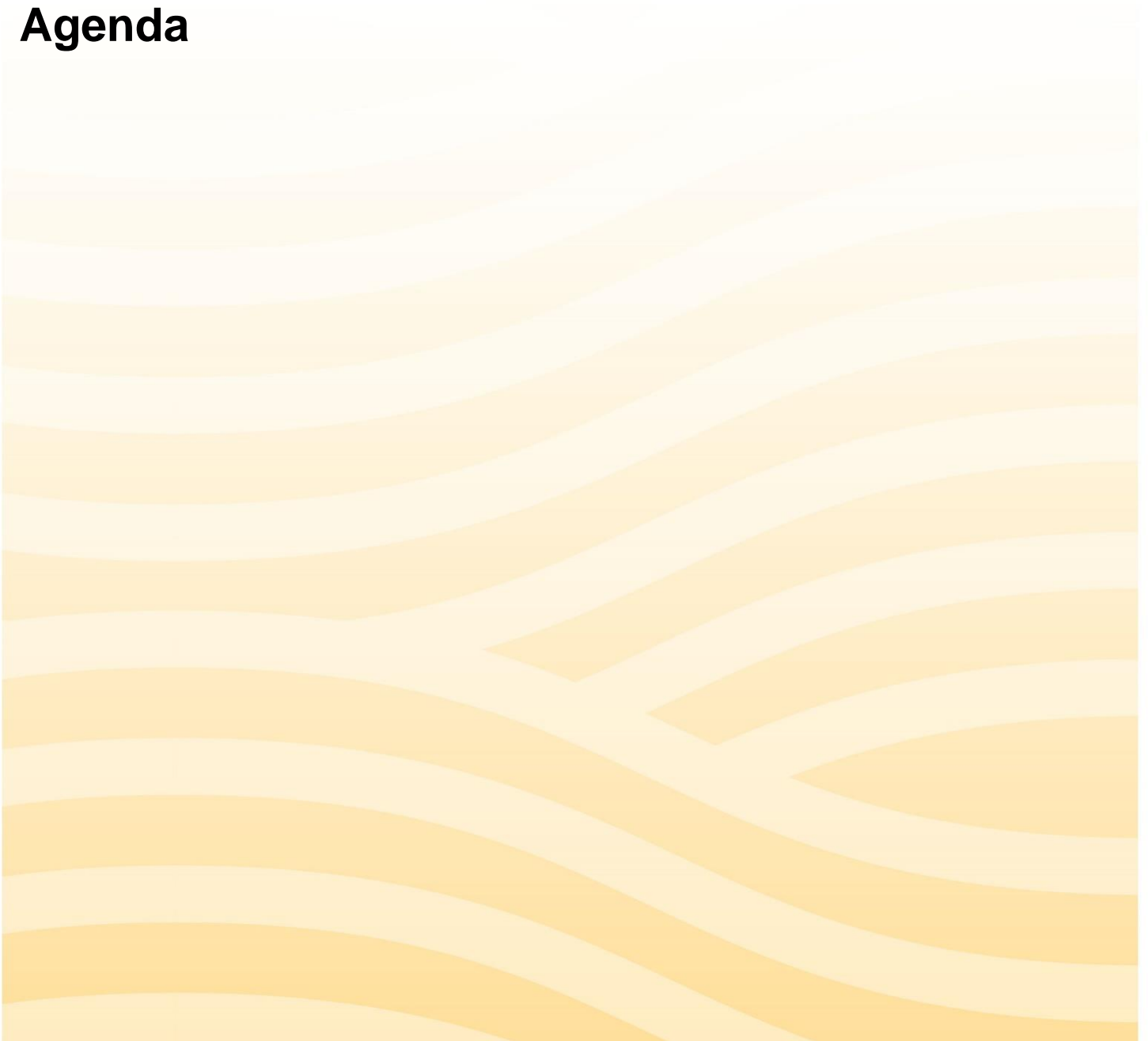




Application Assessment Panel

Tuesday 20 February 2024
3.00pm

Agenda



Compliance with social distancing requirements to limit the spread of COVID-19 virus at Application Assessment Panel (AAP) Meetings:

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

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

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

- **To watch the meeting live listen to the meeting live at 3.00pm**
Visit Council's website at 3.00pm and watch live via the following link:
https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/aap/aap_agendas_and_minutes
- **To request to address the Committee (pre-register by 12noon on the day of the meeting)**
Pre-register to listen to the meeting live or request to address the Panel by 12noon on the day of the meeting by emailing your name, mobile number and the item you are interested in, to records@woollahra.nsw.gov.au or by contacting the Governance team on (02) 9391 7001.
- **To submit late correspondence (submit by 12noon on the day of 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 of the meeting.

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

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

Outline of Meeting Protocol & Procedure (COVID-19):

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

Disclaimer:

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

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

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

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

Application Assessment Panel Membership: 1 Chair and 2 Panel Members

Quorum: 3 Panel members

Woollahra Municipal Council

Notice of Meeting

12 February 2024

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

CC: The Mayor
All Councillors

Application Assessment Panel – 20 February 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Application Assessment Panel** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Tuesday 20 February 2024 at 3.00pm**.

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

- Register to address the meeting (via Zoom) by completing the relevant form available on Council's website:
https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0012/279957/Registration-Form-to-Address-Planning-Panels-2023-2024.pdf and email the completed form to records@woollahra.nsw.gov.au **by 12 noon day before the meeting**.
- Submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au **by 12 noon day before the meeting**.

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

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

Regards,

Craig Swift-McNair
General Manager

Application Assessment Panel

Agenda

Item	Subject	Page
1.	Opening	
2.	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3.	Leave of Absence and Apologies	
4.	Declarations of Interest	
Items to be Decided by this Committee using its Delegated Authority		
D1	Confirmation of Minutes of Meeting held on 13 February 2024 - 24/24660	7
D2	DA102/2023/1 - 6 Trelawney Street Woollahra - 24/24334	9
	*See Recommendation Page 25	

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 13 FEBRUARY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/24660
Purpose of the Report: The Minutes of the Application Assessment Panel of 13 February 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Application Assessment Panel Meeting of 13 February 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Application Assessment Panel Meeting Minutes of 13 February 2024 for confirmation.

Options:

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

Community Engagement and / or Internal Consultation:

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

Policy Implications:

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

Financial Implications:

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

Resourcing Implications:

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

Conclusion:

The minutes are presented for confirmation by the Application Assessment Panel Meeting.

Attachments

Nil

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA102/2023/1
ADDRESS	6 Trelawney Street WOOLLAHRA
SITE AREA	Approx. 4,677.37m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Replace existing windows to the existing residential flat building
TYPE OF CONSENT	Local development
COST OF WORKS	\$2,402,563.00
DATE LODGED	30/03/2023
APPLICANT	Burton Architecture
OWNER	The Owners - Strata Plan No. 3122
AUTHOR	Mr V Aleidzans
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Nil
RECOMMENDATION	Conditional Approval

1. PREAMBLE

At its meeting on 30 May 2023, the Application Assessment Panel (AAP), resolved to defer the development application DA102/2023/1 as follows:

- *THAT Development Application No. 102/2023/1 for replacing the existing windows to the existing residential flat building on land at 6 Trelawney Street Woollahra, be deferred to a future meeting of the Application Assessment Panel to allow the applicant to obtain a BASIX Certificate and provide further information to Council regarding the nature of the repairs.*

In accordance with the Panel's resolution, additional information was submitted on 05 February 2024 by way of BASIX Certificates and a report detailing the state of windows at the property which are sought to be replaced per this application. A copy of this report is included as **Attachments 4**.

The original assessment report tabled to the AAP meeting on 30 May 2023 (**refer to Attachments 5**) provided a recommendation for the approval of the application subject to the recommended conditions. This report has been updated in accordance with the additional information received since its deferral.

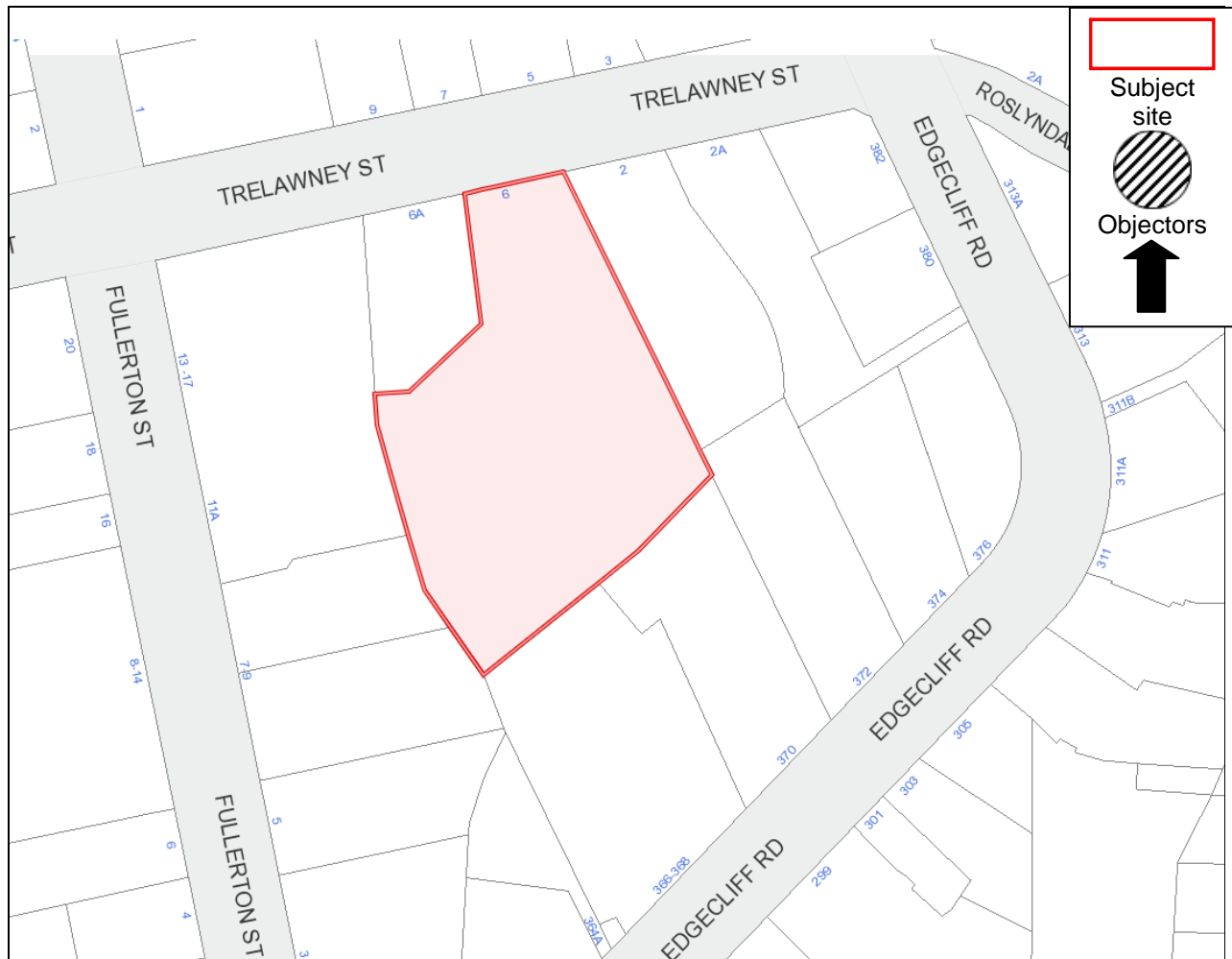
2. REASONS FOR RECOMMENDATION

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;
- The Clause 4.6 is well-founded and as such, the exceedance of the statutory height of buildings development standard is justified;

- 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



4. LEVEL OF DELEGATION

The application is to be determined by the Application Assessment Panel as it was previously presented to and deferred by the Panel.

Furthermore, it should be acknowledged that whilst the proposal involves a non-compliance of more than 10% with the height of buildings development standard, it qualifies for the exemption.

On 17 November 2020 (and re-issued on 21 October 2021, and on 3 November 2022) the Department of Planning, Industry and Environment granted Council an exemption from the requirement to refer Development Applications to the Woollahra Local Planning Panel. The exemption had been extended for a period of 12 months (and subsequently a further 18 months) where:

- *There is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan (LEP) 2014 and the development application does not result in an increase in the non-compliance;*

The proposal involves window replacement works, where all works are contained below the existing maximum building height.

As such, this matter may be determined by the Application Assessment Panel.

5. PROPOSAL

The proposal involves the replacement of existing windows.

The submitted Statement of Environmental Effects makes the following points:

- These windows will be replaced like for like to suit the current BCA and wind rating requirements.
- The new windows will be naturally anodised in order to match the existing and original windows.
- The new windows will comprise of a thicker frame to suit wind pressure and water ingress requirements.
- Replacement windows will be generally a top hung awning type to adhere to BCA safety restrictions and meet wind loads.

6. ISSUES

6.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.3	Height of Buildings	15.6m or 60% departure from the 26m control	Satisfactory

6.2 Primary Issues

- Non-compliances with Clause 4.3 Height of buildings development standard under the Woollahra LEP 2014. However, the Clause 4.6 is well-founded and as such, the exceedance of the statutory height of buildings development standard is justified.

PROPERTY DETAILS AND REFERRALS

7. SITE AND LOCALITY

Physical features
The subject site is an irregular shaped allotment situated on the southern side of Trelawney Street between its junctions with Rosemount Avenue and Edgecliff Road. Overall, the site has an approximate area of 4,677.37m ² .
Topography
The subject site does not exhibit any dramatic changes in topography with there being gradual slopes towards the site's boundaries noting that the current residential flat building is located at the highest point of the subject site within the centre.
Existing buildings and structures
Situated on the subject site at present is a 14 storey residential flat building which is generally centred within the site along with a series of ancillary buildings, garaging along with a swimming pool. The site also comprises hard paved and landscaped areas throughout.
Surrounding Environment
The immediate locality is typically defined by residential flat building developments which tend to vary in terms of their height and overall character.



Image 1: Aerial view of the subject site



Image 2: Subject site as viewed from Trelawney Street



Image 3: No. 6A Trelawney Street, Woollahra



Image 4: No. 2 Trelawney Street, Woollahra

8. 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
The height of buildings projections and measurements were clarified by way of amended plans dated 11 May 2023. The written Clause 4.6 Variation request was also updated accordingly, dated 11 May 2023.
The materials plan was amended on 12/05/2023 to include reference to the proposed glazing.
Additional information was submitted on 05 February 2024 by way of BASIX Certificates and a report detailing the state of windows at the property which are sought to be replaced per this application.
Land and Environment Court Appeal(s)
N/A

9. REFERRALS

Referral	Summary of Referral Response	Attachment
Fire Safety	Satisfactory, subject to conditions	3

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

10. ADVERTISING AND NOTIFICATION

10.1 Submissions

The application was advertised and notified from 19/04/2023 to 04/05/2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. No submissions were received.

10.2 Statutory Declaration

The applicant has completed the statutory declaration dated 05/05/2023 declaring that the site notice for DA102/2023/1 was erected and maintained during the notification period in accordance with the Woollahra Community Participation Plan.

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

11.1 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 therefore satisfactory with regard to the relevant provisions of the planning instrument.

11.2 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.

12. STATE ENVIRONMENTAL PLANNING POLICY 65: DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Pursuant to Clause 4 of SEPP 65, the policy applies to all new residential flat buildings (or substantial redevelopment) and the conversion of an existing building where it comprises three or more storeys and four or more self-contained dwellings.

In response to the above, SEPP 65 is not applicable in this instance as the application relates to window replacement works. Therefore, it does not satisfy the relevant provisions of Clause 4 regarding application of this policy.

The above has been considered for completeness of this assessment.

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

The development application was accompanied by BASIX Certificates demonstrating compliance with the SEPP. These requirements are imposed in the relevant conditions of consent.

14. SEPP (BIODIVERSITY AND CONSERVATION) 2021

14.1 Chapter 2 – Vegetation in non-rural areas

The application was reviewed by Council's Tree and Landscaping Officer at the Development Application Review Committee (DARC stage) and no objections to the proposal were raised. The proposal is considered to be acceptable having regard to Chapter 2 of the SEPP.

14.2 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.

15. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

15.1 Part 1.2: Aims of Plan

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

15.2 Land Use Table

The proposal is defined as a residential flat building and is permitted and is consistent with the objectives of the R3 Medium Density Residential zone.

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

Part 4.1A(2) specifies a minimum lot size of 700m² for a residential flat building within the R3 Medium Density Residential zone. The proposal does not seek to alter the existing site area which notably complies with the development standard equalling approximately 4,677.37m². Accordingly, the proposal is acceptable having regard to 4.1A(2) of Woollahra LEP 2014.

15.4 Part 4.3: Height of Buildings

The subject site comprises two different height of building development standards being 19.5m and 26m. In the area where the proposed works are contained a height limit of 26m is applicable.

