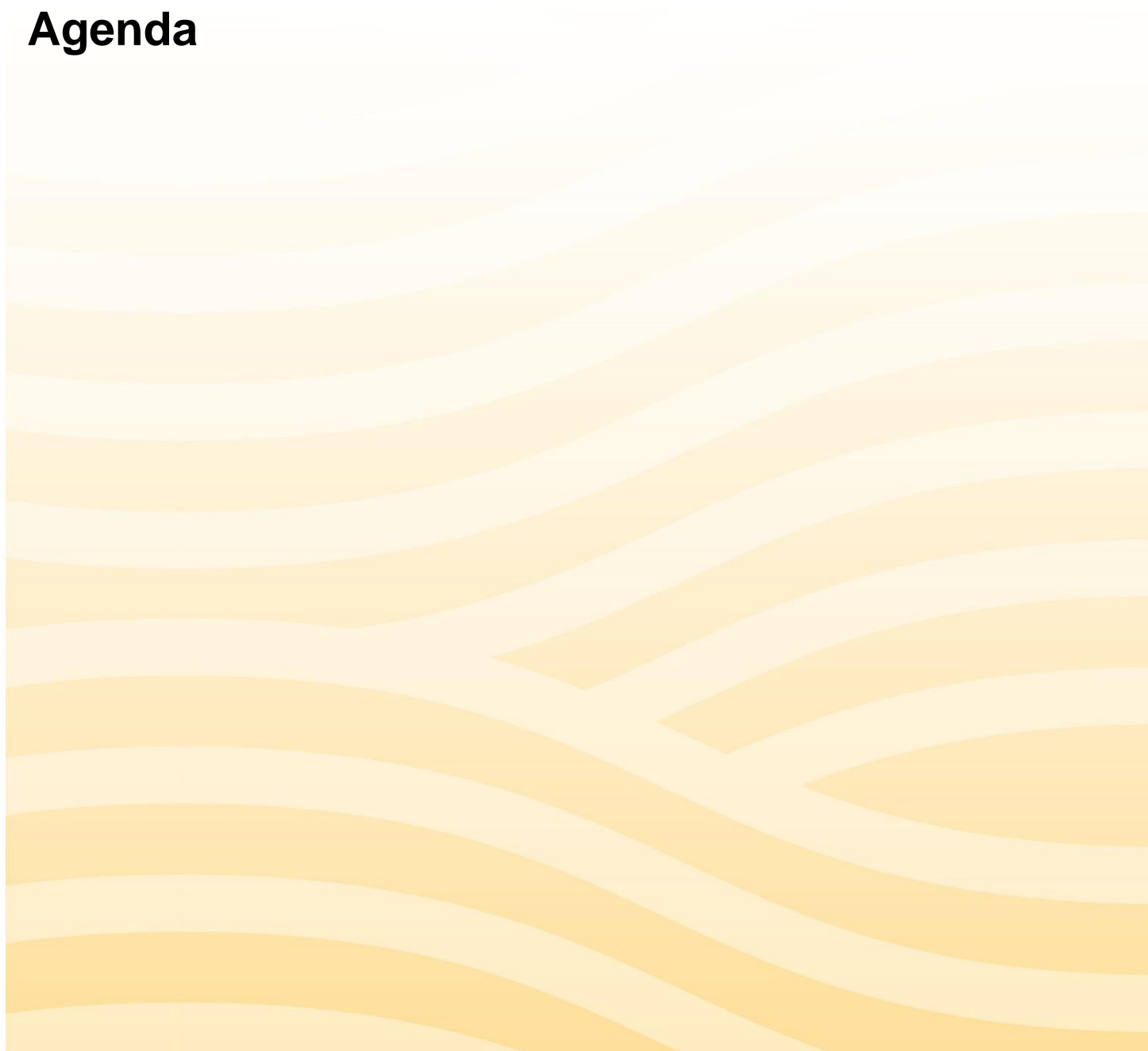




Application Assessment Panel

Tuesday 8 October 2024
3.00pm

Agenda



Application Assessment Panel (AAP) Meetings:

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

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

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

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

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

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

Outline of Meeting Protocol & Procedure:

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

Disclaimer:

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

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

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

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

Application Assessment Panel Membership: 1 Chair and 2 Panel Members

Quorum: 3 Panel members

Woollahra Municipal Council

Notice of Meeting

30 September 2024

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

CC: The Mayor
All Councillors

Application Assessment Panel – 8 October 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Application Assessment Panel** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Tuesday 8 October 2024 at 3.00pm**.

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

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

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

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

Regards,

Craig Swift-McNair
General Manager

Application Assessment Panel

Agenda

Item	Subject	Page
1.	Opening	
2.	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3.	Leave of Absence and Apologies	
4.	Declarations of Interest	
Items to be Decided by this Committee using its Delegated Authority		
D1	Confirmation of Minutes of Meeting held on 24 September 2024 - 24/179528	7
D2	DA258/2023/1 - 21 Kambala Road, Bellevue Hill - 24/177893	9
	*See Recommendation Page 42	

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 24 SEPTEMBER 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/179528
Purpose of the Report: The Minutes of the Application Assessment Panel of 24 September 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Application Assessment Panel Meeting of 24 September 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Application Assessment Panel Minutes of 24 September 2024 for confirmation.

Discussion:

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

Options:

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

Community Engagement and / or Internal Consultation:

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

Policy Implications:

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

Financial Implications:

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

Resourcing Implications:

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

Conclusion:

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

Attachments

Nil

SECTION 8.2 REVIEW OF DETERMINATION REPORT

ITEM No.	D2
FILE No.	DA258/2023/1
ADDRESS	21 Kambala Road BELLEVUE HILL (Site)
SITE AREA	1,498.4m ²
ZONING	R2 Low Density Residential
PROPOSAL	Division 8.2 Review of Refused DA for alterations and additions to the existing dwelling house and associated works
TYPE OF CONSENT	Local
COST OF WORKS	\$4,966,762.00
DATE DA LODGED	25/07/2023
DATE DA DETERMINED	24/01/2024
DA DETERMINATION	Refusal
SUBJECT OF REVIEW	Refusal of application
DATE S82A LODGED	05/06/2024
APPLICANT	S V Jandegian
OWNER	S V Jandegian
REVIEW OFFICER	C Hartas
TEAM LEADER	T Wong
SUBMISSIONS	None
RECOMMENDATION	Conditional Approval

1. REASONS FOR RECOMMENDATION

This s8.2 Review Application (**Subject Application**) has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval because:

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

2. DELEGATIONS SUMMARY

The Subject Application is to be determined by the Application Assessment Panel because DA2023/258/1 (**Original Application**) was determined under delegated authority and Council's delegations dated 1 December 2023 require the subject s8.2 review application to be determined at a higher delegation.

3. DETERMINATION OF ORIGINAL DEVELOPMENT APPLICATION

The Original Application was refused under delegated authority for the following reason(s):

1. **Woollahra Local Environmental Plan 2014 (WLEP 2014) Part 1 Clause 1.2: Aims of Plan**

The proposed development which involves substantial removal of existing trees is inconsistent with the following aims of Plan prescribed in Part 1.2(2):

(f) to conserve and enhance built and natural environmental heritage,

(g) to protect and enhance amenity and the natural environment,

(l) to ensure development achieves the desired future character of the area,

2. **Woollahra Local Environmental Plan 2014 (WLEP 2014) Land Use Table**

The proposed development which involves substantial removal of existing trees is inconsistent with the following objective of the R2 Low Density Residential zone:

- It does not ensure development conserves and enhances tree canopy cover.*

3. **Woollahra Development Control Plan 2015 (WDCP 2015), Chapter B1 Residential Precincts**

a. Part B1.8: Bellevue Hill North Residential Precinct

The proposal does not achieve consistency with the following desired future character and key element of the precinct as prescribed in Part B1.8.2 of the WDCP 2015.

d) the tree canopy formed by both street and private yard plantings;

b. Part B1.8: Bellevue Hill North Residential Precinct

The proposal does not achieve consistency with regard to the following desired future character prescribed in Part B1.8.2 of the WDCP 2015.

O1 To respect and enhance the streetscape character and key elements of the precinct.

O7 To reinforce the landscape setting and maintain the existing tree canopy which forms a green backdrop when viewed from the harbour and the surrounding districts.

4. **WDCP 2015, Chapter B3 General Development Controls**

a. Part B3.5.1: Streetscape and Local Character

The proposed development which involves substantial removal of existing trees does not comply with Control C2 and C4 and does not achieve the underlying Objective O1 and O3 outlined in Part B3.5.1 of the WDCP 2015.

O1 - To ensure that the built form is compatible with the streetscape and the desired future character of the area.

O3 - To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.

C2 - Development retains vegetation of landscape value.

C4 - Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.

b. Part B3.6: On-site Parking

The proposed development which involves the removal of Tree 03 for the proposed car lift and basement parking does not achieve the underlying Objective O5 outlined in Part B3.5.1 of the WDCP 2015.

O5 To retain trees and vegetation of landscape value.

c. Part B3.7.1: Landscaped area and private open space

The proposed development which involves substantial removal of existing trees does not comply with Controls C1 and C14 and does not achieve the underlying Objectives O7 and O9 outlined in Part B3.7.1 of the WDCP 2015.

C1 - tree canopy area is at least a) 35% of the site for dwelling houses, dual occupancies, semi-detached development and attached dwellings with the exception of the Wolseley Road area

C14 – existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment

O7 – retain important existing canopy trees, vegetation and other landscape features.

O9 – to ensure that landscaping contributes positively to the streetscape and the amenity of the neighbouring properties.

5. WDCP 2015, Chapter E3: Tree Management

The proposal does not achieve consistency with the underlying Objectives O3 and O5 outlined in Part E3.1.3 Chapter E3 of the WDCP 2015.

O3 to promote, maintain and conserve the leafy character of the Woollahra Municipality

O5 – to sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land.

Copies of the stamped refused plans and the assessment report are in **Attachment 4** and **5**.

4. SUBJECT OF REVIEW

The Applicant has sought a review of Council's refusal of the Original Application. The Subject Application involves amendments to the refused scheme under the Original Application, and this report reviews these amendments against all aspects of the original determination.

5. COUNCIL'S STATUTORY RESPONSIBILITIES UNDER SECTION 8.2

Clause 8.3(2)(a) of the Environmental Planning and Assessment Act 1979 states:

A determination or decision cannot be reviewed under this Division: (a) after the period within which any appeal may be made to the Court has expired if no appeal was made,

Clause 8.7 states that:

- (1) An applicant for development consent who is dissatisfied with the determination of the application by the consent authority may appeal to the Court against the determination.*
- (2) For the purposes of this section, the determination of an application by a consent authority includes:*
 - (a) any decision subsequently made by the consent authority or other person about an aspect of the development that under the conditions of development consent was required to be carried out to the satisfaction of the consent authority or other person, or*
 - (b) any decision subsequently made by the consent authority as to a matter of which the consent authority must be satisfied before a deferred commencement consent can operate.*
- (3) An appeal under this section relating to an application for development consent to carry out designated development in respect of which an objector may appeal under this Division cannot be heard until after the expiration of the period within which the objector may appeal to the Court.*

Clause 8.10(1)(a) states that:

- (1) An appeal under this Division (except by an objector) may be made only within the following periods after the relevant date (being the date the decision appealed against is notified or registered on the NSW planning portal or the date of deemed refusal under section 8.11)—*
 - (a) 6 months after the relevant date, if the relevant date occurs after the prescribed period,*

The Original Application was refused under delegated authority on 24 January 2024. In accordance with Clause 8.10 above, the rights of appeal for the Original Application ceased on 24 July 2024 (**Relevant Date**).

On 5 June 2024, in accordance with Clause 8.7 above, the Applicant filed an Application Class 1 Appeal with the Land and Environment Court (**Court**) against the actual refusal of the Original Application.

Pursuant to Clause 8.3(2)(a), because an appeal has been made, but not disposed of, Council can determine the Subject Application after the Relevant Date.

6. SUBSTANTIALLY THE SAME DEVELOPMENT

Clause 8.3(3) states that:

- (3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

In order to discharge Council's obligation under Clause 8.3(3) above, Council must be satisfied that the amended proposal under the Subject Application is substantially the same development to that which was proposed under the Original Application.

In this regard, the Applicant has provided the following quantitative and qualitative assessment:

In response, the amended development responds to the reasons for refusal outlined in the Council Officer's Report for the original DA, and remains substantially the same development as approved.

Quantitatively, the proposal retains a single dwelling on the subject site with alterations and additions to accommodate a basement level and two storeys above ground. The proposed front lychgate, swimming pool, and driveway are retained with only minor changes, and the existing rear tennis court is also retained. The revised proposal retains the main dwelling roof's ridgeline at RL 93.42 AHD which complies with the LEP Height of Building standard, and the proposed GFA reduced by 73.3m² (to 0.37:1) by the amended scheme which complies with the LEP FSR standard. There is a reduction in excavation volume however the basement level is retained, and two car parking spaces continue to be provided, albeit in an at-grade garage. The tree canopy coverage has been increased to demonstrate the proposal retains a compliant 44.1% canopy coverage, which is a negligible reduction to the existing 46.8% coverage (noting the slight increase to the existing tree canopy calculation by approximately 2% compared to the original proposal takes into consideration the crown spread of the Jacaranda (T04), which has increased in accordance with the Arboricultural Impact Assessment Report and addendum).

Qualitatively, the proposal will continue to include sympathetic alterations and additions to the existing dwelling on the site. The materials, colours and finishes of the proposed works remain consistent with the original proposal. The overall height, bulk and scale of the dwelling are compatible with the original design, and the proposal will continue to minimise impacts on solar access, privacy and views to neighbours. The works include improved landscaping and additional tree retention, to enhance the landscaped appearance when viewed from Kambala Road.

The proposed development does not radically change the original proposal, and is essentially and materially the same development.

The factual circumstances of the Subject Application reveal a number of quantitative differences, in addition to those described above. Of particular significance is the reduction in deep soil landscaped area compared to the Original Application, which would also result in an exacerbation of the existing non-compliance with Council's deep soil landscaped area control for the Site.

Amended Plans were requested in order to address the shortfall in deep soil landscaped area. These were received on 24 September 2024 and have satisfactorily addressed the issues associated with deep soil landscaping.

Council can be satisfied that the Amended Plans reflect a development that is substantially the same as that which was proposed under the Original Application.

CONSIDERATION OF REVIEW

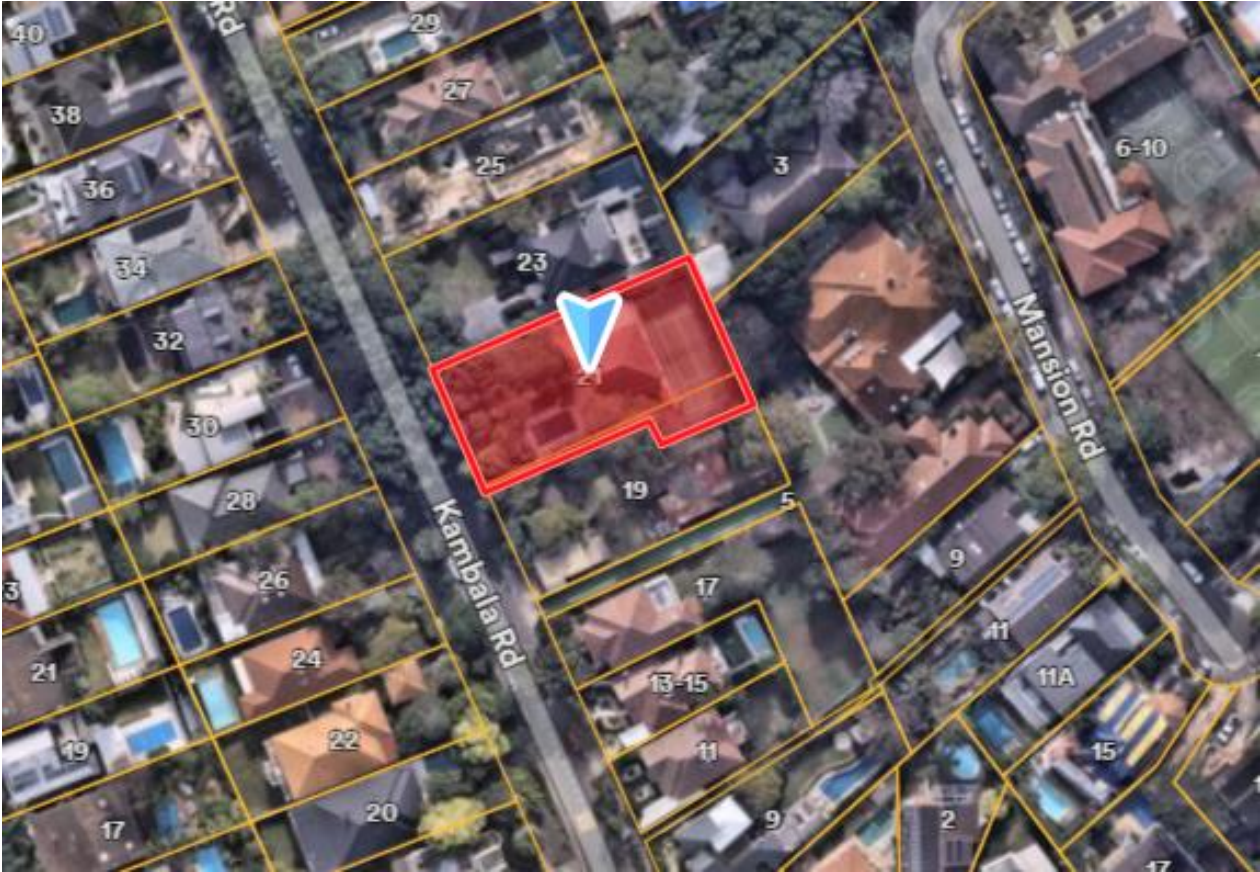
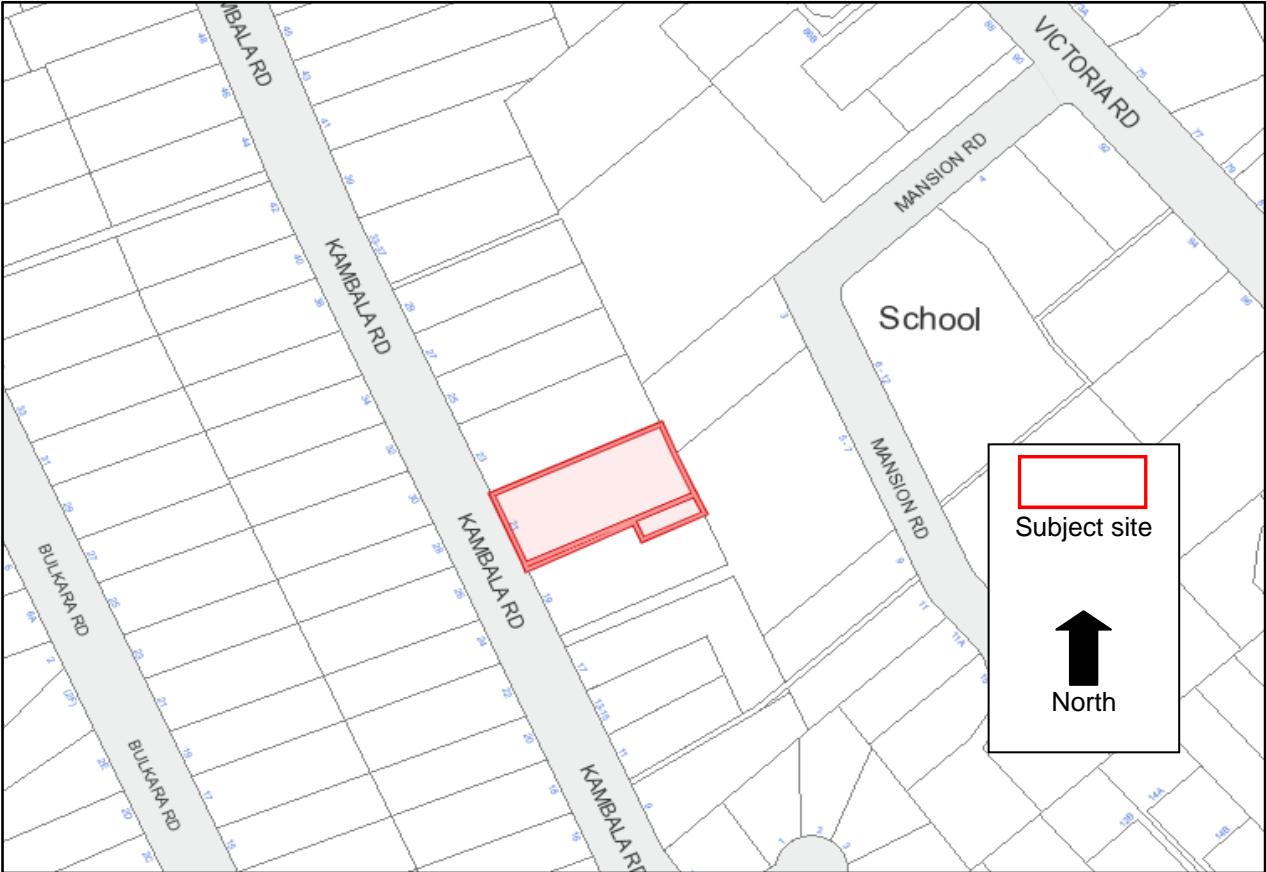
PROPERTY DETAILS AND REFERRALS

7. SITE AND LOCALITY

Physical features
The Site comprises two (2) allotments described as Lot 11 DP70355 and Lot A DP156978 and is located on the eastern side of Kambala Road. The Site is generally rectangular in shape, with an asymmetrical southern side boundary. The northern side boundary measures 54.735m; the southern side boundary measures a combined 54.735m; the eastern rear boundary measures 31.09m; and the western boundary fronting Kambala Road measures a combined 25.3m. The Site measures 1498.4m ² in extent.

Topography
The Site is generally flat. There is a gradual cross fall at the front boundary of approximately 0.65m from the southern end down to the northern end. From the existing vehicle crossing at the Site, Kambala Road slopes gradually down from south to north by approximately 26m, eventually connecting with Ginahgulla Road in the northern portion of the Bellevue Hill North Residential Precinct. More broadly, the Bellevue Hill North Residential Precinct is sited on the slopes and plateau of Bellevue Hill, sloping down towards New South Head Road, which forms the northern edge of the precinct.
Existing buildings and structures
The Site is currently occupied by a two storey dwelling house; an in-ground swimming pool within the front setback area; and a tennis court comprising the majority of the rear setback area. A one storey garage structure is sited centrally along the northern side boundary, whilst an outbuilding/storage shed is sited towards the eastern end of the southern side boundary.
Surrounding Environment
<p>The adjoining locality is generally characterised by one, two and three storey dwelling houses of varying architectural typologies. Front boundary walls and parking structures of varying height and form make up part of the streetscape character, along with mature public and private trees and visible private front gardens. The eastern side of Kambala Road is typically characterised by large residential allotments, measuring greater than 1000m² and comprising generous private open space areas, some with swimming pools and tennis courts.</p> <p>Immediately to the south, No 19 Kambala Road accommodates a single storey residential dwelling comprising generous private open space areas in the front and rear setback areas. A high brick boundary wall delineates the public and provide domain at the front boundary, with the southern end accommodating a double garage structure.</p> <p>Immediately to the north, No. 23 Kambala Road accommodates a two storey residential dwelling comprising generous private open space areas in the front and rear setback areas. The rear setback area accommodates an outbuilding, swimming pool and patio, whilst the front setback area provides for a vehicle driveway and extensive landscaped area and tree plantings. A high rendered masonry boundary wall delineates the public and private domain at the front boundary, with the southern end accommodating a vehicle access gate.</p> <p>To the west, across Kambala Road, No's 24, 26 and 28 are similarly configured and accommodate single dwelling houses with generous private open space areas, some with swimming pools at the rear, masonry front boundary walls, and on-site vehicle parking.</p> <p>The road reserve is approximately 20m wide and accommodates pedestrian footpaths on the eastern and western sides, landscaped verges with mature street trees, and on-street parking on both sides.</p>

8. LOCALITY PLAN



Aerial image of the Site. Source: Nearmap

9. SITE PHOTOS



Subject site viewed from Kambala Road. Source: WMC



Front setback area of the Site. Source: WMC



Existing swimming pool within front setback area. *Source: WMC*



Southern side setback area and southern elevation. *Source: WMC*



Eastern (rear) elevation viewed from rear tennis court. *Source: WMC*

10. DESCRIPTION OF DIVISION 8.2 PROPOSAL

The proposal involves the following works:

Basement

- Excavation to accommodate a new basement level within the existing building footprint, including: mechanical plant/comms room; storeroom; stairs; cellar; and hot water plant room.

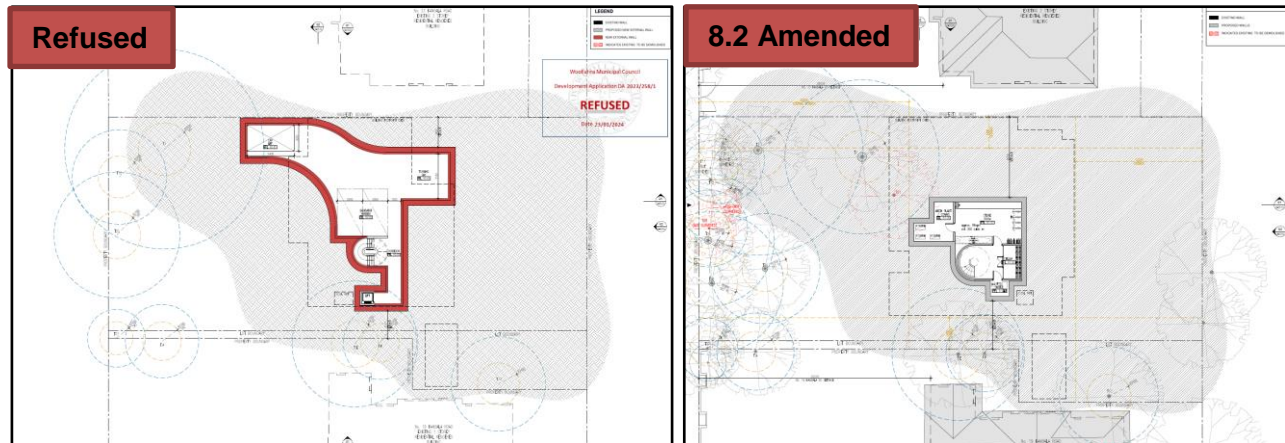


Image 1 (left) & 2 (right). Refused and amended Basement Plan. Source: Refused and Amended Architectural Plans

Ground Floor

- Substantial demolition of the existing ground floor level, swimming pool and associated landscape structures to accommodate alterations and additions, including: new landscaping, front boundary portico, retain and refurbish existing front fence and a swimming pool within the front setback area; extension to the existing garage structure; reconfiguration of the internal Ground Floor layout; extension of the existing western (front) elevation resulting in a reduced front setback; and changes to the existing fenestration pattern.

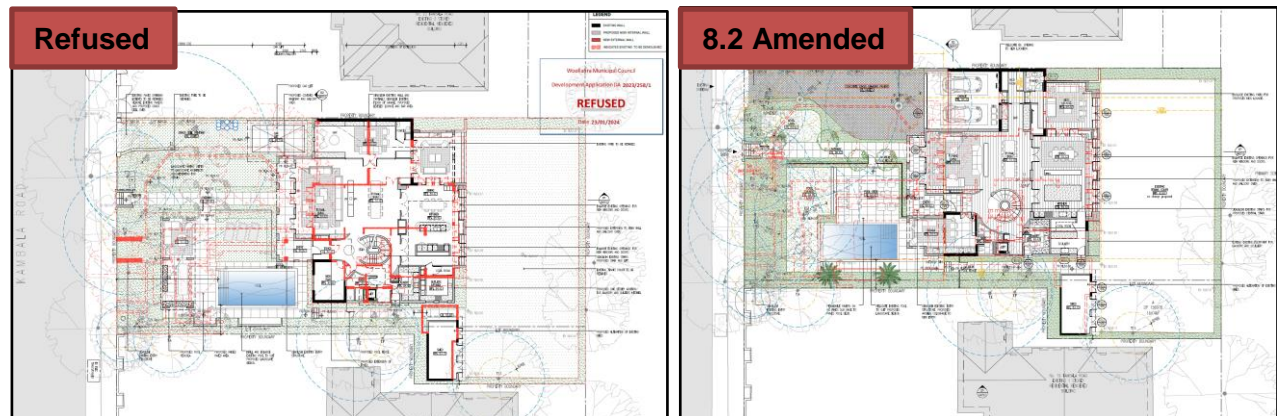


Image 3 (left) & 4 (right). Refused and amended Ground Floor Plan. Source: Refused and Amended Architectural Plans

Level 1

- Demolition of internal and external walls and openings to accommodate alterations and additions, including: proposed internal reconfiguration; and extension of the northern, southern and western elevations to provide additional gross floor area (GFA), Level 1 balcony and associated planter.

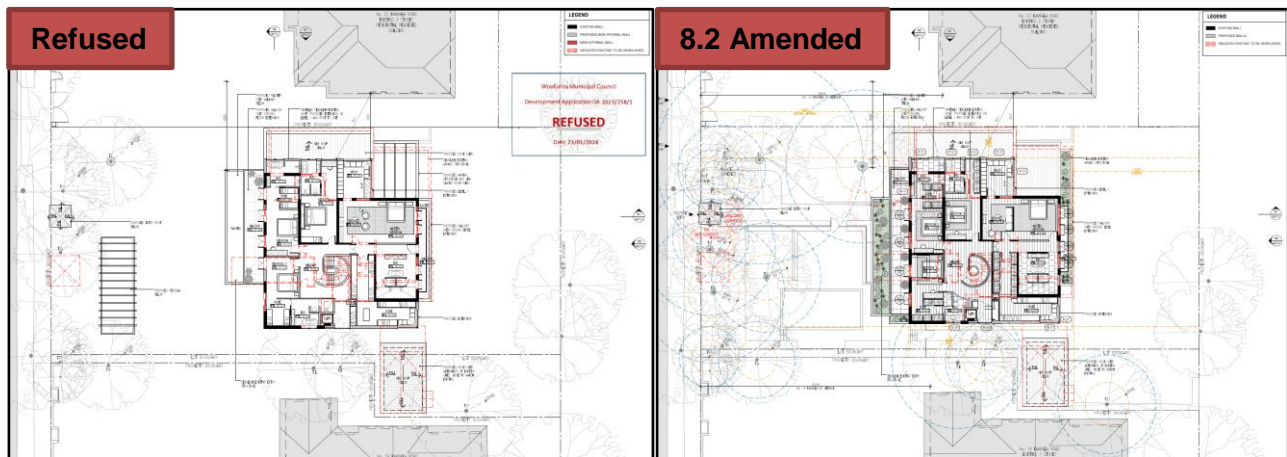


Image 5 (left) & 6 (right). Refused and amended Level 1 Plan. Source: Refused and Amended Architectural Plans

Roof

- Demolition of the existing roof structures associated with the existing dwelling and the detached outbuilding, to accommodate new roof structures, including: new tiles to match the existing roof tiles; simplified cross hipped roof design; one (1) skylight; and solar panels.

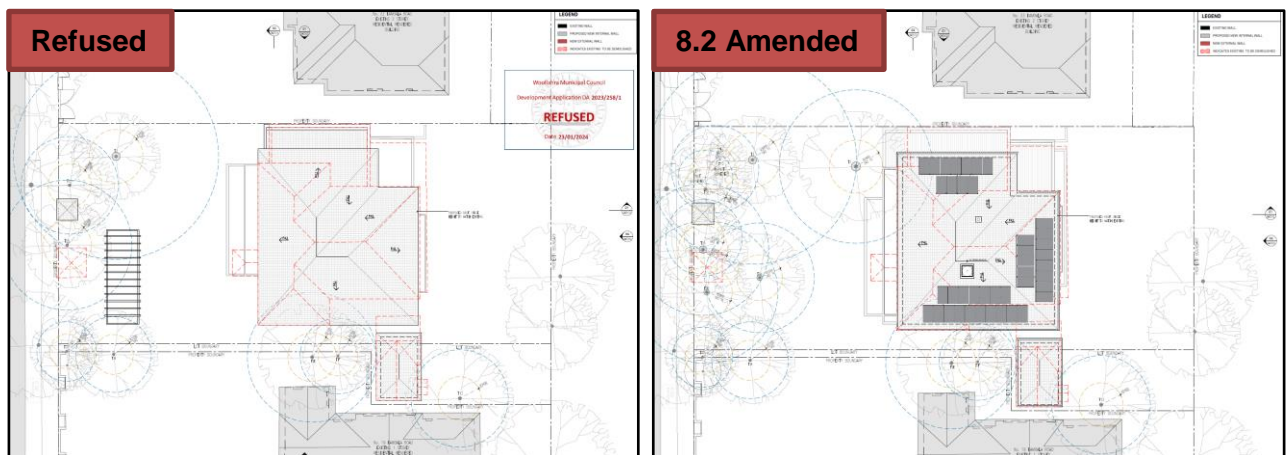


Image 7 (left) & 8 (right). Refused and amended Roof Plan. Source: Refused and Amended Architectural Plans

11. ISSUES

11.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

11.2 Primary Issues

None.

12. RELEVANT PROPERTY HISTORY

Current use
Residential – Single dwelling house
Relevant Application History
<ul style="list-style-type: none"> On 23 January 2023, DA2023/258/1 was refused by Council for “for alterations and additions to the existing dwelling house and associated works”. The current Division 8.2 application relates to this DA. On 18 March 2004, DA2003/1099/1 was approved by Council for “Alteration and/or Additions to existing Dwelling House New entry portico for street access”. On 29 August 2002, DA2002/408/1 was approved by Council for “Alteration and/or Additions to existing Dwelling House Extend and modify existing garage to provide a games room. Addition of second storey to house fronting Kambala Road”.
Relevant Compliance History
Nil
Pre-DA
No
Requests for Additional Information and Replacement Applications
<ul style="list-style-type: none"> On 20 September 2024, following discussions with the Applicant’s Town Planner, Council sent an email requesting the following changes: <ol style="list-style-type: none"> The deep soil landscaped area associated with the proposed driveway must be accurately calculated to reflect the spacing in the diamond pavers. In other words, we cannot accept a simple 50% calculation. The deep soil landscaped area within the front setback area is to comply with C3 of Part B3.7.1 The proposed deep soil landscaped area throughout the site must not exacerbate the existing non-compliance with C2 of Part B3.7.1. The amended documents including, but not limited to, the Architectural Plans and Landscape Plans must be amended to replace any reference to “grass cell driveway” with “concrete grass diamond pavers”. On 24 September 2024, the Applicant provided amended Architectural Plans and Landscape plans reflecting the above requirements, thereby satisfying all outstanding contentions.
Land and Environment Court Appeal(s)
On 5 June 2024, the Applicant filed an Application Class 1 Appeal with the Court against the actual refusal of the Original Application. The matter is listed for a s34AA on 10-11 November.

13. REFERRALS

Referral	Summary of Referral Response	Attachment
Development Engineering	Satisfactory, subject to Conditions of Consent	3
Tree & Landscaping	Satisfactory subject to condition provided in DARC	N/A

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

- The provisions of any environmental planning instrument
- The provisions of any proposed instrument that is/has been the subject of public consultation
- The provisions of any development control plan
- Any planning agreement that has been entered into
- Any draft planning agreement that a developer has offered to enter into
- The regulations
- Any coastal zone management plan
- The likely impacts of that development:
 - Environmental impacts on the natural and built environments
 - Social and economic impacts
- The suitability of the site
- Any submissions
- The public interest

14. ADVERTISING AND NOTIFICATION

14.1 Notification Period

The application was advertised and notified from 26 June 2024 to 11 July 2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. No submissions were received.

14.2 Amended Plans

The Amended Plans noted in Section 12 were not renotified to surrounding residents/previous objectors because it was considered to have no greater environmental or amenity impact.

14.3 Statutory Declaration

The applicant has completed the statutory declaration dated 12 July 2024 declaring that the site notice for DA258/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan.

15. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) encourages the design and construction of more sustainable buildings across NSW. This policy generally applies to all residential developments (excluding alterations and additions less than \$50,000) and all non-residential developments, except those excluded in Chapter 3.1 of the policy.

The SB SEPP came into effect on 1 October 2023. Pursuant to Section 4.2 entitled *Savings and Transitional Provisions*, development applications submitted on the NSW Planning Portal but not finally determined before 1 October 2023 are not subject to assessment under the SB SEPP.

The Original Application was submitted on the NSW Planning Portal on 25 July 2023. As such, the SB SEPP does not apply to the proposed development. Refer to Part 16 of this assessment report for assessment under State Environmental Planning Policy (Building Sustainability Index BASIX) 2004.

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

The Subject Application is accompanied by an amended BASIX Certificate A486129_03 demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

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

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

17.2 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:*

- a) *By specifying when consent is required, and when it is not required, for a remediation work*
- b) *By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular*
- c) *By requiring that a remediation work meet certain standards and notification requirements*

Consideration with respect to Clause 4.6(a) of Chapter 4 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 of the Resilience and Hazards SEPP 2021.

Accordingly, the proposal is considered to be acceptable with regard to the relevant matters for consideration under Section 4.6, Chapter 4 of the Resilience and Hazards SEPP 2021.

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

18.1 Chapter 2 – Vegetation in Non-rural Areas

Chapter 2 of the Biodiversity and Conservation SEPP applies to the subject site.

Furthermore, Clause 2.9(1) defers assessment to the appropriate development control plan in determining vegetation to which Chapter 2 applies. Accordingly, *Chapter E3 Tree Management* under WDCP 2015 is applicable.

The Original Application was considered unsatisfactory with regard to Tree Canopy cover, however, additional tree planting has been included within the Site that will now achieve 660.98m² or 44.1% canopy cover which satisfies the WDCP 2015 requirements. Furthermore, Council's Tree and Landscape Team Leader has determined that the development proposal is satisfactory in terms of tree preservation and landscaping.

Accordingly, the proposed development is considered to be acceptable pursuant to Chapter 2 of the Biodiversity and Conservation SEPP.

18.2 Chapter 6 – Water Catchments

Chapter 6 of the Biodiversity and Conservation SEPP applies to the subject land.

The subject land is within the Sydney Harbour Catchment, but is outside the Foreshores and Waterways Area. Therefore, only the provisions in Part 6.2 of the SEPP apply to the proposal. 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.

19. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

19.1 Part 1.2: Aims of Plan

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

19.2 Land Use Table

The Proposal involves alterations and additions to the existing dwelling house, associated landscaping and ancillary structures. Development for the purpose of a dwelling house is permissible with consent in the R2 Low Density Residential zone.

Clause 2.3(2) requires Council to have regard to the R2 zone objectives when determining the DA.

It is considered that the Proposal will be consistent with the objectives of the R2 zone, because:

- The Proposal maintains the use of the Site for residential purposes and improves the amenity for current and future occupants (Objective dot point 1).
- The Amended Plans and Landscape Plans ensure that the Proposal will remain compatible with the existing and desired future character of the Bellevue Hill North Residential Precinct (Objective dot point 3 & 4).
- The Amended Plans and Landscape Plans have adequately addressed Council's concerns with respect to tree canopy. The Proposal will now provide 44.1% tree canopy throughout the Site, ensuring that the Proposal conserves and enhances tree canopy cover (Objective dot point 5).

19.3 Part 4.3: Height of Buildings

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

	Existing	Original Application	Proposed	Control	Complies
Maximum Building Height	8.2m	8.2m (unchanged)	8.2m (unchanged)	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.

19.4 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: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
Floor Space Ratio	0.29:1 (435.9m ²)	0.42:1 (630.6 m ²)	0.37:1 (554.8m ²)	0.5:1 (749.2m 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.

19.5 Part 5.10: Heritage Conservation

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

The subject site does not contain any items of Heritage significance, nor is it located within a Heritage Conservation Area identified under Woollahra LEP 2014. However, the subject site is identified as being within an area of potential Aboriginal heritage sensitivity.

Council's Heritage Officer considered an Aboriginal Heritage Impact Assessment (**AHIA**) submitted with the Original Application. Based on the recommendations within the AHIA, Council's Heritage Officer determined that the proposal was satisfactory subject to recommended Conditions of Consent, which have been carried over to the Subject Application.

Accordingly, the Proposal is acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014.

19.6 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.

Accordingly, the Proposal is acceptable with regard to Part 6.1 of Woollahra LEP 2014.

19.7 Part 6.2: Earthworks

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

The Proposal requires bulk excavation to a depth of approximately 3.5m to accommodate a new basement level. It will be setback 5.24m from the southern side boundary and 8.755m from the northern side boundary.

The supporting documentation identifies that the proposal involves a total volume of excavation of 348.8m³.

The geotechnical report indicates that the subsurface conditions consists of:

- Silty sand to a depth of approximately 1m.
- Depth of natural sand with various density from a depth beneath the fill.
- Sandstone bedrock is not estimated to be encountered within 5m depth of the surface.
- A groundwater table and significant seepage are not expected within 5m depth due to the site location on a ridge crest and investigations in nearby properties.

Council's Development Engineer has no objection to the proposed excavation on technical grounds, subject to recommended Conditions of Consent contained in the referral response at **Attachment 3**.

Notwithstanding this, the following provides an assessment of the proposed excavation against the relevant objective set out under Part 6.2(1) of the Woollahra LEP 2014, and the matters of consideration set out under Part 6.2(3) of the Woollahra LEP 2014.

Part 6.2(1) states:

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Part 6.2(3) states:

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

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

The following comments are made in this regard:

- The following documents have been submitted in support of the application:
 1. Statement of Environment Effects, referenced 22506-Div8.2 Review, prepared by GSA Planning, dated 4 June 2024.
 2. Geotechnical Report, referenced 2022-261-Issue 1, prepared by Crozier Geotechnical Consultants, dated 03 June 2024.Council's Development Engineer has reviewed these documents and is satisfied that the proposal would not have a detrimental effect on drainage patterns or soil stability in the locality, subject to recommended Conditions of Consent requiring structural certification and the like prior to issuing of a construction certificate, ensuring structural risk/s to adjoining property, and impacts are minimised (a).
- The proposed excavation is not considered to effect the likely future use or redevelopment of the land (b).
- Subsurface conditions have been assessed in Part 17.2 Remediation of Land (Chapter 4 in Resilience and Hazards SEPP 2021) and Part 19.6 Acid Sulfate Soils (Part 6.1 Acid Sulfate Soils of the WLEP 2014) of the report. Relevant Conditions of Consent are recommended to ensure the recommendations outlined in the submitted Geotechnical Report are adhered to prior to and during development work (c).
- Excavation works are considered to be temporary in nature, thereby minimising associated noise, vibration, dust and other amenity impacts arising from jackhammering, rock breaking, truck movements, and the like to the short-term. Furthermore, the Proposal complies with Council's volume of excavation controls under WDCP 2015. Standard Conditions of Consent requiring noise and dust mitigation measures are recommended in order to ensure impacts on amenity are minimised (d).
- The Original Application was accompanied by a Site Waste Minimisation and Management Plan that defers matters relating to the destination of excavated materials to the Construction Certificate stage. In considering the destination of excavated materials, a Condition of Consent is recommended requiring the submission of a new SWMMP prior to the issue of a Construction Certificate, detailing methods to dispose of all excavated materials (348.8m³ outlined in the submitted volume of excavation diagram) (e).
- Council's Heritage Officer has not raised any concerns relating to the potential for disturbing relics. Relevant Conditions of Consent are recommended requiring the protection of Aboriginal Objects and procedure to be followed in the unlikely event such objects are found during work (f).

- The subject site is not located proximate to any drinking water catchments and de-watering is not required. Council's Development Engineer is satisfied the submitted Stormwater Management Plan is acceptable with regards to Part E2.2 of the WDCP 2015 which considers water sensitive urban design and stormwater treatment. The site is not identified as being located within an environmentally sensitive area (g).
- Standard Conditions of Consent requiring structural certification prior to issuing of a Construction Certificate and vibration monitoring to be in place during work are required to ensure structural risk/s to adjoining property and impacts are minimised (h).

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

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

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

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

Council's Trees and Landscape Team Leader has reviewed the amendments under the Subject Application and has determined that the proposal is satisfactory, subject to relevant Conditions of Consent.

Accordingly, the proposal is acceptable with regard to Part 6.9 of Woollahra LEP 2014.

20. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

20.1 Chapter B1: Bellevue Hill North Residential Precinct

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

The proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Bellevue Hill North Residential Precinct, as noted in Part B1.8.2 of the Woollahra DCP 2015.

20.2 Chapter B3: General Development Controls

Part B3.2: Building Envelope

Site Area: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
Front Setback	22.835m (existing non-compliance)	18m (to proposed colonnade)	18.6m (to proposed colonnade)	24.56m	No
Rear Setback	15m	13.9m	13.9m	13.68m	Yes
Side Boundary Setbacks (N)	Ground Floor Level: 0.01m (existing non-compliance) Level 1 3.2m (existing non-compliance)	Basement Level: 0.01m – 3.4m Ground Floor Level: 0.01m (unchanged) Level 1: 3.2m (unchanged)	Basement Level: 8.755m Ground Floor Level: 0.01m (unchanged) Level 1: 3.2m (unchanged)	3.4m	No

Site Area: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
Side Boundary Setbacks (S)	Ground Floor Level: 3.2m (existing non-compliance) Level 1: 3.4m	Basement Level: 3.117m Ground Floor Level: 3.2m (unchanged) Level 1: 3.4m (unchanged)	Basement Level: 5.24m Ground Floor Level: 3.2m (unchanged) Level 1: 3.4m (unchanged)	3.4m	No
Maximum Wall Height	<7.2m	<7.2m	<7.2m	7.2m	Yes
Inclined Plane From Wall Height	<45°	<45°	<45°	45°	Yes
Maximum Unarticulated Length to Street	>6m	18.2m (Level 1)	18.2m (Level 1)	6m	No
Maximum Unarticulated Wall Length (S)	<12m	18.8m	18.8m	12m	No
Protrusion of Roof Eaves	<450mm	<450mm	<450mm	Below inclined plane	Yes

Figure 1.

