



Woollahra Local Planning Panel (Public Meeting)

Thursday 5 September 2024
1.00pm

Agenda

Woollahra Local Planning Panel (Public Meetings):

Woollahra Council will be holding Woollahra Local Planning Panel (WLPP) meetings using conferencing technology.

The Chair of the Panel, members of the Panel and staff will be participating in meetings in person and members of the public may attend via audio-visual link instead of attending in person.

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

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

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

- **To watch the meeting live or listen to the meeting live at 1.00pm**
Visit Council's website at 1.00pm and watch live via the following link:
<https://www.youtube.com/@woollahracouncil5355/streams>
- **To request to address the Panel (pre-register by 12noon the day before the meeting)**
Pre-register to listen to the meeting live or request to address the Panel by 12noon the day before the meeting by using the relevant registration form on Council's website - <http://www.woollahra.nsw.gov.au>
- **To submit late correspondence (submit by 12noon the day before the meeting)**
Members of the public may submit late correspondence on an agenda item being considered at a Panel Meeting. If you wish to make a written submission on an item on the Agenda, please email your submission to records@woollahra.nsw.gov.au by 12noon on the day before the meeting.

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

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

Outline of Meeting Protocol & Procedure:

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

Disclaimer:

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

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

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

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

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

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

Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

Quorum:

3 Panel members

Woollahra Municipal Council

Notice of Meeting

27 August 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Public Meeting) – 5 September 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Public Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 5 September 2024 at 1.00pm.**

Members of the public may:

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

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

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

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel (Public Meeting)

Agenda

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

Items to be Decided by the Panel

D1	DA436/2020/2 - 18 Olphert Avenue Vaucluse - 24/150300.....7 *See Recommendation Page 35
D2	DA478/2023/1 - 4 Graylind Place Vaucluse - 24/152296103 *See Recommendation Page 144

LOCAL PLANNING PANEL SECTION 4.56 APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA436/2020/2
ADDRESS	18 Olphert Avenue Vacluse
COUNCIL WARD	Vacluse
ZONING	R2 Low Density Residential
EXISTING CONSENT	The demolition of an existing dwelling house and the construction of a new dwelling house and swimming pool and associated works
DATE OF CONSENT	29/11/2022
TYPE OF CONSENT	Local development
CONSENT AUTHORITY	Land and Environment Court
PROPOSED MODIFICATION	Modifications to the levels of the approved rear yard area/ swimming pool, landscaping and fencing modifications
TYPE OF MODIFICATION	Section 4.56
DATE S4.55 LODGED	02/01/2024 - original lodgement 18/07/2024 - amended application
APPLICANT	Ms S J Curtis
OWNER	Mr C D Taylor & Ms S J Curtis
AUTHOR	Mr D Booth
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	7 to the original application 5 to the amended application
RECOMMENDATION	Conditional approval

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

The application is to be determined by the Woollahra Local Planning Panel as it falls under the category of *Contentious Development* i.e. the subject application is the subject of 10 or more unique submissions by way of objection.

2. REASONS FOR RECOMMENDATION

The amended 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:

- the development consent as proposed to be modified is considered to be substantially the same as the approved development;
- the proposed modifications are considered to be satisfactory with regard to all relevant planning policies;
- it is considered that the proposed modifications will not have any significant adverse impacts upon the local environment including residential amenity;
- it is considered that the proposed modifications will not have any social or economic impacts;

- the site is considered to be suitable for the proposed modified development; and
- the proposed modifications are considered to not be contrary to the public interest.

3. LOCALITY PLAN



Note: The map above does not account for multiple objections from the one property.

4. SITE AND LOCALITY

The subject site is located on the northern side of Olphert Avenue, has a street frontage (southern boundary) and rear (northern) boundary 18.3m in length, western and eastern side boundaries 51.8m in length and a site area of 947.5m². A below ground sewer line extends across the rear of the site.

The site falls approximately 10m from the site frontage to the rear boundary. The subject site is currently occupied by a single storey dwelling house and does not contain any off-street car parking.

The adjoining property to the west (16 Olphert Avenue) is currently undergoing re-development for alterations and additions to a 1-3 storey dwelling house, new swimming pool and cabana.

The adjoining property to the east (20 Olphert Avenue) is also occupied by a 1-3 storey dwelling house.

The rear section of the adjoining property to the rear 77 Hopetoun Avenue is approximately 0.8-1.55m lower than the adjoining rear section of the subject site. This property is undergoing redevelopment for alterations and additions to a 2 storey dwelling house.

The other adjoining property to the rear 77A Hopetoun Avenue is approximately 600mm lower than the adjoining rear section of the subject site. This property is occupied by a 2 storey dwelling house which abuts the common boundary.

The locality is characterised by 1-3 storey detached dwelling houses.

5. APPROVED DEVELOPMENT

- The demolition of an existing single storey dwelling house and the construction of a 2-3 storey dwelling house with a flat roof form containing a roof terrace presenting 1 storey to Olphert Avenue and 3 storeys to the rear.
- A double garage with rainwater tank under attached to the south-eastern corner of the new dwelling house and associated crossover.
- A swimming pool, extensive landscaping and site works to the rear section of the site and associated fencing and retaining walls.
- Landscaping to the front and side sections of the site.

6. PROPOSED MODIFICATIONS

The application was amended on 18 July 2024 in terms of correcting errors in the documentation.

The proposed modifications are as follows:

- The raising of the swimming pool and the southern, upper landscaped pool concourse level by 750mm from RL52.65 to RL53.4 and the northern, lower landscaped pool concourse by 1.2m from RL52.2 to RL53.4 and the raising of the base to the pool in order to facilitate a minimum 600mm clearance to a sewer line that extends under the pool whilst accommodating a consistent maximum pool depth of 1.8m and a level pool concourse that is more consistent with the adjacent levels of both adjoining side properties (16 and 20 Olphert Avenue).
- The raising of the pond and surround adjacent to the southern pool concourse by 750mm from RL51.45 to RL52.2.
- The addition of a 370-800mm high section of glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/pool concourse level in order to comply with the relevant provisions of the Swimming Pool Act 1992.
- The demolition of the rear boundary retaining wall, the consolidation of the 2 planters adjacent to the rear boundary into one, additional fill to the western section of the rear planter, the construction of a new, higher rear boundary retaining wall to the rear boundary with 1.8m high fencing above.
- Level changes and the addition of a retaining wall adjacent to the western boundary.
- The substitution of the approved pool balustrade to the rear and western side of the pool for glass pool fencing to a height of 1.3m above the proposed raised swimming pool/pool concourse level.
- The relocation of the pool filter/heat pump from the lower terrace adjacent to the rear boundary to a pool plant room under the north-eastern corner of the pool concourse.
- The deletion of the approved spa/ addition of an infiltration system.
- Landscaping modifications.

7. ISSUES

Issue	Conclusion	Section
Objectors' concerns.	Addressed by amendments to the application and otherwise are not considered sufficient grounds to warrant the refusal of the application.	9.2 & 9.4
Raised level of the rear section of the site non-compliance	Satisfactory, as the objective of the controls is considered to be upheld in this instance.	13.7
Eastern side and rear boundary fence height non-compliances	Satisfactory, as the objectives of the controls are considered to be adequately upheld in this instance.	13.8
Height of swimming pool above existing ground level non-compliance	Satisfactory, as the objectives of the controls are considered to be upheld in this instance.	13.9
Height and eastern side setback outbuilding non-compliances	Satisfactory, as the objective of the controls is considered to be upheld in this instance.	13.10

8. REFERRALS

Council's Heritage Officer has recommended additional conditions pertaining to the protection of aboriginal heritage/archaeological remains via DARC.

9. ASSESSMENT UNDER SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.56 of the Environmental Planning and Assessment Act 1979 (the Act) confers on a consent authority the power and discretion to modify a consent granted by the Court under the Act.

Section 4.56(1) states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations modify the development consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, and*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(iii) it has notified, or made reasonable attempts to notify, each who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

(c) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsection 4.56 (1A) states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

9.1 Substantially the same development

The qualitative and quantitative aspects of the approved development have been compared to the proposed modifications and the following comments are made:

- The proposed modifications do not radically change the approved development.
- The approved development as proposed to be modified is considered to be essentially and materially the same development.
- The proposed modifications would not substantially change how the development is to be carried out.
- The proposed modifications do not alter any aspect of the approved development which was essential to the development when it was originally approved with the proposed modifications considered to be satisfactory in terms of amenity impacts upon adjoining properties as discussed under subsequent sections of this report.

Accordingly, the development consent as proposed to be modified is considered to be substantially the same as the approved development.

9.2 Notification/Advertising

The original application was notified and advertised during the period 24/01-08/02 2024. Objections were received from:

1. **Fran & Jack Ezra - 20 Olphert Avenue, Vacluse (2 unique submissions);**
2. **Sally Flannery of Orbit Planning PO Box 517, Broadway NSW 2007 on behalf of Fran & Jack Ezra - 20 Olphert Avenue, Vacluse (2 unique submissions);**
3. **Bethany Burke of Colin Biggers & Paisley Lawyers, GPO Box 214 Sydney NSW 2001 on behalf of Fran & Jack Ezra - 20 Olphert Avenue, Vacluse;**
4. **John Rutter & Lisa Stephens 77a Hopetoun Avenue, Vacluse; and**
5. **Julie-Anne McMillan & Misha de Moyer - 16 Olphert Avenue, Vacluse.**

The objections raised the following concerns:

- *Inadequate/erroneous documentation*

The amended application is considered to be generally satisfactory in terms of documentation subject to conditions.

The notated reductions to the planter depths/heights to the northern elevation at bedroom floor and living floor levels and the addition of a *post and wire support for creepers* to the western side boundary are considered to be inadequately documented as they have been clouded in black rather than red as is the case with the remainder of the modifications, a western side elevation of the *post and wire support for creepers* has not been provided and they are not addressed in the Section 100 statement (statement of environmental effects) accompanying the application including an analysis of visual privacy implications for the reductions to the planter depths/heights.

Accordingly, it is recommended that they be excluded from the terms of any approval (see recommended **Conditions A.3a, A.7 & C.1d**). No further assessment of these modifications is provided.

Further, the inconsistent documentation of the north-south dimension of the pool plant room, the eastern boundary wall/ pool fencing and the deletion of the approved spa/ addition of an infiltration system as discussed below under section 9.4 are addressed by recommended **Conditions C.1e, f & g**.

The validity of the approved BASIX certification is questioned in light of the proposed modifications to the pool. In this regard, the architect has provided the following advice in relation to the proposed modifications to the pool volume:

It is advised that the volume is 88m³ (88 KL). This volume is within the maximum specified within the approved BASIX Certificate , which notes – ‘not to have a volume greater than 100.2Kilolitres’.

Given that the pool volume is within the requirements of the existing BASIX Assessment, then there is no requirement for the BASIX to be reviewed.

Accordingly, an updated BASIX certificate is not required for the proposed modifications.

- *Excessive fill associated with the proposed raising of the swimming pool/ landscaped pool concourse and associated view and privacy impacts upon adjoining properties/ the volume of fill has not been specified and is inconsistent with Condition C. 1b of the development consent/ there is no technical information provided in relation to the sewer to justify the proposed increased height of the swimming pool/ landscaped pool concourse/ the pool fence height to the eastern side boundary is rendered non-compliant by the proposed raising of the pool/ pool concourse level and a compliant pool fence of 1.8m would result in a fence height of 4.2m above existing ground level with associated amenity impacts*

Condition C.1b) of the development consent states.

In order to reduce the extent of the non-compliance with Council’s excavation volumetric control (B3.4 C1) to an acceptable level consistent with the objectives underlying the control, the volume of fill will be reduced to a maximum of 1200mm above existing ground level. 128.95 m³ of excavated material shall be used as fill within the subject site. This condition does not permit any changes to the approved ground levels.

A maximum permitted volume of fill is not specified by Council’s DCP controls.

The application claims that the proposed raising of the pond and surround adjacent to the southern pool concourse by 750mm from RL51.45 to RL52.2, the swimming pool and the southern, upper landscaped pool concourse level by 750mm from RL52.65 to RL53.4 and the northern, lower landscaped pool concourse by 1.2m from RL52.2 to RL53.4 is necessary in order to facilitate a minimum 600mm clearance of the sewer line that extends under the pool whilst accommodating a pool of a reasonable maximum depth (1.8m) and to provide a level pool concourse that is more consistent with the adjacent levels of both adjoining side properties (16 and 20 Olphert Avenue).

Whilst the 600mm clearance is more than the 450mm minimum requirement specified by Sydney Water, the architect has provided the following justification for the additional 150mm of clearance:

We have used a clearance of 600mm over the sewer line to give a margin of ‘safety’ over and above the 450mm minimum requirement by Sydney Water. This allows some flexibility in the design of the pool concrete structural thickness.

The proposed raised pool/ landscaped pool concourse level RL53.4 is lower than the pool/ pool surround levels of both adjacent side properties; RL53.43 at 20 Olphert Avenue and RL54 at 16 Olphert Avenue and accordingly it is considered to be reasonable with regard to potential amenity impacts upon adjoining properties.

The amended plans document a compliant swimming pool fence height to the eastern boundary via the proposed addition of a 370-800mm high section of clear glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/pool concourse level in order to comply with the relevant provisions of the Swimming Pool Act 1992.

The proposed section of clear glass pool fencing to the top of the approved solid pool fence to the eastern boundary is designed to mitigate view loss from the adjoining property to the east 20 Olphert Avenue but would permit lines of sight over the approved solid pool fencing to the rear section of the adjoining property including the pool area.

Accordingly, any requirement that the proposed clear glass pool fence section be required to be translucent to screen lines of sight between the subject pool and the rear area of 20 Olphert Avenue would result in additional view loss.

On balance, mutual overlooking of the rear areas of the subject site and the adjoining property is considered to be reasonable on the basis that the existing properties overlook one another.

Compliant solar access will be maintained to the adjoining property 20 Olphert Avenue.

View impacts upon the adjoining property 20 Olphert Avenue are considered to be reasonable.

These issues are discussed in greater depth under subsequent sections of this report.

On the basis of the above, the proposed raising of the swimming pool/ landscaped concourse and pool fence heights are considered to be reasonable and accordingly it is recommended that the above-mentioned Condition C.1b) of the development consent be deleted.

- *Does the northern undercroft storage area involve retaining walls adjacent to the common boundary with 20 Olphert Avenue and does it comply with Council's 1.5m side setback requirement for ancillary structures/ the proposed paved section of the pool concourse above the plant room with table and chairs will impart loss of privacy impacts upon 20 Olphert Avenue*

Whilst the proposed relocation of the pool filter/heat pump from the lower terrace adjacent to the rear boundary to a pool plant room under the north-eastern corner of the pool concourse does involve the modification to the approved retaining wall to the north-eastern section of the pool concourse that extends to the common boundary with 20 Olphert Avenue, no additional retaining walls are proposed.

Council's development engineering section have raised no objection to this proposed modification and it is considered that existing conditions of consent adequately address potential impacts associated with the proposed modified retaining wall.

The proposed modification to the approved retaining wall to the north-eastern section of the pool concourse does not impart any significant amenity impacts upon the adjoining property 20 Olphert Avenue.

The paving notation to the north-eastern corner of the pool concourse has been removed from the amended plans but the outdoor table and chairs remain which are indicated as being closer to the eastern side boundary than that as approved. As discussed above, whilst overlooking of the adjoining property will be possible from the north-eastern corner of the pool concourse, such is considered to be reasonable on the basis that the existing properties overlook one another.

- *Excessive height of proposed landscaping to the north-eastern section of the site*

The northern and eastern elevations state *north-east trees to max 1.2m above pool surround/deck.*

Condition C.1Aa) of the development consent states:

The overall plant height at maturity for plants in the redesigned planters on the northern boundary with 77 Hopetoun Avenue, Vaucluse and the north-eastern boundary with 20 Olphert Avenue, Vaucluse must not exceed 1200mm above approved height of the swimming pool concourse.

Due to the proposed raising of the approved height of the the northern, lower landscaped pool concourse by 1.2m, the above-mentioned note means that the height of the landscaping to the north-eastern section of the site would increase commensurately (1.2m) from that as approved.

The eastern side elevation documents that the raised mature plant height would be 200mm higher than the approved eastern side boundary wall which is not considered to be significant in terms of imparting amenity impacts upon the adjoining property including view impacts.

The issue of view loss is discussed in greater depth under section 13.5 of this report.

- *A Nashi Pear tree planting adjacent to the to the south-eastern section of the pool concourse will not pass a pool safety inspection and will be raised in height by 750mm due to the proposed raising of the southern section of the landscaped pool surround thereby causing view loss*

The pool safety implication of the subject tree approved under the original development application is not considered to be relevant to the scope of the proposed modifications.

The impact of the raising of the subject tree approved under the original development application by 750mm due to the raising of the southern section of the landscaped pool concourse upon views from the adjoining property 20 Olphert Avenue is not considered to be significant.

- *Absence of modified stormwater management plans*

Stormwater Management details have been submitted with the amended application certifying that Condition C.10 Stormwater Management Plan of the development consent can be complied with. In this regard Council's Development Engineering Team Leader has advised that:

I have reviewed the amended documentation as mentioned below. Please be advised that no referral is required. There are no additional engineering conditions required.

- *Reduced deep soil landscaped area due to the proposed pool plant room*

Whilst the proposed pool plant room under the north-eastern corner of the pool concourse will reduce deep soil landscaped area provision by approximately 12m², it is considered that the subject application maintains adequate deep soil landscaped area to the site.

This issue is discussed in greater depth under section 13.7 of the report.

- *The proposed modifications do not satisfy the provisions of section 4.56(1)(a) of the Environmental Planning and Assessment Act 1979*

As discussed under section 9.1, the development consent as proposed to be modified is considered to be substantially the same as the approved development.

- *The notification plan indicates 2 relocated 4m high Frangipani trees to the north-eastern corner of the site which would result in loss of views from 20 Olphert Avenue*

These have been removed from the amended application.

- *It is requested that the approved outdoor shower at Living Level be deleted*

This was approved as part of the original development application and does not form part of the proposed modifications.

9.3 Statutory Declaration

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

9.4 Re-notification of amended application

The amended application was notified and advertised during the period 26/07-10/08 2024. Objections were received from:

1. **Fran & Jack Ezra - 20 Olphert Avenue, Vaucluse;**
2. **Sally Flannery of Orbit Planning PO Box 517, Broadway NSW 2007 on behalf of Fran & Jack Ezra - 20 Olphert Avenue, Vaucluse;**
3. **Bethany Burke of Colin Biggers & Paisley Lawyers, GPO Box 214 Sydney NSW 2001 on behalf of Fran & Jack Ezra - 20 Olphert Avenue, Vaucluse;**
4. **Julie-Anne McMillan & Misha de Moyer - 16 Olphert Avenue, Vaucluse; and**
5. **Lisa Stephens & John Rutter - 77a Hopetoun Avenue, Vaucluse**

The objections raised the following concerns that were not raised in relation to the advertising/notification of the original application:

- *The Section 100 statement submitted with the amended application erroneously refers to a "1.8m high transparent (clear glass) swimming pool fence".*

The proposed modifications include the addition of a 370-800mm high section of glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/pool concourse level in order to comply with the relevant provisions of the Swimming Pool Act 1992.

Whilst the reference to the 1.8m high transparent (clear glass) swimming pool fence in the Section 100 statement is erroneous, it is considered that nothing turns on this.

- *Drawing 4.56 2.1 references "No. 20 masonry retaining wall" and such is also documented on drawing 4.56 3 Section L with the subject eastern boundary pool fence butting up against it and is relied upon to retain the proposed additional fill to the swimming pool surround. The retaining wall does not exist and landowners' consent is not granted for the construction of a retaining wall on 20 Olphert Avenue.*

The approved eastern boundary masonry wall as documented on drawings 4.56 2.1 & 3.1 is located within the boundaries of the subject site and will independently retain the proposed additional fill to the pool surround.

The incorrect documentation of the approved eastern boundary masonry wall and the retaining wall on the 20 Olphert Avenue side of the common boundary incorrectly documented drawing 4.56 3 Section L is addressed by recommended **Condition C.1f**.

Further, Condition A.6 of the development consent states:

A.6 Prevention of boundary encroachments

In order to prevent boundary encroachments, all works are to be located wholly within the boundaries of the subject site. All new retaining walls and fencing are to be located within the boundaries of the subject site.

- *The Section 100 statement submitted with the amended application does not make reference to the raising of the rear yard by 1.2m, only referencing an increase to the pool height and does not reference the proposed 1.8m high timber paling fence on top of a low masonry retaining wall documented on the rear section of the eastern elevation*

The Section 100 statement submitted with the amended application describes the proposed modifications as:

“Increase the swimming pool level by 750mm, demolish rear retaining wall and construction of new retaining wall, and associated landscaping, boundary and swimming pool fencing”.

Whilst the proposed raising of the northern, lower pool concourse level by 1.2m and the proposed 1.8m high timber paling fence/low retaining wall are not specifically described, these modifications are considered to fall within the scope of *associated landscaping and boundary... fencing*.

- *The proposed 600mm clearance to the sewer main only necessitates the raising of the pool level to RL53.25 and not RL53.4.*

The Section 100 statement submitted with the amended application justifies the proposed 750mm increase to the pool level on the following basis:

The avoidance of conflict with the existing sewer main. The pool as approved had to step over the sewer main, this amendment would eliminate that step and provide a swimming pool of reasonable depth.... the pool depth proposed by this section 4.55 is 1.8m.

The primary change would result in a pool level at RL53.4m AHD remaining 30mm below the pool deck level at No.20 and lower than 600mm lower than the existing tennis court and approved pool at No.16.

The above-mentioned justifications are considered to be acceptable.

- *Stormwater management related concerns/ the stormwater management plan SWCC 1.5 B erroneously references the approved roof height as RL64.678 whereas the approved roof height is RL64.619/ the stormwater management related documentation contains other inconsistencies with the approved architectural drawings*

Whilst stormwater management details have been submitted with the amended application certifying that Condition C.10 Stormwater Management Plan of the development consent can be complied with, they do not form part of the proposed modifications.

The proposed modifications do not seek to increase the roof height from that as approved and the submitted stormwater management documentation submitted with the amended application is not included in the recommended approved documents.

With regard to the submitted stormwater management details, Council's Development Engineering Team Leader has advised that:

I have reviewed the amended documentation as mentioned below. Please be advised that no referral is required. There are no additional engineering conditions required.

- *Geotechnical/ excavation related concerns with regard to the approved excavation to the south-eastern corner of the site*

This issue is not relevant to the scope of the proposed modifications. The approved excavation works to the south-eastern corner of the site were adequately assessed and conditioned in terms of geotechnical related impacts.

- *Excessive height of landscaping adjacent to the rear boundary with the amended landscape plan documenting 10 x 11.5m high trees and associated view loss*

The 11.5m reference appears to be erroneous as the tree species has not changed from the approved landscape plan which documents a height of 1-1.5m. The amended landscape plan documents *Max height 1.2m above pool surround* with regard to landscaping to the north-eastern corner of the site. The plant species associated with this note (*Raphiolepis Indica*), has been independently checked and it is confirmed that it would not attain a height of 11.5m.

Regardless, Condition C.1Aa) of the development consent restricts the height of landscaping adjacent to the rear boundary to 1.2m above the pool concourse. The impact of the raising of the pool concourse by 1.2m and consequently the permissible height of the subject landscaping adjacent to the rear boundary with regard to view impacts upon 20 Olphert Avenue is discussed above under section 9.2 and below under section 13.5.

- *Whilst the amended Landscape Plan has replaced the approved spa with a transplanted frangipani tree and the Garden Floor plan has replaced the approved spa with an infiltration system, the spa remains documented on Section CC.*

The replacement of the approved spa with a transplanted frangipani tree spa on the Landscape Plan is not contained within the red clouded area formally documenting the scope of the proposed modifications. However, the approved spa has been removed from within the red clouded area on drawing 4.56_2.1 Garden Floor plan and an infiltration system added.

The inconsistent documentation of the spa on drawing 4.56_4.1 Section CC is addressed by recommended **Condition C.1g**.

- *The Section 100 statement does not discuss the environmental impact of the proposed pool plant room*

Whilst this is correct, an independent assessment of the environmental impact of the proposed pool plant room is discussed above under section 9.2 and below under section 13.11.

- *The Section 100 statement states that privacy landscaping adjacent to the rear boundary of 77 Hopetoun Avenue will maintain the privacy of 77 Hopetoun Avenue from the proposed raised pool/ concourse which is inconsistent with the terms of Condition D.1h of the development consent pertaining to 77 Hopetoun Avenue/ inadequate height of proposed landscaping adjacent to the rear boundary of the subject site and associated privacy impacts upon 77 & 77a Hopetoun Avenue*

Landscaping cannot be relied upon for privacy screening. The potential visual privacy impacts of raising the northern pool concourse by 1.2m upon privacy sensitive areas of 77 Hopetoun Avenue (an adjoining property to the rear) has been undertaken independently of landscaping. In this regard, whilst the sightline distance of separation from the northern extremity of the northern pool concourse to the southern section of the rear lawn area of 77 Hopetoun Avenue is less than 9m, compliant sightline distances of separation will be achieved to the majority of the rear lawn area and to the main private open space areas occupying the western section of this adjoining property.

It is considered that the proposed modifications will not have any significant visual privacy impacts upon the adjoining property 77A Hopetoun Avenue.

Potential additional acoustic impacts upon adjoining properties are addressed by **Condition I.4** of the development consent requiring the control of offensive noise.

The issue of privacy is discussed in greater depth under section 13.6 of this report.

- *The amended Section 100 statement states that 20 Olphert Avenue was approved under the same numeric DCP controls. It was approved by the Land and Environment Court prior to the current DCP being adopted.*

Assuming this claim is correct, nothing turns on it. The subject application is assessed under current controls.

- *Drawing 4.56 3 Section L does not accurately document the approved swimming pool as it has a hump in the middle to avoid the sewer line/ the cross sections inaccurately document base of the approved pool*

Whilst drawing 4.56 3 Section L and the cross sections incorrectly document the approved pool base, it is considered that nothing turns on this. It is the documentation of the proposed pool base and the 600mm sewer clearance that is of significance.

- *The proposed glass pool fencing addition can be changed to solid as exempt development*

The view loss assessment of the proposed glass pool fencing has taken into consideration the compromised views through glass as affected views.

- *The north-south dimension of the pool plant room is inconsistently documented on drawing 4.56 1.2 compared with drawing 4.56 2.1.*

This concern is correct and is addressed by recommended **Condition C.1e**.

- *The Section 100 statement submitted with the application is inadequate meaning no valid application has been lodged*

Whilst the Section 100 statement submitted with the amended application is in part erroneous /deficient, it is considered that the statement together with the amended architectural plans submitted with the amended application are collectively adequate to facilitate an assessment against the relevant provisions of Sections 4.15 & 4.56 of the Environmental Planning and Assessment Act and that nothing turns on the errors/ deficiencies.

- *The proposed 1.8m high eastern boundary pool fencing extends beyond the pool area*

The proposed additional glazed pool fencing to the eastern boundary does not extend beyond the pool/ pool concourse area.

- *Potential view loss to 20 Olphert Avenue due to future landscaping of the site exceeding the conditioned height*

It is considered that Condition C.1Aa) of the development consent will adequately facilitate the control of the height of landscaping that has the potential to affect the views of the adjoining property 20 Olphert Avenue.

- *The list of the proposed modifications provided by the architect contained spelling errors and is contained in a Word document again suggesting it is incomplete and lacks finality*

Whilst the list of the proposed modifications provided by the architect with the original application contained spelling errors, no such document has been submitted with the amended application. The erroneous document has not been relied upon in the assessment of the application.

- *Removal of the approved terraced fencing to the rear boundary/ excessive height of fencing to the rear boundary/ the Section 100 statement does not discuss the environmental impact of the proposed additional height of fencing to the rear boundary*

The proposal includes the demolition of the rear boundary retaining wall, the consolidation of the 2 terraced planters adjacent to the rear boundary into one, additional fill to the western section of the rear planter and the construction of a new, higher rear boundary retaining wall to the rear boundary with 1.8m high fencing above.

Whilst non-compliant with Council's rear boundary fence height control, it is considered that the proposed fencing to the rear boundary adequately upholds the underlying objective of the control.

Whilst the Section 100 statement does not specifically address the environment impacts associated with the proposed modifications to the rear boundary fencing, it is considered to fall within the ambit of *boundary and swimming pool fencing* included in the description of the proposed modifications.

An environmental assessment of the non-compliant rear boundary fencing is provided under section 13.8 of this report.

- *The raising of the approved landscaping heights to the rear section of the site by 1.2m from that as approved will result in an excessive sense of enclosure to adjoining properties*

It is considered that the proposed raising of the approved height of landscaping to the rear section of the site by 1.2m will not result in any significant visual impacts upon adjoining properties.

- *The proposed retaining wall and level changes adjacent to the western boundary have not been adequately documented and should be the subject of geotechnical and structural reports and Council's underpinning condition.*

The proposed retaining wall and level changes adjacent to the western boundary are considered to be adequately documented.

This issue was discussed with Council's Development Engineering Team Leader who has recommended additional conditions of development consent that prevent underpinning works to any structures on adjoining properties (see recommended **Conditions A.8 & C.19**).

- *The proposal involves additional fill adjacent to the rear boundary and this is not been described in the Section 100 statement*

The proposal involves approximately 700mm of additional fill to the western section of the rear planter. Whilst this is not being specifically described in the Section 100 statement, it is considered to fall within the ambit of *landscaping* included in the description of the proposed modifications. The extent of fill proposed adjacent to the rear boundary is considered to be satisfactory in terms of environmental impacts.

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15(1)

The relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act* 1979 as required by Section 4.55(3) of the Act are assessed under the following headings:

10. SEPP (RESILIENCE AND HAZARDS) 2021

Clause 4.6(1)(a) of SEPP (Resilience and Hazards) 2021, requires consideration to be given as to whether the subject land is contaminated. The assessment of the original development application concluded that there was not a site contamination issue and it is considered that the proposed modifications do not have the potential to alter that conclusion.

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 modifications with regard to tree impacts.

The proposed modifications to the development consent do not involve the potential for any significant tree impacts.

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 proposed modifications to the development consent are considered to be satisfactory in terms of the *Division 2 Controls on development generally* with existing conditions of consent adequately addressing stormwater run-off and sedimentation control.

The proposed modifications to the development consent are considered to be satisfactory with regard to the relevant provisions of SEPP (Biodiversity and Conservation) 2021.

12. WOOLLAHRA LEP 2014

12.1 Clause 1.2: Aims of Plan

The proposed modifications to the development consent are considered to be consistent with the aims stipulated under Clause 1.2(2) of Woollahra LEP 2014.

12.2 Land Use Table

The proposed modifications to the development consent relate to structures that are ancillary to a dwelling house use which is permissible within the R2 Low Density Residential zone.

12.3 Objectives of the zone

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

12.4 Clause 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m. The proposed modifications are compliant.

12.5 Clause 4.4: Floor Space Ratio

Clause 4.4E limits the proposed modifications to the dwelling house to a maximum floor space ratio of 0.5:1.

The proposed modifications do not involve any additional gross floor area from that as approved with the proposed plant room excluded from the definition of *gross floor area*.

12.6 Clause 5.10: Heritage Conservation

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

Council's Heritage Officer who reviewed the application upon lodgement (DARC) has recommended additional conditions with regard to protecting Aboriginal archaeological objects/ skeletal remains.

The subject site is not heritage affected and the proposed modifications to the development consent are considered to be satisfactory with regard to the provisions of Clause 5.10 of Woollahra LEP 2014.

12.7 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.

The subject site is not located within Council's Flood Planning Area and the proposed modifications are considered to be satisfactory with regard to the provisions of Part 5.21 of Woollahra LEP 2014.

12.8 Clause 6.1: Acid Sulfate Soils

Clause 6.1 requires Council to consider any potential acid sulphate soil affectation where excavation is proposed within the site.

The subject site is located within a Class 5 Acid Sulphate soil area and the proposed modifications are considered to be satisfactory with regard to the provisions of Clause 6.1 of Woollahra LEP 2014.

12.9 Clause 6.2: Earthworks

Clause 6.2 requires Council to consider the impacts of earthworks upon the local environment.

The proposed modifications to the swimming pool and landscaped pool concourse involve reduced excavation but additional fill from that as approved.

The proposal involves approximately 700mm of additional fill to the western section of the rear planter.

Minor additional excavation works associated with the pool plant room and the north-western section of the site are proposed.

Council's Development Engineering Team Leader has recommended additional conditions of development consent that prevent underpinning works to any structures on adjoining properties (see recommended **Conditions A.8 & C.19**).

Otherwise, Council's development engineering, tree management and heritage sections have raised no objection to the proposed modified earthworks and it is considered that existing conditions of consent adequately address potential environmental impacts associated with the proposed modifications.

The proposed modifications are considered to be satisfactory in terms of the matters for consideration stipulated under Clause 6.2 of Woollahra LEP 2014.

12.10 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 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.

The proposed modifications do not reduce canopy cover from that as approved and accordingly are considered to be satisfactory with regard to the provisions of Part 6.9 of the Woollahra LEP 2014.

13. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

13.1 Chapter B1.11 Vacluse East Residential Precinct

The desired future character objectives for the Vacluse East precinct are as follows:

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

Streetscape character and key elements of the Vacluse East precinct:

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

- a) *the relationship of the precinct to the coastal parklands;*
- b) *the rich mixture of architectural styles, and their emphasis on their connection to the landform;*
- c) *buildings set within highly visible gardens;*
- d) *buildings addressing the street; and*

- e) *the iconic and harbour views available from the streets of the precinct, including view corridors between buildings.*

The proposed modifications do not involve the potential for any visual impacts upon the streetscape, public view impacts or significant tree impacts.

With regard to the proposed additional fill, the application claims that the proposed raising of the pond and surround adjacent to the southern pool concourse by 750mm from RL51.45 to RL52.2, the swimming pool and the southern, upper landscaped pool concourse level by 750mm from RL52.65 to RL53.4, and the northern, lower landscaped pool concourse by 1.2m from RL52.2 to RL53.4 is necessary in order to facilitate a minimum 600mm clearance of the sewer line that extends under the pool whilst accommodating a pool of a reasonable maximum depth (1.8m) and to provide a rear open space area at levels that are more consistent with that of both adjacent side properties (16 and 20 Olphert Avenue).

Whilst the 600mm clearance is more than the 450mm minimum requirement specified by Sydney Water, the architect has provided the following justification for the additional 150mm of clearance:

We have used a clearance of 600mm over the sewer line to give a margin of 'safety' over and above the 450mm minimum requirement by Sydney Water. This allows some flexibility in the design of the pool concrete structural thickness.

The proposed raised pool/landscaped pool concourse level RL53.4 is lower than the pool/ pool surround levels of both adjacent side properties; RL53.43 at 20 Olphert Avenue and RL54 at 16 Olphert Avenue and accordingly it is considered to be reasonable potential and amenity impacts upon adjoining properties.

The proposed modifications to the development consent are considered to be satisfactory with regard to the desired future character objectives for the Vaucluse East precinct.

13.2 B3.4 Excavation

The proposed raising of the swimming pool, the landscape concourse and pond reduces the extent of excavation from that as approved.

Minor additional excavation works associated with the pool plant room and the north-western section of the site are proposed. This excavation is not associated with the dwelling house and therefore does not alter the volume of excavation from that as approved.

Council's Development Engineering Team Leader has recommended additional conditions of development consent that prevent underpinning works to any structures on adjoining properties (see recommended **Conditions A.8 & C.19**).

Otherwise, Council's development engineering, tree management and heritage sections have raised no objection to the proposed modified earthworks and it is considered that existing conditions of consent adequately address potential environmental impacts associated with the proposed modifications.

The proposed modifications are considered to be satisfactory with the provisions of B3.4 of Woollahra DCP 2015.

13.3 B3.5.1 Streetscape and local character

The proposed modifications do not involve the potential for any visual impacts upon the streetscape and are considered to be satisfactory with regard to the provisions of Part B.3.5.1 of Woollahra DCP 2015.

13.4 B3.5.2 Overshadowing

The owner of the adjoining property to the east (20 Olphert Avenue) has objected to the proposed addition of a 370-800mm high section of glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/ pool concourse level in order to comply with the relevant provisions of the Swimming Pool Act 1992 on the basis of overshadowing.

The adjoining property is orientated towards the north and solar access will be maintained in accordance with the following provisions of B3.5.2 of Woollahra DCP 2015.

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 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.*

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

The proposed modifications maintain solar access to adjoining properties in accordance with the above-mentioned provisions.

13.5 B3.5.3 Public and Private Views

Public views

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

Private views

The owner of the adjoining property to the east (20 Olphert Avenue) has objected to the proposed addition of a 370-800mm high section of glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/pool concourse level and to the proposed 1.2m raising of the approved maximum height of landscaping to the north-eastern section of the site on the basis of loss of views from the pool area, rear yard and lower ground floor level of the three level dwelling house.

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.*

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.*

In assessing the reasonableness or otherwise of the degree of view loss to the concerned properties, the planning principle established in *Tenacity Consulting v Warringah (2004) NSWLEC 140* provides a four step assessment. The steps are as follows:

1. The assessment of the views affected

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

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

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

3. The extent of the impact

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

4. The reasonableness of the proposal that is causing the impact and the potential mitigation of the impact

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

The following view impact analysis images have been prepared and provided by John Aspinall of Urbaine Architectural, a consultant acting for the owners of 20 Olphert Avenue. The view impact analysis images include the proposed additional height of landscaping to the north-eastern section of the site (shown in red).

The image below indicates where the photographs are taken from.



The image below is taken from location 01 (the swimming pool surround). The northern section of the approved boundary wall is 200mm below the top of the palisade fence and the proposed 800mm glass addition extends 600mm above.



The image below is taken from location 02 (lower ground floor level-living areas).



The photograph below is taken from location 07 (ground floor level-main living areas). Views are not affected from this location.



The photograph below is taken from location 08 (ground floor level-main living areas). Views are not affected from this location.



The photograph below is taken from location 10 (first floor level-bedrooms). Views are not affected from this location.



The photograph below is taken from location 11 (first floor level-bedrooms). Views are not affected from this location.



Whilst the proposed clear glass pool fence addition will substantially affect harbour and foreshore views from the pool, rear yard and lower ground floor area, the affected views are across a side boundary and expansive harbour and foreshore views will be maintained from the main living areas at ground floor level including the rear balcony and from bedrooms at first floor level including the rear balcony.

The overall view impact is considered to be minor-moderate in extent and reasonable on the basis that the proposed raising of the pool and adjacent areas to RL53.4 are lower, albeit marginally, than the pool surround level RL53.43 at 20 Olphert Avenue and the proposed addition of a 370-800mm high section of glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/pool concourse level is necessary in order to comply with the relevant provisions of the Swimming Pool Act 1992.

The use of clear glass with the proposed additional fence height to the eastern boundary in an effort to mitigate view loss is considered a more skilful design than other types of less transparent pool fencing.

The landscaping view impacts are considered to be minor and reasonable.

The proposed modifications are therefore considered to be satisfactory with regard to the provisions of Part B3.5.3 of Woollahra DCP 2015.

13.6 B3.5.4 Visual and acoustic privacy

The owner of the adjoining property to the east (20 Olphert Avenue) has objected to the proposed raising of the pool/pool concourse level by 750mm-1.2m on the basis of loss of privacy.

The proposed addition of a 370-800mm high section of clear glass pool fencing to the top of the approved solid pool fence to the eastern boundary is designed to mitigate view loss from the adjoining property to the east 20 Olphert Avenue but would permit lines of sight over the approved solid pool fencing to the rear section of the adjoining property including the pool area which is non-compliant with the following control:

- 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.

Any requirement that the proposed clear glass pool fence addition be required to be translucent to screen lines of sight between the subject pool and the rear area of 20 Olphert Avenue would result in additional view loss.

On balance, mutual overlooking of the rear areas of the subject site and the adjoining property is considered to be reasonable on the basis that the existing properties overlook one another.

Whilst the sightline distance of separation from the northern extremity of the northern pool concourse to the southern section of the rear lawn area of 77 Hopetoun Avenue is less than 9m, compliant sightline distances of separation will be achieved to the majority of the rear lawn area and to the main private open space areas occupying the western section of this adjoining property.

With regard to other adjoining properties, it is considered that the proposed raising the pool and adjacent areas will not result in any significant additional lines of sight to privacy sensitive areas of adjoining properties within 9m.

Potential additional acoustic impacts upon adjoining properties are addressed by **Condition I.4** of the development consent requiring the control of offensive noise.

The proposed modifications are considered to be satisfactory with regard to the provisions of B3.5.4 of Woollahra DCP 2015.

13.7 B3.7.1 Landscaped Areas and Private Open Space

	Approved	Proposed	Control	Complies
C1 Deep Soil External to Buildable Area	Approximately 344m ²	Approximately 332m ²	35% (332m ²)	Yes

The proposed pool plant room under the north-eastern corner of the pool concourse will reduce deep soil landscaped area provision by approximately 12m².

It is estimated that compliance will be maintained with Council's deep soil landscaped area requirement of approximately 332m² with approximately that amount provided with any non-compliance minor in extent and considered to be satisfactory with the following underlying objectives of the control.

- 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 proposed modifications do not result in any reduction to the approved tree canopy coverage.

The proposed raising of the northern, lower landscaped pool concourse by 1.2m increases the height of fill above existing ground level to 2-2.4m which 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 raised pool/landscaped pool concourse level RL53.4 is lower than the pool/ pool surround levels of both adjacent side properties; RL53.43 at 20 Olphert Avenue and RL54 at 16 Olphert Avenue and accordingly it is considered to be reasonable with regard to potential amenity impacts upon adjoining properties.

On the basis that the proposed additional fill creates a level pool concourse lower than the levels of adjoining properties, the non-compliance is supported in this instance.

The proposed modifications do not result in any reduction to the approved tree canopy area.

Council's Tree Management Team Leader has raised no objection to the proposed modifications in terms of tree impacts and tree canopy provision.

The proposed modifications are considered to be satisfactory with regard to the provisions of Part B3.7.1 of Woollahra DCP 2015.

13.8 B3.7.2: Fences

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.

Rear boundary fencing

The proposal includes the demolition of the rear boundary retaining wall, the consolidation of the 2 planters adjacent to the rear boundary into one, additional fill to the western section of the rear planter, the construction of a new, higher rear boundary retaining wall to the rear boundary with 1.8m high fencing above.

The ground level on the subject property side of the rear boundary is 0.6-1.55m above the adjacent ground levels of the adjoining properties to the rear. C10 applies to the western half of the proposed rear boundary fencing which involves a new retaining wall and 1.8m high fencing above collectively extending approximately 3.5-4m above the ground level on the low side of the boundary. Accordingly, the proposed rear boundary fencing is non-compliant with C9 & C10.

The objective of the above-mentioned controls 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 height of the proposed rear boundary fencing will provide visual privacy screening from the proposed raised pool concourse without affecting views and sunlight of adjoining properties. Accordingly, the proposed rear boundary fencing is supported in this instance.

Side boundary fencing

The proposed addition of a 370-800mm section of high glass pool fencing to the top of the approved solid pool fencing to the eastern side boundary to a total height of 1.8m above the proposed raised swimming pool/pool concourse level in order to comply with the relevant provisions of the Swimming Pool Act 1992 results in a collective height of approximately 2.4-3.8m above the existing ground level at the eastern boundary.

An approximately 1m long section of the ground level on the adjoining property (20 Olphert Avenue) side of the eastern side boundary is more than 1.2m above the adjacent ground level of the subject site and C10 applies to this section. The proposed 1.8m fence height to this section is non-compliant with the 1.2m height above the high side control.

The remainder of the proposed modified eastern side boundary fencing involves a height of approximately 2.4-3.8m which is non-compliant with C9.

The height of the proposed fencing above the adjacent pool deck at 20 Olphert Avenue is approximately 1.8m.

The proposed section of clear glass pool fencing to the top of the approved solid pool fence to the eastern boundary is designed to mitigate view loss from the adjoining property to the east 20 Olphert Avenue but would permit lines of sight over the approved solid pool fencing to the rear section of the adjoining property including the pool area.

Accordingly, any requirement that the proposed clear glass pool fence section be required to be translucent to screen lines of sight between the subject pool and the rear area of 20 Olphert Avenue would result in additional view loss.

On balance, mutual overlooking of the rear areas of the subject site and the adjoining property is considered to be reasonable on the basis that the existing properties overlook one another.

As discussed previously, compliant solar access will be maintained to the adjoining property and view impacts upon the adjoining property are considered to be reasonable.

The proposed glass pool fencing to a height of 1.3m above the western side of the proposed raised swimming pool/pool concourse is setback a minimum of 1.6m from the western side boundary and therefore is considered to not constitute side boundary fencing.

The proposed modifications are considered to be satisfactory with regard to the provisions of Part B3.7.2 of Woollahra DCP 2015.

13.9 B3.7.3 Site facilities

C7 Mechanical plant equipment (including lift overruns and air conditioners) must be located internally within the principal building in a suitably designed plant room or the like.

C8 Mechanical plant equipment (including lift overruns and air conditioners) must be wholly contained within the permissible building envelope and must not be located externally or on the roof.

The proposed relocation of the pool filter/heat pump from the lower terrace adjacent to the rear boundary to a pool plant room under the north-eastern corner of the pool concourse does not accord with the above-mentioned controls as it is located outside the permissible building envelope and not within the principal building.

The relevant objectives of the controls state:

O6 To ensure that mechanical plant equipment including lift overruns, air conditioning units and external condensers, do not have adverse streetscape or amenity impacts.

O7 To discourage the provision of mechanical plant equipment on the roofs of buildings to minimise clutter and visual impacts created by intrusive site facilities.

O8 To minimise visual and acoustic impacts on adjoining properties.

The proposed location of the pool plant room is considered to be consistent with the above-mentioned objectives being not visually discernible from adjoining properties and with acoustic impacts addressed by existing conditions of consent.

It is considered impractical to locate swimming pool plant within the dwelling house due to the size of the site and distance between the pool and the house.

The proposed modifications are considered to be satisfactory with regard to the provisions of B3.7.3 of Woollahra DCP 2015.

13.10 B3.7.4: Ancillary Development - Swimming pools

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.

The proposed raising of the swimming pool/ pool concourse level by 750mm-1.2m results in heights above existing ground level of 400mm-2.4m which is partially non-compliant with C4. The extent of non-compliance relates to the rear two thirds of the swimming pool and the northern pool concourse.

The objectives of the controls state:

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

The application claims that the proposed raising of the pool and pool surround is necessary in order to facilitate a minimum 600mm clearance of the sewer line that extends under the pool whilst accommodating a pool of a reasonable consistent maximum depth (1.8m) and to provide a rear open space area at levels that are more consistent with that of both adjacent side properties (16 and 20 Olphert Avenue).

Whilst the 600mm clearance is more than the 450mm minimum requirement specified by Sydney Water, the architect has provided the following justification for the additional 150mm of clearance:

We have used a clearance of 600mm over the sewer line to give a margin of 'safety' over and above the 450mm minimum requirement by Sydney Water. This allows some flexibility in the design of the pool concrete structural thickness.

The proposed raised pool/landscaped pool concourse level RL53.4 is lower than the pool/ pool surround levels of both adjacent side properties; RL53.43 at 20 Olphert Avenue and RL54 at 16 Olphert Avenue and accordingly it is considered to be reasonable with regard to potential amenity impacts upon both adjacent side properties.

Whilst the sightline distance of separation from the northern extremity of the northern pool concourse to the southern section of the rear lawn area of 77 Hopetoun Avenue is less than 9m, compliant sightline distances of separation will be achieved to the majority of the rear lawn area and to the main private open space areas occupying the western section of this adjoining property.

With regard to the other adjoining property (77A Hopetoun Avenue), it is considered that the proposed raising the pool and adjacent areas will not result in any significant additional lines of sight to privacy sensitive areas within 9m.

Council's Tree Management section has raised no objection to the proposed raising of the pool and pool concourse levels in terms of tree impacts.

No additional excavation associated with the swimming pool is proposed.

The proposed modifications to the approved swimming pool are otherwise compliant.

The proposed modifications are considered to be satisfactory with regard to the provisions of B3.7.4 of Woollahra DCP 2015.

13.11 Part 3.7.4: Ancillary Development - Outbuildings

- C1 The outbuilding is located within the building envelope or the rear setback.*
- C2 Maximum height of the outbuilding is 3.6m and the outbuilding is to be sited a minimum of 1.5m from the side and rear boundaries.*
- C3 The outbuilding, if located outside the building envelope, does not reduce the deep soil landscaped area and the private open space areas below the minimum required for development, as specified in Section 3.7.1 Landscaped areas and private open space.*

The objective of the control is:

- O1 To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the adjoining properties.*

The proposed relocation of the pool filter/heat pump from the lower terrace adjacent to the rear boundary to a pool plant room under the north-eastern corner of the pool concourse extends to the alignment of the eastern side boundary which does not accord with C2.

The proposed location of the pool plant room is considered to be consistent with the above-mentioned objective being not visually discernible from adjoining properties and with acoustic impacts addressed by existing conditions of consent.

The proposed modifications are considered to be satisfactory with regard to the provisions of B3.7.4 of Woollahra DCP 2015.

