</td><td><ul style="list-style-type: none">• The project arborist must supervise the dismantling of tree protection measures• After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</td></tr></table> <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.
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.				









H. OCCUPATION AND ONGOING USE

H. 1.	<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> <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 <p>Condition Reason: To protect the amenity of the neighbourhood.</p>
H. 2.	<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"> 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, 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, in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, with backwash being discharged to the sewer in compliance with AS/NZS 3500, and 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>

H. 3.	<p>Outdoor Lighting – Residential</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>Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.</p>
H. 4.	<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. • 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. <p>Condition Reason: To protect the amenity of the neighbourhood.</p>
H. 5.	<p>Maintenance of Landscaping</p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. <p>Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>

<p>H. 6.</p>	<p>Maintenance of BASIX Commitments</p> <p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No A1379043.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p> <p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
<p>H. 7.</p>	<p>Ongoing Maintenance of the On-site Stormwater Detention, Stormwater Treatment and Pump Out Systems</p> <p>During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must:</p> <ol style="list-style-type: none"> Permit stormwater to be temporarily detained and treated by the Systems, Keep the systems clean and free of silt rubbish and debris, Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner, Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense, Not make any alterations to the systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly, Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant, Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice, Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. <p>The owner:</p> <ol style="list-style-type: none"> Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default, and releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. <p>Notes:</p> <ul style="list-style-type: none"> This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant. <p>Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.</p>

Attachments

1. Architectural drawings and control diagrams [↓](#) 
2. Materials sample board, shadow diagrams, photomontage, landscape plans and survey [↓](#) 
3. Development Engineer's referral response [↓](#) 
4. Team Leader-Tree Management's referral response [↓](#) 
5. Heritage Officer's referral response [↓](#) 
6. Environmental Health Officer's referral response [↓](#) 
7. Clause 4.6 Height Development Standard [↓](#) 
8. Clause 4.6 Floor space ratio development standard [↓](#) 

DRAWING SCHEDULE		BASIX COMMITMENTS	
008 - LEGEND, SITE, DEMOLITION		Hot Water	Instantaneous gas
DA000 - LEGEND, DRAWING LIST, SITE MAP		Pool	Max. 60 kL volume Install pool pump timer, pool cover and electric heat pump heating system
DA001 - SITE ANALYSIS		Rainwater	Install rainwater tank at least 2,400 litres in volume fed by at least 100 m ² of roof catchment and connected to tap within 10 m of pool
DA002 - SITE + RF PLAN		Insulation	Floors Concrete slab on ground - R1.0 slab edge insulation where underfloor heating is used
100 - PLANS		Walls Cavity brickwork - no insulation required Framed walls - R1.5 batts minimum with breathable membrane Internal wall to garage is masonry	
DA100 - BOT PLAN		Roof Dark tile on breathable membrane above flat ceiling - R3 insulation to ceiling Concrete, medium coloured 90 mm extruded polystyrene boards	
DA101 - L00 PLAN		Windows & Glazed doors	L01 G19, L01 G20, L02 G10, L02 G11, L02 G20 to be timber framed with single clear glazing - Uw value ≤ 5.71 SHGCw ≤ 0.66
DA102 - L01 PLAN			B01 G01, B01 G02, L00 G01 - G13, L01 G01 - G03, L01 G18, L02 G01 - G05, L02 G19, L02 G20 to be improved aluminium framed with single clear - Uw value ≤ 4.44 SHGCw ≤ 0.75
DA103 - L02 + L03 PLAN			L02 G06 - G08 improved aluminium framed with double glazed clear Low E glazing - Uw value ≤ 5.31 SHGCw ≤ 0.48
400 - ELEVATIONS			Skylights U _g value ≤ 2.5 SHGC _g ≤ 0.456
DA400 - EAST ELEV			
DA401 - NORTH ELEV			
DA402 - WEST ELEV			
DA403 - SOUTH ELEV			
450 - SECTIONS			
DA450 - SECTION A & B			
DA451 - SECTION C & D			
DA452 - SECTION E			
900 - DIAGRAMS			
DA900 - CALCULATIONS 1			
DA901 - CALCULATIONS 2			
DA910 - EX SHADOW STUDY JUNE 21			
DA911 - SHADOW STUDY JUNE 21			
DA921 - EX SOLAR STUDIES - 3D			
DA922 - SOLAR STUDIES - 3D			
100 - PLANS			
EX100 - EX L00 PLAN			
EX101 - EX L01 PLAN			
EX102 - EX L02 + L03 PLAN			
EX103 - EX RF PLAN			
400 - ELEVATIONS			
EX400 - EX EAST ELEV			
EX401 - EX NORTH ELEV			
EX402 - EX WEST ELEV			
EX403 - EX SOUTH ELEV			
450 - SECTIONS			
EX450 - EX SECT A			

NOTES

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

A	ISSUE	REASON	DATE	ABBREVIATIONS					
			01.12.23						
				AC	Air Conditioning	GALV	Galvanized - hot dipped	SST	Sandstone
				ACU	Air Condensor Unit	GAR	Garage	ST	Stone
				AFFL	Above Finished Floor Level	GND	Ground	STL	Steel
				AS	Australian Standard	GUT	Gutter	STN	Stair Noosing
				BAL	Balustrade	HALL	Hallway/Corridor	STO	Storage
				BALC	Balcony	HRL	Handrail	STR#	Stair (number)
				BALST	Ballast	HWU	Hot Water Unit	STRUCT	Structural
				BCA	Building Code of Australia	HYD	Hydraulic	SUBST	Substation
				BOY	Boundary	INS	Insulation - Thermal / Acoustic	SW	Stormwater
				BD	Bedroom	J	Joinery Item	SWP	Stormwater Pit
				BG	Box Gutter	KIT	Kitchen	T&A	To Be Advised
				BK	Brick	KRB	Kerb	TBC	To Be Confirmed
				BL	Building Line	L0Y	Laundry	TEL	Telephone
				BLDG	Building	LF	Light Fitting	TER	Terrace
				BN	Bin	LIV	Living Room	TMF	Timber Floor
				BTH	Bath	LV	Louvre	TML	Timber Lattice
				BW	Brushwood	MAX	Maximum	TMP	Timber Paling Fence
				CB	Concrete Blockwork	MDB	Main Distribution Board	TOS	Top of Balustrade
				CBD	Cupboard	ME	Metal	TOC	Top of Column
				CFC	Compressed Fibre Cement	MECH	Mechanical	TOF	Top of Fence
				CL	Chimney	MIN	Minimum	TOH	Top of Herb
				COBB	Cobblestone	MO	Microwave Oven	TOP	Top of Parapet
				COL	Column	MR	Metal Roof	TOW	Top of Wall
				COMMS	Communications	MS	Mild Steel	TPZ	Tree Protection Zone
				CONC	Concrete	MSB	Main Switch Board	TYP	Typical
				COS	Confirm On Site	MZ	Mezzanine	UG	Underground
				CPL	Contiguous Piling	N	New Item	US	Underside
				CPT	Carpet	N/A	Not Applicable	UA	Unequal Angle
				CR	Cement Render	NBN	National Broadband Network	UB	Universal Beam
				CT	Ceramic Tile	NTS	Not To Scale	UC	Universal Column
				CU	Copper	OH	Overhead	UNO	Unless Noted Otherwise
				D	Door	OF	Overflow Splitter	UOS	Unless Otherwise Specified
				DD	Dish Drain	OPT	Option	VB	Vapour Barrier
				DIA	Diameter	Oven	OV	W	Window
				DP	Downpipe	P	Pantry	WC	Water Closet
				DW	Dishwasher	PB	Plasterboard	WF	Water Fountain
				DWG	Drawing	PB-FR	Plasterboard - Fire Resistant	WR	Walk in Robe
				EA	Equal Angle	PB-MR	Plasterboard - Moisture Resistant	WM	Washing Machine
				EDB	Electrical Distribution Board	PCO	Powdercoat	WP	Waste Pipe
				EDL	Existing Ground Level	PF	Paint Finish	WPM	Waterproof Membrane
				ELEC	Electrical	PFC	Parallel Flange Channel	WS	Wheelstop
				ENG	Engineer	PLT	Plant Room	WSC	Waste Chute
				ENS	Ensuite	POL	Polyurethane Finish	WST	Waste / Waste Storage
				ENTRY	Entry	PU	Paving Unit	WT	Water Tank
				EQ	Equal	PV	Photovoltaic Cell		
				ES	Electrical Substation	R	Refrigerator		
				EX/EXT	Existing Structure or Finish	R-COMM	Comm. Riser		
				EXH	Exhaust	R-ELEC	Electrical Riser		
				EXT	External	R-HYD	Hydraulic Riser		
				F	Fixed	R-MECH	Mechanical Riser		
				FC	Fibre Cement	RA	Retractable Awning		
				FCL	Finished Ceiling Level	RAH	Roof Access Hatch		
				FCU	Fan Coil Unit	REF	Reference		
				FE	Fire Extinguisher	REQ	Required		
				FFL	Finished Floor Level	RF	Roofing		
				FG	Floor Grate	RHS	Rectangular Hollow Section		
				FGL	Finished Ground Level	RL	Relative Level		
				FH	Fire Hydrant	ROBE	Robe/Wardrobe		
				FHR	Fire Hose Reel	RWO	Rain Water Outlet		
				FM	Flexible Mastic	SCR	Screen		
				Foyer	Foyer	SHR	Shower		
				FP	Fireplace	SHS	Square Hollow Section		
				FW	Flower Waste	SH	Similar		
				G	Glass / Glazing	SL	Skylight		
				G-BAL	Glass Balustrade	SNK	Sink		
				G-CB	Glass - Colour Backed	SRO	Shower Rose		
				G-D	Glass Door	SPV	Services		
				G-F	Glazing - Fixed	SS	Stainless Steel		

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE

NTS



PROJECT

2228

DRAWN

SH

CRANBROOK 3

SENIOR GA

RH

APPRO

ND

DWG TITLE

LEGEND, DRAWING LIST, SITE MAP

DWG NO

DA000

REV

A



1 PERSPECTIVE



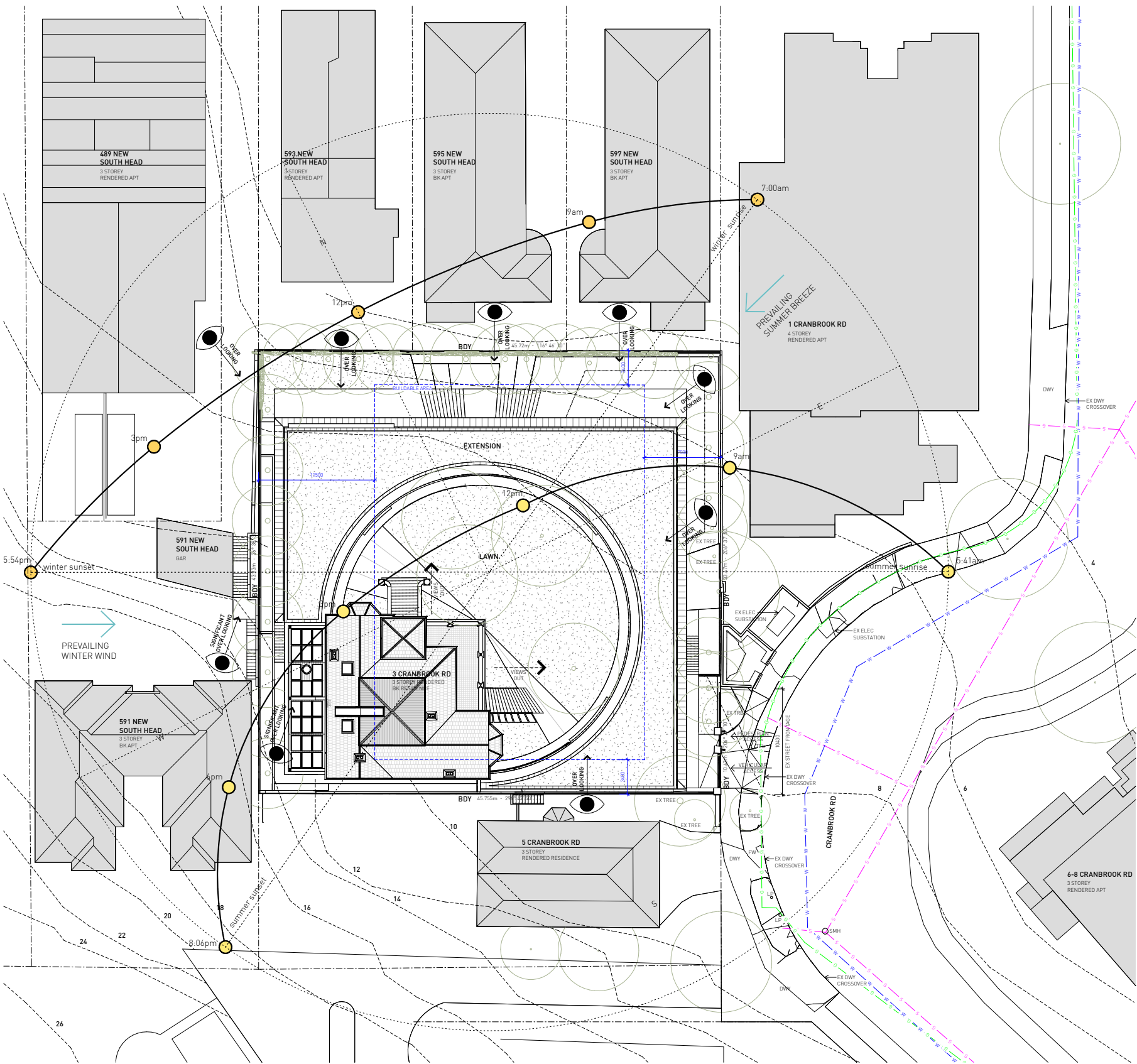
2 LOCATION PLAN

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH
SEWER		
WATER		
GAS		

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE REASON DATE
A 02/05/24 01/12/23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 2000 5000 10000

SCALE
1:200 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

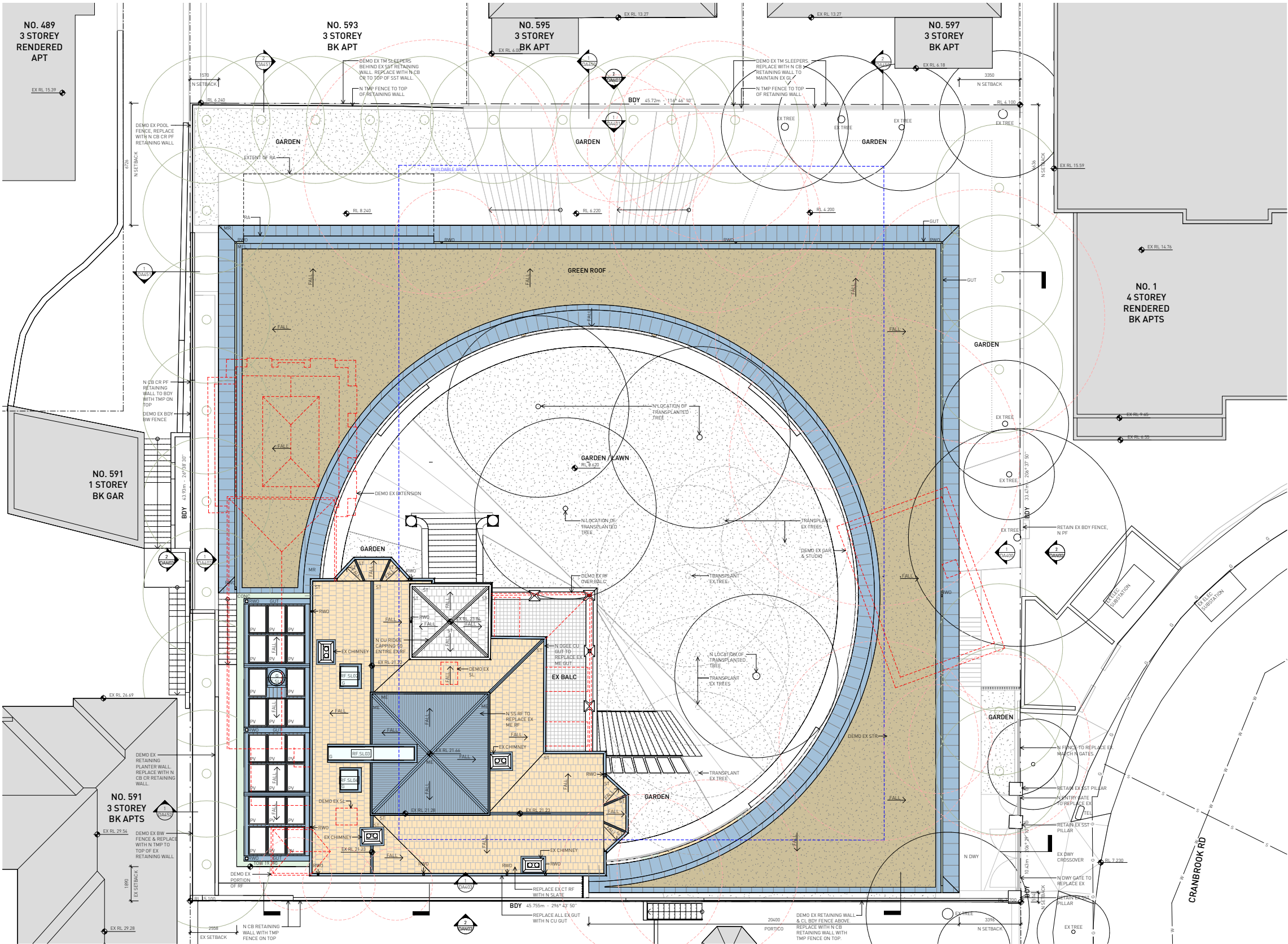
DWG TITLE
SITE ANALYSIS
DWG NO DA001 REV A

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	ISSUE	11.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SENIOR GA
SH/JS RH ND

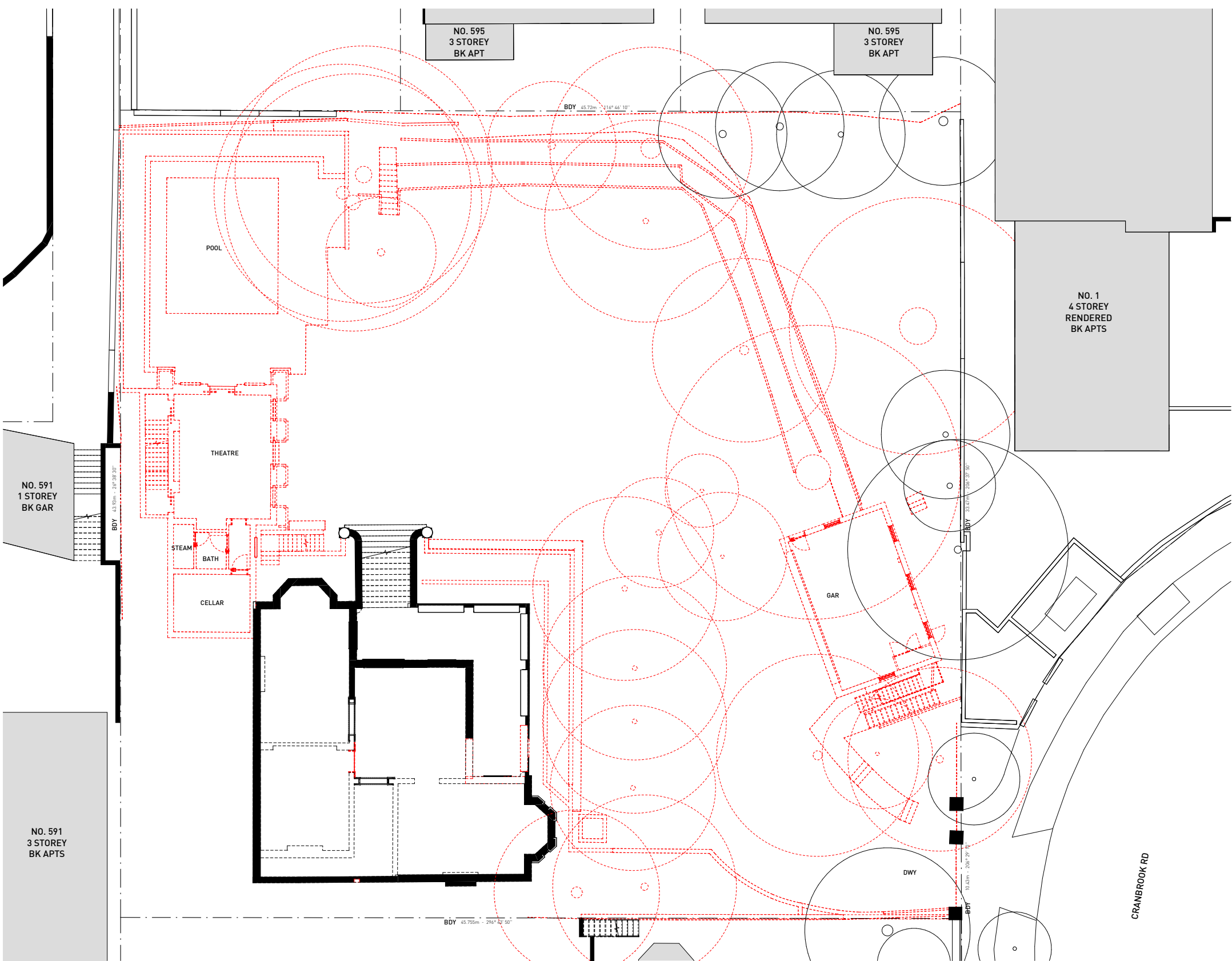
DWG TITLE
SITE + RF PLAN
DWG NO DA002
REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS



SCALE
1:100 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SH
SENIOR GA
DRAFT ND

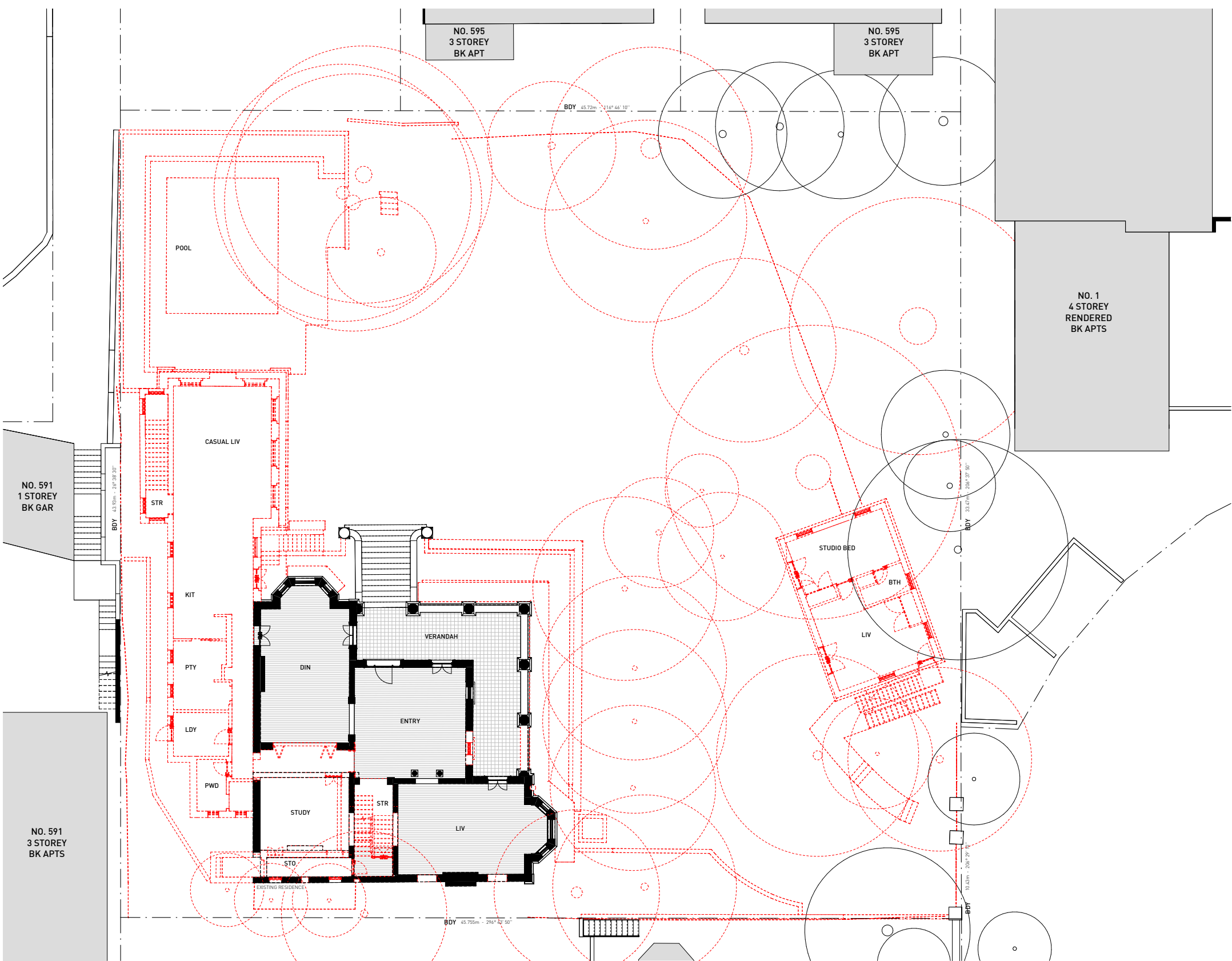
DWG TITLE
L00 DEMO PLAN
DWG NO DA050
REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL (RETAINED (GREY SHOWS DETAIL))	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH
SENDR GA
DRAFT ND

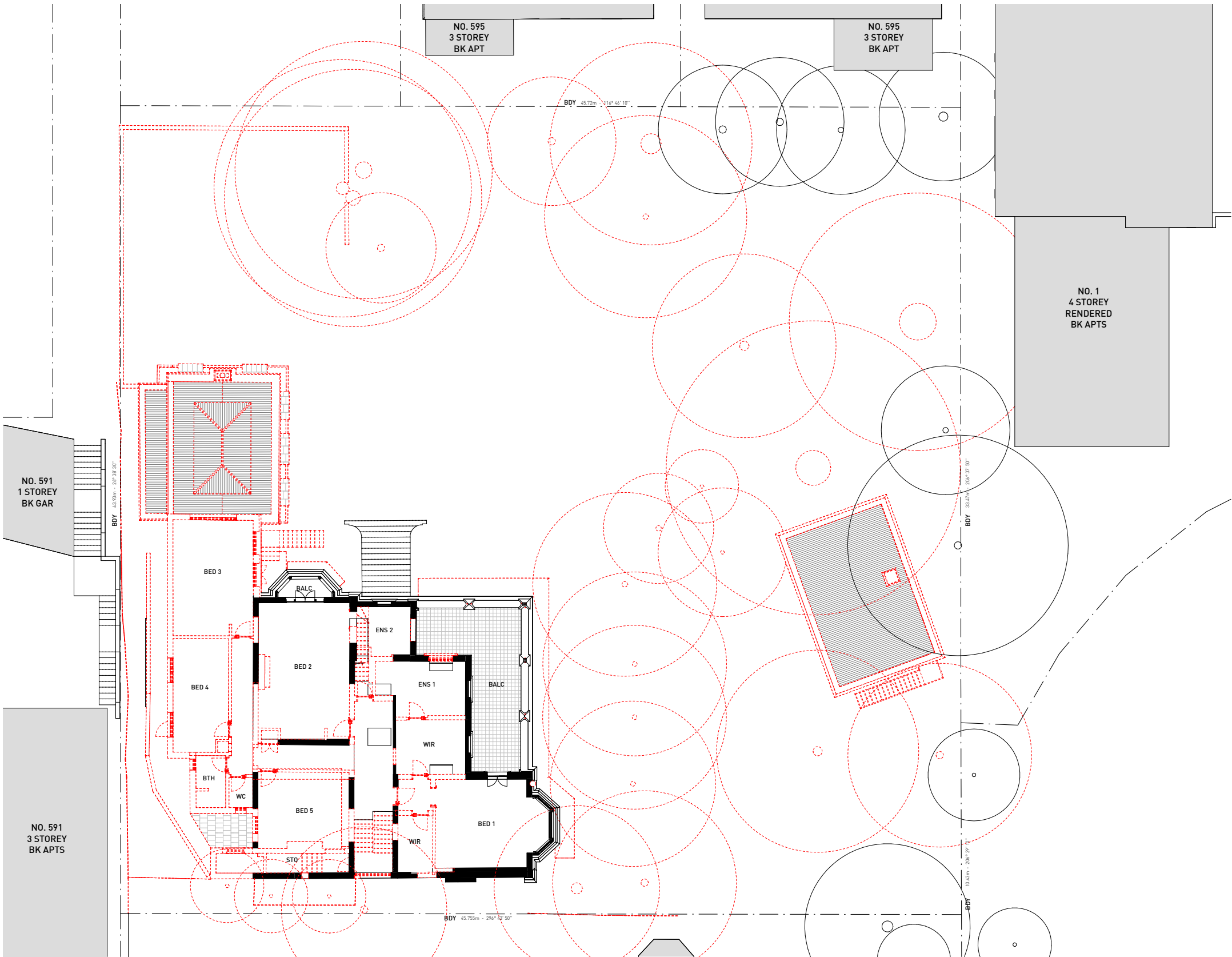
DWG TITLE
L01 DEMO PLAN
DWG NO DA051
REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

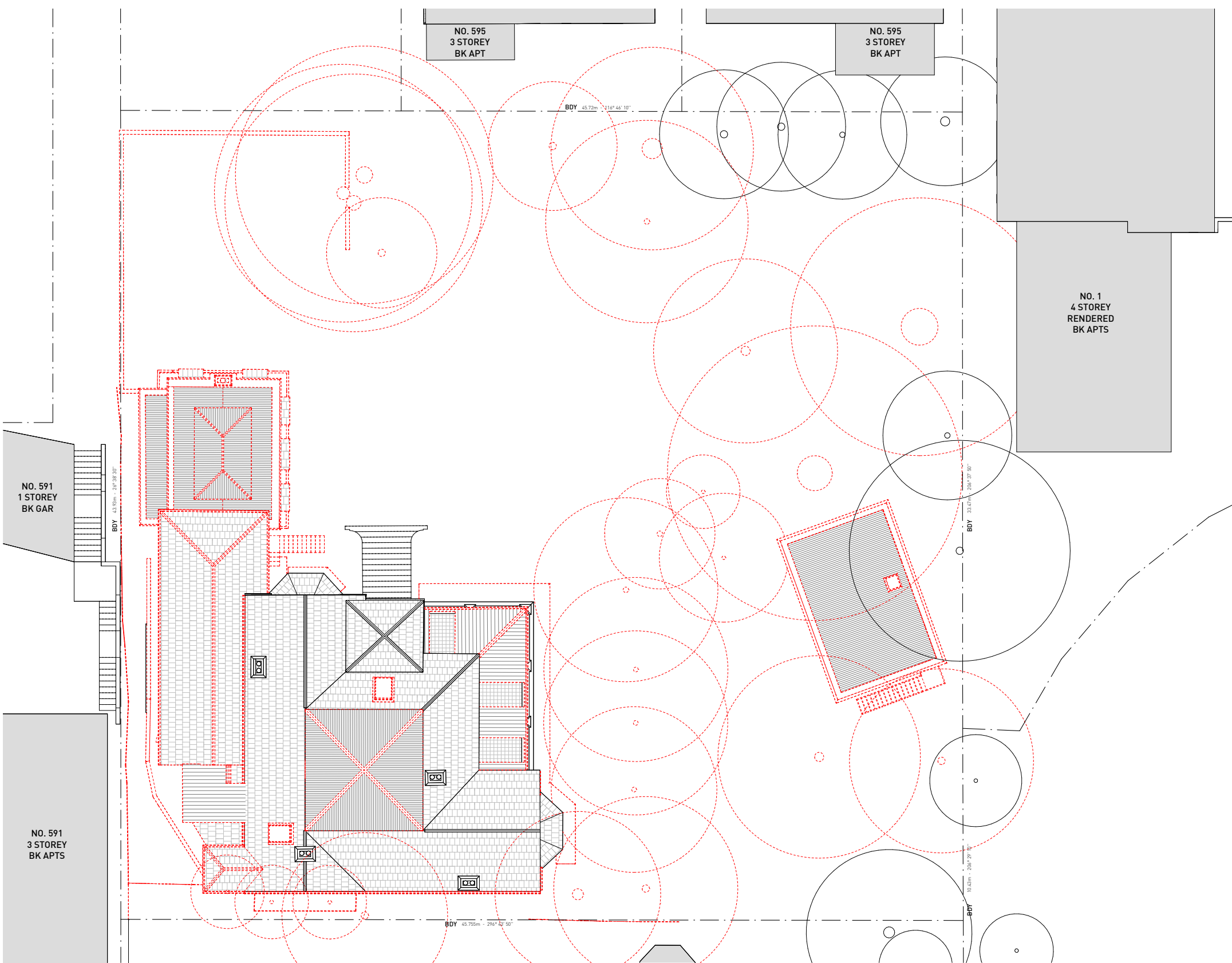
DWG TITLE
L02 DEMO PLAN
DWG NO DA052 REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS



SCALE
1:100 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND
DRAFT ND

DWG TITLE
RF DEMO PLAN
DWG NO DA053 REV A

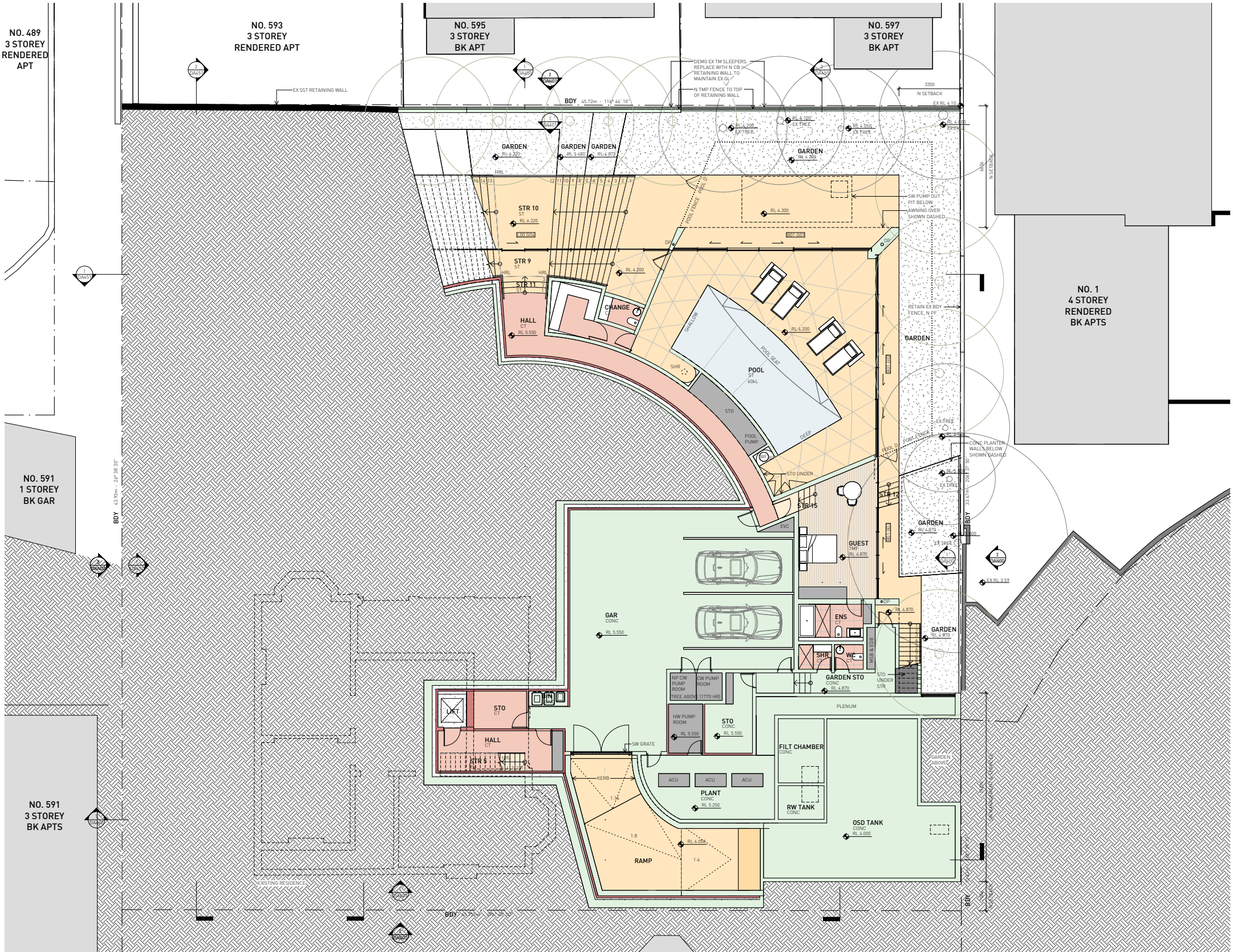
LEGEND

EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA 2228	11.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

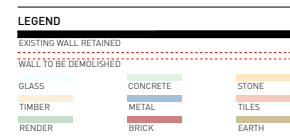
DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SENIOR GA
SH/JS RH ND

DWG TITLE
B01 PLAN
DWG NO
DA100

REV
A

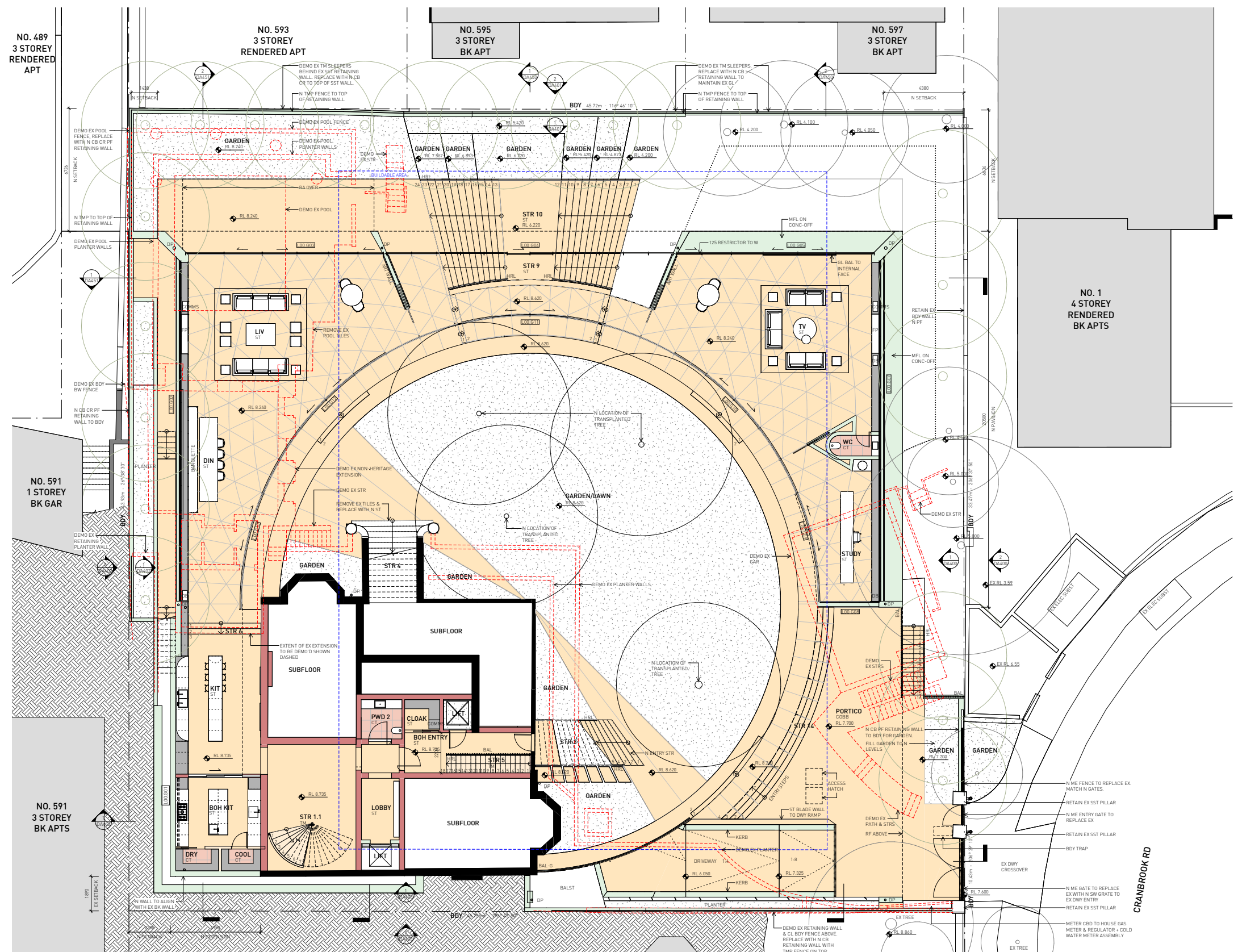


NOTES

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	ON ISSUE	01.12.23



— — — —
smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

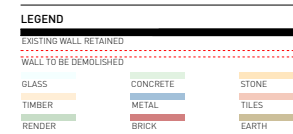
SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3

DRAWN SENIOR QA APP'D
SH/JS RH ND

DWG TITLE
L00 PLAN

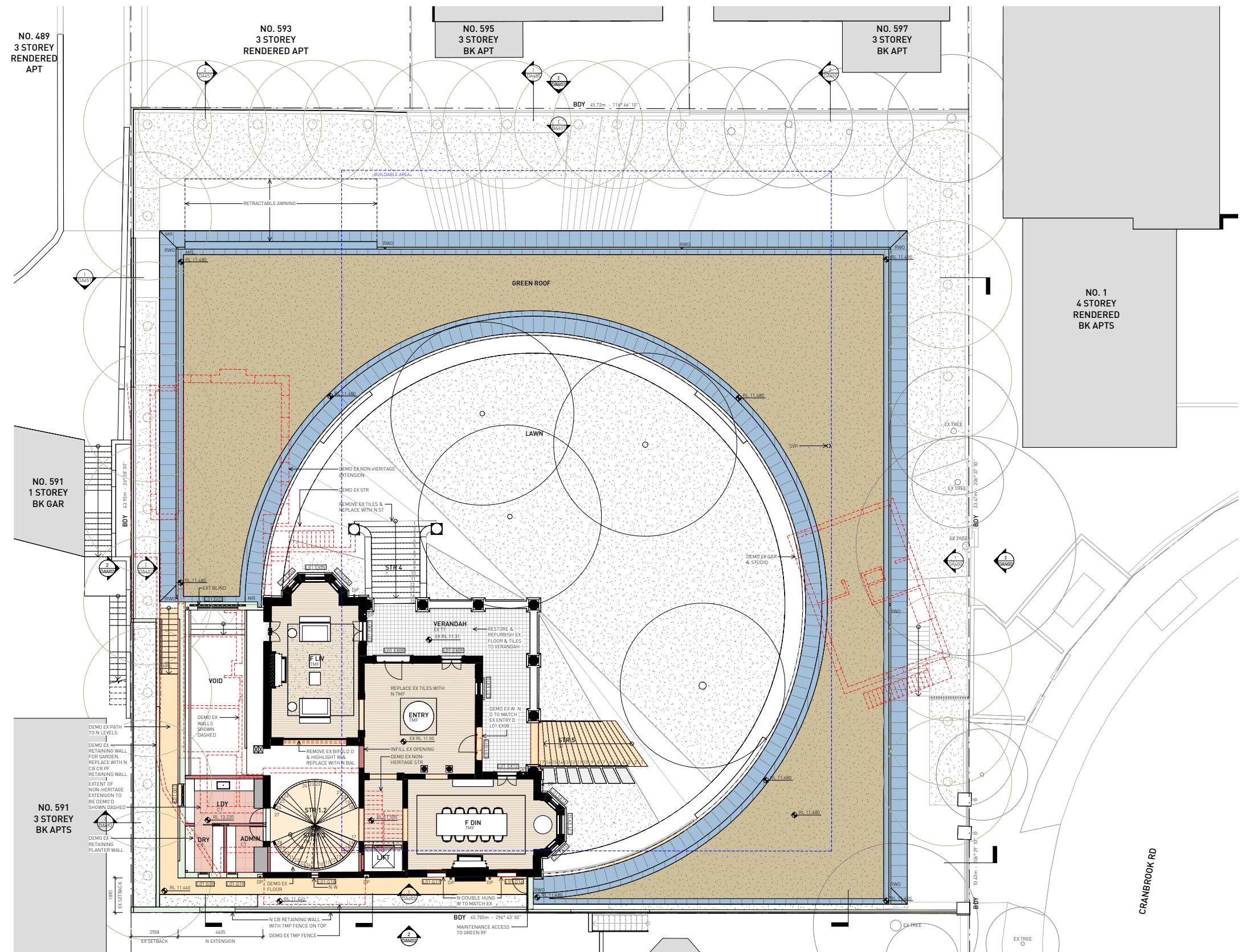
DWG NO
DA101



- ## NOTES
- 1 All dimensions to be verified on site.
 - 2 Report any discrepancies or omissions to SDS prior to construction.
 - 3 Refer to architect for ambiguous details or when clarification is required.
 - 4 All drawings to be read in conjunction with specification.
 - 5 All drawings to be read in conjunction with consultants' drawings.
 - 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3

DRAWN SENIOR QA APP'D
SH/JS RH ND

DWG TITLE
L01 PLAN

DWG NO
DA102

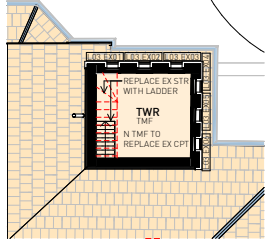
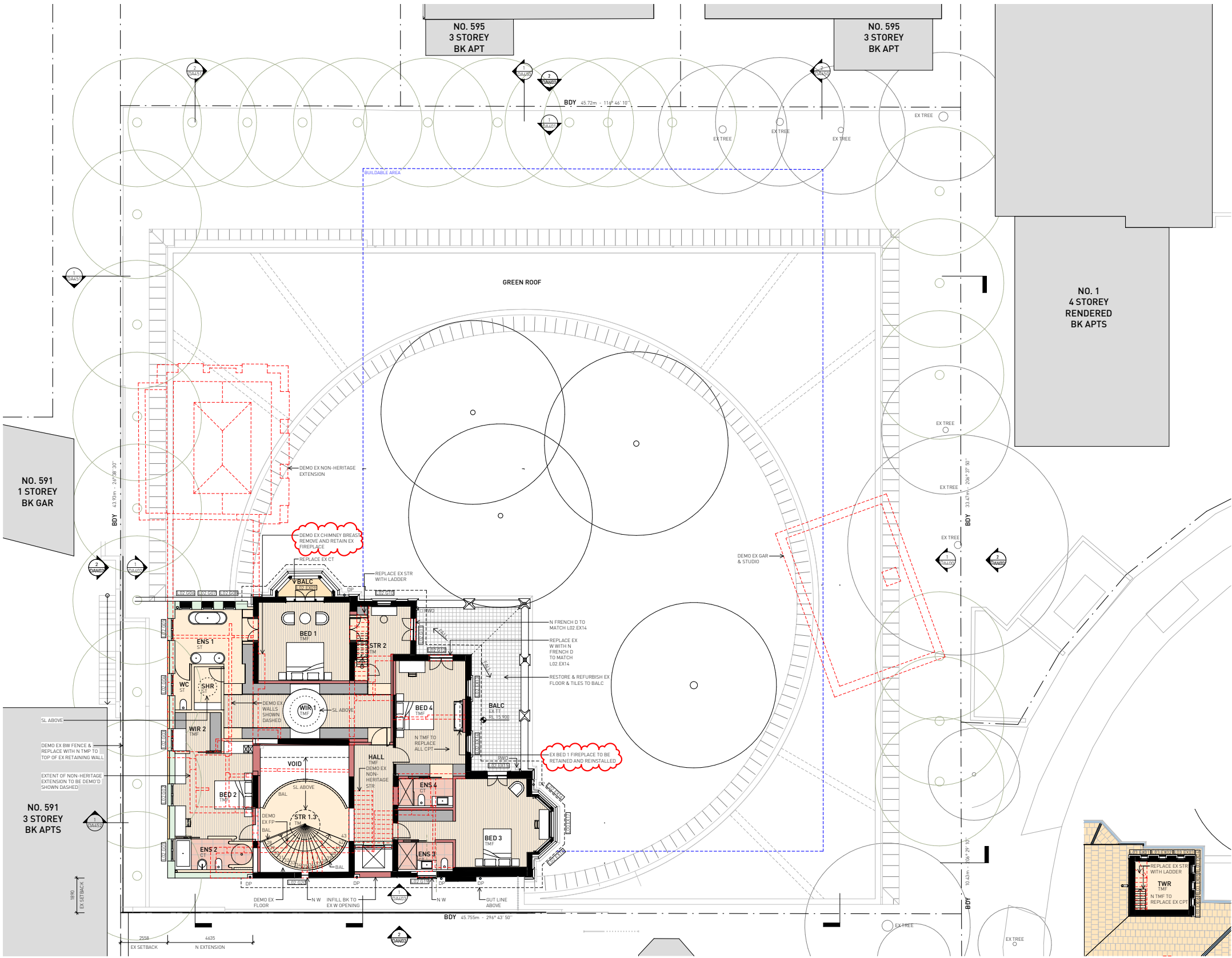
REV
A

