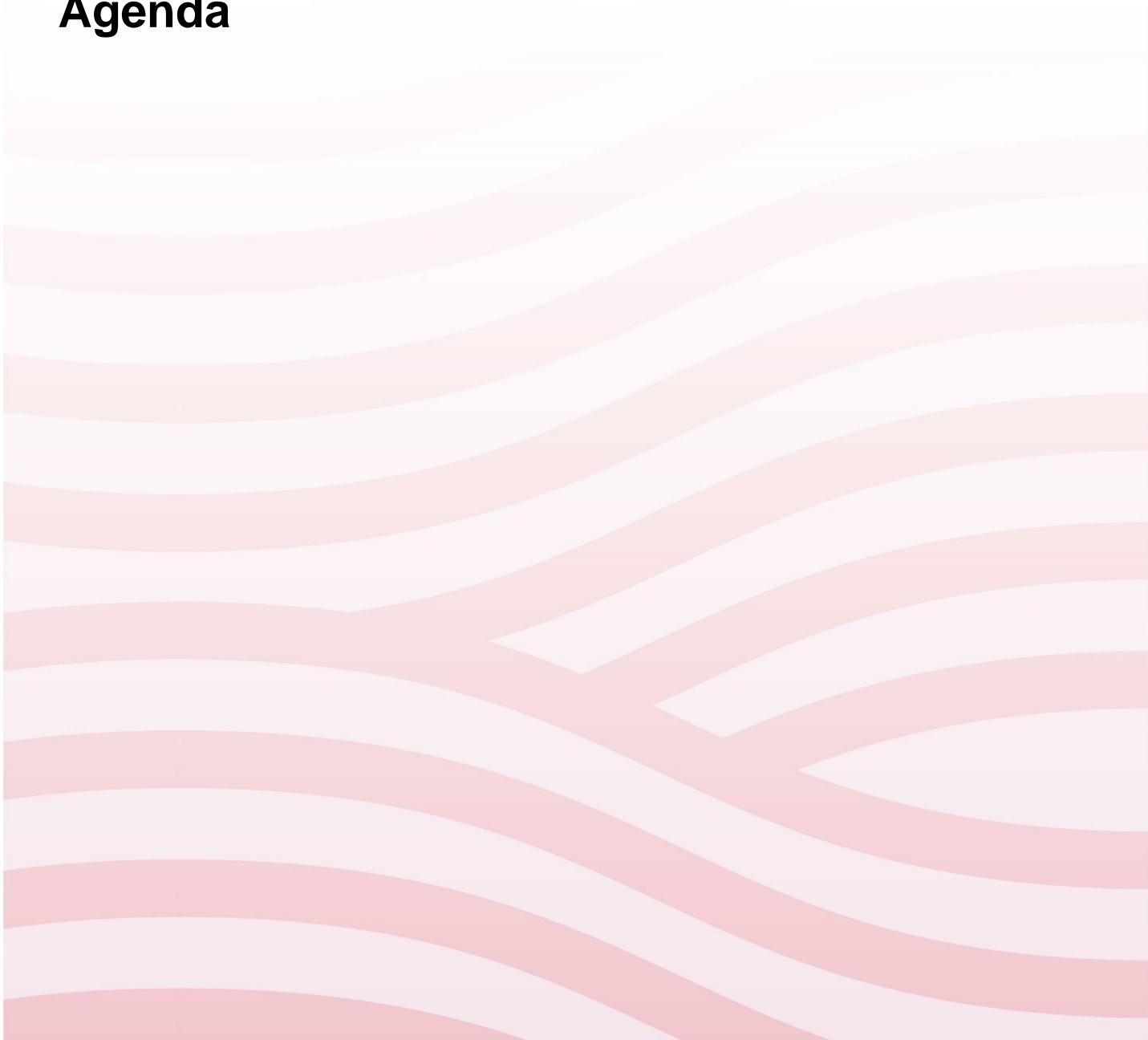




Woollahra Local Planning Panel (Electronic Meeting)

Thursday 17 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

8 October 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Electronic Meeting) – 17 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 17 October 2024 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.**

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	DA161/2024/1 - 1 Kulgoa Road, Belleue Hill - 24/181355.....5 *See Recommendation Page 43
D2	DA71/2024/1 - 1/21 Rowe Street, Woollahra - 24/182360..... 163 *See Recommendation Page 191
D3	DA 400/2023/2 - 11 Collins Avenue Rose Bay - 24/183045261 *See Recommendation Page 288

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA161/2024/1
ADDRESS	1 Kulgoa Road BELLEVUE HILL
COUNCIL WARD	Bellevue Hill Ward
SITE AREA	913.1m ² (As per Survey)
ZONING	R2 Low Density Residential
PROPOSAL	Alterations and additions to existing dwelling including new landscaping and boundary fences
TYPE OF CONSENT	Local development
COST OF WORKS	\$1,698,327.00
DATE LODGED	20/05/2024
APPLICANT	Hancock Architects
OWNER	S J D'Costa
AUTHOR	Mr W Ou
TEAM LEADER	Mr T Wong
SUBMISSIONS	One (1)
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:

- As conditioned, it is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015;
- As conditioned, 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 have been addressed in the report, or are considered to be satisfactory;
- As conditioned, the site is suitable for the proposed development;
- The proposal, as conditioned, is in the public interest.

3. LOCALITY PLAN

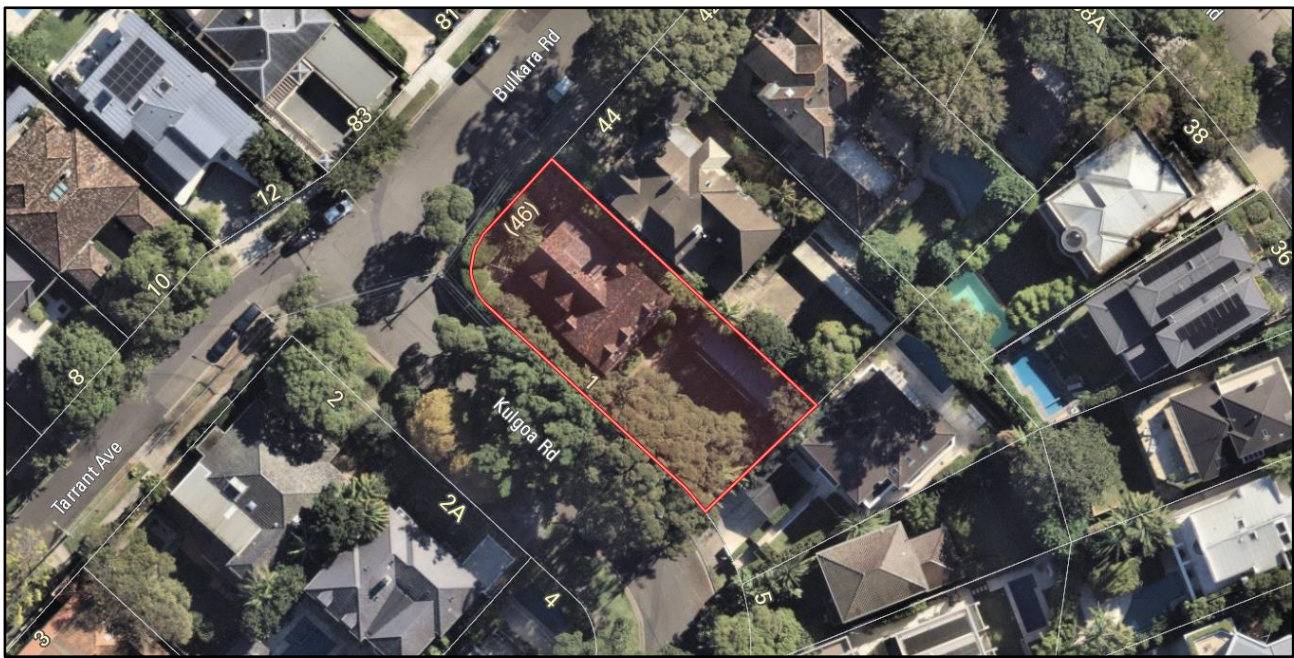
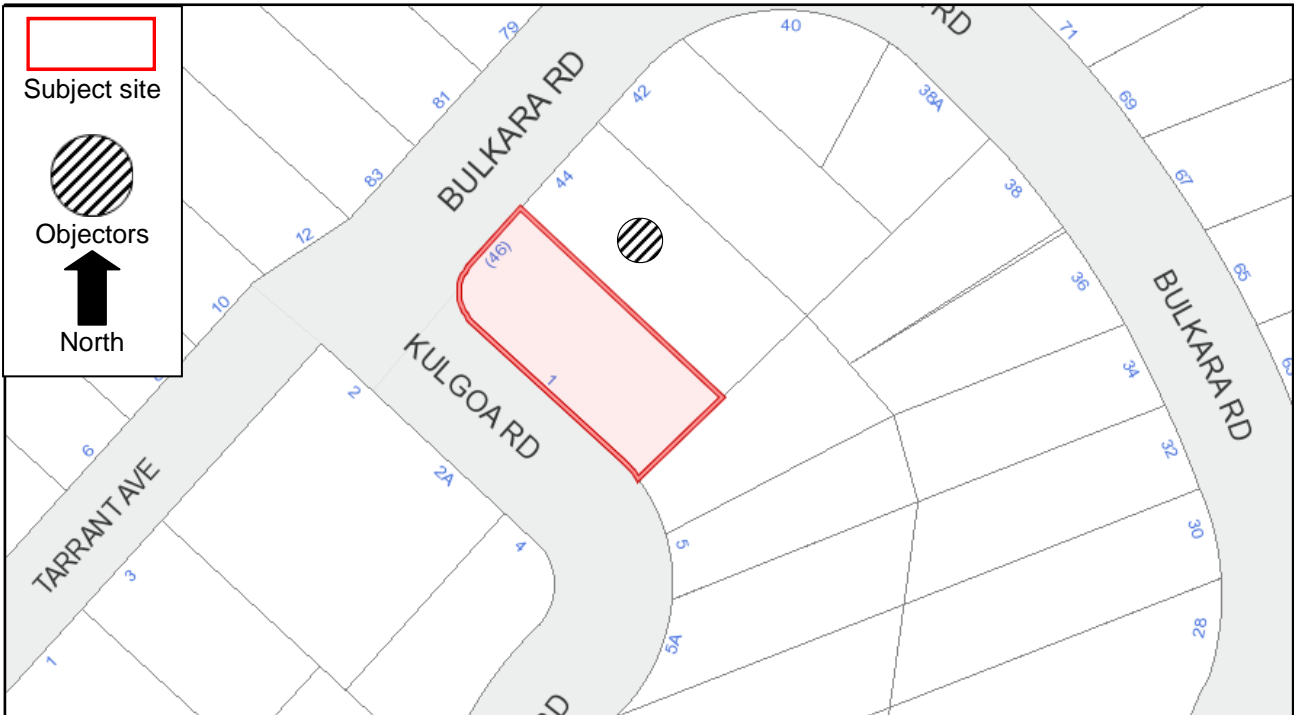


Fig. Aerial view of the subject site (Source: WMC)



Fig. Outlook of subject site viewed from Kulgoa Road (Source: WMC)



Fig. Outlook of subject site viewed from Kulgoa Road (Source: WMC)



Fig. Outlook of subject site viewed from Bulkara Road (Source: WMC)



Fig. Outlook of existing dwelling viewed from front setback area (Source: WMC)



Fig. Outlook of existing dwelling viewed from rear setback area (Source: WMC)



Fig. Outlook of northern side setback area facing east (Source: WMC)



Fig. Outlook of northern side setback area facing west (Source: WMC)

4. PROPOSAL

The proposal involves alterations and additions to the existing dwelling including new landscaping and boundary fences. A floor plan of each level illustrating the proposed development is provided below.

Lower Ground Floor Plan – RL 56.020

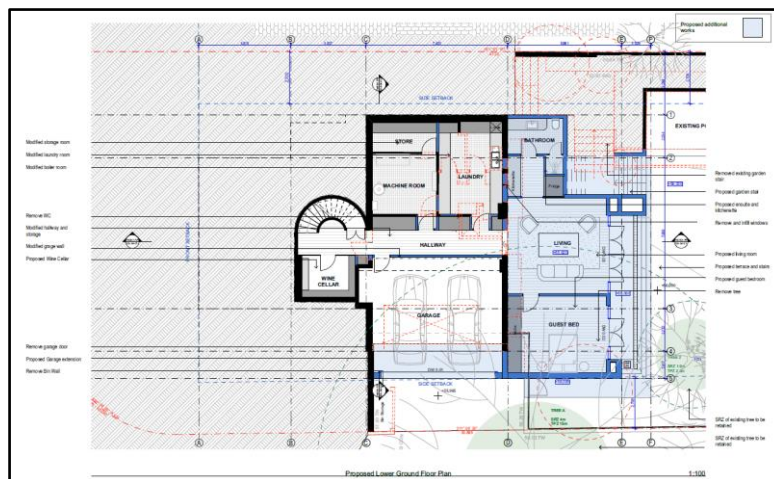


Fig. Proposed Lower Floor plan (Source: Hancock Architects)

- Minor internal modifications;
- Rear extension to the east to accommodate a guest bedroom, living room and other associated areas;
- Minor garage extension to the south-west;
- Reconfiguration of existing pool, including new fence and paving and associated planting.

[illegible]

- Minor internal modifications;
- Extension of existing porch to the north;
- Modifications to existing windows;
- New deck and planter area to the south and west.

Architectural drawing of the Proposed First Floor Plan for a building. The plan shows a central hallway connecting several rooms: a large Master Bedroom on the left, a smaller Bedroom on the top left, a large Bedroom on the top right, a smaller Bedroom on the bottom right, and a central Bedroom. A bathroom is located near the center. The plan includes various annotations such as 'Master Bedroom', 'Bedroom', 'Bathroom', 'Hallway', 'Staircase', and 'Balcony'. It also features a grid system with letters A through J and numbers 1 through 10. A north arrow is present in the upper right corner. The drawing is labeled 'Proposed First Floor Plan' at the bottom center.

- Minor internal modifications;
- New balcony facing Bulkara Road;
- New staircase leading to attic;
- Modifications to existing windows.

Attic Level – RL 64.460

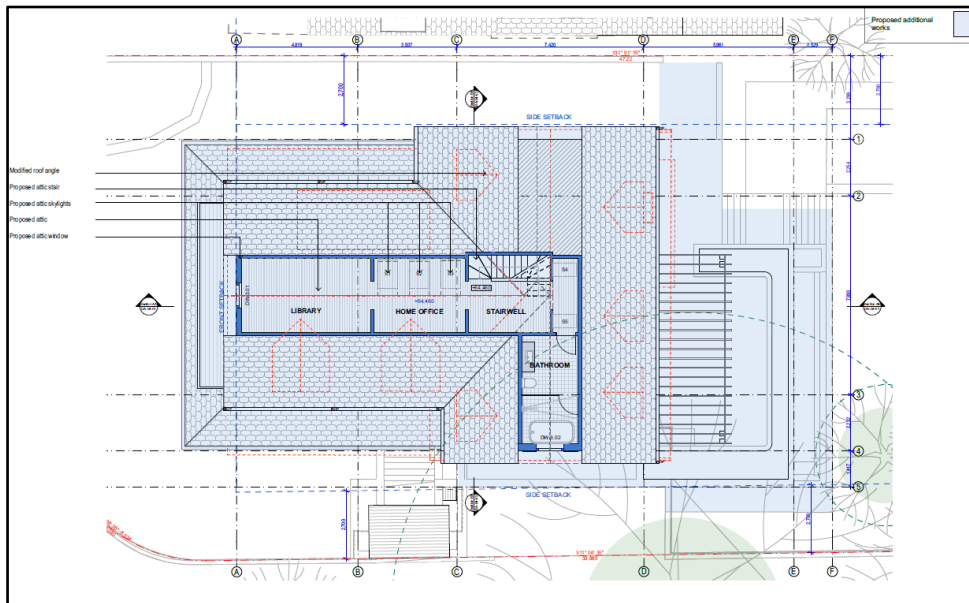
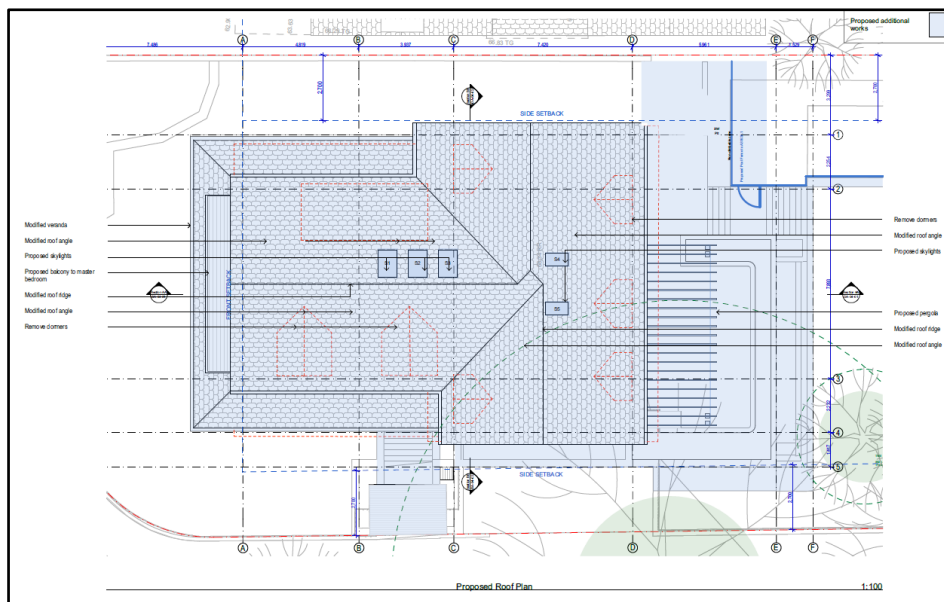


Fig. Proposed Attic Floor plan (Source: Hancock Architects)

- New attic;
- New windows facing Bulkara and Kulgoa Road.

Roof Level – RL 67.928 - 68.340



- Removal of existing dormer windows;
- Addition of 5 sky lights;
- Minor changes to roof angles and height.

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 – 9.5m	Existing dwelling: 12.52m (3.02m or 31.78% departure from the 9.5m control) Proposed Height: 12.52m (3.02m or 31.78% departure from the 9.5m control)	Satisfactory*

*The submitted written Clause 4.6 is considered to be well founded

5.2 Primary Issues

Issue	Conclusion	Section
Clause 4.3 - Height of Buildings Standard	Satisfactory - The submitted written request pursuant to Clause 4.6 of the WLEP 2014 is considered to be well founded.	5.1 and 13.5
Part B3.2.2 - Front Setback	Satisfactory - The numerical non-compliances are considered to be acceptable as the proposal satisfies the relevant objectives of the controls of this Part.	14.2.1
Part B3.2.5 - Wall Height and Inclined Plane	Satisfactory - The proposal is considered to be acceptable as the proposal satisfies the relevant objectives of the controls of this Part.	14.2.1
Part B3.5.4 - Acoustic and Visual Privacy	Satisfactory - Subject to Conditions, the proposal satisfies the relevant objectives of the controls of this Part.	14.2.3
Part B3.6 - On-site Parking	Satisfactory - Subject to Conditions, the proposal satisfies the relevant objectives of the controls of this Part.	14.2.4
Part B3.7.2 - Front and side fences	Satisfactory - Subject to Conditions, the proposal satisfies the relevant objectives of the controls of this Part.	14.2.5

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is located on the eastern side of Kulgoa Road and has a secondary frontage to Bulkara Road. The site is an atypical parcel of land on a corner allotment with a northern frontage to Bulkara Road of 14.075m, an eastern boundary of 47.22m, a southern boundary of 20.115m and a western frontage to Kulgoa Road of 33.885m, providing a total site area of 913.1m ² .
Topography
The subject site has a northwest to southeast fall of approximately 3.79m (RL 58.07 to 54.28 AHD) along Kulgoa Road. It also has a northeast to southwest fall of approximately 1.4m (RL 59.47 to 58.07 AHD) along the northern boundary, resulting in a cross fall of 5.19m
Existing buildings and structures
The site is occupied by a predominately two storey detached rendered brick dwelling house with pitched tile roofs featuring dormer windows. The dwelling is located within the northern portion of the lot and pedestrian access and vehicular access from Kulgoa Road via an existing concrete driveway. A swimming pool and small rendered shed is located in the southern portion of the site.
Surrounding Environment
The site is located within the Bellevue Hill North residential precinct under the Woollahra DCP 2015. The immediate locality is characterised by two to three storey detached dwelling houses with pitched tile roofs. Single or double garages at the front boundary are predominant within the area. The topography in this locality has a descending slope from southeast to northwest. Development to the east and south of Bulkara Road primarily consists of two storeys dwellings.



Fig. Aerial View of Subject Site (Source: WMC)



Fig. Outlook of subject site viewed from Kulgoa Road (Source: WMC)



Fig. Outlook of subject site viewed from Bulkara Road (Source: WMC)



Fig. Outlook of subject site viewed from front setback area (Source: WMC)



Fig. Outlook of the rear of subject site viewed from rear yard (Source: WMC)



Fig. Outlook of rear yard viewed from rear setback area (Source: WMC)



Fig. Outlook of existing pool viewed from rear setback area (Source: WMC)

7. RELEVANT PROPERTY HISTORY

Current use
Residential Dwelling
Relevant Application History
Nil.
Relevant Compliance History
Nil.
Pre-DA
Nil.
Requests for Additional Information
On 06 June 2024, a ‘Stop the Clock’ Letter dated 06 June 2024 was sent to the applicant via the NSW Planning Portal.
The following documentation was requested:
<p>“Demolition Report <i>Demolition Report, prepared by a suitably qualified and experienced heritage consultant, must be submitted with the Development Application. The content and format of the Demolition Report is to be in accordance with Attachment 3 of Council’s DA Guide.”</i></p>
On 01/07/2024, the requested Heritage Demolition Report was provided for Council’s Heritage Officer consideration.
Land and Environment Court Appeal(s)
Nil.

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Trees and Landscaping	Acceptable, subject to conditions.	3
Heritage	Acceptable, subject to conditions.	4

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Notification Period

The application was advertised and notified from 12/06/2024 to 27/06/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan.

9.2 Submissions

One (1) submission was received from:

1. **Paul and Marion Richmond** of No. 44 Bulkara Road, Bellevue Hill.

The submission raised the following issues:

Issues	Conclusion	
Acoustic and Visual Privacy	Satisfactory – The proposal has been assessed against the objectives and controls of Part B3.5.4 and is considered to achieve the relevant objectives and controls of this Part, subject to Conditions.	14.2.3

9.3 Statutory Declaration

The applicant has completed the statutory declaration dated 23/07/2024 declaring that the site notice for DA161/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan.

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 No. A1745315 demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

11. SEPP (BIODIVERSITY AND CONSERVATION) 2021

11.1 Chapter 2 – Vegetation in Non-rural Areas

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

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

An Arboricultural Impact Assessment and landscape plan have been submitted which has been reviewed by Council's Tree and Landscape Officer who raised no objections, subject to Conditions of Consent. This is further discussed in Section 13.10 and 14.2.5.

Accordingly, as conditioned, the proposal is considered to be acceptable pursuant to Chapter 2 of the Biodiversity and Conservation SEPP.

11.2 Chapter 6 – Water Catchments

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

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

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

Council's Development and Drainage Engineer (DARC) has reviewed the proposal and are satisfied on technical grounds, subject to recommended Conditions of Consent.

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

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

12.1 Chapter 2 – Coastal Management

Chapter 2 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.

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

12.2 Chapter 4 – Remediation of Land

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

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

Consideration with respect to Clause 4.6(a) of Chapter 4 has been given as to whether the subject site on which the development is occurring is contaminated. As the site has a long history of residential use, demonstrated in DA1020/2003/1 and DA959/2003/1. It is considered that the land does not require further assessment under Section 4.6(3) and 4.6(4) of Chapter 4 of the Resilience and Hazards SEPP 2021.

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

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1 Part 1.2: Aims of Plan

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

13.2 Land Use Table

The proposal involves alterations and additions to existing dwelling including new landscaping and boundary fences which is permitted and is consistent with the following relevant objectives of the R2 Low Density Residential zone.

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

13.3 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	12.52m*	12.52m	9.5m	No

*Existing non-compliance

The proposal does not comply with Part 4.3 of Woollahra LEP 2014, however, is considered satisfactory as detailed and assessed in Section 13.5 below.

13.4 Part 4.4: Floor Space Ratio

Part 4.4E limits dwelling houses to a maximum floor space ratio of 0.75:1.

Site Area: 913.1m ²	Existing	Proposed	Control	Complies
Floor Space Ratio	<p>Lower Ground Floor: 40.76m²</p> <p>Ground Floor: 145.44m²</p> <p>First floor: 144.11m²</p> <p><u>Total:</u> 330.31m² or (0.36:1)</p>	<p>Lower Ground Floor: 110.41m²</p> <p>Ground Floor: 152.59m²</p> <p>First Floor: 138.61m²</p> <p>Attic Level: 46.42m²</p> <p><u>Total:</u> 448.02m² or (0.49:1)</p>	0.5:1 (456.55m ²)	Yes

The proposal complies with the maximum floor space ratio prescribed by Part 4.4(2) of Woollahra LEP 2014.

13.5 Part 4.6: Exceptions to Development Standards

Departure

The proposal results in a non-compliance with the 9.5m maximum Height of Buildings development standard prescribed in Clause 4.3 of the Woollahra LEP 2014. It is noted that the existing dwelling has a height of 12.52m, representing an existing non-compliance with the standard (3.02m or 31.78%). The proposed alterations and additions to the existing dwelling do not further exacerbate the breach of the maximum building height. The following section and 3D diagrams illustrate the extent of the height non-compliance.

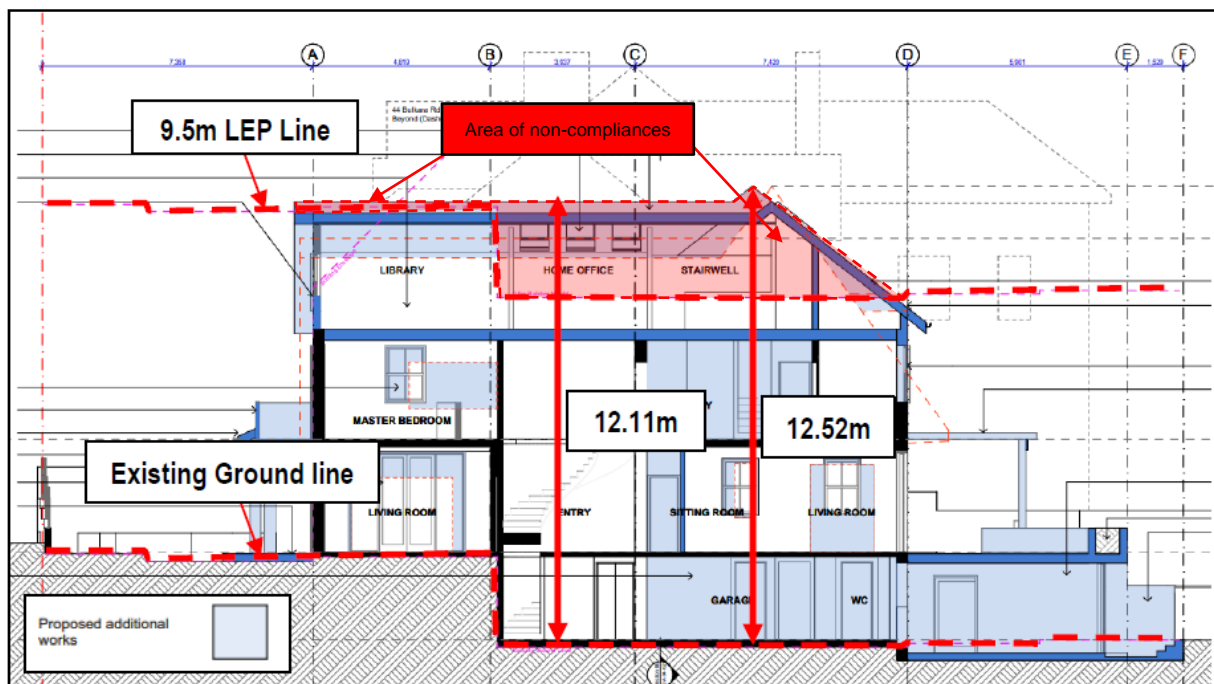


Fig. Section illustrating the proposed non-compliance with the Height of buildings development standard
(Source: Hancock Architects)

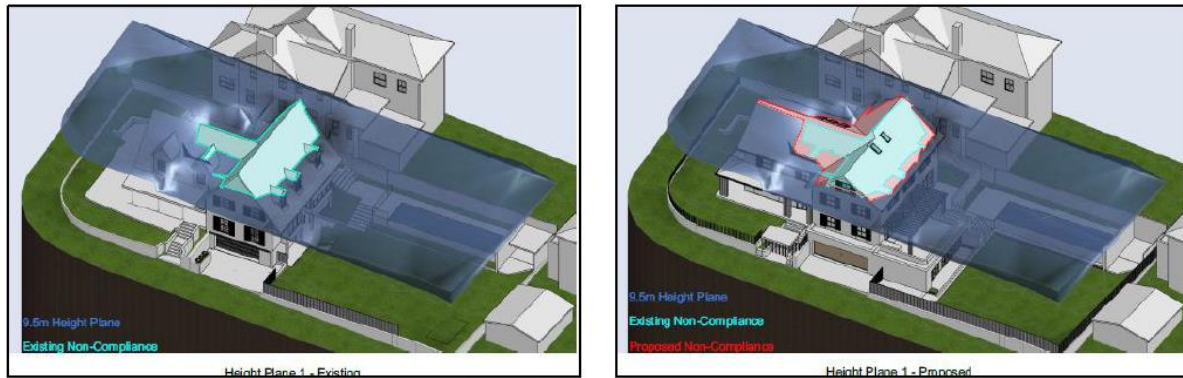


Fig. 3D Height of Buildings Blanket Existing (left) vs Proposed (right) (Source: Hancock Architects)

Purpose

Clause 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 clause being:

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

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 clause 4.6(3) paragraphs (a) and (b).

The applicant has provided a written request (**Attachment 2**) in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*.

Council's Assessment

Clause 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 clause 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?
- 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)?
- Is the correct LEP or SEPP section (and objectives if relevant) referenced?
- Is the extent of the variation correctly identified?

Assessment:

Having regard to the definition of 'development standards' under the EP&A Act, Council is satisfied that the provision proposed to be varied is a development standard and is not excluded from the operation of Clause 4.6 by Clause 4.6(8).

The submitted CI 4.6 written request (**Attachment 2**) has accurately referenced Clause 4.3 Height of Buildings and the associated objectives under the WLEP 2014. The extent of variation with Clause 4.3 has been accurately identified in the submitted written request.

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 the 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:

The submitted Section 4.6 Written Request to Clause 4.3 Height of Buildings and the arguments provided are relevant to Test 1 – in that the objectives of the development standard are achieved notwithstanding non-compliance with the standard - are largely agreed with and supported.

The applicant's written request principally adopts the first method of the *Wehbe* tests to demonstrate that compliance is unreasonable or unnecessary in the circumstances.

The applicant's written request has adequately demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. An assessment against the objectives of the subject development standard is included below.

Objectives underlying Clause 4.3 Height of Buildings are as follows:

- (a) *To establish building heights that are consistent with the desired future character of the neighbourhood*
- (b) *To establish a transition in scale between zones to protect local amenity*
- (c) *To minimise the loss of solar access to existing buildings and open space*
- (d) *To minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion*
- (e) *To protect the amenity of the public domain by providing public views of the harbour and surrounding areas*

The proposal is assessed against the objectives of Clause 4.3 as follows:

- The proposal will achieve a built form, scale and height that is consistent with the desired future character of the neighbourhood.
- The proposed height does not extend beyond the ridge height of the existing building.
- The height of the development achieves an acceptable relationship with the neighbouring properties when viewed from the streetscape and is consistent with the character of development within the streetscape.
- The non-compliant height does not contribute to any unreasonable additional overshadowing impacts upon adjoining properties. Furthermore, the proposal complies with the solar access controls outlined in the WDCP 2015.
- As discussed throughout this report, the non-compliant height does not result in an adverse impact upon views, loss of privacy or overshadowing and is acceptable with regard to the amenity of the neighbourhood.
- The non-compliant height will not have an adverse impact upon the amenity of the public domain and will not impact upon any public views of the harbour and surrounding areas.

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

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

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

Section 1.3 of the EPA Act reads as follows:

1.3 Objects of Act

The objects of this Act are as follows:

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

Assessment:

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

- What environmental planning grounds have been put forward to justify the variation?
- Are the environmental planning grounds specific to the proposed variation?
- Are there sufficient environmental planning grounds to justify the proposed variation to the development standard?

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

"Function of Underlying Topography

The variation is in part a function of a sharp drop in the existing ground line. The height non-compliance varies and is limited to the roof level. Notwithstanding this, these areas are well integrated into the design of the dwelling and has a similar built form as the existing situation. Importantly the proposal has been designed to ensure that the maximum roof RL is the same as existing. This will create a proposal that is sympathetic to the scale and height of existing buildings in the locality.

Existing Height Variation and Location

As indicated, the existing dwelling has a height non-compliance at the roof level. As the proposal will have a maximum roof ridge level in the same area as the existing non-compliant dwelling, it is inevitable that it will result in the same variation (see Figure 3). While there is also an increase in roof height within the northern portion of the dwelling, it has a lower roof RL than the maximum. This ensures the character of the dwelling house will be maintained and the building will remain consistent within the context.

Improvements to the Existing Condition and Longevity of the Building

The proposed works above the height plane will extend the longevity of the dwelling. The height variation will facilitate alterations that will improve amenity of the dwelling through introduction of a home office and associated space at the attic level. These works will improve the condition of the building as well as internal amenity without significantly altering the built form envelope and characteristics when viewed from surrounding public domain and private properties. Strict compliance with the standard would require demolition of part of the existing built form, which will not result in a better planning outcome as the noncompliance portion of the proposal is largely within the existing building envelope. Therefore, the variation will achieve a more environmentally sustainable outcome compared to enforcing compliance...

The environmental planning grounds forwarded by the applicant are considered to be specific to the proposed variation against the Clause 4.3 Height of Buildings.

The written request provides explanation of how the proposed development and in particular the breach of the Height standard is reasonable and supportable in the circumstances. In doing so, the written request provides sufficient environmental planning grounds to justify contravention of the Clause 4.3 Height of Buildings development standard, as it demonstrates that the proposal achieves Objects (c) and (g) of Section 1.3 of the Act.

Accordingly, there are sufficient environmental planning grounds to justify the proposed variation to the Clause 4.3 Height of Buildings development standard of the Woollahra LEP 2014.

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.

13.6 Part 5.10: Heritage Conservation

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

The subject site is not located within a Heritage Conservation, nor is the site identified as a Heritage Item. Furthermore, it is considered by Council's Heritage Officer that the existing dwelling on the site is not of heritage value as illustrated in the submitted Heritage Impact Statement.

The site is however identified as being within an area of potential aboriginal heritage sensitivity.

In this regard, Council's Heritage Officer has recommended appropriate Conditions of Consent to manage any relevant Aboriginal Heritage impacts. (Refer to **Annexure 3** – Referral Response Heritage).

The proposal, as conditioned, is acceptable with regard to the objectives in Part 5.10 of the Woollahra LEP 2014.

13.7 Part 5.21: Flood Planning

The subject site is not identified as being within a Flood Planning Area.

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

13.8 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.

13.9 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.

The proposal involves minor excavation to accommodate the proposed slabs of the basement and ground floor. The submitted '*site waste minimisation and management plan*' identifies that the proposal involves a total volume of excavation of 2m³.

Council's Development Engineer (DARC) has reviewed the application and did not raise any objection on technical grounds, subject to recommended Conditions of Consent.

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

Part 6.2(1) states:

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

Part 6.2(3) states:

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

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

The following comments are made in this regard:

- The extent, siting and location of the proposed excavations for the relevant footings are not expected to cause a detrimental impact upon the amenity or environmental functions of surrounding land.

- The relevant matters for consideration in Part 6.2(3) above, have been suitably considered and reflected by the imposition of suitable Conditions of Consent recommended by Council Development Engineer.

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

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

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

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

The proposed development is identified to affect 19 trees within and adjacent to the subject site. Overall, the proposal is considered acceptable by Council's Tree Officer as both the existing tree canopy and deep soil landscaping is increased to satisfy the relevant DCP tree canopy cover and deep soil landscaping requirements. However, Council Tree Officer has considered that proposed removal of Trees 3 and 4 (Bangalow Palms) which have been identified and having a high landscape value and therefore relevant Conditions of Consent are recommended to ensure their retention. (Refer to **Annexure 4** – Referral Response Tree and Landscaping).

The proposal, as conditioned, is considered satisfactory with regards to Part 6.9 of Woollahra LEP 2014.

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1 Chapter B1: Bellevue Hill North Residential Precinct

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

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

Streetscape character and key elements of the precinct.

- a) the rich mixture of residential architectural styles and forms, including dwelling houses and residential flat buildings;*
- c) buildings set within highly visible gardens;*
- d) the tree canopy formed by both street and private yard plantings;*
- e) mature street trees, grassed verges and sandstone walls;*

Desired Future Character Objectives

- O1 To respect and enhance the streetscape character and key elements of the precinct.*
- O2 To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings incorporating modulation and a varied palette of materials.*
- O4 To reinforce a consistent building scale with streets.*
- O7 To reinforce the landscape setting and maintain the existing tree canopy*
- O8 To retain and reinforce the green setting of mature street trees, private trees and garden plantings and minimise hard stand areas.*

The proposal achieves the above Streetscape Character and Key Elements and Desired Future Character Objectives for the following reasons:

- The existing building presents as a 1-2 storey dwelling from the western boundary toward Bulkara Road. The existing front boundary private yard planting obscures the dwelling softening the visual impact. The additional height does not exceed the maximum existing building height and the additional bulk and scale would improve the building modulation and introduces both desirable articulation and provides additional opportunities for casual surveillance.
- Toward Kulgoa Road, the proposal results in a 4 storey presentation from the existing 3 storey presentation. However, the development does exceed the existing building height and the additional presentation is largely attributed to the change of roof pitch which is considered a positive outcome upon the streetscape.
- The proposed alterations and additions to the existing dwelling would reinforce a consistent building scale towards the streets.
- The proposal as discussed throughout the report provides additional and compliant tree canopy and deep soil landscaping which reinforces the green setting of the area and precinct.

Given the commentary provided above, 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.

14.2.1 Part B3.2: Building Envelope

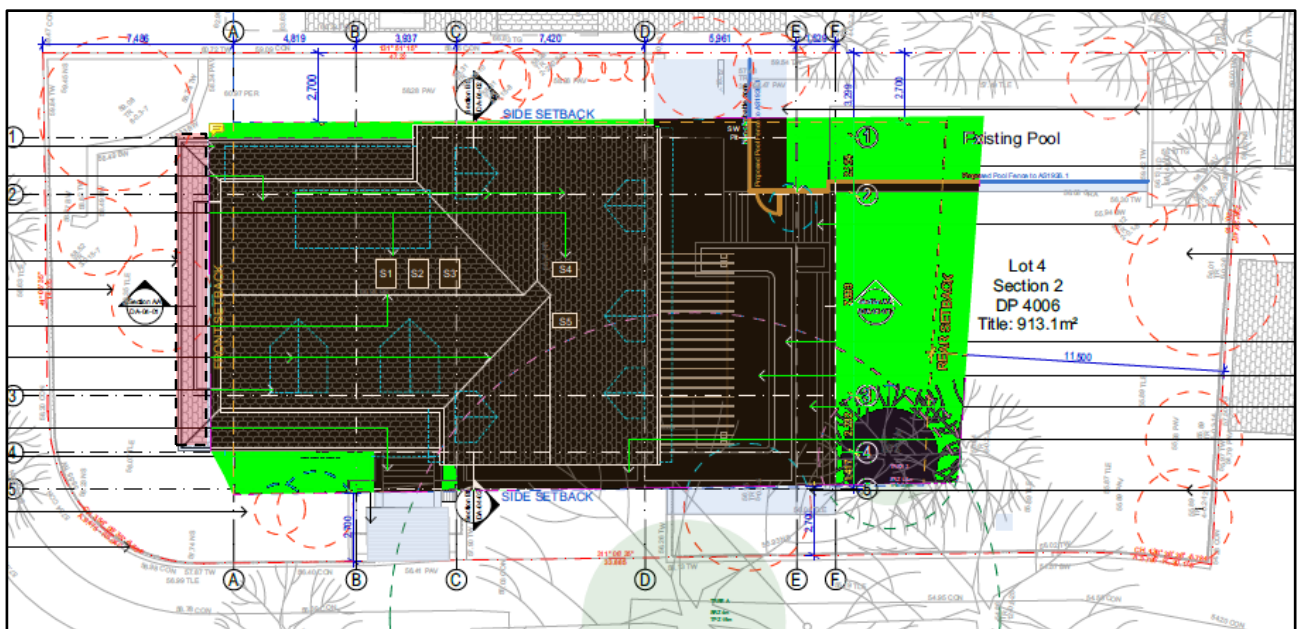


Fig. Buildable Area (Source: WMC)

Part B3.2.2: Front Setback

Site Area: 913.1m ² Site Width: 20.76m	Existing	Proposed	Control	Complies
Front Setback (northwest) (C1)*	Basement: 12.33m - 14.08m	Basement: As existing	>6.46m	Yes
	Ground Floor: 7.32 - 7.41m (living room)	Ground Floor: 4.92m – 7.41m		No
	First Floor: 6.96m - 7.05m (master bedroom)	First Floor: 5.77m - 5.86m (balcony) 6.96m - 7.05m (master bedroom)		No
	-	Attic: 6.88m – 6.89m		Yes
Maximum Unarticulated Length to Street (C2)	Ground Floor: 7.89m	Ground Floor: 7.89m	<6.0m	No
	First Floor: 7.27m	First Floor: 7.89m		No
	-	Attic: 3.20m		Yes

* On corner lots, the shortest frontage to a street is typically where the front setback applies; and, in this case, the frontage upon Bulkara Road has been applied.

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

O2 To provide consistent front setbacks in each street.

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

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

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

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

Front Setback calculation (upon Bulkara Road)

No. 44 Bulkara Road	7.56m
No. 42 Bulkara Road	8.12m
No. 38A Bulkara Road	3.71
Total Avg. Front setback	Min 6.46m Front Setback Requirement

Fig. The Required Front Setback Calculations (Source: Council Officer)

Although the proposed works do not comply with the ground floor and first floor front setback requirements prescribed in Control C1, the proposal would achieve the relevant objectives for the following reasons:

- The non-compliance at the ground floor level is limited to the extended porch area which maintains to reinforce the existing streetscape and character of the location with adequate building articulation and improved accessibility in which the existing north-west frontage is deficient.
- The non-compliance at the first floor level is attributed to the proposed balcony which also provides desirable building articulation and improved casual surveillance towards Bulkara Road.
- The proposal provides additional landscaping within the front setback area as illustrated in Section 14.2.5 below which contributes positively to the streetscape.

Conclusion

The proposal is acceptable with regards to Part B3.2.2 of the WDCP 2015.

Part B3.2.3: Side Setbacks

Site Area: 913.1m ² Site Width: 20.76m	Existing	Proposed	Control	Complies
Side Boundary Setbacks (north-eastern) (C1)	L/G Floor: 3.3m	L/G Floor: 3.3m	>2.7m	Yes
	Ground Floor: 3.30m – 5.55m	Ground Floor: 3.30m		
	First Floor: 3.3m – 5.55m	First Floor: 3.3m – 5.55m		
	-	Attic: 7.8m – 7.90m		
Side Boundary Setbacks (south-western) (C1) <i>*existing non-compliance</i>	Lower Ground Floor: 4.1m	Lower Ground Floor: 2.70m	>2.7m	No
	Ground Floor: 4.12m – 6.56m	Ground Floor: 2.7m – 6.56m		Yes (except entry feature)
	0m* Entry Feature	0m* Entry Feature		Yes
	First Floor: 4.19m – 6.55m	First Floor: 6.30 - 6.80m		Yes
Maximum Unarticulated Wall Length (C4)	<12m	<12m	<12m	Yes

* Existing non-compliance.

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

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

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

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

O7 To allow external access between the front and rear of the site.

C1 The minimum side setback is 2.7m

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

The proposal achieves the above objectives of the controls for the following reasons:

- With the exception of the entry feature at the ground floor, the proposal is largely compliant with the relevant side setback and unarticulated wall length requirements.
- Consequently, the proposal does not result in any unreasonable sense of enclosure and maintains to provide an appropriate separation between buildings
- The side elevations and access from the front and rear of the building maintains to be well articulated and accessible.
- As demonstrated in the submitted shadow diagrams, no additional solar access impacts upon habitable windows of neighbours would occur and/or be impacted

Conclusion

The proposal is acceptable with regards to Part B3.2.3 of the WDCP 2015.

Part B3.2.4: Rear Setback

Site Area: 913.1m² Site Width: 20.76m	Existing	Proposed	Control	Complies
Rear Setback (C1)	>10.13m at all levels	>10.13m at all levels	>10.13m	Yes

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

Conclusion

The proposal complies with the relevant Controls of Part B3.2.4 of the WDCP.

Part B3.2.5: Wall Height and Inclined Plane

Site Area: 913.1m² Site Width: 20.76m	Existing	Proposed	Control	Complies
Maximum Wall Height (C1a)	<7.2m	<7.2	<7.2m	Yes
Inclined Plane From Wall Height (C1b)	>45°	>45°	45°	No

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

O2 To limit overshadowing of neighbouring properties across side boundaries.

O3 To limit overshadowing to south facing rear yards.

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

O5 To facilitate views between buildings.

C1 On land zoned R2 Low Density Residential and for a dwelling house:

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 proposal achieves the relevant objectives of the controls for the following reasons:

- Given that the non-compliance with Control C1 is limited to very minor elements within the existing building footprint, as demonstrated by the figures below, the proposal ensures adequate separation between buildings on the subject site and those on adjoining properties is achieved.
- The change of roof pitch would ensure that additional overshadowing upon adjoining properties is minimised.
- The proposal does not result in adverse acoustic and visual privacy impacts to adjoining properties.
- The proposal will not impact any existing significant views from adjoining properties.

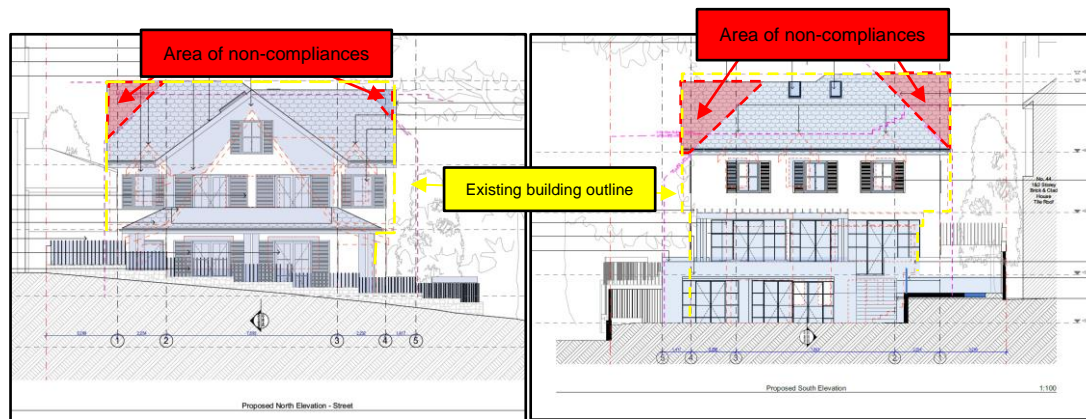


Fig. Proposed North Elevation (Left) vs Proposed South Elevation (Right) (Source: Hancock Architects)

Conclusion

The proposal is acceptable with regard to the building envelope controls in Part B3.2 of the Woollahra DCP 2015.

14.2.2 Part B3.4: Excavation

Site Area: 913.1m ²	Existing	Proposed	Control	Complies
Maximum Volume of Excavation (C1)	-	2m ³	232.62m ³	Yes

C1 limits the volume of excavation to 232.62m³.

Conclusion

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

14.2.3 Part B3.5: Built Form and Context

Part B3.5.1: Streetscape and Local Character

Site Area: 913.1m ²	Existing	Proposed	Control	Complies
Desired Future Character (DFC) (C1)	Achieves DFC	Achieves DFC	Achieves DFC	Yes
Siting of Development (C3)	Stepped Down with the Slope	Stepped Down with the Slope	Stepped Down with the Slope	Yes

C1 The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.

C2 Development retains vegetation of landscape value.

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

C6 Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.

The proposal achieves the controls of this Part for the following reasons:

- As discussed in Section 14.1 above, the proposal achieves the relevant desired future character objectives.

- The proposed alterations and additions to the existing dwelling are primary within the existing building footprint and maintains a similar bulk and scale whilst adding an attic level without compromising the amenity of adjoining and adjacent properties.
- The proposal improves the quantum of deep soil landscaped area within the front setback and as well as the overall site. Additionally, the minimum tree canopy requirements are also met ensuring value landscape is retained, achieving the desired future character objectives.
- The proposal introduces desirable façade articulation and soft landscaping through planter boxes that contributes positively to both the Kulgoa Road and Bulkara Road frontages which the existing dwelling is currently deficient as illustrated in the below photos.
- The proposed skylights have been sufficiently integrated into the proposed roof and does not adversely impact the streetscape.
- The proposal also does not exceed the existing maximum height and lowers the pitch of the existing roofs which further positively contributes to the streetscape.



Fig. Existing view of subject site viewed from Kulgoa Road (Left) vs Proposed view of subject site viewed from Kulgoa Road (Right)

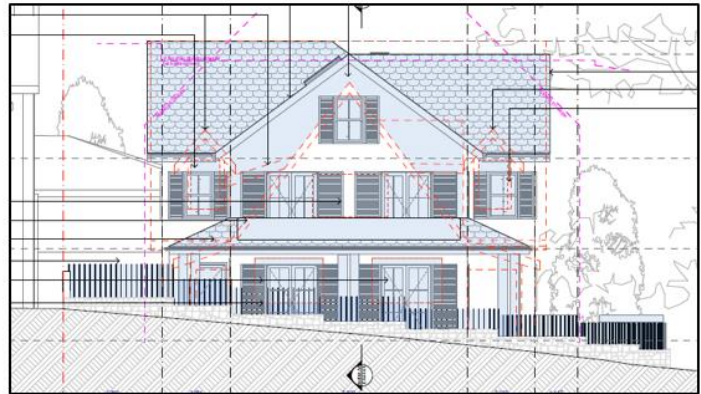


Fig. Existing view of subject site viewed from front setback area (Left) vs Proposed view of subject site viewed from Bulkara Road (Right)



Fig. Existing view of subject site viewed from Bulkara Road

Conclusion

The proposal is acceptable with regards to the Controls of Part B3.5.1 of the WDCP 2015.

Part B3.5.2: Overshadowing

Site Area: 913.1m ²	Existing	Proposed	Control	Complies
Solar Access to Open Space of Neighbouring Properties (C1a)	>50% for 2 hours on 21 June	>50% for 2 hours on 21 June	>50% for 2 hours on 21 June	Yes
Solar Access to Nth Facing Living Areas of Neighbouring Properties (C1b)	>3 hours on 21 June	>3 hours on 21 June	>3 hours on 21 June	Yes

C1 The development is designed so that:

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

b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface

The submitted shadow diagrams demonstrate that the proposal will not cast unacceptable additional shadows upon adjoining properties and is acceptable with respect to the limits prescribed by Control C1.

The proposal is acceptable with regards to Part B3.5.2 of the Woollahra DCP 2015.

Part B3.5.3: Public and Private Views

The proposal will not obstruct any significant private or public views and therefore is acceptable with regards to Part B3.5.3 of the Woollahra DCP 2015.

Part B3.5.4: Acoustic and Visual Privacy

Acoustic Privacy

Acoustic privacy concerns have been raised by No. 44 Bulkara Road relating to the proposed outdoor deck on the first floor and the front balcony on the first floor.

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

C3 Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.

- The proposed development, particularly the extension of the existing porch area and raising of the north-western private open space would not change the existing residential use and therefore the proposed development would not result in any unacceptable additional acoustic privacy impacts.
- Relevant standard conditions have been recommended to ensure that acoustic privacy would be maintained.

Visual Privacy

Site Area: 913.1m ²	Proposed	Control	Complies
Distance of direct sightlines Habitable Room Windows to Neighbouring Dwellings (C4)	<9m	9.0m	Yes
Setback of Open Space of Neighbouring Properties (C7)	>9m	9m	No

Overlooking and visual privacy concerns have been raised by No. 44 Bulkara Road, specifically with regards to the raising of the rear private open space and proposed first floor balcony.

O3 To minimise the impacts of private open space.

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

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

C7 Private open spaces are to be suitably located to prevent direct views to neighbouring habitable rooms and private open space within 9m.

- The proposed raising of the ground floor rear private open space at the north-western side of the site will not result in any visual privacy impacts upon No. 44 Bulkara Road as the existing north-western common boundary wall which is approximately 2.07m above the proposed paving would obscure any visual sightlines.
- The proposed first floor balcony to the master bedroom is orientated towards Bulkara Road. The balcony is located forward of the dwelling and would not achieve any direct sightlines upon habitable rooms of adjoining properties.
- Additionally, any potential direct sightlines that may fall upon No.44 Bulkara is minimised as only a small portion of filtered side setback private open space would be present as the existing common boundary wall and established tree canopy and vegetation obscures sightlines.
- The proposal does not involve any new windows to habitable rooms that would have a direct sightline to the habitable room's windows or private open space of adjacent dwellings. The modified windows of existing habitable rooms would not result in any additional visual privacy impact.

- The submitted architectural plans do not illustrate any screening or glazing treatments to the two proposed windows located on the first floor ensuites (i.e. DW 2.10 and DW 2.09). **Condition D.1(a)** is therefore recommended requiring these windows to be fitted with privacy treatments.



Fig. Outlook of north-western common wall and swimming pool facing north-east (Source: WMC)



Fig. Outlook of existing master bedroom facing north-east toward No. 44 Bulkara Rd. (Source: WMC)



Fig. Outlook of north-western side setback area facing south-east (Source: WMC)

Conclusion

The proposal, as conditioned, is acceptable with regards to the relevant acoustic and visual privacy objectives and controls of Part B3.5.4 of the WDCP 2015.

Part B3.5.5: Internal Amenity

C1 All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening.

C2 All habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation.

C3 The area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms.

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

Conclusion

The proposal is acceptable with regard to Part B3.5 of the Woollahra DCP 2015.

14.2.4 Part B3.6: On-Site Parking

Site Frontage: 20.76m	Existing	Proposed	Control	Complies
Location of Parking (C1)	Within the Building Envelope	Within the Building Envelope	Within the Building Envelope	Yes
Width of Parking Structure (C4) <i>*existing non-compliance</i>	7.45m*	7.33m	<6m	No
Width of Driveway (C9) <i>*existing non-compliance</i>	>3m*	>3m (as existing)	3.0m	No
Maximum Number of Driveways (C10)	One	One	One	Yes

* Existing non-compliance.

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

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

O4 To minimise loss of on-street parking.

O5 To retain trees and vegetation of landscape value.

C1 On-site parking is designed and located so that it:

- *is located within the building envelope;*
- *does not dominate the street frontage; and*
- *preserves trees and vegetation of landscape value*

C4 For car parking structures facing the street frontage— the maximum car parking structures width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.

C9 The width of driveways is minimised. Generally the width is no more than the minimum width required to comply with the relevant Australian Standards (see Section E1).

C10 Only one driveway entrance is provided.

The proposal is acceptable with regards to the relevant Objectives and Controls for the following reasons:

- The proposal generally maintains the garage structure within the existing building envelope and does not exacerbate its visual bulk upon the streetscape.
- The addition of the soft landscaping above the garage structure towards Kulgoa Road softens the visual appearance and provides additional landscaping towards the Kulgoa Road boundary.
- The proposal also reduces the width of the garage structure which minimises the visual impact of garages to the streetscape.
- The width of the existing driveway is maintained resulting in no loss of on-street parking.
- Council's Development Engineer (DARC) has reviewed the application and raised no objections, subject to recommended Conditions of Consent.

Comment

The proposal is acceptable with regards to Part B3.6 of the Woollahra DCP 2015.

14.2.5 Part B3.7: External Areas

Part B3.7.1: Landscaped Areas and Private Open Space

Site Area: 913.1m ²	Existing	Proposed	Control	Complies
Tree Canopy Area (C1)	30% (276.98m ²)	38.5% (351.54m ²)	35% (319.60m ²)	Yes
Deep Soil Landscaping – (C2)	42.7% (390.24m ²)	43% (396.02m ²)	35% of Site Area (319.60m ²)	Yes
Deep Soil Landscaping – Front Setback (C3) Front setback area:122m ²	53.27% (65m ²)	83.11% (101.4m ²)	40% (48.8m ²)	Yes
Minimum Area of Primary Open Space at Ground Level (C4)	>35m ²	>35m ²	35m ²	Yes

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

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

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

C4 requires that each dwelling must have primary open space with a minimum area of 35m²

Conclusion

As illustrated in the above compliance table, the proposal complies with the relevant controls of Part B3.7.1 of the Woollahra DCP 2015.

Part B3.7.2: Fences

Site Area: 913.1m ²	Existing	Proposed	Control	Complies
Maximum Height of Front Fencing (C4)	Solid: 0.38m – 0.71m (existing) Open: 0.63m – 1.10m Total: 1.29m – 1.78m*	Solid: 0.38m – 0.71m (unchanged) Open: 0.63m – 1.10m Total: 1.29m – 1.78m	1.2m 1.5m and 50% open	No
Side Fence Height (C9)	Side: 1.3m – 2.8m* Gate Entry: 2.65m – 2.77m*	Side: 1.3m – 2.8m Portico Gate Entry: 2.90m – 3.06m	1.8m	No
Sandstone Fencing and Retaining Walls (C12)	Sandstone	Retained	Retained	Yes

* Existing non-compliance.

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.

C3 requires fences to define the entrance.

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

C9 stipulate that side boundary fences are no higher than 1.8m

C12 require the retention and maintenance of sandstone fencing and retaining walls.

C15 states that fences should be compatible within the streetscape.

The proposal achieves the relevant objectives and controls for the following reasons:

- As illustrated in the above compliance table the proposal does not comply with the numerical requirements as per Control C4 and C9.
- Notwithstanding the non-compliance, the proposed works to the front fence and side fence only involve replacing the old dilapidated metal front fence with a new open style palisade style fencing at the same height. The proposed contemporary palisade style fencing is not intrusive and is considered a visual improvement. Additionally, the existing solid sandstone retaining wall is retained.
- The minor additional height non-compliance is attributed to the proposed front entry portico feature. This is considered a positive addition to the streetscape as it not only clearly delineates the front entry but also improves the amenity to the site by providing transient weather protection.
- It is further noted that similar covered front entry features are present within the vicinity including No. 42 Bulkara Road, 5A Kulgoa Road and 83 Bulkara Road. Refer to examples below.



5a Kulgoa Rd – Approved under DA613/2015/1



No. 83 Bulkara Rd



No. 42 Bulkara Rd



Proposed front entry portico at 1 Kulgoa Rd

Conclusion

The proposal is acceptable with regards to Part B3.7 of the WDCP 2015.

Part B3.7.4: Ancillary Development – Swimming Pools

The proposed development does not alter the existing swimming pool and only seeks to extend the existing pool decking area.

The proposal is acceptable with regard to the external controls in Part B3.7.4 of the Woollahra DCP 2015.

Conclusion

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

14.3 Chapter E1: Parking and Access

14.3.1 Part E1.4: Residential parking

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

Conclusion

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

14.4 Chapter E2: Stormwater and Flood Risk Management

Council's Development and Drainage Engineer have reviewed the application (DARC) and raised no objection on technical grounds, subject to recommended Conditions of Consent.

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

14.5 Chapter E3: Tree Management

Having regard for the relevant controls of Chapter E3, as discussed in Section 13.10 above, Council's Tree and Landscape Officer did not raise any objection to the proposal and are satisfied, subject to recommended Conditions of Consent.

The proposal, as conditioned, is acceptable with regard to Chapter E3 of the WDCP 2015.

14.6 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 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 are to be considered.

A Site Waste Minimisation and Management Plan was submitted with the development application and was found to be generally satisfactory.

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

15 CONTRIBUTION PLANS

15.2 Section 7.12 Contributions Plan

A levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan. Refer to **Condition D.5**.

16 APPLICABLE ACTS/REGULATIONS

16.2 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.

16.3 Swimming Pools Act 1992

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

These requirements are imposed by standard condition.

17 THE LIKELY IMPACTS OF THE PROPOSAL

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

18 THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

19 THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

20 CONCLUSION

This assessment has considered the application in terms of the relevant matters under Section 4.15(1) of the Environmental Planning and Assessment Act and other relevant considerations and is considered acceptable in this regard.

21 DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council 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, Industry 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. 161/2024/1 for alterations and additions to existing dwelling including new landscaping and boundary fences on land at 1 Kulgoa Road BELLEVUE HILL, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. General Conditions

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

<p>A. 2.</p>	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney's eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the <i>BCA</i>.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none"> • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, or
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	<ul style="list-style-type: none">the occupation of the <i>site</i> by any person unless authorised by an occupation certificate.																																																																													
	Condition Reason: To ensure all parties are aware of the relevant definitions.																																																																													
A. 3.	<p>Approved Plans and Supporting Documents</p> <p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p> <table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>DA-01-01, Rev 1</td><td>Existing Site Plan / Site Analysis</td><td rowspan="24">All prepared by Hancock Architects</td><td>29/04/2024</td></tr><tr><td>DA-01-02, Rev 1</td><td>Existing Basement Plan</td><td>29/04/2024</td></tr><tr><td>DA-01-03, Rev 1</td><td>Existing Ground Floor Plan</td><td>29/04/2024</td></tr><tr><td>DA-01-04, Rev 1</td><td>Existing First Floor Plan</td><td>29/04/2024</td></tr><tr><td>DA-01-05, Rev 1</td><td>Existing Roof Plan</td><td>29/04/2024</td></tr><tr><td>DA-01-06, Rev 1</td><td>Existing West Elevation – Street</td><td>29/04/2024</td></tr><tr><td>DA-01-07, Rev 1</td><td>Existing West Elevation</td><td>29/04/2024</td></tr><tr><td>DA-01-08, Rev 2</td><td>Existing North Elevation – Street</td><td>24/09/2024</td></tr><tr><td>DA-01-09, Rev 1</td><td>Existing North Elevation</td><td>29/04/2024</td></tr><tr><td>DA-01-10, Rev 1</td><td>Existing East Elevation</td><td>29/04/2024</td></tr><tr><td>DA-01-11, Rev 1</td><td>Existing South Elevation</td><td>29/04/2024</td></tr><tr><td>DA-01-12, Rev 1</td><td>Existing Section A-A</td><td>29/04/2024</td></tr><tr><td>DA-01-13, Rev 1</td><td>Existing Section B-B</td><td>29/04/2024</td></tr><tr><td>DA-02-01, Rev 1</td><td>Proposed Site Plan</td><td>29/04/2024</td></tr><tr><td>DA-02-02, Rev 1</td><td>Proposed Lower Ground Plan</td><td>29/04/2024</td></tr><tr><td>DA-02-03</td><td>Proposed Ground Floor Plan</td><td>29/04/2024</td></tr><tr><td>DA-02-04, Rev 1</td><td>Proposed First Floor Plan</td><td>29/04/2024</td></tr><tr><td>DA-02-05, Rev 1</td><td>Proposed Roof Plan</td><td>29/04/2024</td></tr><tr><td>DA-02-06, Rev 1</td><td>Proposed Roof Plan</td><td>29/04/2024</td></tr><tr><td>DA-03-01, Rev 1</td><td>Proposed West Elevation – Street</td><td>29/04/2024</td></tr><tr><td>DA-03-02, Rev 1</td><td>Proposed West Elevation</td><td>29/04/2024</td></tr><tr><td>DA-03-03, Rev 1</td><td>Proposed North Elevation – Street</td><td>29/04/2024</td></tr><tr><td>DA-03-04, Rev 1</td><td>Proposed North Elevation</td><td>29/04/2024</td></tr><tr><td>DA-03-05, Rev 1</td><td>Proposed East Elevation</td><td>29/04/2024</td></tr></table>	Reference	Description	Author	Date	DA-01-01, Rev 1	Existing Site Plan / Site Analysis	All prepared by Hancock Architects	29/04/2024	DA-01-02, Rev 1	Existing Basement Plan	29/04/2024	DA-01-03, Rev 1	Existing Ground Floor Plan	29/04/2024	DA-01-04, Rev 1	Existing First Floor Plan	29/04/2024	DA-01-05, Rev 1	Existing Roof Plan	29/04/2024	DA-01-06, Rev 1	Existing West Elevation – Street	29/04/2024	DA-01-07, Rev 1	Existing West Elevation	29/04/2024	DA-01-08, Rev 2	Existing North Elevation – Street	24/09/2024	DA-01-09, Rev 1	Existing North Elevation	29/04/2024	DA-01-10, Rev 1	Existing East Elevation	29/04/2024	DA-01-11, Rev 1	Existing South Elevation	29/04/2024	DA-01-12, Rev 1	Existing Section A-A	29/04/2024	DA-01-13, Rev 1	Existing Section B-B	29/04/2024	DA-02-01, Rev 1	Proposed Site Plan	29/04/2024	DA-02-02, Rev 1	Proposed Lower Ground Plan	29/04/2024	DA-02-03	Proposed Ground Floor Plan	29/04/2024	DA-02-04, Rev 1	Proposed First Floor Plan	29/04/2024	DA-02-05, Rev 1	Proposed Roof Plan	29/04/2024	DA-02-06, Rev 1	Proposed Roof Plan	29/04/2024	DA-03-01, Rev 1	Proposed West Elevation – Street	29/04/2024	DA-03-02, Rev 1	Proposed West Elevation	29/04/2024	DA-03-03, Rev 1	Proposed North Elevation – Street	29/04/2024	DA-03-04, Rev 1	Proposed North Elevation	29/04/2024	DA-03-05, Rev 1	Proposed East Elevation	29/04/2024
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	DA-06-01, Rev 1	Proposed Finishes & Materials Schedule		29/04/2024
	A1745315	BASIX Certificate	Planning Industry and Environment	29/04/2024
	LP01 and LP02	Landscape Plans	TCGD	23/04/2024
<p>Notes:</p> <ul style="list-style-type: none"> Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans. These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development. 				
<p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act)			
	<p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p>			
	<p>Notes:</p> <ul style="list-style-type: none"> This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs. 			
	<p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>			
A. 5.	Tree Preservation and Landscaping Works			
	<p>While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.</p>			
	<p>a) The following trees must be retained:</p> <ul style="list-style-type: none"> Trees on private land: 			

Council Ref No	Species	Location	Dimension (metres)
2	<i>Magnolia grandiflora</i> 'Little Gem) x2	Rear Yard – southern boundary	8 x 6
3	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	7 x 2
4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	8 x 2

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)	Tree value
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	22 x 24	\$20,000
B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	25 x 15	\$15,000
C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	8 x 6	\$5000
D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	10 x 8	\$5000
E	<i>Melia azedarach</i>	Street tree – Bulkara Rd frontage	6 x 4	none

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

- b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Camellia japonica</i>	Rear Yard – southern boundary	5 x 5
5	<i>Leptospermum petersonii</i>	Rear Yard – eastern boundary	5 x 5
6	<i>Magnolia x soulangeana</i> x2	Rear Yard – northern boundary	3 x 3
7	<i>Hymenosporum flavum</i>	Rear Yard – northern boundary	7 x 1
8	<i>Lagerstroemia indica</i>	Front Yard – northern corner	4 x 4
9	<i>Magnolia grandiflora</i> 'Little Gem)	Front Yard	6 x 3
10	<i>Lagerstroemia indica</i>	Front Yard	4 x 2
11	<i>Magnolia grandiflora</i> 'Little Gem)	Front Yard – southern boundary	4 x 1
12	<i>Magnolia grandiflora</i> 'Little Gem)	Front Yard – southern boundary	6 x 3

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

A. 6.	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.
	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.

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: <ul style="list-style-type: none"> • Before issue of a construction certificate • Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	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: <ul style="list-style-type: none"> a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p>

	<p>Notes:</p> <ul style="list-style-type: none">• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au• A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.• Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.• Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>								
B. 3.	<p>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</p> <p>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).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>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;</p> <p>a) Tree Protection Fencing:</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Tree Location</th><th>Fence Radius from Centre of Trunk (Metres)*</th></tr><tr><td>2</td><td><i>Magnolia grandiflora</i> ‘Little Gem’ x2</td><td>Rear Yard – southern boundary</td><td>Canopy dripline</td></tr></table> <p>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.</p> <p>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.</p> <p>b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm.</p>	Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*	2	<i>Magnolia grandiflora</i> ‘Little Gem’ x2	Rear Yard – southern boundary	Canopy dripline
Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*						
2	<i>Magnolia grandiflora</i> ‘Little Gem’ x2	Rear Yard – southern boundary	Canopy dripline						

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
3	<i>Archontophoenix cunninghamiana</i>
4	<i>Archontophoenix cunninghamiana</i>
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>
B	<i>Eucalyptus saligna</i>
C	<i>Lophostemon confertus</i>
D	<i>Lophostemon confertus</i>

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:

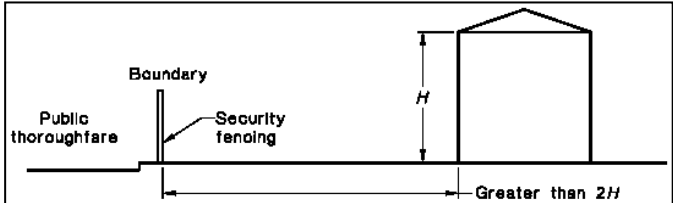
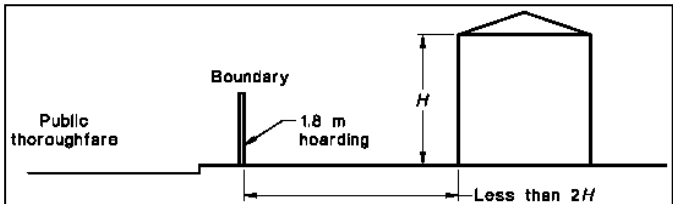
- all hazardous materials identified on the site,
- the specific location of all hazardous materials identified,

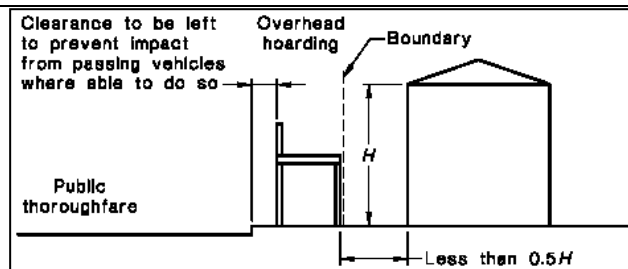
	<ul style="list-style-type: none"> whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
B. 5.	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> road pavement, street signage including street lights, kerb and gutter, footway including pedestrian crossings, footpath, and driveways, retaining walls, or other significant structures, Heritage Items, including street name inlays, utility service items including historical utility covers, and drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
B. 6.	<p>Skeletal Remains</p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> NSW Police, and The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>Condition Reason: To ensure the appropriate management of skeletal remains.</p>

<p>B. 7.</p>	<p>Aboriginal Objects – Unexpected Findings</p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ul style="list-style-type: none"> a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. <p>Notes:</p> <ul style="list-style-type: none"> • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
<p>B. 8.</p>	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>
<p>B. 9.</p>	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p>

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Tree Damage Security Deposit – making good any damage caused to any public tree	\$ 20,000.00	No	T114
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$44,545.00	No	T115
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$231.30	No	T95
Security Deposit Administration Fee	\$235.00	No	T16
TOTAL SECURITY AND FEES	\$65,011.30		
<p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable], • the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. 			

	<ul style="list-style-type: none"> • 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. 10.	<p>Adjoining Buildings Founded on Loose Foundation Materials</p> <p>Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. • The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.
	Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.
B. 11.	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.

	<p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
B. 12.	<p>Security Fencing, Hoarding (including ‘Creative Hoardings’) and Overhead Protection</p> <p>Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.</p>  <p>Type A Hoarding</p> <p>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.</p>  <p>Type B Hoarding</p> <p>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:</p> <ol style="list-style-type: none"> the vertical height above footpath level of the structure being demolished is less than 4.0m; or the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure. <p>The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:</p> <ol style="list-style-type: none"> extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, have a clear height above the footpath of not less than 2.1m, terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



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

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".

	<p>The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au</p>
	<p>Condition Reason: To ensure public safety.</p>
<p>B. 13.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> • For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. • A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. • Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. • This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. • This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> • Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. <p>Notes:</p> <ul style="list-style-type: none"> • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with.

	<ul style="list-style-type: none"> If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
B. 14.	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
B. 15.	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier.

	<p>Notes:</p> <ul style="list-style-type: none"> Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor. <p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
<p>B. 16.</p>	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Condition Reason To control the risks of demolition work.</p>
<p>B. 17.</p>	<p>Construction Management Plan Arborist Review</p> <p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ol style="list-style-type: none"> Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; Site construction access, temporary crossings and movement corridors on the site defined; Contractors car parking; Phasing of construction works; The space needed for all foundation excavations and construction works; All changes in ground level; Space for site sheds and other temporary structures such as toilets; Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas. <p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p>

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	<ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

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

B.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
2	Magnolia grandiflora 'Little Gem) x2	3m (each)	Construction of new building addition and landscape upgrade works
3	Archontophoenix cunninghamiana	2m	Landscape upgrade works
4	Archontophoenix cunninghamiana	2m	Landscape upgrade works

A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	15m	Construction of new building addition and landscape upgrade works
B	<i>Eucalyptus saligna</i>	9.6m	Landscape upgrade works
C	<i>Lophostemon confertus</i>	4.2m	Landscape upgrade works
D	<i>Lophostemon confertus</i>	4.2m	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.			

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	Modification of Details of the Development (section 4.17(1)(g) of the Act
	<p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) Window Treatments</p> <p>Windows DW 2.09 and DW 2.10 to the first floor ensuites must incorporate one of the following:</p> <ul style="list-style-type: none"> - fixed translucent glazing to a minimum height of 1.5m above the finished floor level (i.e. RL61.460); or - Window sill heights of at least 1.5m above the finished floor level (i.e. RL61.460). <p>Condition Reason: To ensure adequate visual privacy for occupants and neighbours</p> <p>Notes:</p> <ul style="list-style-type: none"> • Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with. • Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent. <p>Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p>

D. 2.	<div>Payment of Long Service Levy</div> <div>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:</div> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr><tr><td>Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr></table> <div>Building and Construction Industry Long Service Payment</div> <div>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.</div> <div>How must the payments be made?</div> <div>Payments must be made by:</div> <div><ul style="list-style-type: none">• cash deposit with Council,• credit card payment with Council, or• bank cheque made payable to Woollahra Municipal Council.</div> <div>Condition Reason: To ensure any relevant levy is paid.</div>	Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
Description	Amount	Indexed	Council Fee Code										
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>													
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No											
D. 3.	<div>BASIX Commitments</div> <div>Before the issue of any construction certificate, BASIX Certificate No. A1745315 must be submitted to the Principal Certifier with any application for a construction certificate.</div> <div>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</div> <div>Notes:</div> <div><ul style="list-style-type: none">• Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act.• Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.</div> <div>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</div>												

<p>D. 4.</p>	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ul style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>D. 5.</p>	<p>Payment of S7.12 Contributions Levy</p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The cost estimate report must be in the form of:</p> <ul style="list-style-type: none"> • A cost summary report, prepared by the applicant or a suitably qualified person for a development up to \$749,999; or • A quantity surveyor’s report, for development over \$750,000. <p>The applicable levy rate is to be calculated using the summary schedule below.</p>

Summary Schedule

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

How must the payments be made?

Payments must be made by:

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

Deferred or periodic payment of section 7.12 levy

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

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

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

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

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

Do you need HELP indexing the levy?

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

	Condition Reason: To ensure any relevant contributions are paid.
D. 6.	<p>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p> <p>Standard Condition D.30 (Autotext 30D)</p>
D. 7.	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>

<p>D. 8.</p>	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
<p>D. 9.</p>	<p>Engineer Certification</p> <p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.</p> <p>Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>
<p>D. 10.</p>	<p>Stormwater Discharge to Existing Stormwater Drainage System</p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared by a chartered professional civil engineer, which include the following:</p> <ol style="list-style-type: none"> a) 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. b) 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. c) Detail any remedial works required to upgrade the existing stormwater drainage system. d) Internal stormwater drainage 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.

- e) The discharge of stormwater from the site to the street kerb 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. 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.
- f) All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings.
- g) Dimensions of all drainage pit and access grates must comply with AS3500.3 and Council's DCP.
- h) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- i) General compliance with the 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 and dimensions of all downpipes.
- 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.

Where new Stormwater Drainage System crosses the footpath area within any road, 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.	<p>Swimming and Spa Pools – Child Resistant Barriers</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Notes:</p> <ul style="list-style-type: none"> A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans. <p>Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.</p>
D. 12.	<p>Electric vehicle circuitry and electric vehicle charging point requirements</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan of all off-street car parking spaces, prepared by a suitably qualified person, which includes details and specifications to illustrate how the off-street car parking spaces will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charger point.</p> <p>Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).</p>

E. BEFORE BUILDING WORK COMMENCES

E. 1.	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> that the work must be carried out in accordance with the requirements of the Building Code of Australia, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or
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	<p>b) to the erection of a temporary building.</p> <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<p>E. 2.</p>	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ul style="list-style-type: none"> 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). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

E. 3.	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p>
	<p>Building work must not commence, until:</p> <ol style="list-style-type: none"> A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and The person having the benefit of the development consent has: <ul style="list-style-type: none"> appointed a Principal Certifier for the building work, and notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and notified the Principal Certifier of any such appointment, and unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	<p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>

E. 4.	Notification of Home Building Act 1989 requirements
	<p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none"> the name and licence number of the Principal Contractor, and the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none"> the name of the Owner-builder, and if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p>
	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
	<p>While site work is being carried out:</p> <p>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</p> <p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p> <p>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</p> <p>b) to the erection of a temporary building.</p>

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

	<p>e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.</p> <p>f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.</p> <p>g) No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.</p> <p>Notes:</p> <ul style="list-style-type: none"> The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
<p>F. 4.</p>	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <p>a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.</p> <p>b) Not use the road or footway for the storage of any article, material, matter, waste or thing.</p> <p>c) Not use the road or footway for any work.</p> <p>d) Keep the road and footway in good repair free of any trip hazard or obstruction.</p> <p>e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.</p> <p>f) Not stand any plant and equipment upon the road or footway.</p> <p>g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.</p> <p>h) Provide a clear safe pedestrian route a minimum of 1.5m wide.</p>

	<p>i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.</p> <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <p>a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards.</p> <p>b) Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. <p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
<p>F. 5.</p>	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council’s Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <p>a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent.</p> <p>b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.</p>

	<p>c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.</p> <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
F. 6.	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
F. 7.	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

	<ul style="list-style-type: none"> Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	<p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
F. 8.	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> the Soil and Water Management Plan required under this consent, "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
F. 9.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water.

