



# Woollahra Local Planning Panel (Public Meeting)

Thursday 3 October 2024  
1.00pm

## Minutes



# Woollahra Local Planning Panel (Public Meeting) Minutes

Thursday 3 October 2024  
Held under clause 25 of Schedule 2  
of the Environmental Planning and Assessment Act 1979

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## Woollahra Local Planning Panel (Public)

### Minutes of the Meeting held on 3 October 2024 at 1.00pm.

Present:	Penny Holloway	(Chair) (via zoom)
	Megan Jones	(Expert)
	Lisa Trueman	(Expert)
	Ron Schaffer	(Community Representative)
Staff:	Nick Economou	(Manager Development Assessment)
	Carolyn Nurmi	(Governance Officer)
	Thomas Wong	(Team Leader)

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**Note:** The Panel was briefed by council staff on each Item prior to the meeting.

The Panel heard members of the public who registered to address at the commencement of the public meeting. The public meeting was closed at 1.40pm.

The Panel then deliberated and voted on each Item in a confidential meeting.

The decisions are recorded in these Minutes.

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**Leave of Absence and Apologies**

Nil

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**Late Correspondence**

Late correspondence was submitted to the Panel in relation to items D1 and D3

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**Declarations of Interest**

Nil

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**ITEM No.** D1  
**FILE No.** DA31/2024/1  
**ADDRESS** 23 Spicer Street, Woollahra  
**PROPOSAL** Demolition of the existing building and the construction of a new two storey dwelling, a pool/spa and associated landscaping

**Note:** Late correspondence was tabled by Bob Hopkins

**Note:** Benjamin Hopkins, Applicant and Alex Roth, Architect addressed the Panel

### Reasons for Decision

The Panel has undertaken site inspections in person or electronically, considered the submissions, and late correspondence and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

For the reasons generally in the assessment report, the Panel is satisfied that the application can be approved subject to:

- The Modification of Condition A.7 (to correct a typographical error in relation to the removal of trees)
- The Modification of Condition D.1 b) (Fence) and the inclusion of Conditions D.1 c) (Window and Door Frames) and D.1 d) (Timber Battens).

The Panel considered that the amendments to Condition D.1 were necessary to ensure the proposed development would be sympathetic to the Woollahra Heritage Conservation Area and the Spicer Street streetscape.

### **Resolved: 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 DA31/2024/1 for demolition of the existing building and the construction of a new two storey dwelling, a pool/spa and associated landscaping on land at 23 Spicer Street WOOLLAHRA, subject to the following conditions:

### **ALL DEVELOPMENT TYPES**

#### **A. GENERAL CONDITIONS**

A. 1.	Conditions
	Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 (“the Act”), and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the Regulations”) and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Development Certification and Fire Safety Regulations”), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.

	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Where there is any breach Council may without any further warning:             <ul style="list-style-type: none"> <li>a) Issue Penalty Infringement Notices (On-the-spot fines);</li> <li>b) Issue notices and orders;</li> <li>c) Prosecute any person breaching this consent; and/or</li> <li>d) Seek injunctions/orders before the courts to restrain and remedy any breach.</li> </ul> </li> <li>• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the relevant legislation that applies to the development.</p>
<p><b>A. 2.</b></p>	<p><b>Definitions</b></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><b>Applicant</b> means the applicant for this consent.</p> <p><b>Approved Plans</b> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p><b>Local native plants</b> means species of native plant endemic to Sydney’s eastern suburbs.</p> <p><b>Owner-builder</b> has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p><b>PC</b> means the Principal Certifier under the <i>Act</i>.</p> <p><b>Principal Contractor</b> 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><b>Professional engineer</b> has the same meaning as in the <i>BCA</i>.</p> <p><b>Public place</b> has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p><b>Road</b> has the same meaning as in the <i>Roads Act 1993</i>.</p> <p><b>SEE</b> means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p><b>Site</b> 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.04(N)	Proposed Ground Floor Plan	ROTH Architects	16/4/2024
DA.05(N)	Proposed First Floor Plan		
DA.06(N)	Proposed Roof Plan		
DA.10(N)	Front Elevation Street (West)		
DA.11(N)	Front Elevation (West)		
DA.12(N)	Rear Elevation (East)		
DA.13(N)	Side Elevation (North)		
DA.14(N)	Side Elevation (South)		
DA.15(N)	Section AA		
DA.16(N)	Section BB		
DA.21(N)	External Finishes		
22-117 D1-Rev C	Stormwater Management Plans	Soliman Hanna & Associates	19/12/2023
LA 1-10	Landscape Plan	Paterson Design Studio	20.12.23



Reference	Description	Author	Date
5474/C	Arboricultural Impact Assessment Report	Tree Talk	Dec 23
174229S	BASIX Certificate	NSW Department of Planning, Industry & Environment	3/04/2024

**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.

**A. 4. All works within the subject site boundaries**

All development works are to take places within the legal surveyed boundaries of the subject site

**Condition Reason:** To ensure all works remain within the subject site.

**A. 5. Ancillary Aspects of Development (section 4.17(2) of the Act)**

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

**Notes:**

- This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.

**Condition Reason:** To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.

**A. 6. No Underpinning works**

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

**Condition Reason:** To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.

<b>A. 7.</b>	<p><b>Tree Preservation and Landscaping Works</b></p> <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 can be removed:</p> <table border="1"> <thead> <tr> <th>Council Ref No</th> <th>Species</th> <th>Location</th> <th>Dimension (metres)</th> </tr> </thead> <tbody> <tr> <td>1 &amp; 2</td> <td><i>Cupressus macrocarpa</i></td> <td>Front Yard</td> <td>8 x 2</td> </tr> <tr> <td>3</td> <td><i>Plumeria acutifolia</i></td> <td>Front Yard</td> <td>4 x 3</td> </tr> <tr> <td>4 &amp; 5</td> <td><i>Camellia sasanqua</i></td> <td>Northern Boundary</td> <td>5 x 3</td> </tr> </tbody> </table> <p>The tree/s that may be removed must appear coloured red on the Construction Certificate plans.</p> <p>The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.</p> <p><b>Condition Reason:</b> To ensure all landscape works are undertaken in accordance with the approved plans and documents.</p>	Council Ref No	Species	Location	Dimension (metres)	1 & 2	<i>Cupressus macrocarpa</i>	Front Yard	8 x 2	3	<i>Plumeria acutifolia</i>	Front Yard	4 x 3	4 & 5	<i>Camellia sasanqua</i>	Northern Boundary	5 x 3
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**DEMOLITION WORK**

