Woollahra Local Planning Panel (Electronic Meeting)

Thursday 3 October 2024
at the Conclusion of the Public Meeting

Agenda

Woollahra Local Planning Panel (Electronic Meetings):

Woollahra Council will be holding Woollahra Local Planning Panel (Electronic Meetings) remotely using conferencing technology.

The Chair of the panel, members of the Panel and staff will be participating in meetings by an audio-visual link instead of attending in person.

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

In this regard, the applications listed on this Agenda will not be considered at a public meeting but rather considered **electronically** by the Panel.

When considering applications electronically, the Panel will be provided with an assessment report, relevant attachments and submissions (including copies of any submissions made by members of the public).

Meetings held electronically by the Panel, are not public meetings, and therefore members of the public are **unable** to address the panel meeting.

Late correspondence may be submitted for consideration by the Panel. All late correspondence must be received by **12 noon on the day before the meeting**. Late correspondence is to be emailed to records@woollahra.nsw.gov.au

The Woollahra Local Planning Panel (Electronic Agenda), including the assessment report on the development application, will be publically available on Council's website six (6) days prior to the meeting at: www.woollahra.nsw.gov.au/council/meetings_and_committees/agendas_and_minutes

Minutes of the Woollahra Local Planning Panel (Electronic Meeting) will be posted to Council's website once finalised.

If you have any questions in relation to the above mentioned changes, please contact Council's Governance department on (02) 9391 7001.

Woollahra Local Planning Panel Membership: 1 Chair, 2 Experts and 1 Community Representative

Quorum: 3 Panel members

Woollahra Municipal Council

Notice of Meeting

25 September 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Electronic Meeting) – 3 October 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Electronic Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 3 October 2024 at at the Conclusion of the Public Meeting.**

The applications listed on this Agenda will not be considered at a public meeting but rather considered **electronically** by the Panel.

When considering applications electronically, the Panel will be provided with an assessment report, relevant attachments and submissions (including copies of any submissions made by members of the public). Meetings held electronically by the Panel, are not public meetings, and therefore members of the public are **unable** to address the panel meeting.

Members of the public are however invited to submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au by **12 noon on the day prior to the meeting**.

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

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel (Electronic Meeting)

Agenda

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

Items to be Decided by the Panel

D1	DA 441/2023/1 12 March Street BELLEVUE HILL - 24/175974 ***See Recommendation Page 32**	7
D2	DA2023/485/1 - 684 Old South Head Road ROSE BAY - 24/173591 ***See Recommendation Page 219**	183
D3	DA22/2024/1 7 Bunyula Road BELLEVUE HILL - 24/176008 ***See Recommendation Page 390**	367
D4	DA2022/481/2 - 440 Edgecliff Road EDGECLIFF - 24/173230 ***See Recommendation Page 541**	521

LOCAL PLANNING PANEL
DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA 441/2023/1
ADDRESS	12 March Street BELLEVUE HILL
COUNCIL WARD	Bellevue Hill
SITE AREA	771.8m^2
ZONING	R2 Low Density Residential
TYPE OF CONSENT	Local Development
PROPOSAL	Extensive alterations and additions to the existing dwelling including a new swimming pool and associated landscaping
COST OF WORKS	$2,444,032.00
DATE LODGED	29/11/2023
	27 February 2024 (Amended plans)
	28 June 2024 (Amended plans)
APPLICANT	L Shao
OWNER	C Y Shum & L Shao
AUTHOR	George Lloyd
TEAM LEADER	George Fotis
SUBMISSIONS	7
RECOMMENDATION	Approval

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

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

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

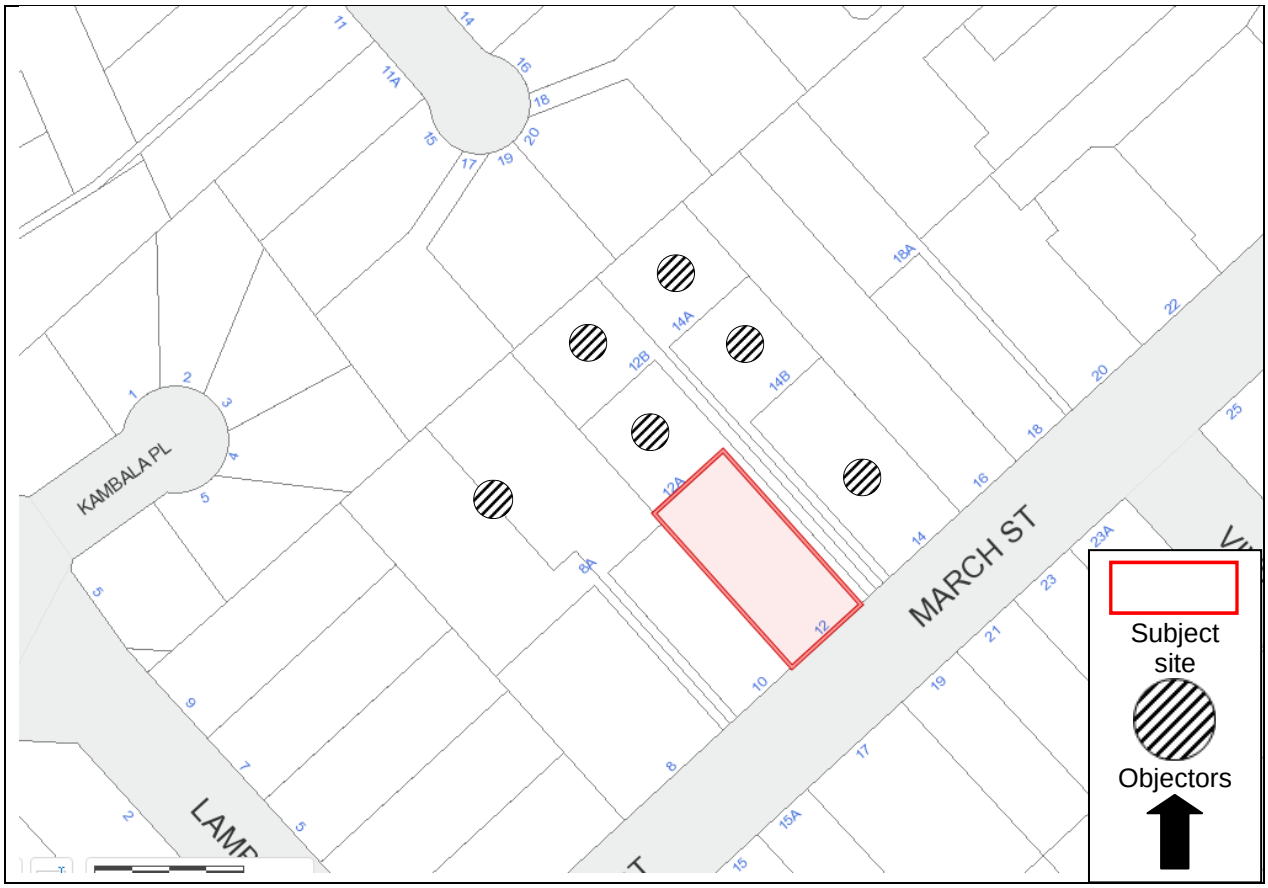
2. REASONS FOR RECOMMENDATION

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

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

- The site is suitable for the proposed development;
- The non-compliances with the Height of Building and Floor Space Ratio development standards are supported as the Clause 4.6 written requests demonstrate that the non-compliances are consistent with the objectives of the development standards, that compliance is unreasonable and unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the standards.
- The proposal is in the public interest.

3. LOCALITY PLAN



3.1. Previous DA History

On 6 August 2021, DA36/2021/1 was approved by Council for alterations and additions to the existing dwelling. The stamped approved plans associated with the existing consent are used as a comparative to the current DA.

Should the current DA be approved as recommended, **Condition D.1** has been imposed requiring the surrendering of the previous consent.

4. DESCRIPTION OF THE PROPOSAL

The DA was received on 29 November 2023, for alterations and additions to the existing dwelling house. A request for additional information was sought on 13 December 2023, for information pertaining to stormwater drainage, a geotechnical report, Aboriginal Heritage Impact Assessment, revised Statement of Environmental Effects, and a cl.4.6 justification for the non-compliant floor space ratio.

On 27 February and 28 June 2024, updated plans were received (Issue B and C) that made minor variations to the original proposal by the following:

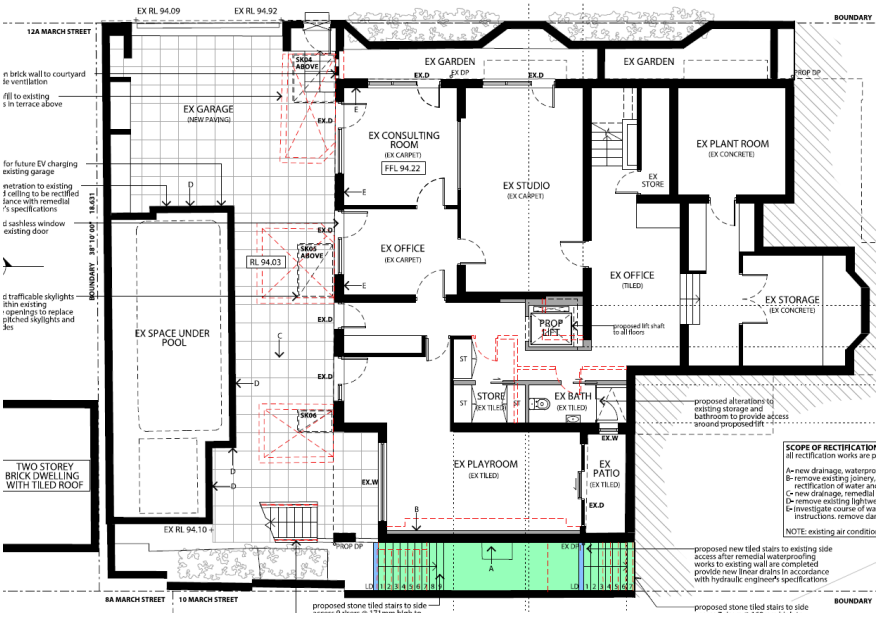
- reducing the canopy/awning feature by 600mm from the site boundary;
- incorporating translucent glass to the laundry window; and,
- added privacy screens to the side of the attic terrace.

Except for these minor variations, there were no other amendments to the proposal from that which was submitted to Council with the original DA. The extent of these variations did not warrant a replacement application or a re-notification of the proposal. Amended plans were however available to be viewed by the public on Council's website under the DA Tracking tool.

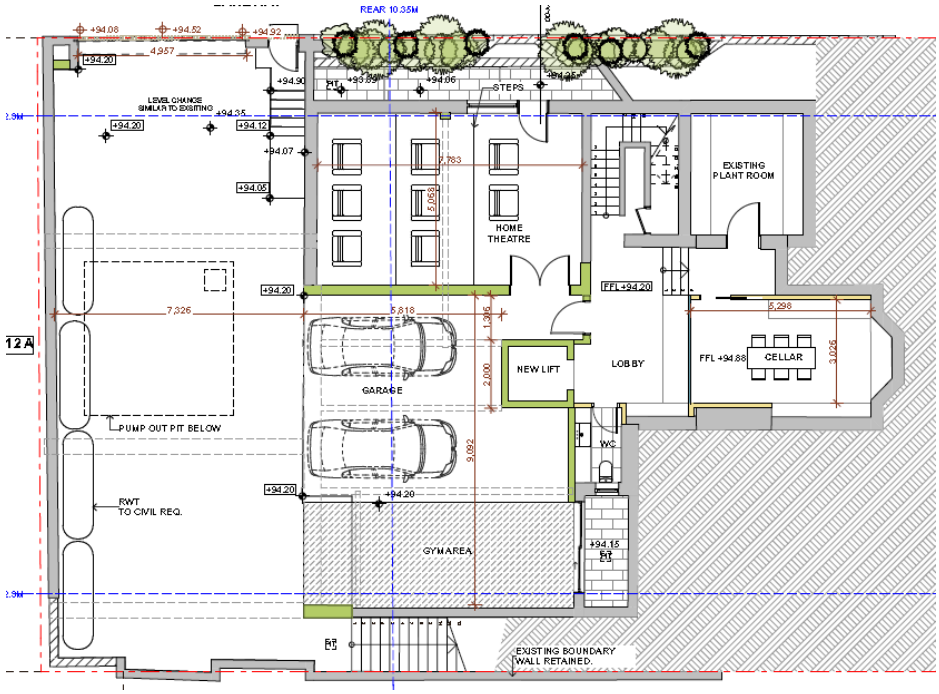
Including the amendments described above, the proposal involves the following works:

Basement (FFL: RL94.2)

- Extensively demolish internal walls and extensively demolish the external courtyard and area beneath the existing ground floor swimming pool (above).
- Raise the level of the rear courtyard from RL94.03 to RL94.2 (approx. 170mm).
- Relocate the existing double garage into the footprint of the existing residence.
- Undertake internal layout modifications in the central part of the building where a new lift and lobby area is to be located.
- Extend the existing playroom westwards by approx. 1.4m to enclose the existing recessed verandah which is to be converted into a gym.



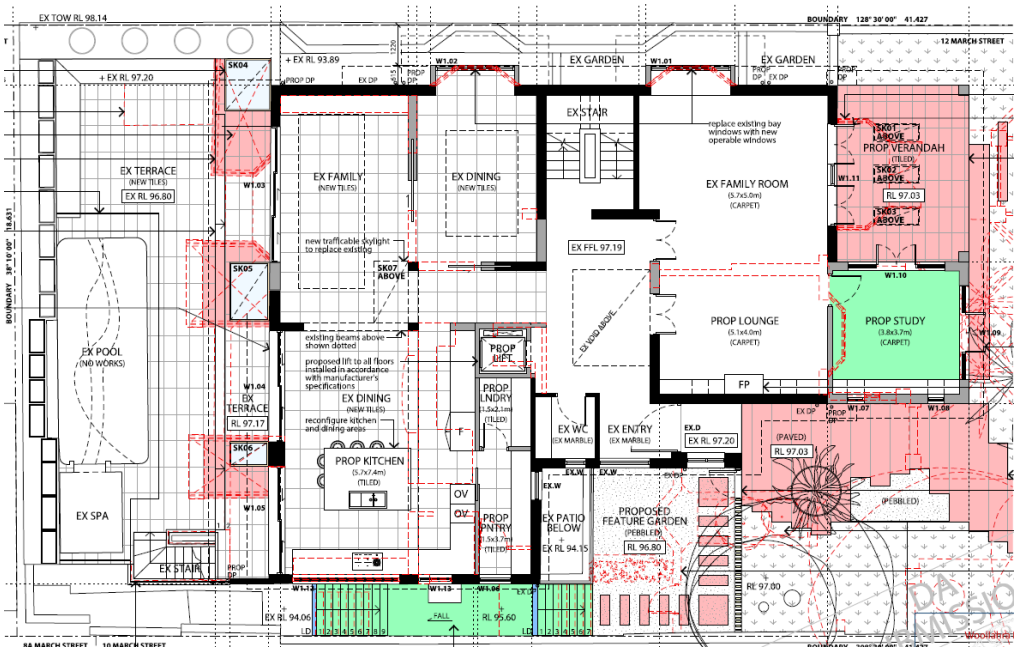
Approved LG Floor – DA-36/2021/1



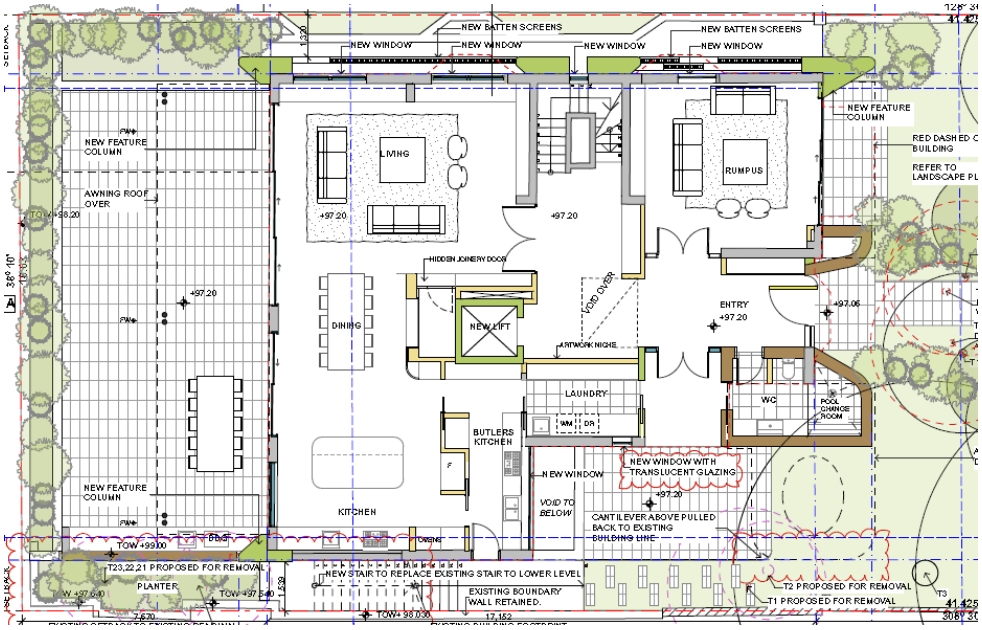
Proposed LG Floor

Ground Floor (FFL: RL97.2)

- Extensively demolish internal and some external walls and the swimming pool and surrounding courtyard.
- Raise the level of the rear courtyard from RL96.8 to RL97.2 (approx. 400mm) to be level with the existing ground floor level.
- Convert the swimming pool and terrace into an open terrace with awning above.
- Internally convert the rear of the residence into a more “open-plan” style of combined living, dining and kitchen (with butler’s kitchen and laundry.
- Delete a new pool within the southern side terrace proposed under the original DA.
- Construct a new pool change room (with wc) adjacent to the main entry to the home that also has external access from the swimming pool.
- Delete a new vehicular opening along the northern boundary proposed under the original DA.
- Construct a number of external column features.



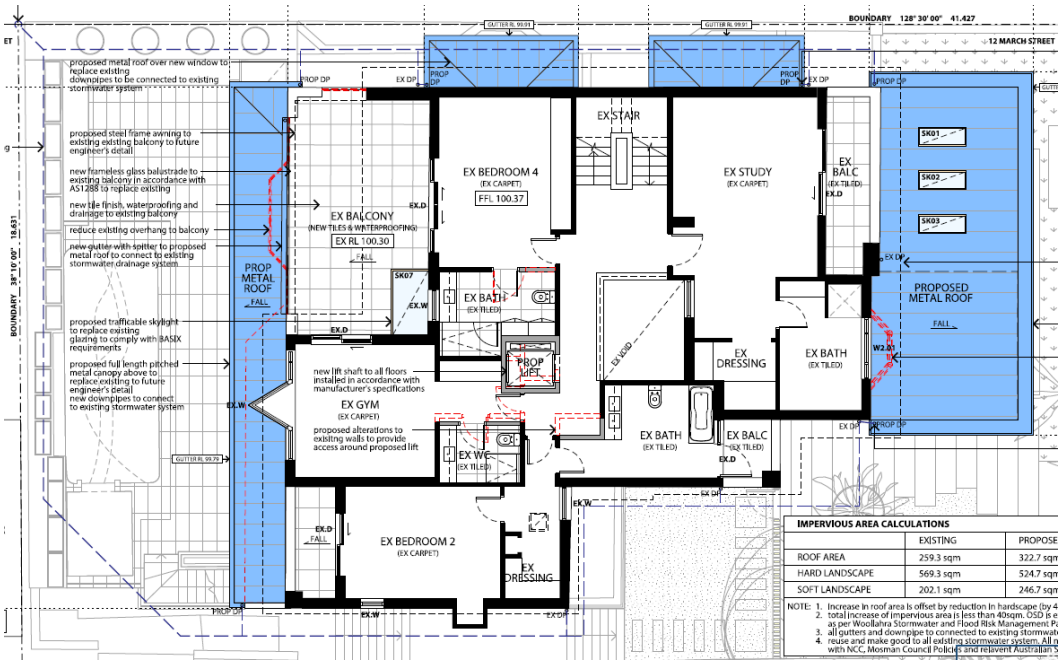
Ground Floor – DA-36/2021/1



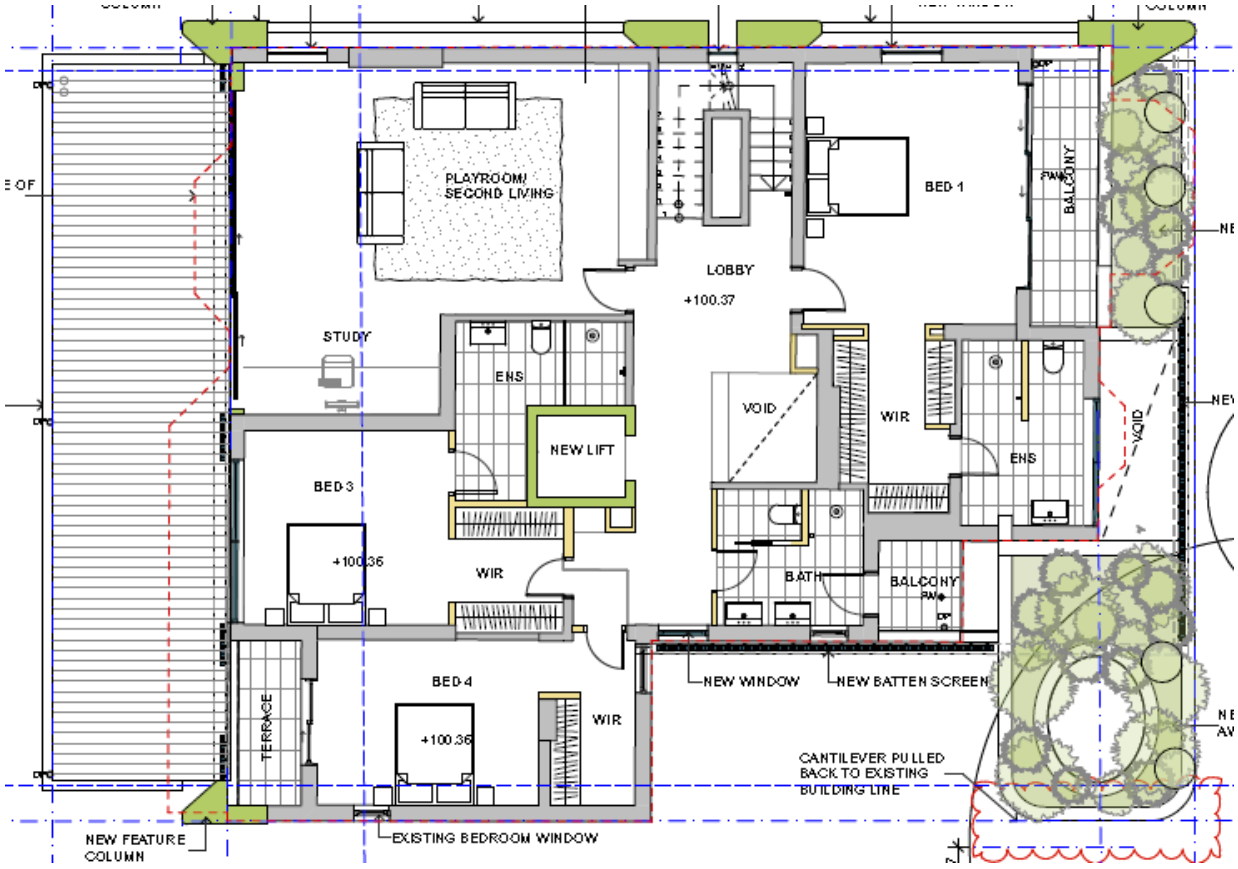
Proposed Ground Floor

First Floor (FFL: RL100.37)

- Demolish some internal walls surrounding the new lift.
- Enclose and extend the northern terrace and combine with Bed 4 to create a second living/study.
- Convert the approved gym into a bedroom and other internal modifications
- Construct a number of external column features.



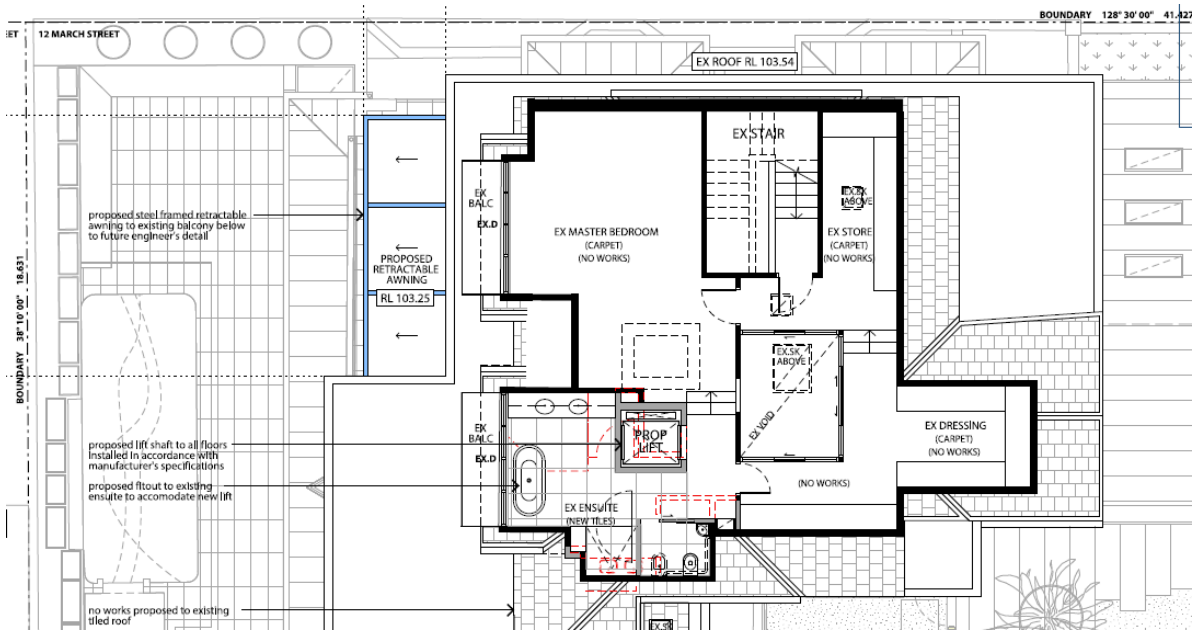
Approved First Floor – DA-36/2021/1



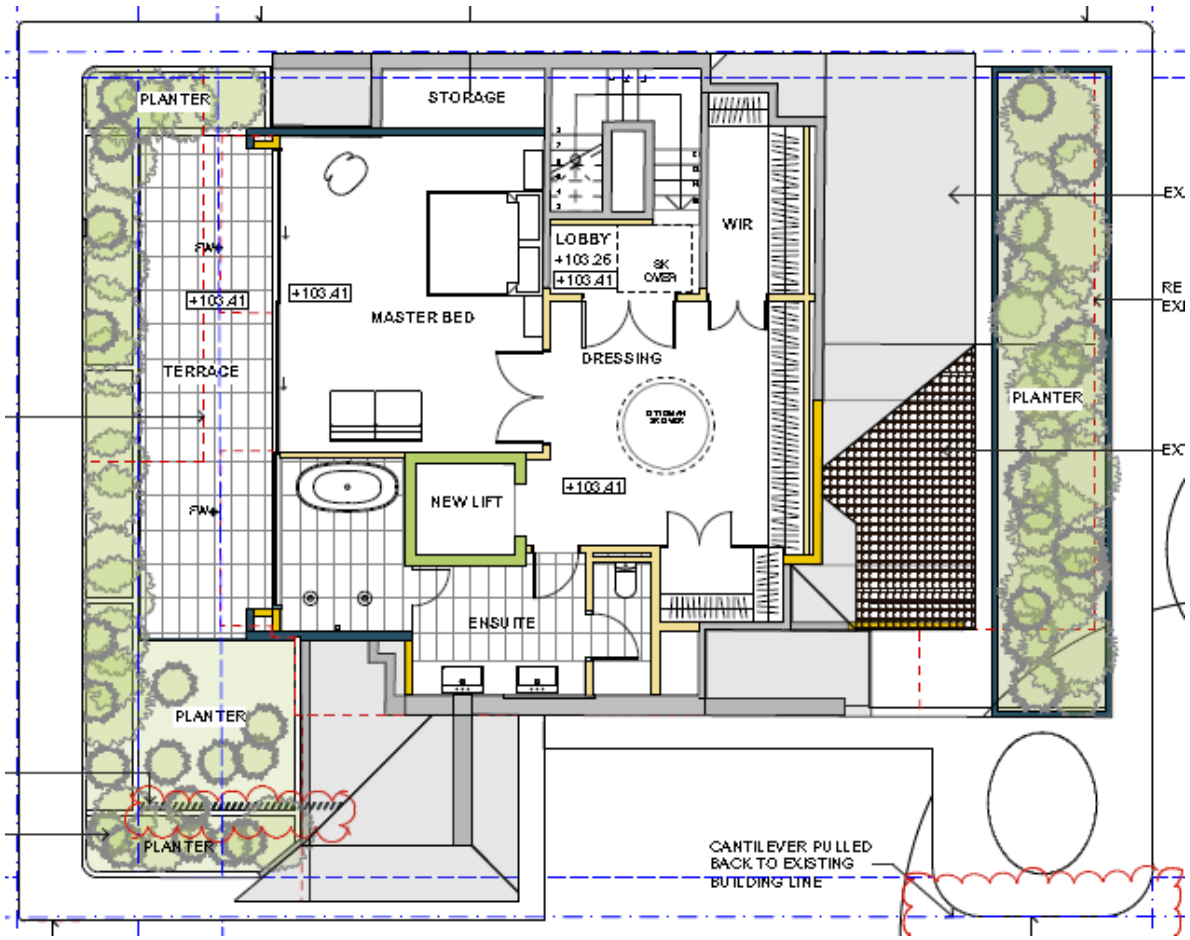
Proposed First Floor

Attic Floor (FFL: RL103.41)

- Extensively demolish existing internal walls and some external walls.
- Reconstruct the internal layout of the attic level into a more open plan master bedroom, dressing room, ensuite, bathroom and new rear western facing terrace.



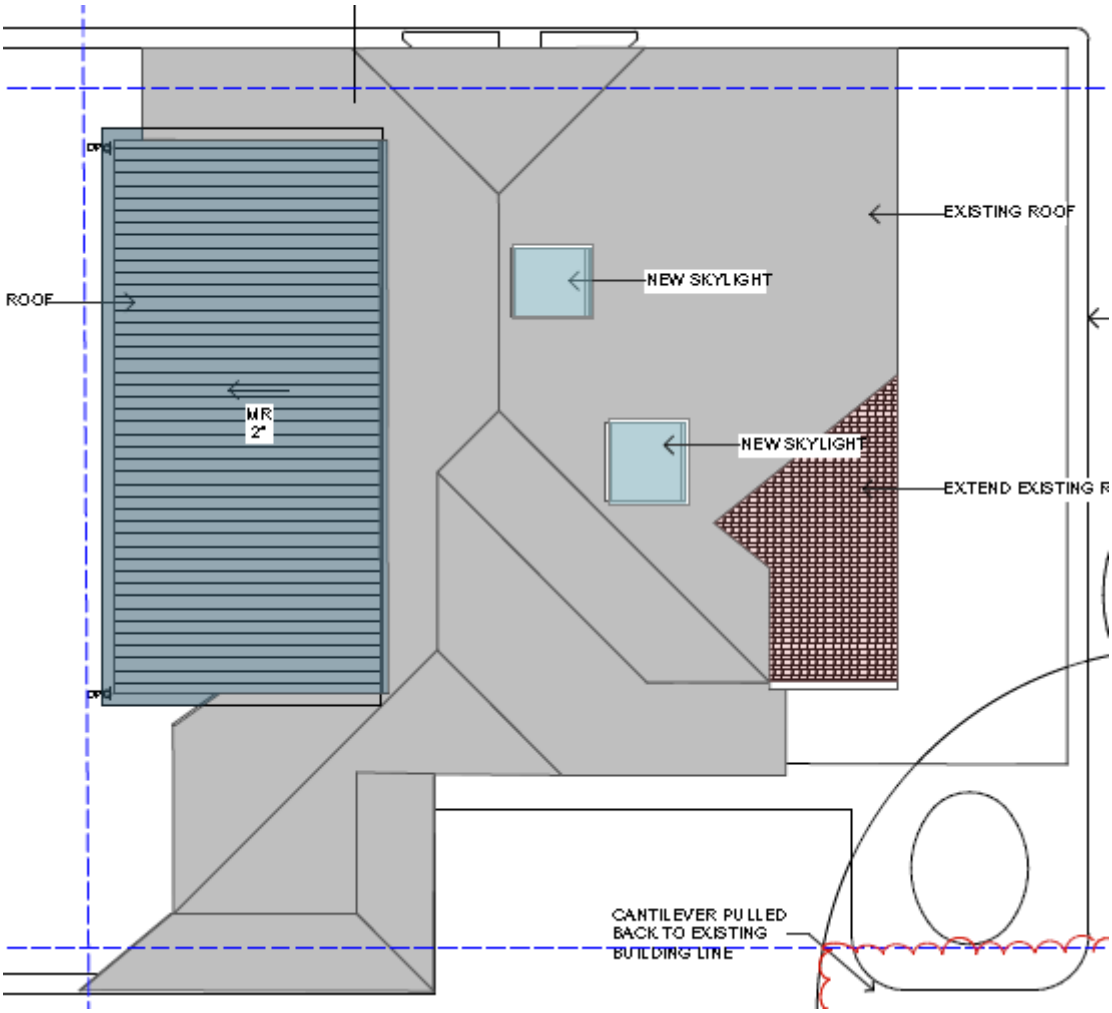
Approved Attic Level – DA-36/2021/1



Proposed Attic Level

<u>Rooftop (RL108.45 at ridge)</u>

- 2 x new skylights on the eastern elevation.
- Extended awning at RL106.89 over attic extension adjacent to new terrace.
- No variations to the overall height of the roof or its form (except for the above variations).



Proposed New Roof

5. ISSUES

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

Clause/ Development Standard	Control	Proposal & departure from Control	Conclusion
Part 4.3 – Height of Buildings	9.5m	14.5m 5m (53%) departure from 9.5m.	Satisfactory - the submitted cl 4.6 written request is considered to be well founded.
Part 4.4E – Floor Space Ratio	0.5:1 385.9m^2	Existing: 0.78:1 (601m^2) Proposed: 0.77:1 (598m^2 GFA)	Satisfactory - the submitted cl 4.6 written request is considered to be well founded.

5.2. Primary Issues

- Building height – The clause 4.6 written justification is considered to be well founded.
- Floor Space Ratio – The clause 4.6 written justification is considered to be well founded.

5.3. History

Relevant Application History

29/11/23: DA submitted to Council. **13/12/23:** STC letter to applicant requesting: drainage details (incl. interallotment easement); revised SWMP; geotechnical & hydrogeological reports; Aboriginal Heritage Impact Assessment; revised SoEE and FSR non-compliance. **26/02/24:** Revised plans, SoEE & cl.4.6 responses to non-compliant height and FSR received.
Other DA History
6/08/2021: DA-36/2021/1 approved alterations and additions to the existing dwelling house.
Relevant Compliance History
N/A.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is located on the northern side of March Street, between Victoria Road and Lamb Street, and is known as No. 12 March Street, Bellevue Hill, and is legally described as Lot 1 in DP535130. Despite being on a skewed angle, for the purposes of this report the rear boundary will be described as the “northern” boundary. The site is a rectangular allotment with symmetrical front and rear boundaries of 18.63m and side boundaries of 41.425m. The site comprises a total site area of 771.8m^2. Adjacent to the eastern side boundary of the site is a right-of-way that provides vehicular and pedestrian access to Nos. 12A, 12B, 14A and 14B March Street.
Topography
The site has a fall of approx. 3.5m from the front boundary down towards the rear of the site. Contextually, the surrounding landscape is generally steep.
Existing buildings and structures
The site is improved by a two-three storey rendered dwelling that enjoys vehicular access from both March Street along its western side and access to the rear ‘lowered’ (and sunken) double carport accessible from the existing right of way adjacent to the eastern side boundary of the site.
Surrounding Environment
The surrounding area and adjoining properties consist of varying residential densities and architectural designs. Typically dwellings are up to 3-storeys in height and include ancillary structures such as swimming pools, tennis courts and cabanas.

7. RELEVANT PROPERTY HISTORY

Current use
Detached dwelling
Relevant Application History
N/A
Relevant Compliance History
N/A
Pre-DA
N/A
Requests for Additional Information and Replacement Applications
On **5 June 2024**, the applicant received correspondence from the architect acting for No.10 March Street, which requested minor changes to the proposal to improve the amenity of the neighbours. On **28 June 2024**, amended plans were received which: reduced the canopy/awning feature by 600mm from the site boundary; incorporated translucent glass to the laundry window; and added privacy screens to the side of the attic terrace.
Land and Environment Court Appeal(s)
N/A

8. REFERRALS

Referral	Summary of Referral Response	Attachment
Development Engineering	Acceptable, subject to conditions.	4
Trees and Landscaping	Acceptable, subject to conditions.	5
Heritage	Acceptable, subject to conditions	6

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1. Notification Period

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

Seven (7) submissions were received from:

1. Anastasios & Chsanthy Atgemis – 8A March Street, Bellevue Hill
2. Paul Ehrlich – 14A March Street, Bellevue Hill
3. Angela Fleming – 12B March Street, Bellevue Hill
4. Peter Lumley – 12A March Street, Bellevue Hill
5. Zhiyuan Wang – 14 March Street, Bellevue Hill
6. Michael & Jola O'Neill – 14B March Street, Bellevue Hill
7. Bruce Stafford Architects – C/- 10 March Street, Bellevue Hill

The submissions raised the following issues:

- *New vehicular access into existing right-of-way*

Revised plans have subsequently removed the secondary vehicular access point into the existing right-of-way.

- *Overlooking from new attic balcony into neighbours private open space.*

Along the entire width of the upper floor terrace there is a 1m wide planter box, in addition to extensive planting within the western corner of the roof below.

In addition, the siting and location of the terrace is sited >9m from the nearest adjoining rear yard, which would severely restrict the ability to overlook into any neighbouring properties and otherwise complies with the separation distances of Council's DCP under Part B3.5.4 - Acoustic and Visual Privacy.

- *Extension of rooms towards the west at the first floor and attic levels will result in adverse amenity concerns to neighbouring properties.*

The extension of the first-floor playroom will not result in a greater propensity to overlook for the simple reason that the rear façade is not being located any closer than the balustrade of the existing first floor terrace.

9.2. Statutory Declaration

The applicant completed the statutory declaration dated 2 February 2024, declaring that the site notice was erected and maintained during the notification period.

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

The development application was accompanied by BASIX Certificate No.A1377348 demonstrating compliance with the SEPP. These requirements have been imposed by standard conditions.

11. SEPP (COASTAL MANAGEMENT) 2018

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

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

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

The subject site is not a land/water interface development and is otherwise obscured from the waterway and the foreshores by existing development and landscaping. Notwithstanding this, Division 2 of Part 10.3 the Biodiversity and Conservation SEPP prescribes matters for consideration for interrelationship of waterway and foreshore uses as well as maintenance, protection and enhancement of views.

The proposal will not result in any detrimental impact on the wetlands or cause pollution or siltation of the waterway. It will not detrimentally impact on existing vegetation or drainage patterns and will not obstruct vistas of the waterway from the public domain.

The proposal therefore satisfies the relevant criteria prescribed by the SEPP and subject to suitable conditions will not have any significant adverse environmental impact upon the harbour coastal locality.

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

Chapter 4 - Remediation of Land

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

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*

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

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

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1. Part 1.2: Aims of Plan

For reasons provided in this report, the proposal as conditioned is deemed to be consistent with the aims in Part 1.2(2) of the Woollahra LEP 2014 for the following reasons:

- The finished design will promote a high standard of design in the private and public domain (objective (j)); and,
- The development will achieve the desired future character of the area (objective (l)).

14.2. Land Use Table - R2 Low Density Residential zone

The proposal is described as alterations and additions to the existing dwelling house and is permissible and consistent with the objectives of the R2 Low Density Residential zone for the following reasons:

- The proposal provides for a finished form of development that is compatible with the character and amenity of the surrounding neighbourhood (dot point 3); and,
- The development is of a height and scale that achieves the desired future character of the neighbourhood (dot point 4).

14.3. Part 4.3: Height of Buildings

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

	Existing	Proposed	Control	Complies
Maximum Building Height	14.5m	14.5m	9.5m	**No***

*****Clause 4.6 written request submitted***

The proposal seeks a 5m or 53% departure from the 9.5m control for works associated with the modified attic level, associated awning and new skylights within the existing roof form. Notably, the finished overall height of the existing building is not being made higher than that which currently exists or has been approved under the current development consent (DA-36/2021/1).

14.4. Part 4.4: Floor Space Ratio

Clause 4.4E limits development to a maximum FSR of 0.5:1 for dwelling houses in the R2 zone.

Site Area: 771.8m^2	Existing	Proposed	Control	Complies
Floor Space Ratio	0.78:1 601m^2	0.77:1 598m^2	0.5:1 (385.9m^2)	**No***

Clause 4.6 written request submitted*

The proposal seeks a 212.1m^2 or 55% departure from the 0.5:1 control. Notably, the overall floor space of the existing building is actually being reduced [slightly] from that which has been approved under the current development consent (DA-36/2021/1).

14.5. Section 4.6: Exceptions to Development Standards

14.5.1. Departure(s)

With a height of 14.5m, the proposal involves a 5m (53%) non-compliance with the 9.5m height of buildings statutory control under section 4.3 of the Woollahra LEP 2014.

With a floor space ratio of 0.77:1 (or 598m^2 of gross floor area), the proposal involves a 212m^2 (55%) non-compliance with the 0.5:1 floor space ratio statutory control under section 4.4E of the Woollahra LEP 2014.

See sections 14.3 and 14.4 of this report above for details.

14.5.2. Purpose

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

14.5.3. Justification Requirements

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

a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

14.5.4. Applicant's Written Request

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

The applicant has provided a written request to both section 4.3 and 4.4E in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, which are attached at **Attachment 2 and 3**.

14.5.5. Council's Assessment

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

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

This assessment is provided below.

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

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

Is the provision proposed to be varied a development standard?

Yes.

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

Yes.

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

Yes.

Is the extent of the variation correctly identified?

Yes.

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

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

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

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

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

Assessment:

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

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

Yes – refer to **Attachment 2** and **3** for details.

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

Yes – environmental planning grounds, refer to **Attachment 2** and **3** for details.

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

Yes – in addition to the above, the applicant has demonstrated that the objectives of the development standard and the zone objectives will be fulfilled. Refer to **Attachment 2** and **3** for details

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

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

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

24 The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". … the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15].*

Section 1.3 of the EPA Act reads as follows:

1.3 Objects of Act

The objects of this Act are as follows:

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

Assessment:

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

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

The applicant has justified the height of buildings variation on environmental planning grounds for the following reasons:

- the existing non-compliance;
- contextual compatibility;
- enhanced internal and external amenity; and
- achievement of the development standard and zone objectives

The applicant has justified the floor space ratio variation on environmental planning grounds for the following reasons:

- contextual compatibility;
- consistency with the desired future character;
- good design and amenity; and
- achievement of the development standard and zone objectives

Are the environmental planning grounds specific to the proposed variations?

Yes

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

Yes

14.5.6. Conclusion

Council is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the height of buildings and floor space ratio contraventions.

14.6. Part 5.21: Flood Planning

N/A - the subject site is not identified as being subject to flood related development controls.

14.7. Part 6.1: Acid Sulfate Soils

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map.

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.

14.8. Part 6.2: Earthworks

Except for minor earthworks for the proposed footings of the lower ground floor to accommodate the garage and extended gym, predominantly within the existing footings, no significant excavations are proposed. In addition, Council's Development Engineer has assessed and raised no objections to the extent of any minor excavations on technical grounds.

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

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

Clause 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 effect and to avoid, minimise or mitigate adverse impacts on the existing tree canopy.

On the 23 January 2024, Council's Tree Officer requested an accurate calculation of the tree canopy demonstrating that the 35% canopy target (as required under Part B3.7 of the DCP) would be complied with. These comments were then forward to the applicant.

Amending architectural and landscape plans were subsequently submitted which were re-referred to Council's Landscape Officer for comment.

In comments dated 30 May 2024, Council's Landscape Officer noted (**Attachment 5**) that the amended landscape plan provided for 322m^2 (or 45.2%) canopy cover within the site and which satisfies the requirements of the Woollahra DCP 2015.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1. Chapter B1.8: Bellevue Hill North Residential Precinct

The proposal meets the 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.

15.2. Chapter B3: General Development Controls

15.2.1. Part B3.2: Building Envelope

Site Area: 771.8m^2	Existing	Proposed	Control	Complies
Front Setback	16.2m	14.6m	15.78m	**No**
Rear Setback	5.4m	7.8m	5.4m	Yes
Side Boundary (North)	1.83m	1.83m	2.3m	Existing non-compliance
Side Boundary (South)	1.59m	1.59m	2.3m	Existing non-compliance
B3.2.5 – Wall height and inclined plane	<7.2m at side elevations (rear and eastern side elevations)	<7.2m at side elevations (rear and eastern side elevations)	45° at 7.2m wall height from proposed setback	Existing non-compliance

Part B3.2.2: Front setback

Except for minor additions on either side of the main front door entrance, the siting and location of the residence will remain unaltered from that which currently exists on the site.

The proposal is acceptable with regards to the objectives of this part of the DCP for the following reasons:

- The ground floor additions are only minor and remain consistent with the floors above which will not adversely impact upon the existing streetscape or character (O1).
- The front setback retains its consistency with surrounding dwellings (O2).
- Deep soil and landscaping areas are retained within the front setback (O3).
- The building remains well articulated and positively contribute to streetscape (O4).

Part B3.2.3: Side setbacks

The extent to which the existing building is able to comply (or not) with the side boundary setback requirements of the DCP are not being altered from that which currently exists.

Part 3.2.5 – Wall Height and Inclined Plane

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

a) the wall height is 7.2m above existing ground level; and
*b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and *

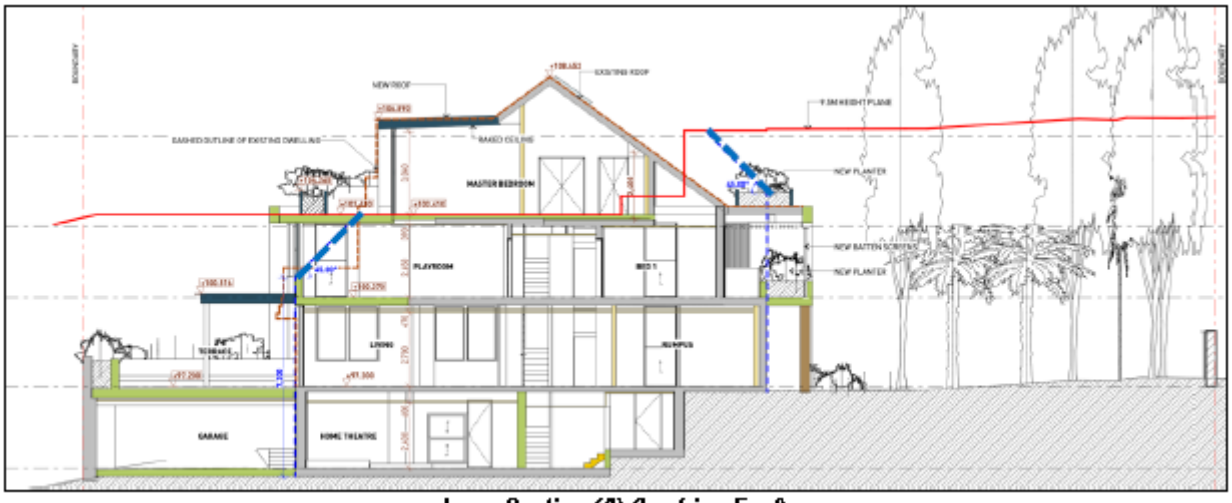
c) roof eaves may protrude into the setback if below the inclined plane.

Due to the significant variation in the landform and excavations that currently exists within this site, both the rear western and eastern side elevations do not and cannot comply with the inclined plane requirements of the DCP.

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

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

The extent of the viewable non-compliance is shown below (taken from the accompanying SoEE). It is worth noting that existing external walls will not be constructed any higher than the existing ridge level and there will be no resultant impact upon the surrounding residential amenity.



Long Section (A) (Looking East)

Short Section (B) (Looking South)

Source: Smith & Tzannes

Figure 16: Proposed Height and Inclined Plane at Section (Inclined Plane in Blue)

It is considered that the proposal will continue to adequately uphold the objectives and will result in no significant amenity impacts upon the adjoining properties or the streetscape in the following manner:

- The proposed additions will be modest in terms of bulk and scale, as viewed from the streetscape and from adjoining properties;
- The proposal will not result in unacceptable overshadowing upon the adjoining properties or to the private open space of the subject site;
- The proposal will not result in any privacy impacts to the adjoining properties; and
- The proposal will not result in unacceptable impacts upon existing significant views to or from adjoining properties.

Having regard to the above, the proposal is acceptable with regard to the building envelope requirements in Part B3.2 of the Woollahra DCP 2015.

15.2.2. Part B3.5: Built Form and Context

Site Area: 771.8m^2	Proposed	Control	Complies
Siting of Development	Follows existing topography	Stepped down with the slope	Yes
Colour Scheme	Neutral colour scheme	Consistent	Yes
Solar Access to Open Space of Adjacent Properties	Adjoining POS predominantly unaffected	50% for 2 hours on 21 June	Yes
Solar Access to Nth Facing Living Areas of Adjacent Properties	Predominantly unaffected	3 hours on 21 June	Yes
Distance of Habitable Room Windows to Adjacent Dwellings	>9m (blade walls)	9.0m	Yes

Part B3.5.1: Streetscape and Local Character

The proposal is considered to be satisfactory with regard to the desired future character provisions of the Bellevue Hill North Residential Precinct. The dwelling will present as a two-storey plus attic residential development, with garages at the lower level and living spaces above. This is a common feature defining in the immediate context as a result of the topography of the land.

The proposed external materials are considered to be acceptable and the proposal will be of a contemporary architectural style that has been appropriately designed to respect its surrounds.

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

Part B3.5.2: Overshadowing

Updated shadow diagrams demonstrates that the proposal will cast shadows within the acceptable limits prescribed by Control C1.

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

Part B3.5.3: Public and Private Views

The proposal, as conditioned, will maintain the visual and aural privacy to the occupants within the site and for the surrounding residents. It will not obstruct any significant private or public views, thereby meeting the relevant controls and objectives of Part B3.5.3 of the Woollahra DCP 2015.

Part B3.5.4: Acoustic and Visual Privacy

Concerns by objectors in terms of a loss of privacy arises from the extension of the Level 1 Playroom at the rear of the residence into the adjacent existing balcony. As stated previously, the extension of the first-floor playroom will not result in a greater propensity to overlook into adjoining properties for the simple reason that the rear façade is not being located any closer than the balustrade of the existing first floor terrace.

In terms of maintaining the acoustic privacy to adjoining properties, the proposed works do not seek to intensify the function and capacity of the existing use of the site for purposes of a single dwelling. No significant adverse acoustic impacts upon adjoining properties is envisaged, assuming normal behaviour is observed by the occupants of the residence.

Part B3.5.5: Internal Amenity

The proposed development has been designed to provide a high level of internal amenity given:

- All habitable rooms have been provided with at least one external wall primarily above the existing ground level which provides an unobstructed window opening (Control C1).
- All habitable rooms and sanitary compartments will be provided with direct natural light and direct natural ventilation (Control C2).
- The area of proposed habitable room windows will generally equate to at least 20% of the room floor area for habitable rooms (Control C3).
- No light well will be relied upon as a primary source of air (Control C4).
- All rooms will be located fully above ground level (Control C5).

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

Conclusion

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

15.2.3. Part B3.6: On-Site Parking

No variations are proposed to the extent or access to the existing off-street parking spaces.

15.2.4. Part B3.7: External Areas

Part 3.7.1: Landscaped Areas and Private Open Space

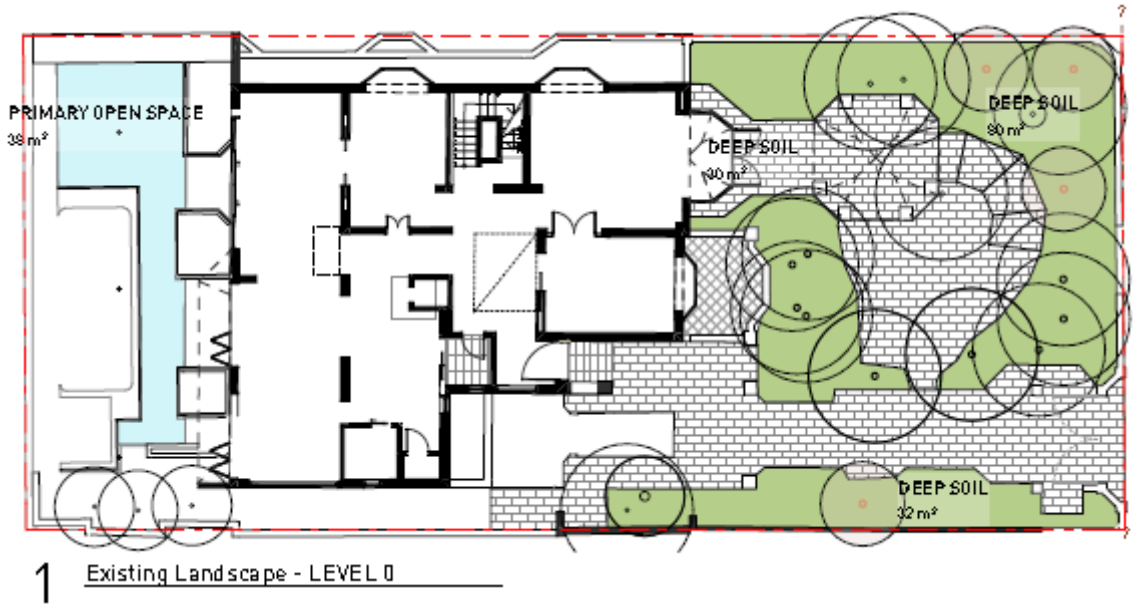
Site Area: 771.8m^2	Existing	Proposed	Control	Complies
Tree Canopy Area (C1) (see Tree Officers comments – Attachment 5)	202m^2	45.2% (322m^2)	35% of Site Area (270.3m^2)	Yes
Deep Soil Landscaping – (C2)	142m^2 18.4%)	32.1% (248m^2)	35% of Site Area (270.3m^2)	**No**

Site Area: 771.8m²	Existing	Proposed	Control	Complies
Deep Soil Landscaping – Front Setback Area – (C3)	142m² (18%)	54.7% (150m²)	40% of Front Setback Area (108m²)	Yes
Minimum Area of Primary Open Space at Ground Level (C4)	>35m²	88m²	>35m²	Yes

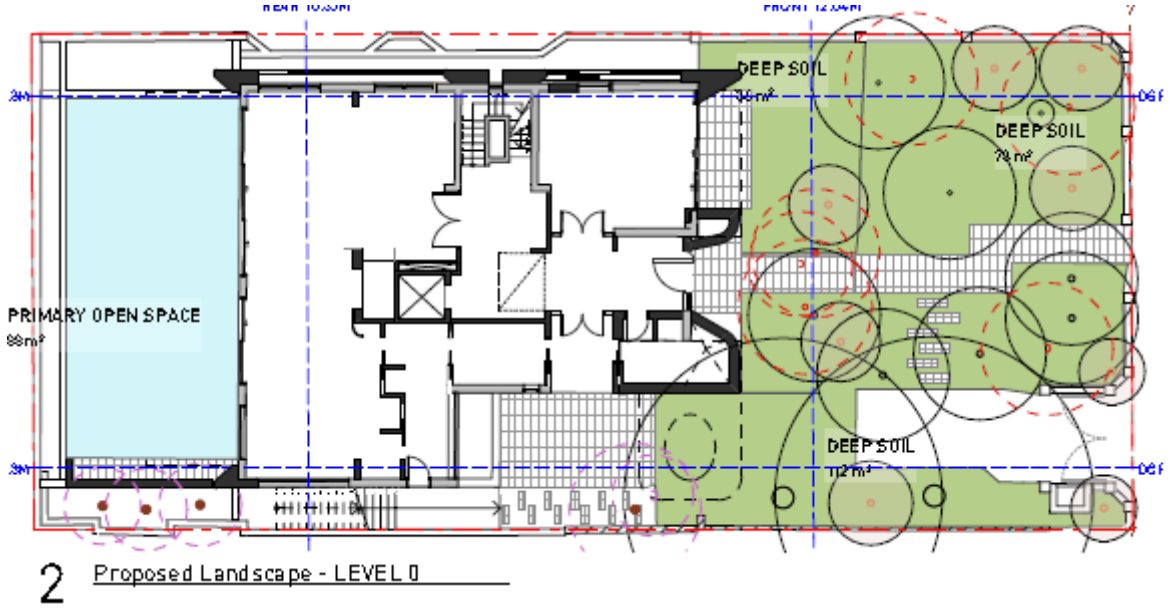
The applicable objectives of this part of the DCP states the following:

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.
O4 To ensure the adequate provision of accessible and useable primary open space.
O6 To ensure that private open space areas are well-designed.
O7 To retain important existing canopy trees, vegetation and other landscape features
O8 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.
O9 To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties.
O10 To ensure that landscaping allows view sharing.

The extent of available deep soil landscaping will be significantly increased from that which currently exists within the site by the demolition of significant hard paved areas which currently exist within the front yard (see images below).



Existing



Proposed

The extent of the tree canopy over the entire site will increase with the addition of new deep soil landscaped area within the front setback together with the inclusion of new tree plantings within the front yard.

Despite the numeric shortfall in the 35% requirement under the DCP, the extent of deep soil area over the entire site will be substantially increased and the proposal is deemed to be acceptable with regards to the this part of the DCP for the following reasons

- The proposal increases the extent deep soil area and tree canopy within the front setback which contributes to the desired future character of the Bellevue Hill North Precinct and encourages urban greening.
- The remaining areas of useable open space behind the existing building will be maintained, ensuring that the underlying objectives of this part of the DCP will be fulfilled.

Conclusion

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

Part 3.7.3: Site Facilities

The proposal accords with the applicable objectives and controls.

Conclusion

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

15.3. Chapter E2: Stormwater and Flood Risk Management

The proposal is acceptable with regard to the objectives and controls in Chapter E2 of the Woollahra DCP 2015.

15.4. 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.

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

15.4.1. Part E5.2: Demolition and Construction Phase

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

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

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

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

15.5. Chapter E6: Sustainability

15.5.1. Part E6.3: Solar Energy Systems

The proposal complies with relevant objectives and controls of Chapter E6 of the Woollahra DCP 2015.

15.6. Chapter E8: Adaptable Housing

Control C2 requires that dwelling-houses are encouraged to provide adaptable housing design.

The proposal provides lift access to all 3 levels and is considered to accord with the objectives and controls in Chapter E8 of the Woollahra DCP 2015.

16. DRAFT AMENDMENTS TO POLICIES AND PLANS

No relevant draft amendments that affect the carrying out of the proposed works.

17. SECTION 7.12 CONTRIBUTIONS PLANS

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 7.12 Contributions Plan 2022. Refer to **Condition D.3**.

Cost of Works	Rate	Contribution Payable
$2,444,032	1%	$24,440.32

18. APPLICABLE ACTS/REGULATIONS

18.1. Clause 61(1) of the EPA Regulation 2021

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

19. THE LIKELY IMPACTS OF THE PROPOSAL

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

20. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

21. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

22. CONCLUSION

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

23. DISCLOSURE STATEMENTS

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

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

THAT Council, as the consent authority, is of the opinion that the written requests from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the height of buildings and floor space ratio development standards under Clauses 4.3 and 4.4 of Woollahra LEP 2014, have adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard.

And

THAT the Woollahra Local Planning Panel, exercising the functions of Council,grant development consent to DA441/2023/1 for extensive alterations and additions to the existing dwelling including a new swimming pool and associated landscaping on land at 12 March Street BELLEVUE HILL, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1	**Conditions**
	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. **Notes:** • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • 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.
	Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.
A. 2	**Definitions**
	Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulations,* the *Development Certification and Fire Safety Regulations* and the *Interpretation Act 1987* as in force at the date of consent. ***Applicant*** means the applicant for this consent. ***Approved Plans*** mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent. ***Local native plants*** means species of native plant endemic to Sydney's eastern suburbs. ***Owner-builder*** has the same meaning as in the *Home Building Act 1989*.

		PC means the Principal Certifier under the *Act*. ***Principal Contractor*** has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed. ***Professional engineer*** has the same meaning as in the BCA. ***Public place*** has the same meaning as in the *Local Government Act 1993.* ***Road*** has the same meaning as in the *Roads Act 1993.* ***SEE*** means the final version of the Statement of Environmental Effects lodged by the Applicant. ***Site*** means the land being developed subject to this consent. ***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. ***Woollahra LEP*** means *Woollahra Local Environmental Plan 2014* ***Woollahra DCP*** *means Woollahra Development Control Plan 2015* ***Work*** for the purposes of this consent means: • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piering, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the *site* of any machine, article, material, or thing, or • the occupation of the *site* by any person unless authorised by an occupation certificate.
		Condition Reason: To ensure all parties are aware of the relevant definitions.
A.	**3**	**Approved Plans and Supporting Documents**
		Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

MODEL 23_019	Description	Author	Date
Rev B	Demolition Plan – Lower Ground	Smith & Tzannes	23/02/2024
Rev B	Demolition Plan – Level 0 (Ground)		23/02/2024
Rev B	Demolition Plan – Level 1		23/02/2024
Rev B	Demolition Plan – Attic		23/02/2024
Rev B	Demolition Plan – Roof		23/02/2024
Rev B	Lower Ground		23/02/2024
Rev C	Level 0 (Ground)		25/06/2024
Rev C	Level 0		25/06/2024
Rev C	Level 1		25/06/2024
Rev C	Attic		25/06/2024
Rev B	Roof		25/06/2024
Rev C	East & West Elevations		25/06/2024
Rev B	North Elevation		23/02/2024
Rev C	South Elevation		25/06/2024
Rev B	Section A		23/02/2024
Rev B	Section B		23/02/2024
G24010BH-R01F	Geotechnical Report	Geo-Environmental Engineering	12/03/2024
23.164 SW1-Rev A SW2-Rev B SW3-Rev A	Stormwater Management Plans	E2 Design	 12/02/2024 01/03/2024 12/02/2024
L-01 – L09	Landscape Plan	Site Design & Studios	23/2/24
A1377348	BASIX Certificate	NSW Department of Planning, Industry & Environment	24/11/2023

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

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

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

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

Notes:
- 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:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	14 x 9
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	14 x 9
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	8 x 4
9	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	8 x 4
11	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	8 x6
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	8 x 6
14	*Livistona australis (*Cabbage-tree palm)	Front garden	9 x 4
15	*Livistona australis (*Cabbage-tree palm)	Front garden	9 x 4
16	*Livistona australis (*Cabbage-tree palm)	Front garden	9 x 4
17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3

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

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

Council Ref No	Species	Location (current)	Dimension (metres)
19	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3
20	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3

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

c) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	*Dracaena marginata* (Dragon tree)	Front garden South boundary	6 x 4
2	*Eucalyptus robusta* (Swamp Mahogany)	Front garden South boundary	8 x 4
7	*Dracaena marginata* (Dragon Tree)	Front garden front boundary	6 x 4
10	*Dypsis lutescens* (Golden Cane Palm)	Front garden front boundary	6 x 3
12	*Cordyline australis (*New Zealand Cabbage-palm)	Front garden front boundary	6 x 4
18	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3

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

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

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

Standard Condition A.22 (Autotext 22A)

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	**Construction Certificate Required Prior to Any Demolition**
	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. In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work: • Before issue of a construction certificate

	• Before building work commences 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. **Note:** • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [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.	**Identification of Hazardous Material**
	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. In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing: • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place.
	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.
B. 3.	**Public Road Assets Prior to Any Work/Demolition**
	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. The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the: • 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. 4.	**Archaeological Features – Unexpected Findings**
	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. Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate. 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. **Notes:** • 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).
	Condition Reason: To protect archaeological features.
B. 5.	**Skeletal Remains**
	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: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Details of the remains and their precise location are to be provided. Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.
	Condition Reason: To ensure the appropriate management of skeletal remains.
B. 6.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.

	e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects
B. 7.	**Aboriginal Heritage Due Diligence Responsibilities**
	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)]. 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.
	Condition Reason: To protect Aboriginal heritage.
B. 8.	**Aboriginal Heritage Induction**
	Prior to any site works: 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.
	Condition Reason: To protect Aboriginal heritage.
B. 9.	**Erosion and Sediment Controls – Installation**
	Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:

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

Where there is any conflict The Blue Book takes precedence.

Notes:
- 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.

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

B. 10. 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)*
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	Along eastern side of garden adj to driveway
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	Along eastern side of garden adj to driveway

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 bought 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
8	*Livistona australis (*Cabbage-tree palm)
9	*Livistona australis (*Cabbage-tree palm)
11	*Livistona australis (*Cabbage-tree palm)
13	*Phoenix reclinate* (Senegal Date Palm)
14	*Livistona australis (*Cabbage-tree palm)
15	*Livistona australis (*Cabbage-tree palm)
16	*Livistona australis (*Cabbage-tree palm)
17	*Archontophoenix cunninghamiana* (Bangalow palm)

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.

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.

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.

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.

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.

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

Condition Reason: To ensure the protection of existing trees

B. 11. Public Road Assets Prior to Any Work/Demolition

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.

The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:

- 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. 12. 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 *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$ 64,900	No	T115
Security Deposit Administration Fee	$225.00	No	T16
TOTAL SECURITY AND FEES	**$ 65,125**		

How must the payments be made?
Payments must be made by:

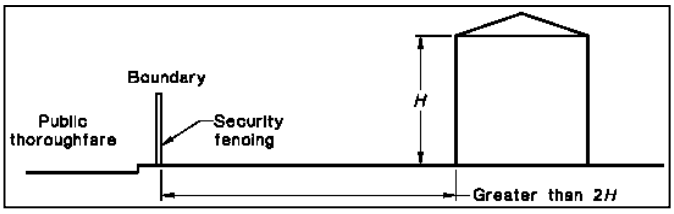
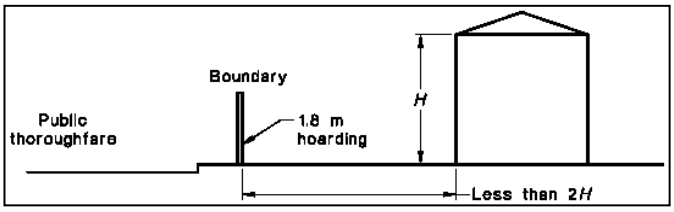
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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,

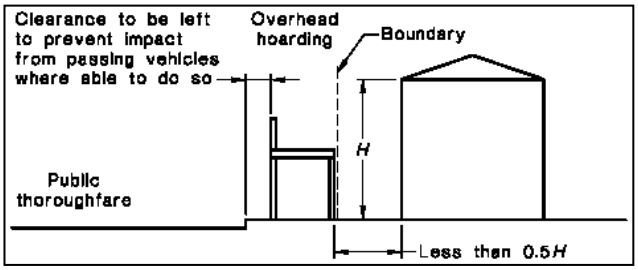
	• the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date 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:** • 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
	Condition Reason: To ensure any relevant security and fees are paid.
B. 13.	**Dilapidation Reports for Existing Buildings**
	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. These properties must include (but is not limited to): **a) No. 10 March Street, Bellevue Hill** **b) No. 12A March Street, Bellevue Hill** 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.

	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. 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). **Notes:** • 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.
	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.
B. 14.	**Adjoining Buildings Founded on Loose Foundation Materials**
	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. **Notes:** • 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.
	Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.
B. 15.	**Works (Construction) Zone – Approval and Implementation**
	If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made. If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.

	All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made. **Notes:** • 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.
	Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.
B. 16.	**Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection**
	Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.  **Type A Hoarding** Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.  **Type B Hoarding** Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either: a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or

b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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



The overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

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

Hoardings on Public Land including 'Creative Hoardings'
All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

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

Notes:
- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
  A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more

	OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: 1. the capital investment value of the work to which the hoarding relates is less than $1 million, or 2. the land is zoned R2 Low Density Residential, or 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). • Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au
	Condition Reason: To ensure public safety.
B. 17.	**Site Signs**
	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. Clause 70 of the Regulation provides: **Erection of signs** • For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. • A sign must be erected in a prominent position on any site on which building work, subdivision `work or demolition work is being carried out: a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. • Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. • This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. • This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. Clause 75 of the Development Certification and Fire Safety Regulation provides:

	Signs on development sites If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate: • Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. **Notes:** • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. • If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.
	Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.
B. 18.	**Compliance with Australian Standard for Demolition**
	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.
	Condition Reason To control the risks of demolition work.
B. 19.	**Construction Management Plan Arborist Review**
	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. The plan must address: 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.

Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.

B. 20. 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:

- 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:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

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

B. 21. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
3	*Harpephyllum caffrum* (Wild Plum)	11m	Modifications to the front of the dwelling, landscape upgrade works, new paving of driveway and pathways

4	*Harpephyllum caffrum* (Wild Plum)	11m	Modifications to the front of the dwelling, landscape upgrade works, new paving of driveway and pathways
8	*Livistona australis* (Cabbage-tree palm)	2m	Landscape upgrade works
9	*Livistona australis* (Cabbage-tree palm)	2m	Landscape upgrade works, new paving of pathway
11	*Livistona australis* (Cabbage-tree palm)	2m	Landscape upgrade works
13	*Phoenix reclinata* (Senegal Date Palm)	2m	Landscape upgrade works
14	*Livistona australis* (Cabbage-tree palm)	2m	Landscape upgrade works
15	*Livistona australis* (Cabbage-tree palm)	2m	Landscape upgrade works
16	*Livistona australis* (Cabbage-tree palm)	2m	Landscape upgrade works
17	*Archontophoenix cunninghamiana* (Bangalow palm)	2m	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.

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	**Surrender of Consent (section 4.17(1)(b) and section 4.17(5) of the Act)**
	Before the issue of any construction certificate, a notice of surrender of **DA36/2021/1** dated 6/08/2021 must be provided to Council in writing by the Owner of the land in compliance with clauses 67 and 68 of the Regulations. No construction certificate must be issued until Council has acknowledged in writing that this condition has been satisfied.
	Condition Reason: To ensure an existing development consent/consents is/are surrendered.

D. 2. Payment of Long Service Levy

Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under *Building and Construction Industry Long Service Payments Act 1986*			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	

Building and Construction Industry Long Service Payment
The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

Condition Reason: To ensure any relevant levy and contributions are paid.

D. 3. Payment of S7.12 Contributions Levy

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

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

The cost estimate report must be in the form of:
- A cost summary report, prepared by the applicant or a suitably qualified person for a development up to $749,999; or
- A quantity surveyor's report, for development over $750,000.

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

Summary Schedule	
Development Cost	**Levy Rate**
• More than $200,000	1% of the cost

How must the payments be made?
Payments must be made by:
- Cash deposit with Council,
- Credit card payment with Council, or
- Bank cheque made payable to Woollahra Municipal Council.

Deferred or periodic payment of section 7.12 levy
Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:
- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

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

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

Condition Reason: To ensure any relevant contributions are paid.

D. 4.	**BASIX Commitments**
	Before the issue of any construction certificate, BASIX Certificate No.A1377348 must be submitted to the Principal Certifier with any application for a construction certificate. All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate. **Notes:** • 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.
	Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.
D. 5.	**Road and Public Domain Works**
	Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense: a) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. 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 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 *Environmental Planning and Assessment Act 1979*			
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 *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	**$ 674**		

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

Notes:
- ***Road*** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.
- Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically:
- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway

- Installation of Stormwater outlet pipes across the nature strip
- An “Application to Carry Out Works in a Public Road” form must be completed and lodged, with the application fee, at Council’s Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate.
- Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:
- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.
- All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.
- The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council’s Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.
- Any adjustments required from the garage slab and the street levels are to be carried out internally on private property
- Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- Temporary ground anchors may be permitted, in accordance with Council’s “Rock Anchor Policy”.
- Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.
- All public domain works must comply with the latest version of Council’s “Specification for Roadworks, Drainage and Miscellaneous Works” unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.
- When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.
- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council’s requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council’s requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council’s satisfaction as the case may be.
- When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.

	• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.
D. 6.	**Waste Storage – Single Dwelling**
	Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for: a) A storage area for 1 x 120 litre general wastes bin, one x 240 litre green waste bin, two x recycling crates behind the building line or within non-habitable areas of the dwelling. b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.
	Condition Reason: To ensure a waste and recycling storage area is provided.
D. 7.	**Erosion and Sediment Control Plan – Submission and Approval**
	Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate. **Notes:** • The International Erosion Control Association – Australasia www.austieca.com.au 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.

	Condition Reason: To prevent potential water pollution and dust nuisance.
D. 8.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.
D. 9.	**Structural Adequacy of Existing Supporting Structures**
	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.
	Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.

D. 10.	**Professional Engineering Details**
	Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate. **Notes:** • This does not affect the right of the developer to seek staged construction certificates.
	Condition Reason: To ensure professional engineering details and technical specifications are provided.
D. 11.	**Engineer Certification**
	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. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide 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: • 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.
D. 12.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide foundation tanking 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 <#m> 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: • 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.
D. 13.	**Ground Anchors**
	This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. Before the issue of any construction certificate, if ground anchors are proposed: 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. **Notes:** • To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds. • Road has the same meaning as in the Roads Act 1993. • Clause 17 of the Roads (General) Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.
	Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.

D. 14.	**Parking Facilities**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6 Parking facilities - Off-street parking for people with disabilities, AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities respectively. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. 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.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.
D. 15.	**Stormwater Management Plan**
	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: a) General design in accordance with stormwater management plans, referenced 23.164-Rev B, prepared by E2 Design, dated 01/03/2024, other than amended by this and other conditions. b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb of March Street via the boundary junction pit. The kerb discharge 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. d) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) with a minimum storage volume of 55.6m^3 to comply with Chapter E2.2.9 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Overflow from the RWT must be directed to the proposed pump out system or the boundary junction pit by gravity. Notation to this requirement must be clearly depicted on the drawings.

f) A pump out system with minimum storage volume of 16.3m^3 must be installed to collect any rainwater tank overflow and surface runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a minimum 600x600mm boundary junction pit prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3.

g) 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.

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) 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.

k) Dimensions of all drainage pits and access grates must comply with AS3500.3.

l) Compliance with the objectives and performance requirements of the BCA.

m) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Rainwater Tank (RWT) Requirements
The minimum storage volume for the required rainwater tank (RWT) must be 55.6m^3 and the Permissible Site Discharge (PSD) for the proposed development must not exceed 20l/s.

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

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

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

Rainwater Reuse System Details:

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

	f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 16.	**Non-Gravity Drainage Systems**
	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. 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. **Notes:** • The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 17.	**Electric vehicle circuitry and electric vehicle charging point requirements**
	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.
	Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).

E. BEFORE BUILDING WORK COMMENCES

E. 1.	**Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**
	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: a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. This condition does not apply: a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made. **Notes:** • 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.
	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.
E. 2.	**Erosion and Sediment Controls – Installation**
	Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) The Soil and Water Management Plan if required under this consent; b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and 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). Where there is any conflict The Blue Book takes precedence. **Notes:** • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au

	• A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	Condition Reason: To prevent potential water pollution and dust nuisance.
E. 3.	**Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)**
	Building work must not commence, until: a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and b) The person having the benefit of the development consent has: • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. **Notes:** • ***Building*** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • ***New building*** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.

	• Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of $12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.
E. 4.	**Notification of Home Building Act 1989 requirements**
	Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information: a) In the case of work for which a Principal Contractor is required to be appointed: • the name and licence number of the Principal Contractor, and • the name of the insurer by which the work is insured under Part 6 of that Act, b) In the case of work to be done by an Owner-builder: • the name of the Owner-builder, and • if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information. 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. For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
	Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.

F. DURING BUILDING WORK

F. 1.	**Compliance with BCA and Insurance Requirements under the Home Building Act 1989**
	While site work is being carried out:

	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. This condition does not apply: 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. 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. 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. **Notes:** • 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.	**Critical Stage Inspections**
	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. 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. 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. **Notes:** • 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.
	Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.
F. 3.	**Hours of Work –Amenity of the Neighbourhood**
	While site work is being carried out: a) No work must take place on any Sunday or public holiday.

	b) No work must take place before 7am or after 5pm any weekday. c) No work must take place before 7am or after 1pm any Saturday. d) The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: i. piling, ii. piering, iii. rock or concrete cutting, boring or drilling, iv. rock breaking, v. rock sawing, vi. jack hammering, or vii. machine excavation. e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. **Notes:** • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm
	Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.
F. 4.	**Public Footpaths – Safety, Access and Maintenance**
	While site work is being carried out, any person acting with the benefit of this consent must: a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.

b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
c) Not use the road or footway for any work.
d) Keep the road and footway in good repair free of any trip hazard or obstruction.
e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.
f) Not stand any plant and equipment upon the road or footway.
g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.
h) Provide a clear safe pedestrian route a minimum of 1.5m wide.
i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.

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

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

Notes:
- Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.
- Section 138 of the Roads Act 1993 provides that a person must not:
  - erect a structure or carry out a work in, on or over a public road, or
  - dig up or disturb the surface of a public road, or
  - remove or interfere with a structure, work or tree on a public road, or
  - pump water into a public road from any land adjoining the road, or
  - connect a road (whether public or private) to a classified road,
  - otherwise than with the consent of the appropriate roads authority.
- Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including:
  - Part C Management of waste:
    a) For fee or reward, transport waste over or under a public place
    b) Place waste in a public place
    c) Place a waste storage container in a public place.
  - Part E Public roads:
    a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
    b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

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

F. 5.	**Tree Preservation**
	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. 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. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework.
F. 6.	**Maintenance of Environmental Controls**
	While site work is being carried out, the following monitoring, measures and controls must be maintained: a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.
	Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.
F. 7.	**Compliance with Geotechnical / Hydrogeological Monitoring Program**
	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. The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to: a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and

	c) the contingency plan. **Notes:** • 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.
	Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.
F. 8.	**Support of Adjoining Land and Buildings**
	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). 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. **Notes:** • 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: - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	Condition Reason: To ensure that the support of adjoining land is not removed.

F. 9.	**Vibration Monitoring**
	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. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer. Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice. The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land. **Notes:** • ***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.
	Condition Reason: To monitor and manage vibration impacts from development.
F. 10.	**Erosion and Sediment Controls – Maintenance**
	While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:

	a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" 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). Where there is any conflict The Blue Book takes precedence. **Notes:** • 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 11.	**Disposal of Site Water During Construction**
	While site work is being carried out: 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.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 12.	**Site Cranes**
	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. 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. The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).

	No illuminated sign(s) must be erected upon or displayed upon any site crane. **Notes:** • 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.
	Condition Reason: To ensure site cranes are used safely with the relevant approvals.
F. 13.	**Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**
	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. Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction: a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. g) Flood protection measures are in place confirming location, height and capacity.
	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.

F. 14.	**Placement and Use of Skip Bins**
	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: 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. **Notes:** • 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.
	Condition Reason: To ensure waste storage containers are appropriately located.
F. 15.	**Dust Mitigation**
	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. This generally requires: a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. **Notes:** • "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.
	Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.
F. 16.	**Site Waste Minimisation and Management – Demolition**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities: 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. When implementing the SWMMP the Applicant must ensure: a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the 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. **Notes:** • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.
F. 17.	**Site Waste Minimisation and Management – Construction**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities: 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.
	Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.
F. 18.	**Asbestos Removal**
	While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation. 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: 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. **Notes:** • 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: - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.
F. 19.	**Classification of Hazardous Waste**
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.

	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F. 20.	**Disposal of Asbestos and Hazardous Waste**
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.
F. 21.	**Asbestos Removal Signage**
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F. 22.	**Notification of Asbestos Removal**
	While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.
F. 23.	**Arborists Documentation and Compliance Checklist**
	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: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	• 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 ### within ## metres from Tree No.##. The condition of exposed roots must be managed and documented. • The project arborist must supervise the installation of the ### within ## metres of Tree No.#, 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.

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

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

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

F. 24. Replacement/Supplementary trees which must be planted

While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). All new trees must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans.

The project arborist must document compliance with the above condition.

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

F. 25. 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)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
9	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
11	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	2m
14	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
15	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
16	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	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. 26. 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)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
9	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
11	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	2m
14	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
15	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
16	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	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. 27. 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)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
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17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	2m

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

The project arborist must document compliance with the above condition.

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

F. 28. Any deep excavation to be monitored by La Perouse LALC

If any excavation deeper than 1.5m that occurs during works, a representative of La Perouse LALC must be present to monitor this phase of excavation.

	Condition Reason: Protection of Aboriginal heritage in accordance with the recommendations of the provided Aboriginal Heritage Impact Assessment.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	**Occupation Certificate (section 6.9 of the Act)**
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. **Notes:** • New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	**Amenity Landscaping**
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.
G. 3.	**Commissioning and Certification of Systems and Works**
	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. 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: a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require.

	Notes: • The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). • The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.
G. 4.	**Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation**
	Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. A1377348. **Notes:** • Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.
G. 5.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation.
G. 6.	**Works within Public Land (including Council, State or Federal owned land or property)**
	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: a) stormwater pipes, pits, structures and connections to public stormwater systems within the road, b) driveways and vehicular crossings, c) renew/new retaining structures, d) overhang structures,

	e) encroachments or occupation or alienation of public land or property, f) removal of redundant driveways and any other structure, g) new footpaths, pathways, walkways, or dunny lanes, h) relocation of existing power/light pole, if applicable, i) relocation/provision of street signs, if applicable, j) new or replacement street trees, if applicable, k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street, l) new or reinstated kerb and guttering within the road, and m) new or reinstated road surface pavement within the road. **Notes:** • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
	Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.
G. 7.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	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: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tank and pump out system, c) 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, d) that the as-built rainwater retention and reuse system has been plumbed for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc, e) that a rainwater tank with minimum storage of 55.6m^3 has been constructed in accordance with the approved stormwater plans, f) that a pump out system with minimum storage capacity of 16.3m^3 has been installed to comply with AS3500.3, g) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, h) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, i) pipe invert levels and surface levels to Australian Height Datum, and j) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

	A positive covenant 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 rainwater retention and reuse system, and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • 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.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.
G. 8.	**Arborists Documentation and Compliance Checklist – Prior to any occupation certificate**
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.

G. 9.	**Certification of Electric Vehicle Charging System**
	Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by **Condition D.17** must be submitted to the satisfaction of the Principal Certifier.
	Condition Reason: To ensure the certification of the electric vehicle charging system.

H. OCCUPATION AND ONGOING USE

H. 1.	**Maintenance of BASIX Commitments**
	During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. A1377348. This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.
H. 2.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
H. 3.	**Outdoor Lighting – Residential**
	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 luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.

	Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.
H. 4.	**Ongoing Maintenance of the On-Site Stormwater Detention System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained 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. The owner: 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. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

J. BEFORE SUBDIVISION WORK COMMENCES

Nil

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil

STRATA SUBDIVISION

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil

Attachments

1. Architectural Plans, Landscape Plans & Survey ⇩
2. Clause 4.6 - Height of Buildings ⇩
3. Clause 4.6 - FSR ⇩
4. Development Engineer - Referral Response ⇩
5. Trees & Landscaping - Referral Response ⇩
6. Heritage - Referral Response ⇩

DEVELOPMENT APPLICATION

12 MARCH STREET

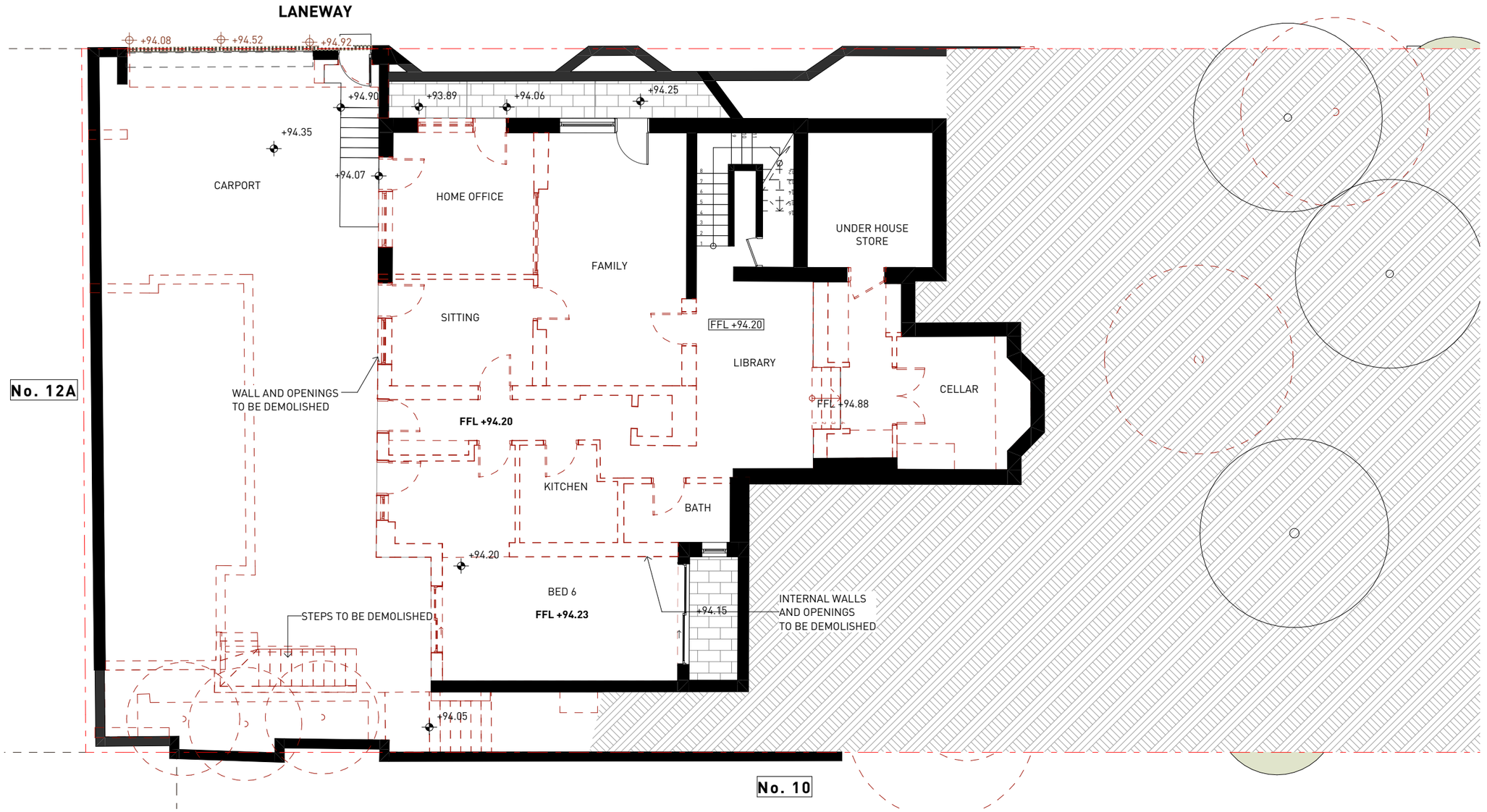
12 MARCH STREET BELLEVUE HILL NSW 2023 Australia

Vivian Shao

SMITH & TZANNES

23_019

REV B 23/02/2024



EXISTING WALLS/STRUCTURE TO REMAIN

WALLS/STRUCTURE TO BE DEMOLISHED

DOCUMENT
DEMOLITION PLAN - LOWER GROUND

DOCUMENT
FOR DA

REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

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0
10m - 1:200
5.0m - 1:100
2.5m - 1:50
1.25m - 1:25

NOTES
1. NEVER scale off drawings, use figured dimensions only.
2. Verify all dimensions on site prior to commencement & report discrepancies to the architect.
3. Drawings describe scope of works and general set out. These drawings are not shop drawings. Set out to to be undertaken by surveyor on site. Shop drawings should be prepared where required or necessary
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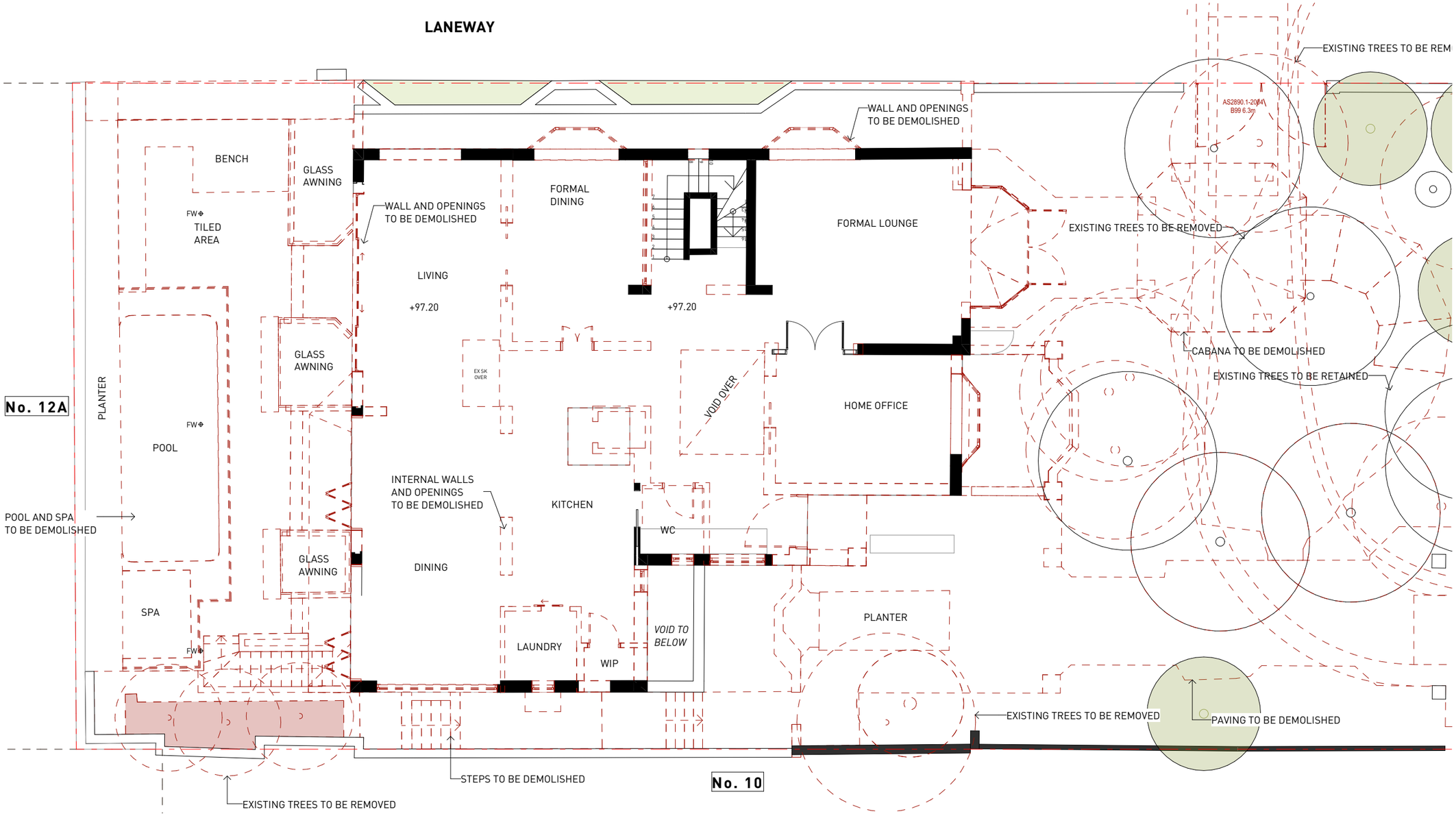
LEGEND
Refer to the notes page for a legend that includes further notes and an explanation of abbreviations.

NOTES REGARDING DEVELOPMENT APPLICATION DRAWINGS
Minor changes to form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.

The design is not in a form suitable for use in connection with building work.

ARCHITECTURE URBAN PLANNING
M1/147 McEvoy Street Alexandria NSW 2015
P 02 9516 2022 **E** email@smithtzannes.com.au
smithtzannes.com.au
Nominated Architect: Peter Smith (Reg 7024)
SMITH & TZANNES



EXISTING WALLS/STRUCTURE TO REMAIN

WALLS/STRUCTURE TO BE DEMOLISHED

N

DOCUMENT
DEMOLITION PLAN - LEVEL 0 (GROUND)

DOCUMENT
FOR DA

REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

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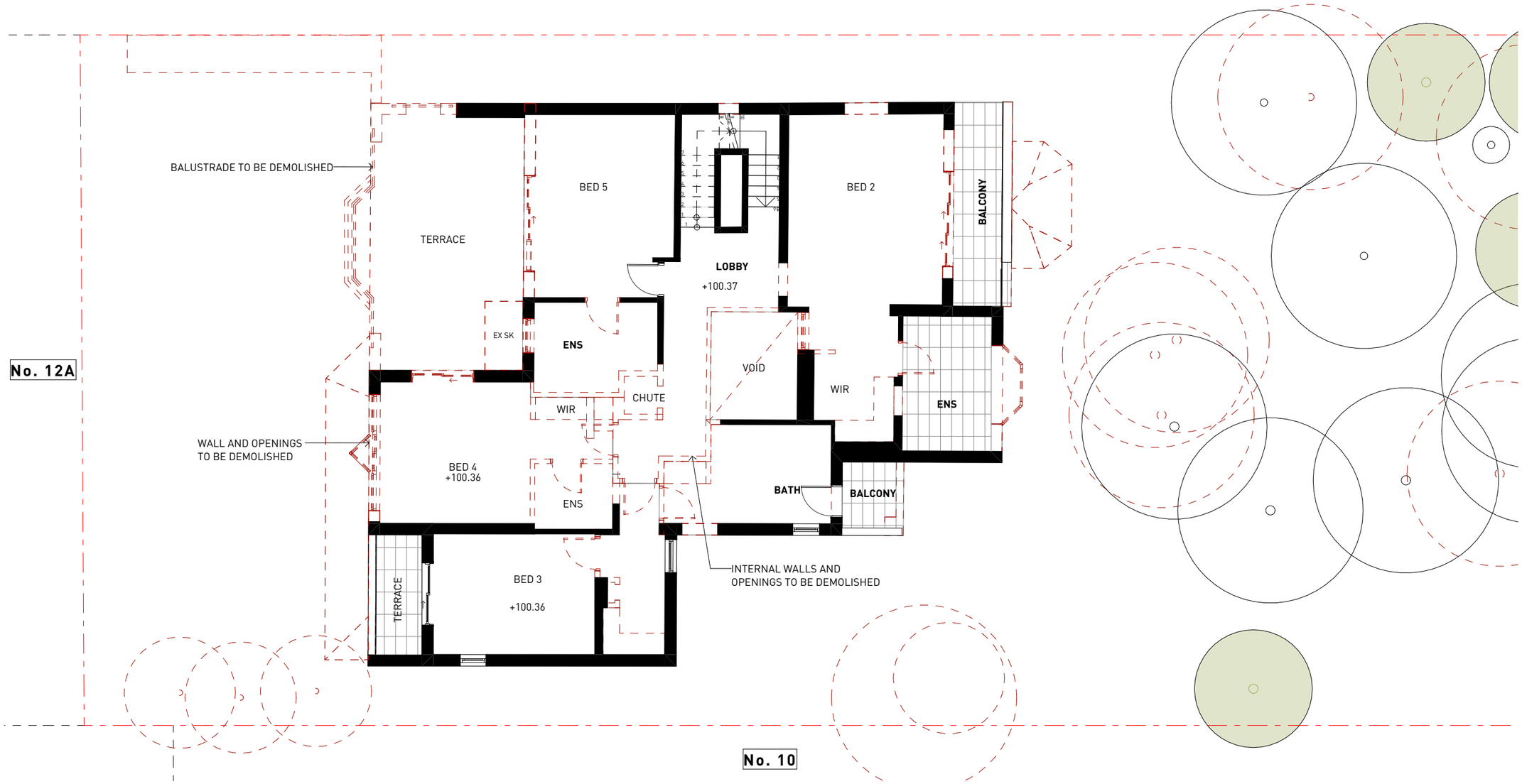
SMITH & TZANNES



EXISTING WALLS/STRUCTURE TO REMAIN

WALLS/STRUCTURE TO BE DEMOLISHED

DOCUMENT
DEMOLITION PLAN - LEVEL 1

DOCUMENT
FOR DA

REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

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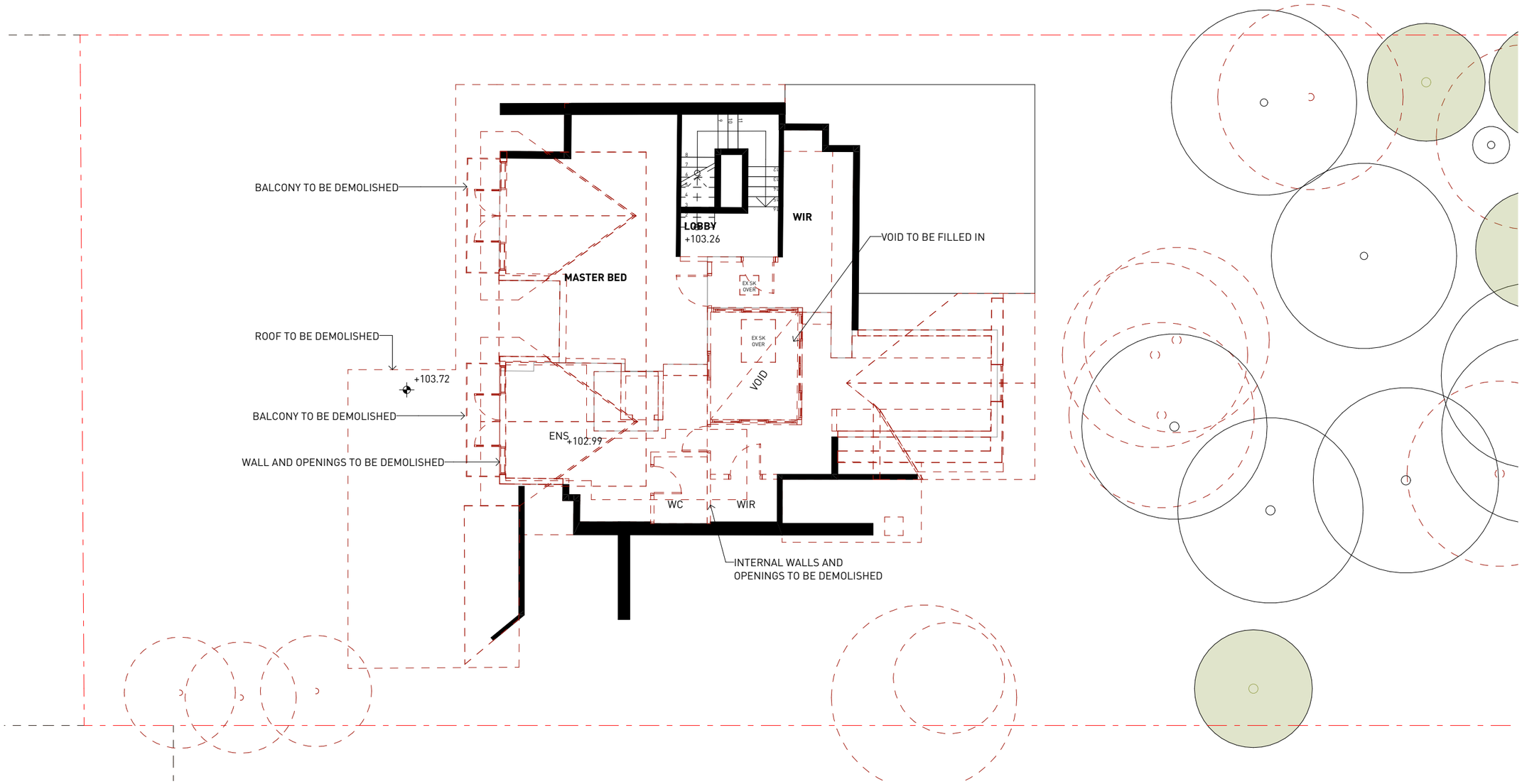

EXISTING WALLS/STRUCTURE TO REMAIN

WALLS/STRUCTURE TO BE DEMOLISHED

DOCUMENT
DEMOLITION PLAN - ATTIC

DOCUMENT
FOR DA

REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0

10m - 1:200
5.0m - 1:100
2.5m - 1:50
1.25m - 1:25

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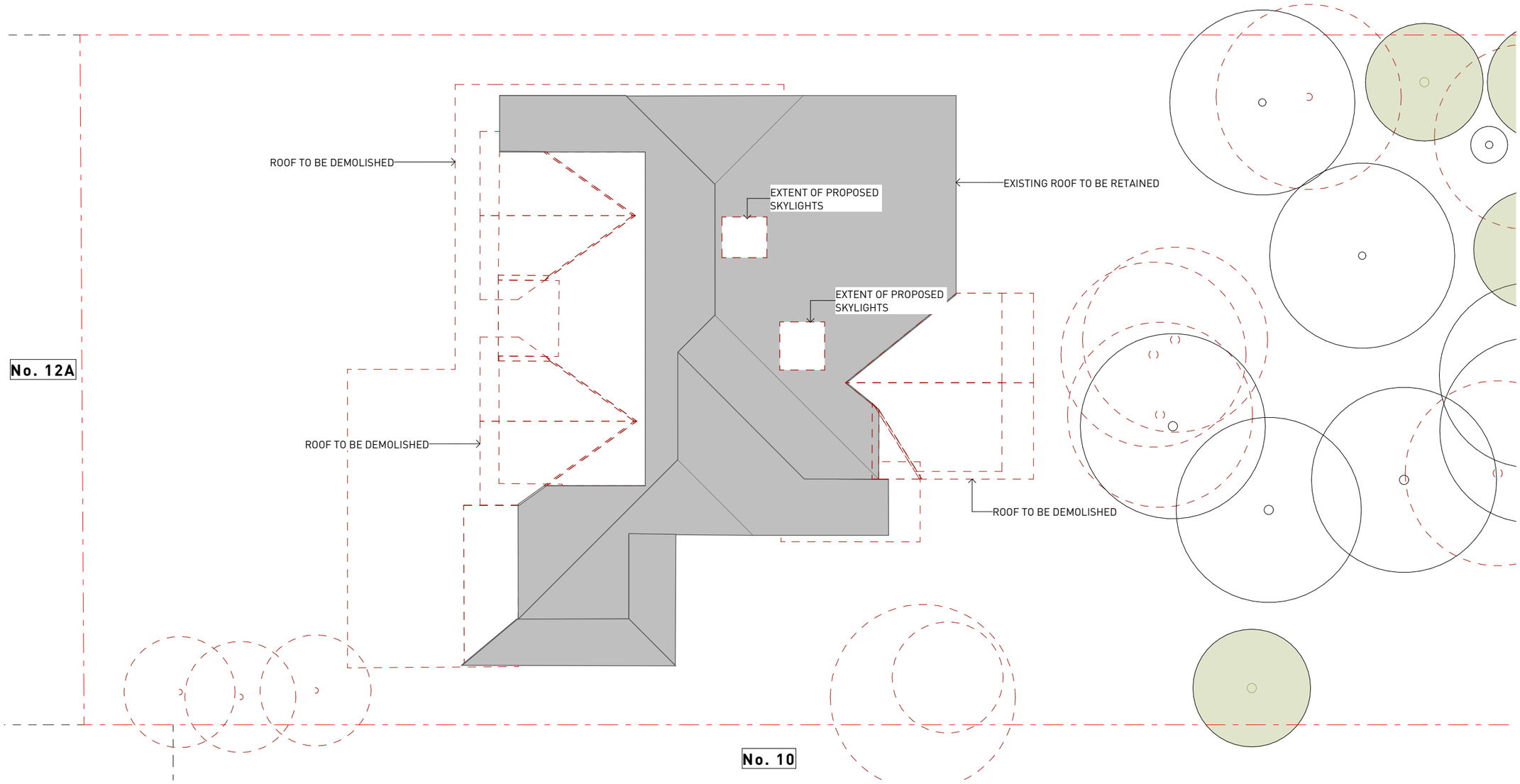
M1/147 McEvoy Street Alexandria NSW 2015
P 02 9516 2022 **E** email@smithtzannes.com.au
smithtzannes.com.au
Nominated Architect: Peter Smith [Reg 7024]

SMITH & TZANNES



EXISTING WALLS/STRUCTURE TO REMAIN

WALLS/STRUCTURE TO BE DEMOLISHED

DOCUMENT
DEMOLITION PLAN - ROOF

DOCUMENT
FOR DA

REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0
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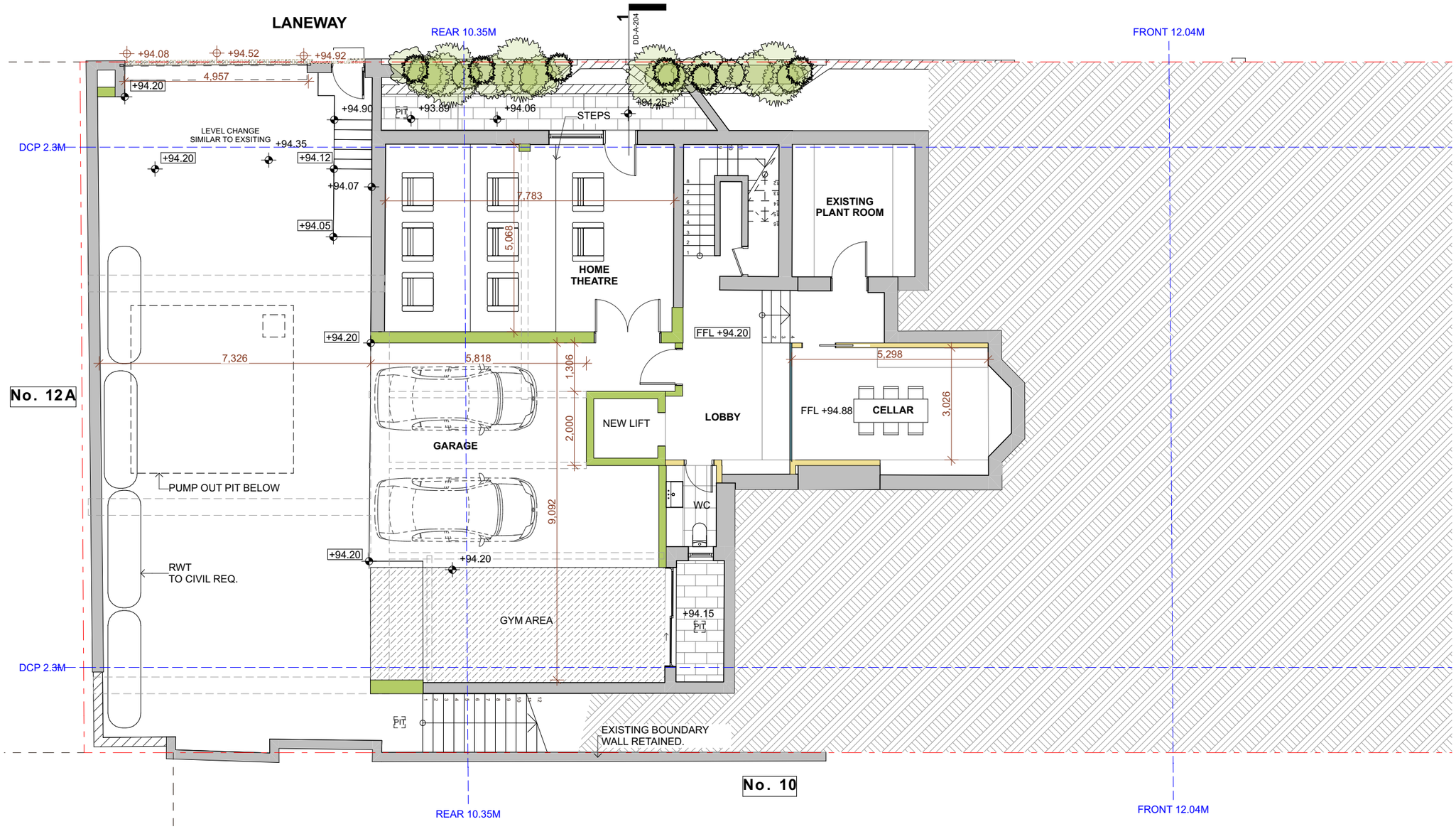
SMITH & TZANNES



EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER (CUT / SURFACE)
- METAL

DOCUMENT
LOWER GROUND

DOCUMENT
FOR DA

REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0

10m - 1:200
5.0m - 1:100
2.5m - 1:50
1.25m - 1:25

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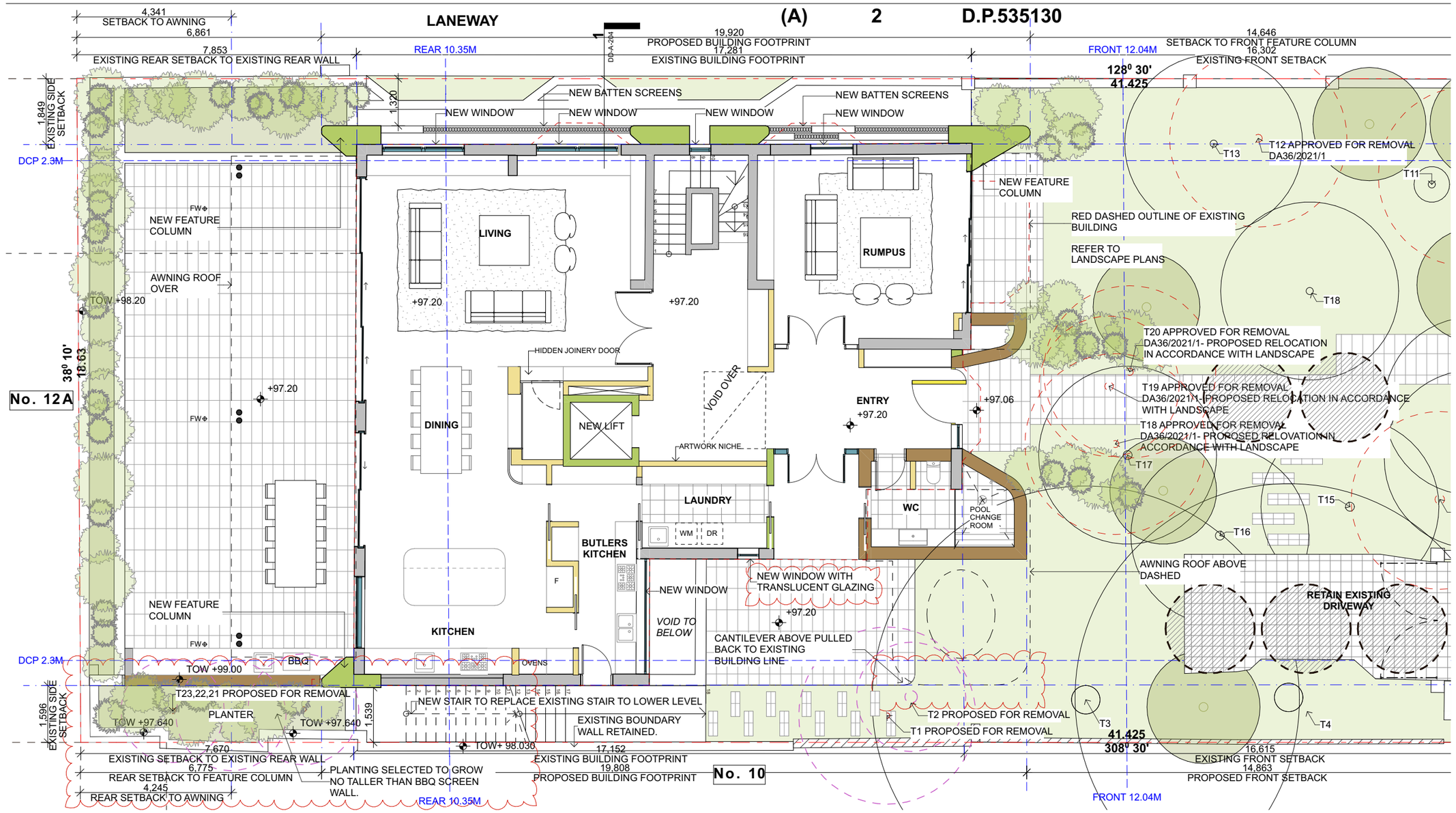
SMITH & TZANNES



EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER (CUT SURFACE)
- METAL

DOCUMENT
LEVEL 0 (GROUND)

DOCUMENT
FOR DA

REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0
10m - 1:200
5.0m - 1:100
2.5m - 1:50
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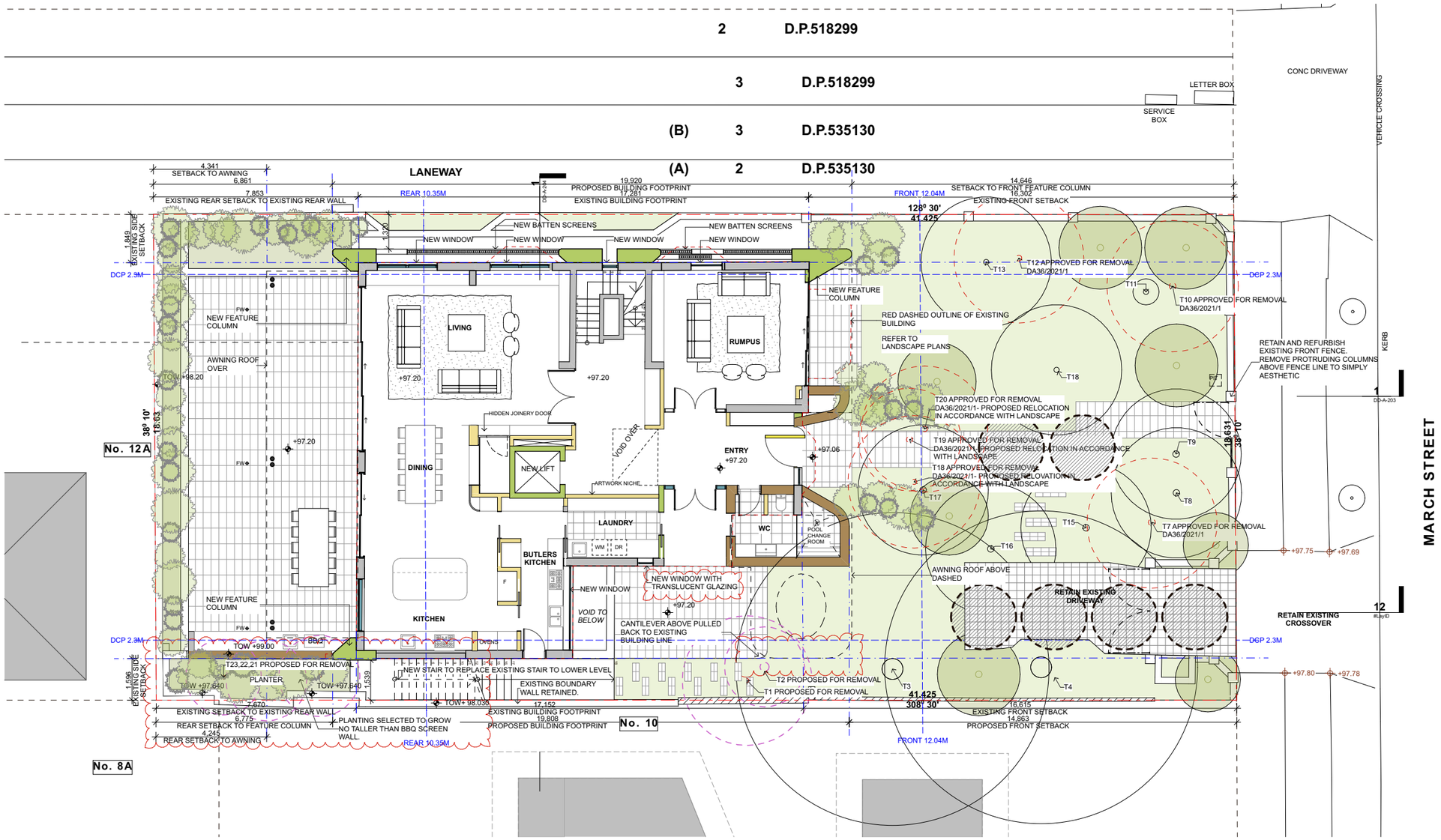

EXISTING WALLS/STRUCTURE TO REMAIN
NEW WALLS/STRUCTURE
PREVIOUS APPROVED TREE REMOVAL
PROPOSED ADDITIONAL TREE REMOVAL

N

DOCUMENT
LEVEL 0 @1:150

DOCUMENT
FOR DA
REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET
12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0
10m - 1:200
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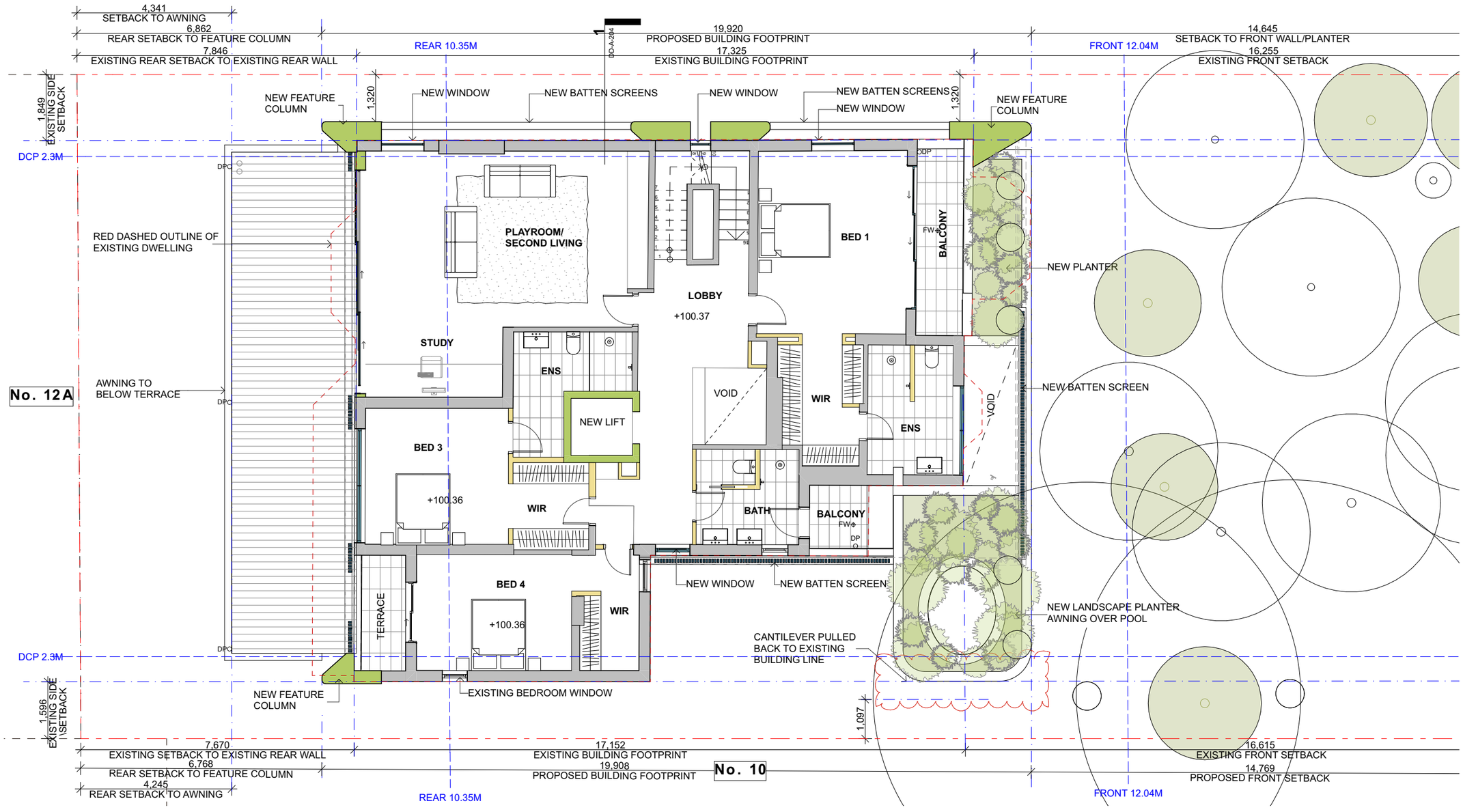

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER
- METAL

DOCUMENT
LEVEL 1

DOCUMENT
FOR DA

REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE

DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0

10m - 1:200
5.0m - 1:100
2.5m - 1:50
1.25m - 1:25

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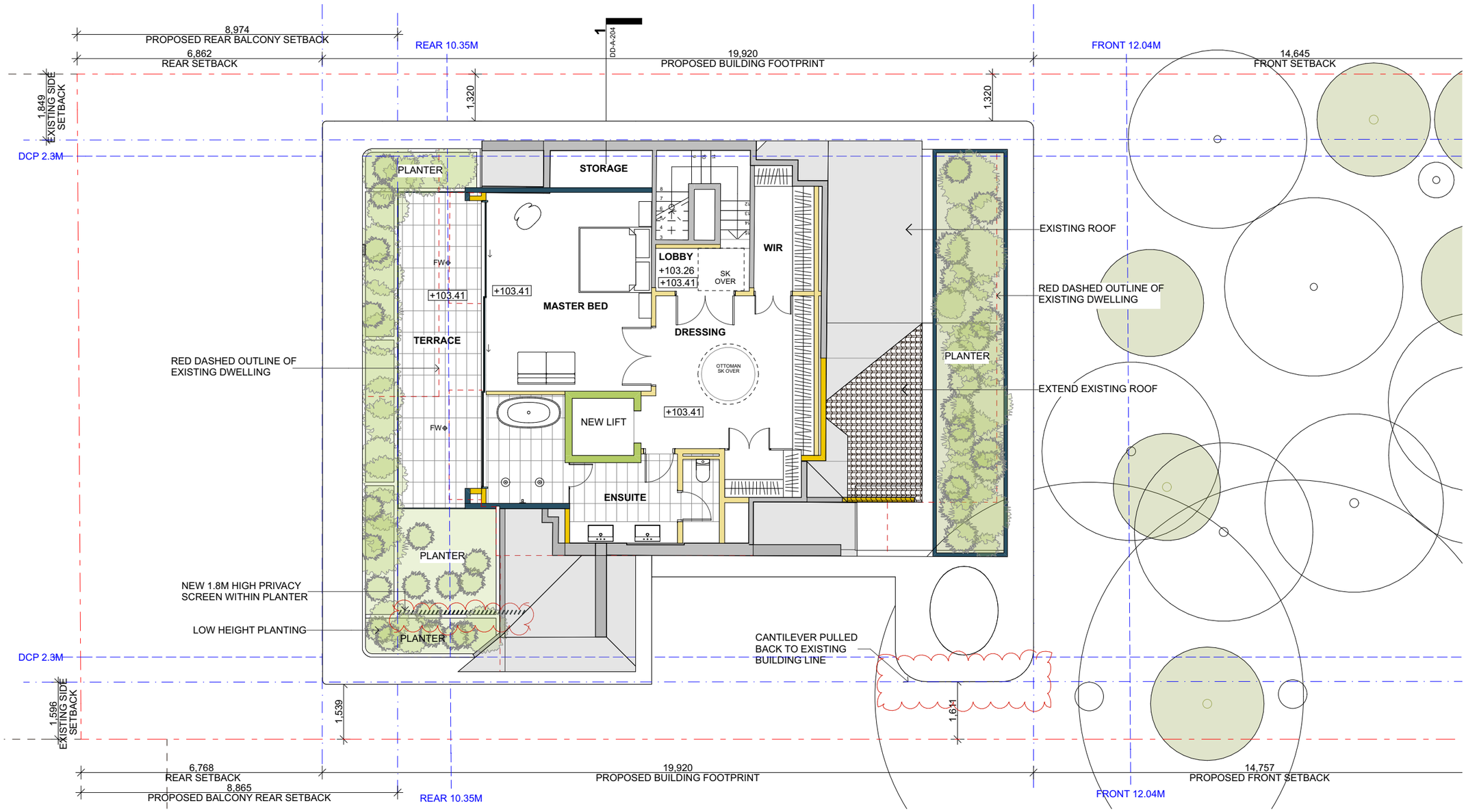

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER
- METAL

DOCUMENT
ATTIC

DOCUMENT
FOR DA

REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0
10m - 1:200
5.0m - 1:100
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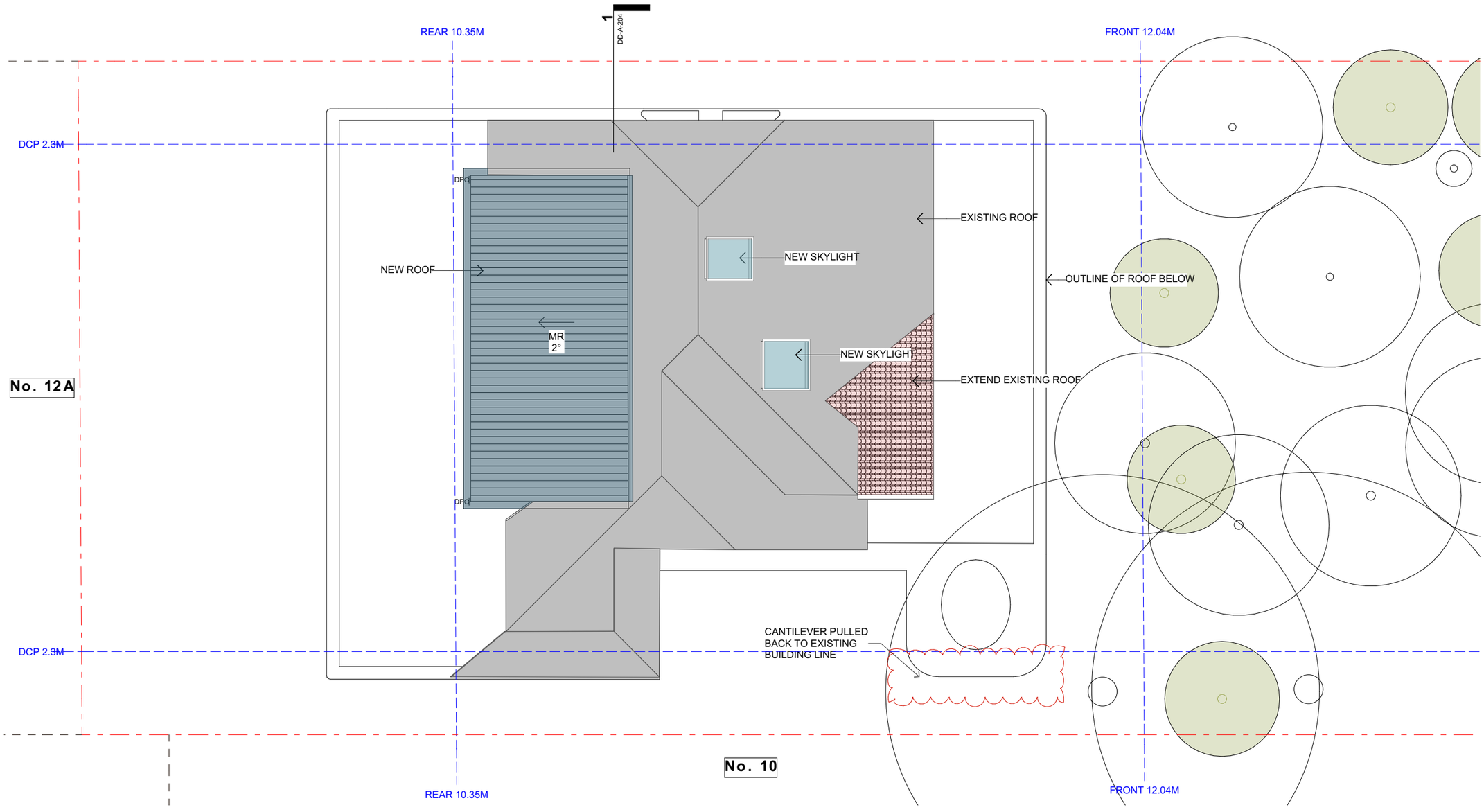

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER
- METAL

DOCUMENT
ROOF

DOCUMENT
FOR DA

REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

© SMITH & TZANNES PTY LTD

0
10m - 1:200
5.0m - 1:100
2.5m - 1:50
1.25m - 1:25

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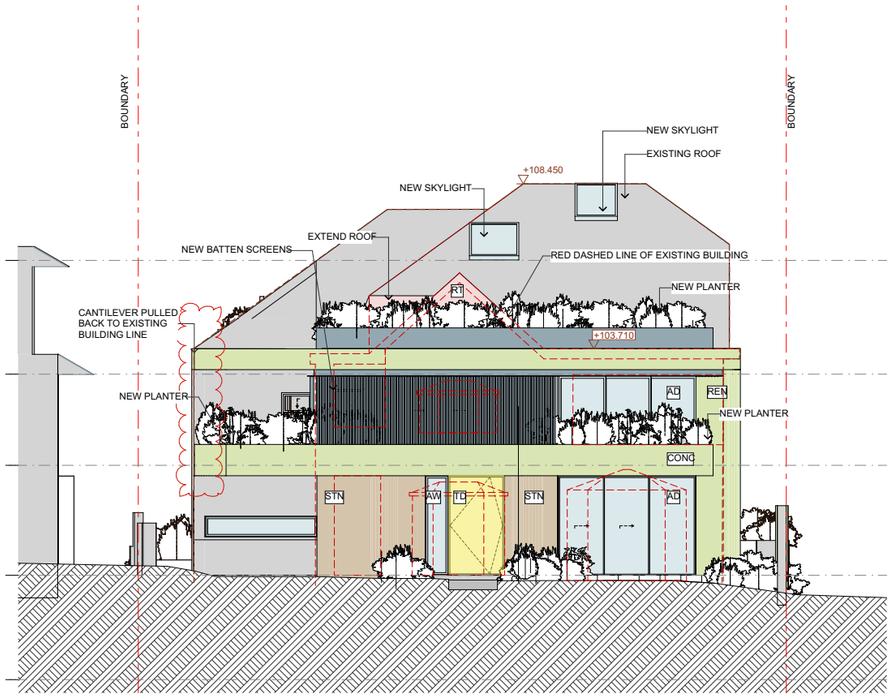
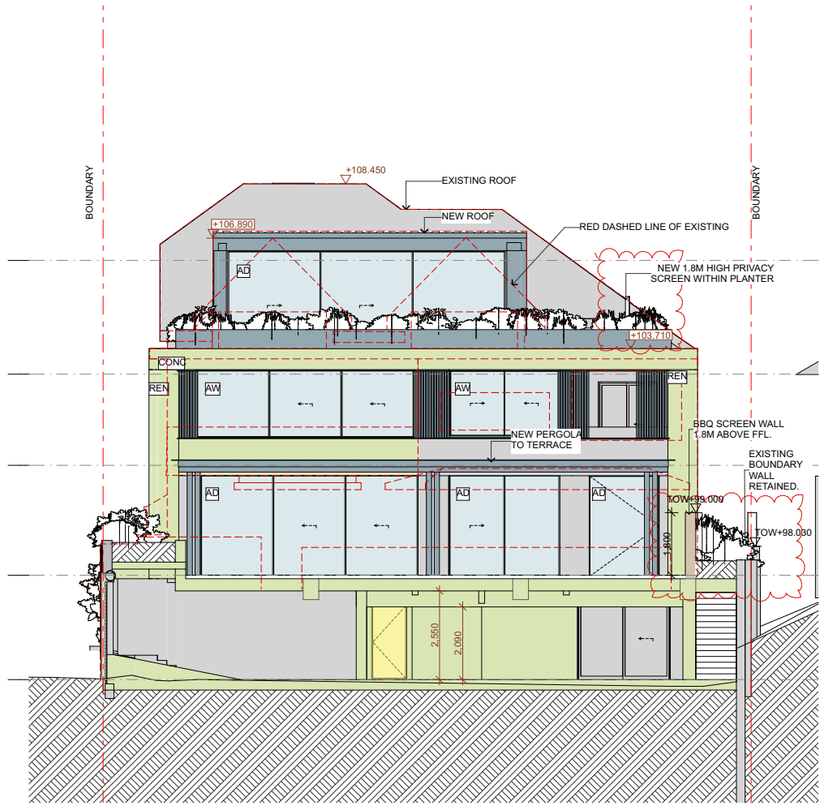


1 EAST ELEVATION
1:150



2 WEST ELEVATION
1:150

EXISTING

NEW WORKS

BRICK
ROOF TILES/TILES/PAVERS
CONCRETE/CEMENT RENDER
INTERNAL PLASTERBOARD
GLASS/GLASS BRICKS
SANDSTONE
TIMBER
METAL

DOCUMENT
EAST & WEST ELEVATIONS

DOCUMENT
FOR DA

REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

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0
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Nominated Architect: Peter Smith (Reg 7024)
SMITH & TZANNES

1 NORTH ELEVATION
1:150

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER
- METAL

DOCUMENT
NORTH ELEVATION

DOCUMENT
FOR DA
REV B 23/02/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

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0
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Nominated Architect: Peter Smith (Reg 7024)

SMITH & TZANNES

1 SOUTH ELEVATION
1:150

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE (CUT SURFACE)
- TIMBER
- METAL

DOCUMENT
SOUTH ELEVATION

DOCUMENT
FOR DA

REV C 25/06/2024

MODEL *23_019 Model SD_Facade*

STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET

12 MARCH STREET BELLEVUE HILL

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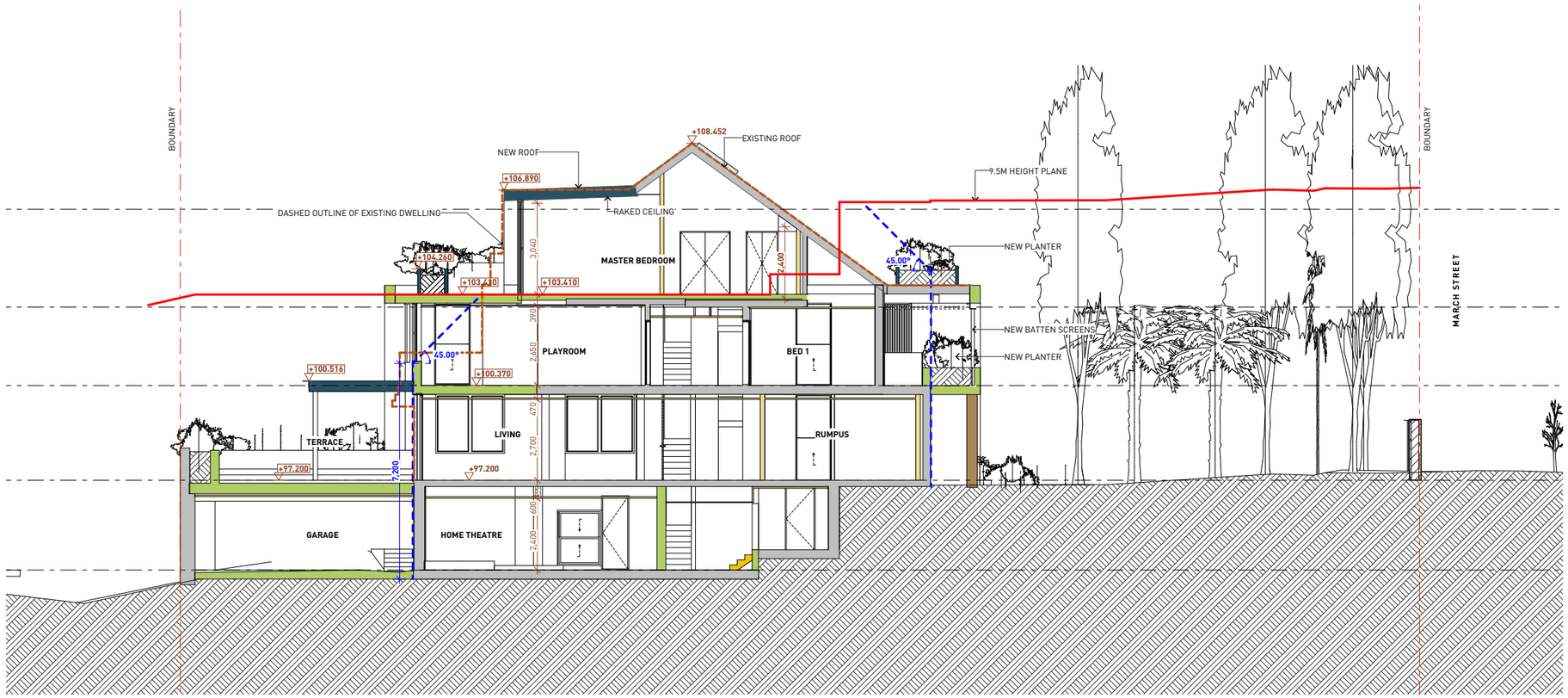

1 SECTION A
1:150

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER
- METAL

DOCUMENT
SECTION A
DOCUMENT
FOR DA
REV B 23/02/2024
MODEL *23_019 Model SD_Facade*
STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET
12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

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0
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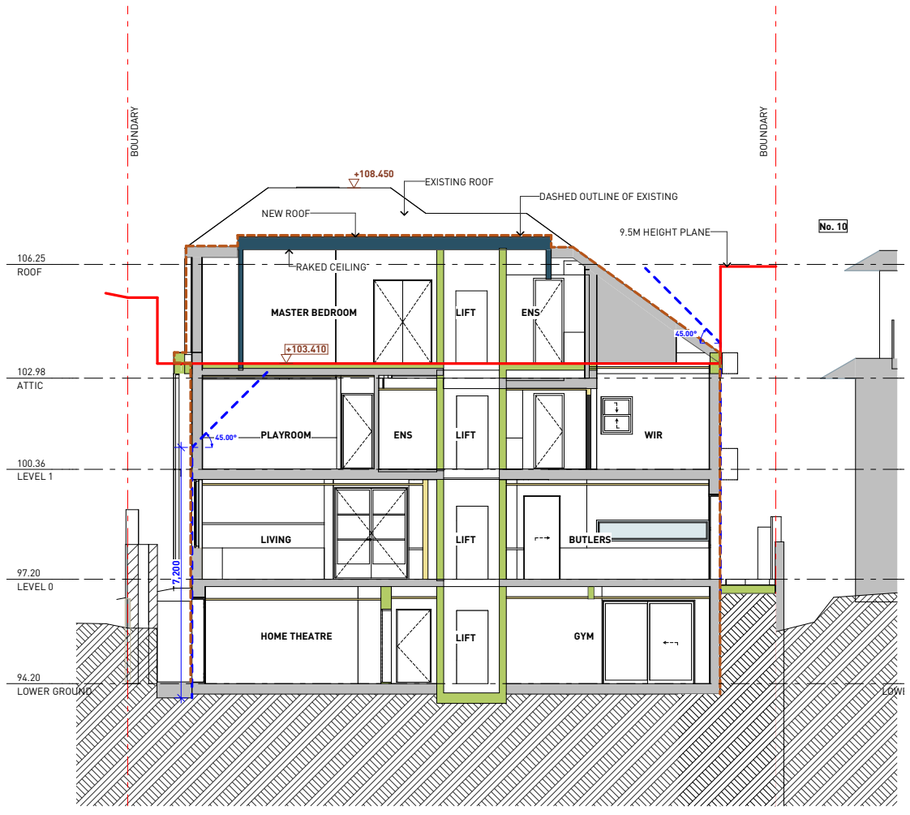
Nominated Architect: Peter Smith (Reg 7024)
SMITH & TZANNES



1 SECTION B
1:150

EXISTING

NEW WORKS

- BRICK
- ROOF TILES/TILES/PAVERS
- CONCRETE/CEMENT RENDER
- INTERNAL PLASTERBOARD
- GLASS/GLASS BRICKS
- SANDSTONE
- TIMBER (CUT / SURFACE)
- METAL

DOCUMENT
SECTION B
DOCUMENT
FOR DA
REV B 23/02/2024
MODEL *23_019 Model SD_Facade*
STAGE
DEVELOPMENT APPLICATION

PROJECT
12 MARCH STREET
12 MARCH STREET BELLEVUE HILL

CLIENT **Vivian Shao**

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0
10m - 1:200
5.0m - 1:100
2.5m - 1:50
1.25m - 1:25

NOTES
1. NEVER scale off drawings, use figured dimensions only.
2. Verify all dimensions on site prior to commencement & report discrepancies to the architect.
3. Drawings describe scope of works and general set out. These drawings are not shop drawings. Set out to to be undertaken by surveyor on site. Shop drawings should be prepared where required or necessary
4. The copyright of this design remains the property of SMITH & TZANNES. This design is not to be used, copied or reproduced without the authority of SMITH & TZANNES.
5. This drawing is only to be used by the stated Client in the stated location for the purpose it was created. Do not use this drawing for construction unless designated.