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

- NOTES
- 1 All dimensions to be verified on site.
 - 2 Report any discrepancies or omissions to SDS prior to construction.
 - 3 Refer to architect for ambiguous details or when clarification is required.
 - 4 All drawings to be read in conjunction with specification.
 - 5 All drawings to be read in conjunction with consultants' drawings.
 - 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	EX ISSUE	11.12.23
B	DA ISSUE REVISED	05.07.24



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SENIOR GA APP'D
SH/JS RH ND

DWG TITLE
L02 + L03 PLAN
DWG NO DA103 REV B

LEGEND

EXISTING WALL RETAINED

WALL TO BE DEMOLISHED

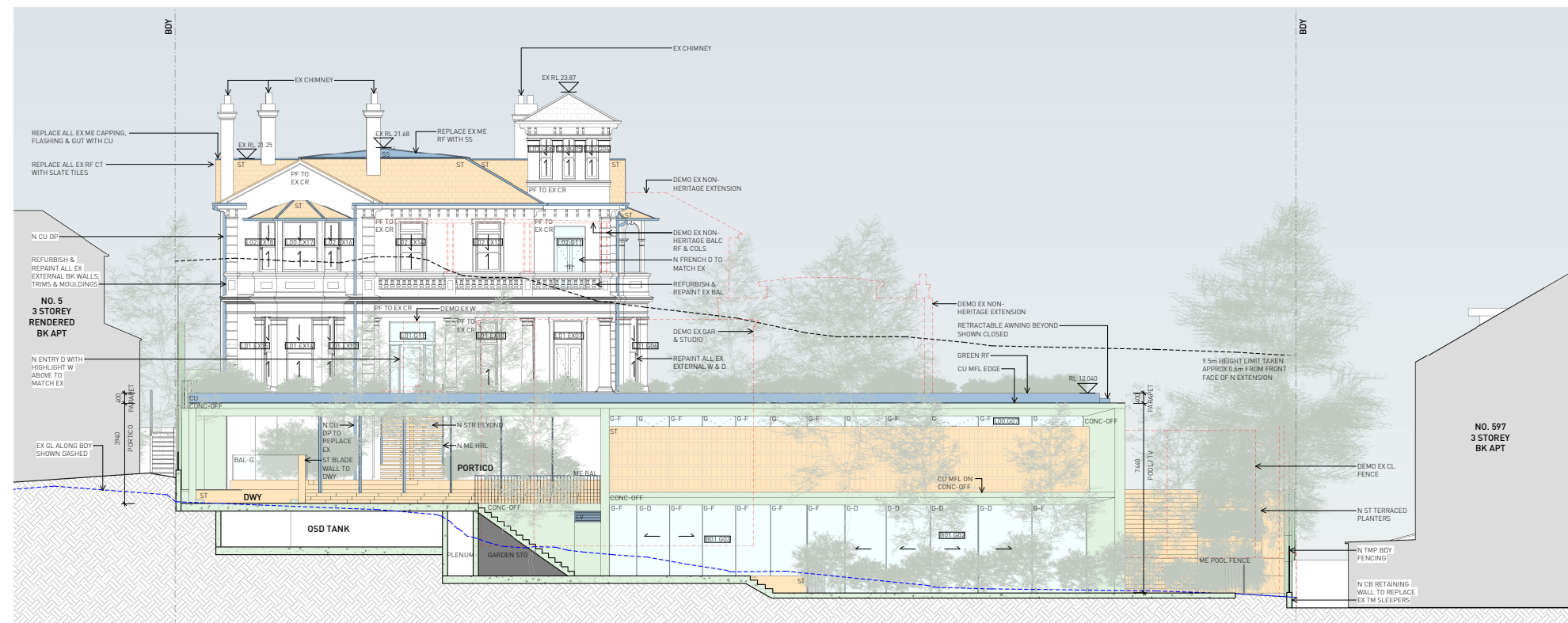
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

NOTES

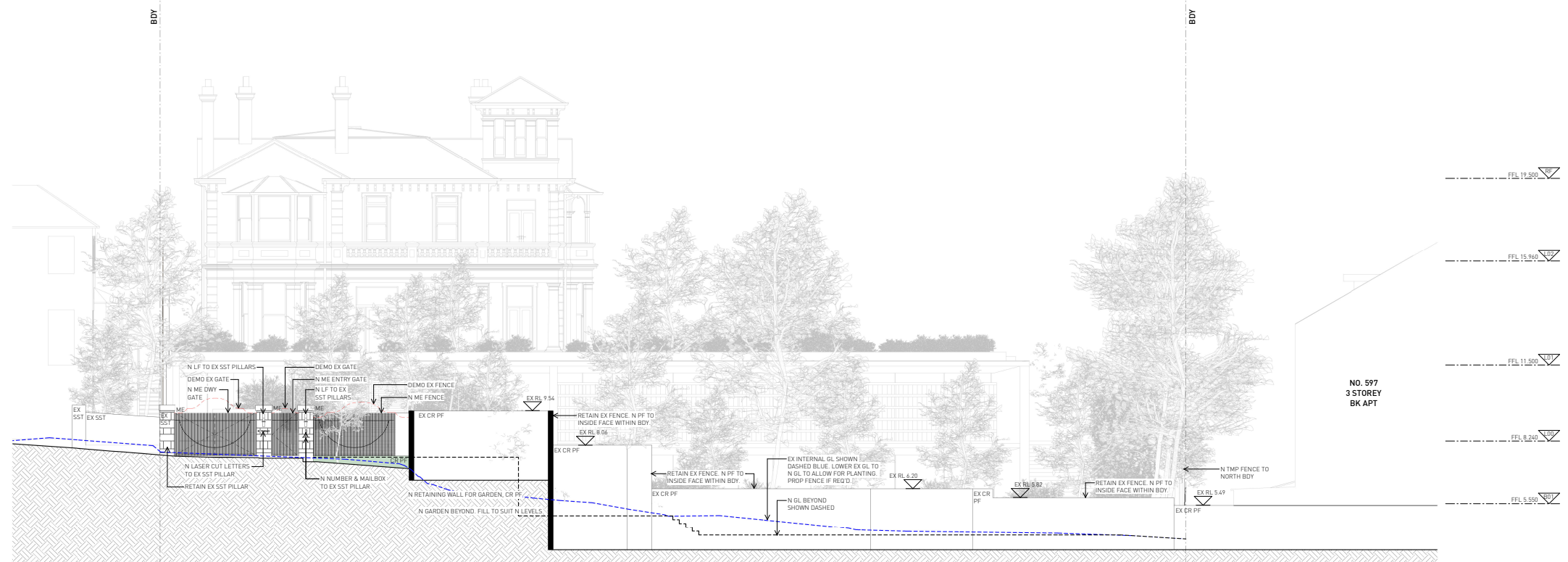
- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



1 EAST ELEV DA



2 EAST ELEV (BDY) DA

smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3

DRAWN SENIOR QA APP'D
SH/JS RH ND

DWG TITLE	
EAST ELEVS	
DWG NO	REV
DA400	A

LEGEND

EXISTING WALL RETAINED

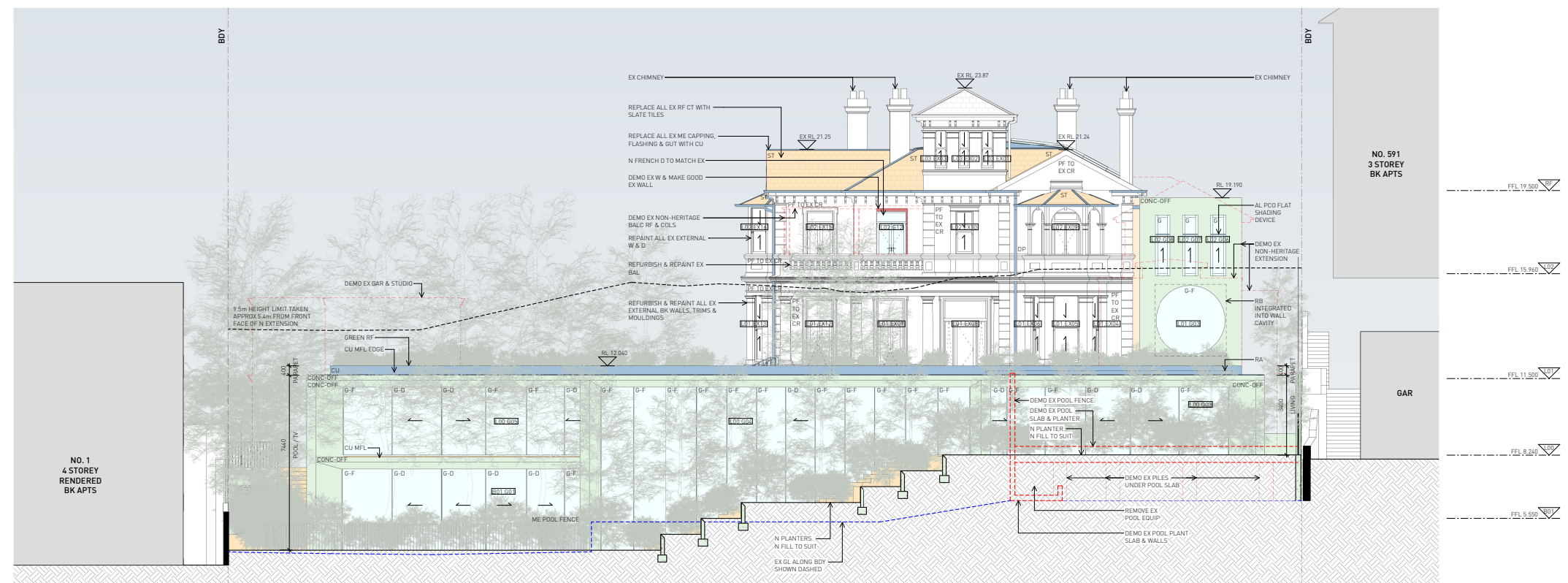
WALL TO BE DEMOLISHED

GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

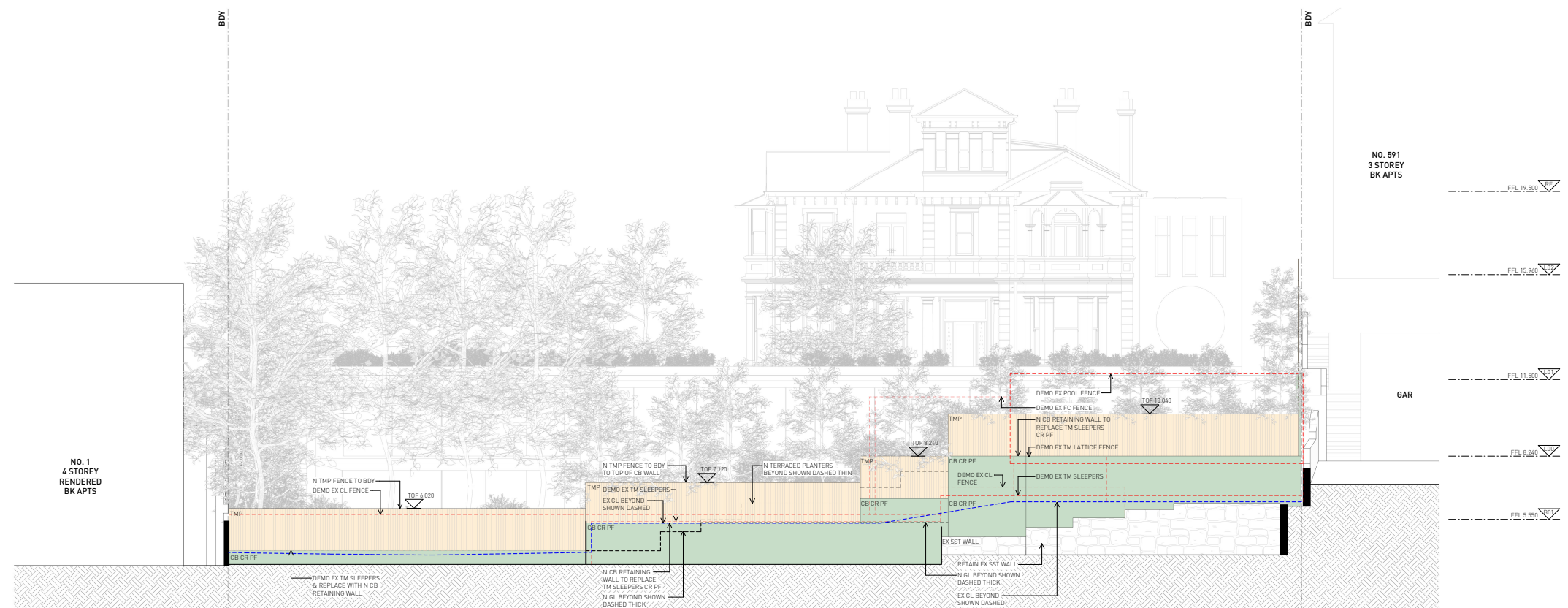
- ## NOTES
- 1 All dimensions to be verified on site.
 - 2 Report any discrepancies or omissions to SDS prior to construction.
 - 3 Refer to architect for ambiguous details or when clarification is required.
 - 4 All drawings to be read in conjunction with specification.
 - 5 All drawings to be read in conjunction with consultants' drawings.
 - 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	NO ISSUE	01.12.23



1 NORTH ELEV DA



2 NORTH ELEV (BDY) DA

smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT	2228 CRANBROOK 3	
DRAWN	SENIOR QA	APP'D
SH	RH	ND

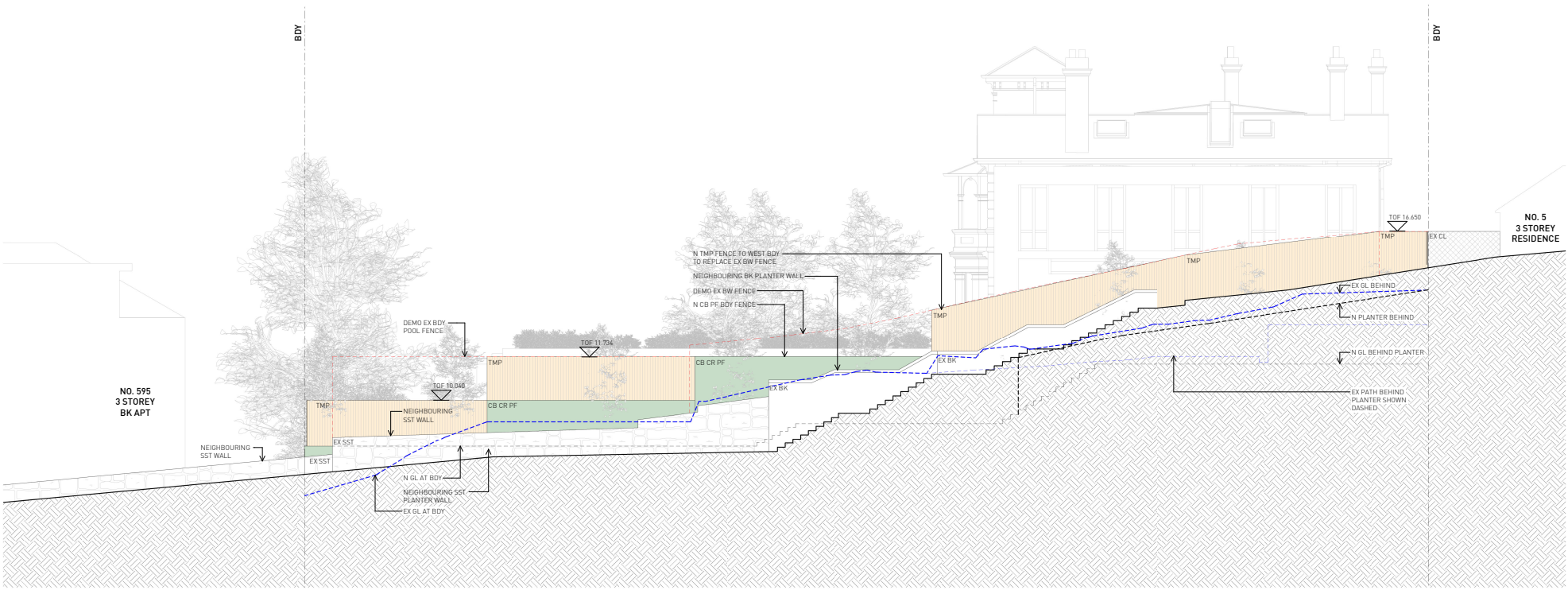
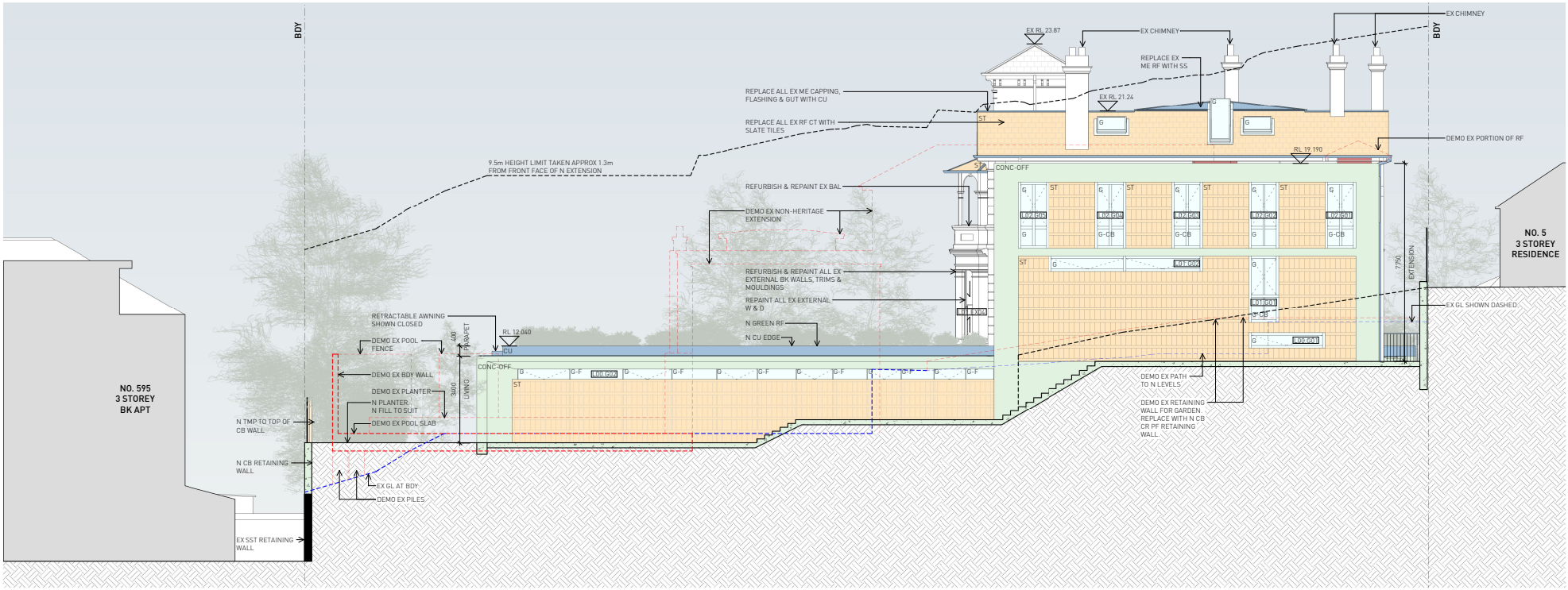
DWG TITLE	
NORTH ELEVS	
DWG NO	REV
DA401	A

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

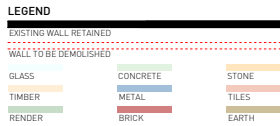
THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

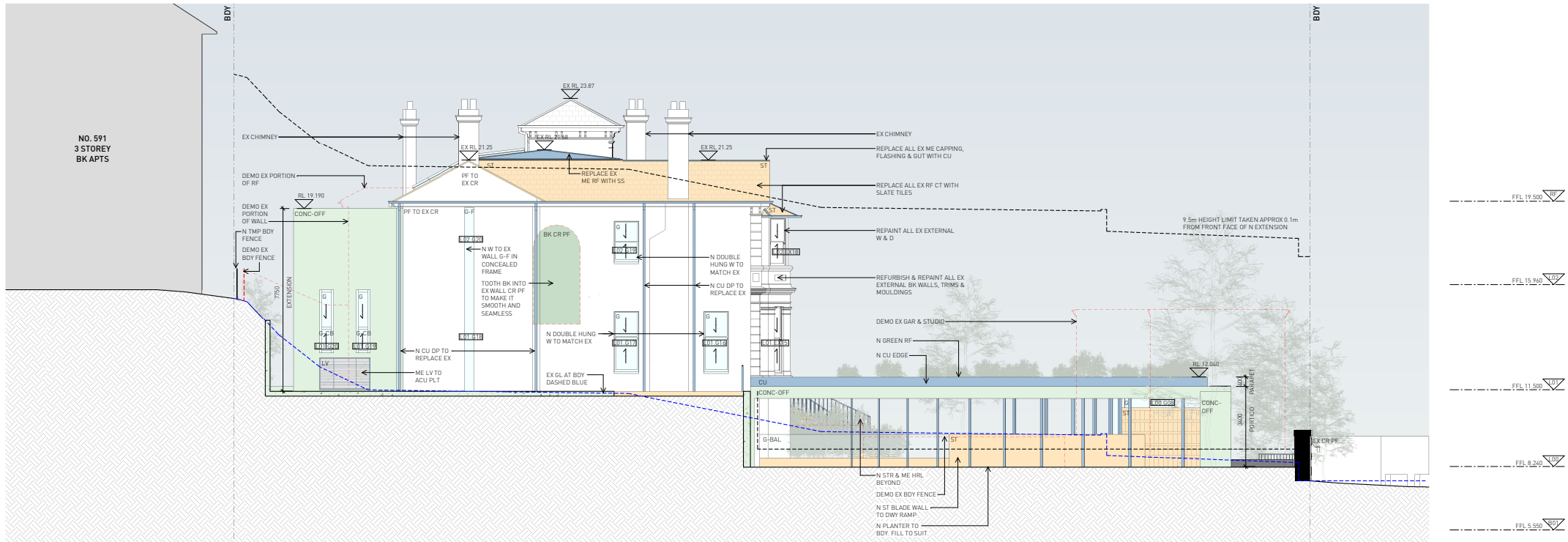
PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

DWG TITLE
WEST ELEV
DWG NO DA402 REV A



NOTES

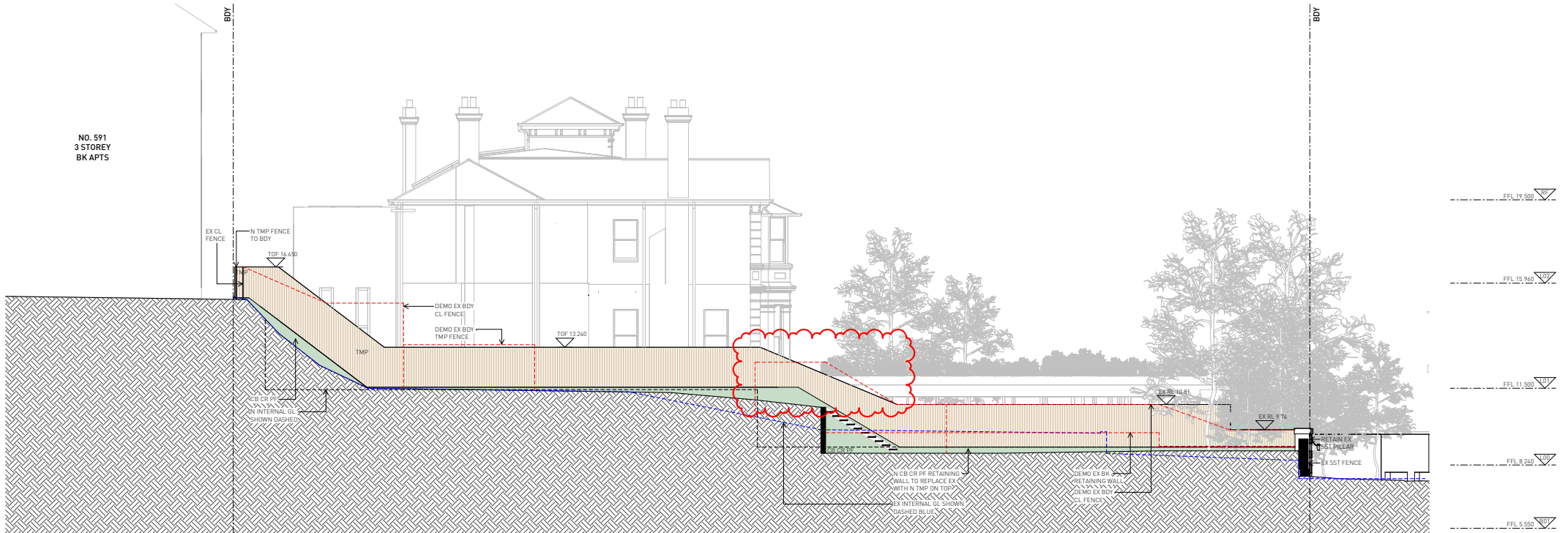
- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.



1 SOUTH ELEV DA

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23
B	DA ISSUE REVISED	05.07.24



2 SOUTH ELEV (BDY) DA

smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT	2228 CRANBROOK 3	
DRAWN	SENIOR QA	APP'D
SH	RH	ND

DWG TITLE
SOUTH ELEVS

DWG NO
DA403

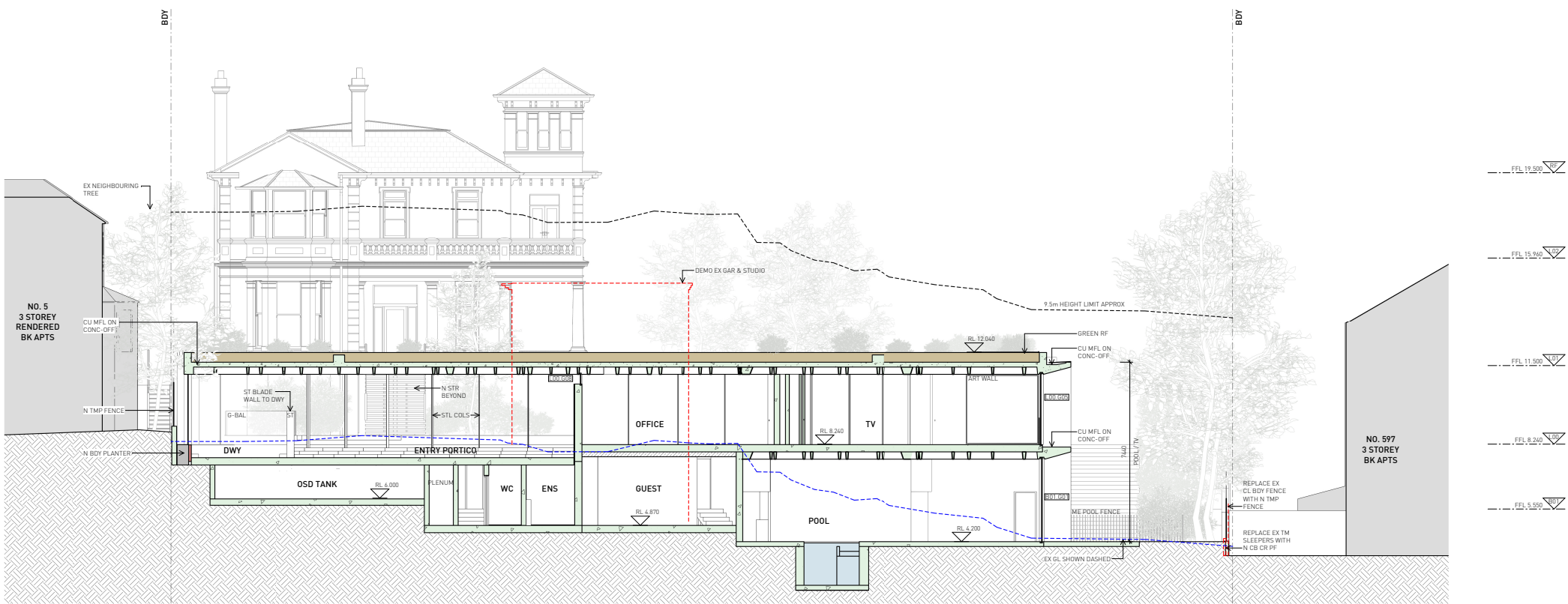
REV
B

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

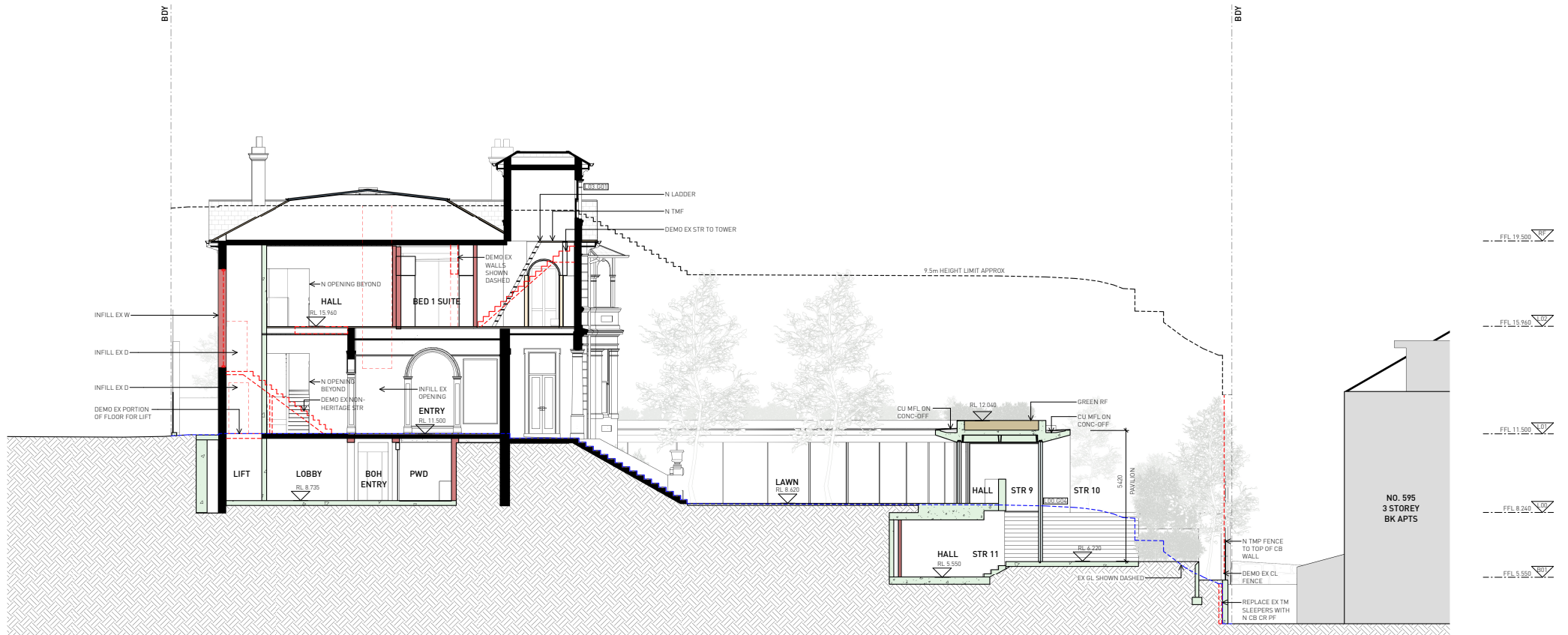
- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	EX ISSUE	11.12.23
B	DA ISSUE REVISED	08.08.24



2 SECT A



1 SECT B

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH
SENIOR GA RH
APP'D ND

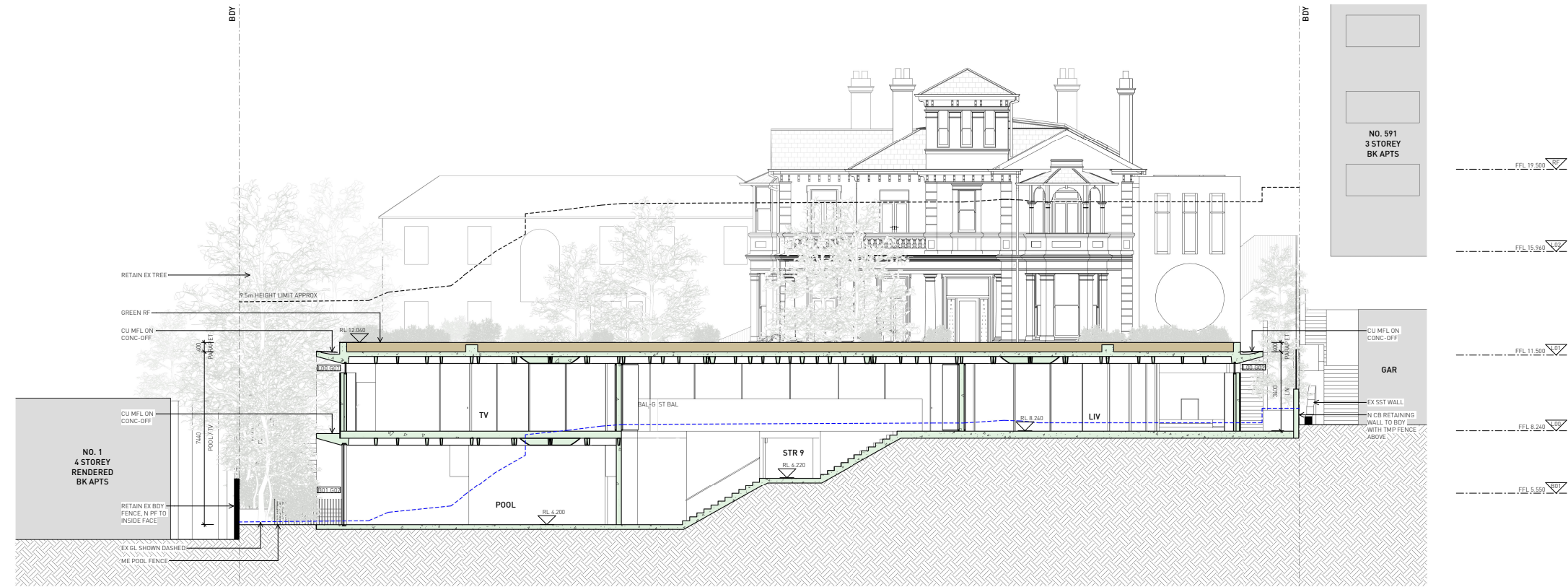
DWG TITLE
SECTION A & B
DWG NO DA450
REV B

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

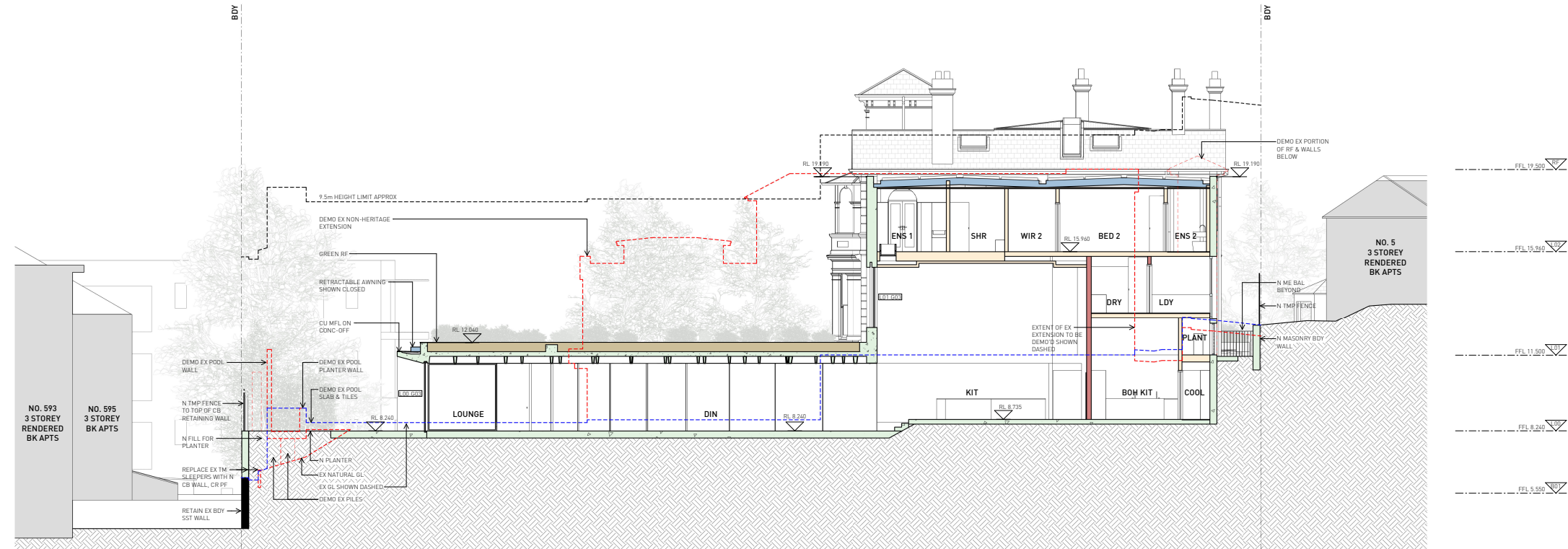
- NOTES
- 1 All dimensions to be verified on site.
 - 2 Report any discrepancies or omissions to SDS prior to construction.
 - 3 Refer to architect for ambiguous details or when clarification is required.
 - 4 All drawings to be read in conjunction with specification.
 - 5 All drawings to be read in conjunction with consultants' drawings.
 - 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	ISSUE	11.12.23
B	ISSUE REVISED	08.08.24



1 SECT C



2 SECT D

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

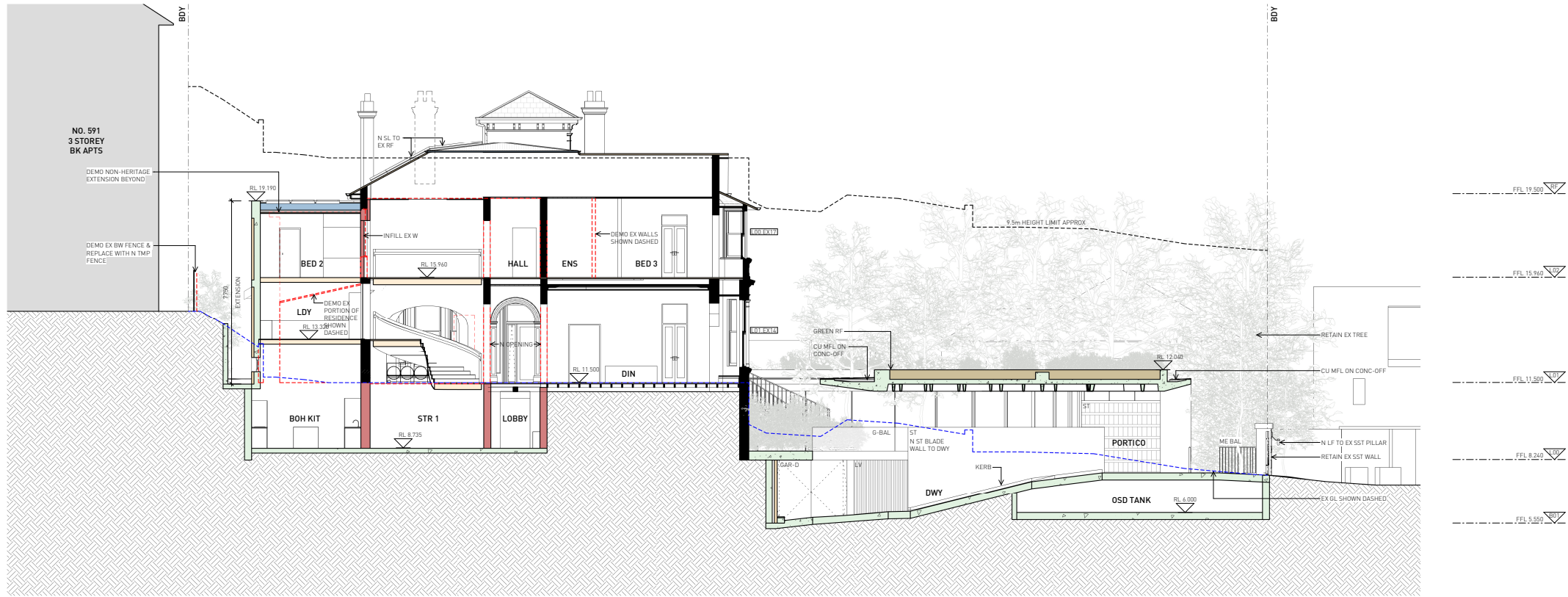
DWG TITLE
SECTION C & D
DWG NO DA451 REV B

LEGEND		
EXISTING WALL RETAINED		
WALL TO BE DEMOLISHED		
GLASS	CONCRETE	STONE
TIMBER	METAL	TILES
RENDER	BRICK	EARTH

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DK ISSUE	11.12.23
B	DA ISSUE REVISED	08.08.24



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN JS
SENIOR GA RH
APP'D ND

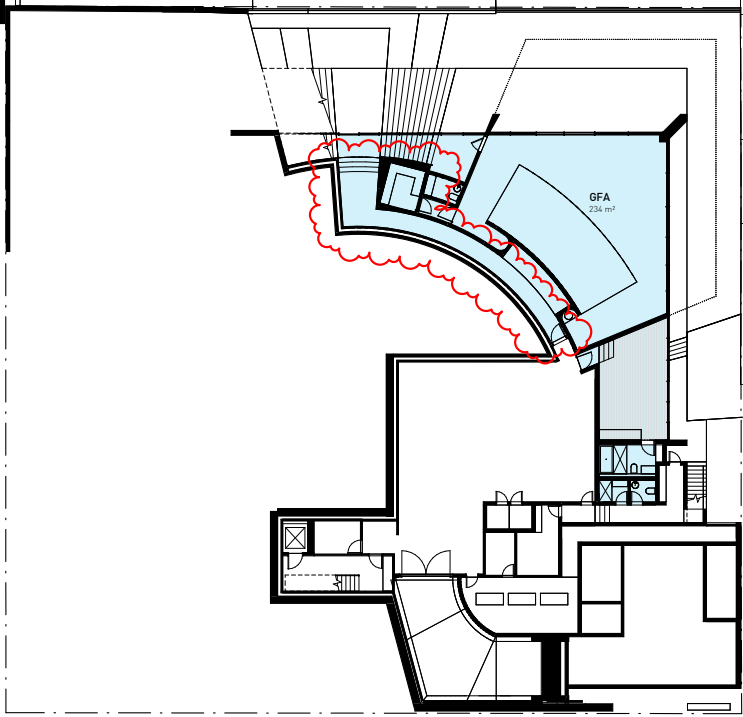
DWG TITLE
SECTION E
DWG NO DA452
REV B

NOTES

1. All dimensions to be verified on site.
2. Report any discrepancies or omissions to SDS prior to construction.
3. Refer to architect for ambiguous details or when clarification is required.
4. All drawings to be read in conjunction with specification.
5. All drawings to be read in conjunction with consultants' drawings.
6. All structure to structural engineer's details.