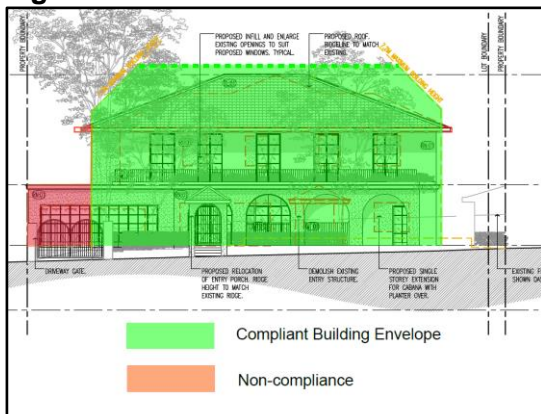
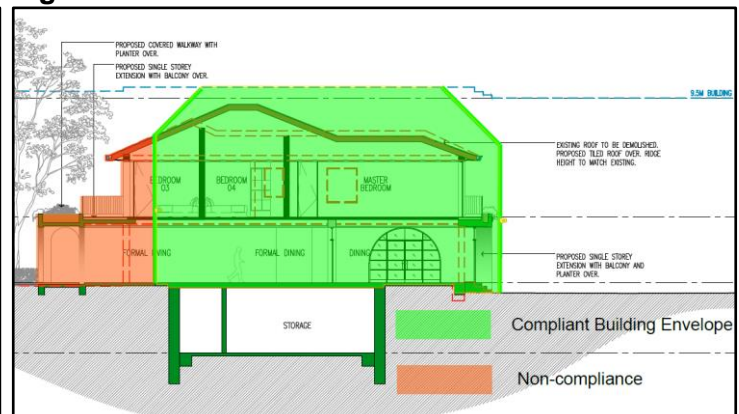


Figure 2.



Figures 1 & 2. Compliant building envelope (green) and non-compliance (red). *Source:* Submitted Architectural Plans.
Annotated: WMC

Part 3.2.2: Front Setback

Controls:

C1 states that the front setback is the average of the three most typical setbacks of the four closest residential properties.

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

Objectives:

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

O2 To provide consistent front setbacks in each street.

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

O4 To ensure that buildings are well articulated and positively contribute to the streetscape.

Assessment

The proposed development under the Original Application did not comply with C1 and C2 of this part and the amended Proposal under the Subject Application maintains this non-compliance.

The proposed non-compliances above were considered unsatisfactory because the proposed tree removal would not maintain consistency with Objective O1 of this part.

The Proposal under the Subject Application now provides compliant tree canopy and, by way of the Amended Plans and Landscape Plans, would provide adequate deep soil landscaped area within the front setback area and throughout the Site.

With respect to non-compliance with C2 of this part, the layering of the proposed balcony and planter along the front street facing elevation would minimise the visual bulk and scale of the Proposal. Furthermore, the additional tree canopy in the front setback area would provide screening and soften the built form beyond.

Part 3.2.3: Side Setbacks

Controls:

C1 requires a minimum side setback of 3.4m

C4 notes a maximum unarticulated wall length of 12m to the side elevation.

Objectives:

O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.

O2 To ensure the side elevation of buildings are well articulated.

O3 To protect the acoustic and visual privacy of residents on neighbouring properties.

O4 To facilitate solar access to habitable windows of neighbouring properties.

Assessment

The Proposal generally maintains the existing side setbacks of the existing dwelling, consistent with the Original Application.

Some infill is proposed along the southern elevation at Level 1, resulting in a non-compliance with C4 of this part. Notwithstanding, the proposed side setbacks are satisfactory, because:

- The proposed southern side setback complies with C1 of this part, ranging from approximately 3.6m to 9.4m (O1).
- By providing adequate building separation to the adjoining dwelling to the south, the Proposal minimises the visual impact of the southern elevation (O2).
- Acoustic and visual privacy will be maintained to the adjoining property to the south (O3).
- Reasonable solar access will be maintained to the adjoining property to the south (O4).

Part 3.2.4: Rear Setback

Controls:

C1 requires a minimum rear setback of 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary. The building must not encroach on the minimum rear setback.

Assessment

The proposed minor rear extension complies with C1 and is considered satisfactory with regard to the relevant Objectives of this part.

Part 3.2.5: Wall Height and Inclined Plane

Controls:

C1 specifies a maximum external wall height of 7.2m with an inclined plane of 45 degrees above this height. Roof eaves can protrude into the setback if they are below the inclined plane.

Objectives:

O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from neighbouring properties.

O2 To limit overshadowing of neighbouring properties across side boundaries.

O3 To limit overshadowing to south facing rear yards.

O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.

Assessment

The Proposal results in a minor non-compliance with the second part of C1, being the inclined plane, but is limited to eaves and a portion of the existing front roof plane.

The non-compliant elements are unlikely to result in unreasonable bulk and scale, overshadowing or visual and acoustic privacy impacts to adjoining and surrounding properties.

Conclusion

The Proposal would generally remain within the permitted building envelope, with the exception of some ground floor elements extending beyond the permitted front and side setbacks.

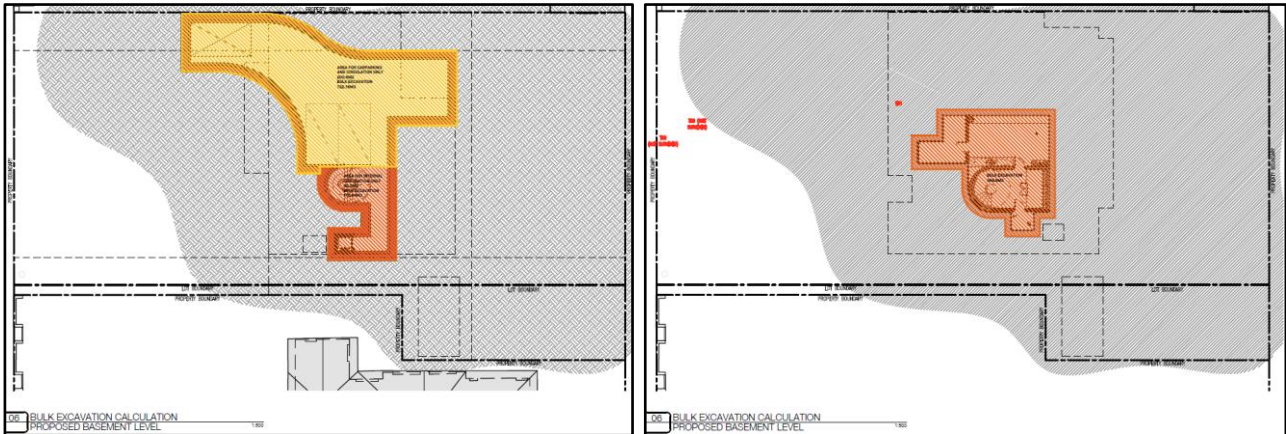
Notwithstanding, the Proposal is unlikely to result in unreasonable environmental impacts upon private properties and the public domain and is acceptable with regard to the building envelope controls in Part B3.2 of the Woollahra DCP 2015.

Part B3.4: Excavation

Site Area: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
Maximum Volume of Excavation	N/A	898.2m ³	348.8m ³	349.68m ³	Yes
Excavation, Piling and Subsurface Wall Setback	N/A	0.01m – 3.4m	>3.4m	3.4m	Yes
Geotechnical Report	N/A	Provided	Provided	Required Where > 2.0m	Yes

Figure 3. Original Application

Figure 4. Subject Application



Figures 3 & 4. Original and amended basement/excavation plans. *Source:* Submitted Architectural Plan

Controls:

C1/C2 limits the volume of excavation to 349.68m³.

C6 requires a minimum setback of excavation of 3.4m.

Assessment

The amended Proposal under the Subject Application has significantly reduced the area and volume of excavation compared to the Original Application.

It is now compliant with the relevant Controls above and is considered satisfactory with regard to Objective O1 of this part.

Accordingly, the proposal is acceptable with regard to the excavation controls in Part B3.4 of the Woollahra DCP 2015.

Part B3.5: Built Form and Context

Site Area: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
Significant Trees	Retained	Proposed removal of 8 existing Trees	Retained	Retained	Yes
Colour Scheme	Consistent	Consistent	Consistent	Consistent	Yes
Casual Surveillance – Windows Facing Street/Public Area	> One	> One	>One	One	Yes
Solar Access to Open Space of Neighbouring Properties	> 50% for 2 hours on 21 June	> 50% for 2 hours on 21 June	> 50% for 2 hours on 21 June	50% for 2 hours on 21 June	Yes
Bedroom Walls Adjoining Adjacent Dwellings	Not Adjoining Living Room/Garage	Not Adjoining Living Room/Garage	Not Adjoining Living Room/Garage	Not Adjoining Living Room/Garage	Yes
Setback of Bedroom Windows from Streets/Parking of Other Dwellings	>3m	>3m	>3m	3.0m	Yes
Distance of Habitable Room Windows to Neighbouring Dwellings	<9m	<9m	<9m	9.0m	No

Part B3.5.1: Streetscape and Local Character

Controls:

- C1** *The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.*
- C2** *Development retains vegetation of landscape value.*
- C4** *Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.*
- C6** *Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.*

Objectives:

- O1** *To ensure that the built form is compatible with the streetscape and the desired future character of the area.*
- O2** *To ensure that development is of high visual quality and enhances the street.*
- O3** *To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.*

Assessment

The Proposal, as amended, is now considered satisfactory with this part, because:

- The works to the existing dwelling under the Proposal would remain consistent with the desired future character of Bellevue Hill North precinct (O1).
- The non-compliant front setback of the Proposal would not be readily discernible from the street compared to the existing dwelling, particularly noting the retention of significant canopy trees within the front setback area and the introduction of planters along the front façade (O2).
- The Proposal now provides 44.1% tree canopy cover throughout the site. The retention of generous tree canopy within the front setback area will contribute positively to the streetscape and towards reducing the urban heat island effect (O3).

Part B3.5.2: Overshadowing

Controls:

- 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.*

Objectives:

- O1** *To minimise overshadowing to neighbouring properties.*

Assessment

The Proposal would not result in unreasonable overshadowing to the adjoining property to the south and is considered satisfactory with regard to O1 of this part, as follows:

- Compliant solar access will be maintained to the adjoining private open space at 19 Kambala Road.

- Additional overshadowing will fall upon windows associated with ground floor non-habitable spaces or bedrooms at 19 Kambala Road. It is considered reasonable given the passive nature of these rooms.

Part B3.5.3: Public and Private Views

View loss from private properties and the public domain is unlikely, given that there are no significant views and vistas in proximity to the subject site and the bulk and scale of the existing dwelling will generally be maintained.

Part B3.5.4: Acoustic and Visual Privacy

Acoustic Privacy

Controls:

- C1** *Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings.*
- C3** *Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.*

Objectives:

- O1** *To ensure adequate acoustic privacy for occupants and neighbours.*

Assessment

The Proposal would maintain adequate acoustic privacy to adjoining properties, as follows:

- The proposed swimming pool would replace an existing swimming pool generally in the same location. It will be located adjacent to the adjoining front private open space area and adequately separated from habitable rooms at 19 Kambala Road. As such, any noise generated from the use of the proposed swimming pool is unlikely to be greater than that which could be reasonably expected in a residential area.
- Mechanical plant and equipment associated with air conditioning and hydronic heating is to be located within the proposed basement.

Visual Privacy

Controls:

- C4** *New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.*
- C5** *Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.*
- C8** *For a dwelling house, dual occupancy, semidetached dwelling, or attached dwelling— the acceptability of any elevated balcony, deck, or terrace will depend on the extent of its impact, its reasonableness and its necessity.*

Objectives:

- O2** *To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.*
- O3** *To minimise the impacts of private open space.*

Assessment

The proposal would provide adequate visual privacy to adjoining properties, as follows:

- All Level 1 northern elevation windows are proposed to include obscure glazing. Refer to drawing DA0500 of the submitted Architectural Plans.
- South facing habitable room windows are sited to avoid direct sightlines within 9m to adjoining habitable rooms at 19 Kambala Road.
- Sightlines within 9m would not be available from the proposed rear Level 1 balcony.
- Sightlines within 9m would be available from the proposed Level 1 front balcony (Figures 5 & 6 on the following page), however, adequate visual privacy will be maintained, as follows:
 - i. The proposed balcony is accessed from bedrooms only, which are typically passive use areas. As a result, the proposed balcony is likely to be used infrequently and for short periods.
 - ii. A significant majority of the adjoining private open space to the north at 23 Kambala Road would be outside 9m when viewed from the northern end of the proposed balcony.
 - iii. Sightlines within 9m would generally only fall upon the adjoining driveway.
 - iv. Furthermore, the proposed garage extension would obstruct direct sightlines within 9m.
 - v. Additionally, the intervening northern side boundary fence would likely obstruct any oblique sightlines within 9m towards the north-west, beyond the garage structure.
 - vi. Again, a significant majority of the adjoining private open space to the south at 19 Kambala Road would be outside 9m when viewed from the southern end of the proposed balcony.
 - vii. Similarly, the intervening southern boundary fence would likely obstruct any sightlines within 9m into the adjoining private open space to the south.

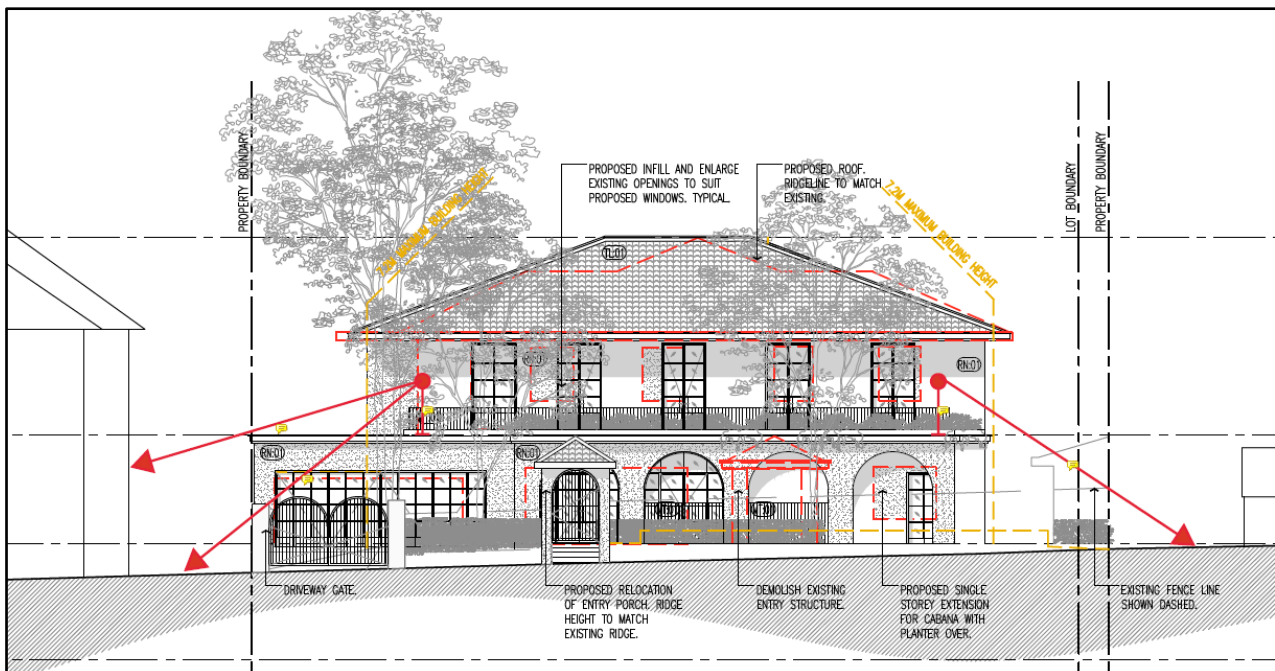
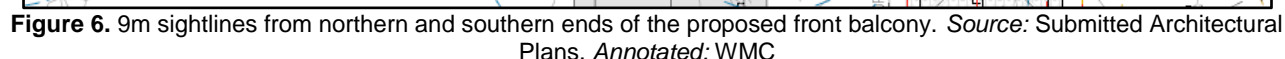


Figure 5. 9m sightlines from northern and southern ends of proposed front balcony. *Source:* Submitted Architectural Plans. *Annotated:* WMC



The Proposal would provide adequate solar access and cross ventilation and is considered acceptable with regard to the relevant Objectives of this part.

The proposal is acceptable with regard to the built form and context controls in Part B3.5 of the Woollahra DCP 2015.

Site Frontage: 25.3m	Existing	Proposed	Control	Complies
Location of Parking	Outside Building Envelope Consistent with Streetscape	Outside Building Envelope Consistent with Streetscape	Outside Building Envelope Consistent with Streetscape	Yes
Parking Structures Outside Building Envelope	Minimum Deep Soil Landscaping and Private Open Space Requirements met	Minimum Deep Soil met	Minimum Deep Soil Landscaping and Private Open Space Requirements met	Yes
Maximum Number of Driveways	One	One	One	Yes

Site Frontage: 25.3m	Existing	Proposed	Control	Complies
Surface of Driveway or Uncovered Car Parking Space	Non-Porous	Semi-Porous	Semi Porous	Yes

Controls:

C2 Notwithstanding C1, parking structures are permitted outside the building envelope but only where:

c) the existing streetscape in the immediate vicinity of the site is characterised by parking structures forward of the building line and

- For separate structures, the roof form, materials and detailing complement the principal building
- Garage doors are designed to complement the building design and any important character elements within the street.

C3 Parking structures outside the building envelope are only permitted when:

a) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.7.1 Landscaped areas and private open space;

C11 Where soil and drainage conditions allow, semi-porous surfaces are used for uncovered car parking and driveway areas to facilitate on-site stormwater infiltration and reduce limit the visual impact of hard-surface areas.

Objectives:

O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.

O2 To ensure that on-site parking does not detract from the streetscape character and amenity.

O3 To allow, in certain circumstances, parking structures outside the building envelope.

O5 To retain trees and vegetation of landscape value.

O9 To minimise the visual and environmental impacts of driveways and other hard stand areas associated with car parking.

Assessment

The amended Proposal under the Subject Application removes the basement car parking proposed under the Original Application and widens the proposed driveway. This provides adequate manoeuvring space for vehicles to enter and exit the proposed ground level garage, whilst maintaining the existing brush box tree (T2).

In addition, the Amended Plans and Landscape Plans demonstrate an increased deep soil landscaped area within the front setback area and throughout the Site.

Part B3.7: External Areas

Site Area: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
Tree Canopy Area	46.8% (701.96m ²)	33% (494.47m ²)	44.1% (660.98m ²)	35% (524.44m ²)	Yes
Deep Soil Landscaping –	25.8% (386.5m ²)	27.5% (412.12m ²)	26% (389.2m ²)	35% of Site Area (524.44m ²)	No
Deep Soil Landscaping – Front Setback	47.8% (276.6m ²)	43.8% (253m ²)	45.4% (282.9m ²)	40% (231m ²)	Yes
Minimum Area of Primary Open Space at Ground Level	>35m ²	>35m ²	>35m ²	35m ²	Yes
Existing Canopy Trees	Incorporated Into Landscaping	Not Incorporated	Incorporated Into Landscaping	Incorporated Into Landscaping	Yes

Site Area: 1498.4m ²	Existing	Original Application	Proposed	Control	Complies
		Into Landscaping			
Maximum Height of Fencing	1.3m – 1.9m	1.3m – 1.9m	1.3m – 1.9m	1.2m 1.5m and 50% open	No
Gate Swing	Opens Inwards	Opens Inwards	Opens Inwards	Opens Inwards	Yes
Swimming Pool Water Edge Setback	>1.8m	3.1m	3.26m	1.8m	Yes
Level of Swimming Pool Above or Below Ground Level	At ground level	At ground level	At ground level	Maximum 1.2m Change	Yes
Maximum Depth of Swimming Pool	1.9m	1.9m	1.9m	2.0m	Yes

Part 3.7.1: Landscaped Areas and Private Open Space

Controls:

C1 requires that 35% of the site area is to comprise tree canopy area, and at least half of the total tree canopy area on the site is contributed by canopy tree/s. **C1** requires that 35%/30%/25% of the site area is to comprise tree canopy area, and at least half of the total tree canopy area on the site is contributed by canopy tree/s.

C2 requires that 35% of the site area is deep soil landscaping.

C3 requires at least 40% of the front setback area is to comprise deep soil landscaping.

C4-C6 requires that each dwelling must have primary open space with a minimum area of 35m² with a maximum gradient of 1:10.

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

Objectives:

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.

O7 To retain important existing canopy trees, vegetation and other landscape features.

O9 To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties.

Assessment

The amended Proposal under the Subject Application complies with C1 and Council's Trees and Landscape Team Leader is satisfied with the amended Proposal.

Furthermore, the Amended Plans and Landscape Plans demonstrate no reduction to the existing non-compliant deep soil landscaped area throughout the Site, and compliance with C3. Refer to Figure 7 below.

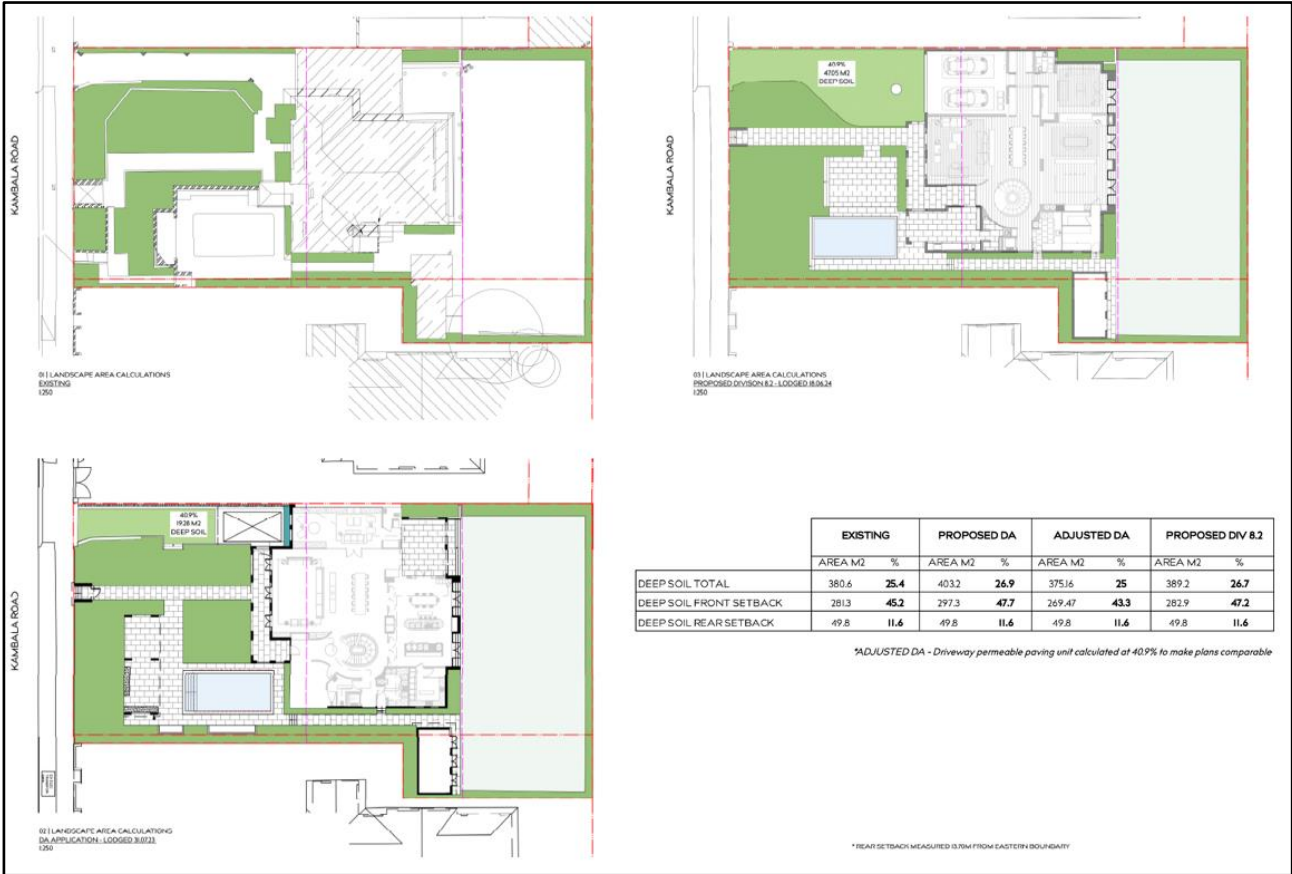


Figure 7. Existing, proposed & amended deep soil landscaped areas. *Source:* Amended Landscape Plans Rev 05

It is noted that 40.9% of the proposed driveway area is included in the calculation of the proposed deep soil landscaped area. This is achieved by bay of “concrete grass diamond pavers” (Figure 8), which allow portions of the driveway to omit any structure above or below ground level (existing) and capable of growing grass.



Figure 8. Example of “concrete grass diamond paver” provided by the Applicant. *Source:* Submitted Additional Information

The proposed deep soil landscaped area would contribute to achieve the relevant objectives of this part because:

- The proposed deep soil landscaped area would contribute to achieving the desired future character of the locality. In particular, the proposed driveway material would reduce the visual impact of hard stand areas when viewed from the street (O1 & O9).
- The proposed tree canopy exceeds Council's tree canopy requirement (O2 & O7).
- The proposed driveway material would allow for additional stormwater absorption compared to the existing deep soil landscaped area (O3).

Part 3.7.2: Fences

The existing front fence will be generally maintained, with the exception of relocating the existing covered pedestrian entry portico. The location of the existing entry portico will be infilled to match the existing front fence.

The proposed new driveway gates would be consistent with the architectural style of the proposed dwelling and are considered acceptable.

Part 3.7.3: Site Facilities

The Proposal would locate air conditioning units and hydronic heating plant and equipment internally and wholly within the permissible building envelope and is considered acceptable with the relevant controls and objectives of this part.

Part 3.7.4: Ancillary Development – Swimming Pools, Tennis Courts and Outbuildings

Swimming pools:

Controls:

- C1** requires that swimming pools do not occupy the deep soil landscaped area
- C3** requires the swimming pool (measured from the water edge) is to be setback 1.8m from property boundaries.
- C5** limits the depth of a swimming pool to 2.0m.
- C6** requires swimming pools to not adversely impact upon prescribed trees

Objectives:

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

Outbuildings:

Controls:

- 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.

Objectives:

- O1** *To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the neighbouring properties.*
- O2** *To ensure that the required deep soil landscaped area and level area of private open space are achieved.*

Assessment

The proposed swimming pool and outbuilding are considered satisfactory with regard to objectives O1 through O3 (Swimming pools) and objectives O1 & O2 (Outbuildings) because:

- The proposed swimming pool would replace an existing swimming pool generally in the same location and would not generate additional amenity impacts to adjoining properties (O1)
- Excavation is minimised as the Proposal would make use of the existing excavated area associated with the existing swimming pool (O2).
- Council's tree canopy requirements are satisfied (O3).
- The proposed alterations and additions to the existing outbuilding would not alter the location, setbacks or maximum height of the existing outbuilding, nor would deep soil landscaped area be reduced as a result (O1 & O2).

Conclusion

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

20.3 Chapter E1: Parking and Access

Part E1.4: Residential parking

	Existing	Proposed	Control	Complies
Max Number of Car Parking Spaces – Dwelling	One (1)	Two (2)	2 Spaces	Yes

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

In this instance, the development results in a generation rate of two (2) spaces and makes provision for two (2) spaces.

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

Part E1.11: Electric Vehicle Charging Points

Control C.1 requires *evidence of electric circuitry to accommodate 'Level 2' electric vehicle charging points to be integrated into all off-street car parking of new residential development to ensure that 100% of car spaces can install electric vehicle charging points in the future.*

No details have been provided of electric circuitry. Notwithstanding this, the proposal is considered to be acceptable with regard to the objectives and controls in Part E1.11: Electric Vehicle Charging Points of the Woollahra DCP 2015, subject to the imposition of **Conditions D.17** and **G.11** requiring provision for electric vehicle circuitry within the development.

Conclusion:

The proposal, as conditioned is acceptable with regard to the objectives and controls of Chapter E1 of the Woollahra Development Control Plan 2015.

20.4 Chapter E2: Stormwater and Flood Risk Management

Council's Development Engineer has determined that the Proposal is satisfactory and provides the following comment:

This proposal has an increase in impervious areas of less than 40m², in which case the installation of on-site stormwater detention (OSD) system is not required. Stormwater runoff will be discharged to the street kerb, in which case conditions will be imposed to ensure all below ground structures are fully tanked or appropriately constructed so that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter. A portion of the roof area drains via a charged system, a rainwater tank must be provided for this area which will be conditioned accordingly.

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

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

20.5 Chapter E3: Tree Management

Council's Trees and Landscaping Team Leader is satisfied with the Proposal and has provided relevant Conditions of Consent.

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

20.6 Chapter E5: Waste Management

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

The Original Application was accompanied by a Site Waste Minimisation and Management Plan that defers matters relating to the destination of excavated materials to the Construction Certificate stage. In considering the destination of excavated materials, a Condition of Consent is recommended requiring the submission of a new SWMMP prior to the issue of a Construction Certificate, detailing methods to dispose of all excavated materials (348.8m³ outlined in the submitted volume of excavation diagram)

Part E5.3: On-Site

Waste and Recycling Controls for all Development

The submitted SWMMP and amended Plans indicate the location of the existing on-site waste and recycling areas are to be retained, as well as the existing collection points at the street frontage.

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

Part E5.4: Dwelling Houses, Semi-Detached Dwellings and Dual Occupancies

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

The proposal is acceptable with regard to Part E5.4 of the Woollahra DCP 2015.

20.7 Chapter E6: Sustainability

Part E6.3: Solar Energy Systems

The Proposal involves solar panels associated with a proposed solar energy generation system. The proposed solar panels would not be located on the front roof plane and would not be readily discernible from the street.

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

21. 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.

21.1 Section 7.12 Contributions Plan

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 for works outlined in Schedule 1 of the Woollahra Section 7.12 Development Contributions Plan 2022. Refer to **Condition D.2**.

21.2 Subdivision 4 Housing and Productivity Contributions

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

Division 1 of the Environmental Planning and Assessment (Housing and Productivity Contribution) Ministerial Order 2024 sets out the classes of development, which require a housing and productivity contribution.

The proposal does not require a housing and productivity contribution.

21.3 Application of Contributions

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

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

22. APPLICABLE ACTS/REGULATIONS

22.1 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.

22.2 Swimming Pools Act 1992

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

Additional provisions relate to:

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

These requirements are imposed by standard condition.

23. 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.

24. THE SUITABILITY OF THE SITE

The Site is suitable for the proposed development.

25. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

26. CONCLUSION

The proposal is acceptable against the relevant considerations under Section 4.15

27. 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.

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

THAT the Council, as the consent authority, grant development consent to Development Application No. 258/2023/1 for Division 8.2 Review of Refused DA for alterations and additions to the existing dwelling house and associated works on land at 21 Kambala Road Bellevue Hill, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

<p>A. 1.</p>	<p>Conditions</p> <p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 (“the Act”), and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the Regulations”) and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Development Certification and Fire Safety Regulations”), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: <ul style="list-style-type: none"> a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences. • Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. <p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
<p>A. 2.</p>	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p><i>Applicant</i> means the applicant for this consent.</p> <p><i>Approved Plans</i> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p><i>Local native plants</i> means species of native plant endemic to Sydney’s eastern suburbs.</p> <p><i>Owner-builder</i> has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p><i>PC</i> means the Principal Certifier under the <i>Act</i>.</p>

	<p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the BCA.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none"> • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, or • the occupation of the <i>site</i> by any person unless authorised by an occupation certificate. <p>Condition Reason: To ensure all parties are aware of the relevant definitions.</p>
A. 3.	<p>Approved Plans and Supporting Documents</p> <p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p>

Reference	Description	Author	Date
DA0010 Rev C DA0200 Rev E DA0201 Rev G DA0202 Rev D DA0203 Rev B DA0500 Rev C DA0501 Rev D DA0502 Rev C DA0510 Rev C DA0511 Rev D	Site Plan and Analysis Basement Floor Plan Ground Floor Plan Level 1 Floor Plan Roof Plan Elevations Sheet 01 Elevations Sheet 02 Elevations Sheet 03 Sections Sections Sheet 02	Richards Stanisich	23/05/2024 23/05/2024 23/09/2024 23/05/2024 23/05/2024 23/05/2024 23/09/2024 23/05/2024 23/05/2024 23/09/2024
	Addendum (B) Arboricultural Impact Assessment Report	Martin Peacock Tree Care	8/5/2024
Plant Schedule, DA_01, DA_02, DA_03, DA_04, DA_05, DA_06. DA_07.	Landscape Documentation (Revision 5)	Wyer & Co	23/9/2024
2022-261-1	Geotechnical Report	Crozier Geotechnical Consultants	3 June 2024
223683 H101-C H102-C H103-C	Stormwater Management Plan	Glenn Haig & Partners	29/05/2024 30/05/2024 29/05/2024
Notes: <ul style="list-style-type: none">Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.			
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act)		
<p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p> <p>Notes:</p> <ul style="list-style-type: none">This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.			
Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.			

A. 5.	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.																																																											
A. 6.	Tree Preservation and Landscaping Works																																																											
	While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.																																																											
	a) The following trees must be retained:																																																											
	<ul style="list-style-type: none">Trees on private land:																																																											
	<table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>2</td><td><i>Lophostemon confertus</i></td><td>Front yard – within driveway</td><td>14 x 6</td></tr><tr><td>3</td><td><i>Ficus microcarpa</i> var. <i>hillii</i></td><td>Front Yard – adjacent driveway entrance</td><td>17 x 8</td></tr><tr><td>4</td><td><i>Jacaranda mimosifolia</i></td><td>Front Yard – within new pool lounge area</td><td>12 x 6</td></tr><tr><td>5</td><td><i>Lophostemon confertus</i></td><td>Front Yard – western boundary</td><td>14 x 5</td></tr><tr><td>6</td><td><i>Cupressus macrocarpa</i></td><td>Front Yard – western boundary</td><td>13 x 4</td></tr><tr><td>7</td><td><i>Brachychiton acerifolius</i></td><td>Front Yard – western boundary</td><td>9 x 3</td></tr><tr><td>10</td><td><i>Lophostemon confertus</i></td><td>Front Yard – western boundary</td><td>14 x 5</td></tr><tr><td>11</td><td><i>Howea forsteriana</i></td><td>Front Yard – western boundary</td><td>6 x 2</td></tr><tr><td>12</td><td><i>Lophostemon confertus</i></td><td>Front Yard – western boundary</td><td>13 x 4</td></tr><tr><td>A</td><td><i>Jacaranda mimosifolia</i></td><td>Adj southern boundary – within 19 Kambala Rd</td><td>9 x 5</td></tr><tr><td>B</td><td><i>Syzygium paniculatum</i></td><td>Adj southern boundary – within 19 Kambala Rd</td><td>6 x 4</td></tr><tr><td>E</td><td><i>Corymbia maculata</i></td><td>Adj southern boundary – within 19 Kambala Rd</td><td>16 x 10</td></tr><tr><td>F</td><td><i>Glochidion ferdinandi</i></td><td>Adj southern boundary – within 19 Kambala Rd</td><td>10 x 8</td></tr></table>					Council Ref No	Species	Location	Dimension (metres)	2	<i>Lophostemon confertus</i>	Front yard – within driveway	14 x 6	3	<i>Ficus microcarpa</i> var. <i>hillii</i>	Front Yard – adjacent driveway entrance	17 x 8	4	<i>Jacaranda mimosifolia</i>	Front Yard – within new pool lounge area	12 x 6	5	<i>Lophostemon confertus</i>	Front Yard – western boundary	14 x 5	6	<i>Cupressus macrocarpa</i>	Front Yard – western boundary	13 x 4	7	<i>Brachychiton acerifolius</i>	Front Yard – western boundary	9 x 3	10	<i>Lophostemon confertus</i>	Front Yard – western boundary	14 x 5	11	<i>Howea forsteriana</i>	Front Yard – western boundary	6 x 2	12	<i>Lophostemon confertus</i>	Front Yard – western boundary	13 x 4	A	<i>Jacaranda mimosifolia</i>	Adj southern boundary – within 19 Kambala Rd	9 x 5	B	<i>Syzygium paniculatum</i>	Adj southern boundary – within 19 Kambala Rd	6 x 4	E	<i>Corymbia maculata</i>	Adj southern boundary – within 19 Kambala Rd	16 x 10	F	<i>Glochidion ferdinandi</i>	Adj southern boundary – within 19 Kambala Rd
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The tree/s required to be retained must appear coloured green on the Construction Certificate plans.																																																												

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Lophostemon confertus</i>	Front Yard – within footprint of building extension	14 x 5
8	<i>Lophostemon confertus</i>	Front Yard – within footprint of new entry stairs	12 x 3
9	<i>Magnolia grandiflora</i>	Front Yard – within footprint of new entry stairs	6 x 2

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

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

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

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	Construction Certificate Required Prior to Any Demolition
	<p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> • Before issue of a construction certificate • Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> • See <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125.
	Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.
B. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p>

	<p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>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. 3.</p>	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
<p>B. 4.</p>	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays,

- utility service items including historical utility covers, and
- drainage structures/pits/pipes (CCTV footage).

The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.

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

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

B. 5. Payment of Security and Fees

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit - making good any damage caused to any property of the Council	\$126,710.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$15,000.00	No	T114
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$231.30	No	T95
Security Deposit Administration Fee	\$235.00	No	T16
TOTAL SECURITY AND FEES	\$142,176.30		

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,

	<ul style="list-style-type: none"> the bank guarantee is lodged with the Council prior to any site works being undertaken, and the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure any relevant security and fees are paid.</p>
<p>B. 6.</p>	<p>Dilapidation Reports for Existing Buildings</p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ul style="list-style-type: none"> a) No. 19 Kambala Road b) No. 23 Kambala 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.

	<ul style="list-style-type: none"> • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings. •
	<p>Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
B. 7.	<p>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. 8.	<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. 9. Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

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

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

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
5	<i>Lophostemon confertus</i>	Front Yard – western boundary	Along edge of existing garden
6	<i>Cupressus macrocarpa</i>	Front Yard – western boundary	Along edge of existing garden
7	<i>Brachychiton acerifolius</i>	Front Yard – western boundary	Along edge of existing garden
10	<i>Lophostemon confertus</i>	Front Yard – western boundary	Along edge of existing garden
11	<i>Howea forsteriana</i>	Front Yard – western boundary	Along edge of existing garden
12	<i>Lophostemon confertus</i>	Front Yard – western boundary	Along edge of existing garden

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

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

b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.

c) Trunk protection must be installed around the trunks of the following trees:

Council Ref No	Species
2	<i>Lophostemon confertus</i>
3	<i>Ficus microcarpa</i> var. <i>hillii</i>
4	<i>Jacaranda mimosifolia</i>
C	<i>Lophostemon confertus</i>
D	<i>Ficus microcarpa</i> var. <i>hillii</i>

	<p>Trunk protection must consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) must be placed over the padding and around the trunk of the tree at 150mm centres. The planks must be secured with 8 gauge wire at 300mm spacing. Trunk protection must extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.</p> <p>d) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.</p> <p>e) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.</p> <p>f) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.</p> <p>g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>h) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p> <p>Condition Reason: To ensure the protection of existing trees</p>
<p>B. 10.</p>	<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. 11.	Arborists Documentation and Compliance Checklist																						
	Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:																						
	<ul style="list-style-type: none">• A record of the condition of trees to be retained prior to and throughout development.• Recommended actions to improve site conditions and rectification of non-compliance.• Recommendations for future works which may impact the trees.																						
	All compliance certification documents must be kept on site.																						
	As a minimum the following intervals of site inspections must be made:																						
	<table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>Prior to any site works</td><td><ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</td></tr></table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.																		
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	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.																						
	Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.																						
	Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.																						
B. 12.	Permissible work within Tree Protection Zones																						
	Prior to any site works, the following works are permissible within the Tree Protection Zone:																						
	<table><tr><th>Council Ref No</th><th>Species</th><th>Radius from Centre of Trunk (Metres)</th><th>Approved works</th></tr><tr><td>2</td><td><i>Lophostemon confertus</i></td><td>8.4m</td><td>Installation of new permeable driveway.</td></tr><tr><td>3</td><td><i>Ficus microcarpa</i> var. <i>hillii</i></td><td>11.4m</td><td>Installation of new permeable driveway and landscape upgrade works.</td></tr><tr><td>4</td><td><i>Jacaranda mimosifolia</i></td><td>6m</td><td>Installation of new paving for pool lounge area and decking, landscape upgrade works.</td></tr><tr><td>5</td><td><i>Lophostemon confertus</i></td><td>7.2m</td><td>Installation of new entry stairs and pathway and landscape upgrade works.</td></tr></table>	Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works	2	<i>Lophostemon confertus</i>	8.4m	Installation of new permeable driveway.	3	<i>Ficus microcarpa</i> var. <i>hillii</i>	11.4m	Installation of new permeable driveway and landscape upgrade works.	4	<i>Jacaranda mimosifolia</i>	6m	Installation of new paving for pool lounge area and decking, landscape upgrade works.	5	<i>Lophostemon confertus</i>	7.2m	Installation of new entry stairs and pathway and landscape upgrade works.		
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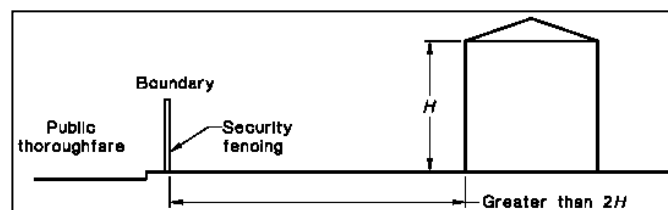
6	<i>Cupressus macrocarpa</i>	7.8m	Installation of new paving for pool lounge area, landscape upgrade works.
7	<i>Brachychiton acerifolius</i>	3.3m	Landscape upgrade works
10	<i>Lophostemon confertus</i>	5.4m	Installation of new permeable driveway, new entry stairs and landscape upgrade works.
11	<i>Howea forsteriana</i>	3m	Installation of new permeable driveway, new entry stairs and landscape upgrade works.
12	<i>Lophostemon confertus</i>	4.8m	Installation of new permeable driveway, new entry stairs and landscape upgrade works.
A	<i>Jacaranda mimosifolia</i>	4.2m	Installation of new paving for pool lounge area, landscape upgrade works.
B	<i>Syzygium paniculatum</i>	2.3m	Installation of new paving for pool lounge area, landscape upgrade works.
C	<i>Lophostemon confertus</i>	5.4m	Landscape upgrade works.
D	<i>Ficus microcarpa</i> var. <i>hillii</i>	8.4m	Installation of new permeable driveway, new entry stairs and landscape upgrade works.
E	<i>Corymbia maculata</i>	7.2m	Construction of new building, pathway and landscape upgrade works.
F	<i>Glochidion ferdinandi</i>	4.2m	Construction of new building, pathway and landscape upgrade works.

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

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

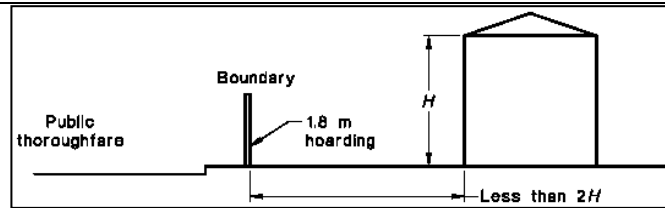
B. 13. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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.



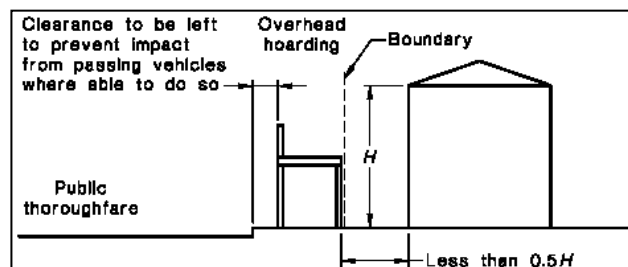
Type B Hoarding

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

	<p>Notes:</p> <ul style="list-style-type: none"> • A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. • Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy: <ul style="list-style-type: none"> A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: <ol style="list-style-type: none"> 1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or 2. the land is zoned R2 Low Density Residential, or 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). • Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure public safety.</p>
<p>B. 14.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> • For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. • A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. • Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. • This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

	<ul style="list-style-type: none"> 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. 15.</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. 16.</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>
<p>B. 17.</p>	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Condition Reason To control the risks of demolition work.</p>
<p>B. 18.</p>	<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. 19.	<p>Skeletal Remains</p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> NSW Police, and The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>Condition Reason: To ensure the appropriate management of skeletal remains.</p>
B. 20.	<p>Aboriginal Objects – Unexpected Findings</p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ol style="list-style-type: none"> Not further disturb or move these objects or bones. Immediately cease all work at the particular location. In the case of suspected human remains, notify NSW Police. Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. <p>Notes:</p> <ul style="list-style-type: none"> The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
B. 21.	<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. 22.	<p>Aboriginal Heritage Induction</p>
	<p>Prior to any site works:</p> <ul style="list-style-type: none"> a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974; b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.
	<p>Condition Reason: To protect Aboriginal heritage.</p>

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	Payment of Long Service Levy															
Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:																
<table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr><tr><td>Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr></table>					Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
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Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No														
Building and Construction Industry Long Service Payment The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.																
How must the payments be made? Payments must be made by:																

	<ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>Condition Reason: To ensure any relevant levy is paid.</p> <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>										
<p>D. 2.</p>	<p>Payment of S7.12 Contributions Levy</p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The cost estimate report must be in the form of:</p> <ul style="list-style-type: none"> • A cost summary report, prepared by the applicant or a suitably qualified person for a development up to \$749,999; or • A quantity surveyor's report, for development over \$750,000. <p>The applicable levy rate is to be calculated using the summary schedule below.</p> <table border="1" data-bbox="279 1243 1401 1411"> <thead> <tr> <th colspan="2">Summary Schedule</th></tr> <tr> <th>Development Cost</th><th>Levy Rate</th></tr> </thead> <tbody> <tr> <td>• Up to and including \$100,000</td><td>Nil</td></tr> <tr> <td>• More than \$100,000 and up to and including \$200,000</td><td>0.5% of the cost</td></tr> <tr> <td>• More than \$200,000</td><td>1% of the cost</td></tr> </tbody> </table> <p>How must the payments be made? 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>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:</p> <ul style="list-style-type: none"> • the reasons given, • whether any prejudice will be caused to the community deriving benefit from the public facilities, • whether any prejudice will be caused to the efficacy and operation of the Plan, and • whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected. 	Summary Schedule		Development Cost	Levy Rate	• Up to and including \$100,000	Nil	• More than \$100,000 and up to and including \$200,000	0.5% of the cost	• More than \$200,000	1% of the cost
Summary Schedule											
Development Cost	Levy Rate										
• Up to and including \$100,000	Nil										
• More than \$100,000 and up to and including \$200,000	0.5% of the cost										
• More than \$200,000	1% of the cost										

	<p>Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate, • a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable, • the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.</p> <p>Do you need HELP indexing the levy? Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).</p>
<p>D. 3.</p>	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No. A486129_03 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.