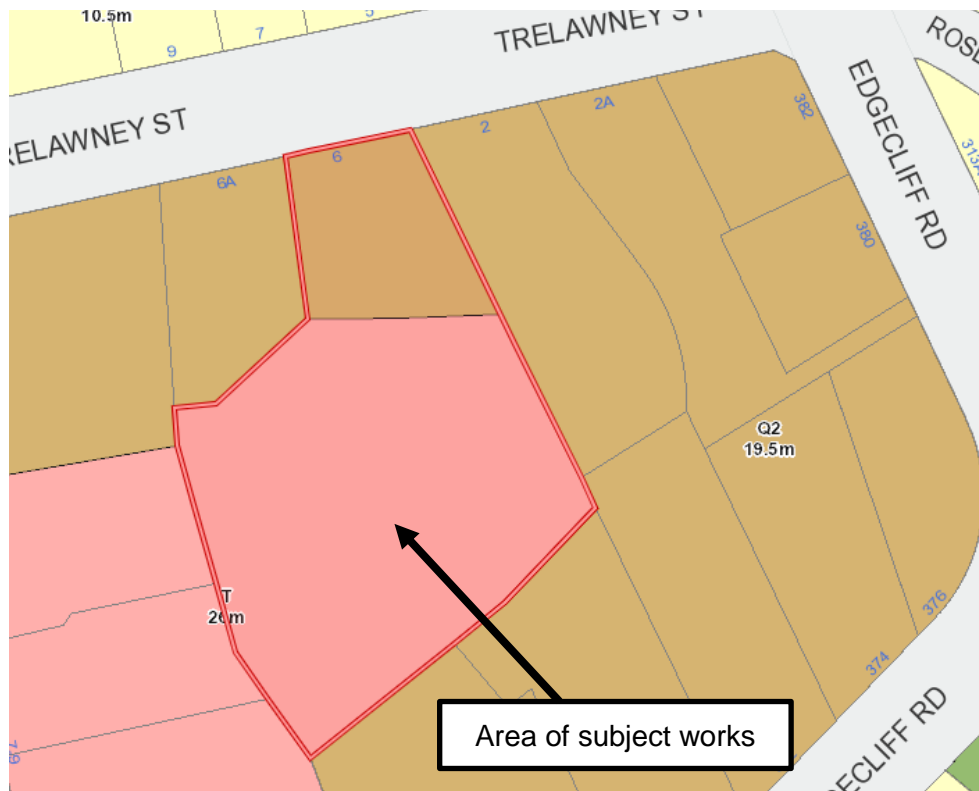


Image 5: Height of buildings map

	Existing	Proposed	Control	Complies
Maximum Building Height (of proposed works)	47.1m	41.6m	26m	No*

** Clause 4.6 Written Request submitted*

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Section 15.6 of this assessment report.

15.5 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 1.55:1 at the subject site. The proposal does not seek any additional gross floor area and therefore the existing condition would remain unchanged.

15.6 Part 4.6: Exceptions to Development Standards

The proposal involves the following non-compliance with the Woollahra LEP 2014, as detailed in Section 14.4 of this report:

- Height of buildings development standard under Part 4.3 of the Woollahra LEP 2014.

Clause 4.3 limits development to a maximum height of 26m. Overall, the proposal seeks a 15.6m or 60% departure from the 26m control. Notably, the existing built form exceeds this development standard and no further height increases are sought.

15.6.1. Purpose

Clause 4.6 facilitates the potential contravention of a development standard under certain circumstances where it can be adequately demonstrated that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.

15.6.2. Written Request

Clause 4.6(3) stipulates that a written request is required from the applicant that justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention. The applicant has provided a written request in relation to the departure to Cl.4.3.

15.6.3. Assessment

Clause 4.6 (4) Consent must not be granted for development that contravenes a development standard unless:

- The consent authority is satisfied that:*
 - The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - 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*
- The concurrence of the Secretary has been obtained.*

Clause 4.6(4)(a)(i) - Assessment

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be addressed by Cl 4.6(3). There are two separate matters for consideration contained within Cl 4.6(3) and these are addressed as follows:

- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Despite the numerical non-compliances, the applicant's written request has adequately demonstrated that the objectives of the Height of building development standard are achieved.

The applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Cl 4.6(3)(a). The objectives of the development standard is discussed further in the assessment of Clause 4.6(4)(a)(ii).

- b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

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.

S1.3 of the EPA Act states:

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.*

The applicant's written request, which supports the proposed non-compliances with the Height of buildings development standard, has adequately demonstrated that the proposed development satisfies objectives (g) and (h) of the Environmental Planning and Assessment Act 1979 as copied above.

Therefore, it is considered that the applicant's written request has adequately demonstrated sufficient environmental planning grounds to justify the contravention of the development standard as required by Clause 4.6(3)(b) and the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

Clause 4.6(4)(a)(ii) - Assessment

Clause 4.6(a)(a)(ii) requires the consent authority to be satisfied that:

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.

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of buildings development standard and the objectives of the subject R3 Medium Density Residential zone. An assessment against these objectives is provided below:

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.

The existing building height will remain unchanged with the proposal being consistent with the desired future character of the area.

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

The existing non-compliance is in no way exacerbated. The proposed works would not increase the existing building envelope and therefore, there would be no greater impacts upon the local amenity.

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

The proposal will not result in any additional overshadowing to adjoining properties as the building envelope remains unchanged.

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

The subject non-compliance will not result in any significant view loss, loss of privacy, overshadowing or visual intrusion impacts to adjoining properties given the proposal pertains to window replacement works and no change to the building envelope is proposed.

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

Given no additional bulk or scale is proposed, the existing and subject non-compliance will not alter the current relationship with respect to the retention of public views.

The objectives of the R3 Medium Density Residential zone

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

The existing use of the subject site is maintained and will continue to provide for the existing housing needs of the community.

- *To provide a variety of housing types within a medium density residential environment.*

No changes are proposed to the current use of the subject site.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The objective is not relevant to the proposed scope of works.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

The non-compliant height will remain unchanged and so too will the envelope of the existing building. The proposal is considered to achieve the desired future character of the neighbourhood.

Accordingly, the non-compliances are considered to be consistent with the objectives of the development standard and zone.

Clause 4.6(4)(a)(b) - Assessment

The Department issued Planning Circular No.PS20-002 (*dated 5 May 2020*) which notified Councils of arrangements “...where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...”. Clause 64 of the EPA Regulations provides that Council may assume the Director-General’s [Secretary’s] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

In relation to this Part, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) establishes *Planning Principles* which are summarised and assessed as follows:

- Does the applicant’s written request demonstrate non-compliance with the development standard is unreasonable or unnecessary?*

Yes. For the reasons already outlined and discussed in this assessment, the proposal satisfies the objectives which underpins the development standard.

- Are there sufficient environmental planning grounds to justify contravening the development standard?*

Yes. The submitted Clause 4.6 variation request has demonstrated that there are sufficient environmental grounds to justify contravening the development standard in this instance.

- The public interest and whether the proposal is consistent with the objectives of the development standard.*

The proposal is deemed to be in the public interest as it does not contravene the objectives of the development standard.

Conclusion

The written submission provided by the applicant has adequately demonstrated that the variation of the development standard prescribed by Clause 4.3 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

The consent authority can, 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 can be satisfied that the proposal upholds the public interest as the non-compliances are consistent with the objectives of the development standard and those applicable to development within the subject R3 Medium Density zone. Departure from the control is supported.

15.7 Part 5.10: Heritage Conservation

The subject site is located within the Woollahra Heritage Conservation Area (C15). The site also adjoins Heritage Item No. 615 which is described as being a Kauri Pine situated at No. 2 Trelawney Street Woollahra.

The application was reviewed by Council's Heritage Officer at the Development Application Review Committee (DARC stage) and no objections to the proposal were raised.

The proposed is therefore considered acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014.

15.8 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.

15.9 Part 6.2: Earthworks

The proposal does not involve excavation to accommodate the works and it is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

16. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

16.1 Chapter C2: Woollahra Heritage Conservation Area

Part C2.3.1: Rosemont Precinct Controls

The proposal is acceptable with respect to maintaining the significant characteristics and conforming to the objectives as outlined in Part C2.3.1 of the Woollahra DCP 2015.

Furthermore, the subject site is not identified as a contributory item within the precinct.

Part C2.5.1: General Control for all Development

The proposed works are limited to those associated with window replacement. On that basis, the proposal would not alter the existing building location, orientation, height, form, internal layouts, bulk or scale.

There would be no altered relationships with surrounding properties and the public domain in terms of solar access or views.

There would be no changes to the existing extent of private open space, deep soil landscaping, excavation, fencing, gates, and retaining walls, site facilities including aerial devices or current car parking arrangements.

Therefore, only those controls applicable to the subject works have been considered in the assessment below noting that the subject site does not contain any contributory items.

Part C2.5.1: Building Height, Form and Character

Building Height and Form

C8 requires that the character of development is to be consistent with the character of nearby contributory items and of the streetscape. Solid to void ratios of elevations are to be similar to those of nearby contributory items.

The proposed window replacement works would maintain comparable solid to void ratios and would not adversely alter the presentation of the built form. Compliance with C8 is achieved.

Part 2.5.4: Materials, Finishes and Colours

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

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

The proposed windows are of a design that will match the existing natural anodised aluminium frame materiality and would offer a consistent approach with the current condition. The proposal is therefore considered acceptable with C1 and C2.

Overall, the proposal is acceptable with regard to Part C2.5.4 of the Woollahra DCP 2015.

Part C2.5.9: Security

The proposed works do not involve any intrusive security measures and are therefore acceptable with regard to Part C2.5.9 of the Woollahra DCP 2015.

Part C2.5.12: Acoustic and Visual Privacy

The proposed involves window replacement within existing openings and therefore the existing privacy relationships with surrounding properties would remain unchanged and any current impacts would not be exacerbated by the proposal. Accordingly, the proposal is acceptable with regard to Part C2.5.12 of the Woollahra DCP 2015.

16.2 Chapter E1: Parking and Access

The proposal would not alter the existing car parking and access configurations for the subject site. Furthermore, the proposed works are not of a nature that would generate an additional car parking demand. The proposal is acceptable with regard to Chapter E1 of the Woollahra DCP 2015.

16.3 Chapter E2: Stormwater and Flood Risk Management

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

16.4 Chapter E3: Tree Management

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

16.5 Chapter E4: Contaminated Land

The proposal is acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

16.6 Chapter E5: Waste Management

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

Part E5.2: Demolition and Construction Phase

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

Part E5.3: On-Site

Waste and Recycling Controls for all Development

The proposal would not alter the existing waste and recycling procedures and/or configuration at the subject site and therefore no further consideration in this regard is considered necessary. The proposal is acceptable with regard to Part E5.3 of the Woollahra DCP 2015.

16.7 Chapter E6: Sustainability

The proposal was accompanied by a BASIX Certificates and it is considered acceptable with regard to the objectives and controls in Chapter E6 of the Woollahra DCP 2015.

17. DRAFT AMENDMENTS TO POLICIES AND PLANS

None relevant.

18. CONTRIBUTION PLANS

Contributions plans allow funds to be raised from approved development applications. The funds are used for the intended provision, extension or augmentation of public facilities, or towards recouping the cost of facilities that have been provided, extended or augmented. These contributions relate to sections 7.11 and 7.12 of the EP&A Act, formerly known as section 94 and section 94A.

In accordance with Clause 208(4)(b) of the Environmental Planning and Assessment Act 1979 any costs associated with the repairs to a building are not to be included in an estimate or determination of the proposed costs.

208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

...

(4) *The following costs and expenses must not be included in an estimate or determination of the proposed cost—*

...

(b) *the costs of repairs to a building or works on the land that will be kept in connection with the development,*

This assessment considers the proposed window replacement works to be beyond repairs to the building as states in Clause 208 above and therefore the requirement for a contribution has been imposed per **Condition C.1**.

18.1 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. Refer to **Condition C.1**.

Cost of Works	Rate based on cost of works	Contribution Payable
\$2,402,563.00	>\$200,000 = 1%	\$24,025.63

19. APPLICABLE ACTS/REGULATIONS

19.1 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 conditions.

Clause 64: Consent authority may require upgrade of buildings

Clause 64 of the Environmental Planning and Assessment Regulation 2021 requires an assessment of the development application against the Building Code of Australia (BCA), with particular respect to the fire provisions within the development.

Council's Fire Safety Officer has undertaken an assessment of the application, as detailed in **Attachment 3**, and no objections have been raised subject to the recommended conditions of consent.

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 suitable for the proposed development.

22. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

23. CONCLUSION

The proposal is acceptable 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 Councillor 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 Council, as the consent authority, is satisfied that the written request from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the Height of Buildings development standard under Clause 4.3 of Woollahra LEP 2014 has adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard.

AND

THAT Council, as the consent authority, grant development consent to Development Application No. 102/2023/1 for replacing the existing windows to the existing residential flat building on land at 6 Trelawney Street Woollahra, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* ("the *Act*") and the provisions of the *Environmental Planning and Assessment Regulation 2000* ("the *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

Standard Condition: A1 (Autotext AA1)

A.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs" published by the Southern Sydney Regional Organisation of Councils).

Stormwater drainage system means all works, facilities and documentation relating to:

- the collection of stormwater,
- the retention of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and
- connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner-builder has the same meaning as in the *Home Building Act 1989*.

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Professional engineer has the same meaning as in the *BCA*.

Public place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.

Site means the land being developed subject to this consent.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

Note: Interpretation of conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.
Standard Condition: A2 (Autotext AA2)

A.3 Approved Plans and Supporting Documents

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

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

Reference	Description	Author/Drawn	Date(s)
A010 (Rev A)	Floor Plan L1-13	Burton Architecture	20/03/23
A030 (Rev B)	North Elevation		11/05/23
A031 (Rev B)	East Elevation		11/05/23
A032 (Rev B)	South Elevation		11/05/23
A033 (Rev B)	West Elevation		11/05/23
A050 (Rev A)	Unit Type A Windows		20/03/23
A051 (Rev A)	Unit Type B Windows		20/03/23
A052 (Rev A)	Unit Type C Windows		20/03/23
A003 (Rev B)	Legend/Materials		12/05/23
A1734424	BASIX Certificate	NSW Department of Planning and Environment	05 Feb 2024
A1734426	BASIX Certificate	NSW Department of Planning and Environment	05 Feb 2024
A1733196	BASIX Certificate	NSW Department of Planning and Environment	05 Feb 2024
	Site Waste Minimisation and Management Plan	Rob Burton	22/03/23

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A5 (Autotext AA5)

B. Conditions which must be satisfied prior to the demolition of any building or construction

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" pursuant to section 6.6 of the *Act*.

In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. 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.
Standard Condition: B1 (Autotext BB1)

B.2 Identification of Hazardous Material

In accordance with Australian Standard AS2601: *The Demolition of Structures*, the Owner shall identify all hazardous substances located on the site including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per clause 1.6.1 of the Standard.

In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing:

- all hazardous materials identified on the site,
- the specific location of all hazardous materials identified,
- whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and
- safety measures to be put in place.

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

Standard Condition: B6

B.3 Public Road Assets Prior to Any Work/Demolition

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the Applicant or Owner must submit to Council a full record of the condition of the public road infrastructure adjacent to the development site.

The report must be submitted to Council **prior to the commencement of any work** and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and
- drainage structures/pits.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

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

Note: If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose

Standard Condition: B7

C. Conditions which must be satisfied prior to the issue of any Construction Certificate

C.1 Payment of Long Service Levy, Security, Contributions and Fees

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$61,021.97	No	T115
DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$24,025.63 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Security Administration Fee	\$190	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$85,237.60 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

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

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 7.12 levy (formerly known as 94A levy) be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2021 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the *Act* and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2021

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

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

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

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

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

C.2 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate Nos. A1734424, A1734426, A1733196 with any application for a Construction Certificate.

Note: Where there is any proposed change in the BASIX commitments the Applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 145 and 146 of the *Regulation*) the Applicant will be required to submit an amended development application to Council pursuant to section 4.55 of the *Act*.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans and specifications prior to the issue of any Construction Certificate.

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation 2000* provides:
"A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".
Standard Condition: C7

C.3 Structural Adequacy of Existing Supporting Structures

A certificate from a professional engineer (structural engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the Construction Certificate application.

Note: This condition is imposed to ensure that the existing structure is able to support the additional loads proposed.
Standard Condition: C35 (Autotext CC35)

C.4 Professional Engineering Details

The Construction Certificate plans and specifications, clause 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate.

Note: This does not affect the right of the developer to seek staged Construction Certificates.
Standard Condition: C36

D. Conditions which must be satisfied prior to the commencement of any development work

D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

For the purposes of section 4.17(11) of the *Act*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under the *Home Building Regulation 2004*, or
- b) to the erection of a temporary building.