**B. BEFORE DEMOLITION WORK COMMENCES**

<b>B. 1.</b>	<p><b>Construction Certificate Required Prior to Any Demolition</b></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"> <li>• Before issue of a construction certificate</li> <li>• Before building work commences</li> </ul> <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><b>Note:</b></p> <ul style="list-style-type: none"> <li>• See <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125.</li> </ul> <p><b>Condition Reason:</b> To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
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<p><b>B. 2.</b></p>	<p><b>Salvage Building Materials</b></p> <p>a) Elements to be demolished such as bricks, stone, timber flooring, skirting, tiles, doors, windows must be salvaged and where possible reused on the project.</p> <p>b) Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.</p> <p><b>Condition Reason:</b> To promote the use of ecologically sustainable building materials in accordance with O2 of Clause E6.1.4 Woollahra DCP 2015 and to enable the conservation of other heritage buildings in accordance with the Woollahra LEP 2014, Clause 5.10 Heritage Conservation, 1(a), (b).</p>
<p><b>B. 3.</b></p>	<p><b>Erosion and Sediment Controls – Installation</b></p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• 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.</li> <li>• 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”.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<p><b>B. 4.</b></p>	<p><b>Identification of Hazardous Material</b></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"> <li>• all hazardous materials identified on the site,</li> </ul>

	<ul style="list-style-type: none"> <li>• the specific location of all hazardous materials identified,</li> <li>• whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and</li> <li>• safety measures to be put in place.</li> </ul> <p><b>Condition Reason:</b> 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>B. 5.</b></p>	<p><b>Public Road Assets Prior to Any Work/Demolition</b></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"> <li>• road pavement,</li> <li>• street signage including street lights,</li> <li>• kerb and gutter,</li> <li>• footway including pedestrian crossings, footpath, and driveways,</li> <li>• retaining walls, or other significant structures,</li> <li>• Heritage Items, including street name inlays,</li> <li>• utility service items including historical utility covers, and</li> <li>• drainage structures/pits/pipes (CCTV footage).</li> </ul> <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><b>Condition Reason:</b> To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
<p><b>B. 6.</b></p>	<p><b>Archaeological Features – Unexpected Findings</b></p> <p>While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified.</p> <p>Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate.</p> <p>Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity.</li> <li>• Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks.</li> </ul>

	<ul style="list-style-type: none"> <li>During an archaeological excavation the term ‘feature’ may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).</li> </ul>
	<p><b>Condition Reason:</b> To protect archaeological features.</p>
<p><b>B. 7.</b></p>	<p><b>Skeletal Remains</b></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"> <li>NSW Police, and</li> <li>The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> </ol> <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><b>Condition Reason:</b> To ensure the appropriate management of skeletal remains.</p>
<p><b>B. 8.</b></p>	<p><b>Aboriginal Objects – Unexpected Findings</b></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"> <li>Not further disturb or move these objects or bones.</li> <li>Immediately cease all work at the particular location.</li> <li>In the case of suspected human remains, notify NSW Police.</li> <li>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.</li> <li>Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> <li>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.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Definition of Aboriginal object, as per the National Parks &amp; 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.</li> </ul> <p><b>Condition Reason:</b> To protect Aboriginal objects</p>

<b>B. 9.</b>	<p><b>Aboriginal Heritage Due Diligence Responsibilities</b></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 &amp; Wildlife Act 1974. Under the National Parks &amp; 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><b>Condition Reason:</b> To protect Aboriginal heritage.</p>																				
<b>B. 10.</b>	<p><b>Payment of Security and Fees</b></p> <p>Prior to any site works, the following security and fees must be paid in full:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Description</th> <th style="text-align: left;">Amount</th> <th style="text-align: left;">Indexed</th> <th style="text-align: left;">Council Fee Code</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td> </tr> <tr> <td><b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council</td> <td style="text-align: right;">\$21,720</td> <td style="text-align: center;">No</td> <td style="text-align: center;">T115</td> </tr> <tr> <td>Security Deposit Administration Fee</td> <td style="text-align: right;">\$225.00</td> <td style="text-align: center;">No</td> <td style="text-align: center;">T16</td> </tr> <tr> <td><b>TOTAL SECURITY AND FEES</b></td> <td style="text-align: right;"><b>\$21,945</b></td> <td></td> <td></td> </tr> </tbody> </table> <p><b>How must the payments be made?</b>                  Payments must be made by:</p> <ul style="list-style-type: none"> <li>• cash deposit with Council,</li> <li>• credit card payment with Council, or</li> <li>• bank cheque made payable to Woollahra Municipal Council.</li> </ul> <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> <li>• the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li> <li>• 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],</li> <li>• 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,</li> <li>• the bank guarantee is lodged with the Council prior to any site works being undertaken, and</li> </ul>	Description	Amount	Indexed	Council Fee Code	<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	\$21,720	No	T115	Security Deposit Administration Fee	\$225.00	No	T16	<b>TOTAL SECURITY AND FEES</b>	<b>\$21,945</b>		
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	<ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>The Refund of Security Bond Application form can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure any relevant security and fees are paid.</p>
<p><b>B. 11.</b></p>	<p><b>Dilapidation Reports for Existing Buildings</b></p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ul style="list-style-type: none"> <li><b>a) No. 21 Spicer Street, Woollahra;</b></li> <li><b>b) No. 25 Spicer Street, Woollahra; and</b></li> <li><b>c) No.26 Holdsworth Street, Woollahra.</b></li> </ul> <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p>

	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development.</li> <li>• This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.</li> <li>• Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.</li> <li>• Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.</li> </ul> <p><b>Condition Reason:</b> To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
<p><b>B. 12.</b></p>	<p><b>Adjoining Buildings Founded on Loose Foundation Materials</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>
<p><b>B. 13.</b></p>	<p><b>Works (Construction) Zone – Approval and Implementation</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>

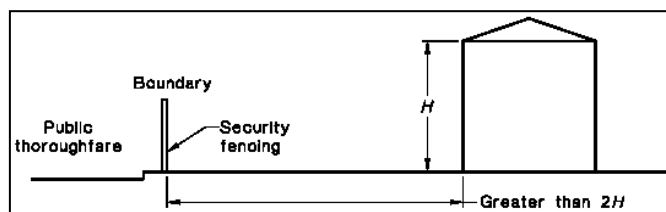


- The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.

