

JRPP No.	2009SYE020
FILE No.	DA 625/2009
PROPOSAL:	The consolidation of the 2 sites, the demolition of the existing pool and alterations and additions to the existing dwelling-house at 40 Wentworth Rd; the total demolition of the existing dwelling-house at 49 Vacluse Rd and the erection of a 2 storey module linked to the dwelling-house on 40 Wentworth Rd containing 7 off-street car parking spaces, gymnasium and pool structure; landscaping and site works.
	40 Wentworth Rd and 49 Vacluse Rd, Vacluse Site Area (m ²): 2839.1 m ² Zoning: Residential 2(a)
APPLICANT:	Mr M Csidei
AUTHOR:	D Booth – Woollahra Council

Assessment Report and Recommendation

DOES THE APPLICATION INVOLVE A SEPP 1 OBJECTION? YES ☐ NO ☒

1. RECOMMENDATION

The amended application is recommended for approval to the Joint Regional Planning Panel because it, as conditioned:

- Is considered to be satisfactory with all relevant planning policies including the provisions of WLEP 1995 & WRDCP 2003.
- Will not have adverse effects on the local environment including the amenity of adjoining properties such that refusal is justified.

2. DESCRIPTION OF PROPOSAL

The Regional Panel is the consent authority for this development application as the application is for development that has a capital investment value of more than \$10 million.

The proposal was amended on 12 February 2010 as follows:

- Minor alterations to the design of the in-fill addition between the eastern and western wings of the existing dwelling-house at 40 Wentworth Rd (in place of the existing swimming pool and internal courtyard) so as to lower the maximum height of the structure from 9.72m to 9.48m (240 mm) in order to remove a technical breach of Council's 9.5 m height standard resulting from existing ground level being the deep end of the existing swimming pool.
- The removal of the proposed excavation from the root zone of several existing Brush Box trees adjacent to the Vacluse Rd frontage.
- The addition of a notation on the southern corner of the site analysis and roof plan that "no planting or structure above RL 46.0" in order to address potential concerns of (38A Wentworth Rd).

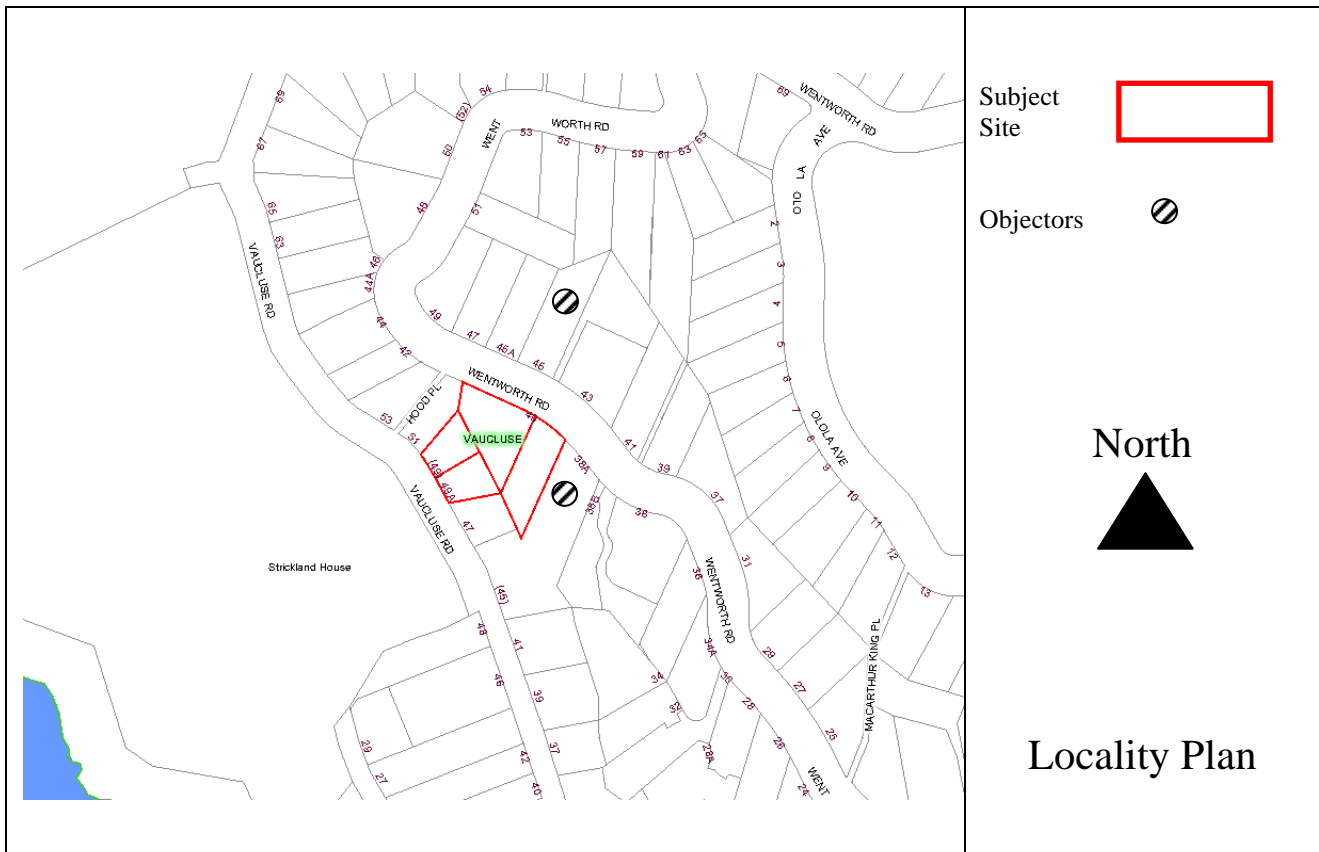
The proposal, as amended, involves the consolidation of the 2 allotments and the following works:

- The addition of a second storey containing 2 bedrooms to the eastern wing of the existing dwelling-house at 40 Wentworth Rd;
- The demolition of the existing swimming pool and internal courtyard located between the eastern and western wings of the existing dwelling-house at 40 Wentworth Rd and the erection of a 2 storey in-fill addition consisting of an excavated basement level containing a cinema and a ground floor level containing living areas with a 6.2 m high ceiling and solar panels/skylights on the flat roof;
- A 3 storey southern extension to the existing dwelling-house at 40 Wentworth Rd incorporating a kitchen at basement level, rumpus room at ground floor level and rumpus room and bedroom at first floor level;
- Other minor internal and external alterations and additions including a southern extension to the study at ground floor level and a new timber/synthetic membrane roof with skylights to the existing 2 storey western wing of the existing dwelling-house at 40 Wentworth Rd;
- The widening of the existing driveway to the Wentworth Rd frontage from 2-3.3 m to 4 m and the construction of a second driveway in order to provide drive-in and drive-out in a forward direction vehicular access via a proposed semicircular vehicular forecourt;
- Two new 1.7 m high metal picket vehicular entry gates, a 1.7 m high 8.1 m long section of rendered masonry front fence between the 2 vehicular entry gates and the 1.7 m high masonry infilling of 2 existing pedestrian entrances to the Wentworth Rd frontage;
- The erection of a 2.4 m high metal security fence 1.2-1.8 m in from and parallel to the Wentworth Rd frontage;
- The total demolition of the existing dwelling-house and garage at 49 Vacluse Rd;
- The erection of a 2 storey module fronting Vacluse Rd (western module) linked to the main dwelling-house on 40 Wentworth Rd. This module/pavilion contains 7 off-street car parking spaces at ground floor level, a gymnasium, staff and guest bedrooms at first floor level and a pool structure and lawn area to the flat roof;
- The construction of a new 1.5 m high metal picket front fence and vehicular entrance gates to the Vacluse Rd frontage, returning to the front 6.8 m of the northern side boundary;
- The construction of new 1.6 m fencing to the northern boundary of 49 Vacluse Rd;
- The construction of new 1 m fencing to part of the southern boundary of 49 Vacluse Rd;
- Landscaping works including the demolition of the existing water feature and the construction of a new retaining wall to the northern section of the property, the relocation/encasement of an existing rock outcrop from the central section of the site and landscaping alterations to the perimeter of the property.

3. SUMMARY

Reasons for report	Issues	Submissions
<ul style="list-style-type: none"> • To assist the Regional Panel in determining the development application, and • To permit the DCC to decide if the council will make a submission to the Regional Panel. • This is because under our current delegations the development application would have otherwise been referred to the DCC for determination as it does not satisfy the criteria for determination under staff delegation and involves works costing in excess of \$3 million. 	<ul style="list-style-type: none"> • Objectors' concerns. • Floor space ratio non-compliance. • Boundary setback non-compliances. • Number of storeys non-compliance. • Garage frontage width non-compliance. • Front fence height non-compliances. • Building footprint non-compliance. • Siting and height of swimming pool non-compliances. • Driveway width non-compliance. 	<p>Three with one objection subsequently withdrawn.</p>

4. LOCALITY PLAN



5. ESTIMATED COST OF WORKS

Council adopted (DCC 6 June 2005) administrative changes for determining DA fees based on the estimated cost of work. Where the estimated cost of work is greater than \$750,000 or where the applicant's estimate is considered to be neither genuine or accurate, the applicant has to provide a Quantity Surveyor's report. The capital investment value of the development (as provided by the applicant) is \$11,468,434.47. The application was accompanied by an elemental cost plan, prepared by Tzannes Associates dated 26/11/2009.

6. DESCRIPTION OF SITE OF LOCALITY

The combined sites have a 58.8 m eastern frontage to Wentworth Rd, a 27 m western frontage to Vaucluse Rd, a northern side boundary 53.8 m in length and a southern side boundary 43 m in length. The land falls approximately 13 m from the eastern Wentworth Rd frontage to the western Vaucluse Rd frontage. The 49 Vaucluse Rd allotment is currently occupied by 2 storey dwelling-house and double garage. The 40 Wentworth Rd allotment is currently occupied by 1-2 storey dwelling-house and swimming pool. Surrounding development to the north, south and east consists of 1-3 storey dwelling-houses. Strickland House and grounds are located to the west.



7. REFERRALS

Internal Referral Officer	Comment
Development Engineer	Council's Team Leader-Development Engineer has determined that the proposal is satisfactory, subject to conditions (see Annexure 2).
Tree and Landscape Officer	Council's Tree and Landscape Officer has determined that the proposal is satisfactory subject to conditions (see Annexure 3).
Heritage Officer	Council's Heritage Officer has determined that the proposal is satisfactory subject to a condition (see Annexure 4).

ENVIRONMENTAL ASSESSMENT UNDER S.79C

The relevant matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings:

8. STATE/REGIONAL INSTRUMENTS AND LEGISLATION

8.1 SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate A71814 committing to environmental sustainability measures. These requirements have been imposed by **Conditions C.3, H.3 & I.2** as required by clause 97A of the *Environmental Planning & Assessment Regulation 2000*.

8.2 SEPP 55–Remediation of Land

Under Clause 7 (1) (a) of SEPP 55–Remediation of Land, consideration has been given as to whether the land is contaminated. There is no evidence or indication that the subject land is contaminated and therefore no further consideration under Clause 7(1)(b) and (c) of SEPP 55 is deemed necessary.

8.3 SREP (Sydney Harbour Catchment) 2005 and accompanying DCP

The provisions of Clauses 25 and 26 of this instrument and the accompanying DCP for SREP (Sydney Harbour Catchment) 2005 require Council to consider the visual impact that a development proposal will have upon Sydney Harbour and adjoining foreshore areas and the likely impact upon available views to and from Sydney Harbour. The proposal will not have any significant adverse visual impact upon Sydney Harbour and adjoining foreshore areas or any significant adverse impact upon views of Sydney Harbour from private properties.

8.4 Section 94A Contributions

The Woollahra Section 94A Contributions Plan 2005 is applicable. In accordance with Schedule 1, a 1% levy (of the total cost of works) applies. With a cost of works of \$11,468,434.47, a payment of \$114,684.34 is required by **Condition C.2**.

9. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995

9.1 Aims and objectives of WLEP 1995 and zone (Clause 8(5))

The proposal is permissible and as conditioned, is consistent with the aims and objectives of the LEP and the relevant objectives of the Residential 2 (a) zone.

9.2 Statutory compliance table

	Existing	Proposed new works	Control	Complies
Maximum Overall Height (m)	7.2	9.48	9.5	YES

9.3 Clause 12 Height

The amended proposal involves a maximum height of 9.48 m thereby achieving compliance with Council's 9.5 m height standard. The proposal, as conditioned, is considered to be satisfactory with regard to the objectives underlying Council's height standard.

9.4 Clause 18 Excavation

The provisions of Clause 18 require Council, when considering a development application involving excavation, to have regard to how that excavation may temporarily or permanently affect:

- (a) *The amenity of the neighbourhood by way of noise, vibration, dust or other similar circumstances related to the excavation process.*
- (b) *Public safety.*
- (c) *Vehicle and pedestrian movements.*
- (d) *The heritage significance of any heritage item that may be affected by the proposed excavation and its setting.*
- (e) *Natural landforms and vegetation.*
- (f) *Natural water run-off patterns.*

The proposed western module (fronting Vaocluse Rd) involves excavation to a depth of 0-8.8 m over an area of approximately 500 m²; a volume of approximately 2000 m³.

The proposed subterranean stair and lift access between the western module and the main dwelling-house involves excavation to a depth of 10.6-11.8 m over an area of approximately 60 m²; a volume of approximately 560 m³.

The proposed subterranean basement level to the main dwelling-house involves excavation to a depth of 5 m over an area of approximately 240 m²; a volume of approximately 1200 m³ minus the existing pool with a volume of approximately 175 m³; a net volume of 1025 m³.

All of the proposed excavation is sited more than 1.5 m from the boundaries of the property in accordance with performance criterion 5.2.16 of Woollahra RDCP 2003.

Having regard to the above-mentioned heads of consideration, the following comments are made in relation to the impact of the proposed excavation upon the local environment:

- (a) *The amenity of the neighbourhood by way of noise, vibration, dust or other similar circumstances related to the excavation process.*

Subject to **Conditions C.7, C.10, D.2-D.13, D.14, E.12-E.17, E.22 & E.24** requiring a construction management plan, adequate sediment/soil management, dust mitigation, limiting the times and duration of machine excavation, requiring the preparation of dilapidation reports, compliance with recommendations of the geotechnical/ hydrogeological report submitted with the development application and the implementation of hydrogeological / geotechnical and vibration monitoring programs requiring the adequate supervision/ monitoring of the excavation process by a qualified and practicing geotechnical engineer, the proposal is considered be satisfactory with regard to these issues.

Refer to **Annexure 2** for the geotechnical and hydrogeological comments by Council's Development Engineer.

- (b) *Public safety.*
- (c) *Vehicle and pedestrian movements.*

Issues relating to public safety and pedestrian movements during the excavation phase are inter-related and are addressed by **Conditions D.3, D.4, D.6, E.10, E.11 & E.14** requiring security fencing, a construction management plan, a works (construction) zone, a safe pedestrian route and the structural support of neighbouring buildings and public places during excavation.

- (d) *The heritage significance of any heritage item that may be affected by the proposed excavation and its setting.*

The proposed excavation will not affect any heritage item or its setting.

(e) Natural landforms and vegetation.

Council's Tree and Landscape Officer considers the proposal to be satisfactory in terms of excavation in the vicinity of significant trees subject to **Conditions B.2, B.3, D.13, D.14, E.1, E.2 & E.5-E.7**.

Refer to **Annexure 3** for comments by Council's Tree and Landscape Officer.

The proposed excavation will not significantly alter the existing landform and does not adversely affect any significant vegetation.

(f) Natural water run-off patterns.

Council's Development Engineer has assessed the proposal and considers the proposed excavation to be satisfactory in terms of hydrogeological issues, subject to **Conditions C.10 & C.12**.

Subject to the above-mentioned conditions, the extent of the excavation associated with the proposal is considered to be satisfactory with regard to the provision of Clause 18 of WLEP 1995.

9.5 Clause 19 HFSPA

Clause 19 (2) of Woollahra LEP 1995 requires Council to take into consideration the environmental impact of a development upon Sydney Harbour and adjoining foreshore areas and to the impact upon the existing landform and topography. The proposal will not have any significant adverse visual impact upon Sydney Harbour and adjoining foreshore areas or views. The proposed impact upon existing landform is considered to be satisfactory.

9.6 Clause 25 Water, wastewater and stormwater

Clause 25 of Woollahra LEP 1995 requires Council to take into consideration the provision of adequate stormwater drainage and the provision of adequate water and sewerage services. The proposal has been assessed against the provisions of Clause 25 of Woollahra LEP 1995 and is considered to be satisfactory, subject to **Condition C.12** in relation to stormwater drainage. Refer to **Annexure 2** for site drainage comments by Council's Development Engineer.

9.7 Clause 25D Acid Sulfate Soils

The subject site is within the Class 5 Acid Sulphate Soil area identified in the Planning NSW Acid Sulphate Soil Risk Map. However, the subject works are not likely to lower the water table below 1 m AHD on any land within 500 m with a 1, 2, 3 or 4 land classification and therefore, there is no issue of acid sulphate affectation in this instance.

9.8 Clauses 26 & 27 Heritage Items and Development in the vicinity of heritage items

Clauses 26 & 27 of Woollahra LEP 1995 require Council to take into consideration the likely effect of a development proposal upon the heritage significance of any heritage item located on the subject sites and any heritage item in the vicinity.

Whilst there are no formal heritage items on the subject land, the existing dwelling-house on 40 Wentworth Rd is considered to be a potential heritage item by Council's consultant Heritage Officer. The heritage listed Strickland House is in the vicinity of the subject development; on the opposite side of Vaucluse Rd.

Council's Heritage Officer has considered the heritage report submitted with the DA and has provided the following comments in relation to heritage issues:

Impact of proposed development on a heritage item in the vicinity.

The proposed development will not have any impact upon the significance of Strickland House.

Impact of proposed development on the potential heritage item

The design process has been exemplary in this instance. Heritage consultants were engaged to assess the significance of the building and then worked with the architects in design workshops. The process has been collaborative and has lead to the best possible outcome for the significance of the building in the context of the client's requirements.

Impact upon key areas of significance to the property

▪ ***Views from the Harbour***

The landmark value of the property will be retained. The original building will still be the most prominent building on the site. The additions sit below and behind the principal wing of the original building. A conservatory constructed of steel and glass with timber louvers is proposed to be inserted into the courtyard area on the footprint of the original pool. The white masonry surface, dark recessed openings and overhanging flat roof make the original building a strong visual element when viewed from the harbour and Vacluse Road. The location and contrasting materials of the glass and steel conservatory behind the main building although visible at the northern end will be recessive enough to ensure the original building is dominant and retains its landmark value.