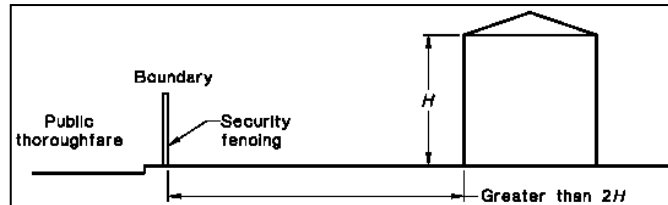
In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1 (Autotext DD1)

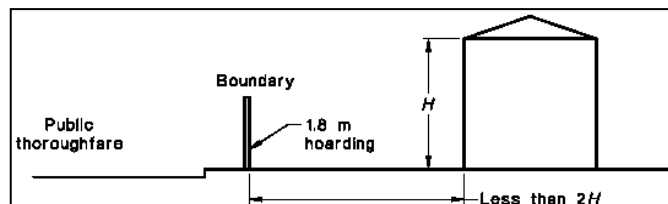
D.2 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



Type A Hoarding

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



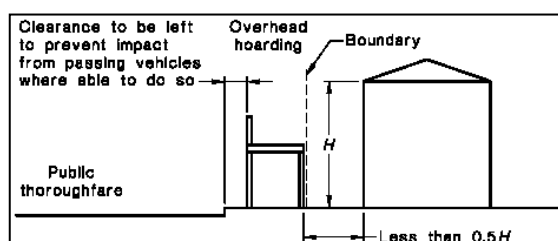
Type B Hoarding

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

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

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

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



The Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW “*Code of Practice - Overhead Protective Structures 1995*”. This is code available at www.safework.nsw.gov.au/_data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

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

Hoardings on Public Land including ‘Creative Hoardings’

The Principal Contractor or Owner-builder must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

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

Note: The Principal Contractor or Owner must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.

Note: Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:

- A. Hoardings proposed on land zoned B2 Local Centre, or B4 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
OR
- B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
OR
- C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
 - i. the capital investment value of the work to which the hoarding relates is less than \$1 million
OR
 - ii. the land is zoned R2 Low Density Residential
OR
 - iii. the land is zoned R3 Medium Density Residential and the hoarding located in a lane or street that does not have through traffic (eg a cul-de-sac or no through road).

Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council’s form “Application for a permit to use a footpath for the erection of a hoarding/scaffolding”.

The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au or for more information contact Council’s Cultural Development Team.

Standard Condition: D11 (Autotext DD11)

D.3 Site Signs

The Principal Contractor or Owner-builder must ensure that the sign/s required by clauses 98A and 227A of the *Regulation* is/are erected and maintained at all times.

Clause 98A 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 227A of the *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.

Note: Clause 227A imposes a penalty exceeding \$1,000 if these requirements are not complied with.

Note: If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 98A and clause 227A of the *Regulation*.

Standard Condition: D12 (Autotext DD12)

D.4 Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected to a public sewer, or
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the *Local Government (Approvals) Regulation 1993*.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.
sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Note: This condition does not set aside the requirement to comply with SafeWork NSW requirements.
Standard Condition: D13 (Autotext DD13)

D.5 Erosion and Sediment Controls – Installation

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan if required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence.

Note: The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

Standard Condition: D14 (Autotext DD14)

D.6 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the *Act*)

The erection of the building in accordance with this development consent must not be commenced until:

- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - appointed a Principal Certifier for the building work, and
 - notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and
- c) The Principal Certifier has, no later than 2 days before the building work commences:
 - notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
- appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the Principal Certifier of any such appointment, and
 - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: *building* has the same meaning as in section 1.4 of the *Act* and includes part of a building and any structure or part of a structure.

Note: *new building* has the same meaning as in section 6.1 of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 6.6(2) of the *Act*.
Standard Condition: D15 (Autotext DD15)

D.7 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 4.17(11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- In the case of work for which a Principal Contractor is required to be appointed:
 - the name and licence number of the Principal Contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an Owner-builder:
 - the name of the Owner-builder, and
 - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.
Standard Condition: D17 (Autotext DD17)

E. Conditions which must be satisfied during any development work

E.1 Compliance with BCA and Insurance Requirements under the Home Building Act 1989

For the purposes of section 4.17(11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),
- b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the *Regulation*, or
- b) to the erection of a temporary building.

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: E1 (Autotext EE1)

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.

Standard Condition: E2 (Autotext EE2)

E.3 Requirement to Notify about New Evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.

Standard Condition: E4 (Autotext EE4)

E.4 Critical Stage Inspections

Critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the *Act* 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 *Regulations* for the purposes of section 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.

Note: The PC may require inspections beyond mandatory critical stage inspections in order that the PC be satisfied that work is proceeding in accordance with this consent.

Note: The PC may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

Standard Condition: E5 (Autotext EE5)

E.5 Hours of Work –Amenity of the Neighbourhood

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

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

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

Note: Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RMS and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nqlg.htm
Standard Condition: E6 (Autotext EE6)

E.6 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development.

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

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

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the Council including:

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Standard Condition: E7 (Autotext EE7)

E.7 Maintenance of Environmental Controls

The Principal Contractor or Owner-builder must ensure that the following monitoring, measures and controls are maintained:

- a) erosion and sediment controls,
- b) dust controls,
- c) dewatering discharges,
- d) noise controls,
- e) vibration monitoring and controls,
- f) ablutions.

Standard Condition: E11

E.8 Support of Adjoining Land and Buildings

A person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).

For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

Note: This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain:

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the *Access to Neighbouring Land Act 2000*, or

- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land and Environment Court Act 1979* as appropriate.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Clause 20 of the *Roads Regulation 2008* prohibits excavation in the vicinity of roads as follows: **"Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

Standard Condition: E13 (Autotext EE13)

E.9 Erosion and Sediment Controls – Maintenance

The Principal Contractor or Owner-builder must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) the Soil and Water Management Plan required under this consent,
- b) *"Do it Right On Site, Soil and Water Management for the Construction Industry"* published by the Southern Sydney Regional Organisation of Councils, 2001, and
- c) *"Managing Urban Stormwater - Soils and Construction"* 2004 published by the NSW Government (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence.



Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution".

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

Standard Condition: E15 (Autotext EE15)

E.10 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.

- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.
Standard Condition: E17 (Autotext EE17)

E.11 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

The Principal Contractor or Owner-builder must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.
- f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

Note: This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.
Standard Condition: E20 (Autotext EE20)

E.12 Placement and Use of Skip Bins

The Principal Contractor or Owner-builder must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 68 of the *Local Government Act 1993* to place the waste storage container in a public place; and
- b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
Standard Condition: E21 (Autotext EE21)

E.13 Prohibition of Burning

There must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW.

All burning is prohibited in the Woollahra local government area.

Note: Pursuant to the *Protection of the Environment Operations (Clean Air) Regulation 2010* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
Standard Condition: E22 (Autotext EE22)

E.14 Dust Mitigation

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: “*Dust Control - Do it right on site*” can be downloaded from Council’s website www.woollahra.nsw.gov.au or obtained from Council’s office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23 (Autotext EE23)

E.15 Site Waste Minimisation and Management – Demolition

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) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly ‘signpost’ the purpose and content of the bins and/or storage areas,
- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

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.

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

Standard Condition: E31 (Autotext EE31)

E.16 Site Waste Minimisation and Management – Construction

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) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,
- c) consider organising to return excess materials to the supplier or manufacturer,
- d) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) clearly 'signpost' the purpose and content of the storage areas,
- f) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste,
- g) promote separate collection bins or areas for the storage of residual waste,
- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter,
- i) minimise site disturbance and limit unnecessary excavation,
- j) ensure that all waste is transported to a place that can lawfully be used as a waste facility, and
- k) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

Standard Condition: E32 (Autotext EE32)

E.17 Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B 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 shall be left in any public place.

Note: This condition is imposed to protect the health and safety of persons working on the site and the public
Standard Condition: E39

E.18 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

Note: This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
Standard Condition: E40

E.19 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

Note: This condition is imposed to ensure that asbestos and other hazardous waste is disposed of lawfully under the *Protection of the Environment Operations Act 1997* and relevant NSW EPA requirements.
Standard Condition: E41

E.20 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

Note: This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.
Standard Condition: E42

E.21 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.

The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

Note: This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.
Standard Condition: E43

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 6 of the Act and Part 8 Division 3 of the Regulation)

F.1 Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the *Act*) unless an Occupation Certificate has been issued in relation to the building or part.

Note: New building includes an altered portion of, or an extension to, an existing building.
Standard Condition: F1 (Autotext FF1)

F.2 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

Note: This condition has been imposed to ensure that systems and works as completed meet development standards as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as execute is maintained.

Note: The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

Note: The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.
Standard Condition: F7 (Autotext FF7)

F.3 Fire Safety Certificates

In the case of a ***final occupation certificate*** to authorise a person:

- a) to commence occupation or use of a new building, or
- b) to commence a change of building use for an existing building,

A *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an ***interim occupation certificate*** to authorise a person:

- a) to commence occupation or use of a partially completed *new building*, or
- b) to commence a change of building use for part of an existing building,

A *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

Nil.

H. Conditions which must be satisfied prior to the issue of the Occupation Certificate for the whole of the building

H.1 Fulfillment of BASIX Commitments – clause 154B of the *Regulation*

All BASIX commitments must be effected in accordance with the BASIX Certificate Nos. A1734424, A1734426, A1733196.

Note: Clause 154B(2) of the *Environmental Planning and Assessment Regulation 2000* provides: "A *certifying authority* must not issue a final Occupation Certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Standard Condition: H7 (Autotext HH7)

H.2 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

- a) the site sign,
- b) ablutions,
- c) hoarding,
- d) scaffolding, and
- e) waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the Final Occupation Certificate.
Standard Condition: H12 (Autotext HH12)

I. Conditions which must be satisfied during the ongoing use of the development

I.1 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to *Council* and the Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Standard Condition: I22

I.2 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate Nos. A1734424, A1734426, A1733196.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: I24

J. Miscellaneous Conditions

Nil.

K. Advising

K.1 Criminal Offences – Breach of Development Consent and Environmental Laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

- a) Issue Penalty Infringement Notices (On-the-spot fines);
- b) Issue notices and orders;
- c) Prosecute any person breaching this consent; and/or
- d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

Standard Advising: K1 (Autotext KK1)

K.2 Dial Before You Dig



The Principal Contractor, Owner-builder or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

Standard Advising: K2 (Autotext KK2)

K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work. The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

Note: For more information go to the NSW Fair Trading website

www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia.

Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "NSW Guide to Standards and Tolerances 2017" are achieved.

The quality of any development is a function of the quality of the Principal Contractor's or Owner-builder's supervision of individual contractors and trades on a daily basis during the development. The Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW

Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances or call 133 220.

Standard Condition: K6 (Autotext KK6)

K.5 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050. Standard Condition: K7 (Autotext KK7)

K.6 Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

Note: Further information can be obtained from the NSW Civil and Administrative Tribunal

www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777.

Standard Advising: K10 (Autotext KK10)

K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Valdis Aleidzans, Assessment Officer, on (02) 9391 7159.

However, if you wish to pursue your rights of appeal in the Land and Environment Court you are advised that Council generally seeks resolution of such appeals through a section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14 (Autotext KK14)

K.8 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the *Act*.

The securities will not be released until a Final Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Refund of Security Bond Application form can be downloaded from

www.woollahra.nsw.gov.au

Standard Condition: K15 (Autotext KK15)

K.9 Recycling of Demolition and Building Material

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

Standard Condition: K17 (Autotext KK17)

K.10 Owner-builders

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

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au or call 133 220.
Standard Condition: K18 (Autotext KK18)









K.11 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.

Standard Condition: K19 (Autotext KK19)

Attachments

1. Architectural Plans [↓](#) 
2. Clause 4.6 Variation Request Height [↓](#) 
3. Referral Response - Fire Safety [↓](#) 
4. Window Condition Report [↓](#) 
5. Original DA Report - AAP [↓](#) 
6. BASIX Certificate Unit Type A [↓](#) 
7. BASIX Certificate Unit Type B [↓](#) 
8. BASIX Certificate Unit Type C [↓](#) 

Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: LEGEND/MATERIALS		Drawing No: A003		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

EXISTING APARTMENTS ARE HAVE SPRINKLER PROTECTION TO AS2118.1

OPENABLE AWNING WINDOWS TO HAVE NON-CLIMBABLE WALL SURFACE UNDER TO INTERNAL SILL AT MIN 760mm AFL AND BARRIER HEIGHT TO AWNING FRAME STORM LIP TO MIN 865mm AFL

ALL OPENING WINDOWS TO HAVE LOCKABLE CHILD RESTRAINT WINDERS WITH MAX 125mm CLEAR OPENING

ALL ALUMINIUM FRAMING TO BE NATURAL ANODISED. SUB-SILL TO EXTEND TO FLASH OVER EXISTING BRICKWORK. ALL GLAZING TO BE CLEAR LOW-E TOUGHENED LAMINATED SAFETY GLASS TO AS1288 AND AS2047. ALL WINDOW/GLAZING REQUIREMENTS: LOW E - U VALUE 5.4 AND SHGC 0.49-0.58

ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON-SITE BY CONTRACTORS.

GENERAL LEGEND:

AFL	ABOVE FINISHED FLOOR
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
COS	CHECK ON SITE
EJ	EXPANSION JOINT
E/S	EN-SUITE
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FIX	FIXED GLAZING
FW	FLOOR WASTE
LND	LAUNDRY
OF	OVER FLOW
PLT	PLANTING
RF	ROOFING
RN	RENDER FINISH
RWO	RAINWATER OUTLET
W	WINDOW
WIR	WALK IN ROBE



W:
ALL NEW REPLACEMENT WINDOWS WITH NATURAL ANODISED ALUMINIUM FINISH TO MATCH EXISTING

ALL WINDOWS/GLAZING TO MEET MINIMUM SPECIFICATION OUTLINED IN CREDWELL REPORT DATED 21/3/23: LOW E - U VALUE 5.4 AND SHGC 0.49-0.58

B

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.
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rev	date	notes
A	20/03/23	DA ISSUE
B	12/05/23	WINDOW SPEC ADDED

client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CP/-/SP3122

scale	NTS
drawn	RB
project no	BA2223
drawing title	LEGEND/MATERIALS
drawing no	A003

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NSW Registered Architect Rob Burton 9224

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Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: FLOOR PLAN L1-13		Drawing No: A010		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

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- ALL OPENING WINDOWS TO HAVE LOCKABLE CHILD RESTRAINT WINDERS WITH MAX 125mm CLEAR OPENING
- ALL ALUMINIUM FRAMING TO BE NATURAL ANODISED. SUB-SILL TO EXTEND TO FLASH OVER EXISTING BRICKWORK. ALL GLAZING TO BE CLEAR LOW-E TOUGHENED LAMINATED SAFETY GLASS TO AS1288 AND AS2047. REFER TO SEPARATE BASIX/NATHERS ASSESSMENT FOR SPECIFICATION REQUIREMENTS
- ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON-SITE BY CONTRACTORS.

GENERAL LEGEND:

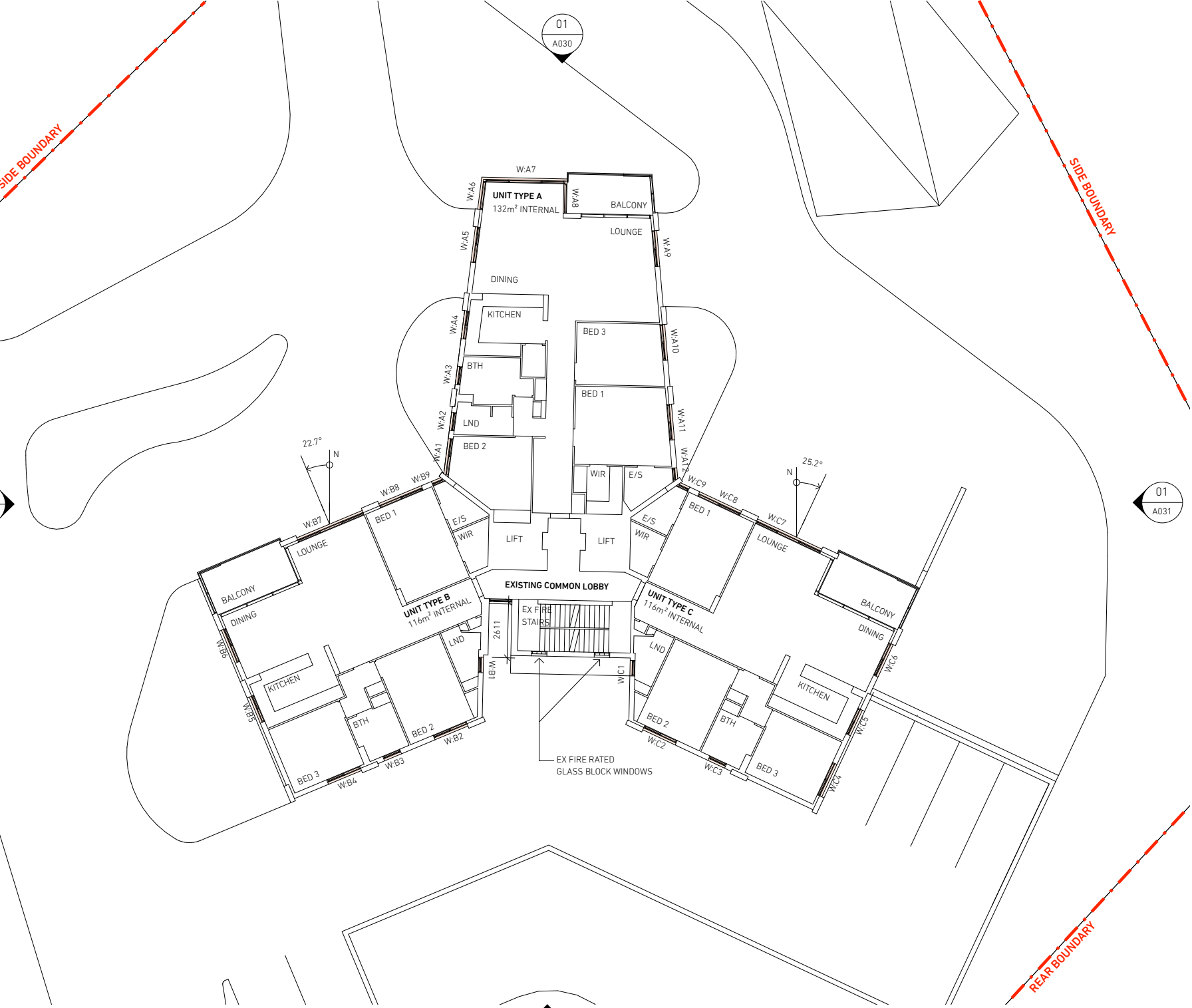
- AFL ABOVE FINISHED FLOOR
BK BRICKWORK
BTH BATHROOM
BY BALCONY
C CENTRE
CF CONCRETE FINISH
COS CHECK ON SITE
EJ EXPANSION JOINT
E/S EN-SUITE
EX EXISTING
F FALL
FFL FINISHED FLOOR LEVEL TO AHD
FIX FIXED GLAZING
FW FLOOR WASTE
LND LAUNDRY
OF OVER FLOW
PLT PLANTING
RF ROOFING
RN RENDER FINISH
RWO RAINWATER OUTLET
W WINDOW
WIR WALK IN ROBE