LEGEND
Refer to the notes page for a legend that includes further notes and an explanation of abbreviations.

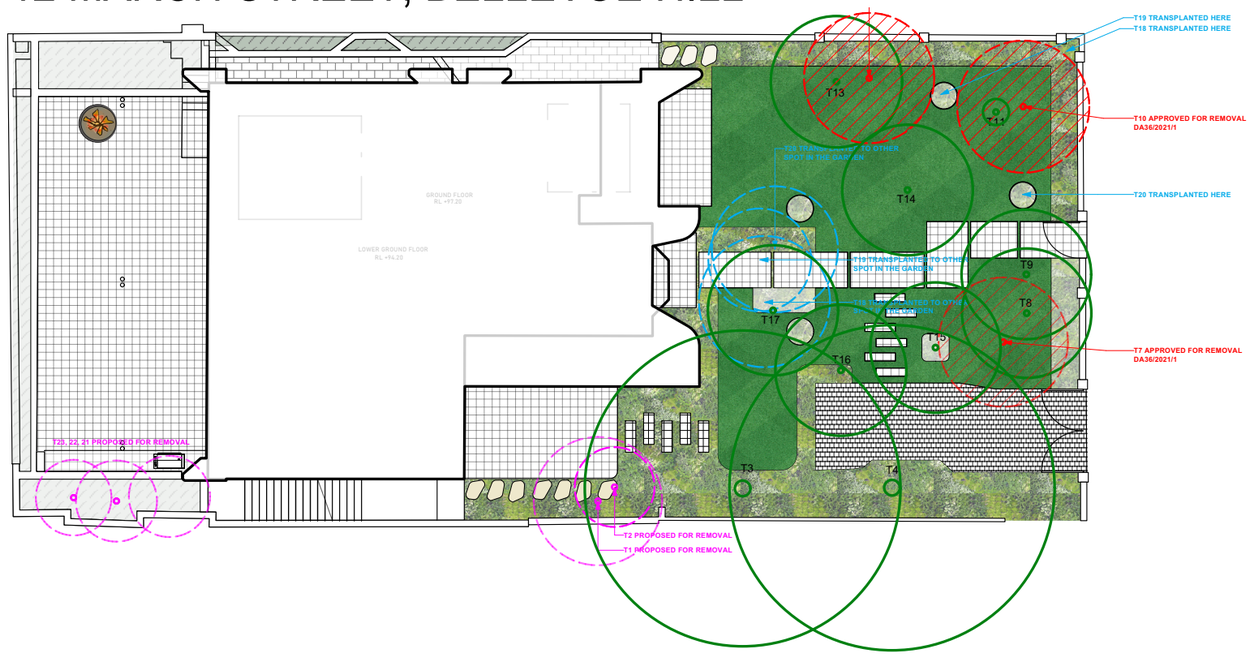
NOTES REGARDING DEVELOPMENT APPLICATION DRAWINGS
Minor changes to form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.

The design is not in a form suitable for use in connection with building work.

ARCHITECTURE URBAN PLANNING
M1/147 McEvoy Street Alexandria NSW 2015
P 02 9516 2022 **E** email@smithtzannes.com.au
smithtzannes.com.au
Nominated Architect: Peter Smith (Reg 7024)
SMITH & TZANNES

DA LANDSCAPE PLAN

12 MARCH STREET, BELLEVUE HILL



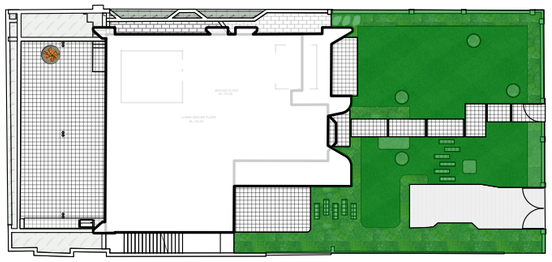
LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PROPOSED POOL
- TILES 1 — SELECTED STONE ON SLAB
- TILES 2 — SELECTED STONE ON SLAB

SITE LOCATION

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES APPROVED FOR REMOVAL
- TREES PROPOSED FOR REMOVAL
- TREES PROPOSED FOR TRANSPLANTED



SITE CALCULATION PLAN
SCALE 1:400

SITE AREA	: 771.8 SQM
BUILDABLE AREA	: 267 SQM
NON-BUILDABLE AREA	: 408 SQM
MIN LANDSCAPE AREA (min 50% of site outside buildable area)	: 204 SQM
PROPOSED LANDSCAPE	: 248 SQM

0 — 10 M

SITE PLAN
SCALE 1:200

ISSUE	DATE	COMMENT
D	23/02/24	UPDATE SITE AREA

AMENDMENTS

GENERAL NOTES
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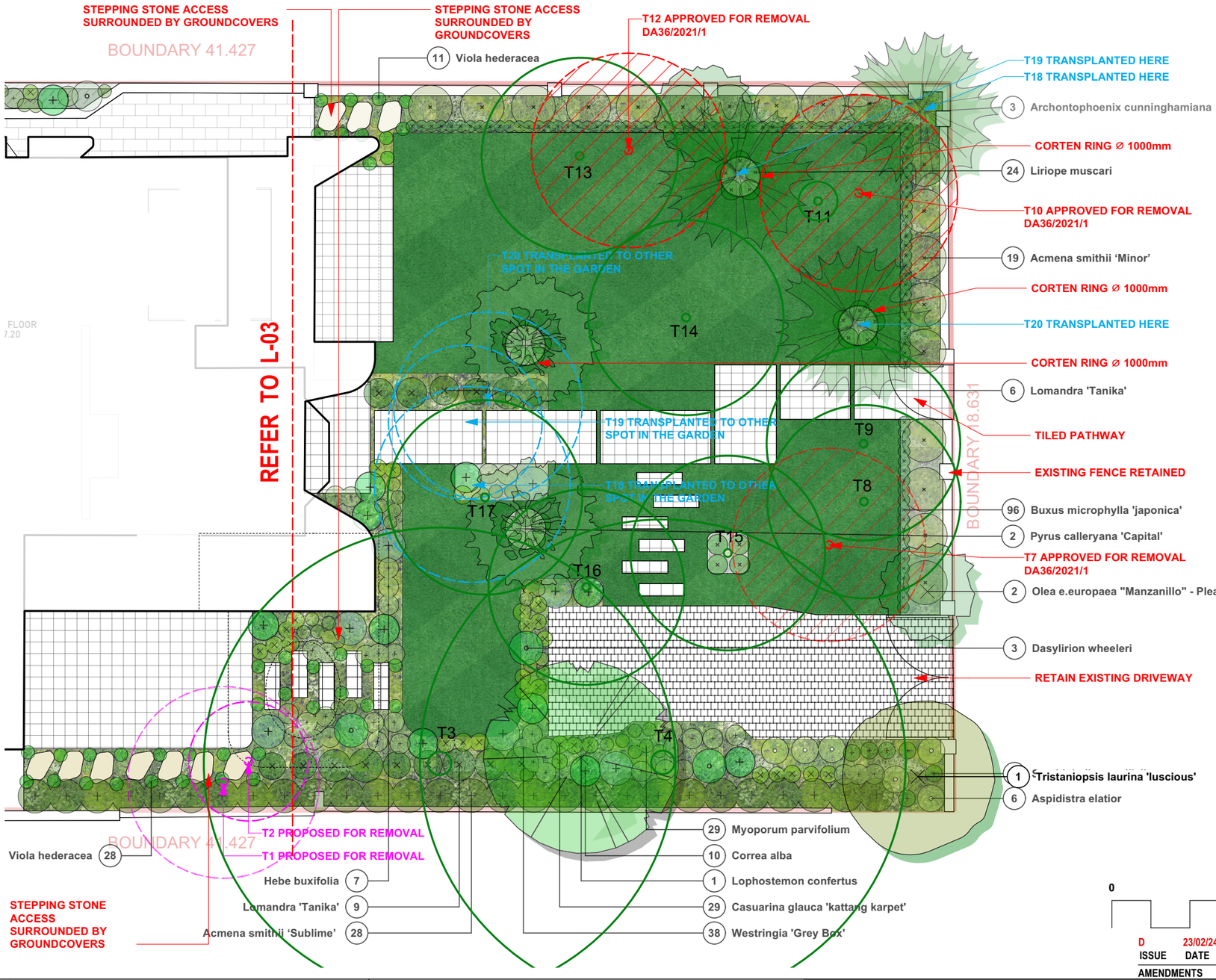
Project	PROPOSED LANDSCAPE PLAN		
Address	12 March Street, Bellevue Hill	Date	23/02/24
Drawing Title	SITE PLANS	Scale	1:200
		Drawing No.	7192

Page
L-01



LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
- PROPOSED POOL
- TILES 1 SELECTED STONE ON SLAB
- TILES 2 SELECTED STONE ON SLAB

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES APPROVED FOR REMOVAL
- TREES PROPOSED FOR REMOVAL
- TREES PROPOSED FOR TRANSPLANT

0 10 M

D 23/02/24 UPDATE SITE AREA
ISSUE DATE COMMENT
AMENDMENTS

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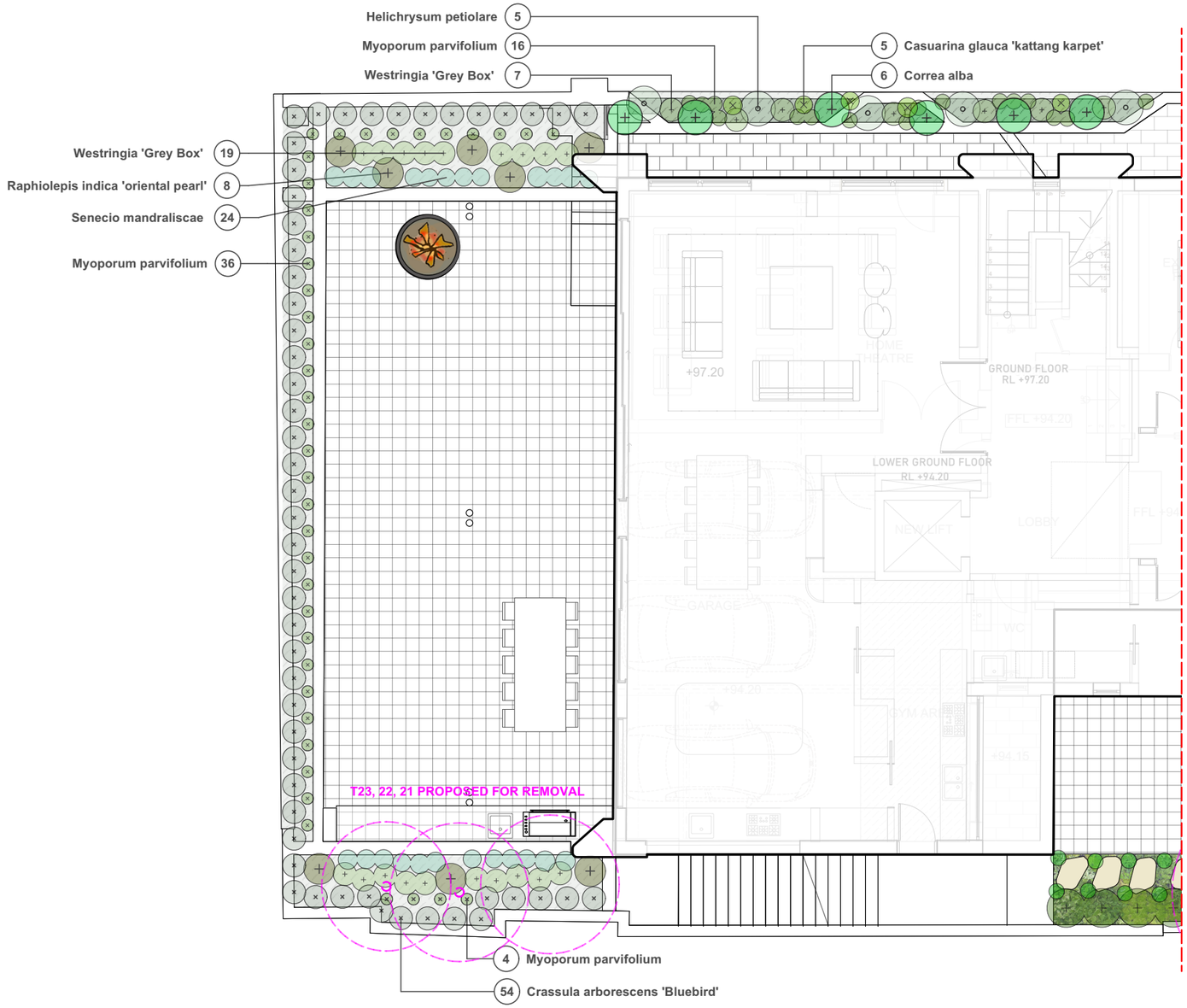
Project PROPOSED LANDSCAPE PLAN
Address 12 March Street, Bellevue Hill Date 23/02/24
Drawing Title FRONT LANDSCAPE PLAN Scale 1:100
Drawing No. 7192

Page L-02



LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
- PROPOSED RESIDENCE
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EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
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0 — 10 M

ISSUE	DATE	COMMENT
D	23/02/24	UPDATE SITE AREA

AMENDMENTS

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Project	PROPOSED LANDSCAPE PLAN		
Address	12 March Street, Bellevue Hill	Date	23/02/24
Drawing Title	REAR LANDSCAPE PLAN	Scale	1:100
		Drawing No.	7192

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LEGEND

- DRIVEWAY
- TURF AREAS
- PODIUM GARDENS
- DEEP SOIL GARDENS
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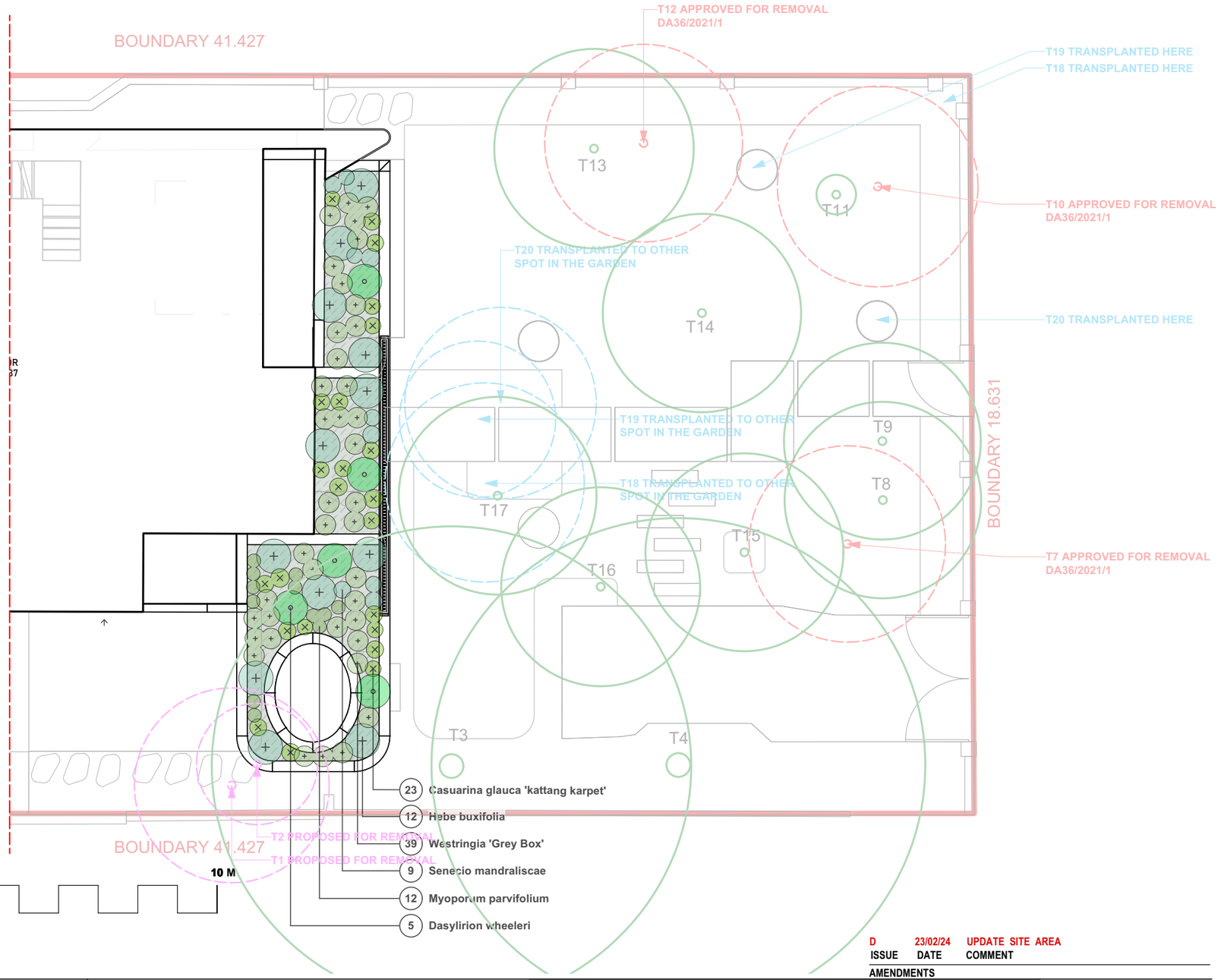

ISSUE	DATE	COMMENT
D	23/02/24	UPDATE SITE AREA

AMENDMENTS

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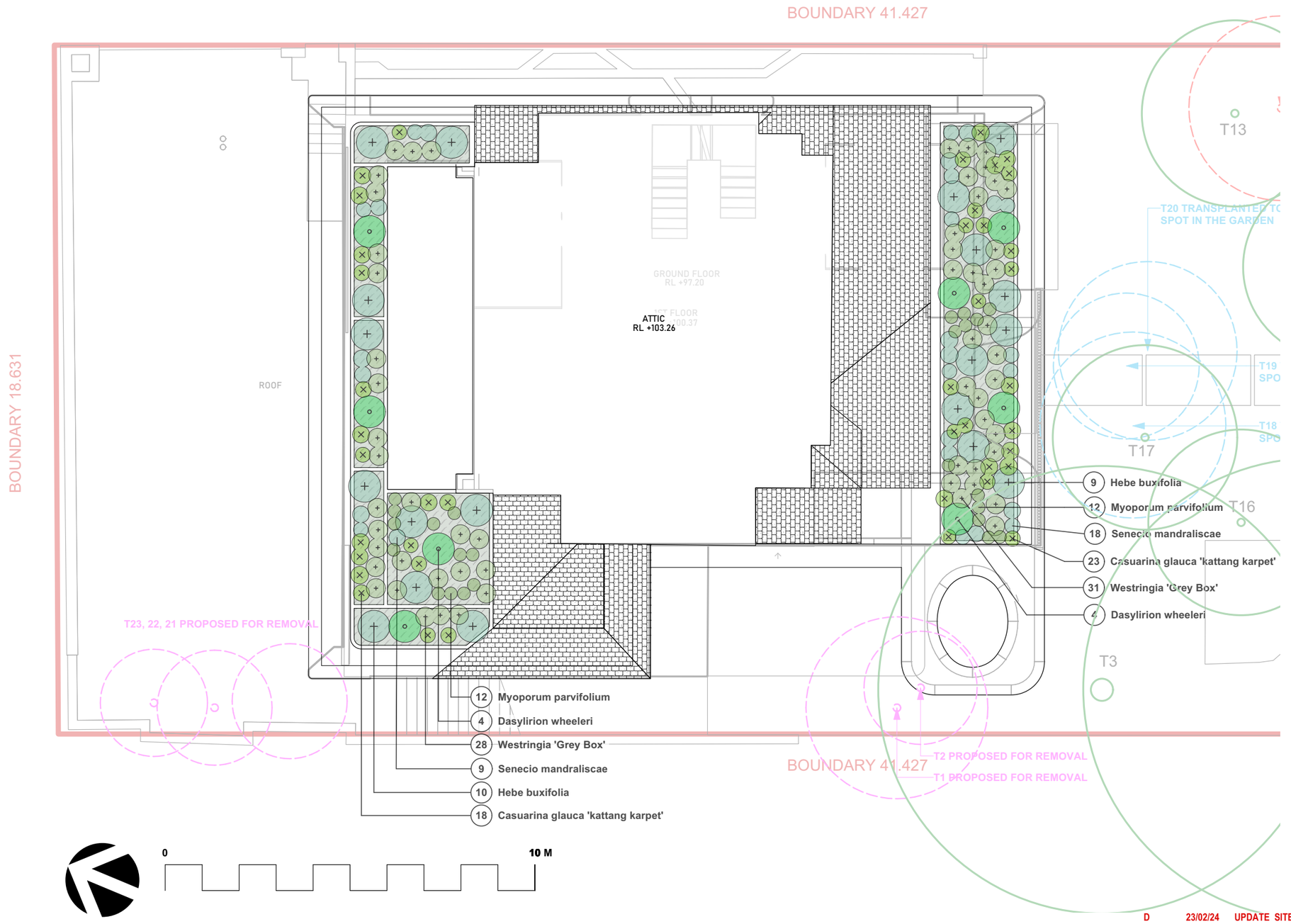
Project	PROPOSED LANDSCAPE PLAN		
Address	12 March Street, Bellevue Hill	Date	23/02/24
Drawing Title	1ST FLOOR LANDSCAPE PLAN	Scale	1:100
		Drawing No.	7192

Page
L-04



LEGEND

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EXISTING TREE LEGEND

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ISSUE	DATE	AMENDMENTS
D	23/02/24	UPDATE SITE AREA

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Project	PROPOSED LANDSCAPE PLAN
Address	12 March Street, Bellevue Hill
Date	23/02/24
Drawing Title	2ND FLOOR LANDSCAPE PLAN
Scale	1:100
Drawing No.	7192

Page
L-05

PLANTING SCHEDULE

ID	Botanical Name	Common Name	Scheduled Size	Plant Spread	Qty
Trees					
Arc-cu	Archontophoenix cunninghamiana	Bangalow Palm	45L	4000	3
Lop-co	Lophostemon confertus	Queens land brush Box	45L	5000	1
Ole-eu'Man'	Olea e.europaea "Manzanillo" - Pleached	olive	100L	2500	2
PCall-c	Pyrus calleryana 'Capital'	Capital Flowering Pear	100L	3500	2
TLaur-lus	Tristaniopsis laurina 'luscious'	Kanooka, Water Gum	100L	4000	1
Shrubs					
Acm-smi	Acmena smithii 'Minor'	Lillypilly	300mm	1300	19
acm-sm'su'	Acmena smithii 'Sublime'	Lilly pilly	300mm	1000	28
bux-mi'ja'	Buxus microphylla 'japonica'	Japanese Box	200mm	350	96
Cor-alb-1	Correa alba	White Correa	200mm	900	16
Cra-arb	Crassula arborescens 'Bluebird'	'Blue Bird'	300mm	600	54
das-wh	Dasylirion wheeleri	Desert Spoon	300mm	1000	16
Heb-bux	Hebe buxifolia	Boxwood Hebe	200mm	1000	38
Hel-pet	Helichrysum petiolare	liquorice plant	300mm	900	5
Rap-ind-op	Raphiolepis indica 'oriental pearl'	Indian Hawthorn	300mm	800	8
wes-gb	Westringia 'Grey Box'	Grey Box' Westringia	200mm	600	162
Ground Covers					
Asp-ela	Aspidistra elatior	Cast Iron Plant	150mm	800	6
Cas-gl'kk'	Casuarina glauca 'kattang karpet'	Kattang karpet	150mm	500	98
Myo-par	Myoporum parvifolium	Carpet Spreading Myoporum	150mm	---	121
sen-ma	Senecio mandraliscae	Blue Chalk Sticks	150mm	500	60
Spa-sp	Spathiphyllum wallisii	Peace Lily	150mm	500	6
vio-he	Viola hederacea	Native Violet	150mm	400	39
Grasses					
lir-mu	Liriope muscari	Turf Lily 'Royale Purple'	150mm	600	24
lom-ta	Lomandra 'Tanika'	Fine-leaved mat rush	150mm	900	15
Climbers					
Aquatic Plants					
Perennials					
Ferns					

Olea europaea 'Manzanillo'
Olive

Tristaniopsis laurina luscious
Watergum

Pyrus calleryana capital
Capital flowering pear

Acmena smithii 'Minor'
Lilly pilly

Buxus microphylla 'japonica'
Japanese box

Westringia Grey Box
Grey Box 'Westringia'

Correa alba
White correa

Casuarina glauca
Kattang karpet

Myoporum parvifolium
Yareena Creeping Boobiala

Viola hederacea
Native Violet

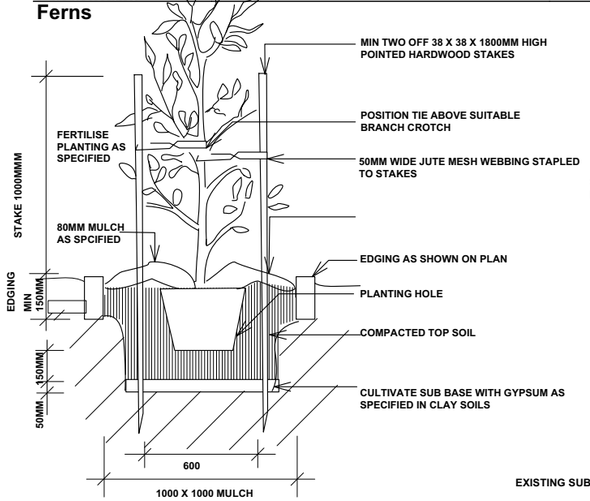
Hebe buxifolia
Boxwood Hebe

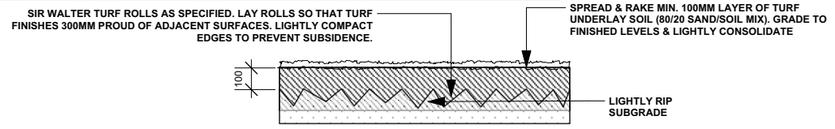
Lomandra tanika
Fine Leafed Mat Rush

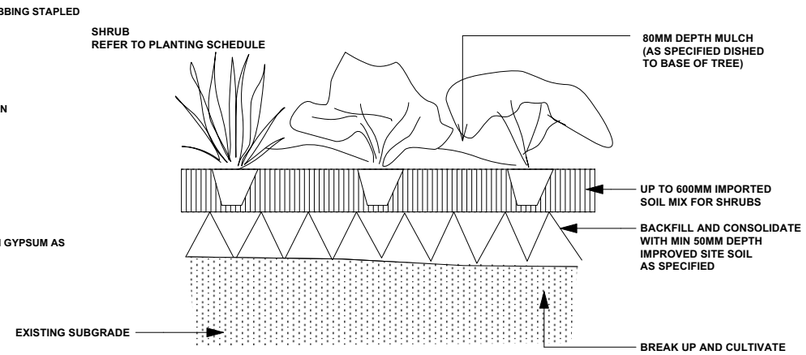
Lophostemon confertus
Brush box

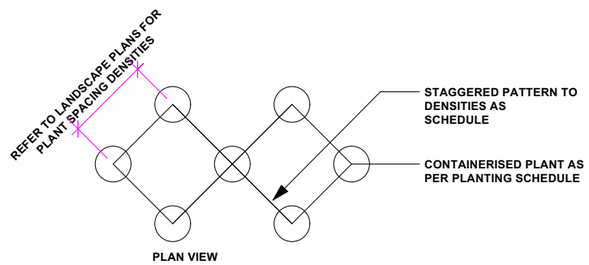
Cupaniopsis anacardioides

Dasylirion wheeleri
Desert spoon









ISSUE	DATE	COMMENT
D	23/02/24	UPDATE SITE AREA

AMENDMENTS

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Project	PROPOSED LANDSCAPE PLAN		
Address	12 March Street, Bellevue Hill	Date	23/02/24
Drawing Title	PLANTING DETAILS	Scale	NTS
		Drawing No.	7192

Page
L-06

POOL COMPLIANCE NOTES

The design of the swimming pool and associated equipment must comply with the following requirements:
i) The Swimming Pools Act & Regulations.
ii) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
iii) The pump and associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level in any octave band from 31.5Hz to 8KHz centre frequencies inclusive at the boundary of the site

The swimming pool excavation and/or swimming pool must be provided with a suitable barrier to prevent a risk of falling into the excavation or pool at all times throughout the construction phase.

Note:
-The measurement of sound must be carried out in accordance with Australian Standard 1055.1.
-Additional information is available from Sutherland Shire Swimming Pool Environmental Specification.
-Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
-Only structures associated with the pool may be located within the pool area.
-Clothes lines, barbeque, sheds, entertainment structure, outside toilets or any other non pool-related structures are not permitted within the pool area.

Before the issue of any Occupation Certificate;
i) The child resistant barrier must be installed in accordance with A above.
ii) The swimming pool is to be registered in the NSW Swimming Pool Register.

The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction.
Retaining wall details to engineers design.
Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

This plan has been prepared for DA approval only, not for construction.

Planting proposed using commercially available plant species selected from local planting lists and the BASIX local plant list
D.A approved landscape plan's are required to be constructed as approved to obtain occupancy certificate.

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LANDSCAPE MAINTENANCE NOTES

MONTH	MOWING EDGING BLOWING	FERTILISING (SEASOL)	CHECK IRRIGATION	HAND WEED REMOVAL	PRUNING	WEED SPARAYING	WATERING/ IRRIGATION	PLANT REPLACEMENT IF REQUIRED
DEC	W	M	M	W	F	M	D	W
JAN	W	M	M	W	F	M	D	W
FEB	W	M	M	W	F	M	D	W
MAR	F	M	M	F	M	M	D	W
APR	F	N/A	M	F	M	M	D	W
MAY	F	N/A	M	M	M	M	D	W
JUNE	M	N/A	M	M	N/A	N/A	2ND D	W
JULY	M	N/A	M	M	N/A	N/A	2ND D	W
AUG	M	N/A	M	M	N/A	N/A	2ND D	W
SEP	M	M	M	M	N/A	N/A	2ND D	W
OCT	F	F	M	F	M	M	D	W
NOV	F	F	M	F	M	M	D	W

PLANTING ESTABLISHMENT PERIOD - 12 MONTHS
LANDSCAPE MATERIAL ESTABLISHMENT - 12 MONTHS
KEY D-DAILY, W-WEEKLY, F-FORTNIGHT, M-MONTHLY, 2ND DAY,

EXTERNAL LIGHTING - (AMENITY)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:
Design
All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.
Ongoing
All lighting must be operated and maintained in accordance with the Standard above.

MAINTENANCE GENERAL NOTES

SECTION C: LANDSCAPE MAINTENANCE SPECIFICATION 1.0 SCOPE
1.1 PERIOD
The 52 week Planting Establishment Period commences at the date of registration of the repective plan.
The contractor is to also allow for maintenance from the date of Practical Completion to the start date of the 52 week Planting Establishment Period. The allowance shall be for a weekly rate which will then be implemented until the formal maintenance period commences.
1.2 PROGRAM
Furnish a proposed planting maintenance program with the tender.
1.3 MAINTENANCE LOGBOOK
Contractor to keep a maintenance record of works carried out on a monthly basis. Log should include but not limited to: - Activities carried out during each attendance;
- Irregularities encountered and actions taken;
NB: Maintenance payments will be evaluated on submission of monthly logbooks.
1.4 RECURRENT WORKS
Throughout the Planting Establishment Period, continue to carry out recurrent works of a maintenance nature including, but not limited to, watering, mowing, weeding, rubbish removal, fertilising, pest and disease control, staking and tying, replanting, cultivating, pruning and keeping the site neat and tidy. All rubbish related to landscape works shall be removed by the landscape contractor before it is allowed to accumulate.
1.5 PLANTING
Commence recurrent planting maintenance works at the completion of planting. Ensure the stock arriving on site is protected and maintained for healthy growth.
1.6 REPLACEMENTS
Continue to replace failed, damaged or stolen plants for the extent of the Planting Establishment Period.
1.7 MULCHED SURFACES
Maintain the surface in a clean and tidy condition and reinstate the mulch as necessary.
1.8 GRASSED AREAS
Commence grass maintenance works at the completion of turfing, and continue to carry out grass maintenance throughout the contract and Planting Establishment Period, maintaining healthy weed free growth.
1.9 STAKES AND TIES
Adjust or replace as required. Remove those not required at the end of the Planting Establishment Period.
1.10 WATERING/ IRRIGATION
An irrigation system is to be installed to all mass planted beds and new tree planting, conntected to a pump and the rainwater tank /OSD tank. Install one tap near the front boundary (Wurrook Circuit) and one tap on the rear (eastern) boundary. This system shall be installed and maintained for the duration of the maintenance period (52 weeks) and in perpetuity of the development. All irrigation works shall be performed by a licensed irrigation contractor. Materials to be used are to be submitted to the site superintendent for approval. The contractor shall provide design drawings and material specifications/samples prior to commencing work. All works are to be conducted to all current and relevant Australian Standards.
The contractor is to be completely responsible for the coordination of the installation of the irrigation system with other services throughout the site. Recommended flow rates: The system shall be set up on a trial basis and them adjusted to suit the local requirements and conditions. Once the system is satisfactorily adjusted the contractor shall make fortnightly visits within the establishment period to ensure satisfactory performance of the system and to adjust the watering periods as required. A minimum even coverage of 25mm of water per week is recommended.
2.0 REPORTS
2.1 LANDSCAPE MAINTENANCE REPORT
'Landscape Maintenance Reports' shall be submitted to the Principle Certifying Authority by the contractor verifying that satisfactory maintenance of the landscape works has been undertaken and that any necessary rectification measures have been carried out to a high professional standard. This documentation is to be submitted through the plant establishment period.

D 23/02/24 UPDATE SITE AREA
ISSUE DATE COMMENT
AMENDMENTS

GENERAL NOTES
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned.
All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170
and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.
NOTE
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference.
All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out.
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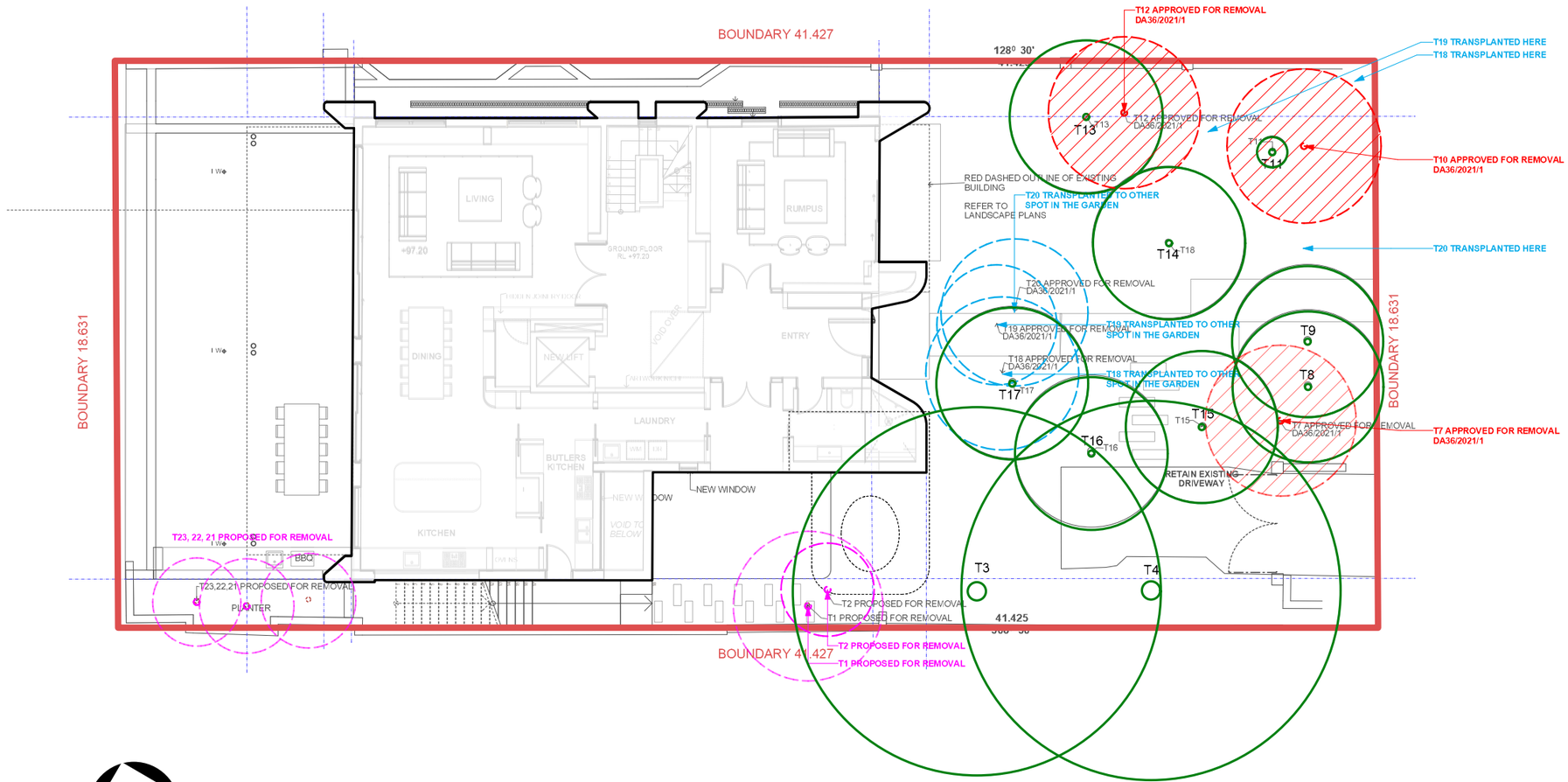
Project PROPOSED LANDSCAPE PLAN
Address 12 March Street, Bellevue Hill
Date 23/02/24
Drawing Title NOTES
Scale NTS
Drawing No. 7192

Page
L-07



EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES APPROVED FOR REMOVAL
- TREES PROPOSED FOR REMOVAL
- TREES PROPOSED FOR TRANSPLANT

0 10 M

EXISTING TREE PLAN
SCALE 1:200

ISSUE	DATE	COMMENT
D	23/02/24	UPDATE SITE AREA

AMENDMENTS

GENERAL NOTES
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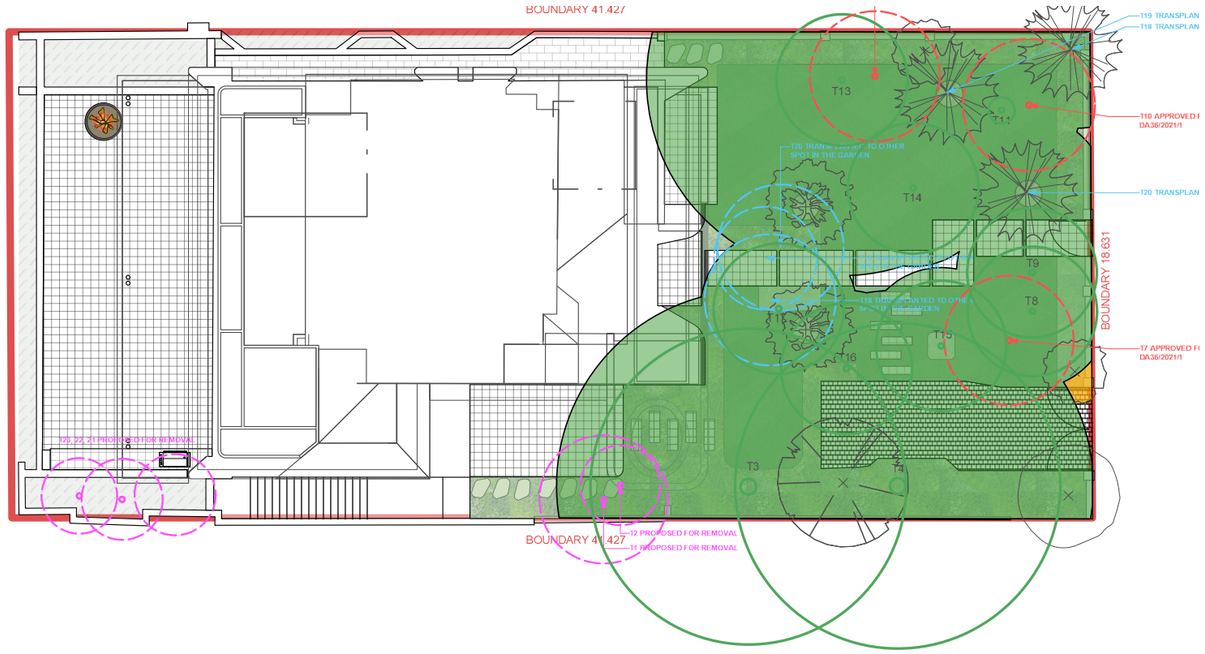
Project	PROPOSED LANDSCAPE PLAN		
Address	12 March Street, Bellevue Hill	Date	23/02/24
Drawing Title	EXISTING TREE PLAN	Scale	1:200
		Drawing No.	7192

Page L-08



SITE AREA	771.8 m²	
REQUIRED TREE CANOPY AREA	270.1m²	35%

		m²	%
	PROPOSED DEEP SOIL LANDSCAPED AREA	248 m²	32.1%
	EXISTING TREE TO BE RETAINED CANOPY AREA	321 m²	41.6%
	PROPOSED TREE CANOPY AREA	1 m²	5.7%
	TOTAL TREE CANOPY AREA	322 m²	45.2%

0 10 M

TREE CANOPY PLAN
SCALE 1:200

D 23/02/24 UPDATE SITE AREA
ISSUE DATE COMMENT
AMENDMENTS

GENERAL NOTES
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned.
All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170
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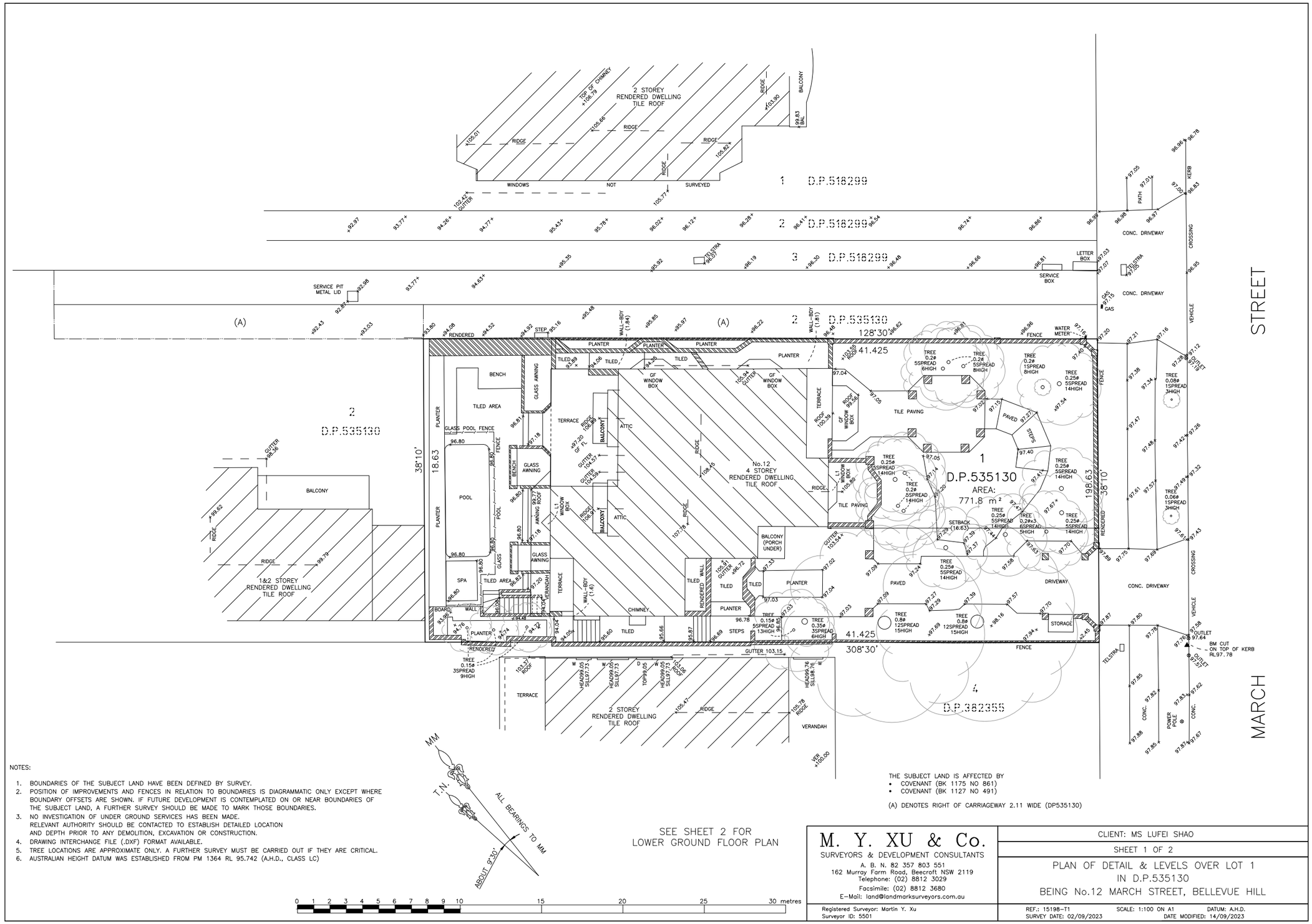
Project PROPOSED LANDSCAPE PLAN
Address 12 March Street, Bellevue Hill Date 23/02/24
Drawing Title TREE CANOPY PLAN Scale 1:200
Drawing No. 7192

Page
L-09



NOTES:

1. BOUNDARIES OF THE SUBJECT LAND HAVE BEEN DEFINED BY SURVEY.
2. POSITION OF IMPROVEMENTS AND FENCES IN RELATION TO BOUNDARIES IS DIAGRAMMATIC ONLY EXCEPT WHERE BOUNDARY OFFSETS ARE SHOWN. IF FUTURE DEVELOPMENT IS CONTEMPLATED ON OR NEAR BOUNDARIES OF THE SUBJECT LAND, A FURTHER SURVEY SHOULD BE MADE TO MARK THOSE BOUNDARIES.
3. NO INVESTIGATION OF UNDER GROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION.
4. DRAWING INTERCHANGE FILE (.DXF) FORMAT AVAILABLE.
5. TREE LOCATIONS ARE APPROXIMATE ONLY. A FURTHER SURVEY MUST BE CARRIED OUT IF THEY ARE CRITICAL.
6. AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 1364 RL 95.742 (A.H.D., CLASS LC)

SEE SHEET 2 FOR LOWER GROUND FLOOR PLAN

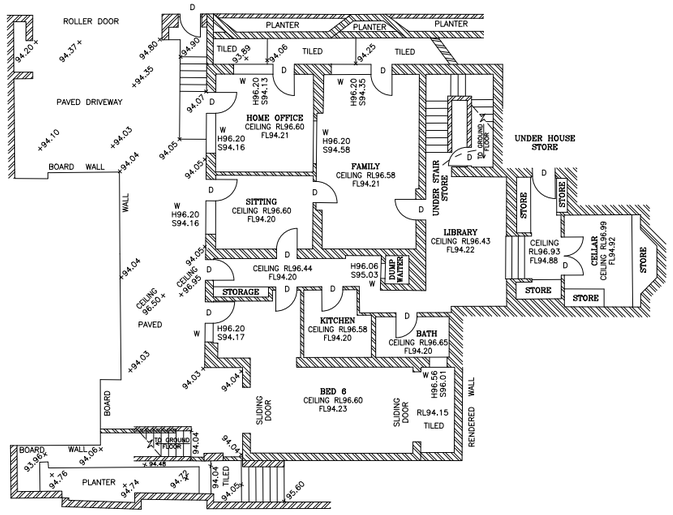
M. Y. XU & Co.
SURVEYORS & DEVELOPMENT CONSULTANTS
A. B. N. 82 357 803 551
162 Murray Farm Road, Beecroft NSW 2119
Telephone: (02) 8812 3029
Facsimile: (02) 8812 3680
E-Mail: land@landmarksurveyors.com.au
Registered Surveyor: Martin Y. Xu
Surveyor ID: 5501

CLIENT: MS LUFEI SHAO

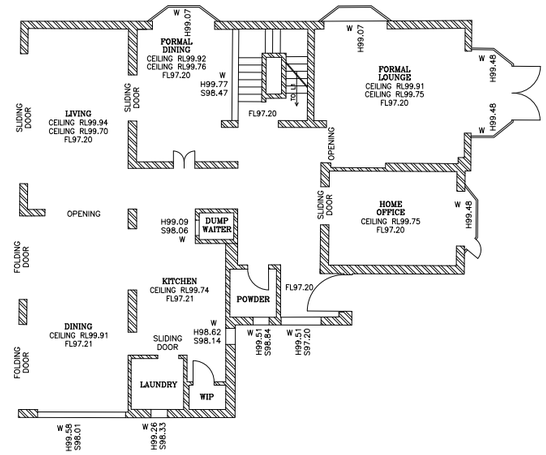
SHEET 1 OF 2

PLAN OF DETAIL & LEVELS OVER LOT 1
IN D.P.535130
BEING No.12 MARCH STREET, BELLEVUE HILL

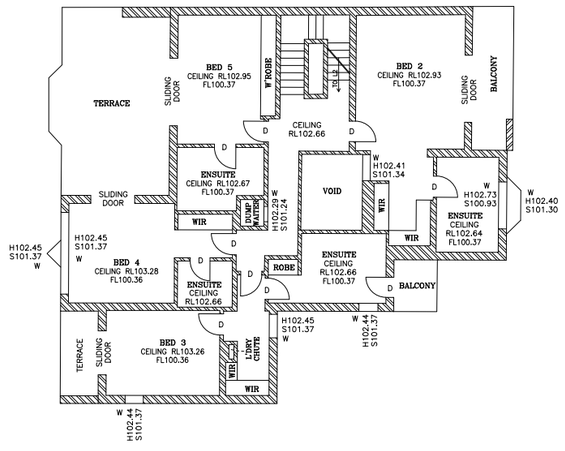
REF.: 15198-T1 SCALE: 1:100 ON A1 DATUM: A.H.D.
SURVEY DATE: 02/09/2023 DATE MODIFIED: 14/09/2023



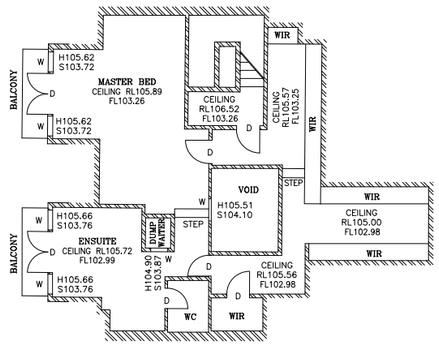
No.12 LOWER GROUND FLOOR PLAN



No.12 GROUND FLOOR PLAN



No.12 FIRST FLOOR PLAN



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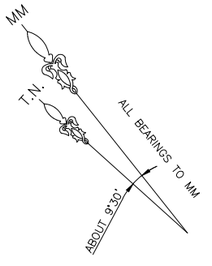

0 1 2 3 4 5 6 7 8 9 10 15 20 25 30 metres

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E-Mail: land@landmarksurveyors.com.au
Registered Surveyor: Martin Y. Xu
Surveyor ID: 5501

CLIENT: MS LUFEI SHAO

SHEET 2 OF 2

PLAN OF DETAIL & LEVELS OVER LOT 1
IN D.P.535130
BEING No.12 MARCH STREET, BELLEVUE HILL

REF.: 15198-T1 SCALE: 1:100 ON A1 DATUM: A.H.D.
SURVEY DATE: 02/09/2023 DATE MODIFIED: 14/09/2023

gsa planning

Woollahra LEP 2014 Clause 4.6 Exceptions to Development Standards – Height of Buildings

Proposed Alterations and Additions to the Existing Dwelling at

No. 12 March Street, Bellevue Hill

Prepared for:
Smith & Tzannes
M1/147-161 McEvoy Street
Alexandria NSW 2015

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
(A.B.N 89 643 660 628)
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JOB NO. 23429
February 2024

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PIA Planning Institute Australia

CPP CERTIFIED PRACTISING PLANNER

gsa planning

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN (LEP) 2014
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Smith & Tzannes

SITE ADDRESS: No. 12 March Street, Bellevue Hill

PROPOSAL: Alterations and Additions to the Existing Dwelling

1. (i) Name of the applicable planning instrument which specifies the development standard:

Woollahra Local Environmental Plan (LEP) 2014

(ii) The land is zoned:

R2 Low Density Residential. The Zone objectives are:

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

(iii) The number of the relevant clause therein:

Clause 4.3 – Height of Buildings which is stated as follows:

(1) The objectives of this clause are as follows—
(a) to establish building heights that are consistent with the desired future character of the neighbourhood,
(b) to establish a transition in scale between zones to protect local amenity,
(c) to minimise the loss of solar access to existing buildings and open space,
(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
(e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
(2A) Despite subclause (2) and clause 4.3A, the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.
(2B) Despite subclause (2) and clause 4.3A, the maximum height of a building on a battle-axe lot on land in Zone R3 Medium Density Residential is 9.5 metres.

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

2. Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of Buildings. This Clause operates in conjunction with the height map which indicates a maximum building height of 9.5 metres applies to the subject site.

The Existing Dwelling
The existing dwelling presents as two storeys with an attic level concealed within the pitched roof form to the street and four storeys (including the attic) to the rear. It has a height of 14.5m from the roof ridge at RL 108.45 AHD to the existing ground level immediately below. This represents an existing departure of 5m or 53% from the building height development standard.

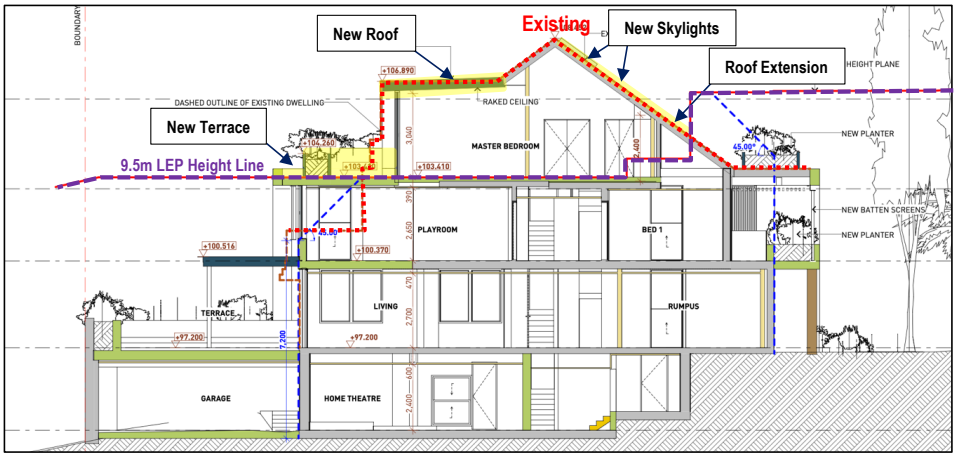
The existing non-compliance relates to the Attic Level and pitched roof form. Due to the existing height breach, it is inevitable that any works to the existing Attic Level or roof form would require a Clause 4.6 Variation.

The Proposal
As indicated, the proposal is for alterations and additions to the existing dwelling. The proposed works above the 9.5m LEP height line include: demolition of internal and external walls, openings, balconies and select areas of the roof; internal upgrades; new rear terrace with a permitter planter; extension of pitched roof at frontage (below the existing dormer to be removed); two new skylights at front; and new pitched roof at rear.

The dwelling will remain as two storeys with the attic level being not visible at the front and four storeys at the rear. There will be no change to the maximum height of the original building. However, due to the existing departure, the internal works to the Attic Level will be above the 9.5m height plane. The internal works will have no effect on the external envelope of the existing dwelling and will not be visible from the surrounding public and private domains.

The external areas of variation relate to the insertion of two new skylights and extension of the principal roof form (below the existing dormer to be removed), along with the construction of a new rear roof and terrace with perimeter planters. The proposed alterations and additions will have a maximum height of 14.5m, measured from the top of the highest skylight to the existing ground line immediately below (see **Figure 1** on the following page). Therefore, the proposal has a maximum height variation of 5m or 53% from the standard, which is the result of the existing building height.

The remaining building works are compliant or substantially below the 9.5m height standard.



Source: Smith & Tzannes

Figure 1: Proposed Section A Demonstrating Maximum Height
(proposed external areas of variation highlighted yellow)

4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

> *Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development…In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.*

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

Objective (a)	*to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
Objective (b)	*to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this particular case. Achieving strict compliance would not be possible for alterations at this level, as the existing dwelling presents a departure from the current building height development standard set out in Woollahra LEP 2014.

The proposed works are modest and are considered to have a better amenity outcome for the future residents, while maintaining neighbours' amenity. The variation facilitates a more consistent Attic Level ceiling height and floor level with improved access to natural lighting and a more useable private open space (POS) area. The external works are predominantly located at the rear and will not significantly alter the appearance of the existing dwelling as viewed from the public domain or surrounding properties. Importantly, the existing maximum building height will be retained, and all new building works will remain lower than and subordinate to the original building. Accordingly, flexibility will achieve a better planning outcome for and from the development.

5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

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

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable height development standard, the proposal achieves the desired low density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development achieves the objectives of the height standard are explained below.

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

'Desired future character' is not defined in the LEP. In *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115 [63] ('*SJD*'), Preston CJ states, inter alia:

> *…the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.*

Accordingly, the desired future character is shaped by the text and context of the LEP and recent approvals in the vicinity. Each of these will now be discussed. The relevant clauses in the LEP which relate to urban character and built form are:

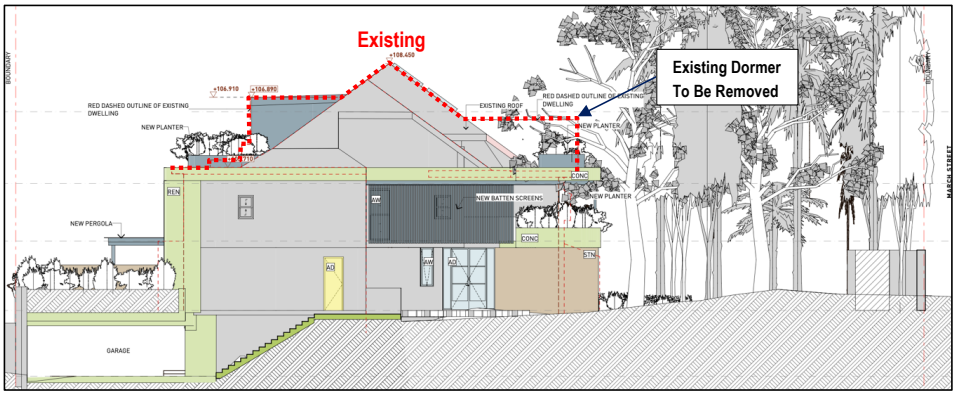
a. *The zoning of the land (Clause 2.2 and the Land Zoning Map);*
b. *The zone objectives (Clause 2.3);*
c. *The land use table (at the end of Part 2); and*
d. *The development standards in Part 4:*
   i. *Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 9.5m; and*
   ii. *Clause 4.4E FSR which prescribes a maximum FSR of 0.5:1.*

The R2 Low Density Residential zoning permits dwelling houses with development consent. The single dwelling use is both existing and proposed on the site. The proposed alterations and additions will significantly upgrade the residential amenity of the existing dwelling and enhance its appearance. The proposal is consistent with the R2 Zone objectives, as detailed in the SEE.

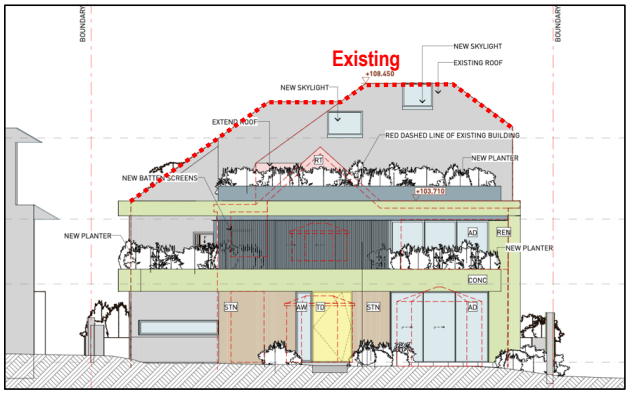
The dwelling will remain as two to three storeys plus an attic with a pitched roof form, with the existing maximum height retained. The new additions will be below the ridge line of the existing built form. Therefore, the overall height will remain as existing, and will be consistent with the desired future character of the neighbourhood.

As indicated, the new works above the LEP height plane are either located internally or predominantly to the rear of the dwelling, except for the two new skylights and the roof extension that will be lower than the existing front dormer to be removed (see **Figure 2** on the following page). Therefore, when viewed from the public domain at March Street, the proposal will maintain a two-storey appearance with a concealed attic level, within the maximum height of the dwelling. In fact, the removal of the front dormer will reduce bulk and scale in the streetscape. This will achieve a height that is consistent with the surrounding context and desired future character of the area.

The majority of the proposal complies with the height standard. The variation will facilitate internal upgrades to the Attic Level; rationalised floor layout; replacement and insertion of two new skylights to the principal roof form; new rear roof form; and a new rear terrace, which will upgrade the internal and external amenity of the dwelling. The new works above the height plane will be compatible with the height, bulk and scale of the existing built form and the surrounding context and will maintain the amenity of surrounding properties. Therefore, the height, bulk and scale are consistent with the desired future character of the area, as per Court Judgement of *SJD DB2 Pty v Woollahra Council* [2020] NSWLEC 1112. The proposal thus achieves objective (d) of the standard.



Western Side



Southern Front

Source: Smith & Tzannes

Figure 2: Proposed Elevations Demonstrating Existing v Proposed Height

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

The subject site is not located in the immediate proximity of any other zones. Nevertheless, the proposal will maintain the existing scale of the property as a two to three storey single residence plus an attic. The existing height of the dwelling, as viewed from March Street, will be retained. The rear roof and terrace additions will maintain the overall bulk and scale of the existing dwelling, being recessed from the lower levels. Furthermore, the front dormer will be removed, reducing bulk and scale in the streetscape. This generally maintains and enhances the dwelling's existing transition in scale between zones to protect local amenity, which achieves objective (b).

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

To assess the effect of the proposed development in terms of solar access, shadow diagrams and view from the sun diagrams have been prepared from 9:00am, 12pm (noon) and 3:00pm for the winter solstice (June 21). These diagrams indicated that the proposed height variation will maintain satisfactory solar access to existing buildings and open space.

At 9:00am, the variation will cast additional shadowing to the garden of No. 10 March Street, however, will retain solar access to most of this POS area. The lounge glazing will have improved solar access, given the removed front dormer.

At 12:00pm and 3:00pm, the variation will retain existing levels of solar access to adjoining development.

Therefore, the proposal minimises the loss of solar access to existing building and open space areas, which achieves objective (c). Furthermore, the proposed skylights above the LEP height plane will increase solar access to the internal areas of the existing building on the subject site.

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

The proposal has been carefully designed to minimise the impacts of the new development on adjoining and nearby properties in respect to views, privacy, overshadowing and visual intrusion. This is detailed below:

Views
Based on an inspection of the surrounding areas, significant views have not been identified across the subject site, as neighbouring properties on this side of March Street appear to obtain primary views across their rear setback. There are also no significant view corridors identified on the DCP maps. The proposed alterations and additions to the Attic Level are located lower than the existing maximum ridge line of the existing built form and remain recessed from the lower levels. Therefore, there is unlikely to be any impact on the views from the height departure.

Privacy
The design and layout of the proposal has been designed to maintain aural and visual privacy for residents of neighbouring sites. Given the continuing residential use of the site, there would not be significant additional noise generation associated with the proposal. Windows and POS above the height plane are orientated to the rear in order to capture views of the harbour and city skyline, away from adjoining neighbours on either side. Regardless, new glazing in the area of variation will achieve greater than 9m sightline separation as per the DCP. Importantly, the rear terrace will remain recessed from the lower levels and bordered by perimeter planter gardens. This will ensure that any sightlines from this terrace will be at least 12m from neighbouring habitable rooms and POS, compliant with the Council's DCP visual privacy controls. Therefore, the proposal maintains the privacy of adjoining and nearby properties.

Overshadowing
Solar access has been addressed in response to objective (c) above. The proposed variation has no overshadowing impact to private open space or windows.

Visual Intrusion
As indicated, the proposal retains the overall maximum building height of the existing dwelling, and all new works are below the existing ridgeline. Additionally, most of the proposed works are compliant and below the 9.5m height plane, as well as being contained within the inclined plane pursuant to Council's DCP. At the frontage, the envelope above the height line will be reduced overall given the deletion of the front dormer. At the rear, the additional envelope relates to a new rear roof and terrace which will remain subordinate to the original building envelope and not readily visible from March Street. The rear additions are recessive in bulk and scale, include a landscape buffer and are set back substantially from lower levels and neighbouring properties. Furthermore, the proposed internal floor space maintains the existing minimum setbacks, measured to the façade. Given the existing maximum heights at all elevations will be retained, the development will not be visually intrusive.

In summary, the skilful design of the proposal and retention of the existing maximum building height ensure the impacts of new development on adjoining or nearby properties are minimised, with respect to views, privacy, overshadowing and visual intrusion. This achieves objective (d).

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

Based on a site inspection and Council's DCP, there are no known public views of the harbour and surrounding areas from the public domain across the site. As the proposal retains the existing overall building height and the new additions are sited below the existing ridge line, there is not expected to be any impact to public views. Therefore, the proposal achieves objective (e).

Accordingly, although the proposal will exceed the height control, this is unlikely to have any significant impacts as the departure is primarily as existing.

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

The proposal is permissible in the R2 Zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established by the Court in *Wehbe*. There are sufficient environmental planning grounds to justify the height variation, including an existing non-compliance, contextual compatibility, enhanced internal and external amenity, and achievement of the height objectives.

Existing Non-Compliance

The proposed height non-compliance area is associated with the Attic Level and roof, which is currently located above the LEP height development standard. Therefore, it is inevitable that any improvement works to the Attic Level would also require a Clause 4.6 Variation. Importantly, the proposal retains the overall height of the existing building and ensures that the majority of new works are complaint and well below the 9.5m LEP height plane. The development will remain compatible with the existing and desired future character of the area as there will be no change to the existing maximum building height.

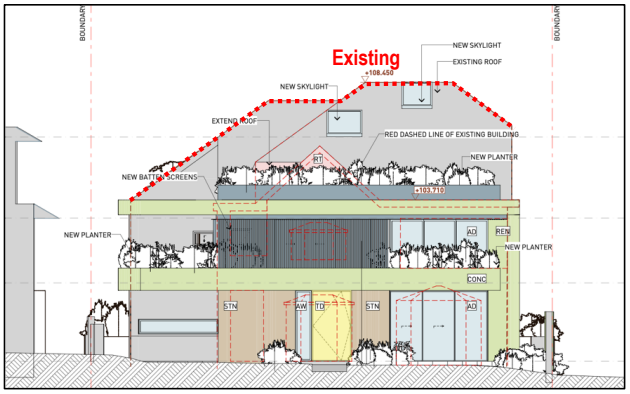
Given the nature of alterations and additions, strict compliance with the standard would not be possible due to the existing height variation. It would require the demolition of the existing Attic Level and roof, which would not be an appropriate planning outcome.

Contextual Compatibility and Consistency with Desired Future Character

As indicated, there will be no change to the overall maximum height of the existing building. The proposed internal and external works will not significantly increase the bulk and scale of the existing building. This is as the proposed works above the LEP height plane are discreetly located.

At the frontage, the proposal will retain the two-storey appearance with a concealed attic level. The extension of the principal roof form will be lower than the existing dormer to be removed and will provide an architecturally consistent pitched roof form. Additionally, the insertion of two new skylights on this roof plane is not inconsistent with the Bellevue Hill North Precinct and will offer improved internal amenity, as discussed. At the rear, the proposal will retain the three-storey appearance plus an attic and provides a consistent setback measured to the rear façade of the Attic Level, along with a new rear roof and terrace which remain recessed from the lower levels. These contemporary additions will not be visible from the public domain (see **Figure 3** on the following page). Therefore, the proposal represents a built form that

reinforces the bulk and scale at the street frontage and is consistent with the context within the context of the Bellevue Hill North Precinct. It will also be compatible with the area's desired future character.



Source: Smith & Tzannes

Figure 3: Proposed Southern Front Elevation

Good Internal and External Amenity

The proposed height variation is considered to have a better amenity outcome for the residents. The proposed height variation will accommodate two new skylights to the front roof plane of the existing dwelling. These skylights will improve internal amenity to the Attic Level by providing natural light to the dressing room and stair landing. This is particularly important as these areas do not have other external openings. It will also reduce the reliance on artificial light, which will facilitate ecologically sustainable development principles and achieve object (b) of the EPA Act.

The existing Attic Level has multiple steps and small balconies. The proposal will rationalise the internal design to enhance the amenity of the master bedroom. The adjusted floor level and construction of a new rear roof will upgrade the usability of the master bedroom with a more consistent ceiling height. Additionally, the adjusted floor level and new single terrace with permitter landscaping will provide level access between the proposed internal and external spaces and deliver overall improvements to future occupants' amenity.

Achievement of the Height Objectives

Despite the numeric building height variation, the proposal has been demonstrated to achieve the objectives of the development standard, especially through locating all new works at a lower elevation than the existing maximum ridge. This indicates that the height breach is technical and appropriate in the locality, having achieved all the objectives of the standard. Therefore, the achievement of the building height objectives is considered one of the sufficient environmental planning grounds.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

6. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the building height standard and the objectives of the R2 Low Density Residential Zone pursuant to the LEP. On that basis, the request to vary Clause 4.3 should be upheld.

Table 1: Compliance Matrix				
Para (*Initial Action*)	**Requirement**	**Section of this Report**	**Summary**	**Satisfied**
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.3: Height of Buildings	
12	What is the control	1 & 2	9.5m	
14	**Precondition to Enlivening the Power** – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	**1st Positive Opinion** – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	**First Aspect is Clause 4.6(3)(a)** - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in *Wehbe*.	5.1	The proposal satisfies Test 1 of *Wehbe*: • The objectives of the standard are achieved notwithstanding the non-compliance with the standard.	YES
23-24	**Second Aspect is Clause 4.6(3)(b)** – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include, inter alia: • There is an existing height non-compliance. The proposal does not increase the existing maximum building height; • The proposal is contextually compatible with the surrounding area and achieves the desired future character; • The variation maintains privacy, solar access and views for neighbours; • The height variation will improve the internal and external amenity of the existing Attic Level; and • The proposed height facilitates a low density development and achieves the objectives of the height standard.	YES
26-27	**2nd Positive Opinion** – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.	6	The proposed development achieves the objectives of the height standard as addressed under Test 1 of *Wehbe*. The proposal also achieves the objectives of the R2 Low Density Residential Zone.	YES

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Woollahra LEP 2014 Clause 4.6 Exceptions to Development Standards – Floor Space Ratio (FSR)

Proposed Alterations and Additions to the Existing Dwelling at

No. 12 March Street, Bellevue Hill

Prepared for:
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M1/147-161 McEvoy Street
Alexandria NSW 2015

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CPP CERTIFIED PRACTISING PLANNER

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN (LEP) 2014
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Smith & Tzannes

SITE ADDRESS: No. 12 March Street, Bellevue Hill

PROPOSAL: Alterations and Additions to the Existing Dwelling

1. (i) Name of the applicable planning instrument which specifies the development standard:

Woollahra Local Environmental Plan (LEP) 2014

(ii) The land is zoned:

R2 Low Density Residential. The zone objectives are:

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

(iii) The number of the relevant clause therein:

Clause 4.4E – Exceptions to floor space ratio – dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3, which is stated as follows:

4.4E Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3

(1) The objectives of this clause are as follows—
(a) to ensure the bulk and scale of development is compatible with the desired future character of the area,
(b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
(c) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.

(2) This clause applies to land in the following zones—
(a) Zone R2 Low Density Residential,
(b) Zone R3 Medium Density Residential.

(3) The maximum floor space ratio for a dual occupancy, dwelling house or semi-detached dwelling is—
(a) for land identified as "Area 6" on the Floor Space Ratio Map—0.75:1, or
(b) for other land—the floor space ratio specified for the lot size in the table to this subclause.

Lot size	***Maximum floor space ratio***
<150m²	*1.05:1*
≥150m²<200m²	*0.95:1*
≥200m²<250m²	*0.85:1*
≥250m²<300m²	*0.75:1*
≥300m²<350m²	*0.65:1*

≥350m²<400m²	*0.55:1*
≥400m²	*0.5:1*

(4) This clause does not apply to a dual occupancy, dwelling house or semi-detached dwelling in the Paddington, Watsons Bay or Woollahra heritage conservation areas identified on the Heritage Map.

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

2. Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.4E – Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3 of the LEP. This clause determines the maximum FSR 0.5:1 for the development which equates to a maximum gross floor area (GFA) of 385.9m^2. Clause 4.4E is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The existing dwelling has a GFA of 601m^2 and an FSR of 0.78:1 which exceeds the development standard. As such, the variation as a result of this development application relates to an existing non-compliance. In fact, the proposal will reduce the existing GFA by 3m^2, with an overall GFA of 598m^2 and an FSR of 0.77:1 (see **Figure 1** on the following page).

The proposal will enhance future occupants' amenity while simultaneously improving the the site's relationship with the street and neighbours by upgrading the building's appearance with new articulation elements, privacy screening, increased deep soil vegetation and soft landscaping, with all works being located no higher than the existing roof ridge and largely contained within the existing building envelope, with minor increases and reductions in select locations. Therefore, the proposed GFA will not negatively affect the appearance of site from surrounding public and private domains.

Importantly, the dwelling will continue to have a compatible bulk and scale with neighbouring properties, which will maintain amenity. As indicated, there is an overall reduction in floor space compared to the existing situation. Furthermore, the areas of variation are below the existing building height and will not add bulk as viewed from March Street. In fact, bulk and scale will be reduced in the streetscape given the deleted floor space from the top level of the front elevation (see **Figure 1** on the following page).

Source: Smith & Tzannes

Figure 1: Diagram Showing Existing and Proposed GFA Calculations

4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

> *Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development…In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.*

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

Objective (a)	*to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
Objective (b)	*to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Flexibility is sought in the application of the FSR development standard to the proposed development in the circumstance of this particular case, especially considering the proposal will reduce the existing GFA. In our view, the proposed FSR is appropriate in the locality irrespective of the extent of variation.

The proposal has been designed to ensure that neighbour amenity is maintained. The sensibly located alterations and additions will not adversely impact the public domain, as apart from the Ground Floor, the proposed areas of additional floor space will be located at the rear of the building, not visible from March Street. The envelope extension at front of the Ground Floor is located within part of an existing recess, providing an architecturally consistent appearance which is also softened by the existing and proposed landscaping. Additionally, at the rear, the areas of new floor space will maintain the existing minimum rear setback for that level. This sympathetic approach and the retained building height will achieve contextual compatibility with March Street and the Bellevue Hill North Precinct.

The proposed FSR variation allows for architecturally designed alterations and additions that upgrade internal amenity, but also retain a similar streetscape presentation, continuing to provide a three-storey dwelling plus an attic level within the pitched roof form. This remains contextually compatible with the existing and recently approved developments in the neighbourhood. It will enhance residents' amenity and contribute to the evolution of residential building styles encouraged in the Bellevue Hill North Precinct, including many recently approved and constructed dwellings of similar scale.

By reducing the existing FSR breach, the proposal will maintain a positive relationship with adjoining developments, as demonstrated in the SEE. To protect the streetscape and neighbour amenity, the proposed floor space is predominantly contained within the existing envelope and located at the rear of the site. This will maintain an appropriate presentation to the public domain and remain compatible with the bulk and scale of nearby dwellings.

We consider the FSR variation to offer a better planning outcome, especially as it provides improvements to the dwelling while remaining within the existing GFA. This is because it also remains visually compatible with adjacent dwellings. Thus, the variation relates well to the public domain and visual amenity. In our opinion, as the proposal is consistent with the provisions of Clause 4.6, the variation is acceptable in this instance.

5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

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

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable FSR development standard, the proposal achieves the desired low density character of the area. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development achieves the objectives of the FSR standard are explained below.

(a) To ensure the bulk and scale of development is compatible with the desired future character of the area,

'Desired future character' is not defined in the LEP. In *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115 [63] ('*SJD*'), Preston CJ states, inter alia:

> *…the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.*

Accordingly, the desired future character is shaped by the text and context of the LEP and recent approvals in the vicinity. Each of these will now be discussed. The relevant clauses in the LEP which relate to urban character and built form are:

a. *The zoning of the land (Clause 2.2 and the Land Zoning Map);*
b. *The zone objectives (Clause 2.3);*
c. *The land use table (at the end of Part 2); and*
d. *The development standards in Part 4:*
   i. *Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 9.5m.*
   ii. *Clause 4.4E Exceptions to Floor Space Ratio – dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3 which prescribes a maximum FSR of 0.5:1.*

The R2 Low Density Residential zoning envisages a wide range of uses and built forms on the site which promotes the eclectic desired future character. The permissible uses are:

> *Attached dwellings; Bed and breakfast accommodation; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies;* ***Dwelling houses****; Environmental protection works; Group homes; Home occupations (sex services); Information and education facilities; Office premises; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Shops; Tank-based aquaculture*

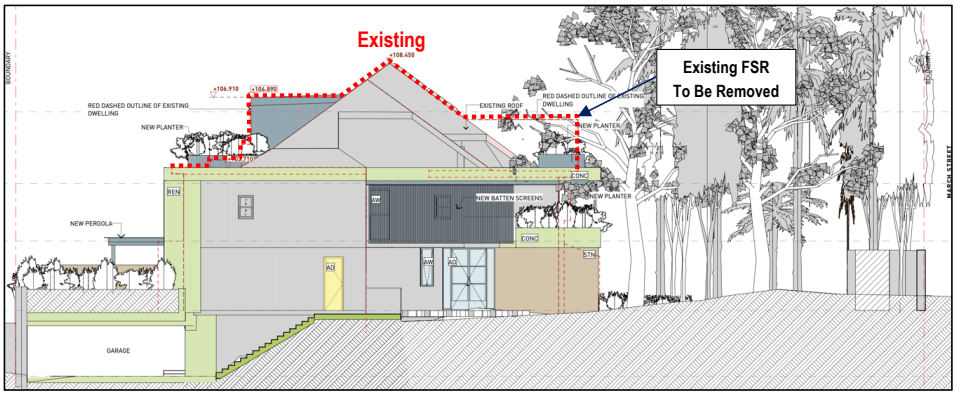
The proposal will contribute to the eclectic mix of permissible uses in the R2 Zone. The proposal reduces the existing GFA with only limited alterations to the existing building envelope. It also maintains the maximum building height, along with the two-storey appearance with an attic level concealed within the pitched roof form as viewed from March Street and the three-storey appearance (plus an attic) from the rear. In fact, bulk and scale will be reduced in the streetscape as floor space is removed from the front of the attic level (see **Figure 2** on the following page). Therefore, the FSR variation will maintain the dwelling's compatibility with low-density development on March Street. In other words, the height and envelope are compatible with these buildings and the area's desired future character as per Court Judgement of *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112. In this judgement, Clay AC notes at [69]

> *The desired future character in my opinion must take into account the form of the buildings to the east which the Council approved under effectively the same controls as present. Those buildings exceed the height and floor space ratio controls. As the Applicant pointed out in submissions, this is not a case where there is an adjacent development approved and constructed many years ago which sits as an anomaly in the street. The developments under construction represent the recently expressed attitude of the Respondent to the controls and what is desired in this part of Cross Street.*

This approach was confirmed in the appeal of this case by Preston CJ that the desired future character should be informed by nearby and future development and not limited to development standards. March Street and Bellevue Hill is characterised by detached dwellings of various ages and styles, some exceeding the current FSR standard (some of these also exceed the height standard). As indicated, the existing streetscape appearance is generally retained and improved. As the reduced FSR is contained within the existing building height and generally within the existing envelope, the proposal will appear contextually compatible.

Accordingly, with an FSR less than the existing situation, the careful location of massing ensures consistency with the locality's height, bulk, scale and eclectic developments, maintaining an appropriate visual presentation. The dwelling's perceived size and scale will remain relatively unchanged, compatible with the existing and desired future character.

We therefore consider contravening the development standard to provide additional residential amenity with an appropriate level of visual and environmental amenity is justified.



Source: Smith & Tzannes

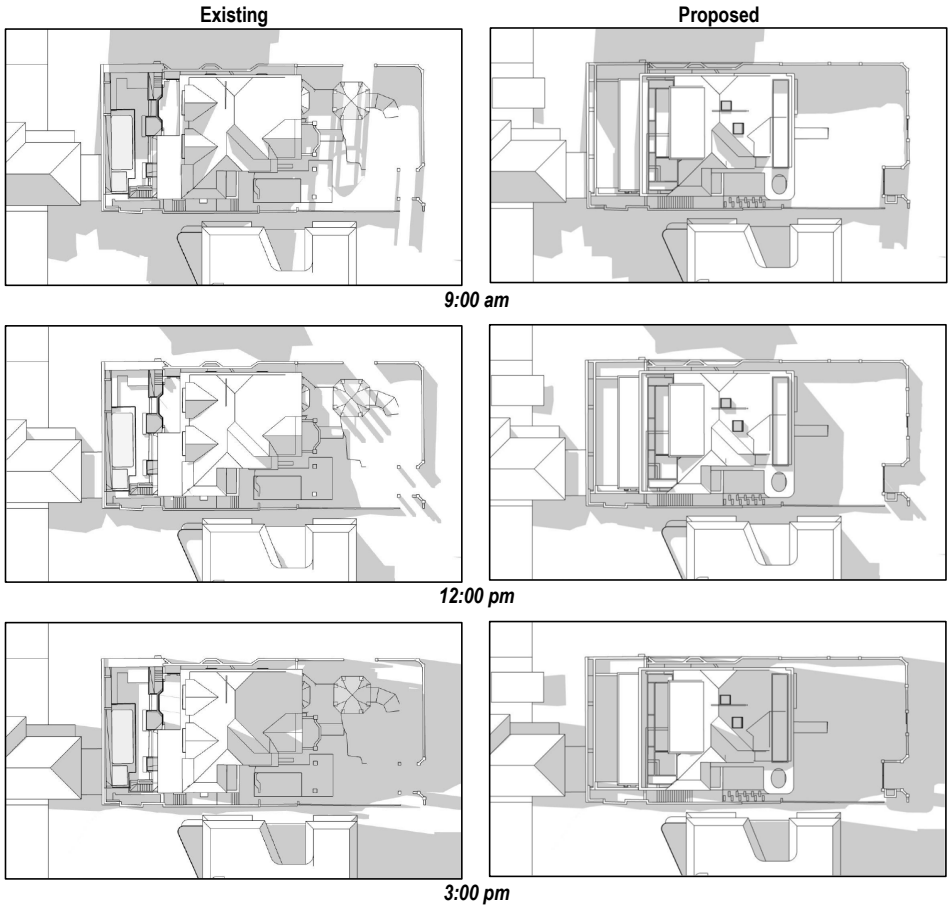
Figure 2: Proposed Elevations Demonstrating Existing v Proposed Height

(b) To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

As outlined in the SEE, the proposal has been carefully designed to maintain neighbour amenity. As demonstrated previously, the floor space variation will not significantly contribute to the building's perceived scale from neighbouring properties, as it is a reduction from the existing situation and predominantly contained within the existing building envelope or maintains the existing minimum setbacks for each level. The sensible design remains below the existing roof ridge and is complement by the improved landscaped character.

Privacy is expected to be maintained by the proposed FSR. New windows associated with the proposed floor space, in particular that at the First Floor and Attic Levels complies with the 9m sightline controls where applicable. Therefore, compliant privacy is provided.

As the proposed GFA is predominantly contained within the existing envelope and located to the north-east, it has been demonstrated to maintain compliant solar access to habitable rooms and private open space of adjoining development (see **Figure 3** on the following page).



Source: Smith & Tzannes

Figure 2: Existing and Proposed Solar Access Diagrams

Similarly, for the above reasons, the FSR variation, which is reduced by the proposal, is not expected to have additional impacts on views, compared to the existing situation.

In terms of the public domain, as indicated, the street façade will be enhanced. Solar access is also retained similar to the existing. The height of the proposal also sits below the maximum height of the building. Therefore, as the proposal is limited within the existing height and as the areas of new floor space do not reduce the existing minimum setbacks, it will not pose an impact to public views.

In our opinion, the proposal will maintain the environmental amenity of neighbouring properties and the locality and satisfy Objective (1)(b).

(c) To ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.

Notwithstanding the FSR variation, the proposal provides an additional 19m^2 of deep soil landscaping (13% increase), along with additional soft landscaping within the built form. No tree removal is due to the FSR change, and new trees as part of the upgraded landscape design are proposed. Ample, compliant private open space area is also provided.

Hence, the variation achieves Objective (1)(c).

Accordingly, although the proposed alterations and additions will exceed the FSR, this is due to the existing exceedance and has been designed to avoid adverse impacts.

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are sufficient environmental planning grounds to justify the FSR variation, including the extent of FSR breach, contextual compatibility and consistency with the desired future character, good design and amenity, and achievement of the FSR objectives.

Reduction in Existing FSR Breach
As discussed throughout, the FSR exceedance is an existing situation. As the proposal is for alterations and additions, a non-compliant GFA is reasonably expected. Nonetheless, the proposal offers design and amenity improvements to the existing dwelling while ameliorating the existing situation, by reducing existing the GFA by 3m^2. Given the proposal is for alterations and additions to an existing dwelling that pre-dates current controls, it would be unreasonable and unnecessary to impose strict compliance. Strict compliance with the standard would create a drastic and significant removal in the existing built form of the dwelling, which is likely to be incompatible with neighbouring properties or the streetscape.

Contextual Compatibility and Consistency with Desired Future Character
The proposal is permissible in the R2 Low Density Residential Zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established in Wehbe. The existing total floor space is reduced, is below the existing building height, and the proposal includes upgrades to the front façade which improve the appearance of the site from March Street. This includes a reduction in bulk and scale in the streetscape.

The variation is not only contextually compatible when viewed from the street, but also from neighbouring sites. The proposal provides an appropriate relationship with immediate neighbouring buildings in the same visual catchment. The variation appears visually consistent as viewed from the street, side and rear by ensuring the minimum setbacks measured to the façade are maintained by the proposed floor space. Alternatively, if the proposal were to comply with the FSR by providing voids, this would result in an awkward architectural design and there would be no change in compatibility.

The design, form and scale of the building is complementary to, and compatible with, the prevailing design of new dwellings in this locality and contributes to the landscape setting of March Street with increased deep soil planting and additional soft landscaping. The contemporary renovation provides upgraded internal living spaces, positively contributes to the local housing stock and character, and is of a scale to both existing and desired future developments in the area. The variation maintains the existing two-storey appearance with a concealed attic level when viewed from March Street.

In Initial Action v Woollahra Municipal Council [2019] NSWLEC 1097, Commissioner O'Neill states at [42], inter alia:

> *I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).*

This report demonstrates that by proposing a total GFA that remains less than the existing situation, it will be compatible with nearby developments. The contravention will not be easily noticeable from the public domain or surrounding sites and therefore will not impact the streetscape amenity or existing characteristics of the area. Being less than the existing, the proposed FSR exceedance, will maintain neighbour amenity and will not be out of character with surrounding properties in terms of bulk or scale, nor will it be incompatible with the area's desired future character.

Good Design and Amenity

The proposal allows for the dwelling to achieve the objective of the EP&A Act relating to the good design and amenity of the built environment. The proposed alterations and additions are predominantly located towards the rear of the site and utilise the existing building envelope, while minimising any potential additional visual bulk and enhancing the degree of articulation at all elevations.

In this case, by reducing the floor space variation, the proposal enhances the site appeal with architecturally designed alterations and additions that will maintain the relationship with surrounding developments. The development will positively address the street by removing floor space from the top, accommodating the floor space within the existing maximum building height and maintaining the existing or compliant setbacks. Our assessment has also demonstrated that the proposal will maintain compliant levels of privacy, views and solar access for neighbours and the locality.

The variation enables reasonable development of the site to meet the modern living requirements of future occupants. The proposed FSR variation will improve the appearance in the street and maintain a similar bulk at the rear, and therefore can be considered acceptable. It increases the longevity of the existing house with an appropriate level of amenity and contemporary living spaces for residents. This is especially considered a better planning outcome as the design amendment results in a reduced GFA.

Achievement of the FSR Objectives

Despite the numeric variation in FSR, the proposal has been demonstrated to achieve the objectives of the development standard, especially through reducing the extent of exceedance. This indicates that the FSR breach is technical and appropriate in the locality, having achieved all the objectives of the standard. Therefore, the achievement of the FSR objectives is considered one of the sufficient environmental planning grounds.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

6. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following pages).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the R2 Low Density Residential Zone pursuant to the LEP. On that basis, the request to vary Clause 4.4E should be upheld.

Table 1: Compliance Matrix				
Para (*Initial Action*)	**Requirement**	**Section of this Report**	**Summary**	**Satisfied**
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.4E: Exceptions to floor space ratio – dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3	
12	What is the control	1 & 2	0.5:1	
14	**Precondition to Enlivening the Power** – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	**1st Positive Opinion** – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	**First Aspect is Clause 4.6(3)(a)** - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in *Wehbe*.	5.1	The proposal satisfies Tests 1 of *Wehbe*: • The objectives of the standard are achieved notwithstanding the non-compliance with the standard.	YES
23-24	**Second Aspect is Clause 4.6(3)(b)** – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include, inter alia: • As alterations and additions, the proposed FSR variation is less than the existing situation; • The variation appears visually consistent as viewed from the front, sides and rear as it is maintains the existing minimum setbacks and maximum building height; • Despite the non-compliance, the proposal increases deep soil planting and soft landscaping; • The proposal is similar to other dwellings in the neighbourhood, including many dwellings that are existing, recently approved and constructed; • The variation seeks to promote good design and increase the longevity of an existing residence; • The variation maintains privacy, solar access and views for neighbours; and • The proposed FSR facilitates a low density development and achieves the FSR objectives of the standard.	YES
26-27	**2nd Positive Opinion** –	6	The proposed development achieves the objectives of the FSR	YES

	That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.		standard as addressed under Test 1 of *Wehbe*. The proposal also achieves the objectives of the R2 Low Density Residential Zone.	

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24 April 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 441/2023/1
ADDRESS:	12 March Street BELLEVUE HILL 2023
PROPOSAL:	Extensive alterations and additions to the existing dwelling including a new swimming pool and associated landscaping
FROM:	Mr W Huynh
TO:	Mr G Lloyd

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Revised Statement of Environment Effects, referenced 23429-Rev D, prepared by GSA Planning, dated 26/03/2024.
- Architectural Plans, referenced 23_019-Rev C, prepared by Smith & Tzannes, dated 25/06/2024.
- Survey Plan, referenced 15198-T1, prepared by M. Y. XU & Co., dated 14/09/2023.
- Stormwater Management Plan, referenced 23.164-Rev B, prepared by E2 Design, dated 01/03/2024.
- Geotechnical Report, referenced G24010BH-R01F, prepared by Geo-Environmental Engineering, dated 12/03/2024.
- Easement Rejection Letters, unreferenced, dated 10/03/2024.

3. ASSESSMENT

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

a. Site Drainage comments

This property falls towards the rear and is considered a low level property. Evidence has been submitted demonstrating refusal to grant an interallotment drainage easement from the downstream owners. The layout of the site is unsuitable for on-site absorption due to the proximity of existing structures. In this regard, a pumpout system will be installed as a method of stormwater disposal to the street drainage system. The proposed combined capacity of the rainwater tanks are satisfactory which complies with Chapter E2.2.9 of the Council's DCP.

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Stormwater runoff from the site 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 discharge into the kerb and gutter.

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 replace an existing carport with a garage as part of this application. This parking arrangement is accessed from a shared, private driveway off March Street located on another lot. The applicant also seeks to make alterations to the private driveway located within the subject site, and it is noted from the submitted architectural plans that there are no proposed changes to the existing vehicular crossing located on the March Street frontage. Based on Council's own assessment, the existing vehicular crossing, layback and gutter is deemed to be serviceable. Therefore, the applicant is not required to upgrade the existing crossing as part of this application.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

The proposed vehicular access and parking arrangements are considered satisfactory.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Geo-Environmental Engineering, Ref: G24010BH-R01F, dated 12 March 2024, has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 1 metres from the existing ground surface for the proposed lift shaft. It is noted that an in-ground swimming pool is mentioned within the report however this has since been deleted on the revised architectural drawings.

The report identified that the subsurface conditions as:
a) Fill comprising silty sand to a depth of 1.0m, 0.8m, 0.4m and 0.3m in BH1, BH2, BH3 and BH4 respectively.
b) Depth of natural sand with various density from a depth beneath the fill to a termination depth of 3.5m, 4.2m, 1.6m, and 1.6m in BH1, BH2, BH3 and BH4 respectively.
c) Sandstone bedrock was not encountered during the investigation.
d) Groundwater was not observed during the investigation, and is not expected to be encountered by the proposed excavation.

The report made comments and recommendations on the following:
- *Shoring and support,*
- *Vibration Monitoring,*

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- *Excavation method,*
- *Further Geotechnical input.*

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

4. RECOMMENDATION

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

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting documents

Reference	Description	Author	Date
G24010BH-R01F	Geotechnical Report	Geo-Environmental Engineering	12/03/2024
23.164 SW1-Rev A SW2-Rev B SW3-Rev A	Stormwater Management Plans	E2 Design	 12/02/2024 01/03/2024 12/02/2024

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)	$64,900	No	T115

B. 16.	**Dilapidation Reports for Existing Buildings**
	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. These properties must include (but is not limited to): a) No. 10 March Street b) No. 12A March Street 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

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	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. 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. 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). **Notes:** • 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.
	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.

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.	**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 and to the satisfaction of Council's Assets Engineers.

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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 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 *Environmental Planning and Assessment Act 1979*			
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 *Local Government Act 1993*			
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

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	the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. **Notes:** • ***Road*** has the same meaning as in the Roads Act 1993. • Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent. • Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically: • Construction of driveways and/or new or alterations to footpath paving • Alteration and/or extension to Council drainage infrastructure • Alteration and/or addition of retaining walls • Pumping of water to Council's below ground stormwater system • Installation of soil/rock anchors under the roadway • Installation of Stormwater outlet pipes across the nature strip • An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate. • Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following: • Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment. • Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services. • All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances. • The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".

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	• Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D.25 Erosion and Sediment Control Plan – 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**
	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.

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	These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide 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: • 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors
D.45 Parking Facilities

D 51.	**Stormwater Management Plan**
	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: a) General design in accordance with stormwater management plans, referenced 23.164-Rev B, prepared by E2 Design, dated 01/03/2024, other than amended by this and other conditions. b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply

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	with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb of March Street via the boundary junction pit. The kerb discharge 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. d) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) with a minimum storage volume of 55.6m^3 to comply with Chapter E2.2.9 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Overflow from the RWT must be directed to the proposed pump out system or the boundary junction pit by gravity. Notation to this requirement must be clearly depicted on the drawings. f) A pump out system with minimum storage volume of 16.3m^3 must be installed to collect any rainwater tank overflow and surface runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a minimum 600x600mm boundary junction pit prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3. g) 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. 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) 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. k) Dimensions of all drainage pits and access grates must comply with AS3500.3. l) Compliance with the objectives and performance requirements of the BCA. m) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Rainwater Tank (RWT) Requirements** The minimum storage volume for the required rainwater tank (RWT) must be 55.6m^3 and the Permissible Site Discharge (PSD) for the proposed development must not exceed 20l/s.

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	The Stormwater Management Plan must also include the following specific requirements: **Layout Plan** A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include: a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location of proposed rainwater tanks. c) All invert levels reduced to Australian Height Datum (AHD). d) Location and dimensions of all drainage pits. e) Point and method of connection to Councils drainage infrastructure. f) Overland flow paths over impervious areas. **Rainwater Reuse System Details:** a) Any potential conflict between existing and proposed trees and vegetation. b) Internal dimensions and volume of the proposed rainwater storage. c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures. d) Details of access and maintenance facilities. e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products. f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.

D.52 Non-gravity Drainage Systems

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

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F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance
F.11 Maintenance of Environmental Controls
F.12 Compliance with Geotechnical/Hydrogeological Monitoring Program
F.13 Support of Adjoining Land and Buildings
F.14 Vibration Monitoring
F.15 Erosion and Sediment Controls – Maintenance
F.17 Disposal of Site Water during Construction
F.19 Site Cranes
F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

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**
	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: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tank and pump out system, c) 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, d) that the as-built rainwater retention and reuse system has been plumbed for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc, e) that a rainwater tank with minimum storage of 55.6m^3 has been constructed in accordance with the approved stormwater plans, f) that a pump out system with minimum storage capacity of 16.3m^3 has been installed to comply with AS3500.3, g) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, h) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, i) pipe invert levels and surface levels to Australian Height Datum, and j) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant 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 rainwater retention and reuse system, and pump out

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	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 **Notes:** • 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.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

H. OCCUPATION AND ONGOING USE

H 29.	**Ongoing Maintenance of the Rainwater Retention and Reuse System and Pump Out System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily retained and detained 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. The owner: 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

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	obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

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30 May 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO:	**Development Applications:** 441/2023/1
ADDRESS:	12 March Street BELLEVUE HILL 2023
PROPOSAL:	Extensive alterations and additions to the existing dwelling including a new swimming pool and associated landscaping
FROM:	
TO:	Mr G Lloyd

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by Smith & Tzannes, dated February 2024
- Survey Plan, drafted by M. Y. XU & Co, dated 14 September 2023
- Architectural Drawings, drawn by Smith & Tzannes, dated 23 February 2024
- Arboricultural Impact Assessment Report, written by George Palmer, dated November 2024
- Landscape Plans, designed by Site Design & Studios, dated 23 February 2024

A site inspection was carried out on 26 January 2024.

3. RELEVANT CONTROLS

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

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4. SUMMARY

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

5. COMMENTS

The Tree and Landscape team provided detailed comments on the 2 February 2024 in relation to the proposed tree removal and retention. Objections were raised to the proposed removal of 12 trees within the front yard. Specifically trees 1, 2, 3, 4, 12, 13, 14, 15, 16, 18, 19 and 20 were not supported for removal as they were assessed as being medium to high landscape significance and retention value and worthy of retention.

It is noted that the design has since been amended and now includes the retention of trees 3, 4, 13, 14, 15, 16, 18. The works proposed within the Tree Protection Zones (TPZ) is limited to Landscape upgrade works which is not expected to impact on the tree provided tree sensitive construction methods and tree protection measures are implemented in accordance with the below conditions.

It is noted that trees 12 and 18 were previously approved for removal under Development Application DA/36/2021/1 which was not known at the time when the original referral comments were provided. As such, these trees are now supported for removal through this Development Application.

Trees 19 and 20 were also previously approved for removal but are now proposed to be transplanted into new locations within front yard. The trees have been identified as Bangalow Palms which are a species that is generally successful when transplanted. Therefore, no objection is raised to the transplanting of these palms.

Trees 1 and 2 are still proposed for removal as they are located within the footprint of the new first floor awning. This is accepted due to the design amendments which have been made to include retention of the trees detailed above. The removal of these trees will have minimal impact on the overall amenity and canopy cover of the site now that majority of the trees in the front yard will be retained.

The previous referral comments also requested further information on the proposed canopy cover within the site and requested a plan demonstrating that the 35% canopy target would be satisfied.

A review of the revised Landscape Plans notes that the proposal will provide 322m² or 45.2% canopy cover within the site which satisfied the DCP requirements.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.	**Approved Plans and Supporting Documents**
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.

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Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author	Date
L-01 – L09	Landscape Plan	Site Design & Studios	23/2/24

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

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

Standard Condition A.2 (Autotext 2A)

A. 2. Tree Preservation and Landscaping Works

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

a) The following trees must be retained:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	14 x 9
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	14 x 9
8	*Livistona australis* (Cabbage-tree palm)	Front garden front boundary	8 x 4
9	*Livistona australis* (Cabbage-tree palm)	Front garden front boundary	8 x 4
11	*Livistona australis* (Cabbage-tree palm)	Front garden front boundary	8 x6
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	8 x 6
14	*Livistona australis* (Cabbage-tree palm)	Front garden	9 x 4
15	*Livistona australis* (Cabbage-tree palm)	Front garden	9 x 4
16	*Livistona australis* (Cabbage-tree palm)	Front garden	9 x 4

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17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3

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

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

Council Ref No	Species	Location (current)	Dimension (metres)
19	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3
20	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3

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

c) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	*Dracaena marginata* (Dragon tree)	Front garden South boundary	6 x 4
2	*Eucalyptus robusta* (Swamp Mahogany)	Front garden South boundary	8 x 4
7	*Dracaena marginata* (Dragon Tree)	Front garden front boundary	6 x 4
10	*Dypsis lutescens* (Golden Cane Palm)	Front garden front boundary	6 x 3
12	*Cordyline australis* (New Zealand Cabbage-palm)	Front garden front boundary	6 x 4
18	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	8 x 3

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

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

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

Standard Condition A.22 (Autotext 22A)

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B. BEFORE DEMOLITION WORK COMMENCES

B. 1. 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)*
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	Along eastern side of garden adj to driveway
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	Along eastern side of garden adj to driveway

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 bought 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
8	*Livistona australis (*Cabbage-tree palm)
9	*Livistona australis (*Cabbage-tree palm)
11	*Livistona australis (*Cabbage-tree palm)
13	*Phoenix reclinate* (Senegal Date Palm)

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14	*Livistona australis (*Cabbage-tree palm)
15	*Livistona australis (*Cabbage-tree palm)
16	*Livistona australis (*Cabbage-tree palm)
17	*Archontophoenix cunninghamiana* (Bangalow palm)

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.

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.

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.

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.

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.

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

Condition Reason: To ensure the protection of existing trees

Standard Condition B.5 (Autotext 5B)

B. 2.	**Construction Management Plan Arborist Review**
	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. The plan must address: 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.;

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	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.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28 (Autotext 28B)

B. 3.	**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: • 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:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

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	Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Standard Condition B.29 (Autotext 29B)

B. 4.	**Permissible work within Tree Protection Zones**
	Prior to any site works, the following works are permissible within the Tree Protection Zone:

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
3	*Harpephyllum caffrum* (Wild Plum)	11m	Modifications to the front of the dwelling, landscape upgrade works, new paving of driveway and pathways
4	*Harpephyllum caffrum* (Wild Plum)	11m	Modifications to the front of the dwelling, landscape upgrade works, new paving of driveway and pathways
8	*Livistona australis (*Cabbage-tree palm)	2m	Landscape upgrade works
9	*Livistona australis (*Cabbage-tree palm)	2m	Landscape upgrade works, new paving of pathway
11	*Livistona australis (*Cabbage-tree palm)	2m	Landscape upgrade works
13	*Phoenix reclinata* (Senegal Date Palm)	2m	Landscape upgrade works
14	*Livistona australis (*Cabbage-tree palm)	2m	Landscape upgrade works
15	*Livistona australis (*Cabbage-tree palm)	2m	Landscape upgrade works
16	*Livistona australis (*Cabbage-tree palm)	2m	Landscape upgrade works
17	*Archontophoenix cunninghamiana* (Bangalow palm)	2m	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. Standard Condition B.30 (Autotext 30B)

C. ON COMPLETION OF REMEDIATION WORK

Nil.

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D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	**1.**	**Tree Protection Plan and Specification**
		Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
		Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented. Standard Condition D.30 (Autotext 30D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	**1.**	**Tree Preservation**

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	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. 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. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F	**2.**	**Arborists Documentation and Compliance Checklist**
		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: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

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While site work is carried out	• 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 surface materials within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The condition of exposed roots must be managed and documented. • The project arborist must supervise the installation of new paving within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The condition of exposed roots must be managed and documented. • The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan.	

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

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

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

Standard Condition F.45 (Autotext 45F)

F 3.	**Replacement/Supplementary trees which must be planted**
	While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). All new trees must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans. The project arborist must document compliance with the above condition.
	Condition Reason: To ensure the provision of appropriate replacement planting.

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Standard Condition F.46 (Autotext 46F)

F 4. 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)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
9	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
11	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	2m
14	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
15	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
16	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	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.

Standard Condition F.48 (Autotext 48F)

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F 5. 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)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
9	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
11	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	2m
14	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
15	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
16	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	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.

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	Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees. Standard Condition F.50 (Autotext 50F)

F 6.	**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)
3	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
4	*Harpephyllum caffrum* (Wild Plum)	Front garden South boundary	11m
8	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
9	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
11	*Livistona australis (*Cabbage-tree palm)	Front garden front boundary	2m
13	*Phoenix reclinata* (Senegal Date Palm)	Front garden north boundary	2m
14	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
15	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
16	*Livistona australis (*Cabbage-tree palm)	Front garden	2m
17	*Archontophoenix cunninghamiana* (Bangalow palm)	Front garden	2m

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

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	The project arborist must document compliance with the above condition.
	Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees. Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	**Amenity Landscaping**
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development. Standard Condition G.6 (Autotext 6G)

G 2.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation. Standard Condition G.26 (Autotext 26G)

G 3.	**Arborists Documentation and Compliance Checklist – Prior to any occupation certificate**
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor.

Woollahra Municipal Council

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.

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

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

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

Standard Condition G.34 (Autotext 34G)

G 4. Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building

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

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

All compliance certification documents must be kept on site.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	• 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.

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

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

Woollahra Municipal Council

	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented. Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

H 1.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting. Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Sam Knight
Tree Officer

6 June 2024
Completion Date

Woollahra Municipal Council

23 April 2024

REFERRAL RESPONSE - HERITAGE

FILE NO:	**Development Applications:** 441/2023/1
ADDRESS:	12 March Street BELLEVUE HILL 2023
PROPOSAL:	Extensive alterations and additions to the existing dwelling including a new swimming pool and associated landscaping
FROM:	Choose an item.
TO:	Mr G Lloyd

1. DOCUMENTATION

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

- Aboriginal Heritage Impact Assessment by Palimpsest Consulting, dated 12 March 2024

2. SITE INSPECTION / RESEARCH

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

- A site inspection was not considered necessary for this development.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Pre-DA minutes and previous referral responses.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

3. STATUTORY AND POLICY DOCUMENTS

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

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

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

National Parks and Wildlife Act 1974

The site is in an area of Potential Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was required as part of the DA to ascertain whether potential Aboriginal cultural heritage will be impacted by the proposal.

Woollahra Municipal Council

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 23 April 2024 from the Office of Environment & Heritage NSW (OEH) website has revealed that there are 0 recorded Aboriginal sites recorded within a 200m buffer in or near the above location.

The site contains landscape features that indicate the likely existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010.

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

I am inclined to agree with the conclusions and recommendations of the Aboriginal Heritage Impact Statement that damage to Aboriginal objects is unlikely, but that the works should proceed with due caution. The recommendations are instituted as conditions.

Woollahra LEP 2014

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

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

Clause 5.10 Heritage Conservation

The proposed development is unlikely to have an adverse impact on the heritage significance of the Woollahra LGA.

Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal.

Woollahra DCP 2015

The proposed development complies with the heritage provisions of the DCP.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

Appropriate conditions of consent to manage Aboriginal heritage will be provided below.

Woollahra LEP 2014
- Clause 1.2 (2) (f) The development does not impact the built heritage of Woollahra.

Part 5.10
- Clause 1(a) The development does not unduly impact the heritage of Woollahra.

Woollahra Municipal Council

- Clause 1(b) The impact upon the heritage significance of the conservation area will be neutral.
- Clause 4 This referral constitutes an assessment under this clause.

7. RECOMMENDATION

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

Consent, subject to conditions is recommended.

Standard Conditions

Archaeological Features – Unexpected Findings

B. 8.	**Archaeological Features – Unexpected Findings**
	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. Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate. 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. **Notes:** • 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).
	Condition Reason: To protect archaeological features.

Skeletal Remains

B. 9.	**Skeletal Remains**
	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: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Details of the remains and their precise location are to be provided.

Woollahra Municipal Council

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

Aboriginal Objects – Unexpected Findings

B. 10.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects

Aboriginal Heritage Due Diligence Responsibilities

B. 12.	**Aboriginal Heritage Due Diligence Responsibilities**
	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)].

Woollahra Municipal Council

	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.
	Condition Reason: To protect Aboriginal heritage.

Aboriginal Heritage Induction

B. 13.	**Aboriginal Heritage Induction**
	Prior to any site works: 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.
	Condition Reason: To protect Aboriginal heritage.

Special Conditions

1.	**Any deep excavation to be monitored by La Perouse LALC**
	If any excavation deeper than 1.5m that occurs during works, a representative of La Perouse LALC must be present to monitor this phase of excavation.
	Condition Reason: Protection of Aboriginal heritage in accordance with the recommendations of the provided Aboriginal Heritage Impact Assessment.

Tristan Ryan
Senior Strategic Heritage Officer

23 April 2024
Completion Date

LOCAL PLANNING PANEL
DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA485/2023/1
ADDRESS	684 Old South Head Road ROSE BAY
COUNCIL WARD	Vaucluse
SITE AREA	696.8m^2
ZONING	R2 Low Density Residential
PROPOSAL	Proposed Demolition of Existing Building and Construction of a New Dual Occupancy with Landscaping Works
TYPE OF CONSENT	Local development
COST OF WORKS	$1,783,340.00
DATE LODGED	22/12/2023
APPLICANT	Common Office Pty Ltd
OWNER	J V Scalercio & G C Graziani
AUTHOR	E Peedom
TEAM LEADER	Thomass Wong
SUBMISSIONS	Nil
RECOMMENDATION	Conditional Approval

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

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

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

2. REASONS FOR RECOMMENDATION

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

- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality
- The submitted Clause 4.6 Written Request for Height of Buildings has adequately demonstrated compliance with the controls are unreasonable and unnecessary in the circumstances of the case
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory.
- The site is suitable for the proposed development
- The proposal is in the public interest

3. LOCALITY PLAN

4. PROPOSAL

The proposal involves demolition of the existing multi dwelling residnece and construction of a new dual occupancy comprised of the following:

**Both Dwellings follow the same floor plan*

Basement Floor Level
- Side entrance
- Open plan kitchen, living and dining areas
- Plant room
- Internal stair and lift access
- Rear patio which leads on to landscaped area

Lower Ground Floor Level
- Two bedrooms with shared bathroom
- Bedroom with ensuite and balcony
- Non-trafficable green roof
- Internal stair and lift access

Ground Floor Level
- Main entrance
- Double garage
- Bin storage
- Stair and lift access

First Floor Level/Attic
- Bedroom with ensuite
- Rear facing balcony
- Stair access

Figure 1: Photomontage of proposed dwelling outlined in yellow (Source: Common Office, overlay by Council).

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.3	Height of Buildings	1.86m or 19.6% departure from the 9.5m control	Satisfactory, refer to section 12.6.

5.2 Primary Issues

- Height of Buildings non-compliance – Acceptable, the submitted Cl 4.6 is considered to be well founded.
- Length of unarticulated wall – Acceptable on merit.
- Privacy – Addressed by **Condition D.1**.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The site is located at 684 Old South Head Road, Rose Bay and comprises one (1) allotment legally known as Lot 17 Sec D DP 6298. The site has a total area of 696.8m^2. The site is located on the western side of Old South Head Road on the northern tip of Rose Bay. The site is rectangular in shape. It's frontage to Old South Head Road facing east, as well as the rear boundary facing west both measure 15.24m, and both side boundaries north and south measure 45.72m.

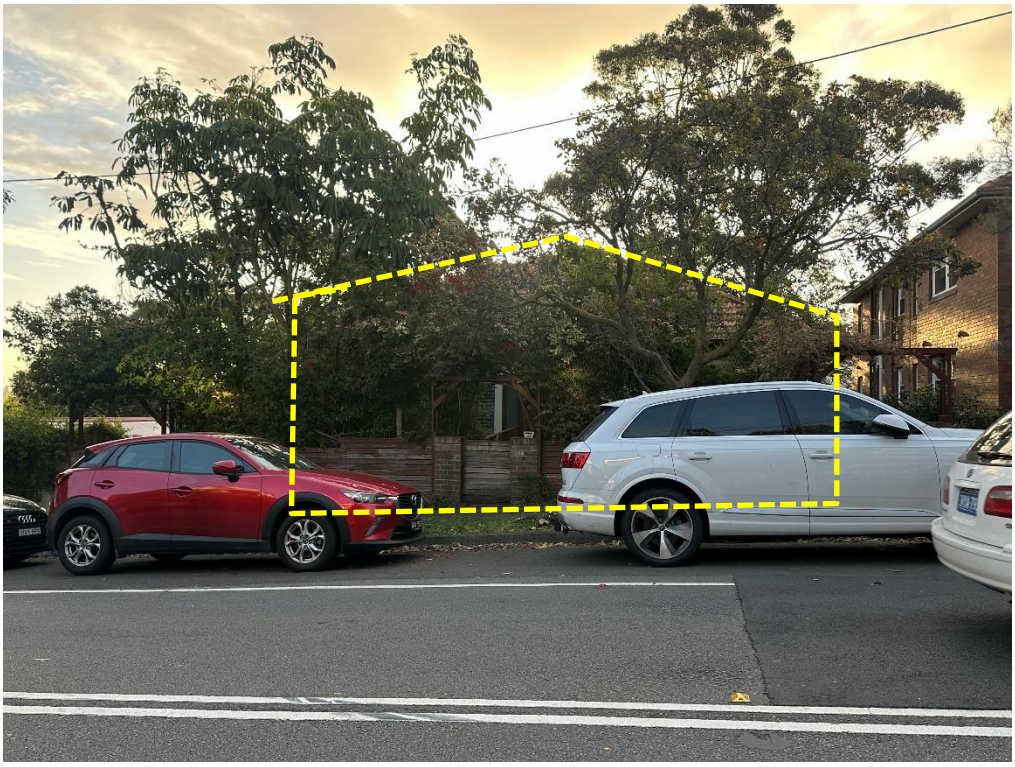
Topography
The site has a steeply sloping topography from street level (east to west) which measures RL57.95 down to the rear at RL51.89 (a fall of approximately 6.06m).
Existing buildings and structures
The site currently contains a three storey dual occupancy with pitched tile roof, rear wing addition and pool. There is no vehicular access currently on site.
Surrounding Environment
The site is located within the *Rose Bay* residential precinct as described in the *Woollahra Development Control Plan 2015* (WDCP) at Section B1.9 Rose Bay Precinct. Development that surrounds the Site is characterised by a mix of two to four storey detached dwellings of both traditional and contemporary architectural style. Most dwellings present as single storey to the street due to the steeply sloping topography. • **Immediately to the north** is 686 Old South Head Road, a three storey brick residential flat building with pitched tile roof. Further north 686 and 690 Old South Head Road, both residential flat buildings of similar profile. • **Immediately to the south** is 682 Old South Head Road, a single storey dwelling with pitched roof and garage access on street level with the dwelling below. Further south is 678-680 Old South Head Road, two unique 1920's residential flat building with pitched roofs. • **Immediately to the east** on the opposite side of Old South Head Road is 637-639 Old South Head Road, a contemporary residential flat building with curved detailing on the roof and street facing garage. Further east are predominantly flat roofed contemporary dwellings and residential flat buildings. • **Immediately to the west** is 12 Mitchell Road, a single storey rendered dwelling with pitched roof. Further west is 37 Dudley road, a contemporary flat roofed dwelling with a prominent brick front boundary wall.    ***Figure 2: Subject site outlined in yellow dotted lines obscured by street trees (Source: Council)***

Figure 3: Front façade, southern setback area (Source: Council)

Figure 4: Front façade, northern setback area (Source: Council)

Figure 5: Front façade facing north showing elevated entrance (Source: Council)

Figure 6: Front façade facing south showing elevated entrance (Source: Council)

Figure 7: Roof of southern neighbour 682 Old South Head Road (Source: Council)

Figure 8: Southern elevation (Source: Council)

Figure 9: Rear elevation (Source: Council)

Figure 10: Close up of rear elevation and northern side setback (Source: Council)

Figure 11: Northern setback area and view of 686 Old South Head Road (Source: Council)

Figure 12: Rear private open space (Source: Council)

Figure 13: View of southern neighbour from rear yard (Source: Council)

Figure 14: View of northern neighbour from rear yard (Source: Council)

Figure 15: North – 686 Old South Head Road (Source: Council)

Figure 16: North – 688 Old South Head Road (Source: Council)

Figure 17: North - Nearby commercial development (Source: Council)

Figure 18: South – 682 Old South Head Road (Source: Council)

Figure 19: South – 678 Old South Head Road (Source: Council)

Figure 20: Opposite – 70 George Street (corner) 627 Old South Head Road (Source: Council)

Figure 21: Opposite – 629 Old South Head Road (Source: Council)

Figure 22: Opposite – 631 Old South Head (Source: Council)

Figure 23: Opposite 635 & 633 Old South Head (Source: Council)

Figure 24: Opposite – 637 Old South Head Road (Source: Council)

7. RELEVANT PROPERTY HISTORY

Current use
Dual Occupancy
Relevant Application History
Nil.
Relevant Compliance History
Nil.
Pre-DA
Nil.
Requests for Additional Information and Replacement Applications
• 19/01/2024 Stop the Clock request for Aboriginal Heritage Impact Assessment and Demolition Report, satisfied 16/02/2024 • 30/04/2024 Unsatifactory DA Letter in relation to Floor Space Ratio and Stormwater Management, satisfied 31/05/2024

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Development Engineering	Satisfactory, subject to recommended conditions.	3
Trees and Landscaping	Satisfactory, subject to recommended conditions.	4
Heritage	Satisfactory, subject to recommended conditions.	5
Drainage	Satisfactory, no conditions.	6
Transport for NSW	Satisfactory, subject to recommended conditions.	7

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 24/01/2024 to 08/02/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. No submissions were received.

9.2 Statutory Declaration

The applicant has completed the statutory declaration dated 28/03/2024 declaring that the site notice for DA485/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

10. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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

Chapter 2 Standards for residential development—BASIX

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

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

11. SEPP (RESILIENCE AND HAZARDS) 2021

11.1. Chapter 2 – Coastal Management

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

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

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

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

11.2. Chapter 4 – Remediation Of Land

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

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*

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

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

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

12. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

12.1 Part 1.2: Aims of Plan

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

12.2 Land Use Table

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

12.3 Part 4.1A: Minimum Lot Sizes for a Dual Occupancies, Multi Dwelling Housing and Residential Flat Building

Part 4.1A(2) specifies a minimum lot size of 460m^2.

Site Area: 696.8m^2	Proposed	Control	Complies
Minimum Lot Size – Attached Dual Occupancy in R2 Zone	696.8m^2	460m^2	Yes

The proposal complies with 4.1A(2) of Woollahra LEP 2014.

12.4 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	-	11.36m	9.5m	***No*** (1.86m/ 19.6% variation)

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Part 12.6 below.

12.5 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: 696.8m^2	Existing	Proposed	Control	Complies
Floor Space Ratio	-	0.49.6:1 (345.65m^2)	0.5:1 (348.4m^2)	348.4m^2

The proposal complies with the maximum floor space ratio prescribed by Part 4.4E(3) of Woollahra LEP 2014.

12.6 Part 4.6: Exceptions to Development Standards

Departure

With a height of 11.36m, the proposal involves a 1.86m (19.6%) non-compliance with the 9.5m height of buildings statutory control under section 4.3 of the Woollahra LEP 2014, as detailed in Section 2.4.

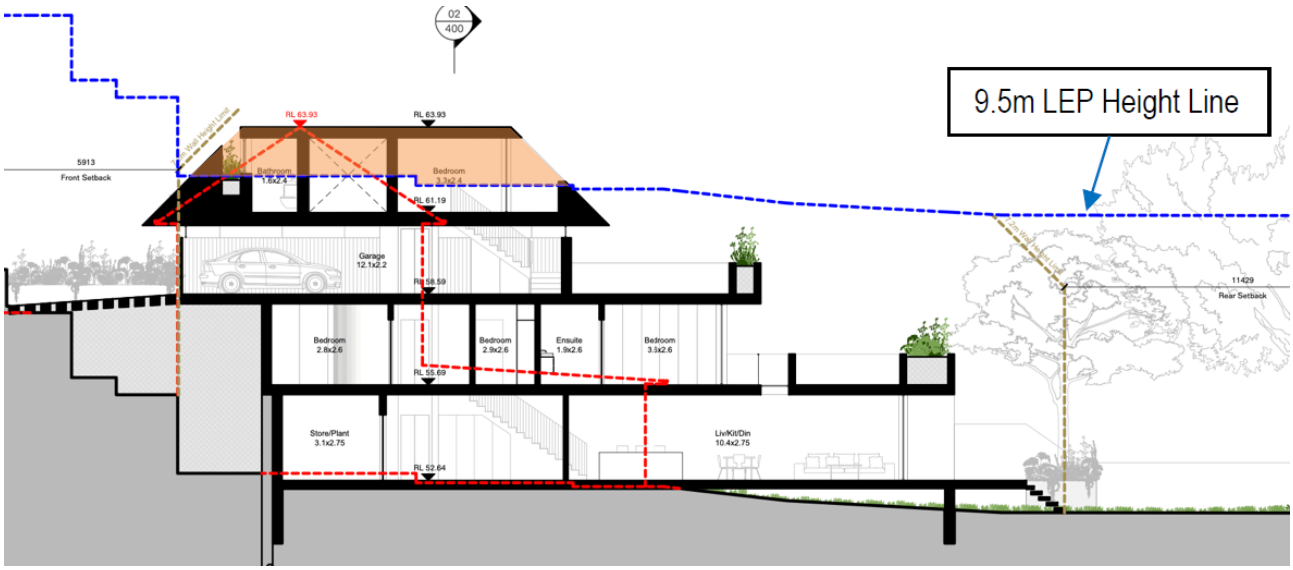


Figure 25: Area of height non-compliance highlighted in orange (Source: Common Office, overlay by Council).

Purpose

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

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

Justification Requirements

Section 4.6(3) states that:

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

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

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

Applicant's Written Request

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

The applicant has provided a written request in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, which is attached at **Annexure 2**.

Council's Assessment

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

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

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

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

Is the provision proposed to be varied a development standard?

The provision proposed to be varied is the Height of Buildings development standard under Clause 4.3 of the Woollahra LEP 2015.

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

The Height of Buildings development standard can be varied under Clause 4.6 of the Woollahra LEP 2015.

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

The correct LEP section and objectives are referenced.

Is the extent of the variation correctly identified?

The extent of the variation has been correctly identified.

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

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

- The first is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The second is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
- The third is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
- The fourth is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

- The fifth is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

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

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

Assessment:

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

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

The applicant has adopted Wehbe Test 1 to demonstrate the development standard is unreasonable or unnecessary in this instance. This considers whether the objectives of the standard are achieved notwithstanding non-compliance with the standard. The following arguments are put forward:

> *(a) to establish building heights that are consistent with the desired future character of the neighbourhood*
>
> The applicant puts forward the case of *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115 [63] ('SJD')* whereby Preston CJ states, inter alia:
>
> *…the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.*
>
> The applicant asserts the context of the site shaped by other LEP clauses such as zoning and height and well as recent approvals in the vicinity are relevant to shaping desired future character based on this understanding.
>
> Firstly, the applicant notes the diversity of permitted uses within the R2 Residential Zone as evidence that an eclectic desired future character is promoted. Furthermore, gives reference to an emerging contemporary character.
>
> The proposed development adheres to the height of the existing building which falls well below street level to appear single storey which mimics the existing characteristics of the streetscape.

Several recent approvals are cited with building height breaches, each attributed to the sloping terrain of each site. These include DA No. 518/2021 at No. 6 Tivoli Avenue, Rose Bay, with a 4% height exceedance, DA No. 304/2021 at No. 24 Tivoli Avenue, Rose Bay, with a 28.4% height exceedance and DA No. 206/2018 at No. 37 Dudley Street, Rose Bay, with a 6.3% height exceedance.

The variation is not considered to add a substantial amount in the way of bulk and scale because the area of non-compliance occurs at the rear of the dwelling. The proposal otherwise generally complies with the building envelope controls and is stated to have an FSR lower than that of surrounding development, thus achieving visual compatibility.

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

The site, located in an R2 Low Density Residential Zone, sits directly opposite Zone R3 Medium Density Residential on the other side of Old South Head Road where an increased height control of 12.5m applies (under Waverley LEP 2012). The site is also in the vicinity of Zone E1 Local Centre and Zone E2 Mixed Use, where a height standard of 13m and 14.5m applies respectively. The non-compliant height therefore facilitates this transition between zones. As the dwelling presents as single storey to the street due to the sloping topography and adheres to the existing ridge height it reinforces the character of the area. This sentiment is concurred with.

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

The applicants suppled shadow diagrams adequately demonstrate additional overshadowing is minimised in this instance.

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

The area of non-compliance has no fenestration to impact on the visual privacy of adjoining properties and will not intercept any significant view corridors surrounding the property. Its location to the rear ensures it will not be visually intrusive and is shown to minimise solar access impacts.

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

No significant view corridors to the harbour are intercepted by this development.

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

The applicant has not employed another method to justify that the variation is unreasonable or unnecessary.

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

The arguments put forward by the applicant to demonstrate compliance is unreasonable or unnecessary in the circumstances of the case are supported for the following reasons:

- The applicant has sufficiently demonstrated the proposal, as it generally adheres to the envelope of the building which precedes it, is sympathetic to the character of the Rose Bay Residential Precinct. The applicant evidences other recent approvals with height variations which in similar fashion fit the context of the desire future character but are at the mercy of sloping topography.
- The applicant cites the surrounding context of varying zones and heights controls as evidence that a breach of this size would not unreasonably disrupt the urban landscape and instead neatly form part of a transitionary zone to higher density areas.
- The applicant has satisfactorily demonstrated that the amenity of adjoining residents and occupiers of public space will not be unreasonably impacted by the height breach due to its location at the rear and thoughtful design.

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

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

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

Section 1.3 of the EPA Act reads as follows:

> *1.3 Objects of Act*
>
> *The objects of this Act are as follows:*
> *a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
> *b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
> *c) to promote the orderly and economic use and development of land,*
> *d) to promote the delivery and maintenance of affordable housing,*
> *e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
> *f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
> *g) to promote good design and amenity of the built environment,*
> *h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
j) to provide increased opportunity for community participation in environmental planning and assessment.

Assessment:

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

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

The applicant has put forward the following environmental planning grounds to justify the variation:

- Function of the topography – the non-compliance relates to the existing fall of the site which measures over 6 metres. In turn the development maintains a sympathetic streetscape presentation as the area of non-compliance occurs at the rear of the dwelling.
- Compatibility with context – notwithstanding the departure, the proposed building envelope is generally compliant with the controls and matches the bulk and scale of neighbouring development to reinforce the evolving desired future character of the area. The highest point of the proposal adheres to the existing dwelling height therefore will not visually intrude on the streetscape.
- Environmental amenity – The proposal maintains the density on site whilst adhering to the Floor Space Ratio controls which serves the housing needs of the community.
- Good design – Strict adherence to the controls would result in a poorly designed roof form which would have a poor aesthetic contribution to the streetscape character. The current design serves to minimise impacts on adjoining properties in terms of views, solar access and privacy. It is therefore contextually compatible and serves to minimise impacts.

Are the environmental planning grounds specific to the proposed variation?

The environmental planning grounds are considered specific to this proposed variation.

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

There is considered to be sufficient environmental planning grounds to justify this proposed variation to the development standard.

Conclusion

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

12.7 Part 5.10: Heritage Conservation

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

The proposed development site is not a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is not within a heritage conservation area. There are no listed heritage items in close proximity that would be adversely affected by the proposal. Council's Heritage Officer reviewed the submitted documentation and raises no objection to the demolition of the existing dwelling. Subject to **Conditions B.15** to **B.18**, the proposal is acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014.

12.8 Part 6.1: Acid Sulfate Soils

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

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

12.9 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.

A Geotechnical Report by Geo-Environmental Engineering, Ref: G23081RB-R01F-Rev 1, dated 23 May 2024, has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 2 metres from the existing ground surface for the proposed basement level.

The report identified that the subsurface conditions as:
a) Fill comprising silty sand to a depth of 0.5m, 0.5m and 0.45m in BH1, BH2 and BH3 respectively.
b) Depth of natural sand with various density from a depth beneath the fill to a termination depth of 4.6m, 3.2m and 2.8m in BH1, BH2 and BH3 respectively.
c) Sandstone bedrock was inferred beneath the natural sand at depth ranging between 2.8m and 4.6m.
d) Groundwater was not observed during the investigation besides perched seepage water.

The report made comments and recommendations on the following:
- Shoring and support,
- Vibration Monitoring,
- Excavation method,
- Further Geotechnical input.

Council's Development Engineer has no objection to the proposed excavation on technical grounds, subject to the recommended conditions of consent. The volume of proposed excavation at 172m3 falls well below the maximum permissible amount prescribed under the Woollahra DCP 2015 and serves to improve the existing basement level and side site access. The proposal is therefore acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

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

Part 6.9 aims to conserve and enhance tree canopy cover in the R2 Low Density Residential 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 Landscape Officer raises no objections to the proposal. The proposal is acceptable with regard to Part 6.9 of Woollahra LEP 2014.

13. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

13.1 Chapter B1: Rose Bay 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 Rose Bay Residential precinct, as noted in Part B1.9.2 of the Woollahra DCP 2015.

13.2 Chapter B3: General Development Controls

13.2.1 Part B3.2: Building Envelope

Site Area: 696.8m^2	Existing	Proposed	Control	Complies
3.2.2 Front setback				
C1 - Front Setback (East – Old South Head Road)	5.96m	5.92m	5.8m*	Yes
C2 - Maximum Unarticulated Length to Street	12m	5.6m	6.0m	Yes
3.2.3 Side setbacks				
C1 - Side Boundary Setbacks (North) - Ground Floor - First Floor	1.35m	1.9m 2.8m	1.9m** (15.24m site width)	Yes Yes
C1 - Side Boundary Setbacks (South) - Ground Floor - First Floor	1.85m	1.9m 2.8m	1.9m** (15.24m site width)	Yes Yes
C4 - Side Elevation maximum unarticulated wall length (North)	7.95m	12.45m	12m	***No***
C4 - Side Elevation maximum unarticulated wall length (South)	9.7m	12.45m	12m	***No***
3.2.4 Rear setback				
C1 - Rear Setback (West)	24.3m	20m	11.43m***	Yes
3.2.5 Wall height and inclined plane				
C1a - Maximum Wall Height - North Elevation - South Elevation	-	7.3m 6.9m	7.2m	***No*** Yes
C1b - Inclined Plane From Wall Height	45°	45°	45°	Yes

** Average setback of 678-680, 682, 686 & 688 Old South Head Road. Control C1 excludes car parking structures.*
***Control C4 A reduced side setback may be considered where zero or significantly reduced setbacks are characteristic of the immediate streetscape. These streets may be specifically identified in Chapter B1 Residential Precincts or Chapter B2 Neighbourhood HCAs.*
****25% of the average of the two side boundary dimensions*

3.2.2 Front setback

The proposal is compliant and is considered to reinforce the existing streetscape character of the location and would provide adequate landscaped area in the front setback. The proposal adheres to the requirements under Part B3.2.2 of the Woollahra DCP 2015.

3.2.3 Side setbacks

The proposal adheres to the requirements of the side setback controls. Notwithstanding the non-compliance with the maximum unarticulated wall length (refer to Figures 4 & 5 below), the proposal adheres to the objectives of the control as follows:

- The area of non-compliance is substantially set back from the rear building alignment established by properties either side of the site (refer to Figure 3), therefore it is not considered to create an unreasonable sense of enclosure (**Objective O1**).
- While the length of the unarticulated wall is non-compliant, metal balustrade and splay angled windows have been incorporated which alleviate the visual bulkiness and sense of enclosure appearance (**Objective O2**).
- The rear alignment and splay angled windows serve to adequately preserve the acoustic and visual privacy of adjoining properties (**Objective O3**).
- The area of non-compliance is not attributed to unreasonable overshadowing impacts further discussed below (**Objective O4**).
- There are no significant view corridors intercepted by the area of non-compliance (**Objective O5**).

Each side elevation is integrated with thoughtful privacy treatments to combat sightline opportunities created by the sloping topography of the site. Side access and screen planting opportunities have been incorporated and the amenity of adjoining properties is well preserved. The proposal adheres to the requirements under Part B3.2.3 of the Woollahra DCP 2015.

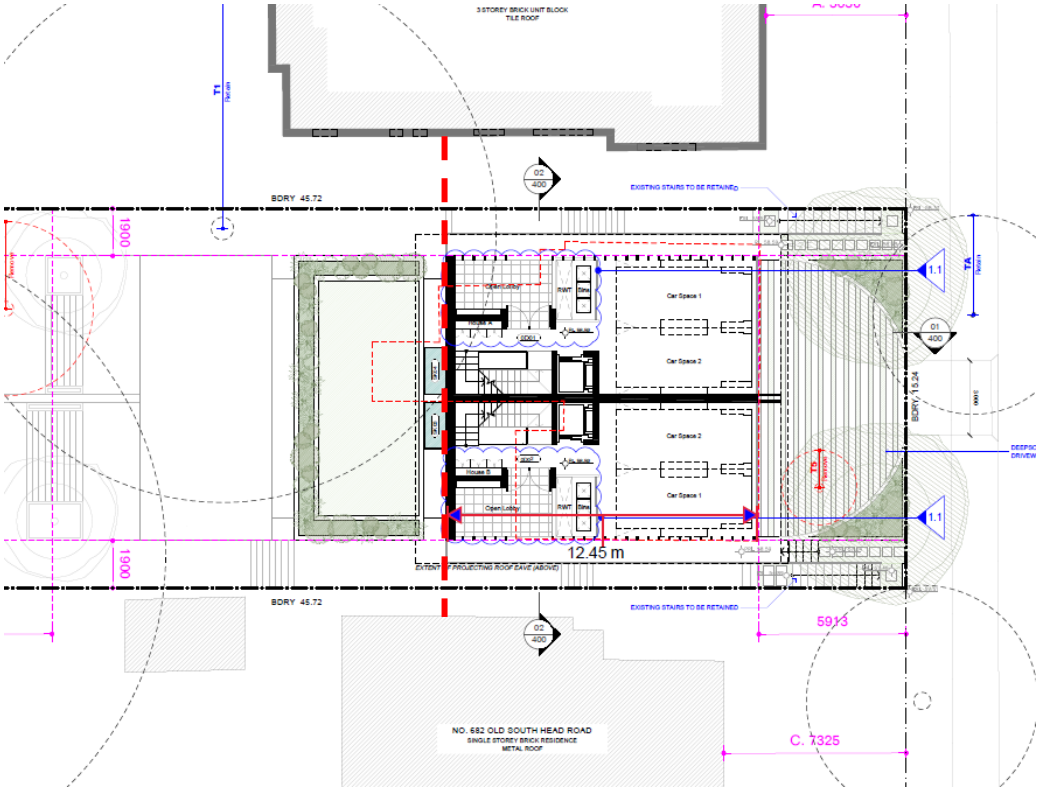


Figure 26: Extent of non-compliant unarticulated wall (indicated in dashed red and red arrow) shown in comparison to neighbouring rear building alignment (Source: Common Office, overlay by Council).