▪ ***Garden and Setting***

*The lawn has been increased to extend over the roof of the car parking structure on the lot known as 49 Vacluse Road so that it will extend the garden above at the same level. The continuity and enlargement of the landscaped open space will enhance the formality of the classical modern building. The open space will enable the north west aspect of the building to viewed across the lawn thus improving the setting of the building. The new pool is aligned with the entry which emphasises the entrance axis of the original design by Bell. **There are two planter boxes believed to be designed by Bell flanking the entry which emphasise its symmetry and should therefore be retained.***

▪ ***Courtyard***

The original courtyard between the eastern wing and the western wing of the original building is a highly significant space. It was designed as a formal outdoor space which Phillip Goad describes as "the largest and most impressive room in the house". The continuous colonnade around the edges of the space is an essential feature of the original Bell design. The views across the space and out to the harbour beyond are also important. The subject development application proposes an insertion of a new two storey building into this space with a basement under. The new building is proposed to be a lightweight glass and steel structure separated from the colonnade by a skylight running the full length of the perimeter where it joins the original building. The roof is flat and aligns with the parapet of the original building to the east and the balustrade to the west. The new building creates a bridge which connects the first floor addition to the eastern building. The length of the inserted building is based upon the pool location and was recommended in the design workshop by Phillip Goad.

- *Arches*

A positive outcome of the design would be the retention of the arches. The arches have been recognised by the experts as an essential component of the overall design and their loss would have degraded the significance of the building. Through advice provided by the heritage expert the architect was encouraged to keep the arches instead of altering them by squaring off the opening. The architect and client should be congratulated on accepting this approach.

- *Addition to Eastern Building*

A first floor is proposed to be added to the top of the smaller eastern wing. This wing is currently only just visible from Wentworth Street. The proposed addition retains the parapet and sets the new wall behind. It has a flat roof which has been kept as low as possible and aligns with the original western wing roof and the proposed courtyard roof. The proposed building is kept neutral and is clearly distinguishable over the eastern wing.

- *Materials and appearance*

The new work proposes a very different materials palette than the original building. The original building is white bagged masonry with full height openings rather than holes cut out for windows and doors. The flat roof has wide boxed eaves with a dark timber soffit and masonry parapets and balustrades. The appearance is classical with a modernist interpretation; uniquely Bell's style which he practised consistently throughout his career. To make a contemporary addition to such a precise architectural style has to therefore be both architecturally responsive and of such excellence in contemporary expression to be worthy of the original. The choice of materials and structure by Tzannes Architects expresses the new building within the context of the old by retaining its formality, symmetry and order. The materials chosen for the conservatory are steel and glass with retractable timber shutters on the exterior. The choice of timber shutters rather than steel was at the advice of the heritage expert who suggested that timber would suit the texture of the bagged brick wall better than the slickness of metal. The use of glass enables the views to the harbour to be retained albeit the views will be experienced differently.

- *Internal Configuration*

Although there is a considerable amount of internal demolition the end result retains the significance of the building. In particular moving the lift and removing the change of levels at this location opens up the axis of the entry which is a more traditional design treatment by Bell. The demolition on the upper level removes all internal walls but this is balanced by the retention of all the external walls in their current configuration with the exception of infilling bathroom and closet openings and replacing one blade whilst removing another. The infill of openings has been designed so that it is set in and the original opening will be evident. These infill's face into the courtyard and are therefore not on the significant elevation. To compensate for removing one blade wall on the significant west elevation an existing blade will be reinstated. The retention of the exterior appearance of the building is a very positive outcome.

Demolition of 49 Vaocluse Rd

The property at 49 Vaocluse Rd remained undeveloped until the late 20th century. In the 1980's the existing building was constructed and it was the first building on the site. The property is not a fine representative example of a particular style of domestic architecture. It has no value in relation to the historical development of the area and no known association with persons or events of significance. The property has no special association or meaning for a contemporary group of people. The property therefore has low heritage value. It does not warrant protection as a heritage item and demolition is therefore acceptable.

Conclusion

- *The application is acceptable as it complies with all the relevant statutory and policy documents and would have a satisfactory heritage impact.*
- *The design development process used in this application is an exemplar for working relationships between heritage consultants and architects and is considered to be a best practice example.*
- *The application exhibits excellence in design and is expected to produce a high-quality end result for the building originally designed by Bell in the context of the client's needs.*

Recommendation

Approval, subject to:

- 1. The two planter boxes at the entry must be retained (see **Condition C.1b**).*
- 2. The archival recording of existing potential heritage item (40 Wentworth Rd) (see **Condition B.6**).*

The 2 “planter boxes” are actually large movable pots. The archival recording of the existing house on 49 Vaocluse Rd is required by **Condition B.7**).

The proposal, as conditioned, is considered to be satisfactory with regard to the provisions of clauses 26 & 27 of Woollahra LEP 1995.

10.1 Numeric Compliance table - Woollahra RDCP 2003

Site Area (2839.1 m ²)	Existing	Proposed new works	Control	Complies
Boundary Setbacks-Main Dwelling-house (m)				
Front-Wentworth Rd (east)	4.6-16	2-10	20.7	NO
Side (north)	10.7-18.8	10.3-14.8	2.5-3.5	YES
Side (south)	2.5-11.6	0-7.6	2.5-3.4	NO (Partial)
Boundary Setbacks-Western Module (m)				
Front-Vaocluse Rd (west)	8.7-11	4.6-6	6.4	NO
Side (north)	0.2-2.4	0-4	2.5-3.9	NO (Partial)
Side (south)	1.6	0-5	2.5-4.5	NO (Partial)
Building Footprint	26% (739.7 m ²)	51% (1449 m ²)	30% (851.7 m ²)	NO
Maximum Number of Storeys – Dwelling	1-2	1-3	2	NO
Floor Space Ratio	0.44:1 (1240.2 m ²)	0.99:1 (2818.6 m ²)	0.55:1 (1561.5 m ²)	NO
Solar Access to Open Space of Adjacent Properties (Hrs on 21 June)	>50% (or 35m ²) for 2 hours	>50% (or 35m ²) for 2 hours	>50% (or 35m ²) for 2 hours	YES

Site Area (2839.1 m ²)	Existing	Proposed new works	Control	Complies
Solar Access to Nth Facing Living Areas of Adjacent Properties (Hrs on 21 June)	>3 hours	>3 hours	>3 hours	YES
Excavation Piling and Subsurface Wall Setback (m)	N/A	>1.5	1.5	YES
Deep Soil Landscape area	>38% (>1079 m ²)	38% (1079 m ²)	35% (993.7 m ²)	YES
Deep Soil Landscaping – Front Setback	> 40%	Approx. 41% (Approx. 37m ²)	40% (37m ²)	YES
Car Parking Spaces – Dwellings	4	7	2	YES
Car Parking Excavation	N/A	Within Building Footprint	Within Building Footprint	YES
Location of Garages and Car Parking Structures	Behind Front Setback	Behind Front Setback	Behind Front Setback	YES
Garage Frontage Width	N/A	81.6% (22 m)	30% (8.1 m)	NO
Private Open Space Per Dwelling-At Ground Level	> 35 m ² > > 16 m ²	> 35 m ² > > 16 m ²	Area-35 m ² Principal Area-16 m ²	YES
Front Fence Height (m)	1.7	1.5-2.4	1.2-1.5	NO (Partial)
Side Fence Height (m)	0.3-3.2	1-1.6	1.8	YES
Siting of swimming pool	Central section of site	Roof to western module	Rear section of site	NO
Swimming Pool Height Above Ground Level	0	8.4 m	0.3m	NO
Access Driveway Width	3.3-5.9m	3.5-6.4m	3.5m – 6m	NO

Site Analysis Performance Criteria

Part 3 of Council's RDCP 2003, requires adequate site analysis documentation for development applications. The development proposal is considered to be satisfactory in this regard.

Performance criterion 3.2.1 requires development to fit into the surrounding environment and pattern of development by responding to surrounding neighbourhood character and streetscape. The proposal, as conditioned, is considered to be satisfactory in this regard.

Desired future precinct character objectives and performance criteria

The future character objectives for the Vaucluse West Precinct are:

- O 4.13.1 To retain the scenic qualities provided by the dramatic topography, natural vegetation and low scale built elements that provide an attractive setting upon Sydney Harbour;*
- O 4.13.2 To reinforce the precinct's landscape setting by minimising alterations to the landform and preserving the existing tree canopy;*
- O 4.13.3 To maintain mature street trees, grassed verges and garden plantings;*
- O 4.13.4 To protect important views from the public spaces of the precinct to the harbour, the city skyline and to the surrounding districts;*
- O 4.13.5 To maintain the evolution of low rise residential building styles through the introduction of good contemporary buildings.*

The proposal involves the following non-compliances with the relevant performance criteria stipulated under Part 4.14 of WRDCP 2003:

Building Height-storeys

Performance criterion 4.13.5.3 stipulates a maximum height of 2 storeys for the precinct. Where the landform of a site falls more than 2 m from the street to the rear of the property, an additional basement storey may be permitted as long as all other RDCP controls are met.

The definition of storey means any separate level within a building (not including levels below existing ground level provided for car parking or storage, or both, that protrude less than 1.2m above existing ground level, or an attic level). In determining the number of storeys which a building contains, the number shall be deemed to be the maximum number of storeys, floors or levels of a building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

The proposed southern extension incorporating a kitchen at basement level, rumpus room at ground floor level and rumpus room and bedroom at first floor level constitutes 3 storeys. Whilst the land does fall by more than 2 m over its length (approximately 13 m), the subject southern extension occurs where the fall is less than 2 m and in any case, the proposed dwelling-house does not comply with all of Council's RDCP controls. Accordingly, the proposed third storey southern extension is non-compliant.

However, this area of non-compliance is considered to be acceptable in this instance for the following reasons:

- The basement level is excavated wholly below ground level and as such, the subject proposed southern extension will present a maximum of 2 storeys to the adjoining property to the south (38A Wentworth Rd) and to the Wentworth Rd streetscape, which is compatible with the scale of the 2-3 storey adjoining development at 38A Wentworth Rd.
- Whilst the third storey will cause additional overshadowing to the adjoining property to the south (38A Wentworth Rd), solar access is maintained in accordance with Council's requirements.
- The third storey is considered to be acceptable in terms of privacy and view impacts upon surrounding residential properties.
- The extension involves a maximum height of 7.2 m in compliance with Council's 9.5 m height standard.

Proportion of the site frontage occupied by car parking structures

Performance criterion 4.13.4 limits the proportion of the site frontage occupied by car parking structures to 30% (8.1 m). The proposed garage to the Vacluse Rd frontage occupies 81.6% (22 m) of the frontage. The 22 m garage width is considered to be acceptable in this instance as it is designed as the ground floor level component of a 2 storey residential structure of acceptable overall design, the front elevation of which is adequately articulated and will be adequately screened from Vacluse Rd by a series of 3 mature Brush Box trees.

Front fence height

Performance criterion 4.13.5.5 limits the height of solid front fences to 1.2 m and front fences that are 50% transparent to a height of 1.5 m. The proposal involves the following non-compliances:

- Two new 1.7 m high metal picket vehicular entry gates to the Wentworth Rd frontage;
- A 1.7 m high 8.1 m long section of rendered masonry front fence between the 2 vehicular entry gates to the Wentworth Rd frontage;
- The 1.7 m high masonry infilling of 2 existing pedestrian entrances to the Wentworth Rd frontage; and
- The erection of a 2.4 m high metal security fence 1.2-1.8 m in from and parallel to the Wentworth Rd frontage.

The non-compliances are considered to be acceptable in this instance as the masonry components are consistent with the existing front fence, the vehicular gates and the security fence are of metal picket design of adequate transparency and a row of bougainvillea is proposed between the front fence and the security fence which will provide adequate screening of the security fence.

Northern (side) boundary setbacks

Performance criterion 4.13.3 stipulates a minimum side boundary setback of 2.5 m for development up to 5.5 m in height on an allotment with a frontage width of 18 m or greater. This minimum setback requirement then increases by 0.5 m for every 1 m of height above 5.5 m.

The northern elevation of the proposed western module is setback 2.5-4 m from the northern side boundary which complies with Council's minimum requirement of 2.5-3.9 m. However, the proposed 2.4 m high retaining wall with 1.6 m high masonry screening structure above (total height of 4 m) extending from the north-western corner of the structure to the northern boundary (nil setback) is non-compliant with Council's setback requirement of 2.5 m.

The non-compliance is considered to be acceptable in this instance as the 4 m high masonry structure is set back 6.8 m from the Vacluse Rd alignment and replaces a masonry double garage structure that extends to both the northern and Vacluse Rd alignments.

The visual amenity of the front section of the adjoining property to the north (51 Vacluse Rd) will benefit from much reduced bulk and scale of the proposed wall when compared with the northern elevation of the existing garage which adjoins the entire length of the front section of the adjoining property.

With regard to streetscape impact, the 6.8 m front setback of the structure is a substantial improvement over the existing nil setback of the garage structure. Further, a Brush Box tree proposed to the north-western corner of the site will adequately screen the structure from Vacluse Rd.

Southern (side) boundary setback

Performance criterion 4.13.3 stipulates a minimum side boundary setback of 2.5 m for development up to 5.5 m in height on an allotment with a frontage width of 18 m or greater. This minimum setback requirement then increases by 0.5 m for every 1 m of height above 5.5 m.

Western module

The southern elevation of the proposed western module is setback 2.5-5 m from the southern side boundary which complies with Council's minimum requirement of 2.5-4.5 m. However, the proposed 3.2 m high masonry wall extending from the south-western corner of the structure to the southern boundary (nil setback) is non-compliant with Council's setback requirement of 2.5 m.

The non-compliance is considered to be acceptable in this instance as the 3.2 m high masonry structure is set back 6.2 m from the Vaocluse Rd alignment. The visual amenity of the adjoining property to the south (47 Vaocluse Rd) will be maintained as the wall will be adequately screened by the 9.5 m high (at maturity) Lilly Pillys proposed adjacent to the southern boundary.

With regard to streetscape impact, the 6.2 m front setback of the structure together with the existing mature Brush Box trees adjacent to the Vaocluse Rd frontage supplemented by a proposed 9.5 m high (at maturity) Lilly Pilly, will adequately screen the structure from Vaocluse Rd.

Main dwelling-house

The southern elevation of the main dwelling-house is sited 1-7.6 m from the southern side boundary which is partially non-compliant with Council's minimum requirement of 2.5-4.5 m. The areas of non-compliance relate to:

- A 2 m wide by 7.4 m high masonry fin wall and the southern projecting corner to the W.C at ground floor level;
- A 1.5 m wide by 7.4 m high masonry wall and the southern projecting corner to the rumpus room at ground floor level;
- The first floor level component of the proposed southern extension and the upper addition to the eastern wing.

Further, new external stairs proposed adjacent to the southern side boundary extend within the required 2.5 m setback.

These areas of non-compliance will be partially screened from the adjoining property to the south (38A Wentworth Rd) by 3 Kentia Palms and 2 Golden Cane Palms. Further, the two projections beyond the general alignment of the southern elevation and the timber fascia to the first floor addition to the eastern wing provide necessary modulation and articulation. Accordingly, these areas of non-compliance are considered to be satisfactory in terms of visual impact upon the adjoining property.

In terms of other amenity impacts upon the adjoining property associated with the non-compliances, solar access will be maintained in accordance with Council's requirements and views and privacy will be not be significantly affected.

The non-compliances do not prevent adequate deep soil landscaping from being provided adjacent to the southern side boundary and do not impact upon existing significant landscaping.

Accordingly, no objection is raised in relation to these areas of non-compliance.

Streetscape performance criteria

The provisions of Part 5.1 Council's RDCP 2003 require development to contribute to cohesive streetscapes and desirable pedestrian environments. For reasons advanced elsewhere in this report, the proposal will not have any significant adverse visual impact upon the Wentworth Rd and Vacluse Rd streetscapes and as such is considered to be satisfactory in terms of the provisions of Part 5.1 of WRDCP 2003.

Building size and location performance criteria

The objectives of Part 5.2 of Woollahra RDCP 2003 involve:

- 5.2.1 The preservation of established tree and vegetation networks and the promotion of new networks by ensuring sufficient areas for deep soil planting and sufficient setbacks between the rear of buildings.*
- 5.2.2 To ensure the size and location of buildings allow for the sharing of views and preserve privacy and sunlight access for neighbouring residents*
- 5.2.3 Ensure the form and scale of development is not excessive and maintains the continuity of building forms and front setbacks in the street.*
- 5.2.4 To limit site excavation and minimise cut and fill to ensure that building form relates to the topography and to protect the amenity of adjoining properties both during and after construction.*

The proposal involves the following non-compliances with the relevant performance criteria stipulated under Part 5.2 of WRDCP 2003:

Eastern (front) setback of main dwelling-house-40 Wentworth Rd

The following elements of the main dwelling-house do not comply with Council's front setback requirement of 20.7 m, this being the average front setback of the 2 adjoining properties as stipulated under performance criterion 5.2.2:

- The proposed glass awning to the eastern elevation is setback 2-7.8 m from the Wentworth Rd street alignment;
- The proposed first floor addition to the eastern wing maintains the existing front setback of 4.4-11 m;
- The northern section of the proposed in-fill addition located between the existing eastern and western wings is setback 4.5-10 m from the Wentworth Rd street alignment.

These areas of non-compliance are supported as it is considered that they will not have any significant adverse visual impact upon the streetscape for the following reasons:

- The glass awning structure is largely transparent in design and will be screened by a Jacaranda tree proposed adjacent to the Wentworth Rd frontage;
- The additional bulk associated with the proposed first floor addition to the eastern wing of the main dwelling-house is mitigated via the articulated timber fascia design;
- The bulk associated with the proposed in-fill addition is mitigated via the articulated timber louvre design and existing and proposed landscaping.

Western (front) setback-western module-Vaucluse Rd

The front elevation of the western module is predominantly setback 4.6-6 m from the Vaucluse Rd alignment which does not comply with Council's front setback requirement of 6.4 m, this being the front setback of an adjoining property (47 Vaucluse Rd) as per performance criterion 5.2.2:

This 0.4-1.8 m area of non-compliance is supported as it is considered that it will not have any significant adverse visual impacts upon the streetscape due to the western elevation being of an adequately articulated design complemented by substantial existing and proposed landscaping in the form of Brush Box trees.

Floor space ratio

The proposed floor space ratio of 0.99:1 (2818.6 m²) exceeds Council's maximum of 0.55:1 (1561.5 m²) by approximately 1257.1 m². However approximately 444.6 m² is located below existing ground level which will not have external adverse amenity impacts upon neighbouring properties or the streetscape. The residual above-ground non-compliance is approximately 812.5 m².

The amended proposal, as conditioned, achieves consistency with the objectives stated above, including the provision of adequate deep soil landscaping, the protection of significant trees, satisfactory hydrogeological impacts and the satisfactory maintenance of the amenity of adjoining properties in terms of views, solar access and privacy.