KEY:

AREA OF REMEDIAL BUILDING WORK

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.
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rev	date	notes
A	20/03/23	DA ISSUE



01 FLOOR PLAN L1-13
- scale 1:200 at A3

client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CPI-/SP3122

scale	1:200 at A3
drawn	RB
project no	BA2223
drawing title	FLOOR PLAN L1-13
drawing no	A010

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NSW Registered Architect Rob Burton 9224

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/A **ARCHITECTURE**

Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: NORTH ELEVATION		Drawing No: A030		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

EXISTING APARTMENTS ARE HAVE SPRINKLER PROTECTION TO AS2118.1

OPENABLE AWNING WINDOWS TO HAVE NON-CLIMBABLE WALL SURFACE UNDER TO INTERNAL SILL AT MIN 760mm AFL AND BARRIER HEIGHT TO AWNING FRAME STORM LIP TO MIN 865mm AFL

ALL OPENING WINDOWS TO HAVE LOCKABLE CHILD RESTRAINT WINDERS WITH MAX 125mm CLEAR OPENING

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GENERAL LEGEND:

AFL	ABOVE FINISHED FLOOR
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
COS	CHECK ON SITE
EJ	EXPANSION JOINT
E/S	EN-SUITE
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FIX	FIXED GLAZING
FW	FLOOR WASTE
LND	LAUNDRY
OF	OVER FLOW
PLT	PLANTING
RF	ROOFING
RN	RENDER FINISH
RWO	RAINWATER OUTLET
W	WINDOW
WIR	WALK IN ROBE

LBP 26m HOB PLANE RELATIVE FROM EXISTING GROUND LEVEL

BUILDING HEIGHTS MEASURED FROM THE EXISTING GROUND LEVEL AROUND THE BASE PERIMETER OF THE TOWER (RED DOTTED LINE)



KEY:

AREA OF REMEDIAL BUILDING WORK

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rev	date	notes
A	20/03/23	DA ISSUE
B	11/05/23	HOB CLARIFICATION

01 NORTH ELEVATION
scale 1:200 at A3

client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CPI-/SP3122

scale	1:200 at A3
drawn	RB
project no	BA2223
drawing title	NORTH ELEVATION
drawing no	A030

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NSW Registered Architect Rob Burton 9224

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Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: EAST ELEVATION		Drawing No: A031		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

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- ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON-SITE BY CONTRACTORS.

GENERAL LEGEND:

- AFL ABOVE FINISHED FLOOR
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- COS CHECK ON SITE
- EJ EXPANSION JOINT
- E/S EN-SUITE
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FIX FIXED GLAZING
- FW FLOOR WASTE
- LND LAUNDRY
- OF OVER FLOW
- PLT PLANTING
- RF ROOFING
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- W WINDOW
- WIR WALK IN ROBE

KEY:

AREA OF REMEDIAL BUILDING WORK

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A	20/03/23	DA ISSUE
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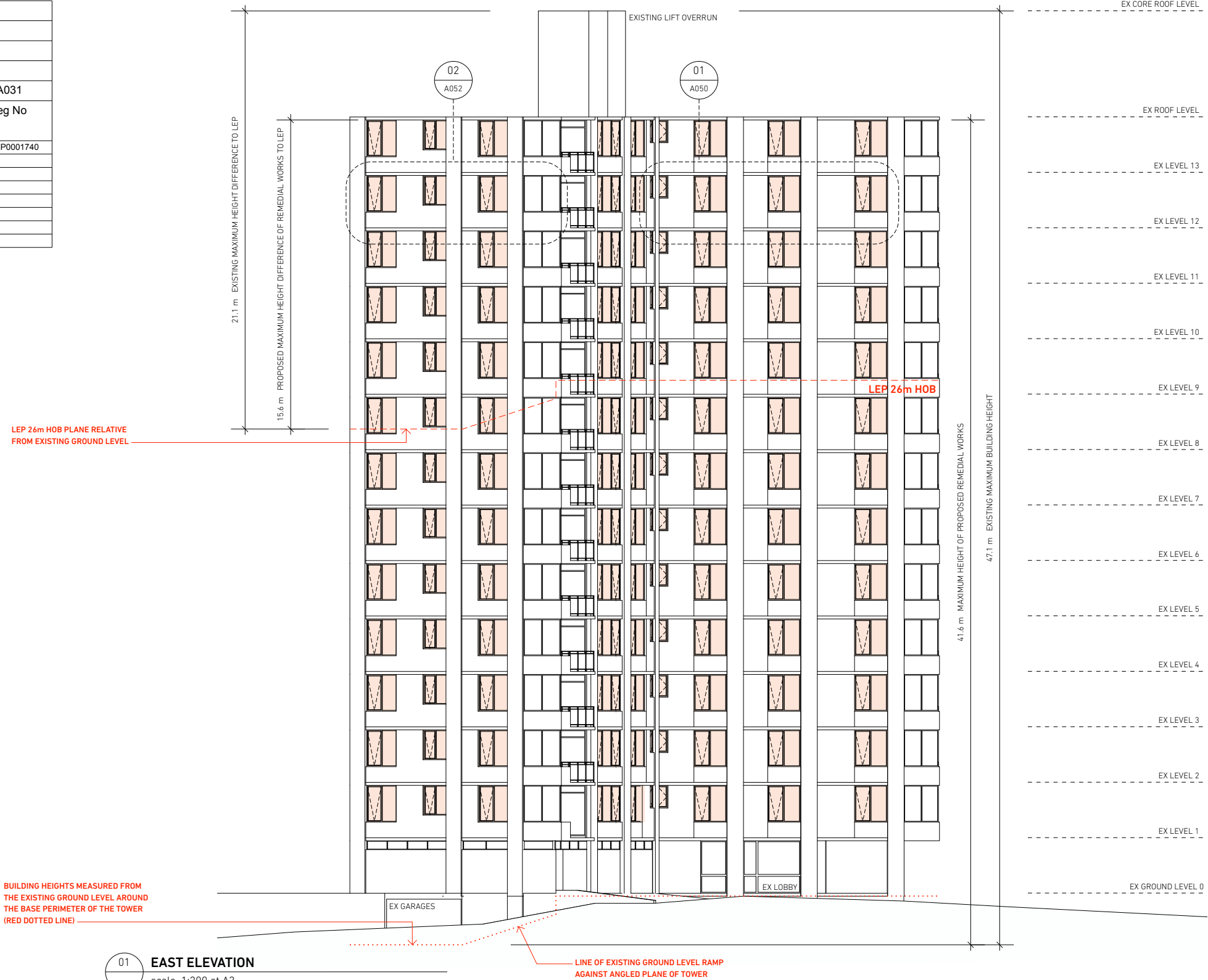
01 EAST ELEVATION
- scale 1:200 at A3

client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CPI-/SP3122

scale	1:200 at A3
drawn	RB
project no	BA2223
drawing title	EAST ELEVATION
drawing no	A031

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Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: SOUTH ELEVATION		Drawing No: A032		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

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GENERAL LEGEND:

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BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
COS	CHECK ON SITE
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KEY:

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A	20/03/23	DA ISSUE
B	11/05/23	HOB CLARIFICATION



client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CPI-/SP3122

scale	1:200 at A3
drawn	RB
project no	BA2223
drawing title	SOUTH ELEVATION
drawing no	A032

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BURTON
/B **ARCHITECTURE**

Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: WEST ELEVATION		Drawing No: A033		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

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OF	OVER FLOW
PLT	PLANTING
RF	ROOFING
RN	RENDER FINISH
RWO	RAINWATER OUTLET
W	WINDOW
WIR	WALK IN ROBE

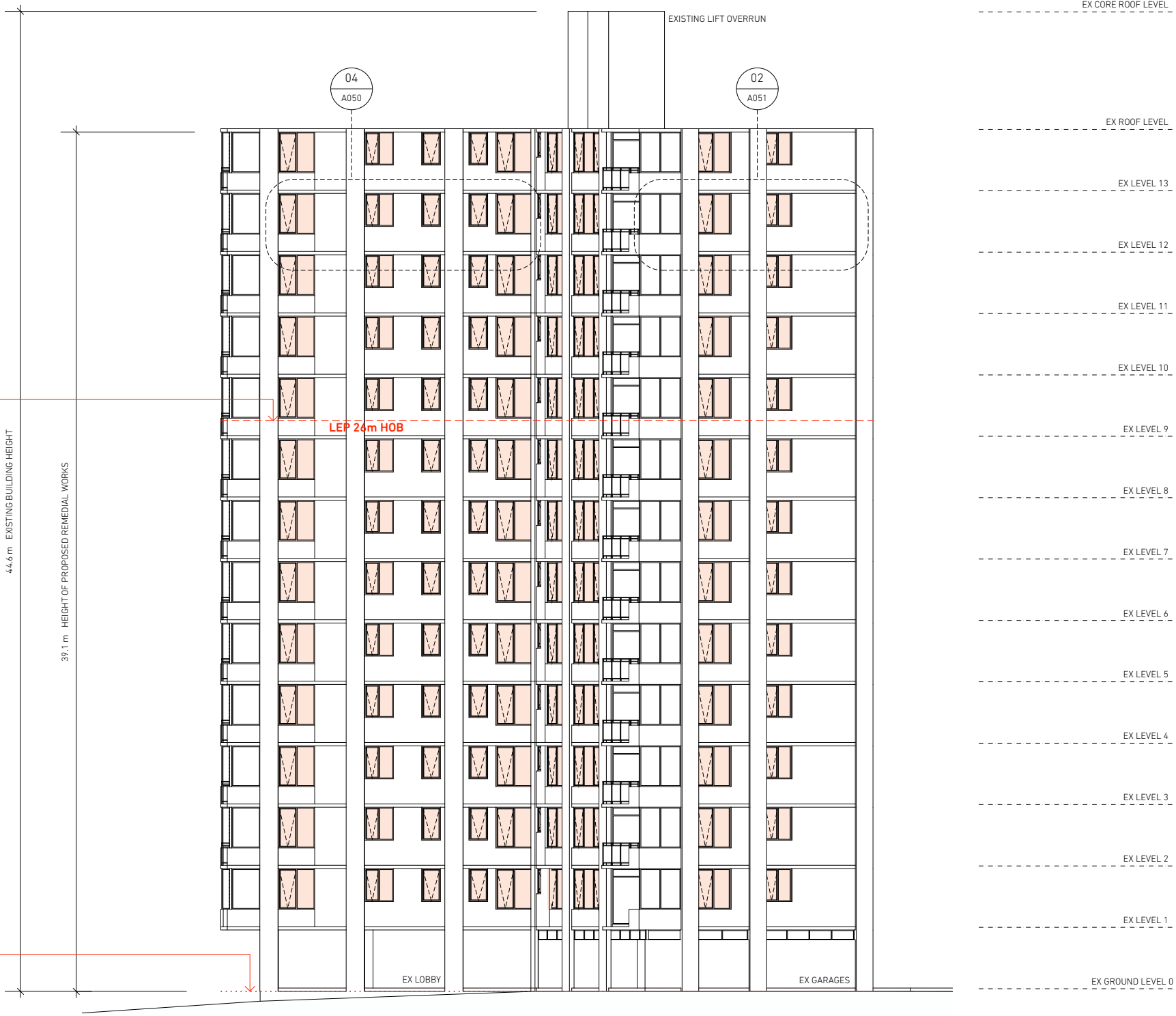
LEP 26m HOB PLANE RELATIVE FROM EXISTING GROUND LEVEL

04
A050

02
A051

LEP 24m HOB

BUILDING HEIGHTS MEASURED FROM THE EXISTING GROUND LEVEL AROUND THE BASE PERIMETER OF THE TOWER (RED DOTTED LINE)



KEY:

AREA OF REMEDIAL BUILDING WORK

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rev	date	notes
A	20/03/23	DA ISSUE
B	11/05/23	HOB CLARIFICATION

01
-
WEST ELEVATION
scale 1:200 at A3

client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CP/-/SP3122

scale	1:200 at A3
drawn	RB
project no	BA2223
drawing title	WEST ELEVATION
drawing no	A033

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NSW Registered Architect Rob Burton 9224

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Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT TYPE A WINDOWS		Drawing No: A050		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

DA ISSUE / NOT FOR CONSTRUCTION

NOTES:

EXISTING APARTMENTS ARE HAVE SPRINKLER PROTECTION TO AS2118.1

OPENABLE AWNING WINDOWS TO HAVE NON-CLIMBABLE WALL SURFACE UNDER TO INTERNAL SILL AT MIN 760mm AFL AND BARRIER HEIGHT TO AWNING FRAME STORM LIP TO MIN 865mm AFL

