Woollahra Local Planning Panel (Public Meeting)

Thursday 5 December 2024
1.00pm

Agenda

Woollahra Local Planning Panel (Public Meetings):

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

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

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

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

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

- **To watch the meeting live or listen to the meeting live at 1.00pm**
  Visit Council's website at 1.00pm and watch live via the following link:
  https://www.youtube.com/@woollahracouncil5355/streams

- **To request to address the Panel (pre-register by 12noon the day before the meeting)**
  Pre-register to listen to the meeting live or request to address the Panel by 12noon the day before the meeting by using the relevant registration form on Council's website - http://www.woollahra.nsw.gov.au

- **To submit late correspondence (submit by 12noon the day before the meeting)**
  Members of the public may submit late correspondence on an agenda item being considered at a Panel Meeting. If you wish to make a written submission on an Item on the Agenda, please email your submission to records@woollahra.nsw.gov.au by 12noon on the day before the meeting.

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

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

Outline of Meeting Protocol & Procedure:

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

Disclaimer:

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

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

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

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

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

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

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

Quorum: 3 Panel members

Woollahra Municipal Council

Notice of Meeting

27 November 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

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

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

Members of the public may:

- Register to address the meeting by **no later than 12 noon on the day before the meeting.** using the following Register to Speak Form https://www.woollahra.nsw.gov.au/files/assets/public/v/3/forms/registration-form-to-address-planning-panels.pdf.

- Submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au by **no later than 12 noon on the day before the meeting.**

- Watch and listen to the meeting live via Council's website **from 1.00pm on the day of the meeting:** https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_agendas,_audio_recordings_and_minutes

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

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

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel (Public Meeting)

Agenda

Item	Subject	Page
1	Opening	
2	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3	Leave of Absence and Apologies	
4	Disclosures of Interest	
	Items to be Decided by the Panel	
D1	DA183/2024/1 - 22 Benelong Crescent Bellevue Hill - 24/219087 .....7 ***See Recommendation Page 46**	
D2	DA140/2024/1 - 33 Olola Avenue Vaucluse - 24/220798 .....195 ***See Recommendation Page 239**	
D3	DA216/2024/1 - 7 Annandale Street Darling Point - 24/222308 .....373 ***See Recommendation Page 424**	
D4	DA378//2016/2 - 377-383 New South Head Road Double Bay - 24/221132.....579 ***See Recommendation Page 592**	

LOCAL PLANNING PANEL
DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA183/2024/1
ADDRESS	22 Benelong Crescent Bellevue Hill
COUNCIL WARD	Bellevue Hill
SITE AREA	507.6m^2
ZONING	R3 Medium Density Residential
PROPOSAL	The demolition of a dwelling house and the construction of an attached dual occupancy and strata subdivision
TYPE OF CONSENT	Local development
COST OF WORKS	$3,095,400
DATE LODGED	03/06/2024 original lodgement 12/11/2024 amended application
APPLICANT	Mr M Mortada
OWNER	E Abdullah & B Shmait
AUTHOR	Mr D Booth
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	10
RECOMMENDATION	Conditional approval

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

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

2. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and is recommended for approval because it is considered that:

- the Clause 4.6 written statement to vary Council's 0.5:1 floor space ratio development standard is considered to be well-founded and is supported in this instance, subject to recommended **Conditions D.1a & b** requiring further gross floor area reductions, due to the minor extent of the residual non-compliance, satisfactory environmental impacts and the existence of acceptable environmental planning grounds;
- it is satisfactory with regard to all relevant planning policies including the provisions of WLEP 2014 and WDCP 2015 subject to conditions;
- it does not have the potential for significant adverse impacts upon the local built and natural environment subject to conditions;
- it will not have any significant adverse social and economic impacts upon the locality;
- the site is suitable for the proposed development, as conditioned; and
- the proposal is not contrary to the public interest.

3. LOCALITY PLAN

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

4. SITE AND LOCALITY

The site has a 17m northern frontage to Benelong Crescent, a 27.6m eastern side boundary, a 37.3m western side boundary, a 15.5m southern rear boundary and a site area of 507.6m^2.

The topography falls approximately 5m from the rear to the front of the site.

The site is currently occupied by a single storey dwelling house.

The adjoining property to the east (16 Birriga Road aka 20 Benelong Crescent) is occupied by a terraced 6 storey residential flat building.

The adjoining property to the west (24 Benelong Crescent) is occupied by a 2 storey dwelling house.

The adjoining property to the rear (14 Birriga Road) is occupied by a 5 storey residential flat building.

The immediate locality is characterised by a mixture of 2 storey dwelling houses and multi-storey residential flat buildings.

5. DESCRIPTION OF THE PROPOSAL

The proposal was amended on 12 November 2024 in terms of reducing the building envelope of the roof terrace access structures and by increasing the front setbacks at ground and first levels in order to mitigate view impacts upon the adjoining residential flat building to the rear (14 Birriga Road) and to reduce the extent of the non-compliance with Council's floor space ratio development standard.

The proposal as amended involves the demolition of existing dwelling house and ancillary structures and the construction of an attached dual occupancy consisting of 4 levels; a predominantly excavated, at grade basement level containing a pair of tandem off street car parking spaces per dwelling (4 in total), a ground floor level containing the living areas, a first floor level containing 3 bedrooms per dwelling and a roof terrace level containing a plunge pool, a roof terrace and an access structure per dwelling.

The eastern dwelling is documented as Dwelling 1 and the western dwelling as Dwelling 2.

Strata subdivision of the proposed attached dual occupancy development is proposed.

Extensive landscaping works to the front, rear and side deep soil landscaped areas and planters at ground floor and roof terrace levels are proposed.

6. ISSUES

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

Clause	Development Standard	Departure from Control	Conclusion
4.4E	Floor space ratio	24.7m^2 or 9.7% departure from Councils 0.5:1 floor space ratio development standard.	Satisfactory, subject to recommended **Conditions D.1a & b** requiring further gross floor area reductions, due to satisfactory environmental impacts and the existence of acceptable environmental planning grounds.

6.2. Other issues

Issue	Conclusion	Section
Objectors' concerns	Addressed by the amendments made to the application, by recommended conditions of consent or otherwise are not considered to warrant design amendments or the refusal of the application.	8.1
Front, side and rear boundary setback non-compliances	Additional front setbacks are required by recommended **Condition D.1c**. Compliant side boundary setbacks are required by recommended **Condition D.1b**. The residual front and rear setback non-compliances are considered to be satisfactory with regard to the underlying objectives of the controls.	13.2
External wall height/inclined plane non-compliances	Satisfactory, subject to recommended **Conditions D.1b & c** as the objectives of the control are otherwise considered to be upheld in this instance.	13.2
Volume of excavation and basement wall setback non-compliances	Satisfactory, subject to recommended **Conditions D.1b & c** which will reduce the extent of the proposed excavation and other conditions addressing geotechnical/ hydrogeological and other excavation related impacts.	13.2
Deep soil landscaped area to the front setback non-compliance	Compliance is achieved by recommended **Condition D.1c**.	13.2

7. REFERRALS

Referral	Summary of Comment	Attachment
Development Engineer	Satisfactory, subject to conditions.	3
Tree Landscape Officer	Satisfactory, subject to conditions.	4
Heritage Officer	Satisfactory, subject to conditions.	5

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 include the following:

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

8. ADVERTISING AND NOTIFICATION

8.1. Submissions

The original development application was advertised and notified during the period 26 June to 11 July 2024.

Objections were received from:

1. Tom Goldman-1/16 Birriga Road (aka 1/20 Benelong Crescent) Bellevue Hill;
2. John Baker 2/29 Benelong Crescent Bellevue Hill;
3. Mark Herron-6/14 Birriga Road Bellevue Hill;
4. Tracy Ellis and Wayne Connolly-9/14 Birriga Road Bellevue Hill;
5. Pavel Zaytsev consultant planner acting on behalf of the owners of 2/14 Birriga Road Bellevue Hill;
6. Tony Moody consultant planner acting on behalf of the owners of 24 Benelong Crescent Bellevue Hill;
7. Natasha Conacher-5/14 Birriga Road Bellevue Hill;
8. Tony Ristevski consultant planner acting on behalf of Kathe Fraser, owner of 8/14 Birriga Road Bellevue Hill;
9. Calum Scott and Sigrid Kroon-owners of 3/14 Birriga Road Bellevue Hill; and
10. Tony Moody consultant planner acting on behalf of the owners of 2/16 Birriga Road (aka 2/20 Benelong Crescent) Bellevue Hill.

The objections raised the following concerns:

- *The proposal should conform with all of Council's regulations/ the proposal is too large with too many levels/ excessive height bulk and scale/ the proposal involves non-compliances with Council's planning provisions and accordingly is against the public interest*

The proposal complies with Council's height development standard.

The basement level is predominantly excavated below existing ground level and therefore will not impart significant amenity impacts upon the locality.

Recommended **Conditions D.1a-c** require reduced floor space ratio and front boundary setback non-compliances and compliant side boundary setbacks.

Whilst the amended proposal does involve residual non-compliances with Council's planning controls, the non-compliances are considered to be satisfactory in terms of upholding the underlying objectives of the controls including visual impacts upon the locality.

These issues are discussed in greater depth under subsequent sections.

Visual impacts associated with a compliant building envelope are considered to be reasonable.

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

- *Construction related impacts including dust and hours of work*

Council's standard conditions relating to dust mitigation and hours of work have been included in the recommendation.

- *Skip bins and portable toilets should be stationed within the property and not on the street*

Council's standard conditions relating to skip bins and portable toilets have been included in the recommendation.

- *View loss/ inadequate documentation to enable a view loss assessment*

A view analysis has been undertaken with respect to the adjoining residential flat building to the rear (14 Birriga Road) and it is considered that the amended proposal has adequately addressed view impacts upon units within the adjoining residential flat building. This issue is discussed in greater depth under the relevant subsequent section of this report.

- *Inadequate/ inaccurate shadow diagrams/ overshadowing*

Whilst existing overshadowing to the ground level rear courtyards of the adjoining residential flat building to the rear (14 Birriga Road) caused by existing trees adjacent to the rear boundary have not been documented in the shadow diagrams, the shadow diagrams submitted with the development application document that the proposed development will not cause any overshadowing to 14 Birriga Road.

The shadow diagrams submitted with the development application are considered to be adequate and document compliance with Council's solar access requirements.

This issue is discussed in greater depth under the relevant subsequent section of this report.

- *Loss of visual and acoustic privacy*

The proposal is considered to be satisfactory in terms of visual and acoustic privacy impacts upon adjoining properties subject to recommended **Condition D.1e**.

These issues are discussed in greater depth under the relevant subsequent section of this report.

- *Lighting impacts*

Council's standard condition controlling outdoor lighting has been included in the recommendation.

- *The proposed rooftop pools will require ongoing maintenance causing the future disruption to residential amenity*

This issue is considered to be beyond the scope of this report.

- *No front setback is evident/ inadequate deep soil landscaped area to the front setback*

The proposal provides a minimum 4.17m front setback and approximately 34m^2 of deep soil landscaped area to the front setback which is non-compliant with Council's requirements of 6m and 41m^2 respectively. Recommended **Condition D.1c** requires the provision of additional front setbacks and deep soil landscaped area. These issues are discussed in greater depth under the relevant subsequent sections.

- *Does the proposal comply with Council's tree canopy area requirement?*

The proposed tree canopy area provision is compliant. This issue is discussed in greater depth under the relevant subsequent section of this report.

- *There is no information about any plant equipment, including pool pump or air conditioning being housed within the building.*

Plant rooms are provided at basement level and there is scope for the pool plant to be provided below the proposed timber decks adjacent to the plunge pools at roof terrace level. Such is required by recommended **Condition D.1d**.

The acoustic attenuation of mechanical plant is addressed by recommended **Condition D.22**.

- *Inaccurate documentation of streetscape presentation relative to adjoining development*

The architectural drawing number 10/26 titled Benelong Crescent elevation documents the potential building envelope for the adjoining property to the west 24 Benelong Crescent and the maximum building envelope of the terraced residential flat building development to the east (16 Birriga Road aka 20 Benelong Crescent).

Whilst the above-mentioned architectural drawing does not accurately document the existing Benelong Crescent built form context of the two adjacent developments, the application has been assessed against Council's building envelope controls utilising survey and street view information to establish context.

- *Excessive excavation/ excessive size of garages and plant rooms at basement level/ geotechnical related concerns/ dilapidation report requirement requested*

Recommended **Conditions C.1b & c** require the basement level to comply with Council's minimum side boundary setback requirements and to substantially reduce the extent of the non-compliance with Council's front setback control. The residual basement level is considered to not be excessive in area providing a pair of tandem off-street car parking spaces per dwelling, associated internal manoeuvring area and an approximately 13m^2/16m^2 plant room per dwelling.

The proposed excavation as conditioned is considered to be satisfactory in terms of extent and potential environmental impacts including geotechnical related impacts upon adjoining properties. Dilapidation reports in relation to adjoining properties are required by recommended **Condition B.5**.

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

- *The proposed garages exceed the 40m^2 B3.6 C2b) Woollahra DCP 2015 control and the surplus should be counted as gross floor area*

The above-mentioned DCP control relates to garage structures outside the building envelope and such is not included in the definition of *gross floor area* under Woollahra LEP 2014.

- *Excessive width of the proposed garages*

Subject to recommended **Condition D.1b**, the proposed basement level is compliant with Council's side setback requirements and therefore the width of the front elevation to the basement level is considered to be satisfactory.

- *The proposed roof terraces and associated structures are not subservient to the primary roof form as required by B3.5.4 C12b) of Woollahra DCP 2015.*

The above-mentioned control relates to *a roof terrace within the roof of a building*.

The proposed roof terraces form part of the flat roof forms to the first floor level.

- *Devaluation of property*

This issue is not a relevant matter for consideration.

- *The proposal should not rely upon the planning controls applicable to residential flat buildings*

The proposal has been assessed against all relevant planning controls applicable to an attached dual occupancy development.

- *Existing boundary encroachments of boundary walls and potential for the encroachments as a result of the proposal*

The architectural drawings to not document any additional encroachments beyond that as existing.

- *Inaccuracies in the Clause 4.6 written statement submitted with the development application/ the Clause 4.6 written statement should not be supported as there are no valid grounds to justify the 33.6% floor space ratio non-compliance*

The Clause 4.6 written statement submitted with the original application has been amended to reflect the reduced floor space ratio. Whilst not all of the arguments contained within the Clause 4.6 written statement are concurred with, the extent of the floor space ratio non-compliance and the justification for it has been independently determined. Recommended **Conditions D.1a & b** require further reductions to the floor space ratio resulting in a residual non-compliance of approximately 3.6m^2 which is considered to be sufficiently minor to not impart any significant environmental impacts upon the locality. The non-compliance is in part due to the relatively small site area of 507.6m^2. The proposal will provide an additional dwelling. Accordingly, the Clause 4.6 written statement is supported subject to recommended **Conditions D.1a & b**.

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

- *Stormwater management related concerns/ the stormwater management plans document eaves construction whereas the architectural drawings do not*

Council's Development Engineer considers the proposed stormwater management to be satisfactory subject to recommended **Condition D.13 & D.14**. The architectural drawings take precedence over the stormwater management plans with regard to the form of the development.

- *Swimming pool wastewater management concerns*

Council's standard conditions regulating swimming pool wastewater management have been recommended.

- *Inaccuracies in the Statement of Environmental Effects*

Whilst not all of the statements contained within the Statement of Environmental Effects are concurred with, the environmental impacts of the proposal have been independently assessed.

8.2. Statutory declaration

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

8.3. Decision not to re-notify the amendments to the application

The amendments made to the application described under section 5 were not re-notified on the basis that they did not involve any potential amenity impacts upon the locality.

9. SEPP (SUSTAINABLE BUILDINGS) 2022

Chapter 2 Standards for residential development—BASIX

Chapter 2 applies to the subject application in terms of commitments in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The subject application was accompanied by BASIX Certificate 1738601M_02 demonstrating compliance with the relevant provisions of Chapter 2 of the SEPP. These requirements are addressed by recommended conditions of development consent.

10. SEPP (RESILIENCE AND HAZARDS) 2021

10.1 Chapter 4 Remediation of land

The provisions of Chapter 4 Remediation of Land requires consideration to be given as to whether the subject land is contaminated. In the absence of any information indicating the potential contamination of the site, further consideration of this issue is not considered warranted in this instance.

The proposal is considered to be satisfactory with regard to the relevant provisions of Chapter 4 Remediation of land.

11. SEPP (BIODIVERSITY AND CONSERVATION) 2021

11.1 Chapter 2 Vegetation in non-rural areas

The provisions of *Chapter 2 Vegetation in non-rural areas* require the consideration of the proposed development with regard to tree impacts.

Council's Tree and Landscape Officer has provided the following tree impact assessment:

- *Tree No.1 Schefflera actinophylla (Umbrella tree) is a mature tree located within the rear setback of the property. This is not a prescribed tree as per E3.4.1 Noxious weeds and exempt species Group A of Chapter E.3 – Tree Management of Council's Development Control Plan (DCP) 2015, and may be removed without Council consent.*

  While the survey indicates the tree is 10 x10m, the actuall approximate dimensions are 8m tall and 6m wide canopy. This will be relevant during the assessment of view loss.

- *Tree No.2 Chamaecyparis pisifera (False Cypress) is located within the front side of the house, adjacent to the boundary to east. The tree was not included in the survey and was lopped approximatley in January 2024. While the tree is still prescribed under the DPC, it is considred to be of low landscape significance and may be removed.*

- *Tree No.3 Cinnamomum camphora (Camphor Laurel) is a large mature street tree located within the council verge in front of 24 Benelong Crescent, west of the crossover . Existing crossover is proposed to be demolished and a new one installed to the east, further away from the tree. Fencing or trunk protection are not required.*

- *Tree No.4 Cinnamomum camphora (Camphor Laurel) is a large mature street tree located within the council verge in front of 20 Benelong Crescent, east of the crossover. Existing crossover is proposed to be demolished and a new one installed to the east, closer to the tree. Fencing or trunk protection are not required.*

  The closer side of the new proposed crossover is located approximately 10.5m from the centre of the tree, outside of the SRZ but within the TPZ of the tree. The proposal is supported as only small diameter roots are expected to be found.

  The proposed building, stormwater lines and above ground OSD tank to northeast are located outside the SRZ but within the TPZ. In order to minimise root disturbance, excavation works will be required to be done under arborist supervision.

- *Hedge x Waterhousia floribunda 'Sweeper' (Weeping Lillypilly). There is a group of trees forming a hedge located on the adjacent property at 24 Benelong Crescent, along the shared boundary. There is a masonry retaining wall on the adjacent property with a substantial level change between the sites, branches are mostly contained behind the fence. No root disturbance and crown encroachment are anticipated, and no tree protection measures are required, therefore, they will not be included on the assessment. The hedge does not make any contribution to the canopy cover of the site.*

The proposal is considered to be satisfactory in terms of tree impacts subject to conditions.

11.2 Chapter 6 Water catchments

The land is located within the Sydney Harbour Catchment, outside the Foreshores and Waterways Area of the Catchment.

The proposal is considered to be satisfactory in terms of the *Division 2 Controls on development generally* subject to Council's standard conditions addressing stormwater run-off and sedimentation control.

The proposal as conditioned is considered to be satisfactory with regard to the relevant provisions of SEPP (Biodiversity and Conservation) 2021.

12. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

12.1 Clause 1.2: Aims of Plan

The proposal as conditioned is considered to be consistent with the aims in Part 1.2(2) of Woollahra LEP 2014.

12.2 Land Use Table

The proposed works are associated with an attached dual occupancy use which is permissible within the R3 Medium Density Residential zone.

12.3 The objectives of the zone

The proposed works are considered to be consistent with the objectives of the R3 Medium Density Residential zone.

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

Part 4.1A(2) specifies a minimum lot size of 460m^2 for an attached dual occupancy development. The subject site involves an area of 507.6m^2 and is therefore compliant.

12.5 Clause 4.3: Height of Buildings

Clause 4.3 limits development to a maximum height of 9.5m. The proposal documents a maximum height of 9.5m which is compliant.

12.6 Clause 4.4E: Floor Space Ratio

Clause 4.4E limits the development to a maximum floor space ratio of 0.5:1. The original proposal involved a floor space ratio of 0.67:1. The amended proposal involves a floor space ratio of 0.55:1, a non-compliance of 24.7m^2 or 9.7%.

A Clause 4.6 assessment of the non-compliance is provided below under section 12.7.

Recommended **Conditions D.1a & b** require further reductions to the floor space ratio resulting in a residual non-compliance of approximately 3.6m^2 or 1.4%.

12.7 Clause 4.6: Exception to Council's Floor Space Ratio Development Standard

Departure

With a floor space ratio of 0.55:1, the proposal involves a 24.7m^2 (9.7%) non-compliance with the 0.5:1 floor space ratio development standard prescribed under Clause 4.4E of Woollahra LEP 2014, as detailed in Section 12.5.

Purpose

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

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

Justification Requirements

Clause 4.6(3) states that:

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

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

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

Applicant's Written Request

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

The applicant has provided a written request in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, which is attached at **Attachment 6**.

Council's Assessment

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

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

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

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

Is the provision proposed to be varied a development standard?

Yes.

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

Yes.

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

Yes.

Is the extent of the variation correctly identified?

Yes.

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

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

- The first is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

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

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

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

Assessment:

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

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

Yes.

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

No.

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

The arguments put forward by the consultant planner acting for the applicant that are supported, subject to recommended **Conditions D.1a & b** requiring further reductions to the floor space ratio resulting in a residual non-compliance of approximately 3.6m^2 or 1.4%, are:

- The proposal satisfies the objectives of Clause 4.4E and the objectives of the R3 Medium Density zone having no significant adverse impacts upon the amenity of the locality.

- The bulk and scale of the proposed development is contextually compatible within the locality.

Accordingly, the residual non-compliance, as conditioned, is considered to uphold the following objectives of the floor space ratio development standard:

(i) to ensure the bulk and scale of development is compatible with the desired future character of the area;

(ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain; and
(iii) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.

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

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

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

Section 1.3 of the EPA Act reads as follows:

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

Assessment:

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

What environmental planning grounds are put forward to justify the variation?

It is considered that the following environmental planning grounds exist to justify the variation subject to recommended **Conditions D.1a & b** requiring further reductions to the floor space ratio resulting in a residual non-compliance of approximately 3.6m^2 or 1.4%:

- The proposal provides an additional dwelling beyond that as existing.
- The residual non-compliance is a function of the relatively small site area (507.6m^2) with the proposal as conditioned involving modestly dimensioned dwellings that involve only minor non-compliances with Council's building envelope controls.

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

Yes.

Conclusion

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

12.8 Clause 5.10: Heritage Conservation

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

The subject site is not heritage affected and Council's Heritage Officer has raised no objection to the proposal subject to conditions addressing aboriginal cultural heritage and the salvaging of building materials.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Clause 5.10 of Woollahra LEP 2014.

12.9 Clause 5.21: Flood Planning

Clause 5.21 seeks to minimise the flood risk to life and property development, allow development on land that is compatible, consider projected changes as a result of climate change and avoid significant adverse impacts on flood behaviour and the environment in flood prone areas.
The subject site is not located within Council's flood planning area and is considered to be satisfactory with regard to the provisions of Clause 5.21 of Woollahra LEP 2014.

12.10 Clause 6.1: Acid Sulfate Soils

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

The subject site is located within a Class 5 area as specified on the Acid Sulfate Soils Map. The proposed works will not lower the water table below 1m AHD on any land within 500m of a Class 1, 2 and 3 land classifications and are considered to be satisfactory with regard to the provisions of Clause 6.1 of Woollahra LEP 2014.

The proposed works are considered to be satisfactory with regard to the provisions of Clause 6.1 of Woollahra LEP 2014.

12.11 Clause 6.2: Earthworks

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

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

The proposal involves substantial earthworks.

Recommended **Conditions C.1b & c** require the basement level to comply with Council's minimum side boundary setback requirements and to substantially reduce the extent of the non-compliance with Council's front setback control. These requirements will significantly reduce the extent of the proposed earthworks.

Council's Development Engineer has raised no objection to the extent of the proposed earthworks in terms of geotechnical and hydrogeological issues subject to recommended conditions of consent.

Council's Tree and Landscape Officer considers the proposed earthworks to be satisfactory in terms of tree impacts, subject to conditions.

Council's Heritage Officer has raised no objection to the proposed additional earthworks subject to conditions.

Additional conditions of consent have been recommended limiting the times and duration of machine excavation and requiring adequate dust mitigation.

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

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

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

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

Council's Tree and Landscape Officer has provided the following tree canopy cover assessment:

> *Canopy Control C.1 of B.3.7.1 Landscaped area and private open space of the DCP applies to the site. Including the replacement planting within the rear (proposed or amended) and front setbacks of the property, the landscape plans contain sufficient replacment planting to achieve the control.*

Accordingly, the application is considered to be satisfactory with regard to the provisions of Part 6.9 of the Woollahra LEP 2014.

13. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

With regard to the implications of whether or not a development application is compliant with the provisions of a development control plan, Section 4.15 (3A) of the Environmental Planning and Assessment Act 1979 states:

> *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*
>
> *a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development. In this subsection, standards include performance criteria.*
>
> *b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
>
> *c) may consider those provisions only in connection with the assessment of that development application.*
>
> *In this subsection, standards include performance criteria.*

Accordingly, Council is required to apply flexibility in the application of Woollahra DCP 2015 controls if the objectives of the control are achieved.

13.1 B1.7 Bellevue Hill South Precinct

The desired future character objectives of the Bellevue Hill South Precinct are as follows:

O1 To respect and enhance the streetscape character and key elements of the precinct.
O2 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials.
O3 To establish a transition of development scale from the detached dwelling houses at the northern end of Bellevue Hill to the residential flat buildings that address the major streets - Birriga Road, Old South Head Road and Victoria Road – situated along the precinct ridgeline.
O4 To retain Inter-War flat buildings and ensure that alterations and additions do not detract from the character of these buildings and their presentation to the street.
O5 To design and site buildings to respond to the topography and minimise cut and fill.
O6 To preserve significant views and vistas to surrounding areas from the streets and parks.

O7 To reinforce the landscape setting and maintain the existing tree canopy.

Streetscape character and key elements of the Bellevue Hill South precinct:

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

a) the rich mixture of architectural styles and forms;
b) the stepping of development down the hillside;
c) interconnected streets following the contours of the land;
d) deep soil landscaping within the front and rear setbacks;
e) mature street trees and grassed verges;
f) the highly visible tree canopy providing a dense green backdrop to views from Sydney Harbour and surrounding lands;
g) the preservation of views from public places, including view corridors between buildings; and
h) Inter-War flat buildings.

The proposal is considered to be adequately modulated and to consist of an adequately varied palette of materials.

The proposal as conditioned is considered to be satisfactory in terms of visual impacts upon the locality, the extent of excavation, impacts upon public views, tree impacts and the provision of deep soil landscaping and accordingly is considered to be satisfactory with regard to the desired future character objectives of the Bellevue Hill South Precinct.

13.2 Chapter B3: General Development Controls

B3.2.2: Front boundary setback

C1 The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street. Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).

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

The front elevation is considered to comply with the provisions of C2.

Council's minimum front setback requirement (C1) is 6m in this instance.

The proposal involves front boundary setbacks of 4.17-8.1m at basement floor level which is partially non-compliant, 4.17-9.3m at ground floor level which is partially non-compliant and 5.6-10.3m at first floor level which is partially non-compliant.

The objectives of Council's front setback control are as follows:

O1 To reinforce the existing streetscape and character of the location.
O2 To provide consistent front setbacks in each street.
O3 To provide for landscaped area and deep soil planting forward of the building.

In order to reduce what is considered to be the excessive extent of the non-compliances and to adequately uphold the above-mentioned objectives, it is recommended that:

- the non-compliant components of the *bins areas* at basement floor level be deleted with waste storage areas internalised within the garages as necessary;

- the front verandahs at ground floor level be setback 6m from the street alignment with the exception of the north-eastern corner which may align with the residual non-compliant component of the front elevation to the garage to Dwelling 1; and
- the front balconies at first floor level be set back 6m from the street alignment.

The above requirements are contained within recommended **Condition D.1c**.

The residual front setback non-compliance pertaining to the north-eastern corner of the Dwelling 1 garage and the front verandah at ground floor level is due to the angled street alignment and is not considered to be significant in terms of streetscape impacts.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of B3.2.2 of Woollahra DCP 2015.

B3.2.3: Side boundary setbacks

C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A.

C4 The building has a maximum unarticulated wall length of 12m to the side elevation.

The side boundary setbacks required by C1 are 1.9m in this instance.

The proposal involves predominant setbacks of 1.61m from the eastern side boundary and 1.6m from the western side boundary at basement, ground and first floor levels which are non-compliant.

The proposal is compliant at roof terrace level with a minimum side setbacks of 1.9m and 2.1m from the western and eastern side boundaries respectively.

The eastern and western side elevations at ground floor level involve unarticulated wall lengths of 12.4m and 13.4m which are non-compliant.

The objectives of the side boundary setback control are:

O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.
O2 To ensure the side elevation of buildings are well articulated.
O3 To protect the acoustic and visual privacy of residents on adjoining properties.
O4 To facilitate solar access to habitable windows of adjoining properties.
O5 To facilitate views between buildings.
O6 To provide opportunities for screen planting.
O7 To allow external access between the front and rear of the site.

On the basis that the proposal is non-compliant with Council's floor space ratio development standard and to adequately uphold the above-mentioned objectives, it is recommended that compliant minimum side boundary setbacks of 1.9m be required to be achieved (see recommended **Condition D.1b**).

No objection is raised in relation to the unarticulated wall length non-compliances on the basis that they contain windows which are considered to be adequate in terms of mitigating visual impacts upon adjoining properties.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of B3.2.3 of Woollahra DCP 2015.

B3.2.4: Rear boundary setback

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

An 8.1m rear (western) boundary setback applies in this instance.

With a minimum rear setback of 5.5m, the concrete roofed rear alfresco at ground floor level to Dwelling 1 predominantly encroaches beyond the required rear setback alignment.

With a minimum rear setback of 7.9m, the south-eastern extremity of the concrete roofed rear alfresco at ground floor level to Dwelling 2 encroaches beyond the required rear setback alignment.

With a minimum rear setback of 8m, the south-eastern extremities of the ground and first floor levels to Dwelling 1 encroach beyond the required rear setback alignment.

The objectives of the rear boundary setback requirement are:

O1 To provide private open space and landscaped areas at the rear of buildings.
O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.
O3 To avoid an unreasonable sense of enclosure.
O4 To provide separation between buildings to facilitate solar access to private open space.
O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.
O6 To contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat.

The non-compliances relate to minor building elements and are considered to be consistent with the above-mentioned objectives with no significant amenity impacts upon adjoining properties envisaged, sufficient deep soil landscaped area provided to the rear section of the site and the absence of any significant tree impacts.

The proposal is considered to be satisfactory with regard to the provisions of B3.2.4 of Woollahra DCP 2015.

B3.2.5: Wall height and inclined plane

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

a) the wall height is 7.2m above existing ground level; and
b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and
c) roof eaves may protrude into the setback if below the inclined plane.

The proposal is non-compliant with Council's wall height and inclined plane control predominantly on the basis of the above-mentioned boundary setback non-compliances. Additionally, upper sections of the privacy screening to the roof terraces are non-compliant.

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

O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from adjoining properties.
O2 To limit overshadowing of adjoining properties across side boundaries.
O3 To limit overshadowing to south facing rear yards.

O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.
O5 To facilitate views between buildings.

As discussed previously, recommended **Conditions D.1b & c** require additional front and side boundary setbacks. Subject to these conditions, the residual boundary setback non-compliant related wall height and inclined plane non-compliances are considered to be satisfactory in terms of amenity impacts upon adjoining properties.

The residual non-compliances relating to minor sections of the proposed translucent glass privacy screening to the roof terraces are considered to be satisfactory with regard to the above-mentioned objectives with no significant amenity impacts upon adjoining properties or the streetscape envisaged.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of B3.2.5 of Woollahra DCP 2015.

B3.4: Excavation

C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13A.

C6 Basement walls are no closer to the boundary than permitted by the setback controls.

The proposal involves approximately 556m^3 of excavation which exceeds Council's 152m^3 maximum permissible volume of excavation by 404m^3.

The siting of the proposed basement walls are also non-compliant with Council's side and front boundary setback requirements.

The objectives underlying the excavation controls are:

O1 To set maximum acceptable volumes of excavation which:

- *a) require buildings to be designed and sited to relate to the existing topography of the site;*
- *b) ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation;*
- *c) avoid structural risks to surrounding structures;*
- *d) ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable;*
- *e) enable deep soil planting in required setbacks;*
- *f) ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and*
- *g) satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings).*

Recommended **Conditions D.1b & c** require additional front and side boundary setbacks thereby significantly reducing the extent of the proposed excavation by approximately 60m^3.

The residual excavation is associated with the provision of compliant 2 off-street car parking spaces per dwelling at grade, access thereto, reasonable volumes of storage and rear alfresco areas that are level with the remainder of the ground floor level.

Council's Development Engineer has raised no objection to the extent of the proposed earthworks in terms of geotechnical and hydrogeological issues subject to recommended conditions of consent.

Council's Tree Management Officer considers the proposed earthworks to be satisfactory in terms of tree impacts, subject to conditions.

Council's Heritage Officer considers the proposed earthworks to be satisfactory subject to conditions of consent relating to the protection of Aboriginal cultural heritage.

Council's standard conditions addressing dust and noise impacts have been recommended.

The proposed excavation as conditioned is considered to satisfactorily accord with the above-mentioned objectives and satisfactory with regard to the provisions of B3.4 of Woollahra DCP 2015.

B3.5.1: Streetscape and local character

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

C2 Development retains vegetation of landscape value.

C3 Development steps down sloping sites and follows the topography of the land.

C4 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.

C5 Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.

C6 The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).

C7 In heritage conservation areas or where the existing the immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.

C8 Roof materials are non-reflective and do not cause excessive glare to adjacent properties.

C9 The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.

The proposed flat roof forms are considered to be contextually compatible with contemporary development within the locality.

The proposed lift overruns are sufficiently minor in extent and centrally located so as not to have the potential for significant adverse visual impacts upon the locality.

Potential reflective glare associated with the proposed translucent glass privacy screening and clear glass balustrades is considered to be adequately mitigated via the use of adjacent planters.

Council's Tree and Landscape Officer considers the proposal to be satisfactory with regard to tree impacts subject to conditions.

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

B3.5.2: Overshadowing

C1 The development is designed so that:

a) sunlight is provided to at least 50% (or 35m^2 with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and
b) north-facing windows to upper level habitable rooms of adjacent dwellings receive at least all 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.

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

Shadow diagrams submitted to Council demonstrate compliance with the above overshadowing provisions of B3.5.2 of Woollahra DCP 2015.

B3.5.3: Public and Private Views

Public views

C1 Development is sited and designed so that the following public views are maintained or enhanced:

a) significant views and vistas identified in the precinct maps in this Chapter B1 Residential Precincts and Chapter B2 Neighbourhood HCAs of this DCP; and
b) views from other public open space areas, particularly from ridgelines to Sydney Harbour and the Sydney CBD skyline.

C2 Vistas along streets are preserved or enhanced through sensitive development location and form.

C3 Development on the low side of the street preserves district, iconic and harbour views from the street by:

a) providing substantial breaks between buildings, front fences, car parking and other structures; and
b) incorporating fences with transparent or open end panels at each side boundary to provide for views.

C4 Roof forms on the low side of streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, plant equipment (including lifts and lift overruns) and similar structures are inappropriate.

Public views

No significant loss of public views are envisaged as a result of the proposal.

Private views

The controls applicable to private views are as follows:

C5 Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms.

C6 Development steps down the hillside on a sloping site.

C7 The design of the roof form (including roof terraces, lifts, lift overruns, stairwells, access hatches, screens, and other like structures) provides for view sharing.

C8 Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control. Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.

The owners of Units 2/14, 3/14, 5/14, 6/14, 8/14 and 9/14 Birriga Road have objected to the proposal on the basis of view loss. These units are located within a residential flat building located to the rear of the subject site. The mid and upper level units of this adjoining residential flat building have significant views over the subject site.

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

1. The assessment of the views affected

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

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

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

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

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

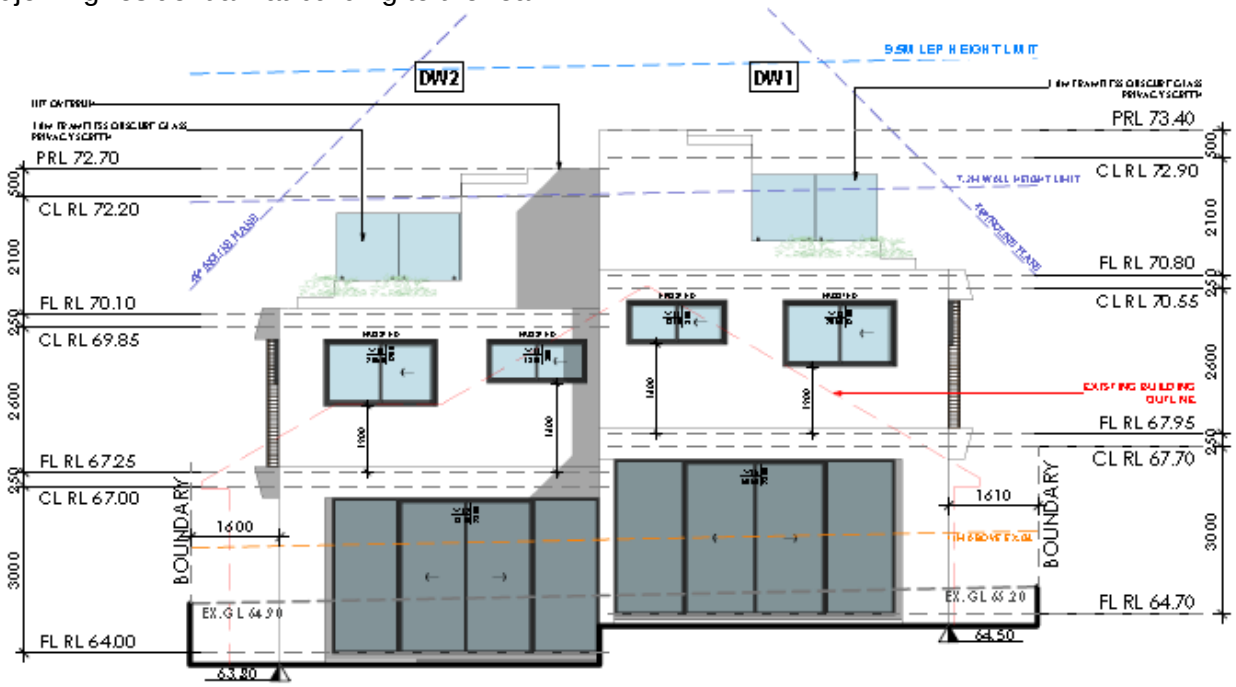
   The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls,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

Requests were made for view loss inspections of the concerned adjoining properties. The owner of 6/14 Birriga Road did not facilitate a view loss inspection.

Units 2 & 3 adjoin one another at the same lowers levels. Unit 5 & 6 adjoin one another at the same mid-level. Units 8 & 9 adjoin one another at the same upper level.

All photographs were taken from a standing position over the common rear boundary of both 14 Birriga Road and the subject site. A certified view analysis has been submitted to Council which in part informs the following view impact assessment.

The below rear elevation of the proposal includes an outline of existing dwelling house in red broken lines which enables a partial appreciation of the increased building envelope presented to the adjoining residential flat building to the rear.

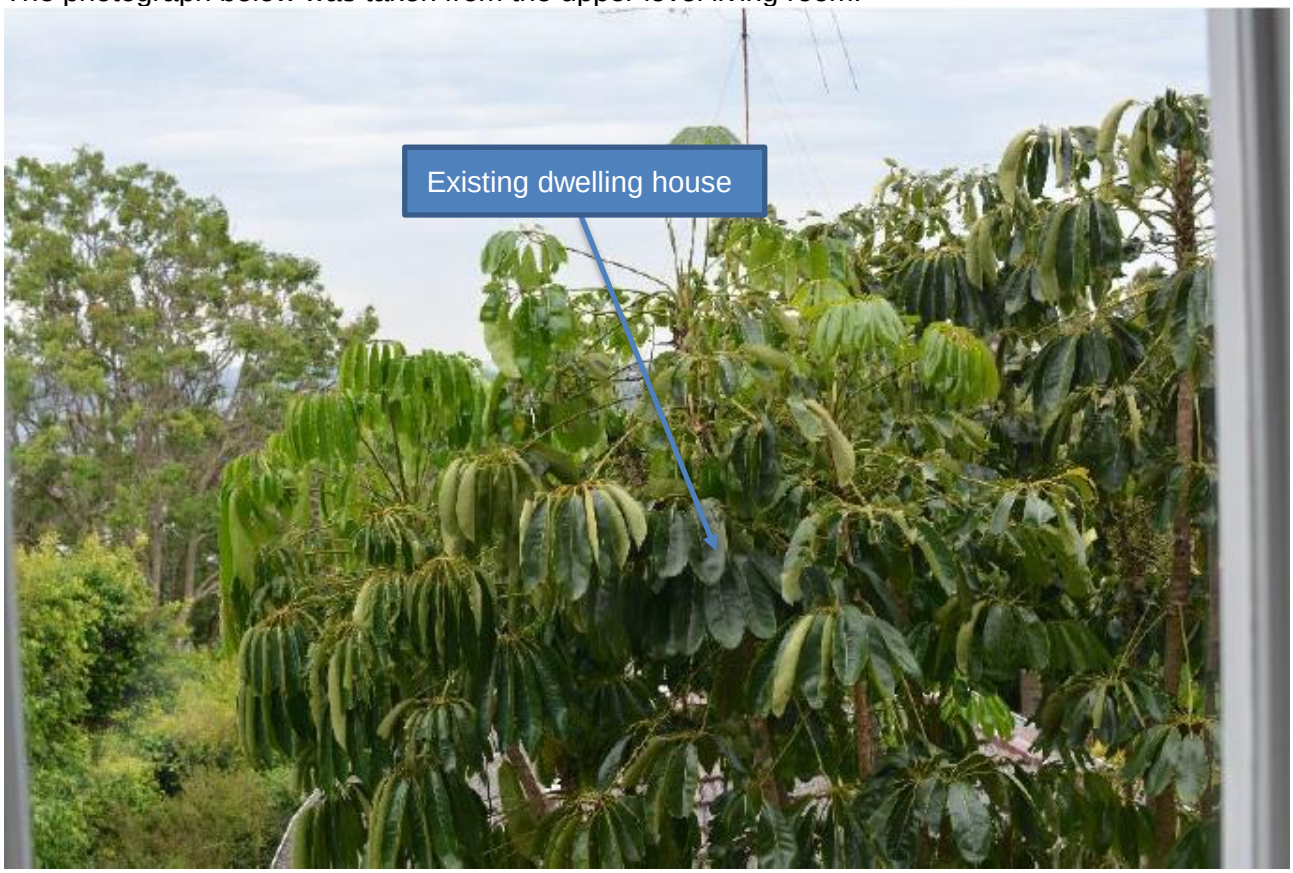


SOUTH ELEVATION 1:100

2/14 Birriga Road

The photograph below was taken from the rear courtyard.

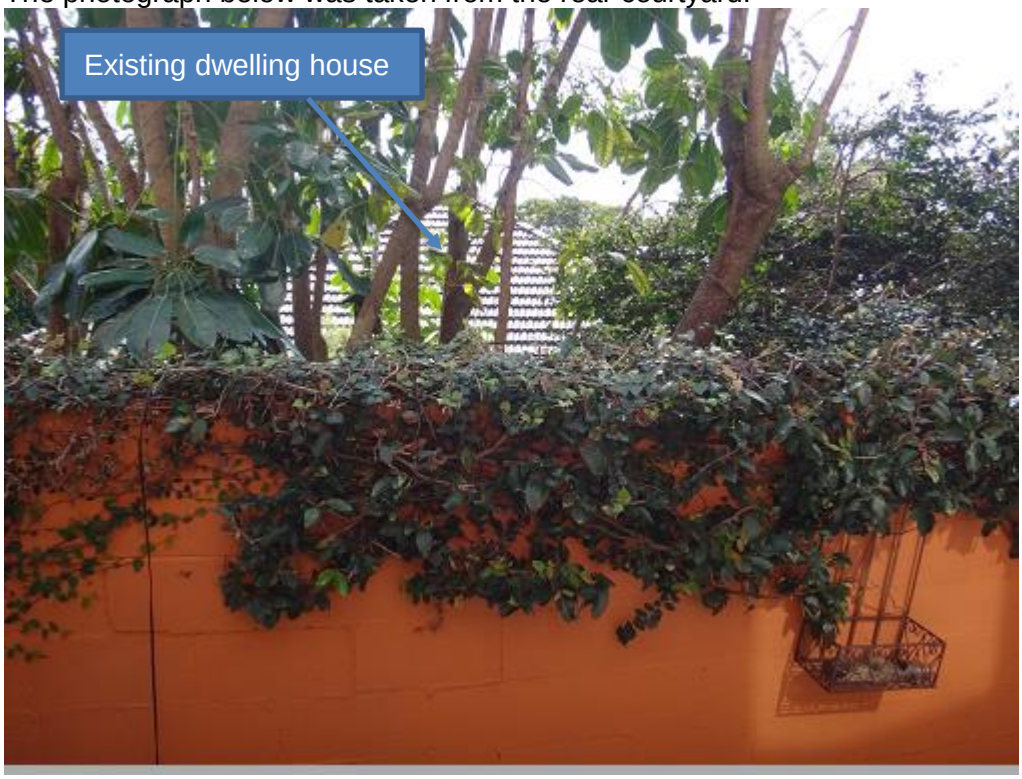
The photograph below was taken from the upper level living room.



No further view analysis was undertaken in relation to this unit on the basis that it is considered that no significant view impact would result from the proposal.

3/14 Birriga Road

The photograph below was taken from the rear courtyard.

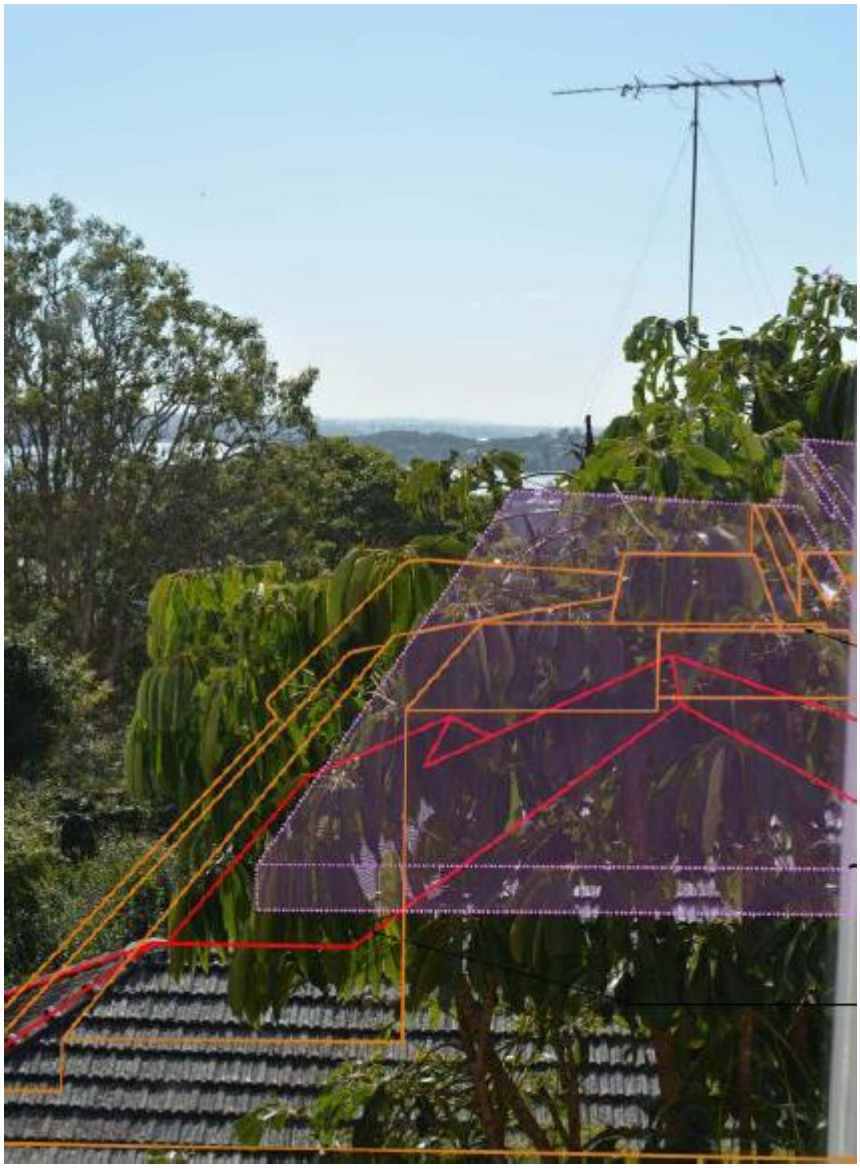


The photograph below was taken from the upper level living room.

No further view analysis was undertaken in relation to this unit on the basis that it is considered that no significant view impact would result from the proposal.

5/14 Birriga Road

The following view analysis image relates to the living room window. The existing building is indicated in red, the original proposal in purple and the amended proposal in orange.



It is considered that no significant view impact upon this unit will result from the amended proposal.

9/14 Birriga Road

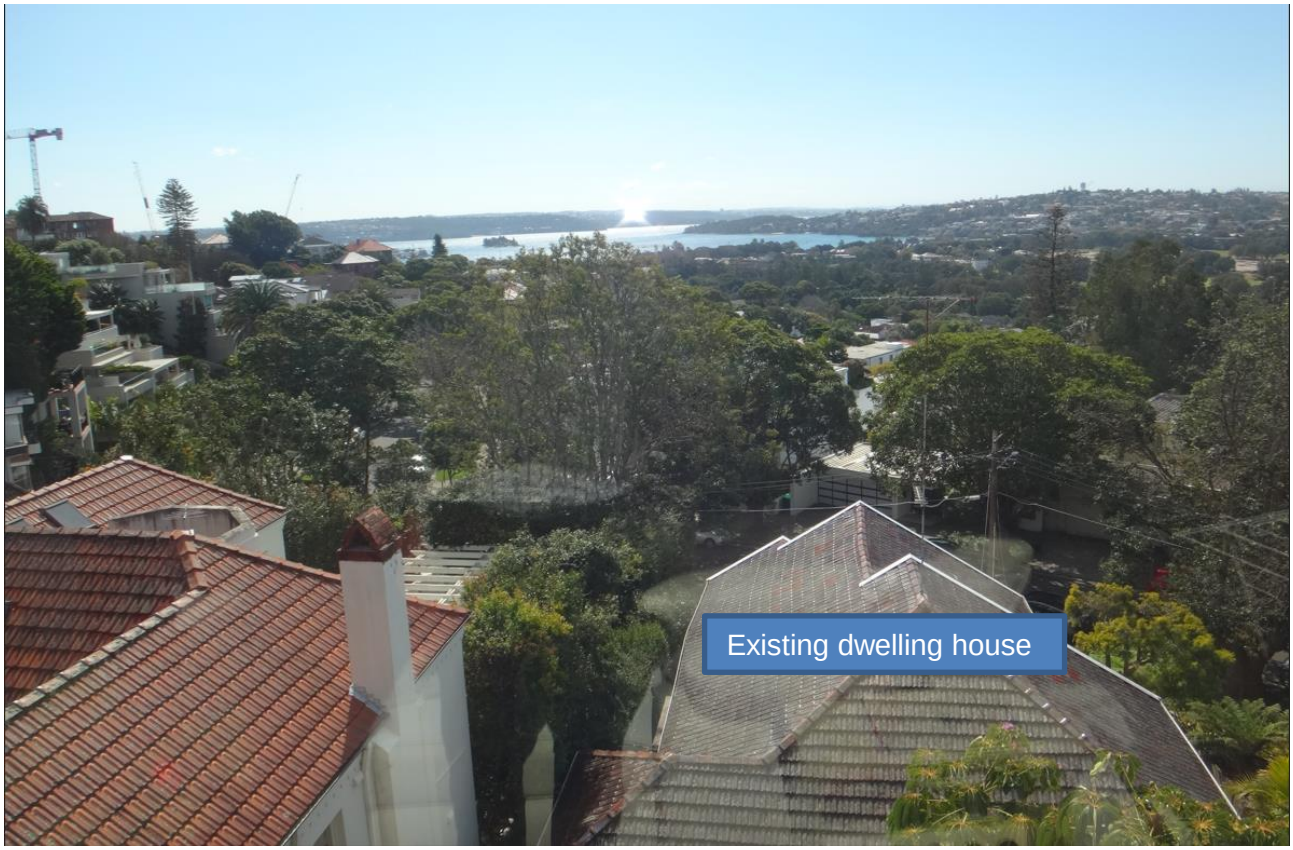
The following view analysis image relates to the living room window. The existing building is indicated in red, the original proposal in purple and the amended proposal in orange.

It is considered that no significant view impact would result from the proposal.

8/14 Birriga Road

Whilst a view analysis was not undertaken in relation to this unit, it immediately adjoins Unit 9 to the west and as such the view impact would be similar to that pertaining to 9/14 Birriga Road. It is considered that no significant view impact would result from the proposal to this unit.

The following photograph was taken from the living room of unit 8.



Landscaping based private view loss

C9 The location and species of new tree planting frames and preserves public and private views. Planting must not be used to moderately, severely or devastatingly block views in accordance with the Tenacity Land and Environment Court Principle.

O4 To ensure that views are not unreasonably compromised by landscaping.

It is proposed to remove the existing Umbrella tree from the rear section of the subject site which currently obstructs the views from Units 2 & 3 and partially obstructs the view from Unit 5 as indicated in the images above.

Council's Tree and Landscape Officer considers the proposed four 15m high x 8m wide Pin Oak trees to be inappropriate plantings. It is considered that they would have significant view impacts upon the mid-level Units 5 & 6/14 Birriga Road.

Council's Tree and Landscape Officer has recommended 4 x 6-8m high alternative replacement trees to the rear setback (see **Condition D.1f**) which are considered to be satisfactory in terms of having no greater view impacts than that associated with the proposed amended development.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.5.3 of Woollahra DCP 2015.

B3.5.4: Acoustic and Visual Privacy

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

C2 Dwellings located close to high noise sources, such as a busy road or railway line are to:

a) be designed to locate habitable rooms and private open space away from the noise source; and
b) include sound attenuation measures, such as acoustic glazing and insulation.

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

C4 New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.
This may be achieved by options including, but not limited to (in order of preference):

a) Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.
b) Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space.
c) Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.
d) Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.
e) Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.
Note: Applicants may be required to demonstrate how privacy impacts are resolved by way of view line diagrams, photographs and other suitable means.

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

C6 Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to:

a) aesthetics of the building including impacts on visual bulk;
b) compliance with minimum boundary setback controls;
c) appearance from adjoining properties; and
d) views from adjoining or adjacent properties.

C7 Private open spaces and the trafficable area of roof terraces (at or below the second storey) are to be suitably located and screened to prevent direct views to neighbouring:
a) habitable rooms (including bedrooms) within 9m; and
b) private open space within 9m.

Note: Private open space includes an area external to a building including land, terrace, balcony or deck.

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

Note: Refer to Super Studio vs Waverley Council, (2004) NSWLEC 91

C9 Windows and balconies of an upper-level dwelling are designed to prevent overlooking of the private open space of a dwelling below within the same development.

C10 The trafficable area of a roof terrace (above the second storey) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to:

a) neighbouring private open space within 12m; or
b) windows of habitable rooms in neighbouring dwellings within 12m.

C11 Lighting installations on a roof terrace or upper level deck are:
a) contained within the roof terrace area and located at a low level; or
b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.

Note: Lightinng of roof terraces must be designed in compliance with Australian Standards 4282-1997 Control of obtrusive effects of outdoor lighting.

In order to achieve compliance with the above-mentioned visual privacy requirements, the following visual privacy mitigation measures are recommended via **Condition D.1e**.

- The provision of 1.65m high privacy screening to the outer side edges of both front verandahs at ground floor level.
- The proposed privacy screening to the western outer side edge of the timber deck/roof terrace to Dwelling 2 must return for a minimum distance of 1m along the outer front edge of the timber deck.
- The provision of fixed translucent glazing or alternatively privacy louvres to a minimum height of 1.65m above first floor level to the 2 ensuite windows which must be documented on the side elevations so as to accord with their documented location on the first floor plan.

In other respects, compliant distances of lines of sight from the proposed verandahs, balconies, roof terraces and windows to privacy sensitive areas of adjoining properties are achieved.

Council's standard condition pertaining to the control of outdoor lighting has been recommended (see **Condition H.3**).

Acoustic privacy assessment

It is considered that the proposal will not result in any significant acoustic privacy impacts upon adjoining properties subject to the imposition of Council's standard condition relating to the control of offensive noise (see **Condition H.4**).

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.5.4 of Woollahra DCP 2015.

B3.5.5: Internal amenity

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

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

C3 The area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms.
C4 Light wells must not be the primary air source for habitable rooms.

C5 Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) is limited to a maximum room depth of twice the ceiling height.

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

B3.6: On-Site Parking

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

a) is located within the building envelope;
b) does not dominate the street frontage; and
c) preserves trees and vegetation of landscape value.

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

a) there is rear access (via a lane or street); or

b) the site is located on sloping land where:
- *the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3; and*
- *the car parking structure is incorporated into a podium or street wall; and*
- *the car parking structure is not more than 40m² in area.*

c) the existing streetscape in the immediate vicinity of the site is characterised by parking structures forward of the building line and:
- *For separate structures, the roof form, materials and detailing complement the principal building*
- *Garage doors are designed to complement the building design and any important character elements within the street.*

C3 Parking structures outside the building envelope are only permitted when:
a) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.7.1 Landscaped areas and private open space; and
b) solar, access and privacy requirements within the site, and to the neighbouring properties, are met as set out in Section 3.5.2 Overshadowing and Section 3.5.4 Acoustic and visual privacy.

C6 For car parking structures facing the street frontage— the maximum car parking structures width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.

C5 Where possible on-site parking is to be accessed from the rear. The width of parking structures can occupy 75% of the rear frontage or 6m (whichever is the lesser). The site area of the parking structure can be no greater than 40m² and the height a maximum of 3.6m.

C6 Development involving three or more dwellings provides basement parking.

C7 For car parking structures located in the front setback, the maximum height of the structure is 2.7m above the footpath level. If the existing height of the retaining/street wall or the two adjoining car parking structures is higher than 2.7m, that greater height may be permitted.

C8 For car parking structures on the high side of the street—balustrading to trafficable areas on top of the structure is setback at least 1m from the front boundary, and is of an open or transparent form.

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

C10 Only one driveway entrance is provided. For example, development involving more than one dwelling shares the driveway access.

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

As discussed previously under the front and side boundary setback assessments, the proposed basement level containing the garaging extends beyond the front and side boundary setbacks of the permissible buildable area and is therefore non-compliant with C1a).

Compliant side boundary setbacks are achieved by recommended **Condition D.1b**.

The extent of the non-compliance with the front setback requirement is substantially reduced by recommended **Condition D.1c**. The residual non-compliance relates to the north-eastern corner of the garage to Dwelling 1.

The 11.5m wide front elevation to the proposed garaging, as conditioned, exceeds Council's 6m maximum allowed by C4.

Compliance is achieved with all other controls.

The relevant objectives of the controls are:

O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.
O3 To minimise loss of on-street parking.
O4 To retain trees and vegetation of landscape value.

The non-compliant front setback pertaining to the north-eastern corner of the garage to Dwelling 1 is due to the angled street alignment and is not considered to be significant in terms of streetscape impacts.

Subject to recommended **Condition D.1b**, the proposed basement level is compliant with Council's side setback requirements and therefore the width of the front elevation to the basement level is considered to be satisfactory.

Council's Development Engineer has raised no objection to the proposal in terms of impacts upon on-street parking.

Council's Tree and Landscape Officer has raised no objection to the proposal in terms of impacts upon on trees subject to conditions.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.6 of Woollahra DCP 2015.

B3.7.1: Landscaped Areas and Private Open Space

	Proposed	Control	Complies
C1 Tree canopy area	35.5% (180m^2)	35% (178m^2)	Yes
C2 Deep soil landscaped area	36% (184m^2	35% (178m^2)	Yes
C3 Deep soil landscaped area to front setback	33% (34m^2)	40% (41m^2)	No

These controls apply to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

C1 Tree canopy area is at least:
a) 35% of the site area for dwelling houses, dual occupancies, semidetached development and attached dwellings.

And at least half of the total tree canopy area on the site is contributed by canopy tree/s.

C2 35% of the site area is deep soil landscaped area.

C3 At least 40% of the front setback comprises deep soil landscaped area.

C4 For a dwelling house—a primary open space area of at least 35m² is provided.

C6 The primary open space area in C4 above has a gradient of no more than 1 in 10.

C7 Excavation or fill is permitted to achieve the required level area of primary open space up to 1.2m from existing ground level.

C8 Part of the primary open space area is directly accessible from a habitable room.

C10 Development takes advantage of opportunities to provide north-facing private open space to achieve comfortable year round use.

C11 Private open space is clearly defined for private use through planting, fencing or landscape features.

C12 The location of private open space:
a) takes advantage of the outlook and natural features of the site;
b) reduces the adverse privacy and overshadowing impacts; and
c) addresses surveillance and privacy where private open space abuts public space.

C13 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.5.4 Acoustic and visual privacy.
C14 Existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment.

C15 Native species are preferred and landscape designs are encouraged to provide at least 50% of the plants as native species.

C16 Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering. Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species.

C17 Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.

C18 The landscape design:
- *a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality;*
- *b) uses vegetation types that will not moderately, severely or devastatingly block views in accordance with the Tenacity Land and Environment Court Principle;*
- *c) does not adversely affect the structure of the proposed building or buildings on neighbouring properties;*
- *d) considers personal safety by ensuring good visibility along paths and driveways and avoiding shrubby landscaping near thoroughfares;*
- *e) contributes to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and living areas and other habitable rooms;*
- *f) improves privacy between dwellings;*
- *g) minimises risk of damage to overhead power lines and other services; and*
- *h) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.*

The 7m^2 non-compliance with C3 identified in the above table is addressed by recommended **Condition D.1c** which will ensure compliance.

Subject to recommended **Condition D.1e**, the proposed roof terraces achieve compliance with the requirements of C13.

The proposal is otherwise compliant with the above-mentioned controls.

Council's Tree and Landscape Officer considers proposed landscaping to be satisfactory subject to conditions.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.7.1 of Woollahra DCP 2015.

B3.7.2: Fences

C1 Fencing is designed and located to protect the inhabitants of the property, and allows for casual surveillance from the building to the street.

C2 The arrangement of built form, fences, landscaping and other features clearly defines any public, common, and private space.

C3 Front fences and walls assist in defining building entrances.

C4 The height of front fences does not exceed:
- *a) 1.2m if solid; or*
- *b) 1.5m if 50% transparent or open;*

C8 Where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m—a 45° splay or its equivalent is provided either side (as applicable) of the entrance to ensure driver and pedestrian vision. The splay is to have minimum dimensions of 2m x 2m.

C9 The rear and side fences:
- *a) are located behind the building front setback; and*
- *b) do not exceed 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.*

C10 Where there is a difference in ground level in excess of 1.2m either side of the boundary—the height of fences and walls may increase to 1.2m from the level of the high side.

C15 The design and materials of front fences and walls are compatible with those fences and walls that contribute positively to the streetscape.

Front fencing

The proposed maximum 1.2m high stone front fence is compliant with C4.

The proposal is considered to be satisfactory with regard to the provisions of Part B3.7.2 of Woollahra DCP 2015.

B3.7.3: Site Facilities

C1 Lockable mail boxes are provided close to the street and are integrated with front fences or building entries.

C2 Lockable storage space of at least 8m³ per dwelling is provided.

C3 Development that includes a residential component provides opportunity for at least one external clothes drying area.

C4 External clothes drying areas have access to sunlight, and are located in a secure place away from public spaces and screened from public view. Note: External drying areas may be located in the deep soil landscaped area.

C7 Mechanical plant equipment (including lift overruns) are not be visible from the streetscape or public domain.

*C8 Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located. *

C9 Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to adjoining properties. Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the Protection of the Environment Operations Act 1997 apply.

C10 New fireplaces burn non-solid fuels, e.g. gas or electricity.

C12 Site services are suitably integrated with the development including the landscape design and are not visually intrusive within the streetscape.

C13 Hydraulic fire services such as fire hydrants and booster installations are concealed. These services are to be:
a) enclosed with doors if located in the building façade, or
b) housed in a cabinet or enclosure if located external to the building.

The location, design, colour and material of the doors, cabinet or enclosure are visually unobtrusive and suitably integrated with the development, including fencing and landscaping.

The proposed lift overruns are sufficiently minor in extent and centrally located so as not to have the potential for significant adverse visual impacts upon the locality.

Recommended **Condition D.1d** requires the pool plant to be located below the timber deck/roof terrace levels.

The proposal is considered to be compliant with the above-mentioned provisions, subject to Council's standard conditions relating to the design of letterboxes and the adequate sound attenuation of mechanical plant (see recommended **Conditions D.22, H.1 & H.2**).

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.7.3 of Woollahra DCP 2015.

B3.7.4: Ancillary Development - Swimming pools

C1 The swimming pool does not occupy the deep soil landscaped area.

C2 Excavation beyond the controls in Section B3.4 is permitted to accommodate a backyard swimming pool, where the pool is outside the building envelope.

C3 The swimming pool (measured from the water edge) is at least 1.8m from property boundaries.

C4 The swimming pool surrounds are no more than 1.2m above or below the existing ground level.

C5 The swimming pool is no deeper than 2m from the pool surround level.

C6 The location and design of the swimming pool and associated works do not adversely impact on prescribed trees.

The proposed plunge pools at roof terrace level are compliant with the above-mentioned controls with the exception of being elevated in excess of 1.2m above existing ground level (C4).

The objectives of the control are as follows:

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

O2 To limit excavation.

O3 To retain trees and vegetation of landscape value.

Adequate privacy screening is provided to the roof terrace level to screen lines of sight from the proposed pools to adjoining properties.

It is considered that the amenity of adjoining properties will not be significantly affected by the non-compliances subject to recommended **Conditions D.1d & D.22** requiring the pool plant to be located below the timber deck/roof terrace levels and adequately sound attenuated.

The proposed pools do not involve excavation or tree impacts.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part B3.7.4 of Woollahra DCP 2015.

B3.8.4 Dual Occupancy

C1 Both dwellings in the development complement each other in terms of style, design, materials, roof form and colour scheme.

C2 Private open space areas are not located within the front setback area.

C3 Each dwelling has direct access to its own private open space area.

C4 Private open space areas are not overlooked by the other dual occupancy dwelling in the development.

C5 Both dual occupancies share a common driveway cross-over. Separate cross overs may be considered on corner lots, where the access is from separate streets.

Subject to recommended **Condition D.1c,** the private open space areas of each dwelling are compliant with C2 with the exception of the eastern section of the residual front verandah at ground floor level.

The proposal is otherwise compliant with the above-mentioned controls.

The underlying objective of the control states:

02 To ensure usable and well located areas of private open space.

The non-compliance is considered to uphold the above-mentioned objective being sufficiently elevated above street level so as not to be overlooked.

The proposal, as conditioned, is considered to be satisfactory with regard to the additional controls in Part B3.8.4 of the Woollahra DCP 2015.

13.3 Chapter E1: Parking and Access

Part E1.4: Residential parking

The proposal provides 2 off-street car parking spaces per dwelling which complies with the maximum requirement of 2 car parking spaces per dwelling for a dual occupancy development as per E1.4.2.

Part E1.10: Parking and access design standards

Council's Development Engineer considers the proposal to be satisfactory in terms of parking and access design subject to recommended **Condition D.12**.

13.4 Chapter E2: Stormwater and Flood Risk Management

The provisions of this chapter require the adequate provision of sustainable stormwater management, the controlled release of stormwater to prevent flooding downstream and the prevention of stormwater pollution to Sydney Harbour and waterways and to protect land and property from flooding.

Council's Development Engineer considers the proposal to be satisfactory in terms of stormwater management subject to **Conditions D.13 & D.14**.

The subject site is not located within Council's flood planning area.

The proposal as conditioned is considered to be satisfactory with regard to the provisions of Part E2 of Woollahra DCP 2015.

13.5 Chapter E5: Waste Management

The provisions of this chapter aim to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

Council's standard conditions in order to adequately address the provisions of Chapter E5 of Woollahra DCP 2015 have been recommended.

14. CONTRIBUTION PLAN

The Section 7.12 Contributions Plan is applicable. A 1% levy (of the total cost of works) applies. The contribution is required by **Condition D.3** which will be used for a variety of works as outlined in the Section 7.12 Contributions Plan.

15. APPLICABLE ACTS/REGULATIONS

15.1 Clause 61(1) of the EPA Regulation 2021

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-1991: The demolition of structures. This requirement is addressed by Council's standard condition.

15.2 Swimming Pools Act 1992

A swimming pool is at all times to be surrounded by a child-resistant barrier that separates the swimming pool from any residential building and that is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations. Additional provisions relate to:

a) The swimming pool must be registered in accordance with Section 30B of the Swimming Pools Act 1992
b) A Certificate of Compliance issued pursuant to Section 22D of the Swimming Pools Act 1992
c) Water recirculation and filtration systems
d) Backwash must be discharged to the sewer

These requirements are addressed by recommended conditions.

15.3 National Parks and Wildlife Act 1974

Council's Heritage Officer considers the proposal to be satisfactory with regard to potential impacts upon Aboriginal heritage subject to recommended conditions.

16. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report.

17. THE SUITABILITY OF THE SITE

The site is considered suitable for the proposal as conditioned.

18. THE PUBLIC INTEREST

It is considered that the proposal is not contrary to the public interest.

19. CONCLUSION

This assessment has considered the application in terms of the relevant matters under Section 4.15(1) of the Environmental Planning and Assessment Act and other relevant considerations and the proposal is considered to be satisfactory in this regard, subject to conditions.

20. DISCLOSURE STATEMENTS

Under Section 10.4 of the Environmental Planning and Assessment Act, 1979 there have been no disclosure statements regarding political donations or gifts made to any Councillor or gifts made to any council employee submitted with this development application by either the applicant or any person who made a submission.

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

THAT the Council, is satisfied that the matters required to be addressed under Clause 4.6(4) of the Woollahra Local Environmental Plan 2014 have been adequately demonstrated, subject to recommended **Conditions D.1a & b** requiring gross floor area reductions, and that consent may be granted to the development application, which contravenes Council's floor space ratio development standard prescribed under Clause 4.4E of Woollahra LEP 2014.

AND

THAT the Council, as the consent authority, grant development consent to Development Application No. 183/2024/1 for the demolition of a dwelling house and the construction of an attached dual occupancy and strata subdivision on land at 22 Benelong Crescent Bellevue Hill, subject to the following conditions:

A. GENERAL CONDITIONS

A.1 Conditions

A. 1.	**Conditions**
	Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations') and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act. **Notes:** • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • Maximum penalties under NSW environmental laws include fines up to $1.1 Million and/or custodial sentences for serious offences. • Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

	Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.
A. 2.	**Definitions**
	Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulations,* the *Development Certification and Fire Safety Regulations* and the *Interpretation Act 1987* as in force at the date of consent. ***Applicant*** means the applicant for this consent. ***Approved Plans*** mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent. ***Local native plants*** means species of native plant endemic to Sydney's eastern suburbs. ***Owner-builder*** has the same meaning as in the *Home Building Act 1989*. ***PC*** means the Principal Certifier under the *Act*. ***Principal Contractor*** has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed. ***Professional engineer*** has the same meaning as in the BCA. ***Public place*** has the same meaning as in the *Local Government Act 1993.* ***Road*** has the same meaning as in the *Roads Act 1993.* ***SEE*** means the final version of the Statement of Environmental Effects lodged by the Applicant. ***Site*** means the land being developed subject to this consent. ***Site work*** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work. ***Woollahra LEP*** means *Woollahra Local Environmental Plan 2014* ***Woollahra DCP*** *means Woollahra Development Control Plan 2015* ***Work*** for the purposes of this consent means: • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piering, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,

- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

Condition Reason: To ensure all parties are aware of the relevant definitions.

A. 3. Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
4/26 Rev D 5/26 Rev D 6/26 Rev D 7/26 Rev D 8/26 Rev D 9/26 Rev D 10/26 Rev D 11/26 Rev D 12/26 Rev D 13/26 Rev D 14/26 Rev D 16/26 Rev D 17/26 Rev D 18/26 Rev D 23/26 Rev D	Architectural drawings	M Cubed Architects	12/10/2024 12/10/2024 12/10/2024 12/10/2024 12/10/2024 12/10/2024 04/10/2024 04/10/2024 04/10/2024 04/10/2024 12/10/2024 12/10/2024 12/10/2024 12/10/2024 12/10/2024
LP 01 Sheet Nos. 1 to 3 Rev B	Landscape Plans	Dapple Designs	13/03/2024
N/A	Engineering Statement	MBC Engineering	27/06/2024
Job No. 2024099, Issue 1	Stormwater Management Plans	MBC Engineering	01/03/2024
ESWN-PR-2023-2052	Geotechnical Investigation Report	ESWNMAN	14 Dec 2023

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

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

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

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

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

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

A. 5. No Underpinning works

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

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

A. 6. Tree Preservation and Landscaping Works

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

a) The following trees must be retained:

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)
3	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 24 Benelong Cr.	20 x 16
4	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 20 Benelong Cr.	20 x 14

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	*Schefflera actinophylla* (Umbrella tree) *	Rear	8 x 6
2	*Chamaecyparis pisifera* (False Cypress)	Side	3.5 x 4

	The tree/s that may be removed must appear coloured red on the Construction Certificate plans. The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council. This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property. Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works. To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.
	Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	**Identification of Hazardous Material**
	Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing: • all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place.
	Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.
B. 2.	**Erosion and Sediment Controls – Installation**
	Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:

	a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
	Condition Reason: To prevent potential water pollution and dust nuisance.
B. 3.	**Public Road Assets Prior to Any Work/Demolition**
	Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council. The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the: • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays, • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped. If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.
	Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.

B. 4. Payment of Security and Fees

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit - making good any damage caused to any property of the Council	$77,234	No	T115
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Security Administration Fee	$225	No	T16
TOTAL SECURITY AND FEES	$77,459		

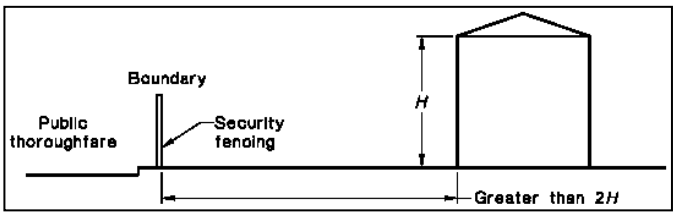
How must the payments be made?
Payments must be made by:
- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

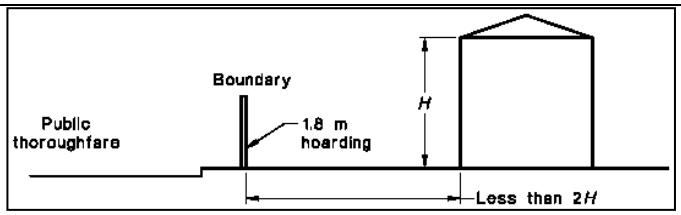
The payment of a security may be made by a bank guarantee where:
- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or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

Notes:
- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.
- Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

	• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au
	Condition Reason: To ensure any relevant security and fees are paid.
B. 5.	**Dilapidation Reports for Existing Buildings**
	Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer. These properties must include (but are not limited to): a) No. 24 Benelong Crescent b) No. 14 Birriga Road c) No. 16 Birriga Road Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access. The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work. No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies). **Notes:** • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
	Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

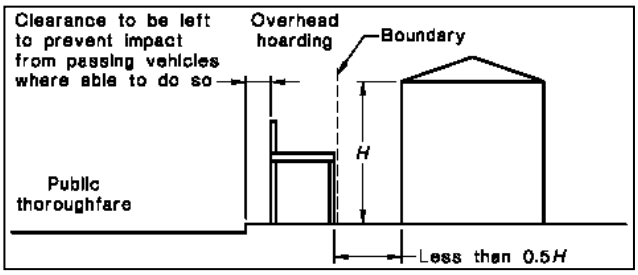
B. 6.	**Dilapidation Reports for Public Infrastructure**
	Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared. The dilapidation report must be submitted to Council prior to the commencement of any site work and include: a) closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system fronting the site on Cranbrook Road, b) photographs showing any existing damage to the road pavement fronting the site, c) photographs showing any existing damage to the kerb and gutter fronting the site, d) photographs showing any existing damage to the footway including footpath pavement fronting the site, e) photographs showing any existing damage to retaining walls within the footway or road, f) photographs showing any existing damage to street signs, heritage name plates, and historical items, and g) the full name and signature of the Chartered Professional Engineer. The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped. The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent. **Notes:** • If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. • Nothing in this condition prevents Council making any claim against security held for this purpose.
	Condition Reason: To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.
B. 7.	**Adjoining Buildings Founded on Loose Foundation Materials**
	Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with. **Notes:** • A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. • The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

	Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.
B. 8.	**Works (Construction) Zone – Approval and Implementation**
	If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made. If the works zone is approved, all fees for the Works Zone must be paid before it can be installed. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made. **Notes:** • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.
	Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.
B. 9.	**Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection**
	Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.  **Type A Hoarding** Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.



Type B Hoarding
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:
a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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



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

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

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

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

Notes:

- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
  - A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
    OR
  - B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
    OR
  - C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
    1. the capital investment value of the work to which the hoarding relates is less than $1 million, or
    2. the land is zoned R2 Low Density Residential, or
    3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road).
- Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au

Condition Reason: To ensure public safety.

B. 10. Site Signs

Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.

Clause 70 of the Regulation provides:

Erection of signs

- For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision `work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifier for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

	• This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. Clause 75 of the Development Certification and Fire Safety Regulation provides: **Signs on development sites** If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate: • Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. **Notes:** • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. • If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.
	Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.
B. 11.	**Toilet Facilities**
	Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided: a) must be a standard flushing toilet, and b) must be connected to a public sewer, or c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced. **Notes:** • In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. • This condition does not set aside the requirement to comply with SafeWork NSW requirements.
	Condition Reason: To ensure toilet facilities are provided for workers at the work site.

B. 12. Compliance with Australian Standard for Demolition

While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.

Condition Reason To control the risks of demolition work.

B. 13. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
3	*Cinnamomum camphora* (Camphor Laurel)	11.0	Demolition crossover, installation of new SW discharge line, above ground OSD tank, landscape works and new building
4	*Cinnamomum camphora* (Camphor Laurel)	5.0	Construction new crossover, installation of new SW discharge line, above ground OSD tank, landscape works and new building

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

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

B. 14. Aboriginal Heritage Due Diligence Responsibilities

While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

Condition Reason: To protect Aboriginal heritage.

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:

a) The 2 gross floor area components of the access structures at roof terrace floor level, as detailed in the image below, must be substituted for awning/canopy structures. Doors may be provided adjacent to the top of the associated stairs.

b) The side boundary setbacks at basement, ground and first floor levels must be a minimum of 1.9m. Internal amendments required to achieve the additional side boundary setbacks are permitted.

c) The following additional front setbacks must be achieved:

- the front setback non-compliant components of the *bins areas* at basement floor level must be deleted with waste storage areas internalised within the garages as necessary and the additional front setbacks must constitute a minimum of $7m^2$ additional deep soil landscaped area;
- the front verandahs at ground floor level must be setback 6m from the street alignment with the exception of the north-eastern corner which may align with the residual front setback non-compliant component of the front elevation to the garage to Dwelling 1; and
- the front balconies at first floor level must be set back 6m from the street alignment.

d) All pool related mechanical plant shall be located below the timber decks at roof terrace level.

e) The following visual privacy mitigation measures must be achieved:

- the provision of 1.65m high privacy screening to the outer side edges of both front verandahs at ground floor level;
- the proposed privacy screening to the western outer side edge of the timber deck/roof terrace to Dwelling 2 must return for a minimum distance of 1m along the outer front edge of the timber deck; and
- the provision of fixed translucent glazing or alternatively privacy louvres to a minimum height of 1.65m above first floor level to the 2 ensuite windows which must be documented on the side elevations so as to accord with their documented location on the first floor plan.

f) Amended landscape plans must be submitted to Council for approval prior to the issue of a Construction Certificate. The plans must include the following planting amendments within the rear setback:

- The proposed four (4) x *Quercus palustris* (Pin Oak) at rear shall be deleted.
- One (1) x *Plumeria acutifolia* (Frangipani) x 100L shall be planted within the rear setback to Dwelling 1, near the eastern boundary, at a minimum distance of 0.5m from any structure or services.
- One (1) x *Tristaniopsis laurina* (Water gum) x 100L shall be planted within the rear setback to Dwelling 1, near the southern boundary, at a minimum distance of 0.5m from any structure or services.

- One (1) x *Tristaniopsis laurina* (Water gum) x 100L shall be planted within the rear setback to Dwelling 2, near the southern boundary, at a minimum distance of 0.5m from any structure or services.
- One (1) x *Banksia integrifolia (Coastal Banksia)* x 100L shall be planted within the rear setback to Dwelling 2, near the western boundary, at a minimum distance of 0.5m from any structure or services.

Notes:

Clause 20 of the Development Certification and Fire Safety Regulations prohibits ***the*** issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.

Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.

Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.

D. 2. Payment of Long Service Levy

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

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

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

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

Condition Reason: To ensure any relevant levy is paid.

D. 3. Payment of S7.12 Contributions Levy

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

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

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

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

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

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

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

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:
- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,

	• the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid. **Do you need HELP indexing the levy?** Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).
	Condition Reason: To ensure any relevant contributions are paid.
D. 4.	**BASIX Commitments**
	Before the issue of any construction certificate, BASIX Certificate No. 1738601M_02 must be submitted to the Principal Certifier with any application for a construction certificate. All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate. **Notes:** • Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. • Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.
	Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.
D. 5.	**Road and Public Domain Works**
	Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:

Drainage Works:

a) The two proposed stormwater connections to Council's kerb and gutter must be removed. Stormwater discharge from the site must be to Council's belowground drainage system fronting No.34 Benelong Crescent.
   As such, the discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Benelong Crescent. Council's existing belowground drainage system must therefore be extended from the existing KIP fronting No.34 Benelong Crescent, to connect to the new KIP fronting the site. A second new KIP must be provided at the bend, approximately between the two end KIPs.
   Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate.
   Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
b) Stormwater discharge to Council's kerb and gutter is not permitted.
c) Subsoil drainage must not discharge to Council's stormwater network, including stormwater pipes, pits, and/or kerb and gutter.

Road and Footpath Works:

a) The removal of all redundant vehicular crossings including layback and gutter and reinstated into Council's standard kerb and gutter and nature strip in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.
b) The removal of the existing vehicular crossing including layback and gutter and the construction of a new **3.5** metres wide vehicular crossing in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment. Note: The gradient of the vehicular crossing must be in accordance with the AS/NZS 2890.1:2004 and Council's Specifications. The existing footpath levels are to be maintained wherever possible and cannot be altered without Council's approval.
c) The removal and replacement of the existing concrete footpath for the full frontage of the site in accordance with Council's Specification, Council's standard drawing RF3 and to the satisfaction of Council's Assets Engineers. A maximum cross-fall of 3% must be provided for the footpath, graded from the property boundary towards the top of kerb. A design longitudinal surface profile (scale 1:100) and cross sections (scale 1:50) at every 5 metres interval must be submitted for assessment.
d) Removal and replacement of all cracked or damaged kerb and gutter for the full width of the property, in accordance with Council's standard drawing RF3.
e) The reinstatement of the existing, 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.
f) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Infrastructure Works Bond - completing any public work required in connection with the consent.	$98,959	No	T113
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$674	No	T45
TOTAL SECURITY AND FEES	$99,633		

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

The payment of a security may be made by a bank guarantee where:
a) the guarantee is by an Australian bank for the amount of the total outstanding contribution,
b) 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],
c) 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,
d) the bank guarantee is lodged with the Council prior to any site works being undertaken, and
e) 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:
a) ***Road*** has the same meaning as in the Roads Act 1993.
b) 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.
c) 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:
d) Construction of driveways and/or new or alterations to footpath paving
e) Alteration and/or extension to Council drainage infrastructure
f) Alteration and/or addition of retaining walls
g) Pumping of water to Council's below ground stormwater system
h) Installation of soil/rock anchors under the roadway
i) Installation of Stormwater outlet pipes across the nature strip

j) 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.
k) Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:
l) 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.
m) Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.
n) 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.
o) 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.
p) Any adjustments required from the garage slab and the street levels are to be carried out internally on private property
q) Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
r) Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".
s) 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.
t) All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.
u) When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.
v) 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.
w) 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.
x) 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.
y) 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.
z) Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.
D. 6.	**Provision for Energy Supplies**
	Before the issue of any construction certificate: a) A survey is to be carried out of all utility services within and adjacent to the site. If necessary, this shall include relevant information from utility authorities and excavation, to determine the position and level of services. b) The applicant is to obtain written approval from Ausgrid for the relocation, adjustment or installation of new services, or existing services affected by, or required for the development. c) The applicant shall provide to the Principal Certifier a true copy of the plans developed by the applicant's Accredited Service Provider outlining the design and requirements for network modification and customer connection for the proposed development. The plans must have been reviewed and certified by Ausgrid to be deemed compliant of meeting this requirement. Any required substation must be located within the boundaries of the site. Where an electricity substation is required, but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the Act is required to be submitted to Council. The design and location of any substation should have regard to the electrical substation provisions within the Woollahra Development Control Plan 2015, which require substations to be located and/or concealed so they are not visible from the street. The design and placement of electrical substations shall comply with Ausgrid's relevant Network Standards and will prioritise the placement of the substation at the front of the property. Where an electrical pillar is required, the electrical designer must consider the impact of all existing and proposed work when preparing their connection or relocation design. Site specific conditions such as existing/proposed property boundaries, building setbacks, other street furniture, street trees and pedestrian pathways will all be taken into account when specifying the final location of the pillar. The design should be compliant with Ausgrid's Network Standards and satisfy Council's objective to maintain a safe and accessible public domain for pedestrians: a) The design and location of underground and aboveground utility infrastructure shall consider the finished streetscape and not adversely impact existing pedestrian footpath, or, where the only permissible location for aboveground infrastructure will impact the footpath, the applicant shall widen the footpath to meet minimum accessibility requirements. The construction certificate plans and specifications, required to be submitted under clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions to meet the requirements of Ausgrid. Where an electricity pillar and/or substation is required, the construction certificate plans and specifications must provide:

	a) The substation shall be located or concealed so not visible from the street. b) A setback not less than 3m from any side or rear site boundary (or fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility under clause 3.2.4 of AS2890.1 (See: Figures 3.2 and 3.3). c) That vegetation does not overhang or encroach within the substation site. d) That the substation is installed outside of the mature growth root zone of any trees to be retained, or proposed to be planted, to prevent root damage to underground cables. A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly under clause 5.6.3(c)(ii) of AS 2419.1, and e) The Owner must dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable a substation to be established, if required. The size and location of the substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve. **Notes:** • If the substation is not located within the building its location, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any construction certificate for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifier prior to issue of the construction certificate. The Principal Certifier must be satisfied that the requirements of the energy authority have been met prior to issue of the construction certificate. • Where it is proposed to shield any booster connection or any building from any electricity pillar and/or substation under clause 5.6.3(c)(ii) of AS 2419.1 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent under clause 19 of the Development Certification and Fire Safety Regulation. The Applicant must lodge with Council details for any such construction under section 4.55 of the Act to allow assessment under section 4.15 of the Act. • Electricity pillar and/or Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set) Parking Facilities Set whether such driveways service the site or any adjoining land.
	Condition Reason: To ensure the adequate provision of energy supply, and to ensure that any proposed electricity substation or the like does not compromise the design quality of the development.
D. 7.	**Erosion and Sediment Control Plan – Submission and Approval**
	Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence.

	The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate. **Notes:** • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.
	Condition Reason: To prevent potential water pollution and dust nuisance.
D. 8.	**Professional Engineering Details**
	Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. In particular, the geotechnical report must be certified by a Chartered Geotechnical Engineer with NER credentials. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate. **Notes:** • This does not affect the right of the developer to seek staged construction certificates.
	Condition Reason: To ensure professional engineering details and technical specifications are provided.
D. 9.	**Engineer Certification**
	Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property. This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.
	Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.

D. 10.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. Note: the Geotechnical Investigation Report referenced within this consent, must be revised to comply with all requirements within Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter. e) Provide a Geotechnical and Hydrogeological Monitoring Program that: • will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.
D. 11.	**Ground Anchors**
	This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.

	Before the issue of any construction certificate, if ground anchors are proposed: a) Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any ground anchors extending beyond the boundaries of the subject property. b) The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment. c) If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the Roads Act 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. A minimum of four weeks should be allowed for assessment. **Notes:** • To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds. • Road has the same meaning as in the Roads Act 1993. • Clause 17 of the Roads (General) Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.
	Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.
D. 12.	**Parking Facilities**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6: Parking facilities - Off-street parking for people with disabilities, AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities respectively and including the following: a) Driveway splays must be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.

	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.
D. 13.	**Stormwater Management Plan**
	Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following: a) General design in accordance with the Stormwater Management Plans, Job No. 2024099, Issue 1, prepared by MBC Engineering, dated 01/03/2024, other than amended by this and other conditions; b) The two proposed stormwater connections to Council's kerb and gutter must be removed. Stormwater discharge from the site must be to Council's belowground drainage system fronting No.34 Benelong Crescent. As such, the discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Benelong Crescent. Council's existing belowground drainage system must therefore be extended from the existing KIP fronting No.34 Benelong Crescent, to connect to the new KIP fronting the site. A second new KIP must be provided at the bend, approximately between the two end KIPs. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section. Note: Stormwater discharge to Council's kerb and gutter is not permitted. Note: Subsoil drainage must not discharge to Council's stormwater network, including stormwater pipes, pits, and/or kerb and gutter. c) Subsoil drainage/seepage water is NOT to be collected and discharged to the kerb and gutter, to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings. d) Dimensions of all drainage pits and access grates must comply with AS3500.3. e) Compliance the objectives and performance requirements of the BCA. f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. g) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. h) Provision of 2 aboveground Onsite Stormwater Detention (OSD) Systems totalling a minimum volume of 16.2m^3. Note: Volumes must be calculated to the top of water level only. The OSD Systems must be designed to comply with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements. i) Provision of any basement Pump-out System must comply with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements and and AS/NZS 3500.3. The basement pump-out systems must only collect surface stormwater run-off from the basement area which cannot drain under gravity. Stormwater from all other areas, must not be directed to the basement pump-out system and must drain under gravity only. The Stormwater Management Plan must also include the following specific requirements:

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

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

On-site Stormwater Detention (OSD) System Details:

a) Any potential conflict between existing and proposed trees and vegetation.
b) Internal dimensions and volume of the proposed detention storage.
c) Diameter of the outlet to the proposed detention storage basin.
d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures.
e) Details of access and maintenance facilities.
f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system.
h) Non-removable fixing details for orifice plates where used.

Rainwater Reuse System Details:

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

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

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

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

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

D. 14.	**Non-Gravity Drainage Systems**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site. The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Notes:** • The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 15.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.

D. 16.	**Swimming and Spa Pools – Child Resistant Barriers**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia. Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. **Notes:** • A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans.
	Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.
D. 17.	**Swimming and Spa Pools – Backwash**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. **Notes:** • The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. • The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.
	Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.
D. 18.	**Waste Storage – Per Dwelling**
	Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for: a) A storage area for 1 x 120 litre general wastes bin, one x 240 litre green waste bin, two x recycling crates behind the building line or within non-habitable areas of the dwelling. b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.
	Condition Reason: To ensure a waste and recycling storage area is provided.

D. 19.	**Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water**
	Before the issue of any construction certificate, the approved plans must be submitted to Sydney Water Tap In TM online service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met. The Tap In™ service provides 24/7 access to a range of services, including: • building plan approvals • connection and disconnection approvals • diagrams • trade waste approvals • pressure information • water meter installations • pressure boosting and pump approvals • changes to an existing service or asset, e.g. relocating or moving an asset. **Notes:** • For more information go to Sydney Water www.sydneywater.com.au/tapin/index.htm and www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm or call 1300 082 746.
	Condition Reason: To ensure the development meets the requirements of Sydney Water, and protects existing assets owned by Sydney Water.
D. 20.	**Light and Ventilation**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail all lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the BCA or clause 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of AS 1668.1, AS 1668.2 and AS/NZS 3666.1. If an alternate solution is proposed then the construction certificate application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert evidence of suitability. This condition does not set aside the mandatory requirements for 'Legionella Control' under the Public Health Act 2010 and Public Health Regulation 2022 in relation to regulated systems. This condition does not set aside the effect of the Protection of the Environment Operations Act 1997 in relation to offensive noise or odour. **Notes:** • Clause 69 of the Regulation requires compliance with the BCA. Clause 19 of the Development Certification and Fire Safety Regulation prevents the issue of a construction certificate unless the Principal Certifier is satisfied that compliance has been achieved. • Part 3, Division 1 of the Development Certification and Fire Safety Regulation details what information must be submitted with any construction certificate. It is the Applicant's responsibility to demonstrate compliance through the construction certificate application process. • Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the Protection of the Environment Operations Act 1997 have overriding effect if offensive noise or odour arises from the use.

	Applicants must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of AS 1668.2.
	Condition Reason: To ensure the development is provided with adequate light and ventilation.
D. 21.	**Electric vehicle circuitry and electric vehicle charging point requirements**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan of all off-street car parking spaces, prepared by a suitably qualified person, which includes details and specifications to illustrate how the off-street car parking spaces will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charger point.
	Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).
D. 22.	**Acoustic Certification of Mechanical Plant and Equipment**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional acoustic engineer certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level, at any time. The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter. Where sound attenuation is required this must be detailed. **Notes:** • Further information including lists of Acoustic Engineers can be obtained from: - Australian Acoustical Society - professional society of noise-related professional www.acoustics.asn.au - Association of Australian Acoustical Consultant - professional society of noise related professionals www.aaac.org.au
	Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.

E. BEFORE BUILDING WORK COMMENCES

E. 1.	**Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**
	Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work: a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. This condition does not apply: a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made. **Notes:** • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500.
	Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.
E. 2.	**Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)**
	Building work must not commence, until: a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and b) The person having the benefit of the development consent has: • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

	• notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. **Notes:** • ***Building*** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • ***New building*** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of $12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.
E. 3.	**Notification of Home Building Act 1989 requirements**
	Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information: a) In the case of work for which a Principal Contractor is required to be appointed: • the name and licence number of the Principal Contractor, and • the name of the insurer by which the work is insured under Part 6 of that Act, b) In the case of work to be done by an Owner-builder: • the name of the Owner-builder, and • if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information. This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

	Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.
E. 4.	**Erosion and Sediment Controls – Installation**
	Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) The Soil and Water Management Plan if required under this consent; b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	Condition Reason: To prevent potential water pollution and dust nuisance.

F. DURING BUILDING WORK

F. 1.	**Compliance with BCA and Insurance Requirements under the Home Building Act 1989**
	While site work is being carried out: a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. This condition does not apply: a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building.

	In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made. For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work. **Notes:** • All new guttering is to comply with the provisions of AS 3500.
	Condition Reason: To ensure compliance with the BCA and Home building Act 1989.
F. 2.	**Public Footpaths – Safety, Access and Maintenance**
	While site work is being carried out, any person acting with the benefit of this consent must: a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. b) Not use the road or footway for the storage of any article, material, matter, waste or thing. c) Not use the road or footway for any work. d) Keep the road and footway in good repair free of any trip hazard or obstruction. e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide. i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with: a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. b) Australian Road Rules. **Notes:** • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including:

	- Part C Management of waste: a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
	Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.
	Condition Reason: To ensure that the support of adjoining land is not removed.
	Condition Reason: To monitor and manage vibration impacts from development.
F. 3.	**Critical Stage Inspections**
	While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation. Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act. Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement. **Notes:** • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. • The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.
	Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.
F. 4.	**Hours of Work –Amenity of the Neighbourhood**
	While site work is being carried out: a) No work must take place on any Sunday or public holiday. b) No work must take place before 7am or after 5pm any weekday. c) No work must take place before 7am or after 1pm any Saturday. d) The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: i. piling, ii. piering, iii. rock or concrete cutting, boring or drilling, iv. rock breaking,

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

F. 6.	**Compliance with Geotechnical / Hydrogeological Monitoring Program**
	While site work is being carried out, excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer. The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to: a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and c) the contingency plan. **Notes:** • The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
	Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.
F. 7.	**Support of Adjoining Land and Buildings**
	While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building). For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed. **Notes:** • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.

	Condition Reason: To ensure that the support of adjoining land is not removed.
F. 8.	**Vibration Monitoring**
	While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer. Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice. The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land. **Notes:** • ***Professional engineer*** has the same mean as in Schedule 1 of the BCA. • ***Building*** has the same meaning as in section 1.4 of the Act i.e. “building includes part of a building and any structure or part of a structure….” • ***Supported land*** has the same meaning as in the Conveyancing Act 1919.
	Condition Reason: To monitor and manage vibration impacts from development.
F. 9.	**Erosion and Sediment Controls – Maintenance**
	While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with: a) the Soil and Water Management Plan required under this consent,

	b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 10.	**Disposal of Site Water During Construction**
	While site work is being carried out: a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 11.	**Site Cranes**
	While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards. Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993. The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth). No illuminated sign(s) must be erected upon or displayed upon any site crane.

	Notes: • Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place. • Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.
	Condition Reason: To ensure site cranes are used safely with the relevant approvals.
F. 12.	**Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**
	While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages. Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction: a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. g) Flood protection measures are in place confirming location, height and capacity.
	Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.
F. 13.	**Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**
	While site work is being carried out, all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the development to which this consent relates must comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).

	The person with the benefit of this consent must meet all costs associated with such works. This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places. **Notes:** • A copy of Council's Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council's website www.woollahra.nsw.gov.au
	Condition Reason: To ensure that any road, drainage, or miscellaneous works comply with Council's specifications.
F. 14.	**Placement and Use of Skip Bins**
	While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless: a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules. **Notes:** • Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
	Condition Reason: To ensure waste storage containers are appropriately located.
F. 15.	**Prohibition of Burning**
	While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area. **Notes:** • Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
	Condition Reason: To ensure no burning of waste occurs.
F. 16.	**Dust Mitigation**
	While site work is being carried out, dust mitigation must be implemented in accordance with "Dust Control - Do it right on site" and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils. This generally requires: a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers.

	d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. **Notes:** • "Dust Control - Do it right on site" and the accompanying factsheets can be downloaded from Council's website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
	Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.
F. 17.	**Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters**
	While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time. Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical. Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500. **Notes:** • This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992.
	Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.
F. 18.	**Site Waste Minimisation and Management – Demolition**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities: a) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), b) separate collection bins and/or areas for the storage of residual waste are to be provided, c) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', d) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and

	e) 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. 19.	**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) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage, b) consideration must be given to returning excess materials to the supplier or manufacturer, c) 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), d) the purpose and content of the storage areas must be clearly 'signposted', e) 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, f) separate collection bins or areas for the storage of residual waste must be promoted, g) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, h) site disturbance must be minimised and unnecessary excavation limited, i) all waste must be transported to a place that can lawfully be used as a waste facility, and j) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.
	Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.
F. 20.	**Asbestos Removal**
	While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.

	Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria: a) Be undertaken by contractors who hold a current SafeWork NSW "demolition licence" and a current SafeWork NSW "Class A licence" for friable asbestos removal. b) Be carried out in accordance with the relevant SafeWork NSW codes of practice. c) No asbestos products may be reused on the site. d) No asbestos laden skip or bins must be left in any public place. **Notes:** • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.
F. 21.	**Classification of Hazardous Waste**
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F. 22.	**Disposal of Asbestos and Hazardous Waste**
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.

F. 23.	**Asbestos Removal Signage**
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F. 24.	**Notification of Asbestos Removal**
	While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.
F. 25. **8**	**Archaeological Features – Unexpected Findings**
	While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified. Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate. Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. • Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. • During an archaeological excavation the term ‘feature’ may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).
	Condition Reason: To protect archaeological features.
F. 26.	**Salvage**
	Brick masonry, sandstone plinths and pavers, roof tiles, mantel pieces (fireplace surround), timber joinery, must be salvaged and where practical reused on the project or transferred to an established recycled building material dealer for reuse and recycling. Documentation of the salvage methodology must be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of demolition.

	Condition Reason: 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 (via reuse) of other heritage buildings in accordance with the Woollahra LEP 2014, Clause 5.10 Heritage Conservation, 1(a), (b).
F. 27.	**Tree Preservation**
	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework.
F. 28.	**Arborists Documentation and Compliance Checklist**
	While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	**Compliance documentation and photos must include**
While site work is carried out	• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise the demolition of the existing structures and construction works within 8.0 metres from street Tree No.4. The condition of exposed roots must be managed and documented.

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

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

Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.
Standard Condition F.45 (Autotext 45F)

F. 29. Replacement/Supplementary trees which must be planted

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

Species/Type	Planting Location	Container Size/ Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x *Plumeria acutifolia* (Frangipani)	Within the rear setback to Dwelling 1, near the eastern boundary, at a minimum distance of 0.5m from any structure or services	100L	6 x 4
1 x *Tristaniopsis laurina* (Water gum)	Within the rear setback to Dwelling 1, near the southern boundary, at a minimum distance of 0.5m from any structure or services	100L	8 x 6
1x *Tristaniopsis laurina* (Water gum)	Within the rear setback to Dwelling 2, near the southern boundary, at a minimum distance of 0.5m from any structure or services	100L	8 x 6
1 x *Banksia integrifolia (Coastal Banksia)*	Within the rear setback to Dwelling 2, near the western boundary, at a minimum distance of 0.5m from any structure or services	100L	8 x 6
1 x *Brachychiton acerifolius* (Illawarra Flame tree)	Within the front setback to Dwelling 1	100L	12 x 8
1 x *Brachychiton acerifolius* (Illawarra Flame tree)	Within the front setback to Dwelling 2	100L	12 x 8

The project arborist must document compliance with the above condition.

Condition Reason: To ensure the provision of appropriate replacement planting.
Standard Condition F.46 (Autotext 46F)

F. 30. Hand excavation within tree root zones

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
4	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 20 Benelong Cr.	6.0

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

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

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

The project arborist must document compliance with the above condition.

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

F. 31. Construction above ground OSD Tanks and installation of stormwater pipes and pits in the vicinity of trees

In order to ensure appropriate growing conditions for the 2 x *Brachychiton acerifolius* (Illawarra Flame tree) to be planted within the Above Ground OSD Tanks, the base of these tanks must be deep soil permeable natural ground.

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
4	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 20 Benelong Cr.	8.0

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

The project arborist must document compliance with the above condition.

	Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees. Standard Condition F.52 (Autotext 52F)

G. BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	**Occupation Certificate (section 6.9 of the Act)**
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. **Notes:** • New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	**Commissioning and Certification of Systems and Works**
	Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier. Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to: a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require. **Notes:** • The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). • The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.

	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.
G. 3.	**Commissioning and Certification of Public Infrastructure Works**
	Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect. The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works-as-executed engineering plans and a survey report detailing all finished reduced levels.
	Condition Reason: To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.
G. 4.	**Dilapidation Report for Public Infrastructure Works**
	Before the issue of an occupation certificate for the whole of the building, a follow up dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site upon completion of the work must be submitted to Council. The dilapidation report must include: a) closed circuit television/video inspection (in DVD format) of public stormwater drainage system fronting the site on Cranbrook Road, b) photographs showing any existing damage to the road pavement fronting the site, c) photographs showing any existing damage to the kerb and gutter fronting the site, d) photographs showing any existing damage to the footway including footpath pavement fronting the site, e) photographs showing any existing damage to retaining walls within the footway or road, f) photographs showing any existing damage to street signs, heritage name plates, and historical items, and g) the full name and signature of the professional engineer. The reports are to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital and date stamped. Before the issue of an occupation certificate for the whole building, written correspondence must be obtained from Council attesting to this condition being appropriately satisfied, and be provided to the Principal Certifier. **Notes:** • If the dilapidation report required by this condition is not provided and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.
	Condition Reason: To ensure that any damage to public infrastructure is identified and rectified prior to the occupation of the whole building.

G. 5.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing: a) Compliance with conditions of development consent relating to stormwater, b) The structural adequacy of the Onsite Stormwater Detention (OSD) Systems and basement Pump-out Systems. c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations, d) Pipe invert levels and surface levels to Australian Height Datum, and e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the OSD Systems and basement Pump-out Systems, incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.
G. 6.	**Removal of Ancillary Works and Structures**
	Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place: a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing.
	Condition Reason: To ensure that all ancillary matter is removed prior to occupation.
	Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.
G. 7.	**Letter Boxes**
	Before the issue of any occupation certificate, all letter boxes must be constructed and located in accordance with AS/NZS 4253: Mailboxes and to Australia Post's satisfaction.

	Notes: • Council has been alerted to an increase in mailbox theft, and as such, all new development, being new dwelling houses and residential flat buildings, are encouraged to have lockable mail boxes.
	Condition Reason: To ensure that mail can be delivered to occupiers of the site.
G. 8.	**Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters**
	Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992: a) Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia. b) The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register. c) The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool. d) Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable. e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems. Backwash must be discharged to the sewer in compliance with AS/NZS 3500. Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day. **Notes:** • NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au
	Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.
G. 9.	**Swimming Pool Fencing**
	Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools. **Notes:** • Pools commenced or completed after May 2013 must meet the BCA and AS1926.
	Condition Reason: To ensure swimming pool safety.
G. 10.	**Certification of Electric Vehicle Charging System**
	Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D.21 must be submitted to the satisfaction of the Principal Certifier.

	Condition Reason: To ensure the certification of the electric vehicle charging system.
G. 11.	**Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation**
	Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1738601M_02. **Notes:** • Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.
G. 12.	**Amenity Landscaping**
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
	Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.
G. 13.	**Landscaping**
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation.
G. 14.	**Arborists Documentation and Compliance Checklist – Prior to any occupation certificate**
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

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

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

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

G. 15. Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building

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

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

All compliance certification documents must be kept on site.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	• The project arborist must supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.

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

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

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

H. OCCUPATION AND ONGOING USE

H. 1.	**Noise from Mechanical Plant and Equipment**
	During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time. The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter. **Notes:** • Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
	Condition Reason: To protect the amenity of the neighbourhood.
H. 2.	**Swimming and Spa Pools – Maintenance**
	During the occupation and ongoing use, swimming and spa pools must be maintained: a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health "Public Swimming Pools and Spa Pools Advisory Document" in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. **Notes:** • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au
	Condition Reason: To ensure public health and safety.

H. 3.	**Outdoor Lighting – Residential**
	During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.
	Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.
H. 4.	**Noise Control**
	During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997. **Notes:** • Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997. • Useful links: - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. - NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise. - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.
	Condition Reason: To protect the amenity of the neighbourhood.
H. 5.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

H. 6.	**Maintenance of BASIX Commitments**
	During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No 1738601M_02. This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.
H. 7.	**Ongoing Maintenance of the Onsite Stormwater Detention (OSD) Systems and Basement Pump-out Systems**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained by the System. b) Keep the system clean and free of silt rubbish and debris, c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant. g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. The owner: a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

I. 1.	**Electricity Substations – Dedication as Road and/or Easements for Access**
	Before the issue of any subdivision certificate, if an electricity pillar and/or substation is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity pillar and/or substation to be established. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road (footway or road pavement). Documentary evidence of compliance, including correspondence from the network authority is to be provided to the Principal Certifier prior to issue of the construction certificate detailing energy authority requirements. The Accredited Certifier must be satisfied that the requirements of the energy authority have been met prior to issue of the construction certificate. Where an electricity substation is provided on the site adjoining the road boundary, the area within which the substation is located must be dedicated as public road. Where access is required across the site to access an electricity pillar and/or substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any statutory corporation requiring access to the electricity pillar and/or substation.
	Condition Reason: To ensure that the energy authority is provided with access to electricity pillars and/or substations.

J. BEFORE SUBDIVISION WORK COMMENCES

J. 1.	**Subdivision of Land - Construction Certificate, Appointment of Principal Certifier, and Notice of Commencement (Part 6, Division 6.4 of the Act)**
	Subdivision work in accordance with a development consent must not be commenced until: a) A construction certificate for the subdivision work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier, and b) The person having the benefit of the development consent has appointed a Principal Certifier for the subdivision work, and c) The Principal Certifier has, no later than 2 days before the subdivision work commences: • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and • the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

	Notes: • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out subdivision work in breach of this condition and in breach of section 6.6 (2) of the Act. • A plan of subdivision cannot be registered under the Conveyancing Act 1919 unless a Subdivision Certificate has been issued for the subdivision.
	Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, and a notice of commencement has been submitted.

K. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION WORKS)

Nil

L. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (NO SUBDIVISION WORKS)

Nil

M. BEFORE THE ISSUE OF A STRATA CERTIFICATE

M. 1.	**Strata Title Subdivision Certificate (Part 4 Strata Schemes Development Act 2015)**
	Before the issue of any subdivision certificate, in addition to the statutory requirements of the Strata Schemes Development Act 2015, a strata certificate must not be issued which would have the effect of: a) transferring to any strata unit entitlement, any areas of common property shown upon the approved development application plans, b) transferring to any strata unit entitlement, any visitor parking spaces, or c) creating any unit entitlement to any car parking spaces not associated with an occupiable unit entitlement within the strata plan.
	Condition Reason: To ensure that: a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking, c) parking spaces are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space lot, reducing available parking to strata lots and visitors required to reduce demand for on-street public parking.

Attachments

1. Architectural drawings, control diagrams, external finishes schedule and view analysis ⇩
2. Shadow diagrams, landscape plans and survey ⇩
3. Development Engineer's referral response ⇩
4. Tree and Landscape Officer's referral response ⇩
5. Heritage Officer's referral response ⇩
6. Clause 4.6 written statement ⇩

DEVELOPMENT APPLICATION

Proposed Dual Occupancy - 22 Benelong Crescent, Bellevue Hill

M CUBED ARCHITECTS

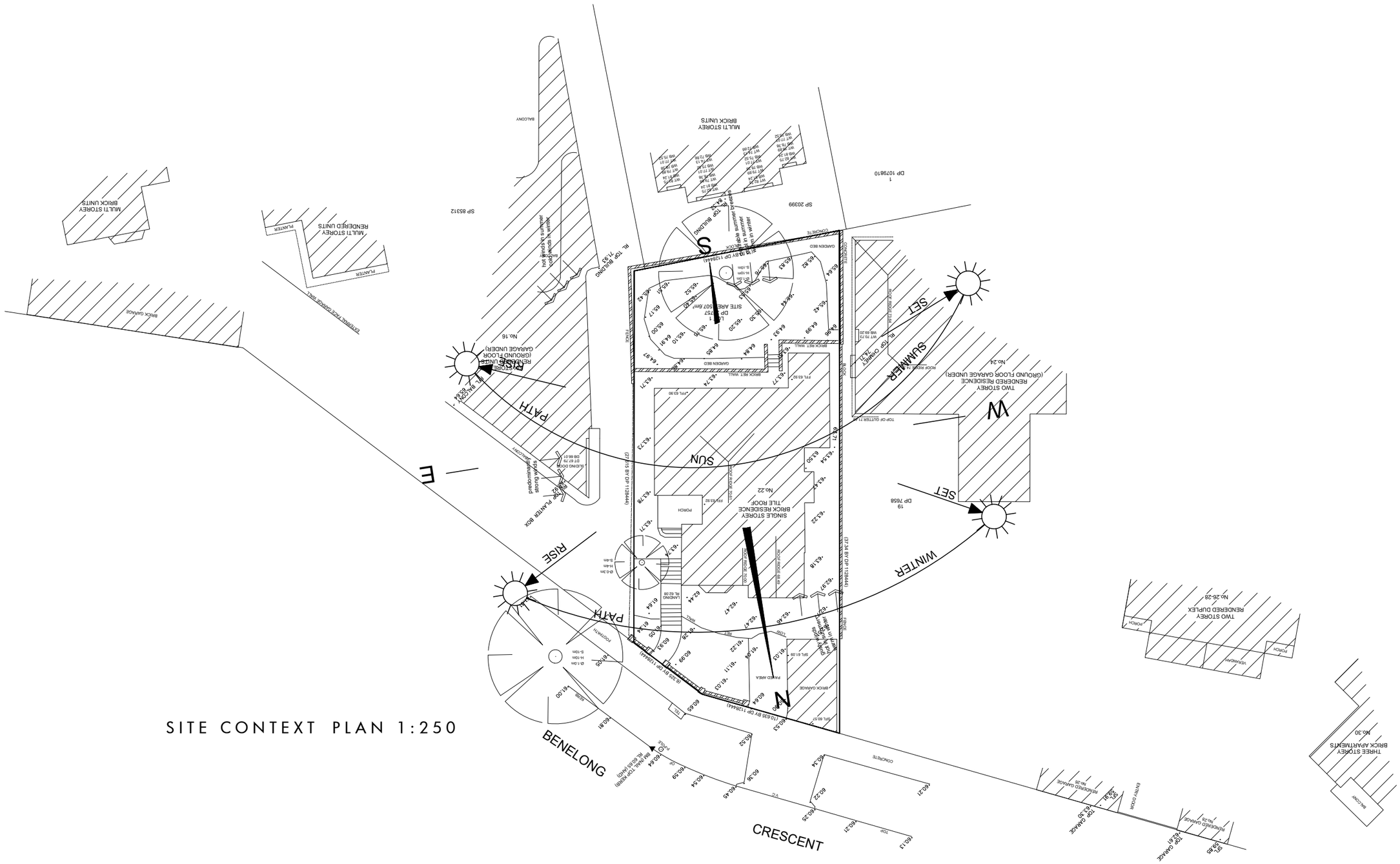
REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	1/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	



SITE CONTEXT PLAN 1:250

M CUBED ARCHITECTS

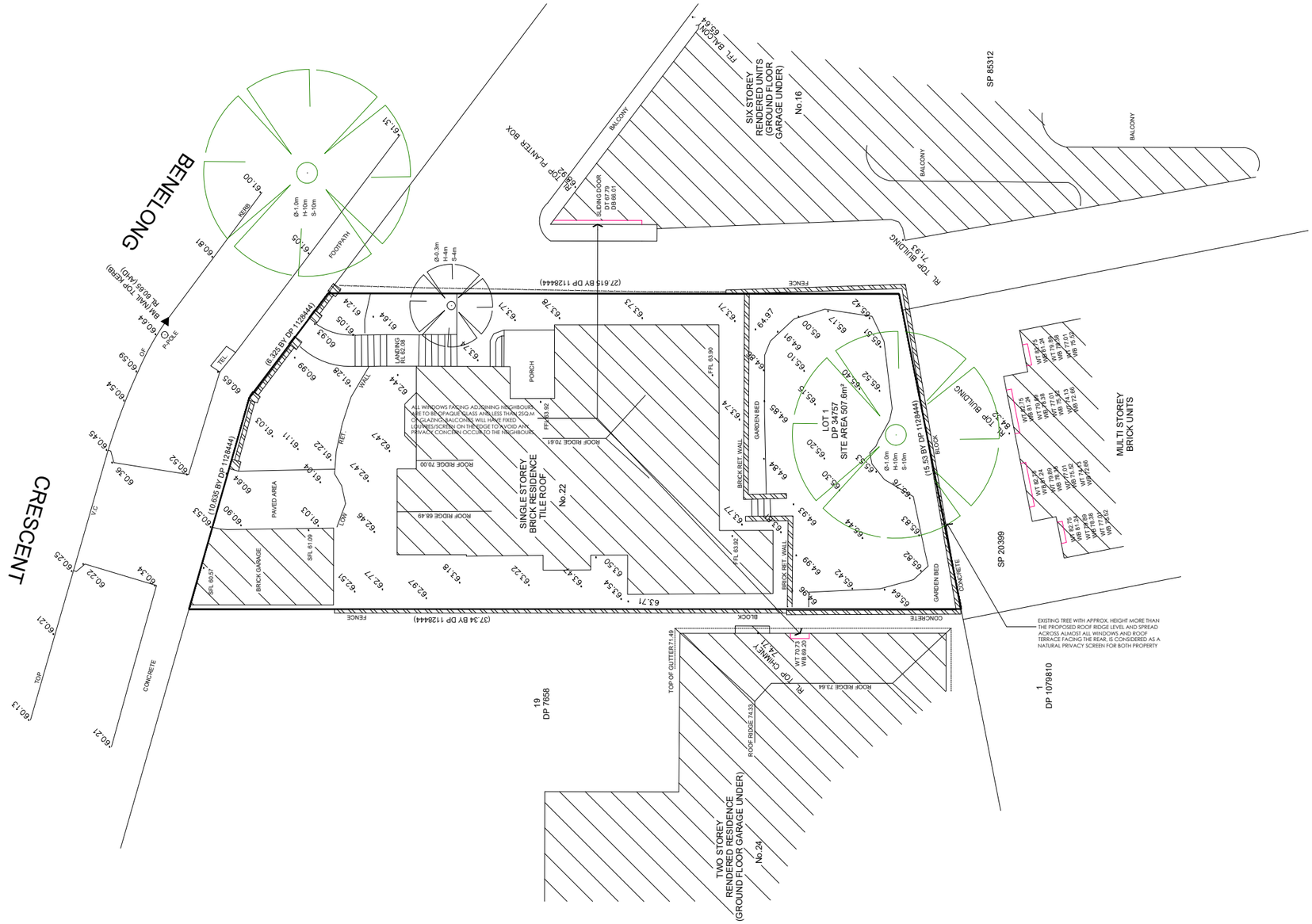
REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	2/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	



SITE ANALYSIS PLAN 1:200

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

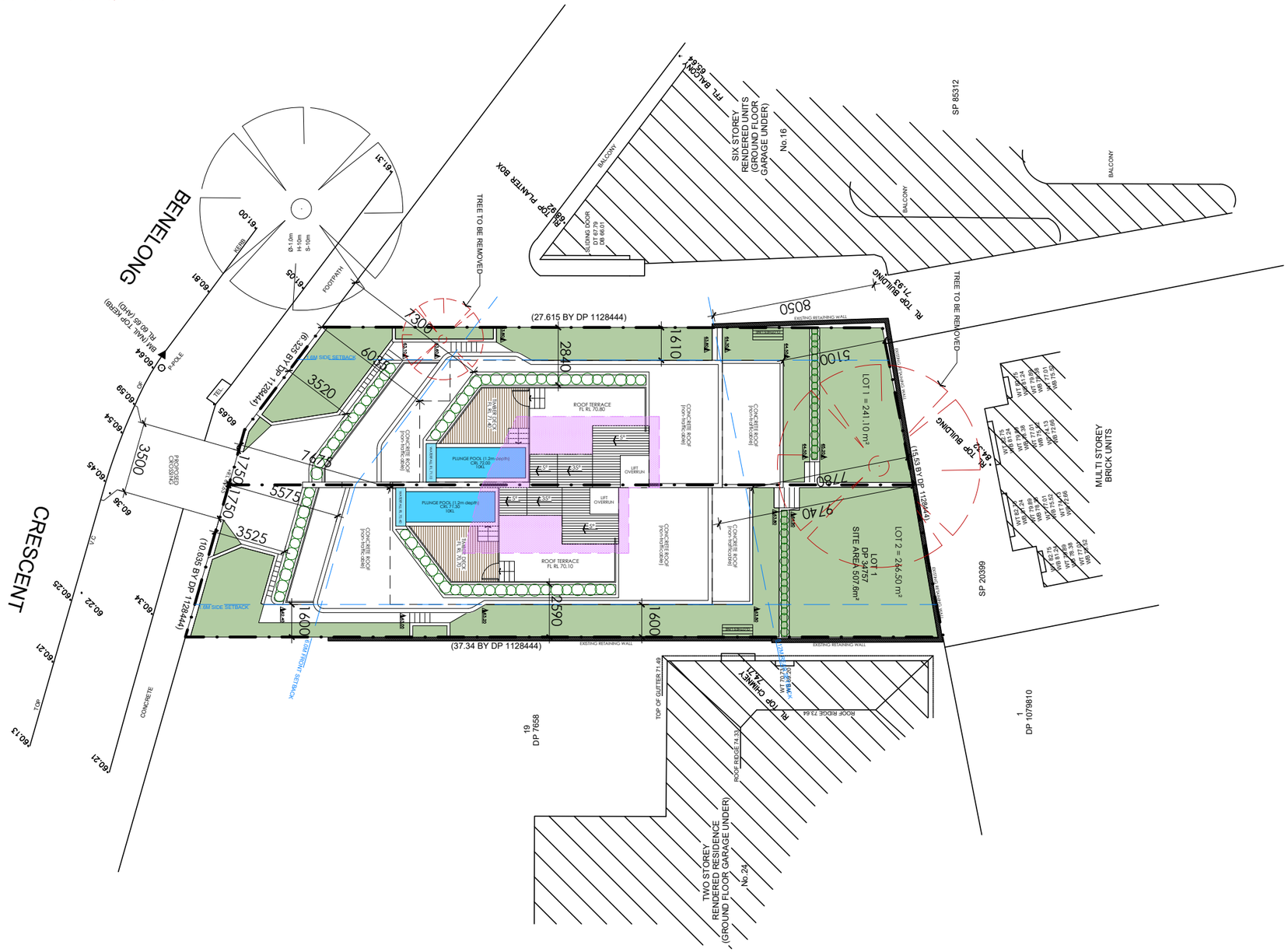
Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	3/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



SITE PLAN 1:200

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

M CUBED ARCHITECTS

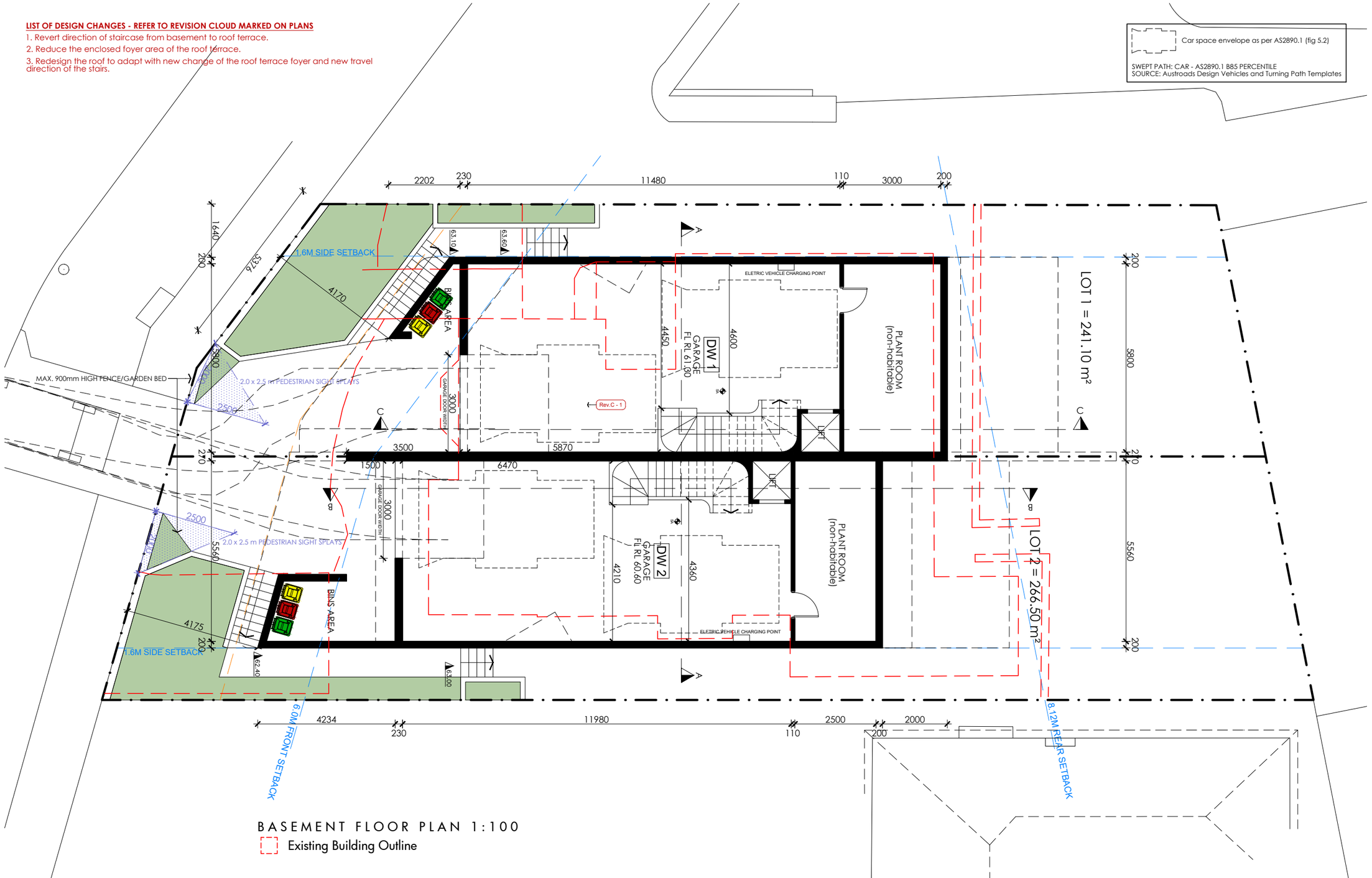
Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	4/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



BASEMENT FLOOR PLAN 1:100

Existing Building Outline

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

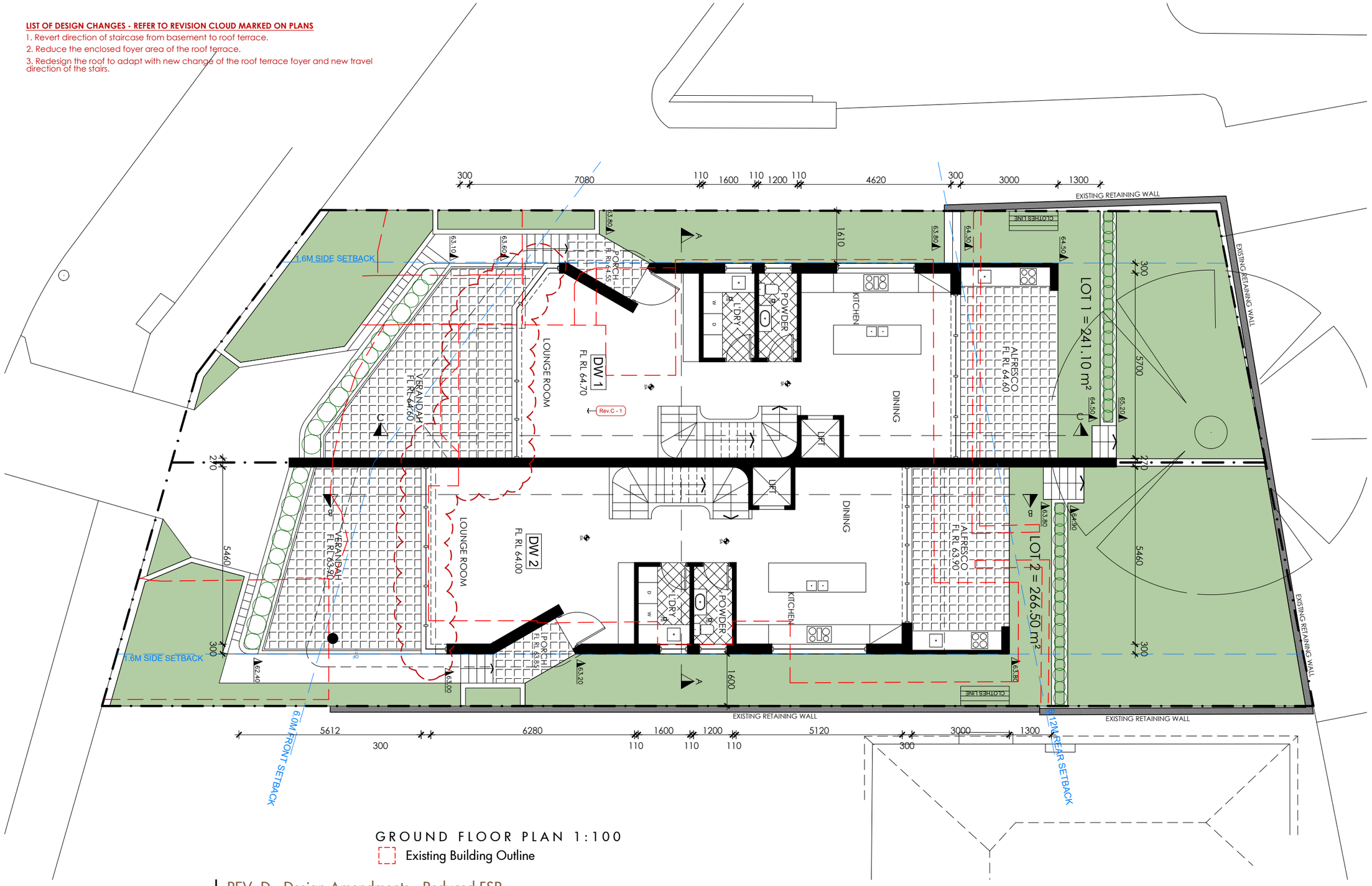
Member Australian Institute of Architects

22 Benelong Cres, **BELLEVUE HILL**

Scale: A3	Mounzer Mortada	P: 1300 995 110	5/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



GROUND FLOOR PLAN 1:100

Existing Building Outline

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

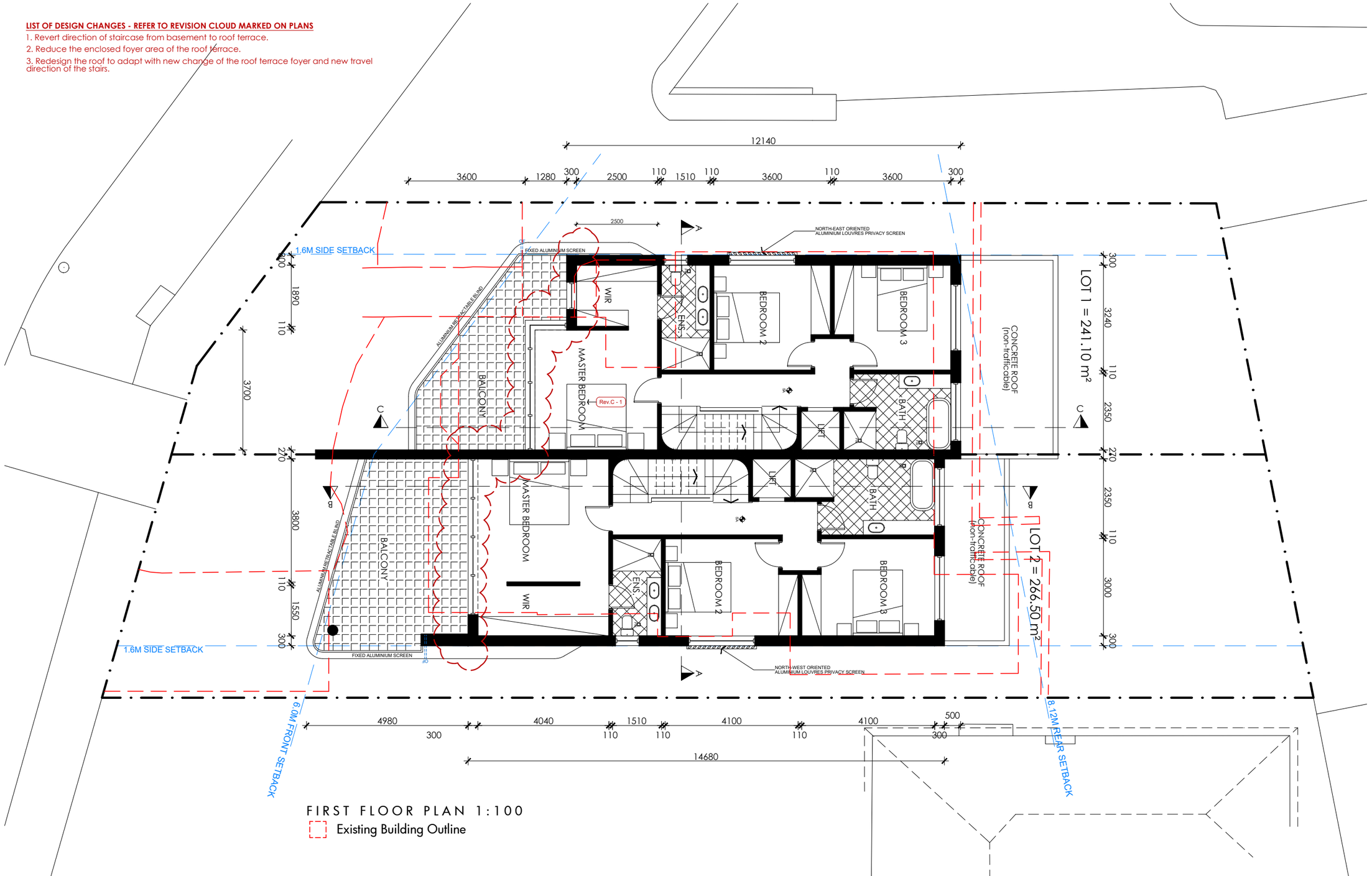
Scale: A3
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

6/26

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



FIRST FLOOR PLAN 1:100

Existing Building Outline

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

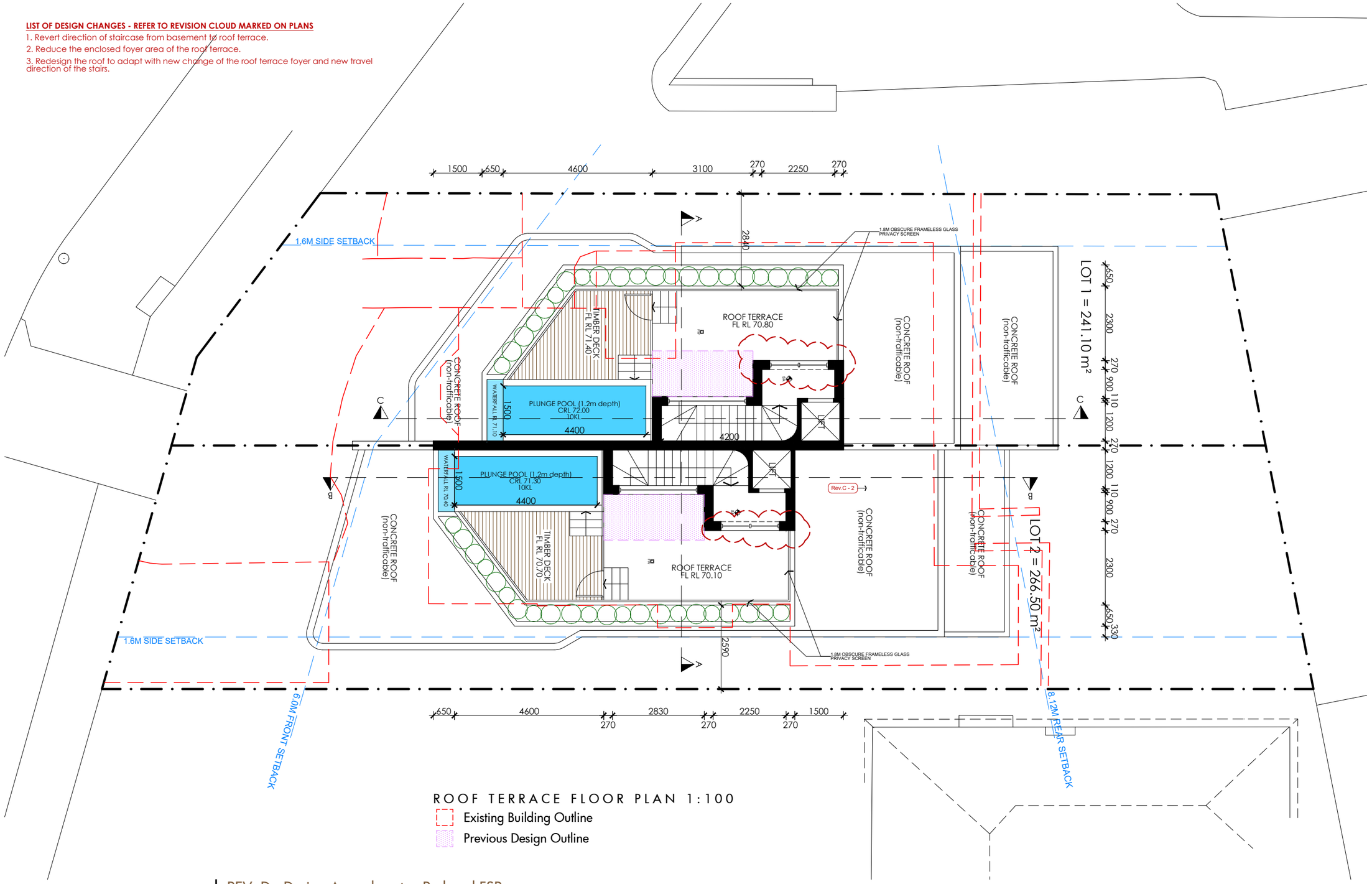
Member Australian Institute of Architects