	<p>c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.</p>
	<p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F. 10.	<p>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</p>
	<p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ol style="list-style-type: none"> Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. Flood protection measures are in place confirming location, height and capacity.
	<p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F. 11.	<p>Placement and Use of Skip Bins</p>
	<p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ol style="list-style-type: none"> Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and

	<p>b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F. 12.	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>
F. 13.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>

F. 14.	Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters
	<p>While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time.</p> <p>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical.</p> <p>Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992. <p>Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.</p>
F. 15.	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), separate collection bins and/or areas for the storage of residual waste are to be provided, the purpose and content of the bins and/or storage areas are to be clearly 'signposted', measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, waste is only transported to a place that can lawfully be used as a waste facility, generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

	<p>Notes:</p> <ul style="list-style-type: none"> Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	<p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
F. 16.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ul style="list-style-type: none"> h) Dust screens to all hoardings and site fences. i) All stockpiles or loose materials to be covered when not being used. j) All equipment, where capable, being fitted with dust catchers. k) All loose materials being placed bags before placing into waste or skip bins. l) All waste and skip bins being kept covered when not being filled or emptied. m) The surface of excavation work being kept wet to minimise dust. n) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
F. 17.	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ul style="list-style-type: none"> a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. b) Be carried out in accordance with the relevant SafeWork NSW codes of practice. c) No asbestos products may be reused on the site. d) No asbestos laden skip or bins must be left in any public place.

	<p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	<p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
F. 18.	<p>Classification of Hazardous Waste</p> <p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p> <p>Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>
F. 19.	<p>Disposal of Asbestos and Hazardous Waste</p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p> <p>Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>
F. 20.	<p>Asbestos Removal Signage</p> <p>While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.</p> <p>Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>

<p>F. 21.</p>	<p>Notification of Asbestos Removal</p> <p>While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.</p> <p>The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.</p> <p>Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.</p>				
<p>F. 22.</p>	<p>Arborists Documentation and Compliance Checklist</p> <p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="339 1238 1313 2072"> <thead> <tr> <th data-bbox="339 1238 531 1373">Stage of arboricultural inspection and supervision</th><th data-bbox="531 1238 1313 1373">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="339 1373 531 2072">While site work is carried out</td><td data-bbox="531 1373 1313 2072"> <ul style="list-style-type: none"> • The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise excavation for the building addition within the TPZ of trees 2 and A, documenting the condition of roots and soil. • The project arborist must supervise the installation of the concrete slab for the building addition within the TPZ of trees 2 and A, 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. </td></tr> </tbody> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	While site work is carried out	<ul style="list-style-type: none"> • The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise excavation for the building addition within the TPZ of trees 2 and A, documenting the condition of roots and soil. • The project arborist must supervise the installation of the concrete slab for the building addition within the TPZ of trees 2 and A, 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.
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	<ul style="list-style-type: none">• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.• Regular inspections as indicated in the Tree Management Plan. <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>																																
F. 23.	<p>Replacement/Supplementary trees which must be planted</p> <p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans.</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure the provision of appropriate replacement planting.</p>																																
F. 24.	<p>Hand excavation within tree root zones</p> <p>While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>2</td><td><i>Magnolia grandiflora</i> 'Little Gem) x2</td><td>Rear Yard – southern boundary</td><td>3m (each)</td></tr><tr><td>3</td><td><i>Archontophoenix cunninghamiana</i></td><td>Rear Yard – southern corner</td><td>2m</td></tr><tr><td>4</td><td><i>Archontophoenix cunninghamiana</i></td><td>Rear Yard – southern corner</td><td>2m</td></tr><tr><td>A</td><td><i>Ficus microcarpa</i> var. <i>Hillii</i></td><td>Street tree – adj driveway on Kulgoa Rd</td><td>15m</td></tr><tr><td>B</td><td><i>Eucalyptus saligna</i></td><td>Street tree – Kulgoa Rd</td><td>9.6m</td></tr><tr><td>C</td><td><i>Lophostemon confertus</i></td><td>Street tree - Kulgoa Rd – closest to Bulkara Rd</td><td>4.2m</td></tr><tr><td>D</td><td><i>Lophostemon confertus</i></td><td>Street tree – closest to Kulgoa Rd</td><td>4.2m</td></tr></table>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	2	<i>Magnolia grandiflora</i> 'Little Gem) x2	Rear Yard – southern boundary	3m (each)	3	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m	4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m	A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	15m	B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	9.6m	C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	4.2m	D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	4.2m
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	<p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p> <p>All root pruning must be undertaken in accordance with the Australian Standard 4373 “Pruning of Amenity Trees” and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p>																																
F. 25.	<p>Installation of stormwater pipes and pits in the vicinity of trees</p> <p>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.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>2</td><td><i>Magnolia grandiflora</i> ‘Little Gem’) x2</td><td>Rear Yard – southern boundary</td><td>3m (each)</td></tr><tr><td>3</td><td><i>Archontophoenix cunninghamiana</i></td><td>Rear Yard – southern corner</td><td>2m</td></tr><tr><td>4</td><td><i>Archontophoenix cunninghamiana</i></td><td>Rear Yard – southern corner</td><td>2m</td></tr><tr><td>A</td><td><i>Ficus microcarpa</i> var. <i>Hillii</i></td><td>Street tree – adj driveway on Kulgoa Rd</td><td>15m</td></tr><tr><td>B</td><td><i>Eucalyptus saligna</i></td><td>Street tree – Kulgoa Rd</td><td>9.6m</td></tr><tr><td>C</td><td><i>Lophostemon confertus</i></td><td>Street tree - Kulgoa Rd – closest to Bulkara Rd</td><td>4.2m</td></tr><tr><td>D</td><td><i>Lophostemon confertus</i></td><td>Street tree – closest to Kulgoa Rd</td><td>4.2m</td></tr></table> <p>Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed.</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees.</p>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	2	<i>Magnolia grandiflora</i> ‘Little Gem’) x2	Rear Yard – southern boundary	3m (each)	3	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m	4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m	A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	15m	B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	9.6m	C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	4.2m	D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	4.2m
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4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m																														
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	15m																														
B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	9.6m																														
C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	4.2m																														
D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	4.2m																														

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

<p>G. 1.</p>	<p>Occupation Certificate (section 6.9 of the Act)</p> <p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p>Notes:</p> <ul style="list-style-type: none"> • New building includes an altered portion of, or an extension to, an existing building. <p>Condition Reason: To ensure the building is suitable to occupy.</p>
<p>G. 2.</p>	<p>Amenity Landscaping</p> <p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p> <p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p>
<p>G. 3.</p>	<p>Commissioning and Certification of Systems and Works</p> <p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require.

	<p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate. <p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
G. 4.	<p>Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters</p> <p>Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992:</p> <ol style="list-style-type: none"> Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia. The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register. The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool. Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable. Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems. <p>Backwash must be discharged to the sewer in compliance with AS/NZS 3500.</p> <p>Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day.</p> <p>Notes:</p> <ul style="list-style-type: none"> NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au <p>Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.</p>
G. 5.	<p>Swimming Pool Fencing</p> <p>Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.</p> <p>Notes:</p> <ul style="list-style-type: none"> Pools commenced or completed after May 2013 must meet the BCA and AS1926.

	Condition Reason: To ensure swimming pool safety.
G. 6.	<p>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX Certificate No. A1745315</p> <p>Notes:</p> <ul style="list-style-type: none"> • Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled. <p>Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>
G. 7.	<p>Landscaping</p> <p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.</p> <p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p>
G. 8.	<p>Removal of Ancillary Works and Structures</p> <p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ol style="list-style-type: none"> a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing. <p>Condition Reason: To ensure that all ancillary matter is removed prior to occupation.</p>
G. 9.	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees.

	<p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 349 1313 521"> <tr> <th data-bbox="341 349 632 434">Stage of arboricultural inspection and supervision</th><th data-bbox="632 349 1313 434">Compliance documentation and photos must include</th></tr> <tr> <td data-bbox="341 434 632 521">Prior to the issue of any occupation certificate</td><td data-bbox="632 434 1313 521">Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				
<p>G. 10.</p>	<p>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 1442 1362 1753"> <tr> <th data-bbox="341 1442 686 1503">Stage of arboricultural inspection and supervision</th><th data-bbox="686 1442 1362 1503">Compliance documentation and photos must include</th></tr> <tr> <td data-bbox="341 1503 686 1753">Before the issue of any occupation certificate for the whole of the building</td><td data-bbox="686 1503 1362 1753"> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
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G. 11.	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 in Part D 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. A1745315 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: <ul style="list-style-type: none"> • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
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 luminaire 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.

<p>H. 4.</p>	<p>Noise Control</p> <p>During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997. • Useful links: <ul style="list-style-type: none"> - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. - NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise. - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au. <p>Condition Reason: To protect the amenity of the neighbourhood.</p>
<p>H. 5.</p>	<p>Noise from Mechanical Plant and Equipment</p> <p>During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government <p>Condition Reason: To protect the amenity of the neighbourhood.</p>

H. 6.	Swimming and Spa Pools – Maintenance
	<p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <ul style="list-style-type: none"> a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health “Public Swimming Pools and Spa Pools Advisory Document” in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): <ul style="list-style-type: none"> • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. <p>Notes:</p> <ul style="list-style-type: none"> • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au
	Condition Reason: To ensure public health and safety.

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)

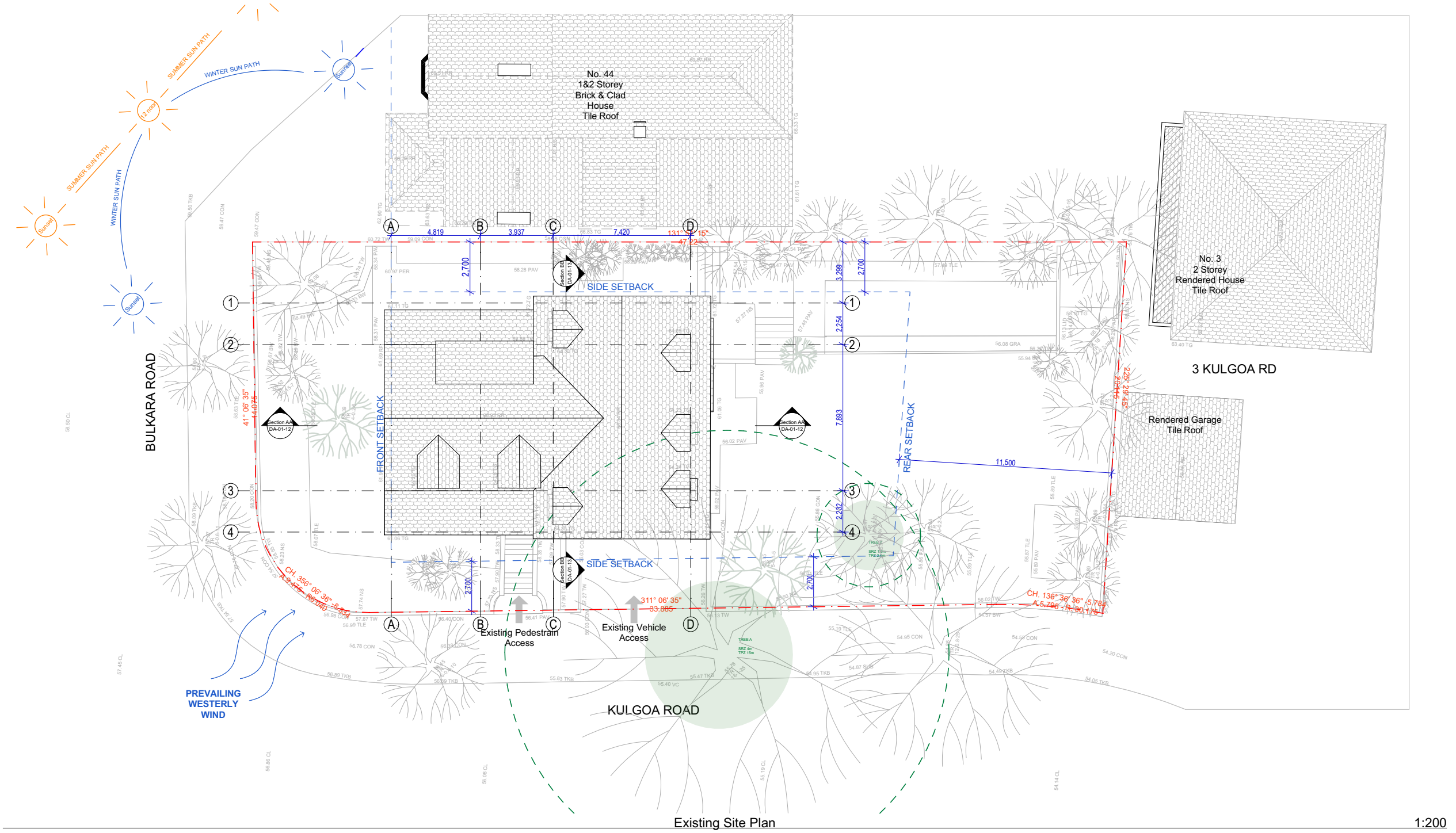
Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Attachments

1. Plans, Sections & Elevations Including Landscape Plans [↓](#) 
2. Clause 4.6 Written Request - Height [↓](#) 
3. Heritage Referral Response [↓](#) 
4. Trees and Landscaping Referral Response [↓](#) 



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Rev

Date

Amended

1

29/04/2024

Project

Number

1 Kulgoa Road, Bellevue Hill

22.03.322

Drawing Name

Scale

Existing Site Plan / Site Analysis

1:200 @ A3

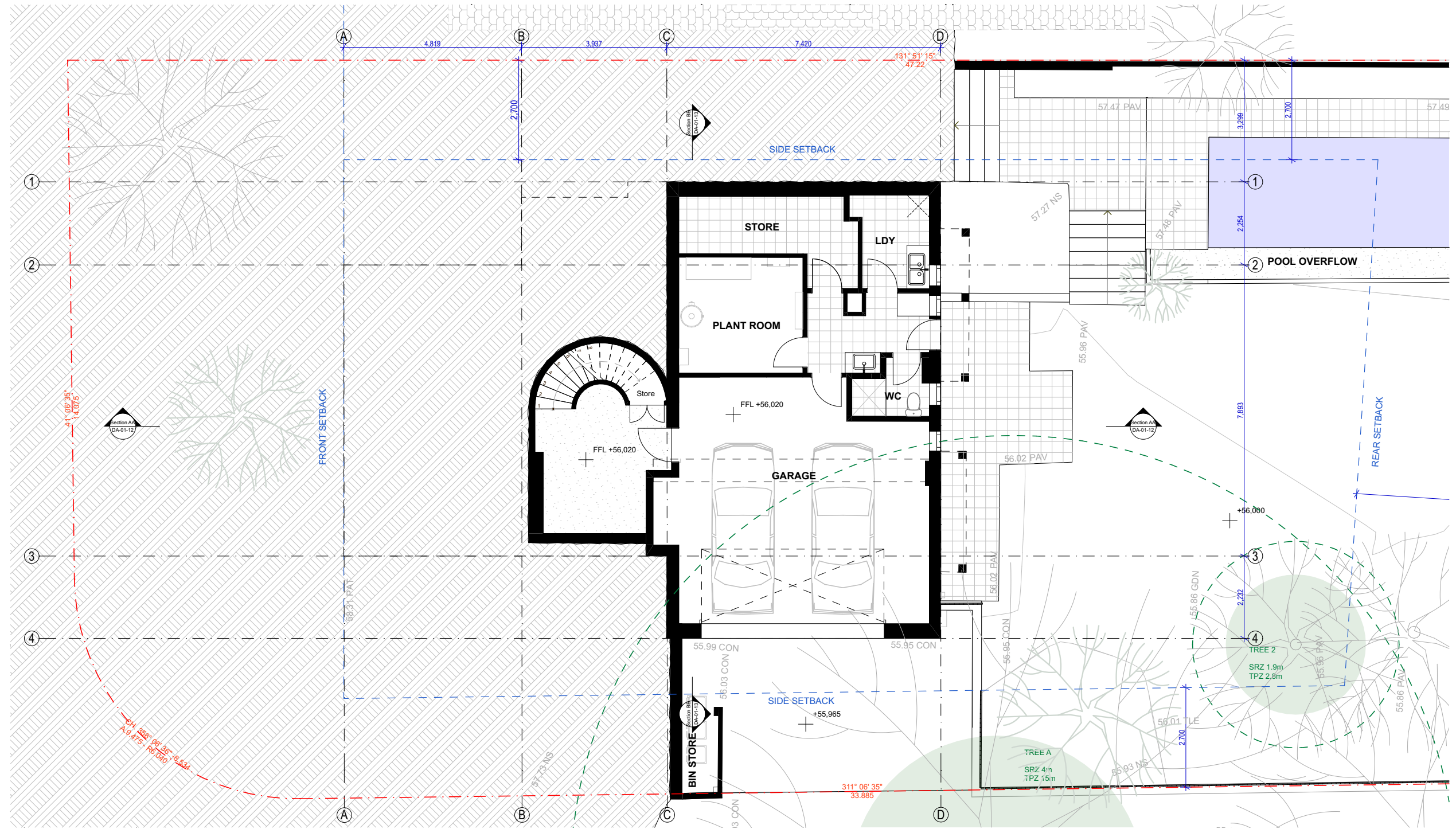
Drawing Number

Revision

DA-01-01

Attachment 1 Plans, Sections & Elevations Including Landscape Plans

Page 93



Existing Basement Floor Plan

1:100

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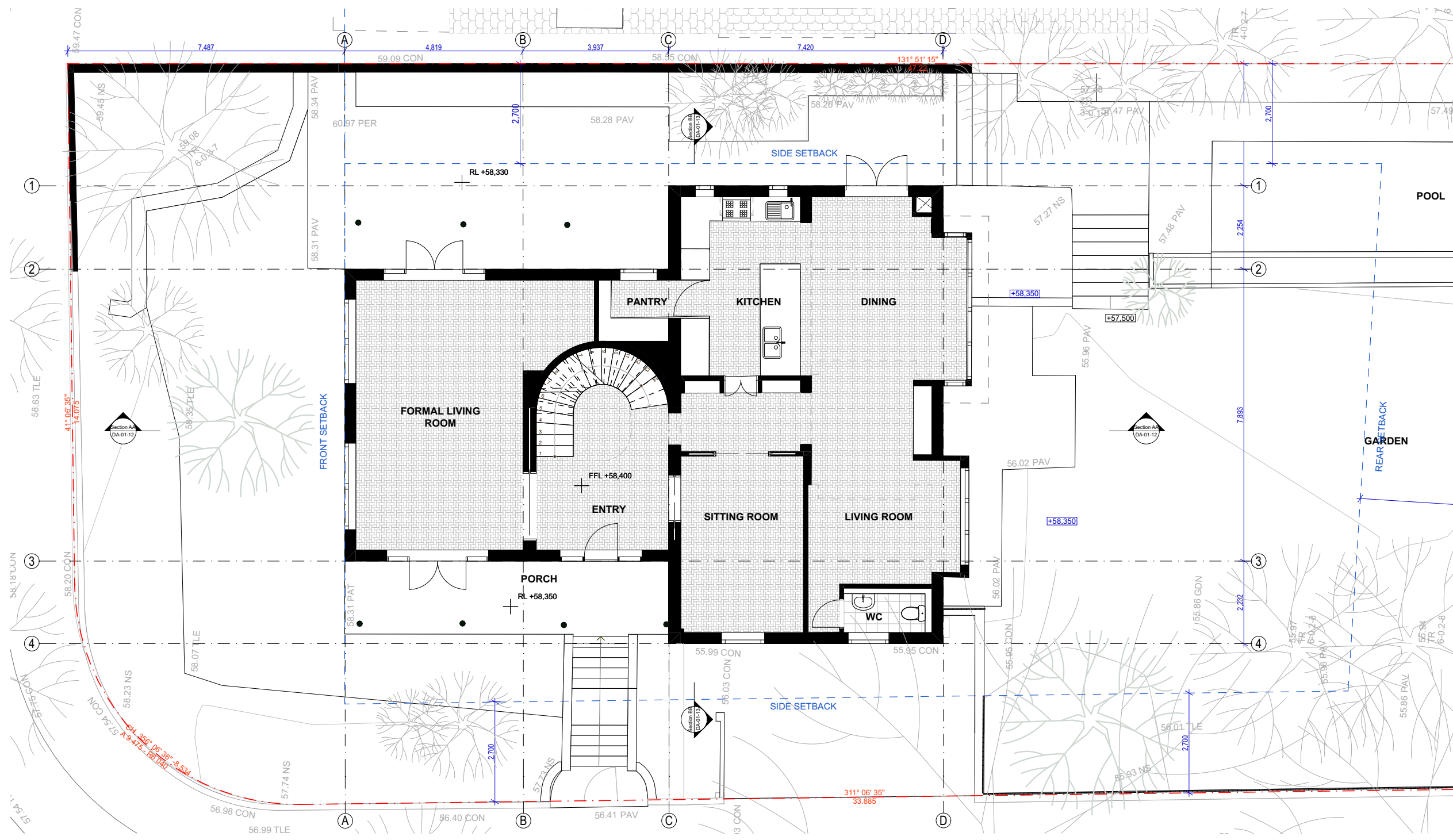


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing Basement Plan	1:100 @ A3

Drawing Number	Revision
DA-01-02	



Existing Ground Floor Plan

1:100

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1

29/04/2024

Project

1 Kulgoa Road, Bellevue Hill

Number

22.03.322

Drawing Name

Existing Ground Floor

Scale

1:100 @ A3

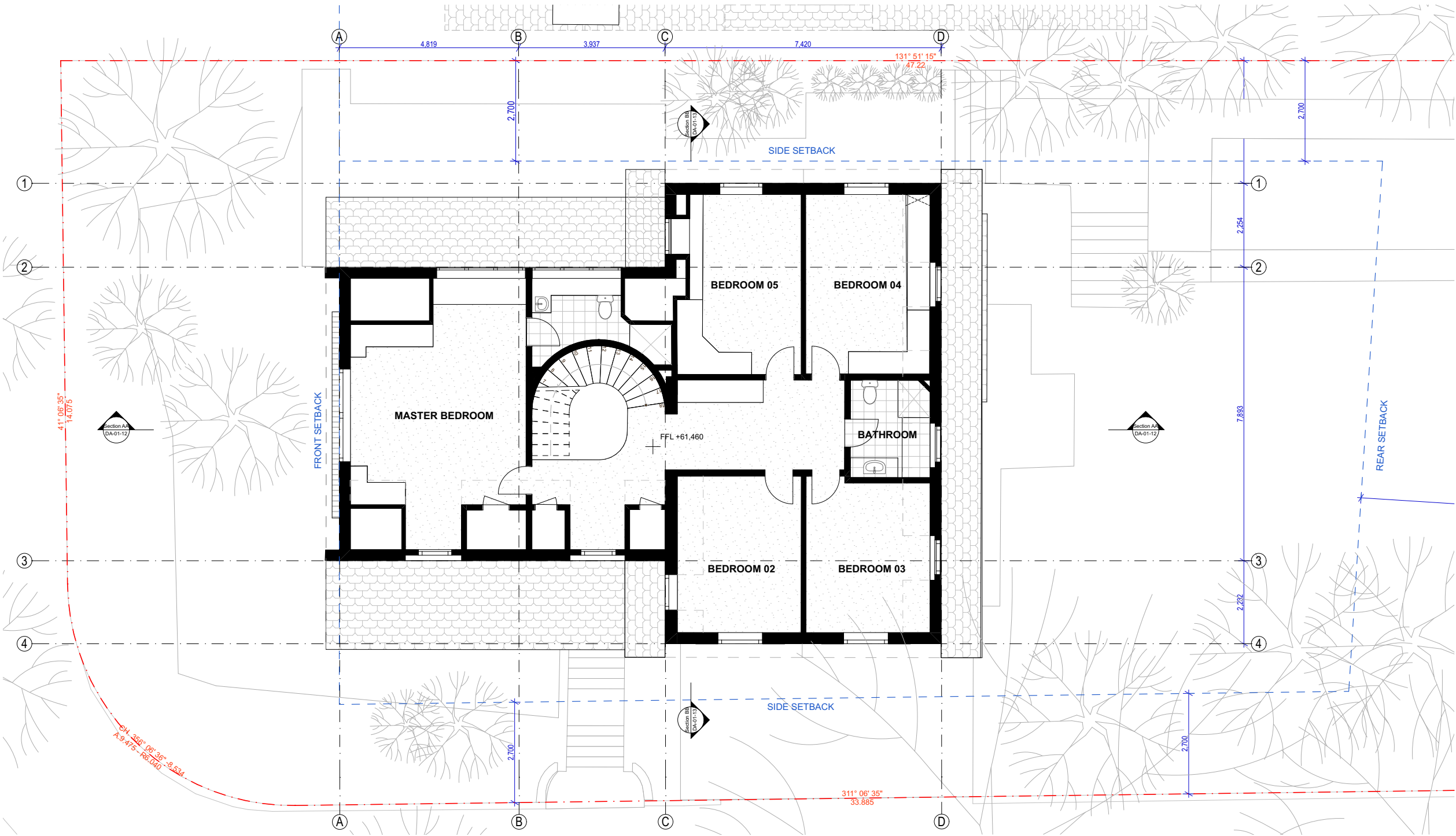
Drawing Number

DA-01-03

Revision

Attachment 1 Plans, Sections & Elevations Including Landscape Plans

Page 95



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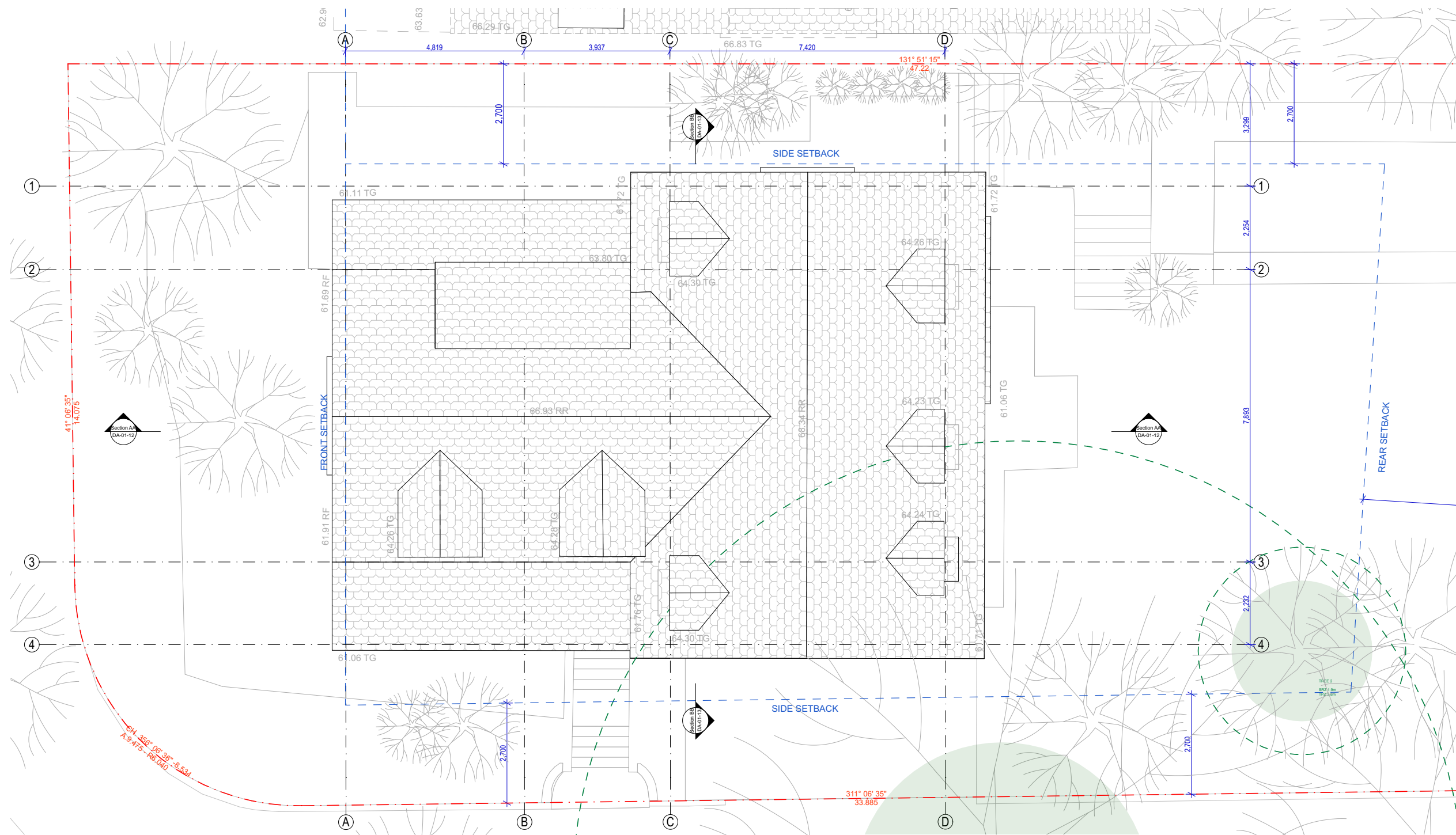


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing First Floor	1:100 @ A3

Drawing Number	Revision
DA-01-04	



Existing Roof Plan

1:100

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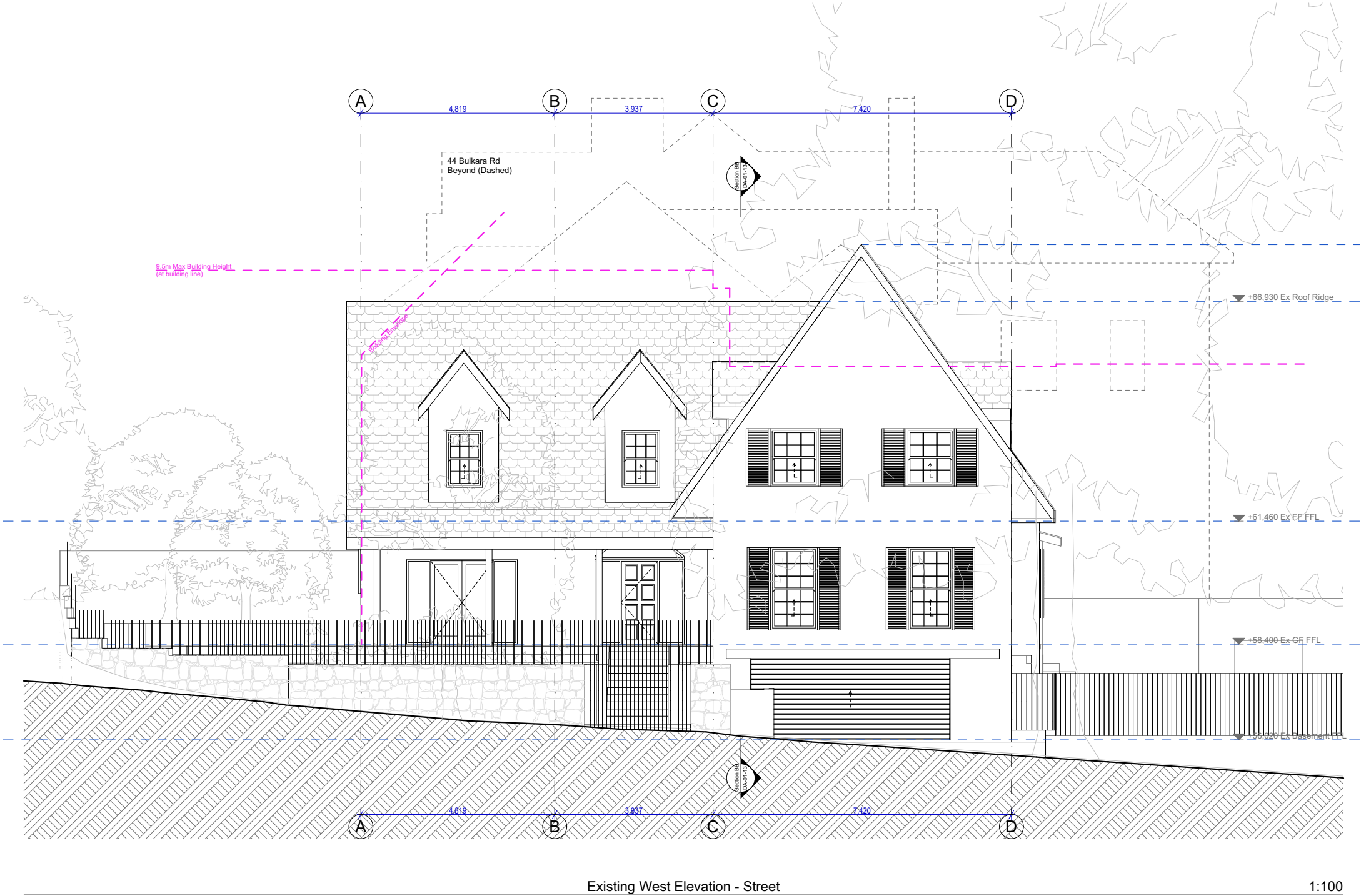


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing Roof Plan	1:100 @ A3

Drawing Number	Revision
DA-01-05	



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Project
1 Kulgoa Road, Bellevue Hill

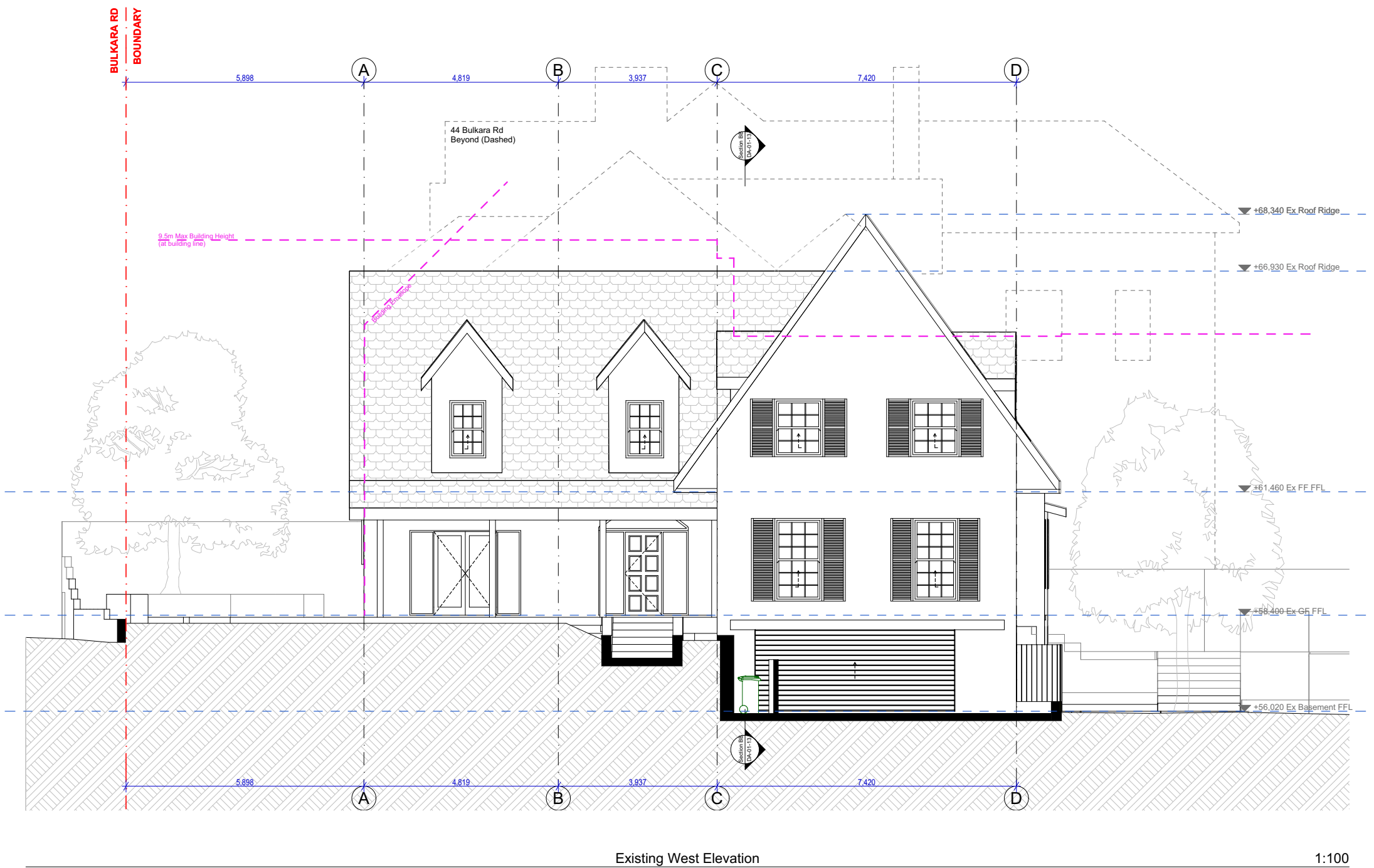
Number
22.03.322

Drawing Name
Existing West Elevation - Streetscape

Scale
@ A3

Drawing Number
DA-01-06

Revision



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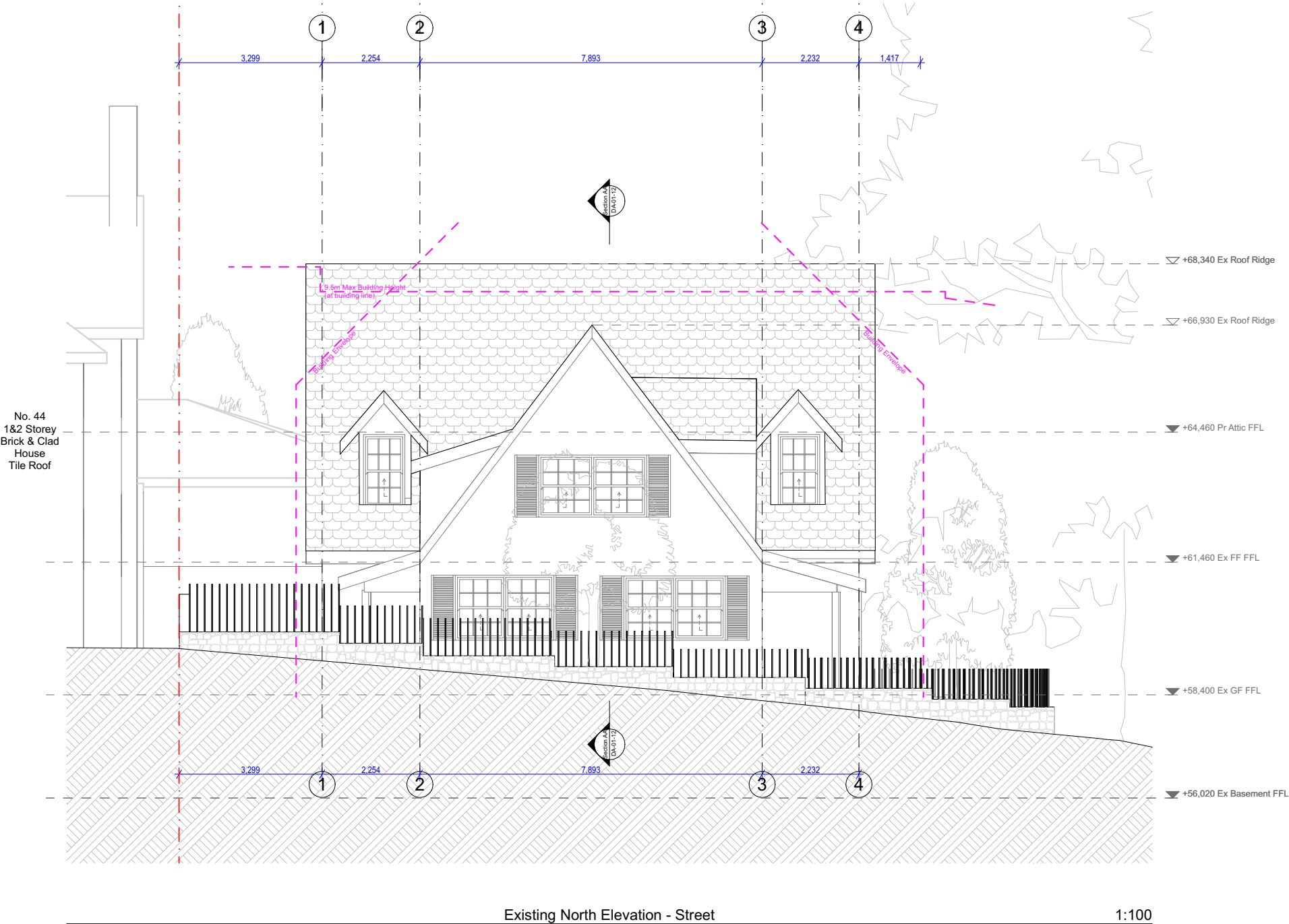
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Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing West Elevation	1:100 @ A3

Drawing Number	Revision
DA-01-07	



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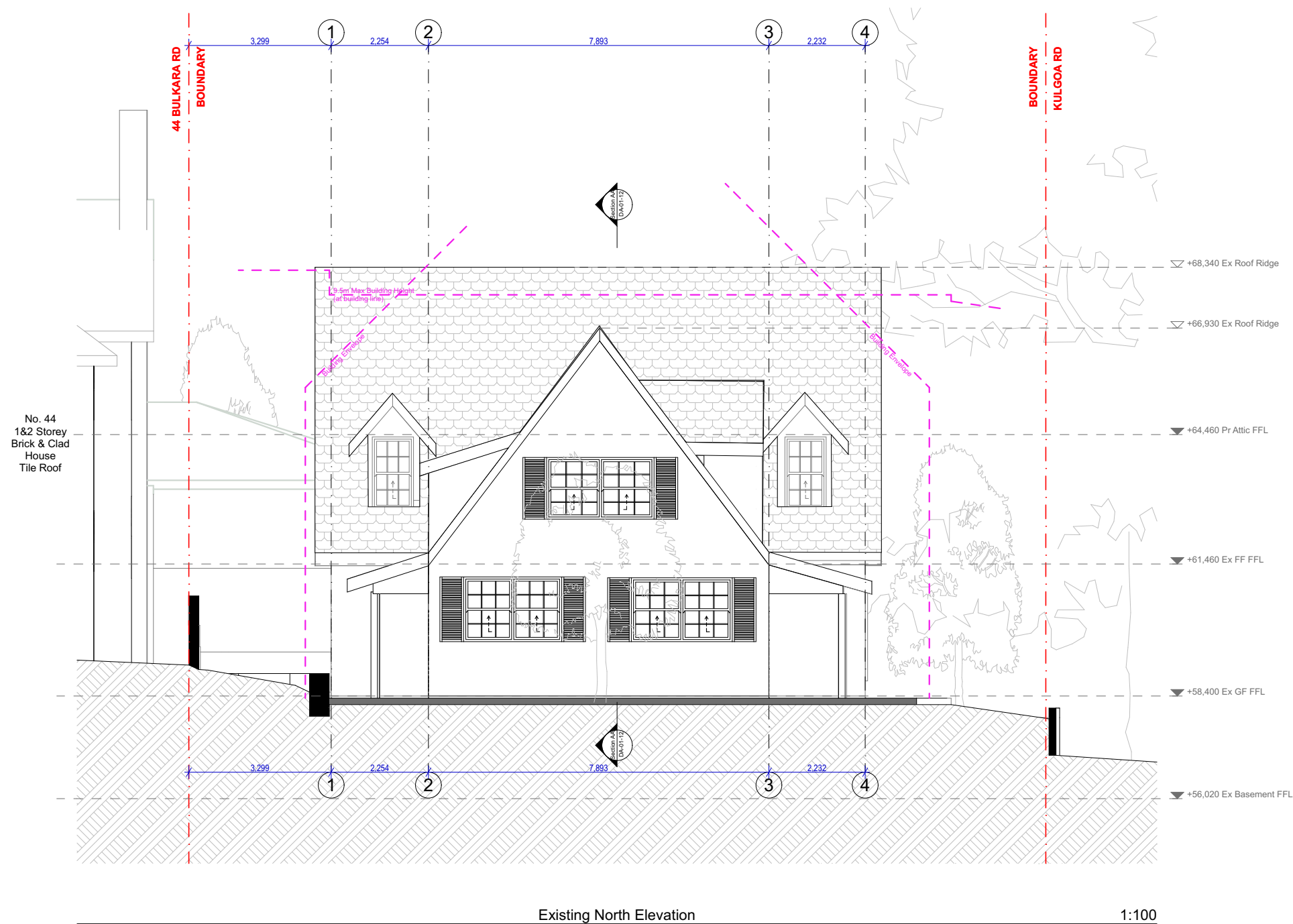
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1	29/04/2024	
2	24/09/2024	Amended graphics

Project
1 Kulgoa Road, Bellevue Hill 22.03.322

Drawing Name
Existing North Elevation - Streetscape @ A3

Drawing Number
DA-01-08



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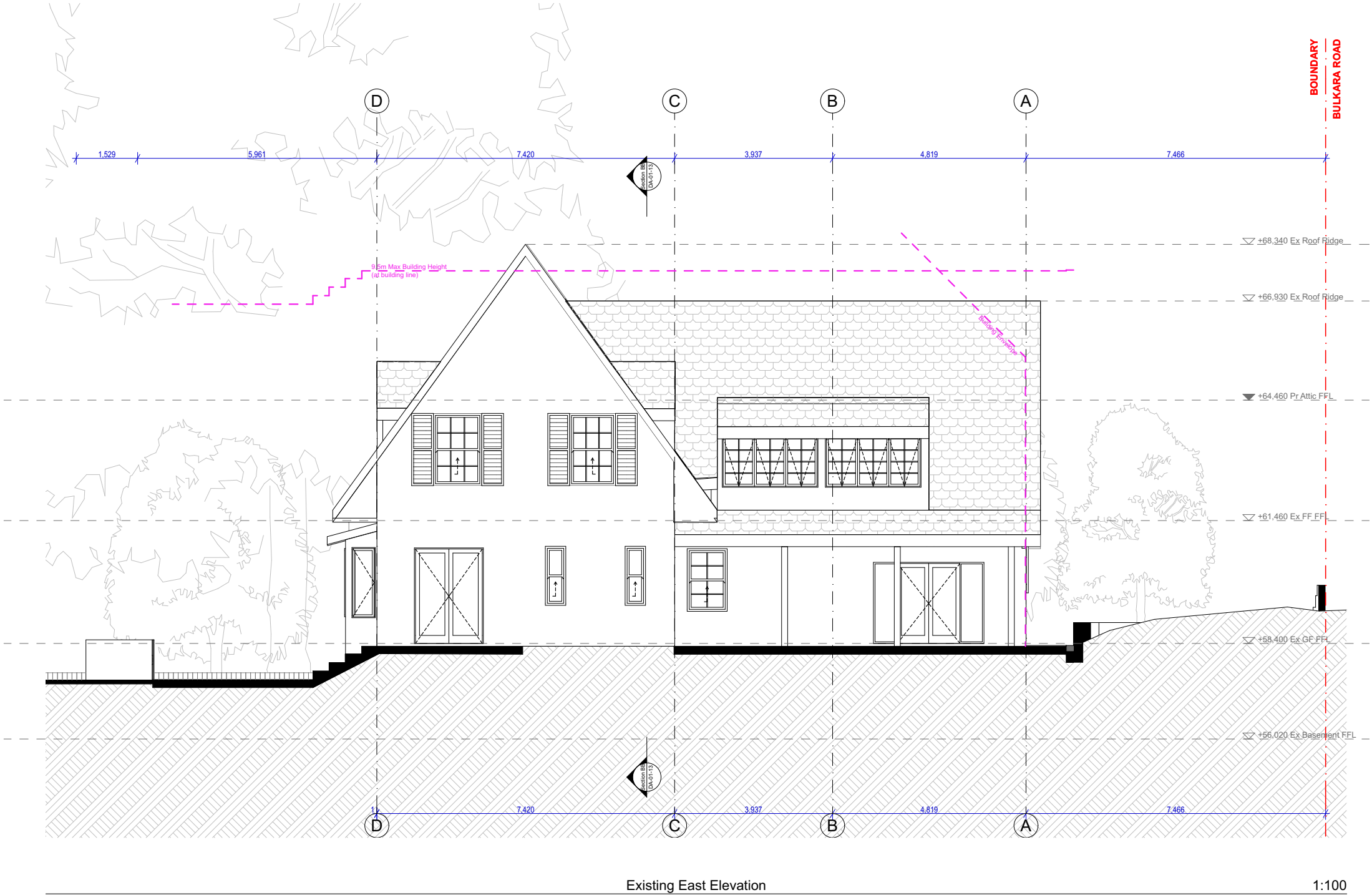
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Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing North Elevation	1:100 @ A3

Drawing Number	Revision
DA-01-09	



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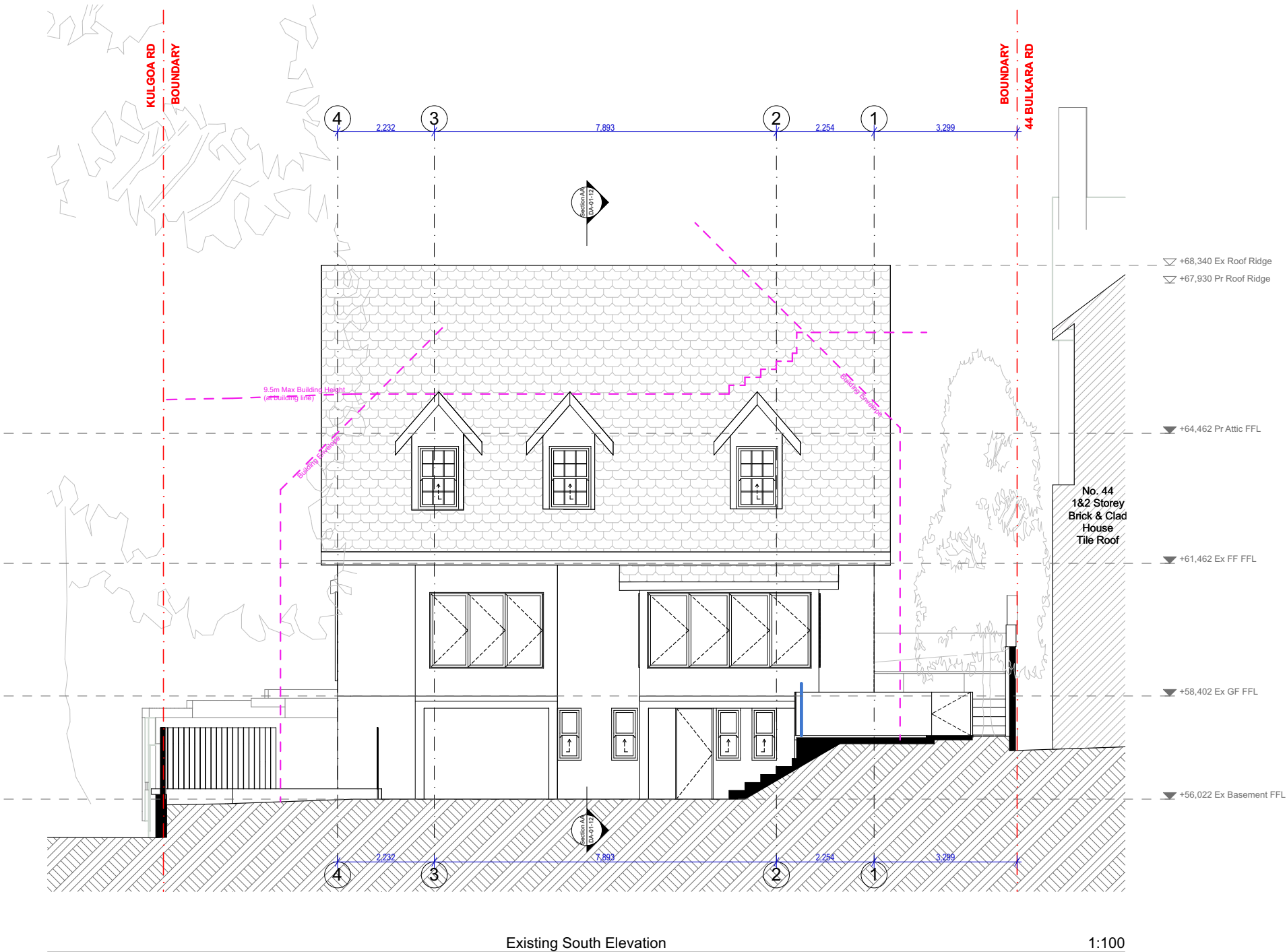
FOR INFORMATION ONLY

Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing East Elevation	1:100 @ A3

Drawing Number	Revision
DA-01-10	



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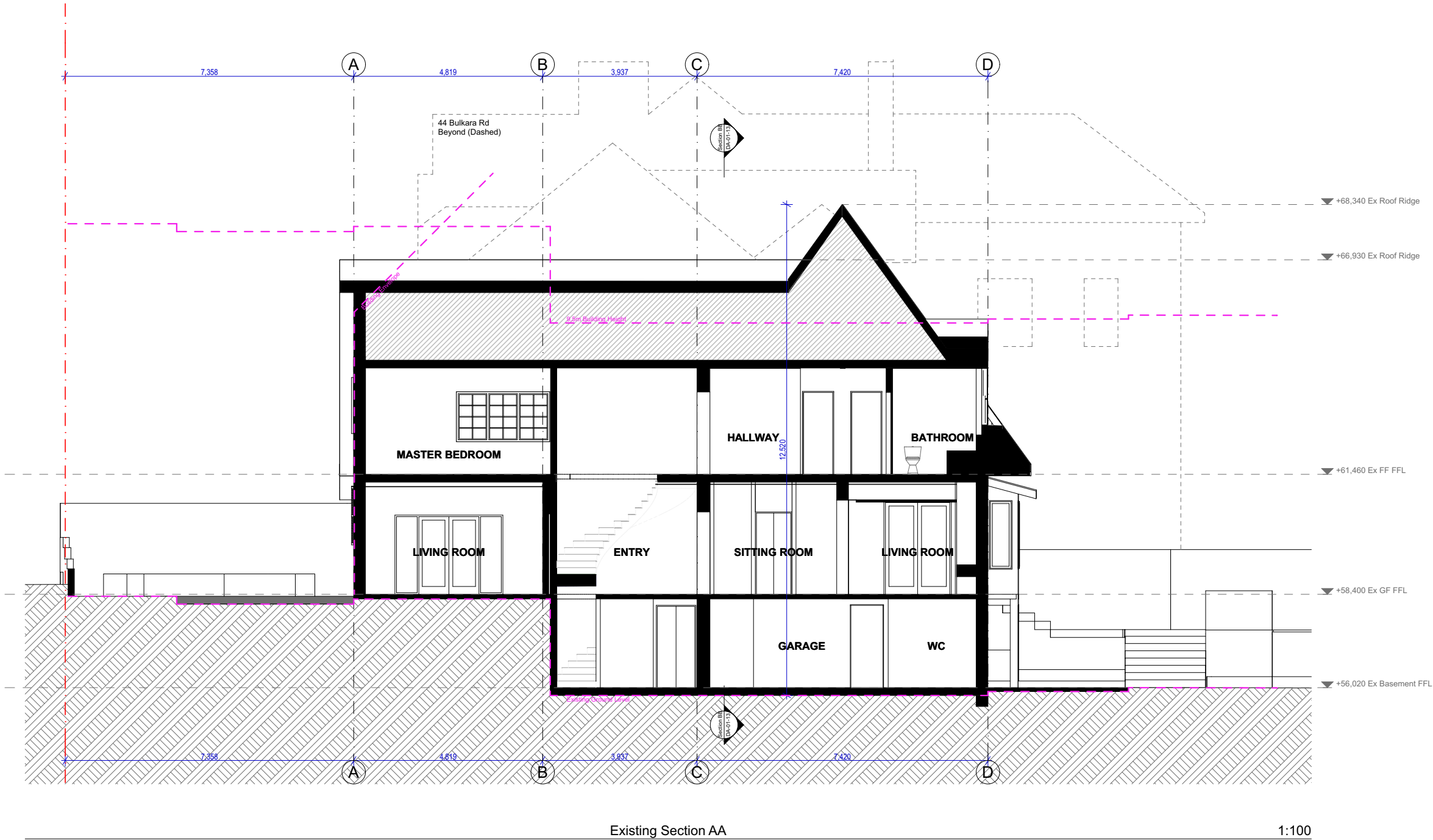
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Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing South Elevation	1:100 @ A3

Drawing Number	Revision
DA-01-11	



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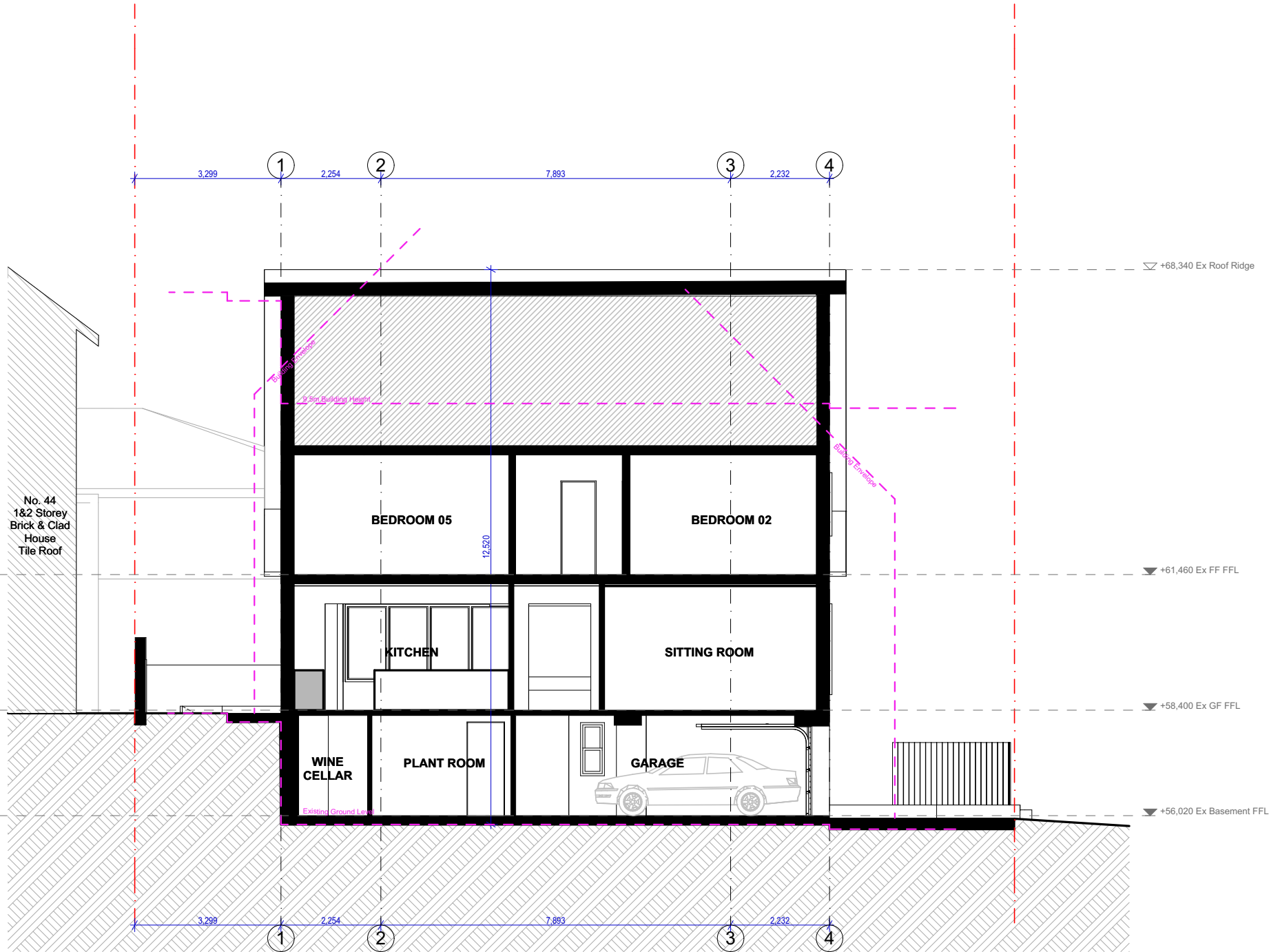
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Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Existing Section A-A	1:100 @ A3

Drawing Number	Revision
DA-01-12	



Existing Section BB 1:100

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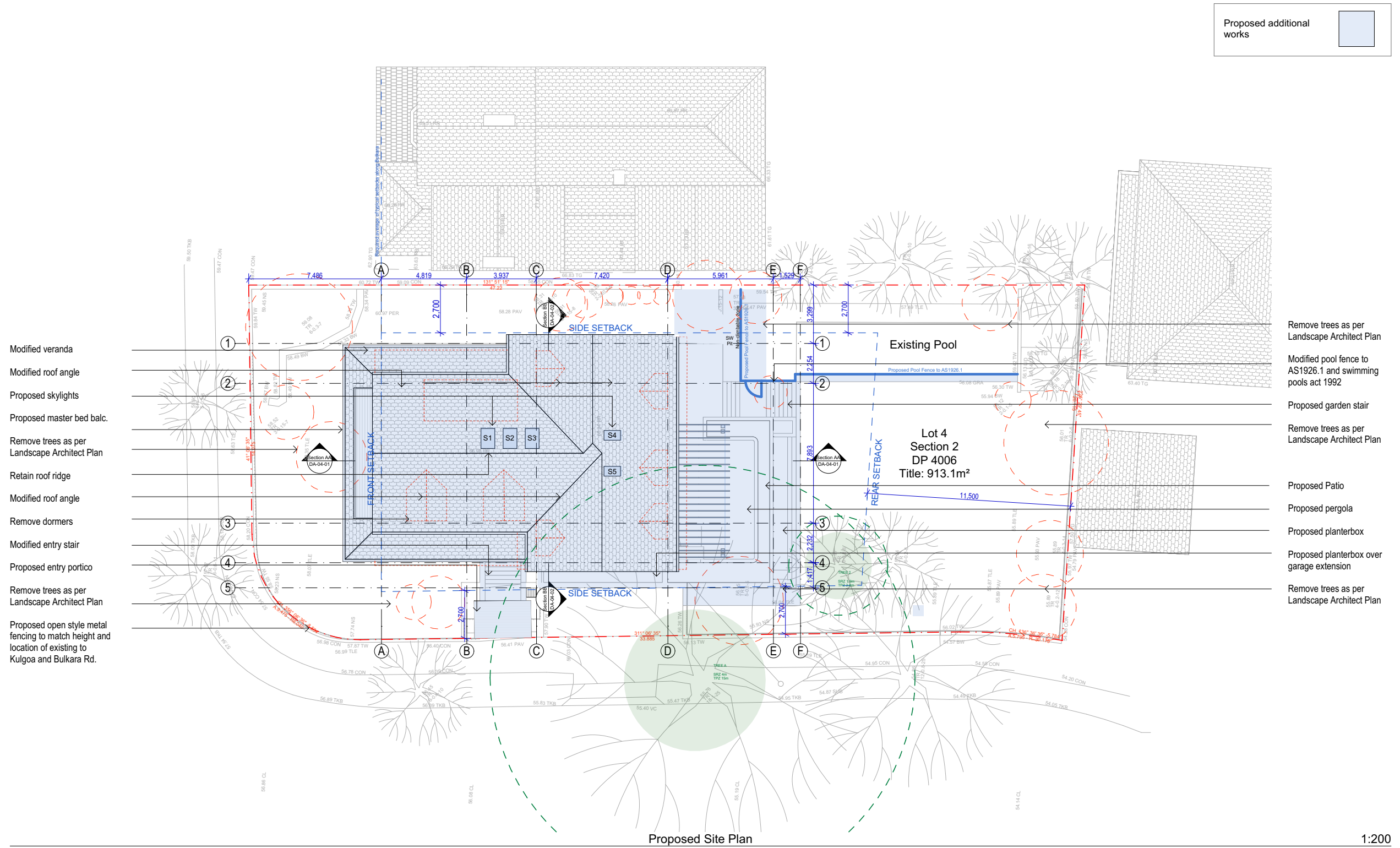
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1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322
Drawing Name	Scale
Existing Section B-B	1:100 @ A3
Drawing Number	Revision
DA-01-13	



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Rev	Date	Amended
1	29/04/2024	

Project

1 Kulgoa Road, Bellevue Hill

Drawing Name

Proposed Site Plan

Drawing Number

DA-02-01

Number

22.03.322

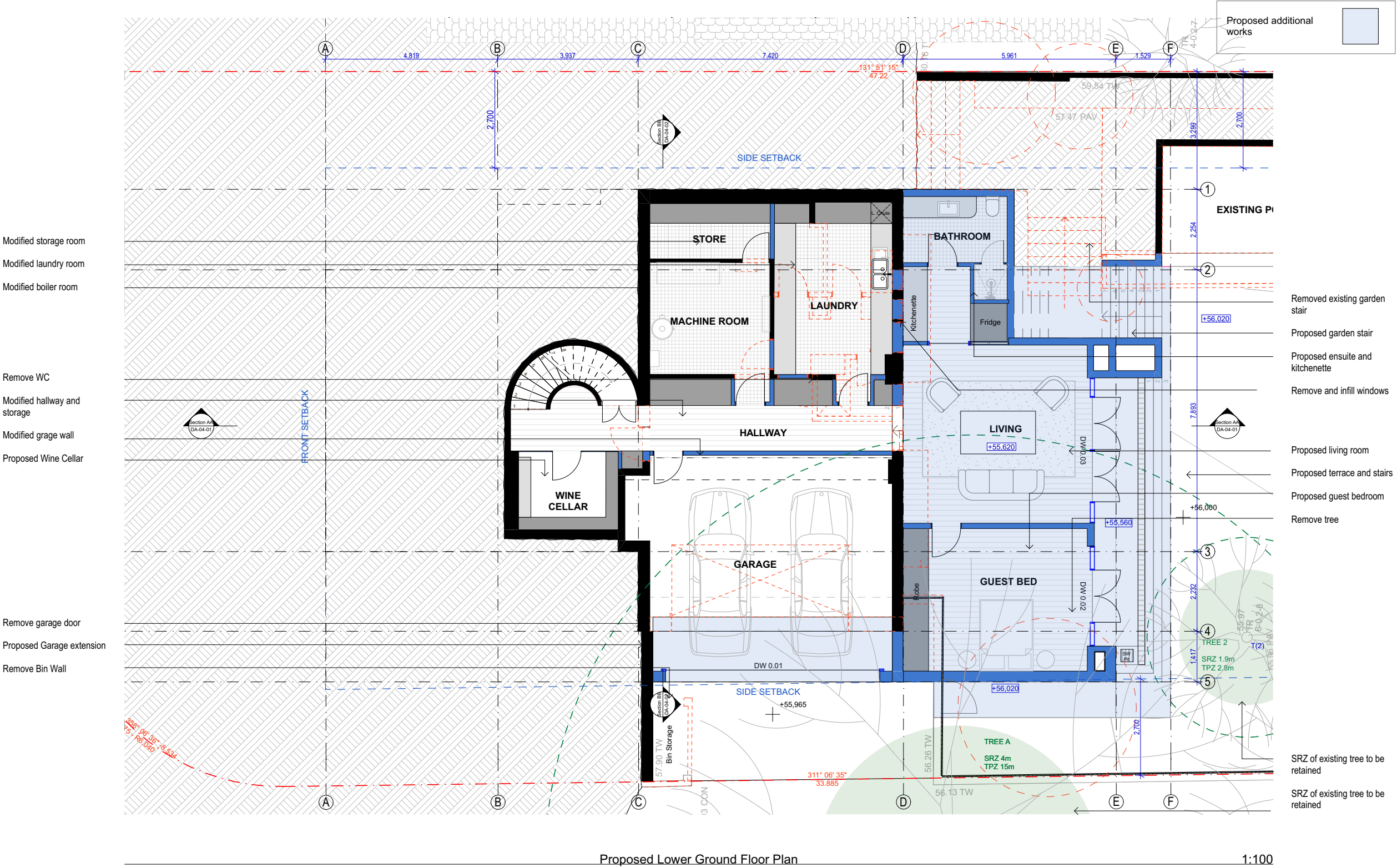
Scale

1:200 @ A3

Revision

Attachment 1 Plans, Sections & Elevations Including Landscape Plans

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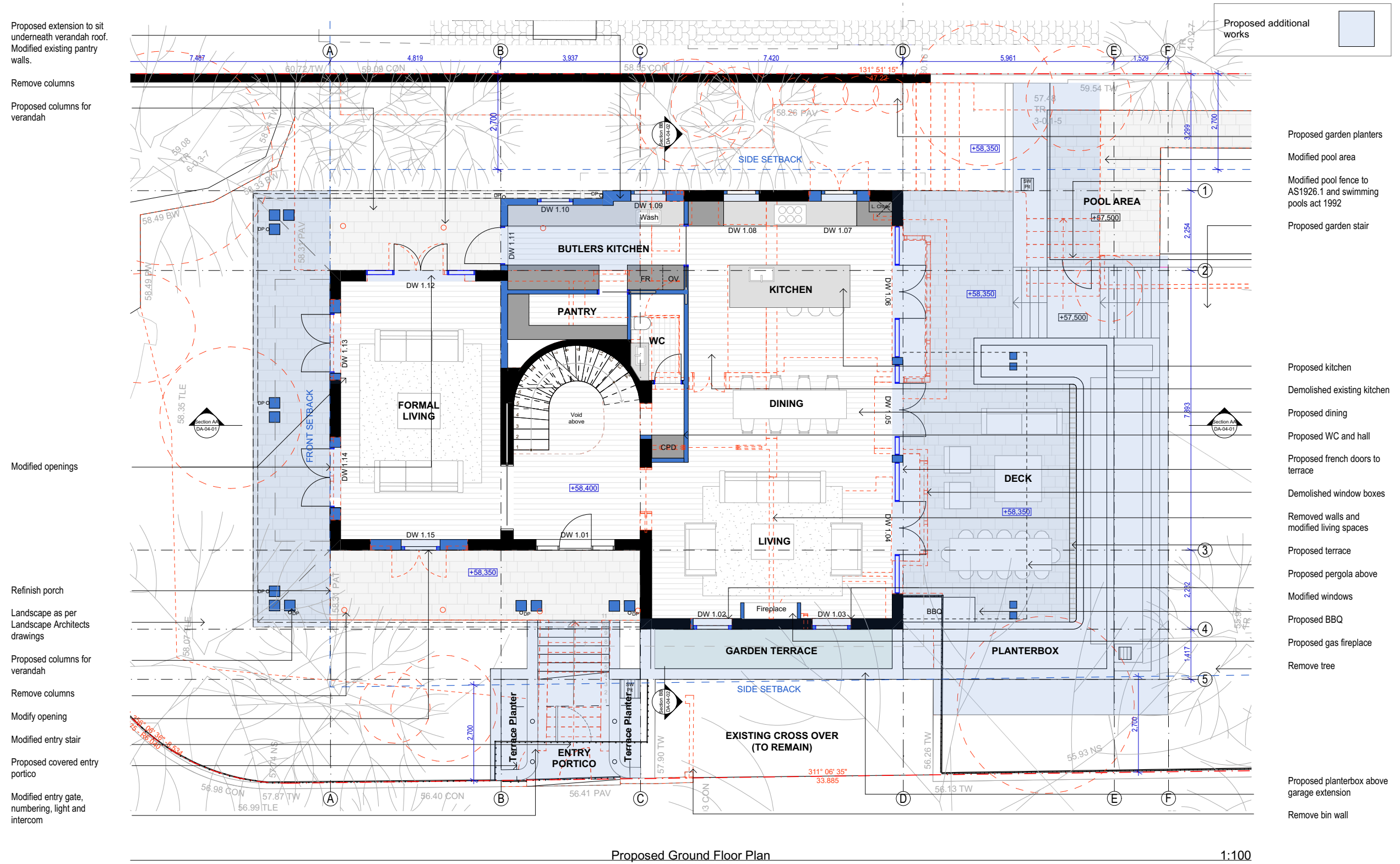


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed Lower Ground Plan	1:100 @ A3

Drawing Number	Revision
DA-02-02	



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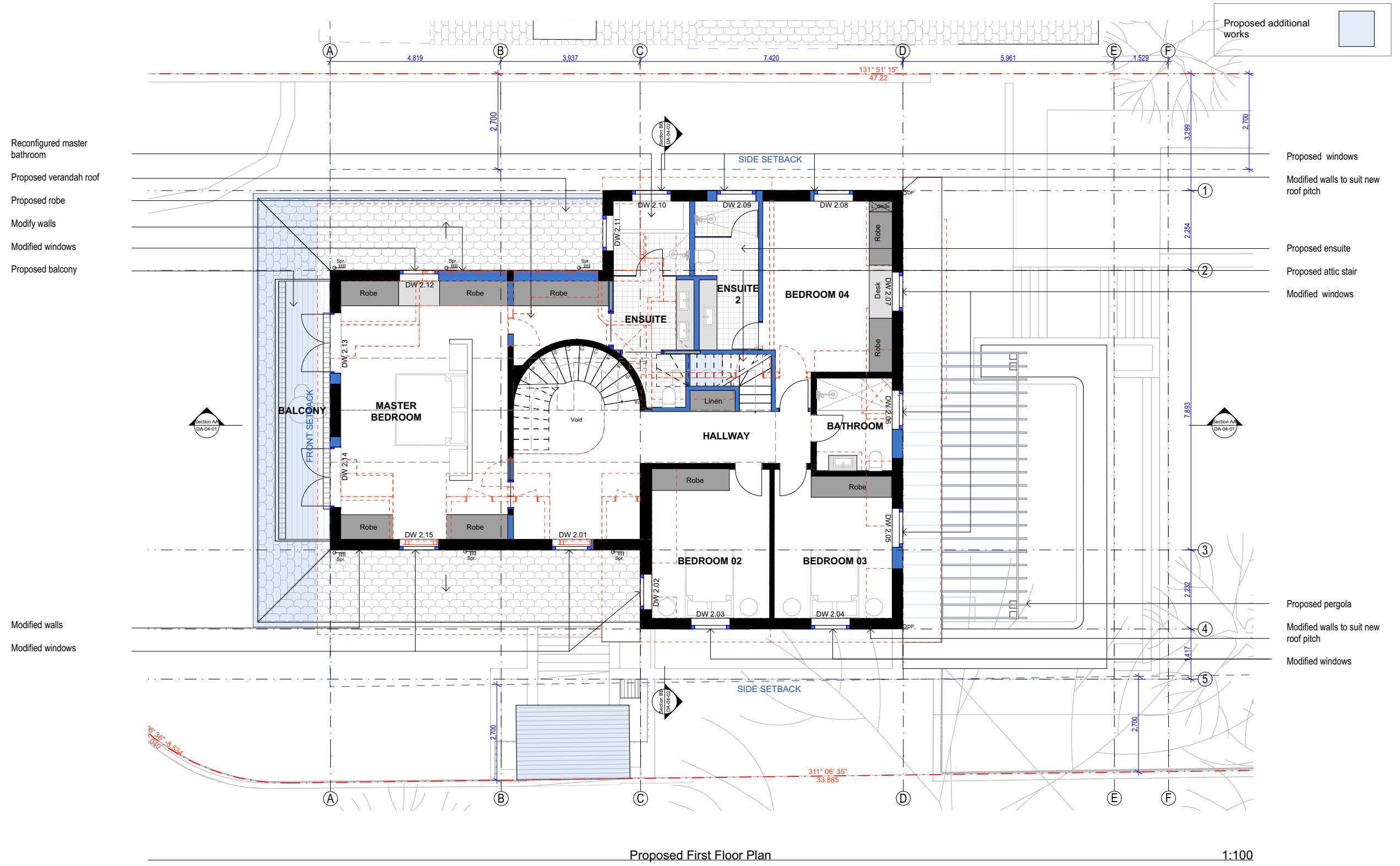


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed Ground Floor Plan	1:100 @ A3

Drawing Number	Revision
DA-02-03	



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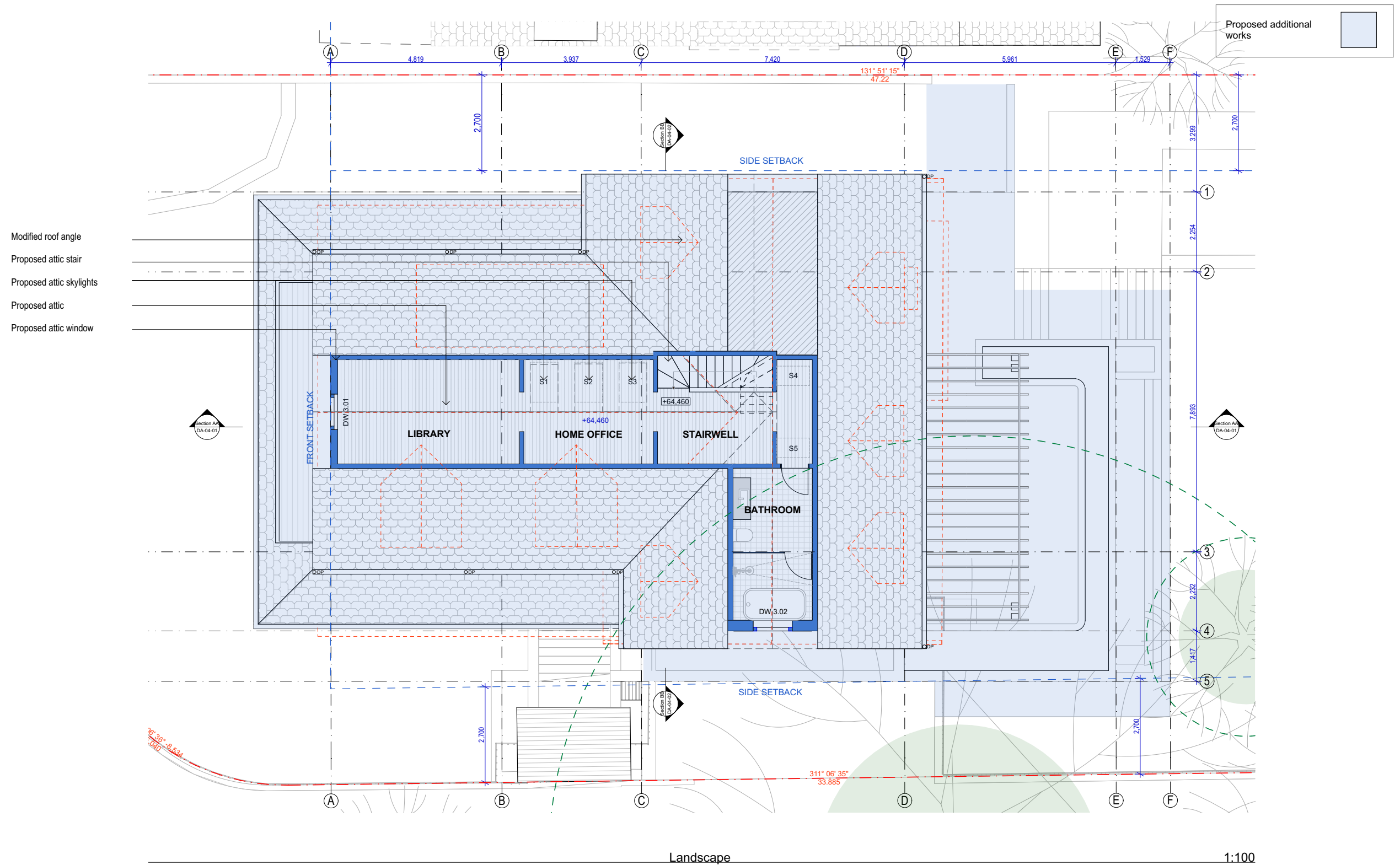
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Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322
Drawing Name	Scale
Proposed First Floor Plan	1:100 @ A3
Drawing Number	Revision
DA-02-04	