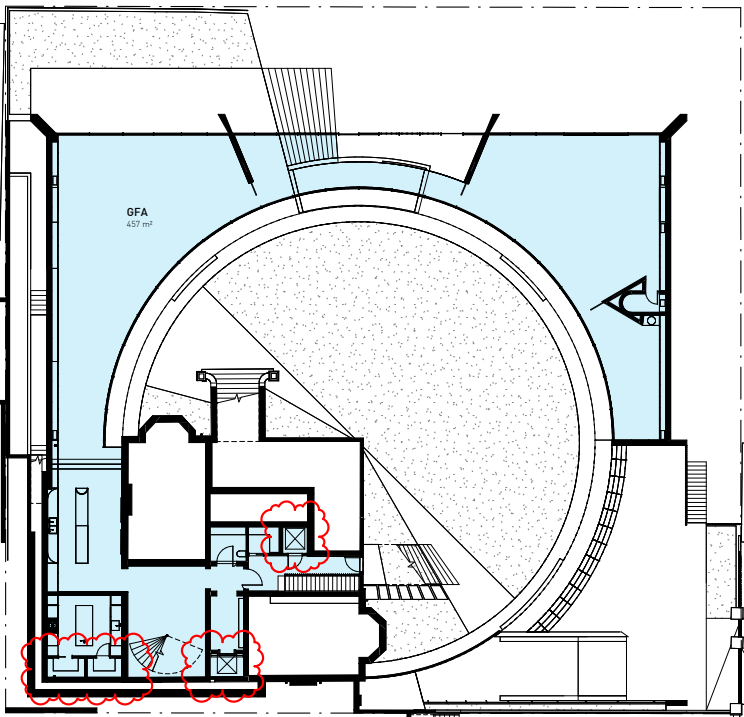
PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	11.12.23
B	DA ISSUE REVISED	08.08.24



1 L01

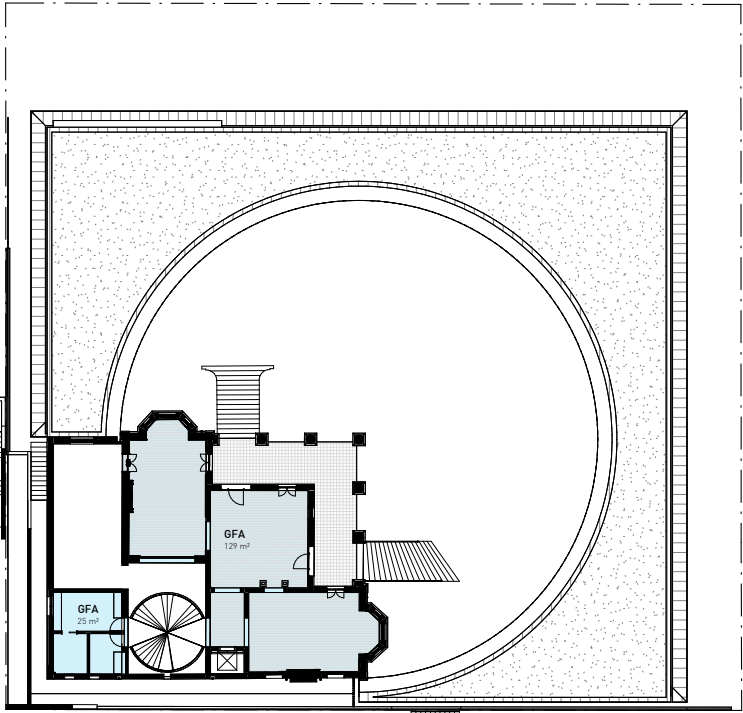
190m²



2 L02

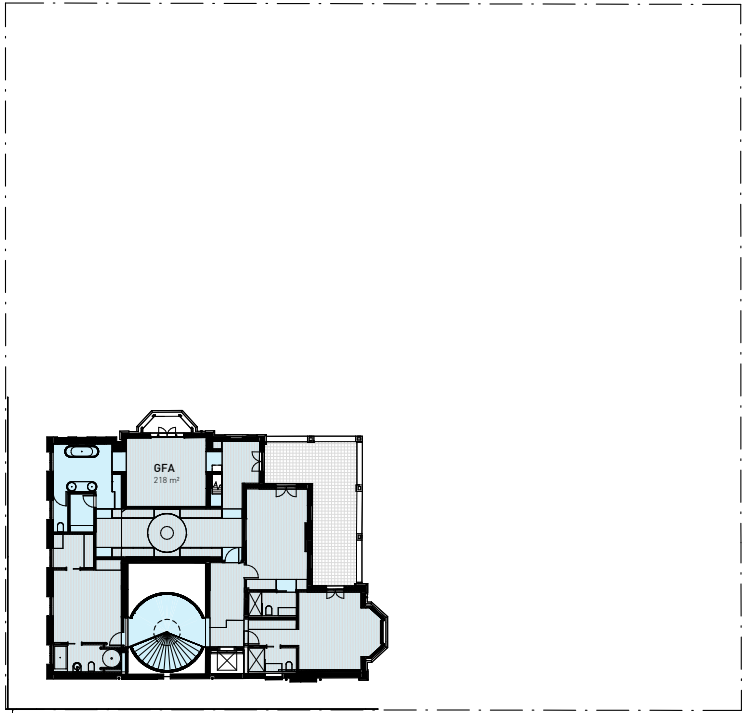
432m²

GROSS FLOOR AREA
ALLOWABLE FSR = 0.5:1
MAXIMUM GFA = 0.5 x 2008m² = 1004m²
PROPOSED GFA = 1070m²
PROPOSED FSR = 0.53:1



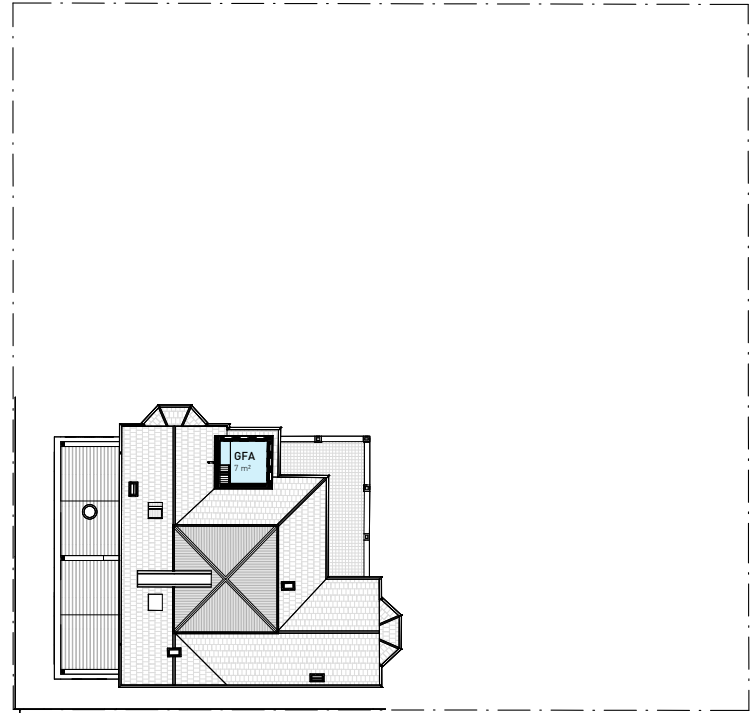
3 L03

154m²



4 L04

218m²



5 L05

7m²

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 2000 5000 10000

SCALE
1:200 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SH
SENIOR GA RH
APP'D ND

DWG TITLE
CALCULATIONS 1
DWG NO DA900
REV B

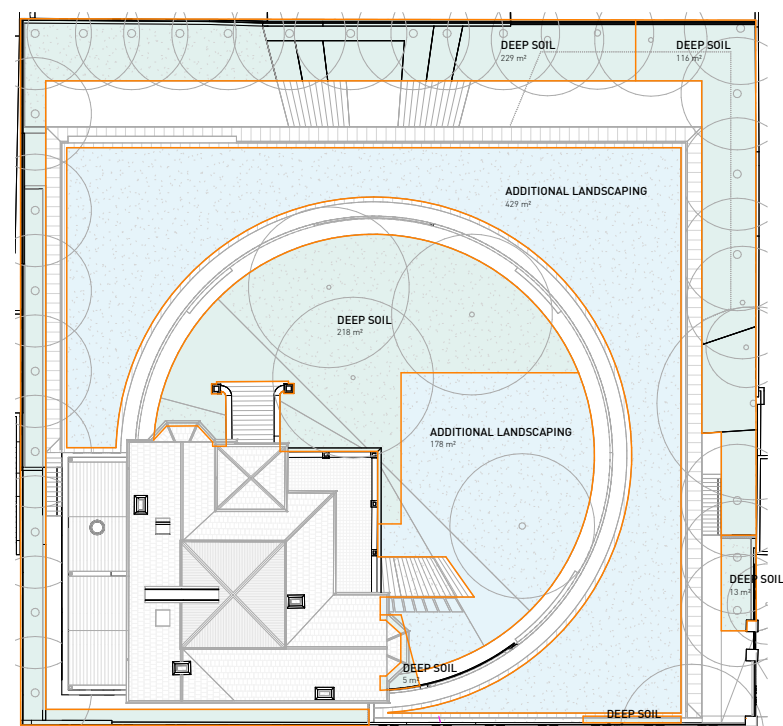
NOTES

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

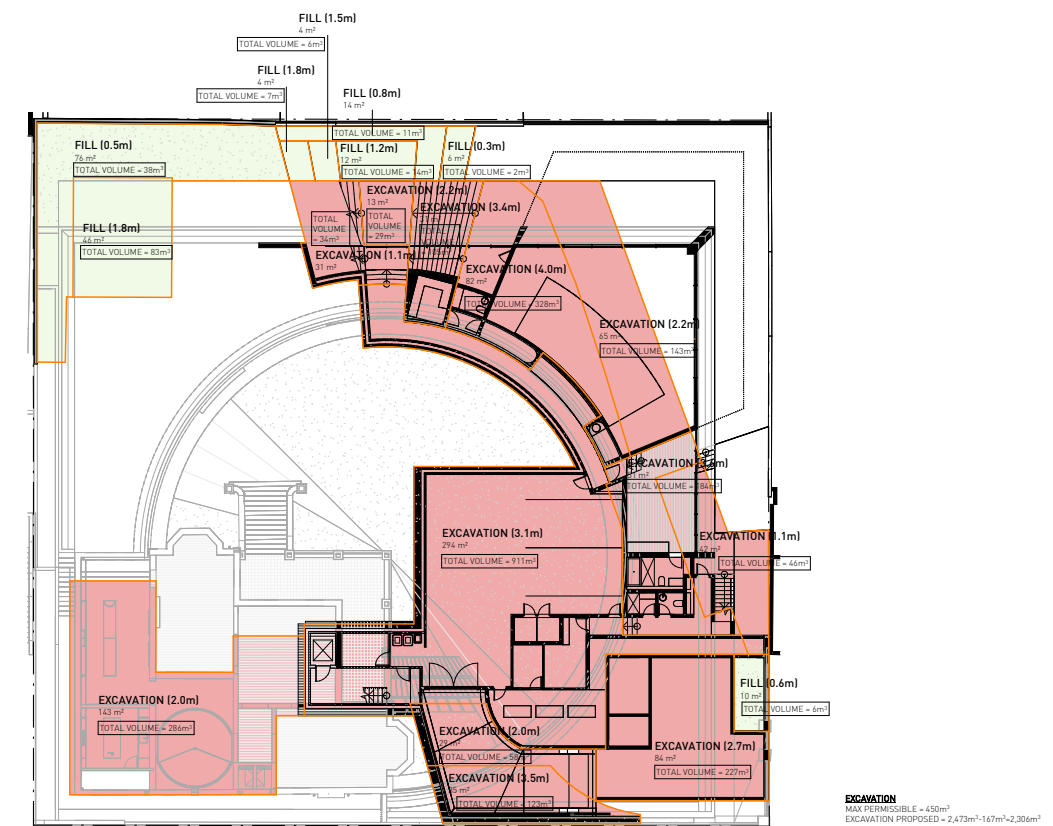
PRELIMINARY
NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



3 LANDSCAPE AREA PLAN



4 B01 EXCAVATION

smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:200 @ A1 UNO

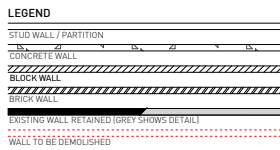


PROJECT
2228 CRANBROOK 3

DRAWN SENIOR QA APP'D
SH RH ND

DWG TITLE
CALCULATIONS 2

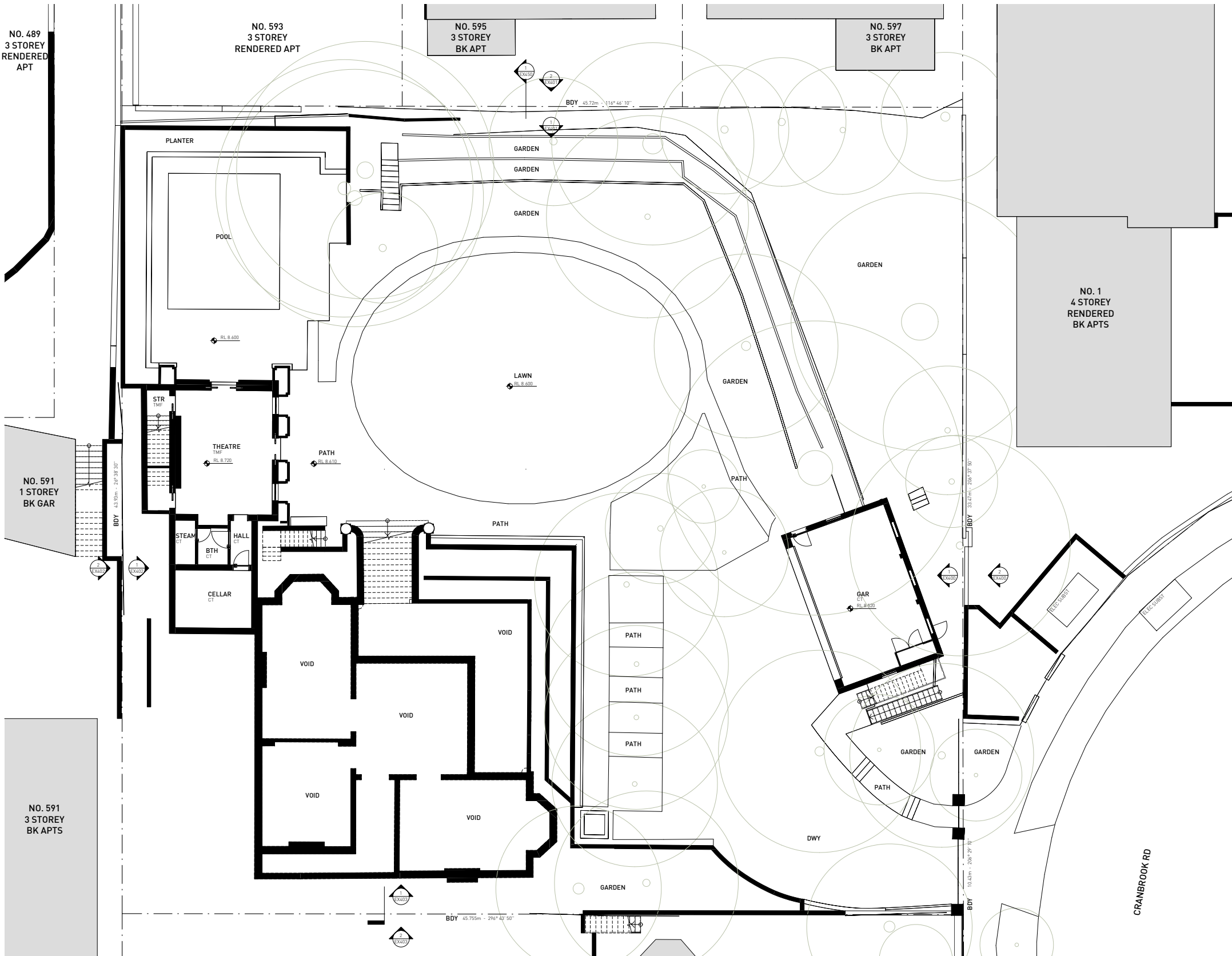
DWG NO REV
DA901 A



- ## NOTES
- 1 All dimensions to be verified on site.
 - 2 Report any discrepancies or omissions to SDS prior to construction.
 - 3 Refer to architect for ambiguous details or when clarification is required.
 - 4 All drawings to be read in conjunction with specification.
 - 5 All drawings to be read in conjunction with consultants' drawings.
 - 6 All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE A	REASON DA ISSUE	DATE 01.12.23
------------	--------------------	------------------



— — — —
smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3

DRAWN SENIOR QA APP'D
SH DRAFT ND

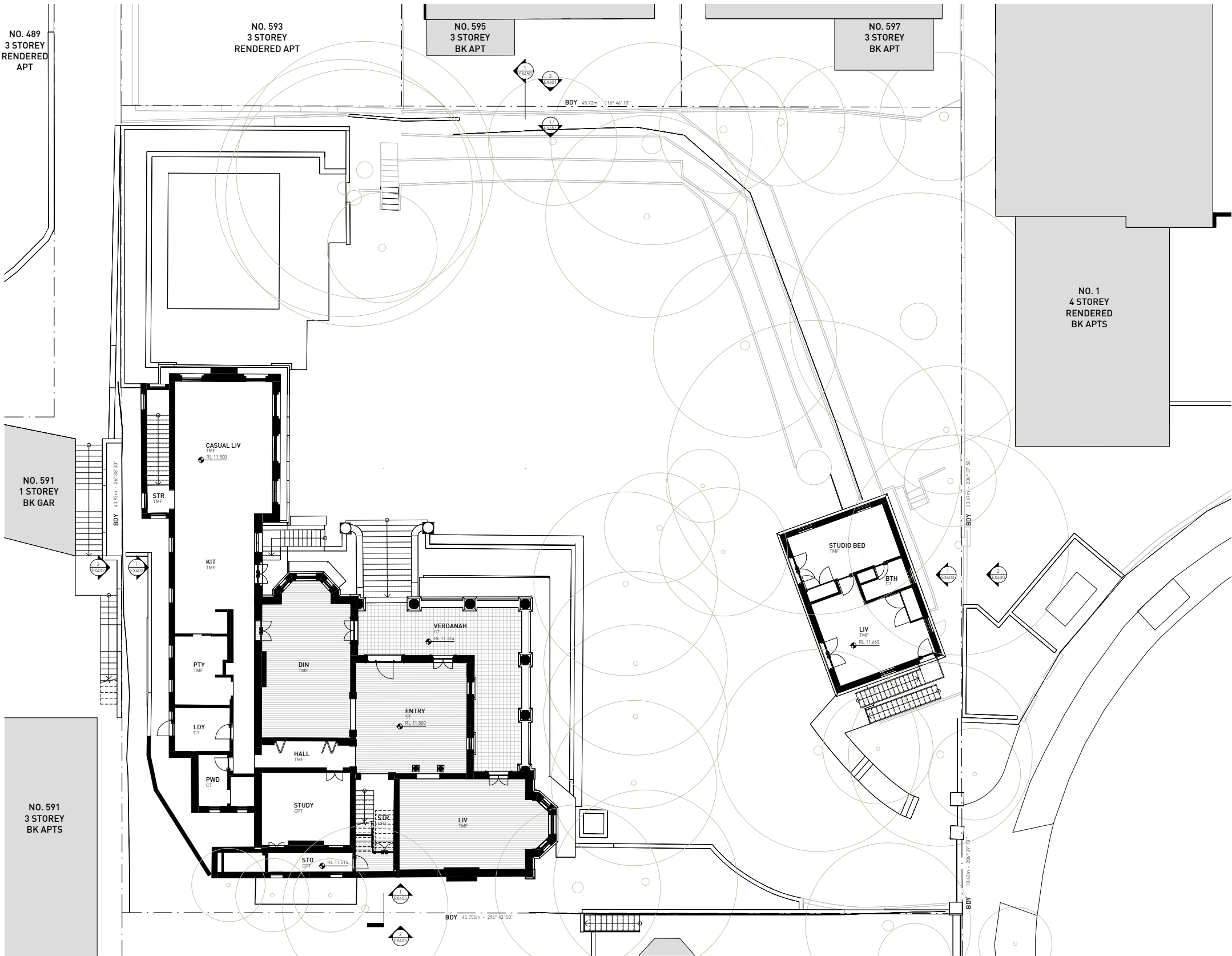
DWG TITLE	
EX L00 PLAN	
DWG NO	REV
EX100	A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SD5 prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO



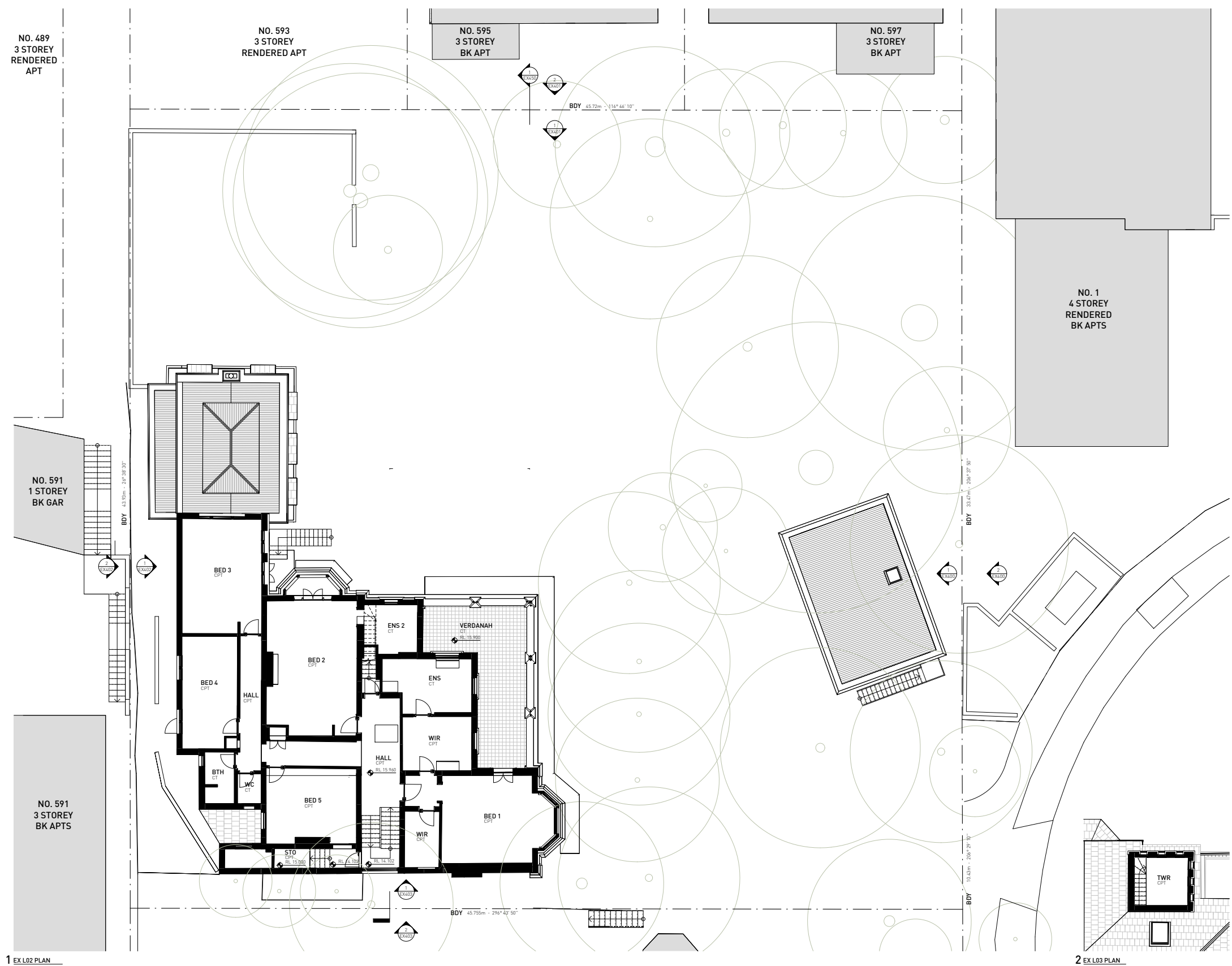
PROJECT
2228 CRANBROOK 3
DRAWN SH
SENIOR GA
DRAFT ND

DWG TITLE
EX L01 PLAN
DWG NO EX101
REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SD5 prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



smart design studio
14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH
SENDER GA
DRAFT ND

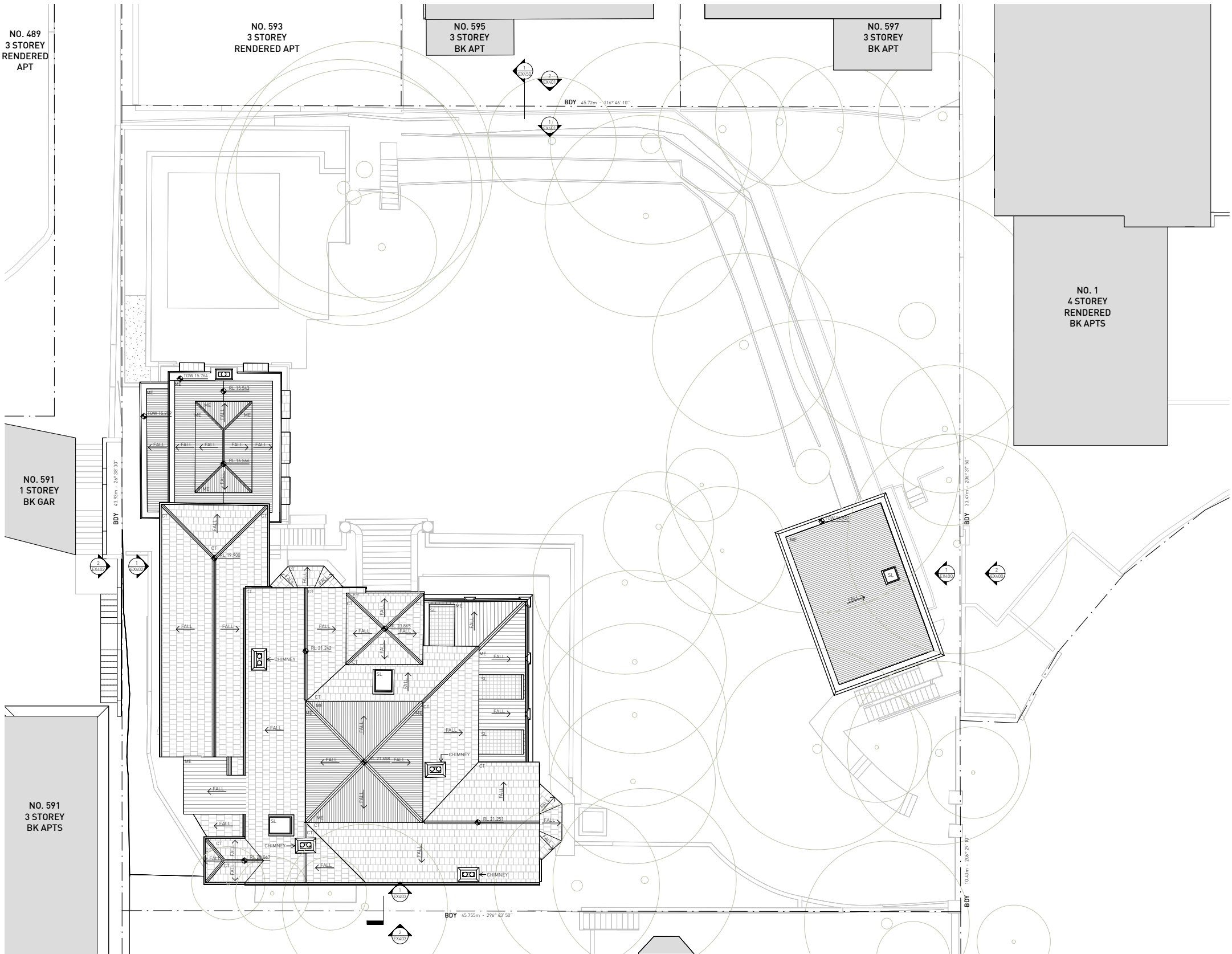
DWG TITLE
EX L02 + L03 PLAN
DWG NO EX102
REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SD5 prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH
SENIOR GA
DRAFT ND

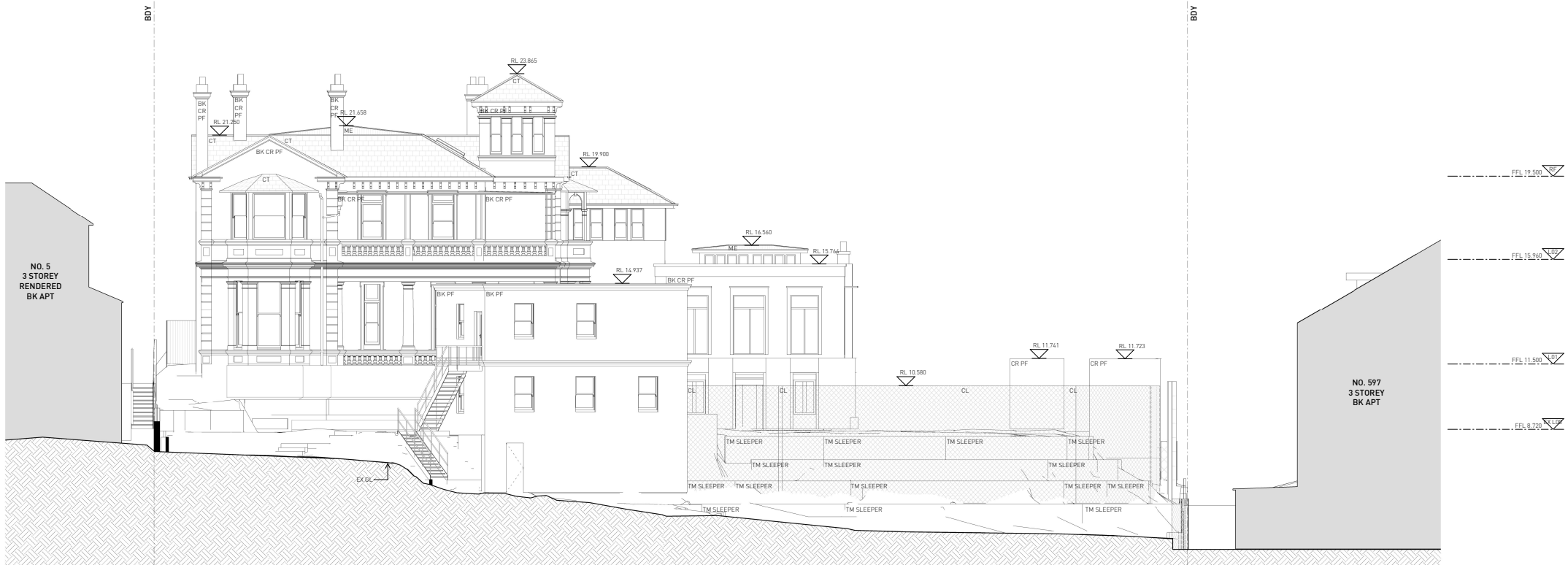
DWG TITLE
EX RF PLAN
DWG NO EX103
REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	ISSUE	01.12.23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

DWG TITLE
EX EAST ELEVS
DWG NO EX400 REV A

SCALE
1:100 @ A1 UNO

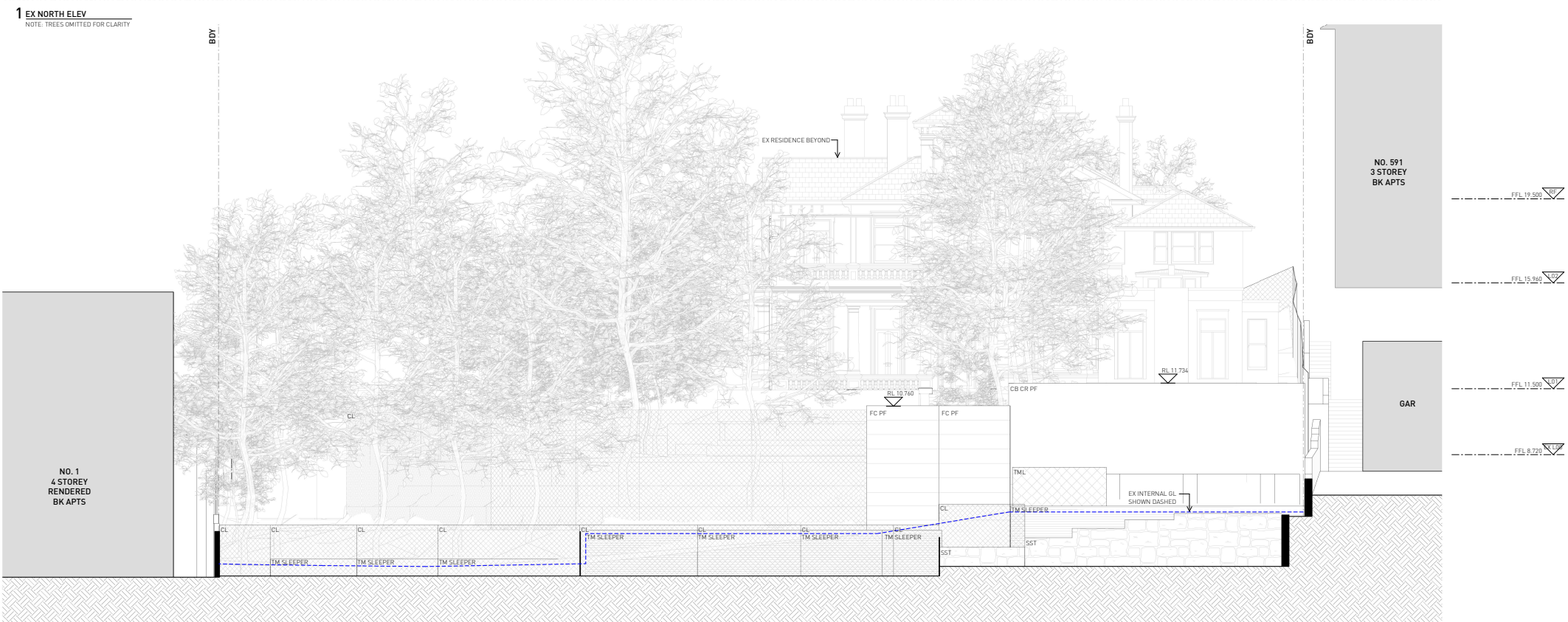
0 1000 2500 5000

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

- NOTES
- 1 All dimensions to be verified on site.
 - 2 Report any discrepancies or omissions to SDS prior to construction.
 - 3 Refer to architect for ambiguous details or when clarification is required.
 - 4 All drawings to be read in conjunction with specification.
 - 5 All drawings to be read in conjunction with consultants' drawings.
 - 6 All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	GA ISSUE	01.12.23



smart design studio

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

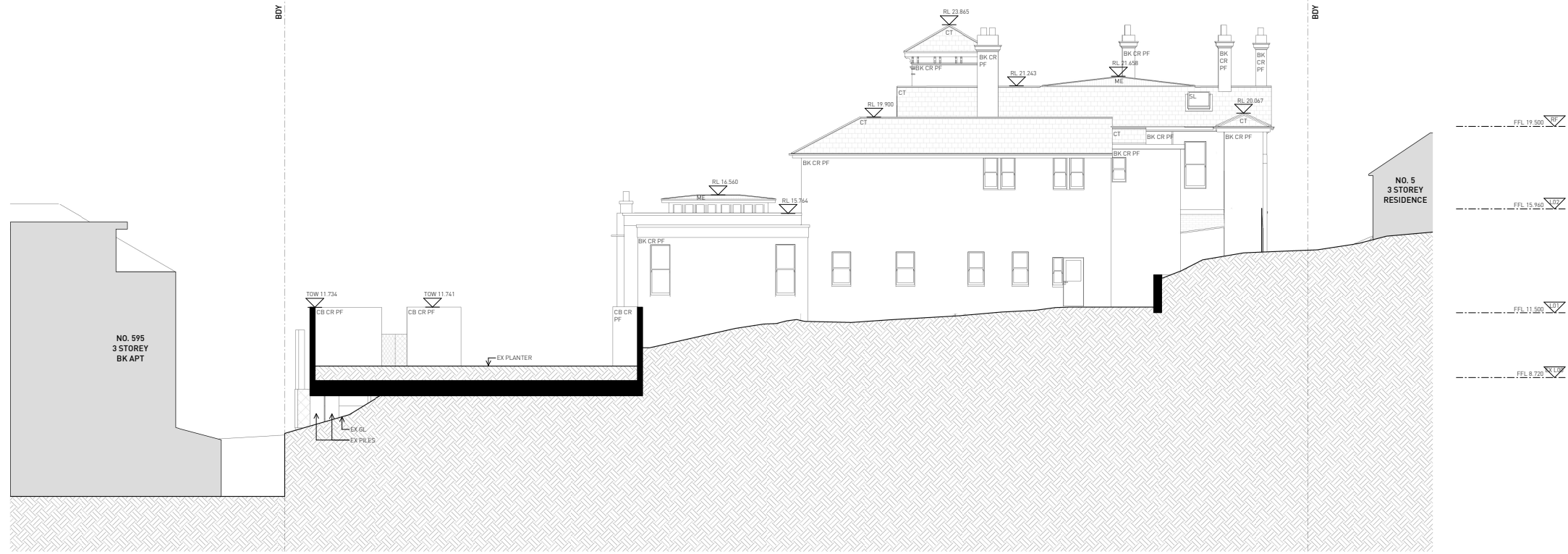
DWG TITLE
EX NORTH ELEV
DWG NO EX401 REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

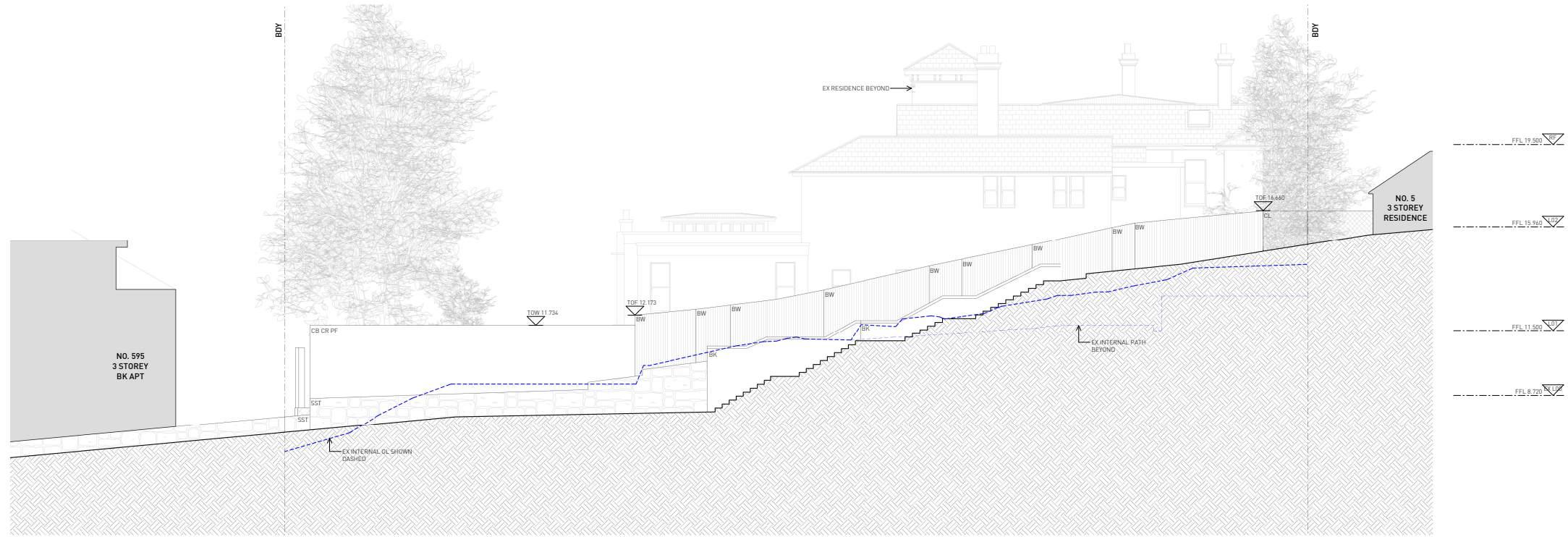
- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	GA ISSUE	01.12.23



1 EX WEST ELEV
NOTE: TREES OMITTED FOR CLARITY



2 EX WEST ELEV (BDY)

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

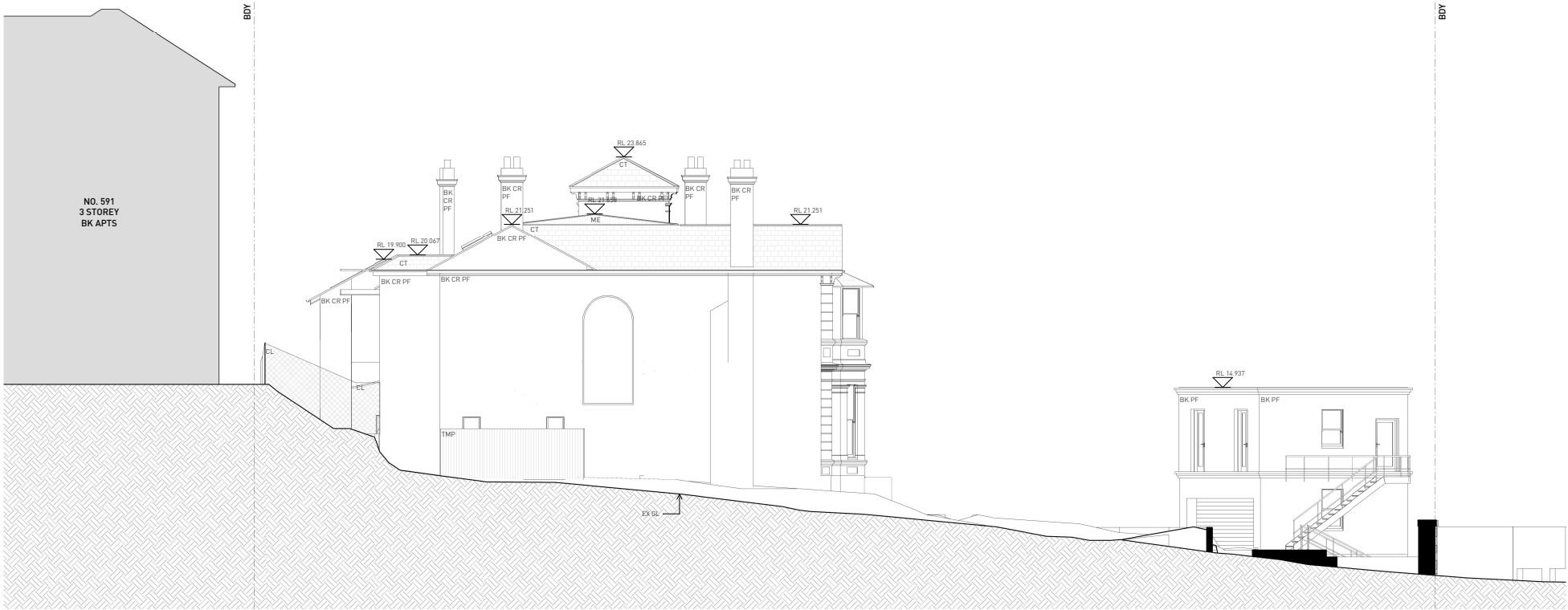
DWG TITLE
EX WEST ELEV
DWG NO EX402 REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

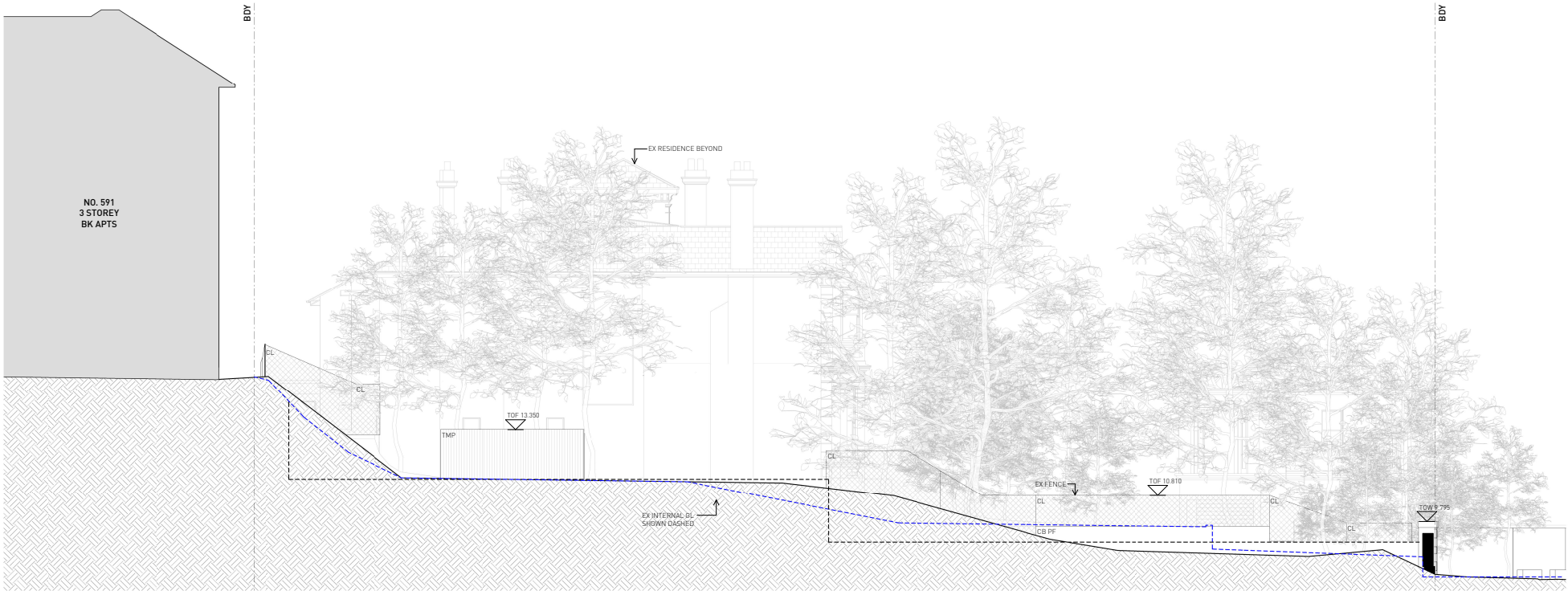
- NOTES
1. All dimensions to be verified on site.
 2. Report any discrepancies or omissions to SDS prior to construction.
 3. Refer to architect for ambiguous details or when clarification is required.
 4. All drawings to be read in conjunction with specification.
 5. All drawings to be read in conjunction with consultants' drawings.
 6. All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	ISSUE	01/12/23



1 EX SOUTH ELEV
NOTE: TREES OMITTED FOR CLARITY



2 EX SOUTH ELEV (BDY)

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

DWG TITLE
EX SOUTH ELEV
DWG NO EX403 REV A

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BRICK WALL	
BRICK WALL	
EXISTING WALL RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	

NOTES	
1	All dimensions to be verified on site.
2	Report any discrepancies or omissions to SDS prior to construction.
3	Refer to architect for ambiguous details or when clarification is required.
4	All drawings to be read in conjunction with specification.
5	All drawings to be read in conjunction with consultants' drawings.
6	All structure to structural engineer's details.

