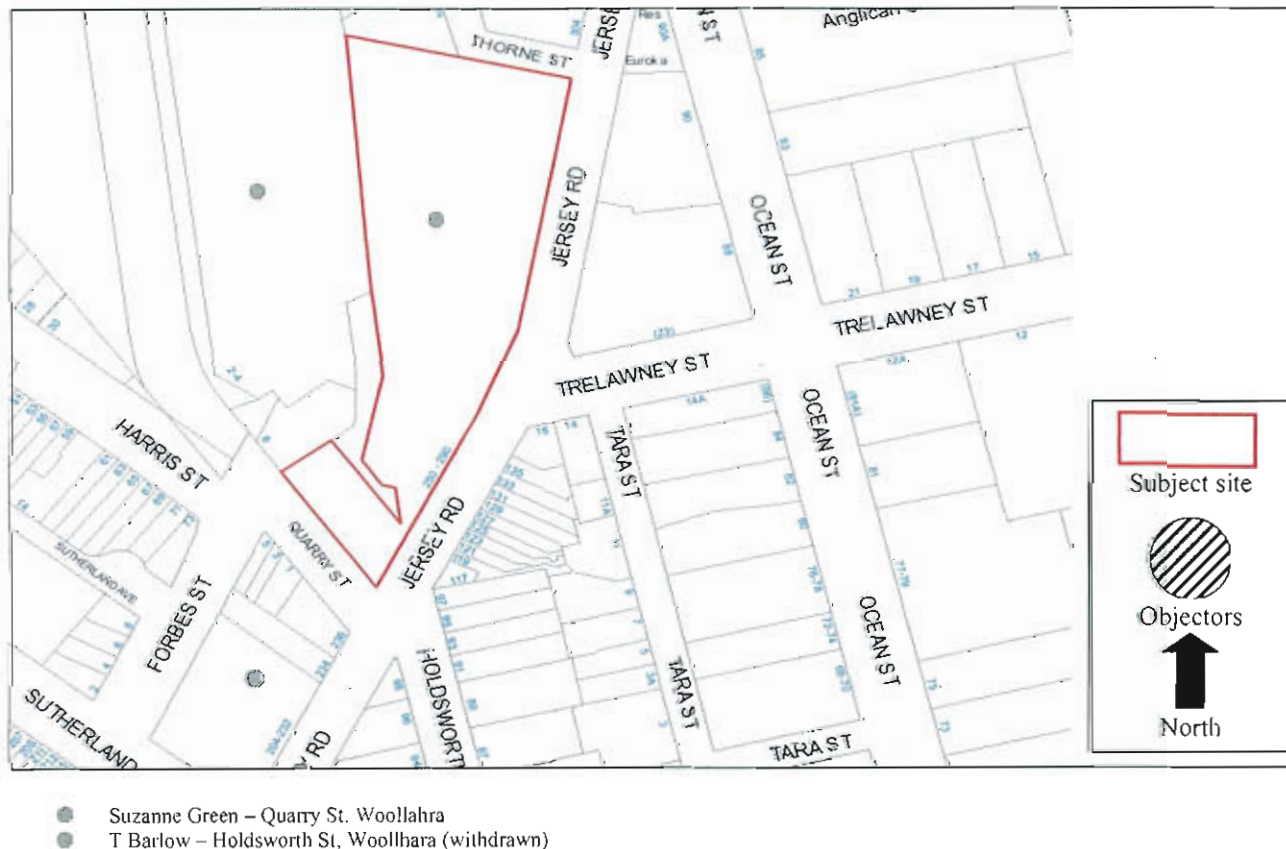


DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	R
FILE No.	DA 72/2014/1
ADDRESS	250-290 Jersey Road WOOLLAHRA
SITE AREA	7,319m ²
ZONING	Residential 2(b)
PROPOSAL	Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre
TYPE OF CONSENT	Local development
COST OF WORKS	\$24,509,031
DATE LODGED	03/03/2014
APPLICANT	Anglican Retirement Villages
OWNER	Anglican Retirement Villages
AUTHOR	Mrs L Holbert
TEAM LEADER	Mr G Fotis
CONSENT AUTHORITY	Joint Regional Planning Panel

EXECUTIVE SUMMARY

1. LOCALITY PLAN



2. DELEGATIONS SUMMARY

Level of Delegation	Recommendation of Report
The application is to be determined by the Joint Regional Planning Panel as the proposed development has a cost of works greater than twenty million dollars.	Approval.

3. PROPOSAL SUMMARY

Extensive alterations and additions of the existing independent seniors living development including an internal and external upgrade throughout and a new village centre. The proposal involves the following works:

Macquarie Tower:

- Internal refurbishment to each unit including new kitchen, bathrooms and fittings;
- Conversion of 2 units to the Village Centre use at Level 3;
- Re-orientation of the 2 north facing units at Levels 4, 5 and 6;
- Lower bedroom window sill to 940mm to west and east facing bedroom windows at Levels 3 to 10, new shade louvres to the west facing glazing;
- Reconfiguration of northern units to Levels 7 to 10 and provision of new north facing balconies to these units;
- Externally, each balcony will be modified and extended to a depth of 1.2m;
- Replacement of windows/doors (including new low-e or double glazing to the east and west);
- Small addition to the front building to all levels infilling the existing gap to the building footprint.

Gipps House and Bourke House

- Internal refurbishment to each unit within Gipps and Bourke House. The proposed refurbishment will involve new bathroom fixtures and fittings, new bedroom and kitchen arrangement and fit-out to unrenovated units and a minor refurbishment to renovated units including new carpet and paint work. The proposed works also involves the enlargement of some of the studio units into one, two and three bedroom units;
- New individual bathroom ventilation to each unit;
- The private open space areas to Level 1 and 2 are to be enlarged and new 1500mm screening is proposed enclosing these private open space areas;
- The existing mechanical room is to be converted into a laundry;
- On Level 4 new private open space areas are to be created to the units facing Jersey Road;
- Removal of the external stairs to the central courtyards;
- New Level 5 to Gipps House to provide two new one bedroom units with east facing balconies and one, two bedroom unit with a west facing balcony;
- New external stair to the north of Gipps House and to the north of Bourke House;
- New raised ventilated roof to central courtyards of Gipps and Bourke House;
- Externally, the proposal includes the replacement of the existing glazing (including new low-e or double glazing to the west), new tiled areas and new glazed balustrades;
- Replacement of the existing west facing awning structures with a new insulated steel roof;
- New shade structure to western walkways.

New Village Centre

The proposed new village centre will infill the area of the site between Macquarie Tower and Gipps House connecting the existing buildings, refer to **Figure 2**. The Village Centre will contain the following:

- Level 1: walkway and lift;
- Level 2: two new units with west facing terraces, new switch room, storage, two way lift;
- Level 3: lounge, foyer, two way lift. The existing common areas within Gipps House are to be reconfigured to form part of the new Village Centre and includes: a café, refurbished rear terrace, new roof to this terrace, kitchen, cool room, dry store, general store, female and male WCs, disabled WC and store. Several units to Level 3 of Macquarie Tower have been reconfigured to form part of the new Village Centre including: a reception and administration area, laundry, computer room/library, lifts;
- Level 4: doctors room, nurse room, two way lift large void over lounge on Level 3. The existing common area within Gipps House is to be reconfigured to form part of the new Village Centre including: two consultation rooms, chaplin office/meeting office, gym, WCs/change rooms for the gym and a large void over café on Level 3;
- Level 5: two new units with west facing balconies, two way lift, and salon.

Currently there are 168 units at the subject site. The proposed development involves the demolition of six units and the construction of seven new units. No work is proposed to the existing heritage listed Taber cottage and the associated building. An upgrade of the building services will also be included to extend the serviceable life of these buildings, including the installation of new air conditioners to each unit.

External Works:

- Upgrading the existing landscaped area including new feature landscape planting;
- New open palisade security fencing above the existing retaining wall in front of the car park and Macquarie Tower;
- Reconfiguration of the existing car parking area to accommodate a total of 24 car spaces, including one accessible car space, and two loading spaces;
- All new paved car parking area will incorporate stormwater drainage that connects into the existing drainage system;
- Demolition of the existing electricity sub-station and construction of a new sub-station located at the front of the site.

Staging:

The proposed upgrade and refurbishment of Goodwin Village is proposed to be undertaken in three (3) construction stages. In order to minimise disturbance to the surrounding locality and to allow as many residents as possible to remain in their apartments for as long as possible. It is noted that Taber Cottage will be used as the site office for the duration of the construction period.

Stage 1: Village Centre and Gipps House

Construction is proposed to commence with the construction of the Village Centre and upgrade of Gipps House. Residents will remain in Macquarie Tower and Bourke House for the duration of Stage 1.

Stage 2: Bourke House

Upgrading, alteration and refurbishment of Bourke House will comprise Stage 2. Residents in Macquarie Tower will remain and residents will move back into the finished Gipps House. The new Village Centre will also be operational for residents.

Stage 3: Macquarie Tower

Upgrading, alteration and refurbishment of Macquarie Tower will comprise Stage 3. Residents in Gipps House will remain and residents will move back into the finished Bourke House. The new Village Centre will continue to be operational for residents.



Figure 1: Existing development as viewed from Jersey Road



Figure 2: Photomontage of the proposed development as viewed from Jersey Road.

4. ISSUES SUMMARY

4.1 Primary Issues

Issue	Conclusion	Section
Views	The proposed development is considered to be acceptable in terms of views loss. This has been discussed below in Section 22.5 of this report.	22.5
Parking	The proposed parking that has been provided on the site is considered to be acceptable for reasons discussed below in Section 13 of this report.	13
Trees	Council's Landscape Officer has considered that the revised Landscape Plan and Arborist Report to be acceptable. This issue has been further discussed in Section 22.3 of this report.	22.3

4.2 SEPP 1 Objections

Clause in Woollahra LEP	Standard	Departure from Control	Satisfactory/Unsatisfactory
Clause 11	FSR	2868.93m ² (52%)	Satisfactory
Clause 12	Height of Building	13.8m (145%)	Satisfactory

4.3 Submissions

Issue	Conclusion	Section
Drainage	Conditions of consent have been recommended to ensure the excavation works have a minimal impact on surrounding structures. Council's Development Engineer has stated that the proposed development has been adequately drained.	8.1, 22.7
Parking & Traffic	Council's Traffic Department has considered the proposed development to be acceptable in terms of parking and traffic impacts. This issue has been further discussed below in Sections 13 and 27 of this report.	13, 27
Acoustic Privacy	The proposed upgrade of the buildings will improve the acoustic privacy of the occupants of these buildings as all doors/windows will be replaced. Council's Environmental Health Officer has considered the proposed development to be acceptable in this regard. In addition Condition C.6(j) has been recommended that requires the proposed development to comply with the relevant sound transmission and insulation requirements under the BCA.	8.1, 13, 22.6
Scale of new 9 storey building and impact on privacy and solar access	The proposed development will not make any changes to the height. The proposed development is sufficiently separated from all surrounding residential properties, which ensure the visual privacy and solar access of surrounding properties is protected.	8.1

PROPERTY DETAILS AND REFERRALS

5. SITE AND LOCALITY

Physical features
The subject site is known as Lot 100 DP 773106 and is located on the western side Jersey Road, Paddington. The site has an irregular shape and is approximately 7,319m ² in size. The principal frontage to Jersey Road has a length of approximately 178.2m, the secondary frontages to Quarry Street and Thorne Street are approximately 48.1m and 67m respectively.
Topography
The site naturally slopes from Jersey Road westward toward Paddington Bowling Club and the Council Depot.
Existing buildings and structures
Four buildings are located on the site and comprise of the 9 storey residential tower known as Macquarie Tower, two, five storey buildings known as Gipps and Bourke House, and a heritage listed single storey sandstone building known as Taber Cottage. Goodwin village comprises three distinct areas, Macquarie Tower, Bourke and Gipps House and Taber Cottage.

The building configurations is as follows:

- Macquarie Towers is a 9 storey building located at the southern end of the site, which accommodates a total of 90 Independent Living Units (ILUs);
- Gipps and Bourke House are 5 storey residential buildings that are located at the central and northern end of the site respectively. These buildings accommodate a total of 78 ILUs;
- The community centre which is adjacent to Gipps House accommodates the following community facilities- village shop, library, computer room, guest room, dining room, kitchenette, hair salon and doctors room; and
- Taber cottage on the southern side of the Village is a local heritage item and was constructed in 1879. It is currently without a specific use.

Environment

To the west of the site and at a lower level than the site is the Paddington Bowling Club, located to the south of the site on the other side of Quarry Street is the Lord Dudley Hotel. To the north of the site on the side of Thorne Street is a two storey terrace building. The surrounding locality is characterised by a mixture of buildings including residential terraces and medium density development.



6. RELEVANT PROPERTY HISTORY

Current use
Aged Care
Previous Relevant Applications
<ul style="list-style-type: none"> DA343/2013- New contiguous retaining wall and reinstatement of low level sandstone block wall-Approved-01/04/2013.
Pre-DA
<p>A pre-da meeting for extensive alterations and additions to the existing aged care facility was conducted on 30/11/2012. The minutes of this meeting concluded the following:</p> <p><i>The application in its present form would be supported, subject to the recommendations of Council's experts being adopted.</i></p> <p><i>All the non-compliances with the relevant controls (discussed above) will need to be addressed in the Statement of Environmental Effects, justifying the extent and rationale behind the non-compliances. However, if the non-compliances cannot be adequately justified a re-design of the proposal may be required.</i></p>
Requests for Additional Information
<ul style="list-style-type: none"> Additional photomontages, a plan and elevation showing the entire development and additional assessment relating to permissibility was requested on 12/03/2014 and was received on 20/03/2014; BASIX certificates were received on 11/03/2014; An amended Statement of Environmental Effects and SEPP 1 objections for height and FSR was requested on 27/03/2014 and were received on 15/04/2014; An Access Report was received on 15/04/2014; An amended Landscape Plan and Arborist Report was requested on 28/04/2014 and was received on 06/05/2014; Clarification of the existing drainage was requested on 30/05/2014 and was received on 07/05/2014; Additional details relating to waste and parking were requested on 05/04/2014 and were received on 07/05/2014.
Amended Plans/Replacement Application
N/A
Land and Environment Court Appeal
N/A

7. REFERRALS

Referral	Summary of Comment	Annexure
Development Engineer	Satisfactory subject to Condition A.3, A.4, C.2, C.7, C.9-C.15, D.2, D.14, E.2, E.6, E.8, E.9, E.10, E.11, E.15, F.2, F.3, G.1, K.13.	1
Traffic Engineer	Satisfactory subject to Conditions A.3, C.3, I.2.	2
Landscaping Officer	Satisfactory subject to Conditions A.3, A.7, B.3, B.4, C.2, E.7, H.3.	3
Environmental Health Officer	Satisfactory subject to Conditions B.5, C.17, C.18, C.19, E.3, E.5, E.14, F.4, I.8, I.9, I.10.	4
Heritage Officer	Satisfactory.	5
Urban Design Officer	Satisfactory.	6
Fire Safety Officer	Satisfactory subject to Conditions C.6, F.1, I.6.	7

ENVIRONMENTAL ASSESSMENT UNDER SECTION 79C

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 include the following:

1. The provisions of any environmental planning instrument
2. The provisions of any proposed instrument that is/has been the subject of public consultation
3. The provisions of any development control plan
4. Any planning agreement that has been entered into
5. Any draft planning agreement that a developer has offered to enter into
6. The regulations
7. Any coastal zone management plan

8. The likely impacts of that development:
 - i) Environmental impacts on the natural and built environments
 - ii) Social and economic impacts
9. The suitability of the site
10. Any submissions
11. The public interest

8. ADVERTISING AND NOTIFICATION

8.1 Submissions

In accordance with Parts 3 and 4 of the Woollahra Advertising and Notification DCP, the application was notified and advertised from 12/03/2014 to 26/03/2014. 4 Submissions were received from:

1. Suzanne Green, Arque Suite 65/61 Marlborough Street, Surry Hills NSW 2010
2. A Square Planning, on behalf of the Paddington Bowling Club
3. Yi Yi Chen, Unit 62 204 Jersey Road, Woollahra
4. Siska Reichel, 116/290 Jersey Road, Woollahra

The submissions raised the following issues:

- **The proposed development of this site to accommodate a 9 level building is completely inappropriate to the context of the surrounding built environment. The sites proximity to the highly significant heritage fabric and low scale development of the Paddington and Woollahra precincts makes it unsuitable for a development of such a scale. The proposed high rise addition to the village will have huge negative impacts upon the visual amenity of the immediate streetscapes in terms its contrasting scale, bulk and the jolting physical interruption to the unique and historic architectural qualities of the surrounding area. Further the development will have negative impacts upon the highly significant view corridors into and out of the area, and cause an enormous increase to the overshadowing of neighbouring properties and streetscapes.**

Comment: The proposed development will not make any changes to the height of the existing 9 storey building. The proposed development is considered to be of a scale and height that is compatible with the existing and surrounding development. The proposed development is not considered to create any adverse impacts on views or solar access of surrounding properties. This has been further discussed below in Sections 22.4 and 22.5 of this report.

- **The subject site adjoins the Paddington Bowling Club along the western boundary. During recent years, the use of the Bowling Club has resulted in concerns being received from the residents of the seniors living development in terms of acoustic privacy. To facilitate this, the Club has financed acoustic treatment for the adjoining development. As the existing residential dwellings are now being upgraded, it is considered timely to acoustically treat the residential units that face the Bowling Club to ensure that the existing use of the Bowling Club does not unduly impact on their acoustic privacy. This is in accordance with C2 of Section 4.1.10 of the PDGP, 2008.**

Comment: The proposed upgrade of the building will improve the acoustic privacy of the occupants of the existing buildings as all doors/windows will be replaced. Council's Environmental Health Officer has considered the proposed development to be acceptable in this regard. In addition **Condition C.6(j)** has been recommended that requires the proposed development to comply with the relevant sound transmission and insulation requirements under the BCA.

- **The proposed development will result in additional noise from additional traffic and people.**

Comment: The proposed development involves a net increase of one unit at the site. The proposed development is therefore not considered to give rise to unacceptable noise and traffic impacts.

- **The proposed 10 storey building will create additional privacy impacts and loss of solar access to 204 Jersey Road.**

Comment: The proposed development will not make any changes to the height of the existing 9 storey building. The proposed development is sufficiently separated from all surrounding residential properties, which ensures the visual privacy and solar access of surrounding properties is maintained.

- **Parking Impacts.**

Comment: The proposed development is considered to be acceptable in terms of parking. This issue has been discussed below in Section 13 of this report.

- **Concern is raised that excavation works to floors 2 and 3 to extend the studio units for Bourke House will affect the new drainage works located behind unit No. 116. In addition the applicant should be required to direct water away from units.**

Comment: Conditions of consent have been recommended to ensure excavation works have a minimal impact on surrounding structures. Council's Development Engineer has stated that the proposed development has been adequately drained. The intent of the proposed works are to upgrade the existing services on the site, which includes stormwater works if required.

8.2 Statutory Declaration

In accordance with Clause 4.5 of the Woollahra Advertising and Notification DCP, the applicant has completed the statutory declaration dated 03/04/2014 and 09/05/2014 declaring that the site notice for DA 72/2014/1 was erected and maintained during the notification period in accordance with the requirements of the DCP.

8.3 Renotification

It was renotified to surrounding residents and previous objectors under Clause 5.1 of the Advertising and Notification DCP from 23/04/2014 to 07/05/2014 as the applicant submitted SEPP 1 objections to the proposed development. One objection was received from Dr Thomas Barlow, as a result of the renotification, this objection has since been withdrawn.

9. STATE ENVIRONMENTAL PLANNING POLICY 1: DEVELOPMENT STANDARDS

SEPP 1 provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5 (a) (i) and (ii) of the Act.

The applicant submitted a SEPP 1 objection in relation Clause 11 in relation to FSR and Clause 12 in relation to height. This is discussed in depth in Section 15.3 and 15.4 of this report.

10. STATE ENVIRONMENTAL PLANNING POLICY 55: REMEDIATION OF LAND

The aims of SEPP 55 are to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

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

Under clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, consideration has been given as to whether the land is contaminated. The land is currently used for residential purpose and there is no evidence before Council to suggest that the land has been used for any non-residential purpose.

Consequently, the possibility of the land being contaminated is substantially reduced. It is considered that Council can be satisfied that the land is not contaminated such that remediation would be required. It is therefore considered acceptable with regard to SEPP 55.

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

SEPP 65: Design Quality of Residential Flat Development applies to all new residential flat buildings, the substantial refurbishment/redevelopment of existing residential flat buildings or the conversion of an existing building to a residential flat building. A residential flat building, in this instance, comprises three or more storeys and four or more self contained dwellings.

The aim of the SEPP is to improve the design quality of residential flat development by:

- a) *To ensure that it contributes to the sustainable development of New South Wales:*
 - i) *By providing sustainable housing in social and environmental terms*
 - ii) *By being a long-term asset to its neighbourhood*
 - iii) *By achieving the urban planning policies for its regional and local contexts*
- b) *To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define*
- c) *To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities*
- d) *To maximise amenity, safety and security for the benefit of its occupants and the wider community*
- e) *To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions*

A Design Verification Statement was submitted with the application, prepared by Enviro Studio. The instrument requires the proposal to be referred to a Design Review Panel. This panel has not been established for the Woollahra area. The instrument also requires the assessment of the subject development application against the ten design quality principles contained in Clauses 9-18 of SEPP 65 and against the considerations contained in the publication "Residential Flat Design Code".

The assessment has been undertaken by Council's Urban Design Officer. Where relevant, comment from Council's Assessment Officer is also included.

Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future

character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Whilst, the subject site is located within the Paddington Heritage Conservation Area, the existing context is characterised by the existing built form on the subject site. The existing built form on the subject site consists of a 9 storey residential tower and 2 x 5 storey residential buildings that were constructed in the late 1960s. The proposed development will respond to the existing architectural character of these buildings and will improve the visual amenity of the Jersey Road streetscape, refer to **Figure 3** and **4**. Council's Urban Designer has stated that the proposed development would fulfill this design principle.

Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The proposed built form will match the height of Bourke House and the highest part of Gipps House, providing a three storey appearance to Jersey Road, refer to **Figure 3** and **4**. The scale of development is therefore considered to be compatible with the general form of development on the subject site and surrounding locality. Council's Urban Designer has considered the development to have an appropriate scale.

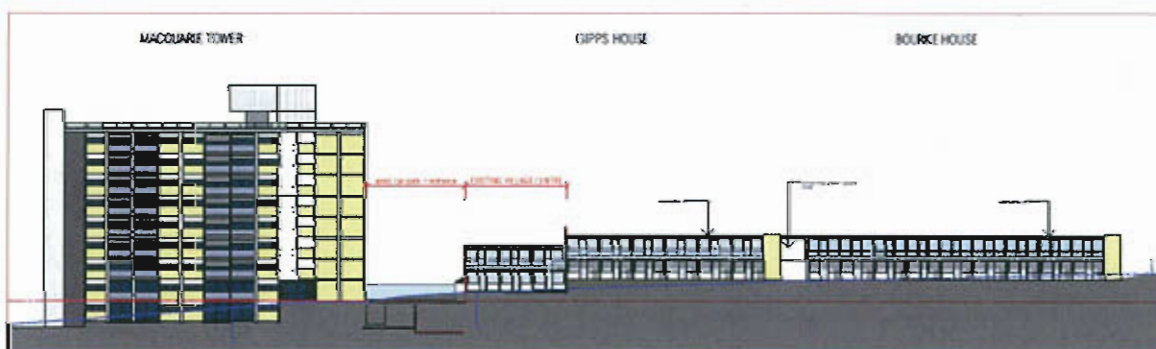


Figure 3: Existing front elevation of the existing development as viewed from Jersey Road

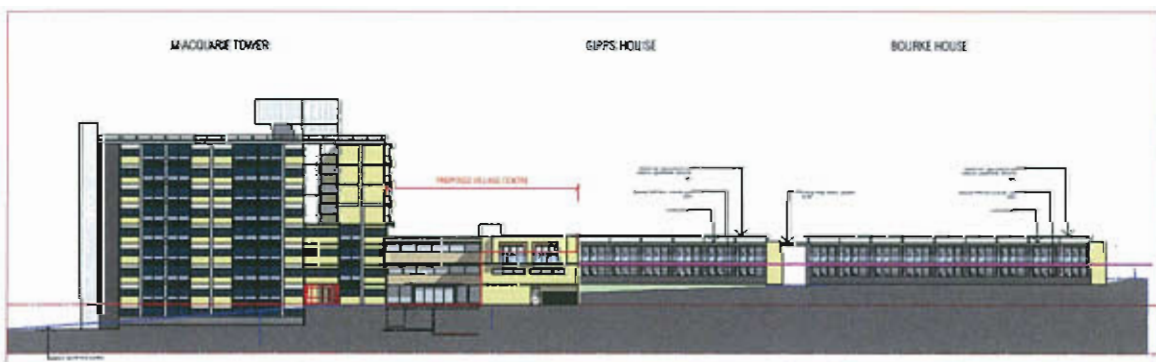


Figure 4: Proposed front elevation of the proposed development as viewed from Jersey Road

Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed development has been designed to complement the existing buildings and will connect Macquarie Tower to Gipps and Bourke House with a new Village Centre. The proposed built form will maintain the existing front and rear building alignment and will provide an improved relationship between the private and public domain through the introduction of new public entrance and Village Centre. Council's Urban Designer has considered the proposed built form to be acceptable.

Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Whilst, the proposed development result in a further non-compliance with the maximum floor space ratio control, the proposal will only result in one additional unit. The majority of the additional floor area that has been proposed provides for the new Village Centre, which will vastly improve the communal facilities available for the residents. The additional gross floor area will be of an appropriate scale and will not result in any adverse impacts on the streetscape or the environmental amenity of the locality. Council's Urban Designer has stated that the proposed density is acceptable.

Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

As the proposed development proposes to refurbish the existing aged care facility, the design and orientation of the existing and new apartments are restricted by design and position of the existing buildings. The thermal comfort of these existing units will be improved by addition of larger balconies, shading devices and the provision of low-e glazing or double glazing to western and eastern facing glazing. The proposed development also involves the installation of insulation and the shading of external walkways and internal courtyards.

A condition of consent has been recommended that requires the installation of rainwater tanks with an overall capacity of 60,000 litres (this rainwater is to be re-used on the subject site for toilets and landscaped areas), refer to **Condition C.15**. A condition of consent has also been recommended that requires an external clothes drying area to be provided on the site, refer to **Conditions C.1(c)**. It should be noted that the provision of new and extended private open space areas will be provide increased opportunity for external clothes drying. The proposed waste facilities including recycling

and green waste are considered acceptable. Further to this, BASIX certificates have been submitted with this application.

Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The proposed development will maintain the existing amount of landscaping area at the site. In addition the proposed development involves substantial landscape works and planting, which will significantly improve the landscape quality of the site, refer to **Figure 5**. It has also been proposed to provide enlarged and new private open space areas to a substantial number of units, this will further improve the landscape quality of the site.

Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The amenity afforded to the residents of the aged facility will be significantly improved by the provision of a new Village Centre. This Village Centre has been centrally located at the site and connects Macquarie tower with the Gipps and Bourke House. The amenity of the residents will be further improved as the proposal provides undercover links between all units. In addition a high number of the units will be provided with new or increased amounts of private open space. Council's Urban Design has stated the proposed development will improve the existing amenity.

Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed development will make improvements to the safety and security of the site including the provision of new and enlarged balconies to Macquarie Tower, Gipps and Bourke house, which will improve passive surveillance of the approaches to the site and the surrounding locality. In addition the new proposed Village Centre substantially activates this part of the site by providing communal areas that overlook Jersey Road.