Attachment 1 Plans, Sections & Elevations Including Landscape Plans

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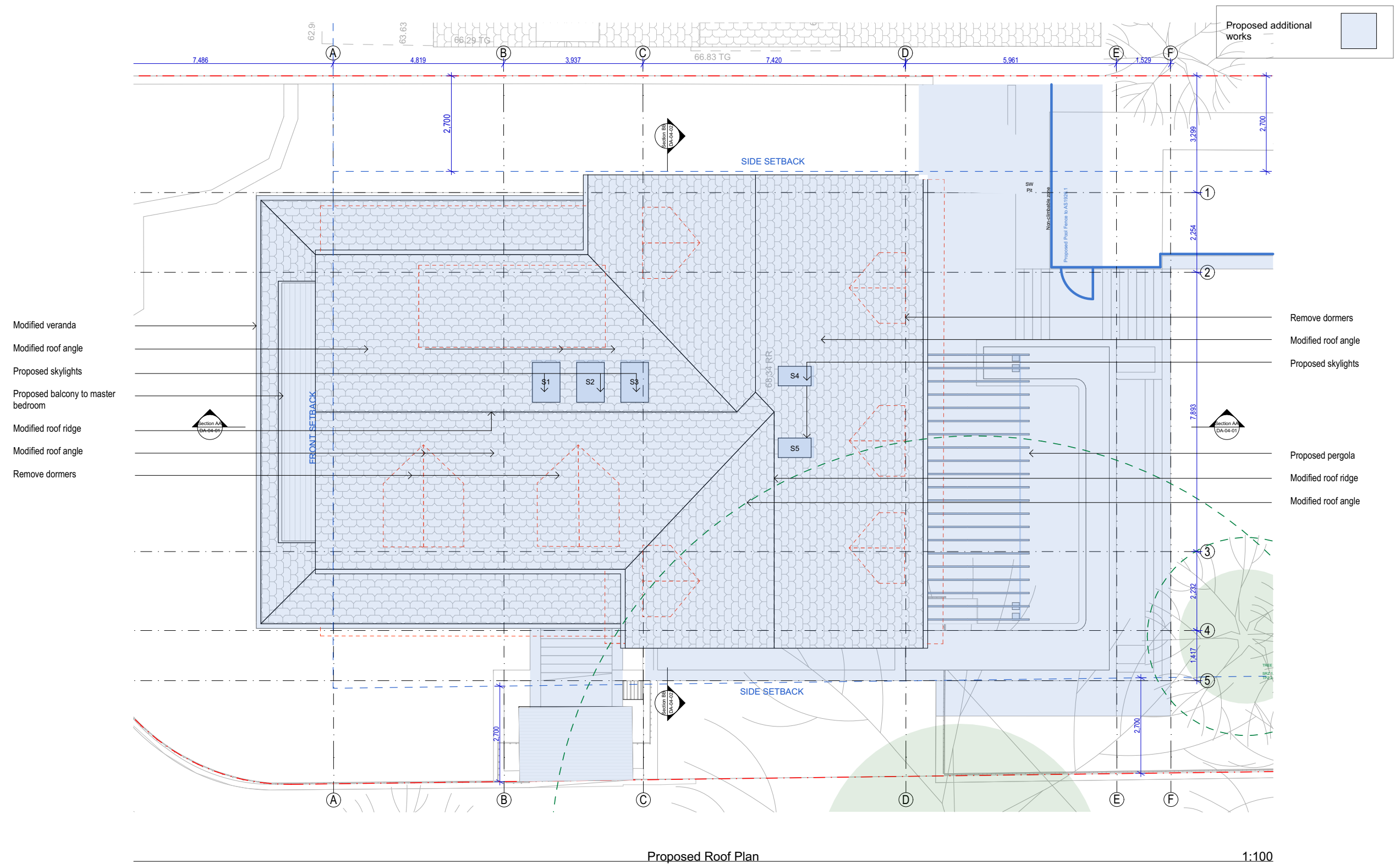


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed Roof Plan	1:100 @ A3

Drawing Number	Revision
DA-02-05	



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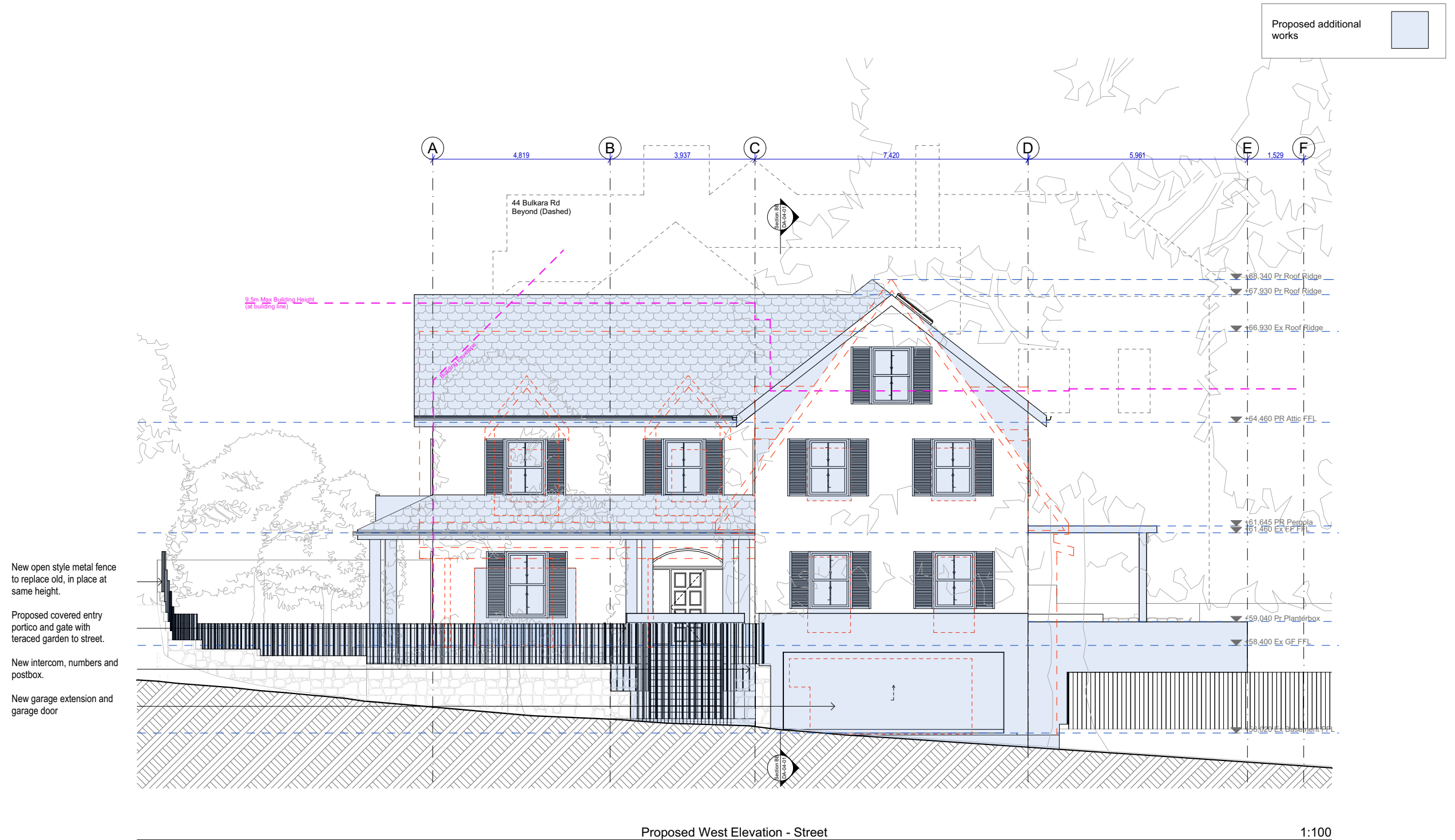


Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed Roof Plan	1:100 @ A3

Drawing Number	Revision
DA-02-06	



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Date

Amended

1

29/04/2024

Project

Number

1 Kulgoa Road, Bellevue Hill

22.03.322

Drawing Name

Scale

Proposed West Elevation - Street

1:100 @ A3

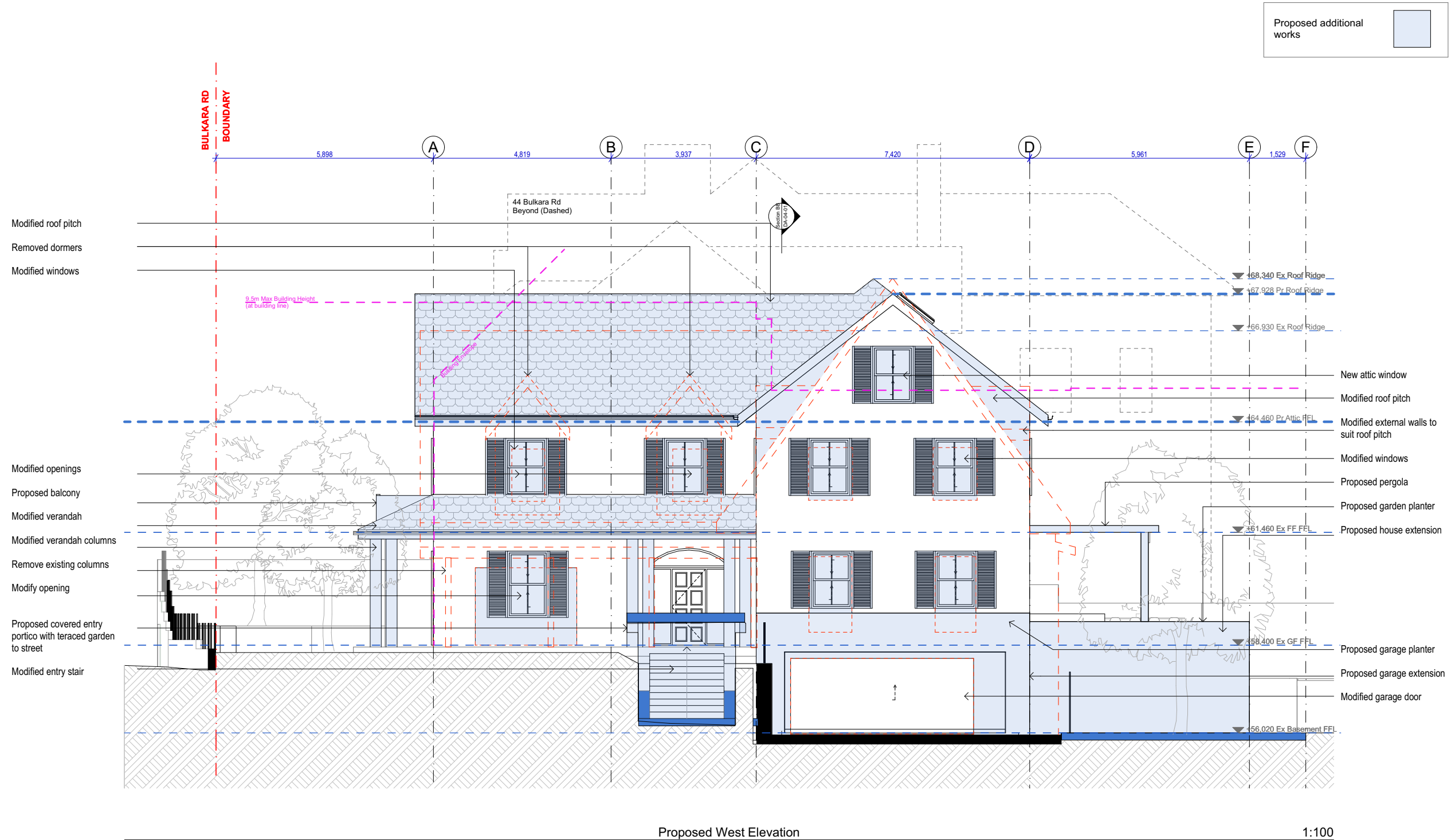
Drawing Number

Revision

DA-03-01

Attachment 1 Plans, Sections & Elevations Including Landscape Plans

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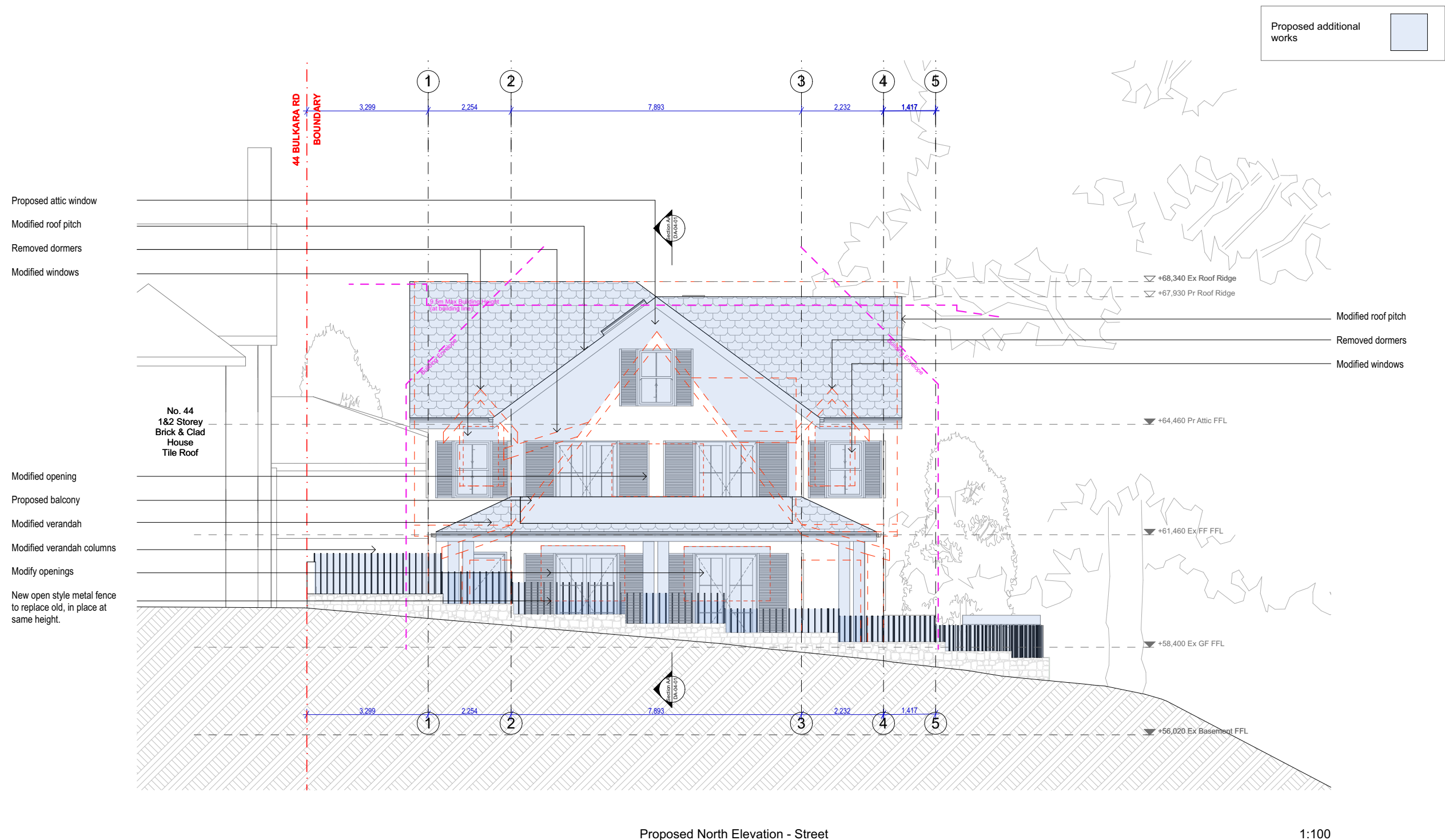
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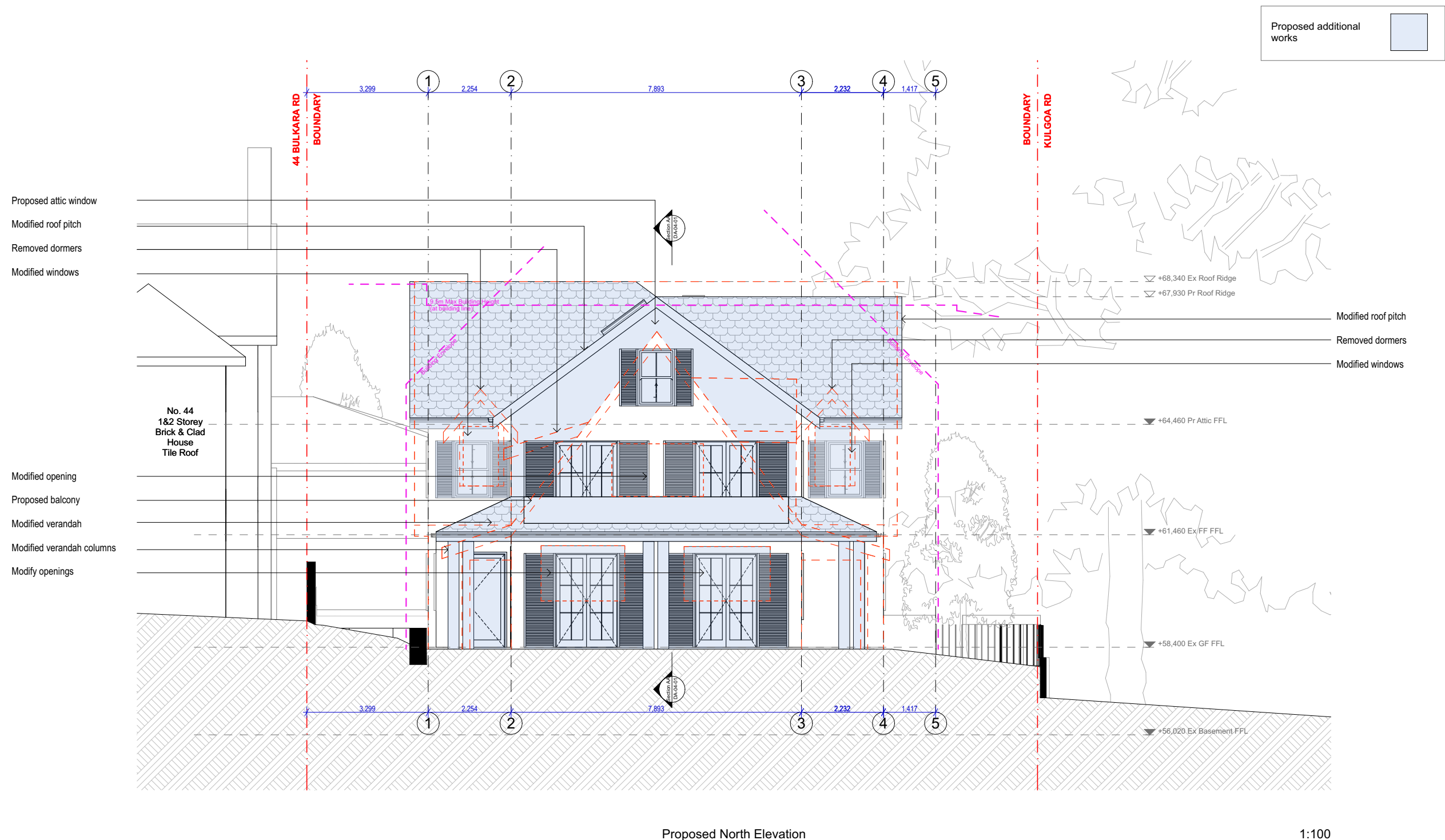
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1	29/04/2024	

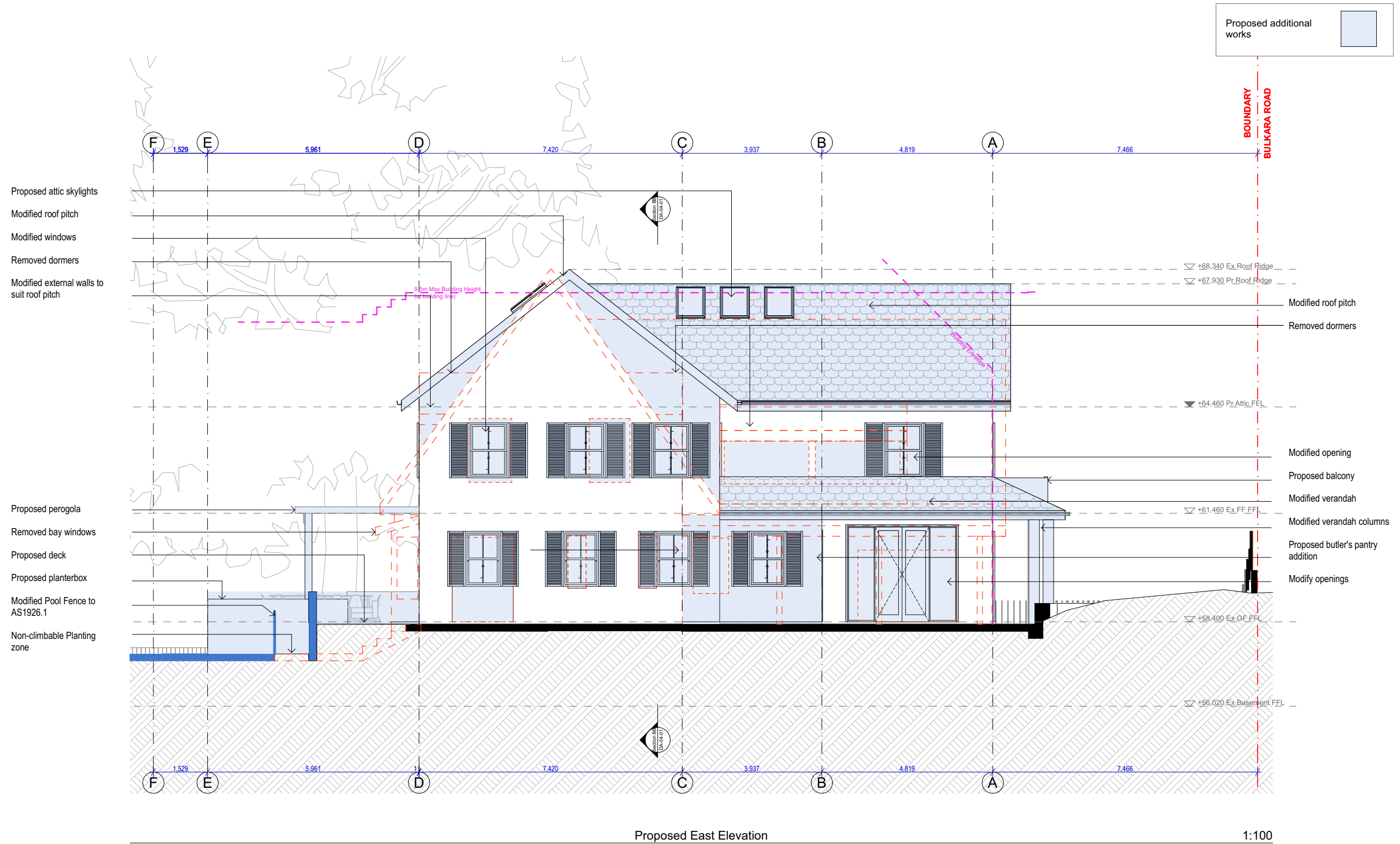
Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed West Elevation	1:100 @ A3

Drawing Number	Revision
DA-03-02	







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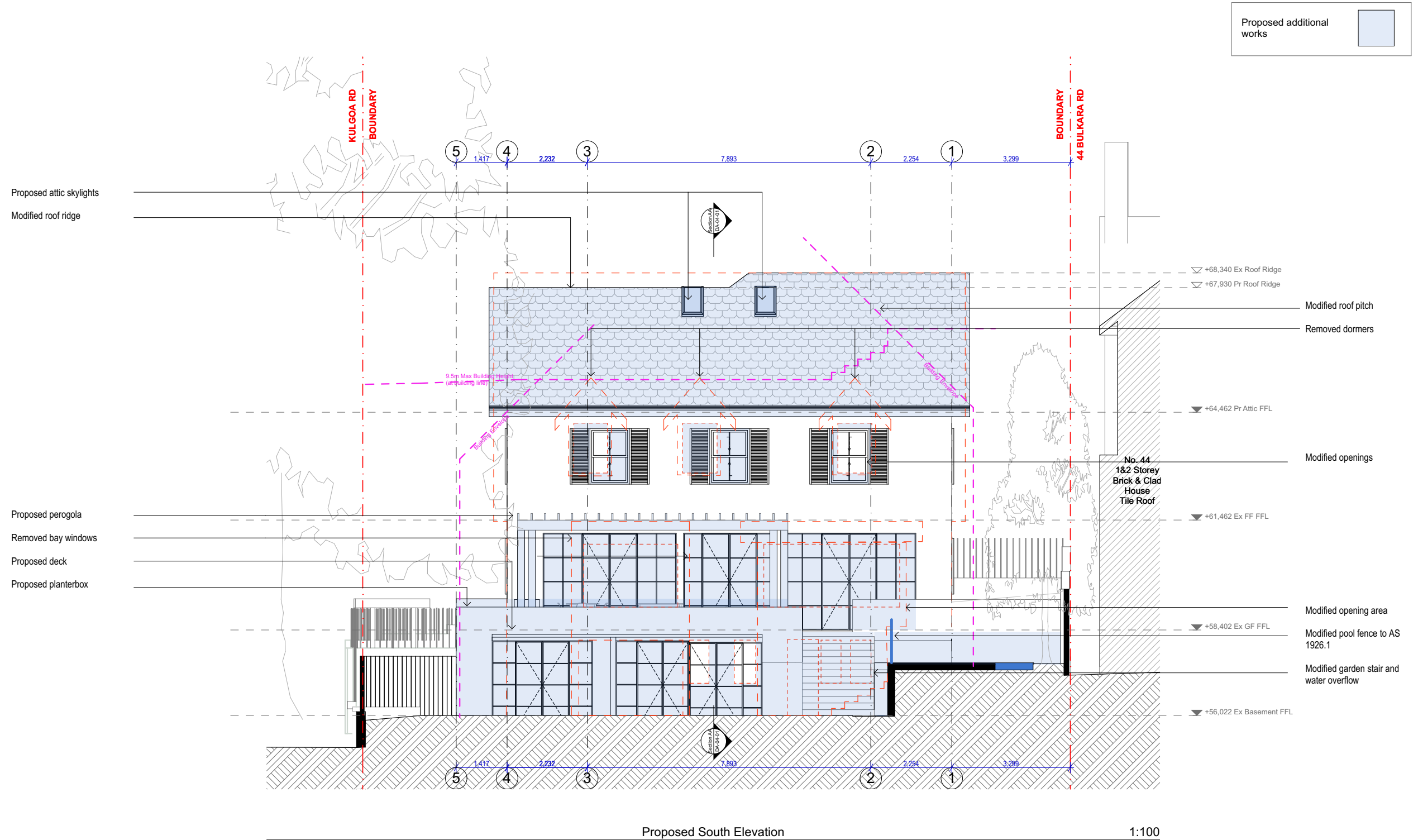
FOR INFORMATION ONLY

Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed East Elevation	1:100 @ A3

Drawing Number	Revision
DA-03-05	



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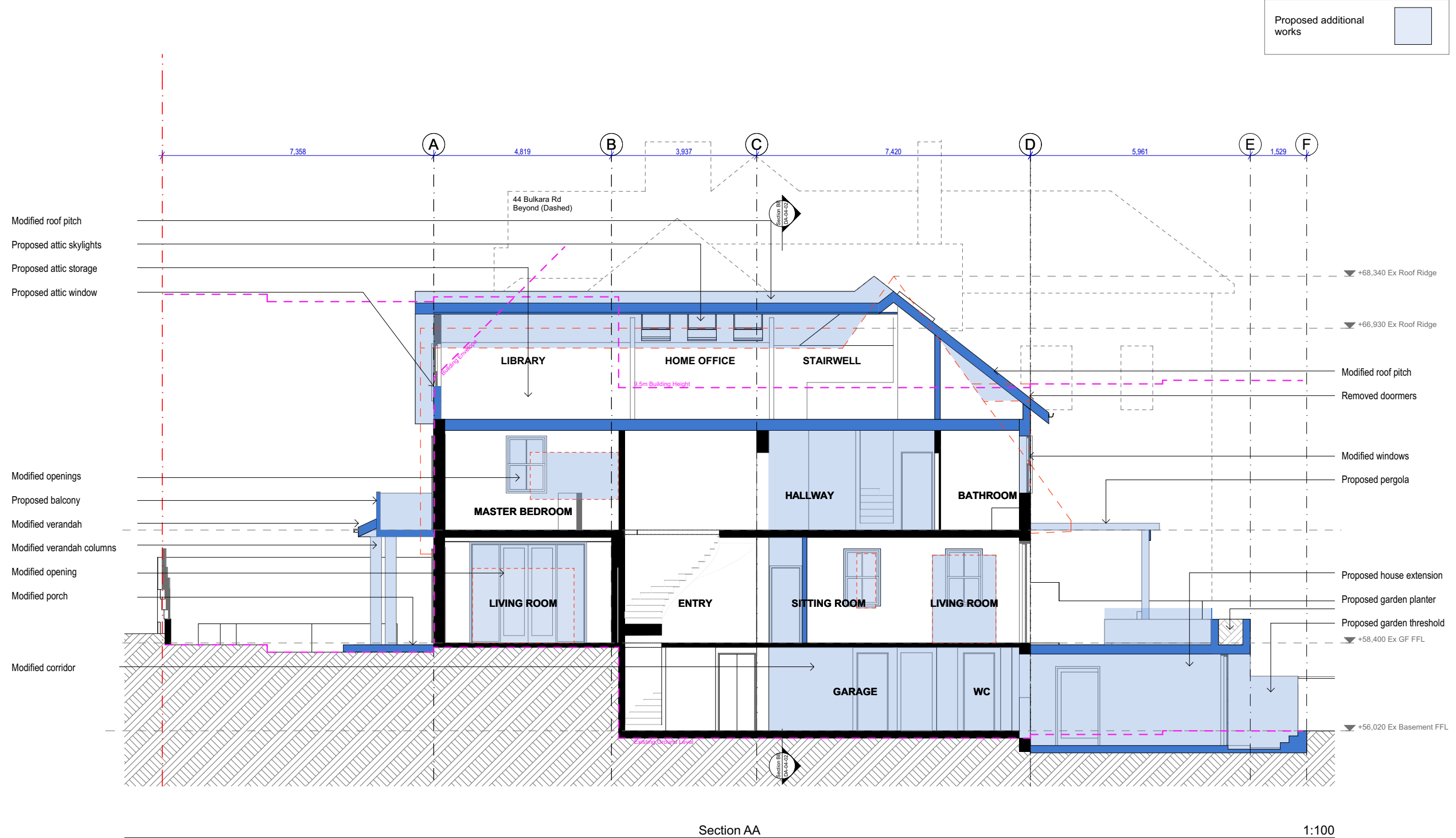
FOR INFORMATION ONLY

Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed South Elevation	1:100 @ A3

Drawing Number	Revision
DA-03-06	



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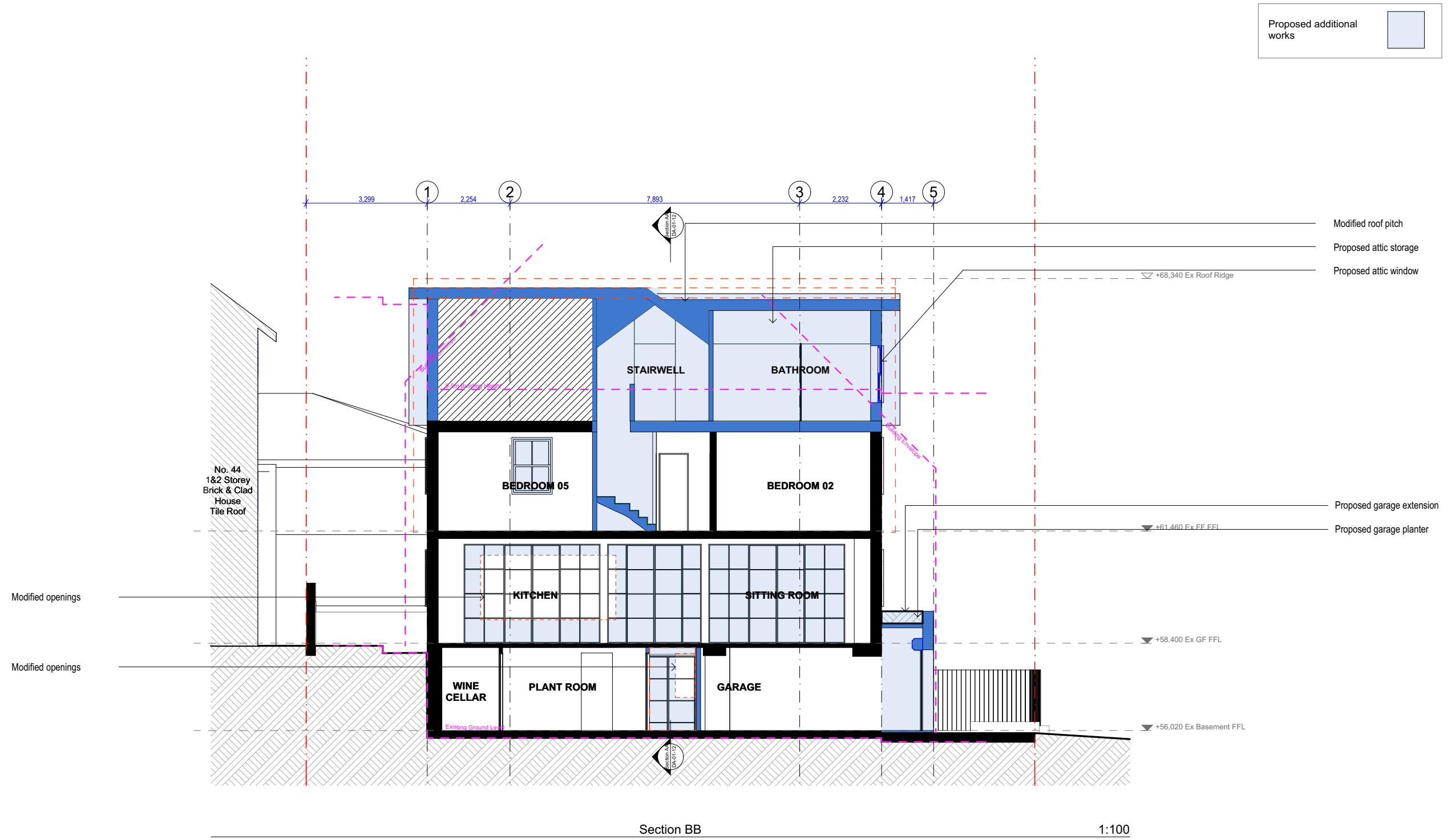
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Rev	Date	Amended
1	29/04/2024	

Project	Number
1 Kulgoa Road, Bellevue Hill	22.03.322

Drawing Name	Scale
Proposed Section A-A	1:100 @ A3

Drawing Number	Revision
DA-04-01	



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Date

Amended

1

29/04/2024

Project

Number

1 Kulgoa Road, Bellevue Hill

22.03.322

Drawing Name

Scale

Proposed Section B-B

1:100 @ A3

Drawing Number

Revision

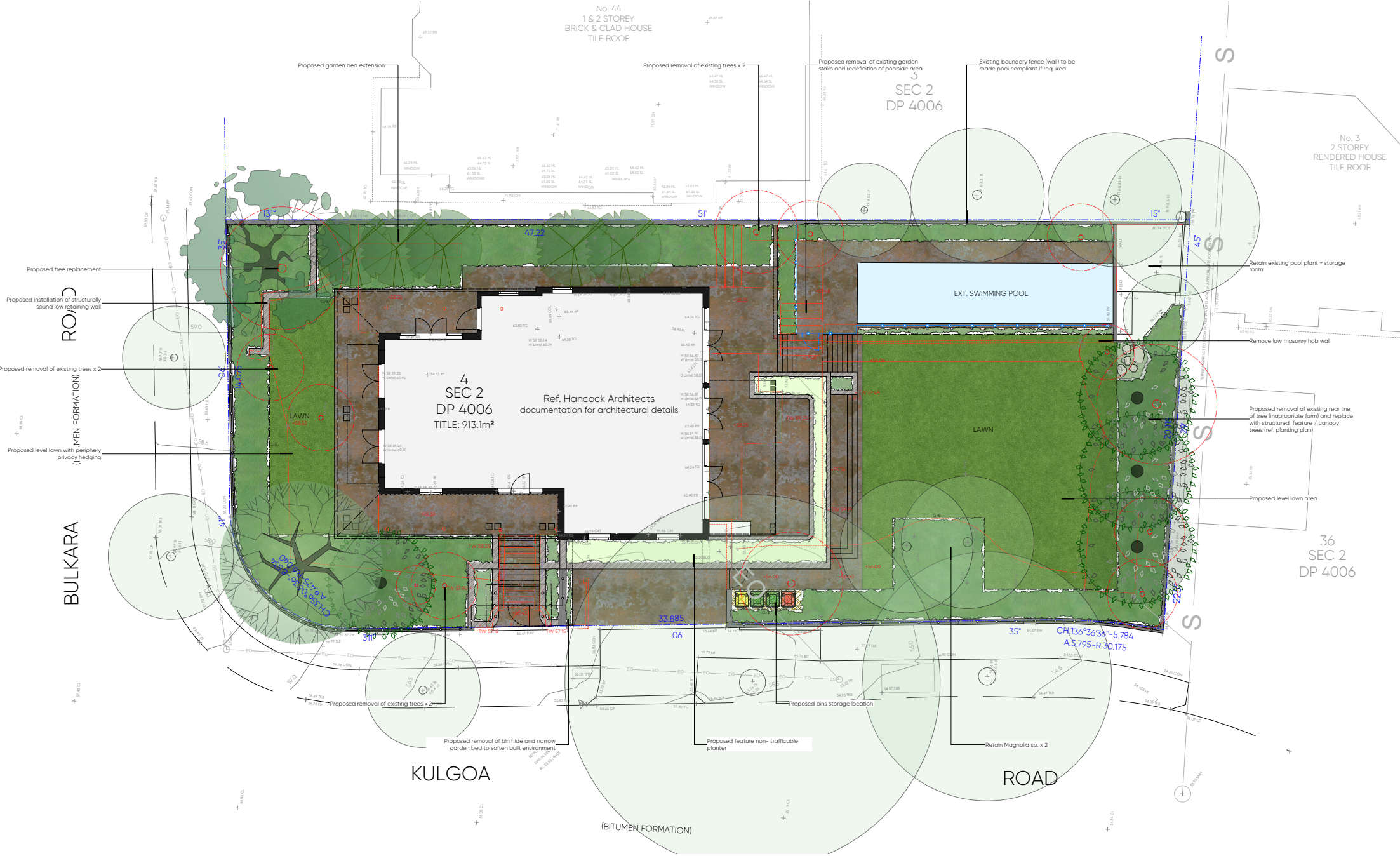
DA-04-02

Attachment 1 Plans, Sections & Elevations Including Landscape Plans

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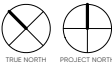
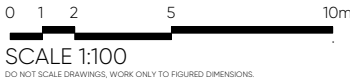
Proposed Finishes & Materials Schedule				1:100	
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	1	29/04/2024		1 Kulgoa Road, Bellevue Hill	22.03.322
	Drawing Name				Scale
	Proposed Finishes & Materials Schedule				@ A3
	Drawing Number				Revision
	DA-06-01				



- GENERAL NOTES
- All civil, structural and hydraulic work associated with this project shall be to consulting engineer's details.
 - All levels have been taken from the survey prepared by CMS Surveyors on 10 February 2016.
 - Exact location of site boundaries are to be confirmed on site by client or client's surveyor prior to commencement of work.
 - This pool has not been designed for diving. Children should not be allowed in pool enclosure without adequate adult supervision.
 - The design of this project is Copyright and shall not be copied or reproduced in any way without the prior written permission of TCGD.

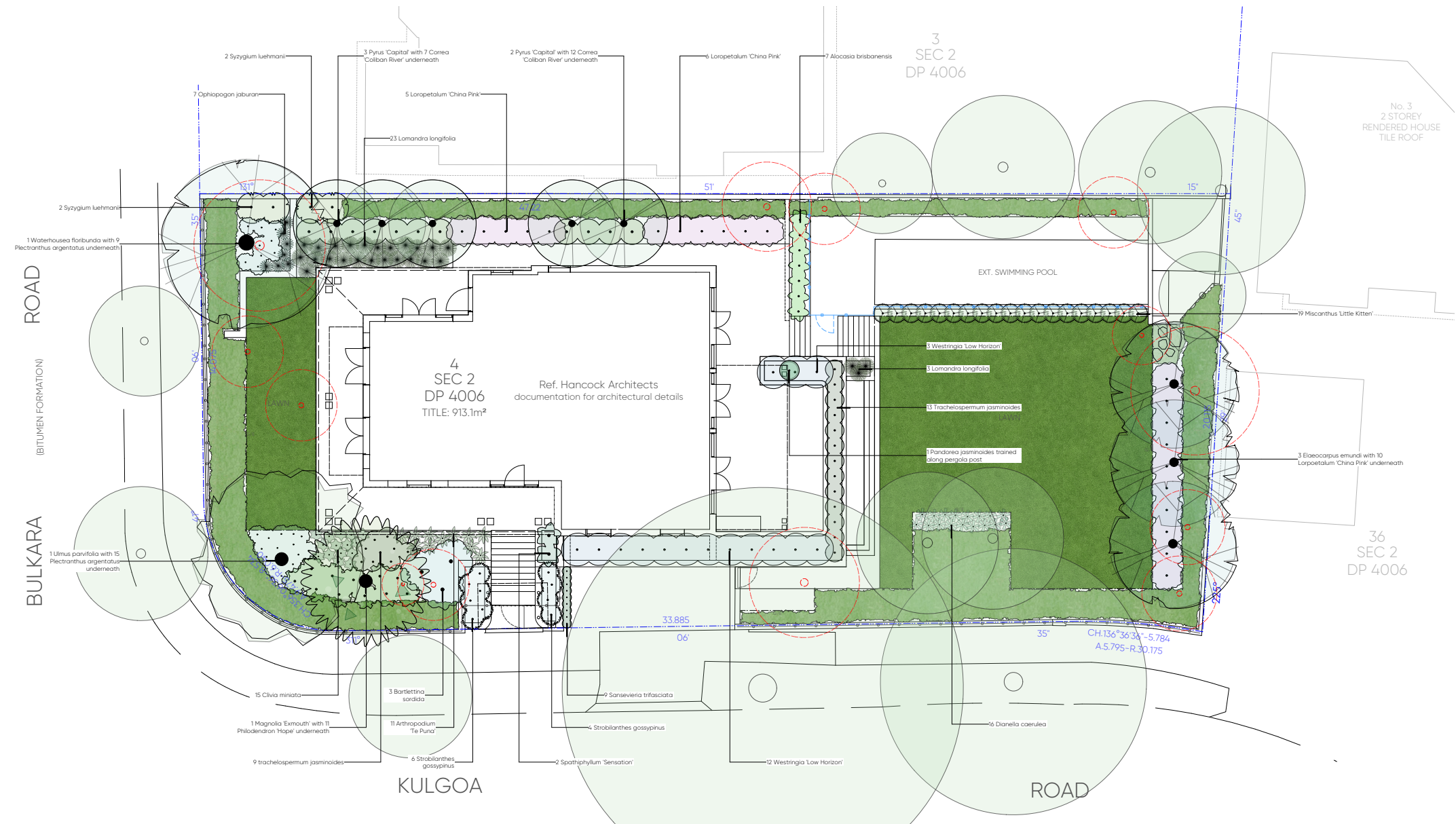
- CONSTRUCTION NOTES
- Note 1: All materials and workmanship shall be in accordance with the latest relevant Australian standard and building code of Australia. All plumbing and drainage works shall also be in accordance with the by-laws of Sydney Water.
- Note 2: Written dimensions shall take precedence over scaled measurements. All dimensions and levels shall be verified by contractor on site, and initial setout approved by construction manager prior to commencement of work. If in doubt, contact Landscape Architect / Designer.
- Note 3: Contractor shall confirm extent of existing vegetation to be removed / transplanted on site, prior to commencement of works.
- Note 4: Excavator shall strip approved topsoil from all areas to be excavated and shall store material in an approved location on site. All excavation shall be carried out as necessary, including over-excavation in lawn areas (as required) to ensure min. 200mm depth of topsoil is able to be provided and for garden areas (as required) to ensure that min. 350mm topsoil depth is able to be provided. Topsoil depths refer to depth over subsoil, not over rock or concrete.
- Note 5: Contractor shall ensure that damp proof courses on buildings are not breached and that air vents are not blocked or restricted.
- Note 6: Retaining walls shall be constructed to heights as necessary to retain existing / proposed ground levels, with final extent of all walling to be as required and to construction manager's on-site approval.
- Note 7: Waterproofing and drainage line in gravel filled trench, or other approved drainage layer, shall be installed to rear of all walls where retaining.
- Note: The above information is for DA submission purposes only and is not to be used for construction purposes.

LEGEND:



US / 8 BEACON HILL RD, BROOKVALE NSW 2100
Tel 04 11 288 650 - Email thomas@tcgd.com.au
Web: www.tcgd.com.au

CLIENT Mr & Mrs S. D'Cruz & M & S. Gail	DRAWN BY TC	CHECKED BY CG	DRAWING TITLE Landscape Plan 01 - Master LPI
PROJECT ADDRESS 1 Kulgoa Rd Belconnen NSW 2603	SCALE 1:100 @ A1	COMPLETION DATE 15/07/2021	REVISION - DATE Rev B 23/04/2024
PROJECT NUMBER A21/029			



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 - The design of this project is Copyright and shall not be copied or reproduced in any way without the prior written permission of TCGD.

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- Note 7: Waterproofing and drainage line in gravel filled trench, or other approved drainage layer, shall be installed to rear of all walls where retaining.
- Note: The above information is for DA submission purposes only and is not to be used for construction purposes.

- LEGEND:
- Existing planting retained or improved
 - Proposed drought tolerant lawn area
 - Existing tree removed / retained and protected - Ref. arborist report

PLANTING SCHEDULE:

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
<i>Alcascia brisbanensis</i>	Curjevov	7	200 mm	1000	1000
<i>Arthropodium cirratum 'Te Puna'</i>	Renga Lily	11	140 mm	800	800
<i>Bartlettina sordida</i>	Blue Mist Flower	3	200 mm	2000	1800
<i>Clivia miniata</i>	Kaffir Lily	15	200 mm	600	600
<i>Correa 'Coliban River'</i>	Rock Correa	11	200 mm	1250	1250
<i>Dianella caerulea</i>	Blue Flax-lily	17	140 mm	600	600
<i>Elaeocarpus emundi</i>	Quandong	3	75 Ltr	6000	8000
<i>Lomandra longifolia</i>	Spiny-head Mat-rush	26	200 mm	800	800
<i>Loropetalum chinense 'China Pink'</i>	Chinese Fringe Flower	21	200 mm	1500	1500
<i>Magnolia 'Exmouth'</i>	Magnolia Exmouth	1	75 Ltr	6000	10000
<i>Miscanthus 'Little Kitten'</i>	Little Kitten Grass	19	140 mm	900	750
<i>Ophiopogon jaburan</i>	Giant Mondo Grass	7	140 mm	600	450
<i>Pandorea jasminoides</i>	Bower of Beauty	1	200 mm	climber	climber
<i>Philodendron 'Hope'</i>	Hope	11	200 mm	1200	1200
<i>Plectranthus argentatus</i>	Silver Shield	23	200 mm	800	700
<i>Pyrus calleryana 'Capital'</i>	Capital Pear	5	75 Ltr	4000	10000
<i>Sansevieria trifasciata</i>	Mother-in-law's Tongue	9	140 mm	450	1000
<i>Spathiphyllum 'Sensation'</i>	Giant Peace Lily	2	200 mm	1200	1200
<i>Strobilanthes gossypinus</i>	Persian Shield	10	200 mm	1000	900
<i>Syzygium luehmannii</i>	Lillypilly	4	300 mm	1500	3000
<i>Trachelospermum jasminoides</i>	Star Jasmine	22	140 mm	850	300
<i>Ulmus parvifolia</i>	Chinese Elm	1	75 Ltr	8000	8000
<i>Waterhousea floribunda</i>	Weeping Lilly Pilly	1	75 Ltr	8000	10000
<i>Westringia 'Low Horizon'</i>	Creeping Coastal Rosemary	15	140 mm	1500	350

NOTE: Species highlighted in green are Australian Native Species and comprise 50% of the proposed planting

PLANTING SCHEDULE:



TCGD
US / 8 BEACON HILL RD, BROCKVALE NSW 2101
Tel 04 11 288 650 - Email thomas@tcgd.com.au
www.thomas@tcgd.com.au

CLIENT: Mr & Mrs S. D'Cruz & Ms S. Gao

PROJECT ADDRESS: Kulgoa Rd, Belconnen NSW 2622

PROJECT NUMBER: #21/029

DRAWN BY: TC

CHECKED BY: CG

SCALE: 1:100 in A1

COMMENCEMENT DATE: 15/07/2021

DRAWING TITLE: Landscape Plan 02 - Planting

SCALE: 1:100 in A1

REVISION: 1

DATE: 15/07/2021



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

Proposed Alterations and Additions to an Existing Dwelling
Including a New Attic and Landscaping Works at

**No. 1 Kulgoa Road,
Bellevue Hill**

Prepared for:

Ben Gisz and Siobhan D'costa
c/o Hancock Architects
50B Oxford Street
Paddington NSW 2021

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. 22336
May 2024

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

APPLICANT'S NAME: Ben Gisz and Siobhan D'costa

SITE ADDRESS: No. 1 Kulgoa Road, Bellevue Hill

PROPOSAL: Proposed Alterations and Additions to an Existing Dwelling Including a New Attic and 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 objectives of the R2 zone are as stated:

- 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

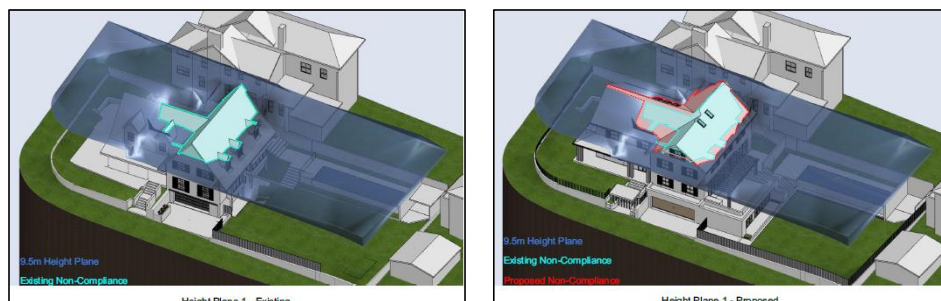
This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening 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 9.5m 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 existing dwelling house has a maximum building height of 12.52m, measured from the highest roof at RL 68.34 AHD to the existing ground line immediately below. This represents a departure of 3.02m (31.8%) and relates to the upper part of the first floor roof/attic structure. The existing breach is the result of the sudden drop in the existing ground line. Due to the existing topographic conditions, it is inevitable that any improvement works within this level or roof would breach the height and require a Clause 4.6 Variation.

As indicated, the proposal is for alterations and additions to the existing dwelling house. The height of the dwelling, measured from the roof ridge ranges from 12.11m to a maximum of 12.52m. The maximum height is measured from the highest roof ridge at RL 68.34 AHD to the existing ground line immediately below (see **Figure 1**). As the proposal maintains the existing roof RL, this also represents a departure of 3.02m (31.8%). It is also noted that portions of the height breach will occur within the existing non-compliant portion of the dwelling.



Source: Hancock Architects

Figure 1: 3D Height Blanket

(LEP height shown dark blue; extent of existing breach shown light blue; proposed breach shown red)

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

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this particular case. The height breach is in part the result of a drop in the topography and is limited to the roof structure. As the proposal will have the same maximum building height and maximum roof RL as that of existing dwelling, the extent of variation is the same. The proposed new work within the attic level will improve the amenity without significantly altering the external built form and bulk and scale. In addition, the proposed works will remain compatible with the existing surrounding properties and the extent of the non-compliance will not result in unreasonable impacts on nearby dwellings.

Flexibility in the circumstance would provide a better outcome for the site. When viewed from Bulkara Road, the proposal will maintain a two storey appearance. When viewed from Kulgoa Road, the proposal will maintain a part two and part three storey built form with traditional pitched roofs.

The new works offer an enhanced presentation when viewed from public domain and surrounding private properties; and will remain consistent within the context of Bellevue Hill North Precinct. The proposed building height provides a better outcome both for and from the development. As the proposal achieves 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 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.*

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.*

The R2 Low Density Residential zoning envisages dwelling houses which is both existing and proposed on the site. The height standard envisages two to three storey development.

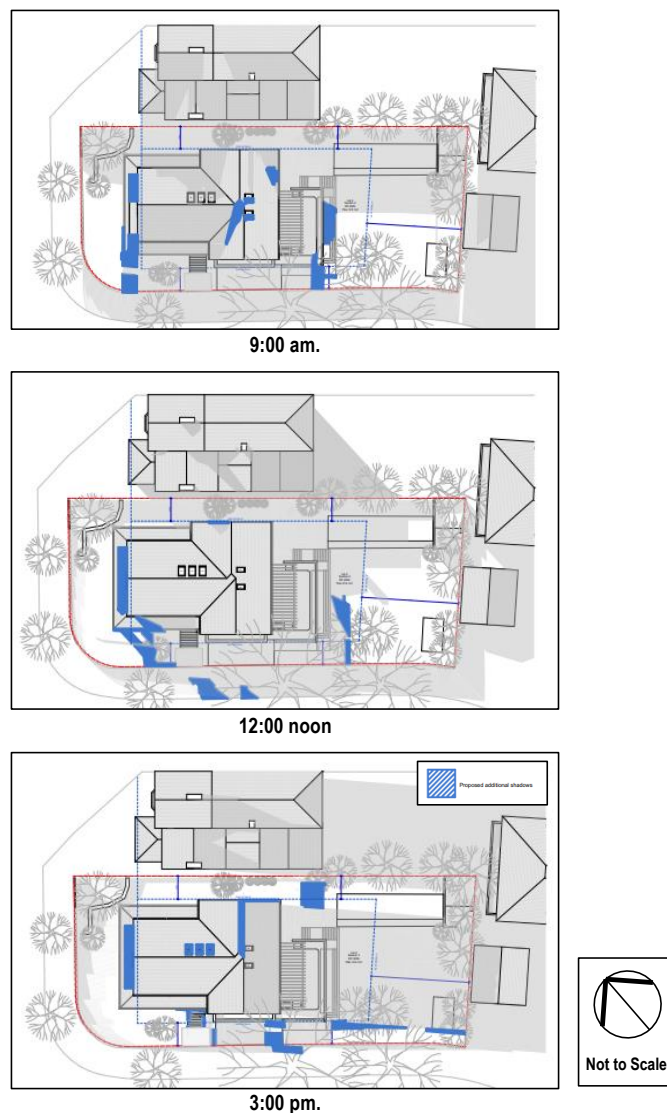
The overall height of the existing dwelling will not be altered by the proposal. The variation is only to allow improvements to amenity of the existing dwelling house through introduction of an attic level and amendments to the existing roof structure, which is already exceeds the LEP height limit. By upgrading the existing roof whilst maintaining the existing maximum height, the proposal ensures the building remains consistent with the desired future character of the neighbourhood.

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

The subject site is not located on or near a zone boundary. Therefore, this objective is less relevant.

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

The extent of height variation is in part a function of the existing height breach. The proposal will maintain amenity of the adjoining property and due to the site orientation and location on a corner allotment, the extent of height non-compliance will not result in additional shadows to adjoining buildings or private open space between 9:00am to 3:00pm in mid-winter and any additional shadow cast on the public domain is minimal (see **Figure 2**).



Source: Hancock Architects

Figure 2: Shadow Diagrams

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

Views

As indicated in the SEE, our assessment has relied on an inspection around the subject site, real estate photographs, aerial photography, and survey information. There are no iconic views in the immediate vicinity of the subject site that have been identified in the DCP. Notwithstanding this, as the proposed height breach is limited to the roof form and does not increase the existing maximum RL or maximum building height, any views that may be available are unlikely to be affected. Accordingly, in our opinion, view impacts are minimised.

Privacy

While the site is a corner allotment, its closest neighbour is No. 44 Bulkara Road to the east. As the extent of height breach occurs within the roof structure, there will be no windows in this area that would create overlooking. Accordingly, the area of height breach will not create privacy impacts.

Solar Access

As the extent of maximum height breach is the same as the existing situation and given the site is located on a corner allotment, it will not create additional impacts on adjoining properties.

Visual Intrusion

The proposal will have a maximum roof RL that is the same as the existing dwelling. The area of height breach occurs within the roof structure, which has a pitched form in order to remain compatible with the built form and character of the surrounding area. Accordingly, the height breach will not be visually intrusive.

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

There are no known public views of the harbour and surrounding areas from the public domain in the vicinity of the site. As the proposal retains the existing overall building height and the proposed non-compliance will largely occur within the roof of a built form that is set back from the boundaries, there will unlikely be additional impacts to public views.

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

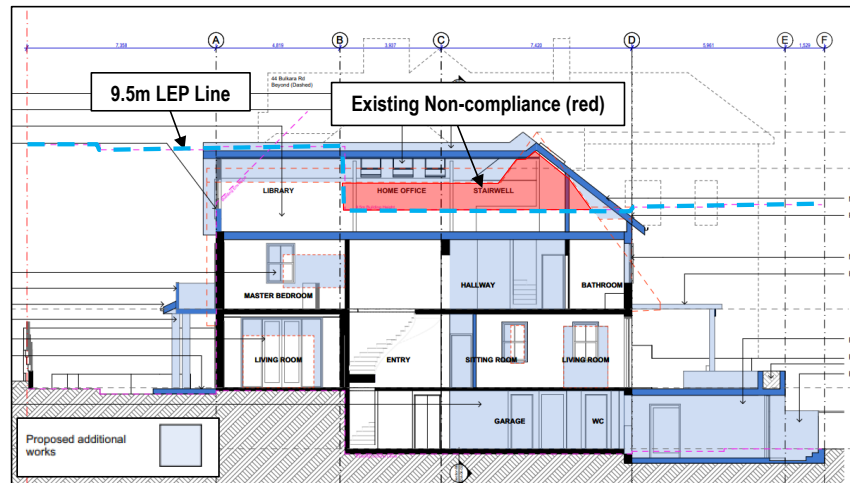
There are sufficient environmental planning grounds specific to the site and the height non-compliance which justify the height variation, which will be discussed below.

Function of Underlying Topography

The variation is in part a function of a sharp drop in the existing ground line. The height non-compliance varies and is limited to the roof level. Notwithstanding this, these areas are well integrated into the design of the dwelling and has a similar built form as the existing situation. Importantly the proposal has been designed to ensure that the maximum roof RL is the same as existing. This will create a proposal that is sympathetic to the scale and height of existing buildings in the locality.

Existing Height Variation and Location

As indicated, the existing dwelling has a height non-compliance at the roof level. As the proposal will have a maximum roof ridge level in the same area as the existing non-compliant dwelling, it is inevitable that it will result in the same variation (see **Figure 3**). While there is also an increase in roof height within the northern portion of the dwelling, it has a lower roof RL than the maximum. This ensures the character of the dwelling house will be maintained and the building will remain consistent within the context.



Source: Hancock Architects
Figure 3: Existing and Proposed Non-compliance

Improvements to the Existing Condition and Longevity of the Building

The proposed works above the height plane will extend the longevity of the dwelling. The height variation will facilitate alterations that will improve amenity of the dwelling through introduction of a home office and associated space at the attic level. These works will improve the condition of the building as well as internal amenity without significantly altering the built form envelope and characteristics when viewed from surrounding public domain and private properties. Strict compliance with the standard would require demolition of part of the existing built form, which will not result in a better planning outcome as the non-compliance portion of the proposal is largely within the existing building envelope. Therefore, the variation will achieve a more environmentally sustainable outcome compared to enforcing compliance.

Consistency Within the Context

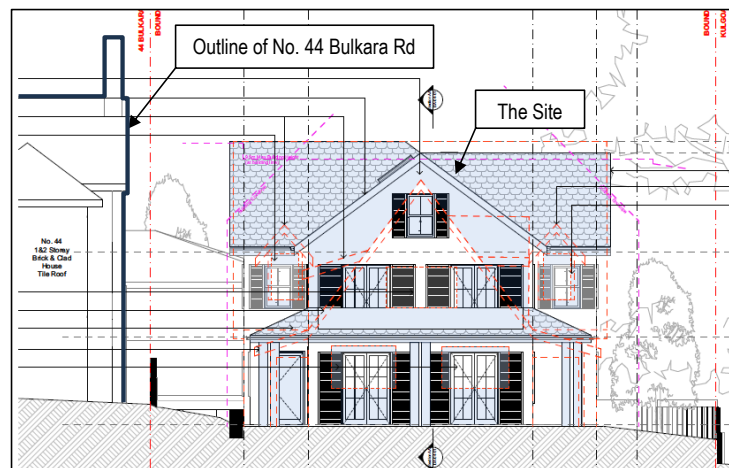
Consistency in the context is recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097 where Commissioner O'Neill states at [42] that:

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 the area of height variation in the roof will remain compatible with the surrounding area. The proposed alterations and additions to the roof will have the same or similar character, height, bulk and scale as the existing dwelling. While the site is a corner allotment facing two streets, the proposal will maintain a similar visual relationship with its immediate neighbour to the east at No. 44 Bulkara Road. In fact, as the topography slopes downward from west to east along the Bulkara

Road frontage, the proposal will continue to step down in height, when compared to No. 44 Bulkara Road (see **Figure 4**). As the extent of height variation at the southern side of the dwelling is the same as the existing dwelling, the visual relationship with the adjoining property to the south at No. 3 Kulgoa Road will also be similar to the existing situation.

The proposal provides a visual benefit by upgrading an existing dwelling which will enhance the site's street presentation, positively contribute to the locality's emerging character and provide an appropriate interface with the public domain and adjoining buildings.



Source: Hancock Architects

Figure 4: Street Elevation (as viewed from Bulkara Road)

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 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 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 <i>Wehbe</i> .	5.1	The proposal satisfies Tests 1 of <i>Wehbe</i> : <ul style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 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: <ul style="list-style-type: none"> The proposed height facilitates a improvements to the existing dwelling house, achieving the planning objectives of the area. The variation is a partial function of the drop in the existing ground line and descending topography. The extent of variation occurs within the roof structure; The maximum height variation is in the same or similar location as the existing non-compliant portion of the dwelling, and will have the same maximum building height and maximum roof RL as the existing dwelling. The variation will improve the existing condition and longevity of the dwelling. The height exceedance remains contextually compatible with surrounding development. The area of height variation does not adversely affect neighbours' amenity in terms of privacy, solar access and views. 	YES

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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 <i>Wehbe</i> . The proposal also achieves the objectives of the R2 Low Density Residential Zone.	YES
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Woollahra
Municipal
Council

16 September 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 161/2024/1

ADDRESS: 1 Kulgoa Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to existing dwelling including new landscaping and boundary fences

FROM: Nastaran Forouzesh

TO: W Ou

1. DOCUMENTATION

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

- Drawing set by Hancock Architects, dated 29 April 2024, Revision1
- Heritage Impact Statement by John Oultram Heritage & Design, dated July 2024
- Statement of Environmental Effects by GSA Planning, dated May 2024
- Survey plan by C.M.S Surveyors Pty Limited, dated 3 June 2019
- Aboriginal Heritage Impact Assessment by Associates Archaeology & Heritage, dated February 2024

2. SITE INSPECTION / RESEARCH

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

- The site was inspected on 5 August 2024 including the interior 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

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY

The subject property comprises land that was originally part of the Point Piper Estate and was subdivided in 1902 as part of the Bellevue Estate. The development site comprises one allotment (Lot 4, Section 2, DP4006). It is located at the corner of the corner of the intersection of Bulkara and Kulgoa Roads. The southern boundary of the site presents to



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Kulgoa Road while its western boundary presents to Bulkara Road.

There is one structure on the subject site, a three storey dwelling that presents to the street as two storeys. There is also a swimming pool within the rear yard. The extant dwelling was constructed c.1970 under BA1970/340 (refer to Figure 1 below) in the Inter-War English Domestic architectural style, designed by Charles Horace Christian and Harvey Gerrett. The building is of painted brick construction with steeply pitched gabled roof, covered with terracotta tiles. Although the building has been constructed in the Inter-War style, it was actually constructed c. 1970. The building has been modified due to alterations and additions carried out mostly in 1991, 1998, 2001, and 2003. These included a side addition to the east at lower ground, ground, and first floor levels, changes to the stairs in the street front zone, new front and side boundary fence, the painting of the brickwork, and internal modifications. The interiors have been adapted, and exhibit contemporary finishes. However, the internal layout still remains.

The following historical development of the property has been sourced from the Heritage Impact Statement by John Oultram Heritage & Design:

The dwelling at No. 1 Kulgoa Road was built in 1970, however the first development of the allotment occurred in 1913. The owner at that time was leather goods manufacturer Charles Henry Tarrant (1872-1935), the proprietor of Tarrant Trathern & Company of 93 York Street, Sydney. The building application for Tarrant's dwelling was lodged in August 1913. The architect was Albert Edward Armese Goldman (?-1937), an alderman of Woollahra at the time. Tarrant's home was a two storey dwelling called Awahuri, and the street address was No. 46 Bulkara Road prior to about 1970. Nearby Tarrant Avenue was so named in 1923 to recognise Tarrant's contribution to civic life in Woollahra.

In 1938 the property was purchased by Mrs Marie Lawson Kellaway (1913-2007), the wife of Nelson John Kellaway. Mr Kellaway (?-1988) was a fruit merchant who ran a store at the City Fruit Markets. The Kellaways in 1968 engaged architect Charles Horace Christian to design additions and alterations that were approved by Woollahra Council but works did not commence it would seem.

In 1970 the Kellaways conveyed the property to Mrs Mary Sue Kellaway (born Williamson), the wife of Donald John Kellaway. Presumably, Mr Kellaway was a son of Marie and Nelson although that relationship has not been confirmed. Also in 1970 the new owners returned to Charles Christian to design an entirely new house that is seen today.

Christian (1896-1980) was born at Bathurst and in professional life in the 1930s was most often associated with the design of flats in suburbs such as Bondi and the harbourside suburbs fringing Kings Cross. With its steeply pitched gabled front and roof dormers Christian's design was reminiscent of the cosy English Domestic style that was popular in the inter-war years. Christian at this stage in his life was in his mid 70s and probably it was his new associate architect, Harvey Barham Gerrett (1925-2008), who took the designer role for Kellaways' new home. Christian became a member of the Institute of Architects in 1926, but that membership lapsed by the mid 1950s and required renewal in 1955.

Gerrett on the other became a member in 1948 and in 1959 first went into partnership with Robert Saunderson Hamilton (1897-1972) who had experienced success in commercial architecture in the 1930s.



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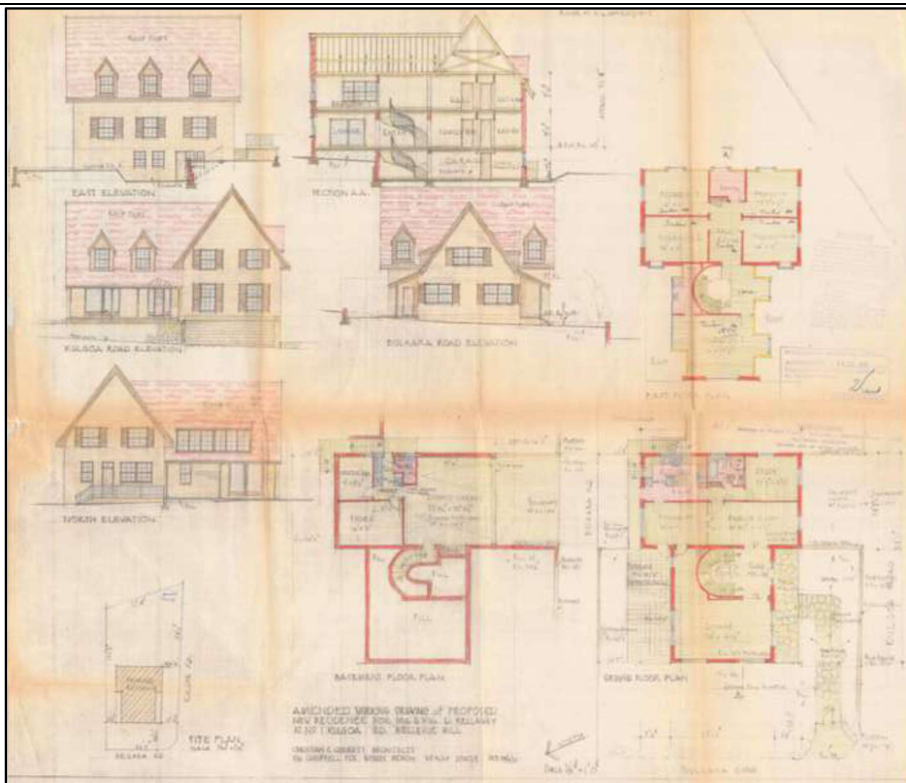


Figure 1. Original architectural drawings for the subject dwelling at 1 Kulgoa Road, Bellevue Hill (BA1970/340). (Source: Heritage Impact Statement by John Oultram Heritage & Design)

The Heritage Impact Statement prepared by John Oultram Heritage & Design provides the following assessment of significance for the subject building located within the site:

Historical Development

1 Kulgoa Road is an example of a two storey, late Twentieth Century house built in 1970 for Mrs Mary Sue Kellaway to the design of architects Christian and Gerrett.

The house replaced an earlier development on the site, a two storey house fronting Bulkara Road that was built in 1913 for Charles Henry Tarrant to the design of architect Albert Edward Goldman.

The site was part of the Bellevue Estate that had been subdivided in 1902 and then purchased by the British and Australian Asset Company and was formerly part of Daniel Cooper's vast Point Piper Estate.

The subject site was purchased by Mrs Kellaway in 1938. She engaged architect Charles Horace Christian to design a replacement house but this was not built. The house later came into possession of her daughter-in-law and the earlier house was demolished to make way for the current house,



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The house is not a good representation of the early development of the area and has no connections with historically important activities and processes.

Does not meet the criterion,

Historical Associations

The house is most closely associated Mrs Mary Sue Kellaway the daughter in law of Mrs Marie Lawson Kellaway (1913-2007) and her husband Nelson John Kellaway (d. 1988). Mr Kellaway was a fruit merchant who ran a store in the City fruit markets. The daughter had married their son. Mary Kellaway re-engaged the architect and his partner to design the house seen today.

The family could not be considered persons of note and well to do owners would have been common in the area,

The house is also associated with architects Charles Horace Christian (1896-1980) and Harvey Barham Gerrett (1925-2008).

Christian (1896-1980) was born at Bathurst and in professional life in the 1930s was most often associated with the design of flats in suburbs such as Bondi and the harbourside suburbs fringing Kings Cross.

Christian at this stage in his life was in his mid 70s and probably it was his new associate architect, Harvey Barham Gerrett (1925-2008), who took the designer role for Kellaways' new home.

Neither architect is noted in Apperly et als, Identifying Australian Architecture as being an architect of note in any period and no buildings by the pair are noted in the State Heritage Inventory. The pair could not be considered architects of note.

The association with the Bellevue Estate and the Point Piper Estate would cover a large portion of the local area and the connection is incidental.

The place has no historical associations of note.

Does not meet the criterion.

AESTHETIC SIGNIFICANCE

The house is a modified example of a two storey, late Twentieth Century house in the English domestic style that was popular in the Inter War period. The choice of the style was very unusual for a 1970s house when modernist trends were more common and may have come from the ageing Christian who was nearly 80 when the house was designed. The style appears to have been used for picturesque effect but is rather forced and the elements do not make a greater whole.

The house is partly intact in form, layout and detail though the ground floor has been altered to allow for an open plan kitchen and dining room. The house retains some original fabric including joinery and plasterwork though the detailing is very much in the Inter War style with some rather quirky details such as the glazed, sliding doors to the major rooms. The curved stair is elegant but again rather forced leading to a odd layout to the main living room.



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The house does not present as a good example of a late Twentieth Century house and the selected style was well out of fashion by that time,

The house has a garden setting to the south that is rather divorced from the house and the immediate setting is tight and to a modern detail.

The architects for the house could not be considered designers of note. The house has no landmark qualities and could not be seen as a creative or technical achievement.

Does not meet the criterion.

SOCIAL SIGNIFICANCE

The house has no special associations with any particular group.

Does not meet the criterion.

TECHNICAL/SCIENTIFIC SIGNIFICANCE

There was a previous house on the site but the scale of the current development (that include excavation) would likely preclude their being any underground remains.

The place has very limited archaeological potential and the house is of no technical significance.

Does not meet the criterion.

RARITY

The house type is common in the wider area, though comparable houses would be from the Inter War period.

Not rare.

Does not meet the criterion.

REPRESENTATIVENESS

The house is a modest example of its type and would have been considered old fashioned when constructed. It does not represent well the characteristics that make up the late Twentieth Century style of dwellings

Does not meet the criterion.

In addition, the report also provides the following statement of significance for the property:

Based on the above we consider that the house would not meet any of the NSW Heritage Manual criteria for identification as a place of local significance and is a modest example of its type and does not represent well the characteristics that make up the late Twentieth Century style of dwellings.

The findings of the report are concurred with.



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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

Oliver Brown of Associates Archaeology & Heritage is a qualified Aboriginal heritage consultant who has inspected the property on 19 December 2023 on foot.

Consultation with the La Perouse Local Aboriginal Land Council was undertaken on 19 December 2023 on site and in written form on 7 February 2024.

There has been consideration of relevant previous Aboriginal heritage investigations, as detailed in Sections 3.2 and 3.3 of the report.

The AHIMS of the OEH was consulted on 11 October 2023 and the extensive search is attached in Section 3.1 and Appendix 1 of the report. None of these sites are within the study area.

The report identifies the following potential for unexpected findings within the area:



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- *The property is thoroughly developed with a most surfaces either built upon or terraced.*
- *Inspection under the house indicated a loose sandy fill as suggested by the local soils mapping context and nearby geotech information (Plate 5).*
- *It was determined that the mid-slope position and distance from freshwater, the harbour or exposed sandstone (for rockshelters or engraved art) present a low amenity for occupation and low likelihood of cultural deposits.*
- *The survey was followed by a discussion about the most suitable recommendations, concluding that it was not likely enough for Aboriginal cultural material to present to justify further investigation or monitoring by LPLALC.*

The report's recommendations conclude that:

1. *'Harm' to an 'Aboriginal object' (as defined in the NPW Act) is considered unlikely to occur as a result of the proposed work;*
2. *An unexpected finds protocol should nonetheless be in place. If any flaked stone, bone, charcoal rich deposit or shell is found during excavation, work should stop immediately and an archaeologist or representative of LPLALC invited to expect the find;*
3. *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.*
4. *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.*
5. *Council is advised to remove the lot from the Potential Aboriginal Heritage Sensitivity map.*
6. *A copy of this report should be forwarded to LPLALC (Admin@laperouse.org.au);*
7. *A copy of this report should be submitted to AHIMS (ahims@environment.nsw.gov.au)*

Given the above, it is concluded that 'Unexpected findings', 'Skeletal remains' and 'Due Diligence' conditions of consent will need to be imposed as part of the DA consent.

Woollahra LEP 2014

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

Clause 1.2 Aims of Plan

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



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As discussed above, the extant structure on the subject property comprises a three storey brick masonry dwelling constructed c.1970, and a swimming pool to the rear. The house has been modified over time with several alterations and additions. Nevertheless, mostly retains its original form and character. However, original interiors have been adapted, and exhibit contemporary finishes. While the dwelling 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. The subject property is not heritage listed and is not located within a heritage conservation area.

A Heritage Impact Statement has been submitted with the development application and includes historical research on the development of the property over time. The construction of the existing dwelling is not associated with any known prominent architects and the building has no distinctive landmark qualities or other features that would make it potentially significant or rare. 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 findings 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 works within the site.

As the property is not listed as a heritage item and is not located within a heritage conservation area, the design of the proposed new development will not result in any adverse impacts on heritage items/areas of value.

The Heritage Impact Statement meets the standard requirement for the recording of buildings of little significance. A condition of consent is therefore not required.

Clause 5.10 Heritage Conservation

Significance of items in the vicinity

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

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. 9.	Skeletal Remains
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	<p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> NSW Police, and The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>Condition Reason: To ensure the appropriate management of skeletal remains.</p>
B. 10.	<p>Aboriginal Objects – Unexpected Findings</p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ol style="list-style-type: none"> Not further disturb or move these objects or bones. Immediately cease all work at the particular location. In the case of suspected human remains, notify NSW Police. Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. <p>Notes:</p> <ul style="list-style-type: none"> The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
B. 12.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or</p>



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	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.
	Condition Reason: To protect Aboriginal heritage.

Nastaran Forouzesh
Heritage Officer

16 September 2024
Completion Date



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20 June 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 161/2024/1
ADDRESS: 1 Kulgoa Road BELLEVUE HILL 2023
PROPOSAL: Alterations and additions to existing dwelling including new landscaping and boundary fences
FROM: Sam Knight
TO: W Ou

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by GSA Planning, dated May 2024
- Survey Plan, drafted by CMS Surveyors, dated 12 June 2019
- Architectural Drawings, drawn by Hancock Architects, dated 29 April 2024
- Arboricultural Impact Assessment Report, written by TreeTalk, dated April 2024
- Landscape Plans, designed by TCGD, dated 24 April 2024

A site inspection was carried out on 26 June 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 Development Application (DA) consent.

5. COMMENTS

A review of the plans and documentation has revealed 19 trees within and adjacent to the property will be affected by the proposal.

The submitted Arboricultural Impact Assessment Report (AIA Report) prepared by TreeTalk dated April 2024 has been reviewed. The below tree numbering is mostly consistent with this report. However, an additional four (4) street trees surrounding the site which have not been discussed in the report are included in the below comments.

Tree Removal – Under 5m Height

The plans also indicate trees 6, 8, 10 and 11 are proposed for removal to allow new landscape upgrade works to be undertaken. The trees have been noted as being less than 5 metres in height and are not a prescribed tree as defined by the WMC DCP Chapter E.3 - Tree Management. These trees can be removed without consent regardless of the proposed development.