FOR INFORMATION
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA ISSUE	01/12/23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

0 1000 2500 5000

SCALE
1:100 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

DWG TITLE
EX SECT A
DWG NO EX450 REV A

mateterial sample board

- 1 White Render
heritage building external walls
- 2 Timber Painted White
heritage building existing and new windows
and doors
- 3 Slate Roof
heritage building roof
- 4 Copper
heritage building roof trimmings and down-
pipes and new extension roof
- 5 Superdura Stainless Steel
new side addition roof and portion of exsting
roof
- 6 Concrete
new extension structure and ceiling and side
addition facade
- 7 Stone
light coloured stone to new floors in new
extension
- 8 Cobble Stone
light couloured cobble stone on driveway and
portico
- 9 Aluminium
new extension and side addition windows
- 10 Timber
neutral timber floor boards to existing internal
areas and joinery details



1



2



3



4



5



6



7



8



9



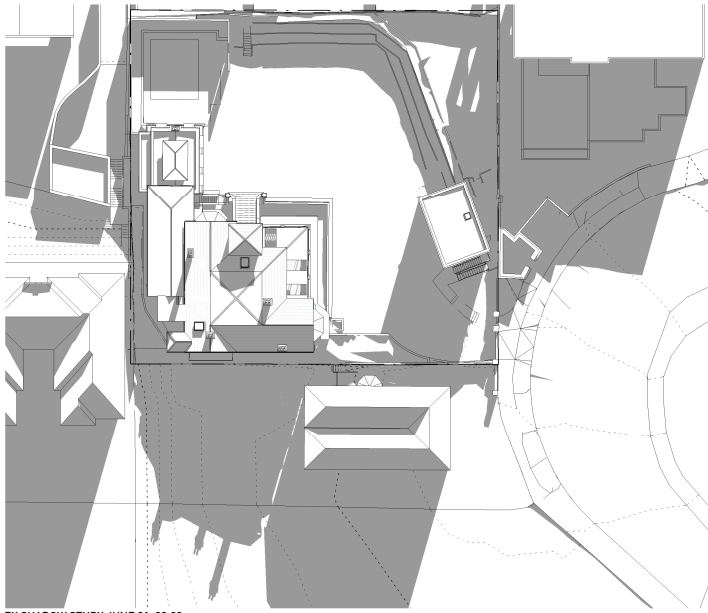
10

NOTES

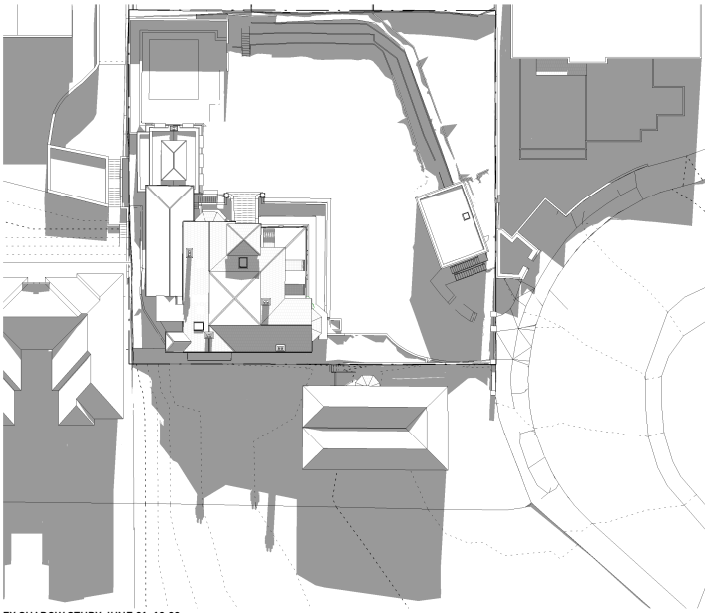
- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SD25 prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

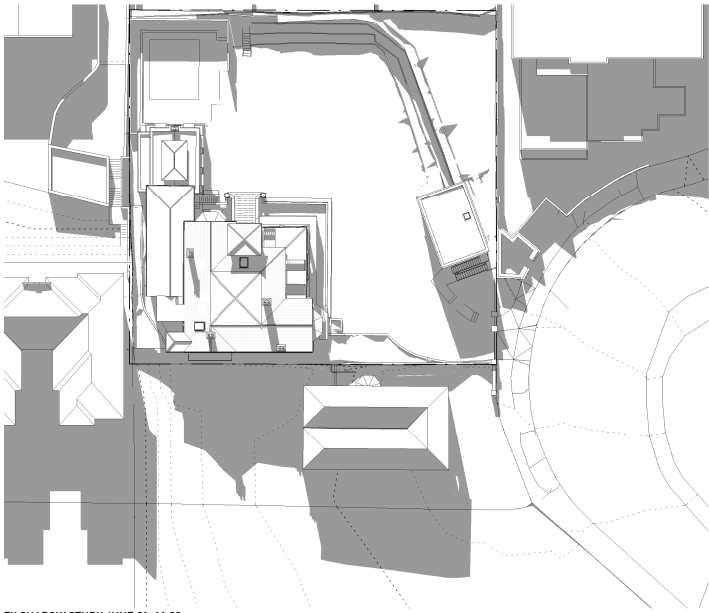
ISSUE	REASON	DATE
A	DA ISSUE	01.12.23



1 EX SHADOW STUDY JUNE 21, 09.00



2 EX SHADOW STUDY JUNE 21, 10.00



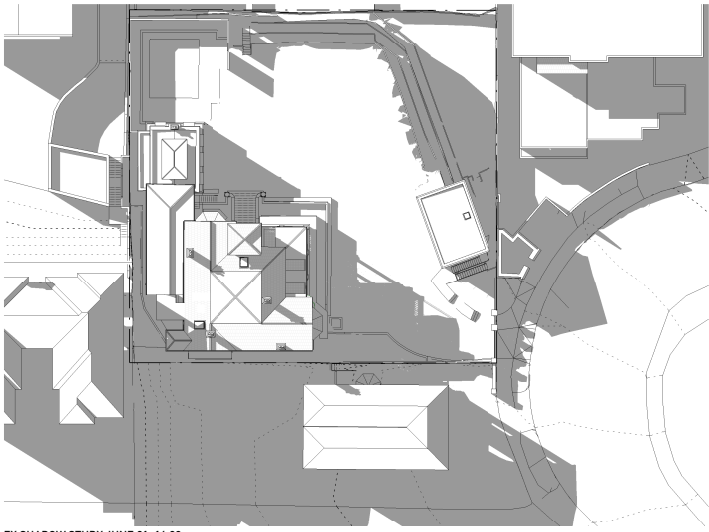
3 EX SHADOW STUDY JUNE 21, 11.00



4 EX SHADOW STUDY JUNE 21, 12.00



5 EX SHADOW STUDY JUNE 21, 13.00



6 EX SHADOW STUDY JUNE 21, 14.00



7 EX SHADOW STUDY JUNE 21, 15.00

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:400 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SENIOR GA APP'D
SH RH ND

DWG TITLE
EX SHADOW STUDY JUNE 21
DWG NO DA910 REV
A

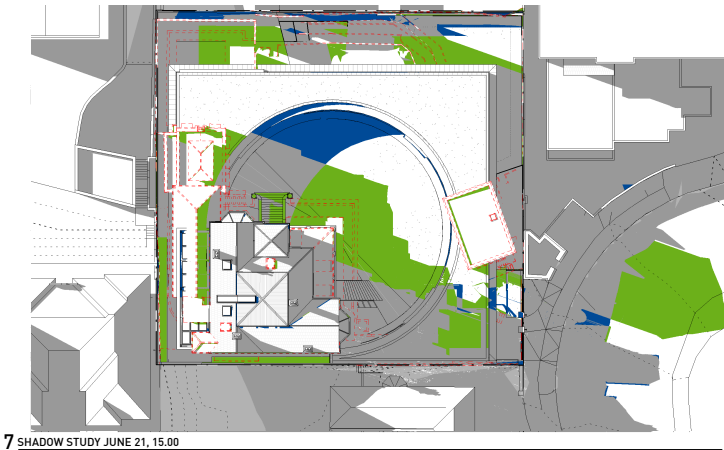
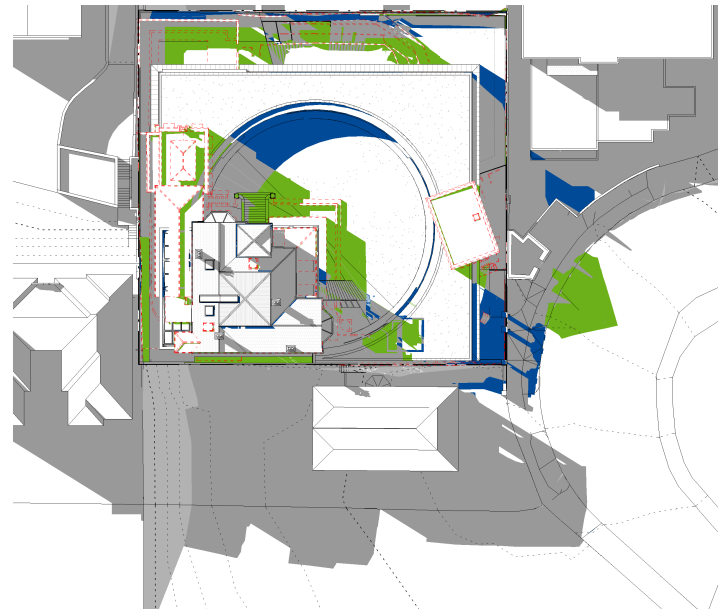
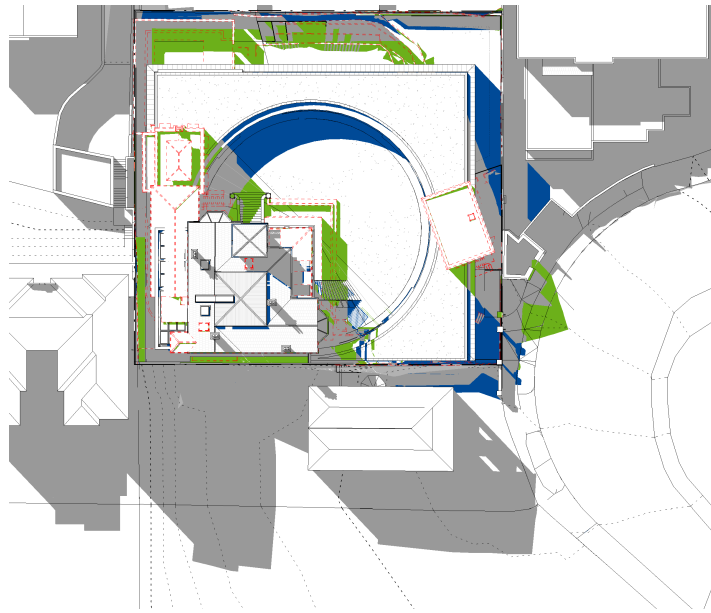
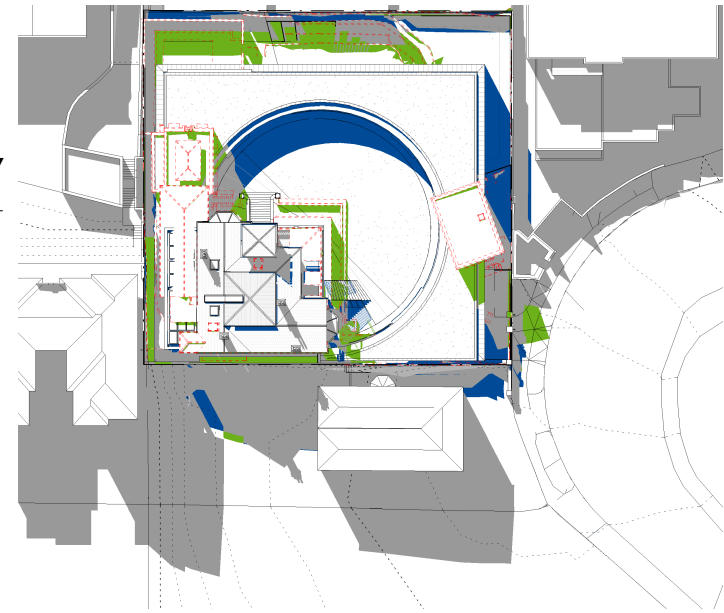
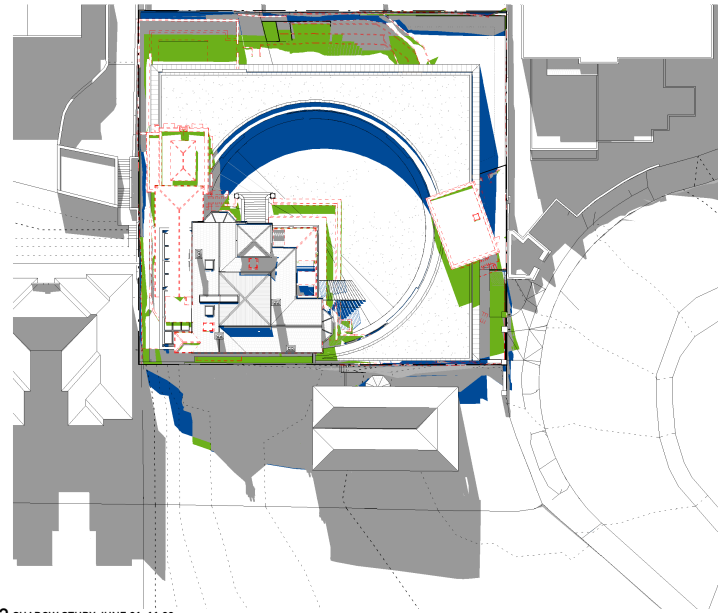
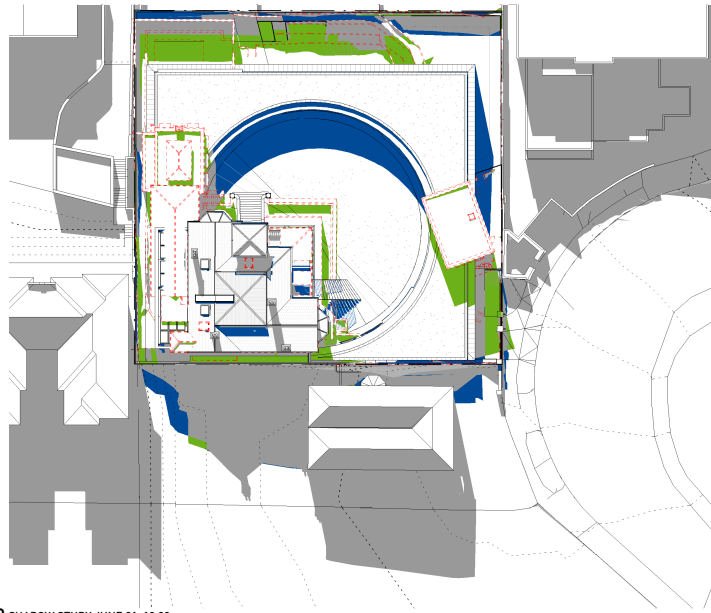
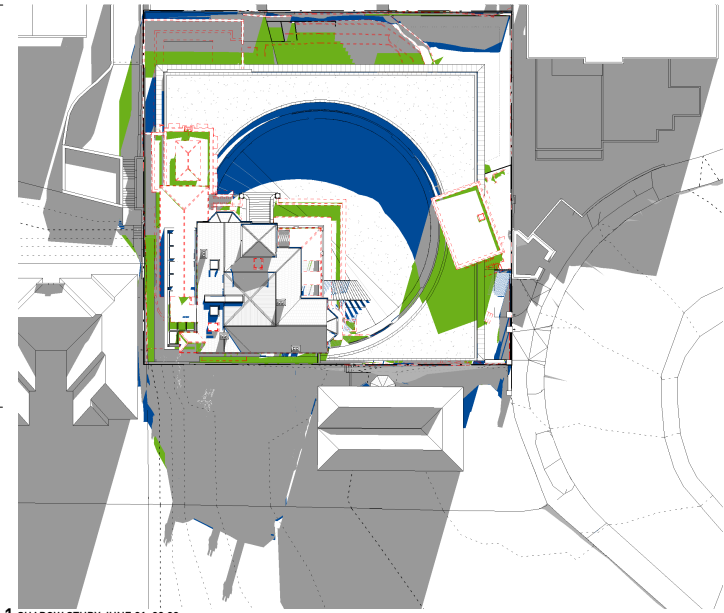
SHADOWS LEGEND
REDUCED SHADOWS
NEW SHADOWS
NO CHANGE

NOTES

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SD5 prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE REASON DATE
A DA 05/05/23 01/12/23



14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:400 @ A1 UNO



PROJECT
2228 CRANBROOK 3
DRAWN SENIOR GA APP'D
SH RH ND

DWG TITLE
SHADOW STUDY JUNE 21
DWG NO DA911 REV
A

NOTES

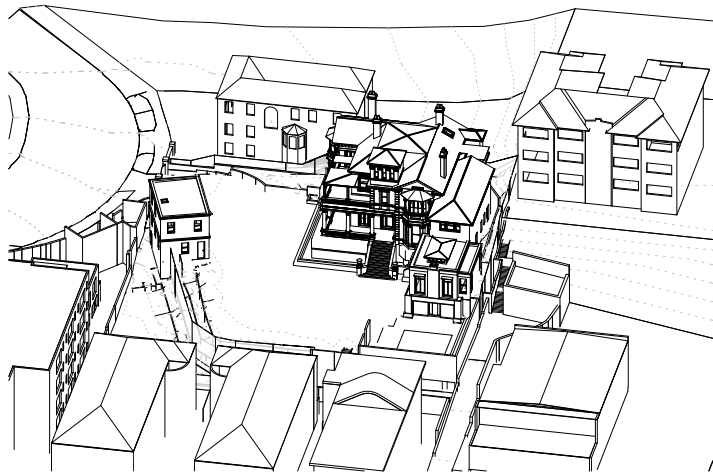
- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SD5 prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.



1 EX SUN STUDY JUNE 21, 09.00



2 EX SUN STUDY JUNE 21, 10.00

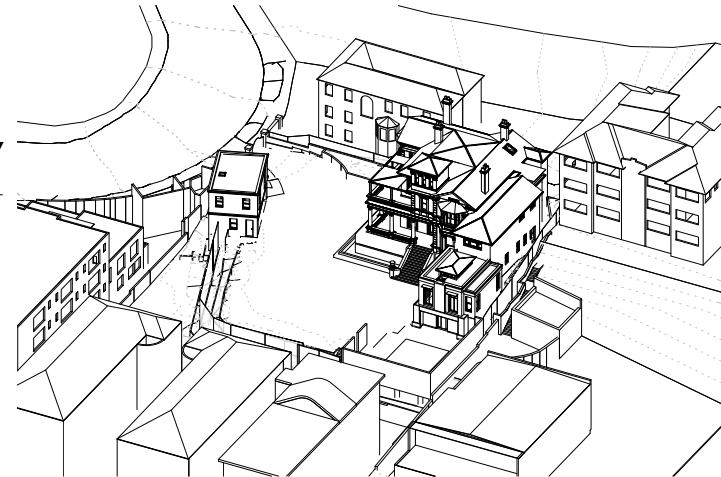


3 EX SUN STUDY JUNE 21, 11.00

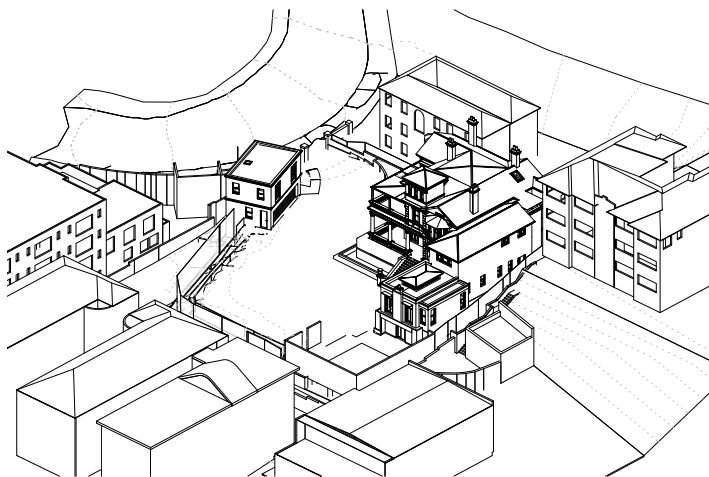
PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE REASON
A DA 9252

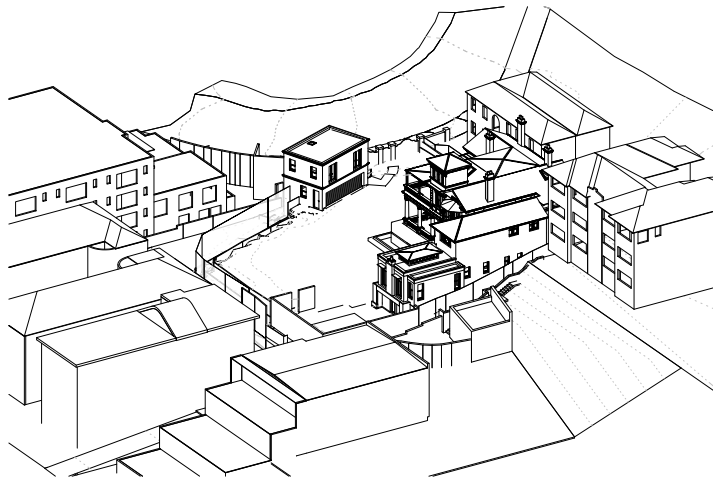
DATE
21.12.23



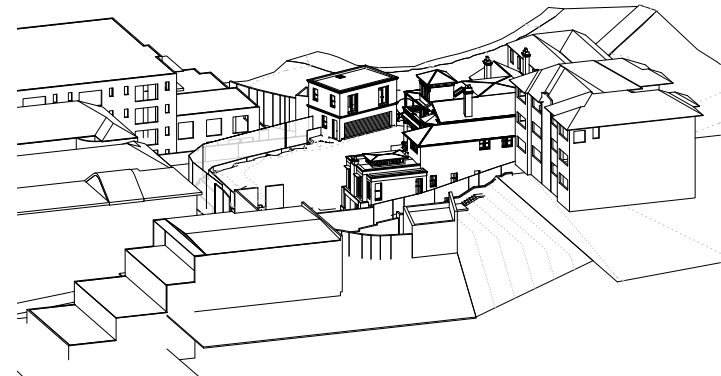
4 EX SUN STUDY JUNE 21, 12.00



5 EX SUN STUDY JUNE 21, 13.00



6 EX SUN STUDY JUNE 21, 14.00



7 EX SUN STUDY JUNE 21, 15.00

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

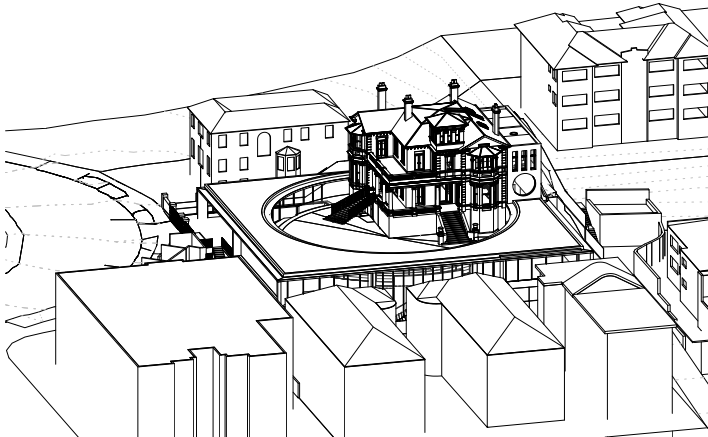
SCALE
1:400 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SENIOR GA APP'D
SH RH ND

DWG TITLE
EX SOLAR STUDIES - 3D
DWG NO DA921 REV
A

NOTES

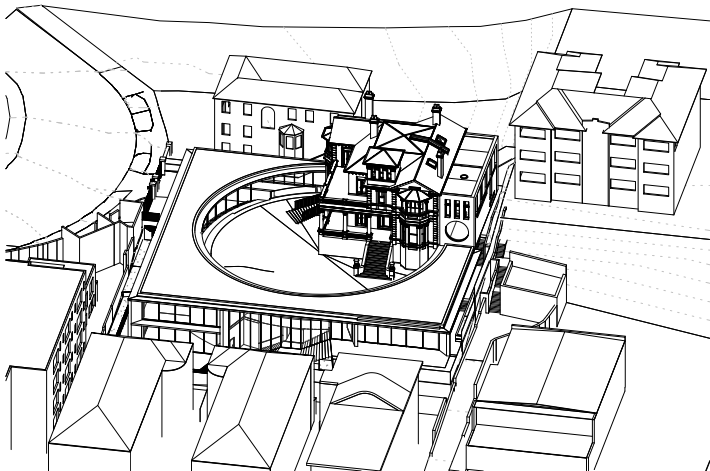
- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SD5 prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.



1 SUN STUDY JUNE 21, 09.00



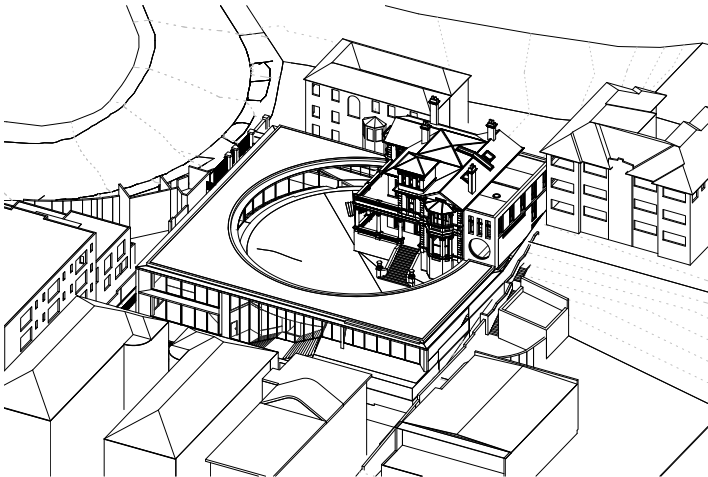
2 SUN STUDY JUNE 21, 10.00



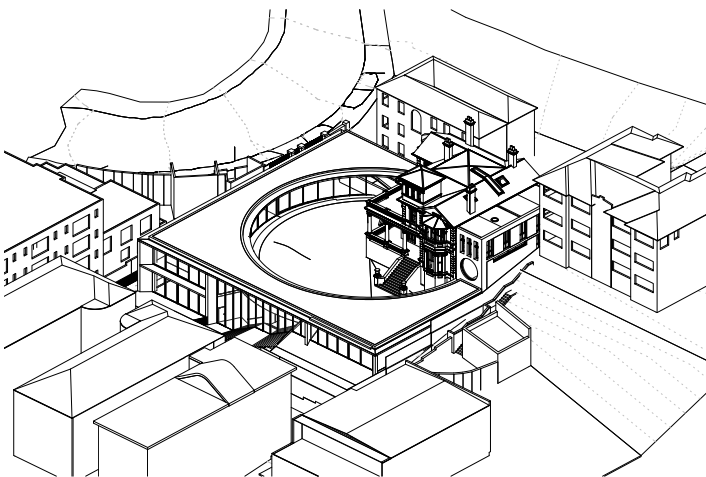
3 SUN STUDY JUNE 21, 11.00

PRELIMINARY
NOT FOR CONSTRUCTION

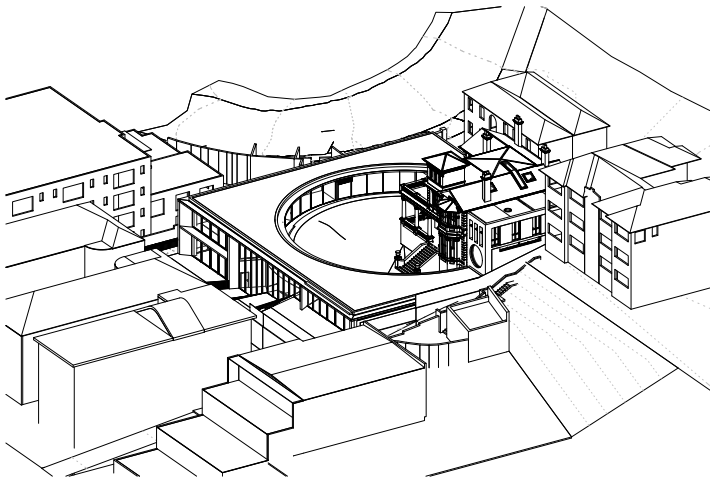
ISSUE	REASON	DATE
A	DA 100002	01/12/23



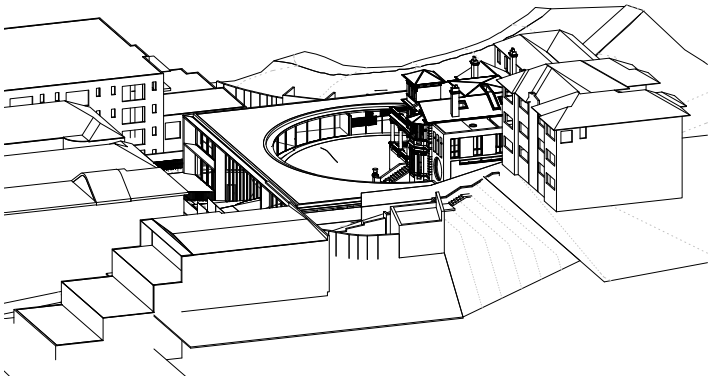
4 SUN STUDY JUNE 21, 12.00



5 SUN STUDY JUNE 21, 13.00



6 SUN STUDY JUNE 21, 14.00



7 SUN STUDY JUNE 21, 15.00

14 STOKES AVE
ALEXANDRIA NSW 2015
TEL +61 2 8332 4333
NDM ARCH WILLIAM SMART 6381

smart design studio

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

SCALE
1:400 @ A1 UNO

PROJECT
2228 CRANBROOK 3
DRAWN SH SENIOR GA APP'D ND

DWG TITLE
SOLAR STUDIES - 3D
DWG NO DA922 REV A

smart design studio

cranbrook 3



DRAWING REGISTER

DRAWING NO.	DRAWING TITLE	DRAWING SCALE	PAGE SIZE
LDA-01	DRAWING REGISTER, PROJECT NOTES AND PLANT SCHEDULE	NO SCALE	A2
LDA-02	EXISTING TREES - PROPOSED TREATMENTS	1:200	A2
LDA-03	L00 - PROPOSED NEW TREES	1:200	A2
LDA-04	TREE CANOPY AREA CALCULATION + RL'S	1:200	A2
LDA-05	L00 - GROUND PLANTING	1:200	A2
LDA-06	L01 - ROOF PLANTING	1:200	A2
LDA-07	ELEVATION - NORTH	1:100	A2
LDA-08	ELEVATION - WEST	1:100	A2

PLANT SCHEDULE - L00 AND L01 TOTAL

BOTANIC NAME	COMMON NAME	HEIGHT	SPREAD	SCHEDULE SIZE	QUANTITY
PYRUS NIVALIS	SNOW PEAR	7-9M	5-6M	200L	13
PODOCARPUS ELATUS	BROWN PINE	MAINTAINED 5M	MAINTAINED 1.5M	100L	56
ACER BUEGERIANUM	TRIDENT MAPLE	6M	6M	100L	2
ACER PALMATUM	JAPANESE MAPLE	5M	4M	100L	4
MAGNOLIA DENUDATA	YULAN MAGNOLIA	9M	9M	300MM	2
LOMANDRA LONGIFOLIA 'TANIKA'	MATT RUSH	0.6	0.8M	200MM	255
PANDOREA PANDORANA	WONGA VINE	CLIMBER	CLIMBER	200MM	14
DICHONDRA REPENS	KIDNEY WEED	GROUND COVER	GROUND COVER	100MM	930
BLECHNUM GIBBUM 'SILVER LADY'	SILVER LADY FERN	0.9M	0.6M	200MM	65
TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	GROUND COVER	GROUND COVER	140MM	590
LIRIOPE MUSCARI 'JUST RIGHT'	LILY TURF	0.5M	0.5M	200MM	395
FICUS PUMILA	CREeping FIG	CLIMBER	CLIMBER	140MM	16
ZEPHYRANTHES CANDIDA	AUTUMN CROCUS	0.15M	GROUND COVER	140MM	520
LOROPETALUM CHINENSE 'EMERALD SNOW'	WHITE FRINGE FLOWER	1.5M	1.5M	300MM	40
LILIUM ASIATICUM CVPS	ASIATIC LILY	0.6 - 0.9M	0.2M	BULBS	165
PENNISETUM ALOPECUROIDES 'NAFRAY'	SWAMP FOXTAIL GRASS	0.6-0.8M	0.8M	140MM	50
'SIR WALTER' BUFFALO LAWN	SIR WALTER BUFFALO	LAWN	LAWN	TURF ROLLS	295.6M2
FRAXINUS PENNSYLVANICA 'URBANITE'	URBANITE ASH	11M	8M	200L	4

NOTE: QUANTITY CHANGES MADE AND BETULA 'DURA HEAT' ADDED TO PLANT SCHEDULE

NOTES - GENERAL

FOR DA / CONSTRUCTION CERTIFICATE / TENDER ONLY - NOT FOR CONSTRUCTION

DO NOT SCALE FROM DRAWINGS

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LANDSCAPE
TECHNICAL SPECIFICATION

NO 'WASH OUT' FROM CONSTRUCTION TO TAKE PLACE IN IDENTIFIED GARDEN AREAS

ALL DISCREPANCIES OR CONFLICT TO BE BROUGHT TO THE ATTENTION OF THE PROJECT LANDSCAPE DESIGNER PRIOR TO CONSTRUCTION OR INSTALLATION

ALL DIMENSIONS IN MM UNLESS OTHERWISE STATED

ALL TREE DIMENSIONS AND RL'S IN METRES

USE FIGURED DIMENSIONS ONLY

VERIFY ALL DIMENSIONS ON SITE BEFORE THE COMMENCEMENT OF ANY WORKS

ANY LEVELS ARE NOMINAL AND ARE INDICATIVE ONLY

CONTRACTORS SHALL LOCATE AND PROTECT ALL SERVICES PRIOR TO CONSTRUCTION

CONTRACTORS TO CONTACT DIAL-BEFORE-YOU-DIG TO CONFIRM LOCATION OF SERVICES BEFORE EXCAVATION

ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH CURRENT VERSIONS OF AUSTRALIAN STANDARDS, BCA AND LOCAL GOVERNMENT REGULATIONS

STRUCTURAL DETAILS SHALL BE SUBJECT TO ENGINEER'S SPECIFICATIONS

DRAINAGE AND WATER FEATURE DETAILS SHALL BE SUBJECT TO HYDRAULIC ENGINEER'S SPECIFICATIONS

ALL WORK SHALL BE CARRIED OUT IN A PROFESSIONAL MANNER BY QUALIFIED TRADESPERSON ACCORDING TO THE LANDSCAPE DRAWINGS & TECHNICAL SPECIFICATION AND ENGINEER'S SPECIFICATIONS

PROTECT ALL ADJOINING PROPERTY BUILDING, WALLS AND PAVING. DAMAGED ELEMENTS ARE TO BE REPLACED AT NO COST TO THE CLIENT

NO RESPONSIBILITY WILL BE TAKEN BY FIELDWORK ASSOCIATES PTY LTD FOR ANY VARIATIONS IN DESIGN, CONSTRUCTION METHOD, MATERIALS SPECIFIED AND GENERAL SPECIFICATIONS WITHOUT PERMISSION FROM THE PROJECT ENGINEER OR LANDSCAPE DESIGNER

ANY SPECIFIED MATERIALS OR PRODUCTS ARE TO BE INSTALLED AS PER THE MANUFACTURER'S / SUPPLIER'S INSTRUCTIONS

SERVICE LOCATION ON PLANS ARE INDICATIVE ONLY. FIELDWORK ASSOCIATES, P.C. ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF SERVICE LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE SERVICE LOCATIONS PRIOR TO THE COMMENCEMENT OF WORK. ANY DAMAGES TO SERVICES AND ASSOCIATED DAMAGES REMAINS THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE RECTIFIED AT NO COST TO THE CLIENT

THIS DRAWING IS COPYRIGHT TO FIELDWORK ASSOCIATES PTY LTD

FIELDWORK ASSOCIATES PTY LTD RESERVES THE RIGHT NOT TO PROVIDE LANDSCAPE CERTIFICATES AT PROJECT COMPLETION IF NOT EMPLOYED THROUGH THE CONSTRUCTION DOCUMENTATION AND IMPLEMENTATION PHASES

ANY CLAIMS MADE AGAINST FIELDWORK ASSOCIATES PTY LTD FOR ANY FAULTS IN THE LANDSCAPE IMPLEMENTATION ARE VOID IF FIELDWORK ASSOCIATES PTY LTD HAS NOT BEEN EMPLOYED THROUGH THE CONSTRUCTION DOCUMENTATION AND IMPLEMENTATION PHASES

NOTES - PLANTING

PROJECT LANDSCAPE DESIGNER TO SET OUT PLANT MATERIAL

PLANT QUANTITIES TO BE CONFIRMED BY FIELDWORK ASSOCIATES PTY LTD AT TIME OF CONSTRUCTION

ALL GARDEN BED AREAS TO BE CLEARED OF RUBBLE AND DEBRIS PRIOR TO PLANTING

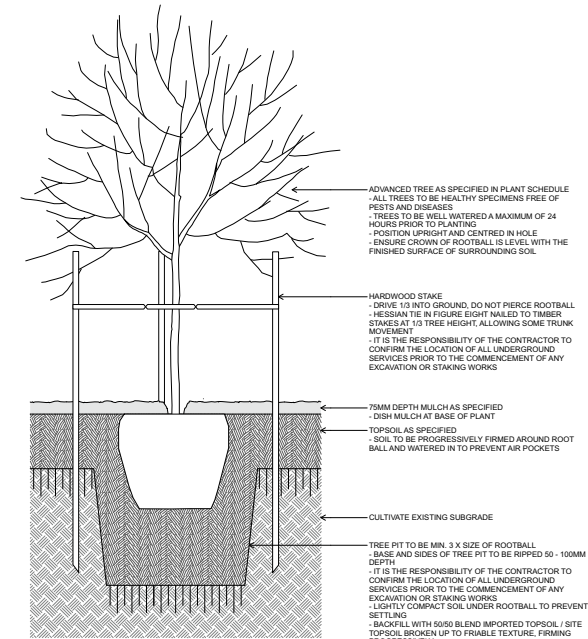
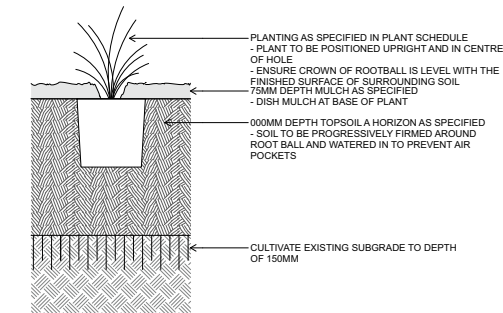
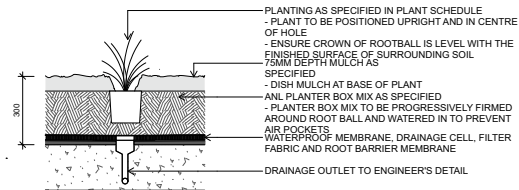
PLANTING MEDIA TO BE CONFIRMED WITH LANDSCAPE CONTRACTOR AND
FIELDWORK ASSOCIATES PTY LTD

ALL WEED SPECIES ON SITE ARE TO BE ERADICATED

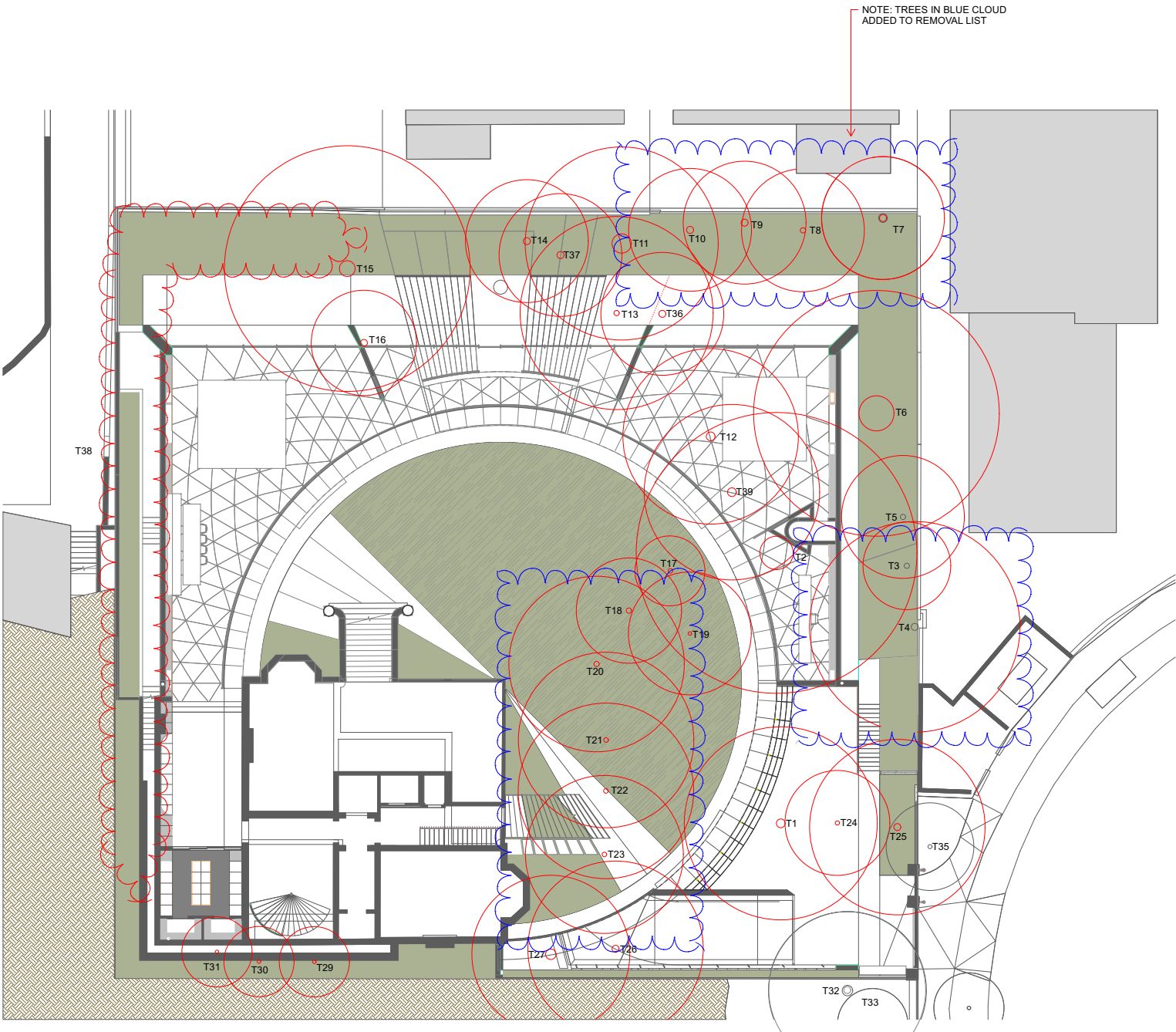
ALL SITE SOIL IS TO BE MAINTAINED AND IMPROVED WITH COMPOST SPECIFIED BY
FIELDWORK ASSOCIATES PTY LTD

ALL PLANT SPECIES SHOULD BE IN ACCORDANCE WITH THE PLANTING SCHEDULE
UNLESS CONSENT IS GIVEN FROM FIELDWORK ASSOCIATES PTY LTD

ALL GARDEN BEDS ARE TO BE MULCHED. MULCH TYPE TBC WITH FIELDWORK ASSOCIATES PTY LTD



<div>FIELDWORK.</div> <div>Christopher Owen</div> <div>0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080</div>	3 CRANBROOK RD BELLEVUE HILL	DATE 09.05.2024	ISSUE D	REASON FOR ISSUE DA SUBMISSION	DESIGNED C. OWEN	
	LANDSCAPE DA DOCUMENTATION PLANT SCHEDULE AND PROJECT NOTES					DRAWING NO. SCALE LDA-01 N/A
	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. ALL DIMENSIONS AND LEVELS ARE TO BE VERIFIED ON SITE. ALL BOUNDARIES ARE TO BE CONFIRMED BY SURVEY BEFORE ALL CONSTRUCTION. THE CLIENT AND ANY SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.					



NOTE: ADDITIONS TO TREE REMOVAL LIST NOTED IN RED

- TREES FOR PROPOSED REMOVAL:**
- T1 - CASTANOSPERMUM AUSTRALE (BLACK BEAN TREE)
 - T3-4 - OLEA SP. (OLIVE)
 - T2 - CINNAMOMUM CAMPHORA (CAMPHOR LAUREL)
 - T5 - BRACHYCHITON ACERIFOLIUS (FLAME TREE)
 - T6 - CINNAMOMUM CAMPHORA (CAMPHOR LAUREL)
 - T7-10 - CASTANOSPERMUM AUSTRALE (BLACKBEAN TREE)
 - T11 - EUCALYPTUS SALIGNA (SYDNEY BLUE GUM)
 - T12 - FICUS CORONATA (PAERBARK FIG)
 - T13 - WATERHOUSEA FLORIBUNDA (WEEPING LILY PILLY)
 - T14 - CASTANOSPERMUM AUSTRALE (BLACKBEAN)
 - T15 - CINNAMOMUM CAMPHORA (CAMPHOR LAUREL)
 - T16 - MAGNOLIA X SOULANGEANA (SAUCER MAGNOLIA)
 - T17 - MAGNOLIA GRANDIFLORA 'LITTLE GEM' (DWARF MAGNOLIA)
 - T20-23 - PYRUS USSURIENSIS (MANCHURIAN PEAR)
 - T24 - HOWEA FORSTERIANA (KENTIA PALM)
 - T25 - OLEA SP. (OLIVE)
 - T26 - FRAXINUS ANGUSTIFOLIA 'RAYWOOD'
 - T27 - ACER NEGUNDO (BOX ELDER MAPLE)
 - T29-31 - HOWEA FORSTERIANA (KENTIA PALM)
 - T36 - ARCHONTOPHEONIX ALEXANDRAE (BANGALOW PALM)
 - T37 - CITHAREXYLUM SPINOSUM (FIDDLEWOOD)
 - T38 - SYZYGIUM SP. (LILY PILLY)
 - T39 - CAMELLIA SP. (CAMELLIA)

- TREES FOR PROPOSED TRANSPLANT:**
- T18 - CAMELLIA SASANQUA (CAMELLIA)
 - T19 - CAMELLIA SASANQUA (CAMELLIA)

- TREES TO RETAIN:**
- T32 - CALLISTEMON SP. (BOTTLEBRUSH)
 - T33 - BANKSIA SERRATA (OLD MAN BANKSIA)
 - T35 - HOWEA FORSTERIANA (KENTIA PALM)

1 LANDSCAPE PLAN - EXISTING TREES PROPOSED TREATMENTS 1:200

FIELDWORK.	Christopher Owen 0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080	3 CRANBROOK RD BELLEVUE HILL.	DATE 09.05.2024	ISSUE D	REASON FOR ISSUE DA SUBMISSION		DESIGNED C. OWEN
		LANDSCAPE DA DOCUMENTATION EXISTING TREE PLAN					DRAWN C. OWEN
		DRAWING NO. LDA-02	SCALE 1:200				



1

LANDSCAPE PLAN - L00 - PROPOSED NEW TREES
1:200

NOTE: TREES MARKED RED ARE NEW TO PROPOSAL

FIELDWORK.

Christopher Owen
0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080

3 CRANBROOK RD
BELLEVUE HILL.
LANDSCAPE DA DOCUMENTATION
PROPOSED NEW TREES
DRAWING NO. LDA-03 SCALE 1:200
DO NOT SCALE DRAWINGS. USE DIMENSIONS INDICATED ONLY. ALL DIMENSIONS AND LEVELS ARE TO BE VERIFIED ON SITE. ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY. REPORT ALL DISCREPANCIES TO FIELDWORK ASSOCIATED PTY LTD IMMEDIATELY PRIOR TO PROCEEDING WITH CONSTRUCTION. ALL WORK TO COMPLY WITH STATUTORY REQUIREMENTS. FIELDWORK ASSOCIATED PTY LTD IS NOT RESPONSIBLE FOR QUALITY OR SURVIVAL OF ANY PLANT MATERIALS SUPPLIED UNLESS OTHERWISE SPECIFIED.