**Condition Reason:** To facilitate the efficient operation of construction projects and to minimise traffic disruption.

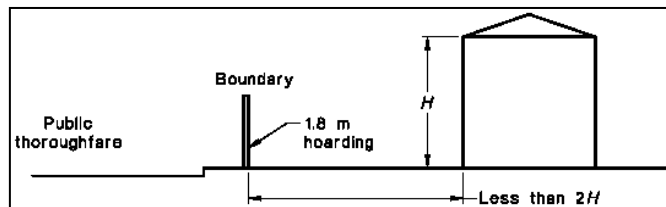
**B. 14. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection**

Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



**Type A Hoarding**

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.



**Type B Hoarding**

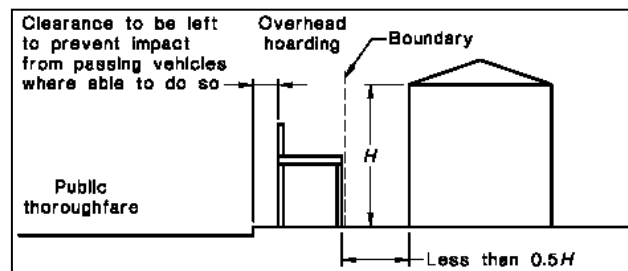
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- b) have a clear height above the footpath of not less than 2.1m,
- c) terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and

- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The overhead protective structures must be installed and maintained in accordance with the NSW “Code of Practice - Overhead Protective Structures 1995”. This is code available at [www.safework.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf](http://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](http://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"> <li>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 <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure public safety.</p>
<p><b>B. 15.</b></p>	<p><b>Site Signs</b></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><b>Erection of signs</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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"> <li>showing the name, address and telephone number of the principal certifier for the work, and</li> <li>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</li> <li>stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p><b>Signs on development sites</b></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"> <li>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.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>

	<ul style="list-style-type: none"> <li>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.</li> </ul>
	<b>Condition Reason:</b> To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.
<b>B. 16.</b>	<b>Compliance with Australian Standard for Demolition</b>
	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.
	<b>Condition Reason</b> 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**

<b>D. 1.</b>	<b>Modification of Details of the Development (section 4.17(1)(g) of the Act</b>
	<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><b>a) Translucent windows:</b> The first-floor Bed 02 window and 2 x bathroom windows on the northern elevation are to be made of fixed translucent glazing.</p> <p><b>b) Front fence:</b> The front fence design shall be steel palisade on a masonry base and to a height no greater than 900mm measured from the footpath level. The front fence shall incorporate only one (1) pedestrian gate (centrally located).</p> <p><b>c) Window and Door Frames:</b> All window and external door frames are to be timber and painted white.</p> <p><b>d) Timber Battens:</b> The external timber battens are to be painted a pale recessive colour, with the palette is to be submitted to and approved by Council's Planning Team Leader prior to the issue of the Construction Certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Clause 20 of the Development Certification and Fire Safety Regulations prohibits <b>the</b> issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.</li> <li>Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.</li> </ul>

	<p><b>Condition Reason:</b> 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>												
<p><b>D. 2.</b></p>	<p><b>Payment of Long Service Levy</b></p> <p>Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:</p> <table border="1" data-bbox="355 479 1326 725"> <thead> <tr> <th data-bbox="355 479 683 546">Description</th> <th data-bbox="683 479 1059 546">Amount</th> <th data-bbox="1059 479 1193 546">Indexed</th> <th data-bbox="1193 479 1326 546">Council Fee Code</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="355 546 1326 613"> <p><b>LONG SERVICE LEVY</b>                      under <i>Building and Construction Industry Long Service Payments Act 1986</i></p> </td> </tr> <tr> <td data-bbox="355 613 683 725"> <p><b>Long Service Levy</b>  <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a></p> </td> <td data-bbox="683 613 1059 725"> <p>Contact LSL Corporation or use online calculator</p> </td> <td data-bbox="1059 613 1193 725"> <p>No</p> </td> <td data-bbox="1193 613 1326 725"></td> </tr> </tbody> </table> <p><b>Building and Construction Industry Long Service Payment</b>                      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 <a href="http://www.longservice.nsw.gov.au">www.longservice.nsw.gov.au</a> or the Long Service Corporation on 131 441.</p> <p><b>How must the payments be made?</b>                      Payments must be made by:</p> <ul style="list-style-type: none"> <li>• cash deposit with Council,</li> <li>• credit card payment with Council, or</li> <li>• bank cheque made payable to Woollahra Municipal Council.</li> </ul> <p><b>Condition Reason:</b> To ensure any relevant levy is paid.</p>	Description	Amount	Indexed	Council Fee Code	<p><b>LONG SERVICE LEVY</b>                      under <i>Building and Construction Industry Long Service Payments Act 1986</i></p>				<p><b>Long Service Levy</b>  <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a></p>	<p>Contact LSL Corporation or use online calculator</p>	<p>No</p>	
Description	Amount	Indexed	Council Fee Code										
<p><b>LONG SERVICE LEVY</b>                      under <i>Building and Construction Industry Long Service Payments Act 1986</i></p>													
<p><b>Long Service Levy</b>  <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a></p>	<p>Contact LSL Corporation or use online calculator</p>	<p>No</p>											
<p><b>D. 3.</b></p>	<p><b>BASIX Commitments</b></p> <p>Before the issue of any construction certificate, BASIX Certificate No. 1742292S 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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>												

**Condition Reason:** To ensure all commitments in the BASIX Certificate are incorporated into the development.

**D. 4. Road and Public Domain Works**

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

- The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.