The proposal will not significantly adversely affect the visual amenity of the public domain or adjoining properties due the following:

- The proposed new western module at 49 Vaucluse Rd will present a maximum of 2 storeys to the adjoining properties to the south and north (47 and 51 Vaucluse Rd) and to the Vaucluse Rd streetscape, which is compatible with the scale of adjoining development.
- The proposed extensions to the dwelling-house at 40 Wentworth Rd will present a maximum of 2 storeys to the adjoining property to the south (38A Wentworth Rd) and to the Wentworth Rd streetscape, which is compatible with the scale of the 2-3 storey adjoining development at 38A Wentworth Rd.
- The proposal provides approximately 1079 m² (38% of the site) of deep soil landscaped area which complies with Council's minimum requirement of 993.7 m² (35% of the site).
- The proposal provides adequate boundary setbacks as discussed above.

Accordingly, no objection is raised in relation to the non-compliance in this instance.

Building footprint

The proposal involves a building footprint of 51% of the site area (1449 m²), which exceeds Council's maximum building footprint control of 30% of the site area (851.7 m²). The non-compliance equates to 597.3 m².

The purposes of the building footprint control is to:

- *limit site coverage and excavation of new buildings*
- *maximise on-site infiltration of stormwater*
- *maximise deep soil landscape areas*
- *maintain natural landform*
- *maintain subterranean water flows*
- *protect significant vegetation*
- *minimise the likelihood of land instability due to excavation.*

The amended proposal, as conditioned, achieves consistency with the purposes of the building footprint and the objectives stated above, including the provision of adequate deep soil landscaping, the protection of significant trees, satisfactory geotechnical/hydrogeological impacts and the satisfactory maintenance of the amenity of adjoining properties in terms of views, solar access and privacy.

The proposal will not significantly adversely affect the visual amenity of the public domain or adjoining properties due the following:

- The proposed new western module at 49 Vaucluse Rd will present a maximum of 2 storeys to the adjoining properties to the south and north (47 and 51 Vaucluse Rd) and to the Vaucluse Rd streetscape, which is compatible with the scale of adjoining development.
- The proposed extensions to the dwelling-house at 40 Wentworth Rd will present a maximum of 2 storeys to the adjoining property to the south (38A Wentworth Rd) and to the Wentworth Rd streetscape, which is compatible with the scale of the 2-3 storey adjoining development at 38A Wentworth Rd.
- The proposal provides approximately 1079 m² (38% of the site) of deep soil landscaped area which complies with Council's minimum requirement of 993.7 m² (35% of the site).
- The proposal provides adequate boundary setbacks as discussed above.

Accordingly, no objection is raised in relation to the non-compliance in this instance.

Solar access

The following solar access provisions of Woollahra RDCP 2003 are relevant:

- *Performance Criterion C5.2.13 requires sunlight to be provided to at least 50% (or 35 m² with minimum dimension 2.5 m, whichever is smaller) of the main ground level private open space of adjacent properties for a minimum of two hours between 9 am and 3 pm on June 21. Where existing overshadowing is greater than this, sunlight is not to be further reduced.*
- *Performance Criterion C5.2.14 requires solar access to be maintained to north-facing windows of adjoining properties for a minimum of 3 hours between 9am and 3pm on June 21.*

Shadow diagrams submitted with the application demonstrate compliance with these requirements. The main ground level private open space of the most affected property, 47 Vaucluse Rd, is considered to be the front yard area which will receive adequate solar access between 1 pm and 3 pm midwinter. The northern elevation to 47 Vaucluse Rd is orientated 27.5 degrees to the west of true north which is outside the definition of north-facing (within 20 degrees to the west of true north).

Open space and landscaping performance criteria

The provisions of Part 5.3 of Council's RDCP 2003 require the protection of significant existing vegetation and the provision of adequate deep soil landscaping.

The proposal was amended on 12 February 2010 including the removal of the proposed excavation from the root zone of several existing Brush Box trees adjacent to the Vaucluse Rd frontage. Council's Tree and Landscape Officer has recommended **Conditions B.2, B.3, D.13, D.14, E.1, E.2 & E.5-E.7** which are designed to protect existing significant trees and to ensure the adequate contribution of the proposal to the landscape setting of the locality.

The proposal provides approximately 1079 m² (38% of the site) of deep soil landscaped area which complies with Council's minimum requirement of 993.7 m² (35% of the site).

Performance criterion 5.3.16 requires swimming pool is to be located at the rear of properties. The proposed swimming pool is located on top (part of the roof) of the proposed western module. The pool is integrated into the design of the western module and will appear as part of roof parapet/planter. It is considered that this location will not have any significant adverse visual impacts upon the amenity of the locality. Accordingly, no objection is raised relation to this area of non-compliance.

The amended proposal, as conditioned, is considered to be satisfactory with regard to the provisions of Part 5.3 of Council's RDCP 2003.

Fences and walls performance criteria

Objective 5.4.1 requires fences and walls to improve the amenity for existing and new residents & to contribute positively to the streetscape and adjacent buildings. Performance criterion 5.4.5 states that the height of front fences is limited to 1.2 m. The proposal involves the following non-compliances:

- Two new 1.7 m high metal picket vehicular entry gates to the Wentworth Rd frontage;
- A 1.7 m high 8.1 m long section of rendered masonry front fence between the 2 vehicular entry gates to the Wentworth Rd frontage;
- The 1.7 m high masonry infilling of 2 existing pedestrian entrances to the Wentworth Rd frontage; and
- The erection of a 2.4 m high metal security fence 1.2-1.8 m in from and parallel to the Wentworth Rd frontage.

The non-compliances are considered to be acceptable in this instance as the masonry components are consistent with the existing front fence, the vehicular gates and the security fence are of metal picket design of adequate transparency and a row of bougainvillea is proposed between the front fence and the security fence which will provide adequate screening of the security fence.

Performance criterion 5.4.10 states that the height of side fences is limited to 1.8 m. The proposed new side boundary fencing involves heights of 1-1.6 m.

Views performance criteria

The provisions of Part 5.5 of WRDCP 2003 require the protection and enhancement of public views and to encourage view sharing as a means of ensuring equitable access to views from private dwellings.

Private views

The owner of 38A Wentworth Rd has requested that there be no structure or planting exceeding RL 46 to the southern section of the site in order to maintain views. This has been agreed to by the applicant and the amended plans contain a notation to this effect. However, it has been requested that a condition also be applied (see **Conditions C.1a and I.5**).

The owner of 45 Wentworth Rd has objected to the proposal on the grounds of loss of views.

The LEC in Tenacity Consulting Pty Ltd V Warringah Council has adopted a four-step assessment of view affectation.

The assessment of the views affected

The proposed Port Jackson Fig to the north-eastern corner of the site would obscure a glimpse of the harbour from a first floor west-facing study. Other west-facing rooms (a rumpus room and a

bedroom) with glimpses of the harbour and the city skyline are unaffected. The main harbour/foreshore view from this property is from the north-east-facing primary ground floor level living area which is unaffected by the proposal.

Consideration from what part of the property the views are obtained

The affected view is obtained from a first floor level study.

The extent of the impact

The extent of the overall view loss to this property is considered to be in the minor category.

The reasonableness of the proposal that is causing the impact

On the basis that the view loss is minor, that the view glimpse is framed by vegetation and is likely to be obscured as the vegetation grows in the future, that the main view from the main living area is unaffected by the proposal and that the proposed Port Jackson Fig tree will provide shade to a proposed children's play area the extent of view loss is considered to be reasonable.

Public views

No loss of public views is envisaged as result of the proposal.

The proposal is considered to be satisfactory with regard to the provisions of Part 5.5 of WRDCP 2003.

Energy efficiency performance criteria

The provisions of Part 5.6 of Council's RDCP 2003 requires the consideration of the appropriateness of the building design and orientation and use of landscaping in order to provide adequate solar access to the subject and adjoining properties and to minimise energy consumption.

The proposal achieves adequate solar access to the main private open space areas and internal rooms where possible. The proposal includes BASIX certification (see **Conditions C.3, H.2 & I.1**).

The proposal is considered to be satisfactory with regard to the provisions of Part 5.6 of Council's RDCP 2003.

Stormwater management performance criteria

The provisions of Part 5.7 of Council's RDCP 2003, require adequate stormwater management. Subject to the imposition of **Condition C.12** the proposal is satisfactory with regard to the provisions of Part 5.7 of Council's RDCP 2003.

Acoustic and visual privacy performance criteria

The provisions of Part 5.8 of Council's RDCP 2003 require the maintenance of the visual and acoustic privacy of adjoining properties and to ensure adequate privacy for the occupants of the proposed dwelling-house. Performance criterion 5.8.5 requires windows to habitable rooms that have a direct sightline to a habitable room window of an adjoining dwelling within 9 m be required to be treated to prevent overlooking. Performance criterion 5.8.6 requires lines of sight from balconies and terraces to the habitable room windows and private open space areas of adjoining properties to be screened. Objective 5.8.1 requires the acoustic and visual privacy of neighbouring properties to be adequately maintained.

The owner of 45 Wentworth Rd, Vacluse, has raised loss of privacy concerns to a room due to the use of the proposed new gate/driveway to the Wentworth Rd frontage. The proposed new gate/driveway to the Wentworth Rd frontage is in excess of 25 m from the nearest window to the concerned property. As such, it is considered that the proposed new gate/driveway to the Wentworth Rd frontage will not result in any significant loss of privacy to the subject room of 45 Wentworth Rd.

The proposal adequately maintains the visual privacy of adjoining properties via use of planters, screening structures, the orientation of windows away from adjoining properties and adequate separation distances. No additional privacy measures are considered necessary.

With regard to acoustic privacy impacts, the proposal is considered to be acceptable in terms of maintaining the acoustic privacy of adjoining properties subject to **Conditions C.14 & I.4** requiring the acoustic attenuation of the swimming pool and other mechanical plant.

The proposal, as conditioned, is considered to be satisfactory with regard to the provisions of Part 5.8 of Council's RDCP 2003.

Car parking and driveways performance criteria

Performance criterion 5.9.8 states that a driveway width should not exceed 6 m in width. Driveway widths are to be kept to a minimum. The proposed driveway to the Vacluse Rd frontage involves a width of 6.4 m. In the absence of any justification for this area of non-compliance, it is recommended that the driveway width be reduced. Council's Development Engineer has recommended that it be reduced to a width of 5.5 m (see **Condition C.4d**).

Subject to this requirement, the proposal is considered to be satisfactory with regard to the provisions of Part 5.9 of Council's RDCP 2003.

Site facilities performance criteria

The proposal is considered to be satisfactory with regard to the provisions of Part 5.10 of Council's RDCP 2003, in terms of the provision of site facilities subject to **Condition C.5** requiring adequate waste storage.

Harbour foreshore development performance criteria

Section 5.11 WRDCP 2003 requires Council to take into consideration the visual impact of a development upon Sydney Harbour and adjoining foreshore areas. The proposal is considered to be satisfactory in this regard.

Performance criterion 5.11.5 states that swimming pools are not to be elevated more than 300 mm above ground level and are to complement the character of the harbour and foreshore. No portion of the pool's casing is to be visible from the water. Performance criterion 5.11.6 states that swimming

pools are to be suitably treated to complement the natural foreshore and where visible, are to be sandstone and incorporate suitable screen planting.

The proposed swimming pool is located on top (part of the roof) of the proposed western module. The pool is integrated into the design of the western module and will appear as part of roof parapet/planter. The pool casing is rendered masonry as is the roof parapet/planter that the pool is an integral part of. The structure will be predominantly screened from the harbour by trees within the grounds of Strickland House. It is considered that the pool design will not have any significant adverse visual impact upon the amenity of the locality or harbour. Accordingly, no objection is raised in relation to these areas of non-compliance.

Access and mobility performance criteria

The provisions of Part 5.13 of Council's RDCP 2003 require the provision of adequate access to the development by all people in the community including people with disabilities. The proposal is considered to be satisfactory in this regard.

11.2 DCP for off-street car parking provision and servicing facilities

The proposal is considered to be satisfactory with regard to the provisions of this policy.

12. APPLICABLE REGULATIONS

Clause 92 of the EPA Regulation 2000 requires that Council take into consideration AS 2601-1991: The demolition of structures. This requirement is addressed by **Condition E.20**.

13. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts of the proposal have been assessed elsewhere in this report.

14. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development, as conditioned.

15. SUBMISSIONS

The initial scheme was advertised and notified in accordance with Council's Advertising and Notifications DCP. Submissions were received from:

- 1. J Zhang-45 Wentworth Rd, Vacluse.**
- 2. J & M Landerer-38A Wentworth Rd, Vacluse.**
- 3. A Katehos-47 Vacluse Rd, Vacluse (subsequently withdrawn on 29 January 2010).**

The submission from J & M Landerer of 38A Wentworth Rd, Vacluse states that no objection is raised providing that there be no structure or planting exceeding RL 46 to the southern section of the site in order to maintain views. This has been agreed to by the applicant and the amended plants contain a notation to this effect. However, it has been requested that a condition also be applied (see **Conditions C.1a and I.5**).

The objection from J Zhang of 45 Wentworth Rd, Vaucluse raises the following concerns:

- Loss of views.
- Safety concerns.
- Loss of privacy.
- Disruption due to electricity works.

Loss of views and privacy concerns have been addressed previously. The remaining concerns are addressed as follows:

Safety concerns and disruption due to electricity works.

One safety concern relates to the anticipated use of the driveway to 45 Wentworth Rd by vehicles exiting the subject site via the proposed new gate/driveway to the Wentworth Rd frontage. The proposed widening of the existing driveway to the Wentworth Rd frontage from 2-3.3 m to 4 m and the construction of a second driveway in order to provide drive in and drive out in a forward direction vehicular access via a proposed semicircular vehicular forecourt and the 15 m width of Wentworth Rd means that vehicles will not need to use the driveway to 45 Wentworth Rd when exiting the subject site.

The second safety concern and the disruption due to electricity works concern relates to the anticipated relocation of an existing power pole located on the Wentworth Rd frontage. It is not proposed to relocate the power pole. Although Council's Development Engineer has advised that the power pole may have to be relocated should the proposed second driveway impact adversely upon a street tree, Council's Tree and Landscape Officer has advised that the street tree (to the north of the northern driveway) may be removed (see **Condition E.2c**). Accordingly, there is no need to relocate the existing power pole.

The replacement application (as defined by Clause 90 of the *Environmental Planning and Assessment Regulation 2000*) was not renotified under clause 5.1 of the DCP because, having considered clause 9 of the DCP, the replacement application is substantially the same development as the original proposal and considered to have no greater environmental impact upon neighbours.

15. CONCLUSION

This assessment has considered the application in terms of the relevant matters under Section 79C of the Environmental Planning and Assessment Act and other relevant considerations and the proposal is considered to be satisfactory in this regard, subject to conditions.

16. DISCLOSURE STATEMENTS

Under S.147 of the Environmental Planning and Assessment Act, 1979 there have been no disclosure statements regarding political donations or gifts made to any councillor or gifts made to any council employee submitted with this development application by either the applicant or any person who made a submission.

17. RECOMMENDATION: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Joint Regional Planning Panel, as the consent authority, grant development consent to Development Application No. 625/2009 for the consolidation of the 2 sites, the demolition of the existing pool and alterations and additions to the existing dwelling-house at 40 Wentworth Road, the total demolition of the existing dwelling-house at 49 Vacluse Road and the erection of a 2 storey module linked to the dwelling-house on 40 Wentworth Rd containing 7 off-street car parking spaces, gymnasium and pool structure, landscaping and siteworks, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 80 of the Environmental Planning & 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 79C of the Act.

A.2 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

Stormwater Drainage System means all works, facilities and documentation relating to:

- a. The collection of stormwater,
- b. The retention of stormwater,
- c. The reuse of stormwater,
- d. The detention of stormwater,
- e. The controlled release of stormwater; and
- f. 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*.

PCA means the *Principal Certifying Authority* 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 mean 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.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

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

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

A.3 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans to which is affixed a Council stamp “**Approved DA Plans**” 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)
0100 G, 1101 I, 1102 I, 1103 H, 1104 I, 1105 I, 2000 G, 3000 G	Architectural Plans	Tzannes Associates	10/02/10 17/02/10 (3000 G)
LP03-4709 5/E & 6/F	Landscape Plans	William Dangar	Nov 2009
Arborists Report	Arborists Report	Tree Transplanting & Arboricultural Services	Nov 2009
Tree Management Plan	Tree Management Plan	Tree Transplanting & Arboricultural Services	Nov 2009
PSM1399.R1 Rev1	Geotechnical Report	Pells Sullivan Meynink	26/11/2009

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 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

A.4 Ancillary Aspect of the Development (s80A(2) of the Act)

The owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *owner's* expense.

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

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 81A(2) 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 PCA and Notice of Commencement under the Act.

B.2 Establishment of Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Trunk (Metres)*
3	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	5m
4	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	4m
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near adjacent boundary of 51 Vaucluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	6m
30	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	6m
31	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	6m
TC	<i>Angophora costata</i> Sydney Red Gum	Council St tree Wentworth Rd	4m

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

- b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below;

Council Ref No	Species	Location
29	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage
30	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage
31	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage
TC	<i>Angophora costata</i> Sydney Red Gum	Council St tree Wentworth Rd

A padding material eg. Hessian or thick carpet underlay, is to be wrapt around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

B.3 Permissible work within Tree Protection Zones

In accordance with British Standard BS5837, one incursion no greater than 20% of a tree's calculated Tree Protection Zone is considered allowable provided the tree is a healthy and vigorous specimen. Upon completion of approved works within the Tree Protection Zone, the specified Tree Protection Zone fencing must end either side of the allowable incursion. The table below provides a radius distance from the centre of the trunk of existing trees whereby the following incursions are permissible:

a) Permissible Work within Tree Protection Zones

Council Ref No:	Species	Location	Radius from Trunk (metres)	Approved works within incursion
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m	Fence Footings
29	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings
30	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings
31	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings

- b) Where excavation is undertaken within a specified Tree Protection Zone, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- c) To prevent damage to roots and compaction within the Tree Protection Zone of specified trees, excavation must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the *Australian Standard 4373 "Pruning of Amenity Trees"* and carried out by a qualified Arborist (minimum qualification of *Australian Qualification Framework Level 4* or recognised equivalent).

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

B.4 Demolition and Construction Management Plan

A Demolition and Construction Management Plan in relation to existing trees on/adjacent the subject site must be submitted to Council for further assessment. The plan must consider and make allowance for all construction operations which will be undertaken within the vicinity of existing trees. In particular the plan is to include:

- Drawings and method statement showing details of hoarding and scaffold construction and pruning required to accommodate hoarding and scaffolding;
- Movement of heavy machinery, lifting cranes, Pier drilling gantry etc.;
- How trees will be protected from storage and movements of materials;
- Site construction access, temporary crossings and movement corridors on the site defined;
- Contractors carparking;
- Phasing of construction works;

- g) The space needed for all foundation excavations and construction works;
- h) All changes in ground level;
- i) Space for cranes, plant, scaffolding and access during works;
- j) Space for site sheds, temporary latrines (including any drainage) and other temporary structures;
- k) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete and
- l) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.