DATE
09.05.2024

ISSUE
D

REASON FOR ISSUE
DA SUBMISSION



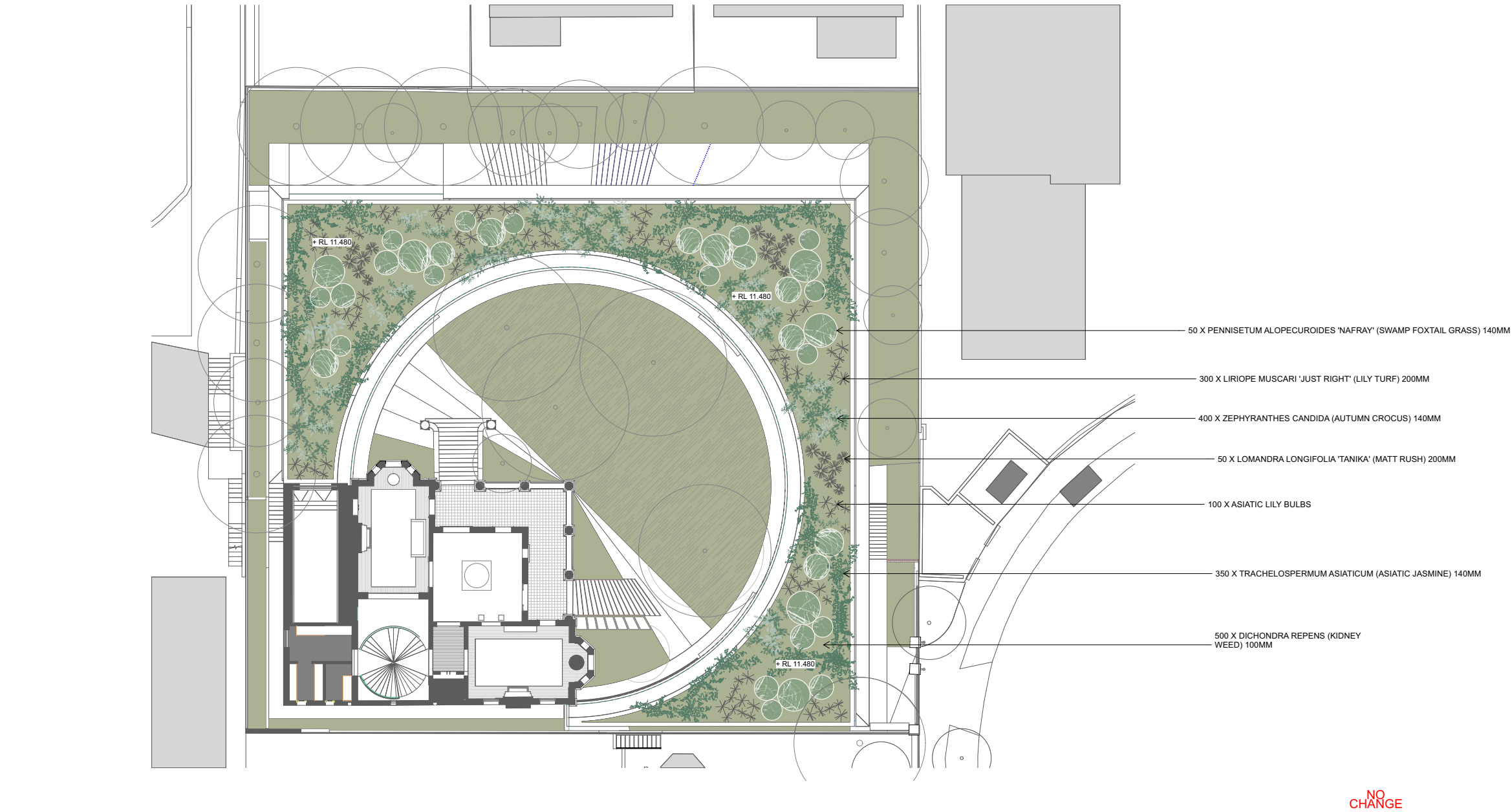
DESIGNED
C. OWEN

DRAWN
C. OWEN



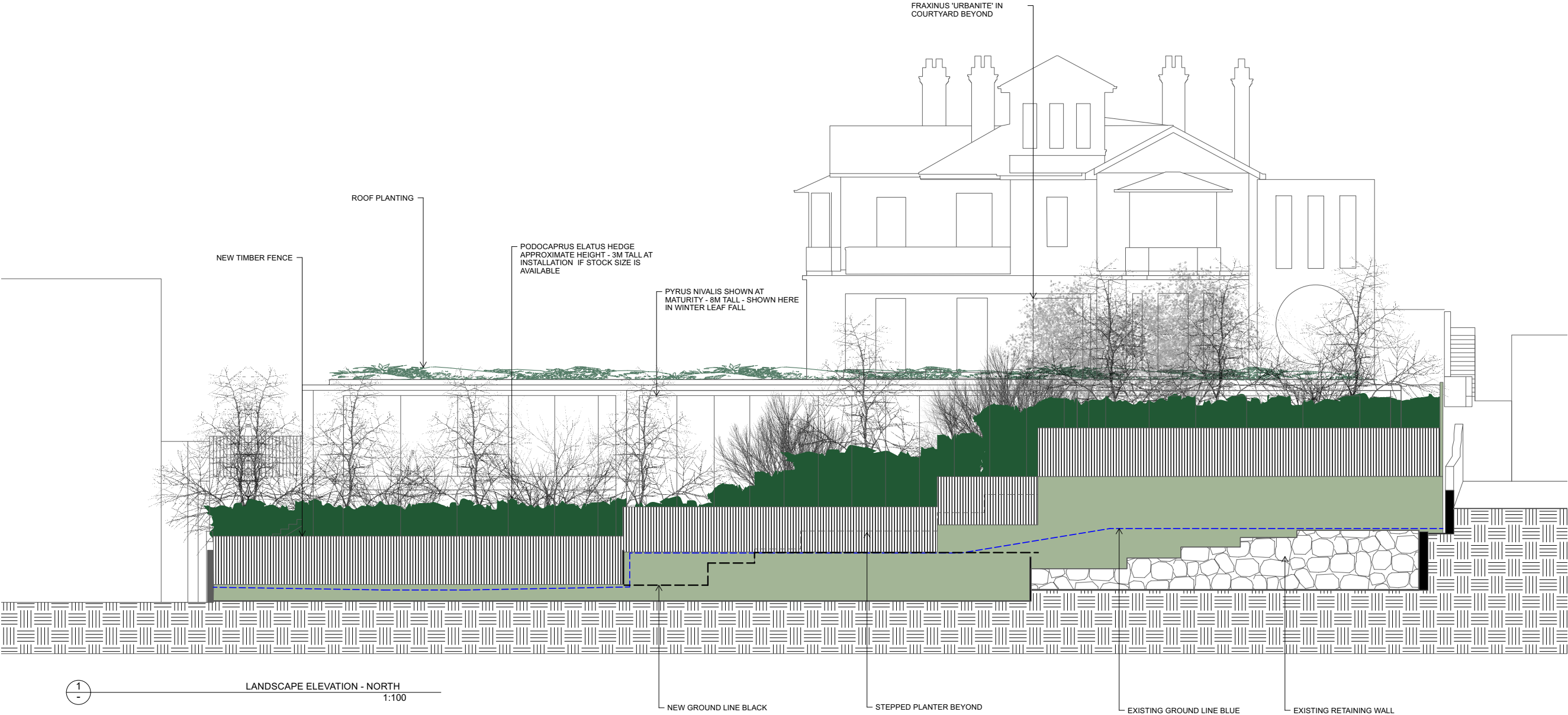
<div>FIELDWORK.</div> <div>Christopher Owen</div> <div>0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080</div>	3 CRANBROOK RD BELLEVUE HILL	DATE 09.05.2024	ISSUE D	REASON FOR ISSUE DA SUBMISSION	<div></div>	DESIGNED C. OWEN
	LANDSCAPE DA DOCUMENTATION TREE CANOPY AREA CALCULATION	DRAWING NO. LDA-04				SCALE 1:200



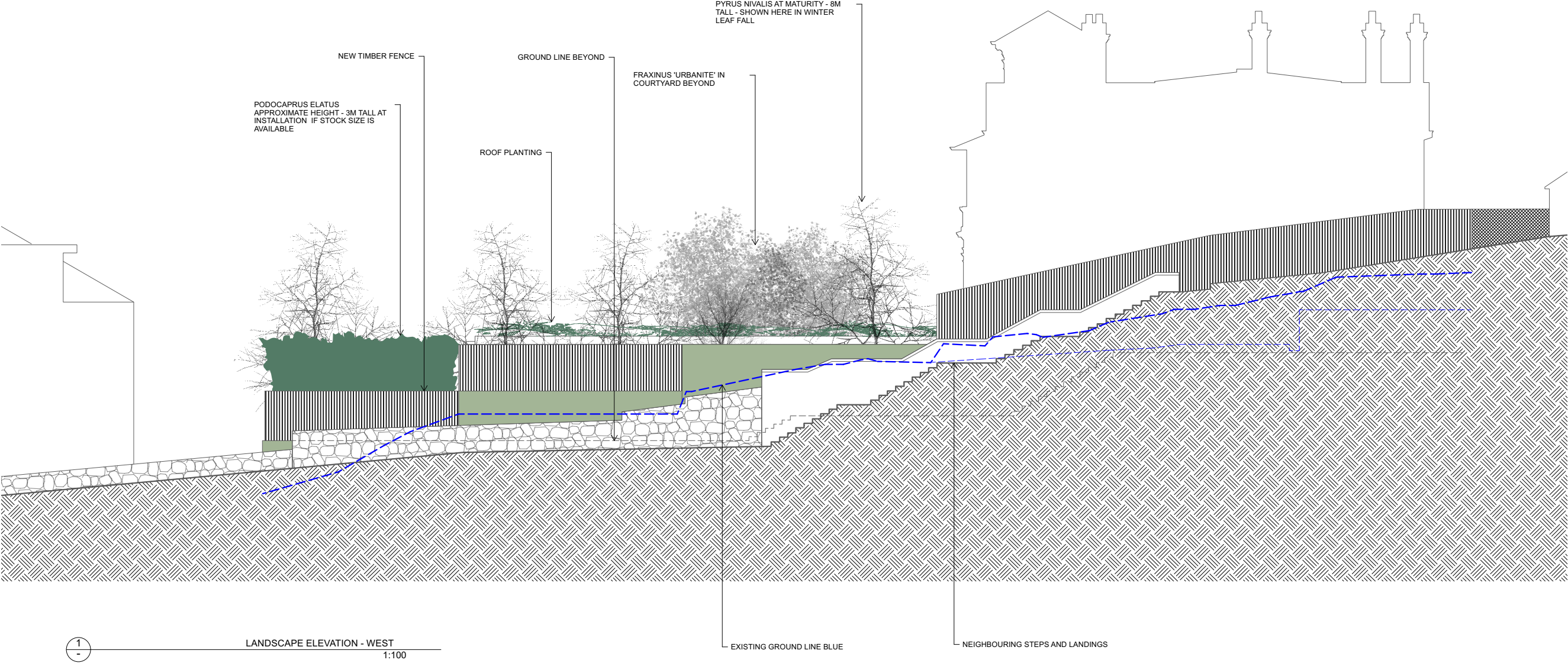


1
LANDSCAPE PLAN - L01 - ROOF PLANTING
1:200

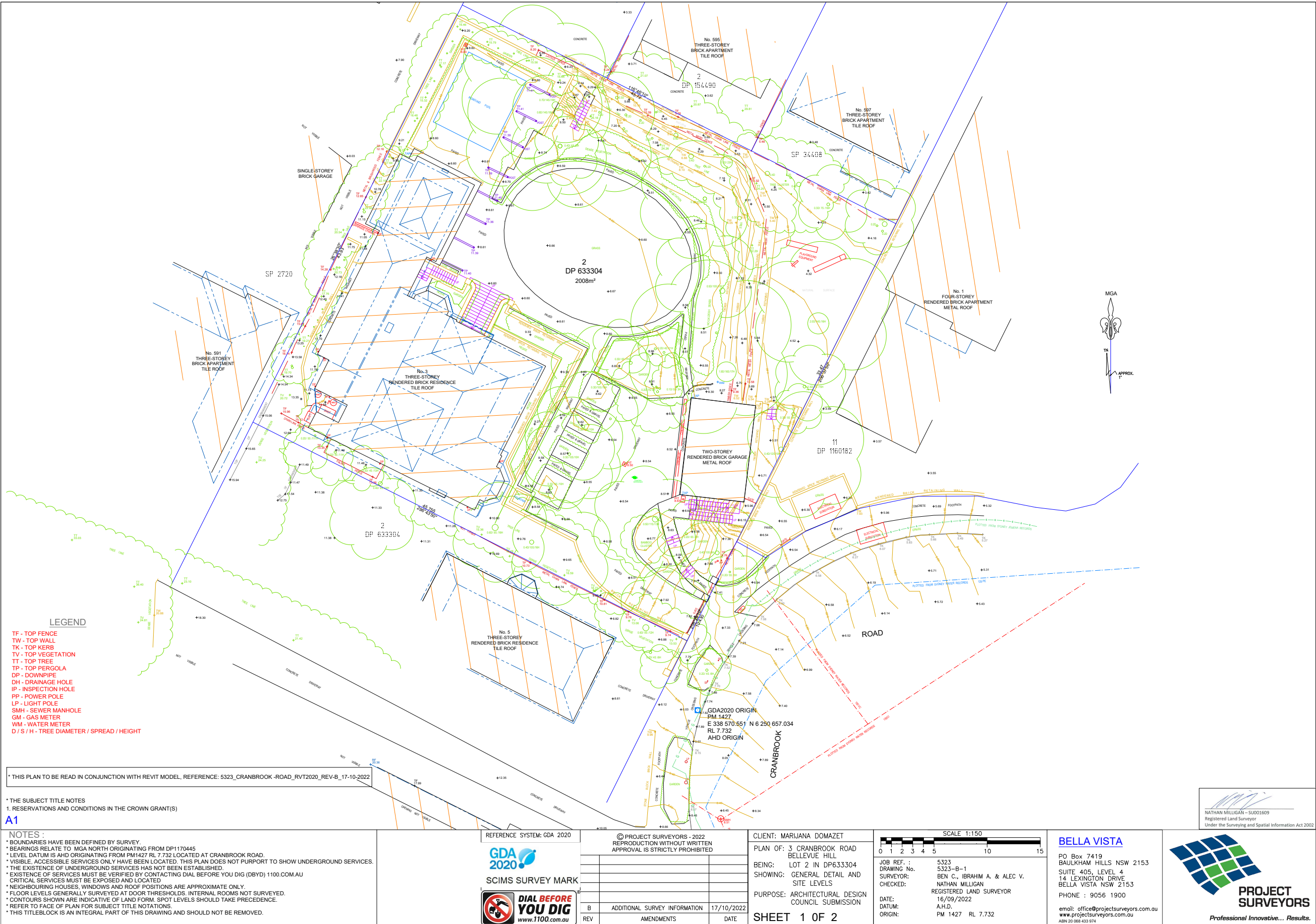
FIELDWORK.	Christopher Owen 0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080	3 CRANBROOK RD BELLEVUE HILL.	DATE 09.05.2024	ISSUE D	REASON FOR ISSUE DA SUBMISSION		DESIGNED C. OWEN
		LANDSCAPE DA DOCUMENTATION L01 - ROOF PLANTING					DRAWN C. OWEN
		DRAWING NO. LDA-06					
		SCALE 1:200					



FIELDWORK.	Christopher Owen 0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080	3 CRANBROOK RD BELLEVUE HILL	DATE 09.05.2024	ISSUE D	REASON FOR ISSUE DA SUBMISSION		DESIGNED C. OWEN
		LANDSCAPE DA DOCUMENTATION ELEVATION NORTH					DRAWN C. OWEN
		DRAWING NO. LDA-07					
		SCALE 1:100					



FIELDWORK.	Christopher Owen 0404 000 032 chris@fieldwork.net.au @_fieldwork_ www.fieldwork.net.au ACN 628 735 080	3 CRANBROOK RD BELLEVUE HILL	DATE 09.05.2024	ISSUE D	REASON FOR ISSUE DA SUBMISSION		DESIGNED C. OWEN
		LANDSCAPE DA DOCUMENTATION ELEVATION WEST					DRAWN C. OWEN
		DRAWING NO. LDA-07					
		SCALE 1:100					





Woollahra
Municipal
Council

26 March 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Development Applications: 26/2024/1

ADDRESS: 3 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to the existing heritage listed dwelling house including demolition works, excavation for new basement/lower level, construction of podium level and west wing addition, landscaping, site works, new swimming pool and tree removal and replacement.

FROM: Mr W Huynh

TO: Mr D Booth

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced M230117, prepared by Planning Ingenuity, dated 18/12/2023.
- Architectural Plans, referenced 2228-Rev A, prepared by Smart Design Studio, dated 01/02/2024.
- Survey Plan, referenced 5323-B-1, prepared by Project Surveyors, dated 17/10/2022.
- Stormwater Management Plan, referenced 23094-Rev 5, prepared by Sparks and Partners, dated 25/10/2023.
- Engineers Response to Request for Information, unreferenced, prepared by Sparks and Partners, dated 06/02/2024.
- Geotechnical Report, referenced 2023-119, prepared by Crozier Geotechnical Consultants, dated 23/10/2023.
- Traffic Assessment Report, unreferenced, prepared by EB Traffic Solutions, dated 04/12/2023.

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 is located within Council's On-site Stormwater Detention (OSD) exemption area, in which case the installation of OSD system is not required as per Chapter E2.2.4 of the Council's DCP. Despite this, the applicant has voluntarily provided an OSD system as part of this application.



Woollahra
Municipal
Council

As the invert level of the proposed OSD system is lower than the top of kerb level at the receiving kerb inlet pit, and the OSD system cannot be redesigned without significant works. Conditions will be imposed to ensure the OSD emergency overflow is safely directed to the street in the event of backwater effects and that backwater prevention devices are installed.

Due to site constraints, the provision of a rain garden has been fully substituted with a stormwater treatment system. The submitted MUSIC modelling demonstrates that the proposed stormwater runoff water quality measures meet Council's environmental targets.

It is noted from the submitted stormwater management plan that stormwater runoff will be discharged to the Council's underground street drainage system. Council's Infrastructure Assets Team Leader has no objections regarding the discharge of subsoil drainage/seepage water to Council's underground stormwater system.

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

Council's Drainage Engineer has determined that the development proposal is generally satisfactory, subject to condition D.54 in section 4 of this referral response.

c. Impacts on Council Infrastructure comments

The applicant has not proposed a new vehicular crossing, however the existing vehicular crossing is in poor condition and is non-compliant. Therefore, as part of this application, the applicant is required to upgrade and reconstruct the vehicular crossing including the concrete layback and gutter.

A new kerb inlet pit constructed on Council's existing underground street drainage system is proposed.

These infrastructure works will be subject to detailed assessment under S138 application which will be conditioned accordingly.

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 Crozier Geotechnical Consultants, Ref: 2023-119, dated 23 October 2023, has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 6.5 metres from the existing ground surface for the proposed basement level.



Woollahra
Municipal
Council

The report identified that the subsurface conditions as:

- a) Fill comprising silty sand to a depth of 1.2m, 0.5m, 0.4m and 0.7m in BH1, BH2, BH3 and BH4 respectively.
- b) Depth of natural sand with various density from a depth beneath the fill to a termination depth of 2.9m and 5.0m in BH1 and BH4 respectively.
- c) Sandstone bedrock was not encountered during the investigation.
- d) Groundwater was not encountered during the investigation.

The report made comments and recommendations on the following:

- Shoring and support,
- Implementation Plan including Monitoring Program,
- Contingency Plan,
- Vibration Monitoring,
- Excavation method,
- Further Geotechnical input.

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
2023-119	Geotechnical Report	Crozier Geotechnical Consultants	23/10/2023
23094	Stormwater Management Plans	Sparks and Partners	
DA1.01-Rev 5			25/10/2023
DA3.01-Rev 5			25/10/2023
DA4.01-Rev 5			25/10/2023
DA4.02-Rev 5			25/10/2023
DA4.03-Rev 5			25/10/2023
DA4.06-Rev 5			25/10/2023
DA4.07-Rev 5			25/10/2023

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)	\$666,700	No	T115
---	-----------	----	------



Woollahra
Municipal
Council

<p>B. 16.</p>	<p>Dilapidation Reports for Existing Buildings</p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ul style="list-style-type: none"> a) No. 1 Cranbrook Road b) No. 5 Cranbrook Road c) No. 591 New South Head Road d) No. 593 New South Head Road e) No. 595 New South Head Road f) No. 597 New South Head Road <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>
<p>B. 17.</p>	<p>Dilapidation Reports for Public Infrastructure</p> <p>Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council’s infrastructure within and near the development site must be prepared.</p>



Woollahra
Municipal
Council

The dilapidation report must be submitted to Council prior to the commencement of any site work and include:

- a) closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system fronting the site on Cranbrook Road,
- b) photographs showing any existing damage to the road pavement fronting the site,
- c) photographs showing any existing damage to the kerb and gutter fronting the site,
- d) photographs showing any existing damage to the footway including footpath pavement fronting the site,
- e) photographs showing any existing damage to retaining walls within the footway or road,
- f) photographs showing any existing damage to street signs, heritage name plates, and historical items, and
- g) the full name and signature of the Chartered Professional Engineer.

The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped.

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.

Notes:

- If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure.
- Nothing in this condition prevents Council making any claim against security held for this purpose.

Condition Reason: To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.

B.18 Adjoining buildings founded on loose foundation materials

B.21 Work (Construction) Zone – Approval & Implementation

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE



Woollahra
Municipal
Council

D 13.

Road and Public Domain Works

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

a) The removal of the existing dilapidated vehicular crossing including layback and gutter and the construction of a new 3 metres wide vehicular crossing in accordance with Council's Crossing Specification and standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment.

b) The installation of stormwater outlet pipe across the nature strip in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.

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.

c) The construction of a new Kerb Inlet Pit (KIP) with 1.8m precast lintel over the Council's existing underground drainage pipeline in Cranbrook Road for the proposed stormwater connection in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Council's Standard Drawing DR1 and to the satisfaction of Council's Assets Engineers. The new KIP must be located within the frontage of the site and be at least 0.5m from any crossing.

d) 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.

e) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

Description	Amount	Indexed	Council Fee Code
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.	\$ 15,000	No	T113



Woollahra
Municipal
Council

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	\$ 15,674		

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,



Woollahra
Municipal
Council

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.
 - 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



Woollahra
Municipal
Council

	period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D.25 Erosion and Sediment Control Plan – Submissions & Approval
D.35 Structural Adequacy of Existing Supporting Structures

D	36. Professional Engineering Details
	<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. In particular, the geotechnical report must be certified by a Chartered Geotechnical Engineer with NER credentials. 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.37 Engineer Certification

D	40. Geotechnical and Hydrogeological Design, Certification and Monitoring
	<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.



Woollahra
Municipal
Council

	<p>b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).</p> <p>c) Provide 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.</p> <p>d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter.</p> <p>e) Provide a Geotechnical and Hydrogeological Monitoring Program that:</p> <ul style="list-style-type: none"> • 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.41 Ground Anchors
D.45 Parking Facilities

D	51. Stormwater Management Plan
	<p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following:</p> <p>a) General design in accordance with stormwater management plans, referenced 23094-Rev 5, prepared by Sparks and Partners, dated 25/10/2023, 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) Discharge of stormwater from the site, by direct connection, to the Council's underground street drainage system in Cranbrook Road. The discharge must be located within the frontage of the site. Only one stormwater outlet</p>



Woollahra
Municipal
Council

- will be permitted. 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.
- d) A pump out system must be installed which pumps to the On-site Stormwater Detention (OSD) system prior to discharging to the street drainage system by gravity. The pump out system must be designed in accordance with AS3500.3.
 - e) A pump out system with a minimum storage volume of 9.5m³ must be installed to collect any surface runoff which cannot drain to the On-site Stormwater Detention (OSD) system by gravity. The pump out system must be designed in accordance with AS3500.3.
 - f) The provision of stormwater treatment system including but not limited to 5m³ rainwater tank (RWT), 5 x OceanGuard and 5 x 690mm PSorb Stormfilter by Ocean Protect to meet the water quality targets stipulated in Chapter E2.2.3 of Council's DCP. Stormwater runoff from min. 324m² roof area must be directed to the 5m³ RWT for reuse purposes to comply with the MUSIC model.
 - g) Details of backflow prevention measures/devices such as non-return valves must be provided to eliminate the risk of backflows from Council's drainage system into the site during flooding events. Backflow prevention devices must be located wholly within the subject site.
 - h) The OSD system must be designed with a safe emergency surcharge/overflow route to Council's street drainage system in Cranbrook Road.
 - i) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the proposed OSD system by gravity.
 - j) The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
 - k) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
 - l) Detail any remedial works required to upgrade the existing stormwater drainage system.
 - m) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans.
 - n) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath.
 - o) Dimensions of all drainage pits and access grates must comply with AS3500.3.
 - p) Compliance with the objectives and performance requirements of the BCA.
 - q) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.



Woollahra
Municipal
Council

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

Layout Plan

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

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

On-site Stormwater Detention (OSD) System Details:

- a) Any potential conflict between existing and proposed trees and vegetation.
- b) Internal dimensions and volume of the proposed detention storage.
- c) Diameter of the outlet to the proposed detention storage basin.
- d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures.
- e) Details of access and maintenance facilities.
- f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
- g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the OSD System.
- h) Non-removable fixing details for Orifice plates where used.

Rainwater Reuse System Details:

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

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

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

Notes:

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



Woollahra
Municipal
Council

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

D.52 Non-gravity Drainage Systems

D 54.	<p>Flood Protection</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</p> <p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p>
--------------	--

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.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum
- F.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway



Woollahra
Municipal
Council

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> <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>
--------------	--

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works

G.9 Commissioning and Certification of Public Infrastructure Works

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

G 30.	<p>Dilapidation Report for Public Infrastructure Works</p> <p>Before the issue of an occupation certificate for the whole of the building, a follow up dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site upon completion of the work must be submitted to Council.</p> <p>The dilapidation report must include:</p> <p>a) closed circuit television/video inspection (in DVD format) of public stormwater drainage system fronting the site on Cranbrook Road,</p> <p>b) photographs showing any existing damage to the road pavement fronting the site,</p> <p>c) photographs showing any existing damage to the kerb and gutter fronting the site,</p> <p>d) photographs showing any existing damage to the footway including footpath pavement fronting the site,</p> <p>e) photographs showing any existing damage to retaining walls within the footway or road,</p> <p>f) photographs showing any existing damage to street signs, heritage name plates, and historical items, and</p> <p>g) the full name and signature of the professional engineer.</p>
--------------	--



Woollahra
Municipal
Council

	<p>The reports are to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital and date stamped.</p> <p>Before the issue of an occupation certificate for the whole building, written correspondence must be obtained from Council attesting to this condition being appropriately satisfied, and be provided to the Principal Certifier.</p> <p>Notes:</p> <ul style="list-style-type: none"> If the dilapidation report required by this condition is not provided and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose. <p>Condition Reason: To ensure that any damage to public infrastructure is identified and rectified prior to the occupation of the whole building.</p>
--	---

<p>G 32.</p>	<p>Positive Covenant and 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> <ol style="list-style-type: none"> compliance with conditions of development consent relating to stormwater, the structural adequacy of the On-site Stormwater Detention (OSD) system, that all below ground structures are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings, that a pump out system with minimum storage capacity of 9.5m³ has been installed to comply with AS3500.3, that any required stormwater treatment systems have been constructed in accordance with the approved construction stormwater plans and that the system meets the water quality targets stipulated in the Council's DCP, that backflow prevention measures/devices such as non-return valves have been provided to eliminate the risk of backflows from Council's drainage system into the site during flooding events and that backflow prevention devices are located wholly within the subject site, that the OSD system has been provided with a safe emergency surcharge/overflow route to Council's street drainage system on Cranbrook Road, that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, that the works have been constructed in accordance with the approved design, pipe invert levels and surface levels to Australian Height Datum, and contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. <p>A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going</p>
---------------------	--



Woollahra
Municipal
Council

	<p>maintenance of the stormwater treatment system and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p> <p>Notes:</p> <ul style="list-style-type: none"> The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. 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>
--	---

H. OCCUPATION AND ONGOING USE

<p>H 29.</p>	<p>Ongoing Maintenance of the On-site Stormwater Detention, Stormwater Treatment and Pump Out Systems</p> <p>During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must:</p> <ol style="list-style-type: none"> Permit stormwater to be temporarily detained and treated by the Systems, Keep the systems clean and free of silt rubbish and debris, Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner, Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense, Not make any alterations to the systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly, Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant, Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice, Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. <p>The owner:</p> <ol style="list-style-type: none"> Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's
---------------------	--



Woollahra
Municipal
Council

obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default, and
b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

Notes:

- This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.

Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil



Woollahra
Municipal
Council

27 February 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 26/2024/1

ADDRESS: 3 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to the existing heritage listed dwelling house including demolition works, excavation for new basement/lower level, construction of podium level and west wing addition, landscaping, site works, new swimming pool and tree removal and replacement.

FROM: Andrew Simpson

TO: Mr D Booth

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Project Surveyors, dated 17 October 2022
- Architectural Drawings, drawn by Smart Design Studio, dated 1 December 2023
- Arboricultural Impact Assessment Report, written by Naturally Trees, dated 17 August 2023
- Landscape Plans, designed by Fieldwork, dated 24 August 2023

A site inspection was carried out on 20 March 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

Page 1 of 15



Woollahra
Municipal
Council

4. SUMMARY

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

5. COMMENTS

AS - changes have been made to the conditions of consent to reflect recent amendments to the landscape plan, which were considered appropriate.

Inspection of the site and a review of the plans and documentation has revealed 39 trees will be impacted by the proposal.

The following tree numbering is consistent with the Arboricultural Impact Assessment prepared by Naturally Trees dated 17 August 2023.

It should be noted that during a recent site inspection, it was considered that the condition of several trees has substantially declined since the applicants Arborist undertook their initial assessment. Therefore, some of the below ratings differ from those listed in the report. Landscape significance and retention ratings listed in the applicant's report.

Tree Removal – Under 5m Height

The plans indicate trees 24 and 30 are proposed for removal.

The trees have been noted as being less than 5 metres in height and are not a prescribed tree as defined by the WMC DCP Chapter E.3 - Tree Management. The trees can be removed without consent regardless of the proposed development.

Tree Removal – Exempt Species

The amended landscape plans indicate Trees 3, 4 & 25 are proposed for removal.

The trees are identified as African Olives which is a species that is listed as exempt from WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.

Tree Removal – Low Retention Value

The plans indicate trees 6, 13, 16, 20-23, 26, 29, 31, 37, 38 and 39 are proposed for removal as they will be directly impacted by the proposed development.

These trees have all been rated as having Low Landscape Significance and Low Retention Value for various reasons including underperforming in health, structural defects, suppressed by more dominate trees or found to be providing minimal amenity value to the immediate area.

Trees rated as having Low Retention Value are generally considered as not being important for retention, nor require special works or design modification to be implemented for their retention.

These trees are supported for removal conditional of replacement planting being undertaken in accordance with the amended landscape plans.

Tree Removal – Medium Retention Value

The plans indicate trees 1, 2, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 27 and 36 are proposed for removal to facilitate the proposed development.



Woollahra
Municipal
Council

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

The plans indicate the trees are either located within the footprint of the new building or will be the subject of unacceptable encroachments into their Tree Protection Zones from the proposed development. The retention of these trees would require substantial design modifications which in not considered acceptable.

The amended landscape plan is considered to be satisfactory in terms of compensating for the loss of amenity and canopy cover resulting from the removal of these trees.

Tree Transplanting

The plans indicate trees 18, 19, are proposed to be transplanted into the new central lawn area.

Tree Retention

The plans indicate trees, 32, 33, 34 and 35 are proposed for retention. The trees have been identified as various species located adjacent to the site.

Works are proposed within their Tree Protection Zones which includes demolition, excavation and construction of the landscape upgrade works. None of the works have been deemed unacceptable in the applicants Arborist Report. Provided the works are undertaken using tree sensitive construction methods under the direct supervision of a Project Arborist, it is expected that all tree proposed for retention will remain viable.

The required tree protection measures have been detailed in the conditions below.

Canopy Cover – Dwellings etc.

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

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

The submitted Landscape Plans indicate that the proposal will provide 791.13m² or 39.4% canopy cover across the site which is above the DCP requirements.



Woollahra
Municipal
Council

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Castanospermum australe</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations.	12 x 9
2	<i>Cinnamomum camphora</i>		16 x 20
3	<i>Olea europaea</i> subsp. <i>cuspidata</i> *		5 x 4
4	<i>Olea europaea</i> subsp. <i>cuspidata</i> *		6 x 5
5	<i>Brachychiton acerifolius</i>		10 x 4
6	<i>Cinnamomum camphora</i>		15 x 15
7	<i>Castanospermum australe</i>		12 x 4
8	<i>Castanospermum australe</i>		12 x 6
9	<i>Castanospermum australe</i>		12 x 6
10	<i>Castanospermum australe</i>		12 x 6
11	<i>Eucalyptus saligna</i>		20 x 15
12	<i>Ficus coronata</i>		8 x 6
13	<i>Waterhousea floribunda</i>		7 x 4
14	<i>Castanospermum australe</i>		9 x 6
15	<i>Cinnamomum camphora</i>		18 x 18
16	<i>Magnolia soulangeana</i>		5 x 4
17	<i>Magnolia grandiflora</i>		6 x 3
20 - 23	<i>Pyrus calleryana</i>		9 x 5
24	<i>Howea forsteriana</i>		4 x 3
25	<i>Olea europaea</i> subsp. <i>cuspidata</i> *		6 x 5
26	<i>Fraxinus augustifolia</i>		14 x 8
27	<i>Acer negundo</i>		12 x 8
29	<i>Howea forsteriana</i>		9 x 3
30	<i>Howea forsteriana</i>		4 x 3
31	<i>Howea forsteriana</i>		9 x 3
36	<i>Archontophoenix alexandrea</i>		9 x 3
37	<i>Cithraxylum spinosum</i>		9 x 7
38	<i>Syzygium spp</i>		6 x 3
39	<i>Camellia sasanqua</i>		5 x 4

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.



Woollahra
Municipal
Council

c) The following trees must be transplanted and successfully established in the location(s) indicated on the approved landscape plan:

Council Ref No	Species	Location (current)	Dimension (metres)
18	<i>Camellia sasanqua</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/23 for tree numbers and locations	5 x 4
19	<i>Camellia sasanqua</i>		5 x 4

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

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



Woollahra
Municipal
Council

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 1160"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Prior to any site works</td><td> <ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. </td></tr> </tbody> </table> <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. 				

B. 3.	Permissible work within Tree Protection Zones			
	Prior to any site works, the following works are permissible within the Tree Protection Zone:			
	Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
	32	<i>Callistemon viminalis</i>	3.6m	Reconstruction of the boundary wall using tree sensitive construction methods



Woollahra
Municipal
Council

33	<i>Banksia serrata</i>	2m	Reconstruction of the boundary wall using tree sensitive construction methods.
The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.			
Condition Reason To establish the works which are permissible within the Tree Protection Zones.			
Standard Condition B.30 (Autotext 30B)			

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	1.	Tree Protection Plan and Specification
<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>		



Woollahra
Municipal
Council

	This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.
	Standard Condition D.30 (Autotext 30D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	1.	Tree Preservation
		<p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ul style="list-style-type: none"> a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p>
		<p>Condition Reason: To protect trees during the carrying out of sitework.</p> <p>Standard Condition F.8 (Autotext 8F)</p>
F	2.	Arborists Documentation and Compliance Checklist
		<p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <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, and



Woollahra
Municipal
Council

c) recommendations for future works which may impact the trees.

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

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

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

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

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

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

Standard Condition F.45 (Autotext 45F)

F 3.	<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>
-------------	--



Woollahra
Municipal
Council

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

Standard Condition F.46 (Autotext 46F)

F 4. Hand excavation within tree root zones

While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
32	<i>Callistemon viminalis</i>	Refer to the Arboricultural Impact Assessment prepared by Naturally Trees dated 17/8/2023 for tree numbers and locations.	3.6m
33	<i>Banksia serrata</i>		2m

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

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

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.50 (Autotext 50F)

F 5. Footings in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
32	<i>Callistemon viminalis</i>	Adj southern boundary – within 5 Cranbrook Rd	3.6m
33	<i>Banksia serrata</i>		2m



Woollahra
Municipal
Council

	<p>Excavations for the installation of piers must be located so that no tree root with a diameter equal to or in excess of 50mm is severed or damaged. The smallest possible area must be excavated which allows construction of the pier. In consultation with the project engineer the piers must be offset a minimum 100mm from any root equal to or in excess of 50mm to accommodate future growth. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure the proposed footings would not adversely impact upon the health of existing trees.</p> <p>Standard Condition F.51 (Autotext 51F)</p>
--	---

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

<p>G 1.</p>	<p>Amenity Landscaping</p>
	<p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p>
	<p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p> <p>Standard Condition G.6 (Autotext 6G)</p>
<p>G 2.</p>	<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> <p>Standard Condition G.26 (Autotext 26G)</p>
<p>G 3.</p>	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p>
	<p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p>



Woollahra
Municipal
Council

- 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	
		Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:	
		a) A record of the condition of trees to be retained prior to and throughout development.	
		b) Recommended actions to improve site conditions and rectification of non-compliance.	
		c) Recommendations for future works which may impact the trees.	
		All compliance certification documents must be kept on site.	
		As a minimum the following intervals of site inspections must be made:	
		Stage of arboricultural inspection and supervision	Compliance documentation and photos must include



Woollahra
Municipal
Council

	<table border="1"> <tr> <td data-bbox="414 407 702 616"> <p>Before the issue of any occupation certificate for the whole of the building</p> </td><td data-bbox="702 407 1259 616"> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.35 (Autotext 34G)</p>	<p>Before the issue of any occupation certificate for the whole of the building</p>	<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>Before the issue of any occupation certificate for the whole of the building</p>	<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. 		

H. OCCUPATION AND ONGOING USE

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

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.



Woollahra
Municipal
Council

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Andrew Simpson
Tree Management Team Leader

7 August 2024
Completion Date



Woollahra
Municipal
Council

31 July 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 26/2024/1

ADDRESS: 3 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to the existing heritage listed dwelling house including demolition works, excavation for new basement/lower level, construction of podium level and west wing addition, landscaping, site works, new swimming pool and tree removal and replacement.

FROM: Eleanor Banaag

TO: Mr D Booth

1. DOCUMENTATION

This is an additional, second referral response to application DA26/2024/1. A previous and current referral response was prepared by Council's Heritage Officer, completed 26 March 2024. That Heritage Referral referred to the following documentation provided by the applicant:

- Architecture drawing set by Smart Design Studio, dated 01/12/2023, Issue A
- Landscape drawing set by Fieldwork, dated 24/08/2023, Issue B
- Architectural Design Report by Smart Design Studio, dated 15/12/2023, Issue A
- Heritage Impact Statement by Zoltan Kovacs Architect, dated August 2023
- Aboriginal Heritage Impact Assessment by Coast History & Heritage, dated 29/08/2023
- Statement of Environmental Effects by Planning Ingenuity, dated 18/12/2023
- Excavation and Retaining Feasibility Report by PMI Engineers, dated August 2023
- Geotechnical Investigation Report by Crozier Geotechnical Consultants, dated October 2023
- Arboricultural Impact Appraisal and Method Statement by Naturally Trees, dated 17/08/2023
- Survey plan by Project Surveyors, dated 16/09/2022

Further to that referral, additional information was provided by the applicant in relation to DA26/2024/1. That documentation has been examined for this referral response:

- Amended architectural drawings by Smart Design Studio, dated 5 July 2024, Issue B, Drawing Nos. DA103, and DA403
- Heritage Comment on Requested Amendments, Letter prepared by Zoltan Kovacs Architect, dated 3 July 2024.
- Response to Council's Heritage Officer, Letter prepared by Smart Design Studio, dated 5 July 2024

SITE INSPECTION / RESEARCH

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

- The site was inspected as part of the previous (first) referral on 20 March 2024, including interior, grounds and general locality.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.



Woollahra
Municipal
Council

- The previous referral response provided by Council's Heritage Officer, dated 26 March 2024. This second referral accepts the research and assessments made in this first referral as adequate to inform this referral.
- 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

2. STATUTORY AND POLICY DOCUMENTS

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

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

3. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

The subject site is listed as an item of local significance on Woollahra LEP 2014 as "Rothsay"—house and interiors, front garden," item no. 119. It is not located within a conservation area. Note that the use of "Rothsay" is a typographic error quoting directly from the State Heritage Inventory.

The NSW Government State Heritage Inventory includes the following statement of significance:

The residence Rothsay, which is constructed in the Victorian Free Classical style. Situated on land originally fronting New South Head Road at Rose Bay the house now has its frontage to Cranbrook Road. This building, although having undergone extensive modification both inside and out, holds social significance as one of the large mansions built in the district in the late nineteenth and early twentieth century. The building holds some aesthetic significance for the quality of the original classical detailing which is still largely intact, and for the contribution it makes to the streetscape of the immediate area.

The Heritage Inventory includes the following description of the site:

The two storey rendered brick residence is constructed in the Victorian Free Classical style and features a tower element on the northern facade. The slate clad roof is supported on bracketed eaves and a colonaded verandah with roof terrace encloses the main rooms to the east and north. Quoins are featured at the corners of the building and the leadlight glazed french doors to the main rooms on the ground and first floor are finished with a simple Greek Revival style architrave and timber shutters. Style: Victorian Free Classical External Materials: Slate roof with some use of corrugated asbestos cement sheet, rendered brick walls with cement detailing, timber windows and doors, galvanised guttering and downpipes Internal Materials: Unseen

The Heritage Inventory includes the following history of modifications:

The building has undergone a number of modifications, most important being the transition to two flats in c1931, and the addition of a number of wings to create a private hospital in c1944. The building was restored to a private dwelling in 1982 when the additions were largely demolished and a games room and roof terrace added to the northern facade. The interior of the residence appears to have been extensively modified during its lifetime with little remaining of the original interiors.

The Heritage Inventory recommends the following management:

A Heritage Report required prior to any proposals for new work. As the building has already undergone extensive modification internally and externally, it is therefore recommended that proposals for new work could be considered. Proposals for new work on the exterior should consider retention of the tower element, the verandahs with classical columns and railing to north and east



Woollahra
Municipal
Council

facades, the bracketing under the eaves, as well as the leadlight french doors, architraves and shutters.

A comprehensive outline of the significance of the subject property was provided in the first referral response, Section 5, provided by Council's Heritage Officer, completed 26 March 2024. The comprehensive analysis included extracts of the existing Statement of Heritage Impact (SOHI) for the dwelling as per the State Heritage Inventory. It also provided an outline of current condition based on information in the Statement of Heritage Impact, as well as the recent site inspection made by Council's Heritage Officer. It further extracted diagrams from the SOHI identifying the significance of areas within the dwelling, based on its historical significance, quality and integrity.

This section of the first referral was thoroughly reviewed to inform this second referral. The outline of significance is accepted as relevant and accurate for the purposes of this referral.

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

National Parks and Wildlife Act 1974

The site is in an area of Potential Aboriginal Heritage Sensitivity. An Aboriginal Heritage Impact Assessment (AHIA) was submitted with the proposal, prepared by Coast Heritage and dated 29 August 2024. The site inspection was attended by the La Perouse LALC.

The AHIA identified that the extant built structures (dwelling, garage, paving and other hard landscaping) cover a substantial amount of the study area. An area of landscaping also consisted of tiered garden beds. The current condition of the site was largely a development landscape that obscured most visibility or evidence of the natural landform. No evidence of sandstone outcrops and possible intact soil profiles were visible during the site inspection. In addition, no artefacts, modified trees or evidence of midden were identified during the site inspection.

Based on the site survey, the AHIA concluded that:

The dune landscape within the study area has been impacted to some degree. This has been through the construction of the residential building, garage, pool, basement, and landscaping works that have been terraced into the former sand dune, using a combination of cutting and filling to produce levelled surfaces. Where the original dune has been cut, it's likely to have disturbed the upper soil profile. Where it has been filled, intact surfaces may be present beneath fill. The proposed works involve sub-surface excavations beyond the current sub-surface footprint which increases the potential for in situ Aboriginal cultural heritage to be impacted, where intact soils may be present. The geotechnical investigation for the property has confirmed the presence of approximately 0.7m-3.9m of natural sands below a layer of 0.7m-1.2m of topsoil/fill.

Archaeological excavations across Cranbrook Oval to the west, and the Royal Sydney Golf Club to the east of the study area have shown that these dunes can contain archaeological remains, including Aboriginal ancestral burials and stone artefacts. However, they have also shown that the frequency of these remains varies significantly through the dune landscape and that some dune areas appear to contain little or no archaeological evidence of past Aboriginal use.

There is as yet, not sufficient information to determine which areas within the former dune landscape are likely to contain more evidence than others. Given these uncertainties, it is considered prudent to implement some precautions in relation to the current development proposal. The documented levels of historical disturbance to upper soil profiles, the small size of the study area and the presence of existing dwellings, suggest that it is not warranted to undertake Aboriginal archaeological test excavations under an Aboriginal Heritage Impact Permit (under s90 of the National Parks & Wildlife Act 1974).

As a precautionary measure, it recommends:



Woollahra
Municipal
Council

1. Any comments received from the La Perouse LALC from the submitted draft report for their review should be incorporated into the final version of the report.
2. All workers involved in excavation works should be subject to and Aboriginal Heritage Induction to be delivered by a representative of the La Perouse LALC and/or an appropriately qualified heritage consultant. This will explain the nature of the study area and the types of features that may be uncovered, the legislative requirements associated with Aboriginal heritage under the National Parks and Wildlife Act 1974, and the procedures for archaeological management that are to be followed in the event that any identified or suspected Aboriginal objects, or Aboriginal human remains are encountered.
3. An unexpected finds protocol should be implemented for the life of the project. The unexpected finds protocol should be adhered to if unforeseen Aboriginal objects or human remains are uncovered during the development: If any Aboriginal objects or bones suspected of being human are identified during construction, site workers must:
 - a. Not further disturb or move these remains.
 - b. Immediately cease all work at the location.
 - c. In the case of suspected human remains only, notify NSW Police. In the case of Aboriginal objects, notify the Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the objects or remains and their location. La Perouse LALC should also be notified to assist in the determination of appropriate management for the objects or remains.
4. Not recommence any work at the location unless authorised in writing by Heritage NSW.
5. A suitably qualified archaeologist and a representative of the La Perouse LALC should be present to monitor initial removal of soil during bulk excavation works to inspect the soil profile to determine to determine the extent to which previously undisturbed sand deposits are present within the proposed maximum depth of excavation. Based on this inspection, a determination will be made as to whether further archaeological monitoring is required, or whether bulk excavation can continue under the recommended 'unexpected finds' protocol.
6. On completion of the works the Woollahra Municipal Council Aboriginal Heritage Sensitivity Map should be updated to either acknowledge a newly identified site, or conclude that part or all of the study area is not sensitive.
7. Once finalised, copies of this report should be forwarded to the La Perouse Local Aboriginal Land Council, and to:

The Registrar
Aboriginal Heritage Information Management System
Heritage NSW
Locked Bag 5020
Parramatta NSW 2220

It is noted that the AHIA was provided to the La Perouse LALC and feedback was given, attached as Appendix 1 to the AHIA. The feedback concurred with the recommendations of the AHIA.

The recommendations have been included below as relevant conditions of consent.

Woollahra LEP 2014

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

Clause 1.2 Aims of Plan, Subclause 1.2. (2) (f) – to conserve built and natural environmental heritage
Generally

Clause 5.10 Heritage Conservation,

(1) Objectives The objectives of this clause are as follows—

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

Page 4 of 15



Woollahra
Municipal
Council

Council Response to WLEP 2014, Clause 5.10

Structural adequacy

- The geotechnical report by Crozier concludes:

The risks assessed for the proposed development works were considered to be within 'Acceptable' risk levels (AGS 2007) when undertaken utilising the recommendations of this report and any future directive. The proposed works can be carried out within the existing site conditions with negligible impact to the site and neighbouring properties or structures provided the recommendations of this report are adhered to. Therefore, the proposed works are considered suitable for the site.

- The feasibility study prepared by PMI Engineers concludes:

A feasibility study has been carried out for the proposed retaining and excavation works at 3 Cranbrook Rd, Bellevue Hill. A braced contiguous pile retaining wall structure will be feasible for the boundary retaining wall conditions on the southern and western boundaries. The basement structures will require permeation grouting and careful hit and miss underpinning procedures to preserve the structural integrity of the existing masonry wall structures. With good construction practice and methodologies the excavations and retaining structures will not have any detrimental effects to neighbouring properties and surrounding land, nor any significant structural implications for the existing structure.