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

- The reinstatement of all damaged footpath, kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.
- Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

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

**How must the payments be made?**

Payments must be made by:

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

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

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

**Notes:**

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

	<ul style="list-style-type: none"> <li>• Any adjustments required from the garage slab and the street levels are to be carried out internally on private property</li> <li>• Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</li> <li>• Temporary ground anchors may be permitted, in accordance with Council’s “Rock Anchor Policy”.</li> <li>• Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.</li> <li>• All public domain works must comply with the latest version of Council’s “Specification for Roadworks, Drainage and Miscellaneous Works” unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</li> <li>• When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council’s satisfaction.</p>
<p><b>D. 5.</b></p>	<p><b>Erosion and Sediment Control Plan – Submission and Approval</b></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"> <li>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</li> <li>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ol> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The International Erosion Control Association – Australasia <a href="http://www.austieca.com.au">www.austieca.com.au</a> 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.</li> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>, and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<p><b>D. 6.</b></p>	<p><b>Professional Engineering Details</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• This does not affect the right of the developer to seek staged construction certificates.</li> </ul> <p><b>Condition Reason:</b> To ensure professional engineering details and technical specifications are provided.</p>
<p><b>D. 7.</b></p>	<p><b>Engineer Certification</b></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><b>Condition Reason:</b> 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>

<b>D. 8.</b>	<p><b>Geotechnical and Hydrogeological Design, Certification and Monitoring</b></p> <p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared and certified by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council’s DCP and Council’s document “Guidelines for Preparation of Geotechnical and Hydrogeological Reports”. The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>These details must be certified by the professional engineer to:</p> <ol style="list-style-type: none"> <li>a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.</li> <li>b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).</li> <li>c) Provide details of cut-off walls or similar controls prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.</li> <li>d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter.</li> <li>e) Provide a Geotechnical and Hydrogeological Monitoring Program that:                         <ul style="list-style-type: none"> <li>• will detect any settlement associated with temporary and permanent works and structures,</li> <li>• will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),</li> <li>• will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity),</li> <li>• will detect groundwater changes calibrated against natural groundwater variations,</li> <li>• details the location and type of monitoring systems to be utilised,</li> <li>• details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,</li> <li>• details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>• details a contingency plan.</li> </ul> </li> </ol>
	<p><b>Condition Reason:</b> To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p>
	<p><b>Condition Reason:</b> To ensure parking facilities are designed in accordance with the Australian Standard.</p>

<p><b>D. 9.</b></p>	<p><b>Stormwater Management Plan</b></p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following:</p> <ul style="list-style-type: none"><li>a) General design in accordance with stormwater management plans, referenced 22-117-Rev C, prepared by Soliman Hanna &amp; Associates, dated 19/12/2023, other than amended by this and other conditions.</li><li>b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings.</li><li>c) Discharge of stormwater from the site, by direct connection to the street kerb. The kerb discharge must be located within the frontage of the site. Only one stormwater outlet will be permitted.</li><li>d) A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.</li><li>e) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans.</li><li>f) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the boundary junction pit by gravity.</li><li>g) Dimensions of all drainage pits and access grates must comply with AS3500.3.</li><li>h) Compliance with the objectives and performance requirements of the BCA.</li><li>i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</li></ul> <p>The Stormwater Management Plan must also include the following specific requirements:</p> <p><b>Layout Plan</b></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"><li>a) All pipe layouts, dimensions, grades, lengths and material specification.</li><li>b) Location of proposed rainwater tanks.</li><li>c) All invert levels reduced to Australian Height Datum (AHD).</li><li>d) Location and dimensions of all drainage pits.</li><li>e) Point and method of connection to Council's drainage infrastructure.</li><li>f) Overland flow paths over impervious areas.</li></ul> <p><b>Rainwater Reuse System Details:</b></p> <ul style="list-style-type: none"><li>a) Any potential conflict between existing and proposed trees and vegetation.</li><li>b) Internal dimensions and volume of the proposed rainwater storage.</li></ul>
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	<p>c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures.                  d) Details of access and maintenance facilities.                  e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.                  f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks</p> <p>For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.</p> <p>All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".</li> </ul> <p><b>Condition Reason:</b> To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
<p><b>D. 10.</b></p>	<p><b>Swimming and Spa Pools – Child Resistant Barriers</b></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><b>Notes:</b>                  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> <p><b>Condition Reason:</b> To ensure child-resistant swimming and spa pool barriers are provided.</p>
<p><b>D. 11.</b></p>	<p><b>Payment of S7.12 Contributions Levy</b></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 suitably qualified person for a development up to \$749,999; or
- A quantity surveyor's report, for development over \$750,000.

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

<b>Summary Schedule</b>	
<b>Development Cost</b>	<b>Levy Rate</b>
<ul style="list-style-type: none"><li>• More than \$200,000</li></ul>	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.

	<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><b>Do you need HELP indexing the levy?</b>                  Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).</p> <p><b>Condition Reason:</b> To ensure any relevant contributions are paid.</p>
<p><b>D. 12.</b></p>	<p><b>Tree Protection Plan and Specification</b></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"> <li>• shaded green where required to be retained and protected</li> <li>• shaded red where authorised to be removed</li> <li>• shaded yellow where required to be transplanted</li> <li>• shaded blue where required to be pruned</li> </ul> <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"> <li>• 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.</li> <li>• The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices.</li> <li>• Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 &amp; 5 of AS4970, providing guidance for the implementation of tree protection methods.</li> <li>• To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist.</li> </ul> <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><b>Condition Reason:</b> To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>

<b>D. 13.</b>	<p><b>Flood Protection</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in an area frequented by the residents,</p> <p><u>Floor levels</u></p> <p>b) All habitable floors shall be above or protected from flooding to the flood planning level,</p> <p><u>Flood Proof Material</u></p> <p>c) Flood compatible materials shall be used for all flood exposed construction,</p> <p><u>Electricals</u></p> <p>d) All flood exposed electrical wiring and equipment shall be waterproofed,</p> <p><u>Certification</u></p> <p>e) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation,</p> <p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p><b>Notes:</b></p> <p>a) The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.</p> <p><b>Condition Reason:</b> To ensure the development incorporates flood inundation protection measures.</p>
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**E. BEFORE BUILDING WORK COMMENCES**