B.5 Arborists Periodic Site Inspection and Log

To ensure the condition and health of existing trees are maintained an arboricultural log book for the subject property is to be prepared by a qualified arborist and retained by the site foreman. Details of the arborists site inspection are to be recorded in the log during each visit. At each site visit the arborist must check and monitor the condition of existing trees and compliance with approved protection measures or recommend action to improve site conditions. As a minimum the following intervals of site inspections by a qualified arborist must be made.

Stage of arboricultural inspection	Minimum considerations at each stage	Additional visits required determined by arborist notes/comments
Prior to the demolition of any building or construction.	Correct installation of Tree Protection Zone barriers.	Make additional site visits as deemed necessary for ongoing monitoring/supervisory work.
During development work. Pruning, preparation for fence footings	Tree Preservation and approved works are complied with. Monitor condition of trees particularly Trees 23, 29,30 & 31.	Visit site at two week intervals to monitor condition of protected trees.
Prior to the issue of a Final Occupation Certificate.	Supervise the dismantling of tree protection measures.	Make additional site visits as deemed necessary for ongoing monitoring of tree vigour.

B.6 Recording of existing dwelling-house on 40 Wentworth Rd prior to any partial demolition

A full archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of any work and prior to the issue of a Construction Certificate.

The archival record is to be completed by a heritage consultant listed by the NSW Heritage Office or by another suitably qualified consultant who must demonstrate a working knowledge of archival principles.

The archival record is to include:

- a) The submitted heritage report including the heritage assessment undertaken in accordance with the current guidelines of the NSW heritage office, the statement of significance, the dilapidation report and the reasons for demolition.
- b) A site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.
- c) Annotated measured drawings: floor plans, roof plans, elevations and at least one cross section, each at a scale of 1:100.
- d) Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series, Photographic Recording of Heritage

The archival recode must include:

- Context Photographs- A recording of each site, place or movable item or collection in its context;
- Relationship of Buildings on the Site to Each Other;
- Individual Building or Structures- Photographs of each façade with details where appropriate including but not limited to: eaves, soffits, rainwater heads, downpipes, window reveals and sills, doorways and steps, and balustrades;
- Internal Spaces- Images should be taken in a sequence to show all internal elevations, including floors and ceilings, where possible. Special attention should be placed on structural elements, fittings and any movable items.

There should be three sets of the photographic report and film materials or digital materials. The following table summarises the lodgment details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	3 copies of photographic report – paper copy 3 CD-Rs or DVD 1 set of 10.5x14.8cm prints	<u>Woollahra Council</u> Report (paper) + CD-R or DVD + prints <u>Local History Centre</u> Report (paper) + CD-R or DVD <u>Owner/client</u> Report (paper) + CD-R or DVD
Black & White Film (plus any supplementary colour film)	3 copies of photographic report 1 set of negatives 1 sets of proof sheets and catalogue	<u>Woollahra Council</u> Report + negatives + 1st set of proof sheets <u>Local History Centre</u> Report + 2nd set of proof sheets <u>Owner/client</u> Report + 3rd set of proof sheets
Colour Transparencies or Slides	3 copies of photographic report 1 set of original transparencies and two sets of duplicates OR 3 sets of original images taken concurrently	<u>Woollahra Council</u> Report + original transparencies <u>Local History Centre</u> Report + duplicate/concurrent transparencies: <u>Owner/client</u> Report + duplicate/concurrent transparencies

The full archival recording is to be submitted to the satisfaction of Council's heritage officer prior to the commencement of demolition, works and prior to the issue of a Construction Certificate. The original will be retained by Council and a copy will be provided to the Woollahra Local History Library.

These photographic records must be submitted to Council prior to the demolition or removal of any part of the building and landscape elements to be demolished.

Note: The NSW Heritage Office Guidelines can be downloaded free of charge from http://www.heritage.nsw.gov.au/docs/info_photographicrecording.pdf

B.7 Recording of buildings with little or no heritage significance that are to be demolished (existing dwelling-house on 49 Vacluse Rd)

A photographic archival record of the building and landscape elements to be demolished is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction certificate.

The photographic archival recording is to be bound in an A4 format and is to include the following:

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.
- b) Postcard sized photographs of:
 - each elevation,
 - each structure and landscape feature;
 - views to the subject property from each street and laneway or public space.

Each photograph to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice.

One original coloured photographic set and a coloured photocopy are to be submitted to the satisfaction of Council prior to the commencement of demolition work and prior to the issue of a construction certificate. The original will be retained by Council and the coloured photocopy will be provided to the Woollahra Local History Library

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail:

- a) In order to maintain views to 38A Wentworth Rd, no tree, shrub or any building or other structure, whether permanent or temporary, shall at any time be cultivated or erected, built or placed or permitted to be or grow in the area shown as bubbled on Dwg No 0100, revision G prepared by Tzannes Associates, above reduced level 46 metres (RL 46) Australian Height Datum.
- b) In order to maintain the symmetry of the Wentworth Rd internal entry, the 2 large pots flanking the entry are to be retained.
- c) A new double grated gully pit (DGGP) is to be constructed. The pit is to be located on the boundary of 49 and 51 Vaocluse Rd.
- d) A new 375mm diameter pipeline is to be constructed to connect the new pit to an existing council pit located in Vaocluse Rd fronting Hood Place. The new pipeline is to be approximately 16m.
- e) An OSD is to be incorporated into the stormwater disposal system

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

C.2 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

The certifying authority must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and

fees prior to the issue of a *construction certificate, subdivision certificate or occupation certificate*, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$231,370	No	T600
Tree Damage Security Deposit – Making good any damage caused to any public tree as a consequence of the doing of anything to which the consent relates.	\$5,741	No	T600
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Development Levy	\$114,684.34 + Index Amount	Yes, quarterly	T94
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$175	No	T16
Public Road and Footpath Infrastructure Inspection Fee (\$138 Fee)	\$394	No	T45
Public Tree Management Inspection Fee	\$166	No	T95
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$352,530.34 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 Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or the Long Service Payments Corporation on 13 14 41.

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 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 2005 sets out the formula and index to be used in adjusting the s.94A levy.

Do you need HELP indexing the levy?

Please contact our customer service officers. Failure to correctly calculate the adjusted the development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005

Where the applicant makes a written request supported by reasons for payment of the section 94A 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 this 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 outstanding component of the section 94A 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.

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority* BASIX Certificate A71814 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 96 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 & 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,"

C.4 Road and Public Domain Works – Council approval required

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a *Construction Certificate* for the following infrastructure works, which must be carried out at the applicant's expense:

- a) The existing crossing on Wentworth Rd is to be fully removed and any disturbed area of footpath and K&G are to be reinstated in accordance with Council's standard drawing RF3.
- b) The second crossing on Wentworth Rd is to be constructed in accordance with Council's standard drawing RF2 and is to be 3.5m wide.
- c) The existing crossing on Vacluse Rd is to be fully removed and the footpath and K&G are to be reinstated in accordance with Council's standard drawing RF3.
- d) A new crossing on Vacluse Rd is to be constructed. The proposed 6.4 m crossing is to be reduced to 5.5m and is to be constructed in accordance with Council's standard drawing RF2.
- e) A design longitudinal surface profile for all proposed driveways must be submitted for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

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

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

C.5 Waste Storage - Single Dwelling

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must make provision for:

- a) A storage area for 1 x 120 litre general wastes bin, one x 240 litre green waste bin, two x recycling crates behind the building line or within non-habitable areas of the dwelling
- b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.

C.6 Utility Services Generally

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

Note: Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 96 of the Act to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with any *Construction Certificate* application together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the *Construction Certificate* plans and/or detailed within the *Construction Certificate* specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the *Construction Certificate* plans.

Note: The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Waters sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main, such that clause 25(1) of WLEP 1995 be satisfied. Further, leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest

C.7 Soil and Water Management Plan – Submission & Approval

The *principal contractor* or *owner builder* must submit to the *Certifying Authority* a soil and water management plan complying with:

- a. “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- b. “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (*The Blue Book*’).

Where there is any conflict *The Blue Book* takes precedence. The *Certifying Authority* must be satisfied that the soil and water management plan complies with the publications above prior to issuing any *Construction Certificate*.

Note: This condition has been imposed to eliminate potential water pollution and dust nuisance.

Note: The International Erosion Control Association – Australasia <http://www.austieca.com.au/> lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.

Note: The “*Do it Right On Site, Soil and Water Management for the Construction Industry*” publications can be down loaded free of charge from <http://www.woollahra.nsw.gov.au/>.

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an *Accredited Certifier* may be satisfied as to this matter.

C.8 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.

C.9 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the Regulation, must include detailed *professional engineering* plans and specifications for all structural, electrical, hydraulic, hydro-geological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation. Detailed professional engineering plans and specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

C.10 Geotechnical and Hydrogeological Design, Certification & Monitoring

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must be accompanied by a *Geotechnical / Hydrogeological Monitoring Program* together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a *professional engineer*, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the *professional engineer* to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - Will detect any settlement associated with temporary and permanent works and structures;
 - Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);
 - Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity);
 - Will detect groundwater changes calibrated against natural groundwater variations;
 - Details the location and type of monitoring systems to be utilised;
 - Details the preset acceptable limits for peak particle velocity and ground water fluctuations;
 - Details recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - Details a contingency plan.

C.11 Bicycle, Car and Commercial Parking Details

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3:1993 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004 : *Parking Facilities - Off-Street Car Parking* and AS 2890.2:2002 – *Off-Street Parking: Commercial Vehicle Facilities* respectively.

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act* 1993.

The *Certifying Authority* has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.

C.12 Stormwater management plan (Site greater than 500m²)(Clause 25(2) WLEP 1995)

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must include a Stormwater Management Plan for the site.

The Stormwater Management Plan must detail:

- a) General design in accordance with Whipps-Wood Consulting, dated 27/11/2009, Dwgs No. HDA01 / P2 to HDA08 / P2. other than amended by this and other conditions;
- b) The discharge of stormwater, by direct connection to a new gully pit. The pit is to be located on the boundary of No. 49 and No 51 Vaocluse Road.
- c) A new 375mm diameter pipeline is to be constructed to connect the new pit to an existing council pit located in Vaocluse Road fronting Hood Place. The new pipeline is to be approximately 16m.
- c) Compliance the objectives and performance requirements of the BCA;
- d) Any rainwater tank (see **Note** below) required by BASIX commitments including their overflow connection to the Stormwater Drainage System, and
- e) General compliance with the Council's draft Development Control Plan Stormwater Drainage Management (Draft Version 1.1, Public Exhibition Copy dated 14 December 2006), and
- f) On-site stormwater detention ("OSD").

OSD Requirements

The minimum (OSD) Site Storage Requirements (“SSR”) and the Peak Site Discharge (“PSD”) from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area:

Average Recurrence Interval	PSD (L/s)	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House 27m ³ – Residential Flat Building 29m ³ – Other Development

Note: All values based on per 1000m² site area (interpolate to site area).

Where a rainwater tank is proposed in conjunction with OSD, the volume of the rainwater tank may contribute to the SSR as follows:

- a) Where the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m³ or
- b). Where the rainwater tank is used for external and internal uses, 75% of the rainwater tank volume to a maximum of 7.5m³.

Example: The Site Storage Requirements may be 25,000 litres and a 10,000 litre rainwater tank is to be used for garden irrigation. Therefore, the rainwater tank contributes 4,000 litres toward SSR. Therefore, the OSD tank needs to be 21,000 litres (25,000 litres less the 4,000 litres allowance). Note: 1m³ = 1,000 litres.

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

Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof.

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,
- Location of On-Site Detention,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure, and
- Overland flow paths over impervious areas.

On-site Detention (OSD) details:

- Any potential conflict between existing and proposed trees and vegetation,
- Internal dimensions and volume of the proposed detention storage,
- Diameter of the outlet to the proposed detention storage basin,
- Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
- Details of access and maintenance facilities,
- Construction and structural details of all tanks and pits and/or manufacturer’s specifications for proprietary products,

- Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system,
- Non-removable fixing details for orifice plates where used,

Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.

Subsoil Drainage - Subsoil drainage details, clean out points, discharge point.

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.

C.13 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

Note: Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

C.14 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that noise from the operation of mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site.

Where sound attenuation is required this must be detailed.

Note: Further information including lists of Acoustic Engineers can be obtained from:

1. **Australian Acoustical Society**—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals (www.aaac.org.au).

C.15 Tree Management Details

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation* must, show the following information;

- trees to be numbered in accordance with these conditions,
- shaded green where required to be protected and retained,
- shaded yellow where required to be transplanted,
- shaded blue where required to be pruned,
- shaded red where authorised to be removed and,
- references to applicable tree management plan, arborists report, transplant method statement or bush regeneration management plan.

C.16 Amended Landscape Plan

An amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, in accordance with Councils DA Guide Annexure 8 and conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate (or) must be submitted to Council for further assessment. Additionally the amended landscape plan must include the following:

An amended plant schedule with appropriate pot sizes (as emailed to Council's Tree and Landscape Officer).

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 80A (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 clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4),
- 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.

D.2 Dilapidation Reports for existing buildings

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration.

These properties must include (but is not limited to):

38A Wentworth Road,
47 Vaocluse Road,
51 Vaocluse Road.

The dilapidation reports must be completed and submitted to *Council* with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by s81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

- To provide a record of the condition of buildings prior to development being carried out
- To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land

Also refer to the Dilapidation Report Advising for more information regarding this condition

D.3 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan is to be submitted to Council. Also, due to the lack of on-street parking a Work Zone may be required during construction.

A construction management plan must be submitted and approved by Council’s Development Engineer. The plan must:-

- a) Describe the anticipated impact of the demolition, excavation and construction works on:
 - Local traffic routes
 - Pedestrian circulation adjacent to the building site
 - On-street parking in the local area
- b) Describe the means proposed to:
 - Manage construction works to minimise such impacts,
 - Provide for the standing of vehicles during construction,
 - Provide for the movement of trucks to and from the site, and deliveries to the site
- c) Show the location of:
 - Any site sheds and any anticipated use of cranes and concrete pumps,
 - Any areas of Council property on which it is proposed to install a Works Zone (Construction Zone)
 - Structures to be erected such as hoardings, scaffolding or shoring
 - Any excavation

- d) Describe the excavation impact on the area including
 - Number and types of trucks to be used
 - Time frame
 - Streets to be used
 - Routes to be taken
 - Directions of travel
 - Truck storage areas
 - It is recommended that vehicle routes be shared
 - Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days
- e) Protect Trees, Bushland and Public Open Space:
 - Show the location of all Tree Protection (Exclusion) Zones as required within the conditions of this development consent.
 - The storage of building materials in or access through the # Reserve will not be permitted without prior approval by Council.

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council. Standing of cranes and concrete pumps on Council property will need approval on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

D.4 Works (Construction) Zone – Approval & Implementation

A works zone is required for this development. The *principal contractor* or *owner* must apply for a works zone. If the works zone is approved the *principal contractor* or *owner* must pay all fees for and implement the required works zone before commencement of any work.

The *principal contractor* must pay all fees associated with the application and occupation and use of the road as a works zone. All works zone signs must have been erected by Council to permit enforcement of the works zone by Rangers and Police before commencement of any work. Signs are not erected until full payment of works zone fees.

Note: The *principal contractor* or *owner* must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the Clause 22 of the *Transport Administration (General) Regulation 2000* to exercise those functions delegated by the Roads and Traffic Authority under Section 50 of the *Transport Administration Act 1988*.

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The principal contractor must report any breach of the works zone to either Council or the NSW Police Service.

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*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).

Where there is any conflict The Blue Book takes precedence.

- Note:** The International Erosion Control Association – Australasia (<http://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” publications can be downloaded free of charge from www.woollahra.nsw.gov.au.
- Note:** A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.
- Note:** Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”

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

D.6 Security Fencing, Hoarding and Overhead Protection

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

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 1.8 m adjacent to the thoroughfare.

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

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

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

- a. extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- b. have a clear height above the footpath of not less than 2.1 m; 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 0.5 m above the platform surface; and
- c. 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 pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:
<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/oheadprotstructures.htm>.

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.

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.

D.7 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*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).

Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://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” publications can be down loaded free of charge from www.woollahra.nsw.gov.au.

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

Note: Section 257 of the *Protection of the Environment Operations Act* 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”
Warning, irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act* 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

D.8 Site Signs

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

“Erection of signs

1. For the purposes of section 80A (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.
2. 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 certifying authority 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.
3. 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.
4. 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.
5. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State’s building laws.”

Note: *PCA* and *principal contractors* must also ensure that signs required by this clause are erected and maintained (see clause 227A which imposes a penalty exceeding \$1,000).

Note: If *Council* is appointed as the *PCA* 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 of the *Regulation*.

D.9 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 Workcover NSW requirements.

D.10 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) 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:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1. the principal certifying authority has, no later than 2 days before the building work commences:
 - i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. 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
- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. 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
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. 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
 - iv. 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 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 109H 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 82A(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, *PCA 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 81A(2) of the *Act*.

D.11 Notification of Home Building Act 1989 requirements

- a. For the purposes of section 80A (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 certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - i. 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,
 - ii. 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 certifying authority 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 116G of the Act, to comply with the technical provisions of the State's building laws.

D.12 Establishment of boundary location, building location and datum

Prior to the commencement of any work the principal contractor or owner builder must ensure that a surveyor registered under the *Surveying Act 2002* sets out:

- a. the boundaries of the *site* by permanent marks (including permanent recovery points);
- b. the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum ("AHD") in compliance with the approved plans;
- c. establishes a permanent datum point (bench mark) within the boundaries of the *site* relative to AHD; and
- d. provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the PCA.

Note: Where the *principal contractor* or *owner builder* notes any discrepancy between the approved development consent and the *Construction Certificate*, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the *principal contractor* or *owner builder* should not proceed until satisfied that the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.

Note: On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.

D.13 Establishment of Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No:	Species	Location	Radius from Trunk (metres)
3	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	5m
4	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	4m
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near adjacent boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	6m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	6m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	6m
TC	<i>Angophora costata</i> Sydney Red Gum	Council St tree Wentworth Rd	4m

- b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.



Figure 1. A typical example of chainmesh fencing and signage to be installed as fencing for tree protection zones.

- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below;

Council Ref No:	Species	Location
29	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage
30	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage
31	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage

A padding material eg. Hessian or thick carpet underlay is to be wrapped around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.



Figure 2. A typical example of trunk protection to be installed

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

Note: Water Restrictions take precedence over this condition. Having regard to water restrictions manual hosing may be necessary.