Based on the findings of the above reports, the proposal does not present a risk of structural adequacy to surrounding structures, that will have an adverse impact on identified heritage significance. The proposal aligns with the objectives of Clause 5.10(1)(b).

External alterations and additions

West wing

- The west wing designed by Dawson Brown is graded as having low significance in the HIS. Demolition will have a positive impact on the visual curtilage of the original house, and is supported. The demolition of 1990s pool is supported.

Garage and studio

- The demolition of garage with studio above is supported. This structure does not contribute positively to the character of the site.

Original house

- The demolition of the intrusive first-floor balcony roof canopy will have a positive impact on the character of the original house, and is supported.
- The new stone paving to existing external staircase leading from garden to the ground floor verandah is supported.
- The restoration and refurbishment of existing floor tiles to ground floor level verandah are supported.
- The new metal stair to east verandah is an appropriate contemporary response and addition. The house was originally approached from New South Head Rd and now it is approached from Cranbrook Rd. The new stair supports the historical development of the site where the approach and street access changed as part of a 1930s subdivision of the original Rothesay and at which point Cranbrook Rd had been established. The subdivision of the larger site, resulting in the reorienting the street address is part of a wider historical context for the site and area. The associated removal of balustrade and new entry doors to match existing doors to original entry to north is supported. This eastern entrance will appear secondary and subservient to the original north entry in its grandeur through its form and materiality.



Woollahra
Municipal
Council

- The replacement windows to south façade of the original house to match existing are supported. New vertical strip window to proposed stair hall is supported. The infilling of non-original window to staircase landing, constructed under BA1983/462, is supported. Repainting of all external elements is supported. New downpipes are supported.
- The new slate tiles to roofscape of the original house are supported. Replacement stainless steel roofing is supported. Removal of existing skylights and installation of new skylights is supported. Replacement copper cappings, flashings and downpipes are supported.

New podium

- The design of new podium, including form, height, siting, expression, and materiality, would complement the original house.
- The design is underpinned in classical ideals of architecture modulated into a clever contextual, contemporary response.
- The demolition of built accretions, new landscape and siting of the podium to generally encircle the existing oval would result in an improved visual curtilage and garden setting for the original house. This improved setting is a contemporary manifestation of the long lost original setting that extended to New South Head Rd and a fine response to site constraints.
- The visual prominence of original house sited on an elevated position would be retained. The height of the upper level of the podium, including the roof structure and green roof, is lower than the height of the ground floor level, including ceiling structure, of the original house.
- The lightweight structure, devoid of internal columns would be wrapped in a glazed skin between slender columns to the perimeter. The green roof would be supported by a lattice frame. The structure as a whole is of an aesthetic value and contemporary design excellence which parallels the aesthetic values of the original house.

New west wing

- The new west wing with a flat roof is a more modest addition than the existing west wing. Its façade composition, simplistic form and materiality make it readily distinguishable as a contemporary yet sympathetic addition which appears secondary to the original house.
- The roof, including skylight and PV panels, is supported.

Materials, details, finishes and colours

- The proposed materials in a combination of smooth and rough finishes and subdued colours in grey and white tones would complement the white painted rendered house, and are supported.
- For the original house, the off-white finish for exteriors generally and pure white finish for door and window joinery, are supported.

Detailed information regarding conservation works to original and significant exterior elements is to be provided as part of the Schedule of Conservation Works. A condition of consent to this effect is included below.

Internal alterations and additions

The current interiors, although traditional in appearance, retain limited original features. The earlier interiors, possibly original, are seen in the c.1905 photographs included in the previous referral.

Lower ground floor level

- The proposed alterations and additions to lower ground floor, including demolition and new build, within the original house are supported.

Ground floor level

Entry hall



Woollahra
Municipal
Council

- The internal decorative features to entry hall are largely non-original. This includes the pilaster details to arched openings to stair hall and dining, columns and associated pediment flanking opening to living, patterned ceiling, cornices and rose.
- New opening with traditional door to east wall of entry hall is supported. The replacement of bluestone flooring with timber flooring would be consistent with the character of extant original interiors, and is supported. Enlargement of window opening to a door opening to east wall and new doors to this new opening are supported.
- The infilling of wall opening, made 2700mm high under BA1983/462, between entry hall and corridor (between dining and study) is supported.

Butler's pantry

- The butler's pantry is a secondary space, devoid of defining/decorative features. The portion of pantry protruding west of study appears to be a later addition. The south wall to pantry was constructed anew under BA1983/462.
- The alterations and additions, internal and external, to butler's pantry are supported.

Dining, study and corridor

- The study and dining previously acted as parlour, separated by the wide arched opening.
- The dining has been extensively altered. The existing ceiling is non-original. The fireplace is original and the timber flooring appears to be original.
- The removal of non-original doors and fanlight between dining and corridor to its south, and demolition of non-original north wall to study would reinstate a historic connection, albeit in a modified manner. The new opening would enhance the character of the space by facilitating views into the new, grand stair hall. The proposed metal balustrade to the opening is inspired by existing metal grilles to windows, and is supported.
- The corridor between dining and living is non-original and does not have any defining features worthy of retention. The proposed alterations and additions to the corridor, including demolition of ceiling and walls, are supported.
- As noted above, the north wall to study is non-original, and east wall has been previously altered. The east wall used to feature an opening, off centred to north, infilled under BA1983/462. The north wall used to feature an opening, off centred to east, infilled under BA1983/462. The proposed demolition of these walls is supported.
- The ceiling to study is non-original and its demolition, including associated floor structure, is supported.
- The drawings included in BA1983/462 note that the fireplace in the study was relocated from bedroom 5. Its fabric and detailing have been altered and do not match the original fireplace to bedroom 2. Its removal is supported.

Living

- The living has been extensively altered, and the existing ceiling, including cornices and roses, are non-original. The timber flooring appears to be original.
- The west wall to living used to feature a smaller opening, off centred to north, infilled under BA1983/462. The new opening to this previously altered wall is supported.

Stair hall, existing and proposed

- The original staircase was within the entry hall, as seen in Figure 19 below. The demolition of non-original timber staircase, constructed under BA1983/462, is supported. New lift and lobby in this space are supported.
- The proposed stair hall, including spiral staircase, would complement the grandeur of extant original interiors while providing a viable link with the new west wing. The stair hall and associated works are supported.



Woollahra
Municipal
Council

First-floor level

- The demolition of walk-in-robe and north wall to bedroom 1 is supported.
- The demolition of wall between walk-in-robe and ensuite 1 on first-floor is supported.
- The demolition to ensuites 1 and 2 is supported.
- The demolition of non-original stair, which replaced an earlier ladder access, is supported.
- The new French doors to north wall of ensuite 1 (as replacement to existing window) and east wall of ensuite 2 are supported.
- The bedroom 2 has been altered in past works, and its diminished character does not warrant retention of all internal features. The proposed alterations and additions in this bedroom are generally supported. New walk-in-robe is supported.
- A supplementary letter to this application by Zoltan Kovacs Architects dated 3 July 2024 suggested that relocation of the original fireplace (except breast) from Bedroom 2 into Bedroom 4, where it would be in a sensitive and focal position in the room, would be an acceptable outcome. Council have considered this proposal and agree that the proposal and impact is acceptable in this instance. The room and its arrangement is highly altered. While the fireplace itself is original, retaining the fireplace within Bedroom 2 will confuse the arrangement of the room further. The retained chimney breast would maintain the interpretation of Bedroom 2 originally having a fireplace. The reposition of the fireplace within Bedroom 4, between two windows, will highlight the fireplace as a feature and focal point. This proposal is supported.
- The bedroom 5, extensively altered, does not retain any defining/decorative features, and is graded as having low significance in the HIS. The proposed alterations and additions to this bedroom are supported.

Detailed information regarding conservation works to original and significant interior elements is to be provided as part of the Schedule of Conservation Works. A condition of consent to this effect is included below.

(5) Heritage Assessment – assess the extent of impact on the significance of items in the vicinity

The following heritage item in close proximity of the proposal:

- 'The Chilterns - residential flat building and grounds,' item no. I320 at 593 New South Head Road, adjoins the site to the north.

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

The residential flat building at 593 New South Head Road Rose Bay is of local significance by virtue of its aesthetic form being a rare and early example in Australia of European Modernism (the International Style) reflecting the influence of Swiss / French Architect Le Corbusier's 'Unite' apartment buildings constructed in provincial France after World War 2. The building is historically significant as an early example of the Post War shift from revival styles and load bearing brick construction to the use of reinforced concrete framing with lightweight infill walls for residential flat construction. The building is also significant for the involvement of the noted structural engineer Peter Miller, acknowledged for his later design achievements in the use of reinforced and precast concrete structures particularly in the buildings of expatriate European architect Harry Seidler.

The proposed works at 3 Cranbrook Road would not adversely impact on the aesthetic values of 'The Chilterns.' The works would complement the modernist architectural style of the flat building and set an appropriate precedent for future works to culturally significant sites in the vicinity.

Woollahra DCP 2015



Woollahra
Municipal
Council

The subject site is not within a Heritage Conservation Area.

The subject site is within the Bellevue Hill North precinct of Chapter B1 - Residential Precincts of the DCP.

Section B1.8 Bellevue Hill North Precinct

Clause B1.8.2 Desired future character

Objectives: O1, O2, O3, O4, O5, O6, O7, O8

- The proposal would enhance the streetscape character by facilitating views to the restored heritage item, in conjunction to the additions exhibiting design excellence. (O1)
- The additions exhibiting design excellence would complement the residential buildings in the vicinity. (O2)
- The new podium would appear as a secondary element to the original house, and is of a scale, siting and height that complements the original house and buildings in the vicinity. As discussed above, the extent of cut and fill is supported. (O3) (O4) (O5) (O6)
- The site has limited visibility from the site other than some tall trees along the northern boundary being visible from New South Head Rd. The removal of the trees would have minimal impact on the green backdrop when viewed from the harbour and surrounding districts. The new vegetation to be planted along the northern boundary would make a positive contribution to the green backdrop in due time. (O7) (O8)

5. CONCLUSION

As outlined above, the proposal is supported, subject to conditions, as it is considered to enhance the cultural significance of the heritage item. While the changes proposed are extensive, elements that contribute to the historical significance and integrity of the site will be retained, in some instances restored, and conserved in order to enhance and elevate the significance.

The new elements being introduced are of a design quality that promote excellence and innovation, while also sensitively responding to the historic fabric. They have also been positioned discreetly within the existing landscape such that the heritage item will continue to take the landmark position on the site with minimal obstruction.

National Parks & Wildlife Service Act, 1979

An Aboriginal Heritage Impact Assessment was prepared for the project. It concludes that the study area has been heavily disturbed through terracing and construction/landscaping works. Regardless, the proposed sub-surface excavation has the potential to impact on the Tuggerah soil landscape, which typically has a high potential for the presence of Aboriginal objects. However, due to the varied nature of archaeological finds in dune landscapes, the documented levels of historical disturbance to upper soil profiles, the small size of the study area and the presence of existing dwelling, it was concluded that proceeding with works, subject to precautionary conditions, and without the requirement of further testing or Aboriginal Heritage Impact Permits, would be acceptable.

Appropriate conditions of consent to manage Aboriginal heritage are provided below.

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does conserve and enhance the environmental heritage of Woollahra as it complies with the objectives of this clause.

Part 5.10 Heritage Conservation

- Clause 1(a) The development does conserve and enhance the environmental heritage of Woollahra as it complies with the objectives of this clause.



Woollahra
Municipal
Council

- Clause 1 (b) The development does conserve the heritage significance of the heritage item, including associated fabric, settings and views, as it complies with the objectives of this clause.
- Clause 4 This referral constitutes an assessment under this clause.

6. RECOMMENDATION

The proposal is generally acceptable, subject to conditions, as it complies with the relevant statutory and policy documents and would have a satisfactory impact.

Consent, subject to conditions.

Standard Conditions

B.

1.

Recording of Significant or Contributory Buildings Prior to any Demolition or Alteration

Prior to any site works and prior to the issue of any Construction Certificate, a full archival record of the building and landscape elements to be altered is to be submitted, to the satisfaction of Council's heritage officer.

The archival record must be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment and Heritage, or by a suitably qualified consultant who demonstrates a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series: Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch.

There must be one digital set of the photographic report. The following table summarises the lodgement details for photographic records.

Material	Minimum Requirement	Repository
Digital Materials	1 copy of photographic report including images	Woollahra Council – Report and images (digital)

The photographic archival recording is to be submitted in a digital format and is to include the following:

a)

Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.

b)

Floorplans of the internal layout and directional details of photographs taken.

c)

Coloured photographs of:

•

each elevation,

•

each structure and landscape feature,

•

internal images of each room and significant architectural detailing, and

•

views to the subject property from each street and laneway or public



Woollahra
Municipal
Council

	<p>space.</p> <p>Notes:</p> <ul style="list-style-type: none"> Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf <p>Condition Reason: To ensure existing contributory building and landscape elements are recorded.</p>
--	---

B.8 Archaeological Features – Unexpected Findings

B. 8	<p>Archaeological Features – Unexpected Findings</p> <p>While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified.</p> <p>Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate.</p> <p>Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Notes:</p> <ul style="list-style-type: none"> Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole). <p>Condition Reason: To protect archaeological features.</p>
-------------	--

B.9 Skeletal Remains

B. 9	<p>Skeletal Remains</p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> NSW Police, and The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p>
-------------	---



Woollahra
Municipal
Council

	Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.
	Condition Reason: To ensure the appropriate management of skeletal remains.

B.10 Aboriginal Objects – Unexpected Findings

B. 10	Aboriginal Objects – Unexpected Findings
	<p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <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.
	Condition Reason: To protect Aboriginal objects

B.12 Aboriginal Heritage Due Diligence Responsibilities

B. 12	Aboriginal Heritage Due Diligence Responsibilities
	<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>



Woollahra
Municipal
Council

	<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.13 Aboriginal Heritage Induction

B. 13	Aboriginal Heritage Induction
	<p>Prior to any site works:</p> <ul style="list-style-type: none"> a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974; b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.
	<p>Condition Reason: To protect Aboriginal heritage.</p>

D.35 Structural Adequacy of Existing Supporting Structures

D 35	Structural Adequacy of Existing Supporting Structures
	<p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p>
	<p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>

D.36 Professional Engineering Details

D 36	Professional Engineering Details
	<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>



Woollahra
Municipal
Council

	<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>
--	---

Special Conditions

D	Schedule of Conservation Works
	<p>A Schedule of Conservation Work is required prior to the issue of any Construction Certificate, and is to be prepared to the satisfaction of Council's heritage officer.</p> <p>The Schedule must outline elements of the original Rothesay villa which are to be conserved and restored as part of the retained historic building.</p> <p>Further to this, prior to issue of the Occupation Certificate, a conservation report outlining that the works as detailed in the Schedule of Conservation Works are undertaken to a satisfactory manner must be prepared by an experienced heritage professional and submitted to Council for review.</p> <p>Notes:</p>
	<p>Condition Reason:</p> <p><i>To ensure conservation works forming part of the Development Consent, are undertaken as detailed, and by qualified and/or experienced skilled personnel.</i></p>
F	Archaeological monitoring
	<p>A suitably qualified archaeologist and a representative of La Perouse LALC should be present to monitor initial removal of soil during bulk excavation works to inspect the soil profile to determine the extent to which previously undisturbed sand deposits are present within the proposed maximum depth of excavation. Access for continued monitoring be provided if requested so by the archaeologist and LALC representative upon initial inspection</p> <p>Notes:</p> <ul style="list-style-type: none"> <insert notes as bullet points if applicable>
	<p>Condition Reason:</p> <p><i>To protect Aboriginal heritage.</i></p>
F	Protection of historic fabric
	<p>Significant building fabric and elements, including the louvres, staircase, original circular ceilings, floors, are to be protected during the works from</p>



Woollahra
Municipal
Council

	<p>potential damage. Protection systems must ensure significant fabric is not damaged or removed. All tradesmen and workers on site shall be made aware of the significant fabric on site.</p> <p>Notes:</p> <ul style="list-style-type: none"> • <insert notes as bullet points if applicable> <p>Condition Reason:</p> <p><i>To ensure that significant fabric is not damaged during the works.</i></p>
F	<p>Specialist tradespersons</p> <p>All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods. CV's and previous work examples for specialist trades should be provided to Council's information.</p> <p>Notes:</p> <ul style="list-style-type: none"> • <insert notes as bullet points if applicable> <p>Condition Reason:</p> <p><i>To ensure that significant fabric is not damaged during the works. To ensure that tradespersons working on historically sensitive material is appropriately skilled and experienced.</i></p>
F	<p>Salvage of historic fabric</p> <p>Elements to be demolished such as bricks, stone, timber flooring, skirting, tiles, doors, windows must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.</p> <p>Notes:</p> <ul style="list-style-type: none"> • <insert notes as bullet points if applicable> <p>Condition Reason:</p> <p><i>To facilitate to reuse of materials of historic value.</i></p>

Eleanor Banaag
Heritage Officer

2 August 2024
Completion Date

ⁱ Dawson Brown Architecture, Statement of Environmental Effects, December 1999, BA1994/1031



Woollahra
Municipal
Council

13 February 2024

REFERRAL RESPONSE – ENVIRONMENTAL HEALTH

FILE NO: Development Applications: 26/2024/1

ADDRESS: 3 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to the existing heritage listed dwelling house including demolition works, excavation for new basement/lower level, construction of podium level and west wing addition, landscaping, site works, new swimming pool and tree removal and replacement.

FROM: Louie Salvatore

TO: Mr D Booth

1. ISSUES

- *Acid Sulfate Soils – WLEP 2014. Class 5 Land.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects: prepared by Planning Ingenuity. Document Reference. M230117. 18 December 2023.
- Architectural Plans: prepared by Smart Design Studio. Project No. 2228, Revision A. 01 December 2023.
- Geotechnical Investigation (Acid Sulfate Soils): prepared by Crozier Geotechnical Consultants. Document Reference No. 2023-119, Issue 0, dated October 2023.
- Email dated 08 February 2024: James Dee, Geotechnical Engineer of Crozier Geotechnical Consultants – SDS 2228 3 Cranbrook Rd Bellevue Hill – Council RFI.

3. RESEARCH

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

- A site inspection was carried out on the following date: *#Insert/delete as appropriate*

4. SUMMARY OF PROPOSAL

The proposed is seeking consent for alterations and additions to an existing dwelling house including demolition works, excavation for new basement/lower level, construction of podium level and west wing addition, landscaping and siteworks. The site is to be excavated to facilitate basement car parking, swimming pool, a large ground floor level and building services. Excavation of 2,306 cubic metres of earth is proposed with a maximum depth of 6.5m.

The proposed works are summarised as follows:

Basement/ Lower Level



Woollahra
Municipal
Council

- Ramp off Cranbrook Road; Two car parking spaces; Plant and services including OSD tank, pumps, rainwater tank and filter chamber; Storage, shower and WC; Bin storage and garden storage; Lift and stairs to main dwelling; Guest room with ensuite; Swimming pool, sauna and change room; Stairwells to upper level; and New external stairs and works.

Ground level (podium addition, west wing addition and main dwelling)

- Retention of central garden/lawn; Portico and ramp to basement level; TV room, living room, dining room; Study and WC; Kitchen and back-of-house kitchen; Back-of-house entry, cloak room and powder room; Lift and stairwells to upper and lower levels; New spiral staircase; and New external stairs and works.

First floor level (west wing addition and main dwelling)

- Main entry area and room; Formal dining room; Formal living room; Laundry, dryer and admin room; New spiral staircase and lift; Void area above ground level kitchen.

Second floor level (west wing addition and main dwelling)

- Four bedroom each with ensuites; New spiral staircase and lift; Balcony and walk-in-robe to bed 1; and Retain access and stairwell to third level viewing tower.

5. ASSESSMENT

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

e) Acid Sulphate Soils

Environmental Health Referral Response of 06 February 2024

Review of Geotechnical Investigation (Acid Sulfate Soils): prepared by Crozier Geotechnical Consultants. Document Reference No. 2023-119, Issue 0, dated October 2023. It was recommended:

1. Acid Sulfate Soils

Clause 6.1 of the Woollahra Local Environmental Plan 2014 is a jurisdictional requirement, and must be satisfied in order for the grant of development consent to be lawful. Council must not grant consent unless it has considered:

- A preliminary soil assessment to ascertain the presence or absence of acid sulfate soils within the area of proposed works unless the applicant agrees that acid sulfate soils are present within the area of proposed works; and*
- Where the preliminary soil assessment ascertains (or the applicant agrees) that acid sulfate soils are present, the adequacy of an acid sulfate soils management plan prepared in accordance with the guidelines, published by the NSW Environment Protection Authority; and*
- The likelihood of the proposed development resulting in the oxidation of acid sulfate soils and discharge of acid water from the area of the proposed works.*

Note 1:

The purpose of the preliminary assessment is:



Woollahra
Municipal
Council

- To establish the characteristics of the proposed works.
- To establish whether acid sulfate soils are present on the site and if they are in such concentrations so as to warrant the preparation of an acid sulfate soils management plan (and trigger the need for development approval if an ASS LEP applies).
- To provide information to assist in designing a soil and water assessment program.
- To provide information to assist in decision making.

Note 2:

It is possible for an acid sulfate soils management plan to be prepared in accordance with the Manual (and in particular with clause 6.2 WLEP) in the absence of a detailed site specific soil study, if Council is satisfied that the conditions assumed are sufficient to evaluate the acid-producing potential of the soil on site.

The guidelines (Acid Sulfate Soil Manual produced by the Acid Sulfate Soil Management Advisory Committee) require soil and water assessment including chemical analysis to develop a detailed management plan. The guidelines note that the level of assessment undertaken or the complexity of an acid sulfate soils management plan, should match the level of risks to the environment from the proposed activity.

In response, the Applicant has provided the following:

Email dated 08 February 2024: James Dee, Geotechnical Engineer of Crozier Geotechnical Consultants – SDS 2228 3 Cranbrook Rd Bellevue Hill – Council RFI.

Environmental Health – Comments

Environmental Health acknowledges that the Applicant has adequately addressed the concerns in relation to Acid Sulfate Soils assessment by *email dated 08 February 2024: James Dee, Geotechnical Engineer of Crozier Geotechnical Consultants – SDS 2228 3 Cranbrook Rd Bellevue Hill – Council RFI*. The specifics of ASS, referred to by James Dee, are detailed in paragraphs in 'section 5.1- Geotechnical Assessment' of the report on Geotechnical Investigation (Crozier October 2023). As no general heading indicating comments about acid sulfate soils in section 5.1, Environmental Health acknowledges an oversight, where reference was in fact made to acid sulfate soils.

Although Environmental Health acknowledges the Applicant has appropriately addressed the issue of acid sulfate soils, as per Cl. 6.1 of the WLEP 2014, it would be of assistance that future reports clearly indicate commentary relating to acid sulfate soils, to avoid unnecessary delay in the development approval process.

6. RECOMMENDATION

Council's Environmental Health Officer has determined that the Applicant has satisfactorily addressed Clause 6.1 'Acid Sulfate Soils' of the Woollahra Local Environmental Plan 2014. No preparation of an acid sulfate soils management plan is required for the development site.

A. GENERAL CONDITIONS



Woollahra
Municipal
Council

B. BEFORE DEMOLITION WORK COMMENCES

C. ON COMPLETION OF REMEDIATION WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

E. BEFORE BUILDING WORK COMMENCES

F. DURING BUILDING WORK

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

H. OCCUPATION AND ONGOING USE

Louie Salvatore
Senior Environmental Health Officer

13 February 2024
Completion Date



ANNEXURE B

**Clause 4.6 Variation –
Height of Buildings**



Clause 4.6 Variation Statement – Height of Buildings (Clause 4.3)

1. INTRODUCTION

This Variation Statement has been prepared in accordance with Clause 4.6 of *Woollahra Local Environmental Plan 2014* (WLEP 2014) to accompany Development Application in respect of No. 3 Cranbrook Road which seeks consent for *alterations and additions to an existing dwelling house including demolition works, excavation for new basement/lower level, construction of podium level and west wing addition, landscaping and siteworks*. The subject application seeks consent to undertake works to enhance the existing dwelling which is above the height standard contained in Clause 4.3 of the WLEP.

2. HEIGHT OF BUILDING STANDARD

Clause 4.3 of WLEP 2014 prescribes the maximum building height for the site and refers to the *Height of Buildings Map*. Building height is defined as:

‘...building height (or height of building) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like...’

The relevant map in **Figure 1** indicates that the maximum building height permitted at the subject site is 9.5m.

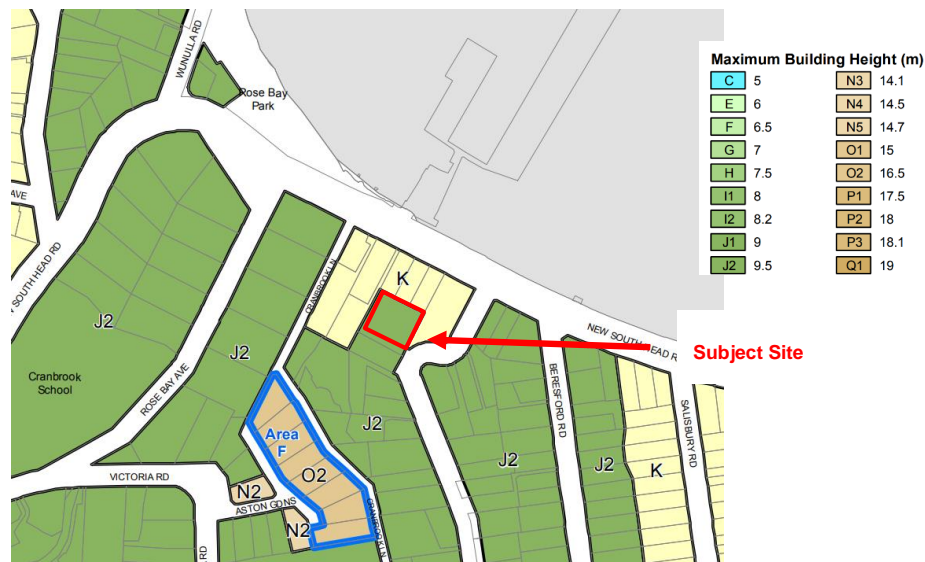


Figure 1 Excerpt of Height of Buildings Map (sheet_024) showing subjected site (outlined in red)



The maximum height control is a “development standard” to which exceptions can be granted pursuant to Clause 4.6 of the LEP.

3. PROPOSED VARIATION TO HEIGHT OF BUILDINGS DEVELOPMENT STANDARD

The existing building has a maximum height of approximately 12m when measured to the tower element. No works are proposed to this tower element above the 9.5m height of buildings development standard.

When measured in accordance with the above definition, the proposed additions reach a maximum height of approximately 9.5m for the western addition roof, which complies with the maximum permissible height of 9.5m. The majority of the new additions around the periphery are well below the 9.5m height limit and embedded into the ground to enhance the primacy of the heritage listed dwelling.

The proposed development involve the replacement and restoration works to the roof of the existing dwelling which attains a maximum height of approximately 10.3m but does not increase the maximum existing height of approximately 12m. Therefore, the proposal is non-compliant with the development standard and seeks a maximum variation of 0.8m or 8.4%. Refer to **Figure 2** below;

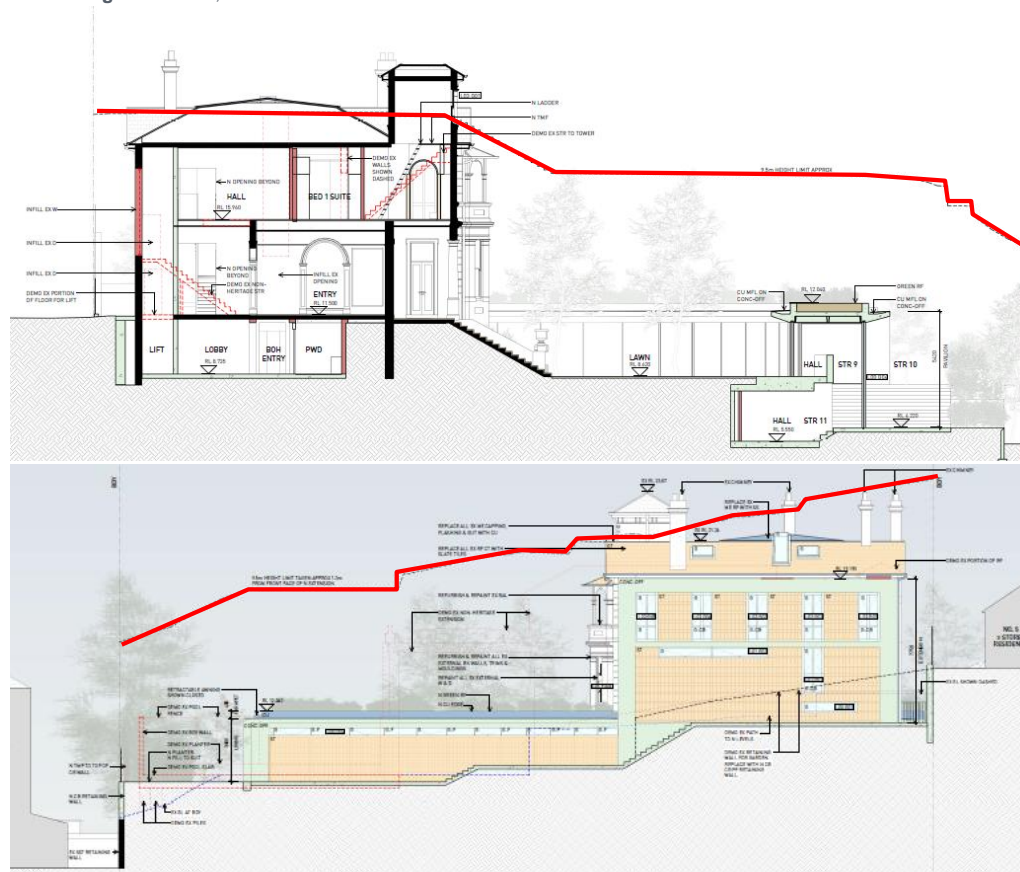


Figure 2 Section through existing dwelling and tower (top) and western elevation (below) demonstrating works above the 9.5m height line in red.

4. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of clause 4.6 are as follows:

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

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

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

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances,*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

(a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not include all of these zones.

(7) *(Repealed)*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

(a) *a development standard for complying development,*

(b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

(c) *clause 5.4,*



(caa) clause 5.5.

The development standard in clause 4.3 is not “expressly excluded” from the operation of Clause 4.6.

5. THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

In *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

“An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”

The judgement goes on to state that:

“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

“...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.

The objectives of clause 4.3 height of buildings 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.

In order to address the requirements of subclause 4.6(4)(a)(ii), the relevant objectives of clause 4.3 are addressed in turn below.

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

With regards to the desired future character, the strict terms of clause 4.3 of the WLEP do not define the desired future character (*Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 115* at [53]). The desired future character of the locality establishes the height for buildings on land in the locality and not the other way around (cf *SJD DB2 Pty Ltd* at [56]). This means that the height limit set out under clause 4.3 alone does not establish the desired future character and can be evaluated by reference to matters other than the strict provisions of clause 4.3 (cf *SJD DB2 Pty Ltd* at [59]).

In particular, the existing dwelling and the other buildings in the locality breach the height of buildings development standard of 9.5m and can be considered in the desired future character of the locality. The proposed development, even with the height variation, is considered to be consistent with the height, bulk and scale of the emerging character of the locality, noting that consistent is interchangeable with the word compatible which does not mean 'sameness' (*Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*).

The proposal is for alterations and additions to an existing heritage listed building "Rothesay" which has existed in the locality for more than a century and well before the implementation of the height of buildings development standard. Importantly, the works above the height limit are for conservation and restoration of the heritage listed building and will not result in any increased height, bulk or scale above the 9.5m height of buildings development standard. Furthermore, the provision of the side additions and height variations are compatible with other recently approved developments in the Bellevue Hill North Precinct and is considered characteristic of the locality.

The character of the locality is not dominated by dwellings that are compliant with the height of buildings development standard and therefore consideration of the existing height must form part of the desired future character, especially for heritage items where the existing height and principal building form is not anticipated to change. The proposal does not seek to increase the overall height of the dwelling and is of a style and materiality that matches the existing principal building form. Therefore, the proposed variation for the alterations and additions is consistent with existing and desired future character of the neighborhood.

Accordingly, the proposal is considered to be acceptable with regards to objective (a).

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

As the proposed works above the maximum building height is for restoration and conservation works with no changes proposed to bulk and scale above the maximum building height, the proposed transition in scale will continue to protect local amenity. The subject site is surrounded by residential flat buildings with a 12.5m height of buildings development standard. The proposal will be compatible with these buildings and form a transition to the lower density dwellings to the south. Therefore objective (b) is achieved despite the variation.

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

It is important to note, the use of the word "minimise" was considered in a recent judgement which included a variation to the height of buildings control in *Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council [2022] NSWLEC 1048* where Morris AC states:

99. I do not accept Mr Perdigao's evidence that for the impact to be minimised it would have to be reduced the smallest possible amount or degree. To do so would mean that there would be no impact at all. The objective of the control contemplates some impact, it just requires the impact to be minimised. I accept the submission of



Mr To, for the Applicant, that to adopt this logic, there would always be a further reduction possible to the point of there being no breach and therefore no impact. This is not what is contemplated by cl 4.6 of the WLEP. It contemplates that the development standard will be breached. What has to be determined is if that breach is appropriate in the circumstances of the case. I consider that it is.

In this regard, the height variation contemplates an additional impact as a result of a breach, the test will be the reasonableness of this impact which is considered below.

There is no increase to the bulk and scale of the development above the 9.5m maximum building height. The only works above the maximum height is conservation and restoration works to the existing building which will result in no additional overshadowing impacts. The proposed development, even with the height variation complies with Council's solar access requirements under WDCP 2015 and therefore will minimise the loss of solar access to surrounding properties. As such and despite the height non-compliance, the proposal will satisfy objective (c).

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

Again, this objective refers to the word "minimise" which is considered above in *Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council [2022] NSWLEC 1048*. There is no increase to the bulk and scale of the existing development above the 9.5m maximum building height. The only works above the maximum height is conservation and restoration works of the existing dwelling which will result in no additional overshadowing impacts, view loss, adverse privacy impact and visual intrusion. If anything, the proposal improves the visual amenity of the site by replacing degraded tiles for new slate tiles and enhancing the appearance of the building by reestablishing the primary of the heritage listed dwelling.

Accordingly, the proposal is considered to be acceptable with regards to objective (d).

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

There are no known or identified views to, from or over the site which could be affected by the development. All proposed new additions are below the height of the existing and surrounding development. In addition, neighbouring dwellings will continue to enjoy reasonable levels of outlook from their properties

Therefore objective (e) is achieved despite the variation.

On this basis, the requirements of Clause 4.6(3)(a) are satisfied. Notably, under Clause 4.6(3)(b) a consent authority must now be satisfied that there are sufficient planning grounds for the contravention of a development standard. Clause 4.6(3)(b) is addressed in Section 6 below.

6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (paragraph 24) states:

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248* at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as*



to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson. The following planning grounds are submitted to justify contravening the maximum building height:

1. The height breach is at its greatest for the replacement of the existing roof to a height of approximately 10.3m. This results in a variation of 0.8m or 8.4%. It has been held in *Eather v Randwick City Council* [2021] NSWLEC 1075 that a particularly small departure from the actual numerical standard which lacks any material impacts consequential of the departure will be a sufficient environmental planning ground to justify contravening the development standard.

It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- a. The extent of the additional height creates no significant adverse overshadowing impacts to adjoining development or public domain when compared to the existing building. That is, the proposed works will not exacerbate the existing extent of overshadowing and satisfies Council's solar access controls under WDCP 2015. As such, the additional overshadowing caused by the non-compliant elements would be insignificant or nil;
 - b. The height breach does not result in any adverse additional privacy impacts. As the non-compliant elements are limited to non-habitable areas or the roof where the compliant parts of the window would have the same or greater impact on overlooking. As such, the loss of privacy caused by the non-compliant elements would be insignificant; and
 - c. The height breach will not result in any significant view loss as the subject site does not contain any significant views across or from the public domain. The maximum height non-compliance is not altered by the proposal. As such, the extent of view loss caused by the non-compliant element would be insignificant or nil.
2. The current planning controls including the numerical height control (9.5m) has ignored the height and typology of the existing building which exceeds the 9.5m height of building development standard at a height of approximately 12m. All new additions will sit below the maximum building height and permissible height with the only the restoration and conservation works to the existing roof and dwelling which protrudes beyond the existing maximum height.
 3. The proposed results in no increase to the existing height of the dwelling (approximately 12m) and a Clause 4.6 variation statement is only required as a technical matter due to proposed restoration works to the existing building above the 9.5m height of buildings development standard. Therefore, there is no additional amenity impacts to the streetscape and adjoining development as a direct result of the proposed variation.
 4. The existing height, scale and design of the dwelling is reflective of Free Classical Italianate architecture style that is of heritage and cultural significance and as such, is a local heritage item known as 'Rothsay'. As discussed in the Heritage Impact Statement from Zoltan Kovacs Architects, the condition of the existing tiled roof is degraded and most tiles exhibit decay and in need of a replacement. The proposed replacement of the roof 'like for like' with slate tiles shows commitment to retain and conserve the heritage fabric and setting of the local heritage item.

5. The height variation can, in part, be attributed to the topography of the site with a fall of up to 10m from south to north. The existing dwelling steps is located on the highest part of the site and attains a height of approximately 12m which is compatible with the height of buildings in the visual catchment, including the buildings fronting New South Head Road which have a 12.5m height of buildings development standard applicable (as detailed in Figure 1 above).
6. The existing height of the dwelling is compatible with the adjoining dwellings which are all three to four storeys and exceed the maximum permissible height of 9.5m. As detailed in Figure 1 (above), the site is surrounded on three sides by the 12.5m height control which existing buildings on New South Head Road and Cranbrook Road meeting or exceeding that height limit. As such, the height variation is not a new element within the visual catchment, is well setback from Cranbrook Road and will not be readily identifiable or apparent.
7. All new additions do not exceed the maximum height limit and will appear to be of a single storey or equivalent scale around the periphery of the site, with the exception being the western wing addition. This addition is a better outcome when compared to the existing west wing addition (to be demolished) and its reduced scale will ensure it remains subservient to the heritage listed dwelling.
8. The proposed development meets the objectives of the development standard and meets the objectives of the R2 Low Density Residential zone.
9. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - a. The proposal promotes the orderly and economic use and development of land by providing an improved residential development (1.3c);
 - b. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3g); and
 - c. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage) (1.3f).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly the fact that the variation is minor and does not have any material additional impacts on the amenity of surrounding properties and is for restoration work to an existing heritage listed dwelling. The additional height does not significantly impact the amenity of the neighbouring properties (when compared to the existing and a compliant development) and has been designed in such a way to ensure the additional height is not visually jarring from the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that



complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

7. CONCLUSION

This written request has been prepared in relation to the proposed variation to the height of buildings development standard contained in Clause 4.3 of WLEP 2014.

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach. Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.





Final Clause 4.6 Variation – FSR

4 September 2024



CLAUSE 4.6 VARIATION STATEMENT – FLOOR SPACE RATIO (CLAUSE 4.4E)

1. INTRODUCTION

This Variation Statement has been prepared in accordance with Clause 4.6 of *Woollahra Local Environmental Plan 2014* (WLEP 2014) to accompany a development application to Woollahra Council in respect of No. 3 Cranbrook Road, Bellevue Hill for the alterations and additions to a dwelling house.

2. FLOOR SPACE RATIO STANDARD

Clause 4.4E of WLEP 2014 prescribes the maximum FSR for the site and stipulates a maximum FSR of 0.5:1 for a dwelling house on an allotment greater than 400sqm.

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. Gross floor area is defined to mean:

“...the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
 - (b) habitable rooms in a basement or an attic, and*
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,*
- but excludes:*
- (d) any area for common vertical circulation, such as lifts and stairs, and*
 - (e) any basement:*

- (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and*
 - (j) voids above a floor at the level of a storey or storey above.*

3. PROPOSED VARIATION

The development proposes a maximum FSR of 0.53:1 (1070sqm) which represents a variation of 66sqm or 6.5%.

This submission contends that strict compliance with the maximum FSR of 0.5:1 is unreasonable and/or unnecessary in the circumstances of the case and the variation sought can be supported that Clause 4.6 exception to development standard should be upheld.

4. CLAUSE 4.6 OF WLEP 2014

Clause 4.6 of WLEP 2014 has not been updated to reflect the Standard Instrument, however, the objectives and provisions of Clause 4.6 of the Standard Instrument are reproduced below.

(1) The objectives of this clause are as follows—

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

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

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

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

Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- a. the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- b. the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- a. a development standard for complying development,
- b. a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- c. clause 5.4,
- d. clause 5.5.

It is noted that Clause 4.4E is not "expressly excluded" from the operation of Clause 4.6.

5. COMPLIANCE WITH THE STANDARD IS UNREASONABLE OR UNNECESSARY (CLAUSE 4.6(3)(A))

Of relevance to Clause 4.6(3)(a) is Preston CJ's judgment in *Wehbe v Pittwater Council* (2007) NSW LEC 827 which sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgment goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

- i. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- ii. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- iii. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- iv. 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;
- v. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.

The objectives and relevant provisions of Clause 4.4E are as follows:

- (a) to ensure the bulk and scale of development is compatible with the desired future character of the area,
- (b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- (c) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.

In order to address the requirements of subclause 4.6(4)(a)(ii), the objectives of Clause 4.4E are addressed below:

Objective (a) – “to ensure the bulk and scale of development is compatible with the desired future character of the area”

With regards to the desired future character, the strict terms of clause 4.4E of the WLEP do not define the desired future character (*Woollahra Municipal Council v SJD DB2 Pty Ltd* [2020] NSWLEC 115 at [53]). The desired future character of the locality establishes the FSR for buildings on land in the locality and not the other way around (cf *SJD DB2 Pty Ltd* at [56]). This means that the FSR set out under clause 4.4E alone does not establish the desired future

character and can be evaluated by reference to matters other than the strict provisions of clause 4.4E (cf SJD DB2 Pty Ltd at [59]).

It is also noted that objective (a) refers to being “compatible” with the streetscape and desired future character of the locality. It is considered that “compatible” does not promote “sameness” in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191:

“22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”

The streetscape of Cranbrook Road and surrounds is characterised by an eclectic mix of architectural styles and a range of typologies including dwelling-houses and residential flat buildings. The difference in typologies and scale is afforded by the transition between the R3 Medium Density zone and the R2 Low Density zoning, and the different controls applying to different typologies which creates clear differences in bulk and scale. The subject site is located at the interface between the R2 and R3 zones which also means that the site is at the interface between the 0.5:1 FSR sites and the 0.9-1:1 FSR sites on New South Head Road.

The proposed variation to the FSR development standard will provide a transition (of sorts) from the higher density development with access from New South Head Road that surround the site. In this regard, properties to the north and east at Nos. 585-601 New South Head Road all have maximum FSR of 1:1 while the adjoining site to the west at No. 587 New South Head Road has a maximum FSR of 0.9:1. These are up to double the FSR of the subject site, yet the subject site shares at least one boundary and is virtually surrounded by development with a higher FSR as demonstrated in Figure 1 below.

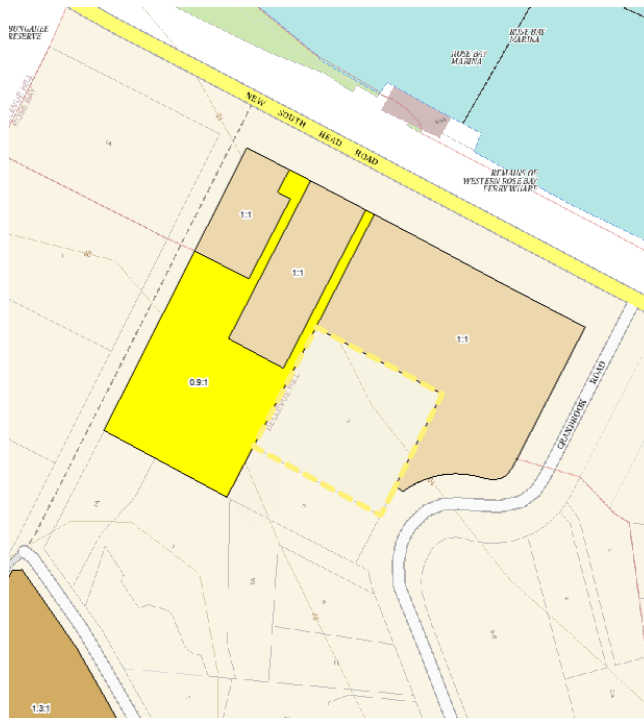


Figure 1: FSR map for the subject site (edged yellow) and surrounding properties (source Planning Portal Spatial Viewer)



Given the location of the site and the zoning and FSR interface, there is limited consistency in the bulk and scale of development on this urban block. The proposed development, including the variation to the FSR, will provide a transition of sorts from the higher density development to the north, east and west and the lower density to the south. This is considered to provide a superior planning outcome given the proposal redistributes GFA away from the most significant parts of the heritage listed property (to enhance its primacy) while providing lower scale development around the periphery of the site to transition to lower scale development to the south.

The bulk and scale of the proposed development, including the variation, will not be visually jarring or out of character with the scale of development in the locality given the context of the area is not characterised by development that strictly complies with the FSR and height of buildings development standards. The proposed development provides a transition from higher density to lower density and is compatible with the scale of surrounding and other recently approved developments in the Bellevue Hill North Precinct. Therefore, the proposed variation facilitates a built form that is sympathetic to the heritage item and compatible with the desired future character of the locality.

Importantly, the existing GFA attached to the most significant parts of the heritage listed dwelling were of low significance and the redistribution of this GFA around the periphery of the site will give primacy and provide better views of the most significant part of the heritage item. The additional GFA can largely be attributed to additional walkways and access to the habitable and useable areas of the dwelling which will not have any adverse impacts or is visually jarring but blends well with the existing surroundings. Articulation within the facades ensure no blank walls and provides visual interest to the public domain and surrounding properties.

Overall, the scale, bulk, form and density of the proposed development is entirely compatible with the planning controls and objectives that apply to the site. Furthermore, the proposal satisfies the desired future character objectives for the Bellevue Hill North Precinct given the proposal will:

- Respect and enhance the streetscape character by retaining the heritage item and providing additions to complement the item within a landscaped setting;
- Enhance the existing heritage item by providing a contemporary element that is well articulated and modulated to provide visual relief and interest from the public domain and adjoining properties;
- Maintain the transition of built form from higher density to lower density development when travelling from north to south;
- Respect the subdivision pattern and form of surrounding development;
- Respond to the topography of the site by minimising the cut and fill proposed to achieve the additional FSR; and
- Enhance the landscaped setting of the dwelling and minimise hard paved areas.

Therefore, the proposed development will not appear visually jarring or out of character with surrounding development despite the FSR variation and the proposal is compatible with the desired character of the area whilst complementing the heritage item.

Accordingly, the proposed development achieves objective (a).

Objective (b) – “to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain”

It is important to note, the use of the word “minimise” was considered in a recent judgement which included a variation to the height of buildings control in *Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council [2022] NSWLEC 1048* where Morris AC states:

99. I do not accept Mr Perdigo’s evidence that for the impact to be minimised it would have to be reduced the smallest possible amount or degree. To do so would mean that there would be no impact at all. The objective of the control contemplates some impact, it just requires the impact to be minimised. I accept the submission of Mr To, for the Applicant, that to adopt this logic, there would always be a further reduction possible to the point of there being no breach and therefore no impact. This is not what is contemplated by cl 4.6 of the WLEP. It contemplates that the development standard will be breached. What has to be determined is if that breach is appropriate in the circumstances of the case. I consider that it is.