13.12 Chapter E.2 Stormwater and Flood Risk Management

Council's Team Leader-Development Engineering has raised no objection to the proposed modifications in terms of stormwater and flood risk management.

The proposed modifications are considered to be satisfactory with regard to the provisions of Chapter E2 of the Woollahra DCP 2015.

14. 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 existing conditions of consent.

15. NATIONAL PARKS AND WILDLIFE ACT 1974

Council's Heritage Officer who reviewed the application upon lodgement (DARC) has recommended additional conditions with regard to protecting Aboriginal archaeological objects/ skeletal remains.

16. THE LIKELY IMPACTS OF THE PROPOSED MODIFICATIONS

All likely impacts have been addressed elsewhere in the report.

17. THE SUITABILITY OF THE SITE

The site is considered suitable for the proposed modified development as conditioned.

18. CONCLUSION

The proposed modifications are considered to be acceptable against the relevant considerations under S.4.15 and S.4.55 of the Environmental Planning and Assessment Act, 1979.

19. 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.

20. RECOMMENDATION: PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

That the Woollahra Local Planning Panel, exercising the functions of Council as the consent authority, modify the development consent to Development Application No. 436/2020 for the demolition of an existing dwelling house and the construction of a new dwelling house and swimming pool and associated works on land at 18 Olphert Avenue Vaucluse in the following terms:

Modification Summary

DA Application Number (PAN Number)	Determination Date	Modification Description
DA436/2020/2 PAN 398386	05/09/2024	Addition of Conditions A.3a, A.7, A.8, B.4, B.5, C.19 & E.30 Amendment of Condition C.1

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 18 Olphert Avenue, Vaucluse

The conditions of consent are as follows:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to 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 *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

A.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs" published by the Southern Sydney Regional Organisation of Councils).

Owner means the owner of the *site* and successors in title to the *site*.

Owner-builder has the same meaning as in the *Home Building Act 1989*.

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, 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.

Professional engineer has the same meaning as in the *BCA*.

Public place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

Site means the land being developed subject to this consent.

Stormwater drainage system means all works, facilities and documentation relating to:

- the collection of stormwater,
- the retention of stormwater,

- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and
- connections to easements and public stormwater systems.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

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

Note: Interpretation of conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

A.3 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans to which is affixed a Council stamp “**Approved Plans**” and supporting documents listed below as submitted by the Applicant **unless modified by any following condition**. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Dates
DA 1.2 Rev J DA 2 Rev J DA 2.1 Rev J DA 3 Rev J DA 3.1 Rev J DA 4 Rev J DA 4.1 Rev J	Boundary fences Plan Living and Bedroom Plan Garden and Roof Elevations (North and south) Elevations East and West Cross sections Longitudinal sections	Louise St John Kennedy	03/11/2022
DA 6 Rev J	Landscape Plan	Louise St John Kennedy	3/11/2022
	Arboricultural Impact Assessment Report	David Shrimpton	5/5/2020
32829SCrptRev2	Geotechnical Report	JK Geotechnics	7 Feb 2020
201199 D01-C D02-E D03-C	Stormwater Management Plan	NB Consulting Engineers	29/06/2022

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should 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.

Note: 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 (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

A.3a Approved Amended (section 4.55) Plans and Supporting Documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp "Approved" and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s).

Only the modifications documented with **red clouding** are approved.

Reference	Description	Author/Drawn	Date(s)
4.56 1.2 Rev 2 4.56 2.1 Rev 2 4.56 3 Rev 2 4.56 3.1 Rev 2 4.56 4 Rev 2 4.56 4.1 Rev 2 4.56 6 Rev 2	Boundary fences Plan Garden and Roof Elevations North Elevations East and West Cross sections Longitudinal sections Landscape plan	Cottee Parker Architects P/L	03/07/2024

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 4.17(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

A.4 Ancillary Aspects of Development (section 4.17(2) of the *Act*)

The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Owner's expense.

Note: 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.

A.5 Tree Preservation & Approved Landscaping Works

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
4	<i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)	Rear garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	6 x 4 metres

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

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

Council Ref No.	Species	Location	Dimensions
1	<i>Plumeria rubra</i> (Frangipani)	Rear garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	6 x 4 metres

Note: The tree/s required to be retained shall appear coloured yellow on the construction certificate plans.

- c) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
2	<i>Michelia figo</i> (Port-wine Magnolia)	Rear garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	5 x 3 metres
3	<i>Cupressus torulosa</i> (Bhutan Cypress)	Rear garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	8 x 4 metres
5	<i>Acmena smithii</i> (Lillypilly)	Front garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	7 x 3 metres
6	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	7 x 4 metres
7	<i>Pittosporum undulatum</i> (Native Daphne)	Front garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	6 x 4 metres
8	<i>Cupressus torulosa</i> (Bhutan Cypress)	Front garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	8 x 3 metres
9	<i>Pittosporum undulatum</i> (Native Daphne)	Front garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	5 x 4 metres

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

*This species is exempt from the WMC DCP Chapter E.3 - Tree Management and can be removed without consent.

A.6 Prevention of boundary encroachments

In order to prevent boundary encroachments, all works are to be located wholly within the boundaries of the subject site. All new retaining walls and fencing are to be located within the boundaries of the subject site.

A.7 Development Consent is Not Granted in Relation to these Matters

Due to inadequate/inconsistent documentation, the reductions to the planter depths/heights to the northern elevation at Bedroom Floor and Living Floor levels and the addition of a *post and wire support for creepers* to the western side boundary are excluded from the scope of the subject development consent.

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

A.8 No Underpinning works (Special Condition)

This development consent does NOT give approval to any works outside the boundaries of the subject site including any underpinning works to any structures on adjoining properties.

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

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

B.1 Identification of Hazardous Material

In accordance with Australian Standard AS2601- 'The Demolition of Structures' the owner shall identify all hazardous substances located on the site including asbestos, Polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per Clause 1.6.1 of the Standard. In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing;

- 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.

Note: This condition is imposed 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.

B.2 Public Road Assets prior to any work/demolition

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the *Applicant* or *Owner* must submit to Council a full record of the condition of the Public Road infrastructure adjacent to the development site.

The report must be submitted to Council prior to the commencement of any work and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and
- drainage structures/pits.

The reports are to be supplied in both paper copy and electronic format in Word. 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 work under this consent.

Note: If the Applicant or Owner fails to submit the Asset condition report required by this condition 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

B.3 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970-2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk
4	<i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)	Rear garden. Refer to Section 7 of the submitted David Shrimpton Arboricultural Impact Assessment <i>Tree Location Map</i>	2 metres in accordance with Condition B.3 (g) below.

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

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being bought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in Condition B.2 of this consent.
- e) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- f) The site foreman must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.

- g) There shall be no trench footing along the eastern boundary within the tree protection zone of the retained Australian Christmas Bush. Any footing within this area is to be pier and beam and subject to the supervision of a suitably qualified arborist. The project arborist shall provide written certification of compliance with the above condition.

B.4 Aboriginal Heritage Due Diligence Responsibilities

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)].

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.

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

B.5 Aboriginal Heritage Induction

- 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 being submitted to Council and the Principal Certifier.

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

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

C.1A Modification of landscape plans and details

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments to the landscape plans, prepared by a suitably qualified Landscape Architect:

- a) The overall plant height at maturity for plants in the redesigned planters on the northern boundary with 77 Hopetoun Avenue, Vacluse and the north-eastern boundary with 20 Olphert Avenue, Vacluse must not exceed 1200mm above approved height of the swimming pool concourse;
- b) Protection measures identified in Condition B3(b) for the existing hedge on the boundary at the road frontage on 20 Olphert Avenue, Vacluse during excavation and construction of the garage on the side boundary, such measures to be contained wholly within the site;
- c) Two (2) trees with a maximum height at maturity of 3 metres are to be planted either side of the retained Australian Christmas Bush tree on eastern side boundary;
- d) No clumping bamboo or other forms of bamboo to be planted on site;

- e) The submitted Landscape Plan must illustrate the 2 x *Jacaranda mimosifolia* trees proposed to be planted within the front deep soil area of the property to be planted in a minimum container size of 150 litres at the time of planting;
- f) In addition to the proposed plantings already illustrated on the submitted Landscape Plan the following additional tree species must also be depicted and specified on the Landscape plan within the rear deep soil area of the property:

2 x *Banksia integrifolia* (Coastal Banksia); or
2 x *Eucalyptus ficifolia* (Red Flowering Gum); or
2 x *Banksia serrata* (Old-man Banksia).

Trees must be planted in a minimum container size of 150 litres at the time of planting.

A total of 2 trees but a combination of the above species is acceptable.

Trees must be planted in a minimum container size of 100 litres at the time of planting.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

C.1 Modification of Details of the Development (section 4.17(1)(g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) In order to prevent boundary encroachments, the retaining wall and fencing adjacent to the rear boundary and the fencing proposed adjacent to the eastern side boundary are to be located wholly within the boundaries of the subject site.
- b) Deleted
- c) In order to minimise smoke related impacts upon adjoining properties, the tops of both proposed chimneys shall be at least 1m metre higher than any other building within a 15m radius.
- d) Due to inadequate/ inconsistent documentation, the reductions to the planter depths/heights to the northern elevation at Bedroom Floor and Living Floor levels and the addition of a *post and wire support for creepers* to the western side boundary must be deleted.
- e) Where the north-south dimension of the proposed pool plant room is inconsistently documented on drawing 4.56 1.2 compared with drawing 4.56 2.1, the lesser dimension documented on drawing 4.56 2.1 prevails.
- f) Where the eastern boundary pool wall/ fence is inconsistently documented on drawings 4.56 2.1 & 3.1 compared with drawing 4.56 3 Section L, the documentation on drawings 4.56 2.1 & 3.1 prevail.

- g) Where the deletion of the approved spa/ addition of an infiltration system is inconsistently documented on drawing 4.56_2.1 Garden Floor plan compared with drawing 4.56_4.1 Section CC, the documentation on drawing 4.56_2.1 Garden Floor plan prevails.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

(Amended on 05/09/2024 under DA436/2020/2 (PAN 398386))

C.2 Payment of Long Service Levy, Security, Contributions and Fees

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate, as will apply.

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	
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 <i>Council</i> (S138)	\$86,702	No	T115
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$48,545 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$480	No	T45
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$135,727 plus any relevant indexed amounts and long service levy		

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 Certifying Authority 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:

- 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 the issue of the Construction Certificate, 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.

How will the section 7.12 levy (formerly known as 94A levy) be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on ph 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 (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2011

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, 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 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 the issue of the Construction Certificate, 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 3.13 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.

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority BASIX Certificate* No. 1052152S_05 with any application for a *Construction Certificate*.

Note: Where there is any proposed change in the BASIX commitments the applicant must submit of a new *BASIX Certificate* to the *Certifying Authority* and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the *Regulation*) the applicant will be required to submit an amended development application to *Council* pursuant to section 96 of the Act.

All commitments in the *BASIX Certificate* must be shown on the *Construction Certificate* plans and specifications prior to the issue of any *Construction Certificate*.

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation* 2000 provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"

C.4 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the issuing of any *Construction Certificate*. The infrastructure works must be carried out at the applicant's expense:

- a) The construction of a new 4.5 metres wide vehicular crossing including the replacement of the existing gutter in accordance with Council's standard driveway drawing RF2_D. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned with the centreline of the garage door. The vehicular crossing must have a minimum crossfall of 1% graded from the property boundary towards the layback. Design longitudinal profiles along each edge/side of the proposed driveway must be submitted for assessment.
- b) The relocation of the existing Ausgrid power light pole – The construction of the new 4.5 metres wide vehicular crossing will require the relocation of an existing street light/power pole. The new power pole must be located at least 1 metre away from the proposed vehicular crossing to comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works and Standard Drawing RF2_D. The applicant must provide written confirmation from Austgrid that payment of the relocation of the power pole has been made. All costs associated with the relocation of the street lighting must be borne by the applicant.
- c) Reinstatement of all damaged footpath, kerb and gutter and road pavement to match existing.
- d) 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.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: *Road* has the same meaning as in the *Roads Act 1993*.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. 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.

Note: Refer to the *Roads Act Application advising under section K Advising of this consent*.

C.5 Utility Services Generally

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

Note: Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 4.55 of the *Act* to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with any Construction Certificate application together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the Construction Certificate plans and/or detailed within the Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the Construction Certificate plans.

Note: The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

C.6 Soil and Water Management Plan – Submission & Approval

The *principal contractor* or *owner builder* must submit to the *Certifying Authority* a soil and water management plan complying with:

- a) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- b) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence. The *Certifying Authority* must be satisfied that the soil and water management plan complies with the publications above prior to issuing any *Construction Certificate*.

Note: This condition has been imposed to eliminate potential water pollution and dust nuisance.

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

Note: The “*Do it Right On Site, Soil and Water Management for the Construction Industry*” publications can be down loaded free of charge from <http://www.woollahra.nsw.gov.au/> .

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an *Accredited Certifier* may be satisfied as to this matter.

C.7 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include detailed *professional engineering* plans and/or specifications for all structural, electrical, hydraulic, hydro-geological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

Note: This does not affect the right of the developer to seek staged *Construction Certificates*.

C.8 Geotechnical and Hydrogeological Design, Certification and Monitoring

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must be accompanied by 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.

These details must be certified by the professional engineer to:

- a) 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.
- 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).
- c) Provide foundation tanking, if deemed necessary by the geotechnical engineer upon detailed investigation, 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.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water, if deemed necessary by the geotechnical engineer upon detailed investigation, such that they are fully tanked and no on-going dewatering of the site is required.

- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
- 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 2187.2-1993 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.

C.9 Ground Anchors

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

The use of permanent ground anchors under Council land is not permitted.

Temporary ground anchors 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.

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. Four weeks should be allowed for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: *Road* has the same meaning as in the *Roads Act 1993*.

Note: Clause 20 of the *Roads (General) Regulation 2000* 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.

C.10 Stormwater Management Plan

The *Construction Certificate* plans and specifications, required by Clause 139 of the *Regulation*, must include a *Stormwater Management Plan* for the site. The *Stormwater Management Plan* must detail:

- a) General design in accordance with stormwater management plans, referenced 201199-D01 Rev C, D02 Rev E and D03 Rev C, prepared by NB Consulting Engineers, dated 29/06/2022, other than amended by this and other conditions;

- b) The installation of rainwater tank with minimum storage of 40.2m³ which is to be connected for non-potable uses such as all toilet flushing and laundry device, garden irrigations and car washing; Minimum two 900x600 sealed lid must be provided for the rainwater tank for future maintenance. These access lid shall be clearly depicted on the site plan.
- c) The discharge of rainwater tank's overflow to the street kerb by gravity. The outlet pipe including the kerb outlet must be located within the frontage of the site.
- d) The installation of absorption trench system with minimum storage capacity of 12m³. The absorption trench system must be placed parallel to the contour, at least 3 metres from any property boundary and footing of any structure;
- e) All drainage pit must have minimum dimensions of 350x350 to comply with Clause 7.5.2.1 of AS3500.3:2018.
- f) Compliance the objectives and performance requirements of the BCA;
- g) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management; and
- h) The installation of on-site rainwater retention and reuse system.

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 Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof. It must include:

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

Rainwater Tank 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,

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.

C.11 Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water

The approved plans must be submitted to Sydney Water Tap In™ 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.

The Tap In™ service provides 24/7 access to a range of services, including:

- 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.

Note: 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.

C.12 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a 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](#). 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*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* 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.

Note: Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *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. Applicant's 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](#).

C.13 Swimming and Spa Pools – Child Resistant Barriers

The *Construction Certificate* plans and specifications required by Clause 139 of the *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*.

Note: 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.

C.14 Swimming and Spa Pools – Backwash

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: 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 3500.2.2:1996.

Note: 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*.

C.15 Tree Management Plan

The *Construction Certificate* plans and specifications shall show the following information:

- a) Trees to be numbered in accordance with these conditions:
 - shaded green where required to be retained and protected
 - shaded red where authorised to be removed
 - shaded yellow where required to be transplanted
 - shaded blue where required to be pruned
- b) References to applicable tree management plan, arborists report or transplant method statement.

This plan shall be kept on site until the issue of the final occupation certificate.

C.16 Electric vehicle circuitry and electric vehicle charging point requirements

An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:
 - Identify the power capacity to each car parking space.
 - identify the load management system on each level of parking such as a distribution board.
 - identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).
- b) A minimum of one Level 2 electric charger must be provided and Level 2 chargers must be provided to not less than 10% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.
- c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

- a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and
- b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power

C.17 Waste Storage – Single Dwelling

The Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must make provision for:

- 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.
- 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.

C.18 Acoustic Certification of Mechanical Plant and Equipment

The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a professional engineer (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

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 $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

Note: Further information including lists of Acoustic Engineers can be obtained from:

1. **Australian Acoustical Society**—professional society of noise-related professionals

www.acoustics.asn.au

2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals www.aaac.org.au.

C.19 Engineer Certification

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.

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.

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

D. Conditions which must be satisfied prior to the commencement of any development work

D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

For the purposes of 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:

- 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.

This condition does not apply:

- a) to the extent to which an exemption is in force under the *Home Building Regulation 2004*, or
- b) to the erection of a temporary building.

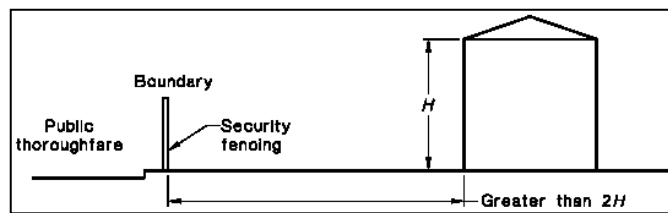
In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.

Note: 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.

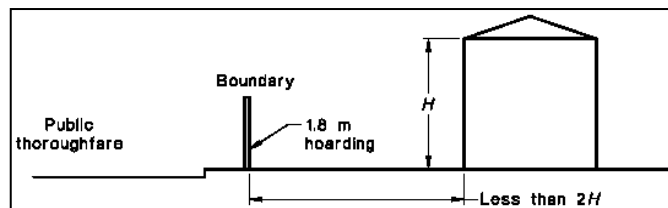
Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.

D.2 Security Fencing, Hoarding and Overhead Protection

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.



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.

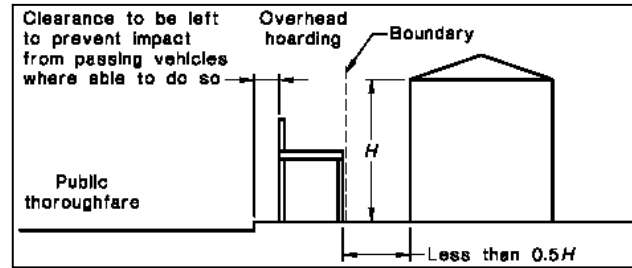


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- 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 Principal Contractor or Owner-builder must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The Principal Contractor or Owner-builder must ensure that overhead protective structures are 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

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.

Note: The Principal Contractor or Owner must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.

D.3 Site Signs

The *Principal Contractor* or *owner builder* must ensure that the sign/s required by clauses 98A and 227A of the *Regulation* is/are erected and maintained at all times.

Clause 98A of the Regulation provides:

Erection of signs

- For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority 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 116G of the *Act*, to comply with the technical provisions of the State’s building laws.”

Clause 227A of the Regulation provides:

Signs on development sites

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

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

Note: Clause 227A imposes a penalty exceeding \$1,000 if these requirements are not complied with.

Note: If *Council* is appointed as the *PCA* 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 98A and Clause 227A of the *Regulation*.

D.4 Toilet Facilities

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. Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected to a public sewer, or
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
- d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the *Local Government (Approvals) Regulation 1993*.

approved by the council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Note: This condition does not set aside the requirement to comply with Workcover NSW requirements.

D.5 Establishment of Boundary Location, Building Location and Datum

Prior to the commencement of any work the Principal Contractor or Owner-builder must ensure that a surveyor registered under the *Surveying and Spatial Information Act 2002* sets out:

- a) the boundaries of the site by permanent marks (including permanent recovery points),
- b) 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,
- c) establishes a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and

- d) provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the Principal Certifier.

Note: Where the Principal Contractor or Owner-builder notes 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 Principal Contractor or Owner-builder should not proceed until satisfied that the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.

Note: On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.

D.6 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

The erection of the building in accordance with this development consent must not be commenced until:

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

Note: *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.

Note: *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.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au

Note: 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*.

D.7 Dilapidation Reports for Existing Buildings

Dilapidation surveys and dilapidation reports shall be conducted and prepared by a *professional engineer* (structural) 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.

These properties must include (but are not limited to):

- 16 Olphert Avenue.
- 20 Olphert Avenue.

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. An approved copy of the reports shall be submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

- To provide a record of the condition of buildings prior to development being carried out.
- To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land.

Note: Also refer to the Dilapidation Report Advising for more information regarding this condition

D.8 Adjoining Buildings Founded on Loose Foundation Materials

The Principal Contractor must ensure that a professional engineer determines 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 the Principal Contractor must comply with any reasonable direction of the professional engineer.

Note: A failure by contractors 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. Such contractors are 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*.

D.9 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must provide 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.

The GWL monitoring wells and monitoring program must be maintained until the issue of the *Final Occupation Certificate*.

The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).

D.10 Works (Construction) Zone – Approval and Implementation

A Works Zone may be required for this development. The Principal Contractor or Owner can apply for a works zone. If the works zone is approved the Principal Contractor or Owner must pay all fees for this Works Zone before it can be installed.

The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. 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 work. Signs are not erected until full payment of works zone fees.

Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000* to exercise those functions delegated by the Roads and Maritime Services under section 50 of the *Transport Administration Act 1988*.

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.

D.11 Erosion and Sediment Controls – Installation

The *principal contractor* or *owner builder* must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The *Soil and Water Management Plan* if required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).

Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://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.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publications can be down loaded free of charge from www.woollahra.nsw.gov.au.

Note: 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.

Note: 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.

D.12 Notification of [Home Building Act 1989](#) requirements

- a) 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](#).
- b) 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:
 - In the case of work for which a Principal Contractor is required to be appointed:
 - 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,
 - In the case of work to be done by an Owner-builder:
 - 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.
- c) 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.
- d) 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.

E. Conditions which must be satisfied during any development work

E.1 Compliance with BCA and Insurance Requirements under the [Home Building Act 1989](#)

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 any building work:

- a) that the 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.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the *Regulation*, or
- b) to the erection of a temporary building.

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.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.

E.2 Public Footpaths – Safety, Access and Maintenance

The *principal contractor* or *owner builder* and any other person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence swing out or encroaching 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) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect street name inlays in the footpath which are not to be removed or damaged during development.

This condition does not apply to the extent that a permit or approval exists under the section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 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 to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Any road closure requires Police approval.

Note: 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.

Note: 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.”
 - c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.

E.3 Maintenance of Environmental Controls

The *principal contractor* or *owner builder* must ensure that the following monitoring, measures and controls are maintained:

- a) Erosion and sediment controls,
- b) Dust controls,
- c) Dewatering discharges,
- d) Noise controls;
- e) Vibration monitoring and controls;
- f) Ablutions.

Note: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.

E.4 Compliance with Geotechnical / Hydrogeological Monitoring Program

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.

The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:

- a) the location and type of monitoring systems to be utilised,
- b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
- c) the contingency plan.

Note: 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.

E.5 Support of Adjoining Land and Buildings

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).

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.

Note: 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:

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the *Access to Neighbouring Land Act 2000*, or
- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land and Environment Court Act 1979* as appropriate.

Note: 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).

Note: Clause 20 of the *Roads Regulation 2008* 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.

Note: 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*.

E.6 Vibration Monitoring

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.

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.

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.

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.

The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

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*.

Note: *professional engineer* has the same mean as in clause A1.1 of the BCA.

Note: *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...."

Note: *supported land* has the same meaning as in the *Conveyancing Act 1919*.

E.7 Erosion and Sediment Controls – Maintenance

The *principal contractor* or *owner builder* must maintain water pollution, erosion and sedimentation controls in accordance with:

- 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*" published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) "*Managing Urban Stormwater - Soils and Construction*" published by the NSW Department of Housing 4th Edition ("*The Blue Book*").

Where there is any conflict *The Blue Book* takes precedence.

Note: 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.

Note: 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.

E.8 Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act 1993*;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or 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.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

E.9 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides 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.

The *Principal Contractor* or *Owner Builder* must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the *PCA's* satisfaction:

- 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;
- 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;
- 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;
- 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.;
- f) Stormwater Drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

Note: This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

E.10 Site Cranes

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.

Cranes must not swing or hoist over any public place unless the *principal contractor* or *owner builder* have the relevant approval under the *Local Government Act 1993*, *Crown Lands Act 1989* or *Roads Act 1993*.

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)*.

No illuminated sign(s) must be erected upon or displayed upon any site crane.

Note: Where it is proposed to swing a crane over a public place the *principal contractor* or *owner builder* must make a separate application to Council under section 68 of the *Local Government Act 1993* and obtain activity approval from Council prior to swinging or hoisting over the public place.

Note: Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the *principal contractor* or *owner builder* must obtain 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 & Environment Court Act 1979* as appropriate. 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.

E.11 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) 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;
 - i) Piling;
 - ii) Piering;
 - iii) Rock or concrete cutting, boring or drilling;
 - iv) Rock breaking;
 - v) Rock sawing;
 - vi) Jack hammering; or
 - vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Note: 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.

Note: Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

Note: 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 2000*.

Note: EPA Guidelines can be downloaded from <http://www.epa.nsw.gov.au/noise/nglg.htm>.

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf

E.12 Dust Mitigation

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils. This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed in bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: “*Dust Control - Do it right on site*” can be downloaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: 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.

E.13 Critical Stage Inspections

Critical stage inspections must be called for by the *principal contractor* or *owner builder* as required by the PCA, any PCA service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*.

Critical stage inspections means the inspections prescribed by the *Regulations* for the purposes of section 109E(3)(d) of the *Act* or as required by the PCA and any PCA Service Agreement.

Note: The PCA may require inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

Note: The PCA may, in addition to inspections, require the submission of *Compliance Certificates*, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

E.14 Placement and use of Skip Bins

The *principal contractor* or *owner builder* must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 94 of the *Local Government Act 1993* to place the waste storage container in a public place, and
- b) Where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Note: 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.

E.15 Prohibition of burning

There must be no burning of any waste or other materials. The burning of CCA (copper chrome arsenate) or PCP (pentachlorophenol) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

Note: Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

E.16 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures, published by Standards Australia, and as in force at 13 September 2001.

E.17 Salvaging of building materials

Timber joinery and decorative architectural elements that are to be demolished, including leaded glass windows, original doors and timber architraves, fretwork and picture rails, should be salvaged where possible and transferred to an established second building material dealer for recycling.

E.18 Site waste minimisation and management – Demolition

In order to maximise resource recovery and minimise residual waste from demolition activities:

- a) 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)
- b) Provide separate collection bins and/or areas for the storage of residual waste
- c) Clearly 'signpost' the purpose and content of the bins and/or storage areas
- d) Implement measures to prevent damage by the elements, odour, health risks and windborne litter

- e) Minimise site disturbance, limiting unnecessary excavation

The applicant must ensure:

- a) Footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval
- b) Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*
- c) Waste is only transported to a place that can lawfully be used as a waste facility
- d) Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by Workcover NSW
- e) Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained

Note: Materials that have an existing reuse or recycling market should 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.

E.19 Site waste minimisation and management – Construction

In order to maximise resource recovery and minimise residual waste from construction activities:

- a) Arrange for the delivery of materials so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage
- b) Consider organising to return excess materials to the supplier or manufacturer
- c) Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation)
- d) Clearly ‘signpost’ the purpose and content of the storage areas
- e) Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.
- f) Promote separate collection bins or areas for the storage of residual waste
- g) implement measures to prevent damage by the elements, odour and health risks, and windborne litter
- h) Minimise site disturbance and limit unnecessary excavation
- i) Ensure that all waste is transported to a place that can lawfully be used as a waste facility
- j) Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Department of Environment and Climate Change (DECC) or WorkCover NSW.

E.20 Classification of Hazardous Waste

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 DECC *Waste Classification Guidelines, Part 1: Classifying Waste* (April 2008).

Note: This condition is imposed 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.

E.21 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with the condition above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

Note: This condition is imposed to ensure that asbestos and other Hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant EPA requirements.

E.22 Asbestos Removal Signage

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 when asbestos is being removed.

Note: This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.

E.23 Notification of Asbestos Removal

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.

Note: This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.

E.24 Disposal of soils and waste materials

Any disposal of soils and waste materials from the site shall be assessed against the NSW Department of Environment & Climate Change (DECC) 'Waste Classification Guidelines 2008, Revision 2009'; the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008.

E.25 Swimming and Spa Pools – Temporary Child Resistant Barriers and other matters

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. 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.

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 3500.2.2:1996.

Note: This condition does not prevent Council from issuing an order pursuant to 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*.

E.26 Tree Preservation

All persons must comply with Council's Development Control Plan (DCP) 2015, Chapter E.3 Tree Management other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) The TPZ 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.

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

E.27 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall be planted in a *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 is protected by Council's Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting/Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity
2 x <i>Jacaranda mimosifolia</i> (Jacaranda)	Front garden deep soil area, as plotted on the submitted Landscape Plan	150 litre	8 x 6 metres
2 x <i>Eucalyptus ficifolia</i> (Red Flowering Gum) OR; 2 x <i>Banksia integrifolia</i> (Coastal Banksia) OR; 2 x <i>Banksia serrata</i> (Old-man Banksia).	Rear deep soil area	150 litre	6 x 5 metres
2 x <i>Cupaniopsis anacardioides</i> (Tuckeroo)	Front of property on Council nature strip (Located a minimum of 2m from any driveway crossing)	100 litre	6 x 4 metres
2 x Dwarf 20 th Century Westwood Nashi Pear	Adjacent to the retained <i>Ceratopetalum gummiiferum</i> (NSW Christmas Bush) on the eastern side boundary		3 metres (maximum height)

The project arborist shall document compliance with the above condition.

E.28 Aboriginal Objects – Unexpected Findings

If unexpected Aboriginal objects are found during the works covered by this approval, all work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to 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.

Note: The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: 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.

E.29 Archaeological Features – Unexpected Findings

If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: 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).

E.30 Skeletal Remains

If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified and details of the remains and their precise location are to be provided.

(Added on 05/09/2024 under DA436/2020/2 (PAN 398386))

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 6 of the Act and Part 8 Division 3 of the Regulation)

F.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.

Note: New building includes an altered portion of, or an extension to, an existing building.

F.2 Commissioning and Certification of Systems and Works

The *principal contractor* or *owner builder* must submit to the satisfaction of the PCA works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with 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*. Works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with the BCA must include but may not be limited to:

- 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 Certifying Authority may require.

Note: This condition has been imposed to ensure that systems and works as completed meet *development standards* as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as executed is maintained.

Note: The PCA 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).

Note: The PCA must submit to Council, with any *Occupation Certificate*, copies of works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the PCA has relied in issuing any *Occupation Certificate*.

F.3 Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters

Prior to filling any swimming pool, as defined by the *Swimming Pools Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia.
- b) The swimming pool must be registered in accordance with section 30B of the *Swimming Pools Act 1992* on the NSW Government Swimming Pool Register.
- c) The Principal Contractor or Owner must either obtain a certificate of compliance issued pursuant to section 22D of the *Swimming Pools Act 1992* or an appropriate Occupation Certificate authorising use of the swimming pool.
- d) Public pools must comply with the *NSW Health Public Swimming Pool and Spa Pool Guidelines* in force at that time and private pools are encouraged to comply with the same standards as applicable.
- e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2010: *Swimming pool safety - Water recirculation systems*.

Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

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.

Note: NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx

F.4 Swimming Pool Fencing

Swimming Pool Fencing is to be constructed in accordance with AS1926-2012 Australian Standard Swimming Pool Safety Part 1 – *Safety Barriers for Swimming Pools*.

Note: Pools commenced or completed after May 2013 must meet Part 3.9.6 of the BCA AS1926.1-2012 and AS1926.2-2012

F.5 Amenity Landscaping

The *owner or principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.

F.6 Certification of Electric Vehicle Charging System

Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, 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 C.16.

G. Conditions which must be satisfied prior to the issue of any subdivision certificate

Nil.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (S6.4(c))

H.1 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate 1052152S.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A *certifying authority* must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

H.2 Removal of Ancillary Works and Structures

The *principal contractor* or *owner* must remove from the land and any adjoining public place:

- a) The site sign;
- b) Ablutions;
- c) Hoarding;
- d) Scaffolding; and
- e) Waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the *Final Occupation Certificate*.

H.3 Landscaping

The *principal contractor* or *owner* must provide to *PCA* 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 works comply with this consent.

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the Final Occupation Certificate.

H.4 Road Works (including footpaths)

The following works 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 Principal Contractor's or Owner's expense:

- a) stormwater pipes, pits and connections to public stormwater systems within the *road*,
- b) driveways and vehicular crossings within the *road*,

- c) removal of redundant driveways and vehicular crossings,
- d) new footpaths within the *road*,
- e) relocation of existing power/light pole,
- f) relocation/provision of street signs,
- g) new or replacement street trees,
- h) new footway verges, 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,
- i) new or reinstated kerb and guttering within the *road*, and
- j) new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final 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.

H.5 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

On completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted to the Principal Certifying Authority detailing:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the on-site retention system,
- c) that the works have been constructed in accordance with the approved design and will provide minimum 40.2m³ retention storage volume in accordance with the approved drawings,
- d) that the works have been constructed in accordance with the approved design and will provide minimum 12m³ absorption trench system in accordance with the approved drawings,
- e) pipe invert levels and surface levels to Australian Height Datum, and
- f) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-retention system, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

Note: 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 WAE plans to Council together with the Final Occupation Certificate.

Note: The Final Occupation Certificate must not be issued until this condition has been satisfied.

I. Conditions which must be satisfied during the ongoing use of the development

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate 1052152S.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.

I.2 Noise from mechanical plant and equipment

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. 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 $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:

NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.

I.3 Outdoor lighting – Residential

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting.

I.4 Noise Control

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*.

Note: This condition has been imposed to protect the amenity of the neighbourhood.

Note: 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:

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 2000* 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.

I.5 Swimming and Spa Pools – Maintenance

Swimming and spa pools must be maintained:

- a) in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs,
- b) in compliance with the NSW Health “Public Swimming Pools and Spa Pools Advisory Document” in force at that time. Private pools are encouraged to comply with the same standards as applicable,
- c) in compliance with AS 1926.3-2010 *Swimming pool safety - Water recirculation and filtration systems*,
- d) with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, and
- e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - 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.

Note: 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.

Note: The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx

I.6 Ongoing Maintenance of the On-Site-Retention System

The owner(s) must in accordance with this condition and any positive covenant:

- a) Permit stormwater to be temporarily retained by the system.
- b) Keep the system clean and free of silt rubbish and debris.
- c) 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 and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by Council.
- d) Carry out the matters referred to in paragraphs (b) and (c) at the owner's expense.
- e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly.
- f) Permit 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.
- g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice.
- h) Where the owner fails to comply with the owner's obligations under this covenant, permit 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.
- i) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the owners in respect of the owner's obligations under this condition.

Note: This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

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

J. Miscellaneous Conditions

Nil

K. Advisings

K.1 Criminal Offences – Breach of Development Consent & Environmental laws

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:

- 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.

Warnings as to potential maximum penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

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.

Note: 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. You can obtain further information from the following web sites: <http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.

K.2 Dial before you dig

The *principal contractor, owner builder* or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and Dial 1100 Before You Dig or visit www.dialbeforeyoudig.com.au. When you contact Dial Before You Dig, you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

K.3 Builders Licences and Owner Builders Permits

Section 81A of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appointed a *principal contractor* for residential building work who must be the holder of a contractor licence. Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder): <http://www.dft.nsw.gov.au/building.html>. The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is in place before the commencement of building work. The Principal Contractor (Builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the Home Building Act 1989 for the residential building work.

K.4 Building Standards - Guide to Standards and Tolerances

The PCA does not undertake detailed quality control inspections and the role of the PCA is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia. Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8 are achieved. The quality of any development is a function of the quality of the *principal contractor's* or *owner builder's* supervision of individual contractors and trades on a daily basis during the development. The PCA does not undertake this role. The NSW Office of Fair Trading have published a "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8. The guide can be obtained from the Office of Fair Trading by calling 13 32 20 or by Fax: 9619 8618 or by post to: Marketing Branch, PO Box 972, Parramatta NSW 2124. The Guide can be down loaded from: <http://www.fairtrading.nsw.gov.au/pdfs/corporate/publications/dft242.pdf> Council, as the PCA or otherwise, does not adjudicate building contract disputes between the *principal contractor*, contractors and the owner.

K.5 Workcover requirements

The Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: Further information can be obtained from Workcover NSW's website:

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office:

Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address:

WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

K.6 Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1-1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2-1998, Guide to Lead Paint Management—Residential and Commercial Buildings. Industrial paints, may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings. Lead hazards - Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

K.7 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 80A of the *Act*. The securities will not be released until a *Final Occupation Certificate* has 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.

Note: The Application for Refund of Security form can be downloaded from
<http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>

K.8 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's *Tree Preservation Order* 2006 (TPO) may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment. Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the TPO from Council's website www.woollahra.nsw.gov.au or you may contact Council on 9391-7000 for further advice.

K.9 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:

- a) The Occupational Health and Safety Act 2000;
- b) The Occupational Health and Safety Regulation 2001;
- c) The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- d) The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/> ;
- e) The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

K.10 Dilapidation Report

Please note the following in relation to the condition for a dilapidation report:

- a) 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 due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) 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.
- d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.

- e) In the event that access for undertaking the dilapidation survey is denied the Applicant is to demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

K.11 Roads Act 1993 Application

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). Note, 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.

Note: 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 shall 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.



Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: When an application under the *Roads Act* is required, then four (4) weeks is to be allowed for assessment.

Note: *road* has the same meaning as in the *Roads Act 1993*.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any Construction Certificate. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road 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.

Attachments

1. Architectural drawings [↓](#) 
2. Approved architectural drawings [↓](#) 

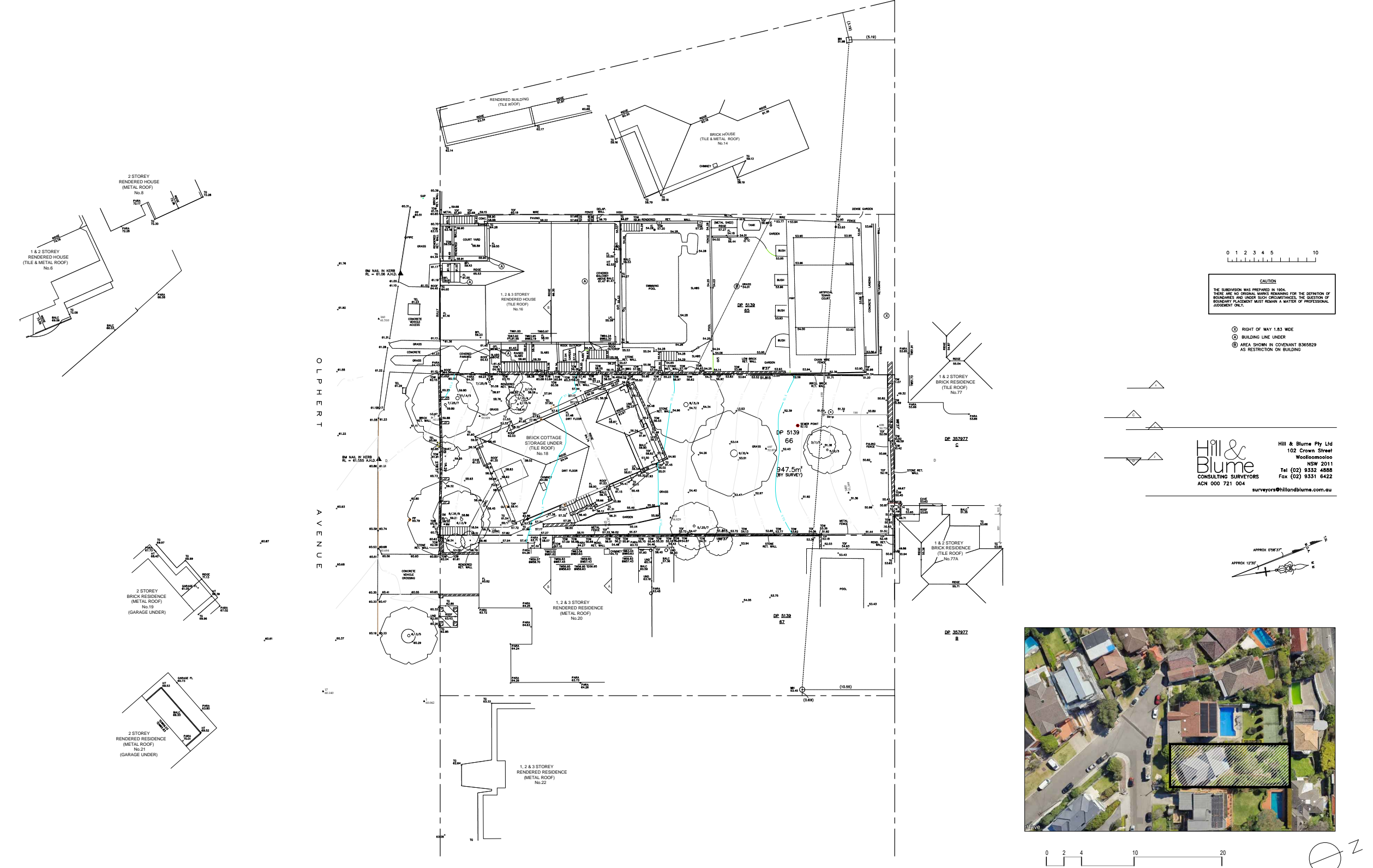
RAISED POOL 4.56 APPLICATION 25.01.2024			
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			REVISION
4.56_0	COVER SHEET		03 Jul 24
4.56_1	SITE SURVEY	1:100@A1	25 Jan 24
4.56_1.1	SITE ANALYSIS	1:100@A1	25 Jan 24
4.56_1.2	BOUNDARY FENCES	1:100@A1	03 Jul 24
4.56_1.4	NOTIFICATION PLAN	1:200@A1	25 Jan 24
4.56_2.1	PLAN_GARDEN + ROOF	1:100@A1	03 Jul 24
4.56_3	ELEVATION_NORTH	1:100@A1	03 Jul 24
4.56_3.1	ELEVATION_EAST WEST	1:100@A1	03 Jul 24
4.56_4	SECTIONS_CROSS	1:100@A1	03 Jul 24
4.56_4.1	SECTIONS_LONGITUDINAL	1:100@A1	03 Jul 24
4.56_6	LANDSCAPE PLAN	1:100@A1	03 Jul 24

OLPHERT AVENUE RESIDENCE
CAMPBELL D TAYLOR + SARAH J CURTIS
+ AUTUMN, RUPERT + PALOMA
18 OLPHERT AVENUE VAUCLUSE SYDNEY NSW 2030

DATE 03.07.2024

LOUISE ST JOHN KENNEDY AILA
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ARCHITECTS P/L FOR SECTION 4.56 APPLICATION



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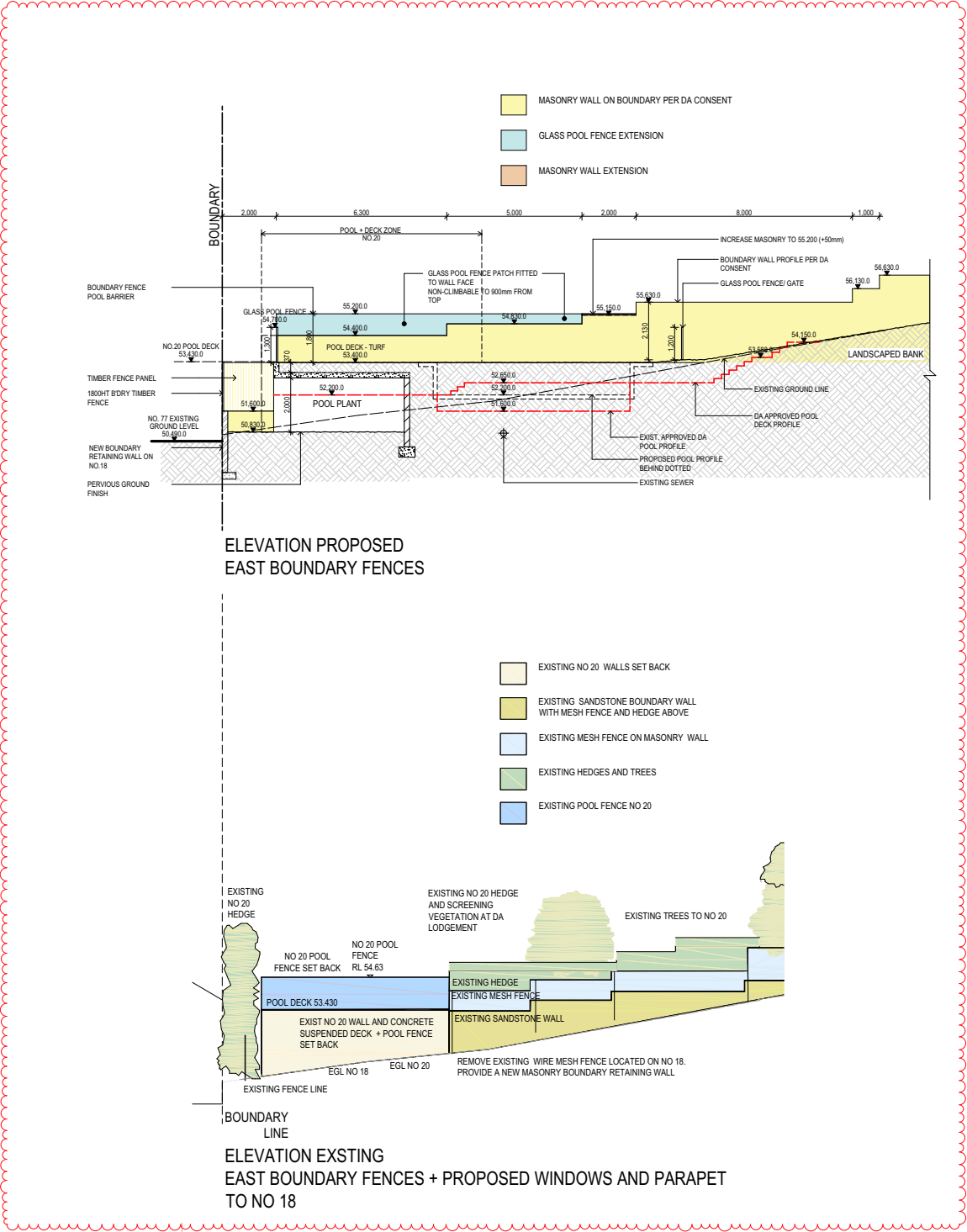
REVISIONS
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4.56_1
RAISED POOL REV 2
SITE SURVEY