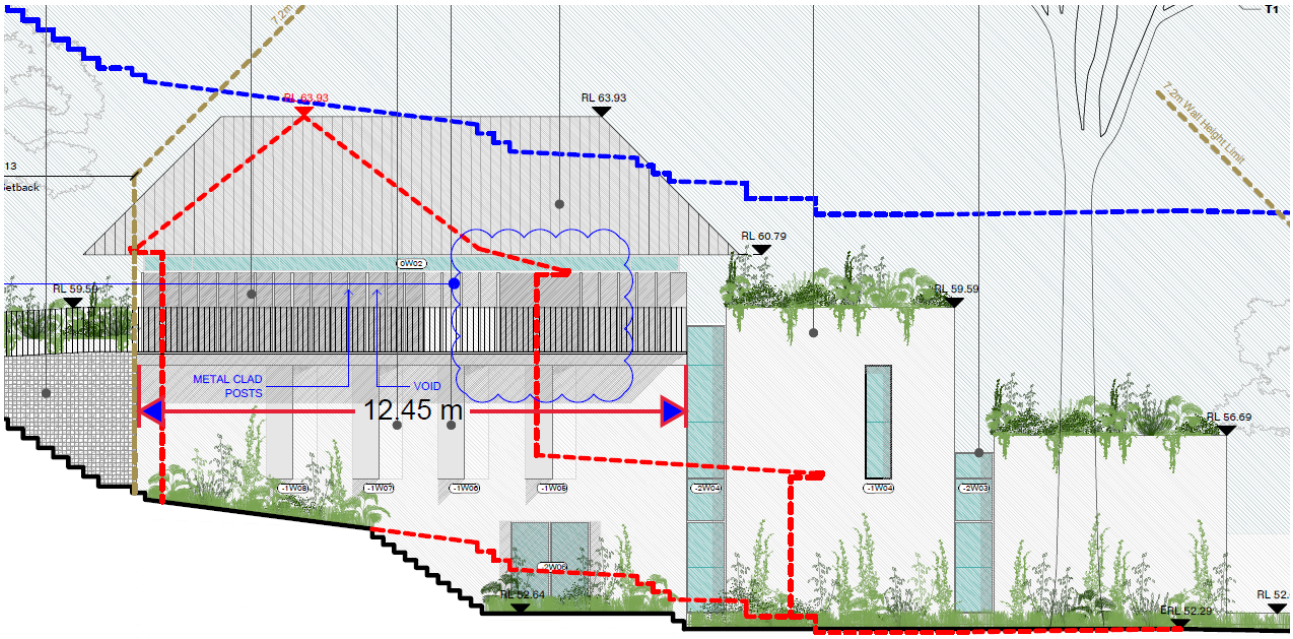


Figure 27: North elevation with maximum unarticulated wall length shown by red arrow (Source: Common Office, overlay by Council).

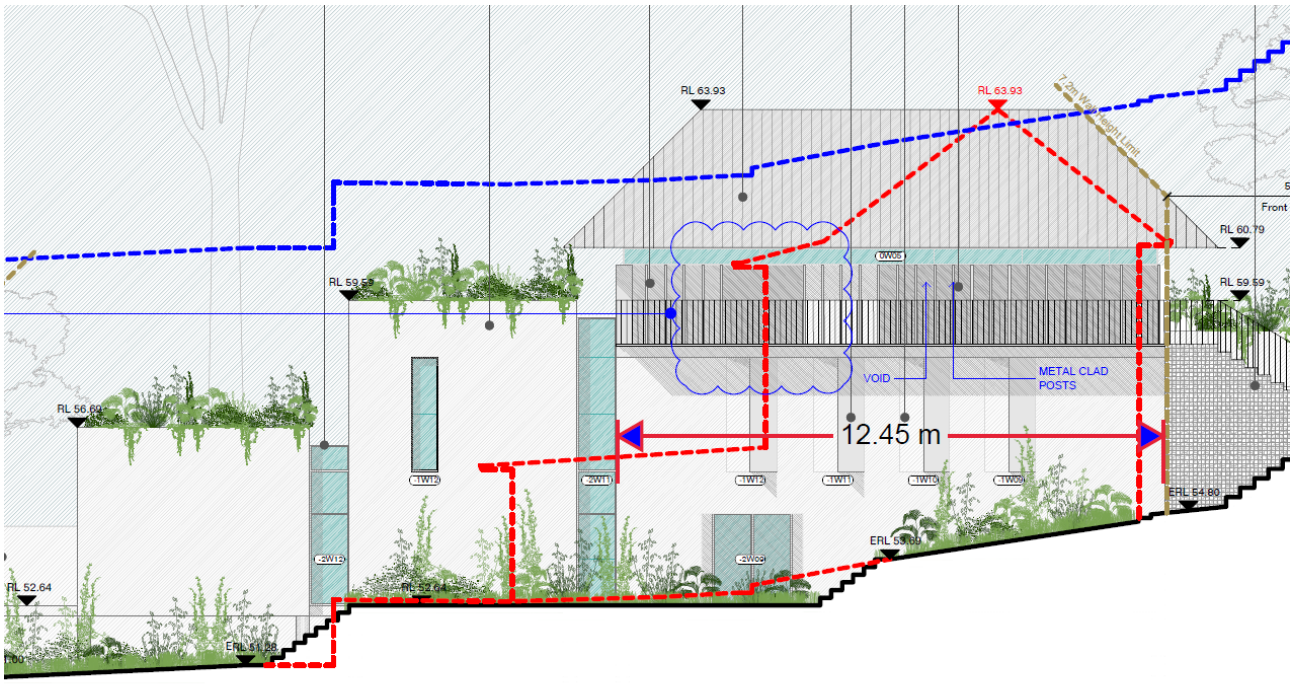


Figure 28: North elevation with maximum unarticulated wall length shown by red arrow (Source: Common Office, overlay by Council).

3.2.4 Rear setback

The proposal complies with the requirements under Part B3.2.4 of the Woollahra DCP 2015.

3.2.5 Wall height and inclined plane

The non-compliance with the maximum wall height as shown in Figure 6 below is minor in nature and adheres to the objectives of the control due to the following:

- The bulk and scale of this area of non-compliance is limited due to the short width of this building bordered either side by windows and softened by landscaping on the roof (**Objective O1**).
- The area of non-compliance is not attributed to unreasonable overshadowing impacts further discussed below (**Objectives O2 & O3**).
- The area of non-compliance does not create unreasonable acoustic and visual privacy impacts on adjoining properties (**Objective O4**).
- There are no significant view corridors surrounding the property to be intercepted by this development (**Objective O5**).

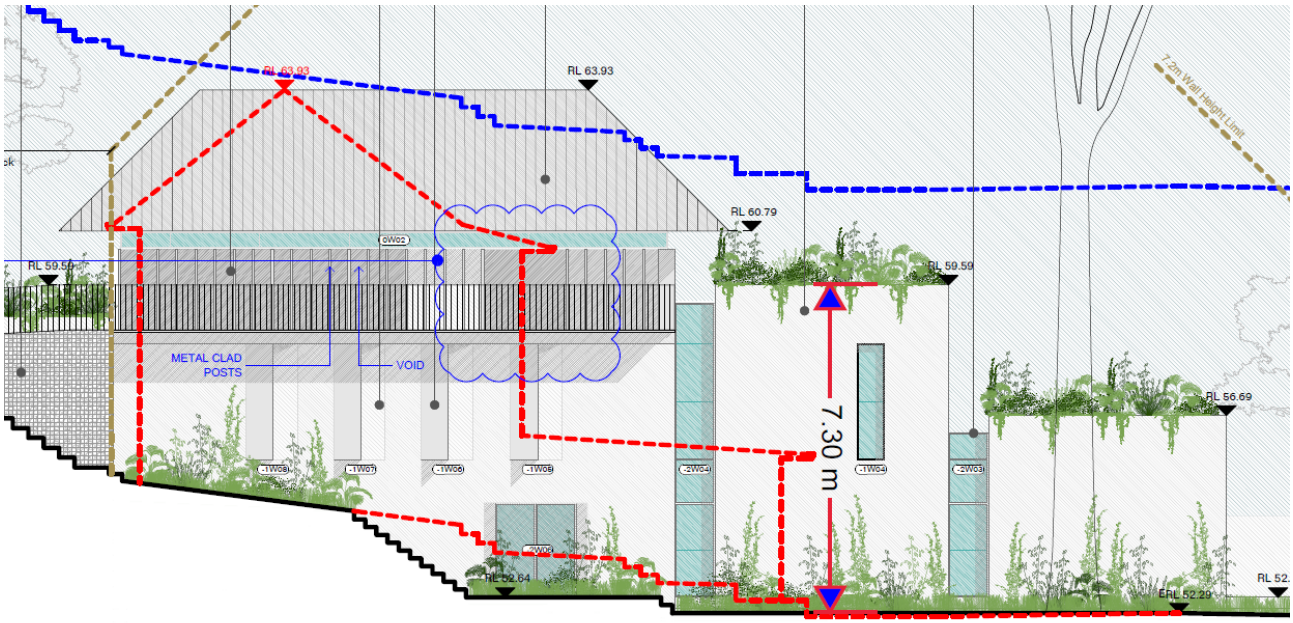


Figure 29: Wall height indicated by red arrow (Source: Common Office, overlay by Council).

The proposal adheres to the requirements under Part B3.2.5 of the Woollahra DCP 2015.

13.2.2 Part B3.4: Excavation

Site Area: 696.8m^2	Existing	Proposed	Control	Complies
C1 - Maximum Volume of Excavation	-	172m^3	190m^{3*}	Yes
C6 – Basement wall/piling setback	1.9m	Maintained excluding minor landscaping excavation	No closer than permitted setback (1.9m)	Yes
C9 - Geotechnical Report	N/A	Supplied	Required Where > 2.0m depth of within 1.5m	Yes

**In accordance with Control C5, these volume controls do not apply to swimming pools and tennis courts located outside the building envelope.*

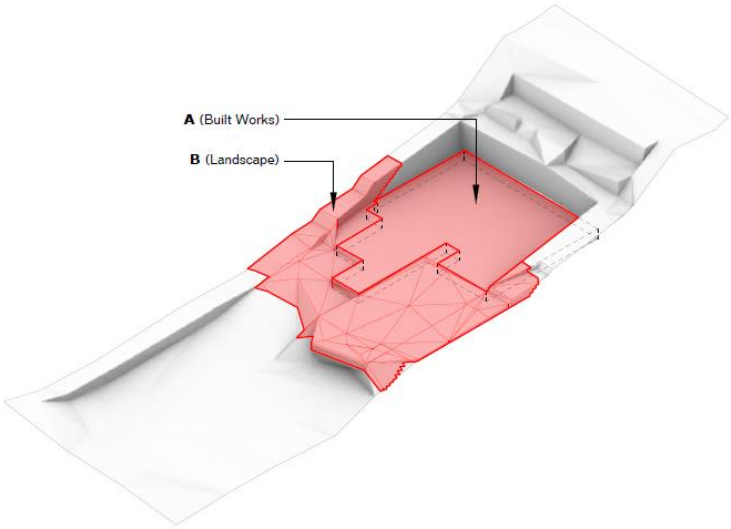


Figure 30: Area of proposed excavation (Source: Common Office)

The area of excavation which is shown to encroach the side setback is minor in nature and facilitates access to the site. Council's Development Engineers raise no objections in this regard. The proposal adheres to the requirements under Part B3.4 of the Woollahra DCP 2015.

13.2.3 Part B3.5: Built Form and Context

Site Area: 696.8m^2	**Existing**	**Proposed**	**Control**	**Complies**
3.5.1 Streetscape character				
C8 – Pitched Roof forms	Pitched	Pitched	Consistent with surrounding roof forms	Yes
3.5.2 Overshadowing				
C1a) - Solar Access to Open Space of Adjacent Properties	50% for 2 hours on 21 June	50% for 2 hours on 21 June	50% for 2 hours on 21 June**	Yes
C1b) - Solar Access to Nth Facing Living Areas of Adjacent Properties	3 hours on 21 June	3 hours on 21 June	3 hours on 21 June**	Yes
3.5.4 Acoustic and visual privacy				
C4 - Distance of Habitable Room Windows to Adjacent Dwellings	-	-	-	-
686 South Head Road (North) - Lower Ground Floor Plan	-	-1W04 to bedroom, narrow width and offset, won't create sightlines	9.0m***	Yes
682 Old South Head Road (South) - Lower Ground Floor Plan	-	-1W13 to bedroom, narrow width and offset, won't create sightlines	9.0m***	Yes
C5 – Windows to bathrooms and toilet areas	-	-2W13 -2W04	Glazed	Cond'
C7 – Setback of Elevated Private Open Space (*at or below second storey*) from Open Space/Habitable Room Windows of Adjoining Properties - 686 Old South Head Road (North) - 682 Old South Head Road (South)	-	Rear Balcony Lower Ground Screened Screened	9.0m	Yes Yes

Site Area: 696.8m^2	Existing	Proposed	Control	Complies
C10 - Setback of Roof Terraces (*above second storey*) from Open Space/Habitable Room Windows of Adjoining Properties - 686 Old South Head Road (North) - 682 Old South Head Road (South)	-	Rear Balcony First Floor >12.0m >12.0m	12.0m	Yes Yes
3.5.4 Internal Amenity				
C5 – Rooms partially or fully below existing ground level	-	Pantry, Powder Room and Lobby <2x ceiling height Store room – non-habitable	Depth 2x ceiling height max	Yes

*** in accordance with Control C2, lot orientation may make C1 above difficult to achieve so a reduced amount of solar access may be considered, provided the proposed building complies with all setback controls.*
*****within 9m windows may employ privacy solutions including offsetting, planter boxes, screening, glazing or high sills*

3.5.1 Streetscape character

In accordance with the desired future character of the Rose Bay residential precinct, this dual occupancy development adds to the contemporary evolution of Old South Head Road which is zoned for increased density. The mansard roof form and single storey presentation is modest and complementary to the traditional inter-war and art deco buildings which sit on either side. The proposal adheres to the requirements under Part B3.5.1 of the Woollahra DCP 2015.

3.5.2 Overshadowing

The proposed development involves the following additional overshadowing, on 21 June, when compared to the existing situation:

- 9am – Additional shadow to southwest portion of the subject site (private open space). Additional shadow covering majority of solar panels at 682 Old South Head Road Rose Bay.

- 10am – Additional shadow covering half of southern portion of private open space at subject site. Additional shadow covering half of solar panels at 682 Old South Head Road Rose Bay. Top portion of ground floor habitable windows covered.

- 11am – Additional shadow covering half of southern portion of private open space at subject site. Increase from one to three ground floor habitable windows covered.

- 12pm – Additional shadow covering half of southern portion of private open space at subject site. Increase from none to all ground floor habitable windows covered.

- 1pm – Additional shadow covering half of southern portion of private open space at subject site. Increase from none to all ground floor habitable windows covered.

- 2pm – Additional shadow covering half of southern portion of private open space at subject site. Increase from none to all ground floor habitable windows covered.

- 3pm - Increase from none to all ground floor habitable windows covered.

Control C1b protects the solar access of upper level habitable room windows only. As the site sits higher than that of its southern neighbour, the additional shadow to the north elevation is inevitable but is considered to be reasonable in this context achieving compliance with the relevant DCP cpntrols. Solar access is otherwise adequately preserved in the adjoining private open space. The proposal therefore adheres to the requirements under Part B3.5.3 of the Woollahra DCP 2015.

3.5.3: Public and Private Views

There are no significant view corridors that will be intercepted as part of this development. The proposal adheres to the requirements under Part 3.5.3 of the Woollahra DCP 2015.

3.5.4 Acoustic and visual privacy

Acoustic Privacy

The proposal is generally compliant with the building envelope controls to create adequate separation between dwellings. All mechanical and plant equipment is house wholly within the building envelope. Acoustic privacy is maintained in this instance.

Visual Privacy

Privacy screens have been added to most of the lower ground floor windows to protect visual privacy in light of the sites sloping topography. Whilst windows -1W04 and -1W13 of the Lower Ground Floor rear bedrooms are not substantially offset, their narrow width and positioning in the far corner restricts opportunities for overlooking to the adjoining properties. **Condition D.1** has been recommended requiring translucent glazing on windows -2W03 and -2W04 both which look on to bathrooms. The elevated rear balconies on the lower ground floor are shielded by parapet walls either side to direct sightlines away from adjoining private open spaces. Visual privacy is maintained in this instance.

Conclusion

The proposal adheres to the requirements under Part 3.5.4 of the Woollahra DCP 2015.

3.5.4 Internal Amenity

The development is subject to standard conditions which enforce compliance with the Building Code of Australia standards for habitable rooms.

13.2.4 Part B3.6: On-Site Parking

Site Frontage: 15.25m	Existing	Proposed	Control	Complies
C1 - Location of Parking	Nil.	Within the Buildable Area	Within the Buildable Area*	Yes
C4 - Width of Parking Structure facing street frontage	Nil.	11.45m	40% of Frontage or 6m	***No***
C7 - Height of Parking Structure in Front Setback	Nil.	2.7m Above Footpath	2.7m Above Footpath**	Yes
C11 - Width of Driveway (minimised)	-	3.0m	3.0m	Yes

**Control C2 permits parking structure outside the building envelope in circumstances where there is rear lane access; the site slopes; its characteristic of the immediate streetscape*
***Control C7 permits structures higher than 2.7m if the two adjoining car parking structures exceed this height.*

Notwithstanding the non-compliance with Control C4 as detailed above, the development is considered to adhere to the objectives of the control as follows:

- The side by side double garages in this instance appear recessive against the prominent mansard roof. The roller doors are substantially setback to accommodate a substantially wide driveway which is softened by surrounding landscape planting. The visual impact of the garage is minimised as a result and streetscape character and amenity is preserved (**Objectives O1 & O2**).
- For reasons discussed under section 13.5, trees and landscape value are adequately retained in this instance (**Objective O5**).

The proposal adheres to the requirements under Part 3.4.5 of the Woollahra DCP 2015.

13.2.5 Part B3.7: External Areas

Site Area: 696.8m^2	Existing	Proposed	Control	Complies
3.7.1 Landscaped Area and Private Open Space				
C2 – Deep Soil Landscaped Area	-	30.27% (210.94m^2)	(35% of Site Area / 30% for Wolseley Road) (243.88m^2)	***No***
C3 - Deep Soil Landscaping – Front Setback (90.71m^2)	-	8% (8m^2)	40% (36.28m^2)	***No***
C4 – Primary Open Space Area (Dwelling House, Semi, Attached, Dual Occ)	>35m^2	>35m^2	35m^2	Yes
C8 – Private Open Space Access	-	Directly accessible from habitable room	Directly accessible from habitable room	Yes
3.7.2 Fences				
C4 - Maximum Height of Fencing	-	1.75m-0.95m	1.2m 1.5m and 50% open*	Yes
C7 - Gate Swing	-	Not indicated	Opens Inwards	Cond'
C9 - Side and Rear Fence Height	-	Retained	Behind front setback/ 1.8m	Yes
3.7.3 Site Facilities				
C2 – Lockable Storage Space	-	Opportunities provided	8m^3 per dwelling	Yes
C4 – External Clothes Drying Area	-	Opportunities provided	Opportunity Provided	Yes
C8 – Mechanical Plant Equipment	-	Wholly contained within building envelope	Wholly contained within building envelope/ thoughtfully located	Yes

**Control C16 Fences and walls made from corrugated iron, barbed wire, and the like are not permitted.*
****
where there is an increase in ground level in excess of 1.2m on the property side of the street alignment

3.7.1 Landscaped Area and Private Open Space

Notwithstanding the non-compliance with the deep soil landscaping controls detailed above, the development adheres to the objectives of the controls as follows:

- Landscaping within the front setback is positioned directly at the front boundary to create a landscaped setting for the dwelling and soften the appearance of the double garages. This

positively contributes to the desired future character of the Rose Bay residential precinct (**Objective O1**).
- As discussed under Section 13.5 below the proposal complies with the tree canopy requirements which contributes positively to the existing and desired future character of the locality (**Objective O2**).
- Council's Development Engineers raise no objections with regards to on-site stormwater absorption (**Objective O3**).

The proposal therefore adheres to the requirements under Part 3.7.1 of the Woollahra DCP 2015.

3.7.2 Fences

The pedestrian entry gates are subject to Condition C.14 to ensure they do not open onto the Council footpath. The proposal otherwise adheres to the requirements under Part 3.7.2 of the Woollahra DCP 2015.

3.7.3 Site Facilities

All site facilities including that of mechanical plant equipment have been thoughtfully integrated into the design to not visually intrude on the built form an support the operation of each dwelling. The proposal adheres to the requirements under Part 3.7.3 of the Woollahra DCP 2015.

13.3 Chapter E1: Parking and Access

1.1.1 Part E1.4: Residential parking

	Existing	Proposed	Control	Complies
Max Number of Car Parking Spaces – Dual Occupancy	Nil.	2 Spaces per Dwelling	2 Spaces per Dwelling	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 4 spaces and makes provision for 4 spaces.

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

13.4 Chapter E2: Stormwater and Flood Risk Management

Council's Development Engineers raised no objections to the proposed development and provided the following comments with regards to site drainage, flooding and overland flow:

> *This property falls towards the rear and is considered a low level property. It appears that the subject site does not have the rights to discharge via the existing drainage easement which traverses the site. A geotechnical report has been submitted confirming that the site is suitable for on-site absorption in terms of absorption rate. However, the site is unsuitable for on-site absorption due to site specific constraints. In this regard, a pump out system will be installed as a method of stormwater disposal to the street drainage system. The proposed capacity of the rainwater tank connected upstream of the pump out system is satisfactory.*
>
> *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.*
>
> *Council's Drainage Engineer has determined that the development proposal is generally satisfactory and doesn't require any flood specific conditions.*

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

13.5 Chapter E3: Tree Management

Council's Tree & Landscaping Officer confirm the trees proposed for removal as part of this proposal are exempt or of low retention value. With regards to those marked for retention, the following comments have been provided:

> *The plans indicate trees 1, 2 and 3 are proposed for retention These trees have been identified as various species located in the rear yard. The trees are all noted in good healthy condition and provide a high contribution to the amenity and canopy cover of the immediate area. The trees have been rated as having High Landscape Significance and High Retention Value.*
>
> *The plans indicate works are proposed within their Tree protection Zones (TPZs) which have been calculated as being between 7.8 metres to 15 metres (radius from tree trunks). According to the applicants Arborist Report the trees will be the subject of Major Encroachment into the TPZs. An acceptable encroachment as defined by AS4970 should not exceeded more than 10% of the TPZ unless it can be demonstrated that the tree will not be adversely impacted.*
>
> *It is noted that the construction encroachment for the subject trees includes a suspended concrete slab supported on pier footings.*
>
> *Therefore, provided the footing can be relocated if any tree roots are uncovered during the works, it is not expected that the trees will be adversely impacted. Tree sensitive construction methods and tree protection measures that must be implemented during the works have been detailed in the conditions below for inclusion into the DA consent.*

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

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

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

Part E5.2: Demolition and Construction Phase

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

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

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

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	-	Provided	Required	Yes
Location of Garbage and Recycling Areas	-	Garage	Behind Building Line or Non-Habitable Areas	Yes
Bin Provision General Waste Green Waste Recycling	 - - -	 1 1 1	 1 x 120L General 1 x 240L Green 1 x 120L Recycle	 Yes Yes Yes
Compost Area	-	Opportunity provided	Required	Yes

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

14. 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.

14.1 Section 7.12 Contributions Plan

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

Cost of Works	Rate based on cost of works	Contribution Payable
$1,783,340.90	Up to $100,000 = Nil >$100,000 to $200,000 = 0.5% >$200,000 = 1%	$17,833.41

Refer to **Condition D.7.**

14.2 Subdivision 4 Housing and Productivity Contributions

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

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

The proposal does not require a housing and productivity contribution.

15. APPLICABLE ACTS/REGULATIONS

15.1 Environmental Planning and Assessment Regulation 2021

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

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

16. 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.

17. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

18. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

19. CONCLUSION

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

20. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council as the consent authority, is satisfied that the matters required to be addressed under Clause 4.6(4) of the Woollahra Local Environmental Plan 2014 have been demonstrated and that consent may be granted to the development application, which contravenes the Height of Buildings development standard under Clause 4.3 of Woollahra LEP 2014. The Panel assumes the concurrence of the Secretary, Department of Planning and Environment.

AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, grant development consent to Development Application No. 485/2023/1 for proposed demolition of existing building and construction of a new dual occupancy with landscaping works on land at 684 Old South Head Road ROSE BAY, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	**Conditions**
	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. **Notes:** • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • 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.
	Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.
A. 2.	**Definitions**
	Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulations,* the *Development Certification and Fire Safety Regulations* and the *Interpretation Act 1987* as in force at the date of consent. ***Applicant*** means the applicant for this consent. ***Approved Plans*** mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent. ***Local native plants*** means species of native plant endemic to Sydney's eastern suburbs. ***Owner-builder*** has the same meaning as in the *Home Building Act 1989*.

	PC means the Principal Certifier under the *Act*. ***Principal Contractor*** has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed. ***Professional engineer*** has the same meaning as in the BCA. ***Public place*** has the same meaning as in the *Local Government Act 1993.* ***Road*** has the same meaning as in the *Roads Act 1993.* ***SEE*** means the final version of the Statement of Environmental Effects lodged by the Applicant. ***Site*** means the land being developed subject to this consent. ***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. ***Woollahra LEP*** means *Woollahra Local Environmental Plan 2014* ***Woollahra DCP*** *means Woollahra Development Control Plan 2015* ***Work*** for the purposes of this consent means: • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piering, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the *site* of any machine, article, material, or thing, or • the occupation of the *site* by any person unless authorised by an occupation certificate.
	Condition Reason: To ensure all parties are aware of the relevant definitions.
A. 3.	**Approved Plans and Supporting Documents**
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author	Date
DA200(02) DA201(01) DA202(01) DA203(00) DA204(00) DA300(00) DA301(00) DA302(02) DA400(00) DA601(00) DA700(00) DA701(00) DA702(00) DA703(00)	Architectural Plans	All by Common Office	All dated 14/05/2024
1377906M	BASIX Certificate	NSW Government	29/11/2023
-	Site Waste Minimisation Management Plan	Robert Meyerson	27/11/2023
C1 – C7	Landscape Plan	Contour Landscape Architects	13/11/23
	Arboricultural Impact Assessment Report	Martin Peacock Tree Care	24/11/23
G23081RB-R01F-Rev 1	Geotechnical Report	Geo-Environmental Engineering	23/05/2024
C102-Rev 3	Driveway Profiles	AVN Infinity	06/03/2024
C230922 C000-Rev 5 C100-Rev 5 C200-Rev 5 C201-Rev 5	Stormwater Management Plans	AVN Infinity	 28/05/2024 28/05/2024 28/05/2024 28/05/2024

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

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

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

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

Notes:
- 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.

<table>
<tr><td></td><td></td><td>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</td></tr>
<tr><td>A.</td><td>5.</td><td>No Underpinning works</td></tr>
<tr><td></td><td></td><td>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.</td></tr>
<tr><td></td><td></td><td>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.</td></tr>
<tr><td>A</td><td>6.</td><td>Salvage</td></tr>
<tr><td></td><td></td><td>a) Stone, bricks, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring, decorative ceilings must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.</td></tr>
<tr><td></td><td></td><td>Condition Reason: To ensure significant heritage fabric is recycled/salvaged.</td></tr>
<tr><td>A.</td><td>7.</td><td>Tree Preservation and Landscaping Works</td></tr>
<tr><td></td><td></td><td>While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees must be retained:

• Trees on private land:

<table>
<tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr>
<tr><td>1</td><td>Eucalyptus saligna</td><td>Rear Yard – northern boundary</td><td>20 x 10</td></tr>
<tr><td>2</td><td>Ficus rubiginosa</td><td>Rear Yard – NW corner</td><td>16 x 9</td></tr>
<tr><td>3</td><td>Ficus macrophylla</td><td>Rear Yard – SW corner</td><td>14 x 12</td></tr>
</table>

• Trees on Council land:

<table>
<tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th><th>Tree value</th></tr>
<tr><td>A</td><td>Corymbia ficifolia</td><td>Street tree</td><td>6 x 5</td><td>$8000</td></tr>
</table>

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

b) The following trees may be removed:</td></tr>
</table>

Council Ref No	Species	Location	Dimension (metres)
4	*Schefflera romanzoffianum**	Front Yard	8 x 6
5	*Lagerstroemia indica*	Rear Yard	5 x 5

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

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

c) The following trees may be pruned in accordance with Australian Standard Pruning of Amenity Trees (AS 4373) and Workcover NSW Code of Practice Amenity Tree Industry, to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning (extent of pruning
1	*Eucalyptus saligna*	Rear Yard – northern boundary	Pruning of 2x branches as marked on page 13 of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.

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

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works.

To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.

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

Standard Condition A.22 (Autotext 22A)

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	**Erosion and Sediment Controls – Installation**
	Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
B. 2.	**Identification of Hazardous Material**
	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. In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing: • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place.
	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.

B. 3. Public Road Assets Prior to Any Work/Demolition

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.

The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:

- 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.

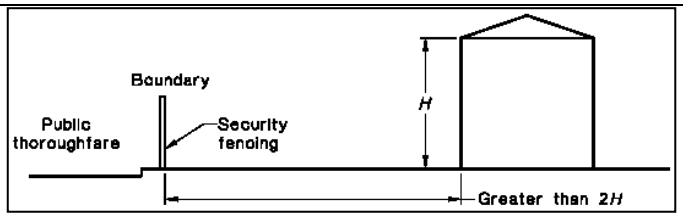
B. 4. Payment of Security and Fees

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

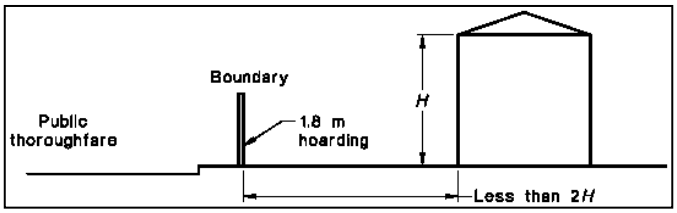
Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$48,710.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	$8,000.00	No	T114
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Tree Management Inspection Fee	$231.30	No	T95
Street Tree Planting and Maintenance Fee	$2,062.50	No	
Security Deposit Administration Fee	$225.00	No	T16
TOTAL SECURITY AND FEES	$59,228.80		

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:** • 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
	Condition Reason: To ensure any relevant security and fees are paid.
B. 5.	**Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection**
	Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.

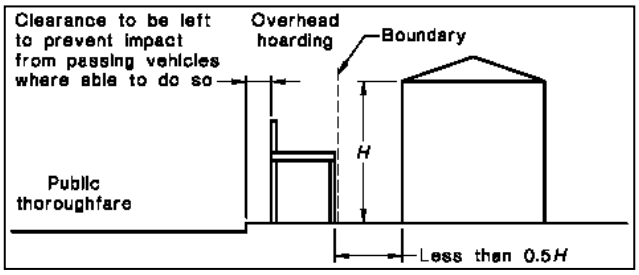


Type A Hoarding
Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the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



Type B Hoarding
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:
a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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



The overhead protective structures must be installed and maintained in accordance with the NSW “Code of Practice - Overhead Protective Structures 1995”. This is code available at

	www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf **All Hoardings** Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like. **Hoardings on Public Land including 'Creative Hoardings'** All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full. A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au **Notes:** • A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. • Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy: A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: 1. the capital investment value of the work to which the hoarding relates is less than $1 million, or 2. the land is zoned R2 Low Density Residential, or 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). • Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au
	Condition Reason: To ensure public safety.
B. 6.	**Site Signs**
	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.

Clause 70 of the Regulation provides:

Erection of signs

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

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

Signs on development sites

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

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

Notes:

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

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

B. 7.	**Toilet Facilities**
	Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided: a) must be a standard flushing toilet, and b) must be connected to a public sewer, or c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced. **Notes:** • 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.
	Condition Reason: To ensure toilet facilities are provided for workers at the work site.
B. 8.	**Establishment of Boundary Location, Building Location and Datum**
	Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must: a) set out the boundaries of the site by permanent marks (including permanent recovery points), b) 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, c) establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and d) 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. **Notes:** • 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.
	Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.

B. 9.	**Compliance with Australian Standard for Demolition**
	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.
	Condition Reason To control the risks of demolition work.
B. 10.	**Erosion and Sediment Controls – Installation**
	Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: c) "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 d) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
B. 11.	**Public Road Assets Prior to Any Work/Demolition**
	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. The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the: • 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.	**12.**	**Dilapidation Reports for Existing Buildings**
		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. These properties must include (but is not limited to): a) No. 682 Old South Head Road b) No. 686 Old South Head Road c) No. 12 Mitchell Road d) No. 37 Dudley Road 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. 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. 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). **Notes:** • 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.
		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.

B.	**13.**	**Adjoining Buildings Founded on Loose Foundation Materials**
		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. **Notes:** • 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.
		Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.
B.	**14.**	**Works (Construction) Zone – Approval and Implementation**
		If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made. If the works zone is approved, all fees for the Works Zone must be paid before it can be installed. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made. **Notes:** • 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.
		Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.
B.	**15.**	**Recording of Buildings with Little or No Heritage Significance that are to be Demolished**
		Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer.

		The photographic archival recording is to be submitted in a digital format and is to include the following: a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken. b) Coloured photographs of: • each elevation, • each structure and landscape feature, and • views to the subject property from each street and laneway or public space. **Notes:** • Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf
		Condition Reason: To ensure existing building and landscape elements are recorded.
B.	**16.**	**Aboriginal Objects – Unexpected Findings**
		While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
		Condition Reason: To protect Aboriginal objects

B. 17. Aboriginal Heritage Due Diligence Responsibilities

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)].

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.

Condition Reason: To protect Aboriginal heritage.

B. 18. Aboriginal Heritage Induction

Prior to any site works:

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.

Condition Reason: To protect Aboriginal heritage.

B. 19. 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)*
1	*Eucalyptus saligna*	Rear Yard – northern boundary	Installed in the location shown in Appendix C of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.

2	*Ficus rubiginosa*	Rear Yard – NW corner	Installed in the location shown in Appendix C of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.
3	*Ficus macrophylla*	Rear Yard – SW corner	Installed in the location shown in Appendix C of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.

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 bought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.

c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.

d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.

e) Ground protection must be established within the specified radius from the trunks of the following trees.

Council Ref No	**Species**	**Tree Location**	**Radius from Centre of Trunk (Metres)**
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

Ground protection must consist of (geotextile fabric placed directly over the ground surface with 100mm mulch / aggregate / rumble boards strapped over mulch / steel plating over 10mm mulch layer / retention of existing surface. No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within the ground protection area unless specified in this consent.

		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. 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. h) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.
		Condition Reason: To ensure the protection of existing trees Standard Condition B.5 (Autotext 5B)
B.	**20.**	**Construction Management Plan Arborist Review**
		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. The plan must address: 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.
		Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28 (Autotext 28B)
B.	**21.**	**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: • 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:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.
Standard Condition B.29 (Autotext 29B)

B. 22. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
1	*Eucalyptus saligna*	7.8m	Construction of new building and landscape upgrade works using tree sensitive construction methods under the direct supervision of the project Arborist as detailed in these conditions of consent.
2	*Ficus rubiginosa*	12m	Construction of new building and landscape upgrade works using tree sensitive construction methods under the direct supervision of the project Arborist as detailed in these conditions of consent.
3	*Ficus macrophylla*	15m	Construction of new building and landscape upgrade works using tree sensitive construction methods under the direct supervision of the project Arborist as detailed in these conditions of consent.

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

		Condition Reason To establish the works which are permissible within the Tree Protection Zones. Standard Condition B.30 (Autotext 30B)

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.	**1.**	**Modification of Details of the Development (section 4.17(1)(g) of the Act**
		Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments: a) Windows -2W03 and -2W04 must be translucent glazing to a height of at least 1.5m to avoid overlooking on to bathrooms. b) The pedestrian entry gates are to swing inwards on to the subject property only and not on to the Council footpath. **Notes:** • Clause 20 of the Development Certification and Fire Safety Regulations prohibits ***the*** issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with. • Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.
		Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.
D.	**2.**	**BASIX Commitments**
		Before the issue of any construction certificate, BASIX Certificate No. 1377906M must be submitted to the Principal Certifier with any application for a construction certificate. All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate. **Notes:** • 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.
	Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.
D. 3.	**Erosion and Sediment Control Plan – Submission and Approval**
	Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate. **Notes:** • The International Erosion Control Association – Australasia www.austieca.com.au 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
D. 4.	**Structural Adequacy of Existing Supporting Structures**
	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.
	Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.

D. 5.	**Professional Engineering Details**
	Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate. **Notes:** • This does not affect the right of the developer to seek staged construction certificates.
	Condition Reason: To ensure professional engineering details and technical specifications are provided.
D. 6.	**Submission of a Site Waste Minimisation and Management Plan**
	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. **Notes:** • 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.
	Condition Reason: To ensure that the Waste Minimisation and Management Plan is assessed and approved by Council.
D. 7.	**Payment of S7.12 Contributions Levy**
	A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022. A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021. The cost estimate report must be in the form of:

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

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

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

How must the payments be made?
Payments must be made by:
- Cash deposit with Council,
- Credit card payment with Council, or
- Bank cheque made payable to Woollahra Municipal Council.

Deferred or periodic payment of section 7.12 levy
Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:
- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee.

Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

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

Condition Reason: To ensure any relevant contributions are paid.

D. 8. Payment of Long Service Levy

Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under *Building and Construction Industry Long Service Payments Act 1986*			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	

Building and Construction Industry Long Service Payment
The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

Condition Reason: To ensure any relevant levy is paid.

D. 9. Transport for NSW – Prior to the submission of a Section 138 Application

1. All buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Old South Head Road boundary.

		2. The design and construction of the vehicular crossing, removal of redundant vehicular crossings, stormwater drainage and associated works on Old South Head Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. 3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work. 4. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued. 5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the state road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf. For more information, please contact Vic Naidu, Land Use Planner via email at development.sydney@transport.nsw.gov.au.
		Condition Reason: Nil.
D.	**10.**	**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 construction of a new 3 metres wide vehicular crossing including the removal of the existing gutter in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment. b) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. Note: All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. c) In light of paragraphs (a) and (b) above, approval must be sought from Transport for NSW for the above infrastructure works. Transport for NSW approved civil drawings must be submitted for assessment. Note: Transport for NSW may have additional design requirements and/or specifications regarding these infrastructure works, and these may supersede Council's specifications. d) The removal and replacement of the existing 1.8 metres wide concrete footpath for the full frontage of the site in accordance with Council's Specification, Council's standard drawing RF3 and to the satisfaction of Council's Assets Engineers. A maximum cross-fall of 3% must be provided for the footpath, graded from the property boundary towards the top of kerb. A design longitudinal surface profile (scale 1:100) and cross sections (scale 1:50) at every 5 metres interval must be submitted for assessment. e) 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. Note: damaged kerb and gutter and road pavement on Old South Head Road must be reinstated to Transport for NSW's Specification and to the satisfaction of Transport for NSW. f) 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. g) A bond of $15,400 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date. h) Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements. i) The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements.

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 *Environmental Planning and Assessment Act 1979*			
Infrastructure Works Bond - completing any public work required in connection with the consent.	$ 15,400	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 *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	$ 16,074		

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

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

		• Alteration and/or addition of retaining walls • Pumping of water to Council's below ground stormwater system • Installation of soil/rock anchors under the roadway • Installation of Stormwater outlet pipes across the nature strip • An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate. • Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following: • Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment. • Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services. • All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances. • The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". • Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.

		• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
		Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.
D.	**11.**	**Erosion and Sediment Control Plan – Submission and Approval**
		Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with: c) "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 d) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate. **Notes:** • The International Erosion Control Association – Australasia www.austieca.com.au 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.
		Condition Reason: To prevent potential water pollution and dust nuisance.
D.	**12.**	**Professional Engineering Details**
		Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.

		Notes: • This does not affect the right of the developer to seek staged construction certificates.
		Condition Reason: To ensure professional engineering details and technical specifications are provided.
D.	**13.**	**Engineer Certification**
		Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property. This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.
		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.
D.	**14.**	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
		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. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide 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: • 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.
D. 15.	**Ground Anchors**
	This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. Before the issue of any construction certificate, if ground anchors are proposed: 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. **Notes:** • To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds. • Road has the same meaning as in the Roads Act 1993. • Clause 17 of the Roads (General) Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

		Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.
D.	**16.**	**Vehicular Access and Parking Arrangement**
		Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following: a) 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, b) The proposed double garages must have minimum dimensions of 5.4m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans. The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: *Parking Facilities - Off-Street Car Parking*. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. 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. **Note**: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*. **Note**: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with. **Note**: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.
		Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.
D.	**17.**	**Stormwater Management Plan**
		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: a) General design in accordance with stormwater management plans, referenced C230922-Rev 5, prepared by AVN Infinity, dated 28/05/2024 other than amended by this and other conditions.

		b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet 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. The kerb discharge must be located within the frontage of the site. d) The installation of rainwater tanks (RWT) with a minimum storage volume of 26.4m^3 for each dwelling to comply with Chapter E2.2.9 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Overflow from the RWT must be directed to the boundary junction pit by gravity. Notation to this requirement must be clearly depicted on the drawings. e) A pump out system with minimum capacity of 8 m^3 for each dwelling must be installed to collect any roof water and surface runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a minimum 600x600mm boundary junction pit prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3. f) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. g) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the boundary junction pit by gravity. h) 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. i) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath. j) Dimensions of all drainage pits and access grates must comply with AS3500.3. k) Compliance with the objectives and performance requirements of the BCA. l) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Rainwater Tank (RWT) Requirements** The minimum storage volume for the required rainwater tanks (RWT) must be 26.4m^3 for each dwelling and the Permissible Site Discharge (PSD) for the proposed development must not exceed 20l/s. The Stormwater Management Plan must also include the following specific requirements: **Layout Plan** A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian

		Rainfall and Run-off, 2019 edition or most current version thereof. It must include: a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location of proposed rainwater tanks. c) All invert levels reduced to Australian Height Datum (AHD). d) Location and dimensions of all drainage pits. e) Point and method of connection to Councils drainage infrastructure. f) Overland flow paths over impervious areas. **Rainwater Reuse System Details:** a) Any potential conflict between existing and proposed trees and vegetation. b) Internal dimensions and volume of the proposed rainwater storage. c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures. d) Details of access and maintenance facilities. e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products. f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
		Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D.	**18.**	**Non-Gravity Drainage Systems**
		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. 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. **Notes:** • The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au
		Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.

D.	**19.**	**Tree Protection Plan and Specification**
		Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
		Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented. Standard Condition D.30 (Autotext 30D)
D.	**20.**	**Waste Storage – Residential Units (up to four units)**
		Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for: a) The storage of waste and recycling bins behind the building line or within non-habitable areas of the building as close as possible to the service road collection point. b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.
		Condition Reason: To ensure a waste and recycling storage area is provided.

D.	**21.**	**Waste Storage – Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)**
		Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions for waste management in accordance with the approved SWMMP. Waste storage areas must meet the following requirements: a) Bins must be stored with lids down to prevent vermin from entering the waste containers. b) The area must be constructed with a smooth impervious floor graded to a floor waste. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water. c) Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter. d) The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use. e) Odour problems must be minimised by good exhaust ventilation. f) Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room. g) Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.
		Condition Reason: To ensure a waste and recycling storage area is provided.
D	**22.**	**Electric vehicle circuitry and electric vehicle charging point requirements**
		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.
		Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).

E. BEFORE BUILDING WORK COMMENCES

E. 1.	**Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**
	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: a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. This condition does not apply: a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made. **Notes:** • 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.
	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.
E. 2.	**Erosion and Sediment Controls – Installation**
	Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) The Soil and Water Management Plan if required under this consent; b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and 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). Where there is any conflict The Blue Book takes precedence. **Notes:** • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

	• The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	Condition Reason: To prevent potential water pollution and dust nuisance.
E. 3.	**Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)**
	Building work must not commence, until: a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and b) The person having the benefit of the development consent has: • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. **Notes:** • ***Building*** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • ***New building*** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.

	• The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of $12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.
E. 4.	**Erosion and Sediment Controls – Installation**
	Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: d) The Soil and Water Management Plan if required under this consent; e) "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 f) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	Condition Reason: To prevent potential water pollution and dust nuisance.

F. DURING BUILDING WORK

F. 1.	**Compliance with BCA and Insurance Requirements under the Home Building Act 1989**
	While site work is being carried out: 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. This condition does not apply: 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. 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. 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. **Notes:** • 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**
	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.
	Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.
F. 3.	**Critical Stage Inspections**
	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. 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. 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. **Notes:** • 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.
	Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.
F. 4.	**Hours of Work –Amenity of the Neighbourhood**
	While site work is being carried out: a) No work must take place on any Sunday or public holiday. b) No work must take place before 7am or after 5pm any weekday. c) No work must take place before 7am or after 1pm any Saturday. d) The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: i. piling, ii. piering, iii. rock or concrete cutting, boring or drilling, iv. rock breaking, v. rock sawing, vi. jack hammering, or vii. machine excavation. e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. **Notes:** • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

	• The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm
	Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.
F. 5.	**Public Footpaths – Safety, Access and Maintenance**
	While site work is being carried out, any person acting with the benefit of this consent must: a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. b) Not use the road or footway for the storage of any article, material, matter, waste or thing. c) Not use the road or footway for any work. d) Keep the road and footway in good repair free of any trip hazard or obstruction. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide. i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with: a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. b) Australian Road Rules. **Notes:** • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or

	- pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: - Part C Management of waste: a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
	Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.
F. 6.	**Maintenance of Environmental Controls**
	While site work is being carried out, the following monitoring, measures and controls must be maintained: a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.
	Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.
F. 7.	**Support of Adjoining Land and Buildings**
	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). 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. **Notes:** • 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: - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.

	• Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	Condition Reason: To ensure that the support of adjoining land is not removed.
F. 8.	**Erosion and Sediment Controls – Maintenance**
	While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with: a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" 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). Where there is any conflict The Blue Book takes precedence. **Notes:** • 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 9.	**Disposal of Site Water During Construction**
	While site work is being carried out: 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.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 10.	**Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**
	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. Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction: a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. g) Flood protection measures are in place confirming location, height and capacity.
	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.
F. 11.	**Placement and Use of Skip Bins**
	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:

	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. **Notes:** • 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.
	Condition Reason: To ensure waste storage containers are appropriately located.
F. 12.	**Prohibition of Burning**
	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. **Notes:** • 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.
	Condition Reason: To ensure no burning of waste occurs.
F. 13.	**Dust Mitigation**
	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. This generally requires: a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. **Notes:** • "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.
	Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.
F. 14.	**Site Waste Minimisation and Management – Demolition**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities: 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. When implementing the SWMMP the Applicant must ensure: a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the 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. **Notes:** • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.
F. 15.	**Site Waste Minimisation and Management – Construction**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities: 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.
	Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.
F. 16.	**Asbestos Removal**
	While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation. 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: 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. **Notes:** • 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: - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016).

	• For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.
F. 17.	**Classification of Hazardous Waste**
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F. 18.	**Disposal of Asbestos and Hazardous Waste**
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.
F. 19.	**Asbestos Removal Signage**
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F. 20.	**Notification of Asbestos Removal**
	While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

F. 21.	**Public Footpaths – Safety, Access and Maintenance**
	While site work is being carried out, any person acting with the benefit of this consent must: j) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. k) Not use the road or footway for the storage of any article, material, matter, waste or thing. l) Not use the road or footway for any work. m) Keep the road and footway in good repair free of any trip hazard or obstruction. n) 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. o) Not stand any plant and equipment upon the road or footway. p) 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. q) Provide a clear safe pedestrian route a minimum of 1.5m wide. r) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with: c) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. d) Australian Road Rules. **Notes:** • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: - Part C Management of waste: d) For fee or reward, transport waste over or under a public place e) Place waste in a public place f) Place a waste storage container in a public place. - Part E Public roads: c) 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 d) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

	Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.
F. 22.	**Maintenance of Environmental Controls**
	While site work is being carried out, the following monitoring, measures and controls must be maintained: g) erosion and sediment controls, h) dust controls, i) dewatering discharges, j) noise controls, k) vibration monitoring and controls, and l) ablutions.
	Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.
F. 23.	**Compliance with Geotechnical / Hydrogeological Monitoring Program**
	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. The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to: a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and c) the contingency plan. **Notes:** • 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.
	Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.
F. 24.	**Support of Adjoining Land and Buildings**
	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). 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.

	Notes: • 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: - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	Condition Reason: To ensure that the support of adjoining land is not removed.
F. 25.	**Vibration Monitoring**
	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. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

	Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice. The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land. **Notes:** • ***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.
	Condition Reason: To monitor and manage vibration impacts from development.
F. 26.	**Erosion and Sediment Controls – Maintenance**
	While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with: d) the Soil and Water Management Plan required under this consent, e) "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 f) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • 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.

	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 27.	**Disposal of Site Water During Construction**
	While site work is being carried out: d) 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. e) 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. f) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 28.	**Site Cranes**
	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. 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. The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth). No illuminated sign(s) must be erected upon or displayed upon any site crane. **Notes:** • 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.
	Condition Reason: To ensure site cranes are used safely with the relevant approvals.

F. 29.	**Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**
	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. Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction: h) 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. i) 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. j) 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. k) 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. l) 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. m) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. n) Flood protection measures are in place confirming location, height and capacity.
	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.
F. 30.	**Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**
	While site work is being carried out, all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the development to which this consent relates must comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). The person with the benefit of this consent must meet all costs associated with such works. This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.

		Notes: • A copy of Council's Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council's website www.woollahra.nsw.gov.au
		Condition Reason: To ensure that any road, drainage, or miscellaneous works comply with Council's specifications.
F.	**31.**	**Shoring and Adequacy of Adjoining Property**
		While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense: a) protect and support the adjoining premises from possible damage from the excavation. 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. **Notes:** • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
		Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.
F.	**32.**	**Tree Preservation**
		While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. 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. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
		Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F. 33. Arborists Documentation and Compliance Checklist

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:

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	• 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 excavation of the pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent and ensure they are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • The project arborist must supervise the installation of the new storm water pipes and OSD tanks within the TPZ of tree 1, documenting the condition of roots and soil. • The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan.

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

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

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

Standard Condition F.45 (Autotext 45F)

F. 34. Replacement/Supplementary trees which must be planted

While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans.

The project arborist must document compliance with the above condition.

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

Standard Condition F.46 (Autotext 46F)

F. 35. Level changes in the vicinity of trees

While site work is being carried out, no level changes (except for localised siting of pier footings) must occur within the specified radius from the trunks of the following trees.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

The project arborist must document compliance with the above condition.

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

Standard Condition F.49 (Autotext 49F)

F. 36. 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)
A	Corymbia ficifolia	Street tree	2.7m

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

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

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.50 (Autotext 50F)

F. 37. 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)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.51 (Autotext 51F)

F. 38. 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)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

		Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed. The project arborist must document compliance with the above condition.
		Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees. Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	**Occupation Certificate (section 6.9 of the Act)**
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. **Notes:** • New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	**Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation**
	Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1377906M. **Notes:** • Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.
G. 3.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation.

G. 4.	**Removal of Ancillary Works and Structures**
	Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place: a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing.
	Condition Reason: To ensure that all ancillary matter is removed prior to occupation.
G. 5.	**Commissioning and Certification of Systems and Works**
	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. 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: a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require. **Notes:** • The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). • The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.

	Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.

G. 6.	**Commissioning and Certification of Public Infrastructure Works**
	Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect. The certification must be supported with works-as-executed engineering plans and a survey report detailing all finished reduced levels.
	Condition Reason: To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.
G. 7.	**Works within Public Land (including Council, State or Federal owned land or property)**
	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: a) stormwater pipes, pits, structures and connections to public stormwater systems within the road, b) driveways and vehicular crossings, c) renew/new retaining structures, d) overhang structures, e) encroachments or occupation or alienation of public land or property, f) removal of redundant driveways and any other structure, g) new footpaths, pathways, walkways, or dunny lanes, h) relocation of existing power/light pole, if applicable, i) relocation/provision of street signs, if applicable, j) new or replacement street trees, if applicable, k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street, l) new or reinstated kerb and guttering within the road, and m) new or reinstated road surface pavement within the road. **Notes:** • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.

		• Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
		Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.
G.	**8.**	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
		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: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tanks and pump out systems, c) that all below ground structures are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings, d) that rainwater tanks with minimum storage of 26.4m^3 for each dwelling has been constructed in accordance with the approved stormwater plans, e) that the as-built rainwater retention and reuse system has been plumbed into all toilet, laundry and garden irrigation etc., f) that all charged systems have been constructed in accordance with the approved stormwater drawings, g) that a pump out system with minimum storage capacity of 8m^3 for each dwelling has been installed to comply with AS3500.3, h) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, i) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, j) pipe invert levels and surface levels to Australian Height Datum, and k) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. 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 rainwater retention and reuse system, charged systems and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • 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.

<table>
<tr><td></td><td></td><td>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</td></tr>
<tr><td>G.</td><td>9.</td><td>Amenity Landscaping</td></tr>
<tr><td></td><td></td><td>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.</td></tr>
<tr><td></td><td></td><td>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.
Standard Condition G.6 (Autotext 6G)</td></tr>
<tr><td>G.</td><td>10.</td><td>Landscaping</td></tr>
<tr><td></td><td></td><td>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.</td></tr>
<tr><td></td><td></td><td>Condition Reason: To ensure that all landscaping work is completed prior to occupation.
Standard Condition G.26 (Autotext 26G)</td></tr>
<tr><td>G.</td><td>11.</td><td>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</td></tr>
<tr><td></td><td></td><td>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:
a) A record of the condition of trees to be retained prior to and throughout development.
b) Recommended actions to improve site conditions and rectification of non-compliance.
c) Recommendations for future works which may impact the trees.

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

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

<table>
<tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr>
<tr><td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr>
</table>

Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</td></tr>
</table>

<table>
<tr><td></td><td></td><td>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</td></tr>
<tr><td></td><td></td><td>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.
Standard Condition G.34 (Autotext 34G)</td></tr>
<tr><td>G.</td><td>12.</td><td>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</td></tr>
<tr><td></td><td></td><td>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:
a) A record of the condition of trees to be retained prior to and throughout development.
b) Recommended actions to improve site conditions and rectification of non-compliance.
c) Recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site.

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

<table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>Before the issue of any occupation certificate for the whole of the building</td><td>• The project arborist must supervise the dismantling of tree protection measures
• After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</td></tr></table>
Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.

Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</td></tr>
<tr><td></td><td></td><td>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.
Standard Condition G.35 (Autotext 34G)</td></tr>
<tr><td>G.</td><td>13.</td><td>New Waste Services</td></tr>
<tr><td></td><td></td><td>Before the issue of any occupation certificate, the required wastes services must be provided. This includes the purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved Waste Management Plan.</td></tr>
<tr><td></td><td></td><td>Condition Reason: To ensure waste services are provided prior to occupation.</td></tr>
</table>

G. 14.	**Certification of Electric Vehicle Charging System**
	Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition C##. must be submitted to the satisfaction of the Principal Certifier.
	Condition Reason: To ensure the certification of the electric vehicle charging system.

H. OCCUPATION AND ONGOING USE

H. 1.	**Maintenance of BASIX Commitments**
	During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1377906M. This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.
H. 2.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
H. 3.	**Ongoing Maintenance of the Rainwater Retention and Reuse System, Charged Systems and Pump Out System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily retained and detained by the Systems;

		b) Keep the systems 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 systems so that they 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 systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly. 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. The owner: 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. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
		Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.
H.	**4.**	**Use of First Floor Plan/Attic Level**
		During the occupation and ongoing use, the first floor /attic level of each dwelling must not be used as a separate domicile/secondary dwelling.
		Condition Reason: To ensure that the premises is being used as per the approved land use.
H.	**5.**	**Ongoing Maintenance of the Rainwater Retention and Reuse System, Charged Systems and Pump Out System**
		During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: i) Permit stormwater to be temporarily retained and detained by the Systems; j) Keep the systems clean and free of silt rubbish and debris,

		k) Maintain renew and repair as reasonably required from time to time the whole or part of the systems so that they functions in a safe and efficient manner. l) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. m) Not make any alterations to the systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly. n) 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. o) 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. p) 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. The owner: c) 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 d) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
		Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.
H.	**6.**	**Maintenance of Landscaping**
		During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land.

		Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting. Standard Condition H.25 (Autotext 25H)
H.	**7.**	**Noise Control**
		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. **Notes:** • Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997. • Useful links: - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. - NSW Environment Protection Authority— see "noise" section www.environment.nsw.gov.au/noise. - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.
		Condition Reason: To protect the amenity of the neighbourhood.
H.	**8.**	**Noise from Mechanical Plant and Equipment**
		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. The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter. **Notes:** • Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
		Condition Reason: To protect the amenity of the neighbourhood.

H. 9.	**Outdoor Lighting – Residential**
	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 luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.
	Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

Attachments

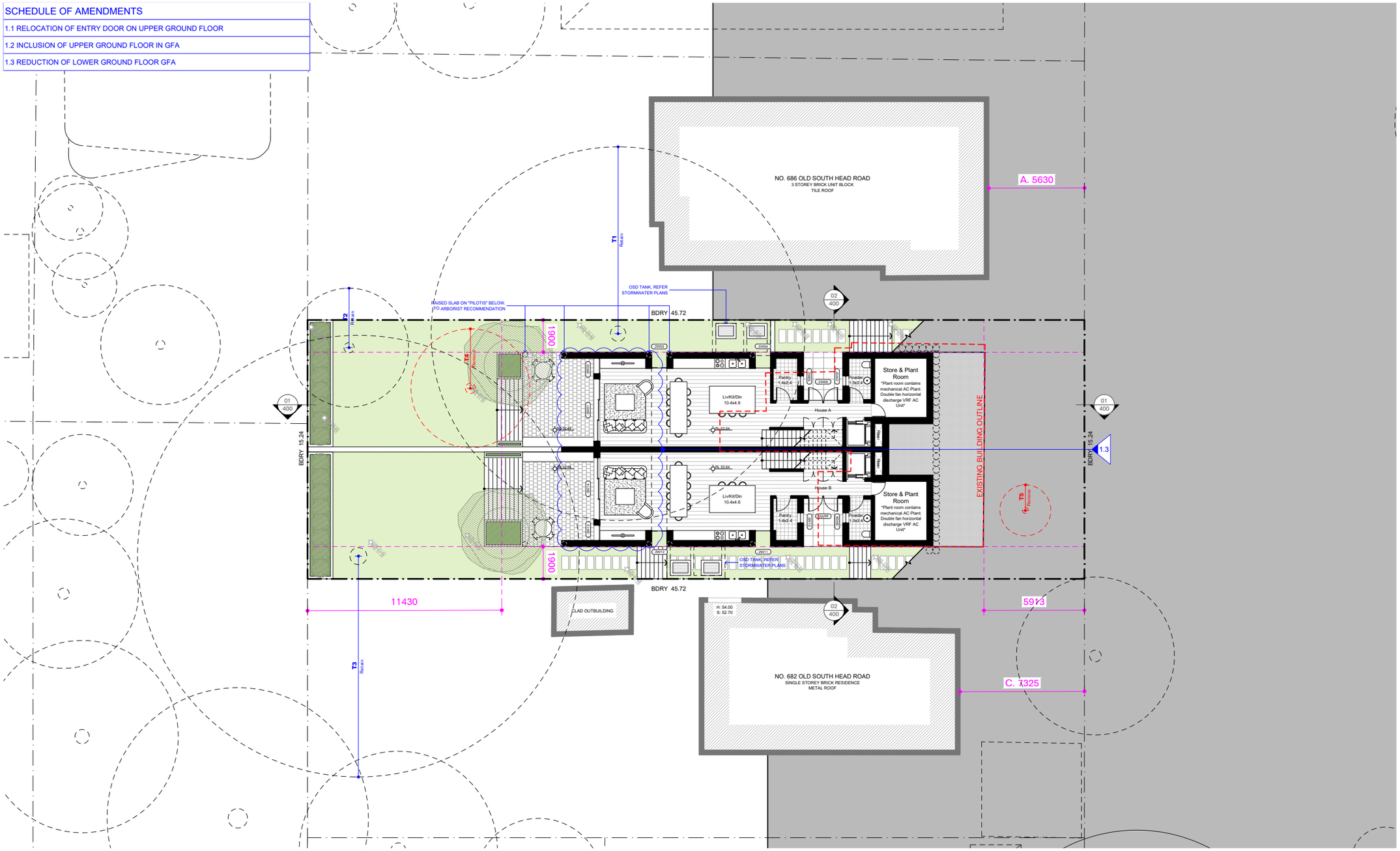
1. Plans, sections and elevations inclduing landscape plans ⇩
2. Clause 4.6 Written Request - Height ⇩
3. Referral Response - Development Engineering ⇩
4. Referral Response - Tree & Landscaping ⇩
5. Referral Response - Heritage ⇩
6. Referral Response - Drainage ⇩
7. Referral Response - TfNSW ⇩

SCHEDULE OF AMENDMENTS

1.1 RELOCATION OF ENTRY DOOR ON UPPER GROUND FLOOR

1.2 INCLUSION OF UPPER GROUND FLOOR IN GFA

1.3 REDUCTION OF LOWER GROUND FLOOR GFA



For DA Only: Not For Construction

Legend:
- – – Existing to be demolished

Notes
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

BASIX/NATHERS: All other requirements as per certificates

WATER
Fixtures
- Showerheads: 3 Star (>7.5 but =/< 9Lmin)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

Alternative Water (all dwellings)
- Individual water tank (no. 1)
- Tank size (min) 2000L
- To collect run off from at least: 80m² of roof area
- Landscape/toilet/laundry connections

ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
- Suspended floor above enclosed subfloor
- Suspended floor above open subfloor

Wall Types (External)
- Cavity brick:143.3m², fibreglass batts or roll insulation
- Framed: H2 treated softwood, 30.6m², fibreglass batts, or roll insulation
- Framed (Metal clad): H2 treated softwood, 28.4m², fibreglass batts or roll insulation
- Cavity brick: 6.2m², no insulation

Wall Types (Internal)
- Plasterboard: 3m²
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A:** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
- **AWS-035-42 B:** Thermal heart awning window DG (U-Value: 2.9, SHGC: 0.39)
- **AWS-053-53 B:** Thermal heart hinged door DG (U-Value: 2.8, SHGC: 0.33)
- **AWS-067-11 A:** RES Series 516 fixed window DG (U-Value: 2.2, SHGC: 0.49)
- **AWS-089-61 A:** RES Series 704 flush sliding door DG (U-Value: 2.2, SHGC: 0.53)
- **VEL-011-01 W:** VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
- Cavity brick (Foil anti-glare/reflective bulk insulation R1.2)
- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Corrugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:
Planner
GSA Planning
Landscape
CONTOUR
Stormwater
AVN Infinity
Construction
CADDRAFT
Property
Choirender
Materials
Martin Peacock Tree Care
BASIX
Frys Energywise
Geo-Technical Report
Geo-Environmental Engineering

Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
02 9055 9261
www.common-office.com

Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

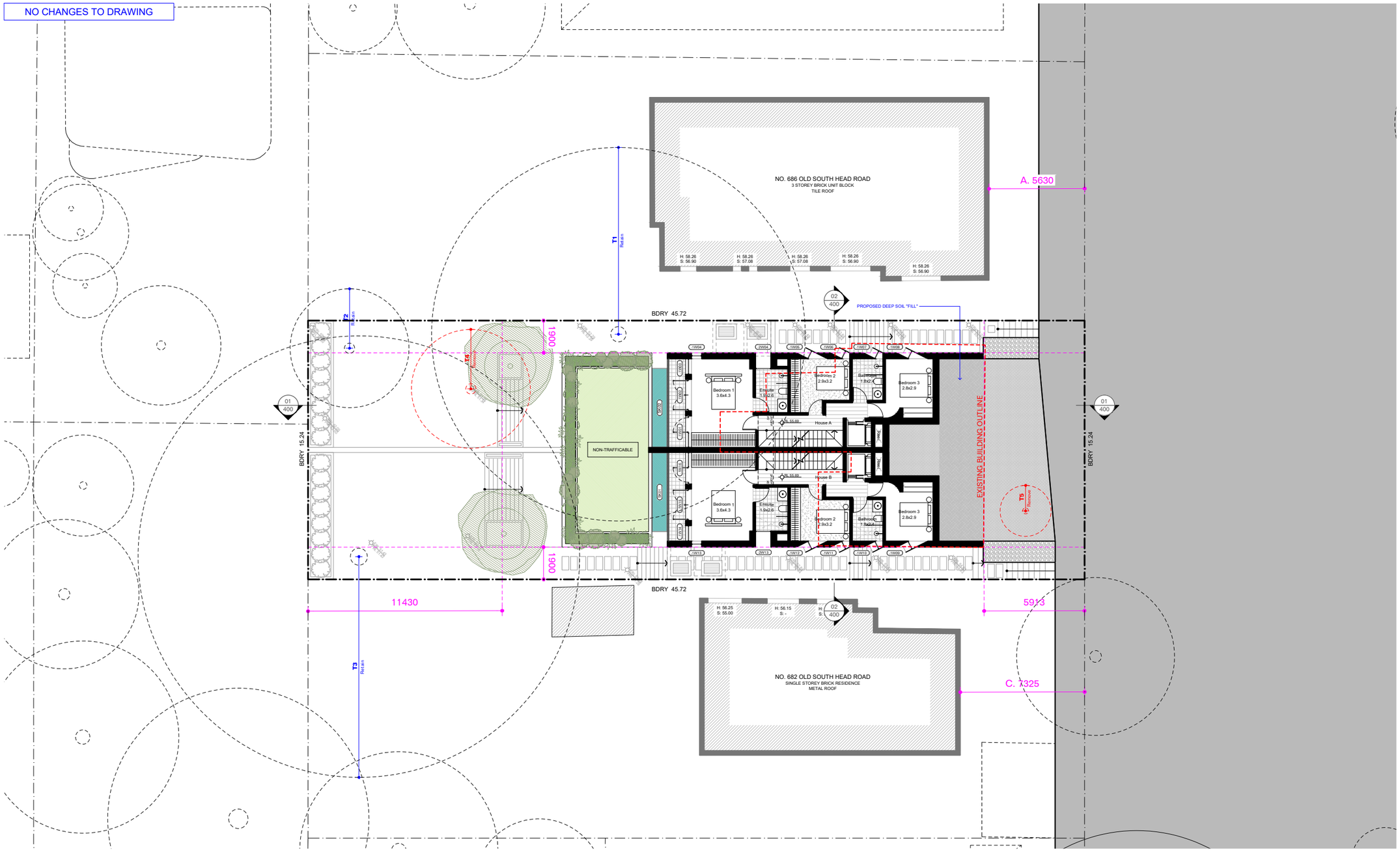
Drawn
WM, MC

Drawing
Basement Plan

Project No
2308

Drawing No
DA200[02]

Rev



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Legend:
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BASIX/NATHERS: All other requirements as per certificates

WATER
Fixtures
- Showerheads: 3 Star (>7.5 but =/< 9L/min)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

Alternative Water (all dwellings)
- Individual water tank (no. 1)
- Tank size (min) 2000L
- To collect run off from at least: 80m² of roof area
- Landscape/toilet/laundry connections

ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
- Suspended floor above enclosed subfloor
- Suspended floor above open subfloor

Wall Types (External)
- Cavity brick:143.3m², fibreglass batts or roll insulation
- Framed: H2 treated softwood, 30.4m², fibreglass batts, or roll insulation
- Framed (Metal clad): H2 treated softwood, 28.4m², fibreglass batts or roll insulation
- Cavity brick: 6.2m², no insulation

Wall Types (internal)
- Plasterboard: 3mm
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A:** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
- **AWS-035-42 B:** Thermal heart awning window DG (U-Value: 2.8, SHGC: 0.39)
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- **AWS-089-01 A:** RES Series 704 flush sliding door DG (U-Value: 2.2, SHGC: 0.53)
- **VEL-011-01 W:** VELUX FS - Fixed skylight DG (U-Value: 2.8, SHGC: 0.24)

Roof Windows
- **VEL-011-01 W:** VELUX-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
- Cavity brick (Foil anti-glare/reflective bulk insulation R1.2)
- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
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Consultants:
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CONTOUR
Stormwater
AVN Infinity
Shadows
CADDRAFT
Imagery
Choirender
Arborist
Martin Peacock Tree Care
BASIX
Frys Energywise
Geotechnical Report
Geo-Environmental Engineering

Common Office
L1, 45 Hutchinson St
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NSW Australia
02 9055 9261
www.common-office.com

Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

Drawn
WM, MC

Drawing
Lower Ground Plan

Project No
2308

Drawing No
DA201[01]

Rev

SCHEDULE OF AMENDMENTS

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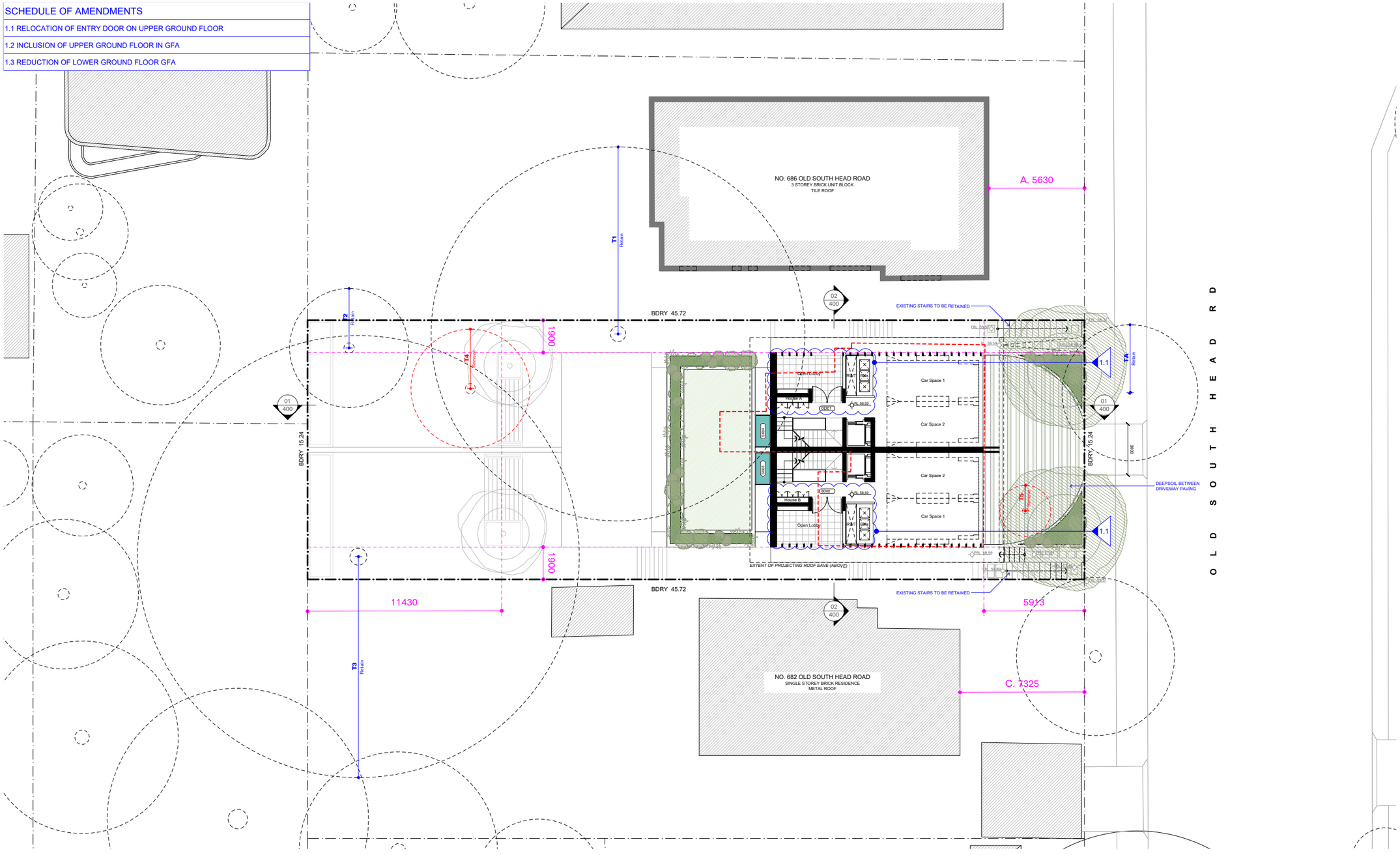

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- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

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- Individual water tank (no. 1)
- Tank size (min) 2000L
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- Landscape/toilet/laundry connections

ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

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- Concrete slab on ground
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- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

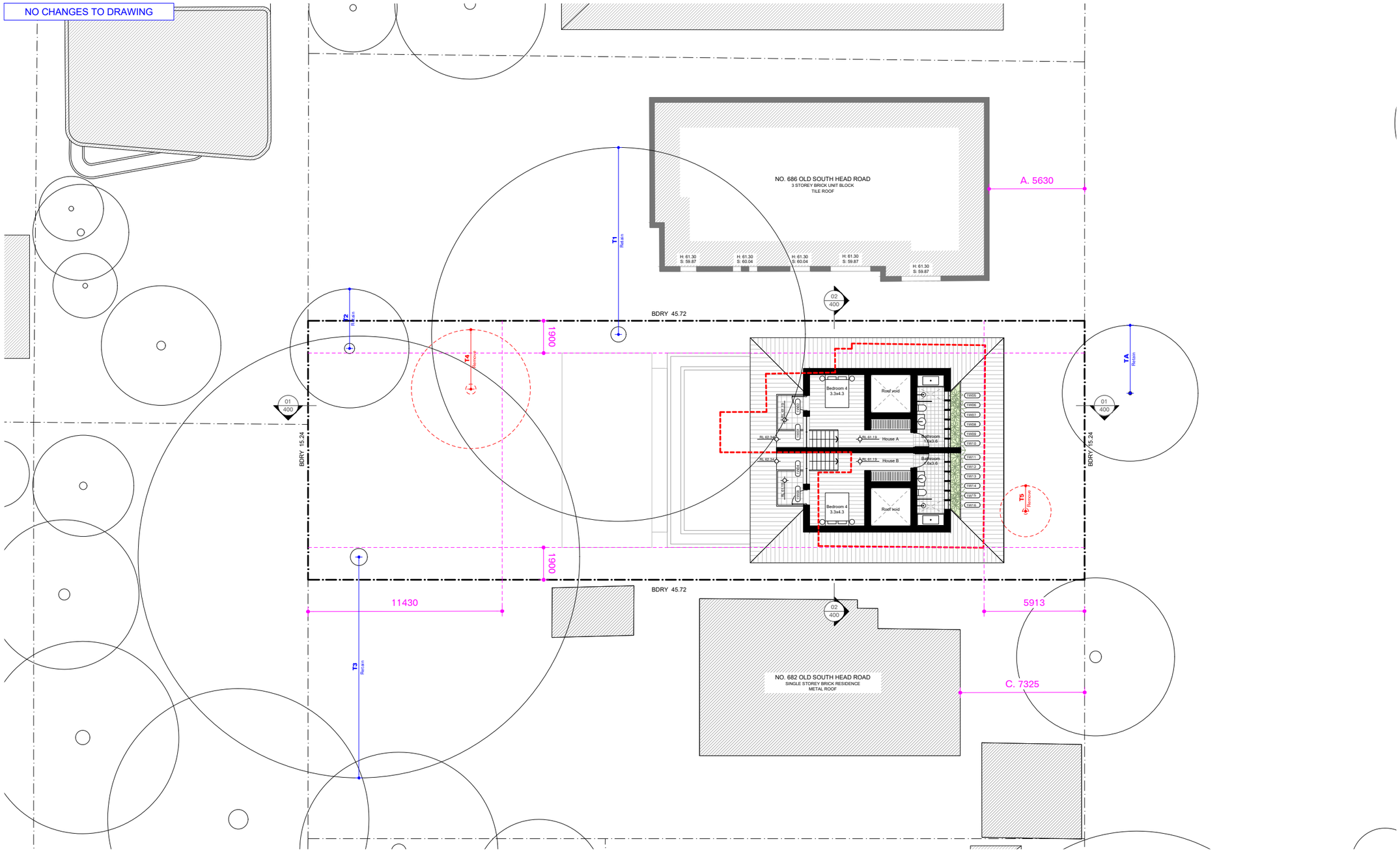
Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Currugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:

Planner
GSA Planning
Landscape
CONTOUR
Stormwater
AVN Infinity
Structural
CADDRAFT
Property
Choirender
Arborist
Martin Peacock Tree Care
BASIX
Frys Energywise
Geo-technical Report
Geo-Environmental Engineering

Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
02 9055 9051
www.common-office.com

Project	684 Old South Head Road, Rose Bay, NSW 2029
Date	14-May-24
Scale	1:200 at A3
Drawn	WM, MC
Drawing	Ground Plan
Project No	2308
Drawing No / Rev	DA202[01]



For DA Only: Not For Construction

Legend:
- Existing to be demolished

Notes
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BASIX/NATHERS: All other requirements as per certificates

WATER
Fixtures
- Showerheads: 3 Star (>7.5 but <= 9L/min)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

Alternative Water (all dwellings)
- Individual water tank (no. 1)
- Tank size (min) 2000L
- To collect run off from at least: 80m² of roof area
- Landscape/toilet/laundry connections

ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
- Suspended floor above enclosed subfloor
- Suspended floor above open subfloor

Wall Types (External)
- Cavity brick:143.3m², fibreglass batts or roll insulation
- Framed: H2 treated softwood, 30.6m², fibreglass batts, or roll insulation
- Framed (Metal clad): H2 treated softwood, 28.4m², fibreglass batts or roll insulation
- Cavity brick: 6.2m², no insulation

Wall Types (Internal)
- Plasterboard: 3m²
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A:** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
- **AWS-035-42 B:** Thermal heart awning window DG (U-Value: 2.9, SHGC: 0.39)
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- **VEL-011-01 W:** VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
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- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Corrugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:
Architect
GSA Planning
Landscape
CONTOUR
Surveyor
AVN Infinity
Arborist
CADDRAFT
Hydraulic
Choirender
Arborist
Martin Peacock Tree Care
BASIX
Frys Energywise
Geo-technical Report
Geo-Environmental Engineering

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N

Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

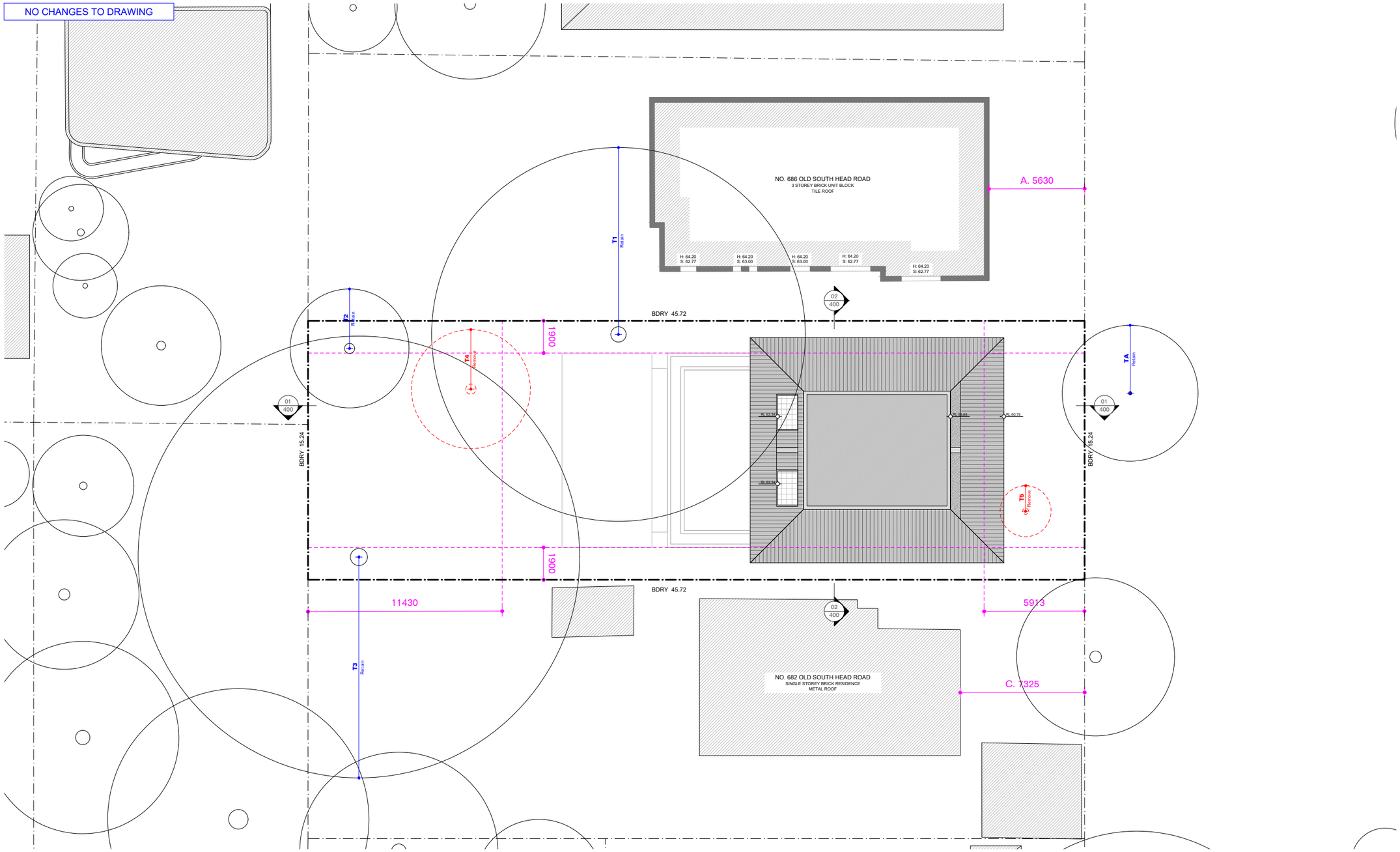
Drawn
WM, MC

Drawing
First Plan

Project No
2308

Drawing No
DA203[00]

Rev



For DA Only: Not For Construction

Legend:
- Existing to be demolished

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WATER
Fixtures
- Showerheads: 3 Star (>7.5 but <= 9L/min)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

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- Individual water tank (no. 1)
- Tank size (min) 2000L
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ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
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- Cavity brick: 6.2m², no insulation

Wall Types (Internal)
- Plasterboard: 3m²
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A:** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
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Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
- Cavity brick (Foil anti-glare/reflective bulk insulation R1.2)
- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Corrugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:
Planner
GSA Planning
Landscape
CONTOUR
Stormwater
AVN Infinity
Structural
CADDRAFT
Property
Choirender
Arborist
Martin Peacock Tree Care
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Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

Drawn
WM, MC

Drawing
Roof Plan

Project No
2308

Drawing No
DA204[00]

Rev

NO CHANGES TO DRAWING

Streetscape Elevation
1:500
With Trees

Streetscape Elevation
1:500
Without Trees

For DA Only: Not For Construction

Legend:
— Existing to be demolished

Notes
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BASIX/NATHERS: All other requirements as per certificates

WATER
Fixtures
- Showerheads: 3 Star (>7.5 but <9 9L/min)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

Alternative Water (all dwellings)
- Individual water tank (no. 1)
- Tank size (min) 2000L
- To collect run off from at least: 80m² of roof area
- Landscape/toilet/laundry connections

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Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

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- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
- Suspended floor above enclosed subfloor
- Suspended floor above open subfloor

Wall Types (External)
- Cavity brick/ 143.3m², fibreglass batts or roll insulation
- Framed: H2 treated softwood, 30.8m², fibreglass batts, or roll insulation
- Framed (Metal clad): H2 treated softwood, 28.4m², fibreglass batts or roll insulation
- Cavity brick: 6.2m², no insulation

Wall Types (Internal)
- Plasterboard: 3m²
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A:** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
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- **AWS-089-01 A:** RES Series 704 flush sliding door DG (U-Value: 2.2, SHGC: 0.50)
- **VEL-011-01 W:** VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
- Cavity brick (Foil anti-glare/reflective bulk insulation R1.2)
- Cavity brick (No insulation)
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- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Corrugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:
Planner
GBA Planning
Landscape
CONTOUR
Architect
AVN Infinity
Surveyor
CADDRAFT
Heritage
Choinrider
Arborist
Martin Peacock Tree Care
BASIX
Frys Energywise
Geo-Technical Report
Geo-Environmental Engineering

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NSW Australia
02 9055 9251
www.common-office.com

Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date

Scale
1:500 at A3

Drawn
WM, MC

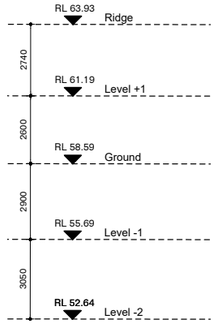
Drawing
Streetscape Elevation

Project No
2308

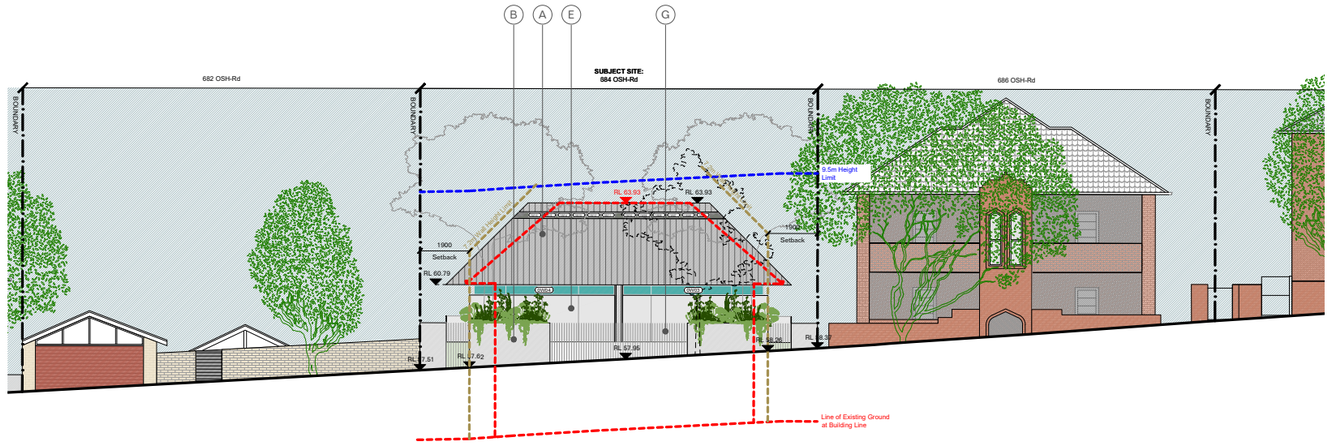
Drawing No
DA300[00]

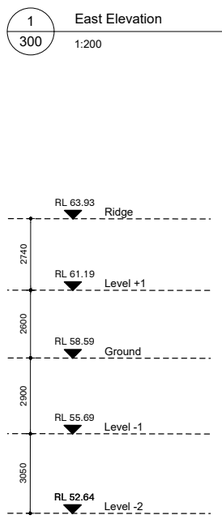
Rev

NO CHANGES TO DRAWING

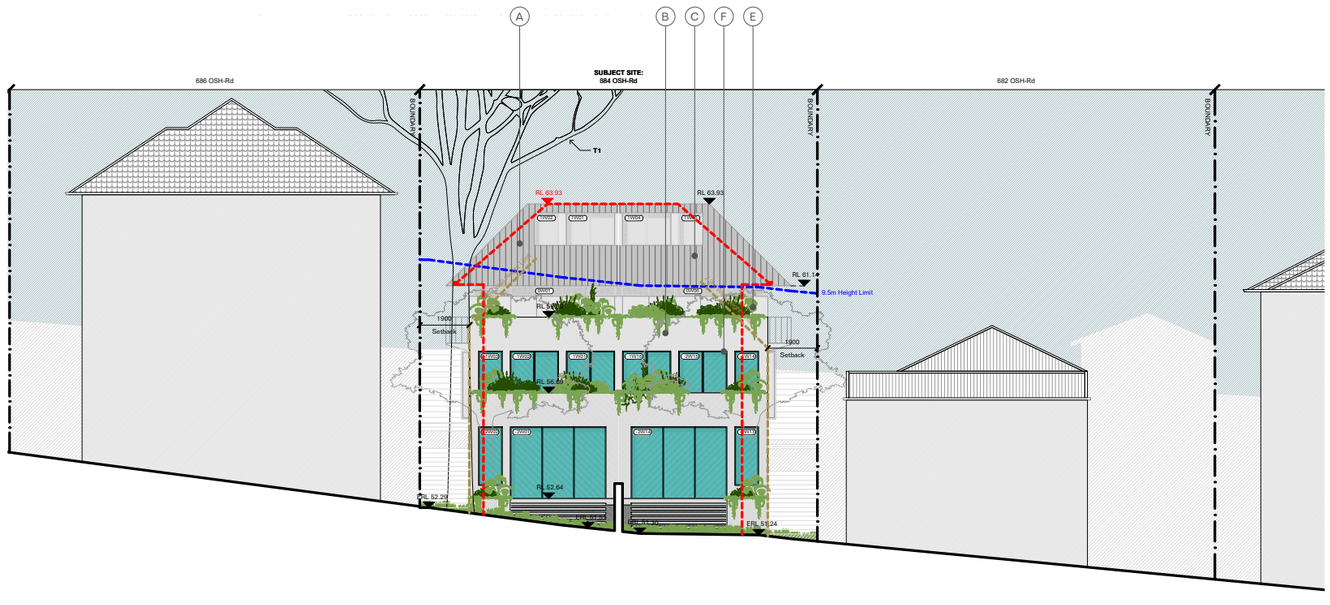


1 / 300 East Elevation
1:200



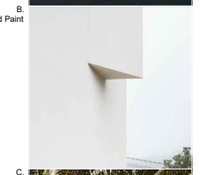


2 / 300 West Elevation
1:200



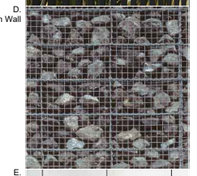
A. Metal Roof Standing Seam

B. Render and Paint

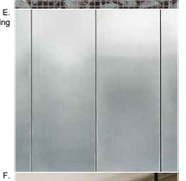


C. Metal Balustrade

D. Gabion Wall

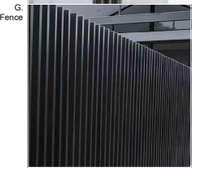


E. Metal Plate Cladding



F. Metal Framed Windows

G. Metal Blade Fence



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Ceiling and Roof
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Consultants:
~~Aspire~~
GSA Planning
~~Landscape~~
CONTOUR
~~Stormwater~~
AVN Infinity
~~Shadows~~
CADDRAFT
~~Imagery~~
Choirender
~~Arborist~~
Martin Peacock Tree Care
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Frys Energywise
~~Geo-technical Report~~
Geo-Environmental Engineering

~~Common Office~~
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Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

Drawn
WM, MC

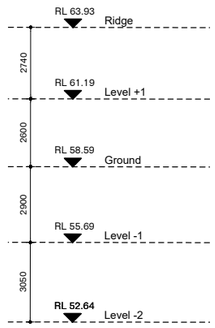
Drawing
East & West Elevations.

Project No
2308

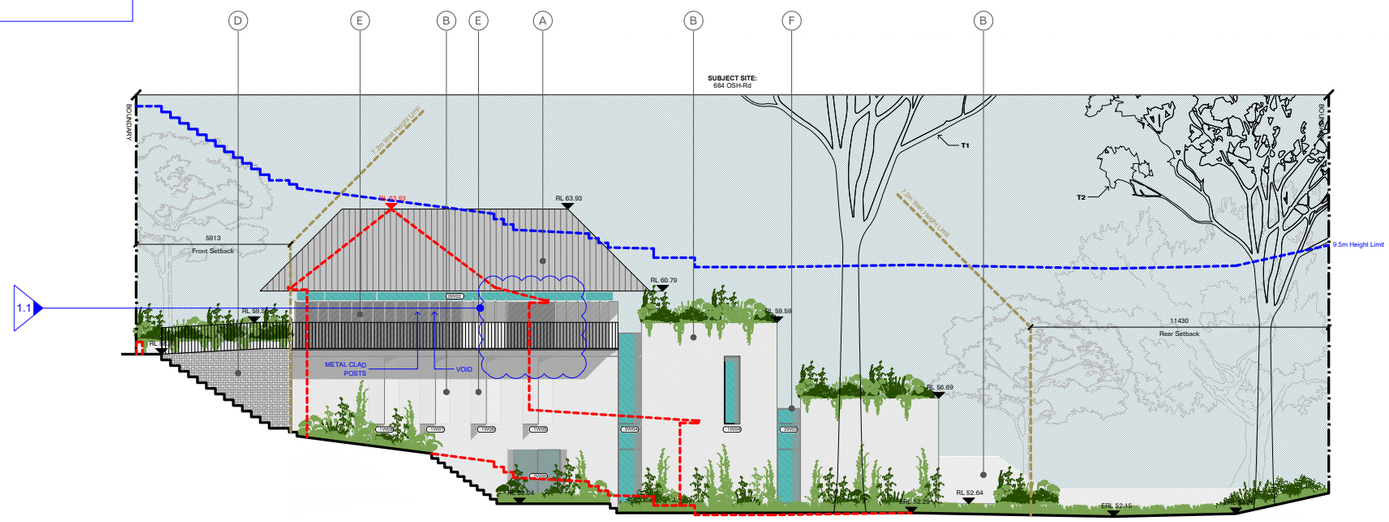
Drawing No
DA301[00]

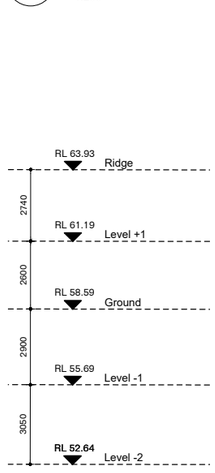
Rev

SCHEDULE OF AMENDMENTS
1.1 RELOCATION OF ENTRY DOOR ON UPPER GROUND FLOOR
1.2 INCLUSION OF UPPER GROUND FLOOR IN GFA
1.3 REDUCTION OF LOWER GROUND FLOOR GFA

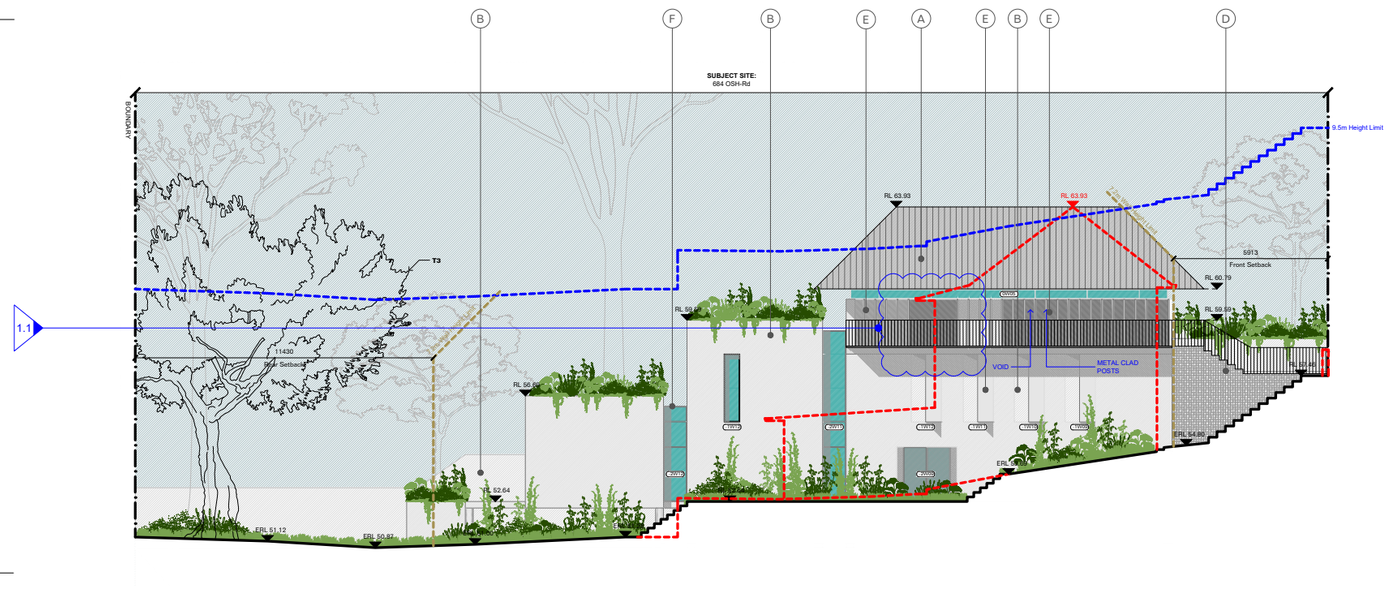


1 / 301 North Elevation
1:200



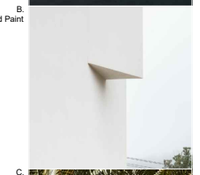


2 / 301 South Elevation
1:200



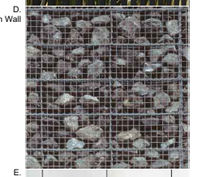
A. Metal Roof Standing Seam

B. Render and Paint



C. Metal Balustrade

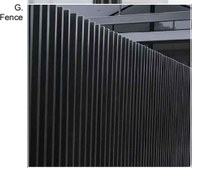
D. Gabion Wall



E. Metal Plate Cladding

F. Metal Framed Windows

G. Metal Blade Fence



For DA Only: Not For Construction

Legend:
- Existing to be demolished

Notes
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

BASIX/NATHERS: All other requirements as per certificates

WATER
Fixtures
- Showerheads: 3 Star (>7.5 but =/< 9L/min)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

Alternative Water (all dwellings)
- Individual water tank (no. 1)
- Tank size (min) 2000L
- To collect run off from at least: 80m² of roof area
- Landscape/toilet/laundry connections

ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
- Suspended floor above enclosed subfloor
- Suspended floor above open subfloor

Wall Types (External)
- Cavity brick:143.3m², fibreglass batts or roll insulation
- Framed: H2 treated softwood, 30.8m², fibreglass batts, or roll insulation
- Framed (Metal clad): H2 treated softwood, 28.4m², fibreglass batts or roll insulation
- Cavity brick: 6.2m², no insulation

Wall Types (internal)
- Plasterboard: 3m²
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A:** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
- **AWS-036-42 B:** Thermal heart awning window DG (U-Value: 2.9, SHGC: 0.39)
- **AWS-063-53 B:** Thermal heart hinged door DG (U-Value: 2.6, SHGC: 0.33)
- **AWS-067-11 A:** RES Series 516 fixed window DG (U-Value: 2.2, SHGC: 0.49)
- **AWS-089-61 A:** RES Series 704 flush sliding door DG (U-Value: 2.2, SHGC: 0.53)
- **VEL-011-01 W:** VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
- Cavity brick (Foil anti-glare/reflective bulk insulation R1.2)
- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Currogated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:
Architect
GSA Planning
Landscape
CONTOUR
Stormwater
AVN Infinity
Structure
CADDRAFT
Property
Choirender
Arborist
Martin Peacock Tree Care
BASIX
Frys Energywise
Geo-technical Report
Geo-Environmental Engineering

Common Office
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Surry Hills
NSW Australia
02 9555 9261
www.common-office.com

Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

Drawn
WM, MC

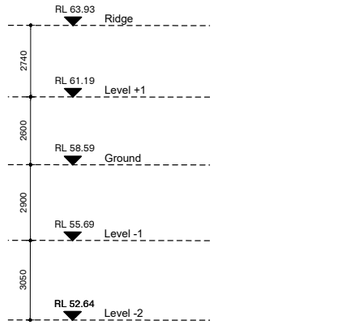
Drawing
North & South Elevations.

Project No
2308

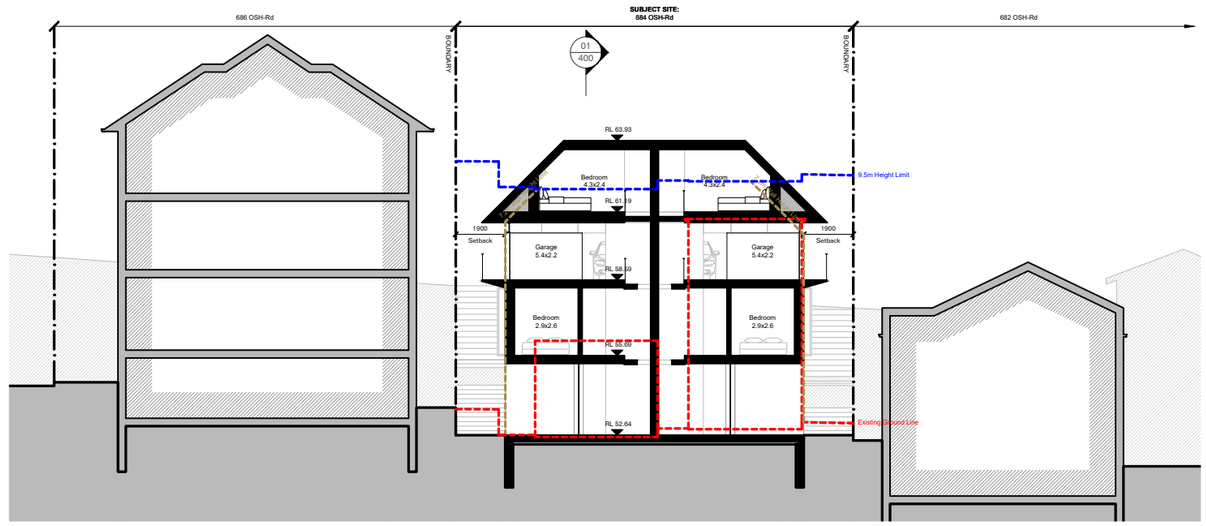
Drawing No
DA302[02]

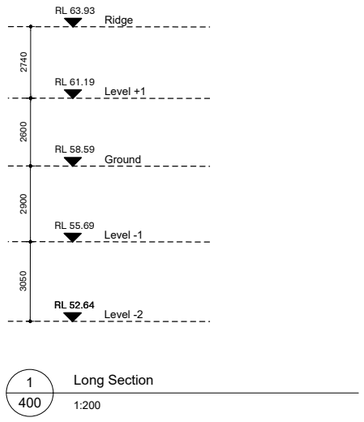
Rev

NO CHANGES TO DRAWING



2 / 400 Short Section
1:200





1 / 400 Long Section
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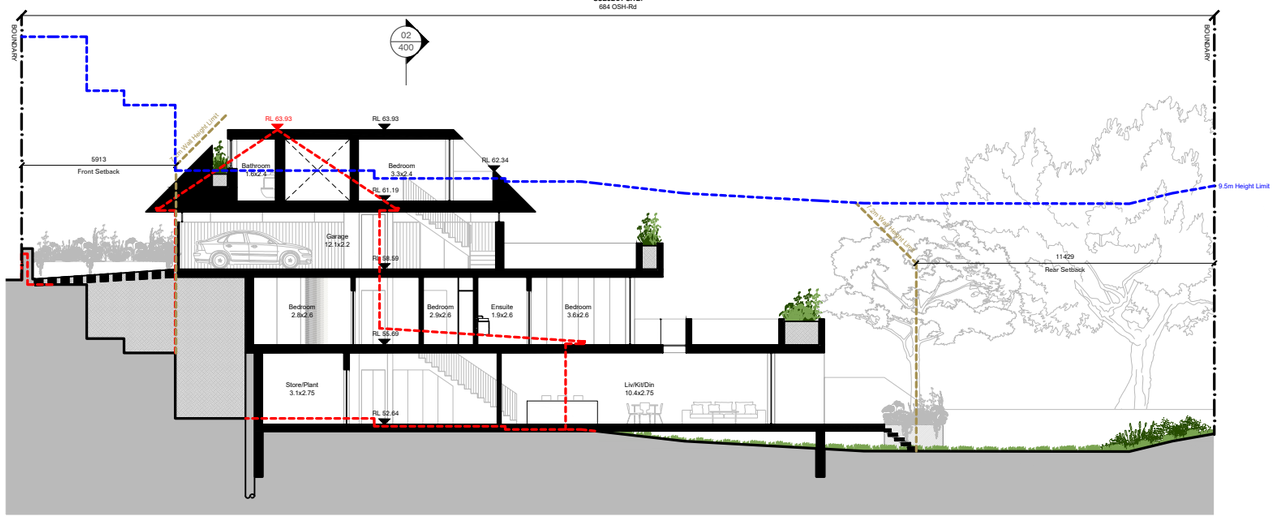

For DA Only: Not For Construction

Legend:
- Existing to be demolished

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BASIX/NATHERS: All other requirements as per certificates

WATER
Fixtures
- Showerheads: 3 Star (>7.5 but <9 L/min)
- Toilets: 4 Star
- Kitchen/Bathroom Taps: 4 Star

Alternative Water (all dwellings)
- Individual water tank (no. 1)
- Tank size (min) 2000L
- To collect run off from at least: 80m² of roof area
- Landscape/toilet/laundry connections

ENERGY
Hot Water
- Gas Instantaneous (7 Star)

Cooling
- Living/bedroom: 3-phase airconditioning/EER 3.0-3.5

Heating
- Living/bedroom: 3-phase airconditioning/EER 3.5-4.0

Natural Lighting
- Bathrooms/Toilets: 4

Other
- Gas cooktop and electric oven
- Private outdoor/unsheltered clothes line

THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
- Suspended floor above enclosed subfloor
- Suspended floor above open subfloor

Wall Types (External)
- Cavity brick:143.3m², fibreglass batts or roll insulation
- Framed: H2 treated softwood, 30.6m², fibreglass batts, or roll insulation
- Framed (Metal clad): H2 treated softwood, 28.4m², fibreglass batts or roll insulation
- Cavity brick: 6.2m², no insulation

Wall Types (Internal)
- Plasterboard: 3m²
- Single skin masonry: 218.7m²

Ceiling and Roof
- Framed: Metal roof, H2 treated softwood, 113m²

NATHERS:

Window and Glazed Door Types (Refer Window Schedules)
- **AWS-031-01 A :** Double hung window DG (U-Value: 3.7, SHGC: 0.39)
- **AWS-035-42 B :** Thermal heart awning window DG (U-Value: 2.9, SHGC: 0.39)
- **AWS-053-53 B :** Thermal heart hinged door DG (U-Value: 2.8, SHGC: 0.33)
- **AWS-067-11 A :** RES Series 516 fixed window DG (U-Value: 2.2, SHGC: 0.49)
- **AWS-089-01 A :** RES Series 704 flush sliding door DG (U-Value: 2.2, SHGC: 0.53)
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Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.8, SHGC: 0.24)

External Wall Type
- Cavity brick (Foil anti-glare/reflective bulk insulation R1.2)
- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Corrugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:
Planner
GSA Planning
Contractor
CONTOUR
Stormwater
AVN Infinity
Architect
CADDRAFT
Engineer
Chris Lavender
Arborist
Martin Peacock Tree Care
Surveyor
Frys Energywise
Geotechnical Report
Geo-Environmental Engineering

Common Office
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Surry Hills
NSW Australia
02 9055 9261
www.common-office.com

Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
1:200 at A3

Drawn
WM, MC

Drawing
Sections.

Project No
2308

Drawing No
DA400[00]

Rev

NO CHANGES TO DRAWING

A. Metal Roof - Standing Seam

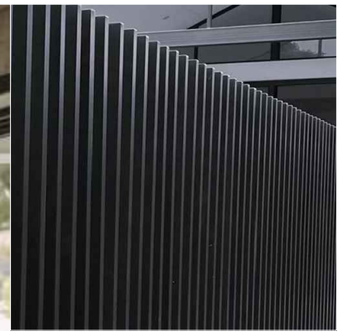
B. Render and Paint

C. Metal Balustrade

D. Gabion Wall

E. Metal Sheet Cladding

F. Metal Framed Windows



G. Metal Blade Fence

For DA Only: Not For Construction

Legend:

— Existing to be demolished

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Natural Lighting
- Bathrooms/Toilets: 4

Other
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THERMAL PERFORMANCE
Floor and Wall Construction
- Concrete slab on ground: 76.2m²

Floor Types
- Concrete slab on ground
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- **AWS-067-11 A:** RES Series 516 fixed window DG (U-Value: 2.2, SHGC: 0.49)
- **AWS-089-81 A:** RES Series 704 flush sliding door DG (U-Value: 2.2, SHGC: 0.53)
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Roof Windows
- **VEL-011-01 W:** VEL-011-01 W VELUX FS - Fixed skylight DG (U-Value: 2.6, SHGC: 0.24)

External Wall Type
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- Cavity brick (No insulation)
- Fibro timber stud (Bulk insulation R2.7)
- Metal clad timber stud frame (Bulk insulation R2.7)

Internal Wall Type
- Single skin brick
- Brick
- Cavity brick (Foil reflective bulk insulation R1.2)
- Timber stud frame (direct fix)

Roof Type
- Waterproofing membrane (solar absorptance: 50, colour: medium)
- Corrugated iron timber frame (bulk insulation, solar absorptance: 50, colour: medium)

Consultants:

Planner
GSA Planning
Landscape
CONTOUR
Stormwater
AVN Infinity
Architect
CADDRAFT
Property
Choirender
Arborist
Martin Peacock Tree Care
Waste
Frys Energywise
Geo-Technical Report
Geo-Environmental Engineering

Common Office
L1, 45 Hutchinson St
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Project
684 Old South Head Road,
Rose Bay, NSW 2029

Date
14-May-24

Scale
nts at A3

Drawn
WM, MC

Drawing
Materials Schedule

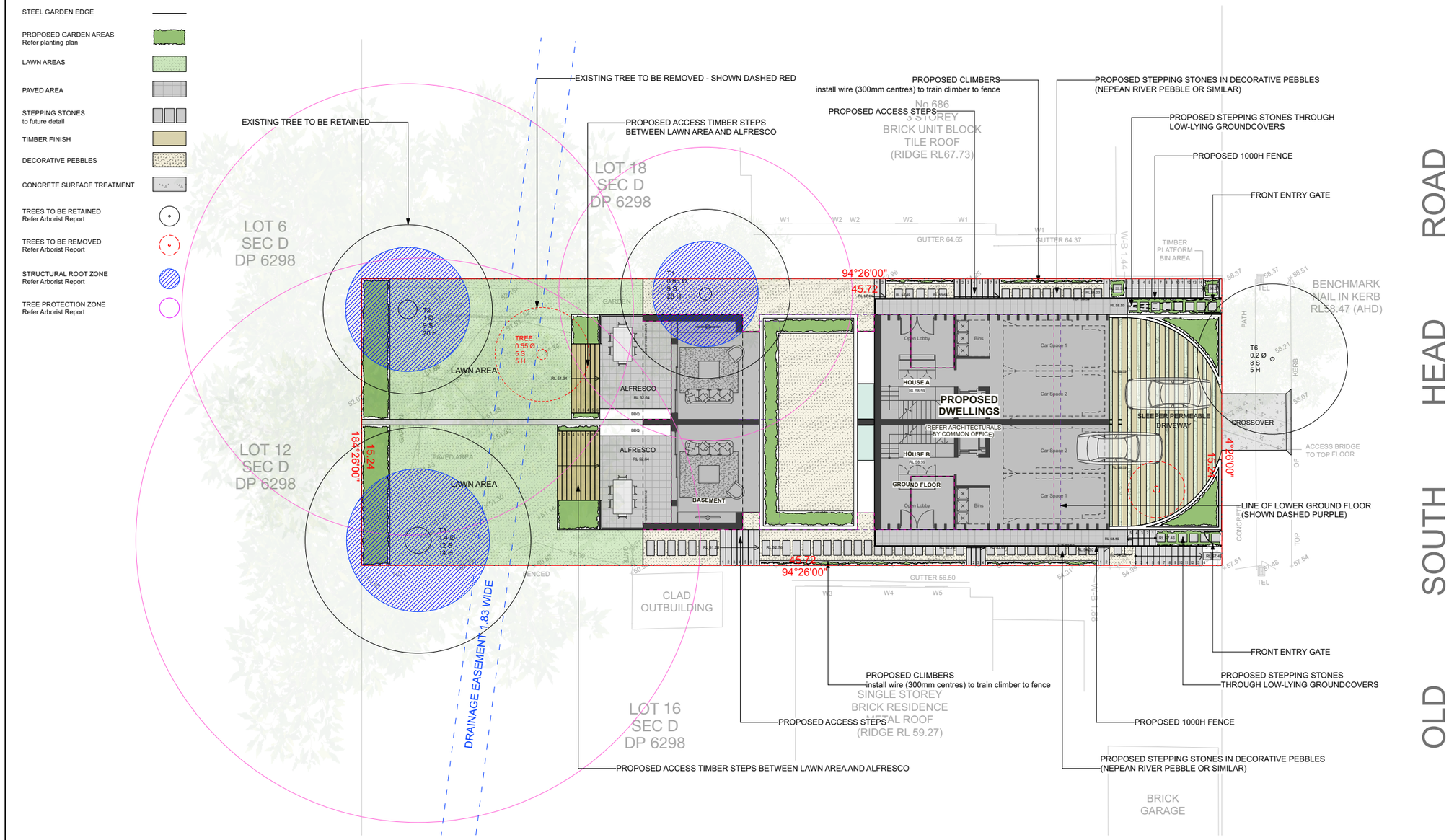
Project No
2308

Drawing No
DA601[00]

Rev

LEGEND

- BOUNDARY LINE
- STEEL GARDEN EDGE
- PROPOSED GARDEN AREAS Refer planting plan
- LAWN AREAS
- PAVED AREA
- STEPPING STONES to future detail
- TIMBER FINISH
- DECORATIVE PEBBLES
- CONCRETE SURFACE TREATMENT
- TREES TO BE RETAINED Refer Arborist Report
- TREES TO BE REMOVED Refer Arborist Report
- STRUCTURAL ROOT ZONE Refer Arborist Report
- TREE PROTECTION ZONE Refer Arborist Report



CONTOUR
LANDSCAPE ARCHITECTURE

PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
NEW DUPLEX

ADDRESS:
684 OLD SOUTH HEAD ROAD,
ROSE BAY NSW 2029

NOTES

comply with building code of australia and all relevant australian standards
all works shall be in accordance with development application and construction certificate conditions of consent
all levels to ahd
refer to survey information relating to existing site data
verify all dimensions prior to works
do not scale from drawings
use figured dimentions in preference to scaling
refer all descrepancies to landscape architect for determination
this drawing is copyright and must not be retained, copied, used or reproduced in any way without prior written permission of
contour landscape architects.

DATE	REV.	ISSUE
26/10/23	A	DRAFT
13/11/23	B	DA

DATE: 13/11/2023
SCALE: 1:100@A1 1:200@A3
DRAWN: BT

DRAWING
LANDSCAPE PLAN GROUND FLOOR
DRAWING NO : C1
REV: **A**

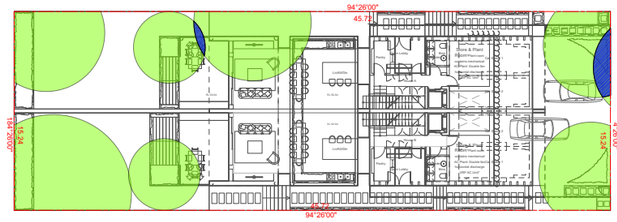
N

PLANT SCHEDULE

Botanic Name	Common Name	Quantity	Pot Size	Designed Height
Alcantarea imperialis 'Rubra'	Giant Bromeliad	2	300mm	1000
Carpobrotus glaucescens*	Pigface	19	140mm	300
Casuarina 'Cousin It'*	Dwarf Casuarina	17	140mm	200
Cupaniopsis anacardioides*	Tuckeroo	2	75lt	8000
Dianella caerulea*	Blue Flax Lily	24	200mm	700
Dichondra 'Silver Falls'	Silver Falls	48	200mm	100
Dichondra repens*	Kidney Weed	15	140mm	200
Grevillea rosmarinifolia*	Rosemary Grevillea	5	200mm	1000
Sansevieria laurentii	Mother in Law Tongue	9	200mm	400
Santolina chamaecyparissus	Cotton Lavender	8	200mm	400
Senecio serpens	Chalk Sticks	2	200mm	300
Syzygium 'Pinnacle'*	Pinnacle Lillypilly	14	300mm	2000
Trachelospermum jasminoidies	Star Jasmine	30	300mm	2000
Tristianiopsis laurina	Water Gum	2	75lt	8000
Viola hederaceae*	Native Violets	24	140mm	400
Westringia fruticosa 'Jervis Gem'*	Coastal Rosemary	11	200mm	1000

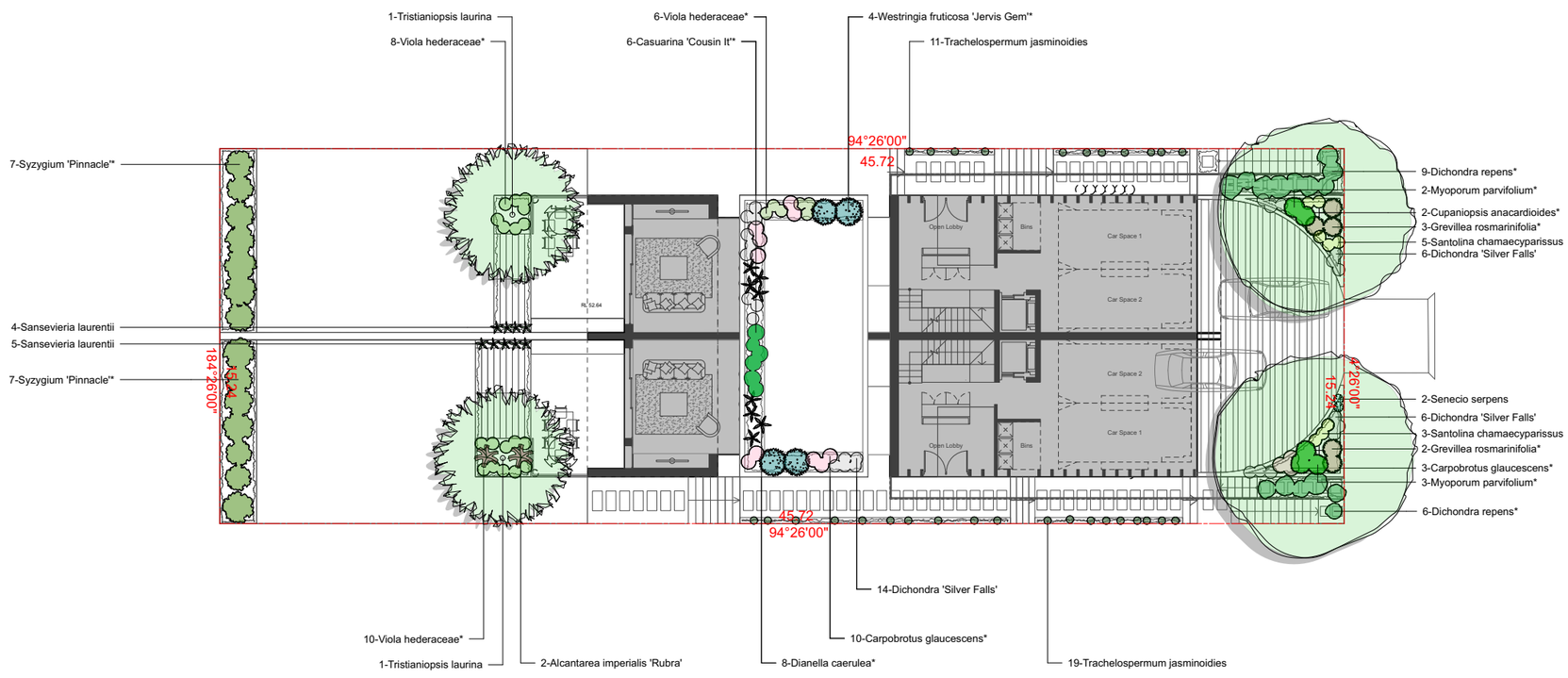
* NATIVE SPECIES
PROPOSED NATIVE SPECIES: 56%

AS PER WOOLLAHRA DCP 2015 - B3.7 EXTERNAL AREAS - 3.7.1 LANDSCAPED AREA AND PRIVATE OPEN SPACE - CONTROLS C15
NATIVE SPECIES ARE PREFERED, AND LANDSCAE DESIGN ARE ENCOURAGED TO PROVIDE AT LEAST 50% OF THE PLANTS AS NATIVE SPECIES.



TREE CANOPY AREA PLAN

PROPOSED TREE CANOPY AREA: 249.23M2
(REQUIRED: 243.90M2)



GROUND FLOOR PLANTING PLAN

CONTOUR
LANDSCAPE ARCHITECTURE
PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
NEW DUPLEX

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684 OLD SOUTH HEAD ROAD,
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DATE	REV.	ISSUE
26/10/23	A	DRAFT
13/11/23	B	DA

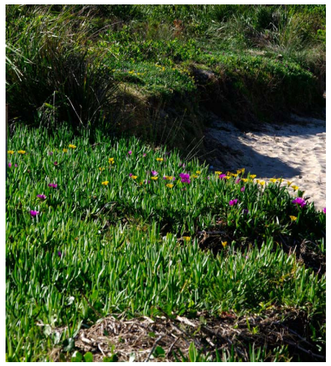
DATE: 13/11/2023
SCALE: 1:100@A1
1:200@A3
DRAWN: BT

DRAWING
PLANTING PLAN
GROUND FLOOR
DRAWING NO :
C2
REV: **A**

N

CUPANIOPSIS ANACARDIOIDES

PLUMERIA ACUTIFOLIA


CARPOBROTUS GLAUCESCENS

CASUARINA GLAUCA 'COUSIN IT'

DICHONDRA 'SILVER FALLS'

GREVILLEA ROSMARINIFOLIA

DIANELLA CAERULEA

SANTOLINA CHAMAECYPARISSUS

WESTRINGIA FRUTICOSA 'JERVIS GEM'

VIOLA HEDERACEAE

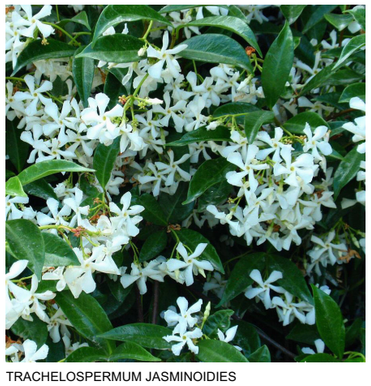
SYZYGIUM 'PINNACLE'

SENECIO SERPENS

DICHONDRA REPENS

ALCANTAREA IMPERIALIS 'RUBRA'

SANSEVIERIA LAURENTII


TRACHELOSPERMUM JASMINOIDIES

CONTOUR
LANDSCAPE ARCHITECTURE

PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
NEW DUPLEX

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DATE	REV.	ISSUE
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13/11/23	B	DA

DATE: 13/11/2023
SCALE: N/A
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PLANTS IMAGES

DRAWING NO :
C3

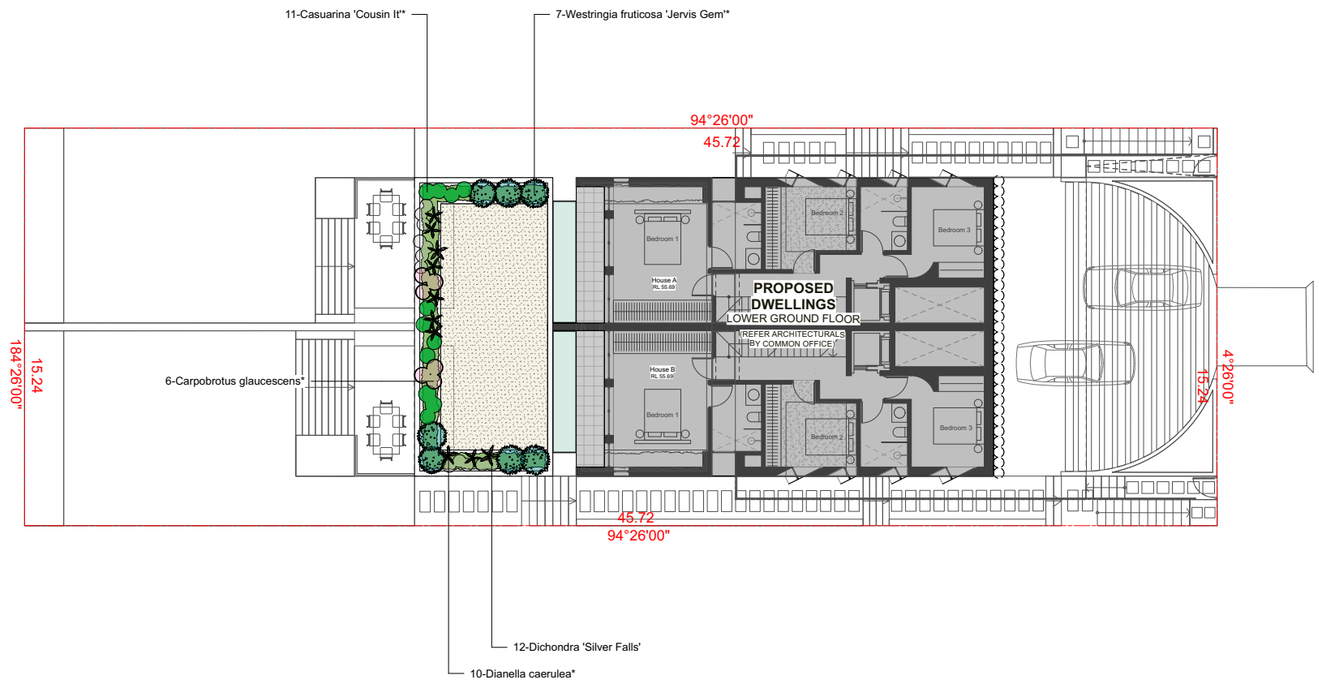
REV: **A**

CASUARINA GLAUCA 'COUSIN IT'

DICHONDRA 'SILVER FALLS'

DIANELLA CAERULEA

WESTRINGIA FRUTICOSA 'JERVIS GEM'



LOWER GROUND FLOOR PLANTING PLAN

CONTOUR
LANDSCAPE ARCHITECTURE
PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT:
NEW DUPLEX

ADDRESS:
684 OLD SOUTH HEAD ROAD,
ROSE BAY NSW 2029

NOTES

comply with building code of australia and all relevant australian standards
all works shall be in accordance with development application and construction certificate conditions of consent
all levels to ahd
refer to survey information relating to existing site data
verify all dimensions prior to works
do not scale from drawings
use figured dimentions in preference to scaling
refer all descrepancies to landscape architect for determination
this drawing is copyright and must not be retained, copied, used or reproduced in any way without prior written permission of contour landscape architects.

DATE	REV.	ISSUE
26/10/23	A	DRAFT
13/11/23	B	DA

DATE: 13/11/2023

SCALE: 1:100@A1
1:200@A3

DRAWN: BT

DRAWING
PLANTING PLAN
LOWER GROUND FLOOR

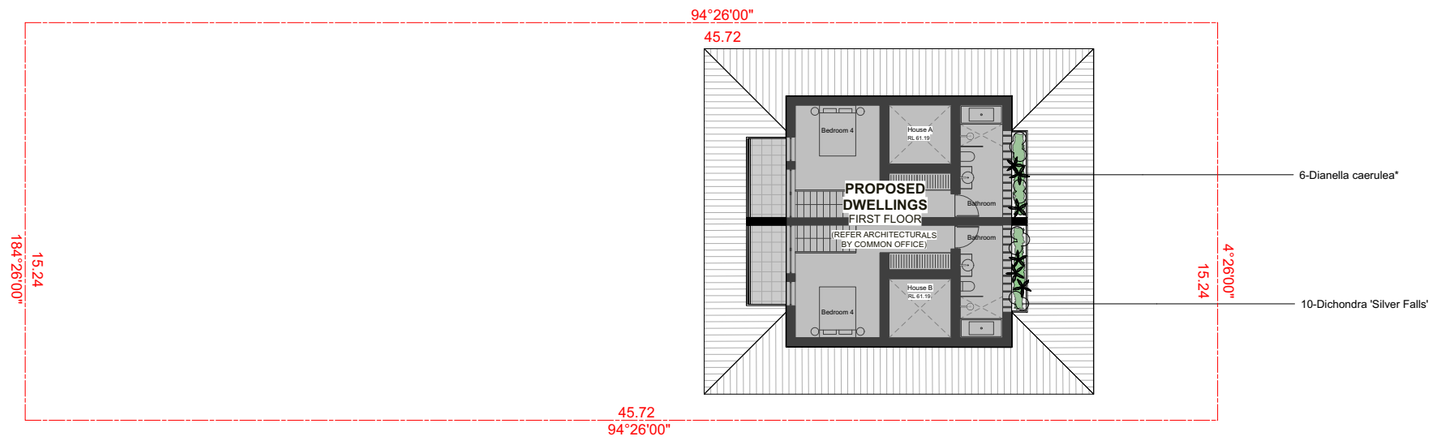
DRAWING NO :
C4

REV: **A**

N

DICHONDRA 'SILVER FALLS'

DIANELLA CAERULEA



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DATE	REV.	ISSUE
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13/11/23	B	DA

DATE: 13/11/2023
SCALE: 1:100@A1
1:200@A3
DRAWN: BT

DRAWING
PLANTING PLAN
FIRST FLOOR
DRAWING NO :
C5
REV: **A**

N

gsa planning

Woollahra LEP 2014 Clause 4.6 Exceptions to Development Standards – Height of Building

Proposed Demolition of Existing Building and Construction of a New Dual Occupancy with Landscaping Works at

No. 684 Old South Head Road, Rose Bay

Prepared for:
Common Office
Level 1, 45 Hutchinson Street
Surry Hills NSW 2010

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
(A.B.N 89 643 660 628)
95 Paddington Street, Paddington NSW 2021
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JOB NO. 23366
27 November 2023

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PIA Planning Institute Australia

CPP CERTIFIED PRACTISING PLANNER

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN (LEP) 2014
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Common Office

SITE ADDRESS: No. 684 Old South Head Rad, Rose Bay

PROPOSAL: Demolition of existing building and construction of a new dual occupancy with landscaping works

1. (i) Name of the applicable planning instrument which specifies the development standard:

Woollahra Local Environmental Plan (LEP) 2014

(ii) The land is zoned:

R2 Low Density Residential. The zone objectives are:

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

(iii) The number of the relevant clause therein:

Clause 4.3 – Height of Buildings which states:

(1) The objectives of this clause are as follows—
(a) to establish building heights that are consistent with the desired future character of the neighbourhood,
(b) to establish a transition in scale between zones to protect local amenity,
(c) to minimise the loss of solar access to existing buildings and open space,
(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
(e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
(2A) Despite subclause (2) and clause 4.3A, the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.
(2B) Despite subclause (2) and clause 4.3A, the maximum height of a building on a battle-axe lot on land in Zone R3 Medium Density Residential is 9.5 metres.

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

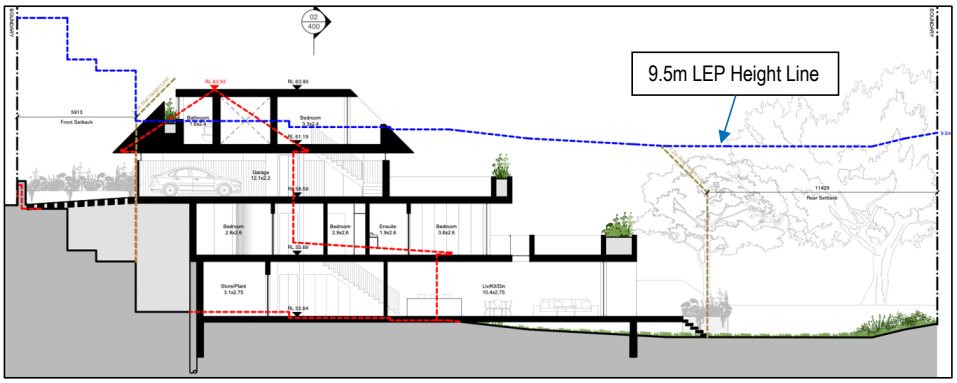
2. Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of Buildings. This Clause operates in conjunction with the height Map which indicates a maximum 9.5 applies to the subject site. Clause 4.3 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The majority of the new works are below the LEP 9.5m height blanket, except for the rear of the proposed pitched roof form (containing an attic). The proposed dual occupancy will have a maximum building height of 11.36 metres, which results in a non-compliance of 1.86m (19.6%), mainly due to the sloping terrain. The height is measured from the highest point of the roof at RL 63.93 AHD, which is the same as the existing roof ridge, to the existing ground level immediately below (see **Figure 1**). Despite this, the proposal will have a compliant, single storey appearance in the streetscape.



Source: Common Office

Figure 1: Section Demonstrating Maximum Height

4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

> *Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development…In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.*

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

Objective (a)	*to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
Objective (b)	*to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this particular case. It is our opinion that the proposed building height is appropriate given the minimal visual or amenity impact. With a compliant, single storey street façade, the built form will positively contribute to the public domain with a contextually compatible height and a built form that generally responds to the natural topography. The building envelope is generally within the maximum building height and complies with amenity controls of the DCP.

The height variation allows for a high-quality contemporary dwelling to contribute to the eclectic mix of local developments. The proposed height is considered a desirable option to maintain the existing density of the site, which aligns with the first LEP objective on meeting the housing needs of the community, while complying with the FSR standard. The variation provides a bulk and scale reinforcing the Rose Bay Precinct characteristics. Due to the sloping terrain, it is near inevitable that any upper level works beyond the exiting situation would require a Clause 4.6 Variation.

As the proposal is consistent with the objectives of Clause 4.6, the variation is acceptable in this instance.

5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

> *These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways.*

> *An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable height development standard, the proposal achieves the desired low density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development achieves the objectives of the height standard are explained below.

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

'Desired future character' is not defined in the LEP. In *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115 [63] ('*SJD*'), Preston CJ states, inter alia:

> *…the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.*

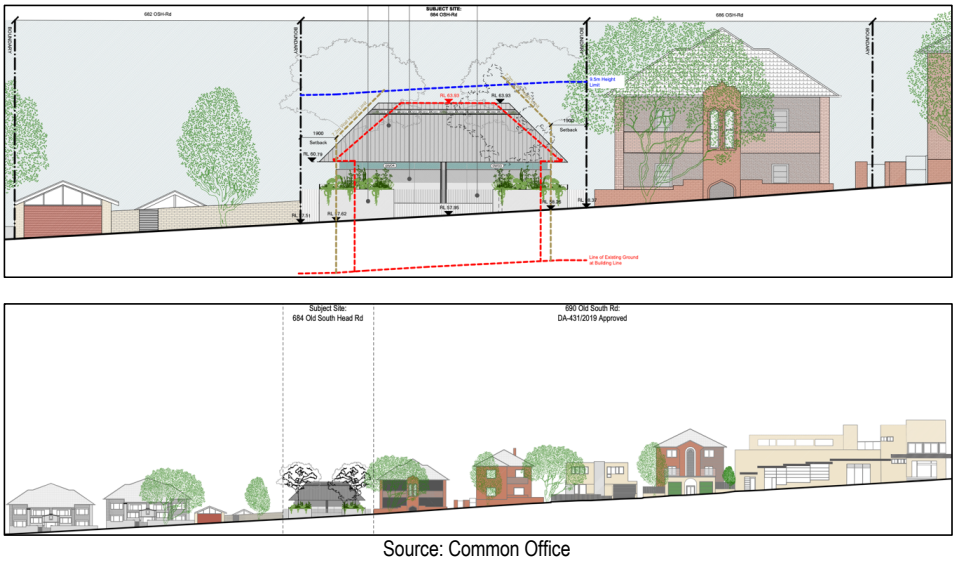
Accordingly, the desired future character is shaped by the text and context of the LEP and recent approvals in the vicinity. Each of these will now be discussed. The relevant clauses in the LEP which relate to urban character and built form are:

a. *The zoning of the land (Clause 2.2 and the Land Zoning Map);*
b. *The zone objectives (Clause 2.3);*
c. *The land use table (at the end of Part 2); and*
d. *The development standards in Part 4:*
   i. *Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 9.5m; and*
   ii. *Clause 4.4E which prescribes a maximum FSR of 0.5:1.*

The R2 Low Density Residential zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character. The permissible uses are:

> *Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities;* ***Dual occupancies;*** *Dwelling houses; Environmental protection works; Group homes; Home occupations (sex services); Information and education facilities; Office premises; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Shops; Tank-based aquaculture*

Old South Head Road is characterised by a mix of two to three-storey dwellings and multi storey residential flat buildings. Older dwellings are increasingly being refurbished or replaced by rendered dwellings as part of the emerging contemporary character. As the proposed height variation is limited to only part of the roof form, is located at the rear, and will adhere to the highest RL of the existing roof ridge at RL 63.93 AHD, any impact on the streetscape and the precinct characteristics is minimised. In fact, despite the variation, the proposal has been thoughtfully designed to appear as single storey, when viewed from Old South Head Road (see **Figure 2** on the following page).