The security of the site will be improved by the proposed 1.8m fence that is to be erected to the front of the Macquarie Tower and the main car park. To further improve the security of the following measures are recommended to be installed:

- Lighting along the pathways through the communal open space areas and to the building entries;
- A peep hole is to be provided to the front door to each of the self-contained dwellings.

A conditions of consent of consent has been recommended requiring the above mentioned measures, refer to **Condition C.4**.

Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

The proposed development will provide an upgraded aged housing facility, which is a necessary housing type meeting the needs of an ageing population. The proposed development will connect the existing buildings with a new Village Centre, which will encourage social interaction between the residents.

Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proposed new infill development respects and positively contributes to the existing architecture. In addition the proposal will modernize the exterior finishes, which will improve the general appearance of the surrounding locality.

Relating to the Local Context

The proposed development relates to the local context in the following manner:

- The proposed development involves the infilling of the existing gap between a 9 storey residential tower and 2 x 5 storey residential buildings;
- The new development matches the height of Bourke House and the highest part of Gipps House, refer to **Figure 3** and **4**.
- The proposal responds to the existing architectural character of the existing buildings and will improve the visual amenity of the Jersey Road streetscape.

Site Design

The proposed development is appropriate with regard to site design, including the submission of an adequate site analysis plan and the provision of fencing, open space and building orientation.

Building Design

The design of the development is acceptable for the following reasons:

- The proposed height and scale of the development is considered to be compatible with the existing and surrounding development;
- The proposal will maintain the front and rear building alignment of existing development on the site;
- The proposed contemporary renovation of the existing development will improve the visual amenity of the locality.

The proposal is therefore acceptable with regard to Clauses 9-18 of SEPP 65: Design Quality of Residential Flat Development.

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

SEPP (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development and relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificates No. A181731, A181736, A181734, A181729, A181762, A181757, A181756, A181728, A182230, A182228, A181725, A181714, A181681, A181642, A181599, A181717, A181674, A181669, A181708, A181710, A181680, A181655, 532881M, A181648, A181655, which commits to environmental sustainability measures relating to thermal comfort, water savings and energy efficiency.

As prescribed by Clause 97A of the Environmental Planning and Assessment Regulation 2000, these requirements have been imposed in **Conditions C.5, H.2 and I.5**.

13. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

SEPP (Housing for Seniors or People with a Disability) 2004 aims to increase the supply and diversity of residences that meet the needs of seniors or people with a disability and make efficient use of existing infrastructure and services.

The SEPP provides provisions for seniors, people with a disability, seniors housing, residential care facilities, hostels and self-contained dwellings.

Clause 4 stipulates that housing developments for seniors or people with a disability may be erected on land that is zoned for urban purposes and allows residential flat buildings on that land. The subject site is zoned 2(b) Residential, which allows for residential flat buildings.

Clause 10 identifies the proposed development as self-contained dwellings, which are forms of *seniors housing* to which the SEPP applies.

Clause 18 Restrictions on occupation

This clause restricts the occupation of the development to the following;

- (a) *seniors or people who have a disability,*

- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

A condition of consent limiting the kinds of people who may occupy the development to the above has been recommended, refer to **Condition A.6**.

Clause 26 Location and access to facilities

This clause requires written evidence that the development will provide residents with adequate wheelchair access or adequate public transport access to a range of shops, services and facilities within the local area. Specifically, the development must have access to:

- (a) Shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) Community services and recreation facilities, and*
- (c) The practice of a general medical practitioner.*

Access complies with this clause if:

- (a) The facilities and services are located not more than 400 m from the site accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
 - (i) A gradient of no more than 1:12 for slopes for a maximum of 15 m at a time,*
 - (ii) A gradient of no more than 1:10 for a maximum length of 5 m at a time,*
 - (iii) A gradient of no more than 1:8 for distances of no more than 1.5 m at a time, or*
- (b) There is a public transport service available to the residents who will occupy the proposed development:*
 - (i) That is located at a distance of not more than 400 m from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) That will take those residents to a place that is located at a distance of not more than 400 m from the required facilities and services, and*
 - (iii) That is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm Monday to Friday.*

The site is located within 200m of a north bound and south bound bus stop to Edgecliff Station and Edgecliff Centre (Edgecliff Centre contains large variety of shops and services). Bus services from these bus stops run at approximately 10 -15 minute intervals.

It is noted that the path of travel to the bus stops on Ocean Street has not been surveyed to ascertain whether gradients comply with clause 26 of the SEPP. However it is expected that the relatively flat path of travel from the site to the intersection of Jersey Road and Ocean Street achieves compliance with the gradient provisions. It should also be noted that the site is serviced by a community bus (20 seat capacity) three times a week. The community bus provides transport to both organised recreational activities and to local shops and services.

Clause 28 Water and Sewer

The subject site has access to potable water and sewage services.

Clause 30 Site Analysis

It is considered that the proposal provides an adequate site analysis.

Clause 32 Design of residential development

Consent must not be granted to the subject application unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out under Clauses 33-39 of the SEPP. The assessment of the proposal against the provisions of these clauses is set out below.

Clause 33 Neighbourhood amenity and streetscape

This clause states that the proposed development should:

- (a) *Recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area.*
- (c) *Maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) *Providing building setbacks to reduce bulk and overshadowing.*
 - (ii) *Using building form and siting that relates to the site's land form.*
 - (iii) *Adopting building heights at the street frontage that are compatible in scale with adjacent development.*
 - (iv) *Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.*
- (d) *Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.*

Council's Urban Design Planner has provided the following comments in this regard:

This proposal improves the amenity of all the dwellings on the site and adds a number of communal facilities. External access corridors are covered and a village centre is inserted. This proposal has no significant impact on the amenity of the surrounding location. The proposal is in the public good and is supported.

The proposed development is for alterations and addition to an existing aged care facility. The proposed development will maintain the existing front, rear and side boundary setbacks. The only additional building footprint infills an existing gap between Macquarie Tower and Gipps House (there is minor increase to the footprint of Macquarie Tower, in the form of infilling a small indent to the existing building). The proposed new development is of height and scale that is consistent and compatible with the existing development on the subject site (the new development matches the existing height of Burke House and highest part of Gipps House).

The proposed development will make a positive contribution to the surrounding locality as the development proposes to provide a contemporary update to the existing 40 year old buildings. These contemporary changes are considered to be compatible with the visual character of the surrounding locality. The proposed development will not adversely affect the amenity of surrounding residential properties as the subject site does not directly adjoin any residential properties (the only properties that directly adjoin the site is Council's Depot and Paddington Bowling Club). These

properties are at a much lower level and are not adversely affected by this proposal in terms of solar access. These impacts have been further discussed below in Section 22.4 of this report.

Subsection (b) of Clause 33 states:

- (b) *Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan.*

In this regard, Council's Heritage Officer has provided the following heritage related comments:

HERITAGE FRAMEWORK

- *The subject building is not a heritage item in the Woollahra Local Environment Plan 1995, the LEP, and is not listed on the State Heritage Register.*
- *The subject building is adjacent to a heritage item, namely Taber Cottage, the former Paddington Watch House, at No. 238 Jersey Road, Woollahra.*
- *The subject building is within the Paddington Heritage Conservation Area, and is not considered a contributory item or a significant item.*

DESCRIPTION OF PROPOSAL

The proposal seeks to refurbish the existing ARV (Anglican Retirement Villages) Goodwin Village; and to construct a new five-storey Village Centre, to be located between the five-storey Gipps House and the ten-storey Macquarie Tower. The adjacent heritage item is to the south of Macquarie Tower, shielding the item from most of the proposed Village Centre.

The proposal will not affect significant views to or from the heritage item and will not overshadow the item. The proposal will not have any effect on the heritage significance of the item in its vicinity and will not have any effect on its setting.

RECOMMENDATION

Consent. No heritage conservation conditions are required.

The proposal is therefore considered to be satisfactory in terms of heritage related issues.

Subsections (e) & (f) of Clause 33 state:

- (e) *Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.*
- (f) *Retain, wherever reasonable, major existing trees.*

Council's Tree and Landscaped Officer provided the following recommendation:

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 Conditions of Consent.

The proposed development will result in the loss of 6 trees on the subject site, however the proposed development involves substantial replacement planting, refer to **Figure 5** below. The majority of the existing trees particularly within the front setback will be maintained by the proposal.

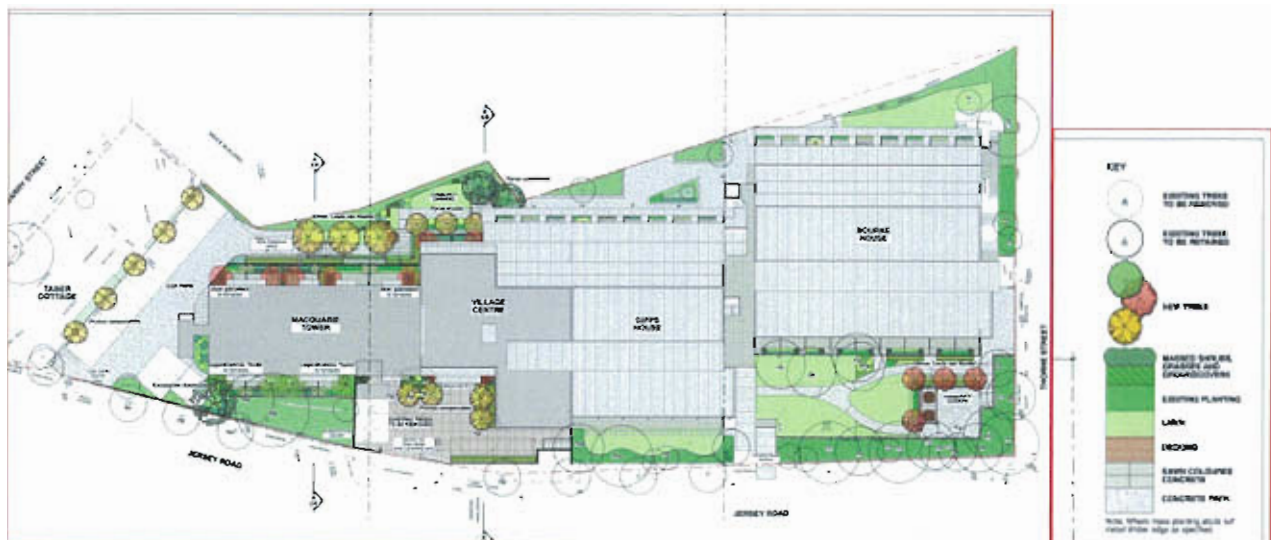


Figure 5: Proposed Landscape Plan showing new replacement planting.

Clause 34 Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) *Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping.*
- (b) *Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.

Visual privacy-adjoining properties

Having regard to visual privacy the proposed development is not considered to create any adverse impacts on visual privacy for the following reasons:

- The proposed new windows/doors, balconies and new areas of private open space have been sufficiently separated from surrounding areas of private open space and habitable room windows (the closest residential property is over 25m away);
- The only properties which directly adjoin the subject site are the Paddington Bowling Club and Council's Depot, these properties are located to the rear of the site. The privacy impact on these properties is considered to be minimal given the recreational/light industrial use of these sites and due to the significant level difference between the subject site and the adjoining properties. Further to this the subject site enjoys extensive views to the north-west (city skyline, harbour bridge and Trumper park), which will minimise privacy impacts as sightlines will be concentrated toward these views and away from these adjoining properties. It should also be noted that the existing development already overlooks these properties, thus further overlooking of these properties would be unavoidable;

- The new enlarged balconies to Macquarie Tower are only 1.2m in depth. The narrow width of the new balconies do not allow these balconies to be intensively used;
- No changes to the size or location of the existing terrace to the Village Centre has been proposed.

Visual privacy-internal

The proposal is considered to be satisfactory in terms of internal visual privacy as windows and private open space areas of individual units are adequately separated or screened. The proposed development will improve visual privacy between the units as the new balconies to Macquarie Tower will now be screened and new and existing private open space areas will also be screened.

Acoustic privacy/noise

Having regard to acoustic privacy the proposed development is not considered to create any adverse impacts on acoustic privacy for the following reasons:

- Council's Environmental Health Officer has the following comments in relation to this issue:

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to Conditions.

All noise related conditions have been recommended to be applied to the development, refer to **Conditions Nos.B.3, C.18, I.9, I.10** with the exception of the recommended air conditioning conditions. The air conditioning has not been supported as the applicant has not submitted sufficient details to make an adequately assessment, refer to **Condition A.6**.

- The private balconies and terraces are considered to be of reasonable dimensions such that they will not be able to accommodate large gatherings and therefore are not considered to give rise to significant acoustic privacy impacts;
- The communal terrace will be refurbished, however it will remain in the same location and will be same size as the existing communal terrace;
- A condition of consent has been recommended that prevents the use of the village facilities including the café and gym from being used by the general public, refer to **Condition I.1**;
- The proposed development will only result in the creation of one additional unit on the site.

Acoustic privacy-internal

The proposal is considered to be satisfactory with regard to internal acoustic privacy.

Clause 35 Solar access and design for climate

The proposed development should:

- Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.*
- Involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

The proposed development will not result in any loss of daylight to the main living areas or private open space at surrounding properties. This has been further discussed below in Section 22. 4 of this report.

The proposed development involves refurbishment of the existing aged care facilities and the creation of seven additional units (there is a net increase of one unit), therefore the design and orientation of the existing and new apartments are determined by the existing buildings. The thermal comfort of the new and existing units will be improved by addition of larger balconies, shading devices and the provision of low-e glazing or double glazing to eastern and western facing glazing. The proposal is therefore considered acceptable in this regard. Further to this, BASIX certificates have been submitted with this application.

Clause 36 Stormwater

The proposed development should:

- (a) *Control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas*
- (b) *Include, where practical, on-site stormwater detention or re-use for second quality water uses.*

Council's Development Engineer considers the proposal to be satisfactory in terms of stormwater management, subject to **Conditions C.15**. This condition requires the installation of rainwater tanks that have a total capacity of 60,000 litres. This rainwater is to be re-used on the site for toilet flushing and irrigation of the garden areas.

Clause 37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) *Site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street.*
- (b) *Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked.*
- (c) *Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The proposed development will make improvements to the crime prevention characteristics of the site. The new enlarged balconies to Macquarie Tower, Gipps and Burke House will provide improved passive surveillance of the approaches to the site and the surrounding locality. The proposed Village Centre substantially activates this part of the site by providing communal areas that overlook Jersey Road.

The security of the site will also be improved by the proposed new palisade fencing that is to be erected in front of the Macquarie Tower and the main car park. To further improve site security the following measures are recommended to be installed:

- Lighting along pathways through the communal open space areas and to building entries;
- A peep hole is to be provided to the front door to each of the self-contained dwellings.

Conditions of consent of consent have been recommended requiring the above mentioned measures, refer to **Conditions C.4.**

Clause 38 Accessibility

The proposed development should:

- (a) *Have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.*
- (b) *Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The proposed connection of Gipps House to Macquarie Tower by the new Village Centre will significantly improve the pedestrian links throughout the site. The upgrading of the existing external pedestrian pathways throughout the site has been proposed by this development. Onsite provision for the community bus has also been proposed. Currently there is no provision for the community bus onsite (the community bus currently drops-off/picks-up from Jersey Road).

The existing car parking arrangements will generally be retained, however there are minor adjustment to accommodate a new accessible car space, the community bus, the Village Centre and two new loading areas/emergency services parking.

Council's Traffic and Development Engineers have provided the following comments in relation to traffic, parking, pedestrian safety and access issues:

Council's Traffic Engineer has made the following recommendation:

Council's Traffic Section has reviewed the submitted development application which incorporates a pick-up and drop-off area for a 20 seater bus on site. Subject to inclusion of the conditions Council's Traffic Section does not have any objection on traffic or parking grounds."

Council's Development Engineer has made the following comment in relation to vehicular access and accommodation:

There are no objections to the access and parking which are to comply with AS2890.1 – No specific conditions required.

Clause 39 Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

The proposed development will result minor changes to the existing waste storage arrangements at the site. Waste storage facilities will be located adjacent to the proposed sub-station and adjacent to the vehicular entrance to the Village Centre. Two additional waste storage areas have been proposed within the main car park. A mixture of general waste, recycling and green waste bins will

be are provided. The proposed development will maintain the current procedure for waste disposal being a private contractor which disposes of all waste and recycling on a weekly basis.

A condition of consent has been recommended in relation to waste management, refer to **Condition C.8**.

Clause 40 Development standards

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*
- (2) Site size: The size of the site must be at least 1,000 m².*
- (3) Site frontage: The site frontage must be at least 20 m wide measured at the building line.*

Site area

The site has an area of 7,319m² which complies with the minimum site area requirements of 1000m².

Site frontage

The principal site frontage to Jersey Road, has a length of approximately 178.2m, the secondary frontages to Quarry Street and Thorne Street are approximately 48.1m and 67m respectively, which comply with the minimum site frontage development requirement of 20 m.

(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*

***Note.** Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

This height control does not apply to the proposed development as the proposal is located within a 2(b) Residential Zone. This zone allows for residential flat buildings.

- (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

***Note.** The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

This control does not apply to the proposed development as the proposal is located within a 2(b) Residential Zone. This zone allows for residential flat buildings.

- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.*

This control does not apply to the proposed development as the proposal is located within a 2(b) Residential Zone. This zone allows for residential flat buildings.

Clause 41 Standards for hostels and self-contained dwellings

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*
- (2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.*

The applicant is Anglican Retirement Villages, which are social housing providers. Given that the applicant is a social housing provider, the accessibility requirements are limited to any new units proposed under the SEPP that are located on the ground level of the development.

Since the development has no new units on the nominated ground levels the accessibility requirements under Clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3 of the SEPP do not apply to this development.

Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings:

Part 1 Standards applying to hostels and self-contained dwellings

The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.

2 Siting standards

(1) Wheelchair access

If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.

(2) If the whole of the site does not have a gradient of less than 1:10:

- (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and*
- (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.*

Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a

gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.

(3) Common areas

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

Not applicable, no new units on the ground floor of the development.

3 Security

Pathway lighting:

(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and

(b) must provide at least 20 lux at ground level.

A condition of consent has been recommended to ensure compliance with these requirements, refer to **Condition C.4.**

4 Letterboxes

Letterboxes:

(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and

(b) must be lockable, and

(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

The submitted access report has stated that the proposal will comply with this requirement. The letterboxes are provided to the ground floor of the Village Centre near reception with easy access to the street.

5 Private car accommodation

If car parking (not being car parking for employees) is provided:

(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and

(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and

(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

Council's Traffic Department has stated that the proposed parking would comply with AS 2890. Currently there is no accessible car parking located on the site. The proposed development provides 1 accessible space. No garages have been proposed.

6 Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

A condition of consent has been recommended to ensure the new unit comply with these requirements, refer to **Condition C.1(a)**.

7 Interior: general

- (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.*
- (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.*
- (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.*

Not applicable, no new units on the ground floor of the development.

8 Bedroom

At least one bedroom within each dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a bed sized as follows:*
 - (i) in the case of a dwelling in a hostel—a single-size bed,*
 - (ii) in the case of a self-contained dwelling—a queen-size bed, and*
- (b) a clear area for the bed of at least:*
 - (i) 1,200 millimetres wide at the foot of the bed, and*
 - (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and*
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and*
- (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and*
- (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and*
- (f) wiring to allow a potential illumination level of at least 300 lux.*

Not applicable, no new units on the ground floor of the development.

9 Bathroom

(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

- (a) a slip-resistant floor surface,*
- (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,*
- (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:*
 - (i) a grab rail,*
 - (ii) portable shower head,*
 - (iii) folding seat,*
- (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,*
- (e) a double general power outlet beside the mirror.*

(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

Not applicable, no new units on the ground floor of the development.

10 Toilet

A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

Not applicable, no new units on the ground floor of the development.

11 Surface finishes

*Balconies and external paved areas must have slip-resistant surfaces.
Note. Advice regarding finishes may be obtained from AS 1428.1.*

Not applicable, no new units on the ground floor of the development.

12 Door hardware

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

Not applicable, no new units on the ground floor of the development.

13 Ancillary items

Switches and power points must be provided in accordance with AS 4299.

Not applicable, no new units on the ground floor of the development.

Part 2 Additional standards for self-contained dwellings

14 Application of standards in this Part

The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.

15 Living room and dining room

(1) A living room in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and*
- (b) a telephone adjacent to a general power outlet.*

(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

Not applicable, no new units on the ground floor of the development.

16 Kitchen

A kitchen in a self-contained dwelling must have:

(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and

(b) a circulation space at door approaches that complies with AS 1428.1, and

(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:

- (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),*
- (ii) a tap set (see clause 4.5.6),*
- (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,*
- (iv) an oven (see clause 4.5.8), and*
- (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and*
- (e) general power outlets:*
 - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and*
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.*

Not applicable, no new units on the ground floor of the development.

17 Access to kitchen, main bedroom, bathroom and toilet

In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

Not applicable, no new units on the ground floor of the development.

18 Lifts in multi-storey buildings

In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.

Not applicable, no new units on the ground floor of the development.

19 Laundry

A self-contained dwelling must have a laundry that has:

- (a) a circulation space at door approaches that complies with AS 1428.1, and*
- (b) provision for the installation of an automatic washing machine and a clothes dryer, and*
- (c) a clear space in front of appliances of at least 1,300 millimetres, and*
- (d) a slip-resistant floor surface, and*
- (e) an accessible path of travel to any clothes line provided in relation to the dwelling.*

Not applicable, no new units on the ground floor of the development.

20 Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

Not applicable, no new units on the ground floor of the development.

21 Garbage

A garbage storage area must be provided in an accessible location.

The submitted access report has stated that the proposal will comply with this requirement. The garbage areas have been located in accessible locations of the site. Refer to the submitted Landscape Plan.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

- (a) **building height:** if all proposed buildings are 8 m or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).*

- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.
- (c) **landscaped area:** if:
 - (i) in the case of a development application made by a social housing provider-a minimum 35m² of landscaped area per dwelling is provided, or
 - (ii) in any other case-a minimum of 30% of the area of the site is to be landscaped.
- (d) **Deep soil zones:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the **deep soil zone**). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 m.
- (e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.
- (f) **private open space for in-fill self-care housing:** if:
 - (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and
 - (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,

Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.
- (h) **parking:** if at least the following is provided:
 - (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider

Building Height

Pursuant to Clause 40(4)(a) the building height control under this SEPP does not apply to this development. Therefore the 9.5m building height control under Woollahra LEP, 1995 applies to the development. This issue is discussed as part of the consideration of the SEPP 1 objection to vary Council's 9.5 m height standard in Section 15.4 of this report.

Density and Scale

There are no FSR controls applicable to the proposed development under the SEPP, therefore the 0.7.5:1 FSR control under Woollahra LEP, 1995 applies to the development. This issue is discussed as part of the consideration of the SEPP 1 objection to vary FSR standard in Section 15.3 of this report.

Landscaped Area/ Deep Soil Zone

The proposal provides for approximately 2036m² of landscaped area calculated in accordance with the following definition:

landscaped area means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.

The proposed development does not comply with the minimum requirement of 35m² of landscaped area per dwelling for social housing providers. The proposal development has only provided 12.04m² of landscaped area per dwelling. The proposed development will not result in any decrease to the existing landscaping area at the site as the proposed new building footprint has been proposed over existing paved areas. In addition the proposed development will improve the quality of the landscaping at the site as the proposal involves substantial landscape works to the site.

Solar Access

The orientation of the units is limited by the orientation of the existing buildings at the subject site, however all of the units will receive either morning or afternoon sun therefore the proposal will be considered to generally comply with this solar access requirements for living rooms and private open space at the subject site.

Private open space for in-fill self-care housing

The private open space of existing west facing ground floor units to Gipps and Bourke House will be doubled in size to approximately 12m². New private open space areas to the existing eastern facing ground floor units of Gipps and Bourke House will be provided. These new open space areas will be approximately 12m². Whilst, these open space areas do not comply with the minimum requirements (15m²) the proposal will make substantial improvements the existing private space arrangements at the site and is considered acceptable in this regard.

The new dwellings to the Village Centre will comply with the minimum private open space requirements (20m²).

The proposed development will provide new balconies to each unit within Macquarie Tower, whilst, these new balconies are under 10m², these units currently do not have any private open space. All of these new balconies will be accessible from the living area and are approximately 5m².

All west facing dwellings of Gipps and Bourke House have balconies greater than 10m².

On-Site Parking

Specifically, the car parking requirements are:

- 1 car spaces for every 5 dwellings where the application is made by a Social Housing Provider.
169/5 dwellings = 33.8 spaces.

There are currently 26 off-street car parking spaces on the subject site including one space that is currently used for loading/unloading and for maintenance vehicles. The proposed development involves the reconfiguration of the existing car parking at the site and will provide a total of 24 spaces (19 spaces will be provided in the main car park, 3 spaces including an accessible car parking space will be provided at the front of the Village Centre and 2 spaces will be provided in the driveway of Taber cottage). The proposed development does not comply with the minimum car parking requirements and will result in the loss of 2 existing onsite car parking spaces. In addition an extra unit will be provided on the site, this is considered acceptable for the following reasons:

- One of the existing onsite parking spaces is currently allocated for loading/unloading and for maintenance vehicles. This space is not available for use by staff, residents or visitors;
- The proposed development provides two loading spaces that are in addition to the 24 onsite car spaces. These spaces allow for loading/unloading, maintenance vehicles and emergency service vehicles to be accommodated onsite;
- The proposed development will accommodate the community bus (20 seat bus) to pick-up and drop-off residents onsite. Currently this occurs from Jersey Road where there is no designated space for the community bus (this can become problematic). The proposed development allows for the community bus to enter and exit the site in a forward direction. Space 16 and 17 will be used to facilitate the turning area for the community bus. These spaces will be designated for staff parking and will be vacated when the community bus arrives (the community bus service runs three times per week). A condition of consent has been recommended that requires these space to be designed for staff parking, refer to **Condition I.4**;
- An accessible car space has been proposed, currently there are no accessible car spaces on the site;
- A condition of consent has been recommended that does not allow for the facilities within the Village Centre including the café, gym, medical services and salon to be made available to the general public, refer to **Condition I.1**;
- Council's Traffic Department has supported the proposed and has stated the following:

Council's Traffic Section has reviewed the submitted development application which incorporates a pick-up and drop-off area for a 20 seater bus on site. Subject to inclusion of the condition below Council's Traffic Section does not have any objection on traffic or parking grounds.

It is recommended that if the development is approved the following conditions should be applied;

1. Traffic Management Plan

To ensure that all the traffic movements (drop-off, pick-up, etc.) associated with the Goodwin Village are conducted in a safe and efficient manner, the applicant is to prepare a Traffic Management Plan (TMP) which all persons associated with or accessing the centre are to comply with.

The Traffic Management Plan must incorporate the following;

- *A plan of the site showing the location of all parking spaces, proposed bus pick-up/drop-off space, emergency space and loading areas.*
- *Details of how the dual usage of the bus pick-up and drop-off and parking area will be managed and enforced in order to ensure that the space is available for the bus when required*
- *Details of any other dual usage of parking / loading areas on site and how they will be managed to ensure that they are available for loading when required.*

The Traffic Management Plan must abide with the following;

- *The bus must **not** stop on street to allow passengers to board or alight*
- *The centre must ensure that the traffic movements associated with the centre do not cause danger, obstruction or nuisance to other road users, pedestrians or occupants of the street*

- *The centre must monitor traffic movements associated with its operation and provide regular instruction and reminders to its users on the agreed Traffic Management Plan. The plan must include the details of how this will be done and at what intervals*

The Construction Certificate must not be issued until the Traffic Management Plan has been submitted and approved by Woollahra Council's Technical Services Manager.

2. Condition for operation in accordance with the agreed Traffic Management Plan

A condition should be included to ensure the ongoing operation of the on-site parking / bus pick-up and drop-off and loading area in accordance with the approved Traffic Management Plan.