4.56_1.1
RAISED POOL REV 2
SITE ANALYSIS PLAN



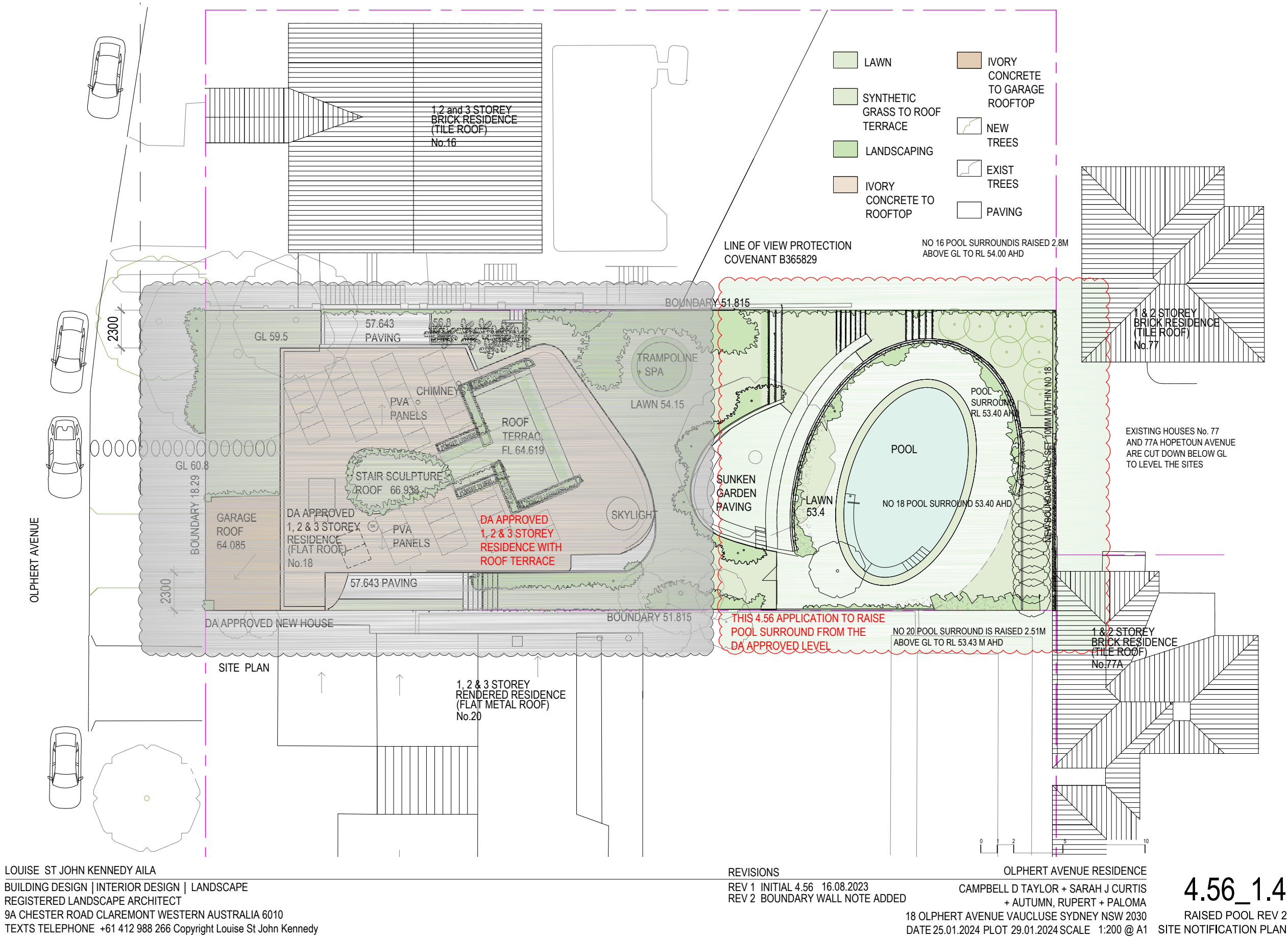
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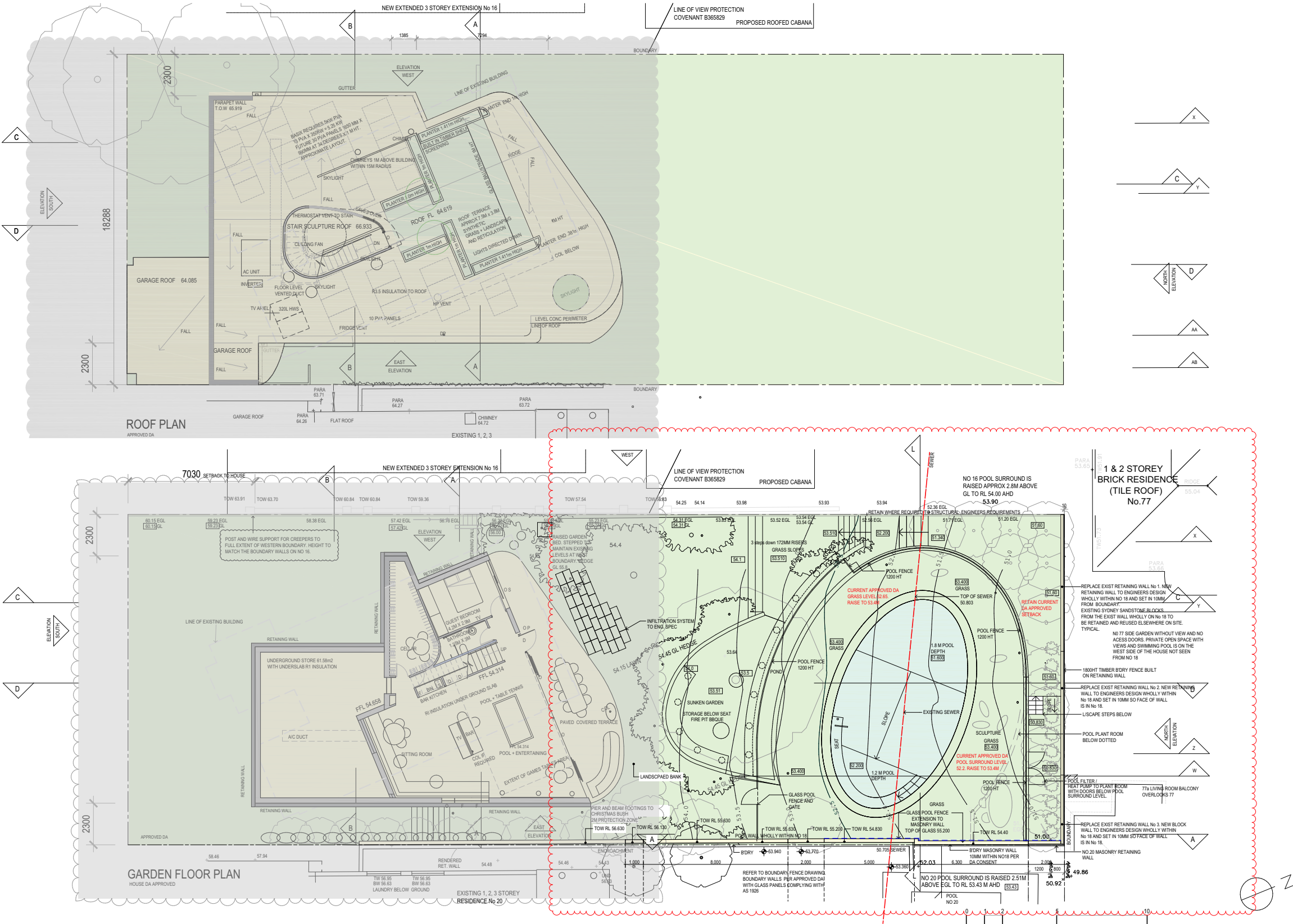
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4.56_1.2
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BOUNDARY FENCES





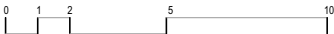
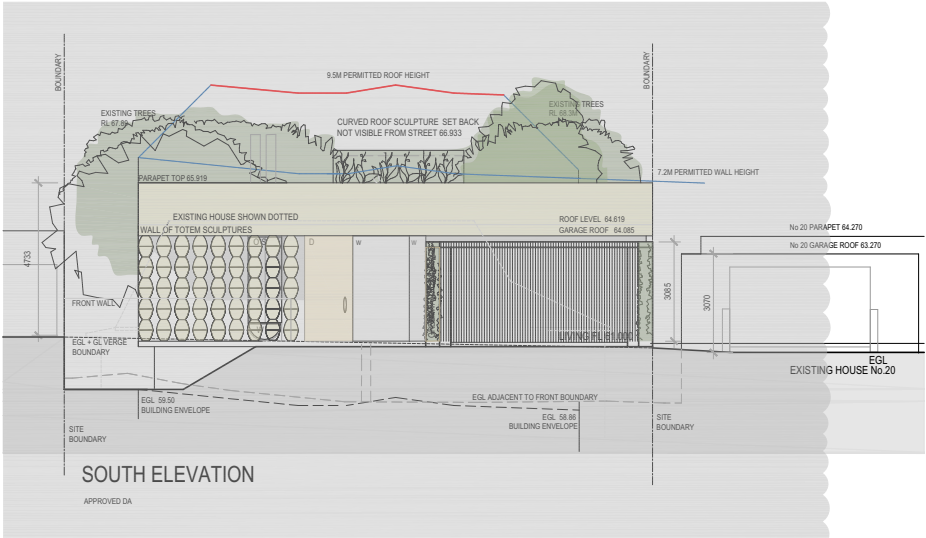
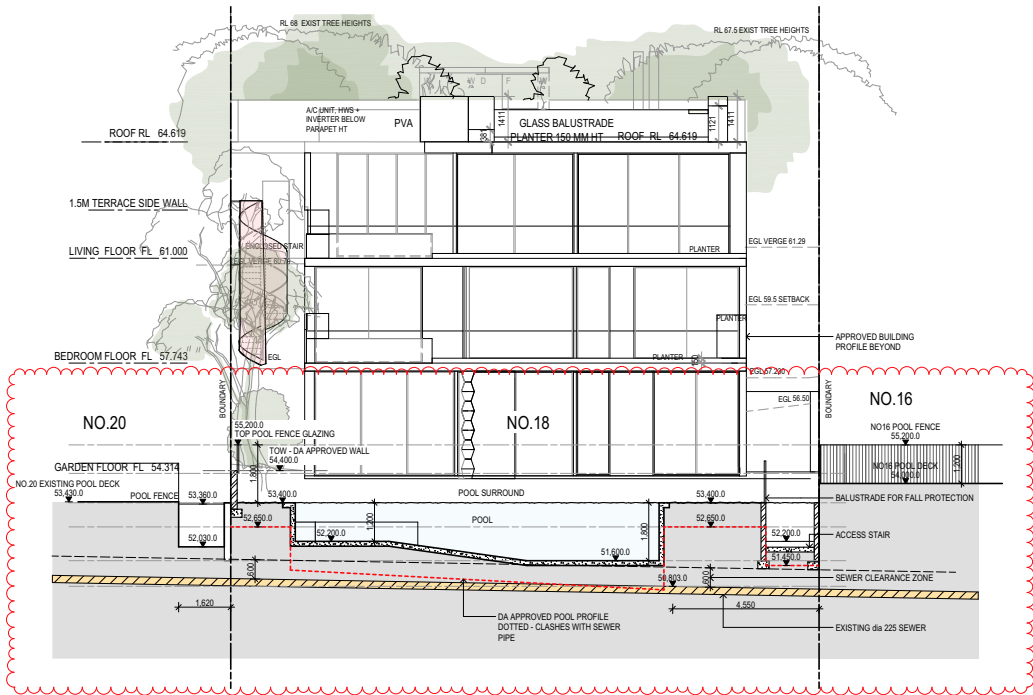
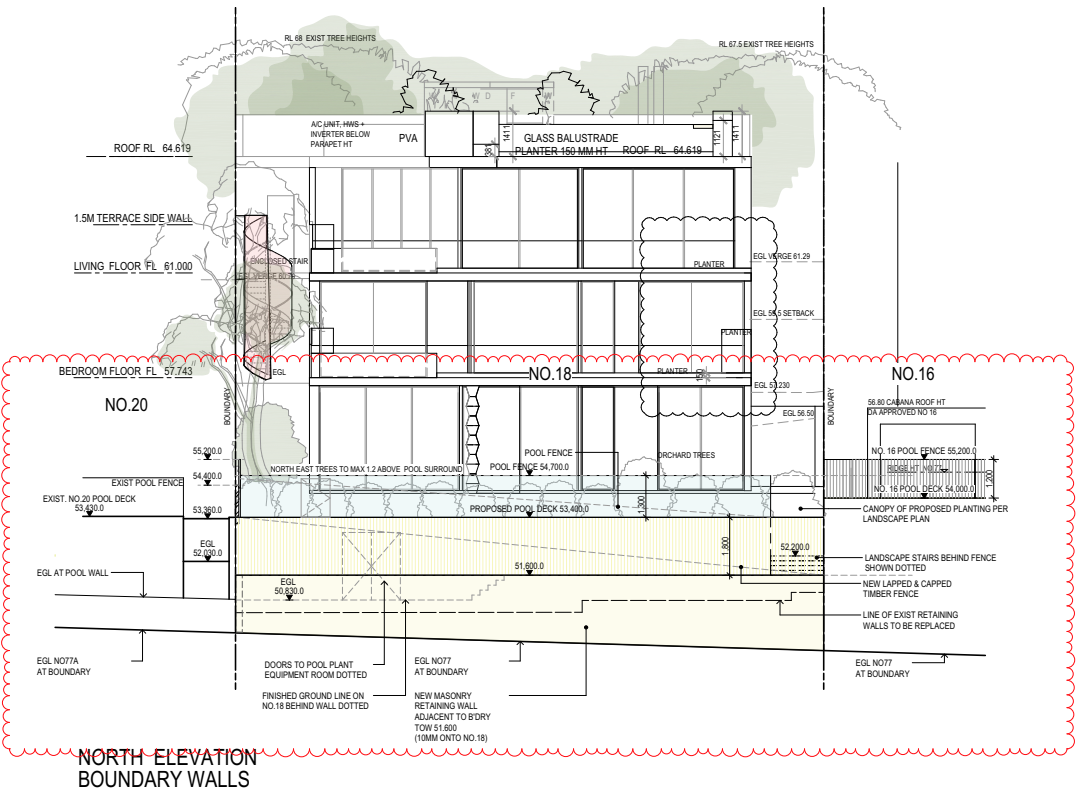
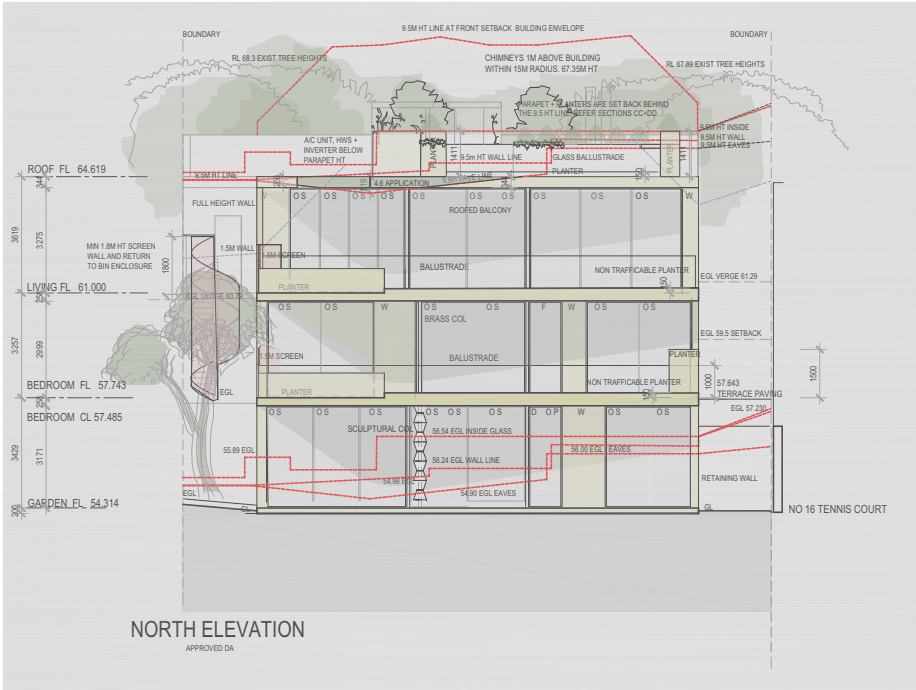
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PLAN GARDEN + ROOF



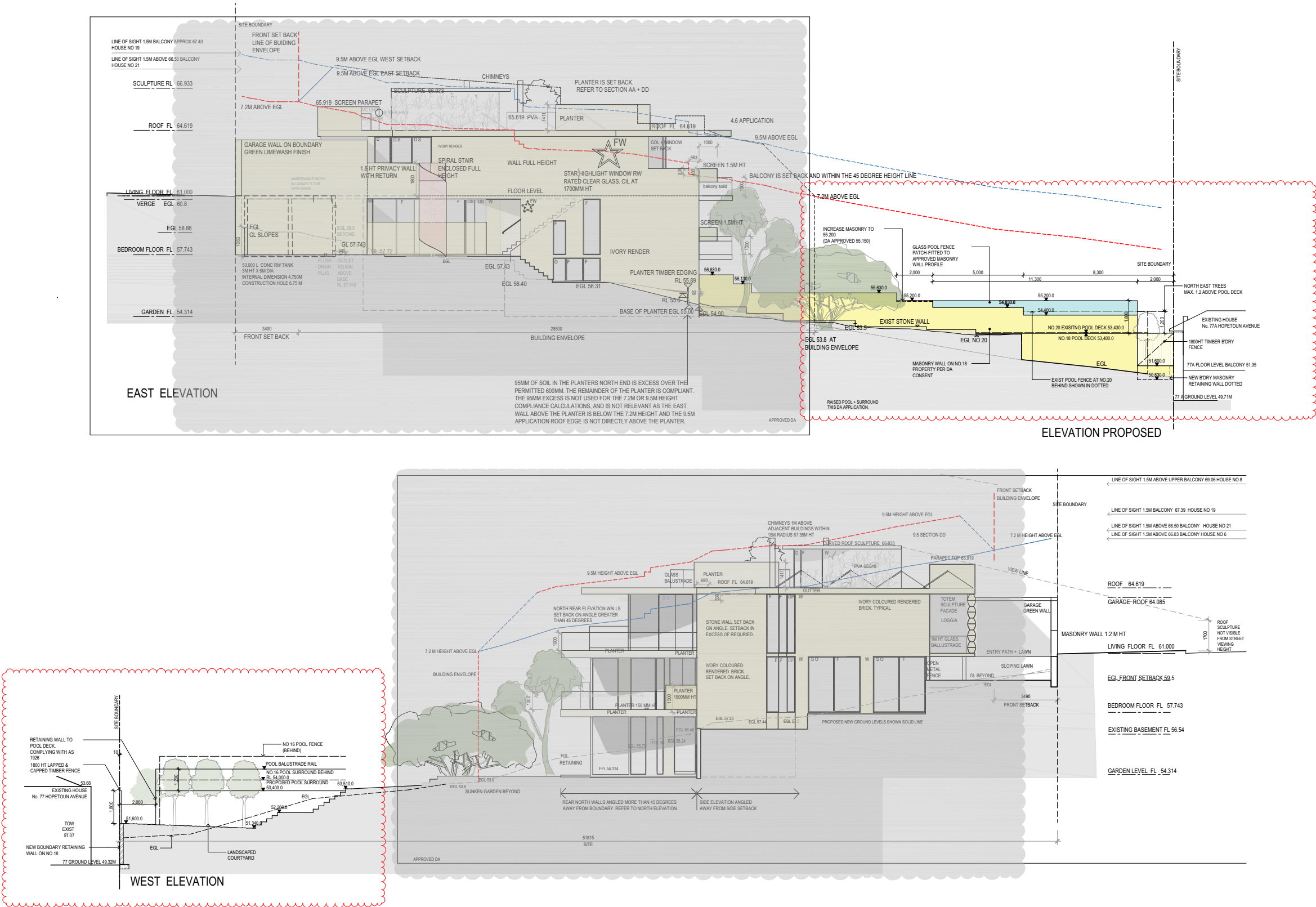
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ELEVATIONS NORTH



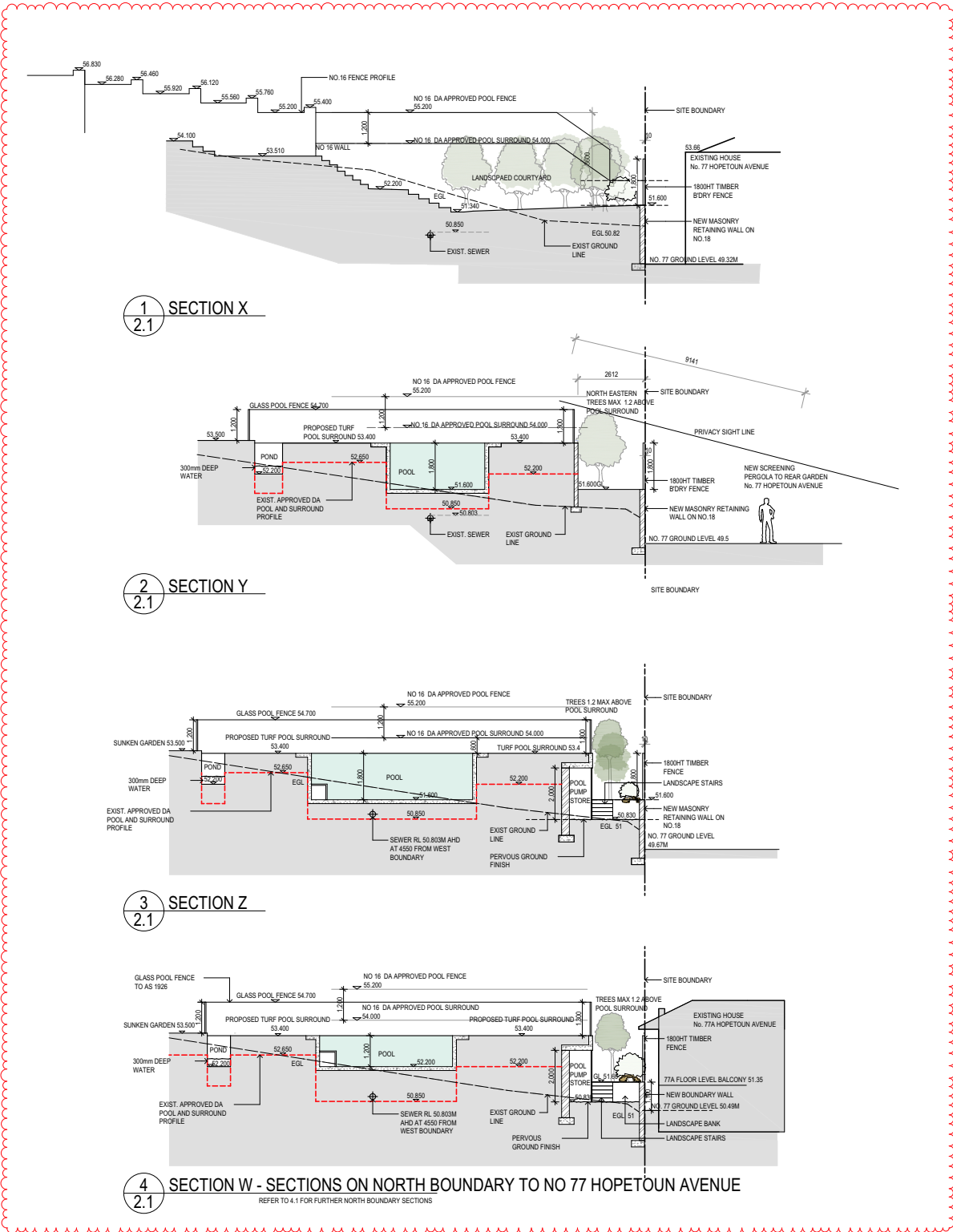
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ELEVATIONS
EAST WEST



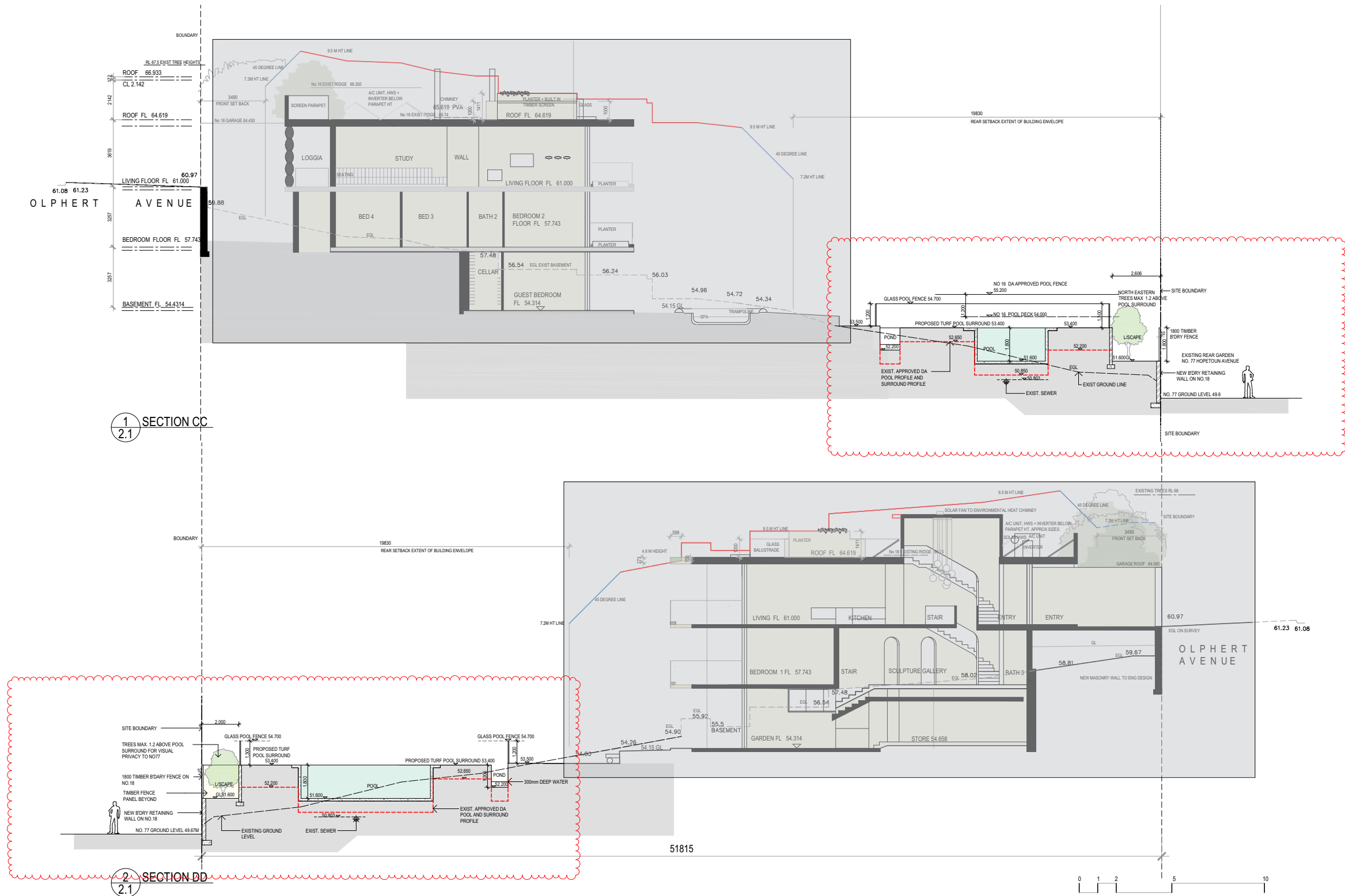
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CROSS SECTIONS



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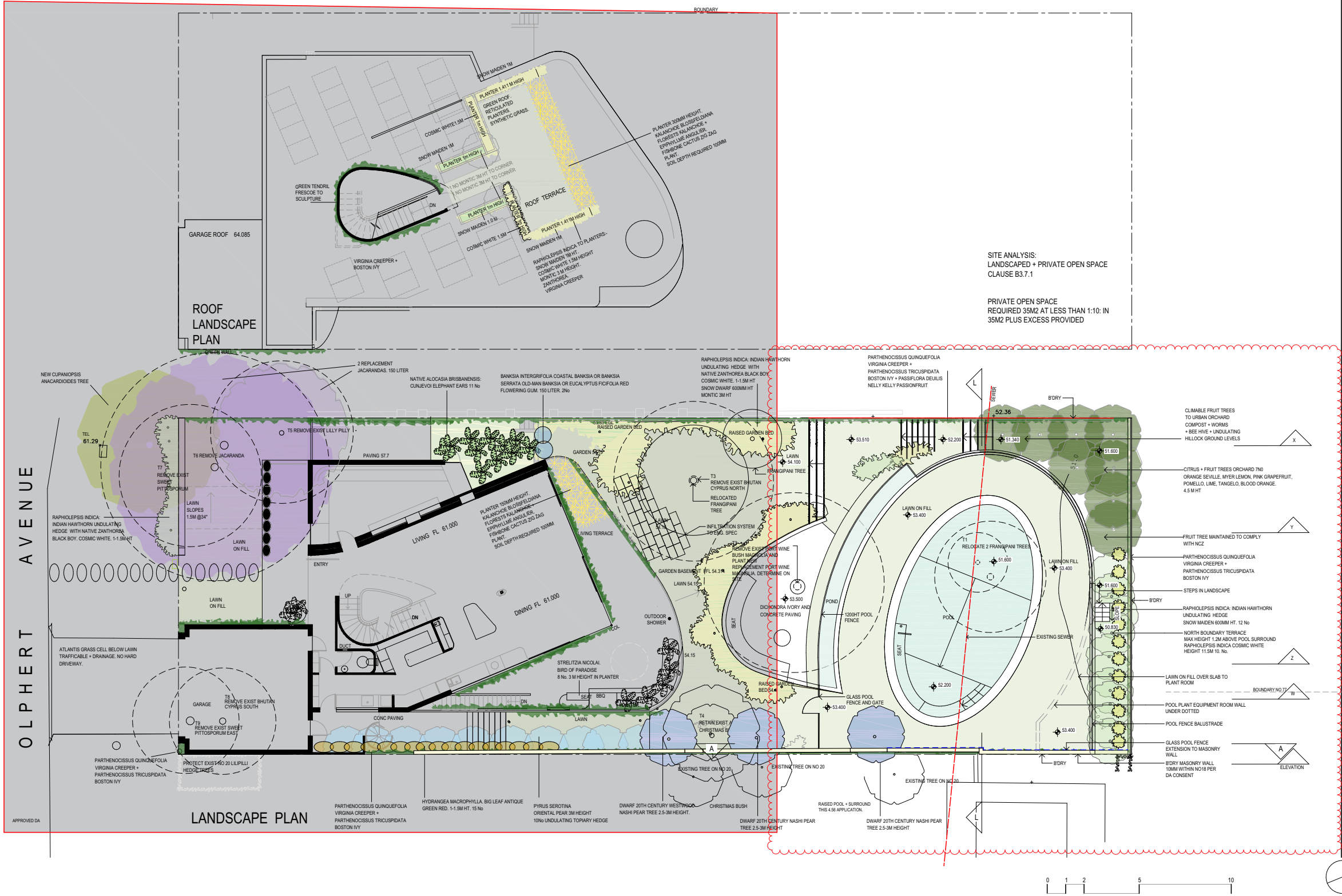
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4.56_4.1
REV 2

LONGITUDINAL SECTIONS



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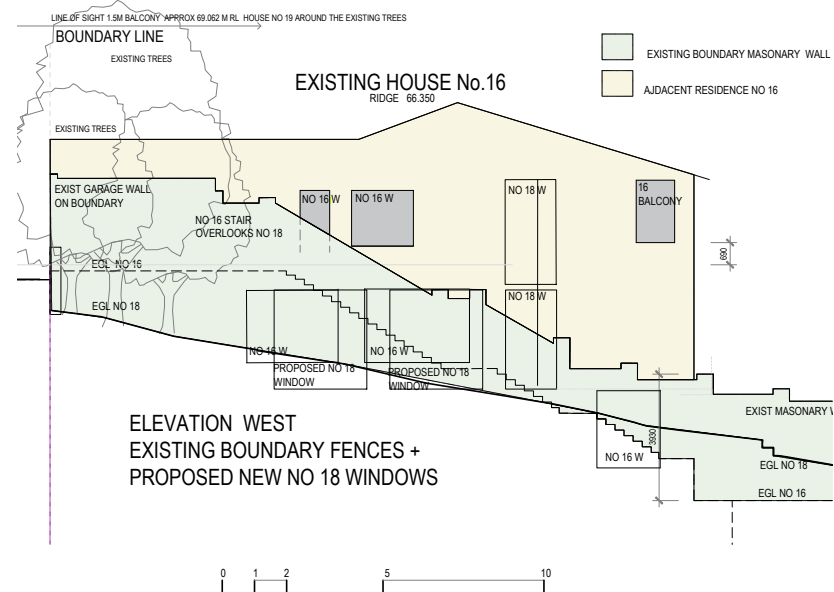
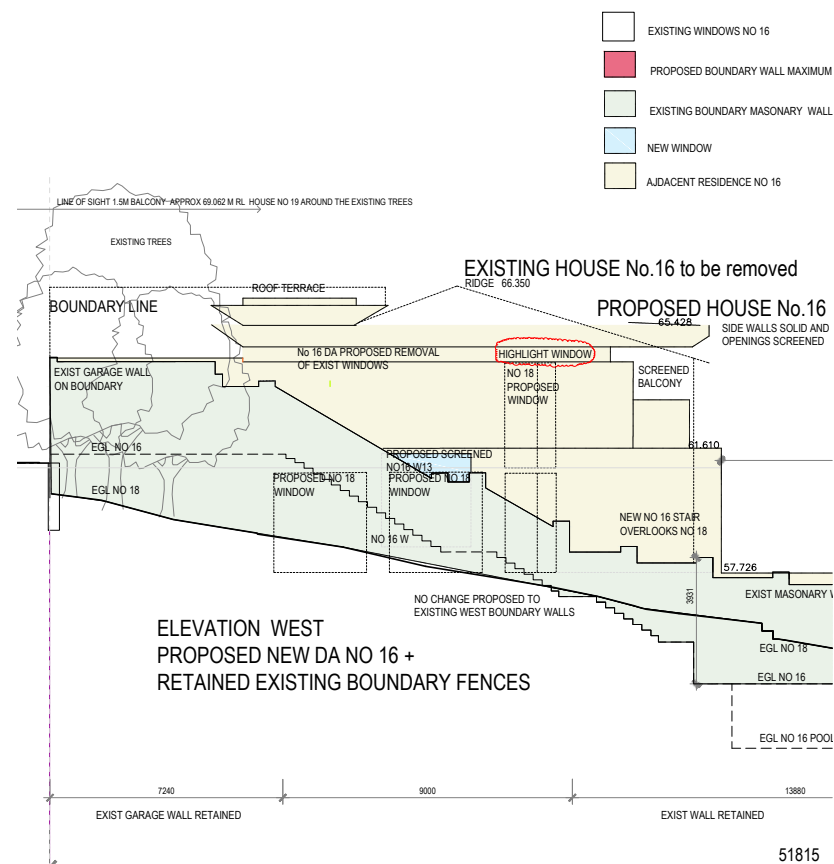
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LANDSCAPE PLAN

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DA 0	COVER SHEET		3 Nov 22	J
DA 1.2	SITE BOUNDARY FENCES	1:100@A1	3 Nov 22	J
DA 2	PLAN_LIVING + BEDROOM	1:100@A1	3 Nov 22	J
DA 2.1	PLAN_GARDEN + ROOF	1:100@A1	3 Nov 22	J
DA 3	ELEVATION_NORTH SOUTH	1:100@A1	3 Nov 22	J
DA 3.1	ELEVATION_EAST WEST	1:100@A1	3 Nov 22	J
DA 4	SECTIONS_CROSS	1:100@A1	3 Nov 22	J
DA 4.1	SECTIONS_LONGITUDINAL	1:100@A1	3 Nov 22	J
DA 6	LANDSCAPE PLAN	1:100@A1	3 Nov 22	J

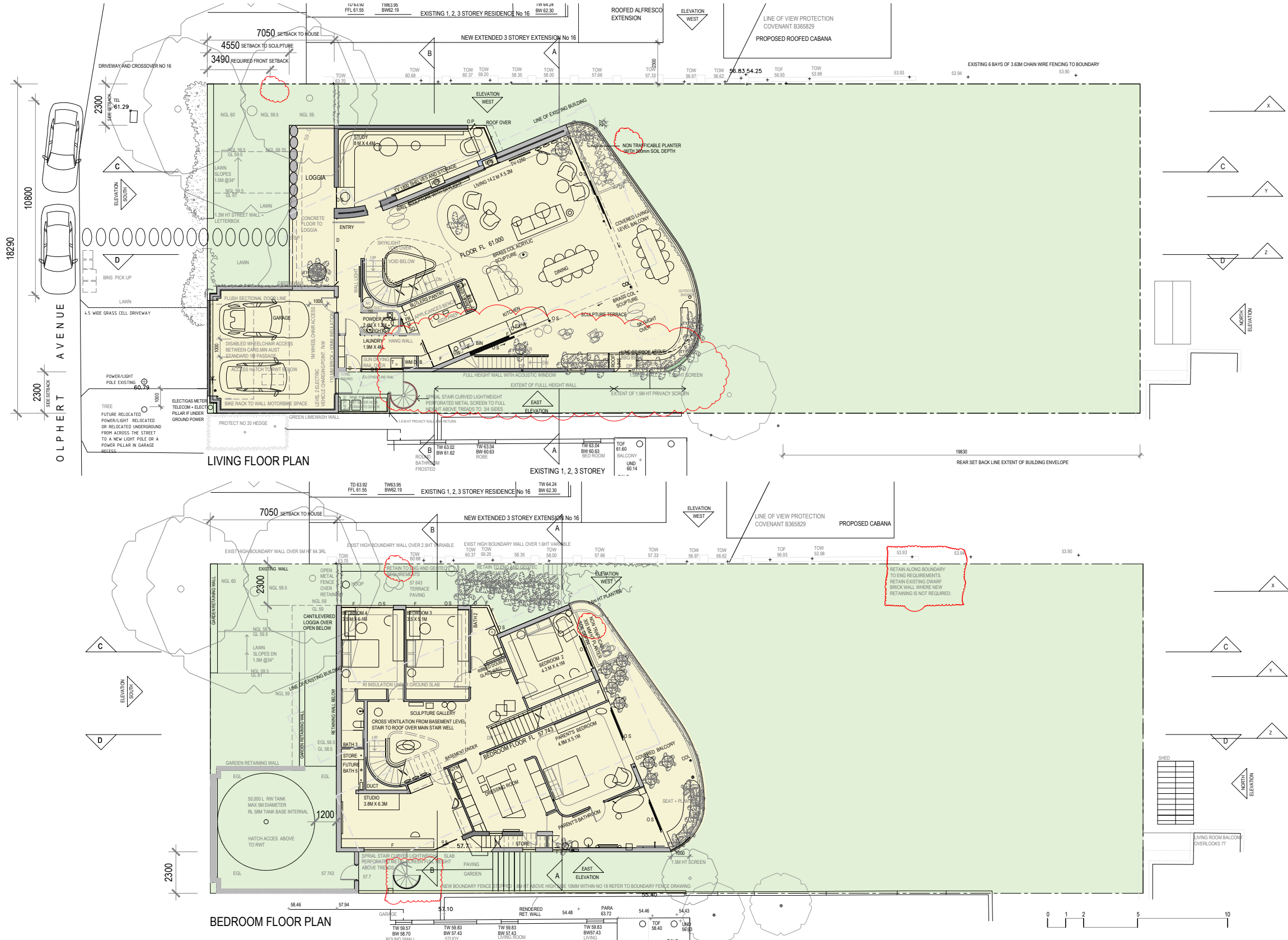
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DA 1.2
REV J
BOUNDARY FENCES



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REVISIONS

REV A 5.11.20 INITIAL DA
REV D 23.6.21 Boundary fences north and east
Balcony planters to living + bedroom balcony
Bathroom and dressing room internal layouts

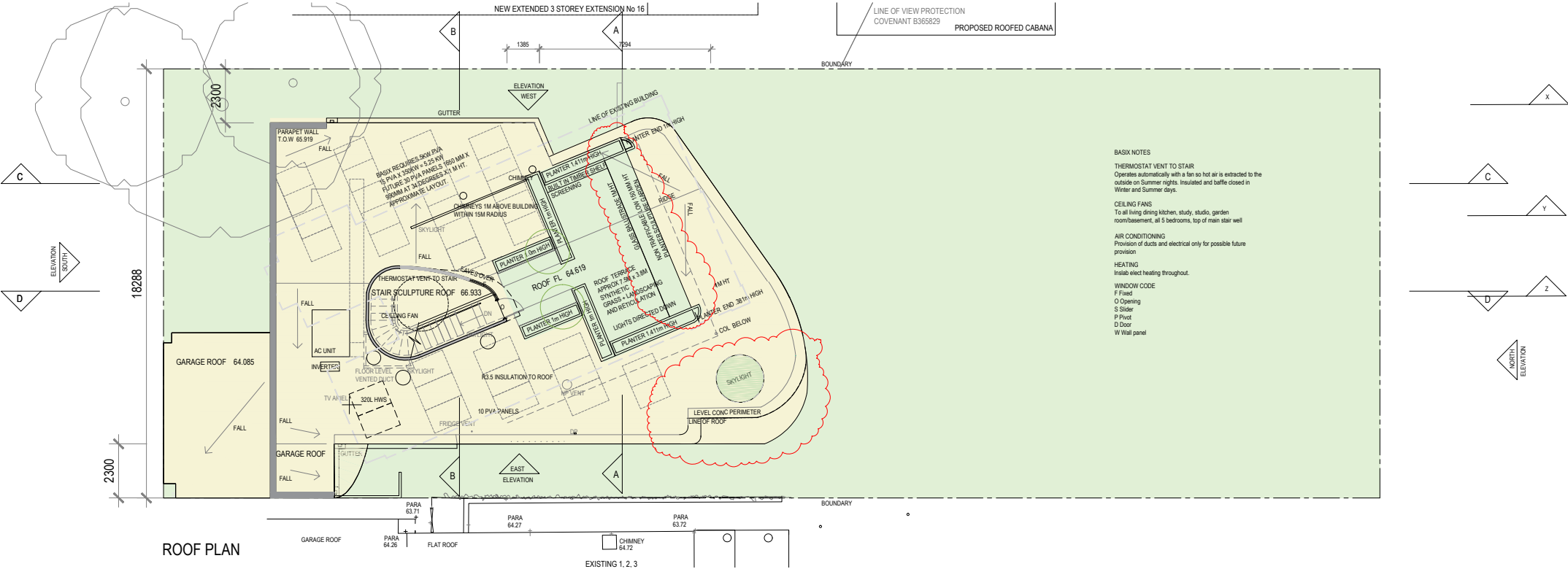
REV F 18.03.22 EGL Added to RWT
North boundary wall
Fences north east boundary
North east pool fence 1.8m ht
Electrical vehicle charging point to garage

REV H 17.06.22 North East Roof
East Terrace wall
Terrace Planters
Spiral Stair
Retaining note to west boundary
Green wall note to west boundary
Retaining west boundary note

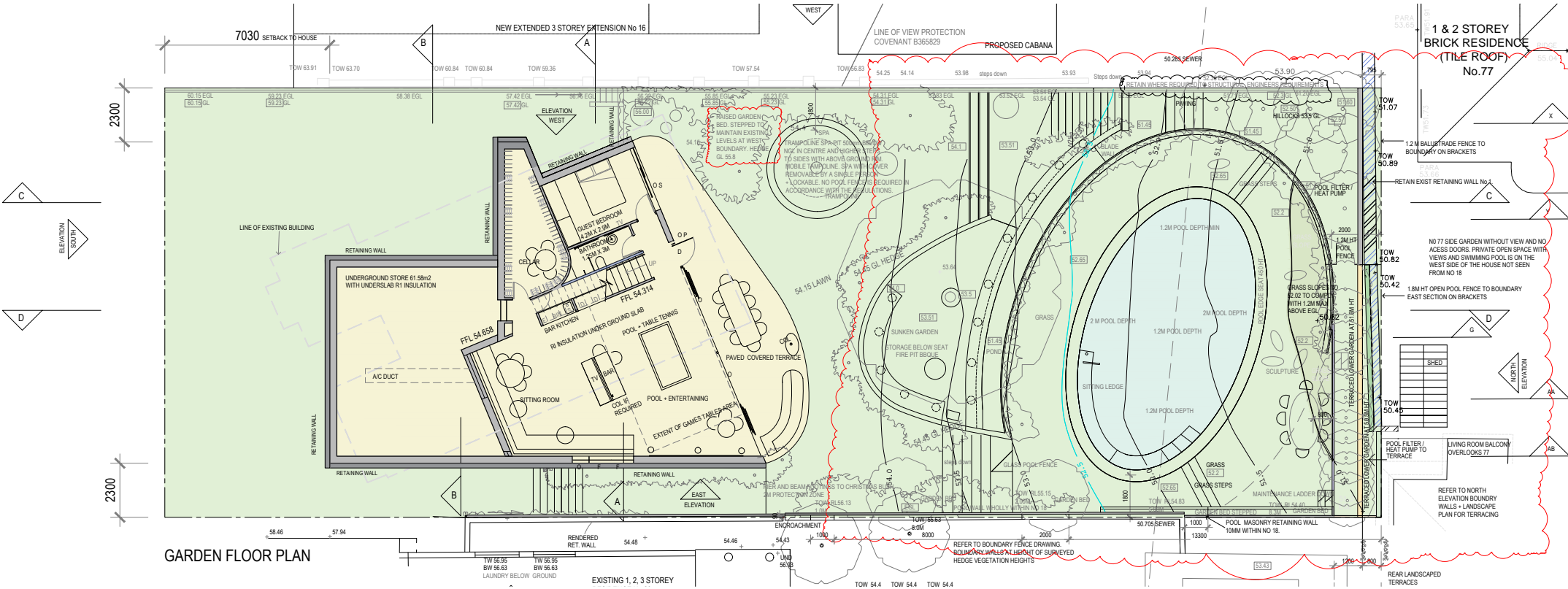
REV J 3.11.22 West eaves

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18 OLPHERT AVENUE VAUCLUSE SYDNEY NSW 2030
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DA 2
REV J
PLAN
LIVING + BEDROOM



ROOF PLAN



GARDEN FLOOR PLAN

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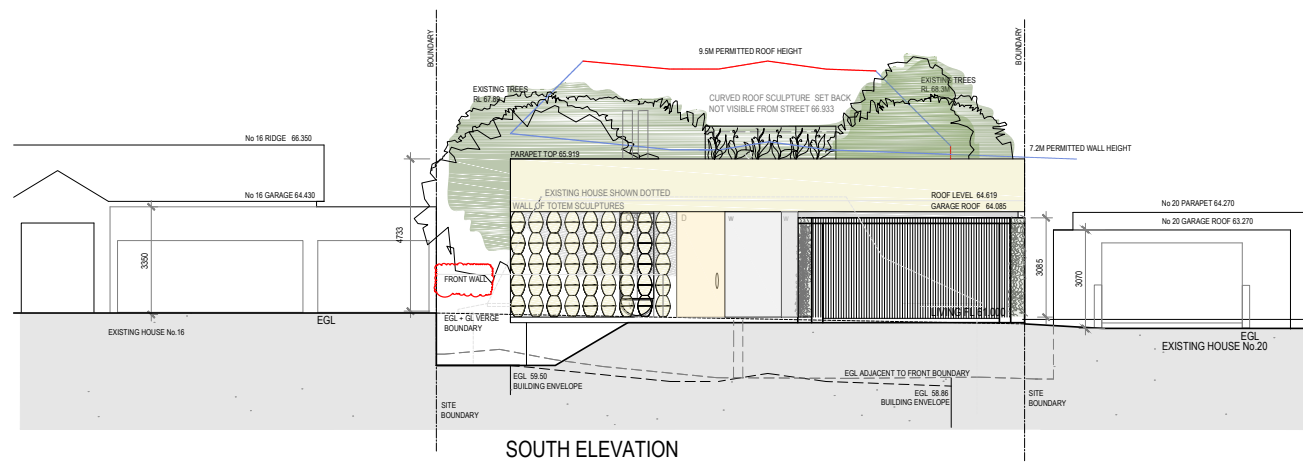
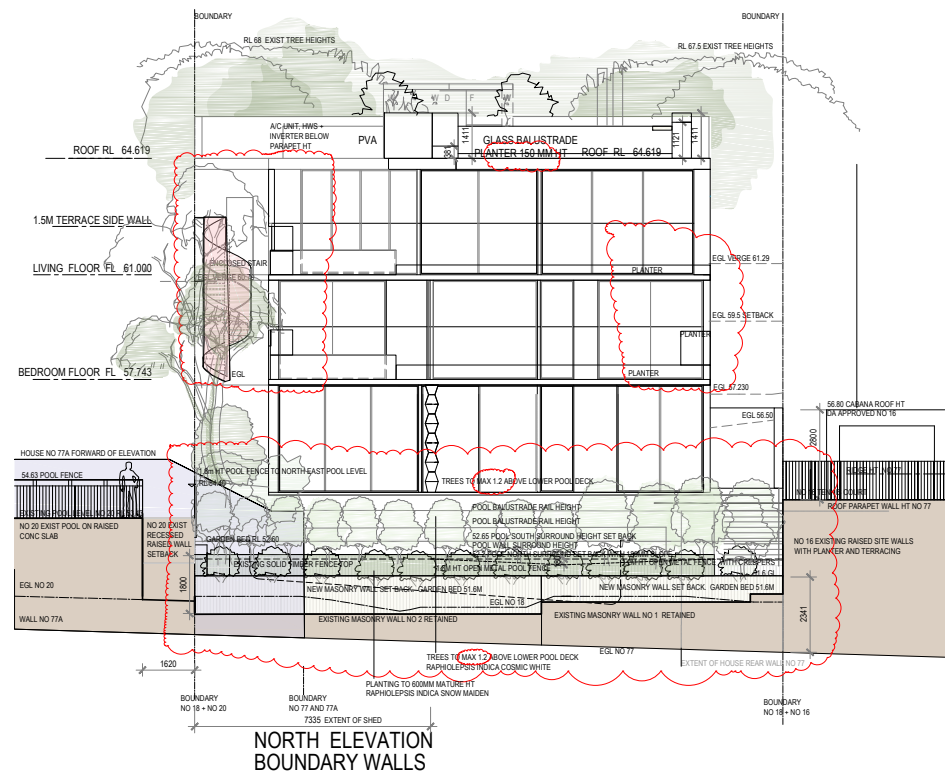
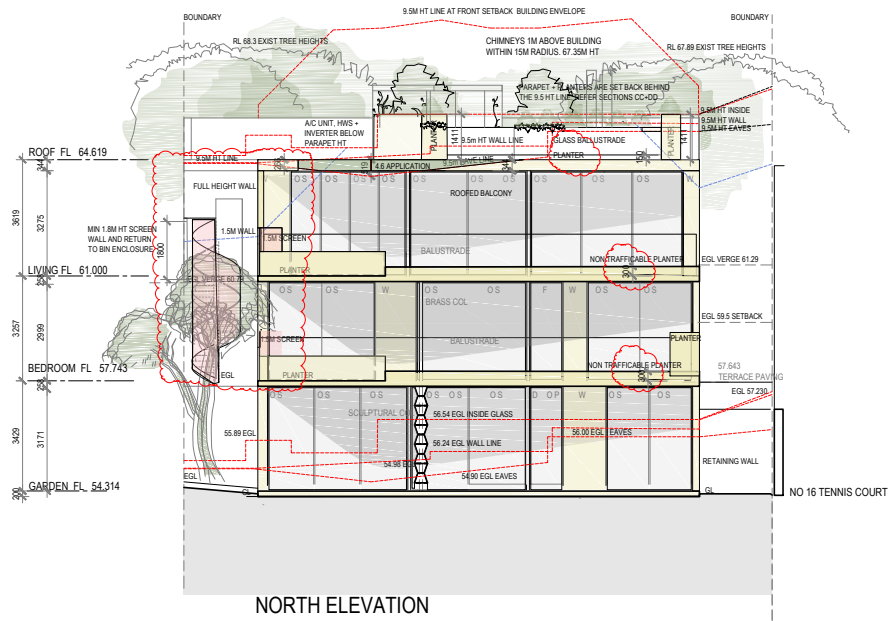
REV A 5.11.20 INITIAL DA
REV D 23.6.21 Roof Terrace reduced
Garden level and pool surrounds levels reduced.
No 77 Hoppeloun details
Trellis set back north and east
Boundary walls north and east