Road and Public Domain Works

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

a) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works. The kerb discharge must be located within the frontage of the site. Details showing the reinstatement of the nature strip due to the installation of the stormwater outlet pipe must be provided to the satisfaction of Council's Assets Engineers. Design longitudinal profile of the proposed stormwater outlet pipe, starting from the boundary junction pit to the street kerb must also be submitted for assessment,

Note: All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP.

b) The reinstatement of all damaged footpath, kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.

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

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

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

How must the payments be made?

Payments must be made by:

• cash deposit with Council,

• credit card payment with Council, or

• bank cheque made payable to Woollahra Municipal Council.

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

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

Notes:

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

	<ul style="list-style-type: none"> • 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>
<p>D. 5.</p>	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ol 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>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
D. 7.	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No.<External Reference Field in Authority> must be submitted to the Principal Certifier with any application for a construction certificate.</p>

	<p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.
	<p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
	<p>Condition Reason: To ensure any relevant contributions are paid.</p>
D. 8.	<p>Structural Adequacy of Existing Supporting Structures</p>
	<p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p>
	<p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
D. 9.	<p>Professional Engineering Details</p>
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates.
	<p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>

<p>D. 10.</p>	<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>
<p>D. 11.</p>	<p>Geotechnical and Hydrogeological Design, Certification and Monitoring</p> <p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared and certified by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>These details must be certified by the professional engineer to:</p> <ol style="list-style-type: none"> Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). Provide details of cut-off walls or similar controls prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter. Provide a Geotechnical and Hydrogeological Monitoring Program that: <ul style="list-style-type: none"> will detect any settlement associated with temporary and permanent works and structures, will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), will detect groundwater changes calibrated against natural groundwater variations, details the location and type of monitoring systems to be utilised,

	<ul style="list-style-type: none"> • 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. 12.	<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. 13.	<p>Parking Facilities</p>
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans showing the following:</p> <ol style="list-style-type: none"> a) The off-street parking spaces must have minimum dimensions to comply with AS2890.1. These required dimensions and the design envelope around each parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the architectural plans,

	<p>b) Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, must be provided on both sides of the driveway exit. In this regard, any proposed structures (such as landscaping, retaining wall, front fence and driveway gate etc) located within these splay areas must be relocated/redesigned to prevent obstructions to visibility. Alternatively, exceptions to this requirement may be acceptable for this type of development where the height of any landscaping, retaining wall, solid front fence and driveway gate in these splay areas are limited to a maximum of 0.9m. These unobstructed sight splays must be clearly depicted on the drawings showing compliance with this requirement,</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>
<p>D. 14.</p>	<p>Stormwater Management Plan</p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following:</p> <ul style="list-style-type: none"> a) General design in accordance with stormwater management plans, referenced 223683-Issue C, prepared by Glenn Haig and Partners, dated 29/05/2024, other than amended by this and other conditions, b) The discharge of stormwater from the site to the street kerb which must be located within the frontage of the site. Only one stormwater outlet with a maximum discharge rate of 20 l/s in the 1% AEP storm event will be permitted. Full supporting calculations must be included in the stormwater management plans, c) The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system, d) A rainwater tank (RWT) must be installed for the relevant roof areas that is draining via a charged line. In this regard, the rainwater tank with minimum storage based on 6m³ per 100m² of roof area must be provided. Overflow from the RWT must be directed to the boundary pit by gravity, e) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings. f) The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required, g) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans,

- h) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system,
- i) Detail any remedial works required to upgrade the existing stormwater drainage system,
- j) Dimensions of all drainage pit and access grates must comply with AS3500 and Council's DCP,
- k) Compliance with the objectives and performance requirements of the BCA, and
- l) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout plan

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

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

Rainwater Reuse System details:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed rainwater storage,
- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures,
- d) Details of access and maintenance facilities,
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary first flush 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.

<p>D. 15.</p>	<p>Non-Gravity Drainage Systems</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site.</p> <p>The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
<p>D. 16.</p>	<p>Submission of a Site Waste Minimisation and Management Plan</p> <p>Before the issue of any construction certificate, a Site Waste Minimisation and Management Plan, prepared in accordance with Woollahra Development Control Plan 2015 Chapter E5 – Waste Management, is to be submitted to Council for approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> The site waste minimisation and management is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may certify. Hence, the Site Waste Minimisation and Management Plan must be referred to Council for its approval prior to the issue of any construction certificate for such works. It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials. <p>Condition Reason: To ensure that the Waste Minimisation and Management Plan is assessed and approved by Council.</p>
<p>D. 17.</p>	<p>Electric vehicle circuitry and electric vehicle charging point requirements</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan of all off-street car parking spaces, prepared by a suitably qualified person, which includes details and specifications to illustrate how the off-street car parking spaces will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charger point.</p> <p>Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).</p>

E. BEFORE BUILDING WORK COMMENCES

<p>E. 1.</p>	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> 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

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

- Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.

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

F. DURING BUILDING WORK

F. 1.	Compliance with BCA and Insurance Requirements under the Home Building Act 1989
	<p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ul style="list-style-type: none"> a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building. <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p> <p>Notes:</p> <ul style="list-style-type: none"> • All new guttering is to comply with the provisions of AS 3500.
	Condition Reason: To ensure compliance with the BCA and Home building Act 1989.
F. 2.	Requirement to Notify about New Evidence
	<p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p>
	Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.
F. 3.	Critical Stage Inspections
	<p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p>

	<p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. • The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<p>F. 4.</p>	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling, rock breaking, rock sawing, jack hammering, or machine excavation. No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. <p>Notes:</p> <ul style="list-style-type: none"> • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

	<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>
<p>F. 5.</p>	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ol style="list-style-type: none"> a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. b) Not use the road or footway for the storage of any article, material, matter, waste or thing. c) Not use the road or footway for any work. d) Keep the road and footway in good repair free of any trip hazard or obstruction. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide. i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <ol style="list-style-type: none"> a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. b) Australian Road Rules. <p>Notes:</p> <ul style="list-style-type: none"> • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road,

	<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>
<p>F. 6.</p>	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<p>F. 7.</p>	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

	<ul style="list-style-type: none"> • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	<p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
F. 8.	<p>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>
F. 9.	<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.

	<ul style="list-style-type: none"> • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
<p>F. 10.</p>	<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>
F. 11.	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> a) the Soil and Water Management Plan required under this consent, b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
F. 12.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

	<p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F. 13.	<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>
F. 14.	<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.

	<p>e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.</p> <p>f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</p> <p>g) Flood protection measures are in place confirming location, height and capacity.</p> <p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F. 15.	<p>Shoring and Adequacy of Adjoining Property</p> <p>While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense:</p> <ul style="list-style-type: none"> • protect and support the adjoining premises from possible damage from the excavation. <p>For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. • <p>Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.</p>
F. 16.	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ol style="list-style-type: none"> 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. 17.	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> <ol style="list-style-type: none"> a record of the condition of trees to be retained prior to and throughout development, recommended actions to improve site conditions and rectification of non-compliance, and recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="284 685 1401 1659"> <thead> <tr> <th data-bbox="284 685 571 808">Stage of arboricultural inspection and supervision</th><th data-bbox="571 685 1401 808">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="284 808 571 1659">While site work is carried out</td><td data-bbox="571 808 1401 1659"> <ul style="list-style-type: none"> The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist must supervise the demolition of the existing driveway within the TPZ of trees 2 and 3. The condition of exposed roots must be managed and documented. The project arborist must supervise the installation of the new driveway within the TPZ of trees 2 and 3, documenting the condition of roots and soil. The project arborist must supervise the installation of the new paving within the TPZ of trees 4, 5, 6 and A, documenting the condition of roots and soil. The project arborist must supervise the installation of the new entry stairs within the TPZ of trees 5 and 10, documenting the condition of roots and soil. The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. Regular inspections as indicated in the Tree Management Plan. </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>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	While site work is carried out	<ul style="list-style-type: none"> The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist must supervise the demolition of the existing driveway within the TPZ of trees 2 and 3. The condition of exposed roots must be managed and documented. The project arborist must supervise the installation of the new driveway within the TPZ of trees 2 and 3, documenting the condition of roots and soil. The project arborist must supervise the installation of the new paving within the TPZ of trees 4, 5, 6 and A, documenting the condition of roots and soil. The project arborist must supervise the installation of the new entry stairs within the TPZ of trees 5 and 10, documenting the condition of roots and soil. The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. Regular inspections as indicated in the Tree Management Plan.
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	<p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>				

F. 18.	Paving in the vicinity of trees			
	While site work is being carried out, paving works within the specified radius from the trunks of the following trees must be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface must not be skimmed/excavated. The new surface must be established above the former ground level.			
	Council Ref No	Species	Location	Radius from centre of trunk (metres)
	2	<i>Lophostemon confertus</i>	Front yard – within driveway	8.4m
	3	<i>Ficus microcarpa</i> var. <i>hillii</i>	Front Yard – adjacent driveway entrance	11.4m
	4	<i>Jacaranda mimosifolia</i>	Front Yard – within new pool lounge area	6m
	5	<i>Lophostemon confertus</i>	Front Yard – western boundary	7.2m
	6	<i>Cupressus macrocarpa</i>	Front Yard – western boundary	7.8m
	7	<i>Brachychiton acerifolius</i>	Front Yard – western boundary	3.3m
	10	<i>Lophostemon confertus</i>	Front Yard – western boundary	5.4m
	11	<i>Howea forsteriana</i>	Front Yard – western boundary	3m
	12	<i>Lophostemon confertus</i>	Front Yard – western boundary	4.8m
	A	<i>Jacaranda mimosifolia</i>	Adj southern boundary – within 19 Kambala Rd	4.2m
	B	<i>Syzygium paniculatum</i>	Adj southern boundary – within 19 Kambala Rd	2.3m
	C	<i>Lophostemon confertus</i>	Street tree	5.4m
	D	<i>Ficus microcarpa</i> var. <i>hillii</i>	Street tree	8.4m
	E	<i>Corymbia maculata</i>	Adj southern boundary – within 19 Kambala Rd	7.2m
F	<i>Glochidion ferdinandi</i>	Adj southern boundary – within 19 Kambala Rd	4.2m	
Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent) and are to utilise such measures as semiporous material.				
The project arborist must document compliance with the above condition.				
Condition Reason: To ensure that paving works would not adversely impact upon the health of existing trees.				
F. 19.	Hand excavation within tree root zones			
While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.				

Council Ref No	Species	Location	Radius from centre of trunk (metres)
2	<i>Lophostemon confertus</i>	Front yard – within driveway	8.4m
3	<i>Ficus microcarpa</i> var. <i>hillii</i>	Front Yard – adjacent driveway entrance	11.4m
4	<i>Jacaranda mimosifolia</i>	Front Yard – within new pool lounge area	6m
5	<i>Lophostemon confertus</i>	Front Yard – western boundary	7.2m
6	<i>Cupressus macrocarpa</i>	Front Yard – western boundary	7.8m
7	<i>Brachychiton acerifolius</i>	Front Yard – western boundary	3.3m
10	<i>Lophostemon confertus</i>	Front Yard – western boundary	5.4m
11	<i>Howea forsteriana</i>	Front Yard – western boundary	3m
12	<i>Lophostemon confertus</i>	Front Yard – western boundary	4.8m
A	<i>Jacaranda mimosifolia</i>	Adj southern boundary – within 19 Kambala Rd	4.2m
B	<i>Syzygium paniculatum</i>	Adj southern boundary – within 19 Kambala Rd	2.3m
C	<i>Lophostemon confertus</i>	Street tree	5.4m
D	<i>Ficus microcarpa</i> var. <i>hillii</i>	Street tree	8.4m
E	<i>Corymbia maculata</i>	Adj southern boundary – within 19 Kambala Rd	7.2m
F	<i>Glochidion ferdinandi</i>	Adj southern boundary – within 19 Kambala Rd	4.2m

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

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

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

The project arborist must document compliance with the above condition.

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

F. 20. Footings in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
5	<i>Lophostemon confertus</i>	Front Yard – western boundary	7.2m
10	<i>Lophostemon confertus</i>	Front Yard – western boundary	5.4m
D	<i>Ficus microcarpa var. hillii</i>	Street tree	8.4m

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

The project arborist must document compliance with the above condition.

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

F. 21. Installation of stormwater pipes and pits in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
2	<i>Lophostemon confertus</i>	Front yard – within driveway	8.4m
3	<i>Ficus microcarpa var. hillii</i>	Front Yard – adjacent driveway entrance	11.4m
4	<i>Jacaranda mimosifolia</i>	Front Yard – within new pool lounge area	6m
5	<i>Lophostemon confertus</i>	Front Yard – western boundary	7.2m
6	<i>Cupressus macrocarpa</i>	Front Yard – western boundary	7.8m
7	<i>Brachychiton acerifolius</i>	Front Yard – western boundary	3.3m
10	<i>Lophostemon confertus</i>	Front Yard – western boundary	5.4m
11	<i>Howea forsteriana</i>	Front Yard – western boundary	3m
12	<i>Lophostemon confertus</i>	Front Yard – western boundary	4.8m
A	<i>Jacaranda mimosifolia</i>	Adj southern boundary – within 19 Kambala Rd	4.2m
B	<i>Syzygium paniculatum</i>	Adj southern boundary – within 19 Kambala Rd	2.3m
C	<i>Lophostemon confertus</i>	Street tree	5.4m
D	<i>Ficus microcarpa var. hillii</i>	Street tree	8.4m
E	<i>Corymbia maculata</i>	Adj southern boundary – within 19 Kambala Rd	7.2m
F	<i>Glochidion ferdinandi</i>	Adj southern boundary – within 19 Kambala Rd	4.2m

	<p>Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater than 50mm diameter are severed.</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees.</p>
F. 22.	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <p>a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F. 23.	<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. 24.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <p>a) Dust screens to all hoardings and site fences. 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.</p>

	<p>g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.</p> <p>Notes:</p> <ul style="list-style-type: none"> • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council's website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<p>F. 25.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’, e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained. <p>Notes:</p> <ul style="list-style-type: none"> • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>

<p>F. 26.</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> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, c) consideration must be given to returning excess materials to the supplier or manufacturer, d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), e) the purpose and content of the storage areas must be clearly ‘signposted’, 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, g) separate collection bins or areas for the storage of residual waste must be promoted, h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, i) site disturbance must be minimised and unnecessary excavation limited, j) all waste must be transported to a place that can lawfully be used as a waste facility, and 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>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
<p>F. 27.</p>	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ol style="list-style-type: none"> a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. b) Be carried out in accordance with the relevant SafeWork NSW codes of practice. c) No asbestos products may be reused on the site. d) 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).

	<ul style="list-style-type: none"> 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. 28.	<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. 29.	<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. 30.	<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. 31.	<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. 32.	Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters
	<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>

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. <p>Condition Reason: To ensure the building is suitable to occupy.</p>
G. 2.	Commissioning and Certification of Systems and Works
	<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. All flood protection measures. All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. All stormwater drainage and storage systems. All mechanical ventilation systems. All hydraulic systems.

	<p>g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require.</p> <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate. <p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
G. 3.	<p>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. A486129_03.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled. <p>Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>
G. 4.	<p>Works within Public Land (including Council, State or Federal owned land or property)</p> <p>Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed must be completed to the satisfaction of Council, in compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the person with the benefit of this consents expense:</p> <ol style="list-style-type: none"> stormwater pipes, pits, structures and connections to public stormwater systems within the road, driveways and vehicular crossings, renew/new retaining structures, overhang structures, encroachments or occupation or alienation of public land or property, removal of redundant driveways and any other structure, new footpaths, pathways, walkways, or dunny lanes, relocation of existing power/light pole, if applicable, relocation/provision of street signs, if applicable, new or replacement street trees, if applicable,

	<p>k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street,</p> <p>l) new or reinstated kerb and guttering within the road, and</p> <p>m) new or reinstated road surface pavement within the road.</p> <p>Notes:</p> <ul style="list-style-type: none"> • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
	<p>Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.</p>
<p>G. 5.</p>	<p>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"> a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater retention and reuse system(s), c) that all charged systems have been constructed in accordance with the approved stormwater drawings, d) that all roof areas draining via the charged systems have been provided with a rainwater tank with minimum storage capacity based on 6m³ per 100m² of roof area draining via the charged system, e) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, f) that all below ground structures are fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings, g) that the stormwater works have been constructed in accordance with the approved construction stormwater plans, h) pipe invert levels and surface levels to Australian Height Datum, and i) 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 pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p>

	<p>Notes:</p> <ul style="list-style-type: none"> The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. 				
	<p>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>				
G. 6.	<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. 7.	<p>Landscaping</p>				
	<p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.</p>				
	<p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p>				
G. 8.	<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"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Prior to 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> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</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.
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Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				

	<p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>				
	<p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>				
G. 9.	<p>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1"> <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>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
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G. 10.	<p>Removal of Ancillary Works and Structures</p> <p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ol style="list-style-type: none"> the site sign, ablutions, hoarding, scaffolding, and waste materials, matter, article or thing. <p>Condition Reason: To ensure that all ancillary matter is removed prior to occupation.</p>				

G. 11.	<p>Certification of Electric Vehicle Charging System</p> <p>Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D17 must be submitted to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure the certification of the electric vehicle charging system.</p>
G. 12.	<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. 13.	<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>

H. OCCUPATION AND ONGOING USE

H. 1.	<p>Maintenance of BASIX Commitments</p> <p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. A486129_03.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p> <p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
H. 2.	<p>Maintenance of Landscaping</p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. <p>Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>
H. 3.	<p>Ongoing Maintenance of the Rainwater Reuse 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 retained and reused 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> <ul style="list-style-type: none"> a) 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 b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. <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> <ul style="list-style-type: none"> a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health "Public Swimming Pools and Spa Pools Advisory Document" in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): <ul style="list-style-type: none"> • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. <p>Notes:</p> <ul style="list-style-type: none"> • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au <p>Condition Reason: To ensure public health and safety.</p>
<p>H. 5.</p>	<p>Noise Control</p> <p>During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> • Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997. • Useful links: <ul style="list-style-type: none"> - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. - NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise. - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au. <p>Condition Reason: To protect the amenity of the neighbourhood.</p>
H. 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>
H. 7.	<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>

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

J. BEFORE SUBDIVISION WORK COMMENCES

Nil

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE






Nil

STRATA SUBDIVISION

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil

Attachments

1. Plans, elevations and sections [↓](#) 
2. Landscape Plans [↓](#) 
3. Referral Response - Development Engineering [↓](#) 
4. Stamped refused plans of original DA [↓](#) 
5. Assessment Report of original DA [↓](#) 



21 KAMBALA ROAD
BELLEVUE HILL, NSW 2023

DIV 8.2 APPLICATION

CONTENTS:

DA0000	Cover
DA0010	Site Analysis
DA0011	GFA Calculations
DA0020	Shadow Diagrams - Sheet 01
DA0021	Shadow Diagrams - Sheet 02
DA0022	Shadow Diagrams - 19 Kambala Road Elevations 01
DA0023	Shadow Diagrams - 19 Kambala Road Elevations 02
DA0200	General Arrangement Plan - Basement
DA0201	General Arrangement Plan - Ground
DA0202	General Arrangement Plan - Level 1
DA0203	General Arrangement Plan - Roof
DA0500	Elevations Sheet 01
DA0501	Elevations Sheet 02
DA0502	Elevations Sheet 03
DA0510	Sections Sheet 01
DA0511	Sections Sheet 02
DA0700	Photomontage

BASIX COMMITMENTS

REFER TO BASIX CERTIFICATE NO.A486129_03 (ISSUED 30.05.24
PREPARED BY BONNEFIN CONSULTING FOR PERFORMANCE REQUIREMENTS.
REFER TO SERVICES ENGINEER'S DRAWINGS AND SPECIFICATIONS IN
CONJUNCTION WITH ARCHITECTURAL DOCUMENTATION.

DWELLING COMMITMENTS

FLOOR, WALL AND CEILING/ROOF

THE APPLICANT MUST CONSTRUCT THE FLOOR(S), WALLS AND CEILING/ROOF
OF THE DWELLING IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE
TABLE BELOW:

FLOOR- CONCRETE SLAB ON GROUND
INSULATION: NIL
FLOOR - SUSPENDED CONCRETE SLAB
INSULATION: R0.7 (DOWN) OR R1.30 INCLUDING CONSTRUCTION
FLOOR - SUSPENDED TIMBER
INSULATION: R0.8 (DOWN) OR R1.50 INCLUDING CONSTRUCTION
FLOOR - SUSPENDED ABOVE GARAGE
INSULATION; NIL
EXTERNAL WALL - CAVITY BRICK
INSULATION: NIL
EXTERNAL WALL - CONCRETE BLOCK
INSULATION: R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
FLAT CEILING, PITCHED ROOF
INSULATION: CEILING R3.00 (UP), ROOF - FOIL/SARKING (MEDIUM)

WATER

THE FOLLOWING FIXTURES & APPLIANCES MUST BE INSTALLED IN ALL UNITS AND
MEET THE MINIMUM WATER RATING SHOWN

SHOWER HEADS >4.5 BUT <=9L/min OR 3 STARS
TOILET FLUSHING SYSTEM <=4L/MIN OR 3 STARS
TAPS <=9L/MIN OR 3 STARS

ALTERNATIVE WATER RAIN WATER TANK(RWT) 1317L

SWIMMING POOL
MUST BE OUTDOORS AND NOT MORE THAN 54 KL.

WINDOWS AND GLAZED DOORS
THE APPLICANT MUST INSTALLED THE WINDOWS, GLAZED DOORS AND SHADING
DEVICES IN ACCORDANCE WITH THE TABLE IN THE CERTIFICATE.

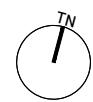
FOR PROJECTIONS DESCRIBED IN MILLIMETERS, THE LEADING EDGE OF EACH
EAVE, PERGOLA, VERANDAH, BALCONY OR AWNING MUST BE BE NO MORE THAN
500MM ABOVE THE HEAD OF THE WINDOW OR GLAZED DOOR AND NO MORE
THAN 2400MM ABOVE THE SILL.

OVERSHADOWING BUILDINGS, OR VEGETATION, MUST BE OF THE HEIGHT AND
DISTANCE FROM THE CENTRE AND THE BASE OF THE WINDOW AND GLAZED
DOOR AS SPECIFIED IN THE OVERSHADOWING COLUMN IN THE TABLE.

SKYLIGHTS
THE APPLICANT MUST INSTALLED THE SKYLIGHTS IN ACCORDANCE WITH THE
SPECIFICATIONS IN THE TABLE.

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work.

North Point



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B	01.03.24	REVISED DA ISSUE	RM	JR
C	23.05.24	DIV 8.2 APPLICATION ISSUE	RM	JR

Rev. No.	Date	Revision	By	Chk.

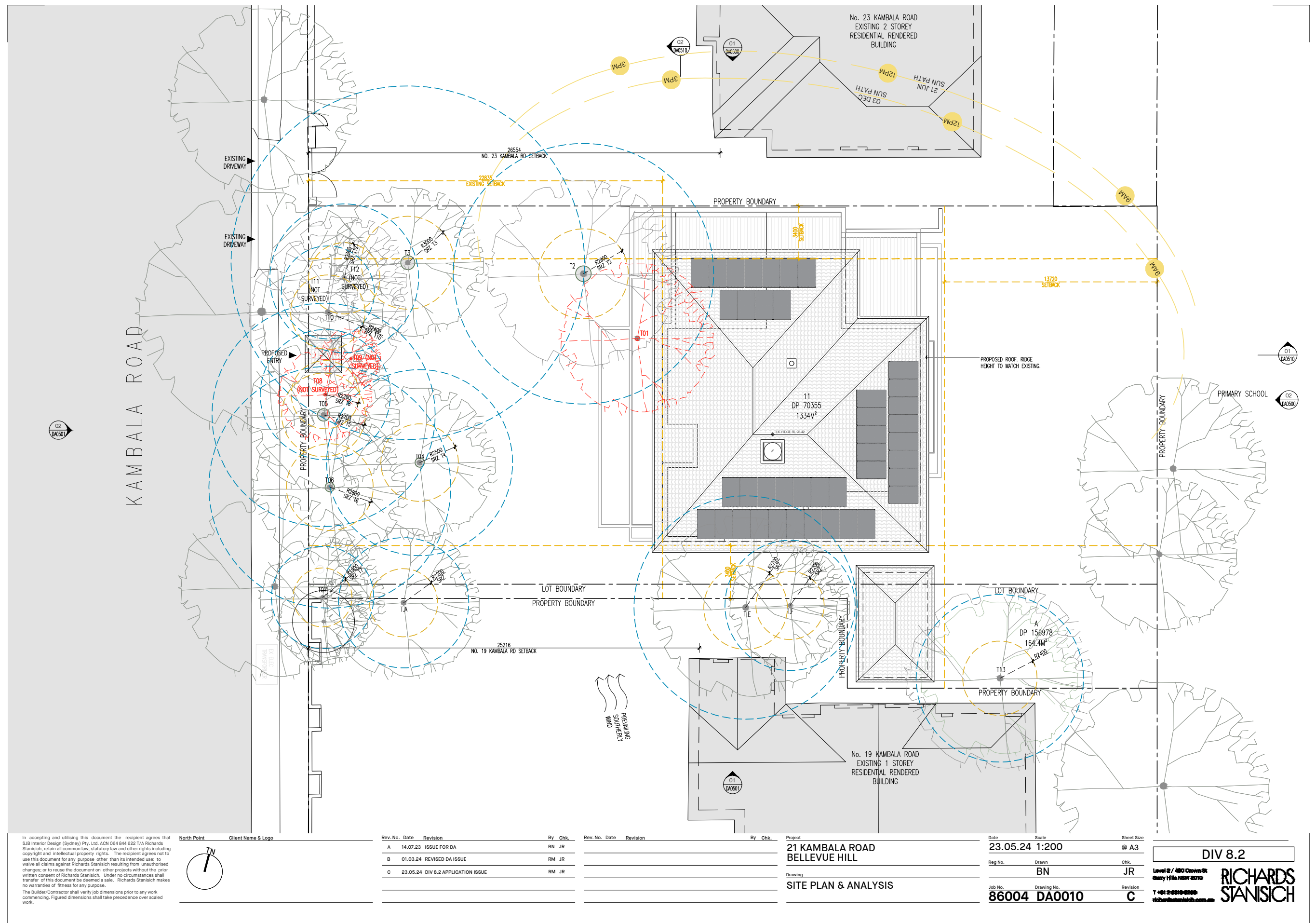
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21 KAMBALA ROAD
BELLEVUE HILL
Drawing
COVER SHEET

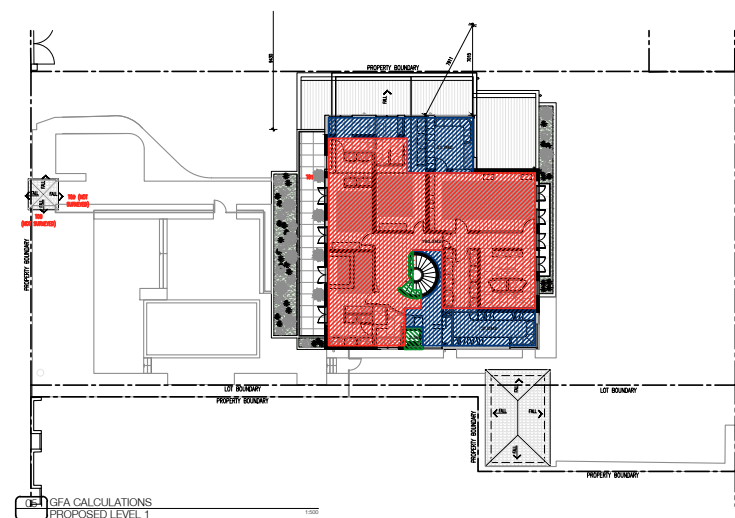
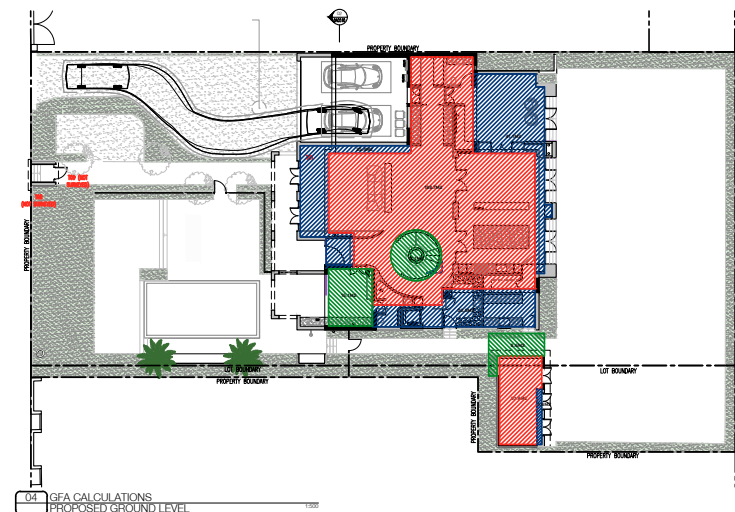
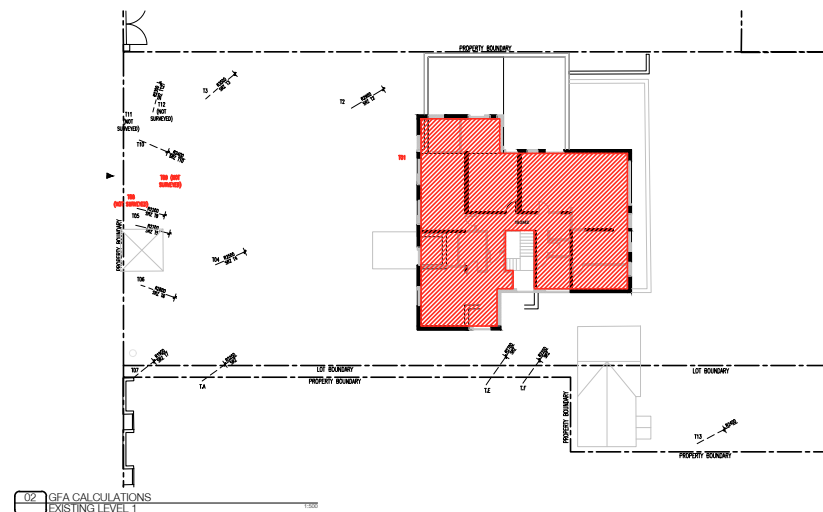
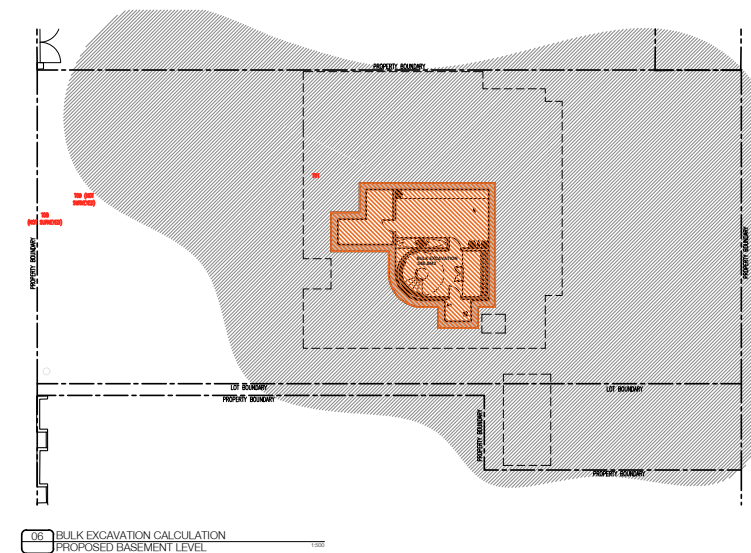
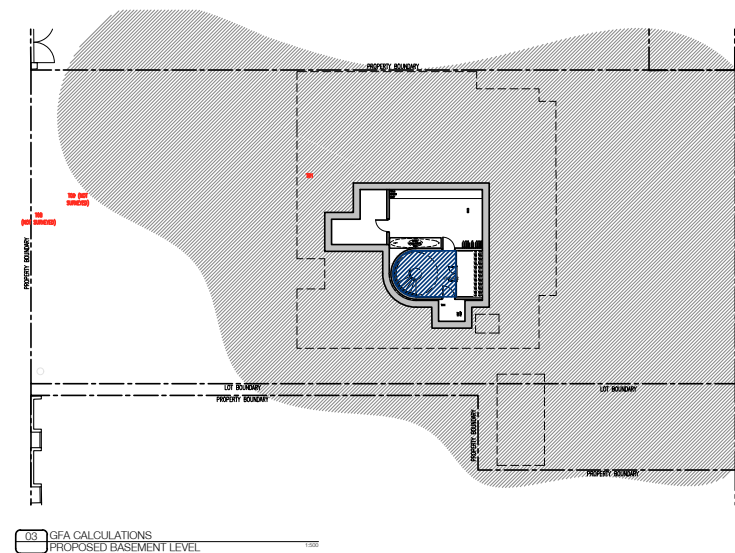
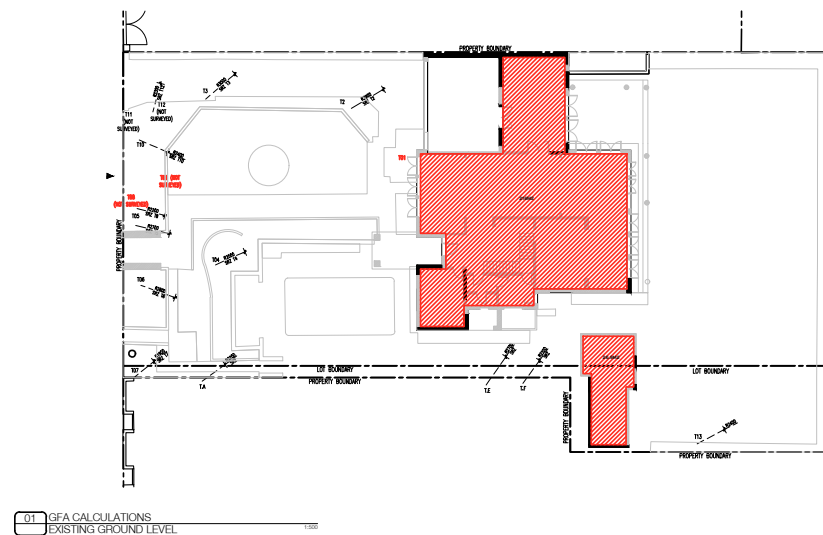
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Reg. No.	Drawn	Chk.
BN	JR	
Job No.	Drawing No.	Revision
86004	DA0000	C




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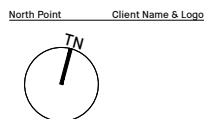
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GFA & FSR	
LEGEND AND NOTES	
	EXISTING GFA AREA
	PROPOSED ADDITIONAL GFA AREA
	PROPOSED REDUCED GFA AREA
<p>NOTES:</p> <p>CALCULATION AS PER GFA DEFINITION WOOLLAHRA LEP 2014</p>	
CALCULATIONS	
SITE AREA	1498.4M2
EXISTING GFA	
GROUND LEVEL	242.9M2
LEVEL 1	193.5M2
TOTAL	436.4M2
PROPOSED GFA	
BASEMENT LEVEL	16.1M2
GROUND LEVEL	285.7M2
LEVEL 1	253.2M2
TOTAL	554.8M2
PERMISSIBLE FSR	0.5:1
EXISTING FSR	0.29:1
PROPOSED FSR	0.37:1

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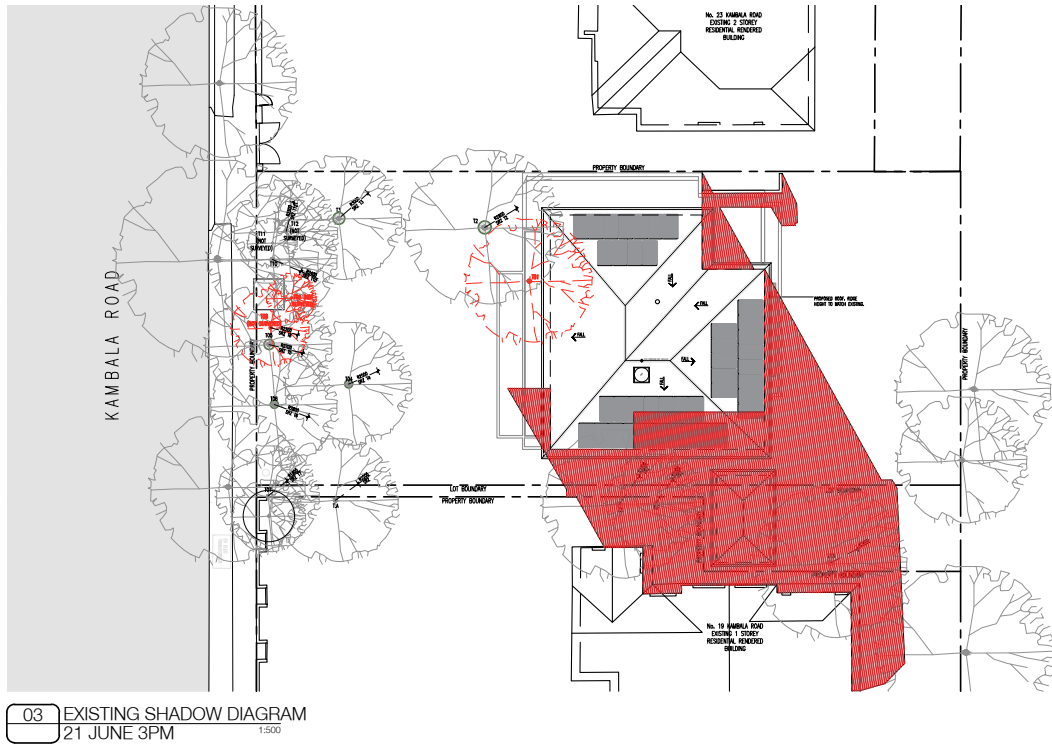
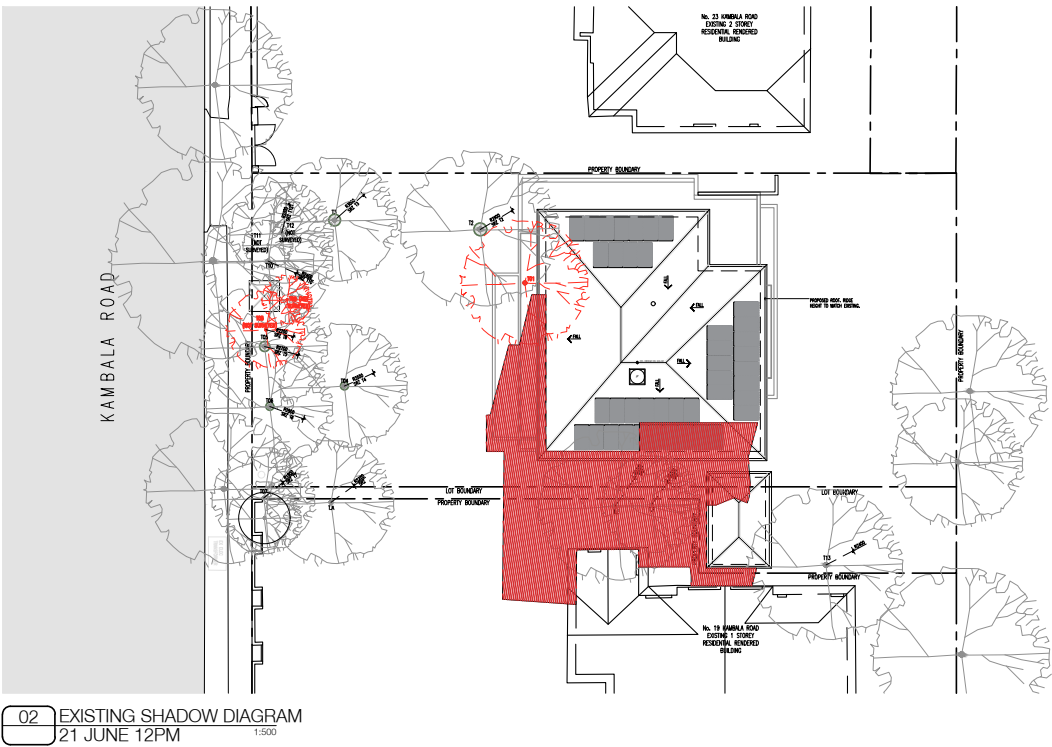
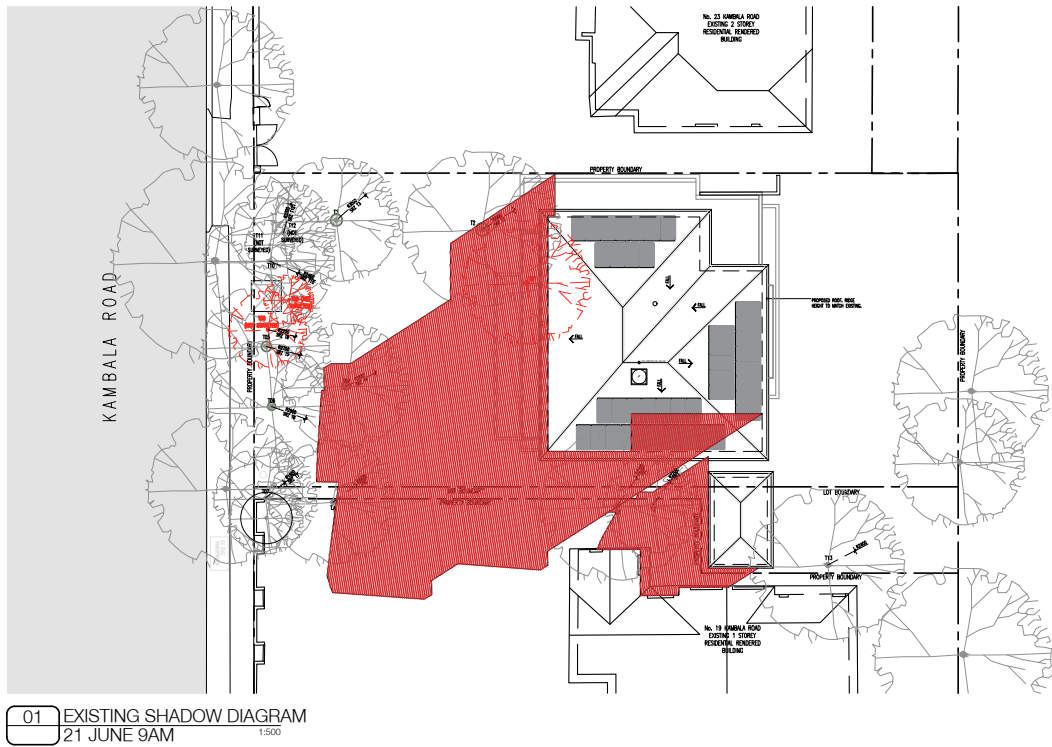
Rev. No.	Date	Revision	By	Chk.