22 Benelong Cres. BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	7/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



ROOF TERRACE FLOOR PLAN 1:100

Existing Building Outline

Previous Design Outline

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3

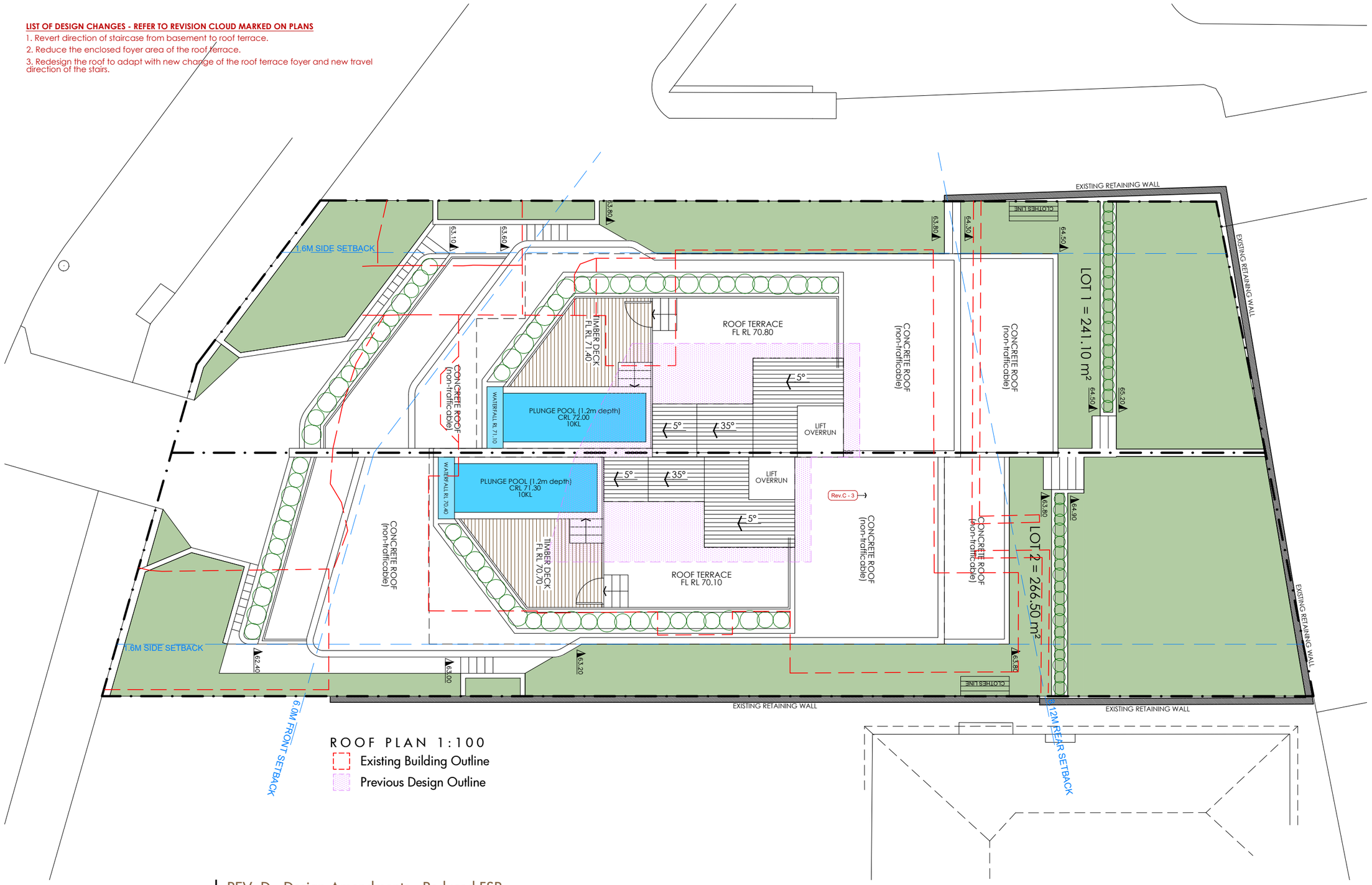
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

8/26

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



ROOF PLAN 1:100

Existing Building Outline

Previous Design Outline

M CUBED ARCHITECTS

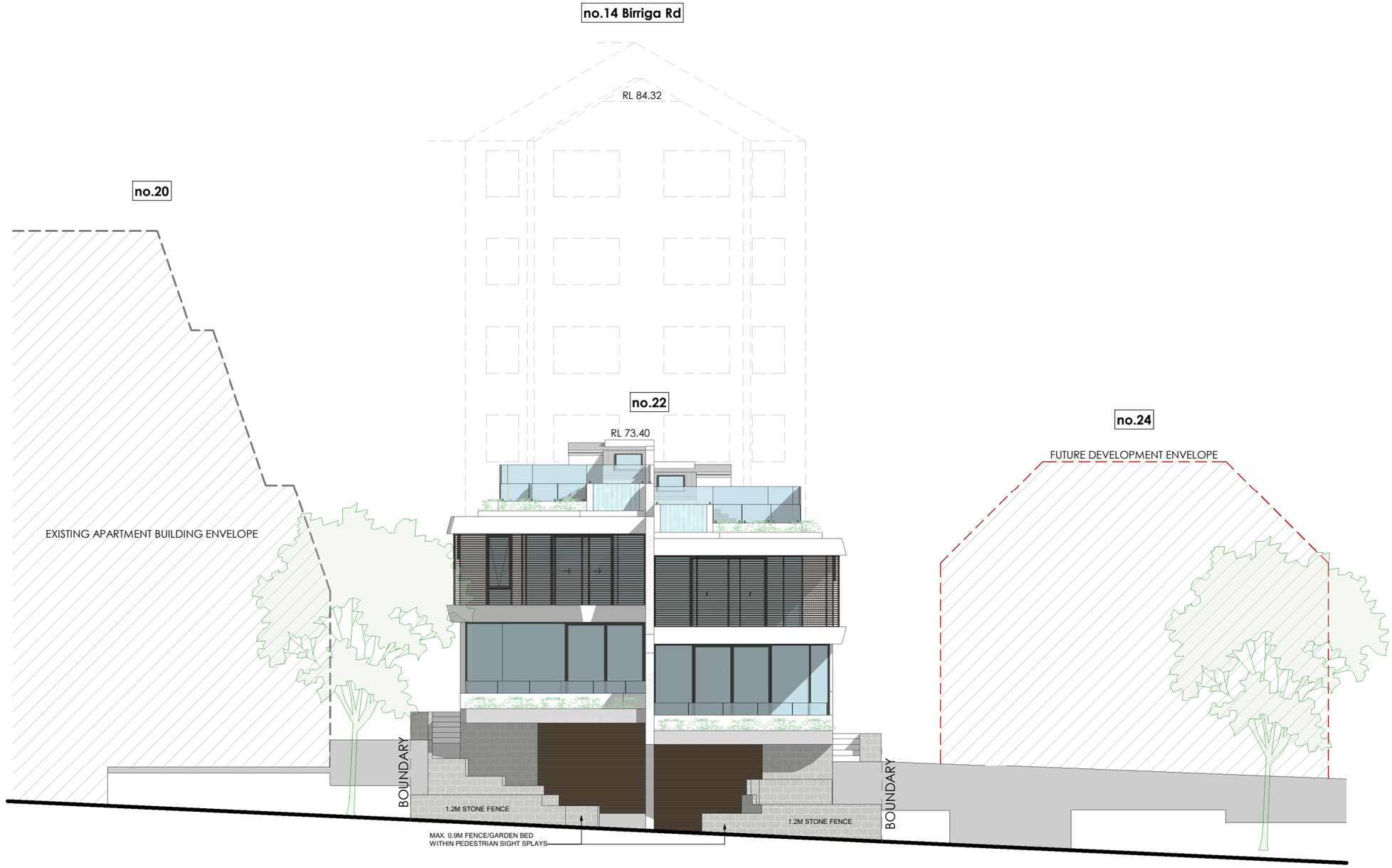
REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, **BELLEVUE HILL**

Scale: A3	Mounzer Mortada	P: 1300 995 110	**9/26**
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350	
		e: info@mcubed.com.au	
		w: mcubed.com.au	



BENELONG CRESCENT ELEVATION 1:120

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

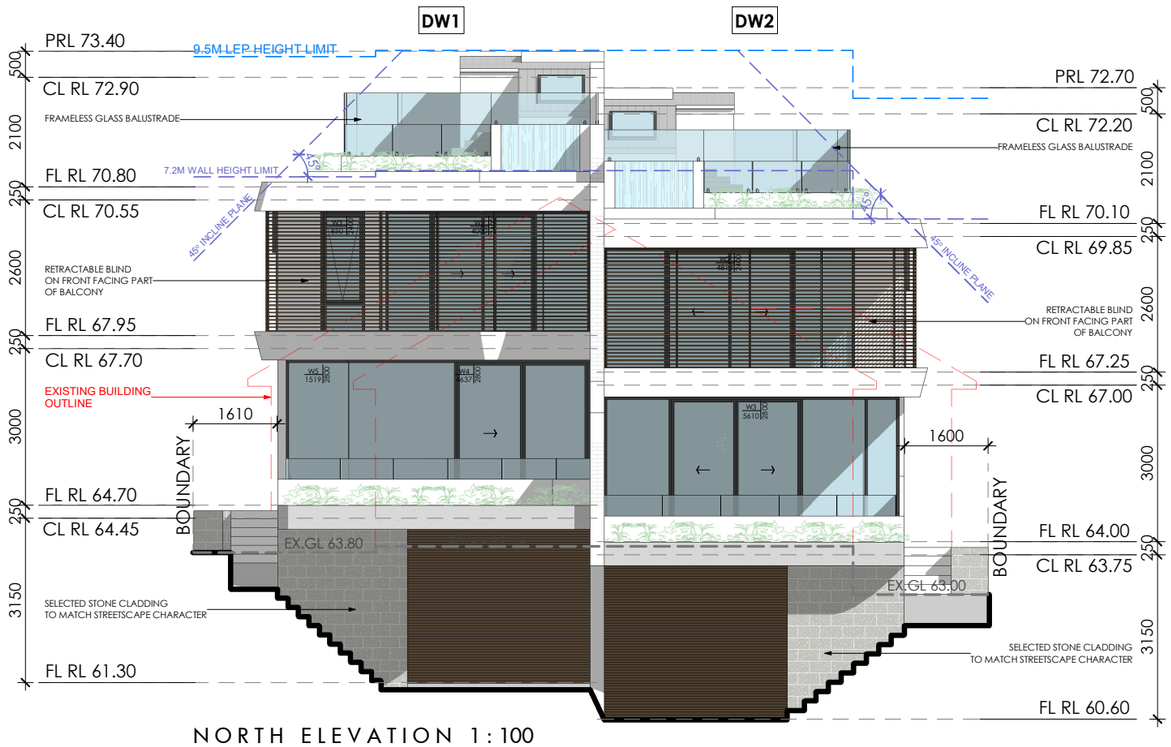
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate - All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	p: 1300 995 110	10/26
date: 4th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350	
		e: info@mcubed.com.au	
		w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS
1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



NORTH ELEVATION 1:100

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

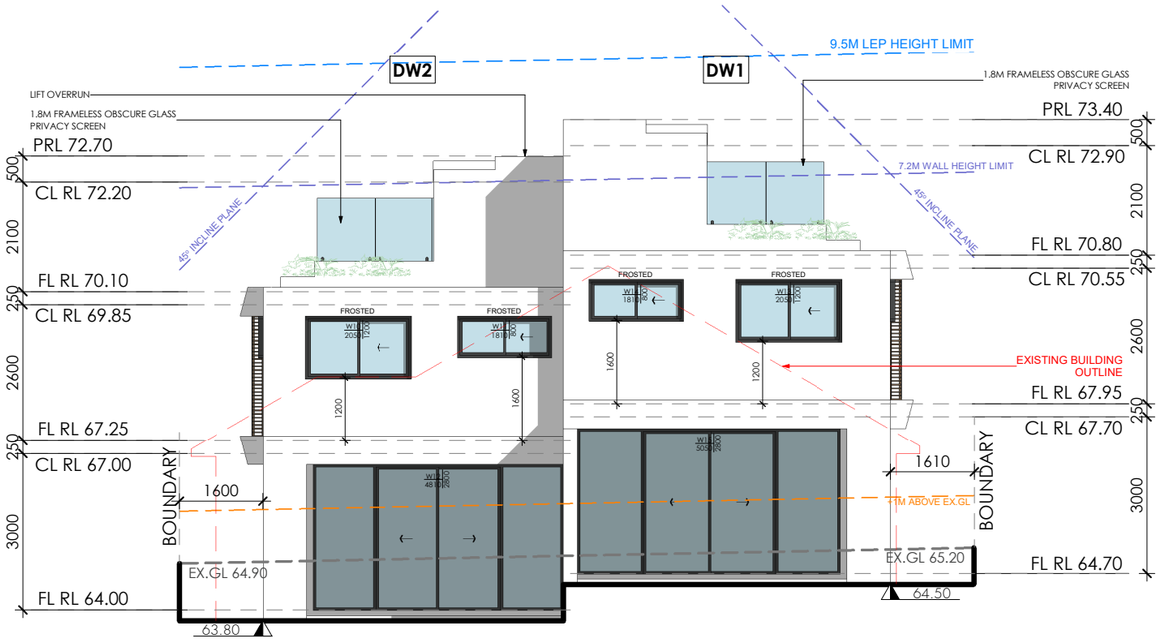
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, **BELLEVUE HILL**

Scale: A3	Mounzer Mortada NOMINATED ARCHITECT 10697	p: 1300 995 110 m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	**11/26**
date: 4th October 2024			

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS
1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



SOUTH ELEVATION 1:100

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

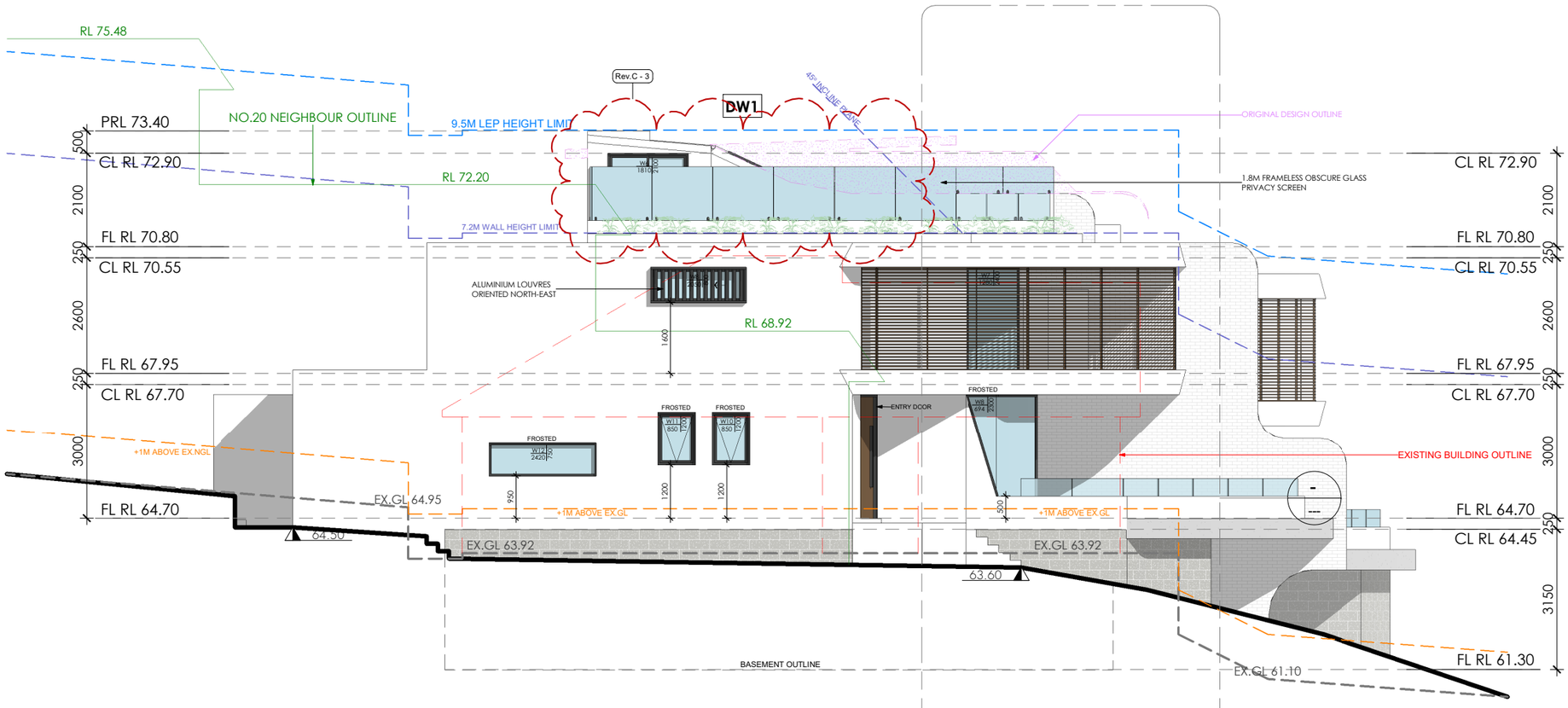
22 Benelong Cres, BELLEVUE HILL

Scale: A3
date: 4th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
p: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

12/26

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS
1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



EAST ELEVATION 1:100

REV. D - Design Amendments - Reduced FSR

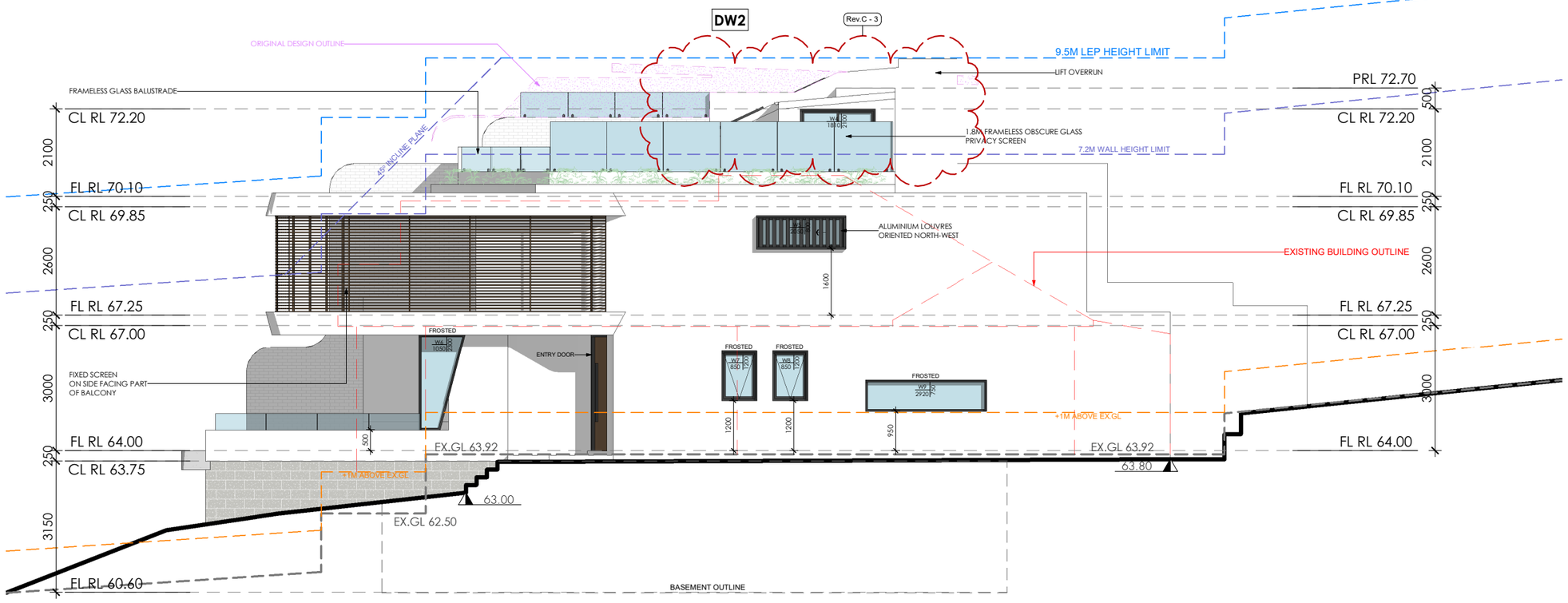
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

M CUBED ARCHITECTS

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	p: 1300 995 110	13/26
date: 4th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350	
		e: info@mcubed.com.au	
		w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS
1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



WEST ELEVATION 1:100

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

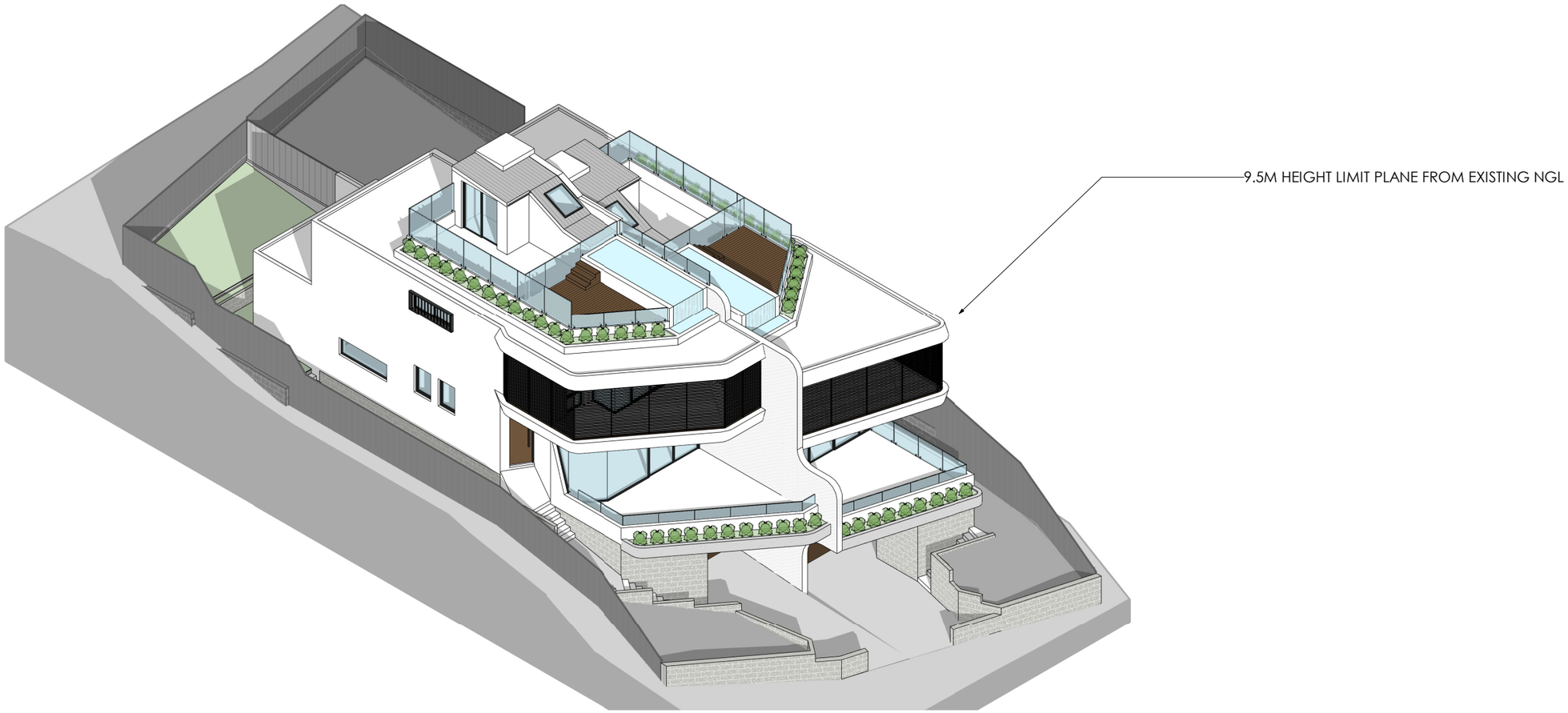
Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
p: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

14/26



M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

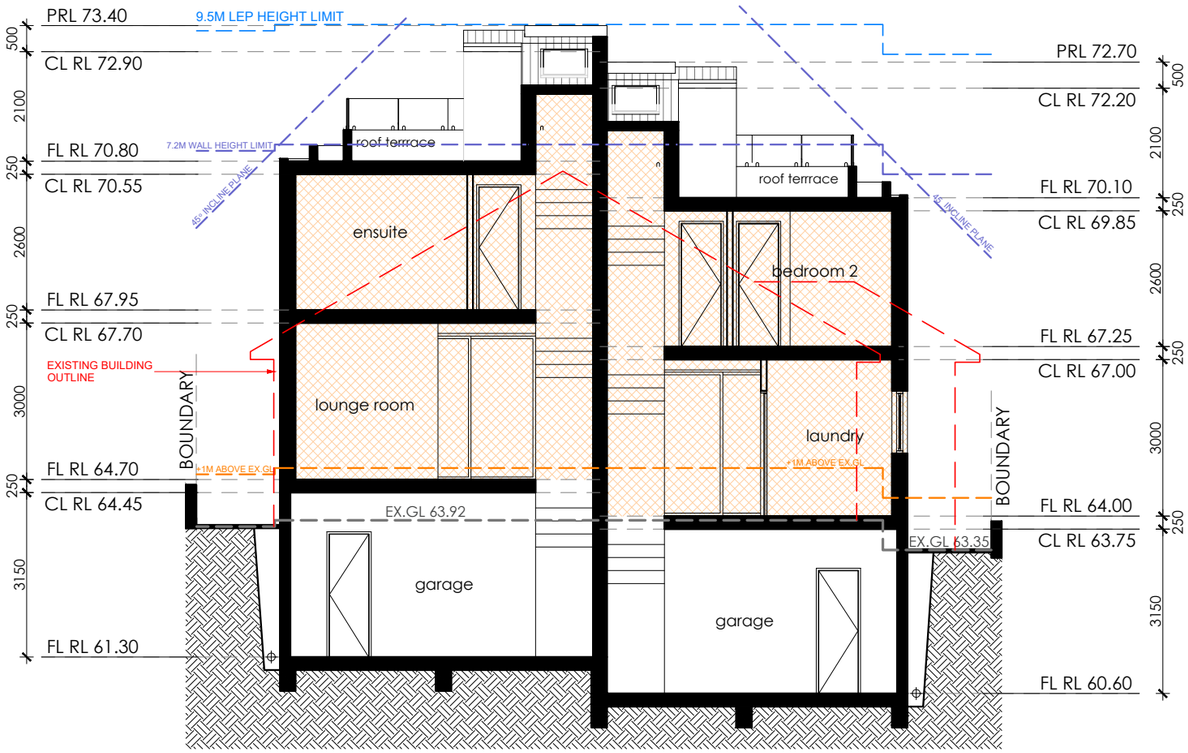
Scale: A3
date: 4th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
p: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

15/26

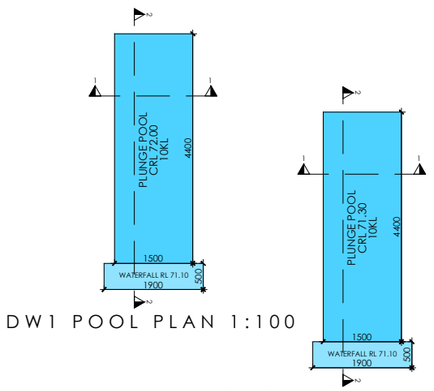
LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



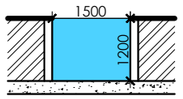
SECTION A-A 1:100

Existing Building Outline

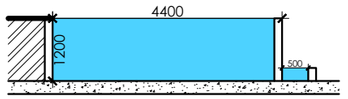


DW1 POOL PLAN 1:100

DW2 POOL PLAN 1:100



POOL SECTION 1-1 1:100



POOL SECTION 2-2 1:100

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

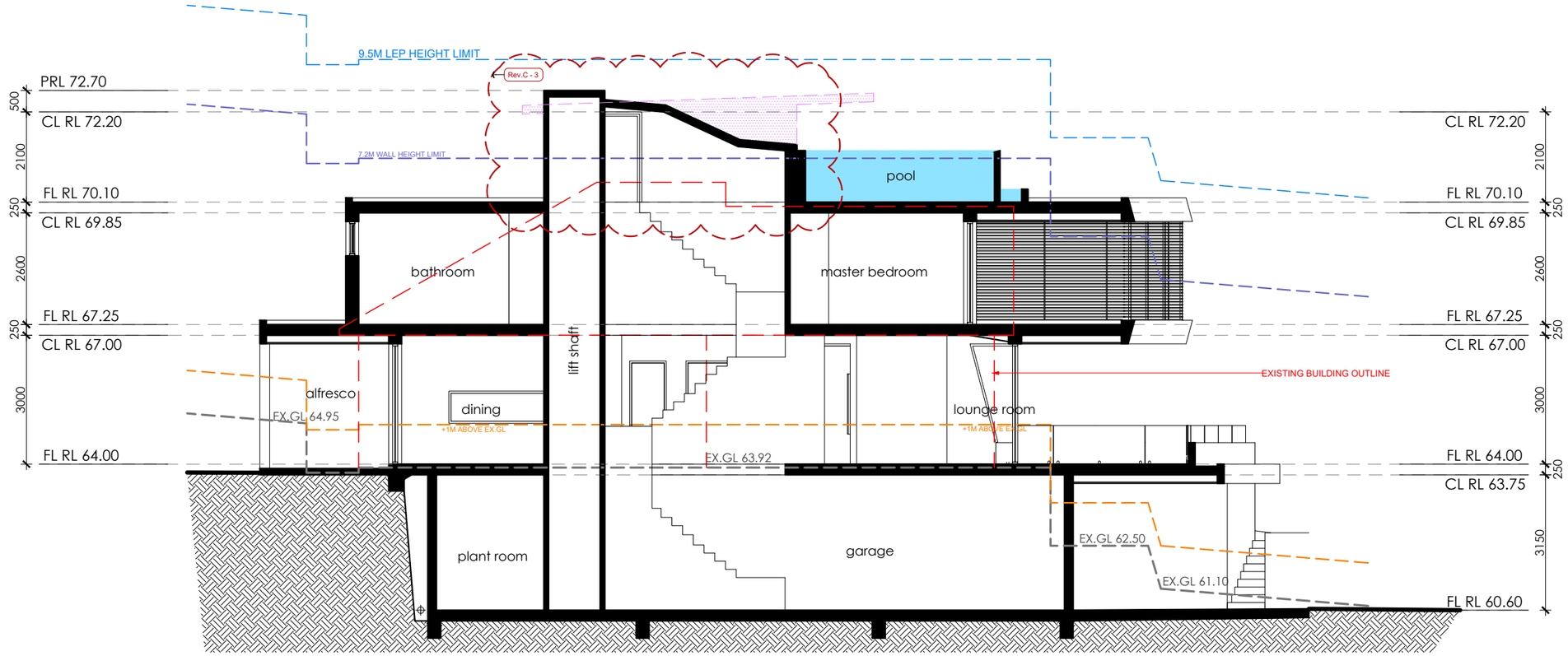
Member Australian Institute of Architects

22 Benelong Cres. BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	16/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



SECTION B-B 1:100

Existing Building Outline

Previous Design Outline

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3

date: 12th October 2024

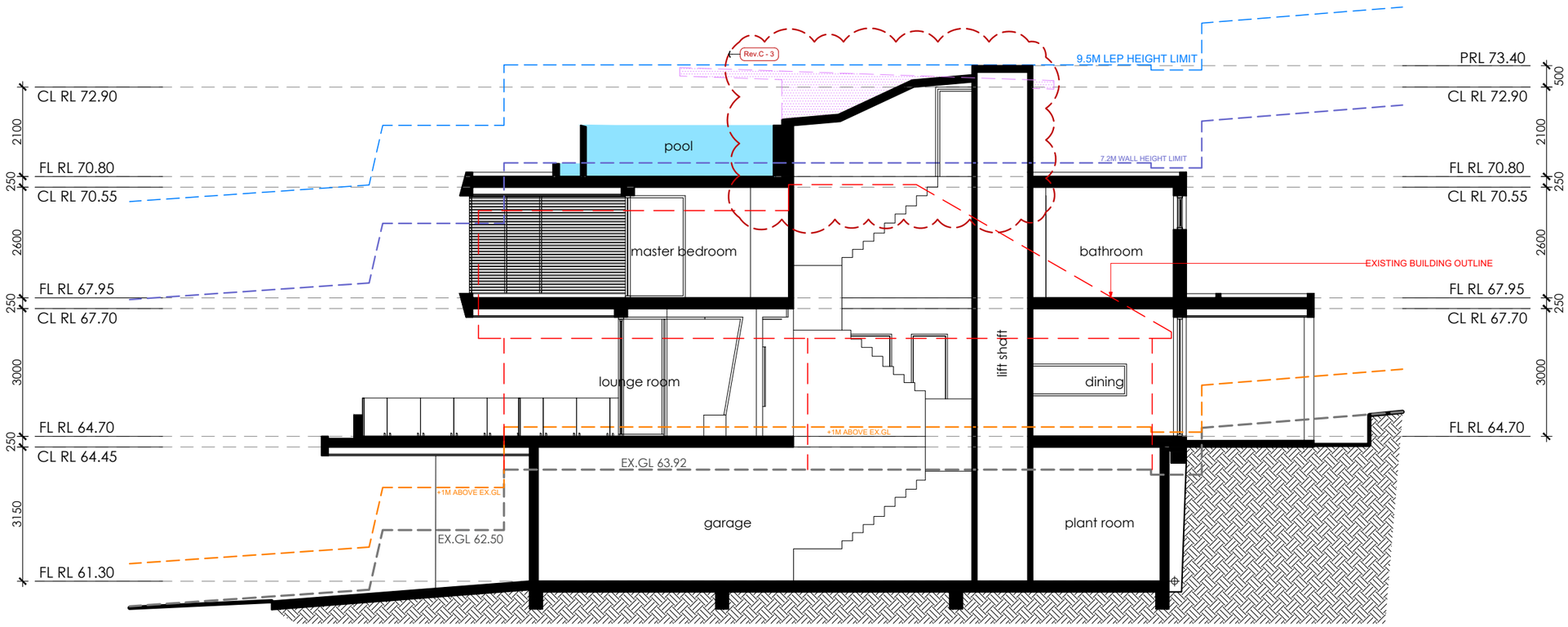
Mounzer Mortada
NOMINATED ARCHITECT 10697

P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

17/26

LIST OF DESIGN CHANGES - REFER TO REVISION CLOUD MARKED ON PLANS

1. Revert direction of staircase from basement to roof terrace.
2. Reduce the enclosed foyer area of the roof terrace.
3. Redesign the roof to adapt with new change of the roof terrace foyer and new travel direction of the stairs.



SECTION C-C 1:100

Existing Building Outline

Previous Design Outline

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3

date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

18/26

CALCULATIONS:

site area:	507.6 sq.m
allowed FSR 0.5:1	253.8 sq.m
buildable area:	223 sq.m

DWELLING 1

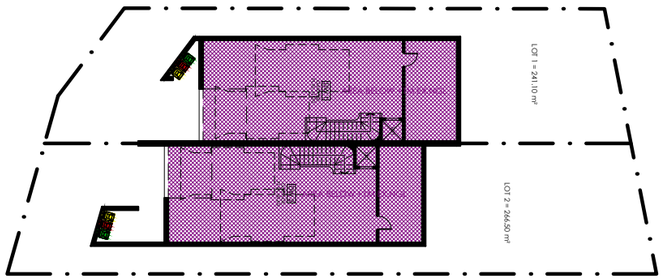
Lot 1 site area:	240.1 sq.m
ground floor GFA:	67 sq.m
first floor GFA:	64.5 sq.m
~~roof terrace GFA:~~	~~7 sq.m~~
revised roof terrace GFA:	2.25 sq.m
total DW1 gross floor area:	135.75 sq.m

DWELLING 2

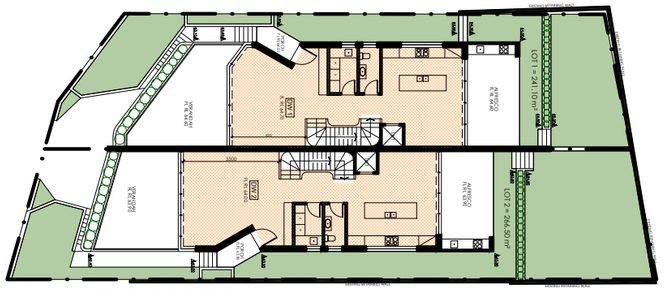
Lot 2 site area:	266.5 sq.m
ground floor GFA:	71.50 sq.m
first floor GFA:	71 sq.m
~~roof terrace GFA:~~	~~7 sq.m~~
revised roof terrace GFA:	2.25 sq.m
total DW2 gross floor area:	144.75 sq.m
total revised gross floor area:	278.50 sq.m (54.86%)

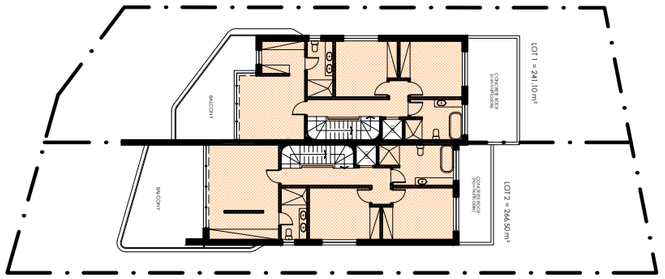
LANDSCAPING

Front landscaping:	39 sq.m
Rear landscaping:	145 sq.m
TOTAL:	184 sq.m

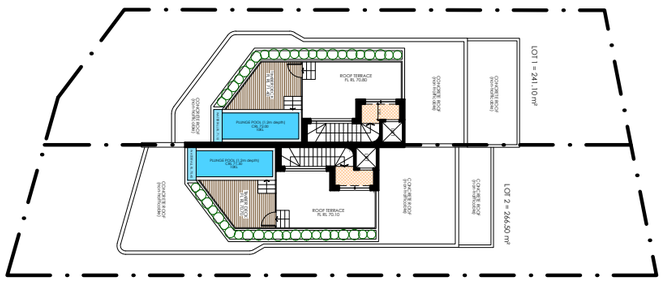


BASEMENT FLOOR PLAN


GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF TERRACE FLOOR PLAN

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

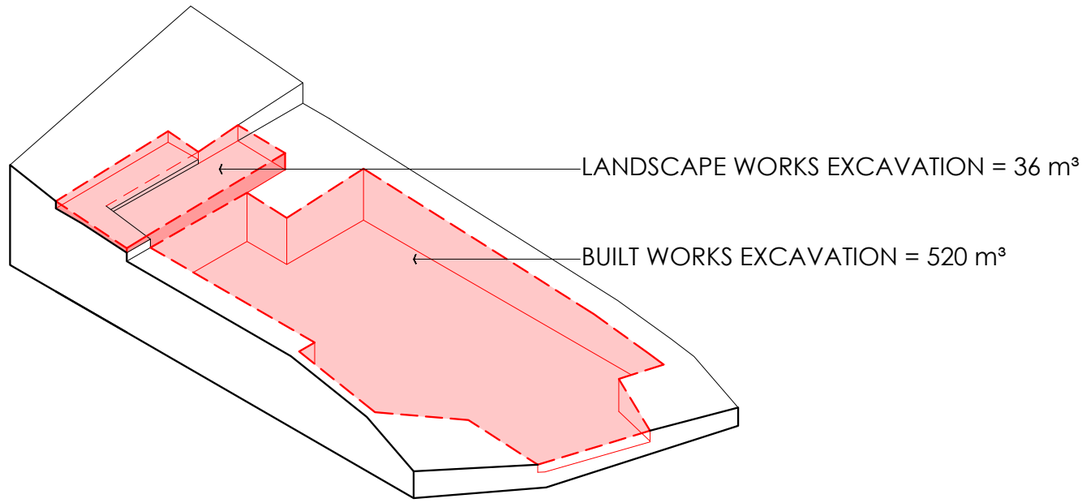
22 Benelong Cres, BELLEVUE HILL

Scale: A3
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

19/26

VOLUMETRIC EXCAVATION	
Built Works	39 m³
Landscape Works:	145 m³
TOTAL:	184 m³



M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

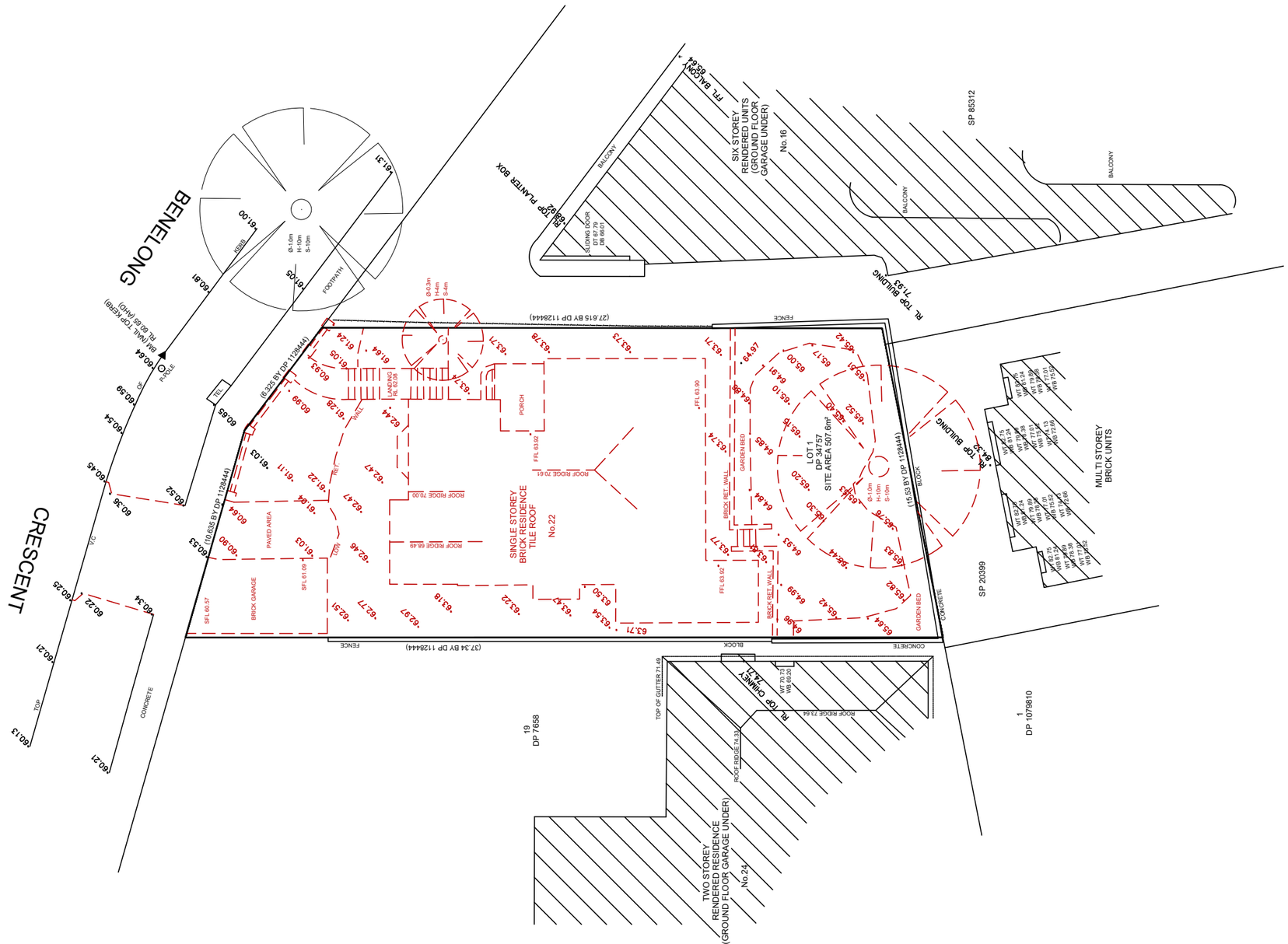
22 Benelong Cres, BELLEVUE HILL

Scale: A3
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697

P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

20/26



DEMOLITION PLAN 1:200

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

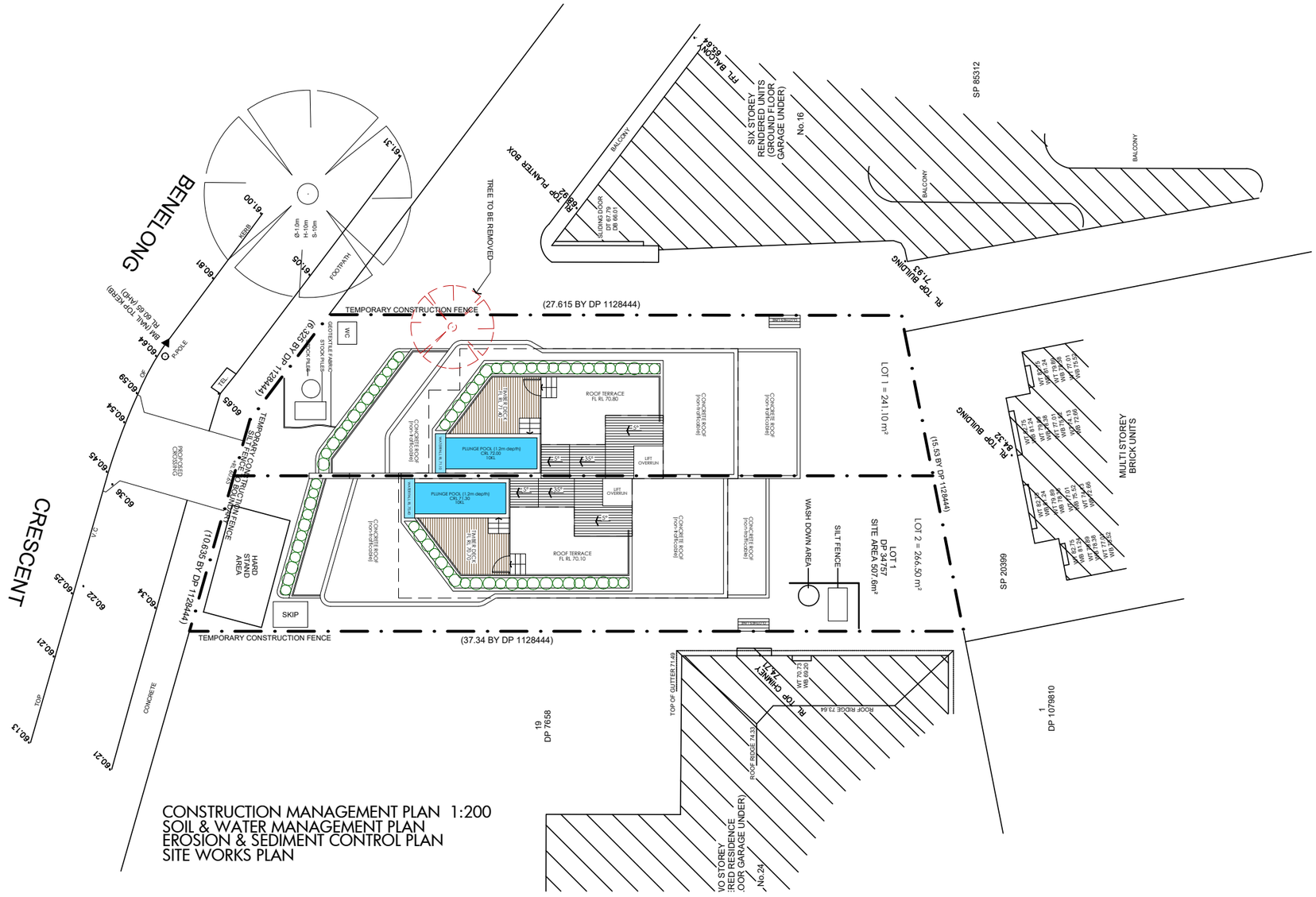
Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

21/26



CONSTRUCTION MANAGEMENT PLAN 1:200
SOIL & WATER MANAGEMENT PLAN
EROSION & SEDIMENT CONTROL PLAN
SITE WORKS PLAN

EROSION CONTROL NOTES:

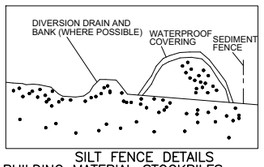
1. ALL ERSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE AND TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.
2. STRIPPING OF GRASS AND VEGETATION ETC. FROM SITE SHALL BE KEPT TO A MINIMUM.
3. TOPSOIL FROM ALL AREAS THAT WILL BE DISTURBED TO BE STRIPPED AND STOCKPILED AND TO BE KEPT CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
5. ROADS AND FOOTPATH TO BE SWEPT DAILY
6. ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO A NOMINATED SOIL STOCKPILE.

SILTATION MANAGEMENT PROCEDURE

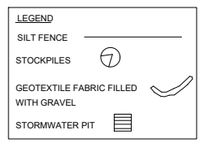
1. ERECT SILT FENCE & GRAVEL DRAIN
2. DEMOLISH EXISTING BUILDING
3. EXCAVATE BASEMENT AND PLACE TEMPORARY PUMPOUT SEDIMENT PIT
4. FINISH CONSTRUCTION
5. SILT FENCE AND GRAVEL DRAIN ARE NOT TO BE REMOVED UNTIL CONSTRUCTION IS COMPLETE AND GARDEN HAS BEEN FULLY RE-VEGETATED.

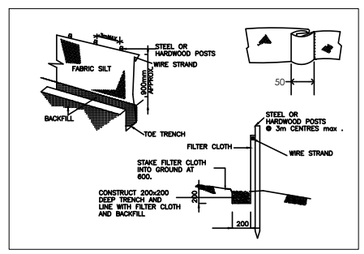
SILT FENCES

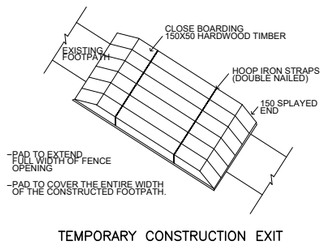
– FILTERS SILT FROM LOW TO MEDIUM FLOWS OF SURFACE WATER ON GENTLY SLOPING OR STEEP UNEVEN TERRAIN .
– CONSIST OF A FILTER FABRIC ("GEOTEXTILE FILLER") , ATTATCHED TO A STEEL WIRE OR CABLE , WHICH IS SUPPORTED ON 900mm LONG STEEL OR WOODEN POSTS AT 2.5–3m CENTRES .
– THE LOWER END OF THE FABRIC IS EMBEDDED INTO THE GROUND , AS SHOWN IN FIGURE 1 .
– GENERALLY FOLLOW THE CONTOURS OF THE LAND .



SILT FENCE DETAILS
BUILDING MATERIAL STOCKPILES







TEMPORARY CONSTRUCTION EXIT

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

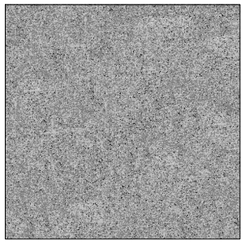
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

Member Australian Institute of Architects

22 Benelong Cres. BELLEVUE HILL

Scale: A3	Mounzer Mortada	P: 1300 995 110	22/26
date: 12th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	

SCHEDULE OF COLOURS & FINISHES



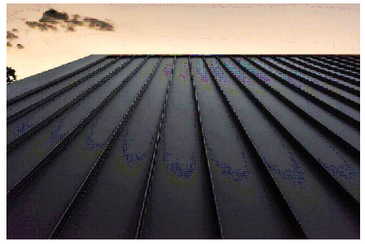
GROUND FLOOR PLANTER BOX BANDS
FINISH: MATT FINISH
TYPE: ROCKCOTE CONCRETE TEXTURE
COLOUR: LITE GREY

WINDOW/DOOR FRAME
FINISH: SATIN
TYPE: POWDER COATED ALUMINIUM
COLOUR: CHARCOAL

EXTERNALL WALLS AND AWNING
FINISH: GLOSS/ SEMI-GLOSS
TYPE: RENDER
COLOUR: DULUX NATURAL WHITE

GLASS BALUSTRADE
FINISH: FRAMELESS TRANSPARENT
TYPE: EMBEDDED INTO CONCRETE HOB
COLOUR: CLEAR GLASS

ALL RETAINING WALLS,
FRONT FACING BASEMENT WALL AND FENCE
FINISH: ROCK FACE
TYPE: STONE CLADDING
COLOUR: SANDSTONE/GREY STONE



ROOF
FINISH: METAL ROOF SHEET
TYPE: COLORBOND
COLOUR: MONUMENT

EXTERNAL SCREEN
FINISH: VENETIAN BLINDS
TYPE: ALUMINIUM
COLOUR: DARK BROWN/BLACK

M CUBED ARCHITECTS

REV. D - Design Amendments - Reduced FSR

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

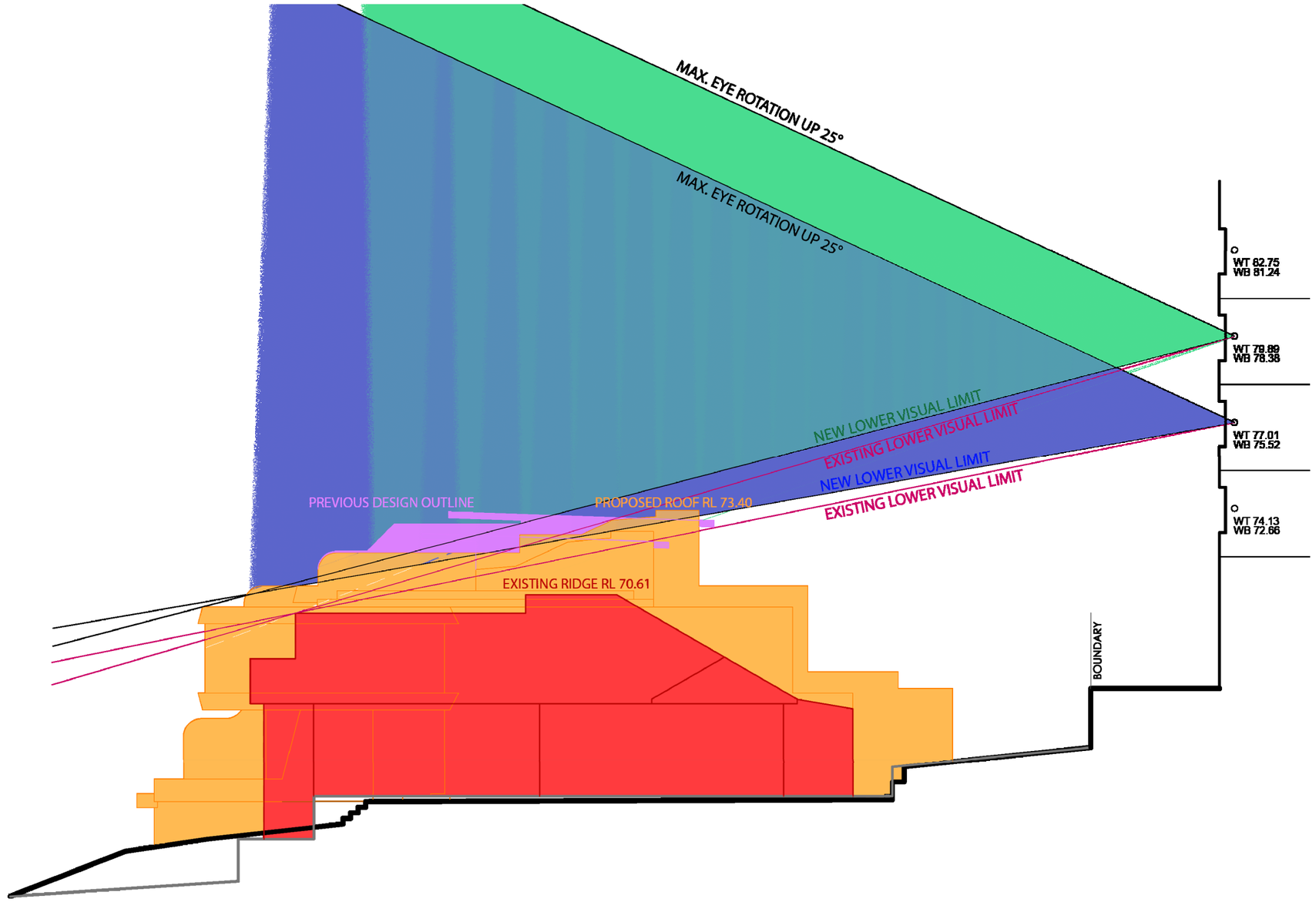
Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3
date: 12th October 2024

Mounzer Mortada
NOMINATED ARCHITECT 10697
P: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

23/26



NO.14 BIRRIGA RD - PROPOSED SIGHT LINE ANALYSIS

REV. D - Design Amendments - Reduced FSR

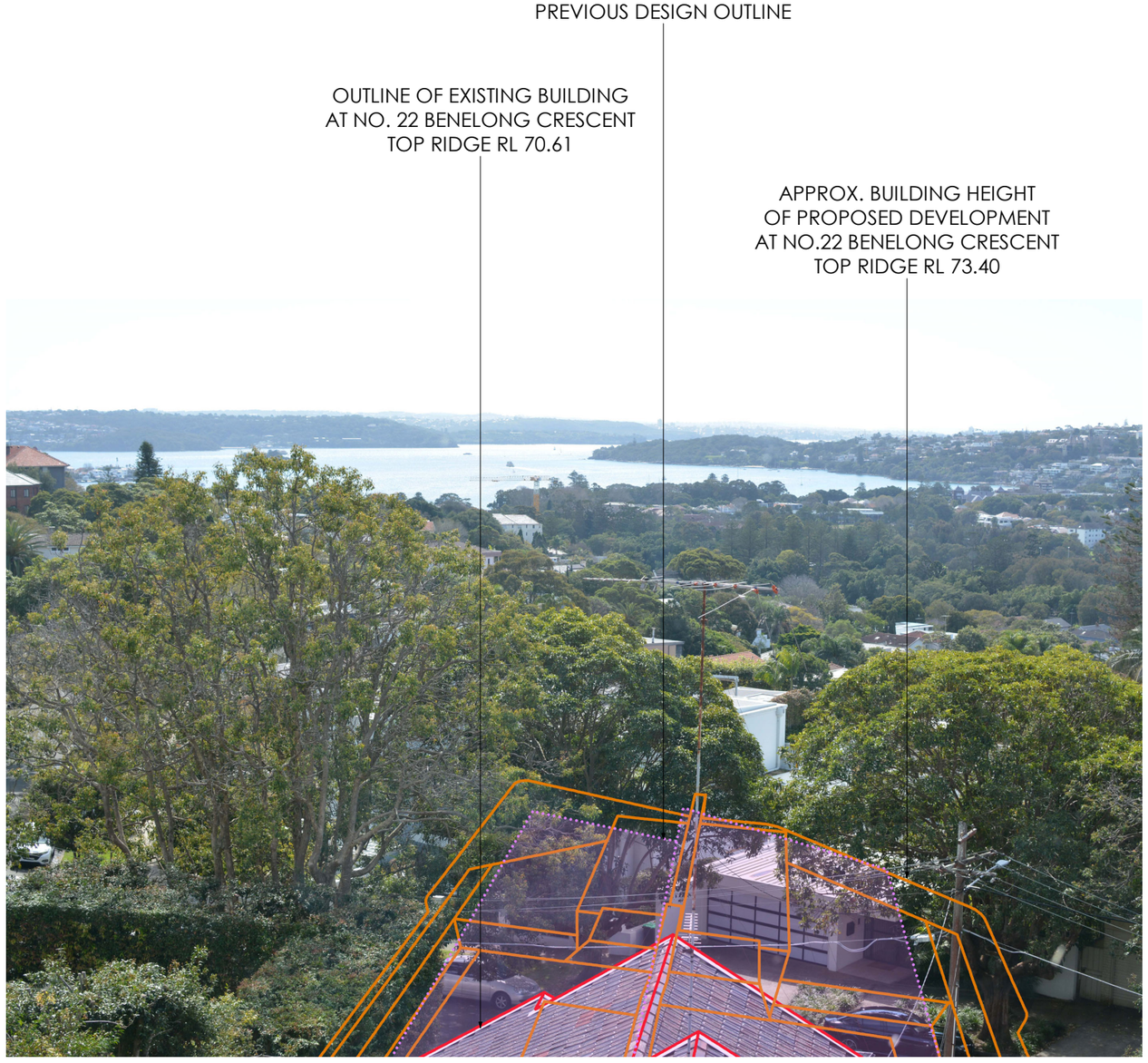
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

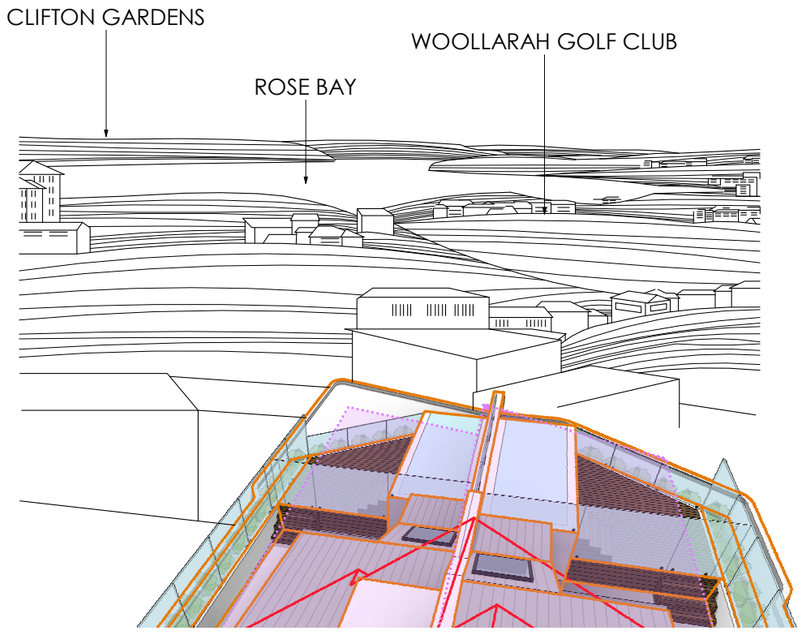
M CUBED ARCHITECTS

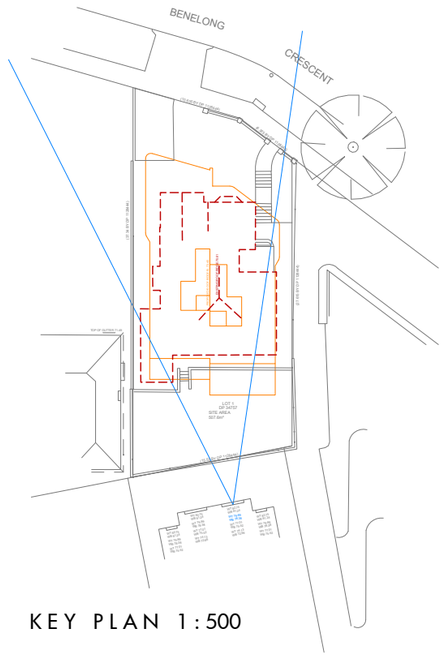
Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	p: 1300 995 110	24/26
date: 4th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350	
		e: info@mcubed.com.au	
		w: mcubed.com.au	







KEY PLAN 1:500

NO.14 BIRRIGA RD - TOP LEVEL VIEW ANALYSIS

REV. D - Design Amendments - Reduced FSR

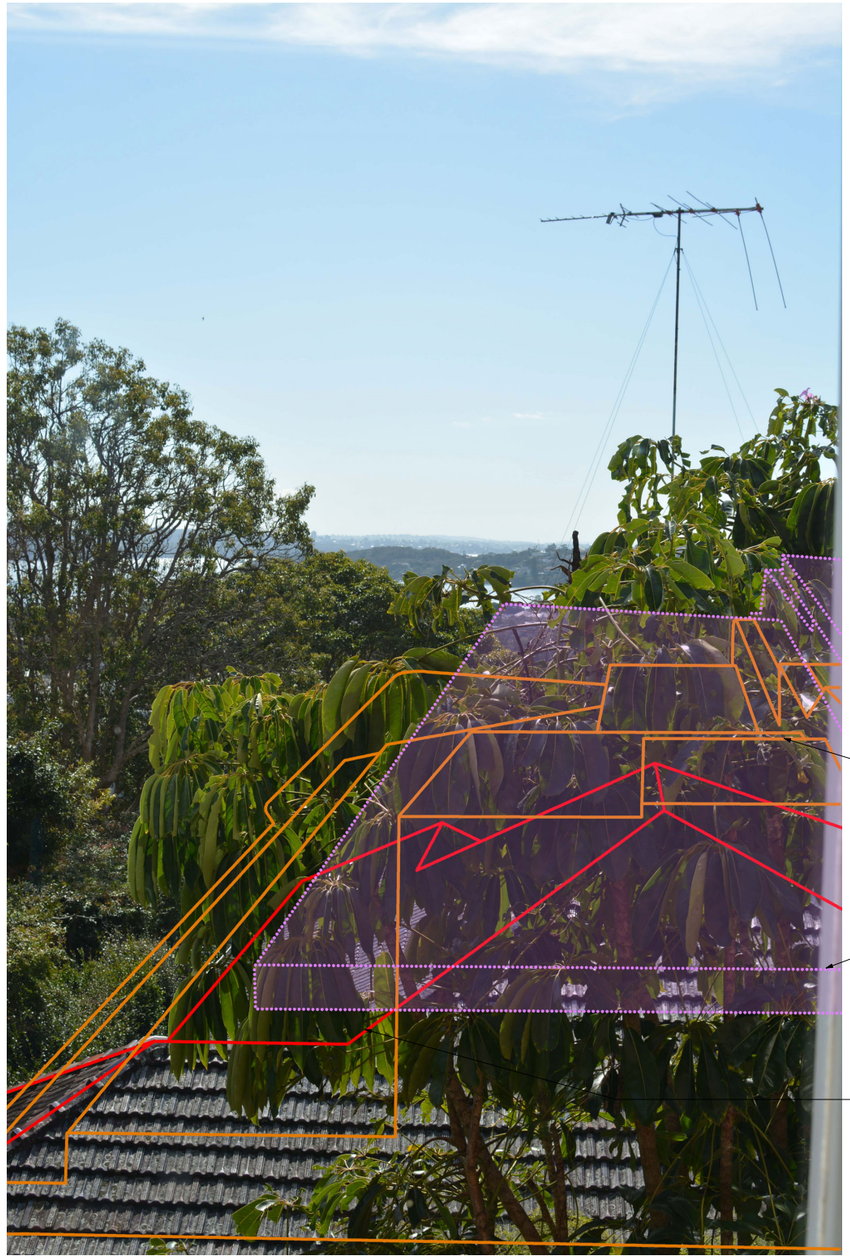
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

M CUBED ARCHITECTS

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

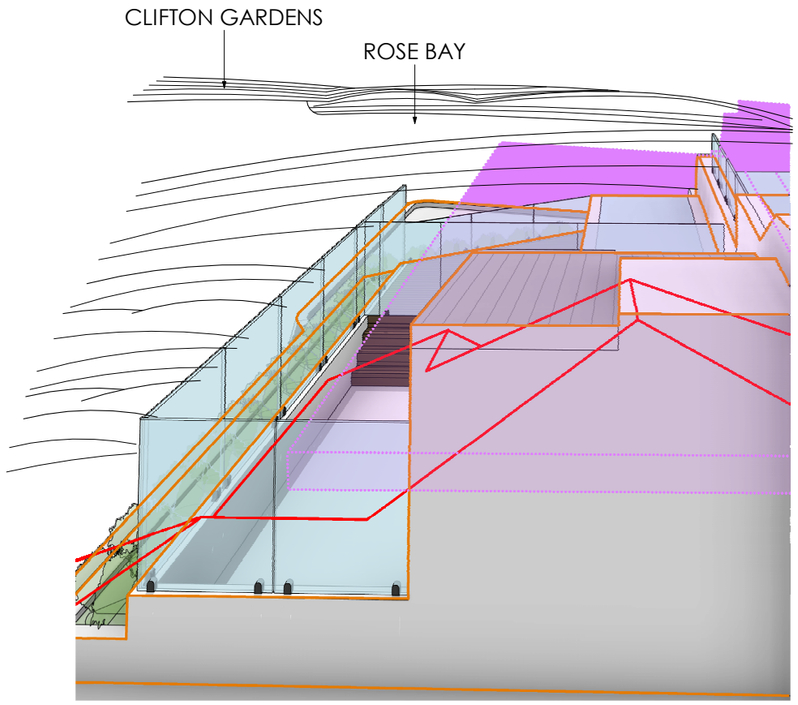
Scale: A3	Mounzer Mortada	p: 1300 995 110	25/26
date: 4th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350	
		e: info@mcubed.com.au	
		w: mcubed.com.au	

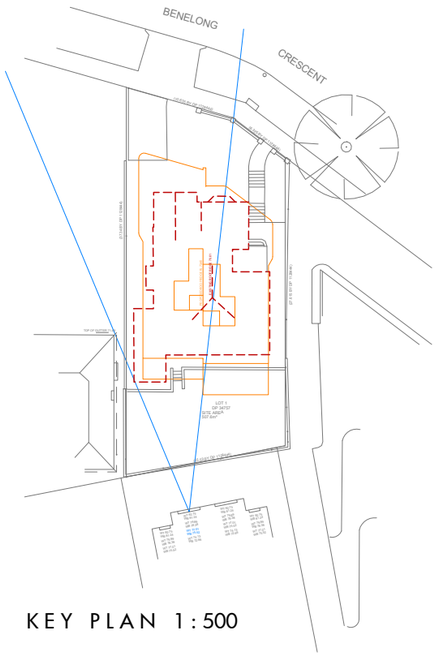


APPROX. BUILDING HEIGHT
OF PROPOSED DEVELOPMENT
AT NO.22 BENELONG CRESCENT
TOP RIDGE RL 73.40

PREVIOUS DESIGN OUTLINE

OUTLINE OF EXISTING BUILDING
AT NO. 22 BENELONG CRESCENT
TOP RIDGE RL 70.61





KEY PLAN 1:500

NO.14 BIRRIGA RD - THIRD LEVEL VIEW ANALYSIS

REV. D - Design Amendments - Reduced FSR

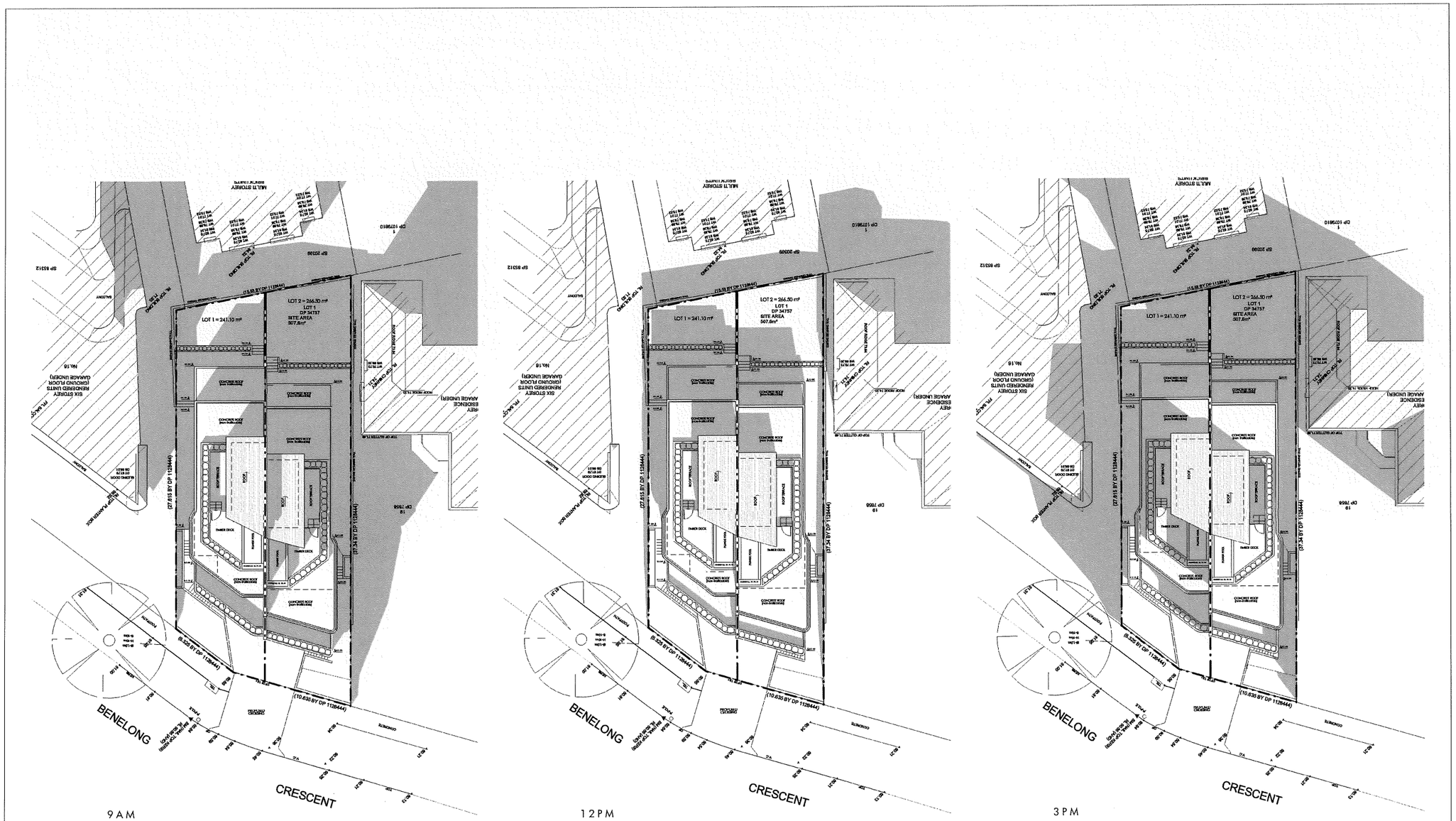
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

M CUBED ARCHITECTS

Member Australian Institute of Architects

22 Benelong Cres, BELLEVUE HILL

Scale: A3	Mounzer Mortada	p: 1300 995 110	26/26
date: 4th October 2024	NOMINATED ARCHITECT 10697	m: 0405 125 350 e: info@mcubed.com.au w: mcubed.com.au	



JUNE SHADOW DIAGRAMS

This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects

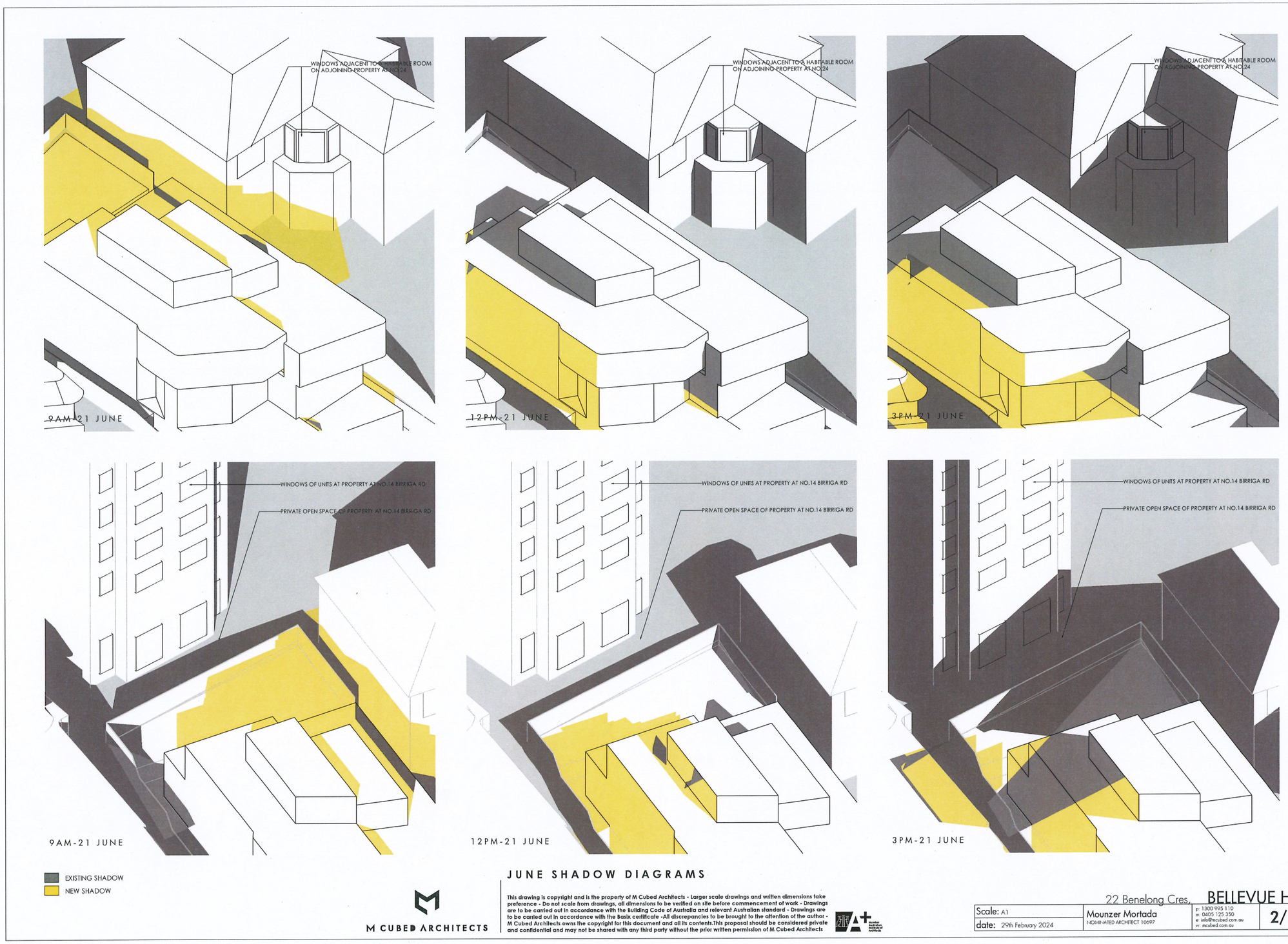
M CUBED ARCHITECTS

22 Benelong Cres, BELLEVUE HILL

Scale: A1
date: 29th February 2024

Mounzer Mortada
NOMINATED ARCHITECT 10597
p: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au

1/2


WINDOWS ADJACENT TO A HABITABLE ROOM ON ADJOINING PROPERTY AT NO.24
9AM-21 JUNE
WINDOWS ADJACENT TO A HABITABLE ROOM ON ADJOINING PROPERTY AT NO.24
12PM-21 JUNE
WINDOWS ADJACENT TO A HABITABLE ROOM ON ADJOINING PROPERTY AT NO.24
3PM-21 JUNE
WINDOWS OF UNITS AT PROPERTY AT NO.14 BIRRIGA RD
PRIVATE OPEN SPACE OF PROPERTY AT NO.14 BIRRIGA RD
9AM-21 JUNE
WINDOWS OF UNITS AT PROPERTY AT NO.14 BIRRIGA RD
PRIVATE OPEN SPACE OF PROPERTY AT NO.14 BIRRIGA RD
12PM-21 JUNE
WINDOWS OF UNITS AT PROPERTY AT NO.14 BIRRIGA RD
PRIVATE OPEN SPACE OF PROPERTY AT NO.14 BIRRIGA RD
3PM-21 JUNE
EXISTING SHADOW
NEW SHADOW
JUNE SHADOW DIAGRAMS
M CUBED ARCHITECTS
This drawing is copyright and is the property of M Cubed Architects - Larger scale drawings and written dimensions take preference - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be carried out in accordance with the Building Code of Australia and relevant Australian standard - Drawings are to be carried out in accordance with the Basix certificate -All discrepancies to be brought to the attention of the author - M Cubed Architects owns the copyright for this document and all its contents.This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M Cubed Architects
22 Benelong Cres, BELLEVUE HILL
Scale: A1
date: 29th February 2024
Mounzer Mortada
NOMINATED ARCHITECT 10697
p: 1300 995 110
m: 0405 125 350
e: info@mcubed.com.au
w: mcubed.com.au
2/2

Legend

- Colour / Stencil Concrete
- Paving / Tiles
- Planting Areas
- Lawn Areas
- Retaining Wall
- 1800mm High Boundary Fencing

Any existing trees are to be protected in accordance with councils Tree Protection Detail

Click Here to View Our Plant Profiles!

Revision Schedule

Issue:	Description:	By:	Date:
A	Submission Plan	JS	15/02/24
B	Arch: Calc.	JS	13/03/24	

Drafted: JS

Scale: 1:200 (0 0 1 2 3 M)

Sheet: 1 of 3

Reference: LP 01

Designed by:
Julian Saw
Diploma of Horticulture (Landscape Design)

General Notes:
1. See Architects drawings for site levels, setbacks and extent of cut and fill.
2. This plan shall be read in conjunction with the Hydraulic Engineers drawings.
3. All relevant australian standards are to be adhered to.
4. Any structural items are to be installed as per the manufacturer/engineers specifications.
5. This plan is indicative only and not for construction purposes

SITE CALCULATIONS

LOT AREA	507.6 sq m	
LANDSCAPED AREA TOTAL	205.8 sq m	40.552%
TREE CANOPY AREA TOTAL	180 sq m	35.461%
DEEP SOIL AREA	185 sq m	36.446%
FRONT SETBACK DEEP SOIL	31.1 sq m	50.984%

Click Here to View Our Plant Profiles!

Client: **Mounzer Mortada**

Client Signatures:
1.
2.

Job No. **240053**

Drawing: **Landscape Plan**

Address: **22 Benelong Crescent Bellevue Hill NSW**

Council/Lodgement: **Woollahra/DA**

DappleDesigns
Ph: 1300 DAPPLE
(1300 327753)
E: info@dappledesigns.com.au
www.dappledesigns.com.au

LANDSCAPE SPECIFICATION

SITE ESTABLISHMENT
ALL RUBBISH, DEBRIS, FALLEN BRANCHES SHALL BE CLEARED FROM LANDSCAPED AREAS AND DISPOSED OF USING SKIP BINS ONSITE OR BY TRANSPORTING TO THE LOCAL WASTE MANANAGEMENT FACILITY. ANY UNUSED BRICKS, CONCRETE BLOCKS OR TIMBER SHOULD BE EITHER RE-USED ONSITE WHERE POSSIBLE OR RECYCLED AT THE LOCAL WASTE MANANAGEMENT FACILITY.

TREE PROTECTION
TREES TO BE RETAINED SHALL BE PROTECTED DURING SITE WORKS AND TREE PROTECTION BARRIERS INSTALLED ACCORDING TO TREE PROTECTION DETAILS. NO EXCAVATION OR CHANGE IN SOIL LEVEL SHOULD TAKE PLACE AROUND THE BASE OF SUCH TREES. ANY ARBORIST REPORT MUST BE ADHERED TO AND TREE PROTECTION ZONES MAINTAINEDWHERE APPLICABLE.

WEED ERADICATION
AREAS TO BE LANDSCAPED ARE TO BE SPRAYED WITH GLYPHOSATE AT THE RECOMMENDED RATE AT LEAST 1 WEEK PRIOR TO ANY LANDSCAPE WORKS TAKING PLACE IN ORDER TO ALLOW WEEDS TO DIE OFF. CARE IS TO BE TAKEN TO PROTECT REMAINING VEGETATION FROM THE HERBICIDE APPLICATION AND SHOULD ONLY BE UNDERTAKEN IN STILL WEATHER. ALL WEEDS ARE THEN TO BE DISPOSED OF APPROPRIATELY AT THE LOCAL WASTE MANANAGEMENT FACILITY.

GARDEN BED PREPERATION
ENSURE ALL GARDEN BEDS HAVE BEEN EXCAVATED TO 250MM BELOW FINISHED LEVELS. RIP THE SUBGRADE A FURTHER 100MM IN DEPTH. INSTALL PREMIUM GARDEN SOIL OR MIX NATURAL TOP SOIL WITH IMPORTED SOIL TO A DEPTH OF 250MM. INSTALL 75MM DEPTH OF LEAF LITTER MULCH FROM ANL LANDSCAPE SUPPLIES OR EQUIVALENT.

LAWN AREA PREPERATION
EXCAVATE LAWN AREAS TO A DEPTH OF 100MM BELOW REQUIRED FINISHED LEVELS. DO NOT EXCAVATE WITHIN WITHIN TREE PROTECTION ZONES WHERE APPLICABLE OR WITHIN 1500MM OF THE TRUNK OF ANY EXISTING TREES TO BE RETAINED. ENSURE THAT ALL SURFACE WATER IS DIRECTED TOWARD ANY DRAINAGE PITS, KERBS AND AWAY FROM ANY BUILDINGS. SUBGRADE IS TO BE RIPPED TO A DEPTH OF 150MM AND A 50MM DEEP LAYER OF TURF UNDERLAY INSTALLED ON TOP. LAWNS SHOULD HAVE AN EVEN GRADE SO THAT NO PONDING OR POOLING OCCURS. 'SIR LAUNCHER' FERTILISER OR EQUIVELANT SHOULD BE SPREAD OVER LAWN AREAS PRIOR TO LAYING TURF. LAY ***'SIR WALTER BUFFALO'*** TURF ROLLS CLOSELY BUTTED ENSURING NO GAPS BETWEEN ARE PRESENT. ROLL AND WATER THOROUGHLY AFTER LAYING.

PLANTING
PLANTS ARE TO BE HEALTHY, FREE OF PEST/DISEASES AND TRUE TO TYPE & SPECIES. REFER TO LANDSCAPE PLAN FOR LOCATION AND SPACING. ALL PLANTS SHOULD BE PLACED IN A HOLE DUG TWICE THE SIZE OF THE POT. GENTLY TEESE THE ROOTS OF ANY POT BOUND PLANTS. THE BASE OF THE TRUNK SHOULD BE INSTALLED LEVEL WITH THE SURFACE OF THE GROUND AND DISH CREATED AROUND THE BASE OF EACH PLANT TO AID WITH WATER RETENTION. WATER THOROUGHLY AFTER PLANTING.

STAKING
ALL TREES AND TOP HEAVY SCREENING SHRUBS SHOULD BE STAKED WITH 2 X 25MM X 25MM LONG TIMBER STAKES PER PLANT. LENGTH OF STAKES IS DEPENDENT ON THE HEIGHT AND STABILITY OF THE TREE/SHRUB. STAKES SHOULD BE FIRMLY POSITIONED. HESSIAN TAPE IS TO BE PLACED AROUND THE TREE AND STAKES ALLOWING SOME MOVEMENT IN ORDER TO ALLOW THE TRUNK TO DEVELOP STRENGTH OVERTIME.

GARDEN EDGING
USE EITHER ***'HAVEN' BRICK EDGING*** OR SIMILAR LAID ON A 50MM THICK BED OF MORTAR, OR ***TREATED TIMBER EDGING*** SECURED WITH INGROUND TIMBER STAKES. ALL GARDENS ARE TO HAVE EDGING INSTALLED AND BE INSTALLED AS PER PLAN.

RETAINING WALLS
REFER TO MANUFACTURERS INSTRUCTIONS FOR CONSTRUCTION OF RETAINING WALLS. DETAILS ON THIS PLAN ARE A GUIDE ONLY.

COMPLETION
SITE IS TO BE CLEARED OF ANY SURPLUS MATERIALS AND DEBRIS PRIOR TO PRACTICAL COMPLETION. WORK IS TO BE COMPLETED TO THE SATISFACTION OF COUNCILS GUIDELINES AND ANY DA CONDITIONS

MAINTENANCE PERIOD
A 12 MONTH MAINTENANCE PERIOD FROM THE DATE OF PRACTICAL COMPLETION WILL APPLY. DURING THIS TIME THE OWNER IS RESPONSIBLE FOR RECTIFYING ANY DEFECTIVE WORK. DURING THE MAINTENACE PERIOD THE FOLLOWING ACTIVITIES ARE
TO BE UNDERTAKEN.
a) REPLACEMENTS: ANY PLANTS/TREES THAT HAVE DIED SHALL BE REPLACED WITH THE SAME SPECIES AND SIZE AS INDICATED ON THIS PLAN. THE SPECIMENS MUST BE IN GOOD HEALTH AND FREE FROM PESTS AND DISEASES.
b) WATERING: REGULAR WATERING OF PLANTS IS REQUIRED. PLANTS SHOULD BE WATERED TWICE A WEEK WITHIN THE FIRST
2 MONTHS OF PLANTING AND AND DURING DRY PERIODS. LESS FREQUENT WATERING IS REQUIRED ONCE PLANTS ARE ESTABLISHED AND DURING PERIODS OF RAIN. THE CONTRACTOR/OWNER SHOULD USE THEIR DISCRETION.
c) GARDEN BEDS: GARDEN AREAS SHOULD BE REGULARLY WEEDED AND MULCH TOPPED UP IF REQUIRED. NO BARE SOIL IS TO BE PRESENT AND SPECIFIED DEPTHS MAINTAINED.
d) LAWN AREAS: LAWN AREAS SHALL BE MOWN REGULARLY (AT LEAST ONCE A WEEK IN GROWING SEASON) IN ORDER TO PROMOTE A THICK LAWN THAT OUTCOMPETES ANY WEEDS. LAWN CLIPPINGS ARE NOT TO BE SPREAD OVER GARDEN AREAS. ANY DEAD AREAS OF LAWN OCCURING THE MAINTENANCE PERIOD, ARE TO BE REPLACE WITH THE TURF VARIETY SPECIFED IN THE PLAN.
e) PRUNING: ADEQUATE HORTICULTURAL PRUNING METHODS SHOULD BE USED ON PLANTS AS BECOMES NECESSARY. ANY HEDGES ARE TO BE TRIMMED REGULARLY, DEAD AND DANGEROUS TREE BRANCHES PRUNED AND LIGHT PRUNING OF SHRUBS TO PROMOTE THICK FOLIAGE COVER.
f) FERTILISING: 'ORGANIC LIFE' FERTILISER OR EQUIVELANT SHALL BE APPLIED AS PER MANUFACTURERS INSTRUCTIONS TO ALL GARDEN BEDS ONCE PER MONTH. DYNAMIC LIFTER OR SIMILAR SHOULD BE APPLIED TO ALL LAWN AREAS TWICE A YEAR, ONCE IN MID SPRING AND ONCE IN EARLY SUMMER. WATER THOROUGHLY AFTER EACH APPLICATION OF FERTILISER.

PLANT LIST

TYPE	SYMBOL	BOTANIC NAME	COMMON NAME	MATURE HEIGHT X WIDTH	NATIVE?	QTY	POT SIZE
TREES							
	Mglg	MAGNOLIA 'LITTLE GEM'	LIITLE GEM MAGNOLIA	5M X 3M	NO	6	45LTR
	Bac	BRACHYCITION ACERIFOLIUS	ILLAWARRA FLAME TREE	15M X 10M	YES	2	45LTR
	QuPa	QUERCUS PALUSTRIS	PIN OAK	15M X 8M	NO	4	45LTR
SHRUBS							
	Gf	GARDENIA FLORIDA	GARDENIA FLORIDA	1.5M X 1M	NO	16	200MM
	Lc	LOROPETALUM CHINENSE	FRINGE FLOWER	1M X 1M	NO	6	200MM
GROUNDCOVERS & PERENNIALS							
	Hp	HELICHRYSUM PETIOLARE	LICORICE PLANT	0.45M X 1.5M	NO	12	140MM
	Hpl	HELICHRYSUM PETIOLARE 'LIMELIGHT'	EVERLASTING	0.45 X 1M	NO	18	140MM
	Ta	TRACHELOSPERMUM ASIATICUM	ASIAN JASMIN	0.2M X 1M	NO	37	140MM
GRASSES & STRAP LEAF PLANTS							
	Lmrp	LIRIOPE MUSCARI 'ROYAL PURPLE'	LILY TURF	0.4M X 0.4M	NO	42	140MM
HEDGES							
	Bs	BUXUS SEMPERVIRENS	ENGLISH BOX	TRIMMED UP TO 1M	NO	69	200MM
	Saoz	SYZYGIUM AUSTRALE 'AUSSIE SOUTHERN'	SCRUB CHERRY	TRIMMED UP TO 3M	YES	22	200MM

Click Here to View Our Plant Profiles!

Revision Schedule

Issue:	Description:	By:	Date:
A	Submission Plan	JS	15/02/24
B	Arch: Calc.	JS	13/03/24

Drafted: JS
Scale: 1:200 (0 0 1 2 3M)
Sheet: 2 of 3
Reference: LP 01

Designed by:
Julian Saw
Diploma of Horticulture (Landscape Design)

General Notes:
1. See Architects drawings for site levels, setbacks and extent of cut and fill.
2. This plan shall be read in conjunction with the Hydraulic Engineers drawings.
3. All relevant australian standards are to be adhered to.
4. Any structural items are to be installed as per the manufacturer/engineers specifications.
5. This plan is indicative only and not for construction purposes

SITE CALCULATIONS

LOT AREA	507.6 sq m	
LANDSCAPED AREA TOTAL	205.8 sq m	40.552%
TREE CANOPY AREA TOTAL	180 sq m	35.461%
DEEP SOIL AREA	185 sq m	36.446%
FRONT SETBACK DEEP SOIL	31.1 sq m	50.984%

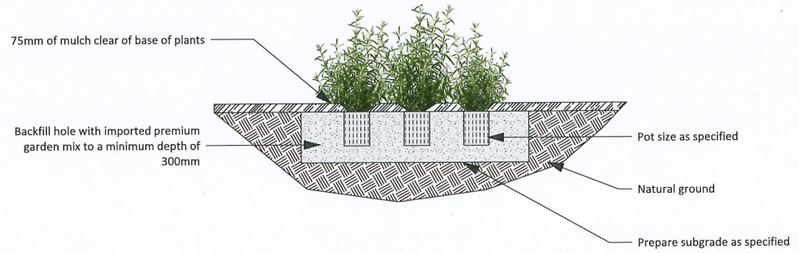
Click Here to View Our Plant Profiles!

Client: **Mounzer Mortada**
Client Signatures:
1.
2.
Job No. **240053**
Drawing: **Plant List/Specification**
Address: **22 Benelong Crescent Bellevue Hill NSW**
Council/Lodgement: **Woollahra/DA**

DappleDesigns
Ph: 1300 DAPPLE
(1300 327753)
E: info@dappledesigns.com.au
www.dappledesigns.com.au

DETAILS
1. TURF ROLLS ARE TO BE IN GOOD HEALTH, FREE FROM PESTS AND DISEASES AND WITHOUT HOLES
2. APPLY WATER SAVING CRYSTALS TO THE GROUND PRIOR TO LAYING
3. BUT ROLLS CLOSELY TOGETHER TO AVOID GAPS AND DIEBACK
4. WATER THROUROUGHLY AFTER PLANTING AND REGULARLY UNTIL ESTABLISHED

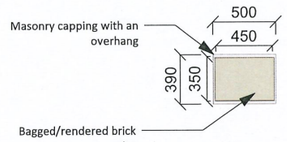
TURF LAYING DETAIL
SCALE 1:20



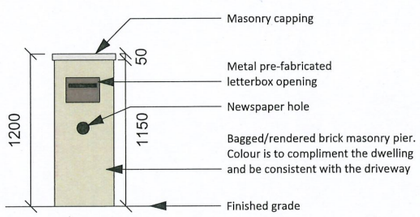
DETAILS
1. SPECIMENS ARE TO BE IN GOOD HEALTH AND FREE FROM PESTS AND DISEASES
2. GENTLY LOOSEN ROOTS IF REQUIRED, PRIOR TO PLANTING
3. WATER THROUROUGHLY AFTER PLANTING
4. REFER TO PLAN FOR QUANTITIES AND SPACING

SHRUB & GROUNDCOVER PLANTING DETAIL
SCALE 1:30

TOP VIEW

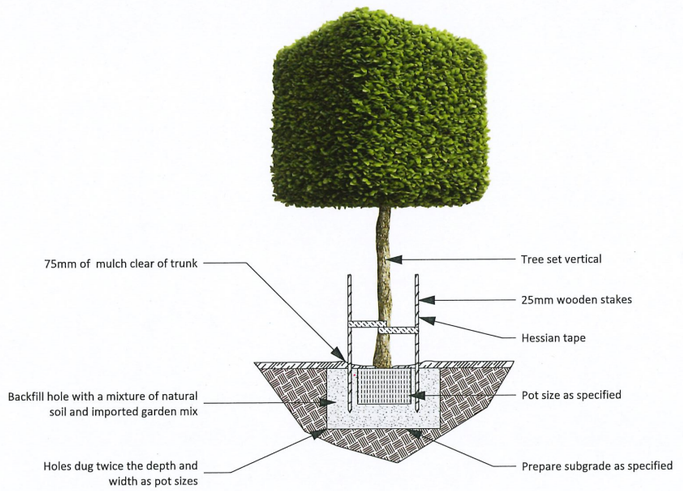


FRONT VIEW



DETAILS
1. COLOUR CHOSEN IS TO COMPLIMENT THE DWELLING
2. ENSURE THAT NO CEMENT OR RENDER IS LEFT ON THE BRICKWORK OR LETTERBOX OPENING
3. BRICK PIER IS TO LEVEL AND STRAIGHT

LETTERBOX DETAIL
SCALE 1:40



DETAILS
1. SPECIMENS ARE TO BE IN GOOD HEALTH AND FREE FROM PESTS AND DISEASES
2. WATER THROUROUGHLY AFTER PLANTING

TREE PLANTING DETAIL
SCALE 1:40

Revision Schedule

Issue:	Description:	By:	Date:
A	Submission Plan	JS	15/02/24
B	Arch: Calc.	JS	13/03/24

Drafted: JS

Scale: 1:200
0 0 1 2 3M

Sheet: 3 of 3

Reference: LP 01

Designed by:
Julian Saw
Diploma of Horticulture (Landscape Design)

General Notes:
1. See Architects drawings for site levels, setbacks and extent of cut and fill.
2. This plan shall be read in conjunction with the Hydraulic Engineers drawings.
3. All relevant australian standards are to be adhered to.
4. Any structural items are to be installed as per the manufacturer/engineers specifications.
5. This plan is indicative only and not for construction purposes

SITE CALCULATIONS

LOT AREA	507.6 sq m	
LANDSCAPED AREA TOTAL	205.8 sq m	40.552%
TREE CANOPY AREA TOTAL	180 sq m	35.461%
DEEP SOIL AREA	185 sq m	36.446%
FRONT SETBACK DEEP SOIL	31.1 sq m	50.984%

Click Here to View Our Plant Profiles!

Client: **Mounzer Mortada**

Client Signatures:
1.
2.

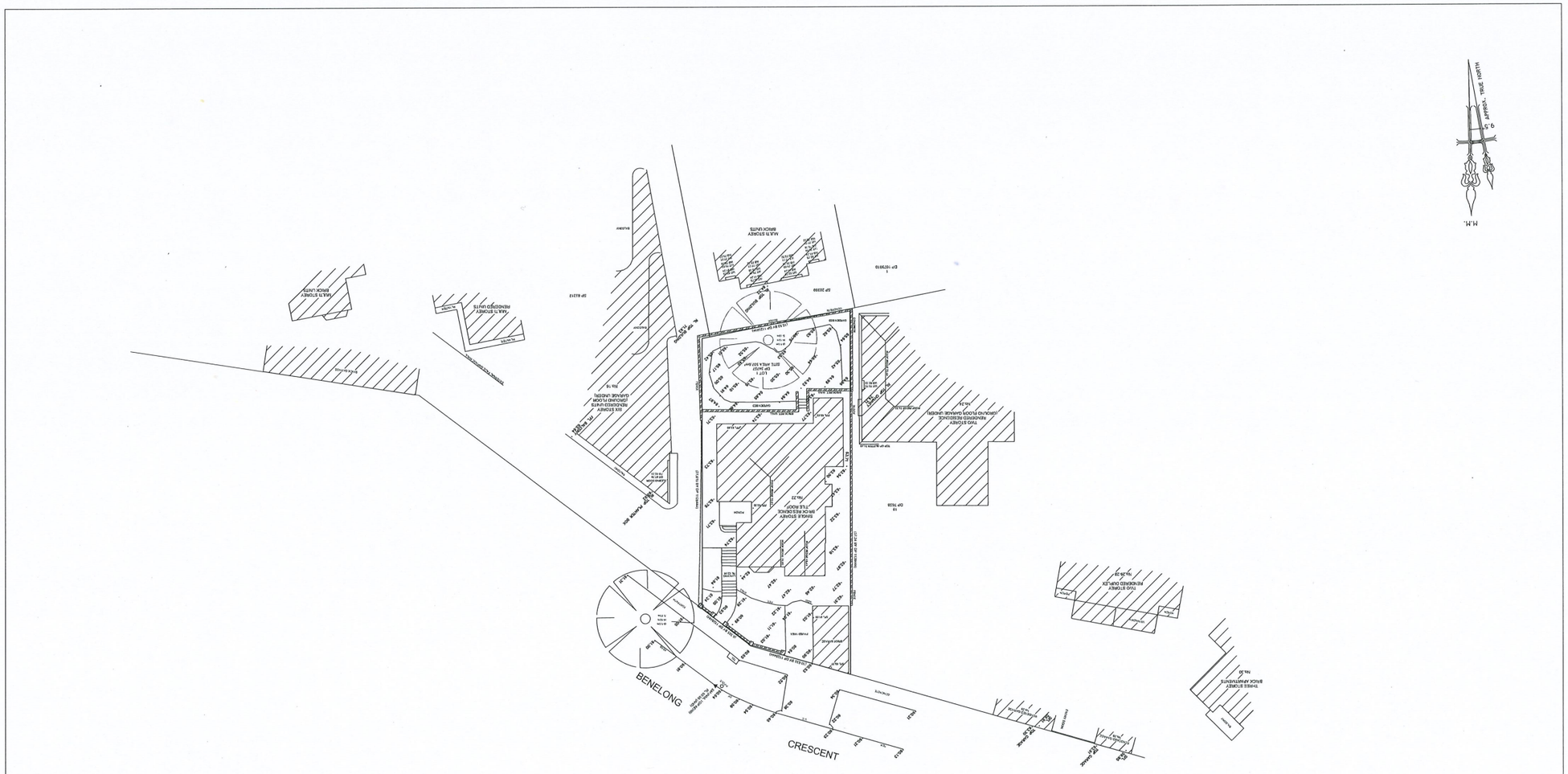
Job No. **240053**

Drawing: **Details**

Address: **22 Benelong Crescent Bellevue Hill NSW**

Council/Lodgement: **Woollahra/DA**

DappleDesigns
Ph: 1300 DAPPLE
(1300 327753)
E: info@dappledesigns.com.au
www.dappledesigns.com.au


M.M.
0 5 APPROX. TRUE NORTH
BENELONG
CRESCENT
SINGLE STOREY BRICK UNITS
TWO STOREY RENDERED DUPLEX
THREE STOREY BRICK APARTMENTS NO.24
SINGLE STOREY BRICK RESIDENCE TILE ROOF
TWO STOREY MASONRY RESIDENCE INCLUDING FLOOR DAMAGE UNDERS
SIX STOREY RENDERED UNITS INCLUDING FLOOR DAMAGE UNDERS
TWO STOREY RENDERED UNITS
SINGLE STOREY BRICK UNITS
SP 61213
DP 20299
DP 1073910
LOT 1 DP 34757
3175 sq.m
No.22
No.24
No.20
No.18
No.13
No.15
No.17
No.19
No.21
No.23
No.25
No.27
No.29
No.31
No.33
No.35
No.37
No.39
No.41
No.43
No.45
No.47
No.49
No.51
No.53
No.55
No.57
No.59
No.61
No.63
No.65
No.67
No.69
No.71
No.73
No.75
No.77
No.79
No.81
No.83
No.85
No.87
No.89
No.91

Woollahra Municipal Council

17 October 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 183/2024/1
ADDRESS:	22 Benelong Crescent BELLEVUE HILL 2023
PROPOSAL:	Demolition of existing dwelling house and construction of an attached dual occupancy and strata subdivision.
FROM:	Mehrnaz Jamali - Development Engineer
TO:	Mr D Booth

1. ISSUES

- Satisfactory subject to conditions. Please refer to comments and conditions.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, unreferenced, Version V3, prepared by City Planning Works, dated 27/05/2024.
- Architectural Plans, Revision B, prepared by M Cubed Architects, dated 15 August 2024.
- Survey Plan, referenced BENELONG, Revision B, prepared by Complete Surveying Solutions, dated 12/04/2024.
- Engineering Statement, unreferenced, prepared by MBC Engineering, dated 27/06/2024.
- Stormwater Management Plans, Job No. 2024099, Issue 1, prepared by MBC Engineering, dated 01/03/2024.
- Updated Stormwater Management Plan – **STC requested plans not provided.**
- Geotechnical Investigation Report, referenced ESWN-PR-2023-2052, prepared by ESWNMAN, dated 14 December 2023.
- RFI Response, unreferenced, prepared by City Planning Works, dated 28 June 2024.
- DRAINS Model – Not required as they need to connect to Council's belowground drainage system.

3. ASSESSMENT

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

a. Site Drainage comments

Notes: *Contrary to that stated within the Engineering Statement, unreferenced, prepared by MBC Engineering, dated 27/06/2024, no updated Stormwater Management Plan was*

Woollahra Municipal Council

submitted as part of Councils RFI dated 20/06/2024.
A second attempt for the above information was requested of the applicant by Council's Development Planning section, on 28th of June 2024. However the receipt of the said information was not successful.
As such, this assessment was entirely based on the previous and original version of the submitted Stormwater Management Plan. Please NOTE however that the provision of a revised version would have resulted with the same outcome.

A= 507.6m^2, required = (12.69 +20%) = 15.4m^3 for an aboveground OSD (without RG and without DRAINS), must connect to belowground drainage system due to proposed basement pump-out systems and the type of development being a dual occupancy.
Provided = 16.2m^3 being 2 aboveground OSDs (with DRAINS) + 2 basement pump-out systems.

There are no objections to the Stormwater Management Plans, Job No. 2024099, Issue 1, prepared by MBC Engineering, dated 01/03/2024 subject to the following conditions and amendments;

- *The two proposed stormwater connections to Council's kerb and gutter must be removed. Stormwater discharge from the site must be to Council's belowground drainage system fronting No.34 Benelong Crescent.*
  As such, the discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Benelong Crescent. Council's existing belowground drainage system must therefore be extended from the existing KIP fronting No.34 Benelong Crescent, to connect to the new KIP fronting the site. A second new KIP must be provided at the bend, approximately between the two end KIPs. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
  Note: Stormwater discharge to Council's kerb and gutter is not permitted.
  Note: Subsoil drainage must not discharge to Council's stormwater network, including stormwater pipes, pits, and/or kerb and gutter.
- *The basement Pump-out System must only collect surface stormwater run-off from the basement area which cannot drain under gravity. Stormwater from all other areas, must not be directed to the basement pump-out system and must drain under gravity only.*

The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP and Local Approvals Policy. This is to ensure that site stormwater is disposed in a controlled and sustainable manner.

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

b. Flooding & Overland Flow comments

Not Affected.

c. Impacts on Council Infrastructure comments

Drainage Works:

Woollahra Municipal Council

- *The two proposed stormwater connections to Council's kerb and gutter must be removed. Stormwater discharge from the site must be to Council's belowground drainage system fronting No.34 Benelong Crescent.*
  As such, the discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Benelong Crescent. Council's existing belowground drainage system must therefore be extended from the existing KIP fronting No.34 Benelong Crescent, to connect to the new KIP fronting the site. A second new KIP must be provided at the bend, approximately between the two end KIPs. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
  Note: Stormwater discharge to Council's kerb and gutter is <u>not</u> permitted.
  Note: Subsoil drainage must not discharge to Council's stormwater network, including stormwater pipes, pits, and/or kerb and gutter.

  <u>Road and Footpath Works:</u>

  - *Construction of a new vehicular crossing, having a width of 3.5m at property boundary and perpendicular to the road carriageway.*
  - *Removal of the redundant vehicular crossing and restoration of the area with standard kerb and gutter.*
  - *Footpath = poor. Removal and replacement of the existing concrete footpath for the full frontage of the property.*
    *→(*Discussed with Council's Team Leader Asset Infrastructure on 15/10/2024).*

The remainder of Council's assets are in serviceable condition - conditions applied

d. Traffic comments

The expected traffic generation from the proposed development is typical for the zoning of the site.

e. Vehicle Access & Accommodation comments

The access and parking layout is generally satisfactory subject to the following condition:

- *Driveway splays must be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.*

f. Geotechnical, Hydrogeological and/or Structural comments

The following document has been submitted in support of the application;

- *Geotechnical Investigation Report, referenced ESWN-PR-2023-2052, prepared by ESWNMAN, dated 14 December 2023.*

The proposal involves excavation to depths of about 2m-3m and within 1.5m of property boundary.

The report identified that;

Woollahra Municipal Council

a) *Natural soil – marine sand – loose – to depths of 0.3m – 1.1m.*
b) *Medium to dense sand – to depths of 0.9m – 2.4m.*
c) *Dense sand – sandy/clayey sand – to depths of 1m – 2.6m.*
d) *Sandstone bedrock at depths of 1m – 3.2m.*
e) *Groundwater appeared not to be an issue.*
f) *Ground anchors may be required.*
g) *Underpinning not mentioned.*
h) ***The report has not made any mention of vibration.*

Note: the Geotechnical Investigation Report referenced within this consent, must be revised to comply with all requirements within Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports.

Conditions covering these matters as well as others identified by Council have been added to the Referral.

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

Note: Use of any Ground Anchors or any retention system extending beyond site boundaries requires the approval of neighbouring properties in writing.

g. Other matters

None.

4. RECOMMENDATION

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

Conditions of Consent

Please note that the standard conditions of consent are generally modified by the Infrastructure and Sustainability Division to suit a particular development application. Please ensure all Infrastructure and Sustainability conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function.

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting Documents

Reference	Description	Author	Date
Nil	Engineering Statement	MBC Engineering	27/06/2024
Job No. 2024099, Issue 1	Stormwater Management Plans	MBC Engineering	01/03/2024
ESWN-PR-2023-2052	Geotechnical Investigation Report	ESWNMAN	14 December 2023
Nil	RFI Response	City Planning Works	28 June 2024

Woollahra Municipal Council

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

A.31 No Underpinning Works

B. BEFORE DEMOLITION WORK COMMENCES

B.4 Erosion and Sediment Controls – Installation

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

B.14 Payment of Security and Fees

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$77,234	No	T115

B.16 Dilapidation Reports for Existing Buildings

B. 16.	**Dilapidation Reports for Existing Buildings**
	Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer. These properties must include (but is not limited to): a) No. 24 Benelong Crescent b) No. 14 Birriga Road c) No. 16 Birriga Road Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access. The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work. No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).

Woollahra Municipal Council

	Notes: • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
	Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

B.17 Dilapidation Reports for Public Infrastructure

B.18 Adjoining Buildings Founded on Loose Foundation Materials

B.21 Works (Construction) Zone – Approval and Implementation

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.13 Road and Public Domain Works

D 13.	**Road and Public Domain Works**
	Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense: Drainage Works: a) The two proposed stormwater connections to Council's kerb and gutter must be removed. Stormwater discharge from the site must be to Council's belowground drainage system fronting No.34 Benelong Crescent. As such, the discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Benelong Crescent. Council's existing belowground drainage system must therefore be extended from the existing KIP fronting No.34 Benelong Crescent, to connect to the new KIP fronting the site. A second new KIP must be provided at the bend, approximately between the two end KIPs. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate.

Woollahra Municipal Council

Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.

b) Stormwater discharge to Council's kerb and gutter is not permitted.
c) Subsoil drainage must not discharge to Council's stormwater network, including stormwater pipes, pits, and/or kerb and gutter.

Road and Footpath Works:

a) The removal of all redundant vehicular crossings including layback and gutter and reinstated into Council's standard kerb and gutter and nature strip in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.
b) The removal of the existing vehicular crossing including layback and gutter and the construction of a new **3.5** metres wide vehicular crossing in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment. Note: The gradient of the vehicular crossing must be in accordance with the AS/NZS 2890.1:2004 and Council's Specifications. The existing footpath levels are to be maintained wherever possible and cannot be altered without Council's approval.
c) The removal and replacement of the existing concrete footpath for the full frontage of the site in accordance with Council's Specification, Council's standard drawing RF3 and to the satisfaction of Council's Assets Engineers. A maximum cross-fall of 3% must be provided for the footpath, graded from the property boundary towards the top of kerb. A design longitudinal surface profile (scale 1:100) and cross sections (scale 1:50) at every 5 metres interval must be submitted for assessment.
d) Removal and replacement of all cracked or damaged kerb and gutter for the full width of the property, in accordance with Council's standard drawing RF3.
e) The reinstatement of the existing, 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.
f) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			

Woollahra Municipal Council

Infrastructure Works Bond - completing any public work required in connection with the consent.	$98,959	No	T113
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	$0	No	T113
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$674	No	T45
TOTAL SECURITY AND FEES	$99,633		

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

The payment of a security may be made by a bank guarantee where:
a) the guarantee is by an Australian bank for the amount of the total outstanding contribution,
b) 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],
c) 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,
d) the bank guarantee is lodged with the Council prior to any site works being undertaken, and
e) 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:
a) ***Road*** has the same meaning as in the Roads Act 1993.
b) 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.
c) 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:
d) Construction of driveways and/or new or alterations to footpath paving
e) Alteration and/or extension to Council drainage infrastructure
f) Alteration and/or addition of retaining walls
g) Pumping of water to Council's below ground stormwater system
h) Installation of soil/rock anchors under the roadway
i) Installation of Stormwater outlet pipes across the nature strip
j) 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,

Woollahra Municipal Council

	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. k) Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following: l) 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. m) Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services. n) 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. o) 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. p) Any adjustments required from the garage slab and the street levels are to be carried out internally on private property q) Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. r) Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". s) 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. t) All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. u) When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. v) 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. w) 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. x) 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. y) 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. z) 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.

Woollahra Municipal Council

	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D.21 Provision for Energy Supplies

D.25 Erosion and Sediment Control Plan – Submission and Approval

D.36 Professional Engineering Details

D.37 Engineer Certification

D.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

D 40.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 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. Note: the Geotechnical Investigation Report referenced within this consent, must be revised to comply with all requirements within Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter. e) Provide a Geotechnical and Hydrogeological Monitoring Program that: • will detect any settlement associated with temporary and permanent works and structures,

Woollahra Municipal Council

	• will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D.45 Parking Facilities

D 45.	**Parking Facilities**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6: Parking facilities - Off-street parking for people with disabilities, AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities respectively and including the following: a) Driveway splays must be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

D.51 Stormwater Management Plan

D 51.	**Stormwater Management Plan**

Woollahra Municipal Council

	Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following: a) General design in accordance with the Stormwater Management Plans, Job No. 2024099, Issue 1, prepared by MBC Engineering, dated 01/03/2024, other than amended by this and other conditions; b) The two proposed stormwater connections to Council's kerb and gutter must be removed. Stormwater discharge from the site must be to Council's belowground drainage system fronting No.34 Benelong Crescent. As such, the discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Benelong Crescent. Council's existing belowground drainage system must therefore be extended from the existing KIP fronting No.34 Benelong Crescent, to connect to the new KIP fronting the site. A second new KIP must be provided at the bend, approximately between the two end KIPs. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section. Note: Stormwater discharge to Council's kerb and gutter is not permitted. Note: Subsoil drainage must not discharge to Council's stormwater network, including stormwater pipes, pits, and/or kerb and gutter. c) Subsoil drainage/seepage water is NOT to be collected and discharged to the kerb and gutter, to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings. d) Dimensions of all drainage pits and access grates must comply with AS3500.3. e) Compliance the objectives and performance requirements of the BCA. f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. g) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. h) Provision of 2 aboveground Onsite Stormwater Detention (OSD) Systems totalling a minimum volume of 16.2m^3. Note: Volumes must be calculated to the top of water level only. The OSD Systems must be designed to comply with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements. i) Provision of any basement Pump-out System must comply with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements and and AS/NZS 3500.3. The basement pump-out systems must only collect surface stormwater run-off from the basement area which cannot drain under gravity. Stormwater from all other areas, must not be directed to the basement pump-out system and must drain under gravity only. The Stormwater Management Plan must also include the following specific requirements:

Woollahra Municipal Council

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

Woollahra Municipal Council

D.52 Non-Gravity Drainage Systems

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance

F.11 Maintenance of Environmental Controls

F.12 Compliance with Geotechnical / Hydrogeological Monitoring Program

F.13 Support of Adjoining Land and Buildings

F.14 Vibration Monitoring

F.15 Erosion and Sediment Controls – Maintenance

F.17 Disposal of Site Water During Construction

F.19 Site Cranes

F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

F.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works

G.9 Commissioning and Certification of Public Infrastructure Works

G.29 Works within Public Land (including Council, State or Federal owned land or property)

G.30 Dilapidation Report for Public Infrastructure Works

G.32 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

G 32.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing: a) Compliance with conditions of development consent relating to stormwater, b) The structural adequacy of the Onsite Stormwater Detention (OSD) Systems and basement Pump-out Systems.

Woollahra Municipal Council

	c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations, d) Pipe invert levels and surface levels to Australian Height Datum, and e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the OSD Systems and basement Pump-out Systems, incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

H. OCCUPATION AND ONGOING USE

H.29 Ongoing Maintenance of the Onsite Stormwater Detention (OSD) System and Basement Pump-out Systems (Special Heading)

H 29.	**Ongoing Maintenance of the Onsite Stormwater Detention (OSD) Systems and Basement Pump-out Systems (Special Heading)**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained by the System. b) Keep the system clean and free of silt rubbish and debris, c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant.

Woollahra Municipal Council

	g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. The owner: a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

J. BEFORE SUBDIVISION WORK COMMENCES

Nil

K. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION WORKS)

Nil

L. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (NO SUBDIVISION WORKS)

I.1 Electricity Substations – Dedication as Road and/or Easements for Access

M. BEFORE THE ISSUE OF A STRATA CERTIFICATE

Nil

Woollahra Municipal Council

23 July 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO:	**Development Applications:** 183/2024/1
ADDRESS:	22 Benelong Crescent BELLEVUE HILL 2023
PROPOSAL:	Demolition of existing dwelling house and construction of an attached dual occupancy and strata subdivision.
FROM:	David Prieto - Tree Management & Landscape Officer
TO:	Mr D Booth

1. ISSUES

- The landscape plan shall be amended before the issue of a Construction Certificate to include alternative replacement planting to address possible view issues at rear.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by City Plans Works V3 , dated 27/05/2024
- Survey Plan No.1 Rev B, drafted by Complete Surveying Solutions, dated 12/04/2024
- Architectural Drawing Nos. 1 to 24, drawn by M Cubed Archtiects, dated 26/06/2024
- Stormwater drainage Plan Nos. S1 to S5 , drawn by MBC Engineering P/l, dated 01/03/2024
- Arboricultural Letter, written by NSW Trees, dated 13/02/2024
- Landscape Plan Sheet Nos. 1 to 3 Rev B, designed by Dapple Designs, dated 13/03/2024

A site inspection was carried out on 09/07/2024.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks

Woollahra Municipal Council

- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

4. SUMMARY

The proposal is for demolition of all existing structures and crossover for the construction of a dual occupancy with garages, plunge pools within the building envelope, new crossover, driveway and landscaping.

A total of four (4) trees and a hedge have been identified within and adjacent to the site. This includes two (2) trees proposed to be removed with the rest being retained.

The proposal has received a number of objections for view loss, mainly from the building on the southern side located at 14 Birriga Road Bellevue Hill. Corona Projects has prepared an objection, including view loss assessment for Unit 2 CM24/123167. Whilst it is still unknown the final height and envelope of the building to be approved, the landscape plan will be conditioned to be modified to include appropriate tree species at rear, especially smaller species to minimise view loss.

Council's Tree and Landscape Officer has determined that the development proposal is partially satisfactory in terms of tree preservation and landscaping. However, design modifications are required prior to the issuing of the Construction Certificate to ensure appropriate tree replacement is planted at rear.

5. COMMENTS

A letter from the Consulting Arborist has been provided; however no Arboricultural Impact Assessment or tree numbering has been prepared. This document doesn't provide any substantial information, therefore may not be included as a Supporting Document.

Future tree numbering shall follow this referral response.

Trees

- Tree No.1 *Schefflera actinophylla* (Umbrella tree) is a mature tree located within the rear setback of the property. This is not a prescribed tree as per E3.4.1 *Noxious weeds and exempt species* Group A of Chapter E.3 – Tree Management of Council's Development Control Plan (DCP) 2015, and may be removed without Council consent.

  While the survey indicates the tree is 10 x10m, the actuall approximate dimensions are 8m tall and 6m wide canopy. This will be relevant during the assessment of view loss.

- Tree No.2 *Chamaecyparis pisifera* (False Cypress) is located within the front side of the house, adjacent to the boundary to east. The tree was not included in the survey and was lopped approximatley in January 2024. While the tree is still prescribed under the DPC, it is considred to be of low landscape significance and may be removed.

Woollahra Municipal Council

- Tree No.3 *Cinnamomum camphora* (Camphor Laurel) is a large mature street tree located within the council verge in front of 24 Benelong Crescent, west of the crossover . Existing crossover is proposed to be demolished and a new one installed to the east, further away from the tree. Fencing or trunk protection are not required.

- Tree No.4 *Cinnamomum camphora* (Camphor Laurel) is a large mature street tree located within the council verge in front of 20 Benelong Crescent, east of the crossover. Existing crossover is proposed to be demolished and a new one installed to the east, closer to the tree. Fencing or trunk protection are not required.

  The closer side of the new proposed crossover is located approximately 10.5m from the centre of the tree, outside of the SRZ but within the TPZ of the tree. The proposal is supported as only small diameter roots are expected to be found.

  The proposed building, stormwater lines and above ground OSD tank to northeast are located outside the SRZ but within the TPZ. In order to minimise root disturbance, excavation works will be required to be done under arborist supervision.

- Hedge *x Waterhousia floribunda* 'Sweeper' (Weeping Lillypilly). There is a group of trees forming a hedge located on the adjacent property at 24 Benelong Crescent, along the shared boundary. There is a masonry retaining wall on the adjacent property with a substantial level change between the sites, branches are mostly contained behind the fence. No root disturbance and crown encroachment are anticipated, and no tree protection measures are required, therefore, they will not be included on the assessment. The hedge does not make any contribution to the canopy cover of the site.

Landscape Plan & View loss

The landscape plan contains a generous number of specimens, all canopy trees attaining great heights at maturity. While this seems to be a positive outcome, amendments to the plan are required.

Trees at rear

Four x *Quercus palustris* (Pin Oak) are proposed at rear. Considering the space at rear is quite limited, these trees have the potential to entirely cover the rear yard thus reducing the amenity of the open space. It is anticipated the trees will be crown lifted, over pruned and generally neglected over the years. Alternative specimens with smaller crowns are anticipated to provide better landscape amenity and environmental benefits in the long term.

A number of view loss objections have been raised, the most detailed and with a higher impact by the proposal is Unit 2/14 Birriga Road CM24/123167. The top level of the proposed building is approximately 3m above the existing building roof ridge 70.61 and 6m above the existing roof gutter, similar to the height of the existing tree at rear. It should be noted that the proposal lacks in detail and the Architectural Plan do not contain the envelope of the existing building and vegetation for a comprehensive and accurate assessment. Figure 5 of the report (see below) prepared by Corona Projects shows the property has water views a) to the east of the tree and east of the property and b) west of the tree and central view corridor over the existing house.

Woollahra Municipal Council

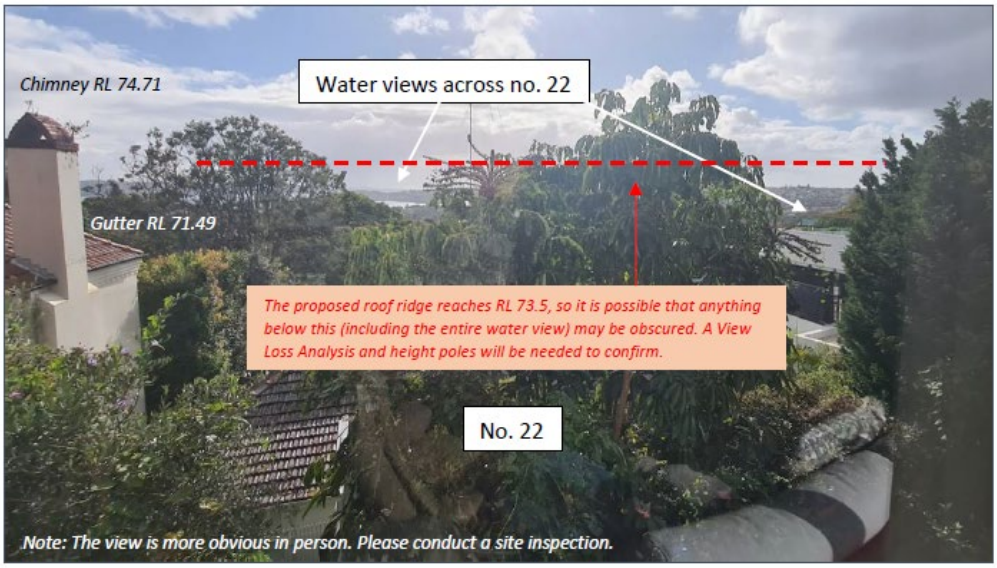


Image 1: view loss assessment prepared by Corona Projects

This second central view corridor is most likely be impacted by the proposed building envelop. Thus, any replacement tree with a similar height at maturity as the existing tree should not be provide an additional view constrain. The view corridor to the east would only be impacted by any replacement planting. Nonetheless, this needs to be confirmed onsite by the Assessment Officer and depends on the final envelop of the new building.

Considering the above, and Control C1(a) of the B3.7.1 Landscape areas of the DCP, the following amendments to the landscape plans will be conditioned :

- One (1) x *Plumeria acutifolia* (Frangipani) x 100L shall be planted within the rear setback of Lot 1, near the eastern boundary, at a minimum distance of 0.5m from any structure or services.
- One (1) x *Tristaniopsis laurina* (Water gum) x 100L shall be planted within the rear setback of Lot 1, near the southern boundary, at a minimum distance of 0.5m from any structure or services.
- One (1) x *Tristaniopsis laurina* (Water gum) x 100L shall be planted within the rear setback of Lot 2, near the southern boundary, at a minimum distance of 0.5m from any structure or services.
- One (1) x *Banksia integrifolia (Coastal Banksia)* x 100L shall be planted within the rear setback of Lot 2, near the western boundary, at a minimum distance of 0.5m from any structure or services.

Trees at the front

The landscape plan shows two replacement trees located within the front setback of the property in two above ground OSD tanks. It is understod that the only built structues of the tanks are the walls and the drainage pits with the floor being natural deep soil. This may need to confirmed.

Canopy Cover

Canopy Control C.1 of B.3.7.1 *Landscaped area and private* open space of the DCP applies to the site. Including the replacement planting within the rear (proposed or amended) and front setbacks of the property, the landscape plan contains sufficient replacment planting to achieve the control.

Woollahra Municipal Council

Deep Soil & SEE

B3.7.1 *Landscape area and private open* space - Control C2, requires a 35% deep soil landscaped area for the site. SEE (page 24) indicates that the proposal complies with the control.

Tree damage security deposit

Considering the tree species and the impact to the trees, no bond shall be imposed.
This may need to be reconsidered if the stormwater or other plans include substantial changes.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.	**Approved Plans and Supporting Documents**
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved. **Reference** | **Description** | **Author** | **Date** Sheet Nos. 1 to 3 Rev B | Landscape Plan | Dapple Designs | 13/03/2024 **Notes:** • Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans. • These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development. Standard Condition A.2 (Autotext 2A)

A. 2.	**Tree Preservation and Landscaping Works**
	While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable. a) The following trees must be retained:

Woollahra Municipal Council

- Trees on Council land:

Council Ref No	Species	Location	Dimension (metres)
3	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 24 Benelong Cr.	20 x 16
4	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 20 Benelong Cr.	20 x 14

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	*Schefflera actinophylla* (Umbrella tree) *	Rear	8 x 6
2	*Chamaecyparis pisifera* (False Cypress)	Side	3.5 x 4

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

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

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works.

To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.

Woollahra Municipal Council

	Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents. Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	**Permissible work within Tree Protection Zones**
	Prior to any site works, the following works are permissible within the Tree Protection Zone:

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
3	*Cinnamomum camphora* (Camphor Laurel)	11.0	Demolition crossover, installation of new SW discharge line, above ground OSD tank, landscape works and new building
4	*Cinnamomum camphora* (Camphor Laurel)	5.0	Construction new crossover, installation of new SW discharge line, above ground OSD tank, landscape works and new building

	The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.
	Condition Reason To establish the works which are permissible within the Tree Protection Zones. Standard Condition B.30 (Autotext 30B)

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the

Woollahra Municipal Council

	location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented. Standard Condition D.30 (Autotext 30D)

D	**2.**	**Modification of Details of the Development (section 4.17(1)(g) of the Act**
		Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments: a) Amended Plan must be submitted to Council for approval prior to the issue of a Construction Certificate. The plan must include the following changes within the rear setback: • The proposed four x *Quercus palustris* (Pin Oak) at rear shall be deleted. • One (1) x *Plumeria acutifolia* (Frangipani) x 100L shall be planted within the rear setback of Lot 1, near the eastern boundary, at a minimum distance of 0.5m from any structure or services. • One (1) x *Tristaniopsis laurina* (Water gum) x 100L shall be planted within the rear setback of Lot 1, near the southern boundary, at a minimum distance of 0.5m from any structure or services. • One (1) x *Tristaniopsis laurina* (Water gum) x 100L shall be planted within the rear setback of Lot 2, near the southern boundary, at a minimum distance of 0.5m from any structure or services. • One (1) x *Banksia integrifolia (Coastal Banksia)* x 100L shall be planted within the rear setback of Lot 2, near the western boundary, at a minimum distance of 0.5m from any structure or services. **Notes:** • Clause 20 of the Development Certification and Fire Safety Regulations prohibits ***the*** issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with. • Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.

Woollahra Municipal Council

	Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act. Standard Condition D.4 (Autotext 4D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F 1.	**Tree Preservation**
	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F 2.	**Arborists Documentation and Compliance Checklist**
	While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees.

Woollahra Municipal Council

All compliance certification documents must be kept on site by the site Supervisor.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise the demolition of the existing structures and construction works within 8.0 metres from street Tree No.4. The condition of exposed roots must be managed and documented.

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

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

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

Standard Condition F.45 (Autotext 45F)

F 3. Replacement/Supplementary trees which must be planted

While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area <delete this if planted in a planter box on a structure> and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.

Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x *Plumeria acutifolia* (Frangipani)	Within the rear setback of Lot 1, near the eastern boundary, at a minimum distance of 0.5m from any structure or services	100L	6 x 4
1 x *Tristaniopsis laurina* (Water gum)	Within the rear setback of Lot 1, near the southern boundary, at a minimum distance of 0.5m from any structure or services	100L	8 x 6

Woollahra Municipal Council

1x *Tristaniopsis laurina* (Water gum)	Within the rear setback of Lot 2, near the southern boundary, at a minimum distance of 0.5m from any structure or services	100L	8 x 6
1 x *Banksia integrifolia (Coastal Banksia)*	Within the rear setback of Lot 2, near the western boundary, at a minimum distance of 0.5m from any structure or services	100L	8 x 6
1 x *Brachychiton acerifolius* (Illawarra Flame tree)	Within the front setback of Lot 1	100L	12 x 8
1 x *Brachychiton acerifolius* (Illawarra Flame tree)	Within the front setback of Lot 2	100L	12 x 8

The project arborist must document compliance with the above condition.

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

Standard Condition F.46 (Autotext 46F)

F 4. Hand excavation within tree root zones

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
4	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 20 Benelong Cr.	6.0

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

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

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

The project arborist must document compliance with the above condition.

Woollahra Municipal Council

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

F 5.	**Construction above ground OSD Tanks and installation of stormwater pipes and pits in the vicinity of trees**
	In order to ensure appropriate growing conditions for the 2 x *Brachychiton acerifolius* (Illawarra Flame tree) to be planted within the Above Ground OSD Tanks, the base of these tanks must be deep soil permeable natural ground. While site work is being carried out, excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees must be carried out by hand.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
4	*Cinnamomum camphora* (Camphor Laurel)	Council verge, in front of 20 Benelong Cr.	8.0

	Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed. The project arborist must document compliance with the above condition.
	Condition Reason: To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees. Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

G 2.	**Landscaping**

Woollahra Municipal Council

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

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

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

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented. Standard Condition G.34 (Autotext 34G)

G 4.	**Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building**
	Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection

Woollahra Municipal Council

measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:
a) A record of the condition of trees to be retained prior to and throughout development.
b) Recommended actions to improve site conditions and rectification of non-compliance.
c) Recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	• The project arborist must supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.

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

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

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

Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

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

Woollahra Municipal Council

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

David Prieto
Tree Management & Landscape Officer

24/07/2024
Completion Date

Woollahra Municipal Council

11 September 2024

REFERRAL RESPONSE - HERITAGE

FILE NO:	**Development Applications:** 183/2024/1
ADDRESS:	22 Benelong Crescent BELLEVUE HILL 2023
PROPOSAL:	Demolition of existing dwelling house and construction of an attached dual occupancy and strata subdivision.
FROM:	Gina Scheer
TO:	Mr D Booth

1. DOCUMENTATION

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

- Drawing set by M Cubed Architects, dated 15 August 2024, and numbered 1/24 to 24/24 (missing 3) – Revision B
- Statement of Environmental Effects by City Planning Works, dated 27 May 2024
- Letter response to Council RFI from City Planning Works dated 28 June 2024
- Survey plan by Complete Surveying Solutions, ref Benelong Rev B, dated 21 October 2023
- Aboriginal Heritage Impact Assessment by Oliver Brown of Associates Archaeology & Heritage, dated December 2023
- Geotechnical report by ESWNMAN Pty Ltd, dated 14 December 2023
- Demolition Report by Heritage 21 dated 27 April 2024

2. DESCRIPTION OF PROPOSED WORKS

The applications seeks consent to carry out demolition of existing dwelling house and construction of an attached dual occupancy and strata subdivision at the subject site. Specifically, the works include removal of the existing residence, garage, boundary fence and some trees and the following developments:

Site works - New landscaping, entry pathways and stairs for both dwellings.
- Removal of existing exempt species trees
- Associated landscaping works and driveway to facilitate both dwellings.
Basement - Excavation and construction of two attached basements for each dual occupancy.
- Garages each accommodating two cars, bin area, stairs, lift, storage and plant room.
Ground floor - Living room, laundry, dining, kitchen and lift.
- Verandahs facing north and alfresco facing private open space to the south.
First floor - Balconies facing north off the master bedrooms with a walk in robe and ensuite.
- Lift and bedrooms 1 and 2 with a main bathroom.
Roof terrace - Plunge pool, timber deck, tiled terrace, lift and stairs.