REV F 18.03.22 Basement retaining
North boundary wall. Pergola Trellis.
Garden levels added
Spa details added
North East pool fence 1.8m ht

REV H 17.06.22 North Boundary walls + Trellis
Roof Terrace balustrade and planter
Pool levels
East Boundary Walls
REV I 11.08.22 Retaining on west boundary
REV J 3.11.22 Retaining on east boundary
Roof eave west

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DA 2.1
REV J
PLAN GARDEN + ROOF



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REV A 5.11.20 INITIAL DA
REV D 23.6.21 Roof Terrace reduced
Spiral stair enclosed + chimneys.
Boundary walls north
Garden levels + pool surround lowered

REV F 18.03.22

Chimneys and RL added.
A/c, Inverter + HWS added.
Notes added to South Elevation.
Pergola Trellis.
Trees added to roof terrace. Roof Planters reduced 10mm ht

REV H 17.06.22

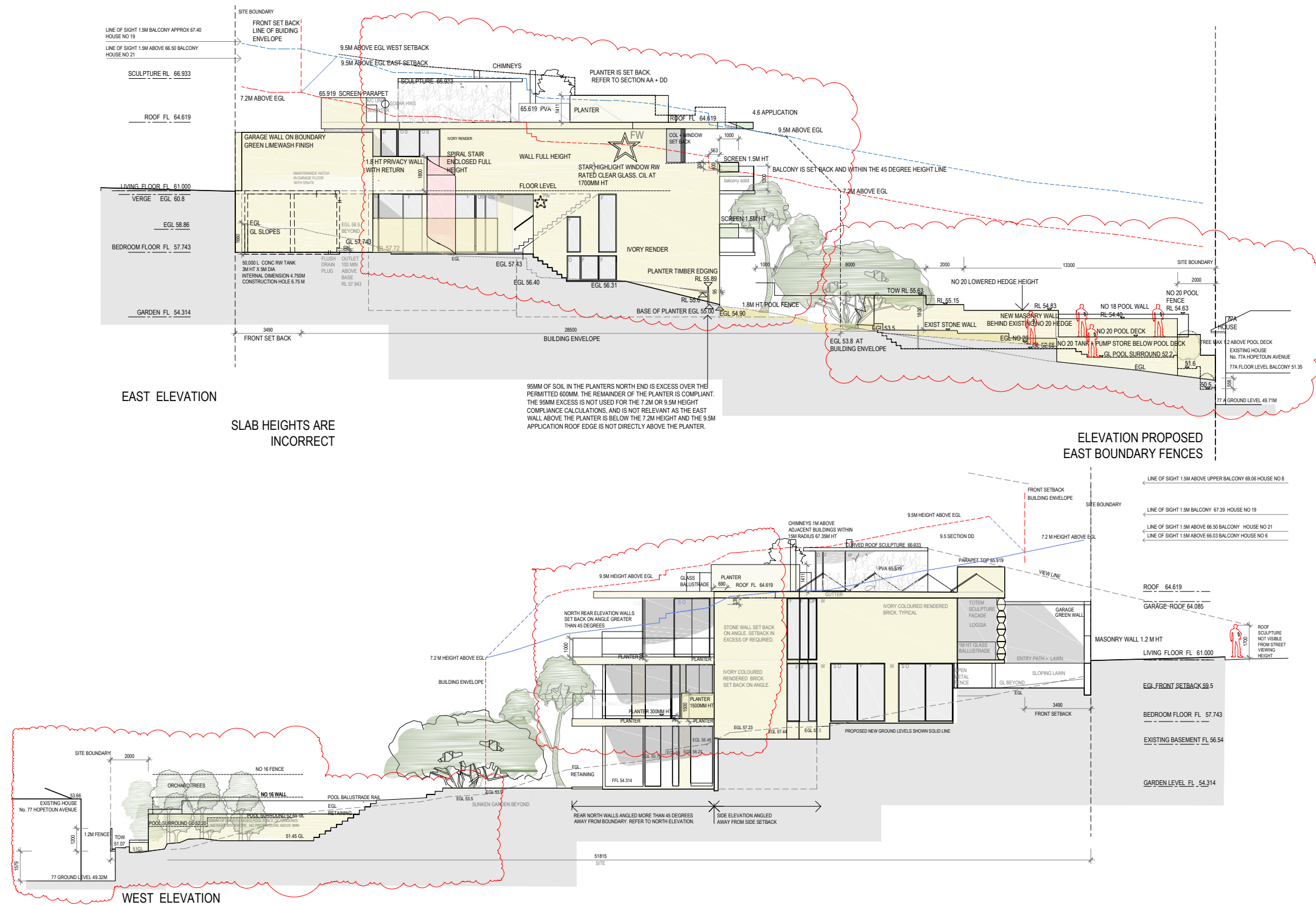
REV H 17.06.22	North Boundary Walls Elevation. Front wall. Living + Bedroom Terrace planters. Frangipani Roof Terrace balustrade + planter East Living Terrace Wall + roof Pool balustrade rail
REV I 11.08.22	No change
REV J 3.11.22	No change

REV I 11.08.22
REV. I 3.11.22

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+ AUTUMN, RUPERT + PALOMA
18 OLPHERT AVENUE VAUCLUSE SYDNEY NSW 2030
DATE 3.11.2022 PLOT 08.11.2022 SCALE 1:100 @ A1 ELEVATIONS NORTH SOUTH

DA 3
REV J



LOUISE ST JOHN KENNEDY

BUILDING DESIGN | INTERIOR ARCHITECTURE | LANDSCAPE
9A CHESTER ROAD CLAREMONT WESTERN AUSTRALIA 6010
TEXTS TELEPHONE +61 412 988 266

REVISIONS

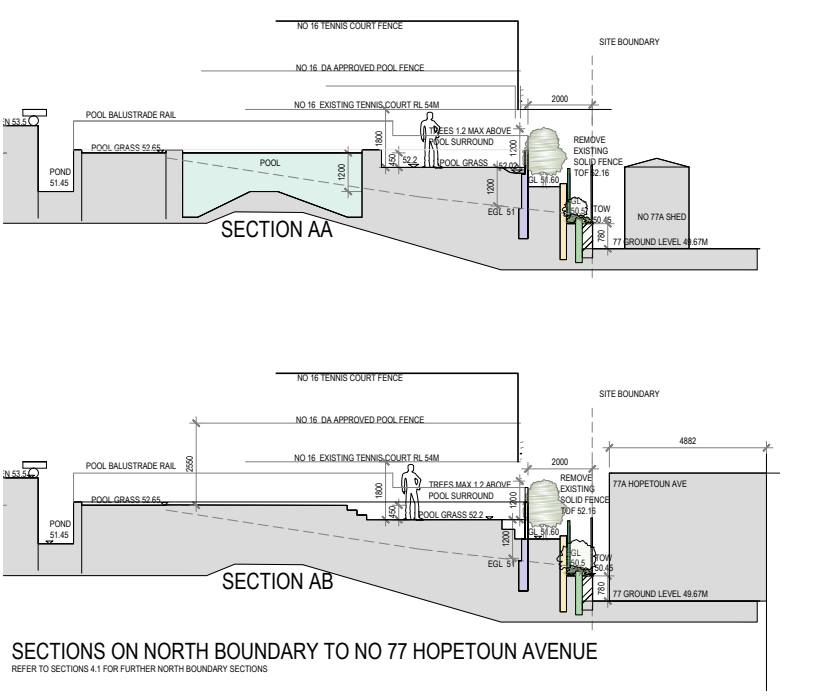
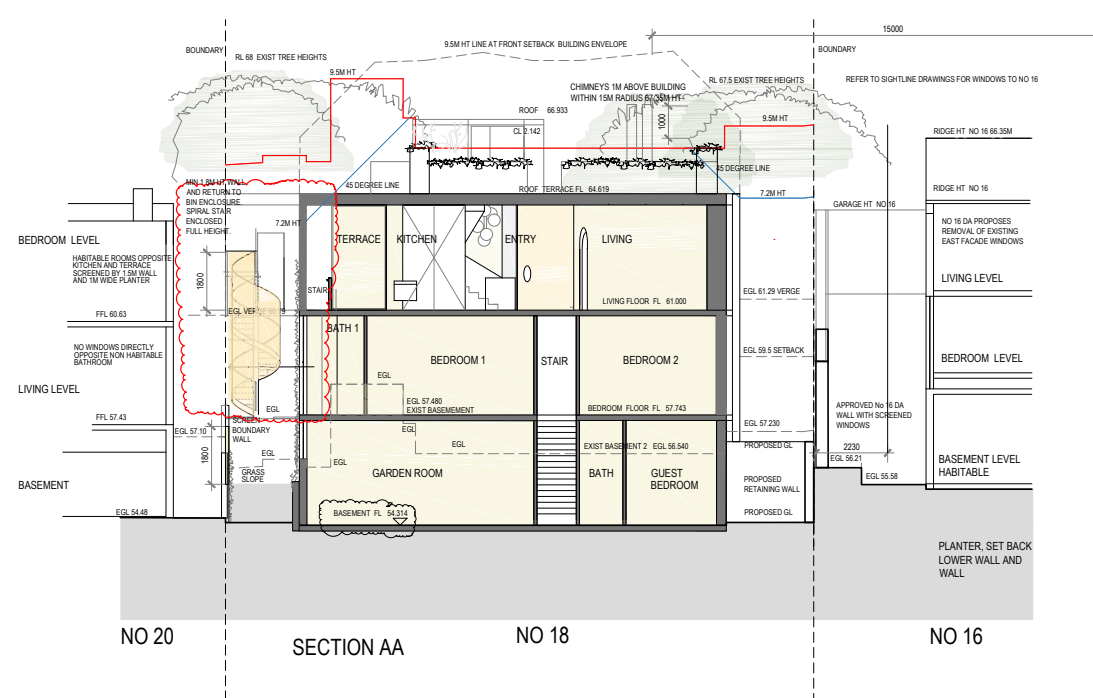
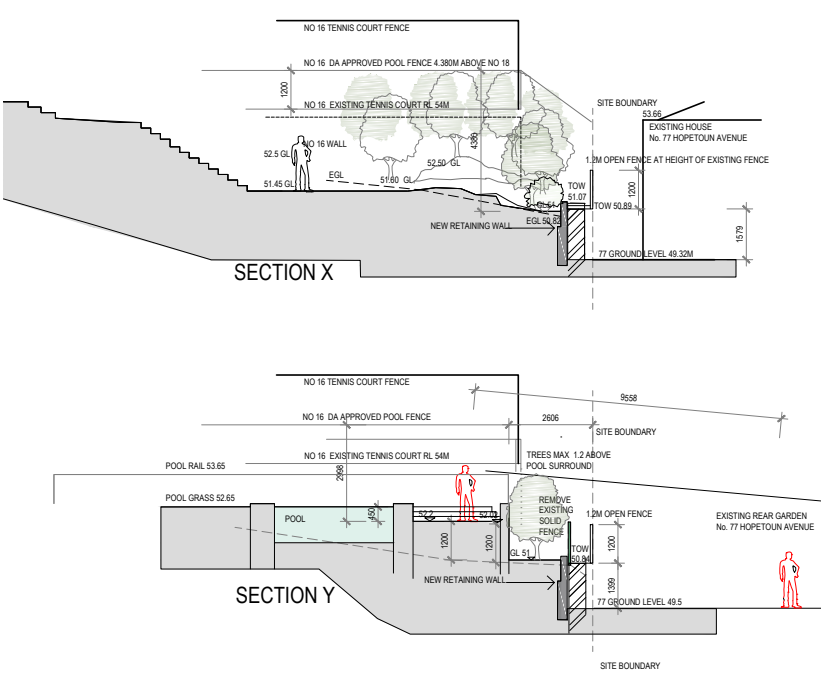
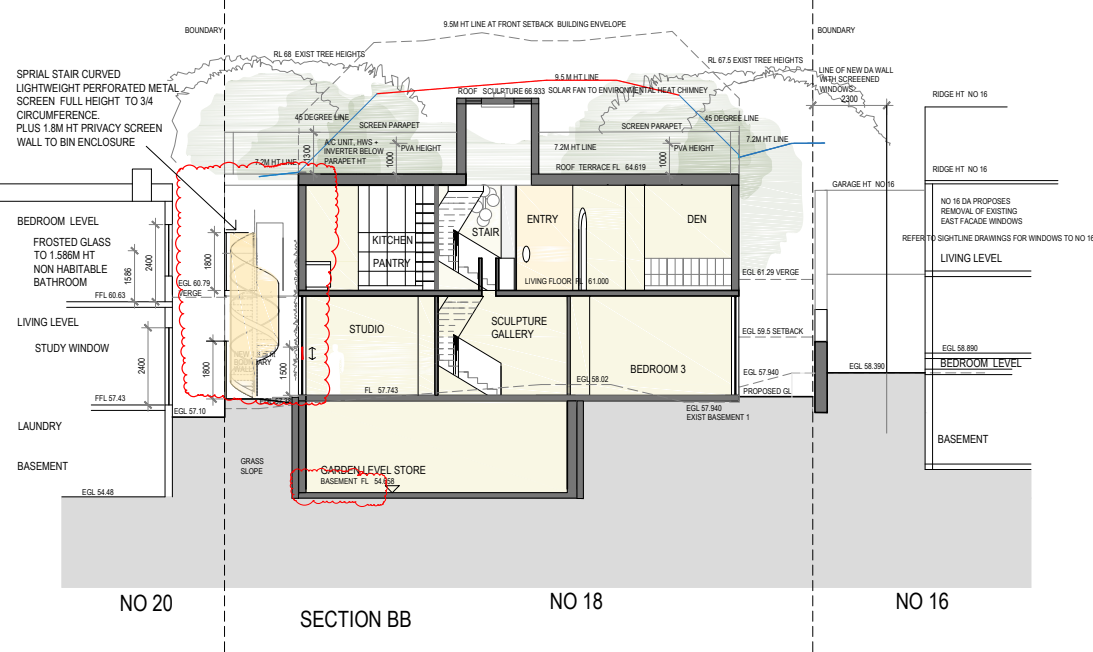
REV A 5.11.20 INITIAL DA
REV D 23.6.21 Roof Terrace + Planters reduced
Planters to living + bedroom balconies
PVA
Garden level and pool surround heights reduced

REV F 18.03.22	North boundary wall Sunken garden levels Planter hts. Pergola Trellis Chimney RL added A/c, Inverter + HWS added
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REV H	17.06.22	Pool levels Planters and balustrades
REV I	11.08.22	Pool balustrade rail
REV J	3.11.22	Planter 1500mm ht

OLPHERT AVENUE RESIDENCE
CAMPBELL D TAYLOR + SARAH J CURTIS
+ AUTUMN, RUPERT + PALOMA
18 OLPHERT AVENUE VAUCLUSE SYDNEY NSW 2030
DATE 3.11.2022 PLOT 08.11.2022 SCALE 1:100 @ A1

DA 3.1
REV J
ELEVATIONS EAST WEST



SECTIONS ON NORTH BOUNDARY TO NO 77 HOPETOUN AVENUE
REFER TO SECTIONS 4.1 FOR FURTHER NORTH BOUNDARY SECTIONS

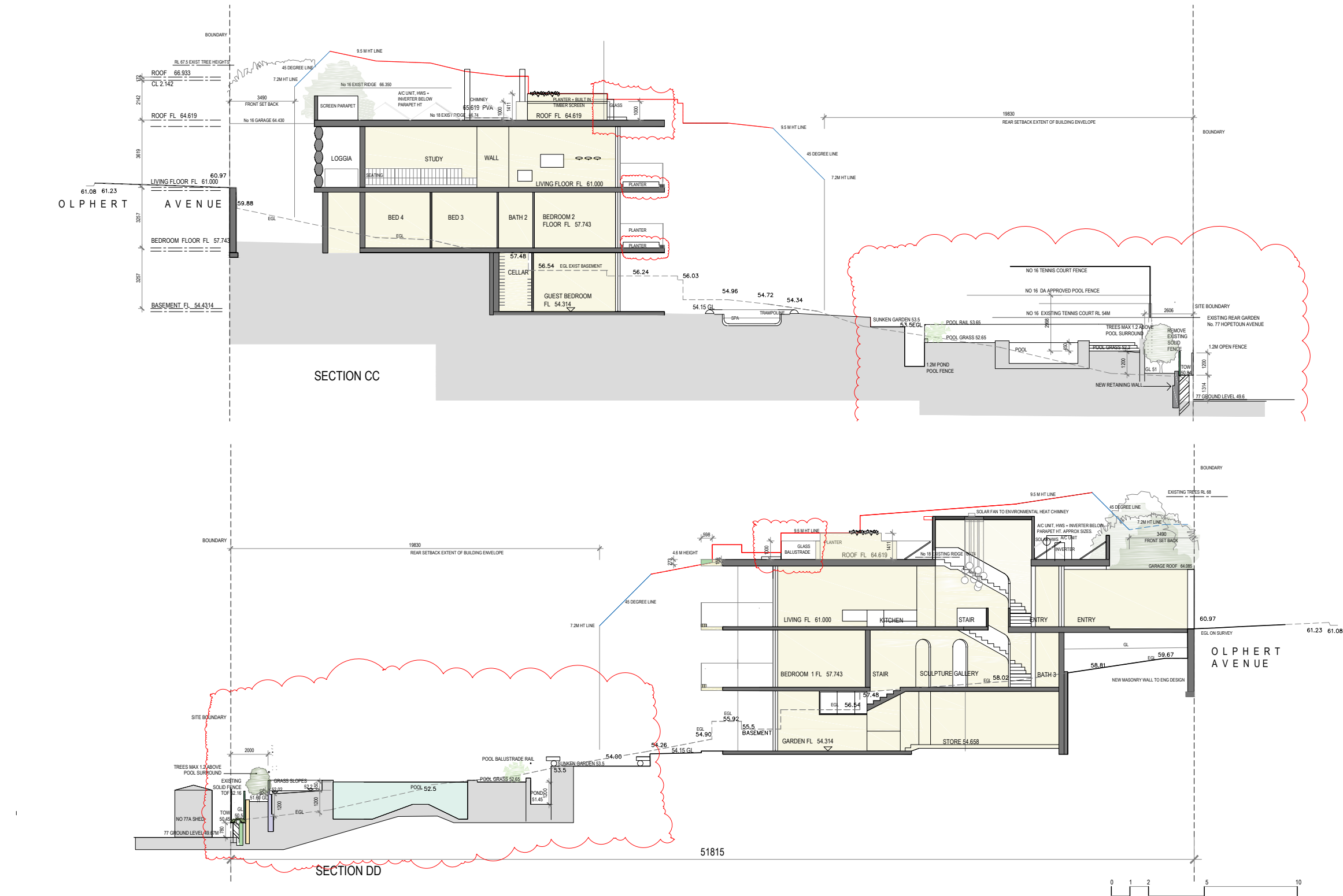
LOUISE ST JOHN KENNEDY
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REVISIONS		
REV A 5.11.20	INITIAL DA	
REV D 21.6.21	Roof Terrace reduced. Spiral stair enclosed.	
REV F 18.03.22	Basement retaining North retaining wall. A/c Inverter + hws added Chimney note and RL added Section X,Y+ Z amended. Wall and fence notes to No 16 added.	

REV H 17.06.22	Sections North Boundary amended. Storeroom floor Roof Terrace balustrade + planter Living Bedroom Planters. Ceiling levels Spiral stair. East Wall Living Terrace Pool balustrade rail North trees
REV I 11.08.22	
REV J 3.11.22	

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OLPHERT AVENUE RESIDENCE
CAMPBELL D TAYLOR + SARAH J CURTIS
+ AUTUMN, RUPERT + PALOMA
18 OLPHERT AVENUE VAUCLUSE SYDNEY NSW 2030
DATE 3.11.22 PLOT 04.11.2022 SCALE 1:100 @ A1

DA 4
REV J
CROSS SECTIONS



LOUISE ST JOHN KENNEDY

BUILDING DESIGN | INTERIOR ARCHITECTURE | LANDSCAPE
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REVISIONS

REV A 5.11.20 INITIAL DA
REV D 21.6.21 Roof Terrace reduced.
PVA added.
Planters added to living + bedroom level.
Garden level and pool surrounds height reduced.

REV F 18.03.22

Basement retaining.
North retaining wall.
Planter heights.
A/c, Inverter and HWS added.
Basement retaining. Chimneys.

REV H 17.06.22

Sections North Boundary amended
Roof Terrace balustrade + planter
Living Bedroom Planters
Pool Balustrade rail
Trees north

REV I 11.08.22
REV J 03.11.22

OLPHERT AVENUE RESIDENCE

CAMPBELL D TAYLOR + SARAH J CURTIS
+ AUTUMN, RUPERT + PALOMA

18 OLPHERT AVENUE VAUCLUSE SYDNEY NSW 2030
DATE 3.11.22 PLOT 04.11.2022 SCALE 1:100 @ A1

DA 4.1
REV J

LONGITUDINAL SECTIONS



LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA478/2023/1
ADDRESS	4 Graylind Place VAUCLUSE
COUNCIL WARD	Vaucluse
SITE AREA	726.1m ²
ZONING	R2 Low Density Residential
PROPOSAL	Demolition of existing dwelling and associated structures and the construction of a new multi-storey dwelling with basement garage; new swimming pool, landscaping and siteworks.
TYPE OF CONSENT	Local development
COST OF WORKS	\$2,842,128.00
DATE LODGED	15/12/2023
APPLICANT	Y Yu
OWNER	Y Yu
AUTHOR	Mr S Grevler-Sacks
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	12
RECOMMENDATION	Approval

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

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

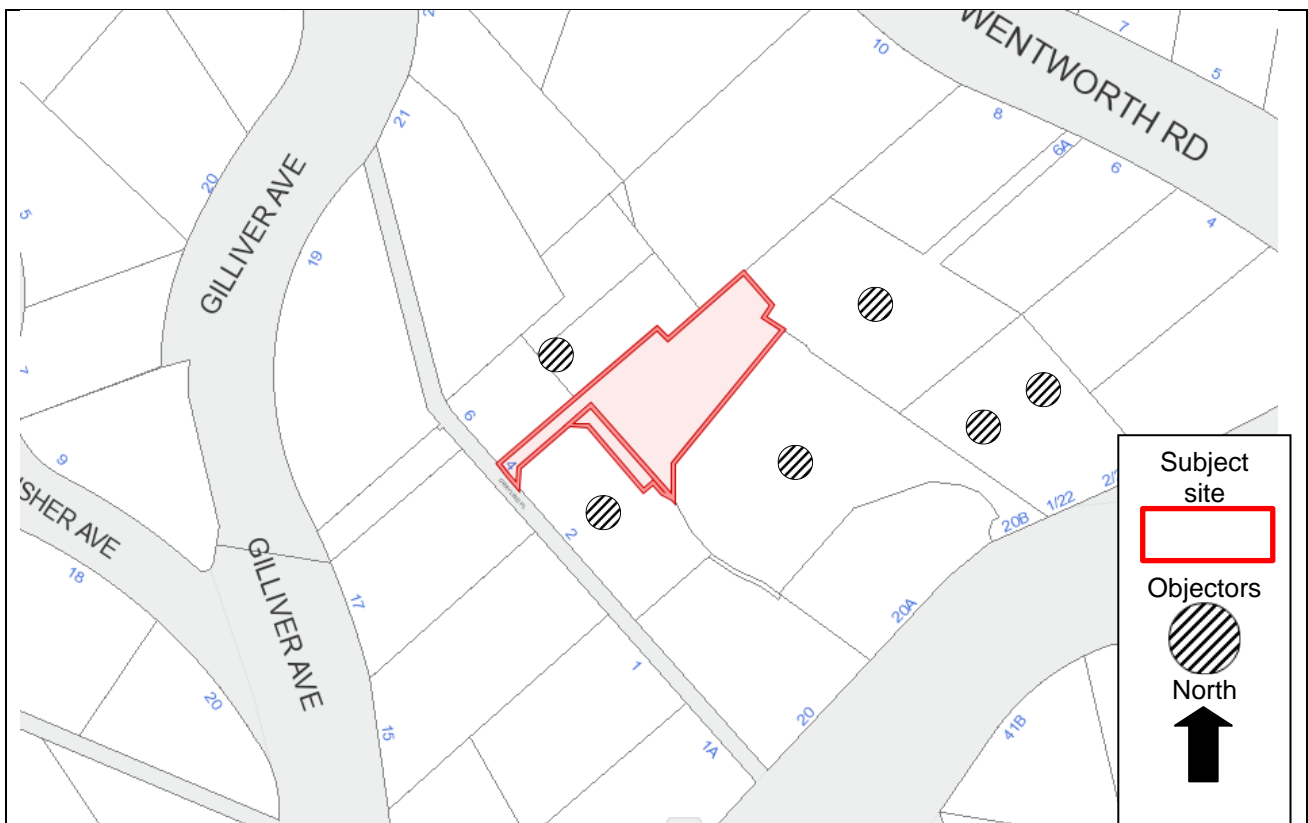
- Contentious development – development that:
 - (a) is the subject of 10 or more unique submissions by way of objection

2. REASONS FOR RECOMMENDATION

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

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

3. LOCALITY PLAN



Note: Multiple submissions received from multiple properties



Existing garage and dwelling



Existing front elevation



Existing south-eastern private open space area with high wall adjoining 20B New South Head Road

4. PROPOSAL

The proposal involves demolition of all existing structures on the site and construction of a new dwelling, with a double garage, swimming pool, and new landscaping.

The proposal was amended on 6/06/2024 in response to objections received. The amended plans incorporated the following changes:

- Lowering of the parapet height of the two-storey rear element by 950mm to align with the neighbouring gutter line of no. 10 Wentworth Road;
- Internal reconfiguration and reduction of the rear element footprint to increase setbacks and landscaping;
- Internal reconfiguration of Ground Floor kitchen and bathroom, and removal of a study.
- New 2m-high wall proposed along the northern side of the lower lawn area, setback 900mm from the northern side boundary;
- Wall along the northern side of the proposed pool at Ground Floor level raised to 1.5m above pool coping level;
- Relocation of northern access staircase between Garage level and the Ground Floor;
- Lowering of the Ground Floor lawn area by 500mm;
- New privacy screen proposed across the external northern staircase.

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

5.2 Primary Issues

Issue	Conclusion	Section
Excavation	Satisfactory.	13.8 14.2.2
View Loss	Satisfactory.	14.2.3
Acoustic and visual privacy	Satisfactory, subject to conditions.	14.2.3

5.3 Summary of Submissions

Issue	Conclusion	Section
Inconsistency with the objectives of the R2 zone	The proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.	13.2
Heritage significance of adjoining property at no. 6 Graylind Place	Council's Heritage Officer has reviewed the application and advised that it is acceptable, subject to conditions. Conditions have also been imposed requiring the preparation of dilapidation reports of adjoining properties.	13.5
Extent of excavation and impact on adjoining properties	The extent of excavation proposed is considered acceptable. Appropriate conditions relating to excavation have been imposed, including requirements for dilapidation reports for adjoining properties.	13.8 14.2.2
Insufficient landscaping details and potential for leaf litter falling to neighbouring properties	The Landscape Plan provided with the application includes sufficient detail regarding planting and tree location. Potential leaf litter is an issue inherent to any area containing landscaping and would not warrant modification of the proposal.	13.9 14.2.5
Inconsistency with the desired future character of the area	The proposal has been assessed against the desired future character objectives of the Vaucluse West precinct and is considered acceptable in this regard.	14.1
Bulk and scale of proposed dwelling	The proposal complies with the building height and floor space ratio development standards, and provides an acceptable bulk and scale.	14.2.1

Issue	Conclusion	Section
Non-compliance with building envelope controls	The non-compliances with the DCP building envelope controls have been assessed and are considered to be acceptable.	14.2.1
Overshadowing impact of proposed new trees	Landscaping is not considered in the assessment of overshadowing to adjoining properties. Notwithstanding, considering the proposed location of new trees, minimal additional overshadowing is anticipated resulting from new planting and landscaping.	14.2.3
View loss to surrounding properties	The proposal has been assessed against the four step process outlined in <i>Tenacity Consulting v Warringah (2004) NSWLEC 140</i> and is considered acceptable with regard to view sharing with surrounding properties.	14.2.3
Acoustic impact of swimming pool in close proximity to courtyard of neighbouring dwelling	The proposal swimming pool is acceptable with regard to acoustic impacts on neighbouring properties, subject to conditions.	14.2.3
Proposed plant room is insufficiently large to house the pool pump and associated equipment	The plant room adjacent to the garage is considered acceptable to house the required pool plant equipment.	14.2.3
Visual privacy impact of proposed dwelling on adjoining properties	The proposal is acceptable with regard to impacts on visual privacy, subject to conditions.	14.2.3
Visual privacy impact of pool and surrounds on adjoining properties	The proposed pool location is acceptable with regard to impacts on visual privacy.	14.2.3
Proximity of proposed front private open space areas to neighbour at no. 2 Graylind Place	The proposed private open space area within the front setback is appropriately screened from the neighbouring property by a wall extending to 1.8m above the finished lawn level. The ground floor terrace facing toward the front of the property is required to be deleted from the plans – refer to Condition C.1 (a) .	14.2.3 14.2.6
Lack of sight lines detailing visual privacy impacts from proposed dwelling toward no. 6 Graylind Place	The proposed Section drawings show sight lines from the proposed lawn area, along with a wall to a height of 2m above the proposed ground level preventing any overlooking toward no. 6 Graylind Place.	14.2.3
Insufficient detail regarding sight lines from proposed pool toward neighbouring property at no. 6 Graylind Place	Sufficient detail has been provided to assess sightlines between the subject site and neighbouring dwellings.	14.2.3
Visual impact to no. 6 Graylind Place of raised boundary wall along north-western side of subject site	The proposed new boundary wall is considered to be acceptable with regard to visual impact.	14.2.5
Insufficient details provided of boundary walls and fencing	It is considered that sufficient detail has been provided regarding the proposed boundary walls and fencing.	14.2.5
Insufficient details regarding existing and proposed ground levels	It is considered that sufficient detail has been provided regarding the existing and proposed ground levels.	14.2.5
Swimming pool is located too close to neighbouring property	The swimming pool complies with the DCP requirements regarding boundary setbacks.	14.2.5
Height of proposed swimming pool above existing ground level	The raising of the ground level to accommodate the proposed swimming pool is considered to be acceptable, and will provide adequate screening to prevent overlooking of the adjoining property.	14.2.5

Issue	Conclusion	Section
Proposed swimming pool sits within side setback and should be replaced with deep soil	The proposed swimming pool, as amended, is setback 1.8m from the side boundary, and therefore is compliant with Control C3. Furthermore, sufficient deep soil landscaping is provided across the site. The proposed swimming pool location is considered acceptable.	14.2.5
Insufficient detail of neighbouring properties included on plans	Notwithstanding any perceived lack of detail regarding neighbouring dwellings on the architectural plans, this assessment has accounted for impacts on surrounding properties and is considered acceptable in this regard.	N/A
Details of external garage and boundary walls between subject site and neighbouring properties	The proposal includes materials and finishes that are appropriate for the area.	N/A
Requirements for access to neighbouring properties to facilitate construction	If access to neighbouring properties is required to facilitate construction, this is a matter that must be resolved between the relevant property owners and is not a consideration as part of this assessment.	N/A
Encroachment of proposed works on adjoining properties	The proposed works are entirely within the subject site boundaries. No consent is granted for any works on adjoining properties.	N/A
Impacts of pool and boundary walls on natural light to neighbouring courtyard	It is considered that the proposed new boundary wall along the north-western side of the property will not unacceptably impact the neighbouring courtyard at no. 6 Graylind Place. There are no specific controls relating to natural light.	N/A
Encroachment of boundary wall along access handle into neighbouring property	The Survey Plan provided by the applicant shows that the existing wall along the north-western side of the access handle encroaches on land belonging to no. 6 Graylind Place. The proposal does not include any works to the portion of wall encroaching on neighbouring property. All proposed works are located within the subject site.	N/A
Use of landscaping to prevent visual privacy impacts	It is not considered that the proposal relies on landscaping for mitigation of visual privacy impacts. The proposal is acceptably designed and provides appropriate physical structures to ensure that	N/A
Inconsistencies and inaccuracies within the SEE	Notwithstanding any potential inaccuracies within the SEE, the application has been assessed on the basis of the amended architectural plans provided and is considered acceptable in this regard, subject to conditions.	N/A
Application does not address covenants on title	The site is subject to five covenants being 407682, B124867, C227086, C344142, F306151 and B447289. The title search provided by the Applicant has been reviewed and it is concluded that these covenants were neither imposed by Woollahra Municipal Council nor were they required by the Council. As such, Clause 1.9A of the Woollahra LEP 2014 is applicable and the covenants do not apply to the extent that they would restrict the carrying out of development.	N/A

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
<p>The subject site is a battle-axe lot with a 2.7m-wide access handle adjoining Graylind Place. The site is comprised of two separate lots, that being Lot C in DP 371950, and Lot 101 in DP 1263986, and is of an irregular shape, with a width of approximately 21m towards the front of the site, and 12.5m at the rear, with a number of steps and protrusions around the perimeter.</p> <p>The site borders on neighbouring properties at nos 2 & 6 Graylind Place, 20B New South Head Road, 6A Wentworth Road, and 10 Wentworth Road.</p>

Topography
The site features a gradual climb up the access handle, before experiencing a steep climb in ground level and levelling out toward the rear of the site.
Existing buildings and structures
The subject site currently contains a single-storey dwelling with a detached double garage. The dwelling sits at the higher ground level, with a large sandstone block retaining wall and the garage below.
Surrounding Environment
The surrounding environment typically features two and three-storey dwelling houses in landscape settings.

7. RELEVANT PROPERTY HISTORY

Current use
Residential
Relevant Application History
N/A
Relevant Compliance History
N/A
Pre-DA
N/A
Requests for Additional Information and Replacement Applications
Amended plans were provided to Council on the basis of discussions between the applicant and objectors at neighbouring properties. No revisions were requested by Council.
Land and Environment Court Appeal(s)
N/A

8. REFERRALS

Referral	Summary of Referral Response	Attachment
Heritage	Satisfactory, subject to conditions.	2
Trees and Landscaping	Satisfactory, subject to conditions.	3
Development Engineering	Satisfactory, subject to conditions.	4

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 17/01/2024 to 1/02/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Louise Napier – 2 Graylind Place, Vacluse
2. Pru Winterton – 6 Graylind Place, Vacluse
3. BBC Consulting obo Bettina Hemmes – 20B New South Head Road, Vacluse
4. Chrish Graebner – Units 1 and 2, 22 New South Head Road, Vacluse
5. Kuzi Jaravani obo the owners of 6A Wentworth Road, Vacluse

9.2 Revised Architectural Plans

Revised architectural plans were lodged with Council on 6 June 2024, as noted in Section 4. The revised plans were not formally renotified to surrounding residents because it was considered that the amended proposal would have no greater environmental or amenity impact.

However, all prior objectors were informally advised by email dated 2/07/2024 that amended plans had been provided and were available to view on Council's website.

Additional objections were received as listed below. All issues raised have been addressed in the table in Section 5.3.

1. Pru Winterton – 6 Graylind Place, Vacluse
2. Tony Moody obo Pru Winterton – 6 Graylind Place, Vacluse
3. BBC Consulting obo Bettina Hemmes – 20B New South Head Road, Vacluse (multiple submissions, including imagery prepared by Urbaine Design Group)
4. Shaw Reynolds Lawyers obo the owners of 6A Wentworth Road, Vacluse

9.3 Statutory Declaration

The applicant has completed the statutory declaration dated 18/07/2024 declaring that the site notice for DA478/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

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

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

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

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

11.1 Chapter 6 – Water Catchments

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

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 including erosion and sedimentation, stormwater and flood risk management control, and the proposal is acceptable with regard to the Biodiversity and Conservation SEPP.

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

12.1 Chapter 2 – Coastal Management

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

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

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

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

12.2 Chapter 4 – Remediation of Land

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

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

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

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

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1 Part 1.2: Aims of Plan

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

13.2 Land Use Table

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

13.3 Part 4.3: Height of Buildings

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

	Proposed	Control	Complies
Maximum Building Height	9.3m	9.5m	Yes

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

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

Comment: The proposed new dwelling will remain consistent with surrounding dwelling heights and the desired future character of the area.

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

Comment: N/A.

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

Comment: The proposed new dwelling will retain acceptable solar access to surrounding properties.

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

Comment: The proposed new dwelling is acceptable with regard to impacts on views, privacy, overshadowing and visual intrusion.

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

Comment: The proposed new dwelling will not impact on existing views from the public domain.

13.4 Part 4.4: Floor Space Ratio

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

Site Area: 726.1m ²	Proposed	Control	Complies
Floor Space Ratio	0.46:1 335m ²	0.5:1 363.1m ²	Yes

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

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

Comment: The proposed new dwelling will be compatible with the desired future character of the area.

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

Comment: The proposed new dwelling will not result in unacceptable amenity impacts on adjoining properties or the public domain.

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

Comment: The proposal is acceptable with regard to deep soil landscaping, tree canopy, and private open space requirements.

13.5 Part 5.10: Heritage Conservation

The subject site is not an item of heritage significance, nor is it located within a Heritage Conservation Area. The proposal is located adjacent to two heritage items as outlined below, with comment provided by Council's Heritage Officer:

- 'House and interiors' at 6 Graylind Place, Vaucluse (No. I363)

An early example of the International Style applied to a detached house, designed by Joseland & Gilling. Its presentation to the street has been substantially disrupted by the construction of a garage. There will be no impact on this item as a result of the development.

- 'Kainga – house and interiors, excluding the freestanding garage, cabana, pool, spa, gateposts' at 20B New South Head Road, Vaucluse (No. I367).

"The building at 20B New South Head Road, Vaucluse has historic and social significance for its association with local identities Edward Duncan Gray, a ship's chandler and dental surgeon Ormond Joseph McDermott. It was also the home to Sydney Lord Mayor, Sir Emmet McDermott. The building has aesthetic significance as a largely intact mansion which is indicative of the quality of residence constructed in the area in the late nineteenth century. Although the house is situated out of view at the end of a sweeping driveway and therefore makes little contribution to the character of the streetscape it is of such a quality in its style and detailing that it is considered to be of aesthetic significance."

The proposal has a minimal impact on the building. As there are only limited existing views to the building, the impact of the modest increase in height on the subject site is minor. The loss of the mature paper bark tree represents some impact on the setting of the house, but the proposed plantings and canopy should compensate for this.

The proposed development is consistent with the requirements of Part 5.10 of the LEP, and is therefore acceptable with regard to the Part 5.10 of the Woollahra LEP 2014.

13.6 Part 5.21: Flood Planning

The objectives of Part 5.21 are:

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

The proposal is acceptable with regard to Part 5.21 of Woollahra LEP 2014.

13.7 Part 6.1: Acid Sulfate Soils

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

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

13.8 Part 6.2: Earthworks

The proposal involves excavation to accommodate the proposed new dwelling, including for garage access, and the basement and storage areas.

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

- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - b) the effect of the development on the likely future use or redevelopment of the land,
 - c) the quality of the fill or the soil to be excavated, or both,
 - d) the effect of the development on the existing and likely amenity of adjoining properties,
 - e) the source of any fill material and the destination of any excavated material,
 - f) the likelihood of disturbing relics,
- Council's Team Leader Development Engineering has raised no objection to the extent of the proposed earthworks in terms of geotechnical and hydrogeological issues subject to recommended conditions of consent.
 - Council's consultant arborist considers the proposal to be satisfactory in terms of tree impacts, subject to conditions.
 - Council's Heritage section has raised no objection to the proposed excavation subject to conditions relating to the potential unexpected finding of aboriginal/archaeological objects and associated requirements.
 - Additional conditions of consent have been recommended limiting the times and duration of machine excavation and requiring adequate dust mitigation.

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

13.9 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 is acceptable with regard to Part 6.9 of Woollahra LEP 2014.

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1 Chapter B1: Vaucluse West Residential Precinct

The proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Vaucluse West precinct, as noted in Part B1.10.2 of the Woollahra DCP 2015.

14.2 Chapter B3: General Development Controls

14.2.1 Part B3.2: Building Envelope

Site Area: 726.1m ²	Proposed	Control	Complies
Side Elevation maximum unarticulated wall length (North)	< 12m	12m	Yes
Side Elevation maximum unarticulated wall length (South)	< 12m	12m	Yes
Maximum Wall Height	9m (North) 6.4m (South)	7.2m	Partial
Inclined Plane From Wall Height	Outside building envelope	Within building envelope	No

The subject site is an existing battle-axe lot, with an access handle leading from Graylind Place. The requirements of Parts B3.2.2, B3.2.3, and B3.2.4 therefore do not apply to the proposal. Refer to Part 9.2.6 of this report for assessment of the proposal with respect to setbacks.

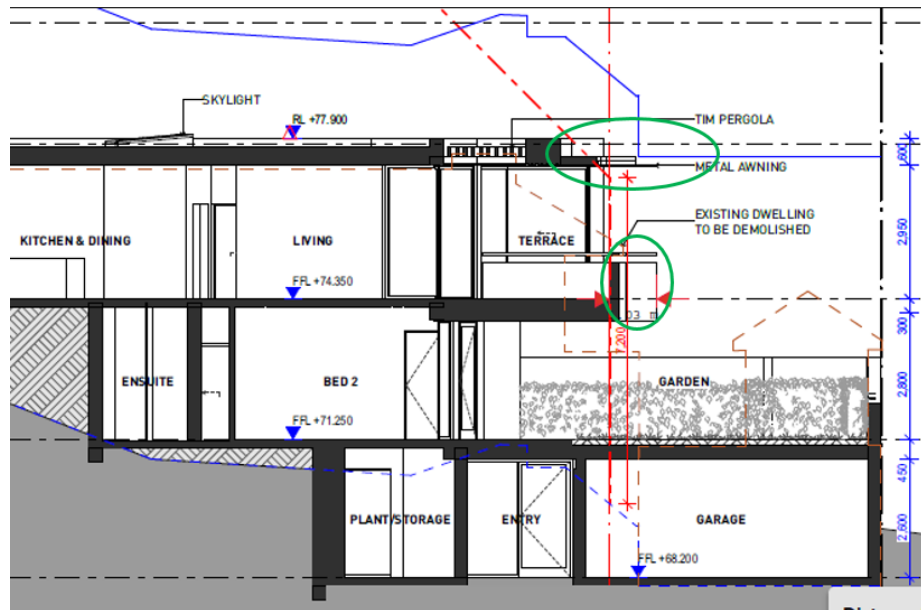
Part B3.2.5 – Wall height and inclined plane

The subject site, comprised of two separate lots (that being Lot C in DP 371950, and Lot 101 in DP 1263986) is of an irregular shape, with a width of approximately 21m towards the front of the site, and 12.5m at the rear, with a number of kinks and protrusions around the perimeter.

The proposal exhibits some non-compliances with the building envelope set by the required setbacks and the wall height and inclined plane control.

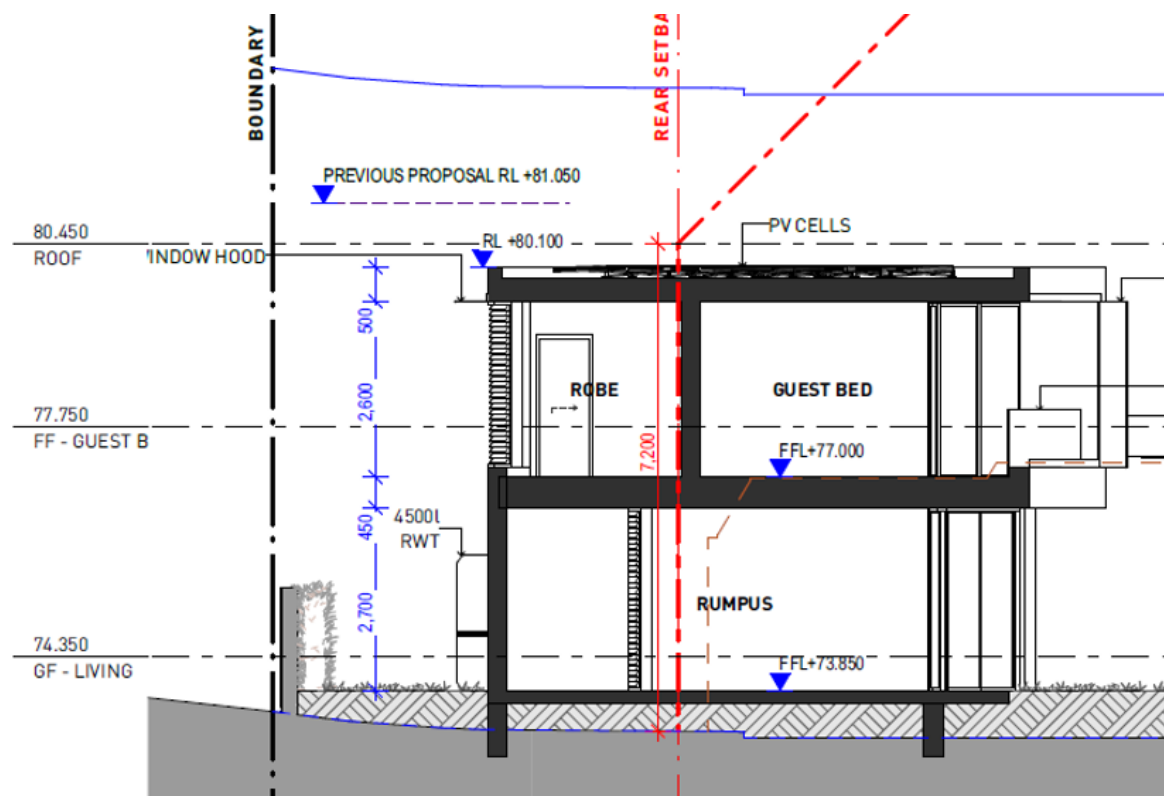
The garage sits within the front setback, outside of the allowable building envelope. The garage is proposed to be situated in the same location as the existing garage and will not have any greater impact on adjoining properties.

The front-facing balcony at the first floor level and a portion of the roof over sit above the garage with lawn over, and are outside of the allowable building envelope set by the 6m front setback requirement.



Excerpt from Section A drawing depicting non-compliance with building envelope at front setback

The rear two-storey portion of the dwelling also sits outside of the allowable building envelope. The rear end of the subject site adjoins the properties at 20B New South Head Road, 6A Wentworth Road, and 10 Wentworth Road, with the maximum roof height of the proposed dwelling (RL 80.10). The rear two-storey element will be located adjacent to the existing tennis court belonging to no. 10 Wentworth Road, the southern corner of the dwelling at 10 Wentworth Road, and the swimming pool of 20B New South Head Road, designed to approximately match the gutter height of the dwelling at no. 10 Wentworth Road (RL 80.03).



Excerpt from Section A drawing depicting non-compliance with building envelope at rear setback

It is noted that all windows within the rear setback face toward the rear boundary, with the bedroom and walk-in robe featuring one highlight window and two vertical windows with obscure glazing to prevent potential overlooking of neighbouring properties.

Notwithstanding the numerical non-compliance with the wall height and inclined plane controls, it is considered that the proposed dwelling will exhibit appropriate bulk and scale, and will not have any adverse impacts on overshadowing, acoustic or visual privacy, or views between buildings.

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

14.2.2 Part B3.4: Excavation

Site Area: 726.1m ²	Proposed	Control	Complies
Maximum Volume of Excavation	324.2m ³	195.2m ³	No
Excavation, Piling and Subsurface Wall Setback	0m (front boundary) 1.5m (side boundaries)	1.5m	No
Geotechnical Report	Provided	Required Where > 2.0m	Yes

The proposal includes 324.2m³ of excavation, exceeding the limit set by Control C1 by 129m³, or 66.1%. The proposal includes excavation up to the front boundary adjoining the property at no. 2 Graylind Place, and is thereby non-compliant with Control C6.

The proposed excavation will facilitate a basement level with double garage, internal stair and lift access, and a plant/storage room. At the Lower Ground Level, the proposal provides two bedrooms, two ensuite bathrooms, and a laundry.