Source: Common Office

Figure 2: Single Storey Streetscape Appearance Demonstrating Consistency (Existing Outline in Red & 9.5m Height Line in Blue)

Despite the partial non-compliance, primarily due to the drop in terrain, the proposal sympathetically responds to the character of adjacent developments. There are a number of examples of new dwellings in the LGA which have been approved under the current controls with building height non-compliances. It is recognised that each application is assessed on its own merits and each site has different characteristics.

On **23 December 2021**, Council approved DA No. 518/2021 for 'Alterations and additions to an existing dwelling house' at No. 6 Tivoli Avenue, Rose Bay, with a 4% height exceedance. The main justification was that the variation was limited to a minor protrusion of the roof form and could be attributed to the sloping terrain of the site. There were no unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). There were sufficient environmental planning grounds. It was consistent with objectives of the standard.

On **21 October 2021**, Council approved DA No. 304/2021 for 'alterations & additions to existing dwelling to provide a parapet roof & replan interiors to all levels' at No. 24 Tivoli Avenue, Rose Bay, with a 28.4% height exceedance. The main justification was that the variation was limited to a minor protrusion of the roof form which could be attributed to the sloping topography of the site. There were no unreasonable impacts on the amenity of the adjoining properties or locality (built form/context, streetscape presentation). There were sufficient environmental planning grounds. It was consistent with the objectives of the standard.

On **27 February 2019**, Council approved DA No. 206/2018 for 'demolition of the existing dwelling and construction of a new dwelling including a detached garage, swimming pool, and associated landscaping and siteworks' at No. 37 Dudley Street, Rose Bay, with a 6.3% height exceedance. The variation could be attributed to the sloping terrain of the site. There were no unreasonable impacts on the amenity of the adjoining properties or locality (built form/context, streetscape presentation). There were sufficient environmental planning grounds. It was consistent with the objectives of the standard.

The above proposals relate to dwellings and are in the same R2 zone in Rose Bay. Notably, the examples have a comparable building height breach which was supported on similar arguments as those made in our submission.

Regarding the subject site, the partial height variation area will not significantly add to the dwellings' bulk or scale. This is mainly because the departure area is at the rear and will not be readily visible in the streetscape, and the development will present as a single storey dwelling to the street. This is also because the proposal is designed to predominantly comply with the LEP and DCP controls. In fact, it has a lower FSR than the maximum standard, achieving visual compatibility within the context.
Accordingly, although the proposal will exceed the height control, this will not have any significant adverse impacts as compliant amenity is provided for neighbours and the design is generally contained within a compliant building envelope.

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

The subject site, located in Zone R2 Low Density Residential, is facing Zone R3 Medium Density Residential on the other side of the Old South Head Road, where a 12.5m building height standard applies. The site is also in the vicinity of Zone E1 Local Centre and Zone E2 Mixed Use, where a height standard of 13m and 14.5m applies respectively (see **Figure 3**). Hence, the partial departure from the height standard, while complying with the FSR control and meeting the Rose Bay objectives, works towards facilitating a transition in scale between zones. Furthermore, the proposal appears as a single storey dwelling in the streetscape, maintaining visual amenity and reinforcing the characterises of the area. Notably, the majority of the proposed works are below the maximum height control, and the development adheres to the existing RL for the roof ridge at RL 63.93 AHD. This ensures the existing transition in scale between the R2 and R3 zones is maintained.

Source: Common Office

Figure 3: 3D View of Subject Site & Surrounds (Looking North-East)

Accordingly, in our opinion, the proposal has been thoughtfully designed in respect of this objective.

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

Shadow diagrams have been prepared to compare the existing, proposed and compliant situation. Compared to a compliant envelope, the variation will not result in additional shadow over the windows or private open space at No. 682 Old South Head Road. This is because the additional shadow is cast on either the solid wall or the non-trafficable roof.

Accordingly, the proposal has minimised the loss of solar access to the neighbouring property.

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

As outlined in the SEE, the partial variation is consistent with this objective as the sympathetic design will minimise impacts on neighbours' environmental amenity, similar to a compliant building height.

The partial height departure is limited to a portion of the roof at the rear away from public view. Moreover, the maximum building height is at RL 63.93 AHD, which is the same as the existing dwelling. Hence, no additional view impact is envisaged for neighbours across the road. Adjoining neighbours on this side of the road do not appear to have significant views across the site. We note no significant public views have been identified in the DCP.

Privacy will not be impacted as the area of exceedance does not include any windows to the sides. The top of the rear glazing in the area of breach is considerably recessed from the roof edges, further ensuring that privacy will be maintained.

In terms of solar access, this has been addressed under the previous objective and found to be appropriate.

The contemporary dwelling will provide a more resolved design than the ageing development on the site. Given the steep topography of the site and recent neighbouring development pattern, any new dwelling is likely to exceed some envelope controls. Requiring strict compliance with the height standard on the sloping terrain would result in a roof form that is lower than the existing as well as additional excavation, which would not be contextually compatible or provide a desirable planning outcome. The proposal in its current form has been demonstrated to be compatible with adjacent developments' height, bulk, scale and character.

For these reasons, the proposal has appropriately responded to solar access, views, privacy and visual impact. Accordingly, in our opinion, the proposal will minimise impacts on neighbouring properties' environmental amenity and satisfy Objective (d).

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

As indicated, there are no known public views of the harbour and surrounding areas from the public domain across the site. As the proposal adheres to the maximum RL of the exiting built form and the variation is limited to the rear, no additional impacts on public views are envisaged.

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are a number of environmental planning grounds specific to the site and the height non-compliance which justify contravening the development standard in this instance. As mentioned, the exceedance is a function of topography. The variation also represents consistency win the context and good design. It maintains environmental amenity. These will be discussed below.

Function of Topography
The non-compliance is mainly related to the sloping terrain, which has a fall over 6 metres, and the area of departure is situated at the lower part of the existing ground line. Despite the sloping site, the area of departure is minor and is located at the rear only. In other words, the proposal has ensured a compliant streetscape appearance. Given the topography, it is near inevitable that any works at a level similar to the existing roof would not comply with the height standard.

Compatibility with Context
The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established by the court in Wehbe. The proposal replaces the existing ageing built form with a skilfully designed dual occupancy in the R2 zone that maintains the character of the locality. Despite a partial departure at the rear, the proposal represents a built form that matches the bulk and scale of the developments along the street, reinforcing the existing and emerging characteristics of the area. Having the area of exceedance at the rear denotes the proposal will maintain the streetscape characteristics when viewed form Old South Head Road. Additionally, the area of departure, which is located within a pitched roof form, is considerably recessed from the levels below, further reducing the actual and perceived bulk and scale.

The height departure is part of a development that at its highest point adheres to the maximum RL level of the existing built form at RL 63.93 AHD, ensuring the new building will not detract from the existing bulk and scale when viewed in the streetscape. This will reinforce the existing characteristics of the street and the wider area while enhancing the site appeal.

Good Design and Environmental Amenity
The proposed partial non-compliance is part of a development that maintains the density on site, while remaining below the maximum FSR. This contributes to meeting the housing needs of the community and supporting the complementary land uses providing daily services in the area, as envisaged in the LEP. Strict adherence to the 9.5m LEP height would result in an awkward roof form that is much lower than the existing, inconsistent within the streetscape. This is not desirable in terms of visual amenity.

The current design which provides a single storey street presentation has been carefully shaped to provide appropriate amenity for both neighbours and future occupants of the subject site. In particular, as demonstrated above, the extent of non-compliance will have no adverse impacts on neighbours in respect of solar access, visual and acoustic privacy or views, and will have not be readily visible from Old South Head Road. The works will maintain compatibility with the built form of the surrounding development. The proposal will retain the existing roof height. Therefore, the area of non-compliance is not readily discernible within the context of surrounding development, is contextually appropriate in the locality and does not result in amenity impacts.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

6. Clause 4.6(4)(a) Requirements

Clause 4.6(4)(a) guides the consent authority's consideration of this Clause 4.6 variation request. It provides that:

> *(4) Development consent must not be granted for development that contravenes a development standard unless:*
> *(a) the consent authority is satisfied that:*
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The applicant submits that the consent authority can be satisfied of each of the requirements of Clause 4.6(4)(a), for all the reasons set out in this written request, and having regard to the site and locality.

In our opinion, the proposal achieves the objectives of the Height of Buildings Development Standard, as already demonstrated; and the R2 Low Density Residential, as discussed below:

Objective: *To provide for the housing needs of the community within a low density residential environment.*
Response: The proposed dual occupancy will continue the residential use of land within a low density residential area.

Objective: *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
Response: The proposed development, once occupied, will support other land uses providing services meeting day to day needs of the area.

Objective: *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
Response: The proposal provides a built form and bulk and scale similar to other nearby buildings when viewed from the street, achieving contextual compatibility.

Objective: *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
Response: The proposed dual occupancy with a single storey appearance from Old South Head Road achieves the desired future character of the neighbourhood.

Objective: *To ensure development conserves and enhances tree canopy cover.*
Response: The development provides total deep soil landscaping and tree canopy areas exceeding the controls, enhancing ecological value of the site and the wider area.

From this, we consider the proposal is in the public interest and should be supported.

7. Clauses 4.6(4)(b) and 4.6(5) Requirements

Clause 4.6(4)(b) of the LEP requires the concurrence of the Secretary (of the Department of Planning and Environment) before the consent authority can exercise the power to grant development consent for development that contravenes a development standard.

Under Clause 55 of the Environmental Planning and Assessment Regulation 2021, the Secretary has given written notice dated 5 May 2020, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice. While the proposal exceeds the development standard by over 10%, the Planning Circular provides for the Local Planning Panel to assume concurrence.

Nevertheless, the matters in Clause 4.6(5) should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck$ v Byron Shire Council* (1999) 103 LGERA 94 at [100] and *Wehbe* at [41]). In deciding whether to grant concurrence, the Secretary is required to consider the following:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The proposal is not considered to raise any matter of significance for State or regional environmental planning. The height non-compliance will enhance the amenity and functionality of the proposed dual occupancy without significantly, unreasonably or unacceptably impacting neighbouring properties. Full compliance with FSR of the LEP as well as a consistent bulk and scale in the streetscape ensure the development will reinforce the streetscape and Rose Bay Precinct characteristics.

The public benefit of maintaining the development standard is not considered significant given that, regardless of the non-compliance, the proposal will appear consistent in the streetscape.

Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted. The non-compliance contributes to a quality development which is consistent with the desired character of the precinct and is, in our opinion, in the public interest.

8. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the development objectives of the R2 Low Density Residential Zone pursuant to the LEP. On that basis, the request to vary Clause 4.3 should be upheld.

Table 1: Compliance Matrix				
Para (*Initial Action*)	**Requirement**	**Section of this Report**	**Summary**	**Satisfied**
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.3: Height of Buildings	
12	What is the control	1 & 2	9.5m	
14	**First Precondition to Enlivening the Power** – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	**1st Positive Opinion** – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	**First Aspect is Clause 4.6(3)(a)** - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in *Wehbe*.	5.1	The proposal satisfies Tests 1 of *Wehbe*: • The objectives of the standard are achieved notwithstanding the non-compliance with the standard.	YES
23-24	**Second Aspect is Clause 4.6(3)(b) –** The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include, inter alia: • The proposed height facilitates a low density development that achieves the planning objectives of the area; • The steep land topography makes the variation near inevitable; • The proposal retains the existing roof ridge RL, with the maximum RL for both the existing built form and the proposal remaining at RL 63.93 AHD; • The area of variation is limited to the rear roof form; • The proposal has a compliant single storey appearance in the streetscape; • The variation is not readily visible from the street; • Most of the proposal complies with the height standard; • Additionally, compatibility within the context achieved through an FSR that is lower than the maximum, general DCP compliance, and a consistent bulk and scale; • The variation maintains neighbours' privacy, solar access and views at a compliant level; and • The minor works above the height standard will have no adverse visual or environmental amenity impacts overall.	YES

26-27	**2nd Positive Opinion** – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.	6	The proposed development achieves the objectives of the height standard as addressed under Test 1 of *Wehbe*. The proposal also achieves the objectives of the R2 Low Density Residential Zone.	YES
28-29	**Second Precondition to Enlivening the Power** – That the concurrence of the Secretary has been obtained [Clause 4.6(4)(b)]. On appeal, the Court has the power to grant development consent, subject to being satisfied of the relevant matters under Clause 4.6.	7	As the relevant matters for consideration under Clause 4.6 have been satisfied as outlined above, the Council can grant development consent.	YES

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13 June 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 485/2023/1
ADDRESS:	684 Old South Head Road ROSE BAY 2029
PROPOSAL:	Proposed Demolition of Existing Building and Construction of a New Dual Occupancy with Landscaping Works
FROM:	W Huynh
TO:	E Peedom

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 23366-Issue D, prepared by GSA Planning, dated 27/11/2023.
- Architectural Plans, referenced 2308-Rev 2, prepared by Common Office, dated 14/05/2024.
- Survey Plan, referenced 1911DET, prepared by Sydney Wide Surveying, dated 10/07/2023.
- Stormwater Management Plan, referenced C230922-Rev 5, prepared by AVN Infinity, dated 28/05/2024.
- Stormwater Certificate, referenced C230922, prepared by AVN Infinity, dated 29/05/2024.
- Driveway Letter, referenced C230921, prepared by AVN Infinity, dated 28/05/2024.
- Geotechnical Report, referenced G23081RB-R01F-Rev 1, prepared by Geo-Environmental Engineering, dated 23/05/2024.
- Driveway Plan, referenced C230921-Rev 3, prepared by AVN Infinity, dated 06/03/2024.
- Transport for NSW referral response, referenced SYD24/00118/3, prepared by Transport for NSW, dated 12/04/2024.

3. ASSESSMENT

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

a. Site Drainage comments

This property falls towards the rear and is considered a low level property. It appears that the subject site does not have the rights to discharge via the existing drainage easement which traverses the site. A geotechnical report has been submitted confirming that the site is suitable for on-site absorption in terms of absorption rate. However, the site is unsuitable for on-site absorption due to site specific constraints. In this regard, a pump out system will be installed as a method of

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stormwater disposal to the street drainage system. The proposed capacity of the rainwater tank connected upstream of the pump out system is satisfactory.

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

b. Flooding & Overland Flow comments

Council's Drainage Engineer has determined that the development proposal is generally satisfactory and doesn't require any flood specific conditions.

c. Impacts on Council Infrastructure comments

The applicant seeks to construct two double garages as part of this application. It is noted from the submitted architectural plans that a new 3 metres wide crossing will be required, in which case all existing redundant crossings are to be replaced with kerb and gutter which will be conditioned accordingly.

The applicant is required to reconstruct the existing footpath for the full frontage of the development.

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

Additionally, the site fronts a road managed by TfNSW and additional approval must be sought from TfNSW for the relevant infrastructure works, including layback, kerb and gutter works and drainage works.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

Vehicular access and parking arrangement are considered satisfactory. Given that there are no dimensions provided in the submitted architectural plans, conditions will be imposed to ensure that this minimum dimension is provided. The applicant must submit revised plans at the CC stage addressing the sight lines requirements which will be conditioned accordingly.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Geo-Environmental Engineering, Ref: G23081RB-R01F-Rev 1, dated 23 May 2024, has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 2 metres from the existing ground surface for the proposed basement level.

The report identified that the subsurface conditions as:
a) Fill comprising silty sand to a depth of 0.5m, 0.5m and 0.45m in BH1, BH2 and BH3 respectively.
b) Depth of natural sand with various density from a depth beneath the fill to a termination depth of 4.6m, 3.2m and 2.8m in BH1, BH2 and BH3 respectively.
c) Sandstone bedrock was inferred beneath the natural sand at depth ranging between 2.8m and 4.6m.
d) Groundwater was not observed during the investigation besides perched seepage water.

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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.

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
G23081RB-R01F-Rev 1	Geotechnical Report	Geo-Environmental Engineering	23/05/2024
C102-Rev 3	Driveway Profiles	AVN Infinity	06/03/2024
C230922 C000-Rev 5 C100-Rev 5 C200-Rev 5 C201-Rev 5	Stormwater Management Plans	AVN Infinity	 28/05/2024 28/05/2024 28/05/2024 28/05/2024

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)	$48,710	No	T115

B. 16.	**Dilapidation Reports for Existing Buildings**
	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. These properties must include (but is not limited to): a) No. 682 Old South Head Road b) No. 686 Old South Head Road

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	c) No. 12 Mitchell Road d) No. 37 Dudley Road 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. 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. 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). **Notes:** • 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.
	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.

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.	**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 construction of a new 3 metres wide vehicular crossing including the removal of the existing gutter in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the

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centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment.

b) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.

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

c) In light of paragraphs (a) and (b) above, approval must be sought from Transport for NSW for the above infrastructure works. Transport for NSW approved civil drawings must be submitted for assessment.

   Note: Transport for NSW may have additional design requirements and/or specifications regarding these infrastructure works, and these may supersede Council's specifications.

d) The removal and replacement of the existing 1.8 metres wide concrete footpath for the full frontage of the site in accordance with Council's Specification, Council's standard drawing RF3 and to the satisfaction of Council's Assets Engineers. A maximum cross-fall of 3% must be provided for the footpath, graded from the property boundary towards the top of kerb. A design longitudinal surface profile (scale 1:100) and cross sections (scale 1:50) at every 5 metres interval must be submitted for assessment.

e) 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.

   Note: damaged kerb and gutter and road pavement on Old South Head Road must be reinstated to Transport for NSW's Specification and to the satisfaction of Transport for NSW.

f) 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.

g) A bond of $15,400 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date.

h) Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.

i) The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements.

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:

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Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Infrastructure Works Bond - completing any public work required in connection with the consent.	$ 15,400	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 *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	$ 16,074		

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

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	• Installation of soil/rock anchors under the roadway • Installation of Stormwater outlet pipes across the nature strip • An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate. • Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following: • Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment. • Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services. • All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances. • The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". • Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.

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	• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

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

D 40.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	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. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide 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: • 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,

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	• 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D 45.	**Vehicular Access and Parking Arrangement**
	Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following: a) 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, b) The proposed double garages must have minimum dimensions of 5.4m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans. The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: *Parking Facilities - Off-Street Car Parking*. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. 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. **Note**: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*. **Note**: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with. **Note**: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

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	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

D 51.	**Stormwater Management Plan**
	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: a) General design in accordance with stormwater management plans, referenced C230922-Rev 5, prepared by AVN Infinity, dated 28/05/2024 other than amended by this and other conditions. b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet 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. The kerb discharge must be located within the frontage of the site. d) The installation of rainwater tanks (RWT) with a minimum storage volume of 26.4m^3 for each dwelling to comply with Chapter E2.2.9 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Overflow from the RWT must be directed to the boundary junction pit by gravity. Notation to this requirement must be clearly depicted on the drawings. e) A pump out system with minimum capacity of 8 m^3 for each dwelling must be installed to collect any roof water and surface runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a minimum 600x600mm boundary junction pit prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3. f) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. g) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the boundary junction pit by gravity. h) 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. i) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath. j) Dimensions of all drainage pits and access grates must comply with AS3500.3. k) Compliance with the objectives and performance requirements of the BCA.

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	l) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Rainwater Tank (RWT) Requirements** The minimum storage volume for the required rainwater tanks (RWT) must be 26.4m^3 for each dwelling and the Permissible Site Discharge (PSD) for the proposed development must not exceed 20l/s. The Stormwater Management Plan must also include the following specific requirements: **Layout Plan** A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include: a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location of proposed rainwater tanks. c) All invert levels reduced to Australian Height Datum (AHD). d) Location and dimensions of all drainage pits. e) Point and method of connection to Councils drainage infrastructure. f) Overland flow paths over impervious areas. **Rainwater Reuse System Details:** a) Any potential conflict between existing and proposed trees and vegetation. b) Internal dimensions and volume of the proposed rainwater storage. c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures. d) Details of access and maintenance facilities. e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products. f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.

D.52 Non-gravity Drainage Systems

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E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance
F.11 Maintenance of Environmental Controls
F.12 Compliance with Geotechnical/Hydrogeological Monitoring Program
F.13 Support of Adjoining Land and Buildings
F.14 Vibration Monitoring
F.15 Erosion and Sediment Controls – Maintenance
F.17 Disposal of Site Water during Construction
F.19 Site Cranes
F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum
F.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

F 33.	**Shoring and Adequacy of Adjoining Property**
	While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense: a) protect and support the adjoining premises from possible damage from the excavation. 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. **Notes:** • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
	Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works

G 9.	**Commissioning and Certification of Public Infrastructure Works**
	Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) must be submitted to the satisfaction of Council,

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	and the Principal Certifier must be provided with correspondence from Council to this effect. The certification must be supported with works-as-executed engineering plans and a survey report detailing all finished reduced levels.
	Condition Reason: To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.

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**
	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: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tanks and pump out systems, c) that all below ground structures are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings, d) that rainwater tanks with minimum storage of 26.4m^3 for each dwelling has been constructed in accordance with the approved stormwater plans, e) that the as-built rainwater retention and reuse system has been plumbed into all toilet, laundry and garden irrigation etc., f) that all charged systems have been constructed in accordance with the approved stormwater drawings, g) that a pump out system with minimum storage capacity of 8m^3 for each dwelling has been installed to comply with AS3500.3, h) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, i) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, j) pipe invert levels and surface levels to Australian Height Datum, and k) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. 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 rainwater retention and reuse system, charged systems and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant

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	Notes: • 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.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

H. OCCUPATION AND ONGOING USE

H 29.	**Ongoing Maintenance of the Rainwater Retention and Reuse System, Charged Systems and Pump Out System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily retained and detained by the Systems; b) Keep the systems 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 systems so that they 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 systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly. 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. The owner: 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.

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	Notes: • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

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20 February 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO:	**Development Applications:** 485/2023/1
ADDRESS:	684 Old South Head Road ROSE BAY 2029
PROPOSAL:	Proposed Demolition of Existing Building and Construction of a New Dual Occupancy with Landscaping Works
FROM:	Sam Knight
TO:	Mr W Perdigao

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Sydney Wide Surveying, dated 10 July 2023
- Architectural Drawings, drawn by Common Office, dated 29 November 2023
- Arboricultural Impact Assessment Report, written by Martin Peacock Tree Care, dated 24 November 2023
- Landscape Plans designed by Contour Landscape Architects, dated 13 November 2023

A site inspection was carried out on 26 February 2024.

3. RELEVANT CONTROLS

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

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

4. SUMMARY

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

5. COMMENTS

Inspection of the site and a review of the plans and documentation has revealed six (6) trees within and adjacent to the site will be impacted by the proposal. The following tree numbering is consistent with the Arboricultural Impact Assessment prepared by Martin Peacock Tree Care dated 24 November 2023.

Tree Removal – Exempt Species
The plans indicate tree 5 is proposed for removal. This tree has been identified as a *Schefflera romanzoffianum* (Umbrella tree) which is exempt from WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.

Tree Removal – Low Retention Value
The plans indicate tree 4 is proposed for removal as it will be the subject of major disturbance from construction of the proposed new dwelling. The tree has been rated as having Low Landscape Significance and Low Retention Value for various reasons including fair structural condition, suppressed by more dominate trees and found to be providing minimal amenity value to the immediate area.

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

The Tree and Landscape team have no objection to the removal of this tree trees provided replacement planting is undertaken in accordance with the Landscape Plans.

Tree Retention
The plans indicate trees 1, 2 and 3 are proposed for retention These trees have been identified as various species located in the rear yard. The trees are all noted in good healthy condition and provide a high contribution to the amenity and canopy cover of the immediate area. The trees have been rated as having High Landscape Significance and High Retention Value.

The plans indicate works are proposed within their Tree protection Zones (TPZs) which have been calculated as being between 7.8 metres to 15 metres (radius from tree trunks). According to the applicants Arborist Report the trees will be the subject of Major Encroachment into the TPZs. An acceptable encroachment as defined by AS4970 should not exceeded more than 10% of the TPZ unless it can be demonstrated that the tree will not be adversely impacted.

It is noted that the construction encroachment for the subject trees includes a suspended concrete slab supported on pier footings.

Therefore, provided the footing can be relocated if any tree roots are uncovered during the works, it is not expected that the trees will be adversely impacted. Tree sensitive construction methods and tree protection measures that must be implemented during the works have been detailed in the conditions below for inclusion into the DA consent.

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

The submitted Tree Canopy Areas plan has been reviewed in respect to the above canopy cover requirement. The plan indicates that the existing and new tree planting within the sit will provide 249.23m² or 36% canopy cover which complies with the DCP requirements.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.	**Approved Plans and Supporting Documents**
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author	Date
C1 – C7	Landscape Plan	Contour Landscape Architects	13/11/23
	Arboricultural Impact Assessment Report	Martin Peacock Tree Care	24/11/23

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

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

Standard Condition A.2 (Autotext 2A)

A. 2.	**Tree Preservation and Landscaping Works**
	While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable. a) The following trees must be retained:

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- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	20 x 10
2	*Ficus rubiginosa*	Rear Yard – NW corner	16 x 9
3	*Ficus macrophylla*	Rear Yard – SW corner	14 x 12

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)	Tree value
A	*Corymbia ficifolia*	Street tree	6 x 5	$8000

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)
4	*Schefflera romanzoffianum**	Front Yard	8 x 6
5	*Lagerstroemia indica*	Rear Yard	5 x 5

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

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

c) The following trees may be pruned in accordance with Australian Standard Pruning of Amenity Trees (AS 4373) and Workcover NSW Code of Practice Amenity Tree Industry, to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning (extent of pruning
1	*Eucalyptus saligna*	Rear Yard – northern boundary	Pruning of 2x branches as marked on page 13 of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.

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

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

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	Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works. To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.
	Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents. Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1. 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 *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$<INSERT>	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	$8000	No	T114
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Tree Management Inspection Fee	$231.30	No	T95
Street Tree Planting and Maintenance Fee	$2062.50	No	T95
Security Deposit Administration Fee	$225.00	No	T16
TOTAL SECURITY AND FEES	$<INSERT>		

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.

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		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 <-- ### Invalid Field Definition ###, • 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:** • 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
		Condition Reason: To ensure any relevant security and fees are paid. Standard Condition B14 (Autotext 14B)
B.	**2.**	**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).

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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)*
1	*Eucalyptus saligna*	Rear Yard – northern boundary	Installed in the location shown in Appendix C of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.
2	*Ficus rubiginosa*	Rear Yard – NW corner	Installed in the location shown in Appendix C of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.
3	*Ficus macrophylla*	Rear Yard – SW corner	Installed in the location shown in Appendix C of the AIA Report prepared by Martin Peacock Tree Care dated 24/11/23.

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 bought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.

c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.

d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.

e) Ground protection must be established within the specified radius from the trunks of the following trees.

Council Ref No	Species	Tree Location	Radius from Centre of Trunk (Metres)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m

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2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

Ground protection must consist of (geotextile fabric placed directly over the ground surface with 100mm mulch / aggregate / rumble boards strapped over mulch / steel plating over 10mm mulch layer / retention of existing surface. No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within the ground protection area unless specified in this consent.

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.

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.

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

Condition Reason: To ensure the protection of existing trees

Standard Condition B.5 (Autotext 5B)

B. 3.	**Construction Management Plan Arborist Review**
	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. The plan must address: 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;

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	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.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28 (Autotext 28B)

B. 4.	**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: • 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:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Standard Condition B.29 (Autotext 29B)

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B. 5.	**Permissible work within Tree Protection Zones**
	Prior to any site works, the following works are permissible within the Tree Protection Zone:

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
1	*Eucalyptus saligna*	7.8m	Construction of new building and landscape upgrade works using tree sensitive construction methods under the direct supervision of the project Arborist as detailed in these conditions of consent.
2	*Ficus rubiginosa*	12m	Construction of new building and landscape upgrade works using tree sensitive construction methods under the direct supervision of the project Arborist as detailed in these conditions of consent.
3	*Ficus macrophylla*	15m	Construction of new building and landscape upgrade works using tree sensitive construction methods under the direct supervision of the project Arborist as detailed in these conditions of consent.

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

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

Standard Condition B.30 (Autotext 30B)

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned

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	b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented. Standard Condition D.30 (Autotext 30D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F 1.	**Tree Preservation**
	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. 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

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	the arborist. The arborist is to supply a detailed report to the appointed certifier. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F 2. Arborists Documentation and Compliance Checklist

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:

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	• 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 excavation of the pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent and ensure they are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • The project arborist must supervise the installation of the new storm water pipes and OSD tanks within the TPZ of tree 1, documenting the condition of roots and soil. • 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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	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented. Standard Condition F.45 (Autotext 45F)

F 3.	**Replacement/Supplementary trees which must be planted**
	While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans. The project arborist must document compliance with the above condition.
	Condition Reason: To ensure the provision of appropriate replacement planting. Standard Condition F.46 (Autotext 46F)

F 4.	**Level changes in the vicinity of trees**
	While site work is being carried out, no level changes (except for localised siting of pier footings) must occur within the specified radius from the trunks of the following trees.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

	The project arborist must document compliance with the above condition.
	Condition Reason: To ensure level changes would not adversely impact upon the health of existing trees. Standard Condition F.49 (Autotext 49F)

F 5.	**Hand excavation within tree root zones**

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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)
A	Corymbia ficifolia	Street tree	2.7m

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

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

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.50 (Autotext 50F)

F 6. 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)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

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

Woollahra Municipal Council

	above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm. The project arborist must document compliance with the above condition.
	Condition Reason: To ensure the proposed footings would not adversely impact upon the health of existing trees. Standard Condition F.51 (Autotext 51F)

F 7.	**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)
1	*Eucalyptus saligna*	Rear Yard – northern boundary	7.8m
2	*Ficus rubiginosa*	Rear Yard – NW corner	12m
3	*Ficus macrophylla*	Rear Yard – SW corner	15m

	Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed. The project arborist must document compliance with the above condition.
	Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees. Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	**Amenity Landscaping**
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development. Standard Condition G.6 (Autotext 6G)

Woollahra Municipal Council

G 2.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation. Standard Condition G.26 (Autotext 26G)

G 3.	**Arborists Documentation and Compliance Checklist – Prior to any occupation certificate**
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented. Standard Condition G.34 (Autotext 34G)

G 4.	**Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building**

Woollahra Municipal Council

	Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site. As a minimum the following intervals of site inspections must be made: **Stage of arboricultural inspection and supervision** / **Compliance documentation and photos must include** Before the issue of any occupation certificate for the whole of the building / • 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. Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented. Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

H 1.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

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	Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Sam Knight
Tree Officer

1 March 2024
Completion Date

Woollahra Municipal Council

27 June 2024

REFERRAL RESPONSE - HERITAGE

FILE NO:	**Development Applications:** 485/2023/1
ADDRESS:	684 Old South Head Road ROSE BAY 2029
PROPOSAL:	Proposed Demolition of Existing Building and Construction of a New Dual Occupancy with Landscaping Works
FROM:	Nastaran Forouzesh
TO:	Mr W Perdigao

1. DOCUMENTATION

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

- Amended drawing set by Common Office, dated 7 March 2024
- Amended demolition Report by Damian O'Toole Town Planning & Heritage Services, dated February 2024
- Statement of Environmental Effects by GSA Planning, dated 27 November 2023
- Survey plan by Sydney Wide Surveying, dated 10 July 2023
- Amended Aboriginal Heritage Impact Assessment by Niche Environment & Heritage, dated 16 February 2024

2. SITE INSPECTION / RESEARCH

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

- The site was (previously, if second response) inspected on 5 April 2024, including the grounds and the general locality.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

3. STATUTORY AND POLICY DOCUMENTS

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

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

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

Woollahra Municipal Council

5. SIGNIFICANCE OF SUBJECT PROPERTY

The subject property comprises land that was originally part of a land grant to Samuel Blackwell in 1812. It was later subdivided as part of the Mitchell Estate on 13 December 1913. The development site comprises one allotment (Lot 17, Section D, DP6298). There is one structure on the subject site, a three storey Inter-War building that was constructed c.1926 under BA1926/427/1 for and by owner Mr. A King. The building only consisted of two storeys at this time, each level containing one unit. There is also a single storey rear wing and an abandoned pool on the property (the pool was not observed during the site inspection. It may be underneath the existing timber deck). Mr King was also the builder/designer of the building. Mr. King is not considered to be a prominent architect.

Later additions to the building included: the addition of a staircase to the rear elevation at first floor level providing access to the ground floor level (it is not clear if this modification was ever carried out or if it has already been removed) and the addition of a new rear awning (it is not clear if this modification was ever carried out). Other alterations and additions appear to have been undertaken, although these works are not indicated on any BA or DA plans. These include: the addition of the lower ground floor level for a new third unit, removal of original elements from the primary façade at ground and first floor levels, enclosure of the front porch at ground and first floor levels, internal reconfiguration works, especially to the rear of the units.

The existing building is mostly concealed from view and presents as single storey to Old South Head Road due to the topography and the existing vegetation along the front boundary. It is constructed of brick masonry construction and is covered with a tiled hipped roof. The walls exhibit di-chrome brick and decorative shields. The building does not have an exact architectural style. However, it does exhibit hallmarks of the Georgian revival architectural style. The building appears to be in a fair condition. Although the external fabric of the building appears to be relatively intact with alterations and additions along the front and rear elevation and at lower ground level, it is noted that the building has simple detailing and does not demonstrate a high level of architectural sophistication or detailing. In addition, the existing building is not a fine example of the Inter-War era or of the Georgian Revival style. The principal building form has mostly retained the original internal layout, although some openings have been altered, and changes have occurred towards the rear. It is noted that some internal decorative elements including the plastered ceilings, timber joinery still remains.

The Demolition Report prepared by Damien O'Toole Town Planning and Heritage provides the following assessment of significance for the subject building located within the site:

Criterion (A) - Historical Significance

The site has some historic significance in relation to the Mitchell Estate which was primarily subdivided and developed in the 1910s following a short period of land sales between 1910-1913. The building was constructed in the following decade, however, and therefore does not form part of the key period of development. The site does not reach the threshold for local listing as a heritage item under this criterion.

Criterion (B) - Associational Significance

The site has no significant association with any person or persons of interest. The site does not reach the threshold for local listing as a heritage item under this criterion.

Woollahra Municipal Council

Criterion (C) - Aesthetic Significance

The site has some aesthetic value, being an Interwar era flats building that retains some original elements such as its face brickwork, timber joinery, roof form and tiles. However, the building façade and front fence has undergone contemporary alterations which diminish this aesthetic value. Further, the building has very little visibility in the streetscape and therefore its streetscape presence is low. The site does not reach the threshold for local listing as a heritage item under this criterion.

Criterion (D) - Social Significance

There is no direct evidence of an association between the subject site and a strong or special association with a particular community or cultural group in the local community. The site does not reach the threshold for local listing as a heritage item under this criterion.

Criterion (E) - Technical/Research Significance

There is no evidence to suggest that the subject building has any technical significance beyond that contained in the common building practice of the time. The site does not reach the threshold for local listing as a heritage item under this criterion.

Criterion (F) – Rarity

The site cannot be considered rare or endangered in the area's cultural or natural history. There are many buildings of this era included in Schedule 5 of the LEP, with numerous exhibiting better examples of the Interwar era. The site does not reach the threshold for local listing as a heritage item under this criterion.

Criterion (G) – Representativeness

The subject dwelling is not considered to demonstrate the principal characteristics of an Interwar era flats building owing to modifications over time. There are many buildings of this era included in Schedule 5 of the LEP, with numerous representative examples of the Interwar era in various specific sub-styles. It has low representative value overall. The site does not reach the threshold for local listing as a heritage item under this criterion.

The Demolition Report also provides the following statement of significance for the subject building located within the site:

The subject site has low heritage significance and does not reach the threshold for statutory heritage listing as a heritage item. Although the dwelling was constructed during the Interwar period when the phenomena of land sales and a building boom in the area occurred, the residence has been modified, has a low visibility from the street and is already well represented on Schedule 5 of the Woollahra LEP 2014.

The existing structure at 684 Old South Head Road is not considered to be a fine example of a type, and has no distinctive landmark qualities or other features that would make the structures potentially significant or rare. In addition, there are finer examples of the building typology within the Municipality as is shown in the comparative analysis provided in the demolition report. The building is not associated with a prominent architect. Therefore, it is not considered to meet the threshold for listing as a local heritage item.

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National Parks and Wildlife Act 1974

The site is in an area of Potential Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was required as part of the DA to ascertain whether potential Aboriginal cultural heritage will be impacted by the proposal.

Anyone proposing to carry out an activity that may harm an Aboriginal object or a declared Aboriginal place must investigate, assess and report on the harm that may be caused by the activity they propose.

The 'Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW' (2010) prescribes that an extensive search must be undertaken if AHIMS has shown that there are Aboriginal sites or places in the search area.

The Office of Environment & Heritage (OEH) disclosures for AHIMS searches are copied below:

- *You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.*
- *If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.*
- *The information derived from the AHIMS search is only to be used for the purpose for which it was requested.*
- *AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;*
- *It is not be made available to the public.*
- *Information recorded on AHIMS may vary in its accuracy and may not be up to date.*
- *Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.*
- *Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.*
- *Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.*

The Applicant has provided an Aboriginal Heritage Impact Assessment (the 'report') prepared in accordance with the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW' published by the Department of Environment, Climate Change and Water and dated 13 September 2010 and in accordance with Attachment 10 of Council's DA guide available at: https://www.woollahra.nsw.gov.au/__data/assets/pdf_file/0009/248238/DA-Guide-Attachment-10-Aboriginal-Heritage-Impact-Assessment.pdf

Niche Environment and Heritage are qualified Aboriginal heritage consultants who have inspected the property on 15 February 2024 on foot.

Consultation with the La Perouse Local Aboriginal Land Council was undertaken on site on 15 February 2024 and in written correspondence dated 24 May 2024 (Appendix B in the report).

There has been consideration of relevant previous Aboriginal heritage investigations, as detailed in Table 3 of the report.

The AHIMS of the OEH was consulted on 6 February 2024 and the extensive search is attached on pages 2, 3, and Appendix A of the report. None of these sites are within the study area.

The report identifies the following potential for unexpected findings within the area:

Woollahra Municipal Council

Based on this AHIA, it is unlikely that Aboriginal objects have survived within the Activity Area due to the high levels of disturbance and modification to the ground surface. The land modification practices associated with the clearing of vegetation, construction of the building, roads, footpaths, carparks, and subsurface infrastructure and services within the Activity Area has disrupted the ground surface to such an extent that the possibility of in situ deposits is low. It was concluded that Aboriginal objects are unlikely within the Activity Area.

The Due Diligence Code states that where a desktop and visual inspection has occurred and concluded that Aboriginal objects are unlikely to occur, an AHIP application will not be necessary. The proposed activity may therefore proceed with caution without a further ACHA or AHIP.

In terms of site's disturbance, the report states that:

The front of the property was disturbed, with a terraced garden, stairs and a concrete bridge to access the upstairs apartment, and the areas immediately surrounding the existing dwelling were concreted making the ground surface visibility (GSV) very low (0-15%) (Plate 4 – Plate 5).

The concreted area behind the house has been quite heavily disturbed, although no longer maintained there was an old, enclosed pool area which no longer has a pool in it and fencing surrounding it (Plate 5 – Plate 6). Further beyond this in the backyard area, ground surface visibility (GSV) was very low (0-15%) with introduced grasses and plants being quite overgrown (Plate 6 – Plate 8). Some small areas of exposure showed the presence of laid bricks on the ground (Plate 9). One large, mature tree was identified in the backyard, although it was noted to not be old enough for Aboriginal cultural modification (Plate 10).

Concern was raised by the LALC representative over the unknown state of the subsurface soil deposits and the potential to uncover Aboriginal cultural heritage objects or sites during demolition and landscaping works. Care should be taken to follow the Unexpected Finds Procedure (outlined in Table 4).

The report's recommendations conclude that:

Woollahra Municipal Council

Table 4: Recommendations

Recommendations	
1.	All workers should be inducted into the Activity Area, so they are made aware of their obligations under the *National Parks and Wildlife Act 1974*.
2.	No change to the Aboriginal Heritage Sensitivity mapping on the Council's website is recommended.
3.	The following Unexpected Find Procedure should be put in place as a minimum response in the event of the identification of artefacts within the Activity Area during proposed works or before an ACHA can commence: • Work in the surrounding area is to stop immediately; • a temporary fence is to be erected around the Aboriginal cultural heritage site, with a buffer zone of at least 10 metres around the known edge of the Aboriginal cultural heritage site; • an appropriately qualified archaeological consultant is to be engaged to identify the material; and • should the material be confirmed as an Aboriginal object or archaeological site, facilitate, in co-operation with the appropriate authorities and the local Aboriginal community: ▪ The recording and assessment of the finds. ▪ Compliance with any legal requirements and Heritage NSW directions. ▪ The development and implementation of appropriate management strategies based on an assessment of significance of the finds. ▪ Recommencement of ground disturbance works may only resume once legal requirements are fulfilled. • An Aboriginal Heritage Impact Permit (AHIP) will be required.
4.	In the unlikely event that suspected human remains are encountered during construction, all work in the area that may cause further impact, must cease immediately and: • The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm. • The NSW Police must be contacted immediately. • No further action is to be undertaken until the NSW Police provide written notification the Proponent. • If the skeletal remains are identified as Aboriginal, the Proponent or their agent must contact: ▪ Heritage NSW's Enviroline on 131 555; and representatives of the RAPs. • No works are to continue until Heritage NSW provides written notification to the proponent or their Agent.

Given the above, it is concluded that an 'Unexpected findings', 'Due diligence' and 'Heritage induction' conditions of consent will need to be imposed as part of the DA consent.

Woollahra LEP 2014

Clause 5.10 Heritage Conservation

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

Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal. Therefore, Clause 5.10 does not apply.

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

Woollahra Municipal Council

As discussed above, the extant structure on the subject property comprises a three storey Inter-War brick masonry building originally constructed c.1926 which is located on Blackwell's original land. While the building provides evidence of the historical development patterns of the area and makes a modest contribution to the streetscape, it is not considered to be a fine example of its type and there are better examples of Inter-War and Georgian Revival style buildings in the LGA. The subject property is not heritage listed and is not located within a heritage conservation area.

A Demolition Report has been submitted with the development application and includes historical research on the development of the property over time. The design of the building is not associated with a prominent architect. In addition, the building has no distinctive landmark qualities or other features that would make it potentially significant or rare, has no social significance or research potential. The report has assessed the potential heritage significance of the existing site and has concluded that it does not meet the criteria for identification as a place of local significance. The conclusions of the report are considered to be accurate. Accordingly, the property is not of heritage value and therefore no objection is raised to the proposed demolition of the structure within the site.

The Demolition Report does not meet the standard requirement for the recording of buildings of little significance. As a result, a condition of consent will be provided below.

As the building retains original features, appropriate salvage conditions will be provided below.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

Appropriate conditions of consent to manage Aboriginal heritage will be provided below.

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does conserve the built heritage of Woollahra.

7. RECOMMENDATION

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

Consent, subject to conditions:

Standard Conditions

B. 1.	**Recording of Buildings with Little or No Heritage Significance that are to be Demolished**
	Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer. The photographic archival recording is to be submitted in a digital format and is to include the following: a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and

Woollahra Municipal Council

	adjoining properties and directional details of photographs taken. b) Coloured photographs of: • each elevation, • each structure and landscape feature, and • views to the subject property from each street and laneway or public space. **Notes:** • Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf
	Condition Reason: To ensure existing building and landscape elements are recorded.

Special Conditions

A 1.	**Salvage**
	a) Stone, bricks, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring, decorative ceilings must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.
	Condition Reason: To ensure significant heritage fabric is recycled/salvaged.

B. 10.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and

Woollahra Municipal Council

	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. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects
B. 12.	**Aboriginal Heritage Due Diligence Responsibilities**
	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)]. 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.
	Condition Reason: To protect Aboriginal heritage.
B. 13.	**Aboriginal Heritage Induction**
	Prior to any site works: 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.
	Condition Reason: To protect Aboriginal heritage.

Nastaran Forouzesh
Heritage Officer

27 June 2024
Completion Date

Woollahra Municipal Council

1 February 2024

REFERRAL RESPONSE – DRAINAGE

FILE NO:	**Development Applications:** 485/2023/1
ADDRESS:	684 Old South Head Road ROSE BAY 2029
PROPOSAL:	Proposed Demolition of Existing Building and Construction of a New Dual Occupancy with Landscaping Works
FROM:	Michael Casteleyn
TO:	Mr W Perdigao

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- 24/626 Plan - Architectural - DA2023/485/1 - 684 Old South Head Road ROSE BAY

3. ASSESSMENT

The DA submission has been reviewed

4. RECOMMENDATION

Council's Drainage Engineer has determined that the proposal is satisfactory.

Michael Casteleyn
Drainage Engineer

1 February 2024
Completion Date

Transport for NSW

12 April 2024

TfNSW Reference: SYD24/00118/3
Council's Reference: DA485/23 (CNR-64787)

Mr. Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attention: Wilson Perdigao

PROPOSED CONSTRUCTION OF A NEW DUAL OCCUPANCY
684 OLD SOUTH HEAD ROAD ROSE BAY

Dear Mr. Swift-McNair,

Reference is made to Council's referral, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment under Clause 2.119 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and concurrence under Section 138 of the *Roads Act 1993*.

TfNSW has reviewed the submitted application and would provide concurrence to the proposed civil works on the Old South Head Road frontage under Section 138 of the *Roads Act 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. All buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Old South Head Road boundary.

2. The design and construction of the vehicular crossing, removal of redundant vehicular crossings, stormwater drainage and associated works on Old South Head Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works.

   Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.
   A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the state road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

For more information, please contact Vic Naidu, Land Use Planner via email at development.sydney@transport.nsw.gov.au.

Yours sincerely

[redacted]

Rachel Davis
Senior Land Use Planner
Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124
W transport.nsw.gov.au

LOCAL PLANNING PANEL
DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D3
FILE No.	DA22/2024/1
ADDRESS	7 Bunyula Road BELLEVUE HILL
COUNCIL WARD	Bellevue Hill
SITE AREA	696.7m^2
ZONING	R2 Low Density Residential
PROPOSAL	Alterations and additions including the addition of a new second level and the extension of the existing pool decking
TYPE OF CONSENT	Local development
COST OF WORKS	$723,800.00
DATE LODGED	12/01/2024
	19/08/2024 - Amended plans (Revision 5)
APPLICANT	M Balfour
OWNER	P Klinger
AUTHOR	George Lloyd
TEAM LEADER	George Fotis
SUBMISSIONS	1
RECOMMENDATION	Approval

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

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

- Departure from development standards

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

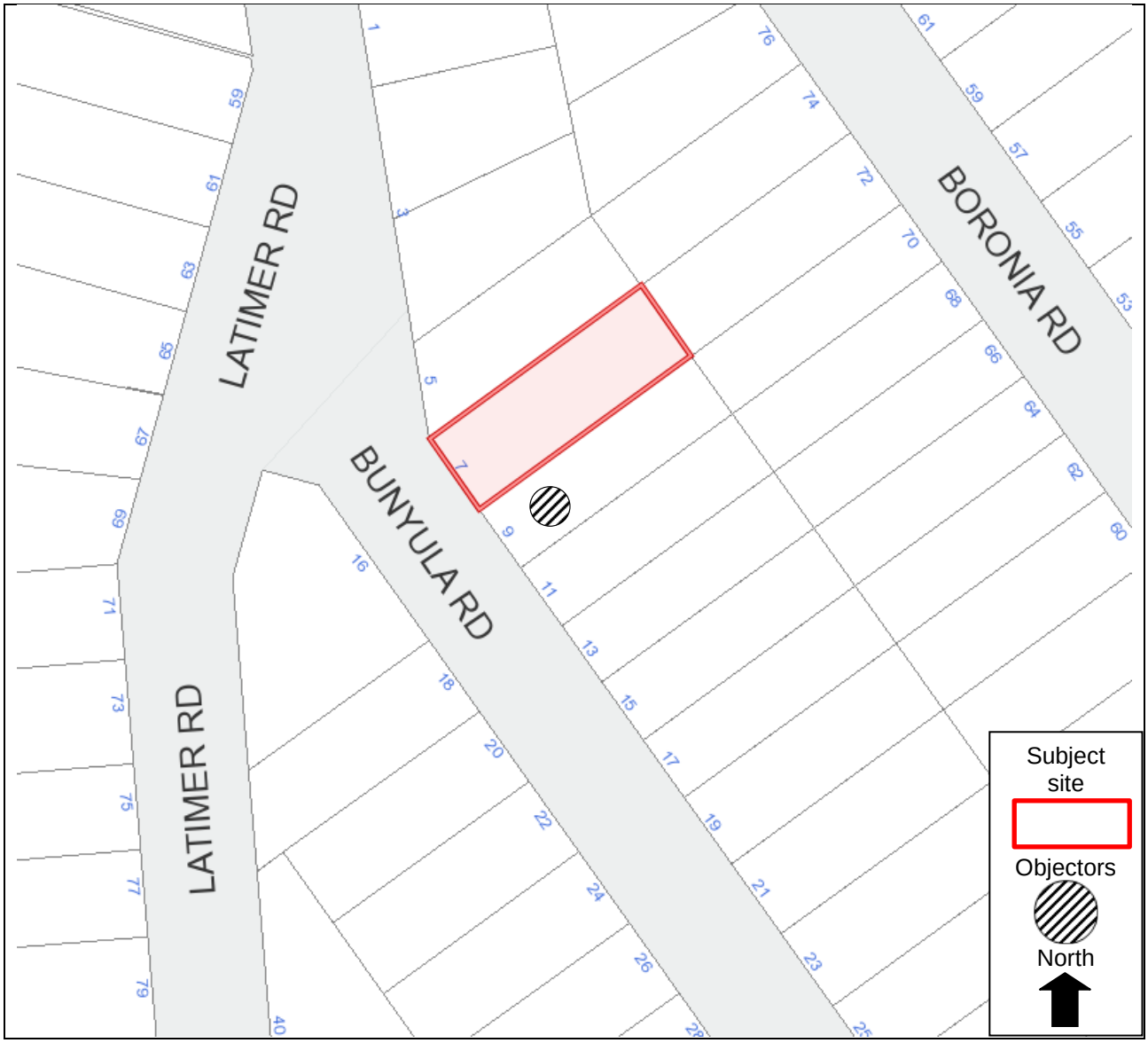
2. REASONS FOR RECOMMENDATION

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

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

- The non-compliances with the Height of Building and Floor Space Ratio development standards are supported as the Clause 4.6 written requests have demonstrated that the non-compliances are consistent with the objectives of the development standards, that compliance is unreasonable and unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the standards.
- The proposal is in the public interest.

3. LOCALITY PLAN



4. DESCRIPTION OF THE PROPOSAL

The DA was received on 12 January 2024, for alterations and additions to the existing dwelling together with the addition of a new second level. On 28 January 2024, a request for additional information was sought for information pertaining to stormwater drainage, Aboriginal Heritage Impact Assessment and a landscape plan.

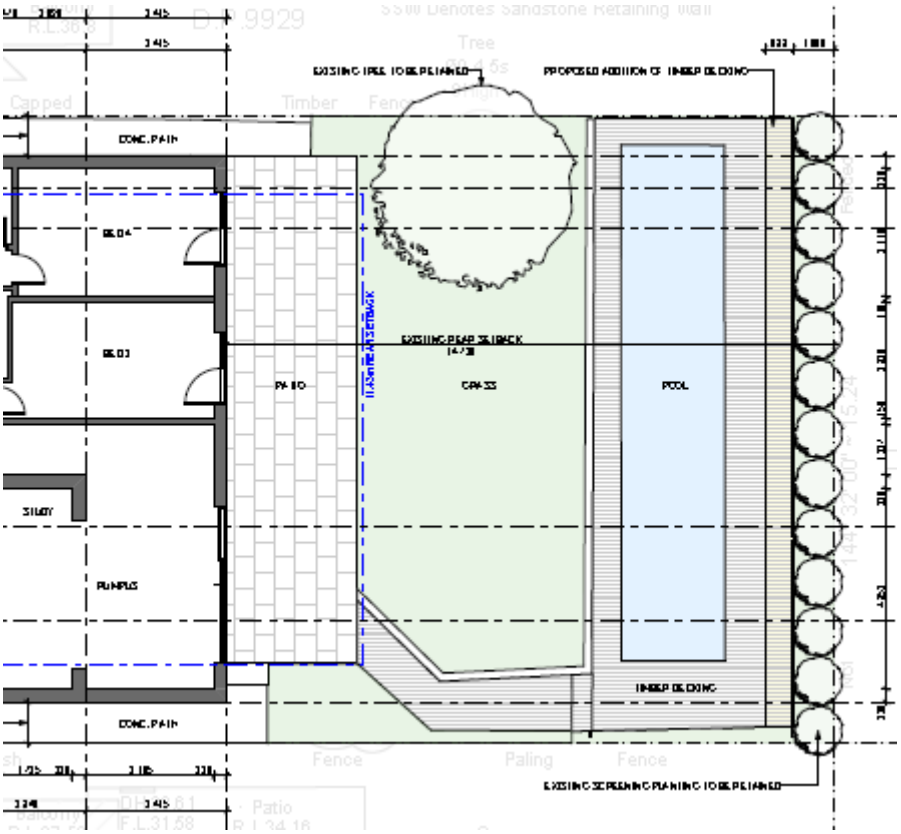
On 30/04/2024, the proposal was amended with the submission of landscape plans and stormwater details. On 5/06/2024, the proposal was further amended with the deletion of a storage area behind the extended garage and which protruded beyond the existing façade into the north-eastern side setback. On 19/08/2024, a complete set of updated plans (Revision 5) were submitted to Council.

Except for the minor design variation at the rear of the extended garage, there were no other design amendments to the proposal from that which was submitted to Council with the original DA. The extent of these variations did not warrant a replacement application or a re-notification of the proposal. Amended plans were however available to be viewed by the public on Council's website under the DA Tracking tool.

Including the amendment described above, the proposal involves the following works:

Lower Ground Floor (RL32.3):

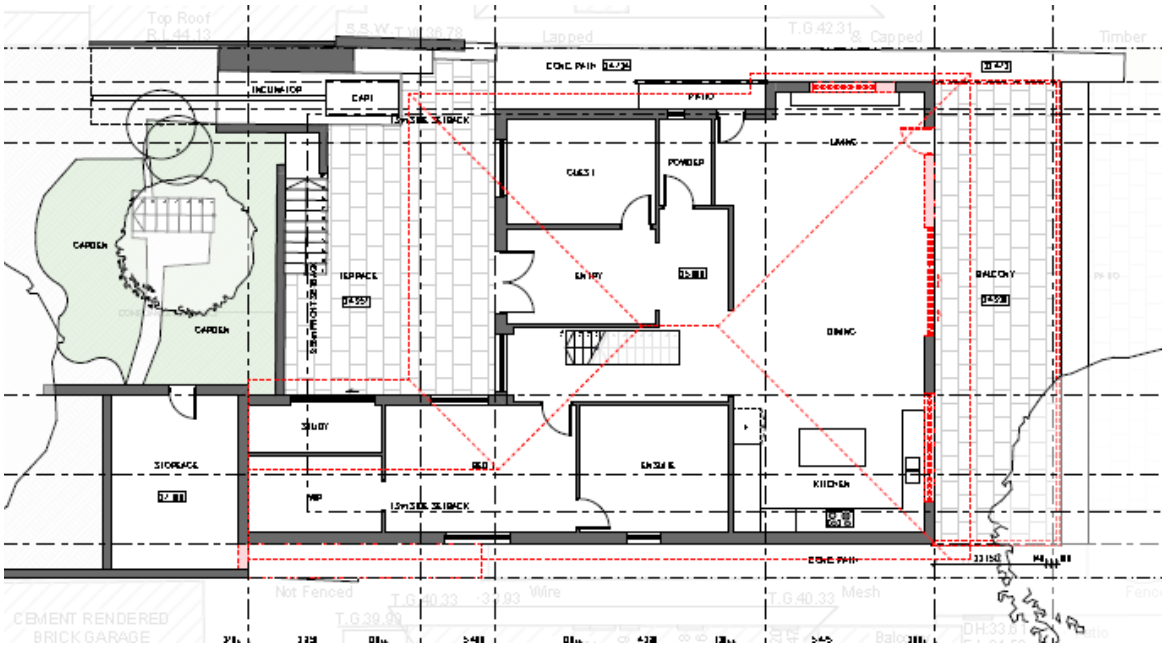
- There are no variations within the footprint of the existing building at this level.
- Within the rear yard is proposed a minor extension to the existing pool deck and landscaping works within the rear yard.



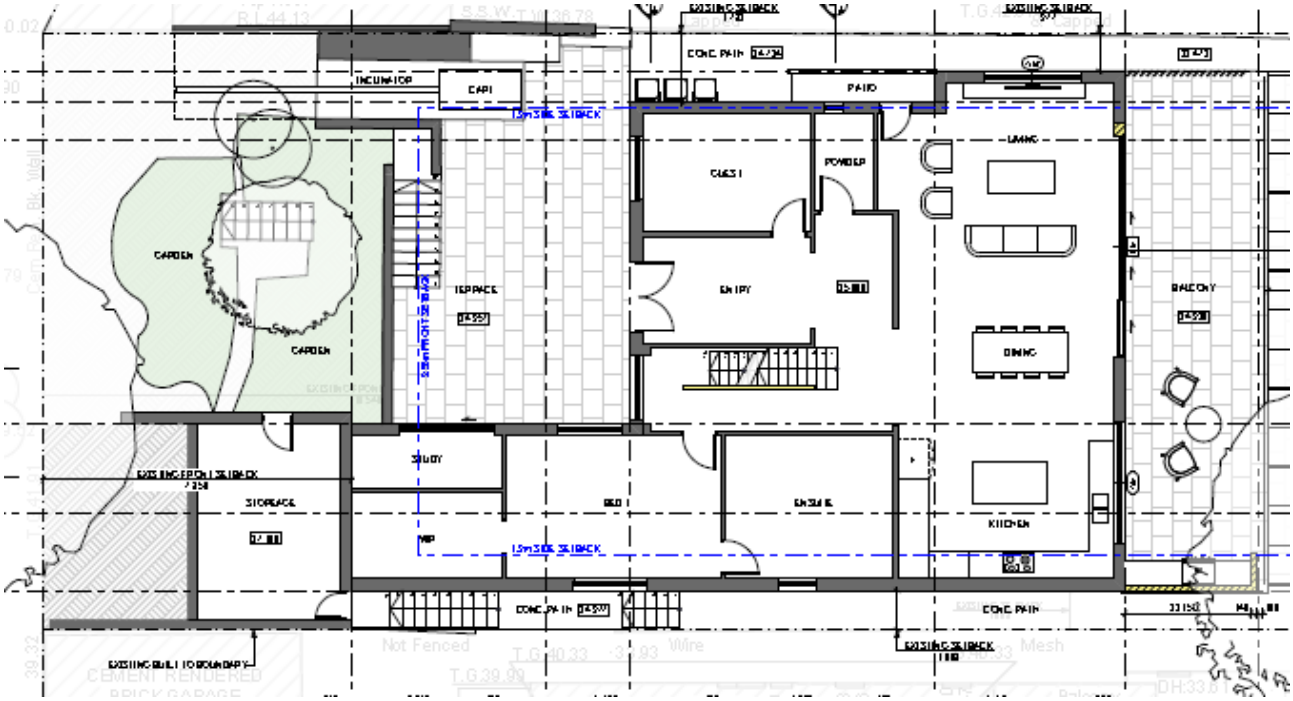
Minor works around exiting swimming pool

Ground Floor (RL35.00):

- Partially demolish the rear façade to permit greater accessibility to the rear balcony.
- External side louvres on both side elevations of the rear balcony.
- Construct a new rear door from the existing front storage room and new stairs within the side south-eastern boundary.
- Reconstruct internal stairs.



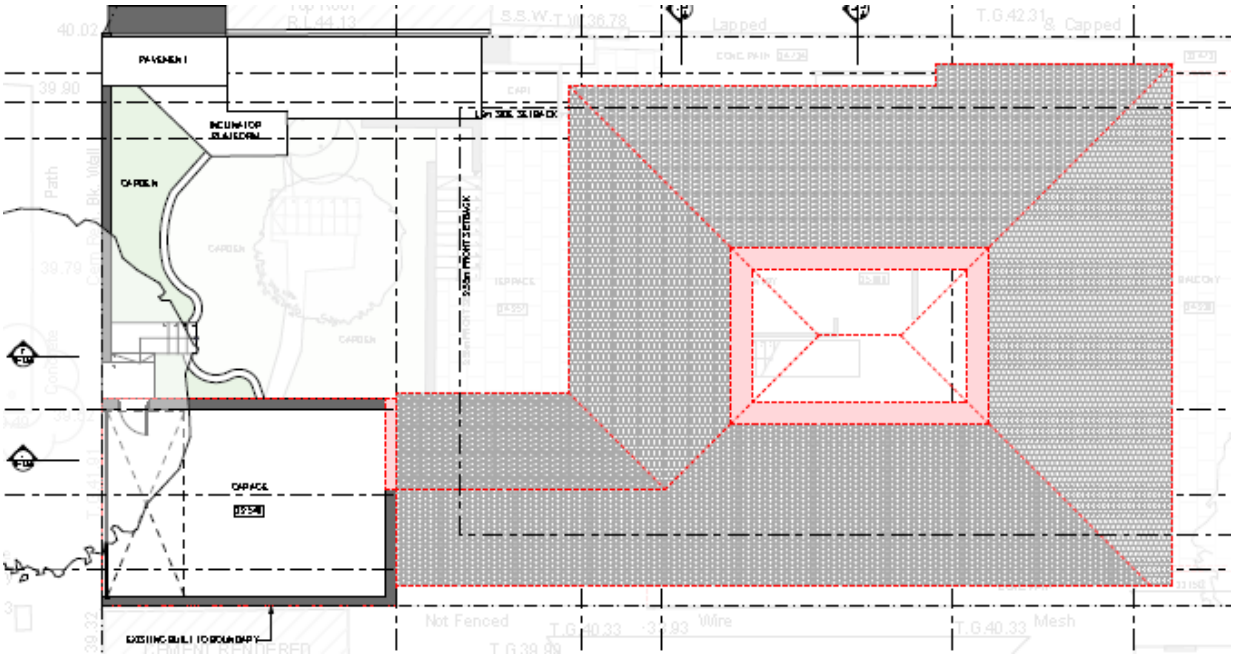
Ground Floor - Demolition



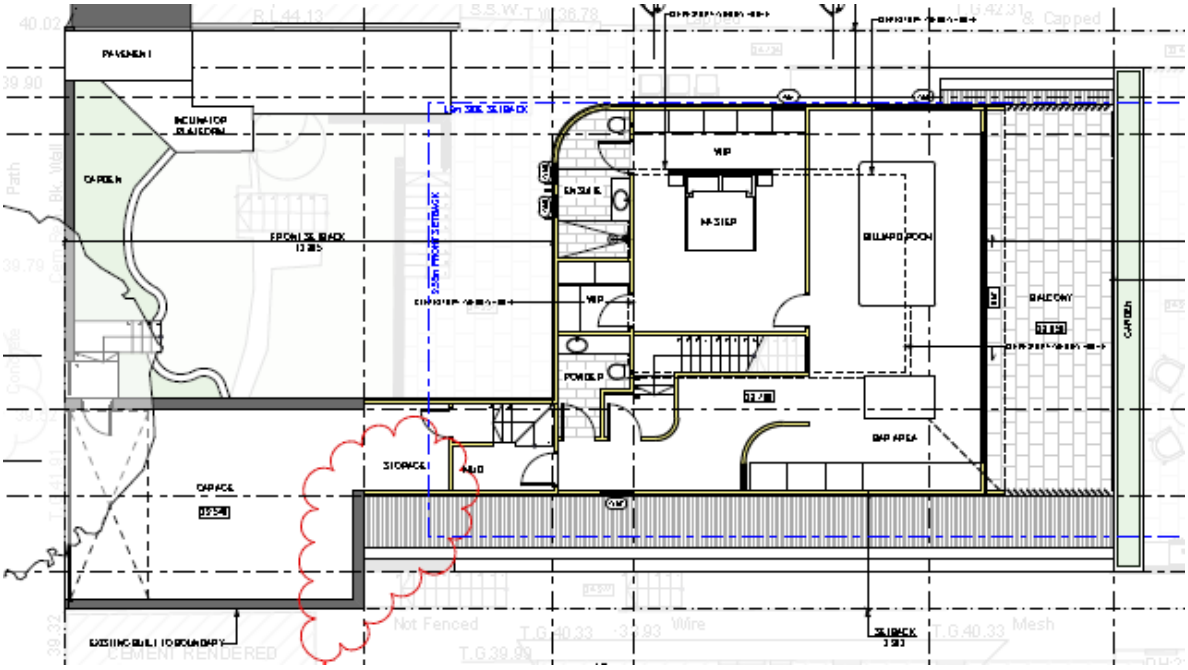
Ground Floor - Proposed

First Floor (RL38.70):

- Extend the internal wall of the existing garage (with a reduced storage space – 5/06/24), and provide a new direct internal access to the new first floor.
- New mudroom, powder room and hallway.
- New master bedroom with ensuite and walk-in robe.
- New internal stairs providing access to ground floor below.
- Open living/billiard room with wet bar and access to new rear balcony.
- External side louvres on both side elevations of the rear balcony.



Demolish existing roof



New Second Floor - Proposed
(clouded area denotes amendment to rear garage wall)

5. ISSUES

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

Clause/ Development Standard	Control	Departure from Control	Conclusion
Part 4.3 – Height of Buildings	9.5m	10.5m 1m (10.5%) departure from 9.5m.	Satisfactory - the submitted cl 4.6 written request is considered to be well founded.

Clause/ Development Standard	Control	Departure from Control	Conclusion
Part 4.4E: Floor Space Ratio	0.5:1 348.35m^2	Existing: 0.4:1 (281.44m^2) Proposed: 0.565:1 (396.77m^2)	Satisfactory - the submitted cl 4.6 written request is considered to be well founded.

5.2. Primary Issues

- Building height – The clause 4.6 written justification is considered to be well founded (**Attachment 2**).
- Floor Space Ratio – The clause 4.6 written justification is considered to be well founded (**Attachment 3**).

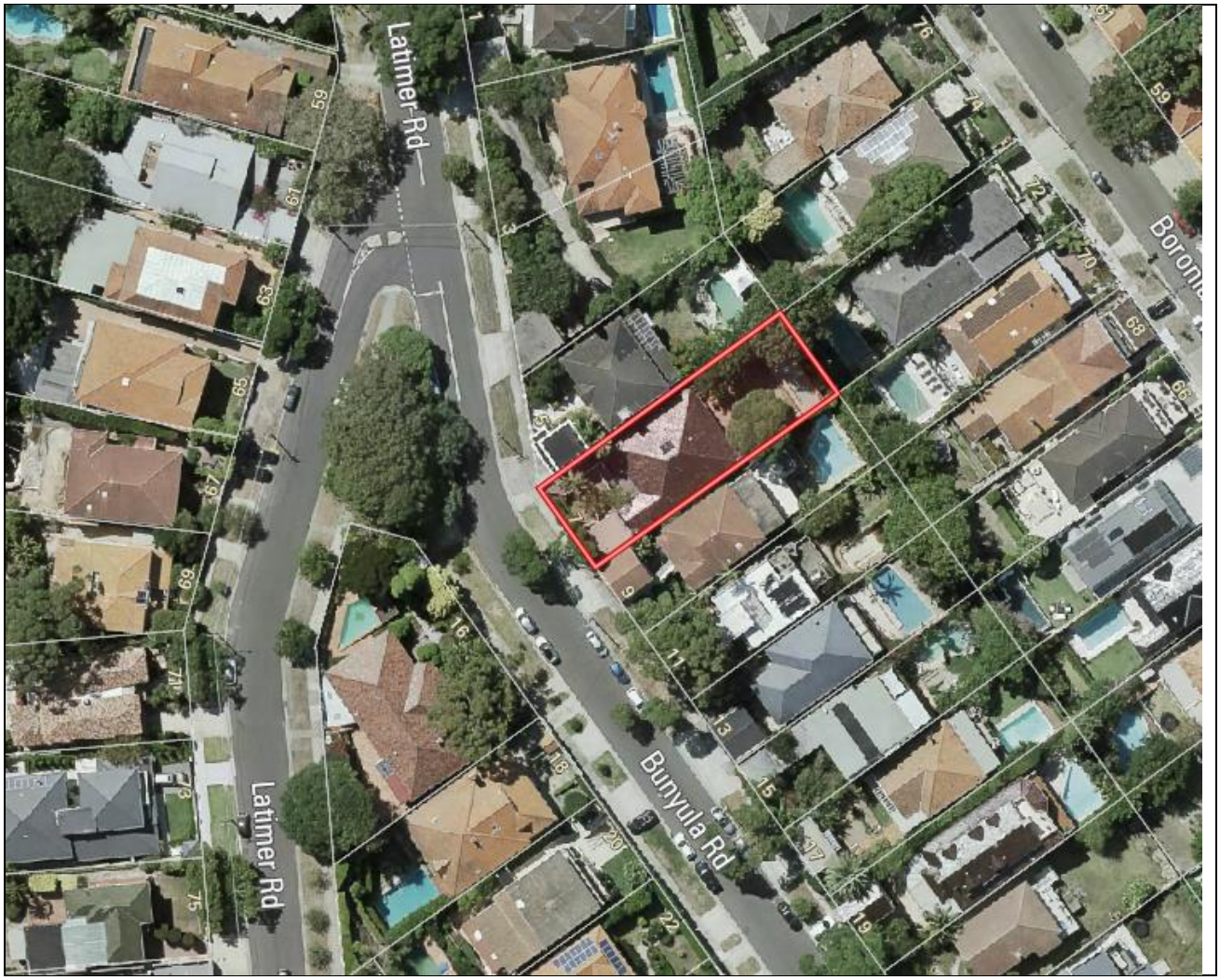
5.3. History

Relevant Application History
12/01/24: DA submitted to Council. **31/01 to 15/02:** Notification/advertising of DA – one submission received. **6/03/24:** Response from downstream neighbour RE: inter-allotment drainage easement refused. **8/03/24:** Aboriginal HIA received & forwarded to referral bodies. **16/04/24:** Council's Heritage Officers comments received. **3/06/24:** Council's Tree Management Officers comments received. **5/08/24:** Council's Development Engineer comments received.
Relevant Compliance History
N/A

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The site is described as Lot 32 Section in DP 8103 and is located on the eastern side of Bunyula Road, between Latimer Road (to the north) and Blaxland Road (to the south). The subject site is a regular shaped lot with a 15.24m front and rear boundary, together with northern and southern side boundaries of 45.72m. The site has a total surveyed site area of 696.7m^2.
Topography
The site slopes approx. 9m downwards from Bunyula Road to the rear boundary (RL38.45 to RL 31.58). This represents a gradient of almost 20% (or 1:5).
Existing buildings and structures
The site is currently occupied by a part 2-storey rendered dwelling house with a tiled roof and an attached garage structure sited along the front and southern side boundaries which has an existing driveway crossover on Bunyula Road. The front yard comprises landscaped and hard surfaces which include a series of staircases and retaining walls forming a number of terraces down towards the front door from the footpath level. An inclinator has also been installed within the front yard of the site along the northern side boundary which is used for alternate access to the existing dwelling. Within the rear yard is an in-ground swimming pool. While the remaining rear yard comprises a similar mix of landscaped and hard surface areas. A number of trees are located in both the front and rear yard areas.
Surrounding Environment
The surrounding locality is predominantly occupied by substantial dwelling houses developments sited on landscaped lots, many of which contain garage/carport structures in front yard areas and in-ground swimming pools in rear yard areas.



7. RELEVANT PROPERTY HISTORY

Current use
Detached dwelling
Relevant Application History
N/A
Relevant Compliance History
N/A
Pre-DA
N/A
Requests for Additional Information
29/01/24: STC letter requesting applicant to address: site drainage (incl. inter-allotment drainage easement); stormwater management plans; Aboriginal HIS; landscape plan. **19/03/24:** Infiltration Assessment rec'd. **30/04/24:** Additional information rec'd including updated plans; landscape plan; & stormwater plans & forwarded to referral bodies.
Land and Environment Court Appeal(s)
N/A

8. REFERRALS

Referral	Summary of Referral Response	Attachment
Development Engineering	Satisfactory subject to conditions of consent	**4**

Referral	Summary of Referral Response	Attachment
Heritage	Satisfactory subject to conditions of consent	**5**
Trees and Landscaping	Satisfactory subject to conditions of consent	**6**

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1. Submissions

The application was advertised and notified from 31/01/2024 to 15/02/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019.

One submission was received from Victoria Laban – 9 Bunyula Road, Bellevue Hill. Issues raised and responded to are addressed in the table below.

Issue	Conclusion
Amenity impacts associated with the proposed first-floor storage area at rear of existing garage.	Applicant has made the necessary design amendments on 5/06/24 by reducing the extent of the rear garage wall extension.
Stormwater design & discharge.	There have been no objections to the proposed method of stormwater disposal raised by Council's Development Engineer, subject to conditions (see Doc. 24/119870 for details).
Request first floor privacy louvres to be reduced to 1.8m tom improve solar access to properties along the southern elevation of the subject site.	The first-floor side louvres are proposed to be constructed to a height of 2.7m and have been well integrated into the overall design of the first floor new additions. Any reduction in the height of the louvres will not significantly/noticeably reduce the overall extent of overshadowing into the properties to the south of the subject site during the Winter solstice.

9.2. Statutory Declaration

The applicant has completed the statutory declaration dated 5/06/2024, declaring that the site notice for DA22/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

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

The development application was accompanied by BASIX Certificate No.A1374383 demonstrating compliance with the SEPP. These requirements have been imposed by standard conditions.

11. SEPP (COASTAL MANAGEMENT) 2018

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

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

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

The subject site is not a land/water interface development and is otherwise obscured from the waterway and the foreshores by existing development and landscaping. Notwithstanding this, Division 2 of Part 10.3 the Biodiversity and Conservation SEPP prescribes matters for consideration for interrelationship of waterway and foreshore uses as well as maintenance, protection and enhancement of views.

The proposal will not result in any detrimental impact on the wetlands or cause pollution or siltation of the waterway. It will not detrimentally impact on existing vegetation or drainage patterns and will not obstruct vistas of the waterway from the public domain.

The proposal therefore satisfies the relevant criteria prescribed by the SEPP and subject to suitable conditions will not have any significant adverse environmental impact upon the harbour coastal locality.

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

Chapter 4 - Remediation of Land

This particular 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, and*
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, and*
c) *by requiring that a remediation work meet certain standards and notification requirements.*

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

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

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1. Part 1.2: Aims of Plan

For reasons provided in this report, the proposal as conditioned is deemed to be consistent with the aims in Part 1.2(2) of the Woollahra LEP 2014 for the following reasons:

- The finished design promotes a high standard of design in the private and public domain (objective (j)).
- The development achieves the desired future character of the area (objective (l)).

14.2. Land Use Table - R2 Low Density Residential zone

The proposal is described as alterations and additions to the existing dwelling house and is permissible and consistent with the objectives of the R2 Low Density Residential zone for the following reasons:

- The proposal provides for a finished form of development that is compatible with the character and amenity of the surrounding neighbourhood (dot point 3).
- The development is of a height and scale that achieves the desired future character of the neighbourhood (dot point 4).

14.3. 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	8.82m	10.5m (max)	9.5m	**No***

****Clause 4.6 written request submitted***

The proposal seeks a 1m or 10.5% departure from the 9.5m control for works associated with the clerestory window at the upper floor level only. The roof of the clerestory window is proposed at RL42.8, which when measured against the existing basement level (RL32.3) results in a total height of 10.5m, being a 1m variation as described above.

Notably, the finished overall height of the new proposed upper first-floor will 9.35m and will comprise a roof height at RL41.65, which when measured from the basement floor level at RL32.3 is <9.5m and therefore compliant with the 9.5m height of buildings requirement.

14.4. Part 4.4: Floor Space Ratio

Part 4.4E limits development to a maximum FSR of 0.5:1 for dwelling houses in the R2 zone.

Site Area: 696.7m^2	Existing	Proposed	Control	Complies
Floor Space Ratio	0.404:1 281.44m^2	0.565:1 396.77m^2	0.5:1 (348.35m^2)	**No***

****Clause 4.6 written request submitted***

The proposal seeks a 48.42m^2 or 13.9% departure from the 0.5:1 control. Notably, the new upper floor addition does not extend beyond the footprint of the existing level below.

14.5. Part 4.6: Exceptions to Development Standards

14.5.1 Departure

With a maximum height of 10.5m (to the clerestory window), the proposal involves a 1m (10.5%) non-compliance with the 9.5m height of buildings statutory control under section 4.3 of the Woollahra LEP 2014.

With a floor space ratio of 0.565:1 (or 396.77m^2 of gross floor area), the proposal involves a 48.42m^2 (13.9%) non-compliance with the 0.5:1 floor space ratio statutory control under section 4.4E of the Woollahra LEP 2014.

See sections 14.3 and 14.4 of this report above for details.

14.5.2 Purpose

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

14.5.3 Justification Requirements

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

a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

14.5.4 Applicant's Written Request

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

The applicant has provided a written request to both Sections 4.3 and 4.4E in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, which are attached as **Attachments 2** and **3**.

14.5.5 Council's Assessment

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

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

This assessment is provided below.

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

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

Is the provision proposed to be varied a development standard?

Yes.

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

Yes.

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

Yes.

Is the extent of the variation correctly identified?

Yes.

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

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

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

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

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

Assessment:

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

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

Yes – refer to **Attachments 2** and **3** for details.

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

Yes – environmental planning grounds, refer to **Attachments 2** and **3** for details.

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

Yes – in addition to the above, the applicant has demonstrated that the objectives of the development standard and the zone objectives will be fulfilled. Refer to **Attachments 2** and **3** for details

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

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

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

Section 1.3 of the EPA Act reads as follows:

> *1.3 Objects of Act*
>
> *The objects of this Act are as follows:*
> *a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

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

Assessment:

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

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

The applicant has justified the height of buildings variation on environmental planning grounds for the following reasons:

- the existing non-compliance;
- contextual compatibility;
- enhanced internal and external amenity; and
- achievement of the development standard and zone objectives

The applicant has justified the floor space ratio variation on environmental planning grounds for the following reasons:

- contextual compatibility;
- consistency with scale of existing surrounding development;
- good design [stepped built form] and amenity within the proposal and to adjoining neighbours; and
- achievement of the development standard and zone objectives

Are the environmental planning grounds specific to the proposed variations?

Yes

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

Yes

14.5.6 Conclusion

Council is satisfied that the applicant has demonstrated that compliance with the development standards are unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the height of buildings and floor space ratio contraventions.

14.6. Part 5.21: Flood Planning

N/A - the subject site is not identified as being subject to flood related development controls.

14.7. Part 6.1: Acid Sulfate Soils

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map.

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.

14.8. Part 6.2: Earthworks

No significant excavations are proposed. The proposal involves a minor amounts of earthworks to establish the revised terrace and landscaping conditions within the front yard area. The earthworks will be suitably retained by retaining walls where appropriate and will facilitate the relationship between external ground levels and the internal levels of the dwelling.

The extent of earthworks has been assessed by Council's Development Engineer and no objection has been raised to the extent of any minor excavations on technical grounds.

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

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

Clause 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 effect and to avoid, minimise or mitigate adverse impacts on the existing tree canopy.

On the 3 June 2024, Council's Tree Officer noted (**Attachment 6**) that the landscape plan provided for 35% canopy cover within the site and which satisfies the requirements of the Woollahra DCP 2015.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1. Chapter B1.8: Bellevue Hill North Residential Precinct

The proposal meets the 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.

15.2. Chapter B3: General Development Controls

15.2.1 Part B3.2: Building Envelope

Site Area: 696.7m²	Proposed	Control	Complies
Front Setback	>12m (first floor)	9.55m	Yes
Rear Setback	18m to 21m	11.4m	Yes
Side Boundary (North)	>1.9m	1.9m	Yes
Side Boundary (South)	>1.9m	1.9m	Yes
B3.2.5 – Wall height and inclined plane	8.845m at side elevations	<7.2m at side elevations	**No** (protrusion of eaves only)

The siting and location of the residence will remain unaltered from that which currently exists on the site. Consequently, the extent to which the existing building complies (or doesn't) underneath the new first-floor addition cannot be altered.

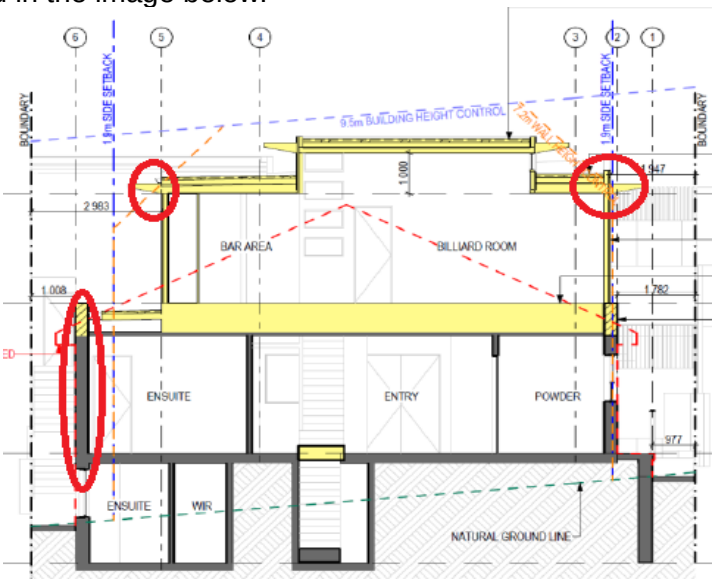
Part 3.2.5 – Wall Height and Inclined Plane

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

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

In this particular circumstance, the proposed development will have a maximum external wall height of 8.845m to the proposed first floor addition, which does not comply with the strict numerical requirements of this part of the DCP.

With respect to the inclined plane (and associated building envelope), the proposed development will result in minor breaches along the northern and southern side boundaries, with the non-compliant component being predominantly located towards the rear portion of the proposed first floor level, as depicted in the image below.



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

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

The extent of the viewable non-compliance is limited to a small part of the edge of the first floor roof and will not result in any adverse environmental impacts upon the surrounding residential amenity or upon the existing streetscape.

The proposal will continue to adequately uphold the objectives of this part of the DCP in the following manner:

- The proposed additions will be modest in terms of bulk and scale, as viewed from the streetscape and from adjoining properties;
- The proposal will not result in unacceptable overshadowing to the adjoining properties or to the private open space of the subject site;
- The proposal will not result in any privacy impacts to the adjoining properties; and
- The proposal will not result in unacceptable impacts upon existing significant views from adjoining properties.

Having regard to the above, the proposal is acceptable with regard to the building envelope requirements in Part B3.2 of the Woollahra DCP 2015.

15.2.2 Part B3.5: Built Form and Context

Site Area: 696.7m^2	Proposed	Control	Complies
Siting of Development	Follows existing topography	Stepped down with the slope	Yes
Colour Scheme	Neutral colour scheme	Consistent	Yes
Solar Access to Open Space of Adjacent Properties	Adjoining POS predominantly unaffected	50% for 2 hours on 21 June	Yes
Solar Access to Nth Facing Living Areas of Adjacent Properties	Predominantly unaffected	3 hours on 21 June	Yes
Distance of Habitable Room Windows to Adjacent Dwellings	>9m	9m	Yes

Part B3.5.1: Streetscape and Local Character

The proposal is considered to be satisfactory with regard to the desired future character provisions of the Bellevue Hill North Residential Precinct in accordance with Objective O1.

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

Part B3.5.2: Overshadowing

N/A – The proposal will not result in any significant additional overshadowing upon neighbouring properties.

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

Part B3.5.3: Public and Private Views

The development proposal, as conditioned, will maintain the visual and aural privacy to the occupants within the site and for the surrounding residents.

Part B3.5.4: Acoustic and Visual Privacy

With regard to potential acoustic privacy impacts upon adjoining properties, it is considered that no significant adverse acoustic impacts upon adjoining properties is envisaged, assuming normal behaviour is observed by the occupants of the residence.

Conclusion

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

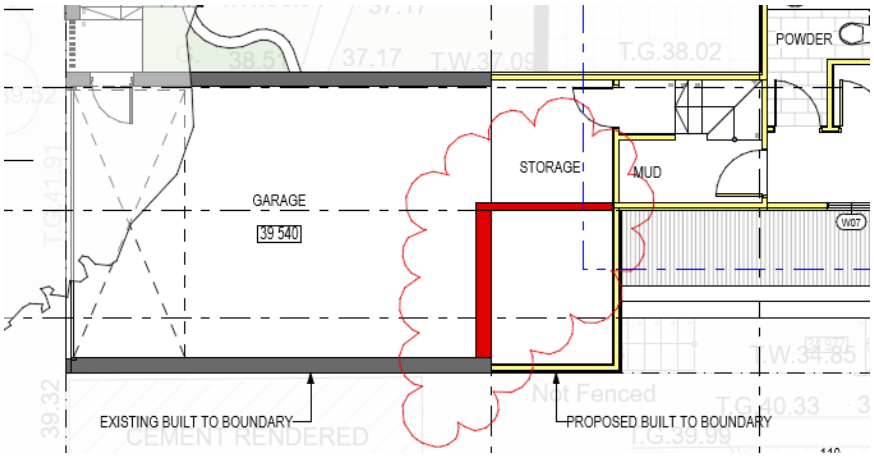
15.3. Part B3.6: On-Site Parking

Site Frontage: 15.24m	Existing	Proposed	Control	Complies
Location of Parking	Outside buildable area	As existing	Within the buildable area	No as existing
Width of Parking Structure	5m (on street frontage)	As existing	6m	Yes
Maximum Area	N/A	43m^2 (w- storage)	40m^2	**No**
Maximum Height	2.7m (floor to roof)	As existing	2.7m (above footpath)	Yes
Maximum Number of Driveways	One	One	One	Yes

No variations are proposed to the extent or access to the existing off-street parking spaces currently available from within the site.

Part of the proposal involves a new internal accessway combined with additional “storage” and which contributes 3m^2 to the overall additional gross floor area within the extended residence immediately behind the existing garage. The purpose of this accessway is to provide convenient internal access between the garage and the residence.

The extended garage has been purposefully redesigned to reduce the impact of potential additional overshadowing by further setting back the extended wall along the existing southern boundary (see image below). Consequently, the additional gross floor area in this part of the proposal will have no adverse amenity impacts upon any of the adjoining or surrounding properties.



15.4. Part B3.7: External Areas

Part 3.7.1: Landscaped Areas and Private Open Space

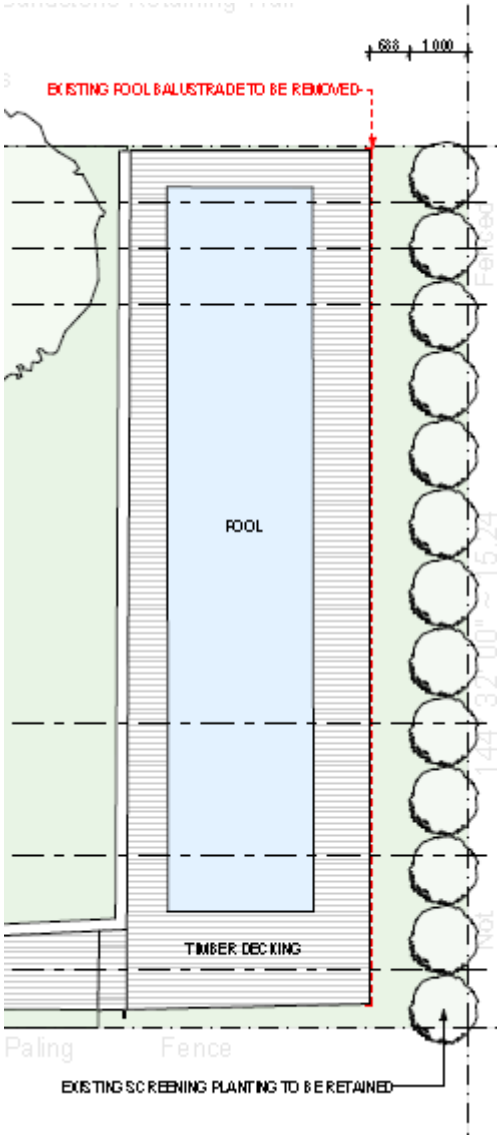
Site Area: 696.7m²	Existing	Proposed	Control	Complies
Tree Canopy Area (C1) (**Attachment 6**)	35%	35%	35% of Site Area (243.8m²)	Yes
Deep Soil Landscaping – (C2)	159.2m² (22%)	149m² (21.3%)	35% of Site Area (243.8m²)	**No**
Deep Soil Landscaping – Front Setback Area – (C3)	48m² (40%)	56m² (46%)	40% of Front Setback Area (48m²)	Yes
Minimum Area of Primary Open Space at Ground Level (C4)	>35m²	>75m²	>35m²	Yes

The applicable objectives of this part of the DCP states the following:

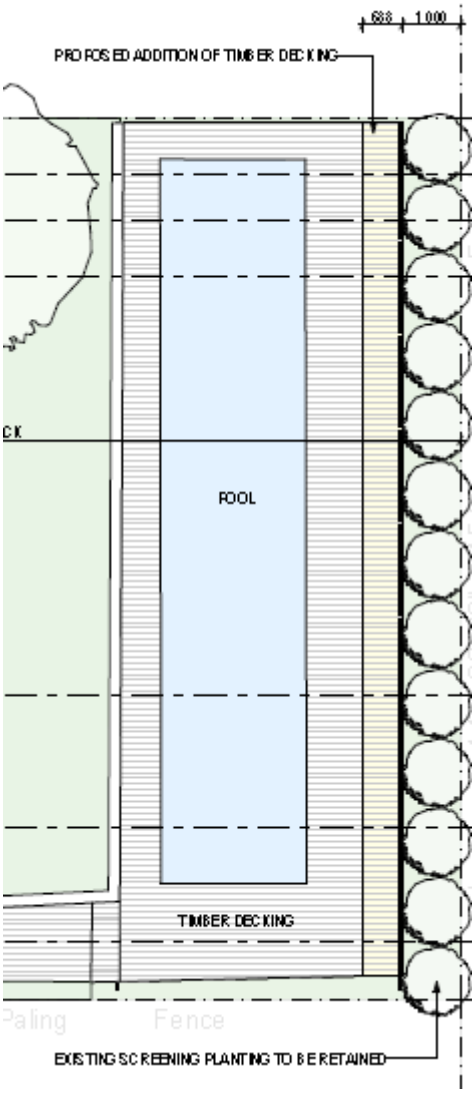
O1 To ensure that the areas outside the building contribute to the desired future character of the location.
O2 To provide sufficient deep soil landscaped area to encourage urban greening and maintain and enhance tree canopy cover which in turn contributes positively to the existing and desired future character of the locality.
O3 To provide for on-site stormwater absorption.
O4 To ensure the adequate provision of accessible and useable primary open space.
O6 To ensure that private open space areas are well-designed.
O7 To retain important existing canopy trees, vegetation and other landscape features
O8 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.
O9 To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties.
O10 To ensure that landscaping allows view sharing.

The extent of the tree canopy over the entire site will increase with the addition of new deep soil landscaped area within the front setback together with the inclusion of a new tree planting within the front yard.

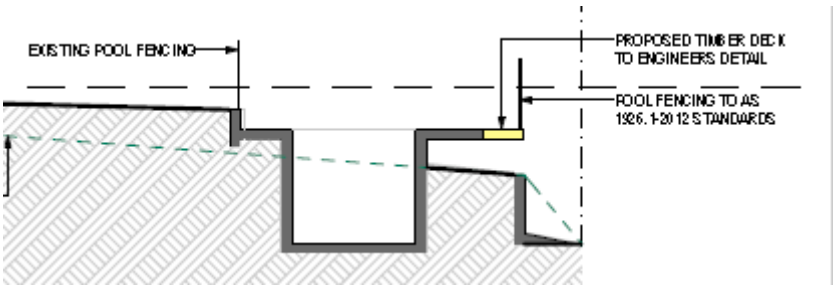
With respect to the total quantum of deep soil landscaping, the reduction occurs at the very rear of the site with the extension of the elevated pool decking towards the rear boundary. It should be noted that a 1m strip of advanced shrubs already exists between the pool deck and the rear boundary which will continue to screen the swimming pool from surrounding neighbours (see plans below).



Existing pool & deck



Proposed pool deck extension



Pool and deck section

Notwithstanding the reduction in the deep soil area over the entire site, the proposal is deemed to be acceptable with regards to the this part of the DCP for the following reasons

- The proposal increases the extent deep soil area and tree canopy within the front setback which contributes to the desired future character of the Bellevue Hill North Precinct and encourages urban greening.
- The useable area of extensive open space behind the existing building will be maintained, ensuring that the underlying objectives of this part of the DCP will be fulfilled.

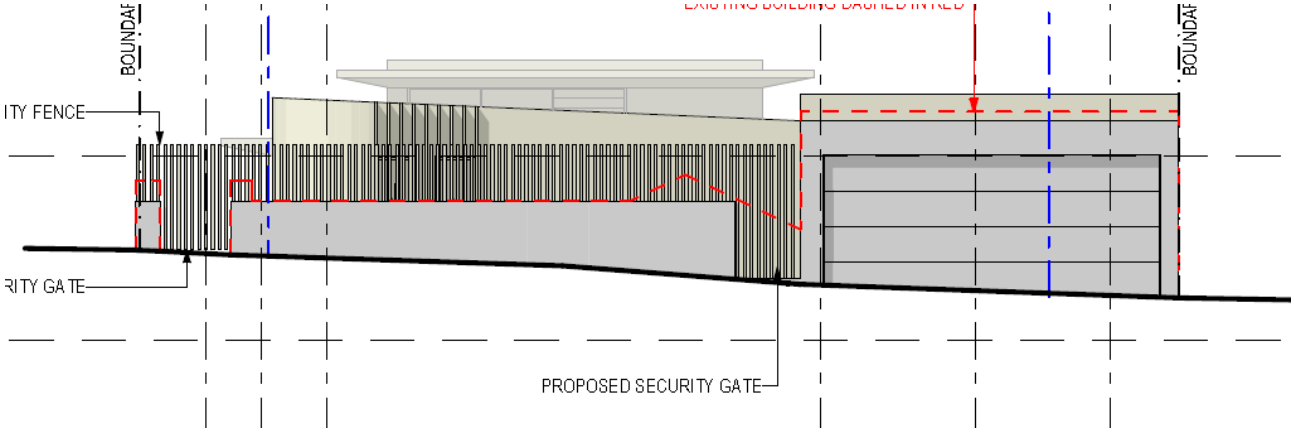
Conclusion

The remaining area of extensive open space behind the existing building will be maintained and the underlying objectives of this part of the DCP will be fulfilled and the proposal is acceptable with regards to Part B3.7.1 of the Woollahra DCP 2015.

B3.7.2 Fences

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

Part of the proposal is to include a new black aluminium palisade fence on top of the existing low brick-rendered front boundary fence, which varies in its maximum height between 1.5m and up to 1.95m adjacent to the garage (see below).



The varying height is due to the topography along the street boundary.

The objectives of this part of the DCP states:

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

The proposed front fence is considered to suitably fulfil all of the above objectives for the following reasons:

- It will not have any adverse streetscape or amenity impacts upon adjacent buildings and will be consistent with similar types of high stone and natural hedge front fences of surrounding properties.
- It will be comparable in height with adjoining and surrounding front fences and will therefore contribute positively to the existing streetscape pattern.
- The front fence has been designed to achieve privacy, safety and security for future residents without restricting views and vistas from the public or private domains.

For reasons mentioned above and because the proposed front fence will neither impact any existing view corridors or overshadow any adjacent dwellings or areas of private open space, the proposed variation is contextually compatible and the prescriptive variation is therefore justified.

B3.7.4 Ancillary Development – Swimming Pools and outbuildings

The siting and location of the existing swimming pool remains unchanged except for the proposed timber decking and new pool fencing. **Condition D.12** has been recommended to ensure that fencing and child-restraint barriers around the swimming pool are incorporated in the construction certificate in accordance with the relevant statutory provisions.

Part 3.7.3: Site Facilities

The proposal accords with the applicable objectives and controls.

Conclusion

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

15.5. Chapter E2: Stormwater and Flood Risk Management

The proposal is acceptable with regard to the objectives and controls in Chapter E2 of the Woollahra DCP 2015.

15.6. 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.

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

15.6.1 Part E5.2: Demolition and Construction Phase

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

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

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

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

15.7. Chapter E6: Sustainability

15.7.1 Part E6.3: Solar Energy Systems

The proposal complies with relevant objectives and controls of Chapter E6 of the Woollahra DCP 2015.

15.8. Chapter E8: Adaptable Housing

Control C2 requires that dwelling-houses are encouraged to provide adaptable housing design.

The proposal provides lift access to all 3 levels and is considered to accord with the objectives and controls in Chapter E8 of the Woollahra DCP 2015.

16. DRAFT AMENDMENTS TO POLICIES AND PLANS

No relevant draft amendments that affect the carrying out of the proposed works.

17. SECTION 7.12 CONTRIBUTIONS PLANS

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 7.12 Contributions Plan 2022.

Cost of Works	Rate	Contribution Payable
$723,800	1%	$7,238.00

18. APPLICABLE ACTS/REGULATIONS

Clause 61(1) of the EPA Regulation 2021

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

19. THE LIKELY IMPACTS OF THE PROPOSAL

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

20. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

21. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

22. CONCLUSION

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

23. DISCLOSURE STATEMENTS

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

24. RECOMMENDATION Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979.

THAT Council, as the consent authority, is of the opinion that the written requests from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the height of buildings and floor space ratio development standards under Clauses 4.3 and 4.4 of Woollahra LEP 2014, have adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard.

And

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to DA22/2024/1 for alterations and additions including the addition of a new second level and the extension of the existing pool decking on land at 7 Bunyula Road BELLEVUE HILL, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	**Conditions**
	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. **Notes:** • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • 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.
	Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.
A. 2.	**Definitions**
	Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulations,* the *Development Certification and Fire Safety Regulations* and the *Interpretation Act 1987* as in force at the date of consent. ***Applicant*** means the applicant for this consent. ***Approved Plans*** mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent. ***Local native plants*** means species of native plant endemic to Sydney's eastern suburbs. ***Owner-builder*** has the same meaning as in the *Home Building Act 1989*. ***PC*** means the Principal Certifier under the *Act*. ***Principal Contractor*** has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed. ***Professional engineer*** has the same meaning as in the BCA. ***Public place*** has the same meaning as in the *Local Government Act 1993.* ***Road*** has the same meaning as in the *Roads Act 1993.* ***SEE*** means the final version of the Statement of Environmental Effects lodged by the Applicant. ***Site*** means the land being developed subject to this consent. ***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. ***Woollahra LEP*** means *Woollahra Local Environmental Plan 2014* ***Woollahra DCP*** *means Woollahra Development Control Plan 2015* ***Work*** for the purposes of this consent means: • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work,

- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piering, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

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

A. 3. Approved Plans and Supporting Documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author	Date
DA100, Rev 5	Site Plan	BAL 4	20/08/2024
DA203, Rev 5	Demolition Lower GF Plan		
DA204, Rev 5	Demolition Ground Floor Plan		
DA205, Rev 5	Demolition First Floor Plan		
DA206, Rev 5	Proposed Lower GF Plan		
DA206, Rev 5	Proposed Ground Floor Plan		
DA208, Rev 5	Proposed First Floor Plan		
DA300, Rev 5	Sections		
DA301, Rev 5	Sections		
DA400, Rev 5	Elevations		
DA401, Rev 5	Elevations		
DA402, Rev 5	Elevation Fence Bunyula Rd		
Nos. LDA-01 & LDA02	Landscape Plan	Grindstone Landscapes	
24-3351-SW Sheet 1-Issue 3 Sheet 2-Issue 3 Sheet 3-Issue 3 Sheet 4-Issue 3 Sheet 5-Issue 3 Sheet 6-Issue 3 Sheet 7-Issue 3	Stormwater Management Plans	Ross Engineers	24/06/2024
A1374383	BASIX Certificate	NSW Department of Planning, Industry & Environment	31/10/2023

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

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

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

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

Notes:
- 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:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
2 & 3	*Archontophoenix cunninghamiana* (Bangalow palm)	Front setback	10 x 3
4	*Syzygium smithii* (Lillypilly)	Rear setback, adjacent to boundary to west	5 x 5
5	*Lophostemon confertus (Brush Box)*	Rear setback	15 x 7
6	*Lagerstroemia indica* (Crepe Myrtle)	Front setback	6 x 6

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)	Tree value
1	*Lophostemon confertus (Brush Box)*	Council verge	14 x 10	$8000

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

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

Council Ref No	Species	Location (current)	Dimension (metres)
7	*Plumeria acutifolia* (Frangipani)	Front yard, adjacent to garage	4 x 5

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

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

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	**Construction Certificate Required Prior to Any Demolition**
	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. In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work: • Before issue of a construction certificate • Before building work commences 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. **Note:** • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [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. Erosion and Sediment Controls – Installation

Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:

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

Where there is any conflict The Blue Book takes precedence.

Notes:
- 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.

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

B. 3. 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)*
1	*Lophostemon confertus (Brush Box)*	Council verge	3.0
4	*Syzygium smithii* (Lillypilly)	Rear setback, adjacent to boundary to west	2.0

6	*Lagerstroemia indica* (Crepe Myrtle)	Front setback	1.0

Where this condition relates to street trees, and the fence cannot be placed at the specified radius, the fencing is to be positioned excluding existing driveways and footpaths.

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 bought 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 & 3	*Archontophoenix cunninghamiana* (Bangalow palm)
5	*Lophostemon confertus (Brush Box)*

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.

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.

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.

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.

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.

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

Condition Reason: To ensure the protection of existing trees

B. 4.	**Identification of Hazardous Material**
	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. In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing: • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place.
	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.
B. 5.	**Public Road Assets Prior to Any Work/Demolition**
	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. The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the: • 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. 6.	**Skeletal Remains**
	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: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.

	Details of the remains and their precise location are to be provided. Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.
	Condition Reason: To ensure the appropriate management of skeletal remains.
B. 7.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects
B. 8.	**Aboriginal Heritage Due Diligence Responsibilities**
	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)]. 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.
	Condition Reason: To protect Aboriginal heritage.

B. 9. Aboriginal Heritage Induction

Prior to any site works:

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.

Condition Reason: To protect Aboriginal heritage.

B. 10. 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 *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$22,750	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	$8,000	No	T114
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Tree Management Inspection Fee	$231.30	No	T95
Security Deposit Administration Fee	$225.00	No	T16
TOTAL SECURITY AND FEES	**$31,206.30**		

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, • 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:** • 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
	Condition Reason: To ensure any relevant security and fees are paid.
B. 11.	**Dilapidation Reports for Existing Buildings**
	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. These properties must include (but is not limited to): **a) No. 5 Bunyula Road, Bellevue Hill; and** **b) No. 7 Bunyula Road, Bellevue Hill** 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. 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.

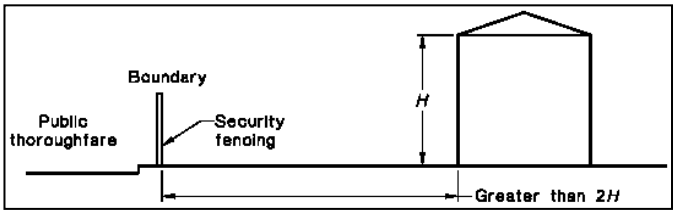
	No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies). **Notes:** • The dilapidation report will be made available to affected property owners on request and may be used by them in the event 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.
	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.
B. 12.	**Adjoining Buildings Founded on Loose Foundation Materials**
	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. **Notes:** • 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.
	Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.
B. 13.	**Works (Construction) Zone – Approval and Implementation**
	If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made. If the works zone is approved, all fees for the Works Zone must be paid before it can be installed. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.

Notes:
- 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.

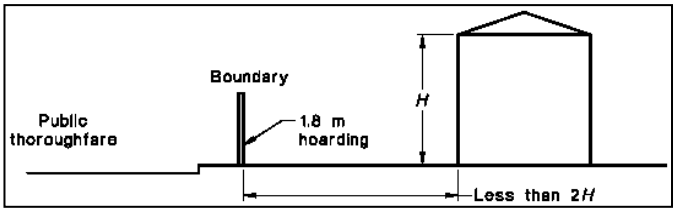
Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.

B. 14. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



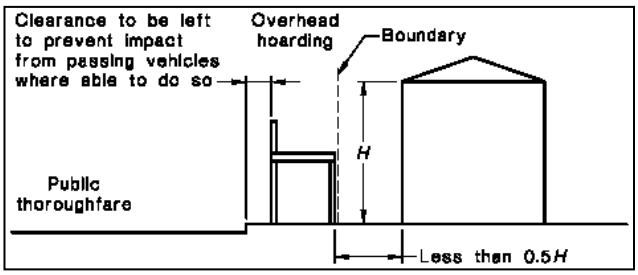
Type A Hoarding
Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the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



Type B Hoarding
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:
a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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

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



The overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

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

Hoardings on Public Land including 'Creative Hoardings'
All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

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

Notes:
- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
  - A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
    OR
  - B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
    OR
  - C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:

	1. the capital investment value of the work to which the hoarding relates is less than $1 million, or 2. the land is zoned R2 Low Density Residential, or 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). • Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au
	Condition Reason: To ensure public safety.
B. 15.	**Site Signs**
	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. Clause 70 of the Regulation provides: **Erection of signs** • For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. • A sign must be erected in a prominent position on any site on which building work, subdivision `work or demolition work is being carried out: a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. • Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. • This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. • This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. Clause 75 of the Development Certification and Fire Safety Regulation provides: **Signs on development sites** If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

	• Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. **Notes:** • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. • If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.
	Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.
B. 16.	**Compliance with Australian Standard for Demolition**
	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.
	Condition Reason To control the risks of demolition work.
B. 17.	**Construction Management Plan Arborist Review**
	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. The plan must address: 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.

Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.

B. 18. 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:

- 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:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

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

B. 19. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
5	*Lophostemon confertus (Brush Box)*	Rear setback	Rainwater Tank, stormwater services & replacement of existing patio paving at rear

	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.

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1. Payment of Long Service Levy

Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under *Building and Construction Industry Long Service Payments Act 1986*			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	

Building and Construction Industry Long Service Payment
The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

Condition Reason: To ensure any relevant levy is paid.

D. 2. BASIX Commitments

Before the issue of any construction certificate, BASIX Certificate No. A1374383 must be submitted to the Principal Certifier with any application for a construction certificate.

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

	Notes: • 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.
	Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.
D. 3.	**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: • The removal of the existing vehicular crossing including layback and gutter and the construction of a new 5 metres wide vehicular crossing including all necessary footpath reconstruction in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the garage door. Design longitudinal surface profiles along <u>each</u> side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment, • Finished floor levels at both ends of the proposed garage entry and at the property boundary must be clearly depicted on the architectural drawings. Since the proposed garage has minimal setback from the front boundary and there is a significant longitudinal fall on the frontage footpath, the applicant must ensure that the finished levels of the driveway and garage slab across the entry are tapered to slope similarly to the footpath to ensure a uniform longitudinal fall and a maximum crossfall of 3% for the footpath are provided to comply with Council's Crossing Specification. Design longitudinal surface profiles along the front and back edge of the footpath for the full frontage of the site must be submitted for assessment, • For any proposed stormwater outlet pipe across the nature strip, it must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers, • The reinstatement of any damaged kerb and gutter, footpath and road pavement within the frontage and vicinity of the site as a result of construction works to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers, • Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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 *Environmental Planning and Assessment Act 1979*			
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 *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$674	No	T45
TOTAL SECURITY AND FEES	**$674**		

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

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

- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

- An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate.
- Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:
- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.
- All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.
- The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.
- Any adjustments required from the garage slab and the street levels are to be carried out internally on private property
- Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".
- Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.
- All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.
- When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.
- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.
- When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.

	• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.
D. 4.	**Erosion and Sediment Control Plan – Submission and Approval**
	Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate. **Notes:** • The International Erosion Control Association – Australasia www.austieca.com.au 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
D. 5.	**Structural Adequacy of Existing Supporting Structures**
	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.
	Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.

D. 6.	**Professional Engineering Details**
	Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate. **Notes:** • This does not affect the right of the developer to seek staged construction certificates.
	Condition Reason: To ensure professional engineering details and technical specifications are provided.
D. 7.	**Engineer Certification**
	Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property. This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.
	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.
D. 8.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).

	c) Provide foundation tanking 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 <#m> 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: • 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.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.
D. 9.	**Parking Facilities**
	Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following: a) Dimensions of the proposed off-street parking spaces shall be clearly depicted on the architectural plans. In this regard, each parking space shall have minimum dimensions of 3m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans. In particular, the proposed hinged door must not encroach into the parking envelopes. The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: *Parking Facilities - Off-Street Car Parking*. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. 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.

	Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*. **Note**: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with. **Note**: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.
D. 10.	**Stormwater Management Plan**
	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: a) General design in accordance with stormwater management plans, referenced 24-3351-SW-Issue 3, prepared by Ross Engineers, dated 24/06/2024, other than amended by this and other conditions. b) Subsoil drainage/seepage water must NOT be discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet 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. The kerb discharge must be located within the frontage of the site. d) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) with a minimum storage volume of $42m^3$ to comply with Chapter E2.2.9 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Overflow from the RWT must be directed to the proposed pump out system by gravity. Notation to this requirement must be clearly depicted on the drawings. f) A pump out system with minimum storage volume of $8.4m^3$ must be installed to collect any rainwater tank overflow and surface runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a minimum 600x600mm boundary junction pit prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3. 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) 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.

i) 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.

j) Detail any remedial works required to upgrade the existing stormwater drainage system.

k) Dimensions of all drainage pits and access grates must comply with AS3500.3.

l) Compliance with the objectives and performance requirements of the BCA.

m) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Rainwater Tank (RWT) Requirements
The minimum storage volume for the required rainwater tank (RWT) must be $42m^3$ and the Permissible Site Discharge (PSD) for the proposed development must not exceed 20l/s.

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

Layout Plan
A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:
a) All pipe layouts, dimensions, grades, lengths and material specification.
b) Location of proposed rainwater tanks.
c) All invert levels reduced to Australian Height Datum (AHD).
d) Location and dimensions of all drainage pits.
e) Point and method of connection to Councils drainage infrastructure.
f) Overland flow paths over impervious areas.

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

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

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

	Notes: • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 11.	**Non-Gravity Drainage Systems**
	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. 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. **Notes:** • The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 12.	**Swimming and Spa Pools – Child Resistant Barriers**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia. Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. **Notes:** • A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans.
	Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.

D. 13. Electric vehicle circuitry and electric vehicle charging point requirements

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.

Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).

D. 14. Payment of S7.12 Contributions Levy

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

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

The cost estimate report must be in the form of:

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

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

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

How must the payments be made?
Payments must be made by:

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

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

- the reasons given,

	• whether any prejudice will be caused to the community deriving benefit from the public facilities, • whether any prejudice will be caused to the efficacy and operation of the Plan, and • whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected. Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where: • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate, • a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable, • the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid. **Do you need HELP indexing the levy?** Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate). •
	Condition Reason: To ensure any relevant contributions are paid.
D. 15.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:

	• Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.

E. BEFORE BUILDING WORK COMMENCES

E. 1.	**Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**
	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: a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. This condition does not apply: a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made. **Notes:** • 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.

	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.
E. 2.	**Erosion and Sediment Controls – Installation**
	Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) The Soil and Water Management Plan if required under this consent; b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and 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). Where there is any conflict The Blue Book takes precedence. **Notes:** • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	Condition Reason: To prevent potential water pollution and dust nuisance.
E. 3.	**Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)**
	Building work must not commence, until: a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and b) The person having the benefit of the development consent has: • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and

	• notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. **Notes:** • ***Building*** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • ***New building*** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of $12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.

F. DURING BUILDING WORK

F. 1.	**Compliance with BCA and Insurance Requirements under the Home Building Act 1989**
	While site work is being carried out: 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. This condition does not apply: 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. 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. 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. **Notes:** • 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**
	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.
	Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.
F. 3.	**Critical Stage Inspections**
	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. 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. 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. **Notes:** • 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.
	Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.

F. 4.	**Hours of Work –Amenity of the Neighbourhood**
	While site work is being carried out: a) No work must take place on any Sunday or public holiday. b) No work must take place before 7am or after 5pm any weekday. c) No work must take place before 7am or after 1pm any Saturday. d) The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: i. piling, ii. piering, iii. rock or concrete cutting, boring or drilling, iv. rock breaking, v. rock sawing, vi. jack hammering, or vii. machine excavation. e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. **Notes:** • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm
	Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.
F. 5.	**Public Footpaths – Safety, Access and Maintenance**
	While site work is being carried out, any person acting with the benefit of this consent must: a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.

b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
c) Not use the road or footway for any work.
d) Keep the road and footway in good repair free of any trip hazard or obstruction.
e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.
f) Not stand any plant and equipment upon the road or footway.
g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.
h) Provide a clear safe pedestrian route a minimum of 1.5m wide.
i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.

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

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

Notes:
- Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.
- Section 138 of the Roads Act 1993 provides that a person must not:
  - erect a structure or carry out a work in, on or over a public road, or
  - dig up or disturb the surface of a public road, or
  - remove or interfere with a structure, work or tree on a public road, or
  - pump water into a public road from any land adjoining the road, or
  - connect a road (whether public or private) to a classified road,
  - otherwise than with the consent of the appropriate roads authority.
- Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including:
  - Part C Management of waste:
    a) For fee or reward, transport waste over or under a public place
    b) Place waste in a public place
    c) Place a waste storage container in a public place.
  - Part E Public roads:
    a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
    b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

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

F. 6.	**Tree Preservation**
	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. 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. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework.
F. 7.	**Maintenance of Environmental Controls**
	While site work is being carried out, the following monitoring, measures and controls must be maintained: a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.
	Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.
F. 8.	**Compliance with Geotechnical / Hydrogeological Monitoring Program**
	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. The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to: a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and

	c) the contingency plan. **Notes:** • 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.
	Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.
F. 9.	**Support of Adjoining Land and Buildings**
	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). 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. **Notes:** • 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: - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	Condition Reason: To ensure that the support of adjoining land is not removed.

F. 10.	**Vibration Monitoring**
	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. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer. Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice. The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land. **Notes:** • ***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.
	Condition Reason: To monitor and manage vibration impacts from development.
F. 11.	**Erosion and Sediment Controls – Maintenance**
	While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:

	a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" 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). Where there is any conflict The Blue Book takes precedence. **Notes:** • 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 12.	**Disposal of Site Water During Construction**
	While site work is being carried out: 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.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 13.	**Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**
	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. Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:

	a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. g) Flood protection measures are in place confirming location, height and capacity.
	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.
F. 14.	**Placement and Use of Skip Bins**
	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: 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. **Notes:** • 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.
	Condition Reason: To ensure waste storage containers are appropriately located.
F. 15.	**Dust Mitigation**
	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. This generally requires: a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust.

	g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. **Notes:** • "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.
	Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.
F. 16.	**Site Waste Minimisation and Management – Demolition**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities: 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. When implementing the SWMMP the Applicant must ensure: a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the 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. **Notes:** • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.

F. 17.	**Site Waste Minimisation and Management – Construction**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities: 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.
	Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.
F. 18.	**Shoring and Adequacy of Adjoining Property**
	While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense: a) protect and support the adjoining premises from possible damage from the excavation, and 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. **Notes:** • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
	Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.
F. 19.	**Asbestos Removal**
	While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.

	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: 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. **Notes:** • 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: - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.
F. 20.	**Classification of Hazardous Waste**
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F. 21.	**Disposal of Asbestos and Hazardous Waste**
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.

F. 22.	**Asbestos Removal Signage**
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F. 23.	**Notification of Asbestos Removal**
	While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.
F. 24.	**Arborists Documentation and Compliance Checklist**
	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: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

While site work is carried out	• 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 ### within ## metres from Tree No.##. The condition of exposed roots must be managed and documented. • The project arborist must supervise the installation of the ### within ## metres of Tree No.#, 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.

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

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

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

F. 25. 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)
5	*Lophostemon confertus (Brush Box)*	Rear setback	5.0

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

The project arborist must document compliance with the above condition.

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

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	**Occupation Certificate (section 6.9 of the Act)**
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. **Notes:** • New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	**Amenity Landscaping**
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.
G. 3.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation.
G. 4.	**Commissioning and Certification of Systems and Works**
	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. 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: a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking.

	d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require. **Notes:** • The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). • The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.
G. 5.	**Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation**
	Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. A1374383. **Notes:** • Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.
G. 6.	**Works within Public Land (including Council, State or Federal owned land or property)**
	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: a) stormwater pipes, pits, structures and connections to public stormwater systems within the road, b) driveways and vehicular crossings, c) renew/new retaining structures, d) overhang structures, e) encroachments or occupation or alienation of public land or property, f) removal of redundant driveways and any other structure, g) new footpaths, pathways, walkways, or dunny lanes, h) relocation of existing power/light pole, if applicable,

	i) relocation/provision of street signs, if applicable, j) new or replacement street trees, if applicable, k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street, l) new or reinstated kerb and guttering within the road, and m) new or reinstated road surface pavement within the road. **Notes:** • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
	Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.
G. 7.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	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: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tank and pump out system, c) that subsoil drainage/seepage water is NOT discharged to the kerb and gutter, d) that a rainwater tank with minimum storage of $42m^3$ has been constructed in accordance with the approved stormwater plans, e) that the as-built rainwater retention and reuse system has been plumbed for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc, f) that a pump out system with minimum storage capacity of $8.4m^3$ has been installed to comply with AS3500.3, g) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, h) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, i) pipe invert levels and surface levels to Australian Height Datum, and j) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant 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 rainwater retention and reuse system, and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

	The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • 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.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.
G. 8.	**Arborists Documentation and Compliance Checklist – Prior to any occupation certificate**
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.

H. OCCUPATION AND ONGOING USE

H 1.	**Maintenance of BASIX Commitments**
	During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. A1374383.