Woollahra Municipal Council

3. RESEARCH

It is noted that a previous DA for the same proposed works, DA 88/2024, was rejected on 8 April 2024 requiring more information including the Demolition Report and Aboriginal heritage impact assessment which have been provided for this DA.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Council's photography files relevant to the immediate area
- Council's aerial photography and mapping database
- Google Maps – street view
- approximately 10 objections – many from the 12 units at 14 Birriga Road behind the subject property. The objections relate to excavation for boundary fencing, view loss, overshadowing, visual and acoustic privacy, visual bulk and non-compliances. None of the objections relate to the loss of the subject dwelling on heritage grounds.

4. STATUTORY AND POLICY CONTEXT

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

- National Parks & Wildlife Act 1974
- Woollahra LEP 2014

5. SIGNIFICANCE OF SUBJECT PROPERTY

Aboriginal Heritage
The property is listed within an area of potential Aboriginal heritage sensitivity. An Aboriginal cultural heritage impact assessment (AHIA) report was provided for 22 Benelong Crescent Bellevue Hill along with information from the La Perouse LALC who were involved in the site inspection and reviewed and provided comment on the AHIA, as follows:
The La Perouse LALC correspondence at Appendix 2 of the AHIA states that:

> *the Bellevue Hill area holds heritage significance to the La Perouse Aboriginal community due to the occupation of the area by our direct ancestors until 1883 and our connection to the Wentworth estate post 1883. The La Perouse LALC can provide further significance information on request* (C. Ingrey, 19 December 2023 Appendix 2: 20)

Historical Heritage
The subject property is not listed as a heritage item on any statutory listings. It is not located within a heritage conservation area. However as demolition is proposed, a demolition report with an assessment of historical heritage significance was requested and has been provided and discussed in this section.

According to the SEE the property is 507.6^{m2} in area and contains a single storey masonry residence with a single garage at street level. The property is a sloping allotment located along the north facing side of the Birriga Road ridgeline in Bellevue Hill and sloping down to the north.
The residence is single storey face brick with rough cast render in the top section of the external walls. The bricks are painted white and supported on a base of sandstone blocks. The roof is hipped with two gable ends fronting the northern facing facade. The roof is lined with terracotta tiles and has timber barge boards and extended eaves with exposed timber rafters. The entrance porch has been altered to include aluminium framed windows. Apart from the porch windows, the exterior of the residence presents as a 1920s Inter-War California Bungalow design. This is a common housing style throughout Bellevue Hill and the Woollahra LGA dating to an early period of suburban development.

Woollahra Municipal Council

The construction date was not confirmed in the research and there was not an architectural plan for the residence located by a GIPA search of Woollahra Municipal Council records. The first building application located in the records for this subject property dates to 1946, when a Mr A Raymond applied for a garage, refer to Figure 2. The architects for that were Duncan and Hendel (not a significant company). The residence is estimated by its design, by comparison with residences in the vicinity of Benelong Crescent (such as 85 Birriga Road Bellevue Hill) and by reference to the Sands directory of occupation to date to the mid-1920s.

BUILDING APPLICATIONS

LOCATION 22 BENELONG CRESCENT, BELLEVUE HILL

APPLICATION Nº	OWNER	TYPE OF WORK
20/46	A. Raymond	Garage
39/62	Mrs M.B. Branch	317A Certificate
471/62	W.G. Shenstone	Carport
928/68	E.M. Adnam	Plan Perusal
209/70	E.M. Adnam	Alterations
157/78	MR & MRS ADNAM	AIR CONDITONER
157/78	MR & MRS ADNAM	AIR CONDITIONER.

Figure 1: Woollahra Council Building application list for 22 Benelong Crescent Bellevue Hill

Statement of significance

The assessment of significance from the Demolition Report is as follows with added information:

A.HISTORICAL SIGNIFICANCE: The subject site at 22 Benelong Crescent is part of the original Point Piper estate. It is located within the Cooper's Bellevue Hill Bondi Estate subdivisions from the early 20th century. The site generally outlines the growth of Bellevue Hill for residential purposes. It does not outline any important or significant course or pattern of the Bellevue Hill History. It does not meet this criterion.

B. ASSOCIATIVE SIGNIFICANCE: The c.1920s dwelling, to our knowledge, is not known to be associated with any significant human occupation or event, person or group of importance since its construction. The subject site does not meet this criterion for associational significance.

In addition, it is noted that a list of owners and notes was included in the Demolition Report and for the period 1920s to 1940s, when the house was constructed, the owner is listed as Permanent Trustee Company of NSW.

C. AESTHETIC SIGNIFICANCE: The subject dwelling constructed in the 1920s as a single storey modest dwelling in the Inter War architectural style. It has retained its original form and scale. It doe not demonstrate any high degree of creative or technical achievement and is not an outstanding example of a building of its period. The dwelling has been extensively altered internally and has lost interior heritage significant fabric. The landscaping has been altered and the site does not include any original landscaping or trees for its period of construction. In the opinion of Heritage 21, the subject site does not meet the criterion for aesthetic significance.

Woollahra Municipal Council

D. SOCIAL SIGNIFICANCE: In our opinion, the subject building does not have an association with an identifiable group in NSW, nor the local Woollahra area, or was used by a particular community for social cultural or spiritual purposes. It does not meet this criterion for heritage significance.

E. RESEARCH POTENTIAL: There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time. As such, the subject site does not meet the criterion for technical/research significance.

Although not stated in the Demolition Report – this building is the first recorded building on the property and from the documentary evidence the archaeological evidence would be limited to the standing structures.

F RARITY: The subject building is not considered a rare example of its kind locally or in NSW.

G. REPRESENTATIVE: The c.1920s building was constructed during the Interwar period but incorporated a modest cottage form with minimal detailing. It does not appear as if the building has been designed by any significant person and the building appears to have been a response to the site and the aspirations of the original owners. The building has since been modified extensively within its interiors. As such, the subject dwelling does not represent any significant architectural style and does not meet the requirements of this criterion.

The Demolition Report provides the following statement of significance for the property:

As seen in the above discussion, notwithstanding the historical development of the subject site for being a part of the original Point Piper Estate and the general residential development within the Cooper's Bellevue Hill Bondi Estate subdivision from the early 20th century, there is no evidence to suggest that the existing structure located at 22 Benelong Crescent, Bellevue Hill constructed in the 1920s, demonstrates any of the criteria against which heritage significance is assessed.

Significance as per the Woollahra LEP 2014

Part 5 Section 5.10 Heritage Conservation
The subject site is not a listed heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014 'Woollahra LEP 2014' and is not within a heritage conservation area.

Significance of items in the vicinity
The closest heritage listed item is a Bellevue Hill Street Name Inlay located in the road reserve in between the addresses of 20B and 20A Benelong Crescent, listed as No. I671 on the WLEP 2014. The only other local heritage item nearby is No. I16, a residence at 7 Bundara Road Bellevue Hill and it is not within vicinity of the subject property, refer to Figure 2.

Woollahra Municipal Council

Figure 2: Council mapping showing the subject site in blue in relation to heritage items shown in brown and in red in Bellevue Hill (Woollahra Mapping WLEP 2014 Heritage Conservation)

Clause 1.2, subclause (2) (f) of the Woollahra LEP 2014.
The subject property is not heritage listed and is not located within a heritage conservation area. As discussed above, the extant structures on the subject property comprise a single storey brick masonry dwelling constructed in the 1920s, with a similar dated front masonry boundary fence and gate. The property also has a 1940s garage. The house retains its historical appearance externally. Internally the interiors have been substantially adapted with no original ceiling, skirtings or cornices remaining. One original stone mantelpiece has been retained. While the residence provides evidence of the historical development patterns of the area and makes a modest contribution to the streetscape, it is not considered to be a fine example of an Inter War California bungalow.

A Demolition Report has been submitted with the development application and includes historical research on the development of the property over time. The construction date and architect of the existing dwelling is not known. The building has no distinctive landmark qualities or other features that would make it potentially significant or rare. The report has assessed the potential heritage significance of the existing building and has concluded that it does not meet the criteria for identification as a place of local significance. The findings of the report are considered to be accurate. Accordingly, the property is not of heritage value and therefore no objection is raised to the proposed demolition of the structures within the site.

As the property is not listed as a heritage item and is not located within a heritage conservation area, the design of the proposed new development will not result in any adverse impacts on heritage items/areas of value. There is a heritage item located within the vicinity of the site (No. I671), however it will not be adversely impacted and the proposal will not affect any significant views to it. As such, there are no concerns raised on heritage grounds regarding the development of the site as a dual occupancy.

The Demolition Report does meet the standard requirement for the recording of buildings of little significance. However it does contain incorrect street addresses (85D Victoria Road).

Woollahra Municipal Council

6. ASSESSMENT OF HERITAGE IMPACT - Compliance with the relevant legislative framework and planning controls

National Parks and Wildlife Act 1974

The site is in an area of Potential Aboriginal Heritage Sensitivity as identified in the Woollahra Aboriginal Cultural Heritage Study adopted in 2021. Therefore, an Aboriginal Heritage Impact Assessment (AHIA) report was requested and provided as part of this DA to ascertain whether potential Aboriginal cultural heritage would be impacted by the proposal.

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 13 September 2024 from the Office of Environment & Heritage NSW (OEH) website revealed that there are no recorded Aboriginal sites recorded within a 50m buffer in or near the location of Lot 1 in DP 34757.

The AHIA contained information and mapping from an extensive AHIMS search (Associates A & H, 2023: 9-11) and ascertained there were no previously identified sites within the subject property. A site inspection was carried out on Friday 8th December 2023 by archaeologist Oliver Brown and LPLALC Heritage Officer, Dr Shane Ingrey.

The report had the following comments and conclusions relating to Aboriginal cultural heritage significance:

- *The property is entirely on natural sandy soil, albeit heavily disturbed, levelled and improved in some garden beds. Even without the extent of disturbance, it was determined that the mid-slope position and distance from freshwater or the harbour presents a low amenity for occupation and a low likelihood of cultural deposits.*
- *There is no exposed sandstone. This was confirmed by a clear view under the house and by geotechnical consultants on site who noted approximate depths to bedrock of ~3m in the front garden and ~2m in the back. This means that there is no possibility of engraved art or other sites associated with bedrock.*
- *The survey was followed by a discussion about the most suitable recommendations, concluding that it was not likely enough for Aboriginal cultural material to present to justify further investigation or monitoring by LPLALC* (Associates A & H, 2023: 15).

The La Perouse LALC provided their written referral for the report, site inspection and its findings in December 2023 and it was included in the AHIA as Appendix 2. The appropriate conditions to manage Aboriginal heritage, including unexpected finds, are provided in this referral at Section 7.

Woollahra LEP 2014

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

Clause 5.10 Heritage Conservation

The proposal has been considered having regard to the provisions of Clause 5.10 of the Woollahra LEP. The following commentary is provided:

- **Clause 5.10(1)(a):** The proposal to demolish the existing residence and construct a dual occupancy will have a minor impact on the environmental heritage of Woollahra due to the demolition and excavation activities. These impacts are considered acceptable and are confined to the subject property.

Woollahra Municipal Council

- **Clause 5.10(1)(b):** The subject property is not identified as a heritage item and there is sufficient distance to the listed heritage items from the subject property to avoid any physical or visual impacts. As such the proposal does conserve the heritage of Woollahra.
- **Clause 5.10(2)** and **(3):** Consent is required for the proposed works
- **Clause 5.10(4):** This referral constitutes an assessment under this clause. The effect of the proposal on the heritage significance of the item has been considered and the proposal is found to be acceptable on heritage grounds. In addition, the Demolition Report submitted as part of the DA documentation included a heritage assessment and it was clear that the subject property, while a c.1920s building does not meet local heritage significance.
- **Clause 5.10(5):** A heritage management document was submitted with the development application and it was found to be acceptable.
- **Clause 5.10(6):** A Conservation Management Plan was not required for the site.
- **Clause 5.10(7)** and **(8):** The subject property is not identified or assessed as having historical heritage significance and it is not a heritage listed item. Also, the c.1920s residence is the first building recorded for the site and the garage dates to c.1945. Apart from these standing structures and the boundary fence, the history does not indicate earlier developments, which means there is negligible historical archaeological potential.
- The subject property was included in a wider area designated as having Aboriginal cultural heritage sensitivity. However, the AHIA prepared specifically for the property and this proposal concluded that it did not have significance as an archaeological site or a place of Aboriginal cultural heritage significance. A referral was sent to the La Perouse Local Aboriginal Land Council as part of the AHIA and their confirmation of this finding was included as Appendix 2 with that report.
- **Clause 5.10(9):** Demolition of a nominated State heritage item is not proposed.
- **Clause 5.10(10):** Conservation incentives are not being sought as part of this application.

7. CONCLUSION

The proposal has been considered having regard to the applicable legislation and policy documents and, on balance, is considered to be acceptable for the subject property based on the provided heritage conditions.

8. RECOMMENDATION

1. No heritage objections are raised to the proposal, subject to the conditions as recommended, as it complies with the relevant statutory and policy documents and has an acceptable heritage impact.

Standard Conditions

A 1.	**Salvage**
	a) Brick masonry, sandstone plinths and pavers, roof tiles, mantel pieces (fireplace surround), timber joinery, must be salvaged and where practical reused on the project or transferred to an established recycled building material dealer for reuse and recycling. Documentation of the salvage methodology must be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of demolition.
	Condition Reason: 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 (via reuse) of other heritage buildings in accordance with the Woollahra LEP 2014, Clause 5.10 Heritage Conservation, 1(a), (b).

Woollahra Municipal Council

A.	**2.**	**Aboriginal Heritage Due Diligence Responsibilities**
		While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)]. It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.
		Condition Reason: To protect Aboriginal heritage under the NSW National Parks and Wildlife Act 1974.
A.	**3.**	**Aboriginal Objects – Unexpected Findings**
		While site work is being carried out, if unexpected Aboriginal objects (refer Notes below) or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location and if possible fence it off c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85 which nominates the secretary. The secretary of the Department (Office of Environment and Heritage) is the nominated person. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
		Condition Reason: To protect Aboriginal heritage under the NSW National Parks and Wildlife Act 1974.

Gina Scheer
Heritage Officer

17 September 2024
Completion Date

Proposed demolition of an existing dwelling and construction of a new dual occupancy at 22 Benelong Crescent, Bellevue Hill

CLAUSE 4.6 VARIATION STATEMENT in support of a non-compliance with the maximum permissible Floor Space Ratio (FSR) for the site under Clauses 4.4 and 4.4E of the Woollahra Local Environment Plan 2014

Document Control

Version	Date	Issue details	Author	Checked	Authorised
02	04/03/2024	Client / Architect review	ED	MN	MN
02	15/03/2024	For Council lodgement	ED	MN	MN
04	28/10/2024	Amended cl4.6 based on Rev C plans	ED	MN	MN
05	14/11/2024	Amended cl4.6 based on Rev D plans	MN	MN	MN

Disclaimer:
This report is the copyright of Neustein Resources Pty Ltd trading as City Planning Works. Reproduction, in any form, is permitted only for the purposes of project assessment by a public approval body or in conjunction with the assessment of Development Applications or Planning Proposals described in the report.

While the information referenced in this report and the assessment of the proposal have been compiled and carried out with all due care, City Planning Works does not warrant the information provided by third parties is free from error or omissions.

NOTE: **This statement is prepared with reference to revision D of the architectural drawings prepared by M Cubed Architects** and needs to be read in conjunction with the Statement of Environmental Effects (SEE). For convenience, the eastern dwelling is Dwelling 1 and the western Dwelling 2.

This variation statement refers to the questions contained in the judgements of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (***Initial Action***), *Wehbe v Pittwater Council* [2007] NSWLEC 827 (***Wehbe***), *Project Ventures v Pittwater Council* [2005] NSWLEC 191 (***Project***), *HPG Mosman Projects Pty Ltd v Mosman Municipal Council* [2021] NSWLEC 1243 (***HPG***), *Randwick v Micaul Holdings* [2016] NSW LEC 7 (**Micaul**) and other relevant case law.

1 Site and locality

1.1 Located at 22 Benelong Crescent, Bellevue Hill, NSW the site has the legal description of Lot 1, DP 34757. The site has a single frontage facing Benelong Crescent (north-east).

1.2 The site falls about 4.5m south to north. It has a total area of 507.6m^2 and accommodates a single storey dwelling with a lock up garage on the street level.

1.3 Lots in the vicinity of the site, on the even numbered side of the street, are mainly occupied by five-storey residential flat buildings of up to 20 years' age. On the low side of the street the apartment buildings are mostly 3-4 storey.

1.4 Located in Zone R3 – *Medium Density Residential* under the *Woollahra Local Environmental Plan 2014* (**WLEP**), the proposed *dual occupancy* is permissible with consent.

1.5 The permissible FSR for the subject site is defined by sub-clause 4.4E(3) of the LEP. As clause 4.4E does not have any clause specific objectives, for the purpose of this assessment the objectives of related clause 4.4 of the WLEP are referenced in the statement.

1.6 The allowable FSR for a dual occupancy on a site in the R3 zone greater than 400m^2, in accordance with clause 4.4E(3) of the WLEP, is 0.5:1 or 254m^2 GFA.

The site in its immediate context is shown in the following aerial/street views.

Fig 1: Benelong Crescent streetscape – photo by City Planning Works.

Fig 2: Aerial view of locality with site marked by blue arrow (courtesy Nearmap).

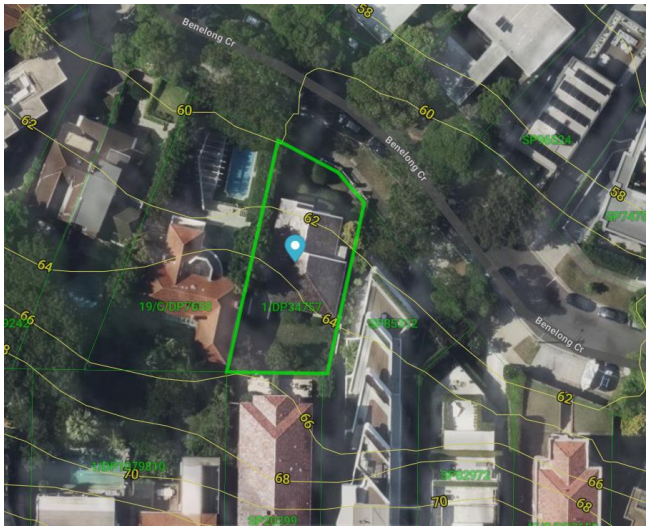


Fig 3: Aerial view of locality with site marked by blue arrow and contours (courtesy Mecone Mosaic).

2 Requirement for a 4.6 Variation Statement

2.1 Clause 4.6 of the WLEP seeks to provide appropriate flexibility to the application of development standards in order achieve better planning outcomes both for the development and from the development.

2.2 The proposal has a GFA of 278.5m^2 total for both dwellings, ie an FSR of 0.548:1. The proposal has a non-compliance of 24.7m^2 or 9.6%.

2.3 The objectives of clause 4.6 are as follows:

Clause 4.6(1) Objectives		
Clause	**Control**	**Justification**
(1)(a)	to provide an appropriate degree of flexibility in applying certain development standards to particular development	Applied to residential FSR, the standard has two purposes: • Control density of population • Crudely control bulk and scale. The recent restriction of FSR applied to houses and dual occupancies, even in areas where the nominal FSR available to residential flat buildings is greater, can only be to encourage flat buildings

		and discourage dual occupancies. However the subject site is just a little too small to accommodate a flat building and a dual occupancy is more aligned with the LGA's objectives of allowing greater population numbers in R3 zones. The control of bulk and scale for the subject site at the level of 0.5:1 seems to have little purpose when the site is juxtaposed with the recent flat buildings, such as that adjoining at No.20, with their FSRs greater than 1:1.
(1)(b)	to achieve better outcomes for and from development by allowing flexibility in particular circumstances	A better outcome has been achieved for the site by the replacement of an older single-family dwelling by two dwellings on the one site. The site is within an R3 area, the purpose of which is to encourage and permit higher density development.

2.4 The development standard in question is contained in clause 4.4E of the WLEP, and, as such, clause 4.6 may be used to permit the granting of development consent notwithstanding the contravention of this development standard.

2.5 Under clause 4.6(3) of the WLEP

> *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
>
> *(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Under clause 4.6(4):

> *Development consent must not be granted for development that contravenes a development standard unless—*
> *(a) the consent authority is satisfied that—*
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
> *(b) the concurrence of the Planning Secretary has been obtained.*

2.7 The proposal has a GFA of 278.5m^2 total for both dwellings, ie an FSR of 0.548:1. The proposal has a non-compliance of 24.7m^2 or 9.6%.

3 What is the degree of non-compliance?

3.1 Clause 4.4E of the WLEP establishes a maximum FSR of 0.5:1 for the subject site if development is for a dwelling or dual occupancy. Were the proposal a residential flat building on the same site, the permitted FSR would be 0.75:1. The purpose of clause 4.4E is assumed to be to preference residential flat buildings above dual occupancies. However, in the subject case the adjoining property is a large site with an impressive house which, on current Bellevue Hill prices, is beyond the developer's capacity to acquire. The adjoining site is sufficiently large for an RFB without needing the subject site for a viable development.

3.2 Revision D of the architectural plans has a GFA of 278.5m^2 total for both dwellings, ie an FSR of 0.0.548:1. The proposal has a non-compliance of 24.7m^2 or 9.6%.

4 Is the development consistent with the relevant aims of WLEP?

4.1 The relevant general aims of the WLEP under clause 1.2 are below. The proposal satisfies these aims as discussed.

Relevant objectives under clause 1.2 WLEP	**Response**
(*a) to ensure that growth occurs in a planned and co-ordinated way*	Adding an additional dwelling in a zone designated for increased development accords with this objective.
(b) to promote the management, development, conservation and economic use of property	Increasing the number of dwellings demonstrates responsible economic use of the land.
(e) to facilitate opportunities, in suitable locations, for diversity in dwelling density and type	An additional dual occupancy development adds to the diversity of housing in Benelong Crescent and the wider Bellevue Hill locality.
(j) to promote a high standard of design in the private and public domain	The proposal represents a high design quality which will positively impact the public and private domains.
(k) to minimise and manage traffic and parking impacts	Sufficient on-site parking is proposed. The traffic impact is negligible.

(l) to ensure development achieves the desired future character of the area	The future character of this section of Benelong Crescent is being realised by progressive redevelopment of residential flat buildings over the last 25 years. Whilst the proposal is not for a residential flat building, three dwellings is the basic requirement, the proposed dual occupancy does continue the modernist character of the flat buildings as well as increasing site dwelling density.
(m) to minimise excavation and manage impacts, including the potential impact of construction dewatering	Excavation has been minimised consistent with the need to have all parking located underground. Dewatering of the site is not required.
(n) to encourage the retention and planting of trees and other vegetation as part of development and minimise the urban heat island effect	Tree canopy cover on the site will be maintained in accordance with Council's planning objectives. As well, landscaped area exceeds the DCP control providing further planting to mitigate heat island effects.
(o) to mitigate the effects of climate change	Climate change will be mitigated by maintaining tree canopy cover and the use of the roof for solar electricity generation.

4.2 The relevant aims of the WLEP for the Residential R3 zone are below. The proposal satisfies these aims as discussed.

Relevant objectives Residential R3 zone	**Response**
To provide for the housing needs of the community within a medium density residential environment	Whilst not a residential flat building, the proposal extends the dwelling numbers in the street within its medium density environment.
To provide a variety of housing types within a medium density residential environment	The capacious pair of dwellings extends the variety of dwelling types currently available in the street.
To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood	It could be said that the proposal fails to meet the height and scale of other developments in the street because it is smaller. But the lot upon which it sits is smaller that nearly all allotments in the street and therefore the development achieves its best fit by slightly exceeding the FSR set for the site by clause 4.4E. However, other important characteristics are met as noted above.
To ensure development conserves and enhances tree canopy cover	Tree canopy cover will be maintained using predominantly native species.

4.3 The proposed dwelling replaces the existing, dated, single dwelling and largely improves housing opportunity within the area by providing for an additional dwelling on the subject site. The living

quality for its occupants will be improved through a modern design more consistent with significant changes to the character of the area.

5 Is the development consistent with the relevant objectives of Clause 4.4E – Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3

5.1 The relevant objectives of clause 4.4E of the WLEP, are below together with the response:

Clause	Objectives	Justification
4.4E	**WLEP**	
(1)(a)	*to ensure the bulk and scale of development is compatible with the desired future character of the area*	Due to the provisions of clause 4.4E, the bulk and scale of the proposal will be less than the adjoining residential flat building of FSR 1.3:1 or of any future similar building on the adjoining sites to the northwest where an FSR 0.75:1 is permitted. However, the proposal will have a number of corresponding characteristics with more recent development such as stepped design, modernist architecture and horizontal emphasis of design.
(1)(b)	*to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain*	Due to its smaller size, well within the controls for residential flat buildings in this locality, the proposal will not adversely affect adjoining properties or the public domain.
(1)(c)	*to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space*	By meeting Council's landscaping, private open space and tree canopy requirements, adequate provision has been made to meet this objective.

5.2 The following table includes comparable approvals in the surrounding locality.

Comparable site address	Approval Date	Justification of variation	Extent of variation
20A Benelong Crescent, Bellevue Hill	23/10/2017	Not available online	1.3:1 or 30%
	27/02/2020	Not available online	1.422:1 or 42.1%
18B Benelong Crescent, Bellevue Hill	20/06/2016	The proposal achieves the desired future character objectives of the Bellevue Hill South precinct in the following manner: • The surrounding locality is characterised by three/four/five storey residential flat buildings and dwelling houses of various architectural styles.	1.33:1 or 33%

		• The subject site comprises of one of the only three remaining single dwelling houses on Birriga Road between Victoria Road and Benelong Crescent; • The proposal complies with the height control under WLEP 2014, and although not the only indicator with the desired future character for development for the site is a factor; • The proposed number of storeys (part 4/part 5) is relatively consistent with the bulk and scale of the neighbouring properties; • Level 5 is recessed from the front and rear boundaries which will not make the level readily discernible from adjoining properties • The extensive landscaped roof top gardens, landscaped green walls and the setback of the uppermost level from the frontage of Benelong Crescent further reduce the visual bulk of the building; • The proposal does not have a significant adverse impact upon views, privacy, visual amenity and sunlight access to the adjoining properties • The proposal has been adequately modulated and articulated via a variation of setbacks, balconies, landscaping including planter boxes, a green wall and a suitably varied palette of materials (including timber, aluminium, painted and unpainted masonry and glass) • The dwellings and the fenestration have been suitably positioned, orientated and screened with regard to the fenestration and open space of adjoining development to minimise overlooking of private open space and internal living areas; • Solar access is afforded to the primary open space and living areas of adjoining development compliant with Council's requirements. Furthermore, view sharing is achieved in accordance with the relevant controls under WDCP 2015.	
219 O'Sullivan Road, Bellevue Hill	18/04/2024	Pre-existing non-compliance. The additional GFA is 41.2m2. The FSR of the development is consistent with that of surrounding development in terms of scale, built form and context. Sufficient environmental planning grounds. Consistent with objectives of the standard.	30.2%
110 Victoria Road, Bellevue Hill	02/05/2024	There is a pre-existing height and FSR noncompliance. The height and FSR non-compliances can be attributed to the proposed works (i.e. eyelid dormer and layout changes) to the existing attic level. No change to existing overall building height. The proposed development will result in a 6m2 reduction of the existing GFA. No unreasonable impacts on the amenity of adjoining properties or locality (built	13.1%

		form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	
1 Bundarra Road, Bellevue Hill	1/10/2024	Pre-existing non-compliance. The additional GFA is 4.4m2 and will not alter the scale and bulk of the existing development nor result in any adverse impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	17.7%

6 Can the consent authority be satisfied that compliance with the development standard is unnecessary or unreasonable because the objectives of the development standard are achieved notwithstanding non-compliance with the standard?

6.1 At paragraph 16 of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ states:

> *As to the first matter required by cl 4.6(3)(a), I summarised the **common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary** in Wehbe v Pittwater Council at [42]-[51]*

And although the above referenced *common ways* were said in the context of an objection under SEPP 1 – Development Standards in ***Wehbe***, they are still applicable to the purpose of an application under a clause 4.6 variation statement.

Preston CJ further notes in [17] of *Initial Action:*

> the *first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary, because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

6.2 By its careful design, the proposal does not result in any significant or material adverse environmental impacts on adjoining dwellings or sites. The project, as designed, complies with the first test under ***Wehbe***, quoted above, because restricting the FSR to the development standard less than permitted on adjoining sites for flat buildings does not improve compliance with the objectives of the WLEP, which are achieved in any case by the design, and therefore the development standard has no work to do. It is unnecessary.

6.3 The proposal satisfies not only the relevant objectives of clause 4.4E for the FSR development standard, but the proposal also complies with the general aims of the WLEP and the objectives of zone R3, in which the site is located.

6.4 The application of the development standard is unnecessary because the proposal meets all the relevant FSR objectives in the WLEP in spite of the breach of the FSR standard by 24.7m^2. If all the relevant objectives are met, the numerical development standard has no further work to do and is thus unnecessary.

6.5 As all the relevant objectives are met, it is unreasonable to apply the development standard in this case as the impact is negligible and no environmental benefit would be achieved. Compliance with the relevant standard is therefore both unreasonable and unnecessary for the purposes of clause 4.6(3)(a) of the WLEP.

6.6 The bulk and scale of the proposal is in keeping, but smaller, with the changing and future character of Benelong Crescent to the extent that the planning controls reflect such character. **Were clause 4.4E not operative, the FSR permitted on the site would be 0.75:1 for a residential flat building, or by approvals record, as much as 1.3:1.** Considering that the bulk and scale of the proposal is not inconsistent with new buildings in its vicinity on Benelong Crescent and the planning controls other than FSR, the proposal meets the first test under *Wehbe*, quoted above because application of the FSR control is unnecessary in the circumstances of the subject site.

6.7 Setting back the proposal into the upslope of Benelong Crescent, away from the street, means the apparent bulk and scale when seen from the street are somewhat recessive and similar to, but smaller, than other development in the immediate locality. The impact of the non-compliance is not apparent when seen against the larger residential flat buildings in the immediate streetscape to the point where application of the development standard does not provide any benefit in public interest terms and is therefore unnecessary.

7 Are there sufficient environmental planning grounds to justify contravening the development standard?

7.1 Pain J held in *Four2Five vs Ashfield Council [2015]* NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 request must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

7.2 Preston CJ noted in *Initial Action Pty Ltd v Woollahra Municipal Council [2018]* NSWLEC 118, that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the aspect of the development that contravenes the development standard should be the focus (as opposed to the development as a whole) of any analysis. In this case, with its additional floor space, the parts of the proposal that contravene the FSR control have little impact on the adjoining sites of much greater FSR. The impact of those parts of the building which exceed the FSR development standard on the streetscape, the adjoining dwellings and the locality is negligible.

7.3 Pursuant to clause 4.6(3)(b) of the WLEP, there are sufficient environmental planning grounds to justify the variation to the FSR because:

- Whilst the proposal exceeds its limited FSR under clause 4.4E, it is located in an area where higher FSRs are permitted for residential flat buildings. The proposal is below the FSR control for those types of building and therefore does not create equivalent environmental impacts upon adjoining properties. It is recognised that the more stringent FSR control for dual occupancies appears designed to encourage denser residential flat development but, in this case, the site is slightly too small for three apartments.

- The additional bulk due to the exceedance of the FSR control does not generate significant or material adverse environmental impacts such as loss of views or privacy for the neighbours.

- There is a close relationship between FSR controls, setback controls and maximum building height controls, all of which ultimately serve to ensure that a building is of an appropriate bulk and scale for a site. Though the proposal exceeds the FSR for a dual occupancy development, it is well below the FSR standards applied for recent buildings to its east and for those controls that will apply when adjoining buildings to the west are developed.

- The built form has been set back from the street, with landscaping of similar impact as that for the most recent flat buildings constructed in the street, thus ensuring that the bulk and scale of the building, including that bulk resulting in an exceedance of the control, does not have an adverse impact on the streetscape or the desired future character of Benelong Crescent.

- With respect to impact on solar access, the additional bulk and scale in excess of the FSR control does not contribute to unreasonable overshadowing or any other material privacy or view loss impact.

- The lack of any material or discernible adverse impact resulting from the additional GFA in excess of the FSR control, must be counted as a positive environmental planning ground (***Micaul***).

The considerations above provide sufficient environmental grounds justifying the contravention of the FSR standard.

7.4 As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance of a small part of the proposal as a whole.

- The environmental planning grounds relied on are sufficient to justify the breach of the development standard. The relevant items in Clause 4.6(3) of the LEP have been adequately addressed above to enable the consent authority to form the requisite opinion of satisfaction.

Cl 4.6(3) Justification of Contravention		
Clause	**Control**	**Justification**
4.6(3)	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	This clause 4.6 submission has been prepared to address the contravention of the FSR standard and to justify the proposal's contravention.
4.6(3)(a)	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (see the test under *Wehbe v Pittwater Council* below), an	This clause 4.6 demonstrates that compliance with the development standard is unnecessary because the proposal meets all the relevant FSR objectives in the WLEP in spite of the breach of the standard by 24.7m^2. If all the relevant objectives are met, the numerical development standard has no further work to do and is thus unnecessary. Having regard to the lack of material adverse impact due to the non-compliant 24.7m^2 of GFA, strict compliance with the FSR standard is unreasonable in the circumstances.
4.6(3)(b)	That there are sufficient environmental planning grounds to justify contravening the development standard.	Sufficient environmental planning grounds to justify the contravention of the development standard have been outlined in this report.
	As established in *Initial Action* [23], 'environmental planning grounds' refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the	

	objects in s 1.3 of the EPA Act. These are as follows:	
1.3(a)	to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposed development is for a dual occupancy and has minimal, if any, impact on the social and economic welfare of the community. The State's natural and other resources remain unaffected as part of this proposal.
1.3(b)	to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	Energy and water consumption in occupation are managed through compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX), which mandates limits on energy and water consumption.
1.3(c)	to promote the orderly and economic use and development of land,	The development of the site for one of its zoned purposes represents the orderly and economic use purpose of the Act.
1.3(d)	to promote the delivery and maintenance of affordable housing,	Affordable housing is not applicable to this application.
1.3(e)	to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	No threatened or other species of native animals and plants, ecological communities or their habitats exist on site or are threatened as a result of this application.
1.3(f)	to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	No built or cultural heritage requiring sustainable management has been identified on site.
1.3(g)	to promote good design and amenity of the built environment,	Development of a dual occupancy of a high standard of architectural design will improve the amenity of the built environment of the locality. An emerging character of high quality contemporary design is already evident in Benelong Crescent and the proposal adds to this character.
1.3(h)	to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	By meeting modern standards of construction required by the NCC, the proposed dual occupancy can meet the health and safety needs of its occupants.
1.3(i)	to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Not relevant to this development application which proposes the use of the site in accordance with its zoning.

1.3(j)	to provide increased opportunity for community participation in environmental planning and assessment.	Not relevant to this development application which proposes the use of the site in accordance with its zoning.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ established at least five potential tests for determining whether a development standard could be considered to be unreasonable or unnecessary.

These are examined below:

Five Tests		
Part	**Test**	**Discussion**
1	The objectives of the standard are achieved notwithstanding non- compliance with the standard and the compliance with the standard is unreasonable or unnecessary.	This is the test upon which this submission relies. It is argued above that strict compliance with the FSR standard is both unreasonable and unnecessary.
2	The underlying objectives of the standard are not relevant and compliance is not necessary.	It is not suggested that the underlying objectives of clause 4.4E of the WLEP are not relevant.
3	The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.	It is not suggested that the underlying objectives of clause 4.4E of the WLEP would be thwarted or defeated if compliance were required.
4	The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.	Council has approved buildings with FSRs greater than the development standard. It appears that Council maintains the development standard in order to subject larger buildings to a higher degree of assessment. It is arguable that Council has not abandoned the standard but rather uses it creatively!
5	the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	The subject site is appropriately zoned and the standards, subject to a significant degree of flexibility to provide for a challenging topography such as is the case for the subject site, could be appropriate.

In circumstances where there are no significant adverse impacts resulting from the contravention of the development standard, it is unreasonable and unnecessary to require strict compliance.

7.5 For the reasons enumerated above, subclause (3) of clause 4.6 has been met. As discussed in this report, compliance with the development standard is both unnecessary and unreasonable in the

circumstances of this particular case with an FSR breach of 24.7m^2. Complying with all the other relevant controls, the proposal satisfies a reasonable assessment that it is in the public interest.

7.6 The 24.7m^2 non-compliance with the FSR control has no unreasonable, unacceptable or material impact on the views of the neighbouring residents, their privacy or enjoyment of solar access. The proposal respects the character of the site and its surrounds through good design which satisfies the applicable requirements of the WLEP to a high degree.

7.7 Imposition of the strict FSR standard, in the circumstances of this development, would create neither a better nor a less impactful development. It is therefore both unreasonable and unnecessary to impose the standard and the Court can be satisfied that the tests required of a written clause 4.6 submission are met.

7.8 This clause 4.6 submission to justify 9.6% FSR non-compliance of the proposed dual occupancy at 22 Benelong Crescent to clause 4.4E of the WLEP should, and can, satisfy the Court on the basis that this written justification has adequately addressed the matters required by clause 4.6(3) and that the proposed development will be in the public interest, for the reasons identified in this written request and summarised below:

- The objectives of s1.3 of the EPA Act are met by the proposal.
- Similarly, the objectives of clause 1.2 of the WLEP are also met.
- The more specific objectives of clause 4.4E of the WLEP are met.
- The development meets the zone objectives of the R3 – Medium Density Residential zone.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- As no material adverse impact arises from the element which is non-complying, there are sufficient environmental grounds for Council to be satisfied the tests of clause 4.6 are met.
- Flexibility, as recommended in the Woollahra DCP, should be allowed in the assessment of steeply sloping sites.

LOCAL PLANNING PANEL
DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA140/2024/1
ADDRESS	33 Olola Avenue VAUCLUSE
COUNCIL WARD	Vaucluse
SITE AREA	821.3m^2
ZONING	R2 Low Density Residential
PROPOSAL	The demolition of an existing dwelling house and ancillary structures, the construction of a dwelling house and pool and landscaping works
TYPE OF CONSENT	Local development
COST OF WORKS	$3,308,686.00
DATE LODGED	29/04/2024
APPLICANT	J Sanchez
OWNER	J T Nolan
AUTHOR	Mr M Moratelli
MANAGER	Mr N Economou
SUBMISSIONS	19 (1 by way of support and 18 by way of objection)
RECOMMENDATION	Approval, subject to **Condition D.1**

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

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

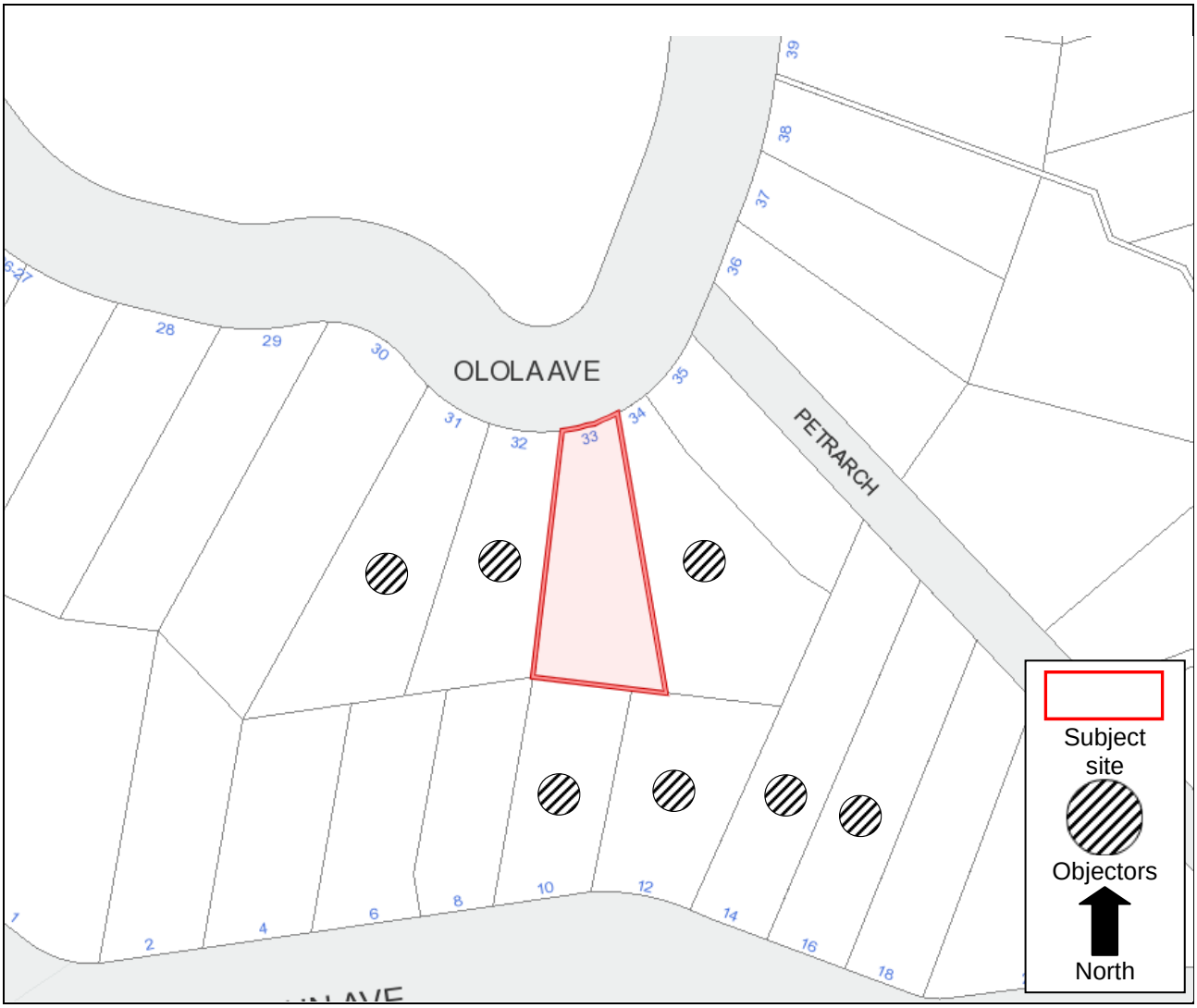
- Contentious development
  Development that:
  (a) is the subject of 10 or more unique submissions by way of objection

2. REASONS FOR RECOMMENDATION

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

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

3. LOCALITY PLAN



Note: Where multiple objections have been received from the same property, these have only been identified once on the above locality plan. See Section 9 of this assessment report for a complete list of objections.

4. PROPOSAL

The proposal was amended on 3 September 2024 as follows:

- Reduction of building bulk to the side and rear setbacks;
- Reduction in excavation volume from 911m^3 to 664m^3;
- Relocation of retaining walls;
- Reduction in maximum building height from RL 55.880 to RL 55.380;
- Landscaping amendments;
- Submission of amended arborist report.

The proposal, as amended, involves the demolition of an existing dwelling house and ancillary structures, and the construction of a dwelling house and pool and landscaping works. Specifically, the proposal comprises the following internal works:

Garage floor

- Double garage that accommodates two car parking spaces;
- Pedestrian tunnel and lobby; and
- Internal lift and access stairs.

Lower ground floor
- Main entry;
- Sunken lounge;
- Bathroom; and
- Internal lift and access stairs.

Ground floor
- Entry hall;
- Open planned living, dining and kitchen area;
- Library/office
- Powder room;
- Laundry/pantry; and
- Internal lift and access stairs.

First floor
- 4 x bedrooms all of which contain ensuite and robe space. Master bedroom 1 comprises a walk in robe;
- Hallway; and
- Internal lift and access stairs.

Roof level
- Roofs;
- Skylights; and
- Lift overrun.

Additionally, the proposal comprises the following external works:
- External garage and pedestrian gates;
- External pedestrian entry stairs along the eastern side of the subject site;
- External entry cove and verandah and feature garden to the front of the lower ground floor entry;
- Pool, and pool deck and fence to the front of the dwelling;
- External front terrace of the ground floor;
- External alfresco, courtyard and service courtyard of the rear of the ground floor;
- External balconies to the north of the master bedroom and ensuite of the first floor; and
- Proposed landscape and site works throughout.

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

5.2 Primary Issues

Issue	Conclusion	Section
Objector concerns	The issues raised in the submissions have been addressed by the amendments made to the proposal, by conditions of consent, or are insufficient to warrant refusal or modification of the application.	5.3
Non-compliances with Woollahra DCP 2015	As outlined throughout the report, a large number of non-compliances with the provisions of the Woollahra DCP 2015 were addressed by the amended plans that were submitted on 3 September 2024. Where residual non-compliances remain, they are considered to be sufficiently limited in extent and otherwise acceptable on the basis of the site context and conditions. In all cases, the proposal remains acceptable when considered against the objectives of the DCP.	14

5.3 Summary of Submissions

Issue	Conclusion	Section
The proposal is contrary to the aims and objectives of the Woollahra LEP 2014 and DCP 2015.	The proposal complies with the aims and objectives of the Woollahra LEP 2014 and DCP 2015.	Throughout the report
The proposed building height which is significantly increased is excessive; the increased building height is measured in exceedance of 1.1m.	The proposal complies with the 9.5m height of buildings development standard within the Woollahra LEP 2014. Whilst the proposal does involve fill to a depth of approximately 540mm at the rear of the dwelling, this does not alter the maximum potential height of the building, which is measured from *existing ground level* rather than finished ground level. The submitted survey plan satisfies Council's requirements in the DA Guide and is adequate for an assessment against Clause 4.3 of the LEP.	13.3
The proposed ceiling heights are excessive.		
The submitted survey does not depict accurate existing ground level, therefore the proposal may not be complying with height of building development standard under Part 4.3 of the Woollahra LEP 2014.		
The proposed building height is measured from an artificially elevated ground level,		
The proposal does not comply with the floor space ratio development standard under Part 4.4E of the Woollahra LEP 2014.	The proposal complies with the 0.5:1 Floor Space Ratio for the site. It is beyond the scope of this assessment to comment on whether the 0.5:1 FSR is appropriate for this site or other properties along Olola Avenue. In accordance with Section 4.15(2) of the Act, if the proposal complies with a development standard, Council is not entitled to take this into further consideration in determining the application, nor may it refuse the application on the grounds that the development does not comply with that standard.	13.4
The 0.5:1 FSR ratio fails to promote suitable development in large blocks along Olola Avenue; it allows a development which: • is inappropriate for a street that is characterized by the green outlook; • involves unreasonable excavation; and • removes established significant trees.		
The heritage listed Sydney Pink Gum is not adequately protected.	Council's Trees & Landscape Officer has advised that the heritage listed *Angophora Costata* may be removed, due to its declining health and subject to a replacement tree of the same species.	Attachment 5
The proposal does not meet the desired future character of the Vaucluse West Precinct. It is an overdevelopment of the subject site and is not in the public interest, and it would diminish the beauty and ecological value of the local character.	The proposal is consistent with the desired future character objectives and key streetscape elements of the Vaucluse West precinct.	14.1
The bulk and scale of the proposal, especially the first floor, does not respect the streetscape and would have an adverse visual impact viewed from the neighbouring properties and public spaces.	Following its amendment, the proposal now satisfies the relevant provisions under the Woollahra DCP 2015 and Woollahra LEP 2014 that pertain to bulk and scale. As such, the visual impact on both the public space and neighbouring properties is deemed to be acceptable.	14
The proposal does not conserves or enhances the tree canopy cover or reinforce the green setting of plantings.	The proposal comprises sufficient landscaping and replacement tree plantings to comply with the canopy cover provisions within the Woollahra DCP 2015.	Attachment 5

Issue	Conclusion	Section
The removal of mature vegetation and garden plantings along Olola Avenue is inappropriate.		
The proposal does not comply with the setbacks as required by the Woollahra DCP 2015; the width of the proposed development is excessive.	Following its amendment, the proposal now largely achieves compliance with the side setback controls under B3.2 of the Woollahra DCP 2015. Remaining non-compliances are very minor and are limited in extent.	14.2.1
The proposal does not comply with the wall height and inclined plane controls	Following its amendment, the proposal achieves a greater degree of compliance with the wall height and inclined plane control. The exception to this is along the eastern elevation, towards the front of the building. The limited extent of non-compliance does not hinder achievement of the objectives under the wall height and inclined plane control and would not warrant refusal or further modification of the application.	14.2.1
The proposal does not respect the topography of the land nor step down the site.	The proposal is considered to adequately step down with the sloping topography of the site, as evidenced by its compliance with the 9.5m height of buildings development standard. Whilst excavation is proposed in excess of the volumetric control under the DCP, there is no evidence that the proposal would give rise to an unacceptable structural or geotechnical risk subject to conditions of consent.	14.2.2
The proposed excavation is excessive, and may result in adverse geotechnical and structural impacts for neighbouring properties.		
The proposal, including the lift shaft, has an adverse visual impact when viewed from neighbouring properties.	The proposal's impact on views from nearby properties has been considered under the *Tenacity v Warringah Council* view impact planning principle and is considered to be acceptable.	14.2.3
The proposed roof colour would contrast with the surrounds.	The roof utilises a mixture of terracotta roof tiles and pebbles, which is a suitable material and colour palette for the proposal and the locality.	14
The proposal would create an adverse overshadowing impact upon neighbouring properties.	The proposal complies with the overshadowing controls under Section B3.5.3 of the Woollahra DCP 2015.	14.2.3
The proposal would adversely affect the public view from Johnstons Lookout.	View loss concerns have been assessed in accordance with the Planning Principle of *Tenacity Consulting v Warringah Council.* The impacts on views are considered acceptable. Concerns about properties neighbouring 12 Hopetoun Avenue have not been assessed in detail unless specific addresses were identified. The proposal's impact on public views including Johnston's lookout is considered to be minor.	14.2.3
The proposal would result in view loss for neighbouring properties including but not limited to: • Unit 1, 2 and 3/12 Hopetoun Avenue Vaucluse; • Properties neighbouring to 12 Hopetoun Avenue; • 14 Hopetoun Avenue Vaucluse;		
The proposal would result in view loss for public areas, including Johnstons Lookout.		
The proposed trees should be limited to 5 to 6 metres high and to match the highest level of the proposed dwelling.		
The proposal would have adverse overlooking impacts upon habitable room openings and private open spaces of neighbouring properties.	Potential overlooking impacts are considered to be acceptable subject to **Condition D.1**, which requires screening to specified windows.	14.2.3

Issue	Conclusion	Section
The proposed swimming pool does not comply with relevant controls.	Whilst the proposed swimming pool exceeds the DCP control requiring a maximum height of 1.2m above existing ground level, this is largely due to site conditions and the steeply sloping topography and does not hinder achievement of the objectives under B3.7.4 of the Woollahra DCP 2015.	14.2.5
Some trees that are proposed to be removed have parts within neighbouring property, and owner's consent of the affected property is required.	**Condition A.5** is recommended which specifies that no consent is granted for works outside of the subject site.	21
Concerns relating to adequacy of the submitted material including: • No impact studies for 12 and 14 Hopetoun Avenue were submitted; • No potential view loss analysis for neighbouring properties were submitted; • The submitted Geotechnical report is inadequate. • The SEE is inadequate.	The proposal was accompanied by sufficient information and documentation to allow for a comprehensive assessment as required under Section 4.15 of the Environmental Planning & Assessment Act 1979.	N/A
The applicant should provide further information, including: • Further details regarding proposed works close to the boundary between the subject site and 10 Hopetoun Avenue; • Detail of the proposed rear fence; • Dilapidation reports are required for the following properties, and copies of the reports are to be sent to the owner of the affected properties before the issue of any Construction Certificate: o 10 Hopetoun Avenue; o 32 Olola Avenue; • Revised Statement of Environmental Effects which correctly addresses the environmental impacts for neighbouring properties; • View loss analysis from affected neighbouring properties; • Height poles are to be erected and to be certified by registered surveyor for view loss analysis.	The applicant has submitted sufficient information to allow for a comprehensive assessment as required under Section 4.15 of the Environmental Planning & Assessment Act 1979. No fencing is proposed to the side and rear boundaries. Recommended **Condition B.11** requires dilapidation reports to be prepared for adjoining properties. In this case, a view assessment was able to be undertaken without height poles being erected due to the visible features of the subject site and adjoining properties.	Throughout the report

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is also known as Lot 2 DP 11901. The site is a regular shaped allotment and comprises the following boundary lengths: • 10.67m street frontage to Olola Avenue. • 51.65m eastern side boundary adjoining 34 Olola Avenue, Vaucluse. • 24.385m rear boundary adjoining 10 Hopetoun Avenue, Vaucluse to the west and 12 Hopetoun Avenue, Vaucluse to the east. • 45.325m western side boundary adjoining 32 Olola Avenue, Vaucluse. The site has an area of 821.3m².
Topography
The site slopes down approximately 15.92m from the rear south-eastern corner of the site RL 53.83 towards the front north-eastern corner of the site RL 37.91.
Existing buildings and structures
The site contains a two storey dwelling house with a detached double garage accessible from Olola Avenue. There is landscaped area to the front of the dwelling which is elevated above street level. Pedestrian access from Olola Avenue is located adjacent to the garage.
Surrounding Environment
The site is located in the Vaucluse West Residential Precinct. The immediate streetscape comprises one to three storey developments which exhibit traditional and contemporary designs. Most of the surrounding dwellings along Olola Avenue are elevated from the street level and overlook towards 69A Wentworth Road Vaucluse (Vaucluse House). It is considered the immediate streetscape comprises a rich mixture of architectural styles.   *Fig. Surrounding development – extract from WMC 3D Mapping*

Fig. Subject site viewing from street

Fig. 32 Olola Avenue viewing from street

Fig. 31 Olola Avenue viewing from street

Fig. 30 Olola Avenue viewing from street

Fig. 29 Olola Avenue viewing from street

Fig. 28 Olola Avenue viewing from street

Fig. 26-27 Olola Avenue viewing from street

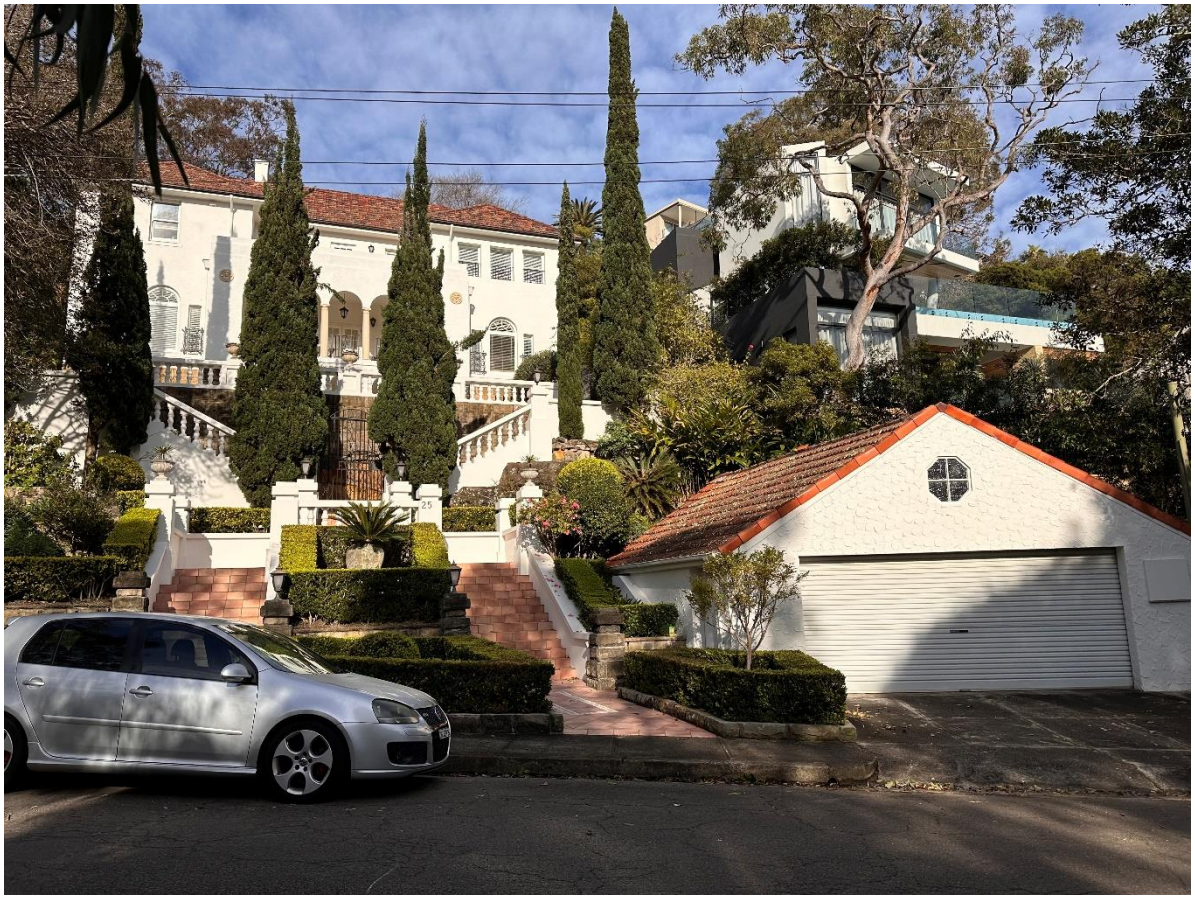


Fig. 25 Olola Avenue viewing from street

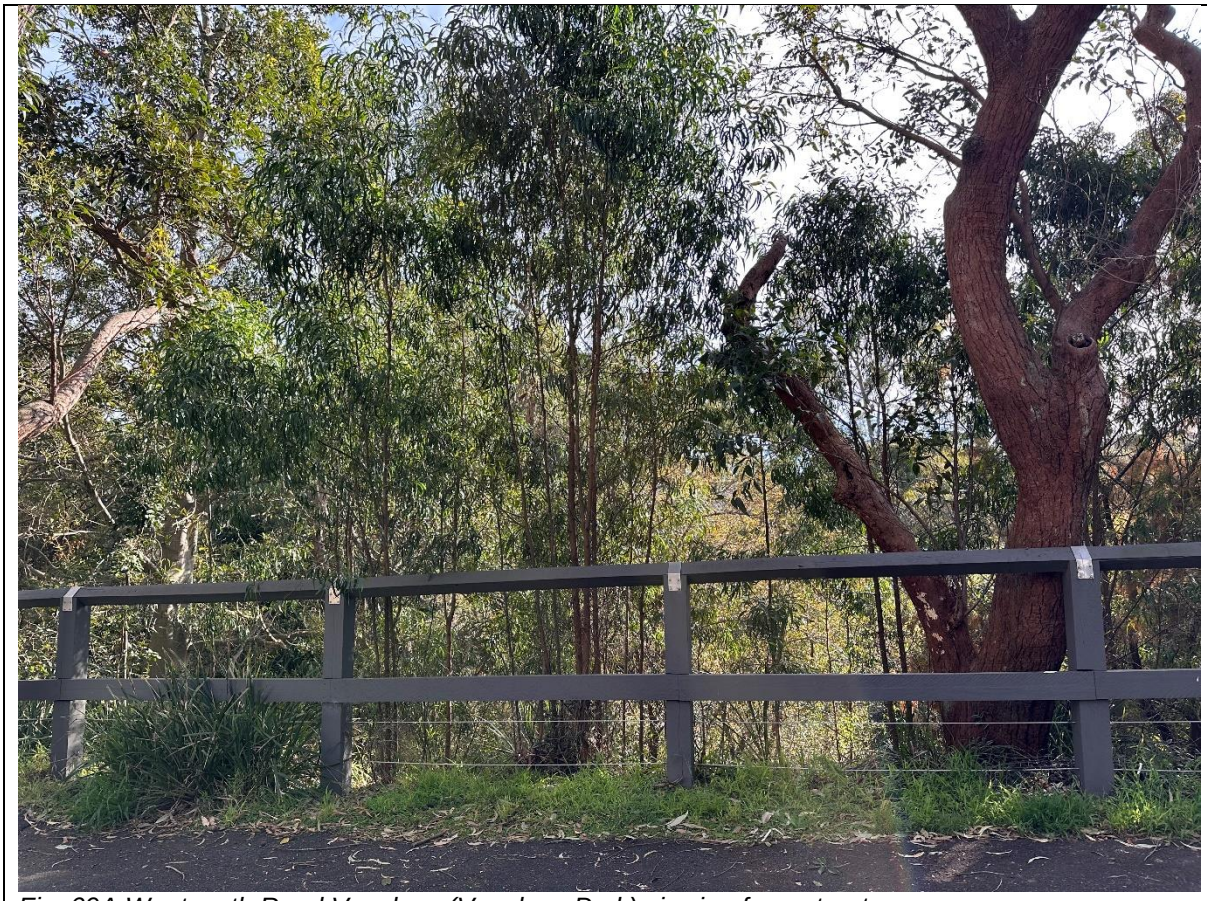


Fig. 69A Wentworth Road Vaucluse (Vaucluse Park) viewing from street

Fig. 38 Olola Avenue viewing from street

Fig. 37 Olola Avenue viewing from street

Fig. 36 Olola Avenue viewing from street

Fig. 35 Olola Avenue viewing from street

Fig. 34 Olola Avenue viewing from street

7. RELEVANT PROPERTY HISTORY

Current use
Residential development
Requests for Additional Information and Replacement Applications
1. A Stop the Clock Letter dated 16 May 2024 was issued requesting Owner(s) Consent, which was received on 17 May 2024. 2. A request for amended plans/additional information was issued on 6 August 2024 raising a number of issues relating to: - Non-compliances with the Woollahra DCP 2015; - Impacts on trees. On 3 September 2024 the Applicant submitted amended architectural plans, landscape plans and arborist report addressing this request.

8. REFERRALS

Referral	Summary of Referral Response	Attachment
Development Engineering	Satisfactory, subject to conditions	3
Trees and Landscaping	Satisfactory, subject to conditions	4
Heritage	Satisfactory, subject to conditions	5

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 22 May 2024 to 06 June 2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Gus Clarke – 14 Hopetoun Avenue, Vaucluse;
2. A Rowan and T Elsum – 10 Hopetoun Avenue, Vaucluse (2 x submissions);
3. John Andronicos – 1/12 Hopetoun Avenue, Vaucluse;
4. Jacquie and Michael Goldberg – 32 Olola Avenue, Vaucluse;
5. Noreen Steingold – 2/12 Hopetoun Avenue, Vaucluse;
6. David Gasan – 16 Hopetoun Avenue, Vaucluse;
7. Danielle Cooper and Shawn Ingham – 3/12 Hopetoun Avenue, Vaucluse (2 x submissions);
8. Cathy Griff – 407 Tathra Bermagui Road, Mogareeka;

9. Daintry Associates (on behalf of owners of 3/12 Hopetoun Avenue) - 3/12 Hopetoun Avenue, Vaucluse (2 x submissions);
10. Alison Pert - 42 Olola Avenue, Vaucluse;
11. Clare Crawford – 31 Olola Avenue, Vaucluse;
12. Merrill Witt – Woollahra Councillor for the Vaucluse Ward
13. Ben Hewlett (Letter of support) – L9/75-77 Pitt Street, Sydney; and
14. Tony Moody (on behalf of owners of 34 Olola Avenue) – 34 Olola Avenue, Vaucluse (2 x submissions).

9.2 Replacement Application

The amended application noted in Section 4 was not renotified to surrounding residents/previous objectors because it was considered to have no greater environmental or amenity impact.

9.3 Statutory Declaration

The applicant completed the statutory declaration dated 07/06/2024 declaring that the site notice was erected and maintained during the notification period.

10. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

SEPP (Sustainable Buildings) 2022 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

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

11. SEPP (BIODIVERSITY AND CONSERVATION) 2021

11.1 Chapter 2: Vegetation in non-rural areas

Chapter 2 of the SEPP (former Vegetation SEPP 2017) relates to vegetation in non-rural areas.

The aims of Chapter 2 of the SEPP, are:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Clause 2.9(2) of the Chapter 2 Vegetation in Non-Rural Areas of the SEPP defers the assessment criteria for the removal of vegetation to the applicable Council DCP in this case being *Chapter E3: Tree Management* of the WDCP 2015.

Council's Trees & Landscaping Officer reviewed the proposal and advised that it is satisfactory with regards to tree removal and new plantings, subject to the recommended conditions of consent.

11.2 Chapter 6 – Water Catchments

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

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

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

The proposal will have no significantly adverse impacts on the Sydney Harbour Catchment, subject to standard conditions including erosion and sedimentation, stormwater and flood risk management control

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

12.1 Chapter 2 - Coastal Management

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

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

12.2 Chapter 4 - Remediation of Land

Under Clause 4.6(1)(a) of SEPP (Resilience and Hazards) 2021, consideration has been given as to whether the subject site on which the development is occurring is contaminated.

As the site has a long history of residential use, it is considered that the land does not require further consideration under Clause 4.6(1) (b) and (c) of SEPP (Resilience and Hazards) 2021. The proposal is therefore acceptable with regard to SEPP (Resilience and Hazards) 2021.

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1 Part 1.2: Aims of Plan

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

13.2 Land Use Table

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

13.3 Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m

	Proposed	Control	Complies
Maximum Building Height	8.98m	9.5m	Yes

The proposed maximum building height is measured as 8.98m from the existing ground level. Therefore, the proposal is compliant with the maximum building height prescribed by Part 4.3 of Woollahra LEP 2014 and is acceptable with regard to the relevant objectives under Part 4.3(1) of Woollahra LEP 2014.

13.4 Part 4. 4E: Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3

Part 4.4E limits development to a maximum floor space ratio of 0.5:1 for a dwelling house.

Site Area: 821.3m^2	Proposed	Control	Complies
Floor Space Ratio	0.48:1 (400.6m^2)	0.5:1 (410.7m^2)	Yes

From above, the total gross floor area of the proposed development is calculated as 400.6m^2 and has a floor space ratio of 0.48:1 to the site area. Therefore, the proposal complies with the maximum floor space ratio prescribed by Part 4.4E(3) of Woollahra LEP 2014.

13.5 Part 5.10: Heritage Conservation

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

The subject site contains a heritage item under Schedule 5 of the Woollahra LEP 2014 as the following:

Suburb	Item name	Address	Property description	Significance	Item no
Vaucluse	Sydney Pink Gum	33 Olola Avenue	Lot 2, DP 11901	Local	I378

Council's Heritage Officer reviewed the proposal and made the following comments:

> *Olola Avenue, Vaucluse is a detached dwelling house constructed c. 1930. Since its construction it has undergone substantial changes, evident from internal and external images as identified in the Demolition Report prepared by Ruth Daniell.*
>
> *I agree with the assessment by Ruth Daniell that there is no heritage value associated with the building. It is a modest house and retains something of its original roof form and rear façade. Much of the rest of the building appears greatly altered. It has no association with significant persons, and has no historical significance.*
>
> *The Demolition Report is sufficient to constitute a record of the building for archival purposes.*
>
> *There is some possibility of research value and/or Aboriginal cultural heritage in the archaeology of the site. This possible significance can be safeguarded by conditions. The item on the site, 'Sydney Pink Gum' no. I378, is likely to be affected by the proposal. Identified by the arborist as Tree No.15, the tree is an Angophora costata (Sydney Red Gum). Council's officer identified the likely impact on this tree from the development as "major and likely unsustainable". A new arborist report, concurred with by Council's tree officer, has noted the declining health of the tree, and that the tree is likely to either die or be removed as a risk in the near future. Council's tree officer has therefore supported the removal and replacement of the tree with a mature specimen. This is appropriate from a heritage perspective*

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

13.6 Part 5.21: Flood Planning

The objectives of Part 5.21 are:

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

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

a) is compatible with the flood function and behaviour on the land, and
b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
d) incorporates appropriate measures to manage risk to life in the event of a flood, and
e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In deciding whether to grant development consent on land to which Part 5.21 applies, the consent authority must consider the following matters:

a) the impact of the development on projected changes to flood behaviour as a result of climate change,
b) the intended design and scale of buildings resulting from the development,
c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion

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

13.7 Part 6.1: Acid Sulfate Soils

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

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

13.8 Part 6.2: Earthworks

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

The proposal involves excavation to accommodate structures of the garage and lower ground floor, structures of the ground floor to the rear, and external site and landscape works. Council's Development Engineer has no objections to the proposed excavation, subject to the conditions of consent. The proposal is therefore acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

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

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

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

Following the amendments made on 3 September 2024 Council's Tree Officer provided the following comments on the proposal:

> *The proposal is for demolition of all structures and construction of a dwelling house, garage and pool, including extensive excavation, construction of retaining walls, removal of all trees and landscape works.*
>
> *A total of fifteen (15) trees have been found located within and adjacent to the site. All the trees on the property will be removed (11) and four (4) trees on the adjacent properties being retained and protected.*
>
> *Amendments to the proposed stairs and associated retaining walls were required in order to reduce the level of excavation within the TPZ and within the SRZ of Tree No.2; however, the plans have not been modified. The proposal can only be supported subject to amended plans being prepared and provided to Council before the issue of a Construction Certificate.*
>
> *The retaining walls at rear have been modified in conjunction with the new consulting arborist to reduce the level of encroachment into the TPZ of Tree No.14.*
>
> *The removal of heritage listed Tree No.15 will now be supported as additional information has been provided by two additional consulting arborists on the health and condition of the tree. The Landscape Plan shall be modified to include an Angophora costata (Sydney Red Gum) within the front setback to offset the loss of this tree.*
>
> *Council's Tree and Landscape Officer has determined that the development proposal is partially satisfactory in terms of tree preservation and landscaping. However, design modifications are required to the Landscape Plan and Architectural Plans prior to the issuing of the Construction Certificate to ensure Tree No.2 is not adversely impacted by the proposed works.*

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

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1 Chapter B1: Vaucluse West Residential Precinct

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

The following extract from the Desired Future Character of Part B1.10.2 of the Woollahra DCP 2015 states:

The Vaucluse West precinct is to maintain the evolution of low density residential development through the introduction of well-designed contemporary dwelling houses that retain views of the harbour from public spaces and provide for view sharing from private properties.

Development may be three storeys, but should establish a two storey presentation to the street with a reduced scale on the third floor, which will help reduce building bulk and scale.

On sloping sites, development should step down the site to maintain views, protect the privacy and solar access of adjoining and adjacent properties, and minimise cut and fill.

In particular, development is to retain views of the harbour from public spaces and provide for view sharing from private properties; these can be achieved by providing suitable side boundary setbacks and fencing, roof forms and thoughtful distribution of building form across the site.

The built form should not detract from the unique features of the natural landscape, or be of such a scale that it dominates adjoining development, or is visually intrusive when viewed from the streetscape or the harbour.

The relevant streetscape character and key elements of the precinct are:

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

a) the relationship of the precinct to the harbour;
b) the rich mixture of architectural styles, and the emphasis on their connection to the landform;
c) buildings set within highly visible gardens;
d) buildings addressing the street; and
e) the harbour and iconic views available from the streets of the precinct, including view corridors between buildings.

The relevant desired future character objectives are:

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

The proposal aims to construct a new part two-to-three storey dwelling above a basement parking level. The proposed dwelling complies with the required maximum building height and floor space ratio under Part 4.3 and 4.4E of the WLEP 2014. The proposal is considered to be compatible with the streetscape and not to dominate the adjoining developments or be visually intrusive when viewed from the streetscape and adjoining properties. Furthermore, the proposal will achieve a satisfactory landscape outcome subject to conditions of consent.

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

14.2 Chapter B3: General Development Controls

14.2.1 Part B3.2: Building Envelope

Site Area: 821.3m^2	Proposed	Control	Complies
C1 B3.2.2 Front Setback	8.63m (garage floor pedestrian tunnel) 14.47m (external balcony structures)	17.10m	**No**
C1 B3.2.4 Rear Setback	7.76m	12.11m	**No**
C1 B3.2.3 Side Boundary Setbacks (west)	1.81m	1.9m	**No**

Site Area: 821.3m^2	Proposed	Control	Complies
C1 B3.2.3 Side Boundary Setbacks (east)	1.9m	1.9m	**No**

Section B3.2.2: Front Setback

C1 The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street (refer to Figure 3).
Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).

The three most typical setbacks are as follows:

- 31 Olola Avenue, Vaucluse – 25.65m
- 32 Olola Avenue, Vaucluse – 12.03m
- ~~34 Olola Avenue, Vaucluse – 27.59m~~
- 35 Olola Avenue, Vaucluse – 13.61m

C1 states that the front setback is the average of the three most typical setbacks of the four closest residential properties, and is calculated as 17.1m.

- The proposed external terrace and balcony structures of the lower ground, ground and first floors, and the garage floor pedestrian tunnel are partially located within the front setback. It is considered this non-compliance is partially impacted by the noticeable different front setbacks in the immediate vicinity. It is important to acknowledge that the front building wall, excluding the front balcony and basement structures, are located behind the front setback. In general, the proposal does not have any significant adverse streetscape impact. An assessment is provided below against the objectives in Part B3.2.2 of the Woollahra DCP 2015.

O1 To reinforce the existing streetscape and character of the location.
O2 To provide consistent front setbacks in each street.
O3 To provide for landscaped area and deep soil planting forward of the building.
O4 To ensure that buildings are well articulated and positively contribute to the streetscape.

- The proposed dwelling, excluding the external and basement structures, are located behind the front setback, and the proposed works in the front setback that are visible from the streetscape are considered to be consistent with the local character. The front terrace and balcony structures positively contribute to the articulation of the building front which is consistent with the streetscape and neighbouring properties. Also, the proposal would not unreasonably compromise the landscaped area and deep soil planting to the front of the dwelling. In general, the proposed development remains compatible with the streetscape and local character. Therefore, O1, O2 and O3 are upheld.

Section B3.2.3: Side Setbacks

C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A.

FIGURE 5A
Side setback table for dwelling houses, semi-detached dwellings and dual occupancies

A. Site width measured along front setback line in metres	B. Side setback in metres
< 9.0	0.9
9.0 - < 11.0	1.1
11.0 - < 13.0	1.3
13.0 - < 15.0	1.5
15.0 - < 17.0	1.9
17.0 - < 19.0	2.3
19.0 - < 21.0	2.7
21.0 - < 23.0	3.1
23.0 +	3.4

Fig. Side setback table for dwelling houses – extract from Part B3.2.3 of the Woollahra DCP 2015

The site width measured along the front setback line is 15.49m, therefore C1 requires a minimum side setback of 1.9m.

The proposal involves variable setbacks along the western and eastern building alignments, due to the splayed site and stepped side alignments of the building. The proposal achieves compliance along the eastern side of the building. Whilst very minor non-compliances are proposed along the western side, these are limited to approximately 60mm in extent and the proposal achieves the relevant objectives of the side setback control as follows:

O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.
O2 To ensure the side elevation of buildings are well articulated.
O3 To protect the acoustic and visual privacy of residents on neighbouring properties.
O4 To facilitate solar access to habitable windows of neighbouring properties.
O5 To facilitate views between buildings.
O6 To provide opportunities for screen planting.
O7 To allow external access between the front and rear of the site.

- The side façades are regularly stepped and the extent of variation is minor. The proposal is considered well articulated along the side elevations and provides appropriate building separation from the adjoining properties. It is not considered that an unreasonable sense of enclosure would be exacerbated based on the outcome of this proposal. Therefore, O1 and O2 are upheld.
- The proposal would maintain acceptable privacy, overshadowing and view sharing relationships with surrounding properties thereby satisfying O3, O4 and O5.
- The proposal would not unreasonably compromise opportunities for screen planting or external access adjacent to the side boundaries, satisfying O6 and O7.

Section B3.2.4: Rear Setback

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

- Formulaic compliance with C1 of Part 3.2.4 results in rear setback as follows:
  [45.235m (western site boundary length) + 45.56m (eastern site boundary length)] / 2 x 25% = 12.11m

- The proposed dwelling is generally compliant with the required rear setback except for the roof and structures associated with the alfresco terrace and private services courtyard. It is considered this non-compliance is influenced by the parallelogram site configuration where the rear boundary is slanted. The proposal would not result any significant unreasonable amenity impact upon adjoining properties. . An assessment is provided below against the objectives in Part B3.2.4 of the Woollahra DCP 2015.

O1 To provide private open space and landscaped areas at the rear of buildings.
O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.
O3 To avoid an unreasonable sense of enclosure.
O4 To provide separation between buildings to facilitate solar access to private open space.
O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.
O6 To contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat.

- The site inclines steeply towards the rear and the non-compliant elements do not project significantly above the surrounding land. As such, the proposal would maintain an acceptable bulk and scale which is in keeping with neighbourhood character. It is not considered that an exacerbated sense of enclosure would occur.
- There would be no exacerbated amenity impacts associated with the proposed setbacks and an acceptable open space network along with landscaped amenity would be maintained. The proposal would maintain acceptable privacy, overshadowing and view sharing relationships with surrounding properties. Therefore O1, O2, O3, O4, O5 and O6 are upheld.

Section B3.2.5: Wall Height and Inclined Plane

C1 On land zoned R2 Low Density Residential and for a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone:
a) the wall height is 7.2m above existing ground level; and
b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and
c) roof eaves may protrude into the setback if below the inclined plane.

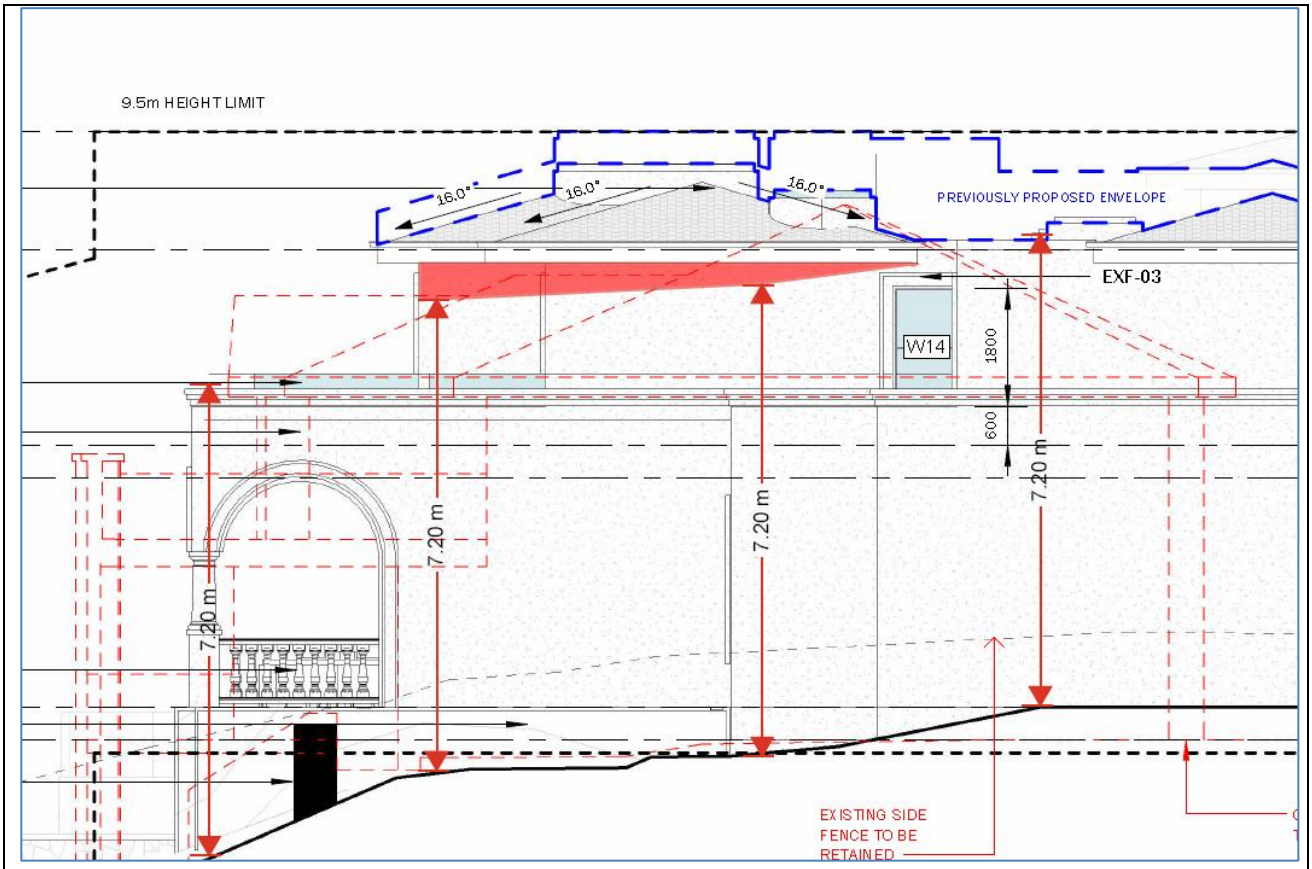


Fig. Maximum wall height and inclined plane with the sections of wall exceeding the control identified in red – West Elevation

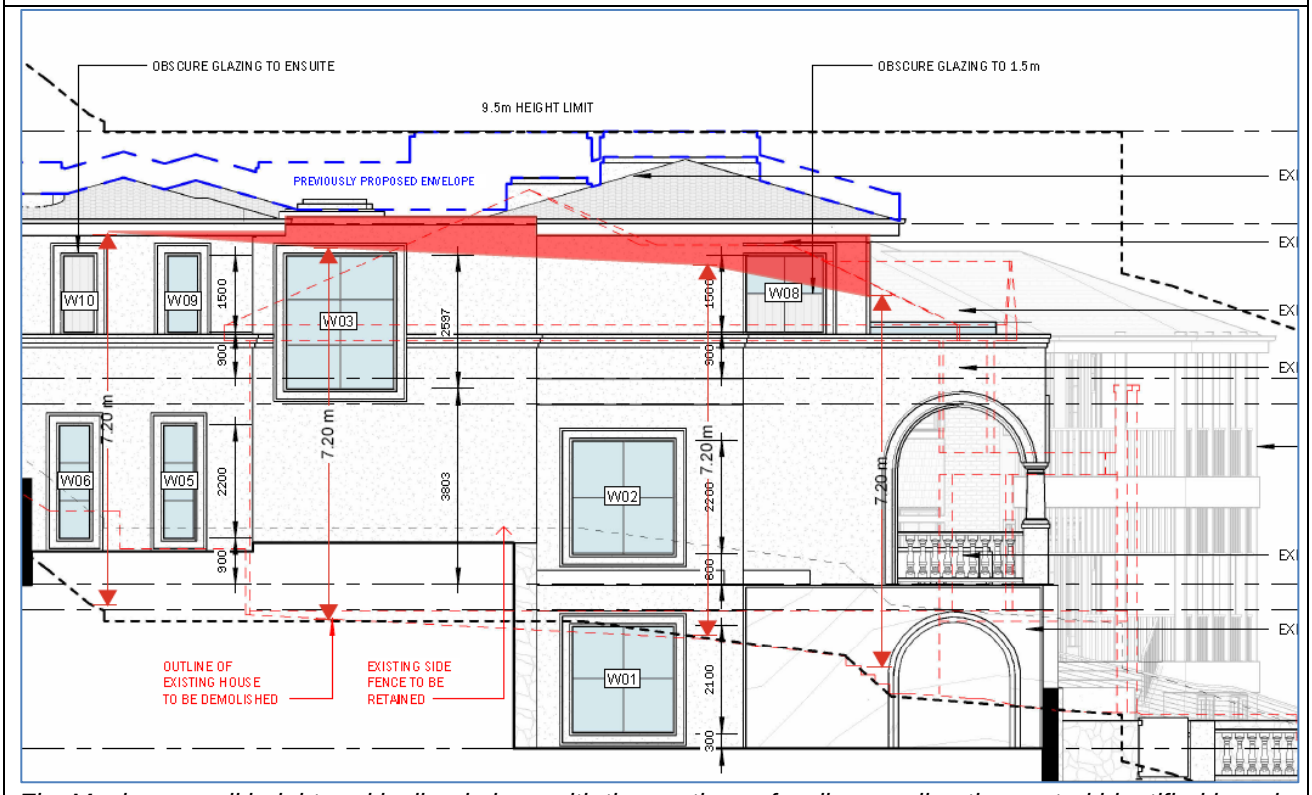


Fig. Maximum wall height and inclined plane with the sections of wall exceeding the control identified in red – East Elevation

As highlighted in the figures above, sections of the proposed walls project above the 7.2m maximum wall height, along the side elevations and front elevation. The proposal would also comprise non-compliances with the wall height and inclined plane control, as a result of any aforementioned non-compliances with the front, rear and side setbacks.

The maximum extent of non-compliance equates to approximately 500mm – 1.18m at the front of the building. As the site slopes upwards towards the rear, the degree of wall which exceeds the 7.2m control is gradually reduced, until it achieves full compliance towards the rear of the building.

It is considered this non-compliance is partially influenced by the existing topography of the site which slopes down from the rear to the front. Any associated protrusions into the inclined plane as a result of the setback non-compliances are generally upheld.

An assessment is provided below against the objectives in Part B3.2.5 of the Woollahra DCP 2015.

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

- The proposal aims to construct a new two to three storey dwelling above a basement garage. The amended proposal further sets back the western and eastern external walls of level 1 from the side boundaries compared to that of the previous design. Bulk and scale of the proposal is considered to be compatible to the neighbourhood character and not to dominate adjoining developments or visually intrusive when viewed from the streetscape. In this instance, the proposal is considered to have suitable streetscape outcome and would not have any significant adverse visual impacts from the streetscape and adjoining properties. Therefore O1 is upheld.
- As discussed in Part B3.5, the proposal is acceptable with regard to the overshadowing controls of Part B3.5.2 of the Woollahra DCP 2015. Therefore O2 and O3 are upheld.
- No significant significant adverse privacy impacts or view impacts would be generated upon surrounding properties. Therefore, O4 and O5 are upheld.

Conclusion

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

14.2.2 Part B3.4: Excavation

Site Area: 821.3m^2	Proposed	Control	Complies
C1 B3.4 Maximum Volume of Excavation	730m^3 (total excavation) 664m^3 (net excavation excluding fill)	214.26m^3	**No**

C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13A.

C5 The volume controls in C1 and C2 above do not apply to backyard swimming pools and tennis courts located outside the building envelope. (Note: Separate controls apply which limit excavation, refer to Section 3.7.4 Ancillary development – swimming pools, tennis courts and outbuildings).

C6 Basement walls and any piling (or similar structural elements) must be no closer to the boundary than permitted by the setback controls (refer to Figure 14).

C9 Excavation below 2m or within 1.5m of the boundary must be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on surrounding structures.

- C1 limits the volume of excavation to 214.26m^3. Although the proposed swimming pool is located in the front setback, it is located outside the buildable area and therefore the exception in C5 is applicable. The proposed total excavation volume is 730m^3, with 66m^3 of this volume to be used as fill material on site. In this instance, the net excavation volume is calculated as 730m^3. Also, the proposal involves structures of the garage and lower ground floors within the western and eastern side backs, and the applicant has submitted a Geotechnical and Hydrogeological Report. Therefore, the proposal is not compliant with C1 and C6. Notwithstanding this, no objection has been raised by Council's Development Engineer with regard to excavation aspect of the development subject to the recommended conditions of consent. An assessment is provided below against the objectives in Part B3.4 of the Woollahra DCP 2015.

O1 To set maximum acceptable volumes of excavation which:
a) require buildings to be designed and sited to relate to the existing topography of the site;
b) ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation;
c) avoid structural risks to surrounding structures;
d) ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable;
e) enable deep soil planting in required setbacks;
f) ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and
g) satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings).

- The subject dwelling is designed to relate to the topography of the site. The proposed excavation is to mainly accommodate structures of the garage and lower ground floor, structures of the ground floor to the rear, and external site and landscape works, and these structures are either visually compatible with the streetscape or not readily visible from the streetscape. Given the site condition which slopes up approximately 13.64m from the front to the rear of the site, the proposal ensures the accessibility and connectivity from the garage to the upper floors and enhances the amenity of the subject site. Therefore, the extent of excavation is not considered unreasonable. As discussed in Part 3.7, the proposal provides a compliant deep soil landscaped area in the front setback which would soften the built form appearance when viewed from the street and neighbouring sites. Importantly, the proposal is compliant with the maximum building height and floor space ratio development standards under Part 4.3 and Part 4.4E of the Woollahra LEP 2014. The structural risks and construction impacts are mitigated by recommended conditions of consent, and the proposal would not have any unreasonable impact on the traffic and local infrastructure from the transfer of excavated material. Therefore, O1 is upheld.

Conclusion

The proposal is therefore acceptable with regard to Part 3.4 of the Woollahra DCP 2015.

14.2.3 Part B3.5: Built Form and Context

Part B3.5.1: Streetscape and Local Character

C2 Development retains vegetation of landscape value.
C4 Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.
O3 To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.

As discussed in Part B1, the proposal is generally considered to provide a satisfactory response to the desired future character provisions of the Vaucluse West precinct. The proposal is considered a suitable development along the street and within the locality.

Section B3.5.2: Overshadowing

C1(a) stipulates that sunlight is provided to at least 50% (or 35m^2 with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space to adjoining properties for a minimum of two hours between 9am and 3pm on June 21. Also, C1(b) states that north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun during the same period.

The proposal would not result any additional shadows to private open spaces or north facing windows of upper level habitable rooms of neighbouring properties for more than 3 hours between 9am and 3pm on June 21, and it is considered acceptable having regard to C1(a) and (b).

The proposal is considered to be satisfactory with regard to the solar access requirements in Part B3.5.2 of Woollahra DCP 2015.

Section B3.5.3: Public and private views

C1 Development is sited and designed so that the following public views are maintained or enhanced:

a) Significant views and vistas identified in the precinct maps in Chapter B1 Residential Precinct of this DCP; and
b) Views from other public open space areas, particularly from ridgelines to Sydney Harbour and the Sydney CBD skyline.

The view from Johnston's Lookout on New South Head Road is identified as a significant public view within Section B1.10 of the DCP. This view is shown in Table 1 below.

The view from Johnston's Lookout towards North Head and Sydney Harbour encompasses the subject site, however given the elevation of Johnson's Lookout above the subject site, and the fact that the site is currently heavily obscured by vegetation, no significant impact to the public view is anticipated.

Table 1 – Views currently obtained from Johnstons Lookout

Fig. Standing view from Johnston's Lookout	*Fig. Sitting view from Johnston's Lookout*

C5 Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms (refer to Figures 16 and 17).
C7 The design of the roof form (including roof terraces, lifts, lift overruns, stairwells, access hatches, screens, and other like structures) provides for view sharing.

Controls above require the development to be sited and designed to enable view sharing with surrounding properties. Impacts of view loss have been considered from the objecting properties at Units 1-3 of 12 Hopetoun Avenue and 14 Hopetoun Avenue.

In assessing the reasonableness or otherwise of the degree of view loss, this assessment report has had regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four step assessment of view sharing. The steps are as follows:

1. <u>The assessment of the views affected</u>

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

Fig. Map indicating the orientations of views from affected properties towards the subject site highlighted in red – extract from WMC Mapping

Units 1, 2 and 3 at 12 Hopetoun Avenue, Vaucluse

The views affected are district views and Sydney Harbour views towards the north, including the northern shore of the harbour.

Table 1 – Views currently obtained from Units 1, 2 and 3 at 12 Hopetoun Avenue, Vaucluse

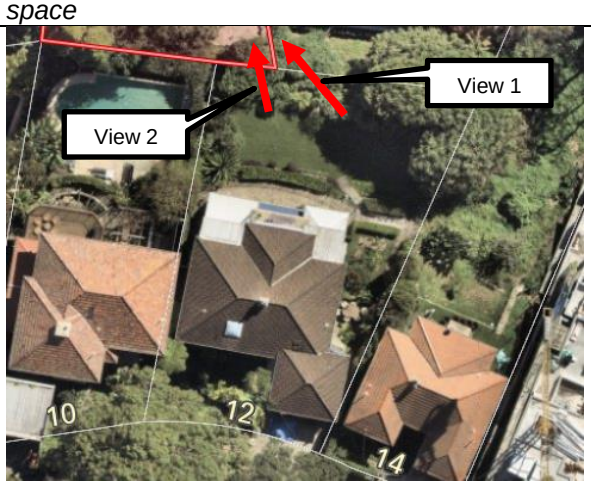
Communal open space	
Fig. Standing view 1 from outdoor communal open space	*Fig. Sitting view 1 from outdoor communal open space*
Fig. Standing view 2 from outdoor communal open space	 *Fig. Indication of views from 12 Hopetoun Avenue towards the subject development*
Unit 3	
Fig. Standing view from Unit 3 bedroom 1	*Fig. Sitting view from Unit 3 bedroom 1*

Fig. Standing view 1 from Unit 3 outdoor balcony

Fig. Sitting view 1 from Unit 3 outdoor balcony

Fig. Standing view 2 from Unit 3 outdoor balcony

Fig. Sitting view 2 from Unit 3 outdoor balcony

Fig. Standing view from Unit 3 living room

Fig. Sitting view from Unit 3 living room

Fig. Standing view from Unit 3 kitchen

Fig. Sitting view from Unit 3 kitchen

Fig. Standing view from Unit 3 bedroom 2

Fig. Sitting view from Unit 3 bedroom 2

Unit 1

Fig. Standing view from Unit 1 outdoor balcony

Fig. Sitting view from Unit 1 outdoor balcony

Fig. Standing view 1 from Unit 1 living space

Fig. Sitting view 1 from Unit 1 living space

Fig. Standing view 2 from Unit 1 living space

Fig. Sitting view 2 from Unit 1 living space

Fig. Standing view from Unit 1 bedroom

Fig. Sitting view from Unit 1 bedroom

Fig. Standing view from Unit 1 bedroom	*Fig. Sitting view from Unit 1 bedroom*
Unit 2	
Fig. Standing view from Unit 2 outdoor balcony	*Fig. Sitting view from Unit 2 outdoor balcony*

14 Hopetoun Avenue, Vaucluse

The views affected are views of the district, Sydney Harbour, and land water interface and land across the harbour views towards the north.

Table 2 – Views currently obtained from 14 Hopetoun Avenue, Vaucluse

Fig. Standing view 1 from outdoor area	*Fig. Sitting view 1 from outdoor area*

Fig. Standing view 2 from outdoor area

Fig. Sitting view 2 from outdoor area

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

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

As detailed in Tables 1 and 2 above, the views are obtained from a range of locations, including outdoor areas of private open space and internal habitable rooms including kitchen, living space and bedrooms.

3. The extent of the impact

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

Following its amendment, the proposal attains a maximum height of RL 55.33 AHD. This is confirmed by **Condition D.1** due to unclear labelling on the elevations and sections. As the adjoining property at 34 Olola Avenue has a maximum height of RL 56.81, this serves as a reference point to determine the view impact of the proposal. The image below demonstrates the view impact to Unit 3, which is the lowest unit at 12 Hopetoun Avenue and thereby the most vulnerable to view affectation.

As shown in the image, the existing RL of 56.81 of 34 Olola Avenue sits below the visible waterline, and therefore the proposed building at RL 55.33 AHD would have no impact on the water views available from this location. All other view locations are less impacted, being higher than the location from which the image below was taken.

Fig. The image above shows the view from Unit 3 of 12 Hopetoun Avenue, with the RL of the adjoining property detailed for comparative purposes

In summary, the view impacts would be limited to obscuring elements of the district view including tree canopies and can be collectively described as minor to negligible for the assessed properties.

4. The reasonableness of the proposal that is causing the impact

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

As discussed above, view impacts to objecting properties can be characterised as minor to negligible, with the views largely unaffected. As the proposal complies with the height of buildings development standard and the breaches of the DCP controls do not give rise to view impacts, the view impact of the proposed development is considered to be acceptable.

C9 The location and species of new tree planting frames and preserves public and private views. Planting must not be used to moderately, severely or devastatingly block views in accordance with the Tenacity Land and Environment Court Principle.

The proposal involves two new *Angophora Costata* trees within the rear setback, which are capable of obtaining large mature heights. These trees compensate for the removal of a number of trees within the site and any view impacts is considered to be mitigated by the view improvements that may be facilitated by the removal of existing trees. Furthermore, the existing view corridor is framed and in some cases interrupted, by large trees which are characteristic of Olola Avenue and Vaucluse Park. As such, the view impact from the *Angophora Costatas* does not qualify as a moderate, severe or devastating view impact and the proposal is acceptable regarding Control C9.

Section B3.5.4: Acoustic and Visual Privacy

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

- The proposed lift overrun and other equipment are considered suitably located. Also, **Condition H.5** is imposed in relation to noise from mechanical plant and equipment and in this regard, the acoustic impact of the mechanical plant and equipment is adequately addressed.

C4 New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.
This may be achieved by options including, but not limited to (in order of preference):

a) Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.
b) Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space.
c) Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.
d) Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.
e) Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.

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

C7 Private open spaces and the trafficable area of roof terraces (at or below the second storey) (refer to Figure 18) are to be suitably located and screened to prevent direct views to neighbouring:
a) habitable rooms (including bedrooms) within 9m; and
b) private open space within 9m.

The following habitable room windows would obtain direct views into the private open space or windows of adjoining properties:
- Ground Floor: W02
- First Floor: W09

Condition D.1 requires these windows to incorporate fixed translucent glazing or privacy screening to a height of 1.5m. All other windows are either orientated towards the front or rear boundaries or are otherwise treated so as to avoid direct overlooking.

Also, the front terrace of the ground floor and the front balconies to the north of master bedroom and ensuite of the first floor have direct views into the windows and private open spaces of neighbouring properties within 9m. In this instance, as detailed in **Condition D.1**, W09 is to incorporate fixed translucent glazing or privacy louvers to a height of 1.5m above finished floor level. Also, the western and eastern edges of the ground floor front terrace and first floor front balcony to the north of the master bedroom, and the western edge of the first floor balcony to the north of the master ensuite, are to incorporate privacy screen to a height of 1.5m above finished floor level.

The remaining proposed openings and private open spaces are not considered to result in exacerbated privacy impacts upon surrounding properties that would warrant further privacy mitigation measures.

Section B3.5.5: Internal amenity

C1 All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening,
C2 All habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation,

Although the sunken lounge of the lower ground floor is considered primarily below the existing ground level, its northern external wall is above the proposed ground level and it provides unobstructed openings as a result of the excavation works.

The lower ground floor bathroom does not have direct natural light and ventilation and is therefore non-compliant with C2. Notwithstanding this, the proposal achieves a high level of internal amenity by providing an open planned living area and habitable rooms with direct access to natural light and ventilation. It is noticed that most sanitary compartments have direct access to natural light and ventilation. Therefore, the following underlying objectives are upheld:

O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.
O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.

Conclusion

Subject to **Condition D.1**, the proposal is acceptable with regard to the built form and context controls in Part B3.5 of the Woollahra DCP 2015.

14.2.4 Part B3.6: On-Site Parking

C1 On-site parking is designed and located so that it:
- *a) is located within the building envelope;*
- *b) does not dominate the street frontage; and*
- *c) preserves trees and vegetation of landscape value.*

C2 Notwithstanding C1, parking structures are permitted outside the building envelope but only where:
- *a) there is rear access (via a lane or street); or*
- *b) the site is located on sloping land where:*
  - *the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 19A); and*
  - *the car parking structure is incorporated into a podium or street wall; and*
  - *the car parking structure is not more than 40m² in area.*

c) the existing streetscape in the immediate vicinity of the site is characterised by parking structures forward of the building line and
- *For separate structures, the roof form, materials and detailing complement the principal building*
- *Garage doors are designed to complement the building design and any important character elements within the street.*

C3 Parking structures outside the building envelope are only permitted when:
a) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.7.1 Landscaped areas and private open space; and
b) solar, access and privacy requirements within the site, and to the neighbouring properties, are met as set out in Section 3.5.2 Overshadowing and Section 3.5.4

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

C7 For car parking structures located in the front setback, the maximum height of the structure is 2.7m above the footpath level. If the existing height of the retaining/street wall or the two adjoining car parking structures is higher than 2.7m, that greater height may be permitted (refer to Figure 19B).
O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.

C8 For car parking structures on the high side of the street—balustrading to trafficable areas on top of the structure is setback at least 1m from the front boundary, and is of an open or transparent form (refer to Figure 19B).

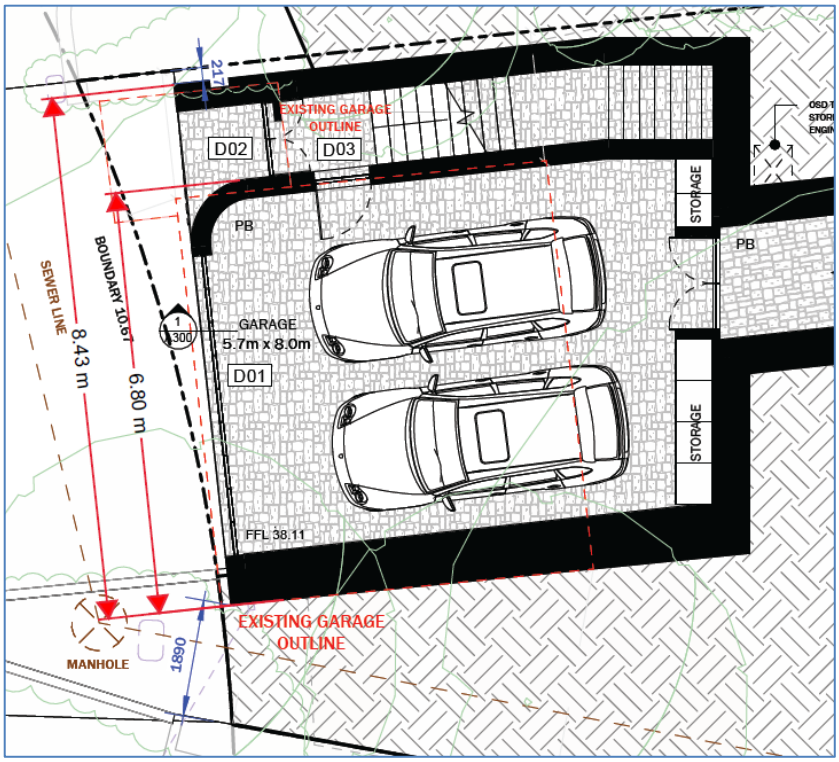


Fig. Garage width analysis – extract from Drawing A101

- The proposed garage is located within the front setback and is outside of the building envelope. Given the topography of the site which slopes up significantly from the front towards the rear of the site and the general prevalence of car parking fronting the streetscape (including the existing configuration at the subject site), the location of parking is deemed suitable and consistent with the general development outcome. Additionally, the proposed garage does not have any significant adverse impact on the landscaping and private open space of the subject site and amenity of neighbouring properties. Therefore, C1, C2 and C3 are upheld.
- The proposed garage excluding the entry stair is measured as 6.8m wide and is 63.4% of the front site boundary width, whereas that of the existing garage is measured as 6.58m and is 61.35% of the front boundary width. The total width of the garage and entry stair structures is measured as 8.43m and is 78.6% of the front site boundary width, whereas that of the existing garage is measured as 8.3m and is 77.39% of the front boundary width. Although the proposal breaches C4, this non-compliance is influenced by the existing site condition where the 10.725m wide front site boundary is considerably shorter than the 24.385m wide rear site boundary, and the proposed garage and entry width structures are well integrated and are compatible with the streetscape. Therefore, C4 is upheld.
- The proposal does not comply with Control C7, as it attains a height of 4m from the footpath level, thereby exceeding the 2.7m height control. In this instance, the floor to ceiling height within the garage is 2.7m, with the additional height accommodating a roof garden and parapet. The inclusion of a roof garden is considered to be a positive outcome for the streetscape and prevails over any adverse impact associated with the garage height.
- As assessed above, the proposed garage would not have any significant adverse impacts upon the streetscape, the subject site and the neighbouring properties. Therefore, the following objectives are upheld.

O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.
O3 To allow, in certain circumstances, parking structures outside the building envelope.
O5 To retain trees and vegetation of landscape value.
O6 To facilitate on-site parking on steeply sloping sites.
O7 To ensure that on-site parking is designed and integrated with the principal building on the site.

Conclusion

Therefore, the proposal is acceptable with regard to the parking controls in Part B3.6 of the Woollahra DCP 2015.

14.2.5 Part B3.7: External Areas

Site Area: 821.3m^2	Existing	Proposed	Control	Complies
C2 B3.7.1 Overall Deep Soil Landscaping	50.14% (411.79m^2)	43% 353.6m^2	35% (287.46m^2)	**Yes**
C3 B3.7.1 Deep Soil Landscaping – Front setback (223.26m^2)	46.9% (104.71m^2)	40% (89.88m^2)	40% (89m^2)	**Yes**

Section B3.7.1: Landscaped Areas and Private Open Space

C1 Tree canopy area is at least:
a) 35% of the site area for dwelling houses, dual occupancies, semi-detached development and attached dwellings, with the exception of the Wolseley Road area, or
b) 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings, or
c) 25% of the site area for all residential development in the Wolseley Road area (Figure 22)

And at least half of the total tree canopy area on the site is contributed by canopy tree/s.

The submitted landscape plans have been checked by Council's Trees & Landscape Officer, who confirmed that sufficient canopy cover is proposed to satisfy Control C1.

As detailed in the compliance table above, the proposal also achieves compliance with Controls C2 and C3, relating to deep soil landscaping in the front setback and across the entirety of the site.

C7 Excavation or fill is permitted to achieve the required level area of primary open space up to 1.2m from existing ground level (refer to Figure 23).

- Due to the site condition which slopes up significantly from the front towards the rear of the site, the proposed private open spaces to the front and rear of the dwelling are levelled more than 1.2m from the existing ground level. Notwithstanding this non-compliance with C7, the private open spaces are considered well designed which ensure a high level of accessibility and utility. Therefore, the following objective is upheld.

O4 To ensure the adequate provision of accessible and useable primary open space.

Part B3.7.2: Fences

C4 The height of front fences does not exceed:
a) 1.2m if solid; or
b) 1.5m if 50% transparent or open;
unless otherwise specified in the precinct controls in Chapters B1 and B2 of this part of the DCP.
O1 To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.
O2 To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.

The proposal does not involve new side or rear boundary fencing and front fencing is limited to a new entry gate which is 1.5m in height and transparent, thereby achieving compliance with control C4.

Part B3.7.3: Site facilities

C1 Lockable mail boxes are provided close to the street and are integrated with front fences or building entries.

- **Condition D.1** is recommended to design a lockable mail box that is well integrated with front building entry.

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

C8 Mechanical plant equipment (including lift overruns and air conditioners) must be wholly contained within the permissible building envelope and must not be located externally or on the roof unless Council is satisfied that it:
a) cannot be reasonably located elsewhere; and
b) is thoughtfully located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it:
i. is not visible from the streetscape or public domain;
ii. is consistent with the overall building design, roof form and materials;
iii. is visually discreet and unobtrusive when viewed from adjoining properties; and
iv. minimises acoustic impacts to adjoining properties.

Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the Protection of the Environment Operations Act 1997 apply.

The proposal does not comprise any lift overrun or mechanical plant, external to the building envelope and thereby achieves compliance with Controls C7 and C8.

C10 New fireplaces burn non-solid fuels, e.g. gas or electricity.

- As recommended in **Condition D.1**, the proposed fireplace is to burn non-solid fuels.

Part B3.7.4: Ancillary Development – Swimming Pools

C4 The swimming pool surrounds are no more than 1.2m above or below the existing ground level.

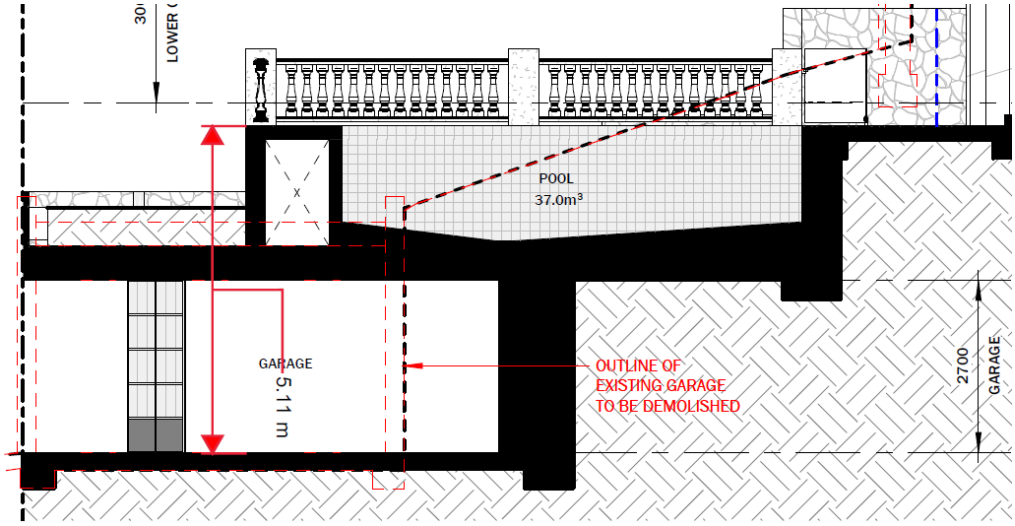


Fig. Swimming pool height analysis – extract from Drawing A301

- The height of the northern edge of the swimming pool is measured 5.11m above existing ground level and therefore it does not comply with C4. Notwithstanding this, this non-compliance is influenced by previous excavation works for the existing garage and the site condition which slopes down steeply from the rear towards the front of the subject site. The proposed swimming pool is reasonably designed and excavated, and does not have significant adverse amenity impacts on the neighbouring properties. Therefore, the following objectives are upheld.

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

Conclusion

Subject to **Condition D.1**, the proposal is acceptable with regard to the external controls in Part B3.7 of the Woollahra DCP 2015.

14.3 Chapter E1: Parking and Access

	Existing	Proposed	Control	Complies
E1.4.2 Max Number of Car Parking Spaces – Dwelling house	2 Spaces	2 Spaces	2 Spaces	Yes

Parking for residential uses is calculated using the generation rates specified in E1.4.2. The proposal accommodates 2 car spaces which is compliant.

The proposal is acceptable with regard to the objectives and controls in Chapter E1 of the Woollahra DCP 2015.

14.4 Chapter E2: Stormwater and Flood Risk Management

The proposal is acceptable with regard to the objectives and controls in Chapter E2 of the Woollahra DCP 2015, subject to the recommended conditions of consent.

14.5 Chapter E3: Tree Management

Council's Trees and Landscaping Officer has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to further amendments which will achieve sufficient replacement tree plantings on site. These amendments are detailed in the recommended conditions of consent (Refer to Attachment 5).

14.6 Chapter E5: Waste Management

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

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

The applicant has not provided a SWMMP with the development application. However, given the extensive scope of demolition and construction works, it is necessary in this instance, as detailed in **Condition D.18**.

15. APPLICABLE ACTS/REGULATIONS

15.1 Environmental Planning and Assessment Regulation 2021

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

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

15.2 Swimming Pools Act 1992

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

Additional provisions relate to:

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

These requirements are imposed by standard condition.

16. THE LIKELY IMPACTS OF THE PROPOSAL

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

17. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

18. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

19. CONCLUSION

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

20. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to Development Application No. 140/2024/1 for the demolition of an existing dwelling house and ancillary structures, the construction of a dwelling house and pool and landscaping works on land at 33 Olola Avenue Vaucluse, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	**Conditions**
	Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations') and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act. **Notes:** • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • Maximum penalties under NSW environmental laws include fines up to $1.1 Million and/or custodial sentences for serious offences.

	• Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.
	Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.
A. 2.	**Definitions**
	Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulations,* the *Development Certification and Fire Safety Regulations* and the *Interpretation Act 1987* as in force at the date of consent. ***Applicant*** means the applicant for this consent. ***Approved Plans*** mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent. ***Local native plants*** means species of native plant endemic to Sydney's eastern suburbs. ***Owner-builder*** has the same meaning as in the *Home Building Act 1989*. ***PC*** means the Principal Certifier under the *Act*. ***Principal Contractor*** has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed. ***Professional engineer*** has the same meaning as in the BCA. ***Public place*** has the same meaning as in the *Local Government Act 1993.* ***Road*** has the same meaning as in the *Roads Act 1993.* ***SEE*** means the final version of the Statement of Environmental Effects lodged by the Applicant. ***Site*** means the land being developed subject to this consent. ***Site work*** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work. ***Woollahra LEP*** means *Woollahra Local Environmental Plan 2014* ***Woollahra DCP*** *means Woollahra Development Control Plan 2015* ***Work*** for the purposes of this consent means:

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

Condition Reason: To ensure all parties are aware of the relevant definitions.

A. 3. Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
A013 Rev. 6	Architectural Drawings	Luxitecture	03/09/2024
A100 Rev. 6			
A101 Rev. 6			
A102 Rev. 6			
A103 Rev.6			
A104 Rev.6			
A105 Rev.6			
A200 Rev.6			
A201 Rev.6			
A202 Rev.6			
A203 Rev.6			
A204 Rev.6			
A300 Rev.6			
A300a Rev.6			
A301 Rev.6			
A302 Rev.6			
A900 Rev.6			26/02/24
No. 1 Rev D	Landscape Plans	Studio Botanica	30/08/2024
No. 10 Rev E			03/09/2024
No. 39 Rev A			01/03/2024
	Arboricultural Impact Appraisal, Root Investigation and Method Statement	Naturally Trees	03/09/2024
G23092VAU-R01F	Geotechnical Report	Geo-Environmental Engineering	12/03/2024
23H5206 SW00-Rev A SW01-Rev A SW02-Rev A	Stormwater Management Plans		 24/04/2024 24/04/2024 24/04/2024 24/04/2024

SW03-Rev A SW04-Rev A			24/04/2024
0006458976	NatHERS Thermal Assessor Certificate	Tutis Consulting	12/03/2024
1739587S	BASIX Certificate	Green Star Energy Solutions	13/03/2024

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

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

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

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

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

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

A. 5. Development Consent is Not Granted in Relation to these Matters

This approval does not give consent to any works outside the subject site boundaries, including tree removals.

Condition Reason: To ensure all parties are aware of works that have not been granted consent.

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.

A. 7. Tree Preservation and Landscaping Works

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

a) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
3	*Ceratopetalum gummiferum* (NSW Christmas Bush).	Front	10 x 8
4	*Syzygium australe* (Brush Cherry Lillypilly)	Rear	5 x 2
6	*Camellia sasanqua* (Camelia)	Rear	5 x 7
7	*Glochidion ferdinandii* (Cheese tree)	Rear	10 x 12
8	*Cupressus sempervirens* (Italian Cypress	Rear	9 x 3
9	*Liquidambar styraciflua* (Liquidambar)	Rear	10 x 7
10	*Cupressocyparis leylandii* (Leyland Cypress) *	Rear	11 x 4
11	*Cupressocyparis leylandii* (Leyland Cypress) *	Rear	11 x 4
12	*Liquidambar styraciflua* (Liquidambar)	Rear	10 x 7
13	*Cupressocyparis leylandii* (Leyland Cypress) *	Western setback	4 x 2
15	*Angophora costata* (Sydney Red Gum)	Front	12 x 14

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

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

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.
Standard Condition A.22

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1. Construction Certificate Required Prior to Any Demolition

Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.

	In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work: • Before issue of a construction certificate • Before building work commences This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act. **Note:** • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.
B. 2.	**Erosion and Sediment Controls – Installation**
	Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
	Condition Reason: To prevent potential water pollution and dust nuisance.
B. 3.	**Identification of Hazardous Material**
	Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:

	• all hazardous materials identified on the site, • the specific location of all hazardous materials identified, • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place.
	Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.
B. 4.	**Public Road Assets Prior to Any Work/Demolition**
	Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council. The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the: • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays, • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped. If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.
	Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.
B. 5.	**Archaeological Features – Unexpected Findings**
	While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified. Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate. Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. • Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks.

	• During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).
	Condition Reason: To protect archaeological features.
B. 6.	**Skeletal Remains**
	While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Details of the remains and their precise location are to be provided. Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.
	Condition Reason: To ensure the appropriate management of skeletal remains.
B. 7.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects

B. 8. Aboriginal Heritage Due Diligence Responsibilities

While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

Condition Reason: To protect Aboriginal heritage.

B. 9. Aboriginal Heritage Induction

Prior to any site works:

a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974;
b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and
c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.

Condition Reason: To protect Aboriginal heritage.

B. 10. Payment of Security and Fees

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit - making good any damage caused to any property of the Council	$82,225	No	T115
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Tree Management Inspection Fee	$231.30	No	T95
Street Tree Planting and Maintenance Fee	$2062.50	No	T95
Security Deposit Administration Fee	$225.00	No	T16
TOTAL SECURITY AND FEES	$84,743.80		

	How must the payments be made? Payments must be made by: • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. The payment of a security may be made by a bank guarantee where: • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable], • the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. **Notes:** • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au
	Condition Reason: To ensure any relevant security and fees are paid.
B. 11.	**Dilapidation Reports for Existing Buildings**
	Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer. These properties must include (but is not limited to): a) No. 32 Olola Avenue b) No. 34 Olola Avenue c) No. 8 Hopetoun Avenue

	d) No. 10 Hopetoun Avenue e) No. 12 Hopetoun Avenue Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access. The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work. No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies). **Notes:** • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
	Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.
B. 12.	**Adjoining Buildings Founded on Loose Foundation Materials**
	Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with. **Notes:** • A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. • The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.
	Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.
B. 13.	**Works (Construction) Zone – Approval and Implementation**
	If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made. If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.

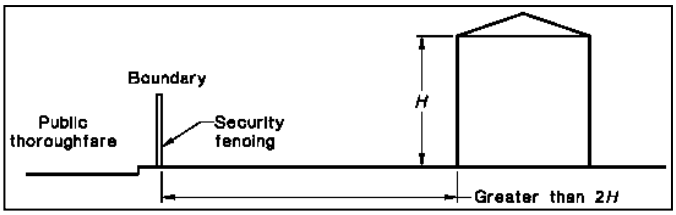
All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.

Notes:
- A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988.
- The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.

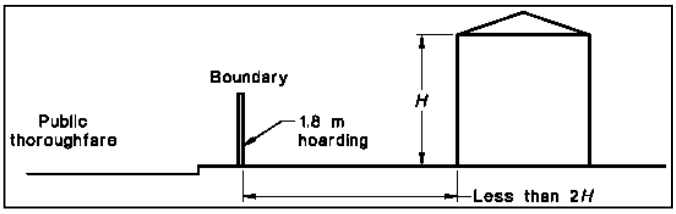
Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.

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

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



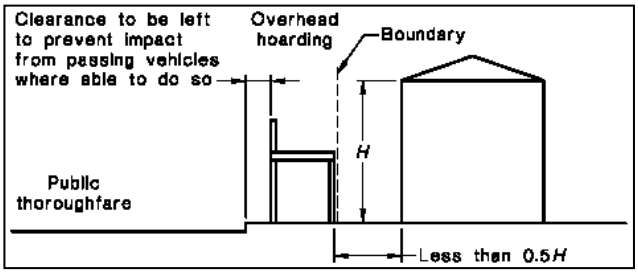
Type A Hoarding
Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the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



Type B Hoarding
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:
a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or

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

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



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

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

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

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

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

	OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: 1. the capital investment value of the work to which the hoarding relates is less than $1 million, or 2. the land is zoned R2 Low Density Residential, or 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). • Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au
	Condition Reason: To ensure public safety.
B. 15.	**Site Signs**
	Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times. Clause 70 of the Regulation provides: **Erection of signs** • For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. • A sign must be erected in a prominent position on any site on which building work, subdivision `work or demolition work is being carried out: a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. • Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. • This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. • This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. Clause 75 of the Development Certification and Fire Safety Regulation provides: **Signs on development sites** If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

	• Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. **Notes:** • Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. • If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.
	Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.
B. 16.	**Toilet Facilities**
	Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided: a) must be a standard flushing toilet, and b) must be connected to a public sewer, or c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced. **Notes:** • In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. • This condition does not set aside the requirement to comply with SafeWork NSW requirements.
	Condition Reason: To ensure toilet facilities are provided for workers at the work site.
B. 17.	**Establishment of Boundary Location, Building Location and Datum**
	Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must: a) set out the boundaries of the site by permanent marks (including permanent recovery points), b) set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, c) establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and

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

Notes:
- Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.
- On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor.

Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.

B. 18. Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

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

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

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
14	*Jacaranda mimosifolia* (Jacaranda)	Rear at 32 Olola Av.	Along proposed retaining wall

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

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

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

c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.

	d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent. e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent. f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman. g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.
	Condition Reason: To ensure the protection of existing trees Standard Condition B.5
B. 19.	**Construction Management Plan Arborist Review**
	Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent. The plan must address: a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28
B. 20.	**Arborists Documentation and Compliance Checklist**
	Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include: • A record of the condition of trees to be retained prior to and throughout development.

- Recommended actions to improve site conditions and rectification of non-compliance.
- Recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site.

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

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

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

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

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

B. 21. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Approved works
1	*Cupressocyparis leylandii* (Leyland Cypress)	Pedestrian entry and modified steps and associated retaining wall, garage, soft landscaping
2	*Brachychiton acerifolius* (Illawarra Flame tree)	Pedestrian entry and modified steps and associated retaining wall, soft landscaping
14	*Jacaranda mimosifolia* (Jacaranda)	Building, garden bed retaining wall, soft landscaping

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

Condition Reason To establish the works which are permissible within the Tree Protection Zones.
Standard Condition B.30

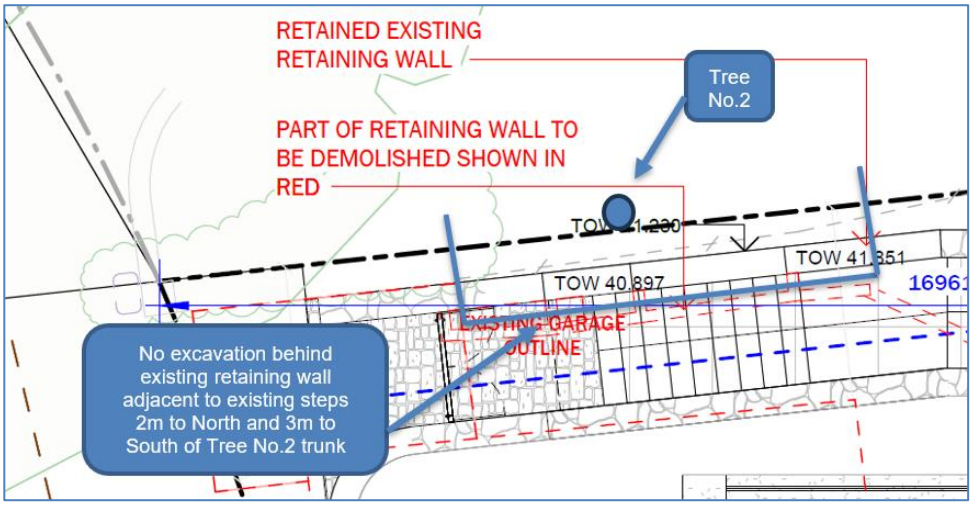
REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil.

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D. 1.	**Modification of Details of the Development (section 4.17(1)(g) of the Act**
	Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments: a) In order to minimise overlooking to adjoining properties, the following windows must incorporate fixed translucent glazing or fixed external privacy screening to a height of 1.5m above finished floor level: ○ Ground Floor: Window W02 ○ First Floor: Window W09 b) Amended Landscape Plan must include one (1) *Angophora costata* (Sydney Pink Gum) x 200L to replace Tree No.15 listed in the LEP as heritage item 378. It must be located on the lawn area west of the pool instead of the proposed Olive Tree at a minimum distance of 1.5m from structures, services and the boundary. c) Amended Architectural and Landscape Plans must be submitted to Council for approval prior to the issue of a Construction Certificate including the following modifications to protect Tree Nos. 1 & 2 located within the front setback of 34 Olola Avenue: The new retaining wall shall be shown approximately at the same location as the existing, minimising excavation behind the existing wall 2m to the North and 3m to the South of the trunk of the tree, as illustrated in the image below.  d) To satisfy Section B3.7.3 of the Woollahra DCP 2015: • A lockable mailbox is to be integrated into the front building entry; and • All fireplaces are to burn non-solid fuels only.

e) The maximum roof height must not exceed a height of RL 55.33 to AHD. This condition is imposed to ensure certainty of development consent in relation to the height of the building.

Notes:
- Clause 20 of the Development Certification and Fire Safety Regulations prohibits ***the*** issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.
- Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.

Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.

D. 2. Payment of Long Service Levy

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

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

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

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

Condition Reason: To ensure any relevant levy is paid.

D. 3. BASIX Commitments

Before the issue of any construction certificate, BASIX Certificate No. 1739587S must be submitted to the Principal Certifier with any application for a construction certificate.

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

Notes:
- Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act.
- Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.

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

D. 4. Road and Public Domain Works

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

a) If the existing vehicular crossing including layback and gutter is damaged during construction, the applicant must reconstruct the entire vehicular crossing in accordance with Council's standard drawing RF2_D, Crossing Specification and to the satisfaction of Council's Assets Engineers. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment,

b) The installation of stormwater outlet pipe across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.
Note: All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP,

c) 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,

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

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
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	$ 674		

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

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

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

	• The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". • Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.
D. 5.	**Erosion and Sediment Control Plan – Submission and Approval**
	Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with: a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence.

The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.

Notes:

- The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.
- The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au
- Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.

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

D. 6. Payment of S7.12 Contributions Levy

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

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

The cost estimate report must be in the form of:

- A cost summary report, prepared by the applicant or a suitably qualified person for a development up to $749,999; or
- A quantity surveyor's report, for development over $750,000.

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

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

How must the payments be made?

Payments must be made by:

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

Deferred or periodic payment of section 7.12 levy

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

- the reasons given,

	• whether any prejudice will be caused to the community deriving benefit from the public facilities, • whether any prejudice will be caused to the efficacy and operation of the Plan, and • whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected. Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where: • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate, • a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable, • the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid. **Do you need HELP indexing the levy?** Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).
	Condition Reason: To ensure any relevant contributions are paid.
D. 7.	**Professional Engineering Details**
	Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate. **Notes:** • This does not affect the right of the developer to seek staged construction certificates.
	Condition Reason: To ensure professional engineering details and technical specifications are provided.

D. 8.	**Engineer Certification**
	Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property. This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.
	Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.
D. 9.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide details of cut-off walls or similar controls prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. e) Provide a Geotechnical and Hydrogeological Monitoring Program that: • will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,

	• details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.
D. 10.	**Ground Anchors**
	This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. Before the issue of any construction certificate, if ground anchors are proposed: a) Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any ground anchors extending beyond the boundaries of the subject property. b) The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment. c) If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the Roads Act 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. A minimum of four weeks should be allowed for assessment. **Notes:** • To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds. • Road has the same meaning as in the Roads Act 1993. • Clause 17 of the Roads (General) Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.
	Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.
D. 11.	**Parking Facilities**
	Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following: a) The proposed double garage must have minimum dimensions of 5.4m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans. In particular, the proposed hinged door must not encroach into the parking envelopes.

	The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: *Parking Facilities - Off-Street Car Parking*. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.
D. 12.	**Stormwater Management Plan**
	Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following: a) General design in accordance with stormwater management plans, referenced 23H5206-Rev A, prepared by Hyten Engineering, dated 24/04/2024, other than amended by this and other conditions. b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet will be permitted. The kerb discharge must be located within the frontage of the site. d) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) with a minimum storage volume of 25m^3 to comply with Chapter E2.2.4 and Chapter E2.2.3 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Notation and details of these requirements must be clearly depicted on the drawings. Overflow from the RWT must be directed to the proposed boundary junction pit by gravity. f) The provision of raingarden must be provided prior to discharging to the street drainage system to comply with Chapter E2.2.3 of the Council's DCP. Alternatively, the minimum storage volume of the rainwater tank must be increased to 30.8m^3. g) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans. h) The dimensions of all drainage pits and access grates must comply with AS3500.3. i) Compliance with the objectives and performance requirements of the BCA. j) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Rainwater Tank (RWT) Requirements**

	The minimum storage volume for the required rainwater tank (RWT) must be 30.8m^3 and the Permissible Site Discharge (PSD) for the proposed development must not exceed 28l/s. The Stormwater Management Plan must also include the following specific requirements: **Layout Plan** A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include: a) All pipe layouts, dimensions, grades, lengths and material specification. b) Location of proposed rainwater tanks. c) All invert levels reduced to Australian Height Datum (AHD). d) Location and dimensions of all drainage pits. e) Point and method of connection to Councils drainage infrastructure. f) Overland flow paths over impervious areas. **Rainwater Reuse System Details:** a) Any potential conflict between existing and proposed trees and vegetation. b) Internal dimensions and volume of the proposed rainwater storage. c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures. d) Details of access and maintenance facilities. e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products. f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** • The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 13.	**Non-Gravity Drainage Systems**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site. The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. **Notes:** • The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au

	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.
D. 14.	**Swimming and Spa Pools – Child Resistant Barriers**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia. Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. **Notes:** • A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans.
	Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.
D. 15.	**Swimming and Spa Pools – Backwash**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. **Notes:** • The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. • The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.
	Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.
D. 16.	**Electric vehicle circuitry and electric vehicle charging point requirements**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan of all off-street car parking spaces, prepared by a suitably qualified person, which includes details and specifications to illustrate how the off-street car parking spaces will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charger point.

	Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).
D. 17.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a) Trees to be numbered and coloured in accordance with these conditions: • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following: • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. c) References to applicable tree management plan, arborists report or transplant method statement. This plan must be kept on site until the issue of the occupation certificate for the whole building.
	Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.
D. 18.	**Submission of a Site Waste Minimisation and Management Plan**
	Before the issue of any construction certificate, a Site Waste Minimisation and Management Plan, prepared in accordance with Woollahra Development Control Plan 2015 Chapter E5 – Waste Management, is to be submitted to Council for approval. **Notes:** • The site waste minimisation and management is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may certify. Hence, the Site Waste Minimisation and Management Plan must be referred to Council for its approval prior to the issue of any construction certificate for such works. • It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

	Condition Reason: To ensure that the Waste Minimisation and Management Plan is assessed and approved by Council.

E. BEFORE BUILDING WORK COMMENCES

E. 1.	**Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**
	Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work: a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. This condition does not apply: a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made. **Notes:** • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500.
	Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.
E. 2.	**Erosion and Sediment Controls – Installation**
	Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: a) The Soil and Water Management Plan if required under this consent; b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

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

	• Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of $12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.
E. 4.	**Notification of Home Building Act 1989 requirements**
	Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information: a) In the case of work for which a Principal Contractor is required to be appointed: • the name and licence number of the Principal Contractor, and • the name of the insurer by which the work is insured under Part 6 of that Act, b) In the case of work to be done by an Owner-builder: • the name of the Owner-builder, and • if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information. This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
	Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.

F. DURING BUILDING WORK

F. 1.	**Compliance with BCA and Insurance Requirements under the Home Building Act 1989**
	While site work is being carried out: a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

	This condition does not apply: a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made. For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work. **Notes:** • All new guttering is to comply with the provisions of AS 3500.
	Condition Reason: To ensure compliance with the BCA and Home building Act 1989.
F. 2.	**Requirement to Notify about New Evidence**
	While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.
	Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.
F. 3.	**Critical Stage Inspections**
	While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation. Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act. Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement. **Notes:** • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. • The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.
	Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.
F. 4.	**Hours of Work –Amenity of the Neighbourhood**
	While site work is being carried out:

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

Notes:

- The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.
- Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.
- The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.
- Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017.
- NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm

Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.

F. 5.	**Public Footpaths – Safety, Access and Maintenance**

While site work is being carried out, any person acting with the benefit of this consent must:
a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.
b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
c) Not use the road or footway for any work.
d) Keep the road and footway in good repair free of any trip hazard or obstruction.

	e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide. i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with: a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. b) Australian Road Rules. **Notes:** • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: - Part C Management of waste: a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
	Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.
F. 6.	**Maintenance of Environmental Controls**
	While site work is being carried out, the following monitoring, measures and controls must be maintained: a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.

	Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.
F. 7.	**Compliance with Geotechnical / Hydrogeological Monitoring Program**
	While site work is being carried out, excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer. The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to: a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and c) the contingency plan. **Notes:** • The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
	Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.
F. 8.	**Support of Adjoining Land and Buildings**
	While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building). For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed. **Notes:** • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

	• The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	Condition Reason: To ensure that the support of adjoining land is not removed.
F. 9.	**Vibration Monitoring**
	While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer. Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice. The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land. **Notes:** • ***Professional engineer*** has the same mean as in Schedule 1 of the BCA. • ***Building*** has the same meaning as in section 1.4 of the Act i.e. "building includes part of a building and any structure or part of a structure…." • ***Supported land*** has the same meaning as in the Conveyancing Act 1919.
	Condition Reason: To monitor and manage vibration impacts from development.

F. 10.	**Erosion and Sediment Controls – Maintenance**
	While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with: a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). Where there is any conflict The Blue Book takes precedence. **Notes:** • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
	Condition Reason: To prevent potential water pollution and dust nuisance.
F. 11.	**Disposal of Site Water During Construction**
	While site work is being carried out: a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.
	Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.
F. 12.	**Site Cranes**
	While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards. Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.

	The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth). No illuminated sign(s) must be erected upon or displayed upon any site crane. **Notes:** • Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place. • Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.
	Condition Reason: To ensure site cranes are used safely with the relevant approvals.
F. 13.	**Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**
	While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages. Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction: a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. g) Flood protection measures are in place confirming location, height and capacity.
	Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

F. 14.	**Placement and Use of Skip Bins**
	While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless: a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules. **Notes:** • Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
	Condition Reason: To ensure waste storage containers are appropriately located.
F. 15.	**Prohibition of Burning**
	While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area. **Notes:** • Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
	Condition Reason: To ensure no burning of waste occurs.
F. 16.	**Dust Mitigation**
	While site work is being carried out, dust mitigation must be implemented in accordance with "Dust Control - Do it right on site" and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils. This generally requires: a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. **Notes:** • "Dust Control - Do it right on site" and the accompanying factsheets can be downloaded from Council's website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

	Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.
F. 17.	**Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**
	While site work is being carried out, all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the development to which this consent relates must comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). The person with the benefit of this consent must meet all costs associated with such works. This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places. **Notes:** • A copy of Council's Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council's website www.woollahra.nsw.gov.au
	Condition Reason: To ensure that any road, drainage, or miscellaneous works comply with Council's specifications.
F. 18.	**Site Waste Minimisation and Management – Demolition**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities: a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. When implementing the SWMMP the Applicant must ensure: a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

	Notes: • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.
F. 19.	**Site Waste Minimisation and Management – Construction**
	While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities: a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage, c) consideration must be given to returning excess materials to the supplier or manufacturer, d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), e) the purpose and content of the storage areas must be clearly 'signposted', f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste, g) separate collection bins or areas for the storage of residual waste must be promoted, h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, i) site disturbance must be minimised and unnecessary excavation limited, j) all waste must be transported to a place that can lawfully be used as a waste facility, and k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.
	Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.
F. 20.	**Shoring and Adequacy of Adjoining Property**
	While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense: a) protect and support the adjoining premises from possible damage from the excavation, and For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land. **Notes:** • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

	Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.
F. 21.	**Asbestos Removal**
	While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation. Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria: a) Be undertaken by contractors who hold a current SafeWork NSW "demolition licence" and a current SafeWork NSW "Class A licence" for friable asbestos removal. b) Be carried out in accordance with the relevant SafeWork NSW codes of practice. c) No asbestos products may be reused on the site. d) No asbestos laden skip or bins must be left in any public place. **Notes:** • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.
F. 22.	**Classification of Hazardous Waste**
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F. 23.	**Disposal of Asbestos and Hazardous Waste**
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.
F. 24.	**Asbestos Removal Signage**
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F. 25.	**Notification of Asbestos Removal**
	While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.
F. 26.	**Assessment of sandstone exposed during excavation**
	If any large flat sandstone exposures are revealed during excavation it should be considered that they may contain engraved rock art. A Heritage Officer from LPLALC and a qualified archaeologist must be engaged to inspect it.
	Condition Reason: In accordance with the recommendations of the Aboriginal Heritage Impact Assessment.
F. 27.	**Tree Preservation**
	While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.

c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

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

Condition Reason: To protect trees during the carrying out of sitework.
Standard Condition F.8

F. 28. Arborists Documentation and Compliance Checklist

While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:

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

All compliance certification documents must be kept on site by the site Supervisor.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise the demolition of the existing retaining wall adjacent to the entry footpath and stairs within the TPZ of Tree Nos. 1 & 2. The condition of exposed roots must be managed and documented. • The project arborist must supervise the construction of the new retaining wall adjacent to the new entry footpath and entry stairs within the TPZ of Tree Nos. 1 & 2. The condition of exposed roots must be managed and documented. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan.