Tree Removal – Low Landscape Value

The plans indicate trees 1, 5, 7, 9 and 12 are proposed for removal as they will be directly impacted by either the proposed development or landscape upgrade works.

These trees have all been rated as having Low Landscape Significance in the applicants AIA Report for various reasons including underperforming in health, suppressed or unbalanced canopies, poorly maintained and found to be providing minimal amenity value to the immediate area.

Trees rated as having Low Landscape Value are generally considered as not being important for retention. These trees can be easily replaced in the short term by more advance specimens that will provide greater canopy cover in the long term.

Therefore, the trees are supported for removal conditional of replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree Removal (not supported) – High Landscape Value

The plans indicate trees 3 and 4 are proposed for removal. The trees have been identified as Bangalow Palms located southern corner of the rear yard. The trees are visible from the street frontage and neighbouring property. The trees have been noted in good health and condition. The applicants AIA Report has rated these trees as having high landscape amenity.

The trees are proposed for removal to allow new landscaping works to be completed. However, it is considered that this could still be achieved without the removal of these palms. Given the number of other trees and vegetation that will be removed from the property, it is considered that retention of these trees is not unreasonable and will not require any redesigning of the proposed development.

Therefore, these trees have been included in the conditions below for retention and protection.

Tree Retention

The plans indicate two (2) trees within the site and five (5) street trees surrounding the site will be retained.



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Tree 2 – has been identified in the AIA Report as being two (2) *Magnolia grandiflora* 'Little Gems' located on the southern boundary of the rear yard. The trees have been noted in good health and condition.

The AIA Report does not include an assessment of the encroachment in the Tree Protection Zone of each tree. The TPZ calculation in the report is also incorrect. The report lists the TPZ distance as being 2.5 metres (radius from tree trunk). However, the correct calculation based on the trunk measurements in the report should be 3 metres radius.

However, a separate assessment has been undertaken by the Tree team which has revealed that the proposed new building addition will encroach into 9% of the TPZ of the tree closest to the building. This is deemed as a Minor Encroachment as defined by the *Australian Standards AS4970 'Protection of trees on development sites'* and is within acceptable limits subject to tree sensitive construction methods and tree protection measures being implemented during the works. The correct TPZ distance and tree protection conditions are detailed below for inclusion into the DA consent.

No building works are proposed within the TPZ of second *Magnolia grandiflora* 'Little Gems' numbered tree 2. However as new landscaping is proposed around this tree, tree protection measures will be required during the works in accordance with the below conditions.

Tree A – has been identified as a *Ficus microcarpa* var. *Hillii* located outside the site on Council land. The tree was noted in good healthy condition and provides a high contribution to the amenity and canopy cover of the immediate area. The tree has been rated in the applicants AIA Report as having High Landscape Significance.

The AIA Report does not include an assessment of the encroachment in the Tree Protection Zone of this tree. The TPZ calculation in the report is listed as 10 metres in Table 1 then later in the report it is listed as 15 metres which is the correct distance.

A separate assessment has been undertaken by the Tree team which has revealed that the proposed new building addition will encroach into 8% of the TPZ of the tree. The existing driveway crossover is shown for retention which is supported by the tree team due to tree roots expected to be prevalent in this area.

The proposed building works are deemed as a Minor Encroachment as defined by *AS4970* and is within acceptable limits subject to tree sensitive construction methods and tree protection measures being implemented during the works. The correct TPZ distance and tree protection conditions are detailed below for inclusion into the DA consent.

Additional Street Trees – another four (4) street trees of various species have been identified directly outside the site. The trees are not included in the applicants AIA Report but are shown on the submitted Landscape Plans and Architectural Plans for retention. The trees have been numbered in the below conditions as trees B to E.

A review of the plans has revealed that the trees will not be directly impacted by the proposed works. However, as there are modifications to the boundary fence and landscaping close the trees, tree protection measures will need to be installed during the works to prevent any damage from occurring.

Canopy Cover – Dwellings

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.



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

The submitted Tree Canopy Calculations plan prepared by Hancock Architects dated 29 April 2024 has been reviewed. The plans indicate that the proposal will provide 351.54m² of canopy cover which equates to 38.5%.

The submitted Landscape Plans prepared by TCGD dated 23 April 2024 have been reviewed. The plans show extensive new tree planting throughout the site with species that will achieve mature heights of between 4 – 10 metres.

Therefore, the proposed landscaping and new tree planting satisfies the DCP canopy cover requirements and is supported by the tree team.

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
LP01 and LP02	Landscape Plans	TCGD	23.04.2024

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)

Standard Condition A.2 (Autotext 2A)



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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	<i>Magnolia grandiflora</i> 'Little Gem' x2	Rear Yard – southern boundary	8 x 6
3	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	7 x 2
4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	8 x 2

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)	Tree value
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	22 x 24	\$20,000
B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	25 x 15	\$15,000
C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	8 x 6	\$5000
D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	10 x 8	\$5000
E	<i>Melia azedarach</i>	Street tree – Bulkara Rd frontage	6 x 4	none

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Camellia japonica</i>	Rear Yard – southern boundary	5 x 5
5	<i>Leptospermum petersonii</i>	Rear Yard – eastern boundary	5 x 5
6	<i>Magnolia x soulangeana</i> x2	Rear Yard – northern boundary	3 x 3
7	<i>Hymenosporum flavum</i>	Rear Yard – northern boundary	7 x 1



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		<p>first --> NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable <-- ### Invalid Field Definition ###,</p> <ul style="list-style-type: none"> the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, the bank guarantee is lodged with the Council prior to any site works being undertaken, and the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure any relevant security and fees are paid.</p> <p>Standard Condition B14 (Autotext 14B)</p>
B.	2.	<p>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</p> <p>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).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>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;</p> <p>a) Tree Protection Fencing:</p>



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Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
2	<i>Magnolia grandiflora</i> 'Little Gem' x2	Rear Yard – southern boundary	Canopy dripline

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

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

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

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

Council Ref No	Species
3	<i>Archontophoenix cunninghamiana</i>
4	<i>Archontophoenix cunninghamiana</i>
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>
B	<i>Eucalyptus saligna</i>
C	<i>Lophostemon confertus</i>
D	<i>Lophostemon confertus</i>

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.



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	<p>g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>h) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p>
	<p>Condition Reason: To ensure the protection of existing trees</p>
	<p>Standard Condition B.5 (Autotext 5B)</p>

<p>B. 3.</p>	<p>Construction Management Plan Arborist Review</p> <p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none"> a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas. <p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p>
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<p>B. 4.</p>	<p>Arborists Documentation and Compliance Checklist</p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p>
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- 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	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

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

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

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

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
2	<i>Magnolia grandiflora</i> 'Little Gem' x2	3m (each)	Construction of new building addition and landscape upgrade works
3	<i>Archontophoenix cunninghamiana</i>	2m	Landscape upgrade works
4	<i>Archontophoenix cunninghamiana</i>	2m	Landscape upgrade works
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	15m	Construction of new building addition and



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			landscape upgrade works
B	<i>Eucalyptus saligna</i>	9.6m	Landscape upgrade works
C	<i>Lophostemon confertus</i>	4.2m	Landscape upgrade works
D	<i>Lophostemon confertus</i>	4.2m	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.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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



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	<p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p> <p>Standard Condition D.30 (Autotext 30D)</p>
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E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

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



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- 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	<ul style="list-style-type: none"> • The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise excavation for the building addition within the TPZ of trees 2 and A, documenting the condition of roots and soil. • The project arborist must supervise the installation of the concrete slab for the building addition within the TPZ of trees 2 and A, 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.

Standard Condition F.45 (Autotext 45F)

F	3.	Replacement/Supplementary trees which must be planted
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While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area 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.

Hand excavation within tree root zones

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
2	<i>Magnolia grandiflora</i> 'Little Gem' x2	Rear Yard – southern boundary	3m (each)
3	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m
4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	15m
B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	9.6m
C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	4.2m
D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	4.2m

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

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

All root pruning must be undertaken in accordance with the Australian Standard 4373 “Pruning of Amenity Trees” and carried out by a qualified



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	<p>Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).</p> <p>The project arborist must document compliance with the above condition.</p> <p>Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p> <p>Standard Condition F.50 (Autotext 50F)</p>
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5.

Installation of stormwater pipes and pits in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
2	<i>Magnolia grandiflora</i> 'Little Gem' x2	Rear Yard – southern boundary	3m (each)
3	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m
4	<i>Archontophoenix cunninghamiana</i>	Rear Yard – southern corner	2m
A	<i>Ficus microcarpa</i> var. <i>Hillii</i>	Street tree – adj driveway on Kulgoa Rd	15m
B	<i>Eucalyptus saligna</i>	Street tree – Kulgoa Rd	9.6m
C	<i>Lophostemon confertus</i>	Street tree - Kulgoa Rd – closest to Bulkara Rd	4.2m
D	<i>Lophostemon confertus</i>	Street tree – closest to Kulgoa Rd	4.2m

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.

Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

<p>G 1.</p>	<p>Amenity Landscaping</p>
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	<p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p> <p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p> <p>Standard Condition G.6 (Autotext 6G)</p>				
<p>G 2.</p>	<p>Landscaping</p> <p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.</p> <p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p> <p>Standard Condition G.26 (Autotext 26G)</p>				
<p>G 3.</p>	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="430 1563 1209 1697"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				



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	Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.
	Standard Condition G.34 (Autotext 34G)

G 4.	Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building				
	<p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Before the issue of any occupation certificate for the whole of the building</td><td> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
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	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.



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

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Sam Knight
Tree Officer

28 June 2024
Completion Date

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA71/2024/1
ADDRESS	1/21 Rowe Street WOOLLAHRA
COUNCIL WARD	Cooper
SITE AREA	582.4m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Alterations and additions of existing dwelling
TYPE OF CONSENT	Local development
COST OF WORKS	\$242,000.00
DATE LODGED	13/03/2024
APPLICANT	Mr A Musael
OWNER	R A Bertocci & D R Wright
AUTHOR	C Hartas
TEAM LEADER	T Wong
SUBMISSIONS	None
RECOMMENDATION	Conditional Approval

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

This application under DA71/2024/1 (**Subject 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 (**the Act**) and is recommended for approval because:

- It is considered to be satisfactory with all relevant planning policies including the objectives of Woollahra Local Environmental Plan 2014 (**WLEP 2014**) and Woollahra Development Control Plan 2015 (**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. PROPOSAL

The Subject Application seeks approval for alterations and additions to Unit 1 of an approved three unit multi housing development at 21 Rowe Street, Woollahra (**the Site**). In summary, the proposed works involve a new garage structure with attic/study loft and Japanese roof garden; the expansion of the ground floor footprint and a 0.38m raised floor level; the expansion of the upper ground floor bedroom; internal alterations at first and upper first floor levels; an increased first floor level balcony; and new planters at each level (**the Proposal**).

The Proposal's key elements, as outlined in the submitted Architectural Plans, include:

Demolition

Lower Ground & Ground Floor

- Existing garage including flat roof above.
- Existing timber deck area.
- Existing bedroom 2 external walls.
- Existing bedroom 2 internal walls and associated ensuite

Upper Ground Floor

- Existing western windows associated with bedroom 2.
- Roof above parking access.
- Existing garage flat roof.

First and Upper First Floor

- Existing balcony.
- Existing external walls associated with living area.
- Existing internal walls.

- Existing western windows associated with dining area

Proposed Works

Lower Ground & Ground Floor

- Raise existing ground floor level from RL68.12 to RL68.5 (0.38m).
- Raise existing timber deck associated with Bed 01.
- Northern planter.
- Bed 01 with walk-in robe and ensuite.
- Access hallway to garage attic/study.

Upper Ground Floor

- Garage attic/study.
- Access to garage attic/study.
- Non-trafficable flat roof (concrete) with pebbles over proposed garage and northern pedestrian entrance.

First and Upper First Floor

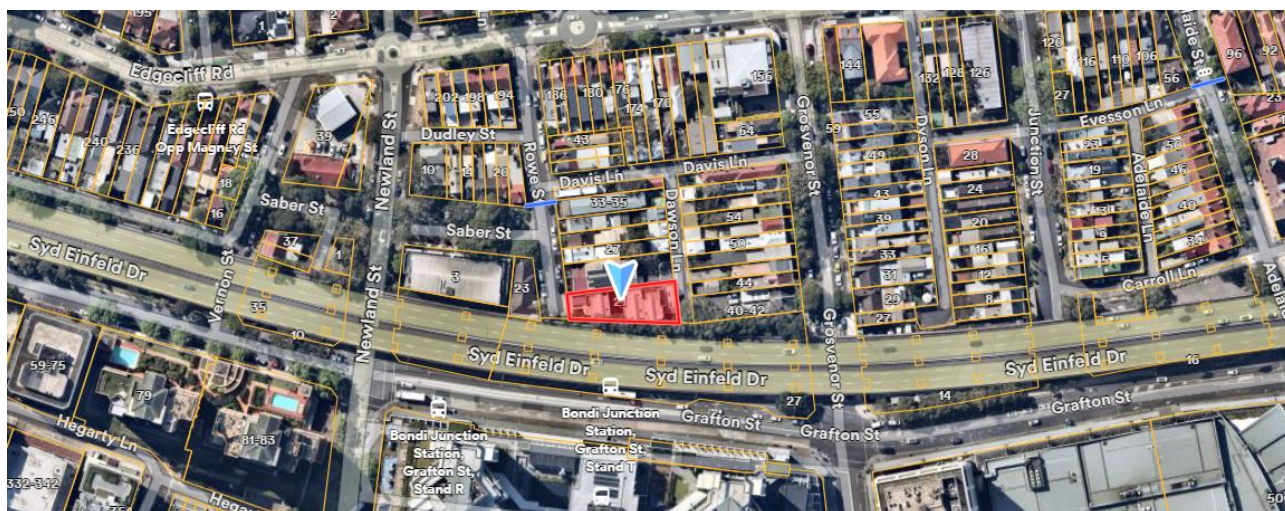
- Japanese garden/green roof over proposed garage attic/study.
- Balcony accessed from proposed living with part open pergola and privacy screens (extended towards the street).
- Living at upper first floor.
- Open plan kitchen/dining at first floor.
- Terrace with associated planter accessed from proposed dining



Figure 1. Photomontage of proposal. *Source:* Submitted Architectural Plans

5. SITE AND LOCALITY

Physical features
The Site is described as SP 37963 and comprises three (3) strata lots. The Subject Application relates to Lot 1, which is located at the western portion of the Site, fronting Rowe Street. The Site is an irregular shape, with a laneway frontage to Dawson Lane to the east. The northern side boundary measures 43.66m; the southern side boundary measures 44.035m; the eastern rear boundary measures 16.76m; and the western boundary fronting Rowe Street measures 9.985m. The Site measures 582.4m ² in extent.
Topography
The Site slopes from the eastern rear boundary down to the western front boundary, with a gradual fall of approximately 1m. There is also a slight cross fall from south to north of approximately 0.85m. From the existing vehicle crossing at the Site, Rowe Street slopes gradually down from south to north by approximately 10m, connecting with Edgecliff Road 105m downslope to the north. More broadly, the Grafton Precinct “slopes from south to north, creating streetscapes with repetitive stepped room forms”.
Existing buildings and structures
The Site is currently occupied by a multi-dwelling housing development comprising three (3) 2 and 3 storey dwellings. A single storey garage structure fronts Rowe Street, whilst a garage structure with a loft above fronts Dawson Lane.
Surrounding Environment
<p>The adjoining locality is characterised by single storey attached Victorian dwellings and double storey Victorian houses set behind palisade fences and small gardens. The majority of the adjoining and surrounding dwellings are identified as Contributory items under WDCP 2015, however, the Site is one of the two properties along Rowe Street that are not classified as Contributory items. The area’s R3 zoning is reflected in its current uses, which include community and aged care facilities, and residential dwellings.</p> <p>Immediately to the south, the Site is dominated by Syd Einfeld Drive, which defines the southern boundary of the Grafton Precinct and the Woollahra Municipality more broadly.</p> <p>Immediately to the north, No. 23-25 Rowe Street accommodates two single storey contributory buildings described as “Victorian House” under WDCP 2015, but are currently used for the purpose of a community facility. Despite their current use, these buildings retain a residential character, which is consistent with the predominant streetscape character along Rowe Street.</p> <p>To the west, across Rowe Street, No 5 Saber Street is also a contributory building, is currently used for the purpose of a community facility, but retains a residential character.</p> <p>To the east, the Site adjoins Dawson Lane, which is characterised by single storey garage structures, some with lofts and dormer windows incorporated into their roofs.</p> <p>The Rowe Street road reserve is approximately 12m wide and accommodates pedestrian footpaths on the eastern and western sides and on-street parking on both sides. Rowe Street provides access to Dudley Street, Davis Lane and Saber Street.</p>



Aerial image of the Site. Source: Nearmap



Looking south towards Bondi Junction from Rowe Street



Looking west at the intersection of Rowe Street and Saber Street



Adjoining dwellings to the north of the Site along Rowe Street

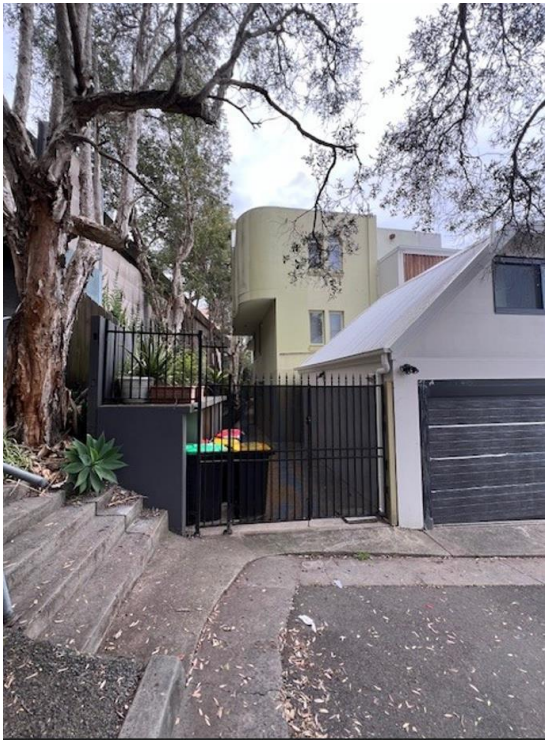


Looking south towards Bondi Junction from Dawson Lane

6. SITE PHOTOS



Subject site viewed from Rowe Street. *Source: Submitted SEE*



Rear of Subject Site viewed from Dawson Lane



Unit 1 Southern setback area.



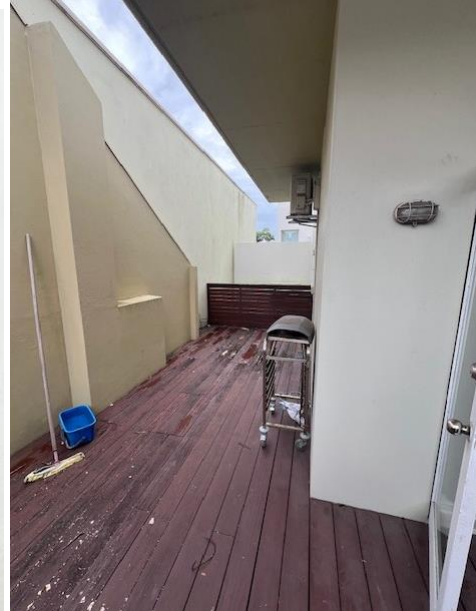
Unit 1 viewed from Rowe Street



Existing First Floor balcony



Existing garden at north-eastern corner



Existing Ground Floor deck/balcony

7. ISSUES

7.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.4	Floor Space Ratio	61.75m ² or 16.3% departure from the 378.56m ² development standard	Satisfactory

7.2 Primary Issues

Issue	Conclusion	Section
Non-compliance with the FSR development standard	Satisfactory. The submitted written request is considered well founded. Strict compliance with FSR development standard is considered unnecessary in this instance and the Applicant has established sufficient environmental planning grounds to justify the proposed variation.	14.5

PROPERTY DETAILS AND REFERRALS

8. RELEVANT PROPERTY HISTORY

Current use
Residential – Multi-dwelling housing
Relevant Application History
On 3 May 2021 Council approved DA2020/317/1 for “Attached dwelling Alterations and Additions to the existing Multi Dwelling Housing (Townhouses 2 and 3)”.
Relevant Compliance History
None
Pre-DA
None
Requests for Additional Information and Replacement Applications
On 8 May 2024 Council emailed the Applicant (CM24/80397) requesting additional information, including: a revised Statement of Environmental Effects (SEE); and a revised Clause 4.6 written request.
On 24 May 2024 the Applicant provided the requested SEE and Clause 4.6 written request.
Land and Environment Court Appeal(s)
None

9. REFERRALS

Referral	Summary of Referral Response	Annexure
Trees and Landscaping	Satisfactory , subject to Conditions of Consent requiring tree planting.	3

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

10. ADVERTISING AND NOTIFICATION

10.1 Submissions

The application was advertised and notified from 3 April 2024 to 18 April 2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan. No submissions were received.

10.2 Statutory Declaration

The applicant has completed the statutory declaration dated 24 May 2024 declaring that the site notice for DA71/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

11. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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

11.1 Chapter 2 Standards for residential development—BASIX

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

The development application was accompanied by a BASIX Certificate No.A1736315 demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

12. SEPP (BIODIVERSITY AND CONSERVATION) 2021

12.1 Chapter 6 – Water Catchments

Chapter 6 of the Biodiversity and Conservation SEPP applies to the subject land. The subject land is within the Sydney Harbour Catchment, but is outside the Foreshores and Waterways Area. Therefore, only the provisions in Part 6.2 of the SEPP apply to the proposal. In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access, and total catchment management must be considered.

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

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

13.1 Chapter 4 – Remediation of Land

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

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

Consideration with respect to Clause 4.6(a) of Chapter 4 has been given as to whether the subject site on which the development is occurring is contaminated. As the site has a long history of residential use, it is considered that the land does not require further consideration under Section 4.6(3) and 4.6(4) of Chapter 4 of the Resilience and Hazards SEPP 2021.

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

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1 Part 1.2: Aims of Plan

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

14.2 Land Use Table

The Proposal relates to the alterations and additions of Unit 1 associated with an approved multi-dwelling housing development on the Site. Development for the purpose of multi-dwelling housing is permissible with consent in the R3 Medium Density Residential zone.

Clause 2.3(2) requires council to have regard to the R3 zone objectives when determining the DA.

The Proposal is considered to be consistent with the objectives of the R3 zone, because:

- The Proposal maintains the use of the Site for residential purposes and improves the amenity for current and future occupants (Objective dot points 1 & 2).
- The Proposal generally maintains the bulk and scale attributed to Unit 1, and is generally consistent with the desired future character of the Woollahra Heritage Conservation Area (Objective dot point 4)
- The Proposal will conserve and enhance tree canopy (Objective dot point 5).

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

Part 4.1A(2) specifies a minimum lot size of 700m².

Site Area: 582.4m²	Approved	Control	Complies
Minimum Lot Size – Multi-Dwelling Housing	582.4m ²	700m ²	No

The Proposal only relates to the alterations and additions to one of the three units within the existing multi-dwelling housing development. The Proposal would not increase the intensity of use on the Site and is considered acceptable with regard to Part 4.1A of the WLEP 2014 on this basis.

14.4 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	9.9m	8.4m	9.5m	Yes

The existing approved building height exceeds the Height of Buildings (**HoB**) development standard. Notwithstanding this, the Proposal does not involve any works above the HoB development standard and achieves compliance with the maximum building height prescribed by Part 4.3 of WLEP 2014. It is also acceptable with regard to the relevant objectives under Part 4.3(1) of Woollahra LEP 2014.

14.5 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum FSR of 0.65:1 for a multi-dwelling housing development.

Site Area: 582.4m ²	Existing	Proposed	Control	Complies
Floor Space Ratio	0.7:1 (408.17m ²)	0.75:1 (440.31m ²)	0.65:1 (378.56m ²)	No

The proposal does not comply with Part 4.4(2) of Woollahra LEP 2014 as detailed and assessed in Part 14.6.

14.6 Part 4.6: Exceptions to Development Standards

Section 4.6: Exceptions to Development Standards

Departure

With a FSR of 0.75:1, the Proposal involves a 61.75m² (16.3%) non-compliance with the 0.65:1 FSR statutory development standard under section 4.4 of the WLEP 2014, as detailed in Section 14.5.

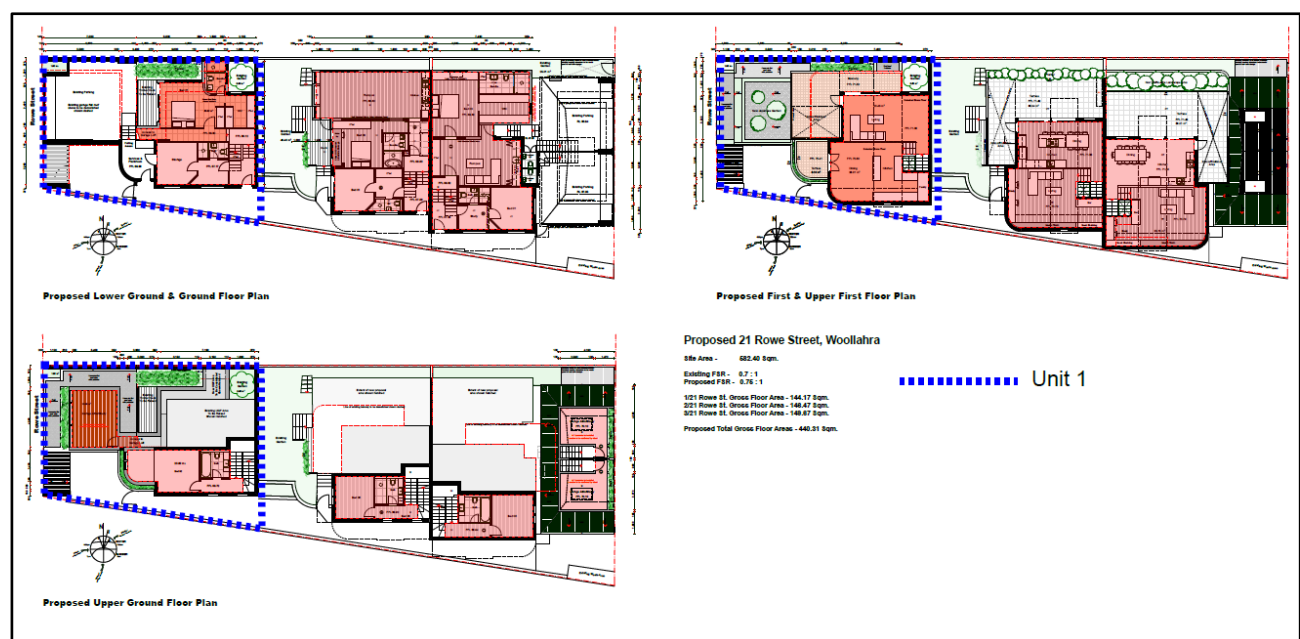


Figure 2. Gross Floor Area Diagrams. Unit 1 outlined in dashed blue line. *Source:* Submitted Architectural Plans

Purpose

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

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

Justification Requirements

Section 4.6(3) states that:

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

- 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?
- 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)?
- Is the correct LEP or SEPP section (and objectives if relevant) referenced?
- Is the extent of the variation correctly identified?

Assessment:

The Applicant's written requests seeks to vary the FSR development standard under Section 4.4 of WLEP 2014.

In accordance with Part 1.4 of the Act, and the definition of "development standards" contained therein, Council is satisfied that the FSR applicable to the Site, as prescribed under Section 4.4 of

WLEP 2014, constitutes a development standard. It is further determined that the FSR development standard is subject to variation by virtue of the operation of Section 4.6 of the WLEP 2014.

The extent of the variation to the FSR development standard, as set out in the Applicant's written request, is consistent with and accurately reflects Council's assessment in this regard.

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.

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?
- Has the applicant used 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?

Assessment:

The Applicant's written request adopts Test 1, asserting that compliance with the FSR development standard is unreasonable or unnecessary because the objectives of the FSR development standard are achieved notwithstanding non-compliance with the numerical standard.

The Applicant's written request has adequately demonstrated that compliance is unreasonable or unnecessary because:

- The Proposal is considered to be consistent with the desired future character of the Woollahra HCA.
- The bulk and scale of the Proposal would not generate unreasonable impacts upon the streetscape, or adjoining properties.
- The Proposal would maintain the existing single dwelling presentation to Rowe Street and the additional gross floor area (**GFA**) would generally be within the existing building footprint.
- Existing deep soil landscaped area throughout the Site would not be impacted by the Proposal. Further to this, additional plantings are proposed by way of planters, which would positively contribute to the streetscape presentation of the Proposal.

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.*

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

Assessment:

The Applicant's written request relies upon the following environmental planning grounds:

Ground 1: Compatibility with surrounding development and desired future character of the locality

The written request asserts that the bulk and scale of the Proposal would exist in harmony with other development along Rowe Street, most notably No. 3 Saber Street and No. 33-35 Rowe Street. See Image 1 below.



Image 1. Aerial image identifying the properties relied upon by the Applicant. Source: Nearmap

Ground 2: Absence of environmental amenity impacts

The written request asserts that the Proposal would not lead to adverse impacts to surrounding development in terms of view loss, overshadowing, privacy or visual bulk.

Ground 3: Consistency with the density of existing development on the Site

The written request asserts that the Proposal will provide a design that will align Unit 1 with the existing approved density of Units 2 and 3, thereby providing consistency across the Site.

Assessment:

The environmental planning grounds relied upon by the Applicant are considered sufficient in this instance because:

- With the exception of the proposed garage attic/study, the additional bulk and scale attributable to the Proposal will not be readily discernible from Rowe Street.
- The setbacks of the proposed garage attic/study will be generally consistent with adjoining development, particularly noting that it will be adequately set back from the northern side boundary, and the proposed 1.3m front setback will be generally consistent with adjoining development on the eastern side of Rowe Street, which ranges from approximately 0.9m – 3.2m.
- The Proposal would not result in unreasonable impacts to adjoining properties or the public domain, particularly noting that:
 - i. There will be no unreasonable overshadowing, by virtue of the Site's location adjoining Syd Einfeld Drive to the south.
 - ii. There will be no unreasonable overlooking to adjoining properties. Any sightlines within 9m to adjoining properties will fall upon the existing roofscape only. See Image 2.
 - iii. The proposed new Japanese Garden above the proposed attic/study will be non-trafficable.
 - iv. The proposed attic/study will present as two storeys to the street, with the primary dwelling setback by a further 4.15m from the proposed attic/study and approximately 5.45m from Rowe Street. This ensures adequate building articulation to minimise the visual bulk of the Proposal.



Image 2. Adjoining rooftops viewed from the existing First Floor balcony. *Source: WMC*

- The recent approval to Units 2 and 3 under DA317/2020/1 resulted in non-compliance with the FSR development standard, providing GFA to Units 2 and 3 of 146.47m² and 149.67m² respectively. The Proposal would be consistent with the recent approval on the Site, providing for 144.17m² of GFA, without resulting in unreasonable amenity impacts to adjoining properties or the public domain.

Conclusion

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

14.7 Part 5.10: Heritage Conservation

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 located within the Grafton Precinct of the Woollahra HCA. However, it is not identified as a Contributory Item under WDCP 2015 and is considered acceptable with regard to the objectives in Parts 5.10 of the WLEP 2014 because:

- The Proposal is unlikely to unreasonably impact upon the significance of the Woollahra HCA.
- The Proposal is unlikely to impact upon any significant fabric or curtilage of any nearby Heritage Items.
- The Proposal does not involve excavation.
- The Site is not identified as being within an area of Aboriginal Heritage Sensitivity or Potential Aboriginal Heritage Sensitivity.
- Council's Heritage Officer reviewed the DA at DARC and considered that Heritage referral was not required in this instance.

14.8 Part 6.1: Acid Sulfate Soils

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

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

14.9 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.

The Proposal does not involve excavation and is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

14.10Part 6.9: Tree canopy cover in Zones R2 and R3

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

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

The Proposal would not impact upon the existing tree canopy or deep soil landscaped area on the Site. Further to this, Council's Trees and Landscape Officer provides the following comment:

Inspection of the site has noted that there are no prescribed trees within the site.

Several Paperbark trees (Melaleuca quinquenervia) were identified directly adjacent to the southern boundary. The trees were all noted in good to fair health and condition. The trees partially overhang into the subject property. A retaining wall runs along the southern boundary of the site which has restricted tree roots from growing into the subject property. The proposed works are not expected to impact on these trees. No special tree protection measures are required for these trees.

The SEE Report includes comments about removal of two trees in the north-eastern corner of the site. However, these trees have since been removed.

The report also includes comments about replacement planting. However, no specific details have been provided about proposed tree species. Therefore, a condition has been included below outlining tree planting requirements.

Subject to relevant Conditions of Consent, the proposal is acceptable with regard to Part 6.9 of Woollahra LEP 2014.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1 Chapter C2: Woollahra Heritage Conservation Area

15.2 Part C2.2.5 Desired Future Character of the Woollahra HCA

The desired future character objectives of the Woollahra HCA are:

- O1 *To retain its heritage significance and its recognition as a rare and distinctive urban area.*
- O2 *To retain and promote evidence of the historical development of the Woollahra HCA and its individual precincts and enables the interpretation of that historical development.*
- O3 *To maintain the residential character that has been predominant from the earliest phase of its development.*
- O4 *To maintain the character and significance of its identified precincts.*
- O5 *To retain the distinctive building types characteristic of the area and its precincts.*
- O6 *To continue to cater for a variety of uses and building types within a predominantly residential area.*
- O7 *To exhibit contemporary design excellence.*

Assessment:

The proposal is considered to achieve the relevant Objectives of this part because:

- The Proposal involves alterations and additions to an early 2000s infill multi-dwelling housing development. The proposed works are considered appropriate in the context of the immediate locality and would not adversely impact any significant heritage fabric (O1)
- Council's Heritage Officer reviewed the Proposal at DARC and considers that Heritage referral is not required in this instance. The Proposal provides a contemporary development that reflects the varied urban character of this particular part of the Grafton Precinct, which is near to Bondi Junction centre. (O2)
- The residential character of the existing dwelling will be retained (O3).
- Given the existing infill nature of the existing dwelling, the immediate context provides an appropriate opportunity for contemporary design, and would not adversely impact the significance of the Grafton Precinct or Woollahra HCA more broadly (O4 & O5).
- The use and building typology of the existing dwelling house will be retained and enhanced (O6).
- The contemporary nature of the additions would be appropriate in the immediate context of Rowe Street (O7).

15.3 Part C2.2.7: Contemporary Design in Woollahra

Part C2.2.7 permits contemporary buildings within the heritage conservation area as follows:

'Part of the cultural significance of the HCA stems from its ability to demonstrate the important historical phases of its development between the mid-19th and mid-20th centuries. The HCA's surviving built and natural fabric retains the potential to reveal further evidence of ways of life, building and land uses which have now changed or disappeared.'

Council does not advocate replication of historic architectural styles or the use of pseudo-period detail in new development. By adding a layer of development which illustrates the ways of life and design approaches of the early 21st century, contemporary design can contribute to the rich history of the HCA and the expression of this history in the area's built fabric. Inventive and interpretive contemporary design solutions of high architectural quality may be quite different in spirit and appearance from existing fabric while still providing a positive contribution to the continued history of the HCA.

Contemporary design for infill development and for additions to significant items is therefore encouraged as long as it respects its context and achieves a cohesive relationship with historically significant existing fabric. In some locations and circumstances, a traditional design approach may be required. Such an approach may be appropriate, for example, where alterations are proposed to a highly intact section of a building that has a high level of significance.

A thorough understanding of the historical background and physical context of the site will act as a guide to the appropriateness of the design approach. Designers will be required to demonstrate that the application of contemporary forms, materials or detailing provides an appropriate response to the streetscape, the precinct and the HCA as a whole.'

This approach has been applied in the assessment of the Proposal against the relevant WDCP 2015 controls below.

15.4 Part C2.3.7: Grafton Precinct

The relevant objectives of this part are as follows:

O2 To ensure new development, including infill, complements the predominantly late Victorian Edwardian and Inter-War character of the precinct.

The Proposal achieves O2 of this part because:

- The Proposal would not result in a built form that would dominate the adjoining contributory buildings.
- The Proposal would contribute to the varied architectural typologies in the immediate locality.
- The Proposal would remain consistent with the combination of uses within the immediate locality, which includes single dwelling houses, residential flat buildings, multi-dwelling housing and community/commercial facilities.
- The impact upon the significance of the adjoining contributory dwellings is minimised by way of the location of the Site at the southern end of Rowe Street.
- The subdivision pattern and rhythm of historic development along Rowe Street would not be interrupted by the Proposal.
- Council's Heritage Officer has no objection to the Proposal on heritage grounds.

The proposal is acceptable with respect to maintaining the significant characteristics and conforming to the objectives as outlined in Part C2.3.7 of the Woollahra DCP 2015.

15.5 Part C2.4.12: Infill Development

In accordance with C3, infill development must maintain the significant features and qualities that combine to represent the character of the neighbourhood and area and make a positive contribution to the character of the neighbourhood and area.

For the reasons referred to at Part 15.2 of this assessment report, the proposal is considered to uphold the relevant desired future character objectives of the Woollahra Heritage Conservation Area, and provides a contemporary design that is appropriate in the immediate streetscape context.

The proposal is therefore acceptable with regard to Part C2.4.12 of the Woollahra DCP 2015.

15.6 Part C2.5.1: Building Height, Form and Character

Site Area: 582.4m ²	Existing	Proposed	Control	Complies
Rear Setback	Not Extending Beyond	Not Extending Beyond	Not Extending Beyond	Yes
Maximum Number of Storeys	3 Storeys	No change	2 Storeys	No
Solar Access to Ground Level Open Space of Adjacent Properties	>Minimum 50% For 2 hours	>Minimum 50% For 2 hours	Minimum 50% For 2 hours	Yes

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

Objectives

- O1 To ensure that the established historical pattern of development is continued in terms of siting, levels and front, side and rear building setbacks.*
- O3 To retain the patterns of height, bulk and scale distinctive to individual streetscapes and precincts.*
- O4 To protect the privacy and amenity of adjoining or adjacent residential uses.*
- O7 To minimise overshadowing of private and public open spaces.*

Controls

Building Location

C1 states that where there are uniform levels or setbacks, infill development is to be consistent with the levels and setbacks of the adjoining buildings.

C6 requires that the rear setback must not extend beyond the established pattern with sufficient provision for useable private open space and landscaped area.

Building Height and Form

C7 states that the height, bulk, scale, dominant roof forms, ridge line and building envelope of new development must be consistent. The bulk of new buildings should be distributed to minimise overshadowing of adjoining properties.

Solar Access and Ventilation

C13 stipulates that sunlight is provided to at least 50% of the main ground level private open space to adjoining properties for a minimum of two hours between 9am and 3pm on June 21. Where existing overshadowing is greater than this, sunlight is not further reduced.

Assessment

The proposal is considered to achieve the relevant objectives of this part, because:

- The proposed new attic/study above the existing garage structure would maintain consistency with the varied setback pattern of development along Rowe Street and would not be visually intrusive upon the streetscape.
- The Proposal would not increase the existing three (3) storey presentation of the existing dwelling (Unit 1) to Rowe Street.
- There will be no unreasonable overshadowing, by virtue of the Site's location adjoining Syd Einfeld Drive to the south.
- There will be no unreasonable overlooking to adjoining properties. Any sightlines within 9m to adjoining properties will fall upon rooftops.

15.7 Part C2.5.2: Conservation of Contributory Items

The Site is not identified as, nor does it contain a Contributory Item identified under WDCP 2015. Furthermore, the Proposal is unlikely to impact upon adjoining contributory items, as the proposed works are generally retained within the existing building envelope.

The proposal is acceptable with regard to Part C2.5.2 of the Woollahra DCP 2015.

15.8 Part 2.5.4: Materials, Finishes and Colours

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

Objectives

O1 To achieve external materials, finishes and colour schemes appropriate to the context.

Controls

C1 requires development to comprise appropriate materials, finishes, textures and colours that are similar to but not identical to other buildings. Contemporary materials may be used.

C2 requires materials and finishes that do not contribute to an increase in building bulk.

Assessment:

The proposal is considered to achieve the relevant objectives because:

- The Proposal involves a rendered brick finish similar to the existing dwelling, with a mix of timber and metal cladding materials. The proposed materiality is acceptable in this instance as it maintains consistency with the contemporary nature of the existing and proposed dwelling.
- As discussed previously, this particular part of the Grafton Precinct provides an appropriate context for contemporary design in the Woollahra HCA.
- The proposed fenestration and materials at the front (western) elevation would be clearly contemporary compared to adjoining contributory dwellings along Rowe Street. Notwithstanding this, the Site is not identified as contributory nor will it impact upon the setting or curtilage of any nearby significant or contributory items. See Figure 3 for the Site location and relationship with surrounding contributory items.

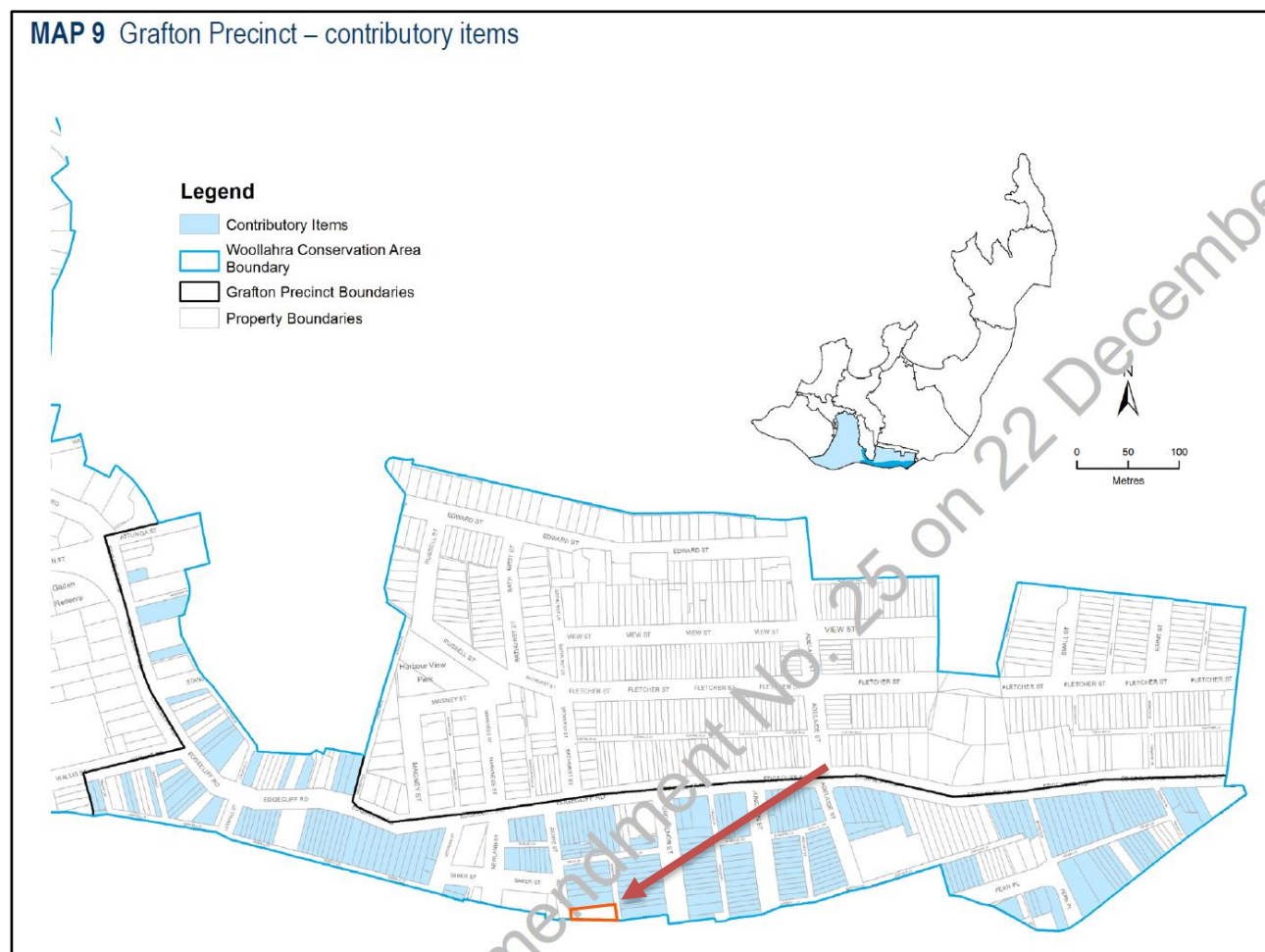


Figure 3. West Woollahra Precinct. Subject site outlined in red. Source: WDCP 2015

The proposal is acceptable with regard to Section 2.5.4 of the Woollahra DCP 2015.

15.9 Part C2.5.5: Roofs and Skylights

	Existing	Proposed	Control	Complies
Maximum Area of Transparent Material	<25%	<25%	25%	Yes

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

Objectives

O1 To ensure new roofs and alterations to roofs fit in with the character, physical context and historical background of the streetscape, precinct and HCA as a whole.

Controls

C2 No rear roof plane is to incorporate more than 25% transparent material including skylights and dormers.

C4 Skylights must have a low profile and must be flush with the roof surface. They should be predominantly of glass, with simple, unobtrusive detailing. The frame colour must match the surrounding roof colour.

Assessment

The proposal is considered to achieve objective O1 because:

- The adjoining and surrounding contributory dwellings along Rowe Street vary in architectural style and roof form, including flat, gable and hipped roof forms.
- The Proposal would maintain the existing flat roof form, which is considered appropriate in the context of the existing contemporary in-fill development on the Site.
- The proposed flat roof, including a proposed Japanese Garden, associated with the proposed attic/study structure would maintain consistency with the existing roof form.
- Further to this, the proposed roof top Japanese Garden would enhance the streetscape presentation of the Proposal, whilst minimising the built form beyond.
- There are no skylights or other transparent materials proposed on the existing rooftop or the proposed attic/study roof.

The proposal is therefore acceptable with regard to Part 2.5.5 of the Woollahra DCP 2015.

15.10 Part C2.5.6: Open Space and Landscaping

Site Area: 582.4m²	Existing	Proposed	Control	Complies
Deep Soil Landscaped Area	16.9% (98.51m ²)	No change	20% (116.48m ²)	No *
Minimum unbuilt upon area	Approx 18.4% (107.19m ²)	No change	40% (232.96m ²)	No *
Private Open Space– Total Area	>35m ²	Increased	35m ²	Yes
Private Open Space at Ground Level – Principal Area Minimum Dimension	>16m ²	31m ²	16m ²	Yes

* Existing non-compliance remain unchanged

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

Objectives

O1 To ensure that adequate provision is made for accessible and useable private open space.

O2 To retain important existing mature trees, vegetation and other landscape features.

O3 To ensure the provision of permeable and semi-permeable areas of open space to assist with stormwater management.

O5 To ensure that private open space areas, plantings, swimming pools, spa pools and tennis courts are designed to minimise adverse impacts on the heritage significance of the area, services infrastructure, the fabric of buildings and the amenity of neighbours.

Controls

C1 requires sufficient deep soil landscaping, no impact upon established patterns and a suitable setback from trees to ensure their protection.

C5 Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces) are to be provided with private open space, unbuilt upon areas and deep soil landscaped areas in accordance with the following table:

Residential type	Minimum private open space required	Minimum unbuilt upon area	Minimum deep soil landscaped area required
Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces)	N/A	40% of site area	20% of site area
Inter-War flat building	N/A	40% of site area	15% of site area
Each dwelling within a residential flat building in the form of a courtyard, balcony, verandah or roof terrace	<ul style="list-style-type: none"> ▶ Minimum area of 8m² ▶ Minimum dimension of 2m x 2m 	N/A	N/A

Figure 4. Table 5 under control C5. *Source:* WDCP 2015

C8 recommends that part of the private open space be capable of being used as an extension to the main living areas of the dwelling.

C11 requires that mature trees on private land are to be retained and incorporated into the landscape treatment.

Assessment

The proposal would result in non-compliance with C5 with respect to deep soil landscaped area and minimum unbuilt upon area. Notwithstanding, the proposal is considered to achieve the relevant objectives because:

- Council's Trees and Landscape Officer has determined that the Proposal is satisfactory, subject to relevant Conditions of Consent.
- The Proposal would not exacerbate the existing non-compliance with C5, as the proposed works would be within the footprint of existing structures on the Site.
- The proposed first floor balcony will be directly accessible from the proposed living area.
- The proposed first floor balcony and terrace would not unreasonably impact upon the amenity of adjoining properties or the public domain.

The proposal is acceptable with regard to Part 2.5.6 of the Woollahra DCP 2015.

15.11 Part C2.5.7: Fences, Gates and Retaining Walls

The Proposal involves a new front palisade style gate incorporated into the existing pedestrian portico, which will be setback from the front boundary. Furthermore, it will improve upon the safety and amenity of current and future occupants.

The Proposal is acceptable with regard to Part 2.5.7 of the Woollahra DCP 2015.

15.12 Part C2.5.8: Parking and Garages

	Existing	Proposed	Control	Complies
Location of Car Parking Structures	Forward of front building line	Forward of front building line	Behind Front Building Line	No
Car Parking Spaces – Dwelling	1	1	1-2 spaces	Yes
Single Garages With Street Access –				
Maximum Door Height	2.4m-2.7m	2.4m-2.7m	2.2m	No
Single Door Width	4.65m	4.65m	2.4m-3.3m	No
Maximum Width of Pillars	(north) 0.45m	0.45m	0.47m	Yes
Roof Form	Flat	Flat	Gable or parapet	No
Garage Materials	Rendered Brick	Rendered Brick	Rendered Brick	Yes
Door Materials	Metal	Metal	Timber Panel Lift	

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

Objectives

- O1 To protect the amenity of the property, neighbouring properties and public open space in terms of visual and acoustic privacy and sunlight access.*
- O2 To ensure that residential buildings, rather than vehicle access and parking structures, remain the dominant elements in the streetscape.*
- O3 To ensure that on-site vehicle parking is not provided at the expense of landscaped area and useable open space.*
- O5 To allow safe and convenient vehicle access and to minimise vehicle and pedestrian conflict.*

Controls

- C2 requires parking to be provided behind the front building alignment.*
- C7 stipulates that where crossovers exist on street frontages and there is a minimum side setback of 3.0m, a car space, carport or garage may be located to the side of a building provided it is set back behind the front alignment of the building or if free-standing, behind the main ridgeline of the building.*

Assessment

The proposal would result in non-compliance with C2 and C7 of this part. Notwithstanding, the proposal is considered to achieve the relevant objectives because:

- The proposal would replace an existing garage structure forward of the front building alignment with a new garage structure in the same location and of similar dimensions. There is a proposed attic/study above the proposed garage structure that will be setback from the front boundary.
- Although dominant in the streetscape, the proposed garage structure is in keeping with existing structure on the Site.
- The proposed garage structure would not adversely impact upon the landscaping or private open space on the Site.
- The proposed flat roof design associated with the attic/study structure above incorporates a roof top Japanese Garden, which would minimise the visual impact of the proposed garage structure on the streetscape.
- There would be no additional amenity impacts to adjoining or surrounding properties, and existing levels of pedestrian safety will be maintained.

The proposal is acceptable with regard to Part C2.5.8 of the Woollahra DCP 2015.

15.13 Part C2.5.9: Security

The proposal is acceptable with regard to Part C2.5.9 of the Woollahra DCP 2015.

15.14 Part C2.5.12: Acoustic and Visual Privacy

The proposal involves new windows and doors to the front (western) elevation, which are oriented toward the street and will not result in direct sightlines to adjoining properties.

Furthermore, there will be no unreasonable overlooking to adjoining properties from the First Floor balcony, as any sightlines within 9m to adjoining properties will fall upon rooftops, whilst the proposed new Japanese Garden above the proposed attic/study will be non-trafficable.

The proposal generally maintains existing levels of acoustic and visual privacy to adjoining properties and is therefore acceptable with regard to Part C2.5.12 of the Woollahra DCP 2015.

15.15 Part C2.5.13: Site Facilities and Aerial Devices

The Proposal includes a “Services and Plant” room accessed from the proposed garage structure at Lower Ground Level. This area is adequately separated from adjoining dwellings and would mitigate any visual and acoustic impacts arising from any plant and equipment associated with the Proposal.

The proposal is acceptable with regard to Part C2.5.12 of the Woollahra DCP 2015.

15.16 Chapter E1: Parking and Access

	Existing	Proposed	Control	Complies
Max Number of Car Parking Spaces – Attached Dwelling in HCA	1	1	2 Spaces per Dwelling	Yes

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

15.17 Chapter E2: Stormwater and Flood Risk Management

15.18 Part E2.2.2: Water Sensitive Urban Design

Assessment

The proposal would maintain existing pervious areas throughout the Site and also introduces a green roof above the proposed garage structure to improve stormwater management.

1.1.1. Part E2.2.5: Connection to Council's Drainage Systems

Assessment

The Proposal is not accompanied by a Stormwater Concept Plan. It is assumed that the Proposal will make use of the existing stormwater system and method of stormwater disposal.

Council's Development Engineer has recommended relevant Conditions of Consent requiring the submission of stormwater management plans detailing discharge and connection to the existing stormwater drainage system.

Subject to Conditions of Consent, the proposal is acceptable with regard to the objectives and controls in Chapter E2 of the Woollahra DCP 2015.

15.19 Chapter E3: Tree Management

As previously discussed, relevant Conditions of Consent are recommended by Council's Trees and Landscape Officer. The proposal is acceptable with regard to Chapter E3 of the Woollahra DCP 2015 on this basis.

15.20 Chapter E5: Waste Management

The applicant has not provided a SWMMP with the development application. However, given the scope of demolition and construction works, it is necessary in this instance, as detailed in **Condition D.7**.

Part E5.5: Multi Dwelling Housing and Residential Flat Buildings

The Proposal does not involve any change to the existing approved waste and recycling storage areas and is considered acceptable with Part E5.5 of the WDCP 2015 on this basis.

16. 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.

16.1 Section 7.12 Contributions Plan

A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate for works outlined in Schedule 1 of the Woollahra Section 7.12 Development Contributions Plan 2022. Refer to **Condition D.3**.

16.2 Subdivision 4 Housing and Productivity Contributions

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

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

The proposal does not require a housing and productivity contribution.

16.3 Application of Contributions

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

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

17. APPLICABLE ACTS/REGULATIONS

17.1 Environmental Planning and Assessment Regulation 2021

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

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

18. THE LIKELY IMPACTS OF THE PROPOSAL

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

19. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development

20. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

21. CONCLUSION

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

22. DISCLOSURE STATEMENTS

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

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

THAT 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 Floor Space Ratio development standard under Clause 4.4 of Woollahra LEP 2014. The Panel assumes the concurrence of the Secretary, Department of Planning, Industry and Environment.

AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to DA71/2024/1 for Alterations and additions to existing dwelling on land at 1/21 Rowe Street WOOLLAHRA, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

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

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

Reference	Description	Author	Date
DA_005 Rev F DA_009 Rev F DA_010 Rev F DA_011 Rev F DA_012 Rev F DA_013 Rev F DA_014 Rev F DA_015 Rev F DA_016 Rev F DA_017 Rev F	Site Analysis Plan Proposed Lower Ground & Ground Floor Plan Proposed Upper Ground Floor Plan Proposed First & Upper First Floor Plan Proposed Roof & Stormwater Management Plan Existing & Proposed Streetscape (West) Elevations Existing & Proposed Rear (west) Elevation Existing & Proposed Side (North) Elevations Existing & Proposed Side (South) Elevations Proposed Sections AA & BB	All drawn by: ISA Designs	All dated: 18/11/2021
A1736315	BASIX Certificate	NSW Department of Planning and Environment	18/02/2024

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.	<p>Ancillary Aspects of Development (section 4.17(2) of the Act)</p> <p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p> <p>Notes:</p> <ul style="list-style-type: none">This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs. <p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>
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DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

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

	Condition Reason: To prevent potential water pollution and dust nuisance.
B. 3.	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
B. 4.	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays, • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
B. 5.	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p>

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$10,465.00	No	T115
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Security Deposit Administration Fee	\$235.00	No	T16
TOTAL SECURITY AND FEES	\$10,700.00		

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.

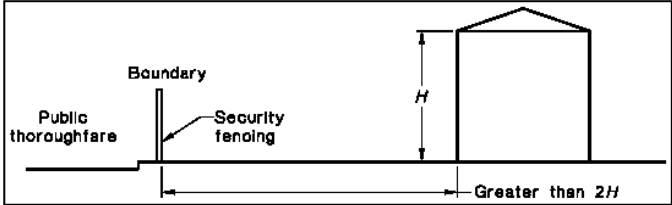
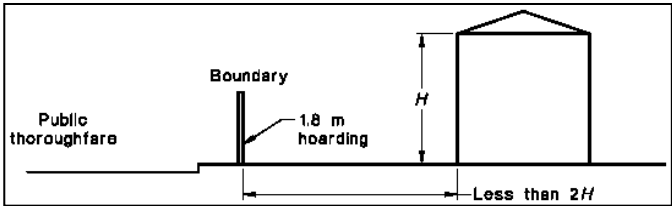
The payment of a security may be made by a bank guarantee where:

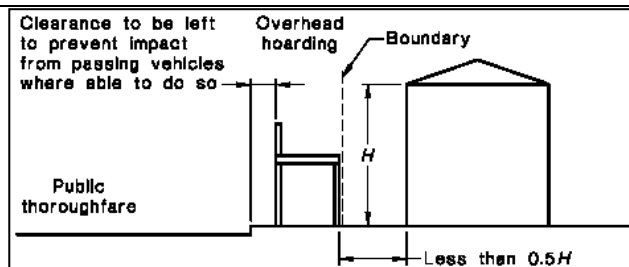
- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever 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.

	<ul style="list-style-type: none"> 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. 6.	<p>Adjoining Buildings Founded on Loose Foundation Materials</p> <p>Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919. <p>Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>
B. 7.	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>

<p>B. 8.</p>	<p>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</p>
	<p>Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.</p>  <p>Type A Hoarding</p> <p>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.</p>  <p>Type B Hoarding</p> <p>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:</p> <ol style="list-style-type: none"> the vertical height above footpath level of the structure being demolished is less than 4.0m; or the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure. <p>The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:</p> <ol style="list-style-type: none"> extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, have a clear height above the footpath of not less than 2.1m, terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



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

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).

	<ul style="list-style-type: none"> Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au
	<p>Condition Reason: To ensure public safety.</p>
B. 9.	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and 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 stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

	<p>Notes:</p> <ul style="list-style-type: none"> • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. • If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
B. 10.	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> a) must be a standard flushing toilet, and b) must be connected to a public sewer, or c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> • In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. • This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
B. 11.	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> 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.

	<p>Notes:</p> <ul style="list-style-type: none"> Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor.
	<p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
B. 12.	<p>Compliance with Australian Standard for Demolition</p>
	<p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p>
	<p>Condition Reason To control the risks of demolition work.</p>

REMEDICATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.

Payment of Long Service Levy

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

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

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

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

	<ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>Condition Reason: To ensure any relevant levy is paid.</p> <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
D. 2.	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ol style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
D. 3.	<p>Payment of S7.12 Contributions Levy</p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p>

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 person acting on the behalf of the applicant for a development up to \$150,000;
- A cost summary report, prepared by a suitably qualified person, at the applicant's cost, where the cost of development is between \$150,000 and \$749,999; or
- A quantity surveyor's report, at the applicant's cost, for development over \$750,000.

Note: A 'suitably qualified person' is defined in the Woollahra Section 7.12 Development Contributions Plan 2022.

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,

	<ul style="list-style-type: none"> • a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable, • the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.</p> <p>Do you need HELP indexing the levy? Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).</p>
D. 4.	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No. A1736315 must be submitted to the Principal Certifier with any application for a construction certificate.</p> <p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. • Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any. <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
	<p>Condition Reason: To ensure any relevant contributions are paid.</p>

<p>D. 5.</p>	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
<p>D. 6.</p>	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
<p>D. 7.</p>	<p>Submission of a Site Waste Minimisation and Management Plan</p> <p>Before the issue of any construction certificate, a Site Waste Minimisation and Management Plan, prepared in accordance with Woollahra Development Control Plan 2015 Chapter E5 – Waste Management, is to be submitted to Council for approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> The site waste minimisation and management is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may certify. Hence, the Site Waste Minimisation and Management Plan must be referred to Council for its approval prior to the issue of any construction certificate for such works. It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials. <p>Condition Reason: To ensure that the Waste Minimisation and Management Plan is assessed and approved by Council.</p>

<p>D. 8.</p>	<p>Stormwater Discharge to Existing Stormwater Drainage System</p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared by a chartered professional civil engineer, which include the following:</p> <ul style="list-style-type: none"> a) 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. b) 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. c) Detail any remedial works required to upgrade the existing stormwater drainage system. d) Internal stormwater drainage 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. e) The discharge of stormwater from the site to the street kerb 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. 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. f) All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings. g) Dimensions of all drainage pit and access grates must comply with AS3500.3 and Council's DCP. h) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. i) General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. <p>The Stormwater Management Plan must also include the following specific requirements:</p> <p>Layout plan</p> <p>A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:</p> <ul style="list-style-type: none"> a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location and dimensions of all downpipes. 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.
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	<p>Where new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.</p> <p>All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).</p> <p>Notes:</p> <ul style="list-style-type: none"> The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook". <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
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E. BEFORE BUILDING WORK COMMENCES

<p>E. 1.</p>	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> that the work must be carried out in accordance with the requirements of the Building Code of Australia, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<p>E. 2.</p>	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent;

	<p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>E. 3.</p>	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and b) The person having the benefit of the development consent has: <ul style="list-style-type: none"> • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

	<ul style="list-style-type: none"> • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> • Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading. <p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
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F. DURING BUILDING WORK

<p>F. 1.</p>	<p>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ul style="list-style-type: none"> a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building. <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p>
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	<p>Notes:</p> <ul style="list-style-type: none"> All new guttering is to comply with the provisions of AS 3500. <p>Condition Reason: To ensure compliance with the BCA and Home building Act 1989.</p>
F. 2.	<p>Requirement to Notify about New Evidence</p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>
F. 3.	<p>Critical Stage Inspections</p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
F. 4.	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling,

	<p>iv. rock breaking, v. rock sawing, vi. jack hammering, or vii. machine excavation.</p> <p>e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.</p> <p>f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.</p> <p>g) No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
F. 5.	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <p>a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.</p> <p>b) Not use the road or footway for the storage of any article, material, matter, waste or thing.</p> <p>c) Not use the road or footway for any work.</p> <p>d) Keep the road and footway in good repair free of any trip hazard or obstruction.</p> <p>e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.</p>

	<p>f) Not stand any plant and equipment upon the road or footway.</p> <p>g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.</p> <p>h) Provide a clear safe pedestrian route a minimum of 1.5m wide.</p> <p>i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.</p> <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <p>a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards.</p> <p>b) Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, or remove or interfere with a structure, work or tree on a public road, or pump water into a public road from any land adjoining the road, or connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority. Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. <p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
<p>F. 6.</p>	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.

	<p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
F. 7.	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> the consent of the owners of such adjoining or supported land to trespass or encroach, or an access order under the Access to Neighbouring Land Act 2000, or an easement under section 88K of the Conveyancing Act 1919, or an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
F. 8.	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> the Soil and Water Management Plan required under this consent, "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).

	<p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
F. 9.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas. <p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F. 10.	<p>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</p> <p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier’s satisfaction:</p> <ol style="list-style-type: none"> a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.

	<p>c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.</p> <p>d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.</p> <p>e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.</p> <p>f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</p> <p>g) Flood protection measures are in place confirming location, height and capacity.</p> <p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F. 11.	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <p>a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and</p> <p>b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F. 12.	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>

<p>F. 13.</p>	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<p>F. 14.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), separate collection bins and/or areas for the storage of residual waste are to be provided, the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’, measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,

	<p>c) waste is only transported to a place that can lawfully be used as a waste facility,</p> <p>d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and</p> <p>e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.</p> <p>Notes:</p> <ul style="list-style-type: none"> Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
F. 15.	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, consideration must be given to returning excess materials to the supplier or manufacturer, an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), the purpose and content of the storage areas must be clearly ‘signposted’, contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste, separate collection bins or areas for the storage of residual waste must be promoted, measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, site disturbance must be minimised and unnecessary excavation limited, all waste must be transported to a place that can lawfully be used as a waste facility, and records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW. <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
F. 16.	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p>

	<p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ol style="list-style-type: none"> Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. Be carried out in accordance with the relevant SafeWork NSW codes of practice. No asbestos products may be reused on the site. No asbestos laden skip or bins must be left in any public place. <p>Notes:</p> <ul style="list-style-type: none"> Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> Work Health and Safety Act 2011, Work Health and Safety Regulation 2017, SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050 <p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
F. 17.	<p>Classification of Hazardous Waste</p> <p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p> <p>Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>
F. 18.	<p>Disposal of Asbestos and Hazardous Waste</p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p> <p>Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>

F. 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.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	Occupation Certificate (section 6.9 of the Act)
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. Notes: <ul style="list-style-type: none">• New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation
	Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. A1736315. Notes: <ul style="list-style-type: none">• Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.

G. 3.	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.	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. 5.	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. 6.	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.

	<p>c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking.</p> <p>d) All stormwater drainage and storage systems.</p> <p>e) All mechanical ventilation systems.</p> <p>f) All hydraulic systems.</p> <p>g) All structural work.</p> <p>h) All acoustic attenuation work.</p> <p>i) All waterproofing.</p> <p>j) Such further matters as the Principal Certifier may require.</p> <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate. <p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>				
<p>G. 7.</p>	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <p>a) A record of the condition of trees to be retained prior to and throughout development.</p> <p>b) Recommended actions to improve site conditions and rectification of non-compliance.</p> <p>c) Recommendations for future works which may impact the trees.</p> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 1646 1313 1818"> <thead> <tr> <th data-bbox="341 1646 632 1731">Stage of arboricultural inspection and supervision</th><th data-bbox="632 1646 1313 1731">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="341 1731 632 1818">Prior to the issue of any occupation certificate</td><td data-bbox="632 1731 1313 1818">Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				

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.	<p>Maintenance of BASIX Commitments</p> <p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. A1736315.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p> <p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
H. 2.	<p>Maintenance of Landscaping</p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils. <p>Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>
H. 3.	<p>Noise from Mechanical Plant and Equipment</p> <p>During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p>

	Notes: <ul style="list-style-type: none"> Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
	Condition Reason: To protect the amenity of the neighbourhood.
H. 4.	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.

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

J. BEFORE SUBDIVISION WORK COMMENCES

Nil

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE




Nil

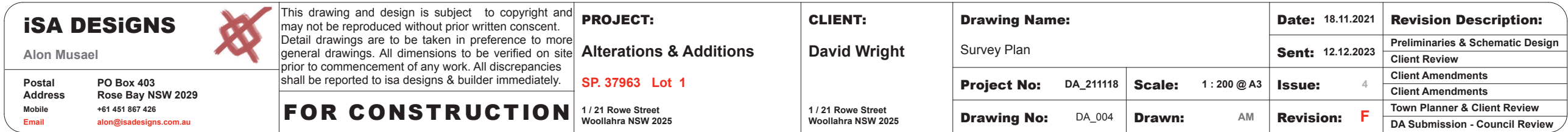
STRATA SUBDIVISION

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil

Attachments

1. Plans, elevations & sections, including shadow diagrams [↓](#) 
2. Document - Clause 4.6 - DA2024/71/1 - 1 21 Rowe Street WOOLLAHRA [↓](#) 
3. Referral Response Trees and Landscaping [↓](#) 



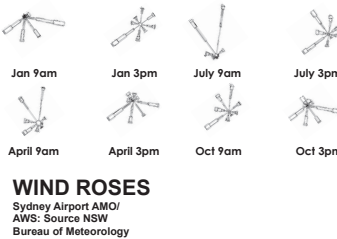


Existing - 1/21 Rowe Street, Woollahra NSW	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Existing FSR -	0.70 : 1
Existing Landscape Area -	24.97 Sqm.
Existing Lower Ground Floor Area -	45.91 Sqm.
Existing Ground Floor Area -	18.46 Sqm.
Existing First Floor Area -	47.66 Sqm.
Total Existing Floor Area -	112.03 Sqm.

Existing - 2/21 Rowe Street, Woolahra	
Site Area -	582.40 Sqm
Permissible FSR -	0.65 : 1
Existing FSR -	0.70 : 1
Existing Landscape Area -	48.53 Sqm.
Existing Lower Ground Floor Area -	81.21 Sqm.
Existing Ground Floor Area -	17.66 Sqm.
Existing First Floor Area -	48.20 Sqm.
Total Existing Floor Area -	146.47 Sqm

Existing - 3/21 Rowe Street, Woolahra	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Existing FSR -	0.70 : 1
Existing Landscape Area -	25.01 Sqm.
Existing Lower Ground Floor Area -	82.10 Sqm.
Existing Ground Floor Area -	18.10 Sqm.
Existing First Floor Area -	49.40 Sqm.
Total Existing Floor Area -	149.67 Sqm.

Proposed - 1/21 Rowe Street, Woollahra NSW	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Proposed FSR -	0.75 : 1
Existing Landscape Area -	24.97 Sqm.
Proposed Lower Ground Floor Area -	56.63 Sqm.
Proposed Ground Floor Area -	39.88 Sqm.
Proposed First Floor Area -	47.66 Sqm.
Total Existing Floor Area -	144.17 Sqm.