	This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.
H. 2.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
H. 3.	**Ongoing Maintenance of the On-Site Stormwater Detention System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained 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. The owner:

	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. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

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. Achitectural Set, Landscape Plan & Survey ⇩
2. Clause 4.6 - Height of Buildings ⇩
3. Clause 4.6 - FSR ⇩
4. Development Engineers Referral Response ⇩
5. Heritage Referral Response ⇩

6. Tree & Landscaping Referral Response ⇩

No. 7 BUNYULA ROAD, BELLEVUE HILL NSW

PROPOSED ALTERATIONS AND ADDITIONS

LOT 32 Sec.K DP 8103

DRAWING LIST			
NO.	DRAWING	SCALE	REVISION
DA001	COVER		05
DA100	SITE PLAN	1:100	05
DA200	EXISTING LOWER GF PLAN	1:100	05
DA201	EXISTING GROUND FLOOR PLAN	1:100	05
DA202	EXISTING FIRST FLOOR	1:100	05
DA203	DEMOLITION LOWER GF PLAN	1:100	05
DA204	DEMOLITION GROUND FLOOR PLAN	1:100	05
DA205	DEMOLITION FIRST FLOOR PLAN	1:100	05
DA206	PROPOSED LOWER GF PLAN	1:100	05
DA207	PROPOSED GROUND FLOOR PLAN	1:100	05
DA208	PROPOSED FIRST FLOOR	1:100	05
DA300	SECTIONS	1:100	05
DA301	SECTIONS	1:100	05
DA400	ELEVATIONS	1:100	05
DA401	ELEVATIONS	1:100	05
DA402	ELEVATION FENCE BUNYULA RD	1:100, 1:50	05
DA500	SITE AREA CLACULATIONS	1:200	05
DA501	LANDSCAPE CLACULATIONS	1:200	05
DA502	SITE ANALYSIS PLAN	1:100	05
DA503	SHADOW DIAGRAMS 9am	1:200	05
DA504	SHADOW DIAGRAMS 12pm	1:200	05
DA505	SHADOW DIAGRAMS 3pm	1:200	05
DA600	WINDOW & DOOR SCHEDULE	1:100	05
DA601	FINISHES SCHEDULE		05
DA602	CONSTRUCTION WASTE MANAGEMENT & EROSION AND SEDIMEN...	1:100	05
DA800	BASIX COMMITMENTS		05
DA801	BASIX COMMITMENTS		05
DA802	NOTIFICATION PLAN	1:150, 1:200	05
DA804	SAFETY NOTES		05

DEVELOPMENT SPECIFICS

7 BUNYULA ROAD, BELLEVUE HILL	
LOT 32 Sec. K	ZONING
DP 8103	R2 - LOW DENSITY RESIDENTIAL

LEP & DCP	REQUIREMENT	PROPOSED
FSR	0.5:1	0.569:1
BUILDING HEIGHT	9.5m MAX	9.5m
WALL HEIGHT	7.2m MAX	8.845m
SITE AREA:	**696.7m²**	
FSR	348.35m²	396.77m²
DEEP SOIL LANDSCAPED AREA	243.85m² (> 35%)	149.12m² (21.4%)
FRONT SETBACK LANDSCAPED AREA	145.54m² (> 40%)	50.89m² (34.97%)
TREE CANOPY COVER %	243.85m² (> 35%)	102.52m² (14.72%)
PRIVATE OPEN SPACE AREA	35m²	> 35m²
GROUND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	16.546m
REAR SETBACK	11.43m	14.73m
SIDE SETBACK	1.9m	0.977m
FIRST STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	7.85m
REAR SETBACK	11.43m	18.145m
SIDE SETBACK	1.9m	0.977m
SECOND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	12.805m
REAR SETBACK	11.43m	21.495m
SIDE SETBACK	1.9m	1.947m

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COVER
DEVELOPMENT APPLICATION | Revision 05

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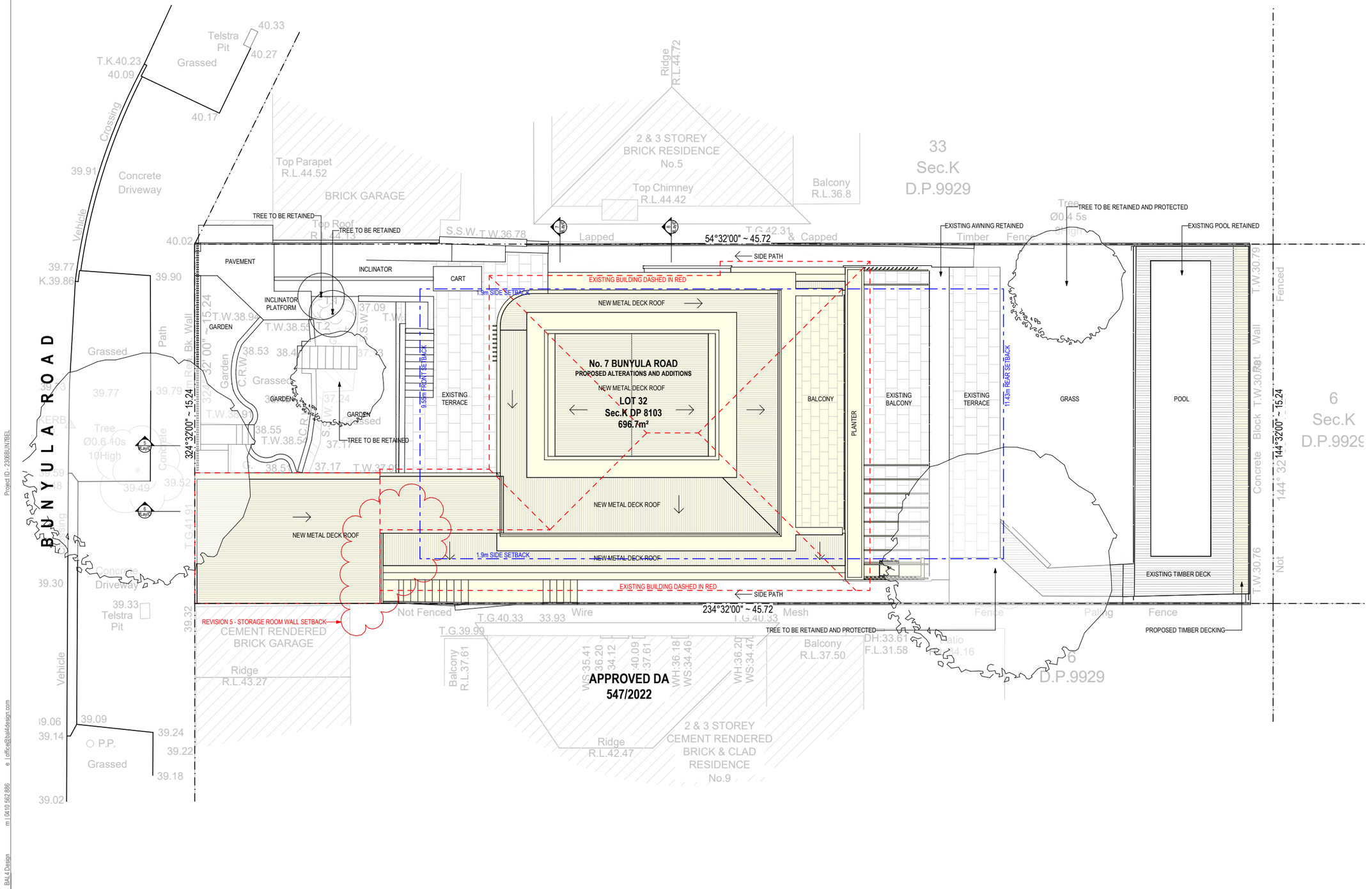
Date Issued 20/08/2024
Drawing Scale NOT TO SCALE
Layout ID **DA001**



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SITE PLAN
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Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA100**

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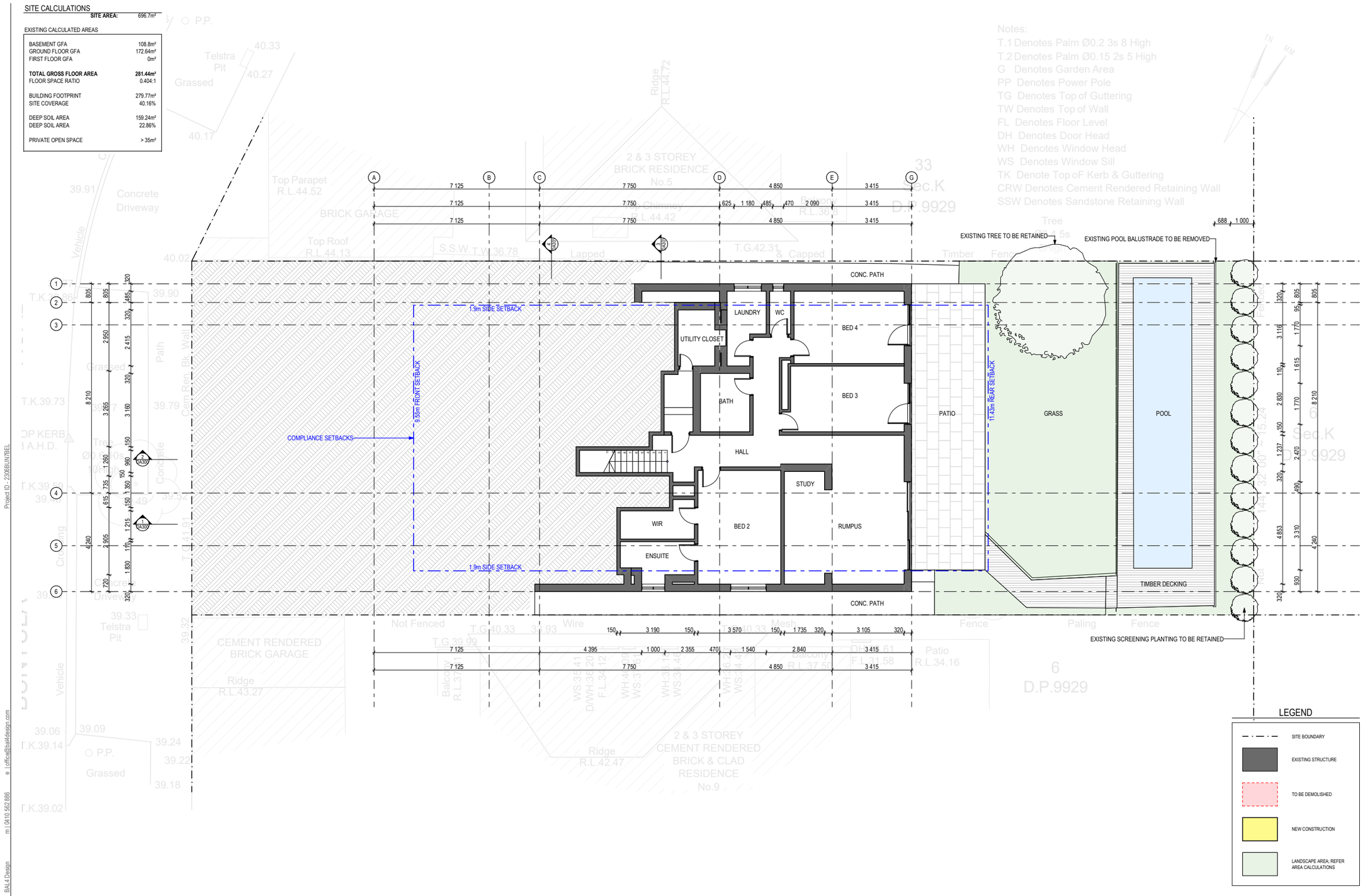
SITE CALCULATIONS

SITE AREA: 696.7m²

EXISTING CALCULATED AREAS

BASEMENT GFA	108.8m²
GROUND FLOOR GFA	172.64m²
FIRST FLOOR GFA	0m²
TOTAL GROSS FLOOR AREA	**281.44m²**
FLOOR SPACE RATIO	0.404:1
BUILDING FOOTPRINT	279.77m²
SITE COVERAGE	40.16%
DEEP SOIL AREA	159.24m²
DEEP SOIL AREA	22.86%
PRIVATE OPEN SPACE	> 35m²

Notes:
T.1 Denotes Palm Ø0.2 3s 8 High
T.2 Denotes Palm Ø0.15 2s 5 High
G Denotes Garden Area
PP Denotes Power Pole
TG Denotes Top of Guttering
TW Denotes Top of Wall
FL Denotes Floor Level
DH Denotes Door Head
WH Denotes Window Head
WS Denotes Window Sill
TK Denote Top of Kerb & Guttering
CRW Denotes Cement Rendered Retaining Wall
SSW Denotes Sandstone Retaining Wall



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EXISTING LOWER GF PLAN

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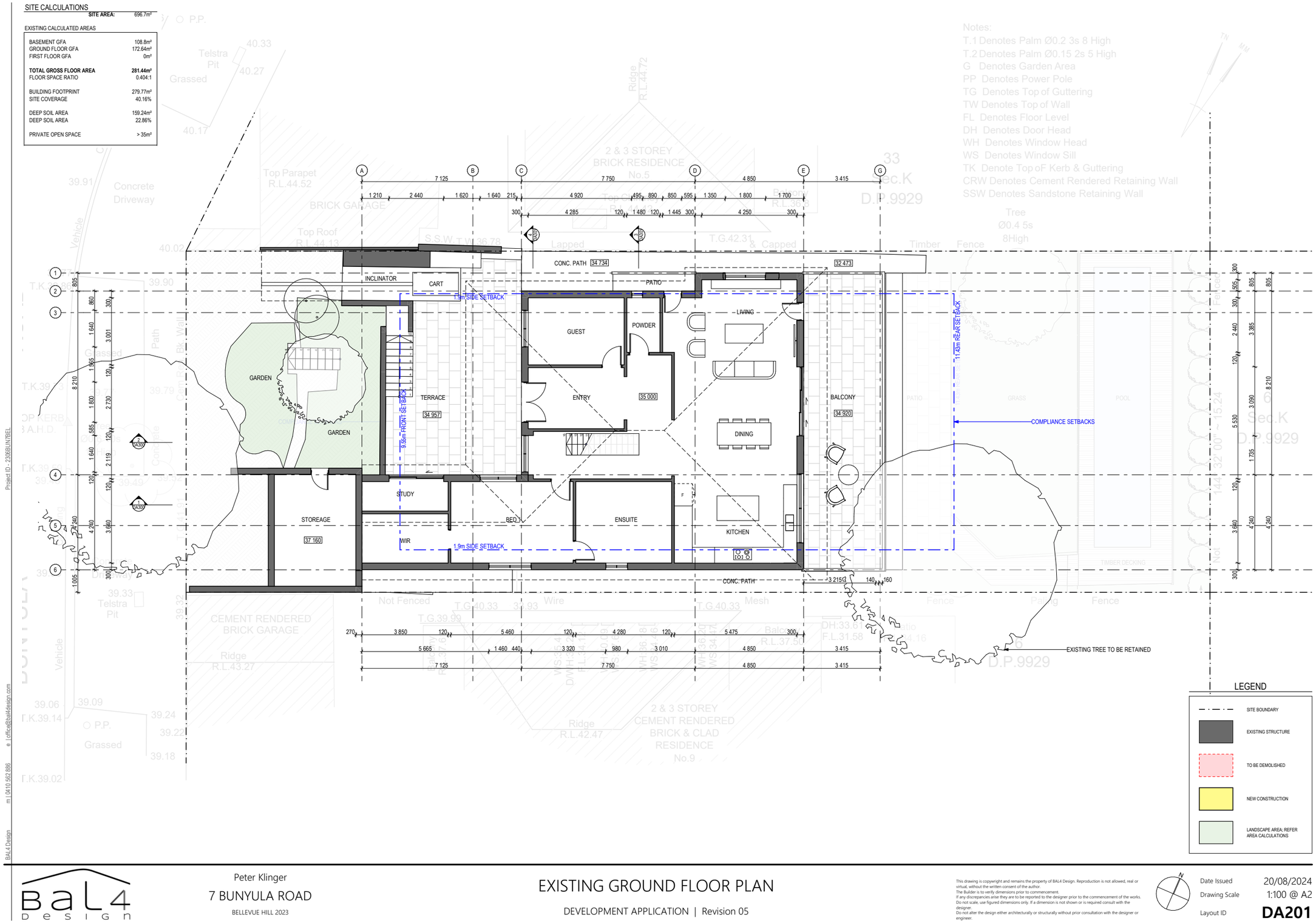
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA200**


SITE CALCULATIONS
SITE AREA: 696.7m²
EXISTING CALCULATED AREAS
BASEMENT GFA 108.8m²
GROUND FLOOR GFA 172.64m²
FIRST FLOOR GFA 0m²
TOTAL GROSS FLOOR AREA 281.44m²
FLOOR SPACE RATIO 0.404:1
BUILDING FOOTPRINT 279.77m²
SITE COVERAGE 40.16%
DEEP SOIL AREA 159.24m²
DEEP SOIL AREA 22.86%
PRIVATE OPEN SPACE > 35m²
Notes:
T.1 Denotes Palm Ø0.2 3s 8 High
T.2 Denotes Palm Ø0.15 2s 5 High
G Denotes Garden Area
PP Denotes Power Pole
TG Denotes Top of Guttering
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FL Denotes Floor Level
DH Denotes Door Head
WH Denotes Window Head
WS Denotes Window Sill
TK Denote Top of Kerb & Guttering
CRW Denotes Cement Rendered Retaining Wall
SSW Denotes Sandstone Retaining Wall
INCLINATOR
CART
CONC. PATH 34.734
PATIO
32.473
LIVING
GUEST
POWDER
ENTRY
35.000
TERRACE
34.957
GARDEN
GARDEN
BALCONY
34.920
DINING
STUDY
STOREAGE
37.160
BED 1
ENSUITE
WIR
KITCHEN
1.9m SIDE SETBACK
9.55m FRONT SETBACK
1.143m REAR SETBACK
COMPLIANCE SETBACKS
CONC. PATH
EXISTING TREE TO BE RETAINED
LEGEND
SITE BOUNDARY
EXISTING STRUCTURE
TO BE DEMOLISHED
NEW CONSTRUCTION
LANDSCAPE AREA; REFER AREA CALCULATIONS
Project ID - 2306BUNTBEL
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BELLEVUE HILL 2023
EXISTING GROUND FLOOR PLAN
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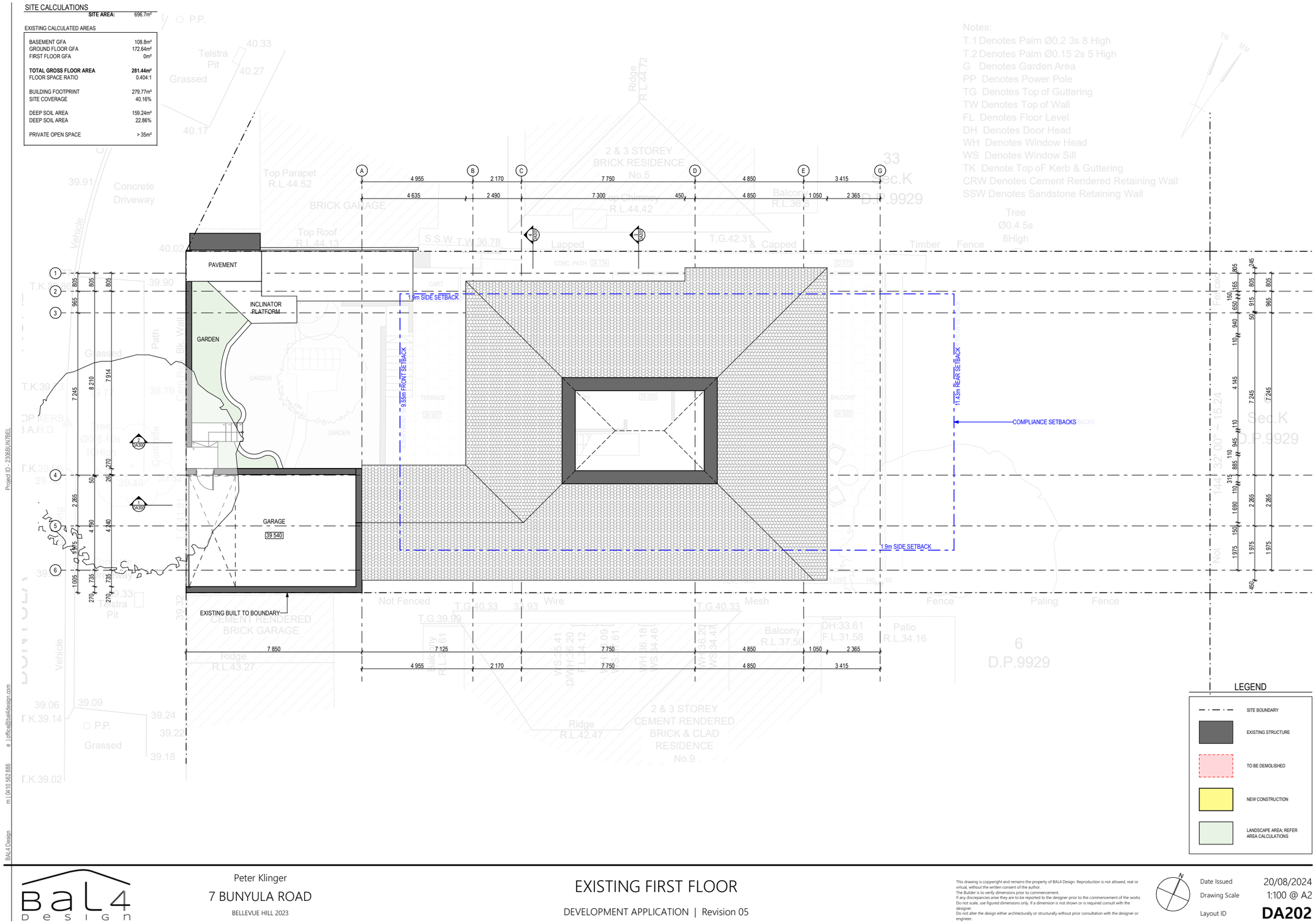
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID DA201



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EXISTING FIRST FLOOR
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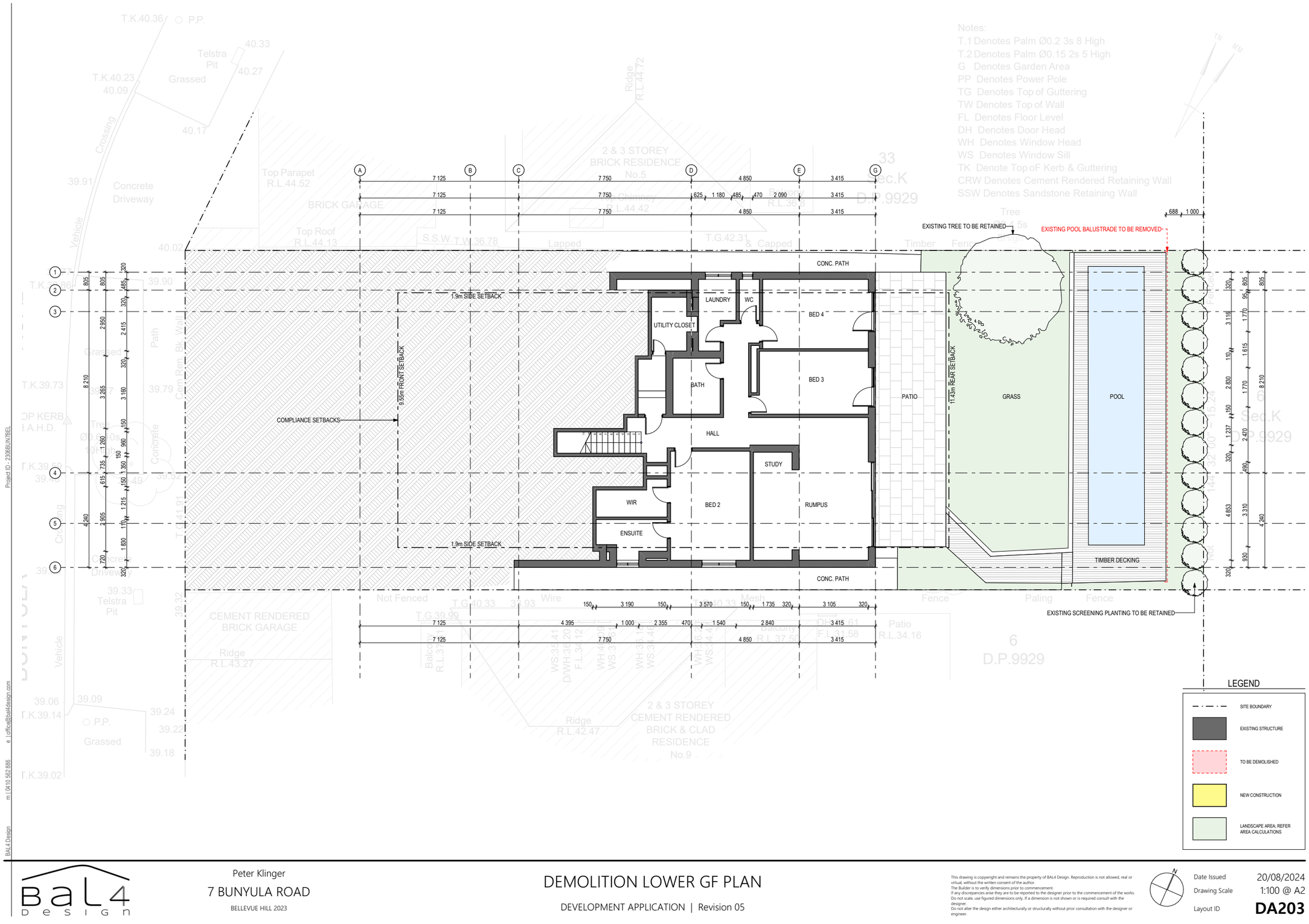
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA202**



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DEMOLITION LOWER GF PLAN

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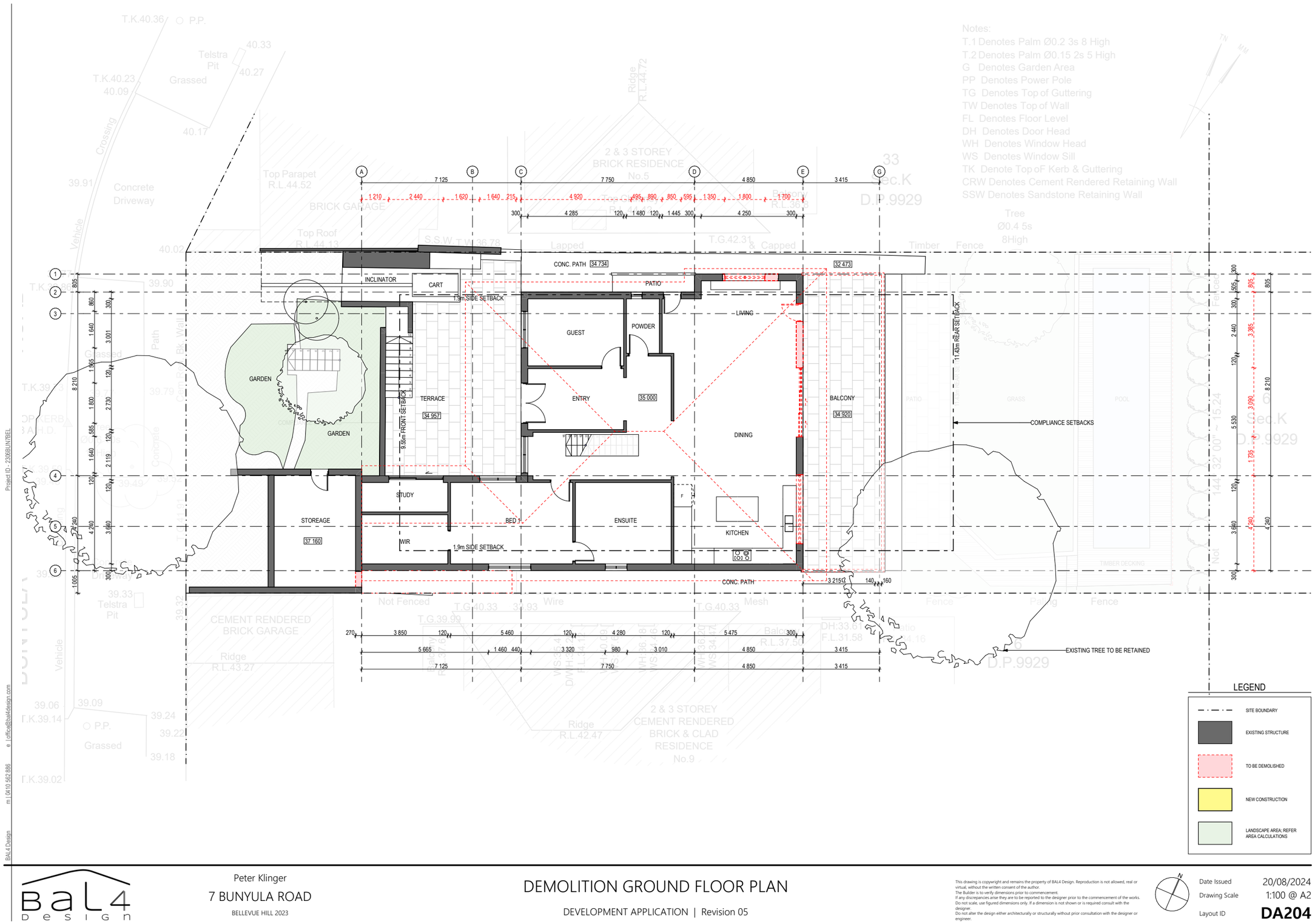
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA203**



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DEMOLITION GROUND FLOOR PLAN

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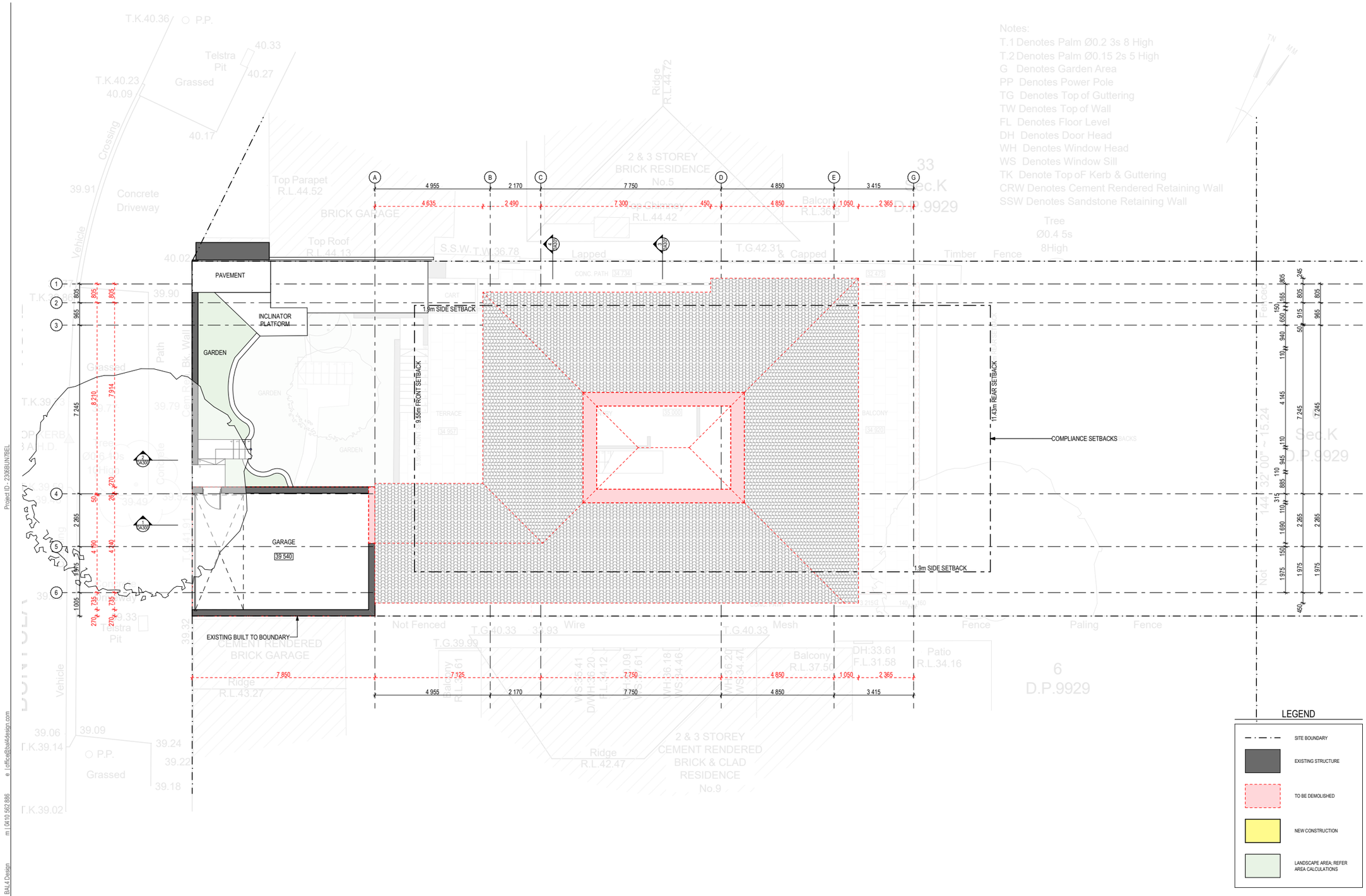
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA204**



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DEMOLITION FIRST FLOOR PLAN

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Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA205**

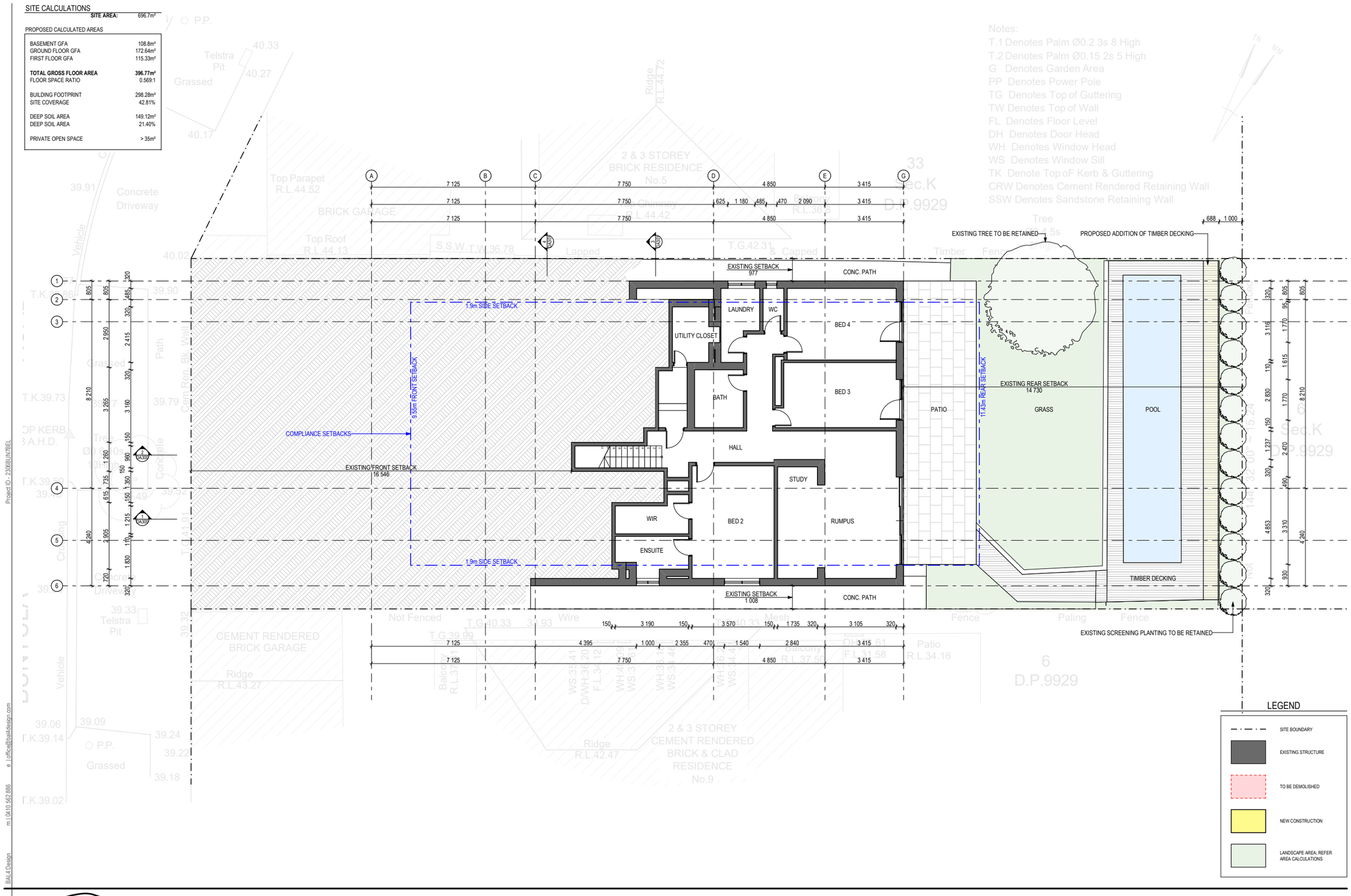
SITE CALCULATIONS

SITE AREA: 696.7m²

PROPOSED CALCULATED AREAS

BASEMENT GFA	108.8m²
GROUND FLOOR GFA	172.64m²
FIRST FLOOR GFA	115.33m²
TOTAL GROSS FLOOR AREA	**396.77m²**
FLOOR SPACE RATIO	0.569:1
BUILDING FOOTPRINT	298.28m²
SITE COVERAGE	42.81%
DEEP SOIL AREA	149.12m²
DEEP SOIL AREA	21.40%
PRIVATE OPEN SPACE	> 35m²

Notes:
T.1 Denotes Palm Ø0.2 3s 8 High
T.2 Denotes Palm Ø0.15 2s 5 High
G Denotes Garden Area
PP Denotes Power Pole
TG Denotes Top of Guttering
TW Denotes Top of Wall
FL Denotes Floor Level
DH Denotes Door Head
WH Denotes Window Head
WS Denotes Window Sill
TK Denote Top of Kerb & Guttering
CRW Denotes Cement Rendered Retaining Wall
SSW Denotes Sandstone Retaining Wall



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PROPOSED LOWER GF PLAN

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Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA206**

SITE CALCULATIONS

SITE AREA: 696.7m²

PROPOSED CALCULATED AREAS

BASEMENT GFA	108.8m²
GROUND FLOOR GFA	172.64m²
FIRST FLOOR GFA	115.33m²
TOTAL GROSS FLOOR AREA	**396.77m²**
FLOOR SPACE RATIO	0.569:1
BUILDING FOOTPRINT	298.28m²
SITE COVERAGE	42.81%
DEEP SOIL AREA	149.12m²
DEEP SOIL AREA	21.40%
PRIVATE OPEN SPACE	> 35m²

Notes:
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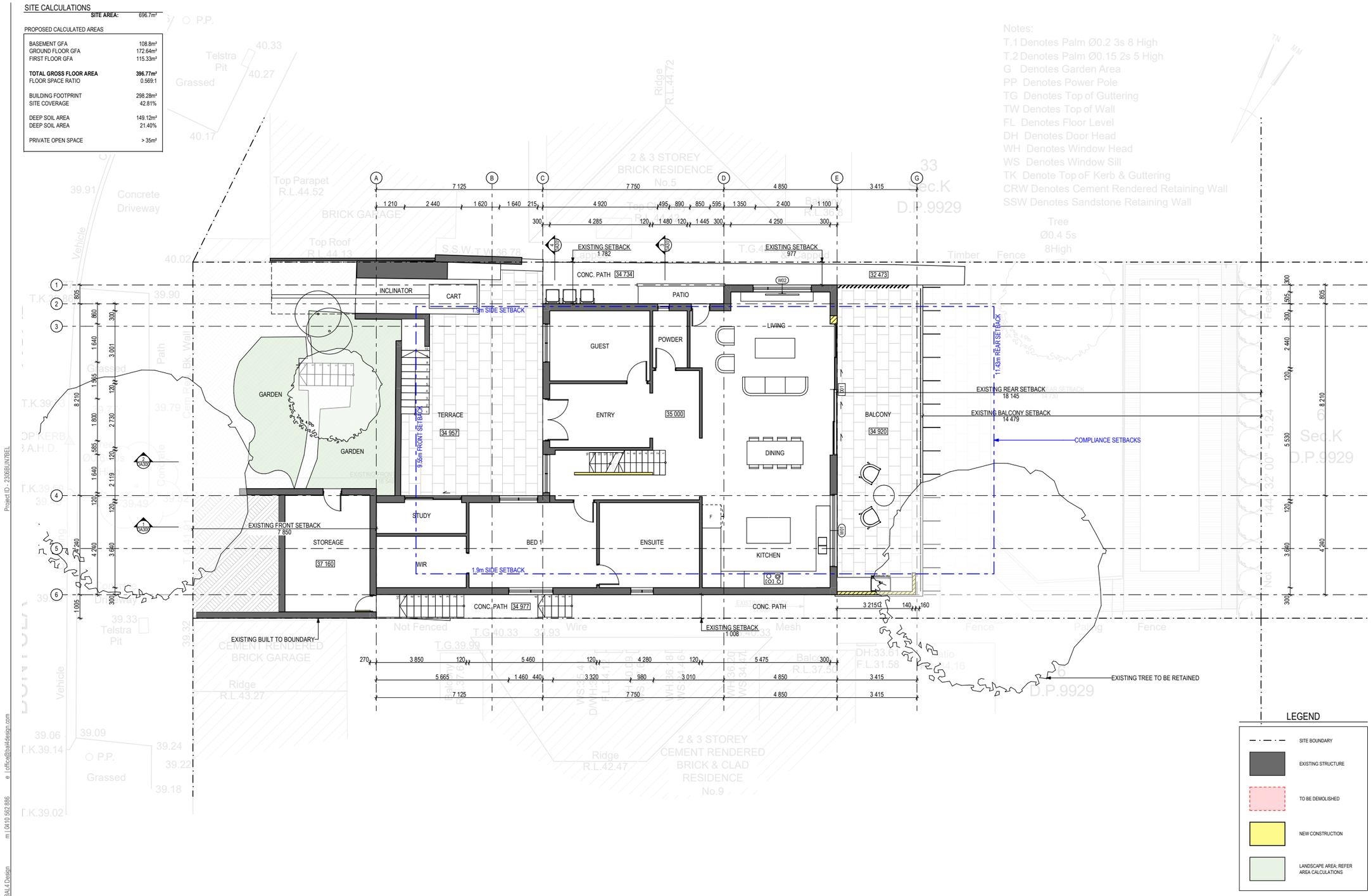
SSW Denotes Sandstone Retaining Wall



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PROPOSED GROUND FLOOR PLAN

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Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA207**

SITE CALCULATIONS

SITE AREA: 696.7m²

PROPOSED CALCULATED AREAS

BASEMENT GFA	108.8m²
GROUND FLOOR GFA	172.64m²
FIRST FLOOR GFA	115.33m²
TOTAL GROSS FLOOR AREA	**396.77m²**
FLOOR SPACE RATIO	0.569:1
BUILDING FOOTPRINT	298.28m²
SITE COVERAGE	42.81%
DEEP SOIL AREA	149.12m²
DEEP SOIL AREA	21.40%
PRIVATE OPEN SPACE	> 35m²

Notes:
T.1 Denotes Palm Ø0.2 3s 8 High
T.2 Denotes Palm Ø0.15 2s 5 High
G Denotes Garden Area
PP Denotes Power Pole
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FL Denotes Floor Level
DH Denotes Door Head
WH Denotes Window Head
WS Denotes Window Sill
TK Denote Top of Kerb & Guttering
CRW Denotes Cement Rendered Retaining Wall
SSW Denotes Sandstone Retaining Wall

PAVEMENT
INCLINATOR PLATFORM
GARDEN
FRONT SETBACK 12 805
1.9m SIDE SETBACK
9.55m FRONT SETBACK
CLERESTORY WINDOW ABOVE
WIR
ENSUITE
MASTER
BILLIARD ROOM
BALCONY
38 650
POWDER
38 700
BAR AREA
STORAGE
MUD
GARAGE
39 540
EXISTING BUILT TO BOUNDARY
REVISION 5 - STORAGE ROOM WALL SETBACK
SETBACK 1 947
SETBACK 2 983
REAR SETBACK 21 495
BALCONY SETBACK 18 145
11.43m REAR SETBACK
COMPLIANCE SETBACKS
GARDEN

LEGEND
- SITE BOUNDARY
- EXISTING STRUCTURE
- TO BE DEMOLISHED
- NEW CONSTRUCTION
- LANDSCAPE AREA; REFER AREA CALCULATIONS

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PROPOSED FIRST FLOOR

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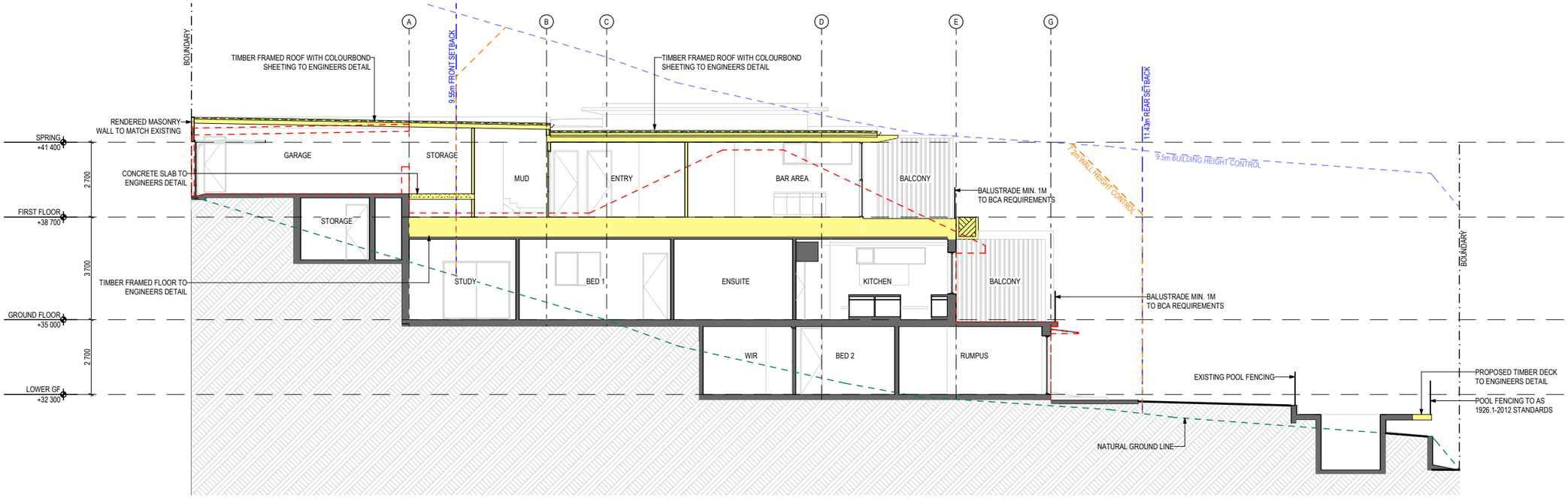
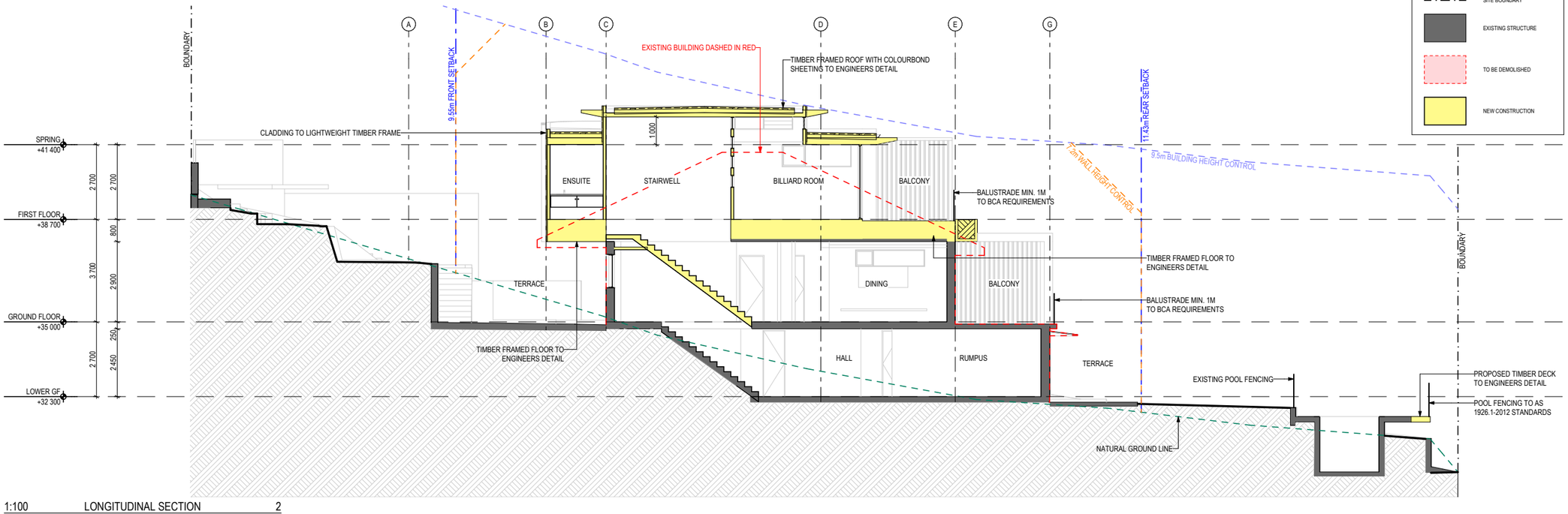
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA208**



1:100 LONGITUDINAL SECTION 1



1:100 LONGITUDINAL SECTION 2

Project ID - 2306BUNYBEL
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SECTIONS
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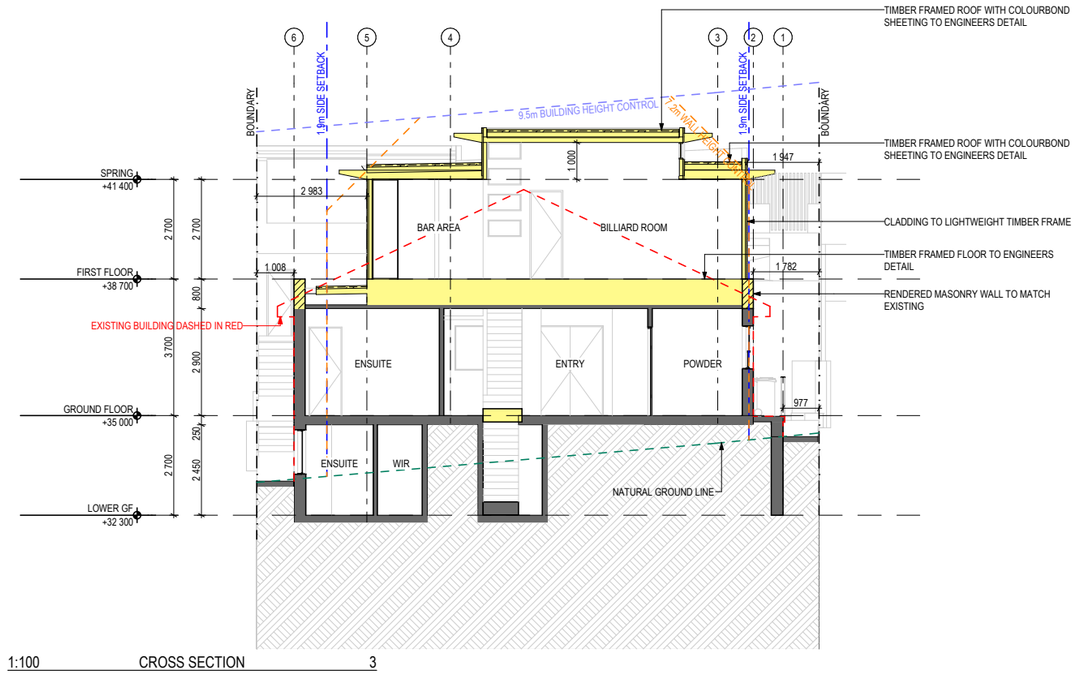
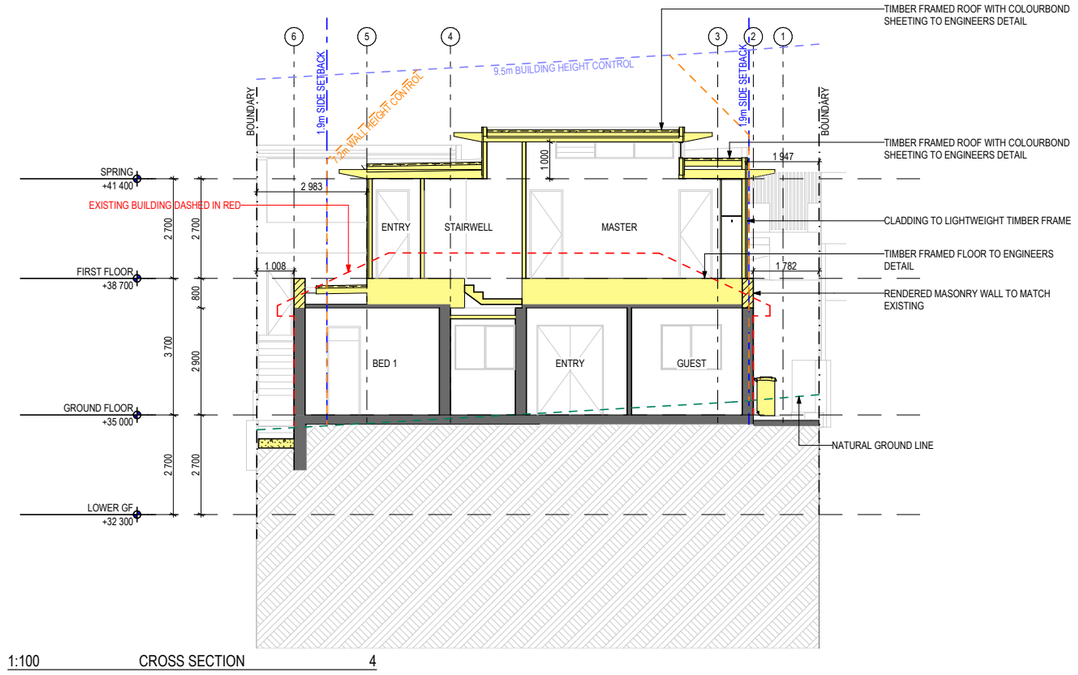
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA300**



1:100 CROSS SECTION 3



1:100 CROSS SECTION 4

LEGEND

- SITE BOUNDARY
- EXISTING STRUCTURE
- TO BE DEMOLISHED
- NEW CONSTRUCTION

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BELLEVUE HILL 2023

SECTIONS

DEVELOPMENT APPLICATION | Revision 05

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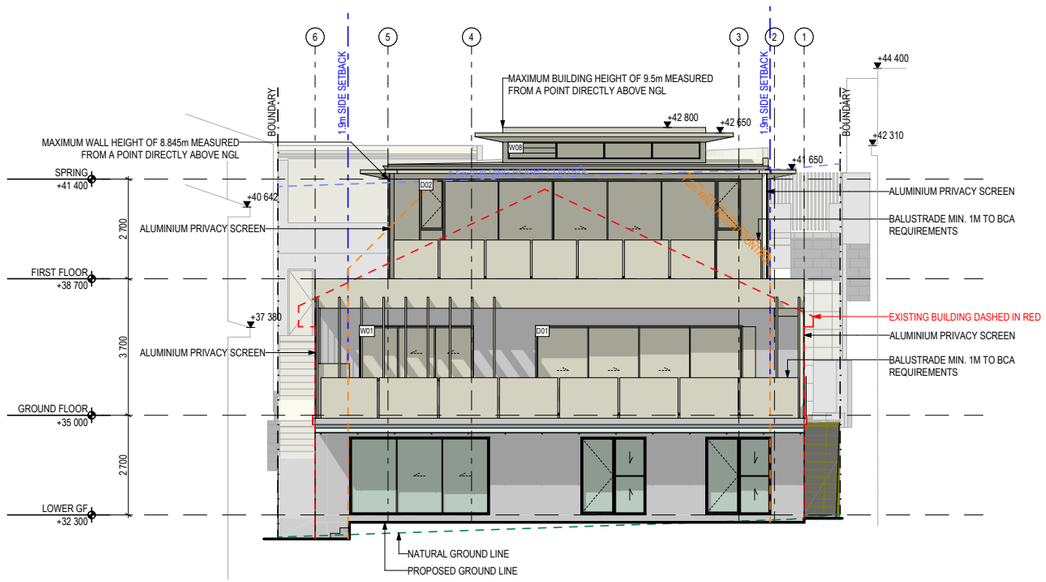
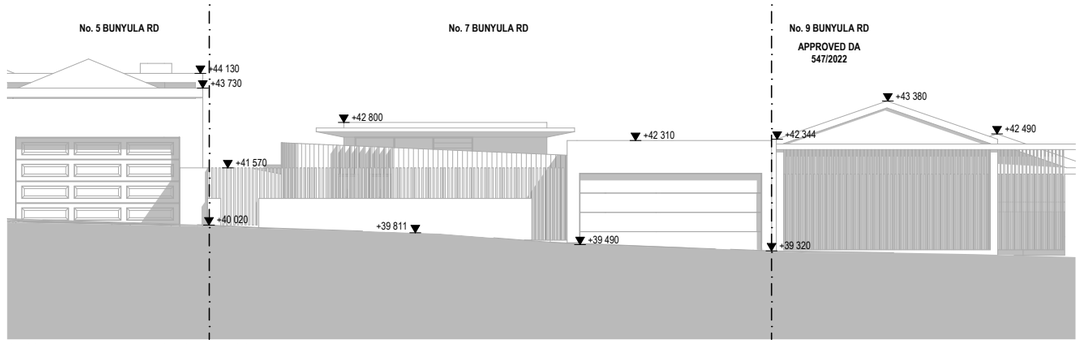
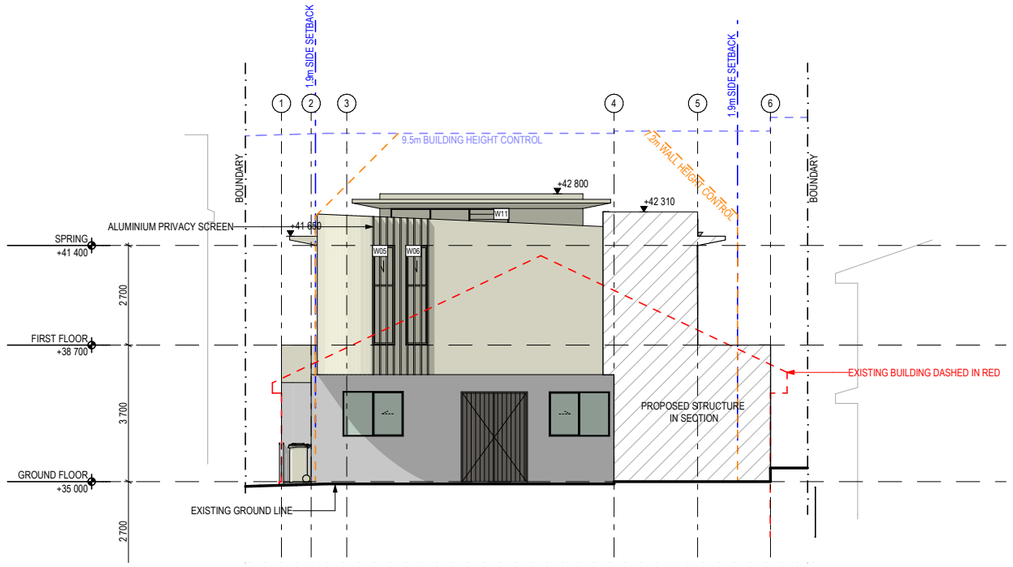
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA301**



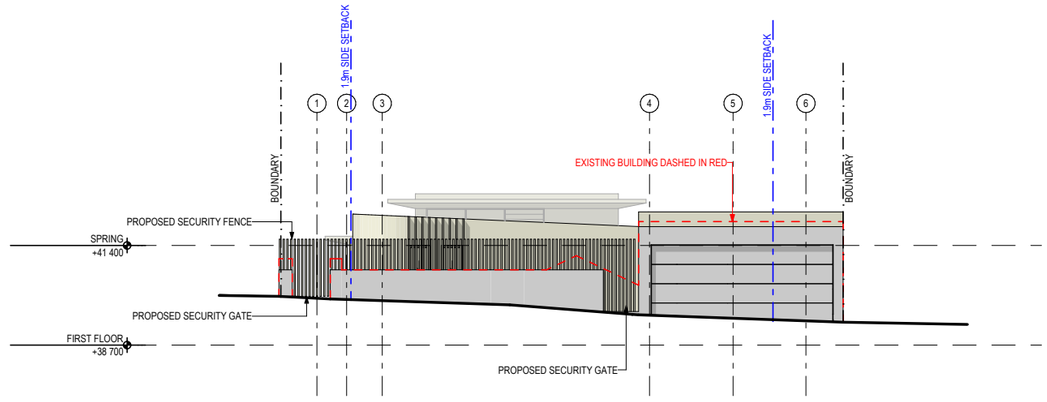
1:100 ELEVATION NORTH EAST



1:100 ELEVATION STREETSCAPE



1:100 ELEVATION SOUTH WEST



1:100 ELEVATION SOUTH WEST - STREET

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ELEVATIONS
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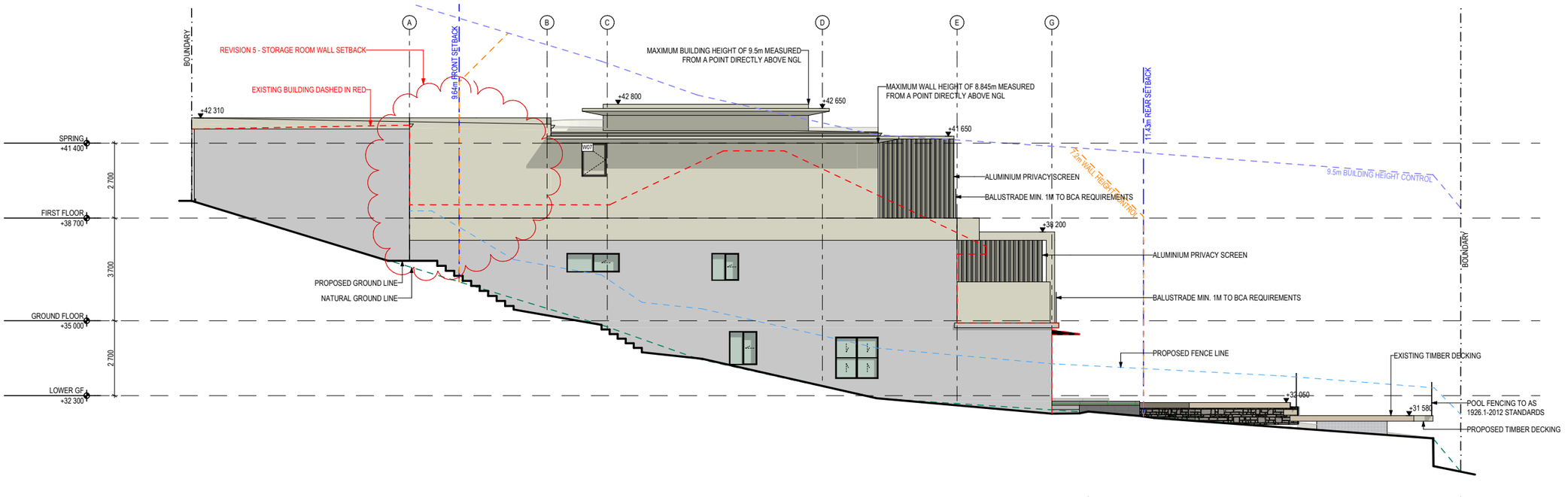
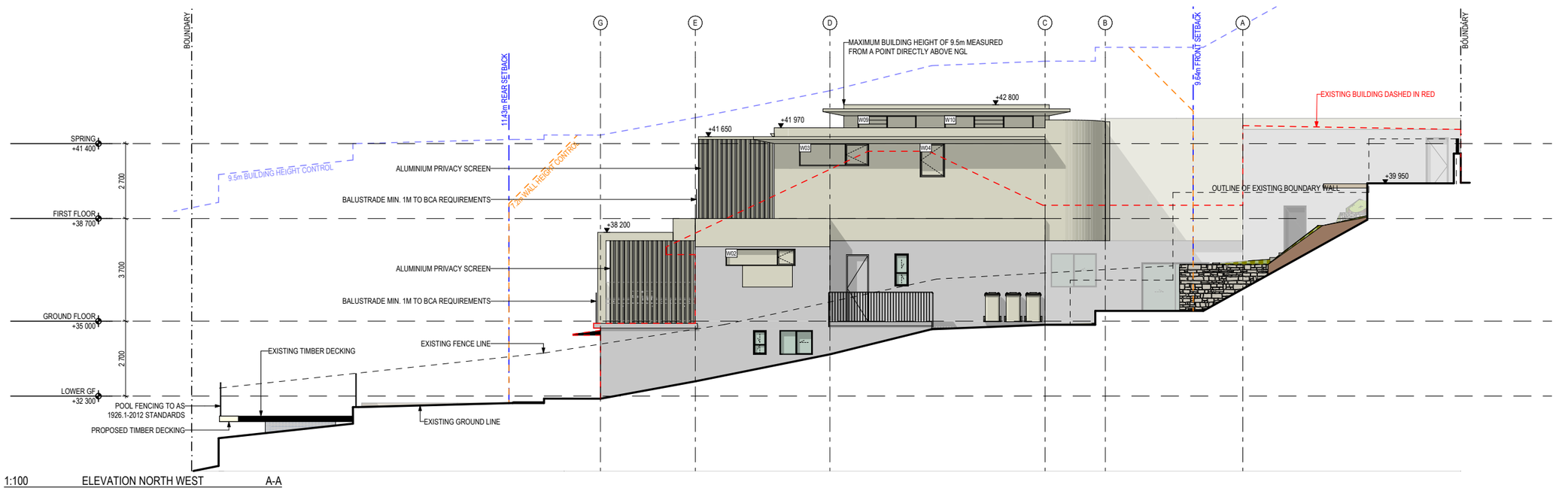
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA400**



1:100 ELEVATION SOUTH EAST A-A



1:100 ELEVATION NORTH WEST A-A

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ELEVATIONS
DEVELOPMENT APPLICATION | Revision 05

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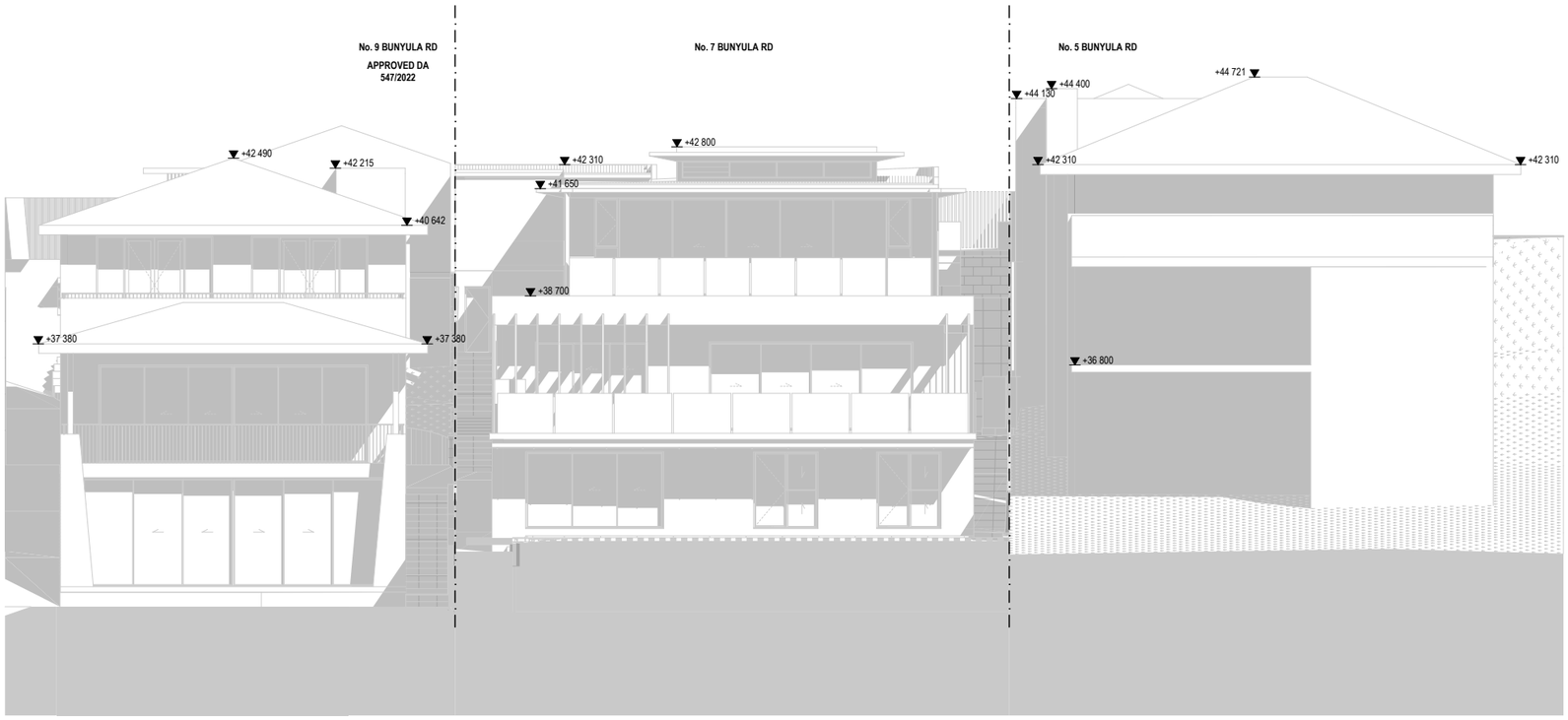
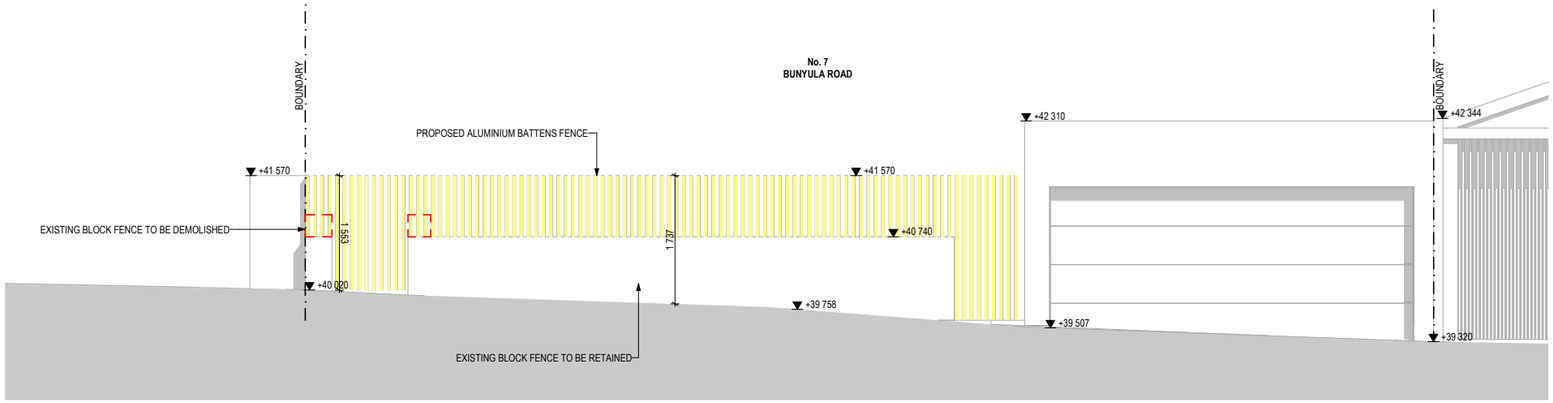
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA401**



1:100 REAR ELEVATION



1:50 ELEVATION BUNYULA RD FENCE

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ELEVATION FENCE BUNYULA RD
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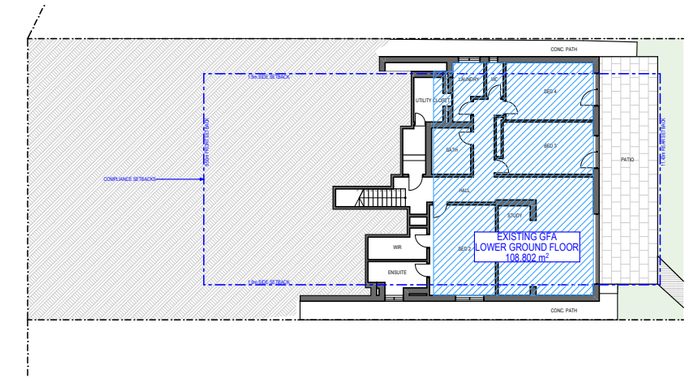
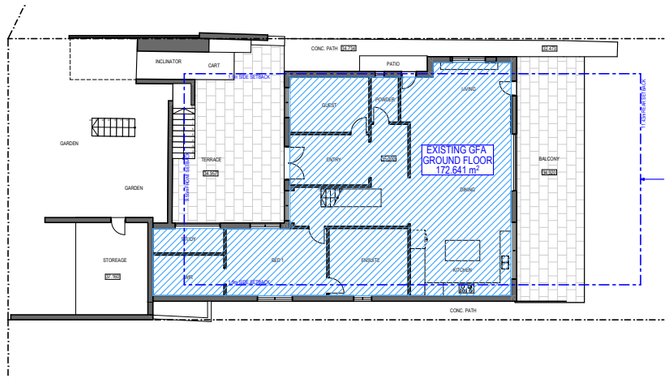
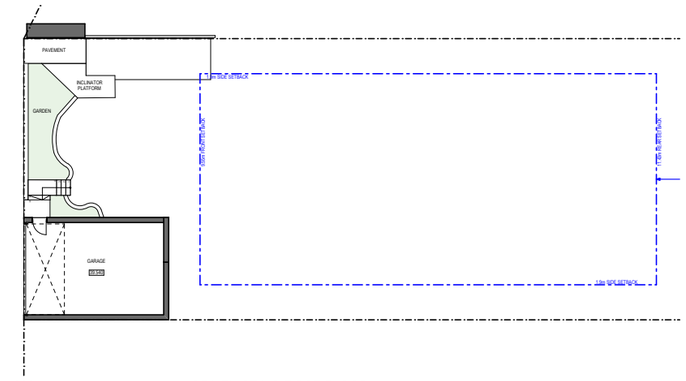
Date Issued 20/08/2024
Drawing Scale 1:100, 1:50 @ A2
Layout ID **DA402**



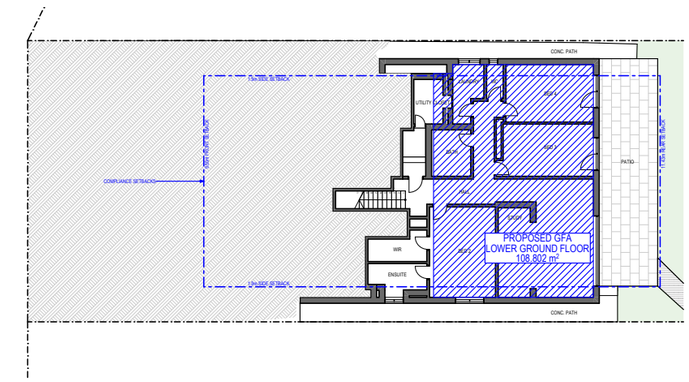
1:200 GFA EXISTING LOWER GROUND FLOOR



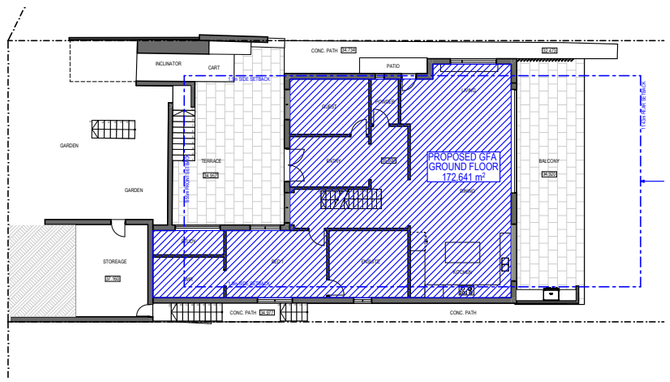
1:200 GFA EXISTING GROUND FLOOR



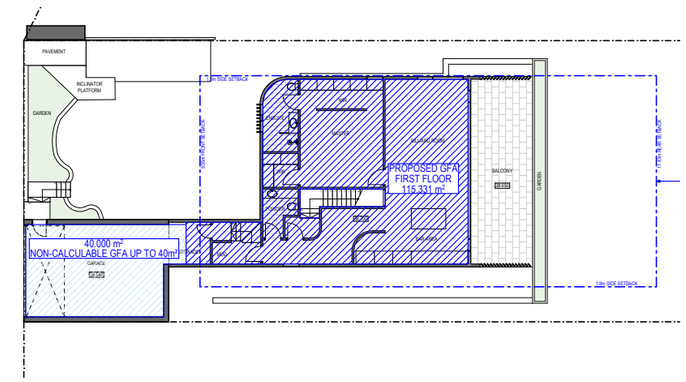
1:200 GFA EXISTING FIRST FLOOR



1:200 GFA PROPOSED LOWER GROUND FLOOR



1:200 GFA PROPOSED GROUND FLOOR



1:200 GFA PROPOSED FIRST FLOOR

DEVELOPMENT SPECIFICS

7 BUNYULA ROAD, BELLEVUE HILL
LOT 32 Sec. K
DP 8103
ZONING
R2 - LOW DENSITY RESIDENTIAL

LEP & DCP	REQUIREMENT	PROPOSED
FSR	0.5:1	0.569:1
BUILDING HEIGHT	9.5m MAX	9.5m
WALL HEIGHT	7.2m MAX	8.845m
SITE AREA:	**696.7m²**	
FSR	348.35m²	396.77m²
DEEP SOIL LANDSCAPED AREA	243.85m² (> 35%)	149.12m² (21.4%)
FRONT SETBACK LANDSCAPED AREA	145.54m² (> 40%)	50.89m² (34.97%)
TREE CANOPY COVER %	243.85m² (> 35%)	102.52m² (14.72%)
PRIVATE OPEN SPACE AREA	35m²	> 35m²
GROUND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	16.546m
REAR SETBACK	11.43m	14.73m
SIDE SETBACK	1.9m	0.977m
FIRST STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	7.85m
REAR SETBACK	11.43m	18.145m
SIDE SETBACK	1.9m	0.977m
SECOND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	12.805m
REAR SETBACK	11.43m	21.495m
SIDE SETBACK	1.9m	1.947m

SITE CALCULATIONS
SITE AREA: 696.7m²

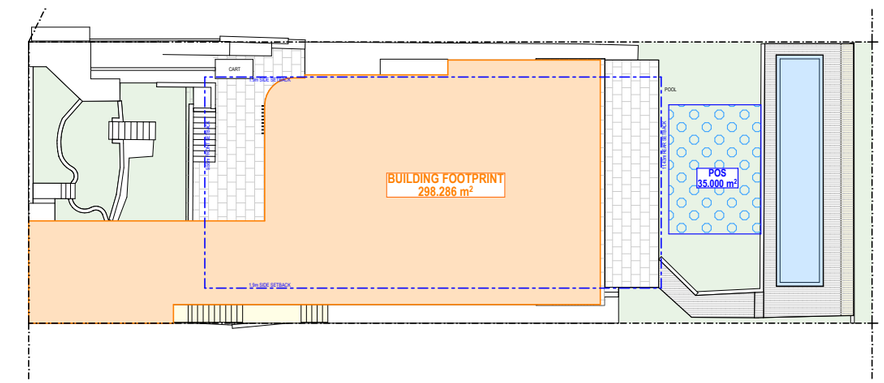
PROPOSED CALCULATED AREAS

BASEMENT GFA	108.8m²
GROUND FLOOR GFA	172.64m²
FIRST FLOOR GFA	115.33m²
TOTAL GROSS FLOOR AREA	**396.77m²**
FLOOR SPACE RATIO	0.569:1
BUILDING FOOTPRINT	298.28m²
SITE COVERAGE	42.81%
DEEP SOIL AREA	149.12m²
DEEP SOIL AREA	21.40%
PRIVATE OPEN SPACE	> 35m²

SITE CALCULATIONS
SITE AREA: 696.7m²

EXISTING CALCULATED AREAS

BASEMENT GFA	108.8m²
GROUND FLOOR GFA	172.64m²
FIRST FLOOR GFA	0m²
TOTAL GROSS FLOOR AREA	**281.44m²**
FLOOR SPACE RATIO	0.404:1
BUILDING FOOTPRINT	279.77m²
SITE COVERAGE	40.16%
DEEP SOIL AREA	159.24m²
DEEP SOIL AREA	22.86%
PRIVATE OPEN SPACE	> 35m²



1:200 PROPOSED BUILDING FOOTPRINT

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SITE AREA CLACULATIONS
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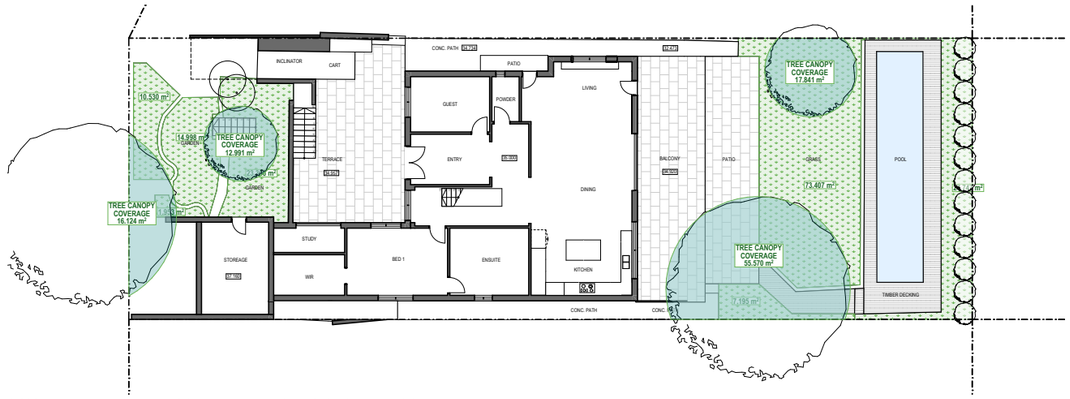
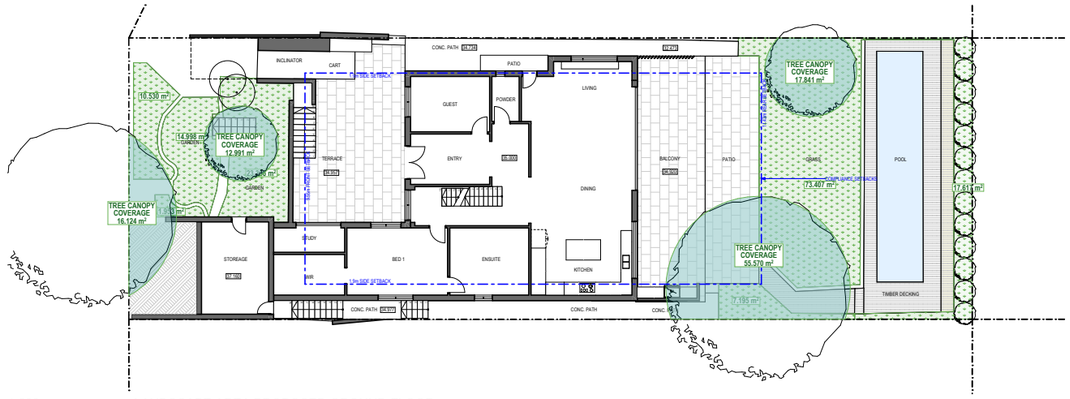
Date Issued 20/08/2024
Drawing Scale 1:200 @ A2
Layout ID **DA500**



1:200 LANDSCAPE AREA EXISTING GROUND FLOOR



1:200 LANDSCAPE AREA PROPOSED GROUND FLOOR

DEVELOPMENT SPECIFICS

7 BUNYULA ROAD, BELLEVUE HILL
LOT 32 Sec. K
DP 8103

ZONING
R2 - LOW DENSITY RESIDENTIAL

LEP & DCP	REQUIREMENT	PROPOSED
FSR	0.5:1	0.569:1
BUILDING HEIGHT	9.5m MAX	9.5m
WALL HEIGHT	7.2m MAX	8.845m
SITE AREA:	**696.7m²**	
FSR	348.35m²	396.77m²
DEEP SOIL LANDSCAPED AREA	243.85m² (> 35%)	149.12m² (21.4%)
FRONT SETBACK LANDSCAPED AREA	145.54m² (> 40%)	50.89m² (34.97%)
TREE CANOPY COVER %	243.85m² (> 35%)	102.52m² (14.72%)
PRIVATE OPEN SPACE AREA	35m²	> 35m²
GROUND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	16.546m
REAR SETBACK	11.43m	14.73m
SIDE SETBACK	1.9m	0.977m
FIRST STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	7.85m
REAR SETBACK	11.43m	18.145m
SIDE SETBACK	1.9m	0.977m
SECOND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	12.805m
REAR SETBACK	11.43m	21.495m
SIDE SETBACK	1.9m	1.947m

LANDSCAPE AREA CALCULATIONS

SITE AREA: 696.7m²

EXISTING DEEP SOIL CALCULATIONS

REAR GARDEN AREA	108.35m²
FRONT GARDEN AREA	50.89m²
TOTAL EXISTING DEEP SOIL AREA	159.24m²

PROPOSED DEEP SOIL CALCULATIONS

REAR GARDEN AREA	98.23m²
FRONT GARDEN AREA	50.89m²
TOTAL PROPOSED DEEP SOIL AREA	149.12m²

EXISTING TREE CANOPY CALCULATIONS

TREE CANOPY COVERAGE	102.52m²
TREE CANOPY COVERAGE	14.72%

PROPOSED TREE CANOPY CALCULATIONS

TREE CANOPY COVERAGE	102.52m²
TREE CANOPY COVERAGE	14.72%

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LANDSCAPE CLACULATIONS

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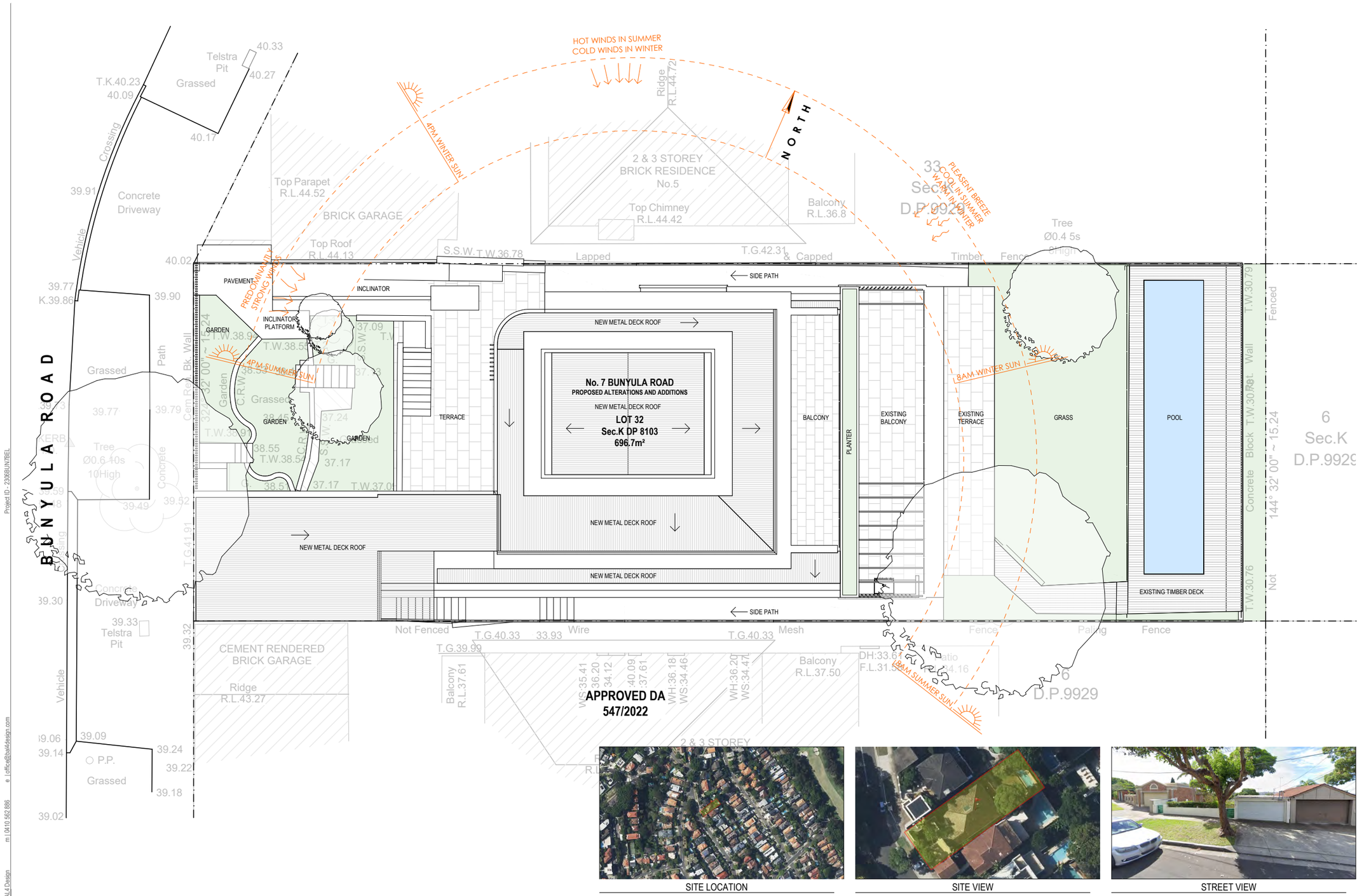
Date Issued 20/08/2024
Drawing Scale 1:200 @ A2
Layout ID **DA501**



SITE LOCATION

SITE VIEW

STREET VIEW

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SITE ANALYSIS PLAN

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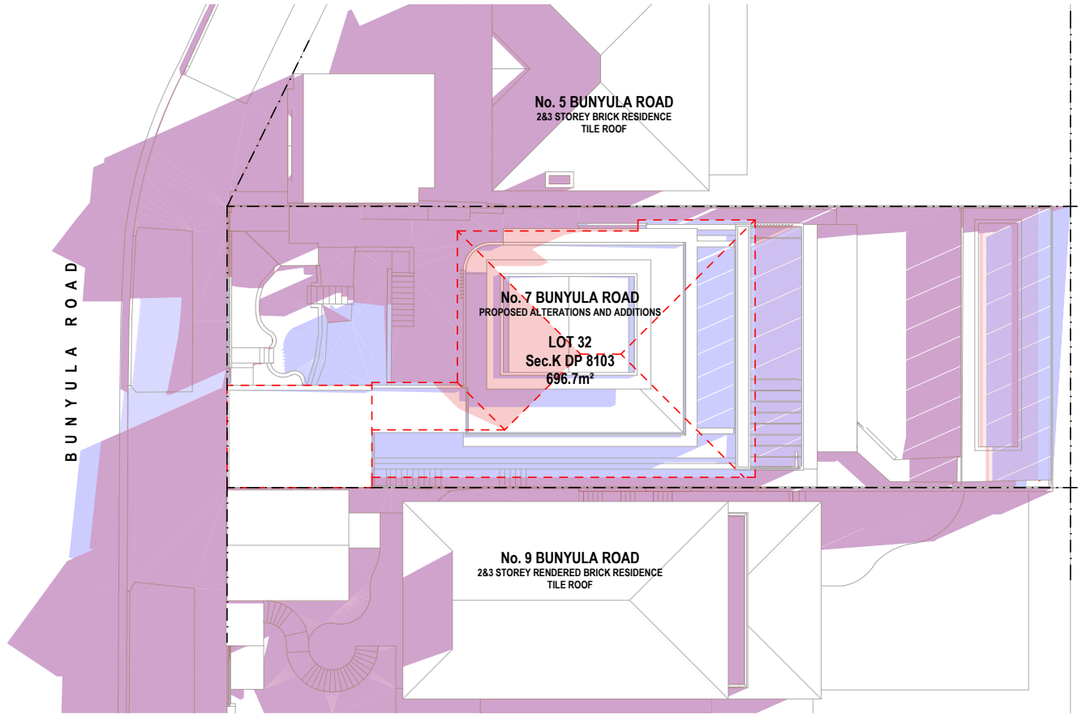
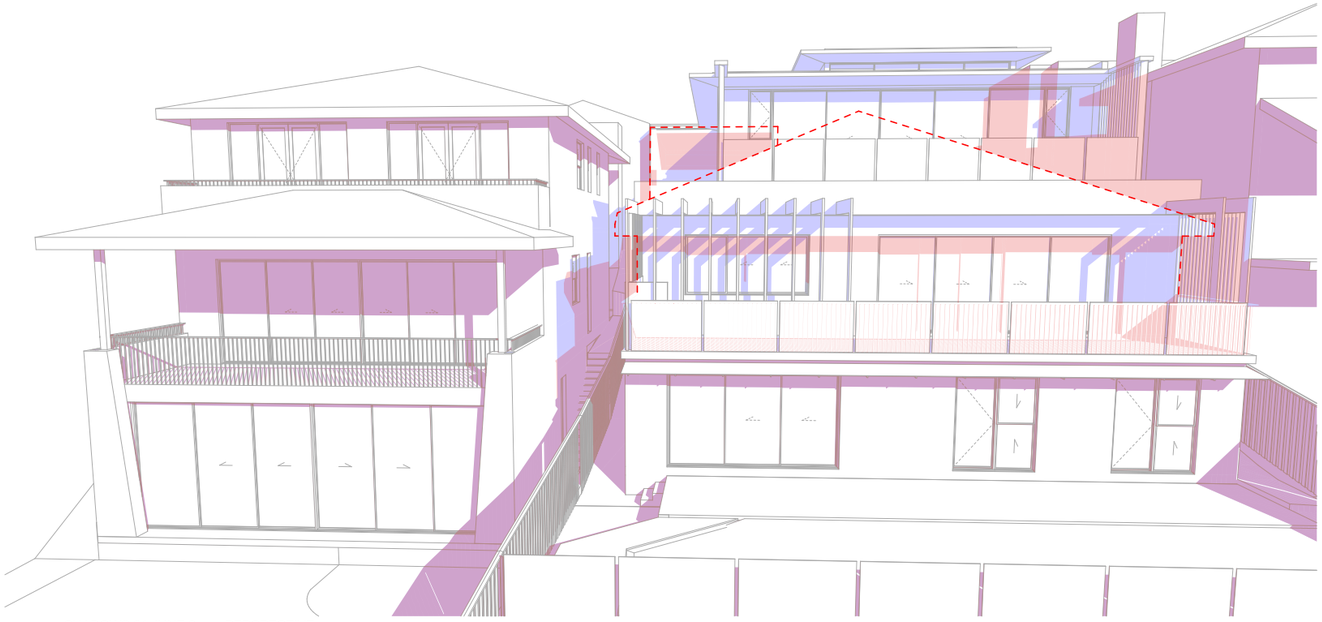
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA502**

LEGEND

- PROPOSED DWELLING SHADOW
- EXISTING / PROPOSED DWELLING SHADOWS OVERLAP
- EXISTING DWELLING SHADOWS
- EXISTING DWELLING OUTLINE



1:200 SHADOWS 21 JUNE 9am - PLAN



SHADOWS 21 JUNE 9am - PERSPECTIVE

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SHADOW DIAGRAMS 9am
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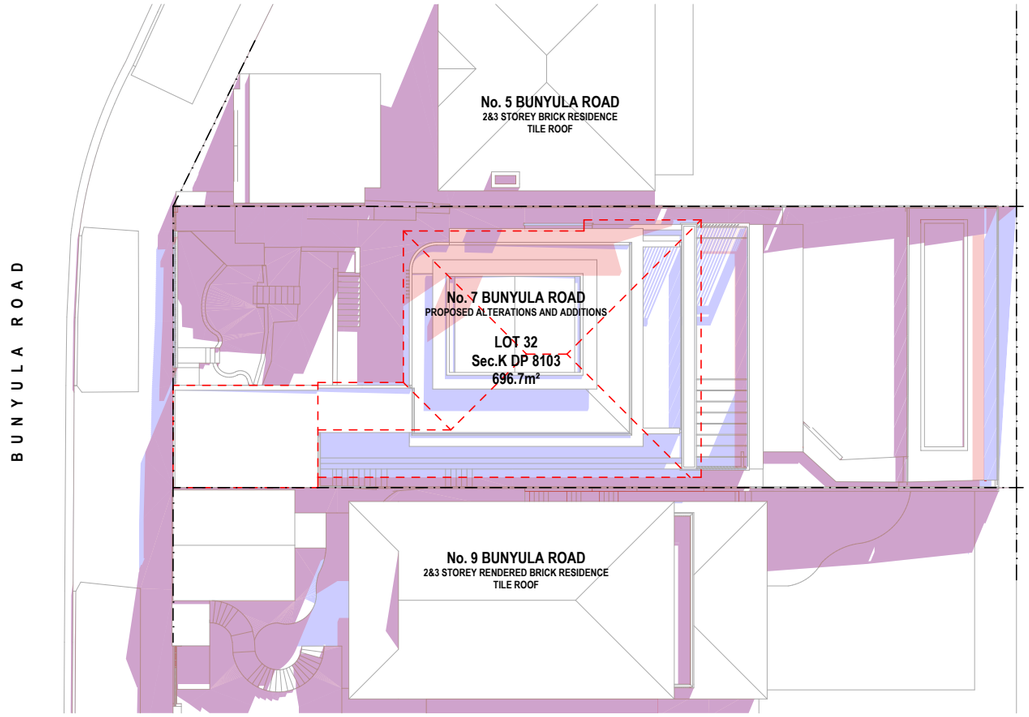
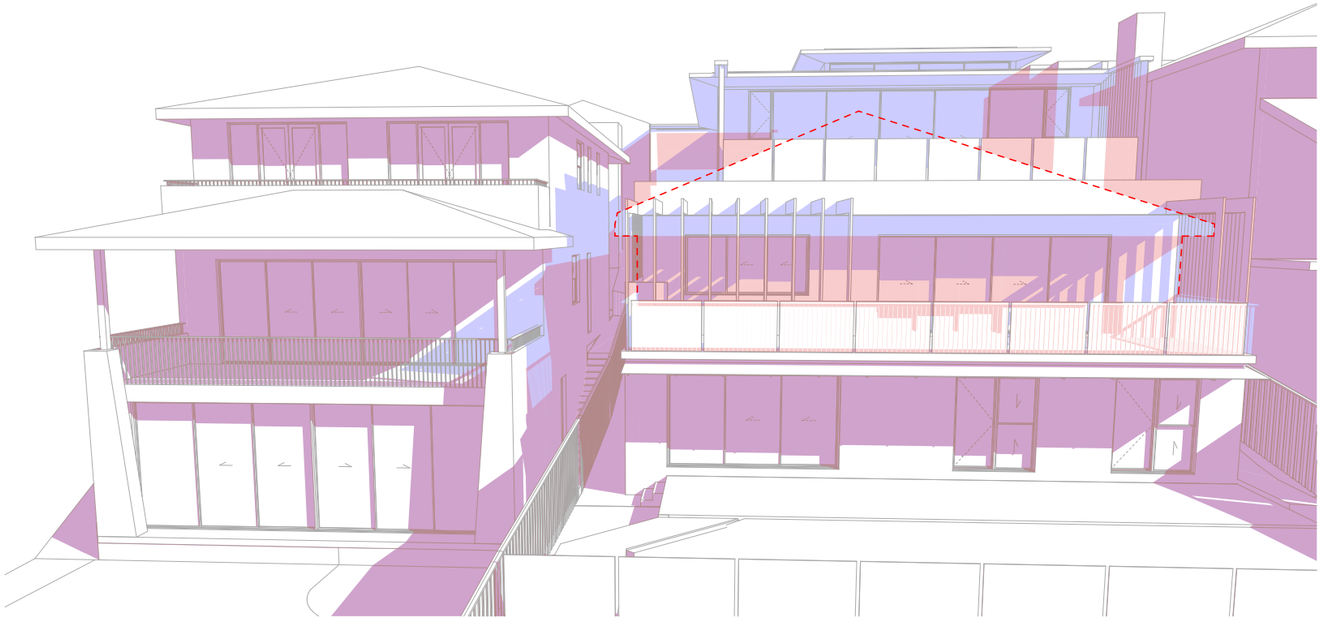
Date Issued 20/08/2024
Drawing Scale 1:200 @ A2
Layout ID **DA503**

LEGEND

- PROPOSED DWELLING SHADOW
- EXISTING / PROPOSED DWELLING SHADOWS OVERLAP
- EXISTING DWELLING SHADOWS
- EXISTING DWELLING OUTLINE



1:200 SHADOWS 21 JUNE 12pm - PLAN



SHADOWS 21 JUNE 12pm - PERSPECTIVE

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SHADOW DIAGRAMS 12pm

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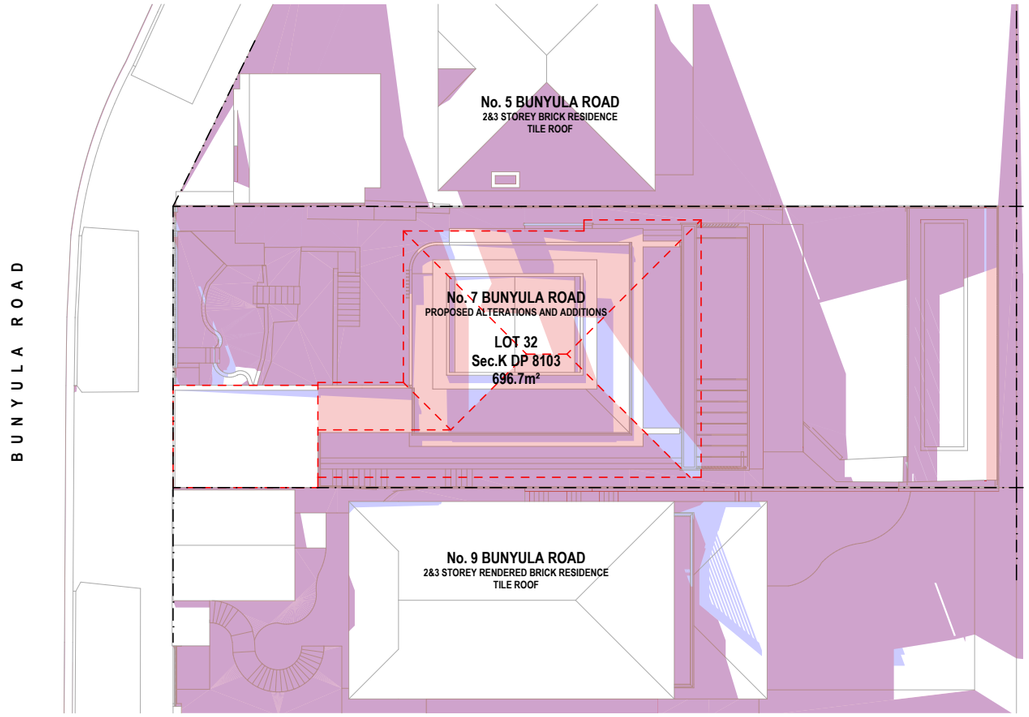
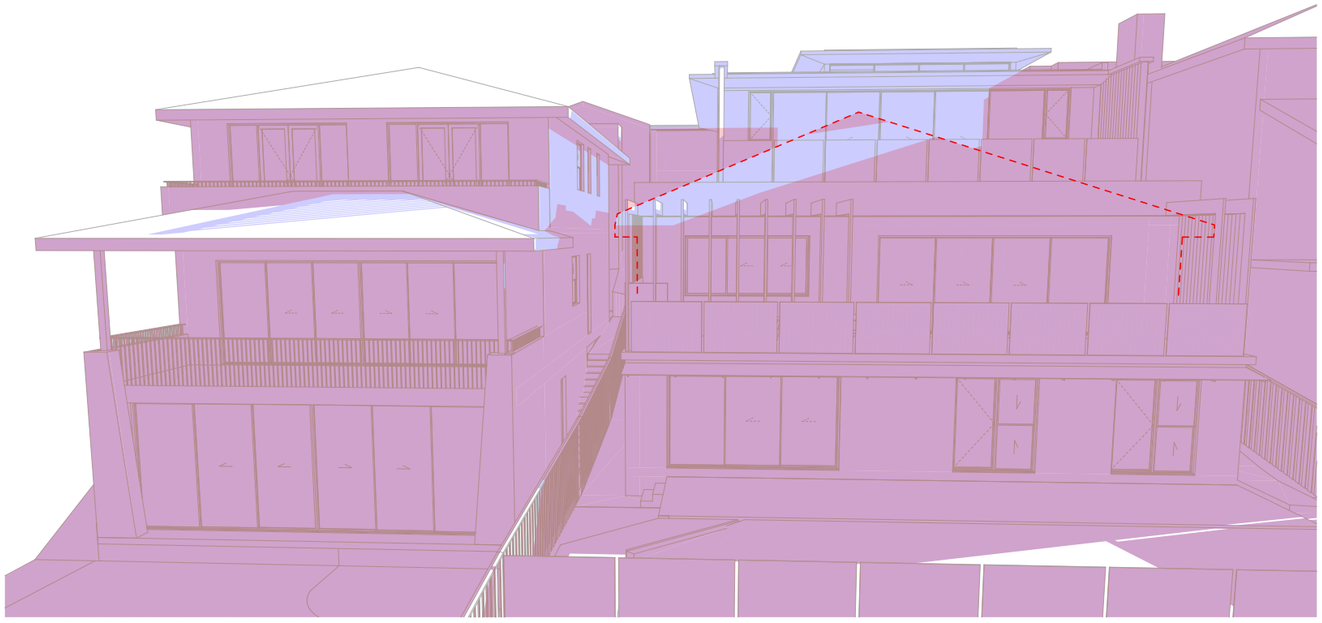
Date Issued 20/08/2024
Drawing Scale 1:200 @ A2
Layout ID **DA504**

LEGEND

- PROPOSED DWELLING SHADOW
- EXISTING / PROPOSED DWELLING SHADOWS OVERLAP
- EXISTING DWELLING SHADOWS
- EXISTING DWELLING OUTLINE



1:200 SHADOWS 21 JUNE 3pm - PLAN



SHADOWS 21 JUNE 3pm - PERSPECTIVE

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Project ID - 2306BUNYBEL

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SHADOW DIAGRAMS 3pm
DEVELOPMENT APPLICATION | Revision 05

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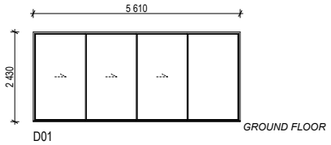
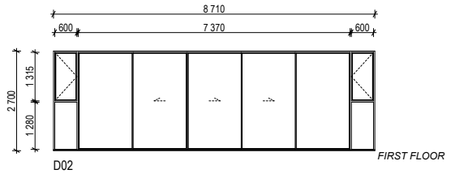
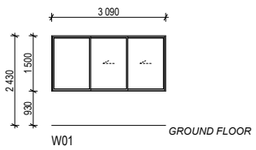
Date Issued 20/08/2024
Drawing Scale 1:200 @ A2
Layout ID **DA505**

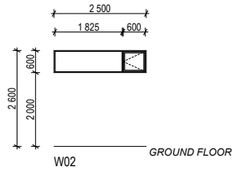
REFER TO BASIX / NatHERS CERTIFICATE REPORT FOR MAXIMUM U-VALUE AND SHGC REQUIREMENTS

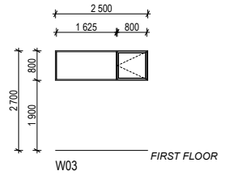


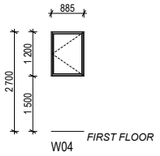


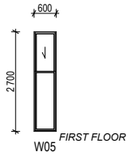
1:100 DOOR SCHEDULE

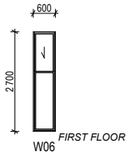


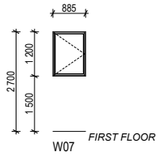


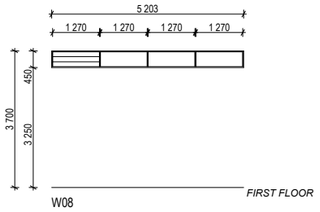


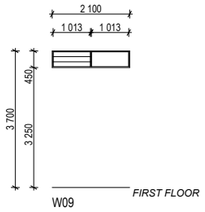


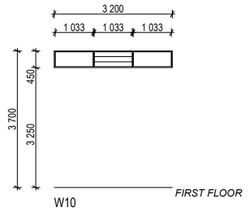


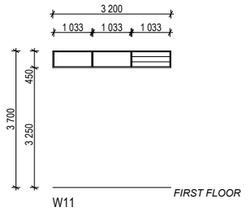












ID	W01	W02	W03	W04	W05	W06	W07	W08	W09	W10	W11
NOMINAL W x H	3 090×1 500	2 500×600	2 500×800	885×1 200	600×2 700	600×2 700	885×1 200	5 203×450	2 100×450	3 200×450	3 200×450
HEAD HEIGHT FROM FFL	2 430	2 600	2 700	2 700	2 700	2 700	2 700	1 000	1 000	1 000	1 000
SILL HEIGHT FROM FFL	930	2 000	1 900	1 500	0	0	1 500	550	550	550	550
SURFACE AREA m²	4.6	1.5	2.0	1.1	1.6	1.6	1.1	2.3	0.9	1.4	1.4
ORIENTATION	NE	NW	NW	NW	SW	SW	SE	NE	NW	NW	SW

1:100 WINDOW SCHEDULE

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Project ID - 2306BUNTBEL

BaL4 DeSIGN

Peter Klinger
7 BUNYULA ROAD
BELLEVUE HILL 2023

WINDOW & DOOR SCHEDULE
DEVELOPMENT APPLICATION | Revision 05

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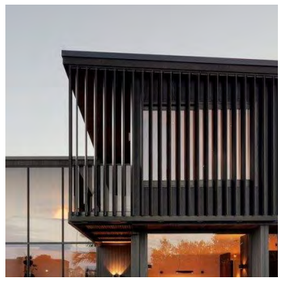
Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA600**

A SHOU SUGI BAN CLADDING

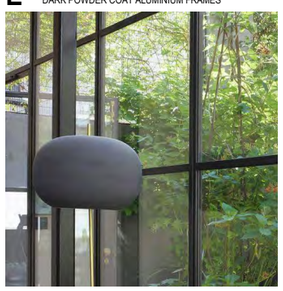
B DARK POWDER COAT ALUMINIUM BATTEN FENCE

C CEMENT RENDERED LIGHT FINISH

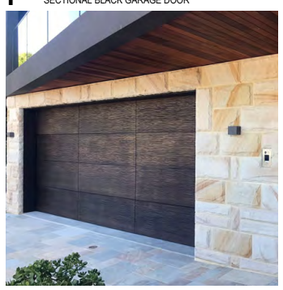
D ALUMINIUM PRIVACY SCREEN DARK FINISH



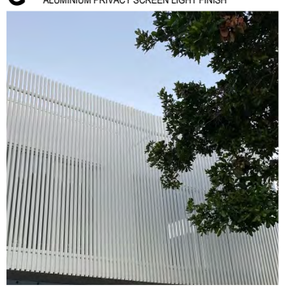
E DARK POWDER COAT ALUMINIUM FRAMES



F SECTIONAL BLACK GARAGE DOOR



G ALUMINIUM PRIVACY SCREEN LIGHT FINISH



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Project ID - 2306BUNTBEL

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BELLEVUE HILL 2023

FINISHES SCHEDULE

DEVELOPMENT APPLICATION | Revision 05

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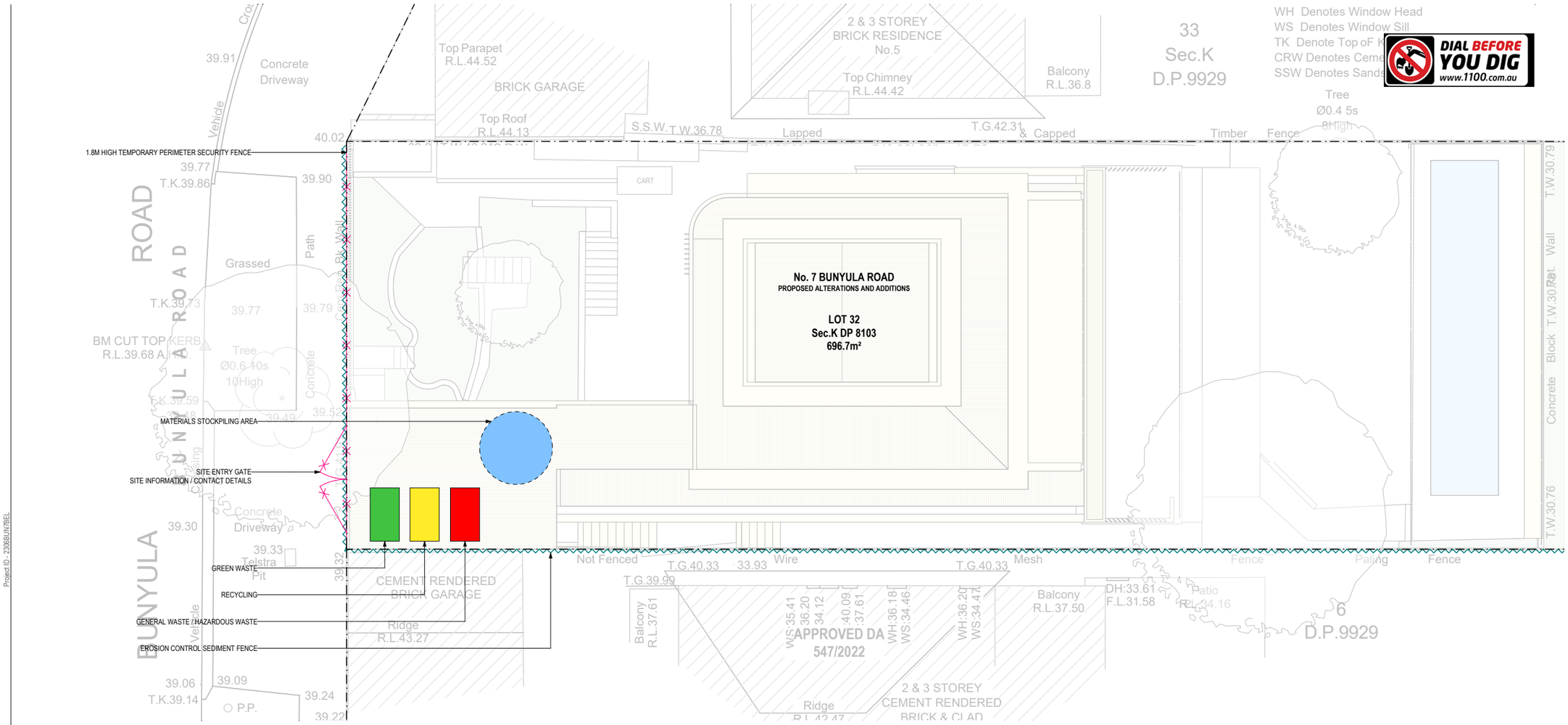
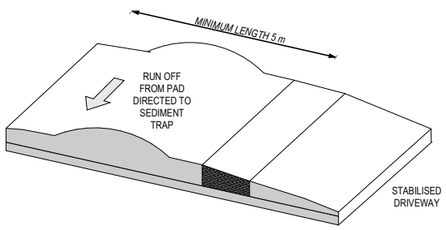
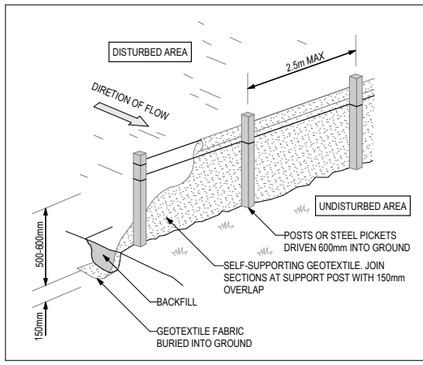
Date Issued 20/08/2024
Drawing Scale @ A2
Layout ID **DA601**



1. PROVIDE A SINGLE STABILISED ENTRY / EXIT POINT
2. SEDIMENT OR BUILDING MATERIALS SHOULD BE REMOVED FROM THE ROAD AS REQUIRED BY SWEEPING, SHOVELING, OR SPONGING : (NO WASHING)

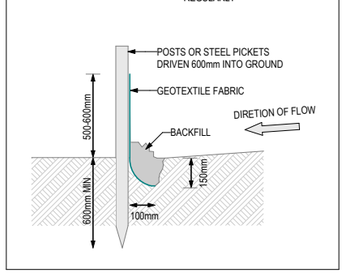


TEMPORARY CONSTRUCTION EXIT



SEDIMENT FENCE

1. SEDIMENT FENCES SHOULD BE INSTALLED DOWNSLOPE TO TREAT SITE RUN-OFF
2.TO BE EFFECTIVE THEY NEED TO BE INSTALLED POPERLY AND MAINTAINED REGULARLY



SEDIMENT FENCE SECTION

SITE WORKS NOTES

1. DATUM: REFER SURVEY NOTES.
2. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK, ANY DISCREPENCIES TO BE REPORTED TO THE ENGINEER/SUPERINTENDENT.
3. STRIP ALL TOPSOIL FROM CONSTRUCTION AREA AND STOCKPILE ON SITE TO BE LATER SPREAD OR REMOVED FROM SITE AS DIRECTED BY THE SUPERINTENDENT.
4. MAKE SMOOTH CONNECTION WITH EXISTING WORKS.
5. ALL TRENCH BACKFILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL.
6. ALL SERVICES TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH SAND OR AN APPROVED GRANULAR MATERIAL AND COMPACTED TO A MINIMUM 98% STANDARD DENSITY, IN ACCORDANCE WITH AS1289 5.1.1.
7. PROVIDE 10mm WIDE EXPANSION JOINTS BETWEEN BUILDING AND ALL CONCRETE OR UNIT PAVEMENTS.
8. ASPHALTIC CONCRETE SHALL CONFORM TO RTA FORM 612.
9. ALL BASE COURSE MATERIAL TO COMPLY WITH RTA FORM 3051 (UNBOUND), RTA FORM 3052 (BOUND) COMPACTED TO MINIMUM 98% MODIFIED DENSITY IN ACCORDANCE WITH AS1289 5.2.1. FREQUENCY OF COMPACTION TESTING SHALL NOT BE LESS THAN 1 TEST PER 50m OF BASECOURSE MATERIAL PLACED.
10. ALL SUB BASE COURSE MATERIAL TO COMPLY WITH RTA FORM 3051 AND COMPACTED TO A MINIMUM 95% MODIFIED DENSITY IN ACCORDANCE WITH AS1289 5.2.1.
11. ALL LINE MARKING TO AS1742.
12. WHERE NOTED ON THE DRAWINGS THAT WORKS ARE TO BE CARRIED OUT BY OTHERS, (ADJUSTMENT SERVICES), THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CO-ORDINATION OF THESE WORKS.

EROSION AND SEDIMENT CONTROL NOTES

1. ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDANCE WITH:
   a. LOCAL AUTHORITY REQUIREMENTS
   b. EPA REQUIREMENTS
   c. NSW DEPERTMENT OF HOUSING MANUAL "MANAGING URBAN STORMWATER, SOILS AND CONSTRUCTION," 4th EDITION, 2004.
2. MAINTAIN THE EROSION CONTROL DEVICES TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL AUTHORITY.
3. WHEN STORMWATER PITS ARE CONSTRUCTED, PREVENT SITE RUNOFF ENTERING UNLESS SILT FENCES ARE ERECTED AROUND PITS.
4. CONTRACTOR IS TO ENSURE ALL EROSION & SEDIMENTATION CONTROL DEVICES ARE MAINTAINED IN GOOD WORKING ORDER AND OPERATE EFFECTIVELY. REPAIRS AND/OR MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED, PARTICULARLY FOLLOWING STORM EVENTS.

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Project ID - 2306BUNTBEL

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7 BUNYULA ROAD
BELLEVUE HILL 2023

CONSTRUCTION WASTE MANAGEMENT & EROSION AND SEDIMENT CONTROL PLAN

DEVELOPMENT APPLICATION | Revision 05

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Date Issued 20/08/2024
Drawing Scale 1:100 @ A2
Layout ID **DA602**

BASIX® Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1374383

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 31 October 2023
To be valid, this certificate must be lodged within 3 months of the date of issue.

Project address	
Project name	2306BUN7BEL
Street address	7 BUNYULA Road BELLEVUE HILL 2023
Local Government Area	Woollahra Municipal Council
Plan type and number	Deposited Plan DP8103
Lot number	32
Section number	K

Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at $50,000 or more, and does not include a pool (and/or spa).
N/A	N/A

Certificate Prepared by (please complete before submitting to Council or PCA)

Name / Company Name: ELIGRA PTY LTD

ABN (if applicable): 39661302512

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✔	✔
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✔	✔
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✔	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
suspended floor with open subfloor: framed (R0.7).	R0.8 (down) (or R1.50 including construction)	N/A
floor above existing dwelling or building.	nil	N/A
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
internal wall shared with garage: plasterboard (R0.36)	nil	
flat ceiling, flat roof: framed	ceiling: R2.32 (up), roof: foil/sarking	light (solar absorptance < 0.475)

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:		✔	✔
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✔	✔
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✔	✔	✔
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✔	✔
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✔	✔
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✔	✔
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 below.	✔	✔	✔

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements			

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W01	NE	4.6	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W08	NE	2.3	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W07	SE	1.1	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W05	SW	1.6	0	0	external louvre/ blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W06	SW	1.6	0	0	external louvre/ blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Project ID - 2306BUN7BEL
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BaL4 DeSign

Peter Klinger
7 BUNYULA ROAD
BELLEVUE HILL 2023

BASIX COMMITMENTS
DEVELOPMENT APPLICATION | Revision 05

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Date Issued 20/08/2024
Drawing Scale NOT TO SCALE
Layout ID **DA800**

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W02	NW	1.5	5.31	1.82	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W03	NW	2	1.71	2.79	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W04	NW	1.1	2.11	2.79	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W09	NW	0.9	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W10	NW	1.4	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W11	SW	1.4	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D01	NE	13.63	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
D02	NE	23.52	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✔ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✔ in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✔ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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Project ID - 2306BUNTBEL

Peter Klinger
7 BUNYULA ROAD
BELLEVUE HILL 2023

BASIX COMMITMENTS
DEVELOPMENT APPLICATION | Revision 05

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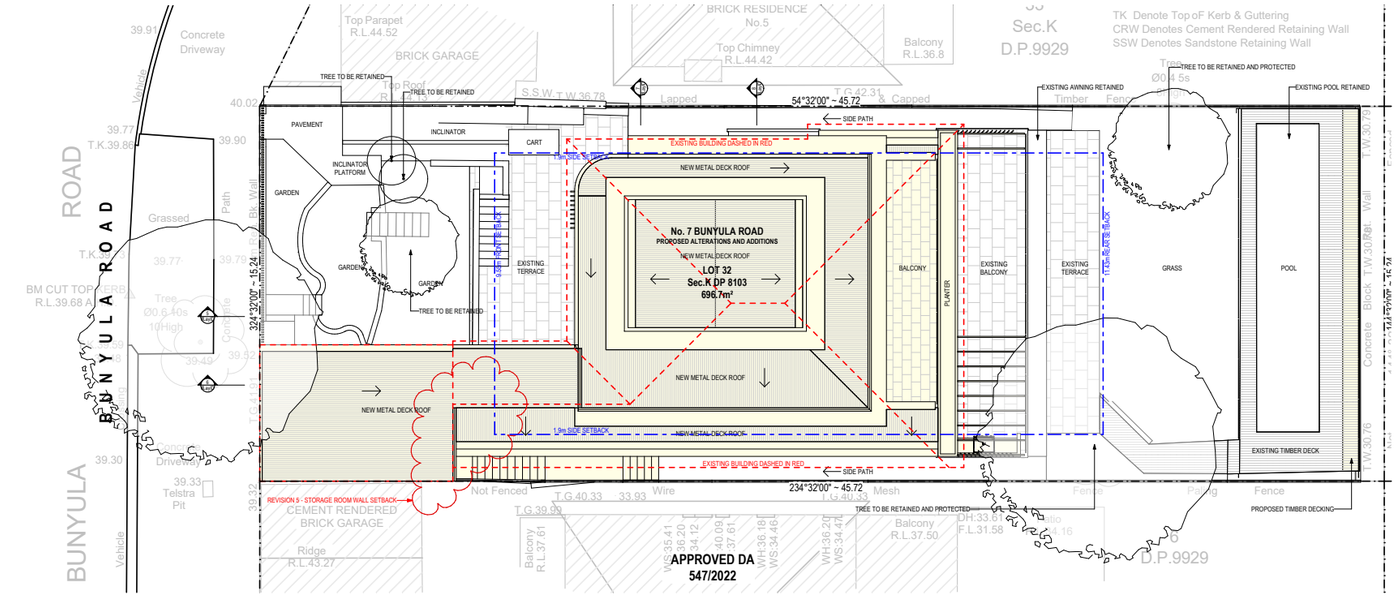
Date Issued 20/08/2024
Drawing Scale NOT TO SCALE
Layout ID **DA801**

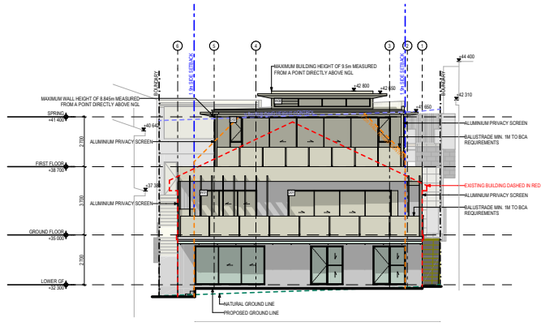


1:150 SITE PLAN

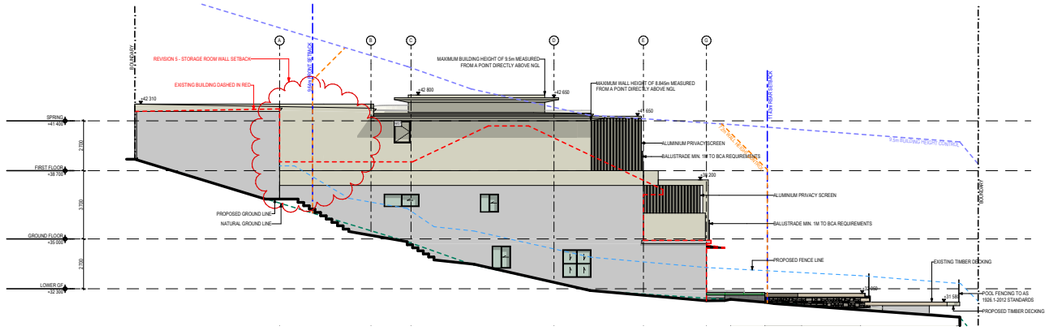
DEVELOPMENT SPECIFICS

7 BUNYULA ROAD, BELLEVUE HILL	
LOT 32 Sec. K	ZONING
DP 8103	R2 - LOW DENSITY RESIDENTIAL

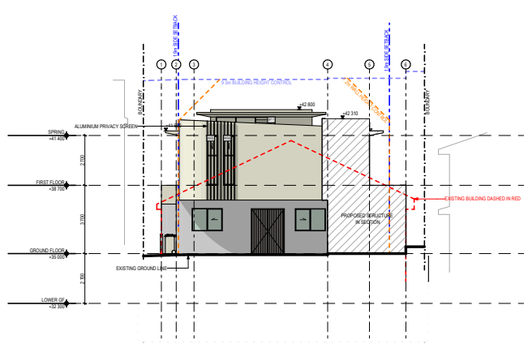
LEP & DCP	REQUIREMENT	PROPOSED
FSR	0.5:1	0.569:1
BUILDING HEIGHT	9.5m MAX	9.5m
WALL HEIGHT	7.2m MAX	8.845m
SITE AREA:	**696.7m²**	
FSR	348.35m²	396.77m²
DEEP SOIL LANDSCAPED AREA	243.85m² (> 35%)	149.12m² (21.4%)
FRONT SETBACK LANDSCAPED AREA	145.54m² (> 40%)	50.89m² (34.97%)
TREE CANOPY COVER %	243.85m² (> 35%)	102.52m² (14.72%)
PRIVATE OPEN SPACE AREA	35m²	> 35m²
GROUND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	16.546m
REAR SETBACK	11.43m	14.73m
SIDE SETBACK	1.9m	0.977m
FIRST STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	7.85m
REAR SETBACK	11.43m	18.145m
SIDE SETBACK	1.9m	0.977m
SECOND STOREY SETBACKS		
FRONT SETBACK	9.55m - AVERAGE	12.805m
REAR SETBACK	11.43m	21.495m
SIDE SETBACK	1.9m	1.947m



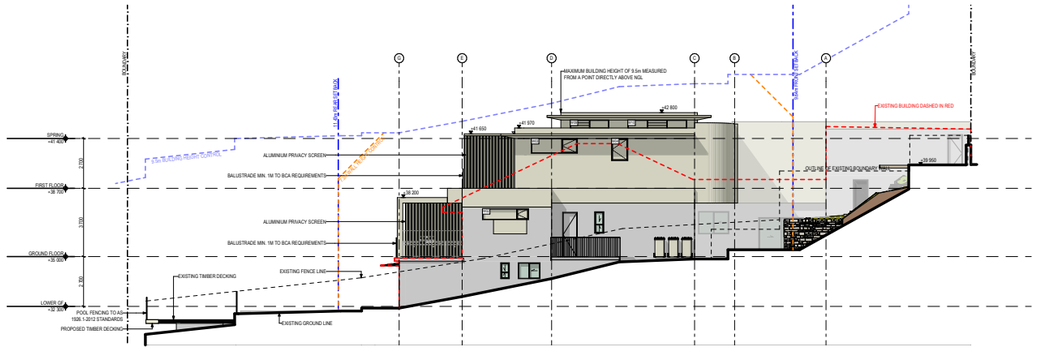
1:200 ELEVATION NORTH EAST



1:200 ELEVATION SOUTH EAST



1:200 ELEVATION SOUTH WEST



1:200 ELEVATION NORTH WEST

BAL4 Design
m | 0410 562 886 e. office@bal4design.com
Project ID - 2306BUNYBEL

BaL4 DeSign

Peter Klinger
7 BUNYULA ROAD
BELLEVUE HILL 2023

NOTIFICATION PLAN

DEVELOPMENT APPLICATION | Revision 05

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Date Issued 20/08/2024
Drawing Scale 1:150, 1:200 @ A2
Layout ID **DA802**

1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS

DURING CONSTRUCTION
Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE
For houses or other low-rise buildings where scaffolding is appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.
For buildings where scaffold, ladders, trestles are not appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES Specified
If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.
FLOOR FINISHES By Owner
If designer has not not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZ 4586:2004.
STEPS, LOOSE OBJECTS AND UNEVEN SURFACES
Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace.
Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways.
Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road:
Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.
For building where on-site loading/unloading is restricted:
Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.
For all buildings:
Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

GENERAL
Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.
Locations with underground power:
Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.
Locations with overhead power lines:
Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass.
All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.
Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS

For alterations to a building constructed prior to 1990:
If this existing building was constructed prior to:
1990 - it therefore may contain asbestos
1986 - it therefore is likely to contain asbestos
either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts or the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required:
Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required:
Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

10.OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements.
All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace.
All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work.
Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.
THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

BAL4 Design m | 0410 562 886 e | office@bal4design.com Project ID - 2306BUNTBEL

BaL4 DeSIGn

Peter Klinger
7 BUNYULA ROAD
BELLEVUE HILL 2023

SAFETY NOTES
DEVELOPMENT APPLICATION | Revision 05

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Date Issued 20/08/2024
Drawing Scale NOT TO SCALE
Layout ID **DA804**

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• DESIGN • CONSTRUCT • EVOLVE •

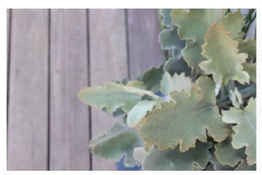
LANDSCAPE DA PLAN

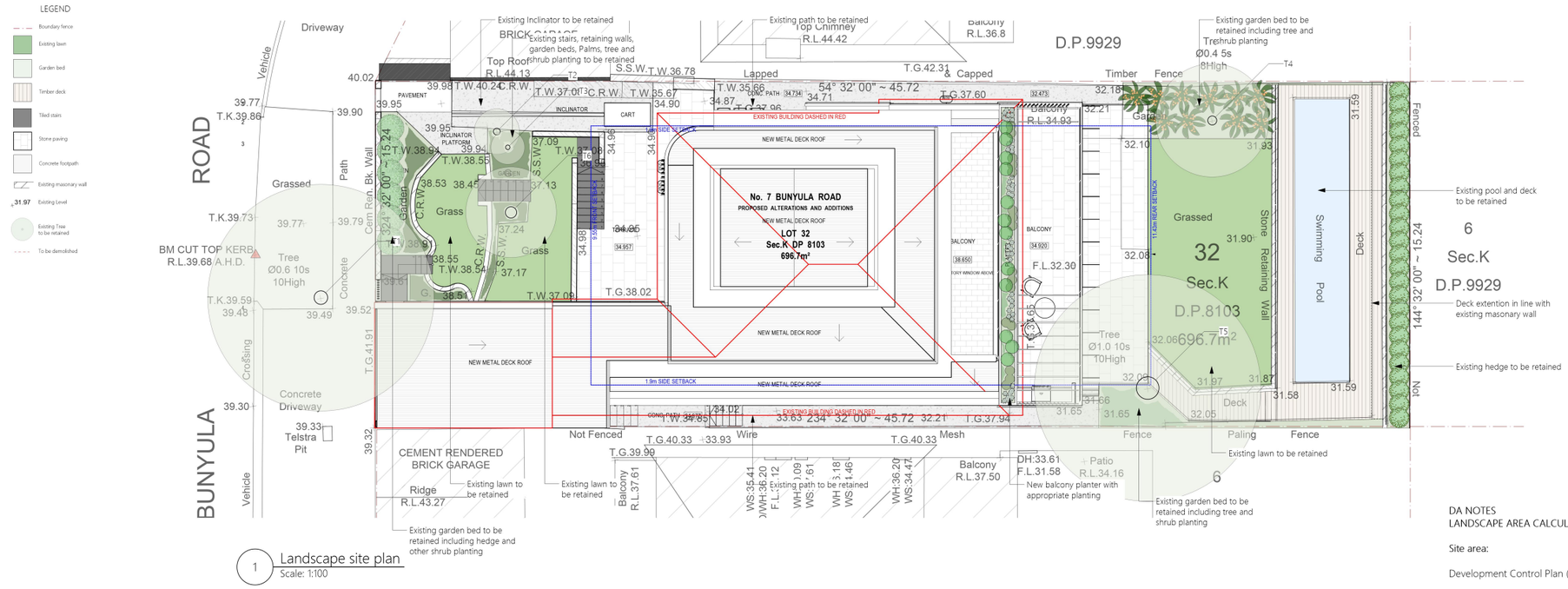
KLINGER RESIDENCE

7 BUNYULA ROAD
BELLEVUE HILL 2023

SHEET TITLE	SHEET NUMBER	SHEET SCAE & SIZE
COVER PAGE		
LANDSCAPE PLAN	LDA-01	1:100 @ A1
DEEP SOIL PLAN	LDA-02	1:100 @ A1

REVISON	DATE
DRAFT	14.04.24
FIRST ISSUE	22.04.24





1 Landscape site plan
Scale: 1:100

PLANTING NOTES

SITE PREPARATION
All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

SOILWORKS
Thoroughly cultivate the subsoil to a depth of 300mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm turf underlay to lawn areas.

EDGING
All garden bed areas to be clearly defined by metal, brick, concrete or timber edging with its top edge flush with the surface of adjected grass area

MULCH
Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

MAINTENANCE
All failed or defective plant species to be replaced for a 3 months period following completion of work.
Further maintenance during and after this period should include watering, weeding, fertilising, pest and disease control, pruning and hedging, reinstatement of mulch and keeping the site neat and tidy.

LANDSCAPE NOTES

EROSION CONTROL AND DRAINAGE
Install required sedimentation control devices as required by council DCPs.
Proposed development to include new pits and grates to accommodate runoff from hard surfaces to be connected to existing stormwater system to control flows. Subsoil drainage/Ag.lines to be used in garden beds.

PAVING/TIMBER DECKING/WALLING/POOL CONSTRUCTION
All hard landscaping work to be carried out in accordance with the building code of Australia and all relevant Australian standards and all codes and regulations of local council and other authorities.
All timber construction shall be in accordance with the timber framing code. All footings and walls to future structural engineers detail.

TREE PROTECTION
All trees to be retained will have tree protection in accordance to Arborist or equivalently qualified person's recommendations.

EXISTING TREE SCHEDULE

TREE NO.	GENUS SPECIES	COMMON NAME	HEIGHT	CANOPY	ACTION/COMMENT
T1	Lophostemon confertus	Brisbane Box	10000	10000	Retain
T2	Archontophoenix cunninghamiana	Bangalow Palm, Piccabean	7000	2000	Retain
T3	Archontophoenix cunninghamiana	Bangalow Palm, Piccabean	4000	1500	Retain
T4	Callistemon viminalis `Red Cascade`	Red Cascade Bottlebrush	8000	5000	Retain
T5	Eucalyptus robusta	Swamp Mahogany, Bengaly	10000	10000	Retain
T6	Lagerstroemia indica	Crepe Myrtle	6000	4000	Retain

PLANT SCHEDULE

IMAGE	ID	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
	Shrubs							
	Cds	12	Carissa 'Desert Star'	Dwarf Natal Plum	200 mm	0.5 - 0.7 m	0.5 - 0.7 m	Planter box
	Groundcovers/ Cascading							
	Cg-2	16	Casuarina glauca 'Cousin It'	Casuarina 'Cousin It'	200 mm	0.5 - 1.0 m	0.2 - 0.3 m	Planter box
	Succulents							
	Ssi	43	Sansevieria 'Silver sword'	Sansevieria silver sword	140 mm	0.3 - 0.6 m	0.4 - 0.6 m	Planter box
	Total:	**71**						

DA NOTES
LANDSCAPE AREA CALCULATIONS

Site area: 696.70 sqm

Development Control Plan (DCP) 2015 Woollahra LGA requirement:

Landscaped area is defined as an area of open space on the lot, at ground level, that is permeable and consists of soft landscaping, turf or planted areas and the like.

The deep soil landscaped area is free of garaging, paving, outbuildings, tennis courts, swimming pools, above ground and below ground structures including stormwater works

(C1) For development in the R2 and R3 residential zones—
Tree canopy area is at least:
35% of the site area for dwelling
houses, dual occupancies, semi detached development and attached dwellings, with the exception of the
Wolseley Road area

(C2)35% of the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 22) where 30% of the site area is deep soil landscaped area. Refer Figure 21 for the calculation of deep soil landscaped area.

Existing deep soil area	159.24 sqm
Proposed deep soil area	149.12 sqm
ExistingTree canopy area	102.52 sqm
Proposed Tree canopy area	102.52 sqm

Principal private open space complies

(C6) For a dwelling house—a primary open space area of at least 35m² is provided.

(C7) For each dwelling within a semi-detached dwelling, dual occupancy or attached dwelling—a primary open space area of at least 35m² is provided.

(C8) The primary open space area in C6 and C7 above has a gradient of no more than 1 in 10

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PROJECT.
Peter Klinger
7 Bunyula Road
Bellevue Hill 2023

DRAWING TITLE.
Landscape DA plan

SHEET No. LDA-01
Rev. No.
SCALE. 1:100@A1

DATE. 19.04.2024
DRAWING BY. CC

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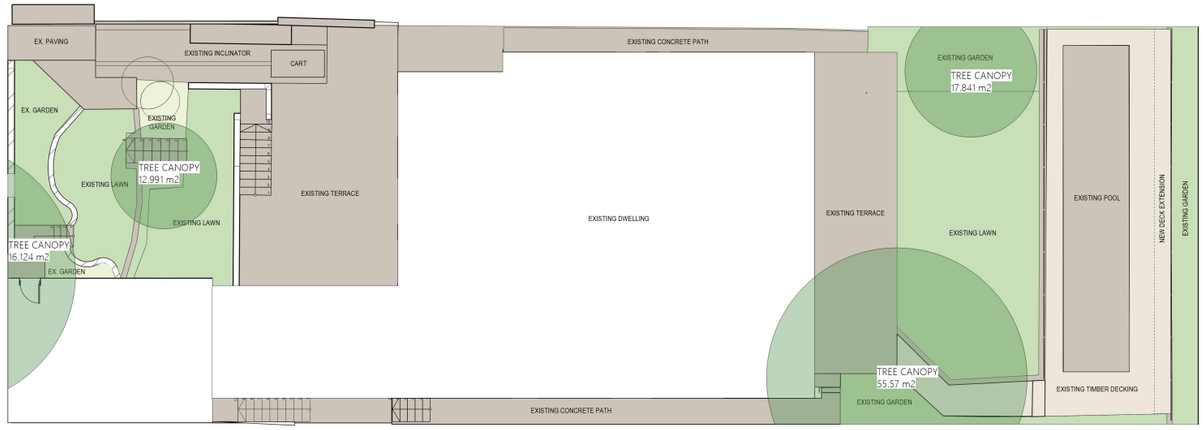

DEEP SOIL LANDSCAPE AREA MIN. 4M DIMENTION

DEEP SOIL LANDSCAPE AREA

DWELLING - SITE COVERAGE

NON-PERMABLE SURFACE

PERMABLE SURFACE

2 Landscape site plan
Scale: 1:100

PLANTING NOTES

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All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

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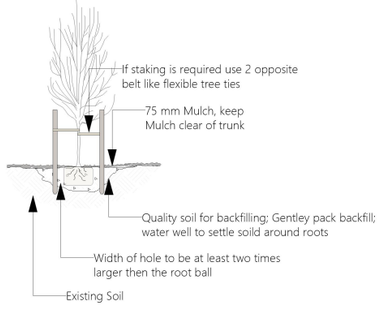
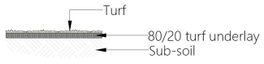
GENERAL TREE PLANTING



GENERAL PLANTING SOIL/MULCH INSTALLATION

TURF INSTALLATION



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PROJECT.
Peter Klinger
7 Bunyula Road
Bellevue Hill 2023

DRAWING TITLE.
Landscape DA plan
Deep soil

SHEET No. LDA-02
Rev. No.
SCALE. 1:100@A1

DATE. 19.04.2024
DRAWING BY. CC

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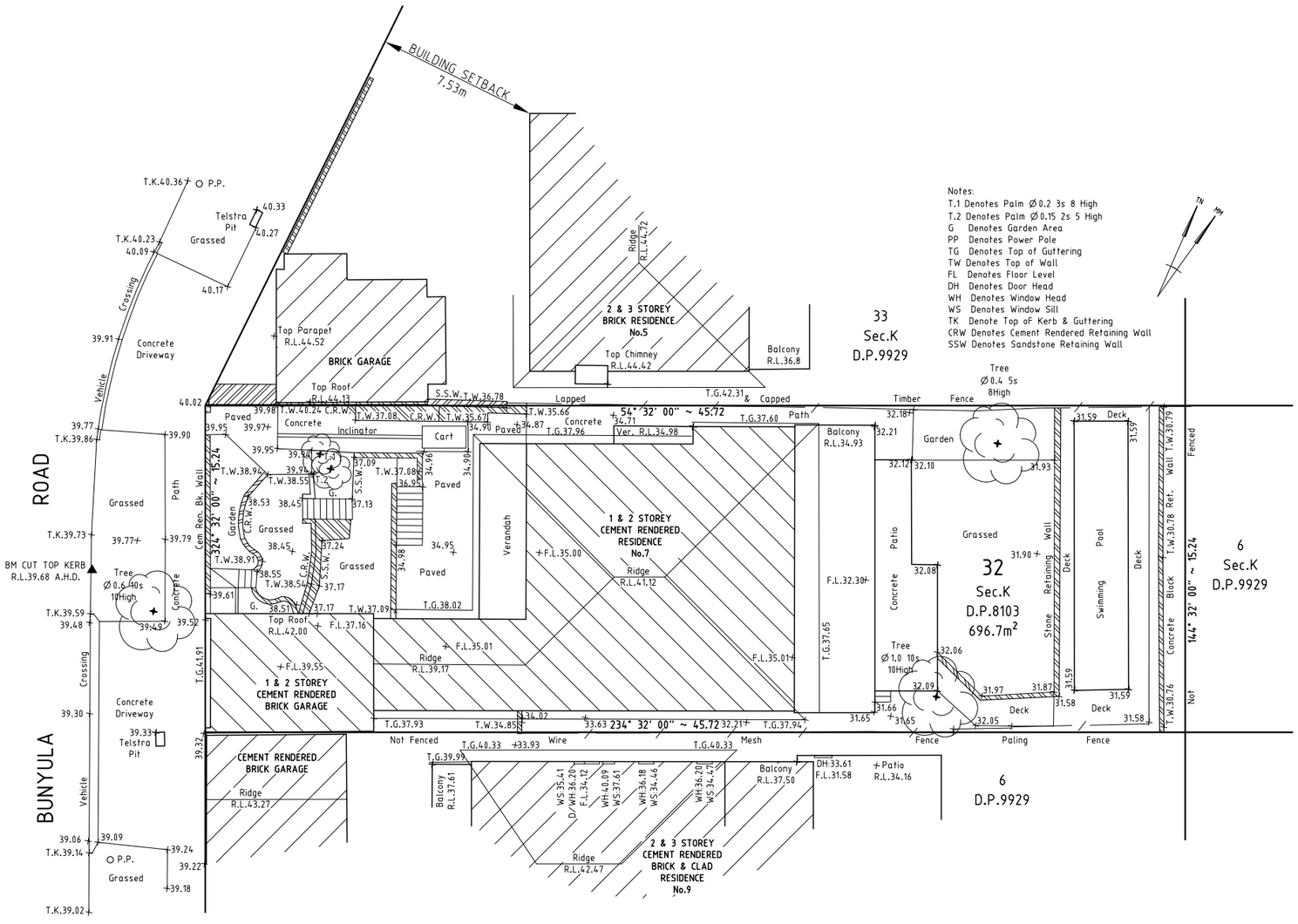
DETAIL AND LEVEL PLAN



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SCALE 1:150
DATUM : AHD71
ORIGIN :PM 1420
SURVEYED :PD
DRAWN :PD/AM
DATE:18/07/2023

REVISION No.	DATE
A (A2)	19/09/2023

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TITLE DESCRIPTION
LOT 32 Sec,K D.P.81030
L.G.A. WOOLLAHRA

7 BUNYULA ROAD
BELLEVUE HILL

REFERENCE No. 54239
SHEET 1 of 1

A2

SOLUTIONS ZANE
LAND USE PLANNING SERVICES
Illuminating the way to better results

LIAISON – LAND USE APPRAISALS – EXEMPT AND COMPLYING DEVELOPMENT CHECKS – STATEMENTS OF ENVIRONMENTAL EFFECTS – ENVIRONMENTAL IMPACT STATEMENTS – PLANNING PROPOSALS – L5.fjf AND & ENVIRONMENT COURT REPRESENTATION

WOOLAHRA LOCAL ENVIRONMENTAL PLAN 2014 (BLEP)
CLAUSE 4.6
REQUEST FOR CONTRAVENTION OF DEVELOPMENT STANDARD

APPLICANT: Mr. Peter Klinger
ADDRESS: Lot 32 Section K DP 8103 No. 7 Bunyula Road, Bellevue Hill
PROPOSAL: Proposed alterations and additions to the existing dwelling house

DEVELOPMENT STANDARD:
Height of Buildings standard under Clause 4.3 (2) of the Woollahra Local Environmental Plan 2014

INTRODUCTION
This submission is a Request for Contravention of the above Development Standard in relation to proposed alterations and additions to the existing dwelling house at Lot 32 Section K DP 8103 No. 7 Bunyula Road, Bellevue Hill, on the basis that:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and;
2. There are sufficient environmental planning grounds to justify contravening the development standard and;
3. The proposal achieves the objectives of Clause 4.6 of the WLEP of providing an appropriate degree of flexibility in applying certain development standards to particular development and achieves better outcomes for and from development by allowing flexibility in particular circumstances.

The development standard to which the request relates
Clause 4.3 (2) read in conjunction with clause 4.3 (2A) states:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
(2A) Despite subclause (2) and clause 4.3A, the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.

The corresponding map indicates a maximum height of 9.5m.

The objectives of the development standard
The objectives of the development standard are as follows:

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

The nature of the departure from the development standard
The departure relates to a small section of clerestory window and roof areas on the uppermost living area level. The extent of the departure is best depicted in the following images:

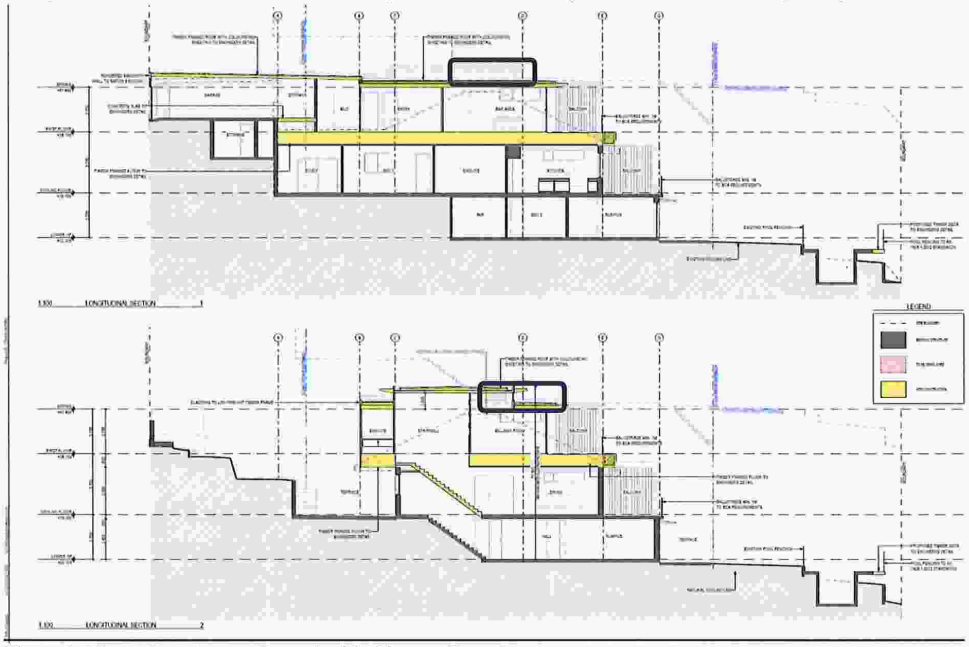


Figure1: Minor departures shown inside blue outlies above

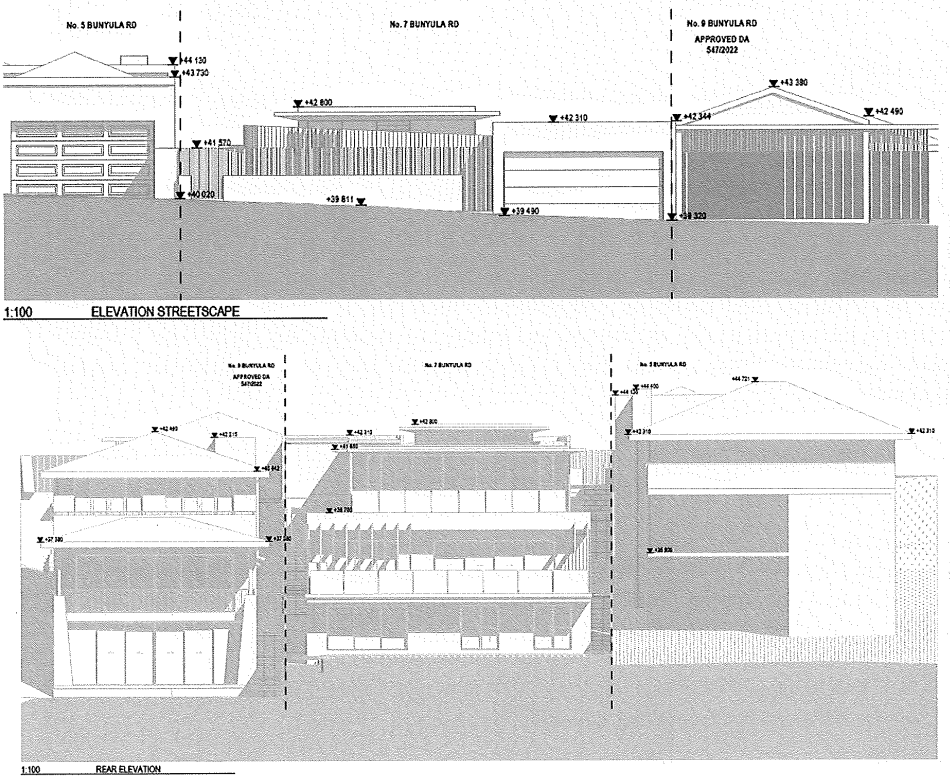
Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Compliance with the maximum height of building standard is unreasonable and unnecessary in the circumstances for the following reasons:

- The departure is minor for a small section of the uppermost level to a maximum height of 10.5m (on a maximum height of 9.5m), resulting in a strict numerical departure of only 10.5%.
- The non-compliant component is well set back from front, side and rear boundaries so as to reduce associated amenity impacts on adjoining properties.
- Despite the strict numerical departure from the development standard, the proposed development is consistent with the relevant objectives of the standard in that:

- The building height of the proposed altered dwelling house inclusive of the strict numerically non-compliant component, will be commensurate with those adjoining and dwelling houses in the immediate and wider locality.
- The in-setting of the strict numerically non-compliant component will ensure an acceptable overall height bulk and scale, contributing to a transition, in scale between zones to protect local amenity.
- The strict numerically non-compliant component will not add to the acceptable solar access and overshadowing impacts associated with the proposed alterations and additions and have a negligible additional impact on existing adjoining buildings or open space areas.
- The inclusion of a satisfactory design and privacy measures such as fixed privacy screens, will adequately minimize the impact of this new development on adjoining and nearby properties from disruption of views, loss of privacy, overshadowing and/or visual intrusion.
- The proposal inclusive of the strict numerically non-compliant component, will protect the amenity of the public domain by conserving public views of the harbor and surrounding areas.

The acceptable impact in this regard is conveyed in the following images:



Figures 2 and 3: streetscape and rear elevation showing the compatible built form of the proposed development and those adjoining

- The overall height of development outside the small non-compliant component will adequately to generously conform with that allowable under the WLEP while the considered stepping of the built form to the rear will ensure that the end development suitably responds to the sloping topography of the subject site.

Chief Justice Preston of the NSW Land and Environment Court in the case of *in Wehbe v Pittwater Council [2007] NSWLEC 827* established 5 ways in which a departure from a development standard can be justified and this was reiterated by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*. The most invoked means of justifying a departure from a development standard is the achievement of the end objectives, despite the strict numerical non-compliance.

For the reasons outlined above, the relevant objectives of the height of buildings standard, in this instance, are achieved and the request for departure is entirely justified and worthy of support on this occasion.

Given the justification provided in this request, the remaining ways by which a Clause 4.6 Request may be justified do not require elaboration. Notwithstanding, for the purposes of completeness, the remaining ways are articulated with relevant commentary:

- *The underlying objective or purpose of the standard is not relevant to the development*

Comment
The underlying objective of the standard is relevant in this instance, moreover, has been satisfied, notwithstanding the strict numerical departure.

- *The underlying objective or purpose would be defeated or thwarted if compliance was required.*

Comment
In this instance, the underlying objective or purpose would be defeated or thwarted if compliance was required, as compliance would not facilitate any discernible benefits whilst severely compromising the amenity of the uppermost level and architectural integrity of the proposal.

- *The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or*

Comment
The standard has not been abandoned or destroyed by Council's own actions, however Council has a documented history of supporting departures from the standard where justified, such as is the case in this instance.