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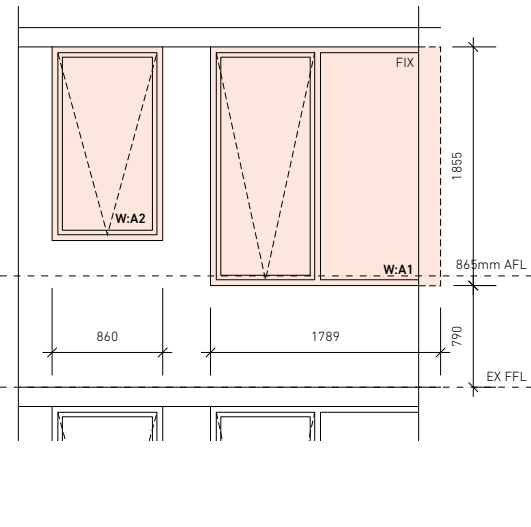
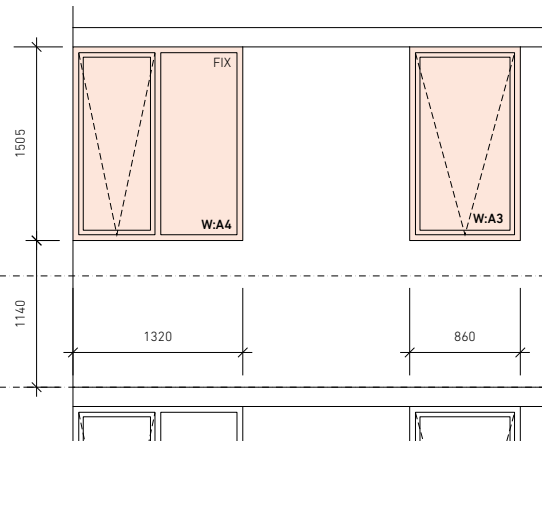
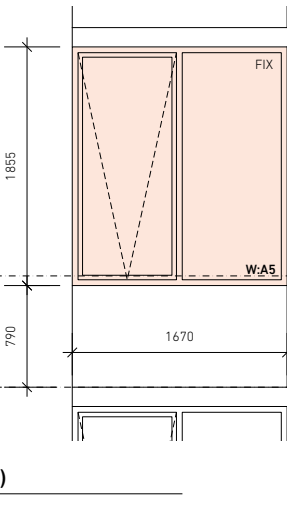
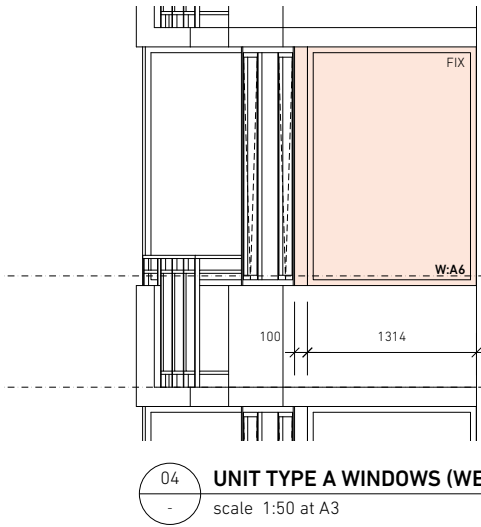
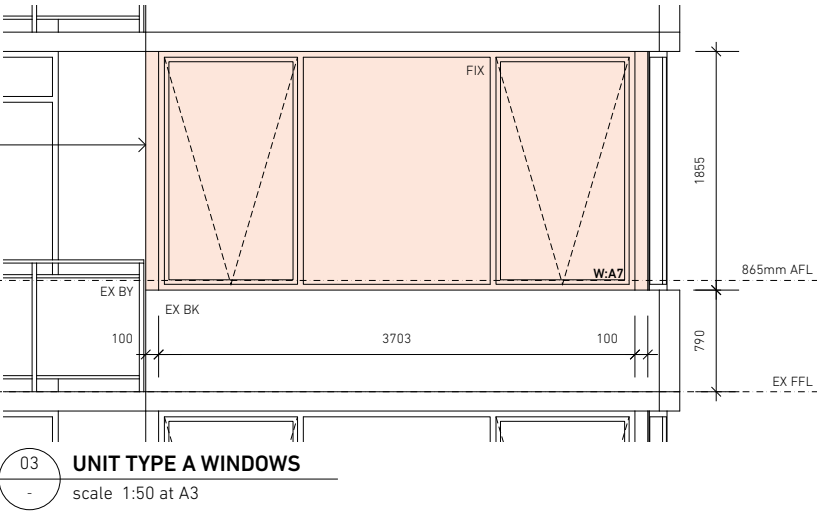
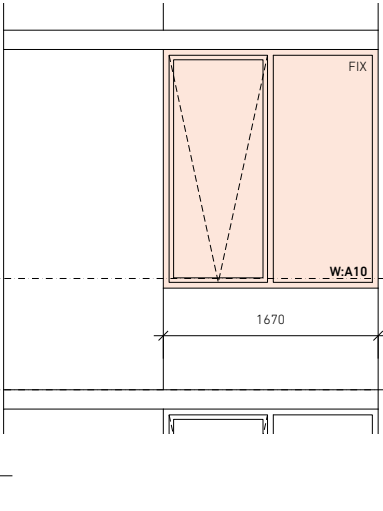
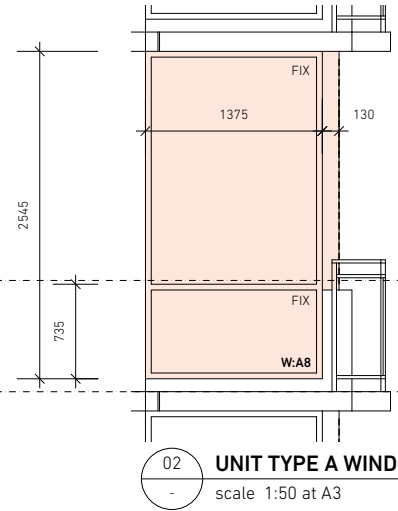
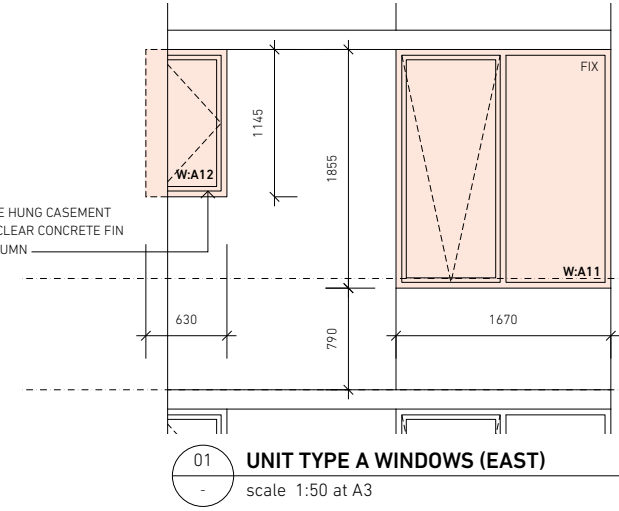
AFL	ABOVE FINISHED FLOOR
BK	BRICKWORK
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A	20/03/23	DA ISSUE



client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CPI-/SP3122

scale	1:50 at A3
drawn	RB
project no	BA2223
drawing title	UNIT TYPE A WINDOWS
drawing no	A050

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NSW Registered Architect Rob Burton 9224

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Regulated Design Record				
Project Address: 6 TRELAWNEY STREET WOOLLAHRA NSW 2025				
Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT TYPE B WINDOWS		Drawing No: A051		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

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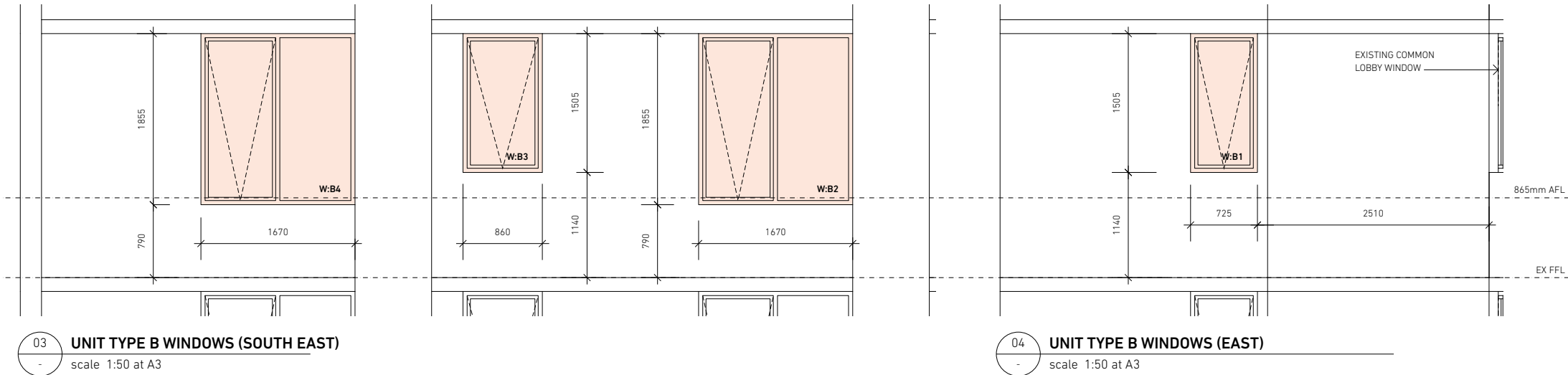
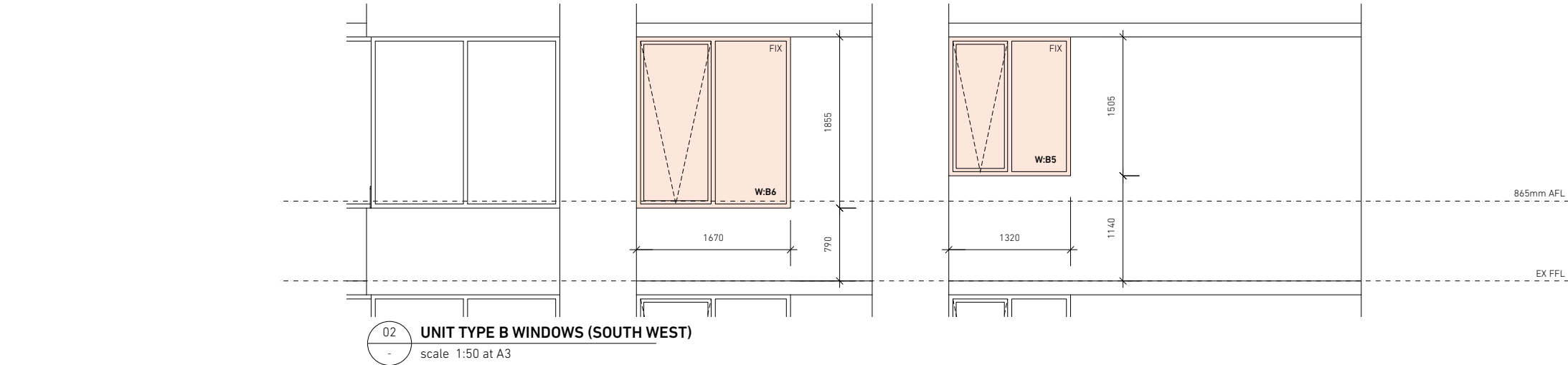
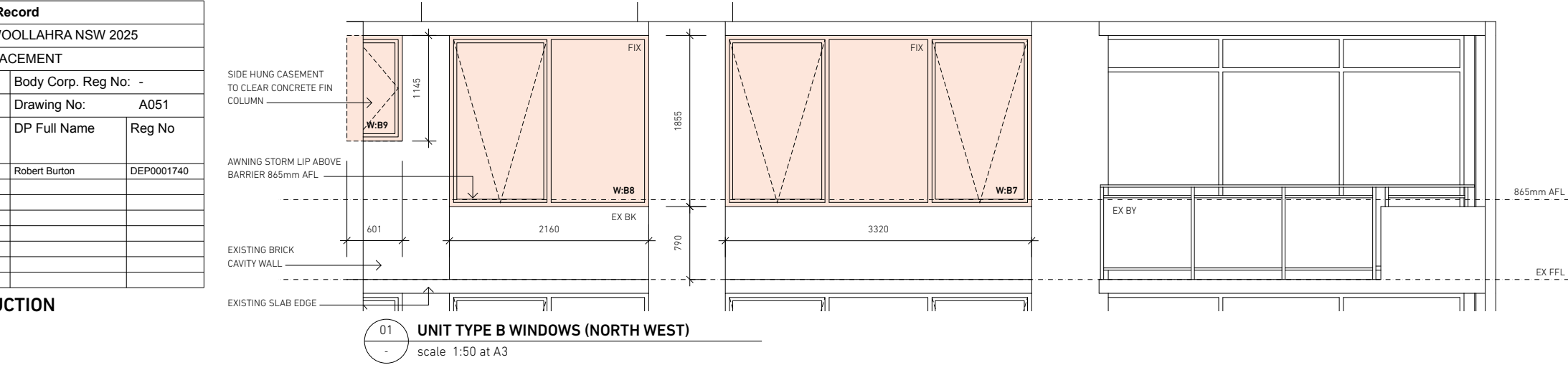
GENERAL LEGEND:

AFL	ABOVE FINISHED FLOOR
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drawn	RB
project no	BA2223
drawing title	UNIT TYPE B WINDOWS
drawing no	A051

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Regulated Design Record				
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Project Title: EXISTING WINDOW REPLACEMENT				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT TYPE C WINDOWS		Drawing No: A052		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

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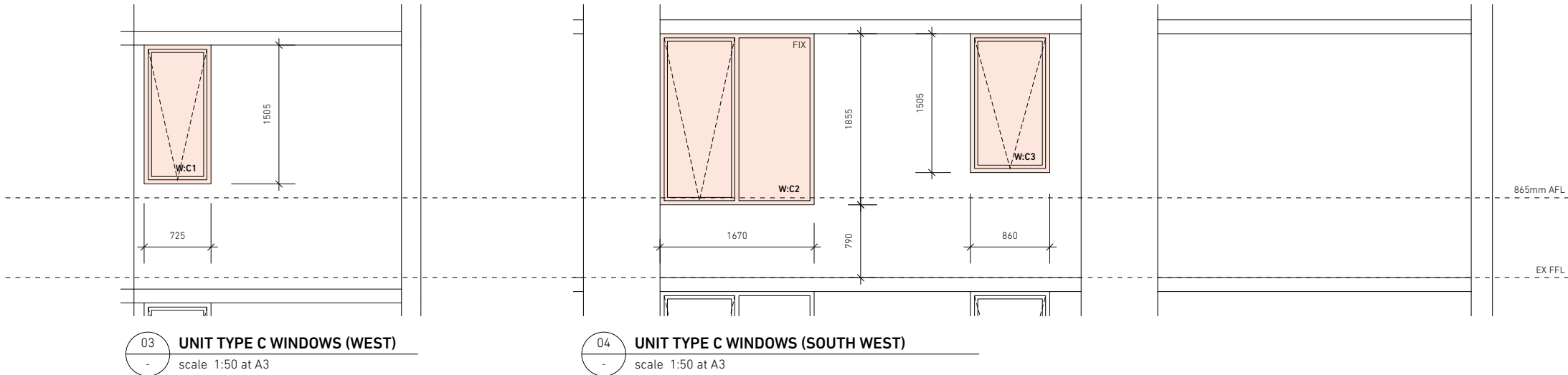
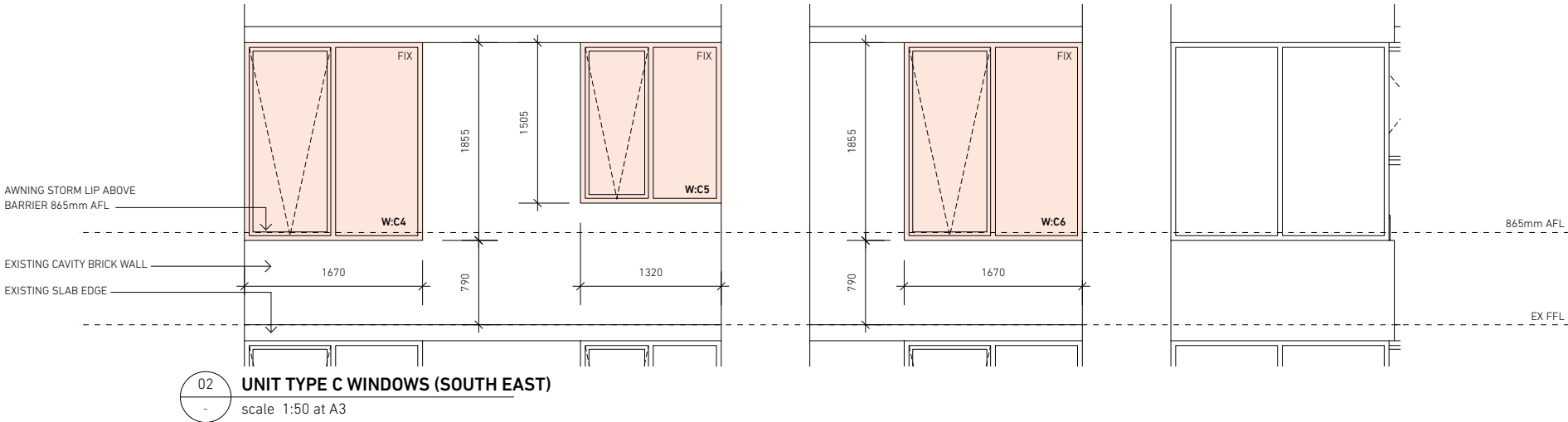
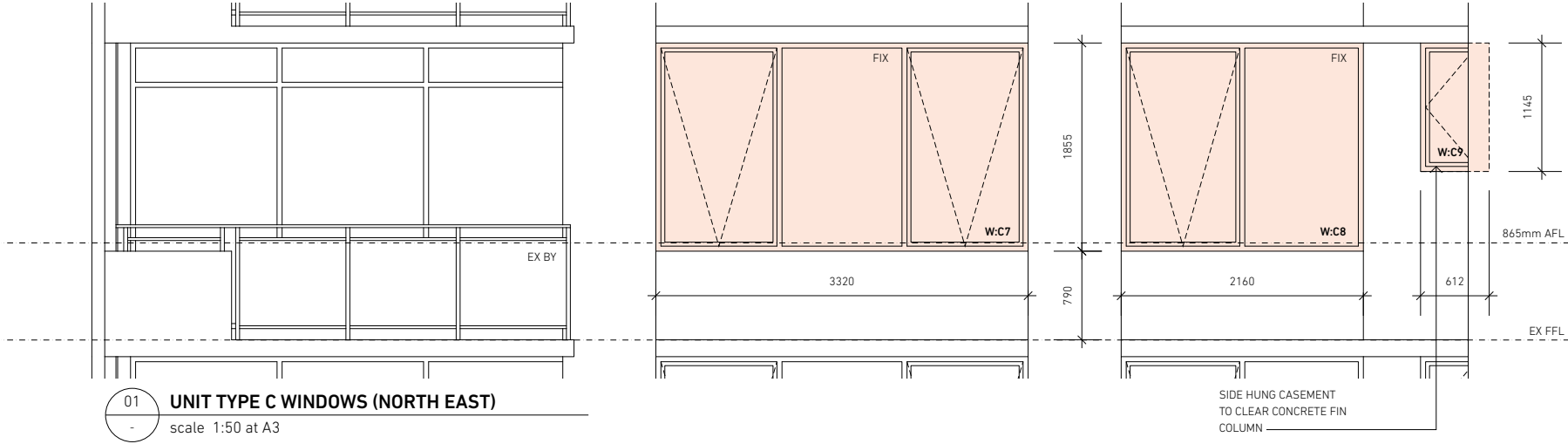
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client	SUTECH
project	WINDOW REPLACEMENT 6 TRELAWNEY STREET WOOLLAHRA NSW 2025 CPI-/SP3122

scale	1:50 at A3
drawn	RB
project no	BA2223
drawing title	UNIT TYPE C WINDOWS
drawing no	A052

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NSW Registered Architect Rob Burton 9224

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CLAUSE 4.6 REQUEST TO VARY A DEVELOPMENT STANDARD

BUILDING HEIGHT DEVELOPMENT STANDARD - CLAUSE 4.3 WOOLLAHRA LOCAL ENVIRONMENT PLAN 2014

6 TRELAWNEY STREET WOOLLAHRA NSW 2025
CP/-/SP3122

WINDOW REPLACEMENT WORKS

11 May 2023 v2

burtonarchitecture.com
ABN 25 457 669 610
NSW Registered Architect 9224 Rob Burton
NSW Design Practitioner Architect DEP1740

6 Trelawney Street Woollahra NSW 2025_Clause 4.6 request to vary a development standard

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2 CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS3

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6 Trelawney Street Woollahra NSW 2025_Clause 4.6 request to vary a development standard

1 INTRODUCTION

This report supports a Development Application for remedial window replacement works at 6 Trelawney Street Woollahra, SP3122.