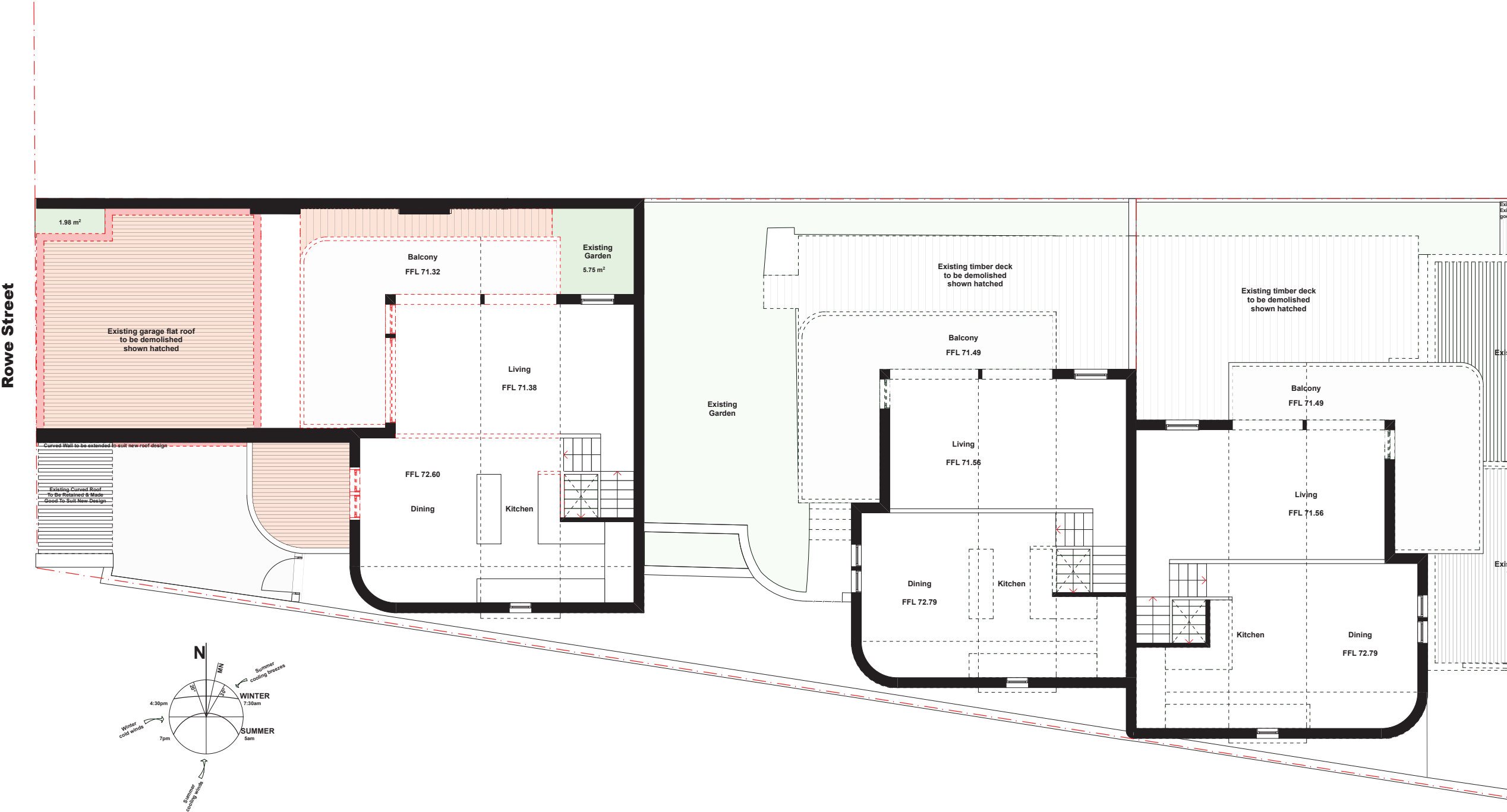
Attachment 1 Plans, elevations & sections, including shadow diagrams Page 230



<div><div><div>isa DESiGNS</div><div>Alon Musael</div></div><div><div>Postal Address</div><div>Mobile</div><div>Email</div></div><div><div>PO Box 403 Rose Bay NSW 2029</div><div>+61 451 867 426</div><div>alon@isadesigns.com.au</div></div></div>		<div><div><div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div><div>FOR CONSTRUCTION</div></div></div>	<div><div><div>PROJECT:</div><div>Alterations & Additions</div><div>SP. 37963 Lot 1</div></div><div><div>1 / 21 Rowe Street Woollahra NSW 2025</div></div></div>	<div><div><div>CLIENT:</div><div>David Wright</div><div>1 / 21 Rowe Street Woollahra NSW 2025</div></div></div>	<div><div><div>Drawing Name:</div><div>Existing & Demolition Lower Ground Floor Plan</div><div><div>Project No:</div><div>DA_211118</div><div>Scale:</div><div>1 : 100 @ A3</div><div>Drawing No:</div><div>DA_006</div><div>Drawn:</div><div>AM</div></div></div><div><div><div>Date:</div><div>18.11.2021</div><div>Sent:</div><div>12.12.2023</div><div>Issue:</div><div>4</div><div>Revision:</div><div>F</div></div></div></div>	<div><div><div>Revision Description:</div><div>Preliminaries & Schematic Design</div><div>Client Review</div><div>Client Amendments</div><div>Client Amendments</div><div>Town Planner & Client Review</div><div>DA Submission - Council Review</div></div></div>
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<div>Postal Address</div> <div>PO Box 403 Rose Bay NSW 2029</div>	<div>Mobile</div> <div>+61 451 867 426</div>		<div>Project No:</div> DA_211118 <div>Scale:</div> 1 : 100 @ A3	<div>Issue:</div> 4 <div>Client Amendments Client Amendments</div>	<div>Sent:</div> 12.12.2023	<div>Town Planner & Client Review</div> <div>DA Submission - Council Review</div>	
<div>Email</div> <div>alon@isadesigns.com.au</div>			<div>Drawing No:</div> DA_007 <div>Drawn:</div> AM	<div>Revision:</div> F			
<div>FOR CONSTRUCTION</div>			<div>1 / 21 Rowe Street Woollahra NSW 2025</div>				



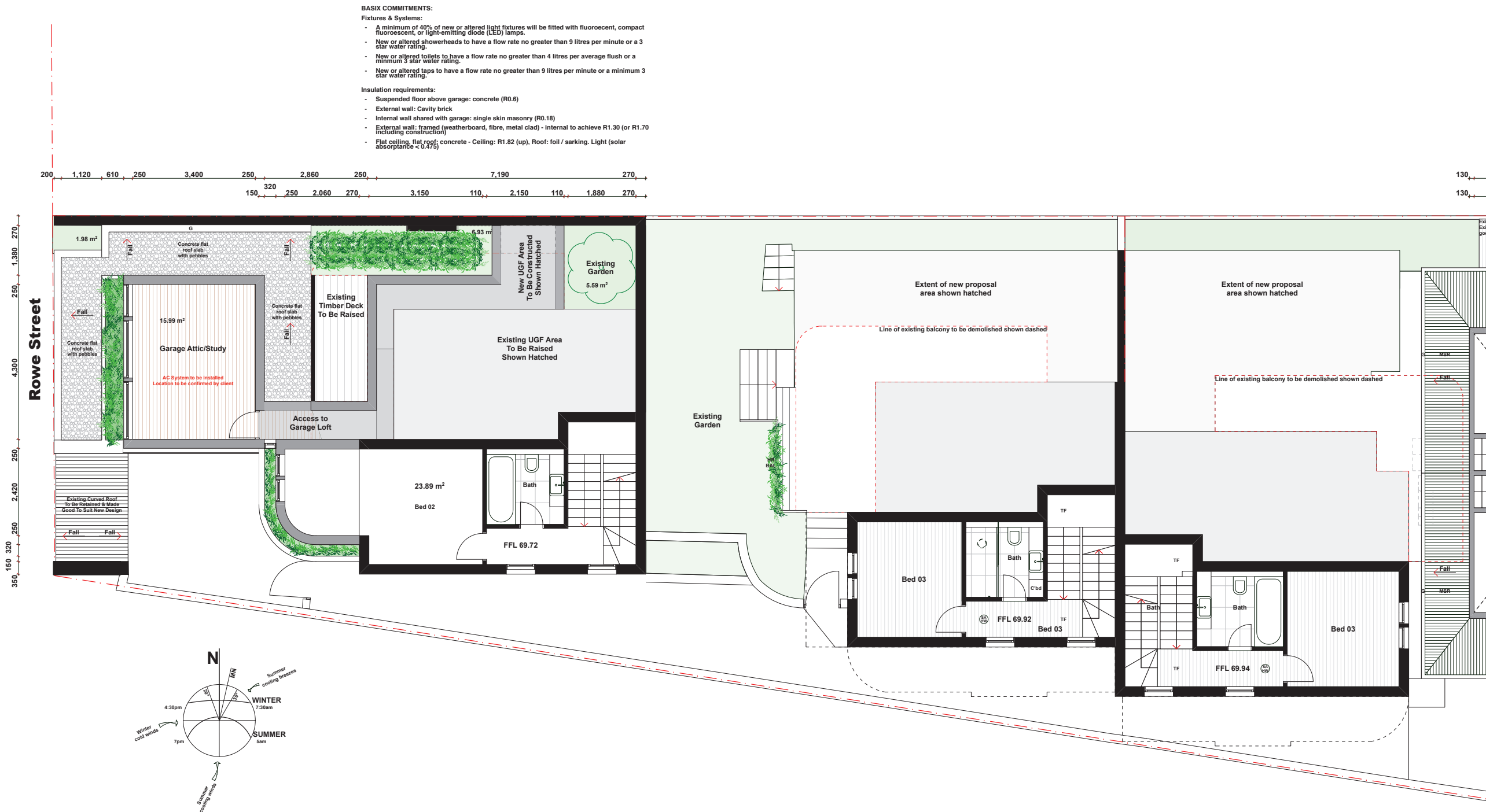
Existing & Demolition First & Upper First Floor Plan

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				<div><div>Project No:</div><div>DA_211118</div></div>	<div><div>Sent:</div><div>12.12.2023</div></div>	<div><div>Client Review</div></div>
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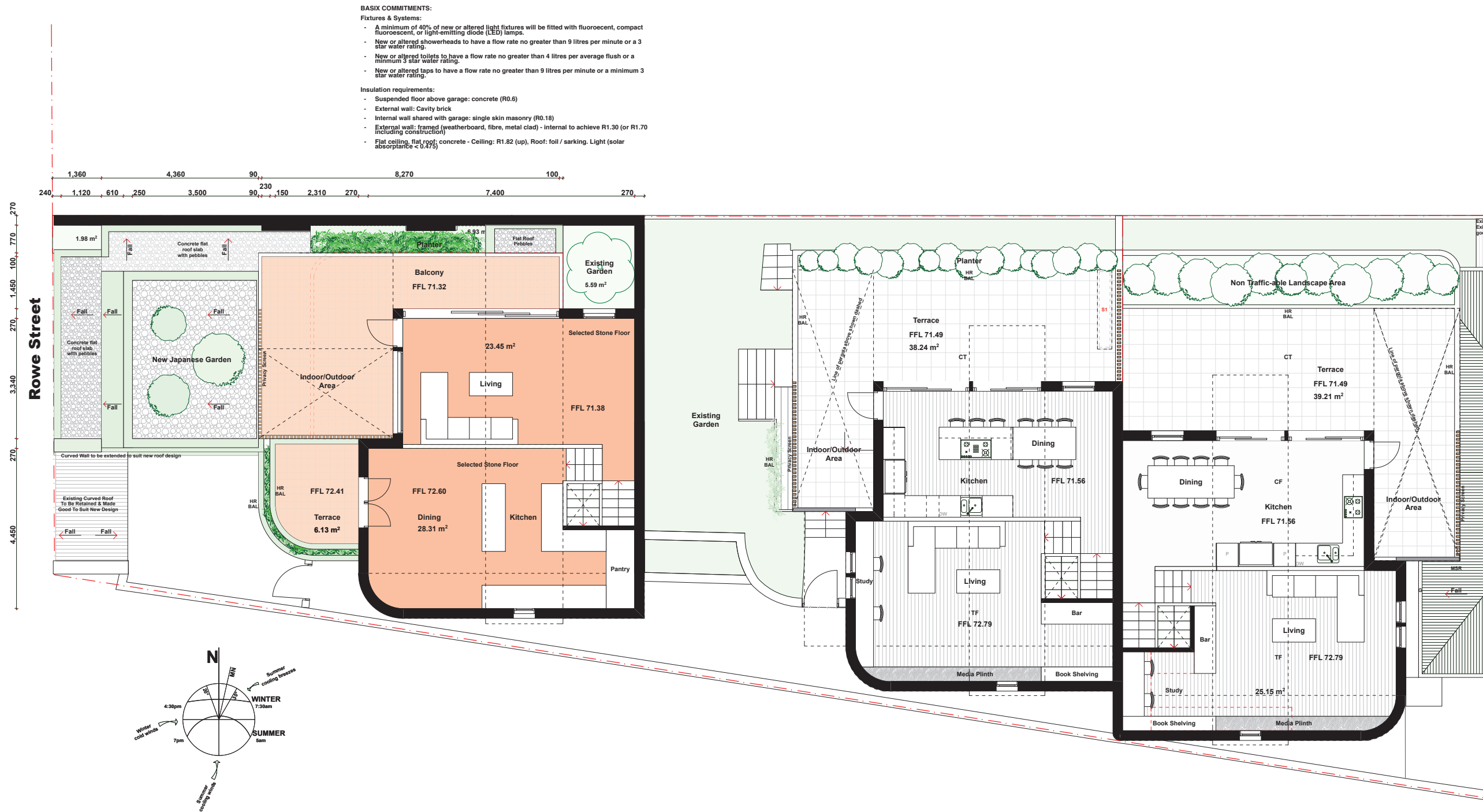
Proposed Lower Ground & Ground Floor Plan

<div><div>isa DESiGNS</div><div>Alon Musael</div><div><div>Postal Address</div><div>PO Box 403 Rose Bay NSW 2029</div><div>Mobile</div><div>+61 451 867 426</div><div>Email</div><div>alon@isadesigns.com.au</div></div></div>	<div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div> <div>FOR CONSTRUCTION</div>	<div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 37963 Lot 1</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>	<div>CLIENT:</div> <div>David Wright</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>	<div>Drawing Name:</div> <div>Proposed Lower Ground Floor Plan</div>		<div>Date:</div> <div>18.11.2021</div>	<div>Revision Description:</div> <div>Preliminaries & Schematic Design</div>
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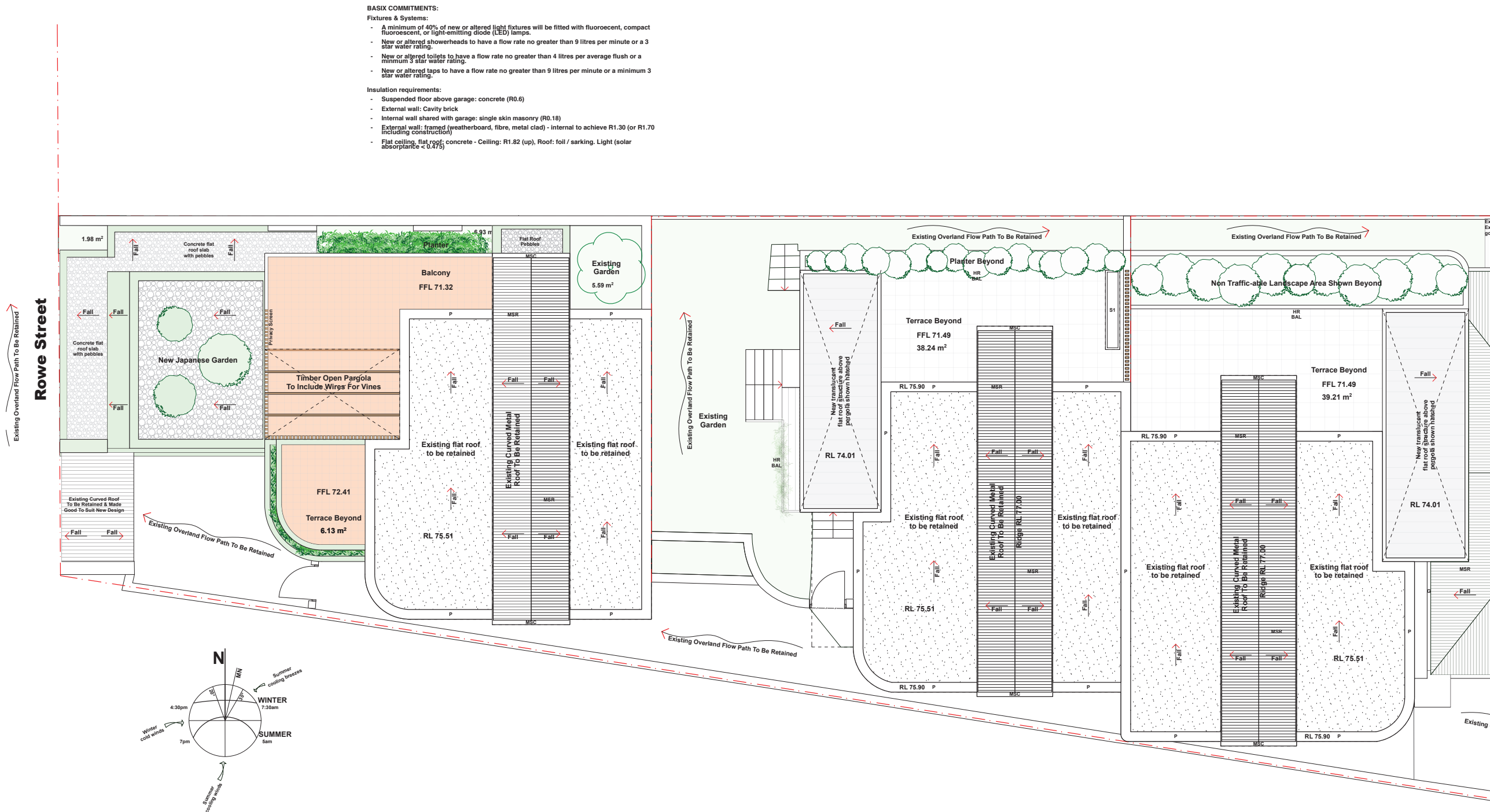
Proposed Upper Ground Floor Plan

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<div>Postal Address</div> <div>Mobile</div> <div>Email</div>	<div>PO Box 403 Rose Bay NSW 2029</div> <div>+61 451 867 426</div> <div>alon@isadesigns.com.au</div>					<div>Sent:</div> 12.12.2023	<div>Preliminaries & Schematic Design</div> <div>Client Review</div> <div>Client Amendments</div> <div>Client Amendments</div> <div>Town Planner & Client Review</div> <div>DA Submission - Council Review</div>	
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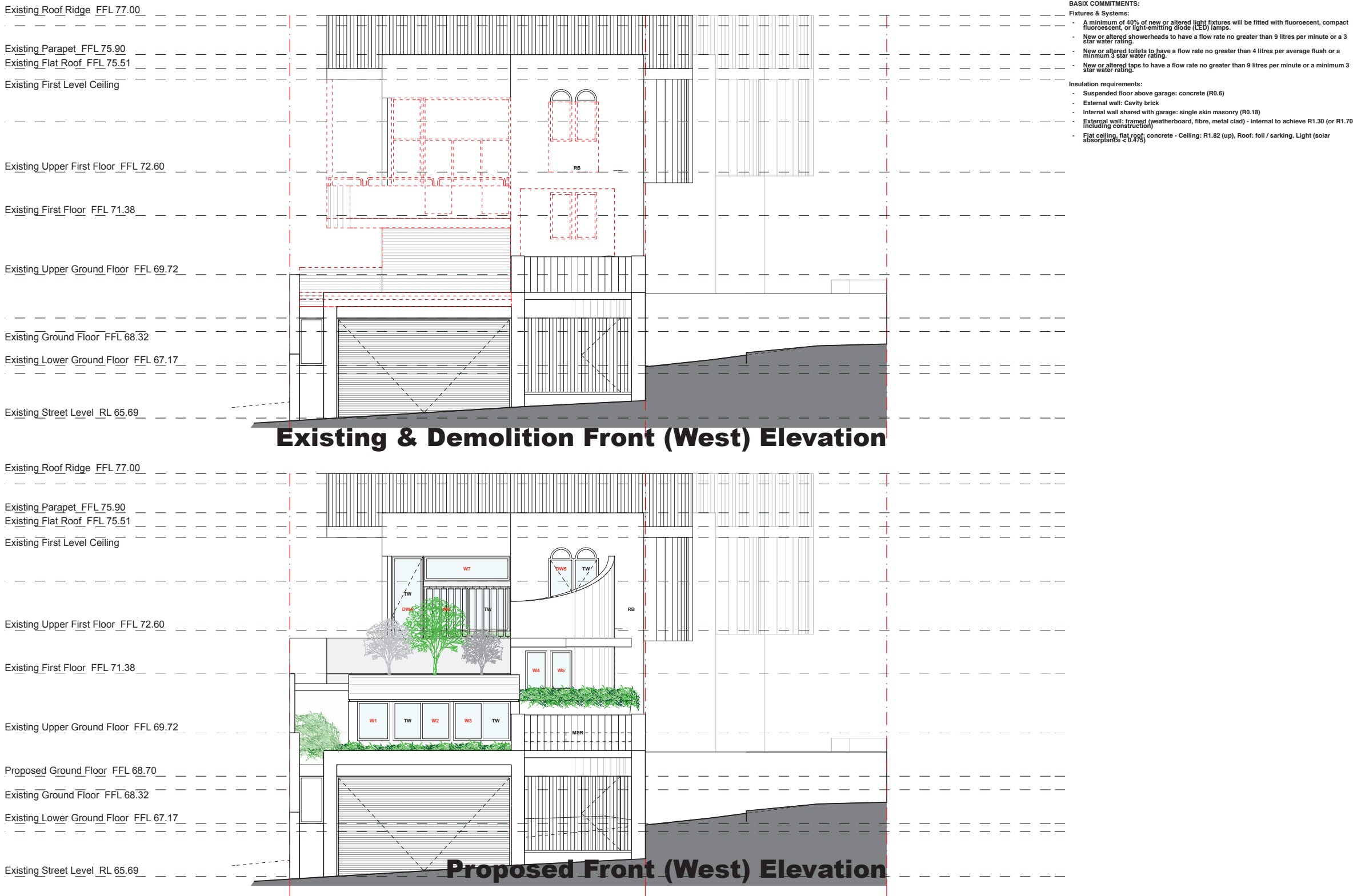
Proposed First & Upper First Floor Plan


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					<div>Sent:</div> <div>12.12.2023</div>	<div>Client Review</div>
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		<div>Drawing No:</div> <div>DA_011</div>	<div>Drawn:</div> <div>AM</div>	<div>Revision:</div> <div>F</div>	<div>Town Planner & Client Review</div>	
					<div>DA Submission - Council Review</div>	



Proposed Roof & Stormwater Management Plan


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				<div><div>Project No:</div><div>DA_211118</div></div> <div><div>Scale:</div><div>1 : 100 @ A3</div></div>		<div><div>Sent:</div><div>12.12.2023</div></div> <div><div>Client Review</div></div>
				<div><div>Drawing No:</div><div>DA_012</div></div> <div><div>Drawn:</div><div>AM</div></div>		<div><div>Issue:</div><div>4</div></div> <div><div>Client Amendments</div></div>
				<div><div>Revision:</div><div>F</div></div>		<div><div>Client Amendments</div></div>
				<div><div>Revision:</div><div>F</div></div>		<div><div>Town Planner & Client Review</div></div> <div><div>DA Submission - Council Review</div></div>



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<div>Postal Address</div> <div>PO Box 403 Rose Bay NSW 2029</div> <div>Mobile</div> <div>+61 451 867 426</div> <div>Email</div> <div>alon@isadesigns.com.au</div>			<div>Project No:</div> DA_211118	<div>Scale:</div> 1 : 100 @ A3	<div>Issue:</div> 4	<div>Preliminaries & Schematic Design</div>				
			<div>Drawing No:</div> DA_013		<div>Drawn:</div> AM		<div>Revision:</div> F		<div>Client Review</div>	
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						<div>DA Submission - Council Review</div>				

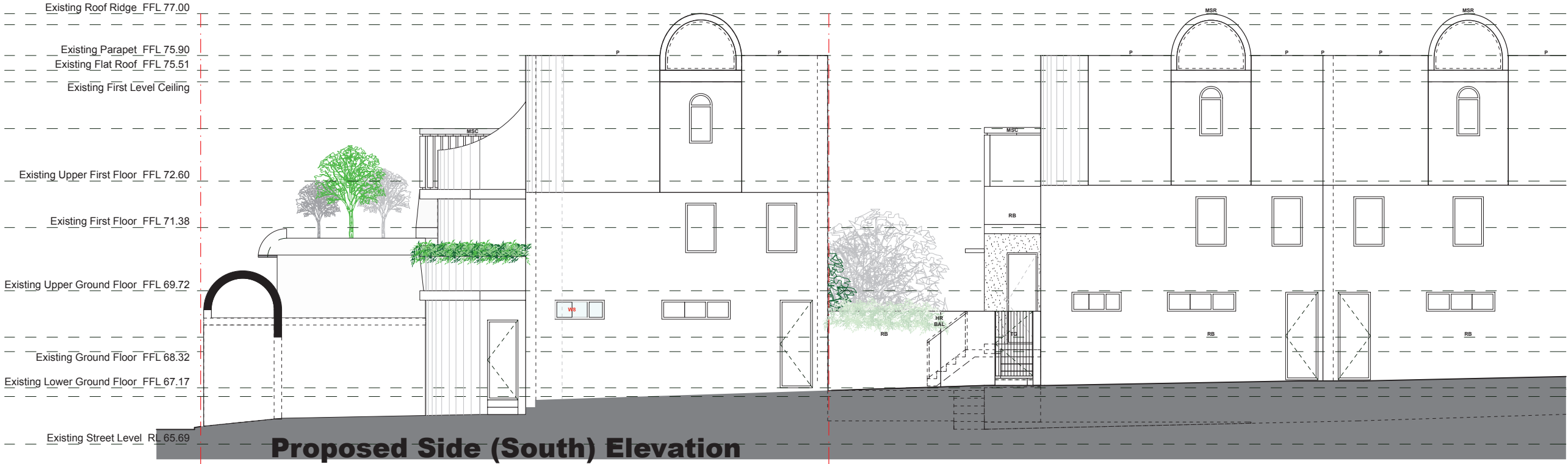
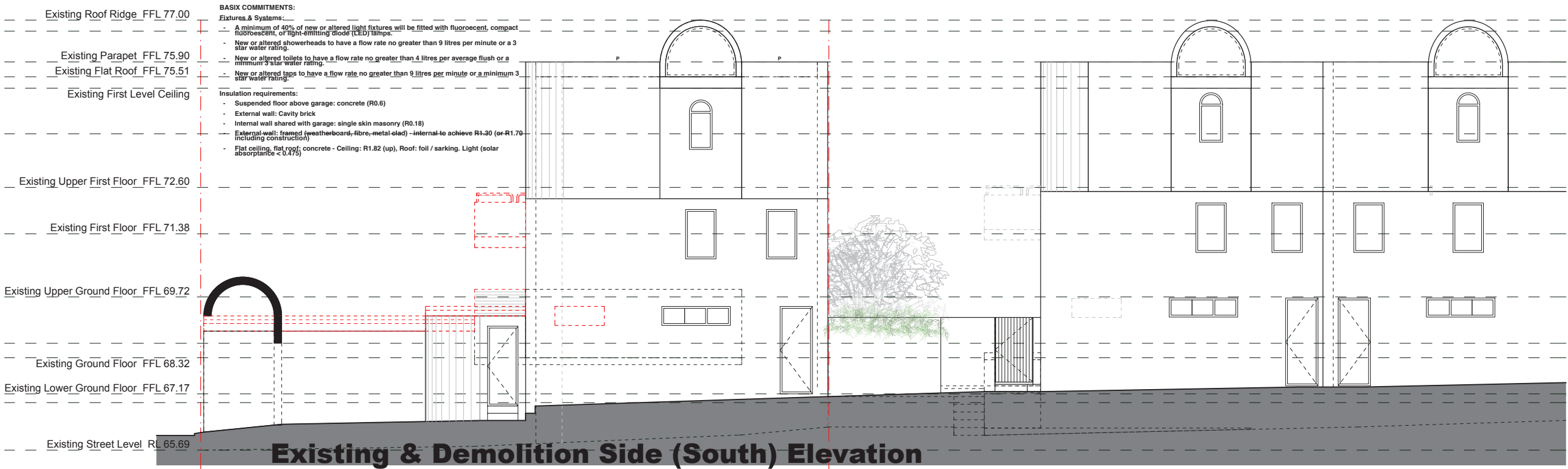
- BASIX COMMITMENTS:
- Fixtures & Systems:
- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.
 - New or altered showerheads to have a flow rate no greater than 9 litres per minute or a 3 star water rating.
 - New or altered toilets to have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
 - New or altered taps to have a flow rate no greater than 9 litres per minute or a minimum 3 star water rating.
- Insulation requirements:
- Suspended floor above garage: concrete (R0.6)
 - External wall: Cavity brick
 - Internal wall shared with garage: single skin masonry (R0.18)
 - External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)
 - Flat ceiling, flat roof: concrete - Ceiling: R1.82 (up), Roof: foil / sarking. Light (solar absorptance < 0.475)




ISA DESiGNS Alon Musael  Postal Address PO Box 403 Rose Bay NSW 2029 Mobile +61 451 867 426 Email alon@isadesigns.com.au	This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.	PROJECT: Alterations & Additions SP. 37963 Lot 1 1 / 21 Rowe Street Woollahra NSW 2025	CLIENT: David Wright 1 / 21 Rowe Street Woollahra NSW 2025	Drawing Name: Existing & Proposed Rear (West) Elevation		Date: 18.11.2021	Revision Description:
				Project No: DA_211118 Scale: 1 : 100 @ A3		Sent: 12.12.2023	Preliminaries & Schematic Design Client Review
				Drawing No: DA_014 Drawn: AM		Issue: 4	Client Amendments Client Amendments
						Revision: F	Town Planner & Client Review
							DA Submission - Council Review




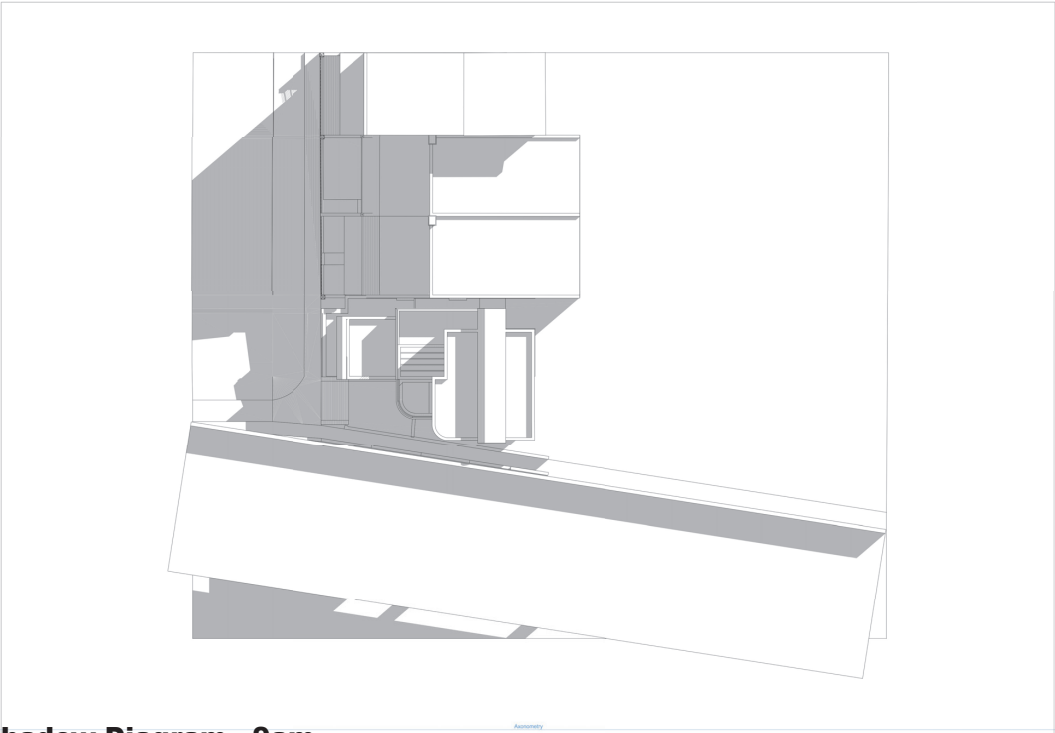
Date: 18.11.2021	Revision Description:
Sent: 12.12.2023	Preliminaries & Schematic Design
	Client Review
Issue: 4	Client Amendments
	Client Amendments
Revision: F	Town Planner & Client Review
	DA Submission - Council Review



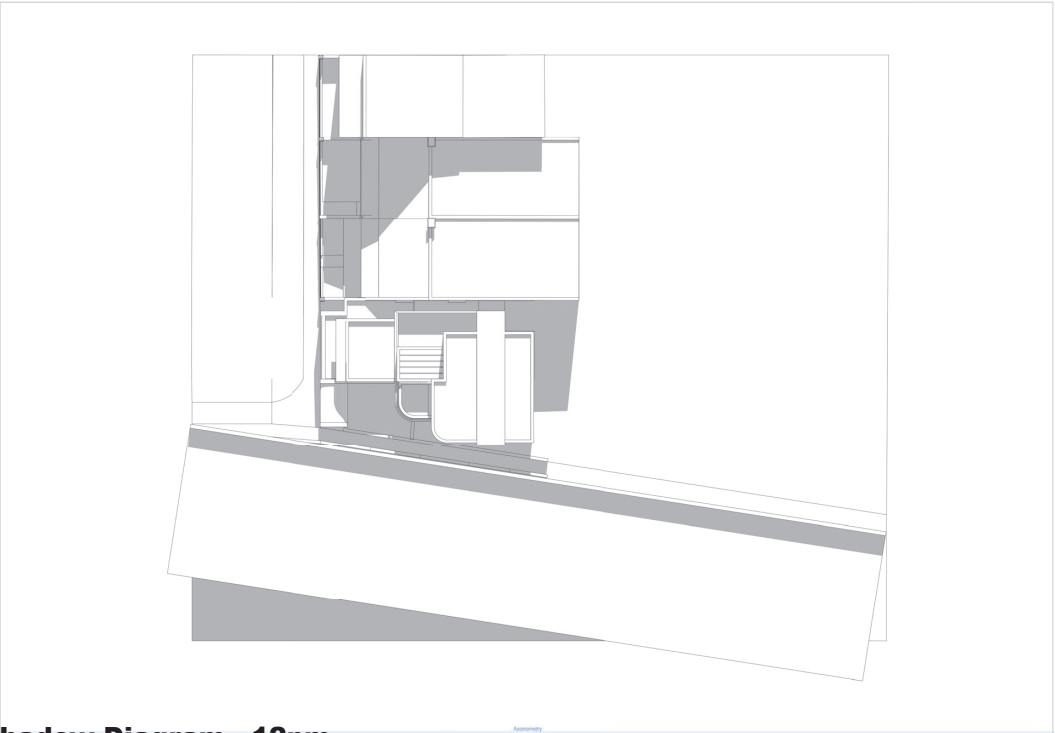
<div>isa DESiGNS</div> <div>Alon Musael</div>		<div></div> <div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div> <div>FOR CONSTRUCTION</div>	<div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 37963 Lot 1</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>	<div>CLIENT:</div> <div>David Wright</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>	<div>Drawing Name:</div> <div>Existing & Proposed Side (South) Elevations</div>		<div>Date:</div> <div>18.11.2021</div>	<div>Revision Description:</div>	
<div>Postal Address</div> <div>Mobile</div> <div>Email</div> <div>PO Box 403 Rose Bay NSW 2029 +61 451 867 426 alon@isadesigns.com.au</div>			<div>Sent:</div> <div>12.12.2023</div>	<div>Preliminaries & Schematic Design</div>					
			<div>Project No:</div> <div>DA_211118</div>	<div>Scale:</div> <div>1 : 100 @ A3</div>	<div>Issue:</div> <div>4</div>	<div>Client Review</div>			
			<div>Drawing No:</div> <div>DA_016</div>	<div>Drawn:</div> <div>AM</div>	<div>Revision:</div> <div>F</div>	<div>Client Amendments</div>			
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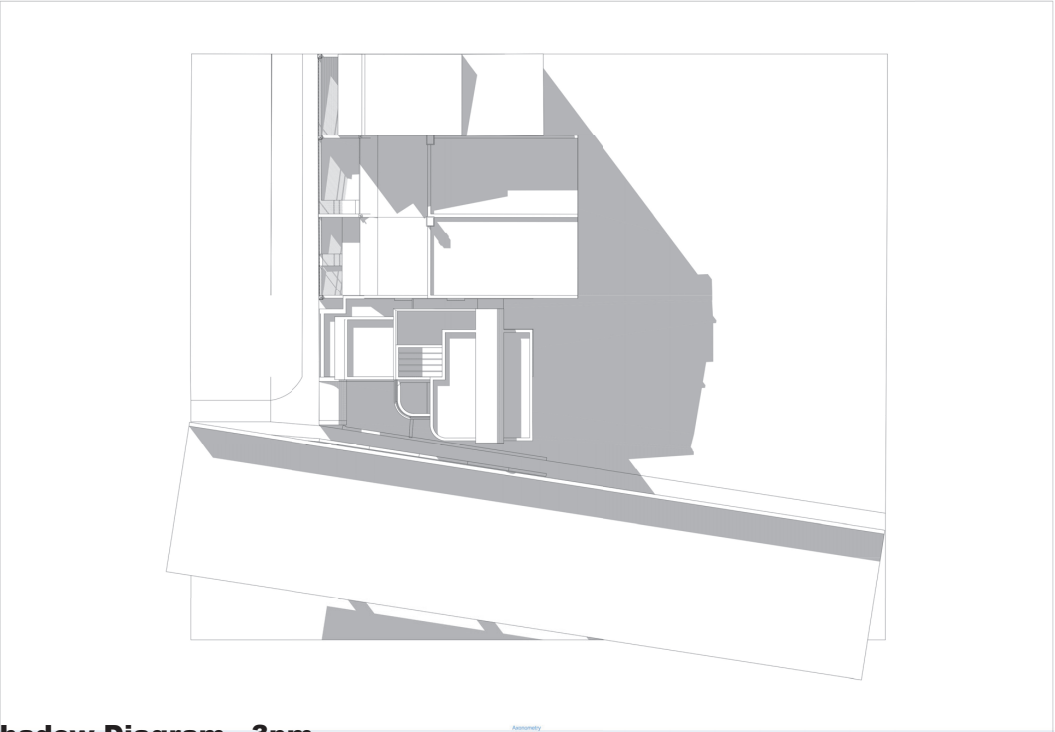
<div>ISA DESiGNS</div> <div>Alon Musael</div> <div>Postal AddressPO Box 403 Rose Bay NSW 2029 Mobile+61 451 867 426 Emailalon@isadesigns.com.au</div>	<div></div> <div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div> <div>FOR CONSTRUCTION</div>	<div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 37963 Lot 1</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>	<div>CLIENT:</div> <div>David Wright</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>	<div>Drawing Name:</div> <div>Proposed Sections AA & BB</div>		<div>Date:</div> <div>18.11.2021</div>	<div>Revision Description:</div> <div>Preliminaries & Schematic Design</div>	
						<div>Sent:</div> <div>12.12.2023</div>	<div>Client Review</div>	
				<div>Project No:</div> <div>DA_211118</div>	<div>Scale:</div> <div>1 : 100 @ A3</div>	<div>Issue:</div> <div>4</div>	<div>Client Amendments</div>	
				<div>Drawing No:</div> <div>DA_017</div>	<div>Drawn:</div> <div>AM</div>	<div>Revision:</div> <div>F</div>	<div>Town Planner & Client Review</div>	
							<div>DA Submission - Council Review</div>	




Shadow Diagram - 9am

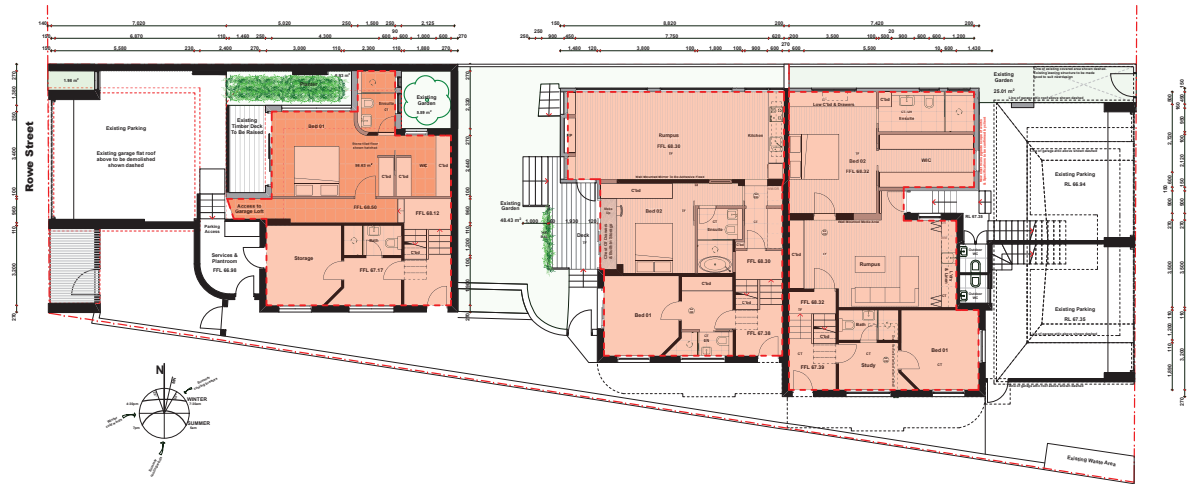


Shadow Diagram - 12pm

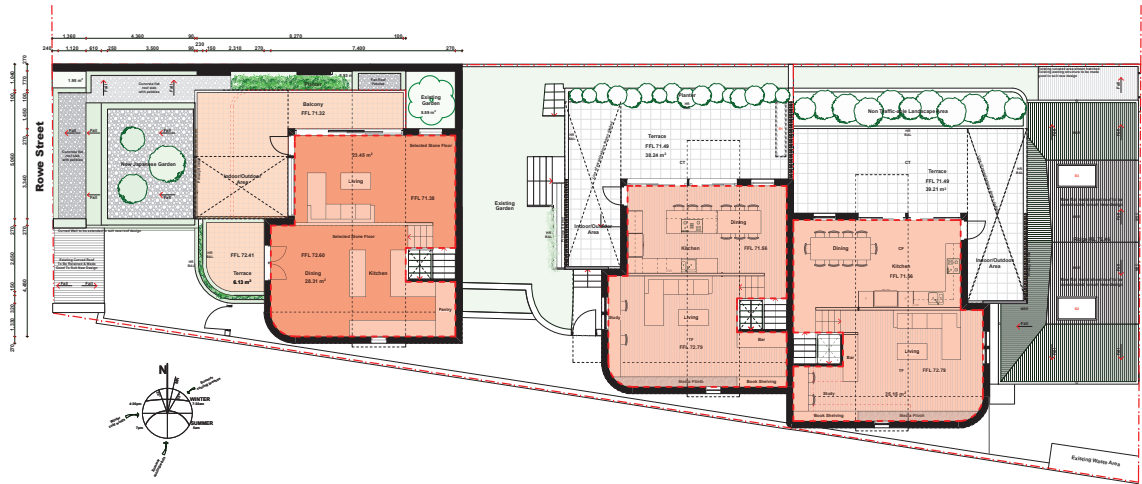


Shadow Diagram - 3pm

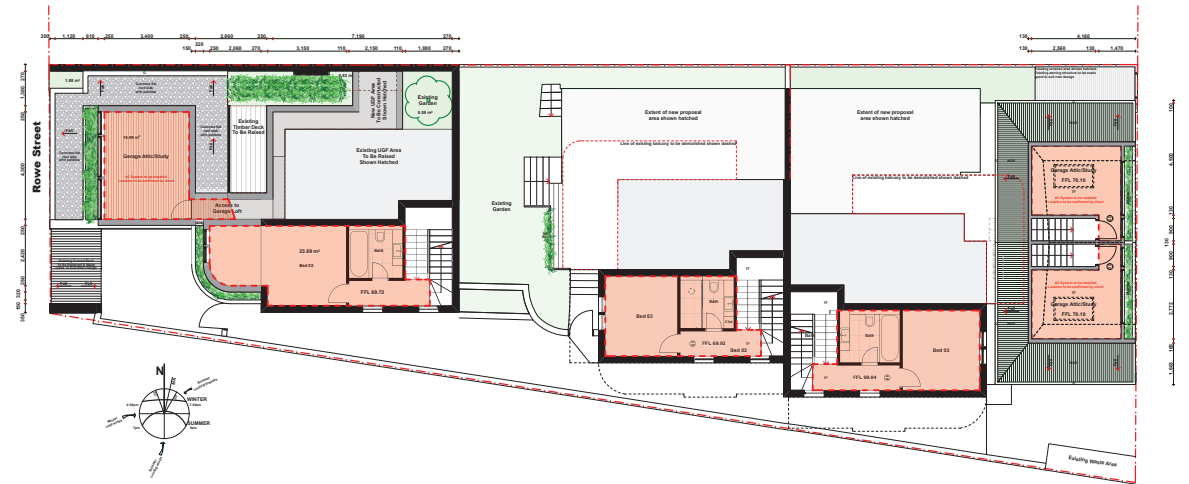
<div><div>ISA DESiGNS</div><div>Alon Musael</div><div><div>Postal Address</div><div>PO Box 403 Rose Bay NSW 2029</div><div>Mobile</div><div>+61 451 867 426</div><div>Email</div><div>alon@isadesigns.com.au</div></div></div> <div></div> <td data-kind="ghost"></td> <td data-cs="2" data-kind="parent" data-rs="2"><div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div><div>FOR CONSTRUCTION</div></td> <td data-kind="ghost"></td> <td data-cs="2" data-kind="parent" data-rs="2"><div>PROJECT: Alterations & Additions</div><div>SP. 37963 Lot 1</div><div>1 / 21 Rowe Street Woollahra NSW 2025</div></td> <td data-kind="ghost"></td> <td data-cs="2" data-kind="parent" data-rs="2"><div>CLIENT: David Wright</div><div>1 / 21 Rowe Street Woollahra NSW 2025</div></td> <td data-kind="ghost"></td> <td data-cs="2" data-kind="parent" data-rs="2"><div>Drawing Name: Shadow Diagrams 21 June - 9am, 12pm & 3pm</div><div><div>Project No:</div><div>DA_211118</div><div>Scale:</div><div>1 : 250 @ A3</div></div><div><div>Drawing No:</div><div>DA_020</div><div>Drawn:</div><div>AM</div></div></td> <td data-kind="ghost"></td> <td><div>Date: 18.11.2021</div><div>Sent: 12.12.2023</div><div>Issue: 4</div><div>Revision: F</div></td> <td data-cs="2" data-kind="parent"><div>Revision Description:</div><div>Preliminaries & Schematic Design</div><div>Client Review</div><div>Client Amendments</div><div>Client Amendments</div><div>Town Planner & Client Review</div><div>DA Submission - Council Review</div></td> <td data-kind="ghost"></td>		<div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div> <div>FOR CONSTRUCTION</div>		<div>PROJECT: Alterations & Additions</div> <div>SP. 37963 Lot 1</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>		<div>CLIENT: David Wright</div> <div>1 / 21 Rowe Street Woollahra NSW 2025</div>		<div>Drawing Name: Shadow Diagrams 21 June - 9am, 12pm & 3pm</div> <div><div>Project No:</div><div>DA_211118</div><div>Scale:</div><div>1 : 250 @ A3</div></div> <div><div>Drawing No:</div><div>DA_020</div><div>Drawn:</div><div>AM</div></div>		<div>Date: 18.11.2021</div> <div>Sent: 12.12.2023</div> <div>Issue: 4</div> <div>Revision: F</div>	<div>Revision Description:</div> <div>Preliminaries & Schematic Design</div> <div>Client Review</div> <div>Client Amendments</div> <div>Client Amendments</div> <div>Town Planner & Client Review</div> <div>DA Submission - Council Review</div>	



Proposed Lower Ground & Ground Floor Plan



Proposed First & Upper First Floor Plan



Proposed Upper Ground Floor Plan

Proposed 21 Rowe Street, Woollahra

Site Area - 582.40 Sqm.
Existing FSR - 0.7 : 1
Proposed FSR - 0.75 : 1

1/21 Rowe St. Gross Floor Area - 144.17 Sqm.
2/21 Rowe St. Gross Floor Area - 146.47 Sqm.
3/21 Rowe St. Gross Floor Area - 149.67 Sqm.

Proposed Total Gross Floor Areas - 440.31 Sqm.

FLOOR SPACE CALCULATIONS

Existing - 1/21 Rowe Street, Woollahra NSW	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Existing FSR -	0.70 : 1
Existing Landscape Area -	24.97 Sqm.
Existing Lower Ground Floor Area -	45.91 Sqm.
Existing Ground Floor Area -	18.46 Sqm.
Existing First Floor Area -	47.66 Sqm.
Total Existing Floor Area -	112.03 Sqm.

Existing - 2/21 Rowe Street, Woollahra	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Existing FSR -	0.70 : 1
Existing Landscape Area -	48.53 Sqm.
Existing Lower Ground Floor Area -	81.21 Sqm.
Existing Ground Floor Area -	17.66 Sqm.
Existing First Floor Area -	48.20 Sqm.
Total Existing Floor Area -	146.47 Sqm.

Existing - 3/21 Rowe Street, Woollahra	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Existing FSR -	0.70 : 1
Existing Landscape Area -	25.01 Sqm.
Existing Lower Ground Floor Area -	82.10 Sqm.
Existing Ground Floor Area -	18.10 Sqm.
Existing First Floor Area -	49.40 Sqm.
Total Existing Floor Area -	149.67 Sqm.

Proposed - 1/21 Rowe Street, Woollahra NSW	
Site Area -	582.40 Sqm.
Permissible FSR -	0.65 : 1
Proposed FSR -	0.75 : 1
Existing Landscape Area -	24.97 Sqm.
Proposed Lower Ground Floor Area -	56.63 Sqm.
Proposed Ground Floor Area -	39.88 Sqm.
Proposed First Floor Area -	47.66 Sqm.
Total Existing Floor Area -	144.17 Sqm.



WIND ROSES
Sydney Airport AMO/
AWS: Source NSW
Bureau of Meteorology

ISA DESiGNS

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 37963 Lot 1

1 / 21 Rowe Street
Woollahra NSW 2025

CLIENT:
David Wright

1 / 21 Rowe Street
Woollahra NSW 2025

Drawing Name:

GFA Calculations

Project No: DA_211118

Drawing No: DA_021

Scale: 1 : 250 @ A3

Drawn: AM

Date: 18.11.2021

Sent: 12.12.2023

Issue: 4

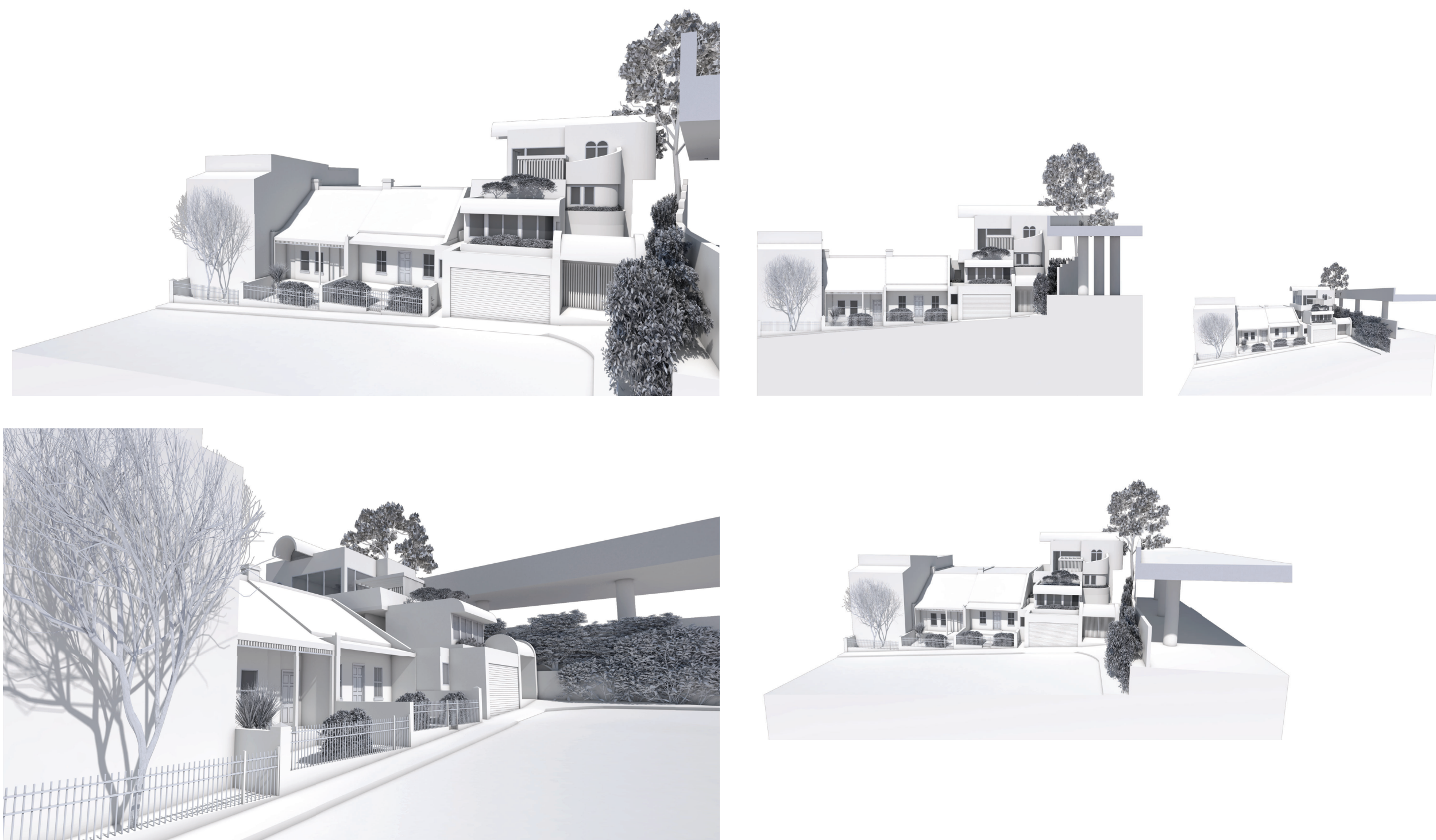
Revision: F


Revision Description:

Preliminaries & Schematic Design
Client Review

Client Amendments
Client Amendments

Town Planner & Client Review
DA Submission - Council Review



<div><div>ISA DESiGNS</div><div>Alon Musael</div></div> <div><div>Postal Address</div><div>Mobile</div><div>Email</div></div> <div><div>PO Box 403</div><div>Rose Bay NSW 2029</div><div>+61 451 867 426</div><div>alon@isadesigns.com.au</div></div>	<div></div> <div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs & builder immediately.</div>	<div><div>PROJECT:</div><div>Alterations & Additions</div><div>SP. 37963 Lot 1</div></div> <div><div>1 / 21 Rowe Street</div><div>Woollahra NSW 2025</div></div>	<div><div>CLIENT:</div><div>David Wright</div></div> <div><div>1 / 21 Rowe Street</div><div>Woollahra NSW 2025</div></div>	<div><div>Drawing Name:</div><div>3D Streetscape Impressios</div></div> <div><div>Project No:</div><div>DA_211118</div><div>Scale:</div></div> <div><div>Drawing No:</div><div>DA_022</div><div>Drawn:</div><div>AM</div></div>	<div><div>Date:</div><div>18.11.2021</div></div> <div><div>Revision Description:</div><div>Preliminaries & Schematic Design</div></div>
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1/21 Rowe Street, Woollahra

**REQUEST FOR VARIATION TO FLOOR SPACE RATIO OF BUILDINGS
DEVELOPMENT STANDARD PURSUANT TO CLAUSE 4.6(3) OF
WOOLLAHRA LEP 2014**

This Clause 4.6 variation relates to a proposal for alterations and additions to the Unit 1, No. 21 Rowe Street, Woollahra. The works include demolition of walls, windows and the garage roof as well as the alterations of internal areas and the addition of new landscaping, open spaces and floor area.

The proposal results in a non-compliance with clause 4.4 of the *Woollahra Local Environmental Plan 2013 (WLEP)* which relates to floor space ratio (**FSR**). As such, this Clause 4.6 request has been prepared in accordance with Clause 4.6 of the *WLEP* which applies to the subject site.

The request demonstrates that compliance with the development standard relating to FSR is unreasonable or unnecessary in the circumstances of the case and establishes that there are sufficient environmental planning grounds to justify contravening the development standard, satisfying clause 4.6(3) of the *WLEP*.

Based on this Clause 4.6 request, the consent authority can be satisfied that the written request has adequately addressed the matters required to be demonstrated by subclause (3), and that the proposed development will be in the public interest because it is consistent with the objectives of the FSR development standard and the objectives for development within the R3 – Medium Density Residential Zone under the *WLEP*, in which the development is proposed to be carried out.

The nature of the exceedance to the development standard relating to FSR is set out below, followed by consideration of the relevant matters in clause 4.6 of the *WLEP*.

The NSW Department of Planning, Industry and Environment (DPI&E) provides guidance on how to prepare Clause 4.6 variations; 'Varying development standards: A Guide' (August 2011). This written request to vary the standards is based on the Guide.

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telephone: 02 9360 0989 | www.a2p.com.au

Zoning of the site

The zoning of the land is R3 – Medium Density Residential. The proposed and existing use are permissible with the site's R3 zoning. The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

Clause 4.4 – Floor Space Ratio

The Standard

Clause 4.4 of the WLEP and the associated map prescribe a maximum floor space ratio (FSR) of 65:1 (378.56m²) for this site. The site has an area of 582.40m². The proposal seeks to provide a maximum FSR of 0.756:1 (440.31m²), providing a non-compliance with this control. The percentage variation is 16.31% (61.75m²).

The additional floor area does not come at the expense of any landscaped area and the proposed envelope of the building is substantially unaltered. The works will bring the density of townhouse 1 more in line with that at the townhouses to the rear of the site.

The objectives of Clause 4.4

The objectives of Clause 4.4 are as follows:

- (a) for development in Zone R3 Medium Density Residential—
 - (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and
 - (ii) to minimise adverse environmental effects on the

- use or enjoyment of adjoining properties and the public domain, and
- (iii) to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,

Clause 4.6 – Exceptions to Development Standards

Clause 4.6 of the WLEP allows for exceptions to Development Standards.
The objectives of this 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.*

Clause 4.6 of the WLEP allows for exceptions of Development Standards.
The objectives of this 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.*

Clause 4.6(2) provides the power for development consent to be granted even though the development would contravene a development standard, subject to that clause:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Clause 4.6(3) sets out what a clause 4.6 written request seeking to justify a contravention of a development standard must demonstrate in order for consent to be granted for development that contravenes a development standard:

- (3) *Development consent must not be granted for 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 of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.*

The matters required to be demonstrated under clause 4.6(3) are set out below as Points 1 and 2.

Clause 4.6(4) requires that Council keep a record of its assessment carried out under Clause 4.6(3).

1. Clause 4.6(3)(a) - Compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case:

In order to assess whether strict compliance with the development standard is unreasonable or unnecessary, a proposal is considered against the following five ways¹:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard; or
5. 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 the land.

These five ways were re-emphasised by the Court². Each 'test' offers a potential way of demonstrating that compliance is unnecessary or unreasonable in a particular circumstance³. All tests are separate and not all tests may not be applicable in each case. Therefore, not all tests need to be met.

¹ see *Wehbe v Pittwater Council* [2007] NSWLEC 827

² *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386

³ *Mecone Pty Limited v Waverley Council* [2015] NSWLEC 1312

This objection relies on the first method set out above, that compliance with a standard is unreasonable and unnecessary given that the objectives of the standard are met even though the standard is not complied with⁴.

Objective (a)(i) to ensure the bulk and scale of new development is compatible with the desired future character of the area:

Objective (a)(i) stipulates that the proposed bulk and scale must be *compatible* with that of surrounding development. In *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, Roseth SC noted that

“There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve”
5

Roseth SC set two tests to determine whether or not a proposed dwelling is to be considered “in harmony” with surrounding development:

- *“Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?”*⁶

In regards to the first point, the proposal leads to no adverse physical impacts on surrounding development in terms of view loss, overshadowing, privacy impacts or visual bulk. A detailed discussion of this is provided in the response to objective (a)(ii) below.

In terms of test 2, the appearance of the building is in harmony with others on the street. Development within the Grafton Precinct tends to take up the majority of their allotments and present with a bulk that appears to exceed a 0.65:1 FSR. Some notable examples in the immediate visual catchment of

⁴ *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245

⁵ *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191

⁶ *ibid*

buildings with greater FSRs include the Jewish Care Centre at No. 3 Saber Steet and the residential Flat building at Nos. 33-35 Rowe Street. The proposed bulk can be said to exist in harmony with these buildings.

Objective (a)(i) speaks not only of compatibility with existing development, but also with desired future character. The term “desired future character” is not defined in the WLEP and is highly subjective. In *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115, Preston CJ found that where desired future character is undefined “*the matters that may be taken into account in evaluating what is the desired future character of a particular neighbourhood or area at any point in time will similarly be unconfined*”⁷

With this in mind, Preston CJ went on to conclude that:

*“...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”*⁸

Consistent with the findings of Preston CJ in *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115, the very existence of the buildings showing variations to the FSR development standard mentioned above indicates that buildings exceeding the WLEP FSR controls help form the desired future character with the locality. As such, the subject dwelling, must also be considered in line with the desired future character of the area.

In addition, it is noted that the existing building is of a modular form with each unit broken up from each other. This lessens the visual bulk of the dwelling. The proposed works do not change this. Moreover, the proposal takes steps to minimise the overall bulk of the building, by setting back the attic level. In addition, the proposal contains all new floor area below the height limit.

Accordingly, the proposal meets objective (a)(i)

Objective (a)(ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain:

The proposal does not give rise to any adverse impacts upon the public domain or amenity of adjacent sites.

⁷ *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115

⁸ *ibid*

All additional floor area is located below the height limit and is contained within the existing building envelope with the exception of the front attic which is set back from the front and side boundaries, minimising the visual impact.

The proposal does not impact solar access at adjacent sites or to the public domain. The orientation of the site and location of the dwelling ensures that all new shadows fall to the south upon the parking area below Syd Einfeld Drive and avoid the street and adjacent dwellings.

The dwelling will not impact views as the dwelling is located up against the viaduct carrying Syd Einfeld Drive and is below the height of the roadway. As such, no nearby dwellings will have views to the south blocked by the dwelling.

Finally, the proposal does not give rise to any impacts on the aural or visual privacy of neighbours. The proposal is for a residential unit which will not generate much in the way of excessive noise or disturbance. All new windows are well setback from the boundary and are screened by plantings. The new terraces are also screened by planters.

Accordingly, the proposal has no adverse impacts upon adjacent sites or the public domain and the proposal meets objective (a)(ii).

Objective (a)(iii) to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space:

The proposal improves plantings throughout site, including a new Japanese garden and other planting on the building. All deep soil on site is retained as existing and therefore, the variation is not resulting in the loss of any deep soil landscaping. Accordingly, the proposal meets objective (a)(iii).

2. Clause 4.6(3)(b) - There are sufficient environmental planning grounds to justify contravening the development standard:

Given the consistency of the proposal against the zone objectives and FSR objectives (see **Point 4 below regarding both**), in my opinion there are sufficient environmental planning grounds to justify contravening the development standard⁹.

The components proposed above the FSR control are:

- 61.75m² of GFA

⁹ see *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [90]

There are sufficient environmental planning grounds which demonstrate that the proposed FSR can be achieved without adverse impacts for the following reasons:

- Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality.
- Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:
 - The proposal will not result in the loss of views from surrounding development. Significant views of the harbour and Darling Point are acquired from north facing windows of surrounding properties. The buildings is located at the far southern end of Rowe Street and has no dwellings or other buildings directly to the south of it. As such, no views are impacted by the development.
 - The proposal will not result in unreasonable overshadowing of adjoining properties. The location of the site and buildings ensures that all new shadows will fall upon the area below Syd Einfeld Drive, which is used for parking, and will avoid surrounding properties.
 - The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained. The use of the building is residential, which is a style of development unlikely to generate substantial noise or disturbance. New windows are well set back from adjacent operates and all new openings and open spaces are heavily screened by new landscaping.
 - The proposal will provide a development, which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality.
- All additional floor area is located below the height limit and is contained within the existing building envelope with the exception of the front attic which is set back from the front and side boundaries, minimising the visual impact.
- The additions will bring the density of Unit 1 in line with that at Units 2 and 3, providing consistency across site.

The proposal will provide a suitable design and be of suitable amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section

1.3 of the EP&A Act, 1979). The building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site.

3. Clause 4.6(5)

In the context of the requirements of Clause 4.6(5), it is considered that no matters of State or regional planning significance are raised by the proposed development. Moreover, it is considered that there would be no public benefit in maintaining the particular planning control in question, in the case of this specific development.

Conclusion

The proposal is consistent with the objects of Section 1.3 of the EP& A Act, 1979, which are to encourage development that promotes the social and economic welfare of the community and a better environment, to promote and coordinate orderly and economic use and development of land, to promote good design and amenity of the built environment and to protect the heritage of the built environment.

This submission is considered to adequately address the matters required by Clause 4.6 and demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to support the variation.

Based on this Clause 4.6 request, the consent authority can be satisfied that the written request has adequately addressed the matters required to be demonstrated by subclause (3), and that the proposed development is consistent with the objectives of the FSR development standard under the WLEP 2014, in which the development is proposed to be carried out.



Boris Kozuchowski
Consultant Planner
[aSquare Planning Pty Ltd](#)

24 May 2024



Woollahra
Municipal
Council

11 April 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 71/2024/1
ADDRESS: 1/21 Rowe Street WOOLLAHRA 2025
PROPOSAL: Alterations and additions to existing dwelling
FROM: Sam Knight
TO: C Hartas

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by aSquare Planning, dated August 2020
- Architectural Drawings, drawn by iSA Designs, dated 12 December 2023

A site inspection was carried out on 18 April 2024.

3. RELEVANT CONTROLS

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



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4. SUMMARY

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

5. COMMENTS

Inspection of the site has noted that there are no prescribed trees within the site.

Several Paperbark trees (*Melaleuca quinquenervia*) were identified directly adjacent to the southern boundary. The trees were all noted in good to fair health and condition. The trees partially overhang into the subject property. A retaining wall runs along the southern boundary of the site which has restricted tree roots from growing into the subject property. The proposed works are not expected to impact on these trees. No special tree protection measures are required for these trees.

The SEE Report includes comments about removal of two trees in the north-eastern corner of the site. However, these trees have since been removed.

The report also includes comments about replacement planting. However, no specific details have been provided about proposed tree species. Therefore, a condition has been included below outlining tree planting 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

Nil

B. BEFORE DEMOLITION WORK COMMENCES

Nil

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Nil

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	1.	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 following replacement tree/s must be planted in deep soil landscaped area



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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)
<i>Waterhousea floribunda</i> or <i>Syzygium smithii</i>	North-eastern landscape area	75L	10 x 5
<i>Magnolia grandiflora</i> 'Teddy Bear'	Central landscape area	75L	8 x 5

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)

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



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<p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.34 (Autotext 34G)</p>		Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				

H. OCCUPATION AND ONGOING USE

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



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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

19 April 2024
Completion Date

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D3
FILE No.	DA400/2023/2
ADDRESS	11 Collins Avenue ROSE BAY
COUNCIL WARD	Vaucluse
SITE AREA	705m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Internal and external modifications to the approved alterations and additions, including installation of a lift and increase to approved building height.
BCA BUILDING CLASSIFICATION	Class 1a – dwelling house
TYPE OF CONSENT	Local development
COST OF WORKS	\$0.00
DATE LODGED	07/06/2024
APPLICANT	Mrs A Khan
OWNER	N J Kelly
AUTHOR	George Lloyd
TEAM LEADER	Max Moratelli
SUBMISSIONS	Nil
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% - Height of buildings & Floor Space Ratio.

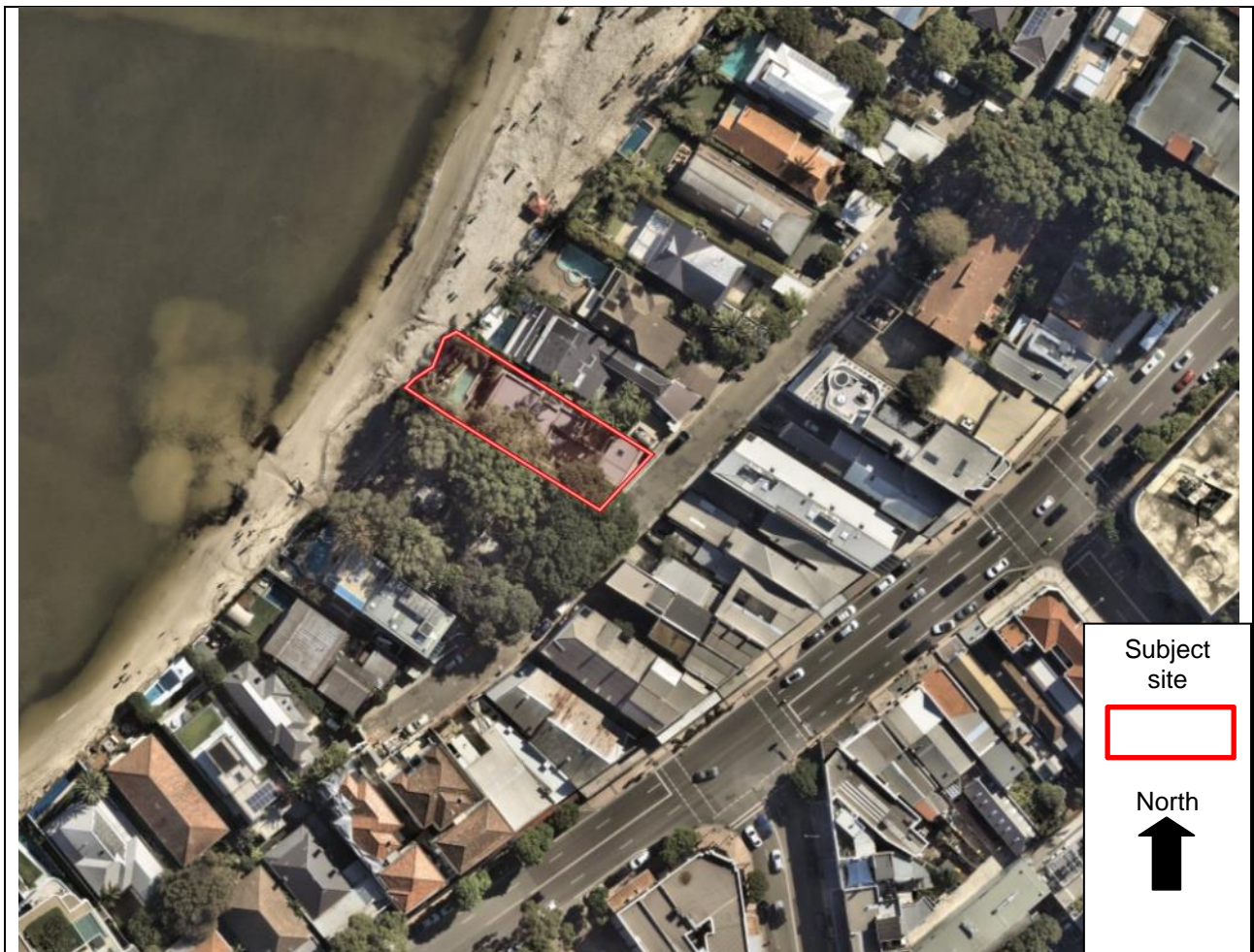
2. REASONS FOR RECOMMENDATION

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, as modified, satisfies section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979;

- The proposal, as modified, is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015;
- The proposed modifications will have no adverse effects upon the local, built, and natural environments, nor will it have any adverse social or economic impacts upon the locality;
- All likely impacts to adjoining properties have been addressed in the report, or, are considered to be satisfactory;
- The site is suitable for the proposed modified development; and
- The proposal as modified is in the public interest.

3. LOCALITY PLAN



4. SUMMARY OF APPROVED DEVELOPMENT

On 2 February 2024, Council approved under delegated authority, alterations and additions to the existing dwelling house including a new second storey addition, which comprised the following works:

- Removal of the existing first floor services/plant room and expansion of the front-facing terrace within the existing first floor footprint;
- New pergola over the first floor front-facing terrace;

- Partial removal of existing dwelling roof and construction of a new second storey level comprising a master bedroom, ensuite bathroom, walk-in robe and west-facing balcony with perimeter planter boxes.

It is worth noting that the approved development exceeded the floor space ratio requirements under Part 4.4E of the WLEP by 35.25m² (or 9.9%).

5. CURRENT (MODIFIED) PROPOSAL

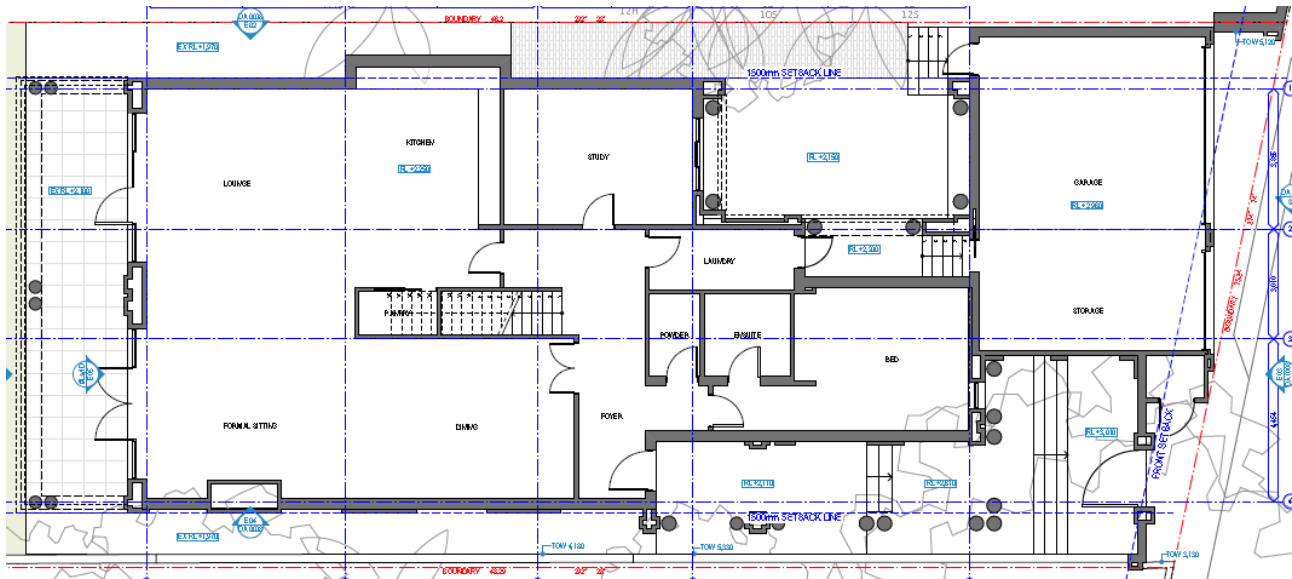
On 2 October 2024 the applicant submitted amended plans in response to a request from Council. These amendments were as follows:

- Mechanical plant has been reduced in footprint to align to the stair bounding wall;
- The parapet height over the lift shaft has been reduced to allow for articulation in the façade;
- The mechanical air grilles have been increased in height to align to the north stepped out portion of the façade;
- Addition of a window to the southern façade off the lift lobby.

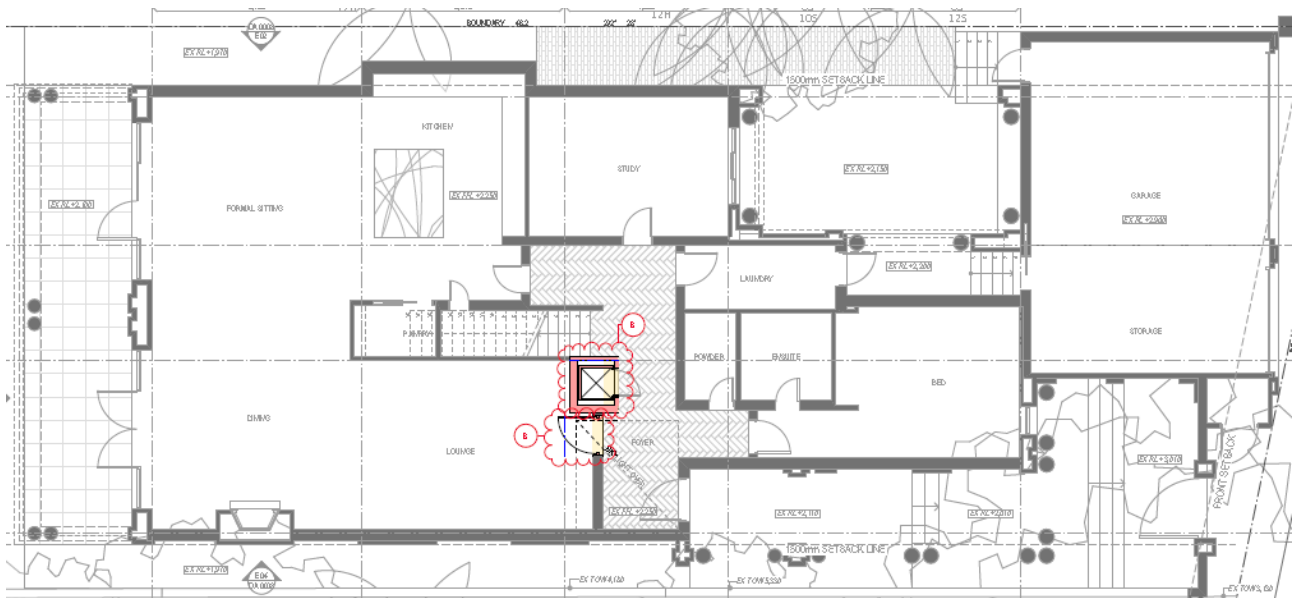
As amended, the current Section 4.55(2) application involves the following works:

Ground Floor (RL:2.25):

- Internal wall demolished.
- New lift within the existing envelope.
- New door.



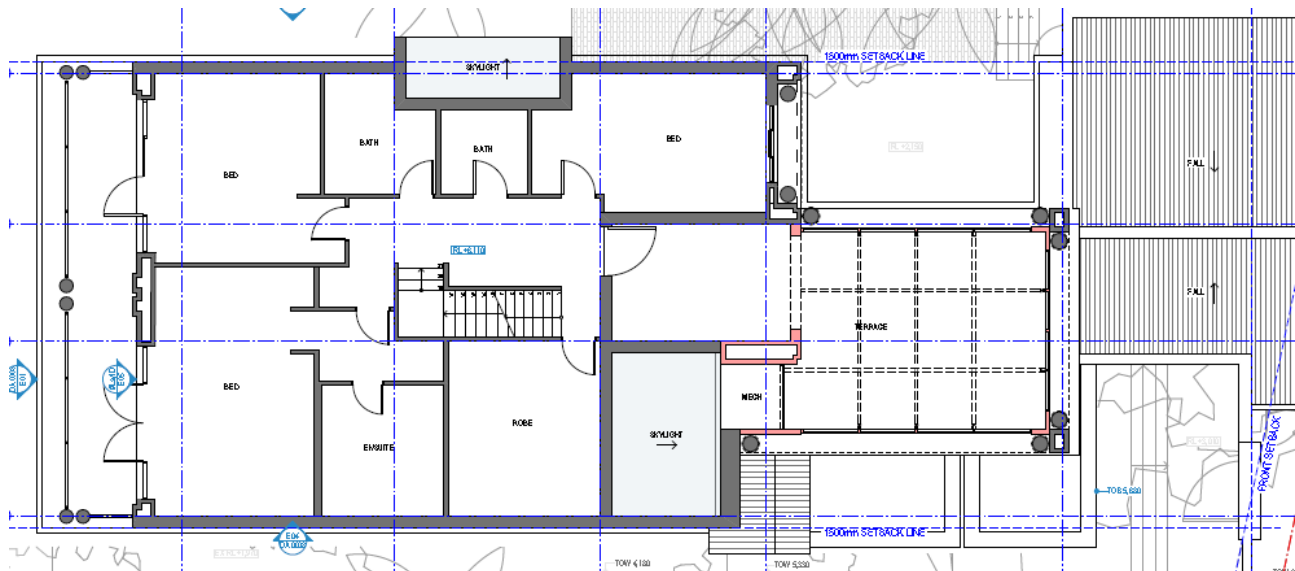
Ground Floor – Approved (DA-400/2023/1)



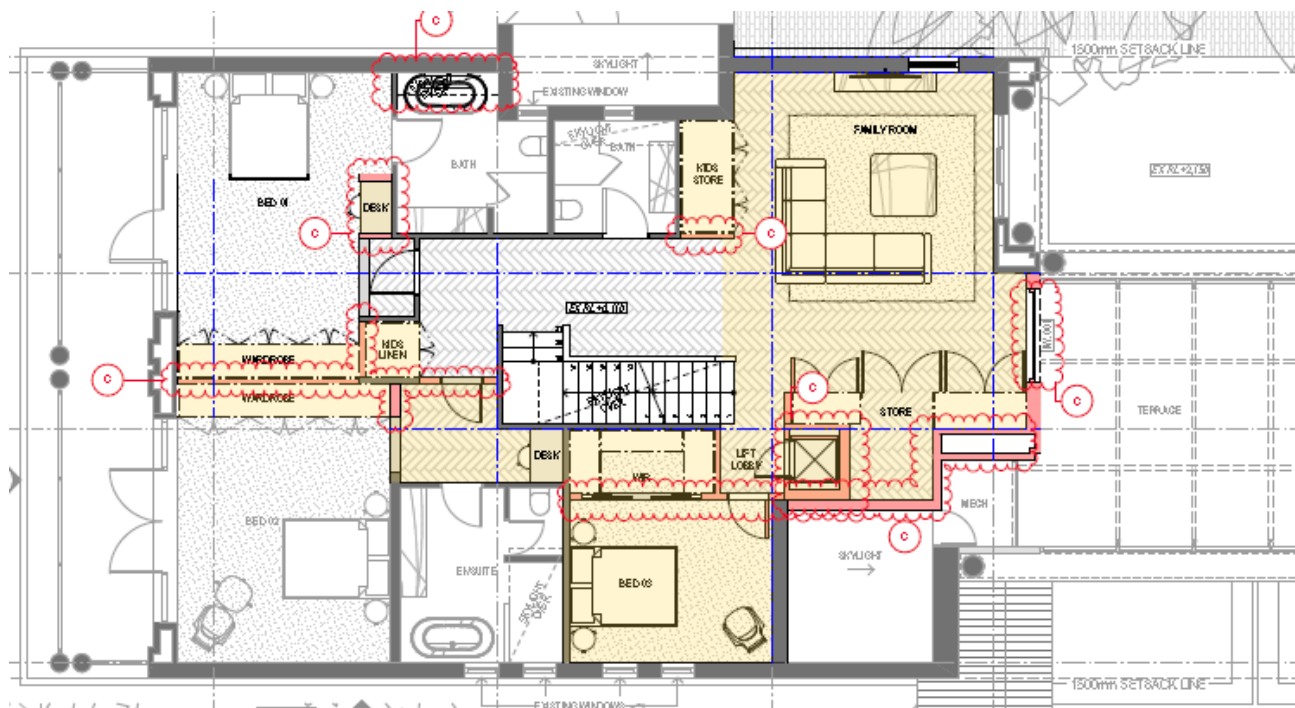
Ground Floor – Proposed

First Floor (RL:6.11):

- Internal walls demolished.
- New lift external to the existing envelope but integrated into the dwelling.
- New internal planning/reconfiguration.



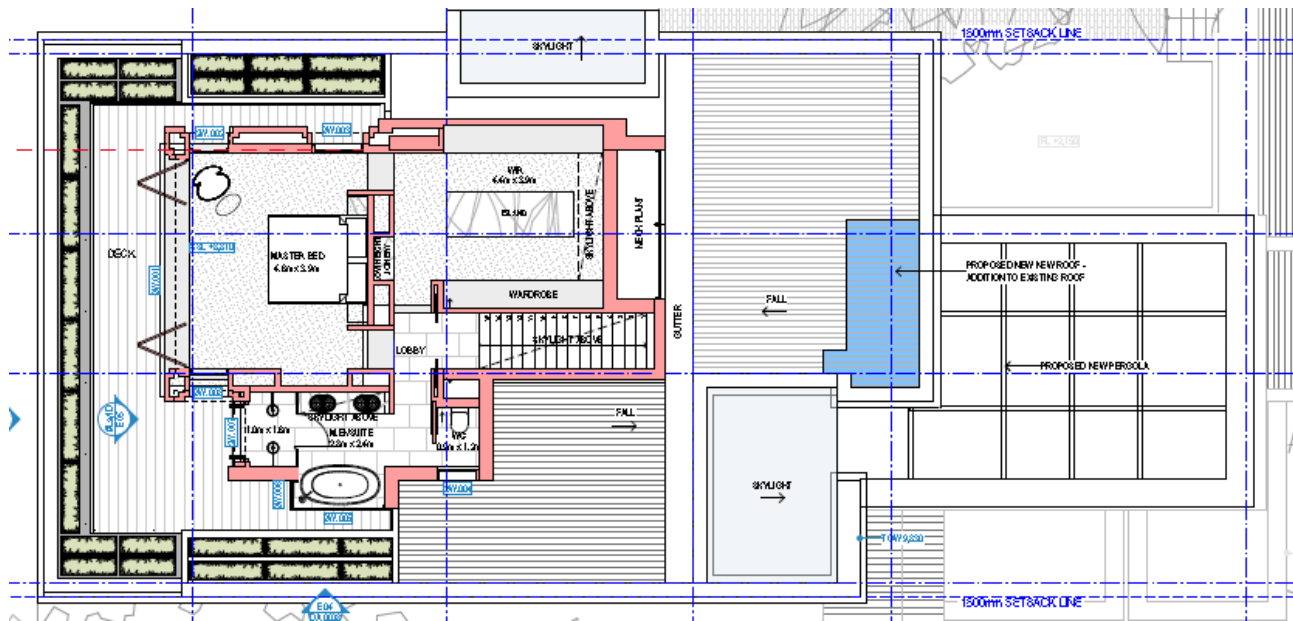
First Floor – Approved (DA-400/2023/1)



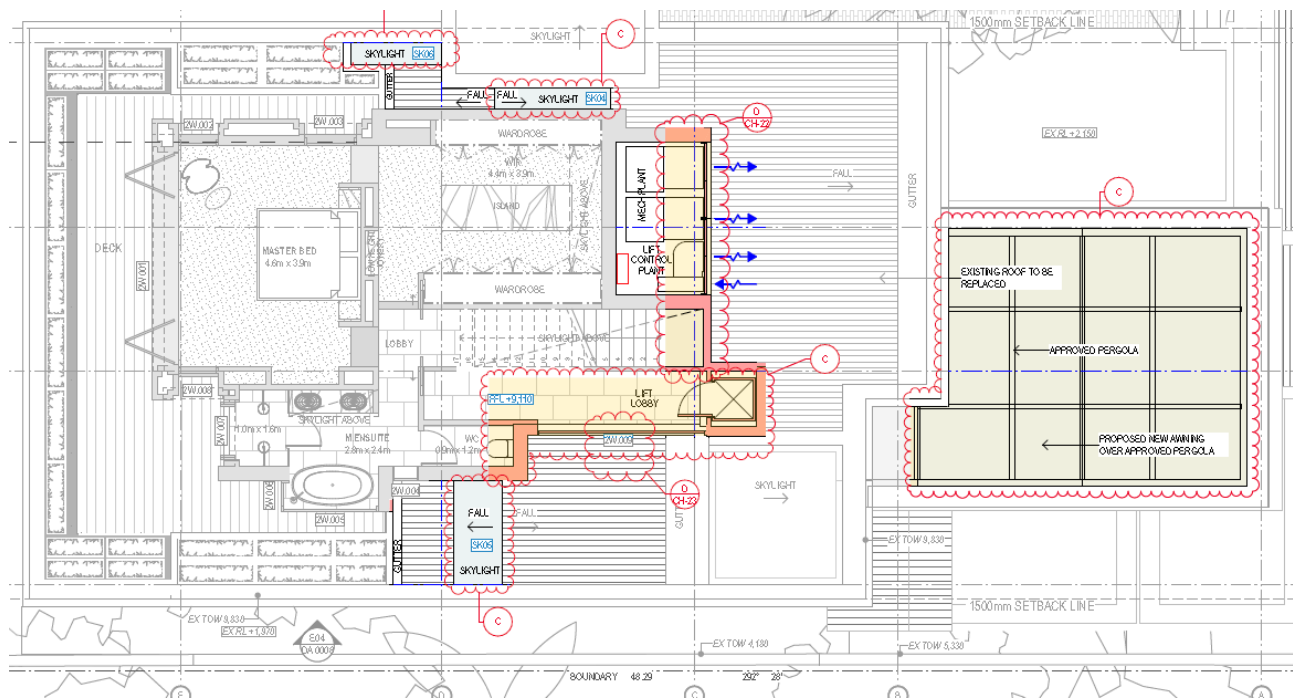
First Floor – Proposed

Second Floor (RL:8.86)

- New lift external to the approved envelope but integrated into the dwelling.
- Amended mechanical plant.
- New skylights to first floor level.
- Increase in the roof height by 510mm to permit a 2.7m floor to ceiling height of the bedroom.
- New awning over approved pergola.