- *The zoning of land was unreasonable or inappropriate, such that the standards for that zoning are also unreasonable or unnecessary.*

Comment
The zoning of the land on this occasion is not regarded as unreasonable or inappropriate.

As such, the request on this occasion satisfies more than one (one only required) means of justifying contravention of the standard and is manifestly worthy of support.

The environmental grounds which justify contravening the development standard

Sufficient environmental planning grounds exist to justify departure from the development standard on this occasion in that:

- The inclusion of clerestory windows will ensure the optimal ingress of northern sunlight and natural light into the uppermost living area, which is particularly important on this occasion due to the 2.7m only ceiling height of this area.
- The of 3.6 and 6m setbacks from northwestern and southwestern side boundaries respectively, will ensure a negligible additional solar access and overshadowing impact associated with the non-compliant component.
- The acceptable environmental impacts that will be generated in terms of visual bulk, solar access, privacy or view loss by the proposed alterations and additions will not be exacerbated by the non-compliant component.
- The non-compliant component will positively impact the internal amenity of the proposed alterations and additions including natural ventilation, solar and daylight access, energy efficiency and thermal comfort, as evidenced in the BASIX Certificate which accompanies the application.
- Having regard to the acceptable scale of development, being commensurate with immediately adjoining development, the strict numerical non-compliances in terms of building height and bulk and scale will not result in any significant adverse impact on the streetscape or surrounding properties.
- Council has a documented history of applying a flexible approach to the Floor Space Ratio standard as per the allowances under Clause 4.6, in appropriate circumstances, such as is the case on this occasion.

The above environmental planning grounds are not general propositions. They are unique circumstances of the proposed development in the context of the subject site and surrounding properties.

Having regard to the environmental benefits associated with the development in its current form and the acceptable amenity impacts, notwithstanding the strict numerical departure from the standard, the proposed variation is justified and there are sufficient environmental grounds to support the departure.

The Public Interest/Consistency with the Objectives of the Standard and the objectives for development within the zone.
The proposed development is consistent with the relevant objectives of the standard as detailed above.

The objectives of the zone are:

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

The proposed development is consistent with the relevant zone objectives in that:

- The proposed development will result in a high-quality residential development that will provide for the housing needs of the community within this low density residential environment.
- Suitable privacy measures incorporated within the development, as well the considered form and articulation, will ensure the protection of existing amenity available to the surrounding neighbourhood with regards to visual bulk, privacy, solar access and view sharing.
- Through a considered massing and siting of the proposed additions, the height, bulk and scale of the end development will be commensurate with immediately adjoining development and entirely compatible with the desired future character of the neighbourhood.
- The proposed development will result in an increased canopy coverage beyond that existing through the provision of a new canopy tree within the revised front yard area, enhancing the canopy cover of the surrounding locality.

As such, the proposed development is in the public interest in that consistency with the objectives of the development standard and the objectives for development within the zone, have been achieved.

Significance for State and Regional Planning
The proposed development is consistent with State and Regional Planning Policies in that the proposed development, inclusive of the strict numerical departure from the height of buildings standard, will result in an orderly and economic use of the land, in accordance with the objects of the Environmental Planning and Assessment Act, 1979.

Despite the non-compliance with the strict numerical requirements under Clause 4.3 (2) of the WLEP, the proposed development, inclusive thereof, provides for a logical distribution of bulk, scale and height, in a manner that will continue to achieve the stated objectives of the standard. The proposed development will achieve on this occasion associated sustainable environmental impacts, superior to those which would be achieved by a compliant form of development.

The proposed development will contribute to the existing and desired future character of this established residential area, which is well located in relation to schools, local and regional centres and community infrastructure. The site is well connected to public transport providing access to local and regional centres and the Sydney CBD.

As such the proposed development does not raise any matters of significance for State or Regional planning.

The justification for the departure from the development standard is worthy of support.

Consistency with Clause 4.6 of the WLEP
The objectives of Clause 4.6 are:

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

The justification for the provision of an appropriate degree of flexibility in the present circumstances has been demonstrated in this request. The wider planning intentions for the locality will not be compromised by the departure in the circumstances.

Having regard to the contents of this submission, this request for contravention is well founded and worthy of support.

Departure from the standard on this occasion, (whilst not required to) will achieve a better outcome for and from the proposed development by way of consistency with the objectives of the height of buildings standard and those of the R2 Low Density Residential zone, will not raise any matter of significance for State or Regional Environmental Planning and no public benefit will be served by maintaining the standard in the circumstances.

The justification for the departure from the development standard is worthy of support.

[redacted]

Mark Swain MPIA
Principal
24 September 2024

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LIAISON – LAND USE APPRAISALS – EXEMPT AND COMPLYING DEVELOPMENT CHECKS – STATEMENTS OF ENVIRONMENTAL EFFECTS – ENVIRONMENTAL IMPACT STATEMENTS – PLANNING PROPOSALS – LAND & ENVIRONMENT COURT REPRESENTATION

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014 (WLEP)
CLAUSE 4.6 REQUEST FOR CONTRAVENTION OF THE DEVELOPMENT STANDARD

APPLICANT: Mr. Peter Klinger
ADDRESS: Lot 32 Section K DP 8103 No. 7 Bunyula Road, Bellevue Hill
PROPOSAL: Proposed alterations and additions to the existing dwelling house

DEVELOPMENT STANDARD:
Maximum Floor Space Ratio under Clause 4.4E of the WLEP.

INTRODUCTION
This submission is a request for contravention of the abovementioned development standard in relation to the proposed alterations and additions to the existing dwelling house on the basis that:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and;
2. There are sufficient environmental planning grounds to justify contravening the development standard and;
3. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
4. Contravention of the standard in this instance will not raise any matters of State or Regional significance.
5. There is no public benefit in maintaining the standard on this occasion.
6. The proposal achieves the objectives of Clause 4.6 of the WLEP of providing an appropriate degree of flexibility in applying certain development standards to particular development and achieves better outcomes for and from development by allowing flexibility in particular circumstances.

The development standard to which the request relates

Clause 4.4E states:

(2) This clause applies to land in the following zones—
(a) Zone R2 Low Density Residential,
(b) Zone R3 Medium Density Residential.

(3) The maximum floor space ratio for a dual occupancy, dwelling house or semi-detached dwelling is—
(a) for land identified as "Area 6" on the Floor Space Ratio Map—0.75:1, or
(b) for other land—the floor space ratio specified for the lot size in the table to this subclause.

Lot size	*Maximum floor space ratio*
<150m²	*1.05:1*
≥150m²<200m²	*0.95:1*
≥200m²<250m²	*0.85:1*
≥250m²<300m²	*0.75:1*
≥300m²<350m²	*0.65:1*
≥350m²<400m²	*0.55:1*
≥400m²	***0.5:1***

The subject site is zoned R2 Low Density Residential and has a total site area of 696.7m^2, allowing for a maximum floor space ratio of 0.5:1 (or 348.35m^2 of gross floor area) on this occasion.

The objectives of the development standard
The objectives of the development standard are:

(a) to ensure the bulk and scale of development is compatible with the desired future character of the area,
(b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
(c) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.

The nature of the departure from the development standard
The proposed development will result in a total gross floor area of 396.77m^2, equating to a floor space ratio of 0.569:1, resulting in a strict numerical departure of 13.8% from the standard.

Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
Compliance with the maximum floor space ratio is unreasonable and unnecessary in the circumstances for the following reasons:

- The applicable floor space ratio imposed by Clause 4.4E only came into effect on 14 July 2023.
- Given the historic implementation of the previously applicable 'floorplate' control under the WDCP prior to this date, development surrounding the subject site has been constructed to a greater bulk and scale than that which the strict 0.5:1 floor space ratio would practicably allow.
    - In this regard it is noted that the development recently approved under DA/457/2022 on the adjoining site to the south at No. 9 Bunyula Road, whilst approved under the previous DCP floorplate controls, would result in an FSR

of 0.587:1 (or 332.1m^2 of gross floor area), commensurate with that proposed under the submitted application.

- It is therefore considered that strict compliance with the recently imposed FSR standard would result in an end development that would be incompatible in scale with the existing surrounding built context.
- Despite the strict numerical departure from the development standard, the proposed development is consistent with the relevant objectives of the standard in that:
  - The overall height of development will conform with that allowable under the WLEP while the considered stepping of the built form to the rear will ensure that the end development suitably responds to the sloping topography of the subject site.
  - Moreover, given the siting of the existing dwelling well below street level, the end development will present as single-storey to the streetscape only.
  - By containing the proposed addition within the outer wall alignments established by the existing lower ground, ground floor and garage components along side boundaries, the end development will maintain a suitable separation to adjoining properties.
  - The appropriate height and siting in this regard will ensure that, despite the strict numerical departure from the FSR standard, the end development will remain of a bulk and scale commensurate with development in the immediately surrounding locality, as demonstrated below:

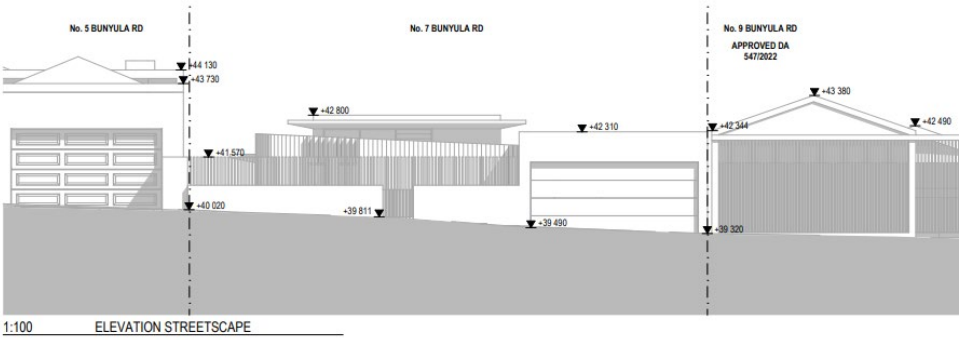

Figure 1: Streetscape elevation of proposed development demonstrating single storey presentation of the end development along the Bunyula Road Frontage (Source: Architectural Drawings)

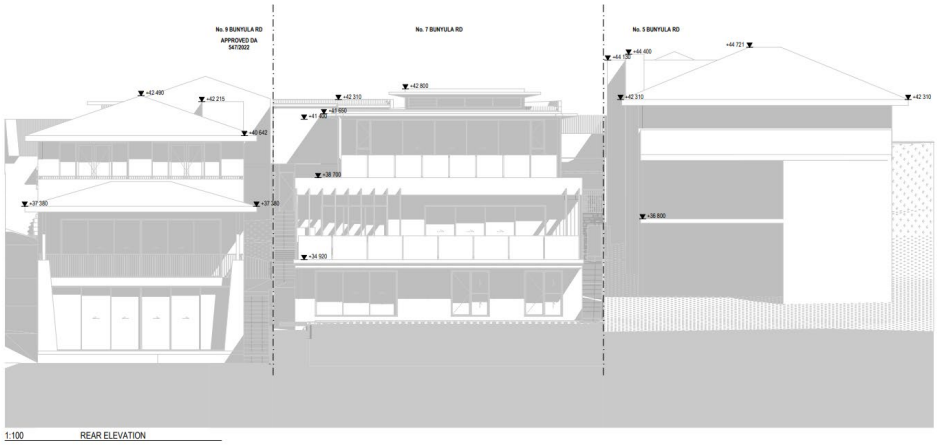

Figure 2: Rear elevation of proposed development demonstrating commensurate height, bulk and scale to that of immediately adjoining developments (Source: Architectural Drawings)

- As such, the proposed development is considered to be of a bulk and scale that is entirely compatible with the desired future character of the area,
- In addition to being compatible with the desired future character of the area, the considered bulk and scale will ensure that the proposed development will not give rise to adverse environmental effects on adjoining properties, in that:
  - By maintaining the existing minimum separation to adjoining development, the proposal will ensure the continuation of a suitable visual and acoustic privacy interface with adjoining dwellings.
  - The retention of the existing setback area along the northern side boundary, the single storey presentation to the streetscape and the visually permeable front fence conditions will facilitate an equitable sharing of views with adjoining developments and from the surrounding public domain.
  - Shadow diagrams which accompany the application demonstrate that the proposed development will not give rise to any unreasonable solar access or overshadowing impacts on adjoining developments.
- Due to the general siting of the proposed development over existing built upon and/ or hard surfaced areas, the total deep soil landscaped area represents a negligible decrease from that of the existing conditions, with a net loss of only 2.05m^2 (or 1.29%).
- In addition to the above, the resultant tree canopy cover represents a significant increase of 19.64m^2 from that existing, due to the proposed replacement planting provided to the front yard area.
- Finally, the proposed development will not alter the existing private open space area to the rear yard, which will remain well above the minimum area required.

Chief Justice Preston of the NSW Land and Environment Court in the case of *in Wehbe v Pittwater Council [2007] NSWLEC 827* established 5 ways in which a departure from a development standard can be justified and this was reiterated by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*. The most invoked means of justifying a departure from a development standard is the achievement of the end objectives, despite the strict numerical non-compliance.

For the reasons outlined above, the relevant objectives of the Floor Space Ratio standard, in this instance, are achieved and the request for departure is entirely justified and worthy of support on this occasion.

Given the justification provided in this request, the remaining ways by which a Clause 4.6 Request may be justified do not require elaboration. Notwithstanding, for the purposes of completeness, the remaining ways are articulated with relevant commentary:

- *The underlying objective or purpose of the standard is not relevant to the development*

Comment
The underlying objective of the standard is relevant in this instance, moreover, has been satisfied, notwithstanding the strict numerical departure.

- *The underlying objective or purpose would be defeated or thwarted if compliance was required.*

Comment

In this instance, the underlying objective or purpose would be defeated or thwarted if compliance was required, as compliance would not facilitate any discernible benefits whilst severely compromising the amenity and architectural integrity of the proposal.

- *The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or*

Comment
Though the standard has not been abandoned or destroyed by Council's own actions (having only been gazetted on 14 July 2023), there is recent evidence of a development of a similar bulk and scale being supported by Council within the immediate locality (such as DA/457/2022 at No. 9 Bunyula Road).

- *The zoning of land was unreasonable or inappropriate, such that the standards for that zoning are also unreasonable or unnecessary.*

Comment
The zoning of the land on this occasion is not regarded as unreasonable or inappropriate.

As such, the request on this occasion satisfies more than one (one only required) means of justifying contravention of the standard and is manifestly worthy of support.

The environmental grounds which justify contravening the development standard
Sufficient environmental planning grounds exist to justify departure from the development standard on this occasion in that:

- Measures incorporated into the proposed development will ensure that no adverse environmental impacts will be generated in terms of visual bulk, solar access, privacy or view loss by the non-compliant component.
- The non-compliant component will not adversely impact on the internal amenity of the proposed dwelling including natural ventilation, solar and daylight access, energy efficiency and thermal comfort, as evidenced in the BASIX Certificate which accompanies the application.
- Having regard to the acceptable scale of development, being commensurate with immediately adjoining development, the strict numerical non-compliance will not result in any adverse impact on the streetscape.
- Council has a documented history of applying a flexible approach to the Floor Space Ratio standard as per the allowances under Clause 4.6, in appropriate circumstances, such as is the case on this occasion.

The above environmental planning grounds are not general propositions. They are unique circumstances of the proposed development in the context of the subject site and surrounding properties.

Having regard to the environmental benefits associated with the development in its current form and the acceptable amenity impacts, notwithstanding the strict numerical departure from the standard, the proposed variation is justified and there are sufficient environmental grounds to support the departure.

The Public Interest/Consistency with the Objectives of the Standard and the objectives for development within the zone.

The proposed development is consistent with the relevant objectives of the standard as detailed above.

The objectives of the zone are:

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

The proposed development is consistent with the relevant zone objectives in that:

- The proposed development will result in a high quality residential development that will provide for the housing needs of the community within this low density residential environment.
- Suibtable privacy measures incorporated within the development, as well the considered form and articulation, will ensure the protection of existing amenity available to the surrounding neighbourhood with regards to visual bulk, privacy, solar access and view sharing.
- Through a compliant overall height, as well as a considered massing and siting of the proposed addition, the bulk and scale of the end development will be commensurate with immediately adjoining development and entirely compatible with the desired future character of the neighbourhood.
- The proposed development will result in an increased canopy coverage beyond that existing through the provision of a new canopy tree within the revised front yard area, enhancing the canopy cover of the surrounding locality.

As such, the proposed development is in the public interest in that consistency with the objectives of the development standard and the objectives for development within the zone, have been achieved.

Significance for State and Regional Planning

The proposed development is consistent with State and Regional Planning Policies in that the proposed development, inclusive of the strict departure from the maximum Floor Space Ratio standard, will result in an orderly and economic use of the land, in accordance with the objects of the Environmental Planning and Assessment Act, 1979.

Despite the non-compliance with the strict numerical requirements under Clause 4.4E of the WLEP, the proposed development, inclusive thereof, provides for a logical distribution of bulk and scale, in a manner that will continue to achieve the stated objectives of the standard. The proposed development will achieve on this occasion associated sustainable environmental impacts, superior to those which would be achieved by a compliant form of development.

The proposed development will contribute to the existing and desired future character of this established residential area, which is well located in relation to schools, local and regional centres and community infrastructure. The site is well connected to public transport providing access to local and regional centres and the Sydney CBD.

As such the proposed development does not raise any matters of significance for State or Regional planning.

The justification for the departure from the development standard is worthy of support.

Consistency with Clause 4.6 of the WLEP
The objectives of Clause 4.6 are:

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

The justification for the provision of an appropriate degree of flexibility in the present circumstances has been demonstrated in this request. The wider planning intentions for the locality will not be compromised by the departure in the circumstances.

Having regard to the contents of this submission, this request for contravention is well founded and worthy of support.

Departure from the standard on this occasion, (whilst not required to) will achieve a better outcome for and from the proposed development by way of consistency with the objectives of the Floor Space Ratio standard and those of the R2 Low Density Residential zone, will not raise any matter of significance for State or Regional Environmental Planning and no public benefit will be served by maintaining the standard in the circumstances.

The justification for the departure from the development standard is worthy of support.

Mark Swain MPIA
Principal
05 September 2024

Woollahra Municipal Council

9 July 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 22/2024/1
ADDRESS:	7 Bunyula Road BELLEVUE HILL 2023
PROPOSAL:	Alterations and additions including the addition of a new second level and the extension of the existing pool decking
FROM:	Mr W Huynh
TO:	Mr G Lloyd

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, unreferenced, prepared by Solutions Zane, dated December 2023.
- Architectural Plans, unreferenced-Rev 4, prepared by BAL4 Design, dated 30/04/2024.
- Survey Plan, referenced 54239, prepared by S.J. Dixon Surveyors, dated 19/09/2023.
- Amended Stormwater Management Plan, 24-3351-SW-Issue 3, prepared by Ross Engineers, dated 24/06/2024.
- Stormwater Design Letter, 24-3351-C1, prepared by Ross Engineers, dated 24/06/2024.
- Infiltration Report, referenced 7472-R1, prepared by Assetgeoenviro, dated 19/03/2024.
- Easement Rejection Letter, unreferenced, dated 06/03/2024.

3. ASSESSMENT

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

a. Site Drainage comments

This property falls towards the rear and is considered a low level property. Evidence has been submitted demonstrating refusal to grant an interallotment drainage easement from the downstream owners. An infiltration report has been submitted confirming that the site is unsuitable for on-site absorption. The site is unsuitable for on-site absorption due to site specific constraints such as shallow depth to rock or other obstacles. In this regard, a pumpout system will be installed as a method of stormwater disposal to the street drainage system. The proposed capacity of the rainwater tank connected upstream of the pump out system is satisfactory.

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

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

The proposed vehicular access and parking arrangements are considered satisfactory.

f. Geotechnical, Hydrogeological and/or Structural comments

It appears from the submitted plans that there is no excavation proposed as part of this application other than for landscaping, stormwater and associated works. As such, the submission of a geotechnical report is not required at the development assessment stage. Relevant conditions will be imposed accordingly.

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

4. RECOMMENDATION

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

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting documents

Reference	Description	Author	Date
24-3351-SW	Stormwater Management	Ross Engineers	
Sheet 1-Issue 3	Plans		24/06/2024
Sheet 2-Issue 3			24/06/2024
Sheet 3-Issue 3			24/06/2024
Sheet 4-Issue 3			24/06/2024
Sheet 5-Issue 3			24/06/2024
Sheet 6-Issue 3			24/06/2024
Sheet 7-Issue 3			24/06/2024

Woollahra Municipal Council

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)	$22,750	No	T115

B.	**16.**	**Dilapidation Reports for Existing Buildings**
		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. These properties must include (but is not limited to): a) No. 5 Bunyula Road b) No. 9 Bunyula Road 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. 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. 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). **Notes:** • 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.
		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.

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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. 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 and to the satisfaction of Council's Assets Engineers.

   Note: Subsoil drainage/seepage water must NOT be 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 *Environmental Planning and Assessment Act 1979*			
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 *Local Government Act 1993*			

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Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	$ 674		

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

Notes:
- ***Road*** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.
- Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically:
- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip
- An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate.
- Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:
- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection

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	point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment. • Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services. • All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances. • The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". • Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

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D.25 Erosion and Sediment Control Plan – Submissions & Approval
D.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**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide 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: • will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.

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	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D 45.	**Vehicular Access and Parking Arrangement**
	Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following: a) Dimensions of the proposed off-street parking spaces shall be clearly depicted on the architectural plans. In this regard, each parking space shall have minimum dimensions of 3m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans. In particular, the proposed hinged door must not encroach into the parking envelopes. The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: *Parking Facilities - Off-Street Car Parking*. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. 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. **Note**: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*. **Note**: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with. **Note**: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

D 51.	**Stormwater Management Plan**
	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: a) General design in accordance with stormwater management plans, referenced 24-3351-SW-Issue 3, prepared by Ross Engineers, dated 24/06/2024, other than amended by this and other conditions.

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	b) Subsoil drainage/seepage water must NOT be discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet 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. The kerb discharge must be located within the frontage of the site. d) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) with a minimum storage volume of $42m^3$ to comply with Chapter E2.2.9 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Overflow from the RWT must be directed to the proposed pump out system by gravity. Notation to this requirement must be clearly depicted on the drawings. f) A pump out system with minimum storage volume of $8.4m^3$ must be installed to collect any rainwater tank overflow and surface runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a minimum 600x600mm boundary junction pit prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3. 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) 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. i) 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. j) Detail any remedial works required to upgrade the existing stormwater drainage system. k) Dimensions of all drainage pits and access grates must comply with AS3500.3. l) Compliance with the objectives and performance requirements of the BCA. m) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Rainwater Tank (RWT) Requirements** The minimum storage volume for the required rainwater tank (RWT) must be $42m^3$ and the Permissible Site Discharge (PSD) for the proposed development must not exceed 20l/s.

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	The Stormwater Management Plan must also include the following specific requirements: **Layout Plan** A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include: a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location of proposed rainwater tanks. c) All invert levels reduced to Australian Height Datum (AHD). d) Location and dimensions of all drainage pits. e) Point and method of connection to Councils drainage infrastructure. f) Overland flow paths over impervious areas. **Rainwater Reuse System Details:** a) Any potential conflict between existing and proposed trees and vegetation. b) Internal dimensions and volume of the proposed rainwater storage. c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures. d) Details of access and maintenance facilities. e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products. f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.

D.52 Non-gravity Drainage Systems

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

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F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance
F.11 Maintenance of Environmental Controls
F.12 Compliance with Geotechnical/Hydrogeological Monitoring Program
F.13 Support of Adjoining Land and Buildings
F.14 Vibration Monitoring
F.15 Erosion and Sediment Controls – Maintenance
F.17 Disposal of Site Water during Construction
F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

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**
		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: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tank and pump out system, c) that subsoil drainage/seepage water is NOT discharged to the kerb and gutter, d) that a rainwater tank with minimum storage of 42m^3 has been constructed in accordance with the approved stormwater plans, e) that the as-built rainwater retention and reuse system has been plumbed for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc, f) that a pump out system with minimum storage capacity of 8.4m^3 has been installed to comply with AS3500.3, g) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, h) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, i) pipe invert levels and surface levels to Australian Height Datum, and j) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant 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 rainwater retention and reuse system, and pump out system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant

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	Notes: • 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.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

H. OCCUPATION AND ONGOING USE

H 29.	**Ongoing Maintenance of the Rainwater Retention and Reuse System, and Pump Out System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained 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. The owner: 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.

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	Notes: • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

From: Sagar Chauhan
To: George Lloyd
Subject: Referral Response - Heritage - DA2024/22/1 - 7 Bunyula Road BELLEVUE HILL
Date: Tuesday, 16 April 2024 10:15:00 AM
Attachments: image001.jpg
image002.jpg

Hi George

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

DOCUMENTATION

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

- Drawing set by Bal4 Design, dated 21/12/2023
- Statement of Environmental Effects by Solutions Zane, dated December 2023
- Aboriginal Heritage Impact Assessment by Associates Archaeology & Heritage, dated March 2023

NATIONAL PARKS & WILDLIFE ACT 1974

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

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) of Heritage NSW on 16/04/2024 has revealed that there are 0 recorded Aboriginal sites within a 50m buffer in or near the above location and no Aboriginal sites within a 50m buffer in or near the above location.

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

The AHIA concludes:

1. 'Harm' to an 'Aboriginal object' (as defined in the NPW Act) is considered unlikely to occur as a result of the proposed work;

    a. In the event of any unexpected finds, work will need to stop immediately and an archaeologist invited to expect the find, along with a representative of LPLALC. Stop work provisions should apply to encountering: Any bones below the upper disturbed surface fill layer, especially if they may be human;
    b. Any dark lens that may represent a former hearth (campfire) or midden deposit.
    c. Any flaked stone that may be an artefact.

2. In the event that any bones are observed that may be human, there is also a legal requirement under the Coroner's Act to notify the Police. The involvement of Heritage NSW would be recommended to help expedite the required management response.

3. Contractors should be advised that failing to stop work in the event of uncovering any material that is defined as an 'Aboriginal object' is an offence under the National Parks and Wildlife Act). Any slight, initial, unanticipated harm may be considered to have been done 'unknowingly' and subject to a due diligence defence based on the advice in this report, but

any harm after failing to stop work would be a 'knowing offence' that may lead to prosecution and harsh penalties. The maximum penalty for knowingly harming an Aboriginal object is $275,000 (1yr imprisonment) for individuals, $1,100,000 for Corporations.

4. Council is advised to remove the lot from the Potential Aboriginal Heritage Sensitivity map.
5. A copy of this report should be forwarded to LPLALC (Admin@laperouse.org.au);
6. A copy of this report should be submitted to AHIMS (ahims@environment.nsw.gov.au)

Based on these recommendations, relevant conditions of consent are provided below.

CONCLUSION

National Park & Wildlife Act 1974
Relevant conditions are provided below.

RECOMMENDATION

The proposal is supported, subject to following standard conditions:

1. B.9 Skeletal Remains (Autotext 9B)
2. B.10 Aboriginal Objects – Unexpected Findings (Autotext 10B)
3. B.12 Aboriginal Heritage Due Diligence Responsibilities (Autotext 12B)
4. B.13 Aboriginal Heritage Induction (Autotext 13B)

Many Thanks
Kind Regards

Sagar Chauhan
Temporary Heritage Officer
Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
t: 9184 1027
e: Sagar.Chauhan@woollahra.nsw.gov.au **w:** www.woollahra.nsw.gov.au

Our Values: Respect | Open | Accountable | Responsive | Excellence
We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

Woollahra Municipal Council

3 June 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO:	**Development Applications:** 22/2024/1
ADDRESS:	7 Bunyula Road BELLEVUE HILL 2023
PROPOSAL:	Alterations and additions including the addition of a new second level and the extension of the existing pool decking
FROM:	David Prieto - Tree Management & Landscape Officer
TO:	Mr G Lloyd

1. ISSUES

Even though it is unlikely, if woody roots are exposed during the excavation for the Rainwater Tank, it may need to be slightly moved west. This should be able to be confirmed during works by the Project Arborist.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by Solutions Zane, dated 19/12/2023
- Survey Plan No.75239 Rev A2, drafted by SJ Dixon Surveyors P/l, dated 19/09/2023
- Architectural Plans drawn by Bal4 Design, dated 30/04/2024. Drawing Nos:

DA001	DA100	DA200	DA201	DA202	DA203	DA204	DA205	DA206	DA207
DA208	DA300	DA301	DA400	DA401	DA402	DA500	DA501	DA502	DA503
DA405	DA505	DA600	DA601	DA602	DA800	DA801	DA802	DA804	

- Stormwater drainage Plan 24-3351-SW Pages 1 to 9 Rev 2, drawn by Ross Engineers, dated 21/05/2024
- Landscape Plan Nos. LDA-01 & LDA02, designed by Grindstone Landscapes, dated 22/04/2024

A site inspection was carried out on 09/05/2024.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015

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- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)

- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks

- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

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

4. SUMMARY

The proposal is for alterations and additions to an existing dwelling house, including the construction of an additional level and a new stormwater tank at rear with minor changes to the existing garage, building footprint and landscape area.

Amended Architectural, Landscape and Stormwater Plans have been provided in April 2024. However, the SEE was prepared in 2023 and makes reference to previous revisions of all these plans.

A total of seven (7) trees have been found within and adjacent to the site, six (6) proposed to be retained and one (1) is required to be removed.

The Tree and Landscape team support the proposal subject to the below tree conditions being included in the Development Application consent.

5. COMMENTS

Trees, Stormwater Plan & Landscape Plan

No Arboricultural Impact Assessment report has been prepared for this application. The following tree numbering has been adopted from/after the Landscape Plan prepared by Grindstone Landscapes, dated 22/04/2024.

- Tree No. 4 at rear, tree Nos. 2, 3 & 6 within the front garden and Tree No.1 within the public verge will be retained. Tree protection works will be conditioned.

- Tree No.5 *Lophostemon confertus* (Brush Box) is a large mature tree located within the rear setback of the property.

  No changes are proposed to the lower ground and ground floors to north. A balcony with associated garden/planter are proposed on the first level. Even though no application has been found, the tree has very recently been pruned on the southern side near the building. It is considered that no additional pruning is required for the proposed above ground building works.

  An amended stormwater plan has been provided showing a new RW tank located at rear at a distance of 1.6m from the tree. The tank has been slightly moved to west to reduce the impact to the tree. While the tank is still within the TPZ and within the SRZ of the tree, it is considered

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that less than average amount of roots are expected to be found within the area of works as there is an existing raised paved area west of the tree and the total depth of the new tank will be mostly located within the raised/filled concrete patio. Additional information, *e.g.* root mapping, is not considered to viable/necessary given the existing structures and above-mentioned root growth constraints.

Nevertheless, the construction of the tank and associated stormwater lines near the tree should be installed under direct arborist supervision, and if required, the tank slightly relocated to west.

- Tree No.7 *Plumeria acutifolia* (Frangipani)

  This tree has not been included in the Landscape Plan. The tree has a height of 4m and a 5m wide canopy. It is located adjacent to the garage and existing study and will be impacted by demolition works and construction of the new storage west wall.

  It is considered to be of low landscape significance and removal is supported.

No other works are proposed to the Landscape area.

Canopy Cover

Canopy Control C.1 of B.3.7.1 *Landscaped area and private* open space of the DCP applies to the site.

The applicant has not considered a large mature tree located on the adjacent property to north providing additional canopy cover that should have been included for the calculations shown on page 18 Landscape Calculations of the Architectural Plans.

Only one small tree is proposed to be removed. Existing vegetation is considered to be sufficient to comply with the 35% canopy cover controls.

Deep Soil

B3.7.1 *Landscape area and private open* space - Control C2, requires a 35% deep soil landscaped area for the site.

While the deep soil area does not strictly comply with the control, the proposal doesn't alter the exiting building footprint or existing landscapes; therefore, the plans can be supported.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.	**Approved Plans and Supporting Documents**
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.

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Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author	Date
Nos. LDA-01 & LDA02	Landscape Plan	Grindstone Landscapes	22/04/2024

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

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

Standard Condition A.2 (Autotext 2A)

A. 2. Tree Preservation and Landscaping Works

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

a) The following trees must be retained:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
2 & 3	*Archontophoenix cunninghamiana* (Bangalow palm)	Front setback	10 x 3
4	*Syzygium smithii* (Lillypilly)	Rear setback, adjacent to boundary to west	5 x 5
5	*Lophostemon confertus (Brush Box)*	Rear setback	15 x 7
6	*Lagerstroemia indica* (Crepe Myrtle)	Front setback	6 x 6

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)	Tree value
1	*Lophostemon confertus (Brush Box)*	Council verge	14 x 10	$8000

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

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b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
7	*Plumeria acutifolia* (Frangipani)	Front yard, adjacent to garage	4 x 5

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

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

Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1. 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 *Environmental Planning and Assessment Act 1979*			
Tree Damage Security Deposit – making good any damage caused to any public tree	$8.000.00	No	T114
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Tree Management Inspection Fee	$231.30	No	T95
TOTAL SECURITY AND FEES	$<INSERT>		

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 <-- ### Invalid Field Definition ###,
- 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

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		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:** • 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
		Condition Reason: To ensure any relevant security and fees are paid. Standard Condition B14 (Autotext 14B)
B.	**2.**	**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)*
1	*Lophostemon confertus (Brush Box)*	Council verge	3.0

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4	*Syzygium smithii* (Lillypilly)	Rear setback, adjacent to boundary to west	2.0
6	*Lagerstroemia indica* (Crepe Myrtle)	Front setback	1.0

Where this condition relates to street trees, and the fence cannot be placed at the specified radius, the fencing is to be positioned excluding existing driveways and footpaths.

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 bought 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 & 3	*Archontophoenix cunninghamiana* (Bangalow palm)
5	*Lophostemon confertus (Brush Box)*

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.

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.

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.

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.

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.

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	h) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.
	Condition Reason: To ensure the protection of existing trees Standard Condition B.5 (Autotext 5B)

B. 3.	**Construction Management Plan Arborist Review**
	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. The plan must address: 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.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28 (Autotext 28B)

B. 4.	**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: • 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.

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All compliance certification documents must be kept on site.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

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

Standard Condition B.29 (Autotext 29B)

B. 5. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
5	*Lophostemon confertus (Brush Box)*	Rear setback	Rainwater Tank, stormwater services & replacement of existing patio paving at rear

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

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

Standard Condition B.30 (Autotext 30B)

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C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	**1.**	**Tree Protection Plan and Specification**
		Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
		Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented. Standard Condition D.30 (Autotext 30D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	**1.**	**Tree Preservation**

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	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. 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. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F	**2.**	**Arborists Documentation and Compliance Checklist**
		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: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

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	While site work is carried out	• All excavation works within 5.0m of the centre of Tree No.5 for the proposed Rainwater Tank and associated services at rear must be undertaken under direct supervision of the project arborist, including demolition of existing paving. The condition of exposed roots must be managed and documented. • If structural woody roots equal to or greater than 50mm are exposed within 3.0m / Structural Root Zone of the tree, the Rainwater Tank shall be slightly moved west in liaison with the Project Arborist to ensure the structural integrity of the tree is not compromised. • Regular inspections as indicated in the Tree Management Plan.
	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.	
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented. Standard Condition F.45 (Autotext 45F)	

F 3. Installation of Rainwater Tank, stormwater pipes and pits in the vicinity of trees

While site work is being carried out, excavation for the installation of Rainwater Tank, 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)
5	*Lophostemon confertus (Brush Box)*	Rear setback	5.0

If structural woody roots equal to or greater than 50mm are exposed within 3.0m / Structural Root Zone of the tree, the Rainwater Tank may be slightly moved west in liaison with the Project Arborist to ensure the structural integrity of the tree is not compromised.

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

The project arborist must document compliance with the above condition.

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

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	Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	**Amenity Landscaping**
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development. Standard Condition G.6 (Autotext 6G)

G 2.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation. Standard Condition G.26 (Autotext 26G)

G 3.	**Arborists Documentation and Compliance Checklist – Prior to any occupation certificate**
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

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Prior to the issue of any occupation certificate	Issue a written report with documented excavation works carried out within the TPZ of Tree No.5 for the installation of the Rainwater Tank and associate services. The report shall assess the health/condition and structural integrity of the tree.

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

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

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

Standard Condition G.34 (Autotext 34G)

G 4. Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building

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

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

All compliance certification documents must be kept on site.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	• 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.

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

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

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

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	Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

H 1.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting. Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

David Prieto 04/06/2024
Tree Management & Landscape Officer **Completion Date**

LOCAL PLANNING PANEL
SECTION 4.56 APPLICATION ASSESSMENT REPORT

ITEM No.	D4
FILE No.	DA481/2022/2
ADDRESS	440 Edgecliff Road EDGECLIFF
COUNCIL WARD	Cooper
SITE AREA	1470.9m^2
ZONING	R3 Medium Density Residential
EXISTING CONSENT	Demolition of the existing dwelling and construction of a six storey residential flat building
DATE OF CONSENT	28/03/2024
TYPE OF CONSENT	Local development
CONSENT AUTHORITY	Woollahra Council
PROPOSED MODIFICATION	Internal and external modifications to the approved residential flat building including addition of a new 3 bedroom unit on the ground floor and conversion of two visitor parking spaces for resident use
DATE S4.56 LODGED	17/04/2024
APPLICANT	The Trustee for Clutch Triple Double Unit Trust
OWNER	Clutch Triple Double Pty Ltd
AUTHOR	E Peedom
TEAM LEADER	Thomass Wong
SUBMISSIONS	5
RECOMMENDATION	Approval

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

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

- Sensitive development
  a) Development to which *Chapter 4 - Design of Residential Apartment Development of State Environmental Planning Policy (Housing) 2021* applies

2. REASONS FOR RECOMMENDATION

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

- The development consent as proposed to be modified, is considered to be substantially the same as the originally approved development
- The proposal satisfies section 4.56 of the Environmental Planning and Assessment Act 1979
- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015

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

3. LOCALITY PLAN

4. SUMMARY OF APPROVED DEVELOPMENT AND APPROVED MODIFICATION

The approved development involves the following works:

- **DA2022/481/1** – "*Demolition of the existing dwelling and construction of a six storey residential flat building*" was upheld with amended plans and approved by the Land and Environment Court on 28 March 2024.
- **DA481/2022/3** – "*Modifications to the approved residential flat building with regards to stormwater management"* was approved on 9/9/2024.

5. SUMMARY OF PROPOSED MODIFICATION

The Section 4.56 application involves the following works:

Basement 2 Plan
- Reduce excavation on southern portion of floor plan, including amending shoring wall footprint.
- Reconfigure car parking toward eastern boundary.

- Removal of ramp to lower basement level.
- Relocated services area.
- Reduce 10 resident parking spaces to 9.
- Remove car wash bay.

Basement 1 Plan
- Convert two approved visitor parking spaces to residential parking spaces.
- Reconfigure fire, water and electrical services areas.
- Relocate gas meter
- Reposition entry for residential bike and storage areas to come off approved waiting bay
- Amended fire stair egress path
- Additional storage room next to waste room
- Demolish and reinstate existing garage
- Amended LV pillar.

Ground Floor Plan
- Convert ground floor common area and breezeway into 3 bedroom unit.
- Relocate communal swimming pool as new private pool for unit G01 within the front setback area.
- Amended landscape plan and communal pool added at the rear of the site.
- Amended deep soil calculations.

Levels 1, 2, 3, 4 & 5 Plan
- Reduce rear balconies to increase internal areas. Reduce depth of wall fins.
- Amended building outline on western elevation.
- Amended internal layouts

Roof Plan
- Amended roof services
    - Rearrange 33 approved PV panels
    - Relocate access hatch
    - Addition of two skylights
    - Increase lift overrun by 200mm
    - Shift AC condenser fenced area East by 200m
- Relocate service hatch
- Added skylight
- Amended lift overrun

All levels
- Amended floor to floor heights to adhere to National Construction Code 2022 (approved building height remains unchanged)
- Amended GFA calculations

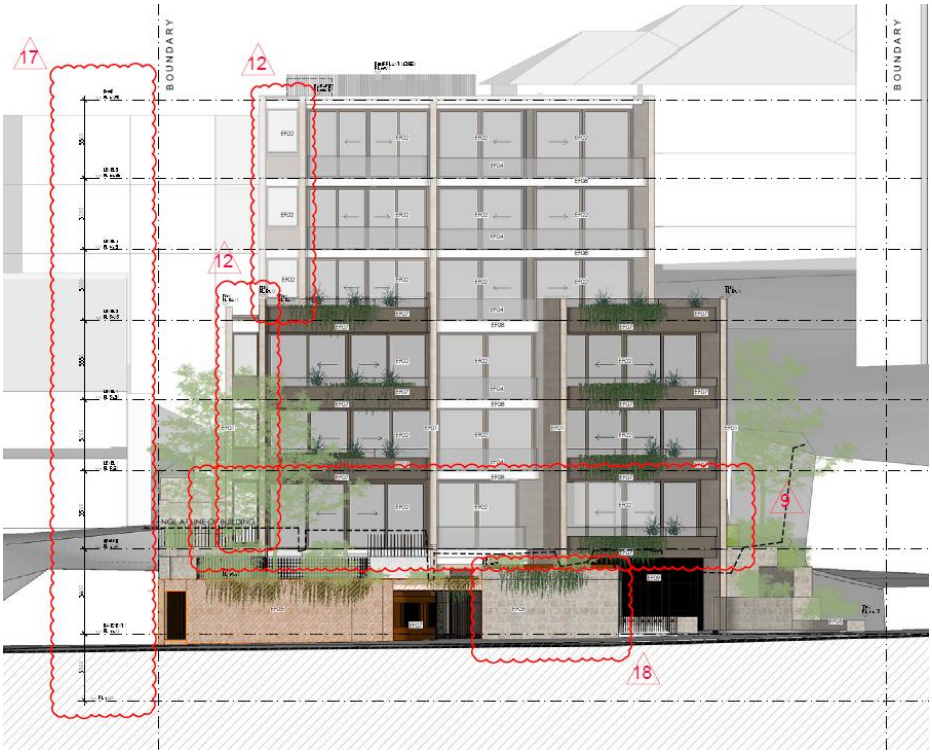


Figure 1: Amended façade (Source: PBD Architects)

6. ISSUES

6.1. Primary Issues

Nil

PROPERTY DETAILS AND REFERRALS

7. SITE AND LOCALITY

Physical features
The Site at No. 440 Edgecliff Road, Edgecliff is comprised of two (2) allotments legally known as Lot 1 DP 562095 and Lot 4 DP228840. The Site has a combined area of 1,470.9m^2. The site is located on the southern side of Edgecliff Road, approximately 160m away from the intersection with Ocean Street and New South Head Road. It is an irregular shape with a frontage to Edgecliff Road of 33.965 metres, a southern (rear) boundary of 28.34 metres, an eastern (side) boundary of 65.05 metres and a western (side) boundary of 51.915 metres.
Topography
The site is relatively steep, sloping from the rear boundary (south) down to the frontage adjoining Edgecliff Road (north). The site slopes 0.62 metres (RL 44.07 AHD to RL 43.45 AHD) along Edgecliff Road towards the east and another 7.89 metres (RL 51.46 AHD to RL 43.57 AHD) through the centre of the site towards the north.
Existing buildings and structures
The site is currently occupied by a detached two storey dwelling house (7 bedroom) with a double garage fronting Edgecliff Road.
Surrounding Environment
The Site is located within the *Wallaroy Residential* precinct as described in the in the *Woollahra Development Control Plan 2015* (WDCP) at Section B1.4 Wallaroy Precinct. Development that surrounds the Site comprises a mixture of residential development of varying architectural styles including residential flat buildings, multi-unit dwelling buildings, detached dwelling houses and semi-detached dwellings but predominantly residential flat buildings of varying sizes and styles. These include:

- **Immediately to the east** is 438 Edgecliff Road which contains a two (2) storey detached dwelling (8 bedroom) with attic level and triple garage fronting Edgecliff Road. Further east is 434-436 Edgecliff Road which contains a two (2) storey detached dwelling (7) bedroom house.

- **Immediately to the south** is 18 Albert Street which is a 5 storey residential flat building with basement parking. Further south is 22 Albert Street, a six (6) storey residential flat building and 16 Albert Street, a two storey residential flat building.

- **Immediately to the west** is 442-446 Edgecliff Road which is a thirteen (13) storey residential flat building with external hard stand area parking. Further west is 448 Edgecliff Road which is a recently approved nine (9) storey residential flat building undergoing construction.

East

Figure 2: 438 Edgecliff Road, Edgecliff as viewed from street (Source: Council)

Figure 3: 434-436 Edgecliff Road, Edgecliff as viewed from street (Source: Council)

West

Figure 4: Left – 442-446 Edgecliff Road, Edgecliff; Right – 448 Edgecliff Road, Edgecliff (Source: Council).

Figure 5: From left – 448, 450 & 452 Edgecliff Road, Edgecliff (Source: Council).

South

Figure 6: View of skyline where proposed dwelling is to occur facing north, as seen through driveway at 18 Albert Street Edgecliff. To the right, 20 Albert Street Edgecliff. To the left, 16 Albert Street Edgecliff. (Source: Council)

8. RELEVANT PROPERTY HISTORY

Current use
Dwelling House
Relevant Application History
Nil.
Relevant Compliance History
Nil.
Pre-DA
Nil.
Requests for Additional Information
• 02/05/2024 Stop the Clock request – Arboricultural Impact Assessment, Swept Path Analysis and 3D Model, satisfied 07/05/2024.

9. REFERRALS

Referral	Summary of Referral Response	Annexure
Traffic	Satisfactory, subject to recommended conditions.	2
Urban Design	Satisfactory, subject to recommended conditions.	3
Sydney Trains	Satisfactory, no conditions.	4

ASSESSMENT UNDER SECTION 4.56

The application is assessed under Section 4.56 of the Environmental Planning and Assessment Act 1979.

10. SECTION 4.56: MODIFICATION OF A CONSENT GRANTED BY THE COURT

Section 4.56 relates to the modification of a development consent granted by the Court. Development consent was granted by the Land and Environment Court on 28/03/2024.

The considerations in Section 4.56 require Council to consider the following:

a) *It is satisfied that the development to which the consent as proposed to be modified is substantially the same development as the development for which the consent was originally granted and before the consent as originally granted was modified (if at all)* - YES

b) *It has notified the application in accordance with the regulations and Council's DCP for Advertising and Notification of Development Applications and Applications to Modify Development Consent* - YES

c) *It has notified any person who made a submission in respect of the original development application* - YES

d) *It has considered any submissions made concerning the proposed modifications* - YES

Moto Projects No 2 Pty Limited v North Sydney Council [1999] 106 LGERA 298 applies a test to ascertain whether a development is substantially the same development.

1. Is the proposal a modification of the original proposal, in that it does not radically transform the original proposal?

In the case of a modification to a building or work, consideration ought to be given as to whether the building or work as proposed to be modified is so different to that originally approved that it cannot be said to be the same building or work as originally approved.

The proposed modification is not considered to radically transform the original proposal because it maintains the overall building envelope of the approved development, reduces excavation and does not contribute further impacts to the amenity of adjoining properties.

2. Is the proposed development essentially or materially the same development as the development for which consent was originally granted?

Consideration ought to be given as to whether the proposed modified development is for the same land use and intensity as originally approved. Often this question will overlap with the first question.

The proposal maintains the use and general intensity of the approved residential flat building on this site. The additional ground floor apartment increases density by 14%, however this takes into consideration the proximity of the development to Edgecliff rail station and centre (400m). In turn it is considered essentially or materially the same development.

3. Is the way in which the development is to be carried out essentially or materially the same?

A change to the staging or method of construction might have a substantial planning impact. Consideration ought to be given to whether there is any change of planning significance in the way in which the development will be carried out.

The proposed modification will not change the staging or method of construction for the approved development in turn maintaining the planning significance in which the development will be carried out.

4. Does the proposed modification affect an aspect of the development that was important, material or essential to the development when it was originally approved?

a) If the need for access to be from a particular street was a key issue, is it proposed to move the access to a different location?
b) If the retention of views was a key issue, does the proposed modification affect that view?
c) If the appearance of the development was of significance, does the proposed modification materially alter the appearance

The proposal moves the entry to the residential bike storage and motorcycle storage off the approved waiting bay which was a key contention resolved in the original approval. This change does not affect this aspect of the development that was important as part of the original approval.

5. If the Section 4.56 takes a development from compliance with an environmental planning instrument to non-compliance with an environmental planning instrument, is the s4.56 automatically not substantially the same development?

The proposal does not create a non-compliance with any environmental planning instruments.

6. Is a SEPP 1 objection required where a Section 96 would take the development from compliance with an environmental planning instrument to non-compliances with an environmental planning instrument?

A SEPP 1 objection is not required.

a) *It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent*

Not applicable.

b) *It has notified the application in accordance with:*
   i) *The regulations, if the regulations so require, or*
   ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent*
c) *It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be*

Refer to Section 13.

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

11. ADVERTISING AND NOTIFICATION

11.1. Submissions

The application was advertised and notified from 08/05/2024 to 23/05/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Glenda Wood, 10/442-446 Edgecliff Road Edgecliff
2. Michelle Falstein and Robert Coppola, Unit 5 18 Albert Street Edgecliff
3. Carol Beecher, Unit 2 18 Albert Street Edgecliff
4. Robert & Jennifer Ravens, Unit 6/1 Lincoln Place Edgecliff
5. Tony Moody on behalf of adjoining properties (undisclosed)

The submissions raised the following issues:

Issue	Summary	Section
Visitor Parking	An objection raised concerns that the proposed removal of visitor parking results in an undesirable precedent contrary to the aims of on-street parking and traffic objectives stipulated in the DCP and will affect public amenity. Furthermore it is stated the informations provided by the applicants Traffic Consultant is inconsistent. Council's Traffic Engineer considered the timed parking restrictions and resident permit parking scheme would deter long-term parking from visitors as future residents/tenants will not be eligible to participate in the permit parking scheme. The proposal is acceptable in this regard.	Annexure 3
Removal of breezeway lobby and communal amenity area	An objection raised concerns that the proposed removal of the approved breezeway lobby and communal amenity areas will affect the amenity of all occupants of the approved RFB which should be given greater weight to that of the amenity of an individual occupant. The proposed modifications remain to provide adequate internal amenity, private open space and communal area accessible by each dwelling. The relocation of the ground floor pool to the rear of the site is considered to create better recreational opportunities for occupants. The proposal is acceptable in this regard.	14.2.5
Deep Soil Landscaped Area	An objection raised concerns regarding the addition of a pool in the front setback and relocation of the ground floor pool to the rear setback resulting in a deep soil landscaped area non-compliance. **Condition C.1** has been modified to remove the pool in the front setback area to increase landscape planting recognised as an important characteristic of streetscape character. The relocation of the communal ground floor pool to the rear is acceptable on merit as it does not detract from the amenity of neighbouring properties nor streetscape character and creates better recreational opportunities for occupants. The proposal is acceptable in this regard.	14.2.5
Increased Density	An objection raised concerns stating the addition of a ground floor unit will increase the density of the approved dwelling which further exacerbates the impacts associated with approved height and floor space ratio non-compliances. Notwithstanding the additional unit, it would have no change to the approved building envelope therefore will not exacerbate any associated impacts. Traffic and parking impacts are discussed below. The proposal is acceptable in this regard.	13.2.1

Traffic Impacts	An objection raised concerns stating the removal of visitor parking spaces will add congestion to already limited on-street parking. Council's Traffic Engineer conducted an assessment on traffic generation in accordance with *RMS Guide to Traffic Generating Developments 2002,* and *RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a*. The increase of traffic generated is considered to be minor and is unlikely to generate unacceptable adverse impacts on the surrounding road network. The proposal is acceptable in this regard.	
Floor Space Ratio	An objection pointed to how the conversion of the ground floor from a communal space to a private residence subverts the basis of the Land and Environment Court decision to support the Floor Space Ratio non-compliance given what is stated in Para 30 of the judgment as follows: 30. "*The parties agree, and I am satisfied that compliance with the FSR standard is unreasonable or unnecessary for the reasons that follow:….* *The open ground floor area provides communal open space that, if excluded from floor space calculations by virtue of its openness would result in a complying development. …*". During the proceedings of the appeal of the original DA, the ground floor was already considered as gross floor area. Whether this floor remains open has little to no impact on the amenity of adjoining residents. Communal open space has otherwise been adequately provided for elsewhere on site. The proposal is acceptable in this regard.	
Abuse of Power	An objection raised concerns regarding the pursuit of a modification less than 6 weeks after an approval for the original DA was issued and that the application should be withdrawn on the grounds that a ground floor unit should be considered as part of the FSR and Height of Building contentions raised in the original approval. There is no limit in timing with respect to when an applicant could seek to modify a consent under the EP&A Act.	

11.2. Statutory Declaration

The applicant has completed the statutory declaration dated 11/07/2024 declaring that the site notice for DA481/2022/2 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

12. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021: CHAPTER 4 - DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT

Chapter 4 of the SEPP (Housing) 2021 applies to all new residential flat buildings, where it comprises three or more storeys and four or more self-contained dwellings. In this instance, the proposed residential flat building comprises six storeys but only seven self-contained dwellings.

Clause 2: Aims and Objectives

The aim of the SEPP is to improve the design quality of residential apartment development:

a) To ensure that it contributes to the sustainable development of New South Wales:
(i) By providing sustainable housing in social and environmental terms, and
(ii) By being a long-term asset to its neighbourhood, and
(iii) By achieving the urban planning policies for its regional and local contexts
b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
d) To maximise amenity, safety and security for the benefit of its occupants and the wider community, and
e) To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions
f) To contribute to the provision of a variety of dwelling types to meet population growth
g) To support housing affordability
h) To facilitate the timely and efficient assessment of applications for development to which this Policy applies

The development is supported by a design verification statement prepared by Paul Buljevic, Registered Architect NSW, No. 7768, as required by the EPA Regulations Clause 50(1A) & Clause 50(1B).

Council's Urban Design Consultant assessed the development against Chapter 4 of the SEPP (Housing) 2021 and the Apartment Design Guide (ADG) and concluded that the proposal generally complied with the requirements (refer to **Annexure 6**), subject to the following design amendments:

- *Delete the private swimming pool at ground level at the front of the property or relocate it inside the approved building envelope at ground level.*
- *Relocate the two proposed Lophostemon confertus shown in the landscape plan so that they enjoy appropriate deep soil conditions and site locations to grow and prosper as canopy trees.*

In view of the above, **Condition C.1(iv)** and **(v)** have been recommended accordingly.

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

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

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

14. SEPP (BIODIVERSITY AND CONSERVATION) 2021

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.

15. SEPP (RESILIENCE AND HAZARDS) 2021

15.1 Chapter 2 – Coastal Management

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

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

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

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

15.2 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*

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

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

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

16. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

16.1. Part 1.2: Aims of Plan

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

16.2. Land Use Table

The proposal is defined as a residential flat building and is permitted and is consistent with the objectives of the R3 Medium Density Residential zone.

16.3. Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 19.5m.

	Approved	Proposed	Control	Complies
Maximum Building Height	21.73m* (as per submitted documentation) 20.40m (as per Council measured section)	No change	19.5m	***No****

** Approved non-compliance, no change*

The proposed modification increases the approved lift overrun from 700mm to 900mm, remaining under the approved building height of RL69.10 at the roof top plant room screen. Noting the rooftop services area was a point of contention in the original refusal in relation to view loss, it is confirmed the angle to which this area is viewed by neighbouring properties will not be interrupted by the increase. The lift overrun will remain shielded by the roof top plant room screen. The proposal therefore adheres to the objectives under maximum building height prescribed by Part 4.3 of Woollahra LEP 2014.

16.4. Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 0.75:1 for a residential flat building/mixed use development.

Site Area: 1470.9m^2	Approved	Proposed	Control	Complies
Floor Space Ratio	**1,345.76m^2**	**1,516.3m^2**	0.75:1 (1,103.18m^2)	***No*** **170.54m^2 increase**

As specified in the table above, the development intensifies the non-compliance with the Floor Space Ratio development standard. Notwithstanding this increase, the approved building envelope does not change. This is because the proposal adopts Gross Floor Area from infilling part of a recessed area on the western elevation and portions of private open space on the northern and southern elevations. The proposed modifications are considered to adhere to the Objectives under Subclause (1) (a) for the following reasons:

- In response to Clause 4.4 (1)(a)(i), the bulk and scale of the development resulting from the proposed modifications remains compatible with the desired future character of the Wallaroy Residential precinct.
- In response to Clause 4.4 (1)(a)(ii), the proposed modifications are considered to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.
- In response to Clause 4.4 (1)(a)(iii), the proposed modifications maintain adequate provision on the land for deep soil planting, tree canopy cover and areas of private open space.

The proposal is therefore considered to adhere to the requirements under Part 4.4 Floor Space Ratio of the Woollahra LEP 2015.

16.5. 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 proposed development is not located within a conservation area nor is a listed heritage item. It does adjoin the *Woollahra Heritage Conservation Area* to the south and neighbours several local heritage items as depicted in Figure 17 below.

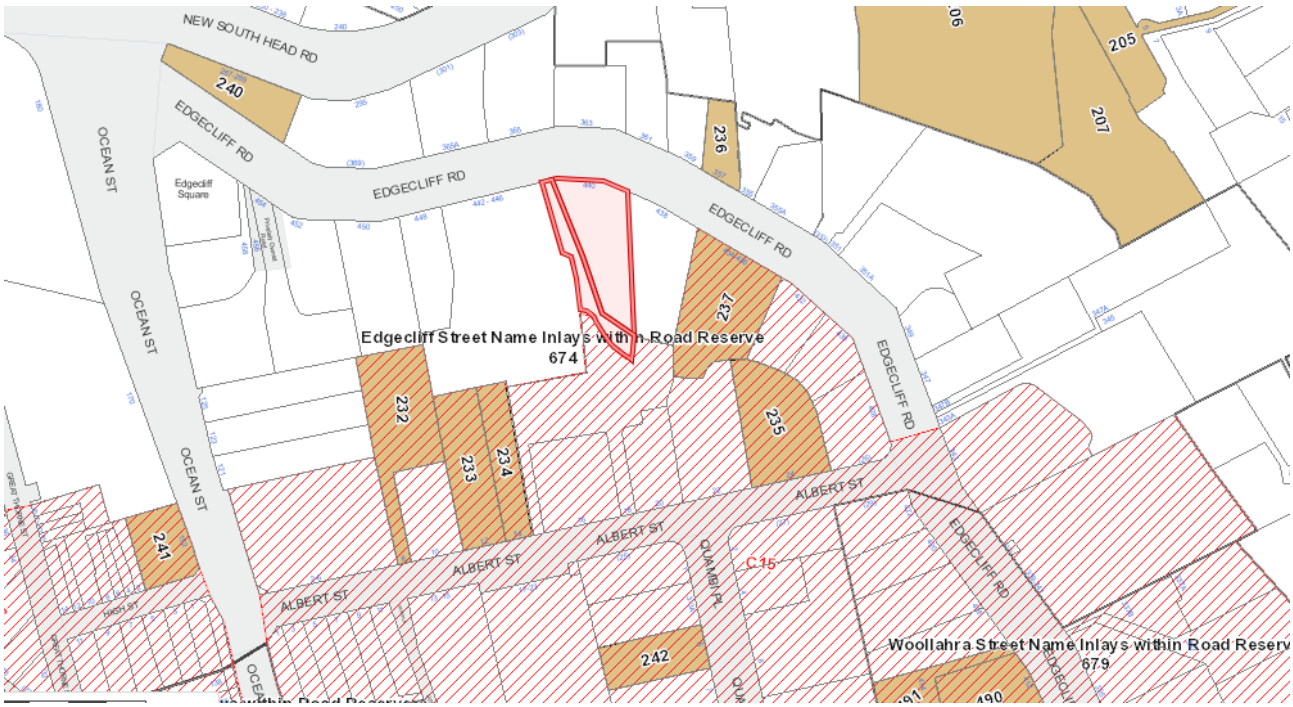


Figure 7: Woollahra LEP 2014 Heritage Map. Subject site outlined in red. Woollahra Conservation area highlighted in hatched red. Local heritage items highlighted in brown (Source: MAPS).

Council's Heritage Officer conducted a preliminary assessment of the application and raised no objections confirming a formal referral is not required. The proposal is acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014.

16.6. 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. It is therefore acceptable with regard to Part 6.1.

16.7. 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 involves a reduction in excavation to accommodate a reconfiguration of parking arrangements for the additional ground floor unit. This involves amending the shoring wall footprint and extending car parking toward the eastern boundary.

Council's Development Engineer conducted a preliminary assessment of the application and raised no objections confirming a formal referral is not required. The proposal is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

17. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

17.1. Chapter B1: Wallaroy Residential Precinct

The proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Wallaroy precinct, as noted in Part B1.4.3 of the Woollahra DCP 2015.

17.2. Chapter B3: General Development Controls

17.2.1. Part B3.2: Building Envelope

As discussed under Section 12.4 above, the proposed modifications makes minimal change to the approved building envelope, noting a portion on the western elevation is being infilled. In turn the proposal is considered to adhere to the requirements under Part B3.2 of the Woollahra DCP 2015.

17.2.2. Part B3.4: Excavation

Site Area: 1470.9m2	Approved	Proposed	Control	Complies
C2 - Maximum Volume of Excavation	6,934.6m^3	5,783m^3	1,500m^3*	***No***
C7 - Excavation, Piling and Subsurface Wall Setback	0.9m	No change	1.5m	***No***

* ***Control C4*** *- A variation to the volume will be considered for residential flat buildings only, however the maximum volume of excavation permitted will only be the amount needed to accommodate: car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council; and storage at a rate of 8m³ (cubic metres) per dwelling.*

The proposed modifications reduce the approved amount of excavation (by 1,151.6m^3) on Basement 2 plan and redistributes a portion to the eastern side of the Basement 1 plan. The redistributed basement plans create no further impacts to amenity for adjoining residents. Council's Development Engineer raised no objections to the proposal on these grounds. Therefore it is considered to adhere to the requirements under Part B3.4 of the Woollahra DCP 2015.

17.2.3. Part B3.5: Built Form and Context

The reduced depth of the wall fins on the southern elevation of Levels 1, 2, 3, 4 & 5 are not considered to give rise to additional overlooking impacts on adjoining residents. This produces negligible changes with regards to overshadowing. The changes to the north elevation associated with the introduction of a residential unit to the ground floor has negligible impacts toward streetscape and local character. Subject to Condition E.34, the existing sandstone proposed to be demolished as part of the garage must be salvaged and re-used where possible to best retain this important character element for the streetscape.

As stated under Part 12.3 above in relation to Height of Buildings, the increased height of the lift overrun from 700mm to 900mm will not intercept any private views held by adjoining residents and will remain shielded by the roof top plant room screen. It is also noted that the fenced area enclosing the A/C units is shifting east by 200m. This change is considered minor in nature and does not intrude on the area of contention in relation to views re-designed as part of the Court consent. The proposal is therefor considered to adhere to the requirements under Part B3.5 of the Woollahra DCP 2015.

17.2.4. Part B3.6: On-Site Parking

The parking provision for the proposed development has been assessed in accordance with Council's *DCP 2015 Chapter E1 Parking and Access:*

Table 1: Car Parking Provision – Residential

Approved			
Residential Component	**Quantity**	**DCP Maximum Requirement per Dwelling**	**DCP Maximum Permitted Parking**
3 or more bedrooms	7	2	14
Visitor	7	0.25	1.75 (2)
Total Permitted			16
Proposed			
3 or more bedrooms	8	2	16
Visitor	8	0.25	2
Total Permitted			18

In response, the proposed modification includes converting two (2) approved visitor parking spaces to resident parking with no change of total on-site parking provision, which complies with DCP's maximum requirement. The frontage road consists of timed parking restrictions and resident permit parking scheme which is anticipated to deter long-term parking from visitors as future residents/tenants will not be eligible to participate in the permit parking scheme.

Table 2: Bicycle and Motorbike Parking Provision

BICYCLE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Residential Residents	8	1 per dwelling	8
Residential Visitors	8	1 per 10 dwellings	0.8 (1)
Total required			9
MOTORBIKE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Car Spaces	18	1 per 10 car spaces	1.8 (2)
Total required			2

The proposed provision of nine (9) bicycle parking spaces and two (2) motorbike parking spaces complies with DCP's minimum requirement and is deemed satisfactory with regards to Part B3.6 of the Woollahra DCP 2015.

17.2.5. Part B3.7: External Areas

Site Area: 1470.9m² **Buildable Area: 661.92m²** **(Area Outside of Buildable Area: 808.98m²)**	**Approved**	**Proposed**	**Control**	**Complies**
3.7.1 Landscaped area and private open space				
C2 – Deep Soil Landscaping (whole site area)	411.2m² (compliant under former controls)	337.6m²	35% (514.81m²)	***No***
C3 - Deep Soil Landscaping – Front Setback (351m²)	142m² *as per applicant calculations	122.6m²	40% (140.4m²)	***No***
C9 - Minimum Area of Private Open Space per Dwelling	>8m² Min 2mx2m per unit	>8m² Min 2mx2m per unit	8m² Min 2mx2m	Yes
3.7.2 Fences				
C12 - Sandstone Fencing and Retaining Walls	3m Sandstone Retaining Wall	Garage Demolition	Retained	Cond'

Site Area: 1470.9m² **Buildable Area: 661.92m²** **(Area Outside of Buildable Area: 808.98m²)**	**Approved**	**Proposed**	**Control**	**Complies**
3.7.3 Site facilities				
C2 - Lockable Storage Spaces – RFB	8m³ per Dwelling	8m³ per Dwelling	8m³ per Dwelling	Yes
C10 - Fire Places	1 per Dwelling	No change	Non Solid Fuel Burning Only	Cond'
3.7.4 Ancillary development – swimming pools				
C1 – Deep Soil Landscaped Area	Does not occupy	Occupies	Does not occupy	***No***
C3 – Waters Edge Setback - Private Pool - Communal Pool	N/A	1.25m 2.4m	1.8m	***No*** Yes
C4 – Swimming Pool Surrounds - Private Pool - Communal Pool	N/A	Flush	1.2m	Yes
C5 – Swimming Pool Depth - Private Pool - Communal Pool	N/A	1.4m 1.4m	2m	Yes
C6 – Prescribed trees - Private Pool - Communal Pool	N/A	Impacted	Not impacted	***No***

**Note: Under Clause 6A of SEPP 65, the required deep soil landscaping provisions of the DCP are overridden by the landscape design and planting on structure provisions in Part 4O – Landscape design and Part 4P – Planting on structure of the ADG, as shown in Appendix 7.*

Part 3.7.1: Landscaped Areas and Private Open Space

Landscaped Area

The proposal results in a non-compliance with the deep soil landscaping controls specified above due to the introduction of both a communal and private pool in the setback areas. This does not adhere to the objectives of the control for the following reasons:

- The proposed new private pool in the front setback area reduces the opportunity for landscape planting which would directly contribute to the buildings presentation to the street and contribution to desired future character, contrary to **Objective O1.**
- The introduction of both pools detract from the opportunity to encourage urban greening and maintain and enhance tree canopy cover, negatively impacting the sites contribution to desired future character, contrary to **Objective O2.**

Accordingly, **Condition C.1(iv)** and **(v)** have been recommended to delete the private pool and relocate two *Lophostemon confertus* in the front setback area for better streetscape character outcomes. Notwithstanding the non-compliance, the introduction of a communal pool to the rear open space is considered a positive outcome with regards to amenity, increasing user's opportunities for solar access and interaction with landscaped area.

Private Open Space

The reduction in depth and size for each dwellings private open space area maintains the requirements specified under **Control C9** as detailed above, thus satisfying **Objective O5.** The introduction of a pool to the rear of the building is considered well designed, enhancing amenity for users for reasons specified above in accordance with **Objective O6**.

Conclusion

Subject to conditions, the proposal satisfies the requirements under Part 3.7.1 of the Woollahra DCP 2015.

Part 3.7.2: Fences

The existing garage forms part of the boundary defining this site. It's demolition and reconstruction is supported so that there remains only one visible vehicular access point as part of this development thus creating a seamless presentation to the streetscape. **Condition E.34** is enforced so that any sandstone in this location is salvaged and re-used where practical to maintain a front boundary wall that is an important character element of the desired future character of the locale. Subject to conditions, the proposal satisfies the requirements under Part 3.7.2 of the Woollahra DCP 2015.

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

Notwithstanding the non-compliance with **Control C1** specified above, the relocation of the communal pool to the rear private open space is considered to create better recreational opportunities for users and is not considered to detract from neighbouring amenity or landscape value on site. This satisfies the relevant **Objectives O1 & O2,** thus the proposal satisfies the requirements under Part 3.7.4 of the Woollahra DCP 2015.

Conclusion

The proposal is acceptable with regard to the landscaped area and private open space controls in Part B3.7 of the Woollahra DCP 2015.

17.2.6. Part B3.8: Additional Controls for Development Other Than Dwelling Houses

Part B3.8.6: Residential Flat Buildings and Multi Dwelling Housing

The proposal meets the requirements of SEPP 65 and the relevant Design Criteria in the applicable Apartment Design Guide. The proposal is acceptable with regard to the controls and objectives in Part B3.8.6 of the Woollahra DCP 2015.

Conclusion

The proposal is acceptable with regard to the additional controls in Part B3.8 of the Woollahra DCP 2015.

17.3. Chapter E1: Parking and Access

Council's Traffic Engineer raised no objections to the proposed development. The proposal is acceptable with regard to Chapter E1 of the Woollahra DCP 2015.

17.4. Chapter E2: Stormwater and Flood Risk Management

Council's Development Engineer raised no objections to the proposed development. The proposal is acceptable with regard to Chapter E2 of the Woollahra DCP 2015.

18. CONTRIBUTION PLANS

18.1. Subdivision 4 Housing and Productivity Contributions

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

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

In addition, clause 2 of Schedule 5, being the Savings and transitional provisions schedule, provides the following:

> *2 Application to pending DAs*
> *This Order does not apply to a development consent granted to a pending development application.*

Pending development application is defined to include "*a development application that is made, but not determined, before the commencement of this Order*".

In this case, the Development Application was originally lodged on 7 July 2022. The Order commenced on 1 October 2023. Accordingly, the Development Application was a "pending development application" for the purpose of the Order.

The Court subsequently granted consent on 28 March 2024. That consent was "a development consent granted to a pending development application". Accordingly, by operation of clause 2 of Schedule 5, the Order does not apply to the consent presently sought to be modified.

19. THE LIKELY IMPACTS OF THE PROPOSAL

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

20. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

21. DISCLOSURE STATEMENTS

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

22. RECOMMENDATION PURSUANT TO SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, modify development consent to DA 481/2022/1 for demolition of the existing dwelling and construction of a six storey residential flat building on land at 440 Edgecliff Road EDGECLIFF, subject to the following:

Modification Summary

DA Application Number (PAN Number)	Determination Date	Modification Description
DA481/2022/3 (PAN-430043)	09/09/2024	Addition of condition A.3a Amendment of conditions C.11, C.23, C.25 & H.5
DA481/481/2 (PAN-427356)	03/10/2024	Addition of condition A.3b & E.34 Amendment of conditions C.1 and I.11

ALL DEVELOPMENT TYPES

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* ("the *Act*"), the provisions of the *Environmental Planning and Assessment Regulation 2021* ("the *Regulation*") and the provisions of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* ("*Development Certification Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

A.2 Definitions

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

Applicant means the applicant for this consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

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

- the collection of stormwater,
- the retention of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and

- connections to easements and public stormwater systems.

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

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

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Professional engineer has the same meaning as in the BCA.

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

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

SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.

Site means the land being developed subject to this consent.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP *means Woollahra Development Control Plan 2015*

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

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

A.3 Approved Plans and Supporting Documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
DA004 Issue C DA100 Issue C DA101 Issue E DA102 Issue E DA103 Issue C DA104 Issue C DA105 Issue C DA106 Issue C DA107 Issue C DA108 Issue D DA200 Issue D DA201 Issue D DA202 Issue D DA203 Issue D DA300 Issue E DA301 Issue E DA302 Issue E DA303 Issue D DA400 Issue C	Demolition Plan Basement 2 Plan Basement 1 Plan Ground Floor Plan Level 1 Plan Level 2 Plan Level 3 Plan Level 4 Plan Level 5 Plan Roof Plan North Elevation West Elevation East Elevation South Elevation Section A Section B-B Section C-C Section D Material Schedule	All by PBD Architects	29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024 29/01/2024
No's 690_DA_01, 690_DA_02, 690_DA_05, 690_DA_10, 690_DA_11, 690_DA_12, 690_DA_13, 108_DA_45, 108_DA_50	Landscape Plan	Myles Baldwin Design	21/10/2022
HPE22/223005	Arboricultural Impact Assessment Report	Ross Jackson	26/10/2022
1339930M_02	BASIX Certificate	E-LAB Consulting	06/12/2022
G22293-1-Rev A	Geotechnical Investigation Report	Geotechnical Consultants Australia P/L	26/10/2022
220824 C000-B C100-B C101-C C102-C C150-B C200-C C201-B C300-B C310-B	Stormwater Management Plans	Xavier Knight	 26/10/2022 26/10/2022 27/10/2022 27/10/2022 26/10/2022 27/10/2022 26/10/2022 26/10/2022 26/10/2022
-	Waste Management Plan	AusWide Consulting	October 2022

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

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

A.3a) Approved Amended (section 4.56) Plans and Supporting Documents

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

Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
DA101 ISSUE E.1 DA102 ISSUE E.1	Architectural Plans	All by PBD Architects	All completed on 16/04/2024
220824 C000-D1 C100-D1 C101-F1 C102-F1 C150-D1 C160-D C200-F C201-E	Stormwater Management Plan	Xavier Knight	17/04/2024 17/04/2024 17/04/2024 17/04/2024 17/04/2024 10/04/2024 10/04/2024 10/04/2024

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

Standard Condition: A6 (Autotext AA6)

(Added 09/09/2024, DA481/2022/3, PAN-430043)

A.3b) Approved Amended (section 4.56) Plans and Supporting Documents

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

Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
22163	Traffic and Parking Assessment Report	CJP Consulting Engineers	12/04/2024
22163-D01-V2	Swept Path Analysis	CJP Consulting Engineers	06/05/2024
DA002 Issue D DA004 Issue D DA100 Issue D DA101 Issue F DA102 Issue F DA103 Issue D DA104 Issue D DA105 Issue D DA106 Issue D DA107 Issue D	Architectural Plans	All by PBD Architects	All completed on 11/04/2024

DA108 Issue E DA200 Issue E DA201 Issue E DA202 Issue E DA203 Issue E DA300 Issue F DA301 Issue F DA302 Issue F DA303 Issue F DA305 Issue D DA400 Issue D			
1339930M_04	BASIX Certificate	NSW Department of Planning and Environment	12 April 2024

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 4.17(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A6 (Autotext AA6)

(Added 03/10/2024, DA2022/481/2, PAN-427356)

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

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

Note: This condition does not affect the Principal Contractor*'s* or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.

A.5 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 and Council's property.

A.6 Tree Preservation & Approved Landscaping Works

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

a) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
8	*Camellia japonica* (Camellia)	Front west	4 x 4
9	*Camellia japonica* (Camellia)	Front west	4 x 3
10	*Lagerstroemia indica* (Crepe Myrtle)	Rear	6 x 6
15	*Camellia sasanqua* (Camellia)	Front east	4 x4

Council Ref No.	Species	Location	Dimension (metres)
16	*Camellia sasanqua* (Camellia)	Front east	5 x 6
25	*Lophostemon confertus* (Brushbox)	Front north	8 x 7
26	*Macadamia tetraphylla* (Macadamia)	Front north	8 x 6

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.
Note: The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

A.7 Excavation

The outer edge of excavation required to construct the development including all excavation for piling and all sub-surface walls shall not be less than 1.5 metres from a front, side or rear boundary.

The plans which accompany the Construction Certificate must demonstrate compliance with this condition.

A.8 Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. In all respects, the proposed vehicular access including any parking spaces must be designed and constructed to comply with the minimum requirements of AS2890.1, AS2890.2 and the Council's DCP.

A.9 Construction Certificate – Staging of Works

The approved works that are the subject of DA 481/2022 must be undertaken and facilitated as a maximum of four (4) Construction Certificate stages, more specifically being:

- **Construction Certificate 1 (CC1)** – Bulk excavation and shoring
- **Construction Certificate 2 (CC2)** – Structure up to and including ground floor slab and in-ground services
- **Construction Certificate 3 (CC3)** – Balance of structure and services rough-in
- **Construction Certificate 4 (CC4)** – Balance of building works

B. Conditions Which Must Be Satisfied Prior to the Demolition of Any Building or Construction

B.1 Identification of Hazardous Material

In accordance with Australian Standard AS2601: *The Demolition of Structures*, the Owner shall identify all hazardous substances located on the site including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per Clause 1.6.1 of the Standard.

In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing:

- all hazardous materials identified on the site,
- the specific location of all hazardous materials identified,

- whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and
- safety measures to be put in place.

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

B.2 Recording of Buildings with Little or No Heritage Significance that are to be Demolished

A photographic archival record of the building and landscape elements to be demolished is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction Certificate.

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

a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
b) Coloured photographs of:
   - each elevation,
   - each structure and landscape feature, and
   - views to the subject property from each street and laneway or public space.

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

One digital set is to be submitted to the satisfaction of Council prior to the commencement of demolition work and prior to the issue of a Construction Certificate.

Note: Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf

B.3 Re-use of materials

Stone, bricks, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, fireplaces, cornices, timber flooring and ceiling roses must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

B.4 Skeletal Remains

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

B.5 Aboriginal Objects – Unexpected Findings

If unexpected Aboriginal objects or bones are found during any activity associated with this consent, you must:

a) Not further disturb or move these objects or bones.
b) Immediately cease all work at the particular location.
c) In the case of suspected human remains, notify NSW Police.
d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse LALC on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.
e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

B.6 Aboriginal Heritage Due Diligence Responsibilities

Nothing in this approval allows to cause harm to an Aboriginal object as defined in the *National Parks & Wildlife Act 1974.* Under the *National Parks & Wildlife Act 1974*, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

B.7 Aboriginal Heritage Induction

a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the *National Parks and Wildlife Act 1974;*
b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council or by a heritage consultant with Aboriginal heritage expertise, if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and
c) Documentary evidence demonstrating compliance with a. and b. above being submitted to Council and the Principal Certifier.

B.8 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

B.9 Establishment of Tree Protection Zone (TPZ)

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

a) Tree Protection Zones

Council Ref No.	Species	Tree Location	TPZ Radius from Centre of Trunk
Trees 11 to 14	*Waterhousea floribunda* (weeping Lili Pili)	438 Edgecliff Rd	2.5m
Trees 17 to 24	*Waterhousea floribunda* (weeping Lili Pili)	438 Edgecliff Rd	2m

b) A sign identifying the Tree Protection Zone shall be erected on each side of the perimeter fence indicating the existence of a TPZ. Signage must be visible from within the development site.

c) 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 approved in this consent.

d) 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.

B.10 Demolition and Construction Management Plan

The Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for. The Demolition and Construction Management Plan shall be prepared in accordance with all tree protection measures specified within this consent. Considerations by the Project Arborist shall include but not be limited to:

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.

B.11 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

- 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 shall be kept on site by the Site Foreman.

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

Stage of arboricultural inspection and supervision	**Compliance documentation and photos shall be included**
Prior to the demolition of any building or construction and prior to the commencement of any development work	• 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.
During any development work	• The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • 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.
Prior to any occupation or use of the building	• Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Prior to the issue of a Final Occupation Certificate	• After all demolition, construction and landscaping works are complete the project

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
	Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.

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

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

B.12 Public Road Assets Prior to Any Work/Demolition

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

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

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

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

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

Note: If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose

C. Conditions Which Must Be Satisfied Prior to the Issue of the relevant Construction Certificate or a Construction Certificate stage specified in the Conditions

C.1 Modification of details of the development (section 4.17 (1) (g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to section 7of the *Development Certification Regulation*, must detail the following amendments:

(a) Landscaping

i. The Landscape Plan must replace the existing Crepe Myrtle (Tree 10) with a new native tree species with a minimum mature size of 8m high x 6m spread. The tree must be an advanced tree in a minimum 100 L container at the time of planting.

ii. Tree No. 25 to be replaced with a Lophostemon confertus in a minimum 200 litre pot size;

iii. Following removal of Trees Nos 25 and 26 inspect, repair and reinforce (to accommodate the future canopy tree) the sandstone wall if required;

iv. The private ground floor swimming pool at the front of the dwelling is to be deleted.

v. The two proposed *Lophostemon confertus* shown in the landscape plan should be relocated into the front setback area.

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

Note: Section 20 of the *Development Certification Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Section 19 of the *Development Certification Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

(Amended 03/10/2024, DA2022/481/2, PAN-427356)

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under *Building and Construction Industry Long Service Payments Act 1986*			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit - making good any damage caused to any property of the Council	$233,785.00	No	T115

Description	Amount	Indexed	Council Fee Code
Infrastructure Works Bond -completing any public work required in connection with the consent.	$35,600.00	No	T113
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	$97,856.04 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road/Footpath Infrastructure Inspection Fee	$645.00	No	
Security Administration Fee	$225.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	$368,111.04 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment
The long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986*, must be paid and proof of payment provided to the Certifying Authority prior to the issue of any Construction Certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

How will the section 7.12 levy (formerly known as 94A levy) be indexed?
To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?
Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the *Act* and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2011
Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

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

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

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

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.
Standard Condition: C5

C.3 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No. 1339930M_02 with any application for a Construction Certificate.

Note: Where there is any proposed change in the BASIX commitments the Applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: sections 19 and 20 of the *Development Certification Regulation*) the Applicant will be required to submit an amended development application to Council pursuant to section 4.55 of the *Act*.

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

Note: Section 19(1)(a) of the *Development Certification Regulation*: "(1) A certifier must not issue a construction certificate for building work unless—: (a) the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any".

C.4 Professional Engineering Details

The Construction Certificate plans and specifications, required by section 7 of the *Development Certification 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, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate.

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

C.5 Electric vehicle circuitry and electric vehicle charging point requirements

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

a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:
   - Identify the power capacity to each car parking space.
   - identify the load management system on each level of parking such as a distribution board.
   - identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).

b) A minimum of one Level 2 electric charger must be provided and Level 2 chargers must be provided to not less than 10% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.

c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:
   a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and
   b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power

C.6 Waste Storage – Residential Flat Buildings

The Construction Certificate plans and specifications required by section7 of the *Development Certification Regulation*, must make provision for:

a) The storage of waste and recycling bins behind the building line or within non-habitable areas of the building as close as possible to the service road collection point.

b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs.

C.7 Utility Services Generally

The Construction Certificate plans and specifications, required by section 7 of the *Development Certification Regulation*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

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

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

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with the Construction Certificate 2 application together with a letter from each relevant supplier setting out their requirements.

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

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

The Construction Certificate 2 plans and specifications, required to be submitted to the Certifying Authority pursuant to section 7 of the *Development Certification Regulation*, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

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

C.8 Provision for Energy Supplies

The Applicant must provide to the Certifying Authority a letter from Energy Australia setting out Energy Australia's requirements relative to the provision of electricity/gas supply to the development.

Any required substation must be located within the boundaries of the site.
Where an electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the *Act* is required to be submitted to Council. Council will assess the proposed location of the required substation.

The Construction Certificate plans and specifications, required to be submitted pursuant to section 7 of the *Development Certification Regulation*, must detail provisions to meet the requirements of Energy Australia.

Where the substation is required, the Construction Certificate plans and specifications must provide:

a) A setback not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape.
b) A setback not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3).

c) A setback to and not within the drip line of any existing tree required to be retained.
d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
e) The Owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.

Note: If the substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any *Construction Certificate* for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Certifying Authority prior to issue of the Construction Certificate. The Certifying Authority must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Note: This condition has been imposed because the application fails to provide sufficient detail (either by plans or by the Statement of Environmental Effects) demonstrating that provision has been made to Energy Australia's satisfaction for the provision of electricity supply to the building. Nevertheless, Council has no reason to believe that provision cannot be reasonably made for electricity to service the development.

Note: Where it is proposed to shield any booster connection or any building from any substation pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent pursuant to section 19 of the *Development Certification Regulation*. The Applicant must lodge with Council details for any such construction pursuant to section 4.55 of the *Act* to allow assessment under section 4.15 of the *Act*.

Note: Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set)-2004 *Parking Facilities Set whether such driveways service the site or any adjoining land*.

C.9 Hydraulic Fire Services

The Construction Certificate plans and specifications required by section 7 of the *Development Certification* Regulation, must detail hydraulic fire safety services required by this condition.

Fire hydrants, booster valve assembly installations, sprinkler valves and associated hydraulic equipment, must be:

(i) enclosed with doors, if located in the building façade; or
(ii) housed in a cabinet or enclosure, if located external to the building.

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

Note: This condition has been imposed to ensure that hydraulic fire services are concealed so these services are not visually intrusive when viewed from the street.

Note: These conditions apply in addition to requirements in *AS 2419.1 Fire hydrant installations.*

C.10 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to clause 143A of the *Regulation* a Certifying Authority must not issue a Construction Certificate for residential flat development unless the Certifying Authority has received a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

Note: Although a Certifying Authority may pursuant to section 73 of the *Development Certification Regulation* be satisfied to any matter that relates to the external finish of a building the specific provisions of section15 of the *Development Certification Regulation* overrides the Certifying Authority's powers under section 73. No Certifying Authority can set aside this requirement.

Note: Qualified designer means a person registered as an architect in accordance with the *Architects Act 2003*. There are several methods of verifying the status of an individual or corporation or firm offering architectural services.

Ask the individual for their four digit NSW Architects Registration Number, ask a corporation or firm for the name and registration number of their "nominated architect", check to see whether an individual is listed on the NSW Register of Architects or the corporation or firm is listed on the list of architect corporations and firms on the Board's website www.architects.nsw.gov.au or call the NSW Architects Registration Board on 9241 4033 to check the status of an individual or corporation or firm.

C.11 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the issuing of any Construction Certificate. Detailed engineering drawings prepared by a chartered professional civil engineer for the following infrastructure works which must be carried out at the applicant's expense:

a) The removal of the existing vehicular crossing including layback and gutter and the construction a new 5.5 metres wide vehicular crossing in accordance with Council's standard drawing RF2_D, Crossing Specification and to the satisfaction of Council's Assets Engineers. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned with the centreline of the internal driveway at the property boundary. Design longitudinal profiles along each edge/side of the proposed crossing, starting from the centreline of the road to the parking slab must be submitted for assessment,

b) The reconstruction of the existing footpath for the full frontage of the site in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers,

c) For stormwater disposal, the applicant shall install a stormwater outlet pipe that connects to the existing kerb inlet pit (KIP) using a minimum Class 2, 300mm RRJ steel reinforced concrete pipe (RCP) and construct minimum 600mm x 600mm reinforced concrete junction pits with Class D Gatic lids in accordance with the concept stormwater plans by Xavier Knight, dated 17/04/2024, Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. The existing 225mm diameter stormwater pipes between the existing KIPs shall be upgraded to minimum Class 2, 300mm RRJ steel reinforced concrete pipes with the reconstruction of the existing KIPs to the satisfaction of Council's Assets Engineers. Detailed design including longitudinal section of the proposed 300mm RCP shall be prepared by a chartered professional civil engineer. Trench details shall be included in the design drawings to comply with Council's Specification and AS3725,

d) The reinstatement of all damaged kerb and gutter and road pavement to Council's Specification and to the satisfaction of Council's Assets Engineers,

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

f) The developer shall be responsible for carrying out all service investigations to allow a gravity connection.

g) A bond of $35,600 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date.

h) Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.

i) The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.
Note: *Road* has the same meaning as in the *Roads Act* 1993.
Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.
Note: See condition K24 in *Section K. Advisings* of this Consent titled *Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

(Amended 09/09/2024, DA481/2022/3, PAN-430043)

C.12 Vehicular Access and Parking Arrangement

Prior to issue of the Construction Certificate, Construction Certificate plans and specifications required by section 7 of the *Development Certification Regulation*, must include detailed architectural plans and specifications showing the following:

a) Dimensions of all parking spaces shall be clearly depicted on the drawings demonstrating showing compliance with AS2890.1,

b) Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, shall be provided on the exit lane of the two way driveway exit. The sight splay shall be clearly depicted on the drawings showing compliance with this requirement.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.
Note: Section 20 of the *Development Certification Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.
Note: Section 19 of the *Development Certification Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

C.13 Flood Protection

The Construction Certificate plans and specifications, required by section 7 of the *Development Certification Regulation*, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:

a) A permanent flood risk management plan shall be installed in a prominent area of the garage,

b) The driveway entry off Chamberlain Avenue shall be protected by a physical threshold set at or above the flood planning level being 300mm above the adjacent kerb invert,
c) Flood compatible materials shall be used for all flood exposed construction,
d) All flood exposed electrical wiring and equipment shall be waterproofed,
e) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.

All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation
Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.

Note: The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1 – 2004, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.

C.14 Swimming and Spa Pools – Child Resistant Barriers

The *Construction Certificate* plans and specifications required by section 7 of the *Development Certification Regulation* must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the *Swimming Pools Act* 1992 and the Building Code of Australia.

Note: A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the *Construction Certificate* plans.

C.15 Swimming and Spa Pools – Backwash

The *Construction Certificate* plans and specification required to be submitted pursuant to section 7 of the *Development Certification Regulation* must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: The plans must show the location of Sydney Waters sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.
Note: The discharge of backwash water to any stormwater system is water pollution and an offence under the *Protection of the Environment Operations Act* 1997. The connection of any backwash pipe to any stormwater system is an offence under the *Protection of the Environment Operations Act* 1997.

C.16 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to section 7 of the *Development Certification Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of AS 1668.1, AS 1668.2 and AS/NZS 3666.1. If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the effect of the *Protection of the Environment Operations Act* 1997 in relation to offensive noise or odour.

Note: Section 19 of the *Development Certification Regulation* requires compliance with the BCA. Section 19 of the *Development Certification Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier*/*Council* is satisfied that compliance has been achieved. Section 8 of the *Development Certification Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the Construction Certificate application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of AS 1668.2.

C.17 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to section 7 of the *Development Certification Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90,\ 15\ minute}$ level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

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

1. Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au /index.php).

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

C.18 Noise Control - Swimming pool/spa pool pumps and associated equipment

The siting of the swimming pool/spa pool pump(s) and associated equipment are to be located as far as possible from the neighbour's dwelling to minimise the impact on adjoining residents. The pump(s) and associated equipment are to be housed in an acoustically treated enclosure so noise from the operation of the pump(s) and associated equipment are not audible beyond the boundaries of the site.

C.19 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)

The basement carparks in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-2012. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.

The basement carparks must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the basement carparks and provide details to the Certifying Authority accordingly. Except as varied, the basement carparks shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-2012.

C.20 Ventilation - Internal Sanitary Rooms

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Minimum Exhaust Ventilation Flow Rates of AS 1668.2-2012*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

C.21 Tree Management Plan

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

a) Trees to be numbered in accordance with these conditions:

- shaded green where required to be retained and protected
- shaded red where authorised to be removed
- shaded yellow where required to be transplanted
- shaded blue where required to be pruned

b) References to applicable tree management plan, arborists report or transplant method statement.

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

C.22 Engineer Certification

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.

Any structural design is not to incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc which encroach outside the boundaries of the subject property. Engineer certification to this effect shall be submitted to the Certifying Authority prior to issue of any Construction Certificate.

C.23 Geotechnical and Hydrogeological Design, Certification and Monitoring

Prior to the issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a geotechnical engineer with National Engineering Register (NER) credentials in accordance with Council's DCP and Councils 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.

These details must be certified by the professional engineer to:

a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure,

b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater),

c) Provide details of cut-off walls or similar controls, if deemed necessary by a geotechnical engineer upon detailed geotechnical / hydrogeological site investigation, 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 of all below ground structures to prevent the entry of all ground water/seepage water such that they are fully tanked and no subsoil drainage/ seepage water is discharged to the street kerb to comply with Council's DCP,

e) Provide a Geotechnical and Hydrogeological Monitoring Program that:

- will detect any settlement associated with temporary and permanent works and structures,
- will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
- will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
- will detect groundwater changes calibrated against natural groundwater variations,
- details the location and type of monitoring systems to be utilised,
- details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
- details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
- details a contingency plan.

(Added 09/09/2024, DA481/2022/3, PAN-430043)

C.24 Ground Anchors

This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. 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.

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.

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. Minimum Four weeks should be allowed for assessment.

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

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

Note: Section 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.

C.25 Stormwater Management Plan

Prior to issue of the amended Construction Certificate, the applicant must submit, for approval by the Certifying Authority, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which include the following:

a) General design in accordance with stormwater management plans, referenced 220824, prepared by Xavier Knight, dated 10/04/2024 and 17/04/2024, other than amended by this and other conditions,
b) the discharge of stormwater from the site, by direct connection, to the Council's underground drainage system,
c) The provision of a minimum 900x900 boundary junction pit shall be provided prior to discharging stormwater from the site to the Council's underground drainage system. The stormwater outlet pipe must be made by using minimum Class 2, RRJ, 300mm steel reinforced concrete pipes (RCP) with a minimum grade of 1% to comply with the Council's DCP and AS3500.3,
d) The installation of an on-site stormwater detention (OSD) system with a minimum storage volume of 29.42m^3 to comply with the Council's DCP. The Permissible Site Discharge (PSD) for this development must not exceed 50 l/s.
e) Subsoil drainage/seepage water must NOT be collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement shall be clearly depicted on the drawings,
f) The installation of a pumpout system with a minimum storage capacity of 16.79m^3 to comply with Section 8 of AS3500.3,
g) The installation of stormwater filtration /treatment system which includes but not limited to the installation of 3kL rainwater tank, 4 x OceanGuard and 7 x 460PSorb StormFilter by Ocean Protect to achieve the minimum the water quality targets stipulated in Chapter E2.2.3 of Council's DCP,
h) The dimensions of all drainage pits and access grates must comply with AS3500,
i) Compliance the objectives and performance requirements of the BCA, and
j) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout plan

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

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

On-site Stormwater Detention (OSD) details:

a) Any potential conflict between existing and proposed trees and vegetation,
b) Internal dimensions and volume of the proposed detention storage,
c) Diameter of the outlet to the proposed detention storage basin,
d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
e) Details of access and maintenance facilities,
f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,

g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system,
h) Non-removable fixing details for orifice plates where used,

Rainwater Reuse System details:

a) Any potential conflict between existing and proposed trees and vegetation,
b) Internal dimensions and volume of the proposed rainwater storage,
c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures,
d) Details of access and maintenance facilities,
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 the proposed stormwater connection to the Council's drainage infrastructure, separate approval under Section 138 of the Roads *Act 1993* must be obtained from Council for those works prior to 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).

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.
Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook".*
Standard Condition: C.51 (Autotext CC51)

(Amended 09/09/2024, DA481/2022/3, PAN-430043)

C.26 Parking Facilities

The *Construction Certificate* plans and specifications required by section 7 of the Development Certification *Regulation*, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3:2015 *Parking Facilities - Bicycle Parking Facilities* and AS/NZS 2890.1:2004 *Parking Facilities - Off-Street Car Parking* respectively.

The plans must satisfy the following requirement(s):

a) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1:2004;
b) Waiting bays be provided with associated signage and line marking at access point wholly within property boundary and each level of basement car park to manage conflicts between ingress and egress traffic. Traffic light system should be incorporated to ensure priorities are given to vehicles entering the car park;
c) A 2m x 2.5m driveway sightline splay be provided, clear of obstruction to visibility, along western side of the access driveway wholly within the property boundary;

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act 1993*.

The Certifying Authority 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.

C.27 Condition imposed by Transport for New South Wales

a) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

b) Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

D. Conditions Which Must Be Satisfied Prior to the Commencement of Any Development Work

D.1 Compliance with Building Code of Australia and insurance requirements under the *Home Building Act 1989*

For the purposes of section 4.17(11) of the *Act*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

a) to the extent to which an exemption is in force under the *Home Building Regulation 2014*, or

b) to the erection of a temporary building.

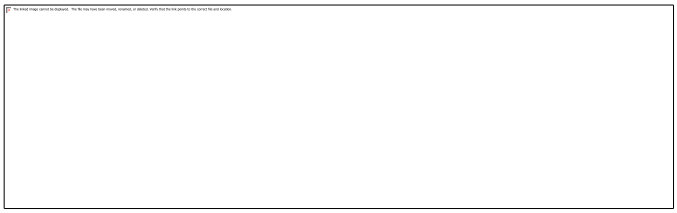
In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

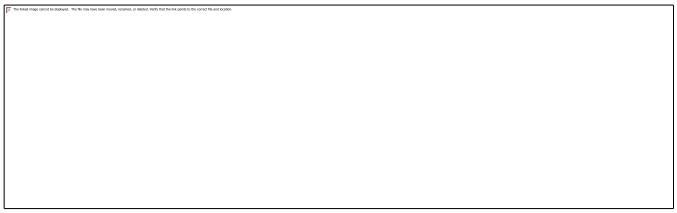
Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.

D.2 Security Fencing, Hoarding and Overhead Protection

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



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.

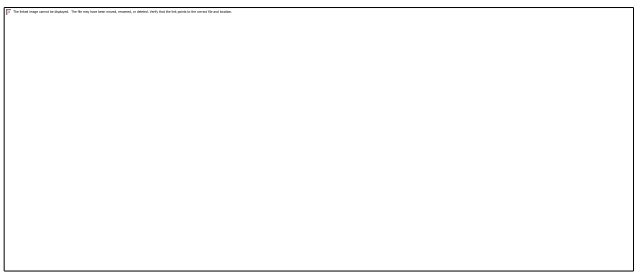


Type B Hoarding
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

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 Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW "*Code of Practice - Overhead Protective Structures 1995*". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

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

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 Principal Contractor or Owner-builder. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au

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

Note: Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:

A. Hoardings proposed on land zoned B2 Local Centre, or B4 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:
   i. the capital investment value of the work to which the hoarding relates is less than $1 million
   OR
   ii. the land is zoned R2 Low Density Residential
   OR
   iii. the land is zoned R3 Medium Density Residential and the hoarding located in a lane or street that does not have through traffic (eg 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 or for more information contact Council's Cultural Development Team.

D.3 Site Signs

The Principal Contractor or Owner-builder must ensure that the sign/s required by section 70 of the *Regulation* and section 75 of the *Development Certification* is/are erected and maintained at all times.

Section 70 of the *Regulation* provides:

Erection of signs

(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

(3) The sign must be—

(a) maintained while the building work, subdivision work or demolition work is being carried out, and

(b) removed when the work has been completed.

(4) This section does not apply in relation to—

(a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

(b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Section 75 of the *Development Certification Regulation* provides:

Signs on development sites

(1) The principal certifier and the principal contractor for building work, subdivision work or demolition work authorised to be carried out on a site by a development consent must ensure a sign that complies with this section is—

(a) erected in a prominent position on the site before the commencement of the work, and

(b) maintained at all times while the work is being carried out and while the person remains the principal certifier or principal contractor, and

(c) removed when the work has been completed.

Maximum penalty (subsection (1))—55 penalty units.

(2) The sign must be rigid and durable and show the following information—

(a) the name, address and telephone number of the principal certifier, and

(b) if there is a principal contractor—the principal contractor's name and address and a telephone number on which the principal contractor may be contacted outside working hours.

(3) The information required under subsection (2) must be able to be read easily by a person on a public road or in another public place adjacent to the site.

(4) This section does not—

(a) require the erection of more than one sign on a site, or

(b) prevent the use of an appropriate sign that has already been erected on a site.

Note: Section 75 imposes a penalty exceeding $1,000 if these requirements are not complied with.

Note: 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 Section 70 of the *Regulation* and section 75 of the *Development Certification Regulation.*

D.4 Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

a) must be a standard flushing toilet, and

b) must be connected to a public sewer, or

c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or

d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

In this condition:
accredited sewage management facility means a sewage management facility to which Division 4 of Subdivision 5 of the *Local Government (General) Regulation 2021* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in section 41 of the *Local Government (General) Regulation 2021*.
approved by the Council means the subject of an approval in force under Division 4 of the *Local Government (General) Regulation 2021*.
public sewer has the same meaning as it has in the *Local Government (General) Regulation 2021.*
sewage management facility has the same meaning as it has in the *Local Government (General) Regulation 2021*.

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

D.5 Erosion and Sediment Controls – Installation

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

a) The Soil and Water Management Plan if required under this consent;

b) "*Do it Right On Site, Soil and Water Management for the Construction Industry*" published by the Southern Sydney Regional Organisation of Councils, 2001; and

c) "*Managing Urban Stormwater - Soils and Construction*" 2004 published by the NSW Government (*The Blue Book*).

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

Note: 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.

Note: The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution"

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

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

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

a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and

b) The person having the benefit of the development consent has:
- appointed a Principal Certifier for the building work, and
- notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and

c) The Principal Certifier has, no later than 2 days before the building work commences:
- notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
- notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

Note: *building* has the same meaning as in section 1.4 of the *Act* and includes part of a building and any structure or part of a structure.
Note: *new building* has the same meaning as in section 6.1 of the *Act* and includes an altered portion of, or an extension to, an existing building.
Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au
Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 6.6(2) of the *Act*.

D.7 Notification of *Home Building Act 1989* requirements

a) For the purposes of section 4.17(11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
b) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- In the case of work for which a Principal Contractor is required to be appointed:
  - the name and licence number of the Principal Contractor, and
  - the name of the insurer by which the work is insured under Part 6 of that Act,
- In the case of work to be done by an Owner-builder:
  - the name of the Owner-builder, and
  - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.

c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.

D.8 Establishment of Boundary Location, Building Location and Datum

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

a) the boundaries of the site by permanent marks (including permanent recovery points),
b) the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans,
c) establishes a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and
d) provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the Principal Certifier.

Note: Where the Principal Contractor or Owner-builder notes any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the Principal Contractor or Owner-builder should not proceed until satisfied that the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.
Note: On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.

D.9 Dilapidation Reports for Existing Structures

Dilapidation surveys and dilapidation reports shall be conducted and prepared by a *professional engineer* (structural) for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by a Structural Engineer.

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

- No. 438 Edgecliff Road
- No. 442-446 Edgecliff Road

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

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by S81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:
- To provide a record of the condition of buildings prior to development being carried out
- To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land
  Also refer to the Dilapidation Report Advising for more information regarding this condition

D.10 Adjoining Buildings Founded on Loose Foundation Materials

The Principal Contractor must ensure that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the Principal Contractor must comply with any reasonable direction of the professional engineer.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.

D.11 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan (CMP) is to be submitted to Council. Also, due to lack of on-street parking a Work Zone may be required during construction.

The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:

a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.
b) Identify local traffic routes to be used by construction vehicles.
c) Identify ways to manage construction works to address impacts on local traffic routes.
d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
h) Provide for the standing of vehicles during construction.
i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).

j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
o) Show the location of any proposed excavation and estimated volumes.
p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

D.12 Works (Construction) Zone – Approval and Implementation

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

The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are not erected until full payment of works zone fees.

Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the section 20 of the *Transport Administration (General) Regulation 2018* to exercise those functions delegated by the Roads and Maritime Services under section 31 of the *Transport Administration Act 1988*.
Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.

E. Conditions which must Be satisfied during any development work

E.1 Compliance with BCA and Insurance Requirements under the *Home Building Act 1989*

For the purposes of section 4.17(11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),

b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

a) to the extent to which an exemption is in force under part 17 or section 111, subject to the terms of any condition or requirement referred to in clause 117 (1) or 111(4) of the *Development Certification Regulation*, or

b) to the erection of a temporary building.

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

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

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.

E.3 Requirement to Notify about New Evidence

Any new information which comes to light during remediation, demolition or construction works 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.

E.4 Critical Stage Inspections

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 *Regulation*, and the *Development Certification Regulation.*

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*.

Critical stage inspections means the inspections prescribed by the *Regulation* and the *Development Certification Regulation* for the purposes of section 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.

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

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

E.5 Hours of Work –Amenity of the Neighbourhood

a) No *work* must take place on any Sunday or public holiday.

b) No *work* must take place before 7am or after 5pm any weekday.

c) No *work* must take place before 7am or after 1pm any Saturday.

d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
   (i) piling,
   (ii) piering,
   (iii) rock or concrete cutting, boring or drilling,
   (iv) rock breaking,
   (v) rock sawing,
   (vi) jack hammering, or
   (vii) machine excavation.

e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.

f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.

g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

Note: The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

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

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

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm

E.6 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must:

a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.

b) Not use the road or footway for the storage of any article, material, matter, waste or thing.

c) Not use the road or footway for any work.

d) Keep the road and footway in good repair free of any trip hazard or obstruction.

e) Not stand any plant and equipment upon the road or footway.

f) Provide a clear safe pedestrian route a minimum of 1.5m wide.

g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development.

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

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

b) Australian Road Rules.

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* 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.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road,

otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the Council including:

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

E.7 Placement and Use of Skip Bins

The Principal Contractor or Owner-builder must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

a) Activity Approval has been issued by Council under section 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.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

E.8 Prohibition of Burning

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.

Note: Pursuant to the *Protection of the Environment Operations (Clean Air) Regulation 2022* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

E.9 Dust Mitigation

Dust mitigation must be implemented in accordance with "*Dust Control - Do it right on site*" published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

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

Note: "*Dust Control - Do it right on site*" can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's office.
Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.
Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

E.10 Site Waste Minimisation and Management – Demolition

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

a) Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.
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) provide separate collection bins and/or areas for the storage of residual waste,
d) clearly 'signpost' the purpose and content of the bins and/or storage areas,
e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
f) minimise site disturbance, limiting unnecessary excavation.

The Applicant must ensure:

a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,
b) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997,*
c) waste is only transported to a place that can lawfully be used as a waste facility,
d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the 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.

Note: Materials that have an existing reuse or recycling market should not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

E.11 Site Waste Minimisation and Management – Construction

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

a) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,

b) consider organising to return excess materials to the supplier or manufacturer,

c) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),

d) clearly 'signpost' the purpose and content of the storage areas,

e) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste,

f) promote separate collection bins or areas for the storage of residual waste,

g) implement measures to prevent damage by the elements, odour and health risks, and windborne litter,

h) minimise site disturbance and limit unnecessary excavation,

i) ensure that all waste is transported to a place that can lawfully be used as a waste facility, and

j) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

E.12 Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B of this consent, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

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 shall be left in any public place.

Note: This condition is imposed to protect the health and safety of persons working on the site and the public

E.13 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

Note: This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.

E.14 Disposal of Asbestos and Hazardous Waste

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

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

E.15 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

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

E.16 Swimming and Spa Pools – Temporary Child Resistant Barriers and other matters

Temporary child-resistant barriers must be installed in compliance with the *Swimming Pools Act* 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the *Swimming Pools Act* 1992, contains more than 300mm in depth of water at any time. Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act* 1992 and the Building Code of Australia as soon as practical.

Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the *Swimming Pools Act* 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: This condition does not prevent Council from issuing an order pursuant to section 23 of the *Swimming Pool Act* 1992 or taking such further action as necessary for a breach of this condition or the *Swimming Pools Act* 1992.

E.17 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.

The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

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

E.18 Tree Preservation

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

General Protection Requirements

a) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.

b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.

c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.
Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

E.19 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall be planted in *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting/Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
2 x Lophostemon confertus (Brushbox)	As per Landscape Plan	200L	12m x 8m
9 x Lagerstroemia indica (Crepe Myrtle)		200L	5m x3m
1 x Phoenix canariensis (Canary Island Palm)		Min 3m clear trunk	8m x 5m
6 x Podocarpus elatus (Plum Pine)		100L	8m x 5m
7 x *Phoenix reclinata* (Senegal Date Palm)		Min 3m clear trunk	8m x 5m
12 x *Schizolobium parahyba* (Brazilian Fern Tree)		100L	8m x 6m
40 x *Waterhousea floribunda* (Weeping LiliPili)		100L	8m x5m

The project arborist shall document compliance with the above condition.

E.20 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
Trees 11 to 14	*Waterhousea floribunda* (weeping Lili Pili)	438 Edgecliff Rd	2.4m
Trees 17 to 24	*Waterhousea floribunda* (weeping Lili Pili)	438 Edgecliff Rd	2m

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

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall 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 shall document compliance with the above condition.

E.21 Compliance with Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times. A copy of the CMP must be kept on-site at all times and made available to the Principal Certifier or Council on request.

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.

E.22 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must:

a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
c) Not use the road or footway for any work.
d) Keep the road and footway in good repair free of any trip hazard or obstruction.
e) Not stand any plant and equipment upon the road or footway.
f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development.

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

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

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* 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.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road,

otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the Council including:

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

E.23 Maintenance of Environmental Controls

The Principal Contractor or Owner-builder must ensure that the following monitoring, measures and controls are maintained:

a) erosion and sediment controls,
b) dust controls,
c) dewatering discharges,
d) noise controls,
e) vibration monitoring and controls,
f) ablutions.

E.24 Compliance with Geotechnical / Hydrogeological Monitoring Program

Excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer.

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

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

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.

E.25 Support of Adjoining Land and Buildings

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).

For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

Note: This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain:
a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
b. an access order under the *Access to Neighbouring Land Act 2000*, or
c. an easement under section 88K of the *Conveyancing Act 1919,* or
d. an easement under section 40 of the *Land and Environment Court Act 1979* as appropriate.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Section 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.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

E.26 Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any *building* identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.
Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.

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

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

Where there is any movement in foundations such that damaged is occasioned to any adjoining *building* or such that there is any removal of support to *supported land* the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that *supported land* and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the *supported land*.

Note: *professional engineer* has the same mean as in clause A1.1 of the BCA.
Note: *building* has the same meaning as in section 1.4 of the *Act* i.e. "*building* includes part of a building and any structure or part of a structure…."
Note: *supported land* has the same meaning as in the *Conveyancing Act 1919*.

E.27 Erosion and Sediment Controls – Maintenance

The Principal Contractor or Owner-builder must maintain water pollution, erosion and sedimentation controls in accordance with:
a) the Soil and Water Management Plan required under this consent,
b) "*Do it Right On Site, Soil and Water Management for the Construction Industry*" published by the Southern Sydney Regional Organisation of Councils, 2001, and
c) "*Managing Urban Stormwater - Soils and Construction*" 2004 published by the NSW Government (*The Blue Book*).

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

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* without any further warning. It is a criminal offence to cause, permit or allow pollution.
Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution".

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

E.28 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.

b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.

c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

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

E.29 Site Cranes

Site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.

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

The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the *Civil Aviation Act 1988 (Cth).*

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

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

Note: Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain an access order under the *Access to Neighbouring Land Act 2000* or easement under section 88K of the *Conveyancing Act 1919* or section 40 of the *Land and Environment Court Act 1979* as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.

E.30 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

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

a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.

b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.

c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.

d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.

e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.

f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.

g) Flood protection measures are in place confirming location, height and capacity.

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

E.31 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

The Owner, Principal Contractor or Owner-builder must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within roads and other public places.

Note: A copy of Council's *Specification for Roadworks, Drainage and Miscellaneous Works* can be downloaded from Council's website www.woollahra.nsw.gov.au

E.32 Shoring and Adequacy of Adjoining Property

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.

The person having the benefit of the development consent must, at the person's own expense:

a) protect and support the adjoining premises from possible damage from the excavation, and

b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: 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.

E.33 Condition imposed by Transport for New South Wales

a) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

b) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

c) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

E.34 Salvage

The existing sandstone, proposed to be demolished must be must be salvaged and where practical reused on the project or transferred to an established second building material dealer for recycling. Documentation of the salvage methodology must be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of demolition.

(Added 03/10/2024, DA2022/481/2, PAN-427356)

F. Conditions Which Must Be Satisfied Prior to Occupation or Use of the Building (Part 6 of the Act and Part 5of the Development Certification Regulation)

F.1 Occupation Certificate (section 6.9 of the *Act*)

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the *Act*) unless an Occupation Certificate has been issued in relation to the building or part.

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

F.2 New Waste Services

No Occupation Certificate must be issued until the Owner/developer has procured the provision of required wastes services including purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved Waste Management Plan.

F.3 Certification of Electric Vehicle Charging System

Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, certification by a suitably qualified person that the electric vehicle charging points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the conditions in Section C of this consent.

F.4 Letter Box(es)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction.

Note: This condition has been imposed to ensure that mail can be delivered to occupiers of the site.

F.5 Fire Safety Certificates

In the case of a ***final occupation certificate*** to authorise a person:

a) to commence occupation or use of a new building, or
b) to commence a change of building use for an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an ***interim occupation certificate*** to authorise a person:

c) to commence occupation or use of a partially completed new building, or
d) to commence a change of building use for part of an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

Note: This condition does not apply to a class 1a or class 10 building within the meaning of section 82 of the *Development Certification Regulation*.

Note: In this condition:
interim fire safety certificate has the same meaning as it has in Part 11 of the *Development Certification Regulation*.
Final fire safety certificate has the same meaning as it has in Part 11 of the *Development Certification Regulation*.
new building has the same meaning as it has in section 109H of the Act.

F.6 Swimming and Spa Pools – Permanent Child Resistant Barriers and other matters

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

a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act* 1992 and the Building Code of Australia.
b) The swimming pool must be registered in accordance with Section 30B of the *Swimming Pools Act 1992* on the NSW Government Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au.
c) The *Principal Contractor* or *owner* must either obtain a 'Certificate of Compliance' issued pursuant to Section 22D of the *Swimming Pools Act* 1992 or an appropriate Occupation Certificate authorising use of the swimming pool.
d) Public Pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.

e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2003:*Swimming pool safety - Water recirculation and filtration systems*.

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

a) 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:
b) Before 8 am or after 8 pm on any Sunday or public holiday or before 7 am or after 8 pm on any other day.

Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from: http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf

F.7 Swimming Pool Fencing

Swimming Pool Fencing is to be constructed in accordance with *AS1926-2012* Australian Standard Swimming Pool Safety Part 1 – *Safety Barriers for Swimming Pools.*
Note: Pools commenced or completed after May 2013 must meet Part 3.9.6 of the BCA AS1926.1-2012 and AS1926.2-2012

F.8 Amenity Landscaping

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

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

F.9 3D Digital Model

Prior to the issue of an Occupation Certificate an accurate "as built" 3D digital model of the building must be submitted to Council for use in the Woollahra 3D digital model.

A 3D digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:

a) a building envelope which includes all elements affecting shadow analysis,
b) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external features, and
c) a ground level terrain showing accurate RLs extending to site boundaries.

All models must be generated in accordance with Council's guidelines for submitting 3D digital models outlined in "Attachment 9 - 3D Digital Model Requirements" of the DA guide.

Note: This model will update previous version(s) submitted at Development Application stage. Any future modifications under section 4.55 of the *Act* that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

F.10 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulation,* the *Development Certification Regulation*, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
b) All flood protection measures.
c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
d) All stormwater drainage and storage systems.
e) All mechanical ventilation systems.
f) All hydraulic systems.
g) All structural work.
h) All acoustic attenuation work.
i) All waterproofing.
j) Such further matters as the Principal Certifier may require.

Note: This condition has been imposed to ensure that systems and works as completed meet development standards as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as execute is maintained.
Note: The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, the *Development Certification Regulation* development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).
Note: The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.

F.11 Commissioning and Certification of Public Infrastructure Works

The Principal Contractor or Owner-builder must submit, to the satisfaction of Council, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works-as-executed engineering plans and a survey report detailing all finished reduced levels.

F.12 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to section 43 of the *Development Certification Regulation* a Certifying Authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a *qualified designer*, being a statement in which the *qualified designer* verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

Note: Although a Certifying Authority may pursuant to section 73(1) of the *Development Certification Regulation* be satisfied to any matter that relates to the external finish of a building, clause 154A of the *Regulation* overrides the Certifying Authority's powers under section 73(1).

Note: Qualified designer means a person registered as an architect in accordance with the *Architects Act 2003*.

F.13 Condition imposed by Transport for New South Wales

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

G.1 Electricity Substations – Dedication as Road and/or Easements for Access

If an electricity pillar and/or substation is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity pillar and/or substation to be established. The size and location of the electricity pillar and/or substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road (footway or road pavement).

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifier prior to issue of the Construction Certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity pillar and/or substation is provided on the site adjoining the road boundary, the area within which the electricity pillar and/or substation is located must be dedicated as public road. Where access is required across the site to access an electricity pillar and/or substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any statutory corporation requiring access to the electricity pillar and/or substation.

H. Conditions which must Be satisfied prior to the issue of the Occupation Certificate for the Whole of the Building

H.1 Fulfillment of BASIX Commitments – section 43 of the *Development Certification Regulation*

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 1339930M_02.

Note: Section 43 of the *Development Certification Regulation* provides: "A certifier must not issue an occupation certificate unless the certifier has received a design statement"."

H.2 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

a) the site sign,
b) ablutions,
c) hoarding,
d) scaffolding, and
e) waste materials, matter, article or thing.

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

H.3 Landscaping

The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

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

H.4 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Principal Contractor*'s* or Owner*'s* expense:

a) stormwater pipes, pits and connections to public stormwater systems within the *road*,
b) driveways and vehicular crossings within the *road*,
c) removal of redundant driveways and vehicular crossings,
d) new footpaths within the *road*,
e) relocation of existing power/light pole,
f) relocation/provision of street signs,
g) new or replacement street trees,
h) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street,
i) new or reinstated kerb and guttering within the *road*, and
j) new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

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

Prior to issue of any Occupation Certificate, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted, for approval by the Principal Certifying Authority, certifying:

a) compliance with conditions of development consent relating to stormwater,
b) the structural adequacy of the on-site stormwater detention (OSD) and pumpout systems,
c) that a pumpout system with minimum storage of 16.79m^3 has been constructed in accordance with the approved stormwater plans,
d) that an OSD tank with minimum storage of 29.42m^3 has been constructed in accordance with the approved stormwater plans,
e) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans,
f) that a stormwater treatment system which consists of 3kL rainwater tank, 4 x OceanGuard and 7 x 460PSorb StormFilter by Ocean Protect have been constructed in accordance with the approved plans and meets the water quality targets stipulated in the Council's DCP,
g) that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,
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.

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

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the WAE plans to Council together with the Occupation Certificate.
Note: Occupation Certificate must not be issued until this condition has been satisfied.
Standard Condition: H20 (Autotext HH20)

(Amended 09/09/2024, DA481/2022/3, PAN-430043)

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

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1339930M_02.

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

I.2 Outdoor Lighting – Residential

Outdoor lighting must comply with AS/NZS 4282:2019: *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 4282:2019.

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

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

I.3 Waste Management - Residential

Waste management must comply with the approved site waste minimisation and management plan (SWMMP) and with Woollahra DCP 2015, Chapter E5–Waste Management.

The occupier of the site must place waste and recycling bins/crates on the footpath for collection but not earlier than 12 hours prior to the designated collection time.

The occupier of the site must remove waste and recycling bins/crates from the footpath within 12 hours of being emptied by Council's waste service and they must be stored within the site in the approved waste storage area.

No commercial waste must be placed within residential waste and recycling bins/crates.

Note: This condition has been imposed to ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.
Note: For further residential wastes management policy information go to www.woollahra.nsw.gov.au

I.4 Garbage Collection

The garbage area must be maintained at all times to ensure that a breeding ground is not created for pests and must be capable of being easily and effectively cleaned.

All garbage containers must have tight fitting lids and be large enough or in sufficient numbers to contain all the waste produced by the business while awaiting the next removal from the premises.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

I.5 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to *Council* and the Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Note: *Essential fire safety* measure has the same meaning as in schedule 2 of the *Development Certification Regulation*.
Annual fire safety statement has the same meaning as in section 88 of the *Development Certification Regulation*.
Part 12of the *Development Certification Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety www.woollahra.nsw.gov.au.

I.6 Swimming and Spa Pools – Maintenance

Swimming and Spa Pools must be maintained:

a) In compliance with the *Swimming Pools Act* 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs;
b) In compliance with the NSW Health "*Public Swimming Pool and Spa Pool Guidelines*" in force at that time. Private pools are encouraged to comply with the same standards as applicable;

c) In compliance with AS 1926.3-2003:Swimming pool safety - Water recirculation and filtration systems ;
d) With backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, and
e) With a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- Before 8 am or after 8 pm on any Sunday or public holiday, or
- Before 7 am or after 8 pm on any other day.

Note: Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained.
Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from: http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf

I.7 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act* 1997*.*

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

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (http://www.environment.nsw.gov.au/noise/nglg.htm) and the *Industrial Noise Guidelines* (http://www.environment.nsw.gov.au/noise/industrial.htm) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act* 1997.

Useful links:
Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the Protection of the Environment (Noise Control) Regulation 2017 (www.legislation.nsw.gov.au).
Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au /index.php).
Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
Department of Gaming and Racing - (www.dgr.nsw.gov.au).

I.8 Noise from mechanical plant and equipment, including pool equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90,\ 15\ minute}$ level measured by a sound level meter.

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

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy
(http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (http://www.environment.nsw.gov.au/noise/nglg.htm)
ISBN 1741370671 , dated December 2004.

I.9 Noise Control - Swimming pool/spa pool pumps and associated equipment

The swimming pool/spa pool pump(s) and associated equipment are not to operate during the hours stipulated in the *Protection of the Environment Operations (Noise Control) Regulation 2017* as follows:

- *Before 8am of after 8pm during Saturdays, Sundays and public holidays;*
- *Before 7am or after 8pm on any other day.*

I.10 Provision of Off-street Public and Visitor Parking

The owner and occupier, in compliance with AS/NZS 2890.1:2004: Parking Facilities - Off-Street Car Parking, must maintain unimpeded public access to off-street parking as follows:

Use	Number of spaces
Car Parking (resident)	16
Car Parking (visitor)	0
Bicycle Parking	9
Motorbike Parking	2

This condition has been imposed to ensure adequate on-site parking is maintained.

(Amended 03/10/2024, DA2022/481/2, PAN-427356)

I.11 Parking Permits (Special Condition)

Future tenants and residents of the proposed development will not be eligible for resident or visitor parking permits.

I.12 Ongoing Maintenance of the On-site Stormwater Detention (OSD) and Treatment Systems

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

a) permit stormwater to be detained and treated by the Systems;
b) keep the systems 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 treatment 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) Not take any act, matter or thing which would prevent the overland flow path and flood protection measures (e.g. mechanical flood barriers) from operating in a safe and efficient manner;
g) Not allow any structure to encroach upon the overland flow path;
h) Not make any alterations to the flood protection measures and overland flow path or elements thereof without prior consent in writing of the Council and not interfere with the flood protection measures and overland flow path or by its act or omission cause it to be interfered with so that it does not function or operate properly;

i) 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;
j) 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; and
k) 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.

The Owner
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.

Note: This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.
Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.

I.13 Waste Management - Residential

Waste management must comply with the approved site waste minimisation and management plan (SWMMP) and with Woollahra DCP 2015, Chapter E5–Waste Management.

The occupier of the site must place waste and recycling bins/crates on the footpath for collection but not earlier than 12 hours prior to the designated collection time.

The occupier of the site must remove waste and recycling bins/crates from the footpath within 12 hours of being emptied by Council's waste service and they must be stored within the site in the approved waste storage area.

No commercial waste must be placed within residential waste and recycling bins/crates.

Note: This condition has been imposed to ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.
Note: For further residential wastes management policy information go to www.woollahra.nsw.gov.au

J. Miscellaneous Conditions

Nil

K. Advisings

K.1 Criminal Offences – Breach of Development Consent and Environmental Laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence.** Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

a) Issue Penalty Infringement Notices (On-the-spot fines);
b) Issue notices and orders;
c) Prosecute any person breaching this consent; and/or
d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum penalties under NSW environmental laws include fines up to $1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.
This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

K.2 Dial Before You Dig

The Principal Contractor, Owner-builder or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work. The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia.

Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "NSW Guide to Standards and Tolerances 2017" are achieved.

The quality of any development is a function of the quality of the Principal Contractor*'s* or Owner-builder's supervision of individual contractors and trades on a daily basis during the development. The Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances or call 133 220.

K.5 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050.

K.6 Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

Note: Further information can be obtained from the NSW Civil and Administrative Tribunal www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777.

K.7 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the *Act*.

The securities will not be released until a Final 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.

Note: The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au

K.8 Recycling of Demolition and Building Material

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.

K.9 Owner-builders

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.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au or call 133 220.

K.10 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.

K.11 Mailboxes

Council has been alerted to an increase in mailbox theft, and as such, all new development, being new dwelling houses and residential flat buildings, are encouraged to have lockable mail boxes.

K.12 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.

K.13 Dilapidation Report

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

a) The dilapidation report will be made available to affected property owners on requested and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.

b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.

c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.

d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.

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

K.14 Roads Act 1993 Application

Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the *Roads Act 1993* and specifically:

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the *Roads Act 1993*, before the issue of any Construction Certificate.

Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – *Off-street car parking*. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Note: Any adjustments required from the garage slab and the street levels are to be carried out internally on private property

Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".

Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.

All public domain works must comply with the latest version of Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.
Note: When an application under the *Roads Act* is required, then four (4) weeks is to be allowed for assessment.
Note: *road* has the same meaning as in the *Roads Act 1993*.
Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any Construction Certificate. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.