The report has been prepared to request a variation to clause 4.3 (Height of Buildings) of Woollahra Local Environment Plan 2014 (WLEP 2014) as it applies to the proposed repair works on the building.

2 CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Clause 4.6 of WLEP 2014 enables an exception to the height standard subject to consideration of a written request from the applicant justifying the contravention.

Relevant extracts of Clause 4.6 of MLEP 2013 read as follows:

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (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.

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

(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.

(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

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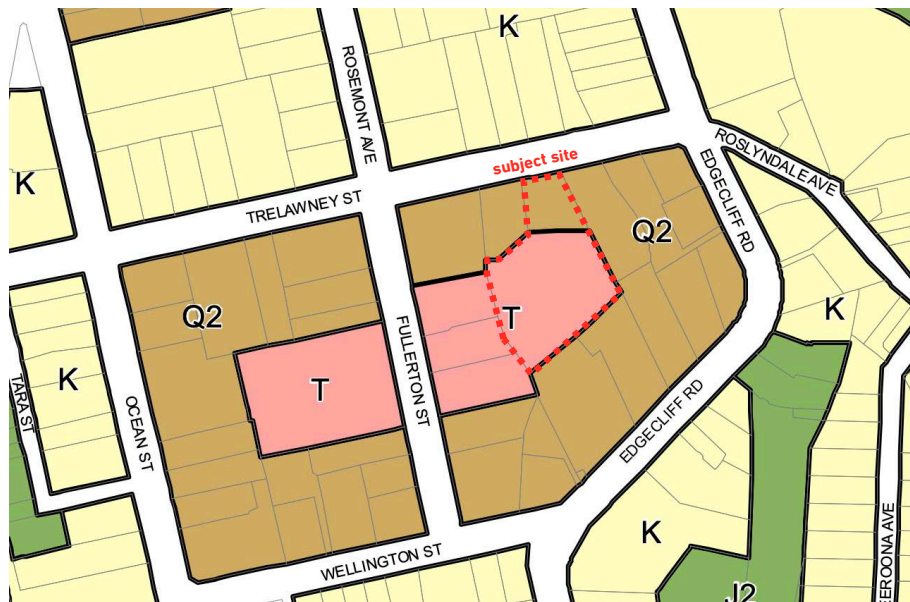
p 3

6 Trelawney Street Woollahra NSW 2025_Clause 4.6 request to vary a development standard

- (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.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

3 DEVELOPMENT STANDARD TO BE VARIED

The development standard to be varied is clause 4.3 (Height of Buildings) in WLEP 2014. As identified on the WLEP 2014 Height of Buildings Map below, the site is subject to a maximum building height of 19.5m (Cat Q2) and 26m (Cat T) in the centre of the site where the existing building sits.



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p 4

6 Trelawney Street Woollahra NSW 2025_Clause 4.6 request to vary a development standard

4 EXTENT OF VARIATION

The existing building is a 1960's 14 storey apartment building that is 47.1m to the top of the lift overrun to the lowest existing ground level to the south of the tower along the rear garages. This building proceeded the WLEP 2014 height controls. The existing building breaches the 26m height control by 21.1m. The proposed remedial works at at a height of 41.6m above existing ground, breaching the height control by 15.6m.



SOUTH ELEVATION

Remedial works are urgently required to replace existing windows. Approximately 6 levels of window replacement works will be above the LEP height control. There are no other changes to the existing building.

6 Trelawney Street Woollahra NSW 2025_Clause 4.6 request to vary a development standard

5 ASSESSMENT

Clause 4.3 Height of buildings

Clause	Objectives	Assessment
4.3(1)(a)	To provide for building heights and roof forms that are consistent with the topographical landscape, prevailing building height and desired future streetscape character in the locality	The subject building that is breaching the height limit is existing. There are no form or material changes to the existing building. The works are remedial replacement works.
4.3(1)(b)	To control the bulk and scale of buildings	Refer to above
4.3(1)(c)	To minimise disruption to the following: (i) views to nearby residential development from public spaces (incl the harbour and foreshores) (ii) views from nearby residential development to public spaces (incl the harbour and foreshores) (iii) views between public spaces (incl the harbour and foreshores)	Refer to above
4.3(1)(d)	To provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent buildings	Refer to above
4.3(1)(e)	To ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses	Refer to above

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p 6

6 Trelawney Street Woollahra NSW 2025_Clause 4.6 request to vary a development standard

5.1 Clause 4.6(3)(a)

Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case.

Compliance with the height of buildings standard is unreasonable and unnecessary as the objectives of the development standard typically apply to new built form outside the existing envelope;

5.2 Clause 4.6(3)(b)

Are there any sufficient environmental planning grounds to justify contravening the development standard

The proposal demonstrates sufficient environmental planning grounds for the following reasons:

1. The subject building is existing and the proposed development application is for remedial replacement works only
2. The remedial works are within the existing envelope of the existing building structure
3. There will be no discernible visual change to the existing building after the remedial works
4. The remedial works are critical to be carried out as soon as possible to limit further deterioration

5.3 Clause 4.6(4)(a)(ii)

Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for the development within the zone in which the development is proposed to be carried out?

It should be in the public interest to remediate the building as soon as possible to limit any future safety risks.

6 MATTERS OF SIGNIFICANCE FOR STATE OR REGIONAL PLANNING

The contravention of the height standard does not raise any matter of State or regional planning significance.

7 CONCLUSION

This clause 4.6 variation request is well founded as it demonstrates, as required under clause 4.6 of the WLEP 2014 that the proposal provides a better planning outcome with no adverse environmental impacts. In summary, the variation is justified because:

- There will be no change to an existing condition.
- The proposal is in the public interest.
- There are no matters of State or regional planning significance and no notable public benefits in maintaining the the height standard in this case.

It is therefore open to the consent authority to vary clause 4.3 of the WLEP 2012 as it applies to the remedial repair works.

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p 7

Completion Date: 15 May 2023

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: Development Applications: 102/2023/1
ADDRESS: 6 Trelawney Street WOOLLAHRA 2025
PROPOSAL: Replace existing windows to the existing residential flat building
FROM: Ashley Wang - Fire Safety Officer
TO: Mr V Aleidzans

1. ISSUES

- *Annual Fire Safety Statement 2003/108.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced HPE 23/58690 prepared by Burton Architecture, dated 24 March 2023.
- Architectural Plans, referenced A010 & A030 – A033, prepared by Burton Architecture, dated 11/05/23,
- Fire Safety Report, referenced HPE 23/58697, prepared by Credwell, dated 23 March 2023.

3. LEGISLATION

A Building Code of Australia (BCA) assessment of this development application is required to satisfy the following statutory provisions of the *Environmental Planning & Assessment Regulation 2021*.

- ☐ Clause 62 – Change of Use – ‘Fire safety and other considerations’
 - *Category 1 fire safety provisions required*
- ☐ Clause 64 – ‘Consent authority may require buildings to be upgraded’
 - Compliance with the BCA if more than 50% of the volume has been changed in the last 3 years
 - Fire safety – to protect persons using the building and facilitate their egress from the building as well as restricting the spread of fire from the building to other buildings
- ☐ Clause 63 – ‘Fire safety and other considerations applying to erection of temporary structures’
 - fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.

4. BUILDING DESCRIPTION

Type of Construction: A

Class: 2

Number of Storeys: 14

Rise in Storeys: 14

Effective Height: > 12 metres

5. ASSESSMENT

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

6. RECOMMENDATION

Council's Fire Safety Officer has determined that the proposal is satisfactory, subject to the following conditions:

- A. **General Conditions**
- B. **Conditions which must be satisfied prior to the demolition of any building or construction**
- C. **Conditions which must be satisfied prior to the issue of any construction certificate**
- D. **Conditions which must be satisfied prior to the commencement of any development work**
- E. **Conditions which must be satisfied during any development work**
- F. **Conditions which must be satisfied prior to any occupation or use of the building**
- F.1 **Fire Safety Certificates**

In the case of a *final occupation certificate* to authorise a person:

- a) to commence occupation or use of a new building, or
- b) to commence a change of building use for an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an *interim occupation certificate* to authorise a person:

- a) to commence occupation or use of a partially completed *new building*, or
- b) to commence a change of building use for part of an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

- G. **Conditions which must be satisfied prior to the issue of any Subdivision Certificate**
- H. **Conditions which must be satisfied prior to the issue of a Final Occupation Certificate**
- I. **Conditions which must be satisfied during the ongoing use of the development**
- I.1 **Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)**

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to Council and the

Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Standard Condition: I22

J. Miscellaneous Conditions

K. Advisings

Ashley Wang
Fire Safety Officer

Date: 15 May 2023



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E: info@sutech.com.au
W: www.sutech.com.au

24 July 2023

**RE: 6 TRELAWNEY STREET, WOOLLAHRA
WINDOW CONDITION REPORT**

The following report refers the current state of the windows at the above property.

Preamble

The building is 14 stories high and is constructed with reinforced concrete columns and floor/ceiling slabs with cavity brickwork.

The windows on building are the original windows installed during initial construction in 1967. The windows are residential framed (50mm wide frame) double hung anodised aluminium window with 4mm float glass installed.

Observations

Over the past 5 years we undertaken numerous inspections at the building including a full building inspection in 2019.

During this period we have made the following observations:

- The current windows have oxidation of the frames and flashings due general weathering. This is common across all the windows at the building.



P1 – oxidisation of frames due weathering

- The existing latches on the windows have mild to severe corrosion resulting in windows not being able to be closed properly.
- The current windows rattle during high winds. Residents are having to insert paper between the sashes to prevent rattling.



P2 – Paper inserted between window sashes to prevent rattling

- The 4mm float glass in the windows is secured with putty which has deteriorated over time due to weathering. Due the deterioration of the putty there is an increased risk of glass falling from the frames. This is common across all the windows in the building.



P3 – Putty around the window has deteriorated

- The sealant around the window frames has deteriorated due to UV exposure allowing water entry into the cavities and brickwork increasing the chances of water penetration.



P4 – deteriorated sealant at head of window



P5 – oxidisation and failure of sealants around window frame

- There are numerous reports of water entry into units through the windows during severe storms due the above issues.

Comment

The current windows are past their usable lifespan and require replacement. This information has been conveyed to the Owners Corporation who have decided to replace the existing windows.

Like for like windows cannot be reinstalled as they are the existing 1960's windows which will not conform with the current National Construction Code and wind and water requirements.

If you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely



PAUL MACKENZIE
Consultant

6 Trelawney Street WOOLLAHRA
DA 102/2023/1

Woollahra Council Application Assessment Panel
30 May 2023

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	0.0
FILE No.	DA102/2023/1
ADDRESS	6 Trelawney Street WOOLLAHRA
SITE AREA	Approx. 4,677.37m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Replace existing windows to the existing residential flat building
TYPE OF CONSENT	Local development
COST OF WORKS	\$2,402,563.00
DATE LODGED	30/03/2023
APPLICANT	Burton Architecture
OWNER	The Owners - Strata Plan No. 3122
AUTHOR	Mr V Aleidzans
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Nil
RECOMMENDATION	Approval

1. REASONS FOR RECOMMENDATION

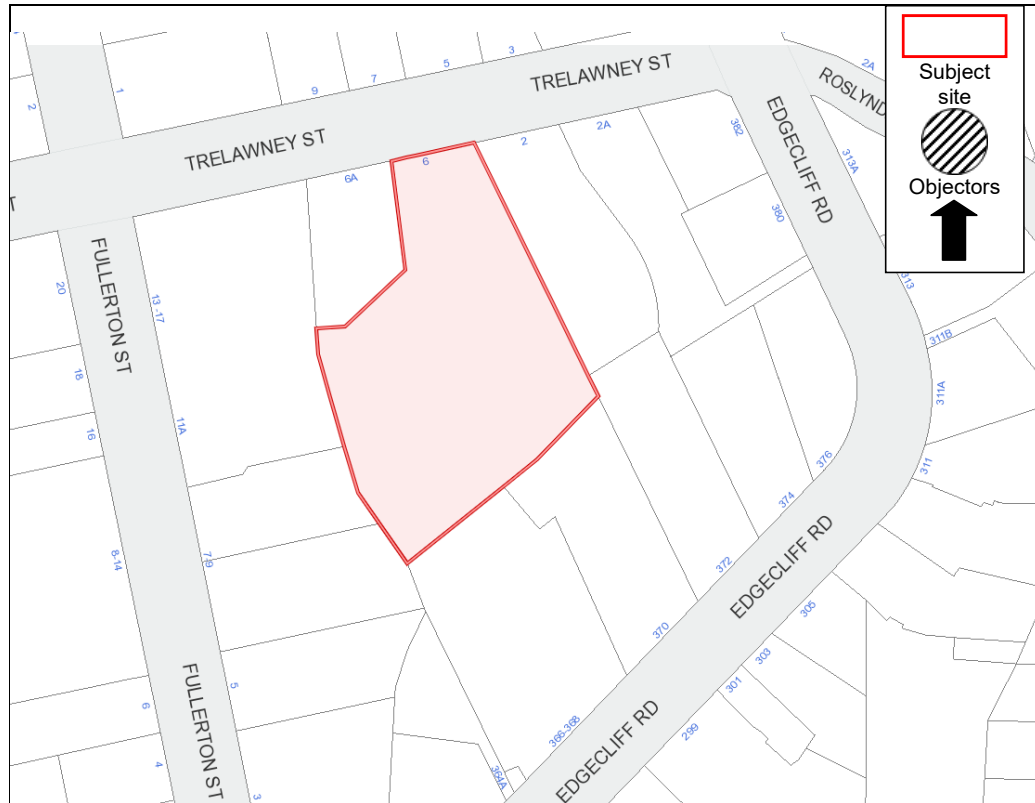
The application has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval because:

- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory
- The site is suitable for the proposed development
- The proposal is in the public interest
- The Clause 4.6 is well-founded and as such, the exceedance of the statutory height of buildings development standard is justified.

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2. LOCALITY PLAN



3. LEVEL OF DELEGATION

The application is to be determined by the Application Assessment Panel as:

- The estimated cost of works is between \$2M and \$30M.

Furthermore, it should be acknowledged that whilst the proposal involves a non-compliance of more than 10% with the height of buildings development standard, it qualifies for the exemption.

On 17 November 2020 (and re-issued on 21 October 2021, and on 3 November 2022) the Department of Planning, Industry and Environment granted Council an exemption from the requirement to refer Development Applications to the Woollahra Local Planning Panel. The exemption had been extended for a period of 12 months (and subsequently a further 18 months) where:

- *There is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan (LEP) 2014 and the development application does not result in an increase in the non-compliance;*

The proposal involves window replacement works, where all works are contained below the existing maximum building height.

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As such, this matter may be determined by the Application Assessment Panel.

4. PROPOSAL

The proposal involves the replacement of existing windows.

The submitted Statement of Environmental Effects makes the following points:

- These windows will be replaced like for like to suit the current BCA and wind rating requirements.
- The new windows will be naturally anodised in order to match the existing and original windows.
- The new windows will comprise of a thicker frame to suit wind pressure and water ingress requirements.
- Replacement windows will be generally a top hung awning type to adhere to BCA safety restrictions and meet wind loads.

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.3	Height of Buildings	15.6m or 60% departure from the 26m control	Satisfactory

5.2 Primary Issues

- Non-compliances with Clause 4.3 Height of buildings development standard under the Woollahra LEP 2014. However, the Clause 4.6 is well-founded and as such, the exceedance of the statutory height of buildings development standard is justified.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is an irregular shaped allotment situated on the southern side of Trelawney Street between its junctions with Rosemount Avenue and Edgecliff Road. Overall, the site has an approximate area of 4,677.37m ² .
Topography
The subject site does not exhibit any dramatic changes in topography with there being gradual slopes towards the site's boundaries noting that the current residential flat building is located at the highest point of the subject site within the centre.
Existing buildings and structures
Situated on the subject site at present is a 14 storey residential flat building which is generally centred within the site along with a series of ancillary buildings, garaging along with a swimming pool. The site also comprises hard paved and landscaped areas throughout.
Surrounding Environment
The immediate locality is typically defined by residential flat building developments which tend to vary in terms of their height and overall character.

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Image 1: Aerial view of the subject site



Image 2: Subject site as viewed from Trelawney Street

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Image 3: No. 6A Trelawney Street, Woollahra



Image 4: No. 2 Trelawney Street, Woollahra

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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
The height of buildings projections and measurements were clarified by way of amended plans dated 11 May 2023. The written Clause 4.6 Variation request was also updated accordingly, dated 11 May 2023.
The materials plan was amended on 12/05/2023 to include reference to the proposed glazing.
Land and Environment Court Appeal(s)
N/A

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Fire Safety	Satisfactory, subject to conditions	3

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 19/04/2023 to 04/05/2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. No submissions were received.