Project
21 KAMBALA ROAD
BELLEVUE HILL

Drawing
AREA CALCULATIONS

Date	Scale	Sheet Size
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Reg No.	Drawn	Chk.
	BN	JR
Job No.	Drawing No.	Revision
86004	DA0011	C

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	ADDITIONAL SHADOWS
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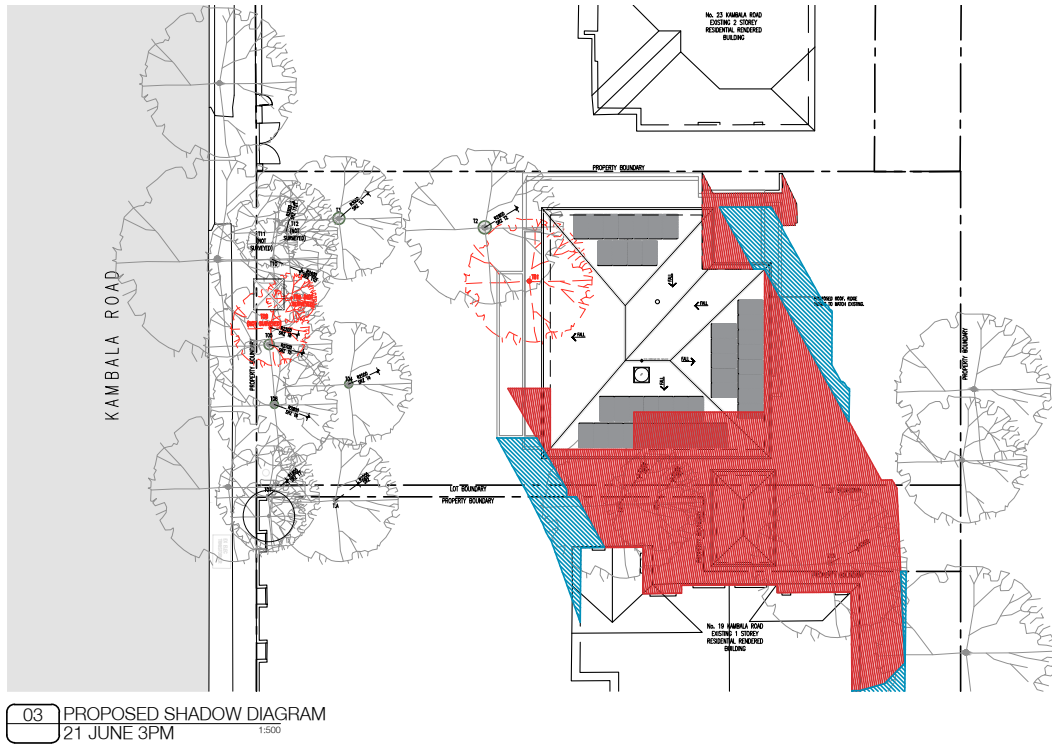
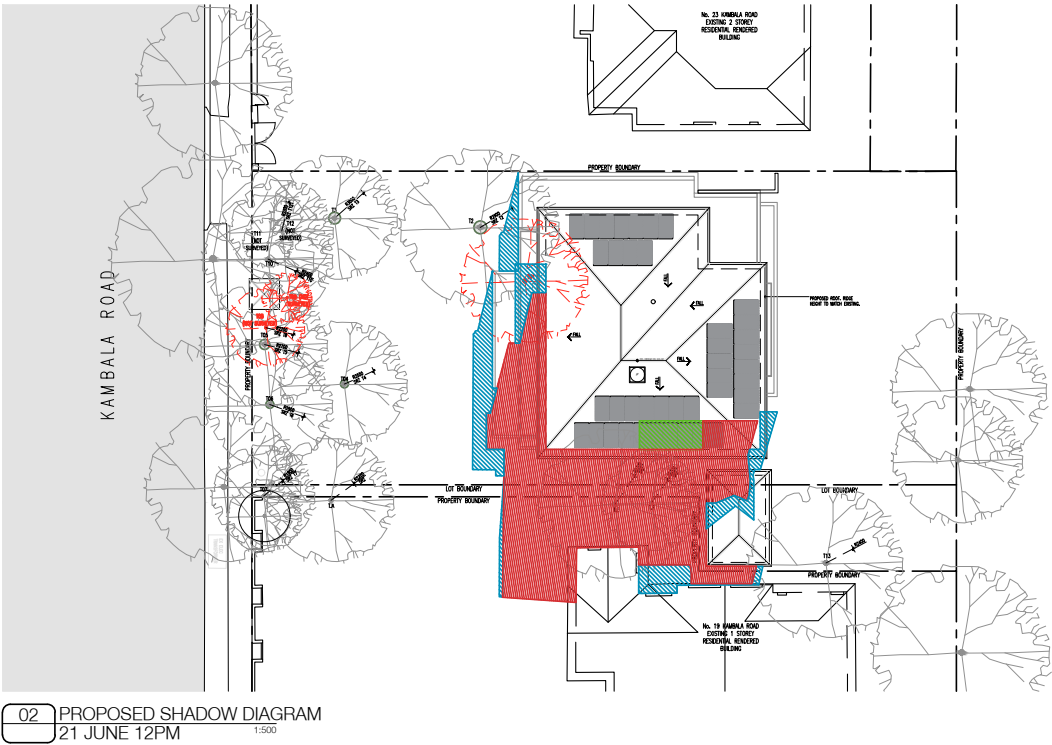
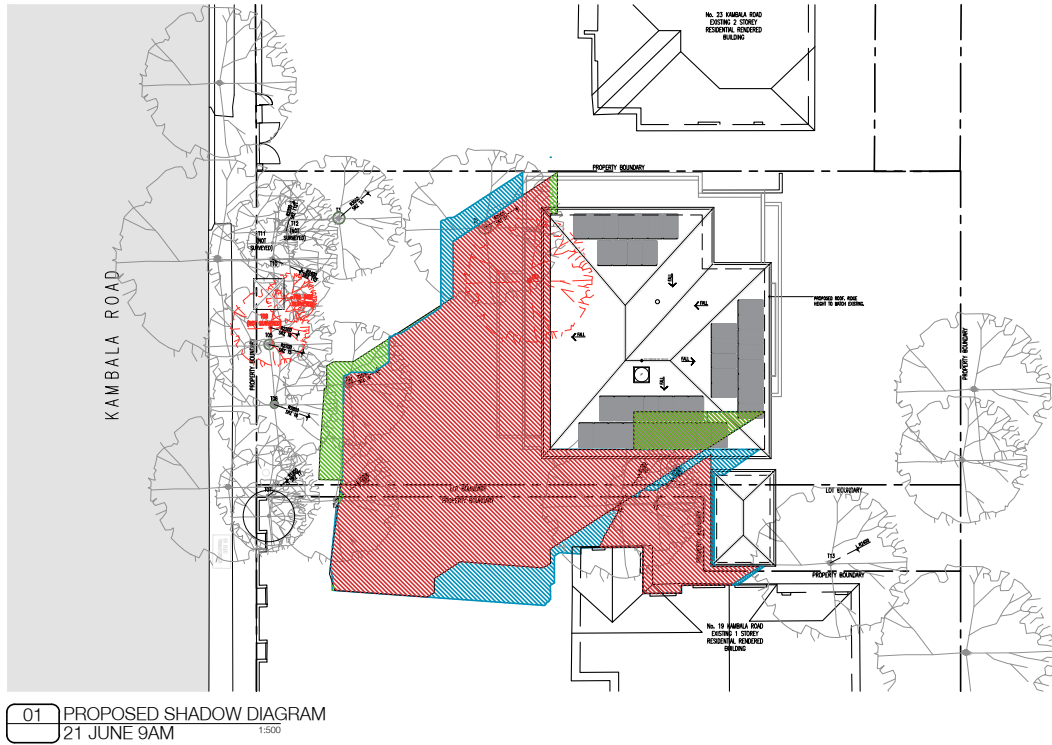
Rev. No.	Date	Revision	By	Chk.

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SHADOW DIAGRAMS SHEET 01		BN	JR
	Job No.	Drawing No.	Revision
	86004	DA0020	B

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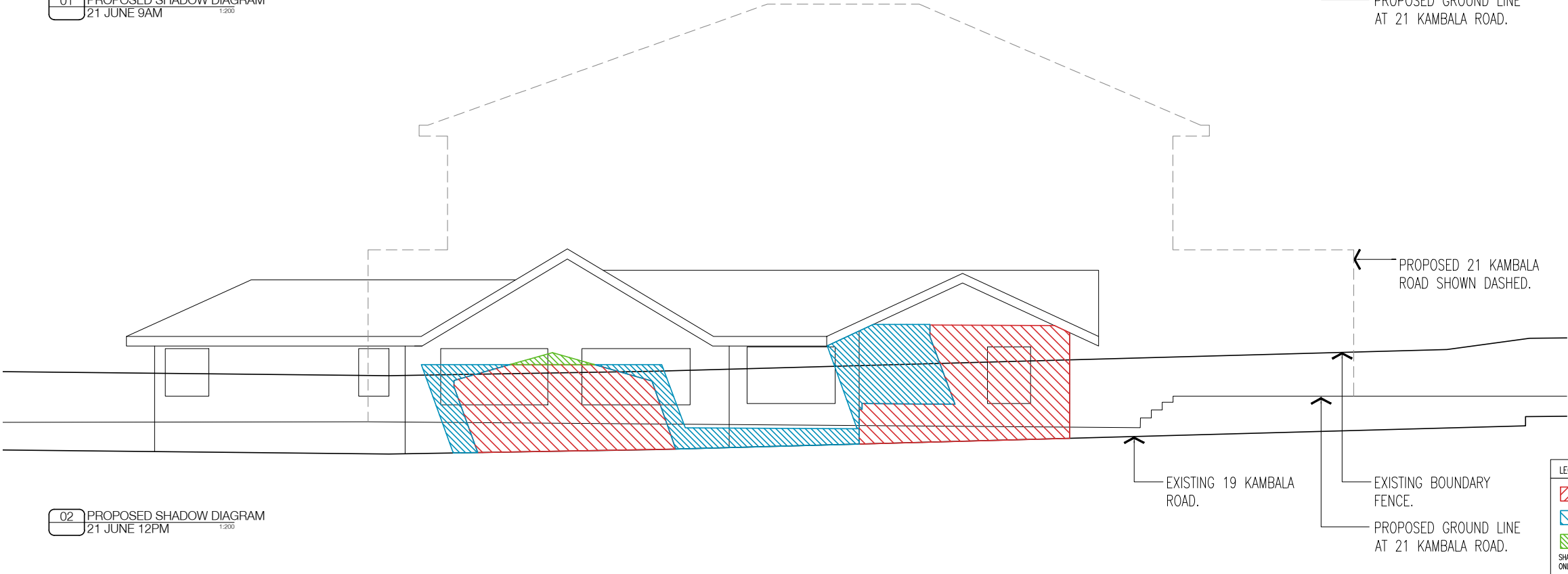
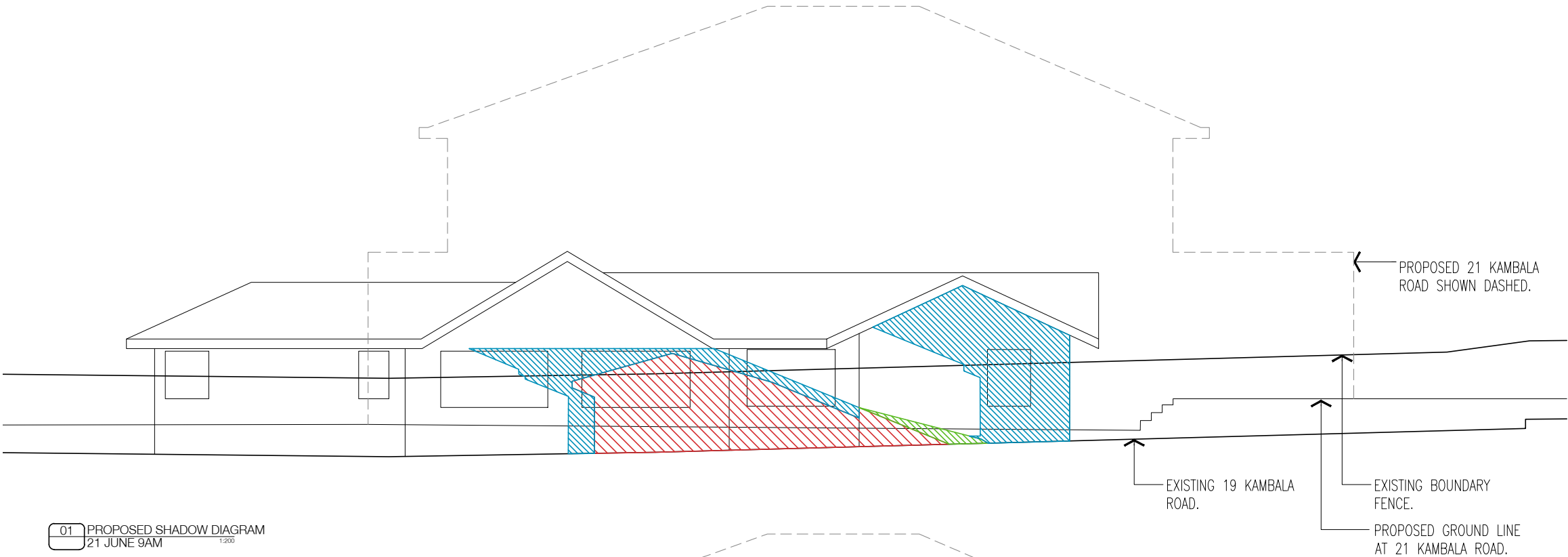
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Drawing	SHADOW DIAGRAMS SHEET 02

Date	23.05.24	Scale	1:500	Sheet Size	@ A3
Reg No.	BN	Chk.	JR		
Job No.	86004	Drawing No.	DA0021	Revision	C

DIV 8.2

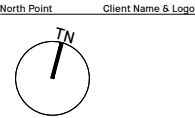
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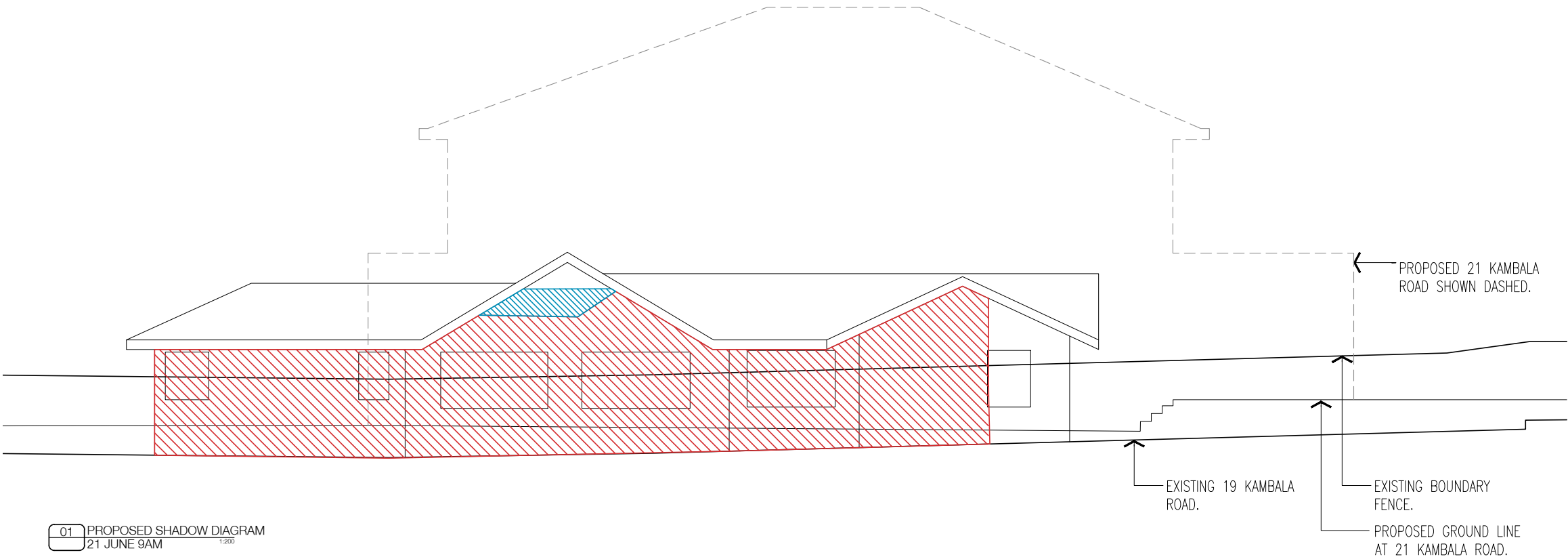
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Date	01.03.24	Scale	1:500	Sheet Size	@ A3
Reg. No.	BN	Drawn	BN	Chk.	JR
Job No.	86004	Drawing No.	DA0022	Revision	B

DIV 8.2

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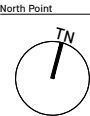
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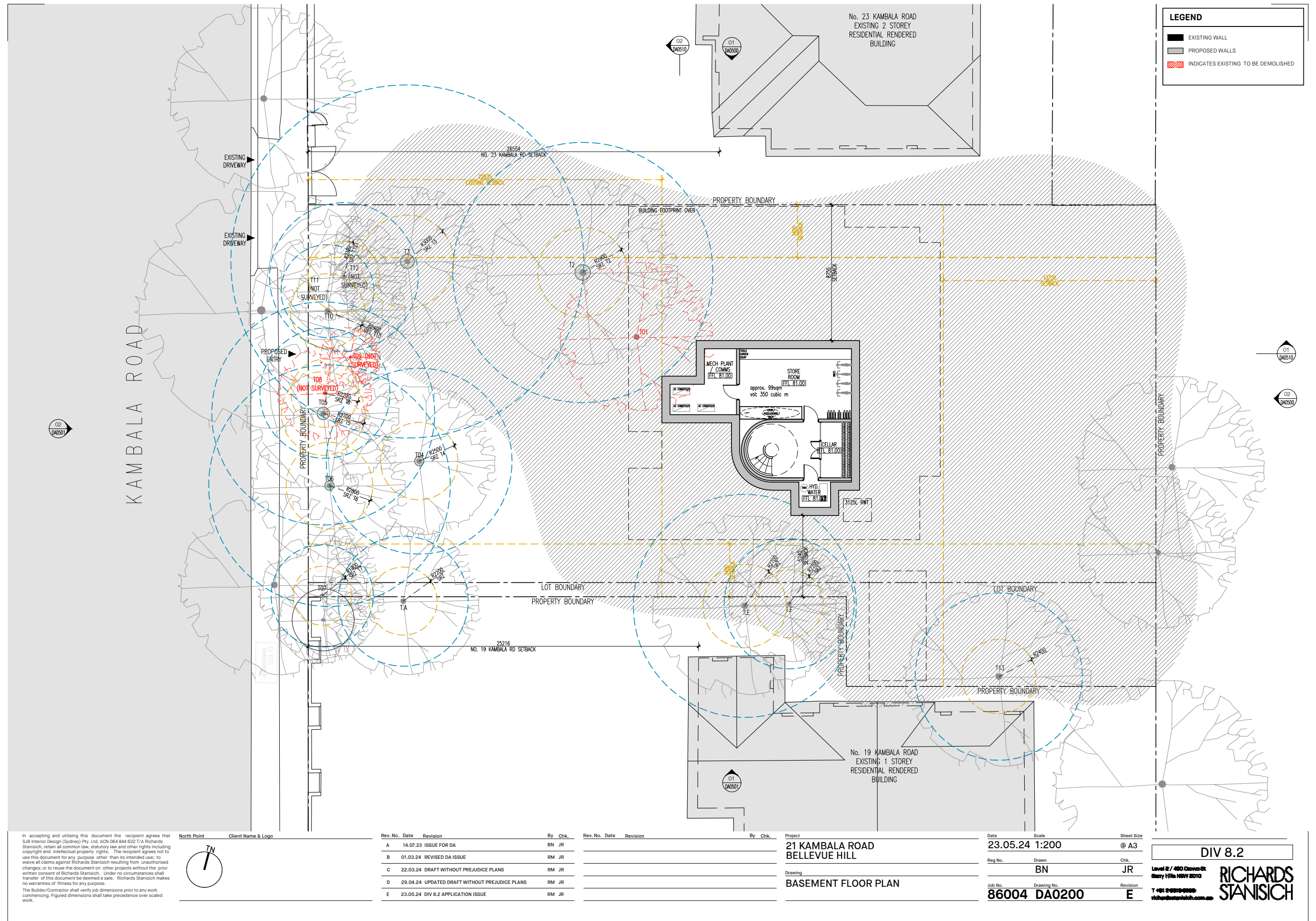
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Drawing
SHADOW DIAGRAMS 19 KAMBALA ROAD ELEVATIONS 02

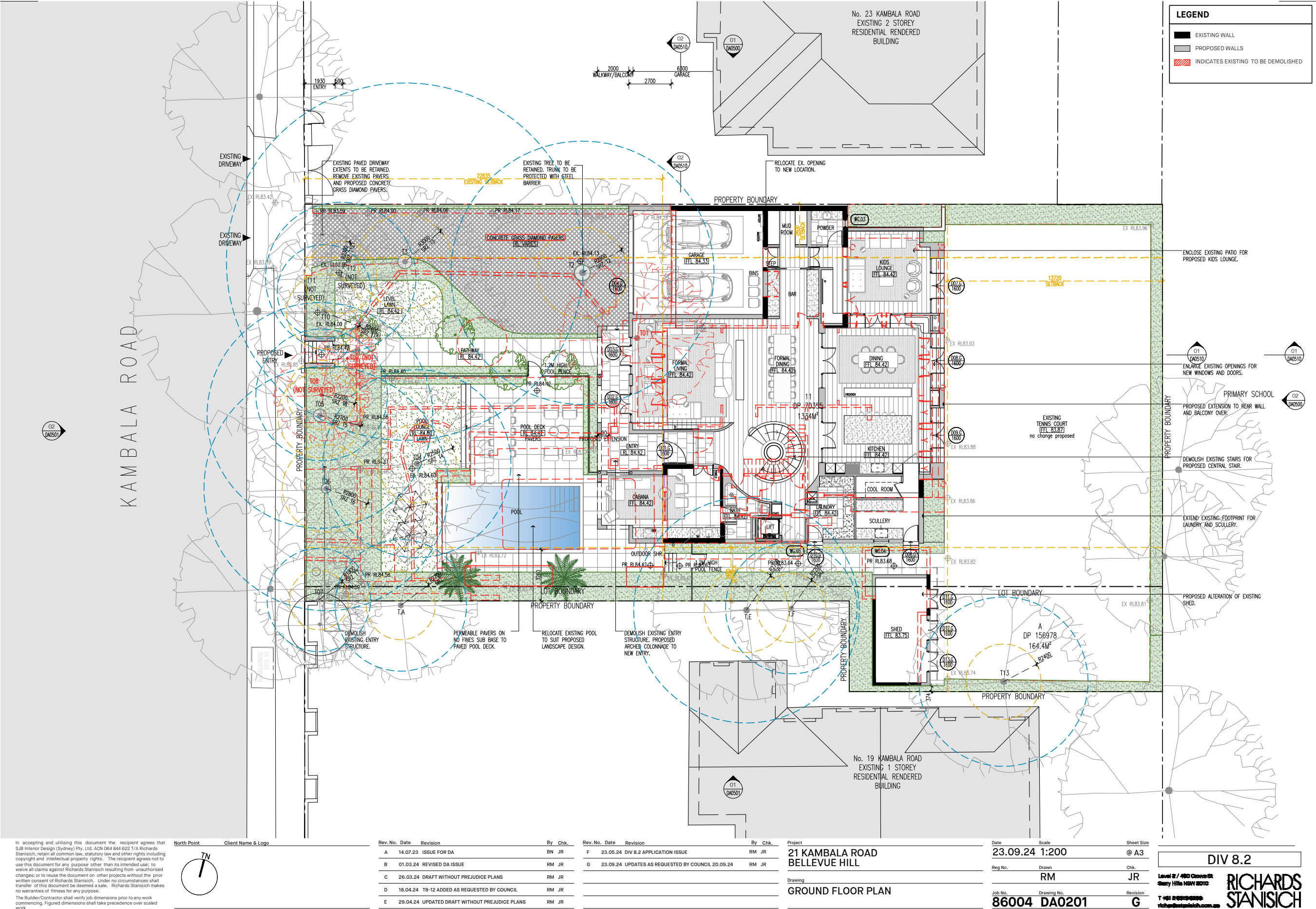
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Job No.	Drawing No.	Revision
86004	DA0023	B

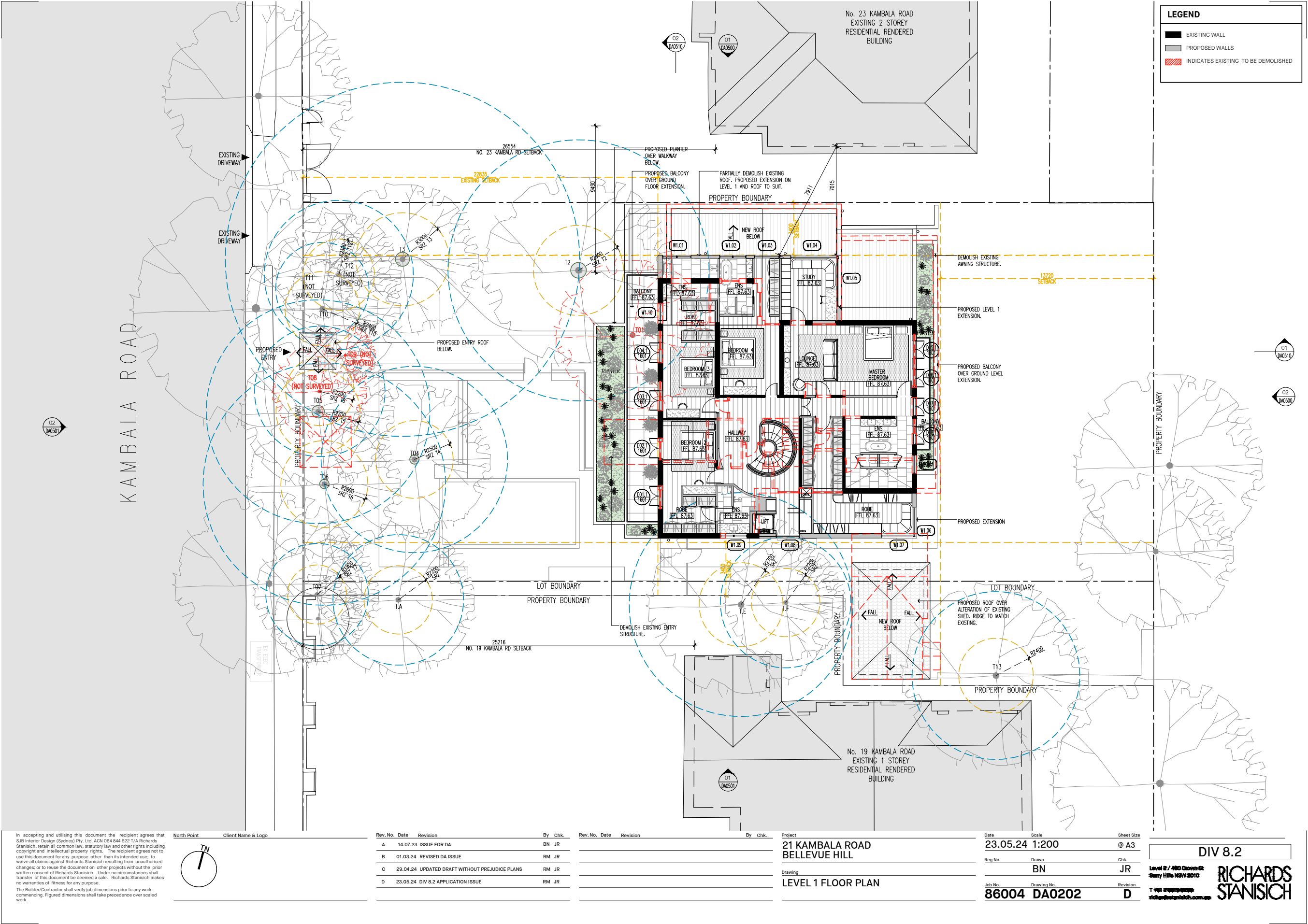
DIV 8.2

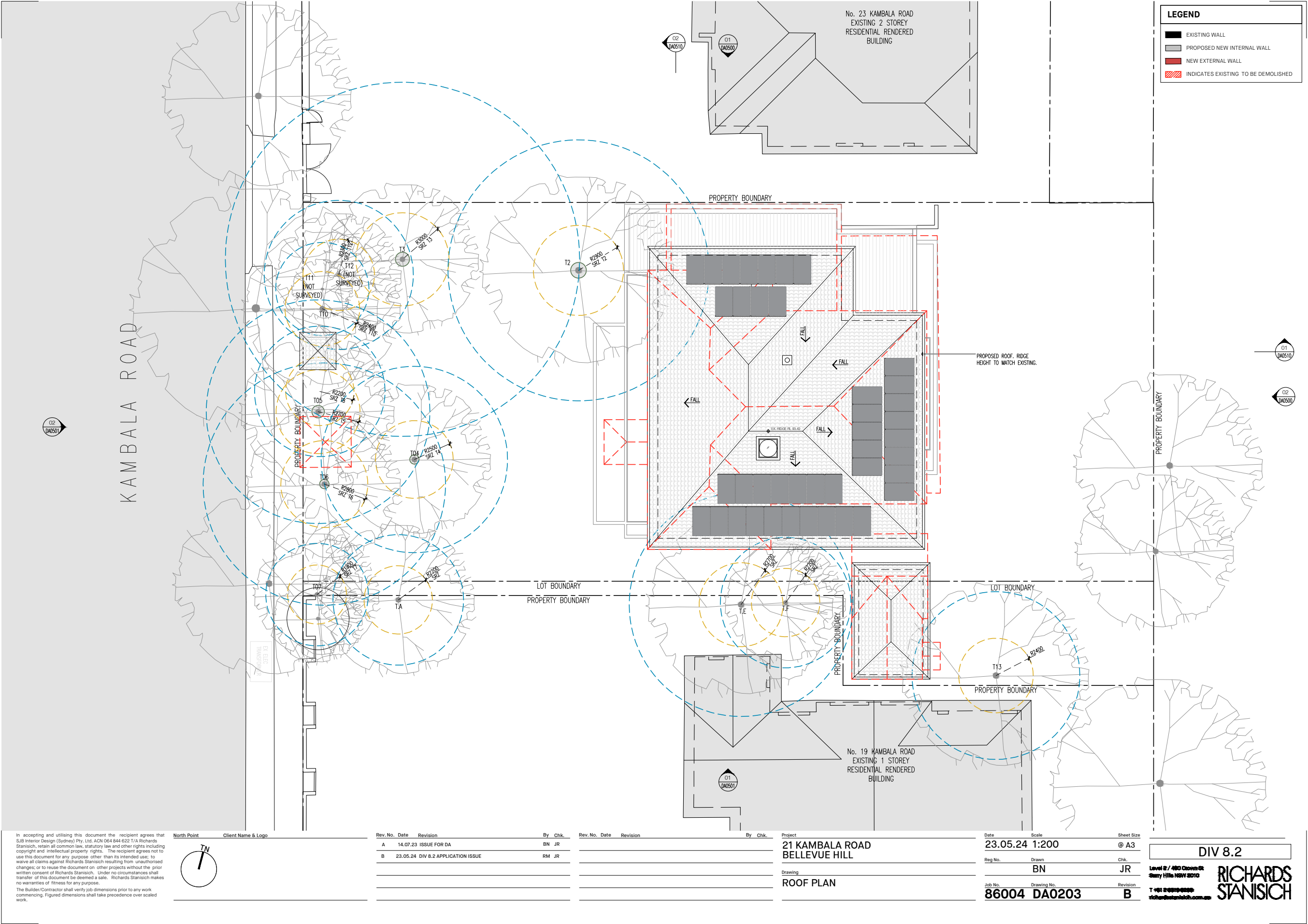
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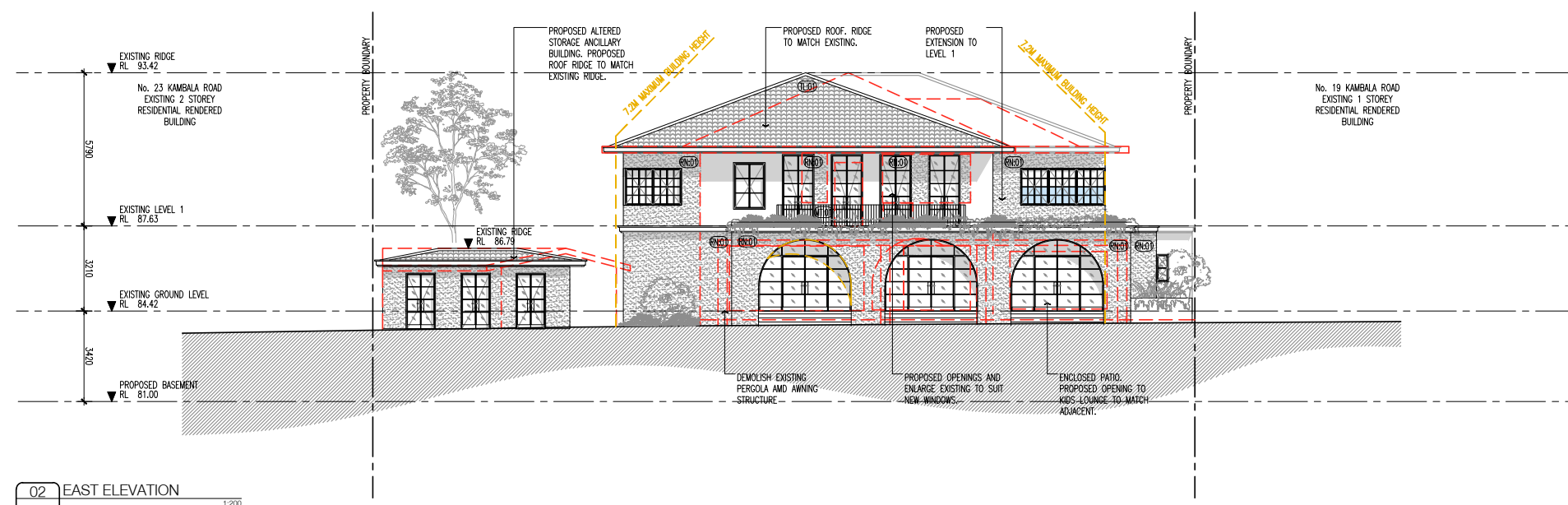
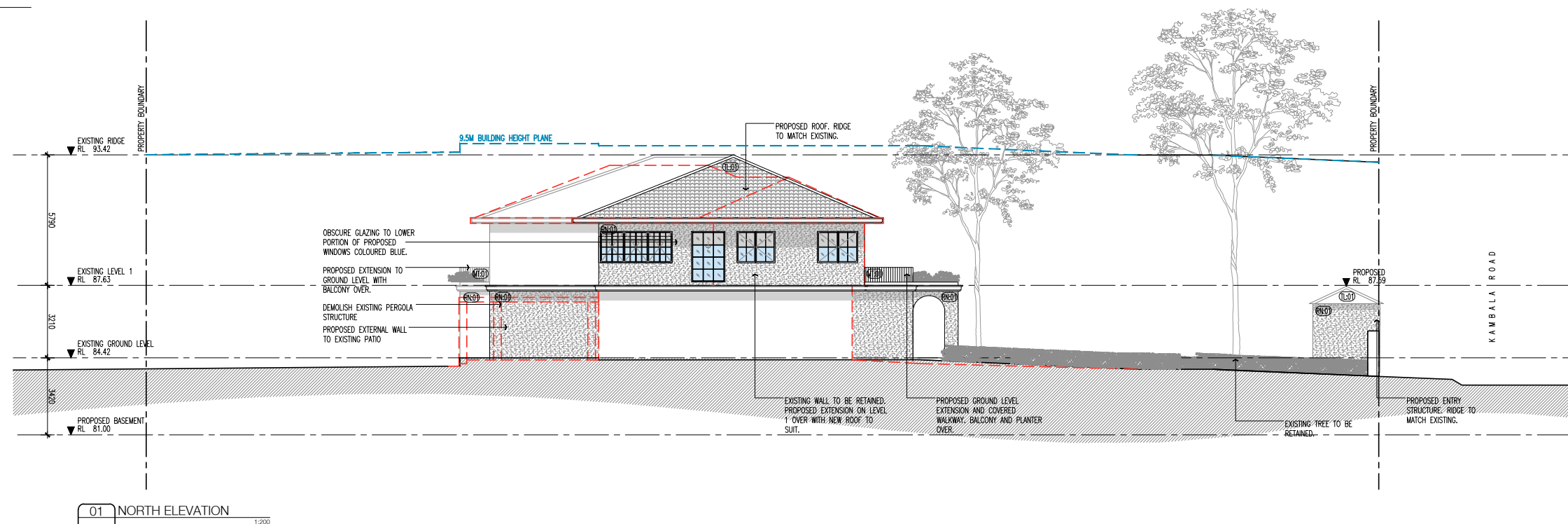
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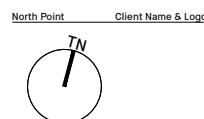






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Rev. No.	Date	Revision	By	Chk

Project
21 KAMBALA ROAD
BELLEVUE HILL

Drawing
ELEVATIONS
SHEET 01

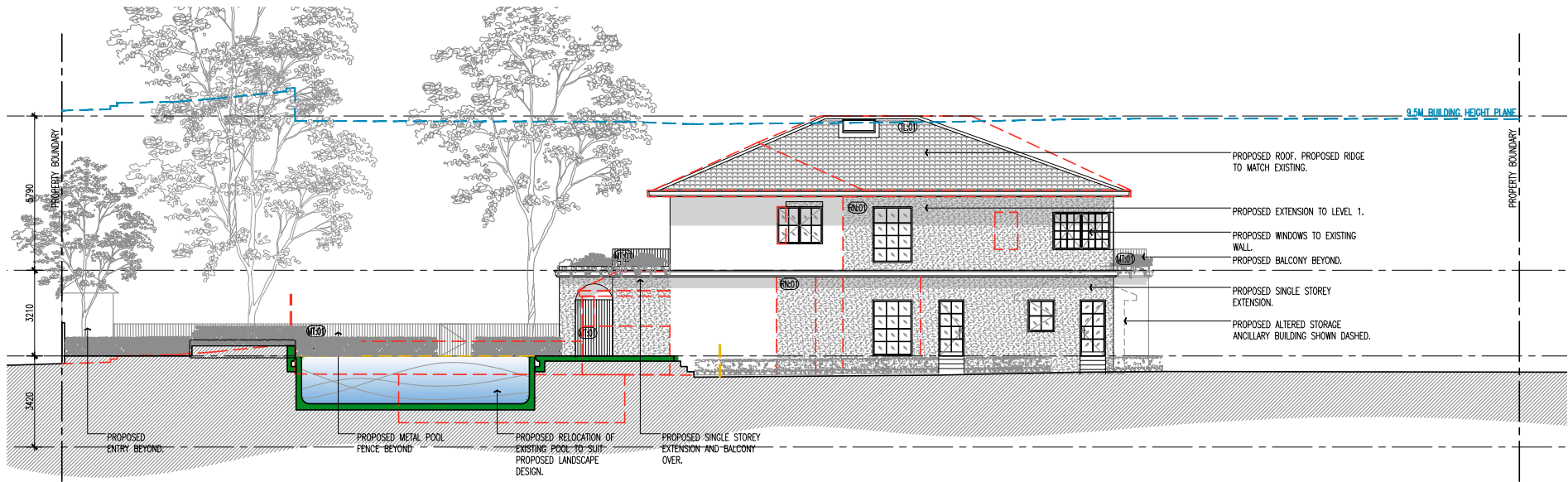
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Job No.	Drawing No.	Revision
86004	DA0500	C

DIV 8.2

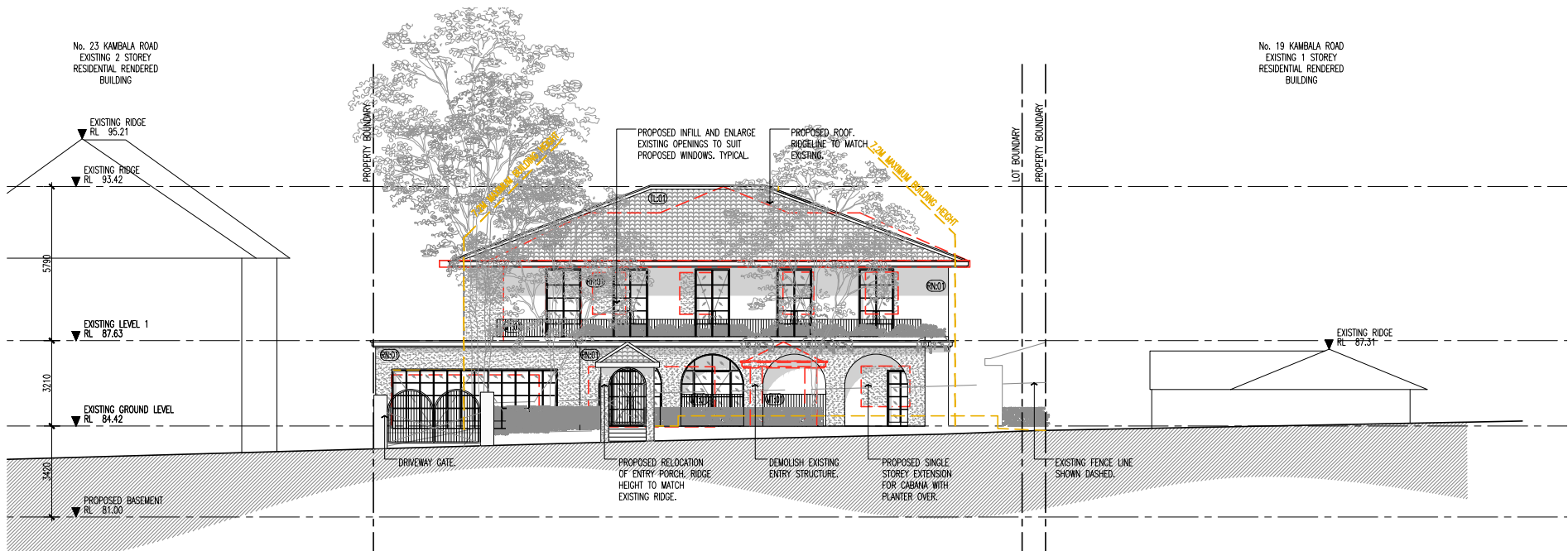
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01 SOUTH ELEVATION
1:200

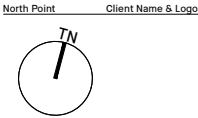


02 WEST ELEVATION
1:200



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C	23.05.24	DIV 8.2 APPLICATION ISSUE	RM	JR
D	23.09.24	UPDATES AS REQUESTED BY COUNCIL 20.09.24	RM	JR

Rev. No.	Date	Revision	By	Chk.

Project
**21 KAMBALA ROAD
BELLEVUE HILL**

Drawing
**ELEVATIONS
SHEET 02**

Date
23.09.24

Scale
1:200

Sheet Size
@ A3

Reg. No.
BN

Chk.
JR

Job No.
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Drawing No.
DA0501

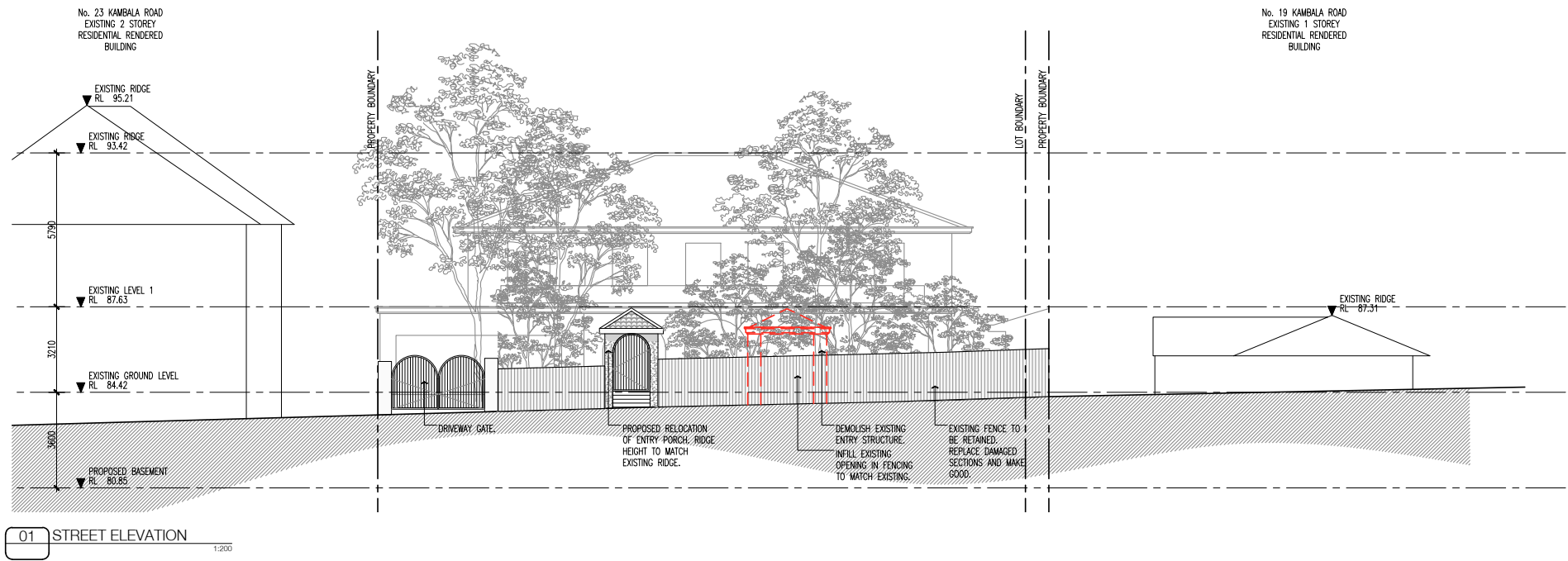
Revision
D

DIV 8.2

Level 8 / 480 Crover St
Sydney Hills NSW 2570

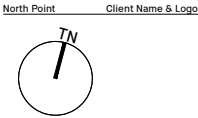
**RICHARDS
STANISCH**

Tel: 02 9394 0000
info@richardsstansich.com.au



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Rev. No.	Date	Revision	By	Chk.
A	14.07.23	ISSUE FOR DA	BN	JR
B	01.03.24	REVISED DA ISSUE	RM	JR
C	23.05.24	DIV 8.2 APPLICATION ISSUE	RM	JR

Rev. No.	Date	Revision	By	Chk.