In this regard, the FSR variation contemplates an additional impact as a result of a breach, with the key test being the reasonableness of this impact which is considered below.

The extent of additional floor area creates no significant additional overshadowing to adjoining properties when compared to the existing or a complaint building. The proposed development, despite exceeding the FSR standards complies with Council's solar access requirements under WDCP 2015 and the extent of overshadowing created by the new work is negligible. Therefore, the impact on overshadowing caused by the non-compliant elements would be insignificant in this insistence.

The extent of privacy impacts caused by the GFA breach will have no significant impact on the privacy to the adjoining properties when compared to elements that comply with the FSR development standard. The proposed dwelling is adequately setback and provides careful consideration of windows in adjoining properties which results in no adverse overlooking. Furthermore, a high level of acoustic privacy is maintained for both the occupants and neighbouring properties including the public domain. Therefore, the impact on privacy caused by the non-compliant elements would be insignificant in this insistence.

Finally, the FSR variation will not result in any known impact on public or private views as a result of the built form. Therefore, the impact on views caused by the non-compliant elements would be insignificant in this insistence.

As a result, the proposal will have no significant loss of views or visual, acoustic privacy impacts, and provides a reasonable solar access impact to the adjoining properties and public domain. Accordingly, the proposed development achieves objective (b).

Objective (c) – “to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space”

The proposed FSR variation will result not in any significant loss of landscaped area, tree canopy coverage and private open space when compared to the existing or a complaint development. The constraints of the site through the siting of the heritage item and subdivision pattern necessitates a site specific response to the building envelope and landscaped area requirements.

The main focus of the proposal is highlighting and consolidating the circular lawn as the prime private open space area with views directed to this area and to the heritage item from the redistributed floor space elements. The proposal has been specifically designed to utilise the existing deep soil areas located on the edges of the site for a well-considered landscape design which improves the landscape setting of the site and tree canopy coverage. The proposed results in the majority of landscaping and deep soil located along the property boundaries particularly within the front setback area to provide a landscape setting and improve privacy between neighbouring properties.

The proposed development will enhance the quantity and quality of landscaping on the subject site and will enable the proposed dwelling to sit within a landscaped setting and reduce the “heat island effect”. In this regard, the deep soil landscaped areas are supplemented by planting on structures which will ensure the “adequate” provision of landscaping on the site.

Accordingly, the proposed development achieves objective (c).

On this basis, the requirements of Clause 4.6(3)(a) are satisfied. Notably, under Clause 4.6(3)(b) a consent authority must now be satisfied that there are sufficient planning grounds for the contravention of a development standard. Clause 4.6(3)(b) is addressed in Section 6 below.

6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS (CLAUSE 4.6(3)(B))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (paragraph 24) states:

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the decisions of the *Salanitro-Chafei v Ashfield Council* [2005] NSWLEC 366 whereby *Salanitro-Chafei* ratified the original decision of Ashfield Council. The following planning grounds are submitted to justify contravening the floor space ratio:

1. The maximum non-compliance is relatively minor and the FSR breach is 66sqm or 6.5%. It has been held in *Eather v Randwick City Council* [2021] NSWLEC 1075 that a particularly small departure from the actual numerical standard which lacks any material impacts consequential of the departure will be a sufficient environmental planning ground to justify contravening the development standard.

It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- a. The extent of the variation creates no adverse additional overshadowing impacts to adjoining properties when compared to the approved or a compliant building envelope. The FSR breach will not result in any significant additional loss of solar access to No.5 Cranbrook and No. 599-601 New South Head Road, with the properties maintaining solar access requirements as per the WDCP 2015. When considering the overshadowing against the backdrop of the applicable planning controls, the additional overshadowing impacts caused by the non-compliant element would be insignificant or nil;
 - b. The extent of the variation creates no adverse additional privacy impacts when compared to a compliant building envelope. The existing dwelling contains windows at the first and second floors that already overlook adjoining properties.-When considering the visual and acoustic privacy impacts against the backdrop of the applicable planning controls, the additional privacy impacts caused by the non-compliant element would be insignificant or nil; and
 - c. The variation will not result in any significant view loss. The proposed additions are below the height of the existing and surrounding development, the surrounding developments will maintain reasonable levels of outlook. Therefore, any view loss impacts caused by the non-compliant element would be insignificant or nil.
2. The proposed variation results in a built form which is contextually responsive and appropriate with regard to surrounding development. As discussed above and demonstrated in Figure 1, the sites to the north, east and west are a greater scale and FSR than the 0.5:1 for low density dwellings on the site. The proposed variation will allow a transition to lower density development to the south which cannot be replicated on other properties on the urban block and represents an appropriate and site specific response to the constraints of the site and surrounding locality. As such, the proposed variations does

not introduce new elements or present a bulk greater than already present in the immediate vicinity of the site but will provide a contextually responsive development shared by surrounding properties.

3. The proposed development will provide a significant improvement in terms of enhancing the heritage item. The proposal will result in a more beneficial distribution of GFA in appropriate locations, by removing detracting GFA around the heritage item and redistributing it around the periphery of the site to provide a superior outcome, despite the FSR variation. As discussed in the Heritage Impact Statement from Zoltan Kovacs Architects, the development will enhance the cultural value of the heritage item through the addition of the contemporary layer and provide primacy to the heritage item.
4. The proposed variation will not result in any discernible increase to bulk and scale or change to the character of the existing dwelling when viewed from the neighbouring properties or public domain. That is, the additional GFA does not bring with it a built form that is excessive nor does it appear out of context with the scale and character of the buildings fronting Cranbrook Road. It follows that the variation to the floor area will not result in any further amenity impacts to neighbouring properties beyond the existing built form in terms of solar access, views or privacy as discussed above
5. The proposed FSR variation does not bring with it a form of development on the site that is noticeably larger than anticipated by the controls or inconsistent with the character for the locality generally. The proposed development represents a 66sqm variation, the additional GFA has been evenly distributed across the site. Specifically, the additional GFA is compatible with the height of the surrounding development and provides a site specific response to the constraints and subdivision without being visually jarring or having any adverse impacts on the amenity of adjoining properties.
6. The variation facilitates an arrangement of floor space on the site in a manner that is effective in providing high levels of amenity to occupants of the development without impacting the amenity of neighbouring properties. Insisting on compliance with the FSR standard under Clause 4.4E of WLEP 2014 would be disproportionate response to the impacts created by the proposal given it provides an addition that protects and enhances the heritage item.
7. The proposed development meets the objectives of the development standard and meets the objectives of the R2 Low Density Residential zone.

The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c)); and
- b. The proposed development promotes good design and amenity of the built environment through a well-considered contemporary design which is responsive to its setting and context, providing a high quality family home at an appropriate location (1.3(g)).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly the fact that the variation is minor and does not have any material additional impacts on the amenity of surrounding properties and is for restoration work to an existing heritage listed dwelling. The additional FSR does not significantly impact the amenity of the neighbouring properties (when compared to the existing and a compliant development) and has been designed in such a way to ensure the additional height is not visually jarring from the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

"86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard."

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than the existing dwelling through rationalisation of the built form, particularly as a result of demolishing the existing detracting elements from the heritage item and replacing them with a well-designed contemporary addition, complementing the heritage item. The internal changes make better use of the existing space. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

7. CONCLUSION

This Clause 4.6 written request to vary the FSR development standard for dwelling-houses under Clause 4.4E of WLEP 2014 has adequately addressed the matters required to be demonstrated under clause 4.6(3) in order for any consent authority to be satisfied that compliance with the FSR 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.

We are of the opinion that the consent authority should be satisfied that the proposed development achieves the objectives of Clause 4.4E of WLEP 2014 and provides sufficient environmental planning grounds to support the variation. On that basis, the request to vary Clause 4.4E of WLEP 2014 should be upheld.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

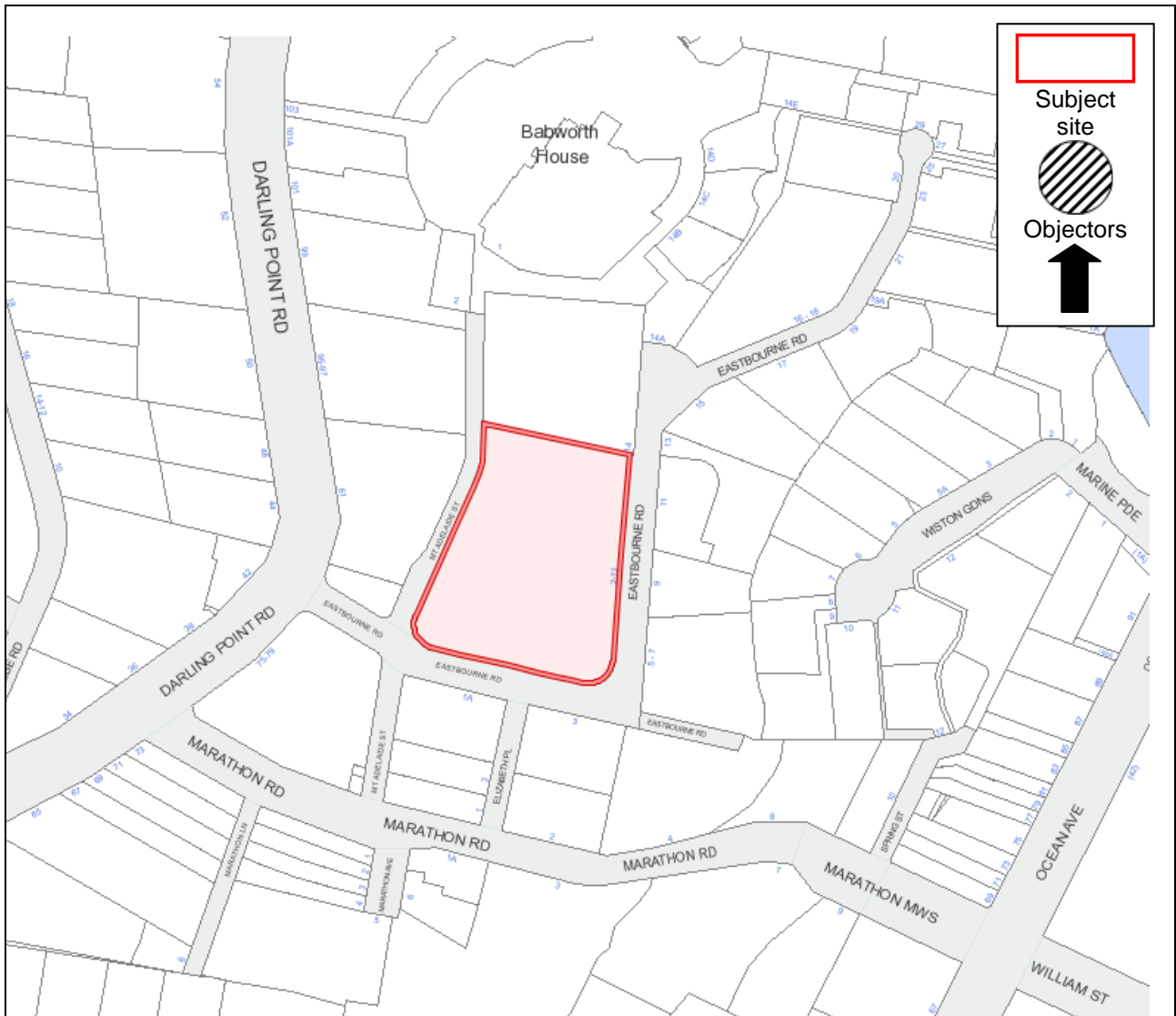
ITEM No.	D3
FILE No.	DA196/2024/1
ADDRESS	2-12 Eastbourne Road DARLING POINT
SITE AREA	Approx. 4,498.83m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Replacement of windows within an existing residential flat building
TYPE OF CONSENT	Local development
COST OF WORKS	\$8,450,528.00
DATE LODGED	18/06/2024
APPLICANT	The Owners of SP4781
OWNER	The Owners - Strata Plan No. 4781
AUTHOR	Mr V Aleidzans
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Nil
RECOMMENDATION	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.
- The proposal is in the public interest.

2. LOCALITY PLAN



3. LEVEL OF DELEGATION

The application is to be determined by the Application Assessment Panel as the estimated cost of works is between \$5M and \$30M.

Furthermore, it should be acknowledged that whilst the proposal involves a non-compliance of more than 10% with the height of buildings development standard, it qualifies for the exemption.

On 02 May 2024 the Local Planning Panel granted Council an exemption from the requirement to refer Development Applications to the Woollahra Local Planning Panel where:

- *There is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan (LEP) 2014 and the development application does not result in an increase in the non-compliance;*

The proposal involves window replacement and works to the external façade on a residential flat building, where all works are contained below the existing maximum building height of the building.

4. PROPOSAL

The proposal involves replacement of windows within an existing residential flat building along with façade painting works.

The applicants Statement of Environmental Effects acknowledges that the windows to Unit 52 were changed several years ago by agreement with the owner's corporation. Therefore, this Units windows are excluded from the proposal.

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	51.315m or 380.37% departure from the 13.5m control	Satisfactory

5.2 Primary Issues

None.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is legally defined as SP4781 and is bound by Eastbourne Road to the east and south. It is bound by Mount Adelaide Street to the west. Overall, the area of the subject site measures Approx. 4,498.83m ² .
Topography
Ground levels at the portion of Eastbourne Road to the southern frontage sit lower than the street levels. Ground levels at the portion of Eastbourne Road to the eastern frontage sit higher than the street levels. The site also has frontage to Mount Adelaide Street which rises steeply from the south-west.
Existing buildings and structures
The subject site comprises a 21 storey residential flat building development which sits above two levels of car parking. Hard paved and soft landscaped areas are located throughout the subject site along with a swimming pool toward to the northern boundary.
Surrounding Environment
The immediate locality is characterised by residential flat buildings of varying heights which also tend to vary in terms of their character and style. There are also a series of lower and medium density residential developments along Eastbourne Road situated to the east of the subject site.



Image 1: Aerial view of the subject site



Image 2: Subject site as viewed from Eastbourne Road (south-west)



Image 3: Subject site as viewed from Mt Adelaide Street (west)



Image 3: Subject site as viewed from Eastbourne Road (north-east)

7. RELEVANT PROPERTY HISTORY

Current use
Residential flat building
Relevant Application History
N/A
Relevant Compliance History
N/A
Pre-DA
A Pre-DA meeting was held on 02/08/2023 with subsequent meeting minutes issued dated 10 August 2023 (reference PREDA19/2023/1).
Requests for Additional Information and Replacement Applications
BASIX Certificates were submitted on 29 August 2024.
An amended Clause 4.6 variation request along with elevation plan showing the maximum proposed height of works was submitted on 30 August 2024.
Land and Environment Court Appeal(s)
N/A

8. REFERRALS

Referral	Summary of Referral Response	Attachments
Heritage	Satisfactory. No conditions required.	3
Development Engineering	Reviewed at the Development Application Review Committee (DARC) stage and conditions of consent recommended.	N/A
Trees and Landscaping	Reviewed at the Development Application Review Committee (DARC) stage and condition of consent recommended.	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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 10/07/2024 to 25/07/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. No submissions were received.

9.2 Replacement Application

The additional information noted in Section 7 was not renotified to surrounding residents and previous objectors under Schedule 1 of the Woollahra Community Participation Plan 2019 because it will have no greater impacts than the previously advertised application.

9.3 Statutory Declaration

The applicant has completed the statutory declaration dated 06/08/2024 declaring that the site notice for DA196/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

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

10.1 Chapter 2 Coastal Management

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

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

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 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 (HOUSING) 2021

Pursuant to Chapter 4 of SEPP housing, the policy applies to all new residential flat buildings (or substantial redevelopment) and the conversion of an existing building where it comprises three or more storeys and four or more self-contained dwellings.

In response to the above, SEPP Housing is not applicable in this instance as the application relates to window replacement and works to the external façade elements on an existing residential flat building. Therefore, it does not satisfy the relevant provisions of Chapter 4 regarding application of this policy.

12. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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

Chapter 2 Standards for residential development—BASIX

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

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

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

13.1 Chapter 2 Vegetation in non-rural areas

The application was reviewed by Council's Tree and Landscaping Officer at the Development Application Review Committee (DARC stage) and no objections to the proposal were raised subject to a recommended condition. The proposal is considered to be acceptable having regard to Chapter 2 of the SEPP.

13.2 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.

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1 Part 1.2: Aims of Plan

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

14.2 Land Use Table

The proposal is defined as a residential flat building and is permitted and is consistent with the objectives of the R3 Medium Density Residential zone.

14.3 Part 4.1A: Minimum Lot Sizes for a Dual Occupancies, Multi Dwelling Housing and Residential Flat Building

Part 4.1A(2) specifies a minimum lot size of 700m² for a residential flat building within the R3 Medium Density Residential zone. The proposal does not seek to alter the existing site area which notably complies with the development standard equalling Approx. 4,498.83m². Accordingly, the proposal is acceptable having regard to 4.1A(2) of Woollahra LEP 2014.

14.4 Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 13.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	67.34m	64.815m (to the proposed works)	13.5m	No

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Section 14.6 of this report.

14.5 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 1.3:1 at the subject site. The proposal does not seek any additional gross floor area and therefore the existing condition would remain unchanged.

14.6 Part 4.6: Exceptions to Development Standards

Departure

The proposal involves the following non-compliance with the Woollahra LEP 2014, as detailed in Section 14.4 of this report:

- Height of buildings development standard under Part 4.3 of the Woollahra LEP 2014.

Clause 4.3 limits development to a maximum height of 13.5m. Overall, the proposal seeks a 51.315m or 380.37% departure from the 13.5m control. Notably, the existing built form exceeds this development standard and no further height increases are sought.

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:

- 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.

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—

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

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*, which is attached at **Attachment 2**.

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 R3 Medium 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 existing building height will remain unchanged with the proposal being consistent with the desired future character of the area.

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

The existing building is not located near a zone boundary.

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

The proposal will not result in any additional overshadowing to adjoining properties as the building envelope remains unchanged.

(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 subject non-compliance will not result in any exacerbated view loss, loss of privacy, overshadowing or visual intrusion impacts to adjoining properties given the proposal pertains window replacement and external painting works. No change to the building envelope is proposed.

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

Given no additional bulk or scale is proposed, the existing and subject non-compliance will not alter the current relationship with respect to the retention of public views.

The objectives of the R3 Medium Density Residential zone

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

The existing use of the subject site is maintained and will continue to provide for the existing housing needs of the community with an enhanced amenity created by the proposed works.

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

No changes are proposed to the current use of the subject site nor the current unit mix or configurations.

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

No change of use is proposed. The existing residential land use will be maintained.

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

The non-compliant height will remain unchanged and so too will the envelope of the existing building with the proposal considered to achieve the desired future character of the neighbourhood.

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

Given the nature of the proposed works there would be no tree related impacts with the existing landscaping configuration remaining unchanged.

Accordingly, the non-compliances are considered to be consistent with the objectives of the development standard and zone.

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:

- There would be no increase to the overall building height and therefore the proposal would not generate any view loss or overshadowing impacts.
- The proposal would not generate any additional privacy impacts noting the bulk and scale of the building will remain unchanged.
- There would be no merit in undertaking the proposed works to only the areas of the building which sit beneath the height limit.

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 the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

14.7 Part 5.10: Heritage Conservation

The subject site is not identified as a heritage item nor is it located within a Heritage Conservation Area. Council's Heritage Officer has reviewed the proposal and raises no objections to the proposal noting it will have no adverse impacts upon any proximate heritage items.

The proposal is therefore acceptable having regard to Part 5.10 of the Woollahra LEP 2014.

14.8 Part 6.1: Acid Sulfate Soils

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

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map. However, the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Accordingly, preliminary assessment is not required and there is unlikely to be any acid sulfate affectation. It is therefore acceptable with regard to Part 6.1 of the Woollahra LEP 2014.

14.9 Part 6.2: Earthworks

The proposal does not involve excavation to accommodate the proposal and it is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

14.10 Part 6.9: Tree canopy cover in Zones R2 and R3

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

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

The proposal will have a neutral impact in this regard with the status quo being maintained. It is therefore deemed acceptable with regard to Part 6.9 of Woollahra LEP 2014.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1 Chapter B1: Darling Point Residential Precinct

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

The proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Darling Point Residential Precinct, as noted in Part B1.2.2 of the Woollahra DCP 2015.

15.2 Chapter B3: General Development Controls

Part B3.2: Building Envelope

The proposed works are limited to those associated with window replacement and works to the external façade elements on the existing residential flat building. On that basis, the proposal would not alter the existing building location, orientation, height, form, wall height, internal layouts, bulk or scale.

There would be no altered relationships with surrounding properties and the public domain in terms of solar access, privacy or views.

There would be no changes to the existing extent of private open space, deep soil landscaping, excavation, fencing, site facilities or current car parking arrangements.

Therefore, only those controls applicable to the subject works have been considered in the assessment below.

Part B3.5: Built Form and Context

Part B3.5.1: Streetscape and Local Character

The proposal would not have any adverse visual impacts upon the streetscape.

Control C5 states that external building materials and colours do not detract from the streetscape and that bright or obtrusive colour schemes are avoided. The proposed materials and finishes are supported as they are considered to be consistent with the architectural style of the residential flat building and would have a satisfactory streetscape outcome. From a heritage perspective the proposal would not materially impact upon the values of surrounding items.

Overall, the proposal is considered to be satisfactory with regard to the provisions of Part B3.5.1 of Woollahra DCP 2015.

Part B3.5.2: Overshadowing

The proposal does not alter the overall bulk, scale or massing of the existing built form and therefore no additional overshadowing impacts are considered to arise having regard to the relevant objectives and controls within Part B3.5.2 of the Woollahra DCP 2015. It is therefore acceptable in this regard.

Part B3.5.3: Public and Private Views

The proposal does not alter the overall bulk, scale or massing of the existing built form and therefore no additional view sharing concerns are deemed to arise beyond the existing condition. It is therefore acceptable with regard to the relevant objectives and controls within Part B3.5.3 of the Woollahra DCP 2015.

Part B3.5.4: Acoustic and Visual Privacy

The proposed window replacement works would occur within existing openings. Therefore, there are no exacerbated overlooking impacts or visual privacy concerns considered to arise beyond the current condition. Given the nature of the proposed works, the proposal would not generate any additional acoustic privacy impacts. The proposal is therefore acceptable having regard to the relevant objectives and controls within Part B3.5.4 of the Woollahra DCP 2015.

Part B3.8: Additional Controls for Development Other Than Dwelling Houses

Part B3.8.6 Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces)

Given the scope of the proposed works the proposal would not contravene any of the controls or objectives under Part B3.8.6 of the Woollahra DCP 2015 and is therefore acceptable.

Part B3.8.8 Post-1950s Residential Towers

The proposed works to the existing residential flat building are considered acceptable as this will be consistent with the modernist style of the existing built form as it offers a sympathetic response that will be symmetrical, utilises large sheets of glass and is simply detailed. The proposed colour scheme is consistent with the existing building and is thereby supported.

Overall, the proposal would not detract from the character of the area whilst mitigating any adverse impacts on surrounding properties. The proposal is satisfactory with regards to objectives O1, O2 and control C1 under Part B3.8.8 of the Woollahra DCP 2015.

15.3 Chapter E1: Parking and Access

The proposal would not alter the existing car parking and access configurations at the subject site. Furthermore, the proposed works are not of a nature that would generate any additional car parking demand. The proposal is acceptable with regard to Chapter E1 of the Woollahra DCP 2015.

15.4 Chapter E2: Stormwater and Flood Risk Management

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

15.5 Chapter E3: Tree Management

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

15.6 Chapter E4: Contaminated Land

The subject site has not been identified on Council's mapping 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

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

15.7 Chapter E5: Waste Management

Although the applicant has not provided a SWMMP with the development application, this requirement is addressed via the recommended conditions of consent and is required to be prepared and approved by Council prior to the issue of a construction certificate.

The proposal would not alter the existing waste and recycling procedures and/or configuration at the subject site and therefore no further consideration in this regard is considered necessary. The proposal is acceptable with regard to Chapter E5 of the Woollahra DCP 2015.

Part E5.2: Demolition and Construction Phase

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

15.8 Chapter E6: Sustainability

The proposal does not incorporate any sustainability measures, however, it was accompanied by BASIX Certificates with these requirements enforced by conditions of consent. The proposal is acceptable with regard to Chapter E6 of the Woollahra DCP 2015.

16. DRAFT AMENDMENTS TO POLICIES AND PLANS

None relevant.

17. CONTRIBUTION PLANS

Contribution 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.

17.1 Section 7.12 Contributions Plan

A 1% levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan 2022. Refer to **Condition D.4**.

Cost of Works	Rate based on cost of works
\$8,450,528.00	>\$200,000 = 1%

17.2 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.

17.3 Application of Contributions

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

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

18. APPLICABLE ACTS/REGULATIONS

18.1 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.

19. 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.

20. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

21. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

22. CONCLUSION

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

23. 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.

24. 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 DA196/2024/1 for the replacement of windows within an existing residential flat building on land at 2-12 Eastbourne Road DARLING POINT, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

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

DA11 (Revision A)	Ground Floor	McGregor Westlake Architecture	30/05/2024
DA12 (Revision A)	Level 1 -17	McGregor Westlake Architecture	30/05/2024
DA13 (Revision A)	Level 18 / Level 19	McGregor Westlake Architecture	30/05/2024
DA14 (Revision A)	Level 20 / Roof	McGregor Westlake Architecture	30/05/2024
DA20 (Revision A)	Long Section	McGregor Westlake Architecture	30/05/2024
DA21 (Revision A)	Cross Section	McGregor Westlake Architecture	30/05/2024
DA30 (Revision A)	Elevations	McGregor Westlake Architecture	30/05/2024
DA31 (Revision B)	Elevations	McGregor Westlake Architecture	30/08/2024
DA40 (Revision A)	Materials and Finishes Schedule	McGregor Westlake Architecture	30/05/2024
A1761740	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1761684	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1761648	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1761680	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1761735	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1761737	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1761687	BASIX Certificate	NSW Department of Planning and Environment	27 August 2024
A1760175	BASIX Certificate	NSW Department of Planning and Environment	16 August 2024
Ref: 117881	Letter - 2-12 Eastbourne Road, Darling Point 2027 including Table on Page 3 of Letter.	Jensen Hughes Pty Limited, Trading as BCA Logic	17 May 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>
<p>A. 4.</p>	<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>

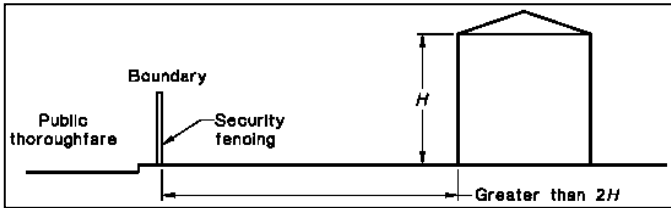
DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

<p>B. 1.</p>	<p>Construction Certificate Required Prior to Any Demolition</p> <p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> Before issue of a construction certificate Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
---------------------	---

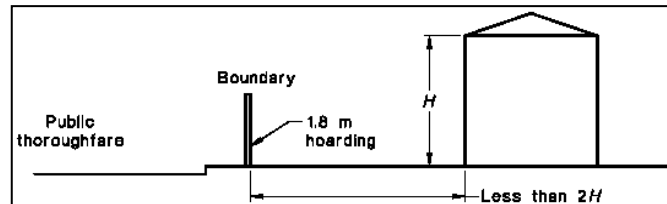
	<p>Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
B. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> “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 “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, 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.	Public Road Assets Prior to Any Work/Demolition																								
	<p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none">• road pavement,• street signage including street lights,• kerb and gutter,• footway including pedestrian crossings, footpath, and driveways,• retaining walls, or other significant structures,• Heritage Items, including street name inlays,• utility service items including historical utility covers, and• drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <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>																								
	Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.																								
B. 5.	Payment of Security and Fees																								
	<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>\$212,060.00</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 colspan="3">\$212,285.00</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	\$212,060.00	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	\$212,285.00		
	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	\$212,060.00	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	\$212,285.00																								
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.																									
<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.																									

	<ul style="list-style-type: none"> 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.



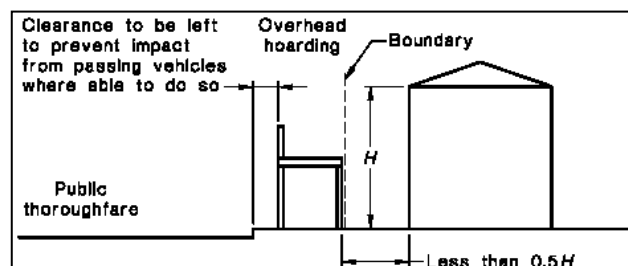
Type B Hoarding

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:

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

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

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



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

All Hoardings

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

	<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"> the capital investment value of the work to which the hoarding relates is less than \$1 million, or the land is zoned R2 Low Density Residential, or the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure public safety.</p>
<p>B. 7.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

	<ul style="list-style-type: none"> • 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. 8.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <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

	<p>d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.</p> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
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.	<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.

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:			
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	

	<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>
<p>D 2.</p>	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate Nos. A1761740, A1761684, A1761648, A1761680, A1761735, A1761737, A1761687, A1760175 must be submitted to the Principal Certifier with any application for a construction certificate.</p> <p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. • Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any. <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
<p>D 3.</p>	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ul style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).

	<p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>										
<p>D 4.</p>	<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> <table border="1" data-bbox="336 1641 1345 1839"> <thead> <tr> <th colspan="2">Summary Schedule</th></tr> <tr> <th>Development Cost</th><th>Levy Rate</th></tr> </thead> <tbody> <tr> <td>• Up to and including \$100,000</td><td>Nil</td></tr> <tr> <td>• More than \$100,000 and up to and including \$200,000</td><td>0.5% of the cost</td></tr> <tr> <td>• More than \$200,000</td><td>1% of the cost</td></tr> </tbody> </table> <p>How must the payments be made?</p> <p>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. 	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
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										

	<p>Deferred or periodic payment of section 7.12 levy</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Council may, as a condition of accepting deferred or periodic payment, require the provision of 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 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. <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.</p> <p>Do you need HELP indexing the levy?</p> <p>Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).</p>
	<p>Condition Reason: To ensure any relevant contributions are paid.</p>
<p>D 5.</p>	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p>

	Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.
D 6.	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <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>Submission of a Site Waste Minimisation and Management Plan</p> <p>Before the issue of any construction certificate, a Site Waste Minimisation and Management Plan, prepared in accordance with Woollahra Development Control Plan 2015 Chapter E5 – Waste Management, is to be submitted to Council for approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> The site waste minimisation and management is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may certify. Hence, the Site Waste Minimisation and Management Plan must be referred to Council for its approval prior to the issue of any construction certificate for such works. It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials. <p>Condition Reason: To ensure that the Waste Minimisation and Management Plan is assessed and approved by Council.</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
-------------	--

	<p>with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
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.

	Condition Reason: To prevent potential water pollution and dust nuisance.
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 The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and notified the Principal Certifier of any such appointment, and unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading. <p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>

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.
		Condition Reason: To ensure compliance with the BCA and Home building Act 1989.
F	2.	Requirement to Notify about New Evidence
		<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.	Critical Stage Inspections
		<p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p>

	<p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<p>F 4.</p>	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling, rock breaking, rock sawing, jack hammering, or machine excavation. No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. <p>Notes:</p> <ul style="list-style-type: none"> The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions

	<p>on their movement outside the approved hours of work will be considered on a case by case basis.</p> <ul style="list-style-type: none"> • 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/nqlg.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> <ol style="list-style-type: none"> a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. b) Not use the road or footway for the storage of any article, material, matter, waste or thing. c) Not use the road or footway for any work. d) Keep the road and footway in good repair free of any trip hazard or obstruction. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide. 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>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <ol style="list-style-type: none"> a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. b) Australian Road Rules. <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.

	<ul style="list-style-type: none"> 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>
F 6.	<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> <ul style="list-style-type: none"> a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
F 7.	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.

	Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.
F 8.	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</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>
F 9.	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).

	<p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
F 10.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas. <p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F 11.	<p>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</p> <p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier’s satisfaction:</p> <ol style="list-style-type: none"> a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.

	<p>c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.</p> <p>d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.</p> <p>e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.</p> <p>f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</p> <p>g) Flood protection measures are in place confirming location, height and capacity.</p> <p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F 12.	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <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>
F 13.	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>

<p>F 14.</p>	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<p>F 15.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, 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), separate collection bins and/or areas for the storage of residual waste are to be provided, the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’, measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and 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"> footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, 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> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, consideration must be given to returning excess materials to the supplier or manufacturer, 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), the purpose and content of the storage areas must be clearly ‘signposted’, 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, separate collection bins or areas for the storage of residual waste must be promoted, measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, site disturbance must be minimised and unnecessary excavation limited, all waste must be transported to a place that can lawfully be used as a waste facility, and 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>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> <ol style="list-style-type: none"> Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. Be carried out in accordance with the relevant SafeWork NSW codes of practice. No asbestos products may be reused on the site. No asbestos laden skip or bins must be left in any public place. <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.	Asbestos Removal Signage
		While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
		Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F	21.	Notification of Asbestos Removal
		While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
		Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

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. Notes: <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.	Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation
		Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate Nos. A1761740, A1761684, A1761648, A1761680, A1761735, A1761737, A1761687, A1760175. Notes: <ul style="list-style-type: none">• Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
		Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.

G 3.	Removal of Ancillary Works and Structures
	<p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ul style="list-style-type: none"> a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing.
	Condition Reason: To ensure that all ancillary matter is removed prior to occupation.
G 4.	Commissioning and Certification of Systems and Works
	<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ul style="list-style-type: none"> a) All structural work. b) 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.
G 5.	Fire Safety Certificates
	<p>Before the issue of any occupation certificate to authorise a person:</p> <ul style="list-style-type: none"> a) to commence occupation or use of a new building, or 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>Notes:</p> <ul style="list-style-type: none"> • In this condition:

	<p>interim fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation.</p> <p>final fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation.</p> <p>new building has the same meaning as it has in section 6.1 of the Act.</p>
	<p>Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.</p>

H. OCCUPATION AND ONGOING USE

H	1.	<p>Maintenance of BASIX Commitments</p>
		<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate Nos. A1761740, A1761684, A1761648, A1761680, A1761735, A1761737, A1761687, A1760175.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p>
		<p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
H	2.	<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>

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 [!\[\]\(029651ce9ee64da8525b17c64e266edc_img.jpg\)](#) 
2. Clause 4.6 variation request [!\[\]\(310e475275728c8e1dc2a5c976e124f9_img.jpg\)](#) 
3. Referral Response - Heritage [!\[\]\(b6a31d3dfa07e89bcef67dfa3d72ef92_img.jpg\)](#) 

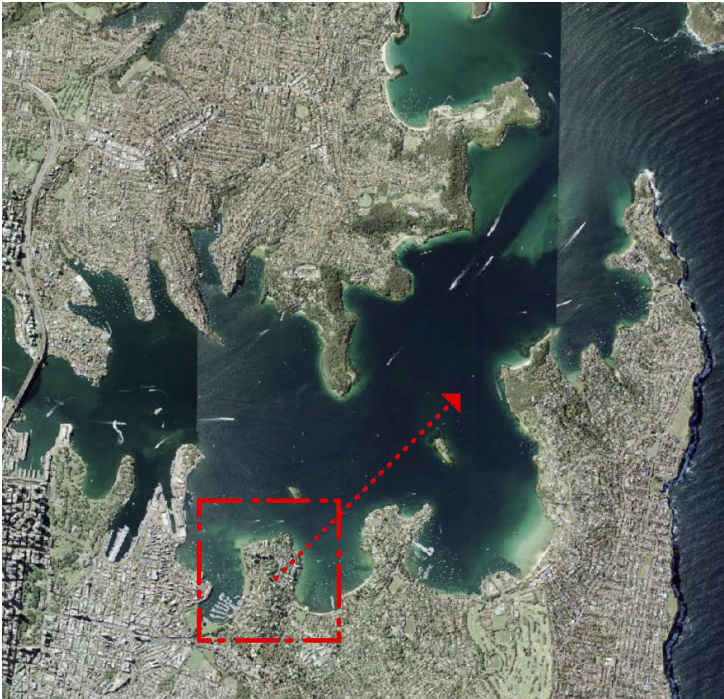
2 Eastbourne Rd, Darling Point NSW 2027

DRAWING REGISTER

Sheet No.	Sheet Name	Revision
DA 00	Location plan	A
DA 02	Site	A
DA 10	Level -1	A
DA 11	Ground Floor	A
DA 12	Level 1 - 17	A
DA 13	Level 18 / Level 19	A
DA 14	Level 20 / Roof	A
DA 20	Long Section	A
DA 21	Cross Section	A
DA 30	Elevations	A
DA 31	Elevations	A
DA 40	Materials and Finishes Schedule	A
DA 41	Street View	A

Materials

AF	Aluminium Frame
P1	Paint finish, Dulux Vivid White
P2	Paint finish, Dulux Off White
P3	Paint finish, Dulux Dark White
WP	Wall Panel



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #7243
NSW Design & Building Practitioners Act #0000709 www.mcgregorwestlake.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Location plan

SCALE @ A3	DRAWN	CHKD	PLOT DATE
	CS	PM	



PROJECT #
221124

DWG #
DA 00

REVISION
A



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #7243
NSW Design & Building Practitioners Act #0000709 www.mwarchitecture.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Site

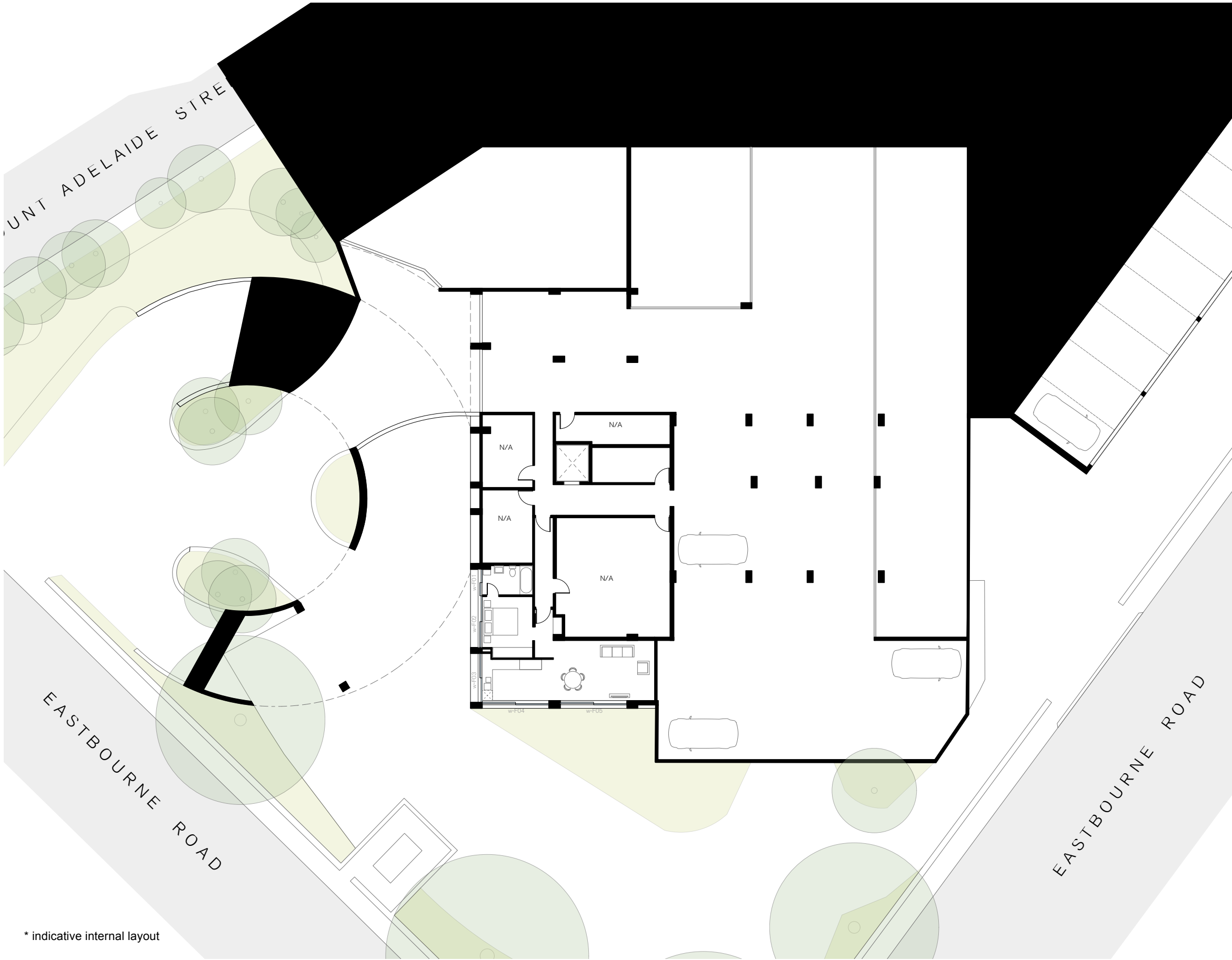
SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:200	CS	PM	



PROJECT #
221124

DWG #
DA 02

REVISION
A



* indicative internal layout

McGregor Westlake Architecture

ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Surry Hills NSW 2010 Australia
McGregor Westlake Architecture Pty Ltd
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Level -1

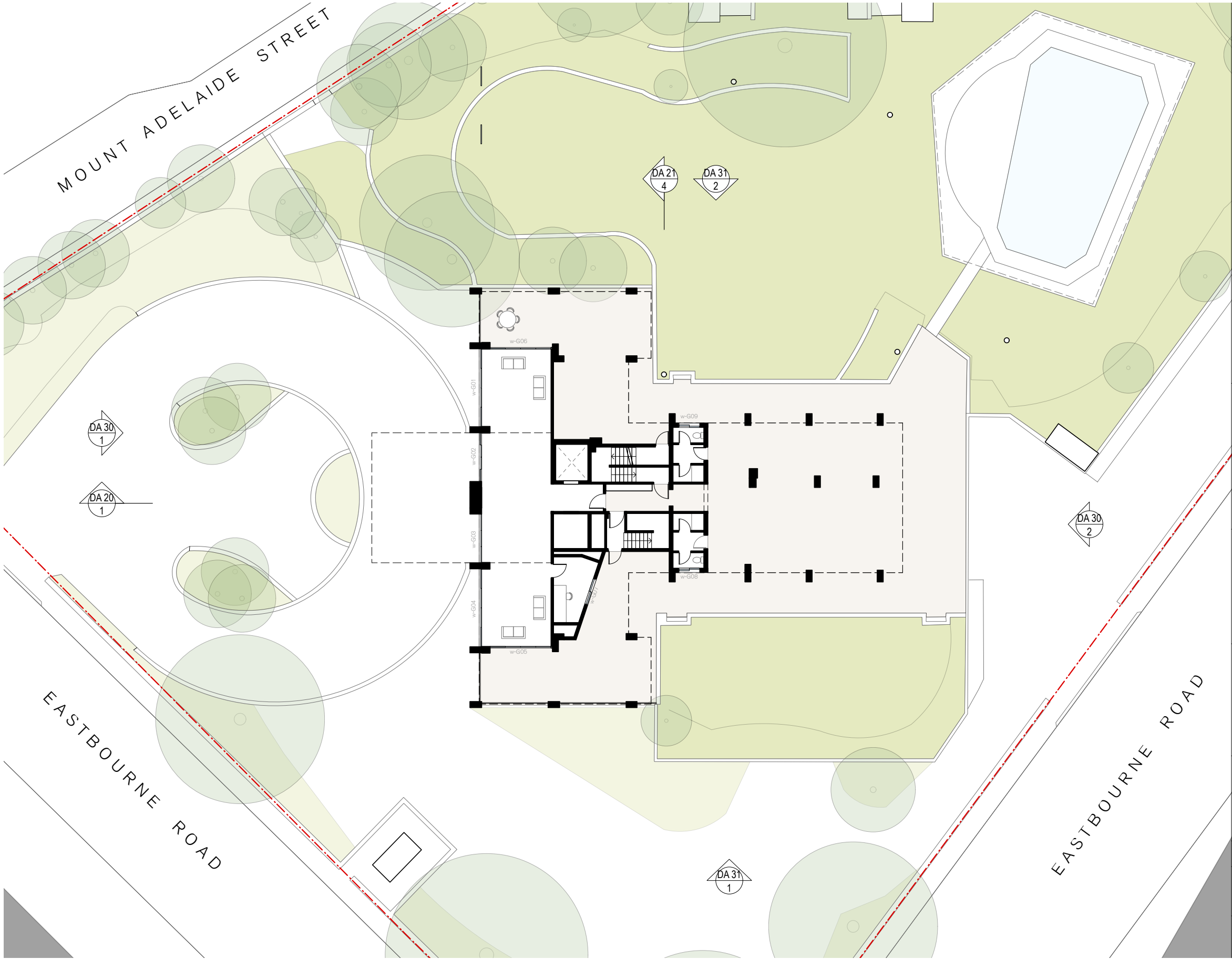
SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:200	CS	PM	



PROJECT #
221124

DWG #
DA 10

REVISION
A



McGregor Westlake Architecture
ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #72143
NSW Design & Building Practitioners Act #0000709 www.mwarchitecture.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Ground Floor

SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:200	CS	PM	



PROJECT #
221124

DWG #
DA 11

REVISION
A



Level 1-8



Level 9-17

* indicative internal layout



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #72143
NSW Design & Building Practitioners Act #0000709 www.mcgregorwestlake.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Level 1 - 17

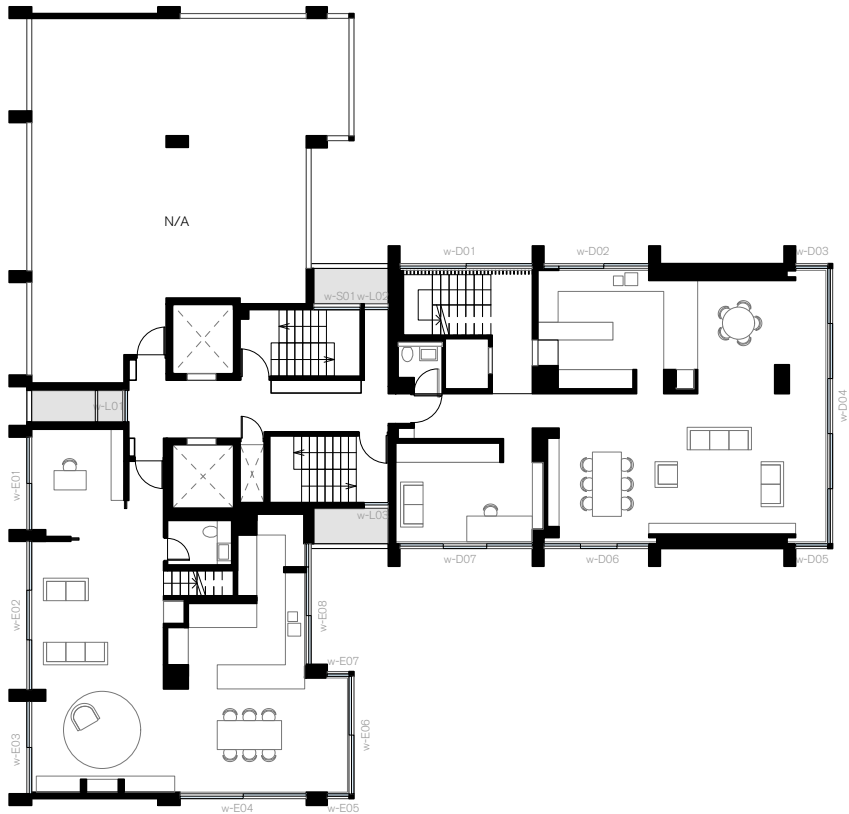
SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:200	CS	PM	