9.2 Statutory Declaration

The applicant has completed the statutory declaration dated 05/05/2023 declaring that the site notice for DA102/2023/1 was erected and maintained during the notification period in accordance with the Woollahra Community Participation Plan.

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

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 therefore satisfactory with regard to the relevant provisions of the planning instrument.

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.

11. STATE ENVIRONMENTAL PLANNING POLICY 65: DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Pursuant to Clause 4 of SEPP 65, the policy applies to all new residential flat buildings (or substantial redevelopment) and the conversion of an existing building where it comprises three or more storeys and four or more self-contained dwellings.

In response to the above, SEPP 65 is not applicable in this instance as the application relates to window replacement works. Therefore, it does not satisfy the relevant provisions of Clause 4 regarding application of this policy.

The above has been considered for completeness of this assessment.

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

In accordance with Clause 208(4)(b) of the Environmental Planning and Assessment Act 1979 any costs associated with the repairs to a building are not to be included in an estimate or determination of the proposed costs.

208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

...

(4) The following costs and expenses must not be included in an estimate or determination of the proposed cost—

...

(b) the costs of repairs to a building or works on the land that will be kept in connection with the development,

A report was provided with this application which demonstrates that although a BASIX Certificate was not technically required per the above, the proposed replacement windows would otherwise perform better than the minimum BASIX required solutions required by the BASIX AIs and Ads DIY tool. This would otherwise require external shading devices which would have greater visual impacts upon the existing built form.

As such a BASIX Certificate is not required.

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13. SEPP (BIODIVERSITY AND CONSERVATION) 2021

13.1 Chapter 2 Vegetation in non-rural areas

The application was reviewed by Council's Tree and Landscaping Officer at the Development Application Review Committee (DARC stage) and no objections to the proposal were raised. The proposal is considered to be acceptable having regard to Chapter 2 of the SEPP.

13.2 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.

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1 Part 1.2: Aims of Plan

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

14.2 Land Use Table

The proposal is defined as a residential flat building and is permitted and is consistent with the objectives of the R3 Medium Density Residential zone.

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

Part 4.1A(2) specifies a minimum lot size of 700m² for a residential flat building within the R3 Medium Density Residential zone. The proposal does not seek to alter the existing site area which notably complies with the development standard equalling approximately 4,677.37m². Accordingly, the proposal is acceptable having regard to 4.1A(2) of Woollahra LEP 2014.

14.4 Part 4.3: Height of Buildings

The subject site comprises two different height of building development standards being 19.5m and 26m. In the area where the proposed works are contained a height limit of 26m is applicable.

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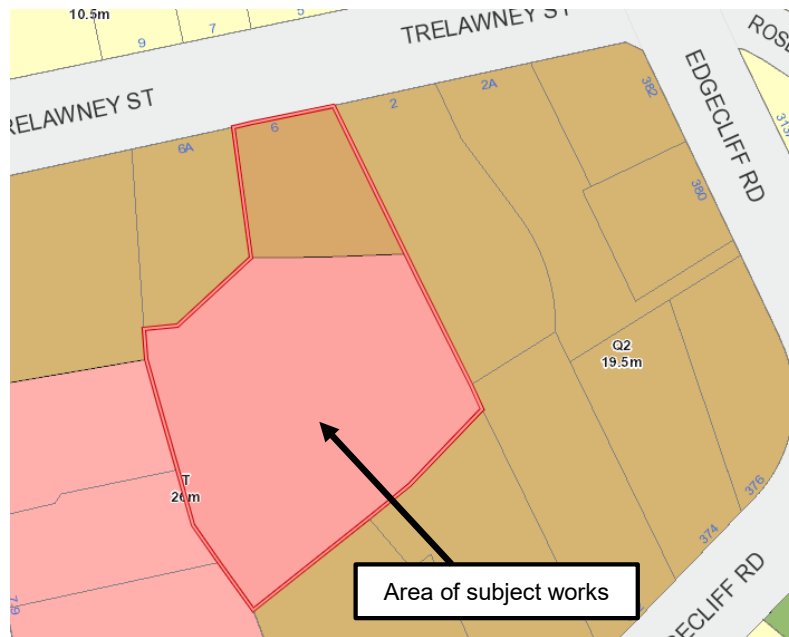


Image 5: Height of buildings map

	Existing	Proposed	Control	Complies
Maximum Building Height (of proposed works)	47.1m	41.6m	26m	No*

*Clause 4.6 Written Request submitted

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Section 14.6 of this assessment report.

14.5 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 1.55:1 at the subject site. The proposal does not seek any additional gross floor area and therefore the existing condition would remain unchanged.

14.6 Part 4.6: Exceptions to Development Standards

The proposal involves the following non-compliance with the Woollahra LEP 2014, as detailed in Section 14.4 of this report:

- Height of buildings development standard under Part 4.3 of the Woollahra LEP 2014.

Clause 4.3 limits development to a maximum height of 26m. Overall, the proposal seeks a 15.6m or 60% departure from the 26m control. Notably, the existing built form exceeds this development standard and no further height increases are sought.

14.6.1. Purpose

Clause 4.6 facilitates the potential contravention of a development standard under certain circumstances where it can be adequately demonstrated that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.

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14.6.2. Written Request

Clause 4.6(3) stipulates that a written request is required from the applicant that justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention. The applicant has provided a written request in relation to the departure to Cl.4.3.

14.6.3. Assessment

Clause 4.6 (4) 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 Secretary has been obtained.*

Clause 4.6(4)(a)(i) - Assessment

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be addressed by Cl 4.6(3). There are two separate matters for consideration contained within Cl 4.6(3) and these are addressed as follows:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Despite the numerical non-compliances, the applicant's written request has adequately demonstrated that the objectives of the Height of building development standard are achieved.

The applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Cl 4.6(3)(a). The objectives of the development standard is discussed further in the assessment of Clause 4.6(4)(a)(ii).

- b) That there are sufficient environmental planning grounds to justify contravening the development standard.*

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

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.

S1.3 of the EPA Act states:

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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.*

The applicant's written request, which supports the proposed non-compliances with the Height of buildings development standard, has adequately demonstrated that the proposed development satisfies objectives (g) and (h) of the Environmental Planning and Assessment Act 1979 as copied above.

Therefore, it is considered that the applicant's written request has adequately demonstrated sufficient environmental planning grounds to justify the contravention of the development standard as required by Clause 4.6(3)(b) and the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

Clause 4.6(4)(a)(ii) - Assessment

Clause 4.6(a)(a)(ii) requires the consent authority to be satisfied that:

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.

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of buildings development standard and the objectives of the subject R3 Medium Density Residential zone. An assessment against these objectives is provided below:

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.*

The existing building height will remain unchanged with the proposal being consistent with the desired future character of the area.

- (b) *To establish a transition in scale between zones to protect local amenity.*

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The existing non-compliance is in no way exacerbated. The proposed works would not increase the existing building envelope and therefore, there would be no greater impacts upon the local amenity.

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

The proposal will not result in any additional overshadowing to adjoining properties as the building envelope remains unchanged.

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

The subject non-compliance will not result in any significant view loss, loss of privacy, overshadowing or visual intrusion impacts to adjoining properties given the proposal pertains to window replacement works and no change to the building envelope is proposed.

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

Given no additional bulk or scale is proposed, the existing and subject non-compliance will not alter the current relationship with respect to the retention of public views.

The objectives of the R3 Medium Density Residential zone

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

The existing use of the subject site is maintained and will continue to provide for the existing housing needs of the community.

- *To provide a variety of housing types within a medium density residential environment.*

No changes are proposed to the current use of the subject site.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The objective is not relevant to the proposed scope of works.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

The non-compliant height will remain unchanged and so too will the envelope of the existing building. The proposal is considered to achieve the desired future character of the neighbourhood.

Accordingly, the non-compliances are considered to be consistent with the objectives of the development standard and zone.

Clause 4.6(4)(a)(b) - Assessment

The Department issued Planning Circular No.PS20-002 (dated 5 May 2020) which notified Councils of arrangements "...where the Director General's concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...". Clause 64 of the EPA Regulations provides that Council may assume the Director-General's [Secretary's] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

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In relation to this Part, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) establishes *Planning Principles* which are summarised and assessed as follows:

i. Does the applicant's written request demonstrate non-compliance with the development standard is unreasonable or unnecessary?

Yes. For the reasons already outlined and discussed in this assessment, the proposal satisfies the objectives which underpins the development standard.

ii. Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes. The submitted Clause 4.6 variation request has demonstrated that there are sufficient environmental grounds to justify contravening the development standard in this instance.

iii. The public interest and whether the proposal is consistent with the objectives of the development standard.

The proposal is deemed to be in the public interest as it does not contravene the objectives of the development standard.

Conclusion

The written submission provided by the applicant has adequately demonstrated that the variation of the development standard prescribed by Clause 4.3 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

The consent authority can, 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 can be satisfied that the proposal upholds the public interest as the non-compliances are consistent with the objectives of the development standard and those applicable to development within the subject R3 Medium Density zone. Departure from the control is supported.

14.7 Part 5.10: Heritage Conservation

The subject site is located within the Woollahra Heritage Conservation Area (C15). The site also adjoins Heritage Item No. 615 which is described as being a Kauri Pine situated at No. 2 Trelawney Street Woollahra.

The application was reviewed by Council's Heritage Officer at the Development Application Review Committee (DARC stage) and no objections to the proposal were raised.

The proposed is therefore considered acceptable with regard to the objectives in Parts 5.10 of the 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

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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

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

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1 Chapter C2: Woollahra Heritage Conservation Area

Part C2.3.1: Rosemont Precinct Controls

The proposal is acceptable with respect to maintaining the significant characteristics and conforming to the objectives as outlined in Part C2.3.1 of the Woollahra DCP 2015.

Furthermore, the subject site is not identified as a contributory item within the precinct.

Part C2.5.1: General Control for all Development

The proposed works are limited to those associated with window replacement. On that basis, the proposal would not alter the existing building location, orientation, height, form, internal layouts, bulk or scale.

There would be no altered relationships with surrounding properties and the public domain in terms of solar access or views.

There would be no changes to the existing extent of private open space, deep soil landscaping, excavation, fencing, gates, and retaining walls, site facilities including aerial devices or current car parking arrangements.

Therefore, only those controls applicable to the subject works have been considered in the assessment below noting that the subject site does not contain any contributory items.

Part C2.5.1: Building Height, Form and Character

Building Height and Form

C8 requires that the character of development is to be consistent with the character of nearby contributory items and of the streetscape. Solid to void ratios of elevations are to be similar to those of nearby contributory items.

The proposed window replacement works would maintain comparable solid to void ratios and would not adversely alter the presentation of the built form. Compliance with C8 is achieved.

Part 2.5.4: Materials, Finishes and Colours

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

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

The proposed windows are of a design that will match the existing natural anodised aluminium frame materiality and would offer a consistent approach with the current condition. The proposal is therefore considered acceptable with C1 and C2.

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

Part C2.5.9: Security

The proposed works do not involve any intrusive security measures and are therefore acceptable with regard to Part C2.5.9 of the Woollahra DCP 2015.

Part C2.5.12: Acoustic and Visual Privacy

The proposed involves window replacement within existing openings and therefore the existing privacy relationships with surrounding properties would remain unchanged and any current impacts would not be exacerbated by the proposal. Accordingly, the proposal is acceptable with regard to Part C2.5.12 of the Woollahra DCP 2015.

15.2 Chapter E1: Parking and Access

The proposal would not alter the existing car parking and access configurations for the subject site. Furthermore, the proposed works are not of a nature that would generate an addition car parking demand. The proposal is acceptable with regard to Chapter E1 of the Woollahra DCP 2015.

15.3 Chapter E2: Stormwater and Flood Risk Management

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

15.4 Chapter E3: Tree Management

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

15.5 Chapter E4: Contaminated Land

The proposal is acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

15.6 Chapter E5: Waste Management

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

Part E5.2: Demolition and Construction Phase

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

Part E5.3: On-Site

Waste and Recycling Controls for all Development

The proposal would not alter the existing waste and recycling procedures and/or configuration at the subject site and therefore no further consideration in this regard is considered necessary. The proposal is acceptable with regard to Part E5.3 of the Woollahra DCP 2015.

15.7 Chapter E6: Sustainability

As detailed under a Section 12 of this assessment report a BASIX certificate is not required. However, as demonstrated by the applicant the proposed replacement windows would otherwise perform better than the minimum BASIX required solutions required by the BASIX Alts and Ads DIY tool. The proposal is acceptable with regard to Chapter E6 of the Woollahra DCP 2015.

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16. DRAFT AMENDMENTS TO POLICIES AND PLANS

Public Exhibition commenced on 10 August 2022 for new floor space ratio development standards for low density residential development, and urban greening requirements for all residential development. The proposed amendments to the Woollahra Local Environmental Plan 2014 aim to ensure that all new development is of an appropriate scale, retains and enhances tree canopy whilst including high-quality landscaping.

Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, requires that provisions of proposed planning instruments are to be considered by a consent authority when determining a development application if they are or have been the subject of public consultation.

As it applies to the subject application, reference is made to *Alamdo Holdings Pty Limited v The Hills Shire Council [2012] NSWLEC 1302* which had regard to the proper interpretation of savings provisions under the relevant LEP.

The current savings provisions under Clause 1.8A of the Woollahra LEP 2014 read as follows:
If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

As detailed in the Alamdo case, because the savings provision did not include the wording 'had been exhibited' in the savings provision, the provision did not specify whether the instrument was to be treated as a proposed instrument. Based on the specific wording, the Court accepted that because the LEP had to be treated as if it had not commenced it could not be considered under Section 4.15(1)(a)(i). Furthermore, it was not considered a proposed instrument i.e. one that has already been made, noting that the savings provision did not specify it should be treated as though it had. It could therefore not be considered under Section 4.15(1)(a)(ii).

Having considered the wording of Clause 1.8A of the Woollahra LEP 2014 and the above discussion the proposed amendments would have no effect upon the subject application.

17. CONTRIBUTION PLANS

Contributions plans allow funds to be raised from approved development applications. The funds are used for the intended provision, extension or augmentation of public facilities, or towards recouping the cost of facilities that have been provided, extended or augmented. These contributions relate to sections 7.11 and 7.12 of the EP&A Act, formerly known as section 94 and section 94A.

17.1 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. Refer to **Condition C.1**.

Cost of Works	Rate based on cost of works	Contribution Payable
\$2,402,563.00	>\$200,000 = 1%	\$24,025.63

18. APPLICABLE ACTS/REGULATIONS

18.1 Environmental Planning and Assessment Regulation 2021

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

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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.

Clause 64: Consent authority may require upgrade of buildings

Clause 64 of the Environmental Planning and Assessment Regulation 2021 requires an assessment of the development application against the Building Code of Australia (BCA), with particular respect to the fire provisions within the development.

Council's Fire Safety Officer has undertaken an assessment of the application, as detailed in **Annexure 3**, and no objections have been raised subject to the recommended conditions of consent.

19. THE LIKELY IMPACTS OF THE PROPOSAL

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

20. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

21. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

22. CONCLUSION

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

23. DISCLOSURE STATEMENTS

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

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

THAT Council, as the consent authority, is of the opinion that the written request from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the Height of Buildings development standard under Clause 4.3 of Woollahra LEP 2014 has adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard.

AND

THAT Council, as the consent authority, grant development consent to DA102/2023/1 for replacing the existing windows to the existing residential flat building on land at 6 Trelawney Street WOOLLAHRA, subject to the following conditions:

A. General Conditions

A.1 Conditions

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Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* ("the *Act*") and the provisions of the *Environmental Planning and Assessment Regulation 2000* ("the *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

Standard Condition: A1 (Autotext AA1)

A.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs" published by the Southern Sydney Regional Organisation of Councils).

Stormwater drainage system means all works, facilities and documentation relating to:

- the collection of stormwater,
- the retention of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and
- connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner-builder has the same meaning as in the *Home Building Act 1989*.

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Professional engineer has the same meaning as in the *BCA*.

Public place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

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SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.

Site means the land being developed subject to this consent.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

Note: Interpretation of conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

Standard Condition: A2 (Autotext AA2)

A.3 Approved Plans and Supporting Documents

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

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

Reference	Description	Author/Drawn	Date(s)
A010 (Rev A)	Floor Plan L1-13	Burton Architecture	20/03/23
A030 (Rev B)	North Elevation		11/05/23
A031 (Rev B)	East Elevation		11/05/23
A032 (Rev B)	South Elevation		11/05/23
A033 (Rev B)	West Elevation		11/05/23
A050 (Rev A)	Unit Type A Windows		20/03/23
A051 (Rev A)	Unit Type B Windows		20/03/23
A052 (Rev A)	Unit Type C Windows		20/03/23
A003 (Rev B)	Legend/Materials		12/05/23
	Site Waste Minimisation and Management Plan	Rob Burton	22/03/23

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5 (Autotext AA5)

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B. Conditions which must be satisfied prior to the demolition of any building or construction

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" pursuant to section 6.6 of the *Act*.

In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. 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.

Standard Condition: B1 (Autotext BB1)

B.2 Identification of Hazardous Material

In accordance with Australian Standard AS2601: *The Demolition of Structures*, the Owner shall identify all hazardous substances located on the site including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per clause 1.6.1 of the Standard.

In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing:

- all hazardous materials identified on the site,
- the specific location of all hazardous materials identified,
- whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and
- safety measures to be put in place.