It is noted that the existing dwelling on the site is a single-storey dwelling that sits atop a raised portion of existing natural ground with a high retaining wall to the front elevation, as shown in the photograph below.



Existing front elevation viewed from the access handle

The subject site is of an irregular shape and a steep slope, climbing approximately 5m across the length of the site (excluding the access handle). The majority of the incline is toward the front of the site, surrounding the existing garage structure. The proposed excavation is therefore concentrated at the front of the site to allow for more efficient use of that area, with the majority of the proposed excavation occurring above the existing floor level of the garage (RL 69.13).

The relevant Objective O1 reads:

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).*

Notwithstanding the numerical non-compliances, the proposal is consistent with Objective O1 as follows:

- The proposed dwelling will retain the approximate ground level across the majority of the site, with excavation largely situated at the front of the site to reflect the existing topography (a);
- Council's Technical Services Division has reviewed the proposal and advised that there are no concerns with the extent of excavation on technical grounds, subject to conditions (b, c);
- Council's standard conditions have been imposed with respect to amenity impacts on adjoining properties during construction (d);
- Sufficient deep soil areas are proposed within the side and rear setbacks (e);
- Traffic impacts will be managed through standard traffic permit and management processes (f);
- All new below ground habitable areas will feature appropriate internal amenity (g);

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

14.2.3 Part B3.5: Built Form and Context

Site Area: 726.1m ²	Proposed	Control	Complies
Siting of Development	Stepped Down with the Slope	Stepped Down with the Slope	Yes
Colour Scheme	Consistent	Consistent	Yes
Solar Access to Open Space of Adjacent Properties	50% for 2 hours on 21 June	50% for 2 hours on 21 June	Yes
Solar Access to Nth Facing Living Areas of Adjacent Properties	3 hours on 21 June	3 hours on 21 June	Yes
Distance of Habitable Room Windows to Adjacent Dwellings	< 9m	9.0m	No
Setback of Roof Terraces from Open Space/Habitable Room Windows of Adjoining Properties	< 12m	12.0m	No

Part B3.5.1 - Streetscape

The subject site is a battle-axe lot that will not be readily visible from the public domain. The dwelling will generally present to neighbouring sites as a two-storey dwelling, with the front portion appearing to the neighbouring property to the north-west as a three-storey development as a result of the site topography.

The flat roof form is not inconsistent with existing development in the area.

The objectives and controls have been satisfactorily addressed and the proposal is acceptable with regard to Part B3.5.1 of the DCP

Part 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 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface

The proposal will result in additional overshadowing to the neighbouring property at no. 2 Graylind Place between 9am – 12pm on 21 June. The extent of the additional overshadowing is considered to be minor and the property retains solar access to 35m² of private open space of that property in accordance with C1(a).

The proposed new two-storey element at the rear will create new overshadowing to the pool area and surrounds of the existing dwelling at 20B New South Head Road. The site at 20B will continue to receive compliant solar access on 21 June in accordance with C1(a).

The proposal retains solar access to north-facing windows in accordance with C1(b).

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

Part B3.5.3 – Public and private views

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

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

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

- 20B New South Head Road, Vaucluse
- Units 1 and 2, 22 New South Head Road, Vaucluse
- 6A Wentworth Road, Vaucluse

This view loss assessment relies on documentation provided by both the applicant and by objecting properties. It is noted that the View Impact Assessment prepared by Smith & Tzannes was unable to utilise accurately surveyed floor levels at the neighbouring properties.

Notwithstanding, the Survey Plan notes the gutter height of the neighbouring property at 10 Wentworth Road as being RL 80.03 AHD, and the hedge surrounding the tennis court of 6A Wentworth Road as being RL 79.80 AHD. The maximum height of the proposed dwelling is RL 80.10 AHD. This information has been utilised in the view loss assessment below.

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

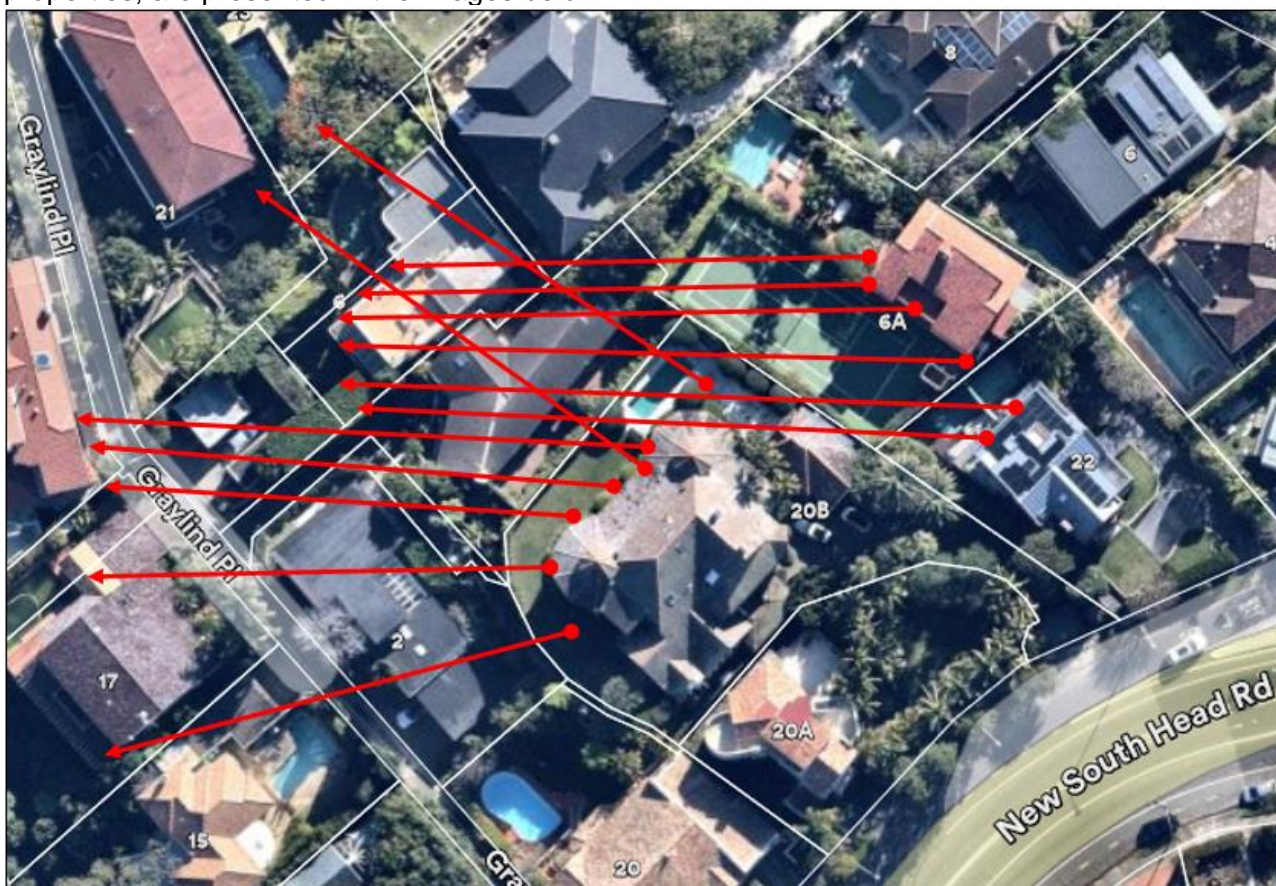
1. The assessment of the views affected

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

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

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

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



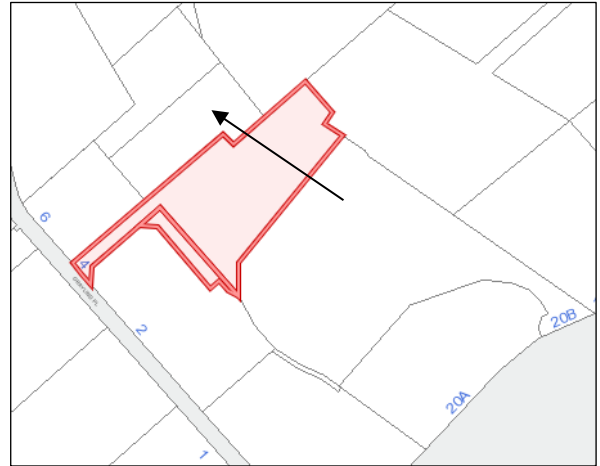
Existing views to neighbouring dwellings

20B New South Head Road, Vaucluse

20B New South Head Road is a detached dwelling south-east of the subject site that has affected views from the ground floor dining room, outdoor dining area, and outdoor pool deck.



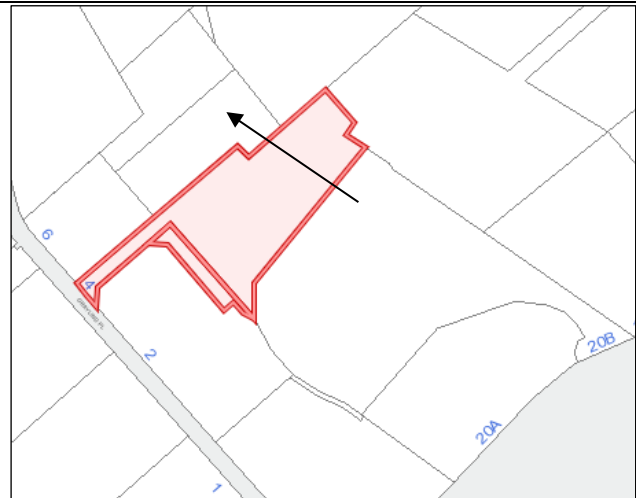
Existing view from dining room



—> *Location and direction of view*



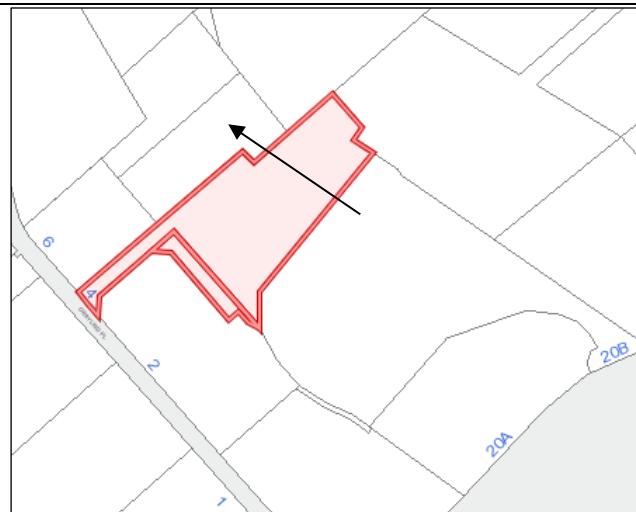
Existing view from dining room (2)



—> *Location and direction of view*



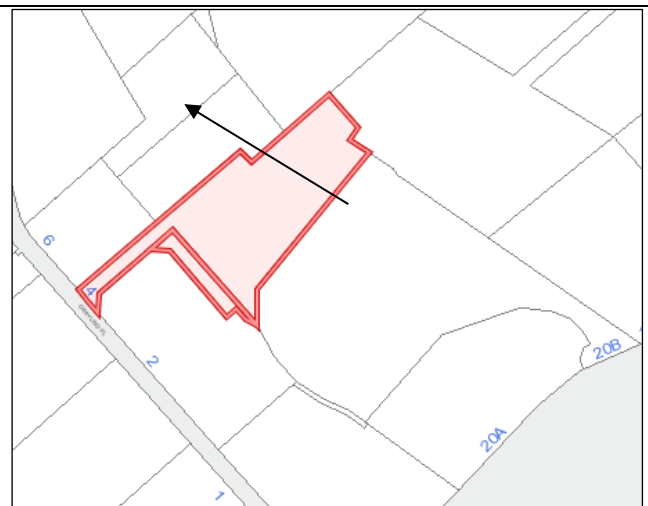
Existing view from outdoor dining room



—> *Location and direction of view*



Existing view from outdoor pool deck



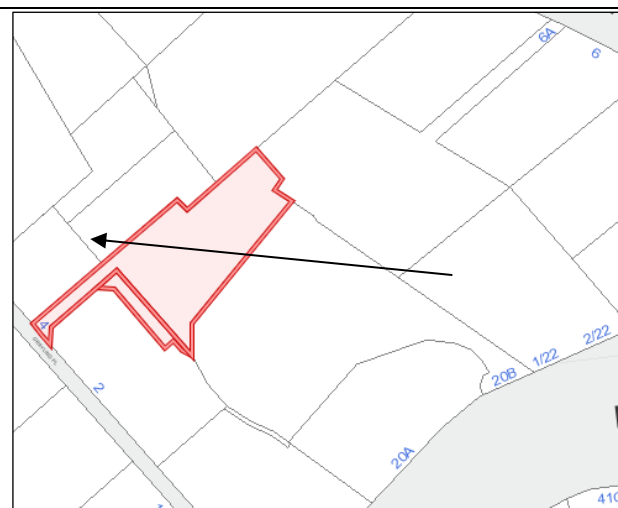
—> *Location and direction of view*

Units 1, 22 New South Head Road, Vaucluse

Units 1, 22 New South Head Road is an attached dual occupancy dwelling directly east of the subject site that has affected views from the living area, the balcony adjoining the living area, and the balcony adjoining the master bedroom.



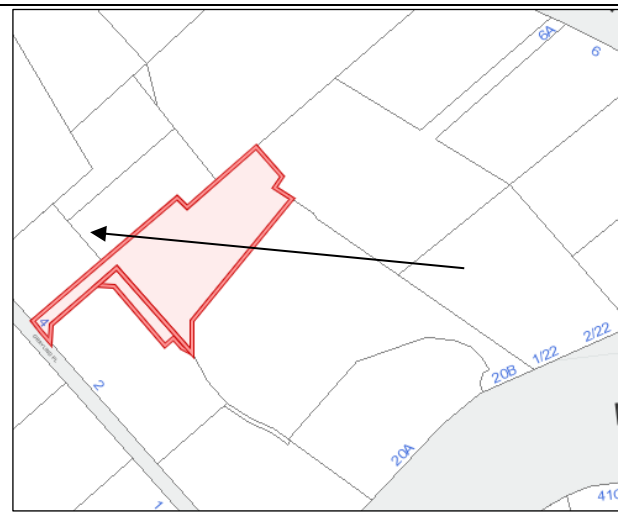
Existing view from living area



—> *Location and direction of view*



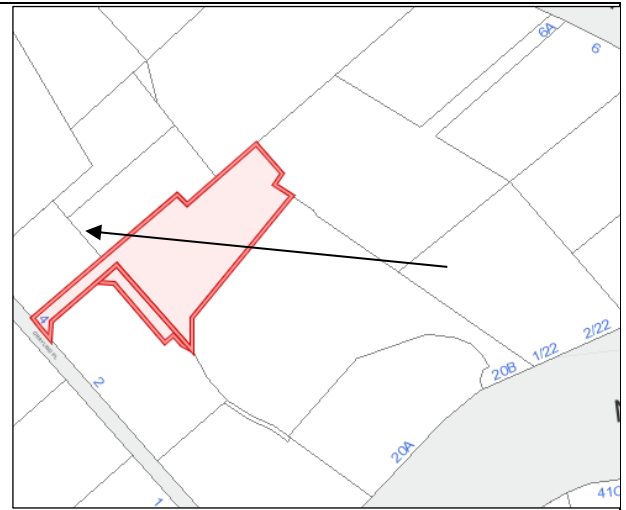
Existing view from living area balcony



—> *Location and direction of view*



Existing view from master bedroom balcony

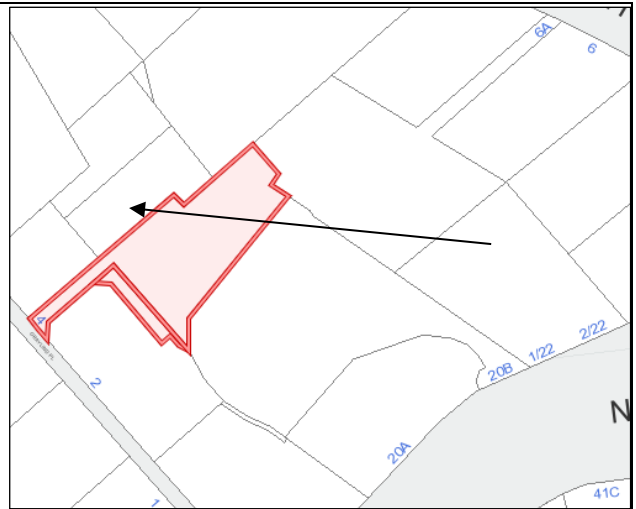


—> Location and direction of view

Unit 2, 22 New South Head Road, Vaucluse



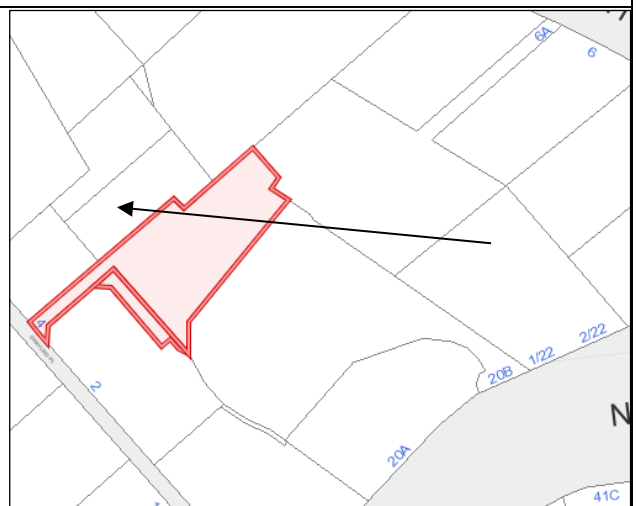
Existing view from master bedroom balcony



—> Location and direction of view



Existing view from master bedroom (seated)



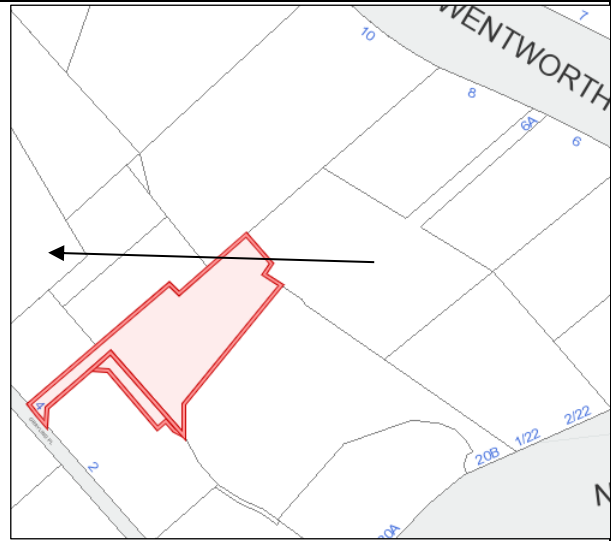
—> Location and direction of view

6A Wentworth Road, Vacluse

6A Wentworth Road is a detached dwelling north-east of the subject site that has affected views from the first floor living area, first floor dining area, first floor rear terrace, and second floor terrace.



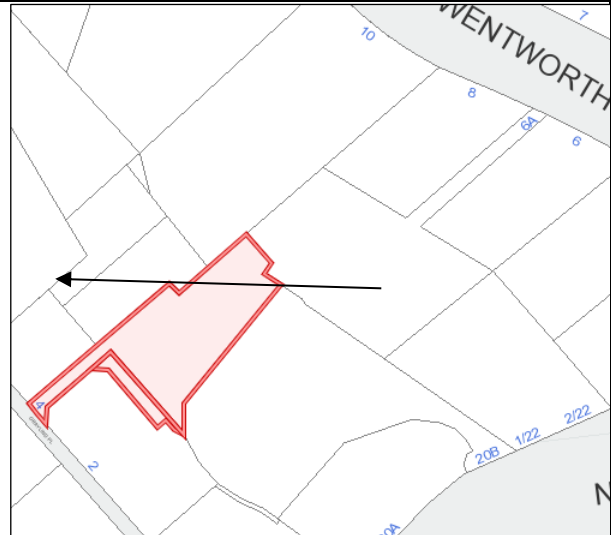
Existing view from first floor living area Juliet balcony



—> Location and direction of view



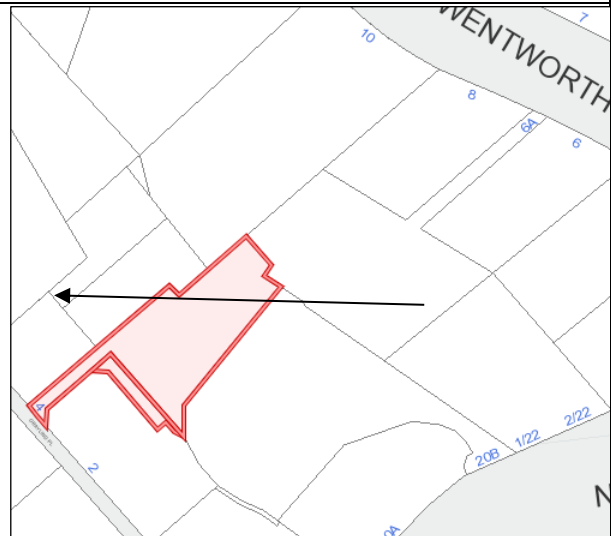
Existing view from first floor dining area



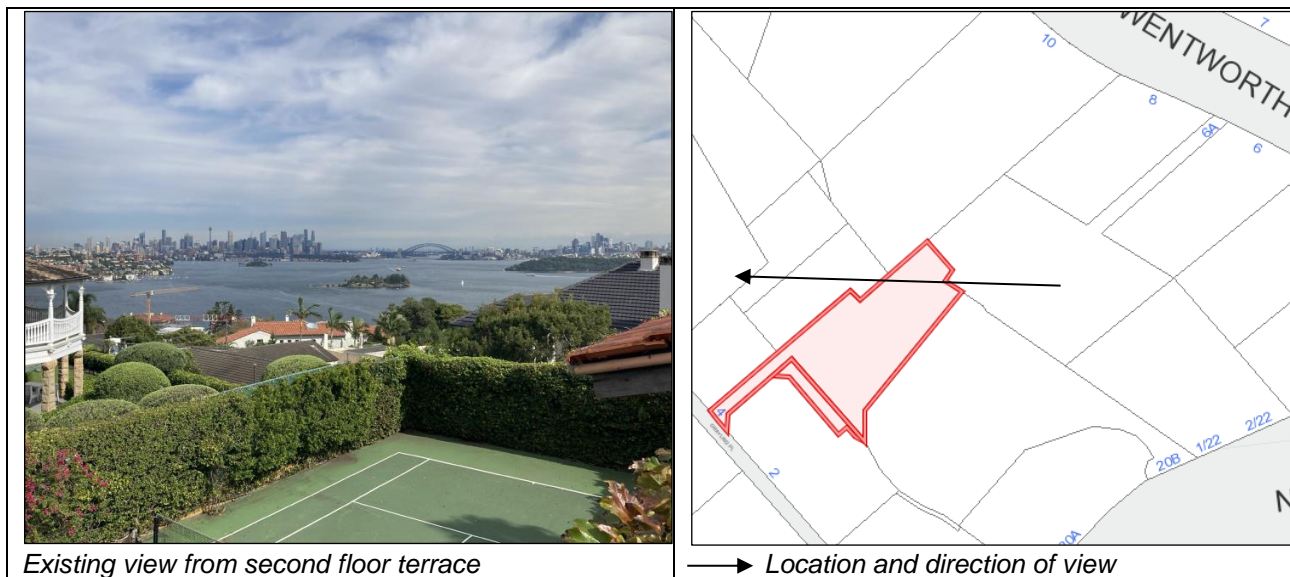
—> Location and direction of view



Existing view from first floor rear terrace



—> Location and direction of view



3. The extent of the impact

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

20B New South Head Road, Vaucluse

The proposed new dwelling will impact on existing views facing towards the north-west from the dwelling at 20B New South Head Road. It is a large detached dwelling that is an item of local significance known as “Kainga”. The existing views toward the north-west feature views of the northern land/water interface of Sydney Harbour, including skyline views of North Sydney CBD. The view from the pool deck includes iconic views of the Sydney Harbour Bridge, Sydney Opera House, and Sydney CBD skyline.

Imagery prepared by Urbaine Design Group on behalf of the objector at no. 20B New South Head Road shows that the existing land/water interface views of the northern side of Sydney Harbour will be partially lost from the ground floor areas, along with iconic views of the Sydney Harbour Bridge from the pool deck.



View from ground floor dining area, with proposed dwelling shown in blue (Source: Urbaine Design Group)



View from ground floor outdoor dining area with proposed dwelling shown in blue (Source: Urbaine Design Group)



View from pool deck with proposed dwelling shown in blue (Source: Urbaine Design Group)

Notwithstanding the existing views lost to the dwelling at 20B New South Head, the dwelling will continue to benefit from expansive panoramic views from multiple areas on the western side of the site, both at the ground floor and first floor levels.



3D Google Maps image showing approximate views from 20B New South Head Road facing west



3D Google Maps image showing west-facing dwelling openings with views toward Sydney Harbour

The photo below provides an example of the wide-ranging views that will be retained to the site at 20B New South Head Road – notwithstanding the misty weather. Views from this position will not be impacted by the rear two-storey element, and the roof level of the Ground Floor portion of the dwelling will be increased from the roof level shown below of RL 77.21 AHD by 0.7m to RL 77.90 AHD.



Views from garden to 20B New South Head Road south-west of the pool deck facing west

On balance, the total degree of impact on the available views from 20B New South Head Road is considered to be **minor**.

1/22 New South Head Road, Vaucluse

Unit 1 of the dual occupancy development at 22 New South Head Road features views toward Sydney Harbour from the first floor living area and adjoining balcony, and the second floor master bedroom balcony. The existing views include the Sydney Harbour Bridge, North Sydney skyline, and the land/water interface on the northern side of the harbour.

As mentioned, the maximum roof height of the rear two-storey element of the proposed dwelling will approximately match the existing gutter height of the neighbouring dwelling at no. 10 Wentworth Road, as demonstrated in the photomontage below, provided by the applicant.



Proposed outlook from living area balcony of 1/22 New South Head Road (Source: Smith & Tzannes)

Looking at the existing views from Unit 1, it appears that the highest overall portion of the proposed dwelling – that being the rear two-storey element – will partially encroach on the existing water view, but will retain the existing land/water interface views and the iconic Sydney Harbour Bridge view.



Existing view from 1/22 New South Head Road living area



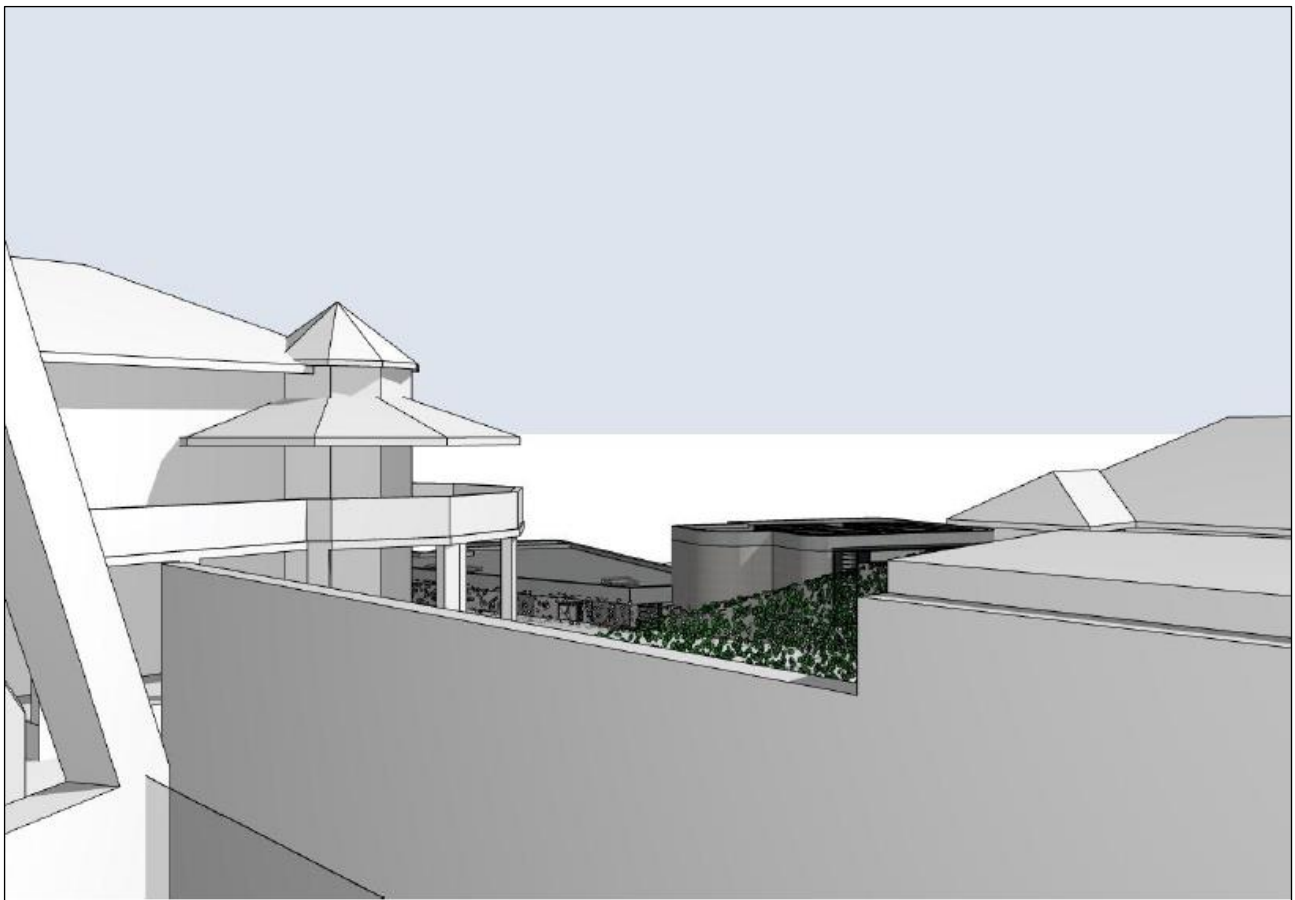
Existing view from 1/22 New South Head Road master bedroom terrace

On balance, the total degree of impact on the available views from Unit 1 of 22 New South Head Road is considered to be **minor**.

2/22 New South Head Road, Vaucluse

Unit 2 of the dual occupancy development at 22 New South Head Road features views toward Sydney Harbour from the second floor master bedroom and adjoining balcony. The existing views include the Sydney Harbour Bridge and Sydney Opera House, North Sydney skyline, the land/water interface on the northern side of the harbour, and partial views of the Sydney CBD.

As discussed, the maximum roof height of the rear two-storey element of the proposed dwelling will approximately match the existing gutter height of the neighbouring dwelling at no. 10 Wentworth Road, as demonstrated in the photomontage below, provided by the applicant.



Proposed outlook from master bedroom balcony of 2/22 New South Head Road (Source: Smith & Tzannes)

Looking at the existing views from the second floor of Unit 2, it appears that the rear two-storey element of the proposed dwelling will marginally encroach on the existing water view, but will retain the existing land/water interface views and the iconic Sydney Harbour Bridge and Sydney Opera House views.



Existing view from 2/22 New South Head Road master bedroom terrace



Existing view from 2/22 New South Head Road master bedroom (seated)

On balance, the total degree of impact on the available views from Unit 2 of 22 New South Head Road is considered to be **minor**.

6A Wentworth Road, Vaucluse

The dwelling at 6A Wentworth Road features views toward Sydney Harbour from the first floor living and dining areas, the first floor rear terrace, and the second floor terrace. The existing views include iconic views of the Sydney Harbour Bridge and Sydney Opera House, Sydney CBD skyline, North Sydney skyline, and the land/water interface on the northern side of the harbour.

As per the Survey Plan provided by the applicant, the existing hedge surrounding the tennis court of no. 6A Wentworth Road has an overall height of RL 79.80 AHD. As discussed, the rear two-storey element of the proposed dwelling will have a maximum overall height of RL 80.10 AHD, exceeding the hedge height by 0.3m and approximately matching the RL 80.03 AHD gutter height of no. 10 Wentworth Road.



Existing view from 6A Wentworth Road first floor living area Juliet balcony



Existing view from 6A Wentworth Road first floor living area



Existing view from 6A Wentworth Road first floor rear terrace



Existing view from 6A Wentworth Road second floor terrace

On balance, the total degree of impact on the available views from 6A Wentworth Road is considered to be **minor**.

Conclusion

Overall, the degree of view impact created by the proposed modifications is considered to be **minor**.

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

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

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

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

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

The proposed development at 4 Graylind Place complies with both the building height and floor space ratio development standards within the Woollahra LEP 2014. There are non-compliances with the Woollahra DCP 2015, including in relation to the rear setback and the wall height and inclined plane controls, however there are no numerical non-compliances that result in view loss that are considered to be significant.

On balance, the proposed new dwelling would not compromise the achievement of equitable view sharing with the surrounding properties. In the circumstances, the impacts on existing views when considered in totality are reasonable.

The proposal is acceptable with regard to the four step assessment of view sharing planning principles established by *Tenacity v Warringah (2004) NSWLEC 140*, and is therefore acceptable with regard to Part B3.5.3 of the Woollahra DCP 2015.

Part B3.5.4 – Acoustic and visual privacy

Acoustic Privacy

Multiple submissions were received by Council in regard to the location of the proposed new swimming pool, and the potential acoustic impacts it could have on the neighbouring dwelling at no. 6 Graylind Place, in particular the south-facing courtyard that adjoins the kitchen and dining area.

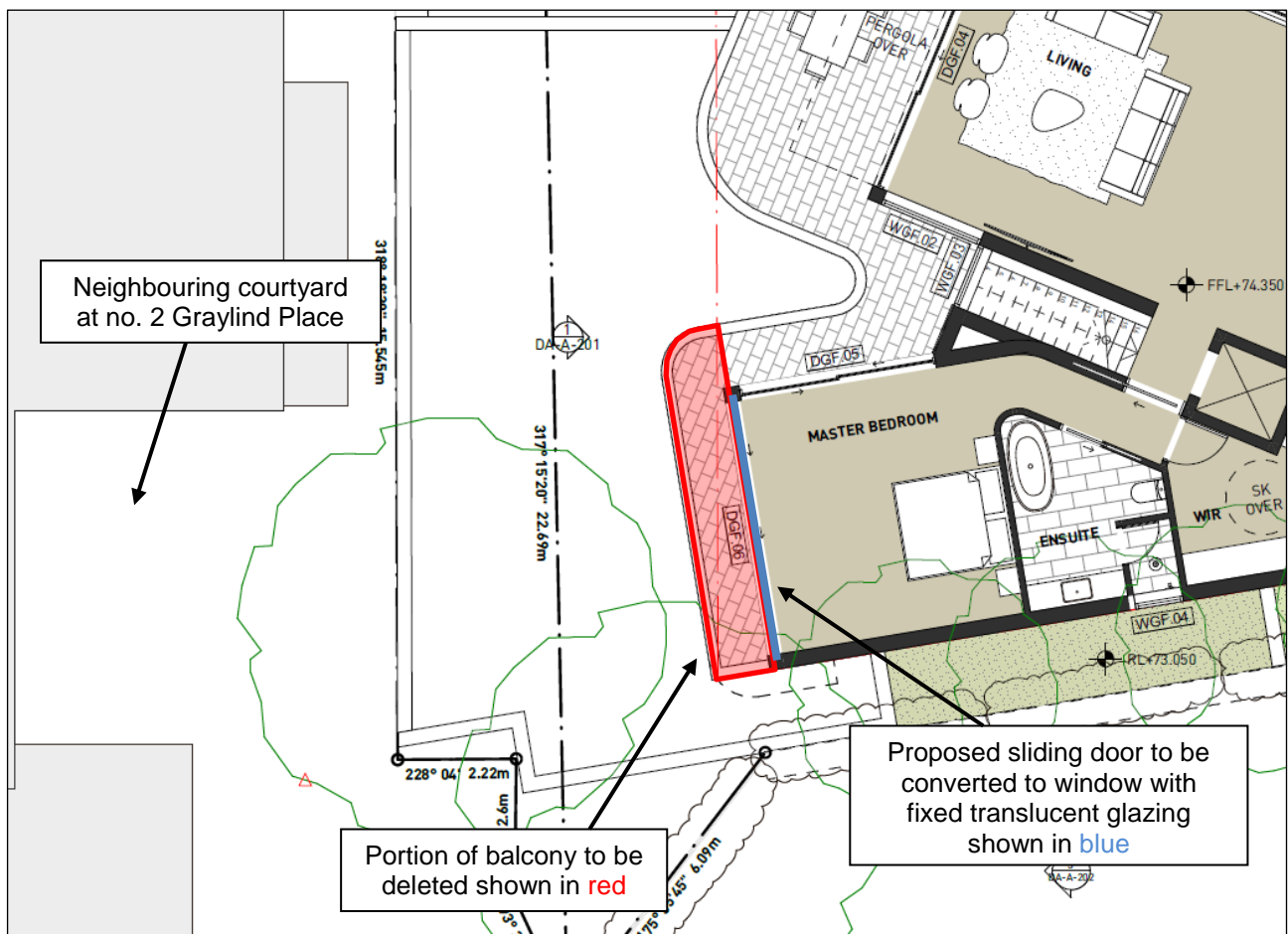
Amendments were made to the originally submitted architectural plans to provide additional acoustic and visual privacy measures to ensure minimal impact on the adjoining property, including raising the pool barrier around the northern side of the pool to a height of 1.5m above the pool level. The proposed ground level of the northern lawn area was also reduced by 0.5m to further mitigate acoustic and visual impacts.

The pool is located a sufficient distance from the side boundary. Furthermore, swimming pools do not typically experience frequent and prolonged use. As such, the proposal, as amended, is considered to be acceptable with regard to acoustic impacts on neighbouring properties. The below ground location of the plant room is appropriate for housing the pool pump and associated equipment.

The proposal is acceptable with regard to acoustic privacy.

Visual Privacy

The proposed design largely ensures that windows and balconies are angled toward the west to achieve views of Sydney Harbour, avoiding direct overlooking of neighbouring properties. The exception is the balcony and south-west facing window to the master bedroom, which face toward the north-east facing courtyard at no. 2 Graylind Place. In order to mitigate any potential adverse impacts, the portion of the balcony that protrudes into the front setback of the site is required to be deleted from the plans, and the proposed sliding door to that portion of balcony DGF.06 is to be converted to a window with obscure glazing to a minimum height of 1.5m above the finished floor level. The requirements have been illustrated in the image below and included at **Condition D.1 (a)**:



Excerpt from Ground Floor plan illustrating visual privacy condition requirements

All other windows are sufficiently screened or located to prevent unacceptable overlooking of neighbouring properties. The first floor bedroom balcony is inset within the exterior walls of the structure, and directs views to the west toward Sydney Harbour.

The proposal is acceptable with regard to Part B3.5.4 of the Woollahra DCP 2015, subject to conditions.

Part B3.5.5 – Internal amenity

The proposed new dwelling is acceptable with regard to the requirements of Part B3.5.5 of the Woollahra DCP 2015.

Conclusion

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

14.2.4 Part B3.6: On-Site Parking

The proposal retains the existing battle-axe driveway, and proposes a new double garage in the same location as the existing garage.

The garage is located in the same position as the existing garage on site, within the front setback. Despite being located outside of the allowable building envelope, due to the steeply sloped topography of the site, much greater excavation would be required if the garage were to be located within the building envelope.

The garage structure will not be visible from the public domain, and the site will retain compliant deep soil landscaping.

As such, the proposal satisfies the overarching objectives under Part B3.6, and is thereby acceptable with regards to this section of the DCP.

14.2.5 Part B3.7: External Areas

Site Area: 726.1m ²	Proposed	Control	Complies
Overall Deep Soil Landscaping	35.3% 237.7m ²	35% of Site 235.7m ² (excl. access handle)	Yes
Deep Soil Landscaping – Front Setback	39.3% 53.4m ²	40% 54.3m ²	No
Minimum Area of Private Open Space at Ground Level	> 35m ²	35m ²	Yes
Private Open Space at Ground Level – Maximum Gradient	< 1:10	1:10	Yes
Maximum Depth of Excavation/Fill for Landscaping	> 1.2m	1.2m	No
Location of Private Open Space	To the North	To the North	Yes
Side and Rear Fence Height	> 1.8m	1.8m	No
Sandstone Fencing and Retaining Walls	Removed	Retained	No
Swimming Pool Excavation, Piling and Subsurface Wall Setback	1.8m	1.8m	Yes
Level of Swimming Pool Above or Below Ground Level	< 1.2m	Maximum 1.2m Change	No
Maximum Depth of Swimming Pool	1.8m	2.0m	Yes

Part B3.7.1 – Landscaped areas and private open space

Council's Tree and Landscape Officer has reviewed the application and provided the following comments in relation to Control C1:

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 indicates that nine (9) new trees will be planted throughout the site. A total of 235m² or 35% canopy cover will be provided by the proposed trees within 5-10 years of development completion which satisfies the DCP requirements.

The proposal therefore satisfies Control C1.

The proposal is also compliant with Control C2, and falls short of the C3 requirement for deep soil in the front setback by less than 1m². The non-compliance is considered to be minor and is acceptable.

The proposal is non-compliant with Control C7 as approximately 2m of excavation is required at the south-western corner of the site to provide a level landscaped garden area in the front setback. The proposal is consistent with the relevant objective O4 as it will allow for the provision of an accessible and useable open space area.

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

Part B3.7.2 – Fences

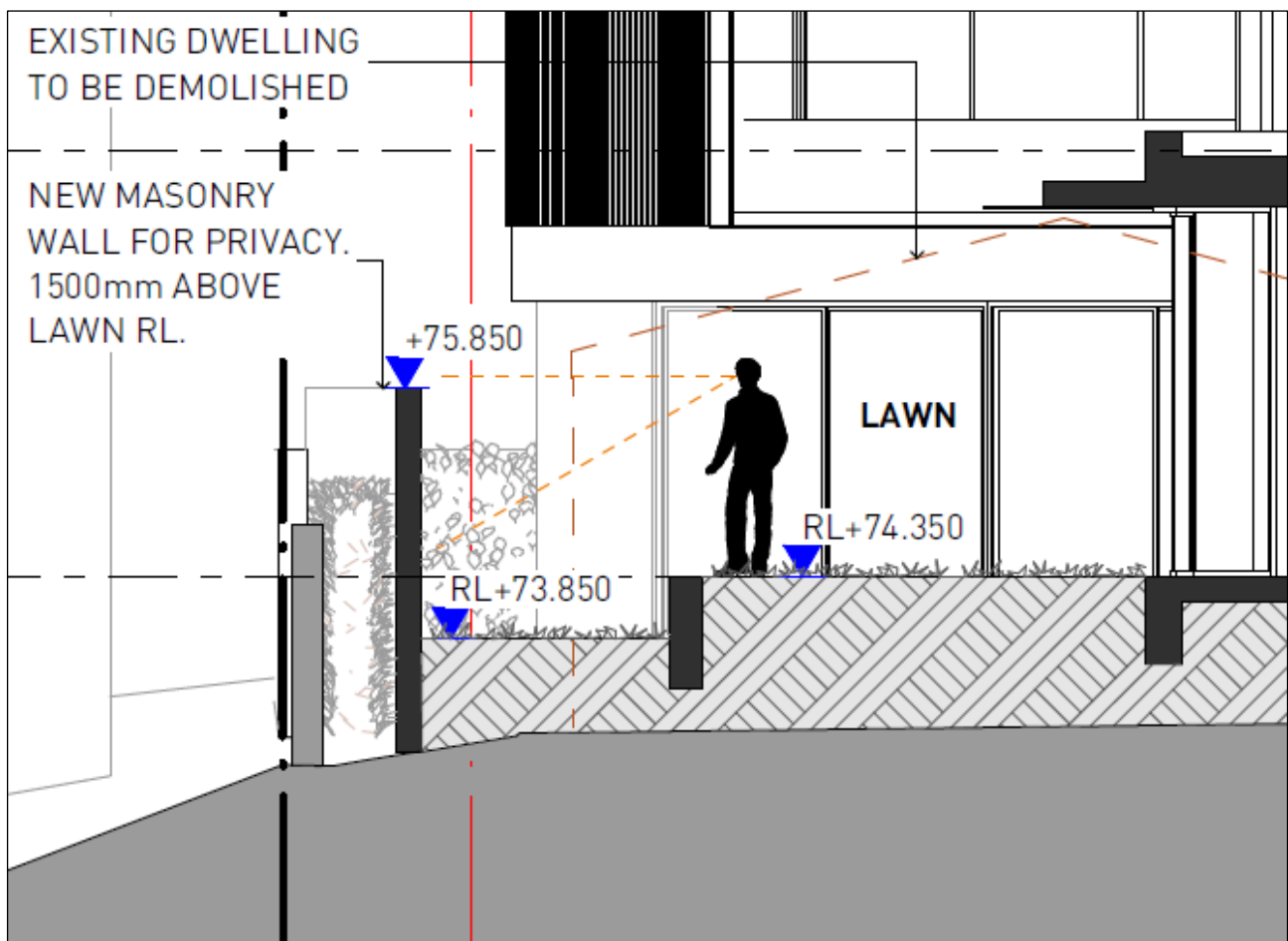
No front fencing is proposed adjoining Graylind Place.

No new side fencing is proposed along the southern boundary due to the existing high retaining wall separating the site from the neighbour at no. 20B New South Head Road.

A new 1.84m high wall is proposed along the rear boundary adjoining 6A Wentworth Road, which represents a minor non-compliance with the 1.8m fence height control and is acceptable.

New walls are proposed along the northern side of the subject site adjoining the properties at nos. 6 Graylind Place and 10 Wentworth Road. A 1.5m wall is proposed to the north-western and north-eastern sides of the pool alongside the side access stairs to prevent acoustic and visual privacy impacts to the dwelling at no. 6 Graylind Place.

The proposal also includes a 1.9m high wall along the northern boundary, with an additional wall to 2.9m above the existing ground level setback 0.9m to allow for a planting buffer in between and to ensure visual privacy is provided to the adjoining property at no. 6 Graylind Place. The proposed boundary wall layout is illustrated below:



Excerpt from Section D drawing demonstrating proposed boundary fencing scheme

Notwithstanding the non-compliance with Control C9, the proposed scheme will ensure adequate visual and acoustic privacy is provided to the adjoining private open space area to no. 6 Graylind Place, and is considered acceptable.

The proposed excavation will result in non-compliance with Control C12 which requires retention and maintenance of remnant sandstone and garden walls. The large retaining wall below the existing dwelling will be removed as part of the proposal. Having consideration for the site topography, and the intention to retain existing views to neighbouring dwellings, retention of the existing wall is considered to be unreasonable and unnecessary in this instance. **Condition D.18** has been imposed requiring the salvage and reuse of the existing sandstone block as part of the new proposal.

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

Part B3.7.4 – Ancillary development – swimming pools

The water's edge of the proposed new swimming pool is setback 1.8m from the side boundary, the proposal provides compliant deep soil area, and there will be no adverse impacts on existing trees within the site.

The proposal is non-compliant with Control C5, as substantial fill is required to ensure the swimming pool surrounds are level with the adjoining habitable area of the dwelling.

Notwithstanding the numerical non-compliance, the proposal ensures that acoustic and visual privacy are provided to the adjoining dwelling at no. 6 Graylind Place in the form of multiple boundary walls and planting. The proposal will achieve consistency with the relevant objectives as the amenity impact on neighbouring properties is acceptable, no excavation is required for the pool, and Council's Tree and Landscape Officer has advised that the proposal is acceptable.

The proposal is therefore acceptable with regard to Part B3.7.4 of the Woollahra DCP 2015.

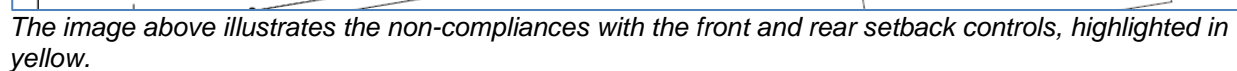
Conclusion

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

14.2.6 Part B3.9: Additional Controls for Development on a Battle-Axe Lot

	Proposed	Control	Complies
Setback to the Primary Frontage	5m	6m	No
Side Setback (North)	1.8m	1.5m	Yes
Side Setback (South)	1.5m	1.5m	Yes
Rear Setback	1.9m	6m	No
Primary Living Areas	Ground Floor Only	Ground Floor Only	Yes
Setback of Windows from the Boundary	> 4.5m	4.5m	Yes

The proposal is non-compliant with the front and rear setback requirements for battle-axe lots. The front balcony adjoining the master bedroom extends into the front setback by approximately 1m, as well as the corner of the first floor terrace.



As discussed, the front-facing balcony adjoining the master bedroom is required to be deleted to prevent adverse visual privacy impacts on the dwelling at 2 Graylind Place. Refer to **Condition D.1 (a)**. There would therefore be only a marginal encroachment into the front setback created by the terrace adjoining the living area, which is considered acceptable.

The proposal is acceptable with regard to Part B3.9 of the Woollahra DCP 2015, subject to conditions.

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

14.4 Chapter E2: Stormwater and Flood Risk Management

Item No. D2

14.5 Chapter E3: Tree Management

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

Inspection of the site and a review of the plans and documentation has revealed six (6) trees within the site will be impacted by the proposal. The following tree numbering is consistent with the Arboricultural Impact Assessment prepared by Martin Peacock Tree Care dated 25 January 2024.