D.14 Permissible work within Tree Protection Zones

In accordance with British Standard BS5837, one incursion no greater than 20% of a trees calculated Tree Protection Zone is considered allowable provided the tree is a healthy and vigorous specimen. Upon completion of approved works within the Tree Protection Zone, the specified Tree Protection Zone fencing must end either side of the allowable incursion. The table below provides a radius distance from the centre of the trunk of existing trees whereby the following incursions are permissible:

- a) Permissible Work within Tree Protection Zones

Council Ref No:	Species	Location	Radius from Trunk (metres)	Approved works within incursion
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vaocluse Rd	8m	Fence Footings
29	<i>Lophostemon confertus</i> Brush Box	Vaocluse Rd frontage	6m	Fence Footings
30	<i>Lophostemon confertus</i> Brush Box	Vaocluse Rd frontage	6m	Fence Footings
31	<i>Lophostemon confertus</i> Brush Box	Vaocluse Rd frontage	6m	Fence Footings

- b) Where excavation is undertaken within a specified Tree Protection Zone, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- c) To prevent damage to roots and compaction within the Tree Protection Zone of specified trees, excavation must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the *Australian Standard 4373 "Pruning of Amenity Trees* and carried out by a qualified Arborist (minimum qualification of *Australian Qualification Framework Level 4* or recognised equivalent).

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

All persons must comply with Council's *Tree Preservation Order* ("the TPO"), other than where varied by this consent. The order applies to any tree, with a height greater than 5 metres or a diameter spread of branches greater than 3 metres, is subject to Council's Tree Preservation Order unless, exempted by specific provisions. Works to be carried out within a 5 metre radius of any tree, subject to the Tree Preservation Order, require the prior written consent of Council.

General Protection Requirements:

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Where excavation encounters tree roots with a diameter exceeding 50mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

E.2 Tree Preservation & Approved Landscaping Works

All landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

- a) The following trees must be retained

- Trees on Private Land

Council Ref No	Species	Location	Dimension (metres)
3	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	6 x 5
4	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	7 x 4
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near adjacent boundary of 51 Vaocluse Rd	7 x 8
29	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	8 x 10
30	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	8 x 10
31	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	8 x 10

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
TC	<i>Angophora costata</i> Sydney Red Gum	Wentworth Rd	10 x 6	\$5,741

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

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

Council Ref No	Species	Location	Dimension (metres)
1	<i>Washingtonia robusta</i> Washington Palm	Within the site	9m
5	<i>Washingtonia robusta</i> Washington Palm	Within the site	18m
6	<i>Washingtonia robusta</i> Washington Palm	Within the site	9m
7	<i>Phoenix dactylifera</i> Date Palm	Within the site	4m
8	<i>Phoenix dactylifera</i> Date Palm	Within the site	3m
9	<i>Dracaena draco</i> Dragon Tree	Within the site	4m
10	<i>Howea forsteriana</i> Kentia Palm	Within the site	4m
11	<i>Howea forsteriana</i> Kentia Palm	Within the site	4m
12	<i>Howea forsteriana</i> Kentia Palm	Within the site	6m
13	<i>Howea forsteriana</i> Kentia Palm	Within the site	4m
25	<i>Lepidozamia peroffskyana</i> Pineapple Zamia	Within the site	2m
34	<i>Washingtonia robusta</i> Washington Palm	Within the site	9m

Note: The tree/s required to be retained should appear coloured yellow on the construction certificate plans.

- c) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
T2	<i>Magnolia x soulangeana</i> Saucer Magnolia	Wentworth Rd frontage	5.5m
T15	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T16	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T17	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T18	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T19	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T20	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T24	<i>Livistonia australis</i> Cabbage Tree Palm	Area adjacent to 47 Vacluse Rd	25m
T26	<i>Castanospermum australe</i> Black Bean	Area adjacent to 47 Vacluse Rd	7 x 6m
T27	<i>Lophostemon confertus</i> Brush Box	Area adjacent to 47 Vacluse Rd	10 x 7m
T28	<i>Syzygium australe</i> Scrub Cherry	Area adjacent to 47 Vacluse Rd	10 x 6m
TA	<i>Eucalyptus scorparia</i> Willow Gum	Council Street Tree Wentworth Rd	4 x 12m
TB	<i>Eucalyptus scorparia</i> Willow Gum	Council Street Tree Wentworth Rd	4 x 9m

Note: The tree/s that may be removed should appear coloured red on the construction certificate plans.

- d) The following trees may be pruned in accordance with Australian Standard AS 4373 – 2007 “Pruning of Amenity Trees” and Workcover NSW Code of Practice Amenity Tree Industry, 1998 to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning (extent of pruning)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	To clear proposed building
29	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	To clear proposed building
30	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	To clear proposed building
31	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	To clear proposed building

Note: The tree/s required to be pruned should appear coloured blue on the construction certificate plans.

Note: Water Restrictions take precedence over this condition.

Note: Having regard to water restrictions manual hosing may be necessary.

E.3 Replacement trees which must be planted

The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area. Areas for future planting must be plotted on the submitted landscape or architectural plans and be protected from damage, especially soil compaction and contamination from construction activity by erecting a barrier or implementing ground protection. Where ground protection during construction activity is not implemented, remediation measures prior to planting such as soil ripping or subsoil aeration must be employed.

Any replacement plant is to be maintained in a healthy and vigorous condition until it attains a height of 5 metres or a spread of 3 metres, whereby it will be protected by Council's Tree Preservation Order. If the replacement plant is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting Location	Container Size or Size of Tree @ time of planting	Minimum Dimensions at Maturity
2 x <i>Cupaniopsis anacardioides</i> Tuckeroo	Wentworth Rd street tree under wires	100Ltr	4m
1 x <i>Ficus rubiginosa</i> Port Jackson Fig	Within the site adjacent to Wentworth Rd	1500Ltr	10m
3 x <i>Howea forsteriana</i> Kentia Palm	Within the site adjacent to 45 Wentworth Rd	300Ltr	5m
1 x <i>Jacaranda mimosifolia</i> Jacaranda	Within the site Wentworth Rd entrance	300Ltr	10m
1 x <i>Lophostemon confertus</i> Brush Box	Within the site Vacluse Rd frontage	500Ltr	10m
2 x <i>Magnolia grandiflora</i> Bull Bay Magnolia 'Exmouth'	Within the site adjacent to 45 Wentworth Rd	200Ltr	10m
1 x <i>Magnolia grandiflora</i> Bull Bay Magnolia 'Exmouth'	Within the site adjacent to Wentworth Rd	200Ltr	10m
8 x <i>Phoenix robellini</i> Dwarf Date Palm	Within the site adjacent to 45 Wentworth Rd	400Ltr	2m
<i>Plumeria acutifolia</i> Frangipani	Within the site	1000Ltr	5m
<i>Rhapis excelsa</i> Lady Palm	Within the site	500Ltr	5m
7 x <i>Syzygium</i> 'Cascade' Lillypilly	Within the site adjacent to 45 Wentworth Rd	100Ltr	2m
8 x <i>Syzygium</i> 'francisii' Lillypilly	Within the site adjacent to 47 Vacluse Rd	1000Ltr	6m
10 x <i>Syzygium</i> 'francisii' Lillypilly	Within the site adjacent to 51 Vacluse Rd	1000Ltr	6m
<i>Washingtonia robusta</i> Mexican Fan Palm	Within the site adjacent to 47 Vacluse Rd	4000Ltr	10m
<i>Washingtonia robusta</i> Mexican Fan Palm	Within the site near	4000Ltr	10m
All replacement trees are to be NATSPEC grown.			

E.4 Paving in the vicinity of trees

Paving works within the specified radius from the trunks of the following trees must be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface should not be skimmed. A new surface must be established above the former ground level that does not inhibit gaseous exchange, such as granular fill not exceeding 100mm in depth or a load suspension layer.

Council Ref No:	Species	Location	Radius from centre of trunk (metres)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent) and are to utilise such measures as semiporous material.

E.5 Level changes in the vicinity of trees

No level changes are to occur within the specified radius from the trunks of the following trees to allow for the preservation of their root zones.

Council Ref No:	Species	Location	Radius from Trunk (metres)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

E.6 Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the *Australian Standard 4373 "Pruning of Amenity Trees"* and carried out by a qualified Arborist (minimum qualification of *Australian Qualification Framework Level 4* or recognised equivalent).

Any exposed surface roots must be covered to prevent drying out and watered. Materials used to minimise surface roots drying out include leaf litter mulch or a geotextile fabric.

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

Council Ref No:	Species	Location	Radius from Trunk (metres)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

E.7 Footings in the vicinity of trees

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 50mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 300mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

Council Ref No:	Species	Location	Radius from centre of trunk (metres)
29	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	4m

E.8 Driveways/car parking areas in the vicinity of trees

The driveway/car parking area must be constructed utilising materials/techniques designed to ensure that the existing water infiltration and gaseous exchange to the trees root system is maintained. Driveways are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent) and are to utilise such measures as semiporous material.

E.9 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

For the purposes of section 80A (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,
- 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.

E.10 Compliance with Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the *PCA* or *Council* on request.

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.

E.11 Maintenance of Vehicular and Pedestrian Safety and Access

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.

This condition does not apply to the extent that a permit or approval exists under the section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 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 to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

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

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) 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:

- “1. For fee or reward, transport waste over or under a public place
2. Place waste in a public place
3. Place a waste storage container in a public place.”

Part E Public roads:

- “1. 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
2. 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.”

Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.

E.12 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;
- g) <insert or delete such controls as may be necessary in the circumstances of the consent>

Note 1: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.

E.13 Compliance with Geotechnical/Hydrogeological Monitoring Program

Excavation must be undertaken in accordance with the recommendations of the *Geotechnical / Hydrogeological Monitoring Program* and any oral or written direction of the supervising *professional engineer*.

The *principal contractor* and any sub-contractor must strictly follow the *Geotechnical / Hydrogeological Monitoring Program* for the development including, but not limited to;

- a) the location and type of monitoring systems to be utilised;
- b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the *professional engineer*; and
- c) the contingency plan.

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the Development Application to be appointed as the *professional engineer* supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.

E.14 Support of adjoining land and buildings

A person must not 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 & 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 (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: “**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.” Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.
- Note:** The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, crown land under Council’s care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

E.15 Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a *professional engineer* with expertise and experience in geotechnical engineering, between any potential source of vibration and any *building* identified by the *professional engineer* as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity an audible alarm must activate such that the *principal contractor* and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the *professional engineer* and any further work recommencing the event must be recorded and the cause of the event identified and documented by the *professional engineer*.

Where the event requires, in the opinion of the *professional engineer*, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the *professional engineer* to the *principal contractor* and any sub-contractor clearly setting out required work practice.

The *principal contractor* and any sub-contractor must comply with all work directions, verbal or written, given by the *professional engineer*.

A copy of any written direction required by this condition must be provided to the *Principal Certifying Authority* within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining *building* or such that there is any removal of support to *supported land* the *professional engineer*, *principal contractor* and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that *supported land* and take immediate action under the direction of the *professional engineer* to prevent any further damage and restore support to the *supported land*.

Note: *Professional engineer* has the same mean as in Clause A1.1 of the BCA.

Note: *Building* has the same meaning as in section 4 of the Act i.e. “**building** includes part of a building and any structure or part of a structure”.

Note: *Supported land* has the same meaning as in section 88K of the *Conveyancing Act 1919*.

E.16 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*” published by the NSW Department of Housing 4th Edition (“*The Blue Book*”).

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



Note 1: 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 2: Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. **Warning,** irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

E.17 Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act* 1993;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act* 1997, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water;
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

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

E.18 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 surveyor registered under the *Surveying Act 2002* 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 *PCA*'s satisfaction:

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

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

E.19 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003.

The *owner, principal contractor* or *owner builder* must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within Roads and other public places.

Note: A copy of Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" can be down loaded free of charge from Council's website www.woollahra.nsw.gov.au

E.20 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

E.21 Critical Stage Inspections

Critical stage inspections must be called for by the *principal contractor* or *owner builder* as required by the PCA, any PCA service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the PCA 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 109E(3)(d) of the *Act* or as required by the PCA and any PCA Service Agreement.

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

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

E.22 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, and
- d. No piling, piercing, cutting, boring, drilling, rock breaking, rock sawing, jack hammering or bulk excavation of land or loading of material to or from trucks must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday.
- e. 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 separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and 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 2000*.

Note: EPA Guidelines can be downloaded from <http://www.epa.nsw.gov.au/noise/nglg.htm>.

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf

E.23 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 94 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 to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

E.24 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 1: “*Dust Control - Do it right on site*” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

Note 2: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au . Other specific condition and advice may apply.

Note 3: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

E.25 Rainwater Tank Storage – Installation

- 1. Water is to be collected from the roof only.
- 2. All plumbing and drainage work is to be undertaken by a licensed plumber in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage 3rd Edition 2006.
- 3. Where reticulated water supply is available, cross connection control and backflow prevention shall be in accordance with the requirements of Sydney Water.
- 4. Overflow from the rainwater tank is to be directed to the stormwater drainage system in accordance with Councils requirements.
- 5. Rainwater tank inlets should be screened and tanks provided with tight fitting access covers to prevent ingress of foreign matter and are to be child proofed.
- 6. The rainwater tank is to be mosquito proofed to prevent breeding.
- 7. Signage for rainwater tank outlets and pipes shall be in accordance with the requirements of Sydney Water.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Amenity Landscaping

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.

F.2 Commissioning and Certification of Systems and Works

The *principal contractor* or *owner builder* must submit to the satisfaction of the *PCA* 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 (“WAE”) 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 must comply with Australian Standard AS 2890.1 – “Off-Street car parking.”
- d. All stormwater drainage 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 Certifying Authority* 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 executed is maintained.

Note: The *PCA* 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 *Australian 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 *PCA* must submit to Council, with any *Occupation Certificate*, copies of works-as-executed (“WAE”) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the *PCA* has relied in issuing any *Occupation Certificate*.

F.3 Occupation Certificate (section 109M 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 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

Note: New building includes an altered portion of, or an extension to, an existing building.

F.4 Letter Box(es)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 Mailboxes and to Australia Post's satisfaction.

Note: This condition has been imposed to ensure that mail can be delivered to occupiers of the site.

F.5 Rainwater Tank – Operation and Maintenance

All rainwater tank systems shall be operated and maintained in accordance with the technical provisions of the NSW Code of Practice for Plumbing and Drainage 3rd Edition 2006, AS/NZS 3500 and NSW Health “*Rainwater Tanks*” brochure available from NSW Health or their website at www.health.nsw.gov.au.

Maintenance of the rainwater tank system, including the backflow prevention devices, is the responsibility of the property owner/occupier.

F.6 Consolidation of allotments

The allotments known as 40 Wentworth Rd and 49 Vacluse Rd are to be consolidated to form one allotment. The plan of the consolidated allotments is to be prepared by a registered surveyor and registered with Land and Property Information (NSW).

Evidence of registration is to be submitted to Council's satisfaction prior to the issue of an Occupation Certificate.

F.7 Street Numbering

The development must be provided with street and sole occupancy unit numbers determined by Council. This condition has been imposed to ensure that emergency services, utility services, and the general public are able to clearly and readily locate any property. Further, this condition has been imposed to protect the integrity of street numbering and land information.

Note: Applications for the allocation of street and sole occupancy unit numbers should be made together with any application for a strata certificate or Torrens or community title subdivision certificate. Council will determine at its discretion in accordance with its policy street numbers and street addresses that best suit the public interest.

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 a Final Occupation Certificate (s109C(1)(c))

H.1 Landscaping

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan. The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.

H.2 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *principal contractor's* or *owner's* expense:

- stormwater pipes, pits and connections to public stormwater systems within the *road*;
- driveways and vehicular crossings within the *road*;
- removal of redundant driveways and vehicular crossings;
- new footpaths within the *road*;
- relocation of existing power/light pole
- relocation/provision of street signs
- new or replacement street trees;
- new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- new or reinstated kerb and guttering within the *road*; and
- new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

H.3 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate A71814.

Note: Clause 154B(2) of the Environmental Planning & 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."

H.4 Removal of Ancillary Works and Structures

The *principal contractor* or *owner* must remove from the land and any adjoining public place:

- a. The site sign;
- b. Ablutions;
- c. Hoarding;
- d. Scaffolding; and
- e. Waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the *Final Occupation Certificate*.

H.5 Positive Covenant & Works-As-Executed certification of stormwater systems

On completion of construction work, stormwater drainage works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the *PCA* detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the On-Site Detention system (OSD);
- c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- d) Pipe invert levels and surface levels to Australian Height Datum;
- e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.
- f) A positive covenant pursuant to Section 88E of the *Conveyancing Act* 1919 must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land Titles Office.

Note: The required wording of the Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. The *PCA* must supply a copy of the WAE Plans to Council together with the *Final Occupation Certificate*. The *Final Occupation Certificate* must not be issued until this condition has been satisfied.

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

I.1 Maintenance of Landscaping

All landscaping must be maintained in general accordance with this consent.

This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.

- Reason:** This condition has been imposed to ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
- Note:** This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the Brochure Titled “Local Native Plants for Sydney’s Eastern Suburbs” published by Woollahra, Waverley, Randwick and Botany Bay Councils.

I.2 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate A71814.

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

I.3 Outdoor lighting – Residential

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with table 2.1 of AS 4282.

- Reason:** This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.
- Note:** This condition has been imposed to control the obtrusive effects of outdoor lighting.

I.4 Noise from mechanical plant and equipment

Noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

- Reason:** This condition has been imposed to protect the amenity of the neighbourhood.
- Note:** Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.

I.5 View Corridor Maintenance (38A Wentworth Rd)

In order to maintain views to 38A Wentworth Rd, no tree, shrub or any building or other structure, whether permanent or temporary, shall at any time be cultivated or erected, built or placed or permitted to be or grow in the area shown as bubbled on Dwg No 0100, revision G prepared by Tzannes Associates, above reduced level 46 metres (RL 46) Australian Height Datum.

I.6 On-going maintenance of the on-site-detention system

The Owner(s) must in accordance with this condition and any positive covenant:

- a) Permit stormwater to be temporarily detained by the system;
- b) Keep the system clean and free of silt rubbish and debris;

- c) If the car park is used as a detention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain;
- d) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- e) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- f) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- g) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- i) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- j) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.

J. Advisings

J.1 Criminal Offences – Breach of Development Consent & 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 are also a criminal offence.

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

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent; and/or
- 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. You can obtain further information from the following web sites:
<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.

J.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.dialbeforeyoudig.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.

J.3 Builders Licences and Owner Builders Permits

Section 81A 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 appointed a *principal contractor* for residential building work who must be the holder of a contractor licence.

Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder):
<http://www.dft.nsw.gov.au/building.html> .

The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is 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.

J.4 Building Standards - Guide to Standards and Tolerances

The PCA does not undertake detailed quality control inspections and the role of the PCA 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 "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8 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 PCA does not undertake this role.