<b>E. 1.</b>	<p><b>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• All new guttering is to comply with the provisions of AS3500.</li> </ul> <p><b>Condition Reason:</b> 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><b>E. 2.</b></p>	<p><b>Erosion and Sediment Controls – Installation</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The International Erosion Control Association – Australasia (<a href="http://www.austieca.com.au/">www.austieca.com.au/</a>) lists consultant experts who can assist in ensuring compliance with this condition.</li> <li>• 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.</li> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• 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.</li> <li>• 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”.</li> <li>• 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.</li> </ul>



	<p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<p>E. 3.</p>	<p><b>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</b></p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> <li>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</li> <li>b) The person having the benefit of the development consent has:                     <ul style="list-style-type: none"> <li>• appointed a Principal Certifier for the building work, and</li> <li>• notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and</li> </ul> </li> <li>c) The Principal Certifier has, no later than 2 days before the building work commences:                     <ul style="list-style-type: none"> <li>• notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and</li> <li>• 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</li> </ul> </li> <li>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"> <li>• 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</li> <li>• notified the Principal Certifier of any such appointment, and</li> <li>• 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</li> <li>• given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.</li> </ul> </li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>Building</b> 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.</li> <li>• <b>New building</b> 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.</li> <li>• 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.</li> <li>• Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>

**F. DURING BUILDING WORK**

<p><b>F. 1.</b></p>	<p><b>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>All new guttering is to comply with the provisions of AS 3500.</li> </ul> <p><b>Condition Reason:</b> To ensure compliance with the BCA and Home building Act 1989.</p>
<p><b>F. 2.</b></p>	<p><b>Requirement to Notify about New Evidence</b></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><b>Condition Reason:</b> To ensure Council and the Principal Certifier are made aware of new information.</p>
<p><b>F. 3.</b></p>	<p><b>Critical Stage Inspections</b></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>

Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.

**Notes:**

- The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent.
- The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.

**Condition Reason:** To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.

**F. 4. Hours of Work –Amenity of the Neighbourhood**

While site work is being carried out:

- a) No work must take place on any Sunday or public holiday.
- b) No work must take place before 7am or after 5pm any weekday.
- c) No work must take place before 7am or after 1pm any Saturday.
- d) The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
  - i. piling,
  - ii. piling,
  - iii. rock or concrete cutting, boring or drilling,
  - iv. rock breaking,
  - v. rock sawing,
  - vi. jack hammering, or
  - vii. machine excavation.
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.

**Notes:**

- The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.
- Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• NSW EPA Noise Guide is available at <a href="http://www.epa.nsw.gov.au/noise/nlg.htm">www.epa.nsw.gov.au/noise/nlg.htm</a></li> </ul> <p><b>Condition Reason:</b> To mitigate the impact of work upon the amenity of the neighbourhood.</p>
<p><b>F. 5.</b></p>	<p><b>Public Footpaths – Safety, Access and Maintenance</b></p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ol style="list-style-type: none"> <li>Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.</li> <li>Not use the road or footway for the storage of any article, material, matter, waste or thing.</li> <li>Not use the road or footway for any work.</li> <li>Keep the road and footway in good repair free of any trip hazard or obstruction.</li> <li>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.</li> <li>Not stand any plant and equipment upon the road or footway.</li> <li>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.</li> <li>Provide a clear safe pedestrian route a minimum of 1.5m wide.</li> <li>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.</li> </ol> <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <ol style="list-style-type: none"> <li>Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards.</li> <li>Australian Road Rules.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Section 138 of the Roads Act 1993 provides that a person must not:             <ul style="list-style-type: none"> <li>- erect a structure or carry out a work in, on or over a public road, or</li> <li>- dig up or disturb the surface of a public road, or</li> <li>- remove or interfere with a structure, work or tree on a public road, or</li> <li>- pump water into a public road from any land adjoining the road, or</li> <li>- connect a road (whether public or private) to a classified road,</li> <li>- otherwise than with the consent of the appropriate roads authority.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• 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"> <li>- Part C Management of waste:                                 <ul style="list-style-type: none"> <li>a) For fee or reward, transport waste over or under a public place</li> <li>b) Place waste in a public place</li> <li>c) Place a waste storage container in a public place.</li> </ul> </li> <li>- Part E Public roads:                                 <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> </ul> </li> </ul>
	<p><b>Condition Reason:</b> To ensure safe access is maintained to footpaths and roads during building works.</p>
<p><b>F. 6.</b></p>	<p><b>Replacement/Supplementary trees which must be planted</b></p> <p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans.</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the provision of appropriate replacement planting.</p>
<p><b>F. 7.</b></p>	<p><b>Maintenance of Environmental Controls</b></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"> <li>a) erosion and sediment controls,</li> <li>b) dust controls,</li> <li>c) dewatering discharges,</li> <li>d) noise controls,</li> <li>e) vibration monitoring and controls, and</li> <li>f) ablutions.</li> </ul> <p><b>Condition Reason:</b> To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<p><b>F. 8.</b></p>	<p><b>Compliance with Geotechnical / Hydrogeological Monitoring Program</b></p> <p>While site work is being carried out, excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer.</p> <p>The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:</p>

	<p>a) the location and type of monitoring systems to be utilised,                  b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and                  c) the contingency plan.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.</li> </ul> <p><b>Condition Reason:</b> To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.</p>
<p><b>F. 9.</b></p>	<p><b>Support of Adjoining Land and Buildings</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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"> <li>the consent of the owners of such adjoining or supported land to trespass or encroach, or</li> <li>an access order under the Access to Neighbouring Land Act 2000, or</li> <li>an easement under section 88K of the Conveyancing Act 1919, or</li> <li>an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.</li> </ul> </li> <li>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).</li> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure that the support of adjoining land is not removed.</p>

<p><b>F. 10.</b></p>	<p><b>Vibration Monitoring</b></p> <p>While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.</p> <p>If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.</p> <p>Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.</p> <p>Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.</p> <p>The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p> <p>Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>Professional engineer</b> has the same mean as in Schedule 1 of the BCA.</li> <li>• <b>Building</b> has the same meaning as in section 1.4 of the Act i.e. “building includes part of a building and any structure or part of a structure....”</li> <li>• <b>Supported land</b> has the same meaning as in the Conveyancing Act 1919.</li> </ul> <p><b>Condition Reason:</b> To monitor and manage vibration impacts from development.</p>
<p><b>F. 11.</b></p>	<p><b>Erosion and Sediment Controls – Maintenance</b></p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <p>a) the Soil and Water Management Plan required under this consent,</p>