Attachments

1. Plans, sections, elevations incluidng shadow diagrams and landscape plans ⇩
2. Referral Response - Urban Design ⇩
3. Referral Response - Traffic ⇩
4. Referral response - Sydney Trains ⇩
5. Court Approved Plans ⇩

NOTES:
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LIST
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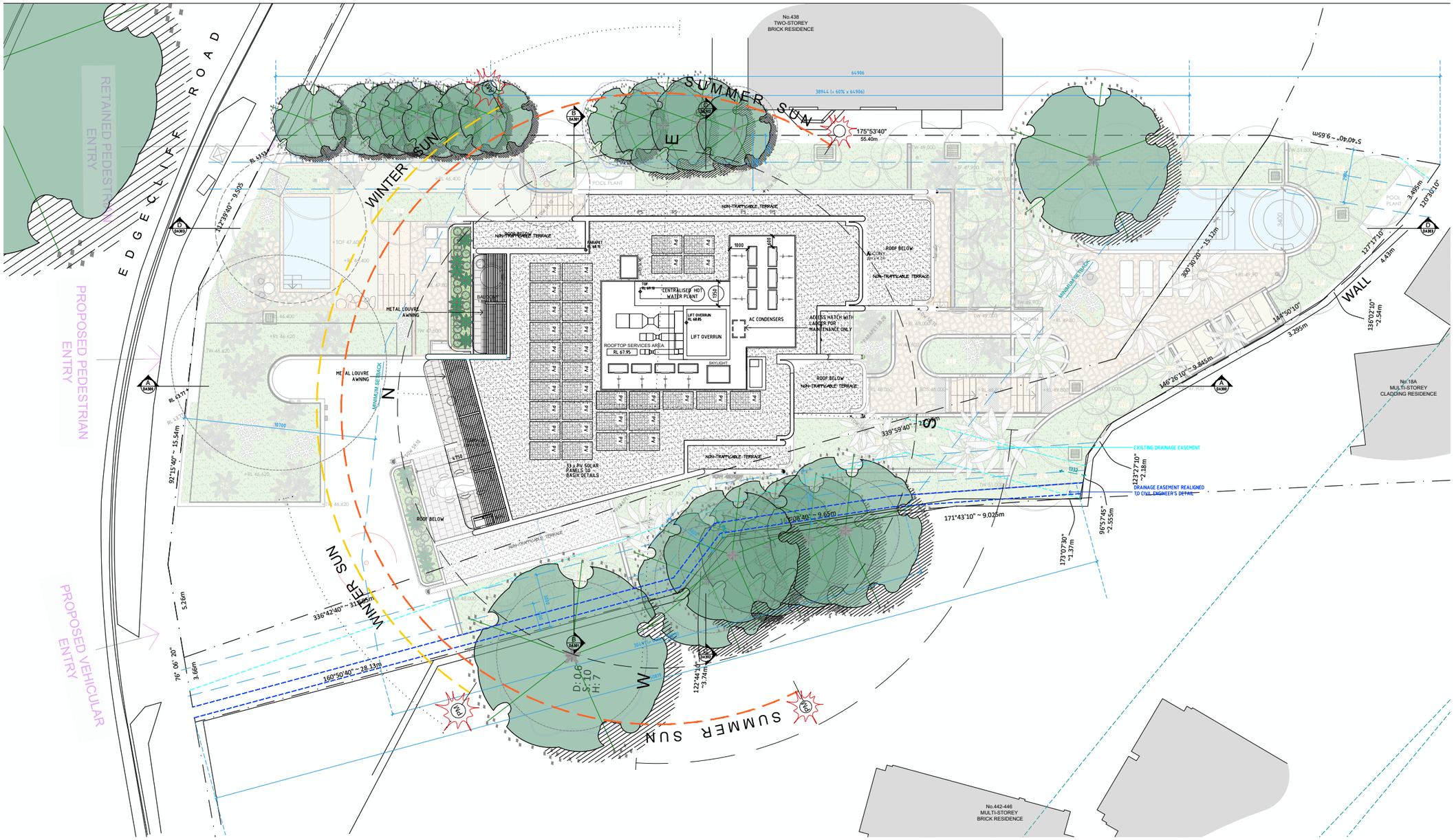

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	05.12.2023	ISSUE FOR S34 CONFERENCE			
C	29.01.2024	ISSUE FOR S34 CONFERENCE			
D	11.04.2024	ISSUE FOR S4.56 MODIFICAITONS			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA002

SITE ANALYSIS PLAN
ISSUE - D

SCALE 1:200 @ A3 1:100 @ A1

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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Nominated Architect: Paul Buljevic NSW 7768

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LEGEND:

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HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

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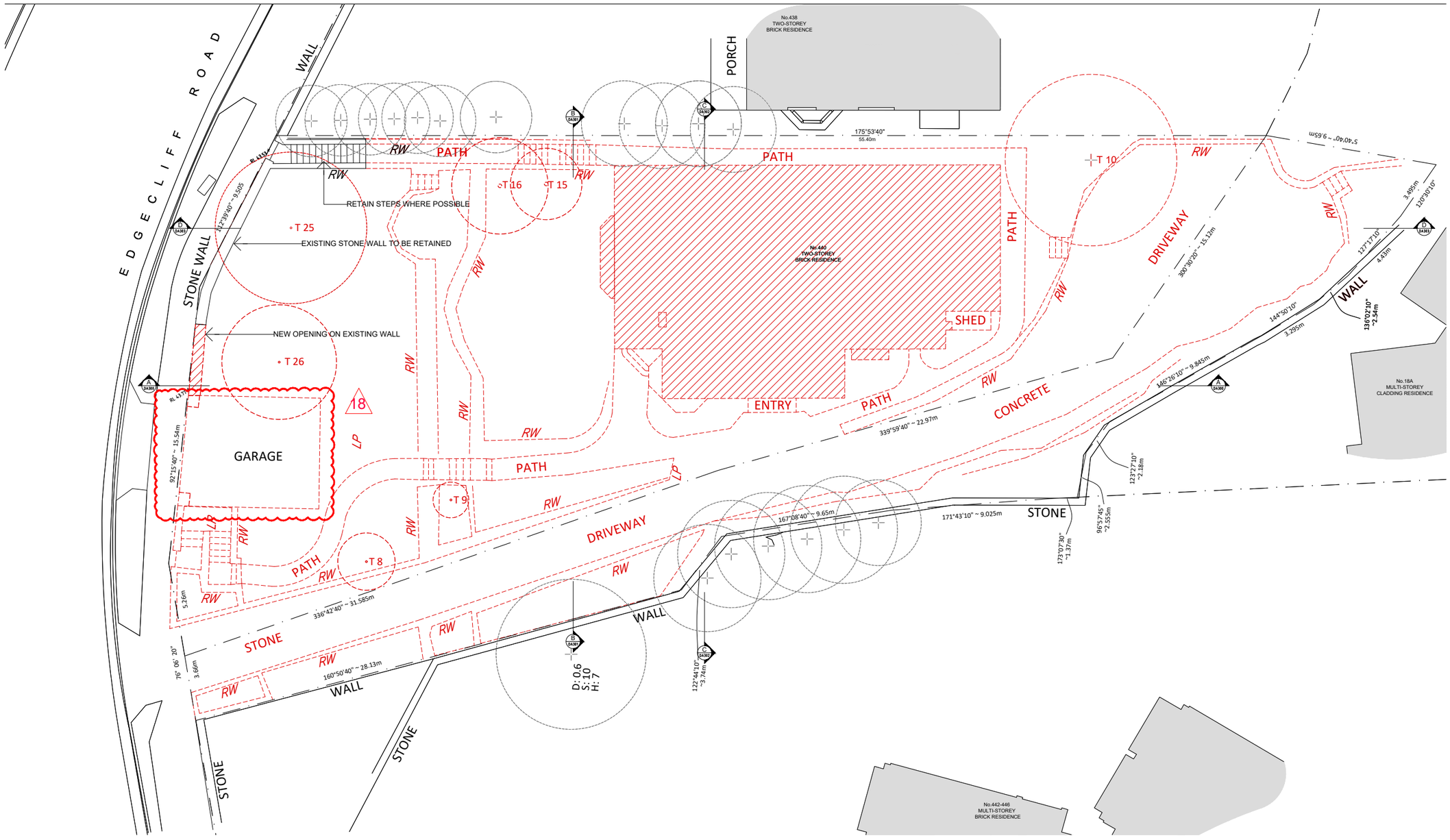
23. Amended lift overrun RL

LEGEND:
- DEMOLISHED / REMOVED
- TO BE RETAINED
- TO BE RETAINED
- REMOVED TREE - REFER TO ARBORIST REPORT
- TREE PROTECTION ZONE OF RETAINED TREE - REFER TO ARBORIST REPORT



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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA004

DEMOLITION PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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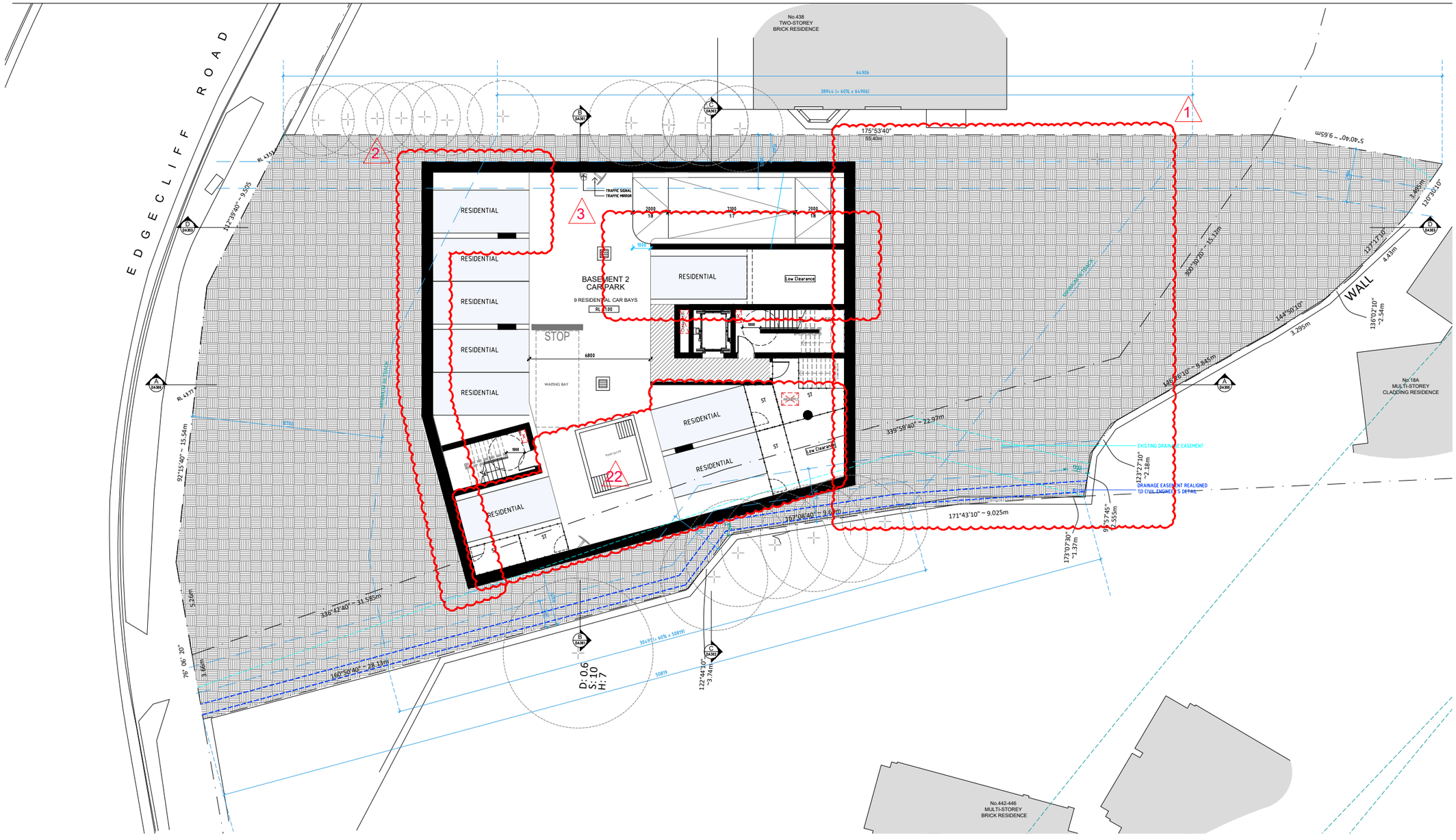

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA100

BASEMENT 2 PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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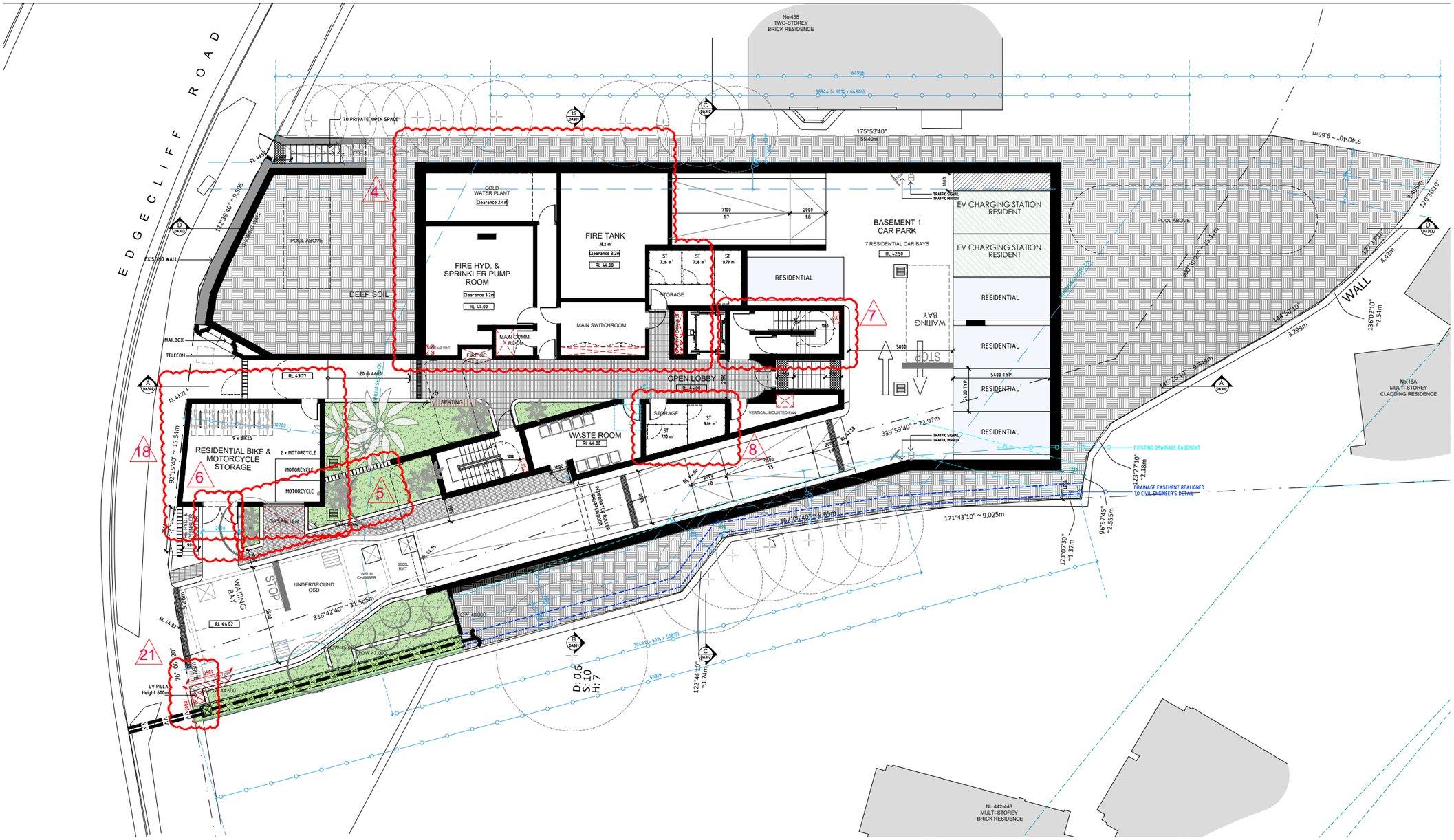
LEGEND
- EXISTING WALL TO BE RETAINED
- NEW WALL



AMENDMENTS

ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION
B	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING
C	05.12.2023	ISSUE FOR S34 CONFERENCE
D	14.12.2023	ISSUE FOR S34 CONFERENCE
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F	11.04.2024	ISSUE FOR S4.56 MODIFICATIONS

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA101

BASEMENT 1 PLAN
ISSUE - F

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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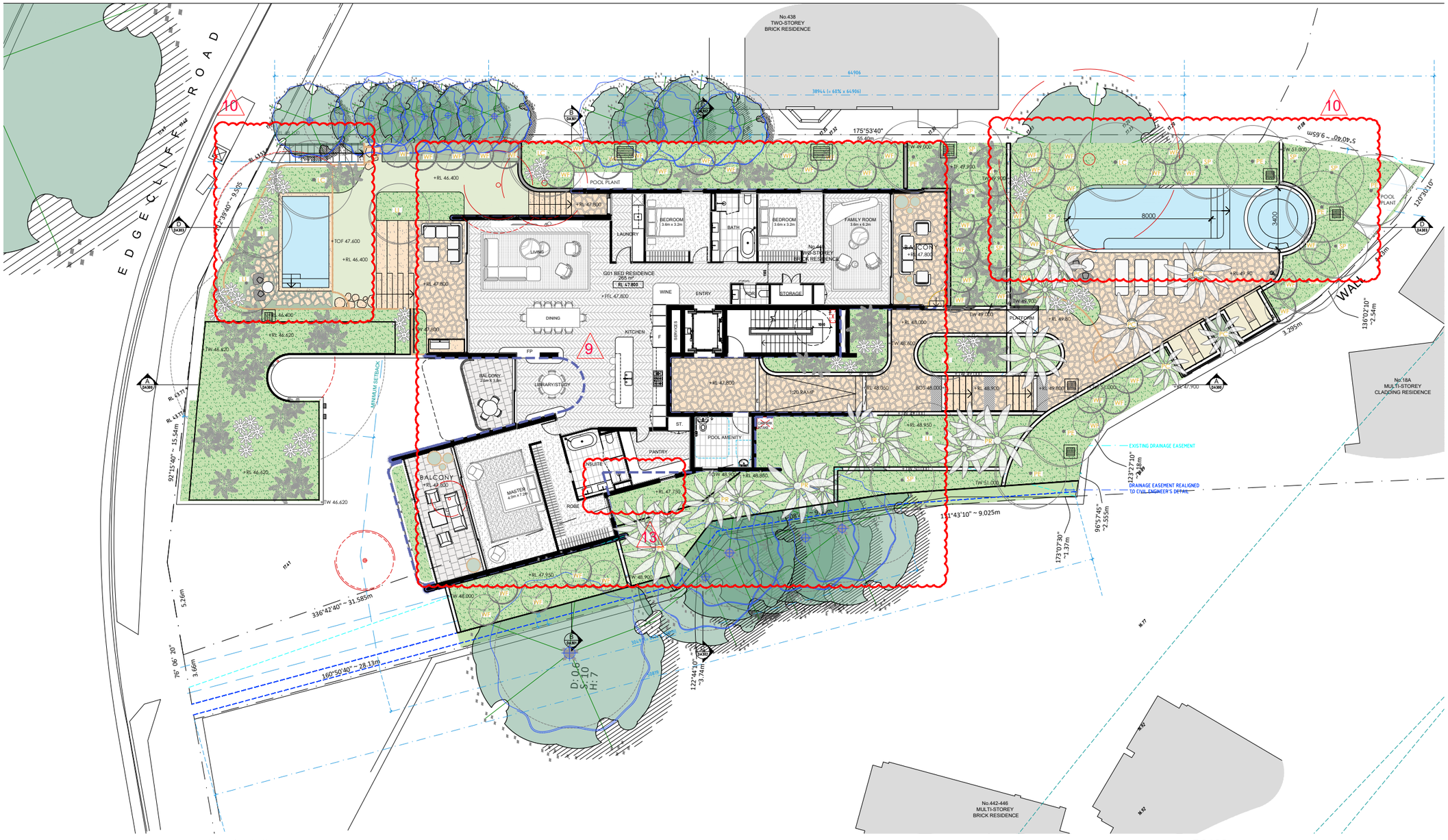

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	30.06.2023	ISSUE FOR COUNCIL RFI			
C	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
D	05.12.2023	ISSUE FOR S34 CONFERENCE			
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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA102

GROUND FLOOR PLAN
ISSUE - F

SCALE 1:200 @ A3 1:100 @ A1

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LIST
1. Reduction of Basement Footprint
2. Amended Shoring Wall Footprint
3. Relocated Service Area
4. Amended Service Area
5. Relocated Gas meter
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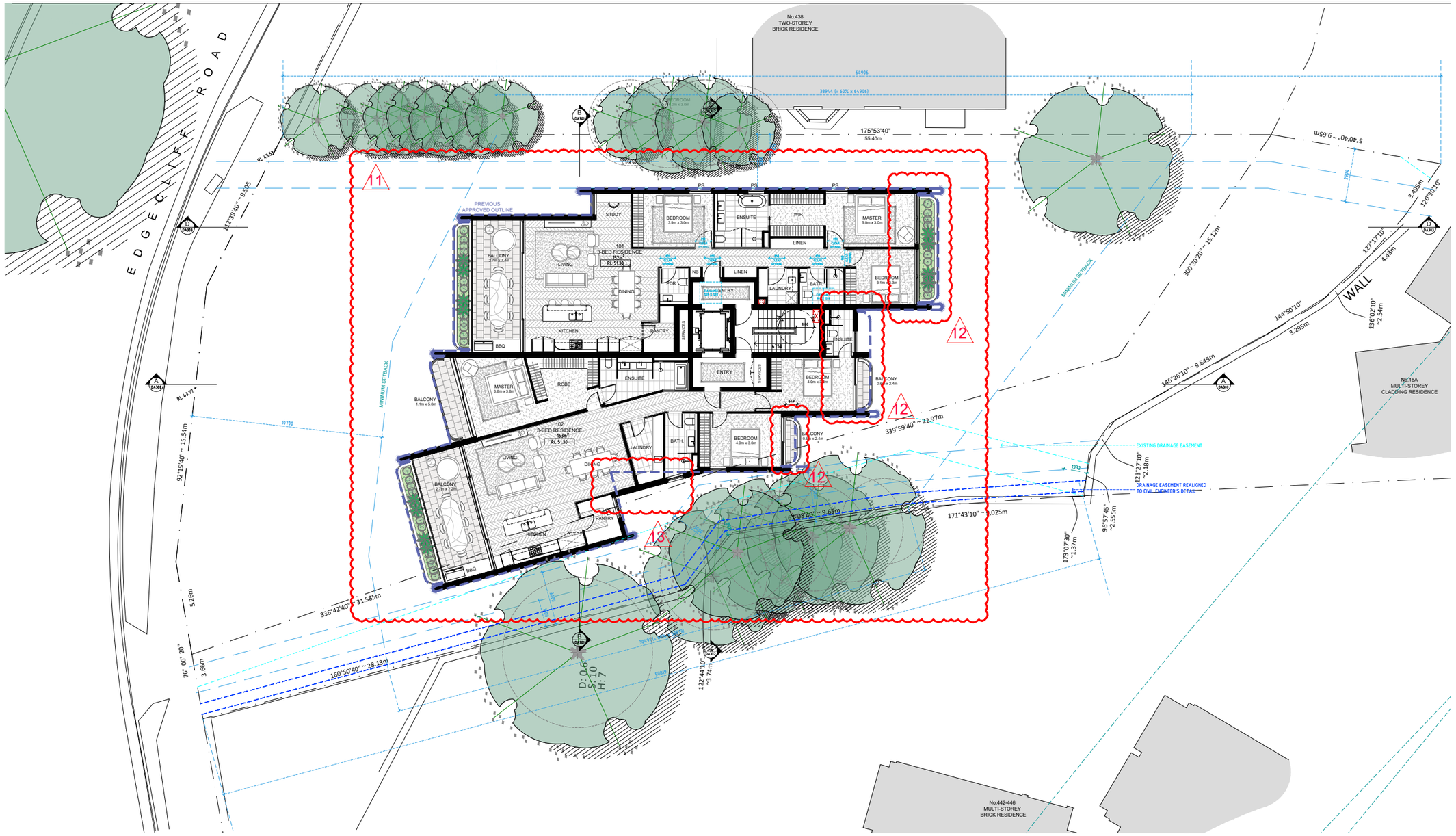

AMENDMENTS

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C	29.01.2024	ISSUE FOR S34 CONFERENCE			
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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA103

LEVEL 1 PLAN
ISSUE - D

SCALE 1:200 @ A3 1:100 @ A1

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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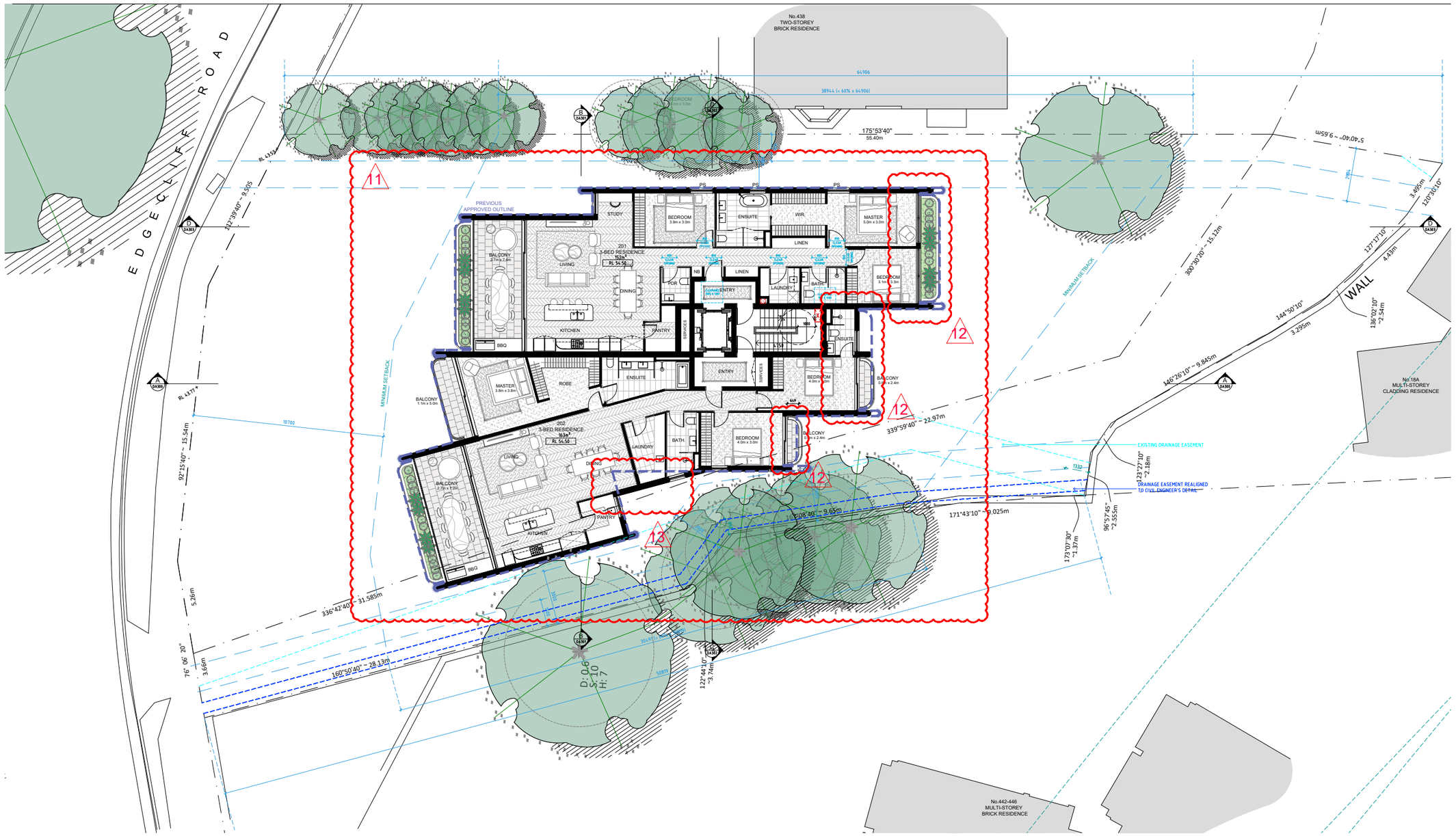

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA104

LEVEL 2 PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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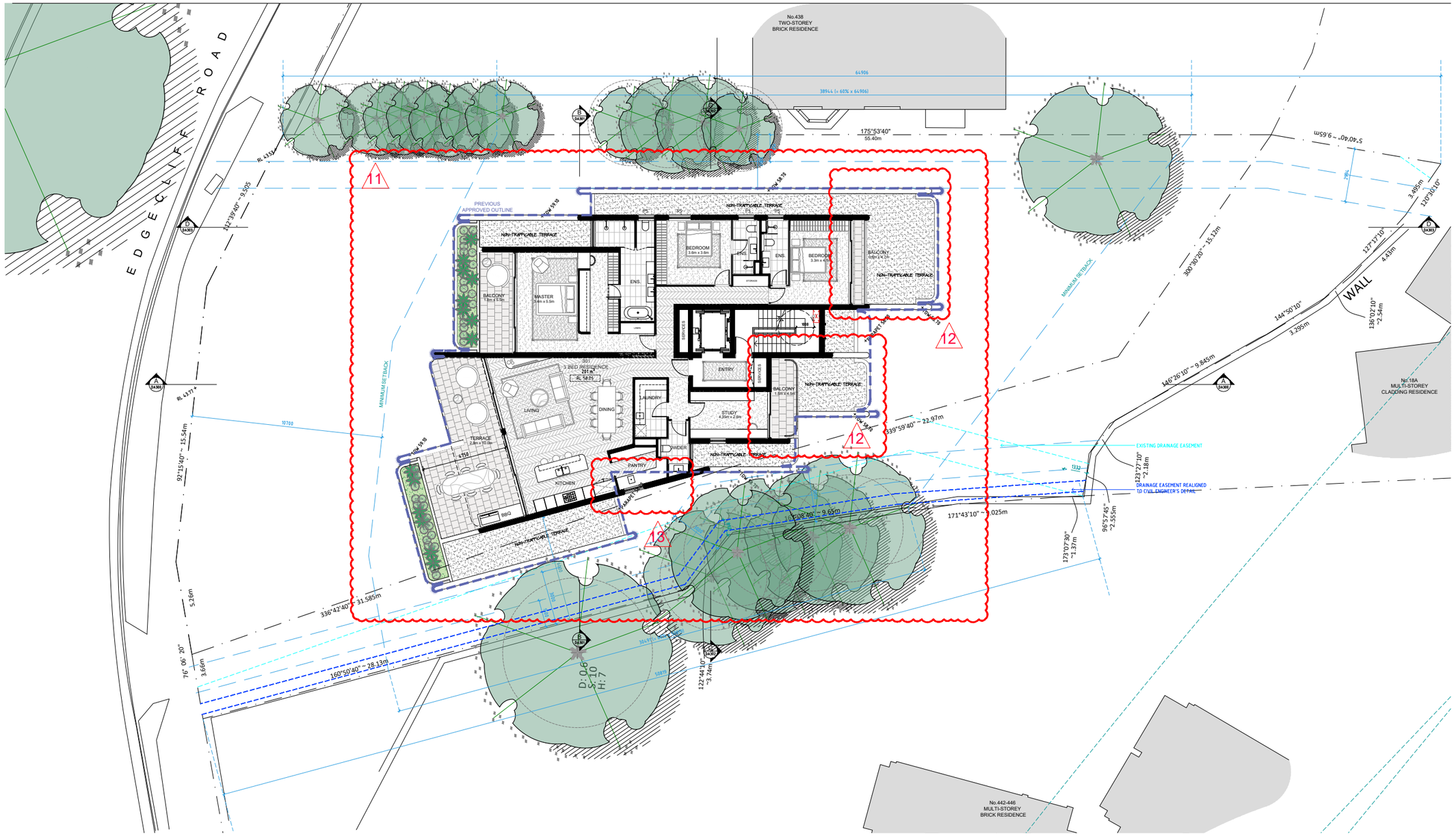

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA105

LEVEL 3 PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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ABN 36 147 035 550
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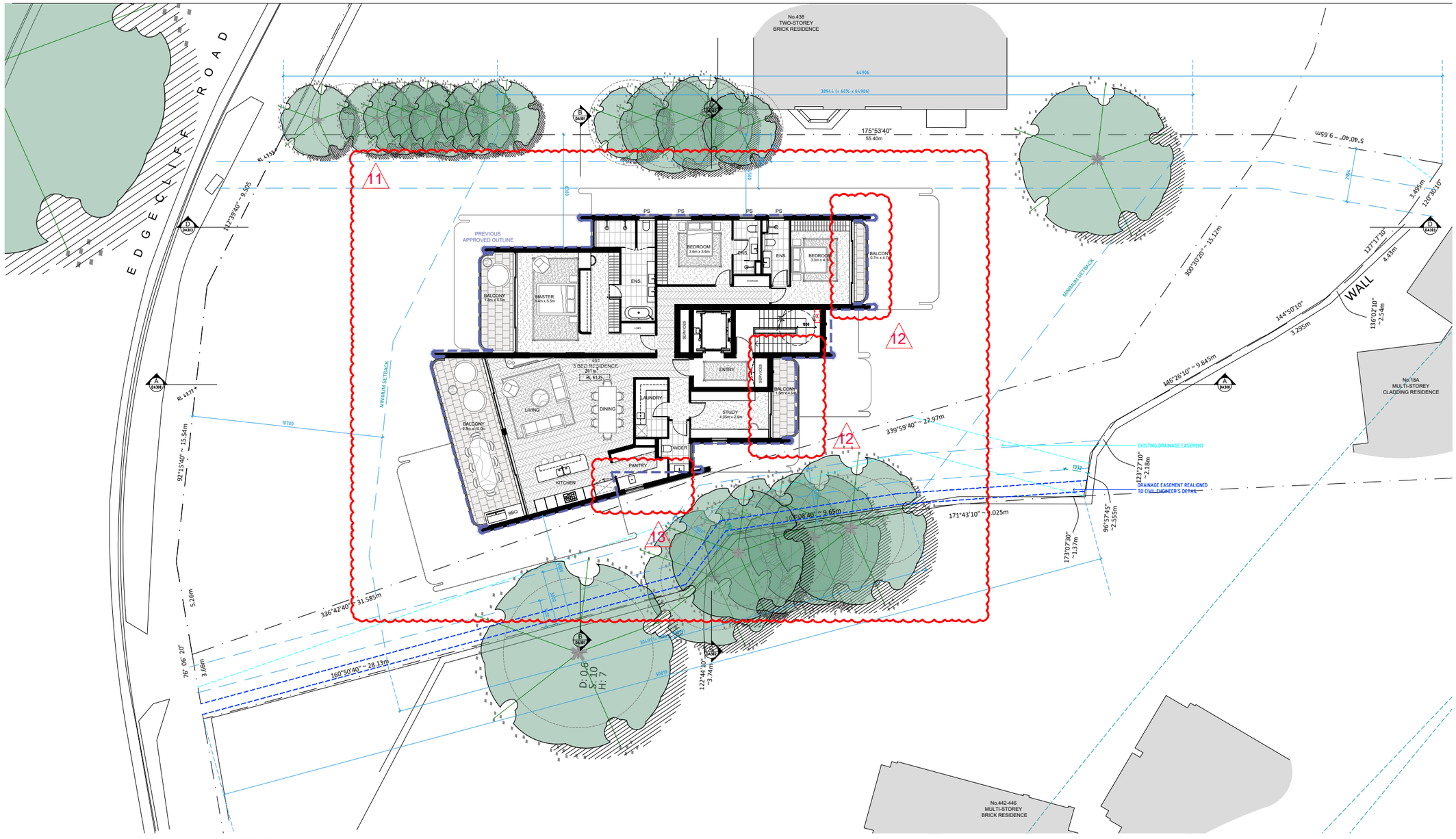

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA106

LEVEL 4 PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 5m

JOB No. 2224

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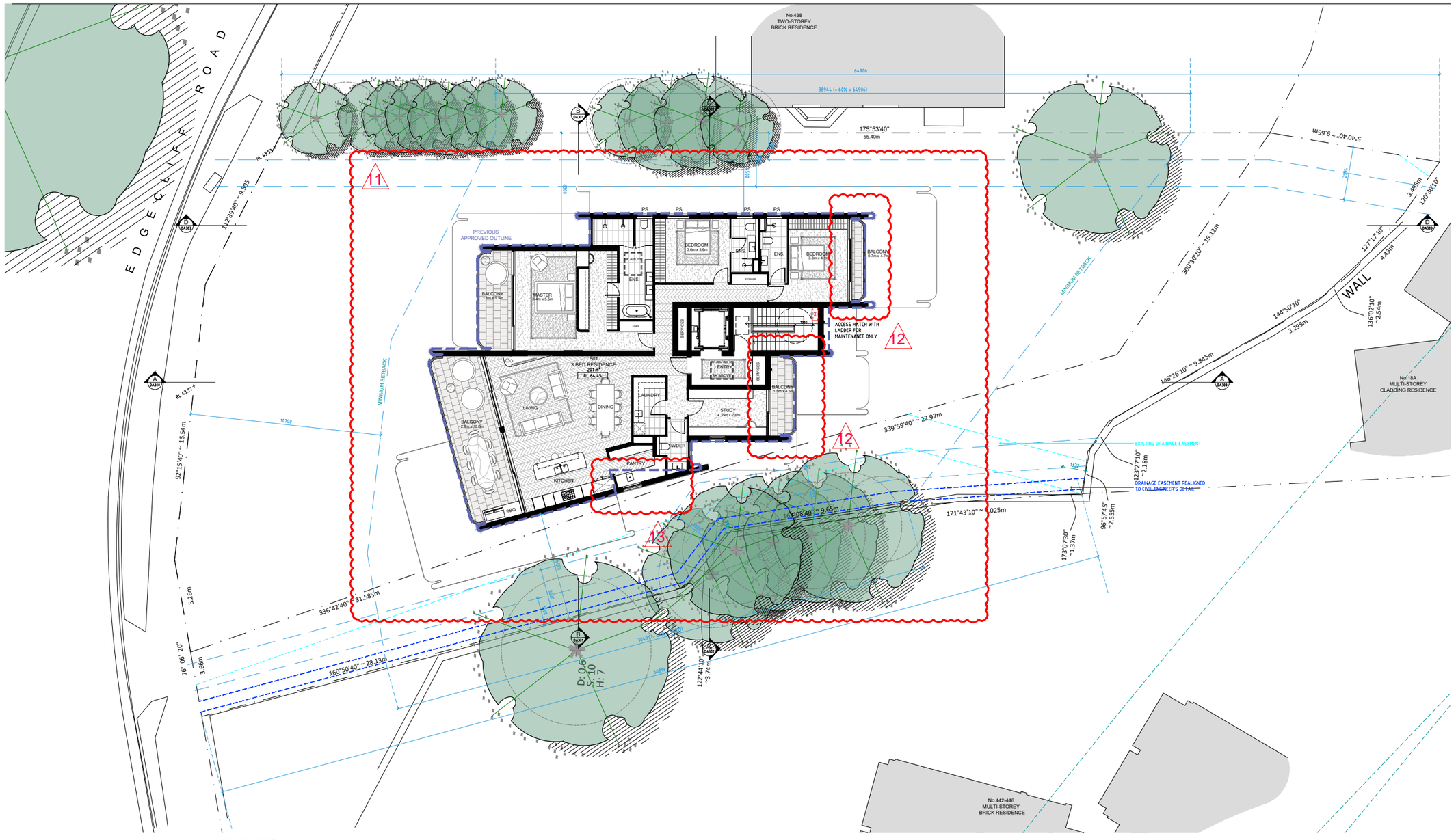

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA107

LEVEL 5 PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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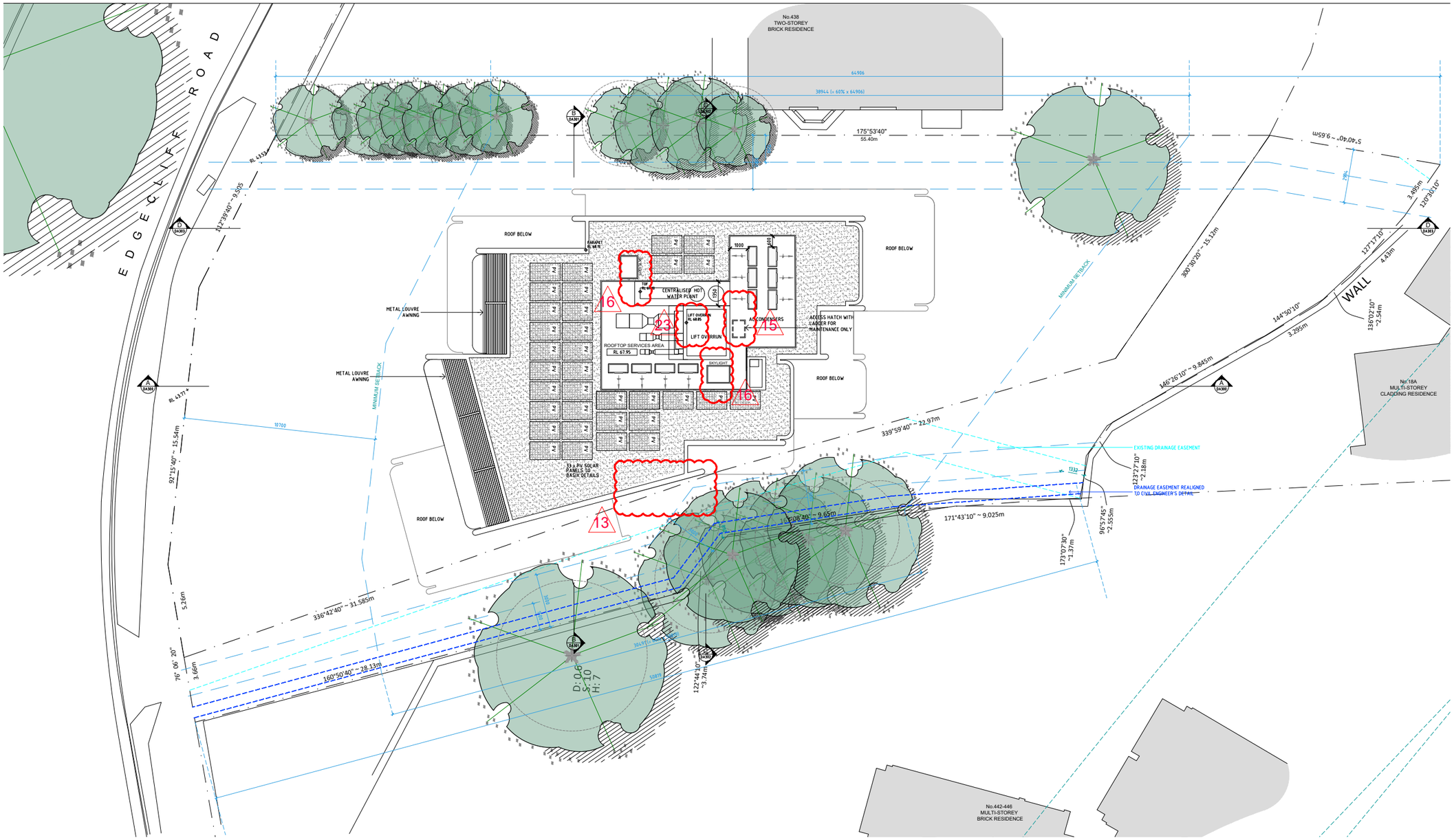

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA108

ROOF PLAN
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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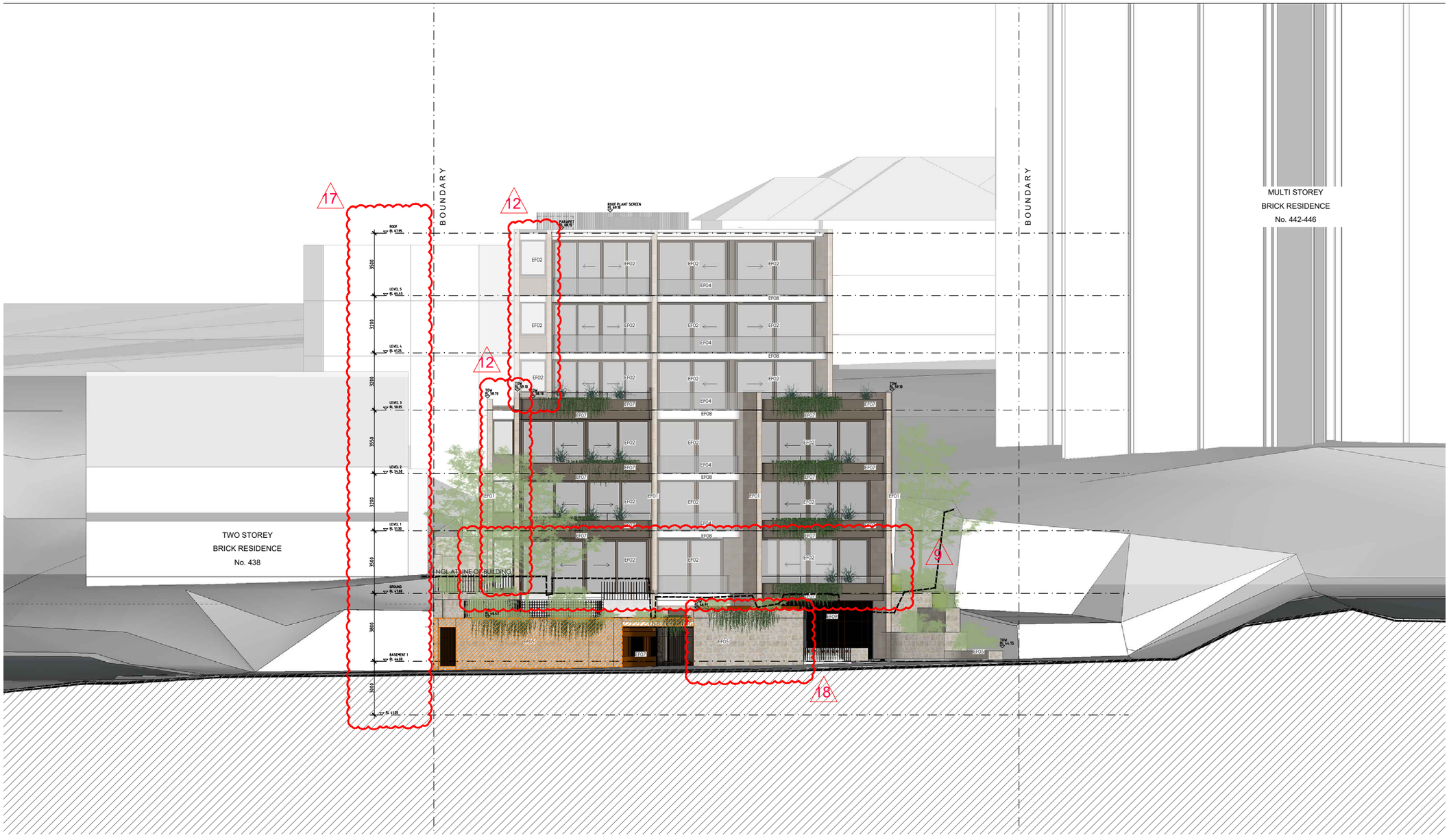
LEGEND

EXISTING WALL TO BE RETAINED



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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA200

NORTH ELEVATION
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 3m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LIST
1. Reduction of Basement Footprint
2. Amended Shoring Wall Footprint
3. Relocated Service Area
4. Amended Service Area
5. Relocated Gas meter
6. Repositioned Entry For Residential Bike and Storage Area
7. Amended Fire Stair Egress Path
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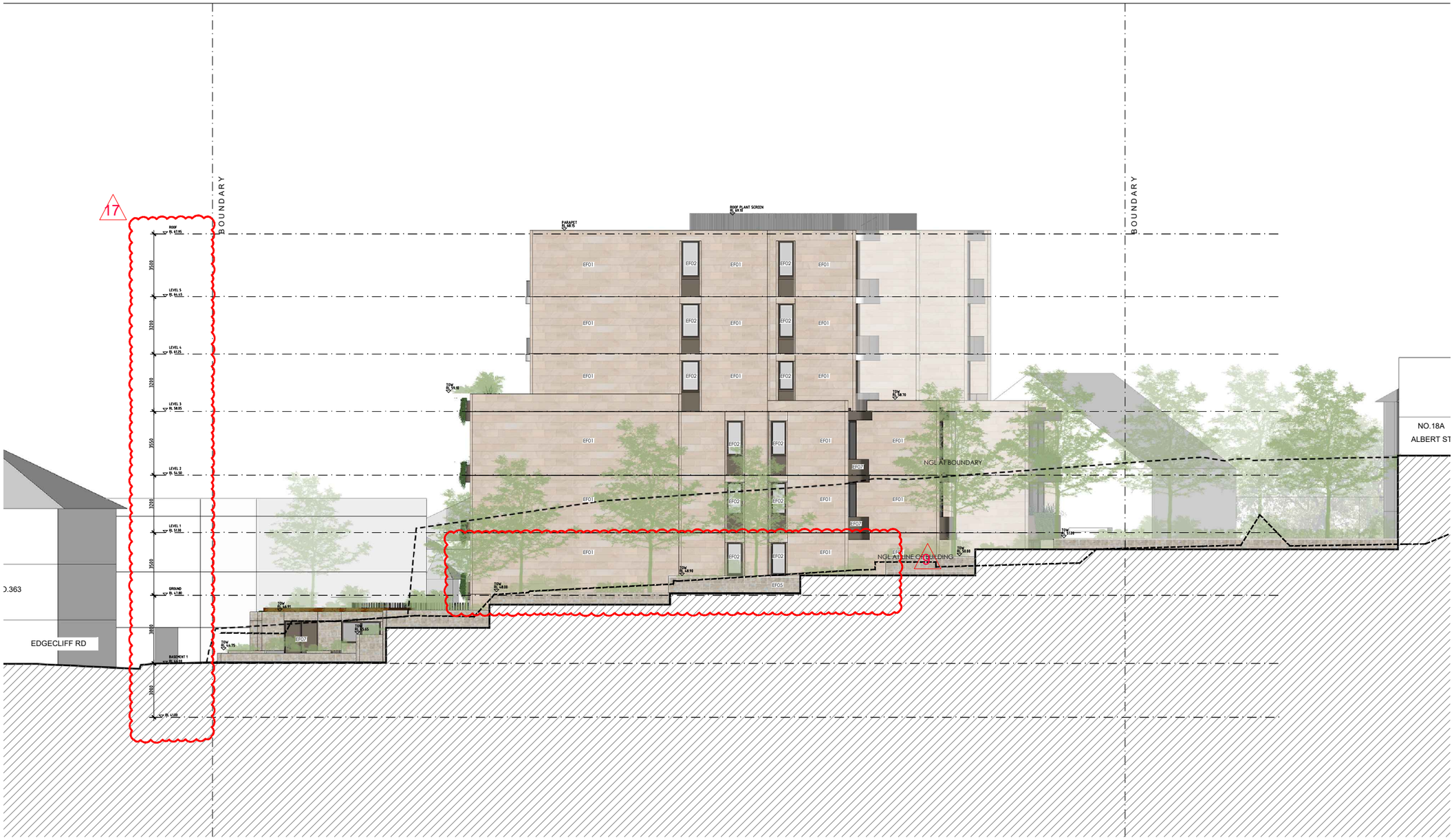

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA201

WEST ELEVATION
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

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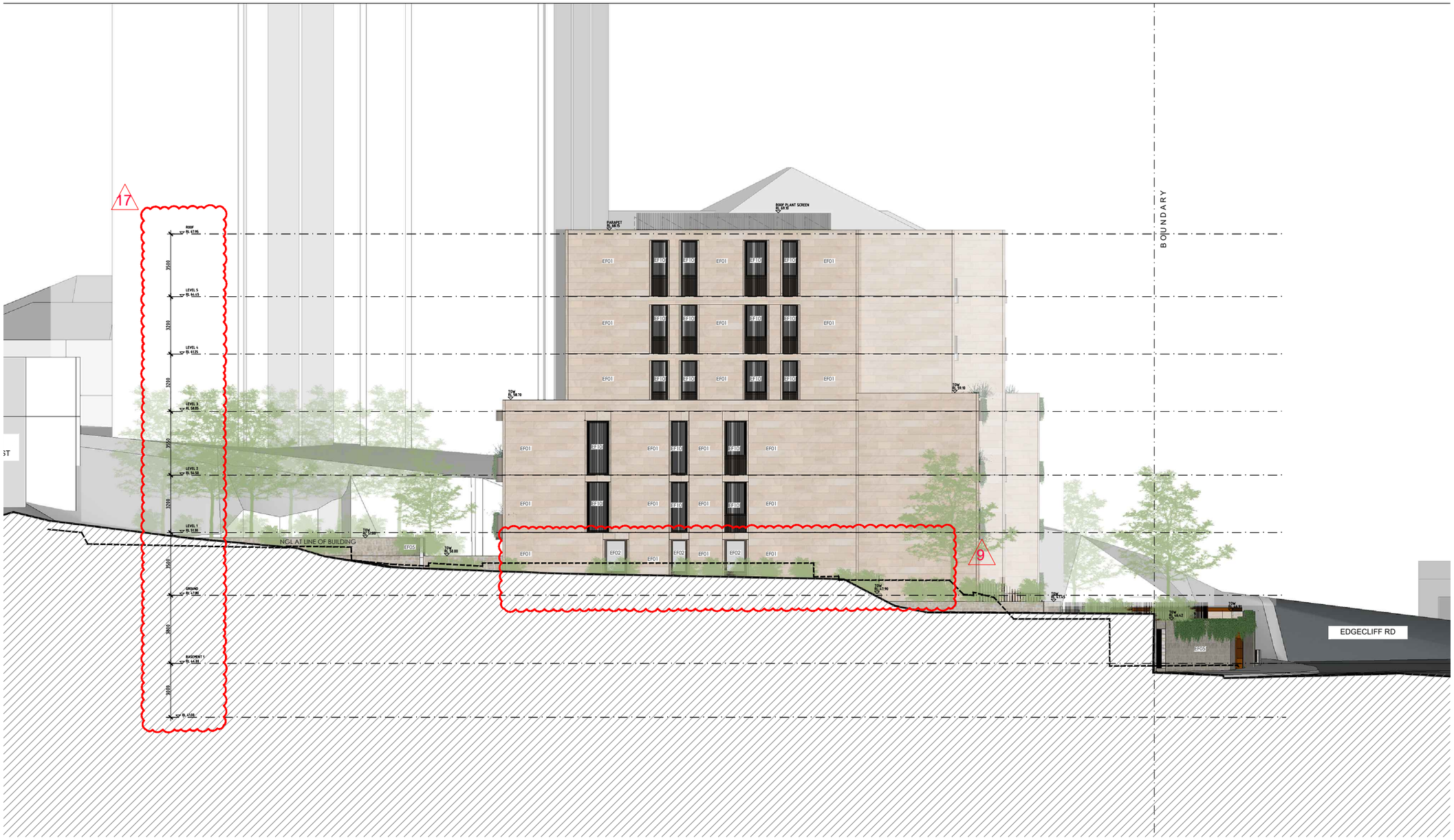

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA202

EAST ELEVATION
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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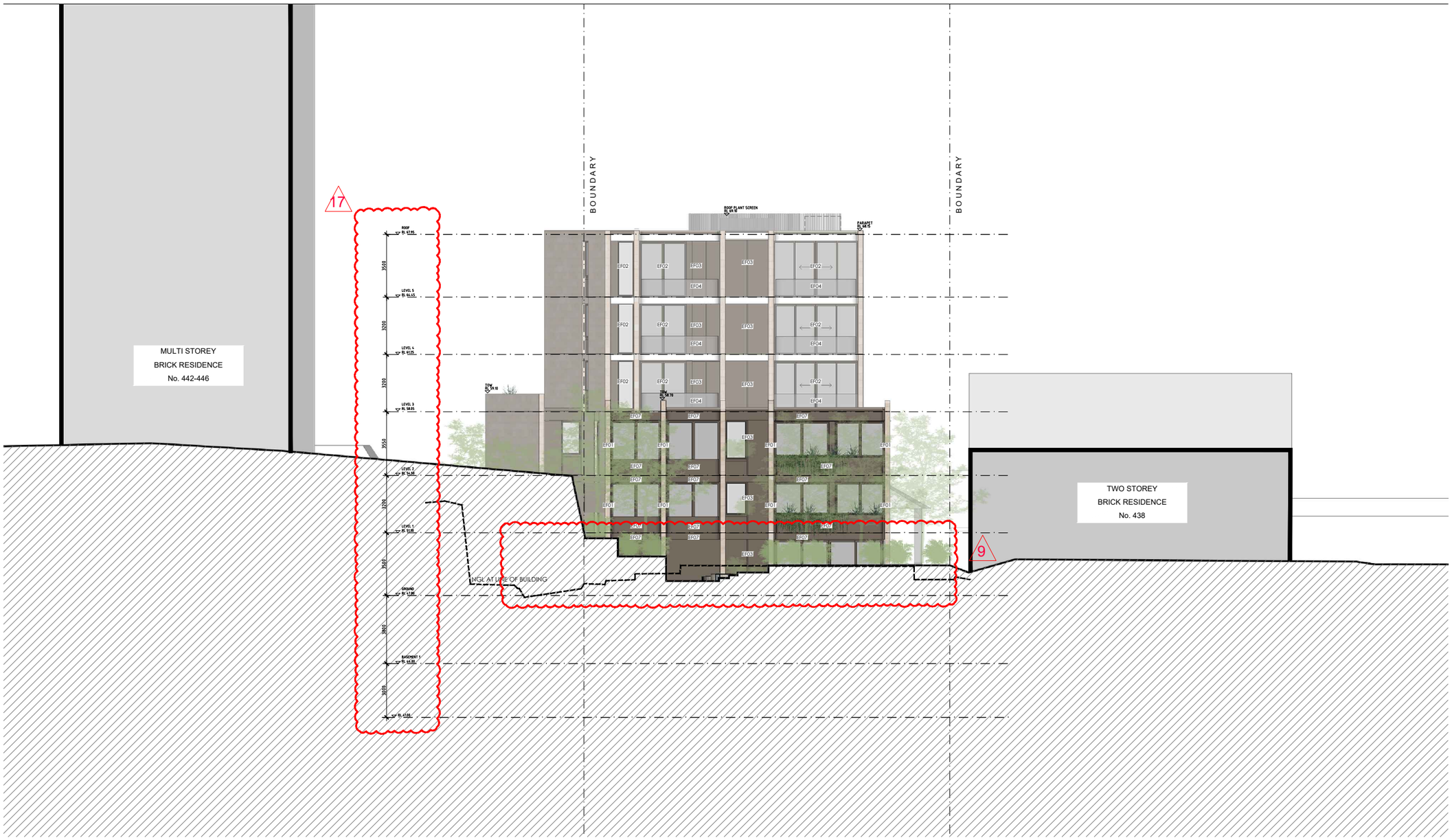

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA203

SOUTH ELEVATION
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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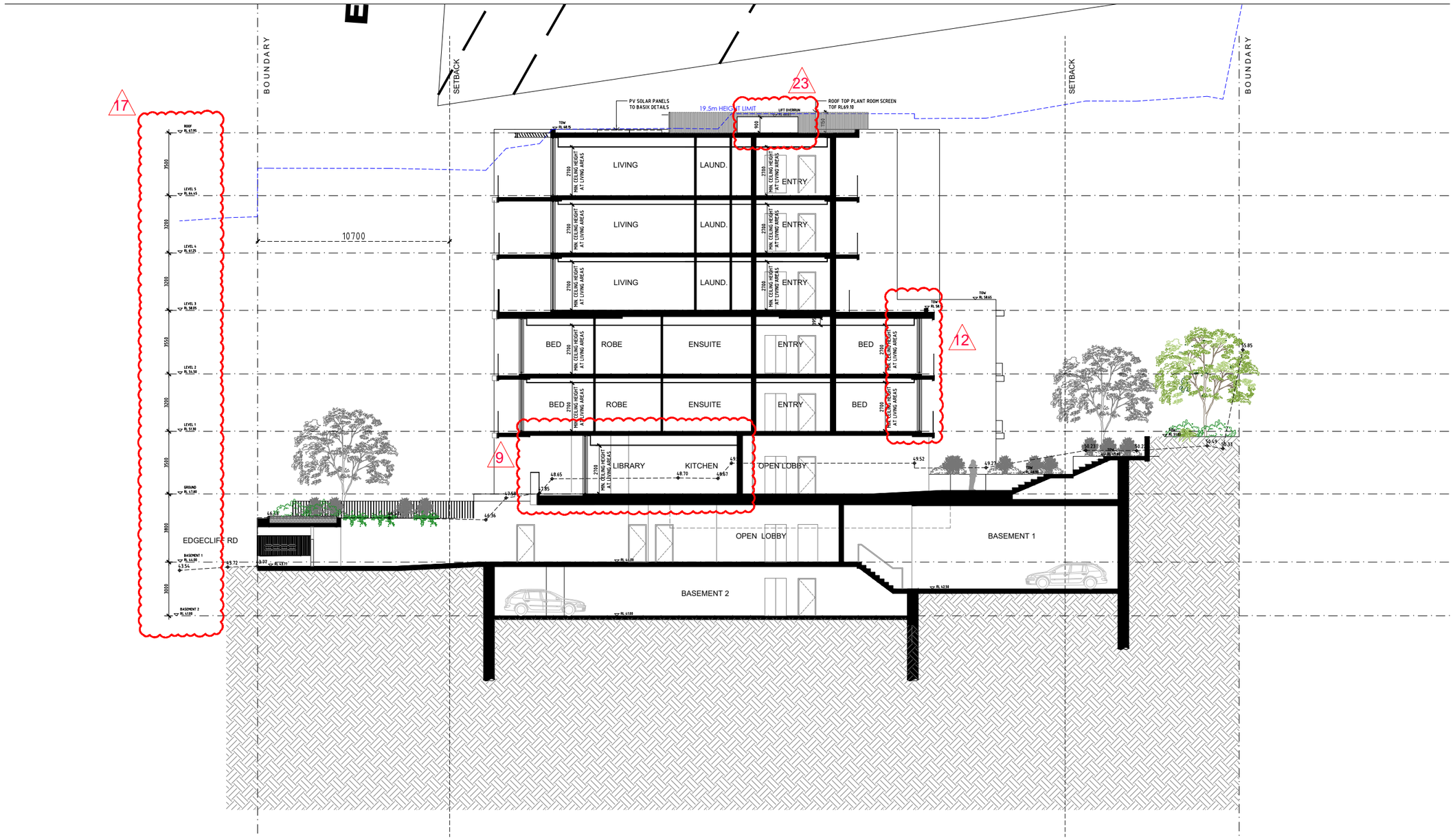

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA300

SECTION A
ISSUE - F

SCALE
1:200 @ A3
1:100 @ A1
0 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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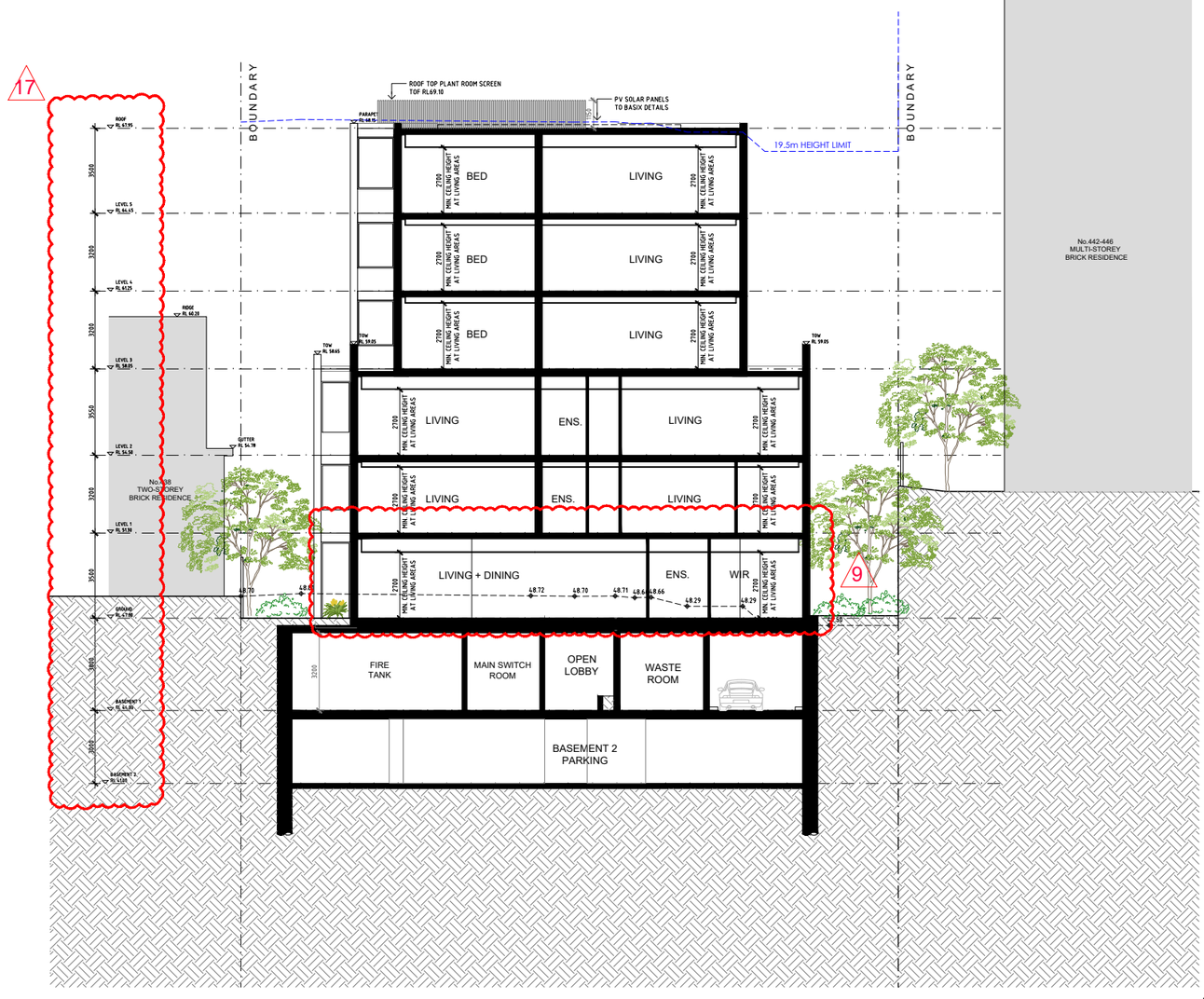

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA301

SECTION B-B
ISSUE - F

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
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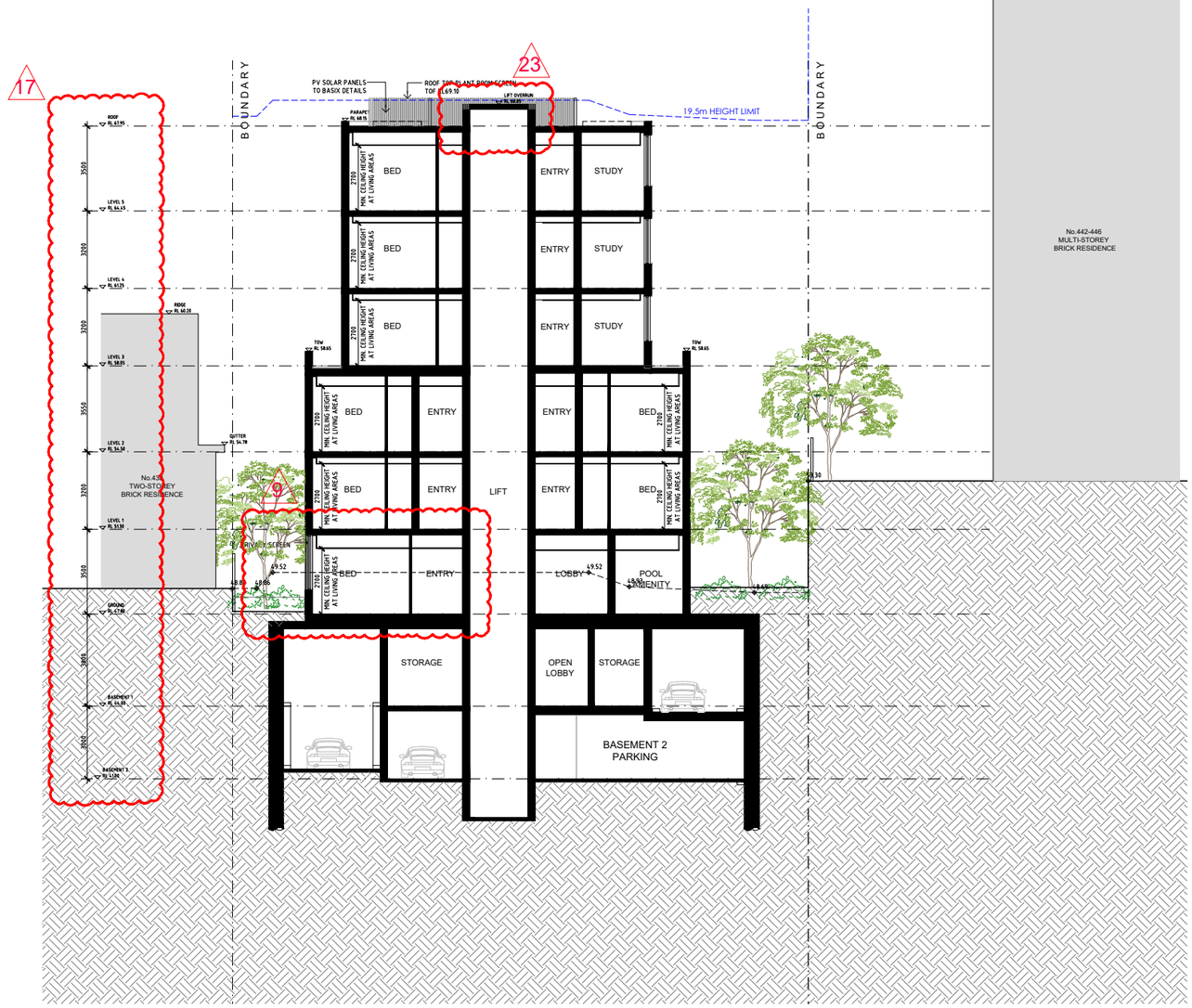

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA302

SECTION C-C
ISSUE - F

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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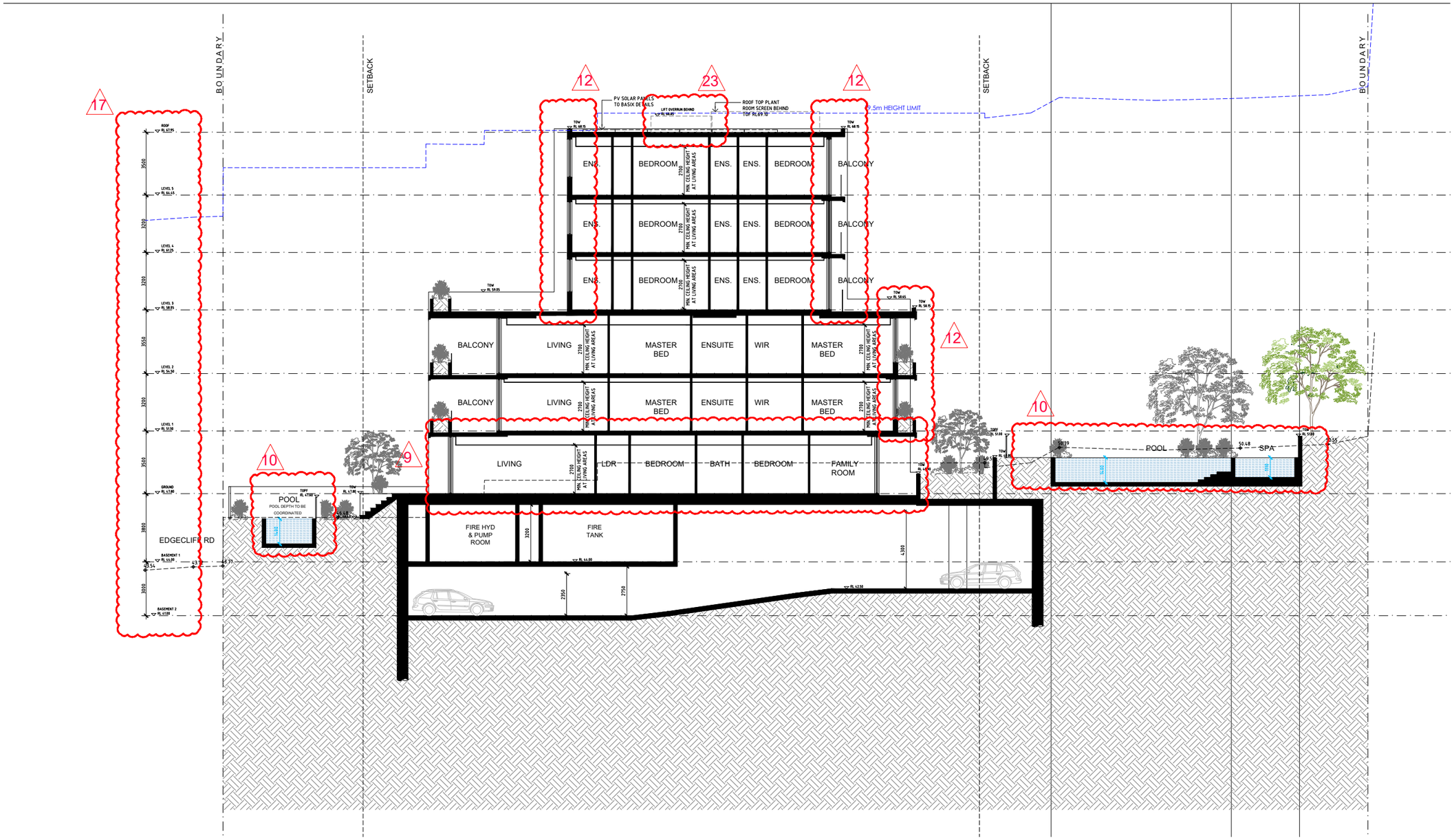

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA303

SECTION D
ISSUE - F

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

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4. Amended Service Area
5. Relocated Gas meter
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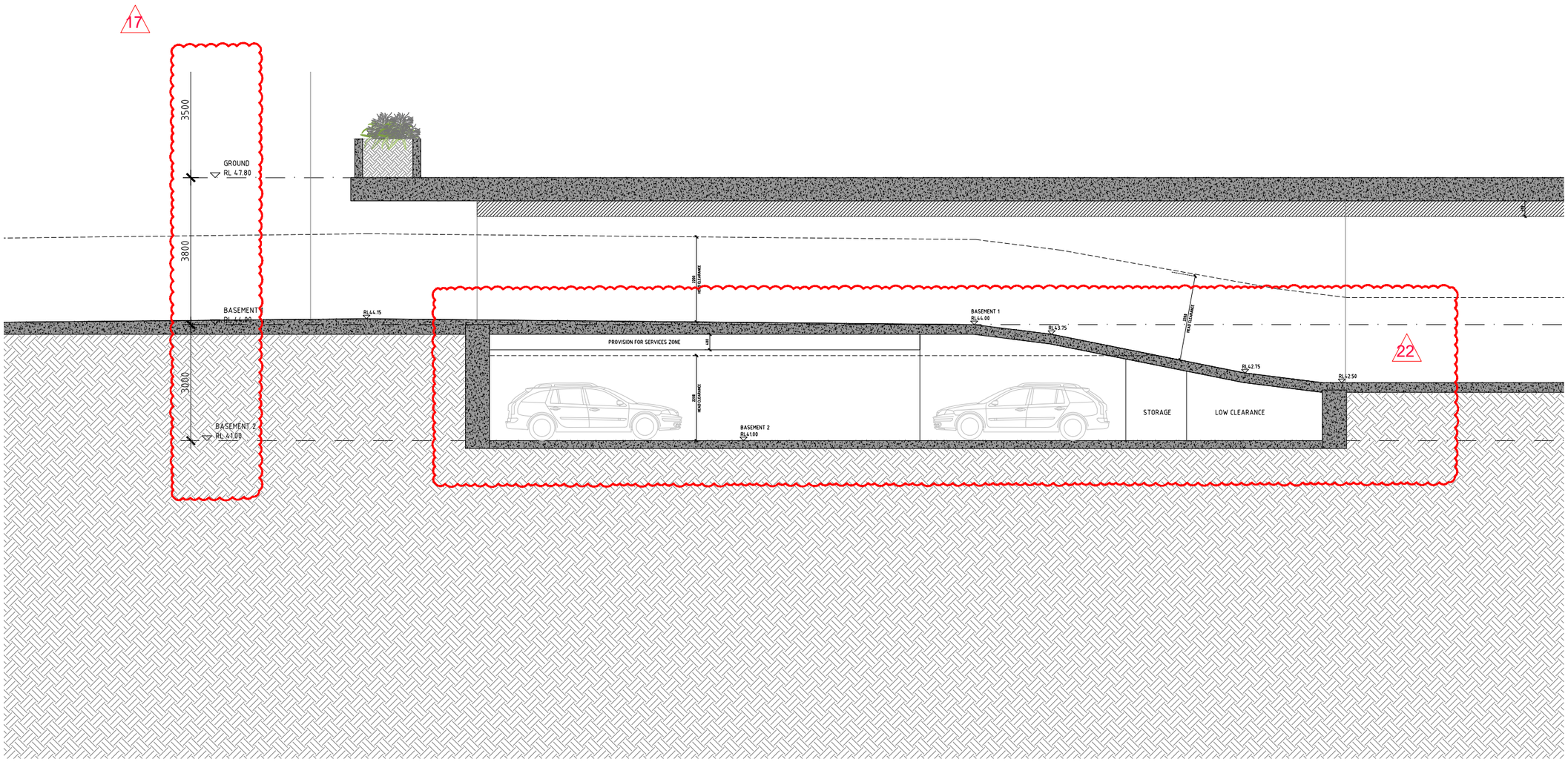

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA305

DRIVEWAY SECTION
ISSUE - D

1:100 @ A3
1:50 @ A1
0 0.25 0.5 1 2.5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
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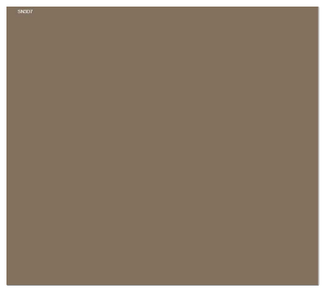
EF01 SANDSTONE LOOK FINISH

Colour - Sand stone or similar approved

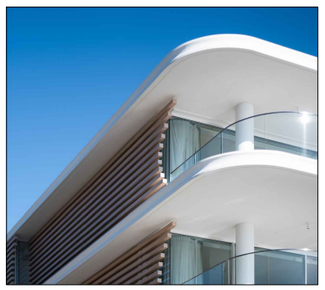
EF02 ALUMINIUM FRAME GLAZING

Colour - Matt duralloy jasper or similar approved



EF03 PAINTED WALL

Colour - to match EF07 or similar approved



EF04 FRAMELESS GLASS BALUSTRADE WITH METAL TOP RAIL

Colour -

EF05 SANDSTONE WALL

Treated existing sandstone where possible or Eco outdoor - Clancy or similar approved

EF06 TIMBER SOFFIT

Colour - SupaSurface Emu Oak or similar approved

EF07 METAL CLADDED FINISH

Colour - Medium Brown Bronze or similar approved

EF08 POWDER-COATED METAL

Colour - Anotec Silver Grey or similar approved

EF09 ALUMINIUM BATTEN ROLLER DOOR

Colour - to match EF07 or similar approved

EF10 PRIVACY SCREEN

Colour - to match EF07

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA400

MATERIAL SCHEDULE
ISSUE - D

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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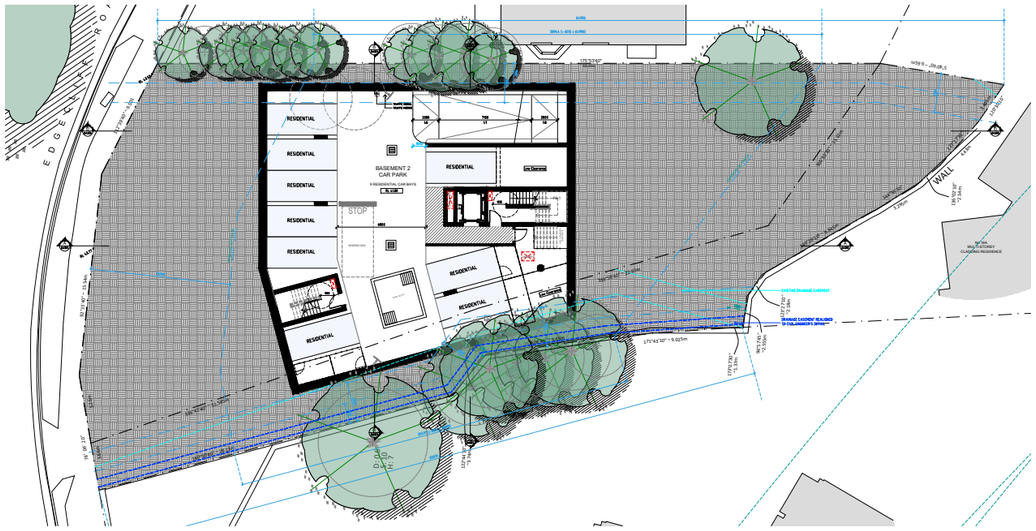
PROJECT INFORMATION		
440 Edgecliff Road, EDGECLIFF		
Site Area (m²)	1,470.90	sqm
Zoning	R3	Medium Density Residential
Height Control	19.5	m
FSR Control	0.75	:1
Allowable GFA	1,103.18	sqm

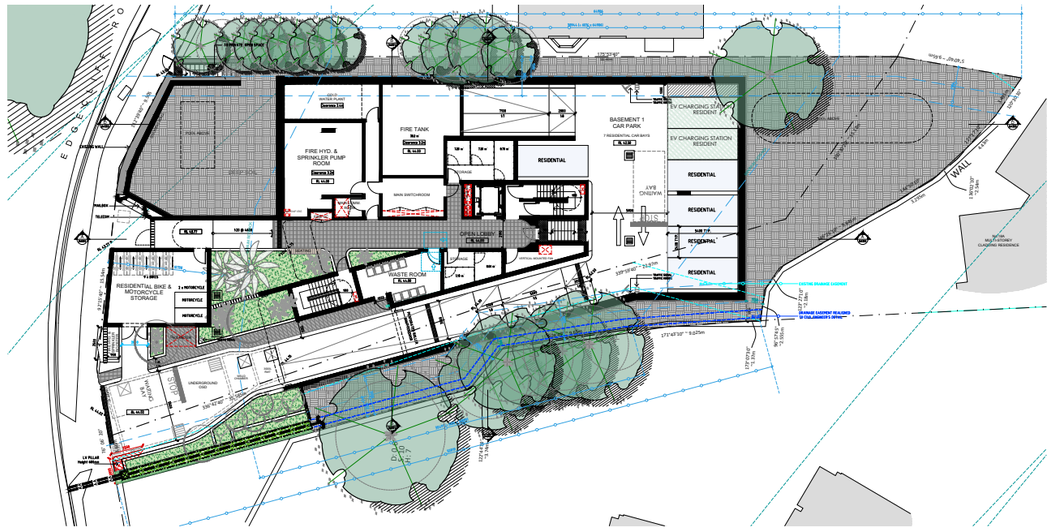
LEGEND
Gross Floor Area

GFA Calculations		
Basement 2		
Basement 1		
Ground Floor	275.00	m²
Level 1	315.50	
Level 2	315.50	
Level 3	201.00	
Level 4	201.00	
Level 5	201.00	m²
TOTAL	1,509.00	m²
CURRENT FSR	1.03	:1

19



01 BASEMENT 2 - GFA: 0 SQM



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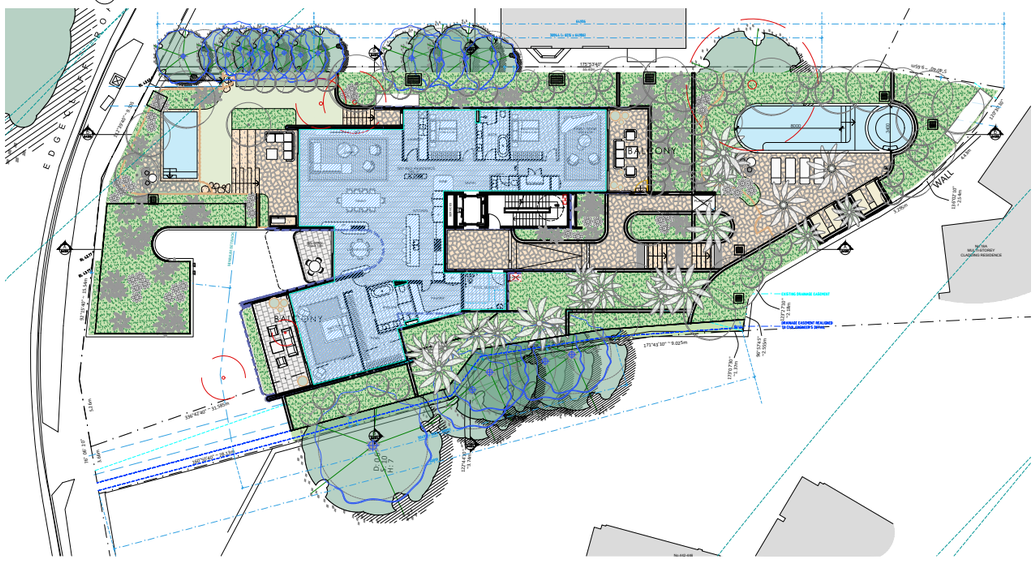
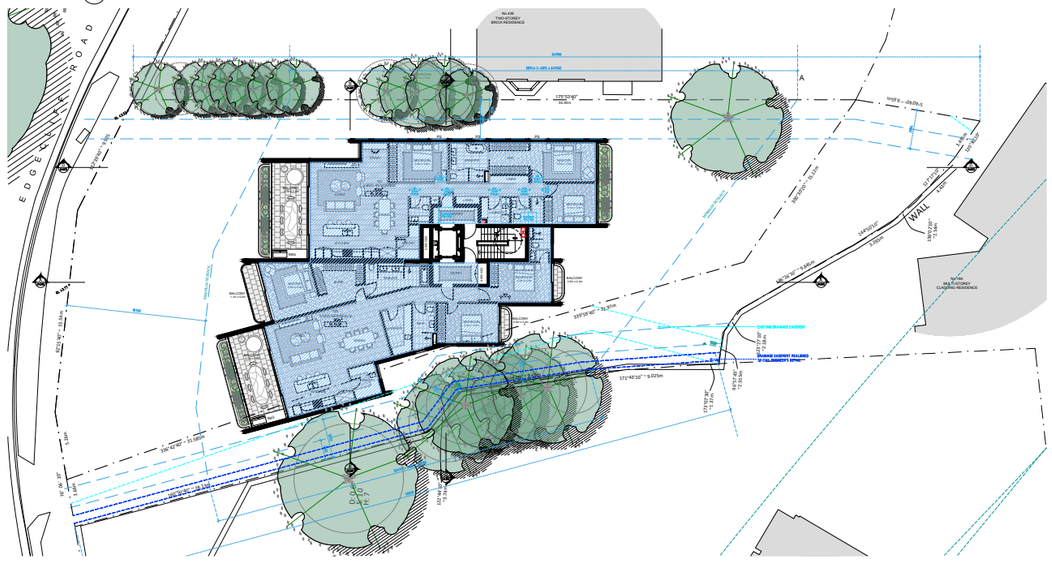


03 GROUND FLOOR - GFA: 275.0 SQM



04 LEVEL 1-2 FLOOR - GFA: 315.5 SQM

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA502

FSR DIAGRAM
ISSUE - D

1:400 @ A3
1:200 @ A1
0 4 10m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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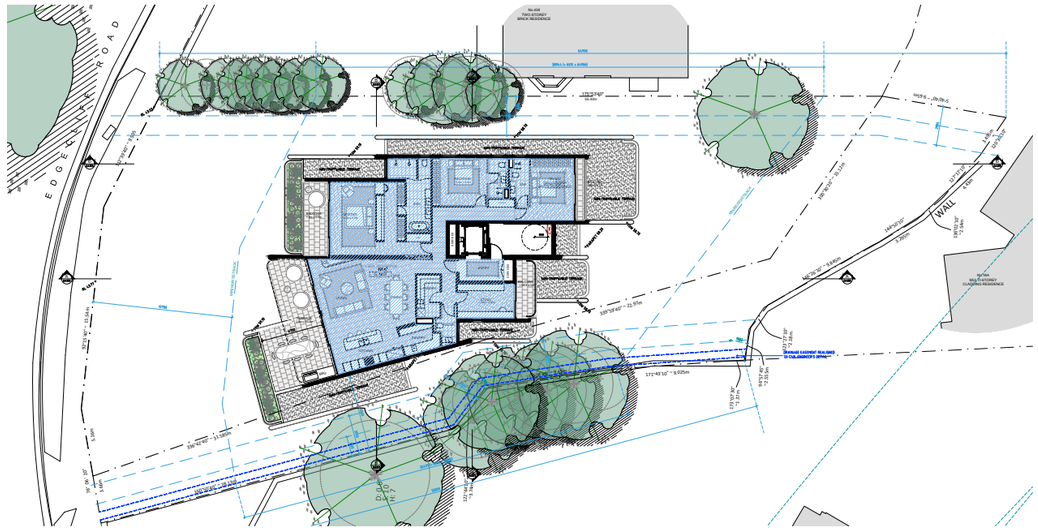
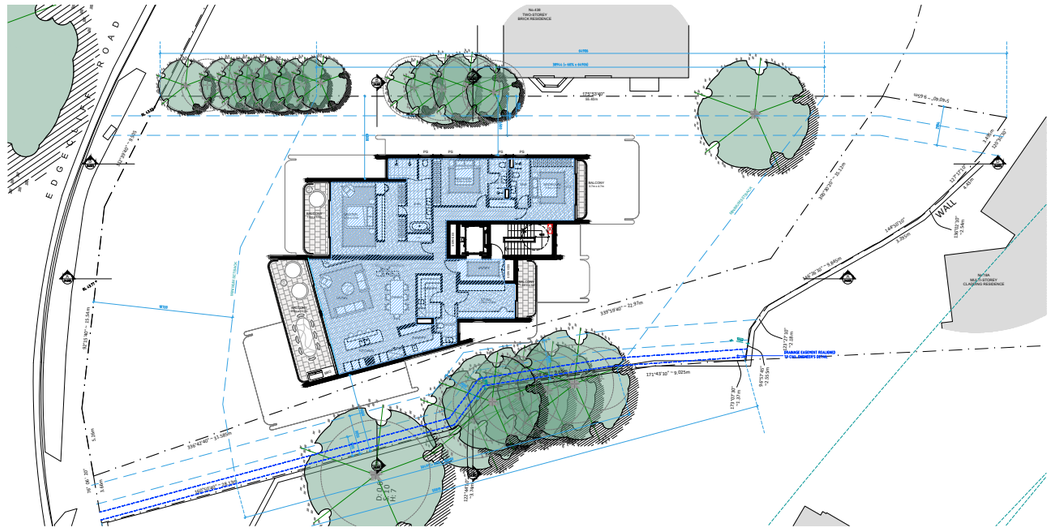


01 LEVEL 3 FLOOR - GFA: 201 SQM



02 LEVEL 4-5 FLOOR - GFA: 201 SQM

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA503

FSR DIAGRAM
ISSUE - D

1:400 @ A3
1:200 @ A1
0 4 10m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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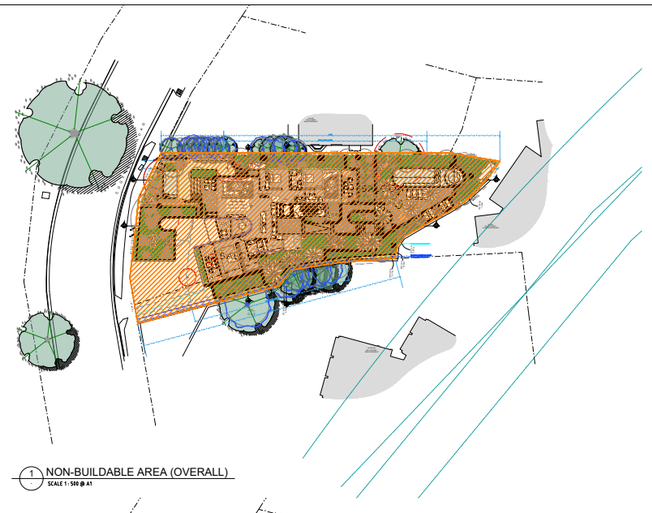
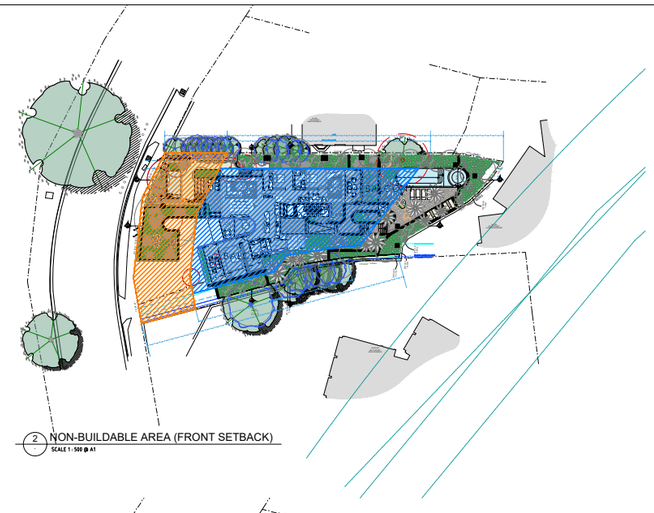
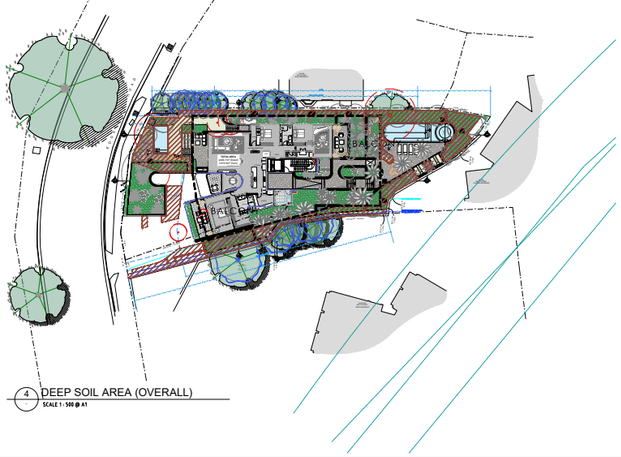
LEGEND
- BUILDABLE AREA
- NON BUILDABLE AREA
- DEEP SOIL AREA
- BASEMENT LINE



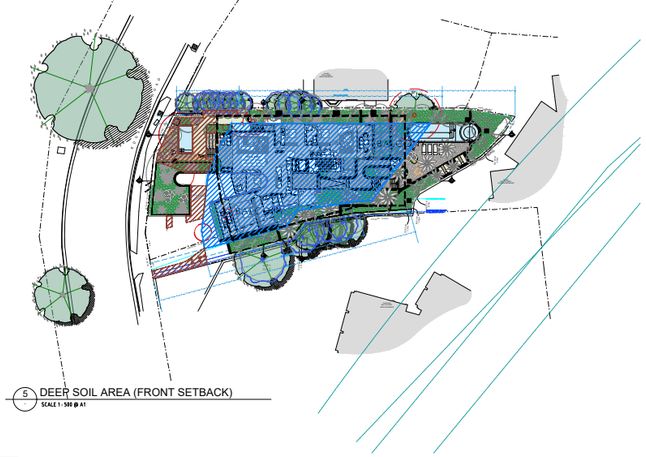
1 NON-BUILDABLE AREA (OVERALL)
SCALE 1: 500 @ A1



2 NON-BUILDABLE AREA (FRONT SETBACK)
SCALE 1: 500 @ A1



4 DEEP SOIL AREA (OVERALL)
SCALE 1: 500 @ A1



5 DEEP SOIL AREA (FRONT SETBACK)
SCALE 1: 500 @ A1

DEEP SOIL AREA CALCULATIONS

Site Area = 1470.9 m²

Minimum 35%% of site area
a. Site Area = 1470.9 m²
b. Deep Soil = 337.6 m² (22.9%)

40% of front setback
a. Front setback = 350.2 m²
b. Deep Soil at front setback = 122.6 m² (35%)

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NSW 2027

CLIENT: Clutch Capital

DA510

DEEP SOIL DIAGRAMS
ISSUE - B

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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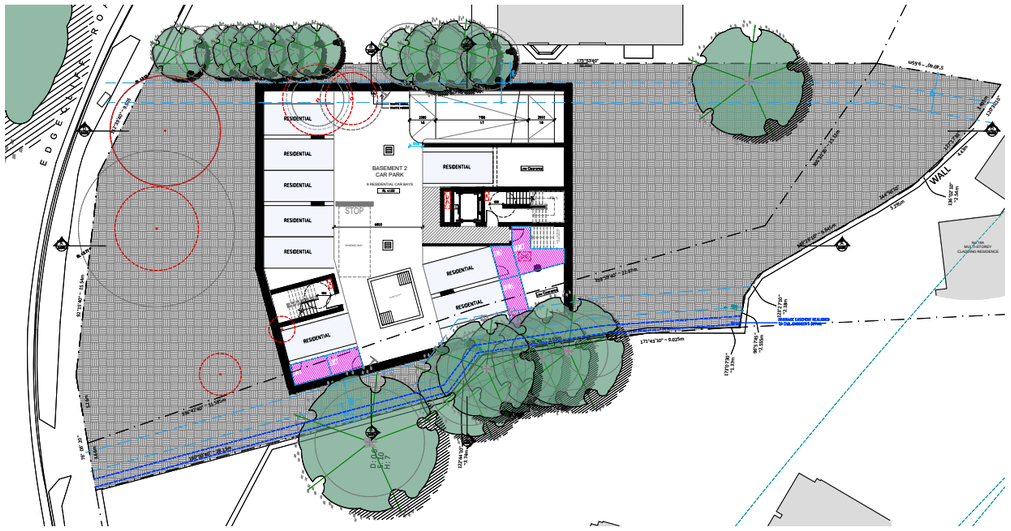
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

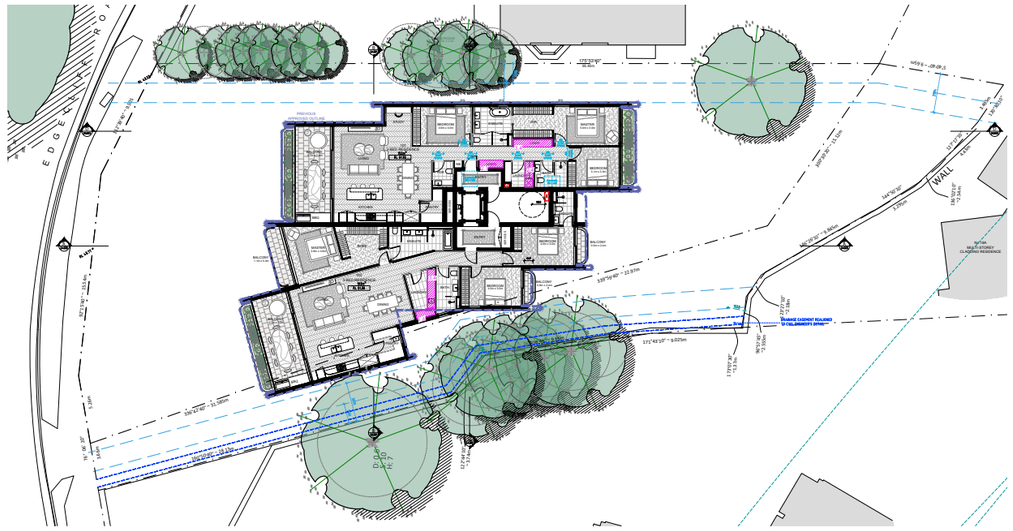
AMENDMENT LIST
1. Reduction of Basement Footprint
2. Amended Shoring Wall Footprint
3. Relocated Service Area
4. Amended Service Area
5. Relocated Gas meter
6. Repositioned Entry For Residential Bike and Storage Area
7. Amended Fire Stair Egress Path
8. Additional Storage Room
9. Amended GF Level Introduction of residential unit
10. Amended Landscape Introduction of Private and Communal Pool
11. Amended Internal Layouts
12. Increased Internal Area within Approved Building Envelope
13. Amended Building Outline Within Setback Area
14. Amended Roof Services in Coordination with Service Consultants
15. Service Hatch Relocated
16. Added Skylights
17. Amended Floor to Floor heights
18. Existing garage to be demolished and reinstated
19. Amended GFA Calculations
20. Amended Deep Soil Calculations
21. Added LV pillar
22. Removal of ramp to lower basement level Reconfiguration to parking and storage locations
23. Amended lift overrun RL

Level	Unit.No		Type	Storage (m3)	Carpark Storage (m3)	Total Storage Provided (m3)
GF	G01	3	BED	10.9	9.8	20.7
L1	101	3	BED	7.9	7.3	15.2
	102	3	BED	5.0	7.1	12.1

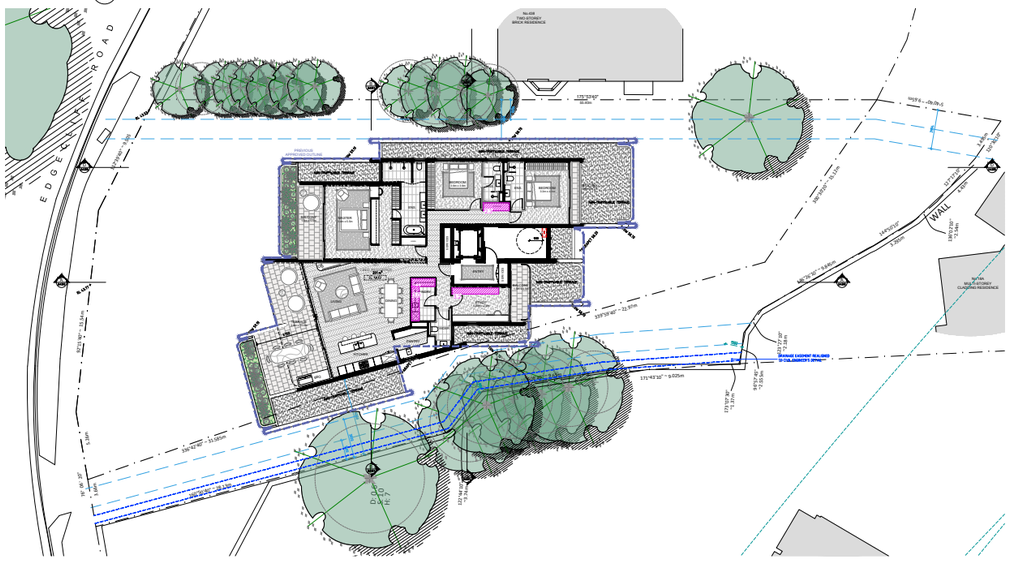
L2	201	3	BED	7.9	8.3	16.2	Complies
	202	3	BED	5.0	9.1	14.1	Complies
L3	301	3	BED	13.8	9.8	23.6	Complies
L4	401	3	BED	13.8	12.2	26.0	Complies
L5	501	3	BED	13.8	17.4	31.2	Complies



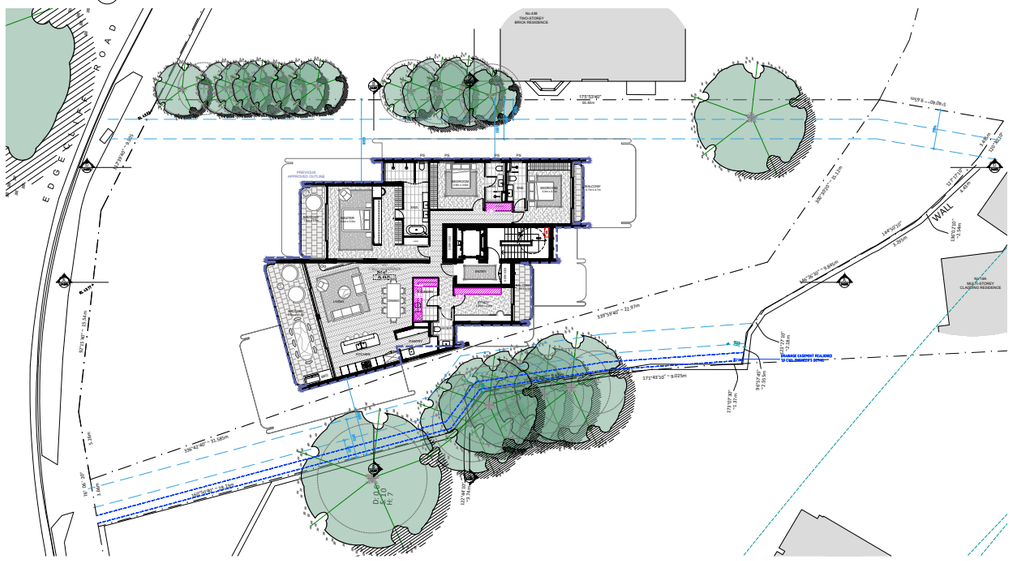
01 BASEMENT 2 FLOOR - STORAGE DIAGRAM



02 LEVEL 1-2 FLOOR - STORAGE DIAGRAM



03 LEVEL 3 FLOOR - STORAGE DIAGRAM



04 LEVEL 4 - 5 FLOOR - STORAGE DIAGRAM

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	11.04.2024	ISSUE FOR S4.56 MODIFICAITONS			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA530

STORAGE DIAGRAM
ISSUE - B

SCALE
1:400 @ A3
1:200 @ A1
0 4 10m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

NOTES:
- ALL WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
- CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK- SHOULD A DISCREPANCY BE IDENTIFIED PLEASE CONFIRM WITH ARCHITECT PRIOR TO PROCEEDING (DO NOT SCALE FROM DRAWINGS)
- COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY THIS OFFICE AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION
- WHEN PROPRIETARY PRODUCTS ARE REFERRED TO, INSTALL IN ACCORDANCE WITH THE MANUFACTURERS WRITTEN INSTRUCTIONS
- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT'S DRAWINGS, SPECIFICATIONS & REPORTS
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY- FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LIST
1. Reduction of Basement Footprint
2. Amended Shoring Wall Footprint
3. Relocated Service Area
4. Amended Service Area
5. Relocated Gas meter
6. Repositioned Entry For Residential Bike and Storage Area
7. Amended Fire Stair Egress Path
8. Additional Storage Room
9. Amended GF Level Introduction of residential unit
10. Amended Landscape Introduction of Private and Communal Pool
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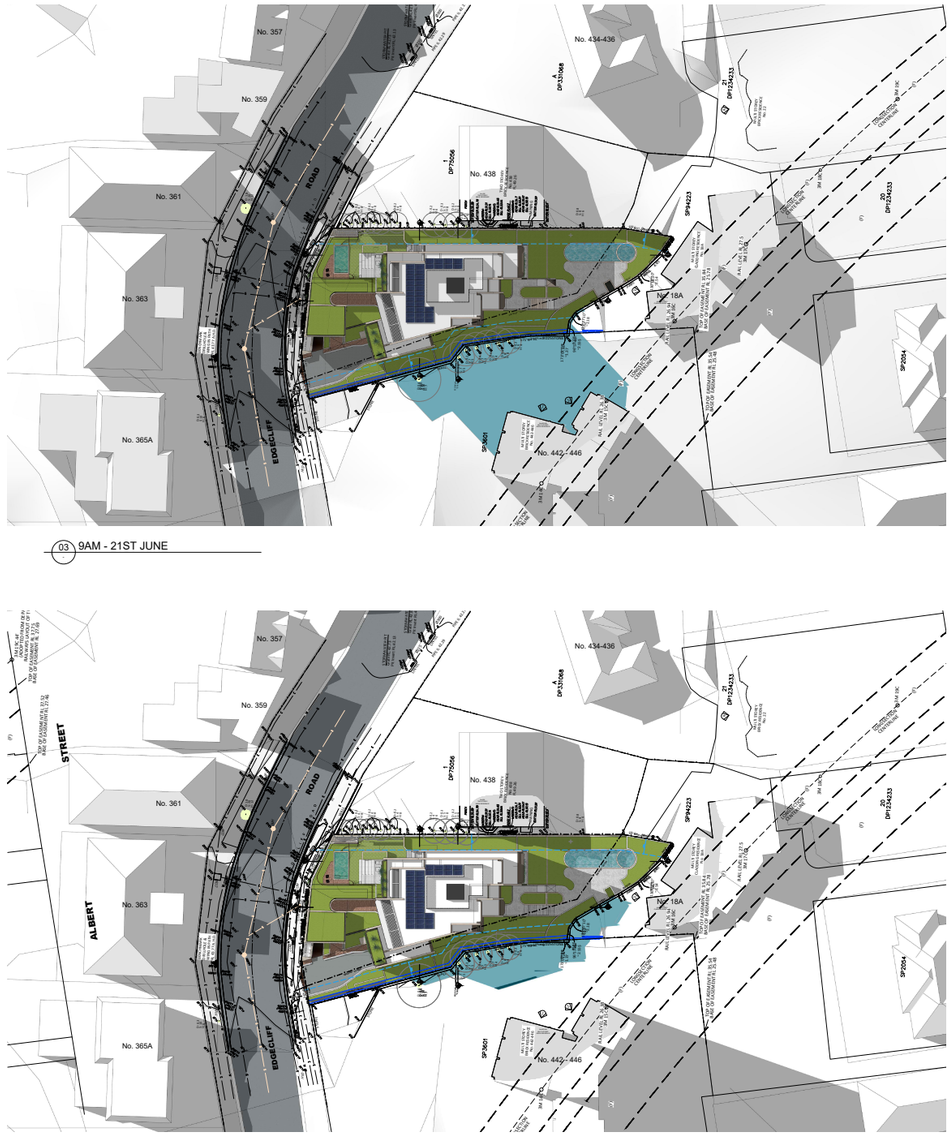
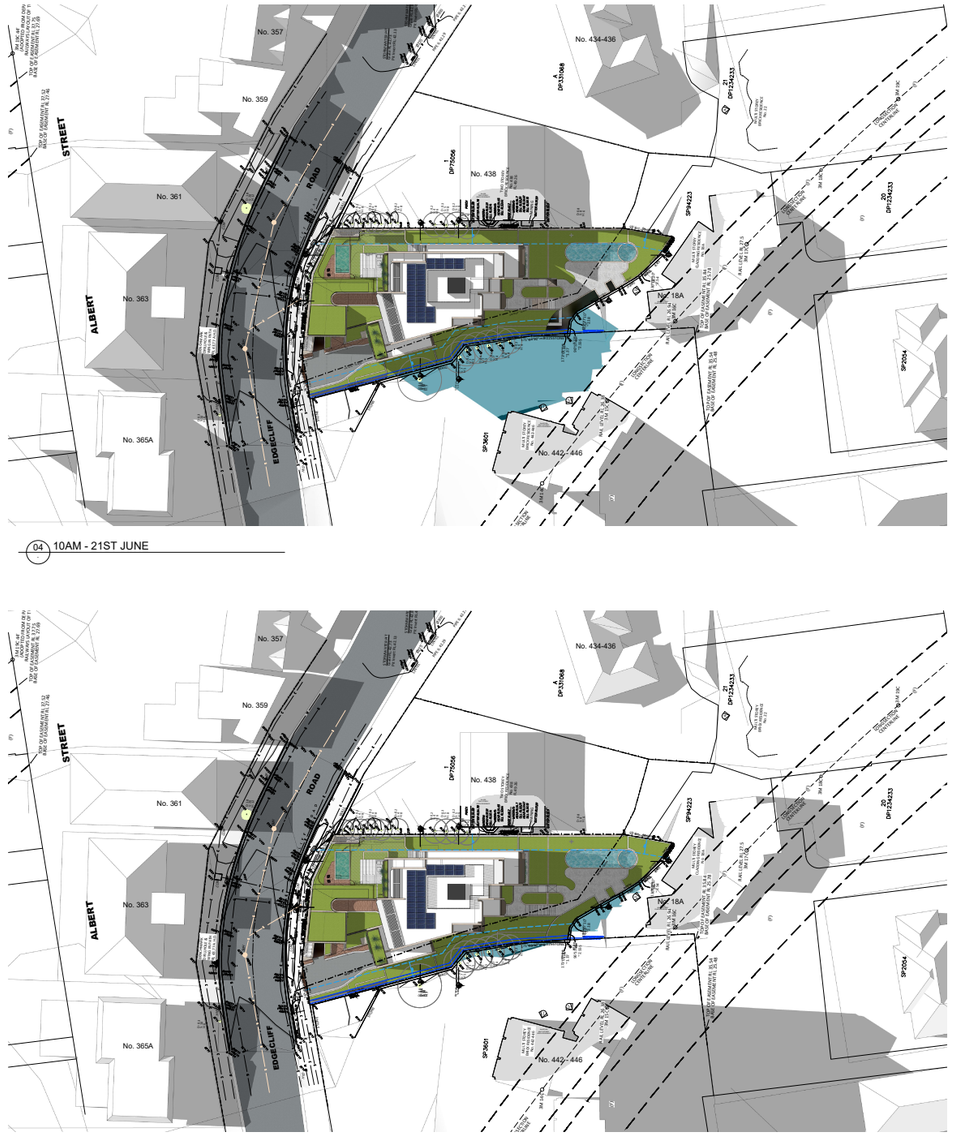
20. Amended Deep Soil Calculations
21. Added LV pillar
22. Removal of ramp to lower basement level Reconfiguration to parking and storage locations
23. Amended lift overrun RL

LEGEND
- SHADOW IMPACT
- 0SHADOW OF AREA ABOVE THE HEIGHT PLANE @19.5M



03 9AM - 21ST JUNE



04 10AM - 21ST JUNE

03 11AM - 21ST JUNE

04 12PM - 21ST JUNE

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	ISSUE FOR DA SUBMISSION			
B	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
C	05.12.2023	ISSUE FOR S34 CONFERENCE			
D	29.01.2024	ISSUE FOR S34 CONFERENCE			
E	11.04.2024	ISSUE FOR S4.56 MODIFICATIONS			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA620

SHADOW DIAGRAM - JUNE 21
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

NOTES:
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LIST
1. Reduction of Basement Footprint
2. Amended Shoring Wall Footprint
3. Relocated Service Area
4. Amended Service Area
5. Relocated Gas meter
6. Repositioned Entry For Residential Bike and Storage Area
7. Amended Fire Stair Egress Path
8. Additional Storage Room
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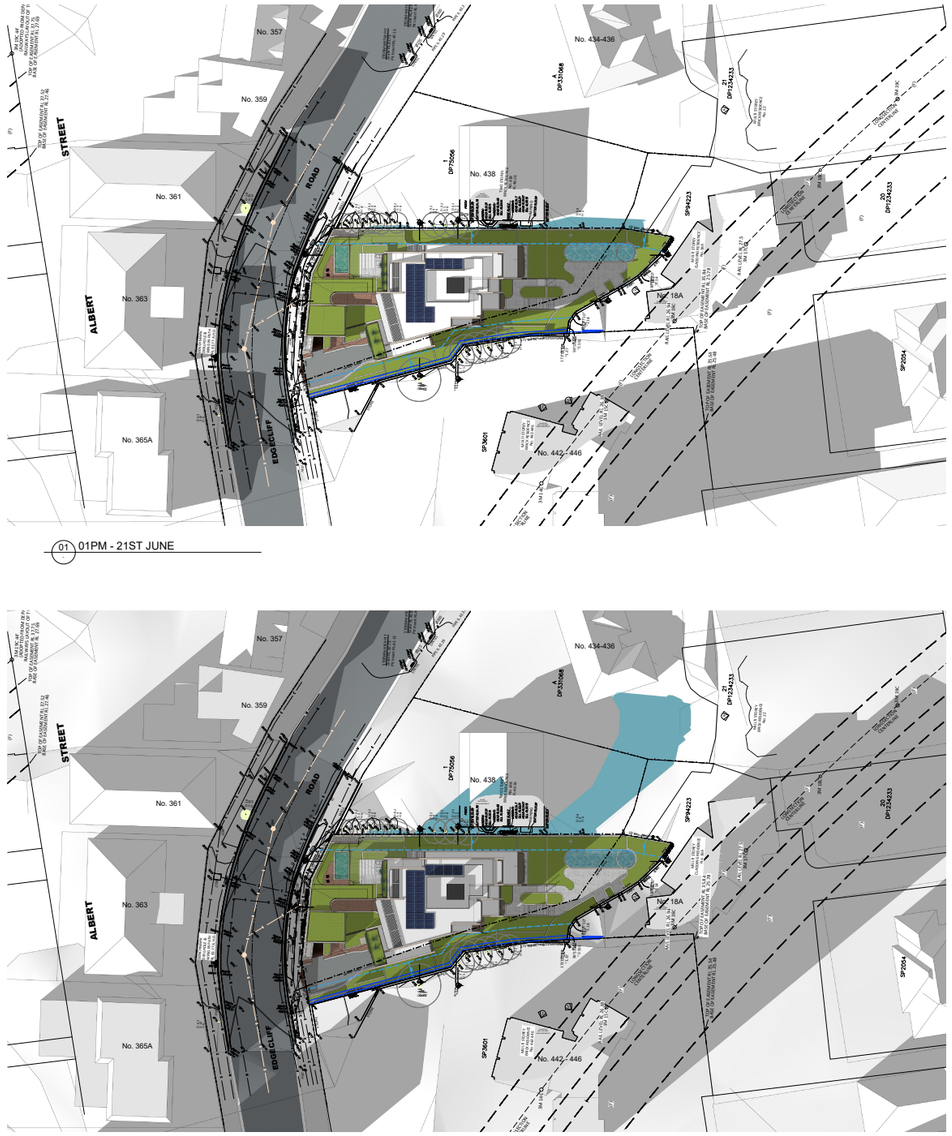
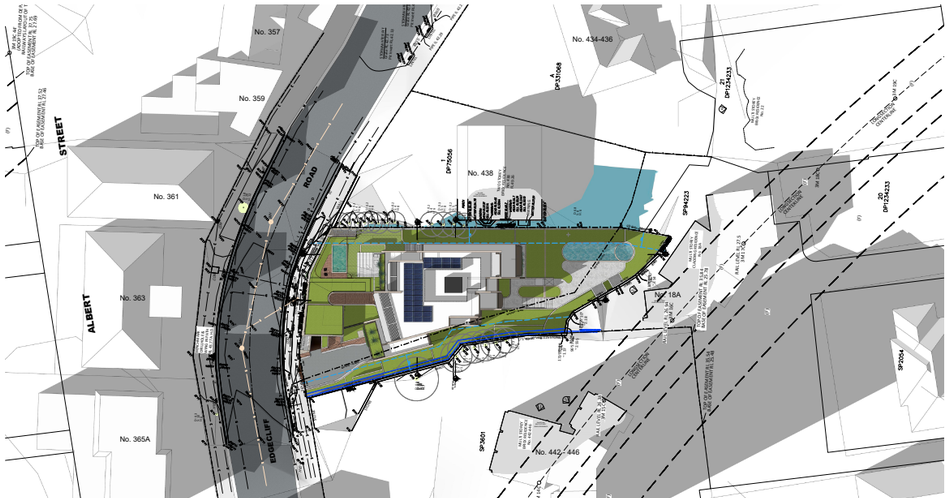
23. Amended lift overrun RL

LEGEND
- SHADOW IMPACT
- 0SHADOW OF AREA ABOVE THE HEIGHT PLANE @19.5M



01 01PM - 21ST JUNE



02 02PM - 21ST JUNE

03 03PM - 21ST JUNE

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	ISSUE FOR DA SUBMISSION			
B	05.12.2022	ISSUE FOR COUNCIL RFI			
C	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
D	05.12.2023	ISSUE FOR S34 CONFERENCE			
E	29.01.2024	ISSUE FOR S34 CONFERENCE			
F	11.04.2024	ISSUE FOR S4.56 MODIFICATIONS			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA621

SHADOW DIAGRAM - JUNE 21
ISSUE - F

SCALE 1:200 @ A3 1:100 @ A1 0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LIST

AMENDMENT ISSUE NO.

B
1. Reduction of Basement Footprint
2. Lowering Wall Footprint
3. Relocated Service Area
4. PROPOSED AMENDMENT ITEM NO.
5. (REFER TO LIST BELOW)
6. Repositioned Entry For Residential Bike and Storage Area
7. Amended Fire Stair Egress Path
8. Additional Storage Room
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10. Amended Landscape Introduction of Private and Communal Pool
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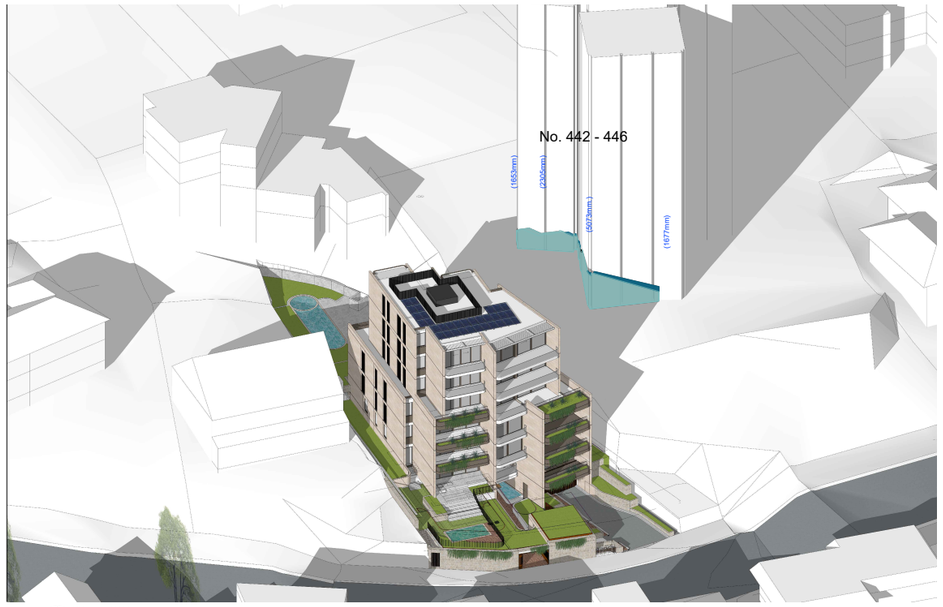
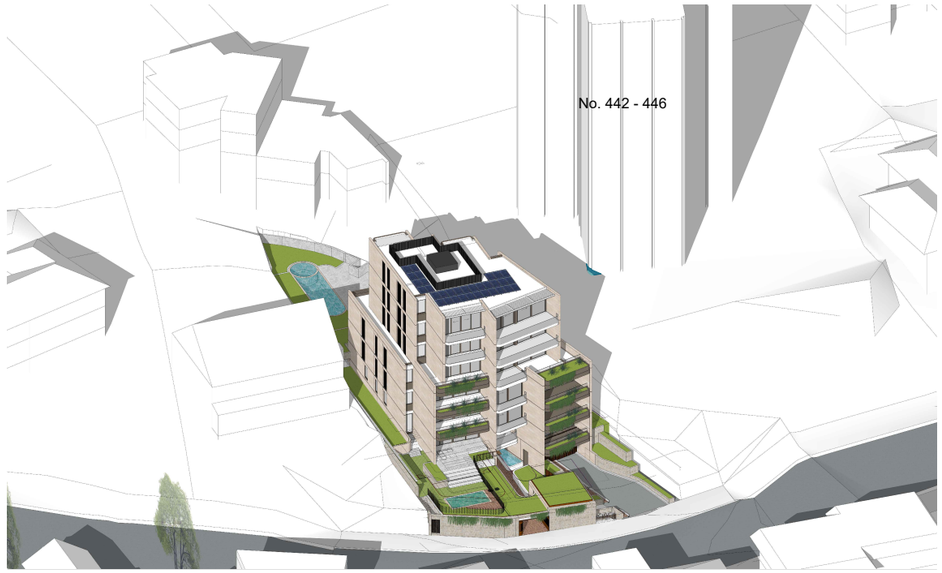
LEGEND
- SHADOW IMPACT
- 0SHADOW OF AREA ABOVE THE HEIGHT PLANE @19.5M



01 09AM - 21ST JUNE



02 10AM - 21ST JUNE

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	ISSUE FOR DA SUBMISSION			
B	29.01.2024	ISSUE FOR S34 CONFERENCE			
C	11.04.2024	ISSUE FOR S4.56 MODIFICATIONS			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

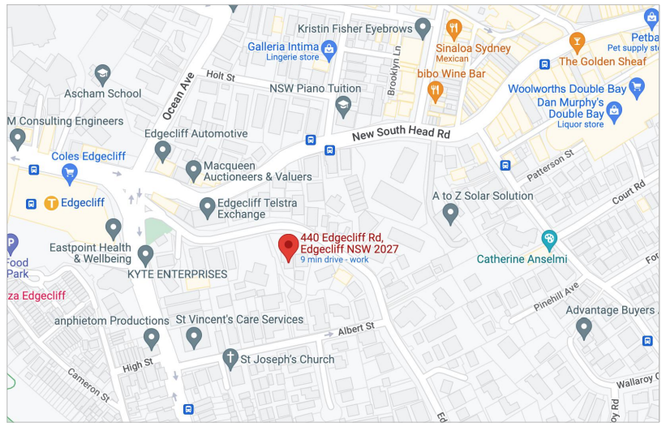
DA622

ELEVATIONAL SHADOW DIAGRAM - JUNE 21
ISSUE - C

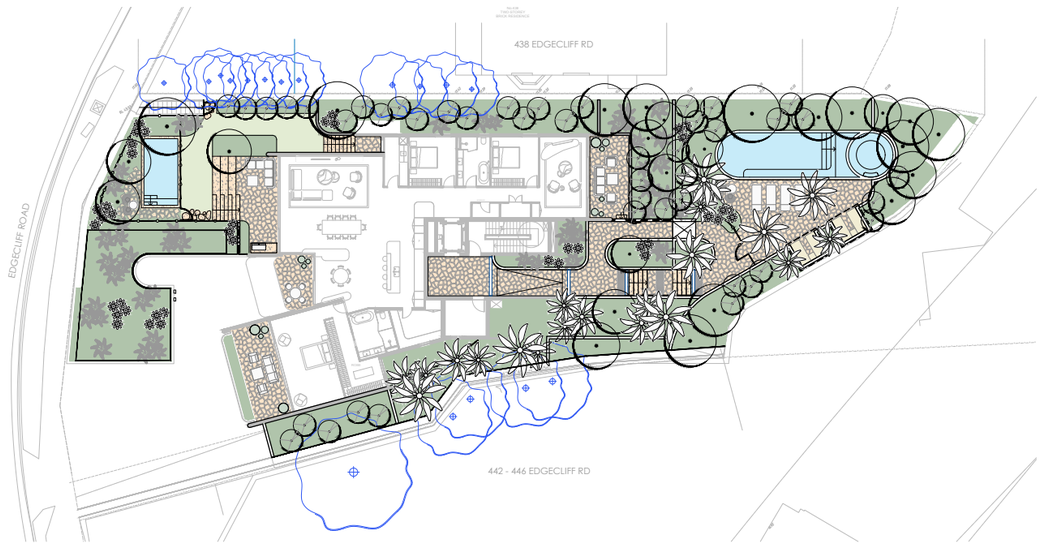
SCALE
1:200 @ A3
1:100 @ A1
0 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768



SITE LOCATION
NTS | GOOGLE MAPS



SITE PLAN
SCALE 1:200 @ A1

DRAWING SCHEDULE

690_S4.56_01	COVER PAGE
690_S4.56_02	PLANT SCHEDULE
690_S4.56_05	EXISTING TREE PLAN
690_S4.56_06	TREE CANOPY PLANS
690_S4.56_10	LANDSCAPE PLAN BASEMENT
690_S4.56_11	LANDSCAPE PLAN GROUND 01
690_S4.56_12	LANDSCAPE PLAN GROUND 02
690_S4.56_13	LANDSCAPE PLAN LEVEL 1 - 3
690_S4.56_45	TYPICAL DETAILS
690_S4.56_50	GENERAL SPECIFICATION

GENERAL NOTES

- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S AND ADDITIONAL CONSULTANT'S DRAWINGS, SPECIFICATIONS AND REPORTS
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT
- PERFORM EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES WITH CARE AND IF NECESSARY, BY HAND. THE CONTRACTOR BEARS FULL RESPONSIBILITY FOR THIS WORK AND DISRUPTION OR DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AT NO EXPENSE TO THE OWNER
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT
- MBD TO REVIEW PLANT MATERIALS AT SOURCE OR BY PHOTOGRAPHS PRIOR TO PURCHASE AND DELIVERY
- EXACT LOCATIONS OF NEW PLANT MATERIAL TO BE SETOUT AND APPROVED BY THE MBD ONSITE PRIOR TO INSTALLATION. MBD RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION ONSITE

DRAINAGE AND IRRIGATION NOTES

- REFER TO CIVIL ENGINEER'S UTILITY AND DRAINAGE PLANS FOR UTILITY LOCATION AND DRAINAGE INFORMATION.
- REQUIREMENTS FOR LANDSCAPE DRAINAGE TO BE CONFIRMED ONSITE UNLESS OTHERWISE SHOWN ON THE LANDSCAPE PLANS
- TREE PITS THAT HAVE BEEN EXCAVATED INTO HEAVY EARTH OR STONE TO CONTAIN A RING OF AG PIPE LAID AT THE INVERT OF THE PIT WITHIN A MINIMUM 200mm LAYER OF FREE DRAINING MATERIAL. AG PIPE TO BE CONNECTED TO A DRAINAGE OUTLET (REFER TO TYPICAL TREE PIT DRAINAGE SECTION)
- ALL POTS TO HAVE AN IRRIGATION ALLOWANCE (SHRUBBLERS OR DRIP)
- FOR POTS LOCATED ON PAVED SURFACES, TYPICAL PAVING IRRIGATION DETAIL TO BE USED AS SHOWN
- POTS ADJACENT TO GARDEN BEDS TO BE IRRIGATED VIA IN GARDEN IRRIGATION SYSTEM
- ALL LAWN AREAS TO HAVE POPUP ROTORS
- ALL GARDEN BEDS TO HAVE FIXED SOLID RISERS WITH SPRAYS

MYLES BALDWIN DESIGN
8 Maddison Lane, Redfern, NSW 2016 Australia
PH +61 2 9699 2622 | www.mylesbaldwin.com

PROJECT:
440 EDGECLIFF ROAD, EDGECLIFF

CLIENT:
CLUTCH CAPITAL

AMENDMENT

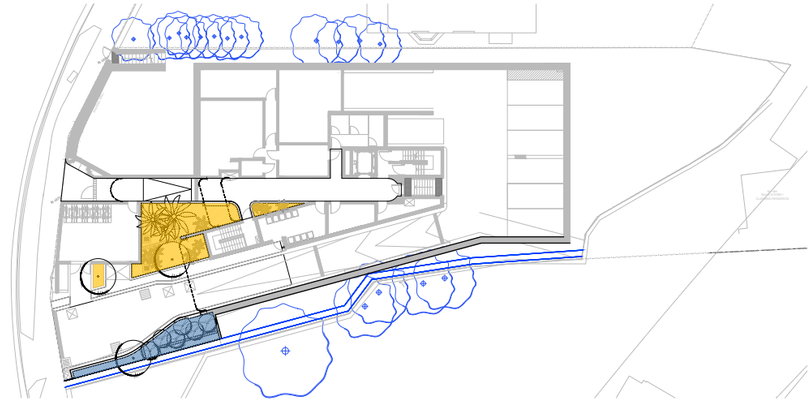
ISSUE	DATE	DETAILS
A	10.04.24	FOR S4.56

MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF **ALL PLANTS**.
CONTACT MBD IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

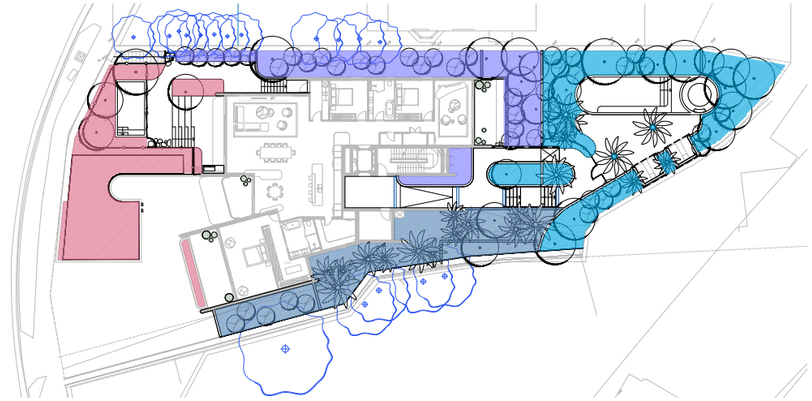
DRAWING:
COVER PAGE

DWG No: 690_S4.56_01
SCALE: AS NOTED
DRAWN: YL
CHECKED: RM
ISSUE: A

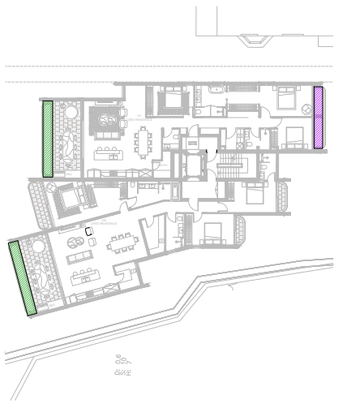
THIS DRAWING IS COPYRIGHT



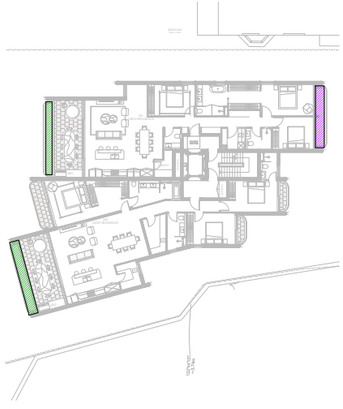
BASEMENT - KEY PLAN
SCALE 1:250 @ A1



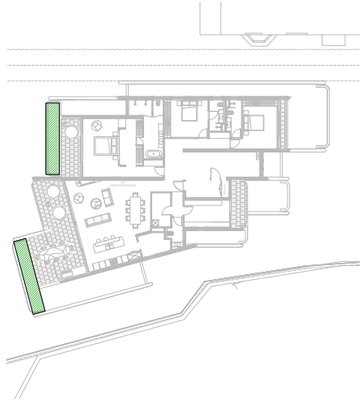
GROUND - KEY PLAN
SCALE 1:250 @ A1



LEVEL 1 - KEY PLAN
SCALE 1:250 @ A1



LEVEL 2 - KEY PLAN
SCALE 1:250 @ A1



LEVEL 3 - KEY PLAN
SCALE 1:250 @ A1

PLANT SCHEDULE

TREES												
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
LC	Lophostemon confertus	Brush Box			1	1	1			**3**	400L	12m	MBD To Supply
LI	Lagerstroemia indica 'natchez'	Crepe Myrtle	2	2	3	1	1			**9**	400L	5m	MBD To Supply
PC	Phoenix canariensis	Canary Island Date Palm					5			**5**	MATURE	8m	MBD To Supply
PE	Podocarpus elatus	Plum Pine				1	5			**6**	400L	8m	MBD To Supply
PR	Phoenix reclinata	Senegal Date Palm	1	5			1			**7**	MATURE	5-12m	MBD To Supply
SP	Schizolobium parahyba	Brazilian Fern Tree		1		3	6			**10**	200L	12m	MBD To Supply
WF	Waterhousea floribunda	Weeping Lilly Pilly		11		22	17			**50**	500L	10m	MBD To Supply
SHRUBS & PERENNIALS													
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
An	Asplenium nidus	Birds Nest Fern		50		40				**90**	200mm	1m	2 Per Symbol
An	Alpinia nutans	Dwarf Cardamom		85	50		55			**190**	200mm	0.8m	2 Per Symbol
Ao	Alocasia odora	Elephant Ears	25			60				**85**	300mm	2m	2 Per Symbol
Cr	Cycas revoluta	King Sago Palm	15		30	50				**95**	500mm	1.2m	1 Per Symbol
Fj	Fatsia japonica	Fatsia					25			**25**	200mm	1.5m	2 Per Symbol
Hm	Hakonechloa macra	Hakone Grass			35		40			**75**	200mm	0.8m	3 Per Symbol
Md	Monstera deliciosa	Swiss Cheese Plant	30		25	65	65		10	**195**	200mm	1.2m	2 Per Symbol
Pr	Philodendron 'Rojo Congo'	Rojo Congo	35		40	70			10	**155**	200mm	1m	3 Per Symbol
Px	Philodendron 'Xanadu'	Xanadu	35		42					**77**	200mm	1m	3 Per Symbol
Vs	Viburnum suspensum	Sandankwa viburnum		65			65			**130**	300mm	3m	3 Per Symbol
Zf	Zamia furfuracea	Cardboard Palm			25		40	35	20	**120**	200mm	1.5m	3 Per Symbol
GROUNDCOVERS & CLIMBERS													
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Bn	Blechnum nudum	Fishbone Water Fern		80		90				**170**	140mm	0.5m	6 Per m2
Cc	Casuarina 'cousin it'	Cousin It			60					**60**	140mm	Groundcover	9 Per m2
Dr	Dichondra repens	Kidney Weed	50					36		**86**	100mm	Groundcover	11 Per m2
Fp	Ficus pumila	Creeping Fig				30				**30**	100mm	Climber	
Hc	Hedera canariensis	Canary Island Ivy	45	110		80	105			**340**	140mm	Groundcover	9 Per m2
Hh	Hedera helix	Common Ivy				45	45		27	**117**	140mm	Groundcover	9 Per m2
Llp	Lomandra 'Little Pal'	Lomandra		60			80			**140**	140mm	0.5m	6 Per m2
Pt	Pachysandra terminalis	Japanese Spurge	35	100	100		100			**335**	140mm	Groundcover	9 Per m2
Ta	Trachelospermum asiaticum	Asiatic Jasmine		75		65				**140**	140mm	Groundcover	9 Per m2
Vh	Viola hederacea	Native Violet			80		55			**135**	100mm	Groundcover	11 Per m2
SUCCULENTS													
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Cg	Crassula ovata 'Gollum'	Gollum Jade						65		**65**	200mm		

LEGEND

- ZONE 1
- ZONE 2
- ZONE 3
- ZONE 4
- ZONE 5
- ZONE 6
- ZONE 7

NOTES

- IF SPECIFIED POT SIZES ARE NOT READILY AVAILABLE, PLEASE CONTACT MBD TO CLARIFY SUBSTITUTE SIZES AND CHANGES TO QUANTITIES
- ALL MATURE TREES TO BE SOURCED AND SUPPLIED BY MYLES BALDWIN DESIGN
- THE PLANT SCHEDULE IS CALCULATED BASED OFF THE LANDSCAPE PLANS PROVIDED BY MBD. ADDITIONAL PLANTS OUTSIDE OF THIS SCHEDULE MAY BE REQUIRED TO REACH THE DESIRED PLANT DENSITIES ONSITE
- ALL PLANT MATERIAL TO BE SETOUT ONSITE BY MYLES BALDWIN DESIGN PRIOR TO INSTALLATION

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PROJECT:
440 EDGECLIFF ROAD, EDGECLIFF

CLIENT:
CLUTCH CAPITAL

AMENDMENT

ISSUE	DATE	DETAILS
A	10.04.24	FOR S4.56

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CONTACT MBD IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.
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DRAWING:
PLANT SCHEDULE

DWG No: 690_S4.56_02 CHECKED: RM
SCALE: AS NOTED ISSUE: A
DRAWN: YL

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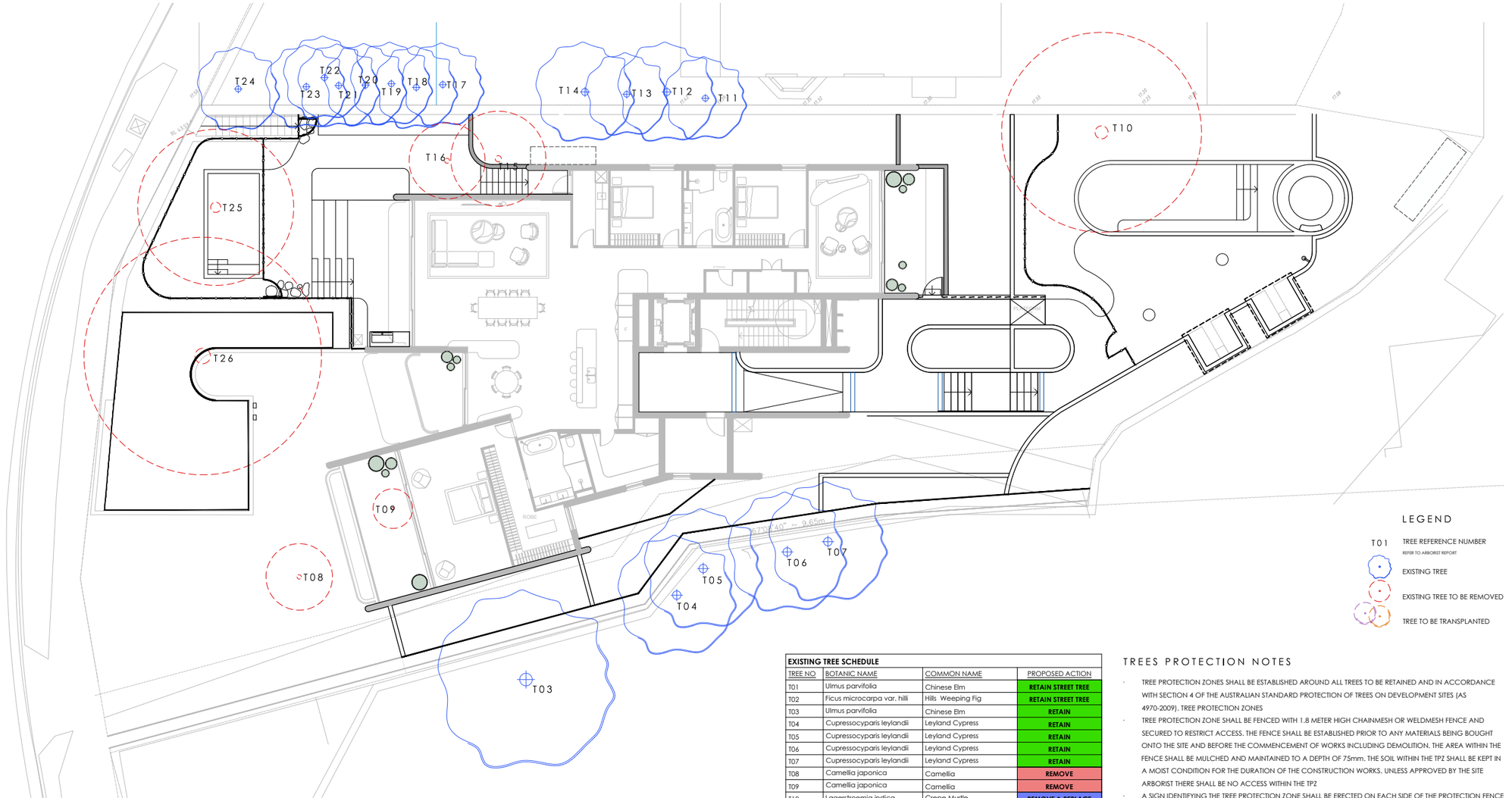

LEGEND

T01 TREE REFERENCE NUMBER
REFER TO ARBORIST REPORT

EXISTING TREE

EXISTING TREE TO BE REMOVED

TREE TO BE TRANSPLANTED

EXISTING TREE SCHEDULE

TREE NO	BOTANIC NAME	COMMON NAME	PROPOSED ACTION
T01	Ulmus parvifolia	Chinese Elm	RETAIN STREET TREE
T02	Ficus microcarpa var. hilli	Hills Weeping Fig	RETAIN STREET TREE
T03	Ulmus parvifolia	Chinese Elm	RETAIN
T04	Cupressocyparis leylandii	Leyland Cypress	RETAIN
T05	Cupressocyparis leylandii	Leyland Cypress	RETAIN
T06	Cupressocyparis leylandii	Leyland Cypress	RETAIN
T07	Cupressocyparis leylandii	Leyland Cypress	RETAIN
T08	Camellia japonica	Camellia	REMOVE
T09	Camellia japonica	Camellia	REMOVE
T10	Lagerstroemia indica	Crepe Myrtle	REMOVE & REPLACE
T11	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T12	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T13	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T14	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T15	Camellia sasanqua	Camellia	REMOVE
T16	Camellia japonica	Camellia	REMOVE
T17	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T18	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T19	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T20	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T21	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T22	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T23	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T24	Waterhousea floribunda	Weeping Lilly Pilly	RETAIN
T25	Lophostemon confertus	Brush Box	REMOVE & REPLACE
T26	Macadamia integrifolia	Macadamia	REMOVE

TREES PROTECTION NOTES

- TREE PROTECTION ZONES SHALL BE ESTABLISHED AROUND ALL TREES TO BE RETAINED AND IN ACCORDANCE WITH SECTION 4 OF THE AUSTRALIAN STANDARD PROTECTION OF TREES ON DEVELOPMENT SITES (AS 4970-2009), TREE PROTECTION ZONES
- TREE PROTECTION ZONE SHALL BE FENCED WITH 1.8 METER HIGH CHAINMESH OR WELDMESH FENCE AND SECURED TO RESTRICT ACCESS. THE FENCE SHALL BE ESTABLISHED PRIOR TO ANY MATERIALS BEING BOUGHT ONTO THE SITE AND BEFORE THE COMMENCEMENT OF WORKS INCLUDING DEMOLITION. THE AREA WITHIN THE FENCE SHALL BE MULCHED AND MAINTAINED TO A DEPTH OF 75mm. THE SOIL WITHIN THE TPZ SHALL BE KEPT IN A MOIST CONDITION FOR THE DURATION OF THE CONSTRUCTION WORKS. UNLESS APPROVED BY THE SITE ARBORIST THERE SHALL BE NO ACCESS WITHIN THE TPZ
- A SIGN IDENTIFYING THE TREE PROTECTION ZONE SHALL BE ERECTED ON EACH SIDE OF THE PROTECTION FENCE INDICATING THE EXISTENCE OF A TPZ. SIGNAGE MUST BE VISIBLE FROM WITHIN THE DEVELOPMENT SITE
- NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, STORAGE OF MATERIALS, STOCKPILING, SITING OF WORKS SHED, PREPARATION OF MIXES OR CLEANING OF TOOLS IS PERMITTED WITHIN THE TREE PROTECTION ZONE
- TEMPORARY ACCESS WITHIN THE TPZ FOR PEDESTRIAN AND MACHINERY MOVEMENT SHALL ONLY PERMITTED WITH THE APPROVAL OF THE SITE ARBORIST
- THE SITE FOREMAN MUST BE MADE AWARE OF ALL TREE PROTECTION REQUIREMENTS ASSOCIATED WITH THE CONDITIONS OF CONSENT BY THE PROJECT ARBORIST. ANY SUBSEQUENT SITE PERSONNEL AND CONTRACTORS TO THE SITE MUST BE MADE AWARE OF ALL THE TREE PROTECTION REQUIREMENTS BY THE SITE FOREMAN

TREES TO BE RETAINED

TREES TO BE REMOVED

TREES TO BE REPLACED

SCALE 1:100

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AMENDMENT

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BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:
EXISTING TREE PLAN

DWG No: 690_S4.56_05 CHECKED: RM
SCALE: AS NOTED ISSUE: A
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GROUND LEVEL PLAN
SCALE 1:100 @ A1

TREE CANOPY CALCULATION

TOTAL SITE AREA: **1470.9 M2**

EXISTING TREE SITE CANOPY:**81 M2**

PROPOSED TREE SITE CANOPY:**361.74 M2**

TOTAL % OF TREE SITE CANOPY:**30.10%**

COMPLIES WITH WOOLLAHRA DCP LANDSCAPING, TABLE B3.7 EXTERNL AREAS_3.7.1 LANDSCAPED AREA AND PRIVATE OPEN SPACE

- TREE CANOPY OF 30% OF SITE

LEGEND

- EXISTING TREE
- EXISTING TREE SITE CANOPY COVER
- PROPOSED TREE SITE CANOPY COVER

BASEMENT 01 PLAN
SCALE 1:100 @ A1

SCALE 1:100

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DRAWING:
TREE CANOPY PLAN

DWG No: 690_S4.56_06 CHECKED: RM
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DRAWN: YL

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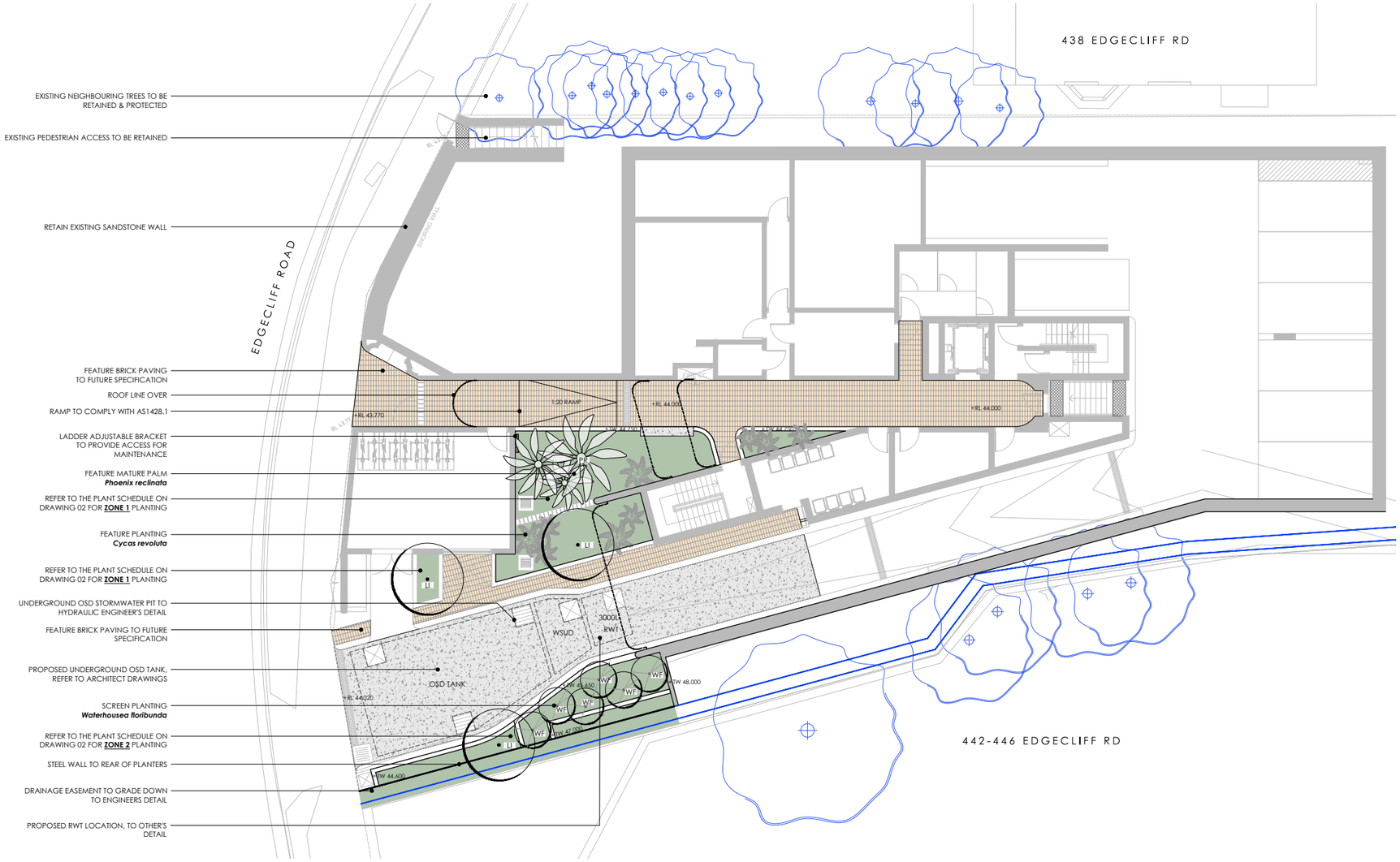

SCALE 1:100

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DRAWING:
LANDSCAPE PLAN
BASEMENT

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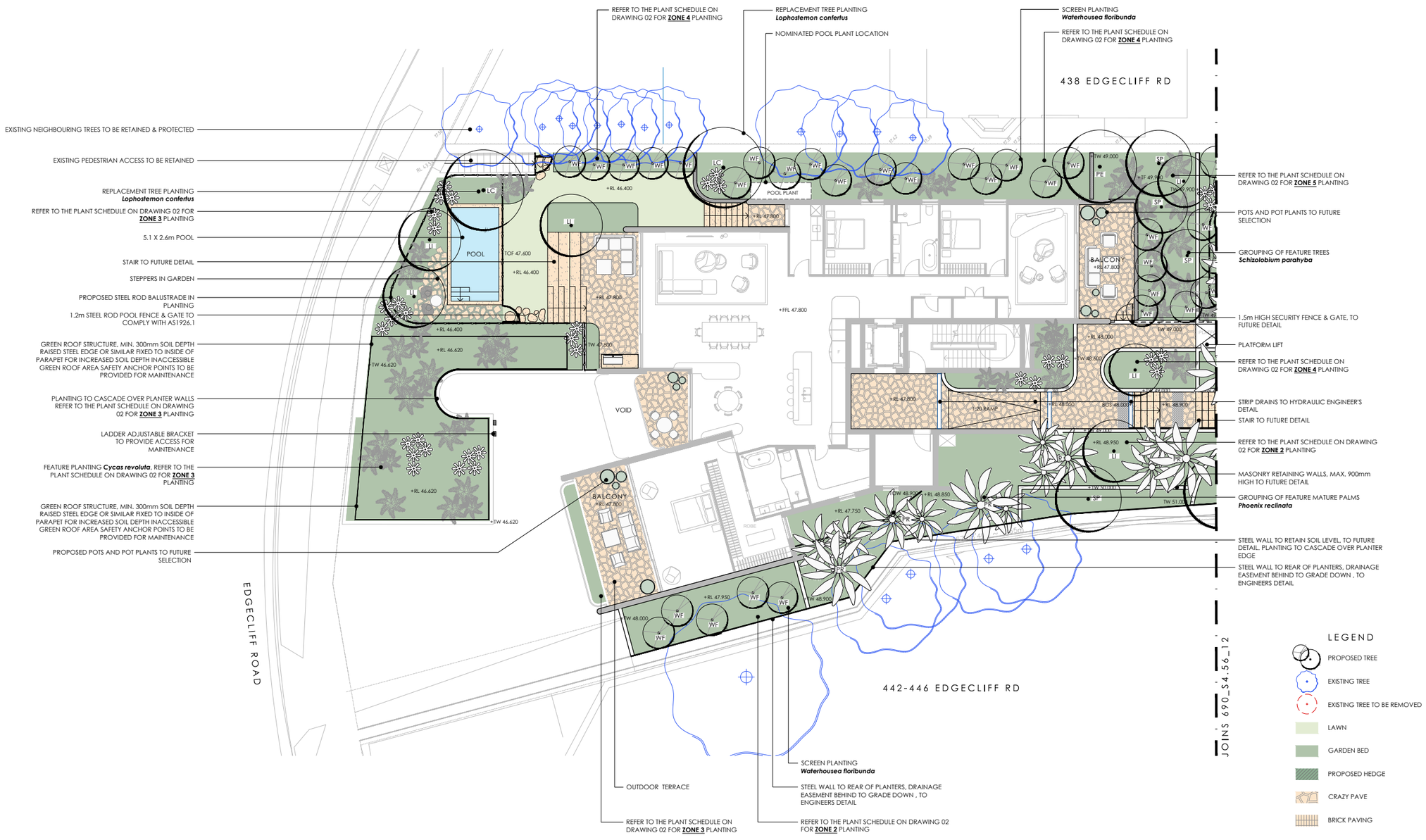

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DRAWING:
LANDSCAPE PLAN
GROUND 01

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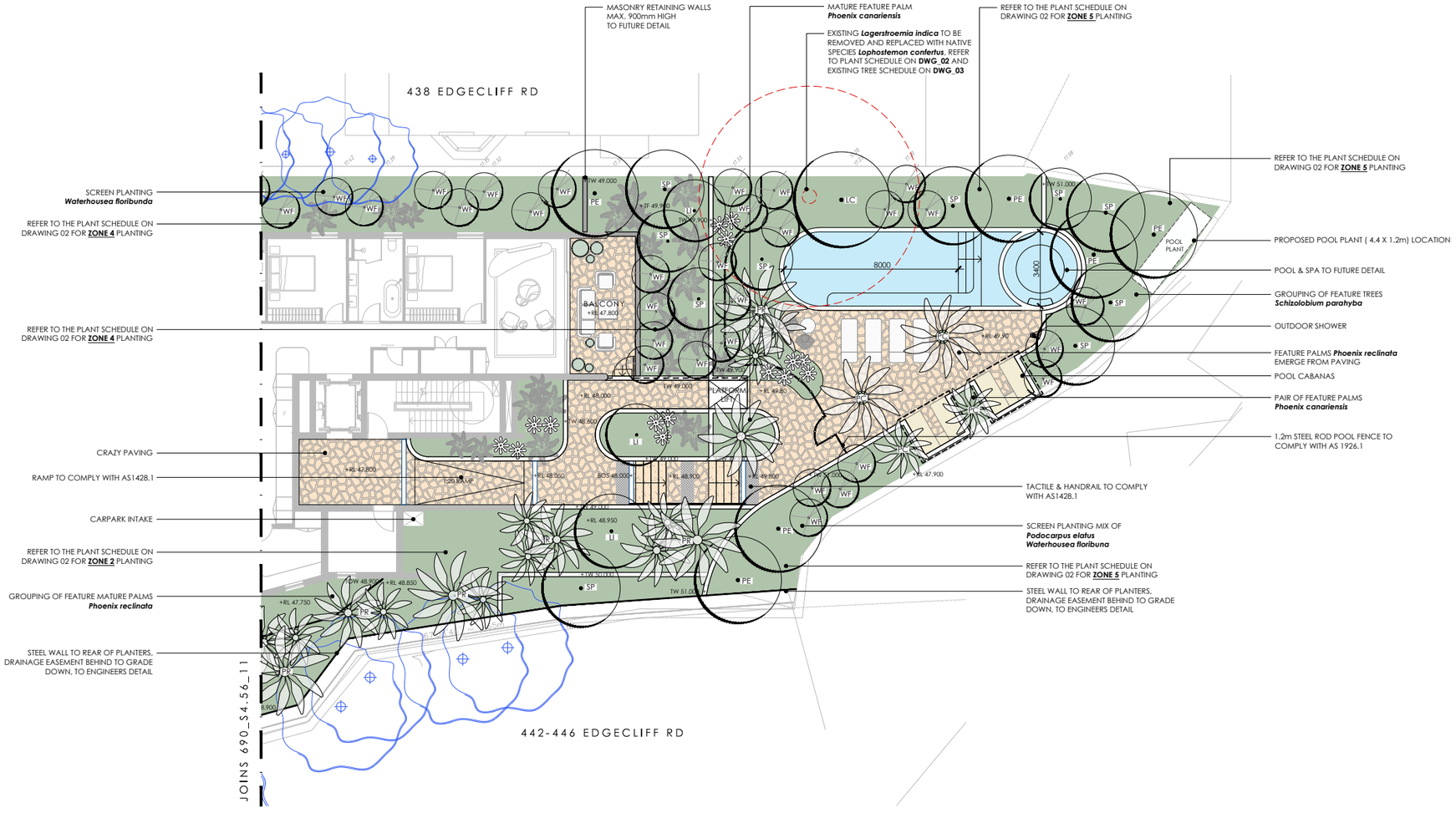

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DRAWING: LANDSCAPE PLAN GROUND 02

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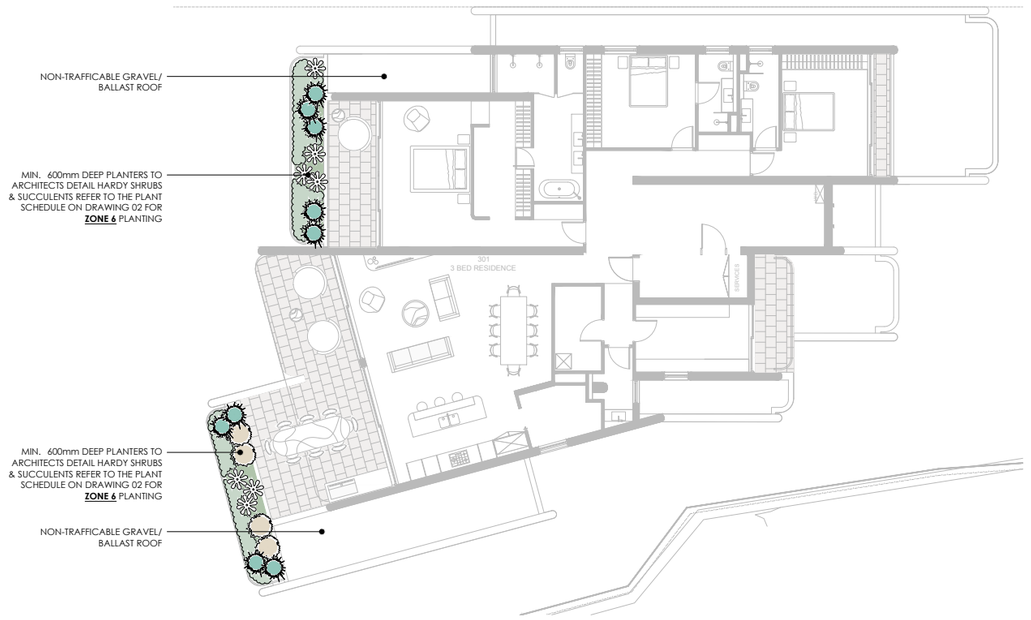
LEVEL 1 PLAN
SCALE 1:100 @ A1



LEVEL 3 PLAN
SCALE 1:100 @ A1

LEVEL 2 PLAN
SCALE 1:100 @ A1

LEGEND

- PROPOSED TREE
- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- LAWN
- GARDEN BED
- PROPOSED HEDGE
- CRAZY PAVE
- BRICK PAVING

SCALE 1:100

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DRAWING:
LANDSCAPE PLAN
LEVEL 1 - 3

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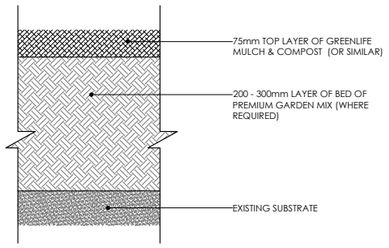
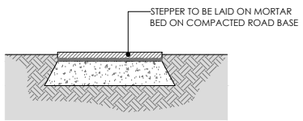
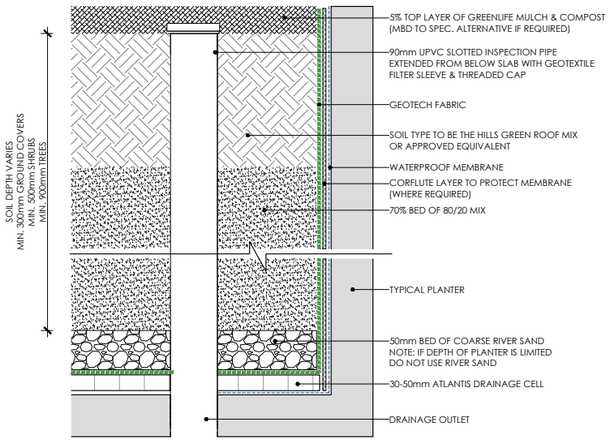


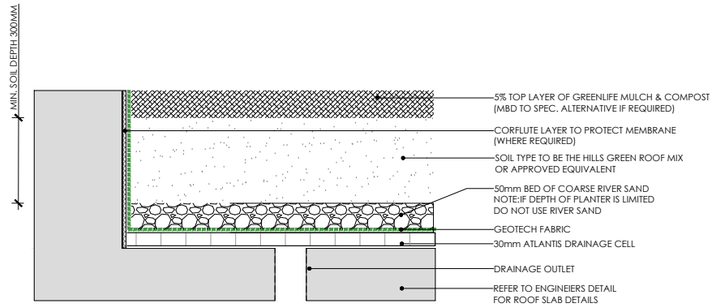
TYPICAL GARDEN SOIL PROFILE
SCALE: 1:5 @ A1



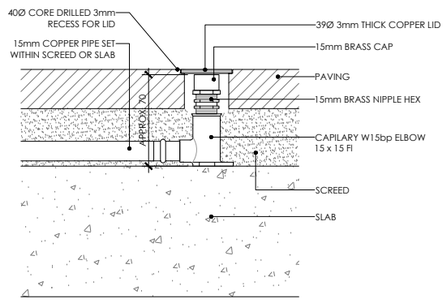
TYPICAL GARDEN STEPPER
SCALE: 1:10 @ A1



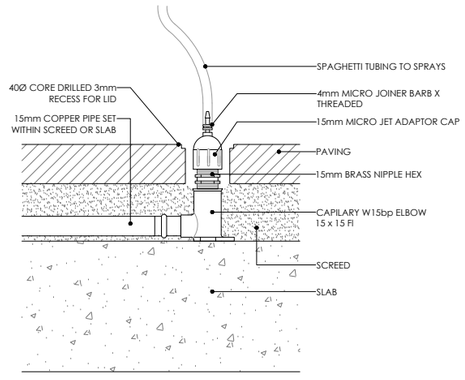
TYPICAL ON STRUCTURE PLANTER
SCALE: 1:5 @ A1



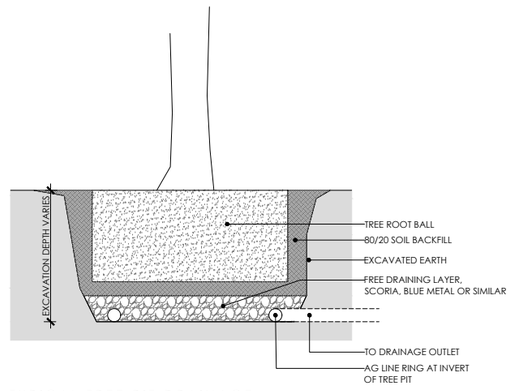
TYPICAL GREEN ROOF DETAIL
SCALE 1:5 @ A1



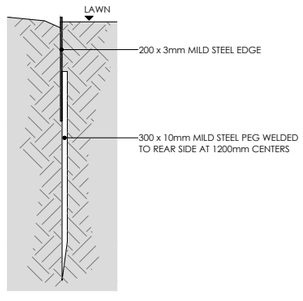
TYPICAL PAVING IRRIGATION CLOSED
SCALE 1:2 @ A1



TYPICAL PAVING IRRIGATION OPEN
SCALE 1:2 @ A1



TYPICAL TREE PIT DRAINAGE
SCALE 1:20 @ A1



TYPICAL STEEL EDGE
SCALE 1:5 @ A1

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DRAWING:
TYPICAL DETAILS

DWG No: 690_SA.56_45
SCALE: AS NOTED
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GENERAL SPECIFICATION NOTES

1.0 STANDARDS

1.1 SOILS

- AS 4419: Soils for Landscaping and Garden Use
- AS 3743: Potting Mixes
- AS 4454: Composts, Soil Conditioners and Mulches

1.2 Plants

- AS 2303: Tree Stock for Landscape Use
- AS 4970: Protection of Trees on Development Sites

2.0 PRODUCTS

2.1 MATERIAL

Topsoil

- Source: Provide topsoil, which contains organic matter, is free from stones, contaminants and weeds
- Site: If available, provide material recovered from the site

Turf

- Supplier: Obtain turf from a specialist grower of cultivated turf
- Quality: Provide turf of even thickness, free from weeds and other foreign matter

Fertiliser

- General: Provide proprietary fertilisers, delivered to the site in sealed bags marked to show manufacturer or vendor, weight, fertiliser type, N:P:K ratio, recommended uses and application rates

Plants

- Health: Supply plants with foliage size, texture and colour at time of delivery consistent with the size, texture and colour shown in healthy specimens of the nominated species
- Vigour: Supply plants with extension growth consistent with that exhibited in vigorous specimens of the species nominated
- Damage: Supply plants free from damage and from restricted habit due to growth in nursery rows
- Pests and disease: Supply plants with foliage free from pest attack or disease
- Substitutes: Plant substitution (species or quantities) is not acceptable unless approved by Myles Baldwin Design.