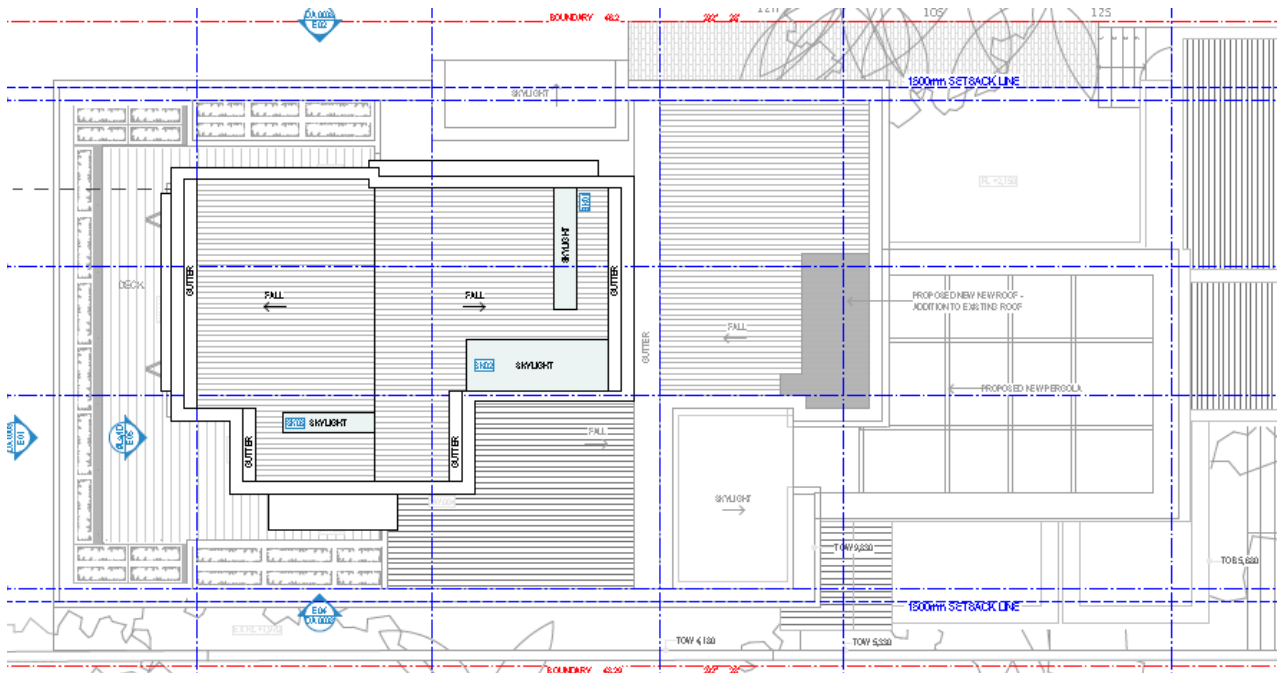
Second Floor – Approved (DA-400/2023/1)



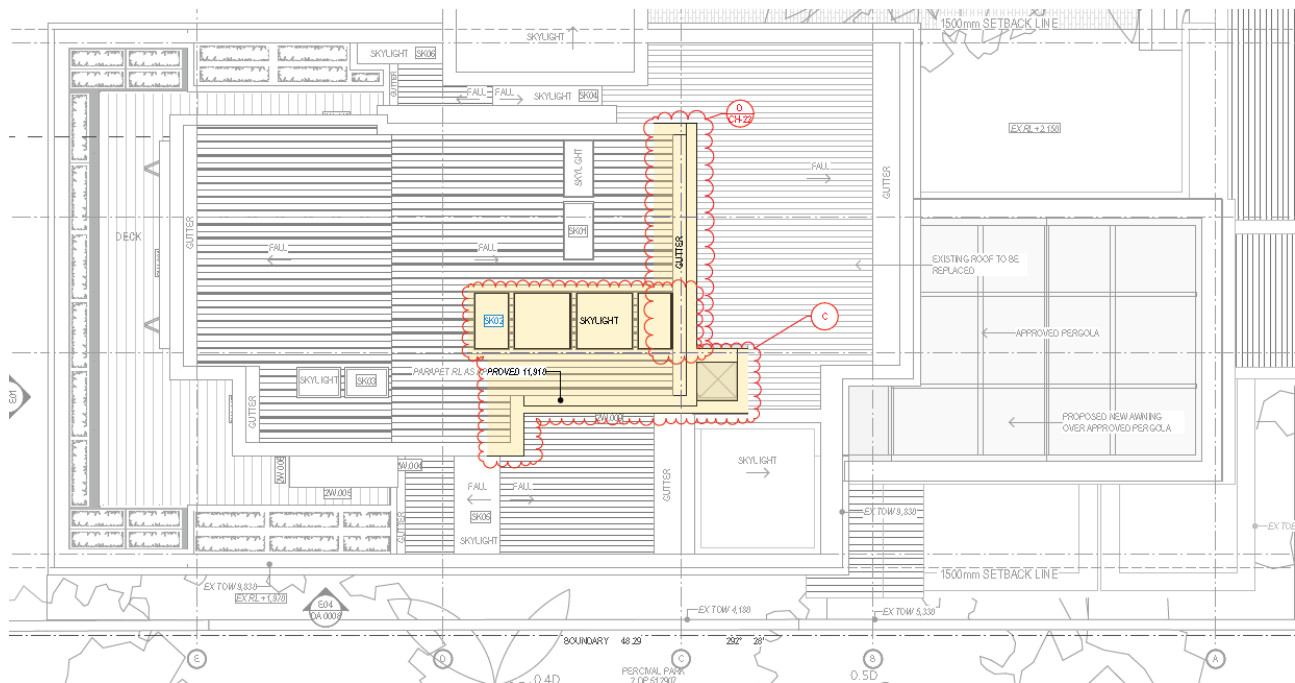
Second Floor – Proposed

Roof (RL: 11.76)

- Amended skylights and roof form raised to RL12.11.
- Deletion of existing chimney flue.

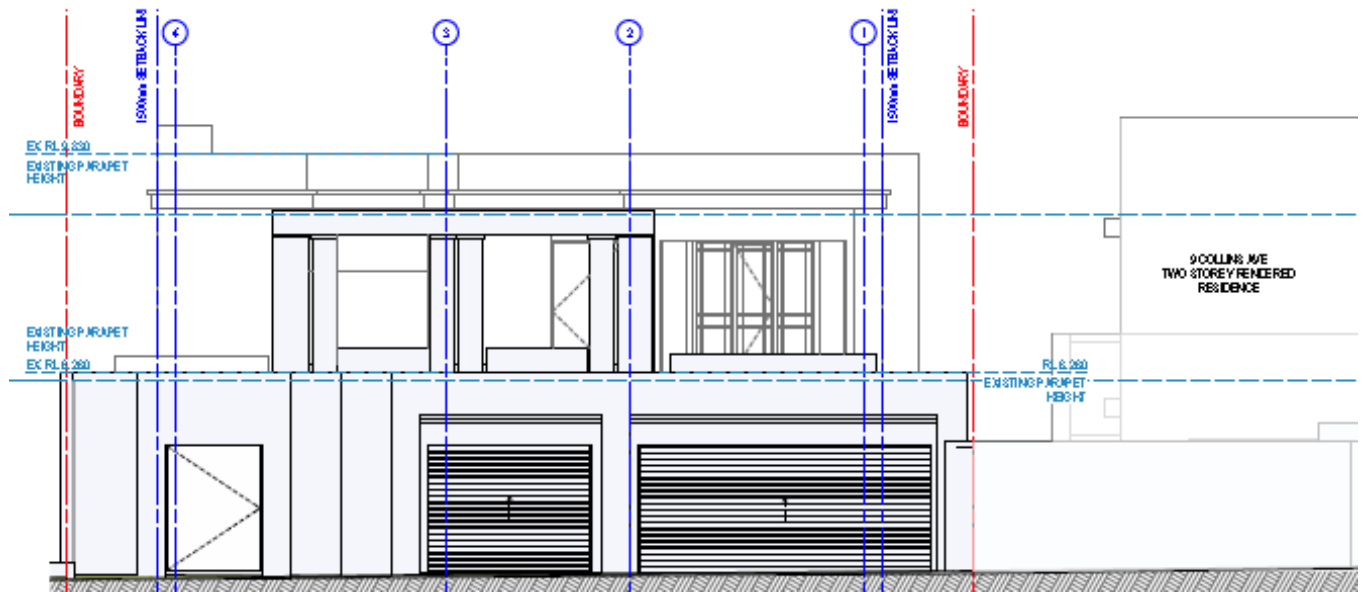


Roof Plan – Approved (DA-400/2023/1)

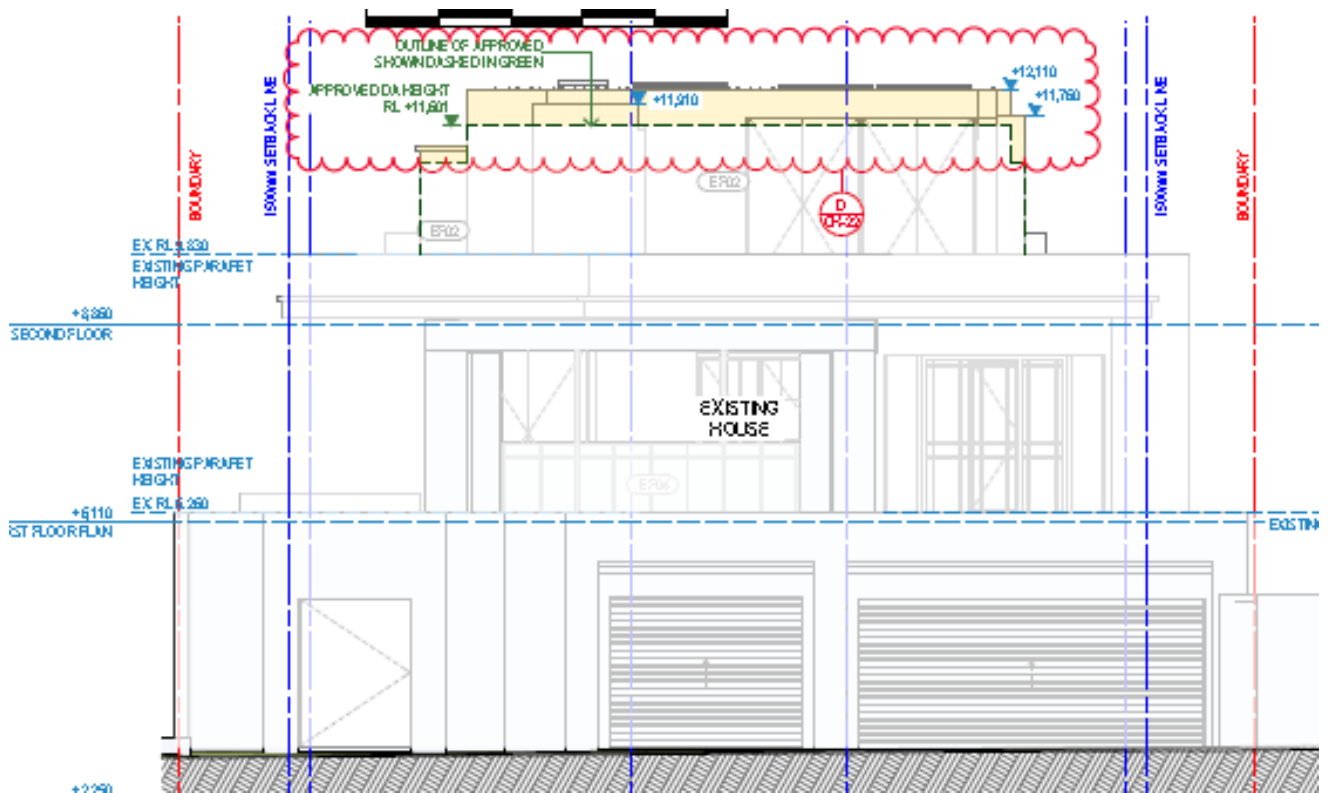


Roof Plan – Proposed

Front east facing elevations to Collins Avenue below.

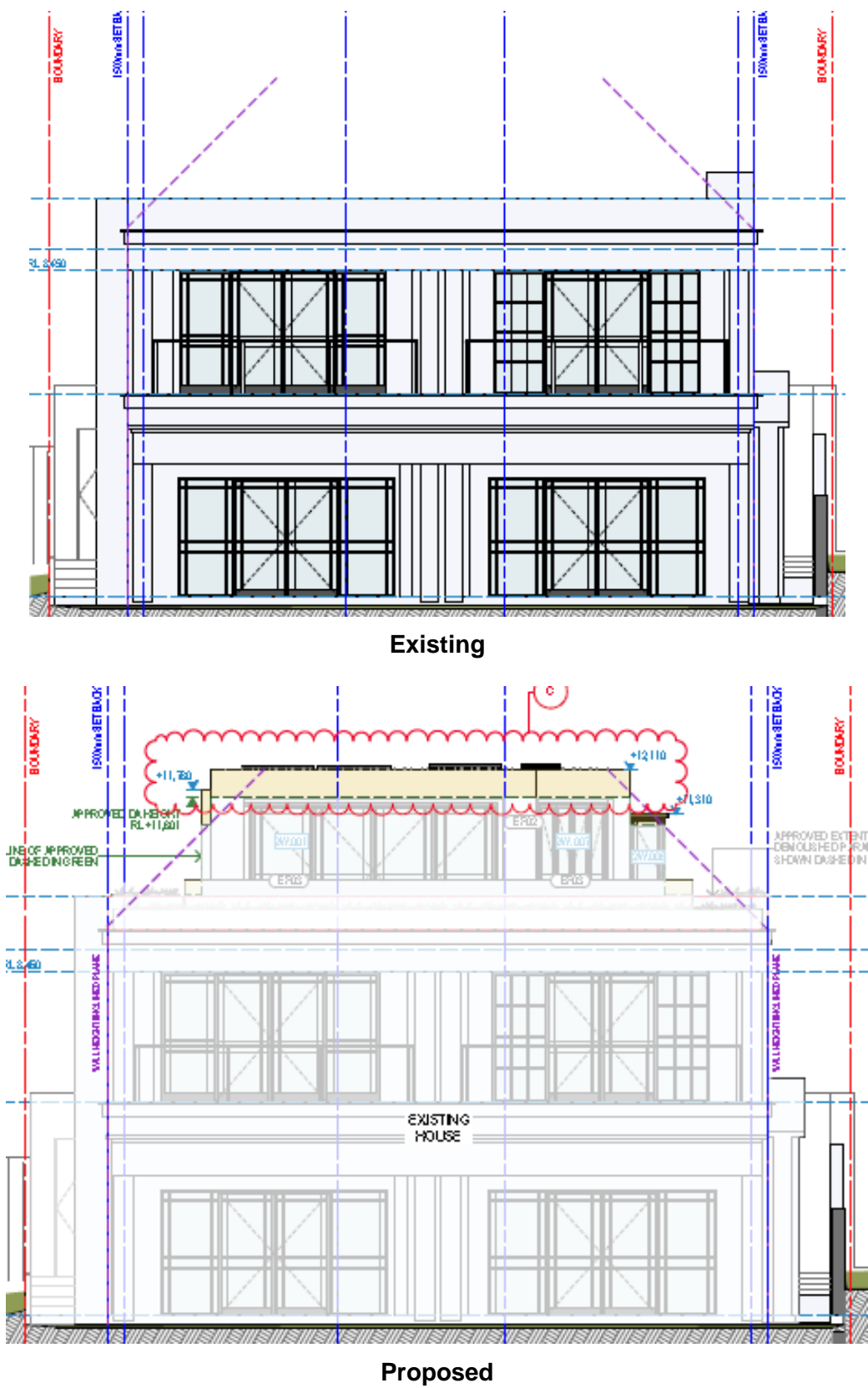


Existing

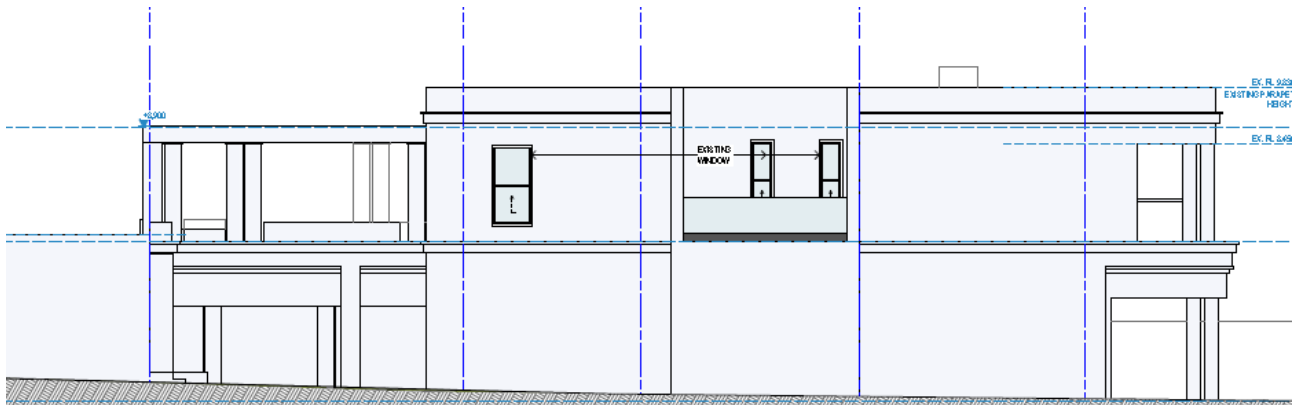


Proposed

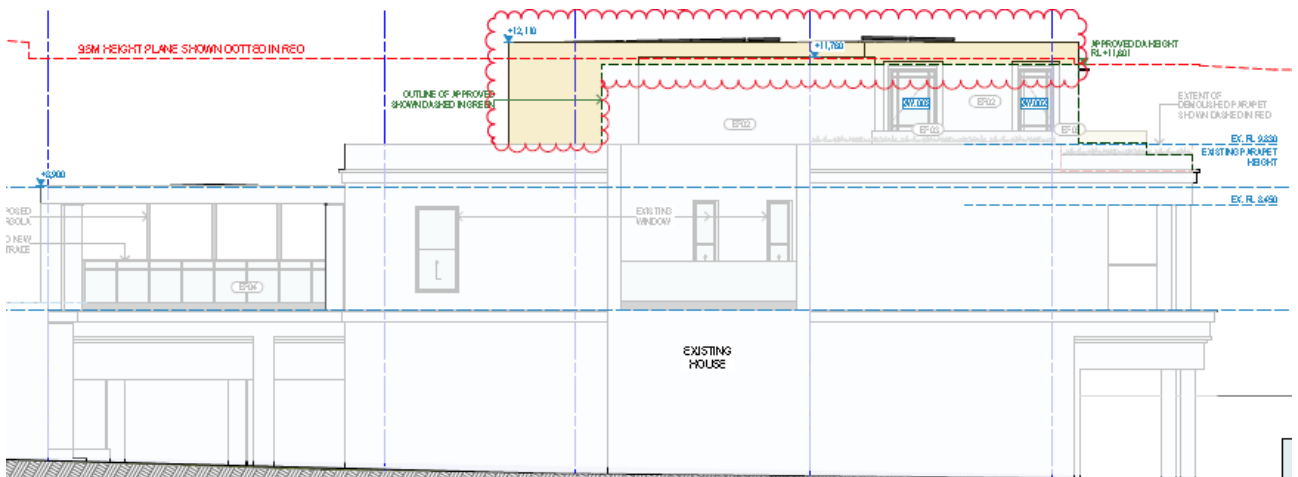
Rear west facing elevations to Sydney Harbour (below).



Northern facing side elevations (below).

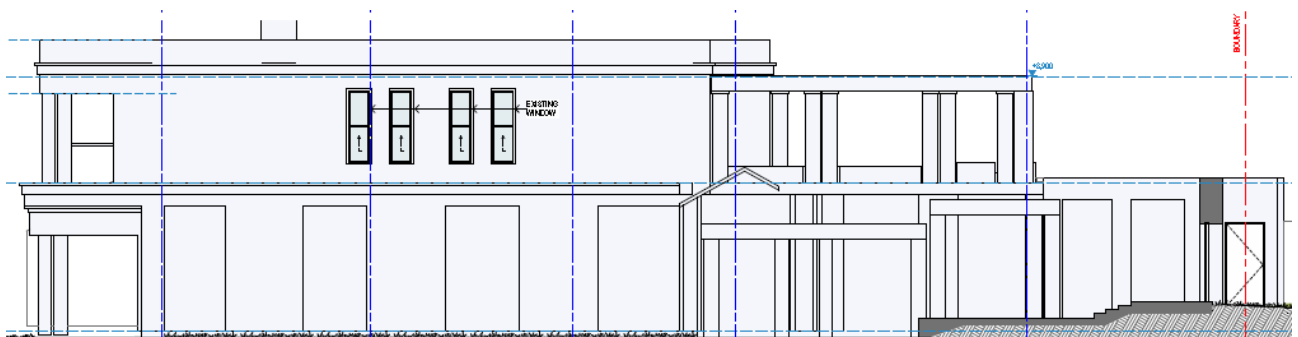


Existing



Proposed

Southern facing side elevations (below).



Existing



Non-compliance with Parts 4.3 (height of buildings) and 4.4E (floor space ratio for dwelling houses in the R2 zone) - see table below for extent of non-compliance

Clause & standard	Approved	Proposal & Departure from Control
Part 4.3 – Height of buildings 9.5m	9.35m	10.1m 510mm (or 5.36%) departure.
Part 4.4E – Floor Space Ratio 0.5:1 (352.5m²)	0.55:1 (387.5m ²) 35m ² (or 9.9%) departure	0.59:1 (413m ²) 60.52m ² (or 17.16%) [total] departure.

PROPERTY DETAILS AND REFERRALS

7. SITE AND LOCALITY

Physical features
The subject site is located on the north-western side of Collins Avenue, and is known as No. 11 Collins Avenue, Rose Bay. The site is legally described as Lot 6 in DP17818.
Despite being on a skewed angle, for the purposes of this report the rear harbourside boundary will be described as the “western” boundary.
The site is a rectangular allotment with a front boundary of 15.24m and combined rear boundary of 15.97m fronting Rose Bay Beach. The southern and northern side boundaries measure 48.29m and 46.2m respectively. The site comprises a total site area of 705m ² .
The site is located immediately to the north of Percival Park.
Topography
The site has a fall of approx. 1m from the front boundary down towards the rear of the site, consistent with the surrounding properties.
Existing buildings and structures
The site has a two-storey rendered dwelling house with a swimming pool and double garage fronting Collins Avenue. Significantly, there is also a second single garage door fronting Collins Avenue wherein the space adjacent to the double garage is used for storage,

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, many of which have harbour facing swimming pools.



8. RELEVANT PROPERTY HISTORY

Current use
Detached dwelling.
Requests for Additional Information and Replacement Applications
On 26 September 2024 a request for amendments was made to the applicant relating to the size of the proposed plant room at second floor level.
Amended plans were received on 2 October 2024 addressing this issue as detailed in Section 5 of the report.

9. REFERRALS

No referrals requested/required.

ASSESSMENT UNDER SECTION 4.55

The application is assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979.

10. SECTION 4.55(2): OTHER MODIFICATIONS

Section 4.55(2) relates to the modification of a development consent for all other modifications. The application involves modifications to the approved new dwelling, including extensions to the footprint at both the upper floor levels (see plans and previous images).

The considerations under Section 4.55(2) require Council to consider the following:

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

The test for establishing whether a development is 'substantially' the same as that which was originally granted consent is established by the *Moto Projects (No 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 298; [1999] NSWLEC 280 judgement. The judgement provides the following:

The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is 'essentially or materially' the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)....

Qualitatively appreciated, that difference is in respect of material and essential features of the approved development, that materiality involving the importance attributed to the physical features of the approved development sought to be modified.

With regard to the above case law, an assessment is provided using the following quantitative and qualitative tests to determine whether the proposal is substantially the same development.

Quantitative Test

Considerations include changes such as:

- a. the intensity of the development including any increase in gross floor area, the number of units including their size or number of bedrooms,**

Part 4.4E of the Woollahra LEP 2014, which permits a floor space ratio for dwelling houses in the R3 zone of 0.5:1 (or 387.7m²).

The proposed modifications increases the total gross floor area of the approved development by an additional 25.3m². This represents an overall departure of 60.5m² (or 17.16%) from the development standard.

Having regard to the context of the site and particularly the siting and location of the proposed additional gross floor area within the footprint of the approved development, the additional floor area will not materially alter the intensity of the development, which will remain as a single dwelling house.

At the first-floor level, the proposed modifications predominantly involve internal alterations and only a minor extension of the useable area which is to take place almost entirely within the approved footprint. While at the second-floor level, the additional protrusion of the building's footprint towards the east and south will comprise the new lift hallway and mechanical plant room. Not any of the additional calculable floor space will cause any additional impost upon the privacy or amenity of adjoining or surrounding properties.

In addition to the above, the proposed additions have been sensitively located in such a way that it will not exacerbate the overall bulk and scale of the approved building as viewed from surrounding properties, or as viewed from Collins Avenue.

b. height or number of storeys,

The proposed modifications will not alter the number of storeys from that which has been approved. There will however be an overall increase of 510mm in the height of the building from RL.11.601 to RL.12.110, which raises the overall height of the modified proposal to 10.1m.

c. landscaped area, communal open space, or private open space

The proposed modification satisfies the extent of landscaping and private open space to the same extent as that of the approved development.

d. any other numerically quantifiable measure of the proposed modification.

The proposed modification would not adversely alter any other numerically quantifiable measurement of the proposal as approved.

Assessment:

The does not result in any substantial quantitative variances from the originally approved development.

Qualitative Test Assessment:

1. any change in the functionality of the development,

The proposed modification maintains the same overall functionality of the dwelling house as approved.

2. any material change in internal and external amenity and environmental impacts,

The proposed modification will not adversely affect the amenity of residents, which will be comparable to the approved development. Also, the proposal is considered to provide reasonable amenity relationships with surrounding properties and would not have significant adverse streetscape impacts.

3. where the approved development previously complied with a development standard or control that was of material importance in the assessment of the DA, but is no longer compliant as proposed to be modified.

It is considered that compliance with the relevant considerations under the Woollahra DCP 2015 is achieved subject to the recommended conditions of consent.

Conclusion

Based on the quantitative and qualitative observations made above, the proposal is considered to be substantially the same as that which was originally granted consent.

- b) *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 – YES*
- c) *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 – YES*
- d) *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 – YES*

The proposed modifications are not considered to be significant relative to the scope of the development consent. Consequently, the development as sought to be modified is considered to be substantially the same as that which was originally approved, nor would it contravene the reasons for the approval of the original application.

The application was notified and advertised in accordance with the Woollahra Community Participation Plan 2019 and there were no submissions.

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 Notification Period

The application was advertised and notified from 26/06/2024 to 11/07/2024, in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019.

No submissions were received.

11.2 Amended Plans

The amendments detailed in Section 5 of the report were not re-notified as it was deemed that they did not raise the potential for additional environmental or amenity impacts to nearby properties.

11.3 Statutory Declaration

The applicant has completed the statutory declaration dated 22/07/2024, declaring that the site notice for DA-400/2023/2 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 (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The Section 4.55 application was accompanied by BASIX Certificate No.AAL-13564_04 demonstrating compliance with the SEPP. These requirements have been imposed by standard conditions that have been suitably amended.

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

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

The land is within the Sydney Harbour Catchment, and is within the Foreshores and Waterways Area. Furthermore, the subject site is partially within the W2 Environmental Protection Zone, and partially within the Wetlands Protection Area under this SEPP.

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

The modified proposal to the approved dwelling will not increase the footprint of the building, and all significant works (except for the new lift) are taking place at the first floor level or higher. There will be no impacts on water quality or quantity, ecology, flooding, recreation and public access, or total catchment management.

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

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

14.1 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 within the area specified as Coastal Environment Area, and Coastal Use Area. However, Clauses 2.10 (3) and 2.11 (2) state that the requirements of these areas do not apply to land within the Foreshores and Waterways Area of the Biodiversity and Conservation SEPP 2021. As such, they do not apply to this application.

Division 5 of the SEPP requires that development within the coastal zone must not increase risk of coastal hazards and must consider coastal management programs. The proposed modifications to the existing dwelling will be set at the first floor level or higher and will not increase the existing building footprint and it is considered that the proposal satisfies these requirements.

The proposal is acceptable with regard to Chapter 2 of the Resilience and Hazards SEPP.

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.

15. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

15.1 Part 1.2: Aims of Plan

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

15.2 Land Use Table – R3 Medium Density Residential zone

The proposal is defined as: ‘modifications to the approved alterations and additions to the dwelling house’ and is permissible and is consistent with the objectives of the R3 Medium Density Residential zone.

15.3 Part 4.3: Height of Buildings

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

	Approved	Proposed	Control	Complies
Maximum Building Height	9.35m	10.1m	9.5m	No

The proposed modifications will increase the overall height of the approved three-storey residence from that which was approved by Council under DA-400/2023/1. The proposed modification increases the overall height by 750mm, which is attributable to the raised ceiling level of the upper floor from 2.34m to 2.7m.

The upper floor walls are significantly recessed from the side walls below and the additional height will not result in any adverse amenity impacts upon either the streetscape or upon the neighbouring properties.

Bearing in mind that a clause 4.6 exception is not applicable for s.4.55 modification applications, justification for the non-compliant height has been assessed against the objectives of clause 4.3 which is provided below.

The objectives of cl.4.3 (height of buildings) are:

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

The applicant has provided the following response:

The desired future character of the locality is not defined under WLEP 2014 and are subjective and can include existing, approved and proposed development. In the assessment of DA/400/2023, Council reached a level of satisfaction that the approved development with a maximum height of 9.5m was consistent with the desired future character of the locality. The proposed modifications involve the increase in the height of the dwelling by 510mm over the second floor level only. The proposed increased height is setback over 17m from the front boundary and will not be readily discernible when viewed from street level. As detailed above, the character of visual catchment is eclectic with buildings of 4 storeys and greater on the opposite side of Collins Avenue. Therefore, the additional 510mm will not be visually jarring or appear incompatible with the scale of surrounding development.

In any event, the desired future character objective for the Rose Bay precinct are as follows:

- *O1 To respect and enhance the streetscape character and key elements of the precinct.*
- *O2 To encourage development at a scale which relates to the function and role of the streets they address, i.e. larger scale development on the major streets (Old South Head Road and New South Head Road adjacent to the commercial centre) and a range of housing types on the minor streets.*
- *O3 To provide for an evolution of building stock from dwelling houses to medium density development in the R3 zoned areas.*
- *O4 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials.*
- *O5 To reinforce a consistent building scale within streets.*
- *O6 To design and site buildings to respond to the topography and minimise cut and fill.*
- *O7 To protect important iconic and harbour views from the public spaces of the precinct.*
- *O8 To reinforce the landscape setting and maintain the existing tree canopy.*
- *O9 To retain Inter-War flat buildings, particularly significant and traditional building elements visible from the street.*

The proposed modifications are entirely compatible with the above-mentioned desired future character objectives and will enhance the streetscape and enhance the key elements of the precinct. There are a variety of dwelling styles nearby with a number of older dwellings being replaced with large, modern architecturally designed buildings. Due to the topography of the locality it is not uncommon for the 9.5m height limit to be breached. The proposed modifications to the roof materials do not seek to increase the overall height of the dwelling which will be maintained at its current maximum building height (RL44.5) nor will it have an adverse impact on the amenity of adjoining properties.

The approved dwelling is of a similar scale and form to many other dwellings within the area and is entirely compatible with the existing and desired future character of the neighbourhood. The proposed modifications will continue to meet the desired future character of the neighbourhood and objective (a).

The response by the applicant above is generally concurred with. The overall height breach is not considered to be excessive or uncommon in the surrounding locality and will not have any adverse impact upon the amenity of adjoining or surrounding properties due to its significant siting within the external walls of the floor levels below.

The modified dwelling will retain a similar scale and finished built form of surrounding residences and will remain consistent with the desired future character of the Rode Bay residential precinct as described above.

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

The applicant has provided the following response:

The subject site is located on the boundary between the R3 and E1 zones. The E1 zone contains significantly greater heights and FSR's that permitted in the R3 zone. The increased height (and FSR) will provide for a transition of sorts to the lower density development on the northern side of Collins Avenue. The proposed modifications will not have an adverse impacts on the locality amenity and will not appear visually jarring or out of scale, especially when considering development on the southern side of Collins Avenue. The proposal continues to meet objective (b).

The response by the applicant above is generally concurred with. Opposite the site on Collins Avenue is the commercial precinct of Rose Bay which is zoned E1 Local Centre which has established planning controls that permit a greater height and FSR than the R3 zone.

The modified height will remain consistent with the adjoining residential development and surrounding mixed-use/commercial developments along New South Head Road and will not look out of scale.

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

The applicant has provided the following response:

As discussed under Part 4.2.2.1 (FSR) above, the proposed increase in height by 510mm will result in a marginal decrease in solar access for Percival Park as detailed in Figure 14 (above). In this regard, the additional overshadowing will occur between 9am to 12noon in mid-winter, however the extent of additional shadows is considered extremely minor and will not impact upon the amenity of the park. When taking into account existing overshadowing on the park caused by large significant trees, and the minor extent of additional overshadowing caused by the modifications, the impact is negligible, will not be noticeable and will not disrupt the enjoyment of the public domain. The proposed modifications will not result in any non-compliance with the solar access requirements under WDCP 2015 and continues to satisfy objective (c).

The response by the applicant above is generally concurred with. Shadow diagrams submitted with the modification application demonstrates that the increased height of the upper floor level will result in minimal additional overshadowing of neighbouring properties which remains within the compliance levels of the Woollahra DCP 2015.

(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 applicant has provided the following response:

In terms of overshadowing and visual intrusion, these considerations have been discussed above and will not be repeated here.

In terms of views, the additional 510mm for the second floor level will not have any adverse impact on views from neighbouring properties, including the properties behind fronting New South Head Road. As discussed above, the properties at the rear along New South Head Road are slightly elevated and are mostly two storey or greater which allows views over the existing dwellings or through the permissible envelopes. In this instance, as detailed in Figure 15 (above), any views from New South Head Road properties are already affected by the approved second floor level addition. The second floor level increased height will not significantly alter the approved views which is already obscured by existing trees and the approved building and therefore the modifications will have a negligible impact which is considered appropriate in this instance.

In relation to privacy, the 510mm increase in height will not alter the approved privacy relationship and permits for an increased floor to ceiling height only. There are no additional windows located within the height variation. As such, the proposed modifications continue to satisfy objective (d).

The response by the applicant above is generally concurred with. The overall increase in height beyond the 9.5m height limit will not adversely impact upon the privacy or disruption of view from that which has already been approved. There will be no additional windows located within the height increase and the modifications will fulfil this objective.

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

The applicant has provided the following response:

The proposed modifications do not impact upon existing public views of the harbour or surrounding areas which remain unobstructed from Percival Park. There are currently no public views over the roof of the existing dwelling. The proposal satisfies objective (e).

As discussed above, the modified proposal continues to be entirely consistent in relation to the objectives of the height of buildings development standard, despite the numerical variation proposed. Given that compliance with the zone and development standard objectives is achieved, insistence on strict compliance with the height standards is considered to be unreasonable and unnecessary in the circumstances. The proposed modifications will not have any adverse additional amenity impacts, will not appear visually jarring and will provide for improved amenity for occupants of the dwelling. The proposal is therefore justified on environmental planning grounds.

The response by the applicant above is generally concurred with. As addressed previously, the modified proposal will not result in any additional adverse amenity impacts and will not appear visually inconsistent or imposing from the public domain from the existing approved development.

Conclusion

Having regard to all of the above, the variation to the height of buildings control as prescribed under cl.4.3 of the WLEP 2014 has been suitably justified on environmental planning grounds.

15.4 Part 4.4E: Exceptions to floor space ratio - dwelling houses.... in Zones R2 and R3

Part 4.4E limits development to a maximum floor space ratio of 0.5:1 for a dwelling house with a site area of 1046m².

Site Area: 705m ²	Approved	Proposed	Control	Complies
Floor Space Ratio	0.55:1 (387.5m ²) 35m ² (or 9.9%) departure	0.59:1 (413m ²) 60.52m ² (or 17.16%) [total] departure.	0.5:1 (352.5m ²)	No

The proposal does not comply with Part 4.4E(3) of Woollahra LEP 2014. The proposed modification increases the gross floor area by an additional 25.5m² to be 60.52m² beyond the allowable FSR (see table above).

The proposed modification does not significantly alter the approved floor areas of the first and second floors, and the proposed additional floor area is generally within the approved building envelope and would not result in any adverse amenity impacts upon the streetscape and neighbouring properties.

Bearing in mind that a clause 4.6 exception is not applicable for s.4.55 modification applications, justification for the non-compliant floor space ratio has been assessed against the objectives of clause 4.4E which is provided below.

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

The applicant has provided the following response:

In the original DA assessment, Council reached a level of satisfaction that the approved development was compatible with the scale and form of other buildings in the locality, including other recently constructed dwelling-houses despite a numerical non-compliance to the FSR standard. The proposed modifications will increase the GFA variation by 25.32m² but will not significantly alter the bulk and scale of the building due to the location of the additions. In particular, over 70% of the additional GFA proposed (18.25m²) is centralised on the first floor which is not readily visible from Collins Avenue due to the recessive design of the building.

Importantly, the additional GFA proposed for the dwelling is related solely to the operation and installation of the lift, with a lift landing area and corridors proposed. That is, the additional GFA does not add to the number of bedrooms, living rooms or the like and will not provide for an increased intensity, but rather provides improved amenity and access for the occupants. In particular, the additional GFA will allow for ageing in place whilst maintaining much of the existing lower levels of the dwelling.

In any event, the desired future character objective for the Rose Bay precinct are as follows:

- O1 To respect and enhance the streetscape character and key elements of the precinct.
- O2 To encourage development at a scale which relates to the function and role of the streets they address, i.e. larger scale development on the major streets (Old South Head Road and New South Head Road adjacent to the commercial centre) and a range of housing types on the minor streets.
- O3 To provide for an evolution of building stock from dwelling houses to medium density development in the R3 zoned areas.
- O4 To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings incorporating modulation and a varied palette of materials.
- O5 To reinforce a consistent building scale within streets.
- O6 To design and site buildings to respond to the topography and minimise cut and fill.
- O7 To protect important iconic and harbour views from the public spaces of the precinct.
- O8 To reinforce the landscape setting and maintain the existing tree canopy.
- O9 To retain Inter-War flat buildings, particularly significant and traditional building elements visible from the street.

The streetscape of Collins Avenue and Rose Bay Beach includes original dwellings that are two to three storey detached forms that are mostly contemporary in design. There is no consistency in front setbacks, roof pitch and design and the buildings are of a scale reflective of the waterfront location. Furthermore, there is no consistent pattern of side setbacks and separation between residential buildings along Collins Avenue and there is no specific design character

adopted by Council for this streetscape. The proposed modifications will not significantly alter the form of the approved development that was considered to be compatible with the bulk and scale of surrounding properties, despite the FSR variation, and the same conclusion applies in this instance. That is, the proposed built form remains entirely compatible with the desired future character of the immediate locality, with a significant portion of the additional GFA not discernible from the street or surrounding properties.

Accordingly, the proposal is consistent in scale with other dwellings in its immediate context and achieves objective (a).

The response by the applicant above is generally concurred with. The proposed modification is sensitively located in such a way that it does not exacerbate the overall bulk and scale of the proposal as viewed from surrounding properties and the streetscape, and is considered to be 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,

The proposed modifications will minimise the effects on the use or enjoyment of surrounding properties, noting that the word "minimise" does not mean no impact. In terms of overshadowing, the GFA variation will result in overshadowing on Percival Park at 9am to 12noon in mid-winter, however the extent of additional shadows is considered extremely minor and will not impact upon the amenity of the park. When taking into account existing overshadowing on the park caused by large significant trees, and the minor extent of additional overshadowing caused by the modifications, the impact is negligible, will not be noticeable and will not disrupt the enjoyment of the public domain. Refer to Figure 14 below:

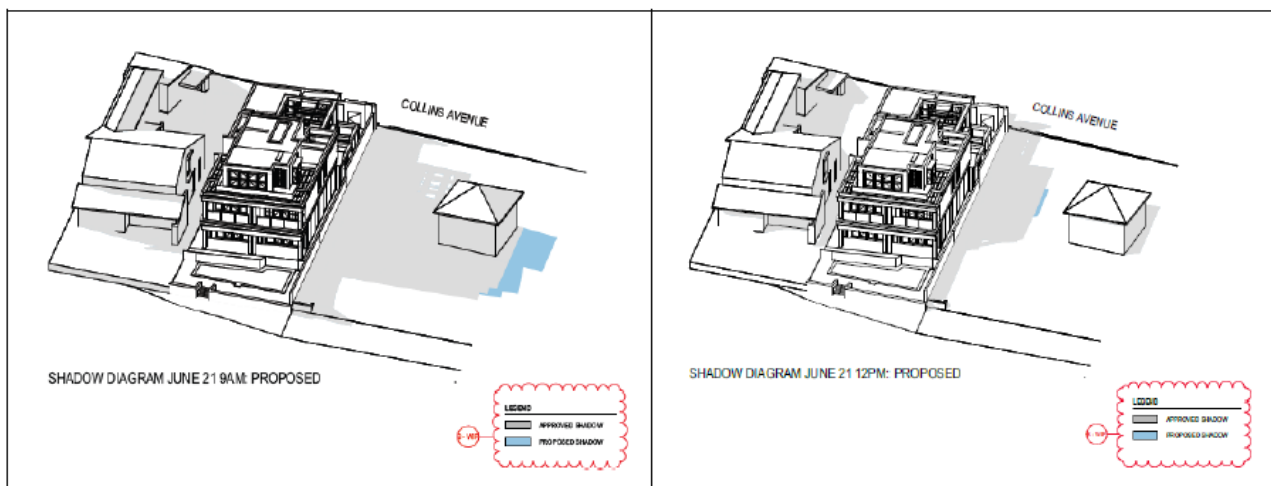


Figure 14: Overshadowing by proposed modifications at 9am (left) and 12noon (right)

In terms of views, the FSR breach will not have any adverse impact on views from neighbouring properties, including the properties behind fronting New South Head Road. The properties at the rear along New South Head Road are slightly elevated due to the topography of Collins Avenue and are mostly two storey or greater. This means that the majority of these properties have partial to no views of the harbour and water due to the existing scale of buildings along Collins Avenue and the extent of existing trees along the street and through Percival Park.

Importantly, the views from New South Head Road properties are already affected by the approved second floor level addition. The second floor level additions to the GFA for the lift will not significantly alter the approved views and the extent of the additional impact will be negligible, if any at all. An analysis of the approved and proposed views is detailed in Figure 15 below.

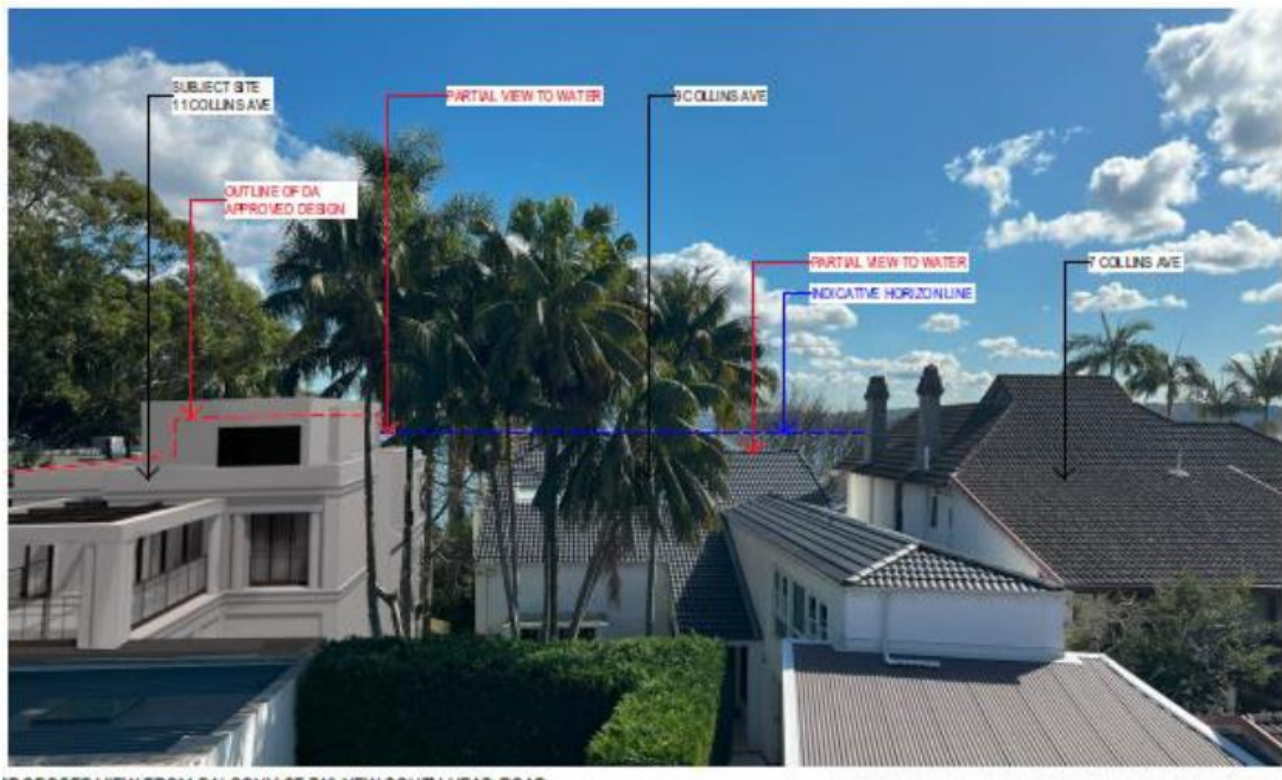


Figure 15: Comparison of the approved development (dotted red) to the proposed development

In terms of privacy, the additional GFA does not result in the creation of any new windows or opportunities for overlooking greater than already existing or considered in the approved development. The proposed lift will be contained within the building, thereby also containing the noise and will not have any adverse impacts on neighbouring properties. The extent of privacy impacts associated within the GFA variation is considered to be negligible, if any at all.

Council reached a level of satisfaction that the approved development satisfied these requirements, even with the GFA variation and the same conclusion applies for the proposed modifications. Accordingly, the variation meets objective

The response by the applicant above is generally concurred with. The proposed modification will not have any significant adverse environmental and amenity impacts on the adjoining properties or upon the public domain.

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

The applicant has provided the following response:

The proposed modifications are located within the approved building envelope and will not alter the deep soil landscaped area, tree canopy cover and private open space. Council reached a level of satisfaction that the approved development satisfied these requirements and the same conclusion applies for the proposed modifications. Accordingly, the variation meets objective (c).

As discussed above, the modified proposal continues to be entirely consistent in relation to the objectives of the FSR development standard, despite the numerical variation proposed. Given that compliance with the zone and development standard objectives is achieved, insistence on strict compliance with the height standards is considered to be unreasonable and unnecessary in the circumstances. The proposed modifications will not have any adverse additional amenity impacts, will not appear visually jarring and will provide for improved amenity for occupants of the dwelling. The proposal is therefore justified on environmental planning grounds.

The response by the applicant above is generally concurred with. The proposed modification maintains suitable provision for landscaping features and private open spaces.

Conclusion

The non-compliance with clause (3) of Part 4.4E of the Woollahra LEP 2014 is considered consistent with the above-mentioned objectives of the floor space ratio development standard.

15.5 Part 5.10: Heritage Conservation

The subject site is not an item of heritage significance, and is not located within a Heritage Conservation Area. The subject site adjoins Percival Park to the south, which contains an item of heritage significance described as:

Sewage Pumping Station No 46—sandstone gate posts, metal gates, crane, crane hoist, building and interiors including timber gate sign and timber cupboard

Council's Heritage Officer advised that a formal referral was not required for this modified proposal.

It is therefore deemed to be acceptable with regard to Part 5.10 of the Woollahra LEP 2014.

15.6 Part 5.21: Flood Planning

All proposed works are within the footprint of the approved building. The modified proposal is consistent with the relevant objectives and is acceptable with regard to Part 5.21 of Woollahra LEP 2014.

15.7 Part 6.1: Acid Sulfate Soils

The subject site is within a Class 3 area as specified in the Acid Sulfate Soils Map.

Part 6.1 requires that an Acid Sulfate Soils Management Plan is required for any works more than 1m below the natural ground surface. However, Clause (6) notes that consent is not required under this Clause if the works involve the disturbance of less than 1 tonne of soil.

In the case of the subject modification, no excavation works are detailed and the proposal is therefore acceptable with regard to Part 6.1.

15.8 Part 6.2: Earthworks

The proposal does not involve excavation to accommodate the proposed works. It is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

15.9 Part 6.4: Limited Development on Foreshore Area

The subject site sits partially within the Foreshore Building Line under Part 6.4 of the LEP. Notwithstanding, the proposed additions to the existing dwelling are not within the 12m foreshore building line and the modified proposal is therefore acceptable with regard to Part 6.4 of the Woollahra LEP 2014.

15.10 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.

The modifications to the approved development will take place entirely within the approved building footprint and will not impact upon the extent of the tree canopy as existing or approved under the original DA.

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

16. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

16.1 Chapter B1: Rose Bay Residential Precinct

The modified proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Rose Bay precinct, as noted in Part B1.9.2 of the Woollahra DCP 2015.

The modifications to the approved dwelling will be sufficiently setback from all boundaries such that it will not result in a significant visual impact. Furthermore, existing development along the western side of Collins Avenue and adjoining Rose Bay Beach commonly exhibits three-storey development with a flat roof or two-storey development with a tall pitched roof. The bulk, height and scale of the modified proposal would be in keeping with existing buildings in the area.

16.2 Chapter B3: General Development Controls

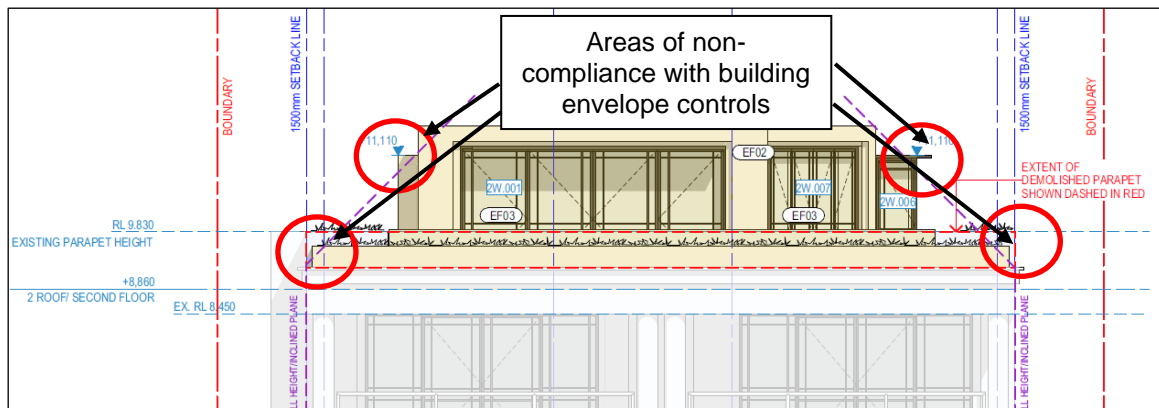
17.2.1 Part B3.2: Building Envelope

Site Area: 705m ²	Approved	As Proposed	Control	Complies
Side Boundary Setbacks (North)	3m (to new storey) 1.8m (to terrace planters)	As approved – No variation	1.9m	As approved
Side Boundary Setbacks (South)	3.1m (to new storey) 1.8m (to terrace planters)	As approved – No variation	1.9m	As approved
Wall Height and inclined plane	Exceedance of wall height and inclined plane envelope	Exceedance of wall height and inclined plane envelope	7.2m 45°	No

The siting and location of the proposed modifications will result in identical non-compliances with the setback requirements of the DCP as that which has already been approved. Notwithstanding the non-compliance, the extent of the exceedance is considered to be minor and would not result in any additional significant adverse amenity impacts upon neighbouring or surrounding properties. It is noted that the proposal will increase the overall building height by an additional 510mm.

B3.2.5 – Wall height and inclined pane

The proposed modifications will also result in an increased minor non-compliance with the wall height and inclined plane controls as illustrated below:



As Approved



As Proposed

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

The modified proposal's additional exceedance of the building envelope set by the wall height and inclined plane controls is considered to be minor, and will maintain consistency with the relevant objectives as follows:

- The proposal will limit the bulk, scale and visual impact of the dwelling as viewed from the street and from neighbouring properties due to the substantial setbacks to the front and rear boundaries, and the general compliance with the side setbacks (O1);
- The proposal will not result in overshadowing of neighbouring properties or any south-facing rear yards (O2, O3);
- The proposal will not result in any adverse acoustic or visual privacy impacts to adjoining and adjacent buildings (O4);
- The proposal will not impact on any existing views between buildings (O5).

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

17.2.2 Part B3.5: Building Form and Context

The modified proposal remains consistent and compliant with the relevant development controls under this part of the DCP as the currently approved proposal. In terms of the streetscape, overshadowing, public and private views, and acoustic and visual privacy, there are no significant variations proposed that would be outside of the prescriptive requirements of the DCP and the modified proposal will also fulfil the relevant applicable objectives.

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

17.2.3 Part B3.7: External Areas

The modified proposal does not include any changes to existing deep soil within the site.

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

17.2.4 Part B3.10: Additional Controls for Development in Sensitive Locations

The proposed works would generally sit below the existing tree canopy, and would retain the treed skyline. The modified proposal would remain consistent with existing development along Collins Avenue and facing toward the harbour, and is sufficiently set back from the rear boundary such that the works would not have any adverse visual impact.

The modified proposal will not result in any additional overshadowing to Percival Park and will not compromise the public use or amenity of the land and is acceptable. The modified proposal will not unreasonably impact on the adjoining public open space areas in terms of scale or view loss.

The modified proposal is acceptable with regard to the additional controls in Part B3.10 of the Woollahra DCP 2015.

16.3 Chapter E2: Stormwater and Flood Risk Management

Council's Development Engineer has not requested a formal referral and determined that the modified development is generally satisfactory, subject to existing conditions.

16.4 Chapter E3: Tree Management

N/A – The modified proposal is acceptable with regard to Chapter E3 of the Woollahra DCP 2015.

16.5 Chapter E4: Contaminated Land

The modified proposal is acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

16.6 Chapter E5: Waste Management

The applicant provided a SWMMP with the approved development application and which has been found to be satisfactory.

The modified development is acceptable with regard to Part E5 of the Woollahra DCP 2015.

17. THE LIKELY IMPACTS OF THE PROPOSAL

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

18. THE PUBLIC INTEREST

The modified proposal is considered to be in the public interest.

19. 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.

20. CONCLUSION

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

21. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to DA400/2023/2 for internal and external modifications to the approved alterations and additions, including installation of a lift and increase to approved building height, on land at 11 Collins Avenue ROSE BAY, subject to the following conditions:

Modification Summary

DA Application Number (PAN Number)	Determination Date	Modification Description
DA-439/2021/2 (PAN-285589)	17/10/2024	Addition of Condition A.3A Amendment of Conditions D.2, G.3 and H.1

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	Conditions
	<p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations") and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none">• Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence.• Where there is any breach Council may without any further warning:<ul style="list-style-type: none">a) Issue Penalty Infringement Notices (On-the-spot fines);

	<ul style="list-style-type: none"> 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. <ul style="list-style-type: none"> • Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences. • Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.
	<p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
<p>A. 2.</p>	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney's eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the <i>BCA</i>.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p>

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, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

Condition Reason: To ensure all parties are aware of the relevant definitions.

A. 3.

Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
DA 004 Rev B	Site Plan	AC & Co	30/01/2024
DA 2001 Rev A	Proposed Ground Floor Plan		4/10/2023
DA 2001 Rev B	Proposed First Floor Plan		30/01/2024
DA 2003 Rev B	Proposed Second Floor Plan		
DA 2004 Rev B	Proposed Roof Plan		
DA 3001 Rev B	E01 West Elevations Existing and Proposed		
DA 3002 Rev B	E02 North Elevations Existing and Proposed		
DA 3003 Rev B	E03 East Elevations Existing and Proposed		
DA 3004 Rev B	E04 South Elevations Existing and Proposed		
DA 4001 Rev B	S01 Section 01		
AAL-13564_02	BASIX Certificate	NSW Department of Planning and Environment	30/01/2024
	Site Waste Minimisation and Management Plan	Ac & Co	5/10/2023

	<p>Notes:</p> <ul style="list-style-type: none">• Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.• These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development. <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>																																	
A. 3A	<p>Approved Amended (section 4.55) Plans and Supporting Documents</p> <p>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).</p> <p>Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.</p> <table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>DA 004 Rev D</td><td>Site Plan</td><td rowspan="11">AC & Co</td><td rowspan="2">5/06/2024 (rev. B & C)</td></tr><tr><td>DA 2001 Rev B</td><td>Proposed Ground Floor Plan</td></tr><tr><td>DA 2002 Rev C</td><td>Proposed First Floor Plan</td><td rowspan="9">2/10/2024 (rev..D)</td></tr><tr><td>DA 2003 Rev D</td><td>Proposed Second Floor Plan</td></tr><tr><td>DA 2004 Rev D</td><td>Proposed Roof Plan</td></tr><tr><td>DA 3001 Rev C</td><td>E01 West Elevations Existing and Proposed</td></tr><tr><td>DA 3002 Rev D</td><td>E02 North Elevations Existing and Proposed</td></tr><tr><td>DA 3003 Rev D</td><td>E03 East Elevations Existing and Proposed</td></tr><tr><td>DA 3004 Rev D</td><td>E04 South Elevations Existing and Proposed</td></tr><tr><td>DA3005 Rev B</td><td>Schedule of External Finishes</td></tr><tr><td>DA 4001 Rev D</td><td>S01 Section 01</td></tr><tr><td>AAL-13564_05</td><td>BASIX Certificate</td><td>NSW Department of Planning and Environment</td><td>02/10/2024</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">• These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development. <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p> <p><i>[Amended on 17/10/2024 under DA 400/2023/2 ((PAN-441854))]</i></p>	Reference	Description	Author	Date	DA 004 Rev D	Site Plan	AC & Co	5/06/2024 (rev. B & C)	DA 2001 Rev B	Proposed Ground Floor Plan	DA 2002 Rev C	Proposed First Floor Plan	2/10/2024 (rev..D)	DA 2003 Rev D	Proposed Second Floor Plan	DA 2004 Rev D	Proposed Roof Plan	DA 3001 Rev C	E01 West Elevations Existing and Proposed	DA 3002 Rev D	E02 North Elevations Existing and Proposed	DA 3003 Rev D	E03 East Elevations Existing and Proposed	DA 3004 Rev D	E04 South Elevations Existing and Proposed	DA3005 Rev B	Schedule of External Finishes	DA 4001 Rev D	S01 Section 01	AAL-13564_05	BASIX Certificate	NSW Department of Planning and Environment	02/10/2024
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AAL-13564_05	BASIX Certificate	NSW Department of Planning and Environment	02/10/2024																															

A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act)
	<p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
	<p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

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

	<p>b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>B. 3.</p>	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> all hazardous materials identified on the site, the specific location of all hazardous materials identified, whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
<p>B. 4.</p>	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> road pavement, street signage including street lights, kerb and gutter, footway including pedestrian crossings, footpath, and driveways, retaining walls, or other significant structures, Heritage Items, including street name inlays,

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

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

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

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

B. 5. Payment of Security and Fees

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$21,405	No	T115
Security Deposit Administration Fee	\$225.00	No	T16
TOTAL SECURITY AND FEES	\$21,630.00		

How must the payments be made?

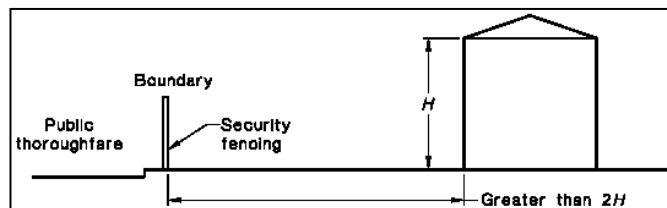
Payments must be made by:

- 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:

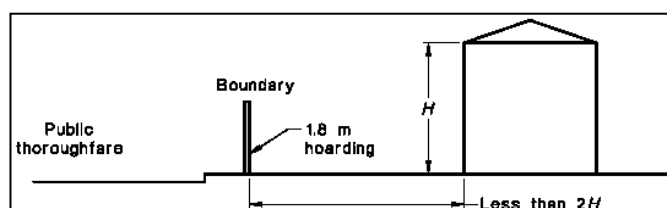
- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever 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.

	<p>Notes:</p> <ul style="list-style-type: none"> • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure any relevant security and fees are paid.</p>
<p>B. 6.</p>	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
<p>B. 7.</p>	<p>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</p> <p>Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.</p>



Type A Hoarding

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.



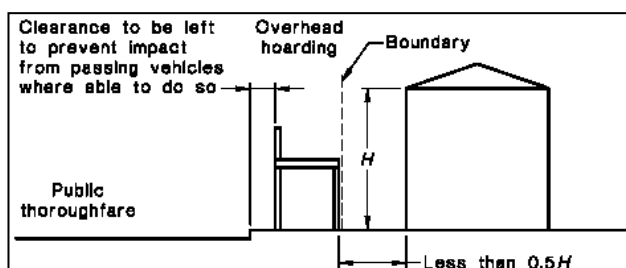
Type B Hoarding

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

- the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

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



The overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at

	<p>www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf</p> <p>All Hoardings Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.</p> <p>Hoardings on Public Land including 'Creative Hoardings' All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.</p> <p>A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy: <ul style="list-style-type: none"> A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: <ol style="list-style-type: none"> the capital investment value of the work to which the hoarding relates is less than \$1 million, or the land is zoned R2 Low Density Residential, or the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure public safety.</p>
<p>B. 8.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p>

	<p>Erection of signs</p> <ul style="list-style-type: none"> For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ul style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. <p>Notes:</p> <ul style="list-style-type: none"> Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
<p>B. 9.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p>

	<p>Each toilet provided:</p> <ol style="list-style-type: none"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
<p>B. 10.</p>	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier. <p>Notes:</p> <ul style="list-style-type: none"> Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor. <p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
<p>B. 11.</p>	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p>

Condition Reason To control the risks of demolition work.

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 and S7.12 Contributions																										
Before the issue of any construction certificate, the original receipt(s) for the payment of all of the following levy and contributions must be provided to the Principal Certifier:																											
<table border="1"> <thead> <tr> <th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr> </thead> <tbody> <tr> <td colspan="4">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr> <tr> <td>Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr> <tr> <td colspan="4">SECTION 7.12 DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au</td></tr> <tr> <td>Development Levy (section 7.12)</td><td>\$7,449.75 + Index Amount</td><td>Yes, quarterly</td><td>T96</td></tr> <tr> <td>TOTAL CONTRIBUTIONS AND LEVIES</td><td colspan="3">\$7,449.75 plus any relevant indexed amounts and long service levy</td></tr> </tbody> </table>				Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No		SECTION 7.12 DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au				Development Levy (section 7.12)	\$7,449.75 + Index Amount	Yes, quarterly	T96	TOTAL CONTRIBUTIONS AND LEVIES	\$7,449.75 plus any relevant indexed amounts and long service levy		
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<p>Building and Construction Industry Long Service Payment The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.</p> <p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>How will the section 7.12 levy (formerly known as 94A levy) be indexed? To ensure that the value of 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 2.12 of the Woollahra Section 7.12 Development Contributions Plan 2022 sets out the formula and index to be used in adjusting the levy.</p>																											

	<p>Do you need HELP indexing the levy? Please contact Council's Customer Service Team on 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).</p> <p>Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 7.12 Development Contributions Plan 2022 Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:</p> <ul style="list-style-type: none"> • the reasons given, • whether any prejudice will be caused to the community deriving benefit from the public facilities, • whether any prejudice will be caused to the efficacy and operation of the Plan, and • whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected. <p>Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate, • a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable, • the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.</p> <p>Condition Reason: To ensure any relevant levy and contributions are paid.</p>
<p>D. 2.</p>	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No. AAL-13564_05 must be submitted to the Principal Certifier with any application for a construction certificate.</p>

	<p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any. <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p> <p><i>[Amended on 17/10/2024 under DA 400/2023/2 ((PAN-441854))]</i></p>
<p>D. 3.</p>	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ul style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

D. 4.	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
D. 5.	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
D. 6.	<p>Stormwater Discharge to Existing Stormwater Drainage System</p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared by a chartered professional civil engineer, which include the following:</p> <ol style="list-style-type: none"> 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. 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. Detail any remedial works required to upgrade the existing stormwater drainage system. Internal stormwater drainage 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. The discharge of stormwater from the site to the street kerb 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. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.

	<p>f) All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings.</p> <p>g) Dimensions of all drainage pit and access grates must comply with AS3500.3 and Council's DCP.</p> <p>h) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p>i) General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p>The Stormwater Management Plan must also include the following specific requirements:</p> <p>Layout plan A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:</p> <p>a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location and dimensions of all downpipes. c) All invert levels reduced to Australian Height Datum (AHD). d) Location and dimensions of all drainage pits. e) Point and method of connection to Council's drainage infrastructure. f) Overland flow paths over impervious areas.</p> <p>Where new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.</p> <p>All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).</p> <p>Notes:</p> <ul style="list-style-type: none"> The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook". <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
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E. BEFORE BUILDING WORK COMMENCES

<p>E. 1.</p>	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <p>a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,</p>
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	<p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p> <p>a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or</p> <p>b) to the erection of a temporary building.</p> <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
E. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) The Soil and Water Management Plan if required under this consent;</p> <p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • 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”.

	<ul style="list-style-type: none"> Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
E. 3.	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and The person having the benefit of the development consent has: <ul style="list-style-type: none"> appointed a Principal Certifier for the building work, and notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and notified the Principal Certifier of any such appointment, and unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.

	<p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
E. 4.	<p>Notification of Home Building Act 1989 requirements</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none"> the name and licence number of the Principal Contractor, and the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none"> the name of the Owner-builder, and if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p> <p>Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.</p>

F. DURING BUILDING WORK

F. 1.	<p>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</p>
	<p>While site work is being carried out:</p> <p>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</p> <p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p>

	<p>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</p> <p>b) to the erection of a temporary building.</p> <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p> <p>Notes:</p> <ul style="list-style-type: none"> • All new guttering is to comply with the provisions of AS 3500. <p>Condition Reason: To ensure compliance with the BCA and Home building Act 1989.</p>
F. 2.	<p>Requirement to Notify about New Evidence</p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>
F. 3.	<p>Critical Stage Inspections</p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. • The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>

<p>F. 4.</p>	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. piling, ii. piercing, iii. rock or concrete cutting, boring or drilling, iv. rock breaking, v. rock sawing, vi. jack hammering, or vii. machine excavation. 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. <p>Notes:</p> <ul style="list-style-type: none"> • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
<p>F. 5.</p>	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p>

- 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.

<p>F. 6.</p>	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council’s Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ol style="list-style-type: none"> The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. <p>Trees must be pruned in accordance with Australian Standard AS 4373 “Pruning of Amenity Trees” and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
<p>F. 7.</p>	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ol style="list-style-type: none"> erosion and sediment controls, dust controls, dewatering discharges, noise controls, vibration monitoring and controls, and ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<p>F. 8.</p>	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> the consent of the owners of such adjoining or supported land to trespass or encroach, or an access order under the Access to Neighbouring Land Act 2000, or an easement under section 88K of the Conveyancing Act 1919, or an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
<p>F. 9.</p>	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> the Soil and Water Management Plan required under this consent, "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. 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. 10.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas. <p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F. 11.	<p>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</p> <p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ul style="list-style-type: none"> a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. 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.

	<p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F. 12.	<p>Placement and Use of Skip Bins</p>
	<p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ul style="list-style-type: none"> a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules. <p>Notes:</p> <ul style="list-style-type: none"> • Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
	<p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F. 13.	<p>Prohibition of Burning</p>
	<p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
	<p>Condition Reason: To ensure no burning of waste occurs.</p>
F. 14.	<p>Dust Mitigation</p>
	<p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ul style="list-style-type: none"> a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

	<p>Notes:</p> <ul style="list-style-type: none"> • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<p>F. 15.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’, e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained. <p>Notes:</p> <ul style="list-style-type: none"> • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>

<p>F. 16.</p>	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ul style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, c) consideration must be given to returning excess materials to the supplier or manufacturer, d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), e) the purpose and content of the storage areas must be clearly ‘signposted’, f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste, g) separate collection bins or areas for the storage of residual waste must be promoted, h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, i) site disturbance must be minimised and unnecessary excavation limited, j) all waste must be transported to a place that can lawfully be used as a waste facility, and k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW. <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
<p>F. 17.</p>	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ul style="list-style-type: none"> a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. b) Be carried out in accordance with the relevant SafeWork NSW codes of practice. c) No asbestos products may be reused on the site. d) No asbestos laden skip or bins must be left in any public place. <p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017,

	<ul style="list-style-type: none"> - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	<p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
F. 18.	<p>Classification of Hazardous Waste</p>
	<p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p>
	<p>Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>
F. 19.	<p>Disposal of Asbestos and Hazardous Waste</p>
	<p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p>
	<p>Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>
F. 20.	<p>Asbestos Removal Signage</p>
	<p>While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.</p>
	<p>Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>
F. 21.	<p>Notification of Asbestos Removal</p>
	<p>While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.</p>

	The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	Occupation Certificate (section 6.9 of the Act)
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. Notes: <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	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: <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

	<ul style="list-style-type: none"> The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	<p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
G. 3.	<p>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</p>
	<p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. AAL-13564_05.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	<p>Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p> <p><i>[Amended on 17/10/2024 under DA 400/2023/2 ((PAN-441854))]</i></p>
G. 4.	<p>Removal of Ancillary Works and Structures</p>
	<p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ol style="list-style-type: none"> the site sign, ablutions, hoarding, scaffolding, and waste materials, matter, article or thing.
	<p>Condition Reason: To ensure that all ancillary matter is removed prior to occupation.</p>

H. OCCUPATION AND ONGOING USE

H. 1.	<p>Maintenance of BASIX Commitments</p>
	<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. AAL-13564_05.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p>

	<p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p> <p><i>[Amended on 17/10/2024 under DA 400/2023/2 ((PAN-441854))]</i></p>
H. 2.	<p>Maintenance of Landscaping</p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils. <p>Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p>
H. 3.	<p>Outdoor Lighting – Residential</p> <p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p> <p>Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.</p>
H. 4.	<p>Outdoor Lighting – Roof Terraces</p> <p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p> <p>All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600mm above the finished floor level of the roof terrace.</p> <p>Notes:</p> <ul style="list-style-type: none"> Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible. <p>Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.</p>

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

J. BEFORE SUBDIVISION WORK COMMENCES

Nil

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE



Nil

STRATA SUBDIVISION

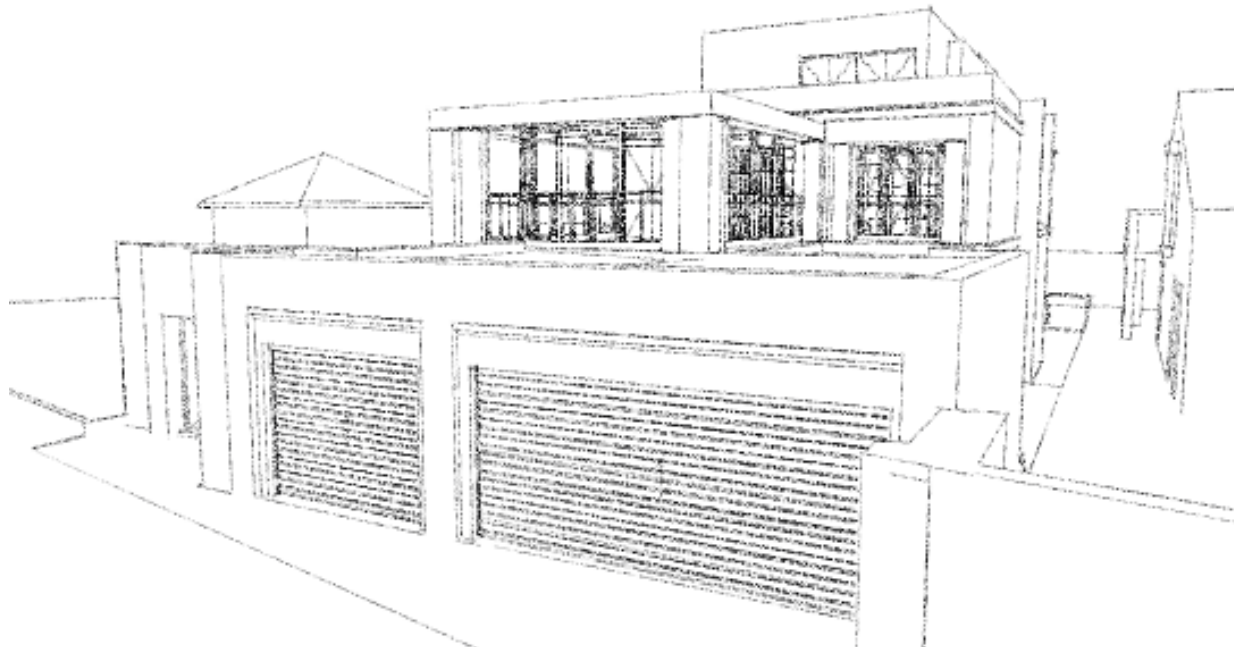
M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil

Attachments

1. Annexure 1 - Architectural Drawings [↓](#) 
2. Annexure 2 - Approved Architectural Drawings [↓](#) 

	TITLE	REV	
DA 000 GENERAL AND SITE INFORMATION			
	DA 0001	COVER PAGE	D
	DA 0002	LOCATION PLAN	A
	DA 0003	SITE ANALYSIS	C
	DA 0004	SITE PLAN	D
	DA 0005	FORESHORE ANALYSIS	A
	DA 0006	BASIX	D
	DA 0007	NOTIFICATIONS PLAN	B
	DA 0008	NOTIFICATIONS PLAN	B
DA 100 EXISTING PLANS			
	DA 1001	EXISTING PLANS	B
	DA 1002	DEMOLITION PLANS	B
DA 200 PROPOSED PLANS			
	DA 2001	PROPOSED GROUND FLOOR PLAN	B
	DA 2002	PROPOSED FIRST FLOOR PLAN	C
	DA 2003	PROPOSED SECOND FLOOR PLAN	D
	DA 2004	PROPOSED ROOF PLAN	D
DA 300 ELEVATIONS			
	DA 3001	E01 WEST ELEVATIONS EXISTING AND PROPOSED	C
	DA 3002	E02 NORTH ELEVATION EXISTING AND PROPOSED	D
	DA 3003	E03 EAST ELEVATION EXISTING AND PROPOSED	D
	DA 3004	E04 SOUTH ELEVATION EXISTING AND PROPOSED	D
	DA 3005	SCHEDULE OF EXTERNAL FINISHES	B
DA 400 SECTIONS			
	DA 4001	S01 SECTION 01	D
DA 500 COMPLIANCE DRAWINGS			
	DA 5001	GFA CALCULATION	D
	DA 5005	SHADOW DIAGRAMS - 9AM	B
	DA 5006	SHADOW DIAGRAMS - 12PM	B
	DA 5007	SHADOW DIAGRAMS - 3PM	B
	DA 5008	SITE WASTE MANAGEMENT PLAN	B
DA 600 ADDITIONAL INFORMATION			
	DA 6001	11 COLLINS AVENUE STREET VIEW ANALYSIS	B



S4.55
ALTERATIONS & ADDITIONS

11 COLLINS AVE, ROSEBAY 2029

AC & Co
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EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

GENERAL NOTES
1. All construction to comply with Building Code of Australia and applicable Australian standards.
2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.
3. Do not scale from this drawing - use figured dimensions.
4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.
5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Principal's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.
6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.
7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.
8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024
C	S4.55	5/06/2024
D	S4.55	3/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 3/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

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2029 AUSTRALIA
SCALE:

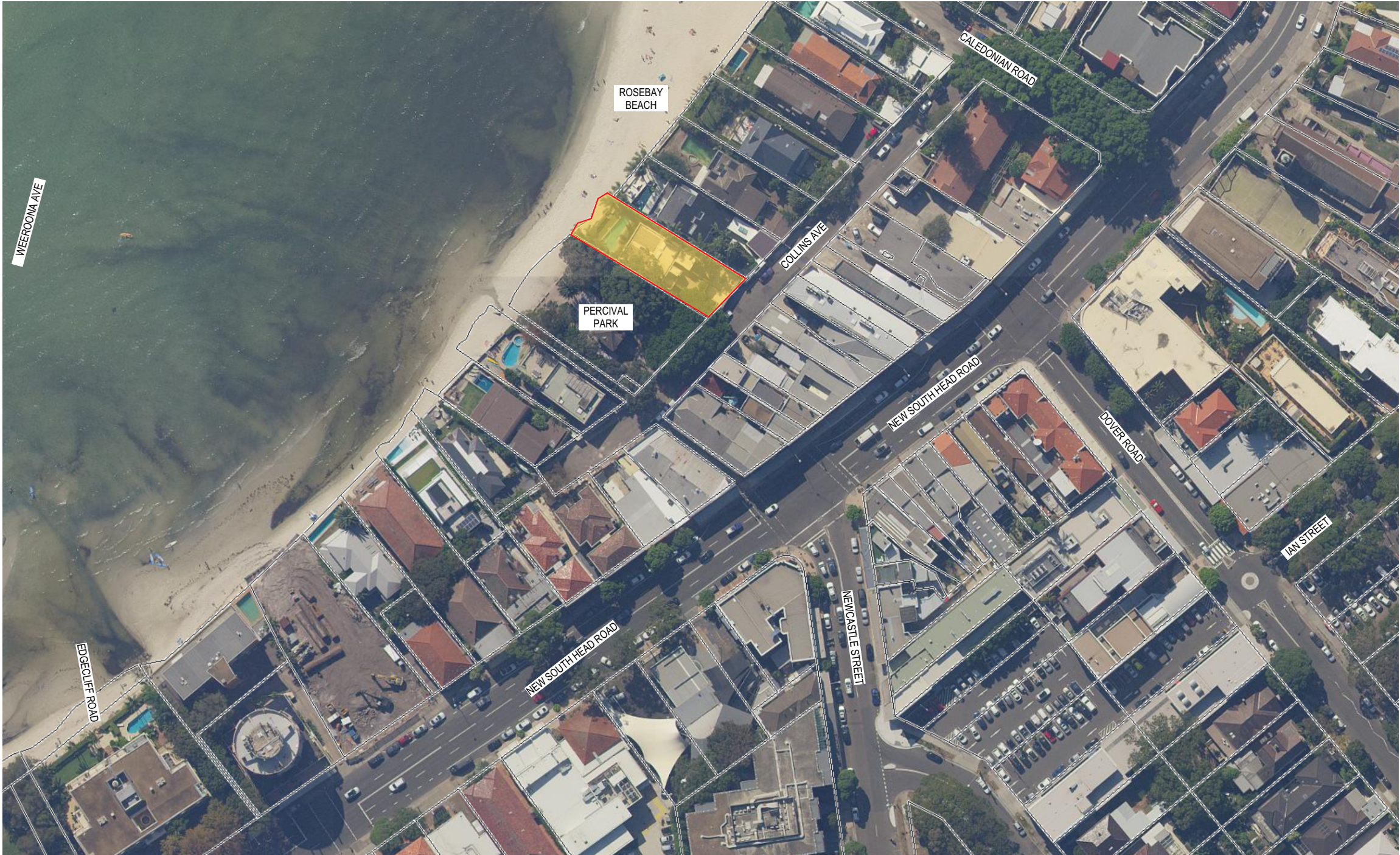
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DRAWING TITLE :
GENERAL AND SITE INFORMATION
COVER PAGE

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
D

DRAWING NO.
DA 0001



AC & CO

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REV

ISSUE

DATE

REV

CHANGE DESCRIPTION

DATE

A

ISSUED FOR DA

4/10/2023

DRAWN | CHECKED

RT | CT

PLOT DATE:

24/10/2023

PROJECT NO.