Conditions to this effect have been recommended, refer to **Condition C.3 and I.3.**

- The subject site is located within close proximity to Edgecliff train station and bus interchange and together with bus stops on Ocean Street.

14. SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

The land is within the Sydney Harbour catchment but is outside the Foreshores and Waterways Area and therefore there are no specific matters for consideration.

15. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995

15.1 Part 1(2): Aims and Objectives of Woollahra LEP 1995

The proposal is consistent with the aims and objectives of the Woollahra LEP 1995.

15.2 Clause 8(5): Aims and Objectives of the Zone

The proposal is development is not permissible within the 2(b) Residential zone. However the proposed aged care use of the site is permissible pursuant to Clause 4(1)(ii) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 which allows for aged care uses on land where residential flat buildings are permitted. 2(b) Residential zones allow for residential flat buildings.

15.3 Clause 11: Floor Space Ratio

Clause 11 limits development to a maximum floor space ratio of 0.75:1.

	Existing	Proposed	Control	Complies
Floor Space Ratio	1.02:1 (7,465.38m ²)	1.14:1 (8358.18m ²)	0.75:1 (5489.25m ²)	NO

The applicant has submitted an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards in relation to the non-compliance with Clause 11, which reads as follows:

The proposed increase in GFA is contained exclusively in the new Village Centre that is located between Gipps House and Macquarie Tower. The proposed new Village Centre

follows the existing building height profiles of Gipps House, and thus “fills in the gap” between the two buildings with minimal impact upon visual bulk and scale. Indeed, the Visual Impact Assessment (VIA) prepared by Richard Lamb and Associates (Appendix M of SEE) states the following with respect to visual bulk and scale and streetscape:

“No significant changes to the scale, height or form of any of the buildings is proposed. The footprint of Bourke House remains unchanged and the additional link building is low in height and small in scale compared to three existing residential buildings on site. In this regard the form, scale and character of the existing built elements essentially remain unchanged”

Analysis of the streetscape character of wider site context indicates that there are a number of similar shared characteristics. These include a mix of architectural age and style of individual residences or Terraces, many with contemporary additions or modifications and the presence of residential flat buildings. In addition most of the surrounding roads contain significant mature street tree planting.

The proposed link has a setback to Jersey Road which is consistent with the Macquarie Tower building and greater than that of Gipps House. It will be located behind an existing wall and plant bed beyond a paved forecourt area and mature street tree planting which exists within the road reserve on the western side of Jersey Road near the proposed development will be retained. The nature and extent of proposed change is considered consistent with the existing streetscape and as a transition between two buildings of different form.”

Furthermore, given that the proposed new Village Centre predominately consists of communal spaces that aim to serve the residents, site density is almost entirely unaffected as a consequence of the proposed development, with an increase of only 1 unit to 169 total units proposed on site. Importantly, 169 units is a significant reduction in residential density from the originally approved 203 units in B/A1350/68.

The proposed increase in FSR will also have minimal to no adverse amenity impact upon adjoining residential properties in terms of visual bulk and scale, solar access and visual & acoustic privacy. In terms of view corridors across the site, the VIS concludes the following:

“There would be a minor view loss of an incidental view toward part of the CBD in the vicinity of the intersection of Jersey Road and Trelawney Street as a result of construction of the link building.

A similar degree of view loss may affect the first floor window of 25 Trelawney Street. This degree of view loss is considered to be reasonable in the circumstances. The potential visual impacts of the proposed development from other areas within the public and private domain are also considered to be minor.”

Accordingly, the variation sought to the maximum FSR development standard of Woollahra LEP 1995 as a consequence of the proposed new Village Centre is considered entirely consistent with the objectives of the FSR development standard.

2. The proposed new Village Centre relates to the bulk and scale of Goodwin Village and surrounding sites

The modest increase in GFA and therefore FSR relates entirely to the proposed new Village

Centre that will provide a much needed upgrade to the community support services, functioning, accessibility, fire safety and general amenity of Goodwin Village. This additional floor space is located between Gipps House and Macquarie Tower and is generally consistent with the existing height profiles and scale of Gipps House. Therefore, the additional floor space contained in the Village Centre is not anticipated to have a significant impact upon the building bulk and scale of Goodwin Village as viewed from Jersey Road, or adjoining properties to the rear.

It is noted that surrounding sites have FSR development standards higher than the site with the 0.875:1 FSR area located along both sides of Harris Street and the 1:1 FSR area directly north of the site. Therefore, not significantly lower than what is proposed on the site at 1.1:1.

The following assessment of the SEPP 1 objection applies the questions established in Winten Property Group Limited v North Sydney Council.

These questions remain the principal tests to establish whether or not a SEPP 1 Objection is well founded, however, the more recent principles arising from Wehbe v Pittwater Council are applied to inform the assessment.

1. Is the planning control in question a development standard?

The planning control in question is the maximum floor space ratio standard set by Clause 11 of Woollahra LEP 1995. As such, any variation of the standard requires a SEPP 1 objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The objectives of the maximum floor space ratio standard in Clause 11AA are:

- a) *To set the maximum density for new development*
- b) *To control building density, bulk and scale in all residential and commercial localities in the area in order to achieve the desired future character objectives of those localities*
- c) *To minimise adverse environmental effect on the use or enjoyment, or both, of adjoining properties*
- d) *To relate new development to the existing character of surrounding built and natural environment as viewed from the streetscape, Sydney Harbour or any other panoramic viewing point*

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the EPA Act?

The aim of the Policy is set out at Clause 3 and seeks to “provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

In Wehbe v Pittwater Council, Commissioner Preston stated:

“An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish

that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

Accordingly, the following assessment considers the objection made by the applicant against the provisions of Clause 11 of Woollahra LEP 1995 and whether or not it is established that the objectives of the development standard are achieved irrespective of the non-compliance.

- The proposed development will not result in the loss of harbour views from surrounding properties, the loss of city skyline views are of a minor nature (this has been further discussed below in Section 22.5 of this report);
- The density of the proposed development is suitable for the subject and will only result in an additional unit, refer to **Figures 1, 2, 3 and 4**;
- The proposed development does not result in any adverse impacts on the solar access or privacy of surrounding properties.

As a result of this assessment it is considered that, notwithstanding the non-compliance with the development standard, the underlying objectives founding that standard are achieved by the proposed development.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environment harm to sustain an objection under SEPP 1. This position was confirmed in *Wehbe v Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objects of the Environmental Planning and Assessment Act 1979.

Section 5(a) of the Act prescribes the objects relevantly as to encourage:

- i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment*
- ii) *The promotion and co-ordination of the orderly and economic use and development of land*
- iii) *The protection, provision and co-ordination of communication and utility services*
- iv) *The provision of land for public purposes*
- v) *The provision of co-ordination of community services*
- vi) *The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities*
- vii) *Ecologically sustainable development*
- viii) *The provision and maintenance of affordable housing*

It is considered that, in the circumstances of the case, the strict application of the development standard would hinder the attainment of the objects of the Act, in the following manner:

- The proposed development will provide significant improvement to the existing aged care facility including providing superior communal facilities;
- The proposed development application would allow for (i) the proper management of developable land and (ii) the orderly economic use of land.;
- The proposed development will improve the environmental sustainability of the facility by the provision of double glazing, shading of western and eastern windows/doors, courtyards and walkways.

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

The foregoing analysis has found that notwithstanding the non-compliance with the maximum floor space ratio standard, the proposed development achieves the underlying objectives of that standard. Consequently it is considered that the SEPP 1 objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

5. Is the objection well founded?

The objection advanced by the applicant to the maximum floor space ratio development standard is well founded on the basis that its strict application would hinder the attainment of the objects of the Act and that the proposed development achieves the underlying objectives of the standard.

15.4 Clause 12: Height of Buildings

Clause 12 limits development to a maximum height of 9.5m.

	Existing	Proposed	Control	Complies
Overall Height	28.4m	23.3m	9.5m	NO

The applicant has submitted an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards in relation to the non-compliance with Clause 12, which reads as follows:

All three main buildings of Goodwin Village currently exceed the building height development standard of Woollahra LEP 1995. There is proposed to be no increase in the building height of the three main buildings that comprise Goodwin Village. The new Village Centre that is located between Gipps House and Macquarie Tower is the only new building element proposed and this element follows the existing building height profiles of Gipps House. Accordingly, the proposed new Village Centre “fills in the gap” between the two existing buildings when viewed from Jersey Road with minimal impact on visual height, bulk and scale. Indeed, as with Gipps House, the component facing Jersey Road is significantly below the 9.5m maximum building height development standard. A small 5m deep section of the rear component of the proposed new Village Centre exceeds 9.5m achieving a maximum building height of approximately 12.65m (inc. parapet) where it then steps down the slope of the site ultimately to single storey scale.

As discussed above in Part A, the VIA (Appendix M of SEE) has made an assessment on the potential visual impact the proposed new Village Centre will have on public and private views and the streetscape of the Jersey Road. This assessment has found adverse impacts would be minor. In terms of visual privacy, existing privacy levels between units and for adjoining properties as a consequence the new Village Centre are anticipated to be essentially maintained. The Village Centre provides a new 52m² western facing terrace servicing the new “Function Room 1” on Level 3 that is anticipated to be a high use and active space for the residents of Goodwin Village. However, given that recreational uses (ie bowling club/greens and tennis courts) adjoin Goodwin Village to the west (and not residential uses) coupled with the significant difference in RL between the proposed new communal terrace and the adjoining recreation uses, visual privacy is not considered to be potential area of concern. Accordingly, the variation sought to the maximum building height development standard of Woollahra LEP 1995 as a consequence of the proposed new Village Centre is considered entirely consistent with the objectives of the Height of Buildings development standard.

2. The proposed new Village Centre relates to the bulk and scale of Goodwin Village and surrounding sites

There is proposed to be no increase in building height to the existing buildings (ie Macquarie Tower, Gipps House and Bourke House) on the site. The proposed new Village Centre is to be located between Macquarie Tower and Gipps House, and will maintain the same height profiles as Gipps House. Accordingly, the Village Centre when viewed from Jersey Road at a maximum height of RL 65 (inc. parapet) will be the same height as Gipps House (inc. parapet). As such, the Jersey Road facing section of new Village Centre remains significantly below the 9.5m height limit. Similarly to Gipps House, the proposed new Village Centre steps down as the site falls towards the rear boundary. It is this area that the proposed Village Centre exceeds the 9.5m height limit at a small section similar to Gipps House. As such, when read in context with the immediately adjoining 9 storey Macquarie Tower building and the similar scale Gipps House, the proposed Village Centre is consistent with the bulk and scale of the site and locality, and is not expected to have an adverse amenity impact on adjoining properties.

The following assessment of the SEPP 1 objection applies the questions established in Winten Property Group Limited v North Sydney Council.

These questions remain the principal tests to establish whether or not a SEPP 1 Objection is well founded, however, the more recent principles arising from *Wehbe v Pittwater Council* are applied to inform the assessment.

1. Is the planning control in question a development standard?

The planning control in question is the maximum building height standard set by Clause 12 of Woollahra LEP 1995. As such, any variation of the standard requires a SEPP 1 objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The objectives of the minimum site area standard in Clause 12AA are:

- *To minimise impact of new development on existing views of Sydney Harbour, ridgelines, public and private open spaces and views of the Sydney City skyline*
- *To provide compatibility with the adjoining residential neighbourhood*
- *To safeguard visual privacy of interior and exterior living areas of neighbouring dwellings*
- *To minimise detrimental impacts on existing sunlight access to interior living rooms and exterior open space areas and minimise overshadowing*
- *To maintain the amenity of the public domain by preserving public views of the harbour and surrounding areas and the special qualities of the streetscapes*

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the EPA Act?

The aim of the Policy is set out at Clause 3 and seeks to “provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the

attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

In *Wehbe v Pittwater Council*, Commissioner Preston stated:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

Accordingly, the following assessment considers the objection made by the applicant against the provisions of Clause 12 of Woollahra LEP 1995 and whether or not it is established that the objectives of the development standard are achieved irrespective of the non-compliance.

- The proposed development does not have any adverse impacts on views. This issue has been further discussed below in Section 22.5 of this report;
- The proposed development will not exceed the overall height of the existing development;
- The proposed development does not have a detrimental impact on the solar access of surrounding properties;
- The proposed built form will infill the gap between two existing buildings and will be of a height that is compatible with existing structures on the site;
- There proposed non-compliance with the height control does not result in any adverse impacts on the privacy of surrounding properties.

As a result of this assessment it is considered that, notwithstanding the non-compliance with the development standard, the underlying objectives founding that standard are achieved by the proposed development.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environment harm to sustain an objection under SEPP 1. This position was confirmed in *Wehbe v Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objects of the Environmental Planning and Assessment Act 1979.

Section 5(a) of the Act prescribes the objects relevantly as to encourage:

- i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment*
- ii) *The promotion and co-ordination of the orderly and economic use and development of land*
- iii) *The protection, provision and co-ordination of communication and utility services*
- iv) *The provision of land for public purposes*
- v) *The provision of co-ordination of community services*
- vi) *The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities*
- vii) *Ecologically sustainable development*
- viii) *The provision and maintenance of affordable housing*

It is considered that, in the circumstances of the case, the strict application of the development standard would hinder the attainment of the objects of the Act, in the following manner:

- The proposed development will provide significant improvement to the existing aged care facility including providing superior communal facilities;
- The proposed development application would allow for (i) the proper management of developable land and (ii) the orderly economic use of land.;
- The proposed development will improve the environmental sustainability of the facility by the provision of double glazing, shading of western and eastern windows/doors, courtyards and walkways.

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

The foregoing analysis has found that notwithstanding the non-compliance with the maximum building height standard, the proposed development achieves the underlying objectives of that standard. Consequently it is considered that the SEPP 1 objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

5. Is the objection well founded?

The objection advanced by the applicant to the maximum building height development standard is well founded on the basis that its strict application would hinder the attainment of the objects of the Act and that the proposed development achieves the underlying objectives of the standard.

15.5 Clause 18: Excavation of Land

Clause 18 requires Council to consider the likely impact of any proposed excavation upon the subject site and surrounding properties.

The proposal involves excavation to accommodate the reconfiguration and renovation of the existing aged care facility. In terms of ESD principles, the extent of soil being removed from the site is considered to be acceptable.

The extent and siting of excavation is discussed having regard to the following:

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

The proposed excavation works are considered acceptable as Council's Technical Services Department have not raised any objections to these works, subject to the imposition of a number of conditions of consent, which have been imposed to minimise the impacts of these works on surrounding properties.

In this respect, the proposed development is acceptable in terms Cl.18 of the WLEP, 1995.

15.6 Clause 24 Land Adjoining Public Open Space

Clause 24 requires Council to consider any impact of development upon the amenity of any adjoining public open space and any plan of management applicable to the public open space.

The subject site adjoins the Paddington Bowling Club. The proposed development is not considered to adversely affect the amenity of this open space and is therefore considered acceptable in this regard.

15.7 Clause 25: Water, Wastewater and Stormwater

Clause 25 requires Council to take into consideration the provision of adequate stormwater drainage and the provision of adequate water and sewerage services. Council's Development Engineer has stated that the proposal has provided adequate provision for drainage.

15.8 Clause 25D: Acid Sulphate Soils

Clause 25D requires Council to consider any potential acid sulphate soil affectation where excavation is proposed within the site.

The subject site is within a Class 5 Acid Sulphate Soils Area as identified in the Planning NSW Acid Sulphate Soils Risk Map. However, the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Accordingly, preliminary testing is would not be required. Therefore, there is no issue of acid sulphate affectation in this case.

15.9 Clause 26: Heritage Items

Clause 26 requires Council to consider the impact of a proposed development upon the significance of a heritage item. The southern side of the subject site contains Taber cottage, which is listed as a heritage item under Schedule 3 of the Woollahra LEP 1995. No works have been proposed to this building. Council's Heritage Officer has stated that the proposal will not affect significant views to or from the heritage item and will not overshadow the item. The Heritage Officer has also stated that the proposal will not have any effect on the heritage significance of the item or on its setting.

15.10 Clause 28: Heritage Conservation Areas

Clause 28 requires Council to consider the likely impact of a proposed development upon a heritage conservation area. The subject site is located within the Paddington Heritage Conservation Area. The proposed development will make an improvement to the general appearance of the existing buildings on the site, thus the development will have a positive impact on the conservation area.

16. DRAFT AMENDMENTS TO STATUTORY CONTROLS

16.1 Draft Woollahra Local Environmental Plan 2013

Draft Woollahra LEP 2013 is currently on exhibition and has been considered in the assessment of this application.

17. PADDINGTON HERITAGE CONSERVATION AREA DEVELOPMENT CONTROL PLAN 2008

17.1 Part 4.1.4: Roofs and Roof Forms

- C8 Roofs are to be clad in materials with profiles that are appropriate to the architectural style of the building.*

Conclusion

The proposed roof forms that have been proposed are considered to be appropriate to the architectural style of the existing buildings. The new roof to the new Village Centre will match the profile of the existing roof to Gipps and Bourke House. The proposal is therefore acceptable with regard to Part 4.1.4 of the PHCADCP, 2008.

17.2 4.1.5 Site coverage, setbacks and levels

Setbacks

- C2 Existing setbacks on street frontages are to be maintained.*
- C3 Siting and setbacks of all structures are to continue the immediate established patterns.*
- C4 New development outside a commercial area is not to be built forward of existing building alignments.*

Levels

- C7 New development is to be consistent with ground and first floor levels established by existing buildings and topography in the context of the sloping site.*

Conclusion

The proposed development has been positioned to match the front and rear alignment of the existing development on the site. The site levels will be generally maintained by the proposed development. The proposal is therefore acceptable with regard to Part 4.1.5 of the PHCADP, 2008.

17.3 Part 4.1.7 Open Space, Swimming Pools, Lightwell Courtyards and Landscaping

Private Open Space and Deep Soil Landscaped Areas

- C7 Deep soil landscape area must be in a location and have an adequate soil profile depth to allow for root volumes and the long-term stability and health of vegetation.*
- C8 Appropriate vegetation types are to be planted in the deep soil landscape areas having regard to the dimensions of the area and the nature of subsurface soil and rock profiles.*

Conclusion

The proposed development will not result in any changes to the amount of deep soil landscaping at the site as the proposed new built form has been located in areas that are currently paved. The proposed development will improve the quality of the landscaping at the site as the proposal

involves substantial landscape works. The proposed development involves the removal of 6 trees Council's Landscape Officer has considered this be acceptable.

The proposed development will substantially improve the provision of private open space in the following ways:

- Doubling the size of the existing private open space areas to western facing ground floor units to Gipps and Bourke House;
- New private open space areas to the eastern facing ground floor units to Gipps and Bourke House will be provided (these new open space areas will be approximately 12m²);
- New balconies to the units within Macquarie Tower will be provided, these units do not have any private open space.

The proposal is therefore acceptable with regard to Part 4.1.7 of the PHCADP, 2008.

17.4 Part 4.1.8: Building Height, Bulk, Form and Scale

- C1 The height of existing buildings on street frontages must not be increased.*
- C3 The height, bulk, form and scale of infill and new development must be consistent with the predominant height, bulk, form and scale of appropriate adjoining buildings. Conformity with adjoining buildings is not appropriate in circumstances where the development site adjoins a building, which is a substantially taller landmark building, or a building, which is considered to be intrusive due to its excessive height and incompatible design.*
- C4 Infill development and alterations and additions must be designed and sited so that sunlight is provided to at least 50% or 35m² with minimum dimensions of 2.5m, whichever is the smaller, of the main ground level private open space of adjoining properties for a minimum of three hours between 9.00 am and 3.00 pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.*
- C5 Where adjoining dwellings have greater than three hours of sunlight to a habitable room, the north-facing windows to the habitable room are not to have sunlight reduced to less than three hours between 9.00 am and 3.00 pm on 21 June.*

Conclusion

The proposed development is considered to be of a bulk, scale and height that is compatible with existing development on the subject site and the surrounding locality. Objective O5 of Part 4.1.7 seeks to minimise the impact of new development on access to sunlight for private and public places. It is considered that the additional overshadowing created by the proposed development is acceptable for the following reasons:

- The proposed development will not affect the solar access to any private open space or habitable room windows as the subject site is substantially separated from residential properties;
- The only properties that directly adjoin the subject site are the Paddington Bowling Club and Council's Depot, which are located to the rear of the site. The proposed development will not adversely affect the solar access of these properties as the only additional overshadowing created by the proposed development during the winter solstice between

9am and 3pm is a small amount of overshadowing to the roofs of the Council Depot, and the roof and part of a rear service area to the Bowling Club at 9am.

The proposed development is therefore considered satisfactory in terms of Part 4.1.8 of the PHCADCP, 2008.

17.5 Part 4.1.9: Views

- C1 New development must enable view sharing with surrounding development, particularly from main habitable rooms of that development.*
- C2 Views from public open spaces to the harbour, foreshore areas and city skyline are to be preserved.*

City views including views of centre point tower are obtained from Jersey Road and the row of three terrace houses which face the site and are located on the corner of Trelawney Street and Jersey Road (No.88 Ocean Street, Paddington, refer to **Photo 1** and **Figure 6**). The views are obtained between the existing gap between Macquarie Tower and Gipps House and over Gipps House from the upper floor of these terrace houses. It should be noted that no objections were received from these properties, therefore the view assessment was undertaken from the street.



Photo 1: Row of three terrace houses at No.88 Ocean Street, Paddington located opposite the proposed development



Photo 2: City skyline views as viewed from the corner of Jersey Road and Treawney Street.

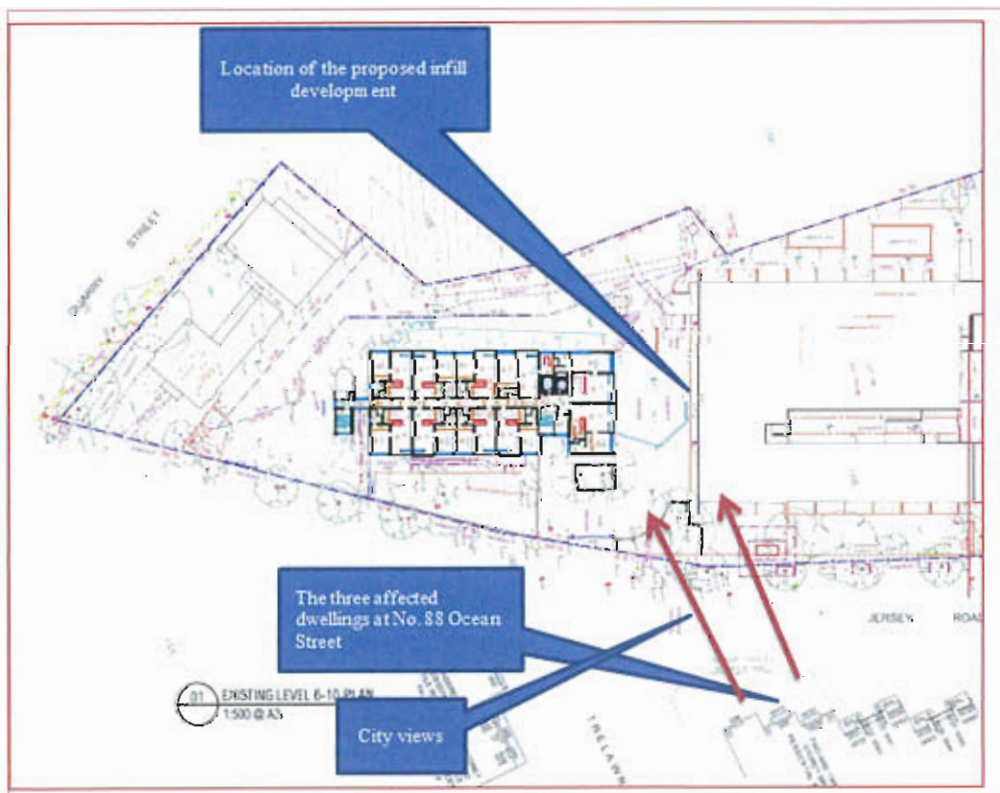


Figure 6: Location of the affect properties in relation to the proposed development.



Photo 3: View from Jersey Road looking toward Gipps House

The proposed development involves infilling the gap between Macquarie Tower and Gipps House for a new Village Centre and increases the height of Gipps House to match the height of Bourke House and the highest part of Gipps House. These proposed development does not comply with the maximum height control, however the part of the development that creates the view loss complies with the maximum height control.

In assessing the reasonableness or otherwise of the degree of view loss, this report has had regard to the case law established by *Tenacity Consulting v Warringah* (2004) NSWLEC 140 (paragraphs 23-33) which has established a four step assessment of view sharing. The steps are as follows:

The assessment of the views affected

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

The corner terrace house at No.88 Ocean Street, Paddington is the most affected property as this property faces the gap between Macquarie Tower and Gipps House. This property has distant obscured city skyline views, it is not anticipated that this property has a view of the iconic centre point tower due to the orientation of the affected windows at this property. The two remaining properties at No.88 Ocean Street face Gipps House and appear to have obscured city skyline views and possible views of centre point tower. These views are potentially obtained over Gipps House from the upper floor of these buildings. There no water views or views of the Harbour Bridge obstructed by the proposed development.

Consideration from what part of the property the views are obtained

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

The views obtained from the corner terrace house at No.88 Ocean Street are obtained from the primary area of private open space and from what appears to be a living room window on the ground floor and a bedroom window on the first floor. The views obtained from the remaining two buildings appear to be from bedroom windows.

The extent of the impact

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

The extent of the view impact on the corner terrace house at No.88 Ocean Street is considered to be minor to moderate as it would appear that the proposed development will result in the loss of the entire view obtained from this property. The view impact was considered minor to moderate as the view from this property is likely to be highly obscured by existing vegetation, and no water or iconic views will be obstructed (refer to **Photo 2**). The view impact from the remaining two buildings is also considered to be minor to moderate as the view loss is from what appear to be bedroom windows and will be highly obscured by existing vegetation (refer to **Photo 1**). However it is likely that these buildings will lose views of the iconic centre point tower.

The reasonableness of the proposal that is causing the impact

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

The Court poses two questions in *Tenacity Consulting vs Warringah* (2004) NSWLEC 140. The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The proposed development does not comply with the maximum FSR and height controls. The proposed non-compliance with the height control does not result in any view loss. However the proposed non-compliance with the FSR control will result in view loss as the new Village Centre infills the gap between the Macquarie Tower and Gipps House together with increasing the height of Gipps House.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

The Village Centre is important feature of the proposed upgrade of the aged care facilities as the Village Centre will substantially improve the residential amenity of the site as it provides improved communal facilities and connects the existing buildings on the site. Therefore on balance the proposed development is considered acceptable given the overall benefits of the development and the minor to moderate impact on views. It should also be noted that no objections to the proposed development were received from any of these affected properties, even though the application was advertised/notified twice.

Conclusion

The proposal is therefore acceptable with regard to Section 4.1.9 of PHCADCP, 2008.