	<p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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”.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<p><b>F. 12.</b></p>	<p><b>Disposal of Site Water During Construction</b></p> <p>While site work is being carried out:</p> <p>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.</p> <p>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.</p> <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><b>Condition Reason:</b> To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
<p><b>F. 13.</b></p>	<p><b>Site Cranes</b></p> <p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p> <p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p>



	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place.</li> <li>• Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.</li> </ul> <p><b>Condition Reason:</b> To ensure site cranes are used safely with the relevant approvals.</p>
<p><b>F. 14.</b></p>	<p><b>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</li> <li>Flood protection measures are in place confirming location, height and capacity.</li> </ol> <p><b>Condition Reason:</b> 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>

<p><b>F. 15.</b></p>	<p><b>Placement and Use of Skip Bins</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure waste storage containers are appropriately located.</p>
<p><b>F. 16.</b></p>	<p><b>Dust Mitigation</b></p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <p>a) Dust screens to all hoardings and site fences.</p> <p>b) All stockpiles or loose materials to be covered when not being used.</p> <p>c) All equipment, where capable, being fitted with dust catchers.</p> <p>d) All loose materials being placed bags before placing into waste or skip bins.</p> <p>e) All waste and skip bins being kept covered when not being filled or emptied.</p> <p>f) The surface of excavation work being kept wet to minimise dust.</p> <p>g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>“Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from <a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a> and <a href="http://www.epa.nsw.gov.au">www.epa.nsw.gov.au</a>. Other specific conditions and advice may apply.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<p><b>F. 17.</b></p>	<p><b>Site Waste Minimisation and Management – Demolition</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <p>a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</p>

- b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),
- c) separate collection bins and/or areas for the storage of residual waste are to be provided,
- d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted',
- e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and
- f) site disturbance must be minimised, and unnecessary excavation limited.

When implementing the SWMMP the Applicant must ensure:

- a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,
- b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,
- c) waste is only transported to a place that can lawfully be used as a waste facility,
- d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and
- e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

**Notes:**

- Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

**Condition Reason:** To maximise resource recovery and minimise residual waste from demolition activities.

**F. 18. Site Waste Minimisation and Management – Construction**

While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,
- c) consideration must be given to returning excess materials to the supplier or manufacturer,
- d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) the purpose and content of the storage areas must be clearly 'signposted',
- f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,
- g) separate collection bins or areas for the storage of residual waste must be promoted,
- h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,
- i) site disturbance must be minimised and unnecessary excavation limited,

	<p>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> <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from construction activities.</p>
<p><b>F. 19.</b></p>	<p><b>Asbestos Removal</b></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"> <li>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.</li> <li>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</li> <li>c) No asbestos products may be reused on the site.</li> <li>d) No asbestos laden skip or bins must be left in any public place.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• All removal, repair or disturbance of or to asbestos material must comply with:                         <ul style="list-style-type: none"> <li>- Work Health and Safety Act 2011,</li> <li>- Work Health and Safety Regulation 2017,</li> <li>- SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and</li> <li>- SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).</li> </ul> </li> <li>• For more information go to the SafeWork NSW website on asbestos <a href="http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos">www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos</a>, and <a href="http://www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice">www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice</a> or call 131 050</li> </ul> <p><b>Condition Reason:</b> To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
<p><b>F. 20.</b></p>	<p><b>Classification of Hazardous Waste</b></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><b>Condition Reason:</b> 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>

<b>F. 21.</b>	<b>Disposal of Asbestos and Hazardous Waste</b>
	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.
	<b>Condition Reason:</b> 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.
<b>F. 22.</b>	<b>Asbestos Removal Signage</b>
	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.
	<b>Condition Reason:</b> To ensure awareness of any hazard to the health and safety of persons working on the site and public.
<b>F. 23.</b>	<b>Notification of Asbestos Removal</b>
	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.
	<b>Condition Reason:</b> To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

**G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

<b>G. 1.</b>	<b>Occupation Certificate (section 6.9 of the Act)</b>
	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.
	<b>Notes:</b> <ul style="list-style-type: none"> <li>• New building includes an altered portion of, or an extension to, an existing building.</li> </ul>
	<b>Condition Reason:</b> To ensure the building is suitable to occupy.
<b>G. 2.</b>	<b>Amenity Landscaping</b>
	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><b>Condition Reason:</b> To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p>				
G. 3.	<p><b>Landscaping</b></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><b>Condition Reason:</b> To ensure that all landscaping work is completed prior to occupation.</p>				
G. 4.	<p><b>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</b></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"> <li>a) A record of the condition of trees to be retained prior to and throughout development.</li> <li>b) Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>c) Recommendations for future works which may impact the trees.</li> </ul> <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>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include			
	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.			
	<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>				
<p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>					

<p><b>G. 5.</b></p>	<p><b>Commissioning and Certification of Systems and Works</b></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"> <li>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.</li> <li>b) All flood protection measures.</li> <li>c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking.</li> <li>d) All stormwater drainage and storage systems.</li> <li>e) All mechanical ventilation systems.</li> <li>f) All hydraulic systems.</li> <li>g) All structural work.</li> <li>h) All acoustic attenuation work.</li> <li>i) All waterproofing.</li> <li>j) Such further matters as the Principal Certifier may require.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> 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><b>G. 6.</b></p>	<p><b>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</b></p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1742292S.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>

	<p><b>Condition Reason:</b> To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>
<p><b>G. 7.</b></p>	<p><b>Works within Public Land (including Council, State or Federal owned land or property)</b></p> <p>Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed must be completed to the satisfaction of Council, in compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the person with the benefit of this consents expense:</p> <ul style="list-style-type: none"> <li>a) stormwater pipes, pits, structures and connections to public stormwater systems within the road,</li> <li>b) driveways and vehicular crossings,</li> <li>c) renew/new retaining structures,</li> <li>d) overhang structures,</li> <li>e) encroachments or occupation or alienation of public land or property,</li> <li>f) removal of redundant driveways and any other structure,</li> <li>g) new footpaths, pathways, walkways, or dunny lanes,</li> <li>h) relocation of existing power/light pole, if applicable,</li> <li>i) relocation/provision of street signs, if applicable,</li> <li>j) new or replacement street trees, if applicable,</li> <li>k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street,</li> <li>l) new or reinstated kerb and guttering within the road, and</li> <li>m) new or reinstated road surface pavement within the road.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.</li> <li>• Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> or obtained from Council’s customer service centre.</li> </ul> <p><b>Condition Reason:</b> To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.</p>
<p><b>G. 8.</b></p>	<p><b>Works-As-Executed Certification of Stormwater Systems</b></p> <p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:</p> <ul style="list-style-type: none"> <li>a) compliance with conditions of development consent relating to stormwater,</li> <li>b) that all below ground structures are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings,</li> <li>c) that only one stormwater outlet pipe to kerb has been constructed within the frontage of the site,</li> <li>d) that the works have been constructed in accordance with the approved design,</li> </ul>