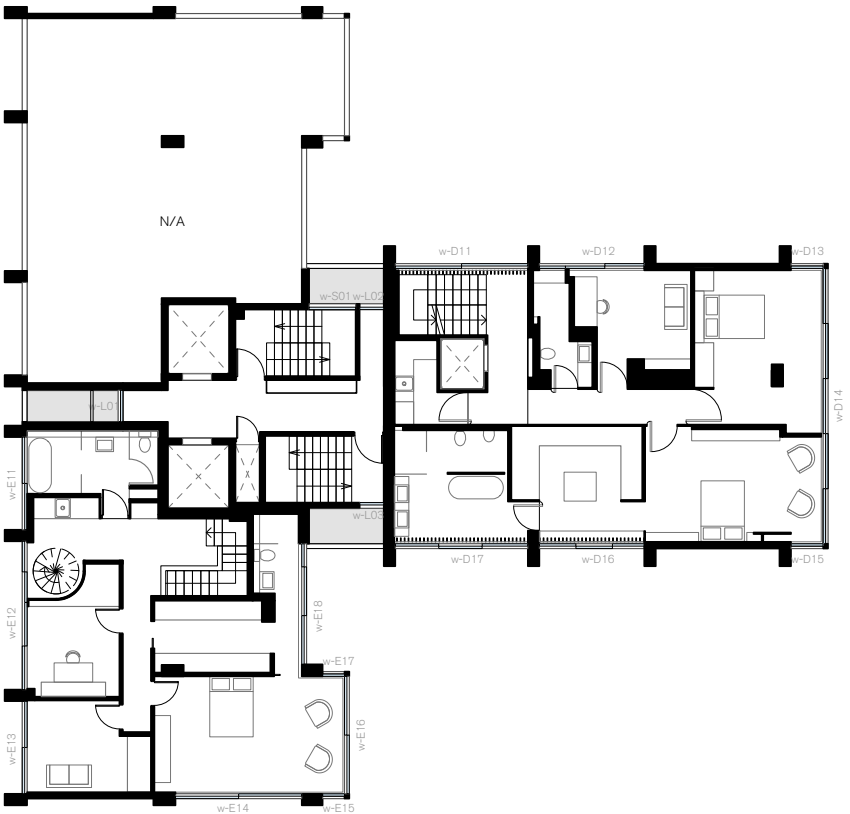
PROJECT #
221124

DWG #
DA 12

REVISION
A



Level 18



Level 19

* indicative internal layout



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #7243
NSW Design & Building Practitioners Act #0000709 www.mcgregorwestlake.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Level 18 / Level 19

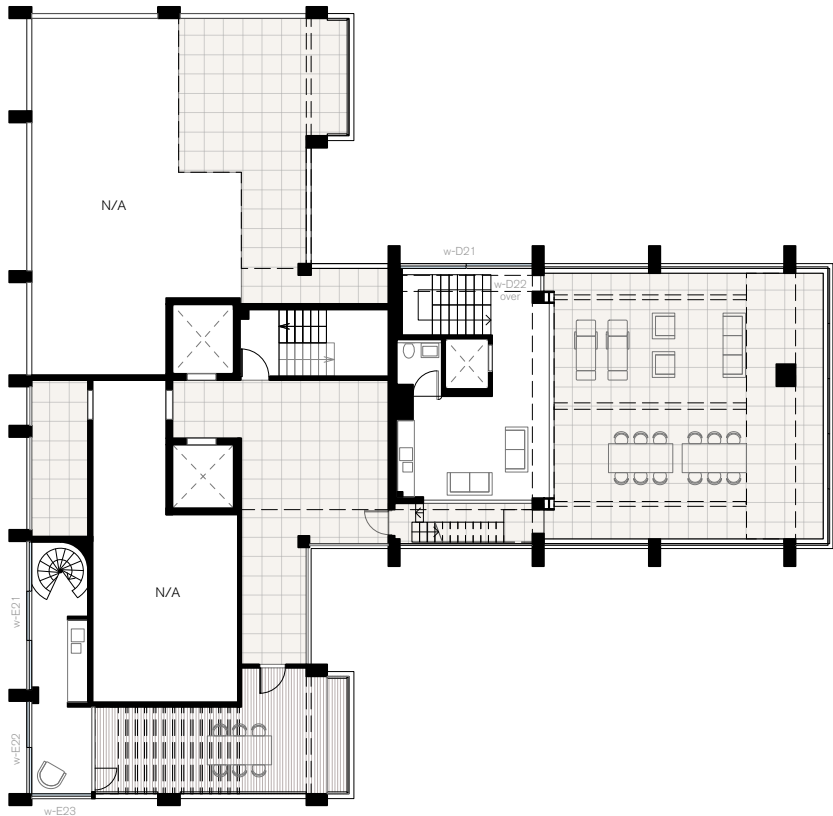
SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:200	CS	PM	



PROJECT #
221124

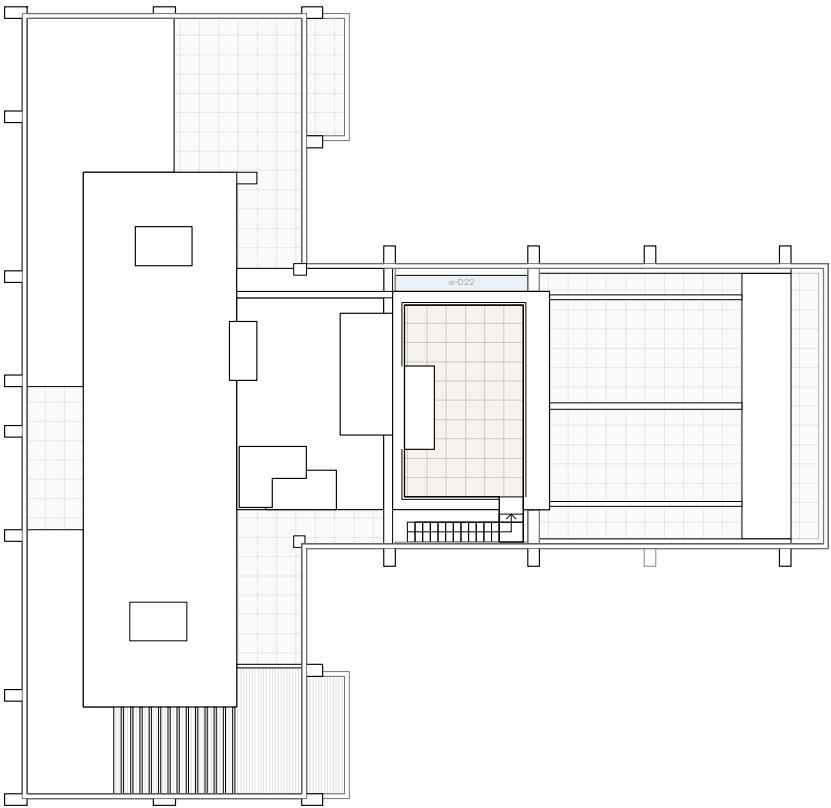
DWG #
DA 13

REVISION
A



Level 20

* indicative internal layout



Roof



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #7243
NSW Design & Building Practitioners Act #0000709 www.mwarchitecture.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027
CLIENT

DWG
Level 20 / Roof

SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:200	CS	PM	



PROJECT #
221124
DWG #
DA 14

REVISION
A

Note: All windows to be replaced,
with the exception of Unit 52

- LEVEL 20
- LEVEL 19
- LEVEL 18
- LEVEL 17
- LEVEL 16
- LEVEL 15
- LEVEL 14
- LEVEL 13
- LEVEL 12
- LEVEL 11
- LEVEL 10
- LEVEL 9
- LEVEL 8
- LEVEL 7
- LEVEL 6
- LEVEL 5
- LEVEL 4
- LEVEL 3
- LEVEL 2
- LEVEL 1
- GROUND FLOOR
- LEVEL -1
- LEVEL -2



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW ABA #72143
NSW Design & Building Practitioners Act #0000709 www.mcgregorwestlake.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Long Section

SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:250	CS	PM	

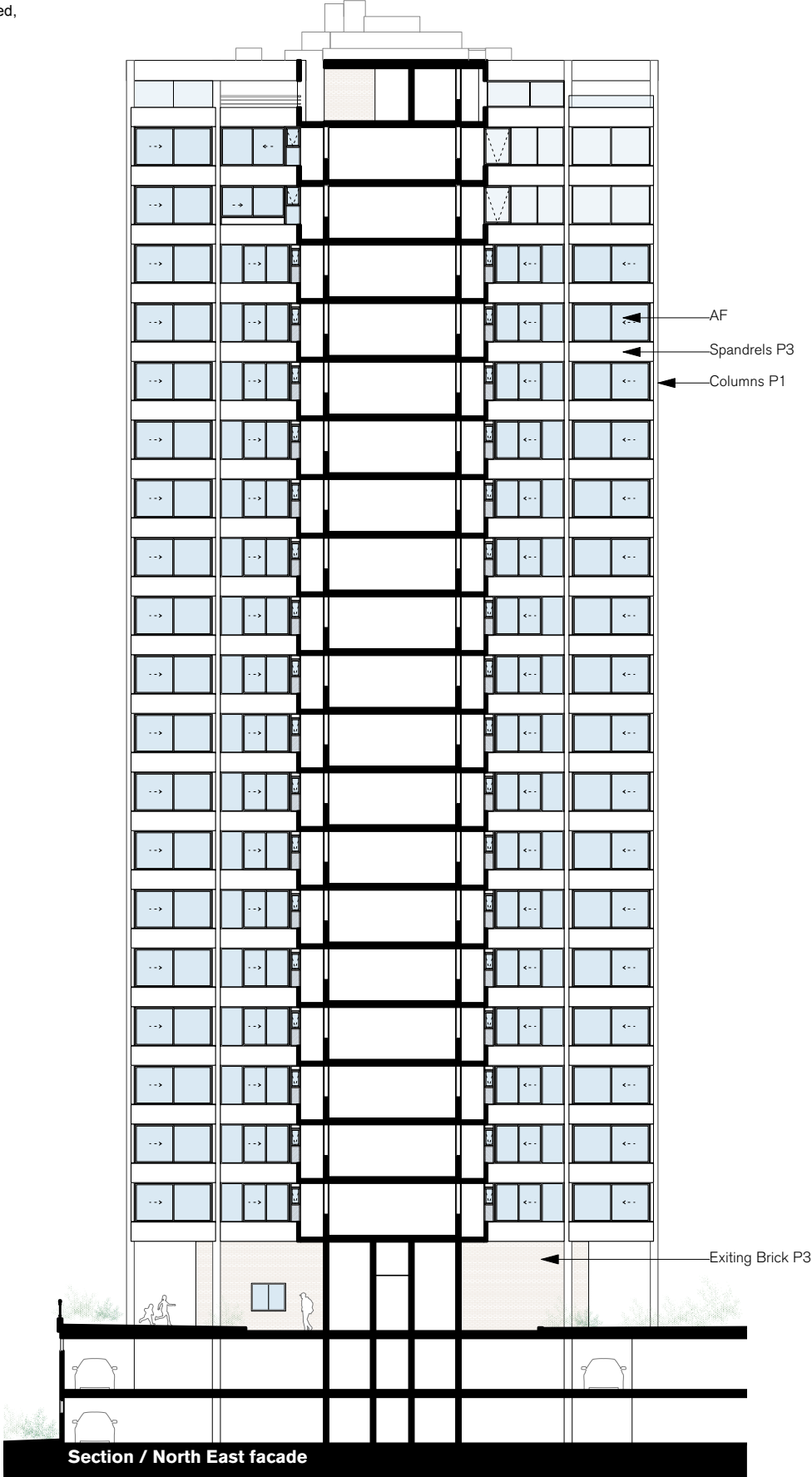
PROJECT #
221124

DWG #
DA 20

REVISION
A

Note: All windows to be replaced,
with the exception of Unit 52

- LEVEL 20
- LEVEL 19
- LEVEL 18
- LEVEL 17
- LEVEL 16
- LEVEL 15
- LEVEL 14
- LEVEL 13
- LEVEL 12
- LEVEL 11
- LEVEL 10
- LEVEL 9
- LEVEL 8
- LEVEL 7
- LEVEL 6
- LEVEL 5
- LEVEL 4
- LEVEL 3
- LEVEL 2
- LEVEL 1
- GROUND FLOOR
- LEVEL -1
- LEVEL -2



ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #7243
NSW Design & Building Practitioners Act #0000709 www.mcgregorwestlake.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
Cross Section

SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:500	CS	PM	

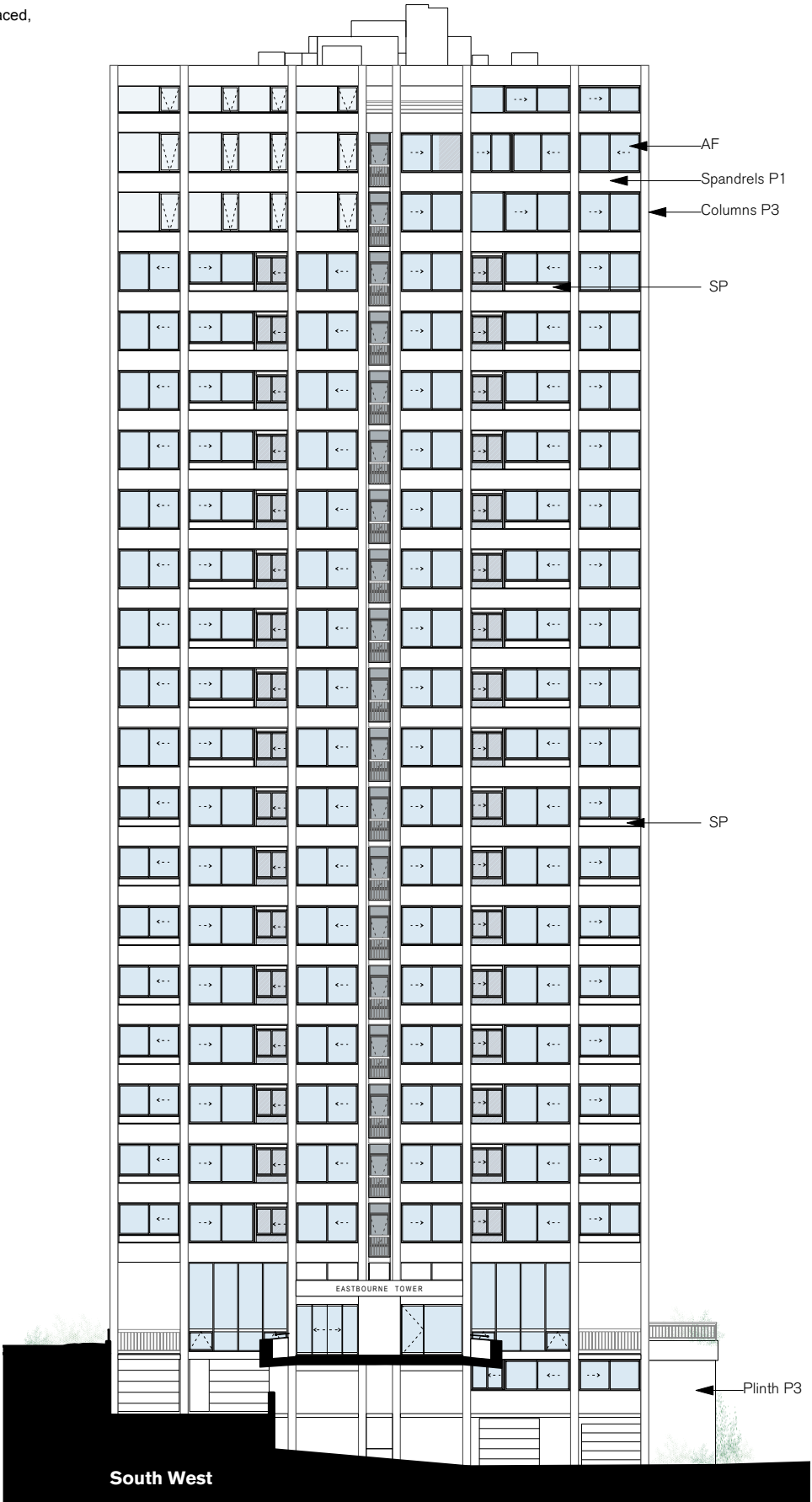
PROJECT #
221124

DWG #
DA 21

REVISION
A

Note: All windows to be replaced,
with the exception of Unit 52

- LEVEL 20
- LEVEL 19
- LEVEL 18
- LEVEL 17
- LEVEL 16
- LEVEL 15
- LEVEL 14
- LEVEL 13
- LEVEL 12
- LEVEL 11
- LEVEL 10
- LEVEL 9
- LEVEL 8
- LEVEL 7
- LEVEL 6
- LEVEL 5
- LEVEL 4
- LEVEL 3
- LEVEL 2
- LEVEL 1
- GROUND FLOOR
- LEVEL -1
- LEVEL -2



McGregor Westlake Architecture
ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NWSA 888 87141
NWS Design & Building Practitioners Act #000709 www.mwarchitects.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

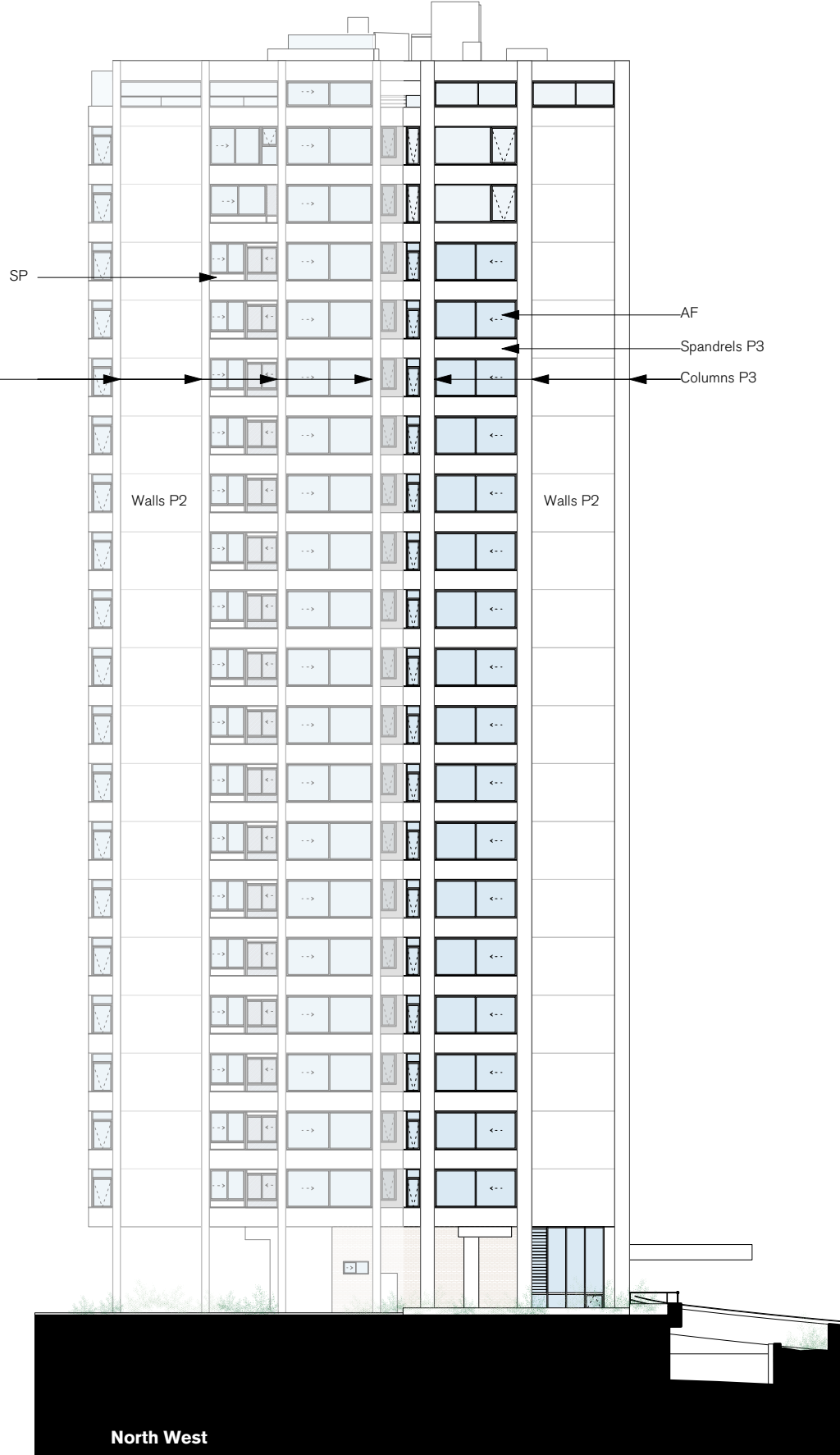
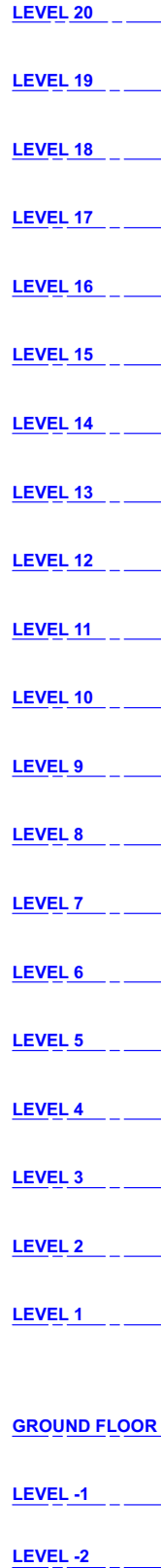
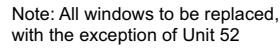
DWG
Elevations

SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:250	CS	PM	

PROJECT #
221124

DWG #
DA 30

REVISION
A

[illegible]

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site
prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG Elevations

SCALE @ A3	DRAWN	CHKD	PLOT DATE
1:250	CS	PM	

PROJECT #	221124
-----------	--------


DWG #
DA 31

REVISION
B

Material/Colour Legend

SHARED


AF/ WP Aluminium Frames + Wall Panel



Colour: Dulux Satin Sandstone

WALLS

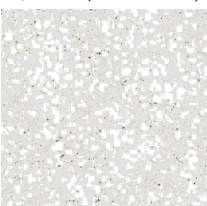
P2 (Paint Finish 2)



Colour: Dulux Off White
Texture: Medium

PLINTH WALLS

P3 (Paint Finish 3)




Colour: Dulux Dark White
Texture: Medium

SOUTHERN VOLUME

PIERS/COLUMNS

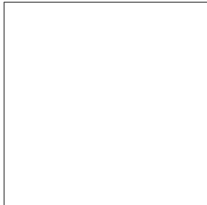
P3 (Paint Finish 3)



Colour: Dulux Dark White
Texture: Gritty

SPANDRELS

P1 (Paint Finish 1)




Colour: Dulux Vivid White
Texture: Smooth

NORTHERN VOLUME

PIERS/COLUMNS

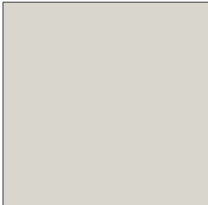
P1 (Paint Finish 1)



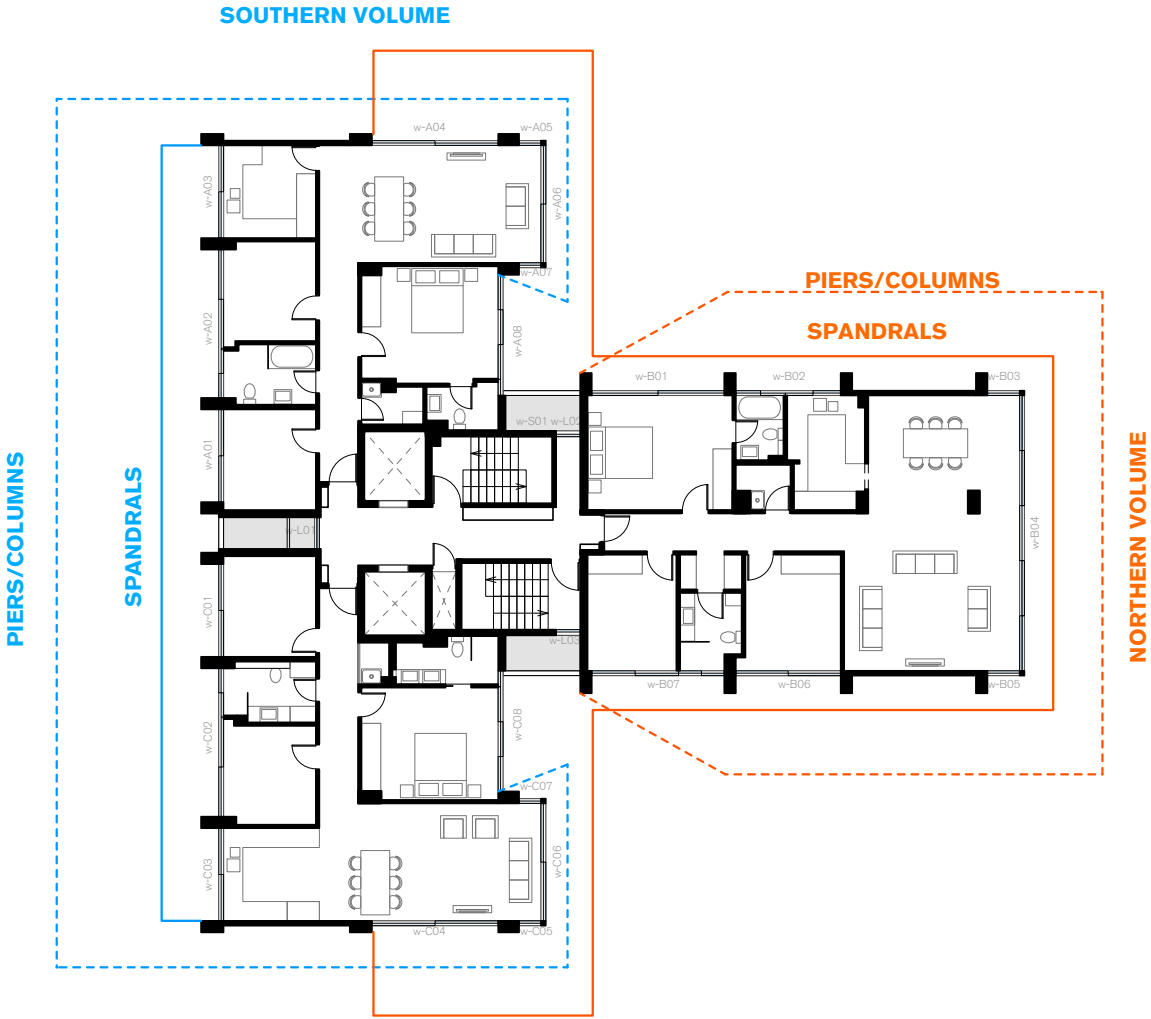
Colour: Dulux Vivid White
Texture: Gritty

SPANDRELS

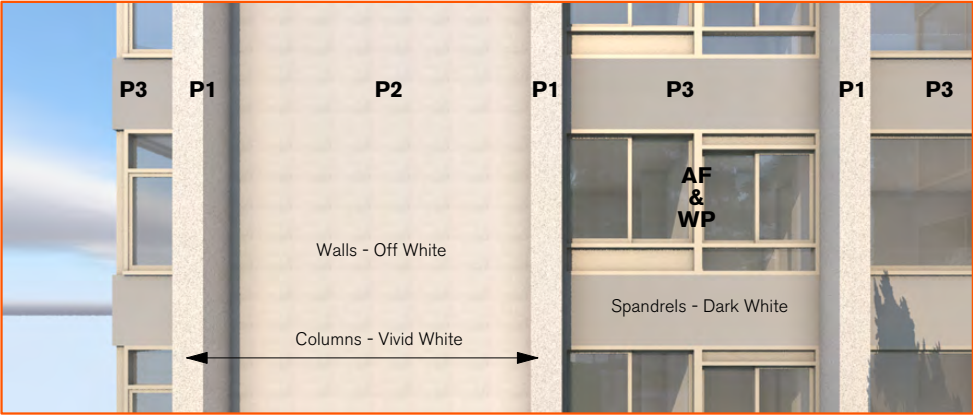
P3 (Paint Finish 3)



Colour: Dulux Dark White
Texture: Smooth



Southern Volume/Street Facade View Detail



Northern Volume View Detail



**McGregor
Westlake
Architecture**

ABN 74 090 136 066
A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 E studio@mcgregorwestlake.com.au
Peter McGregor NSW AEB #7243
NWA Design & Building Practitioners Act #000709 www.mwarchitecture.com.au
© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

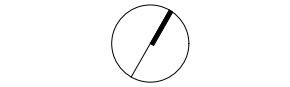
Dimensions in millimetres. Confirm all dimensions on site prior to commencing work. Use figured dimensions only. Do not scale. If discrepancy exists notify architect. If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG
**Materials and
Finishes Schedule**

SCALE @ A3	DRAWN	CHKD	PLOT DATE
	CS	PM	



PROJECT #
221124

DWG #
DA 40

REVISION
A



Front View
Corner Mount Adelaide Street with Eastbourne Street



Eastbourne Street North View



McGregor
Westlake
Architecture

ABN 74 090 136 066

A Level 4, 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia

T 612 9211 8151 E studio@mcwestlakearchitects.com.au

Peter McGregor NSW A&B #72143

NW Design & Building Practitioners Act #0000709

www.mwarchitecture.com.au

© Copyright

ISSUE	DATE	REVISION
A	30/5/2024	Issued for DA

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

PROJECT
2 Eastbourne Rd,
Darling Point NSW
2027

CLIENT

DWG			
Street View			
SCALE @ A3	DRAWN	CHKD	PLOT DATE
	CS	PM	

PROJECT #
221124
DWG #
DA 41
REVISION
A

Attachment 1 Architectural Plans

Page 295



Clause 4.6 Exceptions to Development Standards Written Request – Height of Buildings

Alterations to an existing 21 storey residential flat building
including the replacement of existing windows.

2-12 Eastbourne Road, Darling Point
SP 4781

Prepared for: SPMA

CPS Project No: F939

Rev: B

Date: August 2024

Creative Planning Solutions Pty Limited

Level 3, 397 Riley Street, Surry Hills, NSW 2010 | 1/6 Tilley Lane, Frenchs Forest NSW 2086

PO Box 1074 Broadway NSW 2007

+61 2 8039 7461 | info@cpsplanning.com.au | www.cpsplanning.com.au

Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

2-12 Eastbourne Road, Darling Point

August 2024

Document Control

Creative Planning Solutions works to a stringent Quality Assurance Program.

If this document has not been signed for review and approval then it is deemed a preliminary draft.

Prepared by:



Brendon Clendenning, Principal Planner

Reviewed by:



Daniel Govers, Director

Authorised by:



Daniel Govers, Director

© Copyright CREATIVE PLANNING SOLUTIONS PTY LIMITED 2024

This document is copyrighted; reproduction of this document or any part thereof is not permitted without prior written permission of Creative Planning Solutions Pty Limited.

Disclaimer:

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

Creative Planning Solutions is unable to, and does not, accept responsibility for any errors or omissions in any of the material provided by other parties.

2-12 Eastbourne Road, Darling Point

August 2024

Clause 4.6 Written Request to Vary a Development Standard
Woollahra Local Environmental Plan 2014

Applicant's name	SPMA
Site address	2-12 Eastbourne Road, Darling Point (SP 4781)
Proposal	Alterations to an existing residential flat building including the replacement of existing windows.
Environmental Planning Instrument	Woollahra Local Environmental Plan 2014 (WLEP 2014)
Development standard to be varied	Clause 4.3 – Height of Buildings

Creative Planning Solutions ('CPS') has prepared this request on behalf of SPMA, as part of a Development Application to Woollahra Council ('Council').

Contained within this report below is the written request relating to the proposed variation to clause 4.3 of *Woollahra Local Environmental Plan 2014* (WLEP 2014) in accordance with the provisions of clause 4.6 of WLEP 2014. This written request relates to plans prepared by McGregor Westlake Architecture that are submitted to Council as part of a development application package.

Details of development standard sought to be varied

Clause 4.3 of the WLEP 2014 prescribes the maximum height of buildings for land to which the plan applies. The relevant provisions of clause 4.3 are reproduced below:

(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.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The Height of Buildings Map (**Figure 1**) prescribes a maximum building height of 13.5m to the subject site.



Figure 1: Height of Building map extract, subject site outlined in yellow (Source: Planning Portal)

The Height of Buildings map (**Figure 1**) prescribes a maximum building height of 13.5m for the subject site. The proposed works do not seek to alter the height of any existing buildings on the site, nor to increase the building envelope in any way. The tallest elements (in AHD) of the proposed works are associated with the uppermost part of the highest affected window, and the top of the parapet of the building. Per the definition of *building height* and *ground level (existing)* within WLEP 2014, the maximum building height of portions of the existing building that are affected by the proposed development are as follows:

- Parapet: 64.815m
- Window head: 63.690m

The proposal seeks development consent for works that sit above the height limit, and therefore does not comply with the height of buildings development standard. The proposed development primarily consists solely of external alterations, primarily the replacement of existing windows. The proposed works will not have any adverse effect on the existing building height.

Clause 4.6(3) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and there are environmental planning grounds to justify contravening the development standard

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded.

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;***
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;***
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

(Emphasis added)

It is generally understood that Clause 4.6(3) can be satisfied if it is established that a development satisfies one or more of the above points. In this instance, points 1 and 2 apply to the proposed variation.

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

The objectives of the height of buildings standard under Clause 4.3 of the WLEP 2014 are provided below, followed by a response on how that objective is achieved notwithstanding non-compliance with the standard:

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

CPS response: The proposed works does not include any alterations to the existing building height. The desired future character for the area is reflected within Part B3.8.8 (and to an extent, within Part B1.2.2) of WDCP 2015. Alterations and additions to residential flat buildings are consistent with the desired future character, provided they are sympathetic to the architectural style and integrity of the building, and that they do not detract from the character of the area. The development is compatible with the modernist design of the existing building. The height is not subject to an increase and will continue to remain consistent with the future character of the area.

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

CPS response: The existing building is not located near a zone boundary.

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

CPS response: The proposal is designed such that the existing residential flat building will not increase or decrease the amount of solar access received to the building, to neighbouring properties, or to any open space. The proposal seeks only to replace the existing building windows including the addition of sliding and hinged windows.

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

CPS response: The proposal seeks to replace the existing windows on the existing residential flat building and as the development does not alter the height or scale of the building, no further impacts including view loss, privacy, overshadowing or visual intrusion, will affect adjoining or nearby properties.

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

CPS response: The development will not impact upon views of the harbour, as the proposal does not result in an increase in height, floor space, or the building envelope. Public amenity will be retained.

Although not described within the *Wehbe* decision, the objectives of Zone R3 Medium Density Residential under the WLEP 2014 are also considered below:

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

CPS Response: The proposed development achieves this objective as it comprises of alterations to an existing residential flat building. The use of the site is existing and approved; however, the windows have reached the end of their service life and require replacement. The new windows will achieve a higher standard of acoustic protection, energy efficiency, and wind protection and will therefore improve the comfort and energy performance of the existing housing.

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

CPS Response: The existing residential flat building includes an existing range of apartment sizes, and the proposal will have no impact on the type of housing that is provided.

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

CPS Response: The proposed works are limited to the replacement of existing apartment windows on the façade of the building. No adverse effects will occur on other land uses, nor on any other businesses within or around the subject site.

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

CPS Response: The proposal does not seek to alter the existing height and scale of the building and will not generate any negative impacts to the future character of the neighbourhood. The proposed works will alternatively improve the overall amenity of the neighbourhood as the replacement of existing windows will create a positive visual impact.

The desired future character for the area, as reflected within Part B3.8.8, envisions alterations and additions to residential flat buildings. The proposal seeks only to undertake remedial alterations, with no additions proposed. The height and scale of the proposal is therefore consistent with the desired future character of the neighbourhood.

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

CPS Response: The proposed development will have no impact on surrounding vegetation including tree canopy cover.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The non-compliance does not affect the capacity of the proposal to comply with the objectives and purpose of clause 4.3 of the WLEP 2014. This clause 4.6 written request is required as there is an existing non-compliance. The proposal does not seek to increase the height of the building of the subject site and will not alter the existing non-compliance. The existing building height of the site is to be maintained.

The underlying purpose of the development standard is to limit the height of new buildings and additions above the height of existing buildings, as excessive building height will create new impacts within the locality.

Part B1.2.2 of Woollahra Development Control Plan 2015 (WDCP 2015) indicates that within the Darling Point precinct, existing intrusive high rise and tower developments are not to be reproduced. A new tower of a height similar to the proposal would contravene both the stated objectives of the standard the underlying purpose of the standard. The desired future character that is described within WDCP 2015, seeks the prevention of new high rise developments, and this is consistent with the objectives and purpose of the standard. However, the objectives and purpose of the standard are largely irrelevant to the proposed development, given the building is longstanding and there is no change proposed to the height of the development.

The proposal does not seek to increase the existing building height. No part of the proposed development will detrimentally impact on surrounding public areas. The development does not seek to increase the existing variation

The proposed development does not seek to alter the existing building height and will not generate any impacts associated with the surrounding area. The following outlines further environmental planning grounds for the proposal and the existing non-compliance:

- There will be no increase of building height as the existing residential flat building is not proposed to increase or decrease. Therefore, no loss of view or overshadowing will be an impact on surrounding properties.
- As the proposal is strictly for the replacement of the existing windows, privacy impacts will remain unchanged for surrounding properties, and the bulk and scale of the building will remain unchanged.
- There is no merit to undertaking a comprehensive window upgrade that is limited to parts of the building that sit beneath the height limit.

It is evident that strict enforcement of this development standard will result in an unfavourable outcome, noting that the non-compliance is an existing situation.

2-12 Eastbourne Road, Darling Point

August 2024

Conclusion

In summary, the proposal seeks to provide alterations to an existing residential flat building located at 2-12 Eastbourne Road, Darling Point. While the proposal does not seek to alter the existing building height, an existing variation to this development standard is evident. The non-compliance in the height of building development standard is considered acceptable as the proposal does not seek to increase the existing variation.

This variation request confirms that the proposal is both in harmony and compatible with the objectives of Clause 4.3 of the WLEP 2014, as well as the objectives of Zone R3 Medium Density Residential. The proposal is therefore considered to be acceptable.

The proposed development includes remedial works that would improve the overall amenity for all residents. The proposal will not create any significant nor unreasonable impacts on surrounding sites and the public domain, in terms of functionality and/or visual amenity.

Compliance with the height of building standard is unreasonable and unnecessary in the specific circumstances of this proposal, and there are sufficient environmental planning grounds to justify contravention of the development standard. Given the above, the variation to the height of buildings development standard can be approved by Council.



Woollahra
Municipal
Council

2 September 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 196/2024/1
ADDRESS: 2-12 Eastbourne Road DARLING POINT 2027
PROPOSAL: Replacement of windows within an existing residential flat building
FROM: Vanessa Wood
TO: Mr V Aleidzans

1. DOCUMENTATION

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

- Drawing set by MW Architecture, dated 30 May 2024, and numbered DA00 – DA41
- Statement of Environmental Effects by CPS, dated June 2024

2. SITE INSPECTION / RESEARCH

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

Review of the following documents and photographic evidence:

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

3. STATUTORY AND POLICY DOCUMENTS

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

- Woollahra LEP 2014
- Woollahra DCP 2015

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

The subject property 'Eastbourne Towers' is not a heritage item and is not within a HCA. Therefore, a HIS was not submitted as part of the development application.

The following description of the property has been extracted from the Pre-DA Consultation minutes for 2021/32/1, dated 27 September 2021;

- *The tower is typical of the prominent character of modernist towers on the Darling Point peninsular constructed in the 1960s and 1970s positioned along the ridge, in*



Woollahra
Municipal
Council

contrast to the lower scale dwelling and RFBs on the peninsular sides. It expresses typical modernist planning and aesthetic character. The tower has north-east angled orientation to the lot, dramatic concrete ramped porte-cochere and is surrounded by extensive landscape and hardstand car park areas. It appears the existing tower retains its modernist façade with horizontal spandrels and finely detailed window framing, however it appears original balconies have been filled in and it is also unclear if the spandrel treatment is original

The following databases were searched for information regarding the property;

- Trove

Magnificent view from Darling Point unit

AN EXECUTIVE apartment with magnificent Harbour views will be auctioned by Elders Real Estate Double Bay on August 26.
Apartment 10 Eastbourne Towers, located at 2 Eastbourne Road, Darling Point, has handsome park-like gardens with pool and barbecue area.
A security building, the sunny interior enjoys city skyline, Harbour, Bridge and Opera House views from every room. Accommodation comprises three bedrooms, two bathrooms, a laundry, kitchen and combined living areas. A lock-up garage and undercover security parking on title, plus a live-in caretaker, completes the picture.

The view from 10 Eastbourne Towers, Darling Point



1992, <http://nla.gov.au/nla.news-page29229106>

- Woollahra Library = no results
- City of Sydney Archives = no results
- State Library NSW = there are Max Dupain photos of the tower, not available online
- State Archives NSW
 - Plans of the apartment are held in the records, not available online. These cite;
 - Applicant Eastbourne Towers & Volski & Co [Company] Pty Ltd [Proprietary Limited]
 - Architect-Engineer H Stossel & Associates Architects
 - 1966
 - The records hold a Hugo Stossel collection, of which the subject property is included. Other designs credited to Stossel in the LGA include;
 - Residence for R.A. Pfeiffer Esq, 112 Balfour Road, Rose Bay (unclear if extant, most recent DA in 2000)
 - Maget house, 66 Victoria Road, Bellevue Hill (Had IHO which was revoked by EPC, demolition approved by CDC)
 - Kamilaroi, 52 Darling Point Road, Darling Point (extant)

Therefore, Stossel is considered a notable architect of the Sydney modernist movement.



Woollahra
Municipal
Council

1968-1970

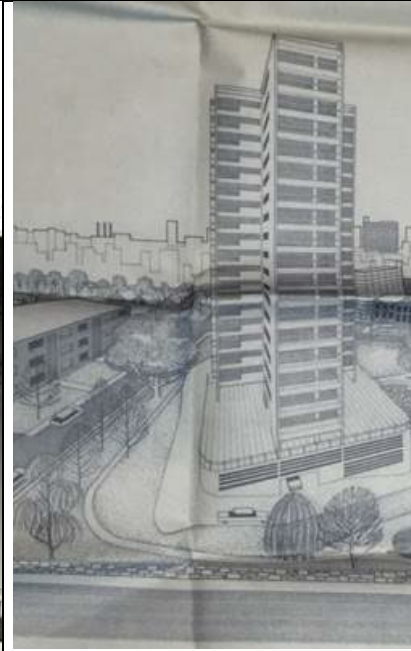
Eastbourne Tower, Eastbourne Road, Darling Point
apartment block

1 x b&w photographs 30.5x25.5cm Photograph Pieter Stroethoff

3 x b&w photographs 25x29 cm. Glenn A. Keep Photography

2 x col. Photographs 18x13 cm [photographer unknown]

References: 'Convertible units at Darling Pt', *Sydney Morning*



https://first.mhnsnsw.au/images_linked/recno56295B.pdf

DA1966/34/1 (extracted from SEE)

Previous applications

Pre-DA meeting (2021/32/1)

- Addition of balconies to apartment block
- No heritage comment was provided.

Pre-DA meeting (2023/19/1).

- Replacement of windows and painting of façade
- No heritage comment was provided.
- The following comment was provided in the minutes, in response to B3.8.8: Post 1950's Residential Towers
 - *As already detailed within these minutes the proposal is required to maintain the character of the existing built form with there being no fundamental changes to its architecture. Continuity in window design is also recommended. If any differences/variances are pursued, these should not be discernible which is to be demonstrated as part of any future development application.*

Complying development 2023/19/1

- Internal alterations and additions to apartment 14

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.



Woollahra
Municipal
Council

Significance of items in the vicinity

The following listed heritage items/heritage conservation areas are located in proximity of the site:

- House, interiors and grounds (local listed) at 5-7 Eastbourne Road DARLING POINT
- Etham Cottage - house, interiors and front fencing (local listed) at 11 Eastbourne Road DARLING POINT
- Babworth House - building including interior, grounds, gardens, gateposts to Darling Point Rd, Fig (state listed) at 5-7 Mitchell Road, 14A-E, 27 and 29 Eastbourne Road

As the proposed works are localised to the existing form and fabric of the subject property, the proposal will have a negligible impact to the significant items within the vicinity.

Woollahra DCP 2015

The subject site is not in a Heritage Conservation Area.

B3.8.8 Post 1950s residential towers

Woollahra DCP 2015, Part B, Chapter B3, Clause 3.8.8, Objective O1, O2 Control C1

Colour scheme

- The proposed colour scheme is consistent with the existing and is supported. (C1e)

Glazing replacement

The modernist building is associated with prominent architect, Hugo Stossel. However, as the building is not a heritage item and is not within a HCA, a Heritage Impact Statement was not required to be submitted.

Therefore, the proposed works have not been guided by a heritage professional, design options have not been provided and there is limited framework in which to assess the proposal. Consideration has been provided against the following control;

- Alterations and additions to post-1950s residential towers have regard to: the architectural integrity of the existing building (C1d)

As mentioned above, the proposal was assessed at Pre-DA stage. The following comment was provided;

- *As already detailed within these minutes the proposal is required to maintain the character of the existing built form with there being no fundamental changes to its architecture. Continuity in window design is also recommended. If any differences/variances are pursued, these should not be discernible*

The proposed fenestration pattern is consistent with that proposed at Pre-DA stage. It was recommended that there be continuity in window design at DA Stage (meaning the windows are to be consistent in design, not a like-for-like match with the existing).

As highlighted in the below drawings, the proposed simplified fenestration pattern will impact on



Woollahra
Municipal
Council

the aesthetic appearance of the modernist building.

It is noted that the existing window are likely (no structural/ condition report submitted) at the end of their life and that their replacement is necessary for the longevity of the building.

Therefore,

- a) The proposed replacement of the existing windows is supported in principle. This will impact on the architectural integrity of the building, however, is required for the overall longevity of the structure.
- b) The proposed fenestration pattern is not like-for-like with the existing. However, it is consistent with the modernist style in that it is a) symmetrical b) uses large sheets of glass c) is simply detailed

While the proposal will impact on the architectural integrity of the structure, the proposed works are required necessary for the longevity of the building. Ideally, the detailing of the windows would be like-for-like, however, it is reinforced that the subject property is not a heritage item or in a HCA and therefore, the design has not been guided by a heritage professional. The proposed approach will remove architectural detailing and significant fabric, therefore altering the character of the building. However, the approach of the replacement structures employs a simplistic and functional approach that is aligned with modernist principles.

Therefore, there is no objection to the proposal from a heritage perspective in this instance.



6. CONCLUSION

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does conserve the built heritage of Woollahra.

7. RECOMMENDATION

No heritage conditions are required.

Vanessa Wood
Heritage Officer

2.9.2024
Completion Date