17.6 Part 4.1.10: Acoustic and Visual Privacy

- C3 Electrical, mechanical, hydraulic and air conditioning equipment must be housed so that it does not create an "offensive noise", as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.*
- C5 Windows to bathrooms and toilet areas must have translucent glazing if they have a direct view to and from habitable rooms and private open space on adjoining and adjacent properties.*
- C6 Direct overlooking of the main living areas and private open space areas of adjoining and adjacent properties should be minimised by the sensitive location of windows, balconies, and screening devices. Landscaping with vegetation is not considered to be an effective screening measure or a means of maintaining and improving privacy.*
- C7 Rear and side balconies must not impact on the privacy and amenity of the building's occupants or the amenity of the occupants of adjoining and adjacent properties.*

Conclusion

Objective O2 of Part 4.1.10 seeks to minimise the impact of new development on the acoustic and visual privacy of existing development on neighbouring lands. The proposed development is considered to be consistent with O2 in the following ways:

- The proposed windows/doors, balconies and new areas of private open space that have been created by new development have been sufficiently separated from surrounding areas of private open space and habitable room windows (the closest residential property is over 25m away);
- The only properties which directly adjoin the subject site are the Paddington Bowling Club and Council's Depot, these properties are located to the rear of the site. The privacy impact of the proposed development is minimal given the recreational/light industrial use of these sites and due to the significant level difference between the subject site and the adjoining properties. Further to this, the subject site enjoys extensive views to the north-west (city, harbour bridge and Trumper Park), which will minimise privacy impacts as sightlines will be concentrated toward these views and away from the adjoining properties. It should also be noted that the existing development already overlooks these properties, thus further overlooking of these properties would be unavoidable;
- The new enlarged balconies to Macquarie Tower are only 1.2m in depth. The narrow width of the new balconies do not allow for these balconies to be intensively used;

- No changes to the size or location of the existing communal terrace to the Village Centre has been proposed;
- The proposal is considered to be satisfactory in terms of internal visual privacy as windows and private open space areas of individual units are adequately separated or screened. The proposed development will improve visual privacy between the units as the new balconies to Macquarie Tower will be screened and the individual areas of private open space have been screened;

Acoustic privacy:

- Council's Environmental Health Officer has the following comments in relation to this issue:

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to Conditions.

All noise related conditions have been recommended to be applied to the development, refer to **Conditions Nos B.3, C.18, I.9, I.10** with the exception of the air conditioning conditions. The air conditioning has not been supported as the applicant has not submitted sufficient details to make an adequate assessment, refer to **Condition A.5**.

- The private balconies and terraces are considered to be of reasonable dimensions such that they will not be able to accommodate large gatherings and therefore are not considered to give rise to significant acoustic privacy impacts;
- The communal terrace will be refurbished, however it will remain in the same location and will be same size as the existing communal terrace;
- A condition of consent has been recommended that prevents the use of the Village Centre facilities including the café and gym from being used by the general public, refer to **Condition I.1**;
- The proposed development will only result in the creation of an additional unit on the site.

The proposal is therefore acceptable with regard to Part 4.1.10 of the PHCADCP, 2008.

17.7 Part 4.1.12: Stormwater management

- C1 All drainage systems are to comply with Council's Stormwater Drainage Management Development Control Plan.*
- C2 Stormwater systems on private land are, where possible, are to match the topography and are not to have an adverse impact on the downstream catchment area. Pump out systems are not permitted when a gravity solution exists.*
- C4 On-site absorption, including rubble pits, soakaways or the like, are not permitted as a method of stormwater disposal.*

Conclusion

Sufficient deep soil landscaping has been provided to assist with the onsite detention of stormwater. In addition a condition of consent has been recommended to ensure the adequate disposal of stormwater, refer to **Condition C.15** which includes the requirement to provide rainwater tanks with a total capacity of 60,000 litres.

17.8 Part 4.2.3: Windows, Doors and Shutters and Security

The proposed replacement windows/doors will contribute to the overall improvement to the visual amenity of the existing buildings. In addition the new eastern and western facing glazing will be either low-e or double glazing, which improves the energy efficiency and thermal comfort of the existing buildings. The proposal is therefore acceptable with regard to Part 4.2.3 of the PHCADCP, 2008.

17.9 Part 4.2.4: Verandahs and Balconies

C8 New rear upper floor balconies and verandahs must be designed with regard to the amenity of adjoining and adjacent properties. Privacy screens may be required to reduce the impact of new balconies.

The proposed new balconies to Macquaire Tower will provide articulation to the existing elevations of the subject building and will provide private open space to individual units within the building. These new balconies will not adversely affect the visual privacy of surrounding private open space or habitable room windows as these balconies are sufficiently separated from surrounding residential properties (the closest residential property is over 25m away). The proposal is therefore acceptable with regard to Part 4.2.4 of the PHCADCP, 2008.

17.10 Part 4.2.5: Fences, walls and gates

Street Front Zone

C7 New and replacement fences and gates must be consistent with the architectural style of the building and be an appropriate traditional height. If part of a group, a fence must match the original fence in the group.

C13 Fences and gates on infill sites should be of a contemporary design and are to be of a form, height, detail, finish and materials that demonstrate an appropriate response to the physical and historical context of the streetscape.

Conclusion

The proposed development involves the erection of new metal palisade fence above the existing retaining walls in front of main car park and Macquarie House. The existing car park entry gate is also to be replaced with 1.8m metal palisade gate. The new front fence will have a total height of 1.8m and the existing fencing to the remainder of the site will be retained. The proposed new fencing is considered to be appropriate to the architectural character of the site and to the character and appearance of the Paddington Heritage Conservation Area. The proposal is therefore acceptable with regard to Part 4.2.5 of the PHCADCP, 2008.

17.11 On-site vehicle parking, garages, carports, driveway access and servicing facilities

General

C1 Provision of on-site parking areas, parking structures and servicing areas such as loading facilities is not a mandatory requirement. In addition, and subject to circumstances listed in the following controls, on-site parking will only be permitted or may only be required where:

- a) *The parking area, servicing area or structure will not have a detrimental impact on:*
- a) *The amenity of adjoining properties*

- b) *The character of a streetscape or laneway*
- c) *The health of a significant tree*
- d) *Vehicle entries and exits will not have a detrimental impact on pedestrian movements, traffic movements, Council infrastructure or service authority infrastructure*
- b) *The parking area, servicing area or structure will comply with the current Australian Standard 2890.1-2004 and Council's standard drawing RF 2*
- e) *A driveway will comply with a maximum gradient of 20% with adequate transitions on the top and bottom*
- f) *There are adequate sight distances to allow safe vehicle movement into and from the site*

C6 The design and location of car parking spaces and structures must allow an 85th percentile vehicle to manoeuvre into and out of a space without the loss of on-street parking opposite or abutting the proposed vehicle entry. This is particularly relevant where the street or lane is less than 5 metres between kerbs.

Conclusion

The proposed development involves the reconfiguration of the existing parking areas at the subject site. Council's Development Engineer has stated that the proposal is considered to be acceptable in terms of AS 2890. The proposed reconfigured parking areas will not affect the visual amenity of the streetscape or the Paddington Heritage Conservation Area as there will be no changes to the existing car park entry and no new parking structures have been proposed. The proposal is therefore acceptable with regard to Part 4.2.6 of PHCADCP, 2008.

17.12 Part 4.2.7: Satellite Dishes, Solar Devices, Air Conditioning Units, Aerials and Site Facilities

The proposed development involves the provision of new air conditioning at the site. However the applicant has not provided sufficient detail to make an adequate assessment, therefore a condition of consent has been recommended that deletes the air conditioning from the proposal, refer to **Condition A.5.**

Solar panels to be located on the roof of the Gipps and Bourke House have been proposed. The applicant has not provided sufficient detail to adequately assess these solar panels, therefore a condition of consent has been recommended that deletes the solar panels from the proposal, refer to **Condition A.5.**

The proposal is therefore acceptable with regard to Part 4.2.8 of PHCDP, 2008.

17.13 Part 4.2.8: Materials, Finishes and Details

- C4 New materials, finishes, textures and details on the principal building form and elevations visible from a public space must be traditional and appropriate to the architectural style of the building.*
- C5 New external materials and details to additions must compliment the architectural character of the existing building and minimise the apparent bulk of the addition.*
- C6 Infill buildings must use materials, finishes, textures and details appropriate to the building type and style. They must be similar to, but should not copy, the characteristic materials, finishes and textures of buildings within the streetscape.*

Conclusion

The proposed new materials and finishes will provide a contemporary update of the existing 40 year old buildings. These materials are considered to be compatible with the architectural character of the existing building and the character and appearance of the Paddington Heritage Conservation Area. The proposal is therefore acceptable with regard to Part 4.2.8 of PHCADCP, 2008.

17.14 Part 4.2.9: Exterior Colours

- C1 Colour schemes must be appropriate to the building type and style.*
- C4 New buildings and additions in both the residential and commercial areas are to use colour schemes that have hue and tonal relationships with traditional colour schemes.*
- C5 The intensity and hue of colour must relate to the style of the building and the streetscape context.*

Conclusion

The proposed new colour scheme is considered to be compatible with the architectural character of the existing building and the colour schemes in the immediate vicinity of the subject site. The proposal is therefore acceptable with regard to Part 4.2.9 of the PHCADCP, 2008.

17.15 Part 4.4: Infill Development

General

- C1 Infill development is to comply with all relevant objectives and controls listed elsewhere in this Plan.*

Character

- C2 Infill development must maintain the significant features and qualities that combine to represent the character of the neighbourhood and area and make a positive contribution to the character of the neighbourhood and area.*

Scale

- C3 Infill development must not overwhelm its context and should be consistent with the predominant scale of significant development adjoining the site and in its immediate area in terms of aspects including, but not limited to height, dominant ridge line and massing (building volume and size).*

Form

- C4 Infill development must be consistent with the predominant built form (volume and configuration) of significant development adjoining the site and in its immediate area in terms of aspects including, but not limited to:*
 - a) Roof forms*
 - b) Three dimensional modelling of neighbouring buildings*
 - c) Relationship of solids and voids*
 - d) Fenestration patterns*

- e) *Relationship of floor to ceiling heights (especially ground and first floor levels of existing buildings on sloping sites and streets)*

Siting

C5 Infill development must adopt the established orientation pattern of the streetscape.

C11 Infill development must be sited to include sufficient deep soil landscape area and have no adverse impact on significant trees on the site or adjoining land, including public land.

Materials, Finishes, Textures and Colours

C13 Contemporary materials are permitted where their proportions, detailing and quantities are in keeping with the desired future character of the area.

Conclusion

The proposed development will maintain the existing front, rear and side boundary setbacks of the existing development. The only additional building footprint infills an existing gap between Macquarie Tower and Gipps House (there is a minor increase to the footprint of Macquarie Tower by infilling a small indent to this building). The proposed new development is of height and scale that is consistent and compatible with the existing development on the subject site (the new development matches the existing height of Bourke house and highest part of Gipps House).

The proposed development will make a positive contribution to the surrounding locality as the development provides a contemporary update to the existing 40 year old buildings. These contemporary changes are considered to be compatible with the visual character of the surrounding locality. The proposed materials and finishes that have been selected are appropriate to the architectural character of the existing buildings.

The proposed development will not reduce the deep soil landscaping at the site and will protect the landscape character of the locality.

The proposal is therefore acceptable with regard to Part 4.4 of the PHCADCP, 2008.

18. WASTE NOT DEVELOPMENT CONTROL PLAN 2010

The Waste Not DCP is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

18.1 Site Waste Minimisation and Management Plan (SWMMP)

The applicant provided a SWMMP with the development application. The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete. The SWMMP was found to be satisfactory.

18.2 Controls for All Development

Sections 3.1.4 and 3.2.4 requires the following relevant considerations during the demolition and construction phase:

- a) *A completed SWMMP shall accompany a DA which includes demolition either as its sole purpose or as part of some other development*
- b) *Pursue adaptive reuse opportunities of buildings/structures*
- c) *Identify all waste likely to result from the demolition, and opportunities for reuse of materials*
- d) *Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted*
- e) *Reuse or recycle salvaged materials onsite where possible*
- f) *Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements)*
- g) *Provide separate collection bins or areas for the storage of residual waste*
- h) *Clearly 'signpost' the purpose and content of the bins and storage areas*
- i) *Implement measures to prevent damage by the elements, odour and health risks, and windborne litter*
- j) *Minimise site disturbance, limiting unnecessary excavation*
- k) *Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in Appendix B Waste/Recycling Generation Rates for a guide*
- l) *Identify potential reuse/recycling opportunities of excess construction materials*
- m) *Incorporate the use of prefabricated components and recycled materials*
- n) *Arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage*
- o) *Consider organising to return excess materials to the supplier or manufacturer*
- p) *Arrange contractors for the transport, processing and disposal of waste and recycling*
- q) *Ensure that all contractors are aware of the legal requirements for disposing of waste*
- r) *Promote separate collection bins or areas for the storage of residual waste*
- s) *Ensure that all waste is transported to a place that can lawfully be used as a waste facility*
- t) *Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, DECCW or WorkCover NSW.*

The proposal is acceptable with regard to the demolition and construction provisions in Sections 3.1.4 and 3.2.4 of the Waste Not DCP 2010.

19. ACCESS DEVELOPMENT CONTROL PLAN 2004

The objectives of the Woollahra Access DCP are:

- a) To provide information to increase awareness and understanding of access and mobility issues
- b) To ensure that housing options exist for people with a disability as prescribed by the BCA through the provision of accessible and adaptable housing
- c) To encourage new buildings and associated spaces to be accessible and useable by all people in the community, including people with a disability
- d) To create appropriate levels of access and mobility when alterations and additions are proposed to existing buildings, including existing commercial and industrial buildings
- e) To promote sustainable development by extending the use of new and existing buildings through the provision of accessible and adaptable housing requirements and by increasing the number of accessible and adaptable houses in the local government area
- f) To provide adequate access for people with a disability to disabled car parking, footpaths, bus stops, bus shelters, public toilets, parks and other infrastructure and outdoor areas
- g) To provide adequate access for people with a disability, including staff, visitors and those doing business with Council at Council-owned or occupied buildings

For Class 2 buildings (aged care units), the Access DCP requires the provision of at all dwellings to be adaptable. The proposed development involves the demolition of 6 units and the construction of 7 new units, all of the new units will be fully adaptable. One disabled car space has also been provided. The proposed development also involves the refurbishment of the existing units at the subject site. These units are not required to be made fully accessible as new work in an existing building does not trigger the need to upgrade the whole building or part of the building outside the new work that is subject of this application. It should also be noted that accessibility requirement under SEPP (Housing for Seniors or People with a Disability) 2004 override the requirements of the Access DCP. Pursuant to Clause 41(4) of the SEPP the accessibility requirements are only limited to new units for social housing providers located on the ground level of the development. No new units have been proposed on the ground floor of the development.

The proposed Village Centre is a Class 6 building, this building is required to be made fully accessible. This new building contains a lift and an accessible WC. The applicant has submitted an Access Report that has stated that the area will be fully accessible, this report has been recommended to form part of the approved documentation, refer to **Condition A.3**.

For the reasons stated above the proposal is considered to satisfy the intent of the Woollahra Access DCP and is therefore acceptable in this regard.

20. SECTION 94 CONTRIBUTION PLANS

20.1 Section 94A Contributions Plan 2011

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 94A Contributions Plan 2011.

Cost of Works	Rate	Contribution Payable
\$24,509,031	1%	\$245,903.31

Refer to **Condition C.2**.

20.2 Application of Contributions

Section 3.5 of the Section 94A Contributions Plan 2005 states:

'A condition under section 94 of the Act may be imposed on a development consent as an alternative to imposing a condition authorised by this Plan, depending on the nature of the development and the demand for public facilities.'

In this instance, given the increase in the density of the site, Section 94A contributions have been applied. Accordingly, Section 94 contributions are not applicable.

21. APPLICABLE ACTS/REGULATIONS

21.1 Demolition of Structures

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires Council to consider Australian Standard AS 2601-2004: The demolition of structures. This is required in **Condition E.1**.

21.2 Fire Safety

An annual fire safety schedule is required to be submitted. This is detailed in **Condition F.1**.

22. THE LIKELY IMPACTS OF THE PROPOSAL

Traffic:

Council's Traffic Department has stated that as the proposed development only involves an increase of the amount of residential units from 168 to 169 the proposal is not considered to have a significant impact on the surrounding road network.

23. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

24. THE PUBLIC INTEREST

The proposal is in the public interest.

25. CONCLUSION

The proposal is acceptable against the relevant considerations under Section 79C.

26. DISCLOSURE STATEMENTS

Under Section 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.

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

THAT the Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to the Floor Space Ratio and Height development standards under Clauses 11 and 12 of Woollahra LEP 1995 are well founded. The Council is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposed development will not adversely affect surrounding properties in terms of solar access, views, privacy and will match the height of existing development at the site.

AND

THAT the Council, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that it is consistent with the aims of the Policy, grant development consent to DA 72/2014/1 on land at 250-290 Jersey Road WOOLLAHRA, 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.

Standard Condition: A1

A.2 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

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

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

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

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

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:

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

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

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 and supporting documents listed below as submitted by the

Applicant and to which is affixed a Council stamp "Approved DA Plans" 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)
003, Rev A 008, 009 Rev A 010, 1/101-1/06, 1/120, 1/121, 1/130, 1/131, 2/101- 2/106, 2/120, 2/130, 2/131, 2/140-2/142, 3/101-3/110, 3/120, 3/130, 3/131, 3/140, 3/141, 210 Rev A	Architectural Plans	Environa Studio	03/03/2014 17/03/2014 03/03/2014
A181731, A181736, A181734, A181729, A181762, A181757, A181756, A181728, A182230, A182228, A181725, A181714, A181681, A181642, A181599, A181717, A181674, A181669, A181708, A181710, A181680, A181655, 532881M, A181648, A181655	BASIX Certificate	NSW Department of Planning and Infrastructure	04/03/2014
Not specified	Access Compliance Assessment	Vista Design Architects Pty Ltd	Date received 03/03/2014
H400 & H401 Rev B & A	Stormwater disposal concept plan	WSP Buildings P/L	18/12/2013
Report No. 13/1886	Geotechnical Report	SMEC Testing Services P/L.	October 2013
LP-1.0 Rev 02 LP-1.1 Rev 02 LP-1.2 Rev 02 LP-1.3 Rev 02 LP-2.0 Rev 01 LP-3.0 Rev 01 LP-3.1 Rev 01 LP-3.2 Rev 01	Landscape Plan	John Lock & Associates	05/05/2014 19/12/2014
Not specified	Arboricultural Impact Assessment	Urban Tree Management	02/05/2014
T2-929	Traffic Report	Parking & Traffic Consultants	December 2013

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*.)

Standard Condition: A5

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 February 2012 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.
Standard Condition: A8

A.5 Development Consent is not granted in relation to these matters

This approval does not give consent to any air conditioning or photovoltaic panels. A separate Development Consent or Complying Development Certificate and Part 4A Certificates, as appropriate, will need to be obtained prior to the such development work commencing.

Standard Condition: A9

A.6 Occupation of the development

In accordance with the provisions of **Clause 18 Restrictions on occupation** under SEPP (Seniors Living) 2004, the occupation of the development is limited to the following:

- i) Seniors or people who have a disability,
- ii) People who live within the same household with seniors or people who have a disability,
- iii) Staff employed to assist in the administration of and provision of services to the serviced self-care housing.

A.7 Tree Preservation & Approved Landscaping Works

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

- a) The following trees shall be retained

- Trees on Private Land

Trees are to be retained in accordance with the recommended Arboricultural Impact Assessment. (Tree 6 & Tree 8 may be removed in accord with current TPO permit 72/2014/1).

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
31	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000
32	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000
33	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000
34	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000

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

The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
6	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front – NE corner	8 x 8
8	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front – NE corner	8 x 8
25	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	6 x 4
26	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	6 x 6
27	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	12 x 8
28	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	8 x 6

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

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.

Note: See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Standard Condition: B1

B.2 Identification of Hazardous Material

In accordance with Australian Standard AS2601- 'The Demolition of Structures' the owner shall identify all hazardous substances located on the site including asbestos, Polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per Clause 1.6.1 of the Standard. In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing;

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

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

Standard Condition: B6

B.3 Establishment of Tree Protection Zones (TPZ)

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Protection zones are to be established in accordance with the recommended Arboricultural Impact Assessment

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in Condition B.2 of this consent.
- e) Establishment of Ground protection
Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in Condition B.2 of this consent. Appropriate ground protection shall be installed under the supervision of the site arborist.
- f) All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- g) The project arborist shall provide written certification of compliance with the above condition.

Standard Condition: B5

B.4 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

- a record of the condition of trees to be retained prior to and throughout development
- recommended actions to improve site conditions and rectification of non-compliance
- recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

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

Stage of arboricultural inspection	Compliance documentation including photos shall be included
Installation of tree protection fencing	Compliance with tree protection measures
Inspection of irrigation set out	Appropriate distribution of irrigation

	water
Prior to pouring of slab	Condition of roots and soil
Prior to the issue of a Final Occupation Certificate	Supervise the dismantling of tree protection measures

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

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

B.5 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

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

- The proposed pedestrian entries to the new dwellings shall comply with clauses 4.3.1 and 4.3.2 of AS 4299;
- The proposed new substation located at the front of the site shall be finished in a dark recessive colour;
- An external clothes drying area shall be provided on the site. This clothes drying area must not be visible from the public domain.

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.2 Payment of Long Service Levy, Security, Contributions and Fees

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 http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use 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 Council	\$531,499	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$4000	No	T114
Infrastructure Works Bond -completing any public work required in connection with the consent.	\$60,500	No	T113
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (Section 94A)	\$245,903.31 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$180	No	T95
Public Road/Footpath Infrastructure Inspection Fee	\$448	No	
Security Administration Fee	\$185	No	T116
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$842,715.31 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 2011 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 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 or periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2011

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 the plan; and
- Whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

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

Any deferred or periodic payment of the section 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.

Standard Condition: CS

C.3 Traffic Management Plan

To ensure that all the traffic movements (drop-off, pick-up, etc.) associated with the Goodwin Village are conducted in a safe and efficient manner, the applicant is to prepare a Traffic Management Plan (TMP). The Transport Management Plan must be submitted to Council and approved by Council's Manager Engineering Services prior to the issue of the Construction Certificate. The Plan is to address the following:

The Traffic Management Plan must incorporate the following;

- A plan of the site showing the location of all parking spaces, proposed bus pick-up/ drop-off space, emergency space and loading areas.
- Details of how the dual usage of the bus pick-up and drop-off and parking area will be managed and enforced in order to ensure that the space is available for the bus when required

- Details of any other dual usage of parking / loading areas on site and how they will be managed to ensure that they are available for loading when required.

The Traffic Management Plan must abide with the following;

- The bus must **not** stop on street to allow passengers to board or alight
- The centre must ensure that the traffic movements associated with the centre do not cause danger, obstruction or nuisance to other road users, pedestrians or occupants of the street
- The centre must monitor traffic movements associated with its operation and provide regular instruction and reminders to its users on the agreed Traffic Management Plan. The plan must include the details of how this will be done and at what intervals.

C.4 Security requirements

In order to ensure adequate security within the buildings, the following requirements are to be indicated on the relevant landscape and architectural plans and specifications submitted with the construction certificate application:

- Lighting along the pathways through the communal open space areas and to the building entries. This pathway light must be designed and located so as to avoid glare for pedestrians and adjacent dwellings and shall be at least 20 lux at ground level;
- A peep hole is to be provided to the front door to each of the self-contained dwellings.

C.5 BASIX commitments

The *applicant* must submit to the *Certifying Authority* *BASIX Certificate* No A181731, A181736, A181734, A181729, A181762, A181757, A181756, A181728, A182230, A182228, A181725, A181714, A181681, A181642, A181599, A181717, A181674, A181669, A181708, A181710, A181680, A181655, 532881M, A181648, A181655, 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,"
Standard Condition: C7

C.6 Building upgrade (Clause 94 of the Regulation)

Council considers pursuant to clause 94 of the *Regulation* that it is appropriate to require the existing building to be brought into total or partial conformity with the *BCA*.

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The *Certifying Authority* must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the *BCA* as in force at the date of the *Construction Certificate* application:

- a) That exit signs shall be installed above all required exit doors. Signs shall be illuminated at all times and generally be of sufficient number that direction of travel to all exits is clearly visible from any part of the major egress routes. Exit signs shall be installed to the standard expressed in Clauses E4.5, E4.6 and E4.8 of the *BCA*;
- b) That notices outlining the offences relating to fire exits shall be displayed in a conspicuous position adjacent to, but not within, the passageway, ramp or stairway in accordance with Clause 183 of the *Environmental Planning and Assessment Regulation 2000*;
- c) That spandrel separation shall be provided for external openings in Macquarie tower which are not in accordance with the requirements of Clause C2.6 of the *BCA*;
- d) That the entrance doors of the sole occupancy units and fire isolated stairways shall have a fire resistance level of -/60/30 and be fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation;
- e) That portable fire extinguishers shall be provided throughout the building to the requirements of Clause E1.6 of the *BCA* and the relevant requirements of AS 2444;
- f) That an automatic smoke detection and alarm system complying with Specification E2.2a Clause 3 of the *BCA* shall be installed throughout the building;
- g) That a building occupant warning system shall be installed throughout the building. The system is to comply with the requirements of clause 6 of Specification E2.2a of the *BCA*;
- h) That hydrants shall be installed throughout the building in accordance with the requirements of Clause E1.3 of the *BCA*;
- i) That suitable signage shall be installed to alert persons that the operation of certain doors must not be impaired in accordance with clause D2.23 of the *BCA*;
- j) That the sound transmission and insulation levels between sole occupancy units shall comply with the requirements of part F5 of the *BCA*.

Note: The *Certifying Authority* issuing the *Construction Certificate* has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the *BCA* the *Certifying Authority*, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfied) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

Note: This condition does not set aside the *Certifying Authorities* responsibility to ensure compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.

Standard Condition: C10

C.7 Road and Public Domain Works

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

Drainage

- The construction of a new pipeline and pits connecting the 2 existing major stormwater discharge points in Jersey Road. This involves the construction of approximately 50 m of

375dia RCP, from the discharge point with pits, crossing of Jersey Road and connection to Council's existing system at a pit outside No 117 Jersey Road

- Construction of a standard gully pits in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Bond

- A bond of \$60,500 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

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. Advise* of this Consent titled *Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

C.8 Waste Storage - Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail provisions for waste management in accordance with the approved SWMMP.

Waste Storage Areas must meet the following requirements:

- a. Bins must be stored with lids down to prevent vermin from entering the waste containers.
- b. The area must be constructed with a smooth impervious floor graded to a floor waste. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.
- c. Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.
- d. The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.
- e. Odour problems must be minimised by good exhaust ventilation.
- f. Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.

- g. Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.
Standard Condition: C19

C.9 Provision for Energy Supplies

The applicant must provide to the *Certifying Authority* a letter from Energy Australia setting out Energy Australia's requirements relative to the provision of electricity/gas supply to the development.

Any required substation must be located within the boundaries of the site.

Where an electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans a section 96 application is required to be submitted to Council. Council will assess the proposed location of the required substation.

The *Construction Certificate* plans and specifications, required to be submitted pursuant to clause 139 of the *Regulation*, must detail provisions to meet the requirements of Energy Australia.

Where the substation is required the *Construction Certificate* plans and specifications must provide:

- a) A set back not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape,
- b) A set back not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3),
- c) A set back to and not within the drip line of any existing tree required to be retained,
- d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
- e) The owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road reserve.

Note: If the substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any *Construction Certificate* for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the *Certifying Authority* prior to issue of the *Construction Certificate*. The *Certifying Authority* must be satisfied that the requirements of energy authority have been met prior to issue of the *Construction Certificate*.

Note: This condition has been imposed because the application fails to provide sufficient detail (either by plans or by the Statement of Environmental Effects) demonstrating that provision has been made to Energy Australia's satisfaction for the provision of electricity supply to the building. Nevertheless, Council has no reason to believe that provision cannot be reasonably made for electricity to service the development.

Note: Where it is proposed to shield any booster connection or any building from any substation pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994 or by fire resisting construction under the *BCA* respectively and this construction has not been detailed upon the approved development consent plans such works should be

considered inconsistent with consent pursuant to clause 145 of the *Regulation*. The Applicant must lodge with Council details for any such construction pursuant to section 96 of the *Act* to allow assessment under section 79C of the *Act*.

Note: Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set)-2004 Parking Facilities Set whether such driveways service the site or any adjoining land.
Standard Condition: C21

C.10 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.
Standard Condition: C25

C.11 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35

C.12 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include detailed *professional engineering* plans and/or 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/or specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

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

Standard Condition: C36

C.13 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.