	<p>e) pipe invert levels and surface levels to Australian Height Datum, and                  f) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.</li> </ul>
	<p><b>Condition Reason:</b> To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>

**H. OCCUPATION AND ONGOING USE**

<b>H. 1.</b>	<p><b>Maintenance of BASIX Commitments</b></p> <p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1742292S.</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><b>Condition Reason:</b> To ensure the approved environmental sustainability measures are maintained for the life of development.</p>
<b>H. 2.</b>	<p><b>Maintenance of Landscaping</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</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.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

***For the Motion***

***Against the Motion***

Penelope Holloway  
Megan Jones  
Ronald Schaffer  
Lisa Trueman

**4/0**

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<b>ITEM No.</b>	D2
<b>FILE No.</b>	DA141/2024/1
<b>ADDRESS</b>	2 Bay Street, Double Bay
<b>PROPOSAL</b>	Change of use from an approved new commercial development (under DA280/2022, NSWLEC 1222) to a shop top housing development to accommodate a single residential apartment at the top floor with associated works including new roof terrace and swimming pool

**Reasons for Decision**

The Panel has undertaken site inspections in person or electronically, considered the submissions, and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is satisfied that the application be refused for the reasons set out below.

**Resolved: 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 not 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 which contravenes the Height of Buildings and Floor Space Ratio development standard(s) under Clause(s) 4.3, 4.4, and 4.4A of the Woollahra Local Environmental Plan 2014.

**AND**

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, refuse development consent to Development Application No. 141/2024/1 for Change of use from an approved new commercial development (under DA280/2022, NSWLEC 1222) to a shop top housing development to accommodate a single residential apartment at the top floor with associated works including new roof terrace and swimming pool on land at 2 Bay Street DOUBLE BAY, for the following reasons:

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

The proposal is inconsistent with the aims in Part 1.2(2) because:

- It does not ensure that growth occurs in a planned and co-ordinated way (a),
- It does not promote a high standard of design in the private and public domain (g)
- It does not protect and enhance amenity and the natural environment (j), and
- It does not to ensure development achieves the desired future character of the area, as required in sub-clause (l),

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

The proposal is inconsistent with the relevant objectives of the E1 Local Centre zone because:

- The proposal is not compatible with the character and amenity of the surrounding neighbourhood.
- The proposal is not of a height and scale that achieves the desired future character of the neighbourhood.

**3. Woollahra Local Environmental Plan 2014 (WLEP 2014) Part 4 – Clause 4.3 Height of Buildings**

- The Proposal is excessive in height and fails to comply with the Height of Buildings development standard under cl. 4.3 of the Woollahra LEP 2014.
- The proposed development is inconsistent with objectives of the Height of Buildings development standard as prescribed in Clause 4.3 of the Woollahra LEP 2014.
- The development is of a height, bulk and scale that does not achieve the desired future character of the area.
- The Applicant's Written Request seeking to justify contravention of cl. 4.3 Height of Buildings development standard in Woollahra LEP 2014 does not demonstrate:
  - a) that compliance with the development standard is unreasonable or unnecessary [cl. 4.6(3)(a)]; and
  - b) that there are sufficient environmental planning grounds to justify contravening the development standard [cl. 4.6(3)(b)].

Therefore, cl. 4.6(3)(a) and (b) of Woollahra LEP 2014 is not satisfied.

**4. Woollahra Local Environmental Plan 2014 (WLEP 2014) Part 4 – Clause 4.4 Floor Space Ratio and Clause 4.4A Exceptions to floor space ratio (Areas 1 and 1A—Double Bay)**

- The proposal is excessive in bulk and fails to comply with the FSR development standards under cl. 4.4 and cl. 4.4A of the Woollahra LEP 2014.
- The proposed development is inconsistent with objective of the FSR development standard as prescribed in cl. 4.4 and cl. 4.4A of the Woollahra LEP 2014.
- The development is of a bulk and scale that does not achieve the desired future character of the area.

- The Applicant's Written Requests seeking to justify contravention of cl. 4.4 and cl. 4.4A FSR development standards in Woollahra LEP 2014 do not demonstrate:
  - a) that compliance with the development standard is unreasonable or unnecessary [cl. 4.6(3)(a)]; and
  - b) that there are sufficient environmental planning grounds to justify contravening the development standard [cl. 4.6(3)(b)].

Therefore, cl. 4.6(3)(a) and (b) of Woollahra LEP 2014 is not satisfied.

5. **Woollahra Development Control Plan 2015 (WDCP 2015), Chapter D5 Double Bay Centre**

a. **Part D5.1.3 Objectives**

- The proposal does not achieve consistency with objectives O8 and O9, prescribed in Woollahra DCP 2015 under Part *D5.1.3 Objectives*.

b. **Part D5.6.3 Urban Character**

- The proposal does not comply with Control C1 and does not achieve the underlying Objective O1 outlined in Part D5.6.3 of the WDCP 2015.

c. **Part D5.6.3.2 Height**

- The proposal does not comply with Controls C2 and C3 and does not achieve the underlying Objective O1 outlined in Part D5.6.3.2 of the Woollahra DCP 2015.

d. **Part D5.6.3.4 Setbacks**

- The proposal does not comply with Control C1 and does not achieve the underlying Objective O1 outlined in Part D5.6.3.4 of the Woollahra DCP 2015.

e. **Part D5.6.3.7 Roof Design**

- The proposal does not comply with Control C6 and does not achieve the underlying Objective O4 outlined in Part D5.6.3.7 of the Woollahra DCP 2015.

f. **Part D5.6.5.4 Private Open Space**

- The Proposal does not comply with Controls C4 and C5 and does not achieve the underlying Objective O2 outlined in Part D5.6.5.4 of the Woollahra DCP 2015.