3.0 EXECUTION

3.1 SITE PREPARATION

Weed eradication

- Herbicide: Eradicate weeds with a non-residual glyphosate herbicide in any of its registered formulae, at the recommended maximum rate
- Earth mounds
- Placing: Place clean filling in layers approximately 150 mm thick compacted to 85% of the dry density ratio of the surrounding soil as determined by AS 1289.5.4.1. Minimise slumping and further internal packing down

Edges

- Construct changes in grade over a minimum width of 500 mm to smooth, gradual and rounded profiles with no distinct joint

Existing trees

- Tree protection zones (TPZ) shall be established around all trees to be retained and in accordance of AS 4970. The area within the fence shall be mulched and maintained at 75mm depth
- No excavation, construction activity, grade changes, storage of materials, stock piling, siting of sheds, preparation of mixes or cleaning of tolls is permitted within the TPZ

Planting beds

- Excavated: Excavate to bring the subsoil to at least 300 mm below finished design levels. Shape the subsoil to fall to subsoil drains where applicable. Break up the subs to a further depth of 100 mm
- Unexcavated: Remove weeds, roots, building rubble and other debris. Bring the planting bed to 75 mm below finished design levels
- Services and roots: Do not disturb services or tree roots; if necessary, cultivate these areas by hand

Placing topsoil

- General: Spread the topsoil on the prepared subsoil and grade evenly, making the necessary allowances to permit the following:
- Required finished levels and contours may be achieved after light compaction
- Grassed areas may be finished flush with adjacent hard surfaces such as kerbs, paths and mowing strips

Topsoil depths

- General: Spread topsoil to the following typical depths:
- Excavated planting areas: If using organic soil, 300 mm. Refer to typical soil profile detail
- Irrigated grassed areas generally: 150 mm
- Irrigated grassed areas, heavy use (e.g. playing fields, playgrounds, and public parks): 200 mm

Sediment and Erosion Control

- Sediment and erosion control measures are required during the construction of all developments and building works. It shall be the contractor's responsibility that works are carried out in accordance with a sediment and erosion control plan and council/approving authority's requirements.

3.2 TURFING

General

- Supply: Deliver the turf within 24 hours of cutting, and lay it within 36 hours of cutting. Prevent the turf from drying out between cutting and laying. If it is not laid within 36 hours of cutting, roll it out on a flat surface with the grass up, and water as necessary to maintain a good condition
- Laying: Lay the turf in the following manner:
- In stretcher pattern with the joints staggered and close butted
- Parallel with the long sides of level areas, and with contours on slopes
- To finish flush, after tamping, with adjacent finished surfaces of ground, paving edging, or grass seeded areas
- Tamping: Lightly tamp to an even surface immediately after laying. Do not use a roller
- Fertilising: Mix the fertiliser thoroughly into the topsoil before placing the turf. Apply lawn fertiliser at the completion of the first and last mowings, and at other times as required to maintain healthy grass cover
- Watering: Water immediately after laying until the topsoil is moistened to its full depth. Continue watering to maintain moisture to this depth
- Levels: Where levels have deviated from the design levels after placing and watering, lift turf and re-grade topsoil to achieve design levels

3.3 PLANTING

General

- Individual plantings in grassed areas: Excavate a hole twice the diameter of the root ball and at least 100 mm deeper than the root ball. Break up the base of the hole to a further depth of 100 mm, and loosen compacted sides of the hole to prevent confinement of root growth
- Watering: Thoroughly water the plants before planting, immediately after planting, and as required to maintain growth rates free of stress
- Placing: Remove the plant from the container with minimum disturbance to the root ball, ensure that the root ball is moist and place it in its final position, in the center of the hole and plumb, and with the top soil level of the plant root ball level with the finished surface of the surrounding soil
- Fertilising plants: In planting beds and individual plantings, place fertiliser pellets around the plants at the time of planting
- Backfilling: Backfill with topsoil mixture. Lightly tamp and water to eliminate air pockets

3.4 TREES

General

- All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturalist

Clay Soils

- The base of each tree pit within clay soils shall be laid with 100mm deep scoria. A 90mm ag line ring shall sit within the scoria and drain directly to a suitable location. Lay geo-textile fabric evenly above the scoria, prior to tree placement and backfilling with 80/20 mineral soil

3.5 MULCHING

Placing mulch

- General: Place mulch to the required depth, clear of plant stems, and rake to an even surface flush with the surrounding finished levels. Spread and roll mulch so that after settling, or after rolling, it is smooth and evenly graded between design surface levels sloped towards the base of plant stems in plantation beds, and not closer to the stem than 50 mm in the case of gravel mulches.
- Garden beds: Greenlife Mulch and Compost
- Tree mulch ring: Mushroom compost
- Depths: Spread organic mulch to a depth of 75 mm, and gravel mulch to a depth of 50 mm

3.6 STAKES AND TIES

Stakes

- Material: Hardwood, straight, free from knots or twists, pointed at one end
- Installation: Drive stakes into the ground at least one third of their length, avoiding damage to the root system

Ties

- General: Provide 50 mm hessian webbing ties fixed securely to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant

3.7 WATERING

Establishment

- Extent: Available soil moisture content of grass areas and garden beds to be monitored on a weekly basis using an approved moisture probe and water applied on a demand basis. Readings should be taken at a depth of 250mm
- All grass areas and garden beds should be maintained within a range of 50-80% available soil moisture. Under no circumstance should areas under irrigation fall below a level of 30% available soil moisture
- No visible signs of wilting of leaves or stems, with all plants fully turgid at all times.
- No sign of over-watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage

3.8 LANDSCAPE SUBSOIL DRAINAGE

General

- Include subsoil drainage behind retaining walls, along path edges and in mass planting beds, including lawn areas. Maintenance access points shall be every 15m

Materials

- Geotextile fabric: shall consist of a woven or a non-woven type to be manufactured from synthetic materials other than polyamide
- Aggregate: shall be a single size with a nominal dimension of 10-40mm
- Subsoil pipe: shall be 90 mm diameter corrugated flexible slotted PVC pipe in a geofabric sock, or 100mm µPVC if under pavement. All pipes to requirements of AS 1254. Where vehicle loads are encountered, reinforced concrete pipe shall be used only

Construction

- Trenches to be minimum 300mm wide and extend 500mm below the subgrade level or 150mm if into bed rock
- Trenches to be lined with geotextile fabric and backfilled with aggregate. Pipe to be laid 50mm above trench floor
- Prior to backfilling the trench, drainage and connection to stormwater is to be approved by the site manager

3.9 COMPLETION

Cleaning

- Stakes and ties: Remove those no longer required at the end of the planting establishment period
- Temporary fences: Remove temporary protective fences at the end of the planting establishment period

4.0 ESTABLISHMENT & DEFECTS LIABILITY

4.1 ESTABLISHMENT

General

- All landscaping works will have an establishment period of 26 weeks in which the subcontractor will be responsible for the maintenance and upkeep of the contracted scope, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation

4.2 DEFECTS LIABILITY PERIOD

General

- All landscaping works will be subject to a defects liability period of 52 weeks, commencing from the date of Practical Completion, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation

4.3 FAILED PLANTINGS

General

- Photographic images of plants shall be approved by Myles Baldwin Design prior to procurement of replacement plant and tree stock

5.0 Maintenance

5.1 General

Green roofs require a higher level of maintenance in their first 2 years until colinisation has occurred and the vegetation has stabilised.

The first maintenance check should be carried out after the water proof membrane has been installed. The roof should be flooded to check for any leaks or weaknesses in the membrane. Once the membrane has been checked and cleared for having no leaks then the remaining components of the green roof can be installed. After the vegetation has been installed, the requirements for maintenance include; watering in dry periods (if an irrigation system has not been connected to a water supply), removal of weeds, light fertilization with slow release complete fertilizers, and the replacement of dead plants.

Once the vegetation has been established, a typical extensive green roof should require only one or two annual visits for weeding of undesired plants, clearing of plant-free zones and inspecting of drains and the membrane.

MYLES BALDWIN DESIGN
8 Maddison Lane, Redfern, NSW 2016 Australia
PH +61 2 9699 2622 | www.mylesbaldwin.com

PROJECT:
440 EDGECLIFF ROAD, EDGECLIFF

CLIENT:
CLUTCH CAPITAL

AMENDMENT

ISSUE	DATE	DETAILS
A	10.04.24	FOR S4.56

MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF **ALL PLANTS**.
CONTACT MBD IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:
GENERAL SPECIFICATION

DWG No: 690_S4.56_50
SCALE: AS NOTED
DRAWN: YL
CHECKED: RM
ISSUE: A

THIS DRAWING IS COPYRIGHT

Completion Date: Version 1, 26 June 2024

REFERRAL RESPONSE
URBAN DESIGN

FILE NO:	Development Application: 481/2022/2
ADDRESS:	440 Edgecliff Road Edgecliff 2027
PROPOSAL:	Modification application to approved 6 storey residential apartment building comprising amendments to the basement car park, provision of an additional unit and other internal and external alterations
ASSESSMENT:	Simple (Modification Application)
FROM:	Stephen McMahon, Director Inspire Planning
TO:	Anne White

Information

Architectural drawings:	PBD Architects Job No. 2224, DA 000 – 622 Issue B, 11.04.2024
Landscape Plan:	Myles Baldwin Design, 690_S4.56_01 – 50, Issue A, 10.04.24
Statement of Environmental Effects:	GSA Planning – Project No. 22381 . Letter dated 12.04.24
Survey:	Najib Nicholas ID: SU009009 (SDG Pty Ltd), Issue A, 24.06.22

Part 1: Site and Context

1.1 The Site and Existing Development

The site comprises two lots (1/562095 and 4/228840) that combined have an area of 1,470.9 sqm (as noted in the survey) and that operate as a single property.

The site has a 'wedge' type shape and oriented in a north (widest point) to south (narrowest point) direction. The site has a frontage to Edgecliff Road.

The site boundaries are:

(i) An irregular western side boundary of approximately 80.2 metres to No. 442-446 Edgecliff Road;

(ii) No southern boundary by definition. However the southern part of the site addresses No. 81A Albert Street to the rear; and

(iii) Eastern boundary of 65.05 metres to No. 438 Edgecliff Road.

An aerial photograph and views are presented below.

Aerial Photograph *(source www.six.nsw.gov.au)* ***and Place Views of Site and Neighbours:***
(Top): View to south east of site across Edgecliff Road illustrating neighbours to rear (south) and east.
(Bottom): view to south west of site across Edgecliff Road illustrating road character

Numerical setback detail and observations below have been estimated from the information provided.

The site accommodates a two-storey Inter-War Georgian Revival styled detached dwelling constructed circa 1925. It exhibits the following characteristics:

1. The dwelling is deemed to have no heritage significance (Urbis, 1 November 2022, "Demolition Report").
2. The dwelling is located on a steep site that has been heavily modified. The site falls approximately 13 metres from the rear (southern boundary) to the north (front boundary to Edgecliff Road). The dwelling is situated on the site on a stepped platform that is progressively recessed below natural ground level along its side boundaries to its rear (southern boundary) via substantial excavation that reaches a maximum depth of approximately 6.0 metres.
3. The platform comprising the northern garden (being the street setback) is retained via a sandstone retaining wall located at the front boundary that has a maximum height of approximately 3.2 metres. The tall sandstone retaining wall at the frontage to properties is a common streetscape feature in this part of the south side of Edgecliff Road.
4. A double garage is recessed into the retaining wall, maintaining a zero front setback to Edgecliff Road.
5. Along the western boundary of the site is a concrete driveway that extends to the rear of the site. Similarly, a pedestrian path extends along the eastern boundary to the rear.
6. The building is located generally at the centre of the site with setbacks as follows:
   (i) Minimum 1.68 metres (approx.) to the western side boundary (to No. 438);
   (ii) Minimum 6.6 metres (approx.) to the eastern side boundary (No. 442-446); and
   (iii) Minimum 19.77 metres (approx.) from the frontage to Edgecliff Road
   (iv) The ground floor level of the existing building is located above street level of 43.77 metres (generally) at FL 49.52 and the roof top ridge above the top floor is located at RL60.16.
7. The ground floor level of No.438 to the east is noted as FL49.26. There is no ground floor level noted for development in No. 442-446 to the west. However it is significantly elevated above the site.
8. There is a notable tree canopy within the verges of Edgecliff Road on the opposite side of the road to the north. There are also a small number of established trees within the site at the front and rear of the property and the trees, together with the sandstone retaining wall and recessed siting of the dwelling described above, essentially obscure the dwelling from Edgecliff Road and the southern and western boundaries. The vegetation provides some measure of privacy protection between windows in the building in the site and opposing windows in the adjoining buildings on the side boundaries.
9. The arrangement results in the building not being visually prominent when viewed from the street frontage.

1.2 The Locality

The site is located in a part of Edgecliff established in the 1920s. Many of the properties established at that time have undergone periodic redevelopment such that the locality is, today, distinguished by a mix of building forms, heights, densities and architectural styles.

Medium to high density residential developments of various heights prevail, interspersed with a small number of detached dwellings generally constructed when the suburb was established.

1.3 Adjoining Road

Edgecliff Road is a collector road that exhibits an attractive streetscape dominated by mature fig trees in and along its northern verge and established trees in front property setbacks on its south side. Edgecliff Road provides convenient pedestrian access to Edgecliff Railway Station and Shopping Centre which are approximately 400 metres away.

1.4 Adjoining Development

To the West:
To the west of the site there is a 13 storey apartment building (442-446 Edgecliff Road). It was built circa 1960/70s and centrally located within its site with vehicular access to Edgecliff Road. The ground floor is situated at natural ground level with basement car parking below. The immediate building surrounds comprise bitumen parking and access driveways. The layout of the property replicates the frontage treatment of the subject site (front setback garden area retained by a tall sandstone wall circa 3+ metres in height).

The presence of east facing windows and balconies suggest that there may be an outlook across the site at all levels.

Beyond that property is no. 448 Edgecliff Road. It is a recently completed 9 storey residential building.

To the north:
To the north of the subject site, on the opposite side of Edgecliff Road are a number of three to four storey residential flat buildings. They display a mix of interwar (art deco) styles and have minimal setbacks to the street that are generally recessed below kerb level on account of the fall of the land to the north. There is a seven storey building of 1960s style beyond those to the west (No.365) that is currently subject to a redevelopment proposal.

To the west side of No. 365, there is a 13 storey residential flat building (No. 365a Edgecliff Road). It comprises two separate but attached buildings.

The separation offered by the road and the presence of street trees results in negligible outlook across the site from the north.

To the east:
To the east of the subject site are two two-storey similar detached dwellings (434-436 and 438 Edgecliff Road) that exhibit similar characteristics to that of the dwelling in the subject site. Relevantly, they are also obscured from Edgecliff Road by a sandstone retaining wall (with recessed garages) and vegetation.

The dwelling immediately adjoining the site (No.438) is setback from the common side boundary by approximately 1.5 metres and the plan of survey indicates a number of windows to rooms on the western side of the dwelling overlooking the subject site.

From the aerial photography I note that No 438 includes a shade / privacy structure covering rear garden. I speculate that this may be due to privacy concerns that may have emerged from the construction of 18A Albert Street.

The presence of a mix of windows at the boundary suggest that there may be an outlook across the site at all levels.

To the south:

To the rear (south) of the subject site is a five storey recently constructed residential flat building (18A Albert Street) on a battle axe lot with an access to Albert Street and adjoining it there is an inter war red brick 6 storey residential flat building.

The presence of a windows and balconies suggest that there may be an outlook across the site at all levels.

Part 2: The Proposed Modifications

The approved proposed development of the site comprises the demolition of the existing dwelling and construction of a six storey residential flat building comprising seven three bedroom units and two basement car parking levels accessed via a driveway from Edgecliff Road and removal of all vegetation.

Of relevance to this assessment the modifications involve the following works.

Basement 2

(i) The footprint is reduced in size and excavation at the rear is reduced. There is a minor increase in footprint in the north east corner.

(ii) Reduction in car parking to 9 spaces (minus one space) and removal of car wash bay. Overall, the number of car parking spaces remains unchanged in the development.

Basement 1

(i) New storage is proposed.

(ii) the entry landscaping is amended by deletion of an ornamental pool.

(iii) The fire stairs are adjusted.

(iv) The proposed roller door access to the bicycle and motorbike storage areas has been removed. Replacement access has been proposed to the driveway. The opening for the roller door is to be infilled with sandstone blocks to match the existing wall.

Ground floor

(i) The under croft ground floor lobby is proposed to be replaced by a large additional three bedroom apartment. It has a private outdoor pool in the northern setback area. The approved under croft lobby communal pool has been relocated to an external location in the rear setback.

(ii) The northern external communal areas (yoga deck, lawn and dining terrace) have been removed.

(iii) The additional apartment increases the yield from 7 to 8 apartments.

Levels 1, 2, 3 and 4

(i) The balconies / planter boxes to the rear bedrooms have been reconfigured, reduced in size or removed, together with the deletion of the vertical protruding blade walls in the rear elevation.

(ii) The siting of part of the western wall has been reconfigured to improve the functionality of the internal space.

(iii) Internal floor plan amendments including removal of the north facing 'snorkel' type window and balcony to the north eastern bedroom to the apartments on all levels.

Roof

(i) Provision of additional skylights and the lift overrun RL is increased.

(ii) The heights of the roof and parapet are unchanged and the maximum height of the building at the rooftop screen remains unchanged at RL69.10.

(iii) Floor to floor heights are amended at all levels and remain above 3.2 metres. The ground floor RL has been reduced from 47.90 to 47.80.

Gross Floor Area

(i) The addition of the apartment at the ground level, which replaces the under croft communal area, together with the removal and replacement of some rear and eastern balconies with floor space increase the GFA from 1,348.1 sqm to 1,509.0 sqm. This increases the FSR of the development from 0.92:1 (as approved) to 1.03:1 and exceeds the maximum 0.75:1 FSR for the site. It is an increase of 160.9 sqm, +0.11:1 FSR on that approved (and is a non-compliance of 37.33% based on the 0.75:1 standard).

Deep Soil Area

(i) In the basement area there is negligible change to available deep soil area as the basement 1 level above does not change and the north east corner is proposed to include an OSD. (However, I note that the OSD is proposed to be relocated to a position under the driveway in an accompanying modification application). At ground floor the proposed relocation of the communal swimming pool and the addition of the private swimming pool encroach into the deep soil areas.

(ii) The deep soil area falls from 411.2 sqm (27.9% site area) to 337.6 sqm (22.9% site area).

(iii) As per the approved develoment, areas of nominated deep soil zone at the rear and south west boundary of the site encompass the excavated cliff edge and rock outcrops that extend into the site; while the eastern deep soil area has a width of approximately 1.1 metre. These areas are not capable of supporting generous deep soil landscaping.

(iv) Furthermore the proposed landscape plan (both in this modification application and the accompanying modification application for stormwater) show the presence of a significant number of stormwater pipes encroaching into the deep soil areas along the eastern and western side boundaries and front setback that will significantly impact on the functionality of the deep soil zones in these areas.

Storage

(i) Storage areas comprising eleven cages are shown in Basement 2 and 1. Cupboards and sideboards in apartments are also nominated for storage.

Trees

(i) The reduction in the deep soil area in the front setback may prevent the achievement of Recommendation (f) in the Arboricultural Impact Assessment Report (Jacksons Nature Works, 26 October 2022) that at least two canopy trees be replanted on site to compensate for the removal of Trees 25 and 26.

Part 3: Controls and Compliance

The proposal is assessed against the urban design components of the following pieces of legislation:

- Chapter 4 of State Environmental Planning Policy (housing) 2021 *(formerly No. 65 —Design Quality of Residential Apartment Development (SEPP 65)* & Apartment Design Guide (ADG);
- Woollahra Local Environment Plan 2014 (Woollahra LEP 2014);
- Woollahra Development Control Plan 2015 (Woollahra DCP 2015).

However, the modification application must be assessed against the previous SEPP 65 legislation.

The following is an assessment of the proposal against the relevant controls above.

3.1 SEPP (Housing) 2021 Chapter 4

Environmental Planning and Assessment Regulation 2021

Part 3 Clause 29 Design Verification Statement

The Design Verification Statement provided in the development application is dated 11 April 2024, and follows the submitted plans dated 11 April 2024.

The Statement does not include an accompanying ADG Compliance Table addressing the objectives in Parts 3 and 4 of the Apartment Design Guide as required by Chapter 4. However it meets the requirements of SEPP 65.

Assessment Against Schedule 9 Design Principles

The proposed modified development has the potential to achieves the 9 Design Principles, with the following observations.

Principle 2: Built Form and Scale
The proposed non-compliance with the FSR standard that results from the proposed additional units and infill of balconies and other measures does not increase the apparent bulk and scale of the building as all of the additional floor space is accommodated within the approved building envelope.

The modifications do not impact on the approved building articulation and presentation of the built form in the streetscape.

Principle 3: Density
The proposed additional apartment increases the density on the site by 14%. However the proposed development is located within 400 metres walking distance from Edgecliff rail station and centre. It enjoys convenient access to a range of facilities. The increase in density is appropriate.

Principle 4: Sustainability and Principle 5: Landscape
The proposed reduction in the deep soil area in the front setback as a result of the proposed private swimming pool comes at the expense of generous areas for the planting of two replacement canopy trees as recommended in the Arboricultural report. The proposed *Lophostemon confertus* is a large suitable canopy tree when mature. However in this instance they are proposed to be located directly adjoining the private swimming pool and in the eastern side setback area. These locations clash with adjoining uses / built form which jeopardises their growth/ survival.

The deep soil area should be reinstated in the front setback area and the canopy trees centrally placed in the deep soil area to enable them to grow and prosper unencumbered.

Principle 6: Amenity
The removal of balconies will have no adverse impact on amenity. They are secondary balconies with limited purpose. While some sunlight will be lost to the north facing bedroom, I note that in the amended floor plan, the bedroom is relegated from ‘master’ to ‘secondary’ bedroom status.

Appropriate screening is proposed to the east facing windows.

Principle 8: Housing Diversity and Social Interaction
While the additional apartment does not offer a mix of housing sizes or variety it suits the small scale of the proposed development and the prevailing socio economic and demographic character of Edgecliff.

Similarly, the small scale of the development does not generate any concerns with the reduction in the communal open space and facilities, which, as approved, are overly generous for the small number of apartments in the development, and the proposed large apartment size.

Principle 9: Aesthetics
The proposed aesthetic qualities of the building remain unchanged and are supported. The deletion of the roller door and the infill of its space in the sandstone wall with sandstone to match will be an improved streetscape outcome.

3.2 Apartment Design Guide Assessment

The proposed modified development has the potential to achieve the objectives and design guidance in the ADG with the following observations.

3C – Public domain interface
The public domain interface is improved with the modifications to the bicycle store.

3D - Communal and public open space
While substantially reduced, I consider this acceptable for the reasons noted above.

3E – Deep soil zones
While the ADG 7% of site area guidelines is achieved I have concerns that much of the deep soil zone in the setback areas has limited functionality due to its width or encroachment by the swimming pools and stormwater infrastructure.

The deep soil area in the front (northern) setback to the street could be improved by the deletion of the private swimming pool or the relocation of the swimming pool into the part of the ground level for the apartment that is not deep soil area.

3F – Visual privacy
There are no changes to the location of windows and balconies as approved that generate any privacy concerns.

4A – Solar and daylight access
There are no significant changes to the setbacks, bulk, scale and height of the building as approved that generate any overshadowing or solar access concerns.

4C – Ceiling heights
The proposed modifications to the floor to floor heights maintain the ability to achieve the 2.7 metre floor to ceiling height.

4E – Private open space and balconies
The proposed modifications to the balconies maintain the ability to achieve the minimum areas and dimensions to apartments.

4H – Acoustic Privacy
The communal area has been reduced in size which reduces opportunity for noise generated by social activities. While the swimming pool has been relocated to an external area, its location in terms of its rear position and the separation to living areas of surrounding dwellings (both horizontally and vertically) limits any potential acoustic concerns for residents in both the site and the neighbouring sites.

4N – Roof design
The modified rooftop plant continues to be integrated into the building design.

4O – Landscape design
The approach to landscape design can be improved in the front setback. This is discussed elsewhere.

3.3 Woollahra Local Environment Plan 2014 (WLEP2014)

The proposed modified development has the potential to achieve the objectives and controls in the WLEP 2014 with the following observations.

Floor Space Ratio

The proposal includes a variation to the approved FSR of the development. The approved FSR exceeds the FSR standard in WLEP 2014 and the proposed modification increases the exceedance. However, no clause 4.6 request has been provided given the status of the application as a modification to the consent.

I have reviewed the key aspects of the modification and note that:

1. The proposed increase in gross floor area does not increase the apparent bulk and scale of the building as all of the additional floor space is accommodated within the approved building envelope.
2. The infilling of some rear and north east balconies amends the presentation and increases the visual prominence of the glazed area in the building facade. This in turn reduces the extent of articulation and voids in the building elevations. However, these impacts are minor and will be generally imperceivable.
3. There is no adverse impact on internal residential amenity.
4. Furthermore, the major modifications to the balconies take place at the rear of the proposed building and will be subject to low visual exposure.
5. The modifications do not impact on the approved building articulation and presentation of the built form in the Edgecliff Road streetscape.
6. The proposed additional floor area will not cause any additional, unreasonable view loss, privacy impact or visual intrusion on neighbouring properties.

On these grounds, I support the increase in gross floor area.

3.4 Woollahra Development Control Plan 2015 (WDCP 2015)

The proposed modified development has the potential to achieve the objectives and controls in the WDCP 2015 with the following observations.

B1 Desired Future Character: Wallaroy Precinct.

The proposal offers a well-designed contemporary building which is consistent with the approach sought for redevelopment in the Precinct.

B3.2 Building Envelope Setbacks
There are no significant changes to the setbacks.

Part 3.5.1 Streetscape Character
The proposed development has given good attention to both the existing streetscape character and the future development's contribution to that character. Colours and materials are appropriate and offer a harmonious fit. The retention of the sandstone wall and infill of the existing opening at the bicycle store preserves the contribution it makes to the street.

Part B.3.5.3 Public and Private Views
I have not been able to observe views from inside neighbouring properties and no visual impact assessment has been provided with the modification application.

However, within this constraint I note that there are no obvious existing principal views from adjoining buildings that may be potentially obstructed by the proposed modifications to the development.

B3.7.1 Deep Soil
This matter is discussed elsewhere and suggestions for improvements are proposed.

Part 4: Urban Design Review

4.1 Summary

The proposed modifications present minor amendments to the proposed development as approved.

The amendments to the design of the basements and floor levels are minor and do not raise any new concerns that were not addressed in the assessment of the previous development application.

Similarly the modifications to the exterior of the building proposed as part of amendments to or infilling of balconies will not generate any streetscape impacts or impact on the desired future character of the Wallaroy Precinct as they generally will not be apparent.

The balcony amendments will also have negligible impact on internal amenity given their secondary status, small scale and / or south facing character.

The removal of the roller door and infill of the sandstone retaining wall is an improved outcome.

The addition of another apartment in the development is appropriate given the good access to rail based public transport and services in the Edgecliff Centre. The introduction of the additional apartment has no impact on the approved building envelope given it is created from the conversion of a large area of communal open space on the ground floor.

The loss of the communal open space does not raise any concerns. The size of the approved open space is overly generous given the small number of approved apartments. In hindsight the generous size of the communal facilities raises questions as to whether there was an intent from the outset to proceed down this pathway after the non-compliant building envelope was approved in order to secure a substantial increase to the gross floor area enjoyed by the significant non-compliance with the WLEP 2024 FSR standard (37.33%). Ordinarily I would not support such a large non-compliance with the FSR standard. However, I must work within the boundaries of the approved development and consider that the conversion of the communal open space to an additional dwelling in this well serviced location is an improved outcome.

That said, I do not support the treatment of the front open space and its proposed privatisation with the placement of a private swimming pool for the proposed additional apartment.

I am not satisfied that the proposed development achieves a satisfactory outcome in terms of the quality and functionality of the deep soil areas. These concerns are exacerbated by the proposed siting of the swimming pool in the front setback area.

4.2 Recommendation

The proposal is supported subject to the deletion of the private swimming pool in the ground level, or its relocation inside the approved building envelope at the ground floor.

The area of the swimming pool should be retained for landscaped open space and used for deep soil planting. Specifically the two proposed *Lophostemon confertus* shown in the landscape plan should be relocated into the front setback area so that they enjoy appropriate deep soil conditions and site locations to grow and prosper as canopy trees.

Stephen McMahon
Director, Inspire Urban Design and Planning Pty Ltd

Completion Date: 22/07/2024

REFERRAL RESPONSE – TRAFFIC

FILE NO:	**Development Applications:** 481/2022/2
ADDRESS:	440 Edgecliff Road EDGECLIFF
PROPOSAL:	Internal and external modifications to the approved residential flat building including addition of a new 3 bedroom unit on the ground floor and conversion of two visitor parking spaces for resident use
FROM:	Ms E Fang
TO:	Ms E Peedom

I refer to the memo from the Planning Department dated 25 November 2022 requesting comments in relation to the above.

DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 22381 - S4.56, prepared by GSA Planning, dated 12 April 2024.
- Traffic and Parking Assessment Report, referenced 22163, prepared by CJP Consulting Engineers, dated 12 April 2024.
- Architectural Plans, Issue B, referenced 2224, prepared by PBD Architects, dated 11 April 2024.

ASSESSMENT

1. Parking Provision

The parking provision for the proposed development has been assessed in accordance with Council's *DCP 2015 Chapter E1 Parking and Access:*

Table 1: Car Parking Provision – Residential

Approved			
Residential Component	**Quantity**	**DCP Maximum Requirement per Dwelling**	**DCP Maximum Permitted Parking**
3 or more bedrooms	7	2	14
Visitor	7	0.25	1.75 (2)
Total Permitted			16
Proposed			
3 or more bedrooms	8	2	16
Visitor	8	0.25	2
Total Permitted			18

In response, the proposed medication includes converting two (2) approved visitor parking spaces to resident parking with no change of total on-site parking provision, which complies with DCP's maximum requirement. The frontage road consists of timed parking restrictions and resident permit parking scheme which is anticipated to deter long-term parking from

visitors as future residents/tenants will not be eligible to participate in the permit parking scheme.

Table 2: Bicycle and Motorbike Parking Provision

BICYCLE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Residential Residents	8	1 per dwelling	8
Residential Visitors	8	1 per 10 dwellings	0.8 (1)
Total required			9
MOTORBIKE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Car Spaces	18	1 per 10 car spaces	1.8 (2)
Total required			2

The proposed provision of nine (9) bicycle parking spaces and two (2) motorbike parking spaces complies with DCP's minimum requirement and is deemed satisfactory.

2. Traffic Generation

Traffic generation from the proposed development has been calculated in accordance with *RMS Guide to Traffic Generating Developments 2002,* and *RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a*.

Approved Development

Medium Density Residential – Larger Units

- Weekday peak hour vehicle trips: 7 dwellings x 0.5-0.65 per dwelling = 3.5-4.55 trips
- Daily vehicle trips: 7 dwellings x 5-6.5 per dwelling = 35-45.5 trips

Proposed Development

Medium Density Residential – Larger Units

- Weekday peak hour vehicle trips: 8 dwellings x 0.5-0.65 per dwelling = 4.0-5.2 trips
- Daily vehicle trips: 8 dwellings x 5-6.5 per dwelling = 40-52 trips

Based on the above calculation, the increase of traffic generated will be minor and is unlikely to generate unacceptable adverse impacts on the surrounding road network.

3. Access Driveway

No modification is proposed to the approved access driveway. The updated swept path diagrams demonstrate successful vehicular movements accessing/egressing the parking spaces and are deemed satisfactory.

4. Sight Splay

A 2m x 2.5m sight splay, clear of obstruction to visibility, should be provided along both sides of the access driveway, as per Clause 3.2.4 and Figure 3.3 of AS/NZS 2890.1:2004. This should be clearly depicted on the architectural plans. Any structure within the splay area should be redesigned/relocated to ensure visibility.

RECOMMENDATION

Council's Traffic Engineer has reviewed the application and considers the proposed modifications satisfactory, subject to the following modified conditions be incorporated in the original consent:

A. GENERAL CONDITIONS

A.10 Approved Amended (section 4.55) Plans and Supporting Documents

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

Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
22163	Traffic and Parking Assessment Report	CJP Consulting Engineers	12 April 2024
22163-D01-V2	Swept Path Analysis	CJP Consulting Engineers	6 May 2024

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

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

I.10 Provision of Off-Street Parking

The owner and occupier, in compliance with AS/NZS 2890.1:2004: Parking Facilities - Off-Street Car Parking, must maintain unimpeded public access to off-street parking as follows:

Use	Number of spaces
Car Parking (resident)	~~14~~ 16
~~Car Parking (visitor)~~	~~2~~
Bicycle Parking	~~8~~ 9
Motorbike Parking	2

This condition has been imposed to ensure adequate on-site parking is maintained.

Transport for NSW

NSW GOVERNMENT

The General Manager
Woollahra Municipal Council
ellie.peedom@woollahra.nsw.gov.au

20 May 2024

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA481/22/2 (CNR-68466)
440 Edgecliff Road, Edgecliff

Dear Sir/Madam,

I refer to Council's referral requesting concurrence for the above modification application in accordance with Section 2.99 of *State Environmental Planning Policy (Transport and Infrastructure*) 2021 (**Transport and Infrastructure SEPP**).

Council is advised that TfNSW (Sydney Trains), via Instrument of Delegation from the Secretary of Transport, has been delegated to act as the rail authority for the heavy rail corridor and to process the review and concurrence for this development application.

As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP being:

a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
    i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
    ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in modification application (DA 481/22/2). TfNSW (Sydney Trains) has no additional comments on the proposed development works associated with the above modification application. TfNSW (Sydney Trains) advises that all existing Sydney Trains conditions and comments applied to the previous application (**DA 481/22**) are still applicable.

In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. TfNSW (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.

Council is also advised that this concurrence is not to be amended, replaced, or superseded by any concurrence issued by any other rail authority, without further agreement from TfNSW

7 Harvest Street, Macquarie Park NSW 2113
PO Box 459 Burwood NSW 1805
OFFICIAL
DA_sydneytrains@transport.nsw.gov.au
www.transport.nsw.gov.au/sydneytrains

Transport for NSW

NSW GOVERNMENT

(Sydney Trains).

Please contact TfNSW (Sydney Trains) Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, Sydney Trains requests that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided to Sydney Trains.

Sincerely,

[redacted]

Steven Heapy
Director Land and Maritime Planning
Transport for NSW

NOTES:
- ALL WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
- CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK- SHOULD A DISCREPANCY BE IDENTIFIED PLEASE CONFIRM WITH ARCHITECT PRIOR TO PROCEEDING (DO NOT SCALE FROM DRAWINGS)
- COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY THIS OFFICE AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION
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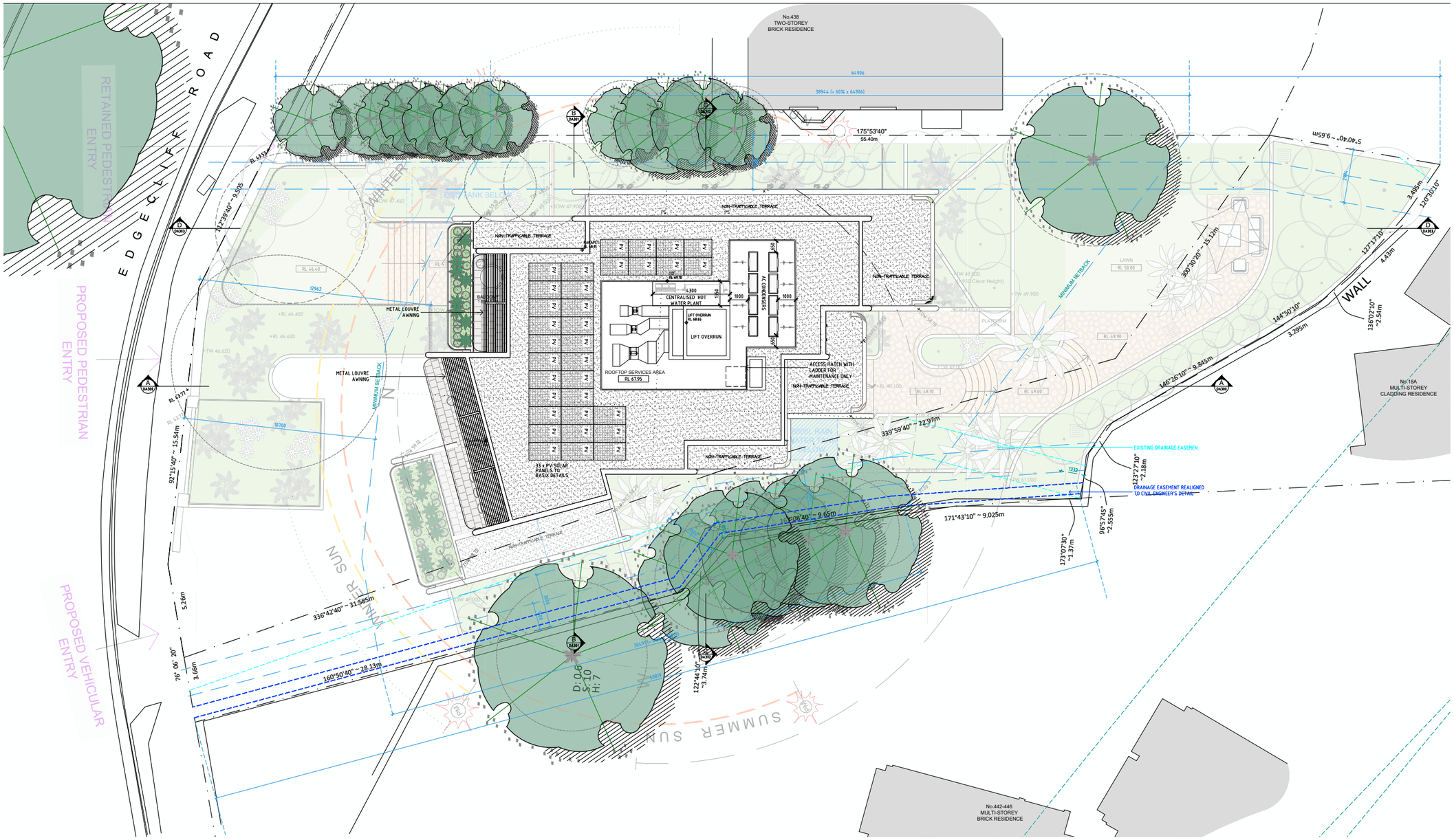
- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT'S DRAWINGS, SPECIFICATIONS & REPORTS
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY- FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x



AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	05.12.2023	ISSUE FOR S34 CONFERENCE			
C	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA002

SITE ANALYSIS PLAN
ISSUE - C

SCALE
1:200 @ A3 0 2 5m
1:100 @ A1

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

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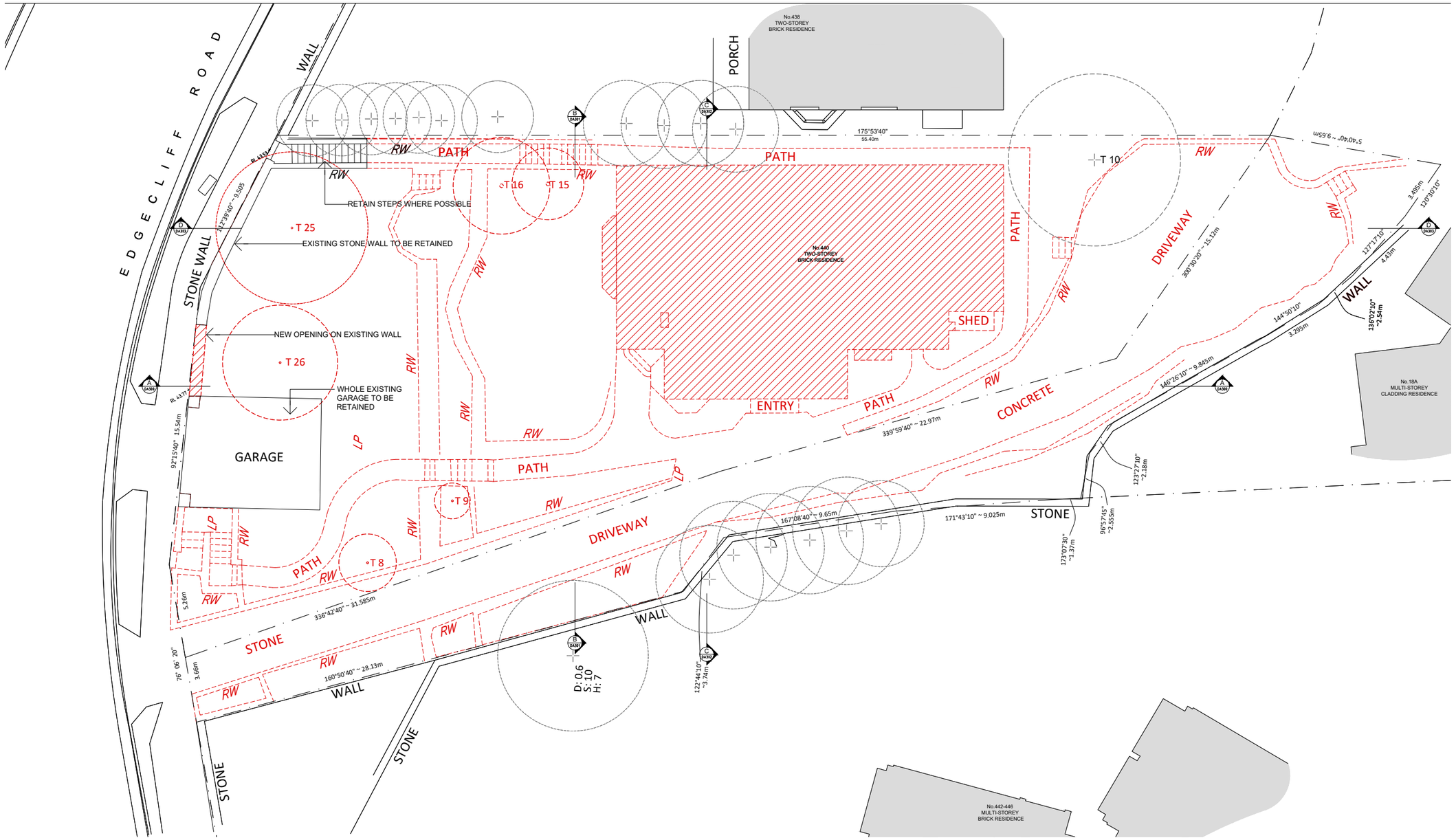
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

LEGEND:
- DEMOLISHED / REMOVED
- TO BE RETAINED
- TO BE RETAINED
- REMOVED TREE - REFER TO ARBORIST REPORT
- TREE PROTECTION ZONE OF RETAINED TREE - REFER TO ARBORIST REPORT



AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	05.12.2023	ISSUE FOR S34 CONFERENCE			
C	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA004

DEMOLITION PLAN
ISSUE - C

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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Nominated Architect: Paul Buljevic NSW 7768

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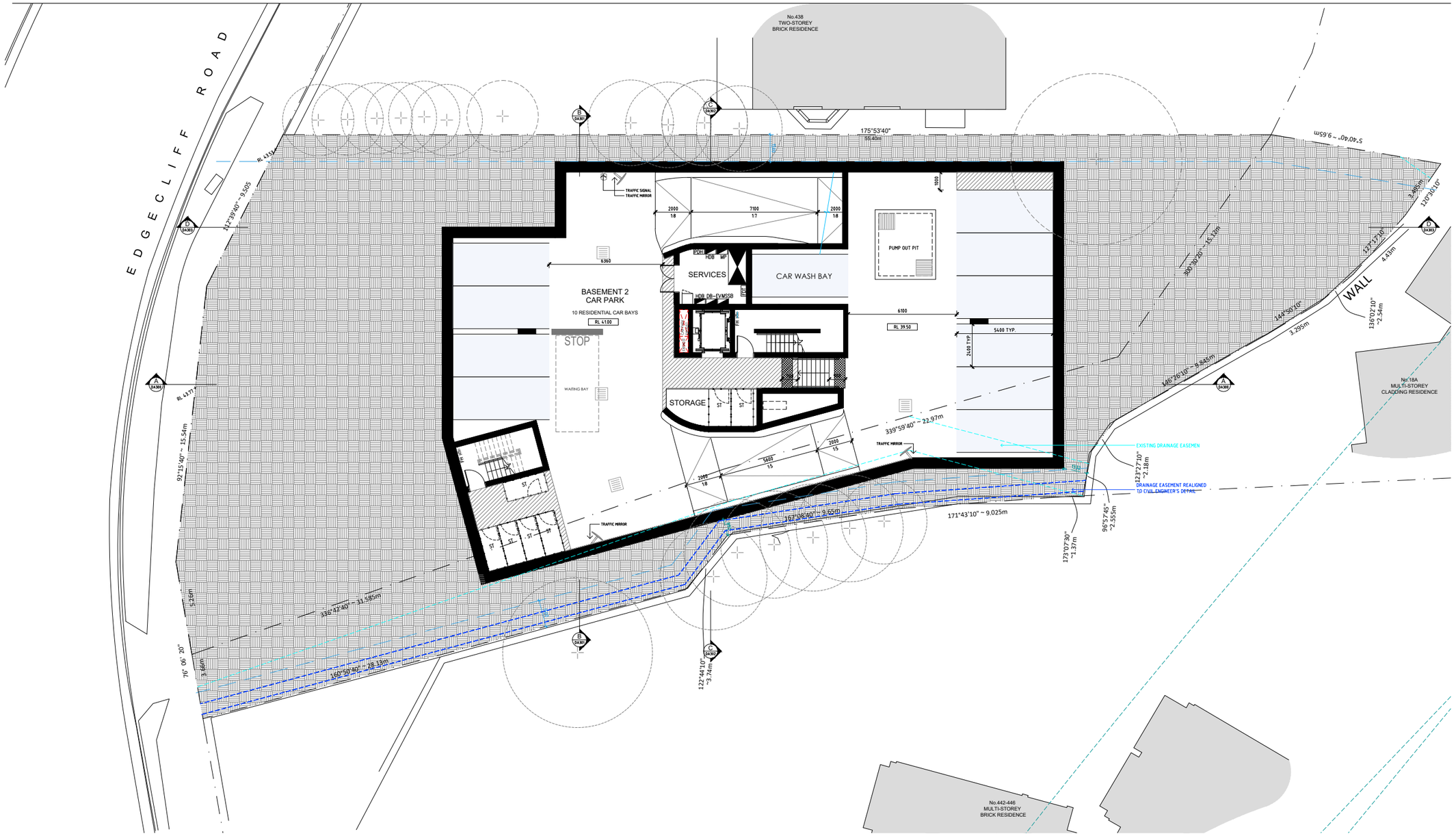
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x



AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	05.12.2023	ISSUE FOR S34 CONFERENCE			
C	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA100

BASEMENT 2 PLAN
ISSUE - C

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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Nominated Architect: Paul Bulevic NSW 7768

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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
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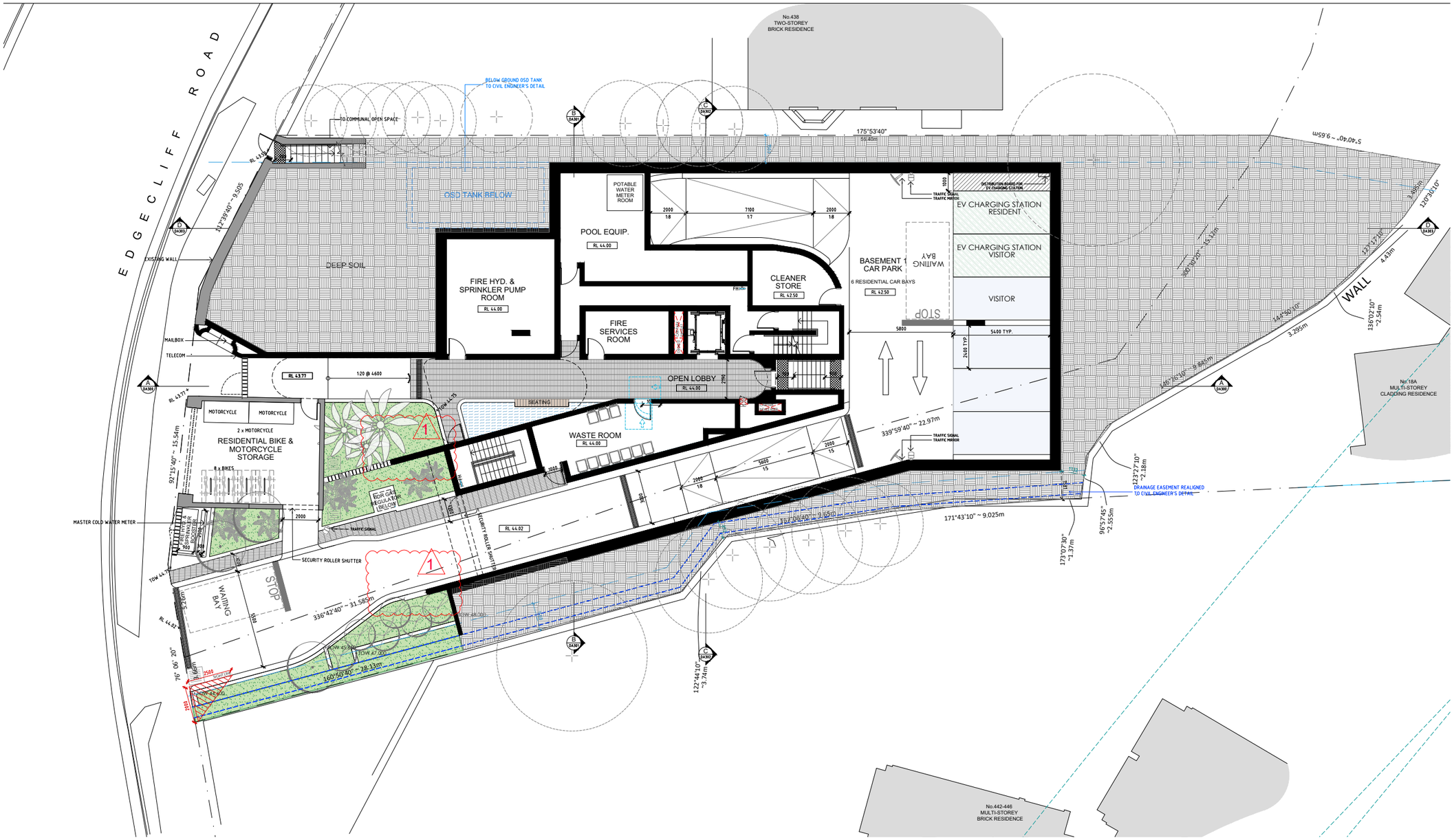
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
E PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign

LEGEND
EXISTING WALL TO BE RETAINED
NEW WALL



AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
C	05.12.2023	ISSUE FOR S34 CONFERENCE			
D	14.12.2023	ISSUE FOR S34 CONFERENCE			
E	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA101

BASEMENT 1 PLAN
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
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Nominated Architect: Paul Buljevic NSW 7768

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LEGEND:

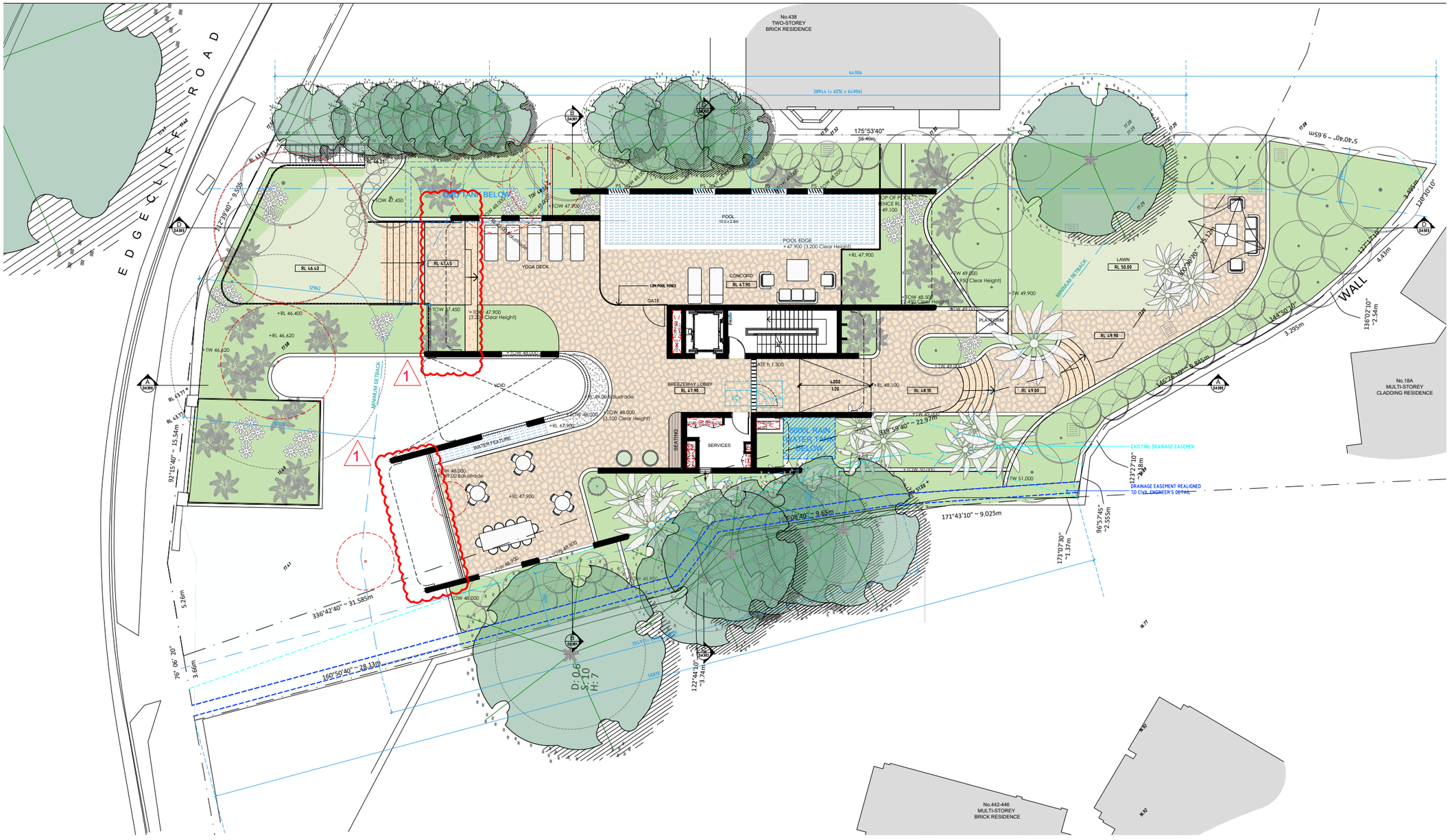
B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:

(E) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST

1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	30.06.2023	ISSUE FOR COUNCIL RFI			
C	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
D	05.12.2023	ISSUE FOR S34 CONFERENCE			
E	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA102

GROUND FLOOR PLAN
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

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LEGEND:

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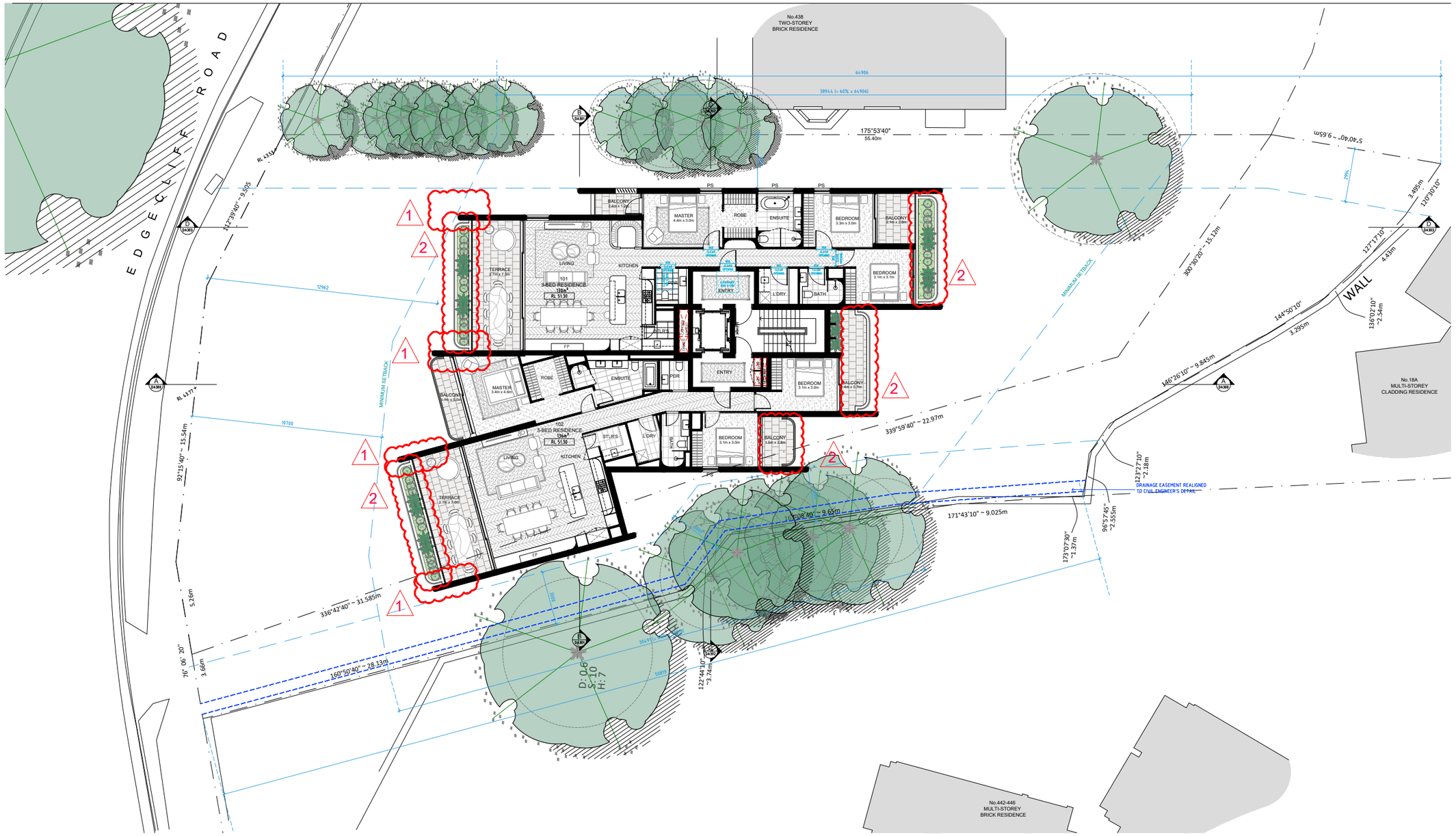
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(C) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



AMENDMENTS

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C	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA103

LEVEL 1 PLAN
ISSUE - C

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

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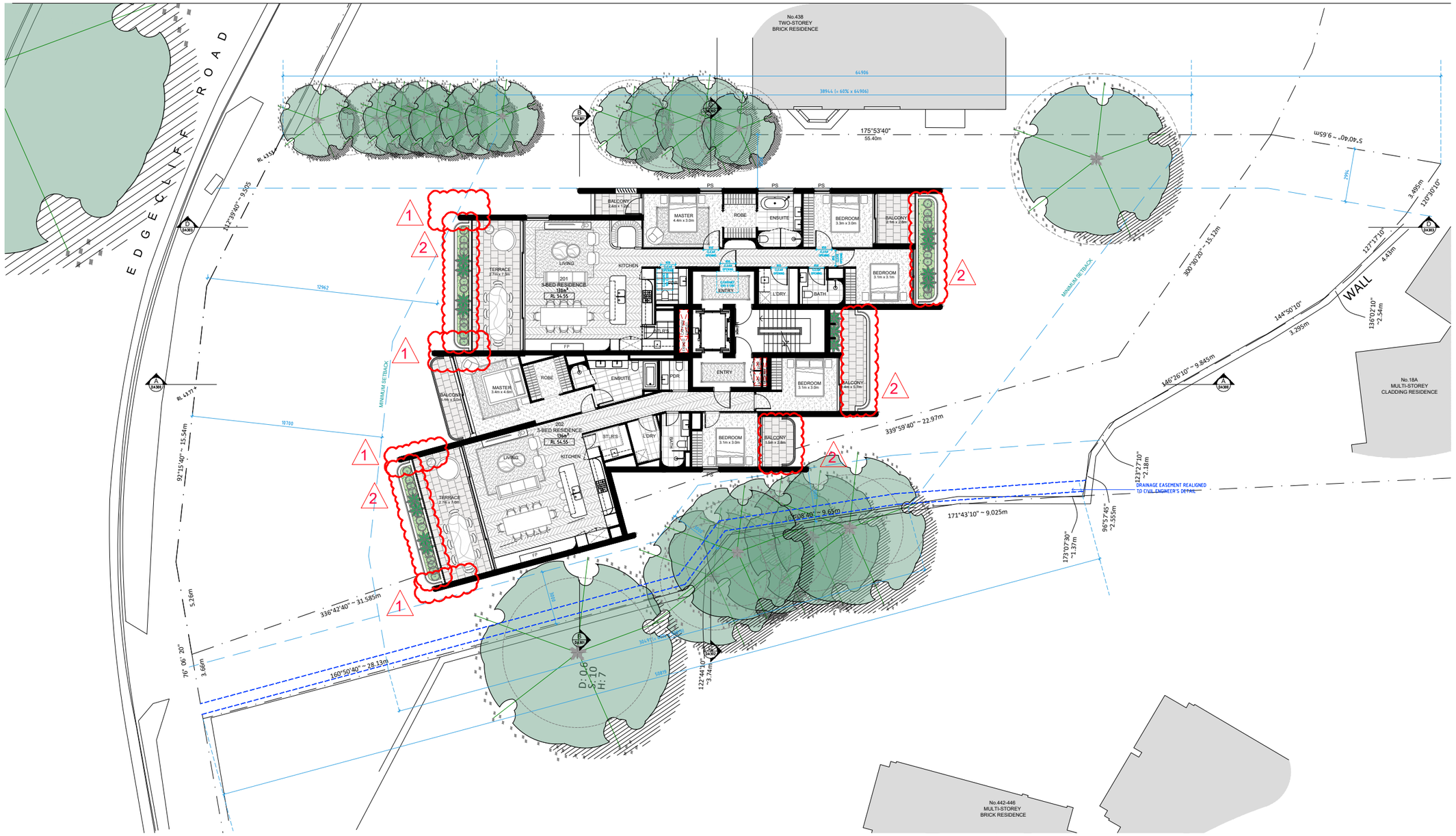
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(C) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign


EDGECLIFF ROAD
No.438
TWO-STOREY
BRICK RESIDENCE
64.906
38.944 (= 60% x 64.906)
175°53'40"
55.40m
RL 43.53
312°39'40" ~ 9.505
12.962
RL 43.37
10.700
92°15'40" ~ 15.54m
5.26m
336°42'40" ~ 31.585m
76° 06' 20"
3.66m
160°50'40" ~ 28.13m
MINIMUM SETBACK
201
3-BED RESIDENCE
Unit
RL 54.55
202
3-BED RESIDENCE
Unit
RL 54.55
LIVING
KITCHEN
TERRACE
2.79m x 7.3m
BALCONY
2.4m x 1.2m
MASTER
4.4m x 3.0m
ROBE
ENSUITE
BEDROOM
3.3m x 3.0m
BALCONY
2m x 2.8m
ENTRY
LDRY.
BATH
BTL/RS
BEDROOM
3.1m x 3.1m
BALCONY
4.4m x 3.7m
BEDROOM
3.1m x 3.0m
BALCONY
5.6m x 2.8m
TERRACE
2.79m x 3.6m
D: 0.6
S: 10
H: 7
5.087m
5.040m
5.040m
5.040

NOTES:
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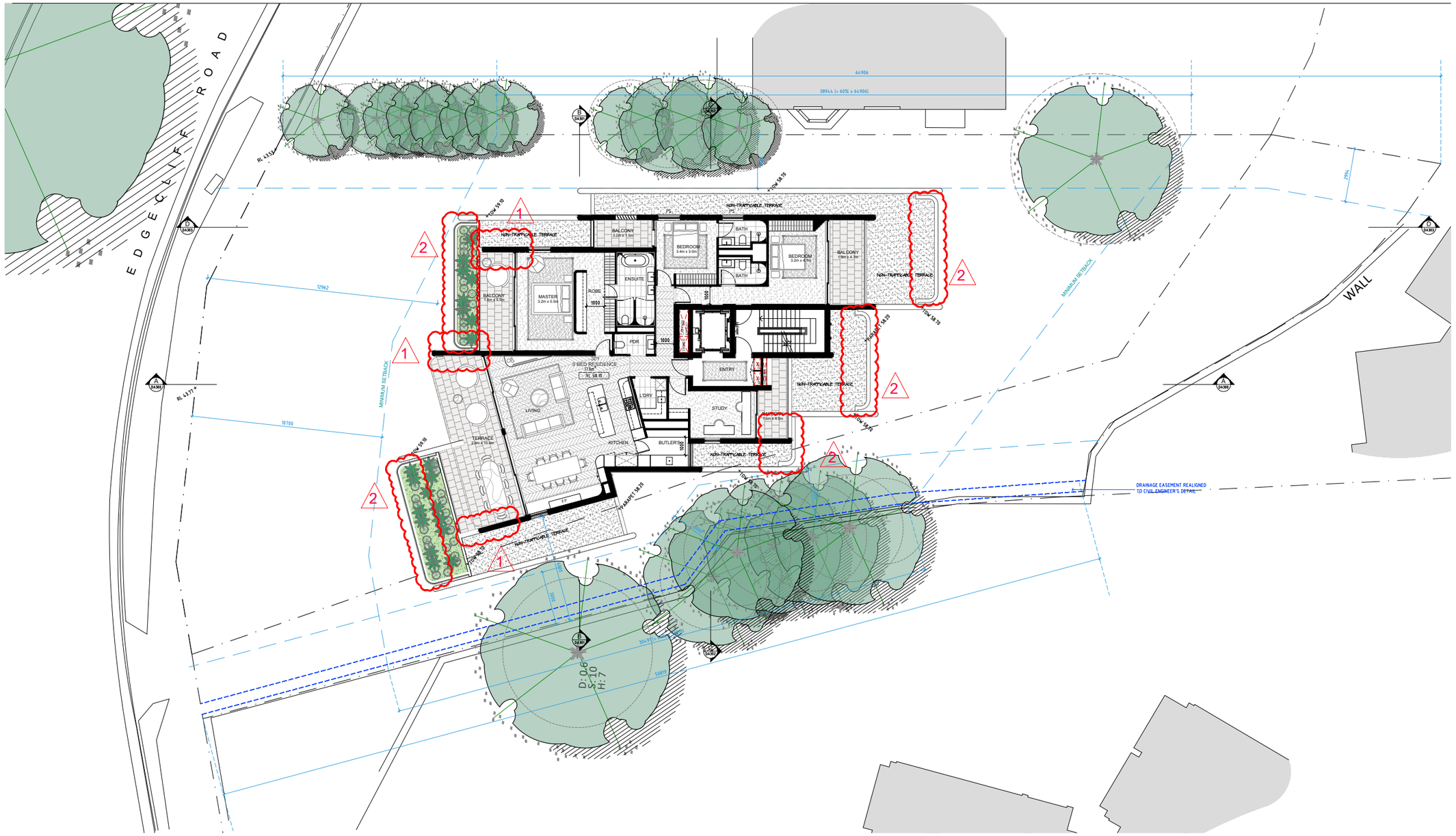
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(C) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign


EDGECLIFF ROAD
64906
38944 (= 60% x 64906)
RL 43.53
RL 43.77 +
12962
10700
MINIMUM SETBACK
MINIMUM SETBACK
WALL
DRAINAGE EASEMENT REALIGNED TO CIVIL ENGINEER'S DETAIL
NON-TRAFFICABLE TERRACE
BALCONY 3.28m X 1.5m
BEDROOM 3.4m x 3.0m
BATH
BEDROOM 3.2m x 4.7m
BALCONY 1.9m x 4.3m
ENSUITE
ROBE
1000
MASTER 3.2m x 5.5m
BALCONY 1.8m x 5.5m
PDR
ENTRY
3 BED RESIDENCE 173m²
RL 58.10
LIVING
TERRACE 2.8m x 10.9m
KITCHEN
BUTLERS
STUDY
1 STRY
1.6m x 4.5m
TOW 59.70
TOW 59.10
TOW 58.70
TOW 58.10

NOTES:
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(C) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
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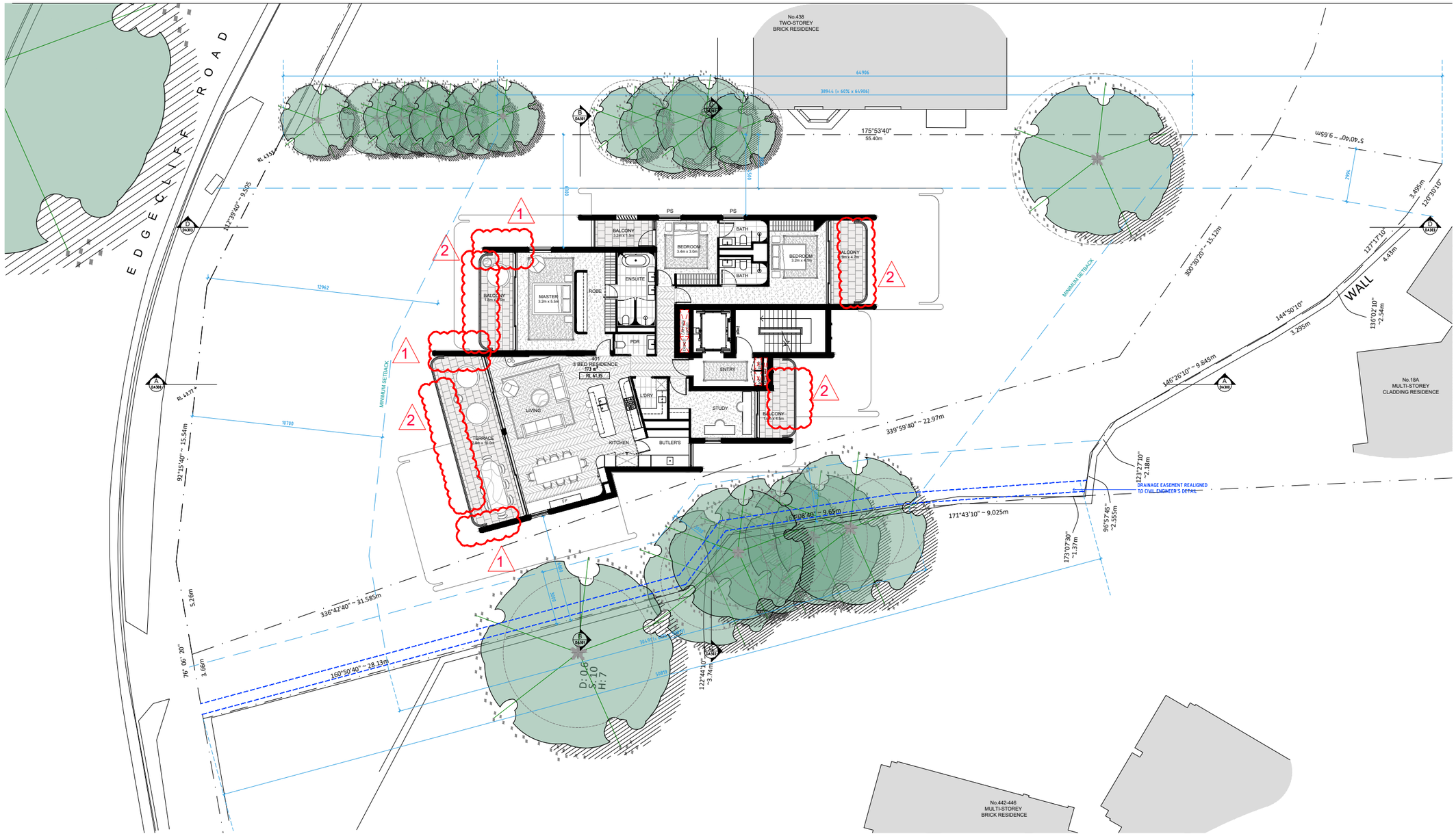
2. Balcony and planter boxes redesign



AMENDMENTS

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A	14.10.2022	FOR DA SUBMISSION			
B	05.12.2023	ISSUE FOR S34 CONFERENCE			
C	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA106

LEVEL 4 PLAN
ISSUE - C

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Buljevic NSW 7768

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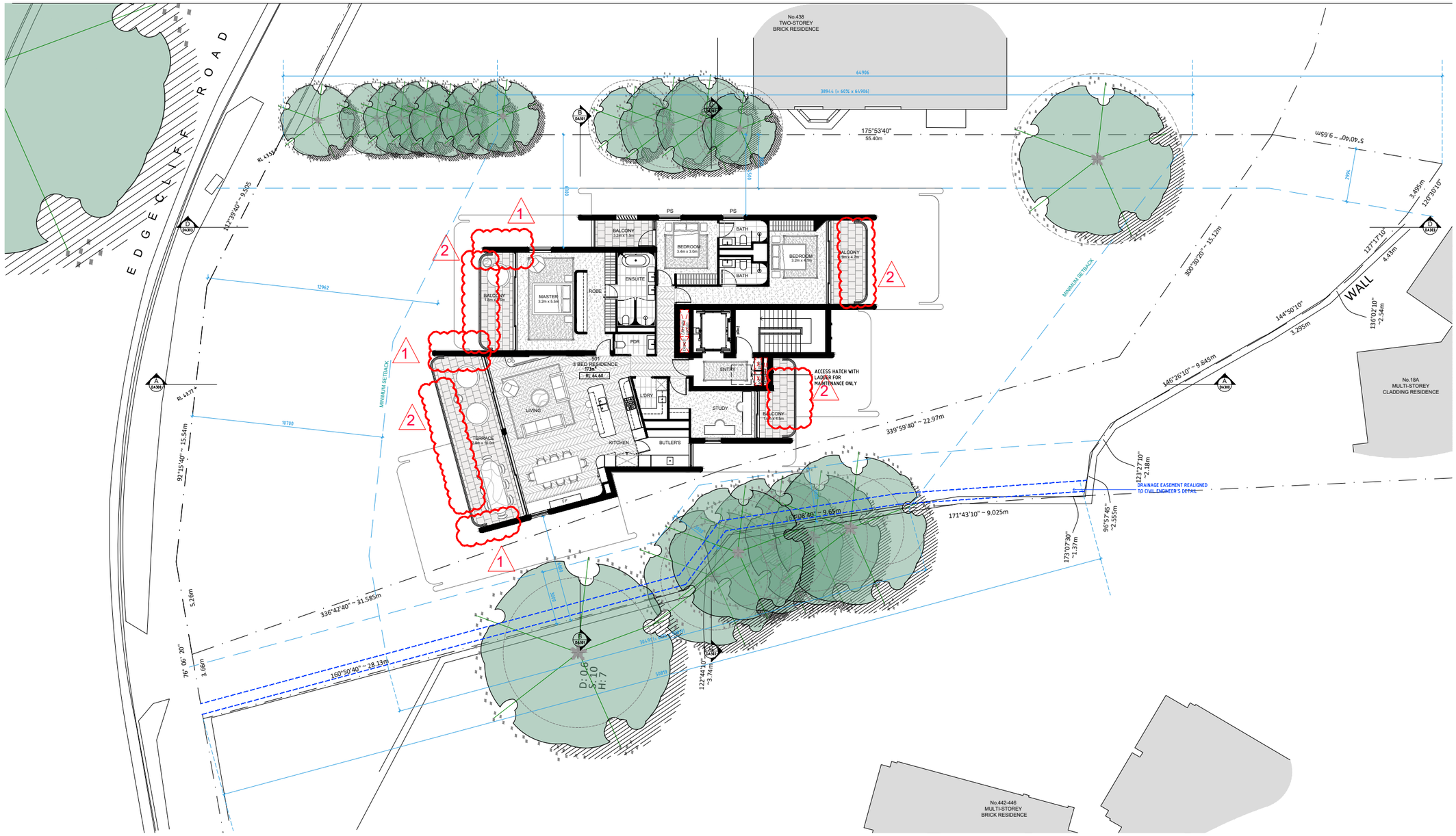
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(C) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA107

LEVEL 5 PLAN
ISSUE - C

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
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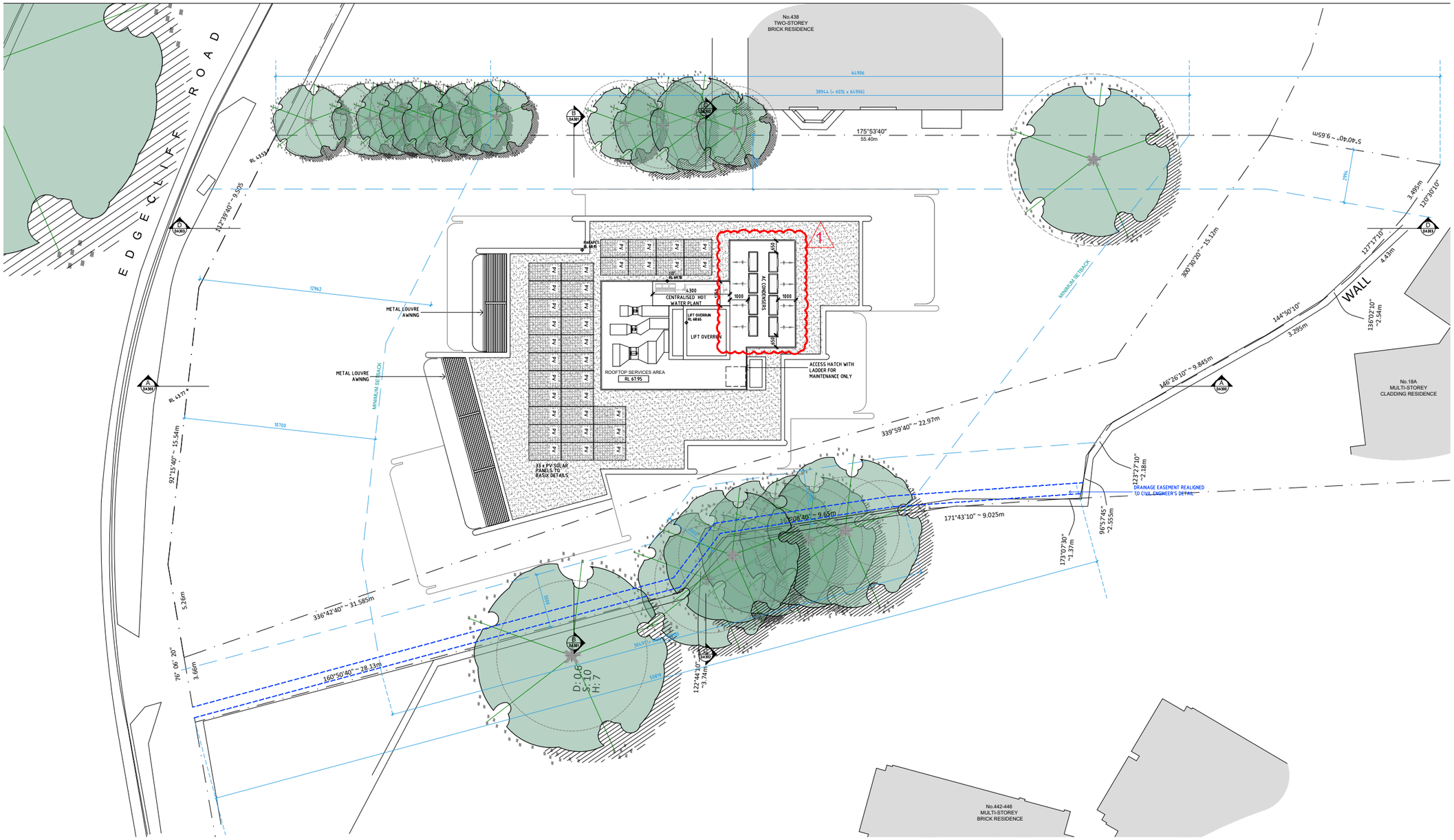
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:

(D) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST

1. Repositioned AC condensers and screening on the roof



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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA108

ROOF PLAN
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
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HWU	HOT WATER UNIT (TO FUTURE DETAILS)
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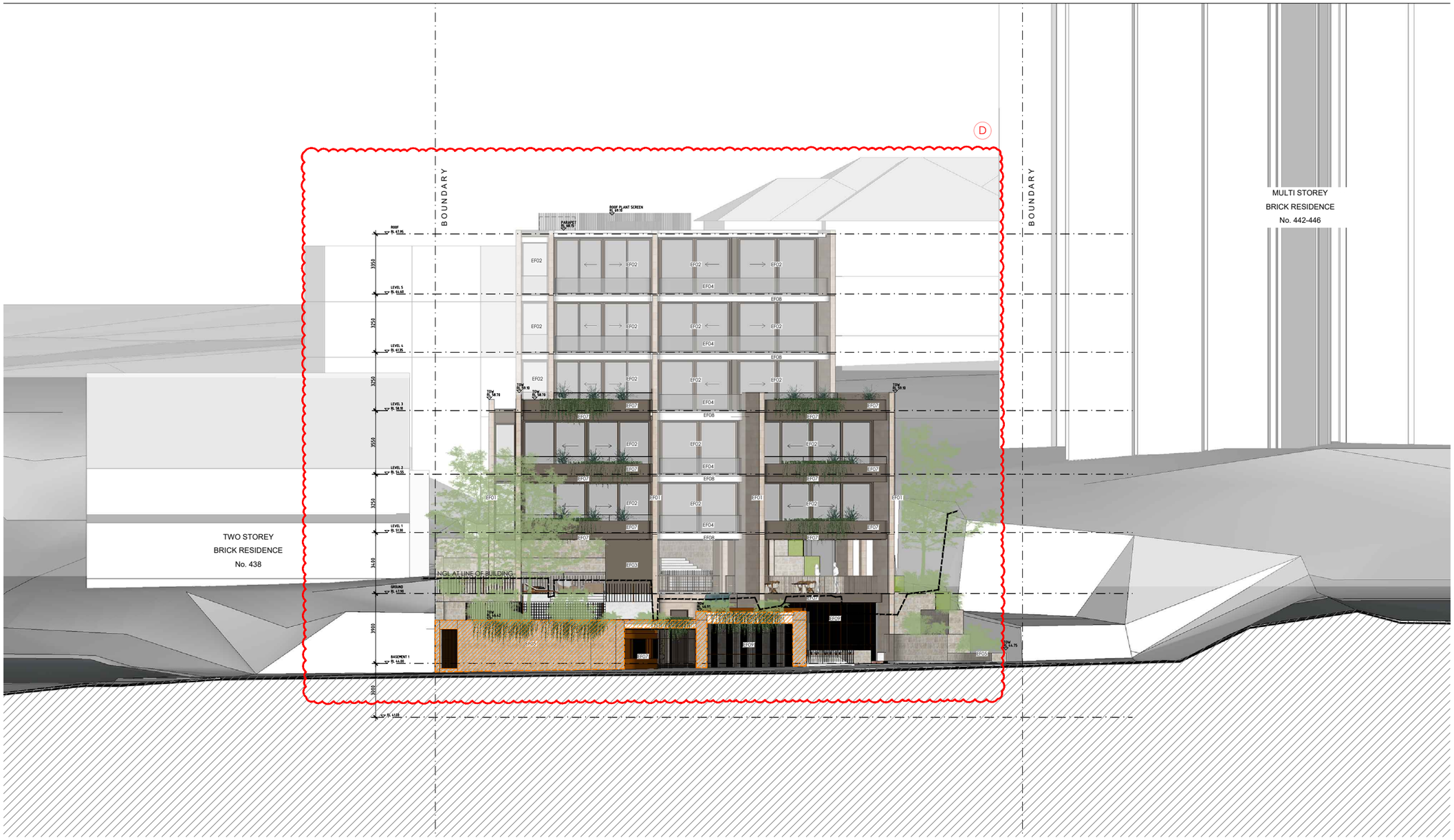
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
D PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign

LEGEND
EXISTING WALL TO BE RETAINED



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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA200

NORTH ELEVATION
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CQ/TT CHECKED BY: PB JOB No. 2224

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PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(D) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

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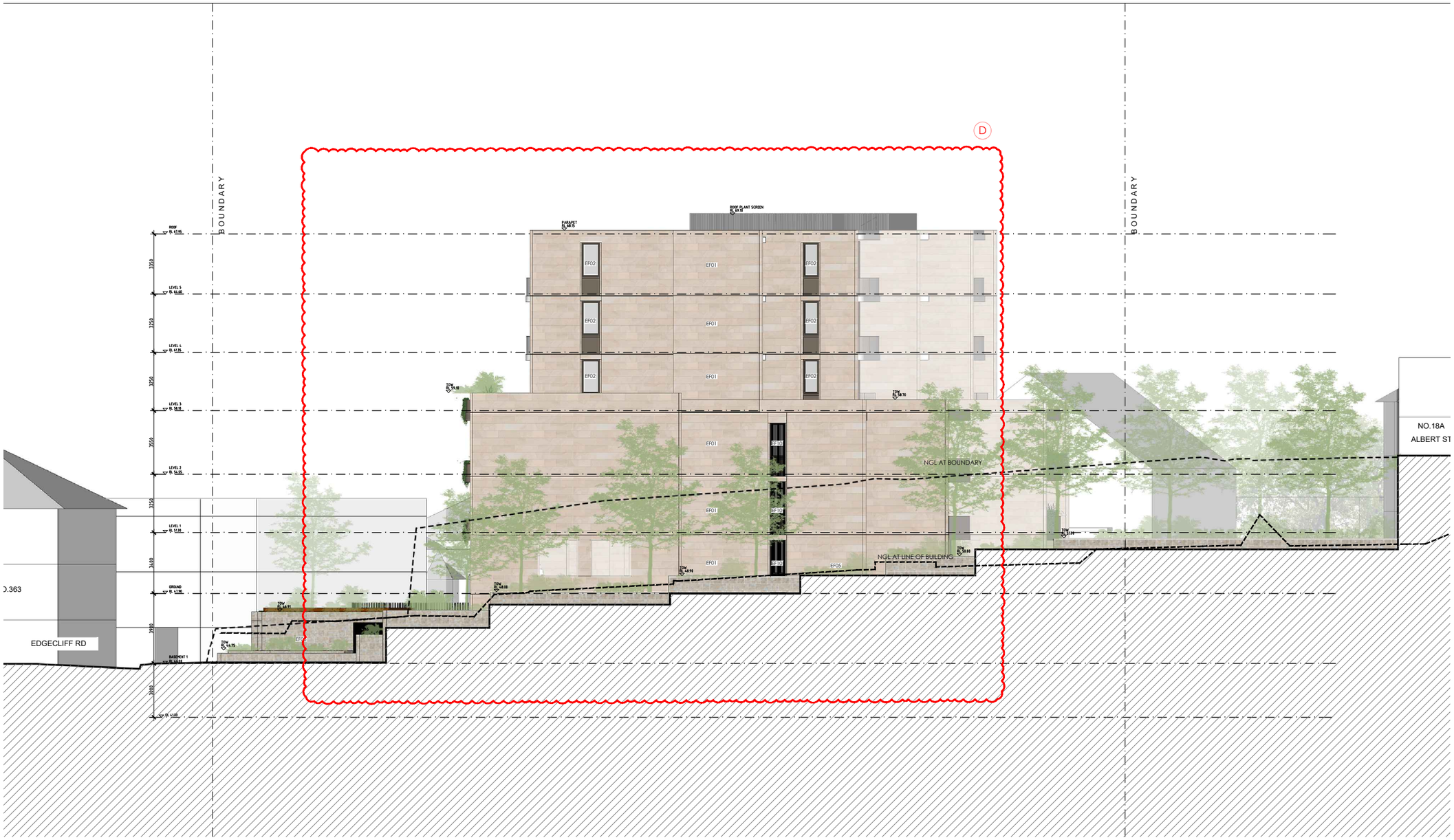

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA201

WEST ELEVATION
ISSUE - D

SCALE
1:200 @ A3 1:100 @ A1 0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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LEGEND:

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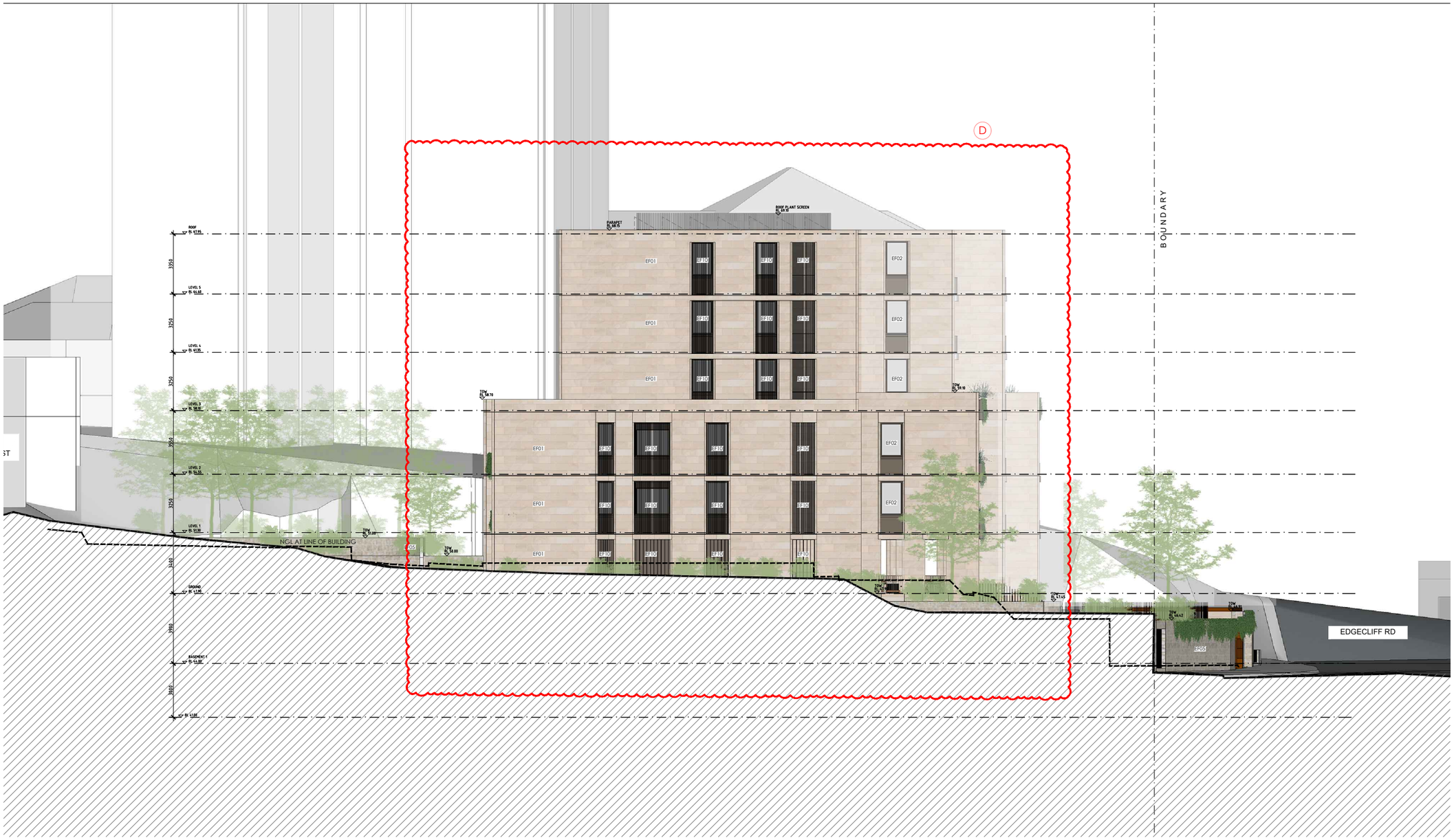
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:

D PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST

1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA202

EAST ELEVATION
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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ABN 36 147 035 550
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LEGEND:

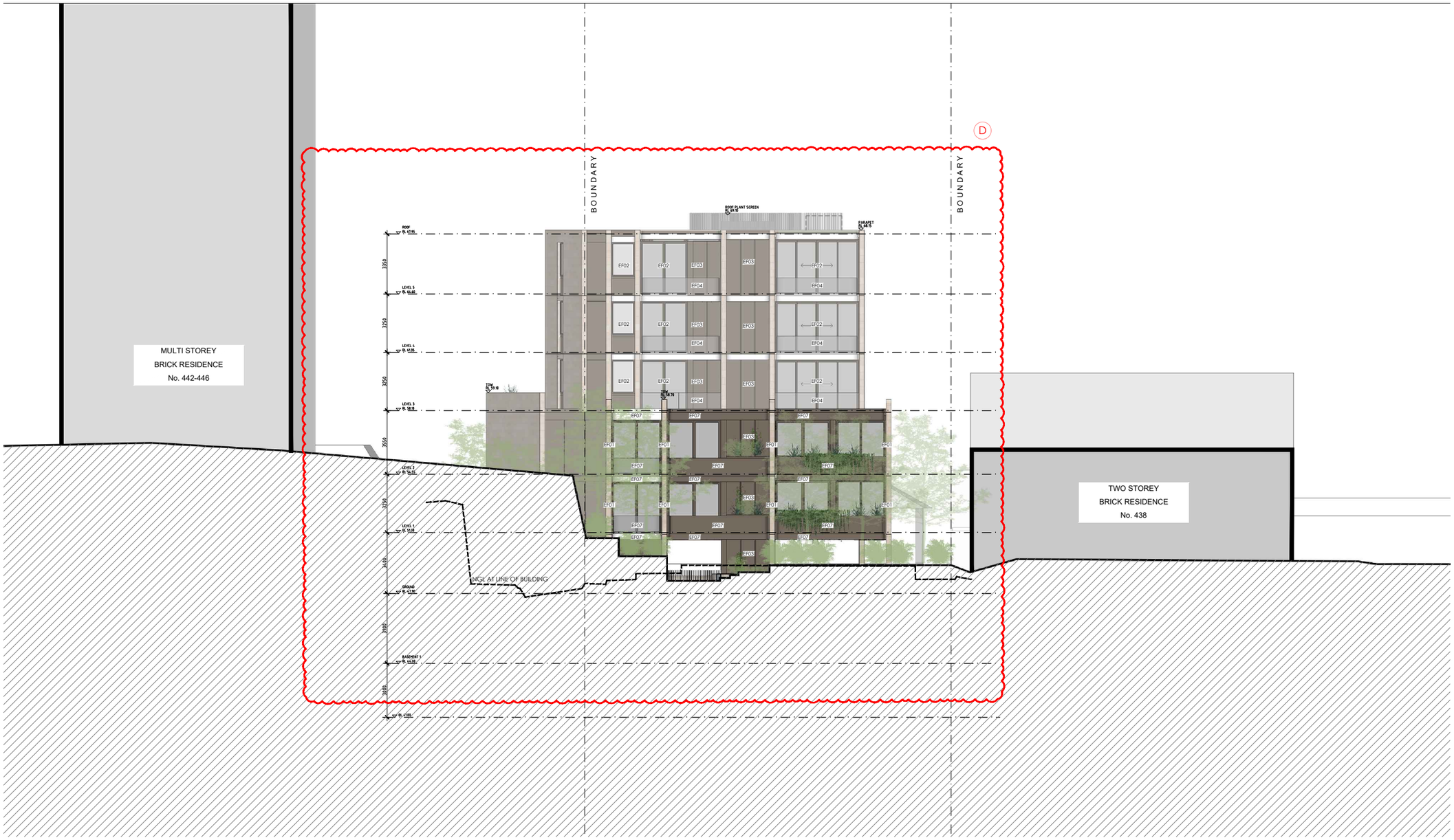
B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:

D PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST

1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



AMENDMENTS

DA203

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

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C	05.12.2023	ISSUE FOR S34 CONFERENCE			
D	29.01.2024	ISSUE FOR S34 CONFERENCE			

CLIENT: Clutch Capital

SOUTH ELEVATION
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

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LEGEND:

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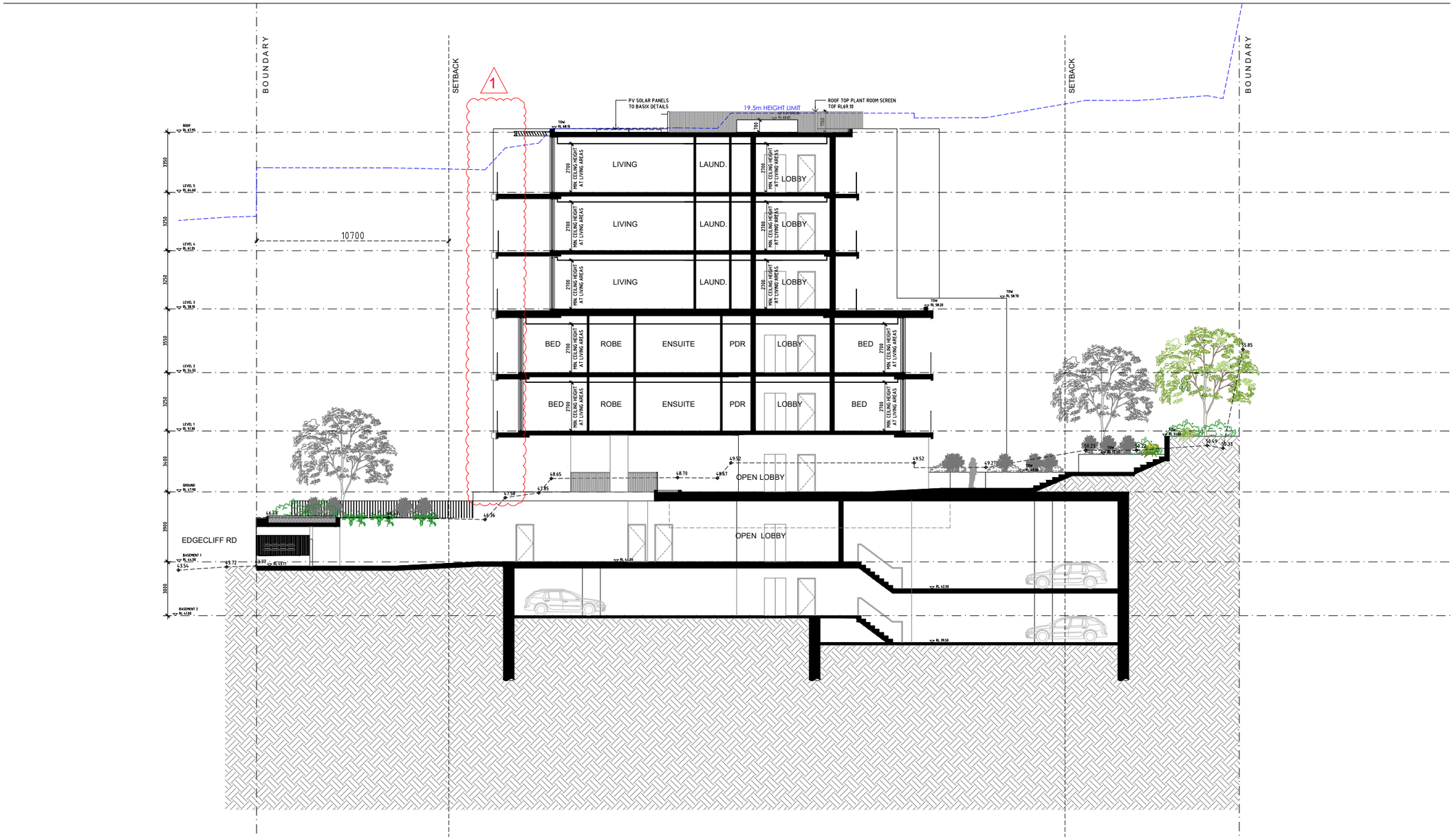
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:

(E) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST

1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	14.10.2022	FOR DA SUBMISSION			
B	05.12.2022	ISSUE FOR COUNCIL RFI			
C	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
D	05.12.2023	ISSUE FOR S34 CONFERENCE			
E	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA300

SECTION A
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Nominated Architect: Paul Bubnic NSW 7768

NOTES:
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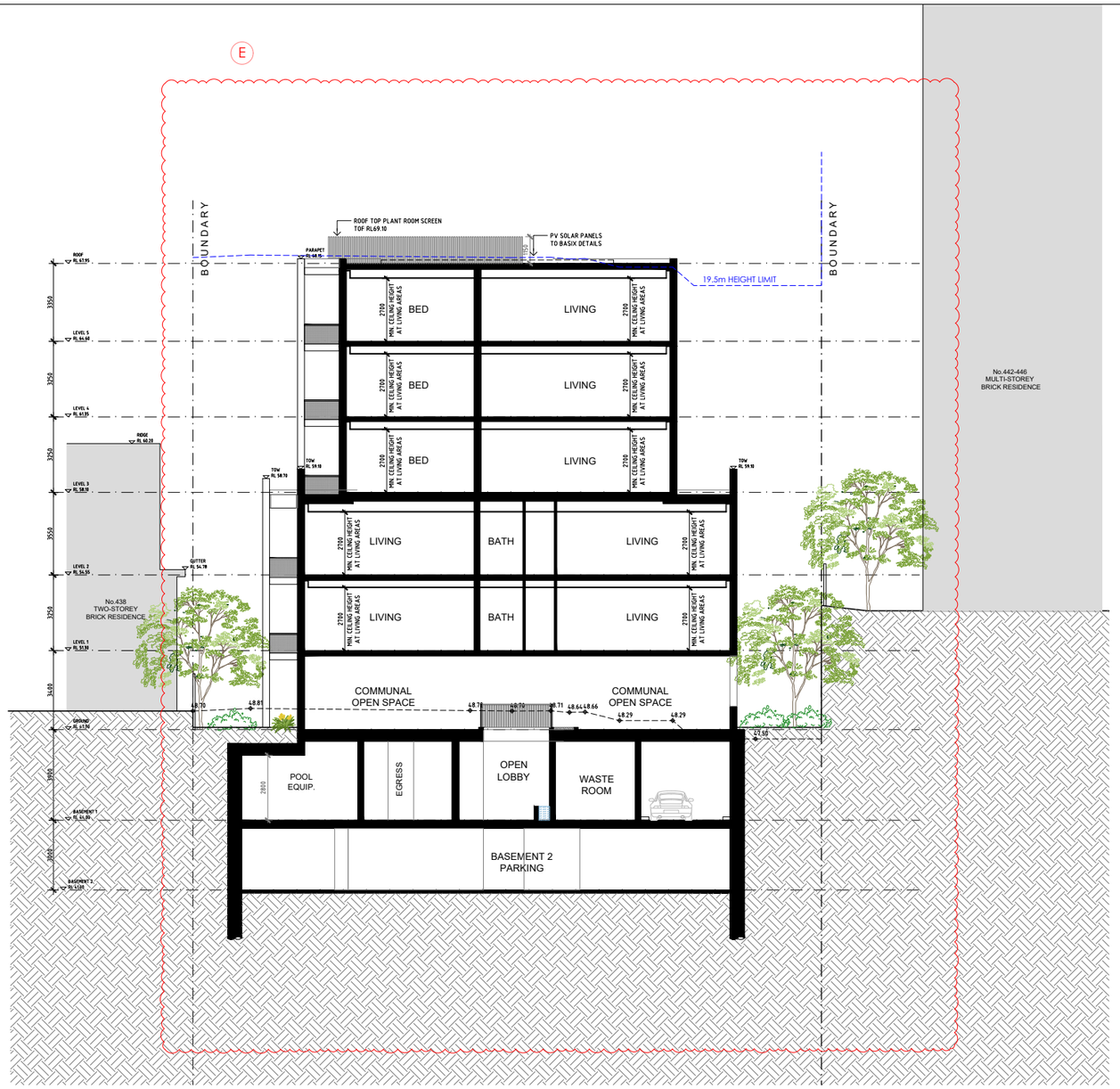
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(E) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



AMENDMENTS

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA301

SECTION B-B
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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Nominated Architect: Paul Buljevic NSW 7768

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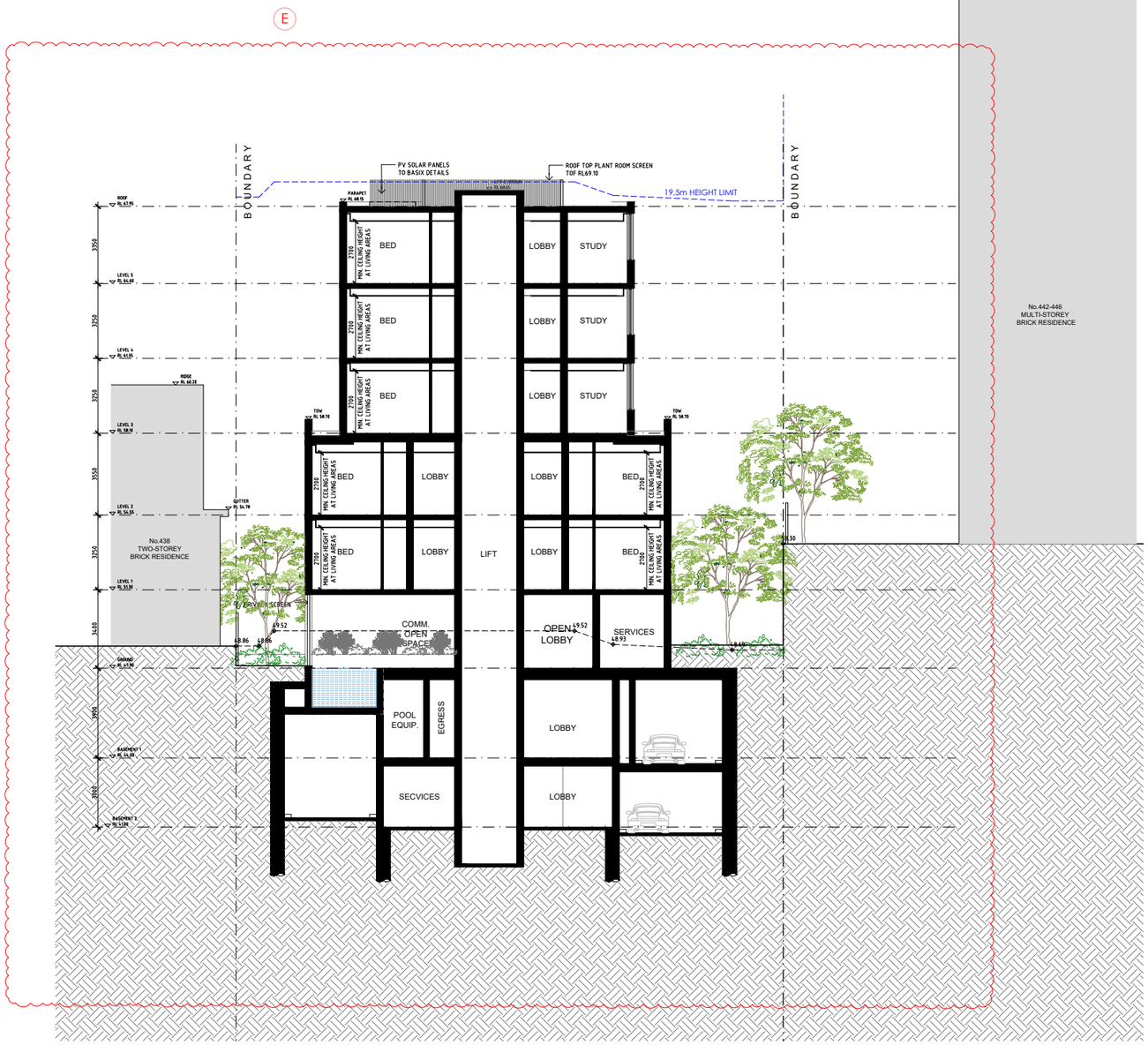
LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:
(E) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST
1. Blade walls (pulled-back 1.2m)
2. Balcony and planter boxes redesign



AMENDMENTS

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA302

SECTION C-C
ISSUE - E

SCALE
1:200 @ A3
1:100 @ A1
0 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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Nominated Architect: Paul Buljevic NSW 7768

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LEGEND:

B	BOLLARD
HWU	HOT WATER UNIT (TO FUTURE DETAILS)
FE	FIRE EXTINGUISHER
FDCIE	FIRE DETECTION CONTROL AND INDICATING EQUIPMENT
FS	FIRE STAIRS
RD	ROLLER DOOR (TO FUTURE DETAILS)
PS	PRIVACY SCREEN
PV	PHOTOVOLTAIC PANEL
SK	SKYLIGHT
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

AMENDMENT LEGEND:

(D) PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

AMENDMENT LIST

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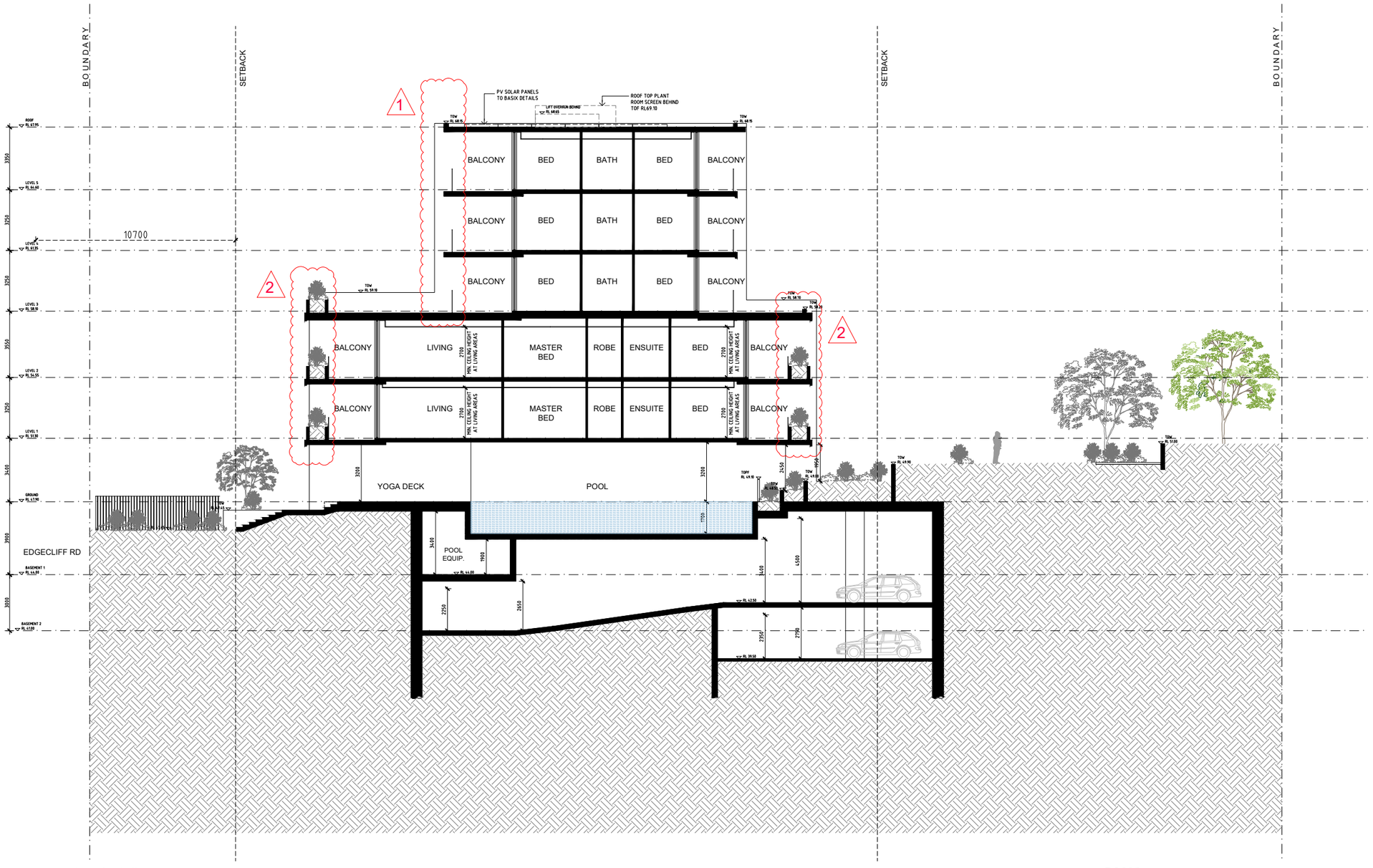

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	30.06.2023	ISSUE FOR COUNCIL RFI			
B	10.11.2023	ISSUE FOR WITHOUT PREJUDICE MEETING			
C	05.12.2023	ISSUE FOR S34 CONFERENCE			
D	29.01.2024	ISSUE FOR S34 CONFERENCE			

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA303

SECTION D
ISSUE - D

SCALE
1:200 @ A3
1:100 @ A1
0 2 5m

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
ABN 36 147 035 550
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LEGEND:

B	BOLLARD
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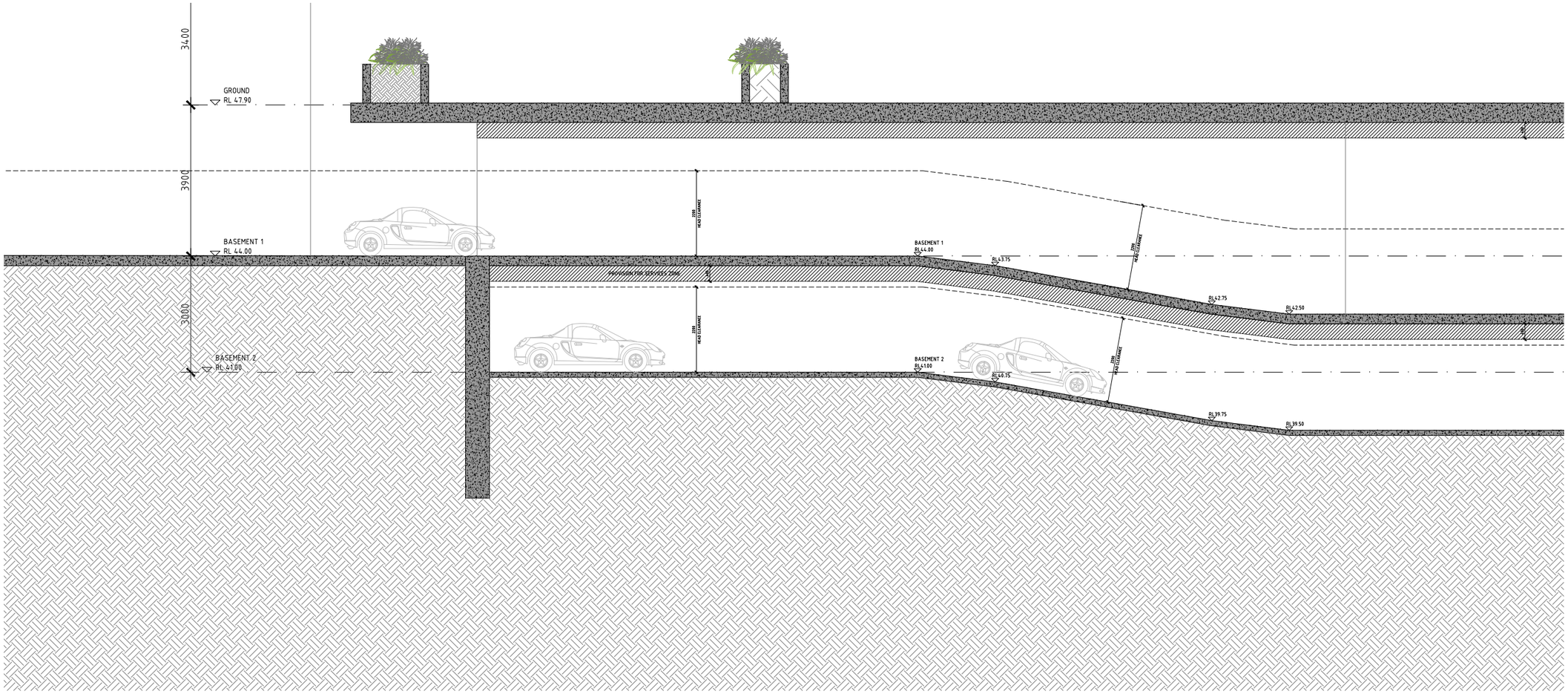

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA305

DRIVEWAY SECTION
ISSUE - C

1:100 @ A3
1:50 @ A1
0 0.25 0.5 1 2.5m

DRAWN BY: CQ/TT CHECKED BY: PB JOB No. 2224

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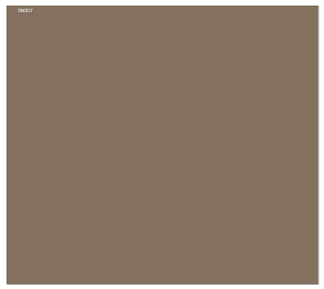
ST	STORAGE
TOF	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
VISx	VISITOR PARKING NO. x

EF01 SANDSTONE TILE

Colour - Sand stone or similar approved

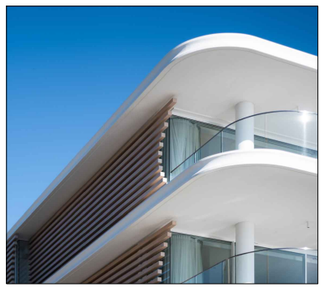
EF02 ALUMINIUM FRAME GLAZING

Colour - Matt duralloy jasper or similar approved



EF03 PAINTED WALL

Colour - to match EF07 or similar approved



EF04 FRAMELESS GLASS BALUSTRADE WITH METAL TOP RAIL

Colour -

EF05 SANDSTONE WALL

Treated existing sandstone where possible or Eco outdoor - Clancy or similar approved

EF06 TIMBER SOFFIT

Colour - SupaSurface Emu Oak or similar approved

EF07 ANODISED METAL FINISH

Colour - Medium Brown Bronze or similar approved

EF08 POWDER-COATED METAL

Colour - Anotec Silver Grey or similar approved

EF09 ALUMINIUM BATTEN ROLLER DOOR

Colour - to match EF07 or similar approved

EF10 PRIVACY SCREEN

Colour - to match EF07

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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
440 EDGECLIFF ROAD, EDGECLIFF
NSW 2027

CLIENT: Clutch Capital

DA400

MATERIAL SCHEDULE
ISSUE - C

DRAWN BY: CG/TT CHECKED BY: PB JOB No. 2224

PBD | ARCHITECTS
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