2023001

PROJECT STATUS

S4.55

SITE:

11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE:

@ A3

DRAWING TITLE :

GENERAL AND SITE INFORMATION
LOCATION PLAN

PROJECT NAME :

11 COLLINS AVENUE, ROSE BAY

REVISION NO.

A

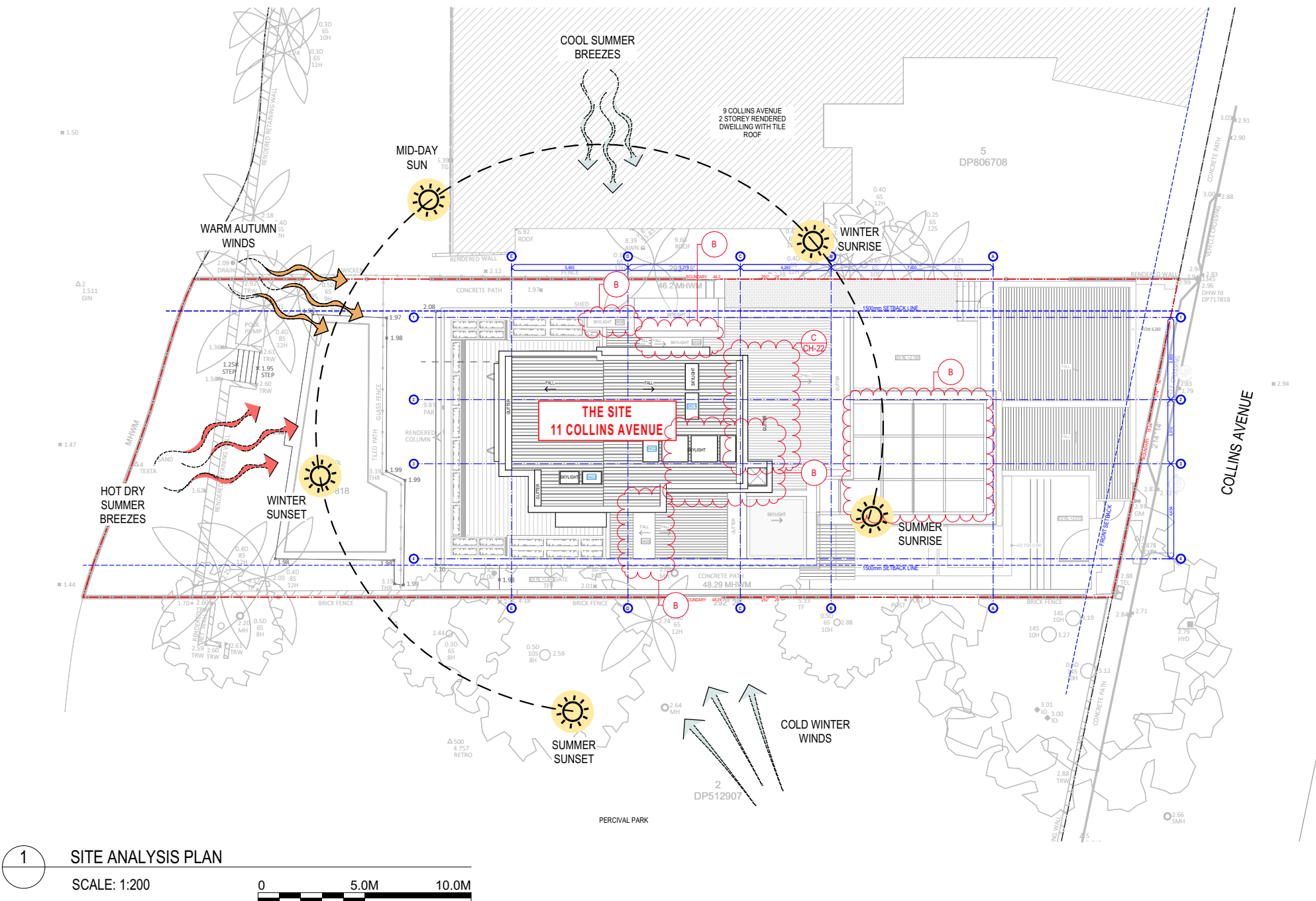
DRAWING NO.

DA 0002

N

Attachment 1 Annexure 1 - Architectural Drawings

Page 324



1 SITE ANALYSIS PLAN
SCALE: 1:200

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024		AMENDED SKYLIGHT AND ROOF, PROPOSED NEW SKYLIGHT, PROPOSED NEW AWNING	
C	S4.55	2/10/2024	C	REDUCTION IN MECH PLANT	2/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 2/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

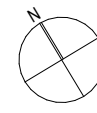
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2029 AUSTRALIA
SCALE: 1:200 @ A3

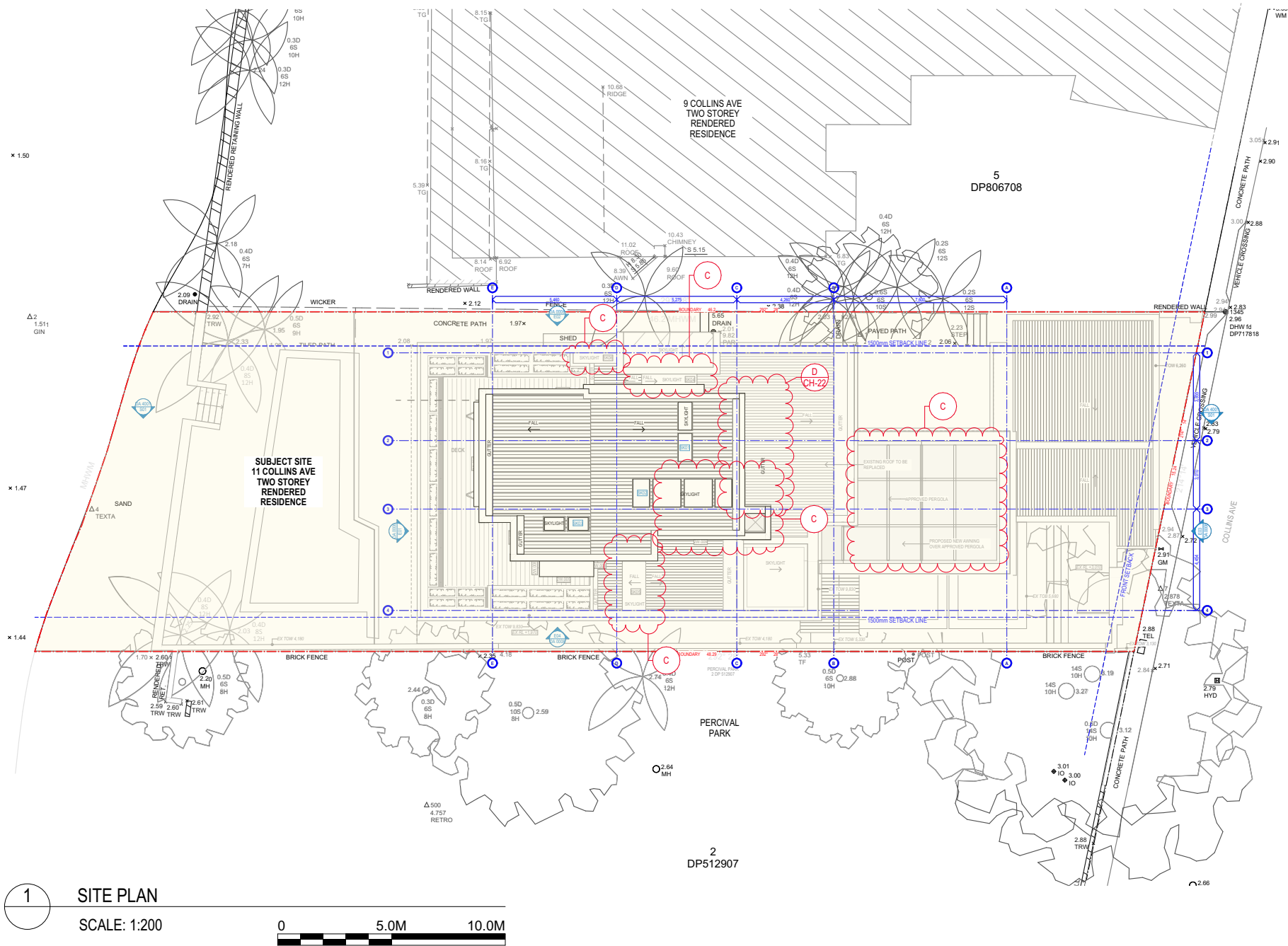
DRAWING TITLE :
GENERAL AND SITE INFORMATION
SITE ANALYSIS

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
C

DRAWING NO.
DA 0003





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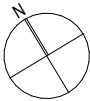


REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024		AMENDED SKYLIGHT AND ROOF, PROPOSED NEW SKYLIGHT, PROPOSED NEW AWNING	
D	S4.55	2/10/2024	D	REDUCTION IN MECH PLANT	2/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 2/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55
SITE: 11 COLLINS AVE ROSEBAY NSW 2029 AUSTRALIA
SCALE: 1:200 @ A3

DRAWING TITLE :
GENERAL AND SITE INFORMATION
SITE PLAN
PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
D
DRAWING NO.
DA 0004





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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			

DRAWN | CHECKED
PLOT DATE: 24/10/2023
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE: @ A3

DRAWING TITLE :
GENERAL AND SITE INFORMATION
FORESHORE ANALYSIS

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
A

DRAWING NO.
DA 0005

BASIX Certificate
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: AAL-13564_05

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

This certificate is a revision of certificate number AAL-13564_02 lodged with the consent authority or certifier on 27 October 2023 with application PAN-383062. It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environment Planning and Assessment Regulation 2000

Secretary
Date of issue: Wednesday, 02 October 2024
To be valid, this certificate must be lodged within 3 months of the date of issue.



page 1/9

Project address	
Project name	11 Collins Avenue_05
Street address	11 COLLINS AVENUE ROSE BAY 2029
Local Government Area	Woollahra Municipal Council
Plan type and number	Deposited Plan DP717818
Lot number	6
Section number	N/A
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is \$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:	STUDIO AC & CO PTY LTD
ABN (if applicable):	5665764845

BASIX Certificate number:AAL-13564_05

page 4/9

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 tinted 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 clearlar gap/clear glazing, or tintedlar 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.		✓	✓
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.	✓	✓	✓

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BASIX Certificate number:AAL-13564_05

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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		
2W.001	NW	10.72	0	0	eave/ verandah/ pergola/balcony =600 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)		
2W.002	NE	2	0	0	eave/ verandah/ pergola/balcony =450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
2W.003	NE	2.6	0	0	eave/ verandah/ pergola/balcony =600 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
2W.004	SW	1	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
2W.005	SW	4.42	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		

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BASIX Certificate number:AAL-13564_05

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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			
2W.006	W	1.4	8	7	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)			
2W.007	W	3	8	8	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)			
2W.008	SW	2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
2W.009	SW	2.4	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
2W.009	SW	3.5	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

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BASIX Certificate number:AAL-13564_04

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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylights			
The applicant must install the skylights in accordance with the specifications listed in the table below.	✓		
The following requirements must also be satisfied in relation to each skylight:		✓	✓
Each skylight 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.		✓	✓
Skylights glazing requirements			
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
SK06	0.9	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

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BASIX Certificate number:AAL-13564_04

page 8/9

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Glazed roofs			
The applicant must install the glazed roofs described in the table below, in accordance with the specifications listed in the table.	✓	✓	✓
The following requirements must also be satisfied in relation to each glazed roof:		✓	✓
Glazed roofs glazing requirements			
Glazed roof number	Area of glazing (m2)	Shading device	Glass type
SK01	1.44	no shading	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
SK02	5.39	no shading	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
SK03	1	no shading	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
SK04	1.12	no shading	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
SK05	2.24	no shading	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

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BASIX Certificate number:AAL-13564_04

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Legend
In these commitments, "applicant" means the person carrying out the development.
Comments 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).
Comments 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.
Comments 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.

Planning Industry And Environment

Building Sustainability Index www.basix.nsw.gov.au



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CONTACT: 0435 447 892

GENERAL NOTES
1.All construction to comply with Building Code of Australia and applicable Australian standards.
2.Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed item is to be held by the Builder and one duplicate item to be forwarded to Client's Representative.
3.Do not scale from this drawing - use figured dimensions.
4.A signed original of this drawing is retained in Studio AC & Co office for verification purposes.
5.The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Project Requirements (if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.
6.Information detailed in drawing revisions is for information only and may not be indicative of all changes made.
7.Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services features and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.
8.These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	\$4.55	5/06/2024	C	PROPOSED NEW SKYLIGHT	5/06/2024
D	\$4.55	2/10/2024	D	REDUCTION IN MECH PLANT	2/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 2/10/2024
PROJECT NO. 2023001
PROJECT STATUS \$4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: @ A3

DRAWING TITLE :

GENERAL AND SITE INFORMATION
BASIX

PROJECT NAME :

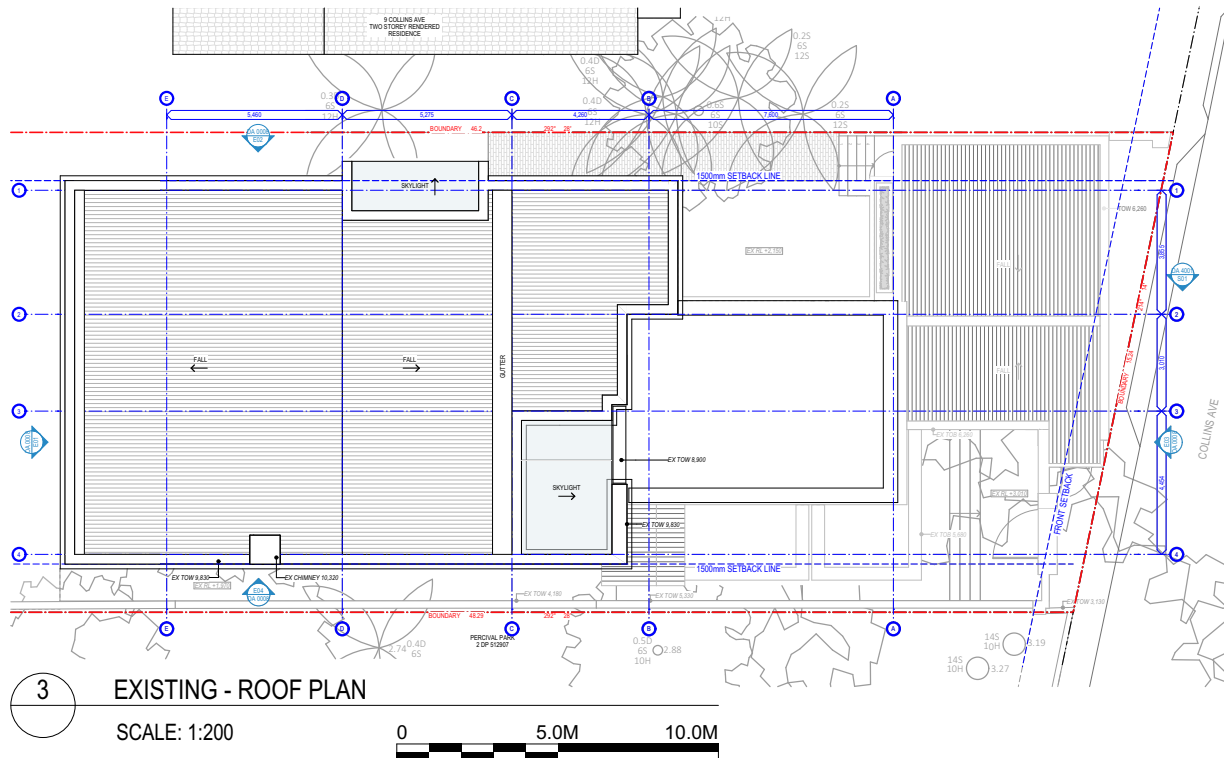
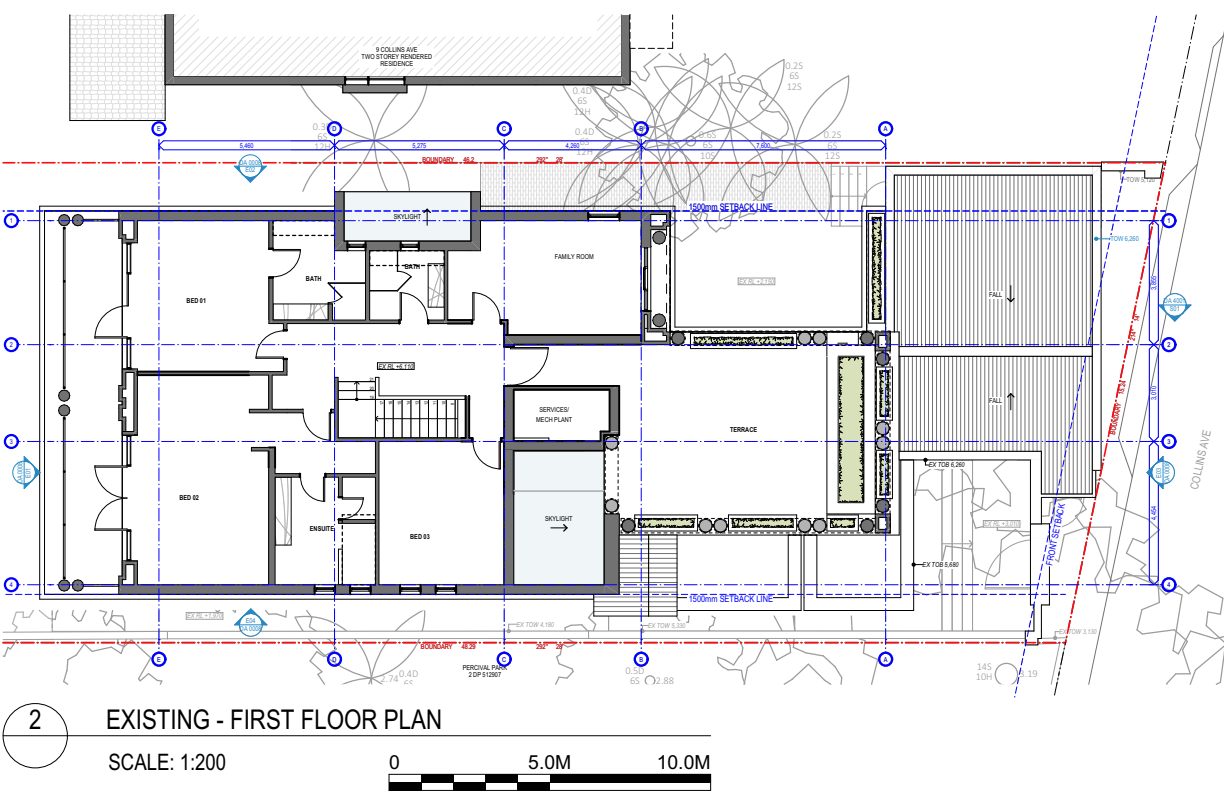
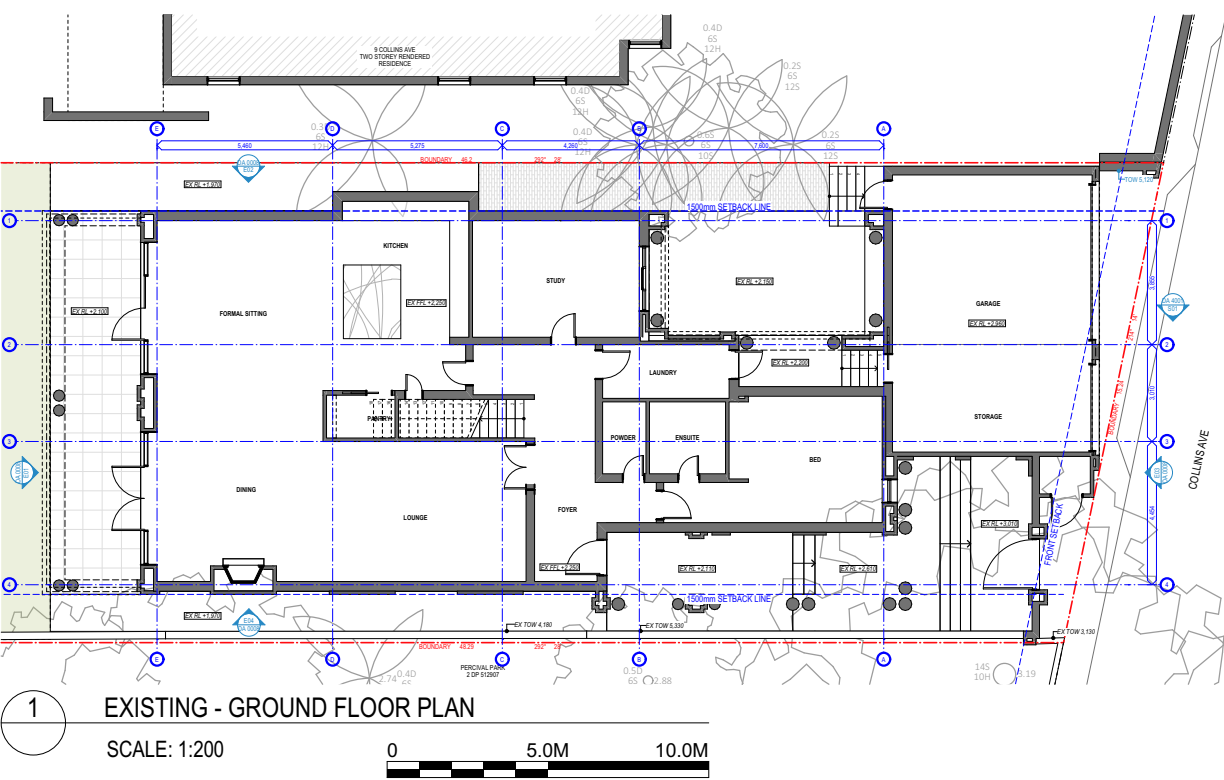
11 COLLINS AVENUE, ROSE BAY

REVISION NO.

D

DRAWING NO.

DA 0006



LEGEND

- EXISTING STRUCTURE
- PROPOSED NEW STRUCTURE
- TO BE DEMOLISHED

AC & Co

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CONTACT: 0435 447 892

GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.

2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.

3. Do not scale from this drawing - use figured dimensions.

4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.

5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.

6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.

7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.

8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
02	ISSUED TO CONSULTANT	17/07/2023			
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024	B	EXISTING WINDOWS MISSED IN DEVELOPMENT APPLICATION, EXISTING CHIMNEY MISSED IN DEVELOPMENT APPLICATION	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

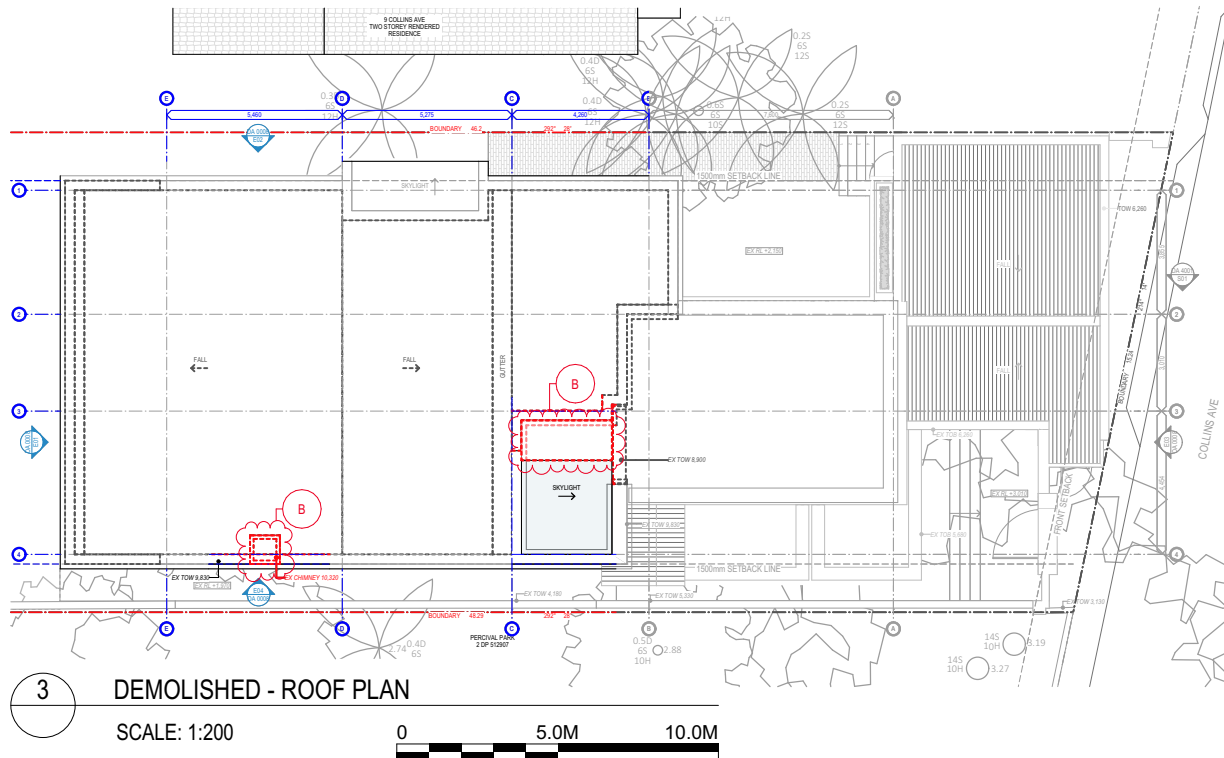
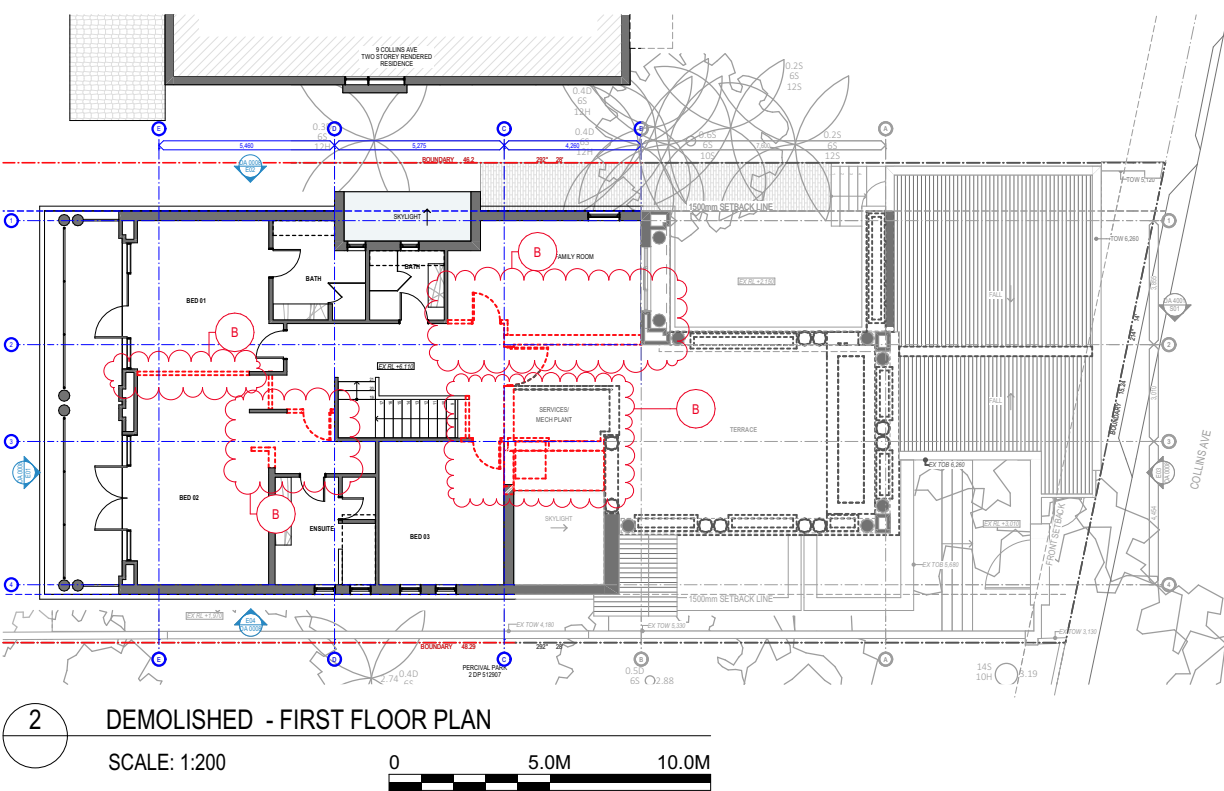
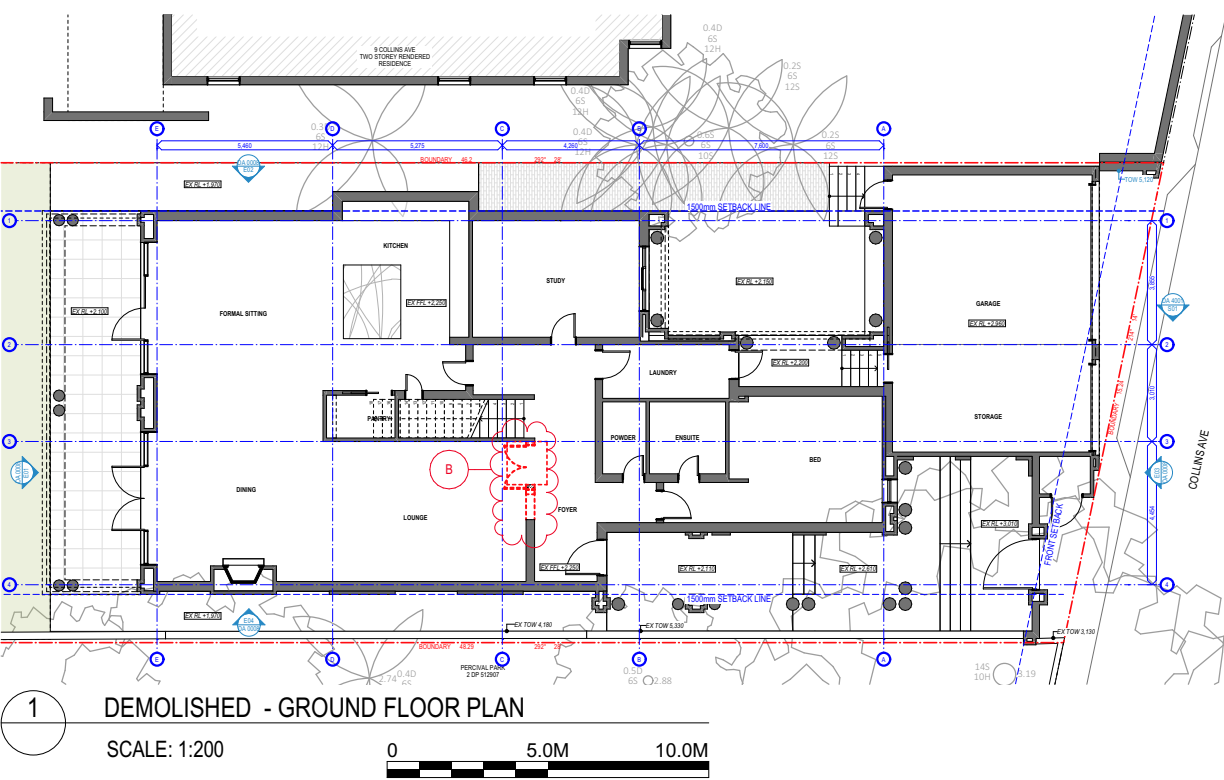
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:200 @ A3

DRAWING TITLE :
EXISTING PLANS
EXISTING PLANS

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
B

DRAWING NO.
DA 1001



LEGEND

- EXISTING STRUCTURE
- PROPOSED NEW STRUCTURE
- TO BE DEMOLISHED

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GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.

2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.

3. Do not scale from this drawing - use figured dimensions.

4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.

5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.

6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.

7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.

8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024			
			B	INTERNAL WALLS DEMOLISHED, PORTION OF SLAB REMOVED FOR LIFT PIT, CHIMNEY DEMOLISHED, PORTION OF SKYLIGHT DEMOLISHED	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

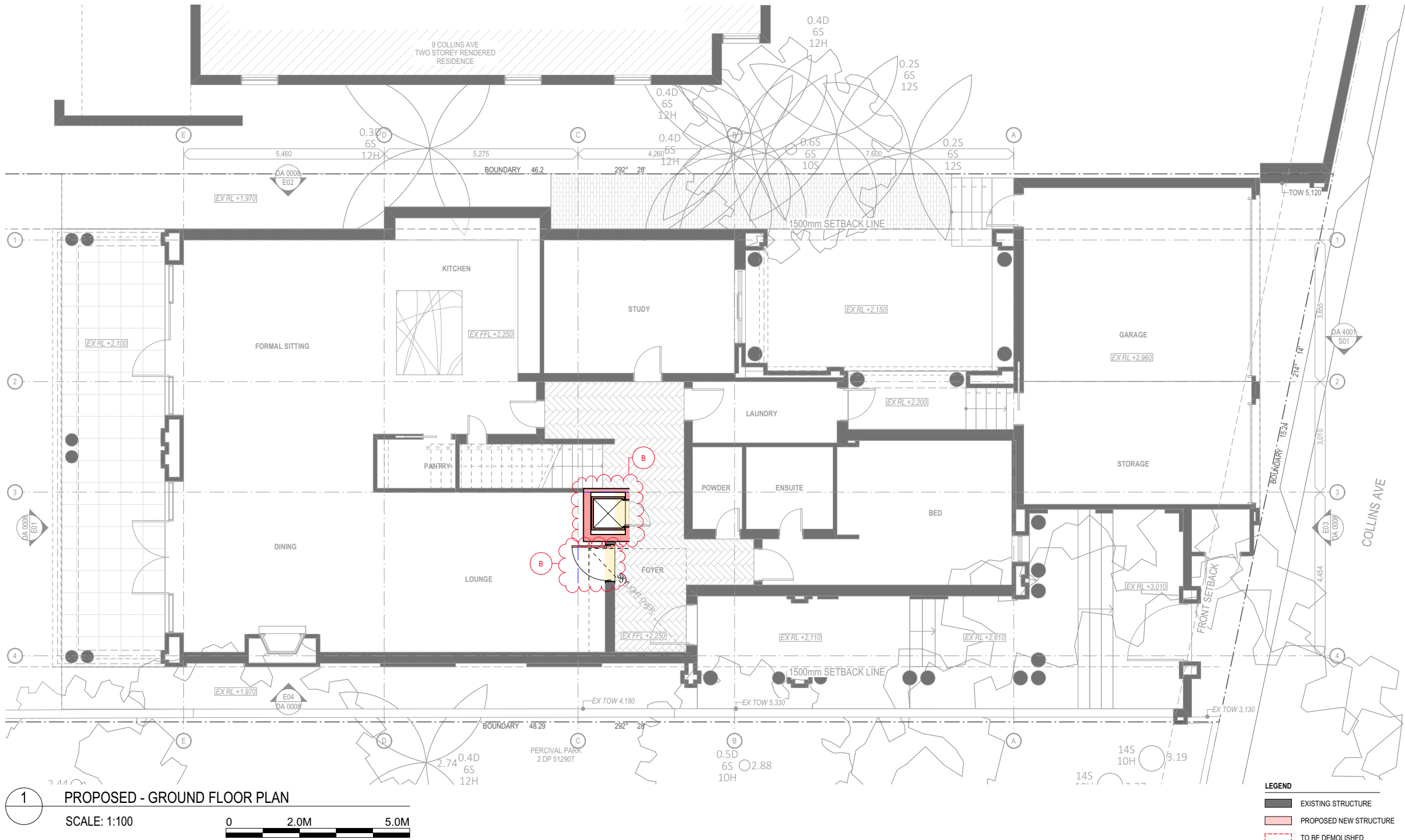
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:200 @ A3

DRAWING TITLE :
EXISTING PLANS
DEMOLITION PLANS

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
B

DRAWING NO.
DA 1002



AC&CO

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GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.

2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved and signed.

3. Do not scale from this drawing - use figured dimensions.

4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.

5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.

6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.

7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.

8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024			
			B	PROPOSED NEW LIFT, PROPOSED NEW DOOR	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

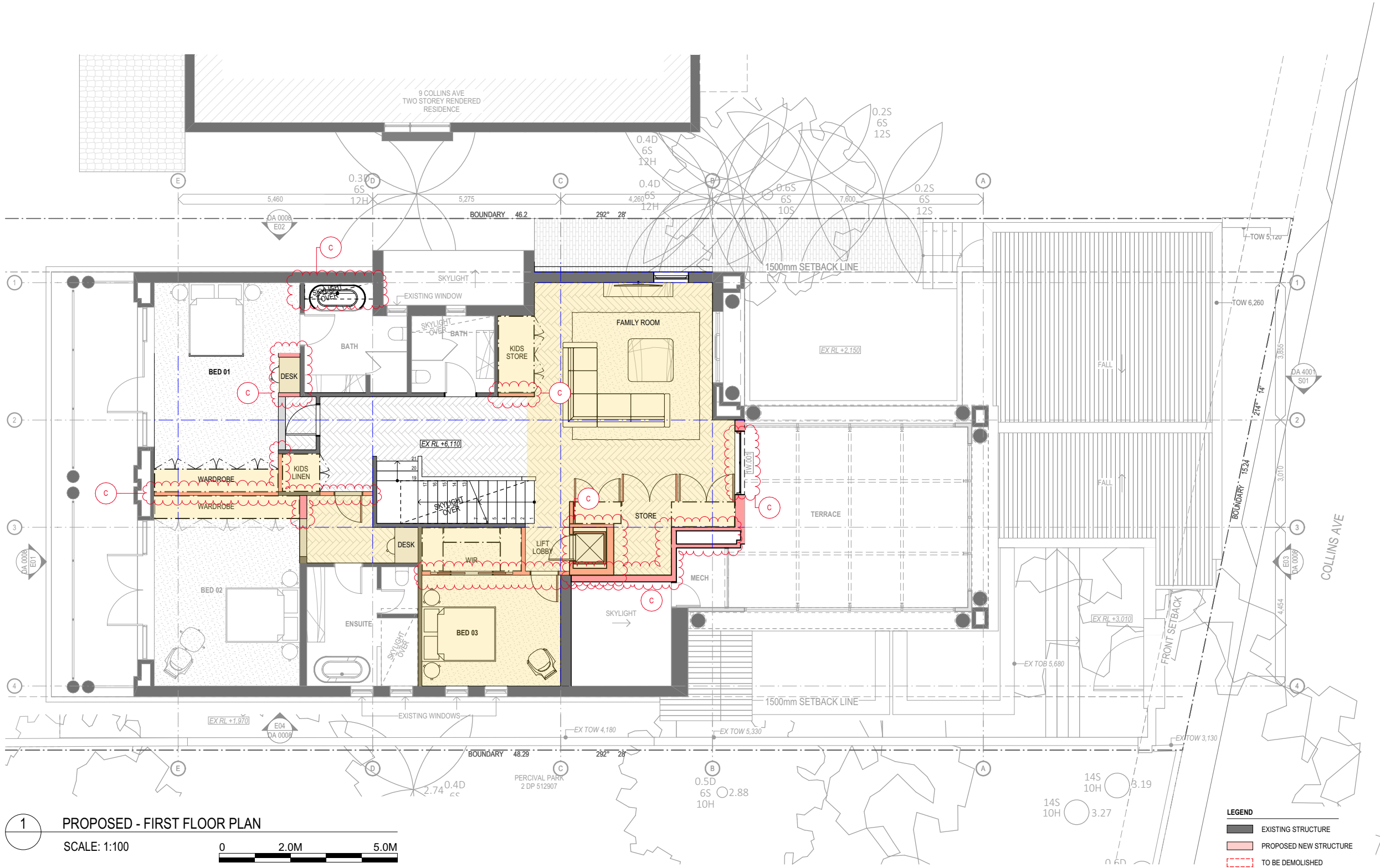
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2029 AUSTRALIA
SCALE: 1:100 @ A3

DRAWING TITLE :
PROPOSED PLANS
PROPOSED GROUND FLOOR PLAN

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
B

DRAWING NO.
DA 2001



AC&C

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GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.

2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed item is to be held by the Builder and one duplicate item to be forwarded to Client's Representative.

3. Do not scale from this drawing - use figured dimensions.

4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.

5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.

6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.

7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.

8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024	C	PROPOSED NEW LIFT, PROPOSED NEW DOOR, PROPOSED NEW INTERNAL PLANNING	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

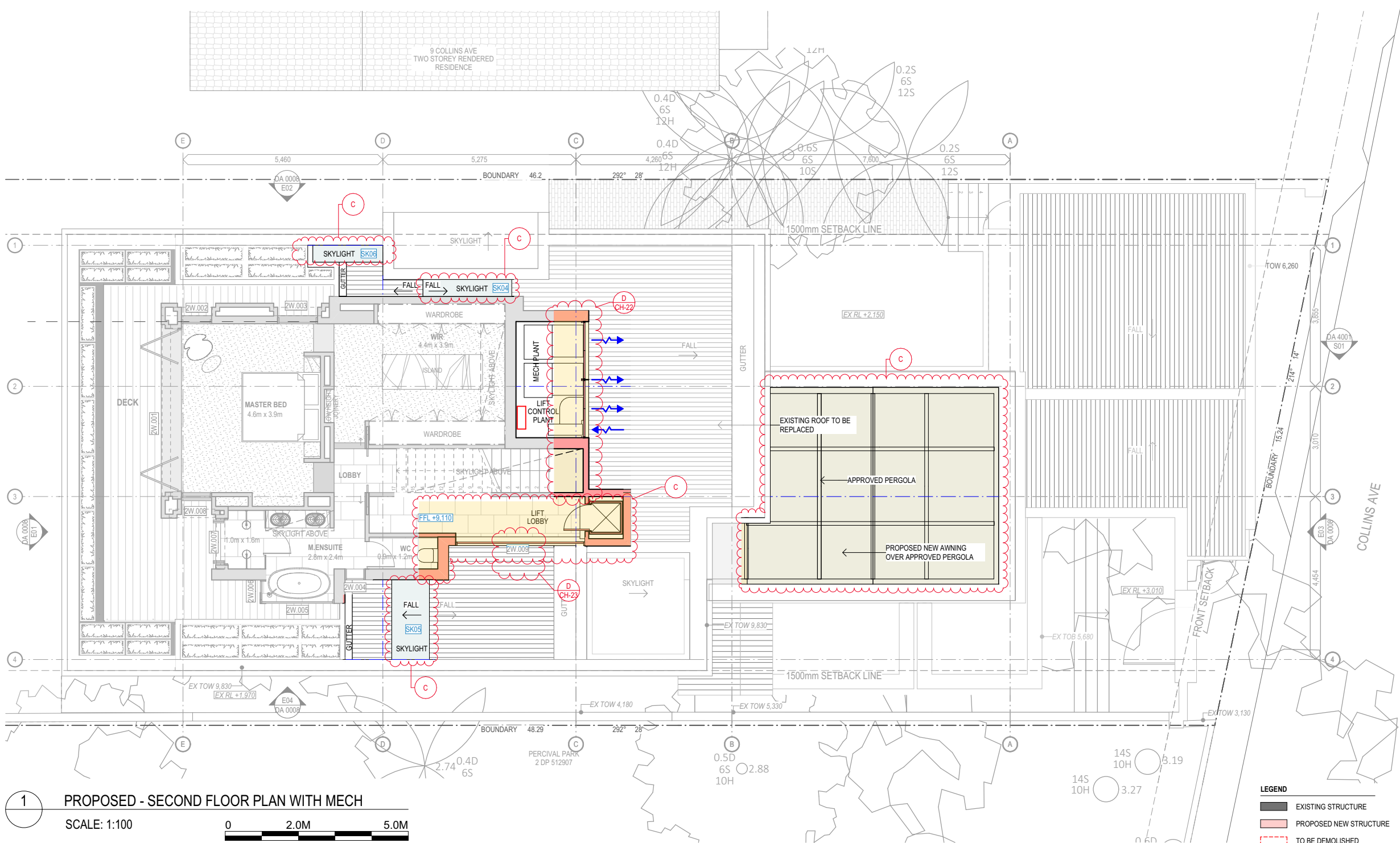
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100 @ A3

DRAWING TITLE :
PROPOSED PLANS
PROPOSED FIRST FLOOR PLAN

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
C

DRAWING NO.
DA 2002



1

PROPOSED - SECOND FLOOR PLAN WITH MECH

SCALE: 1:100

02.0M5.0M

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GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.

2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.

3. Do not scale from this drawing - use figured dimensions.

4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.

5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.

6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.

7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.

8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024	C	PROPOSED NEW LIFT, AMENDED MECH PLANT, PROPOSED NEW SKYLIGHT, AMENDED FFL, PROPOSED NEW AWNING	5/06/2024
D	S4.55	21/02/2024	D	REDUCTION IN MECH PLANT, NEW WINDOW	21/02/2024

DRAWN | CHECKED RT | CT

PLOT DATE: 2/10/2024

PROJECT NO. 2023001

PROJECT STATUS S4.55

SITE:

11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE:

1:100

@ A3

DRAWING TITLE :

PROPOSED PLANS

PROPOSED SECOND FLOOR PLAN

PROJECT NAME :

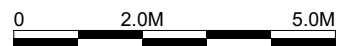
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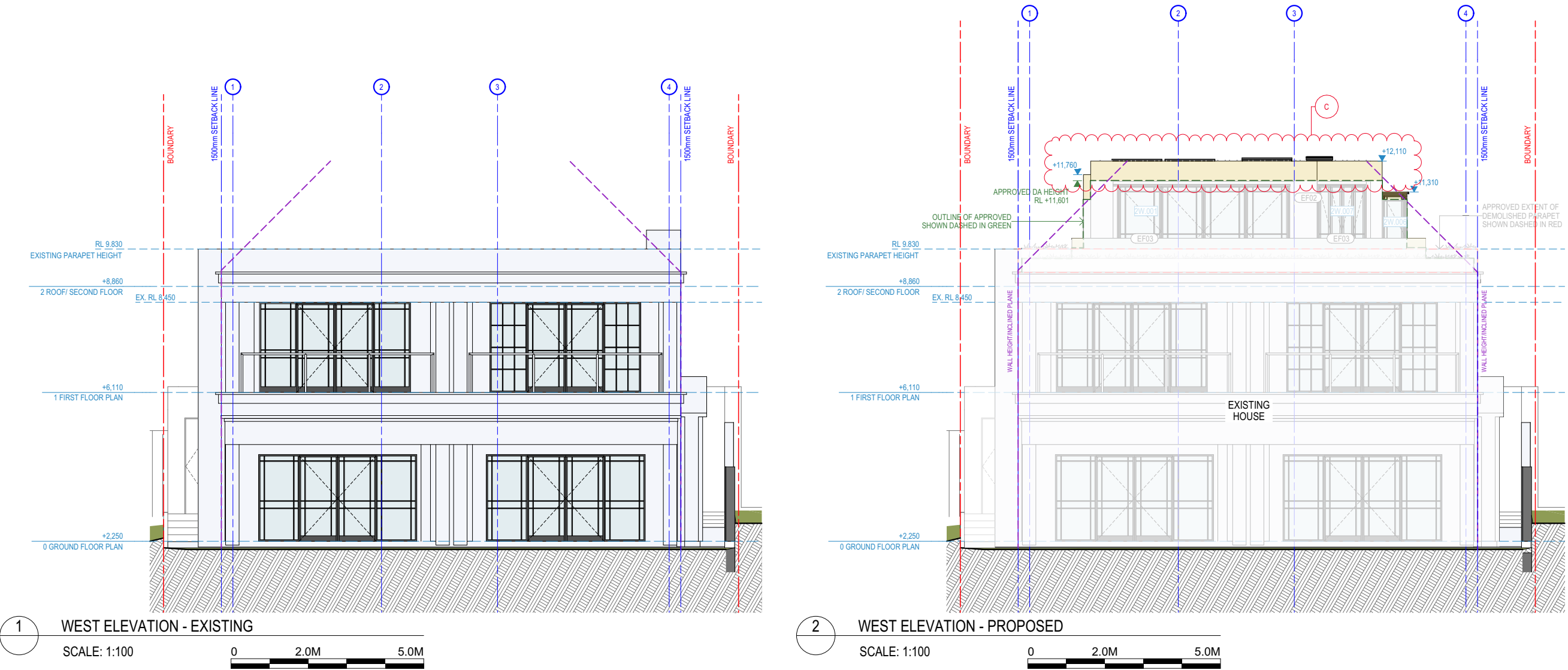
REVISION NO.

D

DRAWING NO.

DA 2003





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ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.
2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.
3. Do not scale from this drawing - use figured dimensions.
4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.
5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Principal's Project Requirements.
6. Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.
7. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.
8. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.
9. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.

REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024	C	AMENDED RL	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100 @ A3

DRAWING TITLE :
ELEVATIONS
E01 WEST ELEVATIONS EXISTING AND PROPOSED

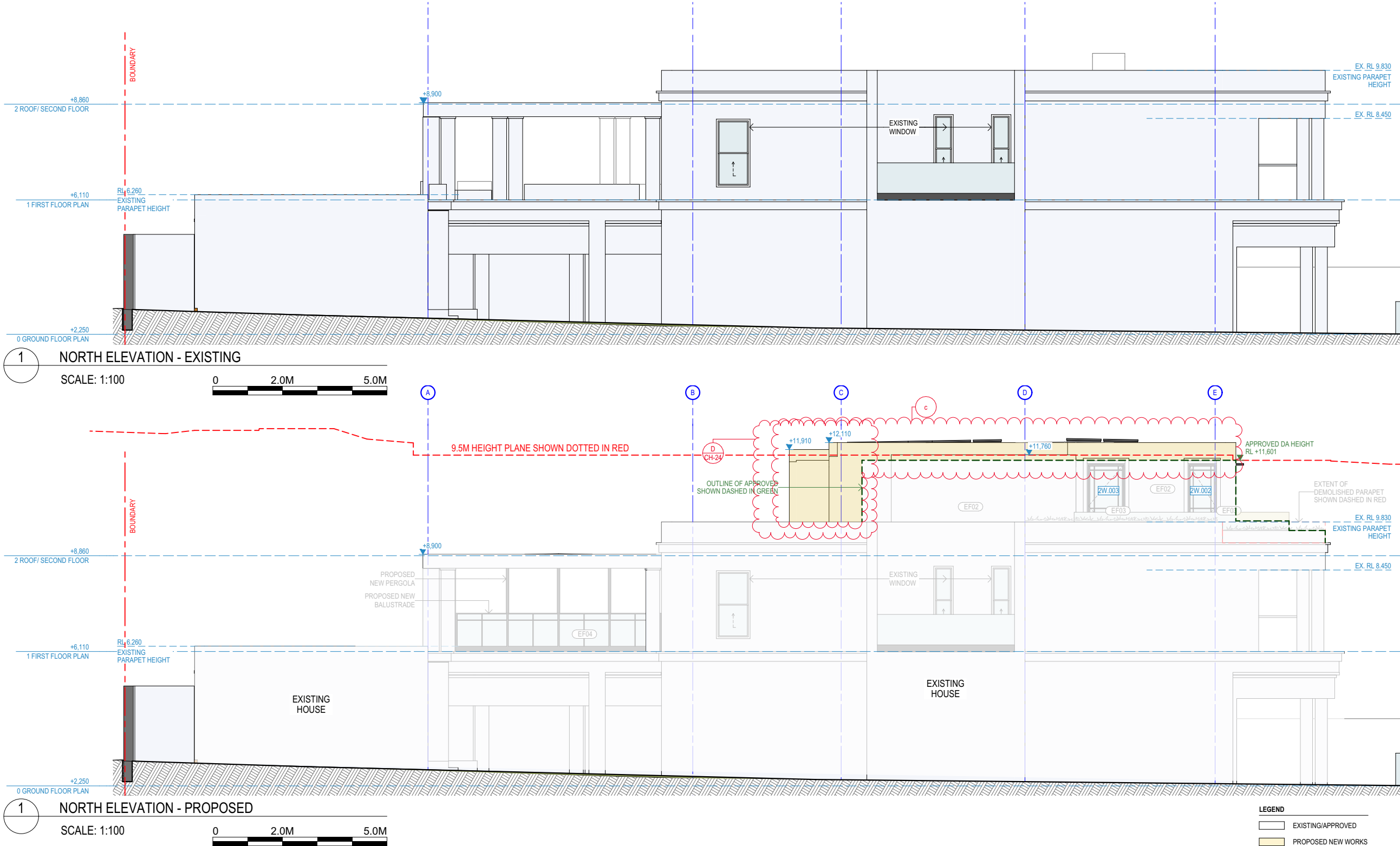
PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
C

DRAWING NO.
DA 3001

Attachment 1 Annexure 1 - Architectural Drawings

Page 335



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GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.
2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.
3. Do not scale from this drawing - use figured dimensions.
4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.
5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Principal's Project Requirements.
6. Information detailed in drawing revisions is for information only and may not be indicative of all changes made.
7. Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services fixtures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.
8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.

REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024		AMENDED RL	
D	S4.55	3/10/2024	D	NEW WINDOW	3/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 3/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100 @ A3

DRAWING TITLE :
ELEVATIONS
E02 NORTH ELEVATION EXISTING AND PROPOSED

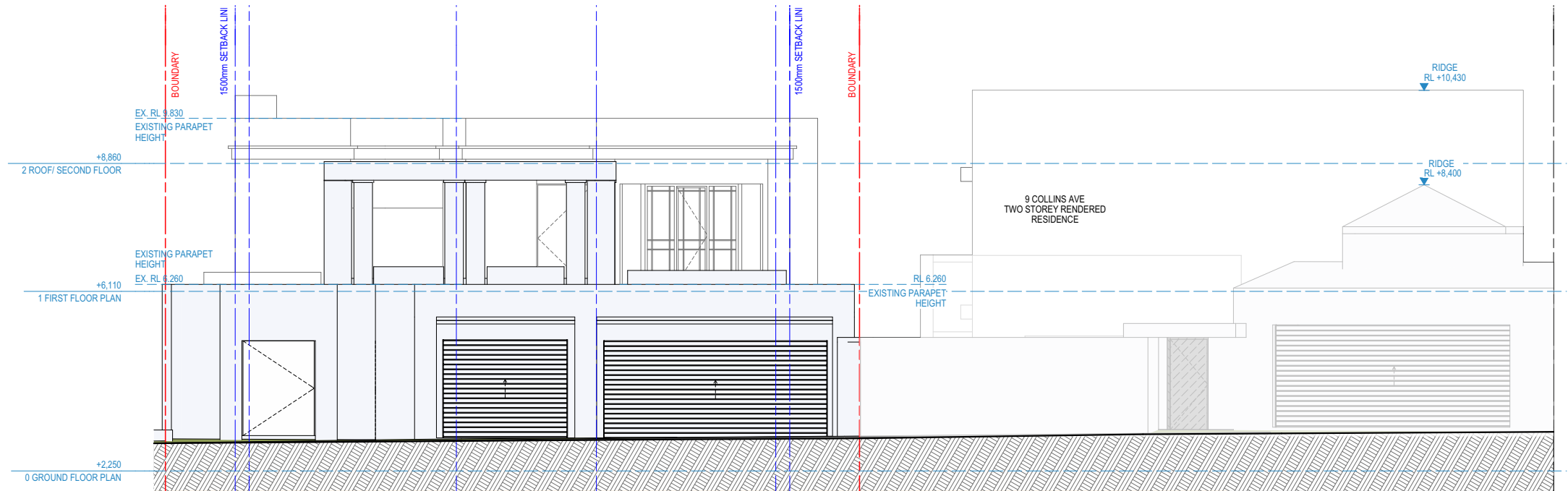
PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
D

DRAWING NO.
DA 3002

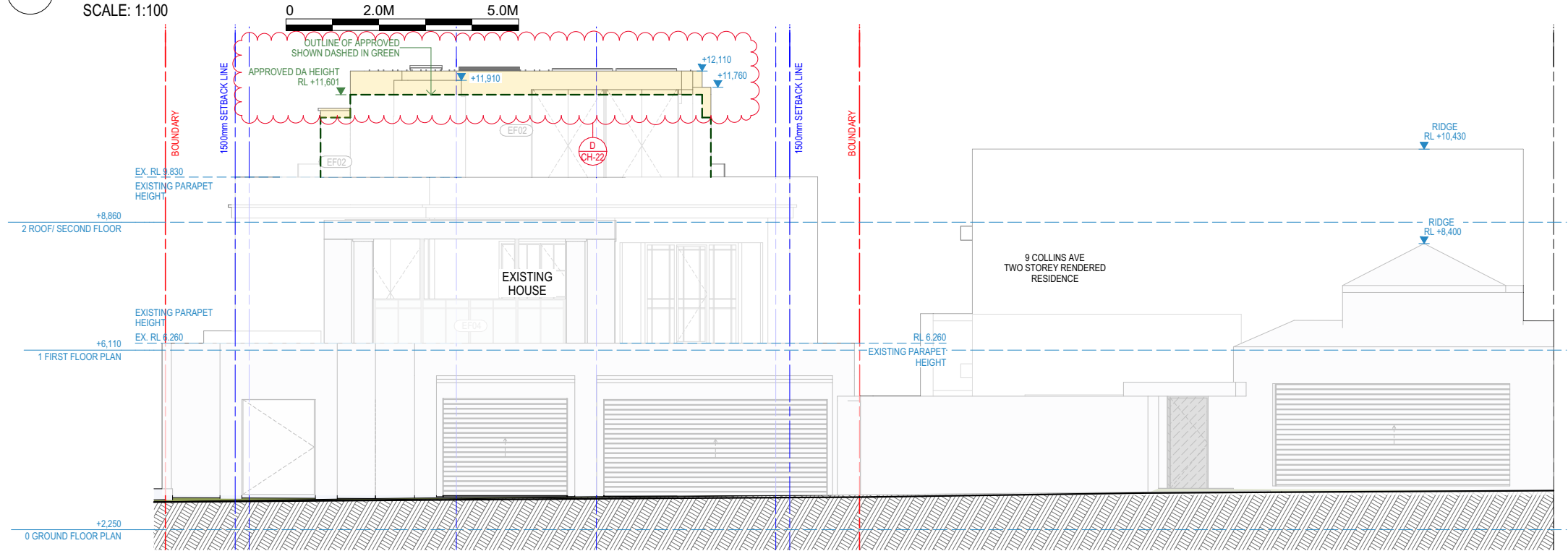
Attachment 1 Annexure 1 - Architectural Drawings

Page 336



1 EAST ELEVATION (COLLINS ST) - EXISTING

SCALE: 1:100



1 EAST ELEVATION (COLLINS ST) - PROPOSED

SCALE: 1:100

LEGEND
EXISTING/APPROVED
PROPOSED NEW WORKS

AC & CO

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EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

GENERAL NOTES
1. All construction to comply with Building Code of Australia and applicable Australian standards.
2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.
3. Do not scale from this drawing - use figured dimensions.
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8. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024		AMENDED RL	
D	S4.55	2/10/2024	D	REDUCTION IN MECH PLANT	2/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 2/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

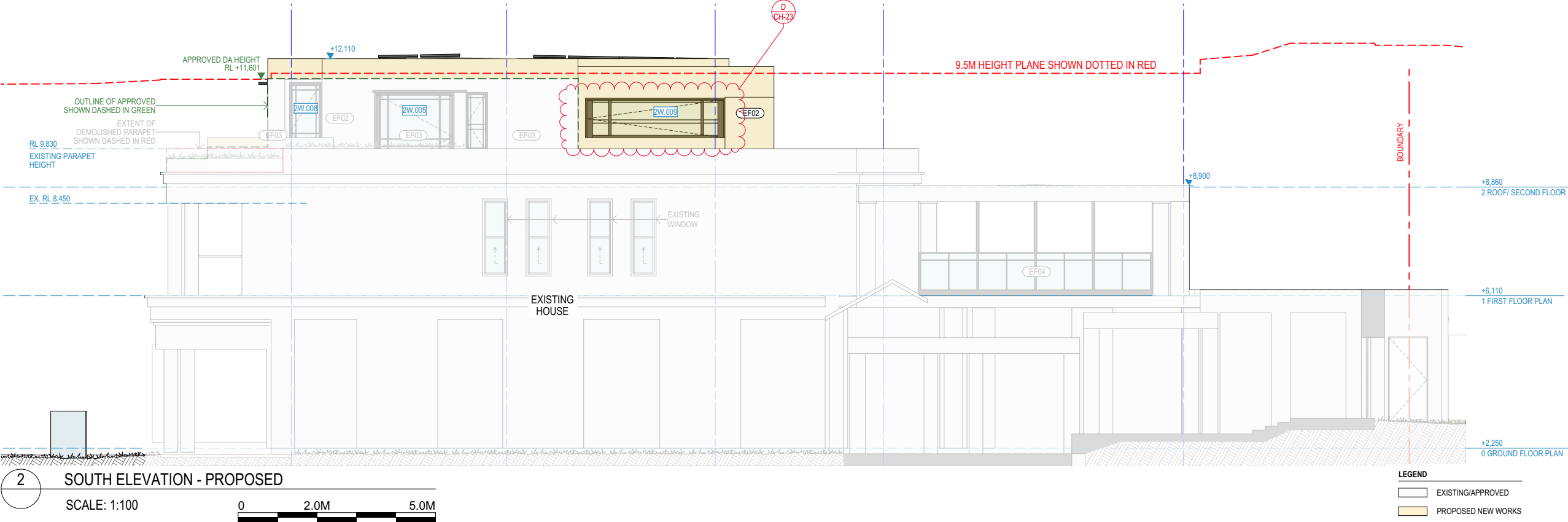
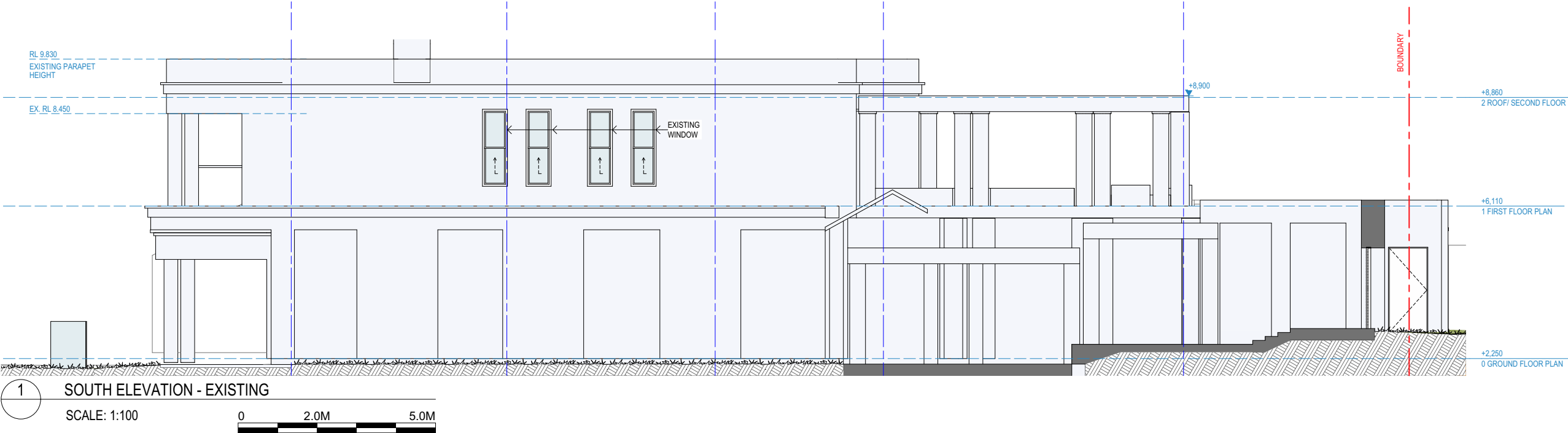
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100 @ A3

DRAWING TITLE :
ELEVATIONS
E03 EAST ELEVATION EXISTING AND PROPOSED

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
D

DRAWING NO.
DA 3003



AC&CO

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ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

GENERAL NOTES

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024		AMENDED RL	
D	S4.55	2/10/2024	D	NEW WINDOW	2/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 2/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

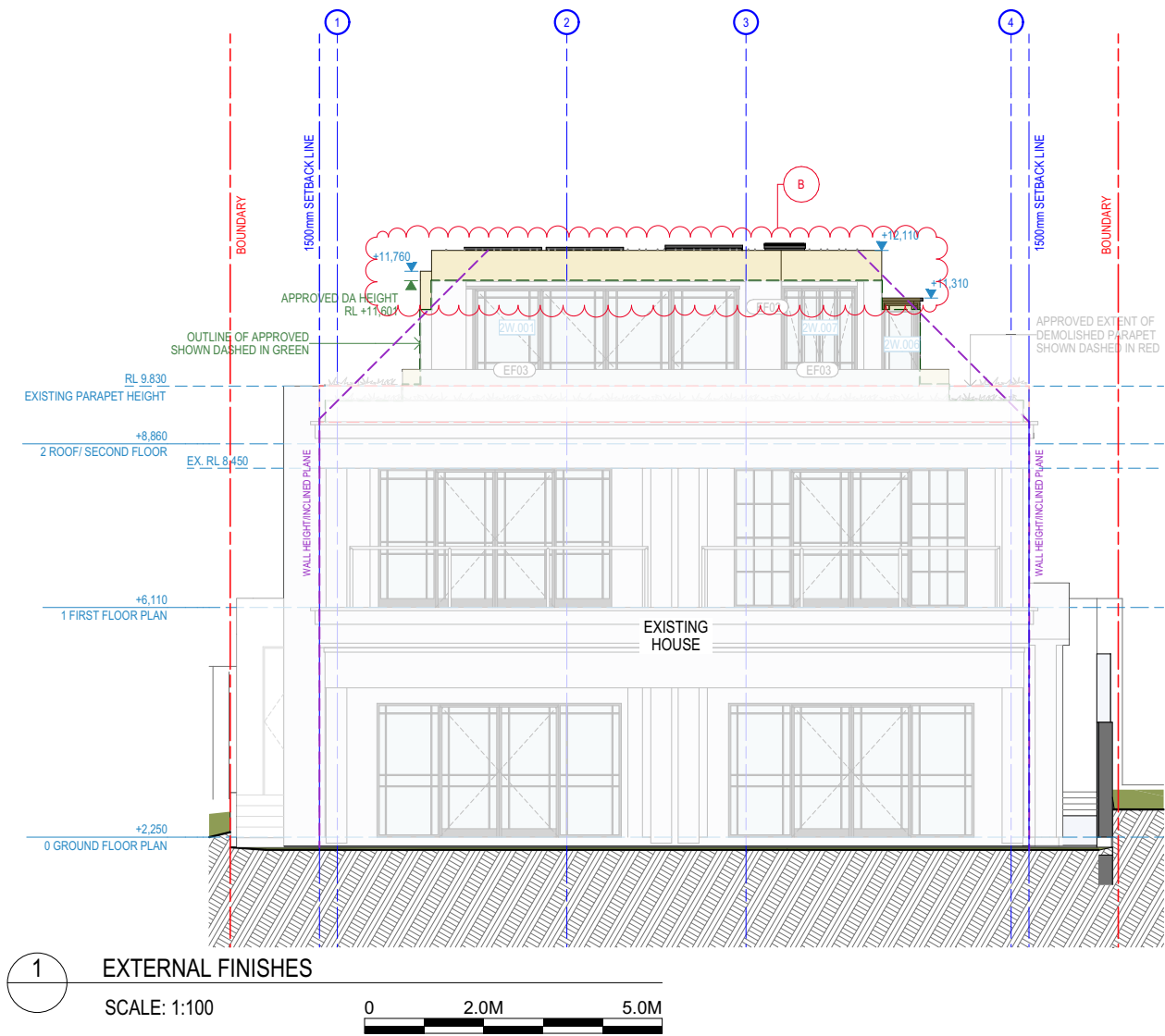
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100 @ A3

DRAWING TITLE :
ELEVATIONS
E04 SOUTH ELEVATION EXISTING AND PROPOSED

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
D

DRAWING NO.
DA 3004



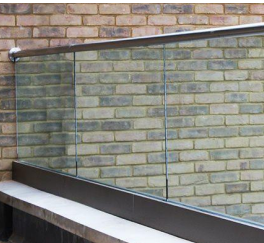
(EF01) : METAL ROOF
METAL ROOF "COLORBOND LIGHT GREY"



(EF02) : EXTERNAL RENDER
SMOOTH EXTERNAL RENDER TO
MATCH EXISTING HOUSE



(EF03) : ALUMINIUM WINDOW FRAMES
COLOR TO MATCH EXISTING WINDOWS



(EF04) : BALUSTRADE
FABRICATED METAL/GLASS RAIL ASSEMBLY

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ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	S4.55	5/06/2024		AMENDED RL	

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100

@A3

DRAWING TITLE :
ELEVATIONS
SCHEDULE OF EXTERNAL FINISHES

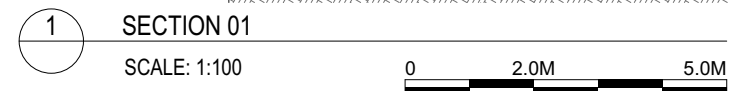
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11 COLLINS AVENUE, ROSE BAY


REVISION NO.

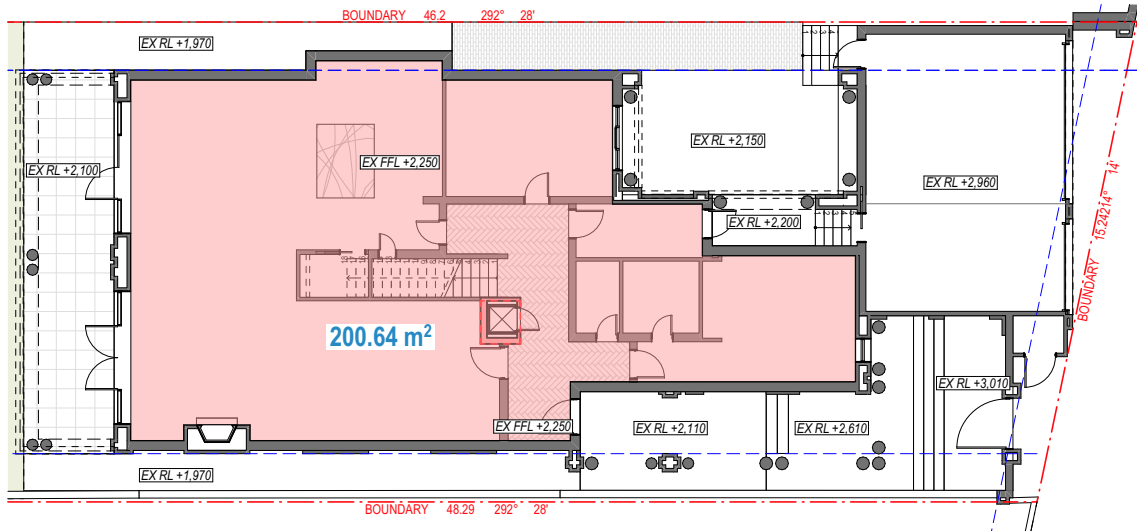
B

DRAWING NO.