Standard Condition: C40

C.14 Parking Facilities

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must include detailed plans and specifications for any bicycle, car and commercial vehicle parking demonstrating 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.
Standard Condition: C45

C.15 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 Stormwater disposal Report and concept Plans prepared by WSP Buildings P/L Dwg No. H400 and H401 Rev B and A dated 18.12.2013 other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to Council's in-ground stormwater drainage system as follows;

Jersey Road:

- The construction of a new pipeline and pits connecting the 2 existing major stormwater discharge points in Jersey Road.
- The construction of approximately 50 m of 375dia RCP, from the discharge point with pits and crossing Jersey Road and connecting to Council's existing system at a pit outside No 117 Jersey Road
- Construction of a standard gully pits in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.

Bowling/Tennis Club:

- Provide a rain water tank of 60,000 litres (minimum) on site for water reuse.
- The rain water tank is to be connected to toilets and landscaping for reuse
- A silt/litter arrester pit is to be used to treat all stormwater before disposal off the site.
- c. Compliance the objectives and performance requirements of the BCA;
- d. Any rainwater tank 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 14/12/2006).

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

- 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.

Standard Condition: C51

C.16 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.

Standard Condition C59

C.17 Food Premises – Construction Certificate Plans & Specifications-Café within Village Centre Building

The person with the benefit of this consent must submit to Council details for the construction and fit out of food premises. Such details must demonstrate compliance with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

No *Construction Certificate* relating to the construction or fitout of food premises must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of food premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

Note: The assessment of food premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of food premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any *Construction Certificate* for such works.

Standard Condition: C65

C.18 Noise Control - Hydraulic Noise Control-Sound Insulation Rating of Services

That the requirements of the Building Code of Australia BCA Clause F5.6: *Ducts, Hot and Cold Domestic Water, Stormwater, Soil and Waste Pipes*, which serves or passes through more than one sole occupancy unit must be separated from habitable rooms (other than a kitchen) in any other sole occupancy unit by a weighted sound reduction index + traffic noise spectrum adaptation term of not less than 40 if it is adjacent to a habitable room, and 25 if it is adjacent to a wet area (bathroom, laundry etc.) or kitchen.

Details are to be provided by the applicant clearly indicating how this requirement will be achieved in respect to controlling hydraulic noise emission to adjoining habitable rooms.

C.19 Ventilation - Internal Sanitary Rooms

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

C.20 Hair Salons and Barbers – Construction Certificate Plans & Specifications

The person with the benefit of this consent must submit to Council details for the construction and fit out of hair salons and barbers premises. Such details must demonstrate compliance with the requirements of the *Local Government (General) Regulation 2005 Schedule 2 'Standards for hairdresser shops'*.

No *Construction Certificate* relating to the construction or fitout of hair salons and barbers premises must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of hair salons and barbers premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

Note: The assessment of hair salons and barbers premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of hair salons and barbers premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any *Construction Certificate* for such works.

Standard Condition: C67

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 *the Home Building Regulation 2004*,
b) to the erection of a temporary building.

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

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

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

D.2 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

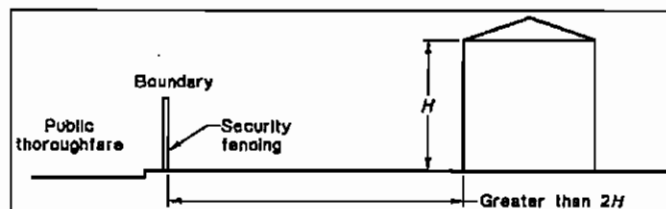
- Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days
- e) Protect Trees, Bushland and Public Open Space:
- Show the location of all Tree Protection (Exclusion) Zones as required within the conditions of this development consent.
 - The storage of building 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.

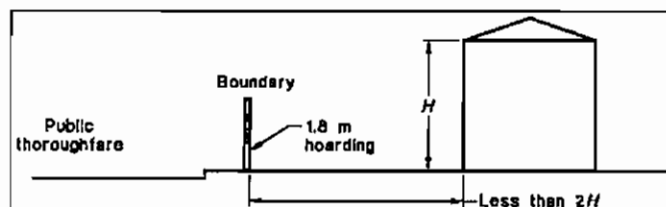
Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.
Standard Condition: D9

D.3 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.

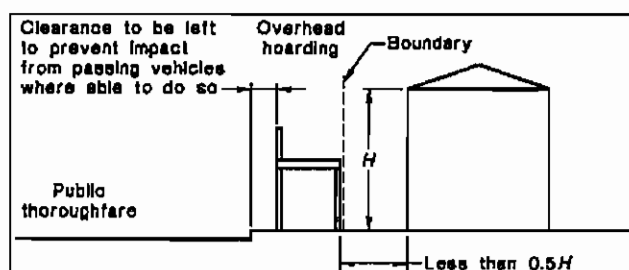


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

- 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;
- c) Terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- d) Together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *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/oheadprotstruts.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.

Standard Condition: D11

D.4 Site Signs

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

Clause 98A of the *Regulation* provides:

Erection of signs

- For the purposes of section 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.
- 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.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws."

Clause 227A of the Regulation provides:

Signs on development sites

If there is a person who is the PCA or the principal contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

- Each such person **MUST** ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

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

Note: If *Council* is appointed as the *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 and Clause 227A of the *Regulation*.

Standard Condition: D12

D.5 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.
Standard Condition: D13

D.6 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.

Standard Condition: D14

D.7 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:
 - Appointed a principal certifying authority for the building work, and
 - Notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the principal certifying authority has, no later than 2 days before the building work commences:
 - Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - Notified the principal certifying authority of any such appointment, and
 - Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - Given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Note: *building* has the same meaning as in section 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*.

Standard Condition: D15

E. Conditions which must be satisfied during any development work

E.1 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures, published by Standards Australia, and as in force at 13 September 2001.

Standard Condition: E2

E.2 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.

Standard Condition: E3

E.3 Requirement to notify about new evidence

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

Standard Condition: E4

E.4 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.

Standard Condition: E5

E.5 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - (i) Piling;
 - (ii) Piering;
 - (iii) Rock or concrete cutting, boring or drilling;
 - (iv) Rock breaking;
 - (v) Rock sawing;
 - (vi) Jack hammering; or
 - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute 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 out side 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 down loaded from <http://www.epa.nsw.gov.au/noise/nglg.htm>.

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf
Standard Condition: E6

E.6 Public Footpaths – Safety, Access and Maintenance

The *principal contractor* or *owner builder* and any other person acting with the benefit of this consent must:

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

This condition does not apply to the extent that a permit or approval exists under the section 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:

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

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

- Part C Management of Waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.”
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway

- b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road."
- c. 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.

Standard Condition: E7

E.7 Tree Preservation

All persons must comply with Council's Tree Preservation Order (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.

General Protection Requirements

- a) There shall be no excavation or work within a TPZ. The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 30mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

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

- d) Replacement/Supplementary trees which must be planted
Any replacement or supplementary tree shall be grown in accordance with NATSPEC Specifying Trees. The replacement tree shall be maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it 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.

Replacement plantings are to be completed in accordance with the recommended John Lock Landscape Plan LP-1.2 (5 May 2014)

The project arborist shall document compliance with the above condition.

E.8 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;

Note: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.
Standard Condition: E11

E.9 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.
Standard Condition: E12

E.10 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: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
Standard Condition: E15

E.11 Disposal of site water during construction

The principal contractor or owner builder must ensure:

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

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

E.12 Placement and use of Skip Bins

The *principal contractor* or *owner builder* must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 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.
Standard Condition: E21

E.13 Prohibition of burning

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

Note: Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation* 2000 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
Standard Condition: E22

E.14 Dust Mitigation

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

This generally requires:

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

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

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

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

Standard Condition: E23

E.15 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 February 2012.

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

Standard Condition: E24

E.16 Site waste minimisation and management – Demolition

In order to maximise resource recovery and minimise residual waste from demolition activities:

- a) The provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work
- b) An area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements)
- c) Provide separate collection bins and/or areas for the storage of residual waste
- d) Clearly ‘signpost’ the purpose and content of the bins and/or storage areas
- e) Implement measures to prevent damage by the elements, odour, health risks and windborne litter
- f) Minimise site disturbance, limiting unnecessary excavation

When implementing the SWMMP the applicant must ensure:

- a) Footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval

- b) Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*
- c) Waste is only transported to a place that can lawfully be used as a waste facility
- d) Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by Workcover NSW
- e) Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained

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

Standard Condition: E31

E.17 Site waste minimisation and management – Construction

In order to maximise resource recovery and minimise residual waste from construction activities:

- a) The provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work
- b) Arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage
- c) Consider organising to return excess materials to the supplier or manufacturer
- d) Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation)
- e) Clearly 'signpost' the purpose and content of the storage areas
- f) Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.
- g) Promote separate collection bins or areas for the storage of residual waste
- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter
- i) Minimise site disturbance and limit unnecessary excavation
- j) Ensure that all waste is transported to a place that can lawfully be used as a waste facility
- k) Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Department of Environment and Climate Change (DECC) or WorkCover NSW

Standard Condition: E32

E.18 Asbestos Removal

Where hazardous material, including bonded or friable asbestos has been identified in accordance with condition B6 above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (restricted) Asbestos License,
- carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos",
- No asbestos products may be reused on the site
- No asbestos laden skip or bins shall be left in any public place

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

E.19 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW DECC *Waste Classification Guidelines, Part1: Classifying Waste* (April 2008).

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

E.20 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with condition E 40 above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

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

E.21 Asbestos Removal Signage

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

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

E.22 Notification of Asbestos Removal

All adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

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

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

F.1 Fire Safety Certificates

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

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

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

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

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

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

Note: This condition does not apply to a class 1a or class 10 building within the meaning of clause 167 of the Regulation.

Note: In this condition:

interim fire safety certificate has the same meaning as it has in Part 9 of the Regulation.

final fire safety certificate has the same meaning as it has in Part 9 of the Regulation.

new building has the same meaning as it has in section 109H of the Act.

Standard Condition: F4

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 comply with Australian Standard AS 2890.1 – "Off-Street car parking."
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal 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 execute 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 *Australia Standards*. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

Note: The *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*.

Standard Condition: F7

F.3 Commissioning and Certification of Public Infrastructure Works

The *principal contractor* or *owner builder* must submit, to the satisfaction of Woollahra Municipal Council, certification from a *professional engineer* that all public infrastructure

works have been executed in compliance with this consent and with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated February 2012.

The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with Works As Executed engineering plans and a survey report detailing all finished reduced levels.

Standard Condition: F9

F.4 Food Premises - Inspection and Registration

Prior to the issue of any *Occupation Certificate* or occupation or use of any food premises:

- a) The *Principal Contractor* or *owner* must arrange an inspection of the fit out of the Food Premises by Council's Environmental Health Officer;
- b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- c) The *owner* or *occupier* must have registered the Food Premises (Notification of conduct under section 100 of the *Food Act 2003*).

Note: Notification can be done on-line [at www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

Note: Inspections are subject to payment of the adopted inspection fee.

Note: Section 100 of the *Food Act 2003* requires:

"100 Notification of conduct of food businesses

(1) The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation."

Note: *Accredited Certifiers* are unable to issue *Compliance Certificates* in relation to compliance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code and the Australian Standard AS 4674-2004: *Construction and fit out of food premises*; since these are not matters which an *Accredited Certifier* can be satisfied in relation to under Clause 161 of the *Regulation*. This condition can only be satisfied following an inspection and sign off from Council's Environmental Health Officers.

Standard Condition: F15

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

G.1 Electricity Substations – Dedication as road and/or easements for access

If an electricity substation, is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road (footway or road pavement).

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the *Principal Certifying Authority* prior to issue of the Construction Certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road. Where access is required across the site to access an electricity substation an easement for access across the site from the public place must be created upon the linen plans burdening the

subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

Standard Condition: G4

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

H.1 Removal of Ancillary Works and Structures

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

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

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

Standard Condition: H12

H.2 Fulfilment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No. No A181731, A181736, A181734, A181729, A181762, A181757, A181756, A181728, A182230, A182228, A181725, A181714, A181681, A181642, A181599, A181717, A181674, A181669, A181708, A181710, A181680, A181655, 532881M, A181648, A181655.

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."

Standard Condition: H7

H.3 Landscaping

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 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 Use of the Village Centre facilities

The proposed village centre facilities shall not be used by the general public and only made available to residents, staff or visitors to residents of the subject site.

I.2 Operational Transport Management Plan

The applicant is to comply with the approved Operational Transport Management Plan.

I.3 Traffic Management

The Owner(s) must comply with the strategies as set out in the approved Traffic Management Plan (TMP) including

- The bus must **not** stop on street to allow passengers to board or alight
- The centre must ensure that the traffic movements associated with the centre do not cause danger, obstruction or nuisance to other road users, pedestrians or occupants of the street
- The centre must monitor traffic movements associated with its operation and provide regular instruction and reminders to its users on the agreed Traffic Management Plan. The plan must include the details of how this will be done and at what intervals

This condition has been imposed to ensure adequate Traffic Management is provided.

I.4 Community Bus

In order to accommodate the maneuvering of the community bus spaces 16 and 17 shall be designed as staff parking. These spaces shall be vacated upon the arrival of the community bus to allow for the community bus to enter and exit the site in a forward direction.

I.5 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. No A181731, A181736, A181734, A181729, A181762, A181757, A181756, A181728, A182230, A182228, A181725, A181714, A181681, A181642, A181599, A181717, A181674, A181669, A181708, A181710, A181680, A181655, 532881M, A181648, A181655.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: 17

I.6 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

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

Note: *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*. *Annual fire safety statement* has the same meaning as in clause 175 of the *Regulation*. Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety www.woollahra.nsw.gov.au.
Standard Condition: 122

I.7 Hair Salons & Barbers

The hair salon and barber premises must be registered with Council and maintained in accordance with NSW Health Department Guidelines and Fact Sheets as published from time to time.

There must be no 'skin penetration procedures' undertaken at the premises unless development consent has been specifically granted for their 'skin penetration procedures', the premises are registered with Council for 'skin penetration procedures' and maintained in accordance with the requirements of the [*Public Health Act 2010*](#).

This condition has been imposed to protect public health.

Note: *Skin Penetration Procedure* has the same means as in section 51(3) of the [*Part 1 of the Public Health Act 2010*](#). A fee is charged by Council to inspect the premises. Further detailed information about skin penetration requirements can be obtained from the NSW Department of Health's web site: <http://www.health.nsw.gov.au/public-health/chb/general/skinpen/skinpen.html>
Standard Condition: I32

I.8 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.

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.
Standard Condition: I42

I.9 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: I50

I.10 Noise from mechanical plant and equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

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.
Standard Condition: I53

J. Miscellaneous Conditions

No relevant conditions.

K. Advisings

K.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 is also a criminal offence.

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

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

Warnings as to potential maximum penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

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

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

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

Standard Advising: K1

K.2 Dial before you dig



The *principal contractor, owner builder* or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and Dial 1100 Before You Dig or visit www.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.

Standard Advising: K2

K.3 Commonwealth Disability Discrimination Act 1992 (“DDA”)

The Disability Discrimination Act 1992 (DDA) makes it against the law for public places to be inaccessible to people with a disability. Compliance with this development consent, Council’s Access DCP and the BCA does not necessarily satisfy compliance with the DDA.

The DDA applies to existing places as well as places under construction. Existing places must be modified and be accessible (except where this would involve “unjustifiable hardship”).

Further detailed advice can be obtained from the Human Rights and Equal Opportunity Commission (“HEROC”):

- a) <http://www.hreoc.gov.au/index.html>
- b) http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html

If you have any further questions relating to the application of the DDA you can send an email to HEROC at disabdis@humanrights.gov.au.

Standard Advising: K3

K.4 NSW Police Service and Road Closures

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

Warning: If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.

Standard Advising: K4

K.5 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 appoint 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.

Standard Condition: K5

K.6 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 down loaded 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.

Standard Condition: K6

K.7 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.

Standard Condition: K7

K.8 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:

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

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.
Standard Advising: K8

K.9 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.

Standard Advising: K9

K.10 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Larissa Holbert, Assessment Officer, on (02) 9391 7046.

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.

Standard Condition: K14

K.11 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>

Standard Condition: K15

K.12 Recycling of Demolition and Building Material

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

Standard Condition: K17

K.13 Roads Act Application

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

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's 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*".

Services Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.

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

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.

Standard Advising: K24



Mrs L Holbert
ASSESSMENT OFFICER



Mr G Fois
TEAM LEADER

ANNEXURES

1. Technical Services Referral
2. Traffic Referral
3. Landscape Officer Referral
4. Environmental Health Officer Referral
5. Heritage Officer Referral
6. Urban Design Referral
7. Fire Safety Referral
8. Plans and elevations

Completion Date: Wed 7 May 2014

REFERRAL RESPONSE – TECHNICAL SERVICES

FILE NO: DA 72/2014/1
ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025
PROPOSAL: Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre
FROM: N Tomkins
TO: Mrs L Holbert

1. ISSUES

- None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by DFP Planning , dated February 2014
- Survey Plan No.68738 (2 sheets) by Rygate & Co. surveyors dated 16 December 2013
- Architectural Drawing - Bound folio (54 sheets), prepared by Environa Studio, dated 3 March 2014
- Stormwater Disposal Concept Plan prepared by WSP Buildings P/L Dwg No. H400 and H401 Rev B and A dated 18.12.2013.
- Traffic and parking report by Parking & Traffic Consultants Ref:T2-929 dated December 2013
- Geotechnical Report prepared by SMEC Testing Services P/L Report No. 13/1886 dated October 2013.

3. ASSESSMENT

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

a. Site Drainage comments

A Stormwater disposal Report and concept Plans prepared by WSP Buildings P/L Dwg No. H400 and H401 Rev B and A dated 18.12.2013 has been submitted in support of the application.

The site is generally comprised of 2 large catchment areas. About 1/3 of the catchment (SE area) discharges to Jersey Road and the remaining 2/3 flows to the west (towards the Bowling/Tennis clubs)

The drainage to Jersey Road is via 2 discharge points comprised of multiple outlets to the kerb and overflow points. This method of discharge to the gutter of this volume of water is unsatisfactory and is to be piped to Council's nearest underground drainage system.

On this basis the stormwater discharge into Jersey Road is to be as follows:

- The construction of a new pipeline and pits connecting the 2 existing major stormwater discharge points in Jersey Road. This will involve approximately 50 m of 375dia RCP, crossing of Jersey Road and connection to Council's existing system at a pit outside No 117 Jersey Road. A performance bond is applicable and S138 Roads Act application is required.*

The method of discharge to the west (towards the Bowling/Tennis clubs) is uncontrolled and to provide a reduction in the discharge volume to this area the applicant is to:

- Provide a rain water tank of 60,000 litres (minimum) on site for water reuse.*
- The rain water tank is to be connected to toilets and landscaping for reuse*
- A silt/litter arrester pit is to be used to treat all stormwater before disposal off the site.*

This concept plan is to be amended as above and 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.

b. 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 may be required from Council during construction.

c. Impacts on Council Infrastructure comments

Council's public assets adjoining the development are in good condition. No specific conditions required.

d. Traffic comments

Council's Traffic Engineer in the attached memo dated 8 April 2014 has made the following recommendation:

"Council's Traffic Section has reviewed the submitted development application which incorporates a pick-up and drop-off area for a 20 seater bus on site. Subject to inclusion of the condition below Council's Traffic Section does not have any objection on traffic or parking grounds."

Conditions applied.

e. Vehicle Access & Accommodation comments

There are no objections to the access and parking which are to comply with AS2890.1 – No specific conditions required

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Geotechnical Report prepared by SMEC Testing Services P/L Report No. 13/1886 dated October 2013 has been submitted in support of the application. The report is qualified and states:

“...a basement for which excavation would be required. At the time of writing this report not firm details were available regarding the depth of excavation.”

The Architectural Drawing prepared by Environa Studio Dwg No.1/120 Rev A dated 03.03.14 Section B show an excavated depth (scaled) of 1.7m for the foyer access in the Village Centre. However the extent and other areas of excavation are unclear

The report identified the subsurface conditions as:

- 1) Concrete and Fill to depth 0.5m*
- 2) Natural Sand and silty sand various densities property to at least 5.8m deep*
- 3) Weathered sandstone at depths of 6m*
- 4) Groundwater was encountered at a depth of 4.3m.*

The report made comments and recommendations on the following:

- Geological Model*
- Excavation Conditions and support*
- Vibrations*
- Foundations*
- Soil Aggressiveness*

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 planning objectives and requirements as set out in the applicable development controls and in particular the setbacks from boundaries

g. Other matters

Due to the likelihood of additional power usage as a result of the new development, Energy Australia has requested that the applicant contact them with regards to the possible provision of a new Electricity Substation on site.

4. RECOMMENDATION

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

Conditions of Consent

Please note that the standard conditions of consent are generally modified by the 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.

General Conditions

A.5 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
Dwg No. H400 & H401 Rev B and A	Stormwater disposal concept plan	WSP Buildings P/L	18.12.2013
Report No. 13/1886	Geotechnical Report	SMEC Testing Services P/L.	October 2013
Ref:T2-929	Traffic and Parking Report	Parking and Traffic Consultants	December 2013

A.8 Ancillary Aspect of the Development (s80A(2) of the Act)

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

Nil

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

C.5 Payment of Security, Levies and Fees (Section 80A(6) and Section 94 of the Act, Section 608 of the Local Government Act 1993)

b. Property Damage Security Deposit	\$531,499	No	T115
d. Public Road and Footpath Infrastructure Inspection Fee (\$138 Fee)	\$407.30	No	T45
c. Infrastructure Works Bond	\$60,500	No	T600

C.13 Road and Public Domain Works

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

Drainage

- The construction of a new pipeline and pits connecting the 2 existing major stormwater discharge points in Jersey Road. This involves the construction of approximately 50 m of 375dia RCP, from the discharge point with pits, crossing of Jersey Road and connection to Council's existing system at a pit outside No 117 Jersey Road
- Construction of a standard gully pits in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.

- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Bond

- A bond of \$60,500 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

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. Advisings* of this Consent titled *Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

C.21 Provision for Energy Supplies

C.25 Soil and Water Management Plan – Submission & Approval

C.40 Geotechnical and Hydrogeological Design, Certification & Monitoring

C.45 Parking Facilities

C.46 Traffic Management Plan

To ensure that all the traffic movements (drop-off, pick-up, etc) associated with the Village are conducted in a safe and efficient manner, the applicant is to prepare a Traffic Management Plan (TMP) which all persons associated or accessing the centre are to comply with.

The Traffic Management Plan must incorporate the following;

- A plan of the site showing the location of all parking spaces, proposed bus pick-up/ drop-off space, emergency space and loading areas.
- Details of how the dual usage of the bus pick-up and drop-off and parking area will be managed and enforced in order to ensure that the space is available for the bus when required
- Details of any other dual usage of parking / loading areas on site and how they will be managed to ensure that they are available for loading when required.

The Construction Certificate must not be issued until the Traffic Management Plan has been submitted and approved by Council's Engineering Services Manager.

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 Stormwater disposal Report and concept Plans prepared by WSP Buildings P/L Dwg No. H400 and H401 Rev B and A dated 18.12.2013 other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to Council's in-ground stormwater drainage system as follows;

Jersey Road

- The construction of a new pipeline and pits connecting the 2 existing major stormwater discharge points in Jersey Road.
- The construction of approximately 50 m of 375dia RCP, from the discharge point with pits and crossing Jersey Road and connecting to Council's existing system at a pit outside No 117 Jersey Road
- Construction of a standard gully pits in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.

Bowling/Tennis Club

- Provide a rain water tank of 60,000 litres (minimum) on site for water reuse.
 - The rain water tank is to be connected to toilets and landscaping for reuse
 - A silt/litter arrester pit is to be used to treat all stormwater before disposal off the site.
- c. Compliance the objectives and performance requirements of the BCA;
 - d. Any rainwater tank 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 14/12/2006).

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,

- 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.
- Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.
- 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.
Standard Condition: C51

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

D.9 Construction Management Plan

D.14 Erosion and Sediment Controls – Installation

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

E.3 Compliance with Construction Management Plan

E.7 Public Footpaths – safety, access and maintenance

E.11 Maintenance of Environmental Controls

E.12 Compliance with Geotechnical / Hydrogeological Monitoring Program

E.15 Erosion & Sediment Controls - Maintenance

E.17 Disposal of Site Water during Construction

E.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway

(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 and Certification of Systems and Works

F.9 Commissioning and Certification of Public Infrastructure Works

(G) Conditions which must be satisfied PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

G.4 Electricity Substations – Dedication as road and/or easements for access

(H) Conditions which must be satisfied prior to the issue of a FINAL OCCUPATION CERTIFICATE (s109C(1)(c))

H.13 Road Works (including footpaths)

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

I.5 Traffic Management

The Owner(s) must comply with the strategies as set out in the approved Traffic Management Plan (TMP) including

- The bus must **not** stop on street to allow passengers to board or alight
- The centre must ensure that the traffic movements associated with the centre do not cause danger, obstruction or nuisance to other road users, pedestrians or occupants of the street
- The centre must monitor traffic movements associated with its operation and provide regular instruction and reminders to its users on the agreed Traffic Management Plan. The plan must include the details of how this will be done and at what intervals

This condition has been imposed to ensure adequate Traffic Management is provided.
Standard Condition: IS

a) Miscellaneous Conditions

Nil

b) Advisings

K.24 Roads Act Application

Memorandum

Date 8 April 2014

File No. DA72/2014/1

To Nick Tomkins

CC

From Deirdre Farrell

Subject 250-290 JERSEY ROAD WOOLLAHRA 2025
(GOODWIN VILLAGE)
ALTERATIONS AND ADDITIONS TO EXISTING INDEPENDENT
SENIORS LIVING, INCLUDING INTERNAL AND EXTERNAL
UPGRADES AND A NEW VILLAGE CENTRE



ABN 32 218 483 245

Redleaf Council Chamb
536 New South Head F
Double Bay NSW 2028
Correspondence to
General Manager
PO Box 61
Double Bay NSW 1360
DX 3607 Double Bay
records@woollahra.nsw
www.woollahra.nsw.go
Telephone (02) 9391 7
Facsimile (02) 9391 7

I refer to the attached memo from the Planning Team dated 6 March 2014 requesting comments in relation to the above.

Traffic Engineering has reviewed revisions the following documents;

1. Statement of Environmental Effects by DFP Planning Controls (dated February 2014)
2. Site Plans by Rygate & Company Pty Ltd
3. Pre DA Meeting Notes Letter (dated 6 December 2013)
4. Traffic and Parking Report by Parking and Traffic Consultants (dated December 2013)

Background

The proposed development involves extensive refurbishment of existing accommodation and provision of a new village centre in the ARV Goodwin Village. The net changes in terms of accommodation will consist of one additional residential unit (increase from 168 units to 169 units).

Parking / Loading

The current site provides 26 parking spaces but has no provision for the 20 seater bus that transports resident to and from Goodwin Village.

The proposed changes will result in the provision of 25 parking spaces, but will also provide a location for the 20 seater bus to pick up and drop off residents on site. At present the 20 seater bus which transports residents to and from the site but stops

on street. There is no designated space for the bus to stop on the street and this is problematic.

The refurbishment will result in one less parking space. The 20 seater bus will now be able to enter and leave the site in a forward direction and pick-up and set-down passengers on the grounds of Goodwin Village. This will have an overall benefit in terms of traffic management at this location.

Traffic Generation

The renovation work will increase the number of residential units from 168 to 169. It is not anticipated that this additional unit will have a significant impact on the surrounding road network.

Recommendation

Council's Traffic Section has reviewed the submitted development application which incorporates a pick-up and drop-off area for a 20 seater bus on site. Subject to inclusion of the condition below Council's Traffic Section does not have any objection on traffic or parking grounds.