Project	21 KAMBALA ROAD BELLEVUE HILL
Drawing	ELEVATIONS SHEET 03

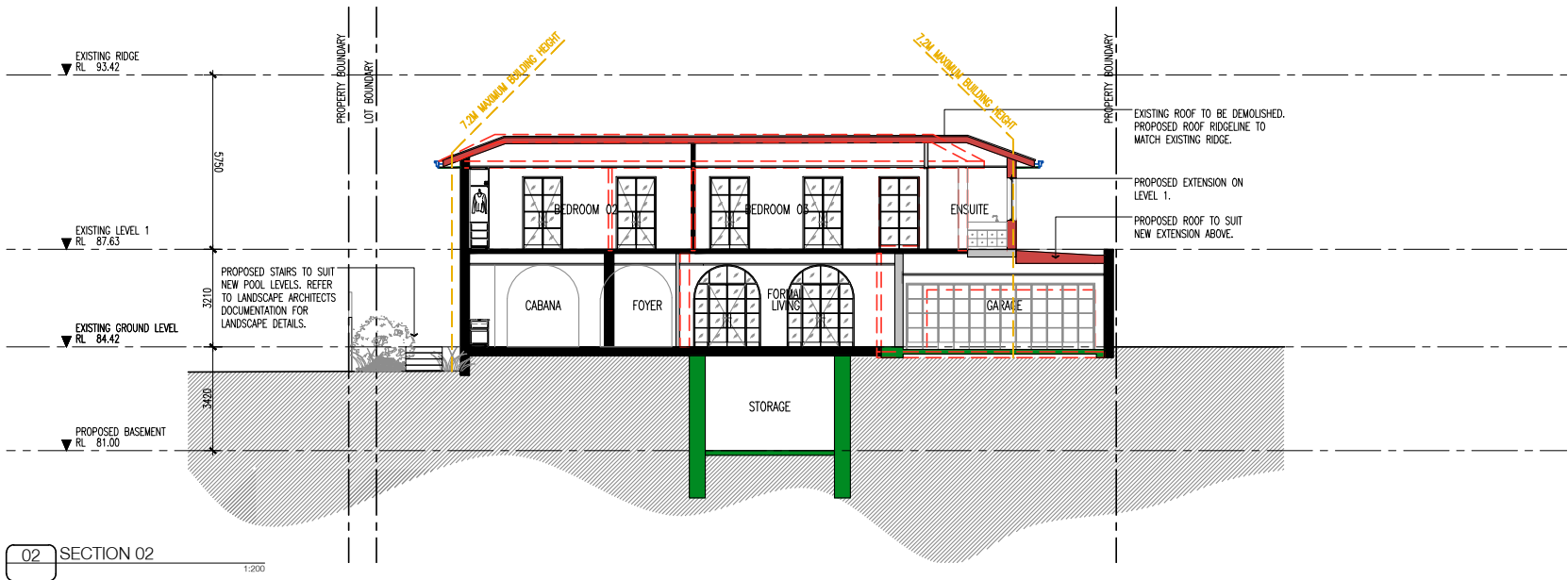
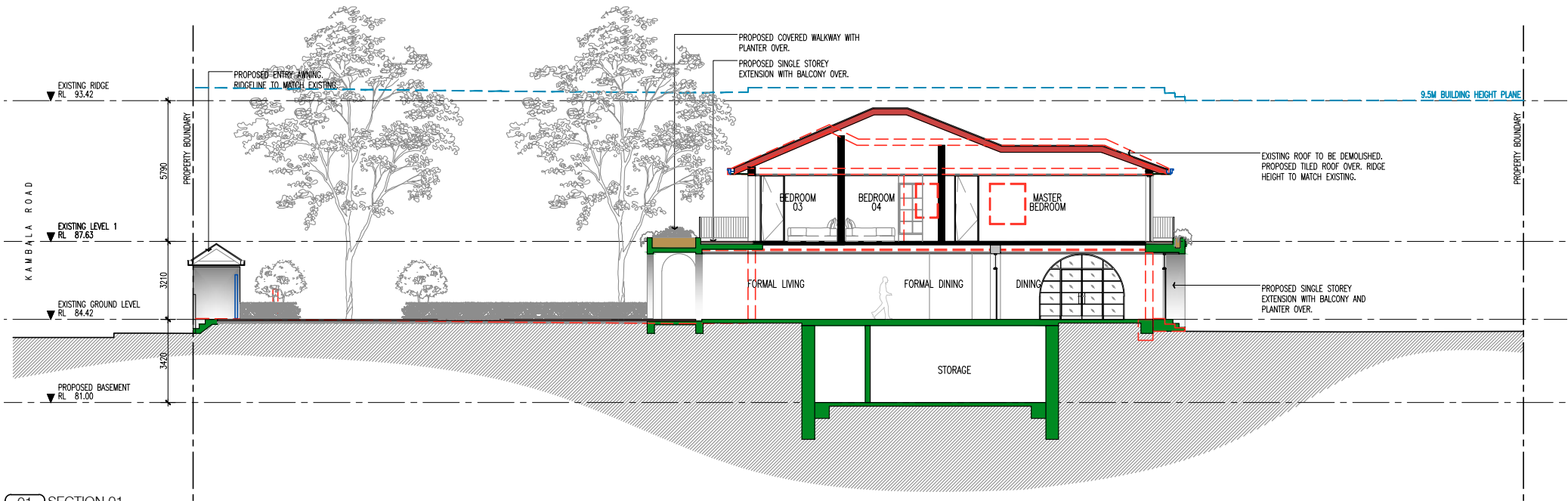
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Reg. No.	BN	Drawn	BN	Chk.	JR
Job No.	86004	Drawing No.	DA0502	Revision	C

DIV 8.2

Level 8 / 480 Crover St
Sunny Hills NSW 2010

Tel: 02 9394 0000
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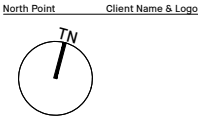


LEGEND

- EXISTING WALL
- PROPOSED LIGHTWEIGHT WALL/FLOOR
- PROPOSED EXTERNAL WALL/ROOF
- INDICATES EXISTING BUILDING ELEMENTS TO BE DEMOLISHED
- INDICATES EXISTING WALL TO BE DEMOLISHED
- PROPOSED FLOOR FINISH
- PROPOSED METALWORK
- PROPOSED TIMBER - PAINT FINISH
- PROPOSED CONCRETE /FC

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Rev. No.	Date	Revision	By	Chk.

Project
**21 KAMBALA ROAD
BELLEVUE HILL**

Drawing
SECTIONS

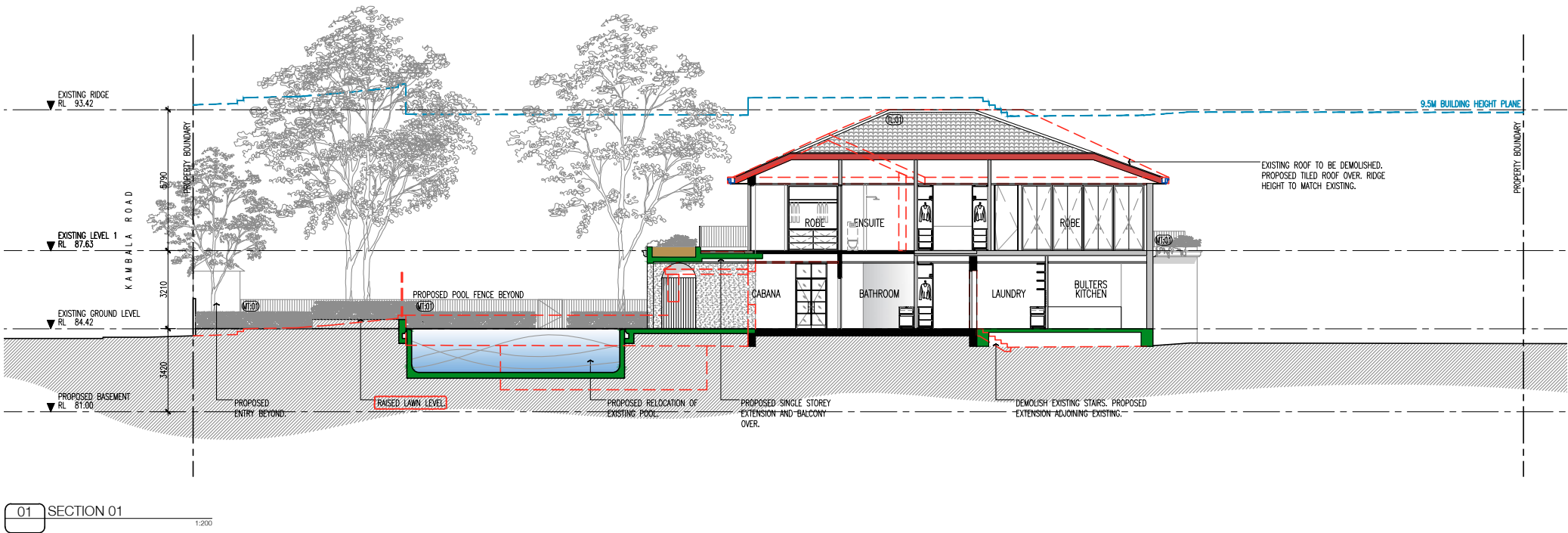
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Reg. No.	Drawn	Chk.
	BN	JR
Job No.	Drawing No.	Revision
86004	DA0510	C

DIV 8.2

Level 8 / 480 Crover St
Sunny Hills NSW 2010

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LEGEND

EXISTING WALL

PROPOSED LIGHTWEIGHT WALL/FLOOR

PROPOSED EXTERNAL WALL/ROOF

INDICATES EXISTING BUILDING ELEMENTS TO BE DEMOLISHED

INDICATES EXISTING WALL TO BE DEMOLISHED

PROPOSED FLOOR FINISH

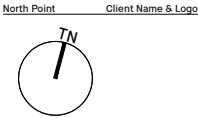
PROPOSED METALWORK

PROPOSED TIMBER – PAINT FINISH

PROPOSED CONCRETE /FC

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B	01.03.24	REVISED DA ISSUE	RM	JR
C	23.05.24	DIV 8.2 APPLICATION ISSUE	RM	JR
D	23.09.24	UPDATES AS REQUESTED BY COUNCIL 20.09.24	RM	JR

Rev. No.	Date	Revision	By	Chk.

Project

21 KAMBALA ROAD
BELLEVUE HILL

Drawing

SECTIONS
SHEET 02

Date

23.09.24

Scale

1:200

Sheet Size

@ A3

Reg. No.

BN

Chk.

JR

Job No.

86004

Drawing No.

DA0511

Revision

D

DIV 8.2

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Sunny Hill NSW 2010

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WYER & CO

LANDSCAPE DEVELOPMENT APPLICATION - REV 05 - 23.09.2024

21 KAMBALA ROAD,
BELLEVUE HILL, NSW 2023

COUNCIL REQUIREMENTS - WOOLLAHRA RESIDENTIAL DEVELOPMENT APPLICATION

THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:
• DCP (WOOLLAHRA RESIDENTIAL DEVELOPMENT CONTROL PLAN 2015 AMENDMENT 21) CHAPTER B3 - GENERAL DEVELOPMENT CONTROLS & CHAPTER E3 - TREE MANAGEMENT.

LANDSCAPE AREA CALCULATIONS: REFER TO ARCHITECT'S DRAWINGS FOR LANDSCAPE AREA & DEEP SOIL CALCULATIONS

ARBORICULTURAL ASSESSMENT - REFER TO ARBORICULTURAL ASSESSMENT REPORT PREPARED BY MARTIN PEACOCK TREE CARE AS REQUIRED

LANDSCAPE INSTALLATION SPECIFICATION

TREE REMOVAL
• Tree surgery, pruning or tree removal works are to be overseen by a qualified arborist, if specified by arborists report.
• Tree protection to be installed for trees to be retained as per arborist / council's specifications.

TREES TO BE RETAINED
• Refer to arborist report for recommended tree protection.

PLANTER BEDS
• Soil for plantings over slab or contained areas. Minimum soil depths for planting on any slab:
• Small trees: Min 1000mm excluding 75mm mulch
• Shrubs: Min 600mm excluding 75mm mulch
• Turf: Min 300mm
• Suitable drainage implemented through use of ag lines, drainage flow cell and geotech fabric.
• Soil to be ANL Planter Box Mix, or equivalent. Blend of soil, coarse sand, graded ash, nepean sand, composted sawdust, botany humus and composted pine bark.
• Soil to be between 20-50mm below top of retaining wall height, to allow for dropping.

TURFING
• Turf to be laid on minimum 100mm turf underlay.
• Turf underlay to be ANL Sand / Soil Blend, or equivalent.
• Turf to be Sir Walter Turf – Premium Buffalo Grass (Registered PBR), supplied by President Turf, or equivalent.

MULCHING
• Place mulch to minimum depth of 75mm, clear of plant stems, and rake to an even surface flush with the surrounding finished levels and consistent in depth.
• Trees in lawn areas to have 750mm diameter of mulch surrounding.
• Mulch for general garden areas, pots, and planters to be Australian Native Landscapes (ANL) Greenlife Mulch and Compost, or equivalent.

TREE PLANTING
• Excavate holes in accordance with dimension of container. The depth of the holes is to be equivalent to the container height plus 100mm and the width of the hole is to be twice that of the container.
• Locate tree to centre of hole and backfill with soil. Firm about root ball.
• All plant material, 45 Litres or over, to be staked.

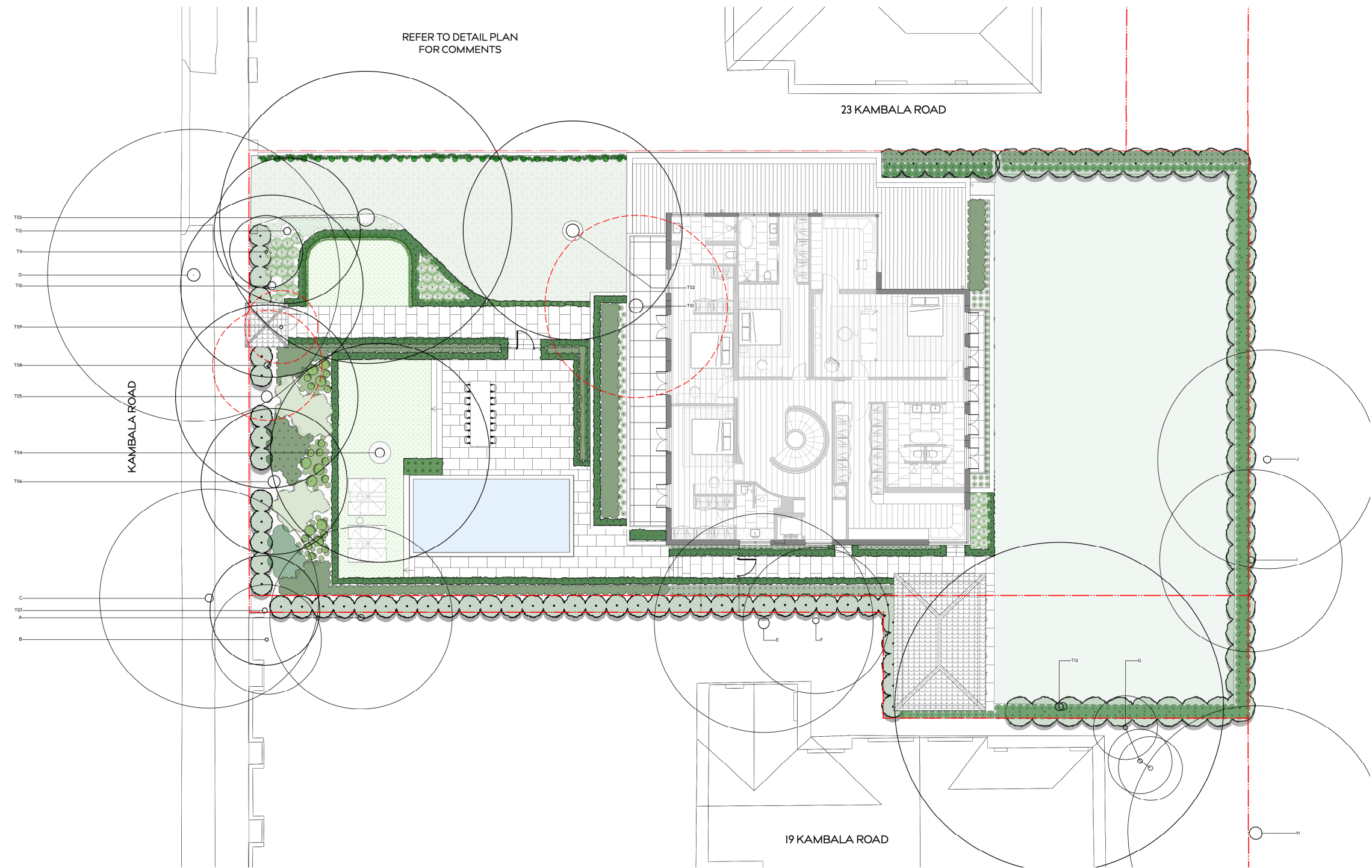
IRRIGATION
• Automated irrigation system to be implemented. Reputable irrigation brands are to be sourced.
• Use drip lines with emitters at 300mm spacing's for all garden beds.
• Use pop-up spray heads for all lawn areas. Pop-up spray heads are to be spaced according to product specification.
• Conceal irrigation below the mulch layer in planting areas and 150mm below the surface of turf areas. Conceal all components including pipework, fittings, valves, and control equipment.

PLANT SCHEDULE							
ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Shrubs							
Ae	262	Aspidistra elatior	Cast Iron Plant	200 mm	0.5m - 1.0m	0.5m - 1.0m	
BmH	409	Buxus microphylla Hedge	Japanese Box	300mm	Maintained	Maintained	
Bmt	23	Buxus microphylla Topiary	Japanese Box	300 mm	0.5 - 0.6m	0.5 - 0.6m	Clipped Buxus Sphere
Coa	10	Correa alba	Correa	200 mm	1.5 - 2.0 m	1.5 - 2.0m	NATIVE
Fh	96	Ficus hillii	Fig	45 Ltr	Maintained	Maintained	NATIVE
Gf	224	Gardenia augusta 'Florida'	Gardenia	200 mm	0.6 - 0.8m	0.6 - 0.8m	
Hm	42	Hydrangea macrophylla	Hydrangea	300 mm	2.0 - 3.5m	1.5 - 3m	
Tf	33	Teucrium fruticans	Shrubby Germander	200 mm	1.0 - 1.8m	0.75 - 1.2m	NATIVE
Grasses							
Dte	306	Dianella tasmanica 'Emerald Arch'	Dianella 'Emerald Arch'	140 mm	0.4 - 0.5m	0.4 - 0.5m	NATIVE
Dca	34	Dianella caerulea 'Little Jess'	Native Flax lily	140 mm	0.4 - 0.5m	0.4 - 0.5m	NATIVE
Groundcovers							
Dr	61	Dichondra repens	Kidney Weed	140 mm	0.9 - 1.2m	0.0 - 0.3m	NATIVE
Ivy	117	Hedera helix	Ivy	140 mm	Mature Spread	Mature Height	
Vhe	70	Viola hederacea	Native Violet	140 mm	1.2 - 2.0m	0.1 - 0.3m	NATIVE
Climbers							
Pj	29	Pandorea jasminoides	Bower of Beauty	200 mm	2.0 - 3.5m	3 - 5m	NATIVE
Total:	1716						

NATIVE SPECIES CALCULATIONS

CONTROL:
% OF NATIVE SPECIES: 50 %

PROPOSED
TOTAL SPECIES PROPOSED: 13
NATIVE SPECIES PROPOSED: 8
TOTAL NATIVE SPECIES PERCENTAGE: 62% COMPLIANT



PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE
DIVISION 8.2 APPLICATION
Masterplan

DRAWN BY
AS
REVISION
05

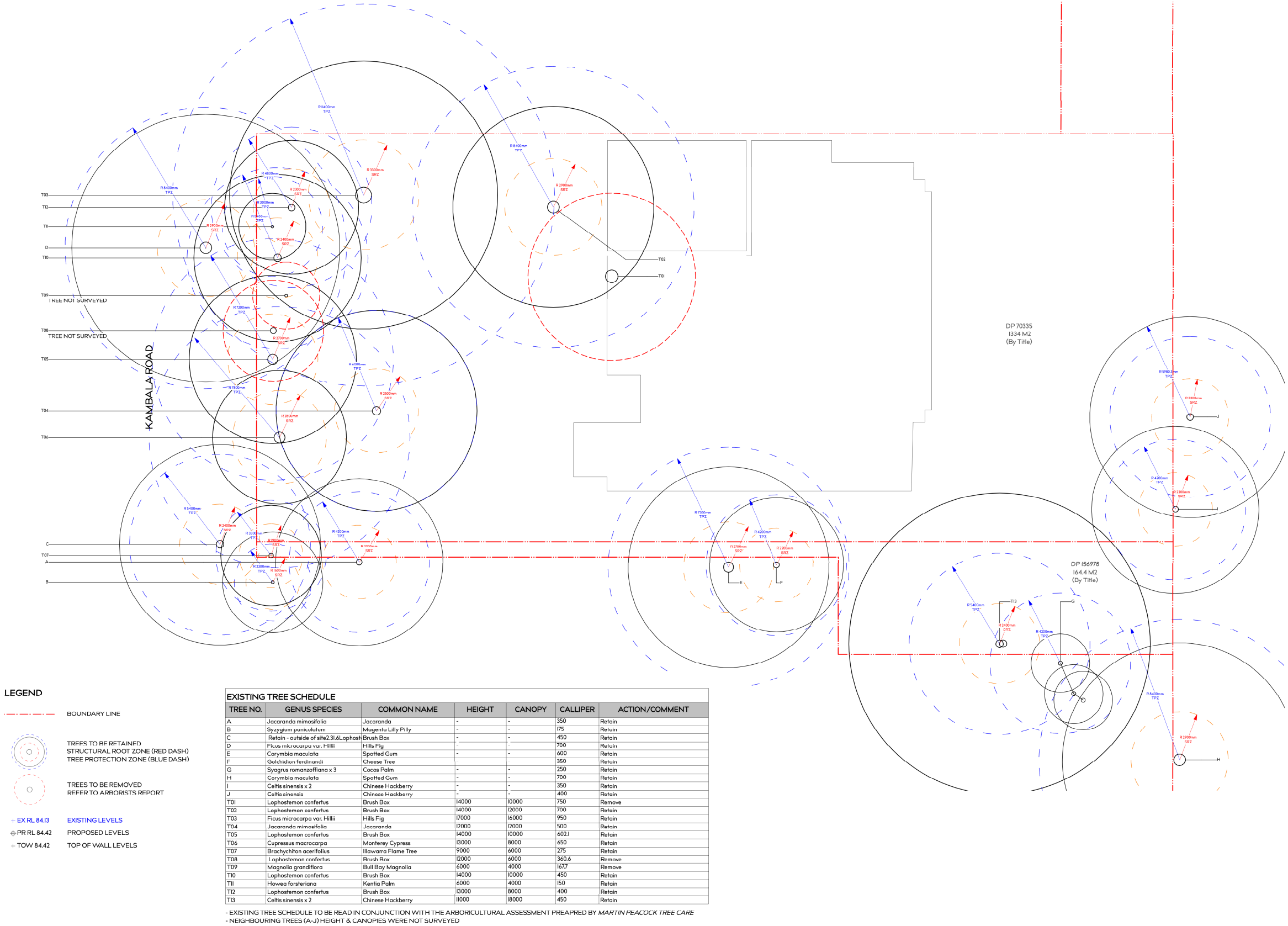
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JOB NUMBER
22.083

DRAWING NUMBER
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PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE:
DIVISION 8.2 APPLICATION
Existing Tree Plan

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05

DATE
23.09.2024

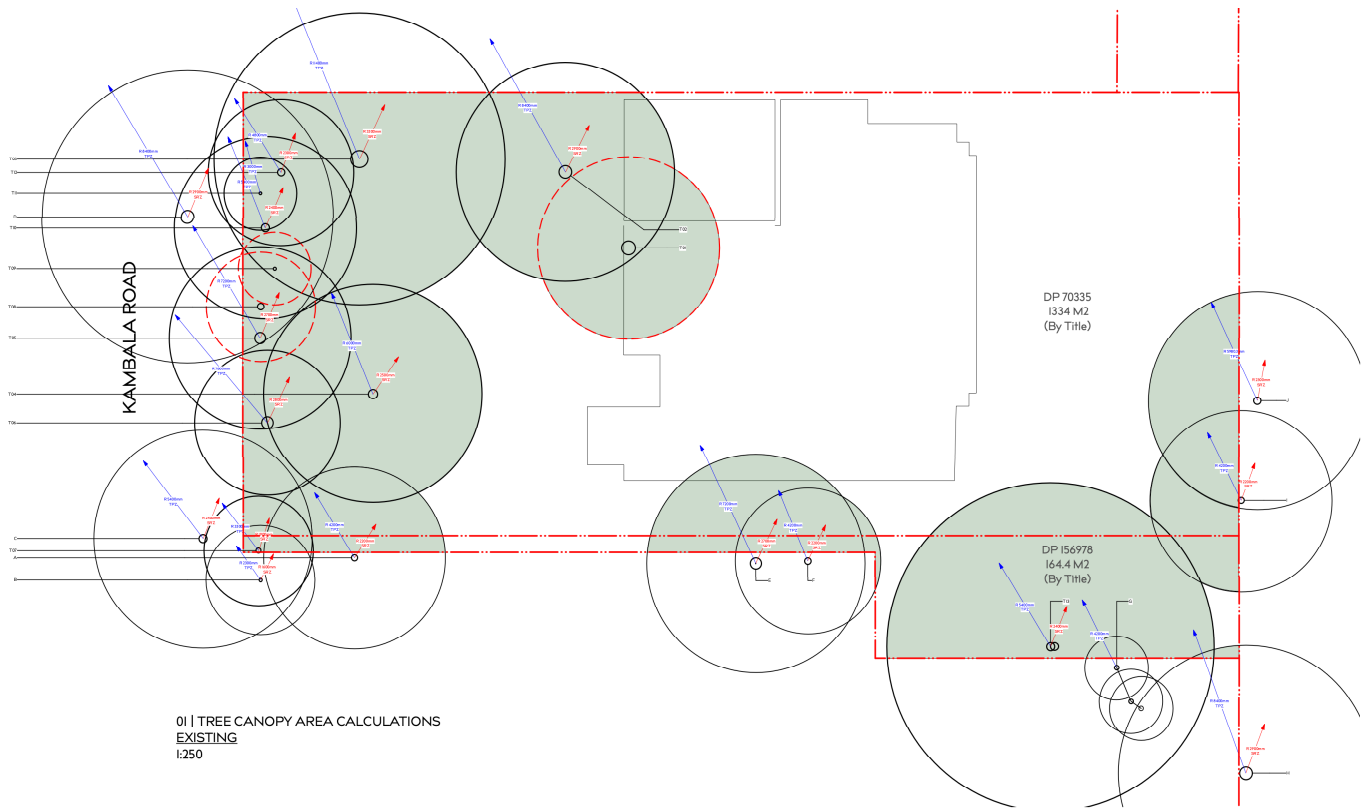
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LEGEND

- BOUNDARY LINE
- TREES TO BE RETAINED
- TREES TO BE REMOVED
- EXISTING TREE CANOPY
- REDUCED TREE CANOPY

SITE AREA
- DP 70335: 1334 M2 (By Title)
- DP 156978: 164.4 M2 (By Title)
- COMBINED TOTAL: 1498.3 M2

NOTES:
TREE CANOPY COVERAGE IS AREA CALCULATED IN ACCORDANCE WITH
WOOLLAI IRA DCP 2015, PART D3.71, FIGURE 20 (REFER BELOW)
MIN 35% OF SITE AREA

CANOPY AREA CALCULATIONS

SITE
AREA: 1498.3M2

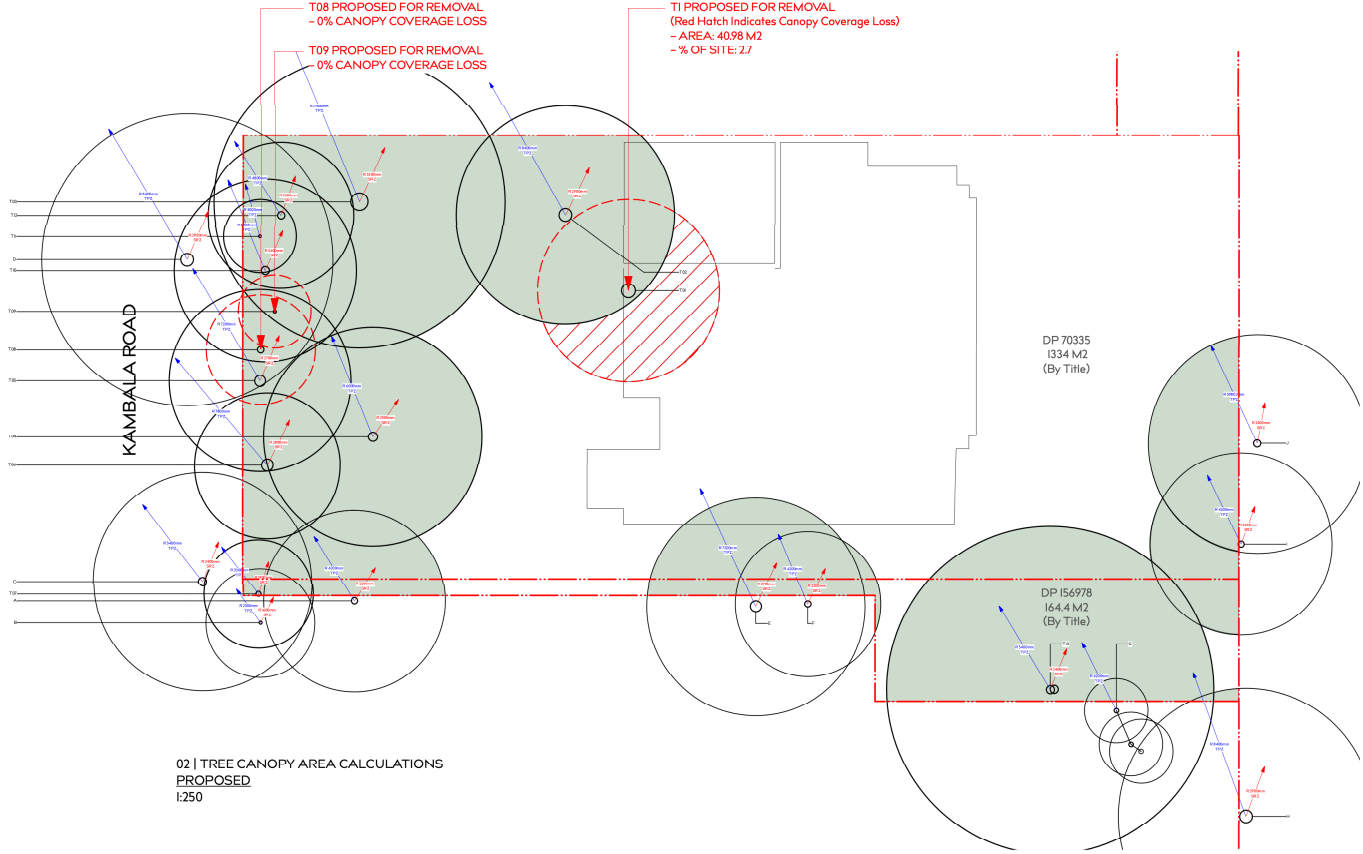
CONTROL:
% OF SITE: 35 %
AREA: 524.4 M2

EXISTING
AREA: 701.96 M2
TOTAL: 46.8 %

PROPOSED
AREA: 660.98 M2 COMPLIANT
TOTAL: 44.1 % COMPLIANT

REDUCED TREE CANOPY CALCULATIONS PER TREE

TREE NO.	AREA m2	PERCENTAGE OF COVER
T01	40.98	2.7%
T08	0	0%
T09	0	0%



PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE:
DIVISION 8.2 APPLICATION
Tree Canopy Coverage Plan

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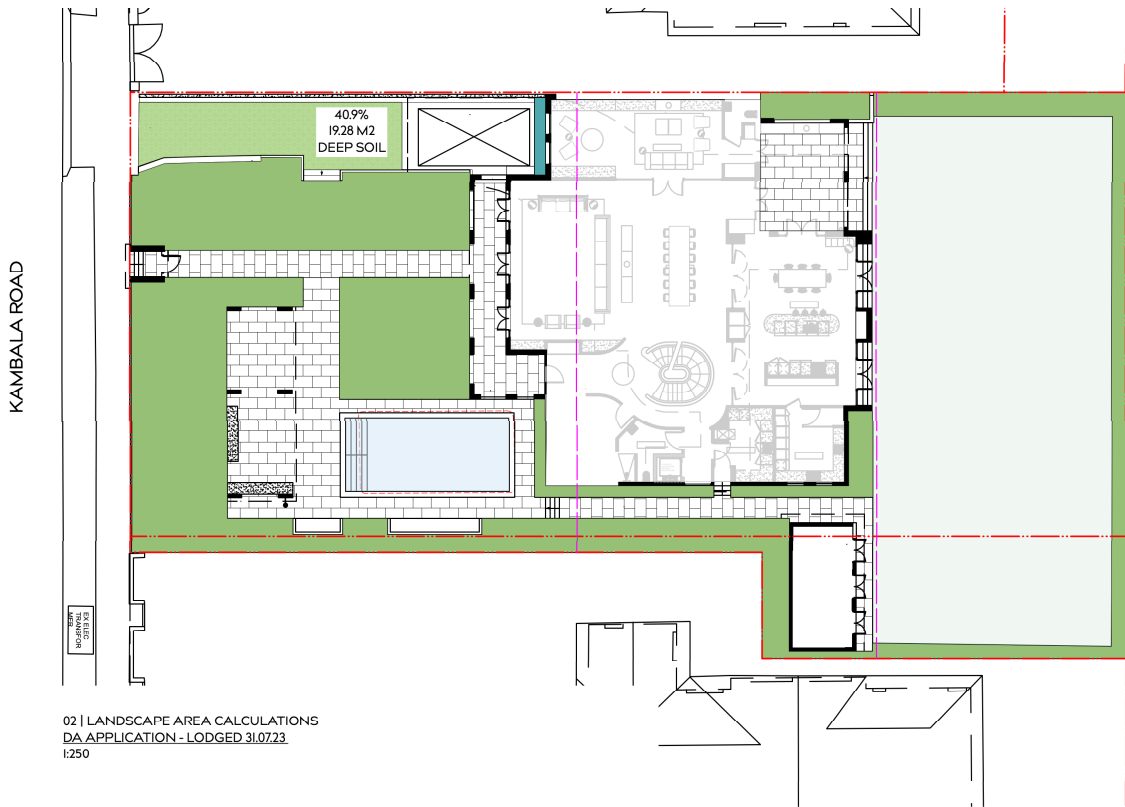
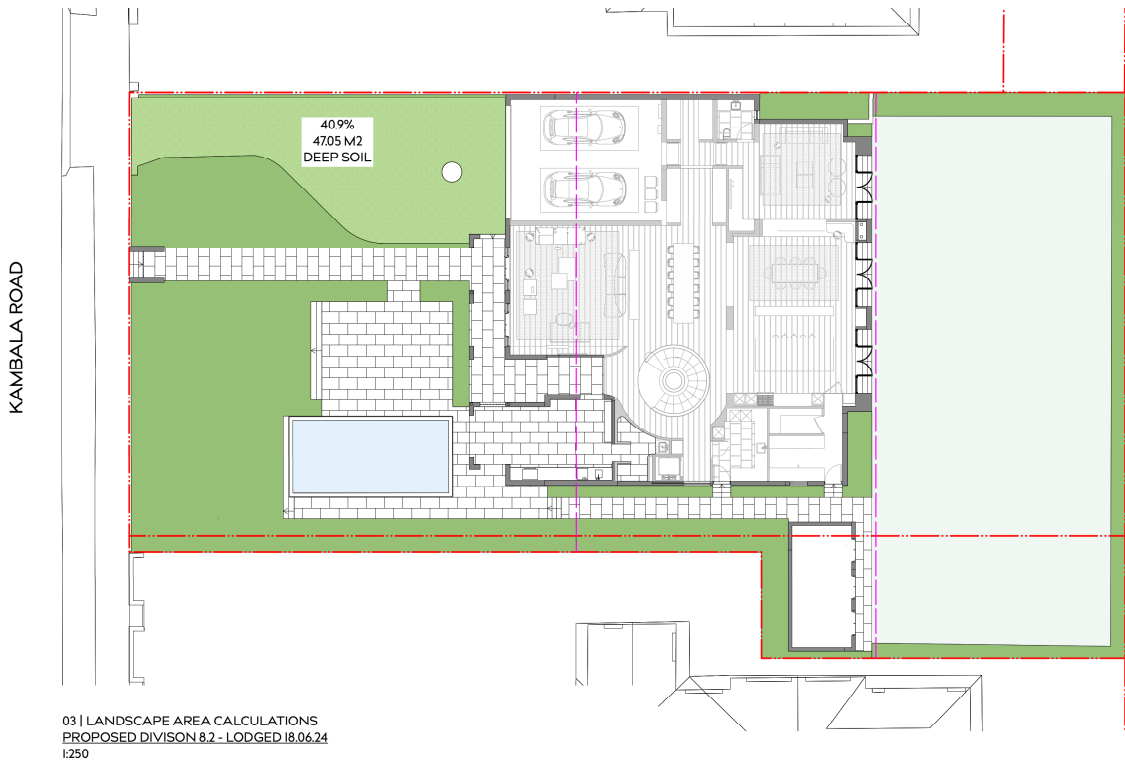
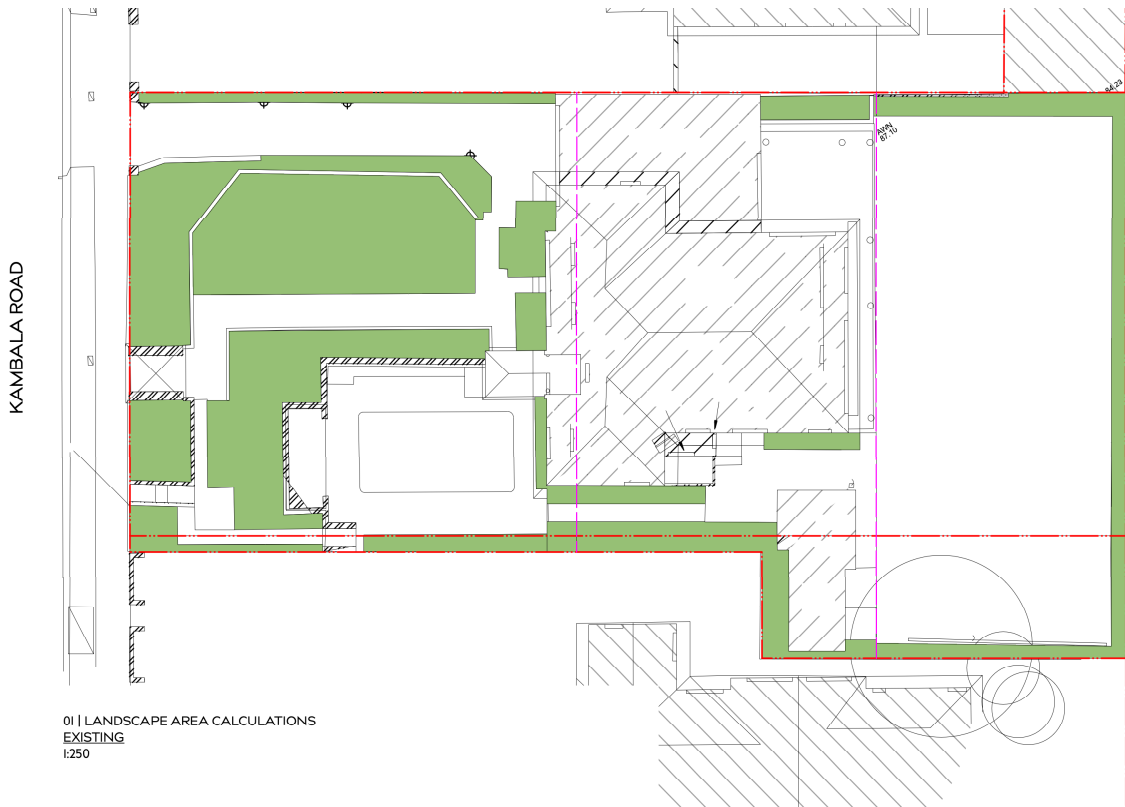
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LEGEND

- BOUNDARY LINE
- SETBACK
- DEEP SOIL
- LANDSCAPE AREA

	EXISTING		PROPOSED DA		ADJUSTED DA		PROPOSED DIV 8.2	
	AREA M2	%	AREA M2	%	AREA M2	%	AREA M2	%
DEEP SOIL TOTAL	380.6	25.4	403.2	26.9	375.16	25	389.2	26.7
DEEP SOIL FRONT SETBACK	281.3	45.2	297.3	47.7	269.47	43.3	282.9	47.2
DEEP SOIL REAR SETBACK	49.8	11.6	49.8	11.6	49.8	11.6	49.8	11.6

*ADJUSTED DA - Driveway permeable paving unit calculated at 40.9% to make plans comparable

SITE:
AREA 1498.3m2

CONTROL:
% OF SITE DEEP SOIL: 35 %
AREA: 524.4 M2

FRONT SETBACK AREA 622.3m2
MIN. 40% 248.9m2

* FRONT SETBACK MEASURED 24.56M FROM WESTERN BOUNDARY

REAR SETBACK AREA 426.5m2
MIN. 50 % 213.7m2

* REAR SETBACK MEASURED 13.70M FROM EASTERN BOUNDARY

PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE:
DIVISION 8.2 APPLICATION
Landscape Area Plan

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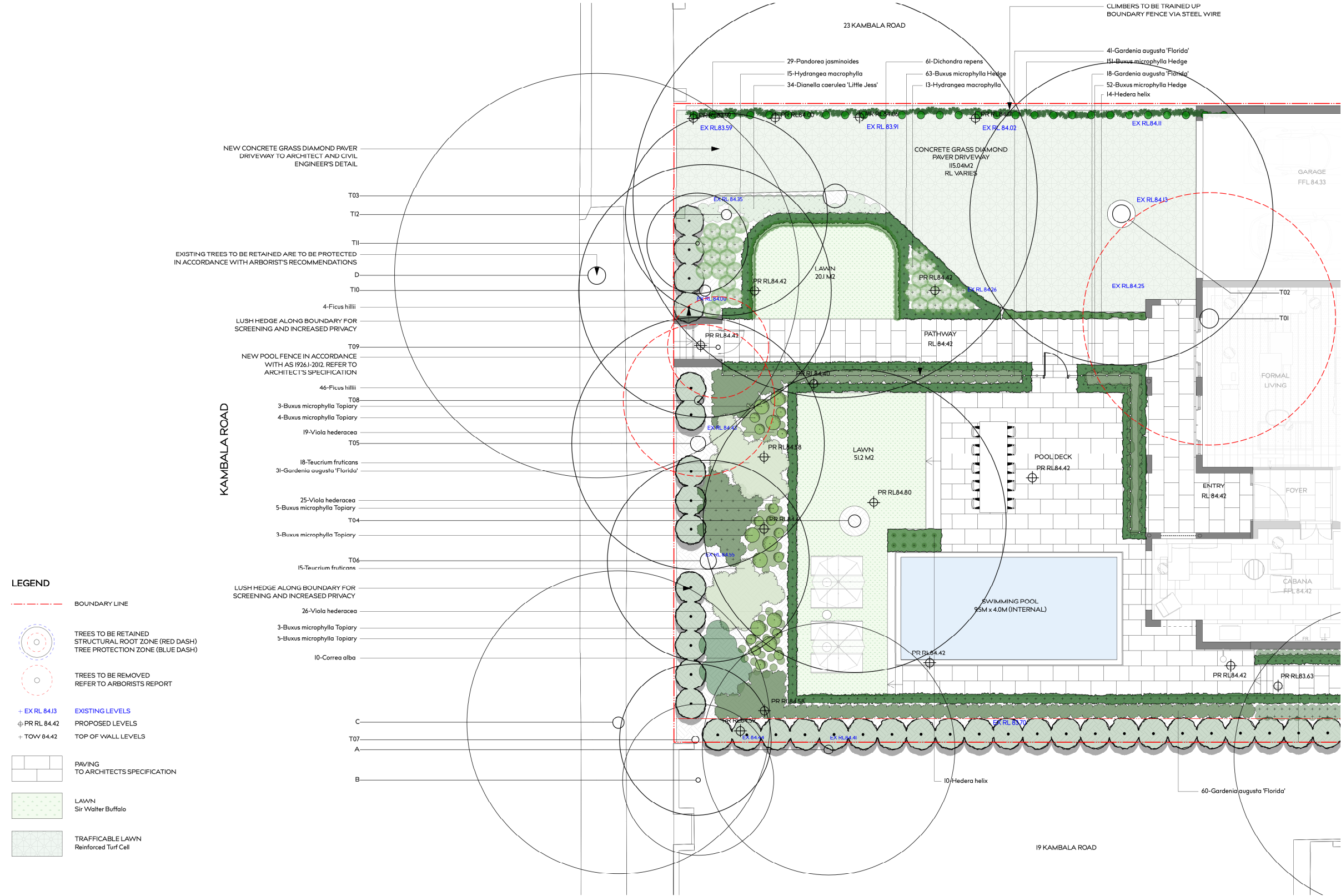
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PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE:
DIVISION 8.2 APPLICATION
Ground Floor - Front Garden