Trees 1 & 2 – have been identified as a Macadamia and Blueberry Ash located in a raised garden on the roof of the existing garage. The trees were noted in good health and fair condition. The trees are small specimens of approximately 5 metres in height.

The trees have been rated as having Low Landscape Significance and Low Retention Values due to their small heights and limited amenity provided to the immediate area.

The plans indicate that the garage will be demolished, and a new basement garage is to be constructed in a similar location. This will require removal of both trees which is supported subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree 3 & 4 – have been identified as a Tree Fern and Hibiscus located in the front and rear yards of the property. 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. These trees can be removed without consent regardless of the proposed development.

Tree 5 – has been identified as a Paperbark tree located in the northern corner of the property. The tree was noted in good health and poor structural condition. The tree has previously been lopped at 5 metres in height resulting in multiple shoots regrowing at the old pruning wounds. The type of pruning is unacceptable as it results with regrowth known as 'epicormic growth' that is weakly attached and prone to failure and decay.

The plans indicate works are proposed within the Tree Protection Zone of this tree that will directly impact on the health and stability of the tree.

Therefore, the proposed removal is supported subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree 6 – has been identified as a Cabbage Palm located in the eastern corner of the site. The palm was noted in good health and condition. However, the palm is only 5 metres in height and provides minimal amenity to the immediate area.

The plans indicate that the palm is proposed for removal and replacement which is supported by the Tree and Landscape team.

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

14.6 Chapter E4: Contaminated Land

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

14.7 Chapter E5: Waste Management

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

Part E5.2: Demolition and Construction Phase

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

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

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

15. CONTRIBUTION PLANS

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

15.1 Section 7.12 Contributions Plan

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

Refer to **Condition D.6**.

16. APPLICABLE ACTS/REGULATIONS

16.1 Environmental Planning and Assessment Regulation 2021

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

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

16.2 Swimming Pools Act 1992

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

Additional provisions relate to:

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

These requirements are imposed by standard conditions.

17. THE LIKELY IMPACTS OF THE PROPOSAL

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

18. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

19. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

20. CONCLUSION

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

21. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to Development Application No. 478/2023/1 for demolition of existing dwelling and associated structures and the construction of a new multi-storey dwelling with basement garage; new swimming pool, landscaping and siteworks on land at 4 Graylind Place Vaucluse, 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.• 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.

	<ul style="list-style-type: none"> • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. <p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
A. 2.	<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 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 *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

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

A. 3. Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
DA-A-010 Rev B	Site Plan	Smith & Tzannes	5/06/2024
DA-A-100 Rev B	Garage		
DA-A-101 Rev B	Lower Ground Floor		
DA-A-102 Rev B	Ground Floor		
DA-A-103 Rev B	First Floor		
DA-A-104 Rev B	Roof		
DA-A-200 Rev B	North & South Elevations		
DA-A-201 Rev B	West & East Elevations		
DA-A-202 Rev B	Sections		
1426071S_02	BASIX Certificate	NSW Department of Planning and Environment	27/06/2024
Job No. 23/132, Revision A	Stormwater Management Plan	ITM Design	12/11/2023
J5174	Geotechnical Investigation Report	White Geotechnical Group	17/11/2023
TERRA23-019.let 1 rev 1	Independent Review of Geotechnical Report	Terra Insight	29/11/2023
Pages 01 – 05 (Issue B)	Landscape Plan	Tranquillity	14/11/23
N/A	Arboricultural Impact Assessment Report	Martin Peacock Tree Care	25/1/24
SWMMP	Site Waste Minimisation and Management Plan	Smith & Tzannes	7/12/2023

Notes:

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

	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																												
A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act) The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense. Notes: <ul style="list-style-type: none">This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs. Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.																												
A. 5.	Tree Preservation and Landscaping Works While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable. a) The following trees may be removed: <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>1</td><td><i>Macadamia ternifolia</i></td><td>Above garage</td><td>5 x 3</td></tr><tr><td>2</td><td><i>Elaeocarpus reticulatus</i></td><td>Above garage</td><td>5 x 2</td></tr><tr><td>3</td><td><i>Cyathea cooperi</i>*</td><td>Above garage</td><td>4 x 1</td></tr><tr><td>4</td><td><i>Hibiscus rosa-sinensis</i></td><td>Northern boundary</td><td>4 x 2</td></tr><tr><td>5</td><td><i>Melaleuca quinquenervia</i></td><td>Northern boundary</td><td>6 x 5</td></tr><tr><td>6</td><td><i>Livistona australis</i></td><td>Eastern corner</td><td>5 x 1</td></tr></table> The tree/s that may be removed must appear coloured red on the Construction Certificate plans. The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council. Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.	Council Ref No	Species	Location	Dimension (metres)	1	<i>Macadamia ternifolia</i>	Above garage	5 x 3	2	<i>Elaeocarpus reticulatus</i>	Above garage	5 x 2	3	<i>Cyathea cooperi</i> *	Above garage	4 x 1	4	<i>Hibiscus rosa-sinensis</i>	Northern boundary	4 x 2	5	<i>Melaleuca quinquenervia</i>	Northern boundary	6 x 5	6	<i>Livistona australis</i>	Eastern corner	5 x 1
Council Ref No	Species	Location	Dimension (metres)																										
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5	<i>Melaleuca quinquenervia</i>	Northern boundary	6 x 5																										
6	<i>Livistona australis</i>	Eastern corner	5 x 1																										
A. 6.	No Underpinning works 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.																												

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.

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

<p>B. 1.</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> <ul 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. 2.</p>	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place.

	<p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
B. 3.	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays, • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
B. 4.	<p>Recording of Buildings with Little or No Heritage Significance that are to be Demolished</p> <p>Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer.</p> <p>The photographic archival recording is to be submitted in a digital format and is to include the following:</p> <ol style="list-style-type: none"> 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) Coloured photographs of: <ul style="list-style-type: none"> • each elevation, • each structure and landscape feature, 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

	<p>Condition Reason: To ensure existing building and landscape elements are recorded.</p>
B. 5.	<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. 6.	<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"> a) NSW Police, and b) 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>
B. 7.	<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"> a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) 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. e) 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>																				
B. 8.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal ‘objects’ (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>																				
B. 9.	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td></tr><tr><td>Property Damage Security Deposit - making good any damage caused to any property of the Council</td><td>\$74,650</td><td>No</td><td>T115</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>\$74,875</td><td></td><td></td></tr></table> <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.	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	\$74,650	No	T115	Security Deposit Administration Fee	\$225.00	No	T16	TOTAL SECURITY AND FEES	\$74,875		
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TOTAL SECURITY AND FEES	\$74,875																				

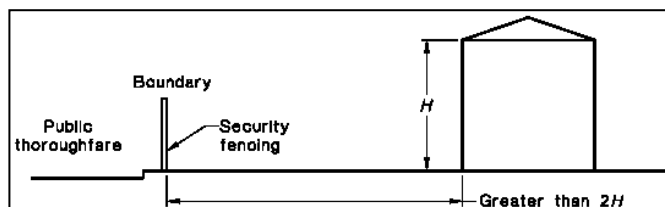
	<p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable], • the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure any relevant security and fees are paid.</p>
<p>B. 10.</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> <ol style="list-style-type: none"> a) No. 2 Graylind Place b) No. 6 Graylind Place c) No. 10 Wentworth Road d) No. 20B 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. 11.</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> <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) photographs showing any existing damage to the road pavement fronting the site, b) photographs showing any existing damage to the kerb and gutter fronting the site, c) photographs showing any existing damage to the footway including footpath pavement fronting the site, d) photographs showing any existing damage to retaining walls within the footway or road, e) closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system traversing/adjoining the site, and f) 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>
B. 12.	<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>
B. 13.	<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>

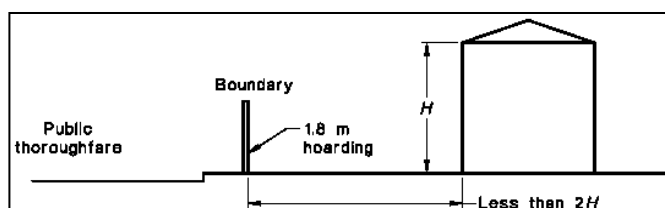
B. 14. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



Type A Hoarding

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



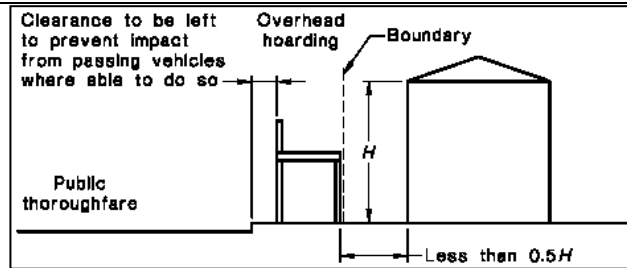
Type B Hoarding

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

- 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.

Hoardings on Public Land including 'Creative Hoardings'

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

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

Notes:

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

	Condition Reason: To ensure public safety.
B. 15.	<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. 16.</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"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
<p>B. 17.</p>	<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. 18.	<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. 19.	<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. 20.	<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>

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.
<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>	

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	Modification of Details of the Development (section 4.17(1)(g) of the Act
	<p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) Master bedroom terrace to be deleted</p> <p>The portion of the Ground Floor terrace that adjoins the Master Bedroom is to be deleted from the plans, and the sliding door DGF.06 is to be converted to a window that features fixed translucent glazing to a height of 1.5m above the room's finished floor level, as depicted in the illustration below:</p>

Portion of balcony to be deleted shown in red

Proposed sliding door to be converted to window with fixed translucent glazing shown in blue

Notes:

- Clause 20 of the Development Certification and Fire Safety Regulations prohibits **the** issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.
- Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.

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.

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	

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:

- 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.	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No. 1426071S_02 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>
D. 4.	<p>Road and Public Domain Works</p> <p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <p><u>Drainage Works:</u></p> <ul style="list-style-type: none"> The discharge of stormwater, by direct connection, to back of a new Standard Junction Pit, fronting the site on Graylind Place, by extending and connecting to Council's belowground stormwater pipe, through the existing pit abutting No. 6 Gleylind Place. Note: where a pipe already exists within this distance, it is to be upgraded to a larger pipe and/or to the satisfaction of Council's Asset Engineer. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section <p><u>Road and Footpath Works:</u></p> <p>a) The reinstatement of all cracked or damaged, kerb and gutter, footpath and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.</p> <p>Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:</p>

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.	\$35,690	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	\$36,364		

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. 5.	<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>
D. 6.	<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.

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

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

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. 7.	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> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p>
	<p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
D. 8.	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> <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 by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>Note: The Geotechnical Investigation Report referenced within this consent, must be revised to address all requirements within Council's DCP <u>Section E2.2.10</u> and <u>Attachment 6</u> - Guidelines for Geotechnical and Hydrogeological Reports.</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 foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. 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),

	<ul style="list-style-type: none"> • 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. <p>Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.</p>

D. 12.	Parking Facilities
	<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 and including the following:</p> <p>a) Driveway splays must be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.</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.	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 by a chartered professional civil engineer, which detail the following:</p> <p>a) General design in accordance with Stormwater Management Plan, Job No. 23/132, Revision A, prepared by ITM Design, dated 12/11/2023 , other than amended by this and other conditions.</p> <p>b) The discharge of stormwater from the site, by direct connection to back of a <u>new</u> Standard Junction Pit, fronting the site on Graylind Place, by extending and connecting to Council's belowground stormwater pipe through the existing pit abutting No. 6 Gleylind Place. Note: where a pipe already exists within this distance, it is to be upgraded to a new larger pipe. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.</p> <p>c) All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings.</p> <p>d) A minimum 450mmx450mm boundary junction pit must be provided prior to connecting the stormwater outlet pipe to the street drainage system. The stormwater outlet pipe to the kerb and gutter must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.</p> <p>e) Dimensions of all drainage pits and access grates must comply with AS3500.3.</p> <p>f) Compliance the objectives and performance requirements of the BCA.</p>

- g) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- h) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

On-site Stormwater Detention (OSD) System Requirements

The minimum Site Storage Requirements ("SSR") for the required On-site Stormwater Detention (OSD) System must be 25m³.

The minimum OSD System Site Storage Requirements ("SSR") and the Peak Site Discharge ("PSD") from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area, unless determined by the DRAINS Model (whichever is greater):

Average Recurrence Interval	PSD (L/s)	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House

Note: All values based on per 1000m² site area (interpolate to site area).

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) 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 on-site detention 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.

	<p>e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.</p> <p>f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks</p> <p>For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.</p> <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>Swimming and Spa Pools – Child Resistant Barriers</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Notes:</p> <ul style="list-style-type: none"> A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans. <p>Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.</p>

D. 15.	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.
	Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.
D. 16.	Electric vehicle circuitry and electric vehicle charging point requirements
	<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>
	Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).
D. 17.	Acoustic Certification of Mechanical Plant and Equipment
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional acoustic engineer certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level, at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Where sound attenuation is required this must be detailed.</p>
	<p>Notes:</p> <ul style="list-style-type: none"> • Further information including lists of Acoustic Engineers can be obtained from: <ul style="list-style-type: none"> - Australian Acoustical Society - professional society of noise-related professional www.acoustics.asn.au

	<p>- Association of Australian Acoustical Consultant - professional society of noise related professionals www.aaac.org.au</p>
	<p>Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.</p>
D. 18.	<p>Salvage of Existing Materials</p>
	<p>Stone, in particular sandstone, timber weatherboards, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring and ceiling roses must be catalogued, labelled, salvaged and where possible reused on the project.</p> <p>Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.</p> <p>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: To minimise wastage of building materials in accordance with Chapter E6 of the Woollahra DCP.</p>

E. BEFORE BUILDING WORK COMMENCES

E. 1.	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p>
	<p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> that the work must be carried out in accordance with the requirements of the Building Code of Australia, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. All new guttering is to comply with the provisions of AS3500.
	<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>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent; “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>E. 3.</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 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>
<p>E. 4.</p>	<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>

	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.
	Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.

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>Requirement to Notify about New Evidence</p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>
F. 3.	<p>Critical Stage Inspections</p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p>

	<p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. • The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<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.

	<ul style="list-style-type: none"> The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
F. 5.	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ol style="list-style-type: none"> Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. Not use the road or footway for the storage of any article, material, matter, waste or thing. Not use the road or footway for any work. Keep the road and footway in good repair free of any trip hazard or obstruction. 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. Not stand any plant and equipment upon the road or footway. 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. Provide a clear safe pedestrian route a minimum of 1.5m wide. 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"> Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. 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,

	<ul style="list-style-type: none"> - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
	<p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
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. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>

<p>F. 8.</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"> a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and c) 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>
<p>F. 9.</p>	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

	<ul style="list-style-type: none"> 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. 10.	<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. 11.</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> <ul 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>
<p>F. 12.</p>	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ul 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>
<p>F. 13.</p>	<p>Site Cranes</p> <p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p>

	<p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place. 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. 14.</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. 15.	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ul style="list-style-type: none"> a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules. <p>Notes:</p> <ul style="list-style-type: none"> • Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F. 16.	<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. 17.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ul style="list-style-type: none"> a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

	<p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
F. 18.	<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. 19.	<p>Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters</p> <p>While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time.</p> <p>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical.</p> <p>Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992. <p>Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.</p>
F. 20.	<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> <p>a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</p>

	<p>b) 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),</p> <p>c) separate collection bins and/or areas for the storage of residual waste are to be provided,</p> <p>d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted',</p> <p>e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and</p> <p>f) site disturbance must be minimised, and unnecessary excavation limited.</p> <p>When implementing the SWMMP the Applicant must ensure:</p> <p>a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,</p> <p>b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,</p> <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>
<p>F. 21.</p>	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <p>a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</p> <p>b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,</p> <p>c) consideration must be given to returning excess materials to the supplier or manufacturer,</p> <p>d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),</p> <p>e) the purpose and content of the storage areas must be clearly 'signposted',</p> <p>f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</p> <p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p>

	<p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p>
	<p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
F. 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, 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>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 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>	
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.	
F. 28.	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 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>	
	Condition Reason: To ensure the provision of appropriate replacement planting.	

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	Occupation Certificate (section 6.9 of the Act)
	<p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p>Notes:</p> <ul style="list-style-type: none"> • New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.

G. 2.	<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>
G. 3.	<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>
G. 4.	<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>
G. 5.	<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>
G. 6.	<p>Swimming Pool Fencing</p> <p>Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.</p> <p>Notes:</p> <ul style="list-style-type: none"> Pools commenced or completed after May 2013 must meet the BCA and AS1926. <p>Condition Reason: To ensure swimming pool safety.</p>

G. 7.	Certification of Electric Vehicle Charging System
	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.16 must be submitted to the satisfaction of the Principal Certifier.
	Condition Reason: To ensure the certification of the electric vehicle charging system.
G. 8.	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 No. 1426071S_02. 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. 9.	Landscaping
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation.
G. 10.	Removal of Ancillary Works and Structures
	Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place: <ul style="list-style-type: none">a) the site sign,b) ablutions,c) hoarding,d) scaffolding, ande) waste materials, matter, article or thing.
	Condition Reason: To ensure that all ancillary matter is removed prior to occupation.
G. 11.	Dilapidation Report for Public Infrastructure Works
	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>The dilapidation report must include:</p> <ol style="list-style-type: none"> 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, closed circuit television/video inspection (in DVD format) of public stormwater drainage system adjoining the site, 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. 12.</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 the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations, 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 maintenance of the on-site stormwater detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p> <p>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.

	<ul style="list-style-type: none"> The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. 				
	<p>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>				
G. 13.	<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 border="1"> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> <tr> <td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>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	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.				
G. 14.	<p>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>				

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

H. OCCUPATION AND ONGOING USE

H. 1.	Maintenance of BASIX Commitments
	<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1426071S_02.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p>
	<p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
H. 2.	Maintenance of Landscaping
	<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. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	<p>Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>

<p>H. 3.</p>	<p>Ongoing Maintenance of the On-Site Stormwater Detention System</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 by the System. Keep the system 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 system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. 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>
<p>H. 4.</p>	<p>Swimming and Spa Pools – Maintenance</p> <p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <ol style="list-style-type: none"> 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

	<p>e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):</p> <ul style="list-style-type: none"> • 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. 5.	<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. 6.	<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>

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

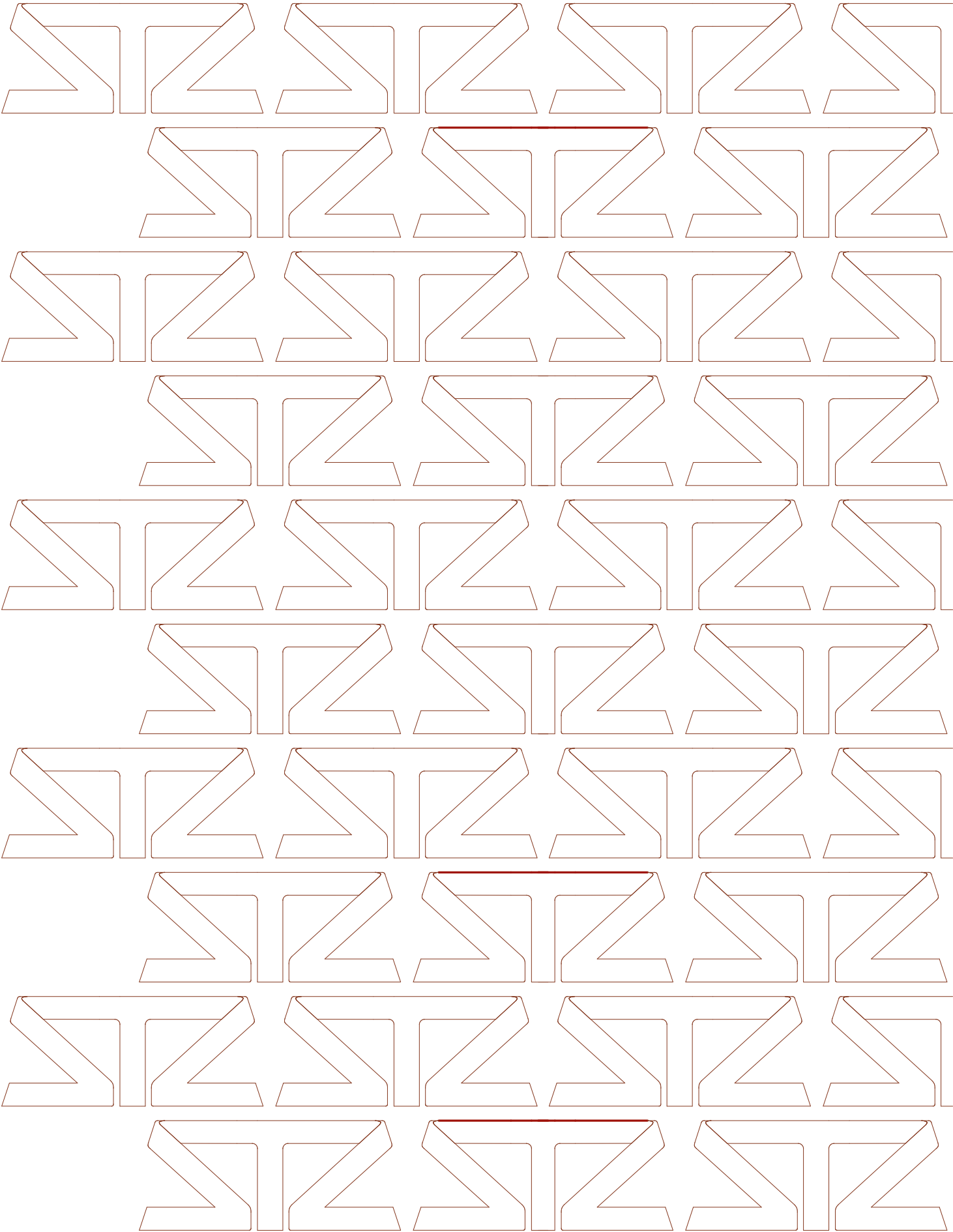
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2. Heritage Referral Response [↓](#) 
3. Development Engineer's Referral Response [↓](#) 
4. Trees & Landscaping Referral Response [↓](#) 
5. View Impact Analysis [↓](#) 

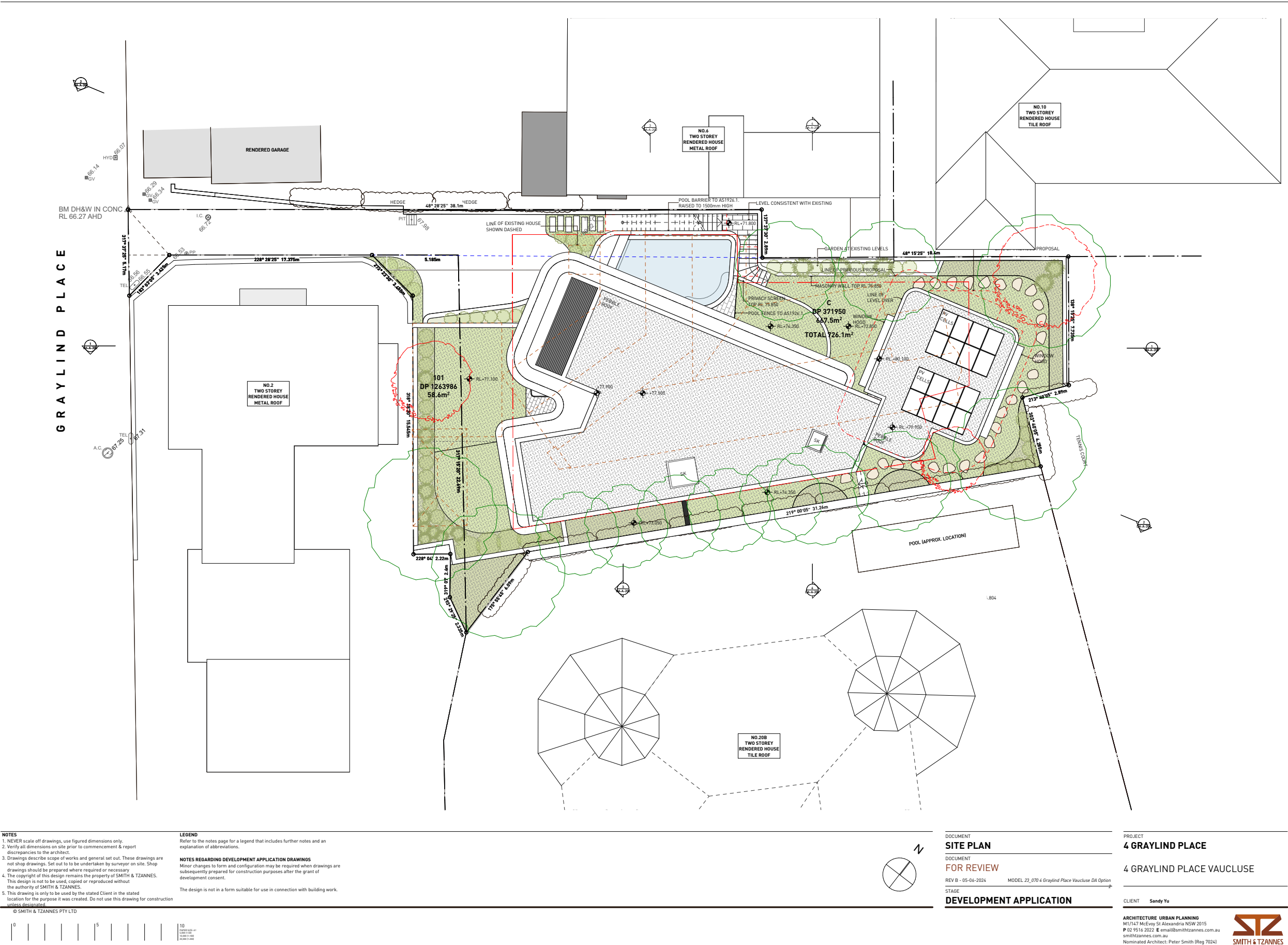
DEVELOPMENT APPLICATION

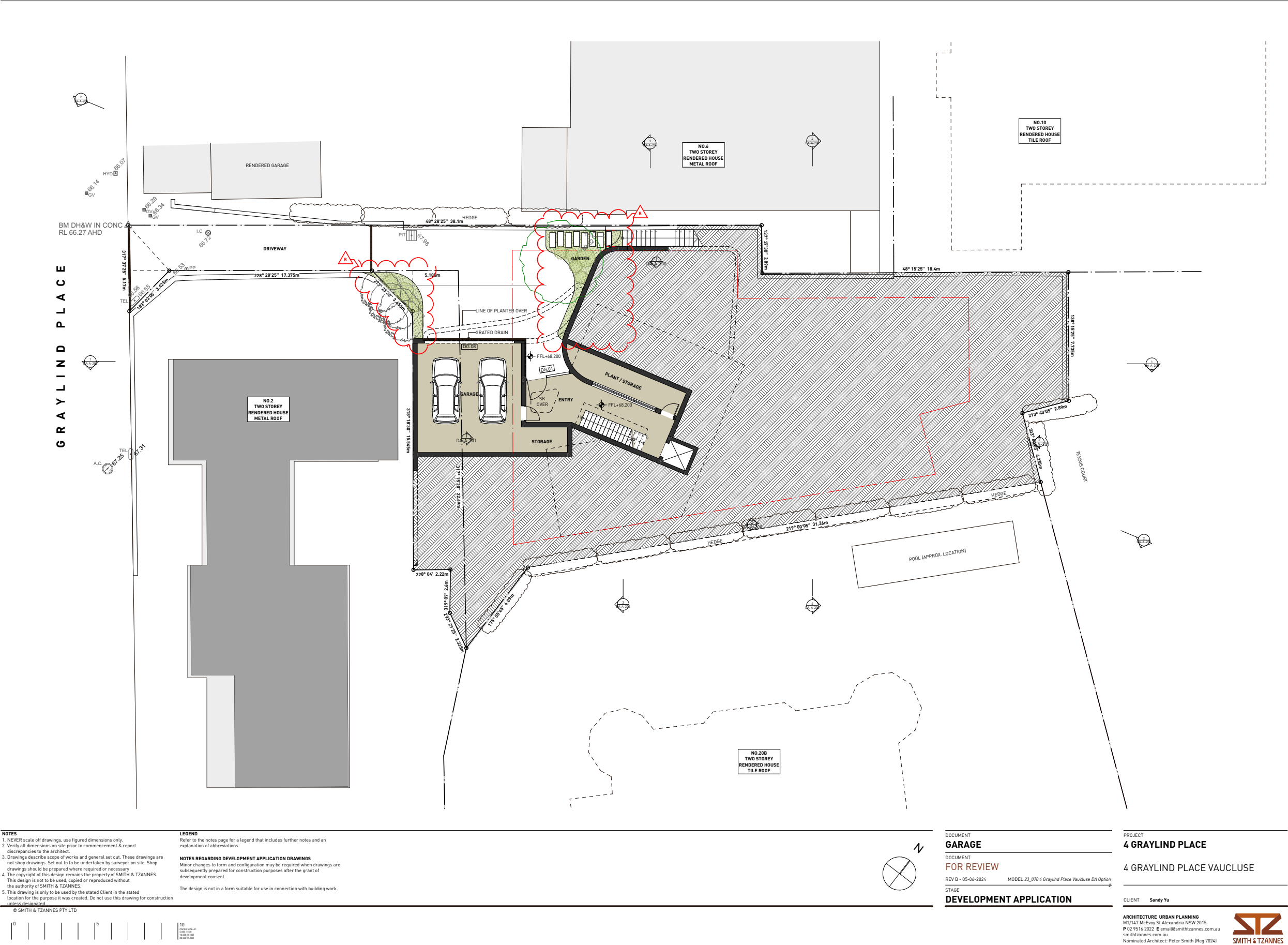
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Sandy Yu
REV B - 05-06-2024

SMITH & TZANNES

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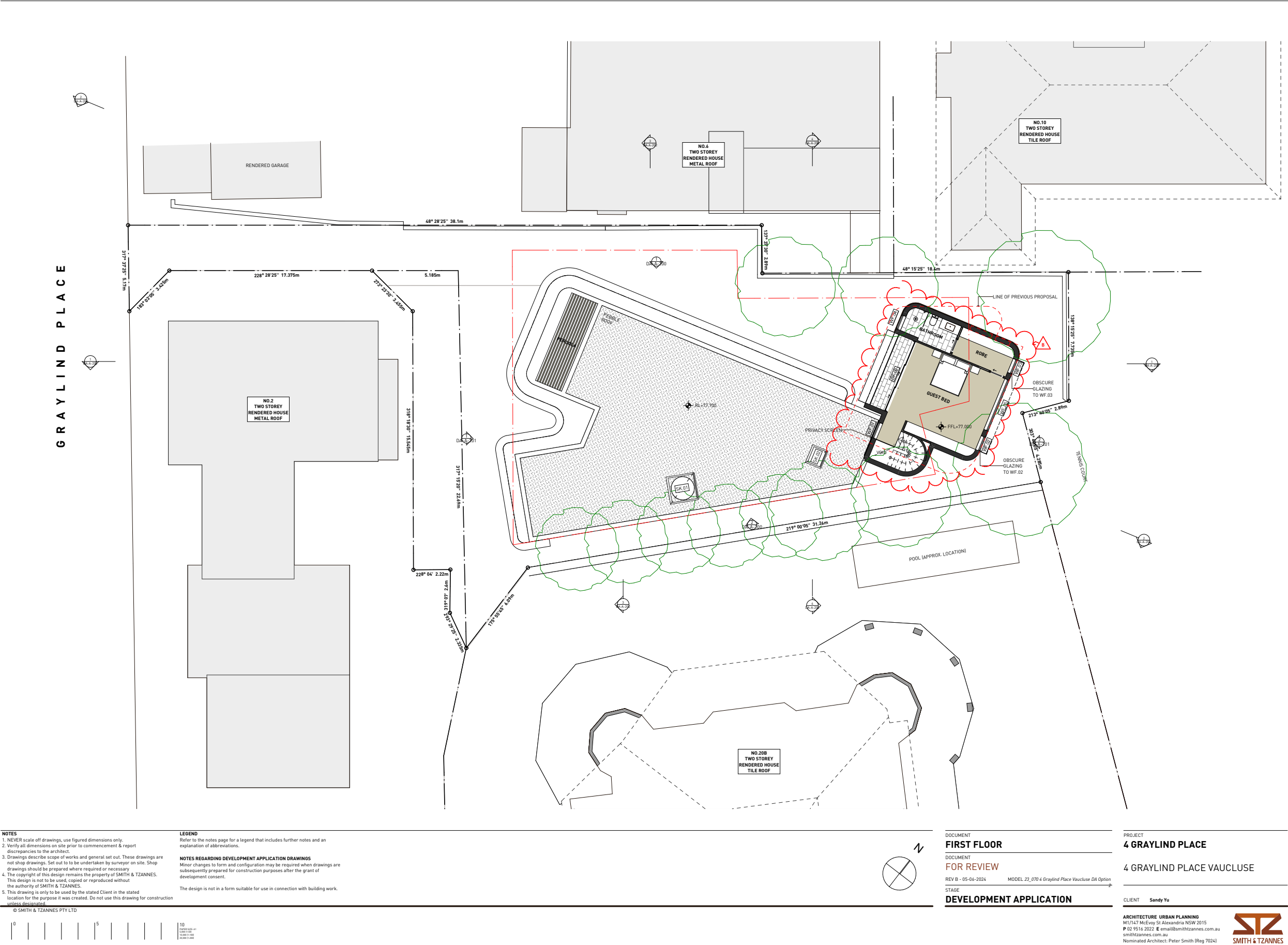


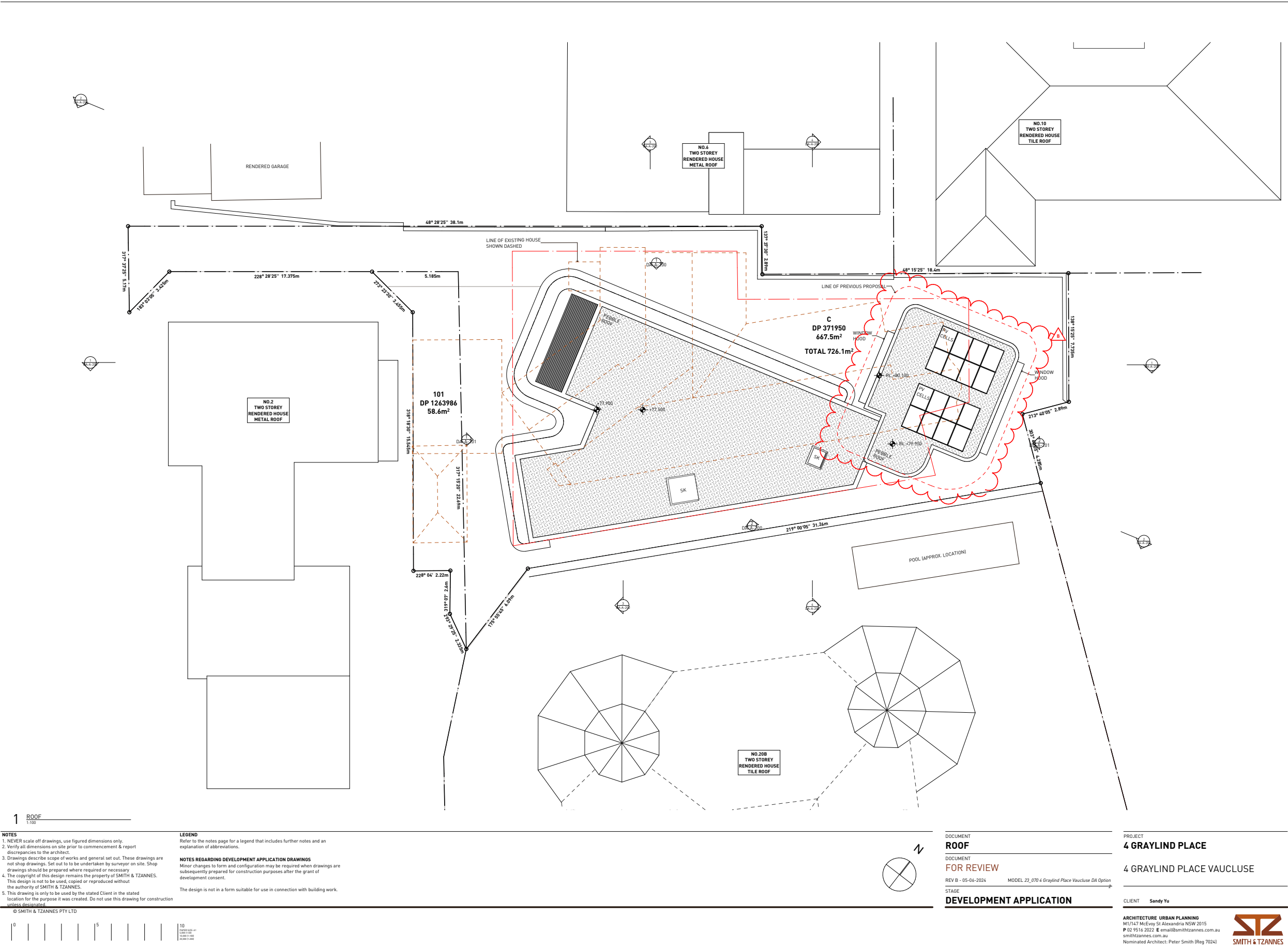


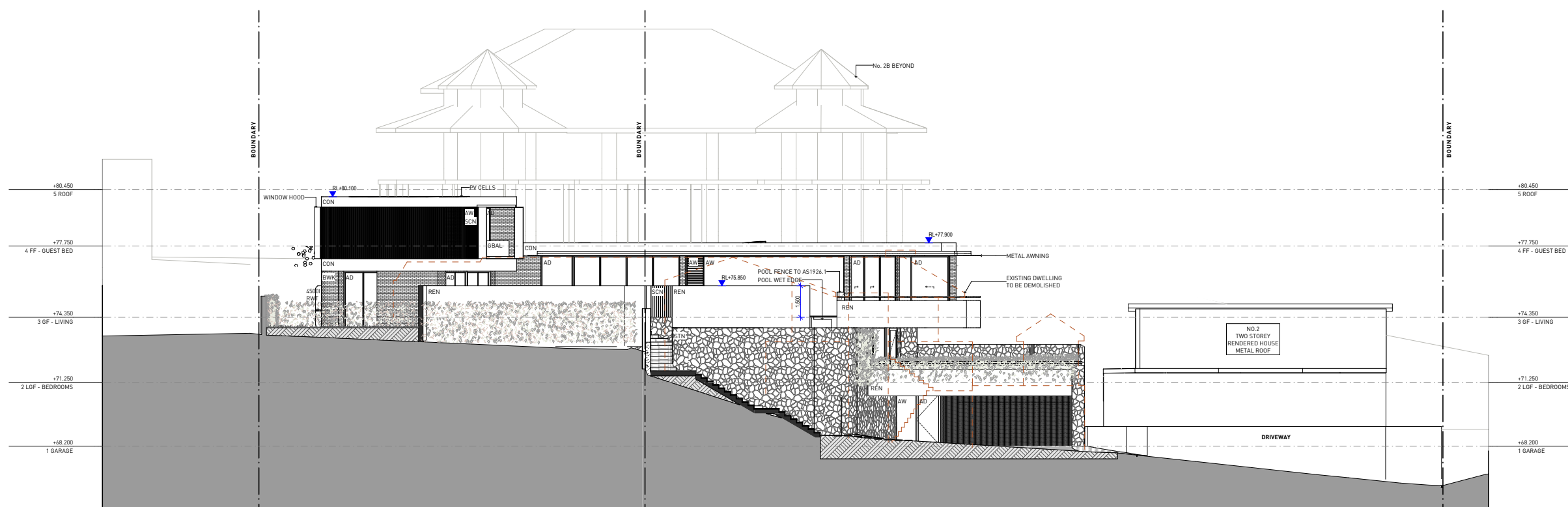




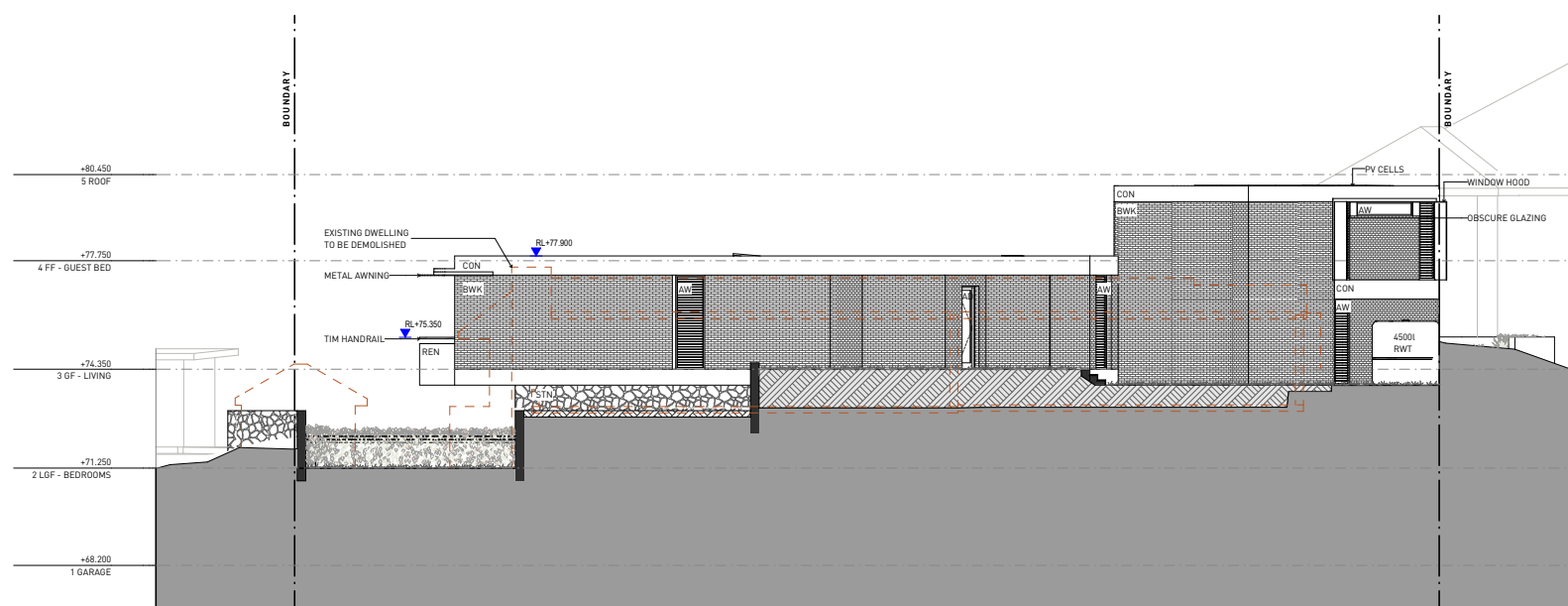








1 NORTH ELEVATION
S. 3.00



2 SOUTH ELEVATION
1:100

NOTES

- NOTES**
1. NEVER scale off drawings, use figured dimensions only.
 2. Verify all dimensions on site prior to commencement and report discrepancies to the architect.
 3. Drawings describe scope of works and general set out. These drawings are not shop drawings. Set out to be undertaken by surveyor on site. Shop drawings should be prepared where required or necessary.
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LEGEND

LEGEND
Refer to the notes page for a legend that includes further notes and an explanation of abbreviations.

NOTES REGARDING DEVELOPMENT APPLICATION DRAWINGS
Minor changes to form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.