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

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

Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.
Standard Condition F.45

F. 29. Replacement/Supplementary trees which must be planted

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

Species/Type	Planting Location	Container Size/ Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x *Angophora costata* (Sydney Red Gum)	Lawn – front setback west of the pool	200L	10 x 10
1 x *Angophora costata* (Sydney Red Gum)	As per Landscape Plan Nos. 01, 10 & 39 rev D, designed by Studio Botanica, dated 30/08/2024		
60 x *Cupressus sempervirens* Compacta (Dwarf Mediterranean Cypress)			
7 x *Cyathea cooperi* (Scaly tree fern)			
1 x *Glochidion ferdinandii* (Cheese tree)			
3 x *Lagerstroemia indica* (Crepe Myrtle)			
8 x *Waterhousia floribunda* (Weeping Lillypilly)			
1 x *Olea europea var. europea* (European Olive)			

The project arborist must document compliance with the above condition.

Condition Reason: To ensure the provision of appropriate replacement planting.
Standard Condition F.46

F. 30. Level changes in the vicinity of trees

While site work is being carried out, no level changes must occur within the specified radius from the trunks of the following trees.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	*Cupressocyparis leylandii* (Leyland Cypress)	Front at 34 Olola Av	Behind the existing retaining wall adjacent to the pedestrian entry
2	*Brachychiton acerifolius* (Illawarra Flame tree)	Front at 34 Olola Av	Behind the existing retaining wall adjacent to the entry stairs
5	*Camellia sasanqua* (Camelia)	Side at 34 Olola Av	1.5m
14	*Jacaranda mimosifolia* (Jacaranda)	Rear at 32 Olola Av	6m to North and South in the area between the existing retaining wall to NE & Proposed retaining wall to SE, and the shared boundary

	The project arborist must document compliance with the above condition.
	Condition Reason: To ensure level changes would not adversely impact upon the health of existing trees. Standard Condition F.49
F. 31.	**Hand excavation within tree root zones**

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	*Cupressocyparis leylandii* (Leyland Cypress)	Front at 34 Olola Av	1.5
2	*Brachychiton acerifolius* (Illawarra Flame tree)	Front at 34 Olola Av	3.0
5	*Camellia sasanqua* (Camelia)	Side at 34 Olola Av	1.5
14	*Jacaranda mimosifolia* (Jacaranda)	Rear at 32 Olola Av	6.0

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

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

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

The project arborist must document compliance with the above condition.

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

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	**Occupation Certificate (section 6.9 of the Act)**
	A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part. **Notes:** • New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.

G. 2.	**Commissioning and Certification of Systems and Works**
	Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier. Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to: a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work. b) All flood protection measures. c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking. d) All stormwater drainage and storage systems. e) All mechanical ventilation systems. f) All hydraulic systems. g) All structural work. h) All acoustic attenuation work. i) All waterproofing. j) Such further matters as the Principal Certifier may require. **Notes:** • The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). • The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.
G. 3.	**Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters**
	Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992: a) Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia. b) The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register. c) The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool. d) Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable. e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems.

	Backwash must be discharged to the sewer in compliance with AS/NZS 3500. Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day. **Notes:** • NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au
	Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.
G. 4.	**Swimming Pool Fencing**
	Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools. **Notes:** • Pools commenced or completed after May 2013 must meet the BCA and AS1926.
	Condition Reason: To ensure swimming pool safety.
G. 5.	**Certification of Electric Vehicle Charging System**
	Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by **Condition D.16**. must be submitted to the satisfaction of the Principal Certifier.
	Condition Reason: To ensure the certification of the electric vehicle charging system.
G. 6.	**Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation**
	Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1739587S. **Notes:** • Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.

G. 7.	**Works within Public Land (including Council, State or Federal owned land or property)**
	Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed must be completed to the satisfaction of Council, in compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the person with the benefit of this consents expense: a) stormwater pipes, pits, structures and connections to public stormwater systems within the road, b) driveways and vehicular crossings, c) renew/new retaining structures, d) overhang structures, e) encroachments or occupation or alienation of public land or property, f) removal of redundant driveways and any other structure, g) new footpaths, pathways, walkways, or dunny lanes, h) relocation of existing power/light pole, if applicable, i) relocation/provision of street signs, if applicable, j) new or replacement street trees, if applicable, k) verge landscape items, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street, l) new or reinstated kerb and guttering within the road, and m) new or reinstated road surface pavement within the road. **Notes:** • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
	Condition Reason: To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.
G. 8.	**Covenant for Private Works on Council Property**
	Before the issue of an occupation certificate for the whole of the building, a Positive Covenant, under section 88E of the Conveyancing Act 1919, must be created on the title of the subject property, providing for the insurance and indemnification of Council from any claims or actions, and the on-going maintenance of any private structures on or over Council property for which consent has been given, such as steps, retaining walls, access ways, overhang, balconies, awnings, signs and the like. The wording of the Instrument must be in accordance with Council's Positive Covenant Template t and the Instrument must be registered with the NSW Land Registry Services prior to the issuance of any occupation certificate. **Notes:** • The property owner must reimburse all Council's expenses incurred in the drafting, negotiation and registration of the Positive Covenant.

	• The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure Council is indemnified from any claims, actions, or the on-going maintenance of private structures on or over Council property prior to the occupation of the whole building.
G. 9.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tank, c) that all below ground structures with habitable or non-habitable floor spaces are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings, d) that a rainwater tank with minimum storage of 30.8m^3 has been constructed in accordance with the approved stormwater plans, e) that runoff from all roof areas has been collected to the as-built rainwater retention and reuse system which has been plumbed into all toilet flushing, laundry and garden irrigation etc., f) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, g) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, h) pipe invert levels and surface levels to Australian Height Datum, and i) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the rainwater retention and reuse system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

G. 10. Amenity Landscaping

Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.

Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.

G. 11. Landscaping

Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.

Condition Reason: To ensure that all landscaping work is completed prior to occupation.

G. 12. Arborists Documentation and Compliance Checklist – Prior to any occupation certificate

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

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

All compliance certification documents must be kept on site by the site Supervisor.

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

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

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

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

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

H. OCCUPATION AND ONGOING USE

H. 1.	**Maintenance of BASIX Commitments**
	During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1739587S. This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.
H. 2.	**Swimming and Spa Pools – Maintenance**
	During the occupation and ongoing use, swimming and spa pools must be maintained: a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health "Public Swimming Pools and Spa Pools Advisory Document" in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. **Notes:** • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au
	Condition Reason: To ensure public health and safety.
H. 3.	**Ongoing Maintenance of the On-Site Stormwater Detention System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily retained and reused by the System; b) Keep the system clean and free of silt rubbish and debris, c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly.

	f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant. g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. The owner: a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.
H. 4.	**Outdoor Lighting – Residential**
	During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.
	Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.
H. 5.	**Noise from Mechanical Plant and Equipment**
	During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time. The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.

	Notes: • Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
	Condition Reason: To protect the amenity of the neighbourhood.
H. 6.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent. This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality. **Notes:** • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

Attachments

1. Architectural Drawing Set ⇩
2. Landscape & Survey Plans ⇩
3. Development Engineer's Referral Response ⇩
4. Trees & Landscaping Referral Response ⇩
5. Heritage Referral Response ⇩

33 OLOLA AVE, VAUCLUSE 2030

DEVELOPMENT APPLICATION

FOR NEW RESIDENTIAL DWELLING

DRAWING LIST

A002	SHADOW DIAGRAMS JUNE 21ST 9AM	30.08.24	6
A003	SHADOW DIAGRAMS JUNE 21ST 10AM	30.08.24	6
A004	SHADOW DIAGRAMS JUNE 21ST 11AM	30.08.24	6
A005	SHADOW DIAGRAM JUNE 21ST 12PM	30.08.24	6
A006	SHADOW DIAGRAM JUNE 21ST 1PM	30.08.24	6
A007	SHADOW DIAGRAM JUNE 21ST 2PM	30.08.24	6
A008	SHADOW DIAGRAM JUNE 21ST 3PM	30.08.24	6
A010	DIAGRAMS - SETBACK	30.08.24	6
A011	DIAGRAMS - HEIGHT PLANE	30.08.24	6
A012	SITE ANALYSIS PLAN	30.08.24	6
A013	SITE PLAN	30.08.24	6
A020	SITE CALCULATIONS - LANDSCAPING	30.08.24	6
A021	SITE CALCULATIONS - GFA	30.08.24	6
A030	CUT & FILL - DIAGRAMS	30.08.24	6
A100	EXISTING / DEMOLITION PLAN	30.08.24	6
A101	GARAGE FLOOR PLAN	30.08.24	6
A102	LOWER GROUND FLOOR PLAN	30.08.24	6
A103	GROUND FLOOR PLAN	30.08.24	6
A104	FIRST FLOOR PLAN	30.08.24	6
A105	ROOF PLAN	30.08.24	6
A200	STREETSCAPE ELEVATION	30.08.24	6
A201	NORTH ELEVATION	30.08.24	6
A202	SOUTH ELEVATION	30.08.24	6
A203	EAST ELEVATION	30.08.24	6
A204	WEST ELEVATION	30.08.24	6
A300	SECTION AA	30.08.24	6
A300a	SECTION AA BACK	30.08.24	1
A301	SECTION BB	30.08.24	6
A302	SECTION CC	30.08.24	1
A900	FINISHES SCHEDULE	26.02.24	6

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
COVER SHEET
NOT FOR CONSTRUCTION

Scale	@A3	Date: 03.09.24	
2314	DA	A001	6
Project no.	Drawing Phase.	Drawing No.	Rev

1 / A002 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 9AM
SCALE 1 : 200

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

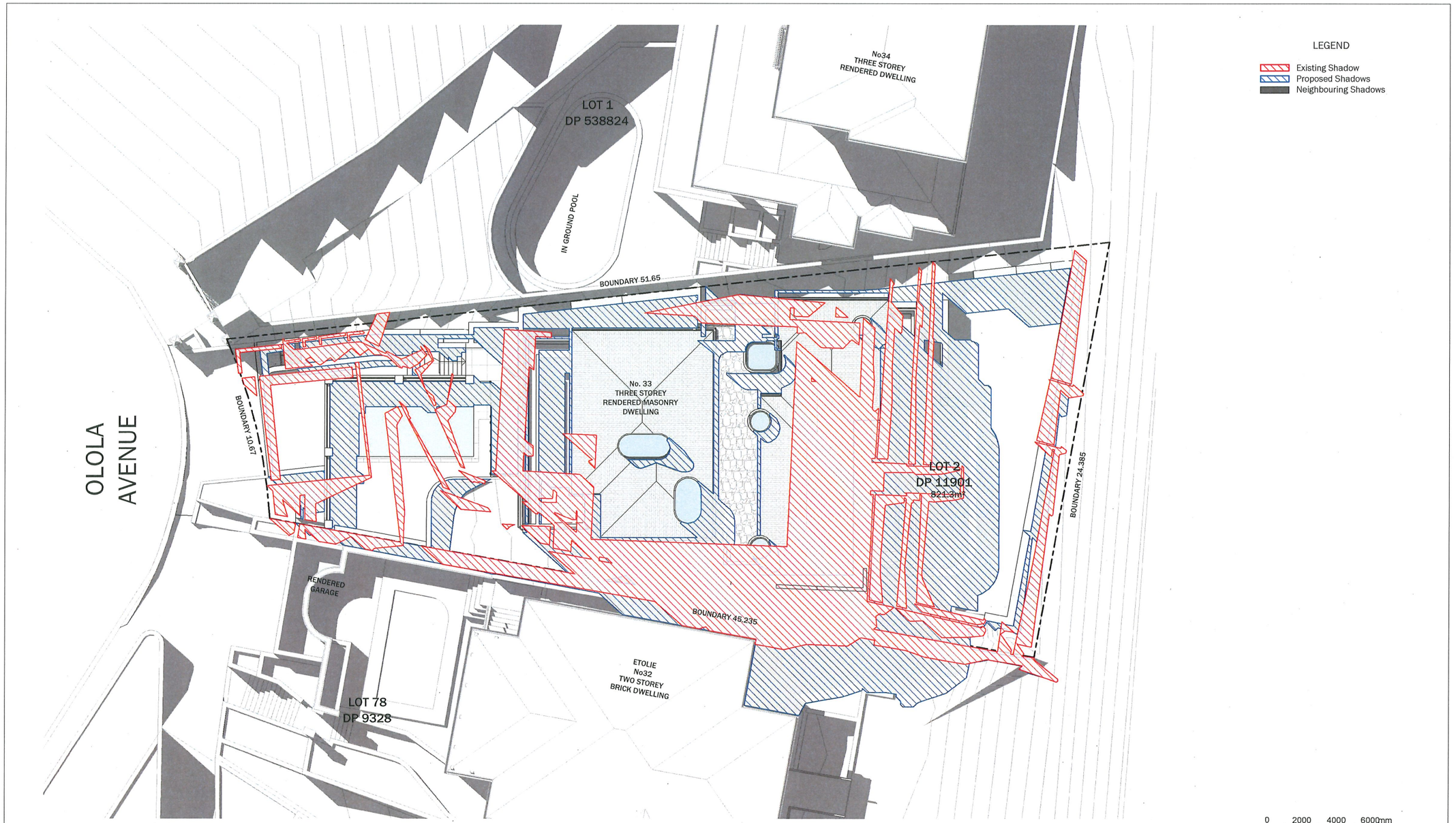
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAMS JUNE 21ST 9AM
NOT FOR CONSTRUCTION

Scale 1:200 @A3	Date: 03.09.24	
2314 Project no.	DA Drawing Phase.	A002 Drawing No.	6 Rev



1 / A003 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 10AM
SCALE 1 : 200

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

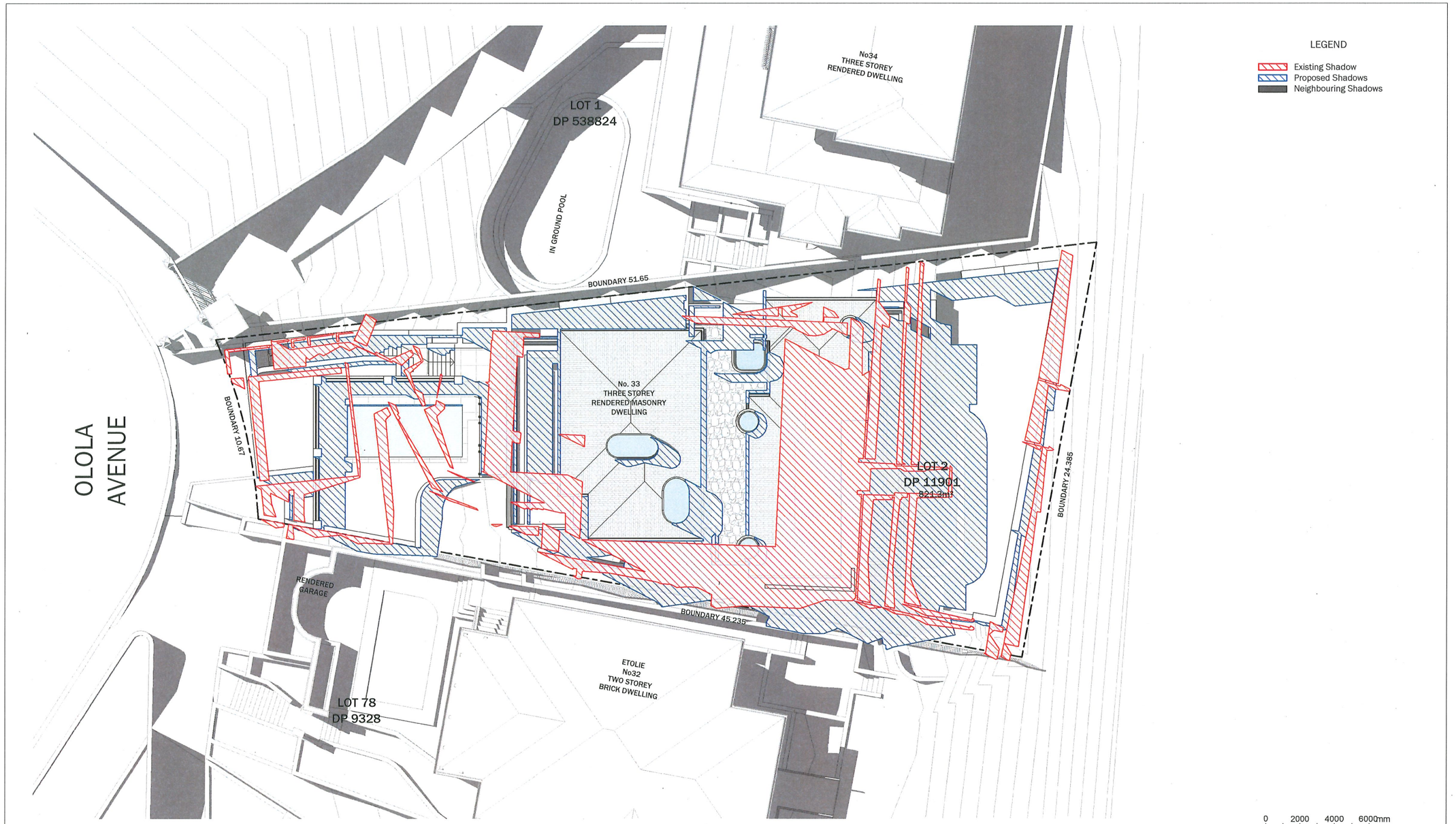
Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE
True North
Drawn: BB
Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAMS JUNE 21ST 10AM
NOT FOR CONSTRUCTION
Scale 1:200 @A3 Date: 03.09.24

2314	DA	A003	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 / A004 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 11AM
SCALE 1 : 200

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

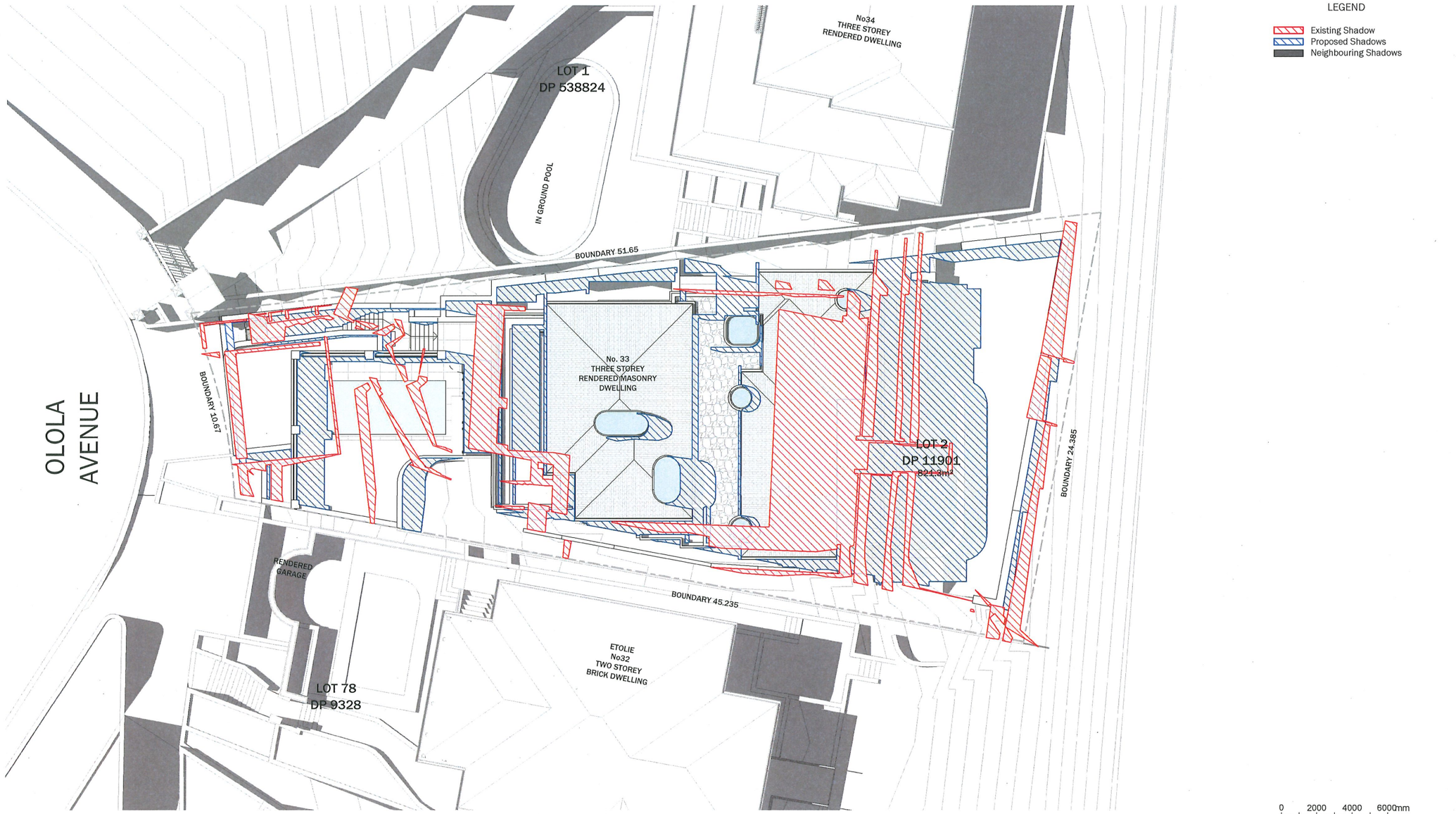
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAMS JUNE 21ST 11AM
NOT FOR CONSTRUCTION
Scale 1:200 @A3 | Date: 03.09.24

2314	DA	A004	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 A005 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 12PM
SCALE 1 : 200

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

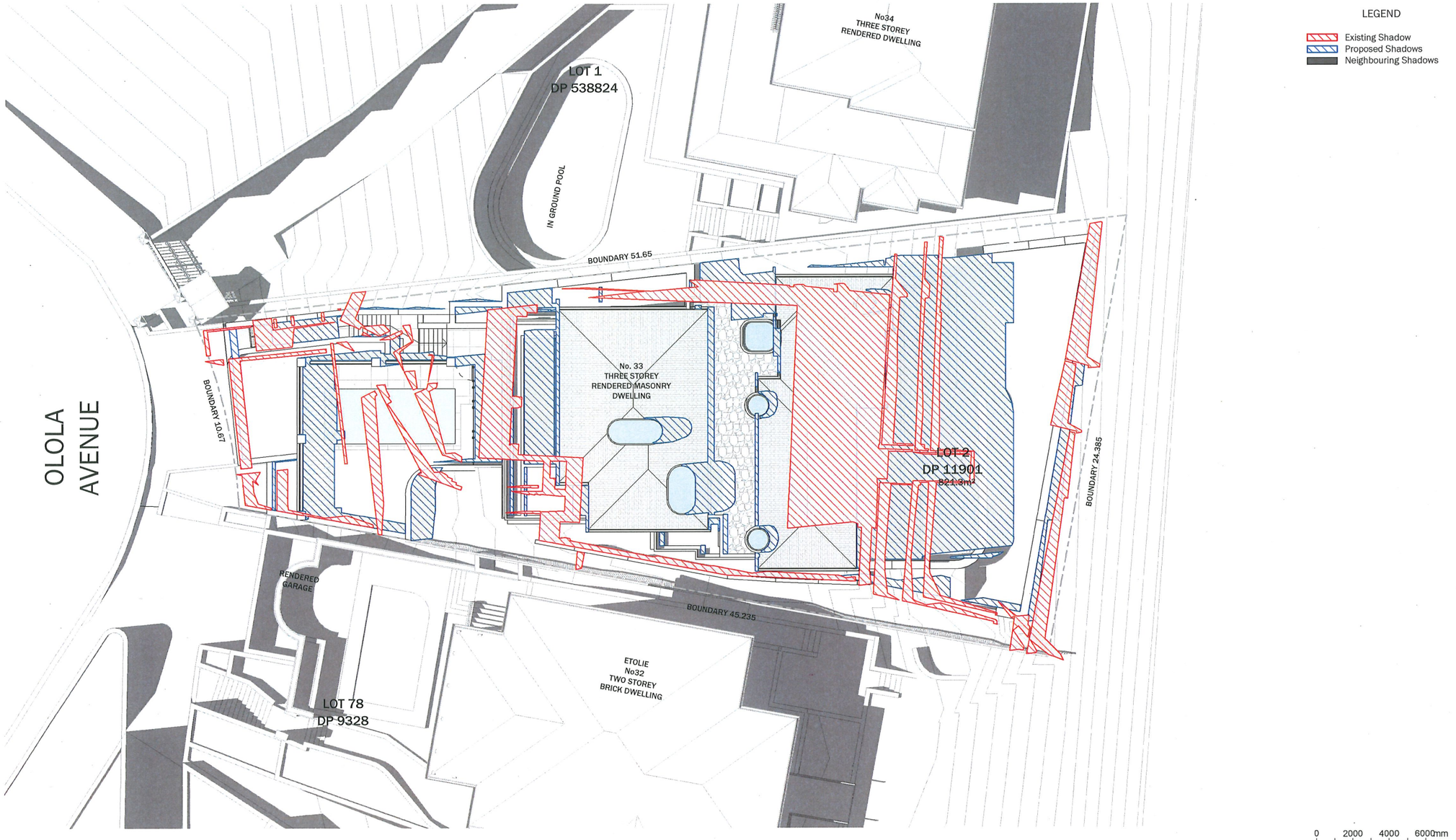
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAM JUNE 21ST 12PM
NOT FOR CONSTRUCTION
Scale 1:200 @A3 | Date: 03.09.24

2314	DA	A005	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 / A006 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 1PM
SCALE 1 : 200

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

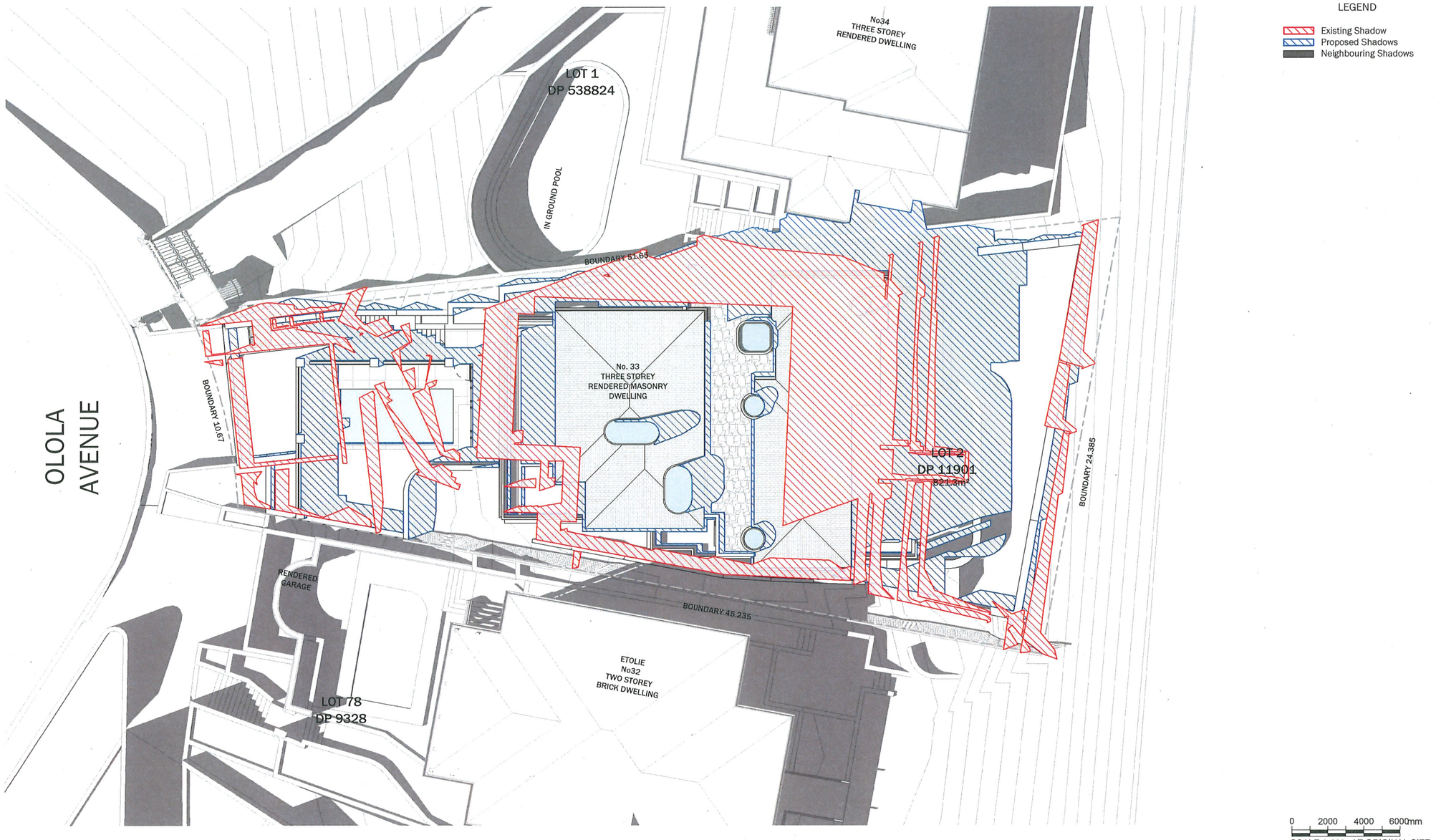
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAM JUNE 21ST 1PM
NOT FOR CONSTRUCTION
Scale 1:200 @A3 | Date: 03.09.24

2314	DA	A006	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 / A007 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 2PM
SCALE 1 : 200

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	*ISSUED FOR REVIEW*	*22.09.23*
2	*ISSUED FOR REVIEW*	*28.09.23*
3	*ISSUED FOR REVIEW*	*24.10.23*
4	*ISSUED TO CONSULTANTS*	*30.10.23*
5	*ISSUED FOR DA*	*11.03.24*
6	*ISSUED FOR RFI*	*03.09.24*

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

True North

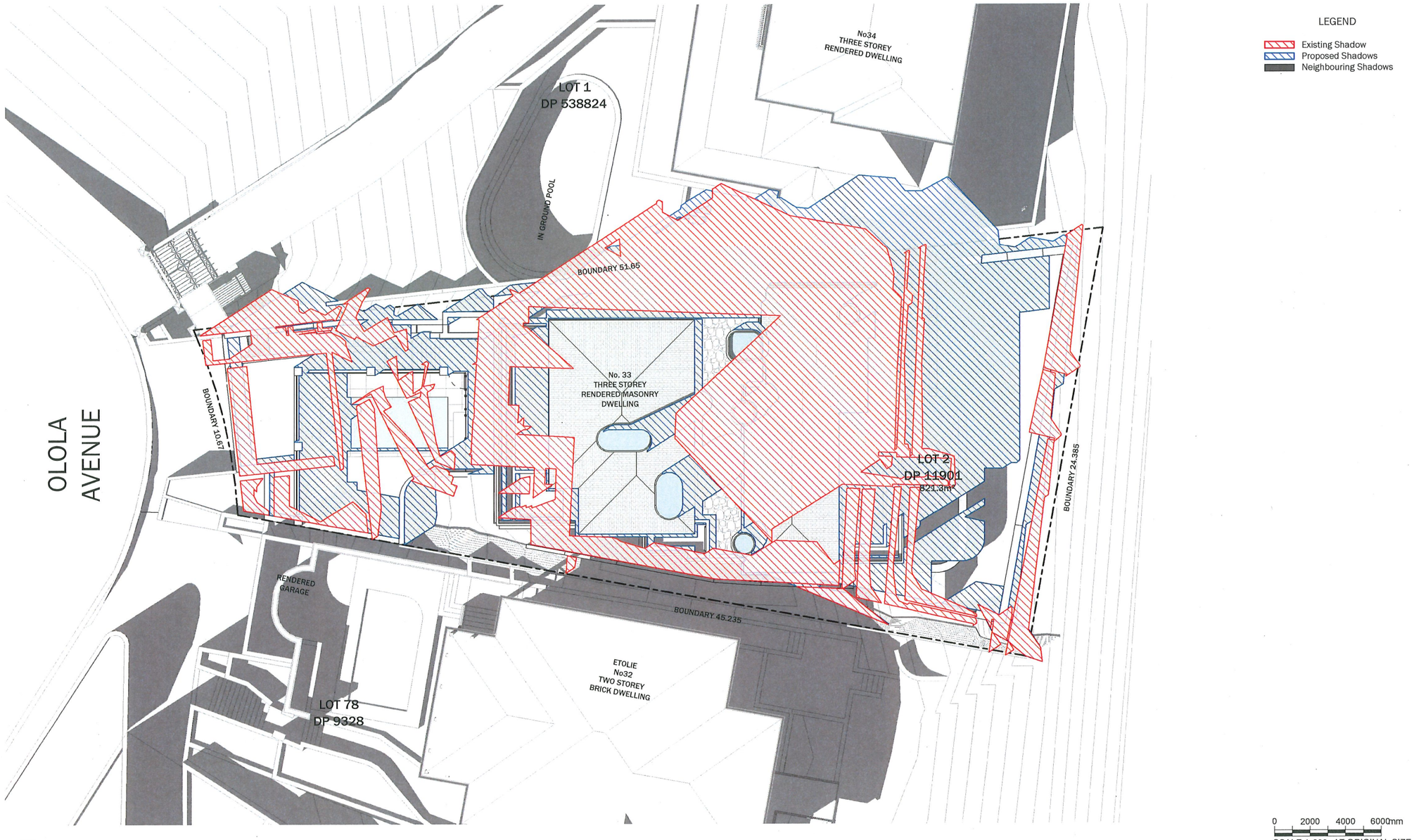
Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAM JUNE 21ST 2PM
NOT FOR CONSTRUCTION

Scale	@A3	Date:	
1:200		03.09.24	

2314	DA	A007	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 / A008 SHADOW DIAGRAMS WINTER SOLSTICE - JUNE 21ST 3PM
SCALE 1 : 200

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

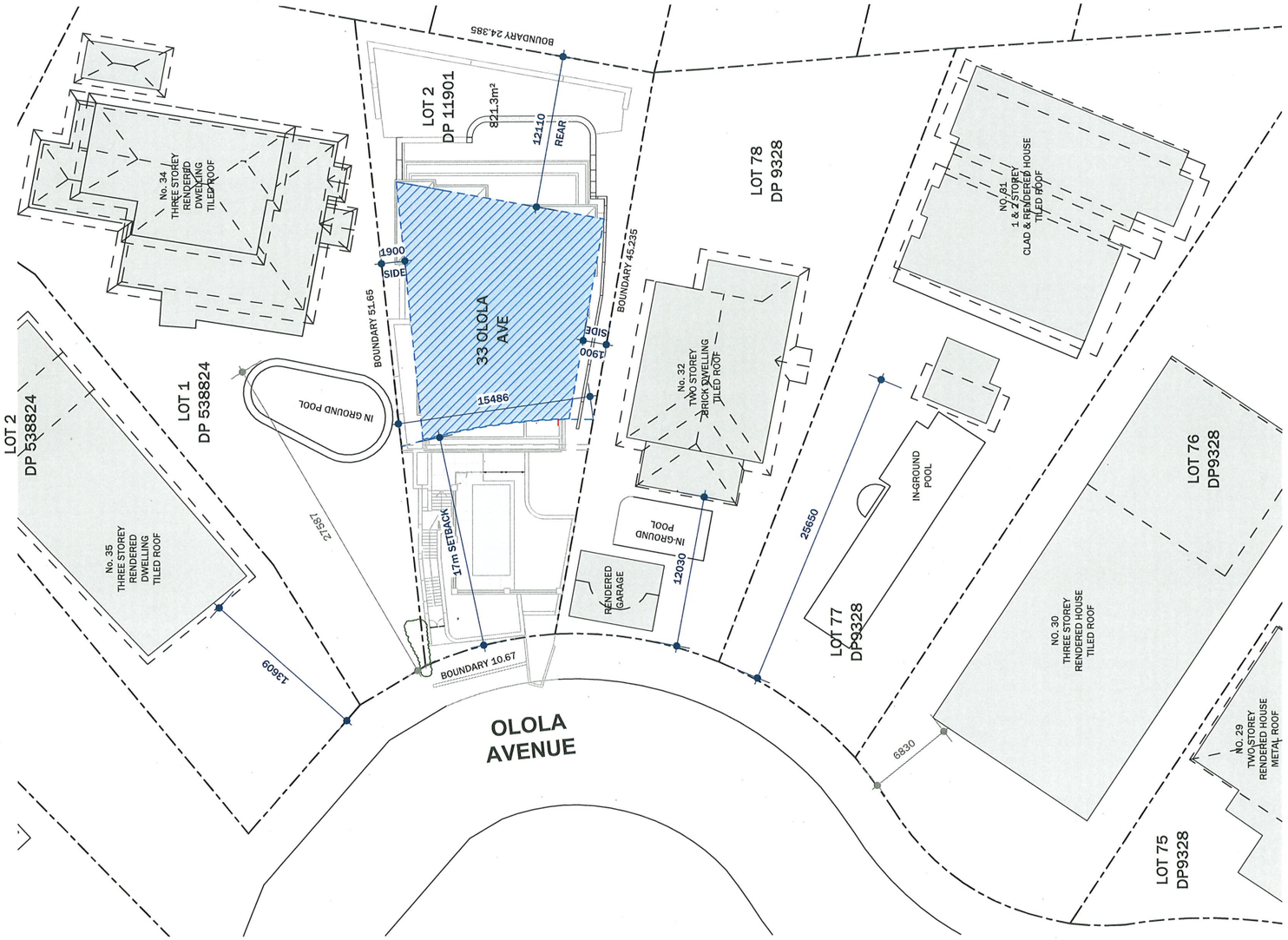
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SHADOW DIAGRAM JUNE 21ST 3PM
NOT FOR CONSTRUCTION
Scale 1:200 @A3 Date: 03.09.24

2314	DA	A008	6
Project no.	Drawing Phase.	Drawing No.	Rev



SETBACK CALCULATIONS

FRONT SETBACK
12030 + 25650 + 13609 / 3
= 17096

SIDE SETBACKS
>15m = 1.9m

REAR SETBACK
45.235 + 51.65 / 2 x 25%
= 12.110m

0 3.5 7 10.5m
SCALE 1:350 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation.
Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards.
Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

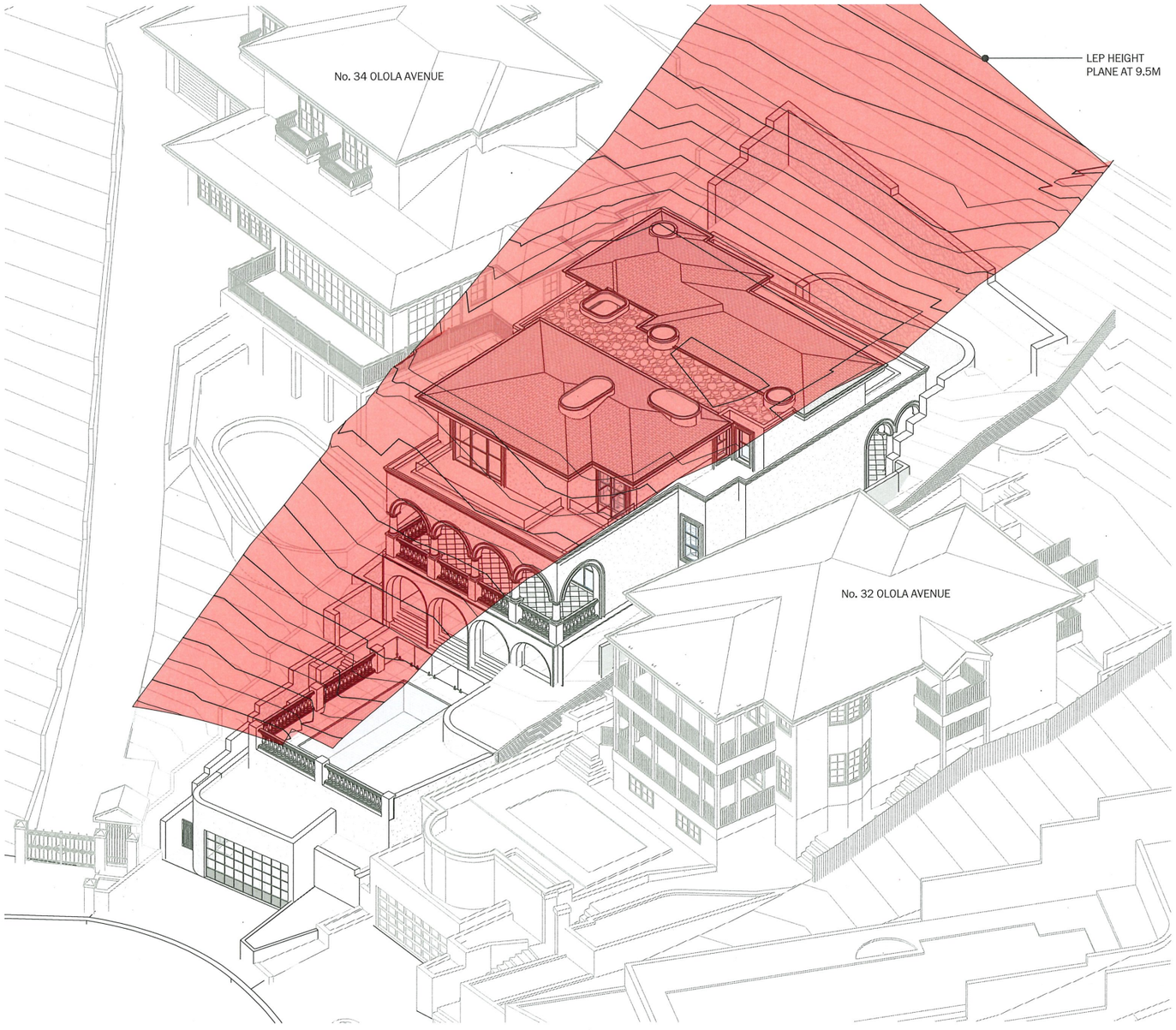
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
DIAGRAMS - SETBACK
NOT FOR CONSTRUCTION
Scale 1:500 @A3 | Date: 03.09.24

2314	DA	A010	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 A011 HEIGHT PLANE DIAGRAM
SCALE

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

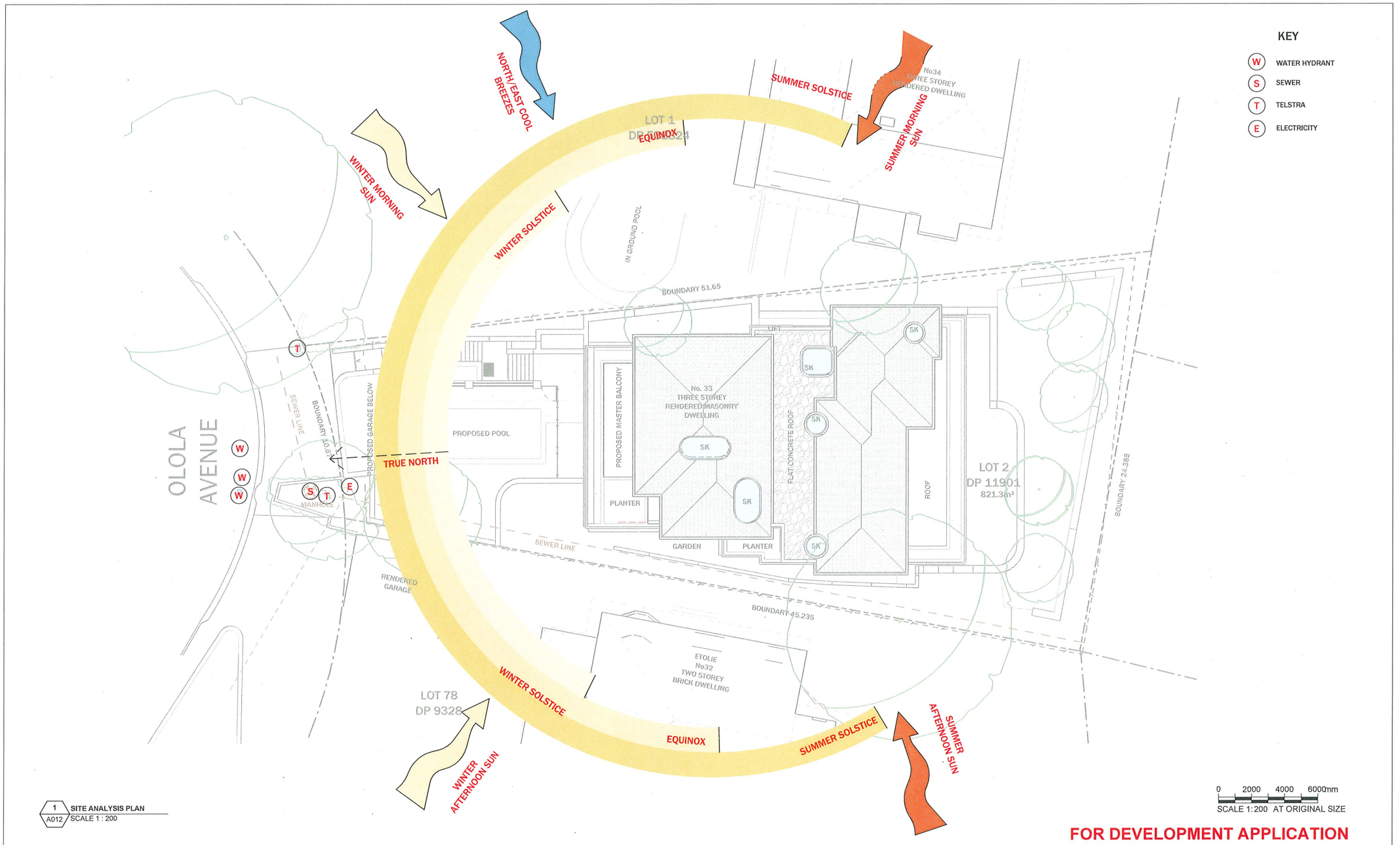
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
DIAGRAMS - HEIGHT PLANE
NOT FOR CONSTRUCTION

Scale 1:200 @A3	Date: 03.09.24		
2314 Project no.	DA Drawing Phase.	A011 Drawing No.	6 Rev



Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

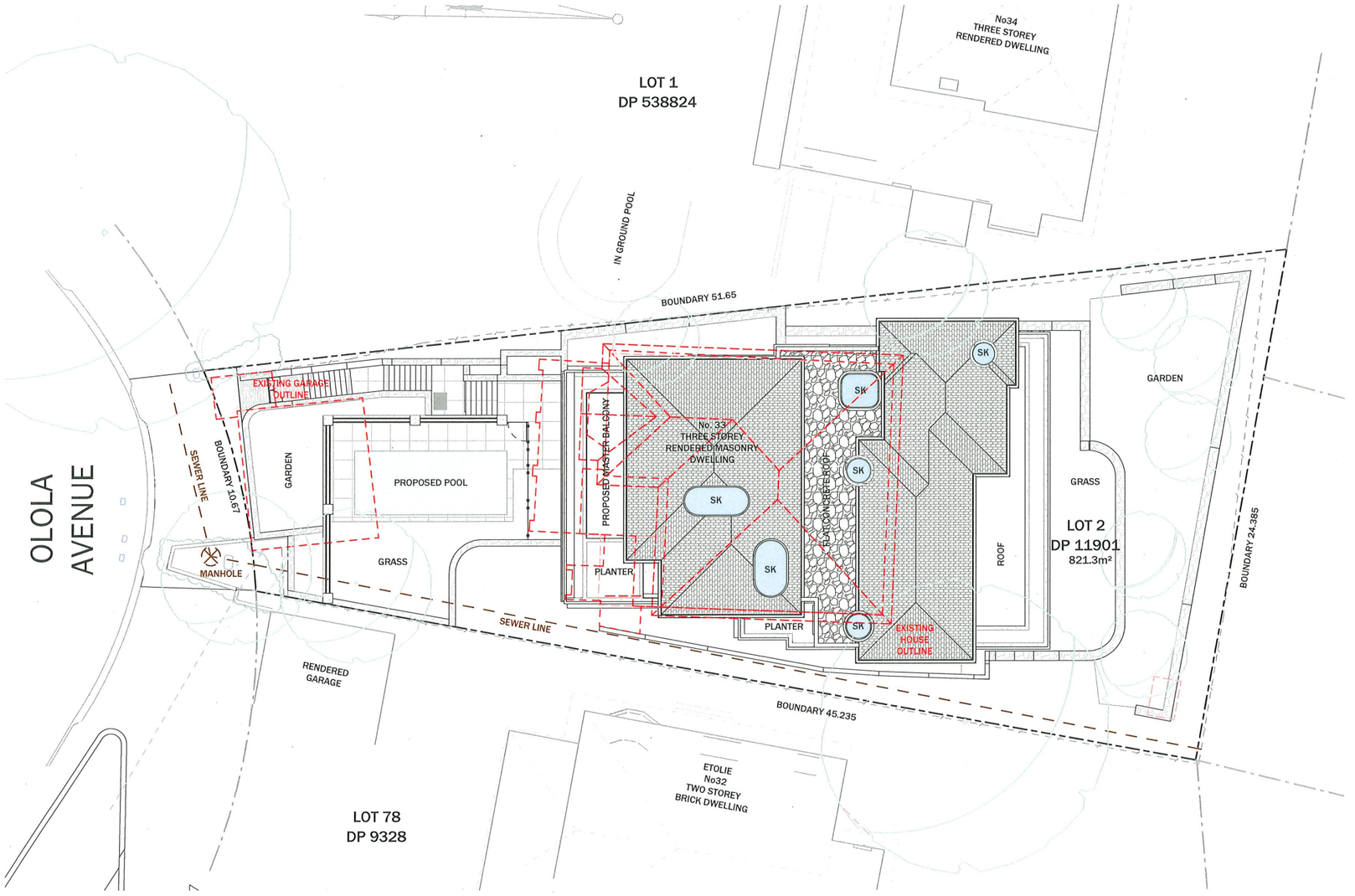
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SITE ANALYSIS PLAN
NOT FOR CONSTRUCTION
Scale 1:200 @A3 | Date: 03.09.24

2314	DA	A012	6
Project no.	Drawing Phase.	Drawing No.	Rev



SITE SUMMARY - LANDSCAPING

WOOLLAHRA COUNCIL	
SITE AREA	821.37m² (BY SURVEY)
DEEP SOIL PLANTING	MIN. REQUIRED 35% / 287.5m²
	PROPOSED
FRONT DEEP SOIL PLANTING	89m²
REAR DEEP SOIL PLANTING	280.7m²
TOTAL DEEP SOIL PLANTING	353.6m²
DEEP SOIL PLANTING - FRONT	MIN. REQUIRED 40% FROM FRONT SETBACK/ 89m²
PROPOSED	89.88m²
DEEP SOIL PLANTING -	MIN REQUIRED 35% = 287.5m²
PROPOSED	353.6m²
TREE CANOPY COVER	MIN. REQUIRED 35% / 287.5m²
PROPOSED	297.2m²
PRIVATE OPEN SPACE	MIN. REQUIRED 8.0m²
PROPOSED	52.0m²
PRIMARY OPEN SPACE	MIN. REQUIRED 35m²
PROPOSED	96m²

SITE SUMMARY - FLOOR SPACE RATIO

WOOLLHARA COUNCIL	
SITE AREA	821.37m² (BY CALC)
FLOOR SPACE (LEP)	
	PROPOSED
FIRST FLOOR	158.1m²
GROUND FLOOR	168.5m²
LOWER GROUND FLOOR	71m²
BASEMENT	3m²
TOTAL (EXCLU. PARKING)	400.6m²
FLOOR SPACE RATIO (LEP)	0.49:1 / 410.7m²
PROPOSED FSR	0.5:1 OR 400.6m²

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

1 / A013 SITE PLAN
SCALE 1 : 200

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture, is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture, is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

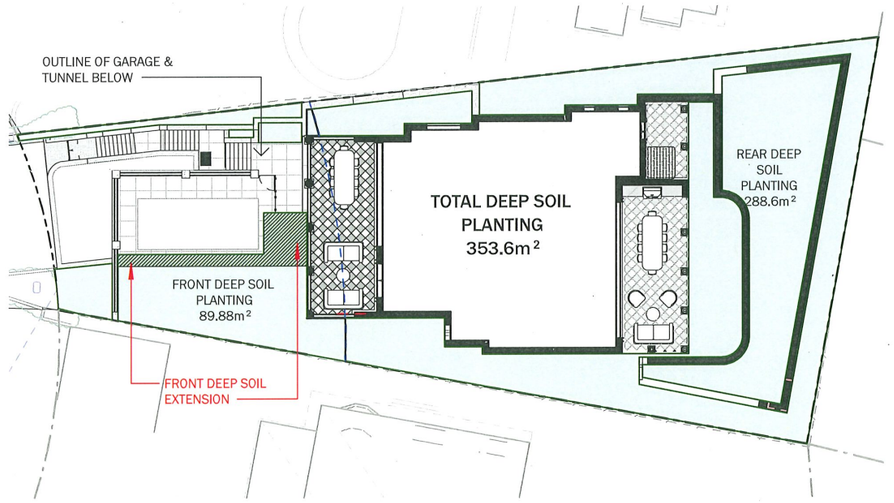
True North

Drawn: BB | Checked: AM

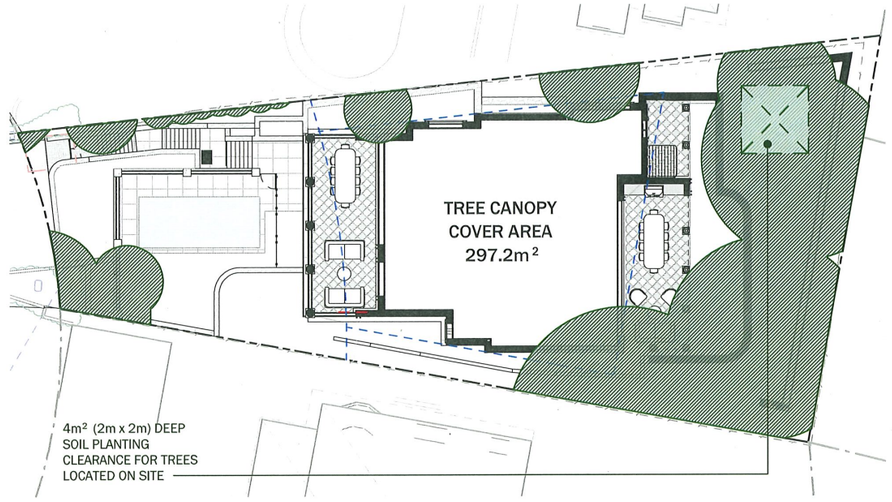
Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SITE PLAN
NOT FOR CONSTRUCTION
Scale 1:200 @A3 | Date: 03.09.24

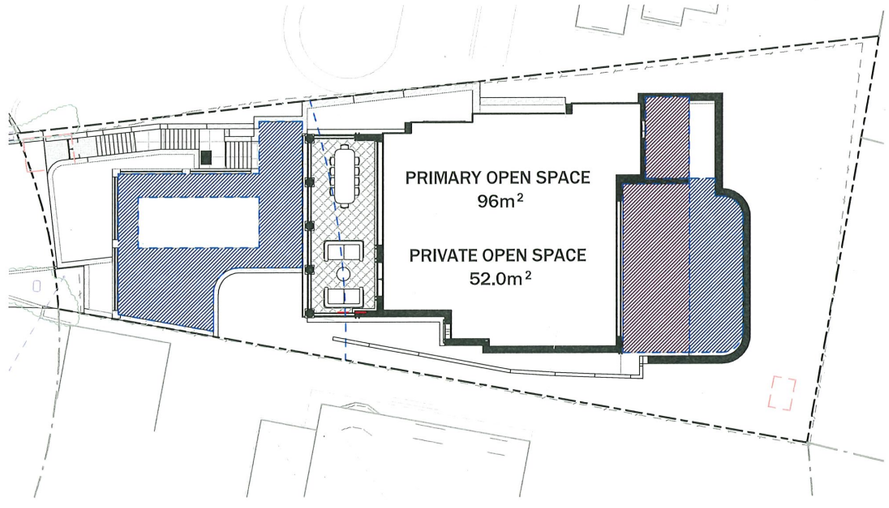
2314	DA	A013	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 A020 SITE CALCULATIONS - DEEP SOIL PLANTING
SCALE1 : 300

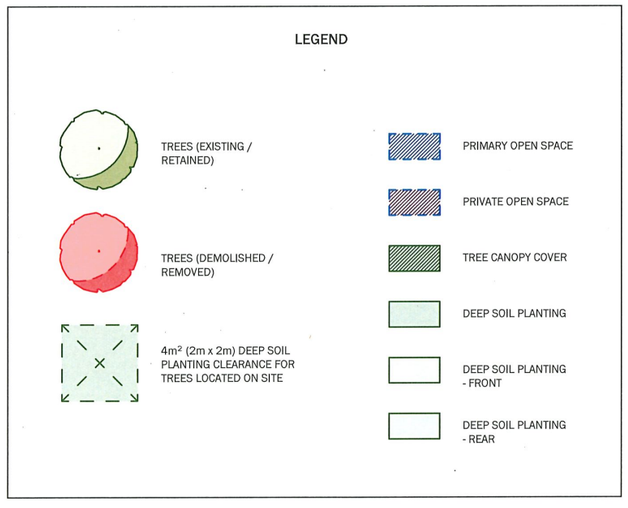


2 A020 SITE CALCULATIONS - TREE CANOPY COVER
SCALE1 : 300



3 A020 SITE CALCULATIONS - PRIVATE / PRIMARY OPEN SPACE GF
SCALE1 : 300

SITE SUMMARY - LANDSCAPING



WOOLLAHRA COUNCIL	
SITE AREA	821.37m² (BY SURVEY)
DEEP SOIL PLANTING	MIN. REQUIRED 35% / 287.5m²
	PROPOSED
FRONT DEEP SOIL PLANTING	89m²
REAR DEEP SOIL PLANTING	280.7m²
TOTAL DEEP SOIL PLANTING	353.6m²
DEEP SOIL PLANTING - FRONT	MIN. REQUIRED 40% FROM FRONT SETBACK/ 89m²
PROPOSED	89.88m²
DEEP SOIL PLANTING -	MIN REQUIRED 35% = 287.5m²
PROPOSED	353.6m²
TREE CANOPY COVER	MIN. REQUIRED 35% / 287.5m²
PROPOSED	297.2m²
PRIVATE OPEN SPACE	MIN. REQUIRED 8.0m²
PROPOSED	52.0m²
PRIMARY OPEN SPACE	MIN. REQUIRED 35m²
PROPOSED	96m²

0 3 6 9 m
SCALE 1:300 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

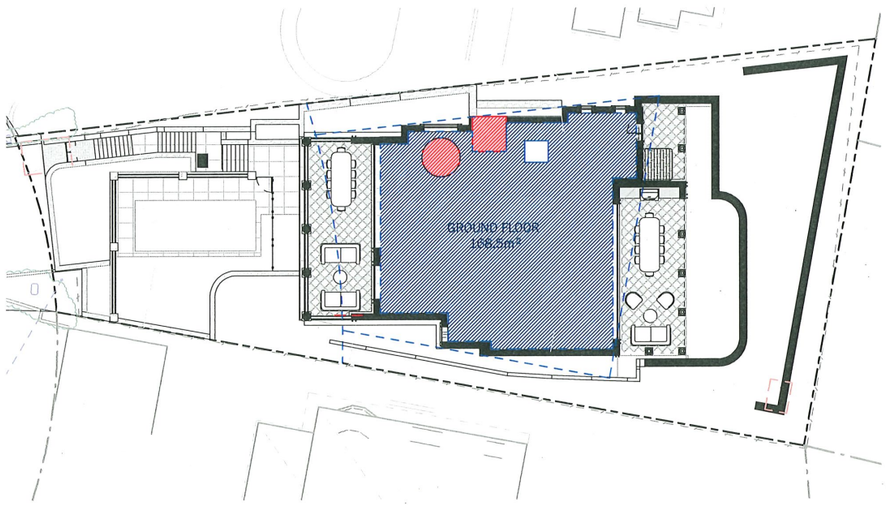
Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE
True North
Drawn: BB
Checked: AM

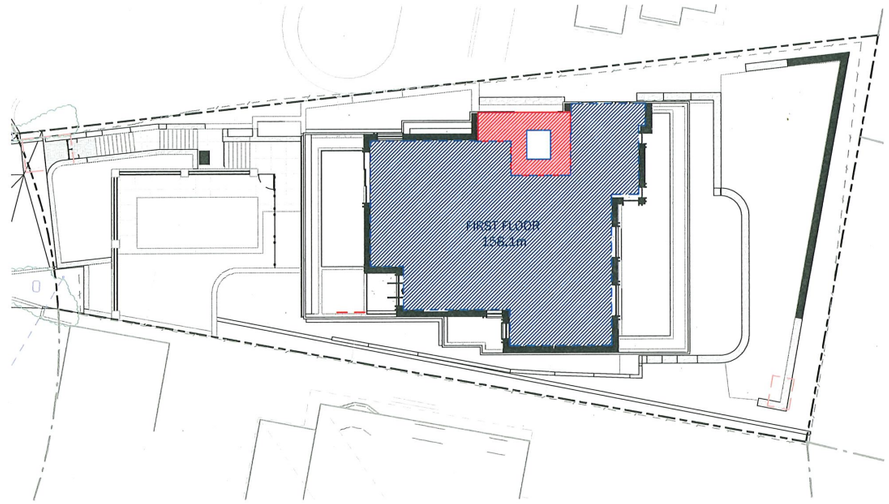
Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SITE CALCULATIONS - LANDSCAPING
NOT FOR CONSTRUCTION
Scale 1:200 @A3 Date: 03.09.24

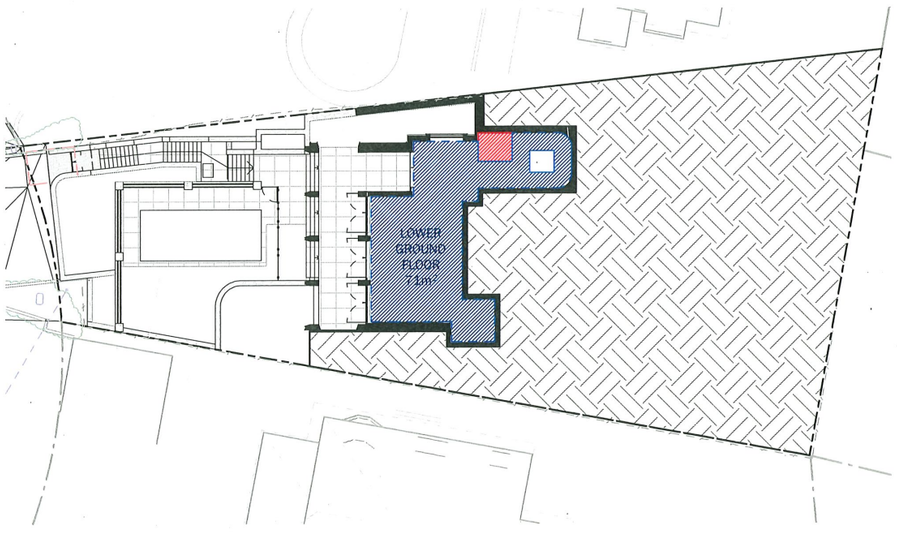
2314	DA	A020	6
Project no.	Drawing Phase.	Drawing No.	Rev



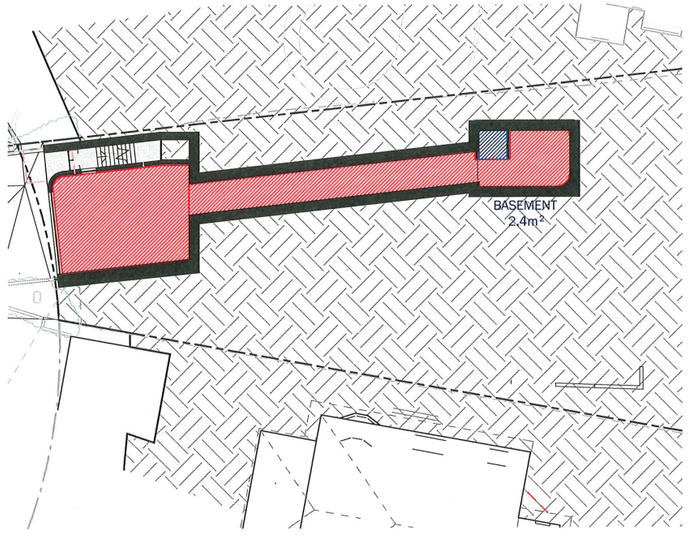
1 A021 SITE CALCULATIONS - GROUND FLOOR FSR
SCALE1 : 300



2 A021 SITE CALCULATIONS - FIRST FLOOR FSR
SCALE1 : 300



3 A021 SITE CALCULATIONS - LOWER GROUND FSR
SCALE1 : 300



4 A021 SITE CALCULATIONS - BASEMENT FSR
SCALE1 : 300

LEGEND

- FLOOR SPACE RATIO
- FLOOR SPACE RATIO EXEMPTIONS / EXCLUSIONS

SITE SUMMARY - FLOOR SPACE RATIO

WOOLLHARA COUNCIL	
SITE AREA	821.37m² (BY CALC)
FLOOR SPACE (LEP)	
	PROPOSED
FIRST FLOOR	158.1m²
GROUND FLOOR	168.5m²
LOWER GROUND FLOOR	71m²
BASEMENT	3m²
TOTAL (EXCLU. PARKING)	400.6m²
FLOOR SPACE RATIO (LEP)	0.49:1 / 410.7m²
PROPOSED FSR	0.5:1 OR 400.6m²

0 3 6 9 m
SCALE 1:300 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

True North

Drawn: BB | Checked: AM

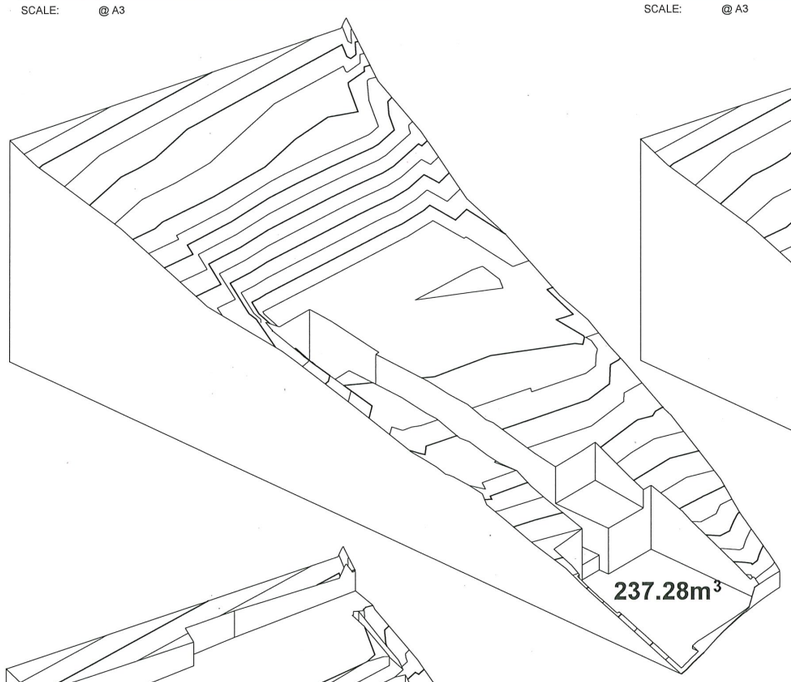
Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SITE CALCULATIONS - GFA
NOT FOR CONSTRUCTION
Scale 1:300 @A3 | Date: 03.09.24

2314	DA	A021	6
Project no.	Drawing Phase.	Drawing No.	Rev

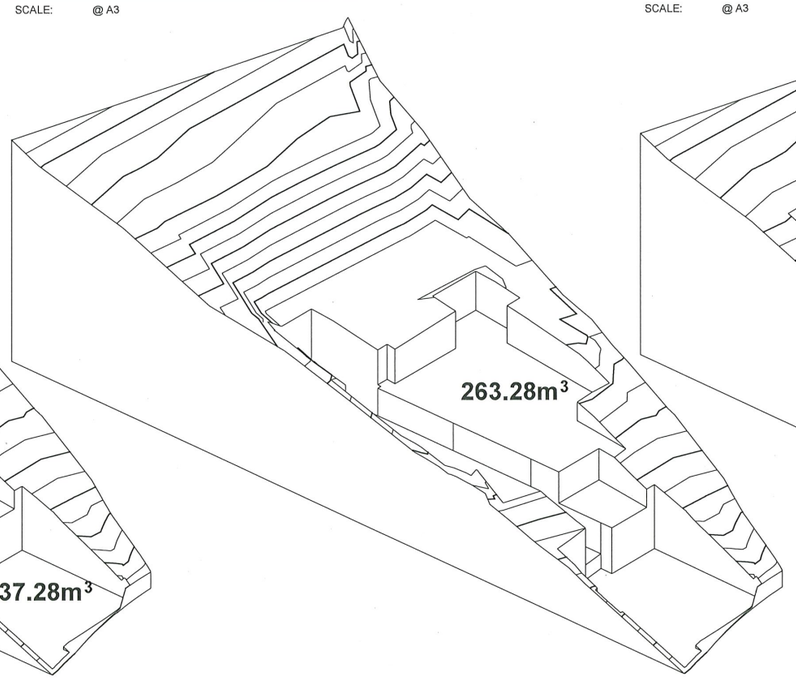
EXCAVATION - PROPOSED BASEMENT CUT

SCALE: @ A3



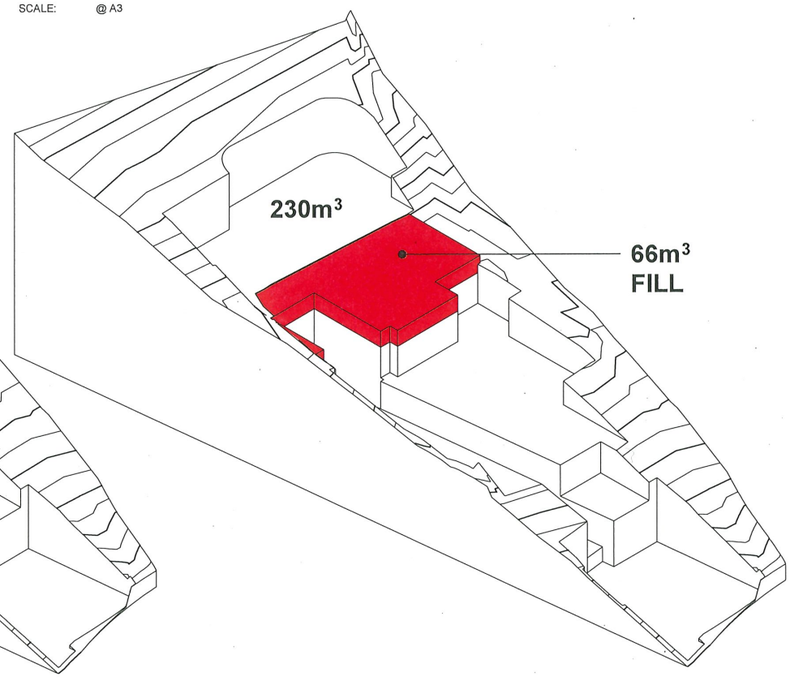
EXCAVATION -PROPOSED LOWER GROUND CUT

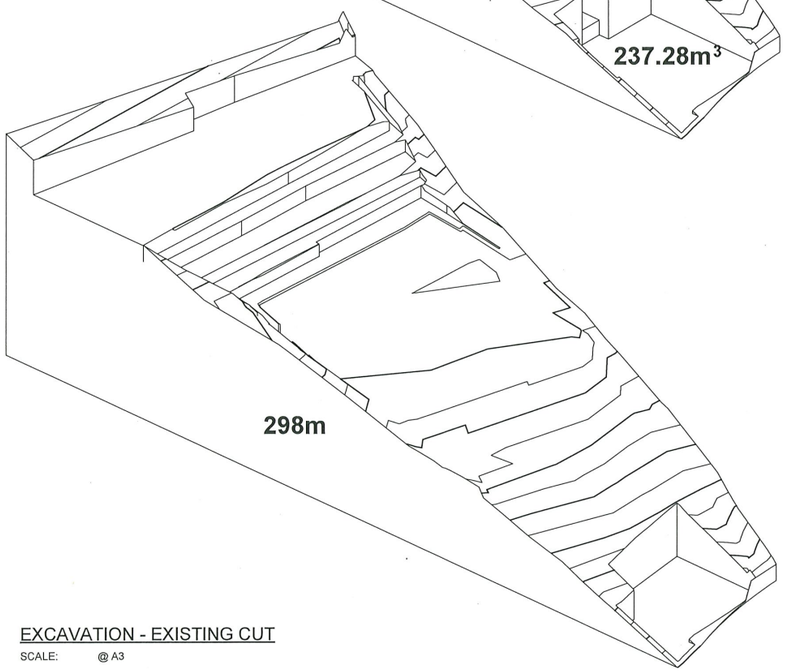
SCALE: @ A3



EXCAVATION - PROPOSED GROUND LEVEL CUT

SCALE: @ A3

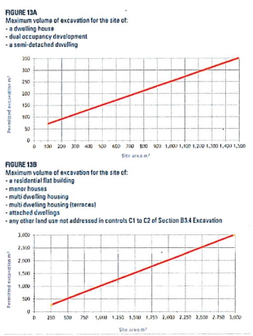




EXCAVATION - EXISTING CUT

SCALE: @ A3

WOLLHARA COUNCIL DCP B3.4
EXCAVATION FIGURE 13A (MINIMUM UPPER LIMIT EXCAVATION) AND 13B (MAXIMUM UPPER LIMIT EXCAVATION



SITE SUMMARY - CUT & FILL

WOOLLAHRA COUNCIL	
SITE AREA	821.37m² (BY SURVEY)
EXCAVATION	MIN. UPPER LIMIT 225m³
	PROPOSED
TOTAL EXCAVATION	- 664m³
BASEMENT EXCAVATION	- 237m³
LOWER GROUND EXCAVATION	- 263m³
GROUND LEVEL EXCAVATION	- 230m³
FILL	+ 66m³
TOTAL NET EXCAVATION EXC BASEMENT	- 427m³

0 3 6 9 m
SCALE 1:300 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

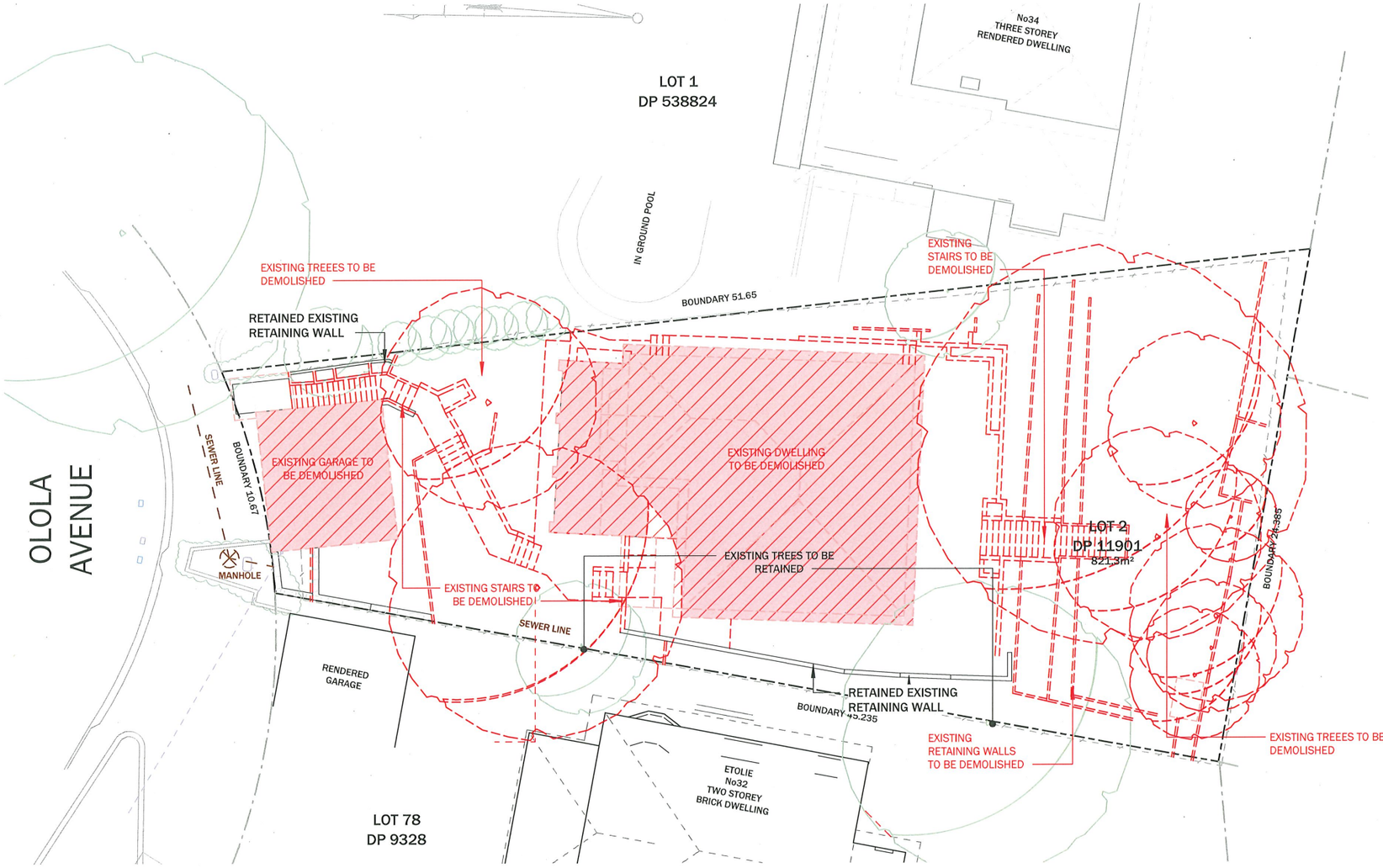
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
CUT & FILL - DIAGRAMS
NOT FOR CONSTRUCTION

Scale 1:200 @A3	Date: 03.09.24		
2314	DA	A030	6
Project no.	Drawing Phase.	Drawing No.	Rev



LEGEND

Existing walls removed
Existing walls to remain

EXISTING DAMAGE REPORT

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

DEMOLITION

Carry out demolition and/or removal in accordance with AS 2601 & Conditions set out in councils notice of determination.

TREE PROTECTION

Protect all tree's to remain in accordance with councils notice of determination

HAZARDOUS MATERIALS

Remove hazardous materials in accordance with Australian Standards and councils requirements. Refer to councils notice of determination

BUILDING PROTECTION

Provide adequate and proper protection to weatherproof the adjoining and remaining existing buildings and to protect persons and existing private and public property from injury and/or damage.
Reduce dust to a minimum. Any dust created is to be properly controlled and prevented from being a nuisance to the public and/or occupiers of adjoining and remaining existing buildings.
Take all practicable steps to minimize noise resulting from the works.

1 / A100 EXISTING / DEMOLITION PLAN
SCALE 1 : 200

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

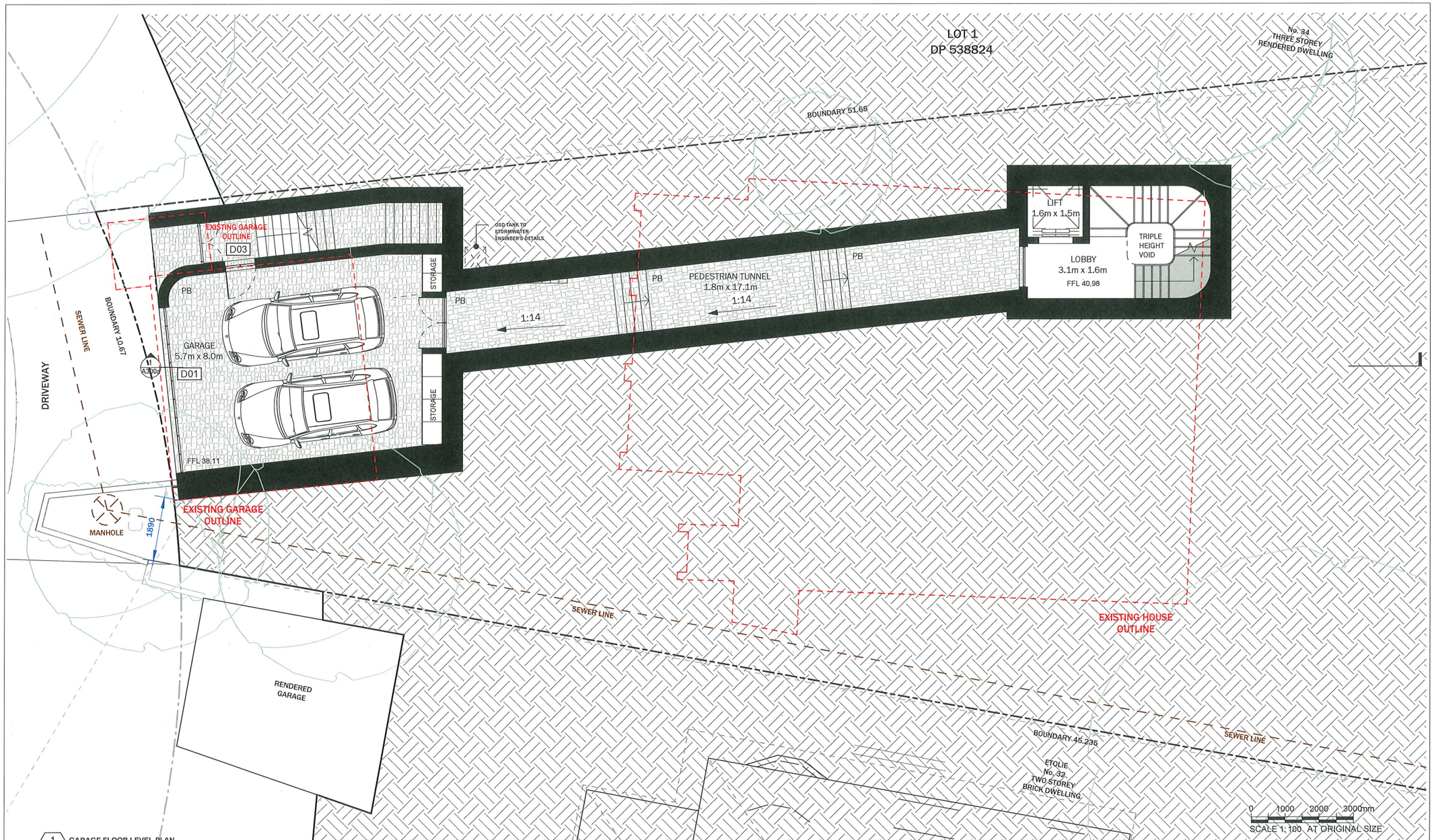
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
EXISTING / DEMOLITION PLAN
NOT FOR CONSTRUCTION

Scale 1:200 @A3	Date: 03.09.24		
2314 Project no.	DA Drawing Phase.	A100 Drawing No.	6 Rev



1 / A101 GARAGE FLOOR LEVEL PLAN
SCALE 1 : 100

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

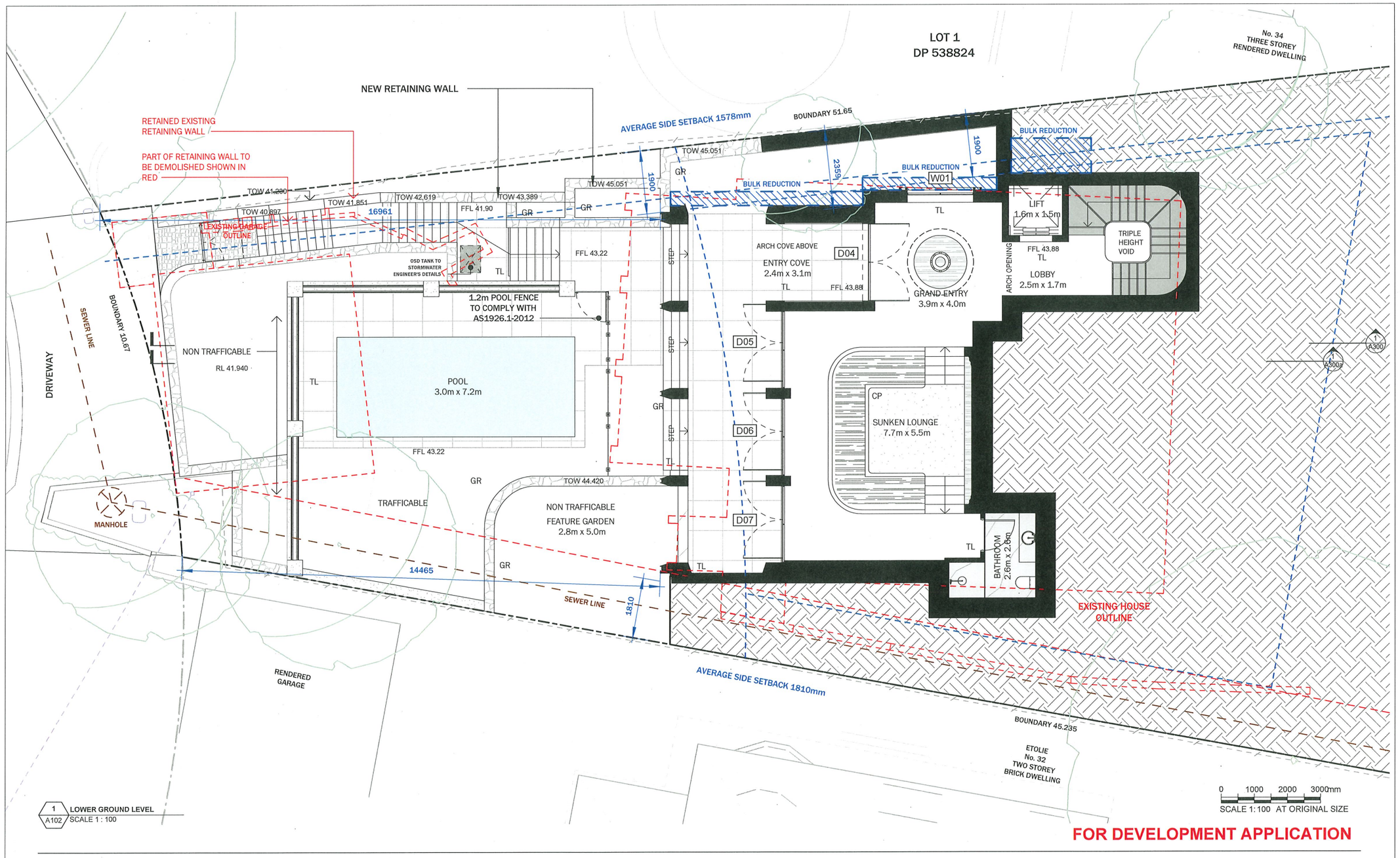
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
GARAGE FLOOR PLAN
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A101	6
Project no.	Drawing Phase.	Drawing No.	Rev



FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

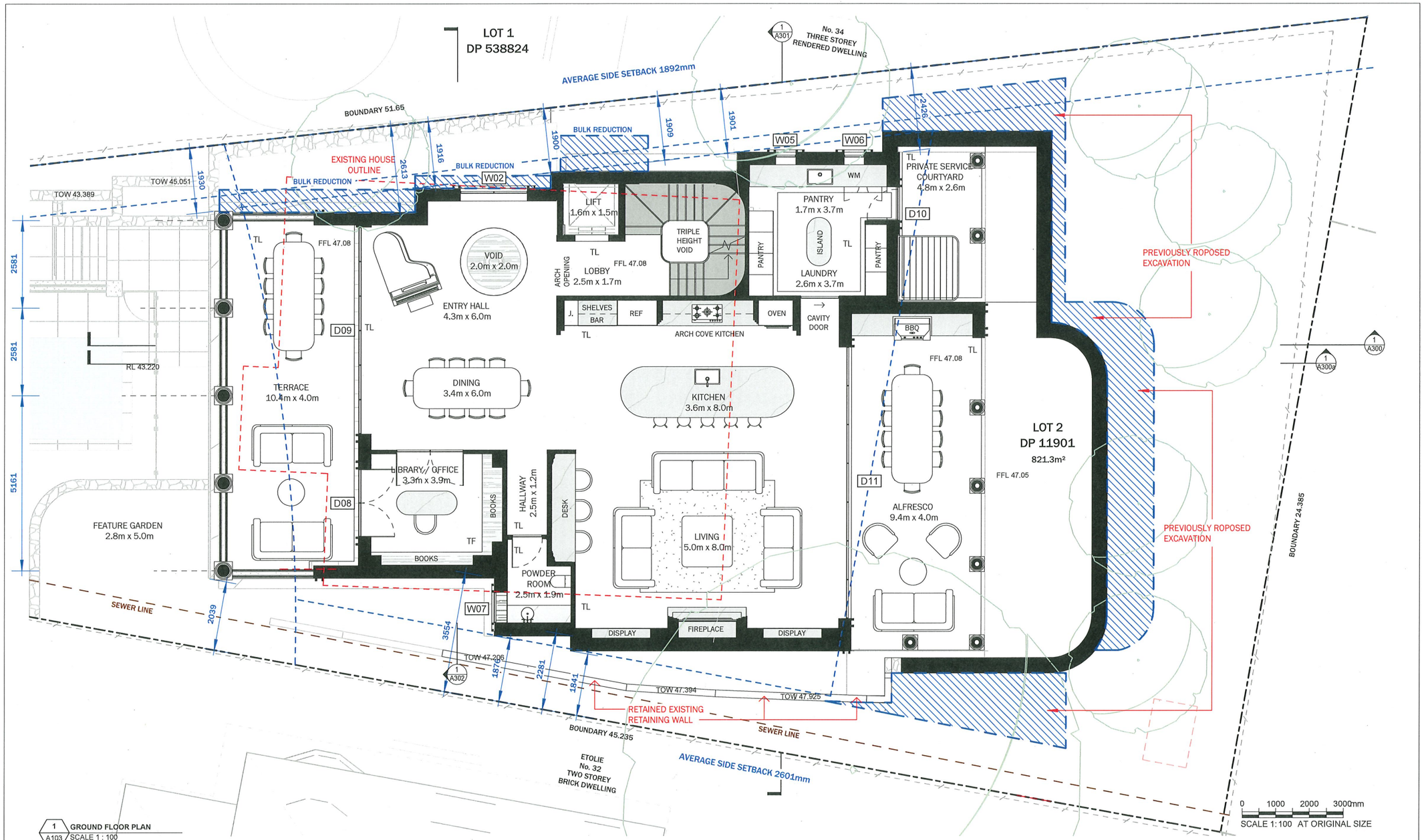
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
LOWER GROUND FLOOR PLAN
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A102	6
Project no.	Drawing Phase.	Drawing No.	Rev



Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture, is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture, is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

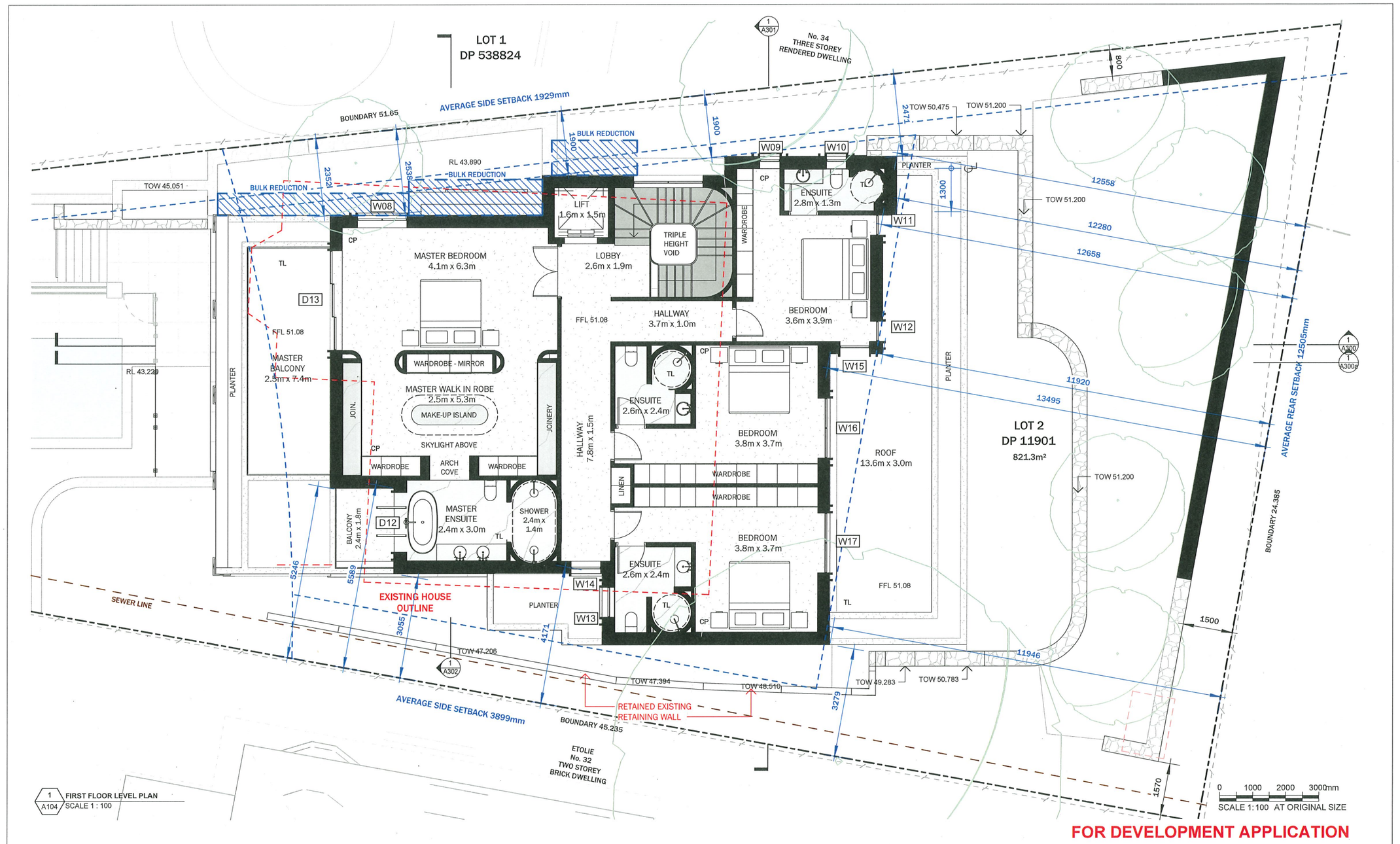
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
GROUND FLOOR PLAN
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A103	6
Project no.	Drawing Phase.	Drawing No.	Rev



Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

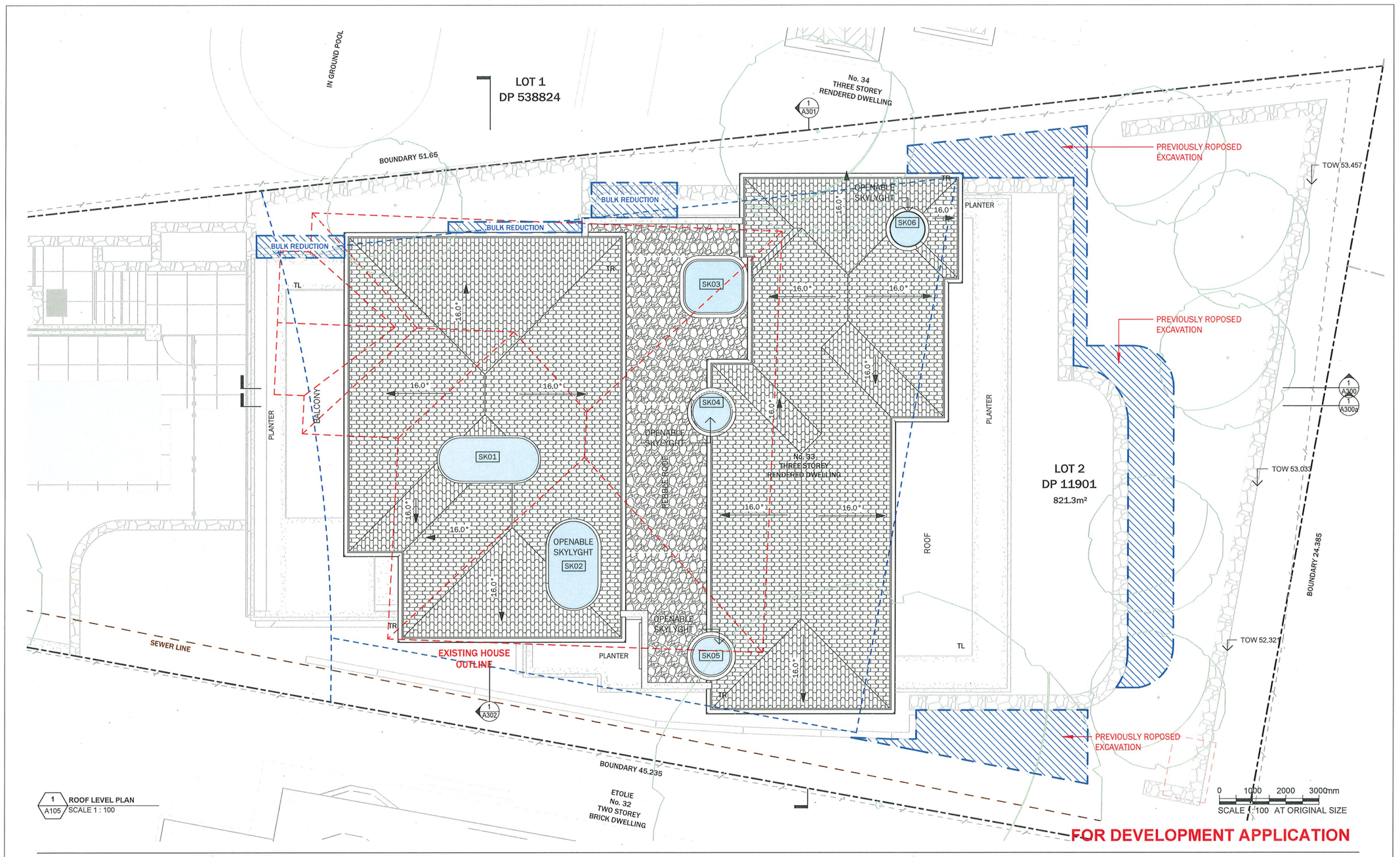
Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE
True North
Drawn: BB
Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
FIRST FLOOR PLAN
NOT FOR CONSTRUCTION
Scale 1:100 @A3 Date: 03.09.24

2314	DA	A104	6
Project no.	Drawing Phase.	Drawing No.	Rev



Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

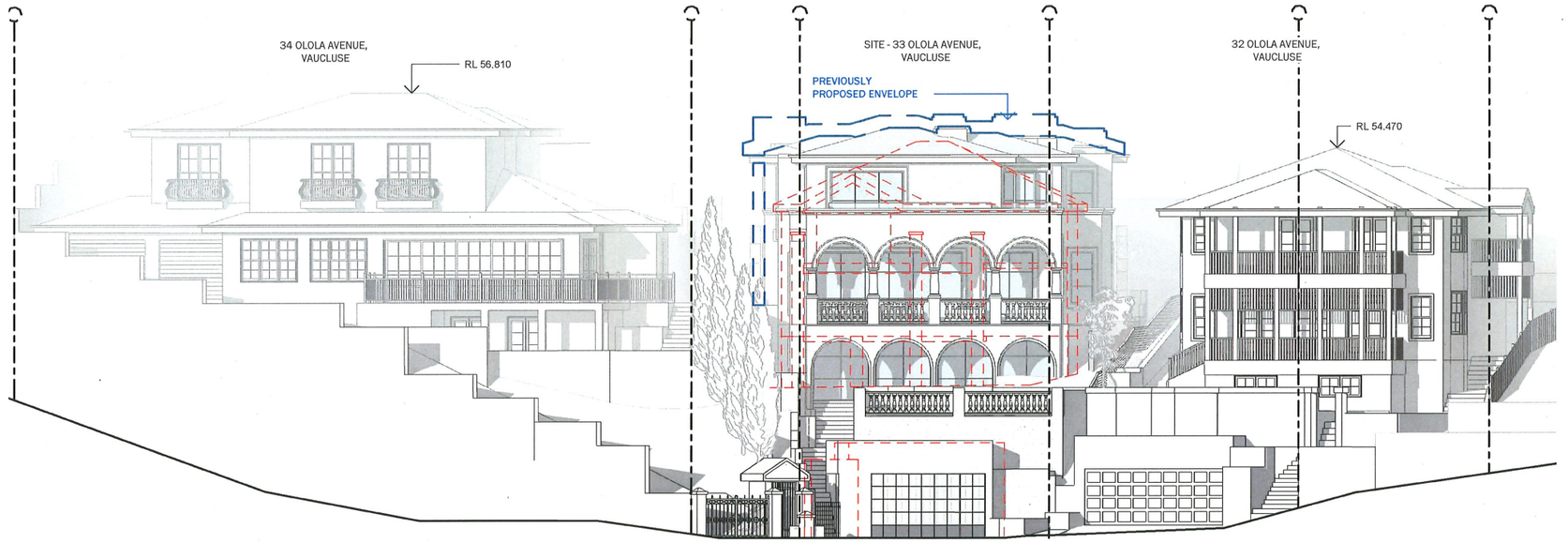
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
ROOF PLAN
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A105	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 / A200 STREETSCAPE ELEVATION
SCALE 1 : 200

0 2000 4000 6000mm
SCALE 1:200 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	*ISSUED FOR REVIEW*	*22.09.23*
2	*ISSUED FOR REVIEW*	*28.09.23*
3	*ISSUED FOR REVIEW*	*24.10.23*
4	*ISSUED TO CONSULTANTS*	*30.10.23*
5	*ISSUED FOR DA*	*11.03.24*
6	*ISSUED FOR RFI*	*03.09.24*

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

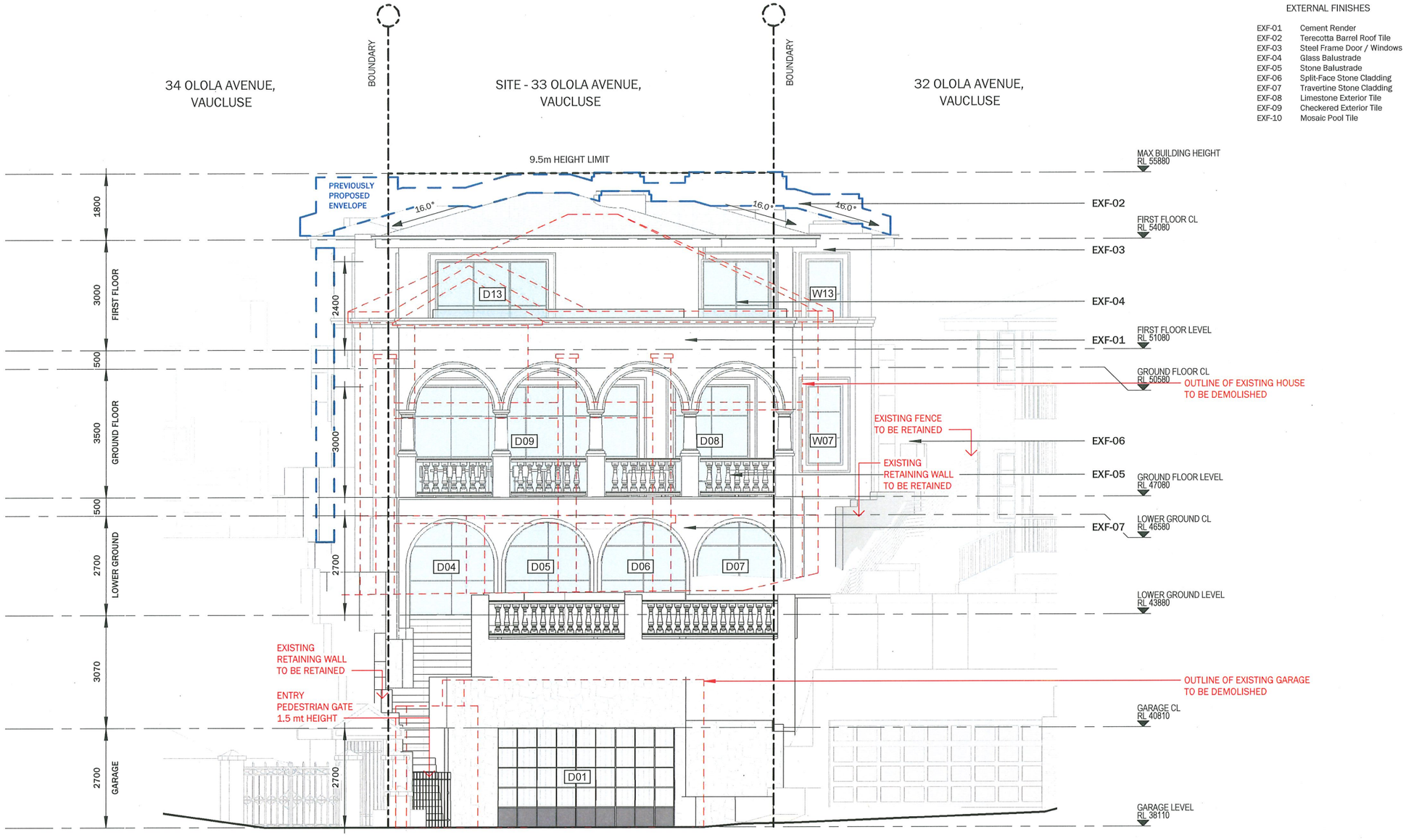
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
STREETSCAPE ELEVATION
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A200	6
Project no.	Drawing Phase.	Drawing No.	Rev



A201 NORTH ELEVATION
SCALE 1 : 100

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' ddcumentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

True North

Drawn: BB | Checked: AM

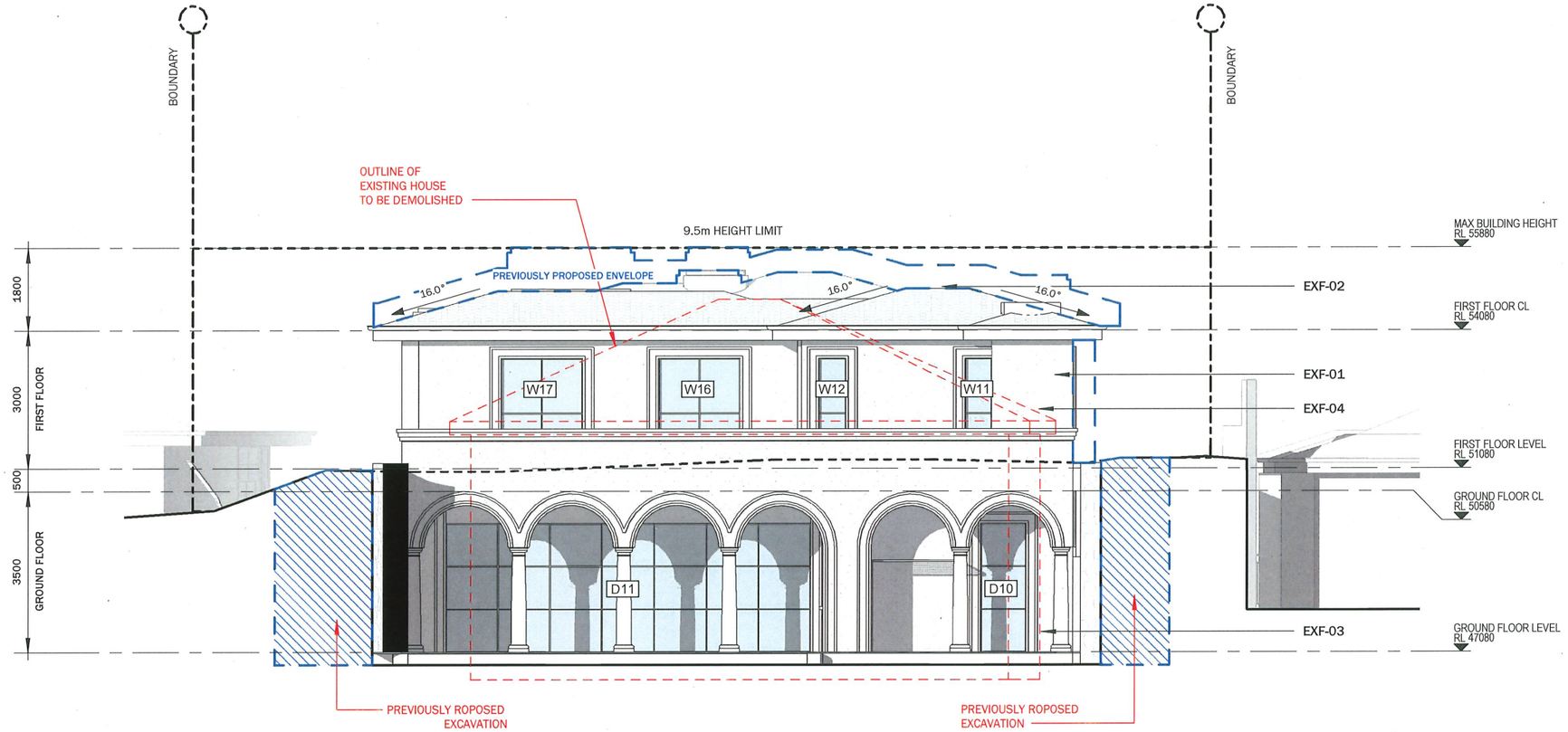
Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
NORTH ELEVATION
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

Project no.	Drawing Phase.	Drawing No.	Rev
2314	DA	A201	6

EXTERNAL FINISHES

EXF-01	Cement Render
EXF-02	Terecotta Barrel Roof Tile
EXF-03	Steel Frame Door / Windows
EXF-04	Glass Balustrade
EXF-05	Stone Balustrade
EXF-06	Split-Face Stone Cladding
EXF-07	Travertine Stone Cladding
EXF-08	Limestone Exterior Tile
EXF-09	Checkered Exterior Tile
EXF-10	Mosaic Pool Tile



A202 SOUTH ELEVATION
SCALE 1 : 100

0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

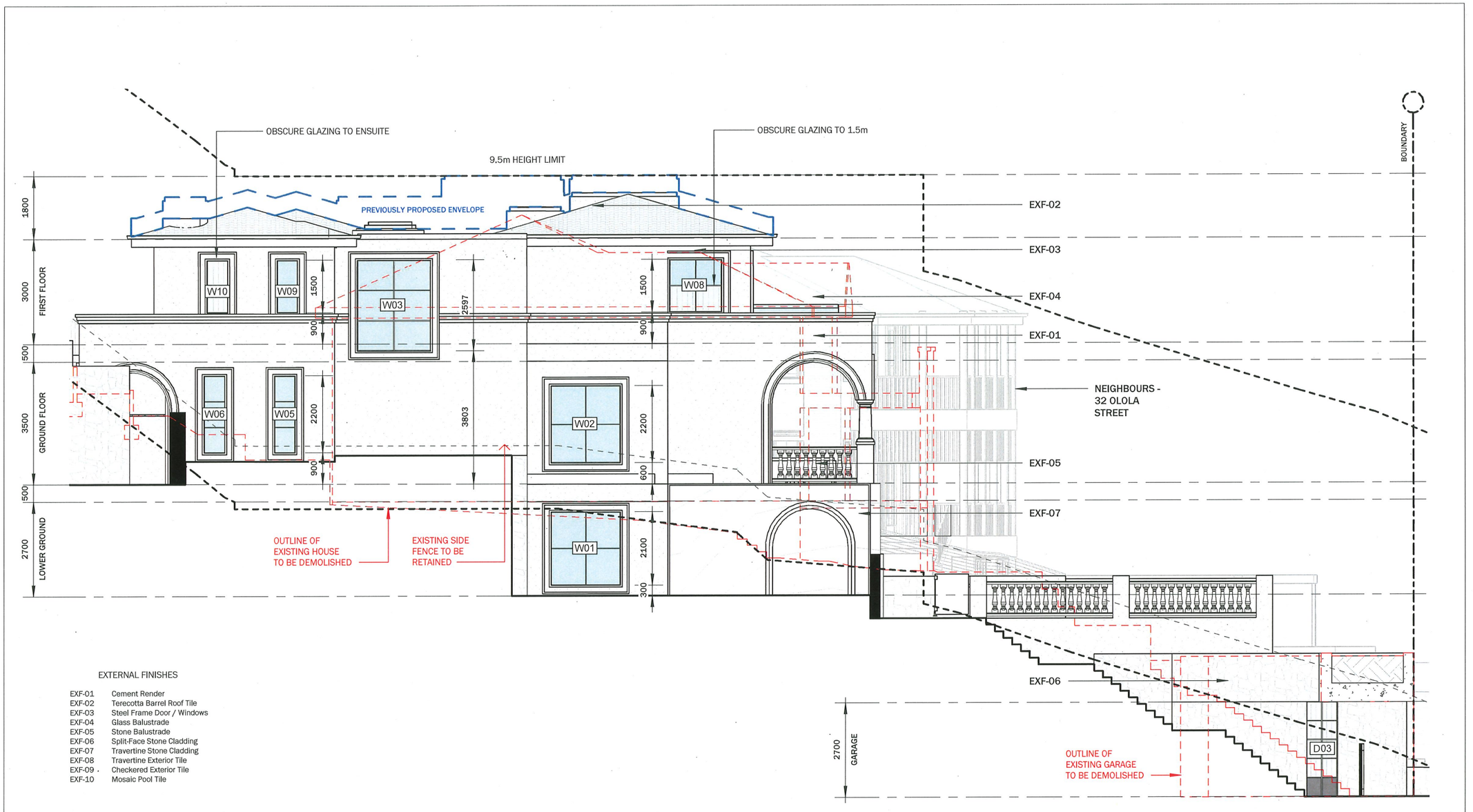
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SOUTH ELEVATION
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

Project no.	Drawing Phase.	Drawing No.	Rev
2314	DA	A202	6



EXTERNAL FINISHES

EXF-01	Cement Render
EXF-02	Terecotta Barrel Roof Tile
EXF-03	Steel Frame Door / Windows
EXF-04	Glass Balustrade
EXF-05	Stone Balustrade
EXF-06	Split-Face Stone Cladding
EXF-07	Travertine Stone Cladding
EXF-08	Travertine Exterior Tile
EXF-09	Checkered Exterior Tile
EXF-10	Mosaic Pool Tile

A203 EAST ELEVATION
SCALE 1 : 100

0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

True North

Drawn: BB | Checked: AM

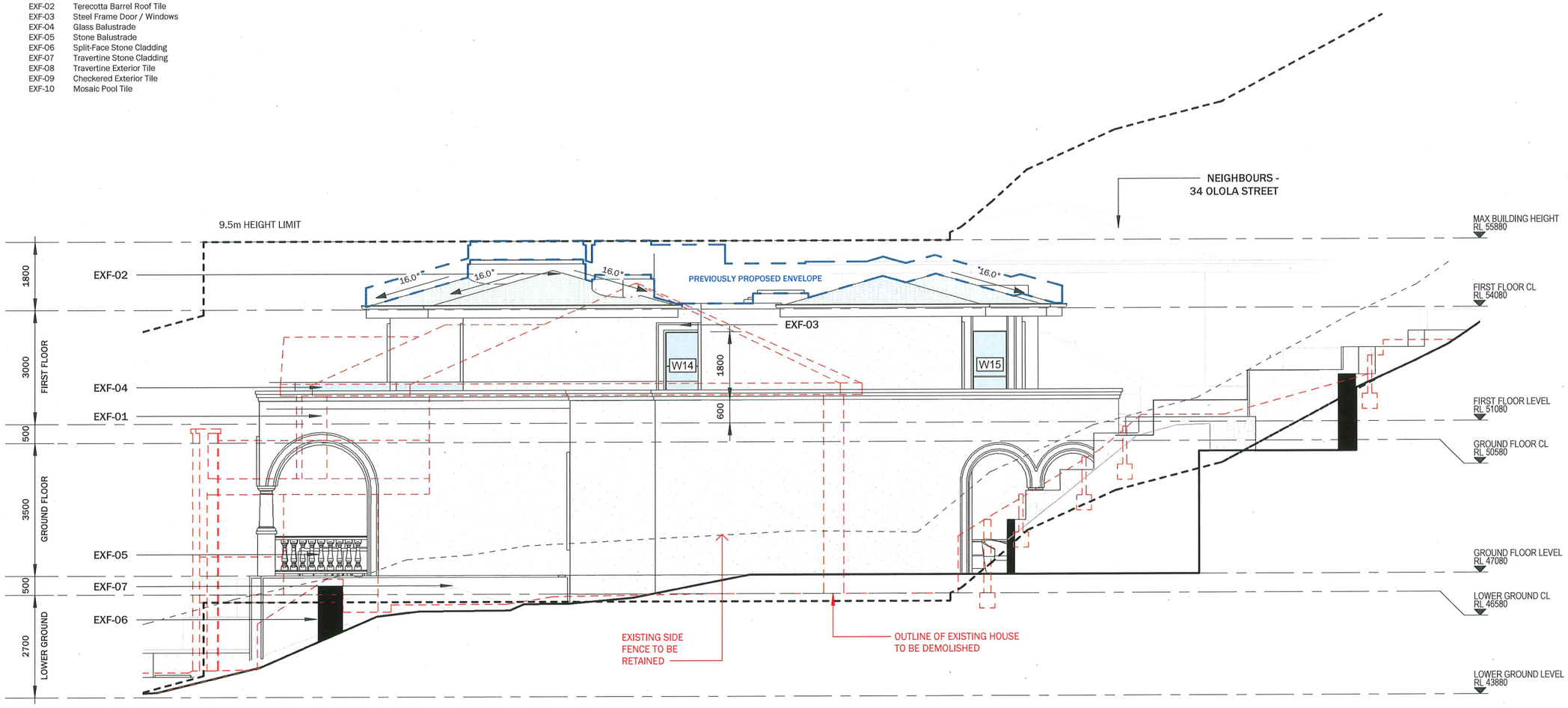
Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
EAST ELEVATION
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A203	6
Project no.	Drawing Phase.	Drawing No.	Rev

EXTERNAL FINISHES

EXF-01	Cement Render
EXF-02	Terecotta Barrel Roof Tile
EXF-03	Steel Frame Door / Windows
EXF-04	Glass Balustrade
EXF-05	Stone Balustrade
EXF-06	Split-Face Stone Cladding
EXF-07	Travertine Stone Cladding
EXF-08	Travertine Exterior Tile
EXF-09	Checkered Exterior Tile
EXF-10	Mosaic Pool Tile



A204 WEST ELEVATION
SCALE 1 : 100

0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

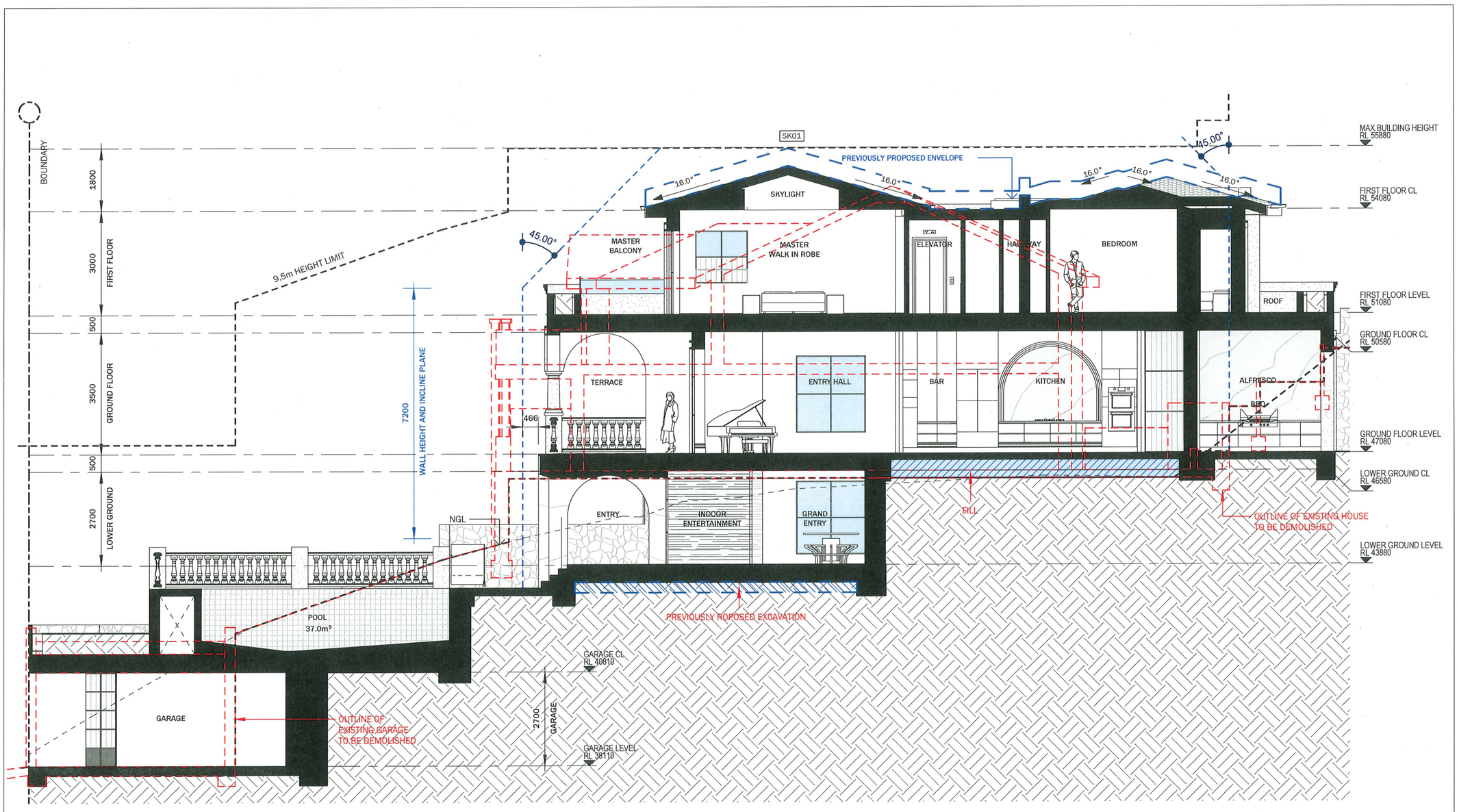
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
WEST ELEVATION
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

Project no.	Drawing Phase.	Drawing No.	Rev
2314	DA	A204	6



1 / A300 SECTION AA
SCALE 1 : 100

0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au
LUXITECTURE

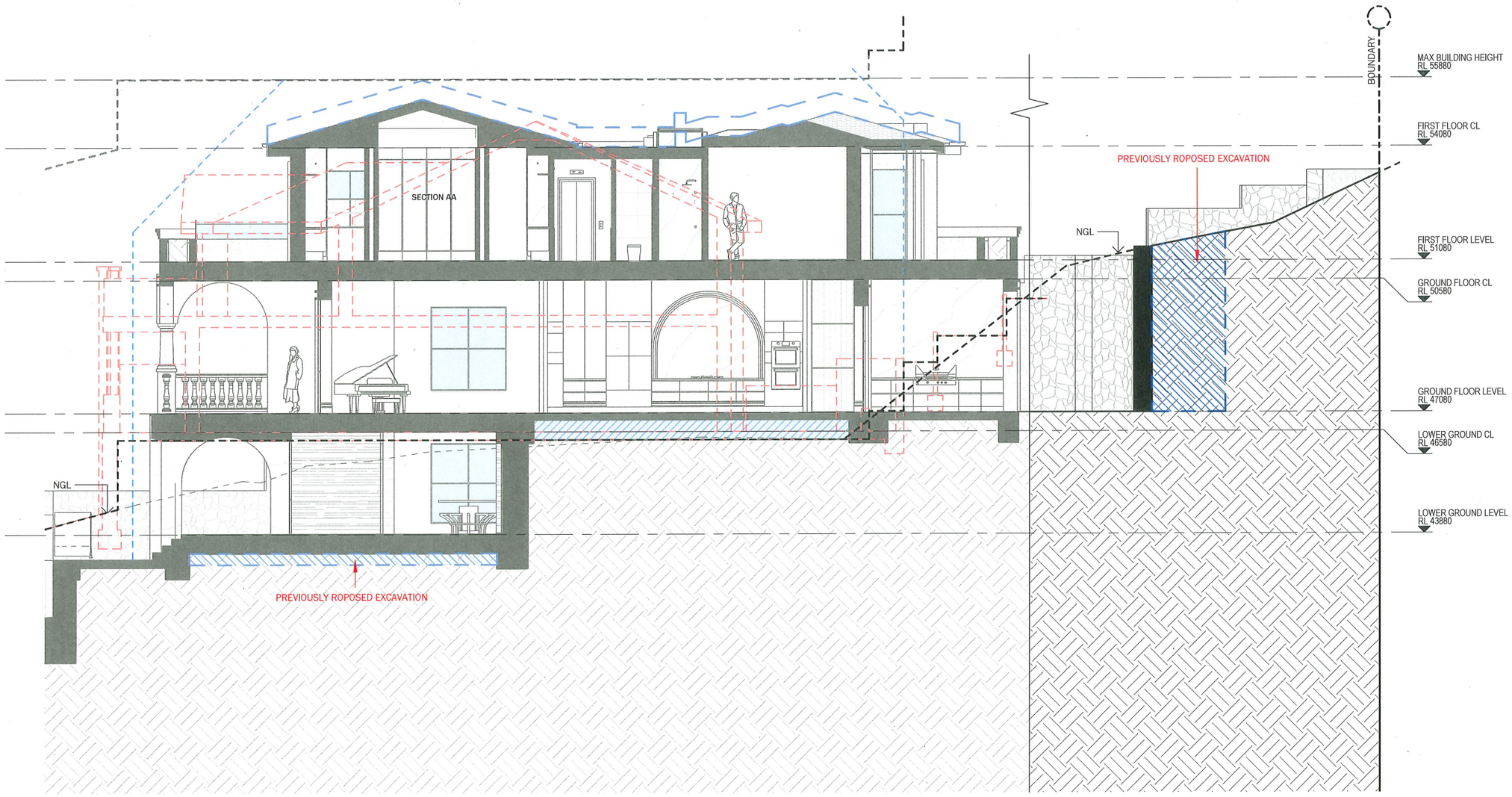
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SECTION AA
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A300	6
Project no.	Drawing Phase.	Drawing No.	Rev



SECTION AA BACKYARD

SCALE: 1 : 100 @ A3

0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture, is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture, is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

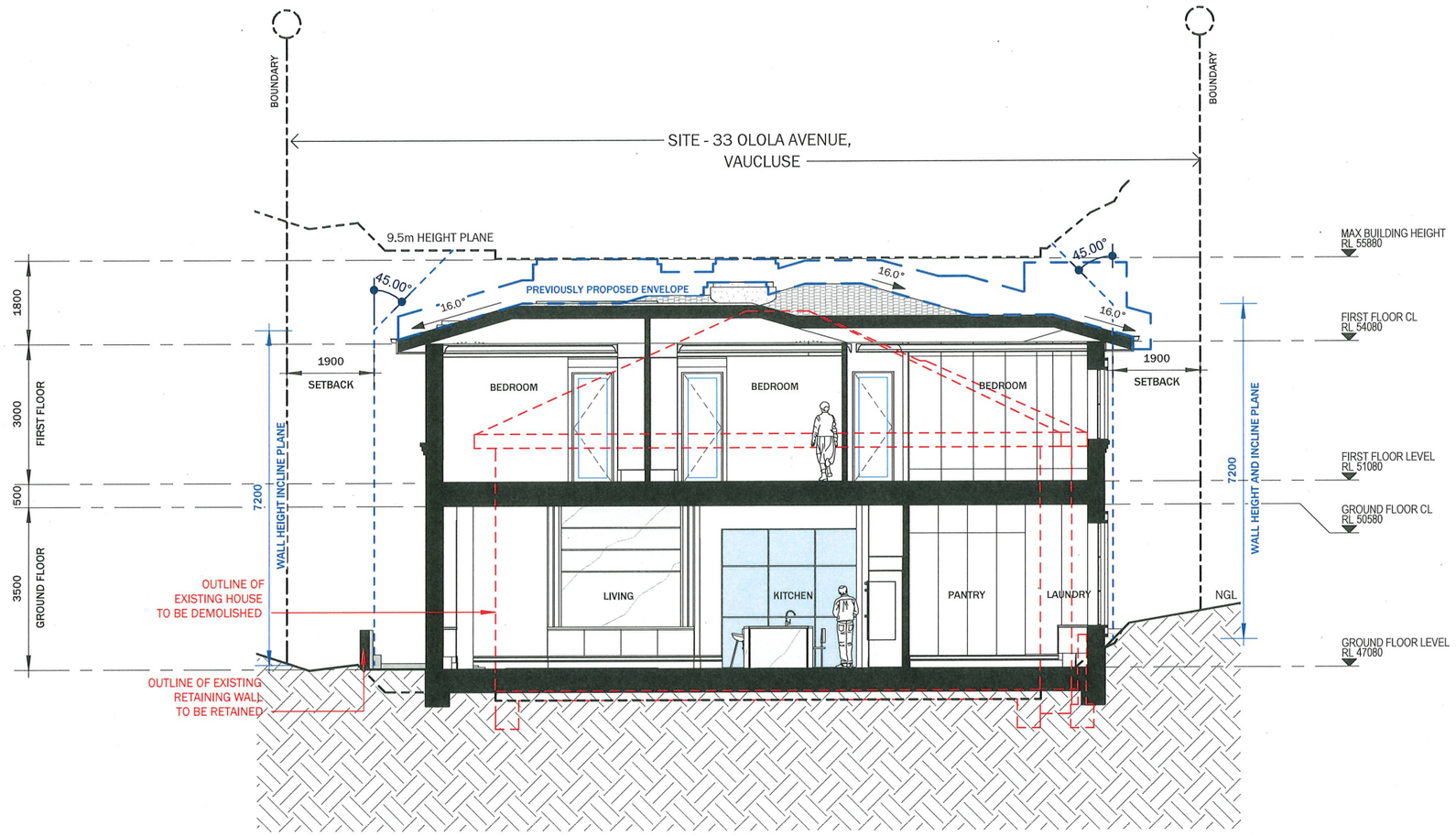
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SECTION AA BACK
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A300a	6
Project no.	Drawing Phase.	Drawing No.	Rev



0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

1 A301 SECTION BB
SCALE 1 : 100

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

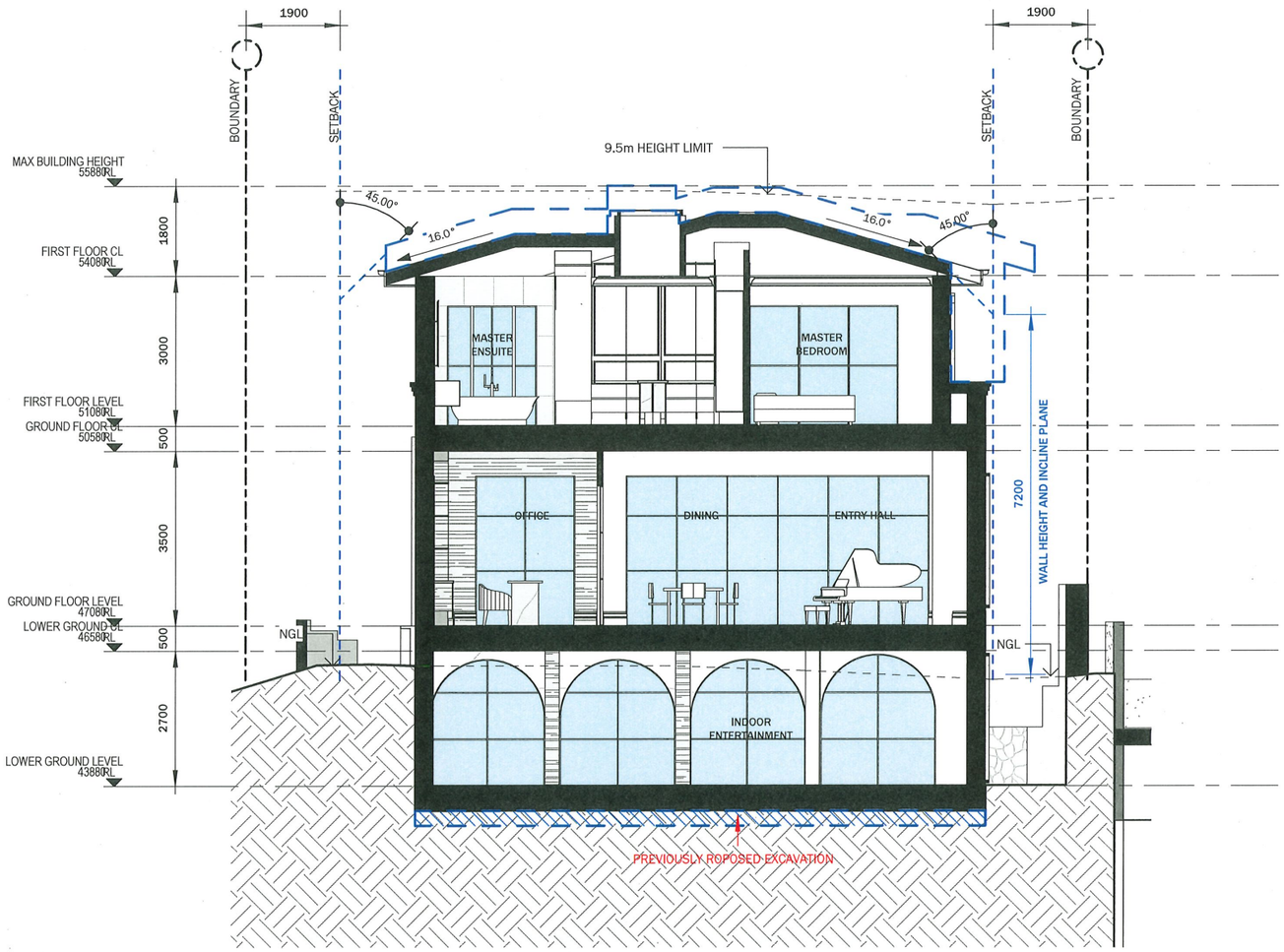
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SECTION BB
NOT FOR CONSTRUCTION
Scale 1:100 @A3 | Date: 03.09.24

2314	DA	A301	6
Project no.	Drawing Phase.	Drawing No.	Rev



1 / A302 SECTION CC
SCALE 1 : 100

0 1000 2000 3000mm
SCALE 1:100 AT ORIGINAL SIZE

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation. Luxitecture, is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards. Luxitecture, is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	*ISSUED FOR RFI*	*03.09.24*

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

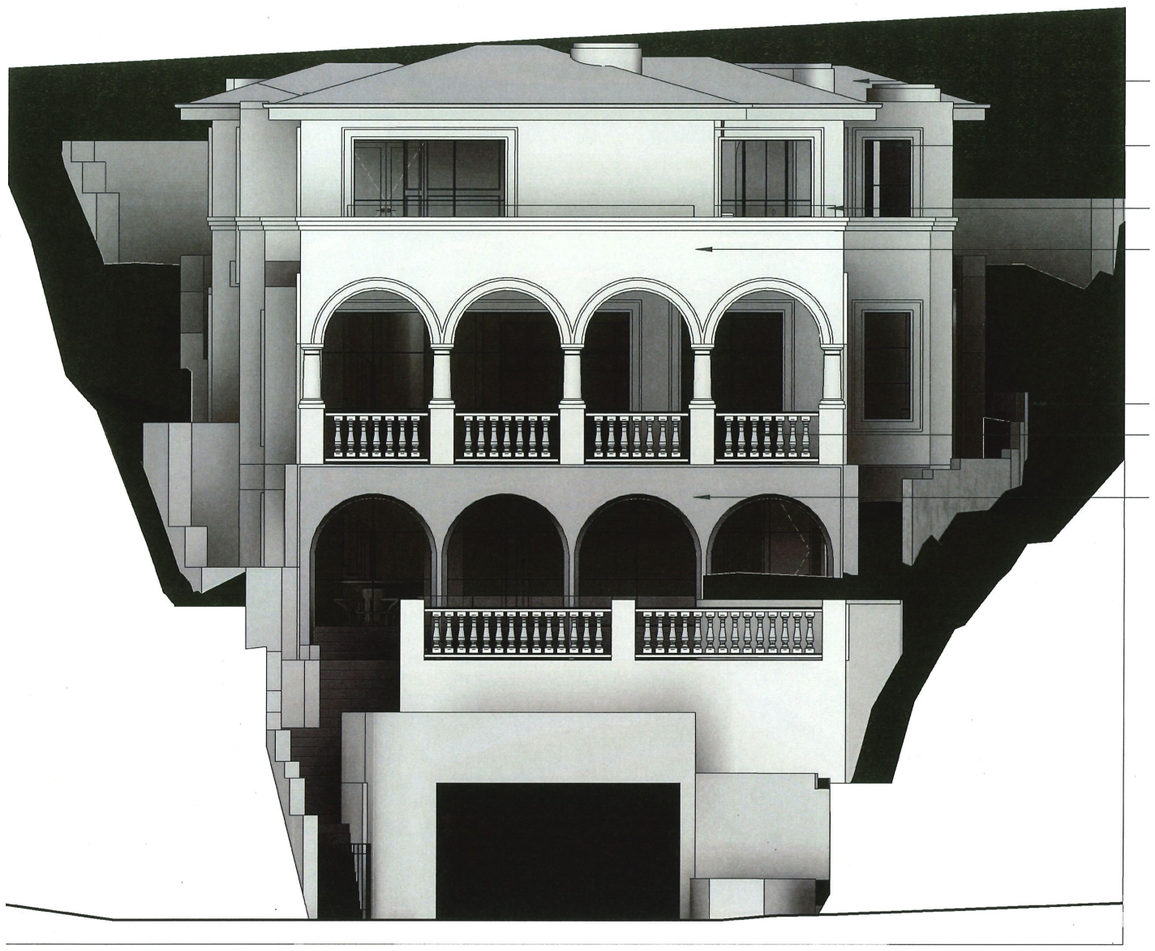
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
SECTION CC
NOT FOR CONSTRUCTION

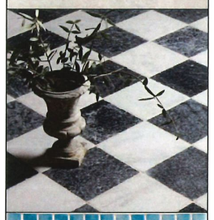
Scale 1:100 @A3	Date: 03.09.24		
2314 Project no.	**DA** Drawing Phase.	**A302** Drawing No.	6 Rev



CODE: EXF-06
MATERIAL: SPLIT FACE STONE CLADDING
COMPANY: ECO-OUTDOOR
LOCATION: RETAINING WALLS AND FRONT GARAGE WALLS
FINISH: ECO OUTDOOR - BODEGA NATURAL - NEUTRAL OR CREAM TONES OR SIMILAR

CODE: EXF-07
MATERIAL: TRAVERTINE STONE CLADDING
LOCATION: LOWER GROUND EXTERIOR WALLS
FINISH: ARTEDOMUS TRAVERTINE ZENA WHITE OR SILVER TRAVERTINE, NEUTRAL OR GREY TONES OR SIMILAR

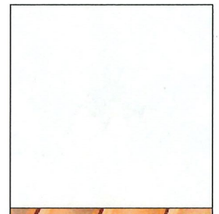
CODE: EXF-08
MATERIAL: LIMESTONE EXTERIOR TILE
LOCATION: EXTERIOR TERRACE AND BALCONIES ON GROUND AND FIRST FLOOR.
FINISH: ECO-OUTDOOR DURO LIMESTONE LIGHT TO NEUTRAL TONES OR SIMILAR



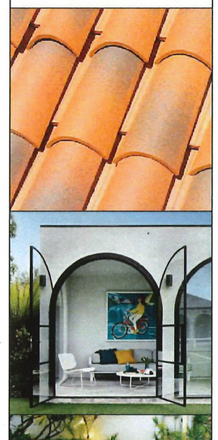
CODE: EXF-09
MATERIAL: CHECKERED EXTERIOR TILE
LOCATION: EXTERIOR TERRACE AND BALCONIES ON GROUND AND FIRST FLOOR.
FINISH: MARBLE OR SIMILAR

CODE: EXF-10
MATERIAL: PORCELAIN MOSAIC POOL TILE
LOCATION: POOL
FINISH: MOSAIC OR SIMILAR

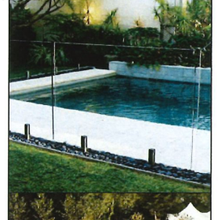
CODE: EXF-01
MATERIAL: CEMENT RENDER
LOCATION: LOWER GROUND, GROUND FLOOR AND FIRST FLOOR EXTERIOR WALLS THROUGHOUT
FINISH: WHITE/BEIGE OR SIMILAR



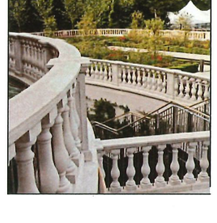
CODE: EXF-02
MATERIAL: TERECOTTA ROOF TILE
LOCATION: ROOFS THROUGHOUT
FINISH: BRISTILE MEDIO CURVO 160mm JASPEE ROJA OR SIMILAR



CODE: EXF-03
MATERIAL: STEEL FRAME DOOR / WINDOWS
LOCATION: WINDOWS / DOORS THROUGHOUT
FINISH: STEEL FRAME POWDERCOATED BLACK



CODE: EXF-04
MATERIAL: GLASS BALUSTRADE
LOCATION: POOL FENCE AND FIRST FLOOR BALCONIES
FINISH: CLEAR GLASS WITH ANONDISED CLEAR SPIGOTS



CODE: EXF-05
MATERIAL: STONE BALUSTRADE
LOCATION: GROUND FLOOR TERRACE AND OUTDOOR LIVING BALCONIES
FINISH: STUCCO WHITE RENDER / WHITE STONE OR SIMILAR

1 / A900 MATERIAL / FINISHES ELEVATION
SCALE 1 : 100

FOR DEVELOPMENT APPLICATION

Notes

1) Do not scale from drawing, use marked dimensions and levels. To be read in conjunction with all consultants' documentation.
Luxitecture. is to be immediately notified of any discrepancies.
2) Contractor to verify all dimensions, coordinate services and components prior to commencement of site work or off-site fabrication and installation.
3) All construction must be built to minimum requirement set outs by the Building Code of Australia and relevant Australian Standards.
Luxitecture. is to be notified immediately of any discrepancies to the above, and confirmation sought.
4) Copyright on this drawing and design retained by Luxitecture.