The NSW Office of Fair Trading have published a “Guide to Standards and Tolerances©” ISBN 0 7347 6010 8. The guide can be obtained from the Office of Fair Trading by calling 13 32 20 or by Fax: 9619 8618 or by post to: Marketing Branch, PO Box 972, Parramatta NSW 2124. The Guide can be downloaded from:
<http://www.fairtrading.nsw.gov.au/pdfs/corporate/publications/dft242.pdf>

Council, as the PCA or otherwise, does not adjudicate building contract disputes between the *principal contractor*, contractors and the owner.

J.5 Workcover requirements

The *Occupational Health and Safety Act 2000 No 40* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: Further information can be obtained from Workcover NSW’s website:

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office:

Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

J.6 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:

- The Occupational Health and Safety Act 2000;
- The Occupational Health and Safety Regulation 2001;
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>]; and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

J.7 Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2–1998, Guide to Lead Paint Management—Residential and Commercial Buildings.

Industrial paints may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead hazards - Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

J.8 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.

J.9 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **David Booth, Senior Assessment Officer** on (02) 9391 7119. However, if you wish to pursue your rights of appeal in the Land & 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.

J.10 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 80A of the *Act*. The securities will not be released until a *Final Occupation Certificate* has 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 Application for Refund of Security form can be downloaded from <http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>

J.11 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.

J.12 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 the Office of Fair Trading. See www.fairtrading.nsw.gov.au.

J.13 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's *Tree Preservation Order 2006* (TPO) 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 TPO from Council's website www.woollahra.nsw.gov.au or you may contact Council on 9391-7000 for further advice.

J.14 Dilapidation Report Condition

Please note the following in relation to the condition for a dilapidation report:

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

J.15 Roads Act Application

Works or structures over, on or under public roads or footpaths are subject to Sections 138, 139 & 218 of the *Roads Act 1993* and specifically:

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's roadway
- Installation of soil/rock anchors under the roadway

An "Application to carry out works in a Public Road" form must be completed and lodged, with the Application fee, at Council's Customer Services counter. Detailed plans and

specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by *Council* under Section 138 of the *Roads Act* 1993, before the issue of any *Construction Certificate*.

Detailed engineering plans and specifications of the works required by this Condition must accompany the Application form. The plans must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb & gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with Clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by *Council*. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Note: any adjustments required from the garage slab and the street levels are to be carried out internally on private property

Drainage design works must comply with the Council's draft Development Control Plan Stormwater Drainage Management (Draft Version 1.1, Public Exhibition Copy dated 14 December 2006), and

Temporary ground anchors may be permitted, in accordance with Council's "*Rock Anchor Policy*".

All public domain works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: When a large *Roads Act* is required, then four (4) weeks is to be allowed for assessment.

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

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

ANNEXURES

1. Plans and elevations.
2. Development Engineer's referral response.
3. Trees and Landscape Officer's referral response.
4. Heritage Officer's referral responses.

NOTES

Verify Dimensions on 1st pass to commencement of work
Check existing R/Ls to 30m Above Arch of any
overhead tanks before commencement. Allow for deflections
to suit disconnection.

Comply with relevant authorities requirements. Comply with
Building Code of Australia requirements. Comply with
relevant Australian Standards for materials and construction
to suit disconnection.

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LEGEND

DATE	REVISIONS
15-02-10	DA Measurement
20-02-10	DA Submission
23-11-09	Comments received in peer consult.
	DA in accordance with DA
	Application for discharge
12-11-09	Discharge received
04-11-09	Discharge received
07-10-09	Discharge received
19-10-09	Discharge received
31-08-09	Consent issued

OWN PLANNER
 Project Collaborative
 Level 4, 225 Clarence Street, Sydney NSW 2000
 02 9262 5030
 F 02 9262 5400

POSTAGE
PAID
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ELECTROLIGHTING CONSULTANT
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 02 861 861 - Mrs. Deborah K. S.
 02 9619 6665

POWER ENGINEER, 69 Bond Street, Mission Point NSW 2061
02 8973 8444 F 02 8973 8484

STRUCTURAL & CIVIL ENGINEER

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Lawrence Associates
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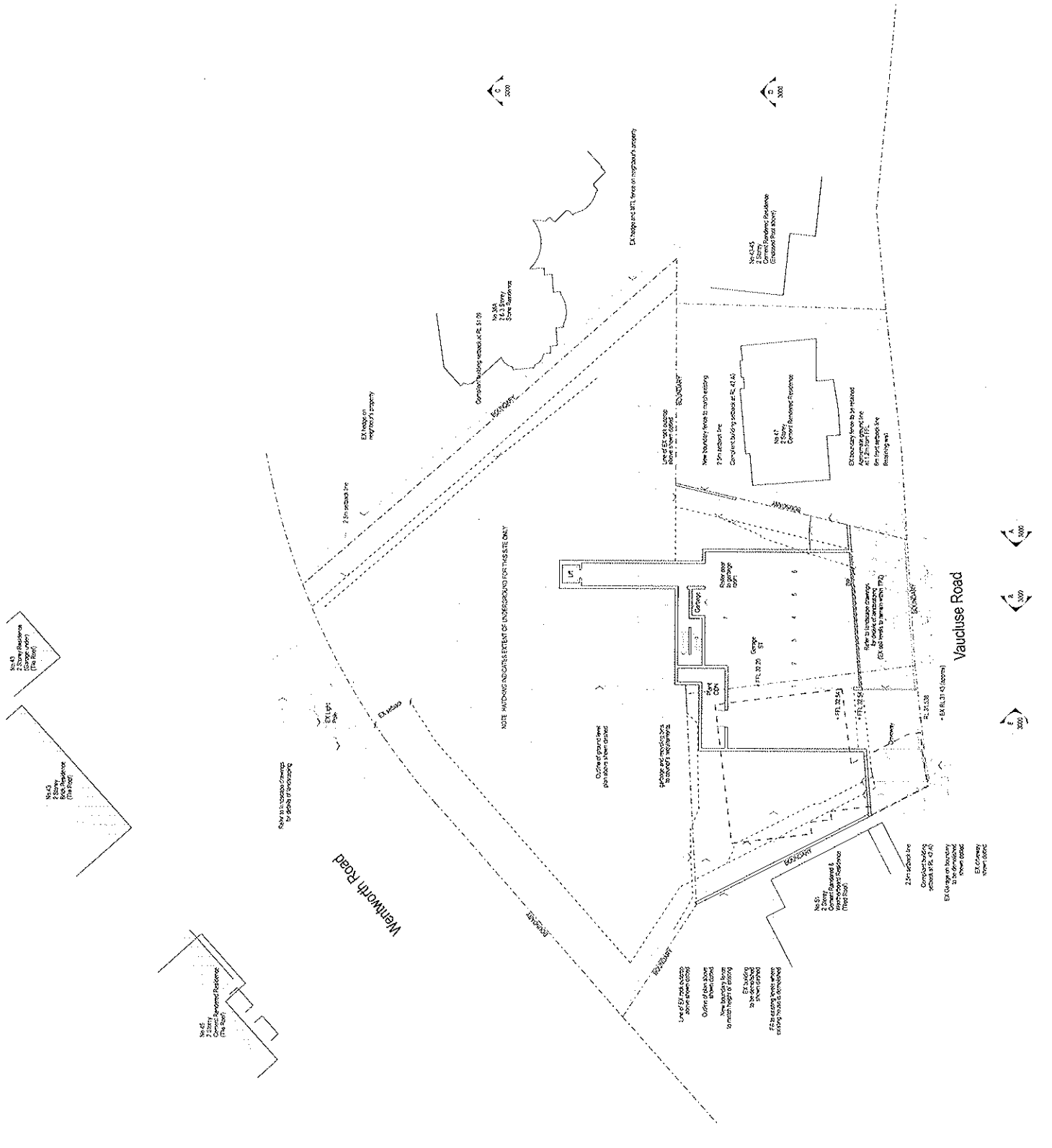
DEVELOPMENT APPLICATION
LOT FOR CONSTRUCTION

Ventworth Road Residence

Worms: Rude
Worms: Stinky

0202-0
DRAWN
BY JLT
DATE

9020	QUEST.	9020	QUEST.	9020	QUEST.
1101	QUEST.	1101	QUEST.	1101	QUEST.
1	QUEST.	1	QUEST.	1	QUEST.



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 April 27, 12: Road Street, Sydney NSW 2000
 07 2933 0000
 07 2933 0000

PERCENTAGE

02 9015 4511
F 02 9015 4583
TECHNICAL ENGINEER

George F. Fitch
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10000 Highway 100, Suite 100
Houston, TX 77036
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EVERGREEN, 43 AYLE STREET, N3000, DARTMOUTH, NS
(2022) 8444 F (2022) 8444

STRUCTURAL CIVIL ENGINEER
10101 Thornton-Walsh Dr., L3
Charlotte, NC 28226
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CLIENT
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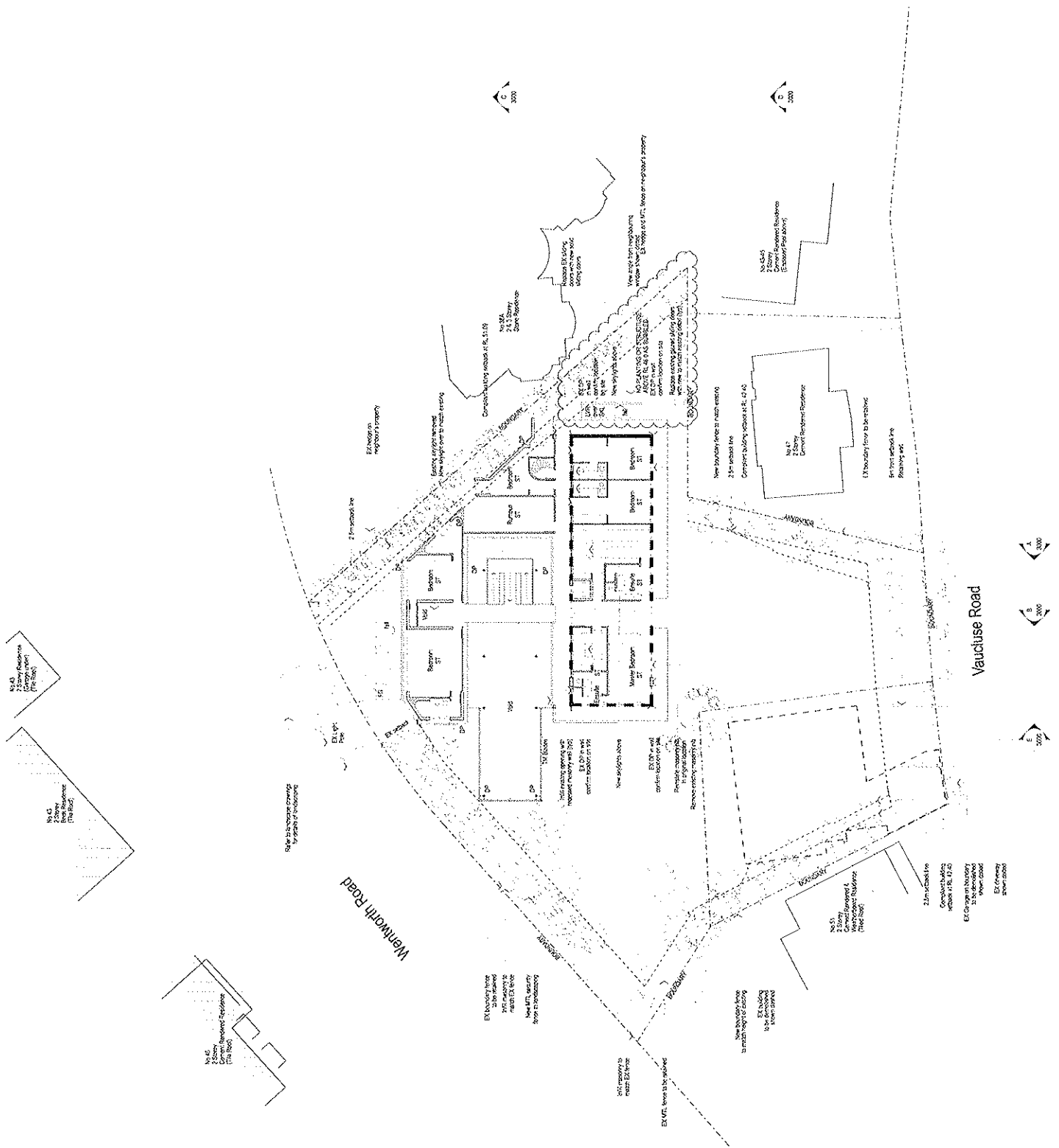
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Wentworth Road Residence

D. W. Henderson, R. G. Anderson, S. J. Snyder

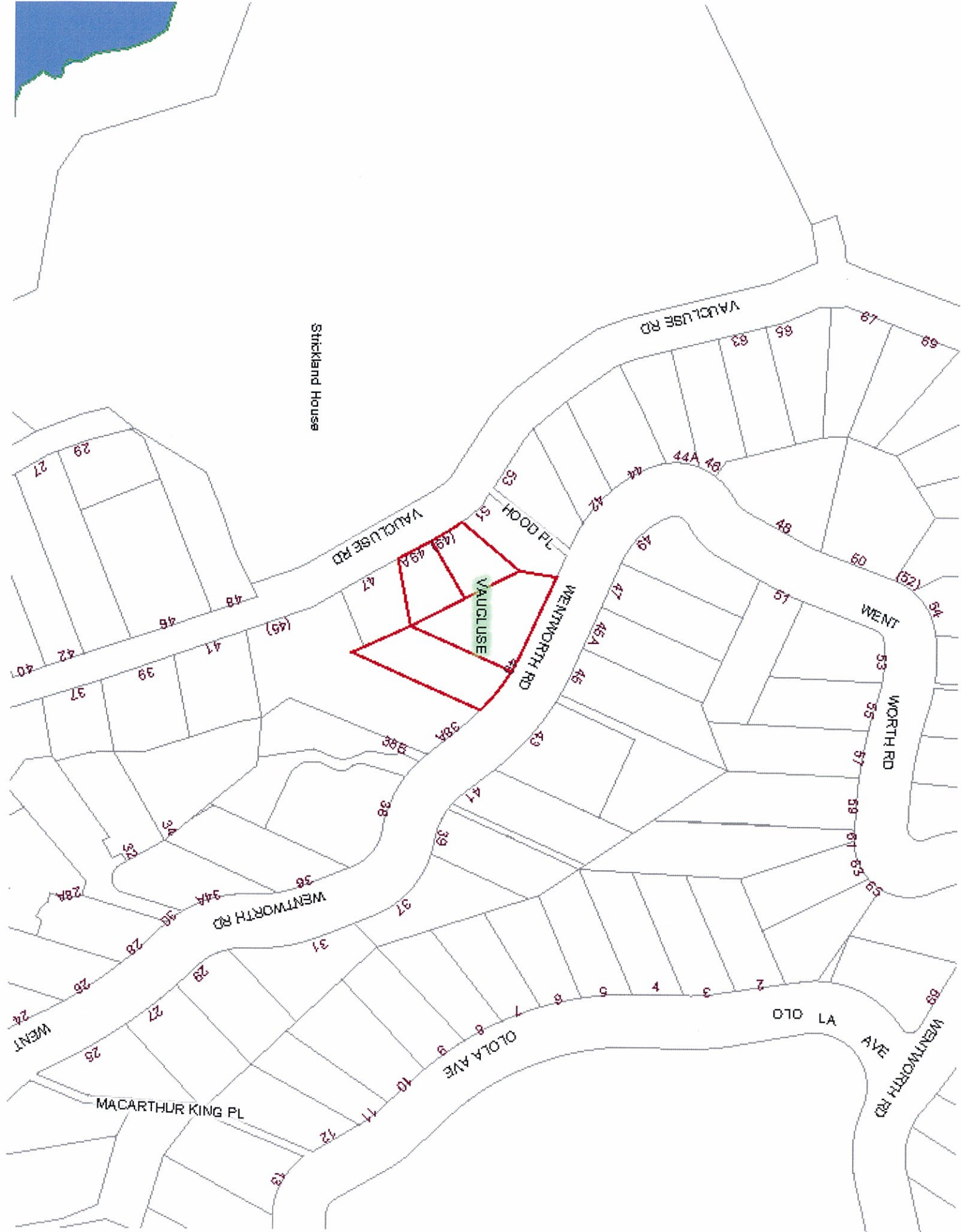
Wentworth Road
First Floor Plan

DATE	CHECKED	REVISION
AUG 20 1987		1
DRAWING		
PROJECT		
09020		1105
SCALE		
200' = 1"		
400' = 1"		





Stickland House





REFERRAL RESPONSE – TECH. SERVICES

FILE NO: DA 625/2009/1

ADDRESS: 40 Wentworth Road VAUCLUSE 2030

PROPOSAL: Partial demolition and substantial alterations and additions to the existing dwelling house at 40 Wentworth Road, Vacluse; demolition of the existing dwelling house at 49 Vacluse Road and consolidate the property with 40 Wentworth Road; new additions on 49 Vacluse Road; landscaping and siteworks

FROM: Yoram Wise - Development Engineer

TO: Mr D Booth

I refer to the following documents received for this report:

1. Architectural plans by Tzannes Associates, dated 30/11/2009, Dwgs No. 0100 F, 1100 H, 1102 H, 1103 G, 1104 H, 1105 H, 2000 F and 3000E
2. Survey plan by Denny Linker & Co., dated 13/07/2009
3. Statement of Environmental Effects by Design Collaborative, dated 11/2009
4. Stormwater disposal concept plan prepared by Whipps-Wood Consulting, dated 27/11/2009, Dwgs No. HDA01 / P2 to HDA08 / P2
5. Geotechnical Report prepared by Pells Sullivan Meynink, dated 26/11/2009, reference PSM1399.R1 Rev1

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

Site Drainage comments

In general, there are no objections to Stormwater disposal concept plan prepared by Whipps-Wood Consulting, dated 27/11/2009, Dwgs No. HDA01 / P2 to HDA08 / P2. However, a new gully pit and stormwater pipe is to be constructed. The new gully pit is to be located on the boundary of No. 49 and No 51 Vacluse Road. A new 375mm diameter pipeline is to be constructed to connect the new pit to an existing council pit located in Vacluse Road fronting Hood Place (pedestrian laneway). The new pipeline is to be approximately 16m.

Further to the above, an OSD is to be incorporated into the stormwater disposal system.

This concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's Draft Stormwater Development Control Plan and Local Approvals Policy.

This is to ensure that site stormwater is disposed in a controlled and sustainable manner - Conditions applied.

Council's Technical Services Division is satisfied that adequate provision has been made for the disposal of stormwater from the land it is proposed to develop and complies with the provisions of Clause 25 (2) of WLEP 1995

Construction Management comments

As a result of the site constraints, limited space and access a Construction Management Plan is to be submitted to Council. Due to the lack of on-street parking availability a Work Zone is required from Council during construction and is conditioned accordingly.

Note: Should the CMP identify that all vehicle movements, including concrete deliveries, material deliveries and disposal of spoil, will take place internally the Work Zone condition may be removed from the consent.