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

Standard Condition: B6

B.3 Public Road Assets Prior to Any Work/Demolition

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the Applicant or Owner must submit to Council a full record of the condition of the public road infrastructure adjacent to the development site.

The report must be submitted to Council **prior to the commencement of any work** and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and
- drainage structures/pits.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

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

Note: If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose
Standard Condition: B7

C. Conditions which must be satisfied prior to the issue of any Construction Certificate

C.1 Payment of Long Service Levy, Security, Contributions and Fees

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit - making good any damage caused to any property of the Council	\$61,021.97	No	T115
DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$24,025.63 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Security Administration Fee	\$190	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$85,237.60 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

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

How must the payments be made?

Payments must be made by:

- cash deposit with Council,
- credit card payment with Council, or

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- bank cheque made payable to Woollahra Municipal Council.

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

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

How will the section 7.12 levy (formerly known as 94A levy) be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2021 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2021

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

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

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

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

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Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

C.2 Structural Adequacy of Existing Supporting Structures

A certificate from a professional engineer (structural engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the Construction Certificate application.

Note: This condition is imposed to ensure that the existing structure is able to support the additional loads proposed.

Standard Condition: C35 (Autotext CC35)

C.3 Professional Engineering Details

The Construction Certificate plans and specifications, clause 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate.

Note: This does not affect the right of the developer to seek staged Construction Certificates.

Standard Condition: C36

D. Conditions which must be satisfied prior to the commencement of any development work

D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

For the purposes of section 4.17(11) of the *Act*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under the *Home Building Regulation 2004*, or
- b) to the erection of a temporary building.

In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.

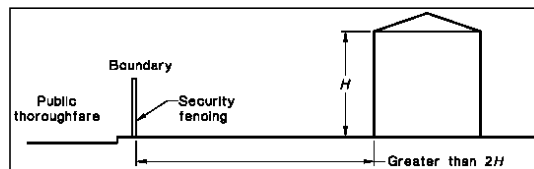
Standard Condition: D1 (Autotext DD1)

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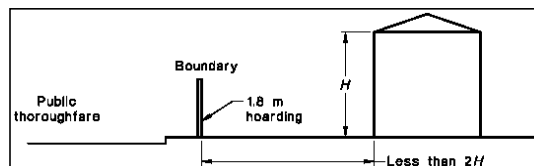
D.2 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



Type A Hoarding

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



Type B Hoarding

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

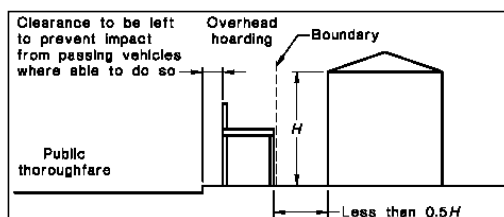
- the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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

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

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The Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW “*Code of Practice - Overhead Protective Structures 1995*”. This is code available at www.safework.nsw.gov.au/_data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

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

Hoardings on Public Land including ‘Creative Hoardings’

The Principal Contractor or Owner-builder must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

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

Note: The Principal Contractor or Owner must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.

Note: Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:

- A. Hoardings proposed on land zoned B2 Local Centre, or B4 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
OR
- B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
OR
- C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
 - i. the capital investment value of the work to which the hoarding relates is less than \$1 million
OR
 - ii. the land is zoned R2 Low Density Residential
OR
 - iii. the land is zoned R3 Medium Density Residential and the hoarding located in a lane or street that does not have through traffic (eg a cul-de-sac or no through road).

Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council’s form “Application for a permit to use a footpath for

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the erection of a hoarding/scaffolding”.

The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au or for more information contact Council's Cultural Development Team.

Standard Condition: D11 (Autotext DD11)

D.3 Site Signs

The Principal Contractor or Owner-builder must ensure that the sign/s required by clauses 98A and 227A of the *Regulation* is/are erected and maintained at all times.

Clause 98A 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 227A of the *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.

Note: Clause 227A imposes a penalty exceeding \$1,000 if these requirements are not complied with.

Note: If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 98A and clause 227A of the *Regulation*.

Standard Condition: D12 (Autotext DD12)

D.4 Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected to a public sewer, or
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the *Local Government (Approvals) Regulation 1993*.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Note: This condition does not set aside the requirement to comply with SafeWork NSW requirements.
Standard Condition: D13 (Autotext DD13)

D.5 Erosion and Sediment Controls – Installation

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan if required under this consent;
- b) “Do it Right On Site, Soil and Water Management for the Construction Industry” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence.

Note: The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14 (Autotext DD14)

D.6 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

The erection of the building in accordance with this development consent must not be commenced until:

- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - appointed a Principal Certifier for the building work, and

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- notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and
- c) The Principal Certifier has, no later than 2 days before the building work commences:
 - notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
 - appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the Principal Certifier of any such appointment, and
 - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: *building* has the same meaning as in section 1.4 of the *Act* and includes part of a building and any structure or part of a structure.

Note: *new building* has the same meaning as in section 6.1 of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 6.6(2) of the *Act*.
Standard Condition: D15 (Autotext DD15)

D.7 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 4.17(11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - In the case of work for which a Principal Contractor is required to be appointed:
 - the name and licence number of the Principal Contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an Owner-builder:
 - the name of the Owner-builder, and
 - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.
Standard Condition: D17 (Autotext DD17)

E. Conditions which must be satisfied during any development work

E.1 Compliance with BCA and Insurance Requirements under the Home Building Act 1989

For the purposes of section 4.17(11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),
b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the *Regulation*, or
b) to the erection of a temporary building.

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: E1 (Autotext EE1)

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.
Standard Condition: E2 (Autotext EE2)

E.3 Requirement to Notify about New Evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.
Standard Condition: E4 (Autotext EE4)

E.4 Critical Stage Inspections

Critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the *Act* 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 *Regulations* for the purposes of section 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.

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Note: The PC may require inspections beyond mandatory critical stage inspections in order that the PC be satisfied that work is proceeding in accordance with this consent.

Note: The PC may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.
Standard Condition: E5 (Autotext EE5)

E.5 Hours of Work –Amenity of the Neighbourhood

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

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

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

Note: Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RMS and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm
Standard Condition: E6 (Autotext EE6)

E.6 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.

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- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any work.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development.

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

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

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the Council including:

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Standard Condition: E7 (Autotext EE7)

E.7 Maintenance of Environmental Controls

The Principal Contractor or Owner-builder must ensure that the following monitoring, measures and controls are maintained:

- a) erosion and sediment controls,
- b) dust controls,
- c) dewatering discharges,
- d) noise controls,
- e) vibration monitoring and controls,
- f) ablutions.

Standard Condition: E11

E.8 Support of Adjoining Land and Buildings

A person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).

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For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

Note: This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain:

- 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.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Clause 20 of the *Roads Regulation 2008* prohibits excavation in the vicinity of roads as follows: **"Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

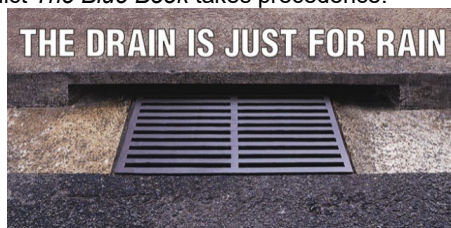
Standard Condition: E13 (Autotext EE13)

E.9 Erosion and Sediment Controls – Maintenance

The Principal Contractor or Owner-builder must maintain water pollution, erosion and sedimentation controls in accordance with:

- the Soil and Water Management Plan required under this consent,
- "Do it Right On Site, Soil and Water Management for the Construction Industry"* published by the Southern Sydney Regional Organisation of Councils, 2001, and
- "Managing Urban Stormwater - Soils and Construction"* 2004 published by the NSW Government (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence.



Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution".

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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.
Standard Condition: E15 (Autotext EE15)

E.10 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.
Standard Condition: E17 (Autotext EE17)

E.11 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

The Principal Contractor or Owner-builder must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.
- f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

Note: This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to

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minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

Standard Condition: E20 (Autotext EE20)

E.12 Placement and Use of Skip Bins

The Principal Contractor or Owner-builder must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 68 of the *Local Government Act 1993* to place the waste storage container in a public place; and
- b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

Standard Condition: E21 (Autotext EE21)

E.13 Prohibition of Burning

There must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

Note: Pursuant to the *Protection of the Environment Operations (Clean Air) Regulation 2010* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

Standard Condition: E22 (Autotext EE22)

E.14 Dust Mitigation

Dust mitigation must be implemented in accordance with "*Dust Control - Do it right on site*" published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: "*Dust Control - Do it right on site*" can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

Standard Condition: E23 (Autotext EE23)

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E.15 Site Waste Minimisation and Management – Demolition

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) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly 'signpost' the purpose and content of the bins and/or storage areas,
- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

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.

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

Standard Condition: E31 (Autotext EE31)

E.16 Site Waste Minimisation and Management – Construction

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) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,
- c) consider organising to return excess materials to the supplier or manufacturer,
- d) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) clearly 'signpost' the purpose and content of the storage areas,
- f) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste,
- g) promote separate collection bins or areas for the storage of residual waste,

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- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter,
- i) minimise site disturbance and limit unnecessary excavation,
- j) ensure that all waste is transported to a place that can lawfully be used as a waste facility, and
- k) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

Standard Condition: E32 (Autotext EE32)

E.17 Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B 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 shall be left in any public place.

Note: This condition is imposed to protect the health and safety of persons working on the site and the public

Standard Condition: E39

E.18 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

Note: This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.

Standard Condition: E40

E.19 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

Note: This condition is imposed to ensure that asbestos and other hazardous waste is disposed of lawfully under the *Protection of the Environment Operations Act 1997* and relevant NSW EPA requirements.

Standard Condition: E41

E.20 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

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Note: This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.
Standard Condition: E42

E.21 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.

The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

Note: This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.
Standard Condition: E43

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 6 of the Act and Part 8 Division 3 of the Regulation)

F.1 Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

Note: New building includes an altered portion of, or an extension to, an existing building.
Standard Condition: F1 (Autotext FF1)

F.2 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

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Note: This condition has been imposed to ensure that systems and works as completed meet development standards as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as execute is maintained.

Note: The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

Note: The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.

Standard Condition: F7 (Autotext FF7)

F.3 Fire Safety Certificates

In the case of a **final occupation certificate** to authorise a person:

- a) to commence occupation or use of a new building, or
- b) to commence a change of building use for an existing building,

A *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an **interim occupation certificate** to authorise a person:

- a) to commence occupation or use of a partially completed *new building*, or
- b) to commence a change of building use for part of an existing building,

A *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

Nil.

H. Conditions which must be satisfied prior to the issue of the Occupation Certificate for the whole of the building

H.1 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

- a) the site sign,
- b) ablutions,
- c) hoarding,
- d) scaffolding, and
- e) waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the Final Occupation Certificate.

Standard Condition: H12 (Autotext HH12)

I. Conditions which must be satisfied during the ongoing use of the development

I.1 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

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Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to Council and the Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Standard Condition: I22

J. Miscellaneous Conditions

Nil.

K. Advisings

K.1 Criminal Offences – Breach of Development Consent and Environmental Laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

- a) Issue Penalty Infringement Notices (On-the-spot fines);
- b) Issue notices and orders;
- c) Prosecute any person breaching this consent; and/or
- d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the *Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

Standard Advising: K1 (Autotext KK1)

K.2 Dial Before You Dig



The Principal Contractor, Owner-builder or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

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Standard Advising: K2 (Autotext KK2)

K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work. The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

Note: For more information go to the NSW Fair Trading website
www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia.

Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "NSW Guide to Standards and Tolerances 2017" are achieved.

The quality of any development is a function of the quality of the Principal Contractor's or Owner-builder's supervision of individual contractors and trades on a daily basis during the development. The Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances or call 133 220.

Standard Condition: K6 (Autotext KK6)

K.5 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050.

Standard Condition: K7 (Autotext KK7)

K.6 Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

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Note: Further information can be obtained from the NSW Civil and Administrative Tribunal
www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777.
Standard Advising: K10 (Autotext KK10)

K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Valdis Aleidzans, Assessment Officer, on (02) 9391 7159.

However, if you wish to pursue your rights of appeal in the Land and Environment Court you are advised that Council generally seeks resolution of such appeals through a section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14 (Autotext KK14)

K.8 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.

The securities will not be released until a Final Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Refund of Security Bond Application form can be downloaded from
www.woollahra.nsw.gov.au

Standard Condition: K15 (Autotext KK15)

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K.9 Recycling of Demolition and Building Material

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

Standard Condition: K17 (Autotext KK17)

K.10 Owner-builders

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

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au or call 133 220.

Standard Condition: K18 (Autotext KK18)

K.11 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.

Standard Condition: K19 (Autotext KK19)

ATTACHMENTS

1. Architectural Plans
2. Clause 4.6 Variation Request
3. Fire Safety Referral Response

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1734424

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

This proposal has been the subject of an Alternative Assessment by the Department. The schedule below contains additional commitments resulting from this assessment, shown at the end of the Certificate.

Secretary

Date of issue: Monday, 05 February 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	230257-6 Trelawney St-Unit Type A
Street address	6 TRELAWNEY STREET - WOOLLAHRA 2025
Local Government Area	Woollahra Municipal Council
Plan type and number	Strata Plan 3122
Lot number	1-39
Section number	-
Project type	
Dwelling type	Unit
Type of alteration and addition	I want a BASIX Certificate for optional compliance. This means I won't have to comply with any existing Council energy and water efficiency provisions.
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Credwell Energy	
ABN (if applicable):	

BASIX Certificate number:A1734424

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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:A1	W	3.32	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:A2	W	1.29	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.53)			
W:A3	W	1.29	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.53)			
W:A4	W	2	0	0	none	standard aluminium, single low-e (U-value: 5.40, SHGC: 0.47)			
W:A5	W	3.1	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:A6	W	2.43	0	0	none	standard aluminium, single low-e (U-value: 4.54, SHGC: 0.50)			
W:A7	N	6.86	0	0	none	standard aluminium, single low-e (U-value: 4.94, SHGC: 0.47)			
W:A8	E	3.5	0	0	none	standard aluminium, single low-e (U-value: 4.45, SHGC: 0.50)			
W:A9	E	3.1	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:A10	E	3.1	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			




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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:A11	E	3.1	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:A12	E	0.72	0	0	none	standard aluminium, single low-e (U-value: 5.40, SHGC: 0.47)			

BASIX Certificate number:A1734424

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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1734426

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

This proposal has been the subject of an Alternative Assessment by the Department. The schedule below contains additional commitments resulting from this assessment, shown at the end of the Certificate.

Secretary

Date of issue: Monday, 05 February 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	230257-6 Trelawney St-Unit Type B
Street address	6 TRELAWNEY STREET - WOOLLAHRA 2025
Local Government Area	Woollahra Municipal Council
Plan type and number	Strata Plan 3122
Lot number	1-39
Section number	-
Project type	
Dwelling type	Unit
Type of alteration and addition	I want a BASIX Certificate for optional compliance. This means I won't have to comply with any existing Council energy and water efficiency provisions.
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Credwell Energy	
ABN (if applicable):	

BASIX Certificate number:A1734426

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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✓	✓

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:B1	E	1.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.53)			
W:B2	SE	3.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:B3	SE	1.29	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.53)			
W:B4	SE	3.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:B5	SW	1.98	0	0	none	standard aluminium, single low-e (U-value: 5.40, SHGC: 0.47)			




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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:B6	SW	3.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:B7	NW	6.15	0	0	none	standard aluminium, single low-e (U-value: 4.94, SHGC: 0.47)			
W:B8	NW	4	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:B9	NW	0.687	0	0	none	standard aluminium, single low-e (U-value: 5.40, SHGC: 0.47)			

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Legend
In these commitments, "applicant" means the person carrying out the development.
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Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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Alterations and Additions

Certificate number: A1733196

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

This proposal has been the subject of an Alternative Assessment by the Department. The schedule below contains additional commitments resulting from this assessment, shown at the end of the Certificate.

Secretary

Date of issue: Monday, 05 February 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	230257-6 Trelawney St-Unit Type C
Street address	6 TRELAWNEY STREET - WOOLLAHRA 2025
Local Government Area	Woollahra Municipal Council
Plan type and number	Strata Plan 3122
Lot number	1-39
Section number	-
Project type	
Dwelling type	Unit
Type of alteration and addition	I want a BASIX Certificate for optional compliance. This means I won't have to comply with any existing Council energy and water efficiency provisions.
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Credwell Energy	
ABN (if applicable):	

BASIX Certificate number:A1733196

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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✓	✓

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:C1	W	1.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.53)			
W:C2	SW	3.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:C3	SW	1.29	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.53)			
W:C4	SE	3.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:C5	SE	1.98	0	0	none	standard aluminium, single low-e (U-value: 5.40, SHGC: 0.47)			




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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W:C6	SE	3.09	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:C7	NE	6.15	0	0	none	standard aluminium, single low-e (U-value: 4.94, SHGC: 0.47)			
W:C8	NE	4	0	0	none	standard aluminium, single low-e (U-value: 5.31, SHGC: 0.47)			
W:C9	NE	0.687	0	0	none	standard aluminium, single low-e (U-value: 5.40, SHGC: 0.47)			

BASIX Certificate number:A1733196

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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