Rev	DESCRIPTION	Date
1	ISSUED FOR REVIEW	22.09.23
2	ISSUED FOR REVIEW	28.09.23
3	ISSUED FOR REVIEW	24.10.23
4	ISSUED TO CONSULTANTS	30.10.23
5	ISSUED FOR DA	11.03.24
6	ISSUED FOR RFI	03.09.24

www.luxitecture.com.au
anthony@luxitecture.com.au

LUXITECTURE

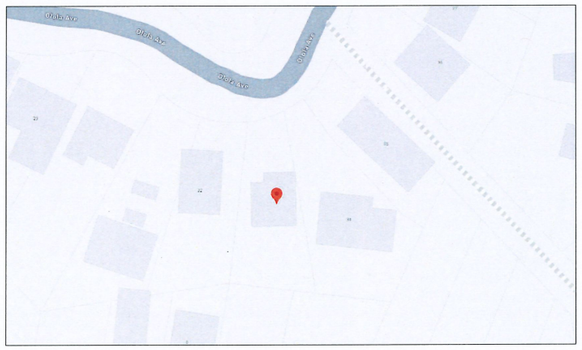
True North

Drawn: BB | Checked: AM

Project
2314
VAUCLUSE HOUSE
Client
LEAH & ALEX BISCHOFF
Address
33 OLOLA AVENUE
VAUCLUSE, 2030

Drawing Title
FINISHES SCHEDULE
NOT FOR CONSTRUCTION
Scale @A3 | Date: 03.09.24

2314	DA	A900	6
Project no.	Drawing Phase.	Drawing No.	Rev



SITE LOCATION
NTS|GOOGLE MAPS

DRAWING SCHEDULE

OA_033_01	COVER PAGE
OA_033_10	LANDSCAPE PLAN
OA_033_39	TYPICAL DETAILS

GENERAL NOTES

- NOT FOR CONSTRUCTION
- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S AND ADDITIONAL CONSULTANT'S DRAWINGS, SPECIFICATIONS AND REPORTS
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT
- PERFORM EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES WITH CARE AND IF NECESSARY, BY HAND. THE CONTRACTOR BEARS FULL RESPONSIBILITY FOR THIS WORK AND DISRUPTION OR DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AT NO EXPENSE TO THE OWNER
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT
- STUDIO BOTANICA TO REVIEW PLANT MATERIALS AT SOURCE OR BY PHOTOGRAPHS PRIOR TO PURCHASE AND DELIVERY
- EXACT LOCATIONS OF NEW PLANT MATERIAL TO BE SETOUT AND APPROVED BY STUDIO BOTANICA ONSITE PRIOR TO INSTALLATION. STUDIO BOTANICA RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION ONSITE

PLANT SCHEDULE

TREES						
CODE	BOTANIC NAME	COMMON NAME	QTY	POT SIZE	MATURE HEIGHT	COMMENTS
AC	Angophora costata	Sydney Red Gum	2	200L	15-20m	
CC	Cyathea cooperi	Tree Fern	7	200L	5-8m	
CSC	Cupressus sempervirens Compacta	Dwarf Mediterranean Cypress	60	200L	5-7m	
GF	Glochidion ferdinandi	Cheese Tree	1	200L	8m	
LI	Lagerstroemia indica	Crepe Myrtle	3	200L	6m	
OE	Olea europaea	Olive Tree	2	200L	3m	
PR	Phoenix roebelenii	Pygmy Date Palm	4	200L	3m	
PRE	Phoenix reclinata	Senegal Date Palm	1	Mature Multistem	8-10m	
WF	Waterhousia floribunda	Weeping Lilly Pilly	8	200L	4m	
SHRUBS AND PERRENIALS						
CODE	BOTANIC NAME	COMMON NAME	QTY	POT SIZE	MATURE HEIGHT	
Aa	Agave 'Blue Wave'	Agave 'Blue Wave'	12	200mm	1m	
Ae	Aspidistra elatior	Cast Iron Plant	15	200mm	1m	
As	Adenanthos sericeus	Woolly Bush	36	200mm	1.6m	
Bm	Buxus macrophylla 'Balls'	Buxus Balls	21	300mm	0.8m	
Bs	Blechnum gibbum 'Silver Lady'	Silver Lady Fern	45	200mm	1m	
No	Nerium oleander 'White'	Nerium	11	300mm	2m	
Re	Raphis excelsa	Lady Palm	15	200mm	2m	
Ro	Raphiolepis indica 'Oriental Pearl'	Indian Hawthorn	21	300mm	0.8m	
Tf	Teucrium fruticans	Tree Germander	10	200mm	1.2m	
Wf	Westringia fruiticosa	Coastal Rosemary	48	200mm	1m	
GROUNDCOVERS & CLIMBERS						
CODE	BOTANIC NAME	COMMON NAME	QTY	POT SIZE	MATURE HEIGHT	
Pt	Parthenocissus tricuspidata	Boston Ivy	15	150mm	Climber	
Pte	Pachysandra terminalis	Japanese Spurge	50	150mm	Groundcover	
Rop	Rosmarinus officinalis 'Prostatus'	Creeping Rosemary	92	140mm	Groundcover	
Vh	Viola hederacea	Native Violet	250	140mm	Groundcover	
MULCH						
Greenlife Mulch and Compost						

TREE SCHEDULE

CODE	BOTANIC NAME	COMMON NAME	Height (m)	Spread (m)	Remove/Retain
T1	Cupressus leylandii	Leyland Cypress	3 to 5	-	Retain
T2	Castonespermum australe	Black Bean Tree	12	5	Retain
T3	Castonespermum gummiferum	NSW Xmas Bush	10	8	Remove
T4	Syzigium australe	Bush Berry	5	-	Remove
T5	Camelia sasanqua	Camellia	5	6	Retain
T6	Camelia japonica	Camellia	5	8	Remove
T7	Glochidion ferdinandii	Cheese Tree	10	10	Remove
T8	Cupressus sempevirens	Pencil Pine	9+	3	Remove
T9	Liquidamber styraciflua	Liquid Amber	10	7	Remove
T10	Cupressus sempevirens	Pencil Pine	11+	4	Remove
T11	Cupressus sempevirens	Pencil Pine	10	4	Remove
T12	Liquidamber styraciflua	Liquid Amber	10	7	Remove
T13	Cupressus leylandii	Leyland Cypress	4+		Remove
T14	Jacaranda mimisifolia	Jacaranda	10	14	Retain
T15	Angophora costata	Sydney Red Gum	10	14	Remove

DRAINAGE AND IRRIGATION NOTES

- REFER TO CIVIL ENGINEER'S UTILITY AND DRAINAGE PLANS FOR UTILITY LOCATION AND DRAINAGE INFORMATION.
- REQUIREMENTS FOR LANDSCAPE DRAINAGE TO BE CONFIRMED ONSITE UNLESS OTHERWISE SHOWN ON THE LANDSCAPE PLANS
- TREE PITS THAT HAVE BEEN EXCAVATED INTO HEAVY EARTH OR STONE TO CONTAIN A RING OF AG PIPE LAID AT THE INVERT OF THE PIT WITHIN A MINIMUM 200mm LAYER OF FREE DRAINING MATERIAL. AG PIPE TO BE CONNECTED TO A DRAINAGE OUTLET (REFER TO TYPICAL TREE PIT DRAINAGE SECTION)
- WATER / IRRIGATION CONTROLLER POINTS SHOWN INDICATIVELY ONLY. EXACT LOCATION TO BE CONFIRMED ONSITE
- ALL POTS TO HAVE AN IRRIGATION ALLOWANCE (SHRUBBLERS OR DRIP)
- FOR POTS LOCATED ON PAVED SURFACES, TYPICAL PAVING IRRIGATION DETAIL TO BE USED AS SHOWN
- POTS ADJACENT TO GARDEN BEDS TO BE IRRIGATED VIA IN GARDEN IRRIGATION SYSTEM
- ALL LAWN AREAS TO HAVE POPUP ROTORS
- ALL GARDEN BEDS TO HAVE FIXED SOLID RISERS WITH SPRAYS
- LOCATIONS OF IRRIGATION LINES, VALVES, SPRAY HEADS ETC ARE SHOWN INDICATIVELY ONLY. THE EXACT LOCATION AND FREQUENCY OF THE ABOVE TO BE NOMINATED BY THE IRRIGATION PROVIDER
- REFER TO IRRIGATION PLAN FOR FURTHER DETAIL

AMENDMENTS

A - ISSUED	FOR DA	01.03.24
B - ISSUED	FOR DA	11.04.24
C - ISSUED	FOR DA	29.08.24
D - ISSUED	FOR DA	30.09.24

STUDIO BOTANICA
Sydney | Melbourne | Dubai
Studio Botanica Pty Ltd
1709 Belmont Street
Alexandria NSW 2015 Australia
+61 (0)480 906 111
office@studiobotanica.com.au
www.studiobotanica.com.au

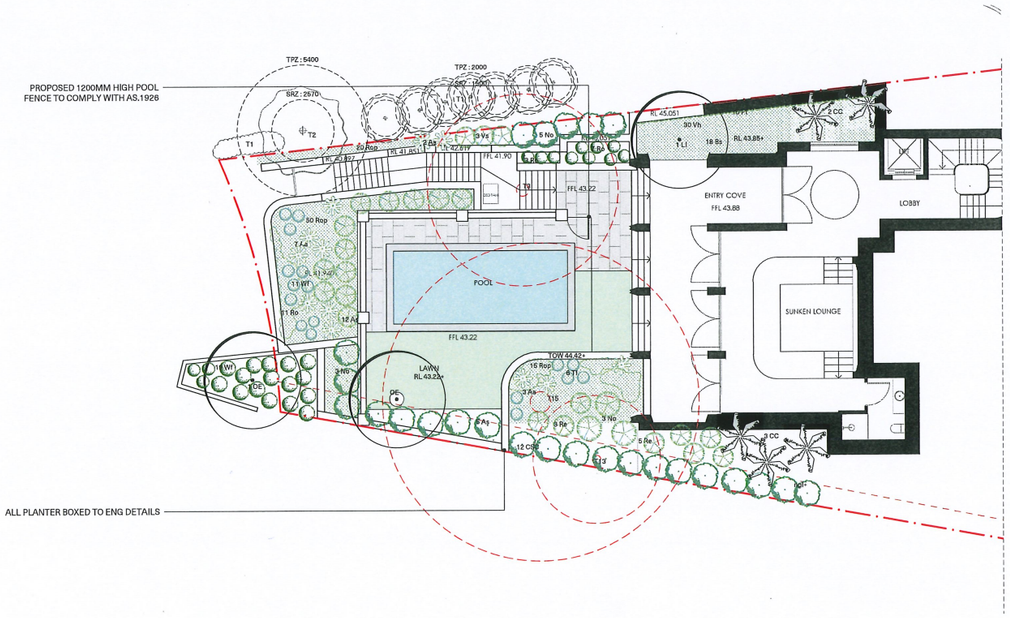
PROJECT
Mr. & Mrs. Bischoff
33 Olola Avenue
Vaucluse NSW 2030

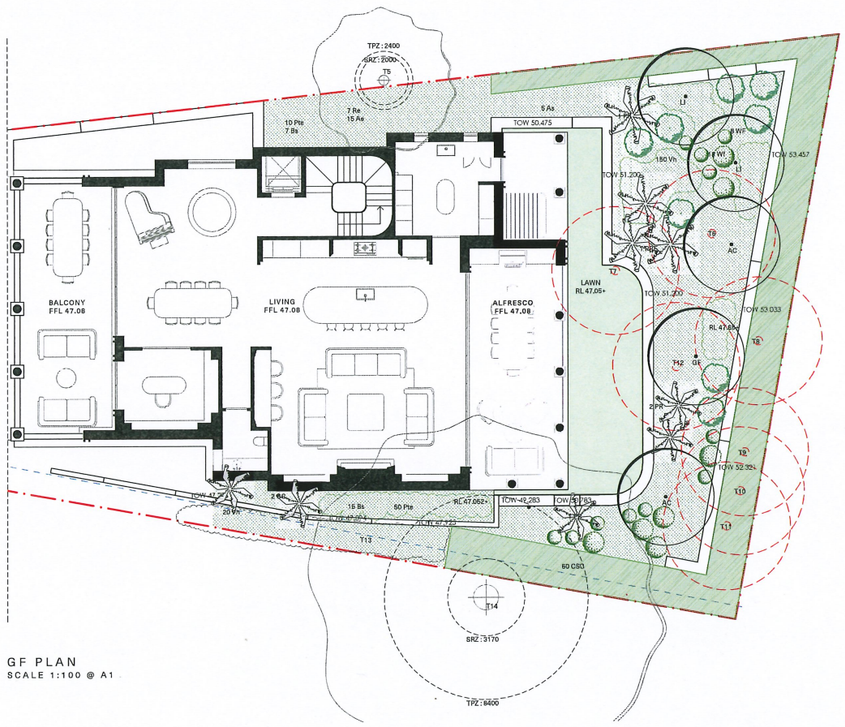
Luxitexture

Drawing
COVER PAGE

Scale	Drawn	Checked	Revision	Project No.	Drawing No.
	AB	AB	D	OA_033	01

Studio Botanica must be present on-site for the positioning of all plants.
Contact designer if discrepancies occur between landscape and consultants documents.
Builder to check and verify all dimensions on site prior to construction.
This drawing is copyright.





LEGEND

- PROPOSED TREES
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED WITH COUNCIL'S APPROVAL
- SEWER LINE

AMENDMENTS

A - ISSUED	FOR DA	01.03.24
B - ISSUED	FOR DA	11.04.24
C - ISSUED	FOR DA	29.08.24
D - ISSUED	FOR DA	20.08.24
E - ISSUED	FOR DA	03.09.24

STUDIO BOTANICA
Sydney | Melbourne | Dubai
Studio Botanica Pty Ltd
1/309 Belmont Street
Alexandria NSW 2015 Australia
+61 (0)402 006 111
office@studiobotanica.com.au
www.studiobotanica.com.au

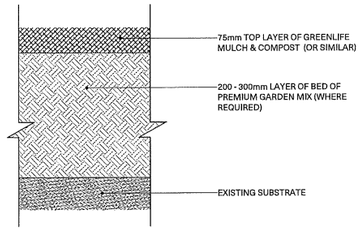
PROJECT
Mr. & Mrs. Bischoff
33 Olola Avenue
Vaucluse NSW 2030

Architect
Luxitexture

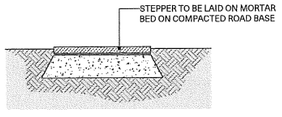
Drawing
LANDSCAPE PLAN

Scale	Drawn	Checked	Revision	Project No.	Drawing No.
NOTED	AB	AB	E	OA_033	10

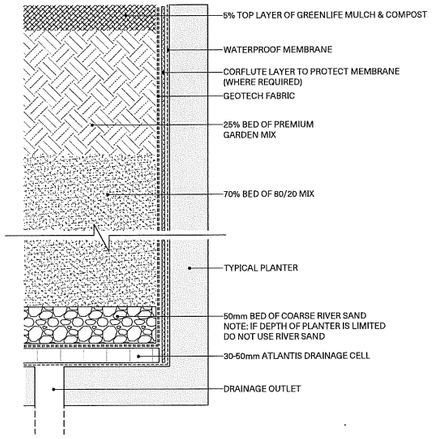
Studio Botanica must be present on-site for the positioning of all plants.
Contact designer if discrepancies occur between landscape and consultants documents.
Builder to check and verify all dimensions on site prior to construction.
This drawing is copyright.



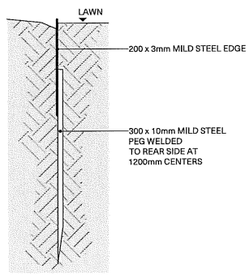
TYPICAL GARDEN SOIL PROFILE
SCALE: 1:5 @ A1



TYPICAL GARDEN STEPPER
SCALE: 1:10 @ A1



TYPICAL PLANTER SOIL PROFILE
SCALE: 1:5 @ A1



TYPICAL STEEL EDGE
SCALE 1:5 @ A1

AMENDMENTS
A - ISSUED FOR DA 01.03.24

STUDIO BOTANICA
Sydney | Melbourne | Dubai
Studio Botanica Pty Ltd
1/200 Belmont Street
Alexandria NSW 2015 Australia
+61 (0)420 048 181
office@studiobotanica.com.au
www.studiobotanica.com.au

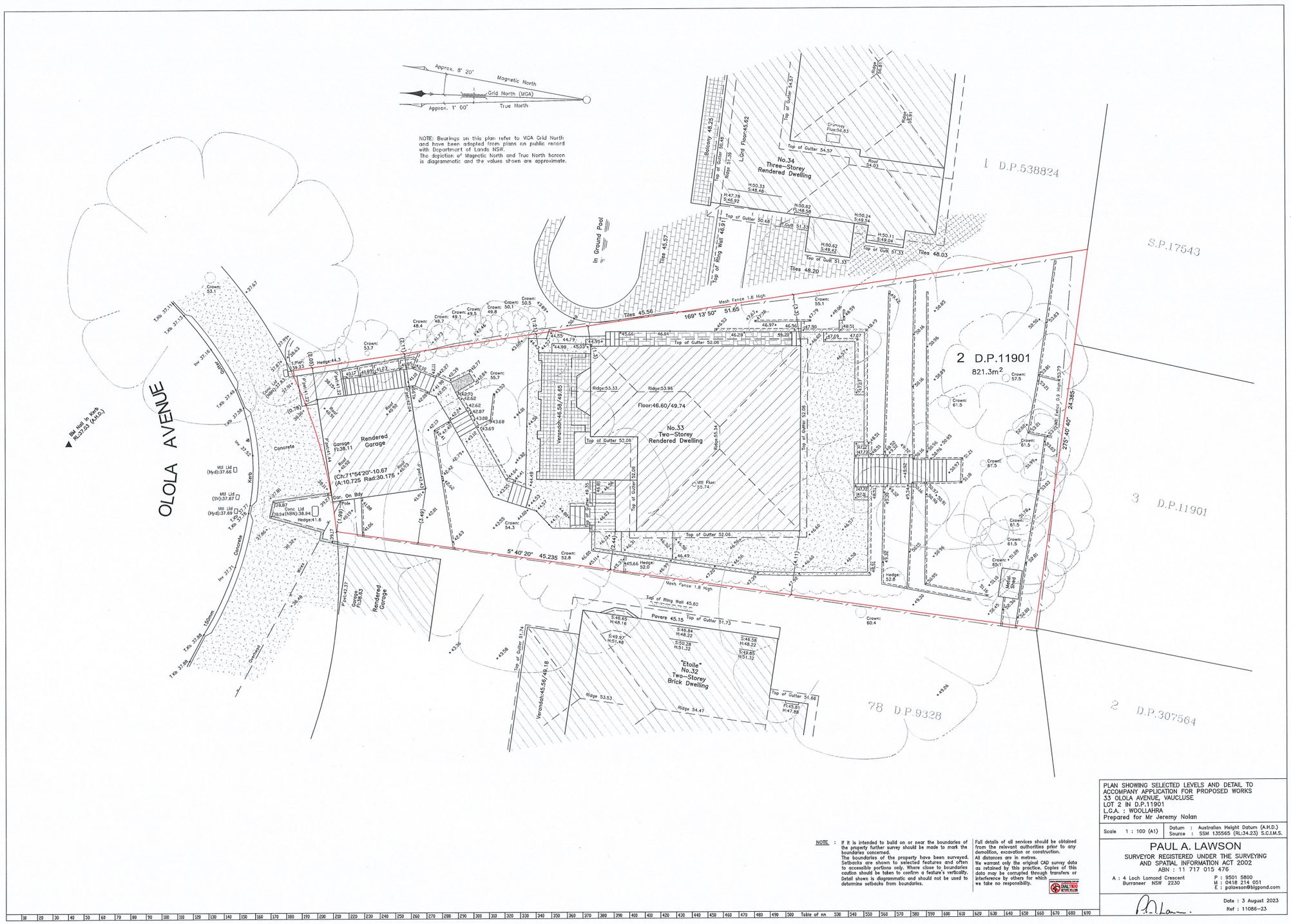
PROJECT
Mr. & Mrs. Bischoff
33 Olola Avenue
Vaucluse NSW 2030

Architect
Luxitexture

Drawing
TYPICAL DETAILS

Scale	Drawn	Checked	Revision	Project No.	Drawing No.
NOTED	AB	AB	A	OA_033	39

Studio Botanica must be present on-site for the positioning of all plants.
Contact designer if discrepancies occur between landscape and consultants documents.
Builder to check and verify all dimensions and levels prior to construction.
This drawing is copyright.



NOTE : If it is intended to build on or near the boundaries of the property further survey should be made to mark the boundaries concerned.
The boundaries of the property have been surveyed. Setbacks are shown to selected features and often to accessible portions only. Where close to boundaries caution should be taken to confirm a feature's verticality. Detail shown is diagrammatic and should not be used to determine setbacks from boundaries.

Full details of all services should be obtained from the relevant authorities prior to any demolition, excavation or construction.
All distances are in metres.
We warrant only the original CAD survey data as retained by this practice. Copies of this data may be corrupted through transfers or interference by others for which we take no responsibility.

PLAN SHOWING SELECTED LEVELS AND DETAIL TO ACCOMPANY APPLICATION FOR PROPOSED WORKS
33 OLOLA AVENUE, VAUCLUSE
LOT 2 IN D.P.11901
L.G.A. : WOOLLAHRA
Prepared for Mr Jeremy Nolan

Scale 1 : 100 (A1)
Datum : Australian Height Datum (A.H.D.)
Source : SSM 135565 (RL:34.23) S.C.I.M.S.

PAUL A. LAWSON
SURVEYOR REGISTERED UNDER THE SURVEYING AND SPATIAL INFORMATION ACT 2002
ABN : 11 717 015 476
A : 4 Loch Lomond Crescent
Burraneer NSW 2230
P : 9501 5800
M : 0418 214 051
E : palawson@bigpond.com

Date : 3 August 2023
Ref : 11086-23

Woollahra Municipal Council

20 June 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 140/2024/1
ADDRESS:	33 Olola Avenue VAUCLUSE 2030
PROPOSAL:	The demolition of an existing dwelling house and ancillary structures, the construction of a dwelling house and pool and landscaping works
FROM:	W Huynh
TO:	K Qi

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 23485-Issue D, prepared by GSA Planners, dated 23/04/2024.
- Revised Architectural Plans, referenced 2314-Rev 6, prepared by Luxitecture, dated 09/03/2024.
- Survey Plan, referenced 11086-23, prepared by Paul A. Lawson, dated 03/08/2023.
- Stormwater Management Plan, referenced 23H5206-Rev A, prepared by Hyten Engineering, dated 24/04/2024.
- Stormwater Design Certificate, referenced 23H5206.SW-DC2, prepared by Hyten Engineering, dated 24/04/2024.
- Geotechnical Report, referenced G23092VAU-R01F, prepared by Geo-Environmental Engineering, dated 12/03/2024.

3. ASSESSMENT

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

a. Site Drainage comments

This proposal is a new development on a lot greater than 500 m^2, in which case the installation of On-site Stormwater Detention (OSD) system including rain garden is required. It is noted from the submitted stormwater plans that a rainwater tank will be installed to fully offset the OSD system. As such, the applicant has proposed to increase the storage capacity of the rainwater tank by 1.5 times of the OSD storage to comply with the Council's DCP, which is considered acceptable.

Woollahra Municipal Council

The provision of a rain garden has not substituted with an increased storage capacity and no rain garden has been provided. As such, conditions will be imposed to ensure that the provision of a rain garden is fully substituted with an increased storage capacity.

It is noted from the submitted stormwater management plan that stormwater runoff will be discharged to the street kerb, in which case conditions will be imposed to ensure all below ground structures are fully tanked or appropriately constructed so that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter.

Due to site constraints preventing the installation of a kerb inlet pit along the site's frontage, which would allow for an underground connection and because the proposed kerb outlet is in close proximity to an existing downstream kerb inlet pit, Council's Infrastructure Assets Team Leader has no objections to a discharge rate to the street kerb exceeding 20 l/s.

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

b. Flooding & Overland Flow comments

Not relevant

c. Impacts on Council Infrastructure comments

The applicant seeks to replace an existing double garage as part of this application. It is noted from the submitted architectural plans that there are no proposed changes to the existing vehicular crossing. Based on Council's own assessment, the existing vehicular crossing, layback and gutter is deemed to be serviceable. Therefore, the applicant is not required to upgrade the existing crossing as part of this application.

It is noted that there is an existing encroachment on the road reserve within the frontage of the property containing retaining walls and vegetation. In light of the existing communications infrastructure located within the encroachment and the containment of a retaining wall located on the neighbouring property, Council's Infrastructure Assets Team Leader has no objections to the encroachment in its current form subject to the imposition of a positive covenant.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

The proposed parking arrangement is considered generally satisfactory. However, conditions will be imposed to ensure that the parking spaces are clear of any obstructions. In particular, the proposed hinged door must not encroach into the parking spaces.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Geo-Environmental Engineering, Ref: G23092VAU-R01F, dated 12 March 2024, has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 4.5 metres from the existing ground surface for the rear yard.

Woollahra Municipal Council

The report identified that the subsurface conditions as:

a) Fill comprising silty sand to a depth of 0.4m, 0.4m, and 0.7m in BH1, BH2 and BH3 respectively.
b) Depth of natural sand with various density from a depth beneath the fill to a termination depth of 2.2m, 2.9m and 3.6m in BH1, BH2 and BH3 respectively.
c) Sandstone bedrock was inferred beneath the natural sand at depths ranging between 2.2m and 3.6m.
d) Groundwater other than perched seepage was not observed during the investigation.

The report made comments and recommendations on the following:

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

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

4. RECOMMENDATION

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

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting documents

Reference	Description	Author	Date
G23092VAU-R01F	Geotechnical Report	Geo-Environmental Engineering	12/03/2024
23H5206	Stormwater Management		
SW00-Rev A	Plans		24/04/2024
SW01-Rev A			24/04/2024
SW02-Rev A			24/04/2024
SW03-Rev A			24/04/2024
SW04-Rev A			24/04/2024

A.8 Ancillary Aspects of Development (section 4.17(2) of the Act)
A.31 No Underpinning Works

B. BEFORE DEMOLITION WORK COMMENCES

B.4 Erosion and Sediment Controls - Installation
B.7 Public Road Assets Prior to Any Work/Demolition

B.14 Payment of Security and Fees

Property Damage Security Deposit (S138)	$82,225	No	T115

Woollahra Municipal Council

B.16 Dilapidation Reports for Existing Buildings

B. 16.	**Dilapidation Reports for Existing Buildings**
	Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer. These properties must include (but is not limited to): a) No. 32 Olola Avenue b) No. 34 Olola Avenue c) No. 8 Hopetoun Avenue d) No. 10 Hopetoun Avenue e) No. 12 Hopetoun Avenue Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access. The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work. No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies). **Notes:** • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
	Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

B.18 Adjoining buildings founded on loose foundation materials
B.21 Work (Construction) Zone – Approval & Implementation

Woollahra Municipal Council

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.13 Road and Public Domain Works

D. 13.	**Road and Public Domain Works**

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

a) If the existing vehicular crossing including layback and gutter is damaged during construction, the applicant must reconstruct the entire vehicular crossing in accordance with Council's standard drawing RF2_D, Crossing Specification and to the satisfaction of Council's Assets Engineers. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment,

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

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

c) 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,

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

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			

Woollahra Municipal Council

Infrastructure Works Bond - completing any public work required in connection with the consent.	$ Nil	No	T113
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	$ Nil	No	T113
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	$ 674		

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

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

Notes:
- ***Road*** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.
- Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically:
- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip
- An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed

Woollahra Municipal Council

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

Woollahra Municipal Council

	• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D.25 Erosion and Sediment Control Plan – Submissions & Approval
D.36 Professional Engineering Details
D.37 Engineer Certification

D.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

D. 40.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide details of cut-off walls or similar controls prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. e) Provide a Geotechnical and Hydrogeological Monitoring Program that:

Woollahra Municipal Council

	• will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D.45 Parking Facilities

D. 45.	**Parking Facilities**
	Prior to issue of any Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following: a) The proposed double garage must have minimum dimensions of 5.4m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the revised architectural plans. In particular, the proposed hinged door must not encroach into the parking envelopes. The proposed off-street parking spaces and vehicular access shall be designed in compliance with AS/NZS 2890.1: *Parking Facilities - Off-Street Car Parking*. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent. **Note**: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

Woollahra Municipal Council

	Note: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with. **Note**: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

D.51 Stormwater Management Plan

D. 51.	**Stormwater Management Plan**
	Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following: a) General design in accordance with stormwater management plans, referenced 23H5206-Rev A, prepared by Hyten Engineering, dated 24/04/2024, other than amended by this and other conditions. b) All below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings. c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet will be permitted. The kerb discharge must be located within the frontage of the site. d) A minimum 600mm x 600mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3. e) The installation of rainwater tank (RWT) with a minimum storage volume of $25m^3$ to comply with Chapter E2.2.4 and Chapter E2.2.3 of the Council's DCP. Runoff from all roof areas must be collected and directed to the required RWT for non-potable uses such as toilet flushing, laundry devices and garden irrigation etc. Notation and details of these requirements must be clearly depicted on the drawings. Overflow from the RWT must be directed to the proposed boundary junction pit by gravity. f) The provision of raingarden must be provided prior to discharging to the street drainage system to comply with Chapter E2.2.3 of the Council's DCP. Alternatively, the minimum storage volume of the rainwater tank must be increased to $30.8m^3$. g) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans.

Woollahra Municipal Council

h) The dimensions of all drainage pits and access grates must comply with AS3500.3.

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

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

Rainwater Tank (RWT) Requirements
The minimum storage volume for the required rainwater tank (RWT) must be 30.8m^3 and the Permissible Site Discharge (PSD) for the proposed development must not exceed 28l/s.

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

Layout Plan
A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:
a) All pipe layouts, dimensions, grades, lengths and material specification.
b) Location of proposed rainwater tanks.
c) All invert levels reduced to Australian Height Datum (AHD).
d) Location and dimensions of all drainage pits.
e) Point and method of connection to Councils drainage infrastructure.
f) Overland flow paths over impervious areas.

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

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

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

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

Woollahra Municipal Council

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

D.52 Non-gravity Drainage Systems

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

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

F.33 Shoring and Adequacy of Adjoining Property

F. 33.	**Shoring and Adequacy of Adjoining Property**
	While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense: a) protect and support the adjoining premises from possible damage from the excavation. For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land. **Notes:** • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
	Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works
G.29 Works within Public Land (including Council, State or Federal owned land or property)
G.31 Covenant for Private Works on Council Property

Woollahra Municipal Council

G.32 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

G. 32.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the rainwater tank, c) that all below ground structures with habitable or non-habitable floor spaces are fully tanked such that subsoil drainage/seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings, d) that a rainwater tank with minimum storage of 30.8m^3 has been constructed in accordance with the approved stormwater plans, e) that runoff from all roof areas has been collected to the as-built rainwater retention and reuse system which has been plumbed into all toilet flushing, laundry and garden irrigation etc., f) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans, g) that the works have been constructed in accordance with the approved design and will provide the retention storage volume and attenuation in accordance with the submitted calculations, h) pipe invert levels and surface levels to Australian Height Datum, and i) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the rainwater retention and reuse system. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

Woollahra Municipal Council

H. OCCUPATION AND ONGOING USE

H.29 Ongoing Maintenance of the Rainwater Retention and Reuse System

H. 29.	**Ongoing Maintenance of the Rainwater Retention and Reuse System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily retained and reused by the System; b) Keep the system clean and free of silt rubbish and debris, c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant. g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. The owner: a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Woollahra Municipal Council

3 October 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO:	**Development Applications:** 140/2024/1
ADDRESS:	33 Olola Avenue VAUCLUSE 2030
PROPOSAL:	The demolition of an existing dwelling house and ancillary structures, the construction of a dwelling house and pool and landscaping works
FROM:	David Prieto - Tree Management & Landscape Officer
TO:	K Qi

1. ISSUES

- Proposed entry stairs have not been modified to reduce the level of excavation within the TPZ and SRZ of Tree No.2. The proposal is supported subject to amended plans being submitted before Construction Certificate.
- Revised Landscape Plan with an advanced *Angophora costata* (Sydney Red Gum) planted within the front setback of the property instead of the proposed olive tree.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by GSA Planning, dated 23/04/2024
- Survey Plan No.11086-23, drafted by Paula A. Lawson, dated 03/08/2023
- Architectural Plans Rev 6, drawn by Luxitecture, dated 30/08/2024. Drawing Nos:

A001	A002	A003	A004	A005	A006	A007	A008	A010	A011
A012	A013	A020	A021	A030	A100	A101	A102	A103	A104
A105	A200	A201	A203	A204	A300	A300a	A301	A302	A900

- Stormwater drainage Plan Nos. SW 00, SW 01, SW 02, SE 03 & SW 04 Rev A, drawn by Hyten Engineering, dated 08/02/2024
- Arboricultural Impact Appraisal, Root Investigation and Method Statement, written by Naturally Trees, dated 03/09/2024
- Landscape Plan Nos. 01, 10 & 39 rev D, designed by Studio Botanica, dated 30/08/2024

A site inspection was carried out on 30/05/2024.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014

Woollahra Municipal Council

- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites
- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

4. SUMMARY

The proposal is for demolition of all structures and construction of a dwelling house, garage and pool, including extensive excavation, construction of retaining walls, removal of all trees and landscape works.

A total of fifteen (15) trees have been found located within and adjacent to the site. All the trees on the property will be removed (11) and four (4) trees on the adjacent properties being retained and protected.

Amendments to the proposed stairs and associated retaining walls were required in order to reduce the level of excavation within the TPZ and within the SRZ of Tree No.2; however, the plans have not been modified. The proposal can only be supported subject to amended plans being prepared and provided to Council before the issue of a Construction Certificate.

The retaining walls at rear have been modified in conjunction with the new consulting arborist to reduce the level of encroachment into the TPZ of Tree No.14.

The removal of heritage listed Tree No.15 will now be supported as additional information has been provided by two additional consulting arborists on the health and condition of the tree. The Landscape Plan shall be modified to include an *Angophora costata* (Sydney Red Gum) within the front setback to offset the loss of this tree.

Council's Tree and Landscape Officer has determined that the development proposal is partially satisfactory in terms of tree preservation and landscaping. However, design modifications are required to the Landscape Plan and Architectural Plans prior to the issuing of the Construction Certificate to ensure Tree No.2 is not adversely impacted by the proposed works.

5. COMMENTS

This referral response shall be read in conjunction with the previous referral response dated 074/06/2024.

Trees & Arboricultural Impact Assessment report

Woollahra Municipal Council

- Tree No.1 *Cupressocyparis leylandii* (Leyland Cypress) is a group of trees forming a hedge located on the adjacent property at 34 Olola Avenue. They are proposed to be retained and protected. The section of the hedge closer to the street and north of Tree No.2 has individual plants with heights equal or greater than 5m, while the remaining part of the hedge has heights lower than 5m and therefore exempt from protection. Proposed works for the new retaining wall will be conditioned to be done under arborist supervision to minimise root disturbance.

- Tree No.2. *Brachychiton acerifolius* (Illawarra Flame tree) is a semi-mature tree located on the adjacent property at 34 Olola Avenue.

  Amended plans were required to be provided to reduce the level of excavation behind the existing retaining wall within the TPZ of the tree, however the plans do not include these changes.

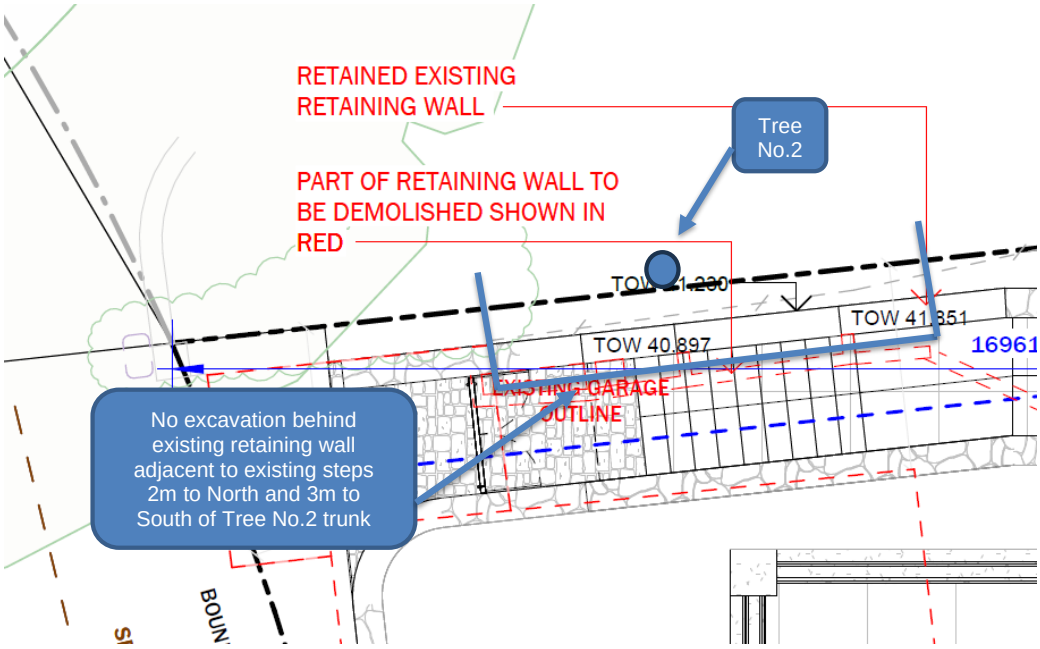
  As per 3.2.2 of the Arboricultural Impact Assessment Report, written by Naturally Trees, dated 03/12/2024, the consulting arborist supports the proposed stairs as "*the roots are restricted from entering the subject site due to an existing, substantial retaining wall that is proposed to be retained*". However, this is inconsistent with architectural plans rev.6 that shows the wall being demolished.

  Amended plans show the demolition of a section of the existing garden beds for the new steps and the same new wall proposed along the boundary with the following note "retained existing wall". The plans cannot be supported in their current for as:

  - The location of the tree on the Survey plan is not consistent with findings onsite. It is actually located near the shared boundary and much closer to the proposed works.
  - Demolition plan No.A100 rev.6 has been modified to show that only the western section of the existing garden beds adjacent to the entry stairs are now proposed to be demolished with a new note indicating that the eastern section is proposed to be retained. This is inconsistent with Drawing Nos. A101 & A102 rev.6 where a masonry wall (same as in Rev.5) is proposed to be built at 0.217m from the shared boundary and approximately 1.0m below existing levels considering the levels of the new steps opposite to the tree trunk and footings.

  The new wall, same as on rev.5, requires approximately 0.5m excavation behind the back of the existing retaining wall within the TPZ and within the SRZ where woody structural roots are expected to be found. This is considered to be an unstainable impact to the tree. Amended plans shall be prepared and provided before construction certificate with the new wall shown approximately at the same location as the existing minimising excavation behind the existing wall 2m to North and 3m to South of the trunk of the tree.

Woollahra Municipal Council



- Tree No.5 *Camellia sasanqua* (Camelia). The tree is shown for removal, however it should be reetaind as it was found to be located within the rear setback of 34 Olola Av. and adjacent to the shared fence line. Roots have been contained by the existing retaining wall at rear. The new dwelling house wall to east and retaining walls to south do not require excavation behind existing walls, thefore, the tree can be retained and plans supported.

- Tree No.14 *Jacaranda mimosifolia* (Jacaranda) is a large mature tree located within the rear setback of the adjacent property at 32 Olola Avenue, therefore required to be retained and protected. The AIA has assessed the tree as being in good health and a high landscape significance.

  The consulting arborist has undertaken a root mapping investigation to determine the number and diameter of roots potentially impact the works. As expected, a number of woody roots, some of them structural roots, were found at 1.8m from the tree and within the SRZ. The plans have been modified to avoid any excavation within the SRZ of the tree and reduce the overall excavation to 13% of the TPZ, considered to be as "*much more acceptable*" as per 4.3 of the report.

<u>Trees proposed to be removed</u> – All supported

- Tree No.3 *Ceratopetalum gummiferum* (NSW Christmas Bush). This is a mature tree in average health and fair condition. If proposed to be removed, appropriate replacement planting.

- Tree No.4 & 6 are considered to be of low landscape significance and removal is supported.

Woollahra Municipal Council

- Tree No.7 *Glochidion ferdinandii* (Cheese tree) is a large mature tree located within the rear terraced setback of the property. While the tree is suitable for retention, the tree presents dieback and lack of vigour, therefore, proposed replacement planting will better achieve the objectives of the Development Control Plan (DCP) within a reasonable time.

- Tree No.8 *Cupressus sempervirens* (Italian Cypress) is a large mature tree located within the rear terraced setback of the property. While the tree is suitable for retention, it is considered to be of low landscape significance and sufficient replacement planting is proposed at rear.

- Tree No.9 *Liquidambar styraciflua* (Liquidambar) is a large mature tree located within the rear terraced setback of the property. While the tree is suitable for retention, it is considered to be of low to medium landscape significance. Additionally, sufficient replacement planting is proposed at rear to offset the loss of this tree..

- Tree Nos. 10, 11 & 13 *Cupressocyparis leylandii* (Leyland Cypress) are proposed to be removed to achieve desired levels. This tree species is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

- Tree No.12 Liquidambar styraciflua (Liquidambar) is a large mature tree located within the rear terraced setback of the property. While the tree is suitable for retention, it is considered to be of low to medium landscape significance and sufficient replacement planting is proposed at rear.

- Tree No.15 *Angophora costata* (Sydney Red Gum) is located within the front setback of the property and proposed to be removed. It is listed in the LEP as heritage item 378.

  The tree is a large over-mature senescence specimen with a modified crown reduced to a number of over-extended branches to south and north. The only branch to south was recently approved to be removed due to structural defects found at the base, representing a considerable impact on the future health of the tree. The tree has a number of large pruning cuts as a result of previous maintenance works. Other open wounds are observed along the rest of the crown with no or limited reaction wood due to its low vigour.

  Andrew Scales indicates on page 30 of the report that “the tree exhibits signs of longicorn borer infestation on the upper to mid trunk and associated branches. These wounds are associated with desiccated sapwood, kino bleeding and affected wound margins. As a result, the tree shows signs of decline throughout the canopy with low vigour”. He also indicates that the decline of the canopy is a concern as the tree is no longer able to produce sufficient carbohydrates, necessary for a number of essential functions, allowing secondary stress to breach the tree natural defences.

  An additional assessment was undertaken by Hayden Coulter Consulting Arborist from The Ents Tree Consultancy. He also indicates that the tree is mature specimen with below average health, vigour and form. The tree was tested with a Resistograph in three places in the crown and with a Tomograph at base. He concludes that while the tree passed the tests, it has large sections of vascular tissue missing with large limbs to NW that may fail in the future. Considering its vigour, pruning was excluded from the recommendations, what is consistent with previously approved tree works applications.

  Considering all of the above the removal of the tree will be supported subject to an advanced specimen of the same species located within the front setback of the property to offset canopy loss and to maintain the landscape amenity.

Canopy Cover

Woollahra Municipal Council

Canopy Control C.1 of B.3.7.1 *Landscaped area and private* open space of the DCP applies to the site. Amended landscape plans include sufficient replacement planting to achieve the control together with trees on the adjacent properties.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1. Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
Nos. 01, 10 & 39 rev D	Landscape Plan	Studio Botanica	30/08/2024
-	Arboricultural Impact Appraisal, Root Investigation and Method Statement	Naturally Trees	03/09/2024

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

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

Standard Condition A.2 (Autotext 2A)

A. 2. Tree Preservation and Landscaping Works

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

a) The following trees may be removed:

Woollahra Municipal Council

Council Ref No	Species	Location	Dimension (metres)
3	*Ceratopetalum gummiferum* (NSW Christmas Bush).	Front	10 x 8
4	*Syzygium australe* (Brush Cherry Lillypilly)	Rear	5 x 2
6	*Camellia sasanqua* (Camelia)	Rear	5 x 7
7	*Glochidion ferdinandii* (Cheese tree)	Rear	10 x 12
8	*Cupressus sempervirens* (Italian Cypress	Rear	9 x 3
9	*Liquidambar styraciflua* (Liquidambar)	Rear	10 x 7
10	*Cupressocyparis leylandii* (Leyland Cypress) *	Rear	11 x 4
11	*Cupressocyparis leylandii* (Leyland Cypress) *	Rear	11 x 4
12	*Liquidambar styraciflua* (Liquidambar)	Rear	10 x 7
13	*Cupressocyparis leylandii* (Leyland Cypress) *	Western setback	4 x 2
15	*Angophora costata* (Sydney Red Gum)	Front	12 x 14

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

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

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

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

Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	**Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)**

Woollahra Municipal Council

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

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

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
14	*Jacaranda mimosifolia* (Jacaranda)	Rear at 32 Olola Av.	Along proposed retaining wall

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

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

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

c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.

d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.

e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.

f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any

Woollahra Municipal Council

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

B. 2.	**Construction Management Plan Arborist Review**
	Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent. The plan must address: a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28 (Autotext 28B)

B. 3.	**Arborists Documentation and Compliance Checklist**
	Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include: • A record of the condition of trees to be retained prior to and throughout development.

Woollahra Municipal Council

- Recommended actions to improve site conditions and rectification of non-compliance.
- Recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site.

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

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

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

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

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

Standard Condition B.29 (Autotext 29B)

B. 4. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Approved works
1	*Cupressocyparis leylandii* (Leyland Cypress)	Pedestrian entry and modified steps and associated retaining wall, garage, soft landscaping
2	*Brachychiton acerifolius* (Illawarra Flame tree)	Pedestrian entry and modified steps and associated retaining wall, soft landscaping
14	*Jacaranda mimosifolia* (Jacaranda)	Building, garden bed retaining wall, soft landscaping

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

	Condition Reason To establish the works which are permissible within the Tree Protection Zones. Standard Condition B.30 (Autotext 30B)

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

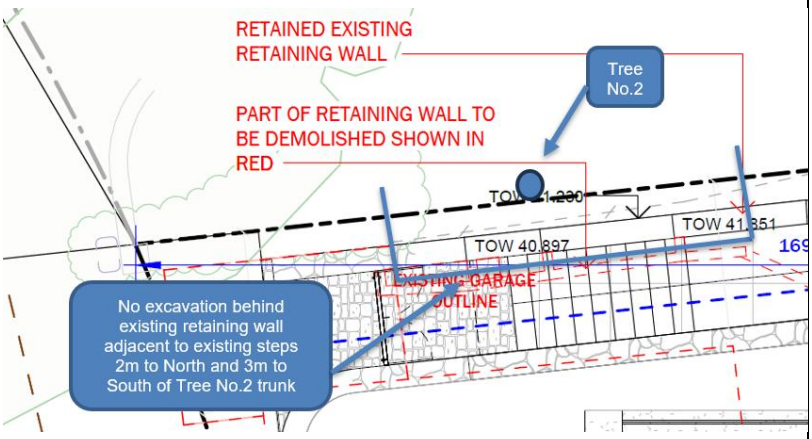
D 1.	**Tree Protection Plan and Specification**
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information: a)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

D 2.	**Modification of Details of the Development (section 4.17(1)(g) of the Act**

Woollahra Municipal Council

Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:

a) Amended Landscape Plan must include one (1) *Angophora costata* (Sydney Pink Gum) x 200L to replace Tree No.15 listed in the LEP as heritage item 378. It must be located on the lawn area west of the pool instead of the proposed Olive Tree at a minimum distance of 1.5m from structures, services and the boundary.
b) Amended Architectural and Landscape Plans must be submitted to Council for approval prior to the issue of a Construction Certificate including the following modifications to protect Tree Nos. 1 & 2 located within the front setback of 34 Olola Av: The new retaining wall shall be shown approximately at the same location as the existing minimising excavation behind the existing wall 2m to North and 3m to South of the trunk of the tree.



Notes:
- Clause 20 of the Development Certification and Fire Safety Regulations prohibits ***the*** issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.
- Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.

Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.

Standard Condition D.4 (Autotext 4D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

Woollahra Municipal Council

F	**1.**	**Tree Preservation**
		While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
		Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F	**2.**	**Arborists Documentation and Compliance Checklist**
		While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

Woollahra Municipal Council

While site work is carried out	• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise the demolition of the existing retaining wall adjacent to the entry footpath and stairs within the TPZ of Tree Nos. 1 & 2. The condition of exposed roots must be managed and documented. • The project arborist must supervise the construction of the new retaining wall adjacent to the new entry footpath and entry stairs within the TPZ of Tree Nos. 1 & 2. The condition of exposed roots must be managed and documented. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan.	

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

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

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

Standard Condition F.45 (Autotext 45F)

F 3. Replacement/Supplementary trees which must be planted

While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area <delete this if planted in a planter box on a structure> and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.

Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x *Angophora costata* (Sydney Red Gum)	Lawn – front setback west of the pool	200L	10 x 10
1 x *Angophora costata* (Sydney Red Gum)			

Woollahra Municipal Council

	60 x *Cupressus sempervirens* Compacta (Dwarf Mediterranean Cypress)	As per Landscape Plan Nos. 01, 10 & 39 rev D, designed by Studio Botanica, dated 30/08/2024
	7 x *Cyathea cooperi* (Scaly tree fern)	
	1 x *Glochidion ferdinandii* (Cheese tree)	
	3 x *Lagerstroemia indica* (Crepe Myrtle)	
	8 x *Waterhousia floribunda* (Weeping Lillypilly)	
	1 x *Olea europea var. europea* (European Olive)	

The project arborist must document compliance with the above condition.

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

Standard Condition F.46 (Autotext 46F)

F 4. Level changes in the vicinity of trees

While site work is being carried out, no level changes must occur within the specified radius from the trunks of the following trees.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	*Cupressocyparis leylandii* (Leyland Cypress)	Front at 34 Olola Av	Behind the existing retaining wall adjacent to the pedestrian entry
2	*Brachychiton acerifolius* (Illawarra Flame tree)	Front at 34 Olola Av	Behind the existing retaining wall adjacent to the entry stairs
5	*Camellia sasanqua* (Camelia)	Side at 34 Olola Av	1.5m
14	*Jacaranda mimosifolia* (Jacaranda)	Rear at 32 Olola Av	6m to North and South in the area between the existing retaining wall to NE & Proposed retaining wall to SE, and the shared boundary

The project arborist must document compliance with the above condition.

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

Standard Condition F.49 (Autotext 49F)

F 5. Hand excavation within tree root zones

Woollahra Municipal Council

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	*Cupressocyparis leylandii* (Leyland Cypress)	Front at 34 Olola Av	1.5
2	*Brachychiton acerifolius* (Illawarra Flame tree)	Front at 34 Olola Av	3.0
5	*Camellia sasanqua* (Camelia)	Side at 34 Olola Av	1.5
14	*Jacaranda mimosifolia* (Jacaranda)	Rear at 32 Olola Av	6.0

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

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

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.50 (Autotext 50F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

Woollahra Municipal Council

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

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

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

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented. Standard Condition G.34 (Autotext 34G)

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

Woollahra Municipal Council

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

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

All compliance certification documents must be kept on site.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	• The project arborist must supervise the dismantling of tree protection measures. • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.

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

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

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

Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

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

Woollahra Municipal Council

	Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

David Prieto 09/10/2024
Tree Management & Landscape Officer **Completion Date**

Woollahra Municipal Council

10 October 2024

REFERRAL RESPONSE - HERITAGE

FILE NO:	**Development Applications:** 140/2024/1
ADDRESS:	33 Olola Avenue VAUCLUSE 2030
PROPOSAL:	The demolition of an existing dwelling house and ancillary structures, the construction of a dwelling house and pool and landscaping works
FROM:	Tristan Ryan – Senior Strategic Heritage Officer
TO:	K Qi

1. DOCUMENTATION

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

- Statement of Environment Effects, referenced 23485-Issue D, prepared by GSA Planners, dated 23/04/2024.
- Architectural Plans, referenced 2314-Rev 5, prepared by Luxitecture, dated 11/03/2024.
- Survey Plan, referenced 11086-23, prepared by Paul A. Lawson, dated 03/08/2023
- Demolition Report by Ruth Daniell, dated March 2024
- Aboriginal Heritage Impact Assessment by Associates Archaeology and Heritage, dated March 2024
- Arborist Report by NSW Trees Aboricultural Consultants dated November 2023.
- Trees Referral response by David Prieto - Tree Management & Landscape Officer, Woollahra Council, dated 7 June 2024.
- Further advice from Council's tree officer David Prieto regarding the health of the Sydney Red Gum received 10 October 2024.

2. SITE INSPECTION / RESEARCH

No site inspection was considered necessary for this assessment.

Review of the following documents and photographic evidence:

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

3. STATUTORY AND POLICY DOCUMENTS

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

- National Parks & Wildlife Act 1974

Woollahra Municipal Council

- Woollahra LEP 2014
- Woollahra DCP 2015

4. ASSESSMENT OF HERITAGE IMPACT
Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY
National Parks and Wildlife Act 1974

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

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 27 June 2024 from the Office of Environment & Heritage NSW (OEH) website has revealed that there are 3 recorded Aboriginal sites recorded within a 200m buffer in or near the above location and 0 Aboriginal sites within a 50m buffer in or near the above location, though the AHIA notes that there is a rock shelter within 40m of the site.

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

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

I agree with the assessment of Associates Archaeology that any harm to Aboriginal heritage as a result of the works is unlikely. Nevertheless, given the sensitivity and relative proximity of identified Aboriginal heritage, appropriate precautions are required.

Woollahra LEP 2014

The subject site is a heritage item in Woollahra Local Environment Plan 2014 'the LEP' but is not within a heritage conservation area. The subject site is listed as 'Sydney Pink Gum' item no. I378.

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

33 Olola Avenue, Vaucluse is a detached dwelling house constructed c. 1930. Since its construction it has undergone substantial changes, evident from internal and external images as identified in the Demolition Report prepared by Ruth Daniell.

I agree with the assessment by Ruth Daniell that there is no heritage value associated with the building. It is a modest house and retains something of its original roof form and rear façade. Much of the rest of the building appears greatly altered. It has no association with significant persons, and has no historical significance.

The Demolition Report is sufficient to constitute a record of the building for archival purposes.

There is some possibility of research value and/or Aboriginal cultural heritage in the archaeology of the site. This possible significance can be safeguarded by conditions.

Woollahra Municipal Council

The item on the site, 'Sydney Pink Gum' no. I378, is likely to be affected by the proposal. Identified by the arborist as Tree No.15, the tree is an *Angophora costata* (Sydney Red Gum). Council's officer identified the likely impact on this tree form the development as "major and likely unsustainable". A new arborist report, concurred with by Council's tree officer, has noted the declining health of the tree, and that the tree is likely to either die or be removed as a risk in the near future. Council's tree officer has therefore supported the removal and replacement of the tree with a mature specimen. This is appropriate from a heritage perspective as well.

Clause 5.10 Heritage Conservation

Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal apart from the item on the site. The adjacent listed item I381 are trees that are not likely to be impacted by the proposal.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

Appropriate conditions of consent are sufficient to manage the potential for Aboriginal heritage to be discovered on the site. These are provided below.

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does not impact the built heritage of Woollahra, it has an unacceptable impact on the environmental heritage.

Part 5.10

- Clause 1(a) The development does not conserve the heritage of Woollahra.
- Clause 4 This referral constitutes an assessment under this clause.

7. RECOMMENDATION

Approval, subject to conditions, is recommended.

Standard Conditions

B.	**Archaeological Features – Unexpected Findings**
	While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified. Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate. Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:**

Woollahra Municipal Council

	• Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. • Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. • During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).
	Condition Reason: To protect archaeological features.

(Autotext 8B)

B.	**Skeletal Remains**
	While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Details of the remains and their precise location are to be provided. Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.
	Condition Reason: To ensure the appropriate management of skeletal remains.

(Autotext 9B)

B.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National

Woollahra Municipal Council

	Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects

(Autotext 10B)

B.	**Aboriginal Heritage Due Diligence Responsibilities**
	While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)]. It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.
	Condition Reason: To protect Aboriginal heritage.

(Autotext 12B)

B.	**Aboriginal Heritage Induction**
	Prior to any site works: a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974; b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.

Woollahra Municipal Council

	Condition Reason: To protect Aboriginal heritage.

(Autotext 13B)

Special Conditions

1.	**Assessment of sandstone exposed during excavation**
	If any large flat sandstone exposures are revealed during excavation it should be considered that they may contain engraved rock art. A Heritage Officer from LPLALC and a qualified archaeologist must be engaged to inspect it.
	Condition Reason: In accordance with the recommendations of the Aboriginal Heritage Impact Assessment.

2.	**Replacement of heritage listed Sydney Red Gum**
	The heritage listed Sydney Red Gum should be removed and replaced with a mature specimen of the same species in the same location.
	Condition Reason: To conserve the aesthetic significance of the heritage item in accordance with Clause 1.2 (2) (f) of the Woollahra LEP 2014.

Tristan Ryan
Senior Strategic Heritage Officer

10 October 2024
Completion Date

LOCAL PLANNING PANEL
DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D3
FILE No.	DA216/2024/1
ADDRESS	7 Annandale Street DARLING POINT
COUNCIL WARD	Double Bay Ward
SITE AREA	674.2m^2
ZONING	R3 Medium Density Residential
PROPOSAL	Demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works
TYPE OF CONSENT	Local development
COST OF WORKS	$5,765,000.00
DATE LODGED	20/06/2024
APPLICANT	The Trustee for Annandale Street Development Trust
OWNER(s)	**Tenants in Common** 4/7 Annandale St, DARLING POINT – Annandale St, Developments Pty Limited 1/7 Annandale St, DARLING POINT – J P Ivanoff & Ms R L Wood 3/7 Annandale St, DARLING POINT – N L Gross 2/7 Annandale St, DARLING POINT – R V Lord
AUTHOR	Dr S Hosseinabadi
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Thirty-one (31)
RECOMMENDATION	Refusal

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

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

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

AND

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

2. REASONS FOR RECOMMENDATION

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

- It is considered to be unsatisfactory with planning provisions contained in WLEP 2014 and WDCP 2015;
- It will have adverse effects on the amenity of adjoining properties and/or local built and natural environment such that refusal is justified;
- Insufficient information is provided for Council's assessment;
- The site is not suitable for the proposed development; and
- The proposal is not in the public interest.

3. LOCALITY PLAN

4. PROPOSAL

The proposal involves the demolition of the existing structures on the subject Site including the existing 2 storey residential flat building, garages, external storage and toilet at the rear, external stairs, and retaining walls and for the construction of a 3 storey residential flat building containing 3 units with parking below and associated landscaping. The proposal involves the following works:

<u>Basement Floor Level (RL21.750)</u>

- Provision of eight (8) parking space (two (2) car in a lockup space);
- Storage space;
- Three (3) Bicycle space;
- Internal Lift, lobby, and access stair;
- Bins/waste storage room;
- New pedestrian pathways and access ramps to the front of the site;
- New driveway crossover;

- Covered gallery creating access from the Annandale Street to the lift and lift lobby at the rear of the subject site;
- New landscaping.

Ground Floor Level (RL24.650)

- One (1) three bedroom apartment unit (288.8m^2) including:

    - Three (3) bedrooms, each with an ensuite and walk-in-robe, open plan kitchen/dining/living, Powder, storage, laundry and study-nook. This unit has private open space (terrace) to the front;
    - Lobby, lift, stair and service area;
    - New landscaping.

First Floor Level (RL27.750)

- One (1) three bedroom apartment unit (288.8m^2) including:

    - Three (3) bedrooms, each with an ensuite, master bedroom with walk-in-robe, and 2 other bedrooms with wardrobes, open plan kitchen/dining/living, Powder, storage, laundry and study-nook. This unit has private open space (terrace) to the front, and access to rear garden (eastern);
    - Lobby, lift, stair and service area;
    - New landscaping.

Second Floor Level (RL30.850)

- One (1) three bedroom apartment unit (288.8m^2) including:

    - Three (3) bedrooms, each with an ensuite, master bedroom with walk-in-robe, and 2 other bedrooms with wardrobes; open plan kitchen/dining/living, Powder, storage, laundry and study-nook. This unit has private open space (terrace) to the front;
    - Lobby, lift, stair and service area;
    - New landscaping.

Terrace/ Roof floor level (RL33.950)

- Roof top terrace is only accessible for the unit on the second floor through private staircase. The private rooftop includes: Internal stairs, Outdoor Kitchen and lounge, Plunge pool, and Landscaping.
- Services and lift over-run rise to the height of 2.6m (RL36.600);
- Solar panels;
- Skylights.

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.1A	Minimum Lot Size	25.8m^2 short departure from the 700m^2 control	**Unsatisfactory**
Part 4.3	Height of Buildings	1.36m or 12.95% departure from the 10.5m control	**Unsatisfactory**

5.2 Primary Issues

Issue	Conclusion	Section
Adverse bulk, scale and form.	The proposed development has a bulk and scale that is considered to be excessive, which is inappropriate within the context of the streetscape resulting in unacceptable impacts on the amenity of surrounding properties.	15.2
Views	The proposed third level, roof terrace and the associated structures will result in the loss of views obtained from properties to the rear, which does not allow for reasonable view sharing, contrary to Controls C5 and C7 of the Part B3.5.3 of the WDCP, 2015. This is further discussed below in Section 14.2 of this report.	15.2
Visual Privacy	The proposed window openings and roof terrace will overlook habitable room windows and private open space at surrounding properties, adversely impacting the visual privacy of these properties. This is further discussed below in Section 14.2 of this report.	15.2
Roof terrace	The over scaled roof terrace and the associated structures add significant height, bulk and scale to the building. These elements will obstruct views, adversely impact the visual privacy of surrounding properties and will detract from the quality of the streetscape.	15.2
Geotechnical Investigation Report	The current plans referenced within the geotechnical report are superseded and not consistent with the set of plan submitted to the council as part of the DA application.	14.9
Land Contamination	A report received as part of the application from Geo-Environmental Engineering dated April 2024. In that the land identified as contaminated	10
Encroachment	The proposed garage wall encroaching in to Council's asset in Annandale Street.	15.2
Statutory Declaration	The date on the submitted statutory declaration is incorrect as the date it was signed by the applicant is before the date of solicitor signature.	9.2

5.3 Summary of Submissions

Issue	Conclusion
Views	The proposed third level, roof terrace and the associated structures will result in the loss of views obtained from properties to the rear, which does not allow for reasonable view sharing, contrary to Controls C5 and C7 of the Part B3.5.3 of the WDCP, 2015. This is further discussed below in Section 14.2 of this report.
Height of the building	The proposal fails to comply with the height of buildings development standards as prescribed under the Woollahra LEP 2014. The submitted written Clause 4.6 variation requests are not well-founded.
Bulk and Scale	The proposed development has a bulk and scale that is considered to be excessive, which is inappropriate within the context of the streetscape resulting in unacceptable impacts on the amenity of surrounding properties.
Excavation	The extent of excavation works is considered to be excessive and does not comply with the maximum excavation volume requirements. This is further discussed below in Part B3.4 of this report.
Streetscape/desired future character	The proposed bulk, scale, materiality and colour palette does not reflect the local context and presents as a four storey wall to Annandale Street. This is uncharacteristic and inconsistent with the desired future character of the Darling Point Residential Precinct and the Annandale Street streetscape.
Visual privacy	The proposed window openings and roof terrace will overlook habitable room windows and private open space at surrounding properties, adversely impacting the visual privacy of these properties.
Overshadowing	The Applicant has not provide sufficient information to allow for an adequate assessment of the solar access impacts on surrounding properties.
Overdevelopment	The height, bulk and scale of the proposed development represents an overdevelopment of the site, which results in adverse impacts on the streetscape and the amenity of surrounding properties.
Parking/Traffic	The Council's Traffic Engineer reviewed the application and the comments / issues have been discussed below in Section 15.3 of this report.
Lack of visitor parking	The proposed development does not provide any visitor parking, contrary to Part E1.4.2 Of the WDCP 2015.

Issue	Conclusion
Inadequate information	The submitted documentation is deficient in information and details to allow an accurate assessment of the proposal under Section 4.14 of the EP&A Act 1979. The extent of insufficient information to allow a proper assessment has been outlined in the recommendation of this assessment report and where appropriate forms the reasons for refusal.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject is located on eastern side at No. 7 Annandale Street, Darling Point and comprises Units 1 to 4, and have legal descriptions of Lot A and 7 in DP402500. The site is an irregular parcel of land, with a northern boundary of 25.065 metres, an eastern boundary of 23.815 metres, a combined southern boundary of 27.955 metres, and a western boundary of 24.650 metres, providing a total site area of 674.2m^2.
Topography
The site exhibits a fall of 8.03 metres (RL 21.54 AHD and RL 29.57 AHD) from the south-eastern corner (boundary to No. 9 Annandale Street) to the north-western corner of the site (to the rear and to No. 32A Darling Point Road boundary). Furthermore, the site exhibits a fall of 4.4 meters (RL 29.05 and RL 24.99) from the north-eastern corner (Boundary to No.3 Yarranabbe Road) to the south-western corner (Boundary to No.3 Annandale Street).
Existing buildings and structures
At present, No. 7 present as three storeys to Annandale Street with hipped roof and occupied by four (4) units, two-bedroom units with pedestrian and vehicle access provided from Annandale Street with four garages visible from the Street servicing each of the units. There is a large planter beds on the northern boundary at the front of the site. The front setback also includes stairs to the main entrance, two palms and a jacaranda tree. A high sandstone wall separates the driveways from the raised lawn on the southern boundary of the site. Behind the house is a shallow rear yard, Communal open space area, toilet, storage space, deck with a terraced garden. To the south of the site is a sandstone wall separating the subject site from No. 3 Annandale Street. The northern boundary is defined by a metal picket fence that is met by a timber paling fence that continues east. The eastern, rear boundary of the site is defined by a brushwood fence.
Surrounding Environment
The site is zoned (R3) Medium Density Residential under the Woollahra Local Environment Plan 2014 (WLEP). Residential flat buildings are permissible with consent within the (R3) Medium Density Residential Zone, under the WLEP. The Site is located within the Darling Point precinct, as described in the Woollahra Development Control Plan 2015 ("WDCP") at Section B1.2 'Darling Point Precinct'. The Darling Point precinct is located on a highly prominent peninsula on Sydney Harbour sited between Rushcutters Bay and Double Bay. Darling Point provides views to the harbour from both private houses and public spaces. The street trees and trees in private yards provide the peninsula with a soft landscape quality. The surrounding area is predominantly characterised by a mixture of multi-storey residential flat buildings and two to three storey dwellings and one 11-storey residential flat building at No. 11 Yannabbe Road. Development displays a mixture of traditional and contemporary architectural styles. To the north of the site is N.9 Annandale Street. The three (3) storey residential flat building with parking adjacent to front boundary. The closest point of the dwelling is located 98mm from the common side boundary wall. To the south of the site is N.3 Darling Point Road. The four (4) story residential flat building with garages off Annandale Street. The closest point of the dwelling is located 3180mm from the common side boundary fence. To the east of the site is N.1 Yarranabbe Road. It is a Heritage listed item, three (3) story dwelling house. The closest point of the dwelling is located 1700mm from the common side boundary fence. The site also share boundary with No. 3 Yarranabbe Road and No.32A Yarranabbe Road. At the rear of the site Nos. 1, 32A Yarranabbe Road and No.32 Darling Point Road are in Darling Point Heritage Conservation Area (As illustrated in Figure 4).

To the west, on the other side of Annandale Street, are the verity style of houses and residential flat building. Directly in front of the site is a heritage listed Federation house at No. 8 Annandale Street. Furthermore, the street carries one way traffic with parking allowed for along the left side of the road.

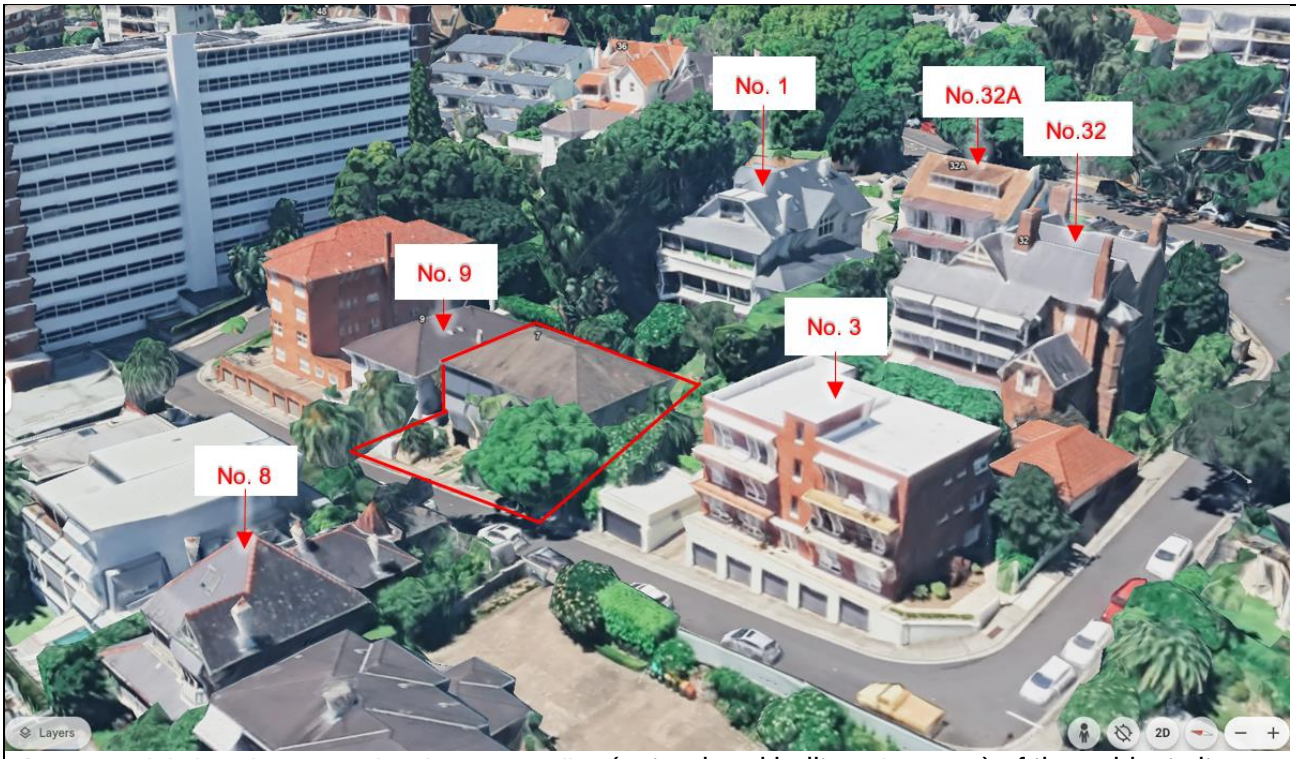


Photo 1: *Arial view demonstrating the surrounding* (natural and built *environment*) of the subject site.

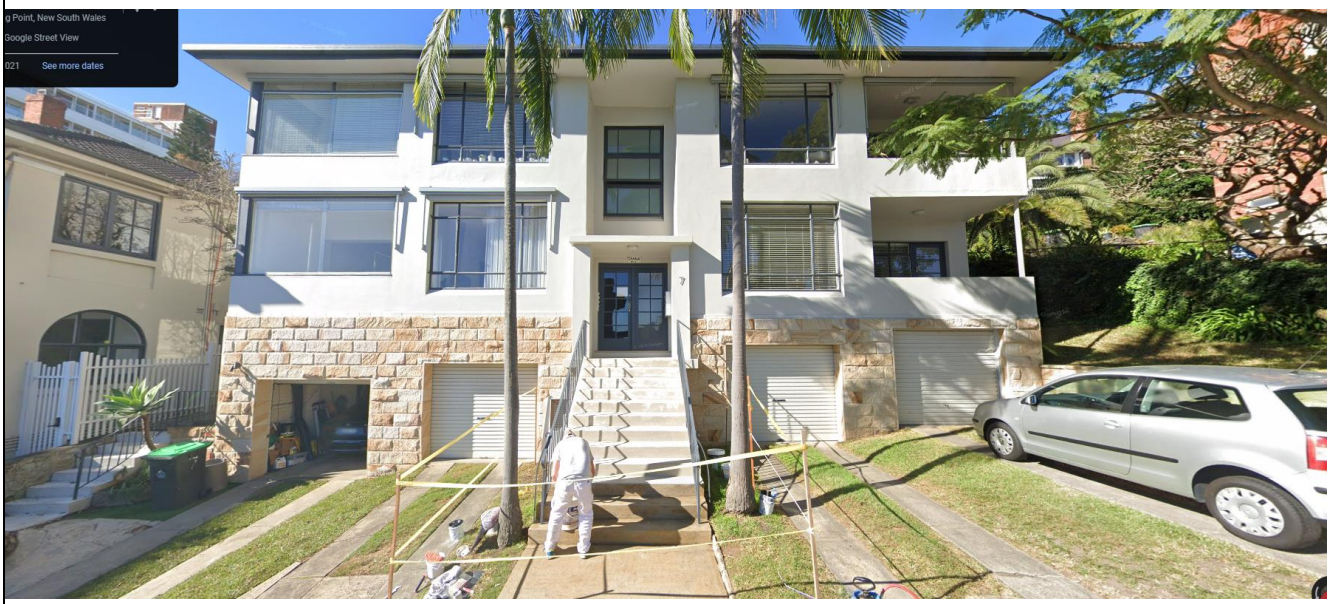


Photo 2: *Existing front elevation of the subject site*.

Photo 3: *Street view to No.9 Annandale Street.*

Photo 4: *Street view to No.11 Annandale Street.*

Photo 4: *Street view to No.1 Yarranabbe Road.*

Photo 5*: Street view to* Nos.3 and 5-9 Yarranabbe Road.

Photo 6: *Street view to No.3 Annandale Street.*

Photo 7: *Street view to No.2 Annandale Street.*

Photo 8: *Street view to No.8 Annandale Street.*

7. RELEVANT PROPERTY HISTORY

Current use
Residential flat building.
Relevant Application History
N/A
Relevant Compliance History
N/A
Pre-DA
N/A
Requests for Additional Information and Replacement Applications
On **4th July 2024**, a Stop the Clock (STC) letter was issued to the Applicant in which the following information was requested: 1. Revised Stormwater Management Plans 2. Vehicular Access and Parking Arrangement On **17th July 2024**, the Applicant provided "the revised storm water management plans" information in response to the Stop the Clock Letter. On **22nd July 2024** the Applicant provided drawings in respond to "Vehicular Access and Parking Arrangement" The information has been forwarded to Council's Development Engineer and Council's Traffic Engineer for assessment.
Land and Environment Court Appeal(s)
On **13th August 2024**, the Applicant filed the Class 1 Application to the Court appealing the deemed refusal of the development application. Council has filed the Statement of Facts and Contentions on **12th September 2024.** This matter is listed for s34 conciliation conference on **28th January 2024**.

8. REFERRALS

Referral	Summary of Referral Response	Attachments
Development Engineering	Satisfactory	6
Traffic	Satisfactory	5
Trees and Landscaping	Satisfactory	9
Heritage	Satisfactory	8
Environmental Health	Satisfactory	7

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 10/07/2024 to 25/07/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Sarah Hosking - 1 Yarranabbe Road, Darling Point
2. Catherine Curtis – 3/129 Darling Point Road, Darling Point
3. Craig Lea - 4-6 Yarranabbe Street, Darling Point
4. Robert Pompei – The Darling Point Society Incorporate
5. Elena Kirillova - 95 Wolseley Road, Point Piper
6. Natasha Goulden - 13 St Marks Road, Darling Point
7. Mr JW and Mrs DS Balderstone – 2-4/9 Annandale Street, Darling point
8. Jennifer Ridhalgh - 9-11 Loftus Road, Darling Point
9. Jodie Baker - 15 Forth Street, Woollahra
10. Juliet Ashworth and Rick Whalley - 2/32 Darling Point Road, Darling Point
11. Kathryn Warman - 3/32 Darling Point Road, Darling Point
12. Margaret Butler – 98 Lang Road, Centennial Park
13. Di Napoli Maria Liliana – 8 Annandale Street, Darling Point
14. Mark Ridhalgh – 9 Loftus Road, Darling Point
15. Mary N Doyle - 9/3 Wentworth Place, Point Piper
16. Maurice Neil RFD KC and Nataha Goulden Alnwick - 11 St Marks Road, Darling Point
17. Amber Esposito – 153 Dowling Street, Woolloomooloo
18. Neil and Melanie Kirkbride - C/4-6 Annandale Street, Darling Point
19. Graham Hall (from Graham Hall and Partners) – 236 Trafalgar Street, Annandale
20. Hugh Campbell (from Campbell Architecture) – 536 New South Head Road Double Bay
21. Mike Lawrence – (address unknown)

22. Philip North – 2/32 Darling Point Road, Darling Point
23. Rick Whalley – 32 Darling Point Road, Darling Point
24. Sam Haynes – 49 New Beach Road, Darling Point
25. Samantha R. Oakes - Tower 3, 300 Barangaroo Ave, Sydney
26. Serena Sanderson – 82 McLachlan Avenue, Rushcutters Bay
27. Shane Connelly - 4/3 Annadale Street, Darling Point
28. Simon Selkirk - 5/ 11 Annandale Street, Darling Point
29. Stella Laycock – 1/32 Darling Point Road, Darling Point
30. Therese Cochrane – 32A Darling Point Road, Darling Point
31. Tony Moody – U10/21 Sydney Road, Manly 2095

The submissions raised the following issues:

- Impact on the view

  Comment: It is acknowledged, the DA has been recommended for refusal

- View to heritage items along Yarranabbe Road

  Comment: The proposed development will result blocking the view to the building behind, on Yarranabbe Road, from Yarranabbe Park and the Rushcutters Bay. Council's Heritage Officer raised no concerns to views of the heritage items from the public domain.

- Privacy and visual impact

  Comment: It is acknowledged, the DA has been recommended for refusal.

- Amenity impact

  Comment: It is acknowledged, the DA has been recommended for refusal.

- Tree removal specifically existing Jacaranda tree in the southern boundary

  Comment: Council's Tree and landscape officer has reviewed the application and provided conditions for retention of the trees.

- Excessive excavation

  Comment: It is acknowledged, the DA has been recommended for refusal.

- Bulk and scale of the proposed building

  Comment: It is acknowledged, the DA has been recommended for refusal.

- Inaccurate information in Statement of Environmental Effect

  Comment: The information that has been provided in the SEE as part of this application provided incorrect information about the neighbouring building along the rear boundary of the subject site.

- Overdevelopment of the site

  Comment: It is acknowledged, the DA has been recommended for refusal.

- Lack of heritage assessment to better understand the context and impact

  Comment: Council's Heritage officer reviewed the application and found the proposed work satisfactory.

- Reduction of number of units from four to three units

  Comment: The matter has been considered and since the number of unit that has been proposed is satisfactory.

- Height of the proposed building the exceed the permissible height as noted in LEP

  Comment: The proposal fails to comply with the height of buildings development standard and the Clause 4.6 is not well-founded.

- Overshadowing on No. 3 Annandale

  Comment: The proposed development has not provided sufficient/accurate information to make any adequate assessment of the solar access impacts and is unacceptable in this regard.

- Damage on the neighbouring building as a result of excavation and construction

  Comment: Council's Development Engineer reviewed the application and provided necessarily Condition of consent to protect the neighbouring structure.

- Traffic and parking issues during construction

  Comment: Council's Traffic Engineer considers the proposal to be acceptable from a traffic and parking perspective. No objections were raised to the applicants submitted Traffic Report.

- The change of the character of Annandale Street due to the bulk and scale of the proposed work

  Comment: It is acknowledged, the DA has been recommended for refusal.

9.2 Statutory Declaration

The applicant has completed the statutory declaration and submitted to the council. However the date that statutory declaration was signed by the applicant and the date that it was by the solicitor is different and therefore it is not acceptable under Schedule 1 of the Woollahra Community Participation Plan 2019.

10. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021:

Chapter 2 – Coastal Management

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

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

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

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

Chapter 4 – Remediation of Land

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

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

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

The Council's Environmental Health Officer reviewed the application and provided the following comments:

> The applicant provided a PSI, DSI and RAP report prepared by Geo-Environmental Engineering Pty Ltd dated April 2024 to identify if the site is suitable for the proposal. The sampling and analysis program revealed concentrations of PAHs, specifically benzo (a) pyrene Toxicity equivalent in the topsoil/fill layer at concentrations deemed to be unacceptable for the proposed land use. The PAHs are attributed to fragments of metallurgical slag that was sporadically present within the fill layer. Removal of contaminated soil to an approved site or facility is deemed as the most feasible remediation option. The RAP achieves contamination/remediation objectives as stated in the report. No further action is warranted.

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

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

Chapter 6 – Water Catchments

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

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

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

Council's Development Engineer has determined that sufficient information has been submitted to enable an assessment of the proposal raising no adverse concerns with regards to water quality targets and stormwater concerns of the site. Council's Development Engineer considers the amended proposal to be acceptable, subject to conditions.

If the application were to be recommended for approval appropriate conditions of consent, which ensure implementation of the proposed stormwater design for the development, could be imposed.

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

12. STATE ENVIRONMENTAL PLANNING POLICY 65: DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65 and the accompanying Apartment Design Guide commenced operation on 17 July 2015. The savings provisions state that if a development application has been made before the commencement of SEPP 65 and has not been determined, the application must be determined as if this Plan had been exhibited but had not commenced.

SEPP 65: Design Quality of Residential Flat Development applies to all new residential flat buildings (or substantial redevelopment) where it comprises three or more storeys and four or more self-contained dwellings. In this instance, the proposed residential flat building comprises 4 storeys and 3 self-contained dwellings and therefore no further assessment required under SEPP 65.

12.1 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Chapter 2 – Affordable Housing

Chapter 2, Part 3 of the SEPP (Housing) 2021 refers to the *retention of existing affordable rental housing*. Pursuant to clause 47(1)(d) of the SEPP (Housing) 2021 as the development application is for the demolition of the existing residential flat building and therefore it applies to the proposed development to establish whether an existing building could be considered 'affordable' and to consider any potential for the reduction of availability of affordable housing.

Clause 45 Interpretation

Clause 45 of the SEPP defines a 'low-rental dwelling', and 'low rental residential building' as:

> ***low-rental dwelling*** *means a dwelling that was let at a rental level no greater than the median rental level, as specified in the Rent and Sales Report, during the relevant period in relation to a dwelling—*
> *(a) of the same type, and*
> *(b) with the same number of bedrooms, and*
> *(c) in the same local government area.*
>
> ***low-rental residential building*** *means a building used, during the relevant period, as a residential flat building containing a low-rental dwelling or as a boarding house, and includes a building that—*
> *(a) is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or*
> *(b) was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or*
> *(c) is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.*
>
> ***relevant period*** *means the period commencing 5 years before the day on which the development application involving the building is lodged and ending on that day.*

Clause 46 Buildings to which Part applies

Clause 46 of the SEPP applies to low-rental residential buildings on land within the Greater Sydney region.

The site is occupied by a residential flat building constructed in the 1950-1960s which comprises a total of four units. Unit 2 was rented above the median rental figures over the past five years with the exception of 2023 where it fell marginally below the median. The other three units (Unit 1, Unit 3, and Unit 4) have been owner-occupied for the past five years and therefore, are not considered to be a low-rental dwelling in accordance with the definition above.

The proposed residential flat building will technically result in a reduction in affordable rental housing.

Clause 47 (2) Reduction of availability of affordable housing

Notwithstanding the above, Clause 47 (2) specifies that a consent authority in determining whether to grant development consent, the consent authority must take into account the following:

Clause 47(2) – Matters of Consideration	Comment:
(a) whether the development will reduce the amount of affordable housing in the area,	**YES** The existing residential flat building is under Tenants in common, meaning all 4 units are under separate ownership. However Unit 2 is a two-bedroom unit that has been previously rented below the median rental amount for a two-bedroom unit in the Woollahra LGA in the past five years. It must be noted that this unit has been primarily rented out well above the median rental price in the past five years except for 2023 calendar year. In March 2024, rent was again increased above the median rental price. Unit 2, which was rented at a slightly lower rate than the median in 2023, would, under a strict interpretation of the definition of low-rental dwellings, indicate that the proposal would lead to the loss of one such dwelling
(b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation,	**YES** Refer to the *Affordable Rental Housing Report* submitted by the applicant demonstrating that there is.
(c) whether the development is likely to result in adverse social and economic effects on the general community,	The residential flat building is currently under Tenants in common, meaning all units are already under separate ownership.
(d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation,	No arrangements have been made.
(e) the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area,	Any loss of affordable housing, given the shortage of affordable housing within the Woollahra LGA is considered to be detrimental to affordable housing availability.
(f) whether the building is structurally sound, including— *(i) the extent to which the building complies with relevant fire safety requirements, and* *(ii) the estimated cost of carrying out work necessary to ensure the building is structurally sound and complies with relevant fire safety requirements,*	The building is proposed to be demolished and replaced with a new building.

Clause 47(2) – Matters of Consideration	Comment:
(g) whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development,	If the development was approved a monetary contribution could be paid to mitigate the reduction of affordable housing that may result from the development.
(h) for a boarding house—the financial viability of the continued use of the boarding house.	Not applicable. The subject building is not a boarding house.

Conclusion

As such, the proposal will result in the loss of affordable housing contrary to SEPP (Housing) 2021. *Refer to Affordable Rental Housing Report submitted by the applicant* **– Attachments 11.**

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

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

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

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1 Part 1.2: Aims of Plan

The proposal is unsatisfactory in terms of the aims in Part 1.2(2) of the Woollahra LEP 2014 for the following reasons:

The proposal is inconsistent with the aims in Clause 1.2(2) of the Woollahra LEP 2014 for the following reasons:

- The proposal does not protect the amenity of and the natural environment, contrary to Clause 1.2(2)(g);
- The proposal does not minimise and manage traffic and parking impacts, contrary to Part 1, Clause 1.2(2)(k);
- The proposal does not achieve the desired future character of the area, contrary to Part 1, Clause 1.2(2)(l);
- The proposal does not minimise excavation, contrary to Part 1, Clause 1.2(2)(m); and
- The proposal does not encourage the retention and planting of trees and other vegetation as part of development, contrary to Part 1, Clause 1.2(2)(n).

The proposal fails to satisfy the aforementioned aims and is listed as a reason for refusal.

14.2 Land Use Table

The proposal is defined as a Residential Flat Building which is permitted but is inconsistent with the relevant objectives of the R3 Medium Density Residential zone for the following reasons:

- The proposed height and scale will be incompatible and unsympathetic to the existing and desired future character of the broader neighbourhood and therefore does not achieve objective of point 4.

The proposal fails to satisfy the relevant objectives of the R3 Medium Density Residential Zone and is listed as a reason for refusal.

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

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

Site Area: 674.2m^2	Proposed	Control	Complies
Minimum Lot Size – Multi-Unit/Residential Flat Building	**674.2m^2**	700m^2	**No***

*Clause 4.6 Written Request submitted

The proposal does not comply with 4.1A(2) of Woollahra LEP 2014 as detailed and assessed in Section 4.6 of this assessment report.

14.4 Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 10.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	11.8m	12.42m	10.5m	**No***

*Clause 4.6 Written Request submitted

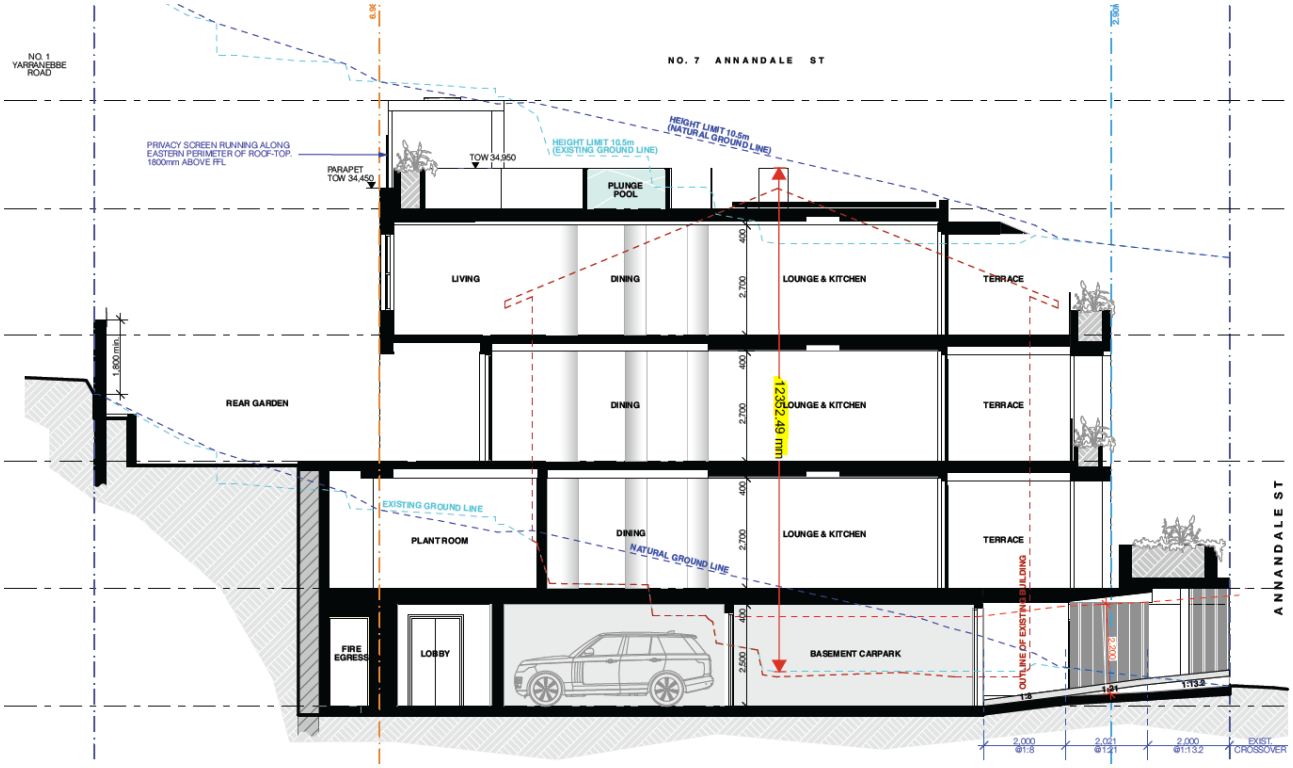


Figure 1 - Cross Section demonstrating the height of the building (Source: MHNDUNION)

Note: The height of the building that was calculated by council was 12.42m as demonstrated in the section above that measured from the existing ground floor to the top of the proposed wall to RL34.450. This is different to what the applicant mentioned as part of the SEE and Clause 4.6, as the highest point of the proposed work to be of 11.86m.

It is further noted that an accurate height calculation was unable to be determined, as the proposed elements on the roof terrace have not been clearly shown on the sections in relation to what is demonstrated on the plan.

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Section 4.6 of this assessment report.

14.5 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 0.9:1 for a residential flat building/mixed use development.

Site Area: 674.2m^2	Existing	Proposed	Control	Complies
Floor Space Ratio	<606.78	0.9:1 606.58m^2	0.9:1 (606.78m^2)	Yes

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

Part 4.6: Exceptions to Development Standards

Departures

- **Minimum Lot Size development standard under Part 41A of the Woollahra LEP 2014.**

With a lot size of 674.2m^2, the proposal involves a 25.8m^2 (3.6%) non-compliance with the 700m^2 minimum lot size for a residential flat building statutory control under section 4.1A of the Woollahra LEP 2014, as detailed above.

- **Height of buildings development standard under Part 4.3 of the Woollahra LEP 2014.**

With a height of 12.42m, the proposal involves a 1.92m (18.2%) non-compliance with the 10.5m height of buildings statutory control under section 4.3 of the Woollahra LEP 2014, as detailed above.

Purpose

Section 4.6 allows for the contravention of a development standard (provided that the standard is not expressly excluded from the section), with the objectives of the section being:
a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Justification Requirements

Section 4.6(3) states that:

Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

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

Applicant's Written Request

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

The applicant has provided a written request in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, refer to **Attachments 3 and 4**.

Council's Assessment

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

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

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

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

- *Is the provision proposed to be varied a development standard?*

  Comment: Yes, both clause 4.1A the minimum lot size control for R3 control, and clause 4.3 the maximum height are development standard.

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

  Comment: Yes, both development standards pertaining to maximum lot size and height of buildings may be varied and are not excluded from the operation of Clause 4.6 by Clause 4.6(8).

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

  Comment: The submitted Cl.4.6 Variations has correctly reference the relevant sections.

- *Is the extent of the variation correctly identified?*

  Comment: The measurement of height of the building included in the submitted Cl.4.6 Variation is incorrect as the applicant did not considered the top of the wall on the roof terrace as demonstrated in Section drawing 'C'. It is further noted that an accurate measurement of building height was unable to be determined, as the height of the structural elements on the roof terrace have not been clearly shown on the sectional drawings. The proposed development is unacceptable in this regard.

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

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

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

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

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

Assessment:

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

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

Comment: The applicant has relied on Test 1 established in *Wehbe* to demonstrate that the development standards are unreasonable and unnecessary in this circumstance.

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

Comment: No

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

Comment: Yes, consideration has been given the underlying objectives of the minimum lot size and height of buildings development standards and the objectives of the subject R3 Medium Density Residential zone. An assessment against these objectives is provided below.

The objectives underlying Clause 4.1AA – Minimum Lot Size

The proposal is assessed against the *Objective of the Development Standard* prescribed by *Clause 4.1 (A)* which states:

(1) To achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.

Comment: The proposed development does not satisfy the desired future character objectives of Part B1.2 Darling Point precinct of the Woollahra Development Control Plan 2015:

It is considered that a good and site appropriate design has NOT been achieved on the undersized allotment given the extent of proposed non-compliances and in the sense that it does not promote a logical and efficient built form or protect the amenity of existing adjoining residents.

A Planning Principle pertaining to the amalgamation of sites and isolation through development has been established in the Land and Environment Court in *Karavellas vs Sutherland Shire Council [11658 of 2004]*. In that case it was established that amalgamation of sites is likely to achieve better planning outcomes where prescriptive controls and objectives pertaining to height and bulk were achievable on a compliant minimum allotment size rather than an undersized allotment.

Given the number of non-compliances, there is limited certainty that the undersized subject site can accommodate a residential flat building development which achieves the desired future character of the area, offers an acceptable bulk and scale and facilitates a suitable residential amenity for the future occupants of the site and those of surrounding properties.

This is considered to be in conflict with the underlying objective of the Clause.

The objectives underlying Clause 4.3 – Height of Buildings

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

It should be acknowledged that the proposal would be inconsistent with height of the existing built form which occupies the site at No.7 Annandale Street. The subject site is located on the land that slop from south to west and therefore No.3 Annandale street, the 4 storeys residential flat building with the height of 16m presented higher from the street view compare to the proposed building. On the other hand No.9 Annandale Street, residential flat building with the height of 11.4m, located on the lower ground and presented to the street view as a lower scale building.

The Cl.4.6 variation claims that the proposed development is of a scale that is consistent with what is contemplated by zoning and associated controls, however the proposed building presents a 4 storey wall to Annandale Street. The proposed form, scale and character is considered to be inconsistent with the general pattern of development in the locality;

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

Comment: The subject site does not adjoin a different land zoning and therefore this objective is not considered applicable in this case.

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

Comment: The Applicant has not adequately demonstrated whether there will be adverse impacts on the solar access to neighbouring properties.

The proposal will have unacceptable solar access relationships and impacts upon existing buildings specially No. 3 Annandale Street and opens spaces.

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

Comment:

- The Applicant has stated the development has a compliant building envelope, however the proposed development does not comply with the minimum front setback control and the Applicant has not adequately demonstrated that the proposed development complies with the maximum height control;
- The Applicant has not demonstrated whether the non-compliant elements will impact views currently afforded neighbouring properties at the rear on Yarranabbe Road and Darling Point Road.
- The Applicant has not demonstrated whether the non-compliant elements will impact visual privacy to neighbouring properties at the rear on Yarranabbe Road and Darling Point Road.
- As a consequence, Council cannot be satisfied that the relevant objectives of the development standard have been achieved, notwithstanding the contravention of the development standard.

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

Comment: There are not considered to be any public views of the harbour or surrounding areas that would be impacted as a consequence of the non-compliance. The western side of the Annandale street sloping down towards the harbour and street is characterised by parking structures, boundary walls, dwellings and residential flat buildings which along with landscaping currently obscure public views of the harbour.

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

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

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

Section 1.3 of the EPA Act reads as follows:

> *1.3 Objects of Act*
>
> *The objects of this Act are as follows:*
> *a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

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

Assessment:

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

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

Comment: With regard to height of buildings, the nominated environmental planning grounds are:
- Function of existing Excavation & Topography;
- Contextual Compatibility & Consistency with Desired Future Character; and
- Amenity.

With regard to maximum lot size, the nominated environmental planning grounds are:
- Lack of Amalgamation Opportunities;
- Existing Residential Flat Building; and
- Consistency within the Context.

Are the environmental planning grounds specific to the proposed variation?

Comment: Yes, with respect to each development standard the nominated environmental planning grounds are specific to the proposed variations.

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

Comment: There are not sufficient environmental planning grounds to justify the proposed variation to the Clause 4.1A Minimum Lot Size development standard of the Woollahra LEP 2014. The Applicant also has not demonstrated that there are sufficient environmental grounds to justify the variation to the height of the building, the proposal is unacceptable in both regards.

The objectives of the R3 Medium Density Residential zone

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

Comment: The proposal fails to achieve the intent of the medium density zoning for the surrounding land which will remain isolated and will reduce the development potential for purposes of a residential flat building. The objective would not be upheld.

- *To provide a variety of housing types within a medium density residential environment.*

Comment: The proposal does not provide a broad range of housing typologies within the site on the basis that there is no unit mix within the proposed residential flat building development noting that 3 x 3 bedroom units are proposed. It therefore does not achieve consistency with this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*.

Comment: The proposed variation is not considered to be in conflict with this objective.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

Comment: The proposal will present an excessive bulk and scale and is considered to result in direct adverse impacts upon the amenity of adjacent properties which is incompatible with the desired future character of the area. The proposal will therefore not achieve consistency with this objective.

Accordingly, the non-compliance is not considered to be consistent with the objectives of the zone.

Conclusion

The written submission provided by the applicant has not adequately demonstrated that the variation of the development standard prescribed by Clause 4.1AA and Clause 4.3 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

The consent authority cannot, in this instance, be satisfied that the applicant's written request has demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that sufficient environmental planning grounds have been demonstrated to justify the contravention of the standard.

Furthermore, the consent authority cannot be satisfied that the proposal upholds the public interest as the non-compliance is inconsistent with the objectives of the development standard and those applicable to development within the subject R3 Medium Density Residential zone. Departure from the control is not supported. Therefore, this forms a reason for **refusal**.

14.6 Part 5.10: Heritage Conservation

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

The proposed development is located in Woollahra local Environmental Plan 2014 and is not within a heritage conservation area. However, the following listed heritage items and heritage conservation area are in close proximity to the site:

- I187 - Residential flat building and interiors at 1 Yarranabbe Road DARLING POINT
- Darling Point Road Heritage Conservation Area

The proposal is not considered to have any adverse impacts upon these listed items and is supported in this regard.

Having considered Council's Heritage Officer's referral response, no objections are raised to the proposed demolition of the existing structures across the subject site and this aspect of the proposal is supported. The following comments has been provided:

The dwelling has no heritage significance and does not make any contribution to the heritage significance of Darling Point. The property is not heritage listed and is not located within a heritage conservation area.

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

Anyone proposing to carry out an activity that may harm an Aboriginal object or a declared Aboriginal place must investigate, assess and report on the harm that may be caused by the activity they propose.

The 'Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW' (2010) prescribes that an extensive search must be undertaken if AHIMS has shown that there are Aboriginal sites or places in the search area.

The Office of Environment & Heritage (OEH) disclosures for AHIMS searches are copied below:

- *You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.*
- *If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.*
- *The information derived from the AHIMS search is only to be used for the purpose for which it was requested.*
- *AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;*
- *It is not be made available to the public.*
- *Information recorded on AHIMS may vary in its accuracy and may not be up to date.*
- *Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.*
- *Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.*
- *Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.*

The Applicant has provided an Aboriginal Heritage Impact Assessment (the 'report') prepared in accordance with the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW' published by the Department of Environment, Climate Change and Water and dated 13 September 2010 and in accordance with Attachment 10 of Council's DA guide available at:
https://www.woollahra.nsw.gov.au/__data/assets/pdf_file/0009/248238/DA-Guide-Attachment-10-Aboriginal-Heritage-Impact-Assessment.pdf

Virtus Heritage Consultants are qualified Aboriginal heritage consultant who has inspected the property on 9 April 2024 date on foot.

Consultation with the La Perouse Local Aboriginal Land Council was undertaken on 9 April 2024.

There has been consideration of relevant previous Aboriginal heritage investigations, as detailed in Section 4 of the report.

The AHIMS of the OEH was consulted on 26 March 2024 and the extensive search is attached at Section 4.1.1 and Appendix B of the report. One recorded site is located 850m north of the project area.

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

Following the conditions of the Due Diligence Code, the desktop assessment and visual inspection found no known Aboriginal objects within the project area.

In terms of site's disturbance, the report states that:

The project area was confirmed to have extensive disturbances within the current footprint of structures on the site. Whilst the project area contains an underground layer of sand that has been defined as containing increased Aboriginal Heritage Sensitivity by the Woollahra Aboriginal Heritage Study (2021), the level of disturbance and environmental conditions of the project area have likely disturbed and potentially removed any Aboriginal objects that could have remained within the project area and the scale of the project impacts (much of which is confined to areas already previously disturbed over successive periods of residential use/development) lowers the risk of the proposal to harm Aboriginal objects, if still extant.

The report concludes that:

By completing this assessment, Fortis have undertaken reasonable and practical measures to determine whether the proposed activities will harm Aboriginal objects. No further investigations are required for the proposed works (as outlined in this report) to proceed, with caution, without an AHIP application in line with the recommendations below.

The report recommends that:

7.1.1 Unexpected Find Procedure

It is recommended that an Unexpected Find Procedure be implemented for the duration of the project. In the unlikely event that a suspected Aboriginal object/s is identified, the procure should include the following:

- *Works are to stop immediately.*
- *The area of the suspected find/s is to be fenced off with an appropriate buffer and protected.*
- *A qualified archaeologist and representative of LPLALC are to be contacted to inspect the area and the nature of the find.*
- *A representative(s) from LPLALC to determine the find's significance, in consultation with a qualified archaeologist or Heritage NSW and the requirements for an Aboriginal Heritage Impact Permit (AHIP).*
- *Works are not to proceed until written advice from the archaeologist or Heritage NSW on the appropriate management of the find or an AHIP is endorsed by Heritage NSW in consultation with the relevant Aboriginal parties.*

7.1.2 Unexpected Human Remains Procedure

- *Works are to stop immediately.*
- *The area of the suspected Human Remains find is to be secured and cordoned off.*
- *NSW Police are to be notified. No further works can be undertaken until the NSW Police provide written advice.*

If these remains are deemed to require archaeological investigation by the NSW Police or NSW Coroner, then:

• Heritage NSW and the relevant Aboriginal parties must be notified; and

A plan of management for the preservation of any identified Aboriginal human remains for salvage must be put in place or conducted under an AHIP methodology and variation developed in consultation with all relevant parties and Heritage NSW.

7.1.3 Induction

It is recommended that all site works and personnel involved in site impact works should be inducted and briefed on the possible identification of Aboriginal sites and objects during construction and their responsibilities according to the provisions of the National Parks and Wildlife Act 1974 and NPW Regulation 2019, in the unlikely event that unknown objects or items are uncovered during proposed works.

This induction package must be developed in consultation with La Perouse LALC, prior to works proceeding.

Woollahra Council Sensitivity Mapping

The report recommends that no changes be made to the Woollahra Council Aboriginal Sensitivity Mapping.

La Perouse LALC Referral Response

On 2 May 2024, the La Perouse LALC provided the following recommendations in response to the application:

Recommendation 1:

- *The La Perouse LALC agrees with recommendations as set out on page 19 and 20 of the assessment.*

Recommendation 2:

- *The La Perouse LALC advises that if any Aboriginal objects (such as human or animal bone, shell material or stone artifacts) are impacted or unearthed during any activity on the property, the activity must cease and the NSW Heritage and La Perouse LALC be contacted immediately.*

Conclusion

Given the above, it is concluded that appropriate condition of consents for the protection and management of Aboriginal Cultural Heritage will need to be imposed as part of the DA consent.

The proposed development would be considered acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014.

14.7 Part 5.21: Flood Planning

Although the subject site is not located within a flood planning area. Council's Drainage Engineer has reviewed the proposal and considered this to be acceptable subject to a recommended condition of consent which would have been included if approval were being recommended. The proposal is therefore acceptable with regard to Part 5.21 of Woollahra LEP 2014.

14.8 Part 6.1: Acid Sulfate Soils

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

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

14.9 Part 6.2: Earthworks

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

The proposal involves excavation expected to extend to a depth of approximately 4.5 m below existing ground level (mBGL) at the rear of the property to accommodate the garage, lift shaft, and part of unit 1 interior spaces.

A Geotechnical Report by Geotechnical Report, referenced P3217_ 01 Rev1, prepared by Morrow Geotechnics, dated 24 May 2024, has been submitted in support of the application which was reviewed by Council's Development Engineer.

Having regard to the referral response received form Council's Development Engineer this assessment is satisfied that the proposal is a acceptable having regard to Part 6.2 of the Woollahra LEP 2014. This would be subject to conditions of consent which would have been imposed if approval were being recommended.

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

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

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

Council's Tree and Landscaping Officer has reviewed the application and considers the extent of effected trees and provided the following comments:

> Chapter B3.7 Landscape area and private open space of the WMC DCP outlines under Control 1 that 30% canopy cover is to be provided within sites other than dwelling houses, dual occupancy, semi-detached development and attached dwellings.
>
> The DCP outlines that at least half of the total tree canopy area on the site is to be contributed by canopy tree/s (ie: trees that attain a minimum of eight (8) metres mature height and canopy spread). Trees selected should be capable of achieving the applicable tree canopy area for the site within 5-10 years of completion of the development.
>
> The submitted Canopy Cover Calculation Plan indicate that the proposal will provide 209.5m² of canopy cover which equates to 31.1%. This will be achieved from new and existing trees which achieve the above mature height requirements.
>
> The proposed landscaping and canopy cover satisfies the DCP requirements and is supported by the tree team.

The proposal is unacceptable with regard to Part 6.9 of Woollahra LEP 2014.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1 Chapter B1: Darling Point Residential Precinct

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

The proposal is inconsistent with Objectives O1, O2, O3, O4, O5 and O7 of Part B1.1.3 under the Woollahra DCP 2015 as the proposal would not reflect the desired future character of the residential precinct including its significant features, would create increased amenity impacts to its surrounds, and would not ensure the preservation of significant view corridors.

The proposal has been considered against the desired future character objectives of the Darling Point Residential Precinct, as noted in Part B1.2.2 of the Woollahra DCP 2015 and where the proposal is inconsistent, this is reflected in the reasons for refusal.

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

- Key elements of the precinct include (but are not limited to), rich mixture of architectural styles and forms, grassed verges and the stepping of development on the hillside. The development doesn't meet or respect these character elements and is contrary to Objective O1;

O2 To maintain the sense of the historic grand estates.

- The proposal does not contain nor adjoin any historical garden estates and there are no adverse impacts deemed to arise in this regard which satisfies O2.

O3 To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings incorporating modulation and a varied palette of materials.

- The proposal comprises an acceptable and varied materials and finishes palette with the development reflecting a well-designed contemporary form. The proposed built form will integrate with the context of the subject site and surrounds which satisfies O3.

O4 To maintain the heritage significance of heritage items and buildings in adjacent heritage conservation areas.

The proposal will detract from the heritage significance of listed heritage item and Darling Point Heritage conservation area. This is due to proposed non-compliant building height/ excessive excavation that added to bulk and scale of the building and block the view from and into the heritage item and heritage conservation area. This outcome is contrary to O4*.*

O5 To ensure that development does not reproduce or match existing intrusive buildings.

The proposal is not considered to reproduce or match existing intrusive buildings. The proposed building offers a sympathetic response to the local context including the streetscape and harbour/foreshore. O5 is upheld.

- The proposal is inconsistent with Objective O5 of the precinct objectives set out in Part B1.2.2 of the WDCP, as the development as proposed reproduce an intrusive structure. This is due to excessive bulk and scale when compared to the existing streetscape character, and is inconsistent with the desired future character of the neighbourhood and will result in adverse amenity impacts on adjoining properties.

O7 To ensure roof forms are articulated to provide attractive roofscapes and designed to minimise view loss.

The proposed roof garden, privacy screening fence, lift overrun, plunge pool and other elements on the roof impact the view of the neighbours at the rear and therefore the proposal is not consistent with O7.

O8 To design and site buildings to respond to the topography and minimise cut and fill.

The proposal does not uphold O8 due to the excessive excavation across the lot to accommodate the garage, lift, storage and part of unit 1 interior. This proposed design resolution does not respond to the Annandale street topography.

O9 To ensure that development is subservient to the tree line along the ridge of Darling Point Road when viewed from the harbour.

Due to the site's location, the proposal would not generate any impacts upon the tree lined ridge of Darling Point Road as viewed form the harbour.

O12 To retain and reinforce the stone and brick retaining walls that characterise the sloping streets of the precinct.

The proposed structure upholds O12.

The proposal does not meets the streetscape character and key elements of the precinct and desired future character objectives of the Darling Point Residential precinct, as noted in Part B1.2.1 of the Woollahra DCP 2015.

15.2 Chapter B3: General Development Controls

Part B3.2: Building Envelope

Site Area: 674.2m²	**Existing**	**Proposed**	**Control**	**Complies**
Front Setback Basement and the Ground level Upper Levels	6.3m	0m 2.9m	2.9m	**No**
Rear Setback	10.9m	5m	6.98m	**No**
Side Boundary Setbacks (North) Basement Upper Levels	4.5m	2m 2.5m	2.5m	**No** Yes
Side Boundary Setbacks (South) Basement Upper Levels (eave)	2.6m	2.1m 1.6m	2.5m	**No** **No**
Maximum Unarticulated Length to Street	<6m	>6m	6.0m	Yes
Maximum Unarticulated Wall Length	<12m	>12m	12m	**No**

Part 3.2.2: Front Setback

C1 states that the front setback is the average of the three most typical setbacks of the four closest residential properties which in this case is considered to equal 2.9m. The primary building façade is compliant with the minimum setback requirement with variations pertain to the covered terrace and vegetation area at the western façade. The suitability of the garage structure is discussed elsewhere in this report where Part B3.6 of the Woollahra DCP 2015 is addressed. The lower levels i.e. below and above street on the basement level, are non-compliant as these areas would be discernible from the streetscape and from adjoining properties.

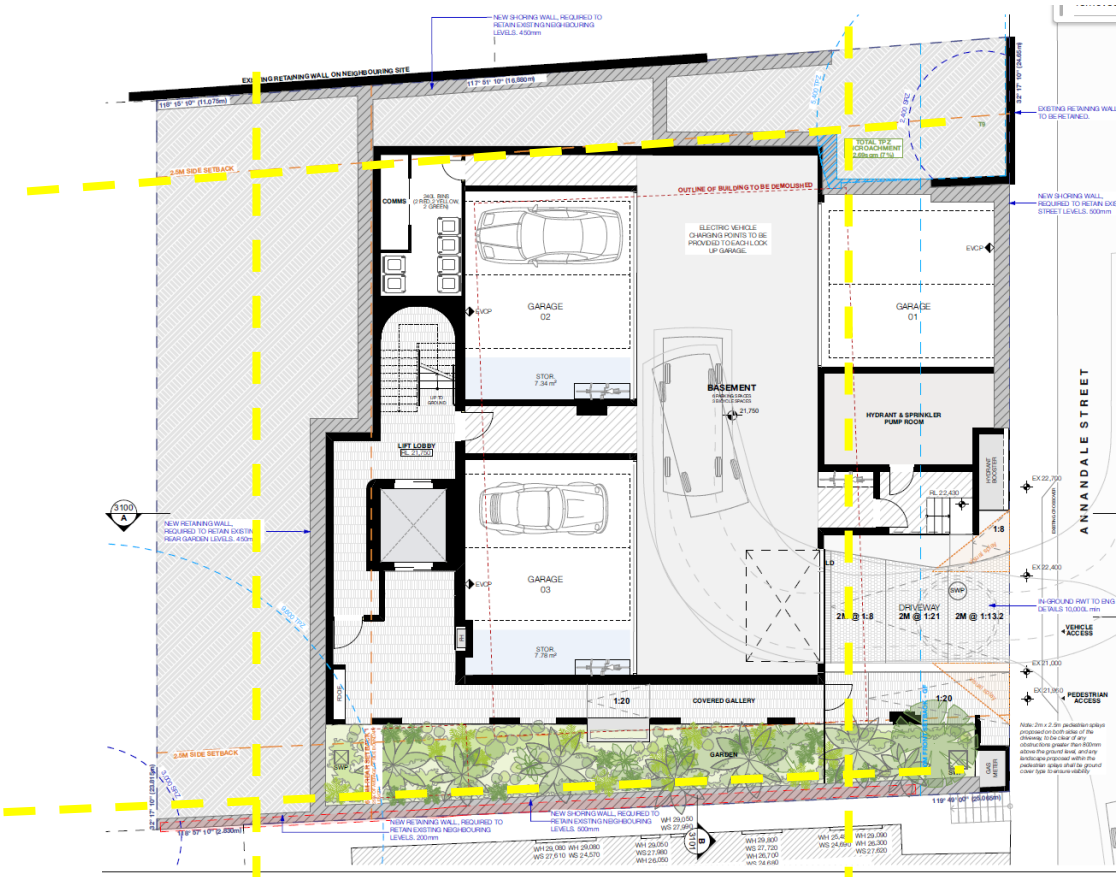


Figure 2 - Basement level floor plan, demonstrating the non-compliance rear setback and southern boundary side setback (Source: MHNDUNION)

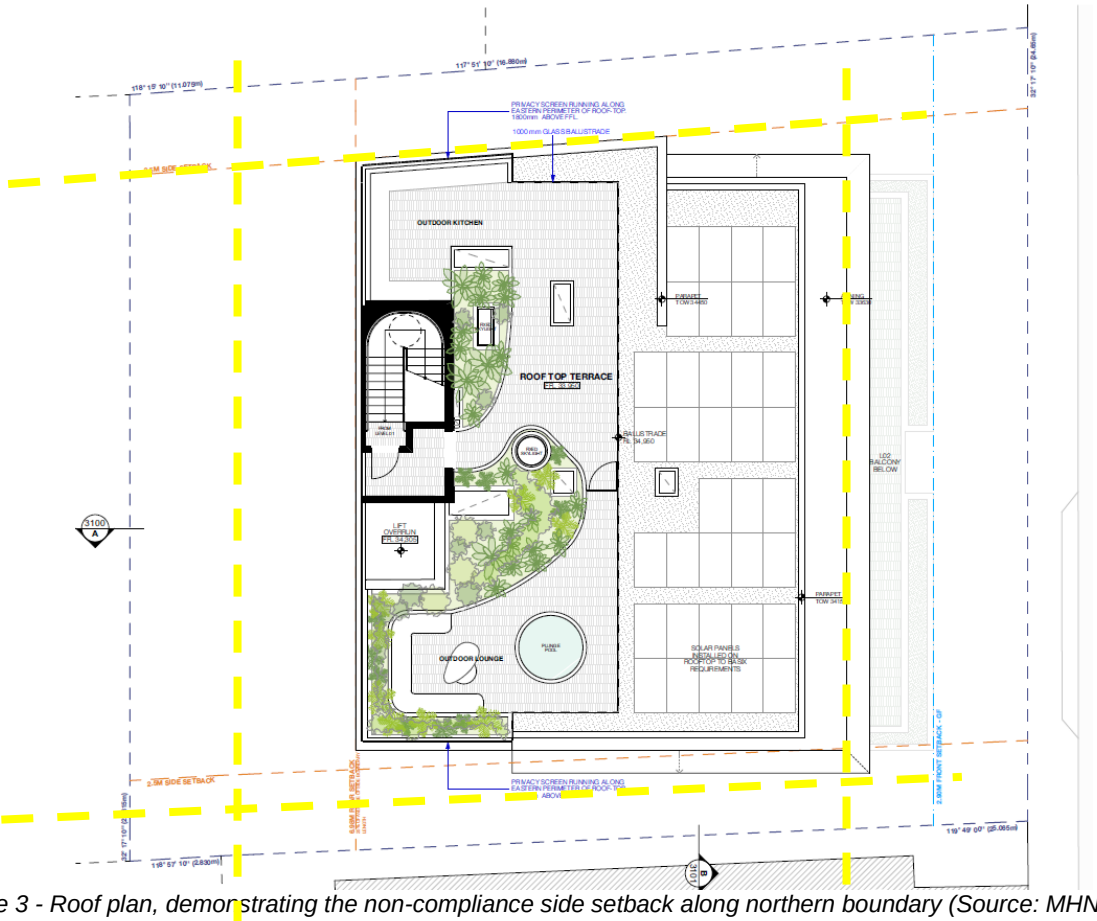


Figure 3 - Roof plan, demonstrating the non-compliance side setback along northern boundary (Source: MHNDUNION)

C2 requires that buildings have a maximum unarticulated width of 6m to the street frontage. The proposal is non-compliant in this regard as continuous façade lengths is greater than 6m (the proposed street façade measure to 17.8m long).

Despite the non-compliances detailed above, the underlying objectives of the control have been considered below noting that the garage structure is discussed elsewhere in this report.

O1 To reinforce the existing streetscape and character of the location.
O2 To provide consistent front setbacks in each street.
O3 To provide for landscaped area and deep soil planting forward of the building.
O4 To ensure that buildings are well articulated and positively contribute to the streetscape.

- The front setback and associated non-compliances are considered to be contextually acceptable and they are not of an extent that would disrupt the existing streetscape or character location in the site's context. O1 is upheld.

Figure 4 - Photo montage demonstrating propose street view and extend of front setback (Source: MHNDUNION)

- There is a degree of inconsistency amongst front setbacks along Annandale Street, and the proposal is considered to provide an acceptable response in this regard. However, the non-compliance contributes to the overdevelopment of the site and detracts from the quality of the streetscape, contrary to Objective O1 and O2;
- The proposal provides for sufficient landscaped area and deep soil planting within the front setback consistent with O3.
- Although continuous expanses of the front façade are greater than 6m in length, the proposal does incorporate a variety of materials and finishes along this front façade which would assist the articulate the front façade and break down the overall perceived building length. O4 is upheld.

Part 3.2.3: Side Setbacks

With a lot width of 24.7m, C2 requires a minimum side setback of 2.5m.

Notwithstanding the basement level along the southern boundary, and awning along the northern boundary, the proposal is compliant with C2. The acceptability of the non-compliant excavation setback is addressed further below in this assessment report where Part B3.4 of the Woollahra DCP 2015 is discussed.

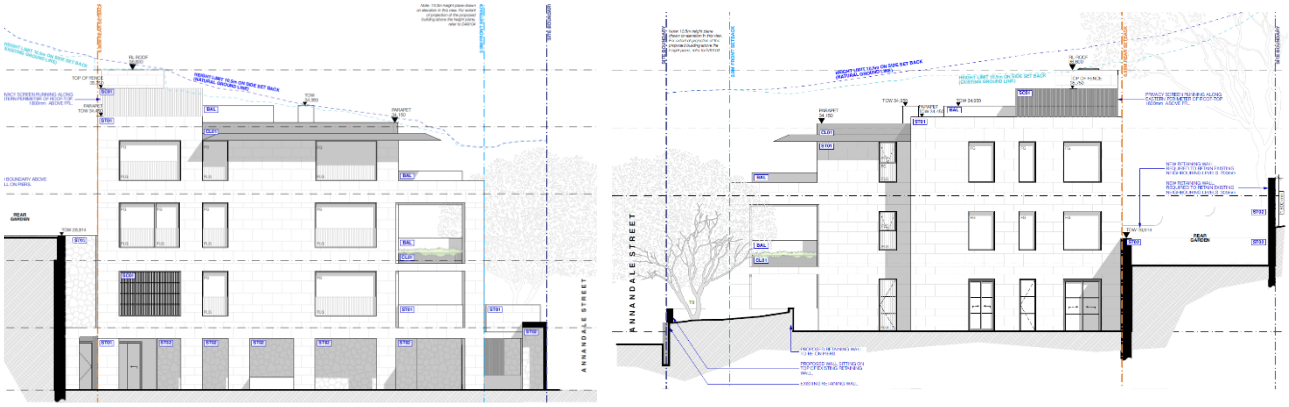


Figure 5 - Left: North Elevation. Right: South Elevation (Source: MHNDUNION)

C4 state that the building has a maximum unarticulated wall length of 12m to the side elevation. Whilst the proposal will result in non-compliances in the south-western and south eastern portions of the levels below the street along with a variation in the north-eastern corner.

Despite the non-compliances detailed above, the underlying objectives would be upheld in the following manner and therefore the numerical variations are supported.

O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.
O2 To ensure the side elevation of buildings are well articulated.
O3 To protect the acoustic and visual privacy of residents on neighbouring properties.
O4 To facilitate solar access to habitable windows of neighbouring properties.
O5 To facilitate views between buildings.
O6 To provide opportunities for screen planting.
O7 To allow external access between the front and rear of the site.

- Majority of the non-compliances pertain to subterranean areas which are below the street level and would not be readily perceived from the surrounding properties and therefore mitigating a sense of enclosure. The northern side setback non-compliances which equals to 810mm (extend of awning on the roof level) is creating an unreasonable sense of enclosure to adjoining properties. O1 is upheld.
- There are fenestration along the proposed northern and southern elevation which assist to break down the perceived length of the non-compliances elevations. Furthermore, some of the subterranean and lower level wall lengths would not be perceived from the street or surrounds and therefore a lack of articulation in these areas is deemed acceptable as they would not be read. O2 is upheld.
- However, the windows facing No.3 Annandale Street on South elevation and windows facing No.9 Annandale Street on North elevation looking directly in to bedroom of adjacent despite compliance with side setback measurement are not acceptable as a result this visual privacy impact.
- Given the orientation of the subject site, the non-compliances along the eastern elevation are not considered to generate any adverse overshadowing impacts upon surrounding properties. The variations at the lower level and subterranean areas are not considered to generate unreasonable overshadowing impacts given their location and alignment with neighbouring buildings. O4 is upheld.

- It is not considered that opportunities for screen planting would be compromised as a consequence of the non-compliances which satisfies O6.
- Suitable opportunities for external access would be facilitated in the context of the sites sloping topography which satisfies O7.

Part 3.2.4: Rear Setback

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

The proposal involves 5m non-compliance with the rear setback control, as shown in figure 2 above. The basement carpark and the ground floor extends 2m beyond the permissible rear setback. The proposed rear setback is unacceptable for the following reasons:

- The non-compliance indicates overdevelopment of the site, given the building extends outside of the permissible building envelope. The proposal is therefore inconsistent with Objective C1 of Section B3.2.4 of the WDCP
- The non-compliant rear setback contributes to the loss of deep soil landscaping on the site. The proposal is therefore inconsistent with Objective O5 of Section B3.2.4 of the WDCP.

Conclusion

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

Part B3.4: Excavation

Site Area: [property area]m^2	Proposed	Control	Complies
Maximum Volume of Excavation	1,518.56m^3	694.4m^3	**No**
Excavation, Piling and Subsurface Wall Setback	Nil setback	1.5m	**No**
Geotechnical Report	Submitted	Required Where > 2.0m	**Satisfactory**

Excavation diagram and SEE indicates that the proposed excavation volume is 1,518.56m^3. This exceeds the DCP control by 824.16m^3. Control C4 allows variations to the excavation volume control for residential flat buildings only, however the maximum excavation volume permitted will only be the amount needed to accommodate: car parking to comply with the maximum rates in Part E1 of this DCP, any reasonable access thereto and storage at a rate of 8m^3 per dwelling.

Approximately 569.38m^3 of the volume is required for car parking, access and storage. However, the remaining excavation volume (being approximately 949.18m^2) consists of the upper ground floor level and the associated private open space. This significantly contributes to the volume of excavation required to achieve the proposal and is considered to be excessive, contrary to Control C2.

The proposal is not compliant with the numerical controls of the DCP and is not considered to achieve consistency with the relevant objectives of Part B3.4 for the following reasons:

- The proposed development has not been designed and sited to relate to the existing topography of the site, contrary to Objective O1(a);
- The proposal has not demonstrated that noise, vibration, dust and other amenity impacts on surrounding properties, during construction are reasonable, contrary to Objective O1(d);
- The proposal has not demonstrated that traffic impacts created by the transfer of excavated materials from the site by heavy vehicles are reasonable, contrary to Objective O1(f);

- It has not been demonstrated that the principles of ecologically sustainable development have been satisfied, contrary to Objective O1(g).

Conclusion

The proposal is therefore unacceptable with regard to the excavation controls in Part B3.4 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.5: Built Form and Context

Part B3.5.1: Streetscape and Local Character

The proposed development is located in a precinct zoned for medium density residential development. The surrounding area is predominantly characterised by a mixture of multi-storey residential flat buildings and two to three storey dwellings and one 11-storey residential flat building at No. 11 Yannabbe Road.

The proposed front façade of the 4 to 5 storey building is to have a Sandstone cladding for the garage/basement level and limestone cladding to the upper ground floor, and first floor. The third floor and roof terrace pergola has a dark bronze metal cladding. These three distinct finishes establish a bottom, middle and top to the proposed building. Notwithstanding this, the development is considered to be unacceptable in terms of the relevant streetscape/local character objectives and controls, for the following reasons:

- The proposed built form has not been designed to reflect the sloping topography of the site, resulting in excessive excavation works and a five storey wall presenting to Annandale Street. This is uncharacteristic within the locality and inconsistent with the desired future character of the precinct, contrary to Objectives O1 and O2 and Controls C1 and C3;
- The proposed materiality and colour scheme includes an atypical mix of dark and light colours that contrast and are inconsistent with the general pattern of development within Annandale street, contrary to Objectives O1 and O2 and Controls C1 and C5;
- The proposed development involves the loss of a significant street tree (2 palm trees) to accommodate the proposed basement and the terrace above. Further to this, the proposed development has not included any canopy trees, which does not allow for the urban greening and the enhancing of the landscape setting of the locality, contrary to Objectives O2 and O3, Controls C2 and C4.

Part B3.5.2: Overshadowing

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

The proposed development complies with the minimum solar access to private open space at No.9 Annandale Street. No.3 Annandale Street as proposed does not receive a minimum of 2 hours of solar access to the main ground floor private open space, during the winter solstice between 9am and 3pm. There is insufficient information provided by the Applicant to adequately assess the extent to which the proposed development further reduces the solar access to the private open space at these properties. The proposed development is therefore unacceptable in this regard.

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

Note: North facing windows include the orientation range within 20º west and 30º east of true solar north.

It appears that the proposed development could comply with the solar access requirements to the north-facing windows at No.3 Annandale Street. However the Applicant has not provided elevational shadow diagrams to demonstrate compliance with the Control C1(b). It is also noted that the submitted shadow diagrams appear to be inaccurate and do not seem to account for the topography of the site.

The proposed development is therefore considered unacceptable in this regard.

Part B3.5.3: Public and Private Views

Private views

The owner of the following adjoining property has objected to the proposed development on the basis of view loss:

- 1 Yarranabbe Road, Darling Point;
- 32A Darling Point Road, Darling Point;
- Units 1/32 Darling Point Road, Darling Point;
- Units 2/32 Darling Point Road, Darling Point;
- Units 3/32 Darling Point Road, Darling Point.

In assessing the reasonableness or otherwise of the degree of view loss, this report has had regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four step assessment of view sharing. The steps are as follows:

1. The assessment of the views affected

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

The listed objector properties benefits from views of the Harbour Bridge, city skyline and water views of the harbour. The land/water interface is visible. The view is partly obscured by trees.

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

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

The iconic views are obtained from the balconies, kitchens, livings and dining rooms (full height glass sliding doors), across the north-western front boundary.

Figure 6 - No.1 Yarranbee Road View from the dining area standing (Source: Site inspection conducted by Council's Assessment Officer 20 August 2024)

Figure 7 - No.1 Yarranbee Road View from the dining area standing (impact of the propose development outlined) (Source: Submission from Campbell on behalf of the owners of No.1 Yarranabbe Road)

Figure 8- No.1 Yarranbee Road View from the dining area seating (Source: Site inspection conducted by Council's Assessment Officer 20 August 2024)

Figure 9 - No.1 Yarranbee Road View from the dining table seating (impact of the propose development outlined) (Source: Submission from Campbell on behalf of the owners of No.1 Yarranabbe Road)

Figure 10 - No.1 Yarranbee Road View from the kitchen standing (Source: Site inspection conducted by Council's Assessment Officer 20 August 2024)

Figure 11 –No.1 Yarranbee Road View from terrace seated (Source: Site inspection conducted by Council's Assessment Officer 20 August 2024)

Figure 12 - No.1 Yarranbee Road View from terrace seated (impact of the propose development outlined) (Source: Submission from Campbell on behalf of the owners of No.1 Yarranabbe Road)

A site inspection of unit 1, 2 and 3 of No.32 Darling Point Road reveal the impact on viewed from various habitable area in the properties. Based on this investigation, the third level and roof terrace (including all other structures at roof terrace level) will have a devastating impact on views obtained from this properties.