Impacts on Council Infrastructure comments

Wentworth Road – Currently, there is an existing non-complying vehicle crossing to the site. It is proposed to replace the existing crossing with a new 4.0m wide crossing. The existing crossing on Wentworth Road is to be fully removed and any disturbed area of footpath, K&G and grass verge are to be reinstated in accordance with Council's standard drawing RF3.

It is further proposed to construct a second vehicle crossing to the site in order to allow vehicles to exit the site in a forward direction. The second crossing on Wentworth Road is to be constructed in accordance with Council's standard drawing RF2 and is to be 3.5m wide.

Note: The survey plan has identified a power pole and tree in the immediate vicinity of the proposed second driveway. The power pole may have to be relocated and as such, the applicant is to contact the relevant authority for advice.

Further to the above, the proposed second driveway may impact on the tree – advice is to be sought from Council's Tree Officer.

Vaocluse Road – At present, there is a crossing to the site from Vaocluse Road. The existing crossing is to be fully removed and the footpath and K&G are to be reinstated in accordance with Council's standard drawing RF3.

The proposed 6.2m crossing is to be reduced to 5.5m and is to be constructed in accordance with Council's standard drawing RF2.

Traffic comments

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

Vehicle Access & Accommodation comments

Footpath levels – The existing footpath level and grade at the street alignment of the property must be maintained.

Note: any adjustments required between the garage slab and the street levels are to be

carried out internally on private property. The driveway levels are to comply with AS2890.1 and Council's Standard Drawing RF2.

Parking Layout - The garage parking envelope and access are to comply with AS 2890.1. In order to comply the garage layout is to include the following (but is not limited to):

- *Blind aisles*
- *Vehicle turning paths*
- *Vehicles are to enter the parking bays in a single manoeuvre*

Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Pells Sullivan Meynink, dated 26/11/2009, reference PSM1399.R1 Rev1 has been submitted in support of the application. The proposal involves excavation for the upper area up to 4.0m deep and for the lower area up to 12.0m deep.

The report identified that the upper section of the property was underlain with a thin layer of residual soil overlying sandstone. The lower section of the property is underlain with a layer of clayey sand overlaying sandstone (see geotechnical report and borehole log for further detail).

The report made comments and recommendations on the following:

- *Care in excavation adjacent of adjacent walls*
- *Vibration*
- *Dilapidation reports*
- *Construction monitoring*
- *Impacts on water table*

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

Council's Technical Services has no objection to the proposed excavation on technical grounds. However, it should be noted that any proposed excavation is also to comply with Council's other requirements as set out in the applicable development controls and in particular the setbacks from boundaries.

RECOMMENDATION

Council's Development Engineer has determined that the proposal satisfies Technical Services concerns, subject to the following conditions. Accordingly, the following conditions are recommended.

Conditions of Consent

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

(A) **General Conditions**

A.5 Approved Plans & Supporting documents

Reference	Description	Author/Drawn	Date(s)
PSM1399.R 1 Rev1	Geotechnical Report	Pells Sullivan Meynink	26/11/2009

A.8 Ancillary Aspect of the Development (Repair Damaged Infrastructure - apply to all Development)

(B) **Conditions which must be satisfied PRIOR TO THE DEMOLITION of any building or construction**

Nil

(C) **Conditions which must be satisfied PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

C.4 Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail:

- A new double grated gully pit (DGGP) is to be constructed. The pit is to be located on the boundary of No. 49 and No 51 Vacluse Road.
- A new 375mm diameter pipeline is to be constructed to connect the new pit to an existing council pit located in Vacluse Road fronting Hood Place. The new pipeline is to be approximately 16m
- An OSD is to be incorporated into the stormwater disposal system

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.
Standard Condition: C4

C.5 (Security Deposits) a) \$231,370,

g. Public Road and Footpath Infrastructure Inspection Fee (\$138 Fee)	\$394	No	T45
h. Security Administration Fee	\$175	No	T16

C.13 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a Construction Certificate for the following infrastructure works, which must be carried out at the applicant's expense:

- a) The existing crossing on Wentworth Road is to be fully removed and any disturbed area of footpath and K&G are to be reinstated in accordance with Council's standard drawing RF3.
- b) The second crossing on Wentworth Road is to be constructed in accordance with Council's standard drawing RF2 and is to be 3.5m wide.
- c) The existing crossing on Vacluse Road is to be fully removed and the footpath and K&G are to be reinstated in accordance with Council's standard drawing RF3.
- d) A new crossing on Vacluse Road is to be constructed. The proposed 6.2m crossing is to be reduced to 5.5m and is to be constructed in accordance with Council's standard drawing RF2.
- e) A design longitudinal surface profile for all proposed driveways must be submitted for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

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

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Note: See condition K24 in *Section K. Advising*s of this Consent titled *Roads Act Application*.
Standard Condition: C13

- C.20 (Utilities)**
- C.25 (Erosion & Sed Management Plan)**
- C.35 (Structural Support of Existing)**
- C.36 (Engineers Details)**
- C.40 (Geotech Certification & Monitoring)**
- C.45 Bicycle, Car and Commercial Parking Details**
- C.51 Stormwater management plan (Site greater than 500m²)(Clause 25(2) WLEP 1995)**

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must include a Stormwater Management Plan for the site.

The Stormwater Management Plan must detail:

- a) General design in accordance with Whipps-Wood Consulting, dated 27/11/2009, Dwgs No. HDA01 / P2 to HDA08 / P2. other than amended by this and other conditions;
- b) The discharge of stormwater, by direct connection to a new gully pit. The pit is to be located on the boundary of No. 49 and No 51 Vacluse Road.
- c) A new 375mm diameter pipeline is to be constructed to connect the new pit to an existing council pit located in Vacluse Road fronting Hood Place. The new pipeline is to be approximately 16m.
- c) Compliance the objectives and performance requirements of the BCA;

- d) Any rainwater tank (see **Note** below) required by BASIX commitments including their overflow connection to the Stormwater Drainage System, and
- e) General compliance with the Council's draft Development Control Plan Stormwater Drainage Management (Draft Version 1.1, Public Exhibition Copy dated 14 December 2006), and
- f) On-site stormwater detention ("OSD").

OSD Requirements

The minimum (OSD) Site Storage Requirements ("SSR") and the Peak Site Discharge ("PSD") from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area:

Average Recurrence Interval	PSD (L/s)	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House 27m ³ – Residential Flat Building 29m ³ – Other Development

Note: All values based on per 1000m² site area (interpolate to site area).

Where a rainwater tank is proposed in conjunction with OSD, the volume of the rainwater tank may contribute to the SSR as follows:

- a) Where the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m³ or
- b). Where the rainwater tank is used for external and internal uses, 75% of the rainwater tank volume to a maximum of 7.5m³.

Example: The Site Storage Requirements may be 25,000 litres and a 10,000 litre rainwater tank is to be used for garden irrigation. Therefore, the rainwater tank contributes 4,000 litres toward SSR. Therefore, the OSD tank needs to be 21,000 litres (25,000 litres less the 4,000 litres allowance). Note: 1m³ = 1,000 litres.

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

Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof.

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,
- Location of On-Site Detention,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure, and
- Overland flow paths over impervious areas.

On-site Detention (OSD) details:

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

Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.

Subsoil Drainage - Subsoil drainage details, clean out points, discharge point.

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.
Standard Condition: C51

(D) Conditions which must be satisfied PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

D.4 Dilapidation Reports for existing buildings

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. These properties must include (but is not limited to):

- (A) 38A Wentworth Road,
- (B) 47 Vaocluse Road,
- (C) 51 Vaocluse Road.

The dilapidation reports must be completed and submitted to *Council* with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by s81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

- To provide a record of the condition of buildings prior to development being carried out
 - To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land
- Also refer to the Dilapidation Report Advising for more information regarding this condition
Standard Condition: D4

D.9 Construction Management Plan

D.10 Work (Construction) Zone – Approval & Implementation

D.14 (Erosion & Sediment Control Installation)

(E) Conditions which must be SATISFIED DURING ANY DEVELOPMENT WORK

E.3 Compliance with Construction Management Plan

E.7 (Maint Footpath Access)

E.11 (Maint Environmental Controls),

E.12 Compliance with Geotechnical / Hydrogeological Monitoring Program

E.13 (Support of Adjoining Land / Structures)

E.14 (Vibration Monitoring)

E.15 (Maint of Erosion & Sediment Controls)

E.17 (Disposal of Site water),

E.24 (Compliance with Council Specification)

(F) Conditions which must be satisfied PRIOR TO ANY OCCUPATION or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.7 (Commissioning & Certification of Systems & Works)

(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 a FINAL OCCUPATION CERTIFICATE (s109C(1)(c))

H.13 (Completion of Roadworks),

H.20 Positive Covenant & Works-As-Executed certification of stormwater systems

(I) Conditions which must be satisfied during the ONGOING USE OF THE DEVELOPMENT

I.12 On-going maintenance of the on-site-detention system

a) Miscellaneous Conditions

Nil

b) Advisings

K.23 Dilapidation Report Condition

K.24 Roads Act Application

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: DA 625/2009/1

ADDRESS: 40 Wentworth Road VAUCLUSE 2030

PROPOSAL: Partial demolition and substantial alterations and additions to the existing dwelling house at 40 Wentworth Road, Vacluse; demolition of the existing dwelling house at 49 Vacluse Road and consolidate the property with 40 Wentworth Road; new additions on 49 Vacluse Road; landscaping and siteworks

FROM: Sue Wylie: Trees & Landscaping

TO: Mr D Booth

I refer to the following documents received for this report:

- Architectural Plan No's 09020 – 0100/G, 1101/I (dated 10/2/10), 1102/I, 1103/H, 1104/I, 1105/I, 2000/F, 3000/E drawn by Tzannes Associated, dated August 2009.
- Landscape plan No LP03f-4709/F Issue 06 (with amended Plant schedule as emailed) by William Dangar Dated November 2009.

A site inspection was carried out on the following day: 13/01/2010.

ISSUES

1. Trees Near Vacluse Rd Trees 29, 30 & 31.

- The revised architectural plans provide an increase in the distance between the trees and level changes and now allow the safe retention of Brush Box trees near Vacluse Rd.
- Pruning will be required on these trees so as to provide clearance for building works without damaging foliage.
- Footings of the fence on the Vacluse Rd frontage must to be hand dug so as to located and avoid any structural tree roots.

2 Tree 23 on Cliff overhanging neighbours at #51 Vacluse Rd should be closely monitored.

3 Revised landscape plans are required to include an amended plant schedule (as per emailed schedule).

COMMENTS

1 Architectural Plan No's 09020 –1102/I, indicate that balcony on first floor level will be within 3 & 4 metres of Brush Box trees at the Vacluse road side of site. These trees should be pruned so as to clear the proposed building by 2m and to allow for construction works.

Pruning should be before building works begin so as to prevent branch damage and be performed to AS 4373 ie selective pruning back to branch unions or branch collars.

Architectural Plan No 09020 - 2000/F indicates new fencing on the Vaocluse frontage. Strip footings must not be used. Footings should be installed in a manner that includes hand digging to locate areas that are free of tree roots with diameters of 50mm or greater. Arborist should be present and inspect these.

2 Protection of tree #23 on Cliff overhanging the rear garden of neighbours at #51 Vaocluse Rd. This is a Fig is probably self sown as it is growing into the rock face. Demolition of existing landscape feature and construction works are proposed within 2 & 3 metres of this tree. This tree will require consideration and protection at these and all other phases of work within the TPZ. This should be monitored by a Level 5 arborist. Foliage over hanging the site may need to be pruned as per above.

RECOMMENDATIONS

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

CONDITIONS OF CONSENT

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

A. General Conditions

A.1 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
	Landscape Plan No LP03-4709 Issue5/E & Issue 6/F	William Dangar & Assoc.	November 2009
	Arborists Report	Tree Transplanting & Arboricultural Services	November 2009
	Tree Management Plan	Tree Transplanting & Arboricultural Services	November 2009

Standard Condition: A5

Standard Condition: A6

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

B.1 Establishment of Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Trunk (Metres)*
3	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	5m
4	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	4m
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near adjacent boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	6m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	6m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	6m
TC	<i>Angophora costata</i> Sydney Red Gum	Council St tree Wentworth Rd	4m

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

- b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below;

Council Ref No	Species	Location
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage
TC	<i>Angophora costata</i> Sydney Red Gum	Council St tree Wentworth Rd

A padding material eg. Hessian or thick carpet underlay, is to be wrapt around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

Standard Condition: B5

B.2 Permissible work within Tree Protection Zones

In accordance with British Standard BS5837, one incursion no greater than 20% of a trees calculated Tree Protection Zone is considered allowable provided the tree is a healthy and vigorous specimen. Upon completion of approved works within the Tree Protection Zone, the specified Tree Protection Zone fencing must end either side of the allowable incursion. The table below provides a radius distance from the centre of the trunk of existing trees whereby the following incursions are permissible:

a) Permissible Work within Tree Protection Zones

Council Ref No:	Species	Location	Radius from Trunk (metres)	Approved works within incursion
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m	Fence Footings
29	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings
30	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings
31	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings

- b) Where excavation is undertaken within a specified Tree Protection Zone, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- c) To prevent damage to roots and compaction within the Tree Protection Zone of specified trees, excavation must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the *Australian Standard 4373 "Pruning of Amenity Trees"* and carried out by a qualified Arborist (minimum qualification of *Australian Qualification Framework Level 4* or recognised equivalent).

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

B.3 Demolition and Construction Management Plan.

A Demolition and Construction Management Plan in relation to existing trees on/adjacent the subject site must be submitted to Council for further assessment. The plan must consider and make allowance for all construction operations which will be undertaken within the vicinity of existing trees. In particular the plan is to include:

- a) Drawings and method statement showing details of hoarding and scaffold construction and pruning required to accommodate hoarding and scaffolding;
- b) Movement of heavy machinery, lifting cranes, Pier drilling gantry etc.;
- c) How trees will be protected from storage and movements of materials;
- d) Site construction access, temporary crossings and movement corridors on the site defined;
- e) Contractors carparking;
- f) Phasing of construction works;
- g) The space needed for all foundation excavations and construction works;
- h) All changes in ground level;
- i) Space for cranes, plant, scaffolding and access during works;
- j) Space for site sheds, temporary latrines (including any drainage) and other temporary structures;
- k) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete and
- l) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.

B.4 Arborists Periodic Site Inspection and Log

To ensure the condition and health of existing trees are maintained an arboricultural log book for the subject property is to be prepared by a qualified arborist and retained by the site foreman. Details of the arborists site inspection are to be recorded in the log during each visit. At each site visit the arborist must check and monitor the condition of existing trees and compliance with approved protection measures or recommend action to improve site conditions. As a minimum the following intervals of site inspections by a qualified arborist must be made.

Stage of arboricultural inspection	Minimum considerations at each stage	Additional visits required determined by arborist notes/comments
Prior to the demolition of any building or construction.	Correct installation of Tree Protection Zone barriers.	Make additional site visits as deemed necessary for ongoing monitoring/supervisory work.
During development work. Pruning, preparation for fence footings	Tree Preservation and approved works are complied with. Monitor condition of trees particularly Trees 23, 29,30 & 31.	Visit site at two week intervals to monitor condition of protected trees.
Prior to the issue of a Final Occupation Certificate.	Supervise the dismantling of tree protection measures.	Make additional site visits as deemed necessary for ongoing monitoring of tree vigour.

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Tree Damage Security Deposit – Making good any damage caused to any public tree as a consequence of the doing	\$5,741	No	T600

of anything to which the consent relates.			
INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$166.00	No	T95

Standard Condition: C5

C.2 Tree Management Details

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation* must, show the following information;

- trees to be numbered in accordance with these conditions,
- shaded green where required to be protected and retained,
- shaded yellow where required to be transplanted,
- shaded blue where required to be pruned,
- shaded red where authorised to be removed and,
- references to applicable tree management plan, arborists report, transplant method statement or bush regeneration management plan.

Standard Condition: C30

C.3 Amended Landscape Plan

An amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, in accordance with Councils DA Guide Annexure 8 and conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate (or) must be submitted to Council for further assessment. Additionally the amended landscape plan must include the following:

Amended Plant schedule with appropriate pot sizes (as emailed).

C.4 Amended Stormwater Drainage Plan

Nil

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

D.1 Establishment of Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements;

- Tree Protection Zone areas

Council Ref No:	Species	Location	Radius from Trunk (metres)
3	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	5m
4	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	4m
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near adjacent boundary of 51 Vaucluse Rd	8m
29	<i>Lophostemon confertus</i>	On Vaucluse Rd frontage	6m

	Brush Box		
30	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	6m
31	<i>Lophostemon confertus</i> Brush Box	On Vaocluse Rd frontage	6m
TC	<i>Angophora costata</i> Sydney Red Gum	Council St tree Wentworth Rd	4m

- b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.



Figure 1. A typical example of chainmesh fencing and signage to be installed as fencing for tree protection zones.

- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below;

Council Ref No:	Species	Location
29	<i>Lophostemon confertus</i> Brush Box	Vaocluse Rd frontage
30	<i>Lophostemon confertus</i> Brush Box	Vaocluse Rd frontage
31	<i>Lophostemon confertus</i> Brush Box	Vaocluse Rd frontage

A padding material eg. Hessian or thick carpet underlay is to be wrapt around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.



Figure 2. A typical example of trunk protection to be installed

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.

- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

Note: Water Restrictions take precedence over this condition. Having regard to water restrictions manual hosing may be necessary.

Standard Condition: D8

D.2 Permissible work within Tree Protection Zones

In accordance with British Standard BS5837, one incursion no greater than 20% of a trees calculated Tree Protection Zone is considered allowable provided the tree is a healthy and vigorous specimen. Upon completion of approved works within the Tree Protection Zone, the specified Tree Protection Zone fencing must end either side of the allowable incursion. The table below provides a radius distance from the centre of the trunk of existing trees whereby the following incursions are permissible:

- a) Permissible Work within Tree Protection Zones

Council Ref No:	Species	Location	Radius from Trunk (metres)	Approved works within incursion
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m	Fence Footings
29	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings
30	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings
31	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	6m	Fence Footings

- b) Where excavation is undertaken within a specified Tree Protection Zone, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- c) To prevent damage to roots and compaction within the Tree Protection Zone of specified trees, excavation must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the *Australian Standard 4373 "Pruning of Amenity Trees* and carried out by a qualified Arborist (minimum qualification of *Australian Qualification Framework Level 4* or recognised equivalent).

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

All persons must comply with Council's *Tree Preservation Order* ("the TPO"), other than where varied by this consent. The order applies to any tree, with a height greater than 5 metres or a diameter spread of branches greater than 3 metres, is subject to Council's Tree Preservation Order unless, exempted by specific provisions. Works to be carried out within a 5 metre radius of any tree, subject to the Tree Preservation Order, require the prior written consent of Council.