It is recommended that if the development is approved the following conditions should be applied;

1. Traffic Management Plan

To ensure that all the traffic movements (drop-off, pick-up, etc.) associated with the Goodwin Village are conducted in a safe and efficient manner, the applicant is to prepare a Traffic Management Plan (TMP) which all persons associated with or accessing the centre are to comply with.

The Traffic Management Plan must incorporate the following;

- *A plan of the site showing the location of all parking spaces, proposed bus pick-up/ drop-off space, emergency space and loading areas.*
- *Details of how the dual usage of the bus pick-up and drop-off and parking area will be managed and enforced in order to ensure that the space is available for the bus when required*
- *Details of any other dual usage of parking / loading areas on site and how they will be managed to ensure that they are available for loading when required.*

The Traffic Management Plan must abide with the following;

- *The bus must **not** stop on street to allow passengers to board or alight*
- *The centre must ensure that the traffic movements associated with the centre do not cause danger, obstruction or nuisance to other road users, pedestrians or occupants of the street*

- *The centre must monitor traffic movements associated with its operation and provide regular instruction and reminders to its users on the agreed Traffic Management Plan. The plan must include the details of how this will be done and at what intervals*

The Construction Certificate must not be issued until the Traffic Management Plan has been submitted and approved by Woollahra Council's Technical Services Manager.

2. Condition for operation in accordance with the agreed Traffic Management Plan

A condition should be included to ensure the ongoing operation of the on-site parking / bus pick-up and drop-off and loading area in accordance with the approved Traffic Management Plan.

8 May 2014

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: DA 72/2014/1

ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025

PROPOSAL: Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre

FROM: David Grey-Tree & Landscape Officer

TO: Mrs L Holbert

I refer to the following documents received for this report:

- Arboricultural Impact Assessment Report, written by Urban Tree Management, dated 2 May 2014 (Revised)
- Landscape Plan No. LP-1.0, LP-1.1, LP-1.2, LP-1.3, designed by John Lock & Associates, dated 5 May 2014

Relevant Control:

- Woollahra Local Environment Plan 1995
- Woollahra Heritage Conservation Area Development Control Plan 2003

Supplied materials reviewed 8 May 2014

- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

SUMMARY

- Previous issues resolved with revised report and plans
- Existing Tree Preservation Order permit

COMMENTS**Revised Reports**

I have previously advised that I held concerns over two issues related to this proposal. These concerns were discrepancies between the Arborists report and the Landscape plan regarding

the number of trees proposed to be removed and the planting of potentially large and vigorous trees close to the heritage listed Taber cottage.

Both these issues have been resolved with the supply of amended materials. I have no remaining concerns related to this proposal. I have recommended approval.

Both the Arborist Impact Assessment and the Landscape plans are of a high standard. They are recommended to form part of any approved development.

Exiting Tree Preservation Order Permit

It should be noted that an current Tree Preservation Order permit (TPO 72/2014) has been issued that permits the removal of two Jacaranda trees at the north east corner of the site (Tree 6 & Tree 8). These trees are located adjacent to the corner of Jersey Road and Thorne Street.

These trees are proposed for retention in both the Arborists report and the Landscape Plan. The existence of this permit which relates to other matters on the site has not been communicated to the Arborist or the landscape designer. To prevent a contradiction between this application and the existing permit I have recommended that this approval include a condition permitting the removal of these two trees.

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 Tree Preservation & Approved Landscaping Works

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

a) The following trees shall be retained

- Trees on Private Land

Trees are to be retained in accordance with the recommended Arboricultural Impact Assessment. (Tree 6 & Tree 8 may be removed in accord with current TPO permit 72/2014/1).

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
31	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000
32	<i>Populus nigra 'Italica'</i>	Council verge – Jersey	16 x 5	\$1000

	(Lombardy Poplar)	Rd		
33	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000
34	<i>Populus nigra 'Italica'</i> (Lombardy Poplar)	Council verge – Jersey Rd	16 x 5	\$1000

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

The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
6	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front – NE corner	8 x 8
8	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front – NE corner	8 x 8
25	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	6 x 4
26	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	6 x 6
27	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	12 x 8
28	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Front – Village Centre	8 x 6

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

A.2 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
LP-1.0 to LP-1.3	Landscape Plan	John Lock	5 May 2014 (revised)
	Arboricultural Impact Assessment	Urban Tree Management	2 May 2014 (revised)

Standard Condition: A5

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

B.1 Establishment of Tree Protection Zones (TPZ)

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Protection zones are to be established in accordance with the recommended Arboricultural Impact Assessment

b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist

condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.

- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in Condition B.2 of this consent.
- e) Establishment of Ground protection
Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in Condition B.2 of this consent. Appropriate ground protection shall be installed under the supervision of the site arborist.
- f) All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- g) The project arborist shall provide written certification of compliance with the above condition.

Standard Condition: B5

B.2 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with.

Documentation for each site visit shall include:

- a record of the condition of trees to be retained prior to and throughout development
- recommended actions to improve site conditions and rectification of non-compliance
- recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

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

Stage of arboricultural inspection	Compliance documentation including photos shall be included
Installation of tree protection fencing	Compliance with tree protection measures
Inspection of irrigation set out	Appropriate distribution of irrigation water
Prior to pouring of slab	Condition of roots and soil
Prior to the issue of a Final Occupation Certificate	Supervise the dismantling of tree protection measures

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

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

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 of anything to which the consent relates.	\$4,000.00	No	T600
INSPECTION FEES under section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$180.00	No	T95

Standard Condition: C5

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

NIL

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

All persons must comply with Council's Tree Preservation Order (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.

General Protection Requirements

- There shall be no excavation or work within a TPZ. The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- Excavation must cease where tree roots with a diameter exceeding 30mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

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

- Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with NATSPEC Specifying Trees. The replacement tree shall be maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it 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.

Replacement plantings are to be completed in accordance with the recommended John Lock Landscape Plan LP-1.2 (5 May 2014)

The project arborist shall document compliance with the above condition.

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)

NIL

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

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 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



David Grey
Tree Officer

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: DA 72/2014/1

ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025

PROPOSAL: Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre

FROM: David Grey - Tree & Landscape Officer

TO: Mrs L Holbert

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by DFP Planning , dated February 2014
- Survey Plan No.68738 (2 sheets), drafted by Rygate & Co., dated 16 December 2013
- Architectural Drawing - Bound folio (54 sheets), prepared by Environa Studio, dated 3 March 2014
- Arboricultural Impact Assessment, written by Urban Tree Management, dated October 2013 (Revision 1)
- Landscape Plan No. LP-1.0 to LP-1.3, LP-2.0, LP-3.0 to LP-3.2, designed by John Lock & Associates, dated 19 December 2013

Relevant Control:

- Woollahra Local Environment Plan 1995
- Paddington Heritage Conservation Area Development Control Plan 2008

A site inspection was carried out on: 22 April 2014 .

- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

SUMMARY

- Supplied materials are contradictory
- Large trees proposed adjacent to heritage item

COMMENTS

Contradictory Information

The supplied Landscape Plans and Arboricultural Impact Assessment are in contradiction.

The Landscape Plans indicate the retention of Trees 5, 6, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 30 while the Arboricultural Impact Assessment indicates that all these tree must be removed due to construction impacts. This contradiction would have an unacceptable impact on the landscape amenity of the site if all these trees were removed without replacement.

I question why it is necessary to remove so many trees in the gardens to the east of Bourke House when there is no apparent increase in the footprint of the building.

Trees adjacent to heritage item

Supplied Landscape Plan LP-1.1 indicates the planting of five specimens of *Ulmus parvifolia* (Chinese Elm) in close proximity to the northern side boundary wall of Taber Cottage. This sandstone / slate building is a listed heritage item. Chines Elms are too vigorous and too large at maturity for this application. They would jeopardise the building. Only shrubs to 1.5m in height should be planted at this location.

RECOMMENDATIONS

The following information is required before further assessment of the application can be undertaken:

- Resolve the discrepancies between the Landscape Plans and the Arboricultural Impact Assessment with regard to the number of trees to be retained and removed.
- Show the deletion of Chinese Elm trees from the planter bed adjacent to Taber Cottage. To be replaced with appropriate shrubs to negate potential impacts to heritage building.



David Grey
Tree Officer

Completion Date: 01/May/2014

REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

FILE NO: DA 72/2014/1
ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025
PROPOSAL: Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre
FROM: Graeme Reilly Environmental Health Officer
TO: Mrs L Holbert

1. ISSUES

NONE

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced ARV Goodwin Village Upgrade and Refurbishment prepared by DFP Planning Consultants, dated April 2014.
- Architectural Plans, referenced Project No 728, prepared by Environa Studio, dated 03/03/14,
- Survey, referenced 68738, prepared by Rygate&Company P/L, dated May 2002.
- Acoustic Report, referenced , prepared by Acoustic Report Prepared by>>, dated .
- Noise Management Plan, referenced , prepared by , dated .
- Acid Sulphate Soil Report, referenced , prepared by dated .
- Land Contamination Report, referenced Preliminary Site Investigation, prepared by SMEC Testing Services P/L, dated October 2013.
- Plan of Management, referenced , prepared by , dated

3. RESEARCH

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

- A site inspection was carried out on the following date: 30/04/2014

4. SUMMARY OF PROPOSAL

Approval is sought for the refurbishment of the existing independent living seniors housing development including an internal and external upgrade throughout and a

new Village Centre. The New Village centre will improve the existing community and administration areas and will include a new foyer, reception, computer room, lounge, café, kitchen, amenities and store rooms at ground level (level 3) and a gym, change rooms, meeting, consultation and clinic rooms at Level 4 and a salon and new independent Living Units (ILUs) at Level 5.

The Retirement Village comprises three distinct areas, Macquarie Tower, Bourke and Gipps House and Taber Cottage. The building configurations are as follows:-

- Macquarie Towers is a 9 storey building located at the southern end of the site. It accommodates a total of 90 independent Living Units (ILUs);
- Gipps House and Bourke House are two 2-5 storey residential buildings that are located at the central and northern end of the site respectively. They accommodate a total of 78 ILUs.
- The community centre which is adjacent to Gipps House is 377m² and accommodates the following community facilities- village shop, library, computer room, guest room, dining room & kitchenette, hair salon and doctor's room; and
- Taber cottage on the southern side of the Village is a local heritage item and was constructed in 1879. It is currently without a specific use.

Proposed Development:-

- Existing Units – 168
- Proposed Units – 169 comprising the demolition of 6 units and construction of 7 new units;

Gipps House and Bourke House will include refurbishment of each of the units, with internal refurbishment typically including new bathroom fixtures and fittings, new bedroom and kitchen arrangement and fit-out. Externally, the proposal includes replacement of existing glazing doors, new tiled areas, new planters and picket fencing to balconies/terraces, replace existing west-facing awning structures with a new roof of steel insulated panels, new raised roof to the internal access courtyards and removal of staircase at levels 4 and 5 in these courtyards.

The upgrade of Macquarie Tower includes conversion of 2 units to a Village Centre use at Level 3, reorientation of the 2 north facing units at Levels 4, 5 and 6. The remaining units will be refurbished internally including new kitchen and bathroom fixtures and fittings in the same unit layout. Externally, each balcony will be modified and extended to a depth of 1.2m with windows replaced and sun shading devices installed.

No work is proposed to the existing heritage listed Taber cottage and associated building.

The proposal includes upgrading of the existing landscaped area including new feature landscape planting, new 1.8m open palisade security fencing around the perimeter, and changes to the car parking area to accommodate a total of 25 car spaces, including 1 accessible car space, plus two loading spaces.

An upgrade of building services will also be included to extend their serviceable life, including the installation of new air conditioners to each unit. All new paved car parking area will incorporate stormwater drainage that connects into the existing drainage system.

5. ASSESSMENT

Where Approval is recommended, Conditions of Consent follow at the end of the comments.

6. RECOMMENDATION

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

A. General Conditions

A.1 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" 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)
	Acid Sulphate Soil Management Plan		
	Acoustic Report		
	Noise Management Plan		
	Plan of Management		
Report No 13/2039	Contaminated Land - Initial Site Investigation Report (Stage 1)	SMEC Testing Services P/L	October 2013
	Contaminated Land - Detailed Site Investigation Report (Stage 2)		
	Contaminated Land - Remedial Action Plan (Stage 3)		

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*.)

Standard Condition: A5

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

B.1 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

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

C.1 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.

Standard Condition C59

C.2 Food Premises – Construction Certificate Plans & Specifications-Café within Village Centre Building

The person with the benefit of this consent must submit to Council details for the construction and fit out of food premises. Such details must demonstrate

compliance with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

No *Construction Certificate* relating to the construction or fitout of food premises must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of food premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

Note: The assessment of food premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of food premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any *Construction Certificate* for such works.

Standard Condition: C65

C.3 Noise Control - Hydraulic Noise Control-Sound Insulation Rating of Services

That the requirements of the Building Code of Australia BCA Clause F5.6: *Ducts, Hot and Cold Domestic Water, Stormwater, Soil and Waste Pipes*, which serves or passes through more than one sole occupancy unit must be separated from habitable rooms (other than a kitchen) in any other sole occupancy unit by a weighted sound reduction index + traffic noise spectrum adaptation term of not less than 40 if it is adjacent to a habitable room, and 25 if it is adjacent to a wet area (bathroom, laundry etc.) or kitchen.

Details are to be provided by the applicant clearly indicating how this requirement will be achieved in respect to controlling hydraulic noise emission to adjoining habitable rooms.

C.4 Noise Control - Acoustic Protection of adjoining residential units-Operation of Air Conditioning Plant

The applicant must ensure that the operation of the proposed Air Condition Systems and associated plant does not create interior noise intrusion and vibration to occur within any adjoining residential unit.

C.5 Ventilation - Internal Sanitary Rooms

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

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

E. Conditions which must be satisfied during any development work

E.1 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work must not* take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - (i) Piling;
 - (ii) Piering;
 - (iii) Rock or concrete cutting, boring or drilling;
 - (iv) Rock breaking;
 - (v) Rock sawing;
 - (vi) Jack hammering; or
 - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock-excitation 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 out side 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 down loaded from

<http://www.epa.nsw.gov.au/noise/nglg.htm> .

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

Standard Condition: E6

E.2 Dust Mitigation

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

This generally requires:

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

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

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

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

Standard Condition: E23

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 Food Premises - Inspection and Registration

Prior to the issue of any *Occupation Certificate* or occupation or use of any food premises:

- a) The *Principal Contractor* or *owner* must arrange an inspection of the fit out of the Food Premises by Council's Environmental Health Officer;
- b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- c) The *owner* or *occupier* must have registered the Food Premises (Notification of conduct under section 100 of the *Food Act* 2003).

Note: Notification can be done on-line at www.foodnotify.nsw.gov.au

Note: Inspections are subject to payment of the adopted inspection fee.

Note: Section 100 of the *Food Act* 2003 requires:

“100 Notification of conduct of food businesses

(1) The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation.”

Note: *Accredited Certifiers* are unable to issue *Compliance Certificates* in relation to compliance with the *Food Act* 2003, *Food Regulation* 2004; the Food Standards Code and the Australian Standard AS 4674-2004: *Construction and fit out of food premises*; since these are not matters which an *Accredited Certifier* can be satisfied in relation to under Clause 161 of the *Regulation*. This condition can only be satisfied following an inspection and sign off from Council's Environmental Health Officers.

Standard Condition: F15

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))

Nil.

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

I.1 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.

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.
Standard Condition: I42

I.2 Noise from mechanical plant and equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For

assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

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.

Standard Condition: I53

J. Miscellaneous Conditions

Nil.

K. Advisings

Nil

Graeme Reilly
Environmental Health Officer

Date: 01/May/2014

31 March 2014

REFERRAL RESPONSE - HERITAGE

FILE NO: DA 72/2014/1

ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025

PROPOSAL: Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre

FROM: Paul Fletcher - Heritage Officer

TO: Mrs L Holbert

ISSUES

- *There are no areas of heritage concern.*
-

HERITAGE FRAMEWORK

- The subject building is not a heritage item in the Woollahra Local Environment Plan 1995, the LEP, and is not listed on the State Heritage Register.
- The subject building is adjacent to a heritage item, namely Taber Cottage, the former Paddington Watch House, at No. 238 Jersey Road, Woollahra.
- The subject building is within the Paddington Heritage Conservation Area, and is not considered a contributory item or a significant item.

DESCRIPTION OF PROPOSAL

The proposal seeks to refurbish the existing ARV (Anglican Retirement Villages) Goodwin Village; and to construct a new five-storey Village Centre, to be located between the five-storey Gipps House and the ten-storey Macquarie Tower. The adjacent heritage item is to the south of Macquarie Tower, shielding the item from most of the proposed Village Centre.

The proposal will not affect significant views to or from the heritage item and will not overshadow the item. The proposal will not have any effect on the heritage significance of the item in its vicinity and will not have any effect on its setting.

RECOMMENDATION

Consent. No heritage conservation conditions are required.

Paul Fletcher
Heritage Officer

12 March 2014

REFERRAL RESPONSE – URBAN DESIGN

FILE NO: DA 72/2014/1

ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025

PROPOSAL: Extensive alterations & additions to the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre

FROM: Tom Jones Urban Designer

TO: Mrs L Holbert

Information

Statement of Environmental Effects: DFP project Number 8349A Feb 2014
Architectural drawings: Environa Studio ARV@Goodwin Village 728
3 Mar 14

Background

This Development Application was the subject of a pre DA meeting on 30 Nov 2013

Context

The existing aged care facility on Jersey Road consists of three loosely connected buildings, the tallest is nine and other two five storeys. These buildings were constructed around 1970 on a large 7,690sqm site. The land falls away from Jersey Road to the west towards Trumper Park in the gully behind Rushcutters Bay. There is a late 19th century sandstone ex-police station on the southern end of the site which is not a part of the works proposed.

Proposal

It is proposed to refurbish, alter and add to the existing 1970s buildings to improve the amenity and appearance of the apartments and provide additional communal facilities.

Controls

State Environmental Planning Policy # 65: Design Quality of Residential Flat Development. (SEPP 65)
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD)
Woollahra Local Environment Plan 1995 (WLEP)
Woollahra Residential Development Control Plan 2003 (WRDCP)
Access Development Control Plan (ADCP)
Parking Development Control Plan 2011 (PDCP)
Waste Not Development Control Plan (WNDP)

Compliance

SEPP 65

1. Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area

The site is in a heritage conservation area, however the context is very much defined by the existing built form on the site. The existing 1970s building are not characteristic of the wider location. The proposed works respond to the buildings being added to. The additions mean the whole group better responds to the immediate streetscape. The additions fulfill this design principle.

2. Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The proposal retains the existing scale of development on the site.

3. Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed infill has been designed to complement the existing building.

4. Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality

The present density is effectively being retained. The works add an additional room to the existing 168 rooms.

5. Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials,

adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal improves the present condition. Higher insulation levels are provided and greater potential to control internal temperature with opening windows. Existing open walk ways are enclosed further protecting from inclement conditions.

There is limited space provided for recycling by the individual consumers and limited space at the collection point.

The design provides no obvious clothes drying facilities. Both SEPP 65 and the Woollahra Residential DCP require external clothes drying facilities. The NSW State Government *save power* website suggests that over 10 years a 10 unit flat building not hanging clothes out to dry in the sun will account for 130 tons of carbon emissions into the atmosphere, for a 169 units this would be 2,197 tons. This position is reinforced by the Ausgrid *clothes dryers* discussion paper.

6. Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Providing interactive gardening opportunities for seniors is a great potential lifestyle opportunity for aged care housing. Many retired people, living in apartments, having left a garden behind and having more available time are interested in gardening. The landscape proposal does not appear to recognise this, although "community gardens" are provided, there are no actual hands on gardening/vegetable growing opportunities. As previously noted there are also no clothes drying areas. The landscape work proposed does however appear to provide some attractive external places surrounding the development.

The proposal meets this design principle, but misses the potential opportunities regarding resident involvement and community building.

7. Amenity

Good design provides amenity through the physical,

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Community facilities greatly improve the village atmosphere and provide an appropriate connection to the wider public realm.

The works improve the amenity across the site.

8. Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The creation of a village centre allows residents to meet and provides a clearly defined entry area. This means residents are more likely to be able to identify an intruder, meaning the development is both safer and more secure.

9. Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

Aged housing provides a very necessary housing type which meets the needs the growing number of senior citizens in an aging population.

10. Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proposed infill respects and positively contributes to the existing architecture.

SEPP 65 Summary

With the exception of the lack of facilities for recycling and external clothes drying the development meets the expectations of the ten SEPP 65 design principles. I consider that there is potential for a revision of the landscape design providing greater resident involvement.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD)

This SEPP, that overrides the WLEP, allows aged care facilities in this location.

Woollahra Local Environment Plan 1995 (WLEP)

Although the use is not permitted in the 2(b) zone in the WLEP, The WLEP is overridden by SEPP HSPD regarding the permissibility of aged care on 2(b) zoned land.

The existing height of the development does not comply with the WLEP, however the height is not being increased other than between existing buildings where it has no amenity impacts.

The existing building also exceeds the WLEP FSR control. Similarly to height the

infill proposed increases the GFA on the site, but has no impact on the amenity of the neighbours.

Woollahra Residential Development Control Plan 2003 (WRDCP)

The proposed works comply with the WRDCP other than in regard to drying facilities.

Access Development Control Plan (ADCP)

The proposed works comply with the ADCP

Parking Development Control Plan 2011 (PDCP)

The PDCP is overridden by SEPP HSPD. The parking provision is 1 space to 6.6 dwellings so does not meet the SEPP HSPD requirement of the 1 space to 5 dwellings. Refer Traffic referral. From an urban design perspective this non-compliance is acceptable given the proximity of public transport.

Waste Not DCP (WNDP)

Little information is provided on the drawings or in the SEE regarding the waste management. It is simply stated that “waste management will remain as existing”. The architectural drawings appear to provide a space for 14 domestic size bins. This provision for the 169 independent living units is inadequate and is unlikely to be able to accommodate the required recycling bins.

Urban Design Review

This proposal improves the amenity of all the dwellings on the site and adds a number of communal facilities. External access corridors are covered and a village centre is inserted. This proposal has no significant impact on the amenity of the surrounding location. The proposal is in the public good and is supported.

Recommendation

My recommendation is for approval, pending:

- The identifying of external areas suited to clothes drying and the designing of suitable clothes drying facilities.
- The accommodating of recycling or a report regarding the adequacy of the presently proposed facilities.
- Consideration of the provision of “hands on” community gardens.

Tom Jones

Urban Design

Completion Date: 3 April 2014

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 72/2014/1
ADDRESS: 250-290 Jersey Road WOOLLAHRA 2025
PROPOSAL: Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre
FROM: Richard Smith - Fire Safety Officer
TO: Mrs L Holbert

1. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced extensive alterations & additions of the existing independent seniors living development including an internal & external upgrade throughout and a new village centre prepared by dfp planning consultants, dated 28 February 2014.
- Architectural Plans, referenced 1/101, 1/102, 1/103, 1/104, 1/105, 1/106, 1/120, 1/121, 1/130, 1/131, 2/101, 2/102, 2/103, 2/104, 2/105, 2/106, 2/120, 2/130, 2/131, 2/140, 3/101, 3/102, 3/103, 3/104, 3/105, 3/106, 3/107, 3/108 & 3/109, prepared by enviro studio, dated 3 March 2013,
- Fire Safety Report, referenced BCA assessment & audit report, prepared by BCA Logic, dated 12 December 2013.

2. RESEARCH

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

- A site inspection was carried out on the following date: 1 April 2014

3. LEGISLATION

A Building Code of Australia (BCA) assessment of this development application is required to satisfy the following statutory provisions of the *Environmental Planning & Assessment Regulation 2000*.

☒ Clause 94 – ‘Consent authority may require buildings to be upgraded’

- Compliance with the BCA if more than 50% of the volume has been changed in the last 3 years
- Fire safety – to protect persons using the building and facilitate their egress from the building as well as restricting the spread of fire from the building to other buildings

4. BUILDING DESCRIPTION

Type of Construction: A

Class: 3

Number of Storeys: 9

Rise in Storeys: 9

Effective Height: 23.495 metres

5. ASSESSMENT

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

6.1 Clauses of BCA referenced:

- Exit & directional signage Clauses E4.5, E4.6 and E4.8 of the BCA
- Fire doors Clause C3.11 of the BCA
- Portable fire extinguishers Clause E1.6 of the BCA
- Spandrel separation Clause C3.6 of the BCA
- Smoke alarms & building occupant warning system Specification E2.2a Clauses 3 & 6 of the BCA

6. RECOMMENDATION

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

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

A.1 Building upgrade (Clause 94 of the Regulation)

Council considers pursuant to clause 94 of the *Regulation* that it is appropriate to require the existing building to be brought into total or partial conformity with the *BCA*.

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The *Certifying Authority* must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the *BCA* as in force at the date of the *Construction Certificate* application:

- a) That exit signs shall be installed above all required exit doors. Signs shall be illuminated at all times and generally be of sufficient number that direction of travel to all exits is clearly visible from any part of the major egress routes. Exit signs shall be installed to the standard expressed in Clauses E4.5, E4.6 and E4.8 of the *BCA*;
- b) That notices outlining the offences relating to fire exits shall be displayed in a conspicuous position adjacent to, but not within, the passageway, ramp or stairway in accordance with Clause 183 of the *Environmental Planning and Assessment Regulation 2000*;
- c) That spandrel separation shall be provided for external openings in Macquarie tower which are not in accordance with the requirements of Clause C2.6 of the *BCA*;
- d) That the entrance doors of the sole occupancy units and fire isolated stairways shall have a fire resistance level of -/60/30 and be fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation;
- e) That portable fire extinguishers shall be provided throughout the building to the requirements of Clause E1.6 of the *BCA* and the relevant requirements of AS 2444;
- f) That an automatic smoke detection and alarm system complying with Specification E2.2a Clause 3 of the *BCA* shall be installed throughout the building;
- g) That a building occupant warning system shall be installed throughout the building. The system is to comply with the requirements of clause 6 of Specification E2.2a of the *BCA*;

- h) That hydrants shall be installed throughout the building in accordance with the requirements of Clause E1.3 of the BCA;
- i) That suitable signage shall be installed to alert persons that the operation of certain doors must not be impaired in accordance with clause D2.23 of the BCA;

Note: The *Certifying Authority* issuing the *Construction Certificate* has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the *BCA* the *Certifying Authority*, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfied) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

Note: This condition does not set aside the *Certifying Authorities* responsibility to ensure compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.

Standard Condition: C10

B. 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)

B.1 Fire Safety Certificates

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

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

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

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

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

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

Note: This condition does not apply to a class 1a or class 10 building within the meaning of clause 167 of the *Regulation*.

Note: In this condition:

interim fire safety certificate has the same meaning as it has in Part 9 of the *Regulation*.

final fire safety certificate has the same meaning as it has in Part 9 of the *Regulation*.

new building has the same meaning as it has in section 109H of the *Act*.