The design is not in a form suitable for use in connection with building work

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PAPER SIZE: A1
5,000 (1:50)
10,000 (1:100)

DOCUMENT
NORTH & SOUTH ELEVATIONS

DOCUMENT
FOR REVIEW

REV B - 05-06-2024 MODEL 23 070 4 Graylind Place Vacluse DA Option

STAGE

DEVELOPMENT APPLICATION

PROJECT

4 GRAYLIND PLACE

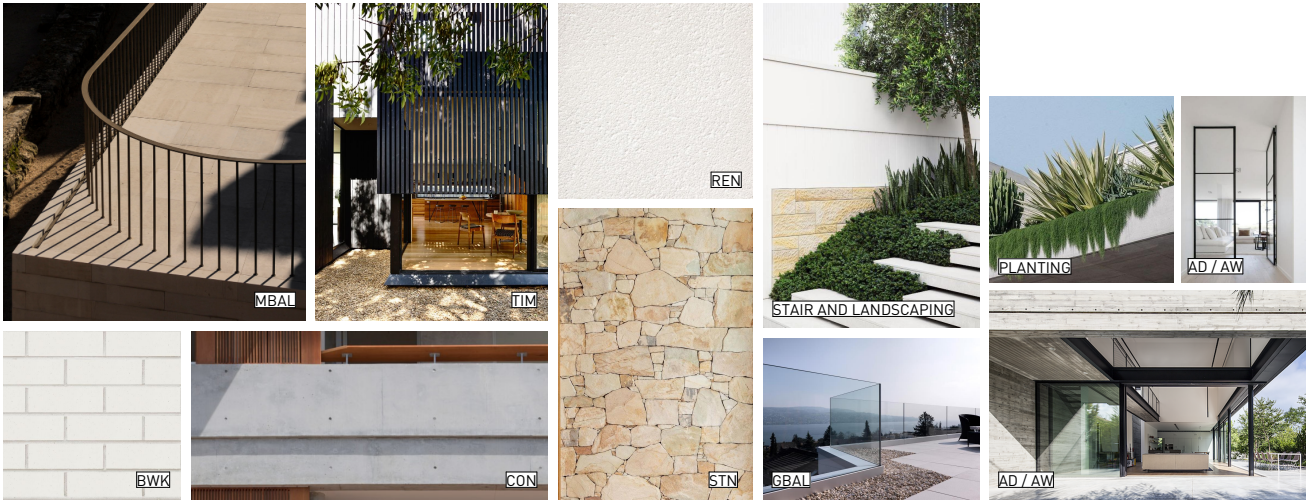
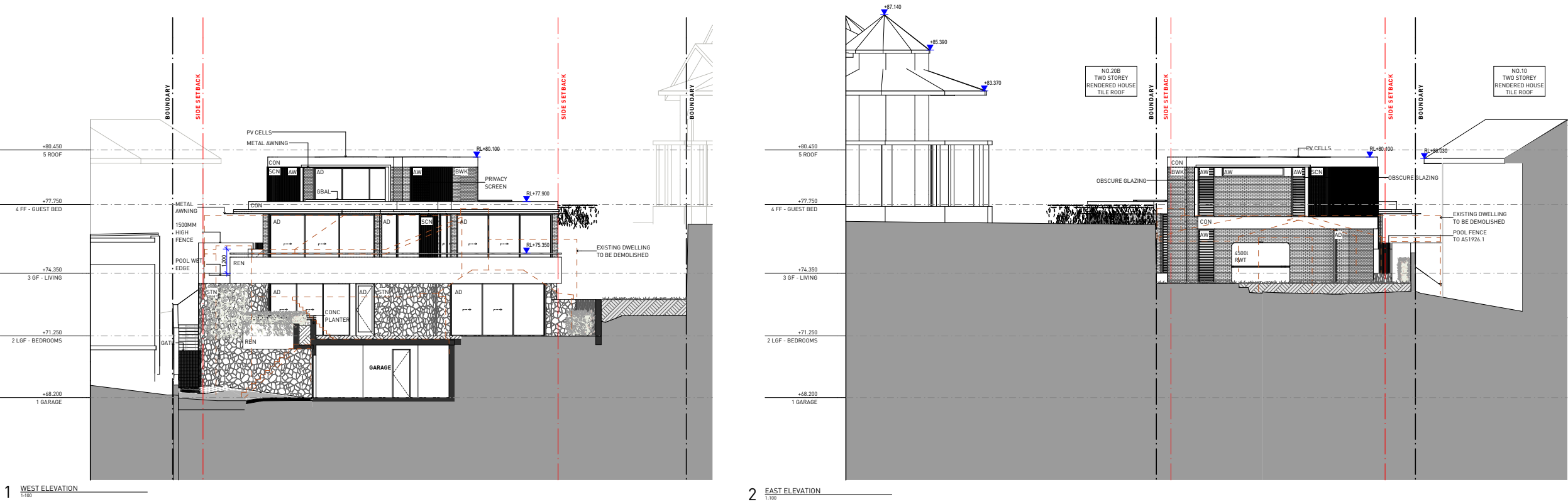
4 GRAYLIND PLACE VAUCLUSE

CLIENT **Sandy Yu**

ARCHITECTURE URBAN PLANNING
M1/147 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtznanes.com.au
smithtznanes.com.au
Nominated Architect: Peter Smith (Reg 7024)



23 070 DA-A-200



MATERIALS & FINISHES

NOTES

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DOCUMENT
WEST & EAST ELEVATIONS

DOCUMENT
FOR REVIEW

REV B - 05-04-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option

STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE

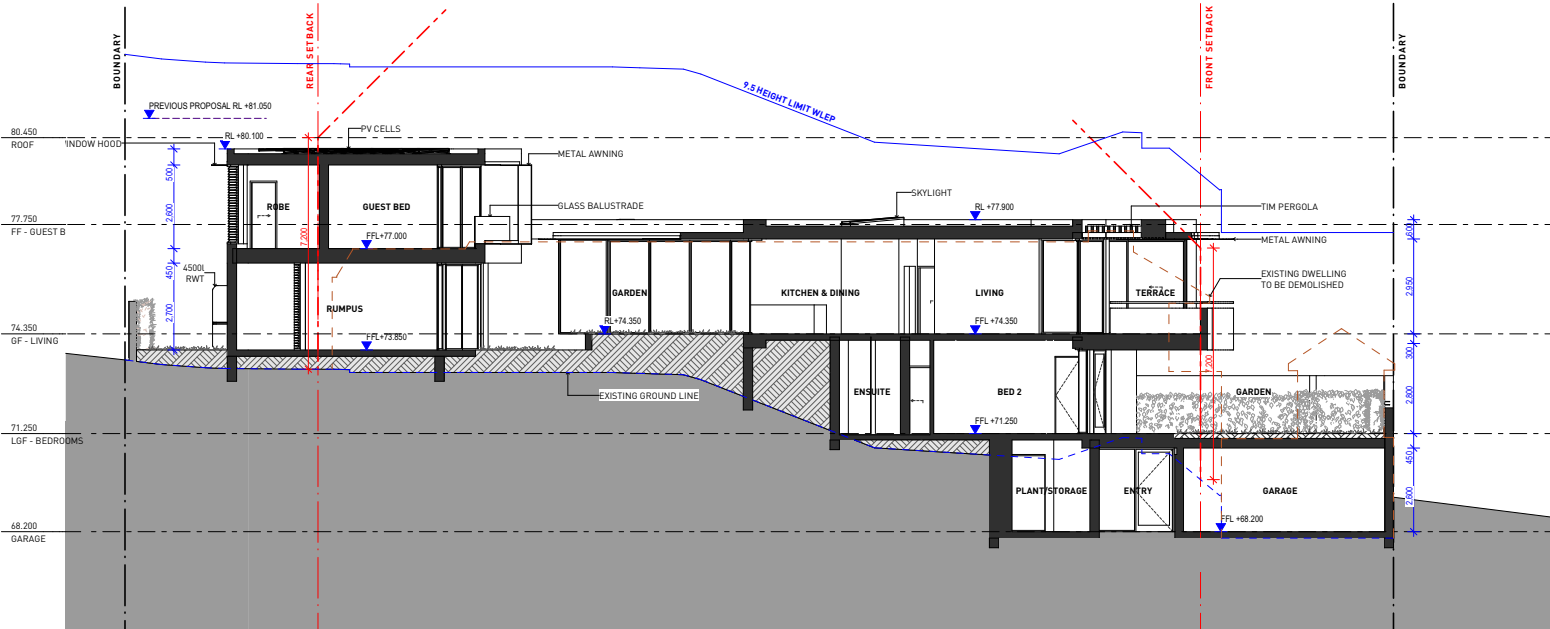
4 GRAYLIND PLACE VAUCLUSE

CLIENT Sandy Yu

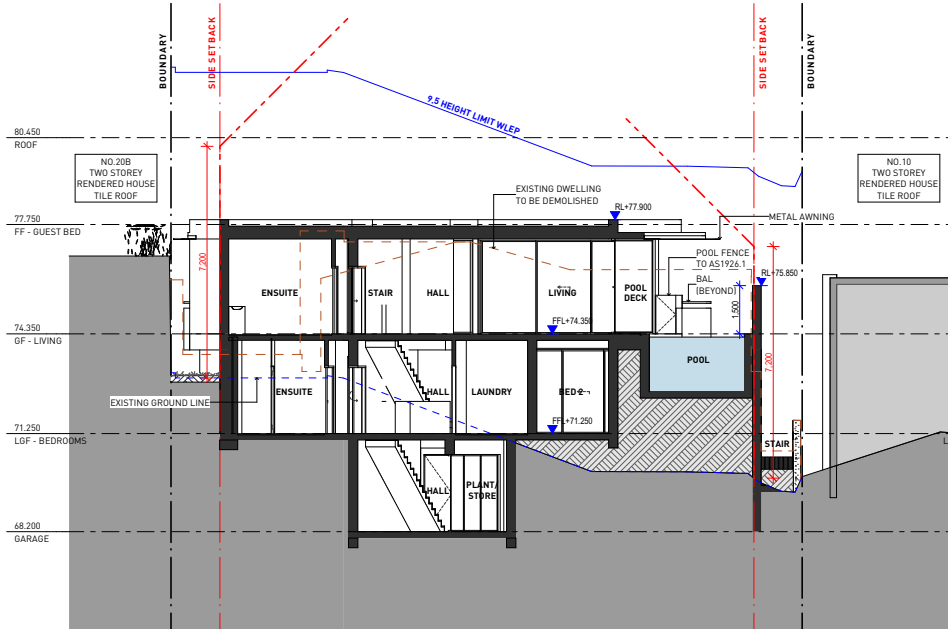
ARCHITECTURE URBAN PLANNING
M1/147 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtzannes.com.au
smithtzannes.com.au
Nominated Architect: Peter Smith (Reg 7024)

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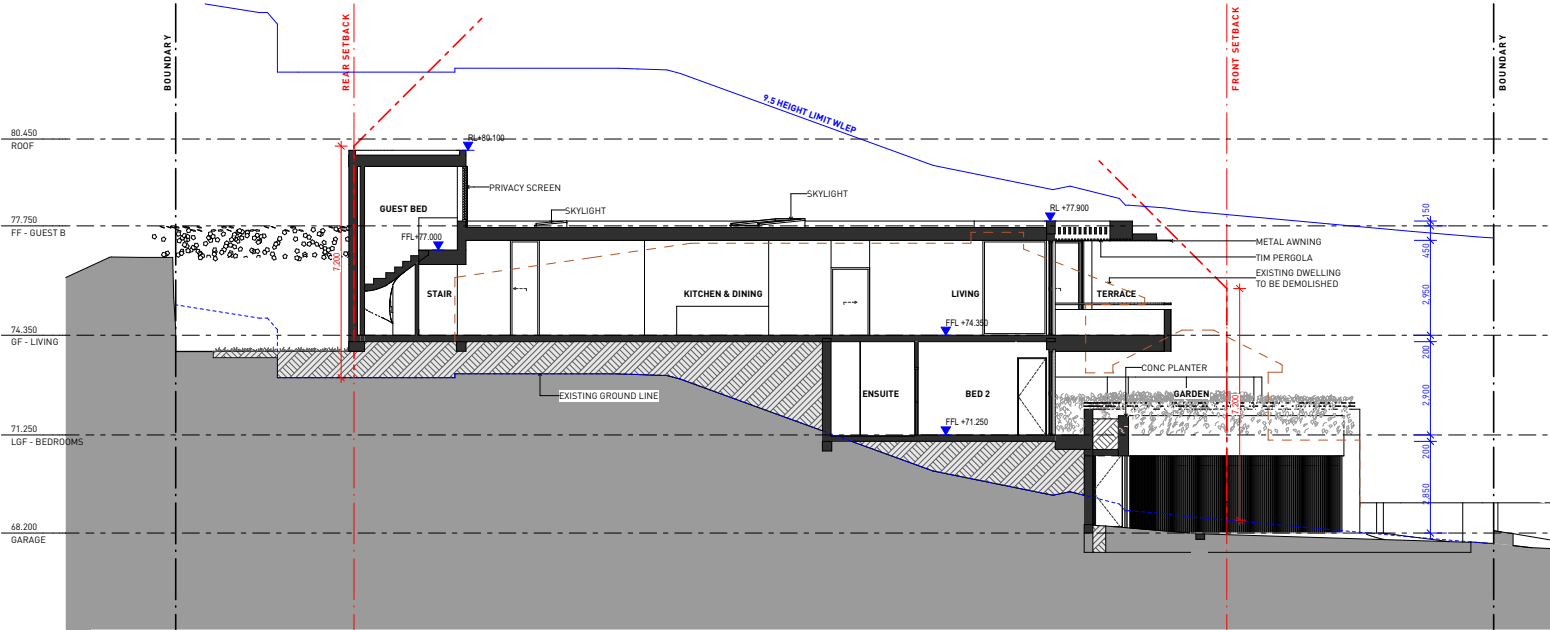
23_070 DA-A-201



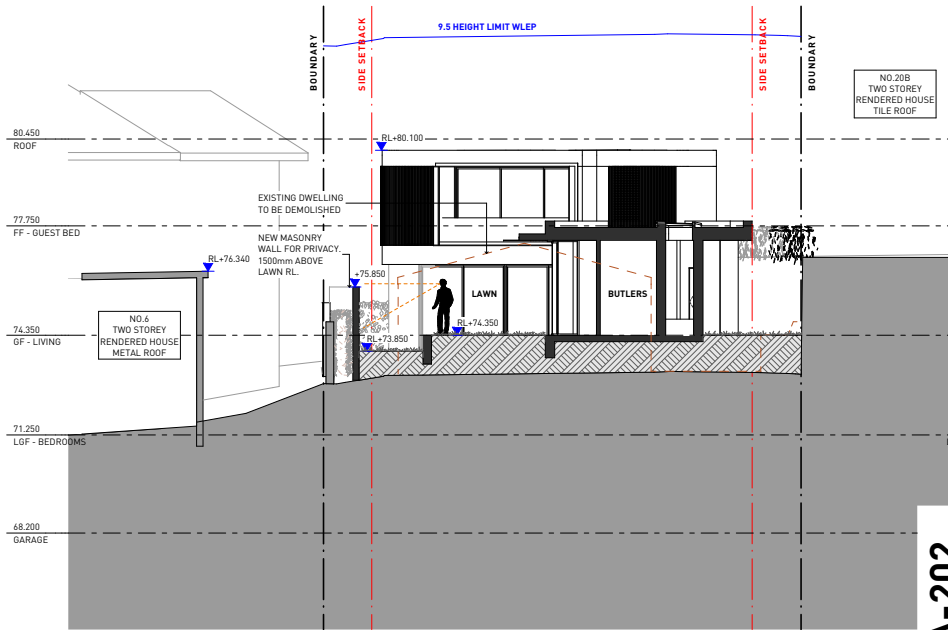
1 SECTION A
1:100



3 SECTION C
1:100



2 SECTION B
1:100



4 SECTION D
1:100

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DOCUMENT SECTIONS
DOCUMENT FOR REVIEW
REV B - 05-04-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option
STAGE DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE
4 GRAYLIND PLACE VAUCLUSE

CLIENT Sandy Yu

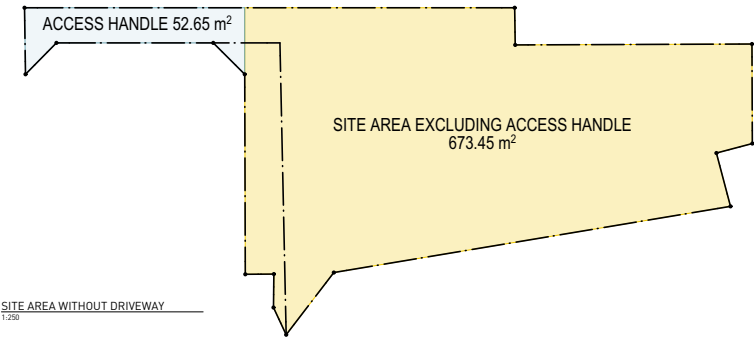
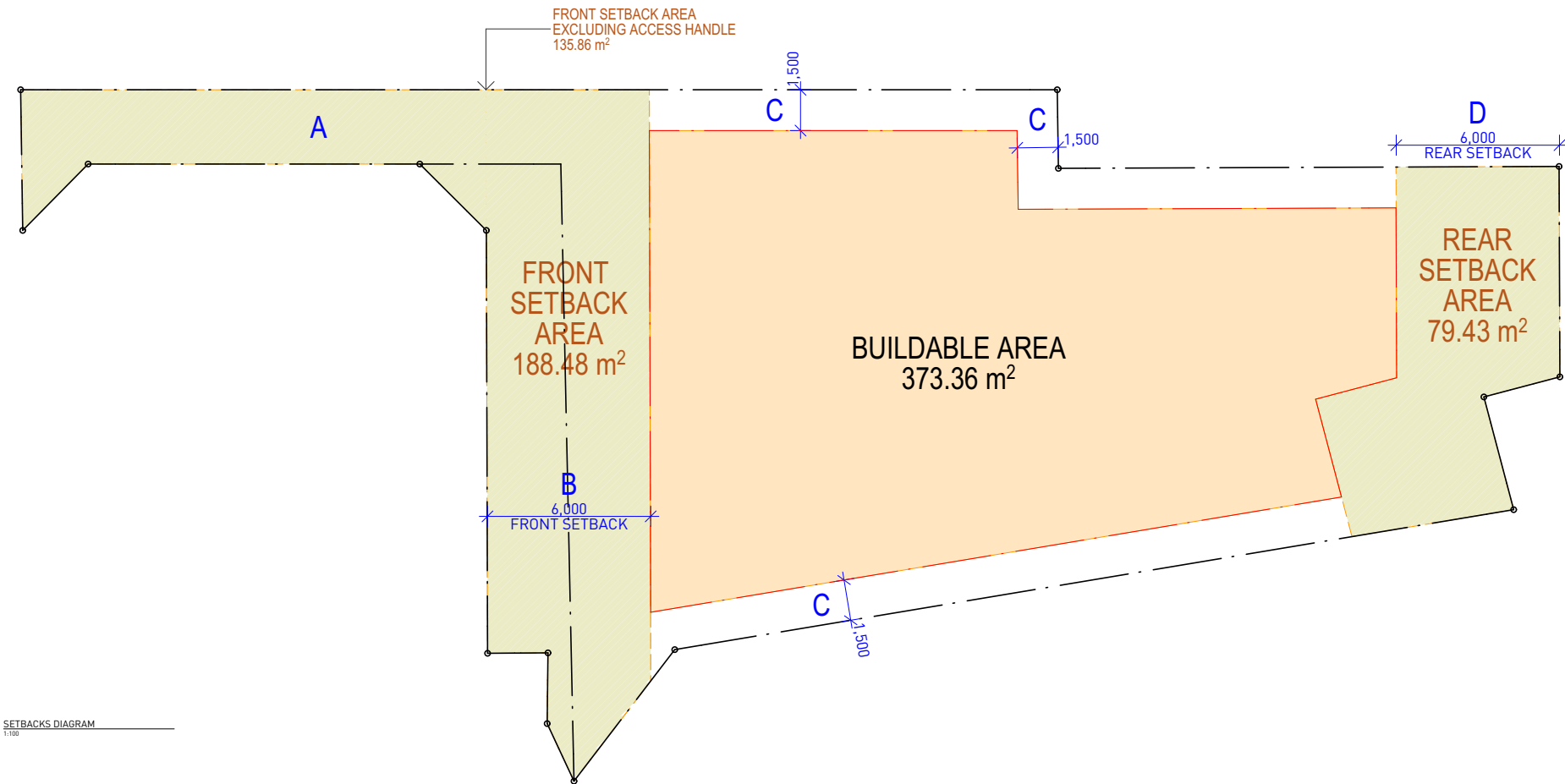
ARCHITECTURE URBAN PLANNING
M17147 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtzannes.com.au
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Nominated Architect: Peter Smith (Reg 7024)

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23_070 DA-A-202

DCP SETBACK CONTROLS

DCP CONTROL B3.9
Additional controls for development on a battle-axe lot:
A = Access Handle
B = Primary frontage setback 6m from boundary
C = Side setback 1.5m
D = Rear setback 6m



SITE AREA 726.1m²
EXCLUDING ACCESS HANDLE 673.45m²
ACCESS HANDLE 52.65m²

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DOCUMENT
DCP SETBACK CONTROLS

DOCUMENT
DA SUBMISSION

REV B - 05-04-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option

STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE

4 GRAYLIND PLACE VAUCLUSE

CLIENT Sandy Yu

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M1/147 McEvoy St Alexandria NSW 2015
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23_070 DA-A-800

GFA CALCULATIONS



SITE CALCULATIONS

SITE AREA 726.1m²
MAXIMUM PERMITTED FSR 0.5:1
= 363.05m²

GFA SCHEDULE

TYPE	LEVEL	AREA
GROSS FLOOR AREA		
	GARAGE	25
	LGF - BEDROOMS	70
	GF - LIVING	196
	FF - GUEST BED	44
		335 m ²
FSR		0.46:1

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DOCUMENT
GFA CALCULATIONS
DOCUMENT
DA SUBMISSION
REV B - 05-06-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option
STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE
4 GRAYLIND PLACE VAUCLUSE

CLIENT Sandy Yu

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Nominated Architect: Peter Smith (Reg 7024)



23_070 DA-A-801

LANDSCAPE CALCULATIONS

DEEP SOIL LANDSCAPING PER DCP CALCULATIONS:

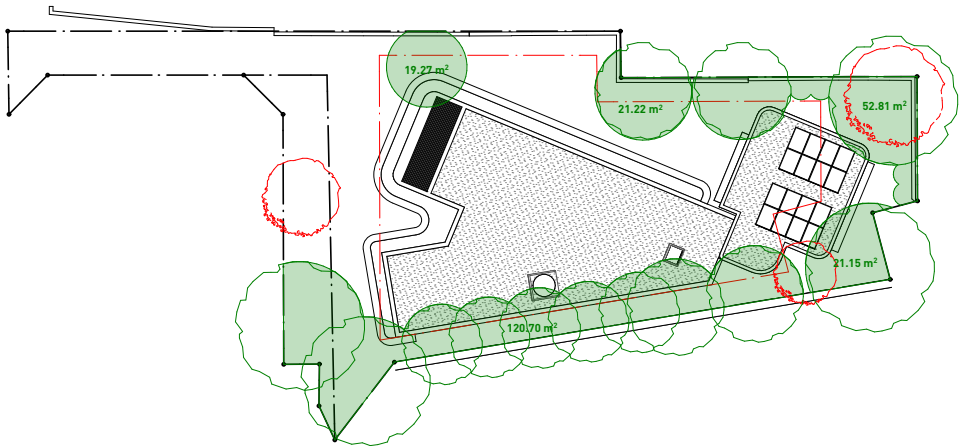
SITE - Min deep soil area
Site Area (excluding access handle)= 726.1m²
Site Area (excluding access handle)= 673.45m²
Minimum = **235.71m² (35%)**
Proposed = **237m² (35%)**

FRONT SETBACK - Min deep soil area
Front setback area (excluding access handle) = 135.86m²
Minimum = **54.34m² (40%)**
Proposed = **53m² (39%)**

TREE CANOPY PER DCP CALCULATIONS:

SITE AREA - Min tree canopy area
Site Area (excluding access handle)= 673.45m²
Minimum = **235.71m² (35%)**
Proposed = **235m² (35%)**

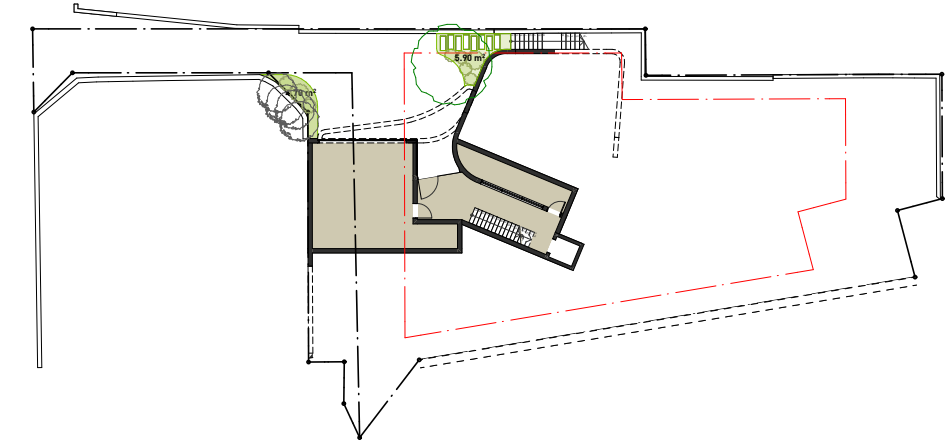
- DEEP SOIL LANDSCAPED AREA - FRONT SETBACK
- DEEP SOIL LANDSCAPED AREA - SITE
- TREE CANOPY AREA



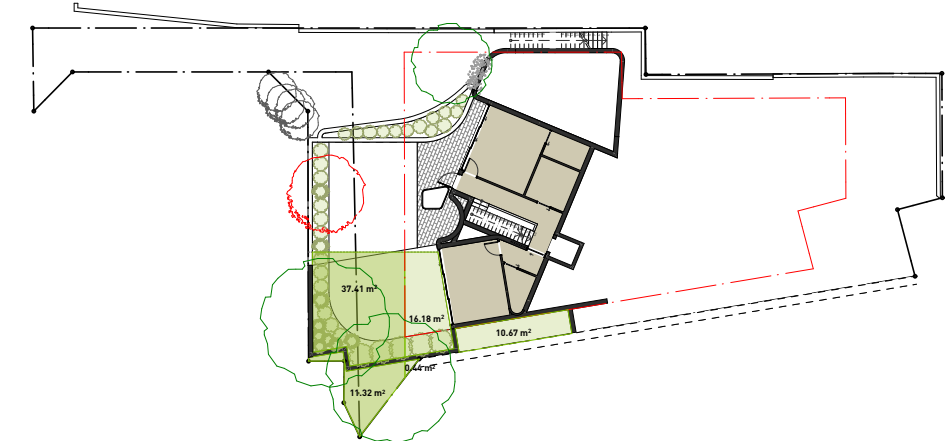
4 TREE CANOPY AREA
1:200

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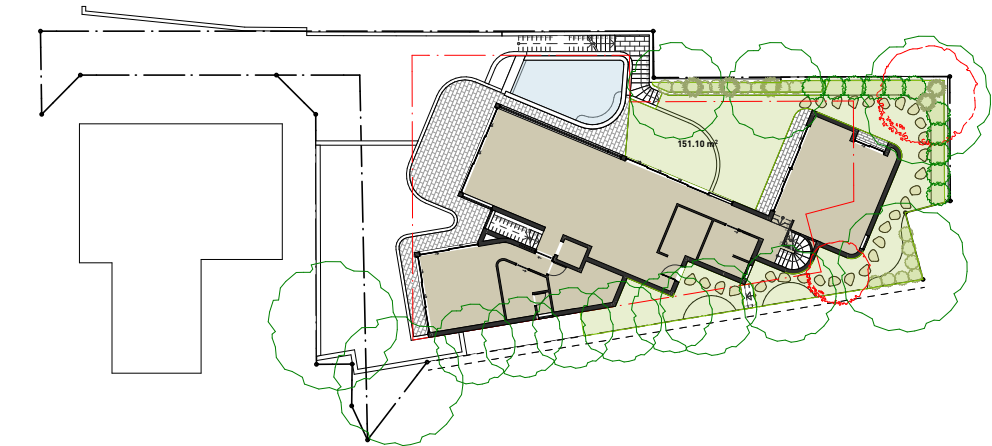
LEGEND
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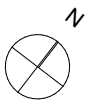
1 LANDSCAPED AREA - GARAGE
1:200



2 LANDSCAPED AREA - LGF - BEDROOMS
1:200



3 LANDSCAPED AREA - GF - LIVING
1:200



DOCUMENT
LANDSCAPE CALCULATIONS
DOCUMENT
DA SUBMISSION
REV B - 05-04-2024 MODEL 23_070 & Graylind Place Vauclose DA Option
STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE
4 GRAYLIND PLACE VAUCLUSE
CLIENT **Sandy Yu**

ARCHITECTURE URBAN PLANNING
M1/147 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtzannes.com.au
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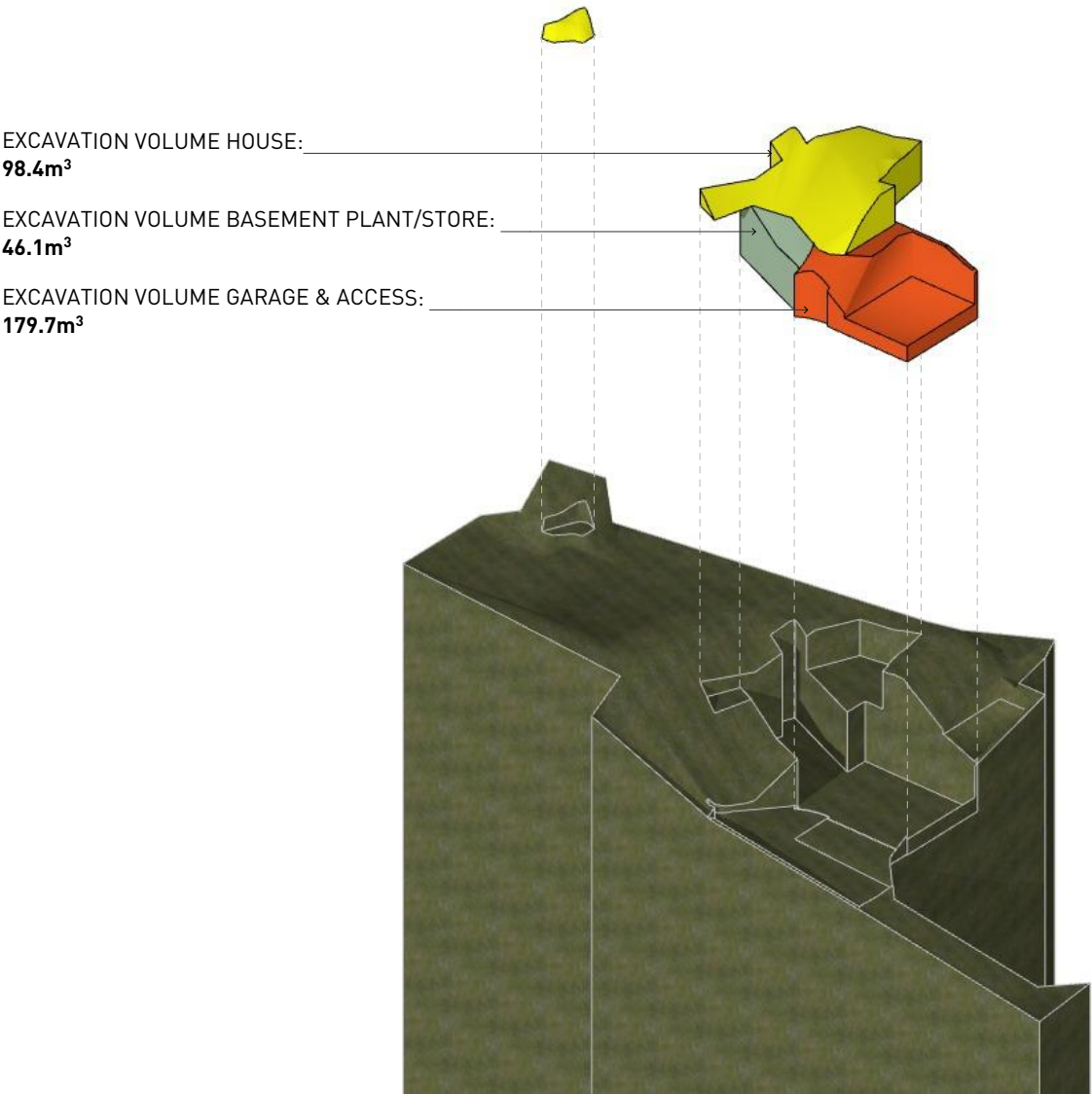


23_070 DA-A-802

EXCAVATION CALCULATIONS

DCP CONTROL B3.4 EXCAVATION	
SITE AREA	726.1m ²
MAX. EXCAVATION VOLUME	195m ³ (+8m ³ store)

APPROXIMATE PROPOSED EXCAVATION	
GARAGE & ACCESS	179.7m ³
BASEMENT PLANT/STORE	46.1m ³
HOUSE	98.4m ³
TOTAL	324.2m ³



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DOCUMENT
EXCAVATION CALCULATIONS

DOCUMENT
DA SUBMISSION

REV B - 05-06-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option

STAGE
DEVELOPMENT APPLICATION

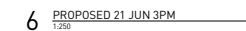
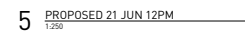
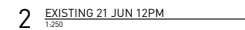
PROJECT
4 GRAYLIND PLACE

4 GRAYLIND PLACE VAUCLUSE

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ADDITIONAL SHADOW



DOCUMENT

REV B - 05-06-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option

STAGE

DEVELOPMENT APPLICATION

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23_070 DA-A-850



1 EXISTING STREET VIEW
1:1



2 PROPOSED STREET VIEW
1:1

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0 1 2 3 4 5 6 7 8 9 10
1000 2000 3000 4000 5000 6000 7000 8000 9000 10000
1:1000 1:500 1:200 1:100 1:50 1:20 1:10 1:5 1:2 1:1

DOCUMENT
PHOTOMONTAGE

DOCUMENT
DA SUBMISSION

REV B - 05-04-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option

STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE

4 GRAYLIND PLACE VAUCLUSE

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23_070 DA-A-900

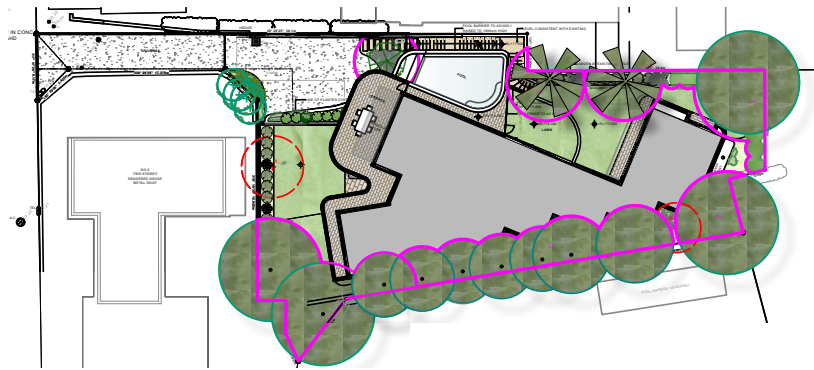


SITE LANDSCAPE PLAN 1:200

REFER TO ARCHITECT'S PLANS FOR LANDSCAPED
AREA CALCULATIONS


EXISTING TREE SCHEDULE

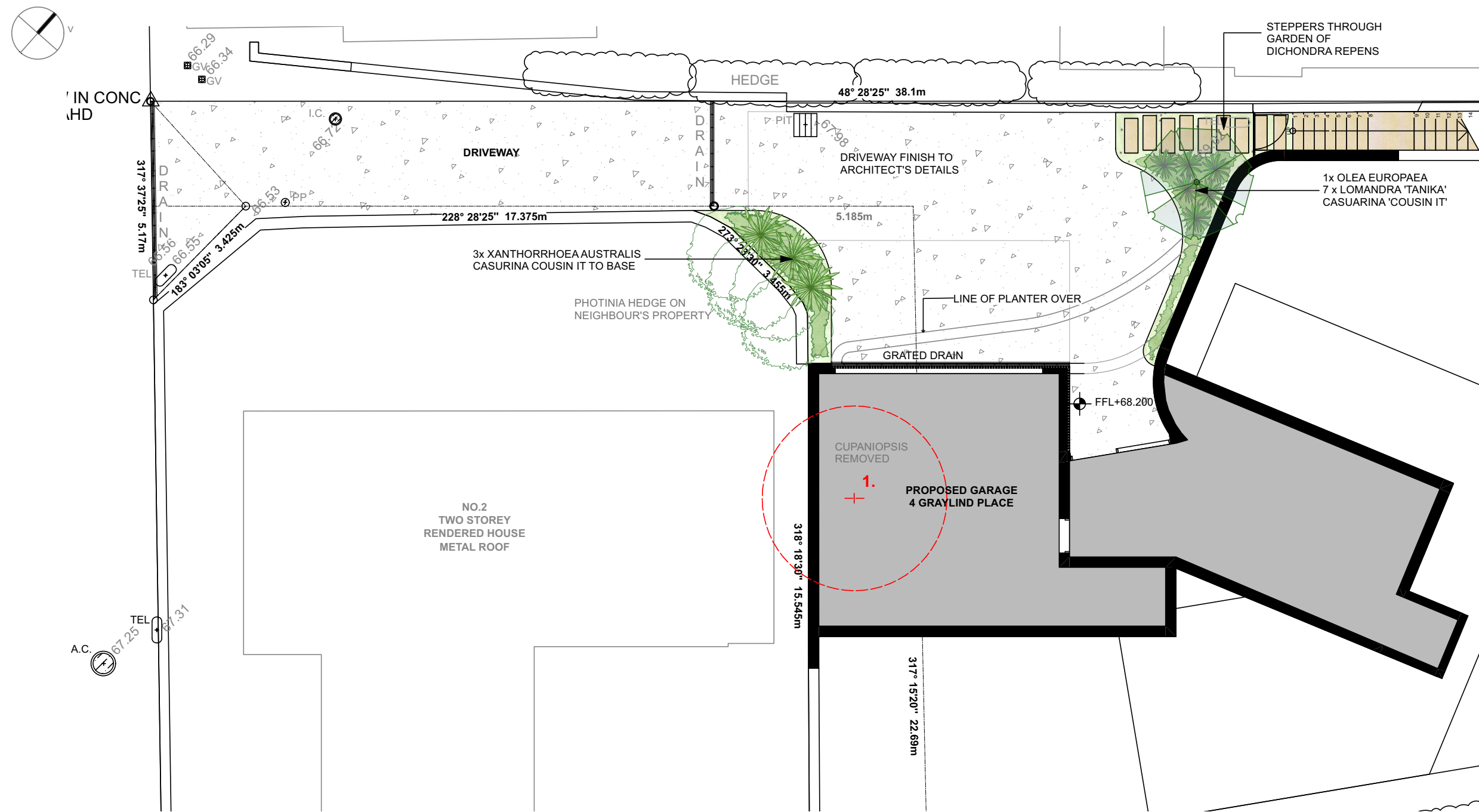
TREE No.	TREE	RETAIN/ REMOVE
1	Cupaniopsis anacardioides	Remove
2	Melaleuca sp.	Remove
3	Livistona australis	Remove




LEGEND

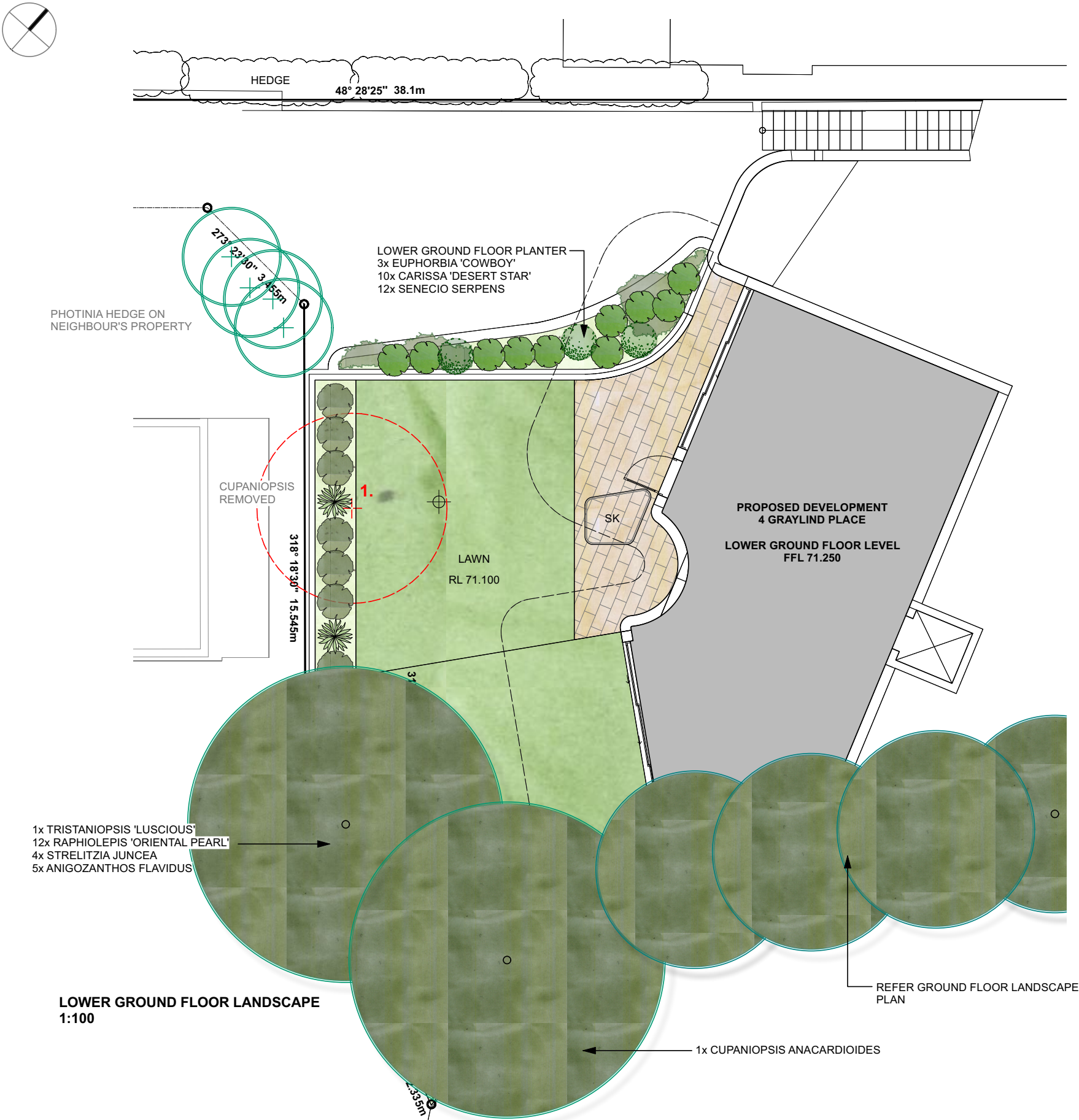
- EXISTING TREES
TO BE RETAINED
- EXISTING TREE
TO BE REMOVED
- NEW TREE
- CONCRETE
- SELECTED TILES
- LAWN

PROJECT 4 GRAYLIND PLACE VAUCLUSE CLIENT SANDY YU C/O SMITH & TZANNES	PLAN TYPE LANDSCAPE PLANS	ISSUE Iss.B	PAGE 01	ISSUE No: DESCRIPTION: DATE:	 LANDSCAPE DESIGN p. 02 9526 7962
		SCALE AT A3 1:200	DATE 28/6/24	A B For DA Updated for DA 14/11/23 28/6/24	
	NOTES ALL DIMENSIONS TO BE VERIFIED ON SITE. ALL WORKS TO BE IN ACCORDANCE WITH BCA AND RELEVANT GOVERNMENT CODES	STATUS DA			



GARAGE LEVEL LANDSCAPE 1:100

PROJECT 4 GRAYLIND PLACE VAUCLUSE CLIENT SANDY YU C/O SMITH & TZANNES	PLAN TYPE LANDSCAPE PLANS	ISSUE Iss.B	PAGE 02	ISSUE No: DESCRIPTION: DATE:			 LANDSCAPE DESIGN p. 02 9526 7962
		SCALE AT A3 1:100	DATE 28/6/24	A	For DA	14/11/23	
	NOTES ALL DIMENSIONS TO BE VERIFIED ON SITE. ALL WORKS TO BE IN ACCORDANCE WITH BCA AND RELEVANT GOVERNMENT CODES	STATUS DA		B	Updated for DA	28/6/24	

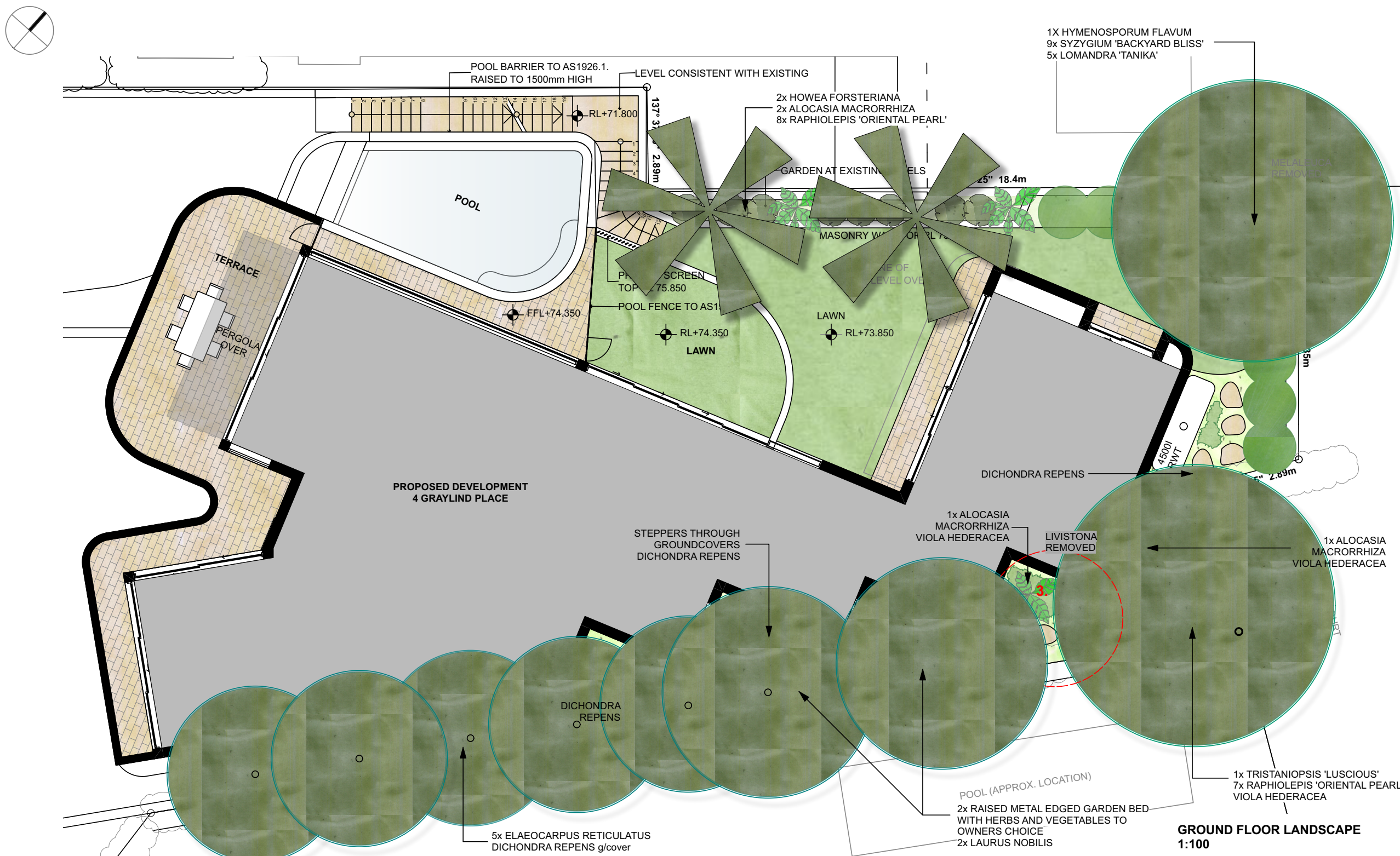



PROJECT	
4 GRAYLIND PLACE VAUCLUSE	
CLIENT	
SANDY YU C/O SMITH & TZANNES	
PLAN TYPE	
LANDSCAPE PLANS	
PAGE	
03	
SCALE	1:100 @A3
DATE	28/6/24
STATUS	DA
ISSUE	Iss.B
ISSUE No:	DESCRIPTION:
DATE:	



LANDSCAPE DESIGN
p. 02 9526 7962

NOTES:
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CODES



PROJECT 4 GRAYLIND PLACE VAUCLUSE CLIENT SANDY YU C/O SMITH & TZANNES	PLAN TYPE LANDSCAPE PLANS	ISSUE Iss.B	PAGE 04	ISSUE No: DESCRIPTION: DATE:		 LANDSCAPE DESIGN p. 02 9526 7962
	NOTES ALL DIMENSIONS TO BE VERIFIED ON SITE. ALL WORKS TO BE IN ACCORDANCE WITH BCA AND RELEVANT GOVERNMENT CODES	SCALE AT A3 1:100	DATE 28/6/24	A	For DA	14/11/23
		STATUS DA		B	Updated for DA	28/6/24

SPECIFICATIONS

SITE PREPARATION

Planted material to be stored in pots on site in order to be replanted where specified.
Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape work. In particular, root systems of existing plants must not be disturbed. Any nearby site works should be carried out carefully using hand tools. Storage of materials, mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refueling, site office and sheds, and the lighting of fires shall not occur within three (3) metres of any existing or new trees. Do not stockpile soil, rubble or other debris cleared from the site, or building materials within the drip line of existing or new trees. All vegetation not shown on plan to be removed. No tree removal is to occur without the presence of the Arborist.

SERVICES

Services and utilities shown have been located by physical evidence and/or by reference to surveys provided. Pits may not have been opened to verify the type of utility. Excavation has not been carried out to confirm underground location. Service details should be confirmed with the relevant service authority during design and prior to commencement of construction.

SOIL PREPARATION

Remove min. 300mm of existing site soil where it does not interfere with the roots of the existing trees Provide soil profiles as follows;

PLANTER BOX MIX

Similar to that supplied by ANL to all garden beds as specified on the plan
Any imported soil or soil blends using site topsoil materials used in the top 600mm of any landscaped area finished soil profile shall meet the requirements of AS 4419 - 2003 'soils for landscaping and garden use'. Soils shall be placed and compacted in layers to prevent undue settlement.
Sub-base filling and placement shall meet the Engineer's material and compaction requirements.

EROSION CONTROL

Where gradients in finished surface level exceed 1:2.5 mulch is to be held in place with an unobtrusive biodegradable fit for purpose netting with the netting to be fixed in place as the manufacturers specification for this particular situation.

STAKING

All trees not self supporting and trees generally shall be provided with pointed hardwood stakes as follows:
Trees up to container size of 25L - 2 x 25mm x 25mm x 1m high stakes at each
Trees above container size of 25L - 2 x 50 x 50 x 2.1 high stakes each
Ties shall be of 50mm wide jute mesh webbing tied 'figure eight pattern' to support the plant and ties to be fixed securely to stakes

SOIL IMPROVEMENT

Where site topsoil is to be used it shall be improved by adding Botany humas or similar at a ratio of 1:3 by volume.

PLANTING MATERIALS

Plants shall correspond to the planting index. There shall be no substitution in quality or quantity of material unless otherwise specified by the Landscape Architect. The Landscape Architect reserves the right to refuse any material showing signs of disease, distorted growth habit or malpractice. Plants to be placed in the ground no more than 48 hours after arrival on site. Plants to be planted in accordance with the planting detail. Planting holes to be dug double the width of the pot size and backfilled with organic soil and native fertilizer. The finished level of the plant is to finish flush with the existing pot level. No backfilling around the stem of the plant with either soil or mulch.

EDGING

Paver edge installed on mortar and bricktor between lawn and gardens.

TURF

Use Premium Sir Grange Zoysia over 250mm ripped subgrade with minimum of 50mm turf underlay.

MULCH

All planter beds and garden areas shall have Cypress Mulch. All mulch is to be free of deleterious matter such as soil, weeds and sticks.

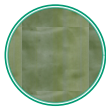
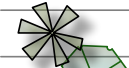



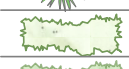

MAINTENANCE

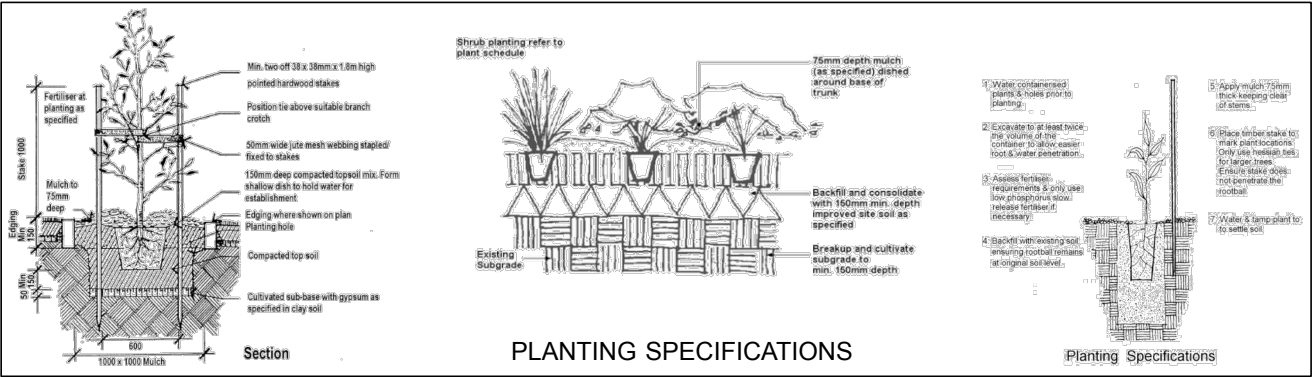
On completion of work all planting areas are to be fertilised with organic life, slow release fertiliser (Osmocote 8-9 month) which is to be sufficiently watered in, as well as a soluble fertiliser similar to Seasol applied in accordance with the manufacturers details. Reapply as per directions. 'Watering In' period of 3 months is applicable. Water should be applied during this period so as plants do not get to the stage of wilting. Tip pruning is encouraged at 3 months to promote fuller growth.