General Protection Requirements:

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Where excavation encounters tree roots with a diameter exceeding 50mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

Standard Condition: E8

E.2 Tree Preservation & Approved Landscaping Works

All landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

- a) The following trees must be retained

- Trees on Private Land

Council Ref No	Species	Location	Dimension (metres)
3	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	6 x 5

4	<i>Strelitzia Nicolai</i> Giant Bird of Paradise	Wentworth Rd frontage	7 x 4
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near adjacent boundary of 51 Vaucluse Rd	7 x 8
29	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	8 x 10
30	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	8 x 10
31	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	8 x 10

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
TC	<i>Angophora costata</i> Sydney Red Gum	Wentworth Rd	10 x 6	\$5,741

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

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

Council Ref No	Species	Location	Dimension (metres)
1	<i>Washingtonia robusta</i> Washington Palm	Within the site	9m
5	<i>Washingtonia robusta</i> Washington Palm	Within the site	18m
6	<i>Washingtonia robusta</i> Washington Palm	Within the site	9m
7	<i>Phoenix dactylifera</i> Date Palm	Within the site	4m
8	<i>Phoenix dactylifera</i> Date Palm	Within the site	3m
9	<i>Dracaena draco</i> Dragon Tree	Within the site	4m
10	<i>Howea forsteriana</i> Kentia Palm	Within the site	4m
11	<i>Howea forsteriana</i> Kentia Palm	Within the site	4m
12	<i>Howea forsteriana</i> Kentia Palm	Within the site	6m
13	<i>Howea forsteriana</i> Kentia Palm	Within the site	4m
25	<i>Lepidozamia peroffskyana</i> Pineapple Zamia	Within the site	2m
34	<i>Washingtonia robusta</i> Washington Palm	Within the site	9m

Note: The tree/s required to be retained should appear coloured yellow on the construction certificate plans.

- c) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
T2	<i>Magnolia x soulangeana</i> Saucer Magnolia	Wentworth Rd frontage	5.5m
T15	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T16	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T17	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T18	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T19	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T20	<i>Cupressus sempervirens "Stricta"</i> Pencil Pine	Adjacent to house	5 x 1m
T24	<i>Livistonia australis</i> Cabbage Tree Palm	Area adjacent to 47 Vaucluse Rd	25m

T26	<i>Castanospermum australe</i> Black Bean	Area adjacent to 47 Vacluse Rd	7 x 6m
T27	<i>Lophostemon confertus</i> Brush Box	Area adjacent to 47 Vacluse Rd	10 x 7m
T28	<i>Syzygium australe</i> Scrub Cherry	Area adjacent to 47 Vacluse Rd	10 x 6m
TA	<i>Eucalyptus scorparia</i> Willow Gum	Council Street Tree Wentworth Rd	4 x 12m
TB	<i>Eucalyptus scorparia</i> Willow Gum	Council Street Tree Wentworth Rd	4 x 9m

Note: The tree/s that may be removed should appear coloured red on the construction certificate plans.

- d) The following trees may be pruned in accordance with Australian Standard AS 4373 – 2007 “Pruning of Amenity Trees” and Workcover NSW Code of Practice Amenity Tree Industry, 1998 to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning (extent of pruning)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	To clear proposed building
29	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	To clear proposed building
30	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	To clear proposed building
31	<i>Lophostemon confertus</i> Brush Box	Vacluse Rd frontage	To clear proposed building

Note: The tree/s required to be pruned should appear coloured blue on the construction certificate plans.

Note: Water Restrictions take precedence over this condition.

Note: Having regard to water restrictions manual hosing may be necessary.

Standard Condition: E9

E.3 Replacement trees which must be planted

The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area. Areas for future planting must be plotted on the submitted landscape or architectural plans and be protected from damage, especially soil compaction and contamination from construction activity by erecting a barrier or implementing ground protection. Where ground protection during construction activity is not implemented, remediation measures prior to planting such as soil ripping or subsoil aeration must be employed.

Any replacement plant is to be maintained in a healthy and vigorous condition until it attains a height of 5 metres or a spread of 3 metres, whereby it will be protected by Council’s Tree Preservation Order. If the replacement plant is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council’s Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting Location	Container Size or Size of Tree @ time of planting	Minimum Dimensions at Maturity
2 x <i>Cupaniopsis anacardiodes</i> Tuckeroo	Wentworth Rd street tree under wires	100Ltr	4m

<i>1 x Ficus rubiginosa</i> Port Jackson Fig	Within the site adjacent to Wentworth Rd	1500Ltr	10m
<i>3 x Howea forsteriana</i> Kentia Palm	Within the site adjacent to 45 Wentworth Rd	300Ltr	5m
<i>1 x Jacaranda mimosifolia</i> Jacaranda	Within the site Wentworth Rd entrance	300Ltr	10m
<i>1 x Lophostemon confertus</i> Brush Box	Within the site Vacluse Rd frontage	500Ltr	10m
<i>2 x Magnolia grandiflora</i> Bull Bay Magnolia 'Exmouth'	Within the site adjacent to 45 Wentworth Rd	200Ltr	10m
<i>1 x Magnolia grandiflora</i> Bull Bay Magnolia 'Exmouth'	Within the site adjacent to Wentworth Rd	200Ltr	10m
<i>8 x Phoenix robellini</i> Dwarf Date Palm	Within the site adjacent to 45 Wentworth Rd	400Ltr	2m
<i>Plumeria acutifolia</i> Frangipani	Within the site	1000Ltr	5m
<i>Rhapis excelsa</i> Lady Palm	Within the site	500Ltr	5m
<i>7 x Syzygium 'Cascade'</i> Lillypilly	Within the site adjacent to 45 Wentworth Rd	100Ltr	2m
<i>8 x Syzygium 'francisii'</i> Lillypilly	Within the site adjacent to 47 Vacluse Rd	1000Ltr	6m
<i>10 x Syzygium 'francisii'</i> Lillypilly	Within the site adjacent to 51 Vacluse Rd	1000Ltr	6m
<i>Washingtonia robusta</i> Mexican Fan Palm	Within the site adjacent to 47 Vacluse Rd	4000Ltr	10m
<i>Washingtonia robusta</i> Mexican Fan Palm	Within the site near	4000Ltr	10m
All replacement trees are to be NATSPEC grown.			

E.4 Paving in the vicinity of trees

Paving works within the specified radius from the trunks of the following trees must be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface should not be skimmed. A new surface must be established above the former ground level that does not inhibit gaseous exchange, such as granular fill not exceeding 100mm in depth or a load suspension layer.

Council Ref No:	Species	Location	Radius from centre of trunk (metres)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent) and are to utilise such measures as semiporous material.

E.5 Level changes in the vicinity of trees

No level changes are to occur within the specified radius from the trunks of the following trees to allow for the preservation of their root zones.

Council Ref No:	Species	Location	Radius from Trunk (metres)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

E.6 Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the *Australian Standard 4373 "Pruning of Amenity Trees"* and carried out by a qualified Arborist (minimum qualification of *Australian Qualification Framework Level 4* or recognised equivalent).

Any exposed surface roots must be covered to prevent drying out and watered. Materials used to minimise surface roots drying out include leaf litter mulch or a geotextile fabric.

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

Council Ref No:	Species	Location	Radius from Trunk (metres)
23	<i>Ficus rubiginosa</i> Port Jackson Fig	Near boundary of 51 Vacluse Rd	8m
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
31	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

E.7 Footings in the vicinity of trees

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 50mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 300mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

Council Ref No:	Species	Location	Radius from centre of trunk (metres)
29	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m
30	<i>Lophostemon confertus</i> Brush Box	On Vacluse Rd frontage	4m

31	<i>Lophostemon confertus</i> Brush Box	On Vaucluse Rd frontage	4m
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E.8 Driveways/car parking areas in the vicinity of trees

The driveway/car parking area must be constructed utilising materials/techniques designed to ensure that the existing water infiltration and gaseous exchange to the trees root system is maintained. Driveways are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent) and are to utilise such measures as semiporous material.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Amenity Landscaping

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.
Standard Condition: F6

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

N/a

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

H.1 Landscaping

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan. The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.

Standard Condition: H9

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

I.1 Maintenance of Landscaping

All landscaping must be maintained in general accordance with this consent.

This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.

Reason: This condition has been imposed to ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

Note: This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the Brochure Titled "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

Standard Condition: I8

J. Miscellaneous Conditions

Nil

K. Advisings

K.1 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's *Tree Preservation Order 2006* (TPO) 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 TPO from Council's website www.woollahra.nsw.gov.au or you may contact Council on 9391-7000 for further advice.

Standard Condition: K19

Ms S Wylie

Tree & Landscape Officer

22 January 2010

REFERRAL RESPONSE - HERITAGE

FILE NO: DA 625/2009/1

ADDRESS: 40 Wentworth Road VAUCLUSE 2030

PROPOSAL: Partial demolition and substantial alterations

FROM: Louise Thom - Heritage Officer

TO: Mr D Booth

Application documents

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

Drawing Set by Tzannes Associates numbered 0100F; 1101H; 1102H; 1103G; 1104H; 1105H; 2000F; 3000E dated 30/11/2009
Survey by Denny Linker & Co dated 16/11/2009
Heritage Impact Statement/ Report by Godden Mackay Logan dated
Heritage Peer Review by Stephen Davies - Urbis dated 25 November 2009
Heritage Report by Phillip Goad
Statement of Environmental Effects by Design Collaborative dated November 2009

Research

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

Site Inspection - Date: 4 Jan 2009 Interior inspected: yes

Review of aerial photography.

Review of Dept Lands 1943 aerial photography.

Review Google Maps – Street view

Unloved, over-loved or just misunderstood? Modern architecture – the problem child of Heritage by Phillip Goad, Key Note Speaker – *Australia ICOMOS The (Un)Loved Modern Conference Sydney 2009*

Conversation with Professor Phillip Goad – 22/01/2010

Statutory and policy documents

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

- Woollahra LEP 1995
- Woollahra Residential DCP 2003

Heritage status

Heritage item: no

Vicinity of heritage item : no

Heritage conservation area: no

State Heritage Register: no

Potential heritage item: yes – Has been assessed as significant but no final determination has been made by Council.

Significance of subject property

An item will be considered to be of State (or local) heritage significance if it meets one or more of the following criteria:

Criterion (a)

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);

Criterion (d)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;

Criterion (e)

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);

Criterion (f)

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places; or
- cultural or natural environments.

(or a class of the local area's cultural or natural places; or cultural or natural environments.)¹

The following assessment is limited as it is beyond the scope of this report to fully develop an assessment of significance for the property. However having read both the Godden Mackay Logan and Goad assessment I am in agreement with their conclusions regarding significance.

For the purposes of this report the subject property meets the criteria (a), (b) and (c) in particular:

(a) The property at 40 Wentworth Road Vaucluse is historically significant as it provides physical evidence of the development of the Vaucluse area in the 1970's through substantially sized housing for successful businesspeople and entrepreneurs.

(b) Historically significant for the association with *The architect – Guildford Bell* and for the association with *The client – Sir Ian McFarlane*.

- The architect Guildford Bell is considered to be an important Australian architect for his contribution made to Australian architecture in the post-war period.

¹ NSW Heritage Office Assessing Heritage Significance A NSW Heritage Manual Update 2001

*Guildford Bell is of significance as an Australian architect whose numerous post-World War II residential designs for a largely elite clientele across Victoria, New South Wales and Queensland combined modernist and classical ideals. These designs with their conscious formal intentions, together with a select number of institutional and commercial commissions, formed an oeuvre unparalleled in the history of post-war Australian architecture.*²

- Sir Ian McFarlene was an engineer and prominent businessman who developed the refinement of oil shale on an industrial scale. The house reflects his status in society.

(c) Aesthetic. The McFarlene house is an exemplar of the modernist classical idiom practised almost exclusively by Guildford Bell in the post World War II period. The house combines both classical and modernist ideals which echo the designs of architects such as Lesley Wilkinson who practiced in the eastern suburbs in the Inter-war period.³

Assessment of heritage impact

Relevant policy and statutory documents

Woollahra LEP 1995:

Inclusion as a heritage item in Schedule 3

The subject property is not a heritage item however the heritage expert's reports accompanying the application have assessed the property as having significance to the Municipality of Woollahra and as such it should be listed in Schedule 3 as a heritage item of local significance.

- In the context of the body of work by Guildford Bell, Phillip Goad has made the following conclusion with which I concur:
“...given its scale, its relative intactness and status as a visual landmark, the McFarlene house, in the opinion of this author, could be considered of moderate significance, thus worthy of countenance as being locally significant within the city of Woollahra.”⁴
- Stephen Davies of Urbis supports the view of Phillip Goad and Godden Mackay Logan with regard to its heritage significance to the Municipality and
- Godden Mackay Logan have attributed a high degree of significance to the property.

Clause 27: The State Heritage Register listed Strickland House (SHR 00722) is across the road from 49 Vacluse Road however this property is not on the Woollahra LEP and therefore the in the vicinity clause does not apply. The proposed development however will not have any impact upon the significance of Strickland House.

Impact of proposed development on the Potential Heritage Item

The design process has been exemplary in this instance. Heritage consultants were engaged to assess the significance of the building and then worked with the architects

² Phillip Goad, 40 Wentworth Road, Vacluse, NSW, Report on Significance, November 2009

³ Goad, 10 & 11

⁴ Goad, 14 & 15

in design workshops. The process has been collaborative and has lead to the best possible outcome for the significance of the building in the context of the client's requirements.

Impact upon key areas of significance to the property

- Views from the Harbour

The landmark value of the property will be retained. The original building will still be the most prominent building on the site. The additions sit below and behind the principal wing of the original building. A conservatory constructed of steel and glass with timber louvers is proposed to be inserted into the courtyard area on the footprint of the original pool. The white masonry surface, dark recessed openings and overhanging flat roof make the original building a strong visual element when viewed from the harbour and Vacluse Road. The location and contrasting materials of the glass and steel conservatory behind the main building although visible at the northern end will be recessive enough to ensure the original building is dominant and retains its landmark value.

- Garden and Setting

The lawn has been increased to extend over the roof of the car parking structure on the lot known as 49 Vacluse Road so that it will extend the garden above at the same level. The continuity and enlargement of the landscaped open space will enhance the formality of the classical modern building. The open space will enable the north west aspect of the building to viewed across the lawn thus improving the setting of the building. The new pool is aligned with the entry which emphasises the entrance axis of the original design by Bell. There are two planter boxes believed to be designed by Bell flanking the entry which emphasise its symmetry and should therefore be retained.⁵

- Courtyard

The original courtyard between the eastern wing and the western wing of the original building is a highly significant space. It was designed as a formal outdoor space which Phillip Goad describes as “the largest and most impressive room in the house”⁶. The continuous colonnade around the edges of the space is an essential feature of the original Bell design. The views across the space and out to the harbour beyond are also important. The subject development application proposes an insertion of a new two storey building into this space with a basement under. The new building is proposed to be a lightweight glass and steel structure separated from the colonnade by a skylight running the full length of the perimeter where it joins the original building. The roof is flat and aligns with the parapet of the original building to the east and the balustrade to the west. The new building creates a bridge which connects the first floor addition to the eastern building. The length of the inserted building is based upon the pool location and was recommended in the design workshop by Phillip Goad.

- Arches

A positive outcome of the design would be the retention of the arches. The arches have been recognised by the experts as an essential component of the overall

⁵ Goad, 47

⁶ Goad, 28

design and their loss would have degraded the significance of the building. Through advice provided by the heritage expert the architect was encouraged to keep the arches instead of altering them by squaring off the opening.⁷ The architect and client should be congratulated on accepting this approach.

- **Addition to Eastern Building**

A first floor is proposed to be added to the top of the smaller eastern wing. This wing is currently only just visible from Wentworth Street. The proposed addition retains the parapet and sets the new wall behind. It has a flat roof which has been kept as low as possible and aligns with the original western wing roof and the proposed courtyard roof. The proposed building is kept neutral and is clearly distinguishable over the eastern wing.⁸

- **Materials and appearance**

The new work proposes a very different materials palette than the original building. The original building is white bagged masonry with full height openings rather than holes cut out for windows and doors. The flat roof has wide boxed eaves with a dark timber soffit and masonry parapets and balustrades. The appearance is classical with a modernist interpretation; uniquely Bell's style which he practised consistently throughout his career. To make a contemporary addition to such a precise architectural style has to therefore be both architecturally responsive and of such excellence in contemporary expression to be worthy of the original. The choice of materials and structure by Tzannes Architects expresses the new building within the context of the old by retaining its formality, symmetry and order. The materials chosen for the conservatory are steel and glass with retractable timber shutters on the exterior. The choice of timber shutters rather than steel was at the advice of the heritage expert who suggested that timber would suit the texture of the bagged brick wall better than the slickness of metal.⁹ The use of glass enables the views to the harbour to be retained albeit the views will be experienced differently.

- **Internal Configuration**

Although there is a considerable amount of internal demolition the end result retains the significance of the building. In particular moving the lift and removing the change of levels at this location opens up the axis of the entry which is a more traditional design treatment by Bell. The demolition on the upper level removes all internal walls but this is balanced by the retention of all the external walls in their current configuration with the exception of infilling bathroom and closet openings and replacing one blade whilst removing another. The infill of openings has been designed so that it is set in and the original opening will be evident. These infill's face into the courtyard and are therefore not on the significant elevation. To compensate for removing one blade wall on the significant west elevation an existing blade will be reinstated. The retention of the exterior appearance of the building is a very positive outcome.

Demolition of 49 Vacluse Road

⁷ Conversation with Phillip Goad 22/01/2010

⁸ Conversation with Phillip Goad 22/01/2010

⁹ Conversation with Phillip Goad 22/01/2010

The property at 49 Vaocluse Road remained undeveloped until the late 20th century. In the 1980's the existing building was constructed and it was the first building on the site.¹⁰

The property is not a fine representative example of a particular style of domestic architecture. It has no value in relation to the historical development of the area and no known association with persons or events of significance. The property has no special association or meaning for a contemporary group of people. The property therefore has low heritage value. It does not warrant protection as a heritage item and demolition is therefore acceptable.

Conclusion

- The application is acceptable as it complies with all the relevant statutory and policy documents and would have a satisfactory heritage impact.
- The design development process used in this application is an exemplar for working relationships between heritage consultants and architects and is considered to be a best practice example.
- The application exhibits excellence in design and is expected to produce a high-quality end result for the building originally designed by Bell in the context of the client's needs.

Recommendation

Approval. Subject to conditions.

- The property at 40 Wentworth Avenue Vaocluse should be included on Schedule 3 of the Woollahra LEP as a heritage item of local significance. Note: The proposed amendments will not undermine the heritage significance of this property.

Special Condition

1. The two planter boxes at the entry must be retained.

Standard Conditions

BB2 Recording Heritage Items

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¹⁰ Godden Mackay Logan, *49 Vaocluse Road – Demolition Report*, November 2009