Standard Condition: F4

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

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

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

Note: *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*.
Annual fire safety statement has the same meaning as in clause 175 of the *Regulation*.
Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety
www.woollahra.nsw.gov.au.
Standard Condition: I22

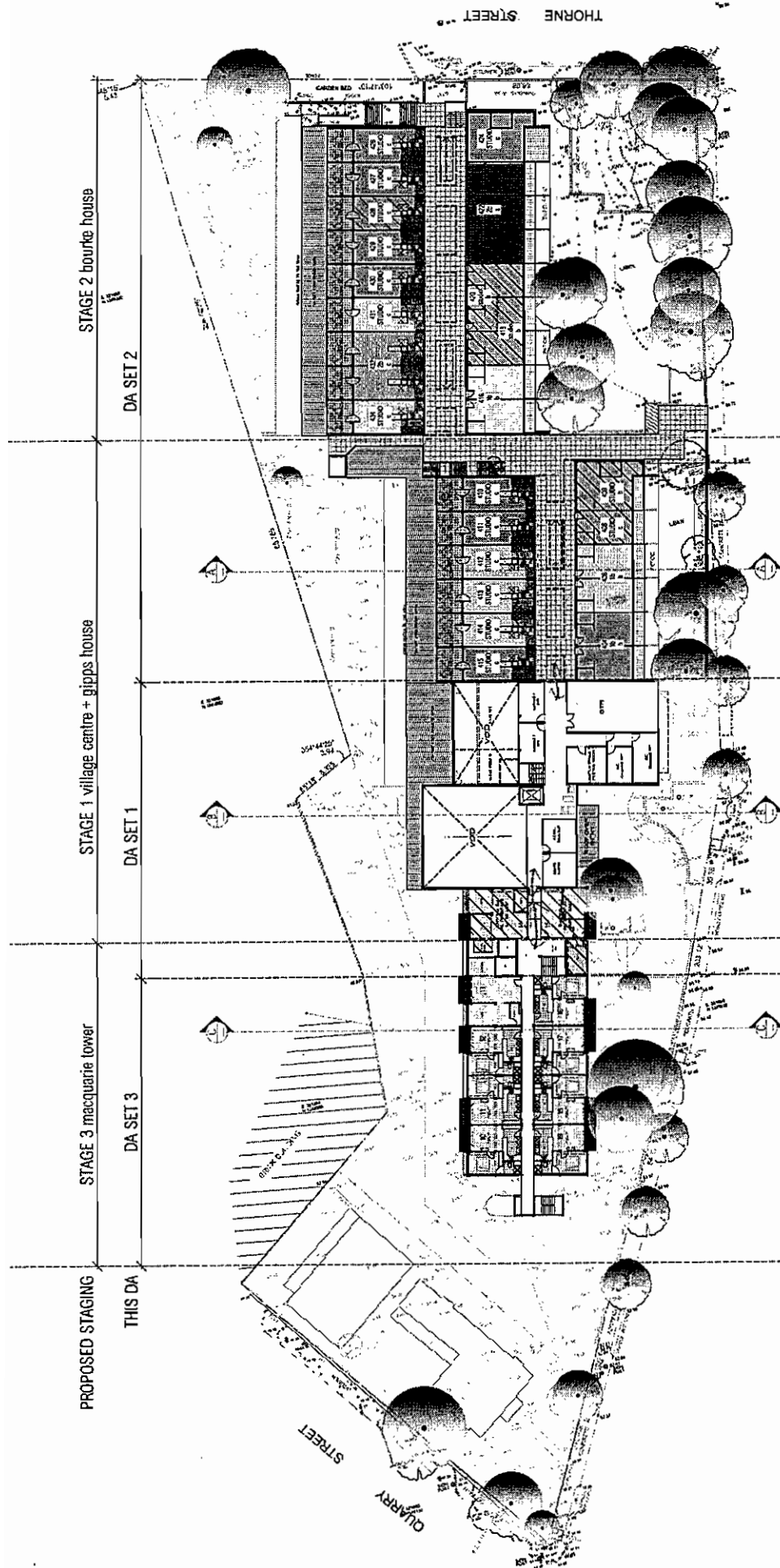
D. Miscellaneous Conditions

E. Advisings

Nil

Richard Smith
Fire Safety Officer Officer

Date: 3 April 2014

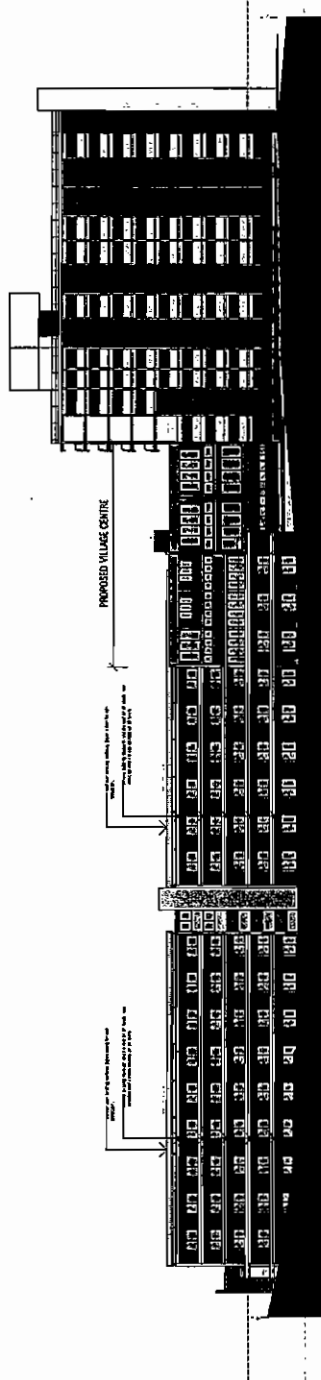


	<p>Scale 1:500 @ A3</p> <p>0 1 2 3 4 5 6 7 8 9 10 M</p>	<p>Notes</p> <p>All work to be carried out in accordance with the relevant Australian Standards and the relevant Council's Local Planning Scheme (LPS).</p> <p>Figures and dimensions are approximate and should be verified by the client before construction.</p> <p>Site plan is for information only and does not constitute a contract.</p>	<p>Rev</p> <p>Rev</p> <p>Rev</p> <p>Rev</p> <p>Rev</p>	<p>Drawn</p> <p>Checked</p> <p>Reviewed</p> <p>Approved</p>	<p>enviro studio</p> <p>18/151, 18/152 & 18/153, 2010 18/154, 18/155 & 18/156, 2010 18/157, 18/158 & 18/159, 2010 18/160, 18/161 & 18/162, 2010 18/163, 18/164 & 18/165, 2010 18/166, 18/167 & 18/168, 2010 18/169, 18/170 & 18/171, 2010 18/172, 18/173 & 18/174, 2010 18/175, 18/176 & 18/177, 2010 18/178, 18/179 & 18/180, 2010 18/181, 18/182 & 18/183, 2010 18/184, 18/185 & 18/186, 2010 18/187, 18/188 & 18/189, 2010 18/190, 18/191 & 18/192, 2010 18/193, 18/194 & 18/195, 2010 18/196, 18/197 & 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BOURKE HOUSE

GIPPS HOUSE

MACQUARIE TOWER

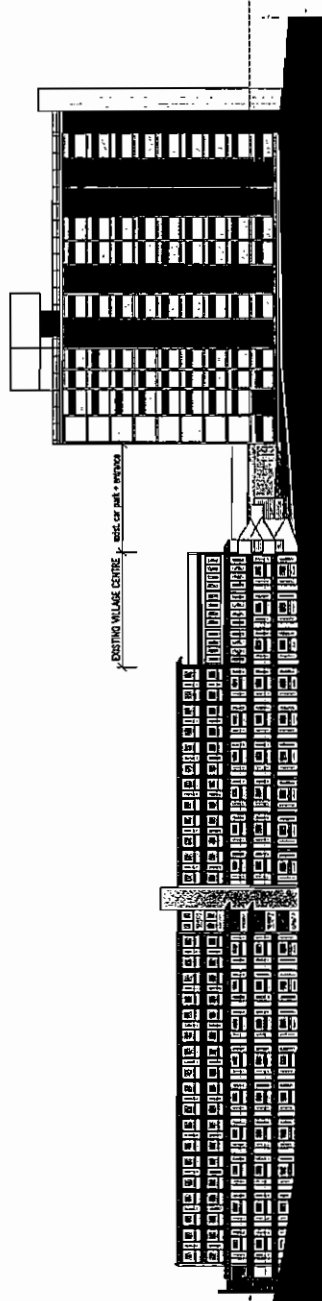


01 WEST ELEVATION - PROPOSED
SCALE 1:400 @ A3

BOURKE HOUSE

GIPPS HOUSE

MACQUARIE TOWER



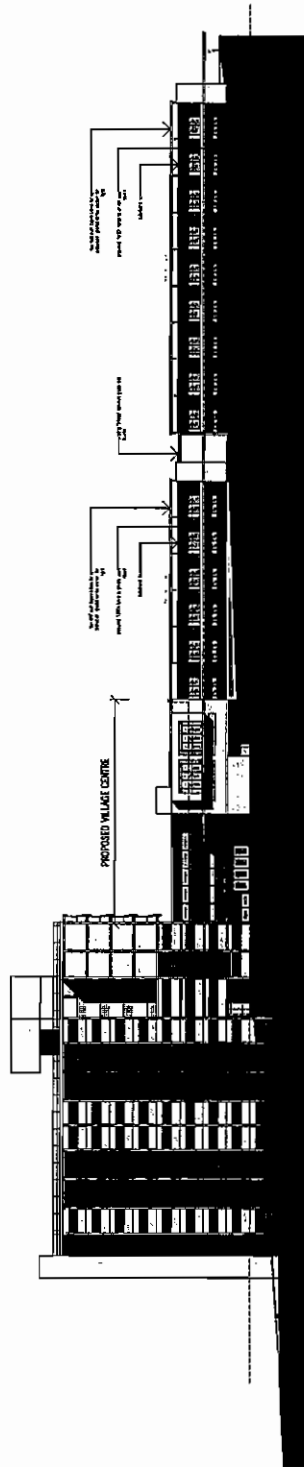
02 WEST ELEVATION - EXISTING
SCALE 1:400 @ A3

	<p>ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS RELEASED UNDER THE NATIONAL ARCHIVES ACT 2006.</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>	<p>PROJECT: 250/261 JEFFERY ROAD SUBJECT: MACQUARIE VILLAGE DRAWN: J. GIBBS DATE: 17/03/14</p>
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MACCOLLARIE TOWER

GIPPS HOUSE

BOURKE HOUSE

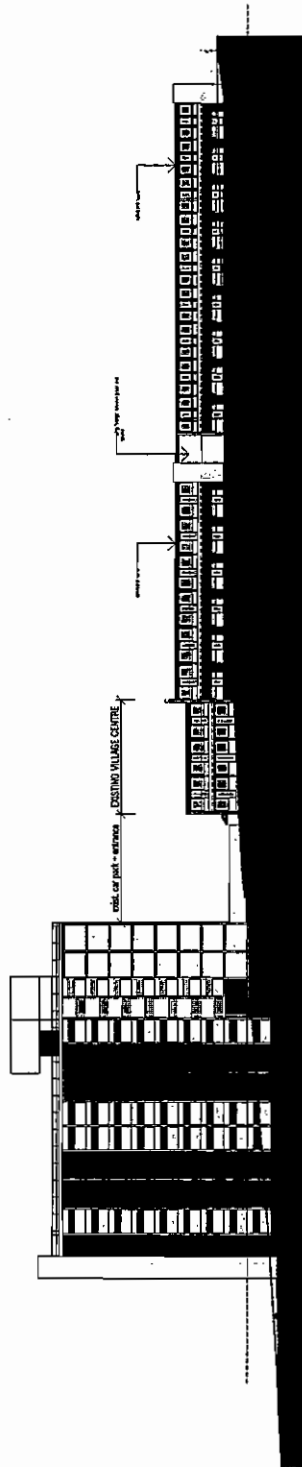


02 EAST ELEVATION - PROPOSED
SCALE 1:400 @ A3

MACQUARIE TOWER

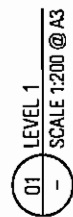
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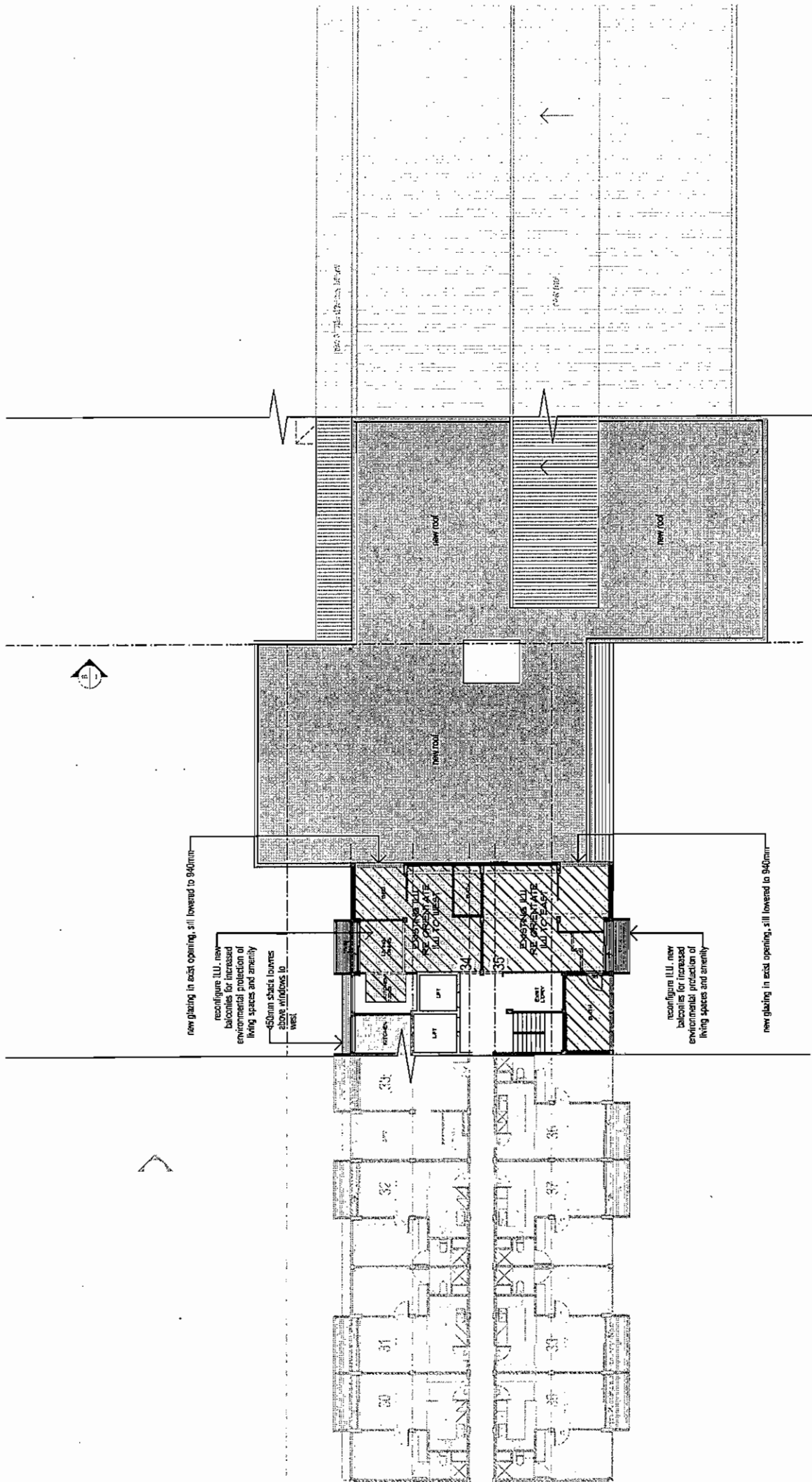


01 EAST ELEVATION - EXISTING
-- SCALE 1:400 @ A3

Year	Ref	Investment	Ref	Year	Project
2010	1	100,000,000	1	2010	100,000,000
2011	2	200,000,000	2	2011	200,000,000
2012	3	300,000,000	3	2012	300,000,000
2013	4	400,000,000	4	2013	400,000,000
2014	5	500,000,000	5	2014	500,000,000
2015	6	600,000,000	6	2015	600,000,000
2016	7	700,000,000	7	2016	700,000,000
2017	8	800,000,000	8	2017	800,000,000
2018	9	900,000,000	9	2018	900,000,000
2019	10	1,000,000,000	10	2019	1,000,000,000
2020	11	1,100,000,000	11	2020	1,100,000,000
2021	12	1,200,000,000	12	2021	1,200,000,000
2022	13	1,300,000,000	13	2022	1,300,000,000
2023	14	1,400,000,000	14	2023	1,400,000,000
2024	15	1,500,000,000	15	2024	1,500,000,000
2025	16	1,600,000,000	16	2025	1,600,000,000
2026	17	1,700,000,000	17	2026	1,700,000,000
2027	18	1,800,000,000	18	2027	1,800,000,000
2028	19	1,900,000,000	19	2028	1,900,000,000
2029	20	2,000,000,000	20	2029	2,000,000,000
2030	21	2,100,000,000	21	2030	2,100,000,000
2031	22	2,200,000,000	22	2031	2,200,000,000
2032	23	2,300,000,000	23	2032	2,300,000,000
2033	24	2,400,000,000	24	2033	2,400,000,000
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2063	54	5,400,000,000	54	2063	5,400,000,000
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2141	132	13,200,000,000	132	2141	13,200,000,000
2142	133	13,300,000,000	133	2142	13,300,000,000
2143	134	13,400,000,000	134	2143	13,400,000,000
2144	135	13,500,000,000	135	2144	13,500,000,000
2145	136	13,600,000,000	136	2145	13,600,000,000
2146	137	13,700,000,000	137	2146	13,700,000,000
2147	138	13,800,000,000	138	2147	13,800,000,000
2148	139	13,900,000,000	139	2148	13,900,000,000
2149	140	14,000,000,000	140	2149	14,000,000,000
2150	141	14,100,000,000	141	2150	14,100,000,000
2151	142	14,200,000,000	142	2151	14,200,000,000
2152	143	14,300,000,000	143	2152	14,300,000,000
2153	144	14,400,000,000	144	2153	14,400,000,000
2154	145	14,500,000,000	145	2154	14,500,000,000
2155	146	14,600,000,000	146	2155	14,600,000,000
2156	147	14,700,000,000	147	2156	14,700,000,000
2157	148	14,800,000,000	148	2157	14,800,000,000
2158	149	14,900,000,000	149	2158	14,900,000,000
2159	150	15,000,000,000	150	2159	15,000,000,000
2160	151	15,100,000,000	151	2160	15,100,000,000
2161	152	15,200,000,000	152	2161	15,200,000,000
2162	153	15,300,000,000	153	2162	15,300,000,000
2163	154	15,400,000,000	154	2163	15,400,000,000
2164	155	15,500,000,000	155	2164	15,500,000,000
2165	156	15,600,000,000	156	2165	15,600,000,000
2166	157	15,700,000,000	157	2166	15,700,000,000
2167	158	15,800,000,000	158	2167	15,800,000,000
2168	159	15,900,000,000	159	2168	15,900,000,000
2169	160	16,000,000,000	160	2169	16,000,000,000
2170	161	16,100,000,000	161	2170	16,100,000,000
2171	162	16,200,000,000	162	2171	16,200,000,000
2172	163	16,300,000,000	163	2172	16,300,000,000
2173	164	16,400,000,000	164	2173	16,400,000,000
2174	165	16,500,000,000	165	2174	16,500,000,000
2175	166	16,600,000,000	166	2175	16,600,000,000
2176	167	16,700,000,000	167	2176	16,700,000,000
2177	168	16,800,000,000	168	2177	16,800,000,000
2178	169	16			

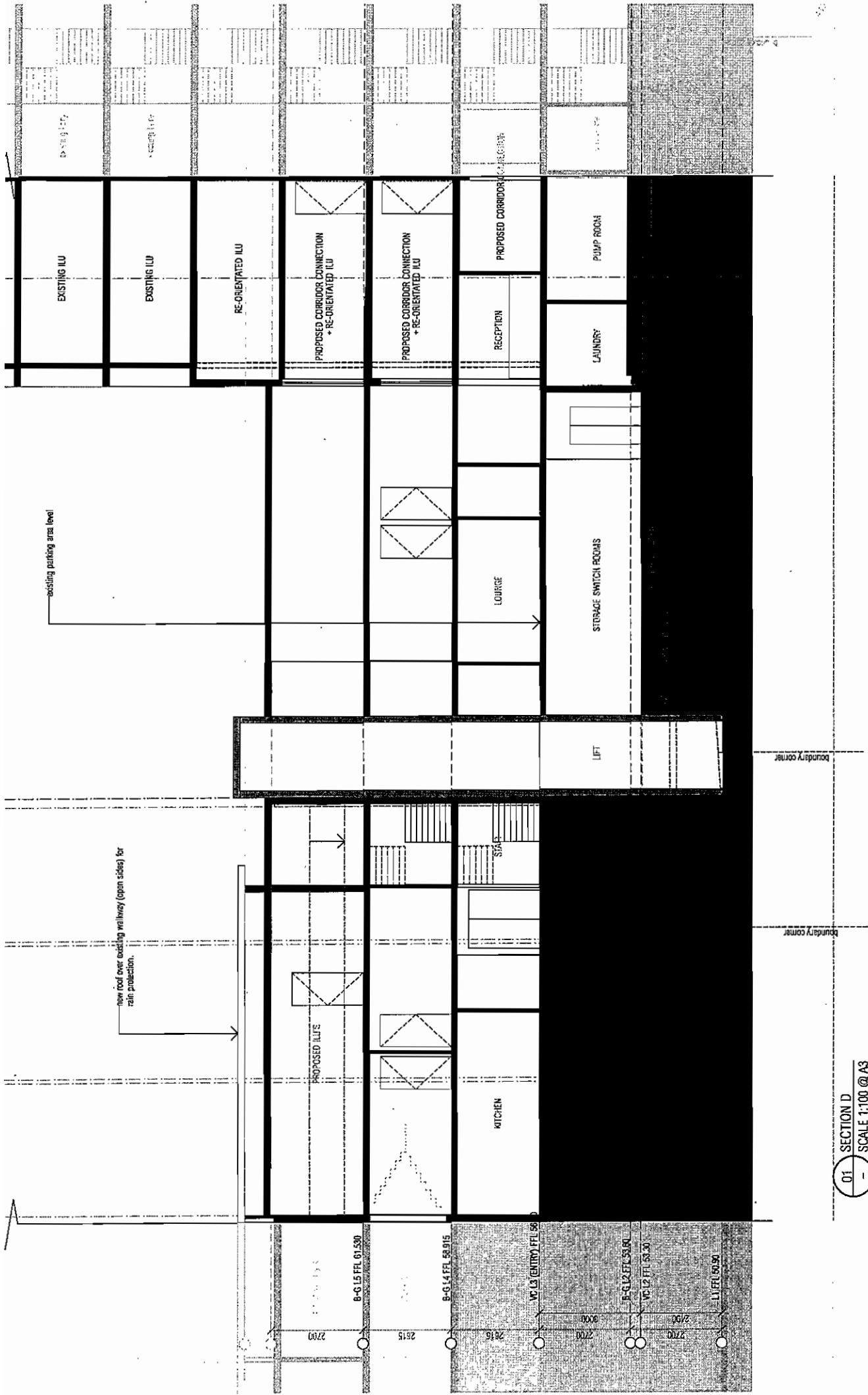


	notes all work to be carried out in accordance with the instructions and details of the drawings. Measurements in mm's unless stated, use metric dimensions, do not scale drawings. Use structure before putting work. Note all discrepancies in the drawings.	rev A	date 01/03/14	amendment DRAWING	rev 	date 	architect 	project ARV GOODWIN VILLAGE	location 250-280 JERSEY ROAD	drawing LEVEL 1 PLANS	stage DA	project no. 728	sheet no. 1/101



01 LEVEL 6
SCALE 1:200 @ A3

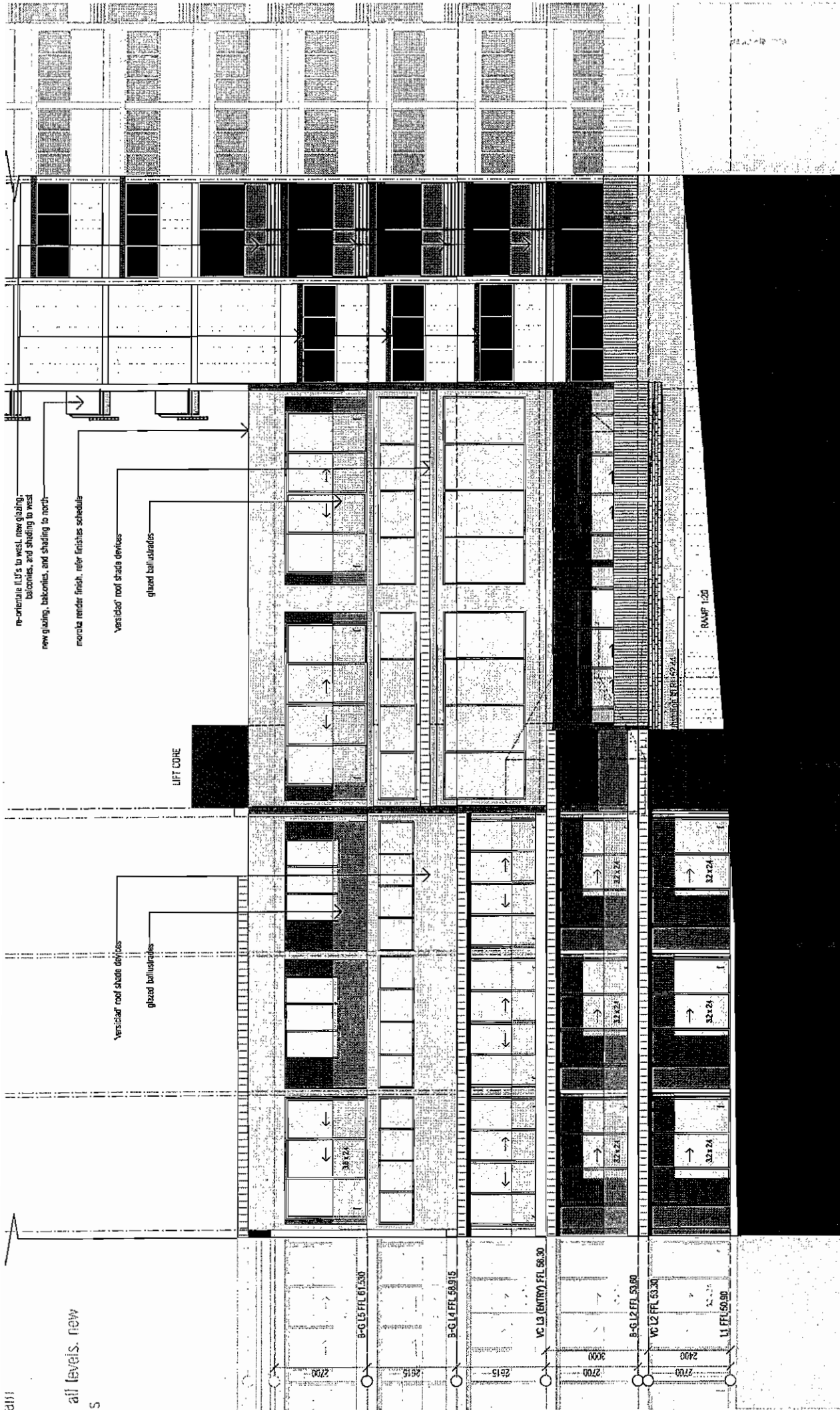
	<p>notes</p> <p>all work to be carried out in accordance with the relevant standards and specifications of the relevant authorities and the relevant standards and specifications of the relevant authorities.</p> <p>any work to be carried out in accordance with the relevant standards and specifications of the relevant authorities and the relevant standards and specifications of the relevant authorities.</p> <p>any work to be carried out in accordance with the relevant standards and specifications of the relevant authorities and the relevant standards and specifications of the relevant authorities.</p>	<p>rev</p> <p>date</p> <p>description</p> <p>A</p> <p>01/06/2010</p> <p>01/06/2010</p>	<p>enviro studio</p> <p>10/10/2010</p> <p>10/10/2010</p> <p>10/10/2010</p> <p>10/10/2010</p>	<p>project</p> <p>ARV GOODWIN VILLAGE</p> <p>250-280 JERSEY ROAD</p> <p>WOOLLAHRA</p>	<p>showing</p> <p>LEVEL 6 (ROOF PLAN)</p> <p>SET 1: VILLAGE CENTRE</p>	<p>stage</p> <p>DA</p> <p>drawn</p> <p>CK</p> <p>project no.</p> <p>720</p> <p>sheet no.</p> <p>1/106</p>
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01 SECTION D
SCALE 1:100 @ A3

	<p>notes</p> <p>All work to be carried out in accordance with the rules and regulations of the Council, and all materials and workmanship to be approved by the Council. All work to be carried out in accordance with the rules and regulations of the Council, and all materials and workmanship to be approved by the Council.</p>	<p>rev</p> <p>A</p> <p>DATE 1/1/12</p>	<p>drawn</p> <p>DAVID</p>	<p>rev</p> <p>A</p>	<p>date</p> <p>1/1/12</p>	<p>project</p> <p>ARV GOODWIN VILLAGE</p>	<p>location</p> <p>250-250 JERSEY ROAD</p> <p>WOODLAIR</p>	<p>section</p> <p>SECTION D</p>	<p>scale</p> <p>DA</p>	<p>project no.</p> <p>728</p>	<p>date</p> <p>3/2/14</p>	<p>revision</p> <p>A</p>
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enviro studio
 10-151 Broadway, Suite 115, 2010
 1/2/12 1/21 1/2 3/14 1/2
 or www.envirostudio.com.au
 architects registration number 6293



01 VILLAGE CENTRE - WEST ELEVATION
SCALE 1:100 @ A3

<p>NOTES</p> <p>all work to be carried out in accordance with the relevant Australian Standards and the relevant local, state and federal council requirements. It is the responsibility of the client to ensure that all work is carried out in accordance with the relevant Australian Standards and the relevant local, state and federal council requirements.</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>3/1/2014</p> <p>DAVID</p>	<p>PROJECT</p> <p>ENVIRONA STUDIO</p> <p>10-151 KINGSWAY ST, SYDNEY NSW 2010</p> <p>TEL: 02 9232 1211</p> <p>WWW.ENVIRONASTUDIO.COM.AU</p> <p>CONTACT: REGISTRATION NUMBER 0203</p>	<p>LOCATION</p> <p>250-280 JERSEY ROAD</p> <p>WOLLAHRA</p> <p>PROJECT</p> <p>ENVIRONA STUDIO</p> <p>10-151 KINGSWAY ST, SYDNEY NSW 2010</p> <p>TEL: 02 9232 1211</p> <p>WWW.ENVIRONASTUDIO.COM.AU</p> <p>CONTACT: REGISTRATION NUMBER 0203</p>	<p>DATE</p> <p>1/1/30</p> <p>PROJECT NO</p> <p>728</p> <p>DATE</p> <p>3/1/14</p> <p>PROJECT</p> <p>A</p>
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Sheet joins: 130b
Sheet joins: 130a

new roof over existing walkway (open sides) for rain protection.