*Figure 13 -Unit 2 No.32 Darling Point Road, living room seated. The proposed outlined in **Red** (Source: Site inspection conducted by Council's Assessment Officer 28 August 2024)*

*Figure 14 - Figure 12 -Unit 3 No.32 Darling Point Road, living room seated. The proposed outlined in **Red** (Source: Site inspection conducted by Council's Assessment Officer 28 August 2024)*

*Figure 15 - Unit 3 No.32 Darling Point Road, Kitchen area standing. The proposed outlined in **Red** (Source: Site inspection conducted by Council's Assessment Officer 28 August 2024)*

3. The extent of the impact

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

Iconic View

The proposal have an impact on the iconic view and harbour view obtained from the rear balcony and the primary living and dining room glass doors.

The proposal will have a significant impact on the oblique view towards the city skyline and Harbour Bridge.

District view
The proposal will have a severe impact on the district view obtained from the dining room window and the kitchen window, as the view will be obscured by the development. The outlook from these windows is currently partly obscured by the existing pitched roof form at 7 Annandale Street.

When assessed for the whole of the property, and given that the proposal have an impact on the iconic and the harbour views, the overall view impact is considered to be significant.

4. The reasonableness of the proposal that is causing the impact

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

The Court poses two questions in Tenacity Consulting vs Warringah (2004) NSWLEC 140. The first question relates to whether a non-compliance with one or more planning controls results in view loss. The second question is whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact of the view to the neighbours.

The following comments are made with regard to the reasonableness of the proposal:

- The district view would be better defined as an outlook towards Harbor Bridge, and the water.
- The proposal has major impact upon the primary iconic view and harbor view obtained from the kitchen, living room, dining room and balcony.
- The proposal has major impact upon the land/water interface from the living room, dining room and balcony.
- A development that non-complies with the 10.5m height control would result in the loss of the district outlook from listed objector properties mentioned above.

The development application has not been accompanied by a visual impact assessment in this instance. Notwithstanding this, the Proposal is assessed against the relevant Objectives and Controls as follows:

- The proposed building in its current bulk and scale would result in adverse impact to views or vistas from the public domain (O1, C1, C2, C3).
- The proposed roof terrace does not comply with C4.
- The proposed development is not designed to enable view sharing with properties behind, on the eastern side. Furthermore, the exceedance height as a result of roof garden and privacy screening resulted in blocking the view to the significant scenes in Sydney harbour. Therefore it doesn't comply with O3, C5, C6 and C8.

Conclusion

The proposal is considered to be unacceptable with regard to the provisions of Part B3.5.3 of Woollahra DCP 2015.

Part B3.5.4: Acoustic and Visual Privacy

- The excessive bulk and scale of the proposed development, results in unacceptable adverse amenity impacts on adjoining and surrounding properties.
- The proposed windows including a habitable living room window (to the southern elevation) will overlook windows at No.3 Annandale Street. This results in adverse visual privacy impacts on this adjoining property, inconsistent with Objective O2 and contrary to Controls C4 and C5 of this Part.
- The proposed windows including habitable bedroom room windows (to the northern elevation) will overlook windows at No.9 Annandale Street, resulting in adverse visual privacy impacts on this adjoining property, inconsistent with Objective O2 and contrary to Controls C4 and C5 of this Part.
- The proposed roof terrace and third floor unit will create overlooking in to the habitable rooms and private open space at these rear adjoining properties (No.1 Yarranabbe and 32A Darling Point Road), resulting in adverse visual privacy impacts on these adjoining properties, inconsistent with Objective O2 and contrary to Controls C4 and C5 of this Part.

Conclusion

The proposal is considered to be unacceptable with regard to the provisions of Part B3.5.4 of Woollahra DCP 2015.

Part B3.5.5: Internal Amenity

The proposal is acceptable with regard to the objectives of the internal amenity controls for the following reasons:

- The habitable rooms within the development are predominantly above existing ground level with the exception of unit 1 on the ground floor bedroom 3.
- The bedroom (south elevation) within the ground floor unit, have at least one external wall primarily above existing ground level.
- The design of the building has maximised natural light and ventilation to the units.
- It is noted that a window is not provided within the ground floor ensuite, however this is due to the ensuite being adjacent to the pedestrian entry path to the units.

Conclusion

The proposal is considered to be acceptable with regard to the building envelope controls and objectives under Part B3.5.4 of Woollahra DCP 2015.

Part B3.6: On-Site Parking

The subject residential flat building proposes basement parking for 6 vehicles. The proposed car parking is considered to be well integrated into the design of the building, in accordance with Controls C1(c), C1(d) and C6 and Objectives O2, O6, O7 and O9. Council's Development Engineer raised no concern with proposed design of the garage and drive way.

Conclusion

The proposal is therefore acceptable with regard to the onsite parking controls in Part B3.6 of the Woollahra DCP 2015.

Part B3.7: External Areas

Site Area: [property area]m²	Proposed	Control	Complies
Tree Canopy Area	31% (209.5m²)	30% (202.26m²)	Yes
Tree Canopy Area Comprising of Canopy Trees	77.6% (180.53m²)	50%	Yes
Deep Soil Landscaping –	26.2% (176.53m²)	35% (235.97m²)	**No**
Deep Soil Landscaping – Front Setback	20.5% (14.7m²)	40% (28.6m²)	**No**
Private Open Space (Upper Floor Units) Total Area Minimum dimension	 > 8m² >2m	 8m² 2m	 Yes Yes
Side and Rear Fence Height	1.8m	1.8m	Yes
Sandstone Fencing and Retaining Walls	Not retained	Retained	**No**
Lockable Storage Spaces – RFB	<8m³	8m³ per Dwelling	**No**

Part 3.7.1: Landscaped Areas and Private Open Space

C1 requires that 30% of the site area is to comprise tree canopy area, and at least half of the total tree canopy area on the site is contributed by canopy tree/s. C2 requires that 35% of the site area is deep soil landscaping. C3 requires at least 40% of the front setback area to comprise deep soil landscaping.

The proposal provides 176.53m² deep soil landscaping (26.2%) which involves a 59.44m² non-compliance with the control. Furthermore, there is a non-compliance of deep soil landscaping of 13.9m² for the front setback.

Council's Trees and Landscaping Officer reviewed the application and provided conditions to retain the existing trees.

Conclusion

The proposal is therefore unacceptable with regard to the landscaped area and private open space controls in Part B3.7.1 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part 3.7.2: Fences

C4 limits fencing to 1.2m, or 1.5m if 50% transparent or open. The application has not provided information for the side boundary fence and there for assessment of this part cannot be completed.

Conclusion

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

Part B3.8: Additional Controls for Development Other Than Dwelling Houses

B3.8.1: Minimum Lot Width

C1 requires a minimum lot width of 15m for a residential flat building. The subject site provides for a width of 24.73m and complies with C1.

Conclusion

The proposal is acceptable with regard to the additional controls in Part B3.8 of the Woollahra DCP 2015.

15.3 Chapter E1: Parking and Access

Council's Traffic & Transport Engineer reviewed the proposal. The following assessment in accordance with Chapter E1: Parking and Access is provided.

> The parking provision for the proposed development has been assessed in accordance with Council's *DCP 2015 Chapter E1 Parking and Access:*

Table 1: Car Parking Provision

Residential Component	Quantity	DCP Maximum Requirement per Dwelling	DCP Maximum Permitted Parking
3 bedroom	3	2	6
Visitors	3	0.25	0.75 (1)
Total permitted			7
Proposed provision			6

It is clear from Table 1 that proposed provision of six (6) onsite parking spaces complies with DCP's maximum requirement and is considered acceptable.

Table 2: Bicycle and Motorbike Parking Provision

BICYCLE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Residential Residents	3 dwellings	1 per dwelling	3
Residential Visitors	3 dwellings	1 per 10 dwellings	0.3 (0)
Total required			3
MOTORBIKE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Car Spaces	7	1 per 10 car spaces	0.7 (1)
Total required			1

In response, the proposal includes three (3) bicycle parking spaces, which results in a shortfall of one (1) motorbike parking space than DCP's minimum requirement. It is however noted that given the scale and nature of the development, motorbike parking demand is minor and can be accommodated within the parking spaces allocated to each unit if required. The marginal shortfall of motorbike parking is therefore considered acceptable.

1.1.2 Traffic Generation

Traffic generation from the proposed development has been calculated in accordance with *RMS Guide to Traffic Generating Developments 2002,* and *RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a*.

Existing Development

Medium Density Residential – Smaller Units

- Weekday peak hour vehicle trips: 4 dwellings x 0.4-0.5 per dwelling = 1.6-2 trips
- Daily vehicle trips: 4 dwellings x 4-5 per dwelling = 16-20 trips

Proposed Development

Medium Density Residential – Larger Units

- Weekday peak hour vehicle trips: 3 dwellings x 0.5-0.65 per dwelling = 1.5-1.95 trips
- Daily vehicle trips: 3 dwellings x 5.0-6.5 per dwelling = 15-19.5 trips

Based on the above calculations, there'll be negligible changes to traffic flow comparing to existing conditions which is unlikely to generate unacceptable adverse impact on the surrounding road network in terms of safety and efficiency.

1.1.3 Part E1.8: Parking and Access Design Standards

The proposed grade for the first 6m into the car park complies with the gradient requirement for a domestic driveway stipulated in AS/NZS 2890.1:2004 and is considered satisfactory.

The 3.5m-wide access driveway complies with the width requirement for a Category 1 access facility and is deemed satisfactory.

A 2m x 2.5m sight splay is provided along both sides of the driveway and complies with AS 2890.1:2004 for sight distance.

1.1.4 Part E1.9: Electric Vehicle Charging Points

Control C1 of this part requires *evidence of electric circuitry to accommodate 'Level 2' electric vehicle charging points to be integrated into all off-street car parking of new residential development to ensure that 100% of car spaces can install electric vehicle charging points in the future.*

Insufficient details of the electric circuity have been provided. However, should development consent be granted, relevant conditions of consent could be imposed requiring the provision for electric vehicle circuitry within the development, thereby ensuring compliance with Part E1.11 of the Woollahra DCP 2015.

1.1.5 Conclusion

If approved the proposal is acceptable with regard to the objectives and controls in Chapter E1 of the Woollahra DCP 2015.

15.4 Chapter E2: Stormwater and Flood Risk Management

Council's Development Engineer has provided the following comments with regard to Stormwater Management:

A=676.6^{m2}, OSD Exempt Area
Required = min 5m^3 RWT and Stormwater Quality/Treatment Systems, connect to Council's belowground system only.
Provided = 10m^3 RWT, Stormwater Quality/Treatment Systems and Basement Pump-out System.

The Stormwater Management Plan, referenced Project No. EN-N24_061, Revision 03, prepared by IGS, dated 12/07/2024 is generally satisfactory subject to the following and other conditions:

- *The discharge of stormwater by one direct connection to Council's belowground drainage system, through a new Kerb Inlet Pit (KIP) fronting the site on Annandale Street. Council's existing belowground drainage system must then be extended, to connect to the new KIP, from the existing Butterfly Pit fronting No. 11 Annandale Street, other than that amended by Council's Asset Engineer.*
  Note: Not more than one connection to Annandale Street is permitted. The connection must be through a straight line with no bends to Council's belowground drainage system only. As such the second 'overland flow' piped connection to Council's kerb and gutter on Annandale Street must be removed. Stormwater discharge to Council's kerb and gutter is not permitted.
  Note: The new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
- *The entire run-off from the entire site area must be collected and drained to Council's belowground drainage system, through one connection only. All stormwater management systems must be designed for a 1% AER storm event.*
  Note: The second piped connection to Council's belowground drainage system must be deleted. Stormwater discharge to Council's kerb and gutter is not permitted.
- *The basement Pump-out System must only collect surface stormwater run-off from the basement area which cannot drain under gravity. Stormwater from other areas (including parts of the internal driveway) which can drain under gravity, must not be directed to the basement pump-out system. Stormwater run-off from all other areas must drain under gravity only.*

The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP and Local Approvals Policy. This is to ensure that site stormwater is disposed in a controlled and sustainable manner.

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

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

15.5 Chapter E3: Tree Management

As a result of this proposal 16 trees within and adjacent to the site will be effected. Council's Tree and Landscape Officer reviewed the application and provided the following comments:

Tree Removal – Low Retention Value
The plans and documentation indicate trees 1, 2, 3, 4, 5, 6, 7, 8 and 10 are proposed for removal as they will be directly impacted by the development.

The trees have all been rated in the AIA Report as having Low Landscape Significance and Low Retention Value for reasons such as non-prescribed tree heights and species, underperforming in health, suppressed by more dominate trees or found to be providing minimal amenity value to the immediate area.

Trees rated as having Low Retention Value are generally considered as not being important for retention, nor require special works or design modification to be implemented for their retention.

The tree team supports the AIA Report findings and removal of the trees conditional of replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree Retention
The plans and documentation indicate trees 9, A, B and C are proposed for retention.

Tree 9 – has been identified as a *Jacaranda mimosifolia* (Jacaranda) located in the south-western corner of the front yard. The tree has been noted in good health and condition. The tree is a prominent feature along the street and provides a high contribution to the amenity and canopy cover of the immediate area.

The plans indicate works are proposed within the Tree Protection Zone of the tree which has been calculated as being 5.4 metres (radius from tree trunk). This includes excavation for a new basement garage, construction of a new building, modification to the existing retaining walls and new landscaping. The AIA Report has deemed the works as a Minor Encroachment (less than 10% of TPZ) as defined by the *Australian Standards AS4970 'Protection of trees on development site'*.

As detailed in the AIA Report, the proposed works are considered acceptable provided tree sensitive construction methods are implemented during the works. This includes hand excavation for the shoring wall under the direct supervision of the Project Arborist. Tree protection measures are to be installed prior to the comments of any works. The recommendations detailed in the AIA Report are supported and have been incorporated into the conditions below to ensure the tree remains viable.

Tree A – has been identified as a *Celtis sinensis* (Chinese Hackberry) located adjacent to the north-eastern corner within the rear yard of 5-9 Yarranabbe Road. The tree is considered to be an environmental weed. However, as it is within the neighbour's property, protection from construction damaged is necessary.

The plans indicate a section of new retaining wall will be constructed within the TPZ of the tree which has been calculated as being 9.6 metres (radius from tree trunk). According to the AIA Report, the works represents a Minor Encroachment (less than 10% of the TPZ) and is within acceptable limits.

As outlined in the AIA Report., provided the wall is constructed under the direct supervision of the Project Arborist, the proposed works are not expected to adversely impact on the tree.

The recommendations detailed in the AIA Report for the protection of this tree are supported and have been incorporated into the conditions below to ensure the tree remains viable.

Trees B - has been identified as a *Phoenix canariensis* (Date Palm) located adjacent to the southern boundary within 3 Annandale Street. The tree has been noted in good health and condition.

The plans indicate the existing retaining wall located along the southern boundary adjacent to the tree will be retained. A new retaining wall will be constructed in front of the wall within the subject site. However, as palm trees develop fibrous root systems that are generally contained to a 1 metre radius, the proposed works are not expected to impact on the tree.

Tree C – has been identified as a *Plumeria acutifolia* (Frangipani) located adjacent to the southern boundary within 3 Annandale Street. The tree has been noted in good health and condition.

The plans indicate a new retaining wall will be constructed within the TPZ of the tree which has been calculated as being 5.4 metres (radius from tree trunk). This has been deemed a Major Encroachment (greater than 10% of the TPZ) in the AIA Report.

AS4970 outlines that where an encroachment is greater than 10% of the TPZ, the project arborist must demonstrate that the tree will remain viable. This may require root investigation and/or consideration of health, condition, age, species type and tolerance to disturbance, lean and stability.

The AIA Report outlines that the proposed works are not expected to impact on the tree due to the species being highly tolerant of root pruning. The recommendations detailed in the AIA Report for the protection of this tree are supported and have been incorporated into the conditions below to ensure the tree remains viable.

Canopy Cover – Apartments
Chapter B3.7 Landscape area and private open space of the WMC DCP outlines under Control 1 that 30% canopy cover is to be provided within sites other than dwelling houses, dual occupancy, semi-detached development and attached dwellings.

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

The submitted Canopy Cover Calculation Plan indicate that the proposal will provide 209.5m² of canopy cover which equates to 31.1%. This will be achieved from new and existing trees which achieve the above mature height requirements.

The proposed landscaping and canopy cover satisfies the DCP requirements and is supported by the tree team.

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

15.6 Chapter E5: Waste Management

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

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

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

Part E5.2: Demolition and Construction Phase

C2 and C3 promote reuse of salvaged and excess construction materials. C4 promotes prefabricated or recycled materials where possible. C5 seeks to minimise site excavation and disturbance.

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

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

	Existing	Proposed	Control	Complies
Garbage and Recycling Areas	-	Separated	Separated	Yes
Location of Garbage and Recycling Areas	-	Basement/ garage level	Behind Building Line or Non-Habitable Areas	Yes

The development application was accompanied by an Operational Waste Management Plan and a Waste Management Plan prepared by MRA Consulting Group dated 7th June 2024 which clearly identify the waste and recycling storage areas and all other relevant matters (O1, C1).

- The waste storage area would facilitate the separation of garbage and recycling (C2).
- The waste storage area is located to the basement level, is would therefore not detract from the design of the development (C3, C4).
- As proposed, it is considered that the waste collection point would not interfere with traffic or pedestrian safety.

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

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

	Existing	Proposed	Control	Complies
Garbage and Recycling Areas	-	Provided	Required	YES
Location of Waste Storage Area	-	Basement	Basement Level	YES
Maximum Distance from Waste Storage Area to Collection Point	-	<75m	75m	YES

C4 specifies a rate of 120L/unit for waste, 55L/unit for recycling and 240L/unit for green waste and food organics. With 8 units, this equates to a total of 960L of waste and 440L of recycling or approx. 4 x 240L waste bins and 2 recycling bins.

The proposed development provides 2 x 240L waste bins, 2 x 240L recycling bins and 2 x 240L FOGO bins, in accordance with Control C4.

C5 requires a compost area.

The proposed development did not provided Food Organic and Garden Organic bin. However in the submitted waste management plan there is a mention of future plan to allocate a compost area.

C11 limits the travel distance between the waste storage area and the collection point to 75m.

Complies.

Conclusion:

If the application were recommended for approval, the relevant waste requirements could be imposed by standard conditions, in order to ensure compliance with Chapter E5 of the Woollahra DCP 2015.

16. CONTRIBUTION PLANS

16.1 Section 7.12 Contributions Plan

A 1% levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan 2022. This would have imposed via a condition of consent if approval were being recommended.

16.2 Subdivision 4 Housing and Productivity Contributions

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

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

This would be addressed by way of condition if approval were being recommended.

17. APPLICABLE ACTS/REGULATIONS

17.1 Environmental Planning and Assessment Regulation 2021

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

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

18. THE LIKELY IMPACTS OF THE PROPOSAL

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

19. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development, however is unacceptable for the reasons listed in the **Reasons for Refusal.**

20. THE PUBLIC INTEREST

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

21. CONCLUSION

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

22. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, **is not satisfied** that the Written Requests from the applicant have adequately addressed the relevant matters under Clause 4.6 of the Woollahra Local Environmental Plan 2014 and therefore consent cannot be granted to the development which contravenes the height of buildings and minimum allotment size development standards under Clauses 4.1AA and Clause 4.4 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. 216/2024/1 for demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works on land at 7 Annandale Street Darling Point, for the following reasons:

1. R3 Medium Density Residential Zone Objectives

The proposed development must be refused due to it being inconsistent with the objectives of the R3 Medium Density Residential zone. Specifically, the development fails to achieve the objectives of the four bullet points of the zone.

a) The proposal fails to achieve the intent of the medium density zoning for the surrounding land which will remain isolated and will reduce the development potential for purposes of a residential flat building and therefore does not achieve consistency with objective dot point 1;
b) The proposal does not provide a broad range of housing typologies on the basis that an inadequate unit mix is proposed (total of 3 x 3 bedroom units) within the site and therefore does not achieve consistency with objective dot point 2;

The proposal will be incompatible and unsympathetic to the existing and desired future character of the broader neighbourhood and therefore does not achieve objective dot point4.

2. Minimum Allotment Size

The proposed development must be refused due to the shortfall in the minimum allotment size requirements for residential flat buildings and failure to achieve consistency with the Aims prescribed in Clause 1.2(2) of the Woollahra Local Environmental Plan 2014.

The proposed development must be refused due to the shortfall in the minimum allotment size requirements for residential flat buildings and failure to achieve consistency with the objective prescribed in Clause 4.1AA of the Woollahra Local Environmental Plan 2014.

a. The proposed residential flat building is located within the R3 Medium Density Residential Zone, however the lot area of the subject site is 674.2m2, which is a 25.8m2 shortfall of the development standard.
b. The Applicant has submitted a written request pursuant to clause 4.6 of the WLEP seeking to vary clause 4.1AA of the WLEP (**Minimum Lot size Request**) to allow the exceedance.
c. The proposal is inconsistent with the following objectives of the R3 Medium Density Residential Zone:
    i. To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood, and
    ii. To ensure development conserves and enhances tree canopy cover.

3. Height of Buildings

The proposed development must be refused due to its failure to comply with the 13.5m height of buildings development standard and failure to achieve consistency with the objectives prescribed in Clause 4.3 of the Woollahra LEP 2014.

a. The proposal is inconsistent with Objectives 1(a), (c), (d) as the proposed building height will result in a bulk, scale and development outcome that will be inconsistent with the desired future character of the neighbourhood, does not minimise its impacts upon neighbouring properties in terms of solar access, visual intrusion adverse, privacy and view impacts.
b. The proposal is inconsistent with Clause 4.3(2) as the proposed building height exceeds that which is prescribed for the site.
c. The written request submitted pursuant to cl.4.6 of WLEP which seeks to justify the contravention of cl.4.3 of WLEP 2014 does not adequately address the matters required to be demonstrated under clause 4.6(3), being that:
    i. The building height has been miscalculated from the existing ground floor to the top of the proposed wall on the roof garden.
    ii. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
    iii. There are sufficient environmental planning grounds to justify contravening the development standard.

4. Adverse Bulk, Scale and Form

The proposed development must be refused due to its excessive bulk and scale which represents an overdevelopment of the site in its context and when compared to surrounding development and desired future character of the Darling Point residential precinct which results in adverse view, visual intrusion, overshadowing and privacy impacts to adjoining properties.

a. The proposed height, bulk, form and scale is contrary to aims (a), (b), (g), (j) and (l) of Clause 1.2 *Aims of Plan* of the WLEP:
    i. Contrary to aim (a), the proposed development does not ensure that growth occurs in a planned and coordinated way.
    ii. Contrary to aim (b), the proposed development will result in adverse impacts to the future management, development, and economic use of surrounding property.
    iii. The proposal fails to achieve aim (g) as it would have an unacceptable impact on the amenity of surrounding properties.
    iv. The proposal fails to achieve aim (l) as the development is inconsistent with the desired future character of the Darling Point Residential precinct.
b. The proposed bulk, form and scale is inconsistent with Objective Dot Point 4 under the R3 Medium Density Residential zone land use table as the proposed height and scale is incompatible and unsympathetic to the existing and desired future character of the locality.
c. The proposed development does not satisfy the desired future character objectives O1, O3, O4 of Part B1.1.3 and O3, O7 of Part B1.2.2 Darling Point residential precinct of the WDCP 2015:
    i. The proposal does not respect or enhance the desired future character of the Darling Point residential precinct in terms of suitably responding to surrounding built forms and natural features. It does not limit amenity impacts upon surrounding development.
    ii. The proposed bulk, form and scale would not maintain a suitable evolution of residential buildings and does not minimise view loss from surrounding properties.

d. Proposed bulk, form and scale is inconsistent with Part B3.2: Building Envelope controls contained in the WDCP. The building envelope is a three dimensional space within which a building is to be located.
e. The proposed residential flat building, is not contained within the building envelope and exceeds the maximum permitted height of buildings prescribed by the WLEP.
f. The proposed development does not accord with the relevant building envelope objectives and controls of the WDCP:
    i. B3.2.4: Rear Setbacks – Objectives and control O1, O2, O3, O6 and C1:
        - Contrary to C1 the proposal varies the minimum rear setback requirement for residential flat buildings.
        - Contrary to O1, the reduced setback limit opportunities to provide landscaping and private open space to the rear of buildings.
        - Contrary to O2, the proximity of the development to the site's rear boundary adversely impacts on the visual privacy of residents on adjoining properties.
        - Contrary to O3, the reduced setbacks would result in an adverse sense of enclosure upon surrounding development.
        - Contrary to O4, the reduced rear boundary setbacks would limit solar access to neighbouring properties.
        - Contrary to O6, the proposal would limit opportunities for a consolidated open space network to the rear of the property.
g. The bulk, form and scale of the proposed development does not accord with Part B3.5*:* Built Form and Context of the of the WDCP:
    i. B3.5.1: *Streetscape and Local Character* – Objectives and controls O1, O3, C1.
        - Contrary to O1, O3 and C1, the built form is inconsistent with the Darling Point Residential Precinct.

5. Excavation

The proposed development is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding excavation.

a. The submitted SEE indicates the development proposes an excavation volume of 1,518.56m² to accommodate parking, access, storage and part of the upper ground level and the associated private open space.
b. The proposal does not satisfy cl.1.2(2)(m) of the WLEP and is inconsistent with Objective O8 of the Darling Point Precinct in Part B1.2.2 of the WDCP as the extent of excavation has not been minimised.
c. The proposal has not been designed and sited to relate to the existing topography of the site, and is therefore inconsistent with Objective O1(a) of Part B3.4 of the WDCP.
d. The Applicant has not demonstrated that noise, vibration, dust and other amenity impacts on surrounding properties during construction are reasonable, and is therefore inconsistent with Objective O1(d) of Part B3.4 of the WDCP.
e. The Applicant has not demonstrated that traffic impacts by the transfer of excavated materials from the Site by heavy vehicles are reasonable inconsistent with Objective O1(f) of Part B3.4 of the WDCP.
f. The Applicant has not demonstrated the principles of ecologically sustainable development have been satisfied inconsistent with Objective O1(g) of Part B3.4 of the WDCP.
g. The excessive excavation volume fails to satisfy Cl.6.2(3)(d) of the WLEP.

6. Streetscape

The proposed development will have an unacceptable impact on the streetscape character of Annandale Street and it is contrary to the relevant provisions the Woollahra DCP 2015, relating to streetscape.

a. The proposed built form has not been designed to reflect the sloping topography of the site resulting in excessive excavation works and presents as a five storey wall to Annandale Street. This is uncharacteristic within the locality and inconsistent with the desired future character of the Darling Point Precinct and the Annandale street streetscape and is inconsistent with Objectives O1 and O5 of Part B1.7.2, inconsistent with Objectives O1 and O2 of Part B3.5.1 and does not comply with Controls C1 and C3 of Part B3.5.1 of the WDCP.
b. The proposal is inconsistent with Objectives O1 to O7 of the precinct objectives set out in Part B1.1.3 of the WDCP as the proposal is excessive in bulk and scale when compared to the existing streetscape character, is inconsistent with the desired future character of the neighbourhood and will result in adverse amenity impacts on adjoining properties.
c. The proposal does not achieve the desired future character of the Darling Point Residential Precinct which is contrary to cl.1.2(2)(l) of the WLEP.

7. Roof Terrace

The proposed development must be refused as the roof terrace is unacceptable within the streetscape and will adversely impact the amenity and views from surrounding properties.

a. The proposed roof terraces to Unit 3 have a trafficable area of approximately 136.42m^2 respectively. These roof terraces include a large outdoor kitchen, lounge, plunge pool, landscaping/planter boxes, lift overrun and a staircase to access unit 3.
b. The proposed roof terrace and the associated structures do not allow for adequate view sharing and will result in view loss from several properties to the rear, inconsistent with Objective O3 and contrary to Controls C5 and C7 of Part B3.5.3 of the WDCP.
c. The proposed privacy screening wrapping the roof terrace, significantly adds to the height and bulk of the building and will obstruct views obtained from properties at the rear, which is contrary to Control C6 of Part B3.5.4 of the WDCP.
d. The proposed roof terrace and the associated structures are not well integrated into the architecture of the building and project well beyond the roof profile. This adds significant additional height, bulk and scale to a structure that presents as a 5 storey building to Annandale Street. The proposed roof terrace and the associated structures detract from the streetscape quality and the desired future character of the Darling Point Precinct, inconsistent with Objectives O1 of Part B1.7.2, inconsistent with Objectives O1, O2 and O5 and contrary to Controls C1 and C6 of Part B3.5.1 and inconsistent with Objectives O3 and O4 and contrary to Control C12 of Part B3.5.4 of the WDCP.
e. The proposed roof terraces have large trafficable areas and are located within 12m of the rear adjoining properties at No. 1 Yarranabbe Road and No.32A Darling Point Road. This roof terrace will overlook the habitable areas, and private open space of these properties and will adversely impact the visual privacy of these properties inconsistent with Objective O2 and contrary to Control C10 of Part B3.5.4 of the WDCP.

8. Views

The proposed development must be refused as it will result in unacceptable view loss from surrounding properties.

a. The roof terrace (including the outdoor kitchen, outdoor lounge, services and lift, plunge pool, landscaping and planter boxes) and the forth level of the development will obstruct views obtained from several properties located at the rear of the Site, including No.1 Yarranabbe Road and Nos. 32a, and 32 Darling Point Road.

b. The Heritage listed item No.1 Yarranabbe Road obtains Harbour views including land and water interface and district views over the rear boundary. Nos. 32a and 32 Darling Point Road obtains district views over the rear boundary. No. 32 Darling Point Road contains two Units those obtain Harbour views including the land and water interface and district views across the rear boundary.
c. The DA is inconsistent with clause 1.2 (g) of the WLEP and Objectives O3, O4 and Controls C5 and C9 within Part B3.5.3 of the WDCP and with the four step assessment of view sharing established by *Tenacity Consulting v Warringah [2004] NSWLEC 140 a*s the DA will not ensure adequate view sharing relationships between surrounding properties and will not minimise these impacts.

9. Visual Privacy

The proposed development must be refused as it will have unacceptable adverse impacts on the visual privacy of surrounding properties.

a. The proposed windows including a habitable living room window (to the southern elevation) will overlook windows at No.3 Annandale Street. This results in adverse visual privacy impacts on this adjoining property, inconsistent with Objective O2 and contrary to Controls C4 and C5 of Part B3.5.4 of the WDCP.
b. The proposed windows including habitable bedroom room windows (to the northern elevation) will overlook windows at No.9 Annandale Street, resulting in adverse visual privacy impacts on this adjoining property, inconsistent with Objective O2 and contrary to Controls C4 and C5 of Part B3.5.04 of the WDCP.
c. The proposed roof terrace and third floor unit will create overlooking in to the habitable rooms and private open space at these rear adjoining properties (No.1 Yarranabbe and 32A Darling Point Road), resulting in adverse visual privacy impacts on these adjoining properties, inconsistent with Objective O2 and contrary to Controls C4 and C5 of Part B3.5.4 of the WDCP.

10. Solar Access

The Applicant has not provided sufficient/accurate information to allow for adequate assessment of the solar access impacts of the proposed development.

a. The submitted shadow diagrams do not adequately distinguish between existing and proposed overshadowing.
b. The submitted shadow diagrams appear to be inaccurate and do not seem to account for the topography of the Site.
c. No elevational shadow diagrams have been provided to allow for the solar access impacts to adjoining north facing habitable room to be adequately assessed.

11. Affordable Housing

The proposal will result in the loss of affordable housing contrary to SEPP (Housing) 2021.

12. Encroachment

The proposed garage wall on the south west end encroaching in to Council's asset on Annandale Street.

13. Public Interest

The DA must be refused as the proposal is not in the public interest.

a. The proposal will establish an undesirable precedent for future development in the locality.
b. The proposal must be refused having regard to the broader public interest of providing development that is compliant with relevant controls and standards and minimises adverse impacts to neighbouring developments and the Woollahra Heritage Conservation Area.

14. Inadequate Clause 4.6

The proposed development must be refused due to the Clause 4.6 variations submitted with the development application to Clause 4.1AA (Minimum lot size) and Clause 4.3 (Building Height) of Woollahra LEP 2014 are inaccurate and not well-founded.

15. Statuary Declaration

The submitted statuary declaration has not been completed correctly. Therefore, it is not acceptable under Schedule 1 of the Woollahra Community Participation Plan 2019.

Attachments

1. Architectural Plans ⇩
2. Survey plan ⇩
3. Clause 4.6 Variation Request - Height ⇩
4. Clause 4.6 Variation Request - Minimum Lot Size ⇩
5. Referral Response - Traffic ⇩
6. Referral Response - Development Engineer ⇩
7. Referral Response - Health ⇩
8. Referral Response - Heritage ⇩
9. Referral Response - Trees ⇩
10. Owners consent ⇩
11. Affordable Rental Housing Report ⇩

PROJECT
RESIDENTIAL FLAT BUILDING CONSISTING OF THREE SINGLE-STOREY UNITS, BASEMENT PARKING, AND ASSOCIATED LANDSCAPING WORKS.

7 ANNANDALE ST, DARLING POINT, NSW 2027

LAYOUT NO.	LAYOUT NAME
DA 0000	COVERPAGE
DA 0001	BASIX COMMITMENTS
DA 1000	SITE PLAN
DA 1001	SITE ANALYSIS PLAN
DA 1003	SETBACKS ANALYSIS
DA 2000	BASEMENT PLAN
DA 2001	GROUND FLOOR PLAN
DA 2002	LEVEL 1 FLOOR PLAN
DA 2003	LEVEL 2 FLOOR PLAN
DA 2004	ROOF TOP TERRACE PLAN
DA 2005	ROOF PLAN
DA 3000	ELEVATION WEST
DA 3001	ELEVATION NORTH
DA 3002	ELEVATION SOUTH
DA 3003	ELEVATION EAST
DA 3004	STREETSCAPE ELEVATION
DA 3100	SECTION A
DA 3101	SECTION B
DA 3102	SECTION C (DRIVEWAY)
DA 6000	EXTERNAL FINISHES
DA 6001	PHOTOMONTAGE
DA 9100	GFA DIAGRAMS
DA 9101	LANDSCAPED AREAS
DA 9102	LANDSCAPED AREAS
DA 9103	EXCAVATION DIAGRAM
DA 9104	HEIGHT BLANKET
DA 9105	SIGHT LINE CONTROL
DA 9200	WASTE MANAGEMENT PLAN
DA 9300	NOTIFICATION PLAN

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd, ABN 94 003 717 682
Nominated Architect Brian Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
COVERPAGE

SCALE:	DRAWN:	CHECKED:
@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 0000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

BASIX Minimum Water Commitments:

Common Areas and Central Systems	
Common areas	• No common showerhead facility. • No common toilet facility. • 4-star (water-rated) taps. • No common clothes washer facility.
Central systems	• Rainwater tank with capacity of minimum 10,000L (minimum), collecting run-off from minimum 161m^2 of roof area, used for irrigation of common area landscape with minimum area of 22.9m^2. • Pool Volume: 3.1kLs, with spa cover and not shaded. • Fire sprinkler system.
Private Dwellings	
Fixtures	• 4-star (Water Rating) showerheads with a flow rate > 4.5 but <= 6 L/min. • 4-star (Water Rating) toilets. • 5-star (Water Rating) kitchen taps. • 5-star (Water Rating) bathroom taps. • 4-star (Water Rating) dishwashers.
Alternative water supply	• Rainwater tank with capacity of minimum 10,000L (minimum), collecting run-off from minimum of 161m^2 of roof area, connected to private landscapes, toilets and laundries.

BASIX Minimum Building Fabric Requirements.

Element	Insulation/glazing
External walls	Cavity Brick with minimum added R2.6 insulation.
Internal walls	Wall adjacent to Corridor and Lifts: • Cavity Brick with minimum added R1.5 insulation. Any other Walls: • Single Brick with no added insulation.
Floor	Suspended Concrete Slab Floor: minimum added R2.0 insulation. Concrete Slab: no added insulation.
Ceiling	Ceiling areas with outside above: • Concrete, Plasterboard with minimum added R4.0 insulation.
Roof	Concrete with no added insulation (ceiling insulation).
Ceiling Penetrations	Sealed LED downlights and exhaust fans. Kitchen/Living Area: 900 mm diameter ceiling fan.
Skylight	System U-value $\leq$ 4.22 and System SHGC: 0.72 $\pm$ 5%.
Glazing	System U-value $\leq$ 3.0 and System SHGC: 0.27 $\pm$ 5%.

BASIX Minimum Energy Commitments.

Component		Commitment
Common Areas of residential areas	Lift Bank	• Type: Gearless traction with VVVF motor. • Number of levels (including basement): 3 • Number of levels from the bottom of the lift shaft to the top of the lift shaft: 4 • Number of lifts: 1
	Pool	• Heating: electric heat pump, to be controlled by timer.
	Ventilation	• Carpark: ventilation (supply & exhaust). Controlled with carbon. monoxide monitor and VSD fan. • Lift motor room: no mechanical ventilation. • Switch room: ventilation (supply only), Thermostatically controlled. • Garbage room: ventilation exhaust only. • Plant or service rooms: ventilation exhaust only. • Ground floor lobby type: no mechanical ventilation. • Hallways/Lobby areas: no mechanical ventilation.
	Lighting	• Carpark: LED lighting with motion sensors. • Lift motor room: LED lighting with manual on / manual off. • Lift Bank: LED lighting, connected to the lift call button. • Switch room: LED lighting with manual on / manual off. • Garbage: LED lighting with motion sensors. • Plant or service rooms: LED lighting with manual on / manual off. • Ground floor lobby type: LED lighting with time clock and motion sensors. • Hallways/Lobby areas: LED lighting with time clock and motion sensors.
	Alternative Energy Supply	• 8kW Solar PV system.
Private Dwellings	Ventilation	• Bathroom & Kitchen Exhaust: Central ducted. • Laundry Exhaust: Individual fan, ducted to façade or roof, interlocked to light.
	Heating & Cooling to living and bedroom areas	• Heating: 3-phase air-conditioning / Ducted – EER 3.0 – 3.5. • Cooling: 3-phase air-conditioning / Ducted – EER 3.0 – 3.5.
	Hot Water	• Electric instantaneous.
	Lighting	• Fluorescent or LED lights with dedicated fittings.
	Appliances	• Induction cooktops and electric ovens. • 4-star (energy rating) dishwashers. • 5-star (energy rating) clothes dryers.

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHNDUnion Pty Ltd ABN 94 003 717 682
Nominated Architect Brain Meyerson
NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

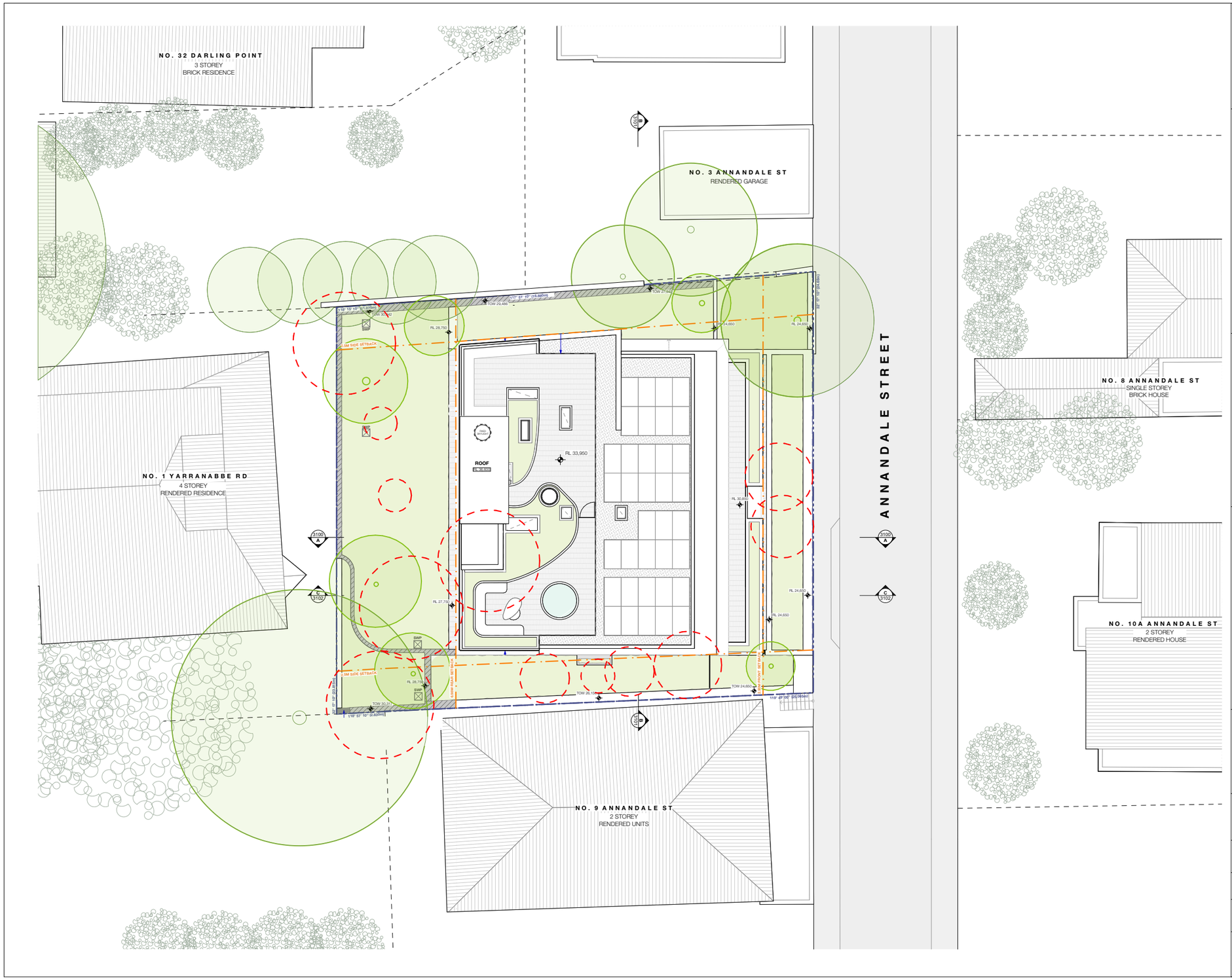
DRAWING TITLE:
BASIX COMMITMENTS

SCALE:	DRAWN:	CHECKED:
@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 0001

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:

- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect
Blair Meyerson
MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4927

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

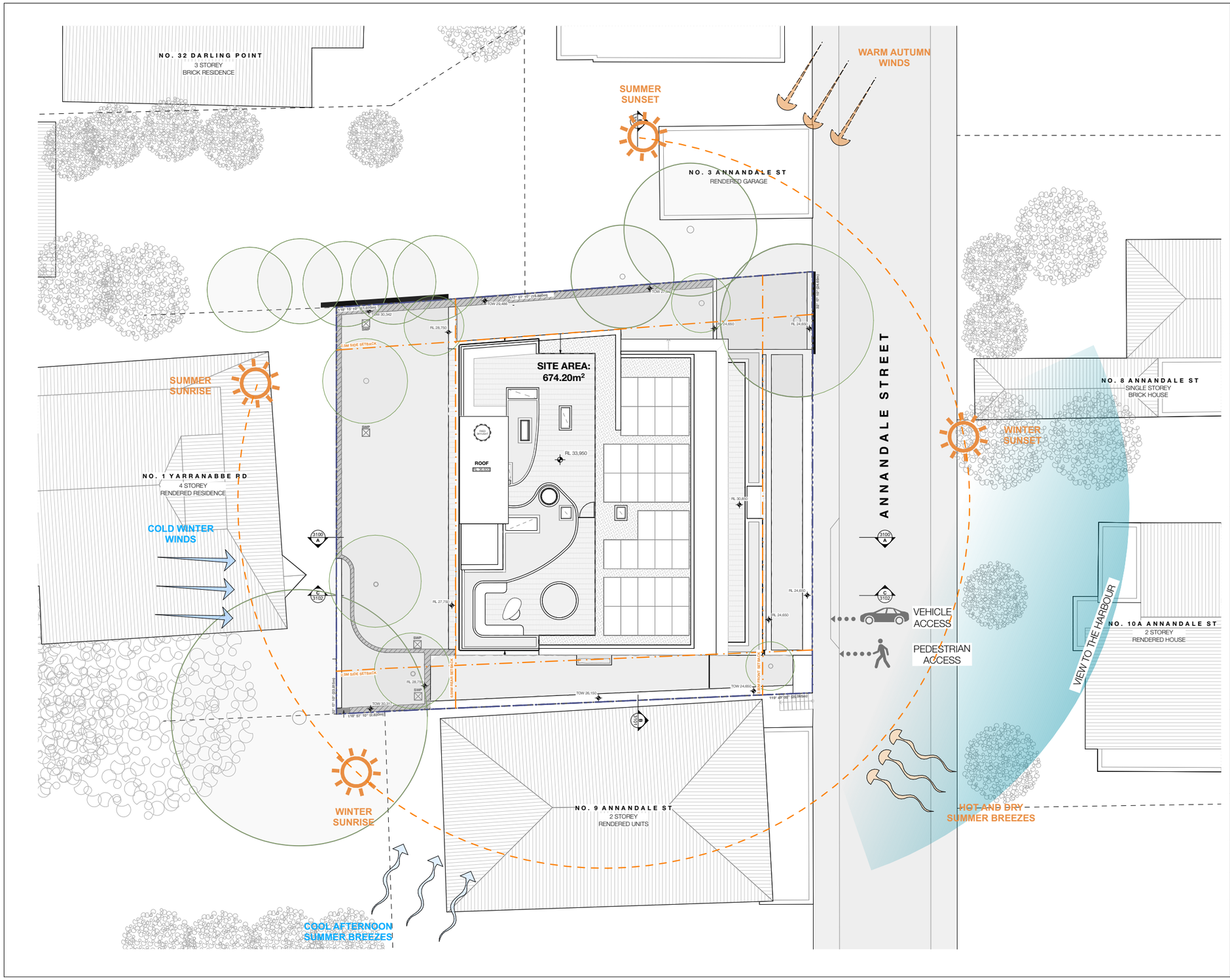
DRAWING TITLE:
SITE PLAN

SCALE:	DRAWN:	CHECKED:
1:200@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 1000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect
Brain Meyerson
mhn Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4927

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
SITE ANALYSIS PLAN

SCALE:	DRAWN:	CHECKED:
1:200@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 1001

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

CONTROLS

SETBACK CALCULATION

FRONT SETBACK
WOOLLAHRA COUNCIL DCP PART B3.2 (C1) :

"The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential building that face the same side of the street"

CALCULATION OF AVERAGE OF THREE MOST TYPICAL FRONT BUILDING SETBACKS AT GROUND LEVEL

HOUSE NO.	FRONT SETBACK (m)
3 ANNANDALE ST	1.62
9 ANNANDALE ST	3
11 ANNANDALE ST	4.08
AVERAGE TYPICAL FRONT SETBACK	**2.9m**

FRONT SETBACK AT STREET LEVEL: NIL

SIDE SETBACKS
WOOLLAHRA COUNCIL DCP PART B3.2.4 (C3):

"The minimum side setback for any other land use not addressed in controls C1 to C2 above is determined by the table in Figure 5B."

CALCULATION OF SIDE SETBACKS

FIGURE 5B
Side setback table for Residential flat buildings, manor houses, multi dwelling housing, multi dwelling housing (terraces) and attached dwellings, and any other land use not addressed in controls C1 to C2 of Section 3.2.3. Side setbacks

A. Site width measured along front setback line in metres	B. Side setback in metres
<18.0	1.5
18.0 - < 21.0	2.0
21.0 - < 28.0	2.5
28.0 - < 35.0	3.0
35.0 +	3.5

SIDE SETBACK DEFINITION (WOOLLAHRA DCP)

SITE WIDTH (m)	24.65
SIDE SETBACK (m)	2.5

REAR SETBACK
WOOLLAHRA COUNCIL DCP PART B3.2.4 (C1):

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

CALCULATION OF MINIMUM REAR SETBACK

SIDE BOUNDARY	DISTANCE (m)
A	27.902
B	27.952
MIN. REAR SETBACK (A + B) / 2 x 0.25	**6.982**

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd. ABN 94 003 717 662 NSW Registration Number 4907
Nominated Architect Brain Meyerson

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

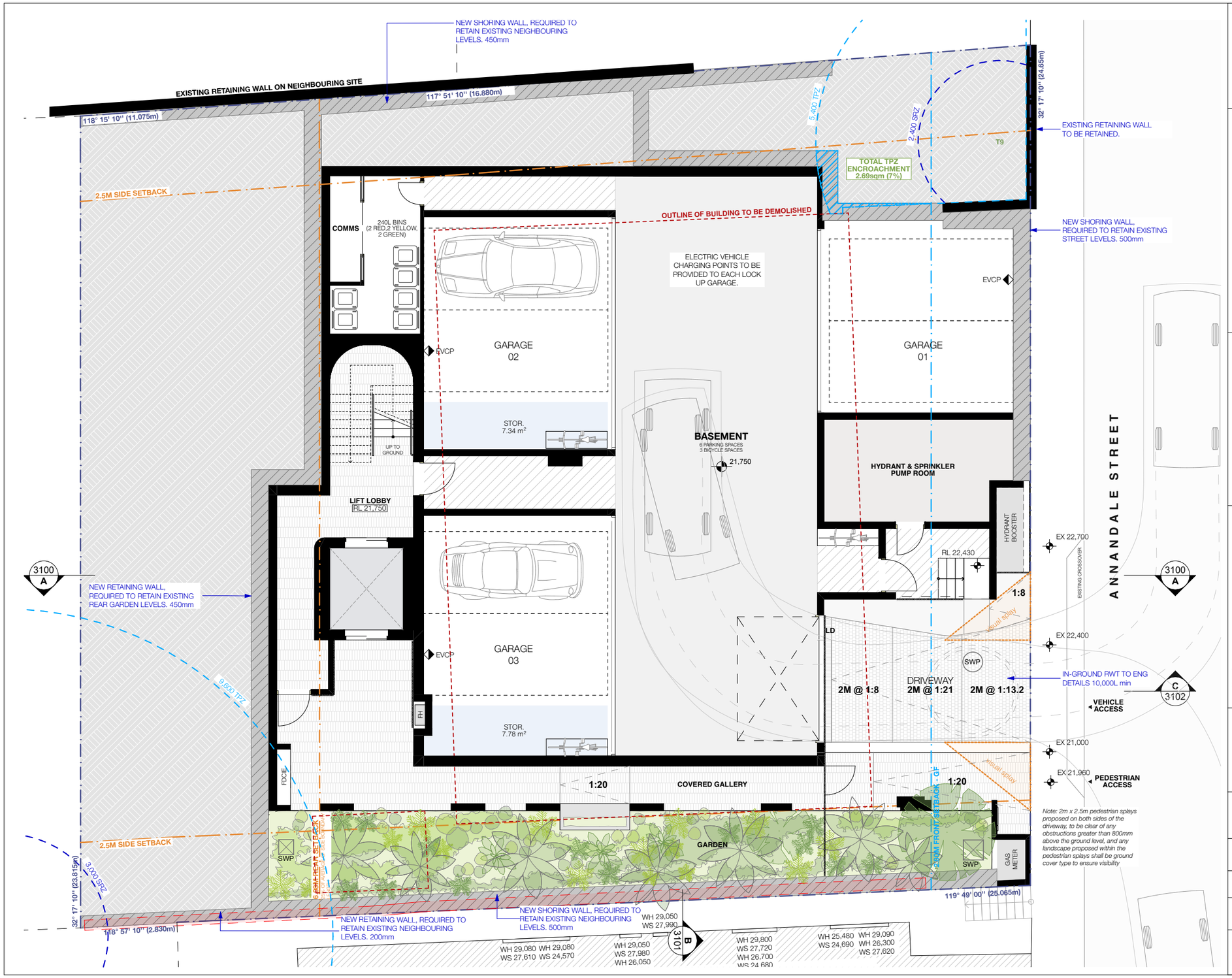
DRAWING TITLE:
SETBACKS ANALYSIS

SCALE:	DRAWN:	CHECKED:
1:500@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 1003

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D5: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

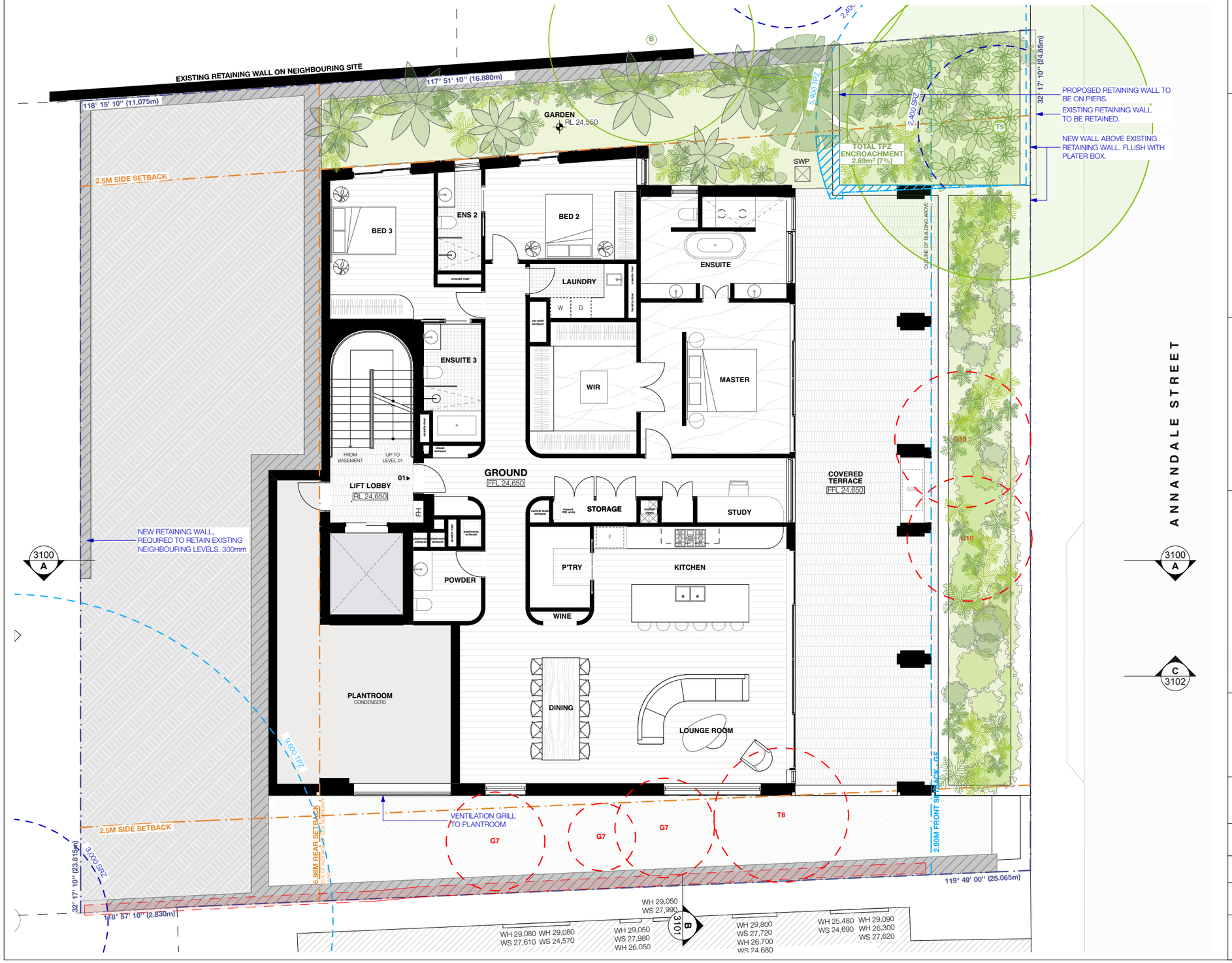
DRAWING TITLE:
BASEMENT PLAN

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 2000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
GROUND FLOOR PLAN

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 2001

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect Bradn Meyerson
mhndu Design Union Pty Ltd ABN 94 003 717 682 NSW Registration Number 4927

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
LEVEL 1 FLOOR PLAN

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 2002

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
LEVEL 2 FLOOR PLAN

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 2003

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect: Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

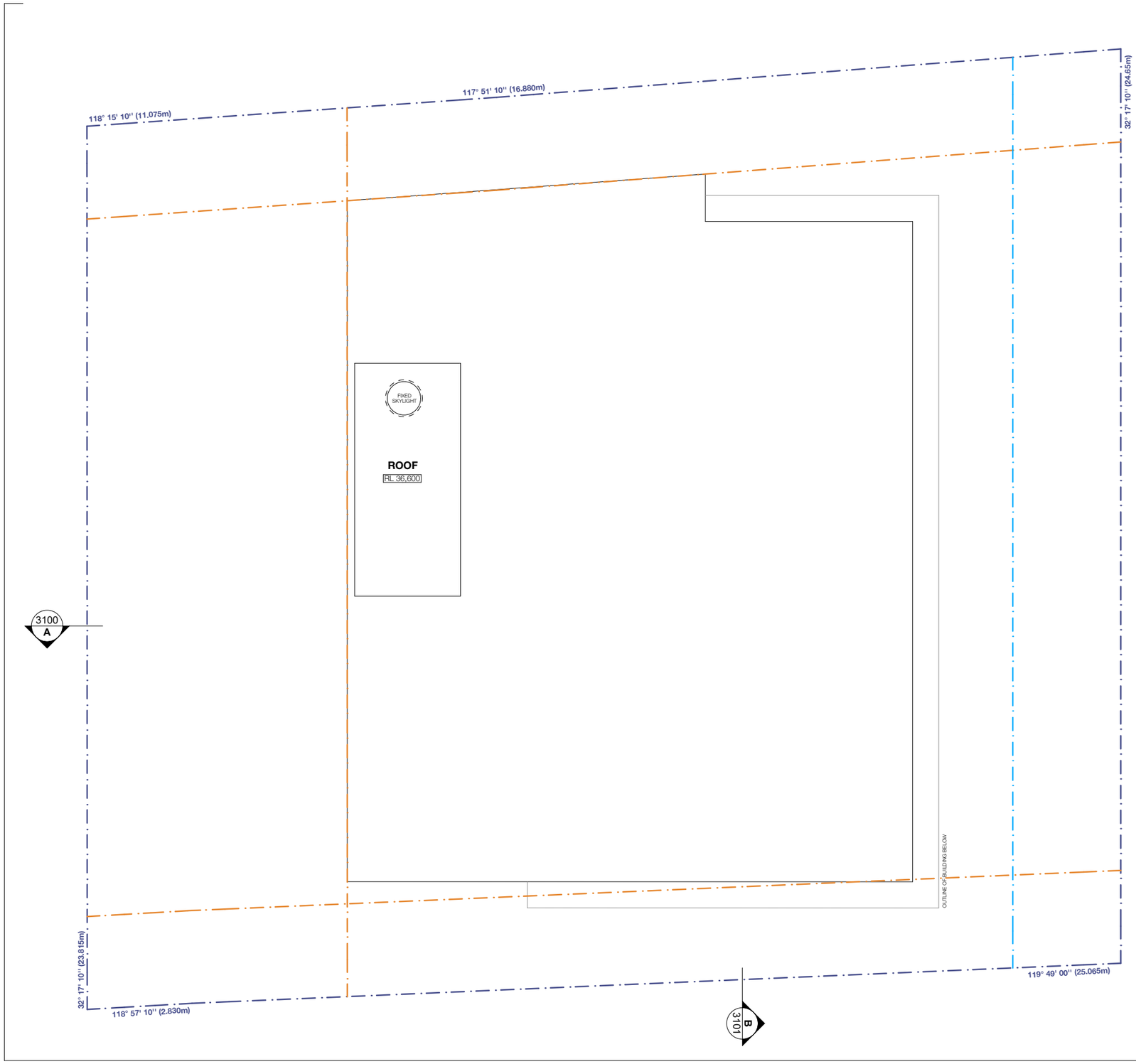
DRAWING TITLE:
ROOF TOP TERRACE PLAN

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 2004

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:

- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907
Nominated Architect Brain Meyerson

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
ROOF PLAN

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 2005

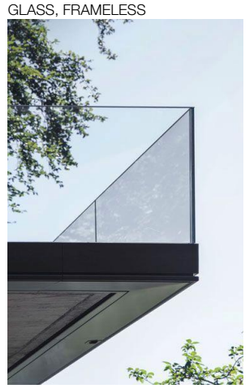
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

ST01
LIMESTONE CLADDING. SMOOTH FACE STAGGERED FORMAT

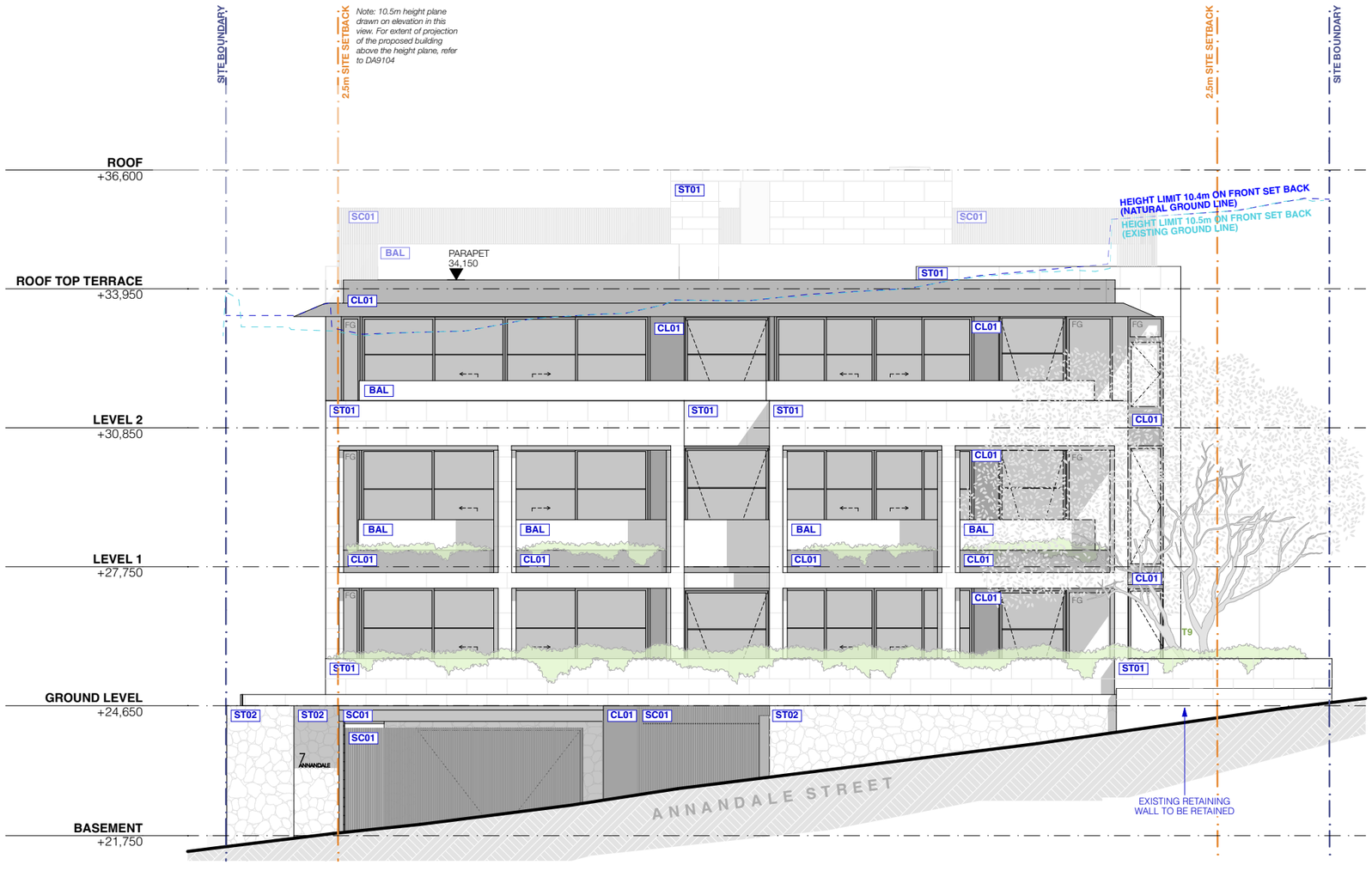
ST02
LIMESTONE CLADDING. FREEFORM ORGANIC FORMAT

CL01
METAL CLADDING DARK BRONZE

BAL
BALUSTRADE GLASS, FRAMELESS



SC01
ALUMINIUM BATTEN SCREEN. ANODISED DARK BRONZE TO MATCH CL01



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D5: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS
- FG FIXED GLASS
- FLG FROSTED FLUTED GLASS. 1600mm ABOVE FFL FOR PRIVACY

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect Brian Meyerson
MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
ELEVATION WEST

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3000

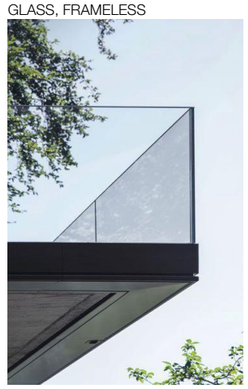
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

ST01
LIMESTONE CLADDING. SMOOTH FACE STAGGERED FORMAT

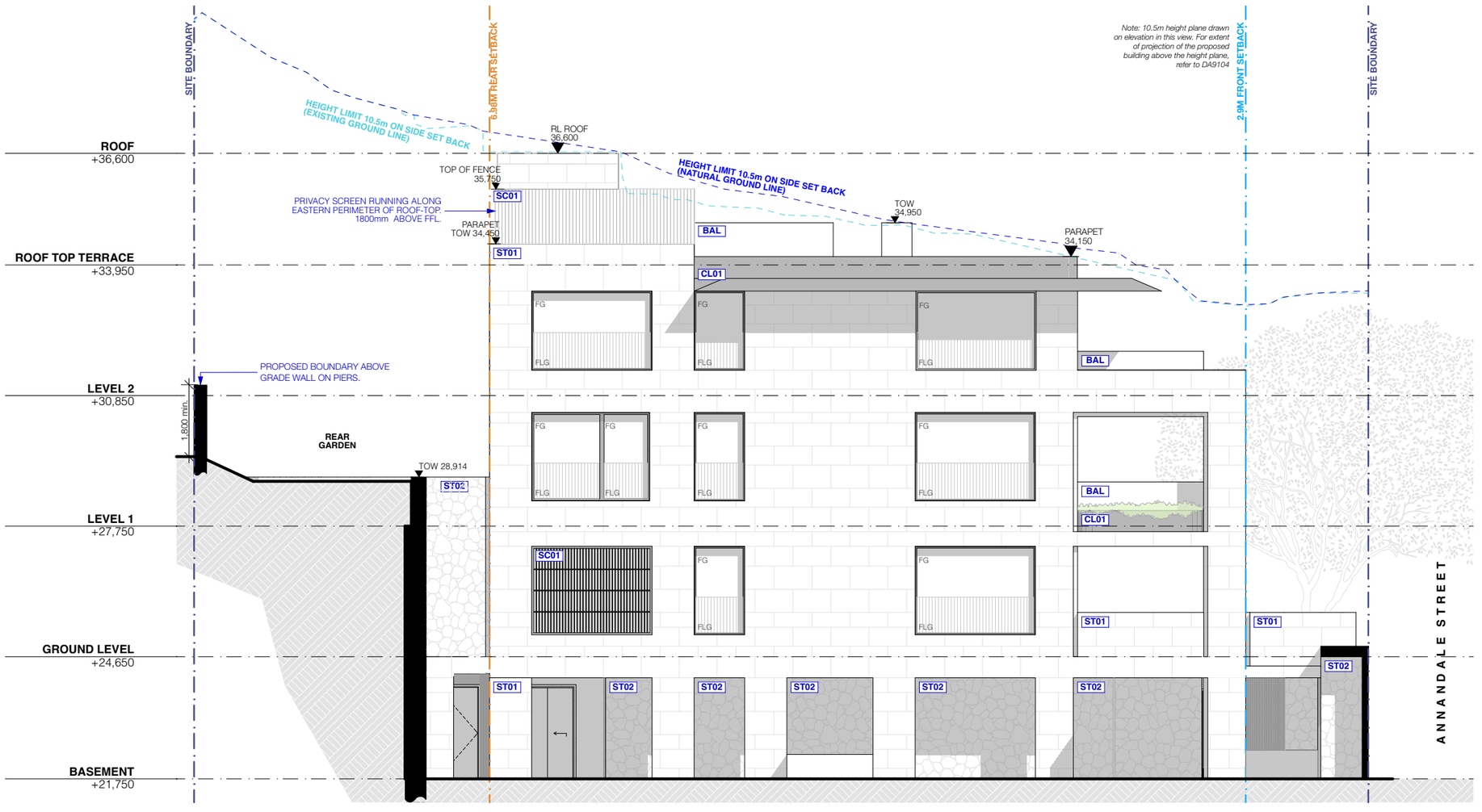
ST02
LIMESTONE CLADDING. FREEFORM ORGANIC FORMAT

CL01
METAL CLADDING DARK BRONZE

BAL
BALUSTRADE GLASS, FRAMELESS



SC01
ALUMINIUM BATTEN SCREEN. ANODISED DARK BRONZE TO MATCH CL01



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D5: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS
- FG FIXED GLASS
- FLG FROSTED FLUTED GLASS. 1600mm ABOVE FFL FOR PRIVACY

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
dMH Deston Union Pty Ltd. ABN 94 003 717 682 Nominated Architect Brian Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
ELEVATION NORTH

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3001

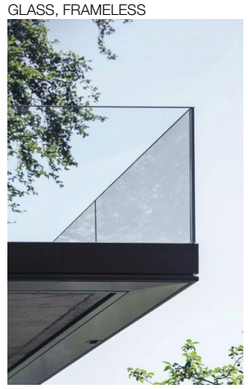
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

ST01
LIMESTONE CLADDING. SMOOTH FACE STAGGERED FORMAT

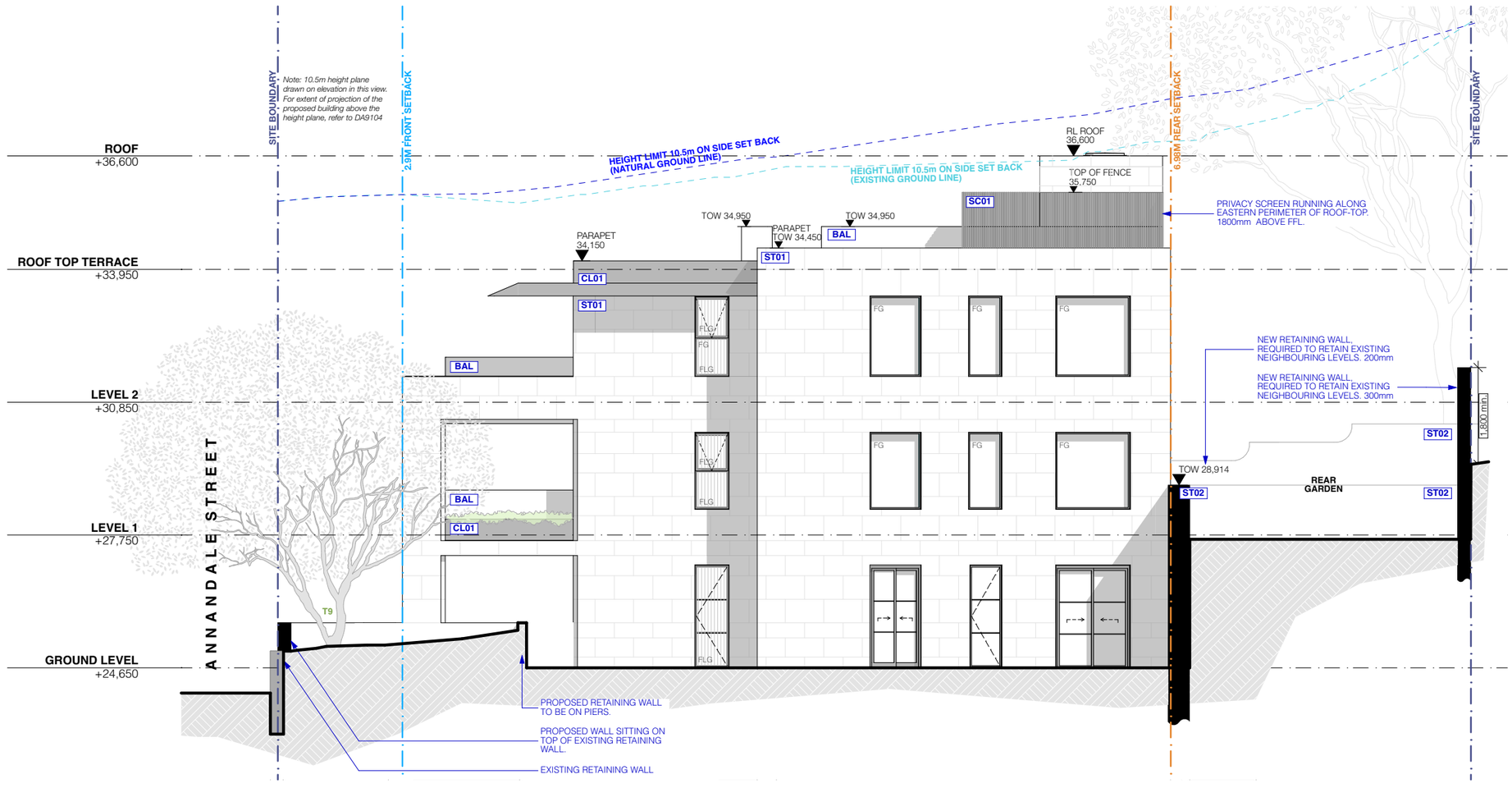
ST02
LIMESTONE CLADDING. FREEFORM ORGANIC FORMAT

CL01
METAL CLADDING
DARK BRONZE

BAL
BALUSTRADE
GLASS, FRAMELESS



SC01
ALUMINIUM BATTEN SCREEN. ANODISED DARK BRONZE TO MATCH CL01



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D5: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:

- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS
- FG FIXED GLASS
- FLG FROSTED FLUTED GLASS. 1600mm ABOVE FFL FOR PRIVACY

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect Brain Meyerson
MHNDUnion Architects Pty Ltd ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
ELEVATION SOUTH

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3002

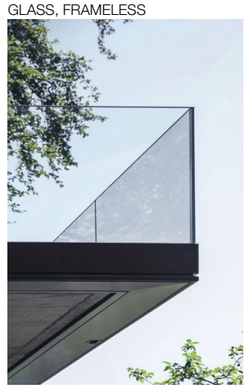
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

ST01
LIMESTONE CLADDING. SMOOTH FACE STAGGERED FORMAT

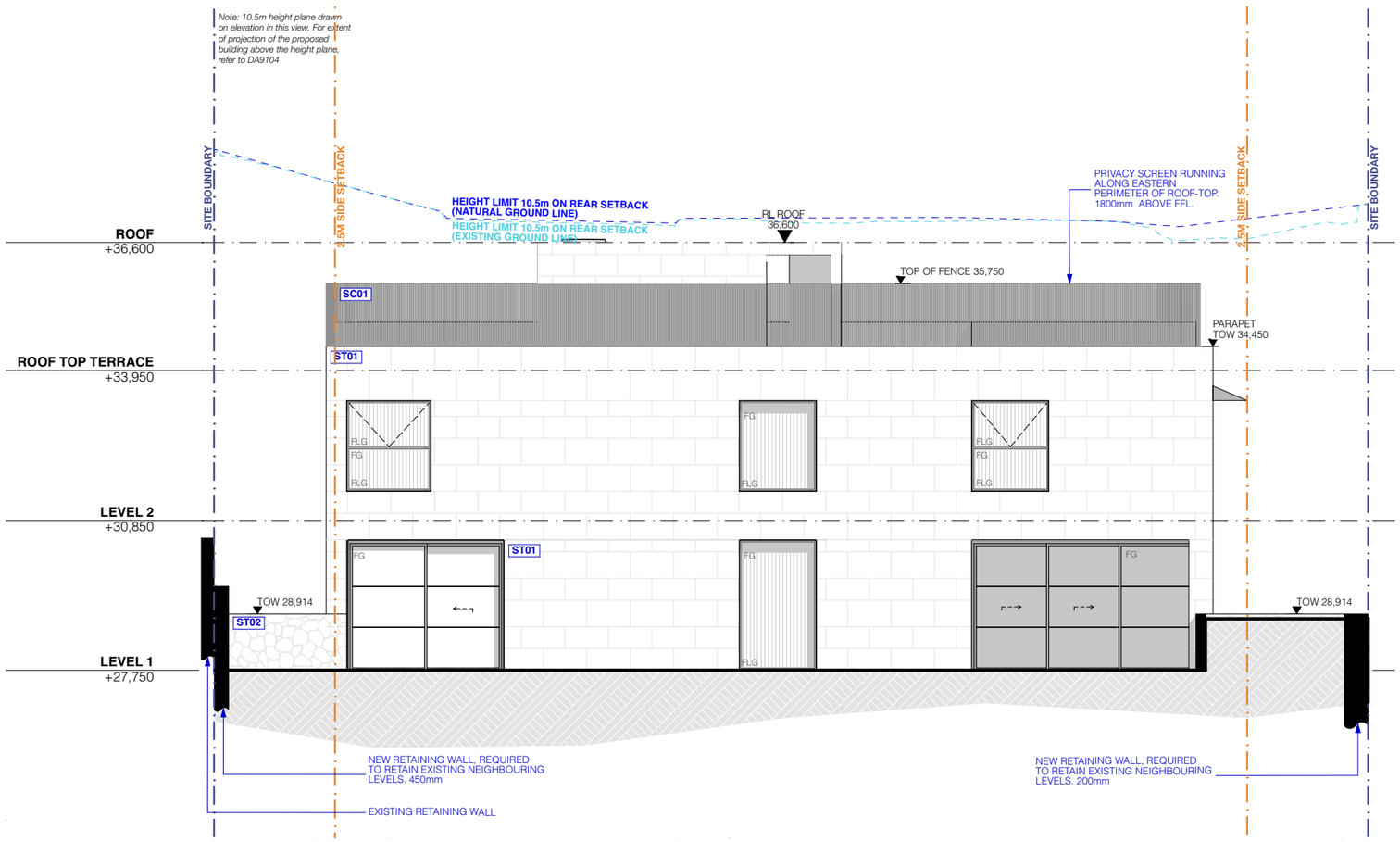
ST02
LIMESTONE CLADDING. FREEFORM ORGANIC FORMAT

CL01
METAL CLADDING
DARK BRONZE

BAL
BALUSTRADE
GLASS, FRAMELESS



SC01
ALUMINIUM BATTEN SCREEN. ANODISED DARK BRONZE TO MATCH CL01



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D5: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS
- FG FIXED GLASS
- FLG FROSTED FLUTED GLASS. 1600mm ABOVE FFL FOR PRIVACY

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHNDUnion Urban Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4507

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

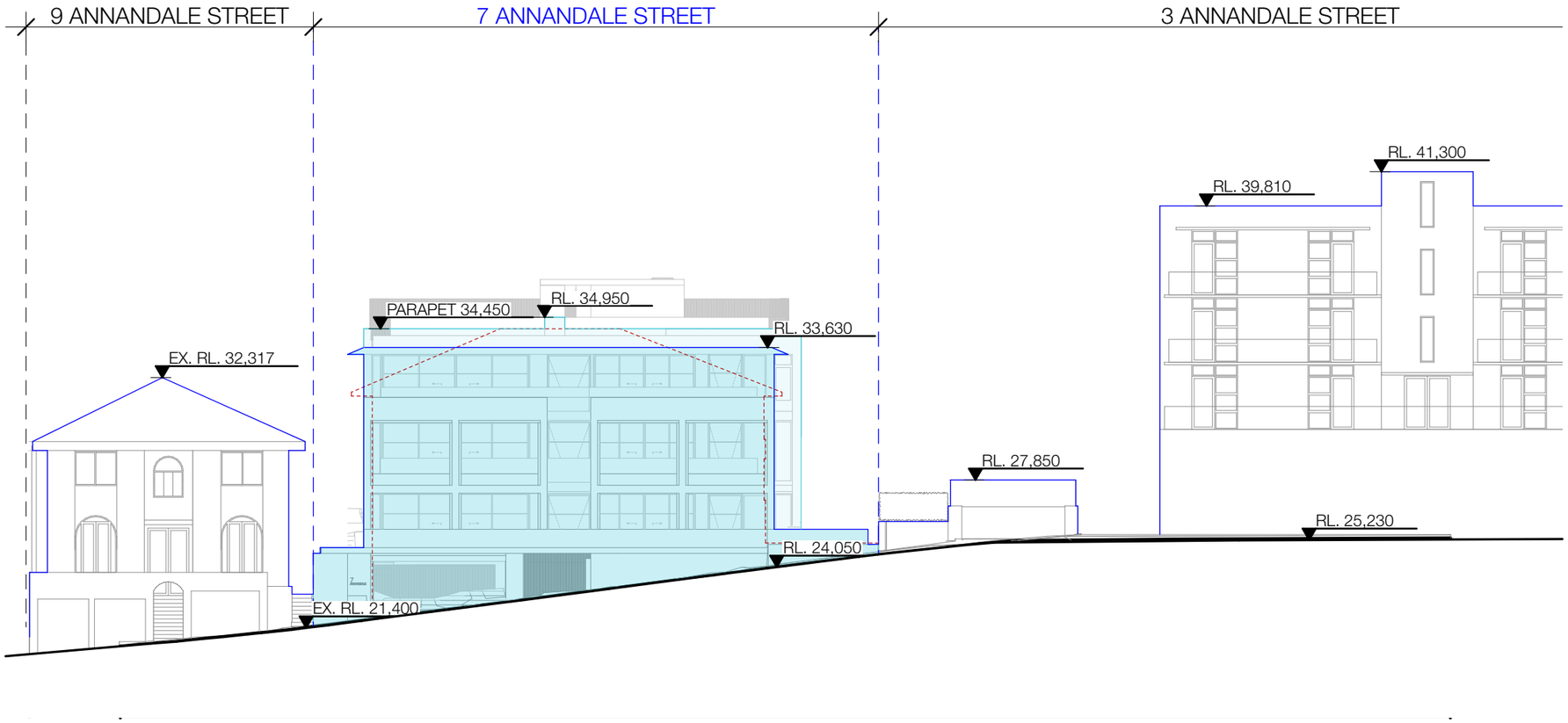
DRAWING TITLE:
ELEVATION EAST

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3003

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- PRIMARY STREET HEIGHT DATUM
- PROPOSED BUILDING
- EXISTING BUILDING
- MASSING SETBACK

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect
Brain Meyerson
NSW Registration Number 4907
ABN 94 003 717 682

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

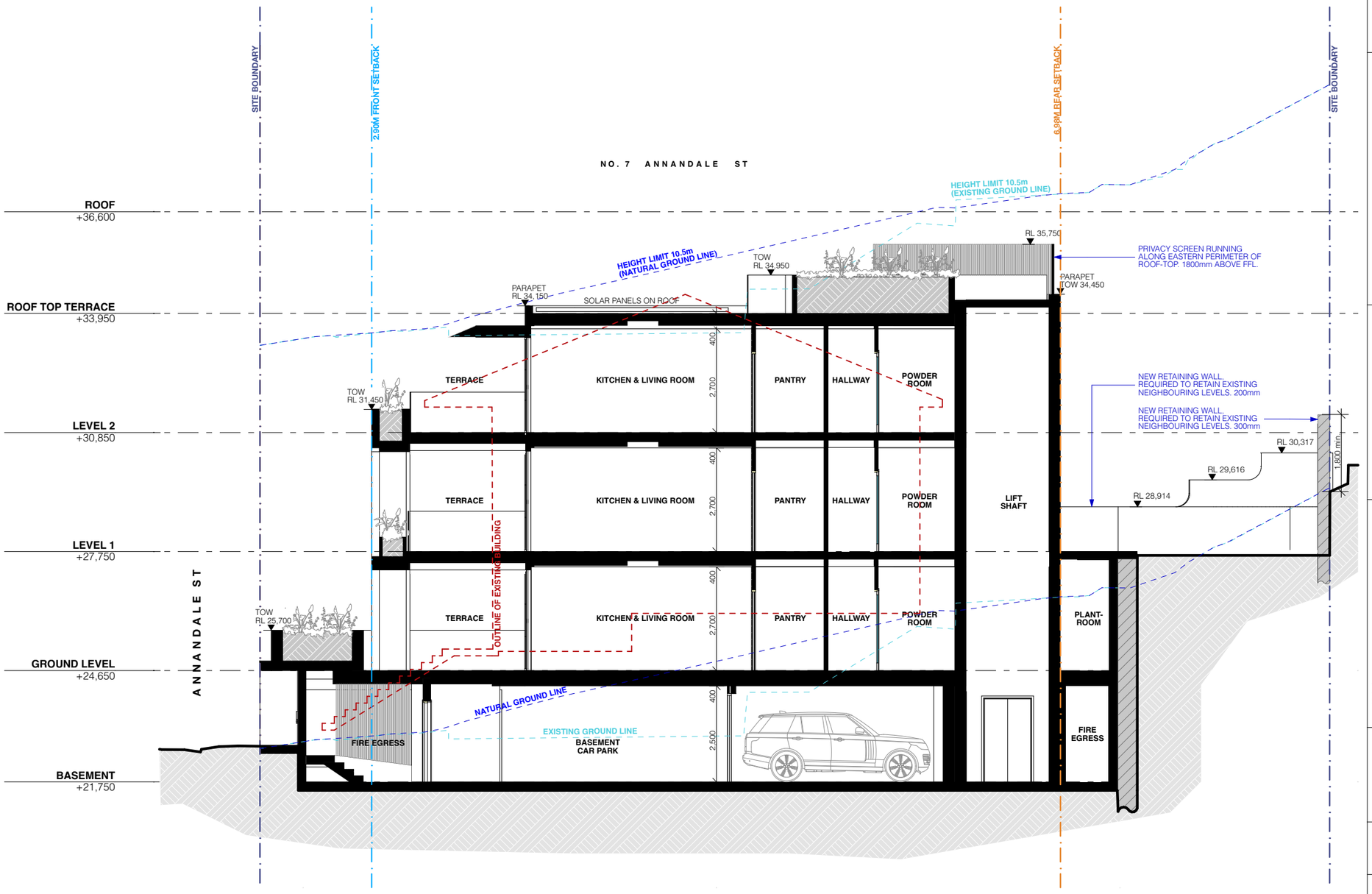
DRAWING TITLE:
STREETSCAPE ELEVATION

SCALE:	DRAWN:	CHECKED:
1:200@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3004

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd, ABN 94 003 717 682
Nominated Architect Brian Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

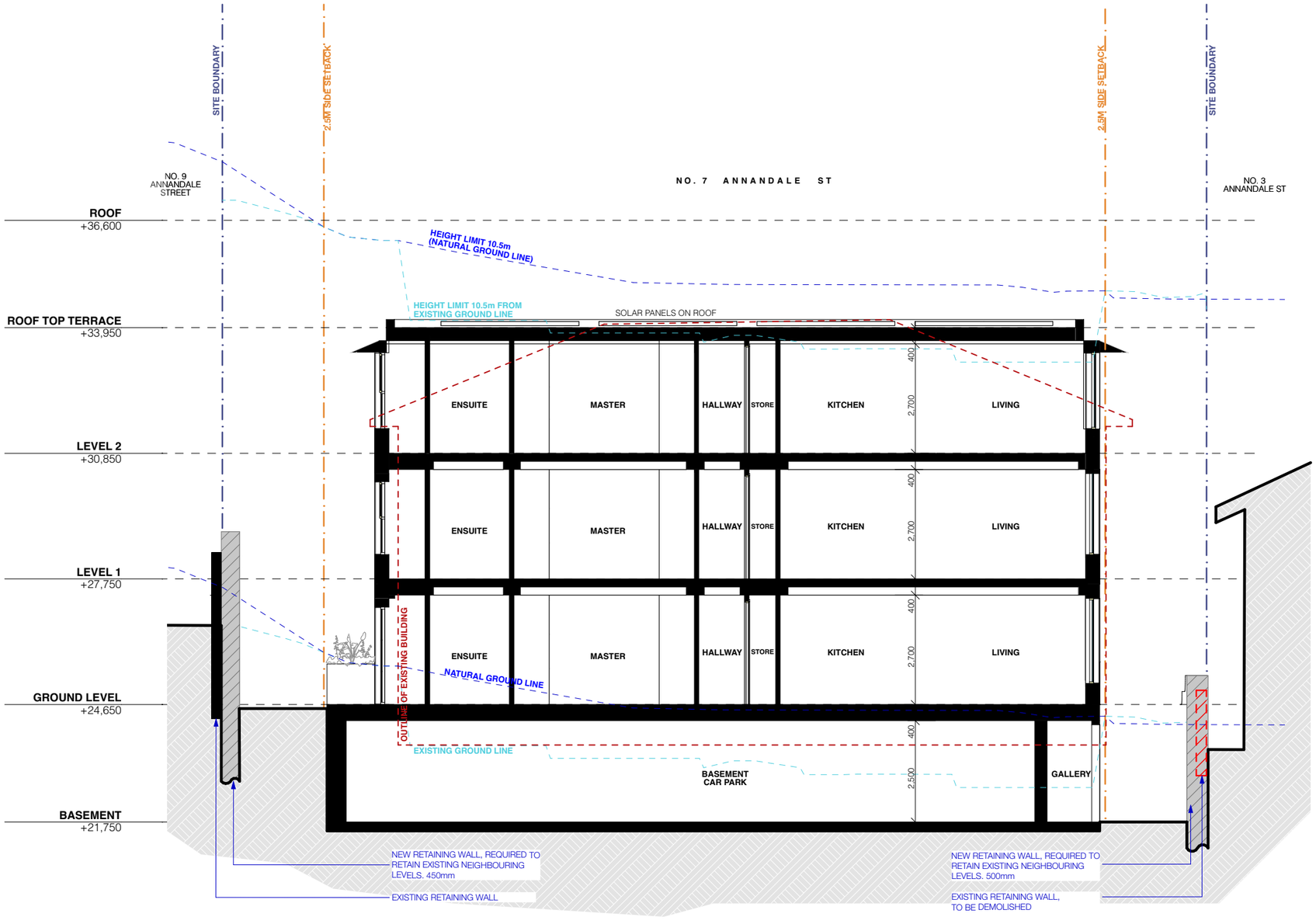
DRAWING TITLE:
SECTION A

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3100

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd, ABN 94 003 717 682
Nominated Architect: Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

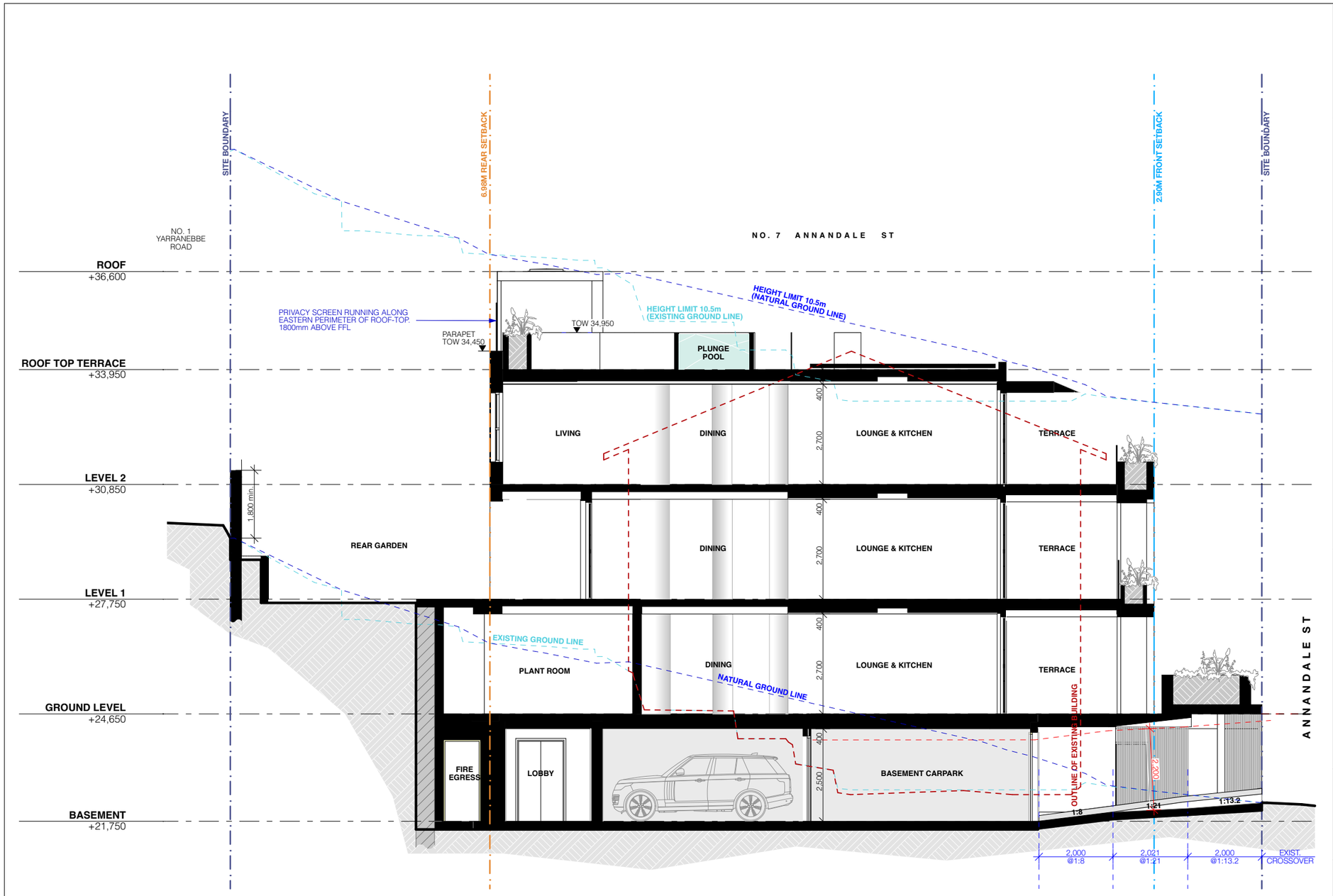
DRAWING TITLE:
SECTION B

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3101

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
dMH Dwelloe Unlee Pty Ltd, ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
SECTION C (DRIVEWAY)

SCALE:	DRAWN:	CHECKED:
1:100@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 3102

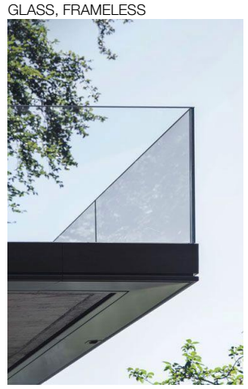
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

ST01
LIMESTONE CLADDING. SMOOTH FACE STAGGERED FORMAT

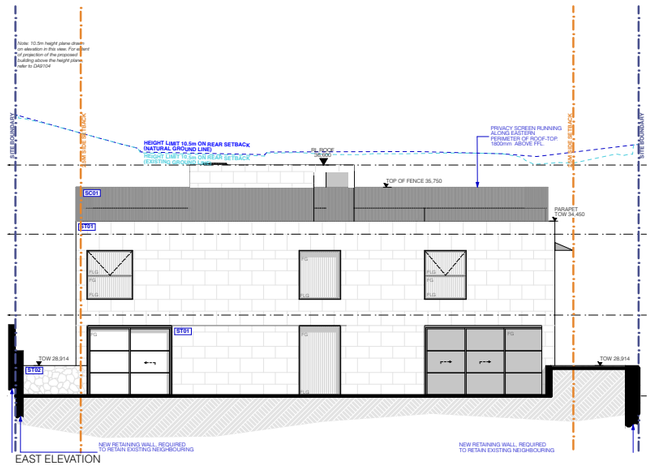
ST02
LIMESTONE CLADDING. FREEFORM ORGANIC FORMAT

CL01
METAL CLADDING
DARK BRONZE

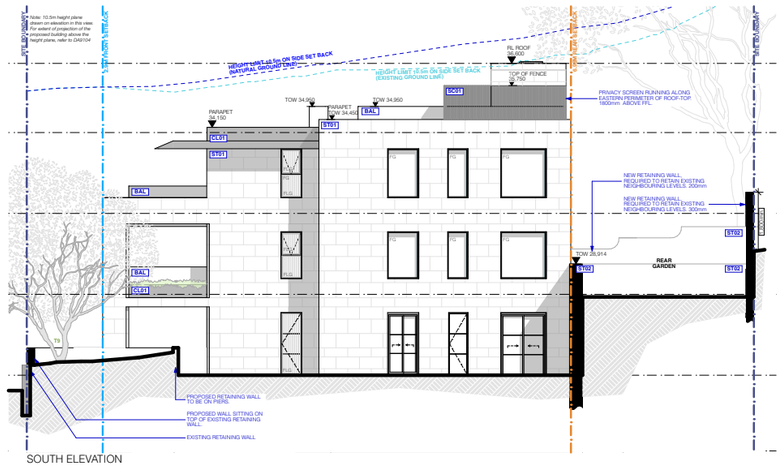
BAL
BALUSTRADE
GLASS, FRAMELESS



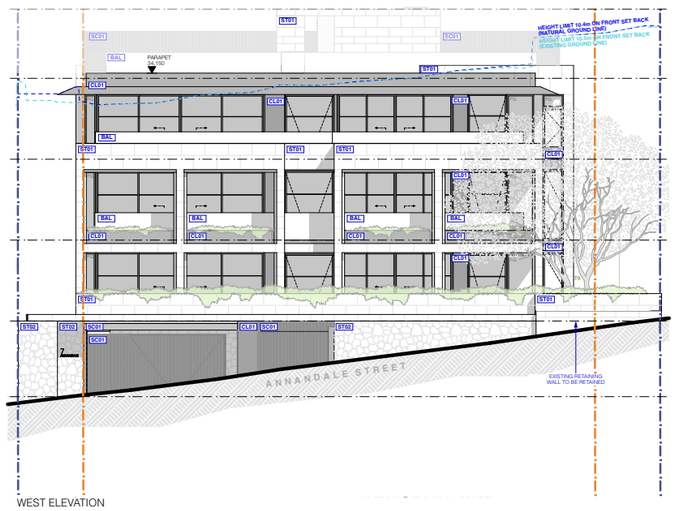
SC01
ALUMINIUM BATTEN SCREEN. ANODISED DARK BRONZE TO MATCH CL01



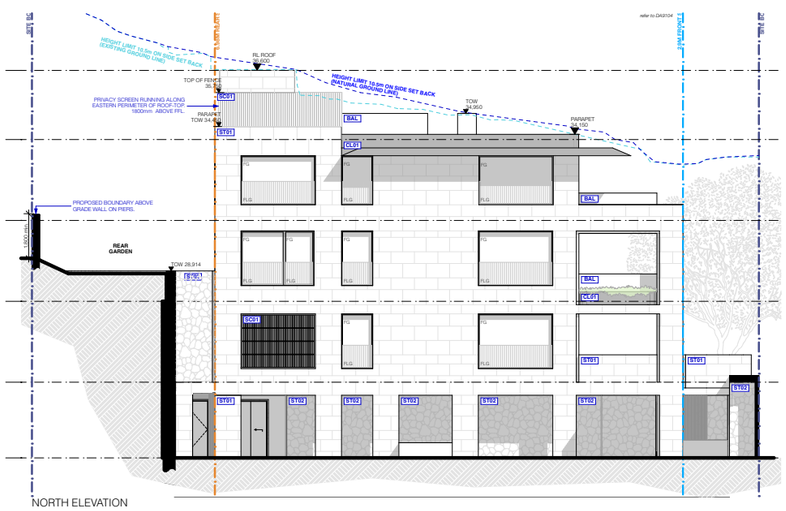
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHNDUnion Nominated Architect Brad Mayerson
ABN 94 003 717 662 NSW Registration Number 4507

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
EXTERNAL FINISHES

SCALE:	DRAWN:	CHECKED:
1:200@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 6000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd, ABN 94 003 717 682
Nominated Architect: Brian Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
PHOTOMONTAGE

SCALE:	DRAWN:	CHECKED:
@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	**A**

PROJECT NUMBER:	DWG NUMBER:
24-010	**DA 6001**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

GFA DIAGRAMS

WOOLLAHRA COUNCIL
LEP 2014 GFA Definition:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
  (i) storage, and
  (ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.

GFA CALCULATIONS

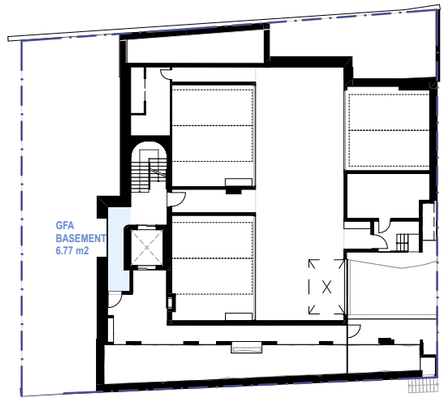
	AREA
BASEMENT	6.77
GROUND	189.23
LEVEL 1	195.67
LEVEL 2	206.59
LEVEL ROOF	8.32
TOTAL	**606.58 m²**

FSR

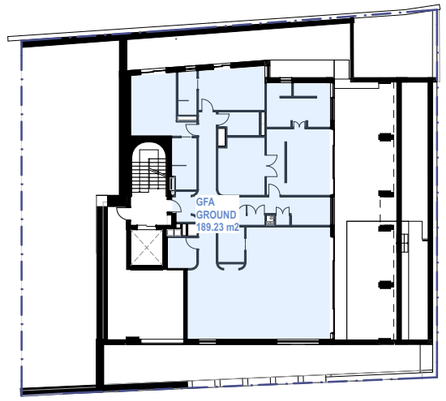
	R3	PROPOSAL
SITE AREA	674.20m²	674.20m²
TOTAL GFA	606.78 m²	606.58 m²
	0.9 : 1	**0.9 : 1**
		COMPLIES ✓

PARKING

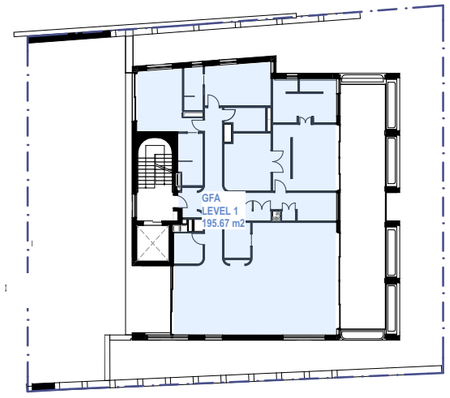
RESIDENTIAL	6



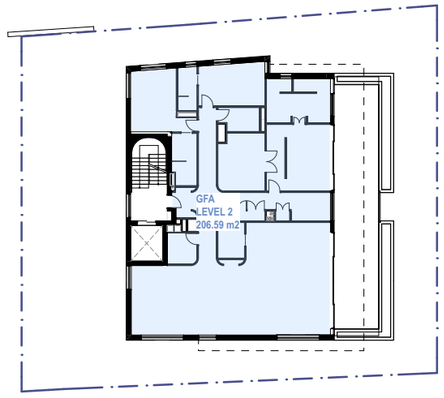
BASEMENT PLAN



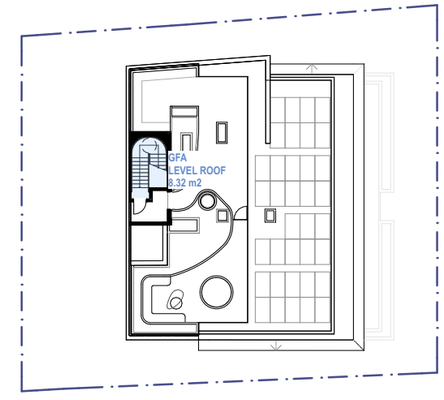
GROUND FLOOR PLAN



LEVEL 1 FLOOR PLAN



LEVEL 2 FLOOR PLAN



ROOF PLAN

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D5: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd, ABN 94 003 717 682
Nominated Architect: Brain Meyerson, NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
GFA DIAGRAMS

SCALE:	DRAWN:	CHECKED:
1:350@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	**A**

PROJECT NUMBER:	DWG NUMBER:
24-010	**DA 9100**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

LANDSCAPED AREAS

WOOLLAHRA COUNCIL
DCP 2015
Definitions:

Landscaped area is defined in Woollahra LEP 2014 to mean 'a part of a site is used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.'

Deep soil landscaped area is the part of a site that contains landscaped area which has no above ground, ground level or subterranean development.

These controls apply to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

Controls:

C1(b) Tree canopy area is 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings. And at least half of the total tree canopy area on the site is contributed by canopy tree(s). refer Figure 20 for the calculation of tree canopy area.

C2 35% of the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 22) where 30% of the site area is deep soil landscaped area. Refer Figure 21 for the calculation of deep soil landscaped area.

C3 At least 40% of the front setback comprises deep soil landscaped area.

TREE CANOPY TOTAL

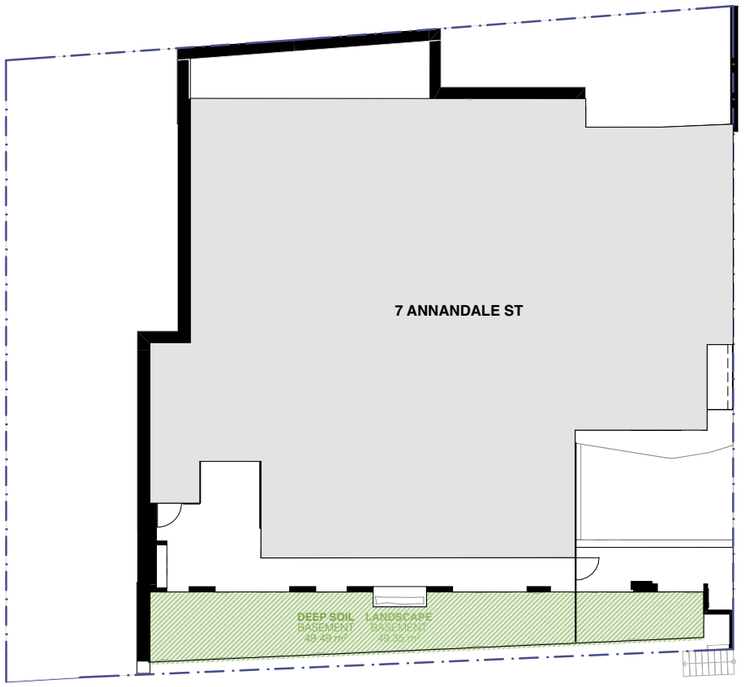
	CONTROL	PROPOSED
TREE CANOPY	202.26m² 30% OF SITE	209.5m² 31.1% OF SITE
PROPOSAL		COMPLIES ✓

CANOPY TREE/S TOTAL

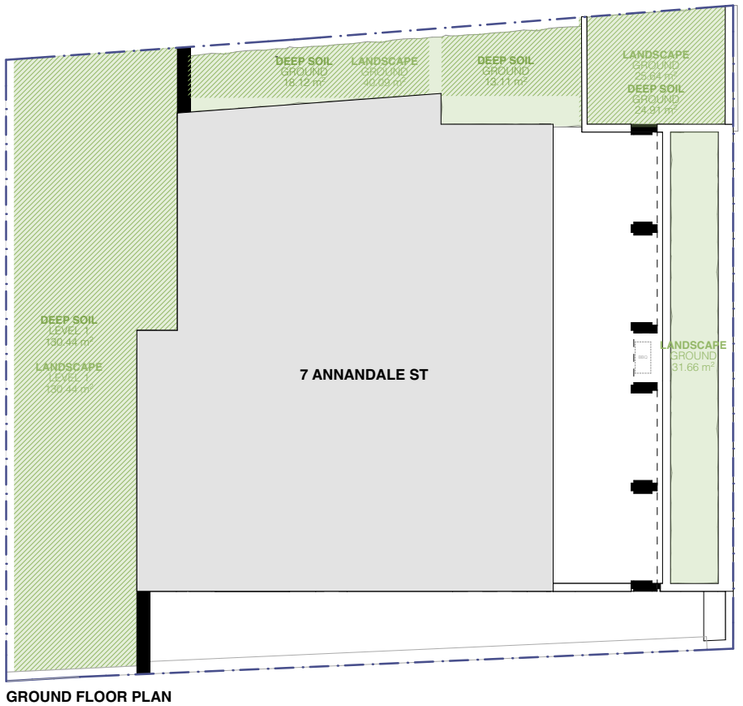
	CONTROL	PROPOSED
CANOPY TREE	101.13m² 50% OF TREE CANOPY	180.53m² 77.6% OF SITE
PROPOSAL		COMPLIES ✓

DEEP SOIL ZONE

	CONTROL	PROPOSED
SITE AREA	-	674.20m²
LANDSCAPE (TOTAL)	-	277.18m²
DEEP SOIL	235.97m² 35% OF SITE	176.53m² 26.2% OF SITE
FRONT SETBACK	-	71.62m²
DEEP SOIL	28.6m² 40% OF FRONT SETBACK	14.7m² 20.5% OF FRONT SETBACK



BASEMENT PLAN



GROUND FLOOR PLAN

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
LANDSCAPED AREAS

SCALE:	DRAWN:	CHECKED:
1:200@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 9101

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

LANDSCAPED AREAS

WOOLLAHRA COUNCIL
DCP 2015
Definitions:

Landscaped area is defined in Woollahra LEP 2014 to mean 'a part of a site is used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.'

Deep soil landscaped area is the part of a site that contains landscaped area which has no above ground, ground level or subterranean development.

These controls apply to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

Controls:

C1(b) Tree canopy area is 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings. And at least half of the total tree canopy area on the site is contributed by canopy tree(s). refer Figure 20 for the calculation of tree canopy area.

C2 35% of the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 22) where 30% of the site area is deep soil landscaped area. Refer Figure 21 for the calculation of deep soil landscaped area.

C3 At least 40% of the front setback comprises deep soil landscaped area.

TREE CANOPY TOTAL

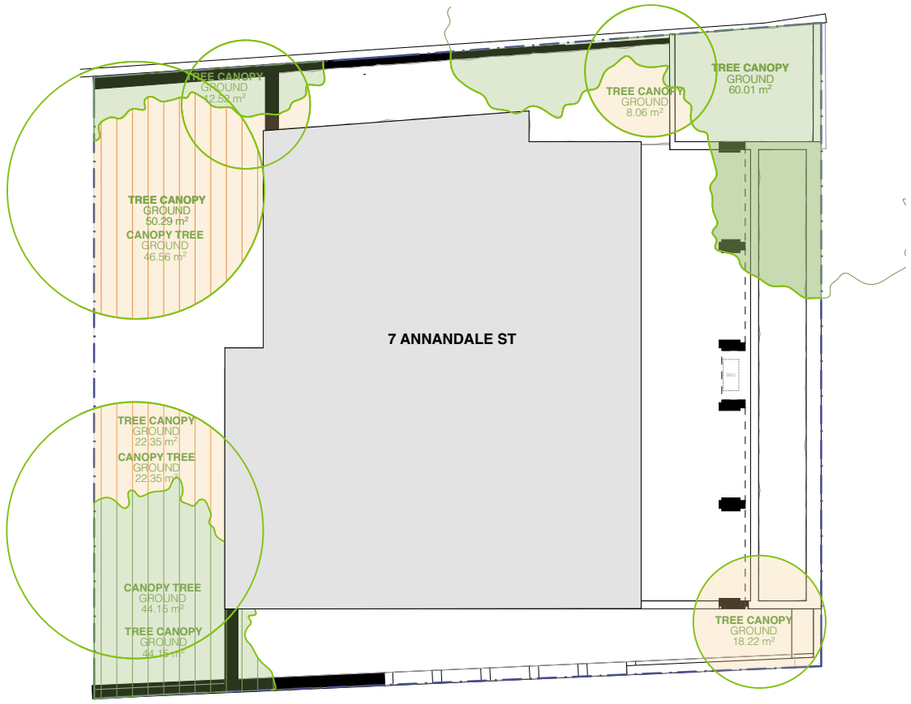
	CONTROL	PROPOSED
TREE CANOPY	202.26m² 30% OF SITE	209.5m² 31.1% OF SITE
PROPOSAL		COMPLIES ✓

CANOPY TREE/S TOTAL

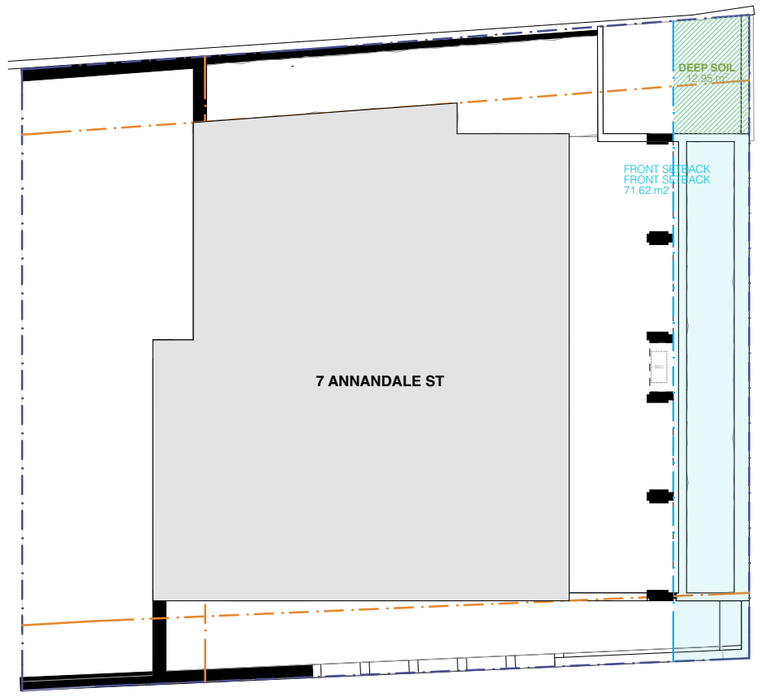
	CONTROL	PROPOSED
CANOPY TREE	101.13m² 50% OF TREE CANOPY	180.53m² 77.6% OF SITE
PROPOSAL		COMPLIES ✓

DEEP SOIL ZONE

	CONTROL	PROPOSED
SITE AREA	-	674.20m²
LANDSCAPE (TOTAL)	-	277.18m²
DEEP SOIL	235.97m² 35% OF SITE	176.53m² 26.2% OF SITE
FRONT SETBACK	-	71.62m²
DEEP SOIL	28.6m² 40% OF FRONT SETBACK	14.7m² 20.5% OF FRONT SETBACK



TREE CANOPY - GROUND FLOOR



FRONT SETBACK - GROUND FLOOR

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect Brian Meyerson
MHN Design Union Pty Ltd, ABN 94 003 717 682, NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
LANDSCAPED AREAS

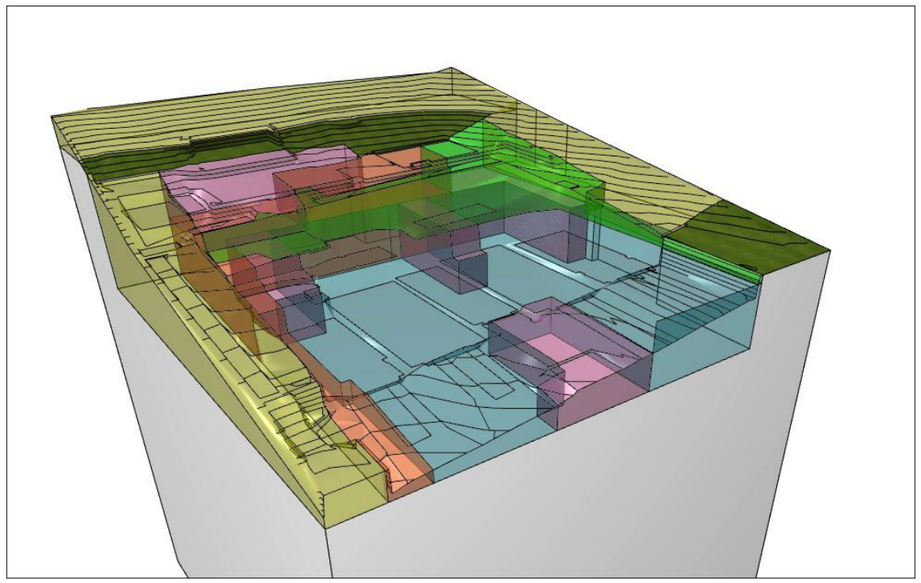
SCALE:	DRAWN:	CHECKED:
1:200@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

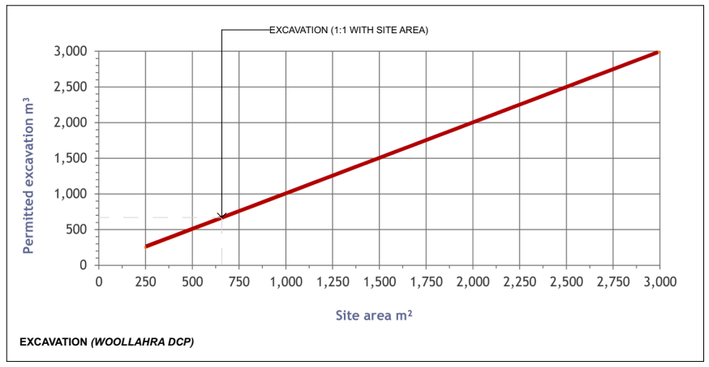
PROJECT NUMBER:	DWG NUMBER:
24-010	DA 9102

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

EXCAVATION DIAGRAM



PROPOSED EXCAVATED VOLUME



EXCAVATION *(WOOLLAHRA DCP)*

PROPOSED EXCAVATION CALCULATIONS:

EXCAVATION CATEGORY	VOLUME	% OF TOTAL
CARPARK	545.38 m³	35.90%
RESIDENTIAL UNIT	98.71 m³	6.50%
STORAGE, PLANT ROOMS	248.63 m³	16.38%
OPEN SPACE/LANDSCAPE	349.69 m³	23.03%
ACCESS, LIFT, FIRE STAIR	276.21 m³	18.19%
TOTAL EXCAVATION	**1,518.56 m³**	**100%**

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect
Erwin Meyerson
NSW Registration Number 4907
ABN 94 003 717 682
MHN Design Union Pty Ltd,

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
EXCAVATION DIAGRAM

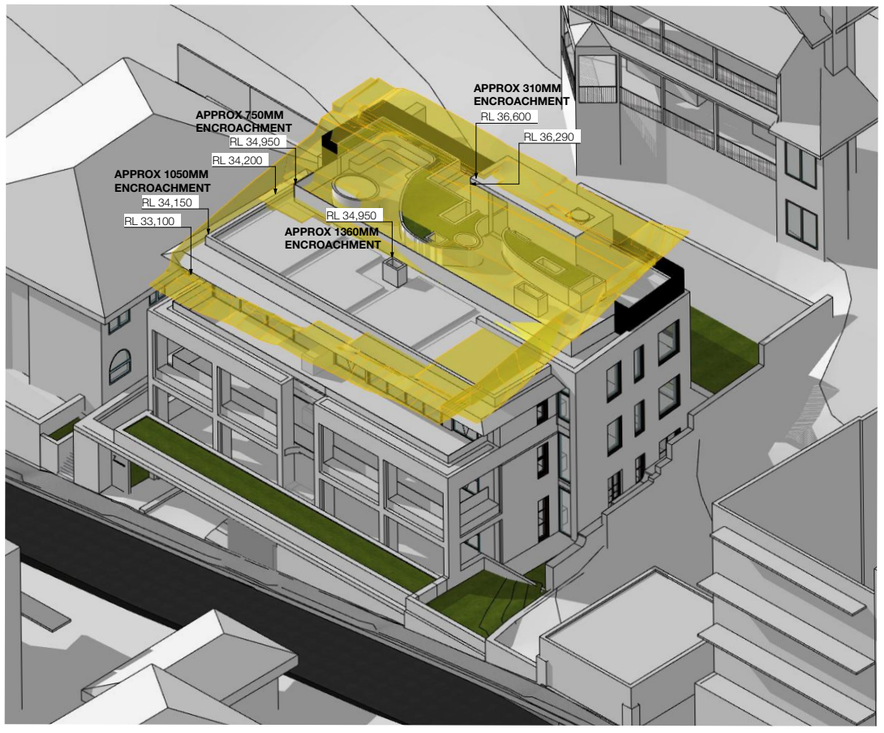
SCALE:	DRAWN:	CHECKED:
@A3	MB	MW

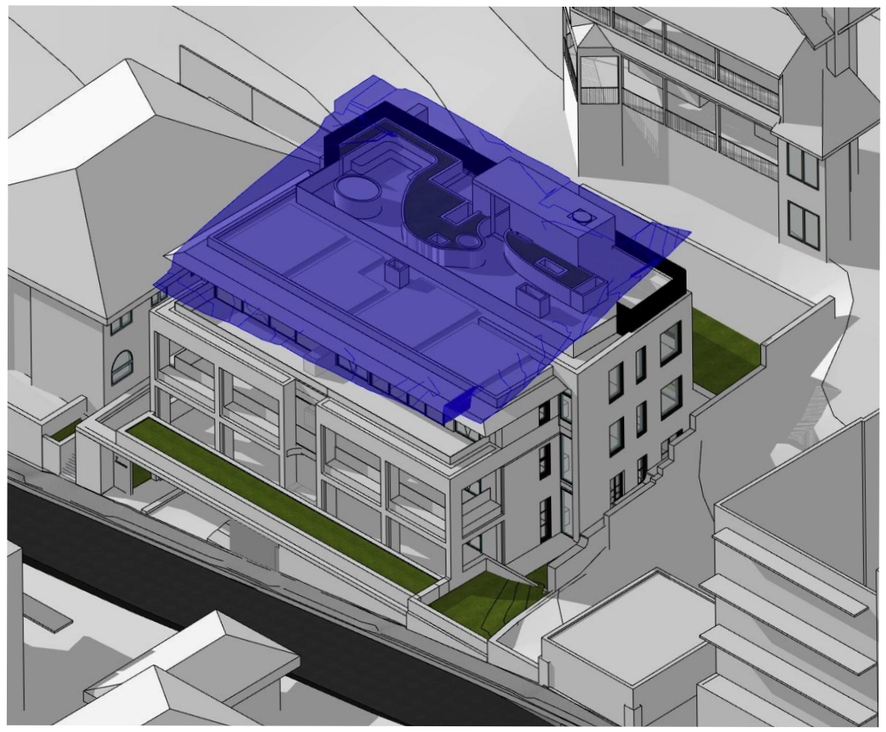
ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 9103

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

HEIGHT BLANKET





BUILDING ENVELOPE - EXISTING GROUND LINE
BUILDING ENVELOPE - NATURAL GROUND LINE

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
mhn Design Union Pty Ltd ABN 94 003 717 662
Nominated Architect: Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
HEIGHT BLANKET

SCALE:	DRAWN:	CHECKED:
APPROX. 1:300 @A3	MB	MW

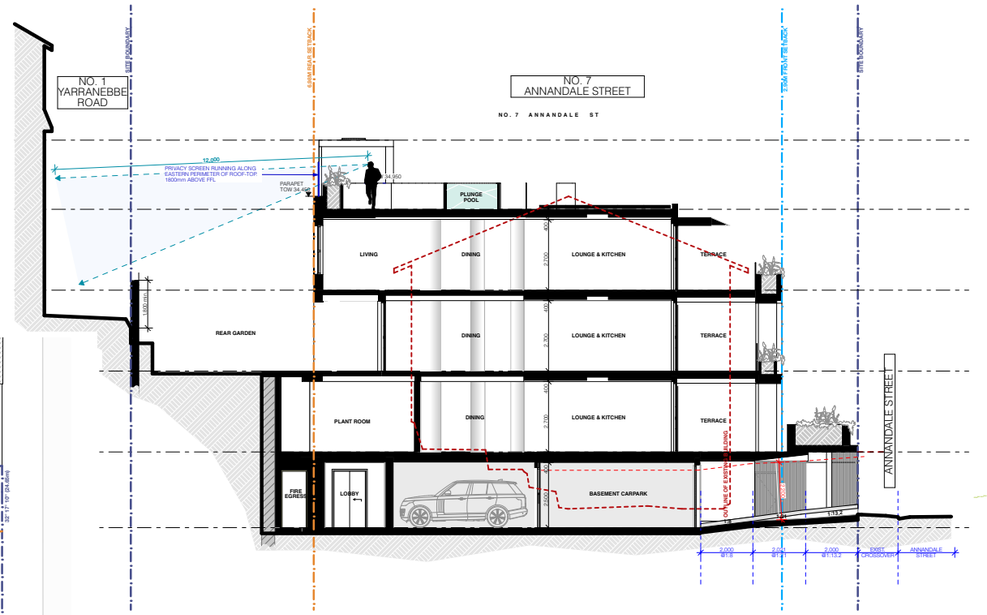
ISSUE DATE:	REVISION:
7/6/2024	A

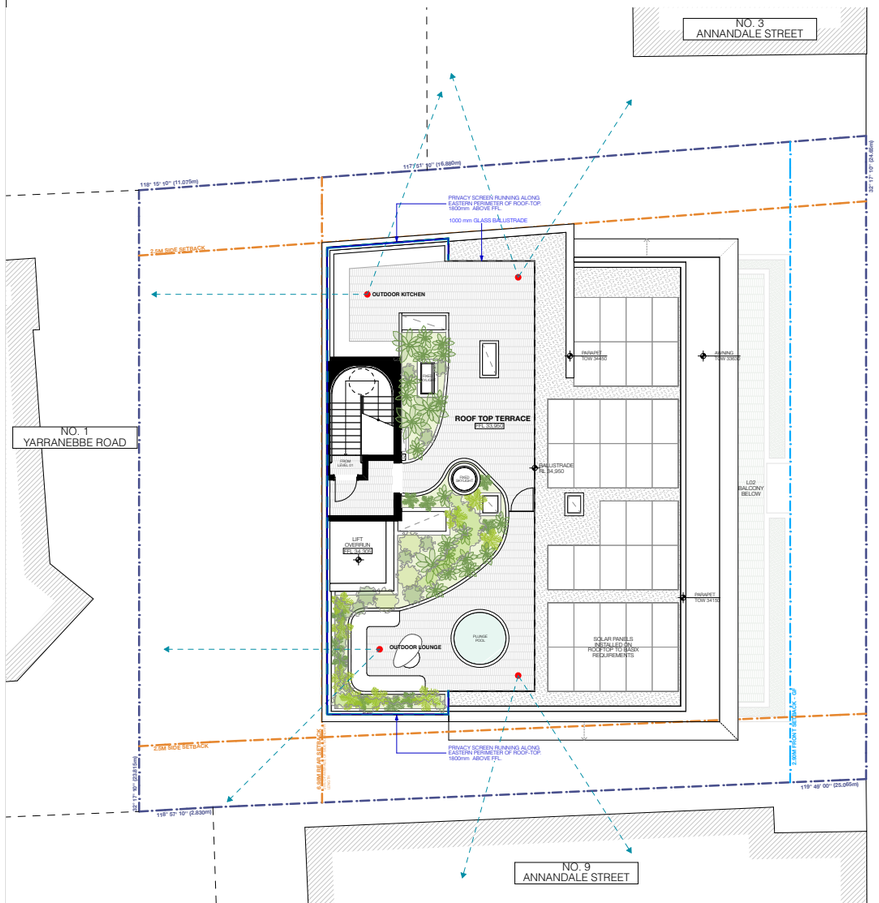
PROJECT NUMBER:	DWG NUMBER:
24-010	DA 9104

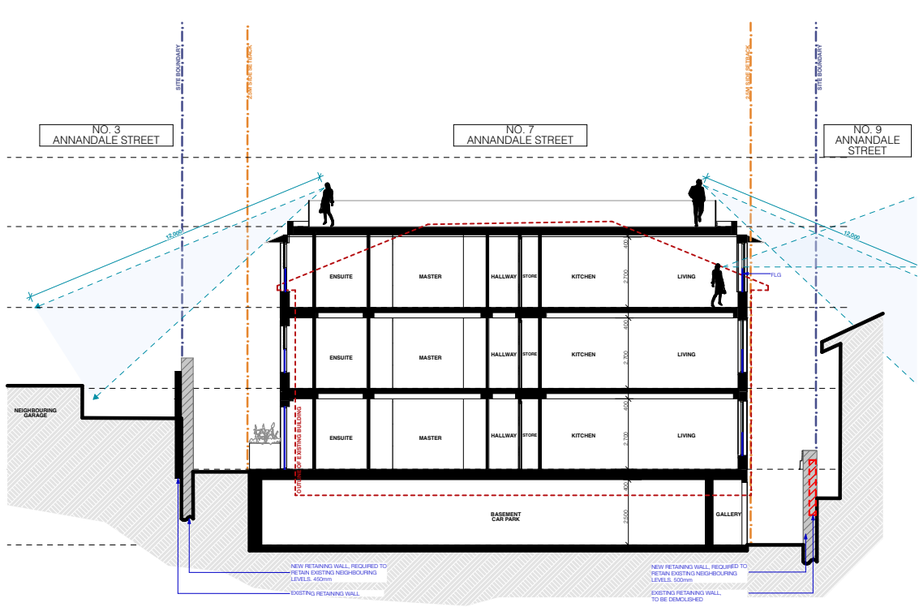
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

SIGHT LINE CONTROL

PRIVACY SCREEN 1800mm ABOVE FFL / FLG
FROSTED FLUTE GLASS 166mm ABOVE FFL







REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

FG FIXED GLASS
FLG FROSTED FLUTED GLASS. 1600mm ABOVE FFL FOR PRIVACY

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect Brain Meyerson
MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

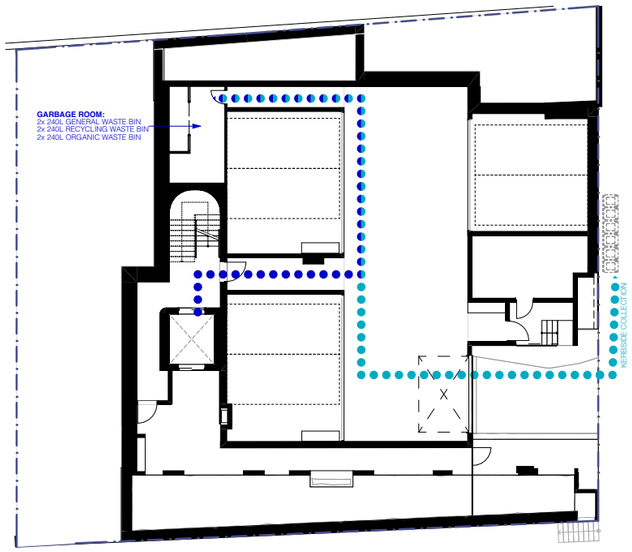
DRAWING TITLE:
SIGHT LINE CONTROL

SCALE:	DRAWN:	CHECKED:
@A3	MB	MW

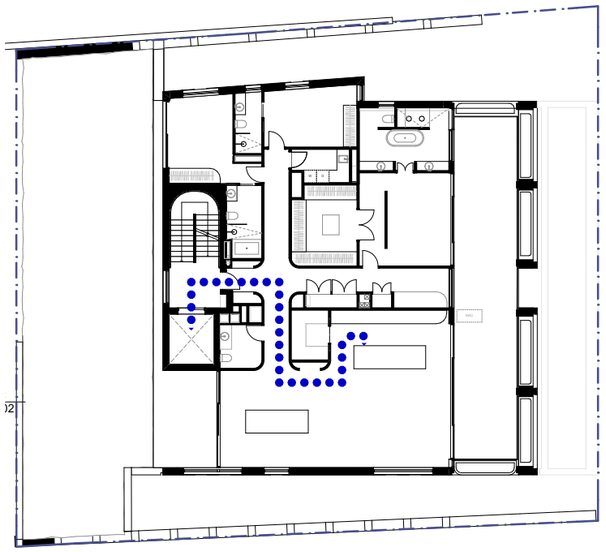
ISSUE DATE: 7/6/2024
REVISION: **A**

PROJECT NUMBER: **24-010**
DWG NUMBER: **DA 9105**
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

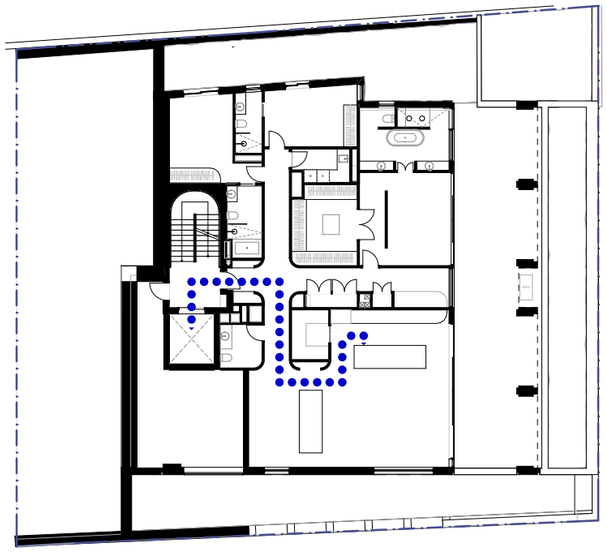
WASTE MANAGEMENT PLAN



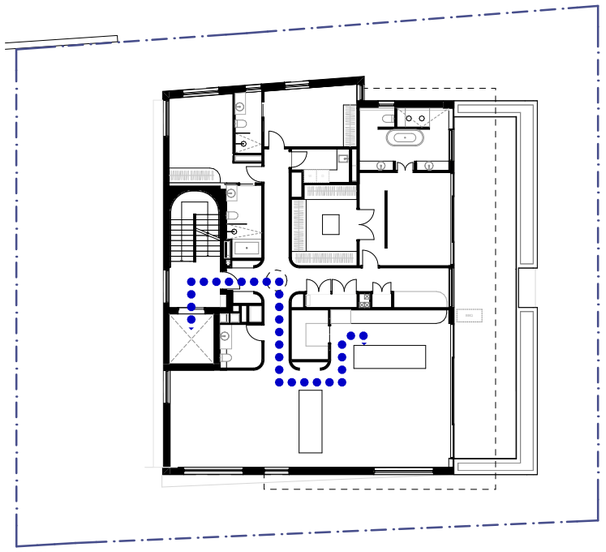
BASEMENT PLAN



LEVEL 1



GROUND FLOOR PLAN



LEVEL 2

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:

- PATH OF TRAVEL FROM SOLE OCCUPANCY UNIT TO GARBAGE ROOM
- PATH OF TRAVEL BETWEEN GARBAGE ROOM TO KERBSIDE COLLECTION

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Nominated Architect
Brkin Meyerson
MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

DRAWING TITLE:
WASTE MANAGEMENT PLAN

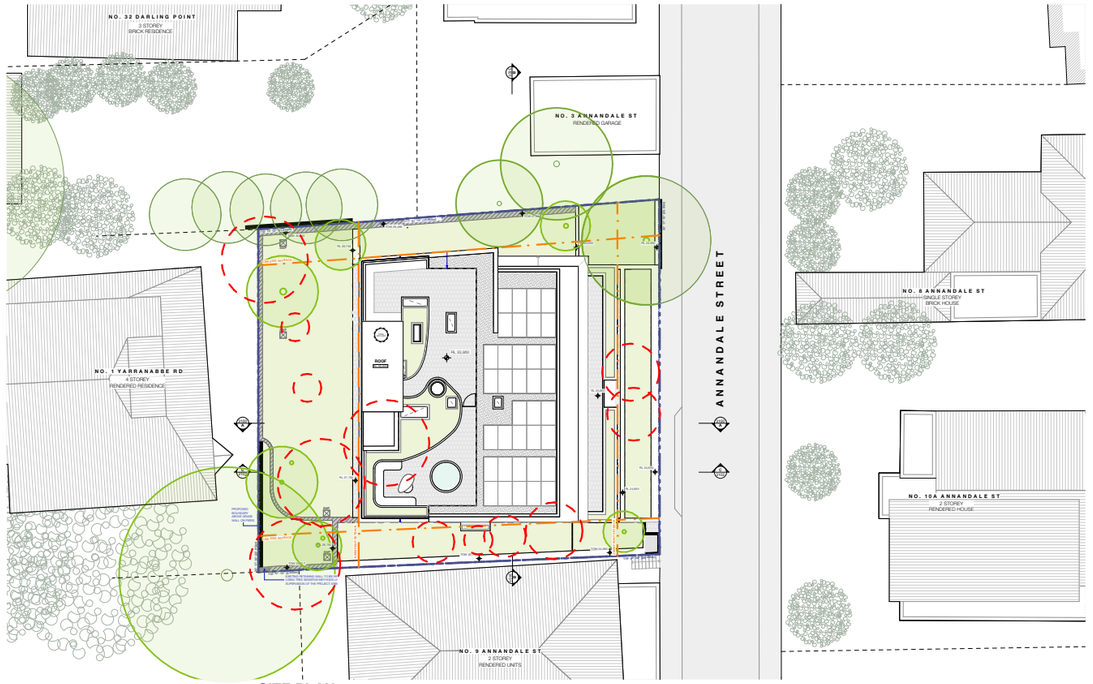
SCALE:	DRAWN:	CHECKED:
1:250@A3	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

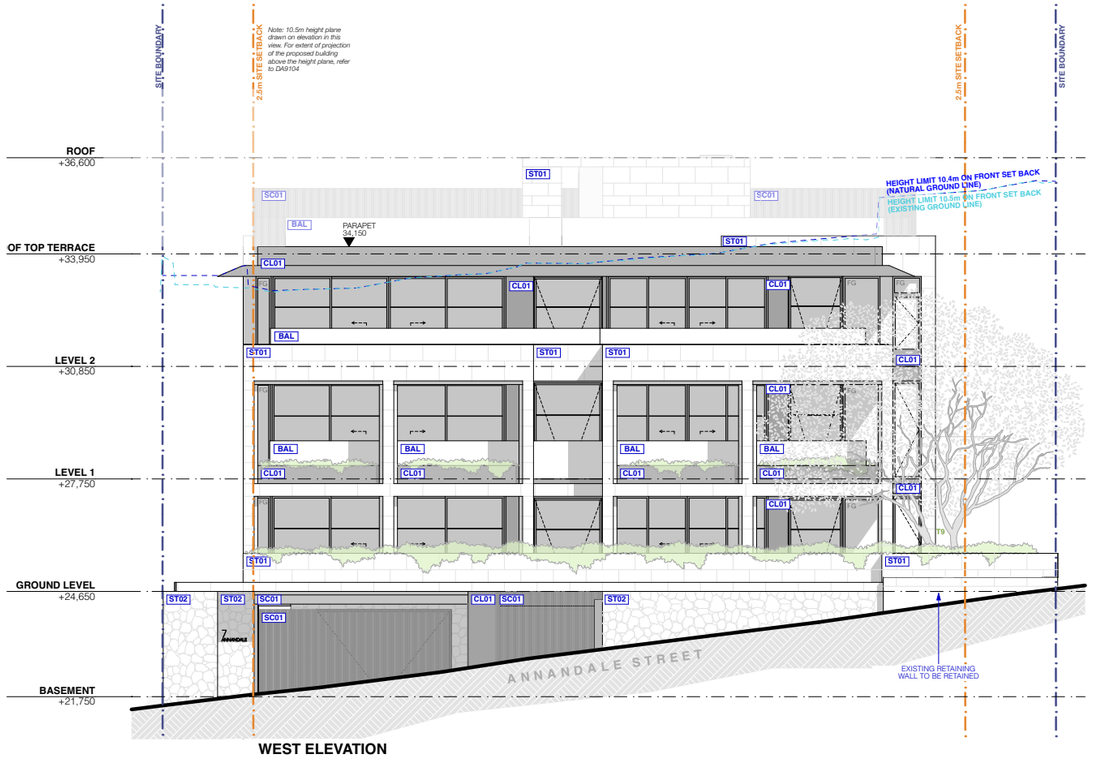
PROJECT NUMBER:	DWG NUMBER:
24-010	DA 9200

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA

NOTIFICATION PLAN



SITE PLAN



WEST ELEVATION

REV	DESCRIPTION	DATE
A	DA SUBMISSION	7/6/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC CLAUSES & AUSTRALIAN STANDARDS

CLAUSE A5G4: EVIDENCE OF SUITABILITY (DRINKING WATER)
CLAUSE B1D4: DETERMINATION OF STRUCTURAL RESISTANCE OF MATERIALS AND FORMS OF CONSTRUCTION
CLAUSE C1P1 - C1P9: FIRE RESISTANCE PERFORMANCE REQUIREMENTS
CLAUSE C3D7: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
CLAUSE C3D13: SEPARATION OF EQUIPMENT
CLAUSE C3D14: ELECTRICITY SUPPLY SYSTEM
CLAUSE C4D5: ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C4D9: OPENINGS IN FIRE ISOLATED EXITS
CLAUSE C4D15: OPENINGS FOR SERVICE INSTALLATIONS
CLAUSE D2D15: DISCHARGE FROM EXITS
CLAUSE D3D8: INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D3D14: GOINGS AND RISERS
CLAUSE D3D15: LANDINGS
CLAUSE D3D16: THRESHOLDS
CLAUSE D3D17: BARRIERS TO PREVENT FALLS
CLAUSE D3D22: HANDRAILS
CLAUSE D3D26: OPERATION OF LATCH
CLAUSE D3D28: SIGNS ON DOORS
CLAUSE D4D2: GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D4D4: PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D4D7: SIGNAGE
CLAUSE D4D9: TACTILE INDICATORS
CLAUSE E1D5 & E1D6: SPRINKLER REQUIREMENTS
CLAUSE E2D5 & E2D8: SMOKE HAZARD MANAGEMENT
CLAUSE E4D2: EMERGENCY LIGHTING
CLAUSE F1D6/F1D7: DAMP PROOFING
CLAUSE F2D2: WET AREA CONSTRUCTION
CLAUSE F4D2: SANITARY FACILITIES IN RESIDENTIAL BUILDINGS
CLAUSE F4D8: CONSTRUCTION OF SANITARY COMPARTMENTS
CLAUSE F5D2: ROOM HEIGHTS
CLAUSE F6D2 & F6D6: LIGHT AND VENTILATION
CLAUSE F7D5: SOUND INSULATION OF FLOORS
CLAUSE F7D6: SOUND INSULATION OF WALLS
CLAUSE F7D7: SOUND INSULATION OF SERVICES
CLAUSE F7D8: SOUND ISOLATION OF PUMPS
CLAUSE J1P1: ENERGY EFFICIENCY REQUIREMENTS (IF APPLICABLE)
CLAUSE J2D2: APPLICATION OF ENERGY EFFICIENCY PROVISIONS

LEGEND:
- EXISTING BOUNDARY WALL
- PROPOSED SHORING WALL
- PROPOSED WALL
- TPZ ENCROACHMENT
- WALLS TO DEMOLISH
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- TPZ
- SRZ
- EX EXISTING RL
- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
7 ANNANDALE ST, DARLING POINT NSW 2027

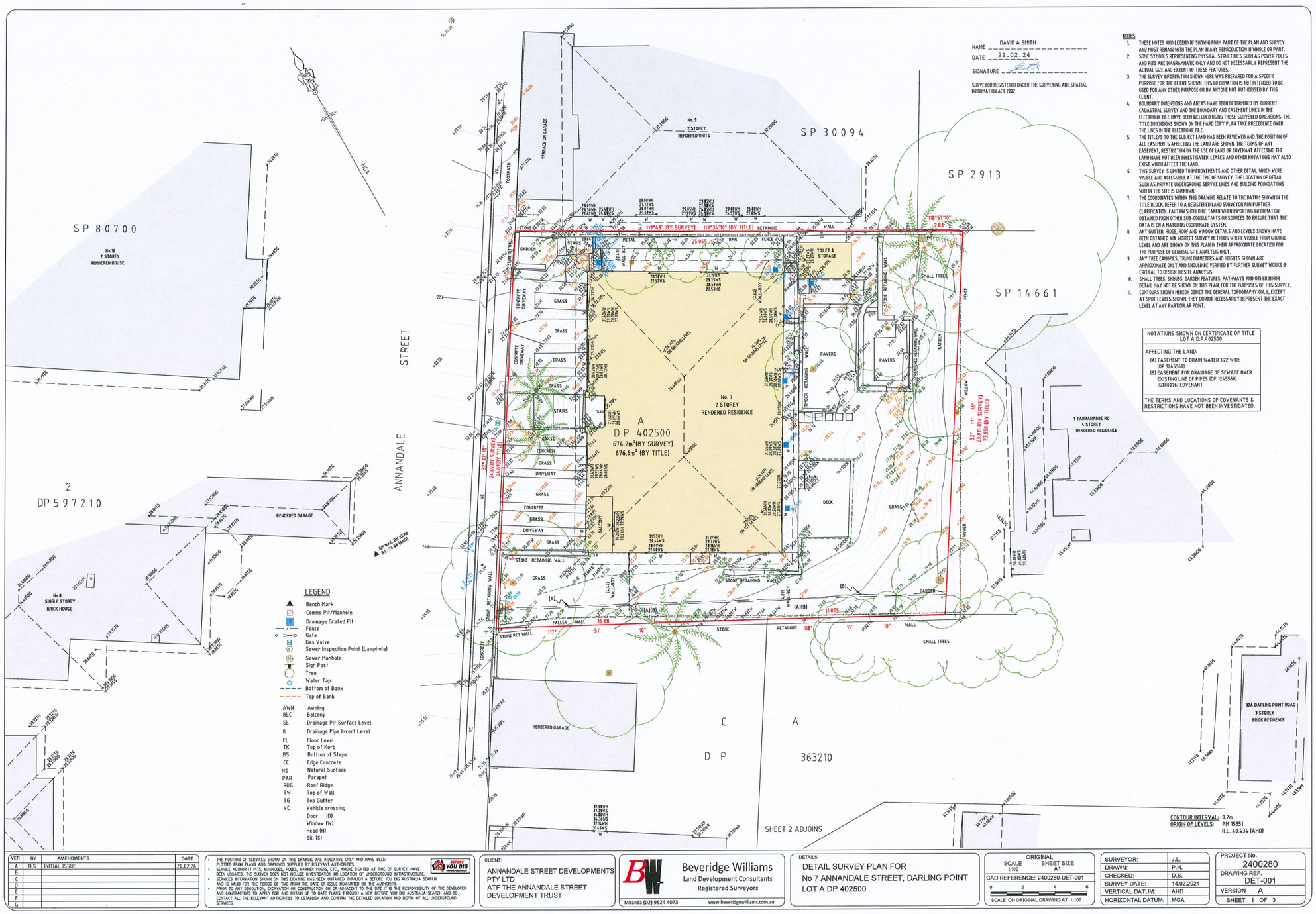
DRAWING TITLE:
NOTIFICATION PLAN

SCALE:	DRAWN:	CHECKED:
	MB	MW

ISSUE DATE:	REVISION:
7/6/2024	A

PROJECT NUMBER:	DWG NUMBER:
24-010	DA 9300

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/24-010 7 Annandale St Darling Point_DA



VER	BY	AMENDMENTS	DATE
A	D.S.	INITIAL ISSUE	20.02.24
B			
C			
D			
E			
F			
G			

- THE POSITION OF SERVICES SHOWN ON THIS DRAWING ARE INDICATIVE ONLY AND HAVE BEEN PLOTTED FROM PLANS AND DRAWINGS SUPPLIED BY RELEVANT AUTHORITIES.
- SERVICE AUTHORITY PITS, MANHOLES, POLES, MARKER POSTS, ETC., WHERE SIGHTED AT TIME OF SURVEY, HAVE BEEN LOCATED. THE SURVEY DOES NOT INCLUDE INVESTIGATION OR LOCATION OF UNDERGROUND INFRASTRUCTURE.
- SERVICES INFORMATION SHOWN ON THIS DRAWING HAS BEEN OBTAINED THROUGH A BEFORE YOU DIG AUSTRALIA SEARCH AND IS VALID FOR THE PERIOD OF TIME FROM THE DATE OF ISSUE NOMINATED BY THE AUTHORITY.
- PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON OR ADJACENT TO THE SITE IT IS THE RESPONSIBILITY OF THE DEVELOPER AND CONTRACTORS TO APPLY FOR AND OBTAIN UP TO DATE PLANS THROUGH A NEW BEFORE YOU DIG AUSTRALIA SEARCH AND TO CONTACT ALL THE RELEVANT AUTHORITIES TO ESTABLISH AND CONFIRM THE DETAILED LOCATION AND DEPTH OF ALL UNDERGROUND SERVICES.