HARD CONSTRUCTION

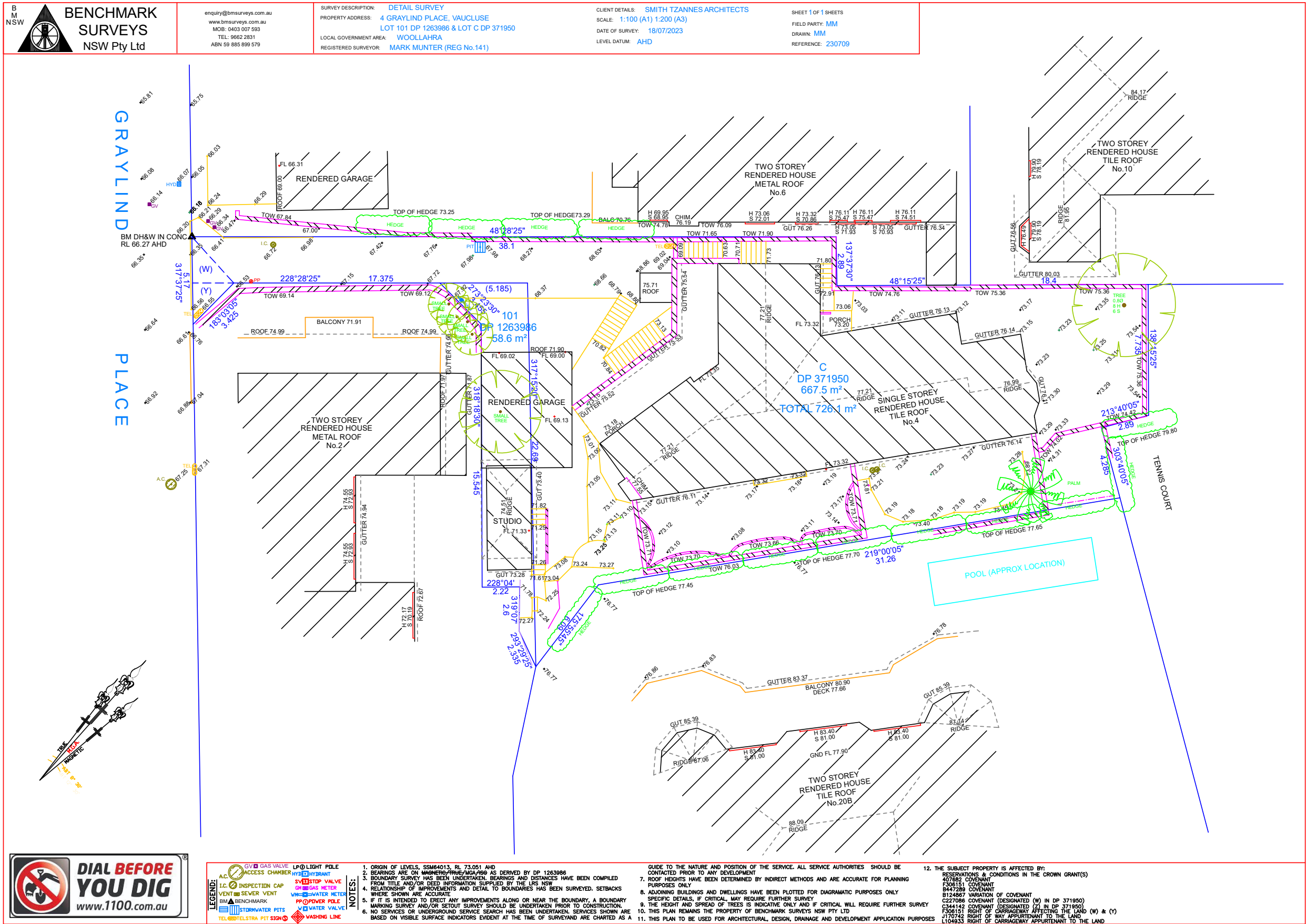
All civil, structural and hydraulic work associated with this project shall be to consulting Engineer's details. All external stairs to be constructed in accordance with Clause D2.13 of the Building Code of Australia.

LANDSCAPE PLANTING SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
	Hymenosporum flavum	Native Frangipani	45L	1
	Tristaniopsis 'Luscious'	Water Gum	45L	2
	Elaeocarpus reticulatus	Blueberry Ash	45L	5
	Cupaniopsis anacardioides	Tuckeroo	45L	1
	Howea forsteriana	Kentia Palm	25L	2
	Olea europaea	Olive	25L	1
	Xanthorrhoea australis	Grass Tree	300mm	3
	Alocasia Macrorrhiza	Elepaht Ears	200mm	4
	Syzygium 'Backyard Bliss'	Lilly Pilly	300mm	9
	Euphorbia 'Cowboy'	Cowboy Cactus	300mm	3
	Raphiolepis 'Oriental Pearl'	Indian Hawthorn	200mm	27
	Strelitzia juncea	Narrow Leaved Bird of Paradise	300mm	4
	Carissa 'Desert Star'	Desert Star	200mm	10
	Anigozanthos flavidus	Kangaroo Paw	200mm	5
	Lomandra 'Tanika'	Mat Rush	150mm	12
	Dichondra repens	Kidney Weed	100mm	66
	Casuarina 'Cousin It'	Cousin It	200mm	12
	Viola hederacea	Native Violet	100mm	18
	Senecio serpens	Blue Chalk Sticks	100mm	12
	LAWN Sir Grange Zoysia			



PROJECT 4 GRAYLIND PLACE VAUCLUSE CLIENT SANDY YU C/O SMITH & TZANNES	PLAN TYPE LANDSCAPE PLANS	ISSUE Iss.B	PAGE 05	ISSUE No: DESCRIPTION: DATE:		 LANDSCAPE DESIGN p. 02 9526 7962
	NOTES ALL DIMENSIONS TO BE VERIFIED ON SITE. ALL WORKS TO BE IN ACCORDANCE WITH BCA AND RELEVANT GOVERNMENT CODES	SCALE AT A3	DATE 28/6/24	A B	For DA Updated for DA	14/11/23 28/6/24
		STATUS DA				





Woollahra
Municipal
Council

12 April 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 478/2023/1

ADDRESS: 4 Graylind Place VAUCLUSE 2030

PROPOSAL: Demolition of existing dwelling and associated structures and the construction of a new multi-storey dwelling with basement garage; new swimming pool, landscaping and siteworks.

FROM: Tristan Ryan – Senior Strategic Heritage Officer

TO: Mr S Grevler-Sacks

1. DOCUMENTATION

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

- Drawing set by Smith & Tzannes, dated 16 November 2023, and numbered DA-A-000 – DA-A-990.
- Heritage Impact Statement and Demolition Report by John Oultram Heritage & Design, dated November 2023.
- Statement of Environmental Effects by GSA Planning, dated December 2023
- Survey plan by Benchmark Surveys, dated 15 July 2023
- Aboriginal Heritage Impact Assessment by Artefact, dated 31 January 2024.
- Arboricultural Impact Assessment Report, written by Martin Peacock Tree Care, dated 25 January 2024
- Landscape Plans, designed by Tranquillity Landscape Design, dated 14 November 2023

2. SITE INSPECTION / RESEARCH

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

- The site was inspected on the 4 March 2024, including the general locality.

Review of the following documents and photographic evidence:

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

3. STATUTORY AND POLICY DOCUMENTS

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

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

4. ASSESSMENT OF HERITAGE IMPACT

Page 1 of 5



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Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

Assessment of potential heritage significance against the NSW Heritage Criteria

Criterion (a) Historical

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)

4 Graylind Place is an example of a single storey mid-Twentieth Century House, built in 1962. Its designer is unknown. It is representative of the later stages of the development of the Vacluse estate. It does not meet the threshold for significance under this criterion.

Criterion (b) Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)

The only owners and commissioners of the place, Vincent Michael Walsh and Pamela Thelma May, were not people of importance in NSW's cultural or natural history. The land has some association with the neighbouring Kainga, though these have been greatly diminished by its development. The place does not meet the threshold for significance under this criterion.

Criterion (c) Aesthetic

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

The house is a pedestrian example of its type. No architect is noted. The place does not meet the threshold for significance under this criterion.

Criterion (d) Social

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

The place does not meet the threshold for significance under this criterion.

Criterion (e) Technical/Research

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)

The place does not meet the threshold for significance under this criterion.

Criterion (f) Rarity

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

The place does not meet the threshold for significance under this criterion.

Criterion (g) Representativeness

An item is important in demonstrating the principal characteristics of a class of NSW's

- *cultural or natural places; or*
- *cultural or natural environments.*

(or a class of the local area's

- *cultural or natural places; or*
- *cultural or natural environments.)*

The place is a modestly representative example of its type, though somewhat degraded. It does not clearly demonstrate principle characteristics of a class of places.



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Integrity

The house has undergone some modest change since its construction and is largely intact, though changes to the front have altered its original design.

The property does not meet the threshold for listing under any of the criteria.

It is, however, adjacent to two listed items. The potential impact on these is discussed below.

National Parks and Wildlife Act 1974

The site is in an area of Potential Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was required as part of the DA to ascertain whether potential Aboriginal cultural heritage will be impacted by the proposal.

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 11 April from the Office of Environment & Heritage NSW (OEH) website has revealed that there is 1 recorded Aboriginal sites recorded within a 200m buffer in or near the above location and 0 Aboriginal sites within a 50m buffer in or near the above location.

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

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

I see no reason to doubt the findings of the statement prepared by Artefact, that the works can proceed with a usual degree of caution.

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. It is adjacent to two items.

Clause 1.2 Aims of Plan

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

Clause 5.10 Heritage Conservation

There is no direct impact on any item of heritage significance, refer to significance assessment above.

Significance of items in the vicinity

The following listed heritage items are located in proximity of the site:

- 'House and interiors' at 6 Graylind Place, Vaucluse (No. I363)



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An early example of the International Style applied to a detached house, designed by Joseland & Gilling. Its presentation to the street has been substantially disrupted by the construction of a garage. There will be no impact on this item as a result of the development.

- 'Kainga – house and interiors, excluding the freestanding garage, cabana, pool, spa, gateposts' at 20B New South Head Road, Vaucluse (No. I367).
"The building at 20B New South Head Road, Vaucluse has historic and social significance for its association with local identities Edward Duncan Gray, a ship's chandler and dental surgeon Ormond Joseph McDermott. It was also the home to Sydney Lord Mayor, Sir Emmet McDermott. The building has aesthetic significance as a largely intact mansion which is indicative of the quality of residence constructed in the area in the late nineteenth century. Although the house is situated out of view at the end of a sweeping driveway and therefore makes little contribution to the character of the streetscape it is of such a quality in its style and detailing that it is considered to be of aesthetic significance."
The proposal has a minimal impact on the building. As there are only limited existing views to the building, the impact of the modest increase in height on the subject site is minor. The loss of the mature paper bark tree represents some impact on the setting of the house, but the proposed plantings and canopy should compensate for this.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

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

Woollahra LEP 2014

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

Part 5.10

- Clause 1(a) The development does unduly impact the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the conservation area will be neutral.
- Clause 4 This referral constitutes an assessment under this clause.

7. 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/No heritage conditions are required.

Standard Conditions

B3 Recording of buildings with little or no heritage significance that are to be demolished
B8 Archaeological Features - Unexpected Findings
B9 Skeletal Remains
B10 Aboriginal Objects – Unexpected Findings
B12 Aboriginal Heritage Due Diligence Responsibilities

Special Conditions

Salvage



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1.	Salvage
	Stone, timber weatherboards, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring and ceiling roses must be catalogues, labelled, salvaged and where possible reused on the project. Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses 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.
	Condition Reason: To minimise wastage of building materials in accordance with Chapter E6 of the Woollahra DCP.

Tristan Ryan
Senior Strategic Heritage Officer

12 April 2024
Completion Date



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11 July 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Development Applications: 478/2023/1

ADDRESS: 4 Graylind Place VAUCLUSE 2030

PROPOSAL: Demolition of existing dwelling and associated structures and the construction of a new multi-storey dwelling with basement garage; new swimming pool, landscaping and siteworks.

FROM: Mehrnaz Jamali - Development Engineer

TO: Mr S Grevler-Sacks

1. ISSUES

- Satisfactory. Please refer to comments and conditions.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, Job No. 23427, prepared by GSA Planning, dated December 2023.
- Architectural Plans, referenced 23_070, Rev B, prepared by Smith & Tzannes, dated 05/06/2024.
- Survey Plan, referenced 230709, prepared by Benchmark Surveys, dated 18/07/2023.
- Stormwater Management Plan, Job No. 23/132, Revision A, prepared by ITM Design, dated 12/11/2023.
- Geotechnical Investigation Report, referenced J5174, prepared by White Geotechnical Group, dated 17 November 2023.
- Independent Review of Geotechnical Report, referenced TERRA23-019.let 1 rev 1, prepared by Terra Insight, dated 29/11/2023.

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

$A=726.1m^2$

Required = 18.2m³ OSD System

Provided = 25m³ OSD System (due to high discharge rate) + 5m³ RWT



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There are no objections to the Stormwater Management Plan, Job No. 23/132, Revision A, prepared by ITM Design, dated 12/11/2023 subject to the following condition;

- *The discharge of stormwater, by direct connection, to back of a new Standard Junction Pit, fronting the site on Graylind Place, by extending and connecting to Council's belowground stormwater pipe through the existing pit abutting No. 6 Gleylind Place. Note: where a pipe already exists within this distance, it is to be upgraded to a new larger pipe. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.*

***Note: the above has been discussed with Council's Infrastructure Assets Team Leader – Yasas de Silva on 04/07/2024. → whilst the belowground pipe system within Graylind Place, will connect to Council's kerb and gutter on Gilliver Avenue, Yasas stated that he does not mind the 20l/s limit nor the subsoil drain as this area will be converted to a full belowground drainage system in Council's future asset works. He also mentioned that whilst the pipe within Graylind Place is 300mm in diameter, the plans are to show a 375mm diameter pipe prior to the S138 Application.*

- *Additional access grates for the OSD System must be provided for easy maintenance.*

The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP and Local Approvals Policy. This is to ensure that site stormwater is disposed in a controlled and sustainable manner.

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

b. Flooding & Overland Flow comments

Not affected.

c. Impacts on Council Infrastructure comments

Drainage Works:

- *The discharge of stormwater, by direct connection, to back of a new Standard Junction Pit, fronting the site on Graylind Place, by extending and connecting to Council's belowground stormwater pipe, through the existing pit abutting No. 6 Gleylind Place. Note: where a pipe already exists within this distance, it is to be upgraded to a larger pipe and/or to the satisfaction of Council's Asset Engineer.*

Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.

***Note: the above has been discussed with Council's Infrastructure Assets Team Leader – Yasas de Silva on 04/07/2024. → whilst the belowground pipe system within Graylind Place, will connect to Council's kerb and gutter on Gilliver Avenue, Yasas stated that he does not mind the 20l/s limit nor the subsoil drain as this area will be converted to a full belowground drainage system in Council's future asset works. He also mentioned that whilst the pipe within Graylind Place is 300mm in diameter, the plans are to show a 375mm diameter pipe prior to the S138 Application.*

Road and Footpath Works:



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- *Due to the nature of the existing driveway to the battle-axe handle of the subject site, good condition and existence of no kerb and gutter, Yasas was happy to keep the existing crossing without any upgrade. As such, no works is required.*

The remainder of Council's assets are in serviceable condition - conditions applied.

d. Traffic comments

The expected traffic generation from the proposed development is typical for the zoning of the site.

e. Vehicle Access & Accommodation comments

The access and parking layout is generally satisfactory subject to the following condition:

- *Driveway splays must be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.*

f. Geotechnical, Hydrogeological and/or Structural comments

The following documents have been submitted in support of the application;

- Geotechnical Investigation Report, referenced J5174, prepared by White Geotechnical Group, dated 17 November 2023.
- Independent Review of Geotechnical Report, referenced TERRA23-019.let 1 rev 1, prepared by Terra Insight, dated 29/11/2023.

The proposal involves excavation for lower ground floor, garage and pool, to a depth of about 5m BGL.

The report identified that;

- a) Fill – sandy soil – to depths of 0.6m to 0.7m.*
- b) Silty sand in BH1 – to depths of 0.9m.*
- c) Clayey sand in BH2 – to depths of 0.9m.*
- d) Refusal on rock says at depths of 0.5m to 1.1m in DCP1 and 2, sandstone exposed below boundary retaining wall and suspended pathway, at DCP 3 and 4 respectively.*
- e) No mention of ground anchors or underpinning. As such conditions have been applied.*

Note: the Geotechnical Investigation Report referenced within this consent, must be revised to address all requirements within Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports.

Conditions covering these matters as well as others identified by Council have been added to the Referral.

Council's Infrastructure and Sustainability has no objection 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 RDCP.



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Note: Use of any Ground Anchors or any retention system extending beyond site boundaries requires the approval of neighbouring properties in writing.

g. Other matters

There is an existing Right of Carriageway over the battle-axe handle of the subject site. However, as no works are required nor proposed within this area, no further action is required.

4. RECOMMENDATION

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

Conditions of Consent

Please note that the standard conditions of consent are generally modified by the Infrastructure and Sustainability Division to suit a particular development application. Please ensure all Infrastructure and Sustainability conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function.

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting Documents

Reference	Description	Author	Date
Job No. 23/132, Revision A	Stormwater Management Plan	ITM Design	12/11/2023
J5174	Geotechnical Investigation Report	White Geotechnical Group	17 November 2023
TERRA23-019.let 1 rev 1	Independent Review of Geotechnical Report	Terra Insight	29/11/2023

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			



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Property Damage Security Deposit -making good any damage caused to any property of the Council	\$74,650	No	T115
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B.16 Dilapidation Reports for Existing Buildings

B 16.	Dilapidation Reports for Existing Buildings
	<p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ol style="list-style-type: none"> No. 2 Graylind Place No. 6 Graylind Place No. 10 Wentworth Road No. 20B 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>

B.17 Dilapidation Reports for Public Infrastructure

B.18 Adjoining Buildings Founded on Loose Foundation Materials



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B.21 Works (Construction) Zone – Approval and Implementation

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.13 Road and Public Domain Works

D13.

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:

Drainage Works:

- The discharge of stormwater, by direct connection, to back of a new Standard Junction Pit, fronting the site on Graylind Place, by extending and connecting to Council's belowground stormwater pipe, through the existing pit abutting No. 6 Gleylind Place. Note: where a pipe already exists within this distance, it is to be upgraded to a larger pipe and/or to the satisfaction of Council's Asset Engineer.
- Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section

Road and Footpath Works:

- The reinstatement of all cracked or damaged, kerb and gutter, footpath and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.

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.	\$35,690	No	T113
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	0	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



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TOTAL SECURITY AND FEES	\$36,364
<p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable], • the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - 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. 	



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

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

D.25 Erosion and Sediment Control Plan – Submission and Approval

D.36 Professional Engineering Details

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D.37 Engineer Certification

D.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

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 by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>Note: The Geotechnical Investigation Report referenced within this consent, must be revised to address all requirements within Council's DCP <u>Section E2.2.10</u> and <u>Attachment 6</u> - Guidelines for Geotechnical and Hydrogeological Reports.</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 foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. 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,



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	<ul style="list-style-type: none"> • 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D.45 Parking Facilities

D 45.	Parking Facilities
	<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 and including the following:</p> <p>a) Driveway splays must be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.</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>
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

D.51 Stormwater Management Plan

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 Plan, Job No. 23/132, Revision A, prepared by ITM Design, dated 12/11/2023 , other than amended by this and other conditions.</p>



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- b) The discharge of stormwater from the site, by direct connection to back of a new Standard Junction Pit, fronting the site on Graylind Place, by extending and connecting to Council's belowground stormwater pipe through the existing pit abutting No. 6 Gleylind Place.
Note: where a pipe already exists within this distance, it is to be upgraded to a new larger pipe.
Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
- c) All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings.
- d) A minimum 450mmx450mm boundary junction pit must be provided prior to connecting the stormwater outlet pipe to the street drainage system. The stormwater outlet pipe to the kerb and gutter must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.
- e) Dimensions of all drainage pits and access grates must comply with AS3500.3.
- f) Compliance the objectives and performance requirements of the BCA.
- g) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- h) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

On-site Stormwater Detention (OSD) System Requirements

The minimum Site Storage Requirements ("SSR") for the required On-site Stormwater Detention (OSD) System must be 25m³.

The minimum OSD System Site Storage Requirements ("SSR") and the Peak Site Discharge ("PSD") from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area, unless determined by the DRAINS Model (whichever is greater):

Average Recurrence Interval	PSD (L/s)	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House

Note: All values based on per 1000m² site area (interpolate to site area).

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:

- All pipe layouts, dimensions, grades, lengths and material specification.
- Location of proposed rainwater tanks.
- All invert levels reduced to Australian Height Datum (AHD).
- Location and dimensions of all drainage pits.



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- 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".

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

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



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F.12 Compliance with Geotechnical / Hydrogeological Monitoring Program

F.13 Support of Adjoining Land and Buildings

F.14 Vibration Monitoring

F.15 Erosion and Sediment Controls – Maintenance

F.17 Disposal of Site Water During Construction

F.19 Site Cranes

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

F.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

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.30 Dilapidation Report for Public Infrastructure Works

G.32 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

G	32.	Positive Covenant and Works-As-Executed Certification of Stormwater Systems
		<p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:</p> <ul style="list-style-type: none"> a) Compliance with conditions of development consent relating to stormwater, b) The structural adequacy of the On-site Stormwater Detention (OSD) System, c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations, d) Pipe invert levels and surface levels to Australian Height Datum, and e) 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 maintenance of the OSD system incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's</p>



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	<p>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>
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H. OCCUPATION AND ONGOING USE

H.29 Ongoing Maintenance of the On-Site Stormwater Detention System

H	29.	Ongoing Maintenance of the On-Site Stormwater Detention System
		<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 by the System. Keep the system 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 system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. 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



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	<p>covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.</p> <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>



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5 March 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 478/2023/1

ADDRESS: 4 Graylind Place VAUCLUSE 2030

PROPOSAL: Demolition of existing dwelling and associated structures and the construction of a new multi-storey dwelling with basement garage; new swimming pool, landscaping and siteworks.

FROM: Sam Knight

TO: Mr S Grevler-Sacks

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Benchmark Surveys, dated 18 July 2023
- Architectural Drawings, drawn by Smith & Tzannes, dated 16 November 2023
- Arboricultural Impact Assessment Report, written by Martin Peacock Tree Care, dated 25 January 2024
- Landscape Plans, designed by Tranquillity Landscape Design, dated 14 November 2023

A site inspection was carried out on 8 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



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

4. SUMMARY

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

5. COMMENTS

Inspection of the site and a review of the plans and documentation has revealed six (6) trees within the site will be impacted by the proposal. The following tree numbering is consistent with the Arboricultural Impact Assessment prepared by Martin Peacock Tree Care dated 25 January 2024.

Trees 1 & 2 – have been identified as a Macadamia and Blueberry Ash located in a raised garden on the roof of the existing garage. The trees were noted in good health and fair condition. The trees are small specimens of approximately 5 metres in height.

The trees have been rated as having Low Landscape Significance and Low Retention Values due to their small heights and limited amenity provided to the immediate area.

The plans indicate that the garage will be demolished, and a new basement garage is to be constructed in a similar location. This will require removal of both trees which is supported subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree 3 & 4 – have been identified as a Tree Fern and Hibiscus located in the front and rear yards of the property. 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. These trees can be removed without consent regardless of the proposed development.

Tree 5 – has been identified as a Paperbark tree located in the northern corner of the property. The tree was noted in good health and poor structural condition. The tree has previously been lopped at 5 metres in height resulting in multiple shoots regrowing at the old pruning wounds. The type of pruning is unacceptable as it results with regrowth known as 'epicormic growth' that is weakly attached and prone to failure and decay.

The plans indicate works are proposed within the Tree Protection Zone of this tree that will directly impact on the health and stability of the tree.

Therefore, the proposed removal is supported subject to replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree 6 – has been identified as a Cabbage Palm located in the eastern corner of the site. The palm was noted in good health and condition. However, the palm is only 5 metres in height and provides minimal amenity to the immediate area.

The plans indicate that the palm is proposed for removal and replacement which is supported by the Tree and Landscape team.



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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 indicates that nine (9) new trees will be planted throughout the site. A total of 235m² or 35% canopy cover will be provided by the proposed trees within 5-10 years of development completion which satisfies the DCP requirements.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.	Approved Plans and Supporting Documents															
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.															
	Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.															
	<table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td></td><td>Landscape Plan</td><td>Tranquillity</td><td>14/11/23</td></tr><tr><td></td><td>Arboricultural Impact Assessment Report</td><td>Martin Peacock Tree Care</td><td>25/1/24</td></tr></table>				Reference	Description	Author	Date		Landscape Plan	Tranquillity	14/11/23		Arboricultural Impact Assessment Report	Martin Peacock Tree Care	25/1/24
	Reference	Description	Author	Date												
	Landscape Plan	Tranquillity	14/11/23													
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<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>Standard Condition A.2 (Autotext 2A)</p>																
A. 2.	Tree Preservation and Landscaping Works															



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

a) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Macadamia ternifolia</i>	Above garage	5 x 3
2	<i>Elaeocarpus reticulatus</i>	Above garage	5 x 2
3	<i>Cyathea cooperi</i> *	Above garage	4 x 1
4	<i>Hibiscus rosa-sinensis</i>	Northern boundary	4 x 2
5	<i>Melaleuca quinquenervia</i>	Northern boundary	6 x 5
6	<i>Livistona australis</i>	Eastern corner	5 x 1

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

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

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

Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	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



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	<p>j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.</p> <p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p>
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<p>B. 2.</p>	<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 1070 1209 1429"> <thead> <tr> <th data-bbox="430 1070 598 1160">Stage of arboricultural inspection and supervision</th><th data-bbox="598 1070 1209 1160">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="430 1160 598 1429">Prior to any site works</td><td data-bbox="598 1160 1209 1429"> <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.
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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> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p>
		<p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p> <p>Standard Condition D.30 (Autotext 30D)</p>

E. BEFORE BUILDING WORK COMMENCES

Nil.



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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, andc) recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table><tr><td>Stage of arboricultural inspection and supervision</td><td>Compliance documentation and photos must include</td></tr><tr><td></td><td></td></tr></table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include		
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F 3.	<p>Replacement/Supplementary trees which must be planted</p> <p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans.</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure the provision of appropriate replacement planting.</p> <p>Standard Condition F.46 (Autotext 46F)</p>
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G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

Standard Condition G.6 (Autotext 6G)

G 2.

Landscaping

Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.

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

Standard Condition G.26 (Autotext 26G)

G 3.

Arborists Documentation and Compliance Checklist – Prior to any occupation certificate

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

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.

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

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

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



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Standard Condition G.34 (Autotext 34G)

G 4.	Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building				
	<p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="427 920 1249 1173"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Before the issue of any occupation certificate for the whole of the building</td><td> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.35 (Autotext 34G)</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> 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>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>
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	<ul style="list-style-type: none">• This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.• Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
	Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Sam Knight
Tree Officer

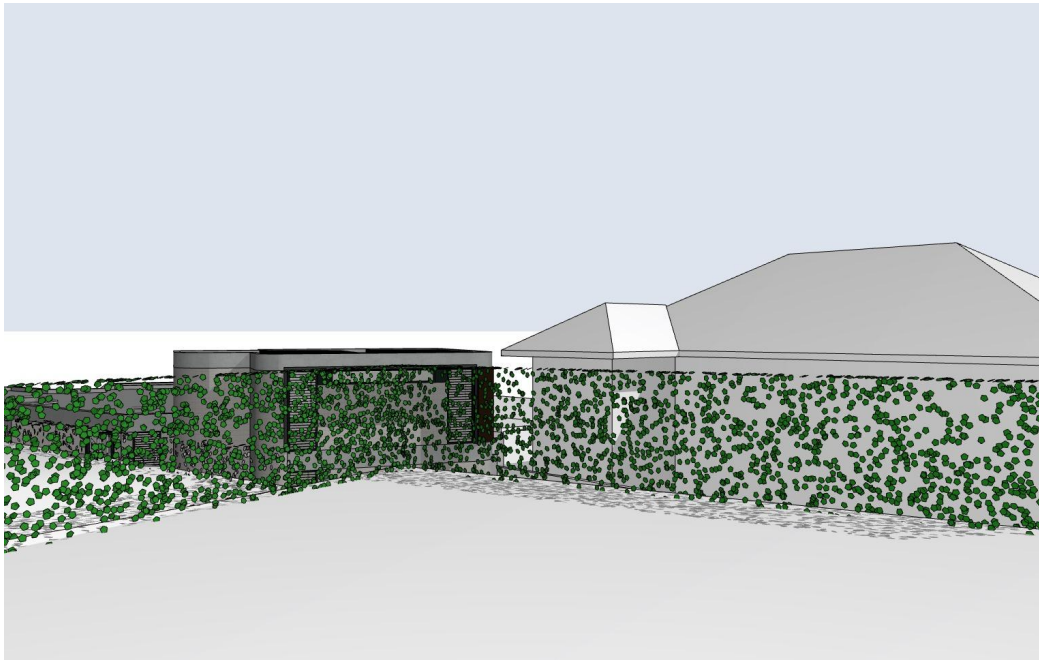
12 March 2024
Completion Date



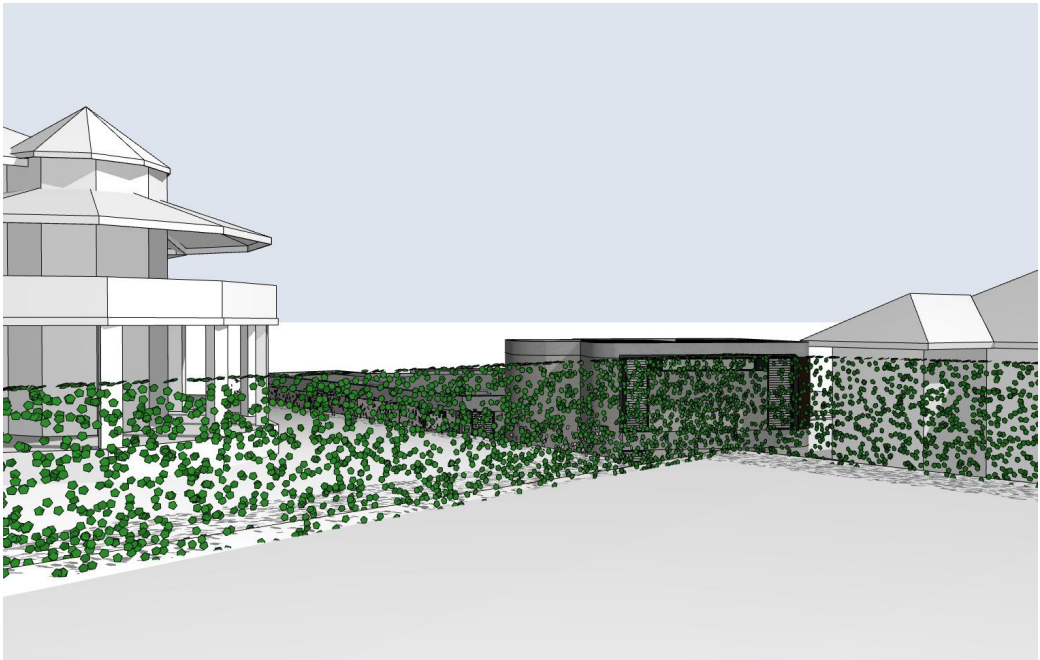
1 6A Wentworth - 1 - Living Area Juliet balcony - Standing



2 6A Wentworth - 3 - First Floor Dining area Juliet balcony



1 6A L1 LIVING AREA JULIET BALCONY



2 6A L1 DINING JULIET BALCONY

NOTES
1. NEVER scale off drawings, use figured dimensions only.
2. Verify all dimensions on site prior to commencement & report discrepancies to the architect.
3. Drawings describe scope of works and general set out. These drawings are not shop drawings. Set out to be undertaken by surveyor on site. Shop drawings should be prepared where required or necessary.
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The design is not in a form suitable for use in connection with building work.

NOTE: 3D VIEWS ARE TAKEN FROM ESTIMATED LEVELS. 6A WENTWORTH ROAD AND 22 NEW SOUTH HEAD ROAD HAVE NOT BEEN SURVEYED.

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1:1000 (A1)
DATE: 30-05-2024
DRAWN BY: PETER SMITH
CHECKED BY: PETER SMITH

DOCUMENT
VIEWS - 6A WENTWORTH RD
DOCUMENT
FOR INFORMATION
REV 30-05-2024 MODEL 23_070 4 Graylind Place Vaucluse DA Option
STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE
4 GRAYLIND PLACE VAUCLUSE

CLIENT Sandy Yu
ARCHITECTURE URBAN PLANNING
M1/147 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtzannes.com.au
smithtzannes.com.au
Nominated Architect: Peter Smith (Reg 7024)



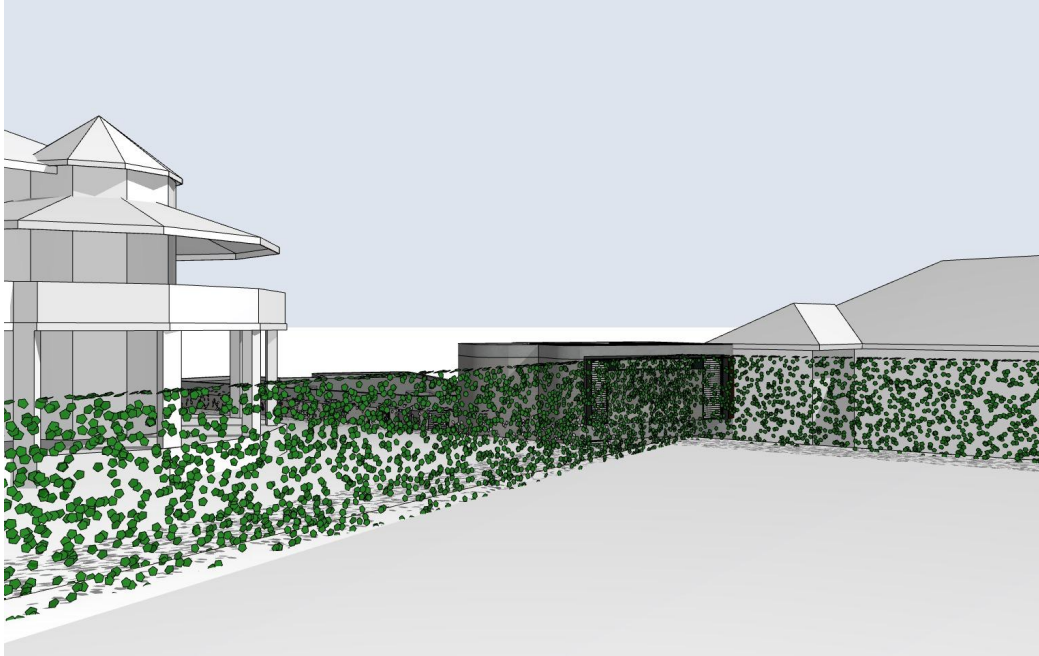
23_070 DA-A-905



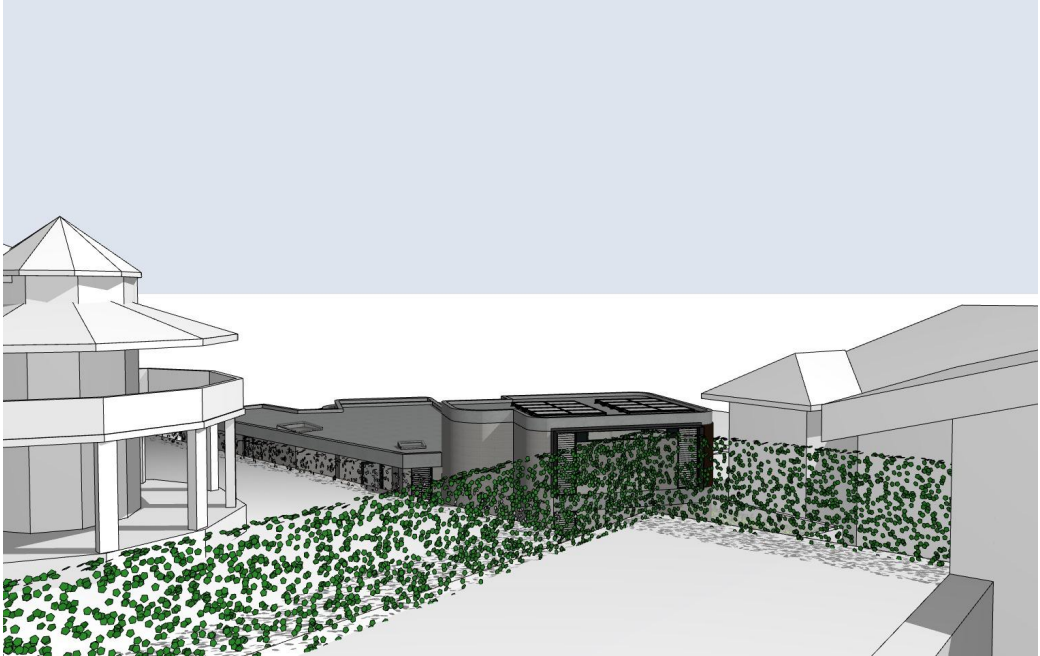
3 6A Wentworth - 5 - First Floor rear terrace - Standing



4 6A Wentworth - 4 - Second Floor Terrace - Standing



3 6A L1 REAR TERRACE



4 6A L2 TERRACE

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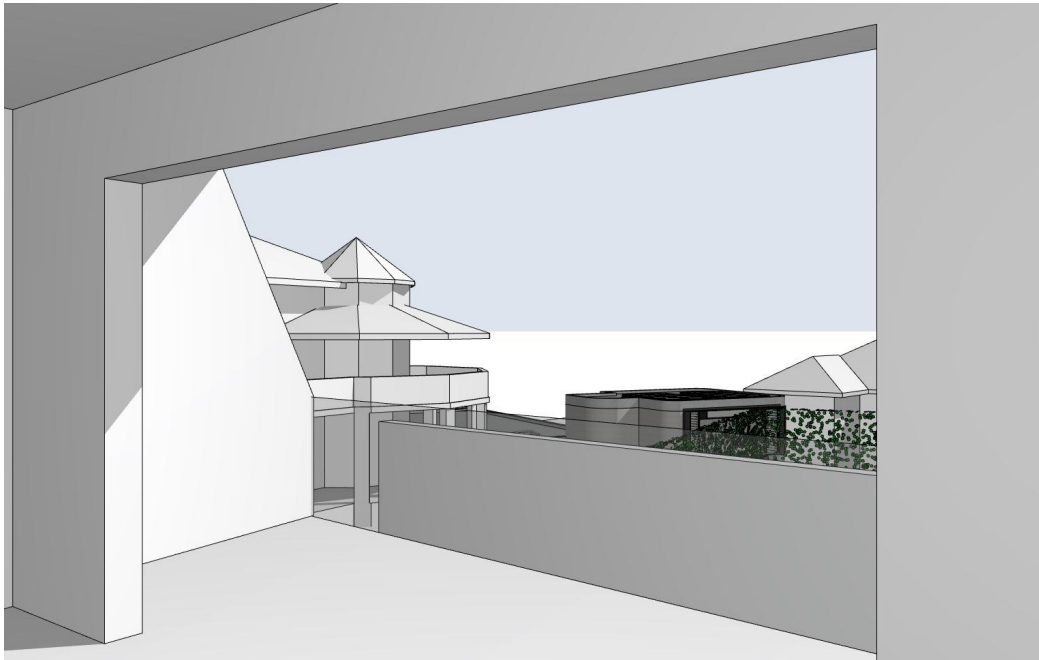
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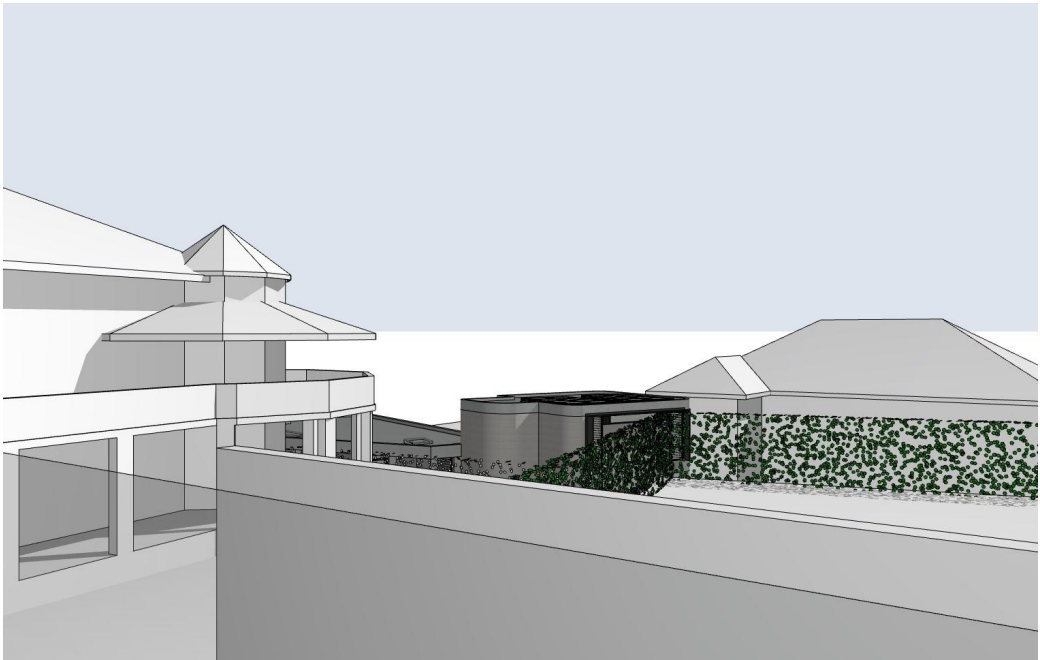
1 Unit 1 22 NSH - Living Area - Standing



2 Unit 1 22 NSH - Living area balcony - Standing



1 1/22 LIVING AREA



2 1/22 LIVING AREA BALCONY

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DOCUMENT
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STAGE
DEVELOPMENT APPLICATION

PROJECT
4 GRAYLIND PLACE
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CLIENT Sandy Yu

ARCHITECTURE URBAN PLANNING
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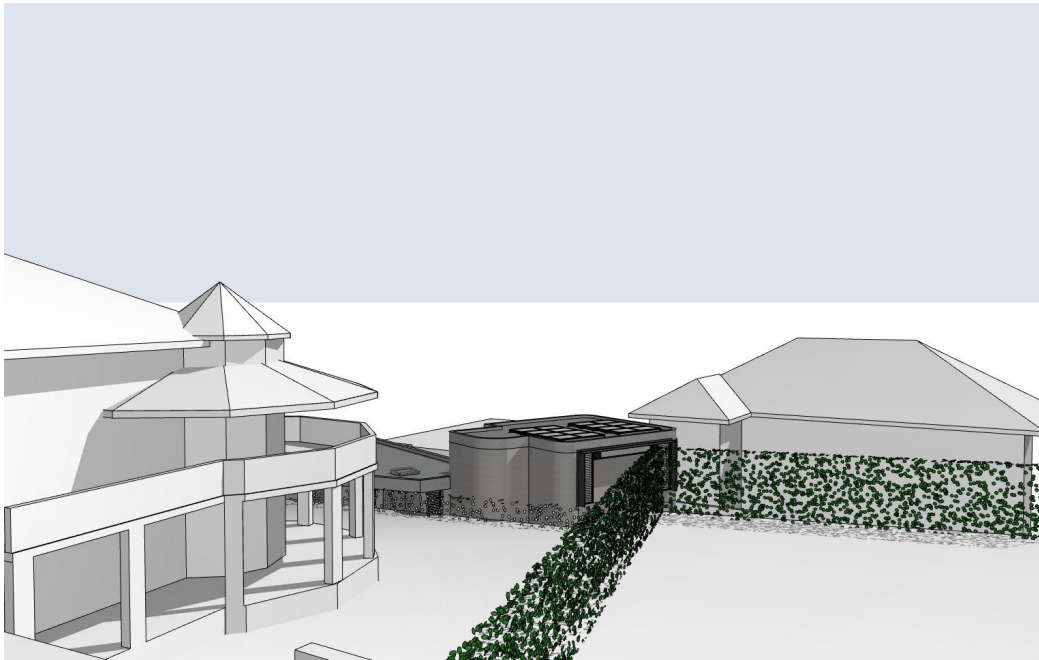
23_070 DA-A-907



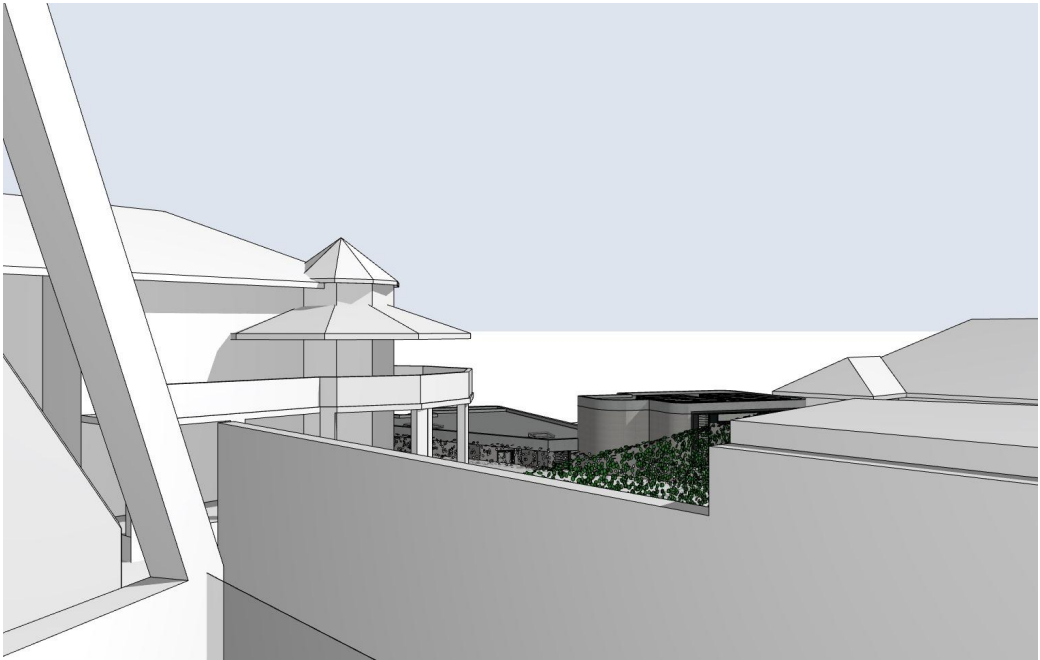
3 Unit 1 22 NSH - Masted Bed Terrace - Standing



4 Unit 2 22 NSH - Master Bed Terrace - Standing



3 1/22 MASTER BED TERRACE



4 2/22 MASTER BED TERRACE

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CHECKED BY: [Name]

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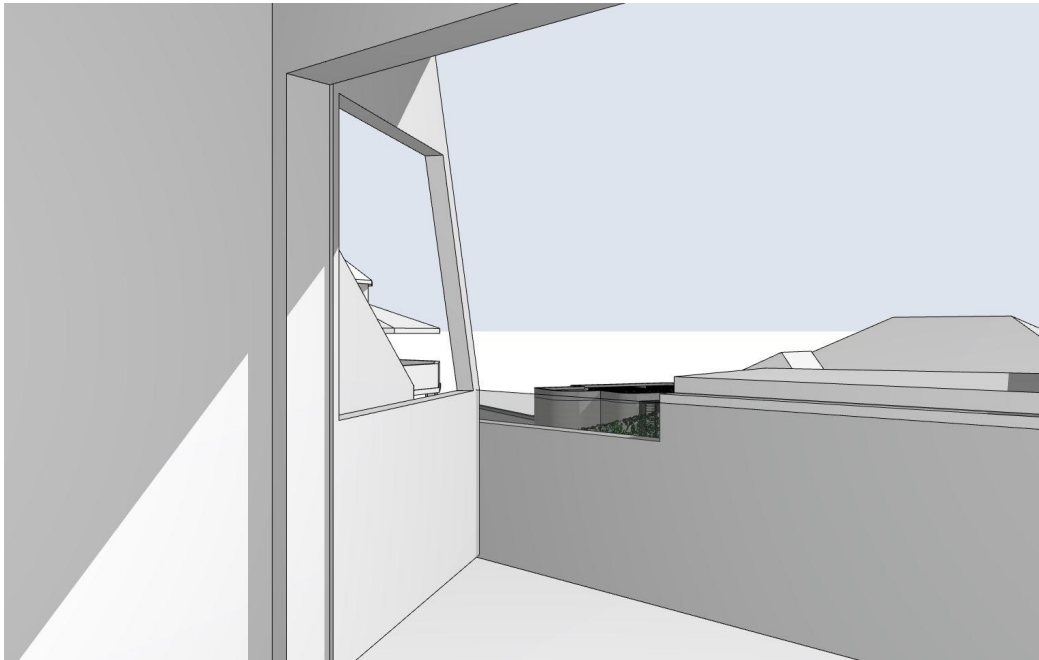
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23_070 DA-A-908



5 Unit 2 22 NSH - Master Bed - Seated-
Bed



5 2/22 MASTER BED SITTING

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