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JOB NUMBER
22.083

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DA_05

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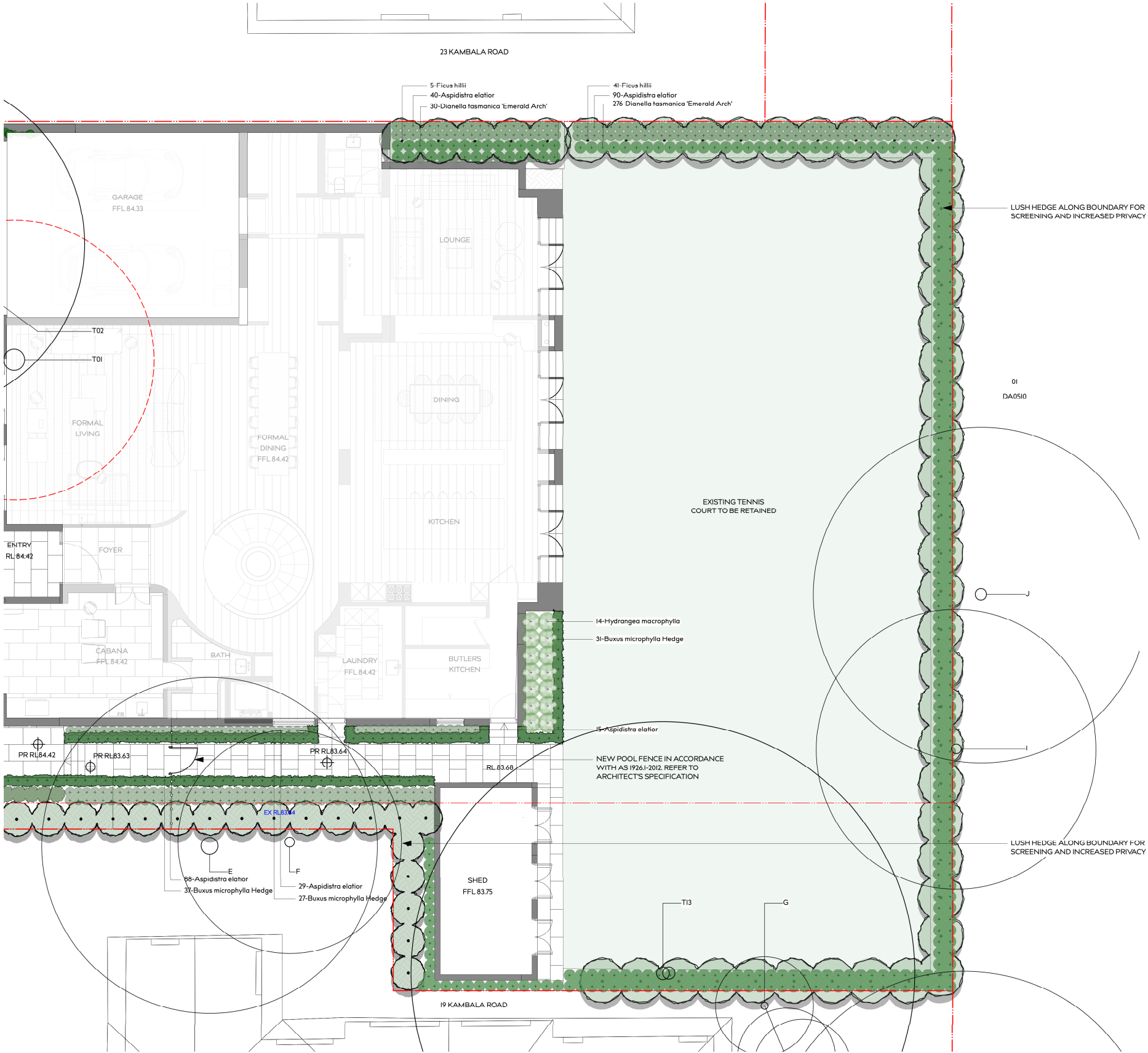
LEGEND

- BOUNDARY LINE
- TREES TO BE RETAINED
STRUCTURAL ROOT ZONE (RED DASH)
TREE PROTECTION ZONE (BLUE DASH)
- TREES TO BE REMOVED
REFER TO ARBORISTS REPORT
- + EX RL 84.13

EXISTING LEVELS
- + PR RL 84.42

PROPOSED LEVELS
- + TOW 84.42

TOP OF WALL LEVELS
- PAVING
TO ARCHITECTS SPECIFICATION
- LAWN
Sir Walter Buffalo
- TRAFFICABLE LAWN
Reinforced Turf Cell



PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE
DIVISION 8.2 APPLICATION
Ground Floor - Rear Garden

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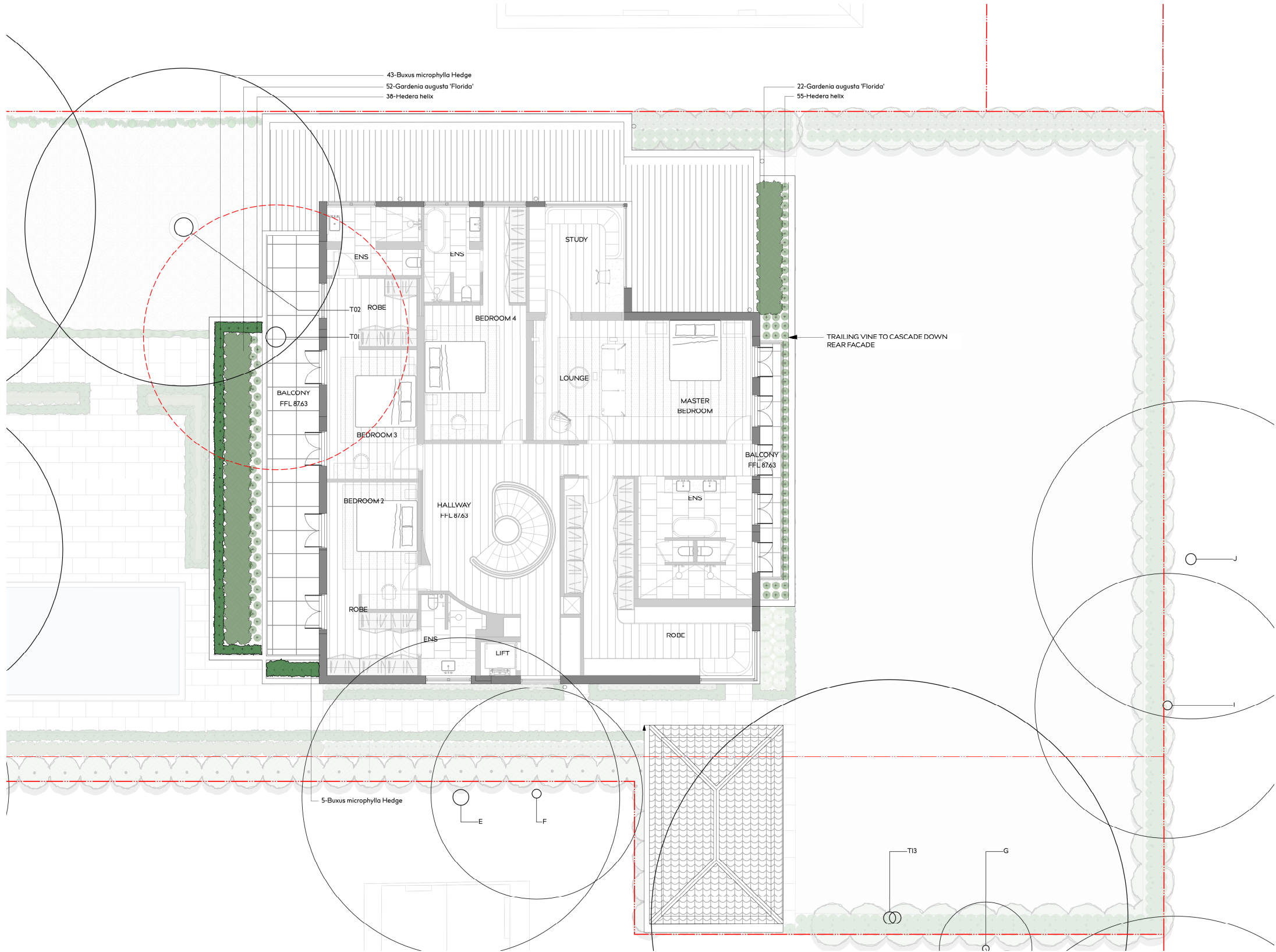
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JOB NUMBER
22.083

DRAWING NUMBER
DA_06

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PROJECT
JANDIGIAN RESIDENCE
21 KAMBALA ROAD, BELLEVUE HILL

DRAWING TITLE:
DIVISION 8.2 APPLICATION
Level I

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JOB NUMBER
22.083

DRAWING NUMBER
DA_07



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Woollahra
Municipal
Council

8 August 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Review Application: 258/2023/1

ADDRESS: 21 Kambala Road BELLEVUE HILL 2023

PROPOSAL: Division 8.2 Review of Refused DA for alterations and additions to the existing dwelling house and associated works

FROM: Mr R Lam

TO: Mr C Hartas

1. ISSUES

- None

DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 22506-Div8.2 Review, prepared by GSA Planning, dated 4 June 2024.
- Architectural Plans, referenced 86004-DIV8.2, prepared by Richards Stanisich, dated 23/05/2024.
- Survey, referenced 221179/001-Issue B, prepared by RGM Property Surveys, dated 02/09/2022.
- Stormwater Management Plan, referenced 223683-Issue C, prepared by Glenn Haig and Partners, dated 29/05/2024.
- Geotechnical Report, referenced 2022-261-Issue 1, prepared by Crozier Geotechnical Consultants, dated 03 June 2024.
- Vehicular Access and Car Parking Certificate, referenced 23060, prepared by CJP Consulting Engineers, dated 30 May 2024.

3. ASSESSMENT

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

a. Site Drainage comments

This proposal has an increase in impervious areas of less than 40m², in which case the installation of on-site stormwater detention (OSD) system is not required. Stormwater runoff will be discharged to the street kerb, in which case conditions will be imposed to ensure all below ground structures are fully tanked or appropriately constructed so that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter. A portion of the roof area drains via a charged system, a rainwater tank must be provided for this area which will be conditioned accordingly.



Woollahra
Municipal
Council

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

b. Flooding & Overland Flow comments

Not relevant

c. Impacts on Council Infrastructure comments

The applicant seeks to retain the existing ground level parking as part of this S8.2 application with no changes to the existing vehicular crossing. Based on Council's own assessment, the existing vehicular crossing, layback and gutter is deemed to be serviceable. Therefore, the applicant is not required to upgrade the existing crossing as part of this application.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

Based on the submitted swept path diagrams, Vehicular access and parking arrangement are considered satisfactory.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Crozier Geotechnical Consultants, Ref: 2022-261, dated 03 June 2024, has been submitted in support of the application. It is noted from the submitted architectural plans that the extent of excavation has been reduced. This proposal involves excavation with a maximum depth of about 3.5 metres from the existing ground surface levels for the proposed basement parking.

The report assumed the subsurface conditions from previous investigations in nearby properties as:

- a) Silty sand to a depth of approximately 1m.*
- b) Depth of natural sand with various density from a depth beneath the fill.*
- c) Sandstone bedrock is not estimated to be encountered within 5m depth of the surface.*
- d) A groundwater table and significant seepage are not expected within 5m depth due to the site location on a ridge crest and investigations in nearby properties.*

The report made comments and recommendations on the following:

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

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



Woollahra
Municipal
Council

4. RECOMMENDATION

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

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting documents

Reference	Description	Author	Date
2022-261-1	Geotechnical Report	Crozier Geotechnical Consultants	3 June 2024
223683	Stormwater Management Plan	Glenn Haig & Partners	
H101-C			29/05/2024
H102-C			30/05/2024
H103-C			29/05/2024

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

A.31 No Underpinning Works

B. BEFORE DEMOLITION WORK COMMENCES

B.4 Erosion and Sediment Controls - Installation

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

B.14 Payment of Security and Fees

Property Damage Security Deposit (S138)	\$126,710	No	T115
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B. 16.	Dilapidation Reports for Existing Buildings
	<p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ul style="list-style-type: none">a) No. 19 Kambala Roadb) No. 23 Kambala 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>



Woollahra
Municipal
Council

	<p>Notes:</p> <ul style="list-style-type: none"> • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings. <p>Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
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B.18 Adjoining buildings founded on loose foundation materials

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

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 13.	<p>Road and Public Domain Works</p> <p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <p>a) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works. The kerb discharge must be located within the frontage of the site. Details showing the reinstatement of the nature strip due to the installation of the stormwater outlet pipe must be provided to the satisfaction of Council's Assets Engineers. Design longitudinal profile of the proposed stormwater outlet pipe, starting from the boundary junction pit to the street kerb must also be submitted for assessment,</p> <p>Note: All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP.</p> <p>b) The reinstatement of all damaged footpath, kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.</p> <p>c) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.</p>
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Municipal
Council

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

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

How must the payments be made?

Payments must be made by:

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

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

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

Notes:

- **Road** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.
- Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically:



Woollahra
Municipal
Council

- 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.



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Municipal
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	<ul style="list-style-type: none"> • 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.25 Erosion and Sediment Control Plan – Submissions & Approval

D.35 Structural Adequacy of Existing Supporting Structures

D.36 Professional Engineering Details

D.37 Engineer Certification

D	40. Geotechnical and Hydrogeological Design, Certification and Monitoring
	<p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared and certified by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>These details must be certified by the professional engineer to:</p> <ol style="list-style-type: none"> 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 details of cut-off walls or similar controls prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter. e) Provide a Geotechnical and Hydrogeological Monitoring Program that:



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Municipal
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	<ul style="list-style-type: none"> • will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.
	<p>Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p>

D.41 Ground Anchors

D	45. Parking Facilities
	<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 showing the following:</p> <p>a) The off-street parking spaces must have minimum dimensions to comply with AS2890.1. These required dimensions and the design envelope around each parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the architectural plans,</p> <p>b) Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, must be provided on both sides of the driveway exit. In this regard, any proposed structures (such as landscaping, retaining wall, front fence and driveway gate etc) located within these splay areas must be relocated/redesigned to prevent obstructions to visibility. Alternatively, exceptions to this requirement may be acceptable for this type of development where the height of any landscaping, retaining wall, solid front fence and driveway gate in these splay areas are limited to a maximum of 0.9m. These unobstructed sight splays must be clearly depicted on the drawings showing compliance with this requirement,</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>



Woollahra
Municipal
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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> <ul style="list-style-type: none"> a) General design in accordance with stormwater management plans, referenced 223683-Issue C, prepared by Glenn Haig and Partners, dated 29/05/2024, other than amended by this and other conditions, b) The discharge of stormwater from the site to the street kerb which must be located within the frontage of the site. Only one stormwater outlet with a maximum discharge rate of 20 l/s in the 1% AEP storm event will be permitted. Full supporting calculations must be included in the stormwater management plans, c) The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system, d) A rainwater tank (RWT) must be installed for the relevant roof areas that is draining via a charged line. In this regard, the rainwater tank with minimum storage based on 6m³ per 100m² of roof area must be provided. Overflow from the RWT must be directed to the boundary pit by gravity, e) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings. f) The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required, g) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans, h) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system, i) Detail any remedial works required to upgrade the existing stormwater drainage system, j) Dimensions of all drainage pit and access grates must comply with AS3500 and Council's DCP, k) Compliance with the objectives and performance requirements of the BCA, and l) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. <p>The <i>Stormwater Management Plan</i> must also include the following specific requirements:</p>



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Layout plan

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

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

Rainwater Reuse System details:

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

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

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

Notes:

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

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

D.52 Non-gravity Drainage Systems

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance

F.11 Maintenance of Environmental Controls

F.12 Compliance with Geotechnical/Hydrogeological Monitoring Program



Woollahra
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- F.13 Support of Adjoining Land and Buildings**
F.14 Vibration Monitoring
F.15 Erosion and Sediment Controls – Maintenance
F.17 Disposal of Site Water during Construction
F.19 Site Cranes
F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

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

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

- G.7 Commissioning and Certification of Systems and Works**
G.29 Works within Public Land (including Council, State or Federal owned land or property)

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> <p>a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater retention and reuse system(s), c) that all charged systems have been constructed in accordance with the approved stormwater drawings, d) that all roof areas draining via the charged systems have been provided with a rainwater tank with minimum storage capacity based on 6m³ per 100m² of roof area draining via the charged system, e) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, f) that all below ground structures are fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,</p>



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	<p>g) that the stormwater works have been constructed in accordance with the approved construction stormwater plans,</p> <p>h) pipe invert levels and surface levels to Australian Height Datum, and</p> <p>i) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.</p> <p>A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p> <p>Notes:</p> <ul style="list-style-type: none"> The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. <p>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>
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H. OCCUPATION AND ONGOING USE

<p>H 29.</p>	<p>Ongoing Maintenance of the Rainwater Reuse 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> <ul style="list-style-type: none"> a) Permit stormwater to be temporarily retained and reused 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. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners 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 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. g) 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. h) 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.
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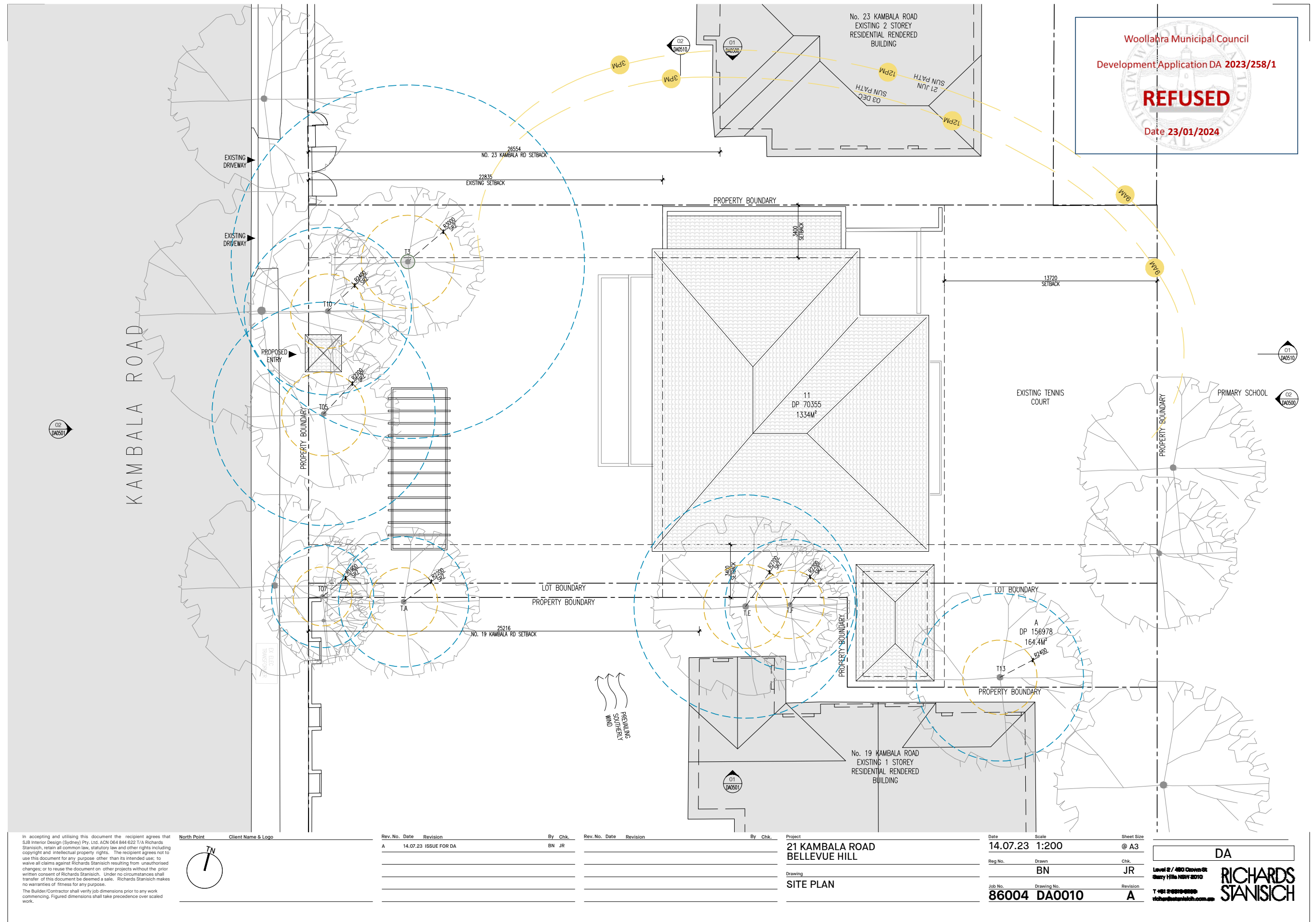


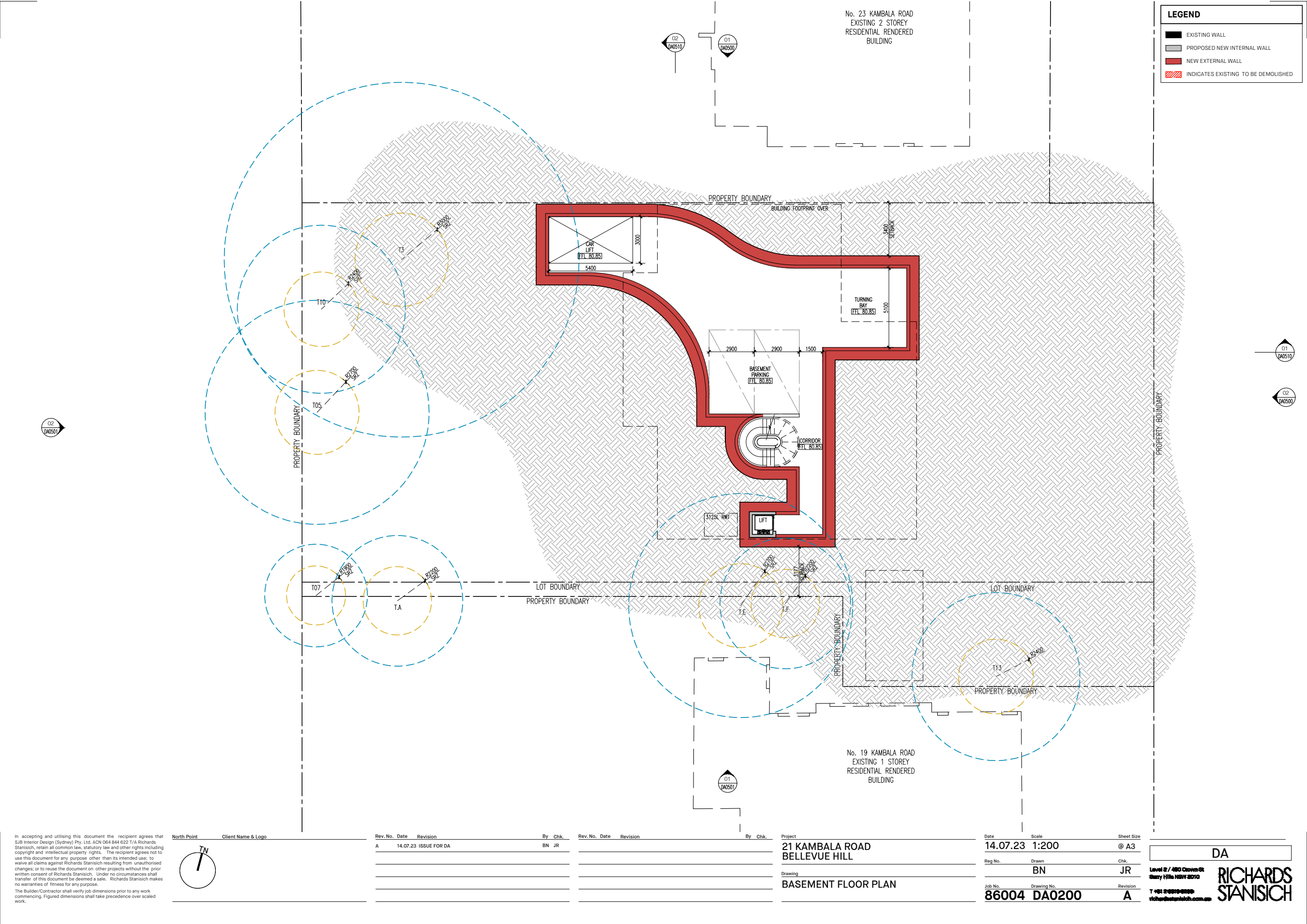
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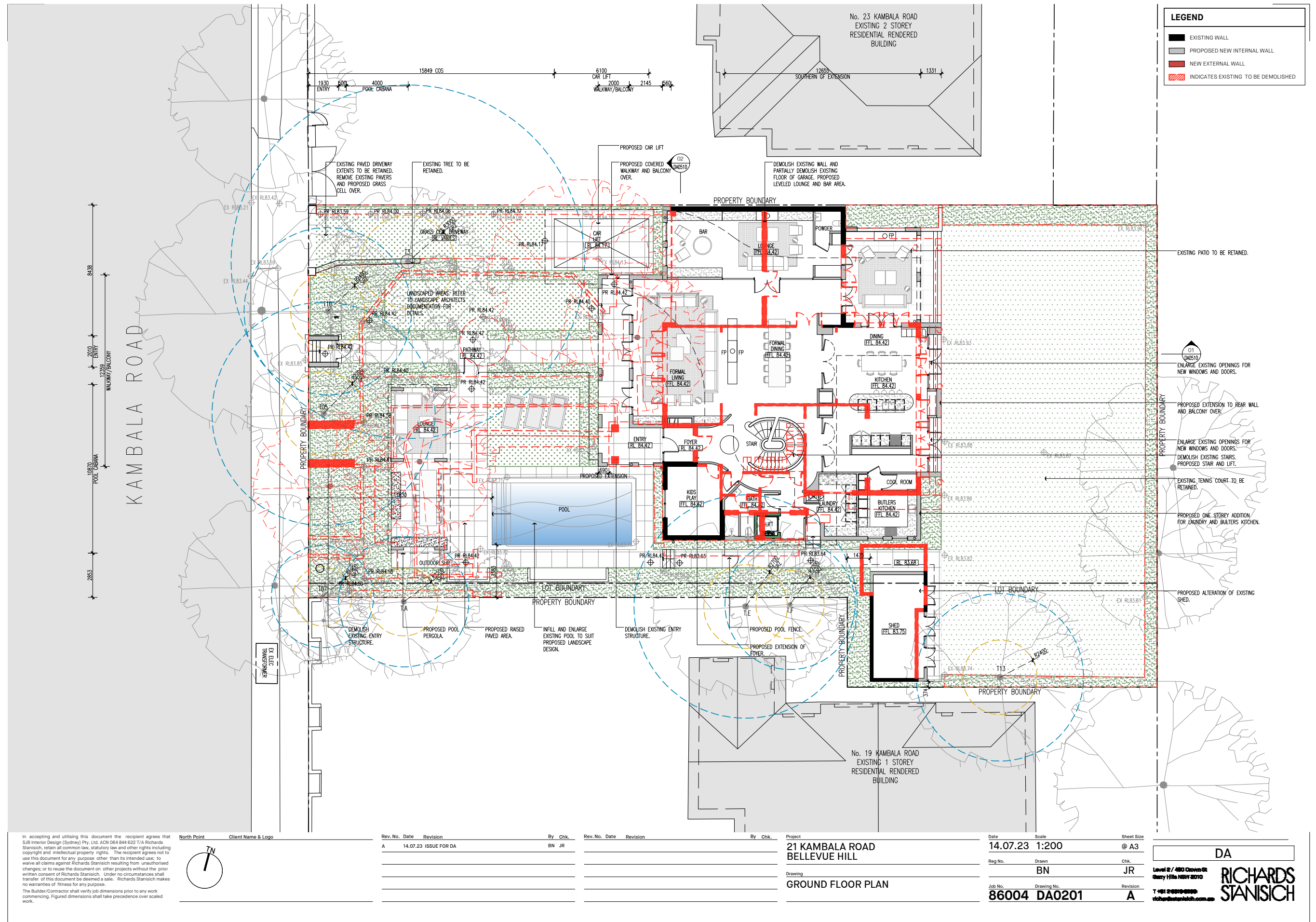
	<p>The owner:</p> <p>a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and</p> <p>b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.</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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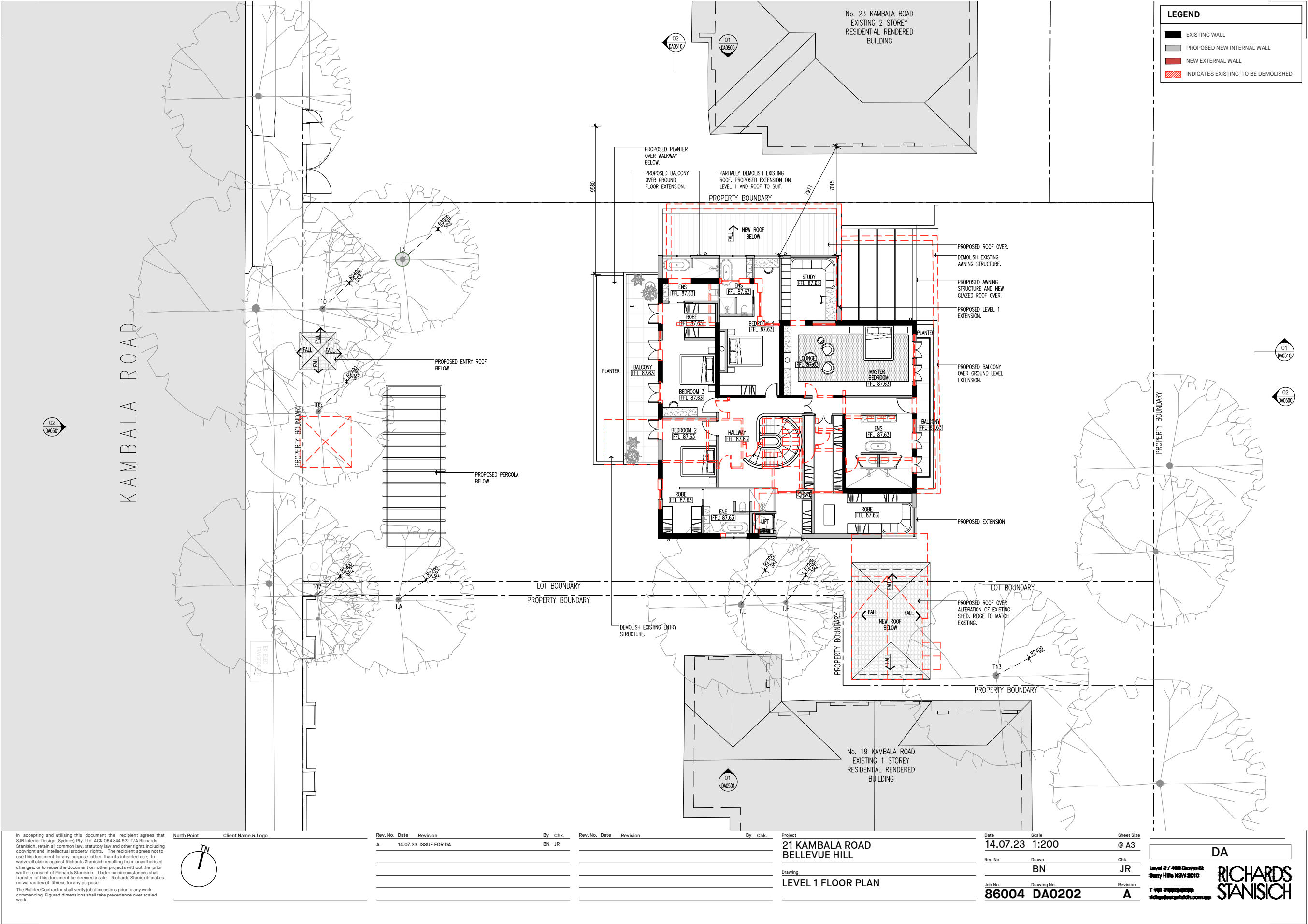
I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

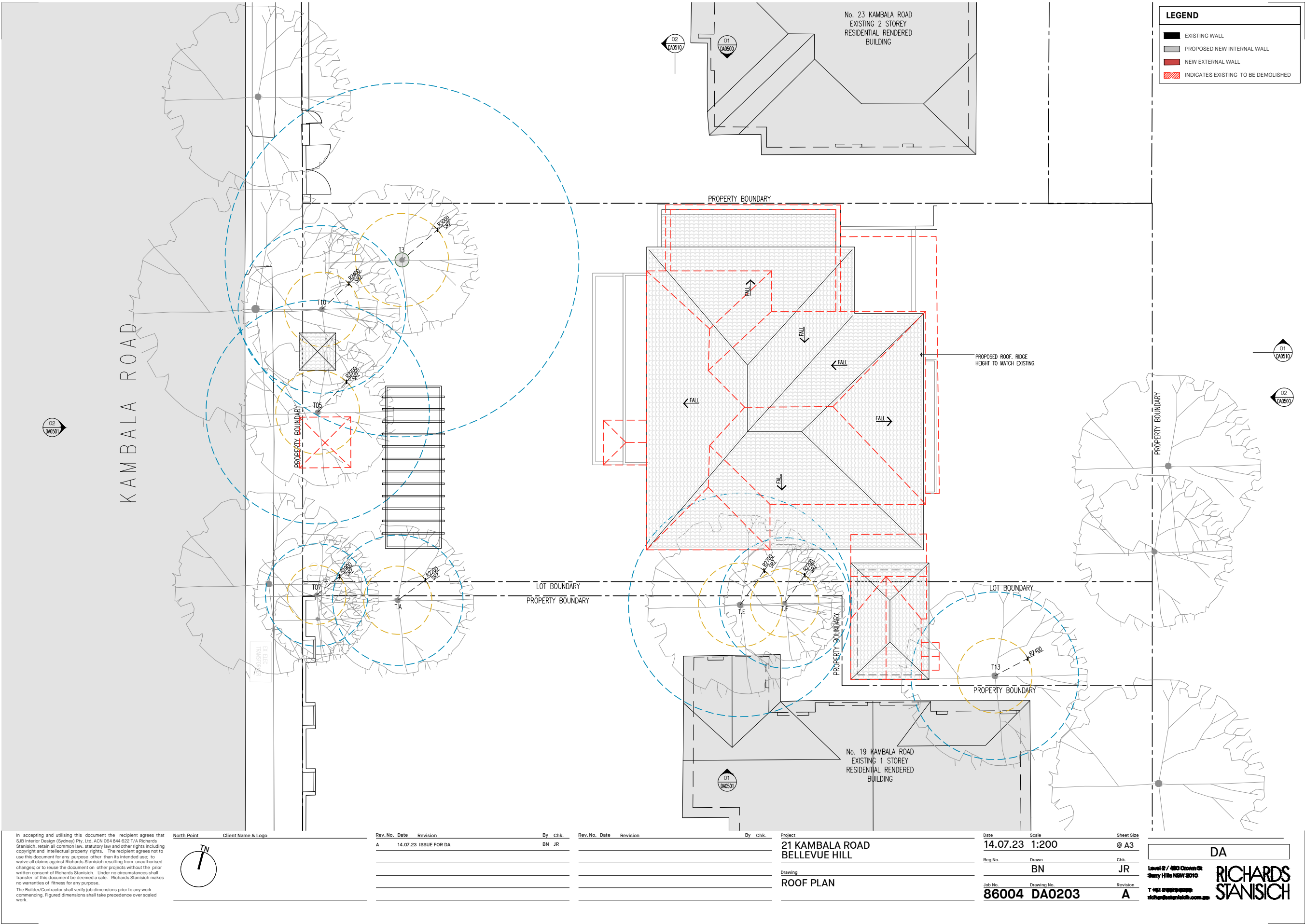
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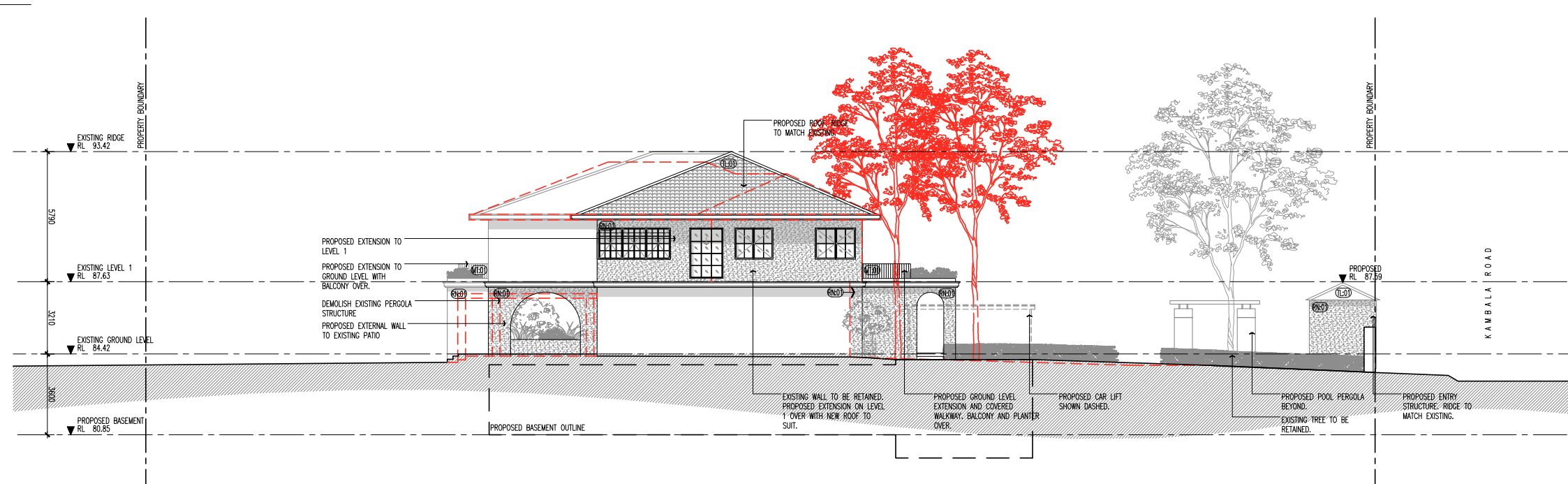




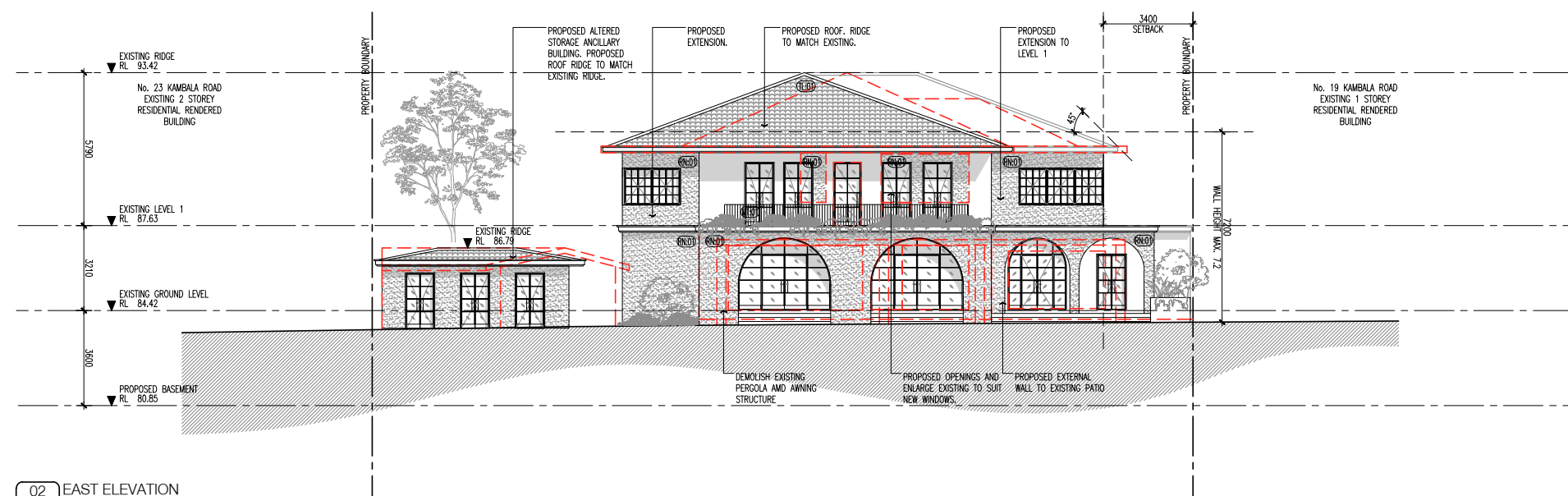








01 NORTH ELEVATION



02 EAST ELEVATION



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The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

North Point Client Name & Logo



Rev. No.	Date	Revision	By	Chk.
A	14.07.23	ISSUE FOR DA	BN	JR

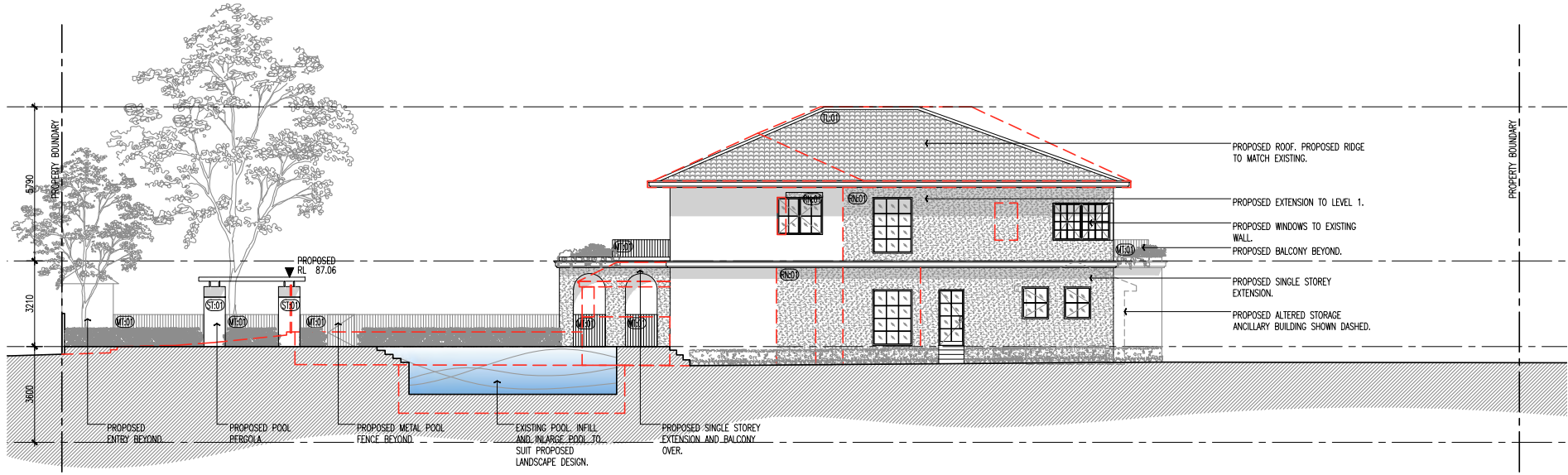
Rev. No.	Date	Revision	By	Chk

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BELLEVUE HILL

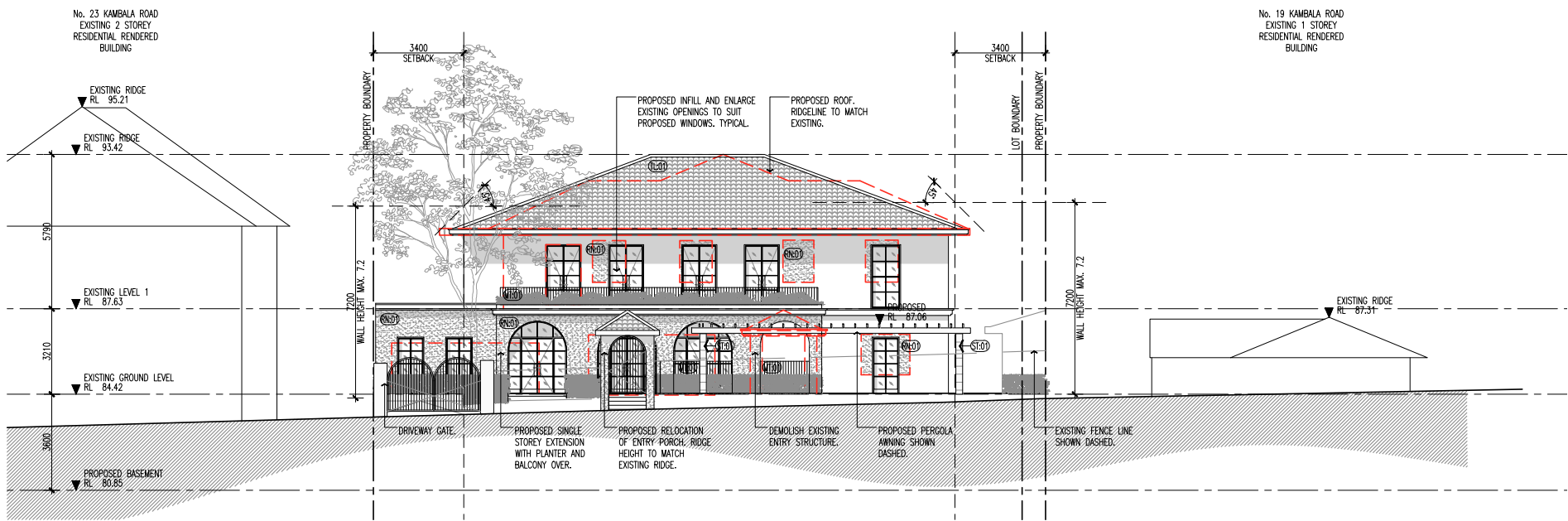
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ELEVATIONS
SHEET 01

Date	Scale	Sheet Size
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Reg No.	Drawn	Chk.
	BN	JR
Job No.	Drawing No.	Revision
86004	DA0500	A

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01 SOUTH ELEVATION
1:200



02 WEST ELEVATION
1:200



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Rev. No.	Date	Revision	By	Chk.
A	14.07.23	ISSUE FOR DA	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**21 KAMBALA ROAD
BELLEVUE HILL**

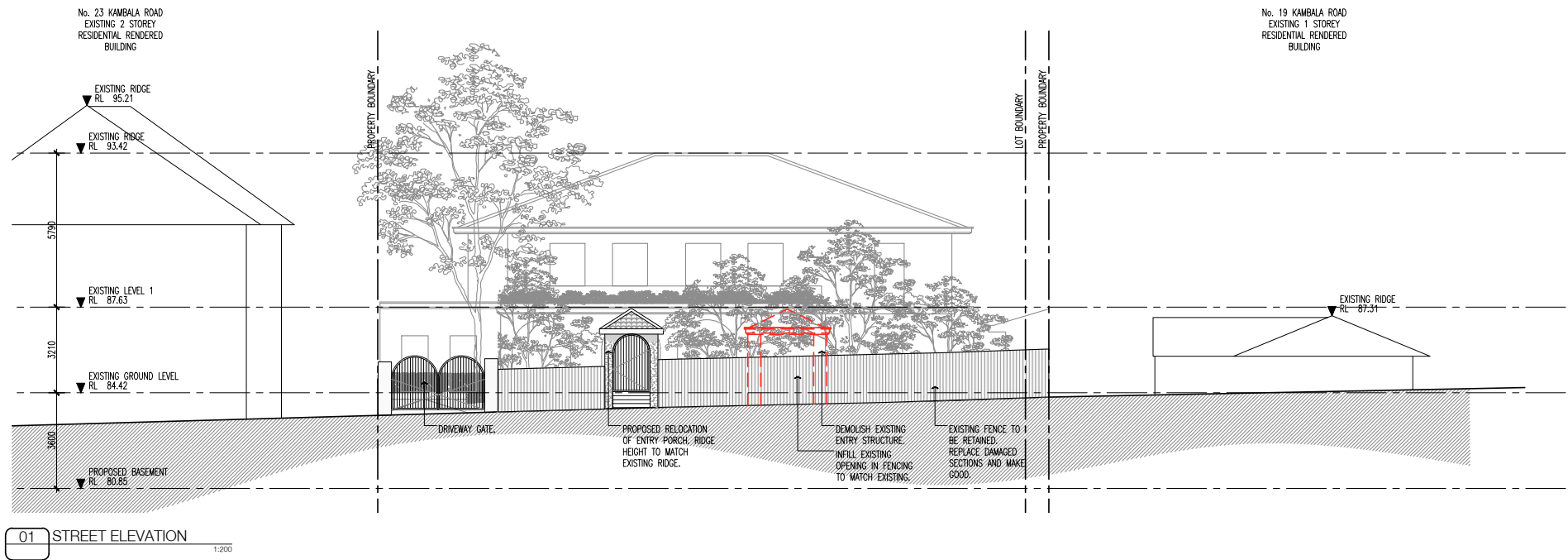
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SHEET 02**