CLIENT:
ANNANDALE STREET DEVELOPMENTS PTY LTD
ATF THE ANNANDALE STREET DEVELOPMENT TRUST

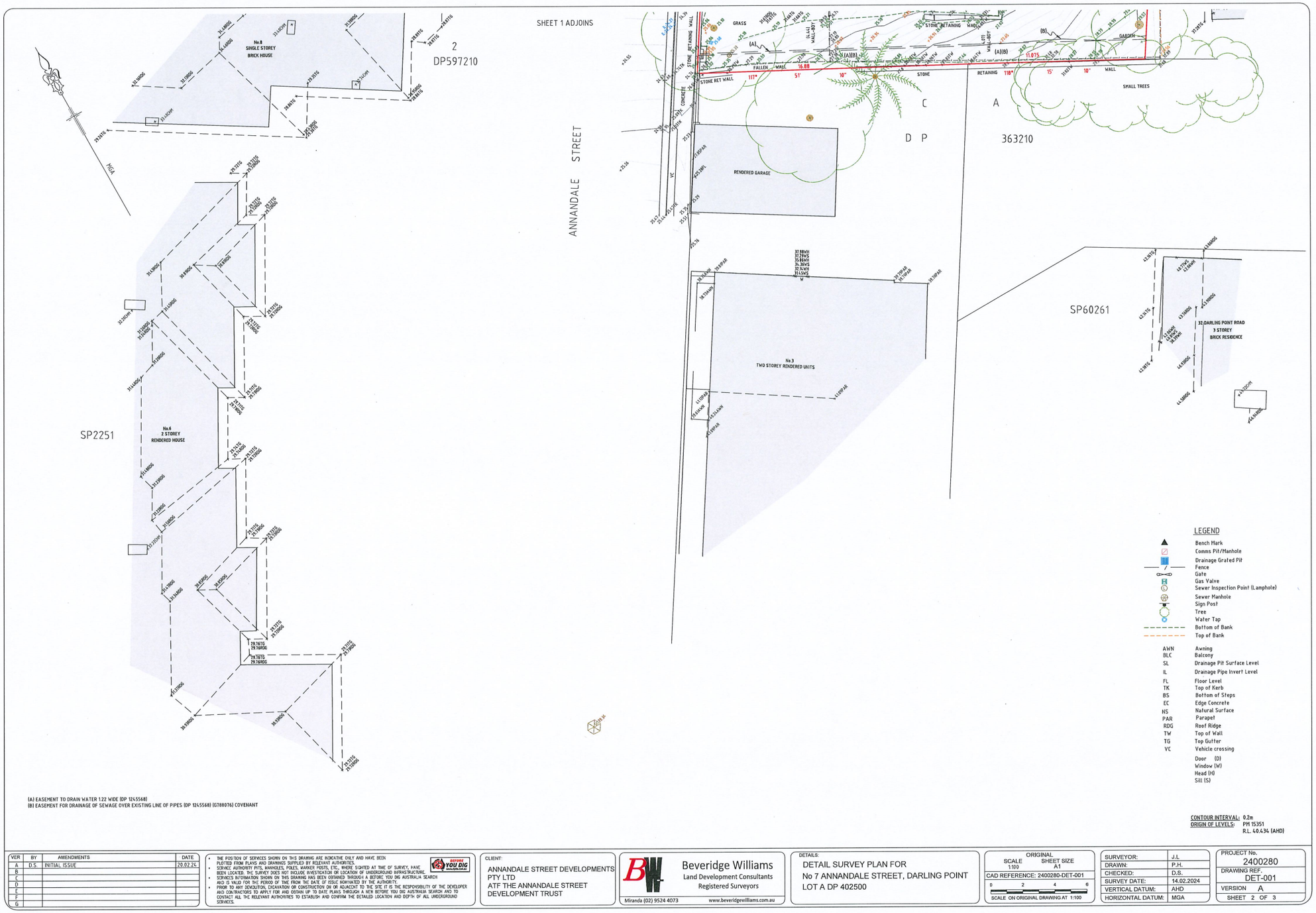
Beveridge Williams
Land Development Consultants
Registered Surveyors
Miranda (02) 9524 4073 www.beveridgewilliams.com.au

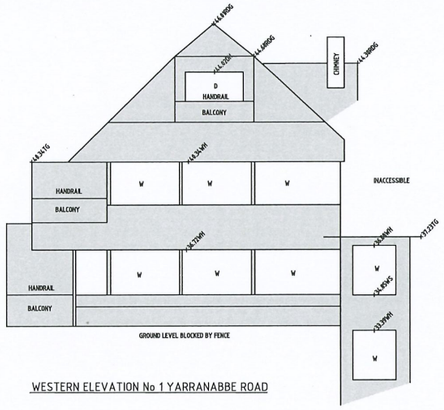
DETAILS:
DETAIL SURVEY PLAN FOR
No 7 ANNANDALE STREET, DARLING POINT
LOT A DP 402500

ORIGINAL
SCALE 1:100 SHEET SIZE A1
CAD REFERENCE: 2400280-DET-001
0 2 4 6
SCALE ON ORIGINAL DRAWING AT 1:100

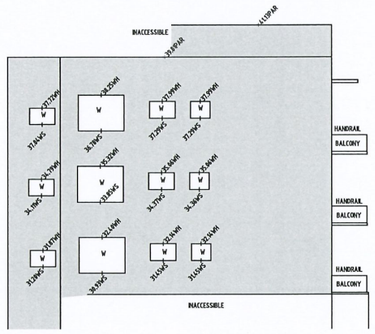
SURVEYOR:	J.L.
DRAWN:	P.H.
CHECKED:	D.S.
SURVEY DATE:	14.02.2024
VERTICAL DATUM:	AHD
HORIZONTAL DATUM:	MGA

PROJECT No. 2400280
DRAWING REF. DET-001
VERSION A
SHEET 1 OF 3

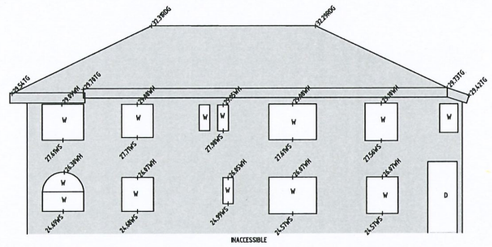

SHEET 1 ADJOINS
ANNANDALE STREET
No.8
SINGLE STOREY
BRICK HOUSE
2
DP597210
SP2251
No.6
2 STOREY
RENDERED HOUSE
RENDERED GARAGE
No.3
TWO STOREY RENDERED UNITS
SP60261
32 DARLING POINT ROAD
3 STOREY
BRICK RESIDENCE
363210
STONE RETAINING WALL
STONE RET WALL
FALLEN WALL
SMALL TREES
GARDEN
GRASS
CONCRETE
MGA
(A)
(B)
(A)(B)
16.88
11.075
117°
51°
118°
LEGEND
Bench Mark
Comms Pit/Manhole
Drainage Grated Pit
Fence
Gate
Gas Valve
Sewer Inspection Point (Lamphole)
Sewer Manhole
Sign Post
Tree
Water Tap
Bottom of Bank
Top of Bank
AWN Awning
BLC Balcony
SL Drainage Pit Surface Level
IL Drainage Pipe Invert Level
FL Floor Level
TK Top of Kerb
BS Bottom of Steps
EC Edge Concrete
NS Natural Surface
PAR Parapet
RDG Roof Ridge
TW Top of Wall
TG Top Gutter
VC Vehicle crossing
Door (D)
Window (W)
Head (H)
Sill (S)
(A) EASEMENT TO DRAIN WATER 1.22 WIDE (DP 1245568)
(B) EASEMENT FOR DRAINAGE OF SEWAGE OVER EXISTING LINE OF PIPES (DP 1245568) (G788076) COVENANT
CONTOUR INTERVAL: 0.2m
ORIGIN OF LEVELS: PM 15351
R.L. 40.434 (AHD)
VER BY AMENDMENTS DATE
A D.S. INITIAL ISSUE 20.02.24
B
C
D
E
F
G
THE POSITION OF SERVICES SHOWN ON THIS DRAWING ARE INDICATIVE ONLY AND HAVE BEEN PLOTTED FROM PLANS AND DRAWINGS SUPPLIED BY RELEVANT AUTHORITIES.
SERVICE AUTHORITY PITS, MANHOLES, POLES, MARKER POSTS, ETC., WHERE SIGHTED AT TIME OF SURVEY, HAVE BEEN LOCATED. THE SURVEY DOES NOT INCLUDE INVESTIGATION OR LOCATION OF UNDERGROUND INFRASTRUCTURE.
SERVICES INFORMATION SHOWN ON THIS DRAWING HAS BEEN OBTAINED THROUGH A BEFORE YOU DIG AUSTRALIA SEARCH AND IS VALID FOR THE PERIOD OF TIME FROM THE DATE OF ISSUE MAINTAINED BY THE AUTHORITY.
PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON OR ADJACENT TO THE SITE IT IS THE RESPONSIBILITY OF THE DEVELOPER AND CONTRACTORS TO APPLY FOR AND OBTAIN UP TO DATE PLANS THROUGH A NEW BEFORE YOU DIG AUSTRALIA SEARCH AND TO CONTACT ALL THE RELEVANT AUTHORITIES TO ESTABLISH AND CONFIRM THE DETAILED LOCATION AND DEPTH OF ALL UNDERGROUND SERVICES.
CLIENT:
ANNANDALE STREET DEVELOPMENTS PTY LTD
ATF THE ANNANDALE STREET DEVELOPMENT TRUST
Beveridge Williams
Land Development Consultants
Registered Surveyors
Miranda (02) 9524 4073
www.beveridgewilliams.com.au
DETAILS:
DETAIL SURVEY PLAN FOR
No 7 ANNANDALE STREET, DARLING POINT
LOT A DP 402500
ORIGINAL
SCALE 1:100
SHEET SIZE A1
CAD REFERENCE: 2400280-DET-001
0 2 4 6
SCALE ON ORIGINAL DRAWING AT 1:100
SURVEYOR: J.L
DRAWN: P.H.
CHECKED: D.S.
SURVEY DATE: 14.02.2024
VERTICAL DATUM: AHD
HORIZONTAL DATUM: MGA
PROJECT No. 2400280
DRAWING REF. DET-001
VERSION A
SHEET 2 OF 3



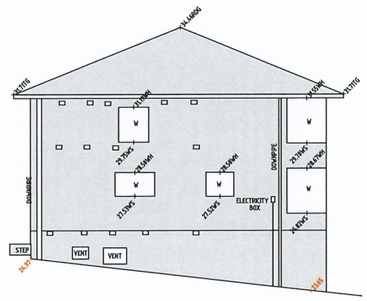
WESTERN ELEVATION No 1 YARRANABBE ROAD



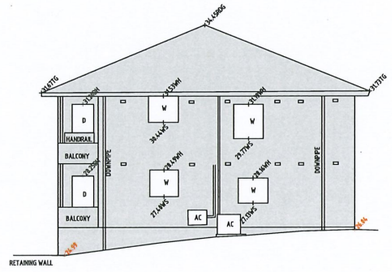
NORTHERN ELEVATION No 5 ANNANDALE STREET



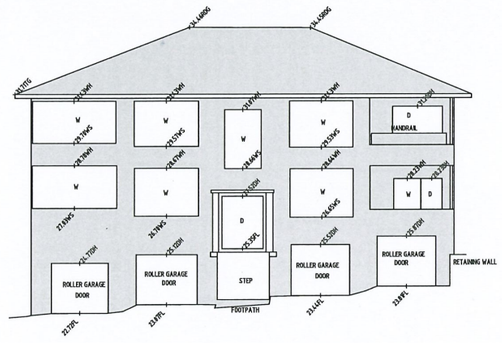
SOUTHERN ELEVATION No 9 ANNANDALE STREET



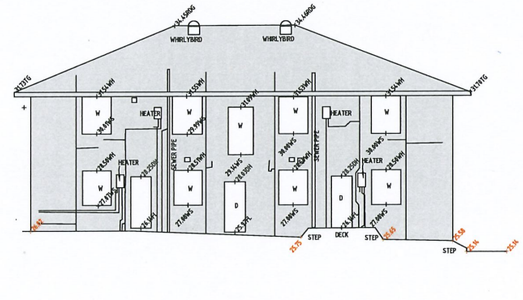
NORTHERN ELEVATION No 7 ANNANDALE STREET



SOUTHERN ELEVATION No 7 ANNANDALE STREET



WESTERN ELEVATION No 7 ANNANDALE STREET



EASTERN ELEVATION No 7 ANNANDALE STREET

Awning	AWN
Floor Level	FL
Parapet	PAR
Roof Ridge	RDG
Top Gutter	TG

Door (D)
Window (W)
Head (H)
Sill (S)

CONTOUR INTERVAL: 0.2m
ORIGIN OF LEVELS: PM 15351 R.L. 40.434 (AHD)

VER	BY	AMENDMENTS	DATE
A	D.S.	INITIAL ISSUE	20.02.24
B			
C			
D			
E			
F			
G			

- THE POSITION OF SERVICES SHOWN ON THIS DRAWING ARE INDICATIVE ONLY AND HAVE BEEN PLOTTED FROM PLANS AND DRAWINGS SUPPLIED BY RELEVANT AUTHORITIES.
- SERVICE AUTHORITY PITS, MANHOLES, POLES, MARKER POSTS, ETC., WHERE SIGHTED AT TIME OF SURVEY, HAVE BEEN LOCATED. THE SURVEY DOES NOT INCLUDE INVESTIGATION OR LOCATION OF UNDERGROUND INFRASTRUCTURE.
- SERVICES INFORMATION SHOWN ON THIS DRAWING HAS BEEN OBTAINED THROUGH A BEFORE YOU DIG AUSTRALIA SEARCH AND IS VALID FOR THE PERIOD OF TIME FROM THE DATE OF ISSUE NOMINATED BY THE AUTHORITY.
- PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON OR ADJACENT TO THE SITE IT IS THE RESPONSIBILITY OF THE DEVELOPER AND CONTRACTORS TO APPLY FOR AND OBTAIN UP TO DATE PLANS THROUGH A NEW BEFORE YOU DIG AUSTRALIA SEARCH AND TO CONTACT ALL THE RELEVANT AUTHORITIES TO ESTABLISH AND CONFIRM THE DETAILED LOCATION AND DEPTH OF ALL UNDERGROUND SERVICES.

CLIENT:
ANNANDALE STREET DEVELOPMENTS PTY LTD
ATF THE ANNANDALE STREET DEVELOPMENT TRUST

Beveridge Williams
Land Development Consultants
Registered Surveyors
Miranda (02) 9524 4073 www.beveridgewilliams.com.au

DETAILS:
DETAIL SURVEY PLAN FOR
No 7 ANNANDALE STREET, DARLING POINT
LOT A DP 402500

ORIGINAL
SCALE 1:100 SHEET SIZE A1
CAD REFERENCE: 2400280-DET-001
0 2 4 6
SCALE ON ORIGINAL DRAWING AT 1:100

SURVEYOR:	J.L.
DRAWN:	P.H.
CHECKED:	D.S.
SURVEY DATE:	14.02.2024
VERTICAL DATUM:	AHD
HORIZONTAL DATUM:	MGA

PROJECT No. 2400280
DRAWING REF. DET-001
VERSION A
SHEET 3 OF 3

gsa planning

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

Demolition of Existing Residential Flat Building and Construction of a New Residential Flat Building and Associated Works at

No. 7 Annandale Street,

Darling Point

Prepared for:
Fortis
L5 30-36 Bay St
Double Bay NSW 2028

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
(A.B.N 89 643 660 628)
95 Paddington Street, Paddington NSW 2021
p: 02 9362 3364
e: info@gsaplanning.com.au

JOB NO. 24087
June 2024

© GSA PLANNING 2024

PIA Planning Institute Australia

CPP CERTIFIED PRACTISING PLANNER

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

APPLICANT'S NAME: Fortis

SITE ADDRESS: No. 7 Annandale Street, Darling Point

PROPOSAL: Demolition of Existing Residential Flat Building and Construction of a New Residential Flat Building and Associated Works

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

Woollahra Local Environmental Plan (LEP) 2014

(ii) The land is zoned:

R3 Medium Density Residential. The objectives of the R3 Zone are as stated:

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

(iii) The number of the relevant clause therein:

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

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

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

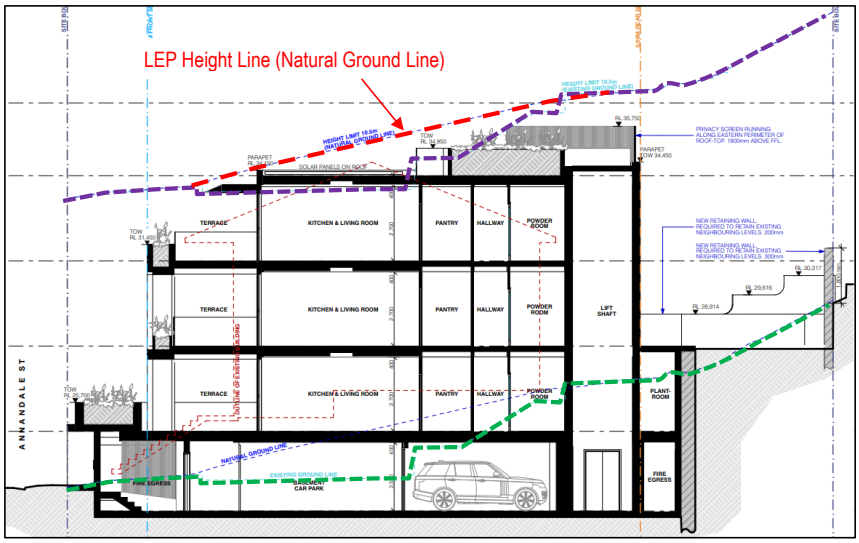
2. Overview

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

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

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of Buildings. This Clause operates in conjunction with the Height Map which indicates a maximum 10.5 metres applies to the subject site. Clause 4.3 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The proposed new residential flat building will result in a maximum height of 11.86m, when measured from the highest point of a kitchen riser on the roof level (RL 34.95) to the existing ground level immediately below. This results in a maximum departure of 1.36m from the LEP height standard (12.95%) (see **Figure 1 and Figure 2** on the following page).

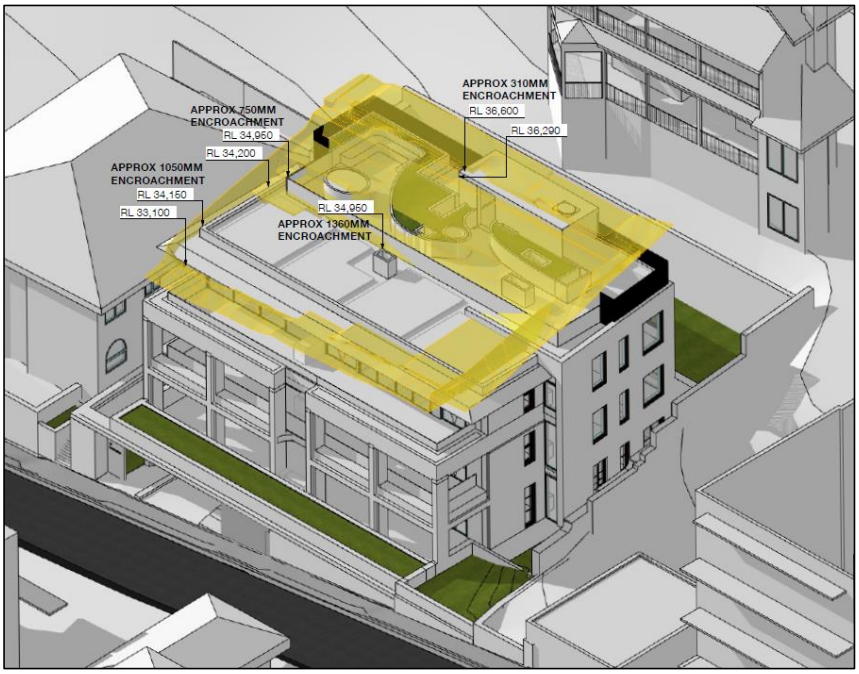


Source: MHN Design Union

Figure 1: Proposed Building Height

It must be noted that the building height departures are minor and located in isolated portions of the site primarily because of its varying topography and existing excavation. We note the existing ground level is based on the survey information available and the anticipated RLs of the underside of slabs.

The proposed built form mostly complies with the building height and fully complies with the FSR development standard. The majority of the height breach is a function of the topography. Due to the artificial fall in the existing ground level towards the frontage of the site due to existing excavation which results in the front portion of the roof level breaching the building height development standard. However, the rear portion of the roof level is located below the building height development standard height line. Overall, the proposed residential flat building responds well to the. The breach is minor in nature and not readily visible from the public domain of Annandale Street.



Source: MHN Design Union

Figure 2: Height Plane Diagram (Existing Ground Line)

As indicated, the exceedance is mainly technical/definition issue due to the previous excavation as a result of the existing garages. Prior excavation was identified as an environmental planning ground in the recent judgment in in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 where Commissioner O'Neill stated at [83]:

> *The grounds relied on by the applicant in the written request under cl 4.6 must be environmental planning grounds by their nature, and environmental planning grounds is a phrase of wide generality (Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]) as they refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects of the Act (Initial Action at [23]).* ***I am satisfied that the prior excavation of the site and the consequent distortion of the height of buildings plane over the site, when compared to the topography of the hill, is an environmental planning ground sufficient to justify contravening the development standard. I am satisfied that the focus is on the aspect of the development that contravenes the development standard, being the areas of the building envelope that are directly above the former excavation of the site, and not the development as a whole…***

This is also consistent with the Court's decision in *Bettar v Council of Sydney* [2014] NSWLEC 1070 *(Bettar)*. The interpretation of height has been considered in *Bettar*. In *Bettar* the Court dealt with a site that had similar characteristics to the subject site in that the basement existed on some parts of the site. The Court took the approach of measuring height with the intent, in part, of relating the development proposal to its context and made the following relevant comments:

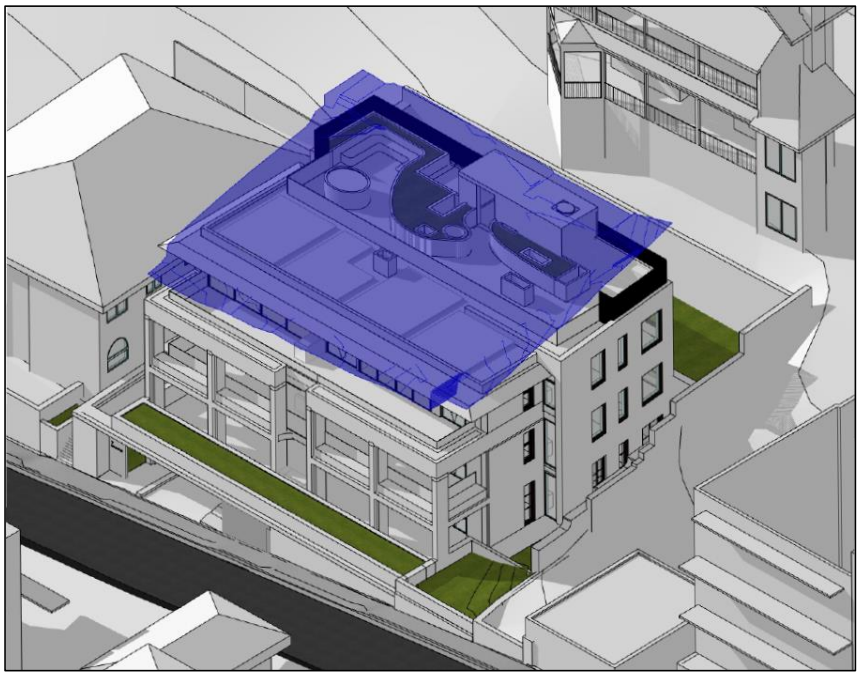
> *'It is relevant to consider the objectives of the building height development standard in considering how best to determine the maximum height of the building using the dictionary definitions in LEP 2012. As one of the purposes of the development standard is to relate the proposal to its context, it follows that the* ***determination of the existing ground level should bear some relationship to the overall topography*** *that includes the site…*

The definition of basement in LEP 2012 is the space of a building where the floor level of that space is predominantly below existing ground level and where the floor level of the storey immediately above is less than 1 metre above existing ground level. From this definition, it does ***not follow that existing ground level becomes the level of the basement floor or the soil beneath the basement following the construction of a basement. A basement is, by definition, below ground level and so the level of the basement floor cannot be taken to be existing ground level****.*

For these reasons, ***I do not accept [the] approach of defining existing ground level as the ground floor level of the existing building and then dropping it down to the basement level*** *in the north-eastern corner of the site where the existing basement is located. This…relates only to a building that is to be demolished and has no relationship to the context of the site…*

I prefer [the alternate] approach to determining the existing ground level ***because the level of the footpath at the boundary bears a relationship to the context and the overall topography*** *that includes the site and remains relevant once the existing building is demolished.' (emphasis added).'*

A similar approach has been undertaken in relation to the subject site. If the 10.5m height line is based on the ***natural ground line*** (***NGL***), the proposed building height would fully comply with the height of building development standard (see **Figure 3**).



Source: MHN Design Union

Figure 3: Height Plane Diagram (Natural Ground Line)

4. Consistency with Objectives of Clause 4.6

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

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

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

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

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this particular case. The proposal will result in a new residential flat building which will be consistent with nearby RFBs of considerably higher building height and FSR than permitted under the current controls.
The proposed height non-compliance will provide a better planning outcome for the development by providing consistent and compliant internal floor levels and equitable access between floor levels with the proposed lift. If strict compliance with the height standard was enforced and the roof was lowered, it would require lowering of the building at the front, where the non-compliant element is not readily visible from the street, resulting in stepped building form which would have implications for accessible internal apartment design and compliant floor to ceiling heights. Importantly, the area of non-compliance does not result in unacceptable amenity impacts to neighbouring properties with respect to overshadowing, views and privacy.

Flexibility in this circumstance will provide a better outcome for and from the development. It will facilitate a contemporary new residential flat building, designed to respond to the complex site topography, and will be consistent with the desired future character of the Darling Point precinct. To refuse this application would prevent the orderly and economic use and development of the land.

5. Justification of Variation to Development Standard

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

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

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

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

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development

standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

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

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

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

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

(a) to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.

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

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

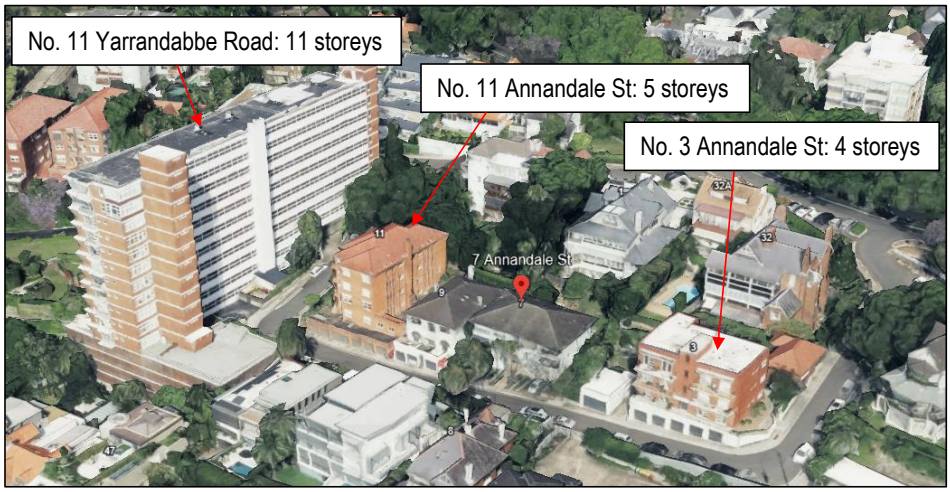
Accordingly, the desired future character is shaped by the text and context of the LEP and existing buildings in the vicinity. Each of these will now be discussed. The relevant clauses in the LEP which relate to urban character and built form are:

a. *The zoning of the land (Clause 2.2 and the Land Zoning Map);*
b. *The zone objectives (Clause 2.3);*
c. *The land use table (at the end of Part 2); and*
d. *The development standards in Part 4:*
    i. *Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 10.5m.*

The R3 Medium Density Residential zoning envisages residential flat buildings which is both existing and proposed on the site. As detailed in the SEE, the proposal is for the continuing use of the site as a residential flat building. The proposal will comply with the FSR development standards and zone objectives of the LEP.

The proposal consists of a contemporary four-story residential flat building that maintains the medium-density residential use of the site. The proposal has been designed to mirror the architectural diversity of the surrounding area, which predominantly features residential buildings ranging from three to four storeys. The development introduces larger three-bedroom units aimed at meeting the specific housing needs of families and downsizers, thus addressing a demand within the local community.

As evidenced, there are a number of buildings in the area that are four storeys or taller, appear exceeding 10.5 meters in height. Within direct proximity is No. 3 Annandale Street, which are four storeys and estimated to be approximately 16.1 meters in height. Furthermore, in a slightly broader context, there are No. 2 Annandale Street and No. 11 Yarranabbe Road, which comprise four and eleven storeys, respectively (see **Figure 3**). While it is understood that these buildings already exist, they are considered contextually relevant given their proximity to the site and their contribution to the Darling Point locality.



Source: Google Earth Maps

Figure 3: Aerial View Showing Nearby Building Heights

This demonstrates that the proposed height and number of storeys of the proposal in this location is contextually appropriate, and not inconsistent with nearby Annandale Street developments.

The proposal complies with LEP development standard of FSR as well as the majority of the DCP controls. Flexibility in this circumstance will provide a better planning outcome. It will facilitate the replacement of an ageing building with a new well designed residential flat building in the R3 Medium Density Residential Zone, which is consistent with the desired future character of the Darling Point Precinct. To refuse this application would prevent the orderly and economic use and development of the land.

Darling Point Precinct Character

Whilst the 'desired future character is not based on the DCP interpretation, the proposal is consistent with the objectives relating to the Darling Point Precinct in Part B1 of Council's DCP. The relevant objectives of this area and our responses are as follows:

Objective: *To respect and enhance the streetscape character and key elements of the precinct.*

Response: The proposal is commensurate of the surrounding development in terms of bulk, scale, setbacks, and architectural style. This contemporary residential flat building is considered to have a positive impact on the streetscape character of Annandale Street.

Objective: *To maintain the sense of the historic grand estates.*

Response: The height non-compliance would not result in any unacceptable impacts on grand estates.

Objective: *To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings incorporating modulation and a varied palette of materials.*

Response: The proposal includes a sympathetic palette of materials and is a contemporary architectural style. The proposal would provide for an enhanced streetscape and harbour appearance and is commensurate in terms of scale and bulk of surrounding buildings.

Objective: *To maintain the heritage significance of heritage items and buildings in adjacent heritage conservation areas.*

Response: The proposal will not detract from nearby heritage items and conservation areas. A Heritage Assessment has been prepared by Weir Phillips, separately submitted, which noted that the proposed works will have an acceptable impact on the HCA and heritage items in the vicinity because the new residential flat building has been carefully designed to be sympathetic to and in keeping, with the architectural character of the HCA.

Objective: *To ensure that development does not reproduce or match existing intrusive buildings.*

Response: The proposal does seek to reproduce or match existing intrusive buildings. This contemporary residential flat building proposes a height and FSR that are commensurate with the surrounding buildings. The minor height departure is largely due to the due to the artificial fall in existing ground level toward the frontage of the subject site and is not a result of additional floor space.

Objective: *To ensure that alterations and additions to period buildings, such as semi-detached dwellings and attached dwellings, do not detract from the character of these buildings and their presentation to the street.*

Response: N/A

Objective: *To ensure roof forms are articulated to provide attractive roofscapes and designed to minimise view loss.*

Response: The proposal includes a private roof terrace for the enjoyment of future residents. This roof terrace would provide articulation in the form a variety of areas such outdoor dining, planter boxes and passive areas. To minimise view loss the proposed roof terrace has not included an awning or roof structure to minimise visual obstructions at the level. It is acknowledged that the stair overrun will be enclosed.

Objective: *To design and site buildings to respond to the topography and minimise cut and fill.*

Response: The proposal has been designed and sited to respond to the existing topography of the land.

Objective: *To ensure that development is subservient to the tree line along the ridge of Darling Point Road when viewed from the harbour.*

Response: Due to the site's location, there will be no physical or visual impact on the Darling Point Road tree line.

Objective: *To retain and reinforce the setting of mature street trees and garden plantings especially along the ridgeline by retaining existing trees and providing appropriate replacement planting.*

Response: Given the existing setback is primarily dominated by four crossovers to access each of the individual garages, the only vegetation currently in the front setback

is two palms and a jacaranda. The jacaranda tree is proposed to be retained and the palms are proposed to be removed and replaced with a planter at ground level. Planters with gardens are provided facing Annandale Street, and the proposal includes extensive landscaping in the side and rear setbacks to reinforce the landscaped setting of the area.

Objective: *To retain the landscape setting of the locality by maintaining landscaped areas around buildings and minimising hard stand areas*

Response: The proposal provides landscaping within the side and rear setbacks and seeks to minimise hard stand areas. Planters are provided facing Annandale Street to reinforce the character of the area.

Objective: *To retain and reinforce the stone and brick retaining walls that characterise the sloping streets of the precinct.*

Response: The proposal provides for new stone retaining walls that are in keeping with the existing character of Annandale Street.

Objective: *To protect important iconic and harbour views from public spaces and to provide additional important views from public spaces when possible.*

Response: The proposal seeks to maintain views from buildings to the east. The proposal is not considered to have significant impacts on iconic views.

Therefore, the proposal is compatible with the neighbourhood's desired future character and the heights of surrounding development. We therefore consider contravening the development standard to provide an improved residential flat building on this steep site is justified in keeping with the character of the Darling Point locality.

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

N/A – the proposal does not directly adjoin other land zones.

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

To evaluate the solar access implications of the proposed development, shadow diagrams have been prepared by Cad Draft P/L. These diagrams indicate that the proposed building height non-compliance due to the sloping topography and existing excavation will not result in any additional shadows to the neighbours' private open space or north-facing windows. While No. 1 Yarranabbe Road will experience some extra shade at 3pm, this is due to the part of the building that complies with height standard. In fact, the design has been carefully designed to minimise any loss of sunlight to surrounding properties, and the proposed additional shadow is smaller in scale when compared to the LEP and DCP fully compliant building envelope.

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

Privacy

The proposed development is designed to prioritise privacy for current and future residents by incorporating features such as planter boxes and open walls which help obscure views. The building height variation is limited to the front portion of the roof level, which is not trafficable and will not result in any overlooking to the neighbours' private open space and habitable room windows. It is noted that

the proposed trafficable roof terrace is located at the rear portion of the roof level and is compliant with the building height standard.

Overshadowing
As discussed above, the building height non-compliance will not result in any overshadowing to the existing buildings and open space, the proposal will continue to provide similar levels of solar access to the neighbouring properties.

View
The minor building height variation is limited to the front portion of the roof level due to the sloping topography and the existing excavation that varied the existing ground level. It is noted that the proposed plant rooms and trafficable roof terrace are located at the rear portion of the roof level and compliant with the LEP building height standard. However, they are located higher than the area of the building height variation, however, these elements are well below the LEP maximum building height line. This means that any obstructed views from east to west will be caused by the height compliant structure at the rear portion of the roof level, rather than the lower but non-compliant area at the front. Other view impacts on the lateral views across the proposal (from Nos. 3 and 9 Annandale Street) is negligible as the non-compliance is minor in nature and limited to minor front portion of the front roof area.

In addition, the overall proposal complies with the FSR controls and mostly complies with the maximum building height, with only a minor variation largely due to the artificial fall in existing ground level toward the frontage of the subject site. This compliance aligns with the principles established in the Tenacity judgment, which suggests that adherence to planning controls generally indicates a reasonable development. The inclusion of a flat roof and the maintenance of appropriate setbacks are deliberate strategies to minimise the impact on views from neighbouring properties, demonstrating a balanced approach to development that aims to preserve community amenities while meeting development standards. This proposal is considered reasonable, maintaining fair view sharing in line with established urban planning principles.

In our opinion, the proposal is considered to maintain amenity for the neighbouring properties.

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

Views from the public domain are to the west of the Annandale Street. The proposal would not impact views along Annandale Street. Further, noting the topography of the site, the proposal would not result in any view impacts from Yarranabbee Road.

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

There are a number of environmental planning grounds that justify the additional building height in this particular circumstance. In addition to compliance with the objectives of the zone and development standard; environmental planning grounds include site topography, contextual compatibility and consistency with desired future character, consistency with the context, and good amenity for neighbours. These will now be addressed.

Function of Existing Excavation & Topography
The non-compliance with the maximum building height is largely attributed to the existing excavation on the site at the garage level and the sloping topography. Although the design largely conforms to the height

plane, this specific protrusion, caused by an artificial fall of the existing ground floor level as a result of existing excavation constitutes a minor deviation to the development standard. However, this protrusion is considered acceptable because it is not visible from the street and is not considered to negatively impact the amenities of neighbouring properties.

If the 10.5m height line is based on the NGL, the proposed building height the proposal would comply with the height of building development standard (see **Figure 2** on page 4).

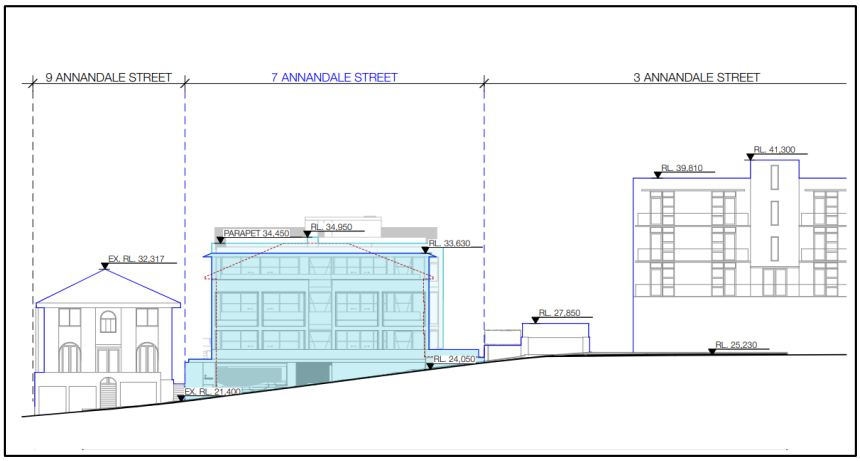
Overall, the design is consistent with the local architectural character and the minor protrusion through the height plane is primarily due to the significant elevation drop towards Annandale Street. Despite this, the design carefully addresses the site's topographical constraints, ensuring that the visual and amenity impacts of the protrusion are minimal. This approach facilitates compliance with the broader zoning objectives while accommodating the natural slope of the land.

Contextual Compatibility & Consistency with Desired Future Character
In our opinion, the proposal also maintains the desired future character of the Darling Point Precinct, and our responses to the area's relevant objectives are in **Section 5.1** of this report.

The development is designed to reflect the character of the existing architectural environment, which features a variety of residential buildings. These buildings typically range from three to four stories and vary in style, scale, and bulk. The surrounding properties mainly consist of smaller residential units. In response, the proposal introduces larger three-bedroom units to cater to families and downsizers, aiming to meet the specific housing needs of the local community.

There are a number of buildings in the area that are four storeys or taller, appear exceeding 10.5 meters in height. Within direct proximity is No. 3 Annandale Street, which are four storeys and estimated to be approximately 16.1 meters in height. Furthermore, in a slightly broader context, there are No. 2 Annandale Street and No. 11 Yarranabbe Road, which comprise four and eleven storeys, respectively (see **Figure 3** on page 8). While it is understood that these buildings already exist, they are considered contextually relevant given their proximity to the site and their contribution to the Darling Point locality.

The proposal within the existing streetscape is depicted in **Figure 4** below.



Source: MHN Design Union

Figure 4: The Proposal in the Streetscape, Demonstrating Consistency with Scale

The proposal will result in a built form which is consistent with the surrounding and desired density of the area. In *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097, Commissioner O'Neill states at [42] that:

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

Not only is the site currently occupied by an existing residential flat building, but the proposed building height is also consistent with the surrounding development. Accordingly, the design of the proposal will contribute positively to the existing and evolving character of the locality.

Amenity
Our assessment has demonstrated the proposed height non-compliance will not result in adverse impacts on the neighbouring developments' privacy and solar access. Additionally, given the height variation is limited to the front portion of the roof level, which is located lower than the proposed height-compliant roof terrace and plant rooms at the rear, the height variation is not considered to give rise to significant view impacts. Importantly, the proposal has been carefully designed to minimise its bulk and scale. A LEP and DCP fully compliant building envelope will have larger scale amenity impact on nearby properties.

In summary, the main grounds for contravening the standard are that the variation is a function of existing excavation, the proposed building profile is largely compliant, and nearby residential buildings have a largely similar built form envelope to the proposal, and the part of the stair overrun beyond the height plane is unlikely to have unreasonable visual or amenity impact compared to a compliant envelope.

Accordingly, in our opinion, there are sufficient environmental planning grounds to justify the variation to the development standard, as required in Clause 4.6(3)(b).

6. Conclusion

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

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the development objectives of the R3 Medium Density Residential Zone pursuant to the LEP. On that basis, the request to vary Clause 4.1A should be upheld.

Table 1: Compliance Matrix				
Para (*Initial Action*)	**Requirement**	**Section of this Report**	**Summary**	**Satisfied**
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.3: Height of Buildings	
12	What is the control	1 & 2	10.5	
14	**First Precondition to Enlivening the Power** – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	**1st Positive Opinion** – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	**First Aspect is Clause 4.6(3)(a)** - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in *Wehbe*.	5.1	The proposal satisfies Test 1 of *Wehbe*: • The objectives of the standard are achieved notwithstanding the non-compliance with the standard.	YES
23-24	**Second Aspect is Clause 4.6(3)(b)** – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include, inter alia: • The proposed height facilitates a medium density development consistent in the context; • The proposed height non-compliance is a direct result of an artificial fall in the existing ground level, with a significant drop from the eastern boundary to the western boundary due to existing excavation; and • The proposed height would maintain the neighbours amenity in terms of privacy, views and overshadowing.	YES
26-27	**2nd Positive Opinion** – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.	6	The proposed development achieves the objectives of the height standard as addressed under Test 1 of Wehbe. The proposal also achieves the objectives of the R3 Medium Density Residential Zone.	YES

28-29	**Second Precondition to Enlivening the Power** – That the concurrence of the Secretary has been obtained [Clause 4.6(4)(b)]. On appeal, the Court has the power to grant development consent, subject to being satisfied of the relevant matters under Clause 4.6.	7	As the relevant matters for consideration under Clause 4.6 have been satisfied as outlined above, the Council can grant development consent.	YES

© GSA PLANNING 2024

This document is and shall remain the property George Karavanas Planning Pty Ltd (trading as GSA Planning). The document may only be used for the purposes for which it was commissioned and in accordance with the Letter of Instruction. Unauthorised use of this document in any form whatsoever is prohibited.

gsa planning

Woollahra LEP 2014 Clause 4.6 Exceptions to Development Standards – Minimum Lot Size

Demolition of Existing Residential Flat Building and Construction of a New Residential Flat Building and Associated Works at

No. 7 Annandale Street, Darling Point

Prepared for:
Fortis
L5 30-36 Bay St
Double Bay NSW 2028

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
(A.B.N 89 643 660 628)
95 Paddington Street, Paddington NSW 2021
p: 02 9362 3364
e: info@gsaplanning.com.au

JOB NO. 24087
June 2024

© GSA PLANNING 2024

PIA Planning Institute Australia

CPP CERTIFIED PRACTISING PLANNER

gsa planning

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

APPLICANT'S NAME: Fortis

SITE ADDRESS: No. 7 Annandale Street, Darling Point

PROPOSAL: Demolition of Existing Residential Flat Building and Construction of a New Residential Flat Building and Associated Works

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

Woollahra Local Environmental Plan (LEP) 2014

(ii) The land is zoned:

R3 Medium Density Residential. The objectives of the R3 Zone are as stated:

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

(iii) The number of the relevant clause therein:

Clause 4.1A – Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings, which is stated as follows:

(1) The objectives of this clause is to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

Column 1	***Column 2***	***Column 3***
Dual occupancy (attached)	*Zone R2 Low Density Residential*	*460 square metres*
Dual occupancy (detached)	*Zone R2 Low Density Residential*	*930 square metres*
Dual occupancy (attached)	*Zone R3 Medium Density Residential*	*460 square metres*
Dual occupancy (detached)	*Zone R3 Medium Density Residential*	*460 square metres*
Manor house	*Zone R3 Medium Density Residential*	*700 square metres*
Multi dwelling housing	*Zone R3 Medium Density Residential*	*700 square metres*
Multi dwelling housing (terraces)	*Zone R3 Medium Density Residential*	*700 square metres*
Residential flat building	*Zone R3 Medium Density Residential*	*700 square metres*

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

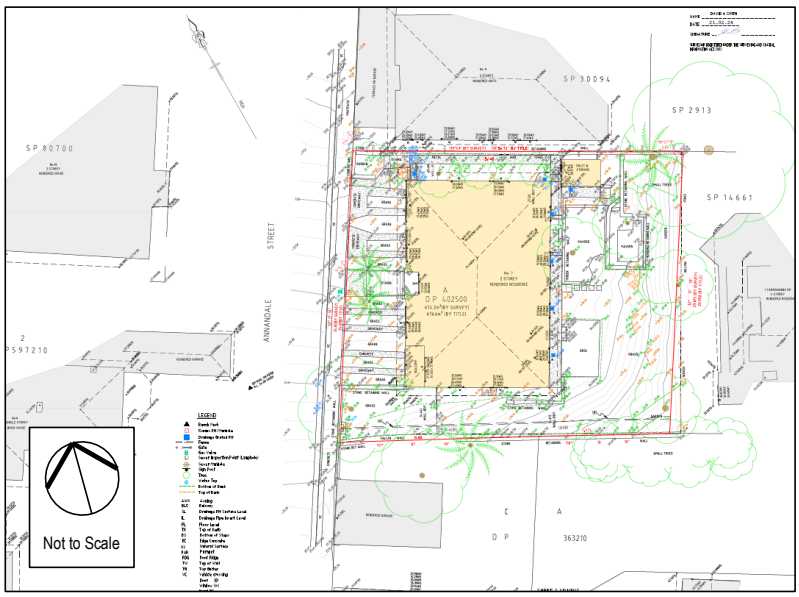
2. Overview

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

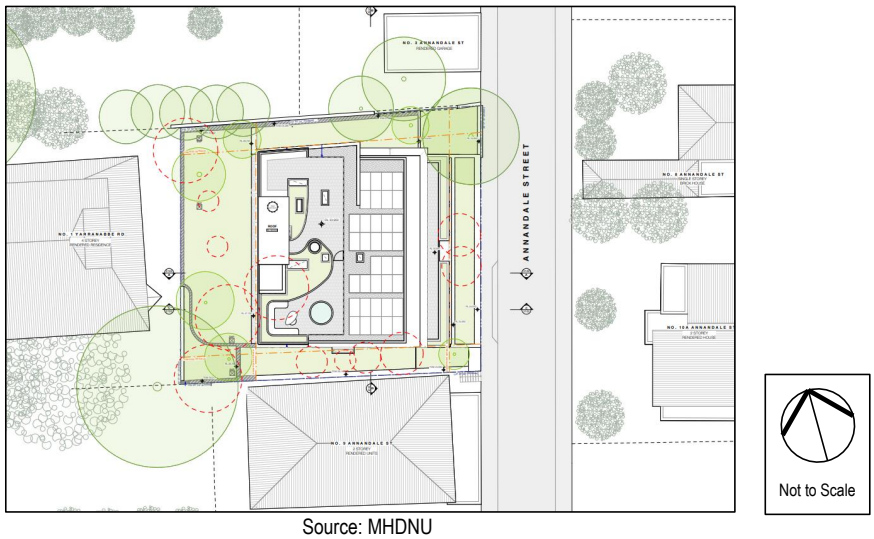
3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.1A of the LEP – Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings. This Clause operates in conjunction with the Lot Size Map which indicates a minimum of 700m^2 applies to the subject site. Clause 4.1A is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The minimum lot size standard for residential flat buildings in the R3 Medium Density Residential zone is 700m^2, in accordance with Clause 4.1A. The proposed residential flat building is located within the R3 Medium Density Residential Zone, however the lot area of the subject site is 674.2m^2, which is a 25.8m^2 shortfall of the development standard. However, the subject site already supports an existing residential flat building, and the surrounding locality contains several examples of existing residential flat buildings on similarly sized lots. Therefore, the proposed residential flat building on the site can be considered as consistent with the existing site condition and the locality's existing and desired future character (see **Figure 1**).



Source: Beveridge Williams
Existing Survey Plan



Source: MHDNU

Proposed Ground Floor Plan

Figure 1: Comparative Diagram of Existing and Proposed Site Condition

The site is located on the eastern side of Annandale Street where lots are regular in shape and there is no consistent subdivision pattern. The amalgamation of lots would result in a more irregular shaped block being achieved and as such any future built form envelope would be less efficient. The subject site is also located adjacent to residential flat building at Nos. 3 and 9 Annandale Street instead of dwelling houses which limits the opportunity for site amalgamation. Therefore, the site is constrained with limited opportunity to amalgamate with neighbouring allotments in order to increase the size of the land holding (see **Figure 2**).

Source: SIX Maps

Subject Site

Figure 2: Location Plan and Surrounding Allotments and Roadways

4. Consistency with Objectives of Clause 4.6

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

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

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

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

Flexibility is sought in the application of the Minimum Lot Size development standard to the proposed development in the circumstance of this particular case. The non-compliance results from an inconsistency between the existing lot size and the requirements of Clause 4.1A.

As indicated, lot amalgamation is not considered appropriate due to the existing site constraints. Furthermore, the proposal is considered suitable as the lot is part of an existing street subdivision where there are existing residential flat buildings on similarly sized lots below the 700m^2 development standard.

In our opinion, notwithstanding the non-compliance, the proposal will provide a better outcome for the site, locality and the development compared to the existing situation. The site currently accommodates an ageing residential flat building with four units. The proposal seeks to provide a well-articulated contemporary residential flat building with three units that will positively contribute to the streetscape and comprise compliant levels of car parking. Importantly, the proposal is consistent with the desired future character objectives of the Darling Point Precinct.

5. Justification of Variation to Development Standard

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

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

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

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

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

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

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

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

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

(a) to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.

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

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

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

a. The zoning of the land (Clause 2.2 and the Land Zoning Map);
b. The zone objectives (Clause 2.3);
c. The land use table (at the end of Part 2); and
d. The development standards in Part 4:
i. Clause 4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings, which prescribes a minimum lot size of 700m² for a residential flat building.
ii. Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 10.5m.

The R3 Medium Density Residential zoning envisages residential flat buildings which is both existing and proposed on the site. As detailed in the SEE, the proposal is for the continuing use of the site as a residential flat building. Although the proposal does not meet the minimum lot size control, this is unlikely to have any significant adverse impacts as the design generally meets the relevant controls for the subject site and the neighbouring properties in terms of solar access, privacy, and views.

The proposal complies with LEP development standard of FSR as well as the majority of the DCP controls such as acoustic and visual privacy and the number of car, and bicycle parking spaces. Flexibility in this circumstance will provide a better planning outcome. It will facilitate the replacement of an ageing building with a new well designed residential flat building in the R3 Medium Density Residential Zone, which is consistent with the desired future character of the Darling Point Precinct. To refuse this application would prevent the orderly and economic use and development of the land. We note the subject site already accommodates a residential flat building and there are examples of other residential flat buildings in the area, similar to the subject site, which have lot sizes below the permitted minimum. The immediate neighbours at Nos. 3 and 9 Annandale Street, Darling Point are both below 700m² minimum lot size for residential flat buildings. Therefore, the proposal on a slightly smaller lot size demonstrates consistency in the area.

Accordingly, in our opinion, the proposal achieves objective of the standard.

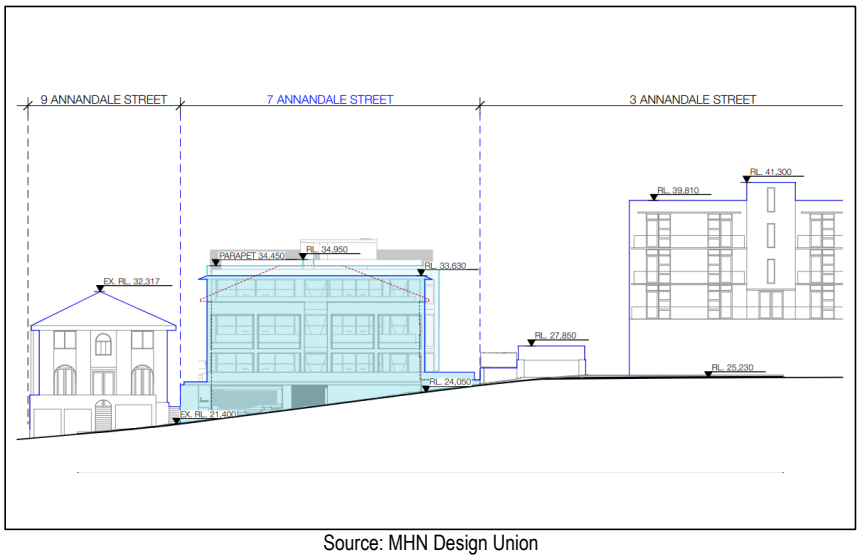
5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are a number of environmental planning grounds that justify the additional building height in this particular circumstance. In addition to compliance with the objectives of the zone and development standard; environmental planning grounds include lack of amalgamation opportunities, existing residential flat building, consistency with the context, and orderly and economic use of the land. These will now be addressed.

Lack of Amalgamation Opportunities
It must be acknowledged that there is no defined subdivision pattern, and lots are irregular shapes and sizes along the Annadale Street. Additionally, both Nos. 3 and 9 Annandale Street (immediate neighbours) also comprise residential flat buildings on lots less than 700m². The amalgamation of lots would result in a more irregular shape that would represent an inefficient built form envelope and would also detract from local streetscape character which is defined by larger dwellings and residential flat buildings on small lots. Furthermore, the subject site is also located adjacent to residential flat building at Nos. 3 and 9 Annandale Street instead of dwelling houses which limits the opportunity for site amalgamation.

Existing Residential Flat Building
The existing site is 25.8m² below the 700m² minimum lot size, however the extent of non-compliance does not affect the site's ability to accommodate a residential flat building. In fact, the site currently accommodates an existing residential flat building of four units. In addition, the proposal complies with the FSR development standard of the LEP, and largely complies with the height, setbacks, private open space, parking, and internal amenity controls of Council's DCP. The proposal provides an enhanced level of amenity for future residents through predominant compliance and reduced development intensity.

Consistency within the Context
The proposal will retain the existing medium density residential use of the site, by accommodating a contemporary four-storey residential flat building. This is consistent with the context of Annandale Street in terms of use, height, setbacks, bulk and scale (see **Figure 3** on the following page). There are numerous examples of residential flat buildings in the immediate locality that, as existing or approved, are on sites that are less than the minimum lot size per the LEP standard. Strict compliance with the standard would entirely prevent the development of the proposed residential flat building, which is an appropriate and permissible use on the R3 Medium Density Residential zoned site.



Source: MHN Design Union

Figure 3: The Proposal in the Streetscape, Demonstrating Consistency with Scale

In addition to the above, it is noted that there have been numerous other applications in the LGA for residential flat buildings on land with non-compliant lot sizes which have been supported by Council. We note that each development application is assessed on its own merits and the context of the individual site. However, it is relevant to consider similar breaches to the development standard that were accepted by Council, including the following:

- No. 54 Streathfield Road, Bellevue Hill (DA No. 538/2022)
- No. 653 New South Head Road, Rose Bay (DA No. 357/2022)
- Nos. 8-10 Norwich Road, Rose Bay (DA No. 406/2019)
- No. 41 Salisbury Road, Rose Bay (DA No. 61/2020)
- No. 7 Carlisle Street, Rose Bay (DA No. 422/2018)
- No. 588 Old South Head Road, Rose Bay (DA No. 228/2017)
- No. 20 Boronia Road, Bellevue Hill (DA No. 44/2020)
- No. 41 Birriga Road, Bellevue Hill (DA No. 304/2019)
- No. 142C Bellevue Road, Bellevue Hill (DA No. 290/2018)
- No. 20A Benelong Crescent, Bellevue Hill (DA No. 510/2016)
- No. 22 Yarranabbe Road, Darling Point (DA No. 448/2016)
- No. 47 Birriga Road, Bellevue Hill (DA No. 491/2016)

The proposal will result in a built form which is consistent with the surrounding and desired density of the area. In *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097, Commissioner O'Neill states at [42] that:

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

Not only is the site currently occupied by an existing residential flat building, the lot size is also

proportionally consistent with the surrounding lot size non-compliances for the same use as proposed, some of which have been recently approved for residential flat development under the current LEP.

Accordingly, the design of the proposal will contribute to the evolving character of the locality.

Orderly and Economic Use of Land
The proposed lot size facilitates a medium density development consistent with the planning objectives of the area. The proposed residential flat building provides three well designed units with ample levels of internal and external amenity, that meet the needs of downsizers and families seeking contemporary apartment living options. This fosters economic growth, social inclusion and the orderly use of the land in an area zoned R3 Medium Density Residential, which generally anticipates residential flat buildings.

A new single dwelling or dual occupancy on the site is not consistent with the character of the neighbouring sites and existing site, which all contain residential flat buildings, and would effectively limit the orderly and economic use of the land.

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

6. Conclusion

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

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the development objectives of the R3 Medium Density Residential Zone pursuant to the LEP. On that basis, the request to vary Clause 4.1A should be upheld.

Table 1: Compliance Matrix				
Para (*Initial Action*)	**Requirement**	**Section of this Report**	**Summary**	**Satisfied**
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.1A: Minimum Lot Size	
12	What is the control	1 & 2	700m²	
14	**First Precondition to Enlivening the Power** – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	**1st Positive Opinion** – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	**First Aspect is Clause 4.6(3)(a)** - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in *Wehbe*.	5.1	The proposal satisfies Test 1 of *Wehbe*: • The objectives of the standard are achieved notwithstanding the non-compliance with the standard.	YES
23-24	**Second Aspect is Clause 4.6(3)(b)** – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: a) The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include, inter alia: • There is limited opportunity for lot amalgamation; • The non-compliance is a result of existing situation; • The proposed residential flat building on the subject site is consistent with the context of the area and zone; and • The proposed development on the allotment facilitates the orderly and economic use of the land in the R3 Zone.	YES
26-27	**2nd Positive Opinion** – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.	6	The proposed development achieves the objectives of the Minimum Lot Size standard as addressed under Test 1 of Wehbe. The proposal also achieves the objectives of the R3 Medium Density Residential Zone.	YES

28-29	**Second Precondition to Enlivening the Power** – That the concurrence of the Secretary has been obtained [Clause 4.6(4)(b)]. On appeal, the Court has the power to grant development consent, subject to being satisfied of the relevant matters under Clause 4.6.	7	As the relevant matters for consideration under Clause 4.6 have been satisfied as outlined above, the Council can grant development consent.	YES

© GSA PLANNING 2024

This document is and shall remain the property George Karavanas Planning Pty Ltd (trading as GSA Planning). The document may only be used for the purposes for which it was commissioned and in accordance with the Letter of Instruction. Unauthorised use of this document in any form whatsoever is prohibited.

Completion Date: 3 September 2024

REFERRAL RESPONSE – TRAFFIC

FILE NO:	**Development Applications:** 216/2024/1
ADDRESS:	7 Annandale Street DARLING POINT
PROPOSAL:	Demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works
FROM:	Ms E Fang
TO:	Dr S Hosseinabadi

I refer to the memo from the Planning Department dated 27 August 2024 requesting comments in relation to the above.

1. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, referenced 24087, prepared by GSA Planning, dated 11 June 2024;
- Traffic Impact Assessment, referenced 0966r01v02, prepared by PDC Consultants, dated 7 June 2024;
- Driveway Sections, referenced EN-N24_061, Rev 1, prepared by MHN Design Union, dated 17 July 2024;
- Architectural Plans, referenced 24-010, Rev A, prepared by MHN Design Union, dated 7 June 2024.

2. ISSUES

Nil.

3. ASSESSMENT

3.1 Parking Provision

The parking provision for the proposed development has been assessed in accordance with Council's *DCP 2015 Chapter E1 Parking and Access:*

Table 1: Car Parking Provision

Residential Component	Quantity	DCP Maximum Requirement per Dwelling	DCP Maximum Permitted Parking
3 bedroom	3	2	6
Visitors	3	0.25	0.75 (1)
Total permitted			7
Proposed provision			6

It is clear from Table 1 that proposed provision of six (6) onsite parking spaces complies with DCP's maximum requirement and is considered acceptable.

Table 2: Bicycle and Motorbike Parking Provision

BICYCLE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Residential Residents	3 dwellings	1 per dwelling	3
Residential Visitors	3 dwellings	1 per 10 dwellings	0.3 (0)
Total required			3
MOTORBIKE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Car Spaces	7	1 per 10 car spaces	0.7 (1)
Total required			1

In response, the proposal includes three (3) bicycle parking spaces, which results in a shortfall of one (1) motorbike parking space than DCP's minimum requirement. It is however noted that given the scale and nature of the development, motorbike parking demand is minor and can be accommodated within the parking spaces allocated to each unit if required. The marginal shortfall of motorbike parking is therefore considered acceptable.

3.2 Traffic Generation

Traffic generation from the proposed development has been calculated in accordance with *RMS Guide to Traffic Generating Developments 2002,* and *RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a*.

Existing Development

Medium Density Residential – Smaller Units

- Weekday peak hour vehicle trips: 4 dwellings x 0.4-0.5 per dwelling = 1.6-2 trips
- Daily vehicle trips: 4 dwellings x 4-5 per dwelling = 16-20 trips

Proposed Development

Medium Density Residential – Larger Units

- Weekday peak hour vehicle trips: 3 dwellings x 0.5-0.65 per dwelling = 1.5-1.95 trips
- Daily vehicle trips: 3 dwellings x 5.0-6.5 per dwelling = 15-19.5 trips

Based on the above calculations, there'll be negligible changes to traffic flow comparing to existing conditions which is unlikely to generate unacceptable adverse impact on the surrounding road network in terms of safety and efficiency.

3.3 Access Driveway & Sight Splay

The proposed grade for the first 6m into the car park complies with the gradient requirement for a domestic driveway stipulated in AS/NZS 2890.1:2004 and is considered satisfactory.

The 3.5m-wide access driveway complies with the width requirement for a Category 1 access facility and is deemed satisfactory.

A 2m x 2.5m sight splay is provided along both sides of the driveway and complies with AS 2890.1:2004 for sight distance.

4. RECOMMENDATION

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

A. GENERAL CONDITIONS

A. 5.	**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** 0966r01v02 | Traffic Impact Assessment | PDC Consultants | 7 June 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.

B. BEFORE DEMOLITION WORK COMMENCES

B. 20.	**Construction Traffic Management Plan**
	Before any site work commences, and as a result of the site constraints, limited space and access, a Construction Management Plan (CMP) is to be submitted to Council for approval. Also, due to lack of on-street parking a Work Zone may be required during construction. An application for the CMP must be submitted for approval, and all associated application fees must be paid. The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information: a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage. b) Identify local traffic routes to be used by construction vehicles. c) Identify ways to manage construction works to address impacts on local traffic routes, particularly during school pick-up and drop-off hours.

	d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments. e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive. f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access, or reversing manoeuvres onto a public road, and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes. g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works. h) Provide for the standing of vehicles during construction. i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.). j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.). k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required. l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder. m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction. n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to StandPlant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.) o) Show the location of any proposed excavation and estimated volumes. p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work must only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times. q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council). **Notes:** • A minimum of eight weeks will be required for assessment. Site work must not commence until the Construction Management Plan is approved. • Failure to comply with this condition may result in fines and proceedings to stop work. • Council and NSW Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant

	conditions of this consent and you must also gain the approval of the Eastern Suburbs Police Area Command. • If you partial or full close a road without compliance with Council and NSW Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution. • Traffic Supervisors at the Eastern Suburbs Police Area Command can be contacted on eastsubtraffic@police.nsw.gov
	Condition Reason: To facilitate the efficient operation of construction projects, minimise traffic disruption, and protect the public, and the surrounding environment, during site works and construction.

B. 21.	**Works (Construction) Zone – Approval and Implementation**
	If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made. If the works zone is approved, all fees for the Works Zone must be paid before it can be installed. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made. **Notes:** • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.
	Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 13.	**Road and Public Domain Works**
	Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense: a) The removal of the existing vehicular crossing including layback and gutter and the construction of a new 3.5 metres wide vehicular crossing in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street

	kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment. b) Other Conditions imposed by Development Engineers.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D 45.	**Parking Facilities**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS2890.3: Parking Facilities - Bicycle Parking Facilities respectively. The plans must satisfy the following requirement(s): a) A 2m x 2.5m sight splay be provided, kept clear of any obstruction to visibility, along both sides of the access driveway entirely within property boundary; b) Signage and/or pavement marking be provided for residential parking, commercial parking and small car parking. Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993. The Principal Certifier has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.
	Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F 3.	**Compliance with Construction Traffic Management Plan**
	While site work is being carried out, all development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times. A copy of the CMP must be kept on-site at all times and made available to the Principal Certifier on request. **Notes:**

	• Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
	Condition Reason: To ensure compliance with the Construction Management Plan.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Nil.

H. OCCUPATION AND ONGOING USE

H 21.	**Provision of Off-street Public and Visitor Parking**
	During the occupation and ongoing use, in compliance with AS 2890.1: Parking facilities - Off-street car parking and AS2890.3: Parking Facilities - Bicycle Parking Facilities, unimpeded public access to off-street parking must be maintained as follows: **Use** / **Number of spaces** Car Parking / 6 Bicycle Parking / 3 **Notes:** • Where there is a potential for the trespass of private motor vehicles upon private parking servicing the owner of the site may seek to enter into a free parking area agreement with Council. Council may under such agreement enforce parking restrictions under section 650 of the Local Government Act 1993. • Further information can be obtained from Council's Compliance Team by calling 9391 7000 or from the Office of Local Government at www.olg.nsw.gov.au or call 4428 4100.
	Condition Reason: To ensure adequate on-site parking is maintained.

H 61.	**Parking Permits**
	During the occupation and ongoing use, future tenants and residents of the proposed development will not be eligible for resident or visitor parking permits.
	Condition Reason: To minimise the impact of the development upon on street car parking.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Ever Fang
Traffic & Transport Team Leader

3/9/2024
Completion Date

DRAFT

Woollahra Municipal Council

28 August 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 216/2024/1
ADDRESS:	7 Annandale Street DARLING POINT 2027
PROPOSAL:	Demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works
FROM:	Mehrnaz Jamali - Development Engineer
TO:	Dr S Hosseinabadi

1. ISSUES

- Satisfactory subject to Conditions.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, Job No. 2408, prepared by GSA Planning, dated June 2024.
- Architectural Plans, Project No. 24-010, Revision A, prepared by MHN Design Union, dated 7/06/2024.
- Survey Plan, Project No. 2400280, Version A, prepared by Beveridge Williams, dated 20/02/2024.
- Stormwater Management WSUD and Easement Report, referenced Project No. EN-N24_061, prepared by IGS, dated 12/06/2024.
- Stormwater Management Plan, referenced Project No. EN-N24_061, Revision 03, prepared by IGS, dated 12/07/2024.
- Stormwater Certification of Design, unreferenced, Rev 02, prepared by IGS, dated 12 June 2024.
- Geotechnical Report, referenced P3217_ 01 Rev1, prepared by Morrow Geotechnics, dated 24 May 2024.
- Construction Certification Staging Letter, referenced 852C11DE-A00E-48B3-9FC8-3A115648012D, prepared by Fortis, dated 7 June 2024 – Not prepared by Engineers. Not added to the consent's supporting documentation by Council's Development Engineering Section.
- Traffic Report – To be referenced by Council's Traffic Engineer.

3. ASSESSMENT

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

Woollahra Municipal Council

a. Site Drainage comments

A=676.6^{m2}, OSD Exempt Area
Required = min 5m^3 RWT and Stormwater Quality/Treatment Systems, connect to Council's belowground system only.
Provided = 10m^3 RWT, Stormwater Quality/Treatment Systems and Basement Pump-out System.

The Stormwater Management Plan, referenced Project No. EN-N24_061, Revision 03, prepared by IGS, dated 12/07/2024 is generally satisfactory subject to the following and other conditions:

- *The discharge of stormwater by one direct connection to Council's belowground drainage system, through a new Kerb Inlet Pit (KIP) fronting the site on Annandale Street. Council's existing belowground drainage system must then be extended, to connect to the new KIP, from the existing Butterfly Pit fronting No. 11 Annandale Street, other than that amended by Council's Asset Engineer.*
  Note: Not more than one connection to Annandale Street is permitted. The connection must be through a straight line with no bends to Council's belowground drainage system only. As such the second 'overland flow' piped connection to Council's kerb and gutter on Annandale Street must be removed. Stormwater discharge to Council's kerb and gutter is not permitted.
  Note: The new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
- *The entire run-off from the entire site area must be collected and drained to Council's belowground drainage system, through one connection only. All stormwater management systems must be designed for a 1% AER storm event.*
  Note: The second piped connection to Council's belowground drainage system must be deleted. Stormwater discharge to Council's kerb and gutter is not permitted.
- *The basement Pump-out System must only collect surface stormwater run-off from the basement area which cannot drain under gravity. Stormwater from other areas (including parts of the internal driveway) which can drain under gravity, must not be directed to the basement pump-out system. Stormwater run-off from all other areas must drain under gravity only.*

The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP and Local Approvals Policy. This is to ensure that site stormwater is disposed in a controlled and sustainable manner.

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

b. Flooding & Overland Flow comments

Not affected.

c. Impacts on Council Infrastructure comments

Woollahra Municipal Council

Encroachments:

- *Minor encroachment, by the property's garden retaining wall, onto Council's road reserve on Annandale Street. Council's Team Leader Assets Infrastructure requires this to be formalised. Conditions applied.*

Drainage Works:

- *The discharge of stormwater by direct connection to Council's belowground drainage system through a new Kerb Inlet Pit (KIP) fronting the site on Annandale Street. Council's existing belowground drainage system must then be extended, to connect to the new KIP, from the existing Butterfly Pit fronting No. 11 Annandale Street, other than that amended by Council's Asset Engineer. (*the matter has been discussed with Council's Team Leader Asset Infrastructure).*
  Note: The second piped connection to Council's belowground drainage system must be deleted. Stormwater discharge to Council's kerb and gutter is not permitted
  Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.

Road and Footpath Works:

- *Removal of all redundant vehicular crossing or portions of vehicular crossings fronting the site on Annandale Street.*
- *Please refer to other comments and/or conditions by Council's Traffic Engineer.*

The remainder of Council's assets are in serviceable condition - conditions applied.

d. Traffic comments

Please refer to Council Engineer's referral response, for comments and/or conditions.

e. Vehicle Access & Accommodation comments

The access and parking layout is generally satisfactory subject to conditions.

- *Please refer to other comments and/or conditions by Council's Traffic Engineer.*

f. Geotechnical, Hydrogeological and/or Structural comments

***The site is not within a heritage conservation area. Whilst the rear adjacent properties are within the heritage conservation area, the proposed excavation is about 7m away from the rear property boundary.*

The following documents have been submitted in support of the application;

- Geotechnical Report, referenced P3217_ 01 Rev1, prepared by Morrow Geotechnics, dated 24 May 2024.

The proposal involves excavation for a basement carpark, to a depth of about 5m BGL.

The report identified that;

a) Fill – gravelly sandy – to depths of about 1m - 1.2m.
b) Aeolian sand – loose to medium dense - to depths of 1.1m – 2.5m.

Woollahra Municipal Council

c) Residual soil – sandy clay - to depths of 2.5m – 3.8m.
d) Sandstone bedrock – 1.5m – 9m. (BH3 & BH7 only).
e) No mention of underpinning. Ground Anchors may be utilised.

Note: *the Geotechnical Investigation Report referenced within this consent, must be revised to address:*

- *Reference the correct and latest Architectural Plans with the correct depth of proposed excavation specified. The current plans referenced within the Geotechnical Report are superseded plans that were not submitted to Council.*
- *All requirements within Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports.*

Conditions covering these matters as well as others identified by Council have been added to the Referral.

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

Note: Use of any Ground Anchors or any retention system extending beyond site boundaries requires the approval of neighbouring properties in writing.

g. Other matters

None.

4. RECOMMENDATION

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

Conditions of Consent

Please note that the standard conditions of consent are generally modified by the Infrastructure and Sustainability Division to suit a particular development application. Please ensure all Infrastructure and Sustainability conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function.

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting Documents

Reference	Description	Author	Date
Project No. EN-N24_061	Stormwater Management WSUD and Easement Report	IGS	12/06/2024
Project No. EN-N24_061, Revision 03	Stormwater Management Plan	IGS	12/07/2024
Nil, Rev 02	Stormwater Certification of Design	IGS	12 June 2024

Woollahra Municipal Council

P3217_ 01 Rev1	Geotechnical Report	Morrow Geotechnics	24 May 2024

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

A.31 No Underpinning Works

B. BEFORE DEMOLITION WORK COMMENCES

B.4 Erosion and Sediment Controls – Installation

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

B.14 Payment of Security and Fees

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$139,703	No	T115

B.16 Dilapidation Reports for Existing Buildings

B 16.	**Dilapidation Reports for Existing Buildings**
	Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer. These properties must include (but is not limited to): a) No. 1 Yarranabbe Road b) No. 32A Darling Point Road c) No. 3 Annandale Street d) No. 9 Annandale Street Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access. The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work. No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).

Woollahra Municipal Council

	Notes: • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
	Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

B.17 Dilapidation Reports for Public Infrastructure

B.18 Adjoining Buildings Founded on Loose Foundation Materials

B.21 Works (Construction) Zone – Approval and Implementation

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.13 Road and Public Domain Works

D 13.	**Road and Public Domain Works**
	Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense: <u>Encroachments:</u> a) The existing garden bed retaining wall encroaching over Council's road reserve on Annandale Street, must be formalised. Structural Engineering drawings for the encroaching structures must be provided and accompanied with a certificate by a suitably qualified engineer, certifying that all encroachments are structurally sound. All new works and existing encroachments, must be clearly depicted on plans and accompanied by a detailed survey plan. <u>Drainage Works:</u> b) The discharge of stormwater by direct connection to Council's belowground drainage system through a <u>new</u> Kerb Inlet Pit (KIP) fronting the site on Annandale Street. Council's existing belowground drainage system must then be extended, to connect to the new KIP, from the existing Butterfly Pit fronting No. 11 Annandale Street, other than that amended by Council's Asset Engineer.

Woollahra Municipal Council

Note: The second proposed piped connection to Council's belowground drainage system must be deleted. Stormwater discharge to Council's kerb and gutter is not permitted
Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate.
Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.

Road and Footpath Works:

a) Vehicular crossing width by Council's Traffic Engineer.
b) Other conditions by Council's Traffic Engineer.
c) Removal and replacement of all cracked or damaged footpath and kerb and gutter for the full width of the property on Annandale Street, in accordance with Council's standard drawing RF3.
d) The removal of all redundant vehicular crossings or portions of vehicular crossings, including layback and gutter on Annandale Street and reinstated into Council's standard kerb and gutter and nature strip in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers.
e) The reinstatement of the existing, 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.
f) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Infrastructure Works Bond - completing any public work required in connection with the consent.	$73,139	No	T113
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	0	No	T113
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$674	No	T45
TOTAL SECURITY AND FEES	$73,813		

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

Woollahra Municipal Council

g) cash deposit with Council,
h) credit card payment with Council, or
i) bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:
j) the guarantee is by an Australian bank for the amount of the total outstanding contribution,
k) 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],
l) 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,
m) the bank guarantee is lodged with the Council prior to any site works being undertaken, and
n) 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:
o) ***Road*** has the same meaning as in the Roads Act 1993.
p) 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.
q) 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:
r) Construction of driveways and/or new or alterations to footpath paving
s) Alteration and/or extension to Council drainage infrastructure
t) Alteration and/or addition of retaining walls
u) Pumping of water to Council's below ground stormwater system
v) Installation of soil/rock anchors under the roadway
w) Installation of Stormwater outlet pipes across the nature strip
x) 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.
y) Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:
z) 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.
aa) Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.
bb) 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,

Woollahra Municipal Council

	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. cc) 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. dd) Any adjustments required from the garage slab and the street levels are to be carried out internally on private property ee) Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. ff) Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". gg) 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. hh) All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. ii) When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. jj) 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. kk) 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. ll) 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. mm) 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. nn) Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D.25 Erosion and Sediment Control Plan – Submission and Approval

D.35 Structural Adequacy of Existing Supporting Structures

D.36 Professional Engineering Details

D.37 Engineer Certification

Woollahra Municipal Council

D.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

D 40.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2 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. Note: 1. The Geotechnical Report referenced within this consent, must be revised to reference the correct and latest Architectural Plans, with the correct depth of proposed excavation specified. The current plans referenced within the Geotechnical Report are superseded plans that were not submitted to Council. 2. The Geotechnical Report referenced within this consent, must be revised to address and comply with all requirements within Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports. These details must be certified by the professional engineer to: a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter. e) Provide a Geotechnical and Hydrogeological Monitoring Program that: • will detect any settlement associated with temporary and permanent works and structures, • will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), • will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised,

Woollahra Municipal Council

	• details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D.45 Parking Facilities → (Merge other D.45 conditions by Council's Traffic Engineer).

D.51 Stormwater Management Plan

D 51.	**Stormwater Management Plan**
	Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a chartered professional civil engineer, which detail the following: a) General design in accordance with the Stormwater Management Plan, referenced Project No. EN-N24_061, Revision 03, prepared by IGS, dated 12/07/2024, other than amended by this and other conditions; i. The entire run-off from the entire site area must be collected and drained to Council's belowground drainage system, through one connection only. All stormwater management systems must be designed for a 1% AER storm event. Note: The second piped connection to Council's belowground drainage system must be deleted. Stormwater discharge to Council's kerb and gutter is not permitted. b) The discharge of stormwater by one direct connection to Council's belowground drainage system, through a new Kerb Inlet Pit (KIP) fronting the site on Annandale Street. Council's existing belowground drainage system must then be extended, to connect to the new KIP, from the existing Butterfly Pit fronting No. 11 Annandale Street, other than that amended by Council's Asset Engineer. Note: Not more than one connection to Annandale Street is permitted. The connection must be through a straight line with no bends to Council's belowground drainage system only. As such the second 'overland flow' piped connection to Council's kerb and gutter on Annandale Street must be removed. Stormwater discharge to Council's kerb and gutter is not permitted. Note: The new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 with a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section. c) Notation to this requirement must be clearly depicted on the drawings.

Woollahra Municipal Council

d) A minimum 450mmx450mm boundary junction pit must be provided prior to connecting the stormwater outlet pipe to the street drainage system. The stormwater outlet pipe to the kerb and gutter must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.
e) Dimensions of all drainage pits and access grates must comply with AS3500.3.
f) Compliance the objectives and performance requirements of the BCA.
g) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
h) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
i) Provision of a minimum $10m^3$ Rainwater Tank, Stormwater Treatment Systems and a minimum $3m^3$ basement Pump-out System.
Note: The basement Pump-out System must only collect surface stormwater run-off from the basement area which cannot drain under gravity. Stormwater from other areas (including parts of the internal driveway) which can drain under gravity, must not be directed to the basement pump-out system. Stormwater run-off from all other areas must drain under gravity only. The pump-out system must be designed in accordance with AS/NZS 3500.3 and the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
Note: The Stormwater Treatment Systems must be designed to comply with Council's Water Quality Targets detailed in Council's Chapter E2 "Stormwater and Flood Risk Management" DCP – Water Quality Targets.

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

Layout plan
A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:
a) All pipe layouts, dimensions, grades, lengths and material specification.
b) Location of all stormwater management systems.
c) All invert levels reduced to Australian Height Datum (AHD).
d) Location and dimensions of all drainage pits.
e) Point and method of connection to Councils drainage infrastructure.
f) Overland flow paths over impervious areas.

Rainwater Reuse and Other Stormwater Systems Details:
a) Any potential conflict between existing and proposed trees and vegetation.
b) Internal dimensions and volume of the proposed rainwater storage and other stormwater systems utilised within the site.
c) Plans, elevations and sections showing the rainwater tank and other stormwater systems, 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

Woollahra Municipal Council

	For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate. All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012). **Notes:** **g)** The collection, storage and use of rainwater is to be in accordance with Standards Australia HB230 "Rainwater Tank Design and Installation Handbook".
	Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.

D.52 Non-Gravity Drainage Systems

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance

F.11 Maintenance of Environmental Controls

F.12 Compliance with Geotechnical / Hydrogeological Monitoring Program

F.13 Support of Adjoining Land and Buildings

F.14 Vibration Monitoring

F.15 Erosion and Sediment Controls – Maintenance

F.17 Disposal of Site Water During Construction

F.19 Site Cranes

F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

F.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works

G.9 Commissioning and Certification of Public Infrastructure Works

G.30 Dilapidation Report for Public Infrastructure Works

Woollahra Municipal Council

G.31 Covenant for Private Works on Council Property

G 31.	**Covenant for Private Works on Council Property**
	Before the issue of an occupation certificate for the whole of the building, a Positive Covenant, under section 88E of the Conveyancing Act 1919, must be created on the title of the subject property, providing for the insurance and indemnification of Council from any claims or actions, and the on-going maintenance of any private and encroaching structures on or over Council property for which consent has been given and as depicted on the approved plans within this consent and detailed under condition "Road and Public Domain Works", such as steps, retaining walls, access ways, overhang, balconies, awnings, signs and the like. The wording of the Instrument must be in accordance with Council's Positive Covenant Template and the Instrument must be registered with the NSW Land Registry Services prior to the issuance of any occupation certificate. **Notes:** • The property owner must reimburse all Council's expenses incurred in the drafting, negotiation and registration of the Positive Covenant. • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure Council is indemnified from any claims, actions, or the on-going maintenance of private structures on or over Council property prior to the occupation of the whole building.

G.32 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

G 32.	**Positive Covenant and Works-As-Executed Certification of Stormwater Systems**
	Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing: a) Compliance with conditions of development consent relating to stormwater, b) The structural adequacy of the Rainwater Tank, Stormwater Treatment Systems and basement Pump-out System. c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations, d) Pipe invert levels and surface levels to Australian Height Datum, and e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Woollahra Municipal Council

	A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the Rainwater Tank, Stormwater Treatment Systems and basement Pump-out System incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

H. OCCUPATION AND ONGOING USE

H.29 Ongoing Maintenance of the Rainwater Tank, Stormwater Treatment Systems and basement Pump-out System (Special Heading)

H 29.	**Ongoing Maintenance of the On-Site Stormwater Detention System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained by the System. b) Keep the system clean and free of silt rubbish and debris, c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant. g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. The owner:

Woollahra Municipal Council

	a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default. **Notes:** • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

Woollahra Municipal Council

9 July 2024

REFERRAL RESPONSE – ENVIRONMENTAL HEALTH

FILE NO:	**Development Applications:** 216/2024/1
ADDRESS:	7 Annandale Street DARLING POINT 2027
PROPOSAL:	Demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works
FROM:	K Pakhomova
TO:	Dr S Hosseinabadi

1. ISSUES

2. DOCUMENTION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 24087, prepared by GSA Planning, dated June 2024.
- Remedial Action Plan, referenced E24004DP-R02F, prepared by Geo-Environmental Engineering, dated 31 May 2024.
- Preliminary and Detailed Site Investigation Report, referenced E24004DP-R01F, prepared by Geo-Environmental Engineering, 9 April 2024.

3. RESEARCH

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

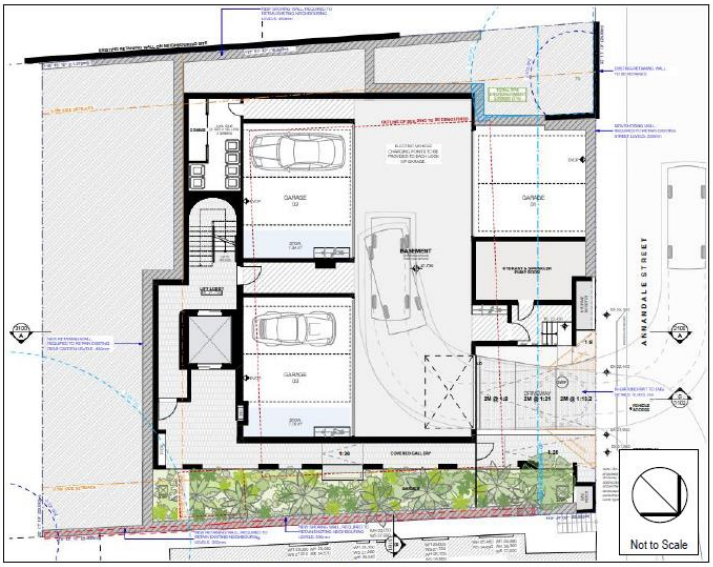
- A site inspection was carried out on the following date: #*Insert/delete as appropriate*

4. SUMMARY OF PROPOSAL

Woollahra Municipal Council

Basement Floor Level

The Basement Floor Level is at RL 21.750 AHD and is accessed directly from Annandale Street. The Basement also comprises pedestrian access to the lobby from Annandale Street along the northern boundary of the site. The lobby contains stairs and a lift to allow access to the upper levels. The basement comprises six car parking spaces, bicycle parking spaces, storage areas, hydrant and sprinkler room, and waste storage room (see **Figure 3**).



Source: MHN Design Union

Figure 3: Basement Floor Plan

Woollahra Municipal Council

Ground Floor Level

The Ground Floor Level is at RL 24.650 AHD and comprises a three bedroom unit and plant room (see **Figure 4**). The unit comprises three bedrooms with ensuites and a walk-in robe for the master, open plan kitchen and living areas, pantry, wine display, laundry, powder room, study nook and has access to a west facing covered terrace from the living areas and master bedroom. Additionally, the unit has access to a garden area to the south accessed from bedrooms two and three. The unit is accessible via lift and staircase access.

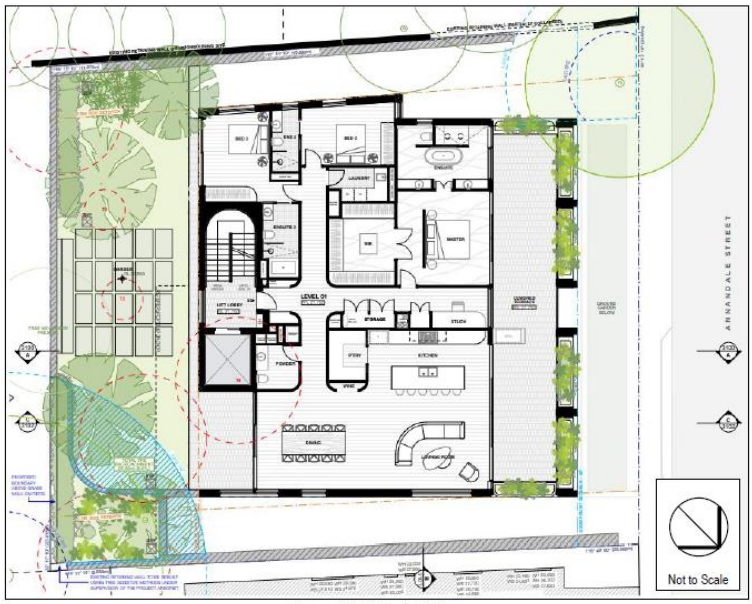
Source: MHN Design Union

Figure 4: Ground Floor Plan

Woollahra Municipal Council

First Floor Level

The First Floor Level is at RL 27.750 AHD and comprises a three bedroom unit (see **Figure 5**). This three bedroom unit has a similar layout to the ground floor unit except for a slightly larger dining room. The first floor level unit will also have access to a large garden area to the east and a covered terrace to the west. The unit is accessible via lift and communal staircase access.



Source: MHN Design Union

Figure 5: First Floor Plan

Woollahra Municipal Council

Second Floor Level

The Second Floor Level is at RL 30.850 AHD and comprises a three bedroom unit (see **Figure 6**). This three bedroom unit has a similar layout to both the ground floor and first floor units except for an additional living area in the north eastern corner of the unit. The unit also has access to a large west facing covered terrace from living areas and the master bedroom. The unit is accessible via lift and communal staircase access.

Source: MHN Design Union

Figure 6: Second Floor Plan

Woollahra Municipal Council

Roof Level
The Roof Level is at RL 33.950 AHD and comprises a private roof terrace for the three-bedroom unit on Level 2, with an outdoor kitchen, lounge and spa. The private open space also provides planters that will contribute positively to the landscape character of the site (see **Figure 7**). The roof terrace is accessed for the penthouse only via a private staircase.

Source: MHN Design Union
Figure 7: Roof Plan

5. ASSESSMENT

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

e) Acid Sulphate Soils

The site is located within Class 5 Acid Sulfate Soils. As such, no further investigation is required.

f) Land Contamination (SEPP 55)

The applicant provided a PSI, DSI and RAP report prepared by Geo-Environmental Engineering Pty Ltd dated April 2024 to identify if the site is suitable for the proposal. The sampling and analysis program revealed concentrations of PAHs, specifically benzo(a)pyrene Toxicity equivalent in the topsoil/fill layer at concentrations deemed to be unacceptable for the proposed land use. The PAHs are attributed to fragments of metallurgical slag that was sporadically present within the fill layer. Removal of contaminated soil to an approved site or facility is deemed as the most feasible remediation option. The RAP achieves contamination/remediation objectives as stated in the report. No further action is warranted.

Woollahra Municipal Council

6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to the following conditions:

A. GENERAL CONDITIONS

A. 1. Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
	Acid Sulphate Soil Management Plan		
	Acoustic Report		
	Architectural Plans		
	Contaminated Land - Initial Site Investigation Report (Stage 1)		
E24004DP-R01F	Contaminated Land - Detailed Site Investigation Report (Stage 2)	Geo-Environmental Engineering	9 April 2024
E24004DP-R02F	Contaminated Land - Remedial Action Plan (Stage 3)	Geo-Environmental Engineering	31 May 2024
	Plan of Management		
	Noise Management Plan		

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.

B. BEFORE DEMOLITION WORK COMMENCES

B. 1. Noise Control Objectives during Demolition Works

Prior to any siteworks, the *NSW Department of Environment & Climate Change: Construction Noise Guideline* must be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and

Woollahra Municipal Council

	compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.
	Condition Reason: To assist in managing impacts of noise from the demolishing of the existing building and outbuildings on residences and other sensitive land uses.

C. ON COMPLETION OF REMEDIATION WORK

C. 1.	**Notice of Completion of Category 1 Remediation Work**
	On the completion of the remediation work, and before any building work commences, and as required under clause 4.14 of State Environmental Planning Policy (Resilience and Hazards) 2021, notice of completion of a category 1 remediation work must be given to the Council within 30 days after the completion of the work. This notice must be in accordance with clause 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021. **Notes:** • ***Category 1 remediation work*** is defined in clause 4.8 of State Environmental Planning Policy (Resilience and Hazards) 2021.
	Condition Reason: To ensure a notice of completion of a category 1 remediation work is provided.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	**Swimming and Spa Pools – Child Resistant Barriers**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia. Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. **Notes:** • A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans.

Woollahra Municipal Council

	Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.

D 2.	**Swimming and Spa Pools – Backwash**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. **Notes:** • The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. • The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.
	Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.

D 3.	**Light and Ventilation**

Woollahra Municipal Council

	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail all lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the BCA or clause 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of AS 1668.1, AS 1668.2 and AS/NZS 3666.1. If an alternate solution is proposed then the construction certificate application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert evidence of suitability. This condition does not set aside the mandatory requirements for 'Legionella Control' under the Public Health Act 2010 and Public Health Regulation 2022 in relation to regulated systems. This condition does not set aside the effect of the Protection of the Environment Operations Act 1997 in relation to offensive noise or odour. **Notes:** • Clause 69 of the Regulation requires compliance with the BCA. Clause 19 of the Development Certification and Fire Safety Regulation prevents the issue of a construction certificate unless the Principal Certifier is satisfied that compliance has been achieved. • Part 3, Division 1 of the Development Certification and Fire Safety Regulation details what information must be submitted with any construction certificate. It is the Applicant's responsibility to demonstrate compliance through the construction certificate application process. • Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the Protection of the Environment Operations Act 1997 have overriding effect if offensive noise or odour arises from the use. • Applicants must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of AS 1668.2.
	Condition Reason: To ensure the development is provided with adequate light and ventilation.

D 4.	**Acoustic Certification of Mechanical Plant and Equipment**
	Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional acoustic engineer certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level, at any time. The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed.

Woollahra Municipal Council

	For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter. Where sound attenuation is required this must be detailed. **Notes:** • Further information including lists of Acoustic Engineers can be obtained from: - Australian Acoustical Society - professional society of noise-related professional www.acoustics.asn.au - Association of Australian Acoustical Consultant - professional society of noise related professionals www.aaac.org.au
	Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.

D 5.	**Noise Control - Swimming pool/spa pool pumps and associated equipment**
	Before the issue of any construction certificate, the siting of the swimming pool/spa pool pump(s) and associated equipment are to be located as far as possible from the neighbour's dwelling to minimise the impact on adjoining residents. The pump(s) and associated equipment are to be housed in an acoustically treated enclosure so noise from the operation of the pump(s) and associated equipment are not audible beyond the boundaries of the site.
	Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.

D 6.	**Noise Control - Acoustic Protection of adjoining residential units- Operation of Air Conditioning Plant**
	Before the issue of any construction certificate, the applicant must ensure that the operation of the proposed Air Condition System and associated plant does not create interior noise intrusion and vibration to occur within any adjoining residential unit.
	Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.

D 7.	**Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)**
	Before the issue of any construction certificate, the *basement carpark* in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with Section 4 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-

Woollahra Municipal Council

	1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards. The *basement carpark* must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the *basement carpark* and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the *basement carpark* shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.
	Condition Reason: To ensure the development is adequately ventilated.

D 8.	**Ventilation - Internal Sanitary Rooms**
	Before the issue of any construction certificate, all internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) must be submitted with the Construction Certificate plans and specifications to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.
	Condition Reason: To ensure the development is adequately ventilated.

E. BEFORE BUILDING WORK COMMENCES

F. DURING BUILDING WORK

F 1.	**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: • piling, • piering, • rock or concrete cutting, boring or drilling, • rock breaking, • rock sawing, • jack hammering, or • 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

Woollahra Municipal Council

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

F 2.	**Dust Mitigation**
	While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils. This generally requires: h) Dust screens to all hoardings and site fences. i) All stockpiles or loose materials to be covered when not being used. j) All equipment, where capable, being fitted with dust catchers. k) All loose materials being placed bags before placing into waste or skip bins. l) All waste and skip bins being kept covered when not being filled or emptied. m) The surface of excavation work being kept wet to minimise dust. n) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. **Notes:** • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from

Woollahra Municipal Council

	www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
	Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.

F 3.	**Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters**
	While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time. Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical. Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500. **Notes:** • This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992.
	Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	**Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters**
	Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992: a) Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia. b) The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register. c) The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool.

Woollahra Municipal Council

	d) Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable. e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems. Backwash must be discharged to the sewer in compliance with AS/NZS 3500. Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day. **Notes:** • NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au
	Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.

H. OCCUPATION AND ONGOING USE

H 1.	**Swimming and Spa Pools – Maintenance**
	During the occupation and ongoing use, swimming and spa pools must be maintained: a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health "Public Swimming Pools and Spa Pools Advisory Document" in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. **Notes:** • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au
	Condition Reason: To ensure public health and safety.

Woollahra Municipal Council

H 2.	**Outdoor Lighting – Residential**
	During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.
	Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

H 3.	**Noise Control**
	During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997. **Notes:** • Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997. • Useful links: - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. - NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise. - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.
	Condition Reason: To protect the amenity of the neighbourhood.

H 4.	**Noise from Mechanical Plant and Equipment**
	During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.

Woollahra Municipal Council

	The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter. **Notes:** • Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
	Condition Reason: To protect the amenity of the neighbourhood.

H 5.	**Noise Control - Swimming pool/spa pool pumps and associated equipment**
	During the occupation and ongoing use, the swimming pool/spa pool pump(s) and associated equipment are not to operate during the hours stipulated in the Protection of the Environment Operations (Noise Control) Regulation 2008 as follows: a) Before 8am of after 8pm during Saturdays, Sundays and public holidays; b) Before 7am or after 8pm on any other day.
	Condition Reason: To protect the amenity of the neighbourhood.

Kristina Pakhomova
Environmental Health Officer

10/07/2024
Completion Date

Woollahra Municipal Council

15 July 2024

REFERRAL RESPONSE - HERITAGE

FILE NO:	**Development Applications:** 216/2024/1
ADDRESS:	7 Annandale Street DARLING POINT 2027
PROPOSAL:	Demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works
FROM:	Vanessa Wood
TO:	Dr S Hosseinabadi

1. DOCUMENTATION

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

- Drawing set by MHNDUnion, dated 7 June 2024, and numbered DA0000 – DA9300
- Demolition Report by Weir Phillips Heritage and Planning, dated June 2024
- Statement of Environmental Effects by GSA Planning, dated June 2024
- Survey plan by Beveridge Williams, dated 14 February 2024
- Aboriginal Heritage Impact Assessment by Virtus Heritage, dated 11 June 2024

2. SITE INSPECTION / RESEARCH

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

- The site was (previously, if second response) inspected on the x 2019, including the interior and the general locality.

Review of the following documents and photographic evidence:

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

3. STATUTORY AND POLICY DOCUMENTS

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

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

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

Woollahra Municipal Council

The property is not a listed heritage item and is not located within a Heritage Conservation Area.

The Heritage Demolition Report provides the following description of the subject property:

> *No. 7 Annandale Street presents as a modified rendered masonry, three storey, flat building with sandstone tile clad base and a low hipped concrete tile roof. The building sits in the centre of the block to Annandale Street.*

The Heritage Demolition Report provides the following comment in regards to integrity:

> *No. 7 Annandale Street has been altered externally and internally since its construction; however, it still presents to Annandale Street as a Post War flat building. The building has largely retained its original principal façade and there have been no significant additions to the residential flat building. The overall setting of Annandale Street has retained some of its original dwellings, however new development along Yarranabbe Road, Darling Point Road and Annandale Street has changed the character of the streetscape since the construction of the subject building.*
>
> *The following changes to the site have been noted:*
>
> - *The enclosure of balconies in apartment Nos. 1 and 3.*
> - *Removal of balcony doors to apartment Nos. 1 and 3.*
> - *Addition of sandstone cladding to the lower ground level garage entryways.*
> - *Removal of Juliet balcony to the central window on the principal façade.*
> - *Replacement of original central door and window on the principal elevation with a timber door and timber framed awning window.*
> - *Internal alterations and additions to all apartments.*
>
> *While alterations and additions have taken place internally and externally to the subject residential flat building, it retains much of its original fabric and an understanding as Post War flat building.*

The Heritage Demolition Report provides a comparative analysis of similar property types within the vicinity. It concludes;

> *There are no examples in the immediate vicinity that are comparable to the subject site, No. 7 Annandale Street, as the external elevations of the residential flat building have been altered since the building's construction, including the addition of sandstone cladding to the ground floor and alterations to the balconies and windows.*

The Heritage Demolition Report provides the following conclusion and recommendation:

> *The proposed demolition of the existing structures will have an acceptable impact on the site, and the heritage items and conservation areas within the vicinity for the following reasons:*
>
> - *A heritage assessment of the building has illustrated that it is an ordinary and modified Post War flat building that does not contribute to any of the criteria for heritage listing as set by Heritage NSW.*
>
> - *The subject building has been substantially modified since its construction, so that the interiors and exterior of the building does not significantly contribute to the Annandale streetscape or offer outstanding representation of a Post War flat*

Woollahra Municipal Council

building.

• The extant residential flat building on the site has no significance to the Annandale Street character and does not contribute to the desired future character of the Darling Point Precinct.

Research

The following databases were searched for information regarding the property;

- Trove
- Woollahra Library
- City of Sydney Archives
- State Library NSW
- State Archives NSW

The searches did not yield any results regarding the subject property.

Conclusion

The Heritage Demolition Report submitted with the development application includes historical research on the development of the property over time. The construction of the dwelling is not associated with a known architect and has no distinctive landmark qualities or other features that would make it potentially significant or rare. The report has assessed the potential heritage significance of the existing dwelling and has concluded that the property does not meet the criteria for identification as a place of local significance.

Considering the above, the findings of the Heritage Demolition Report are considered to be accurate.

National Parks and Wildlife Act 1974

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

Anyone proposing to carry out an activity that may harm an Aboriginal object or a declared Aboriginal place must investigate, assess and report on the harm that may be caused by the activity they propose.

The 'Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW' (2010) prescribes that an extensive search must be undertaken if AHIMS has shown that there are Aboriginal sites or places in the search area.

The Office of Environment & Heritage (OEH) disclosures for AHIMS searches are copied below:

- *You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.*
- *If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.*
- *The information derived from the AHIMS search is only to be used for the purpose for which it was requested.*

Woollahra Municipal Council

- *AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;*
- *It is not be made available to the public.*
- *Information recorded on AHIMS may vary in its accuracy and may not be up to date.*
- *Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.*
- *Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.*
- *Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.*

The Applicant has provided an Aboriginal Heritage Impact Assessment (the 'report') prepared in accordance with the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW' published by the Department of Environment, Climate Change and Water and dated 13 September 2010 and in accordance with Attachment 10 of Council's DA guide available at: https://www.woollahra.nsw.gov.au/__data/assets/pdf_file/0009/248238/DA-Guide-Attachment-10-Aboriginal-Heritage-Impact-Assessment.pdf

Virtus Heritage Consultants are qualified Aboriginal heritage consultant who has inspected the property on 9 April 2024 date on foot.

Consultation with the La Perouse Local Aboriginal Land Council was undertaken on 9 April 2024.

There has been consideration of relevant previous Aboriginal heritage investigations, as detailed in Section 4 of the report.

The AHIMS of the OEH was consulted on 26 March 2024 and the extensive search is attached at Section 4.1.1 and Appendix B of the report. One recorded site is located 850m north of the project area.

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

> *Following the conditions of the Due Diligence Code, the desktop assessment and visual inspection found no known Aboriginal objects within the project area.*

In terms of site's disturbance, the report states that:

> *The project area was confirmed to have extensive disturbances within the current footprint of structures on the site. Whilst the project area contains an underground layer of sand that has been defined as containing increased Aboriginal Heritage Sensitivity by the Woollahra Aboriginal Heritage Study (2021), the level of disturbance and environmental conditions of the project area have likely disturbed and potentially removed any Aboriginal objects that could have remained within the project area and the scale of the project impacts (much of which is confined to areas already previously disturbed over successive periods of residential use/development) lowers the risk of the proposal to harm Aboriginal objects, if still extant.*

The report concludes that:

> *By completing this assessment, Fortis have undertaken reasonable and practical measures to determine whether the proposed activities will harm Aboriginal objects. No further investigations are required for the proposed works (as outlined in this report) to proceed, with caution, without an AHIP application in line with the recommendations below.*

Woollahra Municipal Council

The report recommends that:

7.1.1 Unexpected Find Procedure

It is recommended that an Unexpected Find Procedure be implemented for the duration of the project. In the unlikely event that a suspected Aboriginal object/s is identified, the procure should include the following:

- *Works are to stop immediately.*
- *The area of the suspected find/s is to be fenced off with an appropriate buffer and protected.*
- *A qualified archaeologist and representative of LPLALC are to be contacted to inspect the area and the nature of the find.*
- *A representative(s) from LPLALC to determine the find's significance, in consultation with a qualified archaeologist or Heritage NSW and the requirements for an Aboriginal Heritage Impact Permit (AHIP).*
- *Works are not to proceed until written advice from the archaeologist or Heritage NSW on the appropriate management of the find or an AHIP is endorsed by Heritage NSW in consultation with the relevant Aboriginal parties.*

7.1.2 Unexpected Human Remains Procedure

- *Works are to stop immediately.*
- *The area of the suspected Human Remains find is to be secured and cordoned off.*
- *NSW Police are to be notified. No further works can be undertaken until the NSW Police provide written advice.*

If these remains are deemed to require archaeological investigation by the NSW Police or NSW Coroner, then:

- *Heritage NSW and the relevant Aboriginal parties must be notified; and*

A plan of management for the preservation of any identified Aboriginal human remains for salvage must be put in place or conducted under an AHIP methodology and variation developed in consultation with all relevant parties and Heritage NSW.

7.1.3 Induction

It is recommended that all site works and personnel involved in site impact works should be inducted and briefed on the possible identification of Aboriginal sites and objects during construction and their responsibilities according to the provisions of the National Parks and Wildlife Act 1974 and NPW Regulation 2019, in the unlikely event that unknown objects or items are uncovered during proposed works.

This induction package must be developed in consultation with La Perouse LALC, prior to works proceeding.

<u>Woollahra Council Sensitivity Mapping</u>

The report recommends that no changes be made to the Woollahra Council Aboriginal Sensitivity Mapping.

Woollahra Municipal Council

La Perouse LALC Referral Response

On 2 May 2024, the La Perouse LALC provided the following recommendations in response to the application:

Recommendation 1:

- *The La Perouse LALC agrees with recommendations as set out on page 19 and 20 of the assessment.*

Recommendation 2:

- *The La Perouse LALC advises that if any Aboriginal objects (such as human or animal bone, shell material or stone artifacts) are impacted or unearthed during any activity on the property, the activity must cease and the NSW Heritage and La Perouse LALC be contacted immediately.*

Conclusion

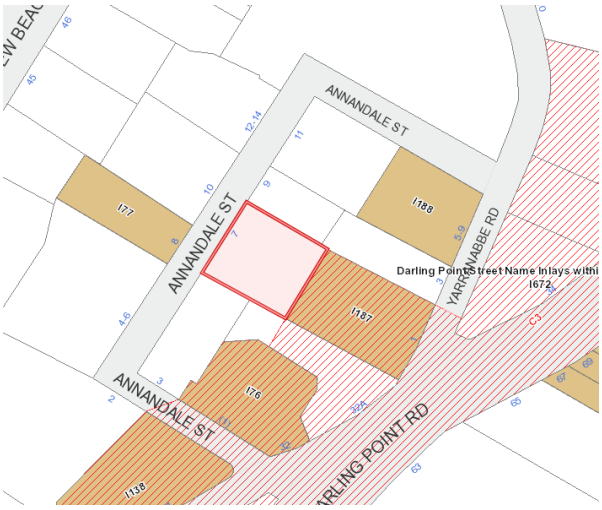
Given the above, it is concluded that appropriate condition of consents for the protection and management of Aboriginal Cultural Heritage will need to be imposed as part of the DA consent.

Woollahra LEP 2014

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

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

Significance of items in the vicinity
The following listed heritage items and heritage conservation area are in close proximity to the site;



Woollahra Municipal Council

- I187 - Residential flat building and interiors at 1 Yarranabbe Road DARLING POINT
- Darling Point Road Heritage Conservation Area

Figure 1. Yellow = subject site, red = heritage item

There are no existing views to the heritage item at No. 1 Yarranabbe Road from the street front of 7 Annandale Street. Therefore, the proposal will have a negligible impact on the setting, views and character of the heritage item and HCA.

CONSIDERATION

The dwelling has no heritage significance and does not make any contribution to the heritage significance of Darling Point. The property is not heritage listed and is not located within a heritage conservation area.

A Demolition Heritage Impact Report has been submitted with the development application and includes historical research on the development of the property over time. The construction of the dwelling is not associated with any known prominent architect and has no distinctive landmark qualities or other features that would make it potentially significant or rare. The report has assessed the potential heritage significance of the existing dwelling and has concluded that it does not meet the criteria for identification as a place of local significance. The findings of the report are considered to be accurate. Accordingly, the property is not of heritage value and therefore no objection is raised to the proposed alterations and additions to the existing building.

As the property is not listed as a heritage item and is not located within a heritage conservation area, the design of the proposed new development will not result in any adverse impacts on heritage items/areas of value. There are no heritage items located within the vicinity of the site that will be adversely impacted and the proposal will not affect any significant views. As such, there are no concerns raised on heritage grounds regarding the design of the proposed new development.

The submitted Demolition Heritage Impact Report meets the standard of archival recordings for

Woollahra Municipal Council

buildings with little or no heritage significance.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

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

Woollahra LEP 2014
- Clause 1.2 (2) (f) The development does conserve the built heritage of Woollahra.

7. RECOMMENDATION

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

Consent, subject to conditions;

A. GENERAL CONDITIONS

	Condition
A 1.	**Salvage** Stone, bricks, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, fireplaces, timber flooring, decorative ceilings and ceiling roses must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling. **Condition Reason:** To ensure significant heritage fabric is recycled/salvaged.

B. BEFORE DEMOLITION WORK COMMENCES

	Condition
B. 1.	**Skeletal Remains** While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Details of the remains and their precise location are to be provided.

Woollahra Municipal Council

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

B. 2.	**Aboriginal Objects – Unexpected Findings**
	While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. **Notes:** • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	Condition Reason: To protect Aboriginal objects

B. 3.	**Aboriginal Heritage Due Diligence Responsibilities**
	While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)]. It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which

Woollahra Municipal Council

	reasonably determined that the proposed activity would not harm an Aboriginal object.
	Condition Reason: To protect Aboriginal heritage.

B. 4.	**Aboriginal Heritage Induction**
	Prior to any site works: a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974; b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.
	Condition Reason: To protect Aboriginal heritage.

Vanessa Wood
Heritage Officer

15.7.2024
Completion Date

Woollahra Municipal Council

15 July 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO:	**Development Applications:** 216/2024/1
ADDRESS:	7 Annandale Street DARLING POINT 2027
PROPOSAL:	Demolition of the existing residential flat building and the construction of a new four-storey residential flat building and associated site works
FROM:	Sam Knight
TO:	Dr S Hosseinabadi

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by GSA planning, dated June 2024
- Survey Plans, drafted by Beveridge Williams, dated 20 February 2024
- Architectural Drawings, drawn by MHNDU, dated 7 June 2024
- Arboricultural Impact Assessment Report, written by Martin Peacock Tree Care, dated 13 June 2024
- Landscape Plans, designed by Wyer & Co, dated 21 June 2024

A site inspection was carried out on 17 July 2024.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks

Woollahra Municipal Council

- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

4. SUMMARY

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

5. COMMENTS

Inspection of the site and a review of the plans and documentation has revealed 16 trees within and adjacent to the site will be affected by the proposal.

The following tree numbers are consistent with the Arboricultural Impact Assessment Report (AIA Report) prepared by Martin Peacock Tree Care dated 13 June 2024.

Tree Removal – Low Retention Value
The plans and documentation indicate trees 1, 2, 3, 4, 5, 6, 7, 8 and 10 are proposed for removal as they will be directly impacted by the development.

The trees have all been rated in the AIA Report as having Low Landscape Significance and Low Retention Value for reasons such as non-prescribed tree heights and species, underperforming in health, suppressed by more dominate trees or found to be providing minimal amenity value to the immediate area.

Trees rated as having Low Retention Value are generally considered as not being important for retention, nor require special works or design modification to be implemented for their retention.

The tree team supports the AIA Report findings and removal of the trees conditional of replacement planting being undertaken in accordance with the submitted Landscape Plans.

Tree Retention
The plans and documentation indicate trees 9, A, B and C are proposed for retention.

Tree 9 – has been identified as a *Jacaranda mimosifolia* (Jacaranda) located in the south-western corner of the front yard. The tree has been noted in good health and condition. The tree is a prominent feature along the street and provides a high contribution to the amenity and canopy cover of the immediate area.

The plans indicate works are proposed within the Tree Protection Zone of the tree which has been calculated as being 5.4 metres (radius from tree trunk). This includes excavation for a new basement garage, construction of a new building, modification to the existing retaining walls and new landscaping. The AIA Report has deemed the works as a Minor Encroachment (less than 10% of TPZ) as defined by the *Australian Standards AS4970 'Protection of trees on development site'*.

As detailed in the AIA Report, the proposed works are considered acceptable provided tree sensitive construction methods are implemented during the works. This includes hand excavation for the shoring wall under the direct supervision of the Project Arborist. Tree protection measures are to be

Woollahra Municipal Council

installed prior to the comments of any works. The recommendations detailed in the AIA Report are supported and have been incorporated into the conditions below to ensure the tree remains viable.

Tree A – has been identified as a *Celtis sinensis* (Chinese Hackberry) located adjacent to the north-eastern corner within the rear yard of 5-9 Yarranabbe Road. The tree is considered to be an environmental weed. However, as it is within the neighbour's property, protection from construction damaged is necessary.

The plans indicate a section of new retaining wall will be constructed within the TPZ of the tree which has been calculated as being 9.6 metres (radius from tree trunk). According to the AIA Report, the works represents a Minor Encroachment (less than 10% of the TPZ) and is within acceptable limits.

As outlined in the AIA Report., provided the wall is constructed under the direct supervision of the Project Arborist, the proposed works are not expected to adversely impact on the tree.

The recommendations detailed in the AIA Report for the protection of this tree are supported and have been incorporated into the conditions below to ensure the tree remains viable.

Trees B - has been identified as a *Phoenix canariensis* (Date Palm) located adjacent to the southern boundary within 3 Annandale Street. The tree has been noted in good health and condition.

The plans indicate the existing retaining wall located along the southern boundary adjacent to the tree will be retained. A new retaining wall will be constructed in front of the wall within the subject site. However, as palm trees develop fibrous root systems that are generally contained to a 1 metre radius, the proposed works are not expected to impact on the tree.

Tree C – has been identified as a *Plumeria acutifolia* (Frangipani) located adjacent to the southern boundary within 3 Annandale Street. The tree has been noted in good health and condition.

The plans indicate a new retaining wall will be constructed within the TPZ of the tree which has been calculated as being 5.4 metres (radius from tree trunk). This has been deemed a Major Encroachment (greater than 10% of the TPZ) in the AIA Report.

AS4970 outlines that where an encroachment is greater than 10% of the TPZ, the project arborist must demonstrate that the tree will remain viable. This may require root investigation and/or consideration of health, condition, age, species type and tolerance to disturbance, lean and stability.

The AIA Report outlines that the proposed works are not expected to impact on the tree due to the species being highly tolerant of root pruning. The recommendations detailed in the AIA Report for the protection of this tree are supported and have been incorporated into the conditions below to ensure the tree remains viable.

Canopy Cover – Apartments

Chapter B3.7 Landscape area and private open space of the WMC DCP outlines under Control 1 that 30% canopy cover is to be provided within sites other than dwelling houses, dual occupancy, semi-detached development and attached dwellings.

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

Woollahra Municipal Council

The submitted Canopy Cover Calculation Plan indicate that the proposal will provide 209.5m² of canopy cover which quates to 31.1%. This will be achieved from new and existing trees which achieve the above mature height requirements.

The proposed landscaping and canopy cover satisfies the DCP requirements and is supported by the tree team.

6. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.	**Approved Plans and Supporting Documents**
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author	Date
DA_01, DA_02, DA_03, DA_04, DA_05, DA_06, DA_07	Landscape Plan	Wyer & Co	21/6/24
	Arboricultural Impact Assessment Report	Martin Peacock Tree Care	13/6/24

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

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

Standard Condition A.2 (Autotext 2A)

A. 2.	**Tree Preservation and Landscaping Works**
	While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

Woollahra Municipal Council

a) The following trees must be retained:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
9	*Jacaranda mimosifolia*	Front Yard – south-western corner	8 x 7
A	*Celtis sinensis*	Adj north-eastern corner – within rear yard of 7-9 Yarranabbe Road	16 x 12
B	*Phoenix canariensis*	Adj southern boundary – within 3 Annandale Street	6 x 4
C	*Plumeria acutifolia*	Adj southern boundary – within 3 Annandale Street	5 x 5

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	*Agonis flexuosa*	Refer to the Arboricultural Impact Assessment prepared by Martin Peacock Tree Care dated 13 June 2024 for tree numbers and locations.	7 x 6
2	*Plumeria acutifolia**		4 x 3
3	*Plumeria acutifolia**		4 x 3
4	*Magnolia x soulangeana*		6 x 3
5	*Strelitzia nicolai**		6 x 3
6	*Washingtonia robusta*		14 x 2
7	3x *Camellia japonica**		4 x 1
8	*Magnolia x soulangeana*		5 x 1
10	*Archontophoenix cunninghamiana* x2		10 x 2

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

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

c) The following trees may be pruned in accordance with Australian Standard Pruning of Amenity Trees (AS 4373) and Workcover NSW Code of Practice Amenity Tree Industry, to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning (extent of pruning
9	*Jacaranda mimosifolia*	Front Yard – south-western corner	Pruning of the branches marked on pages 16 & 17 of the Arboricultural Impact Assessment prepared by Martin Peacock Tree Care dated 13 June 2024.

Woollahra Municipal Council

The tree required to be pruned must appear coloured blue on the Construction Certificate plans.

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works.

To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.

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

Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1. Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

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

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

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
9	*Jacaranda mimosifolia*	Front Yard – south-western corner	As shown on Appendix B – Tree Protection Plan in the Arboricultural Impact Assessment prepared by

Woollahra Municipal Council

			Martin Peacock Tree Care dated 13 June 2023
A	*Celtis sinensis*	Adj north-eastern corner – within rear yard of 7-9 Yarranabbe Road	As shown on Appendix B – Tree Protection Plan in the Arboricultural Impact Assessment prepared by Martin Peacock Tree Care dated 13 June 2023

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

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

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

c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.

d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.

e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.

f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.

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

Condition Reason: To ensure the protection of existing trees

Standard Condition B.5 (Autotext 5B)

B. 2.	**Construction Management Plan Arborist Review**

Woollahra Municipal Council

	Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent. The plan must address: a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees. Standard Condition B.28 (Autotext 28B)

B. 3.	**Arborists Documentation and Compliance Checklist**
	Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include: • A record of the condition of trees to be retained prior to and throughout development. • Recommended actions to improve site conditions and rectification of non-compliance. • Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site. As a minimum the following intervals of site inspections must be made:

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

Woollahra Municipal Council

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

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

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

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

Standard Condition B.29 (Autotext 29B)

B. 4. Permissible work within Tree Protection Zones

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

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
9	*Jacaranda mimosifolia*	5.4m	Excavation for new basement and retaining walls. Construction of new building and landscape upgrade works.
A	*Celtis sinensis*	9.6m	Construction of new retaining wall.
B	*Phoenix canariensis*	3m	Construction of new retaining wall.
C	*Plumeria acutifolia*	5.4m	Construction of new retaining wall.

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

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

Standard Condition B.30 (Autotext 30B)

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Woollahra Municipal Council

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

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	**1.**	**Tree Preservation**
		While site work is being carried out, all persons must comply with Chapter E.3 – *Tree Management* of Council's Development Control Plan (DCP) 2015, other

Woollahra Municipal Council

	than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres. General Protection Requirements: a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier. Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.
	Condition Reason: To protect trees during the carrying out of sitework. Standard Condition F.8 (Autotext 8F)

F 2.	**Arborists Documentation and Compliance Checklist**
	While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. All compliance certification documents must be kept on site by the site Supervisor. As a minimum the following intervals of site inspections must be made:

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

Woollahra Municipal Council

	While site work is carried out	• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must supervise the excavation and installation of the new retaining walls within the TPZ of trees 9, A, B and C, ensuring tree sensitive construction methods are implemented and documenting the condition of roots and soil. • The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan.
	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.	
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented. Standard Condition F.45 (Autotext 45F)	

F 3.	**Replacement/Supplementary trees which must be planted**
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 trees must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the approved Landscape Plans. The project arborist must document compliance with the above condition.	
Condition Reason: To ensure the provision of appropriate replacement planting. Standard Condition F.46 (Autotext 46F)	

F 4.	**Hand excavation within tree root zones**

Woollahra Municipal Council

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
9	*Jacaranda mimosifolia*	Front Yard – south-western corner	5.4m
A	*Celtis sinensis*	Adj north-eastern corner – within rear yard of 7-9 Yarranabbe Road	9.6m
B	*Phoenix canariensis*	Adj southern boundary – within 3 Annandale Street	3m
C	*Plumeria acutifolia*	Adj southern boundary – within 3 Annandale Street	5.4m

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

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

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.50 (Autotext 50F)

F 5. Footings in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
9	*Jacaranda mimosifolia*	Front Yard – south-western corner	5.4m
A	*Celtis sinensis*	Adj north-eastern corner – within rear yard of 7-9 Yarranabbe Road	9.6m
B	*Phoenix canariensis*	Adj southern boundary – within 3 Annandale Street	3m

Woollahra Municipal Council

C	*Plumeria acutifolia*	Adj southern boundary – within 3 Annandale Street	5.4m

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.51 (Autotext 51F)

F 6. Installation of stormwater pipes and pits in the vicinity of trees

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

Council Ref No	Species	Location	Radius from centre of trunk (metres)
9	*Jacaranda mimosifolia*	Front Yard – south-western corner	5.4m
A	*Celtis sinensis*	Adj north-eastern corner – within rear yard of 7-9 Yarranabbe Road	9.6m
B	*Phoenix canariensis*	Adj southern boundary – within 3 Annandale Street	3m
C	*Plumeria acutifolia*	Adj southern boundary – within 3 Annandale Street	5.4m

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

The project arborist must document compliance with the above condition.

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

Standard Condition F.52 (Autotext 52F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1. Amenity Landscaping

Woollahra Municipal Council

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

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

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

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

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

Woollahra Municipal Council

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

G 4.	**Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building**
	Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. All compliance certification documents must be kept on site. As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Before the issue of any occupation certificate for the whole of the building	• The project arborist must supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.

	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications. Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented. Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

H 1.	**Maintenance of Landscaping**
	During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.

Woollahra Municipal Council

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

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

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

Nil.

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

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Sam Knight
Tree Officer

19 July 2024
Completion Date

DocuSign Envelope ID: 9510039E-D7FA-40B3-8C65-29D5DA78F858

HWL EBSWORTH LAWYERS

Consent

To:	The Local Government, Woollahra Municipal Councill (**Council**), Transport for NSW (Roads and Maritime Services), Sydney Water, Endeavour Energy, Water NSW, Environmental Protection Agency, Fire and Rescue NSW and all other statutory and government authorities.	
Land Details:	*Address:*	Unit 1, 7 Annandale Street, Darling Point NSW 2027
	Lot / Plan:	Lot A in Deposited Plan 402500
	Folio Identifier:	A/402500B

(**Land**)

From: Rebecca Lee Bennett Wood and Jay Peter Ivanoff **(Owner)**

Grantee's Details: **Annandale Street Development Pty. Limited ACN 674 774 335 as trustee for the Annandale Street Development Trust**

The Owner has entered into a contract or other arrangement with the Grantee in relation to the possible sale of the Land.

The Owner consents to the Grantee and any nominee of the Grantee:

- inspecting and obtaining copies of all records held by any local or other government authority in connection with the Land;
- lodging any development application, variation of any development application, planning proposal or variation of any planning proposal with the Council and any other relevant authority, in respect of or relating to the Land;
- lodging any application to vary any approvals or consents, including any development consents, arising from such applications or proposals;
- lodging any other documents or submitting any other correspondence in relation to any application or approval or proposal referred to in the paragraphs above;
- dealing with Council and every other authority in relation to the Land, including inspecting their records and taking copies of records and documents in relation to the Land,
- meeting, discussing and corresponding with the local authority, any government departments and all statutory bodies in respect of the Land and any applications concerning the Land;
- filing, perusing and pursuing any application or appeal in the Planning and Environment Court and any of its appellate Courts, concerning the Land.