6. **Statutory Declaration**

The applicant has **not** completed the required statutory declaration declaring that the site notice for DA141/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan.

7. **Public Interest**

The proposal is not in the public interest.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

**For the Motion**

**Against the Motion**

Penelope Holloway  
Megan Jones  
Ronald Schaffer  
Lisa Trueman

4/0

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<b>ITEM No.</b>	D3
<b>FILE No.</b>	DA296/2023/1
<b>ADDRESS</b>	7-9 McLaughlan Place PADDINGTON (aka 7 Walker Lane PADDINGTON)
<b>PROPOSAL</b>	Extensive alterations and additions including a new basement level and first floor addition to the existing commercial (retail) building

**Note:** Late correspondence was tabled by Ester Hayter and Nicholas Forward

**Note:** Sandra Chipchase, Mark Johnston, Nicholas Forward, Grahame Bond, Katrina Parker and Dong Jie Chen, Objectors addressed the Panel

**Reasons for Decision**

The Panel has undertaken site inspections in person or electronically, considered the submissions, and late correspondence and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is satisfied that the application be refused for the reasons set out below.

**Resolved: 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, refuse development consent to Development Application No. 296/2023/1 for extensive alterations and additions including a new basement level and first floor addition to the existing commercial (retail) building on land at 7-9 McLaughlan Place PADDINGTON (aka 7 Walker Lane PADDINGTON), for the following reasons:

**1. View Loss**

- a) The proposed development should be refused as it is contrary to the following provisions in the Woollahra LEP 2014 and DCP 2015 and will result in view loss impacts upon surrounding properties:
  - Woollahra Local Environmental Plan 2014: Clause 1.2 – Aims (a), (g), (j)
  - Woollahra Local Environmental Plan 2014: Clause 6.6(1), 6.6(3)(c)(i)
  - Woollahra DCP 2015: Chapter C1, Section C1.2.4, Objectives (j)
  - Woollahra DCP 2015, Chapter 1, Section C1.4.9, Objectives O1, O2 and Control C1
  - The four step assessment of view sharing established by *Tenacity Consulting v Warringah (2004) NSWLEC 140*

## **2. Visual and Acoustic Privacy Impacts**

- a) The proposed development should be refused as it is contrary to the following provisions in the Woollahra LEP 2014 and DCP 2015 and will result in adverse visual and acoustic privacy impacts upon surrounding properties:
- Woollahra Local Environmental Plan 2014: Clause 1.2 – Aims (a), (g) (j)
  - Woollahra Local Environmental Plan 2014: Clause 6.6(1), 6.6(3)(c)(i)
  - Woollahra DCP 2015, Chapter 1, Section C1.4.8, Objectives O6, O8 and Controls C11, C12
  - Woollahra DCP 2015, Chapter 1, Section C1.4.10, Objectives O1, O2 and Controls C4, C5
  - Woollahra DCP 2015, Chapter 1, Section C1.5.4, Control C7

## **3. Bulk, Scale, Form and Sense of Enclosure**

- a) The proposed development should be refused as it is contrary to the following provisions in the Woollahra LEP 2014 and DCP 2015 as it will generate an exacerbated sense of enclosure upon surrounding properties from an inappropriate bulk, scale and form:
- Woollahra Local Environmental Plan 2014: Clause 1.2 – Aims (a), (g) (j)
  - Woollahra Local Environmental Plan 2014: Clause 6.6(1), 6.6(3)(c)(i)
  - Woollahra DCP 2015: Chapter C1, Section C1.2.4, Objectives (d), (k)
  - Woollahra DCP 2015: Chapter C1, Section C1.4.2, objectives O3, O4, O5 and controls C12(b), C13, C14
  - Woollahra DCP 2015: Chapter C1, Section C1.4.5, Objectives O1, O3, O4, O6 and Control C3

## **3. Location of Plant Area**

- a) The proposed development should be refused as it is contrary to the following provisions in the Woollahra LEP 2014 and DCP 2015 as the plant area is in an inappropriate location:
- Woollahra Local Environmental Plan 2014: Clause 1.2 – Aims (a), (g) (j)
  - Woollahra DCP 2015: Chapter C1, Section C1.2.4, Objectives (d), (k)
  - Woollahra DCP 2015: Chapter C1, Section C1.4.11, Objectives O1, O2, O3 and O4 and Controls C2, C3, C4

## **4. Site Suitability**

The subject site is not suitable for the proposed development.

## **5. Public Interest**

The proposed development is not in the public interest.

## **6. Insufficient Information**

- (a) The submitted shadow diagrams do not provide for an accurate assessment of the impacts toward properties which address Alfred Street as it is unclear whether boundary fencing has been accounted for in the submitted shadow diagrams. This needs to be clarified and amended accordingly in order to allow an accurate assessment of these properties against Controls C4 and C5 within Chapter C1, Part C1.4.5 of the Woollahra DCP 2015.

- (b) Photomontages and/or wire frame diagrams should be prepared in order to assess the view impacts having regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four step assessment of view sharing and Chapter C1, Section C1.4.9 of the Woollahra DCP 2015. The applicant has not adequately demonstrated whether more skilful design options are available to them without compromising their proposed amenity whilst potentially reducing the impacts of views to surrounding properties.
- (c) With regard to light spill/light pollution, the submitted documentation has not provided any details in relation to what occurs during evening/nighttime hours once the premises closes after each day. The applicant has not provided sufficient information to allow for an adequate assessment of this issue.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

**For the Motion**

**Against the Motion**

Penelope Holloway  
Megan Jones  
Ronald Schaffer  
Lisa Trueman

**4/0**

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There being no further business the meeting concluded at 2.10pm.

**We certify that the pages numbered 1 to 53 inclusive are the Minutes of the Woollahra Local Planning Panel (Public Meeting) Meeting held on 3 October 2024 and confirmed by all Panel members of the Woollahra Local Panel on 4 October 2024 as correct.**

**Chairperson**

**Secretary of Committee**

**Expert**

**Expert**

**Community Representative**