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	BN	JR
Job No.	Drawing No.	Revision
86004	DA0501	A

DA

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The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

North Point Client Name & Logo



Rev. No.	Date	Revision	By	Chk.
A	14.07.23	ISSUE FOR DA	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project	21 KAMBALA ROAD BELLEVUE HILL
Drawing	ELEVATIONS SHEET 03

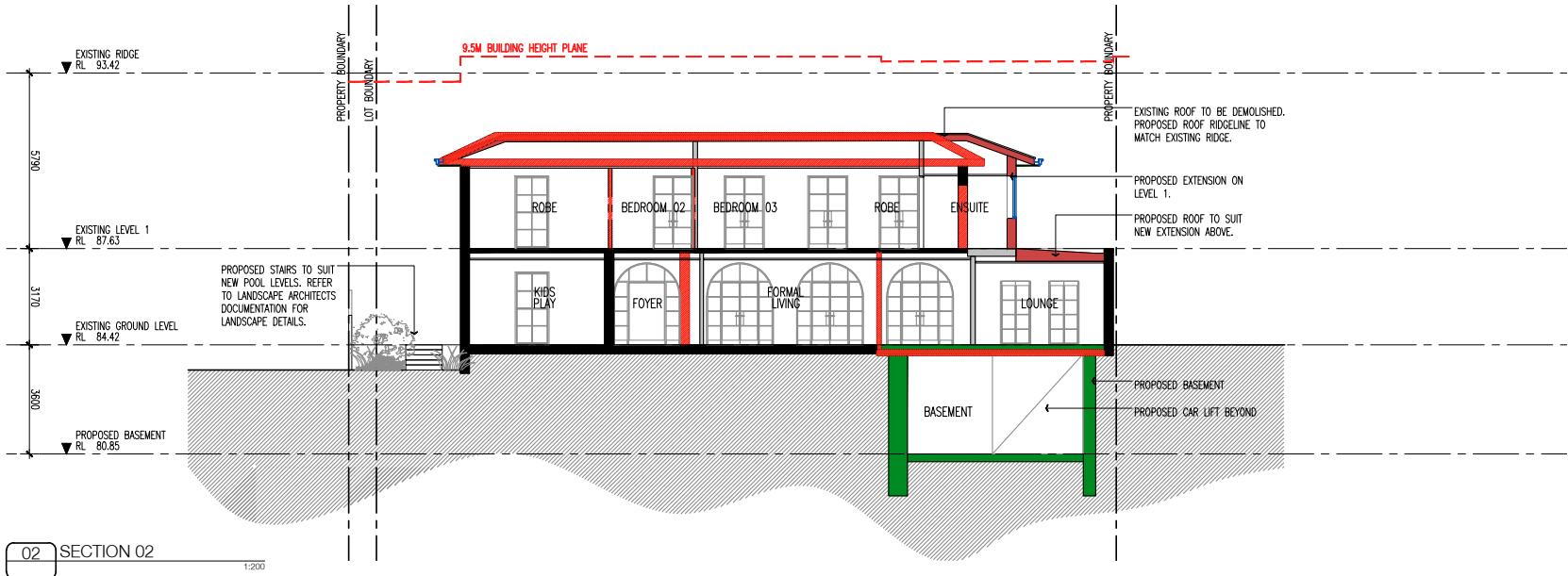
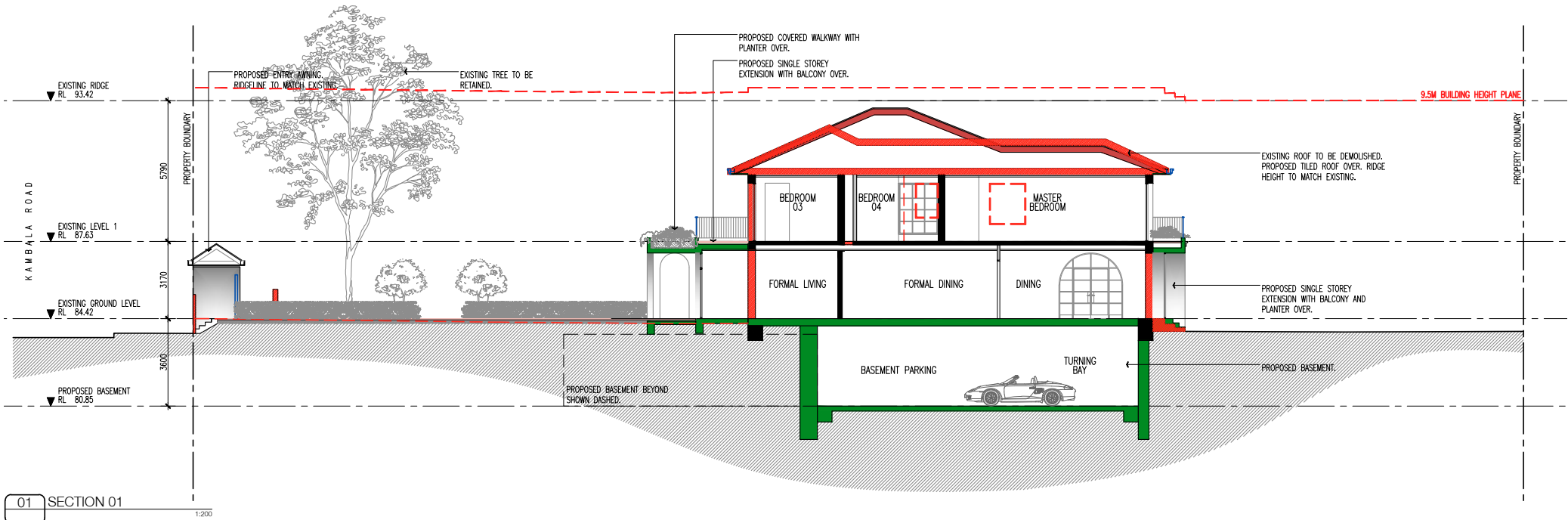
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Reg. No.	BN	Drawn	BN	Chk.	JR
Job No.	86004	Drawing No.	DA0502	Revision	A

DA

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LEGEND	
	EXISTING WALL
	PROPOSED LIGHTWEIGHT WALL/FLOOR
	PROPOSED EXTERNAL WALL/ROOF
	INDICATES EXISTING BUILDING ELEMENTS TO BE DEMOLISHED
	INDICATES EXISTING WALL TO BE DEMOLISHED
	PROPOSED FLOOR FINISH
	PROPOSED METALWORK
	PROPOSED TIMBER - PAINT FINISH
	PROPOSED CONCRETE /FC

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North Point Client Name & Logo



Rev. No.	Date	Revision	By	Chk.
A	14.07.23	ISSUE FOR DA	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**21 KAMBALA ROAD
BELLEVUE HILL**

Drawing
SECTIONS

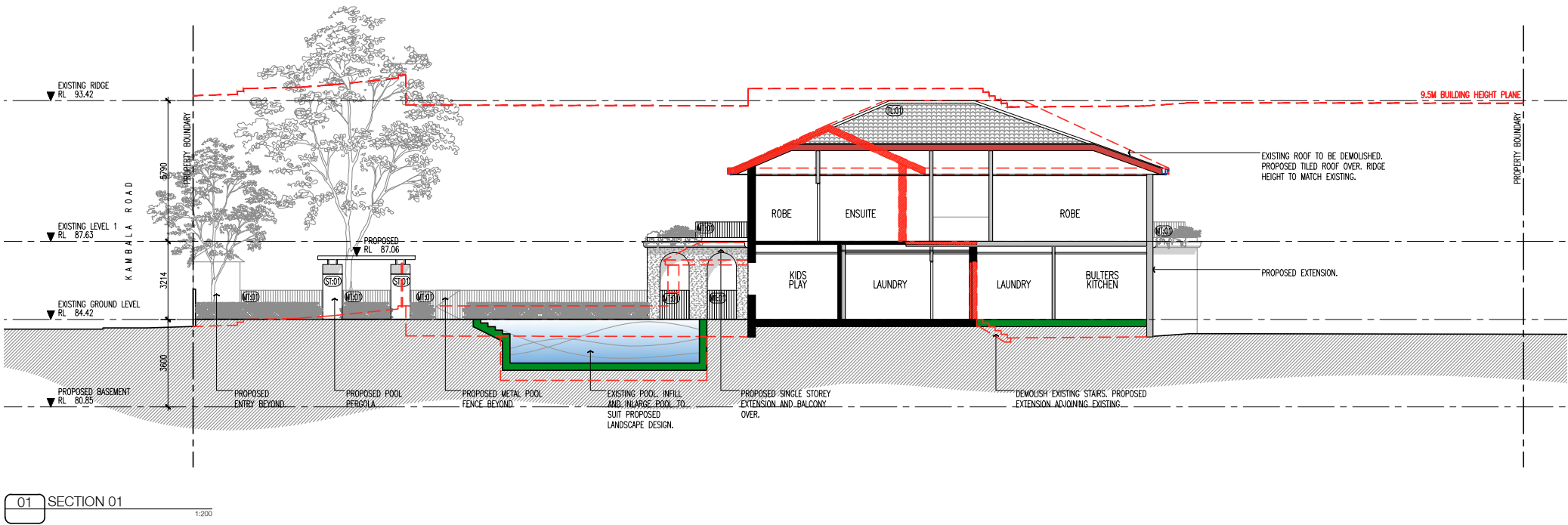
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BN	JR	
Job No.	Drawing No.	Revision
86004	DA0510	A

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**RICHARDS
STANISICH**



LEGEND

EXISTING WALL

PROPOSED LIGHTWEIGHT WALL/FLOOR

PROPOSED EXTERNAL WALL/ROOF

INDICATES EXISTING BUILDING ELEMENTS TO BE DEMOLISHED

INDICATES EXISTING WALL TO BE DEMOLISHED

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North Point Client Name & Logo



Rev. No.	Date	Revision	By	Chk.
A	14.07.23	ISSUE FOR DA	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project	21 KAMBALA ROAD BELLEVUE HILL
Drawing	SECTIONS SHEET 02

Date	14.07.23	Scale	1:200	Sheet Size	@ A3
Reg. No.	HC	Drawn	BN	Chk.	BN
Job No.	86004	Drawing No.	DA0511	Revision	A

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Delegated Assessment Report

DEVELOPMENT APPLICATION ASSESSMENT REPORT

FILE No.	DA 258/2023/1
ADDRESS	21 Kambala Road BELLEVUE HILL
SITE AREA	1498.4 m ² (As per Survey)
ZONING	R2 Low Density Residential
TYPE OF CONSENT	Local Development
PROPOSAL	Alterations and additions to existing dwelling house including construction of a new basement, swimming pool, associated siteworks and landscaping
COST OF WORKS	\$4,966,762.00
DATE LODGED	25/07/2023
APPLICANT	S V Jandegian
OWNER	S V Jandegian
AUTHOR	W Ou
TEAM LEADER	Mr T Wong
SUBMISSIONS	One (1)
RECOMMENDATION	Refusal

1. REASONS FOR RECOMMENDATION

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

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

2. SUMMARY

3. LOCALITY PLAN



Aerial view of the subject site

3.1. Delegated Determination

Pursuant to Council's delegations adopted on 01 December 2023, the application is referred to the Application Review Panel due to the cost of works being between \$500k and less than \$2million.

3.2. Proposal

The proposal involves alterations and additions to an existing residential dwelling.

Specifically, the proposal involves the following works:

Basement level (FFL 80.85) – This level comprises:

- New basement level for parking areas and vehicle lift to existing driveway
- New lift to ground floor

Ground Floor (FFL 84.42) – This level comprises:

- Internal and external reconfigurations
- Main entrance relocation
- Extended kids play, butler, dining, lounge areas and external shed
- Enlarging of existing pool
- New pool pergola
- New associated landscaping

First floor (FFL 87.63) – This level comprises:

- Internal and external reconfigurations to master bedroom suite
- Three new additional bedrooms
- New front balcony with planter
- New rear Juliet style balcony

First floor (FFL 93.42) – This level comprises:

- Replacement and change of existing roof

3.3. Site Photos



Outlook of subject site viewed from Kambala Road

Woollahra Municipal Council
Delegated Assessment Report



Outlook of existing front entrance gate and private open space of subject site



Outlook of Front Elevation of Subject site



Side view of front elevation of subject site

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Outlook of front private open space / pool area



Outlook of southern side setback of subject site, where minor addition is proposed



Outlook of existing rear shed, proposed to be reduced in size



Outlook of rear elevation of subject site, proposed Juliet balcony at first floor

3.4. Issues and Summary of Submission

Issue	Conclusion	Section
Part 3.2.2 and 3.2.3 of the Woollahra DCP 2015. Building Envelope - Front and Side	Acceptable on Merit, the proposal does not seek to alter the existing non-compliant front and side setbacks.	11.2.1

Woollahra Municipal Council
Delegated Assessment Report

Issue	Conclusion	Section												
Setback, control breach														
Part 3.4 of the Woollahra DCP 2015. Excavation, control breach	<p>Acceptable on Merit, A Geotechnical Report was submitted with the application and reviewed by Council's Development Engineer who raised no issues on engineering grounds with regard to the proposed excavation, subject to conditions.</p> <p>Relevant conditions have been recommended to ensure the proposed excavation does not give rise to concerns relating to safety, impact and structural risks on adjoining properties.</p> <p>The proposal, as conditioned, achieves the relevant objectives of the Woollahra LEP 2014 and the Woollahra DCP 2015.</p>	11.2.2												
Part B3.5.1 of the Woollahra DCP 2015. Desired Future Character	The proposal does not achieve the relevant objectives of the Desired Future Character of the Bellevue Hill North Precinct with regards to Trees and Landscaping	11.2 and 11.2.3												
Part B 3.7.1 and E3 of the Woollahra DCP 2015. External areas, Tree Canopy and Tree Management	Unsatisfactory, the proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 is not supported and therefore the application is recommended for refusal as Council's Tree and Landscaping Officer do not support the proposal in its current form.	11.2.5, 11.5, and 19												
Part B3.7.2 – Fencing	Acceptable of Merit – the proposal is considered acceptable as it achieves the relevant objectives of the Woollahra DCP 2015.	11.2.5												
Part B3.7.4 - Outbuildings	Part-unacceptable – The proposed swimming pool pergola outbuilding in the front setback area is considered unsatisfactory with the relevant objectives of the controls of Part B3.7.4 of the Woollahra DCP 2015.	11.2.5												
Submissions														
Removal of Trees	<p>Loss of tree canopy and adverse effect on existing streetscape</p> <p>The proposal does not satisfy the relevant objectives of the controls outlined in Part B3.7 and Chapter 3 of the Woollahra DCP 2015. In addition, the proposed works have been reviewed by Councils Tree and Landscape Officer who considers the proposal unacceptable.</p> <p>The following specific comments were provided:</p> <p><i>"The proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 does not comply with the following DCP controls and objectives:</i></p> <table><tr><th>DCP Reference</th><th>Complies</th></tr><tr><td colspan="2">Chapter B1.8.2 desired future character and key elements of the precinct:</td></tr><tr><td><i>development respects and enhances the existing elements of the neighbourhood character that contribute to the Bellevue Hill North precinct including:</i></td><td>No</td></tr><tr><td colspan="2">Chapter B1.8.2 desired future character objectives:</td></tr><tr><td><i>Objective 8 - to retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.</i></td><td>No</td></tr><tr><td colspan="2">Chapter B3.7. Landscape area and private open space:</td></tr></table>	DCP Reference	Complies	Chapter B1.8.2 desired future character and key elements of the precinct:		<i>development respects and enhances the existing elements of the neighbourhood character that contribute to the Bellevue Hill North precinct including:</i>	No	Chapter B1.8.2 desired future character objectives:		<i>Objective 8 - to retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.</i>	No	Chapter B3.7. Landscape area and private open space:		As above
DCP Reference	Complies													
Chapter B1.8.2 desired future character and key elements of the precinct:														
<i>development respects and enhances the existing elements of the neighbourhood character that contribute to the Bellevue Hill North precinct including:</i>	No													
Chapter B1.8.2 desired future character objectives:														
<i>Objective 8 - to retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.</i>	No													
Chapter B3.7. Landscape area and private open space:														

Woollahra Municipal Council
Delegated Assessment Report

Issue	Conclusion	Section
	Objective 7 – retain important existing canopy trees, vegetation and other landscape features.	No
	Object 9 – to ensure that landscaping contributes positively to the streetscape and the amenity of the neighbouring properties.	No
	Control 1 - tree canopy area is at least a) 35% of the site for dwelling houses, dual occupancies, semi-detached development and attached dwellings with the exception of the Wolseley Road area.....	No
	Control 14 – existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment	No
	Chapter E3.1 – Tree Management	
	Objective 3 to promote, maintain and conserve the leafy character of the Woollahra Municipality	No
	Objective 5 – to sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land.	No
	<p>the proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 will have a negative impact on the landscape amenity of the immediate area and results in a loss of canopy cover which is not consistent with the objectives of the WMC DCP.</p> <p>Based on the above information, the proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 is not supported by the Tree and Landscape team”.</p>	

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

None.

3.6. History

Relevant Application History
<p>DA Application History</p> <p>On 07 August 2023, a 'Stop the Clock' Letter was sent to the applicant via the NSW Planning Portal. The letter requested the following.</p> <p>1. Revised Stormwater Management Plans</p> <p>Preliminary assessment of the submitted stormwater concept plans has identified the following issue which shall be addressed by the applicant prior to further assessment:</p> <p>a) Given that stormwater runoff generated from the site is connected to the Council's kerb and gutter, the proposed subsoil drainage for the below ground structure must be removed and a notation shall be depicted on the stormwater drawings that the proposed below ground structures are to be fully tanked and no subsoil drainage/seepage water is to be collected and discharged into the Council's kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of Council's DCP.</p> <p>Revised stormwater plans addressing the above issue shall be submitted to Council for</p>

Woollahra Municipal Council
Delegated Assessment Report

further assessment.

2. Aboriginal Heritage Impact Assessment

An Aboriginal Heritage Impact Assessment (AHIA) is to be prepared to address any impacts on potential Aboriginal Cultural Heritage as the site is within an area of Potential Aboriginal Heritage Sensitivity. The AHIA is to provide clear recommendations to update the Aboriginal Heritage Sensitivity map for part or all of the area investigated (either to acknowledge a newly recorded Aboriginal site or potential site or to conclude that part or all of the investigated area is not sensitive). Please refer to Woollahra DA Guide Attachment 10, page no. 10 for reference.

3. Details of Proposed Construction Methodology/Structural Report

The existing structures which are proposed to be retained are deemed to be in the zone of influence of the proposed demolition and excavation works on this site. When assessing a Development Application, Council must consider the potential impacts to the retained/remaining structure resulting from proposed demolition and excavation. To this end, the applicant shall provide a construction methodology/structural report on the proposed construction methodology to carry out the demolition and excavation works while the remaining existing structures would not be affected. The report must demonstrate that the proposed demolition and excavation will have no adverse impacts on any remaining structures as proposed to be retained. A suitably qualified and experienced structural engineer shall carry out site inspection and prepare the construction methodology/structural report.

The Structural Engineer must provide certification in the Report that the structural integrity of all remaining structures will not be adversely affected and compromised and will stand throughout the demolition, excavation and construction work periods.

On 22 August 2023, the requested revised **Stormwater Management Plans** was provided via the NSW Planning Portal.

On 07 September 2023, the applicant provided details of the proposed **Construction Methodology/Structural Report** via the NSW Planning Portal

On 25 September 2023, the application provided the requested **Aboriginal Heritage Impact assessment** via the NSW Planning Portal

Therefore, Items 1-3 of the 'Stop the Clock' letter were satisfied.

On 17 October 2023, Council's Development Engineering Officer provided their referral response and had the following response

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

On 19 October, Council's Heritage officer provided their referral response and were in support of the application subject to conditions.

On 27 October 2023, Council's Tree & Landscaping Officer provided their referral response and had the following response.

"A total of 27 trees have been identified within and adjacent to the site that will be impacted by the proposal. This includes eight (8) trees proposed for removal and 19 trees proposed for retention.

The Tree and Landscape team do not support the current design and proposed tree removals".

Therefore, taking the above referral response into consideration and the nature of the proposed works with the proposed removal of the trees, the application is recommended for refusal.

Relevant Compliance History

Nil.

4. REFERRALS

Woollahra Municipal Council
Delegated Assessment Report

☒ **Development Engineering**
☒ Acceptable (standard conditions)

☒ **Trees and Landscaping**
☒ Refusal recommended

☒ **Heritage**
☒ Acceptable (standard and special conditions)

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

5. ADVERTISING AND NOTIFICATION

5.1. Notification Period

The application was advertised and notified from 16/08/2023 to 31/08/2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019.

5.2. Submissions

One (1) submission was received from:

1. **Michael Twaits** of 48 Kambala Road, Bellevue Hill

The submission raised the following issue, which have been discussed and addressed (where relevant) in Section 5.2 above:

- Removal of trees
 - Acknowledged, and the proposed development is recommended for refusal.

5.3. Statutory Declaration

The applicant completed the statutory declaration dated 16 January 2024 declaring that the site notice for DA258/2023/1 was erected and maintained during the notification period in accordance with the Woollahra community Participation Plan.

6. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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

Chapter 2 Standards for residential development—BASIX

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

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

The development application was accompanied by a BASIX Certificate A486129_02 demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

8. SEPP (RESILIENCE AND HAZARDS) 2021

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

9. SEPP (BIODIVERSITY AND CONSERVATION) 2021

9.1. Chapter 10 – Sydney Harbour Catchment

The land is within the Sydney Harbour catchment but is outside the Foreshores and Waterways Area, and therefore, there are no specific matters for consideration.

The proposal, therefore, satisfies the relevant criteria prescribed by Chapter 10 – Sydney Harbour Catchment of the Biodiversity and Conservation SEPP 2021.

10. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

10.1. Part 1.2: Aims of Plan

The proposal does not achieve the following aims in Part 1.2(2) of the Woollahra LEP.

- (f) to conserve and enhance built and natural environmental heritage,*
- (g) to protect and enhance amenity and the natural environment,*
- (l) to ensure development achieves the desired future character of the area,*

10.2. Land Use Table

R2 Low Density Residential zone

The proposal is permissible but is inconsistent with the following objective of the R2 Low Density Residential zone for the following reasons discussed in this report under relevant headings:

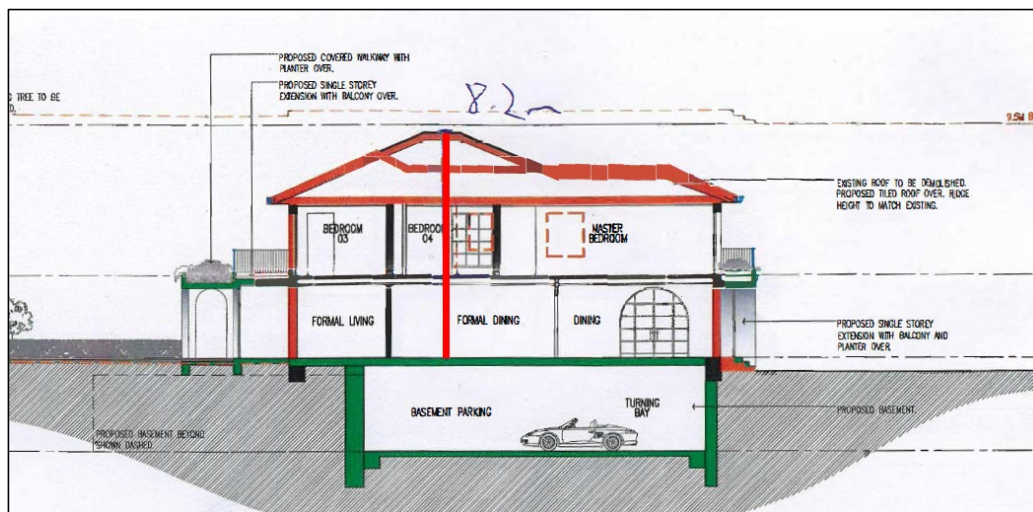
- It does not ensure development conserves and enhances tree canopy cover.*

10.3. Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m

	Existing	Proposed	Control	Complies
Maximum Building Height	8.2m	8.2m (unchanged)	9.5m	Yes

Woollahra Municipal Council
Delegated Assessment Report



Proposed height of proposed works (Source: Richards Stanisich)

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

10.4. 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: 1498.4 m ²	Existing	Proposed	Control	Complies
Floor Space Ratio	0.29:1 (441 m ²)	0.42:1 (630.6 m ²)	0.5:1 (749.2m ²)	Yes

The proposal complies with the maximum floor space ratio prescribed by Part 4.4E of Woollahra LEP 2014.

10.5. Part 5.10: Heritage Conservation

The subject site is not located in Heritage Conservation Area or identified as a Heritage Item.

The site is however located in an area of Potential Aboriginal Heritage sensitivity.

Council's Heritage Officer has reviewed the provided Aboriginal Heritage Impact assessment and has concluded that the proposal is satisfactory, subject to conditions.

Therefore, the proposed development is acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014 subject to recommended conditions of consent.

10.6. 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 subject site is not located within a Flood Planning Area.

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

10.7. Part 6.1: Acid Sulfate Soils

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

10.8. Part 6.2: Earthworks

The proposal involves excavation to accommodate a new basement carpark and turning bay area. This is further assessed in Part 11.2.2.

Council's Development Engineer has reviewed the application and has determined that the proposal is satisfactory, subject to conditions.

Therefore, the proposal is acceptable with regard to Part 6.2 of the Woollahra LEP 2014, subject to recommended conditions of consent.

11. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

11.1. Chapter B1: Bellevue Hill North Residential Precinct

The proposal is considered unacceptable with the following relevant streetscape character and key elements of the precinct and desired future character objectives of the Bellevue Hill North precinct, as noted in Part B1.8.2 of the Woollahra DCP 2015.

Streetscape character and key elements of the precinct

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

d) the tree canopy formed by both street and private yard plantings;

Desired future character objectives

O1 To respect and enhance the streetscape character and key elements of the precinct.

O7 To reinforce the landscape setting and maintain the existing tree canopy which forms a green backdrop when viewed from the harbour and the surrounding districts.

Assessment

The proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 will have a negative impact on the existing streetscape and does not achieve the above desired future character objectives. The removal of these trees would result in non-compliant canopy cover and would not conserve the natural environment contrary to the relevant objectives of the Woollahra DCP 2015.

11.2. Chapter B3: General Development Controls

11.2.1. Part B3.2: Building Envelope

Woollahra Municipal Council
Delegated Assessment Report

Site Area: 1498.4 m ²	Existing	Proposed	Control	Complies
Front Setback (C1)	22.1m (<i>existing non-compliance</i>)	Ground Floor (Entry verandah): 18m Ground Floor (External face of wall): 20.1m First Floor (Edge of planter): 18.1m First Floor (first floor balcony): 20m First Floor (External face of wall): 22m	Min 24.56m	No
Rear Setback (C1)	15m	14.2m	Min 13.68m	Yes
Side Boundary Setbacks Dwelling (Northern C1)	Lower Ground Level: N/A Ground Floor Level: 0.01m (<i>existing non-compliance</i>) First Floor Level: 3.2m (<i>existing non-compliance</i>)	Lower Ground Level: 0.01m – 3.4m Ground Floor Level: 0.01m (unchanged) First Floor Level: 3.2m (unchanged)	3.4m	No
Side Boundary Setbacks Dwelling (Southern C1)	Lower Ground Level: N/A Ground Floor Level: 3.2m (<i>existing non-compliance</i>) First Floor Level: 3.4m	Lower Ground Level: 3.117m Ground Floor Level: 3.2m (unchanged) First Floor Level: 3.4m (unchanged)	3.4m	No
Maximum Wall Height (C1a)	<7.2m	<7.2m	7.2m	Yes
Inclined Plane From Wall Height (C1b)	<45°	<45°	45°	Yes
Maximum Unarticulated Length to Street (C2)	>6m	<6m	6.0m	Yes
Maximum Unarticulated Wall Length (C4)	<12m	<12m	12m	Yes
Protrusion of Roof Eaves (C1c)	<450mm	<450mm	Below inclined plane	No

Part 3.2.2: Front Setback

C1 states that the front setback is the average of the three most typical setbacks of the four closest residential properties.



Front Setback calculation

27 Kambala Road	excluded
25 Kambala Road	24.7m Front Setback (as approved in DA 2021/403/1)
23 Kambala Road	24.85m Front Setback (as per Near map)
19 Kambala Road	24.13m Front Setback (as per Near map)
Total Avg. Front setback	Min 24.56m Front Setback Requirement

Front setback map and calculations

The proposed front setback does not comply with Control C1, however it is acceptable for the following reasons.

O2 To provide consistent front setbacks in each street.

O4 To ensure that buildings are well articulated and positively contribute to the streetscape.

- The non-compliant front setback is considered acceptable as it would maintain the front garden setting consistent with the existing streetscape and the adjoining front setbacks. Furthermore, the proposed front setback balcony would provide appropriate building articulation and contribute positively to the streetscape (O2, O4)



Outlook of subject site viewed from Kambala Road



Outlook of the western elevation of subject site viewed from front setback area

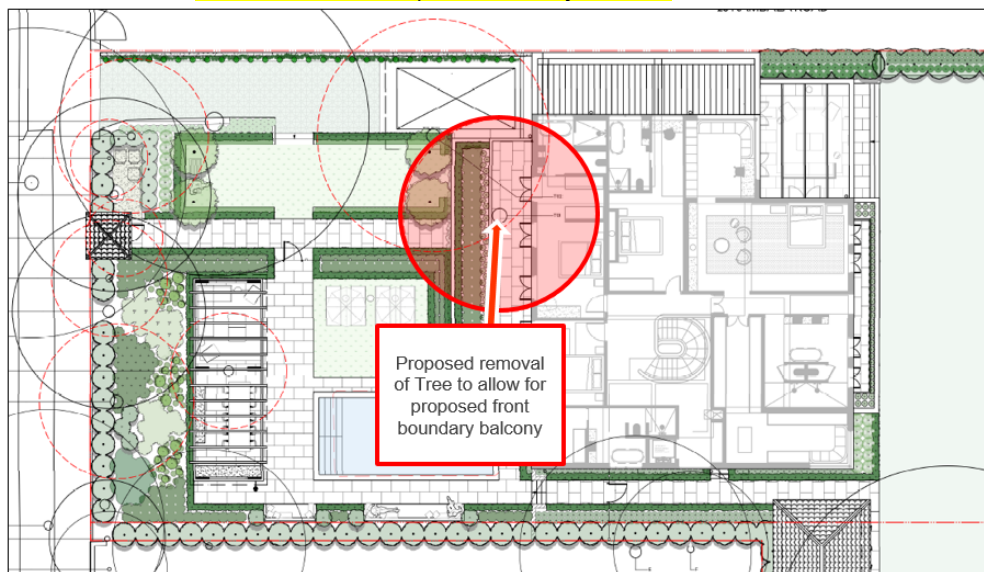
The proposed front setback balcony would not result in unacceptable impacts upon the existing streetscape, notwithstanding the non-compliance with the 24.56m front setback Control. It would propose an 18m front setback which is an additional 4.1m breach from the existing front setback. This exasperation of the existing non-compliance would not be largely discernible when viewed from the streetscape or front boundary area. Furthermore, as seen in the above figures, the existing garden settings are to be maintained and would ensure there is substantial external access area in the front area of the site (Objective O2 and O4)



Outlook of the front fence from subject site

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

- However, as outlined in Part 11.1 and the position of Council's Tree and Landscaping Officer, the proposed removal of the Tree 1 does not reinforce the Bellevue Hill North character and **is considered unacceptable with Objective O1** and therefore in its current form



Proposed landscaping plan, highlighted tree in red to be removed for front balcony (Source: (Wyer & Co)

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

Complies – The proposal will result in an unarticulated building with of <6m.

Part 3.2.3: Side Setbacks

With a lot width of 25.3m, C1 requires a minimum side setback of 3.4m.

O1 - To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.

O2 - To ensure the side elevation of buildings are well articulated.

O3 - To protect the acoustic and visual privacy of residents on neighbouring properties.

O4 - To facilitate solar access to habitable windows of neighbouring properties.

The proposed alterations and additions do not seek to alter the existing non-compliant side setbacks and is considered acceptable for the following reasons.

- The proposal would not result in an unreasonable sense of enclosure and appropriate separation between buildings are maintained.
- The proposed alterations and additions would not result in adverse impact adjoining properties with regards to acoustic, visual and solar access. (Objectives O1, O2, O3, O4) Refer to Part 11.2.3 for further assessment.

C4 notes a maximum unarticulated wall length of 12m to the side elevation.

Complies – The proposal would result in a <12m unarticulated wall length to the side elevation.

Part 3.2.4: Rear Setback

C1 requires a minimum rear setback of 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary. The building must not encroach on the minimum rear setback.

O2 - To provide acoustic and visual privacy to adjoining and adjacent buildings.

O3 - To avoid an unreasonable sense of enclosure.

O4 - To provide separation between buildings to facilitate solar access to private open space.

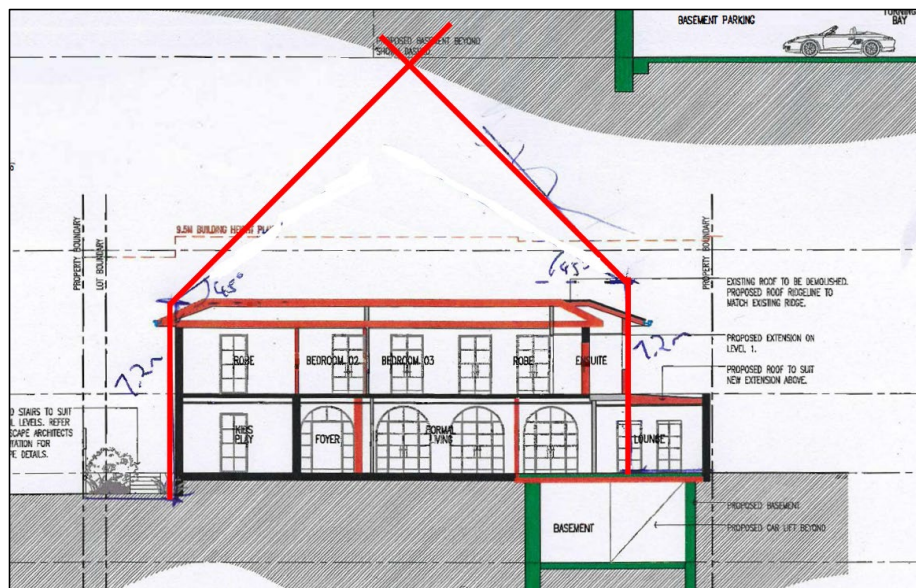
C1 - The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.

Complies – the proposed rear setback maintains compliance with Control C1. Furthermore, the proposed alterations and additions would not result in adverse acoustic, visual and solar impacts onto adjoining or adjacent properties and maintains clear separation of adjoining buildings. (O2, O3, O4 and C1) Refer to Part 11.2.3 for further assessment.

Part 3.2.5: Wall Height and Inclined Plane

C1 specifies a maximum external wall height of 7.2m with an inclined plane of 45 degrees above this height. Roof eaves can protrude into the setback if they are below the inclined plane; therefore in this case, the minor eave protrusion is acceptable.

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Delegated Assessment Report



Section of Subject site indicating compliant incline wall plane (Source Richards Stanisch)

O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from neighbouring properties.

O2 To limit overshadowing of neighbouring properties across side boundaries.

O3 To limit overshadowing to south facing rear yards.

O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.

Acceptable on Merit – The proposal complies with Control C1 as seen in the above figure and compliance table. The replacement of the existing roof does not further increase the existing roof height and maintains a bulk and scale that is compatible and sympathetic to adjoining development in this locality.

Overall the proposal to change the roof is considered to be acceptable as it maintains a 2 storey presentation when viewed from the street which achieves Objective O1. Below are figures of similar roof forms in the area as the subject site.

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Delegated Assessment Report



Outlook of No.23 Kambala Road viewed from Kambala Road



Outlook of No.2 Kambala Road viewed from Kambala Road



Outlook of No.33 Kambala Road viewed from Kambala Road



Outlook of No.29 Kambala Road viewed from Kambala Road

The proposal would not result in adverse impacts with regards to overshadowing or acoustic and visual privacy impacts on adjoining properties. Refer to Part 11.2.3 for further assessment. (Objective O2, O3 and O4)

Conclusion

Therefore, if the application was not being recommended for refusal, the proposal could be considered acceptable with regard to the relevant building envelope objectives of the controls in Part B3.2 of the Woollahra DCP 2015.

11.2.2. Part B3.4: Excavation

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Delegated Assessment Report

Site Area: 1498.4 m ²	Existing	Proposed	Control	Complies
Maximum Volume of Excavation (C1)	N/A	898.2m ³	350m ³	No
Excavation, Piling and Subsurface Wall Setback (C6)	N/A	0.01m – 3.4m	3.4m (Side setback control)	No
Geotechnical Report (C9)	N/A	Provided	Required Where > 2.0m	Yes

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;*

C1 limits the volume of excavation to 350m³.

C6 requires a minimum setback of excavation of 3.4m.

C9 requires a Geotechnical Report

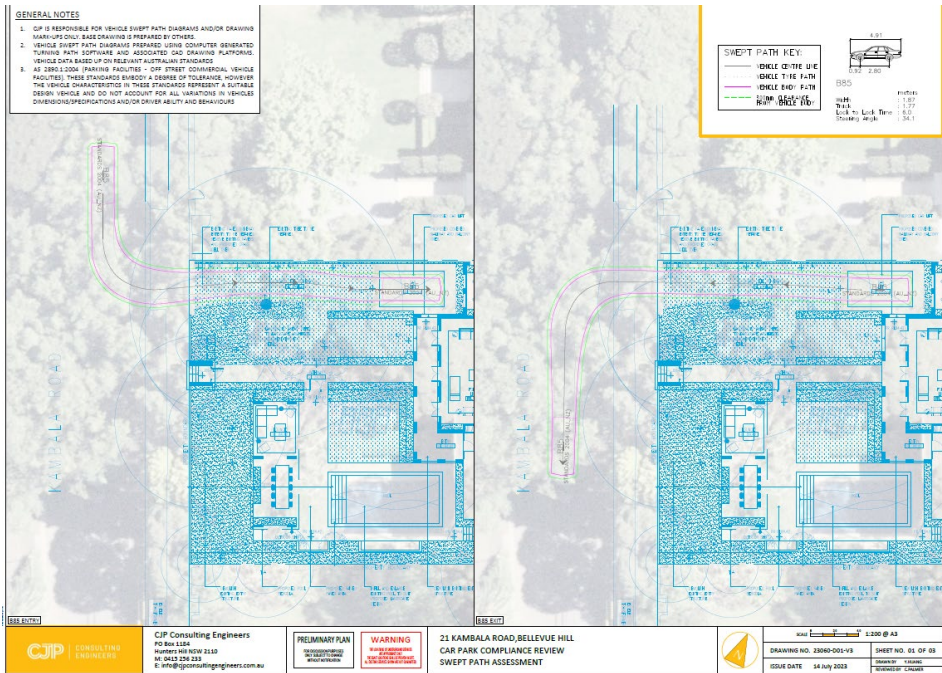
Acceptable on Merit – the proposed earthworks for the new basement carpark will result in a 548.2m³ or approximately 150% breach of Control C1 which limits the subject site to have a maximum of only 350 m³ of excavation and is proposed to occur within the 3.4m side setback Control (C6). Notwithstanding these numerical non-compliances, the proposal is considered acceptable for the following reasons.

- The proposed excavation will maintain the buildings design and does not adversely affect the existing topography of the site.
- The applicant has provided a Geotechnical report which Council's Development Engineer has considered satisfactory and ensures that there are no structural risks to surrounding structures. Noise, vibration, dust and other amenity impacts will also be monitored to reasonable levels as per the provided Structural Report prepared by Structure Engineering project No. 22S0341 dated 06/09/2023 (Objective O1b, O1c and O1d)
- Council's Development Engineers have reviewed the application and have no objection subject to imposing recommended conditions of consent.
- The primary purpose and location of the proposed excavation is for the basement car parking and internal circulation which would provide additional opportunities for off-street parking and allow improved vehicular accessibility to the occupants. (Objective O1, C1, C6 and C9).

Woollahra Municipal Council
Delegated Assessment Report

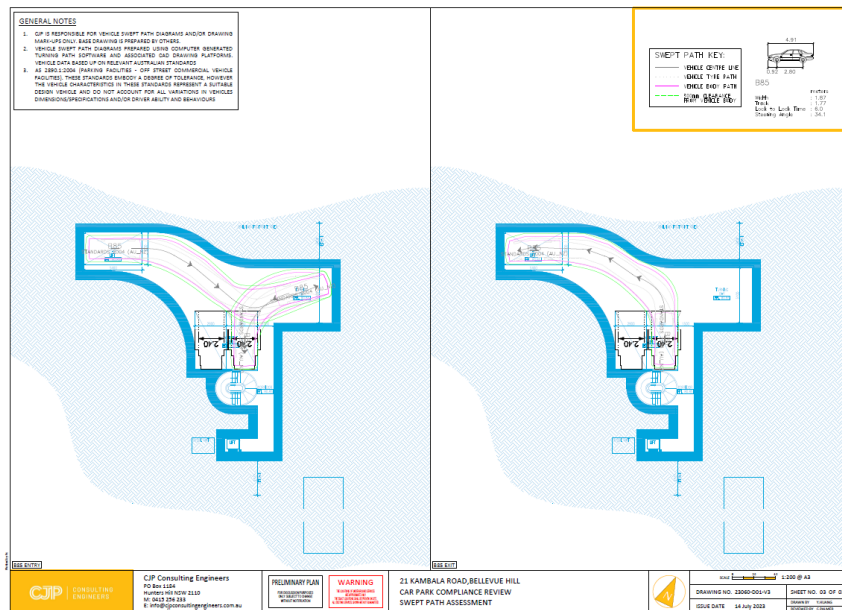
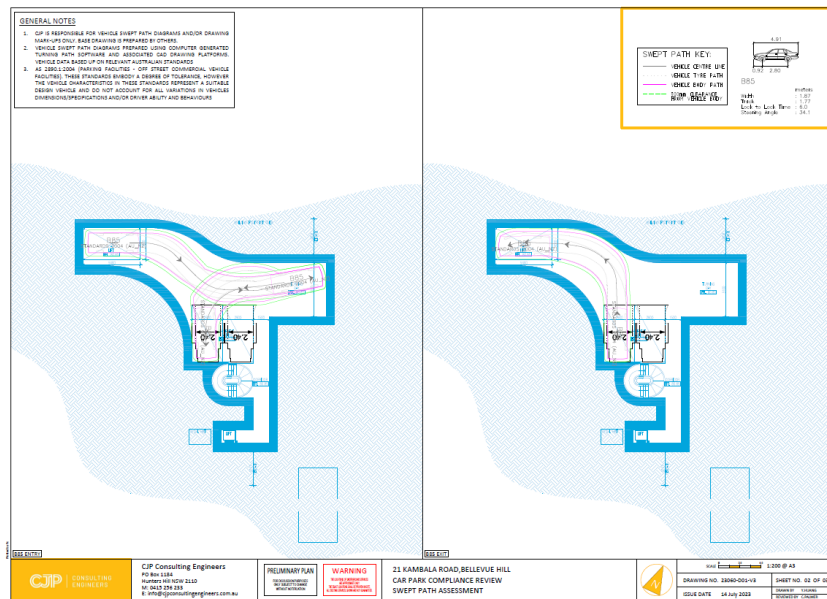


Existing garage and vehicle path accessibility



Proposed vehicle path access into new car lift (Source: CJP Consulting Engineers)

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Conclusion

The proposal is therefore considered reasonable and acceptable with regard to the excavation objectives of the controls in Part B3.4 of the Woollahra DCP 2015, subject to recommended Conditions of Consent.

11.2.3. Part B3.5: Built Form and Context

Site Area: 1498.4 m ²	Existing	Proposed	Control	Complies
Desired Future Character (C1)	Consistent with the DFC of the Bellevue Hill	Partially consistent with the DFC of the Bellevue Hill North Residential Precinct	Building is consistent with DFC set out in B1 of the DCP	Part complies
Retain vegetation of landscape value (C2)	Retention of vegetation	Proposed removal of 8 existing Trees	Retention of vegetation	No
Casual Surveillance – Windows Facing Street/Public Area (C10)	> One	> One	One	Yes
Solar Access to Open Space of Neighbouring Properties (C1a)	> 50% for 2 hours on 21 June	> 50% for 2 hours on 21 June	50% for 2 hours on 21 June	Yes
Bedroom Walls Adjoining Adjacent Dwellings	Not Adjoining Living Room/Garage	Not Adjoining Living Room/Garage	Not Adjoining Living Room/Garage	Yes
Setback of Bedroom Windows from Streets/Parking of Other Dwellings	>3m	>3m	3.0m	Yes
Distance of Habitable Room Windows to Neighbouring Dwellings (C4)	<9m	<9m	9.0m	Acceptable on Merit

Part B3.5.1: Streetscape and Local Character

The proposal for the alterations and additions to an existing two storey dwelling and a new basement parking is generally consistent with the relevant desired future character of the area, barring the following objectives and controls

C2 - Development retains vegetation of landscape value.