Dated this 13 February 2024 | 19:37 AEDT

Owner's Consent

Doc ID 1154165553/v1

DocuSign Envelope ID: 9510039E-D7FA-40B3-8C65-29D5DA78F858

HWL EBSWORTH LAWYERS

Signed, sealed and delivered by **Rebecca Lee Bennett Wood** in the presence of:

DocuSigned by: [redacted]
85D7018DD724D5...
Signature of witness

DocuSigned by: [redacted]
6764630DB8FD4C1...
Signature of Rebecca Lee Bennett Wood

[redacted]
Full name of witness (print)

14 February 2024 | 06:40 AEDT
Date

[redacted]
Address of witness (print)

Signed, sealed and delivered by **Jay Peter Ivanoff** in the presence of:

DocuSigned by: [redacted]
85D7018DD724D5...
Signature of witness

DocuSigned by: [redacted]
Signature of Jay Peter Ivanoff

[redacted]
Full name of witness (print)

13 February 2024 | 19:37 AEDT
Date

[redacted]
Address of witness (print)

Owner's Consent
Doc ID 1154165553/v1

DocuSign Envelope ID: 7E6BFAC2-EE9C-4D3E-B869-A04CCB89CE6A

HW BSWORTH

Consent

To:	The Local Government, City of Sydney Council (**Council**), Transport for NSW (Roads and Maritime Services), Sydney Water, Endeavour Energy, Water NSW, Environmental Protection Agency, Fire and Rescue NSW and all other statutory and government authorities.	
Land Details	*Address:*	Unit 2, 7 Annandale Street, Darling Point NSW 2027
	Lot / Plan:	Lot A in Deposited Plan 402500
	Folio Identifier:	A/402500D
		(**Land**)
From:	Reginald Vincent Norrie Lord **(Owner)**	
Grantee's Details:	**Annandale Street Development Pty. Limited ACN 674 774 335 as trustee for the Annandale Street Development Trust**	

The Owner has entered into a contract or other arrangement with the Grantee in relation to the possible sale of the Land.

The Owner consents to the Grantee and any nominee of the Grantee

- inspecting and obtaining copies of all records held by any local or other government authority in connection with the Land;
- lodging any development application, variation of any development application, planning proposal or variation of any planning proposal with the Council and any other relevant authority, in respect of or relating to the Land;
- lodging any application to vary any approvals or consents, including any development consents, arising from such applications or proposals;
- lodging any other documents or submitting any other correspondence in relation to any application or approval or proposal referred to in the paragraphs above;
- dealing with Council and every other authority in relation to the Land, including inspecting their records and taking copies of records and documents in relation to the Land,
- meeting, discussing and corresponding with the local authority, any government departments and all statutory bodies in respect of the Land and any applications concerning the Land;

  filing, perusing and pursuing any application or appeal in the Planning and Environment Court and any of its appellate Courts, concerning the Land.

Dated this 15 February 2024

DocuSign Envelope ID: 7E6BFAC2-EE9C-4D3E-B869-A04CCB89CE6A

HWL EBSWORTH

Signed, sealed and delivered by **Reginald Vincent Norrie Lord** in the presence of:

[redacted]
Signature of witness

[redacted]
Full name of witness (print)

Goulden Legal
Suite 10B, 201 New South Head Rd
EDGECLIFF NSW 2027
(02) 9302 3200
Address of witness (print)

[redacted]
Signature of [redacted]

13/2/2024
Date

DocuSign Envelope ID: 120AE46D-737E-4DCC-BA82-C24E142B9B6F

HWL EBSWORTH
LAWYERS

Consent

To:	The Local Government, City of Sydney Council (**Council**), Transport for NSW (Roads and Maritime Services), Sydney Water, Endeavour Energy, Water NSW, Environmental Protection Agency, Fire and Rescue NSW and all other statutory and government authorities.	
Land Details:	*Address:*	Unit 3, 7 Annandale Street, Darling Point NSW 2027
	Lot / Plan:	Lot A in Deposited Plan 402500
	Folio Identifier:	A/402500C
		(**Land**)
From:	Neil Lional Gross **(Owner)**	
Grantee's Details:	**Annandale Street Development Pty. Limited ACN 674 774 335 as trustee for the Annandale Street Development Trust**	

The Owner has entered into a contract or other arrangement with the Grantee in relation to the possible sale of the Land.

The Owner consents to the Grantee and any nominee of the Grantee:

- inspecting and obtaining copies of all records held by any local or other government authority in connection with the Land;
- lodging any development application, variation of any development application, planning proposal or variation of any planning proposal with the Council and any other relevant authority, in respect of or relating to the Land;
- lodging any application to vary any approvals or consents, including any development consents, arising from such applications or proposals;
- lodging any other documents or submitting any other correspondence in relation to any application or approval or proposal referred to in the paragraphs above;
- dealing with Council and every other authority in relation to the Land, including inspecting their records and taking copies of records and documents in relation to the Land,
- meeting, discussing and corresponding with the local authority, any government departments and all statutory bodies in respect of the Land and any applications concerning the Land;
- filing, perusing and pursuing any application or appeal in the Planning and Environment Court and any of its appellate Courts, concerning the Land.

Dated this 15 February 2024 | 19:37 AEDT

Owner's Consent
Doc ID 1156120853/v1

DocuSign Envelope ID: 120AE46D-737E-4DCC-BA82-C24E142B9B6F

HWL EBSWORTH LAWYERS

Signed, sealed and delivered by **Neil Lionel Gross** in the presence of:

DocuSigned by:
[redacted]
6BF7DADCC1384D3...

Signature of witness

[redacted]

Full name of witness (print)

[redacted]

Address of witness (print)

DocuSigned by:
[redacted]
7E8E4025C8344AF...

Signature of [redacted]

15 February 2024 | 19:37 AEDT

Date

Owner's Consent

Doc ID 1156120853/v1

Owner's Consent

Use this form when lodging an application through the NSW Planning Portal.

Development details

Development address(s):	Unit 4, 7 Annandale Street, Darling Point NSW 2027

Landowner's details and consent

Note: Must be signed by the owner of the land. If more than one owner, every owner must sign. If the owner is a company or owner's association, must be signed by a director under common seal, or by provision of ABN/ACN together with your position in that Company.

As the registered owner(s) of the land to which this application relates, I/we consent to this application. I/we also give consent for authorised Council officers to enter the land to carry out inspections.

Owner's name:			
Signature:		**Date:**	
Owner's name:			
Signature:		**Date:**	
Company / Strata Corp:	Annandale Street Development PTY LTD		
Position:	Executive Director	**ABN/ACN:**	97 866 983 653

Affix Common Seal

Declaration

I, CHARLES MELLICK

apply for consent to carry out the development described in this application. I declare that all the information given is true and correct, and electronic plans and documents submitted on the relevant storage medium:

- ☐ If incomplete, the application may be delayed or rejected.
- ☐ More information may be requested within 21 days of lodgement.
- ☐ I license Council to make all documents lodged with this application of which I am the copyright owner publicly available on Council's website both during the assessment of this application and thereafter, and further license Council to reproduce all such documents for any purpose associated with the exercise of its functions under the Environmental Planning & Assessment Act 1979 in respect of this application, and for the purpose of complying with its obligations under the Government Information (Public Access) Act 2009.
- ☐ I warrant that to the extent that I do not own the copyright in any documents lodged with this application, the Council is licensed by the copyright owner to use the documents lodged with this application in accordance with the above paragraph.
- ☐ I indemnify the Council against all claims and actions in respect of a breach of copyright arising from any unauthorised use of any documents lodged with this application.

[redacted] 13/06/2024

Applicant's signature **Date**

Privacy and conditions of use

For more information about Privacy & Personal Information Policy: www.woollahra.nsw.gov.au/privacy.

SC1981 TRIM 21/117191
Page 1 of 1

Woollahra Municipal Council

gsa planning

AFFORDABLE RENTAL HOUSING REPORT

No. 7 Annandale Street, Darling Point

Prepared for:
Fortis
30-36 Bay Street
Double Bay NSW 2028

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
(A.B.N. 89 643 660 628)
95 Paddington Street, Paddington NSW 2021
p: 02 9362 3364
e: info@gsaplanning.com.au

JOB NO. 24087
June 2024

© GSA PLANNING 2024

PIA Planning Institute Australia

CPP CERTIFIED PRACTISING PLANNER

gsa planning

Acknowledgement of Country
We respect and honour Aboriginal and Torres Strait Islander Elders past, present and emerging. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples. We would like to recognise their ongoing connection to land, water and community.

This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

No reproduction of this document or any part thereof is permitted without prior written permission of GSA Planning.

Job No: 24087

Document Issue	Date	Details
A	25 June 2024	DA Lodgement

Report prepared by: **Elliott Doumanis**
Associate

Report reviewed by: [redacted]

George Karavanas
Managing Director

Date: 25 June 2024

For and on behalf of **GSA Planning**
95 Paddington Street
PADDINGTON NSW 2021

© GSA PLANNING 2024
This document is and shall remain the property of George Karavanas Planning Pty Ltd (trading as GSA Planning). The document may only be used for the purposes for which it was commissioned and in accordance with the Letter of Instruction. Unauthorised use of this document in any form whatsoever is prohibited.

CONTENTS

1.0 INTRODUCTION 1

2.0 RETENTION OF AFFORDABLE RENTAL HOUSING 2

2.1 DEFINITION OF A LOW-RENTAL DWELLING AND BUILDING 2
2.2 RETENTION OF EXISTING AFFORDABLE HOUSING 3
2.3 THE SUBJECT SITE 3

3.0 ASSESSMENT UNDER CLAUSE 47(2) 4

4.0 CONCLUSION 7

Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CMP	Construction Management Plan/Conservation Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2021
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GCC	Greater Cities Commission (formerly GSC : Greater Sydney Commission)
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OC	Occupation Certificate
OSD	On-Site Detention
PCA	Principal Certifying Authority
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services (see TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TfNSW	Transport for New South Wales
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
ZFDTG	Zero Fort Denison Tide Gauge (0.925 below AHD)

1.0 INTRODUCTION

This report has been prepared to consider the implications on available housing as a result of the proposed demolition of the existing residential flat building and construction of a new residential flat building at No. 7 Annandale Street, Darling Point. This report will accompany the Development Application (DA) lodged to Woollahra Council. Assessment is required under the new State Environmental Planning Policy (Housing) 2021 (Housing SEPP) which came into effect on 1 March 2022 and replaced the previous State Environmental Planning Policy (Affordable Rental Housing) 2009.

The site is occupied by a residential flat building constructed in the 1950-1960s which comprises a total of four units. With respect to the ownership conditions of the existing residential units, each unit is owned under a tenancy in common agreement. This agreement has been detailed further in a letter prepared by Fortis. This is considered to be relevant as only one of the four units (Unit 2) was rented during the relevant period under the Housing SEPP. The other three units (Unit 1, Unit 3, and Unit 4) have been owner-occupied for the past five years and therefore, are not considered to be a low-rental dwelling. Notwithstanding this, a full assessment of Unit 2 against the requirements under the Housing SEPP has been carried out.

Investigations have confirmed that Unit 2 is not considered to be a low-rental dwelling in accordance with the requirements of the Housing SEPP. This report includes an assessment against the Housing SEPP, and a conclusion.

2.0 RETENTION OF AFFORDABLE RENTAL HOUSING

2.1 Definition of a Low-Rental Dwelling and Building

Affordable housing is housing for very low income through to moderate income households. 'Low-rental residential dwelling' is defined in the Environmental Planning & Assessment Act 1979 and in the Housing SEPP as follows:

> ***low-rental dwelling*** *means a dwelling that was let at a rental level no greater than the median rental level, as specified in the Rent and Sales Report, during the relevant period in relation to a dwelling—*
> *(a) of the same type, and*
> *(b) with the same number of bedrooms, and*
> *(c) in the same local government area.*

Low-rental residential buildings are defined in the SEPP as follows:

> ***low-rental residential building*** *means a building used, during the relevant period, as a residential flat building containing a low-rental dwelling or as a boarding house, and includes a building that—*
>
> *(a) is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or*
> *(b) was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or*
> *(c) is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.*

Further, the relevant period is defined as, inter alia:

> ***relevant period*** *means the period commencing 5 years before the day on which the development application involving the building is lodged and ending on that day.*

The relevant period for this application commenced on 4 June 2019 and ended on the date of DA Lodgement.

2.2 Retention of Existing Affordable Housing

Part 3 'Retention of existing affordable housing' in the SEPP sets out the provisions where a proposed development may reduce the availability of affordable housing. Development Applications to demolish, alter or add, change the use of, or strata subdivide existing low-cost rental dwelling may require a contribution towards the provision of alternative affordable housing.

2.3 The Subject Site

The site is occupied by a residential flat building constructed in the 1950-1960s which comprises a total of four units. Unit 2 was rented above the median rental figures over the past five years with the exception of 2023 where it fell marginally below the median. The other three units (Unit 1, Unit 3, and Unit 4) have been owner-occupied for the past five years and therefore, are not considered to be a low-rental dwelling in accordance with the definition above.

The current and prior rental prices for the low-rental dwelling (Unit 2) and the median rentals of Woollahra Local Government Area (LGA) are in Table 1 below.

TABLE 1: AVERAGE WEEKLY RENT OF UNIT 2 COMPARED TO MEDIAN RENT FOR TWO BEDROOM UNITS IN WOOLLAHRA (JUNE 2019 – JUNE 2024)

Unit No.	No. of Beds	Rent 2024	Median Rent 2024	Rent 2023	Median Rent 2023	Rent 2022	Median Rent 2022	Rent 2021	Median Rent 2021	Rent 2020	Median Rent 2020	Rent 2019	Median Rent 2019
2	2	$1062	$950	$869	$888	$869	$763	$850	$693	$850	$680	$820	$723

As demonstrated in Table 1, Unit 2 has been rented above the median rental figures over the past five years, with the exception of 2023 where the rent fell marginally below the median which is considered to be an anomaly given the unit has been rented well above the rental median at all other times during the last five years.

Notes:

(1) Unit rental figures and ownership details have been provided by the Owner.
(2) Median rent for was obtains from the Rent and Sales Report prepared by NSW State Government - https://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard

3.0 ASSESSMENT UNDER CLAUSE 47(2)

One of the four units may be classified as a low-rental dwelling based on rental rates during the relevant period. Therefore, an assessment under Clause 47(2) of the Housing SEPP is triggered. An assessment is provided below.

(a) whether the development will reduce the amount of affordable housing in the area,

As identified in **Table 1**, Unit 2 is a two-bedroom unit that has been previously rented below the median rental amount for a two-bedroom unit in the Woollahra LGA in the past five years. It must be noted that this unit has been primarily rented out well above the median rental price in the past five years except for 2023 calendar year. In March 2024, rent was again increased above the median rental price. Unit 2, which was rented at a slightly lower rate than the median in 2023, would, under a strict interpretation of the definition of low-rental dwellings, indicate that the proposal would lead to the loss of one such dwelling.

(b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation,

Clause 45 defines 'comparable accommodation' as, inter alia:

> ***comparable accommodation*** *means accommodation comparable with accommodation provided within an existing low-rental residential building the subject of a development application to which this Part applies (Part 3 accommodation) because—*
> *(a) it is in the same or a neighbouring suburb, and*
> *(b) it is let at the same rental level as, or not more than 5% higher than the rental level of, the Part 3 accommodation, and*
> *(c) it is available for occupation on the day the development application is lodged, and*
> *(d) for residential flat buildings—it comprises dwellings with the same number of bedrooms as the dwellings in the Part 3 accommodation.*

Further, Clause 47 states, inter alia:

> *(3)* ***Sufficient comparable accommodation*** *is conclusively taken not to be available if, for the 3 months occurring immediately before the development application is lodged, the average vacancy rate in private rental accommodation for Sydney, as published monthly by the Real Estate Institute of New South Wales, is less than 3%.*

The DA is to be lodged in June 2024. Based on surveys undertaken by the Real Estate Institute of NSW, the average vacancy rate for inner ring of Sydney overall was between 2.0% and 1.7% from January to April 2024. The vacancy rate for Sydney overall was between 1.7% and 1.5% from January to April 2024 (see **Annexure 1**). Based on the data provided above, 'sufficient comparable accommodation' is not available in accordance with the above definition provided in the SEPP.

Notwithstanding the above, research has been conducted regarding the availability of similar properties in the vicinity of the subject site. In reviewing the current rental market, it is clear two-bedroom units are readily available in the proximity of the site. **Annexure 2** indicates comparable accommodation of six x two-bedroom dwellings within proximity of the subject site. The rental prices range between $750 and $950 a week which is below the median rental in accordance with the NSW State Government Rent and Sales Report. Given that the current rental price is above the median rental rate and there are suitable alternative accommodation options in proximity at more affordable prices, it is our opinion, that this articulates that there is sufficient comparable accommodation within proximity of the subject site.

(c) whether the development is likely to result in adverse social and economic effects on the general community,

The existing building has four, two-bedroom units and the proposal will reduce this to three x three-bedroom units. Whilst this is a reduction in the number of apartments the proposal does result in an increase in the number of residential bedrooms and gross floor area. The proposal responds to the market demands of the locality and would appeal to the families and downsizers. The proposal would significantly improve the residential accommodation offering at the subject site through the provision of a basement, lift access and private open space areas for each of the apartments. The amenity of neighbouring properties will be generally maintained particularly in respect of privacy, and solar access. Further, the street presentation would be improved as a result of this application. Therefore, the proposal facilitates a better planning outcome for the site and allows for improved orderly and economic use of the land.

The proposed residential flat building will have social and economic benefits by providing jobs during construction and the reduction of water and energy consumption which is demonstrated within the BASIX Certificate.

(d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation,

Only one of the units are classed as low-rental dwelling during the relevant period (as identified by the Housing SEPP).

Adequate arrangements have been made to assist residents that are likely to be displaced. Sufficient notice will be provided to the tenants to allow them to find comparable accommodation.

(e) the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area,

Based on the data provided Unit 2, was the only apartment that was rented below the median rental over the past five years (in face only once in 5 years – 2023) with other units being owner-occupied. It is likely that if the building were retained in its current state, and the DA was not pursued, the current rents would likely be similar to, or greater than the above-median rentals of previous years.

The proposed demolition of the existing building and construction of a new residential flat building is a consequence of the age of the existing building and the fact that maintenance and repair are becoming cost prohibitive. The rejuvenation of this building is unlikely to contribute to significant flow on effects that would result in the loss of affordable housing in Darling Point or the wider Woollahra LGA.

Accordingly, we consider that this proposal would not result in cumulative loss of low-rental housing in the Woollahra LGA. As identified earlier within this report, a number of two-bedroom units have been advertised for rent in the locality and surrounds.

(f) whether the building is structurally sound, including—
- **(i) the extent to which the building complies with relevant fire safety requirements, and**
- **(ii) the estimated cost of carrying out work necessary to ensure the building is structurally sound and complies with relevant fire safety requirements,**

The building was constructed in the late 1950s, early 1960s meaning that the building is approximately 60 to 70 years old. Maintenance and repair works, and minor alterations to the building have been

undertaken over the years to try and maintain the site's liveability and upgrade the buildings existing facilities, however, these costs are becoming cost prohibitive and have resulted in the owner's selling the site. As such, the owners have decided to sell the subject site as a development site. The redevelopment of the site will allow for the removal of the aged residential flat building and provide a contemporary residential flat building which will have positive impacts for the streetscape through additional off-street parking, and an attractive streetscape presentation. Further, the proposal would result in positive social implications, providing jobs during the construction period and also resulting an improved energy efficiency outcome.

(g) whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development,

As mentioned, Unit 2 has been primarily rented out well above the median rental price in the past five years except for 2023 calendar year. There are also a number of two bedroom units are available within the area at similar and lower rental prices as demonstrated within **Annexure 2** of this report. The proposed new residential flat building will provide higher quality dwellings with improved amenity that is generally compliant with the current built form envelope; and would result in improvements to accessibility, private open space areas, landscaping, sustainability, off-street car parking, and view from the streetscape.

The Housing SEPP contains a provision allowing a monetary contribution to potentially offset the loss of affordable housing. Pursuant to Clause 48 of the Housing SEPP and Clause 7.32 of the Environmental Planning and Assessment (EPA) Act 1979 and prior to a Construction Certificate being issued the applicant may be required to provide evidence to a Principal Certifying Authority and to Council that a monetary contribution towards the provision of affordable housing have been paid to the Chief Executive, Housing NSW, Department of Human Services.

Given that Unit 2 was only marginally below the rental median for one year out of the relevant period, the existing building is 60 to 70 years old, and there are a number of comparable low-rental dwelling for rent in close proximity to the subject site, in our opinion, a monetary contribution is not warranted in this instance.

(h) for a boarding house—the financial viability of the continued use of the boarding house.

The subject residential flat building is not a boarding house. This subclause is not applicable.

4.0 CONCLUSION

This Affordable Rental Housing Report has assessed the proposal against the relevant provisions of the Housing SEPP. The proposed residential flat building will technically result in a reduction in affordable rental housing.

The proposal would result in the demolition of an aged residential flat building and the construction of a new residential flat building which would significantly improve the amenity of future occupants, positively contribute to the streetscape, and improve off street parking by providing basement parking on-site. The modified building would be accessible with a lift to all floors, provide improved open space for each unit; include natural lighting and cross ventilation for more sustainable living.

Given the significant improvements to amenity for future residents, the proposed residential flat building is not to be utilised for affordable rental housing. Given that Unit 2 was only marginally below the rental median for one year out of the relevant period, the existing building is 60 to 70 years old, and there are a number of comparable low-rental dwelling for rent in close proximity to the subject site, in our opinion, a monetary contribution is not warranted in this instance.

The proposal is not considered to have a significant impact on the affordable rental housing in the Woollahra LGA.

gsa planning

ANNEXURE 1
Vacancy Rate Survey Results – From April 2023 to April 2024

Vacancy Rate Survey Results
May 2024

REINSW
for members since 1910

Residential vacancy rate

	May 2024	Apr 2024	Mar 2024	Feb 2024	Jan 2024	Dec 2023	Nov 2023	Oct 2023	Sep 2023	Aug 2023	Jul 2023	Jun 2023	May 2023
SYDNEY													
Inner	1.6%	1.7%	1.6%	1.3%	2.0%	1.8%	1.2%	1.6%	1.7%	2.1%	1.9%	2.1%	2.1%
Middle	1.2%	1.5%	1.3%	1.3%	1.4%	1.5%	1.0%	1.4%	1.2%	1.5%	1.5%	1.5%	0.7%
Outer	1.5%	1.3%	1.2%	1.2%	1.7%	1.2%	1.4%	1.6%	1.3%	1.7%	1.4%	1.5%	1.2%
Sydney Total	**1.5%**	**1.5%**	**1.4%**	**1.3%**	**1.7%**	**1.5%**	**1.2%**	**1.5%**	**1.4%**	**1.8%**	**1.6%**	**1.7%**	**1.4%**
HUNTER													
Newcastle	1.7%	1.6%	1.3%	1.2%	1.7%	1.9%	3.1%	2.0%	1.8%	1.6%	1.5%	2.2%	2.2%
Other	1.4%	1.4%	1.1%	1.4%	1.2%	1.9%	0.9%	1.3%	1.9%	2.2%	1.9%	1.5%	2.0%
Hunter Total	**1.4%**	**1.5%**	**1.2%**	**1.3%**	**1.3%**	**1.9%**	**1.5%**	**1.5%**	**1.9%**	**2.1%**	**1.8%**	**1.7%**	**2.0%**
ILLAWARRA													
Wollongong	1.4%	1.8%	2.3%	2.3%	2.8%	1.6%	3.0%	2.0%	1.4%	1.8%	1.5%	1.1%	1.7%
Other	1.2%	1.8%	1.6%	1.5%	2.0%	0.9%	1.8%	2.2%	2.1%	2.8%	1.5%	1.5%	1.9%
Illawarra Total	**1.3%**	**1.8%**	**2.0%**	**1.9%**	**2.4%**	**1.3%**	**2.4%**	**2.1%**	**1.8%**	**2.3%**	**1.5%**	**1.3%**	**1.8%**

REI Forms Live (REINSW Members only)

REI Forms LIVE

Over 13 million agreements and forms have been completed on this platform. Whether it's agency agreements, tenancy agreements, condition reports or standard letters, this cloud-based system is your best friend. It links to all major platforms including REST, Property Tree, Agentbox, Console, MyDesktop plus 10 other systems.

Find out more at www.reiformslive.com.au or call REINSW on (02) 9264 2343.

Helpline (REINSW Members only)

The highly-skilled REINSW Helpline team has decades of practical experience in the real estate industry.

Get practical advice on a wide range of real estate matters including tenancy issues, sales matters, agency agreements, tribunal hearings, strata questions, the impact of legislation changes and much more. No question is too big or too small, and there's no limit to the number of times you can get in touch!

Call 02 9264 2343 or email helpline@reinsw.com.au.

Vacancy Rate Survey Results
May 2024

REINSW
for members since 1910

Residential vacancy rate

	May 2024	Apr 2024	Mar 2024	Feb 2024	Jan 2024	Dec 2023	Nov 2023	Oct 2023	Sep 2023	Aug 2023	Jul 2023	Jun 2023	May 2023
Albury	1.5%	1.5%	1.0%	1.7%	1.4%	1.6%	1.6%	1.1%	1.2%	1.8%	1.5%	1.4%	1.5%
Central Coast	1.6%	1.3%	1.2%	1.1%	1.6%	1.6%	1.9%	2.2%	2.2%	2.5%	1.8%	2.3%	1.7%
Central West	2.0%	1.8%	1.7%	1.6%	1.1%	1.2%	1.3%	1.5%	1.3%	1.5%	1.2%	1.3%	1.3%
Coffs Harbour	1.3%	1.7%	1.5%	1.7%	1.9%	1.8%	1.8%	2.2%	2.1%	2.2%	2.2%	2.4%	2.6%
Far West	-	-	-	-	2.9%	1.8%	2.1%	1.3%	2.3%	2.1%	-	3.1%	-
Mid-North Coast	0.9%	1.2%	1.3%	2.1%	2.4%	2.0%	1.2%	1.1%	1.2%	1.9%	1.8%	2.1%	1.1%
Murrumbidgee	1.3%	0.8%	2.0%	1.6%	1.8%	1.1%	1.4%	2.1%	1.4%	1.9%	1.8%	1.5%	1.6%
New England	1.4%	1.6%	1.5%	1.4%	2.0%	2.1%	1.8%	1.8%	1.9%	1.5%	2.1%	2.0%	2.2%
Northern Rivers	2.6%	2.0%	1.0%	0.7%	1.9%	1.0%	0.5%	1.3%	1.4%	2.7%	1.4%	3.3%	1.4%
Orana	2.4%	2.2%	3.1%	2.4%	3.6%	2.5%	3.1%	3.4%	2.7%	3.0%	3.5%	3.6%	1.5%
Riverina	0.7%	0.8%	0.7%	0.9%	1.1%	0.4%	0.5%	0.7%	1.0%	0.7%	1.0%	1.3%	1.1%
South Coast	3.0%	3.0%	2.3%	3.4%	2.3%	3.2%	2.1%	2.9%	4.6%	3.4%	2.7%	2.4%	2.2%
South Eastern*	3.8%	4.4%	1.1%	3.3%	1.7%	4.3%	3.4%	2.0%	1.8%	2.3%	1.5%	2.6%	1.5%

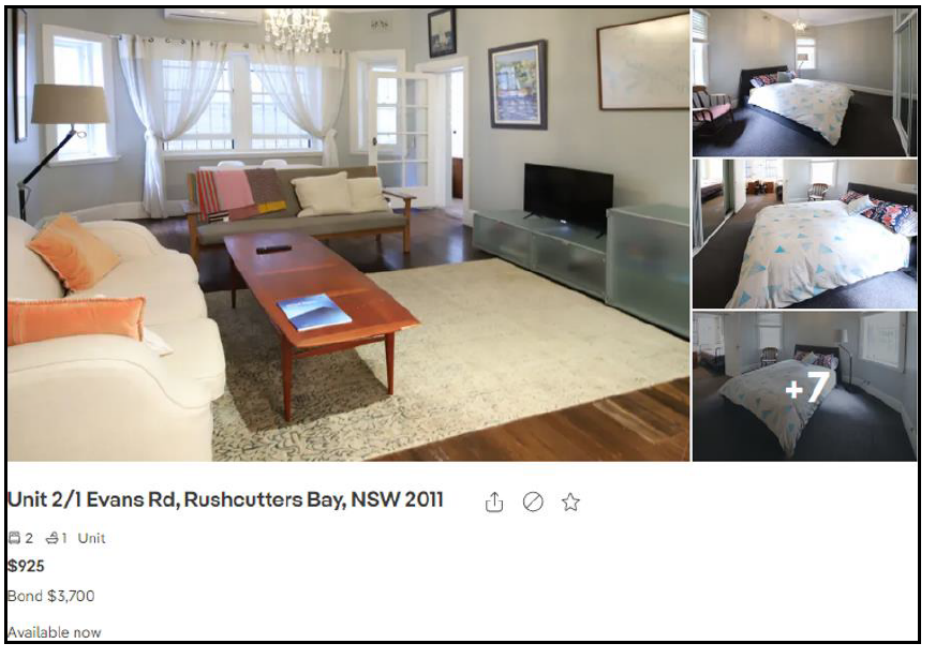
NOTES
Suburbs included in 'inner', 'middle' and 'outer' Sydney are those falling within the Sydney Statistical Division as per the Australian Standard Geographic Classification of the Australian Bureau of Statistics (ABS).
'Inner' includes suburbs in the following LGAs: Ashfield, Botany Bay, Lane Cove, Leichhardt, Marrickville, Mosman, North Sydney, Randwick, Sydney, Waverley and Woollahra.
'Middle' includes suburbs in the following LGAs: Auburn, Bankstown, Burwood, Canterbury, Canada Bay, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Manly, Parramatta, Rockdale, Ryde, Strathfield and Willoughby.
'Outer' includes suburbs in the following LGAs: Baulkham Hills, Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Liverpool, Penrith, Pittwater, Sutherland, Warringah, Wollondilly and Wyong.
- Insufficient number of responses.
* Fluctuations due to seasonal variations.
To minimize the impact of sample fluctuations, weighting based on ABS Census 2021 Dwelling Characteristics has been applied from January 2023.

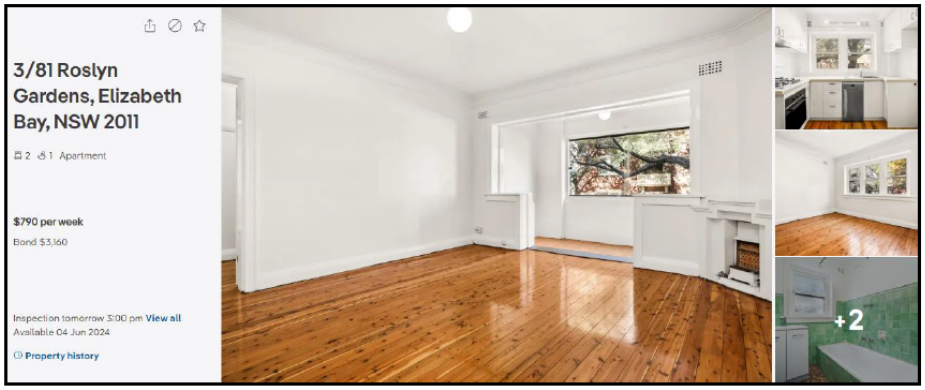
SOURCE
Statistics relate to data from a survey of REINSW members. The May 2024 results are based on survey responses covering 155,098 residential rental properties. The vacancy rate is the proportion of unlet dwellings to the total rent roll.

Survey conducted on behalf of REINSW by:

survey matters.

ANNEXURE 2
Examples of two-bedroom units advertised to rent within proximity of the site as of June 2024


+7
Unit 2/1 Evans Rd, Rushcutters Bay, NSW 2011
2 1 Unit
$925
Bond $3,700
Available now


3/81 Roslyn Gardens, Elizabeth Bay, NSW 2011
2 1 Apartment
$790 per week
Bond $3,160
Inspection tomorrow 3:00 pm View all
Available 04 Jun 2024
Property history
+2

10/456 Edgecliff Road, Edgecliff, NSW 2027
2 1 Apartment
$850 per week
Available now
Historical images & floorplans
+4

SECTION 8.2 REVIEW OF DETERMINATION

LOCAL PLANNING PANEL
SECTION 4.55 APPLICATION ASSESSMENT REPORT

ITEM No.	D4
FILE No.	DA378/2016/2
ADDRESS	377-383 New South Head Road DOUBLE BAY
COUNCIL WARD	Cooper
SITE AREA	582m^2
ZONING	E1 Local Centre
PROPOSAL	Division 8.2 Review of Refused s4.55(2) for modification to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri)
EXISTING CONSENT	Change of use of tenancies 1-3 and fitout for the use as a gym with hours of 6am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun). The gym will cater for a maximum of 15 clients at one time.
DATE OF CONSENT	28 October 2016
TYPE OF CONSENT	Local development
COST OF WORKS	$0.00
DATE S4.55 LODGED	16/04/2024
DATE S4.55 DETERMINED	01/07/2024
DATE S8.2 LODGED	01/10/2024
APPLICANT	The Trustee for the Llieff family Trust
OWNER	Wisdom AWCS International Pty Ltd
REVIEW OFFICER	C Hartas
TEAM LEADER	T Wong
SUBMISSIONS	10
RECOMMENDATION	Refusal

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

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

- Contentious development

  Development that:

  (a) is the subject of 10 or more unique submissions by way of objection

2. REASONS FOR RECOMMENDATION

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

- It is considered to be unsatisfactory with planning provisions contained in the Woollahra Local Environmental Plan 2014 (**WLEP 2014**) and the Woollahra Development Control Plan 2015 (**WDCP 2015**);
- It will have adverse effects on the amenity of adjoining properties and/or local built and natural environment such that refusal is justified;
- The site is not suitable for the proposed development; and
- The proposal is not in the public interest.

3. DELEGATIONS SUMMARY

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

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

In addition, the Subject Application is to be determined by the LPP because DA378/2016/2 (**the Original Application**) was determined under delegated authority and Council's delegations dated 1 December 2023 require the Subject Application to be determined at a higher delegation.

4. DETERMINATION OF ORIGINAL S4.55(2) MODIFICATION APPLICATION

The development application was refused under delegated authority for the following reason(s):

1. ***Acoustic Privacy***

   - *The proposed modification will result in unacceptable acoustic privacy impacts upon surrounding residents;*
   - *The trading hours commencing at 5.30am are not supported given that residential receivers are located in close proximity to the gym;*
   - *Trading hours commencing prior to 6.00am will result in a further erosion of the 'night-time period (10pm to 7am) which would result in additional acoustic disturbance to surrounding residents;*

   For the reasons stated above, the proposed modifications fail to satisfy the following provisions:

   Woollahra LEP 2014
   - *Part 1 – Clause 1.2, Subclause (2)(g);*
   - *Zone E1 Local Centre – subclause 1 (Objectives of the zone); "To provide for development of a type that is compatible with the amenity of the surrounding residential area".*

   Woollahra DCP 2015
   - *Part D5.1.3 – Introduction: Objectives O4 and O9;*
   - *Part D5.6.2 – Use: Objectives O8 and O9;*
   - *Part D5.6.5 – Amenity (Acoustic privacy): Objectives O1, O2 and O3).*

2. ***Insufficient Information***

The submitted Noise Impact Assessment prepared by Pulse White Noise Acoustics (Ref. 240079-2-377 NSHR, Double Bay -Extended Hours Acoustic Assessment- R0 and dated 23/02/2024) is unsatisfactory for the following reasons:

- *Their acoustic impact assessment did not disclose the duration of testing and no logging data was provided.*
- *No noise modelling was provided to justify appropriateness of proposed strategies and noise mitigation measures.*

5. SUBJECT OF REVIEW

The Applicant has sought a review of Council's refusal of the Original Application. The Subject Application involves no changes to the original scheme and this report reviews all aspects of the determination.

6. DESCRIPTION OF DIVISION 8.2 REVIEW APPLICATION

This s4.55 modification application seeks to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

7. COUNCIL'S STATUTORY RESPONSIBILITIES UNDER DIVISION 8.2

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

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

Clause 8.7 states that:

(1) An applicant for development consent who is dissatisfied with the determination of the application by the consent authority may appeal to the Court against the determination.

(2) For the purposes of this section, the determination of an application by a consent authority includes:

(a) any decision subsequently made by the consent authority or other person about an aspect of the development that under the conditions of development consent was required to be carried out to the satisfaction of the consent authority or other person, or any decision subsequently made by the consent authority as to a matter of which the consent authority must be satisfied before a deferred commencement consent can operate.

(3) An appeal under this section relating to an application for development consent to carry out designated development in respect of which an objector may appeal under this Division cannot be heard until after the expiration of the period within which the objector may appeal to the Court.

Clause 8.10(1)(a) states that:

(1). An appeal under this Division (except by an objector) may be made only within the following periods after the relevant date (being the date the decision appealed against is notified or registered on the NSW planning portal or the date of deemed refusal under section 8.11)—

(a). 6 months after the relevant date, if the relevant date occurs after the prescribed period,

The Original Application was refused under delegated authority on 1 July 2024. In accordance with Clause 8.10 above, the rights of appeal for the Original Application cease on 1 January 2025 (**Relevant Date**).

Council is **not** aware of any Application Class 1 Appeal with the Land and Environment Court against the refusal of the Original Application. In accordance with Clause 8.3(2)(a), Council is unable to determine the Subject Application after the Relevant Date.

8. SUBSTANTIALLY THE SAME DEVELOPMENT

No changes has been proposed as part of the Subject Application and it is substantially the same development.

CONSIDERATION OF REVIEW

9. LOCALITY PLAN

Note: 2 submissions without address provided

10. APPROVED DEVELOPMENT

DA 378/2016/1 was approved on 28 October 2016 for the change of use of tenancies 1-3 and fitout for the use as a gym with hours of 6am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun) (**Existing Consent**). The gym will cater for a maximum of 15 clients at one time.

The following relevant Conditions of Consent were imposed which read as follows:

C.1 Sound Attenuation of the Training Gym

The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the Regulation must detail the ***sound attenuation works*** *required to the* ***Training Gym*** *to ensure that the noise level generated by the operation of the gym is* ***as stated within the Rodney Stevens Acoustic Report No R160528RJ.***

I.1 Trading hours

Trading hours are limited to:
a) Monday to Friday: ***6am to 8pm***
b) Saturday: ***6am to 6pm***
c) Sunday and Public Holiday: ***6am to 6pm***
This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

I.2 Acoustic Measures

The following measures are to be implemented at all times during the operation of the gym:
- *All gym activities are to be undertaken within the area designated by this proposal;*
- *No gym activity whatsoever is to be undertaken on Kiaora Lane or New South Head Road Double Bay or any other public area in the immediate vicinity;*
- *The rear entry/exit doors that lead onto Kiaora Lane are to remain closed/locked until 8.00am daily (to ensure acoustic protection of residential neighbours residing at 11 Patterson Street Double Bay).*

I.4 Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with, "Rodney Stevens Acoustic Report" (No Rl 60528Rl REVO dated 14 September 2016).

*The recommendations stated under Section 6 of the Rodney Stevens Acoustic Report mu****st be*** *adhered to at all times:*
- *A specific area for weight drop activity must be selected, this area must be covered with a 25mm thick Aspire tiles or a layer of20mm high density*
- *Ethylene Vinyl Acetate (EV A) foam on top of the 1 Smm Achieve tiles;*
- *All sessions must be designed and run in such a way that weights are handled carefully and are placed in the dedicated areas;*
- *Trainers must ensure that all patrons handle weights with care to avoid*
- *unnecessary dropping of weights;*
- *Any weight racks or machines must be placed on top of the rubber mats and care must be taken so no contact with the walls is made;*
- *No music to be played through a PA system.*

I.5 Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.
*This condition has been imposed to protect the amenity of the neighbourhood.****"***

11. PROPOSAL

The Applicant seeks Council to review its determination of a refusal to the s4.55 modification application which sought to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

While no changes have been made from the refused modification application, the Applicant has provided amended Acoustic Report (**Attachment 2**) and amended Statement of Environmental Effects in support of the current s8.2 review application.

12. ISSUES

12.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

12.2 Primary Issues

Issue	Conclusion	Section
Acoustic Impact	**Unsatisfactory.** The Proposal would result in unsatisfactory acoustic amenity impacts to surrounding residential properties.	19.5

PROPERTY DETAILS AND REFERRALS

13. SITE AND LOCALITY

Physical features
The Site is described as Lot 1 DP 555654 and is located on the southern side of New South Head Road. The Site is generally rectangular, measuring approximately 582m^2 in extent.
Topography
The Site is generally flat, with a slight cross fall from west to east.
Existing buildings and structures
The Site is occupied by a five storey mixed use building comprising a ground floor commercial and upper floor office spaces. The Subject Application refers to the ground floor commercial tenancy, currently occupied by BeFit Gym.
Surrounding Environment
The Site is located within the Kiaora Lane character area of the Double Bay Local Centre. WDCP 2015 describes the existing character of the locality in the following terms: *The character of Kiaora Lane is compromised by its current "back of house" status, with loading vehicles, exposed on-site loading bays and rubbish bins. Recent lane widening creates a framework within which to improve the general character and particularly pedestrian amenity. A setback zone to its north side has been partially built.* *Kiaora Lands occupies the southern side of the laneway. It comprises a three storey retail development with public space opposite the Double Bay Library and public car park. An arcade provides access from Kiaora Lands to New South Head Road near Knox Street.* The Site is zoned E1 Local Centre and is in proximity to the R3 Medium Density Residential Zone to the south and south-west. No 11 Patterson Street and No 4 Manning Road adjoining Kiaora Lane to the south. The property at 11 Patterson Street comprises upper level residential dwellings fronting Kiaroa Lane.

14. RELEVANT PROPERTY HISTORY

Current use
Mixed Use
Relevant Application History
Refer to Section 10 of this report relevant to the Site. **The following relevant Application History of similar Land Uses within the Double Bay Centre is provided below:** **373-375 New South Head Road Double Bay – Currently Edge Fit (adjoining subject site)** DA 311/2008/1 - Change of use to fitness studio (Approved 30/09/2008) Hours of Operation a) Monday to Friday 6.00am to 7.00pm b) Thursdays 6.00am to 8.00pm c) Saturday 7.00am to Midday **2-22 Knox Street, Double Bay** DA 22/2016/1 – Change of use from hairdressing salon to fitness training studio with hours of 6:00am-8:30pm (Mon-Fri) and 7:00am-5pm (Sat-Sun & Public Holidays) (Approved on 01/04/2016) **18 Bay Street, Double Bay** DA 286/2016/2 – Change of trading hours of training studio from 6am – 8.30pm to 5.15am – 8.30pm Mon-Fri and increase in class numbers from 27 to 36 patrons per class. (**Refused** on 02/02/2017)
Relevant Compliance History
• Council's Environmental Health Officer has reviewed the history of the Site and provides the following commentary. "*In 2022 and 2023, Council has been in receipt of multiple noise complaints from 2 nearby residents, pertaining to gym operations within the early morning period (corresponding to approved 6am trading commencement). Following investigations by Council Officers, breaches in trading hours and offensive noises to nearby residences were noted."*

• **On 18 November 2024**, a Compliance Letter was sent to the Applicant with regard to "Alleged Breach of Development Consent No. 378 of 2016". Council was specifically advised of non-compliances with premature trading commencement, gym activity occurring within Kioara Lane.
Pre-DA
Nil
Requests for Additional Information and Replacement Applications
Nil
Land and Environment Court Appeal(s)
Nil

15. REFERRALS

Referral	Summary of Referral Response	Attachment
Environmental Health	**Unsatisfactory.** Environmental Health refers to the review of the updated **Review of Acoustic Report, 2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R1, prepared by Pulse White Noise Acoustics, dated 15/07/2024**. The Environmental Health Unit is not satisfied with the provided acoustic report.	1

ASSESSMENT UNDER SECTION 4.55

The application is assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979.

16. SECTION 4.55(2): OTHER MODIFICATIONS

Section 4.55(2) relates to the modification of a development consent for all other modifications. The application involves the modification to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

The considerations in Section 4.55(2) require Council to consider the following:

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

b) *It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent* **– Yes**

c) *It has notified the application in accordance with:*
   i) *The regulations, if the regulations so require, or*
   ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent* **– Yes**

d) *It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be* **- Yes**

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

17. ADVERTISING AND NOTIFICATION

17.1 Submissions

The review application was advertised and notified from **23 October 2024** to **7 November 2024** in accordance with Chapter 6 of the Woollahra Community Participation Plan. Submissions were received from:

1. Josh Robertson – Owner of 12, 9 and 5 Patterson Street, Double Bay.
2. Miriam Greenfield – 11/11 Patterson Street, Double Bay.
3. Tansyn Press – 5/11 Patterson Street, Double Bay.
4. Matthew Johnston – 5/11 Patterson Street, Double Bay.
5. Yvonne Strasser – 7/11 Patterson Street, Double Bay.
6. Dr Marc Newson – No address specified (Manning Road resident).
7. Cary Fraser – No address specified.
8. Caroline Rhodes – 12/11 Patterson Street, Double Bay.
9. Sally Rubenstein – No address specified.
10. Geoff Golovsky – Vet HQ, 389 New South Head Road, Double Bay.

17.2 Summary of Submissions

Issue	Conclusion	Section
Acoustic Impact	**Unsatisfactory.** The proposal would result in unreasonable acoustic impact to surrounding properties.	19.5
Traffic & Parking	**Acknowledged.** Vehicle parking does not form part of the Subject Application. Notwithstanding this, the Subject Application is recommended for refusal.	N/A

17.3 Statutory Declaration

The applicant has **not** completed the statutory declaration declaring that the site notice for DA378/2016/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan.

18. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

18.1 Part 1.2: Aims of Plan

For reasons discussed throughout this report, the proposed modifications are unsatisfactory in terms of the aim (2)(g) in Part 1.2(2) of the Woollahra LEP 2014 as it fails "*to protect amenity and the natural environment".*

The determination of Council's Assessment Officer under the Original Application is supported.

As such, the aforementioned is listed as a **reason for refusal**.

18.2 Land Use Table

E1 Local Centre zone

The approved use is permissible within the E1 Local Centre zone, however, the proposed modification for an extension of trading house does not achieve the objective "*to provide for development of a type that is compatible with the amenity of the surrounding residential area*" of the E1 Local Centre zone, for the reasons discussed throughout the report below.

The determination of Council's Assessment Officer under the Original Application is supported.

As such, the aforementioned is listed as a **reason for refusal.**

19. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

The proposed modification is limited to the extension of hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

The approved hours of operation are outlined in Section 2.3 of this report.

Where relevant, the proposal has been assessed below under the relevant heads of consideration.

19.1 Chapter D5: Double Bay Centre

19.2 Part D5.1.3 – Objectives

The proposed modifications fail to achieve the following Objectives in Part B5.1.3 of the Woollahra DCP 2015, for the reasons discussed in Section 19.5 below.

O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.

O9 To encourage view sharing and individual privacy.

The determination of Council's Assessment Officer under the Original Application is supported.

As such, the aforementioned are listed as **reasons for refusal.**

19.3 Part D5.6.2: Use

The proposed modifications seek the extension of trading hours from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

The proposed modifications fail to satisfy the relevant Objectives of this Part which state:

O8 Encourage activities which do not have unacceptable noise or other environmental impacts.

O9 Ensure that buildings are designed and constructed to minimise noise and other impacts on building occupants and adjoining properties.

The proposed modification will result in additional unacceptable noise impacts, specifically on the surrounding residents. An assessment of the acoustic impacts of the proposed modification is provided in Section 19.5 below.

19.4 Part D5.6.5: Amenity

19.5 Part 5.6.5.2: Acoustic Privacy

Development to the rear, and opposite the commercial tenancy on the subject site comprises shop top housing with residential uses located above the commercial tenancies. The proposed modifications involve increasing the approved trading hours resulting in additional acoustic impacts associated with the gym.

The relevant objectives of this Part are stated below:

O1 Ensure adequate acoustic privacy to residential apartments and private open spaces in the centre.

O2 Protect the acoustic privacy of residential neighbours adjacent to the centre.

O3 Ensure the viability of housing, and greatly increase the amenity of dwellings, by minimising the impact of external noise sources.

Fig. *Oblique Aerial View of Subject Site (Source: Nearmap)*

Fig. *Rear of Subject Site viewed from Kiaora Lane (Source: WMC)*

Fig. *Rear of Objector Property viewed from Kiaora Lane (Source: WMC)*

The proposed modification fails to satisfy the relevant objectives for the following reasons:

- The trading hours commencing at 5.30am are not supported given that the gym is located in close proximity to residential receivers located opposite the subject site.
- The proposed trading hours commencing prior to 6.00am will result in further encroachment upon the 'night time' period (10pm to 7am), and therefore would result in additional acoustic disturbance to adjoining residents.
- The provided Acoustic Report submitted by the Applicant has been reviewed by Council's Environmental Health Officer (EHO) who concluded that the degree of testing conducted as part of the noise impact assessment is unsatisfactory for the following reasons:

  i. The Environmental Health Unit advices that as per condition I.2 of DA378/2016, it is already required that the rear door be closed until 8am daily. Moreover, recommendation c which refers to the playing of music internally within the gym is to be set with a noise levels of no greater than 75 dB(A) SPL @ 3m from any speaker, appears to be in contravention to condition I.4 of DA378/2016. Condition I.4 does not permit music to be played through a PA system.

  ii. In addition to these flagged matters, Environmental Health Unit is not satisfied with the assessment component of this report. There is a lack of justification as to how the proposed recommendations will achieve compliance as per the selected criteria. It is expected that some sort of noise modelling or even comparison of current and proposed operations be undertaken. Subject to these findings, appropriate recommendations can be provided and deemed justified. Currently, the report provides recommendations with no evidentiary context.

  iii.

iv. As an aside, the unattended noise monitoring location was not on site and "deemed suitable for the assessment of traffic noise impacts from surrounding roadways". Despite this, no further assessment or references are provided in the report. Attended noise monitoring was conducted at a different location, in closer proximity to the subject site. For both noise monitoring instances, particularly the attended monitoring, no details were provided as to the sites current acoustic environment (e.g. traffic noise impacts).

Given the commentary provided by Council's EHO, the submitted acoustic impact report lacks sufficient justification to be considered acceptable and warrant the proposed modification to the approved hours of operation.

- It is noted, there is evidence that suggests that the current operation of the gym has contravened the hours of operation as conditioned in the original consent and in terms of its operational limits. In particular, '*trading from 5am'.*
- With respect to the above, Council's Environmental Health Officer has recently provided the Applicant with a Compliance Letter requiring "the business to contact Council in writing to advise on a schedule of works, which will ensure compliance with the aforementioned breaches to DA2016/378".
- As discussed in Part 14 of this report, the adjoining property at No. 373-375 New South Head Road (Edge Fit Gym) have an approved commencement of trading hours from 6am which is consistent with other approved premises in the Double Bay Centre.
- The submitted '*Statement of Environmental Effects (SEE) prepared by GSA Planning'* mentions that No. 373-375 New South Head Road appears to benefit from 24-hours access. A search of Council's records provides no evidence of the 24-hours trading hours being approved.
- The proposed modifications are inconsistent with the trading hours of similar land uses within the Double Bay Centre.
- The submitted SEE provides a 'Planning Response to Council's Determination' outlining that the "gym will operate in accordance with the recommendations of the Noise Impact Assessment". Given the history of non-compliance with the terms of the Existing Consent, this justification is not supported.

For reasons discussed above, it is considered that the proposed modifications to increase the trading hours to 5:30am-8.00pm (Mon-Fri), by opening half an hour earlier, is considered unreasonable and would result in unacceptable additional acoustic privacy impacts upon surrounding residents. Furthermore, the imposition of a trial period is also considered inappropriate.

The proposed modifications do not satisfy the relevant Objectives of Part 5.6.5.2: Acoustic Privacy of the Woollahra DCP and therefore is listed as **a reason for refusal.**

20. THE LIKELY IMPACTS OF THE PROPOSAL

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

21. THE SUITABILITY OF THE SITE

The site is unsuitable for the proposed development for the following reasons:

22. THE PUBLIC INTEREST

For reasons discussed throughout this report, the proposed modifications are not considered to be in the public interest.

23. CONCLUSION

The proposed modifications are unacceptable against the relevant considerations under Section 4.15

24. DISCLOSURE STATEMENTS

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

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, refuse development consent to Development Application No. 378/2016/1 for modification to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri) on land at 377-383 New South Head Road Double Bay, for the following reasons:

1. Acoustic Privacy

- The proposed modification will result in unacceptable acoustic privacy impacts upon surrounding residents;
- The trading hours commencing at 5.30am are not supported given that residential receivers are located in close proximity to the gym;
- Trading hours commencing prior to 6.00am will result in a further erosion of the 'night-time period (10pm to 7am) which would result in additional acoustic disturbance to surrounding residents;

For the reasons stated above, the proposed modifications fail to satisfy the following provisions:

Woollahra LEP 2014

- Part 1 – Clause 1.2, Subclause (2)(g);
- Zone E1 Local Centre – subclause 1 (Objectives of the zone); "*To provide for development of a type that is compatible with the amenity of the surrounding residential area".*

Woollahra DCP 2015

- Part D5.1.3 – Introduction: Objectives O4 and O9;
- Part D5.6.2 – Use: Objectives O8 and O9;
- Part D5.6.5 – Amenity (Acoustic privacy): Objectives O1, O2 and O3).

Attachments

1. Referral Response - Health ⇩
2. Acoustic Report ⇩
3. Original Assessment Report ⇩

Woollahra Municipal Council

November 2024

REFERRAL RESPONSE – ENVIRONMENTAL HEALTH

FILE NO:	**Development Applications:** 378/2016/1
ADDRESS:	377-383 New South Head Road DOUBLE BAY 2028
PROPOSAL:	Change of use of tenancies 1-3 and fitout for the use as a gym with hours of 5am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun). The gym will cater for a maximum of 15 clients at one time
FROM:	Reviewed by K Pakhomova
TO:	Mr C Hartas

1. ISSUES

- *Acoustics*

2. DOCUMENTION

I refer to the following documents received for this report:

- Statement of Environment Effects, 24011, prepared by gsa planning, dated 27/09/2024.
- Acoustic Report, 2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R1, prepared by Pulse White Noise Acoustics, dated 15/07/2024.
- Environmental Health referral, prepared by Jasmine Sutrina, dated 30/05/2024

3. RESEARCH

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

- A site inspection was carried out on the following date:

4. SUMMARY OF PROPOSAL

Modification to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri)

Woollahra Municipal Council

5. ASSESSMENT

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

a) Acoustics

Environmental Health – Review of Acoustic Report, 2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R1, prepared by Pulse White Noise Acoustics, dated 15/07/2024.

Environmental Health Unit refers to the revised Acoustic report, prepared by PWNA dated 15/07/24. The assessment was prepared as means of assessing noise impacts from the proposed trading extension of 6am to 5:30am.

As part of the noise assessment, attended noise monitoring was conducted at Kiaora lane, directly at the rear of the subject site and in front of the identified residential receivers. Testing was conducted on Friday 16th February from 5:30am to 6am. In addition to this, testing of existing operations of the gym were recorded from 7am to 8am. Results of these measurements are presented in Table 1 of the report.
Unattended noise monitoring was further conducted between Wednesday 19th June 2024 and Tuesday 25th June 2024. Unattended monitoring was positioned at the rear of 397-399 New South Head Road by Kiaora lane, which is stated as being *"suitable for the assessment of traffic noise impacts from surrounding roadways".* Monitoring results were processed in accordance with the EPA Noise Policy for Industry (NPI) 2017 and are presented in Table 2 of the report.

Section 4 of the report details the selected noise criteria for generated noise emissions. Following brief review of Woollahra LEP and DCP, the EPA NPI 2017 was selected as for the assessment of noise emissions. In particular, the NPI 2017 intrusive and amenity noise criterias for residential and commercial locations were produced, as based on the noise level survey undertaken at the site. The resulting criteria presented in table 3 of the report, has been nominated as means of determining the operational noise limits for the sites operation that may potentially impact noise receivers and operational noise levels from the future tenancies. In addition to this, a noise criteria for mechanical plants have been prepared as based on Woollahra DCP 2015 noise emission controls (see table 4) however it is noted that as part of this proposal, there are no proposed changes to the mechanical services.

Section 5 of the report refers to the assessment of noise generation from BeFit gym with the proposed additional operational period of 5:30 to 6am. Recommended mitigations have been prepared as based on the measured noise levels at the site (refer to Section 3 of the report), to ensure compliance with noise level criteria.

The report determines that the commercial tenancies will not result in any new potential noise impact as the surrounding commercial tenancies would not generally be in use. Accordingly, the report concludes that there will be no negative noise impact upon commercial receivers.
With respect to residential receivers, the report concludes that provided there provided recommendations are adopted, compliance with the established noise level criteria can be achieved. These recommendations are as follows:

a. The external doors to the gym or the doors to the southern end of the 'walk through' of the building are to be closed during the proposed additional period of operation.
b. No playing of music or the like externally to the building.

Woollahra Municipal Council

c. Playing of music internally within the gym is to be set with a noise levels of no greater than 75 dB(A) SPL @ 3m from any speaker.

Report concludes that, “providing the recommended acoustic mitigations and management controls details in the points above are included in the operation of the gym between 5.10am and 6am, compliance with the relevant noise emission requirements will be achieved.”

Environmental Health – Conclusion

Environmental Health refers to the review of the updated **Review of Acoustic Report, 2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R1, prepared by Pulse White Noise Acoustics, dated 15/07/2024.** The Environmental Health Unit is not satisfied with the provided acoustic report.

The Environmental Health Unit advices that as per condition I.2 of DA378/2016, it is already required that the rear door be closed until 8am daily.
Moreover, recommendation c which refers to the playing of music internally within the gym is to be set with a noise levels of no greater than 75 dB(A) SPL @ 3m from any speaker, appears to be in contravention to condition I.4 of DA378/2016. Condition I.4 does not permit music to be played through a PA system.

In addition to these flagged matters, Environmental Health Unit is not satisfied with the assessment component of this report. There is a lack of justification as to how the proposed recommendations will achieve compliance as per the selected criteria. It is expected that some sort of noise modelling or even comparison of current and proposed operations be undertaken. Subject to these findings, appropriate recommendations can be provided and deemed justified. Currently, the report provides recommendations with no evidentiary context.

As an aside, the unattended noise monitoring location was not on site and “deemed suitable for the assessment of traffic noise impacts from surrounding roadways”. Despite this, no further assessment or references are provided in the report. Attended noise monitoring was conducted at a different location, in closer proximity to the subject site. For both noise monitoring instances, particularly the attended monitoring, no details were provided as to the sites current acoustic environment (e.g. traffic noise impacts).

Reviewed by K Pakhomova – Environmental Health believes this proposal will have adverse acoustic effects on amenity of the neighborhood for the reasons stated above.

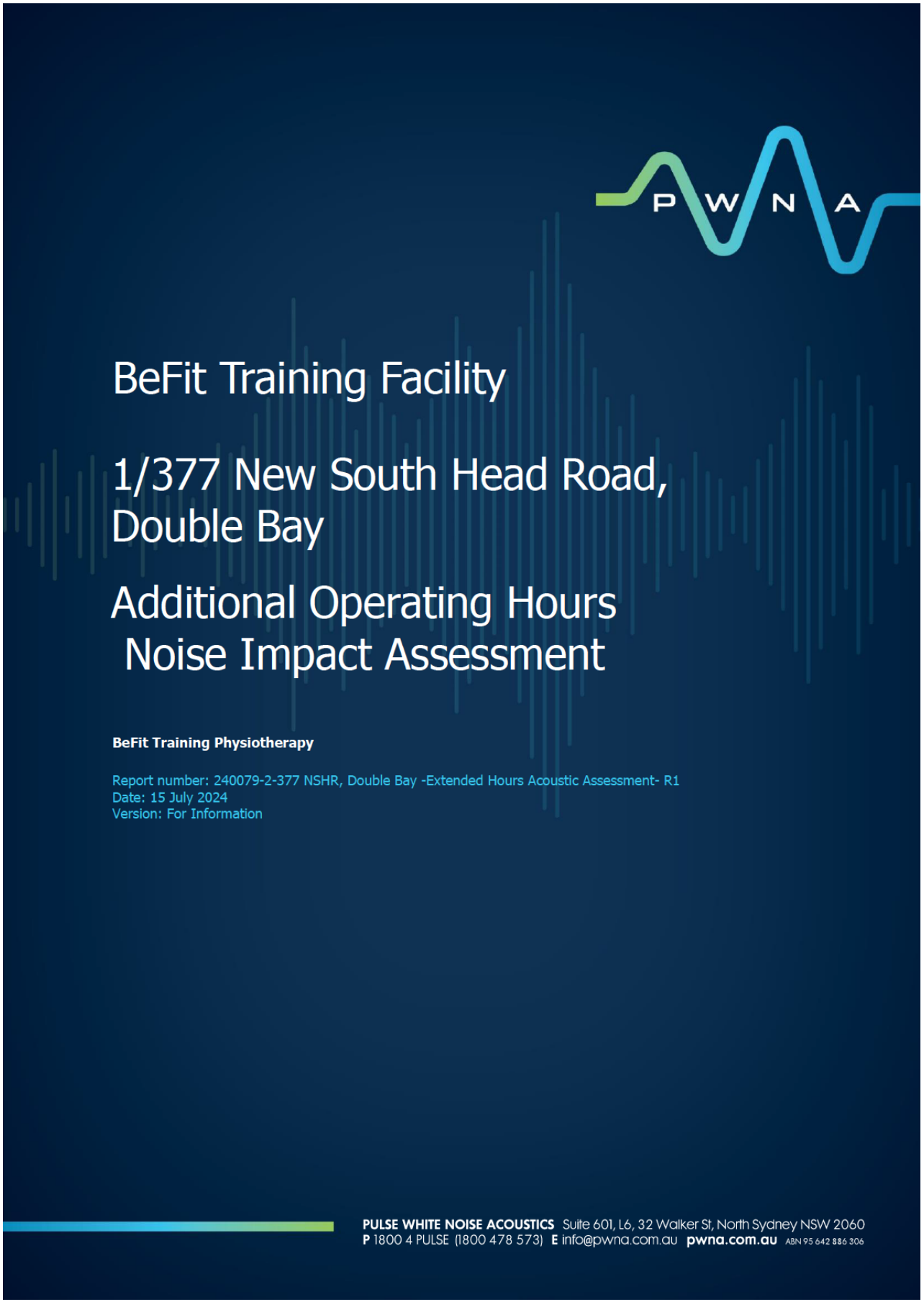
Woollahra Municipal Council

6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is unsatisfactory for the following reasons:

See comments in section 5 of the report.

reviewed by K Pakhomova 18/11/2024
Completion Date


PWNA
BeFit Training Facility
1/377 New South Head Road, Double Bay
Additional Operating Hours Noise Impact Assessment
BeFit Training Physiotherapy
Report number: 240079-2-377 NSHR, Double Bay -Extended Hours Acoustic Assessment- R1
Date: 15 July 2024
Version: For Information
PULSE WHITE NOISE ACOUSTICS Suite 601, L6, 32 Walker St, North Sydney NSW 2060
P 1800 4 PULSE (1800 478 573) E info@pwna.com.au pwna.com.au ABN 95 642 886 306

DOCUMENT CONTROL

Project Name	BeFit Training Facility
Project Number	240079
Report Reference	2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R1
Client:	BeFit Training Physiotherapy

Revision	Description	Reference	Date	Prepared	Checked	Authorised
0	For Information	2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R0	23 February 2024	Ben White	Matthew Furlong	Ben White
1	For Information	2400079-2-377 NSHR, Double Bay – Extended Hours Acoustic Assessment- R1	15 July 2024	Ben White	Matthew Furlong	Ben White

PREPARED BY:

Pulse White Noise Acoustics Pty Ltd
ABN 95 642 886 306
Suite 601, Level 6, 32 Walker Street, North Sydney, 2060
1800 4 PULSE

This report has been prepared by Pulse White Noise Acoustics Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of BeFit Training Physiotherapy
No warranties or guarantees are expressed or should be inferred by any third parties.
This report may not be relied upon by other parties without written consent from Pulse White Noise Acoustics.

This report remains the property of Pulse White Noise Acoustics Pty Ltd until paid for in full by the client, BeFit Training Physiotherapy.

Pulse White Noise Acoustics disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

TABLE OF CONTENTS

1 INTRODUCTION 4
1.1 Development Location 5
2 PROPOSED DEVELOPMENT 6
3 EXISTING ACOUSTIC ENVIRONMENT 6
3.1 Noise Descriptors & Terminology 6
3.2 Attended Noise Measurements 7
3.3 Unattended Noise Monitoring 7
3.3.1 Results in accordance with the NSW EPA *Noise Policy for Industry (NPI) 2017* (RBL's) 8
4 EXTERNAL NOISE EMISSION ASSESSMENT 9
4.1 Woollahra LEP 2014 9
4.2 Woollahra Development Control Plan (DCP) 2015 10
4.3 NSW Environmental Protection Authority, Noise Policy for Industry 13
4.3.1 Project Specific Noise Emission Criteria for Mechanical Plant 14
5 NOISE IMPACT ASSESSMENT 15
6 CONCLUSION 16
7 APPENDIX A – GLOSSARY OF TERMS 17
8 APPENDIX B – NOISE LOGGING RESULTS 19

TABLES

Table 1 Results of Attended Noise Level Measurement 7
Table 2 Measured Noise Logging Results 8
Table 3 Results of the Noise Survey at the Site and Project Trigger Noise Levels 14
Table 4 Project Specific Noise Criteria for Mechanical Plant 14

FIGURES

Figure 1 Location of the existing BeFit Gym 4
Figure 2 Site Location 5

1 INTRODUCTION

Pulse White Noise Acoustics has been engaged to undertake the Noise Impact Assessment of the proposed additional operational hours for the BeFit training facility located within tenancy 1 of 377 New South Head Road, Double Bay.

This assessment includes the acoustic investigation into the potential for noise impacts from the operation of the exiting gym on surrounding receivers, including those within the building at 377 New South Head Road as well as external receivers within the vicinity of the gym.

The existing BeFit gym is located within tenancy 1 of the retail and commercial building located at 377 new South Head Road, Double Bay.

The location of the gym within the existing building including the tenancy on the ground floor as detailed in the figure below.

Figure 1 Location of the existing BeFit Gym

The proposed change of hours for the operation of the gym include the following:

1. 5.30am to 6am Monday to Friday.

1.1 Development Location

The existing BeFit gym is located on the ground level of 377 New South head Road, Double Bay.

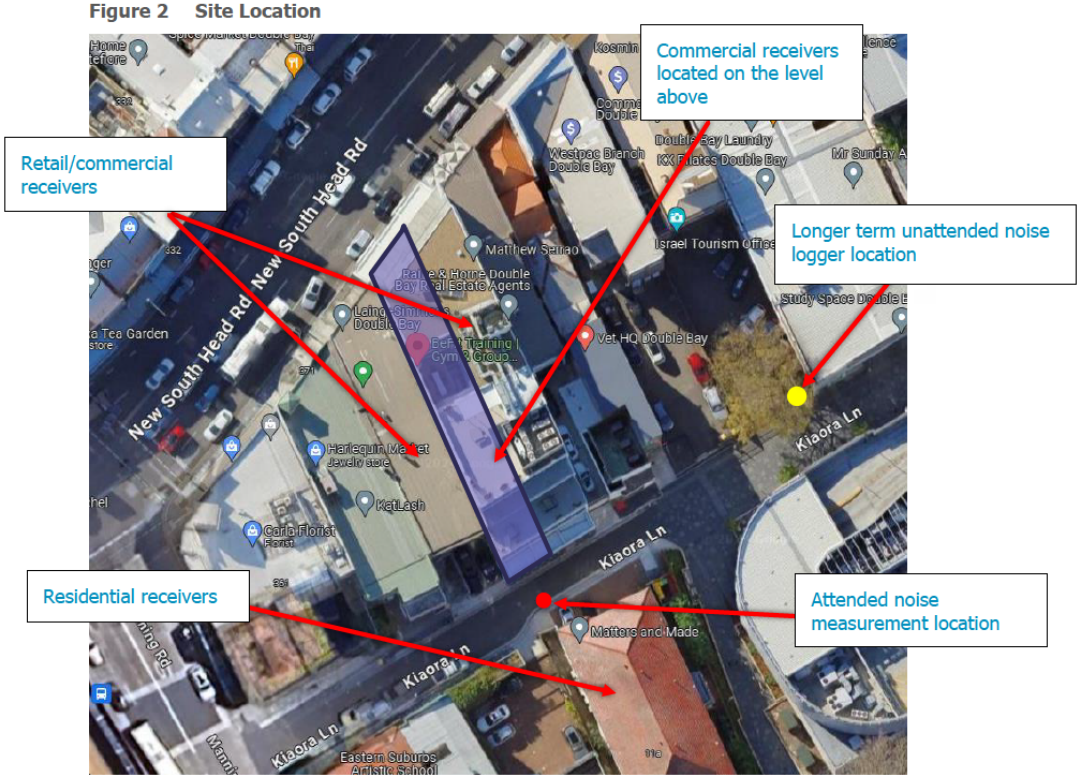
The site is located within the block bound by New South Head Road to the north and Kiaora Lane to the south. Receivers which are located within the vicinity of the site include the following:

1. Commercial receivers located within the 377 New South Head Road building on the levels above.

2. Residential receivers located to the south of the gym opposite on Kiaora Lane.

The site details and location of attended noise level measurements undertaken in this assessment are detailed in the Figure 2 below.

Figure 2 Site Location



2 PROPOSED DEVELOPMENT

The proposal includes additional hours of operation for the BeFit gym in addition to those which are currently approved.

The proposed additional working hours include the following:

1. Current hours of operation include 6am-8pm Monday to Friday – proposed hours of operation to include the hours of 5.30am-6am.

2. Current hours of operation include 6am-6pm Saturday and Sunday – no additional hours proposed.

3 EXISTING ACOUSTIC ENVIRONMENT

The existing environmental noise levels at the site are predominantly as a result from existing land uses and traffic noise from surrounding roadways. Existing receivers within the vicinity of the site include residential and retail receivers as detailed in Figure 2 above.

3.1 Noise Descriptors & Terminology

Environmental noise constantly varies in level with time. Therefore, it is necessary to measure environmental noise in terms of quantifiable time periods and statistical descriptors. Typically, environmental noise is measured over 15-minute periods and relevant statistical descriptors of the fluctuating noise are determined to quantify the measured level.

Noise (or sound) consists of minute fluctuations in atmospheric pressure capable of detection by human hearing. Noise levels are expressed in terms of decibels, abbreviated as dB or dBA, the "A" indicating that the noise levels have been frequency weighted to approximate the characteristics of normal human hearing. Because noise is measured using a logarithmic scale, 'normal' arithmetic does not apply, e.g., adding two sound sources of equal values result in an increase of 3dB (i.e., 60 dBA plus 60 dBA results in 63 dBA). A change of 1 dB or 2 dB in the sound level is difficult for most people to detect, whilst a 3 dB – 5 dB change corresponds to a small but noticeable change in loudness. A 10 dB change roughly corresponds to a doubling or halving in loudness.

The most relevant environmental noise descriptors are the L_{Aeq}, L_{A1}, L_{A10} and L_{A90} noise levels. The L_{Aeq} noise level represents the "equivalent energy average noise level". This parameter is derived by integrating the noise level measured over the measurement period. It represents the level that the fluctuating noise with the same acoustic energy would be if it were constant over the measured time period.

The L_{A1}, L_{A10} and L_{A90} levels are the levels exceeded for 1%, 10% and 90% of the sample period. These levels can be considered as the maximum noise level, the average repeatable maximum and average repeatable minimum noise levels, respectively.

Specific acoustic terminology is used in this assessment report. An explanation of common acoustic terms is included as Appendix A.

3.2 Attended Noise Measurements

As part of this assessment an acoustic survey of the existing acoustic environment at the site was undertaken. The survey included unattended noise level measurements at the site including the period of 5.30am to 6am on the 16th February 2024.

Attended noise level testing was conducted using a Rion NL-42EX type meter with Serial number 396932 and calibration number C19465. The meter was calibrated before and after testing and no significant drift was recorded.

Details of the measured noise levels are included in Table 1 below.

Table 1 Results of Attended Noise Level Measurement

Measurement Location	Time of Measurement	Maximum Repeatable $L_{Aeq, 15min}$ dB(A)	Representable Background noise Level (RBL) $L_{A90, 15min}$ dB(A)
Noise logger location, see figure 1 above	5.30am to 6am	58	41
	7am to 8am[1]	57	42

Note 1: During a period when the exiting facility was in operation.

During testing of the exiting operations of the befit gym noise levels to the rear of the site on Kiaora Lane have been used in the development of the recommended acoustic mitigations for the proposed extended hours period of 5.30am to 6.00am which are included in this report.

3.3 Unattended Noise Monitoring

As part of this assessment an acoustic survey of the existing acoustic environment at the site and surrounding receivers was undertaken. An unattended noise survey was conducted between the 19th and 25th June 2024 at the location shown in Figure 1 above. Namely, the unattended noise monitor was positioned which is suitable for the assessment of traffic noise impacts from surrounding roadways.

This survey was conducted in order to measure the existing ambient noise level which is representative of the nearest noise affected receivers. Data affected by adverse meteorological conditions and by spurious and uncharacteristic events have been excluded from the results, and also excluded from the data used to determine the noise emission criteria. Meteorological information has been obtained from the Observatory Hill weather station (ID 066214).

Instrumentation for the survey comprised one ARL EL-215 type noise monitor with serial number 194662. Calibration of the logger was checked prior to and following the measurements. Drift in calibration did not exceed ±0.5 dB. All equipment carried appropriate and current NATA (or manufacturer) calibration certificates.

Charts presenting summaries of the measured daily noise data are attached in Appendix B. The charts present each 24-hour period and show the L_{A1}, L_{A10}, L_{Aeq} and L_{A90} noise levels for the corresponding 15-minute periods. This data has been filtered to remove periods affected by adverse weather conditions based on weather information.

Details of the recorded noise logging results are included in Appendix B.

3.3.1 Results in accordance with the NSW EPA *Noise Policy for Industry (NPI) 2017* (RBL's)

In order to assess the acoustical implications of the development at nearby noise sensitive receivers, the measured background noise data of the logger was processed in accordance with the NSW EPA's *Noise Policy for Industry* (NPI, 2017).

The Rating Background Noise Level (RBL) is the background noise level used for assessment purposes at the nearest potentially affected receiver. It is the 90th percentile of the daily background noise levels during each assessment period, being day, evening and night. RBL $L_{A90\ (15minute)}$ and L_{Aeq} noise levels are presented in Table 2.

Table 2 Measured Noise Logging Results

Measurement Location	Daytime[1]		Evening[1]		Morning 5.30am to 6am Period		Night-time[1]	
	L_{A90}[2] (dBA)	L_{Aeq}[3] (dBA)	L_{A90}[2] (dBA)	L_{Aeq}[3] (dBA)	L_{A90}[2] (dBA)	L_{Aeq}[3] (dBA)	L_{A90}[2] (dBA)	L_{Aeq}[3] (dBA)
Rear of the site on Kiaora Lane	42	55	41	51	41	52	37	48

Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am.

Note 2: The L_{A90} noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.

Note 3: The L_{Aeq} is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

4 EXTERNAL NOISE EMISSION ASSESSMENT

This section of the report details the relevant noise level criteria for noise emissions generated from the proposed additional hours of operation.

The relevant authority which provides the required noise level criteria for noise levels generated on the site includes the NSW Environmental Protection Authority's (EPA) Noise Policy for Industry (NPfI) and the Woollahra Council DCP.

4.1 Woollahra LEP 2014

Sections of the Woollahra LEP 2014, included in the Woollahra Municipal Council notice of determination, and have been included in this assessment are detailed below:

1. Part 1 – Clause 1.2, Suclause (2) (g), which includes the following:

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Woollahra in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to ensure that growth occurs in a planned and co-ordinated way,

(b) to promote the management, development, conservation and economic use of property,

(c) to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,

(d) to provide greater population densities in and around centres that are well serviced by public transport,

(e) to facilitate opportunities, in suitable locations, for diversity in dwelling density and type,

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

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

(h) to minimise and manage stormwater and flooding impacts,

(i) to protect and promote public access to and along the foreshores,

(j) to promote a high standard of design in the private and public domain,

(k) to minimise and manage traffic and parking impacts,

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

(m) to minimise excavation and manage impacts, including the potential impact of construction dewatering,

(n) to encourage the retention and planting of trees and other vegetation as part of development and minimise the urban heat island effect,

(o) to mitigate the effects of climate change.

There are no acoustic performance requirements included in Part 1.2 of the LEP, providing that noise levels comply with the requirements included in this report compliance with the requirements of LEP would also be achieved.

2. Zone E1 Local Centre – Subclause 1 (Objectives of the zone), includes the following:

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure development is of a height and scale that achieves the desired future character of the local centre.
- To encourage development that is compatible with the local centre's position in the centres hierarchy.
- To ensure development provides diverse and active ground floor uses to contribute to vibrant and functional streets and public spaces.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage the retention and planting of trees and other vegetation as part of development to minimise the urban heat island effect and to improve microclimates.

There are no acoustic performance requirements included in *Zone 1 – Local Centre* LEP requirements, providing that noise levels comply with the requirements included in this report compliance with the requirements of LEP would also be achieved.

4.2 Woollahra Development Control Plan (DCP) 2015

Sections of the Woollahra Development Control Plan (DCP) 2015 included, in the Woollahra Municipal Council notice of determination, and have been included in this assessment are detailed below:

3. Part D5.1.3 Objectives (introduction) includes the following within items O4 to O9:

O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.

O5 To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre.

O6 To preserve and enhance the diversity of uses in the Double Bay Centre.

O7 To ensure that new development is compatible with the existing built form, and streetscape and village character.

O8 To encourage view sharing and individual privacy.

O9 To ensure new development is designed to be compatible with the heritage significance of listed heritage items.

There are no acoustic performance requirements included in Part D5.1.3 of the DCP, providing that noise levels comply with the requirements included in this report compliance with the requirements of Part D5.6.2 of the DCP would also be achieved.

4. Part D5.6.2 Use which includes the following:

O8 Encourage activities which do not have unacceptable noise or other environmental impacts.

O9 Ensure that buildings are designed and constructed to minimise noise and other impacts on building occupants and adjoining properties.

There are no performance requirements included in Part D5.6.2 of the DCP, providing that noise levels comply with the requirements included in this report compliance with the requirements of Part D5.6.2 of the DCP would also be achieved.

5. Part 5.6.5.2 Acoustic privacy which includes the following:

5.6.5.2 Acoustic privacy

Acoustic privacy is an important consideration in relation to the residential component of the centre, and neighbours adjacent to the centre, because it is a major determinant of amenity.

Objectives

O1 Ensure adequate acoustic privacy to residential apartments and private open spaces in the centre.

O2 Protect the acoustic privacy of residential neighbours adjacent to the centre.

O3 Ensure the viability of housing, and greatly increase the amenity of dwellings, by minimising the impact of external noise sources.

There are no performance requirements included in Part D5.6.5.2 of the DCP, providing that noise levels comply with the requirements included in this report compliance with the requirements of Part D5.6.5.2 of the DCP would also be achieved.

6. Section B3.10 -

Section B3.10 7 & 9 *Site Facilities* from the Woollahra DCP 2015 lists suitable criteria for the assessment of noise emissions from mechanical plant. See below, which is extracted from the Woollahra DCP 2015:

C9. Mechanical plant equipment (including lift overruns and air conditioners) must be located internally within the principal building in a suitably designed plant room or the like.

C10 Mechanical plant equipment (including lift overruns and air conditioners) must be wholly contained within the permissible building envelope and must not be located externally or on the roof unless Council is satisfied that it:

a) cannot be reasonably located elsewhere; and

b) is thoughtfully located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it:

i. is not visible from the streetscape or public domain;

ii. is consistent with the overall building design, roof form and materials;

Iii. is visually discreet and unobtrusive when viewed from adjoining properties; and

iv. minimises acoustic impacts to adjoining properties.

Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site.

4.3 NSW Environmental Protection Authority, Noise Policy for Industry

The NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPfI), previously Industrial Noise Policy, details noise criteria for the control of noise generated from the operation of developments and the potential for impact on surrounding receivers.

The NPI includes both intrusive and amenity criteria which are summarised below.

1. Intrusive noise level criteria, The NPfI states the following:

   'The intrusiveness of an industrial noise source may generally be considered acceptable if the level of noise from the source (represented by the LAeq descriptor), measured over a 15minute period, does not exceed the background noise level by more than 5 dB when beyond a minimum threshold. This intrusiveness noise level seeks to limit the degree of change a new noise source introduces to an existing environment.'

2. Amenity noise level criteria, The NPfI states the following:

   'To limit continuing increases in noise levels from application of the intrusiveness level alone, the ambient noise level within an area from all industrial noise sources combined should remain below the recommended amenity noise levels specified in Table 2.2 where feasible and reasonable. The recommended amenity noise levels will protect against noise impacts such as speech interference, community annoyance and some sleep disturbance.'

   Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB(A)

   Where the resultant project amenity noise level is 10 dB or more lower than the existing industrial noise level. In this case the project amenity noise levels can be set at 10 dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.

   The LAeq is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, this policy assumes that the LAeq,15min will be taken to be equal to the LAeq, period + 3 decibels (dB), unless robust evidence is provided for an alternative approach for the particular project being considered.

   Project amenity noise level (ANL) is urban ANL (Table 2.1) minus 5 dB(A) plus 3 dB(A) to convert from a period level to a 15-minute level (dB = decibel; dB[A] = decibel [A-weighted]; RBL = rating background noise level).

Noise level used in the assessment of noise emission from the site have been based on the noise level survey conducted at the site and detailed in this section of the report.

Consequently, the resulting noise level criteria are summarised in the table below. The criteria are nominated for the purpose of determining the operational noise limits for the operation of the site including mechanical plant associated with the development which can potentially affect noise sensitive receivers and operational noise levels from the future tenancies. For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive criteria are adopted. The calculated *Project Amenity Noise Level* includes either the Recommended Amenity Noise Level minus 5 dB(A) plus 3 dB(A) (for a 15 minimum period) or the measured existing Leq noise level – 10 dB if this is greater as determined by the NPfI.

Table 3 Results of the Noise Survey at the Site and Project Trigger Noise Levels

Location	Time of Day	Project Amenity Noise Level, $L_{Aeq,\ period}$ [1] (dBA)	Measured $L_{A90,\ 15\ min}$ (RBL) [2] (dBA)	Intrusive $L_{Aeq,\ 15\ min}$ Criterion for New Sources (dBA) [3]	Amenity $L_{Aeq,\ 15\ min}$ Criterion for New Sources (dBA) [3, 4]
Residential (Suburban)	5.30am to 6am (night time)	35	41	46	**38**
Commercial	When in use	60	N/A	N/A	**63**

Note 1: Project Amenity Noise Levels corresponding to "suburban" areas, equivalent to the Recommended Amenity Noise Levels minus 5 dBA

Note 2: L_{A90} Background Noise or Rating Background Level

Note 3: Project Noise Trigger Levels are shown in bold

Note 4: According to Section 2.2 of the NSW NPI, the LAeq, 15 minutes is equal to the LAeq, period + 3 dB

4.3.1 Project Specific Noise Emission Criteria for Mechanical Plant

The noise emission criteria for mechanical plant equipment, taking into account the Woollahra DCP 2015 controls on noise emissions, are given in the table below.

Table 4 Project Specific Noise Criteria for Mechanical Plant

Location	Time of Day[1]	Noise Level ($L_{Aeq,\ 15\ min}$) (i.e., RBL + 0)
Residences	Day	42
	Evening	41
	Night	41[1]

Note 1: Including the period of 5.30am to 6.00am which includes the proposed additional hours of operation.

5 NOISE IMPACT ASSESSMENT

An assessment of noise generated from the BeFit gym, including the proposed additional operational period of 5.30am to 6am has been undertaken on this section of the report.

The recommended mitigations have been based on the measured noise level at the site including those undertaken in Kiaora Lane to the rear of the site and detailed in Section 3 of this report. The recommended mitigations and management controls included in this report include those required to ensure that resulting internal noise levels will comply with the project noise emission requirements as detailed in Section 4.

The recommend acoustic mitigations based on the acoustic assessment of noise levels resulting from the proposed additional period of operation (including 5.30am to 6am) are detailed below:

1. Commercial Receivers – The proposed hours of operation of 5.30am to 6am include a period when the surrounding commercial tenancies would not generally be in use. The proposed activities to be included during the proposed additional hours include those which are conducted within the currently approved hour of operation. Any potential noise impact resulting from the use of gym during the additional period of operation would not result in an additional noise impact to those which are currently experienced from the use of the BeFit gym.

   Based on the details above, the noise resulting from the proposed additional period of operation of the BeFit gym will not negatively impact on the commercial receivers within proximity of the gym, including those which are located within 377 New South Had Road and located on the level above the gym.

2. Residential Receivers - Providing the following treatments and controls are included in the operation of the BeFit gym during the proposed additional operational periods noise levels at all surrounding receivers will comply with the relevant noise level criteria:
   a. The external doors to the gym or the doors to the southern end of the 'walk through' of the building are to be closed during the proposed additional period of operation.
   b. No playing of music or the like externally to the building.
   c. Playing of music internally within the gym is to be set with a noise levels of no greater than 75 dB(A) SPL @ 3m from any speaker.

   Providing the acoustic treatments and controls detailed in the points above are included in the operon of the gym compliance with all relevant noise level emission criteria will be achieved during the proposed extended hours period included as part of this proposal.

3. Mechanical Services Equipment – There are no proposed change to the mechanical services associated within the proposed additional operational hours. During the attended noise level measurements undertaken as part of this assessment noise emissions resulting from the BeFit gym we found to be complaint with the relevant noise emission criteria and are therefore acceptable.

Providing the recommended acoustic mitigations and management controls details in the points above are included in the operation of the gym between 5.10am and 6am, compliance with the relevant noise emission requirements will be achieved.

6 CONCLUSION

This report details the Noise Impact Assessment of the proposed additional hours of operation for the BeFit gym located on the ground floor of 377 New South Head Road, Double Bay.

This report details the required acoustic treatments and controls to be included as part of the operation of the proposed gym during the proposed additional period of operation such that compliance with the relevant noise emission criteria based on the NSW Environmental Protection Authorities *Noise Policy for Industry* will be complied with.

Proving all recommendations detailed in this report are included in the future design and operation of the gym all noise emissions from the site comply with the EPA *NPfI* criteria and ensure an acceptable noise impact on surrounding receivers will be achieved.

For any additional information please do not hesitate to contact the person below.

Regards

[redacted]

Ben White
Director

Pulse White Noise Acoustics

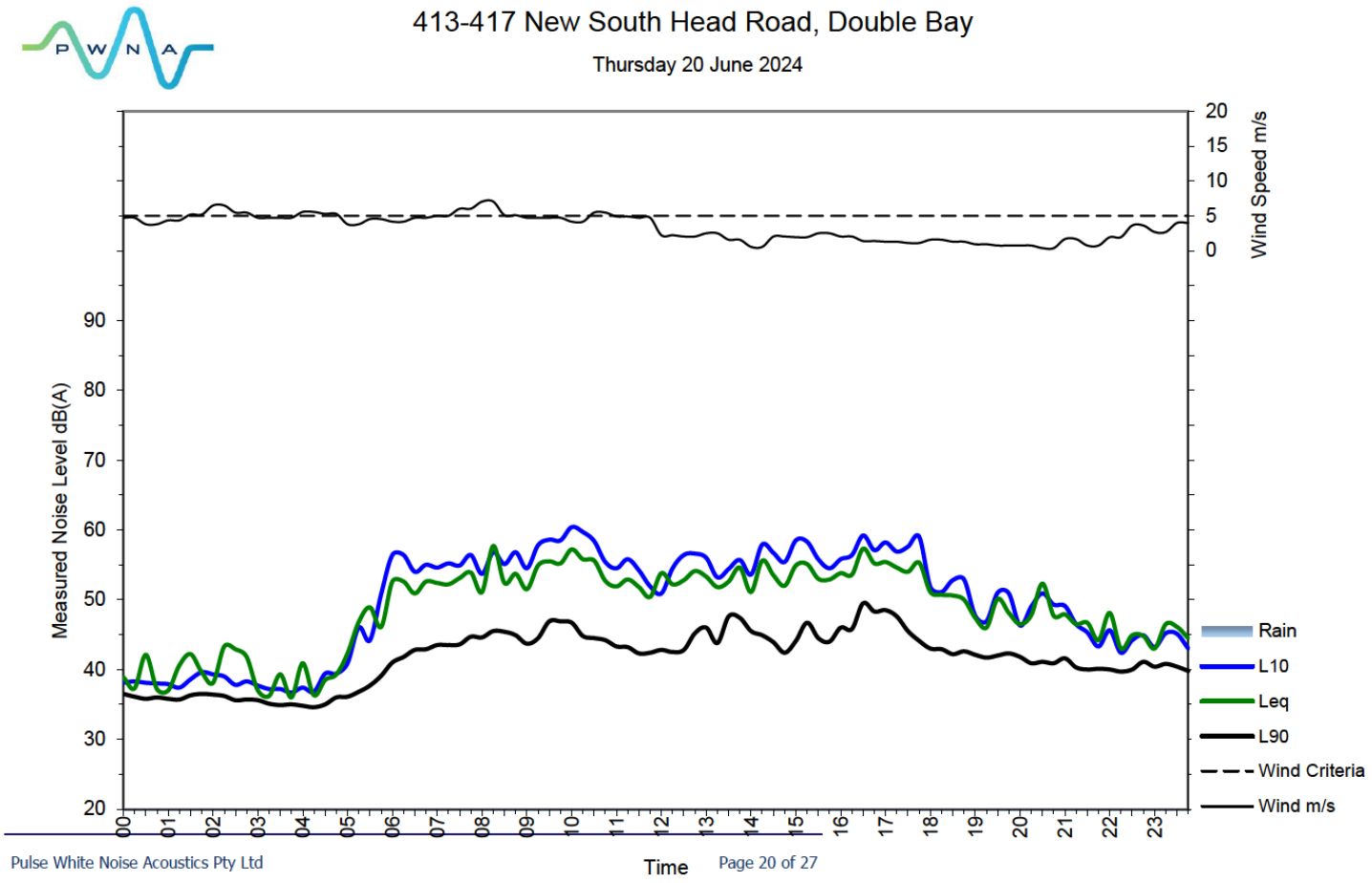
7 APPENDIX A – GLOSSARY OF TERMS

Ambient Sound	The totally encompassing sound in a given situation at a given time, usually composed of sound from all sources near and far.
Audible Range	The limits of frequency which are audible or heard as sound. The normal ear in young adults detects sound having frequencies in the region 20 Hz to 20 kHz, although it is possible for some people to detect frequencies outside these limits.
Character, acoustic	The total of the qualities making up the individuality of the noise. The pitch or shape of a sound's frequency content (spectrum) dictate a sound's character.
Decibel [dB]	The level of noise is measured objectively using a Sound Level Meter. The following are examples of the decibel readings of every day sounds; 0dB the faintest sound we can hear 30dB a quiet library or in a quiet location in the country 45dB typical office space. Ambience in the city at night 60dB Martin Place at lunch time 70dB the sound of a car passing on the street 80dB loud music played at home 90dB the sound of a truck passing on the street 100dB the sound of a rock band 115dB limit of sound permitted in industry 120dB deafening
dB(A)	*A-weighted decibels* The ear is not as effective in hearing low frequency sounds as it is hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.
Frequency	Frequency is synonymous to *pitch*. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
Loudness	A rise of 10 dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB which is twice as loud as a sound of 65 dB and so on
L_{Max}	The maximum sound pressure level measured over a given period.
L_{Min}	The minimum sound pressure level measured over a given period.
L_1	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
L_{10}	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
L_{90}	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L_{90} noise level expressed in units of dB(A).
L_{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
Background Sound Low	The average of the lowest levels of the sound levels measured in an affected area in the absence of noise from occupants and from unwanted, external ambient noise sources. Usually taken to mean the L_{A90} value

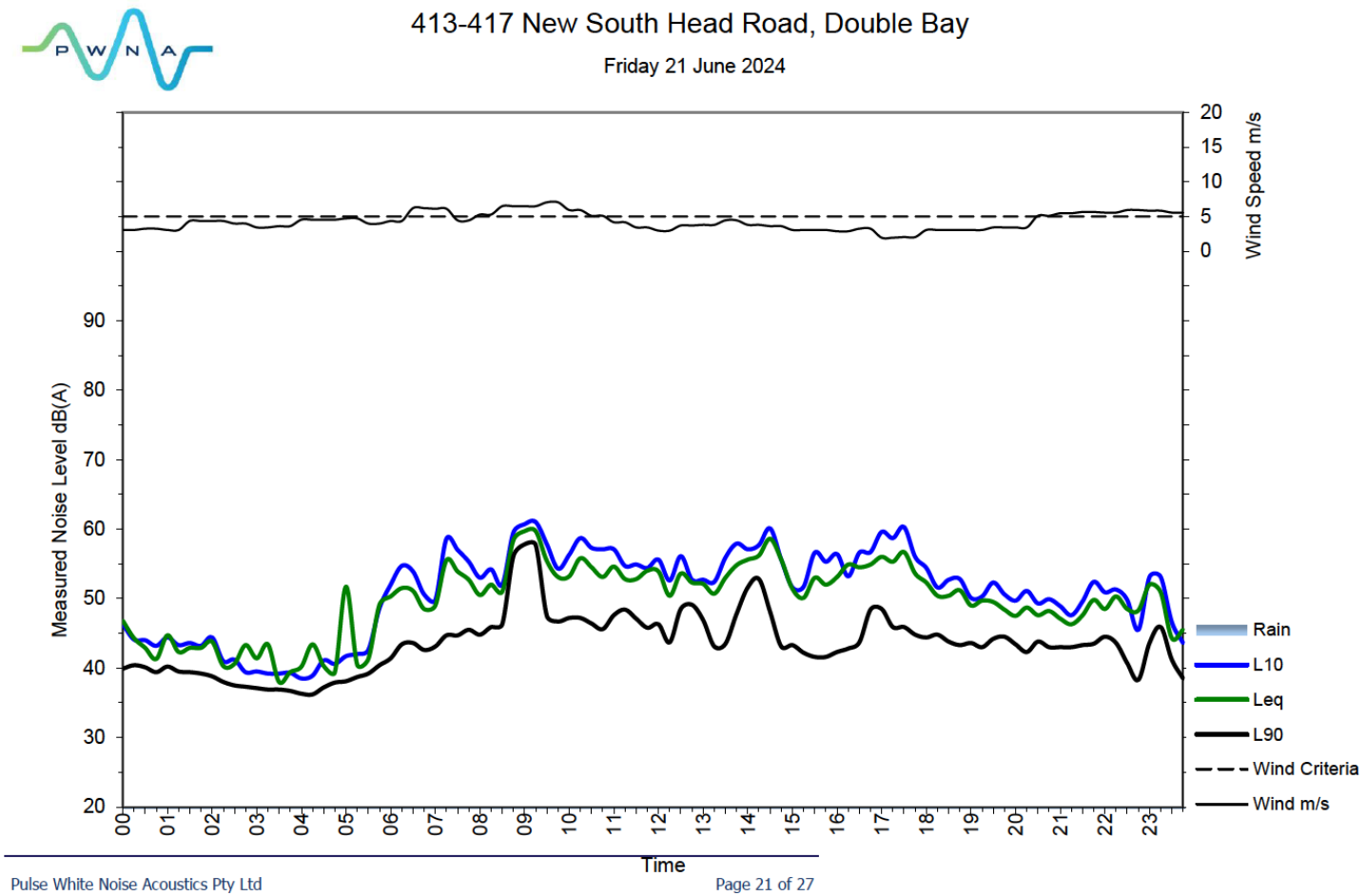
Ctr	A frequency adaptation term applied in accordance with the procedures described in ISO 717.
dB (A)	'A' Weighted overall sound pressure level
Noise Reduction	The difference in sound pressure level between any two areas. The term "noise reduction" does not specify any grade or performance quality unless accompanied by a specification of the units and conditions under which the units shall apply
NR Noise Rating	Single number evaluation of the background noise level. The NR level is normally around 5 to 6 dB below the "A" weighted noise level. The NR curve describes a spectrum of noise levels and is categorised by the level at 1000 Hz ie the NR 50 curve has a value of 50 dB at 1000 Hz. The NR rating is a tangential system where a noise spectrum is classified by the NR curve that just encompasses the entire noise spectrum consideration.
R_w	Weighted Sound Reduction Index - Laboratory test measurement procedure that provides a single number indication of the acoustic performance of a partition or single element. Calculation procedures for Rw are defined in ISO 140-2:1991 "Measurement of Sound Insulation in Buildings and of Building Elements Part 2: Determination, verification and application of precision data".
R'_w	Field obtained Weighted Sound Reduction Index - this figure is generally up to 3-5 lower than the laboratory test determined level data due to flanked sound transmission and imperfect site construction.
Sound Isolation	A reference to the degree of acoustical separation between any two areas. Sound isolation may refer to sound transmission loss of a partition or to noise reduction from any unwanted noise source. The term "sound isolation" does not specify any grade or performance quality and requires the units to be specified for any contractual condition
Sound Pressure Level, L_P dB	A measurement obtained directly using a microphone and sound level meter. Sound pressure level varies with distance from a source and with changes to the measuring environment. Sound pressure level equals 20 times the logarithm to the base 10 of the ratio of the rms sound pressure to the reference sound pressure of 20 micro Pascals.
Sound Power Level, L_w dB	Sound power level is a measure of the sound energy emitted by a source, does not change with distance, and cannot be directly measured. Sound power level of a machine may vary depending on the actual operating load and is calculated from sound pressure level measurements with appropriate corrections for distance and/or environmental conditions. Sound power levels is equal to 10 times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power of 1 picoWatt
Speech Privacy	A non-technical term but one of common usage. Speech privacy and speech intelligibility are opposites and a high level of speech privacy means a low level of speech intelligibility. It should be recognised that acceptable levels of speech privacy do not require that speech from an adjacent room is inaudible.
Transmission Loss	Equivalent to Sound Transmission Loss and to Sound Reduction Index in terminology used in countries other than Australia. A formal test rating of sound transmission properties of any construction, by usually a wall, floor, roof etc. The transmission loss of all materials varies with frequency and may be determined by either laboratory or field tests. Australian Standards apply to test methods for both situations.

8 APPENDIX B – NOISE LOGGING RESULTS

BeFit Training Physiotherapy

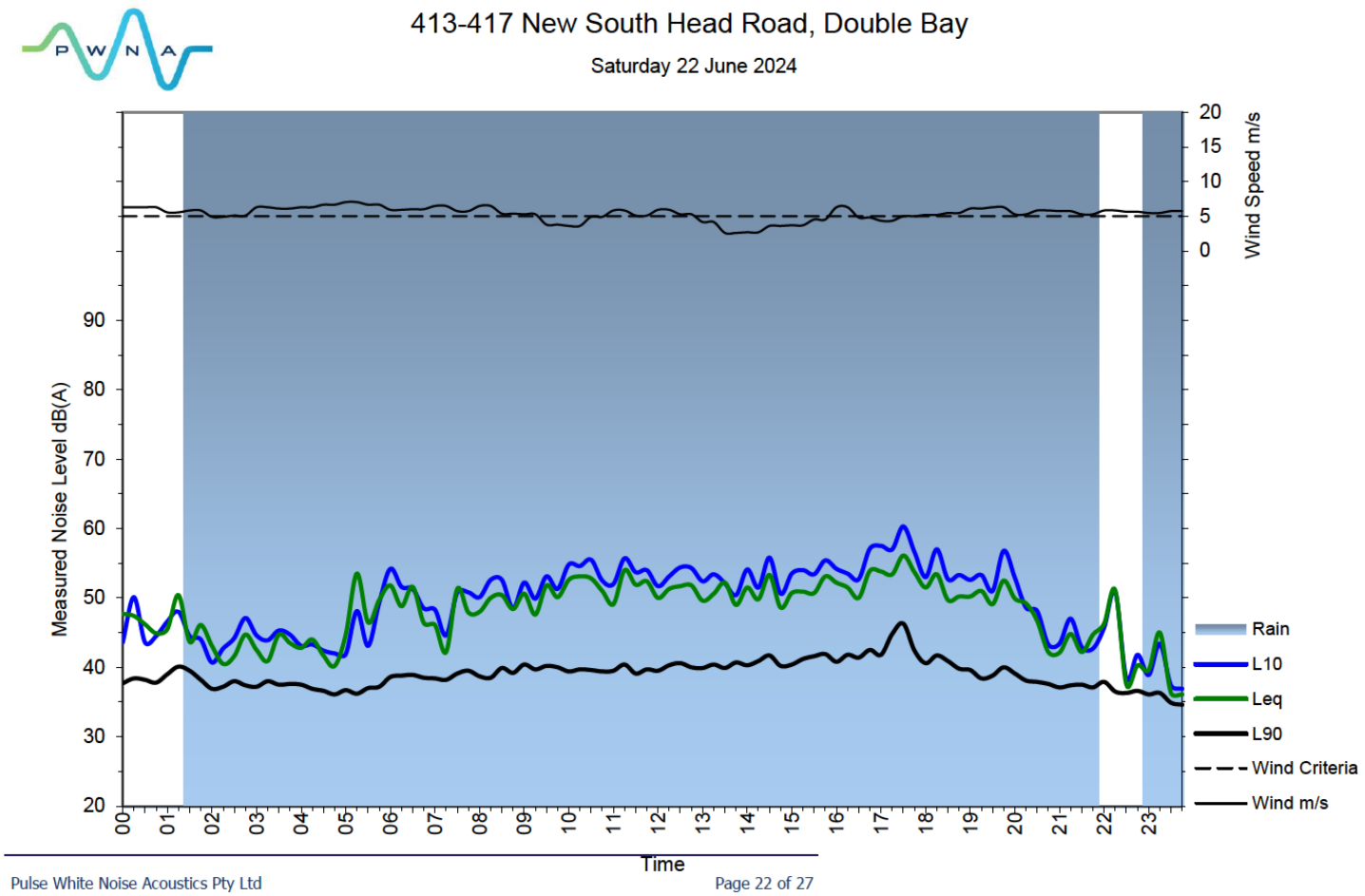


BeFit Training Physiotherapy



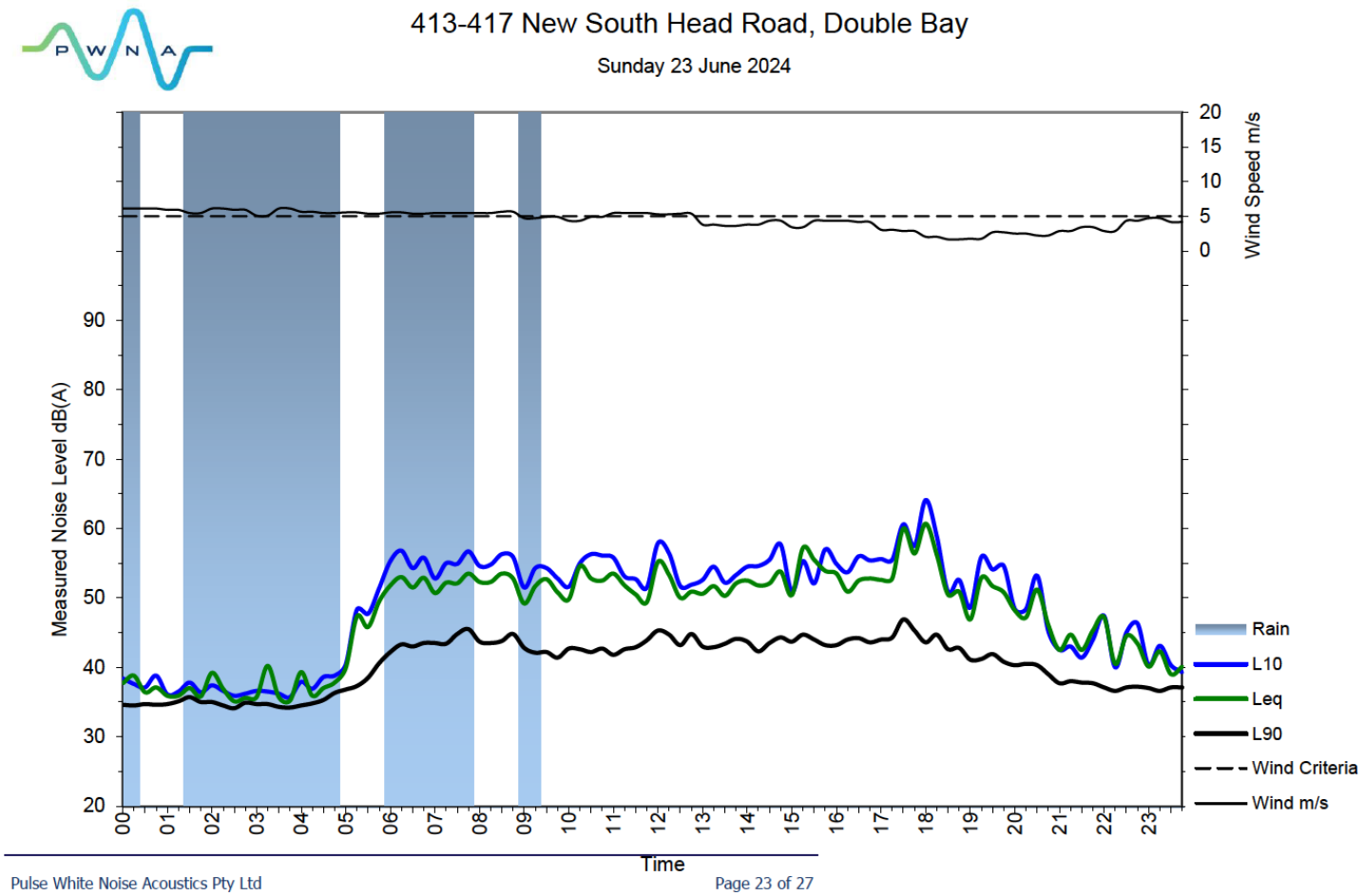
Pulse White Noise Acoustics Pty Ltd Page 21 of 27

BeFit Training Physiotherapy

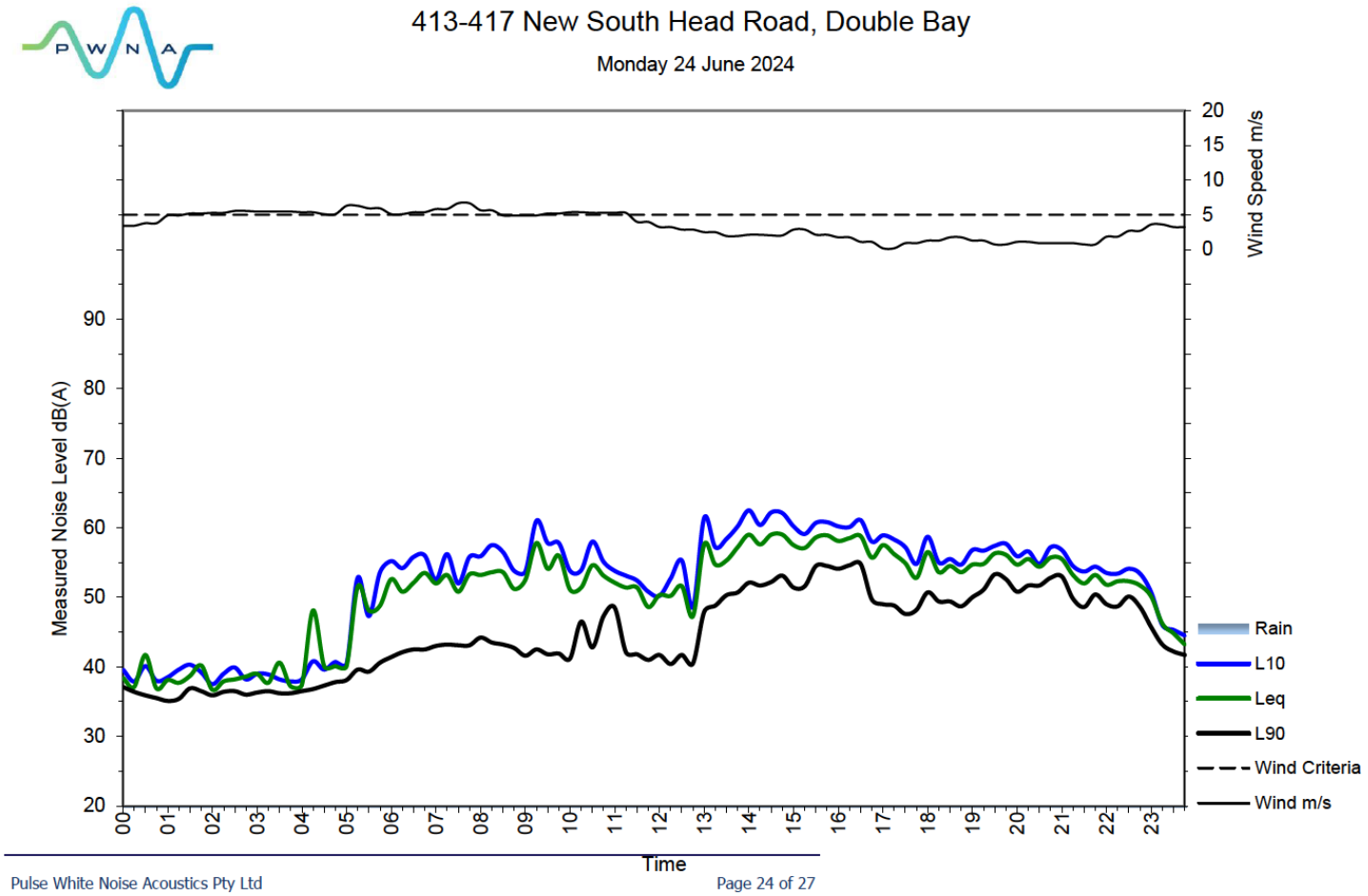


Pulse White Noise Acoustics Pty Ltd Page 22 of 27

BeFit Training Physiotherapy



BeFit Training Physiotherapy

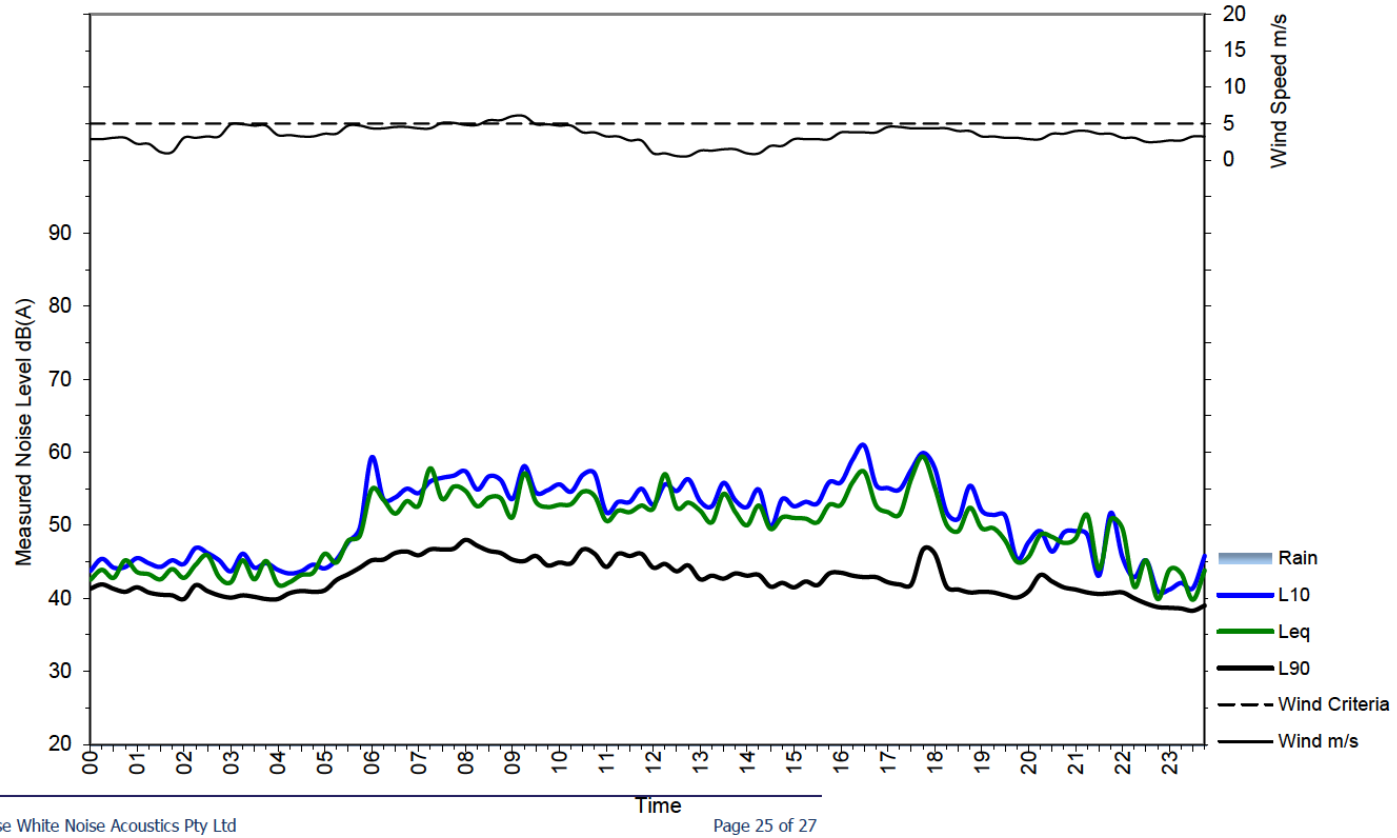


Pulse White Noise Acoustics Pty Ltd Page 24 of 27

BeFit Training Physiotherapy

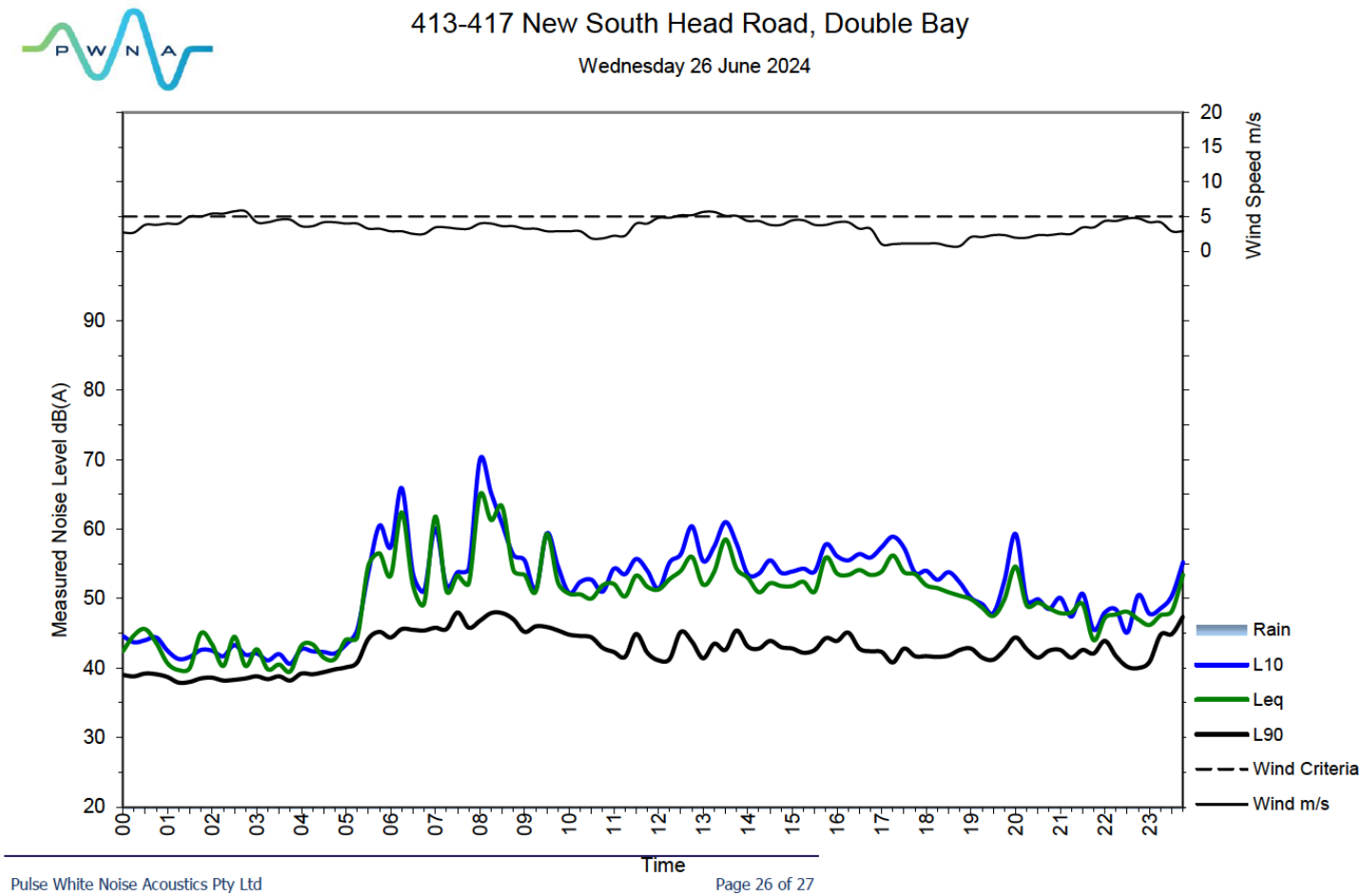
413-417 New South Head Road, Double Bay

Tuesday 25 June 2024



Pulse White Noise Acoustics Pty Ltd Page 25 of 27

BeFit Training Physiotherapy

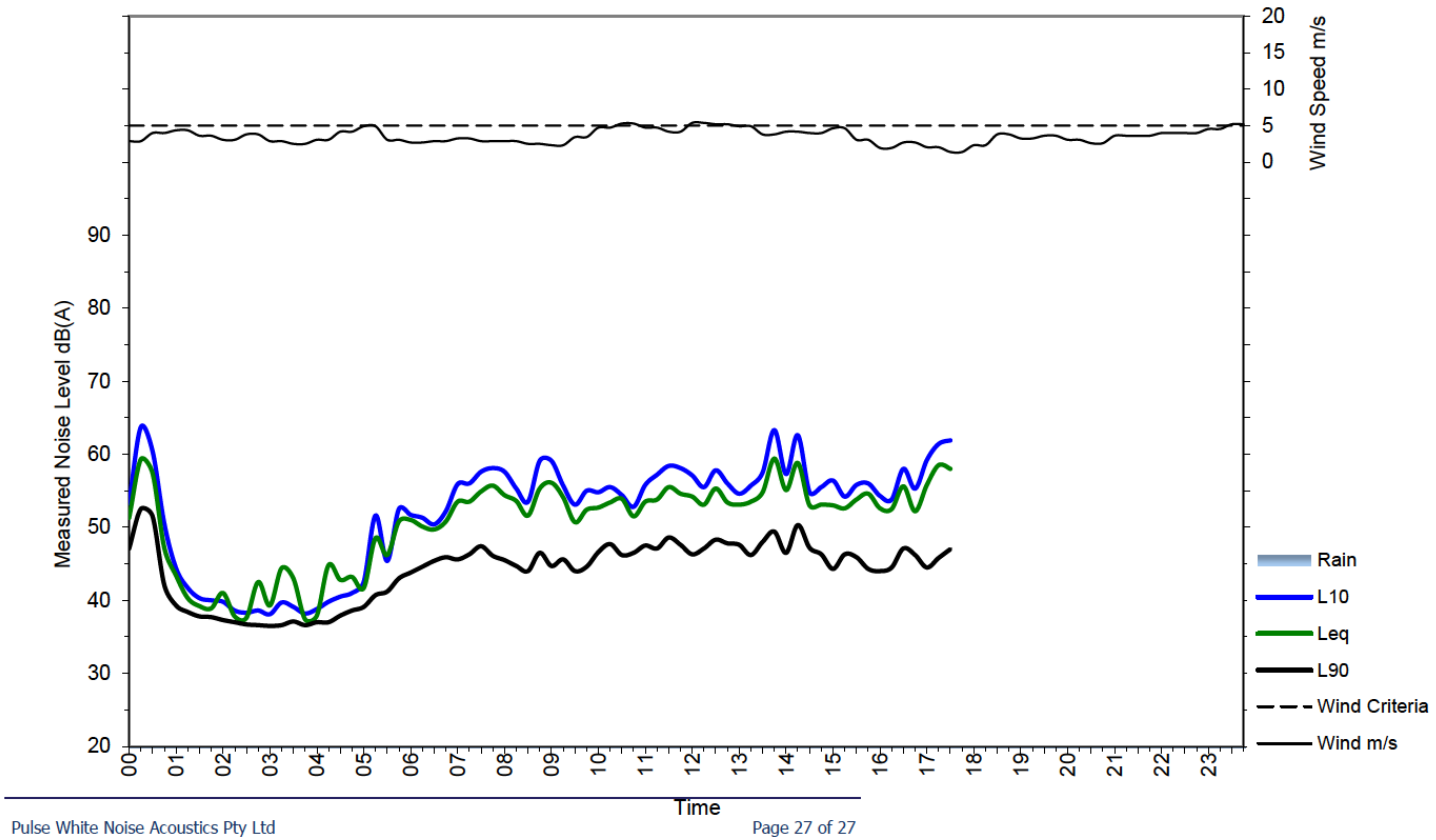


Pulse White Noise Acoustics Pty Ltd Page 26 of 27

BeFit Training Physiotherapy

413-417 New South Head Road, Double Bay

Thursday 27 June 2024



Pulse White Noise Acoustics Pty Ltd Page 27 of 27

SECTION 4.55 APPLICATION ASSESSMENT REPORT

FILE No.	DA378/2016/2
ADDRESS	377-383 New South Head Road DOUBLE BAY
SITE AREA	582m^2
ZONING	E1 Local Centre
EXISTING CONSENT	Change of use of tenancies 1-3 and fitout for the use as a gym with hours of 6am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun). The gym will cater for a maximum of 15 clients at one time.
DATE OF CONSENT	28 October 2016
TYPE OF CONSENT	Local development
CONSENT AUTHORITY	Woollahra Council
PROPOSED MODIFICATION	Modification to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri)
TYPE OF MODIFICATION	Section 4.55(2)
DATE S4.55 LODGED	16/04/2024
APPLICANT	The Trustee for the Llieff family Trust
OWNER	Wisdom AWCS International Pty Ltd
AUTHOR	Mr W Ou
ACTING TEAM LEADER	Mr Brett McIntyre
SUBMISSIONS	Two (2) objections and twelve (12) letters of support
RECOMMENDATION	Refusal

1. REASONS FOR RECOMMENDATION

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

- It is considered to be unsatisfactory with planning provisions contained in WLEP 2014 and WDCP 2015.
- It will have adverse effects on the amenity of adjoining properties and/or local built and natural environment such that refusal is justified.
- The site is not suitable for the proposed modification.
- The proposed modification is not in the public interest.

2. SUMMARY

2.1 Locality Plan

12 Letters of Support were received

2.2 Delegated Determination

This matter may be determined under delegated authority pursuant to Council's delegations adopted on 1 December 2023.

2.3 Approved Development

DA 378/2016/1 was approved on 28 October 2016 for the change of use of tenancies 1-3 and fitout for the use as a gym with hours of 6am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun). The gym will cater for a maximum of 15 clients at one time.

The following relevant Conditions of Consent were imposed which read as follows:

> ***"C.1 Sound Attenuation of the Training Gym***
>
> *The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the Regulation must detail the* ***sound attenuation works*** *required to the* ***Training Gym*** *to ensure that the noise level generated by the operation of the gym is* ***as stated within the Rodney Stevens Acoustic Report No R160528RJ.***
>
> ***I.1 Trading hours***
>
> *Trading hours are limited to:*
>
> *a) Monday to Friday:* ***6am to 8pm***
> *b) Saturday:* ***6am to 6pm***

*c) Sunday and Public Holiday: **6am to 6pm***

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

I.2 Acoustic Measures

The following measures are to be implemented at all times during the operation of the gym:

- *All gym activities are to be undertaken within the area designated by this proposal;*
- *No gym activity whatsoever is to be undertaken on Kiaora Lane or New South Head Road Double Bay or any other public area in the immediate vicinity;*
- *The rear entry/exit doors that lead onto Kiaora Lane are to remain closed/locked until 8.00am daily (to ensure acoustic protection of residential neighbours residing at 11 Patterson Street Double Bay).*

I.4 Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with, "Rodney Stevens Acoustic Report" (No Rl 60528Rl REVO dated 14 September 2016).

*The recommendations stated under Section 6 of the Rodney Stevens Acoustic Report mu**st be** adhered to at all times:*

- *A specific area for weight drop activity must be selected, this area must be covered with a 25mm thick Aspire tiles or a layer of20mm high density*
- *Ethylene Vinyl Acetate (EV A) foam on top of the 1 Smm Achieve tiles;*
- *All sessions must be designed and run in such a way that weights are handled carefully and are placed in the dedicated areas;*
- *Trainers must ensure that all patrons handle weights with care to avoid*
- *unnecessary dropping of weights;*
- *Any weight racks or machines must be placed on top of the rubber mats and care must be taken so no contact with the walls is made;*
- *No music to be played through a PA system.*

I.5 Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.

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

2.4 Proposed Modification

This s4.55 modification application seeks to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

2.5 Issues

The proposal exhibits the following non-compliances and/or issues:

- Acoustic Privacy Impacts – Unsatisfactory. Refer to Section 7.4.1

2.6 History

Relevant Development Application History
Refer to Section 2.3 of this report relevant to the subject site. **The following relevant Application History of similar Land Uses within the Double Bay Centre is provided below:** **373-375 New South Head Road Double Bay – Currently Edge Fit (adjoining subject site)** DA 311/2008/1 - Change of use to fitness studio (Approved 30/09/2008) Hours of Operation a) Monday to Friday 6.00am to 7.00pm b) Thursdays 6.00am to 8.00pm c) Saturday 7.00am to Midday **2-22 Knox Street, Double Bay** DA 22/2016/1 – Change of use from hairdressing salon to fitness training studio with hours of 6:00am-8:30pm (Mon-Fri) and 7:00am-5pm (Sat-Sun & Public Holidays) (Approved on 01/04/2016) **18 Bay Street, Double Bay** DA 286/2016/2 – Change of trading hours of training studio from 6am – 8.30pm to 5.15am – 8.30pm Mon-Fri and increase in class numbers from 27 to 36 patrons per class. (**Refused** on 02/02/2017)
Relevant Compliance History
Council's Environmental Health Officer has reviewed the history of the subject site and provides the following commentary. "*In 2022 and 2023, Council has been in receipt of multiple noise complaints from 2 nearby residents, pertaining to gym operations within the early morning period (corresponding to approved 6am trading commencement). Following investigations by Council Officers, breaches in trading hours and offensive noises to nearby residences were noted."*
Pre-DA
Nil.
Replacement Application
Nil.

3. REFERRALS

☒ **Environmental Health**
☒ Refusal recommended

ASSESSMENT UNDER SECTION 4.55

The application is assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979.

4. SECTION 4.55(2): OTHER MODIFICATIONS

Section 4.55(2) relates to the modification of a development consent for all other modifications. The application involves the modification to extend the hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

The considerations in Section 4.55(2) require Council to consider the following:

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

b) *It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent* **- Yes**

c) *It has notified the application in accordance with:*
   i) *The regulations, if the regulations so require, or*
   ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent* **- Yes**

d) *It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be* **- Yes**

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The application is assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

5. ADVERTISING AND NOTIFICATION

5.1 Notification Period

The application was advertised and notified from 08/05/2024 to 23/05/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Two (2) submissions were received from:

1. **Cary Fraser** of Unit 7/11 Patterson Street, Double Bay
2. **Josh Robertsen** of Units 5, 9 and 12/11 Patterson Street, Double Bay

It is noted that 12 (twelve) letters of support were received.

The submissions objecting to the proposed modifications, raised the following issues:

- Adverse acoustic privacy impacts.
- Breach of Hours of Operation

Comment: The submissions are acknowledged. The proposed development is recommended for refusal. The issues above are assessed, where necessary, under the relevant heads of consideration in the body of the report.

5.2 Statutory Declaration

The applicant completed the statutory declaration dated 27/06/2024 declaring that the site notice for DA378/2016/2 was erected and maintained during the notification period.

6. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

6.1 Part 1.2: Aims of Plan

For reasons discussed throughout this report, the proposed modifications are unsatisfactory in terms of the aim (2)(g) in Part 1.2(2) of the Woollahra LEP 2014 as it fails "*to protect amenity and the natural environment".*

As such, the aforementioned is listed as a **reason for refusal**.

6.2 Land Use Table

E1 Local Centre zone

The approved use is permissible within the E1 Local Centre zone, however, the proposed modification for an extension of trading house does not achieve the objective "*to provide for development of a type that is compatible with the amenity of the surrounding residential area*" of the E1 Local Centre zone, for the reasons discussed throughout the report below.

As such, the aforementioned is listed as a **reason for refusal.**

7. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

The proposed modification is limited to the extension of hours of operation from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

The approved hours of operation are outlined in Section 2.3 of this report.

Where relevant, the proposal has been assessed below under the relevant heads of consideration.

7.1 Chapter D5: Double Bay Centre

7.2 Part D5.1.3 – Objectives

The proposed modifications failed to achieve the following Objectives in Part B5.1.3 of the Woollahra DCP 2015, for the reasons discussed in Section 7.4.1 below.

O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.

O9 To encourage view sharing and individual privacy.

As such, the aforementioned Objectives are listed as **reasons for refusal.**

7.3 Part D5.6.2: Use

The proposed modifications seek the extension of trading hours from 6am-8pm (Mon-Fri) to 5:30am-8pm (Mon-Fri).

The proposed modifications fail to satisfy the relevant Objectives of this Part which state:

O8 Encourage activities which do not have unacceptable noise or other environmental impacts.

O9 Ensure that buildings are designed and constructed to minimise noise and other impacts on building occupants and adjoining properties.

The proposed modification will result in additional unacceptable noise impacts, specifically on the surrounding residents. An assessment of the acoustic impacts of the proposed modification is provided in Section 7.4.1 below.

7.4 Part D5.6.5: Amenity

7.4.1 Part 5.6.5.2: Acoustic Privacy

The original proposal was approved for the change of use of tenancies 1-3 and fitout for the use as a gym with trading hours of 6am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun), catering for a maximum of 15 clients at one time. Development to the rear, and opposite the commercial tenancy on the subject site comprises shop top housing with residential uses located above the commercial tenancies. The proposed modifications involve increasing the approved trading hours resulting in additional acoustic impacts associated with the gym..

The relevant objectives of this Part are stated below:

O1 Ensure adequate acoustic privacy to residential apartments and private open spaces in the centre.

O2 Protect the acoustic privacy of residential neighbours adjacent to the centre.

O3 Ensure the viability of housing, and greatly increase the amenity of dwellings, by minimising the impact of external noise sources.

Fig. *Oblique Aerial View of Subject Site (Source: Nearmap)*

Fig. *Rear of Subject Site viewed from Kiaora Lane (Source: WMC)*

Fig. *Rear of Objector Property viewed from Kiaora Lane (Source: WMC)*

The proposed modification fails to satisfy the relevant objectives for the following reasons:

- The trading hours commencing at 5.30am are not supported given that the gym is located in close proximity to residential receivers located opposite the subject site.
- The proposed trading hours commencing prior to 6.00am will result in further encroachment upon the 'night time' period (10pm to 7am), and therefore would result in additional acoustic disturbance to adjoining residents.
- The provided Acoustic Report submitted by the Applicant has been reviewed by Council's Environmental Health Officer (EHO) who concluded that the degree of testing conducted as part of the noise impact assessment is unsatisfactory for the following reasons:

  - *"Their acoustic impact assessment did not disclose the duration of testing and no logging data was provided.*
  - *No noise modelling was provided to justify appropriateness of proposed strategies and noise mitigation measures."*

  Given the commentary provided by Council's EHO, the submitted acoustic impact report lacks sufficient justification to be considered acceptable and warrant the proposed modification to the approved hours of operation.
- It is noted, there is evidence that suggests that the current operation of the gym has contravened the hours of operation as conditioned in the original consent and in terms of its operational limits. In particular, '*trading from 5am'.*
- Council's EHO has provided the following commentary with respect to the above.

  "In 2022 and 2023, Council has been in receipt of multiple noise complaints from 2 nearby residents, pertaining to gym operations within the early morning period (corresponding to approved 6am trading commencement). Following investigations by Council Officers, breaches in trading hours and offensive noises to nearby residences were noted."

- As discussed in Section 2.6 above, the adjoining property at No. 373-375 New South Head Road (Edge Fit Gym) have an approved commencement of trading hours from 6am which is consistent with other approved premises in the Double Bay Centre.
- The submitted '*Statement of Environmental Effects prepared by GSA Planning'* mentions that No. 373-375 New South Head Road benefits from "*24-hours access for its members*". A search of Council's records provides no evidence of the 24-hours trading hours being approved.
- The submitted '*Statement of Environmental Effects prepared by GSA Planning'* also refers to a gym (*Regenesis Fitness*) located at No. 287-289 New South Head Road, Edgecliff with hours of operation from 4:45am to 9:45pm. It is noted that the location of this gym is not in close proximity to the subject site, or the Double Bay Centre precinct, and is therefore not considered to be a relevant comparison or consideration in this instance.
- The proposed modifications are inconsistent with the trading hours of similar land uses within the Double Bay Centre.

For reasons discussed above, it is considered that the proposed modifications to increase the trading hours from 5:30am-8.00pm (Mon-Fri) is considered unreasonable and would result in unacceptable additional acoustic privacy impacts upon surrounding residents.

The proposed modifications do not satisfy the relevant Objectives of Part 5.6.5.2: Acoustic Privacy of the Woollahra DCP and therefore is listed as **a reason for refusal.**

8. THE LIKELY IMPACTS OF THE PROPOSAL

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

9. THE PUBLIC INTEREST

For reasons discussed throughout this report, the proposed modifications are not considered to be in the public interest.

10. CONCLUSION

The proposed modifications are unacceptable against the relevant considerations under Section 4.15.

11. DISCLOSURE STATEMENTS

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

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

THAT Council, as the consent authority, refuse to modify development consent to DA 378/1 for the change of use of tenancies 1-3 and fitout for the use as a gym with hours of 6am-8pm (Mon-Fri) and 6am-6pm (Sat-Sun). The gym will cater for a maximum of 15 clients at one time on land at 377-383 New South Head Road DOUBLE BAY, for the following reasons:

1. Acoustic Privacy

- The proposed modification will result in unacceptable acoustic privacy impacts upon surrounding residents;

- The trading hours commencing at 5.30am are not supported given that residential receivers are located in close proximity to the gym;
- Trading hours commencing prior to 6.00am will result in a further erosion of the 'night-time period (10pm to 7am) which would result in additional acoustic disturbance to surrounding residents;

For the reasons stated above, the proposed modifications fail to satisfy the following provisions:

Woollahra LEP 2014
- Part 1 – Clause 1.2, Subclause (2)(g);
- Zone E1 Local Centre – subclause 1 (Objectives of the zone); "*To provide for development of a type that is compatible with the amenity of the surrounding residential area".*

Woollahra DCP 2015
- Part D5.1.3 – Introduction: Objectives O4 and O9;
- Part D5.6.2 – Use: Objectives O8 and O9;
- Part D5.6.5 – Amenity (Acoustic privacy): Objectives O1, O2 and O3).

2. Insufficient Information

The submitted *Noise Impact Assessment* prepared by *Pulse White Noise Acoustics* (Ref. 240079-2-377 NSHR, Double Bay -Extended Hours Acoustic Assessment- R0 and dated 23/02/2024) is unsatisfactory for the following reasons:

- *Their acoustic impact assessment did not disclose the duration of testing and no logging data was provided.*
- *No noise modelling was provided to justify appropriateness of proposed strategies and noise mitigation measures.*

I Mr B McIntyre, Acting Team Leader Central Team hereby concur with the recommendation contained in this report. This application may be determined pursuant to the delegation issued to me by the General Manager on 1 December 2023. Before exercising this delegation I:

- Reviewed the officer's report
- Considered all relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act* 1979.

Mr W Ou
ASSESSMENT OFFICER

Mr B McIntyre
ACTING TEAM LEADER