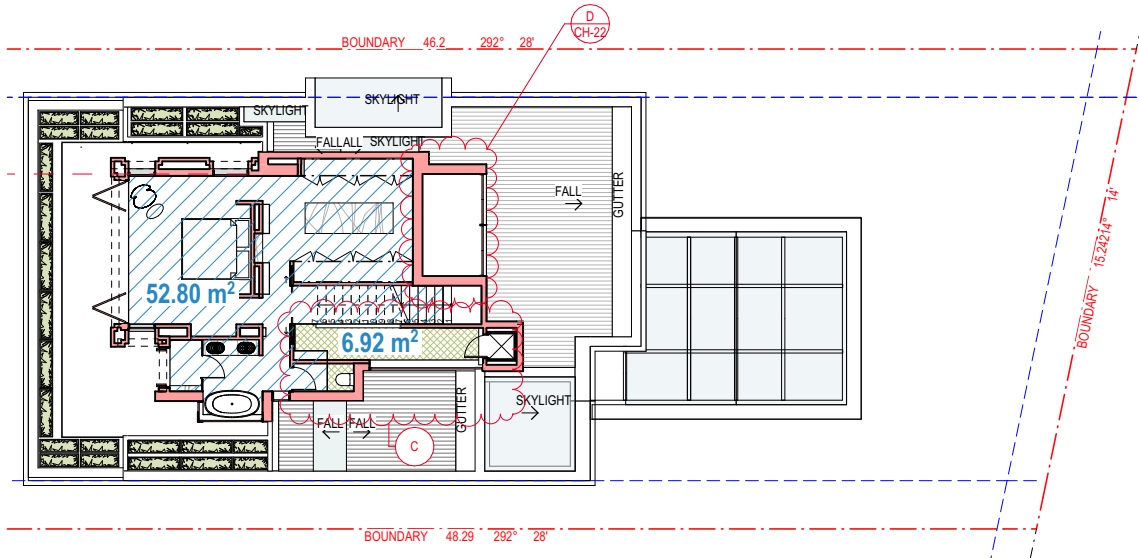
DA 3005



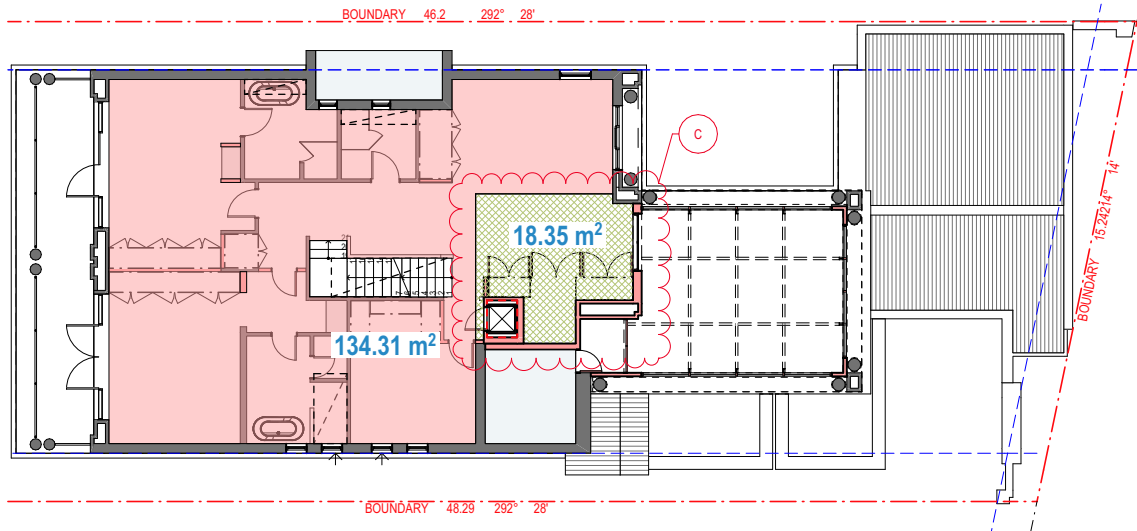
<div><div>AC&C</div><div>ABN: 56 657 641 845</div><div>EMAIL: ADMIN@AC-CO.COM.AU</div><div>ADDRESS: SUITE 202, 306-368 NEW SOUTH HEAD ROAD, DOORLEIGH NSW 2239</div><div>CONTACT: 0435 447 992</div></div>	<div><div>GENERAL NOTES</div><div>1 All construction to comply with Building Code of Australia and applicable Australian standards.</div><div>2 Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed item is to be held by the Builder and one duplicate item to be forwarded to Client's Representative.</div><div>3 Do not scale from this drawing - use hard drawing.</div><div>4 A signed original of this drawing is retained in Studio AC & Co office for verification purposes.</div><div>5 The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Principal's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.</div><div>6 Information detailed in drawing revisions is for information only and may not be indicative of all changes made.</div><div>7 Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services features and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.</div><div>8 These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.</div></div>	<div></div>	<table><tr><th>REV</th><th>ISSUE</th><th>DATE</th><th>REV</th><th>CHANGE DESCRIPTION</th><th>DATE</th></tr><tr><td>B</td><td>ISSUED DA ADDITIONAL INFORMATION</td><td>30/01/2024</td><td></td><td></td><td></td></tr><tr><td>C</td><td>S4.55</td><td>5/06/2024</td><td></td><td>AMENDED RL</td><td></td></tr><tr><td>D</td><td>S4.55</td><td>21/10/2024</td><td>D</td><td>REDUCTION IN MECH PLANT</td><td>21/10/2024</td></tr></table>	REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE	B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024				C	S4.55	5/06/2024		AMENDED RL		D	S4.55	21/10/2024	D	REDUCTION IN MECH PLANT	21/10/2024	<div><div>DRAWN CHECKED</div><div>PLOT DATE:</div><div>PROJECT NO.</div><div>PROJECT STATUS</div></div> <div><div>RT CT</div><div>2/10/2024</div><div>2023001</div><div>S4.55</div></div>	<div>DRAWING TITLE : SECTIONS S01 SECTION 01</div>	<div>REVISION NO. D</div>
	REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE																								
	B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024																											
	C	S4.55	5/06/2024		AMENDED RL																									
D	S4.55	21/10/2024	D	REDUCTION IN MECH PLANT	21/10/2024																									
				<div>SITE: SCALE:</div>	<div>11 COLLINS AVE ROSEBAY NSW 2239 AUSTRALIA 1:100 @ A3</div>	<div>DRAWING NO. DA 4001</div>																								



1 GFA - GROUND FLOOR PLAN
SCALE: 1:200
0 5.0M 10.0M



3 GFA - SECOND FLOOR PLAN
SCALE: 1:200
0 5.0M 10.0M



2 GFA - FIRST FLOOR PLAN
SCALE: 1:200
0 5.0M 10.0M

SITE AREA = 705m²

ALLOWABLE FSR = 0.5:1

ALLOWABLE GFA = 352.5m²

DA APPROVED GFA = 387.7m²
DA 400/2023/1

APPROVED FSR = 0.55:1

EXISTING GFA

	AREA
GROUND FLOOR PLAN	200.64
FIRST FLOOR PLAN	134.31
	334.95 m²

ADDITIONAL GFA

	AREA
FIRST FLOOR PLAN	18.35
ROOF/ SECOND FLOOR	59.72
	78.07 m²

TOTAL GFA 413.02 m²

PROPOSED FSR = 0.59:1

LEGEND

- EXISTING GFA
- APPROVED ADDITIONAL GFA
- PROPOSED NEW ADDITIONAL GFA

AC & Co

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CONTACT: 0435 447 892

GENERAL NOTES

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			
C	S4.55	5/06/2024		AMENDED GFA	
D	S4.55	2/10/2024	D	REDUCTION IN MECH PLANT	2/10/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 2/10/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

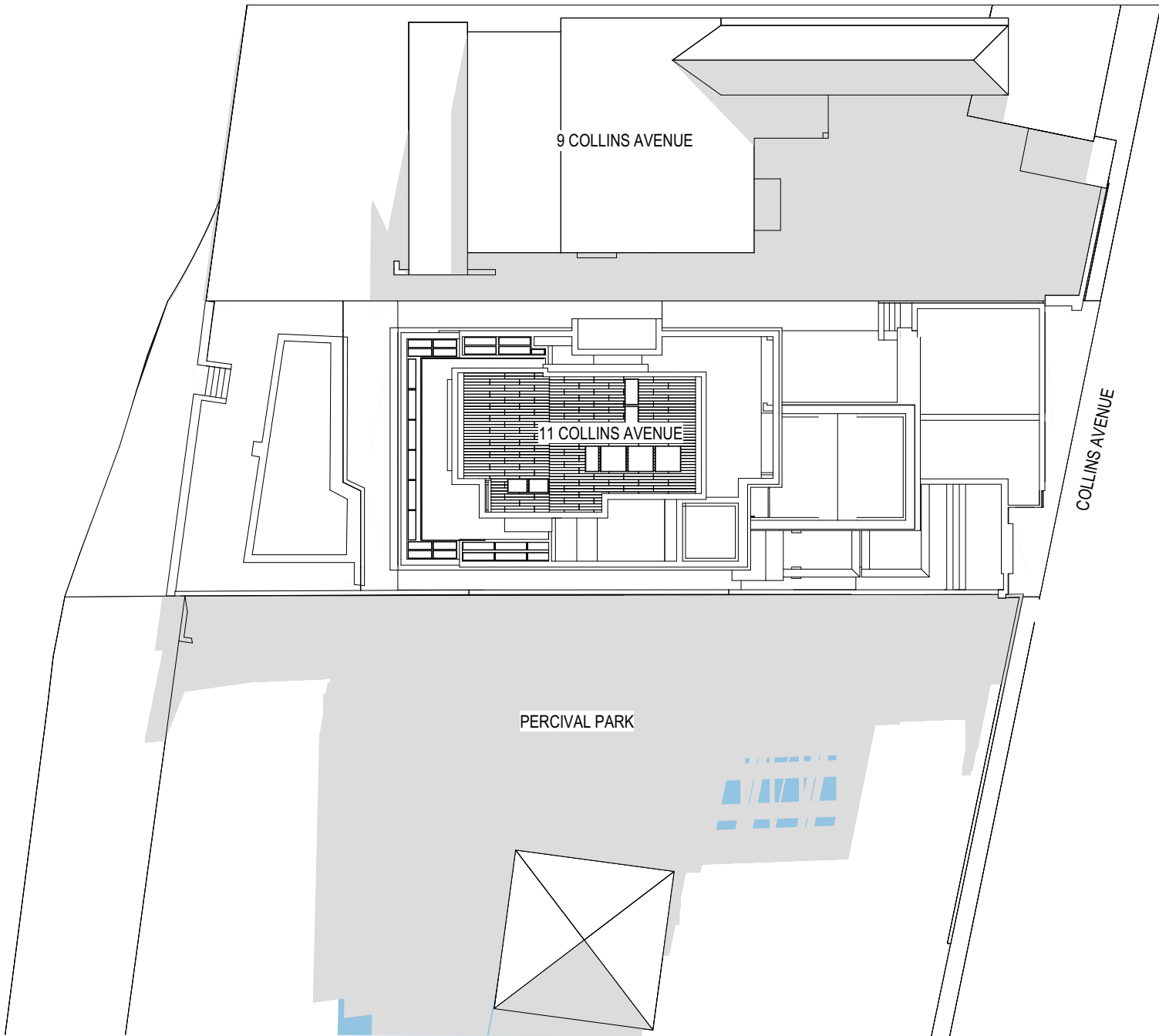
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:200 @ A3

DRAWING TITLE :
COMPLIANCE DRAWINGS
GFA CALCULATION

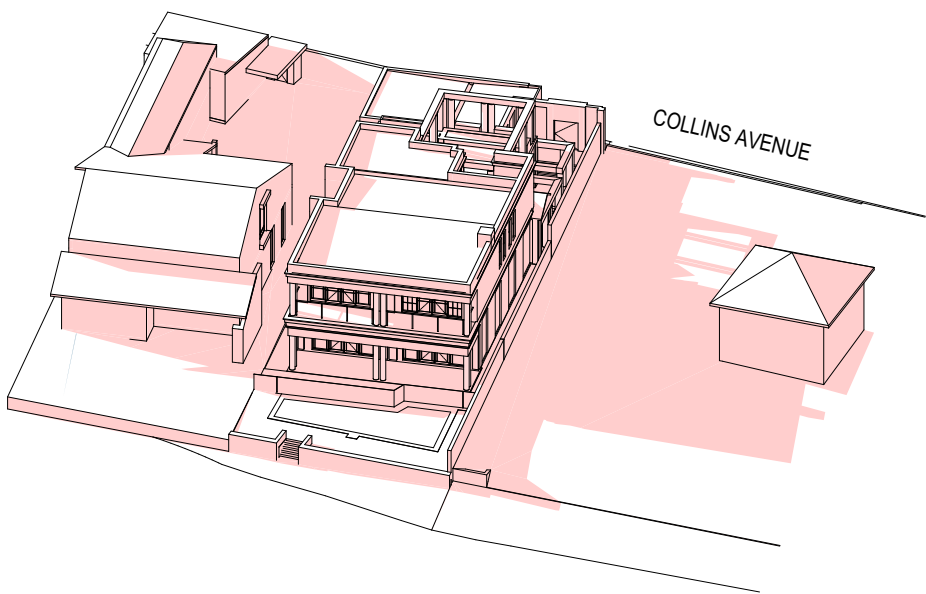
PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
D

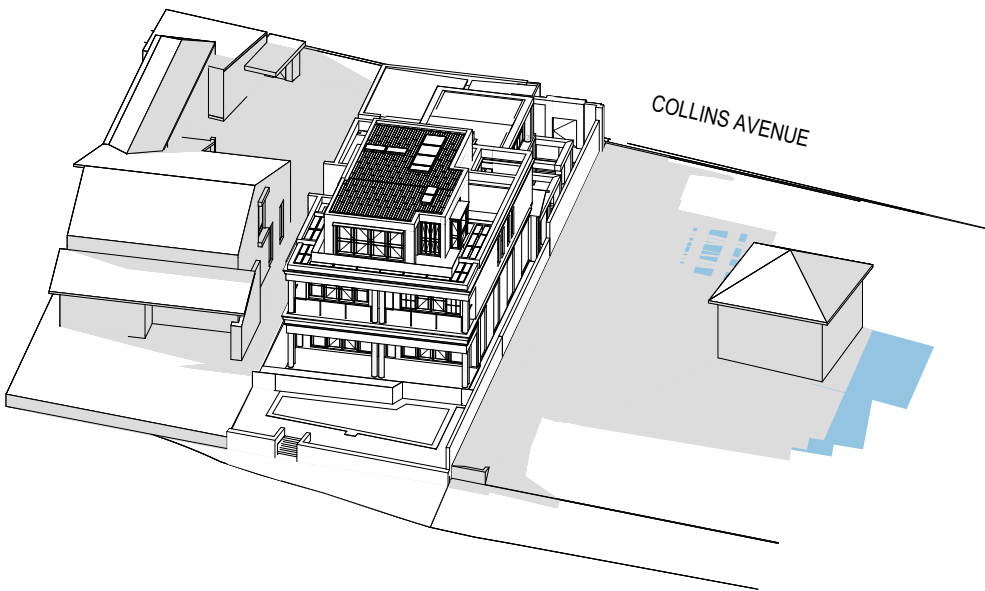
DRAWING NO.
DA 5001



SHADOW DIAGRAM JUNE 21 9AM: APPROVED DA AND PROPOSED



SHADOW DIAGRAM JUNE 21 9AM: EXISTING



SHADOW DIAGRAM JUNE 21 9AM: PROPOSED

B

LEGEND

APPROVED SHADOW

PROPOSED SHADOW

AC&C

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EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024			
			B	AMENDED SHADOW	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE:

11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE:

1:250, 1:200, 1:500 @ A3

DRAWING TITLE :

COMPLIANCE DRAWINGS
SHADOW DIAGRAMS - 9AM

PROJECT NAME :

11 COLLINS AVENUE, ROSE BAY

REVISION NO.

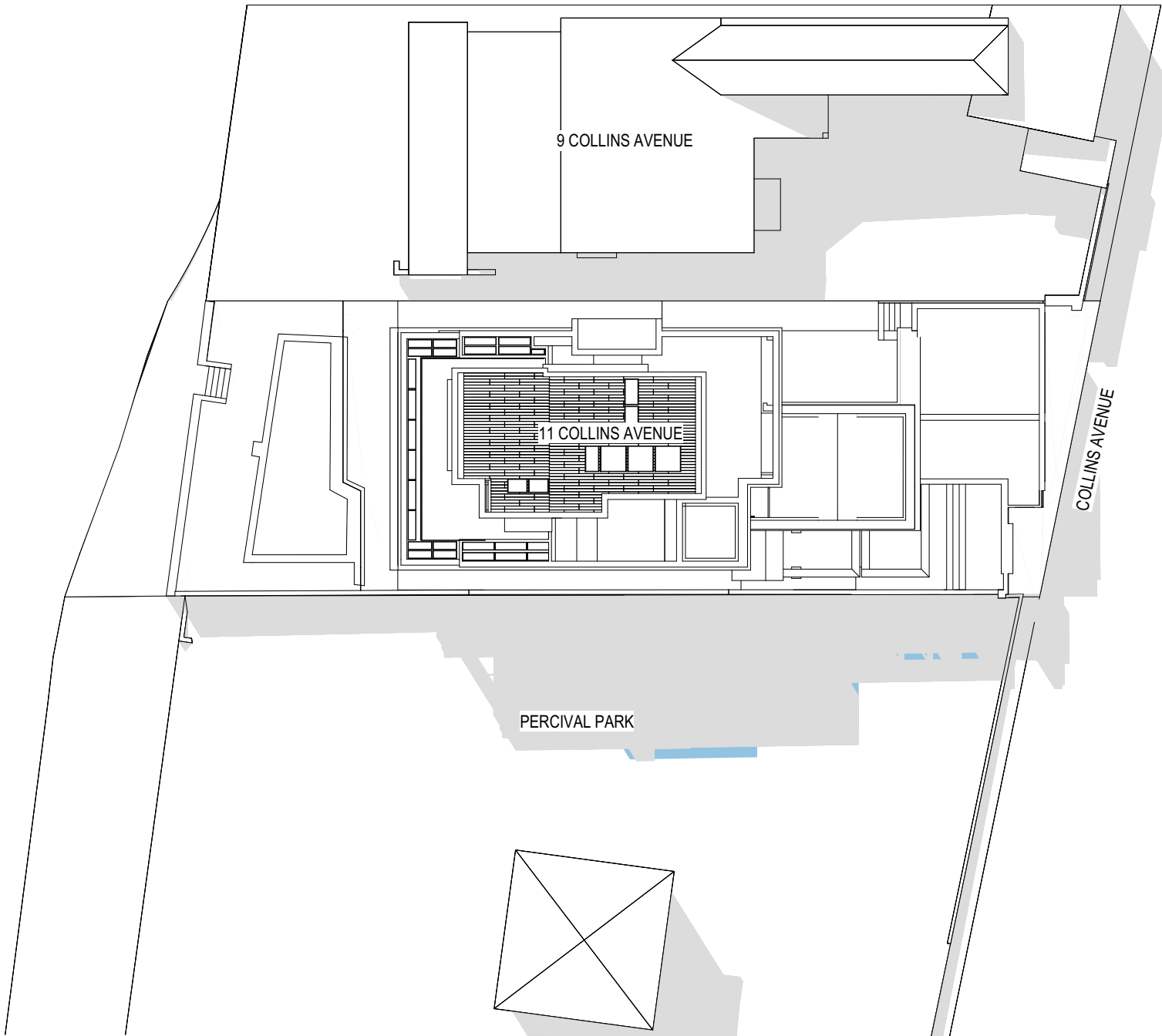
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DRAWING NO.

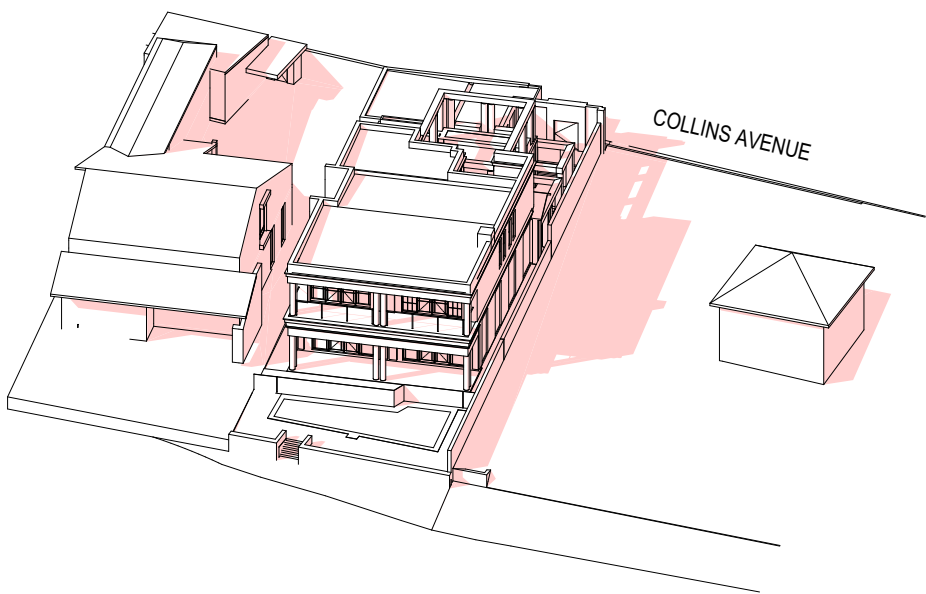
DA 5005

Attachment 1 Annexure 1 - Architectural Drawings

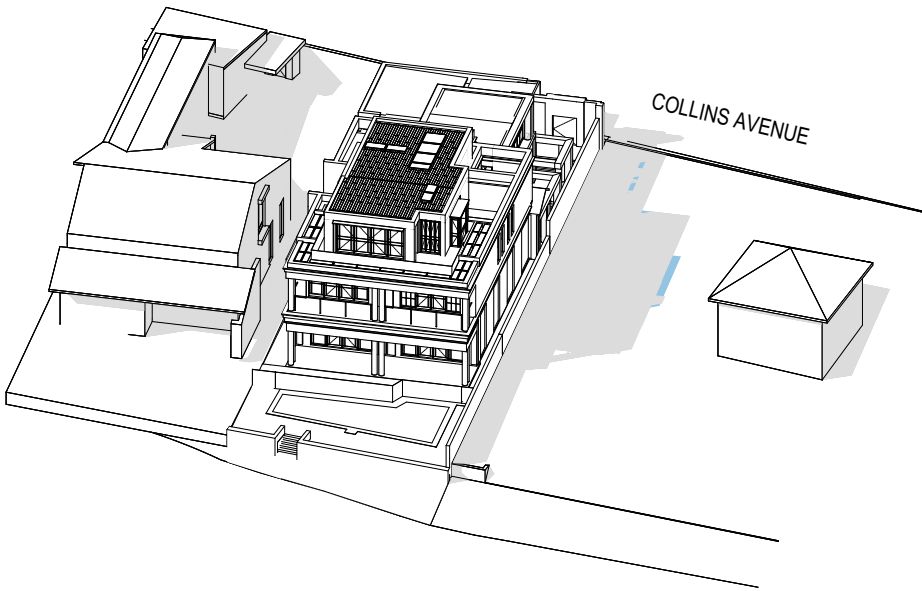
Page 342



SHADOW DIAGRAM JUNE 21 12PM: APPROVED DA AND PROPOSED



SHADOW DIAGRAM JUNE 21 12PM: EXISTING



SHADOW DIAGRAM JUNE 21 12PM: PROPOSED

B

LEGEND

APPROVED SHADOW

PROPOSED SHADOW

AC&C

ABN: 56 657 648 845
EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024			
			B	AMENDED SHADOW	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE:

11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE:

1:250, 1:500, 1:200

@ A3

DRAWING TITLE :

COMPLIANCE DRAWINGS
SHADOW DIAGRAMS - 12PM

PROJECT NAME :

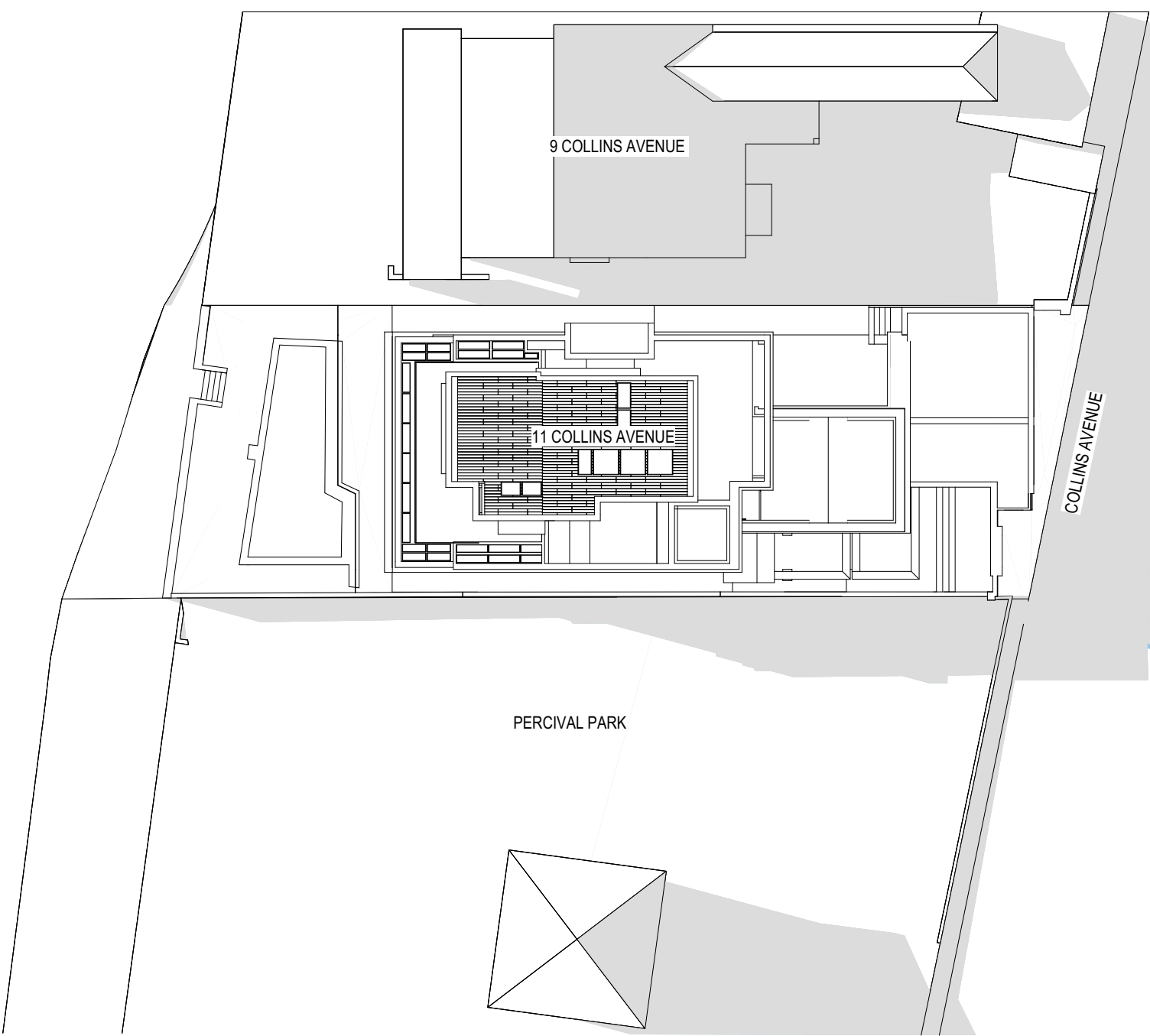
11 COLLINS AVENUE, ROSE BAY

REVISION NO.

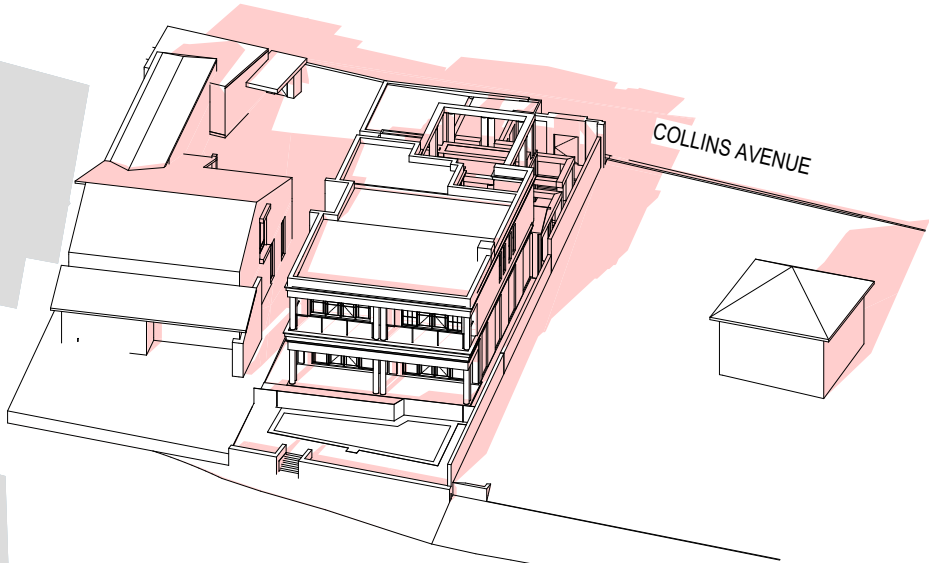
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DRAWING NO.

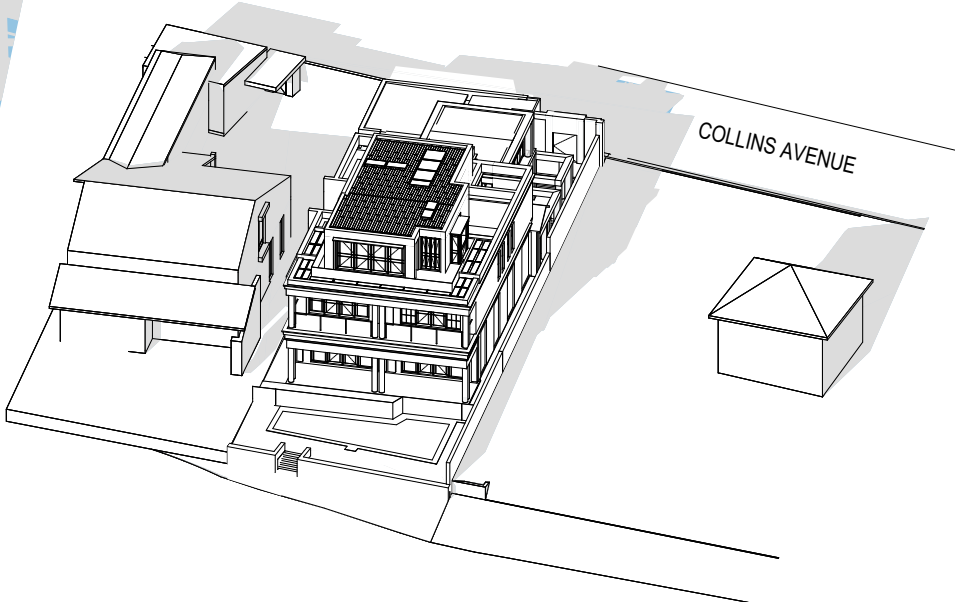
DA 5006



SHADOW DIAGRAM JUNE 21 3PM: APPROVED AND PROPOSED



SHADOW DIAGRAM JUNE 21 3PM: EXISTING



SHADOW DIAGRAM JUNE 21 3PM: PROPOSED

B

LEGEND

APPROVED SHADOW

PROPOSED SHADOW

AC & Co

ABN: 56 657 648 845
EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024			
			B	AMENDED SHADOW	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE:

11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE:

1:250, 1:500, 1:200 @ A3

DRAWING TITLE :

COMPLIANCE DRAWINGS
SHADOW DIAGRAMS - 3PM

PROJECT NAME :

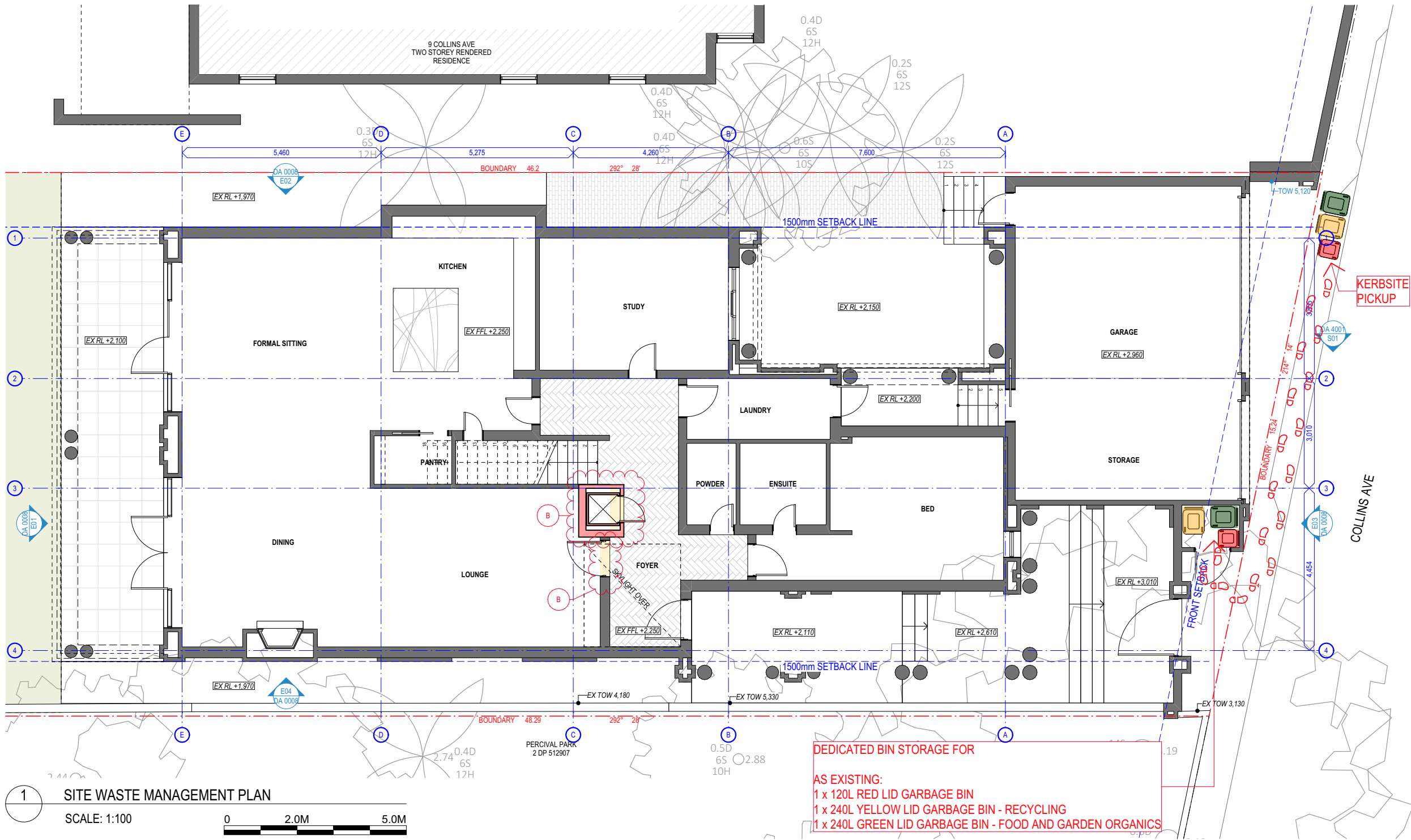
11 COLLINS AVENUE, ROSE BAY

REVISION NO.

B

DRAWING NO.

DA 5007



AC & Co

ABN: 56 657 648 845
EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
B	S4.55	5/06/2024	B	PROPOSED NEW LIFT, PROPOSED NEW DOOR	5/06/2024

DRAWN | CHECKED RT | CT

PLOT DATE: 5/06/2024

PROJECT NO. 2023001

PROJECT STATUS S4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE: 1:100 @ A3

DRAWING TITLE :

COMPLIANCE DRAWINGS

SITE WASTE MANAGEMENT PLAN

PROJECT NAME :

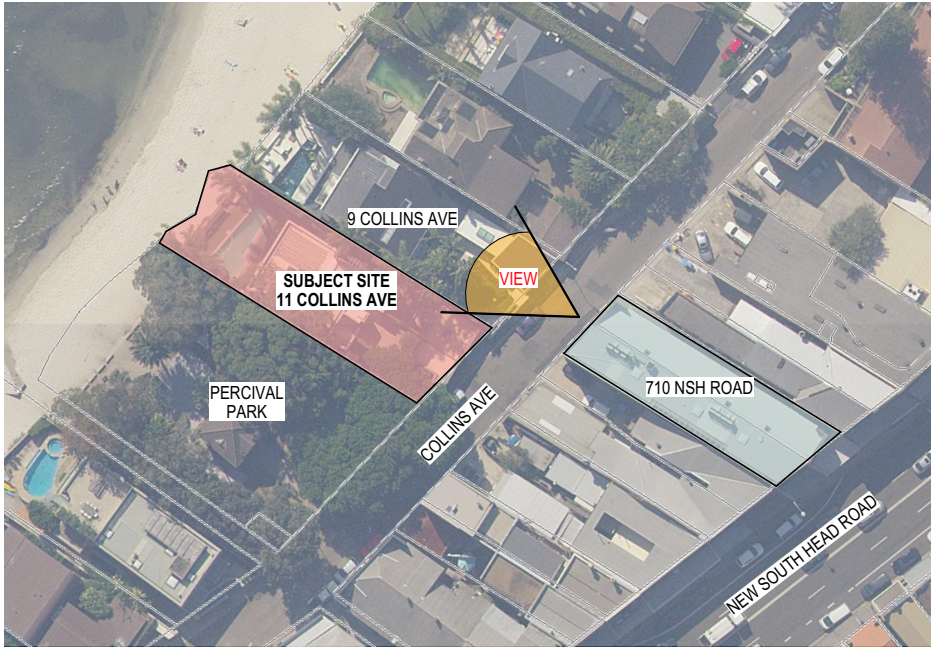
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REVISION NO.

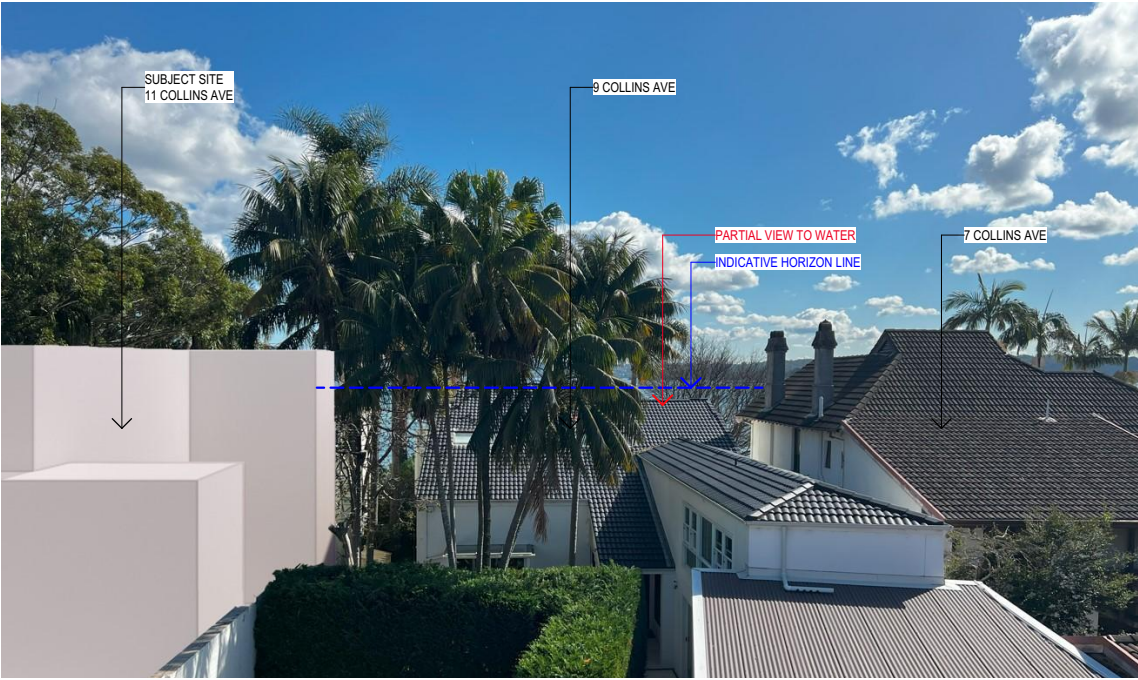
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DRAWING NO.

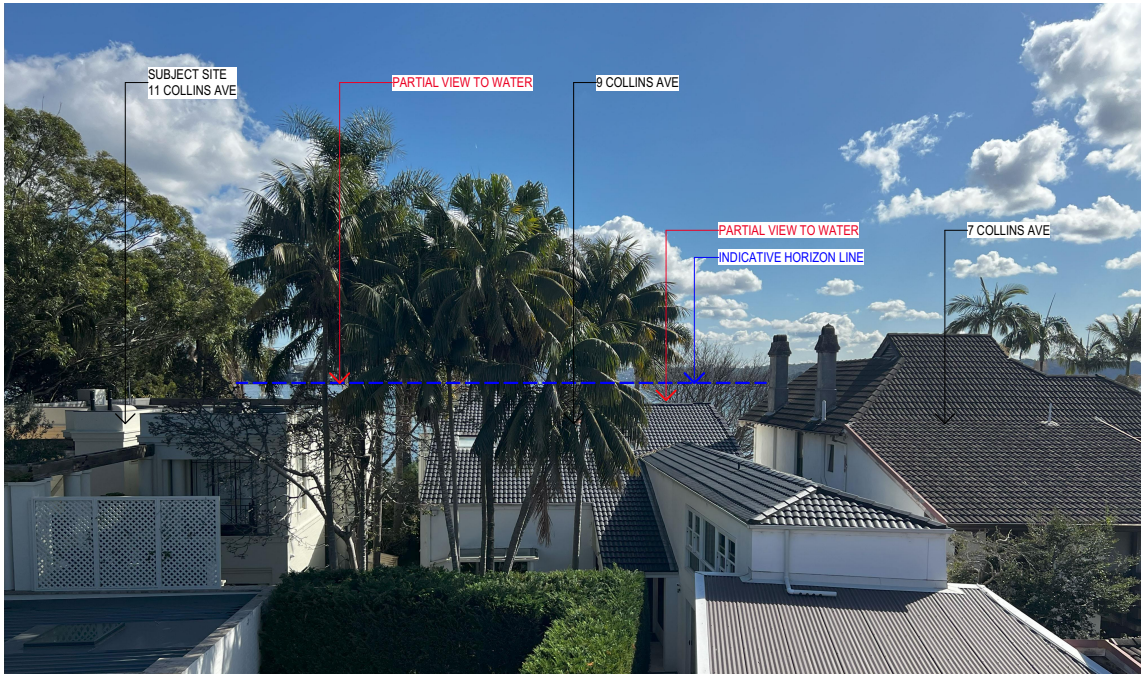
DA 5008



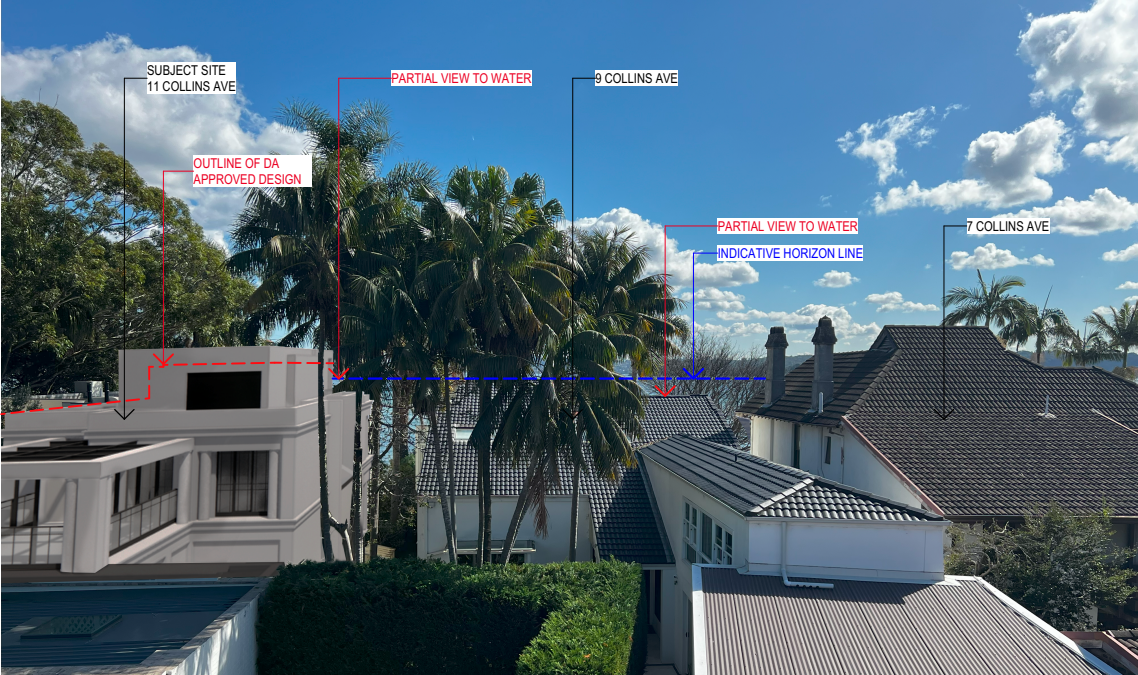
SITE PLAN
PHOTO TAKEN FROM BALCONY OF TOP FLOOR AT 710 NEW SOUTH HEAD ROAD, ROSE BAY
NOMINAL LEVEL FROM AHD 11,200



RESIDENTIAL FLAT BUILDING COMPARISON - PROPOSED VIEW FROM BALCONY OF 710 NEW SOUTH HEAD ROAD



EXISTING VIEW FROM BALCONY OF 710 NEW SOUTH HEAD ROAD



PROPOSED VIEW FROM BALCONY OF 710 NEW SOUTH HEAD ROAD

AC&CO

ABN: 56 657 648 845
EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD ROAD, DOUBBLE BAY NSW 2028
CONTACT: 0435 447 892

GENERAL NOTES

1. All construction to comply with Building Code of Australia and applicable Australian standards.

2. Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed.

3. Do not scale from this drawing - use figured dimensions.

4. A signed original of this drawing is retained in Studio AC & Co office for verification purposes.

5. The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Principal's Project Requirements.

6. Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.

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9. These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.



REV	ISSUE	DATE	REV	CHANGE DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			
B	S4.55	5/06/2024			
			B	UPDATED VIEW ANALYSIS	5/06/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 5/06/2024
PROJECT NO. 2023001
PROJECT STATUS S4.55

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: @ A3

DRAWING TITLE :
ADDITIONAL INFORMATION
11 COLLINS AVENUE STREET VIEW ANALYSIS

PROJECT NAME :
11 COLLINS AVENUE, ROSE BAY

REVISION NO.
B

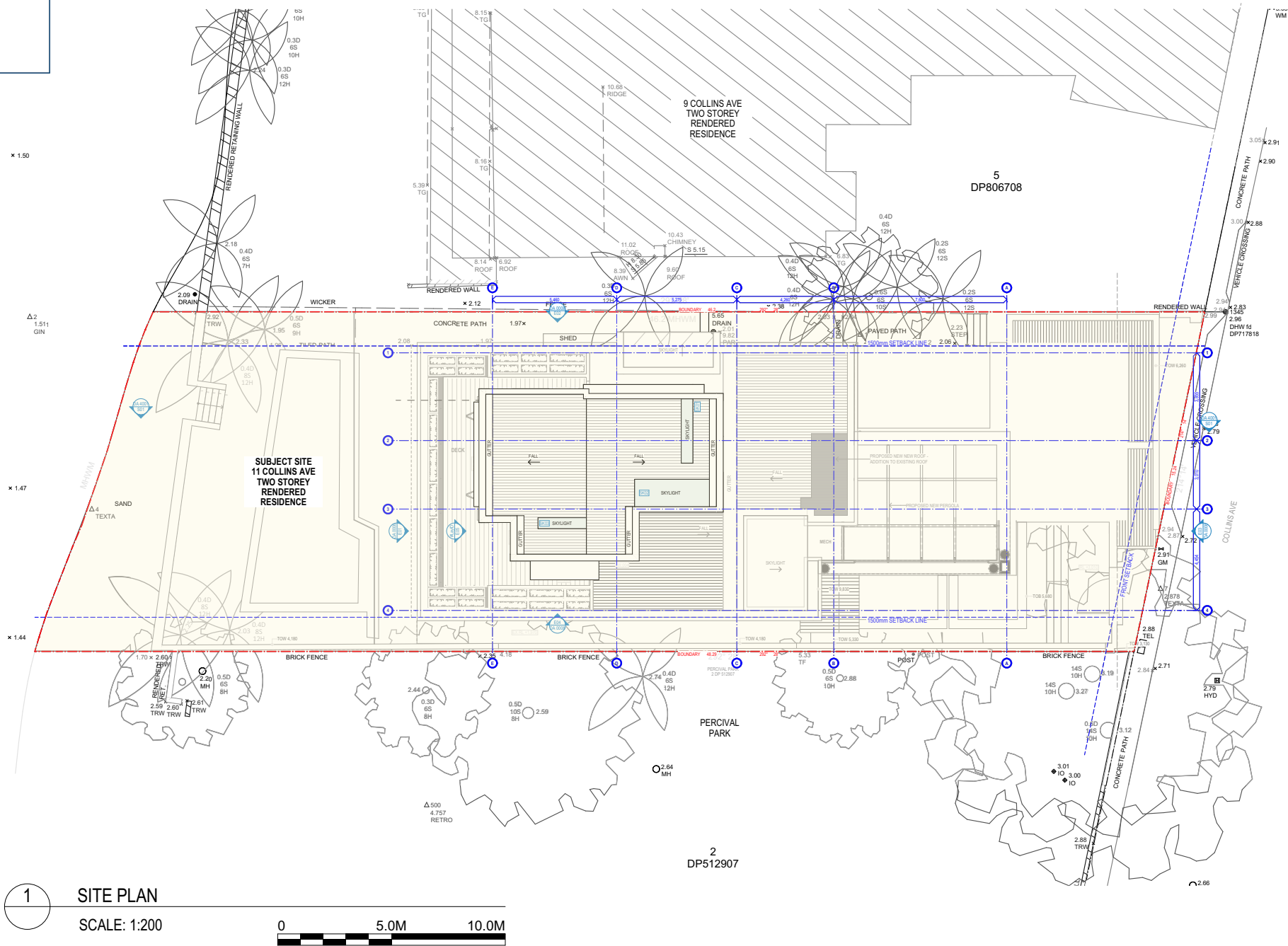
DRAWING NO.
DA 6001

Woollahra Municipal Council

Development Application DA 400/2023/1

APPROVED

Date 02/02/2024



AC&CO

ABN: 56 657 648 845
EMAIL: ADMIN@AC-CO.COM.AU
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CONTACT: 0435 447 892

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REV	ISSUE	DATE	CH ID	DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			30/01/2024

DRAWN | CHECKED RT | CT

PLOT DATE: 30/01/2024

PROJECT NO. 2023001

PROJECT STATUS DA

SITE: 11 COLLINS AVE ROSEBAY NSW 2029 AUSTRALIA

SCALE: 1:200 @ A3

DRAWING TITLE :

GENERAL AND SITE INFORMATION

SITE PLAN

PROJECT NAME :

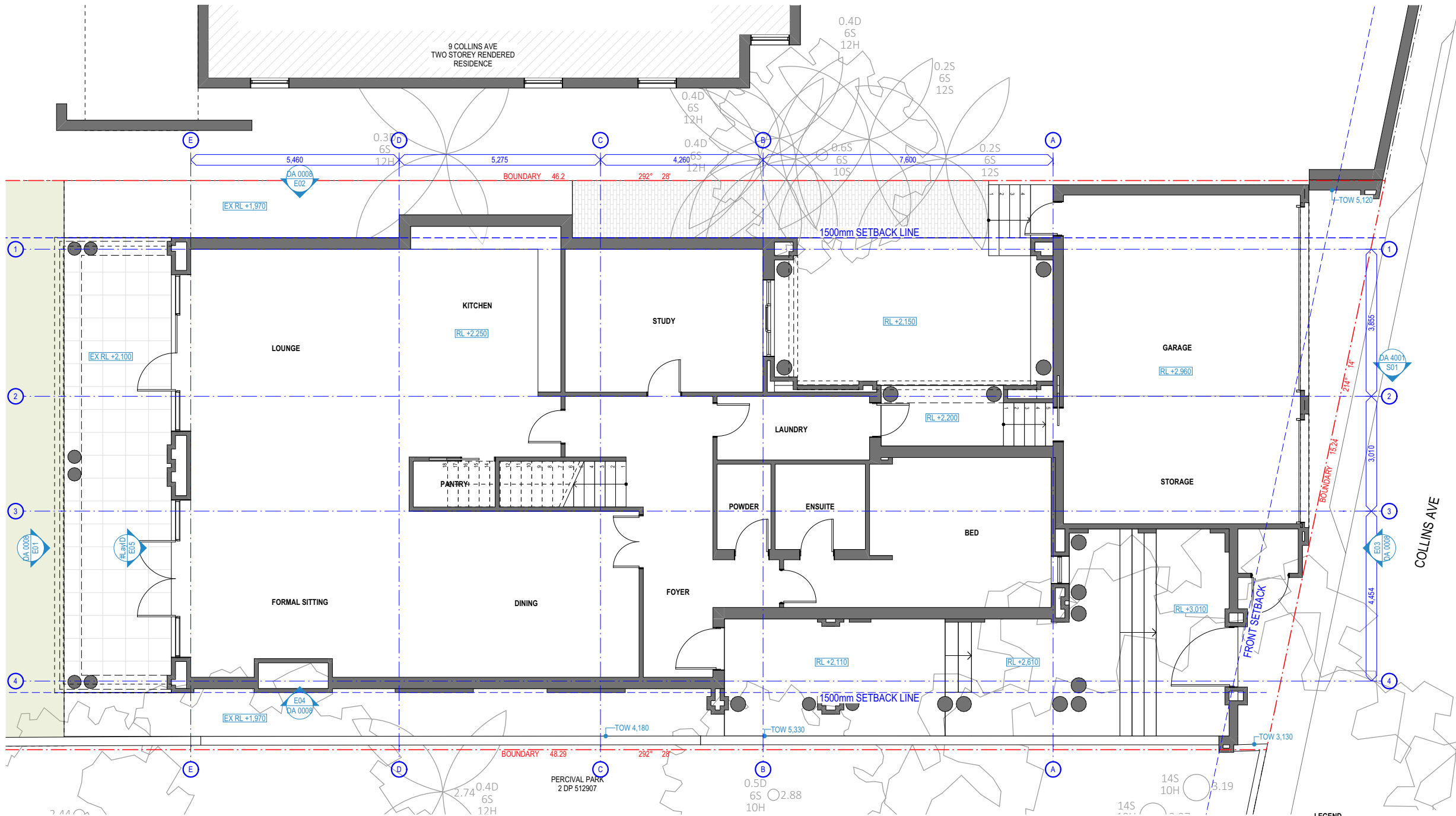
HOUSE ROSEBAY

REVISION NO.

B

DRAWING NO.

DA 0004



1 PROPOSED - GROUND FLOOR PLAN
SCALE: 1:100
0 2.0M 5.0M

LEGEND

- EXISTING STRUCTURE
- PROPOSED NEW STRUCTURE
- TO BE DEMOLISHED

AC & CO

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ROAD DOUBLE BAY NSW 2028
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GENERAL NOTES
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REV	ISSUE	DATE	CH ID	DESCRIPTION	DATE
A	ISSUED FOR DA	4/10/2023			4/10/2023

DRAWN | CHECKED RT | CT
PLOT DATE: 24/10/2023
PROJECT NO. 2023001
PROJECT STATUS DA

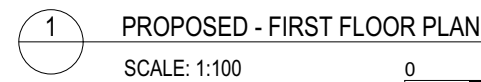
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100, 1:200 @ A3

DRAWING TITLE :
PROPOSED PLANS
PROPOSED GROUND FLOOR PLAN

PROJECT NAME :
HOUSE ROSEBAY

REVISION NO.
A

DRAWING NO.
DA 2001



DRAWN CHECKED	RT CT
PLOT DATE:	30/01/2024
PROJECT NO.	2023001
PROJECT STATUS	DA


SITE:	11 COLLINS AVE ROSEBAY NSW
	2029 AUSTRALIA
SCALE:	1:100, 1:200 @ A3

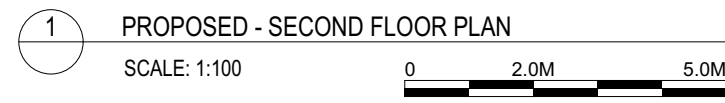
REVISION NO.

B

DRAWING NO.

DA 2002

A circular symbol with a vertical line passing through the center, labeled 'N' at the top, indicating North.




DRAWN | CHECKED RT | CT
PLOT DATE: 30/01/2024
PROJECT NO. 2023001
PROJECT STATUS DA

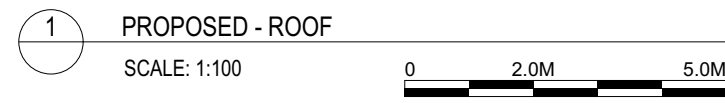
REVISION NO.

B

DRAWING NO.

DA 2003






DRAWN CHECKED	RT CT
PLOT DATE:	30/01/2024
PROJECT NO.	2023001
PROJECT STATUS	DA
<hr/>	
SITE:	11 COLLINS AVE ROSEBAY NSW 2029 AUSTRALIA
SCALE:	1:100, 1:200 @ A3

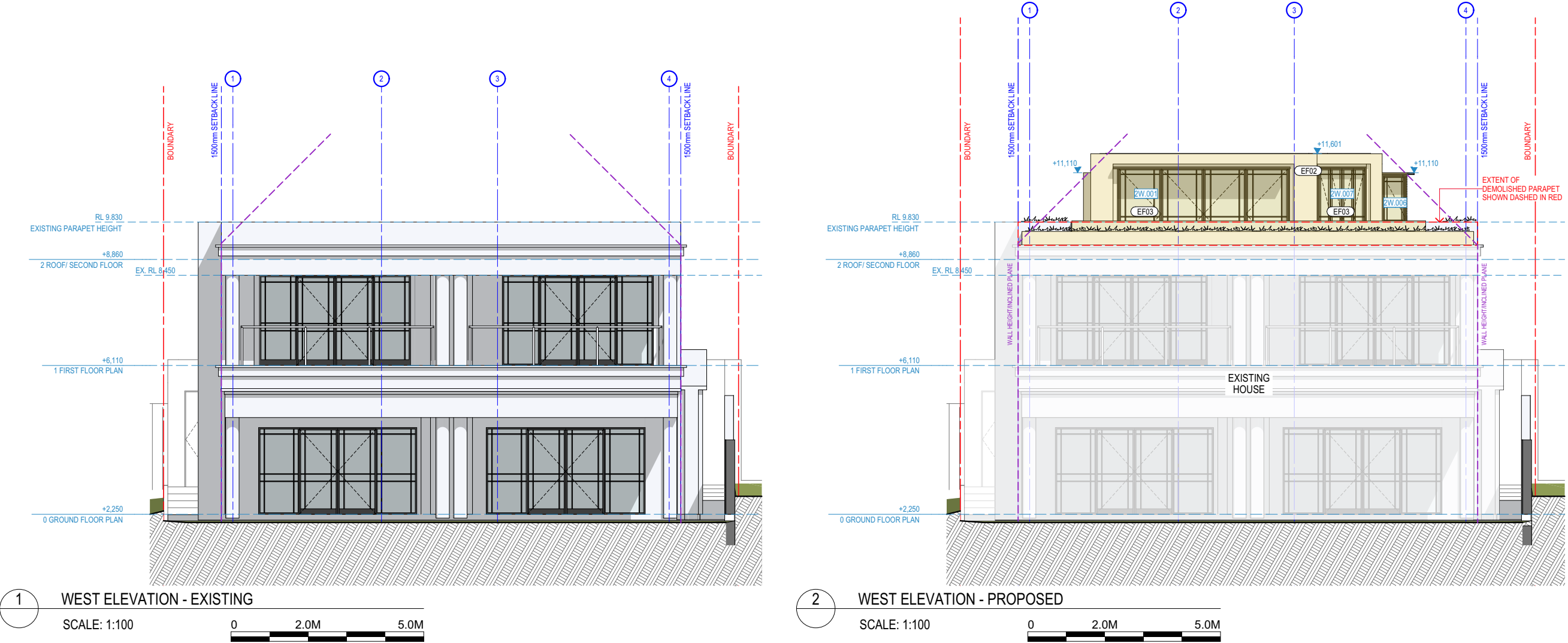
REVISION NO.

B

DRAWING NO.

DA 2004

A circular north arrow with a diagonal line passing through the center. The letter 'N' is positioned at the top of the circle, indicating the direction of North.



LEGEND

EXISTING STRUCTURE

PROPOSED NEW WORKS

AC&CO

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EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	CH ID	DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			30/01/2024

DRAWN | CHECKED RT | CT

PLOT DATE: 30/01/2024

PROJECT NO. 2023001

PROJECT STATUS DA

SITE: 11 COLLINS AVE ROSEBAY NSW 2029 AUSTRALIA

SCALE: 1:100, 1:200 @ A3

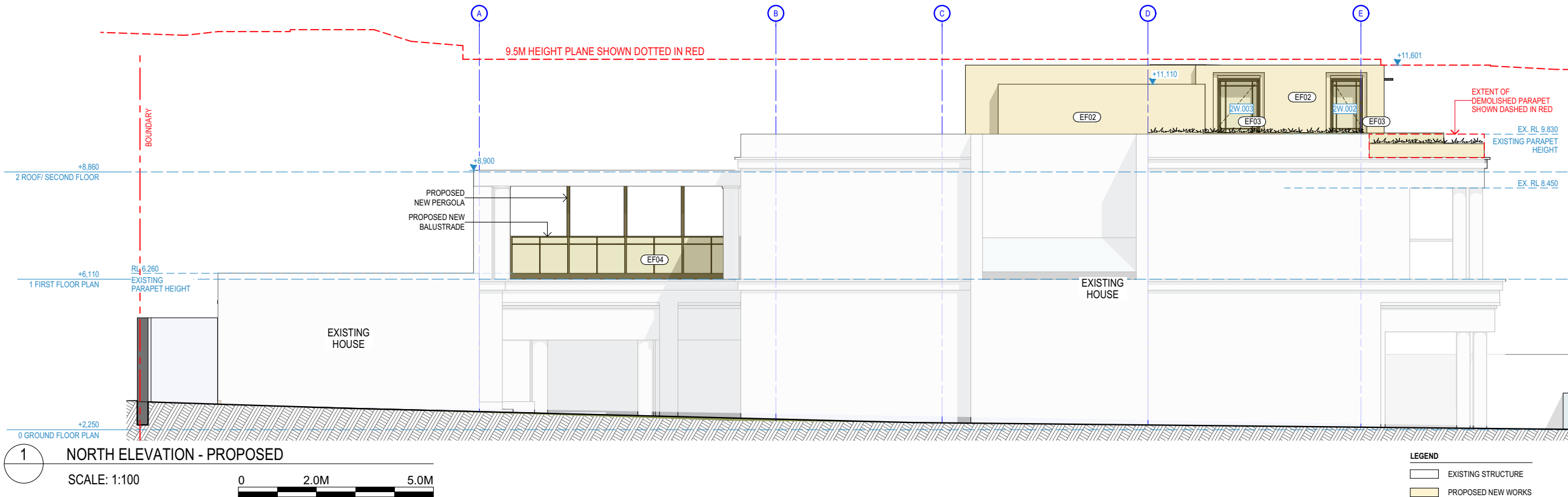
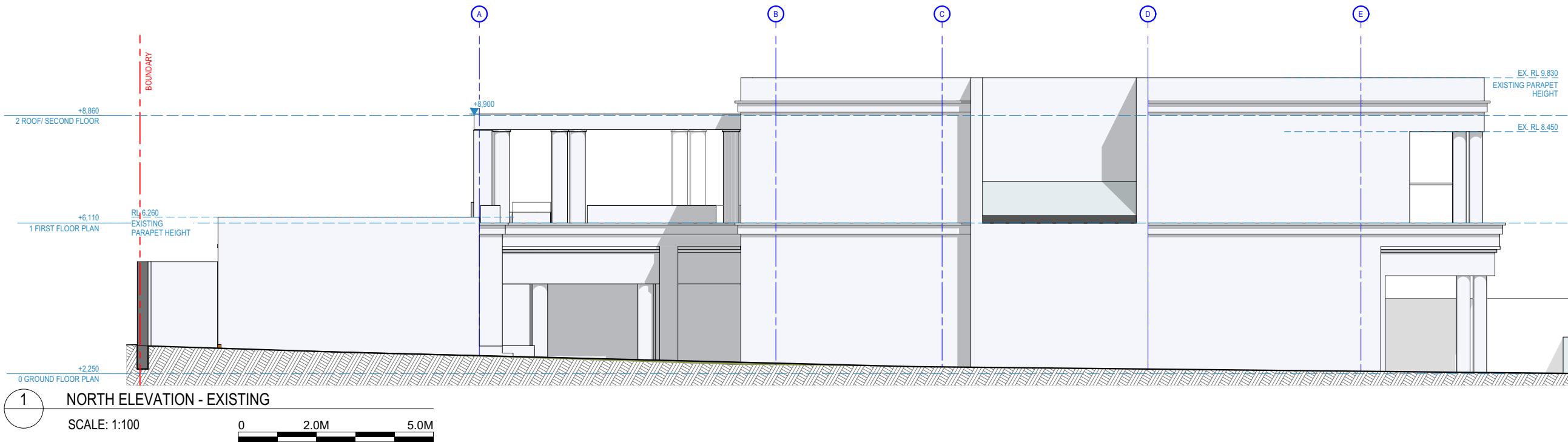
DRAWING TITLE : ELEVATIONS

E01 WEST ELEVATIONS EXISTING AND PROPOSED

PROJECT NAME : HOUSE ROSEBAY

REVISION NO. B

DRAWING NO. DA 3001



LEGEND

EXISTING STRUCTURE

PROPOSED NEW WORKS

AC & Co

ABN: 56 657 648 845

EMAIL: ADMIN@AC-CO.COM.AU

ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD ROAD DOUBBLE BAY NSW 2028

CONTACT: 0435 447 892

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REV	ISSUE	DATE	CH ID	DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			30/01/2024

DRAWN | CHECKED RT | CT

PLOT DATE: 30/01/2024

PROJECT NO. 2023001

PROJECT STATUS DA

SITE: 11 COLLINS AVE ROSEBAY NSW 2029 AUSTRALIA

SCALE: 1:100, 1:200 @ A3

DRAWING TITLE :

ELEVATIONS

E02 NORTH ELEVATION EXISTING AND PROPOSED

PROJECT NAME :

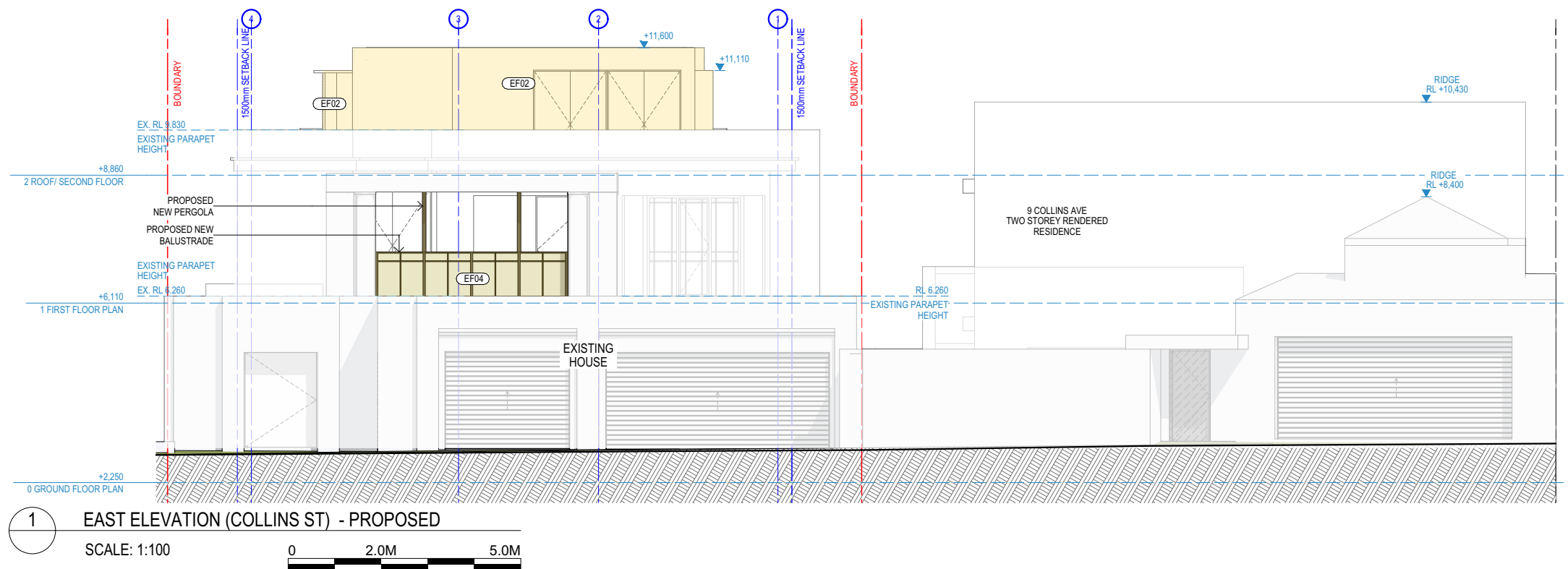
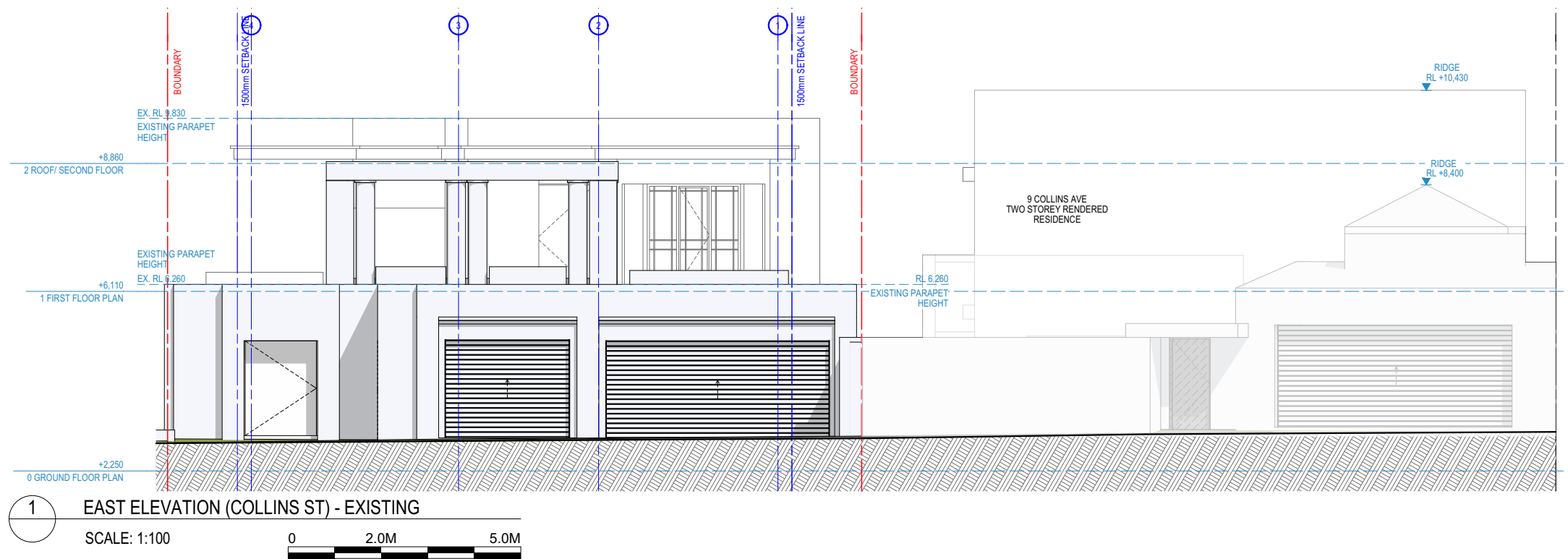
HOUSE ROSEBAY

REVISION NO.

B

DRAWING NO.

DA 3002



LEGEND

EXISTING STRUCTURE

PROPOSED NEW WORKS

AC&CO

ABN: 56 657 648 845
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ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	CH ID	DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			30/01/2024

DRAWN | CHECKED RT | CT
PLOT DATE: 30/01/2024
PROJECT NO. 2023001
PROJECT STATUS DA

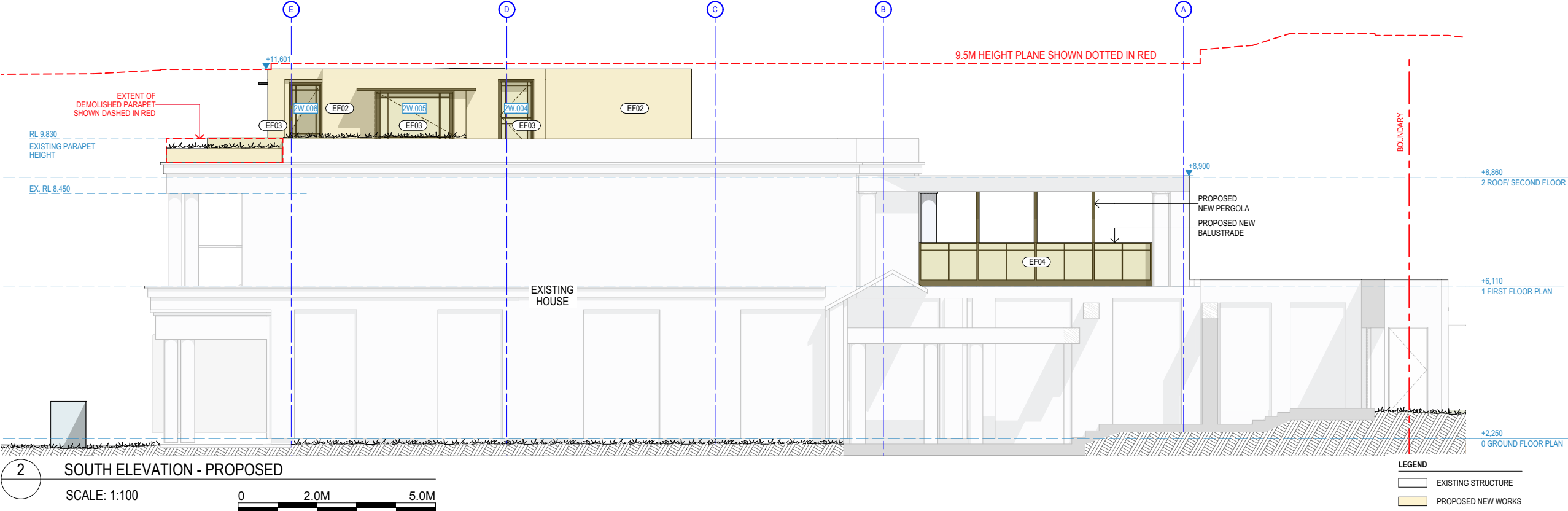
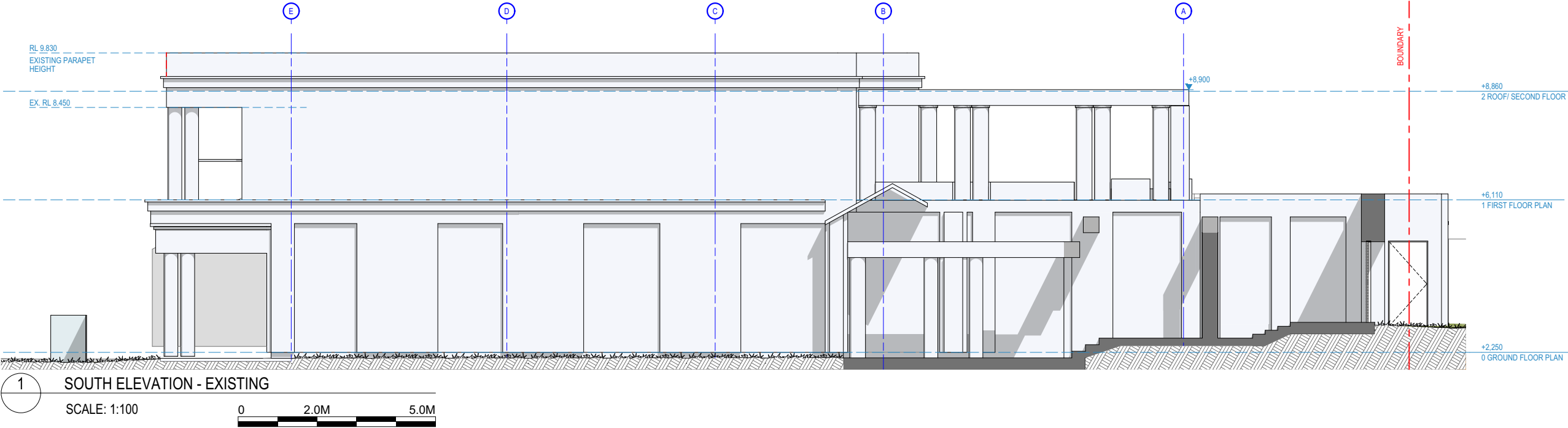
SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA
SCALE: 1:100, 1:200 @ A3

DRAWING TITLE :
ELEVATIONS
E03 EAST ELEVATION EXISTING AND PROPOSED

PROJECT NAME :
HOUSE ROSEBAY

REVISION NO.
B

DRAWING NO.
DA 3003



AC&CO

ABN: 56 657 648 845
EMAIL: ADMIN@AC-CO.COM.AU
ADDRESS: SUITE 202, 356-368 NEW SOUTH HEAD
ROAD DOUBLE BAY NSW 2028
CONTACT: 0435 447 892

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REV	ISSUE	DATE	CH ID	DESCRIPTION	DATE
B	ISSUED DA ADDITIONAL INFORMATION	30/01/2024			30/01/2024

DRAWN | CHECKED RT | CT

PLOT DATE: 30/01/2024

PROJECT NO. 2023001

PROJECT STATUS DA

SITE: 11 COLLINS AVE ROSEBAY NSW
2029 AUSTRALIA

SCALE: 1:100, 1:200 @ A3

DRAWING TITLE :

ELEVATIONS

E04 SOUTH ELEVATION EXISTING AND PROPOSED

PROJECT NAME :

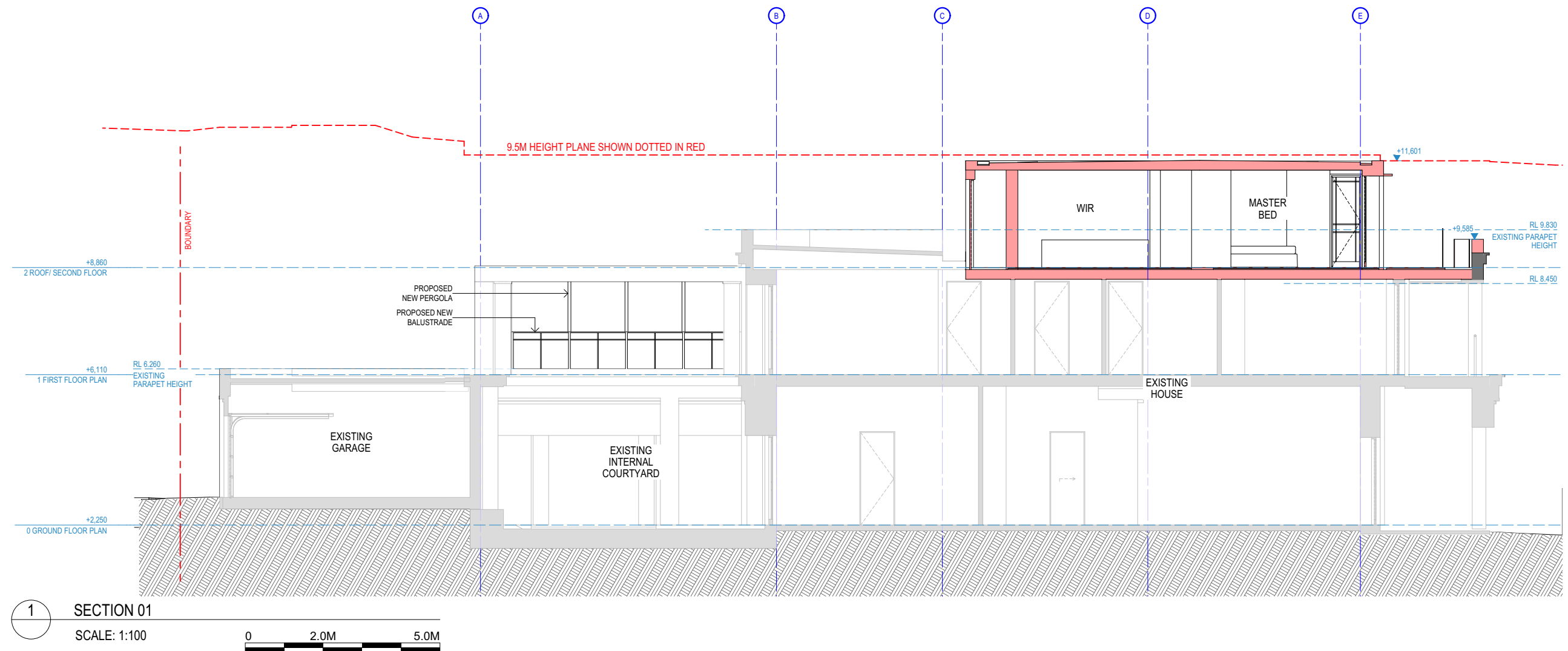
HOUSE ROSEBAY

REVISION NO.

B

DRAWING NO.

DA 3004



<div><div>AC & CO</div><div>AS/N: 56 657 648 845</div><div>EMAIL: ADMIN@AC-CO.COM.AU</div><div>ADDRESS: SUITE 202, 356-366 NEW SOUTH HEAD ROAD DOUBLE BAY NSW 2038</div><div>CONTACT: 0435 447 992</div></div>	<div>GENERAL NOTES</div> <div>1 All construction to comply with Building Code of Australia and applicable Australian standards.</div> <div>2 Builder and/or Subcontractor to supply one sample each of the proprietary items, finishes, samples materials and shop drawings for sign off prior to placement of order, fabrication or construction. Once approved one signed item is to be held by the Builder and one duplicate item to be forwarded to Client's Representative.</div> <div>3 Do not scale from this drawing – use figured dimensions</div> <div>4 A signed original of this drawing is retained in Studio AC & Co office for verification purposes.</div> <div>5 The Client is to review design and documentation detailed within this document. Studio AC & Co will assume the design and documentation satisfies the client's Principal's Project Requirements if Studio AC & Co receives no written advice to the contrary within 20 working days from date of last issue.</div> <div>6 Information detailed in drawing revisions is for information only and may not be indicative of all changes made.</div> <div>7 Builder and/or Subcontractor to confirm setbacks, levels, setbacks and critical dimensions on site including all services futures and fittings prior to and during the works. Notify Architect to any conflicts discovered prior to proceeding.</div> <div>8 These drawings are the copyright of Studio AC & Co and may not be used, retained or copied without written authority.</div>	<div><div><div>REV</div><div>ISSUE</div><div>DATE</div><div>CH ID</div><div>DESCRIPTION</div><div>DATE</div></div><div><div>B</div><div>ISSUED DA ADDITIONAL INFORMATION</div><div>30/01/2024</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	<div><div>DRAWN CHECKED</div><div>RT CT</div><div>PLOT DATE:</div><div>30/01/2024</div><div>PROJECT NO.</div><div>2023001</div><div>PROJECT STATUS</div><div>DA</div></div>	<div><div>SITE:</div><div>11 COLLINS AVE ROSEBAY NSW</div><div>2029 AUSTRALIA</div><div>SCALE:</div><div>1:100</div><div>@ A3</div></div>	<div><div>DRAWING TITLE :</div><div>SECTIONS</div><div>S01 SECTION 01</div><div>PROJECT NAME :</div><div>HOUSE ROSEBAY</div></div>	<div><div>REVISION NO.</div><div>B</div><div>DRAWING NO.</div><div>DA 4001</div></div>
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