C4 - Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.

O1 - To ensure that the built form is compatible with the streetscape and the desired future character of the area.

O3 - To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.

Council's Tree and Landscaping Officer has reviewed the application and does not support the removal of the proposed trees and therefore does not achieve Objectives O1 and O3 and does not comply with Controls C2 and C4 as outlined in Part 11.1, 11.2.5 and 11.5.

O2 To ensure that development is of high visual quality and enhances the street.

O4 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.

O5 To ensure that roof forms are consistent with the existing predominant roof forms in the street and minimise impacts to neighbouring properties.

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Delegated Assessment Report

C5 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.

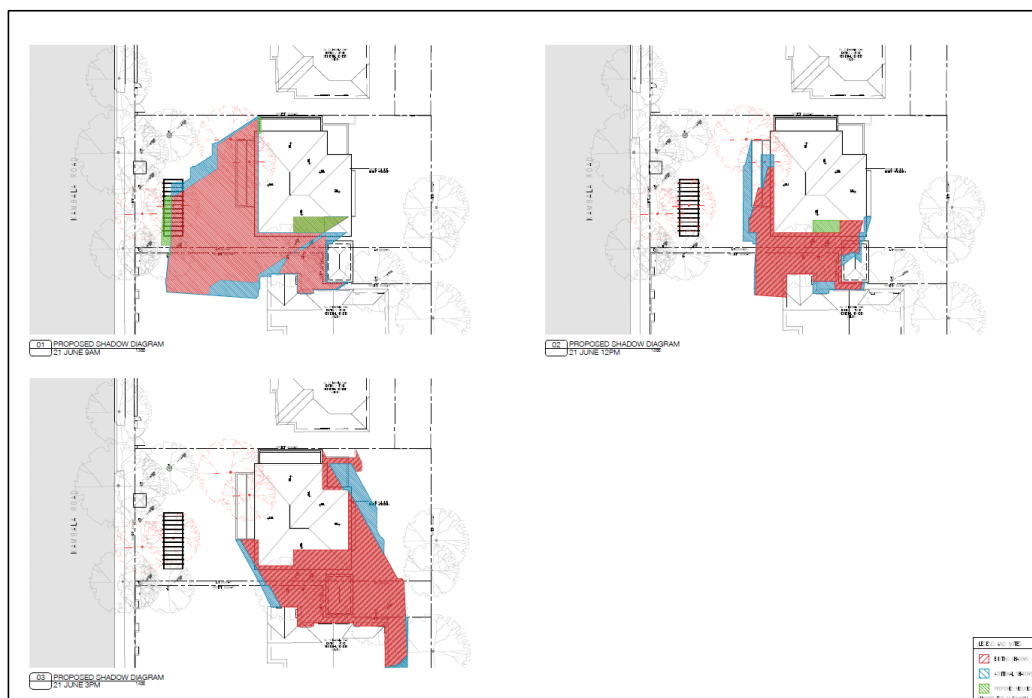
C10 The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.

If the application was not being refused, the proposal would have resulted in an improved visual and street quality. The additions improve the architectural design of the existing building by introducing front and rear articulation and maintains a well-designed, consistent as existing, contemporary building and roof form. (C5, C10, O2, O4 and O5). Furthermore, with regards to the front streetscape, the proposal seeks to relocate and reduce the bulk of the existing front entry feature for improved design and accessibility.

Part B3.5.2: Overshadowing

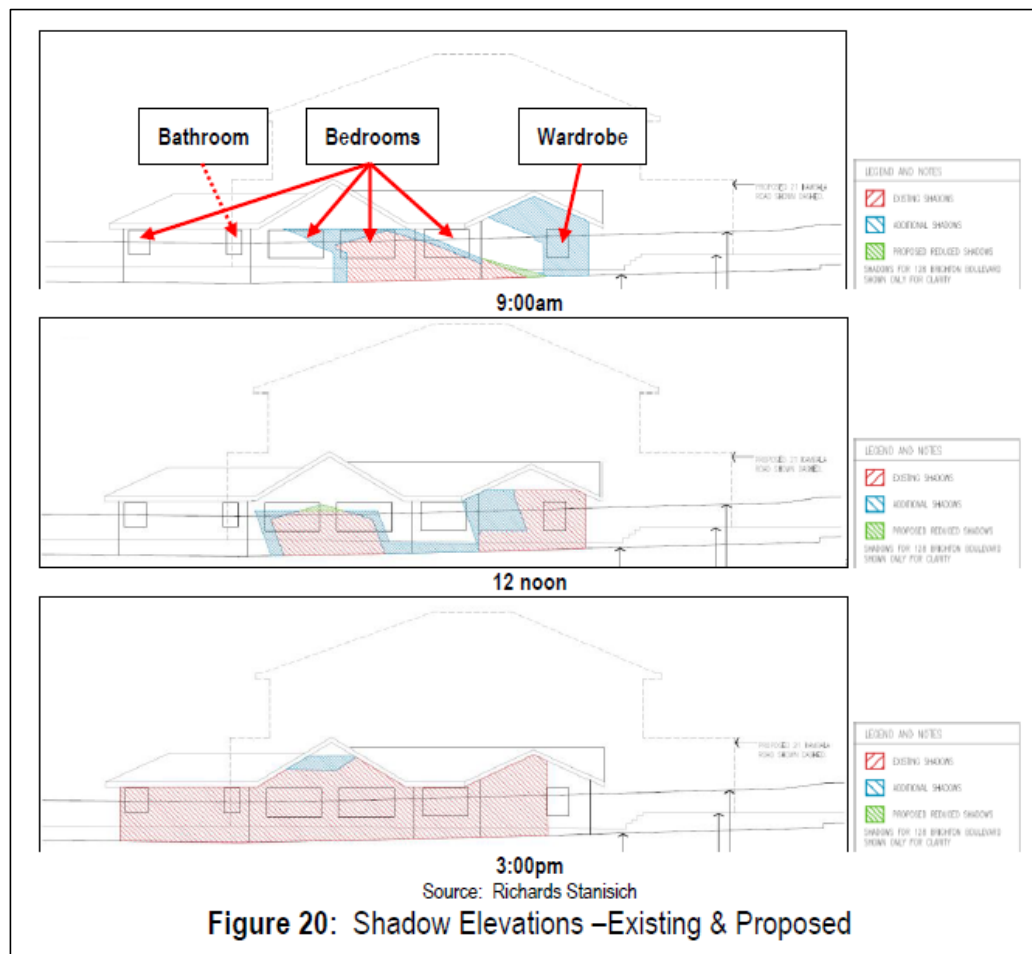
C1 - The development is designed so that: a) sunlight is provided to at least 50% (or 35m2 with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced

The additional overshadowing impacts onto No.19 Kambala Road are considered to be acceptable as it maintains compliant levels of sunlight as per Control C1 and any adverse additional shadows are cast over non-habitable or low-frequent use rooms as seen in the below figures.



Shadow diagrams of existing and proposed works, additional overshadowing in blue (Source: Richards Stanisich)

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Delegated Assessment Report



The proposal therefore achieves the relevant objectives and controls of Part B3.5.2 of the Woollahra DCP 2015.

Part B3.5.3: Public and Private Views

There are no views or vistas from the public domain that would be adversely impacted as a result of this proposal and is therefore acceptable with regards to Part B3.5.3 of the Woollahra DCP 2015.

Part B3.5.4: Acoustic and Visual Privacy

Acoustic Privacy

Woollahra Municipal Council
Delegated Assessment Report

The relevant objective and control of this part read as follows:

O1 To ensure adequate acoustic privacy for occupants and neighbours.

C1 Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings.

The proposal continues the use of the subject site as double storey residential dwelling and is unlikely that significant additional acoustic impacts associated with the proposal would arise.

It is considered that the proposal will not result in any unacceptable adverse acoustic impacts on adjoining properties.

In addition, if the application were recommended for approval, relevant conditions of consent could be imposed requiring that all mechanical plant equipment associated with the development be acoustically treated so that noise from any plant and equipment shall not exceed ambient background noise levels measured at the common boundaries.

Visual Privacy

The relevant objectives and controls of this part read as follows:

O2 To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.

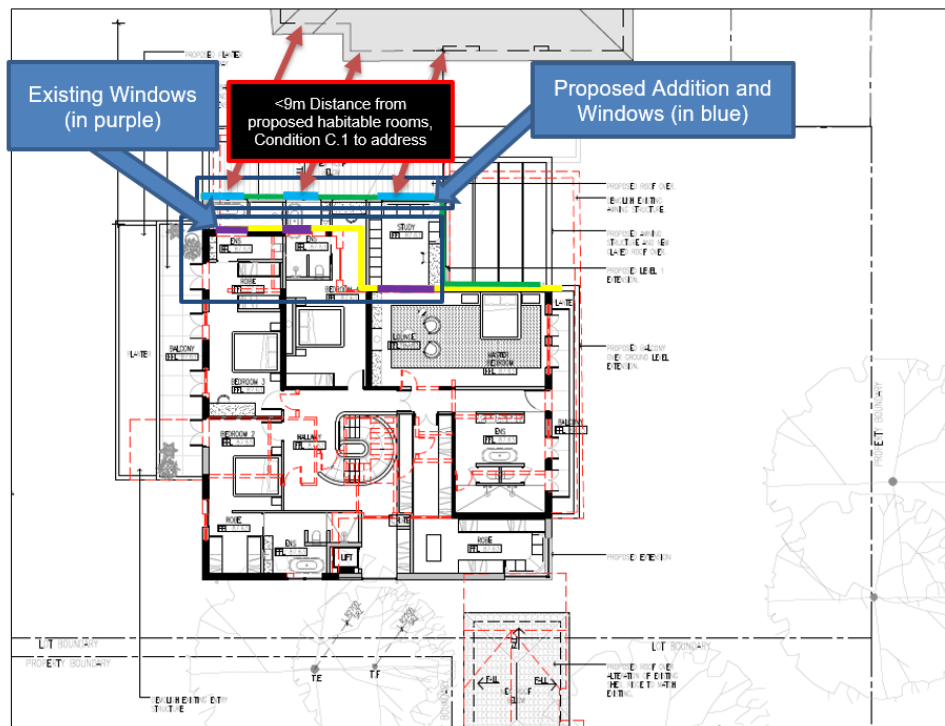
O3 To minimise the impacts of private open space.

C4 New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.

C5 Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.

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

The proposed first floor north facing windows located off the study room, Bed 4 and the two north facing ensuites will fall within the 9m distance as per Control C4 and C5 and results in overlooking into adjoining private open space, however, the offsetting design of the proposed windows limit views between adjoining windows and private open space. Furthermore, if the proposal were not recommended for refusal, Condition C.1 could have been imposed to mitigate direct sightlines from habitable and bathrooms areas into adjoining properties by ensuring the new north facing windows are to be fixed with obscured glazing up to a minimum height of 1.5m measured from the FFL. (Control C4, C5, C8 and Objective O2 and O3)



Proposed and existing first floor plan (Source: Richards Stanisich)

O2 To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.

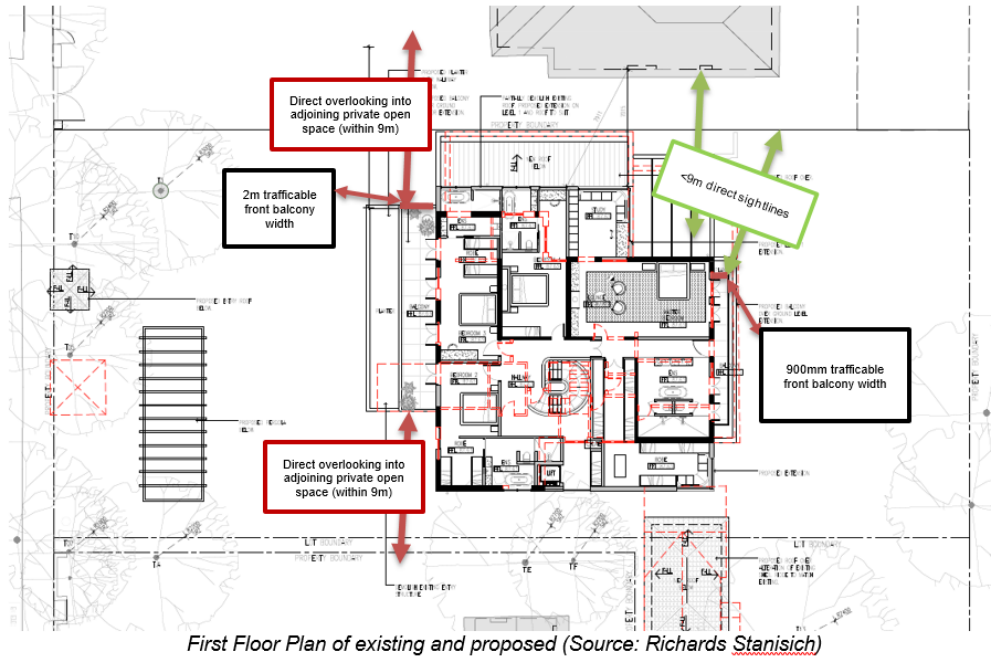
O3 To minimise the impacts of private open space.

The proposed front and rear will also result in direct sightlines into the adjoining properties private open space, resulting in additional visual privacy impacts. However, it is considered to be acceptable for the following reasons.

- The proposed front and rear balconies serve the Master Bedroom, Bedroom 2, 3, ensuites and robe rooms, which are considered to be areas of low congregation for extended periods of time than that of a living room. (Control C4, C5 and C6 and Objective O2 and O3)
- The architectural design of the proposed balconies are considered to mitigate direct sightlines and visual overlooking through utilising deepsills with planter boxes which reduces the amount of trafficable area as seen in the below figure. (Control C4 and Objective O2 and O3)
- The rear balcony is further considered acceptable as the dimensions proposed do not be allow for large amounts of people to congregate as there is less than 1m in width and serves 'low-use' bedrooms.
- The proposed front balcony may result in more adverse visual impact compared to the rear balcony and therefore, if the application was not being recommended for refusal, Condition

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Delegated Assessment Report

C.1 could have been imposed to ensure privacy screens were implemented on the northern and southern faces of the front balcony (Control C6 and Objective O3)



Photomontage of proposed works viewed from Kambala Road (Source: Richards Stanisich)

Part B3.5.5: Internal Amenity

Objective O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.

Objective O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.

Woollahra Municipal Council
Delegated Assessment Report

The proposed alterations and additions would result in improved internal amenity, in particular the first floor windows and front and rear balcony would result in improved natural light and natural ventilation through the addition of north facing windows and articulation. (Objective O1 and O2)

The proposal is acceptable with regard to the built form and context controls in Part B3.5 of the Woollahra DCP 2015.

11.2.4. Part B3.6: On-Site Parking

Site Frontage: 24.385m	Existing	Proposed	Control	Complies
Location of Parking (C1)	Outside the Building Envelope	Within the Building Envelope	Within the Building Envelope	Yes
Basement Parking	N/A	Basement Parking provided (2 spaces)	Required for 3 or More Dwellings	Yes
Maximum Number of Driveways	One	One	One	Yes
Surface of Driveway or Uncovered Car Parking Space	Non Porous Concrete	Semi Porous (Grass Ceil)	Semi Porous	Yes

O4 To minimise loss of on-street parking.

C11 Where soil and drainage conditions allow, semi-porous surfaces are used for uncovered car parking and driveway areas to facilitate on-site stormwater infiltration and reduce limit the visual impact of hard-surface areas.

The proposed development seeks the addition of a new basement parking area with a new car lift. The existing driveway crossing is to be retained and unchanged.

The addition of a 2 carpark space basement is considered satisfactory with regards to Objective O4 as this will result in increased opportunities for off street parking. Furthermore, the proposal seeks to change the existing paved driveway to a grass cell driveway which is considered to promote landscape values. (Objective O4 and Control C11)

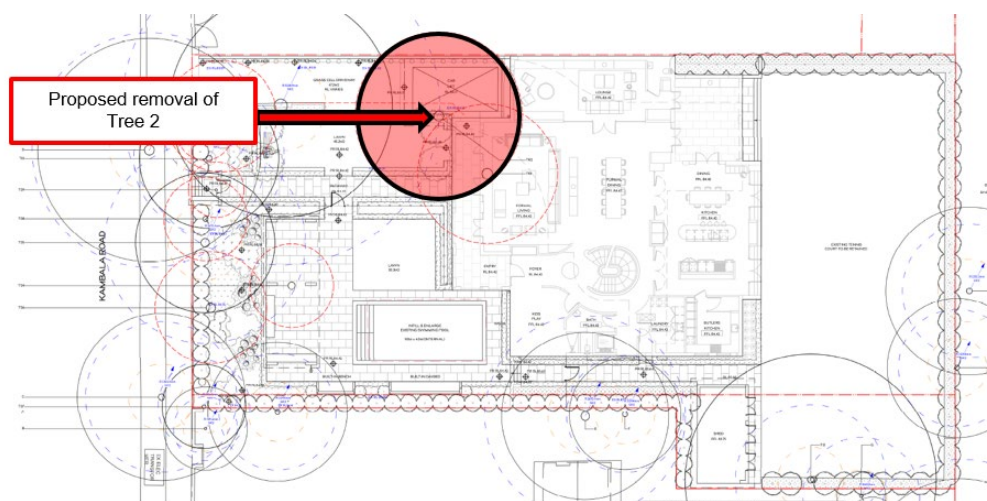
Council's Development Engineer has reviewed the application and commented that the proposed Vehicle Accommodation and soil and drainage systems are considered satisfactory subject to conditions.

O2 To ensure that on-site parking does not detract from the streetscape character and amenity.

O5 To retain trees and vegetation of landscape value.

Notwithstanding the above, Council's Tree's and Landscaping Officer has reviewed the application and commented that the proposed removal of Tree 2 below is considered unacceptable as it is not consistent with the streetscape character and does not retain trees of landscape value and/or canopy area. (Objective O2 and O5)

Woollahra Municipal Council
Delegated Assessment Report



Proposed landscaping plan with proposed removal of tree 2 in proposed car lift location (Source: Wyer & Co)

The proposal is therefore considered unacceptable with regard to the relevant parking objectives and controls in Part B3.6 of the Woollahra DCP 2015.

11.2.5. Part B3.7: External Areas

Site Area: 1498.4 m ²	Existing	Proposed	Control	Complies
Tree Canopy Area (C1)	44% (659.29m ²)	33% (494.47m ²)	35% 524.44 m ²	No, Unacceptable
Deep Soil Landscaping – (C2)	26% (386.5m ²)	52.7% (789.9m ²)	35% of Site Area (524.44m ²)	Yes
Deep Soil Landscaping – (C3) Front Setback	47.8% (276.6m ²)	53.5% (309m ²)	40% (231m ²)	Yes
Minimum Area of Primary Open Space at Ground Level (C4)	>35m ²	>35m ²	35m ²	Yes
Existing Canopy Trees (C14)	Incorporated Into Landscaping	Not incorporated into Landscaping	Incorporated Into Landscaping	No
Maximum Height of Fencing (C4)	1.3m – 1.9m*	1.3m – 1.9m	1.2m 1.5m and 50% open	No, Acceptable on Merit
Gate Swing (C7)	Opens Inwards	Opens Inwards	Opens Inwards	Yes
Swimming Pool Water Edge Setback (C3)	>1.8m	3.1m	1.8m	Yes
Maximum Depth of Swimming Pool (C5)	1.9m	1.9m	2.0m	Yes
Location of Outbuilding – Shed (C1)	Rear Yard	Rear Yard	Rear Yard	Yes
Maximum Height of Outbuilding- Shed (C2)	3.4m	3.4m	3.6m	Yes
Outbuilding Side and Rear Setback – Shed (C2)	Side (Southern): 200mm* Rear: 14.1m	Side (Southern): 200mm (unchanged)	1.5m	Part Complies, Acceptable on Merit

Woollahra Municipal Council
Delegated Assessment Report

Site Area: 1498.4 m ²	Existing	Proposed	Control	Complies
		Rear: 14.1m (Unchanged)		
Location of Outbuilding – Swimming pool pergola (C1)	N/A	Front Yard	Within Building Envelope / Rear Yard	No
Maximum Height of Outbuilding – Swimming pool pergola (C2)	N/A	2.3m	3.6m	Yes
Outbuilding Side and Rear Setback – – Swimming pool pergola (C2)	N/A	Side (Southern): 3m Rear: >1.5m	1.5m	Yes

*Existing Non-Compliance

Part 3.7.1: Landscaped Areas and Private Open Space

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

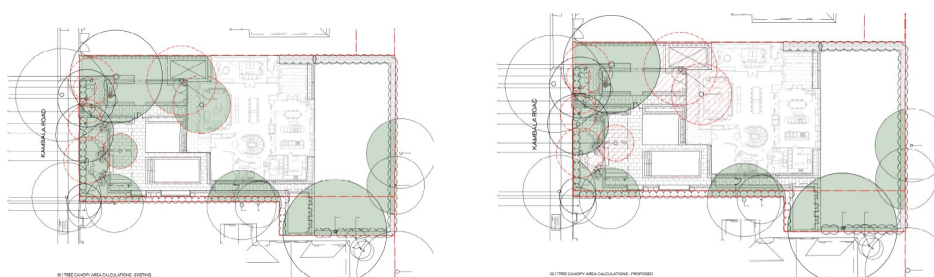
O2 To provide sufficient deep soil landscaped area to encourage urban greening and maintain and enhance tree canopy cover which in turn contributes positively to the existing and desired future character of the locality.

O7 To retain important existing canopy trees, vegetation and other landscape features.

O9 To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties.

C1 requires that 35% of the site area is to comprise tree canopy area, and at least half of the total tree canopy area on the site is contributed by canopy tree/s.

The proposed development will result in a decrease of tree canopy area from a compliant 44% to a non-compliant 33%. This is considered unacceptable as it does not ensure areas outside the building contribute to the desired future character (Objective O1 and O2). Furthermore, the proposed removal of 8 front setback trees does not aim to retain existing canopy and is considered detrimental to the existing streetscape (Objective O7 and O9) as outlined in Part 11.1.



Existing (left) and proposed (right) Tree Canopy plan (Source: Wyer & Co)

C2 requires that 35% of the site area is deep soil landscaping.

Complies – the proposal will result in 52.7% of overall deep soil landscaping.

C3 requires at least 40% of the front setback area is to comprise deep soil landscaping.

Complies – the proposal will result in 53.5% of landscaping in the front setback area.

C10 requires that development takes advantage of opportunities to provide north facing private open space.

Complies – the proposal maintains north facing private open space.

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

Non-complies – The proposal will result in a reduction of existing canopy trees and vegetation of landscape value and does not seek to incorporate them into the proposed landscaping area.

C18 requires that landscape design considers vegetation that:

- a) Contributes to the streetscape
- b) Will not moderately, severely or devastatingly block views
- c) Does not impose upon the structural stability of buildings
- d) Maintains good visibility for pedestrians and vehicles
- e) Provides substantial summer shade and winter sunlight to living areas
- f) Improves privacy between dwellings
- g) Minimises risk to services
- h) Provides sightlines to vehicles and pedestrians

Non-complies - The proposed landscape design will result in adverse impact upon the existing streetscape as outlined in Part 11.1 and above.

Council's Tree and Landscaping Officer has reviewed the application and commented that the proposed removal of trees is not supported as the proposed trees to be removed are considered to be of landscape importance and does not achieve the relevant objectives of the controls of Part B3.7.1 of the Woollahra DCP 2015.

Part 3.7.2: Fences

O1 To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.

O2 To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.

O3 To ensure that fences and walls do not unreasonably restrict views and vistas from streets and other public spaces.

O4 To ensure that development creates well defined areas of public and private space.

O6 To ensure fences and walls are sympathetic to the topography.

O7 To protect and retain fences and walls that are important character elements for the precinct.

O8 To ensure materials used in fences and walls are a high quality and in keeping with the existing streetscape character and character of the building.

C1 requires fencing that protects occupants but with surveillance of the street.

The proposal seeks the relocation and reduction of the existing front entry gate feature to align with the front entrance of the subject property. This maintains the protection of the occupants and surveillance of the street.

C2 requires delineation of the public, common and private spaces and

C3 requires fences to define the front entrance.

Complies – The proposal seeks to maintain the existing front entrance entry feature which ensures a clear and defined front entrance and delineation from public and private spaces.

C4 limits fencing to 1.2m if solid, or 1.5m if 50% transparent or open.

The proposal does not seek to alter the existing non-compliant front fence height which ranges from 1.3m-1.9m solid fencing, following the natural slope of the site. The existing front fence entry feature gate is proposed to be relocated to improve internal amenity through efficient accessibility and design.

The proposed front entry gate feature is reduced in bulk and size and maintains a consistent and high-quality form that matches and compliments the existing principal dwelling. The reduction of bulk and size ensures the following

- It does not negatively impact the streetscape compared to the previous existing (Objective O1)
- Notwithstanding that the existing 3.9m front entry gate feature is maintained, the proposal to reduce the bulk of the existing is considered to reduce visual impacts. (Objective O3)
- The entry feature is considered to be an important character element to the subject site as it is compatible with the existing built fabric and roof form of the principal dwelling (Objective O7)
- It is consistent with the Desired future Character of the Bellevue Hill North precinct (Objective O8)

C7 requires gates to open inwards.

Complies – The gate is proposed to maintain opening inwards

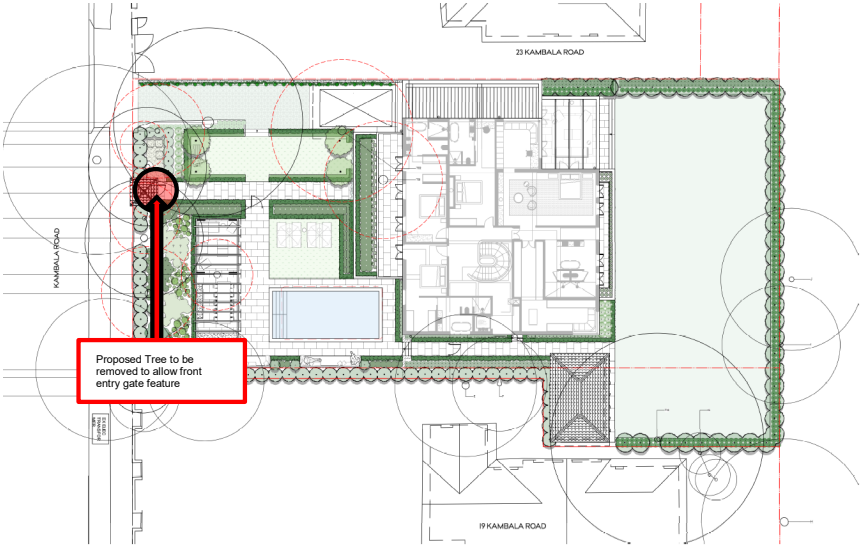
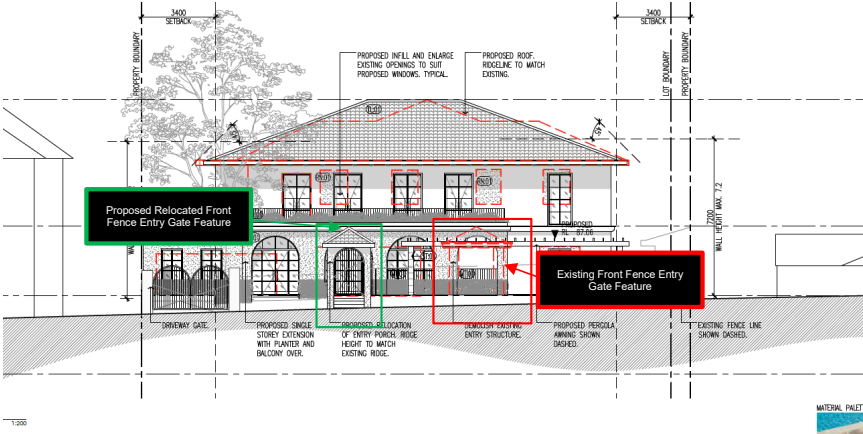
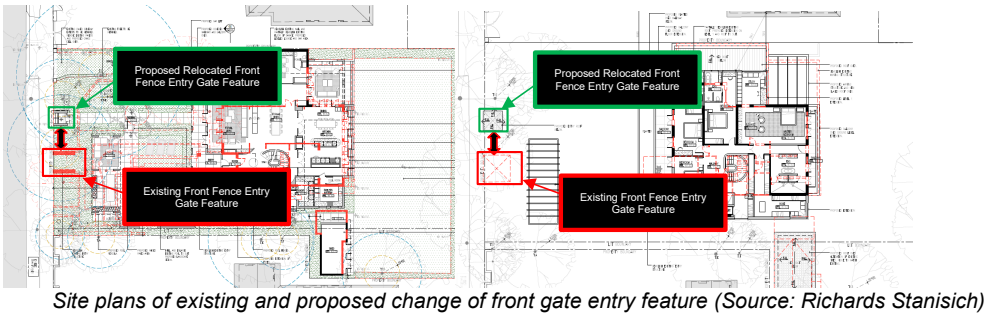
C11 allows regular stepping of fences on sloping sites.

Complies – The proposal does not seek to alter the existing natural sloping fence which follows the topography of the site. (Objective O6)

C15 states that fences should be compatible within the streetscape.

Part-Complies – The proposed relocation of the front entry gate feature does not alter the existing form and proposes a reduction in size, mitigating any additional impact on the streetscape. Furthermore, the proposed front entry gate feature maintains consistent and compatible roof form as the principal dwelling house which is considered a positive architectural form (Objective O2).

Woollahra Municipal Council
Delegated Assessment Report



Woollahra Municipal Council
Delegated Assessment Report

Notwithstanding the above, Council's Trees and Landscaping Officer do not support the removal of any of the proposed trees and therefore the application is recommended for refusal.

Part 3.7.4: Ancillary Development – Swimming Pools, Tennis Courts and Outbuildings

Swimming Pools

O1 To provide for recreational opportunities for swimming without compromising the amenity of the neighbouring properties.

O2 To limit excavation.

O3 To retain trees and vegetation of landscape value.

C6 The location and design of the swimming pool and associated works do not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).

The proposed modifications to the existing swimming pool do not significantly alter the extent or location and maintains to comply with the relevant controls as seen in the above compliance table. Furthermore, no trees are impacted as a result of the minor changes. Therefore, it is considered acceptable with regards to the objectives of the controls of Part B3.7.4 of the Woollahra DCP 2015.

Outbuildings

The proposal seeks the alterations and additions to two outbuildings. The relevant objectives and controls are outlined below

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

O2 To ensure that the required deep soil landscaped area and level area of private open space are achieved.

C1 and C2 require outbuildings to be within the building envelope or the rear setback, sited a minimum of 1.5m from the side and rear boundaries, and a maximum height of 3.6m.

Outbuilding No.1 - Existing Shed Outbuilding

The proposal seeks to decrease the bulk and scale of the existing southern shed outbuilding. This reduction is considered acceptable as it primarily retains the existing acceptable setbacks and height as required by Control C1 and C2. Furthermore, the reduction improves the amenity and accessibility of the subject lot and does not impact any existing landscaping or private open space.

PROPOSED BALCONY OVER GROUND LEVEL EXTENSION

PROPOSED EXTENSION

PROPOSED reduction of existing outbuilding highlighted in green

LOT BOUNDARY

PROPOSED ROOF OVER ALTERATION OF EXISTING SHED, ROOF TO MATCH EXISTING

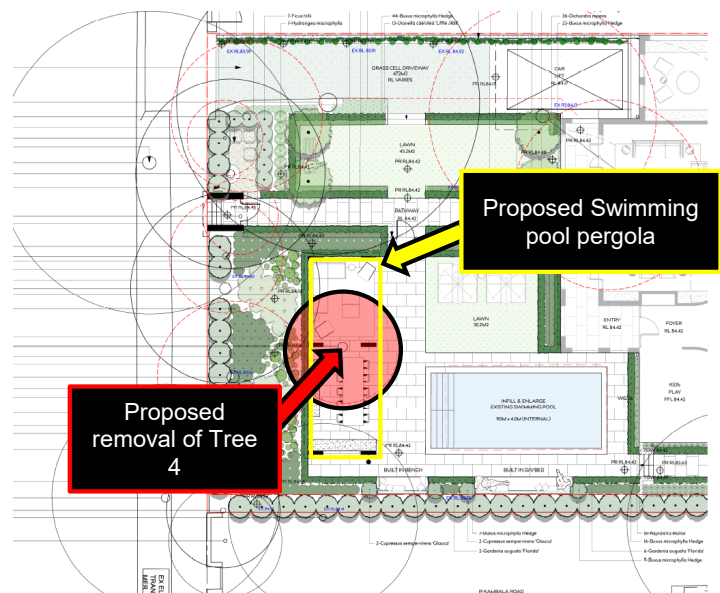
PROPERTY BOUNDARY

DEMOLISH EXISTING ENTRY STRUCTURE

NEW ROOF BELOW

Outbuilding No.2 - Front Setback Swimming Pool Pergola

Therefore, the proposed front setback swimming pool pergola is not acceptable with regards to the relevant objectives and controls of Part B3.7.4 of the Woollahra DCP 2015.



Proposed removal of tree to allow the new swimming pool pergola (Source: Wyer & Co)

Conclusion

The proposal is not acceptable with regard to the relevant external controls in Part B3.7 of the Woollahra DCP 2015.

11.3. Chapter E1: Parking and Access

The objectives of this chapter E1: Parking and Access are:

- O1 *To minimise the amount and impact of vehicular traffic generated due to proposed development.*
- O2 *To ensure that development generating vehicular traffic makes adequate provision off street for the car parking and servicing needs of its occupants and users, including residents, employees, visitors and deliveries.*
- O3 *To ensure the safe and efficient movement of vehicles within, entering and leaving properties.*
- O4 *To minimise the environmental effects, particularly visual impact, of parked vehicles on the amenity of the municipality.*
- O5 *To ensure that access points to car parking areas are situated to minimise disruption of vehicle movement on the public road system.*

For the reasons discussed below, the proposal achieves consistency with the aforementioned objectives.

Part E1.4: Residential parking

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

As discussed in Part 11.2.4, the proposal is considered to achieve consistency with Part E1.4 of the WDCP 2015.

Part E1.10: Parking and Access Design Standards

The proposed vehicular access and car parking structure layout has been reviewed by Council's Development Engineer and is satisfied that it complies with the applicable Australian Standard (AS2890.1).

The proposal is acceptable with regard to relevant Parking and Access Design Standards as required in Chapter E1.10 of the Woollahra DCP 2015.

Conclusion

The proposal is considered to achieve consistency with regards to the objectives and controls in Chapter E1: Parking and Access of the Woollahra DCP 2015.

11.4. Chapter E2: Stormwater and Flood Risk Management

The objectives of this chapter are:

- O1 *To encourage ecologically sustainable stormwater management and the use of water sensitive urban design.*
- O2 *To maintain existing natural drainage patterns.*
- O3 *To ensure that adequate provision has been made for the disposal of stormwater from land proposed to be developed.*

Woollahra Municipal Council
Delegated Assessment Report

- O4 *To ensure the controlled release of stormwater to public stormwater systems without adversely impacting on adjoining or downstream properties.*
- O5 *To protect Sydney Harbour and its waterways from stormwater pollution.*
- O6 *To minimise flood risk and damage to people and property by setting appropriate development controls.*
- O7 *To ensure that flood levels are not increased by development.*

For the reasons discussed below, the proposal achieves consistency with the aforementioned objectives.

Council's Development Engineer is satisfied that the proposed development has made adequate provision of stormwater management, stating:

"Council's Development Engineer is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with Chapter E2 "Stormwater and Flood Risk Management" DCP, subject to conditions;"

The proposal is considered to be satisfactory in terms of the relevant controls and objectives in Part E2.2 of the WDCP 2015, subject to recommended conditions being imposed.

Part E2.3: Flood Risk Management controls

The subject site is not identified as a 'Flood Planning Area', as identified on the Flood Planning Map.

Conclusion

The proposal is considered to achieve consistency with regards to the objectives and controls in Chapter E2 of the Woollahra DCP 2015.

11.5. Chapter E3: Tree Management

The objectives of this chapter are:

- O3 *To promote, maintain and conserve the leafy character of the Woollahra Municipality.*
- O5 *To find a balance between maintaining Woollahra's canopy cover and providing for development on private land.*

For the reasons discussed below, the proposal does not achieve consistency with the aforementioned objectives.

11.6. Part E3.3: Assessing a development application or a tree permit

Part E3.3.1: Matters to be considered – all applications

The following relevant matters are to be considered where the proposal involves the removal of a tree:

- 1 *The species, health, structural condition, age, growing environment and landscape significance*
- 4 *Where tree removal is proposed, the following matters will also be considered:*
 - i) *the surrounding canopy cover*
 - ii) *amenity issues*
 - iii) *the opportunity for replacement planting*

Part E3.3.2: Additional matters to be considered—works requiring a DA

Woollahra Municipal Council
Delegated Assessment Report

The following relevant additional matters are required to be considered when assessing development applications:

- 1 *The impact of the proposed works, as assessed against the guidelines in Australian Standard 4970 Protection of Trees on Development Sites. Note: Where removal of the tree is approved, suitable replacement planting will form part of the conditions of development consent.*
- 2 *The contribution the tree provides to the canopy cover, amenity, environment and landscape of the immediate and surrounding area*
- 3 *The visual prominence of the tree and its proximity to ridgelines, prominent places, the harbour and public open space.*
- 4 *For a tree on the Significant Tree Register—the impact of the proposed works on the amenity and landscape setting of the surrounding area.*
- 8 *If the tree is proposed for removal, what replacement tree or trees will be provided? Well established gardens and trees should generally be retained. Replacement trees should be positioned and be of a species that reflect the original garden as much as possible*

Council's Tree and Landscape Officer does not support the proposal with regards to Tree Management, providing inter-alia, the following assessment:

"SUMMARY

The proposal is for alterations and additions to existing dwelling house including construction of a new basement, swimming pool, associated siteworks and landscaping.

A total of 27 trees have been identified within and adjacent to the site that will be impacted by the proposal. This includes eight (8) trees proposed for removal and 19 trees proposed for retention.

The Tree and Landscape team do not support the current design and proposed tree removals.

COMMENTS

Inspection of the site and a review of the plans and documentation has revealed 27 trees within and adjacent to the site will be impacted by the proposal.

The following Tree Numbering has been adopted from the Arboricultural Impact Assessment prepared by Martin Peacock Tre Care dated 14 July 2023 (AIA Report).

Tree Removal – Not supported.

The plans and documentation indicate trees 1, 2, 4, 6, 8, 9, 11 and 12 are proposed for removal to facilitate the design. The Tree and Landscape team do not support their removal for the following reasons.

During a recent site inspection, trees 1, 2, 4, 6, 8, 9, 11 and 12 were noted in good to fair health and condition. The trees are visible from the street frontage and surrounding properties and provide a positive contribution to the amenity, canopy cover and streetscape of the immediate area.

Following a recent site inspection, it is considered that trees 1, 6, 8, 9, 11 and 12 have not been allocated correct Landscape and Retention Values in the submitted AIA Report. The report has given these trees Category C in landscape value despite detailing they have remaining life expectancy of 15-40 years. this should put them within the Category B if using the chart in the report. Category B trees according to the criteria in the AIA Report should be considered for retention.

Woollahra Municipal Council
Delegated Assessment Report

Whilst it is generally considered that trees with Medium Retention Value are less critical than high valued trees, their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted. The current design has not considered important trees or been designed in such a manner that accommodates the retention of all trees rated as being worthy of retention.

It is noted that the site is not Heritage Listed or within a Heritage Conservation Area, however a review of the 1943 Aerial photo shows trees 1, 2, 4, and 8 as being established trees. As such, the trees are considered to have local heritage value based on their age.

The proposed tree removal will result in a reduction of canopy cover within the site from 44% to 33% and will have a negative impact on the local landscape amenity.

The proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 does not comply with the following DCP controls and objectives:

DCP Reference	Complies
Chapter B1.8.2 desired future character and key elements of the precinct:	
development respects and enhances the existing elements of the neighbourhood character that contribute to the Bellevue Hill North precinct including:	No
d) the tree canopy formed by both street and private yard plantings.	
Chapter B1.8.2 desired future character objectives:	
Objective 8 - to retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.	No
Chapter B3.7. Landscape area and private open space:	
Objective 7 – retain important existing canopy trees, vegetation and other landscape features.	No
Object 9 – to ensure that landscaping contributes positively to the streetscape and the amenity of the neighbouring properties.	No
Control 1 - tree canopy area is at least a) 35% of the site for dwelling houses, dual occupancies, semi-detached development and attached dwellings with the exception of the Wolseley Road area.....	No
Control 14 – existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment	No
Chapter E3.1 – Tree Management	
Objective 3 to promote, maintain and conserve the leafy character of the Woollahra Municipality	No
Objective 5 – to sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land.	No

The proposed removal of trees 1, 2, 4, 6, 8, 9, 11 and 12 will have a negative impact on the landscape amenity of the immediate area and results in a loss of canopy cover which is not consistent with the objectives of the WMC DCP”.

Based on the above, the proposal is unacceptable with regard to the relevant objectives of the controls in Chapter E3 of the Woollahra DCP 2015.

11.7. Chapter E5: Waste Management

The applicant provided a SWMMP with the development application and it was found to be satisfactory.

11.7.1. Part E5.2: Demolition and Construction Phase

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

11.7.2. Part E5.3: On-Site Waste and Recycling Controls for all Development

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

12. CONTRIBUTIONS PLAN

The proposed development is recommended for refusal and accordingly Section 7.12 contributions and relevant fees are not applied. Notwithstanding this, should development consent be granted, a contribution pursuant to Section 7.12 would apply and can be enforced by condition.

13. APPLICABLE ACTS/REGULATIONS

13.1. Environmental Planning and Assessment Regulation 2021

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

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-2001: The demolition of structures. If the application were recommended for approval, these requirements could be imposed by standard condition.

13.2. 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:

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

If the application were recommended for approval, these requirements could be imposed by standard condition.

14. THE LIKELY IMPACTS OF THE PROPOSAL

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

15. THE SUITABILITY OF THE SITE

The site is unsuitable for the proposed development.

16. THE PUBLIC INTEREST

The proposal is considered not to be in the public interest.

17. CONCLUSION

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

18. DISCLOSURE STATEMENTS

Woollahra Municipal Council
Delegated Assessment Report

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.

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

THAT Council, as the consent authority, refuse development consent to DA258/2023/1 for Alterations and additions to existing dwelling house including construction of a new basement, swimming pool, associated siteworks and landscaping on land at 21 Kambala Road BELLEVUE HILL, for the following reasons:

1. Woollahra Local Environmental Plan 2014 (WLEP 2014) Part 1 Clause 1.2: Aims of Plan

The proposed development which involves substantial removal of existing trees is inconsistent with the following aims of Plan prescribed in Part 1.2(2):

- (f) to conserve and enhance built and natural environmental heritage,*
- (g) to protect and enhance amenity and the natural environment,*
- (l) to ensure development achieves the desired future character of the area,*

2. Woollahra Local Environmental Plan 2014 (WLEP 2014) Land Use Table

The proposed development which involves substantial removal of existing trees is inconsistent with the following objective of the R2 Low Density Residential zone:

- *It does not ensure development conserves and enhances tree canopy cover.*

3. Woollahra Development Control Plan 2015 (WDCP 2015), Chapter B1 Residential Precincts

a. Part B1.8: Bellevue Hill North Residential Precinct

The proposal does not achieve consistency with the following desired future character and key element of the precinct as prescribed in Part B1.8.2 of the WDCP 2015.

- d) the tree canopy formed by both street and private yard plantings;*

b. Part B1.8: Bellevue Hill North Residential Precinct

The proposal does not achieve consistency with regard to the following desired future character prescribed in Part B1.8.2 of the WDCP 2015.

- O1 To respect and enhance the streetscape character and key elements of the precinct.*

- O7 To reinforce the landscape setting and maintain the existing tree canopy which forms a green backdrop when viewed from the harbour and the surrounding districts.*

4. WDCP 2015, Chapter B3 General Development Controls

a. Part B3.5.1: Streetscape and Local Character

The proposed development which involves substantial removal of existing trees does not comply with Control C2 and C4 and does not achieve the underlying Objective O1 and O3 outlined in Part B3.5.1 of the WDCP 2015.

O1 - To ensure that the built form is compatible with the streetscape and the desired future character of the area.

O3 - To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.

C2 - Development retains vegetation of landscape value.

C4 - Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.

b. Part B3.6: On-site Parking

The proposed development which involves the removal of Tree 03 for the proposed car lift and basement parking does not achieve the underlying Objective O5 outlined in Part B3.5.1 of the WDCP 2015.

O5 To retain trees and vegetation of landscape value.

c. Part B3.7.1: Landscaped area and private open space

The proposed development which involves substantial removal of existing trees does not comply with Controls C1 and C14 and does not achieve the underlying Objectives O7 and O9 outlined in Part B3.7.1 of the WDCP 2015.

C1 - tree canopy area is at least a) 35% of the site for dwelling houses, dual occupancies, semi-detached development and attached dwellings with the exception of the Wolseley Road area

C14 – existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment

O7 – retain important existing canopy trees, vegetation and other landscape features.

O9 – to ensure that landscaping contributes positively to the streetscape and the amenity of the neighbouring properties.

5. WDCP 2015, Chapter E3: Tree Management

The proposal does not achieve consistency with the underlying Objectives O3 and O5 outlined in Part E3.1.3 Chapter E3 of the WDCP 2015.

O3 to promote, maintain and conserve the leafy character of the Woollahra Municipality

O5 – to sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land.