01 WEST ELEVATION
SCALE 1:200 @ A3



It won't be carried out in accordance with local, city codes and confidors of council. Measurements in men's unless noted. Use required dimensions, do not scale drawings. The means are better starting point. For all dimensions to the arches.

REV	DATE	DESCRIPTION
A	03.03.14	DA ISSUE

12/23	12/24
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2002

environa studio
19-151 Avenue of the Arts, Suite 2010
New York, NY 10013-2115
Tel: 212-333-1215 Fax: 212-333-1557
www.environastudio.com

URV GOODMAN VILLAGE



Location:
250-250 JERSEY ROAD

WOOLLAHIRA

WEST ELEVATION
 Building

By: **SET 2**
GIPPS + BOUTRKE HOUSE

others	NA
--------	----

ctkd	crude
TW	CK

28

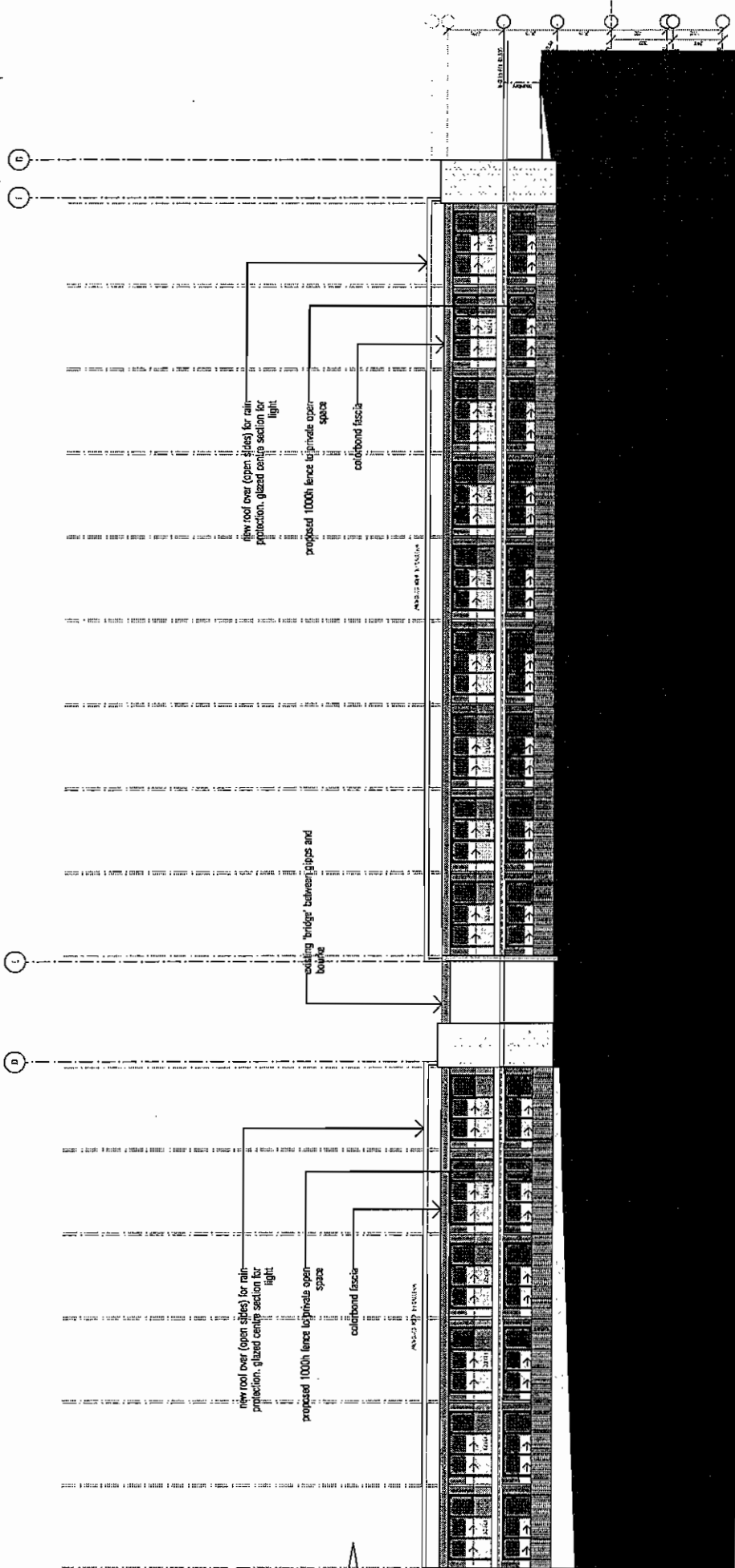
3/3/14


2/120

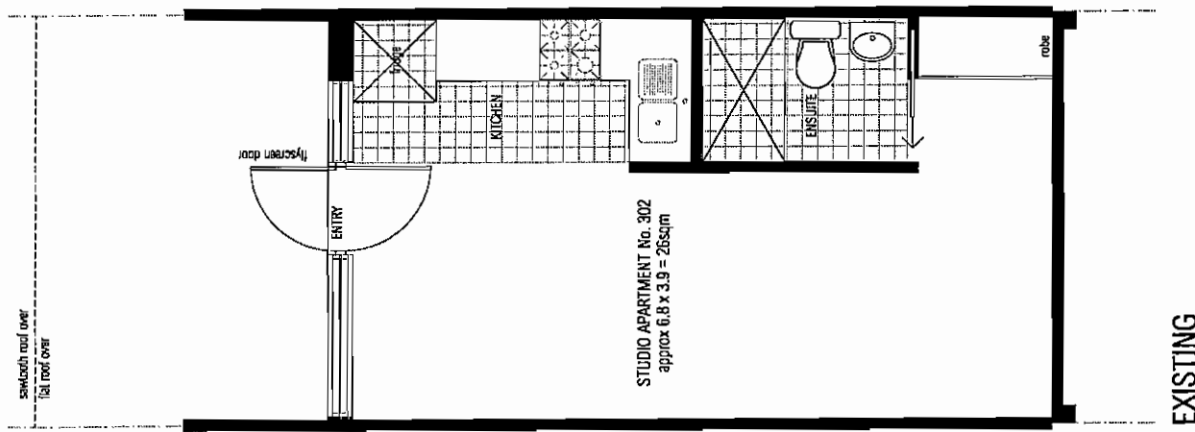
A

Sheet joins: 131a
Sheet joins: 131b

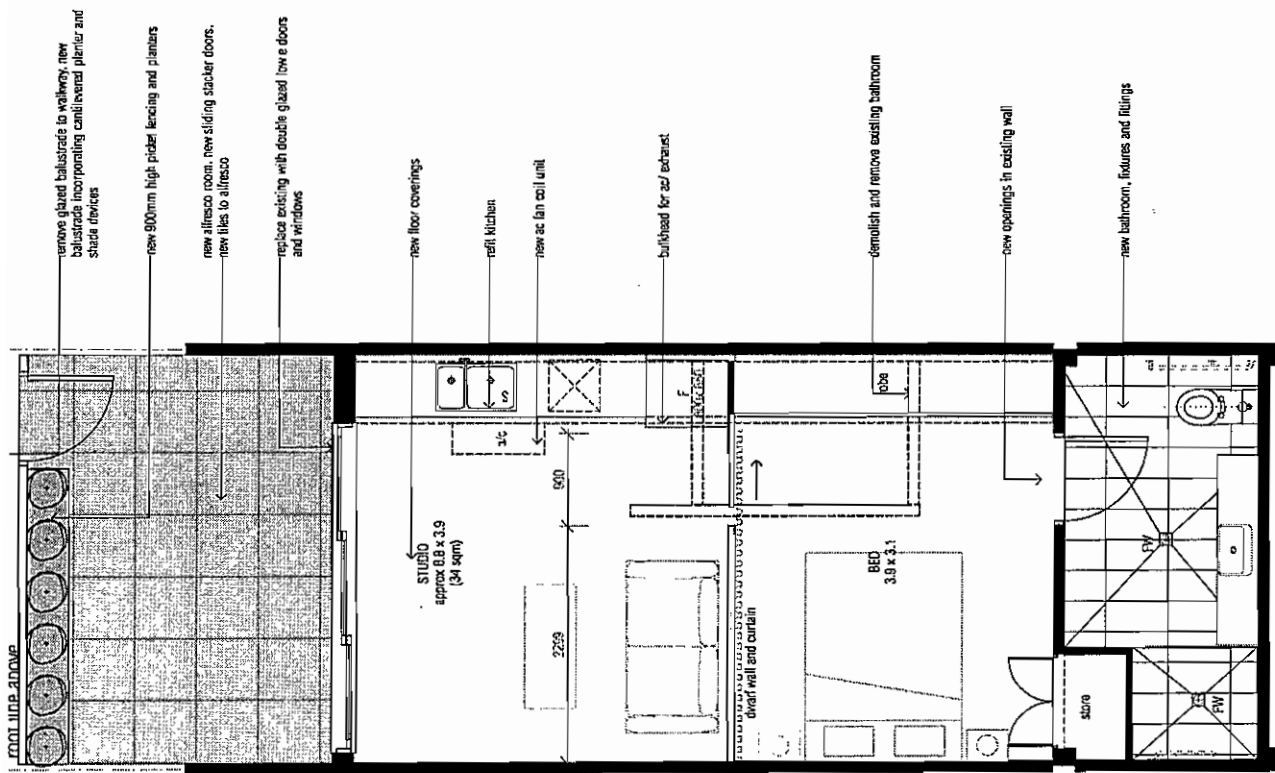
SET Zipp's House + Bourke House



	<p>Notes</p> <p>1. All work to be carried out in accordance with the Australian Standard AS/NZS 4576:2001. Measurements in mm unless stated otherwise. All dimensions are to face unless stated otherwise. All work to be completed by the end of the project.</p>	<p>Rev</p> <p>A</p>	<p>Date</p> <p>10/01/13</p>	<p>Product</p> <p>Set for information</p>	<p>enviro studio</p> <p>10/151 Avenue St, Suite 101, 2010 T: 02 9332 1211 F: 02 9332 1355 W: www.envirostudio.com.au architects registration number 6293</p>	<p>Project</p> <p>ARV GOODWIN VILLAGE</p>	<p>Location</p> <p>250-250 JERSEY ROAD</p>	<p>Drawn by</p> <p>EAST ELEVATION</p>	<p>Scale</p> <p>1:100</p>	<p>Project no.</p> <p>728</p>	<p>Drawn by</p> <p>2/131</p>	<p>Project no.</p> <p>728</p>	<p>Drawn by</p> <p>2/131</p>
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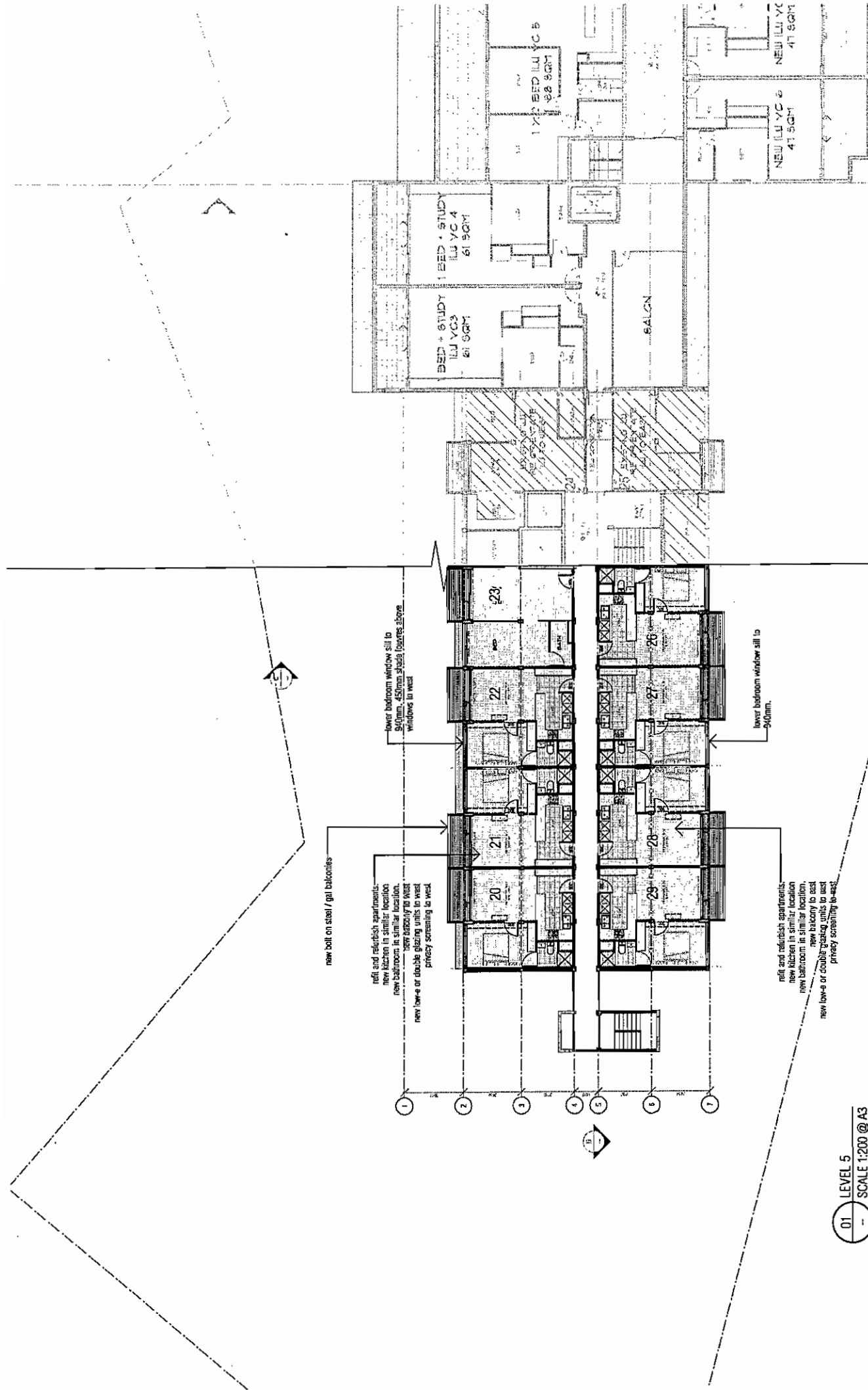
STUDIO APARTMENT No. 302
approx 6.8 x 3.9 = 26sqm



01 BOURKE + GIPPS: LEVEL 2 /LEVEL 3 STUDIO

[illegible]

[illegible]



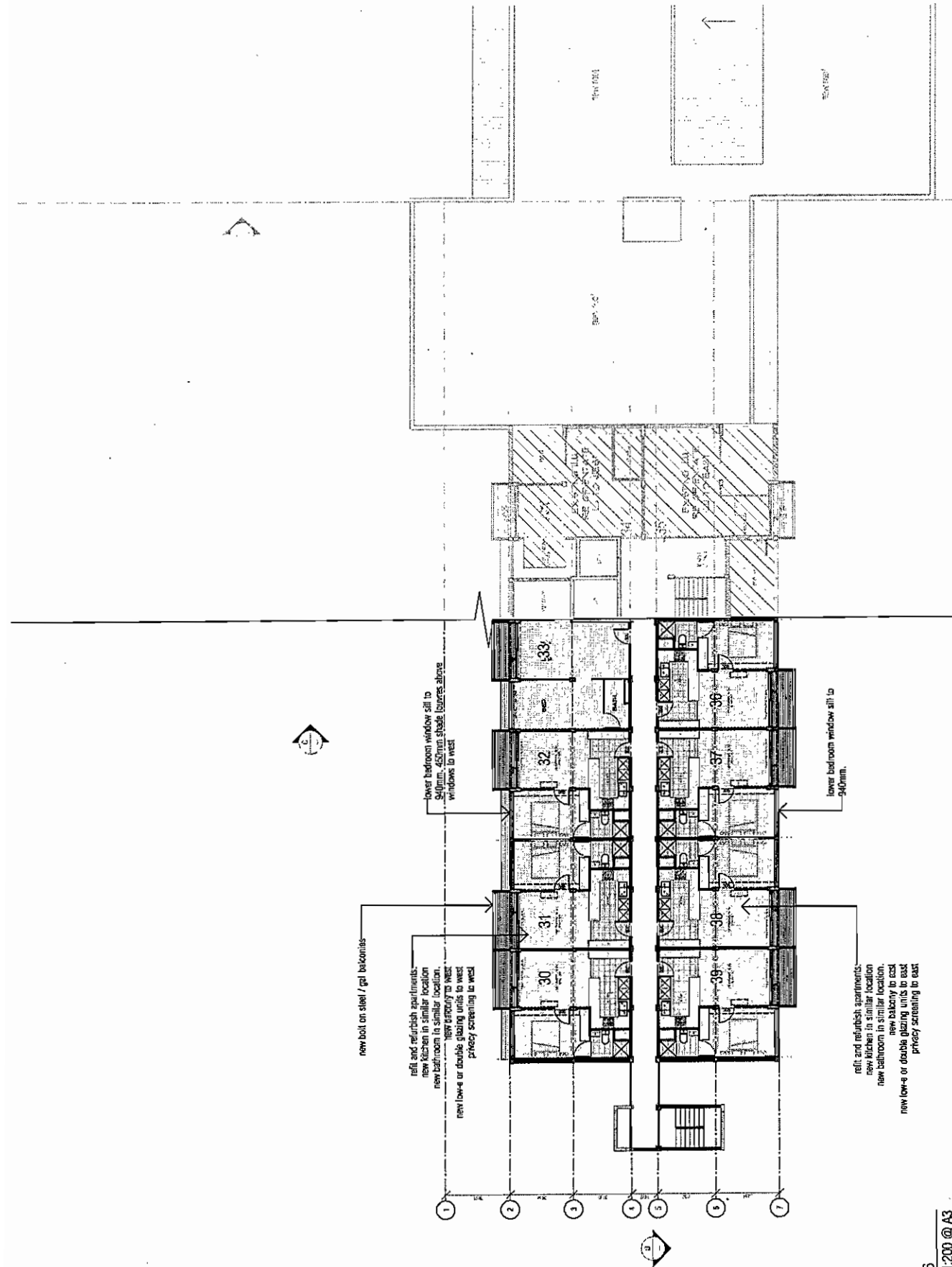
01 LEVEL 5
 SCALE 1:200 @ A3

	<p>notes</p> <p>all work to be carried out in accordance with the contract documents and any amendments thereto. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the protection of all existing structures and services. The contractor shall be responsible for the removal of all waste and debris from the site. The contractor shall be responsible for the reinstatement of all areas affected by the works. The contractor shall be responsible for the completion of all works within the agreed programme of works. The contractor shall be responsible for the provision of all materials and labour. The contractor shall be responsible for the payment of all bills and invoices. The contractor shall be responsible for the maintenance of all records and documents. The contractor shall be responsible for the communication of all information to the relevant parties. The contractor shall be responsible for the overall management of the project. The contractor shall be responsible for the achievement of the project objectives. The contractor shall be responsible for the satisfaction of the client. The contractor shall be responsible for the quality of the work. The contractor shall be responsible for the safety of the site. The contractor shall be responsible for the environment. The contractor shall be responsible for the social and economic impact of the project. The contractor shall be responsible for the cultural heritage of the site. The contractor shall be responsible for the archaeological remains of the site. The contractor shall be responsible for the historical significance of the site. The contractor shall be responsible for the scientific value of the site. The contractor shall be responsible for the educational value of the site. The contractor shall be responsible for the recreational value of the site. The contractor shall be responsible for the aesthetic value of the site. The contractor shall be responsible for the cultural value of the site. The contractor shall be responsible for the social value of the site. The contractor shall be responsible for the economic value of the site. The contractor shall be responsible for the environmental value of the site. The contractor shall be responsible for the overall value of the project.</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>	<p>env</p> <p>date</p> <p>description</p>
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enviro studio
 78-151 Regent St, Sydney, NSW 2000
 T: (02) 9232 1241 F: (02) 9232 1155
 W: www.envirostudio.com.au
 enviro studio is a registered company in NSW

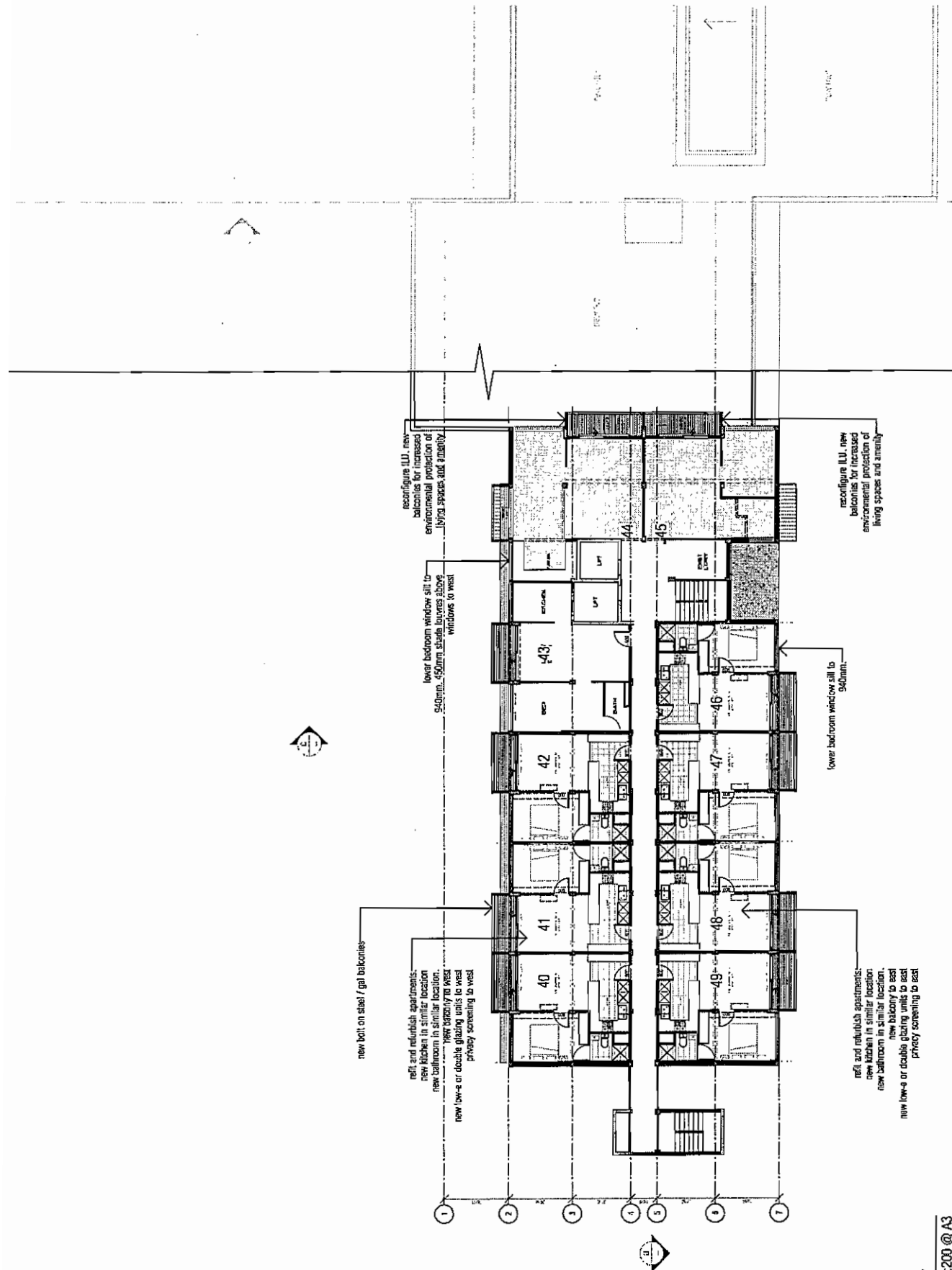
Project: ARV GOODWIN VILLAGE
Location: 250-250 JERSEY ROAD
Woolahra
Set 3: MACQUARIE TOWER

Drawn by: DA
Check by: TW
Scale: 1:200
Sheet no: 728
Page no: 3/104
Revision: A





01 LEVEL 6
SCALE 1:200 @ A3


<p>notes</p> <p>all work to be carried out in accordance with the relevant standards and specifications of the relevant authorities. The architect is not responsible for the design of the building or the safety of the building. The architect is not responsible for the design of the building or the safety of the building.</p>	<p>rev</p> <p>date</p> <p>description</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>	<p>enviro studio</p> <p>10-101 Douglas St Sydney NSW 2010</p> <p>T: 02 9332 1211 F: 02 9332 1332</p> <p>www.envirostudio.com.au</p> <p>architects registration number 029</p>	<p>project</p> <p>ARV GOODMAN VILLAGE</p> <p>location</p> <p>250-260 JERSEY ROAD</p> <p>woollahra</p> <p>ARV Villages</p>	<p>drawing</p> <p>LEVEL 6 PLAN</p> <p>SET 3</p> <p>MACQUARIE TOWER</p>	<p>stage</p> <p>DA</p> <p>chkd</p> <p>own</p> <p>tw</p> <p>ck</p>	<p>project no</p> <p>728</p> <p>date</p> <p>3/2/14</p> <p>rev</p> <p>A</p>
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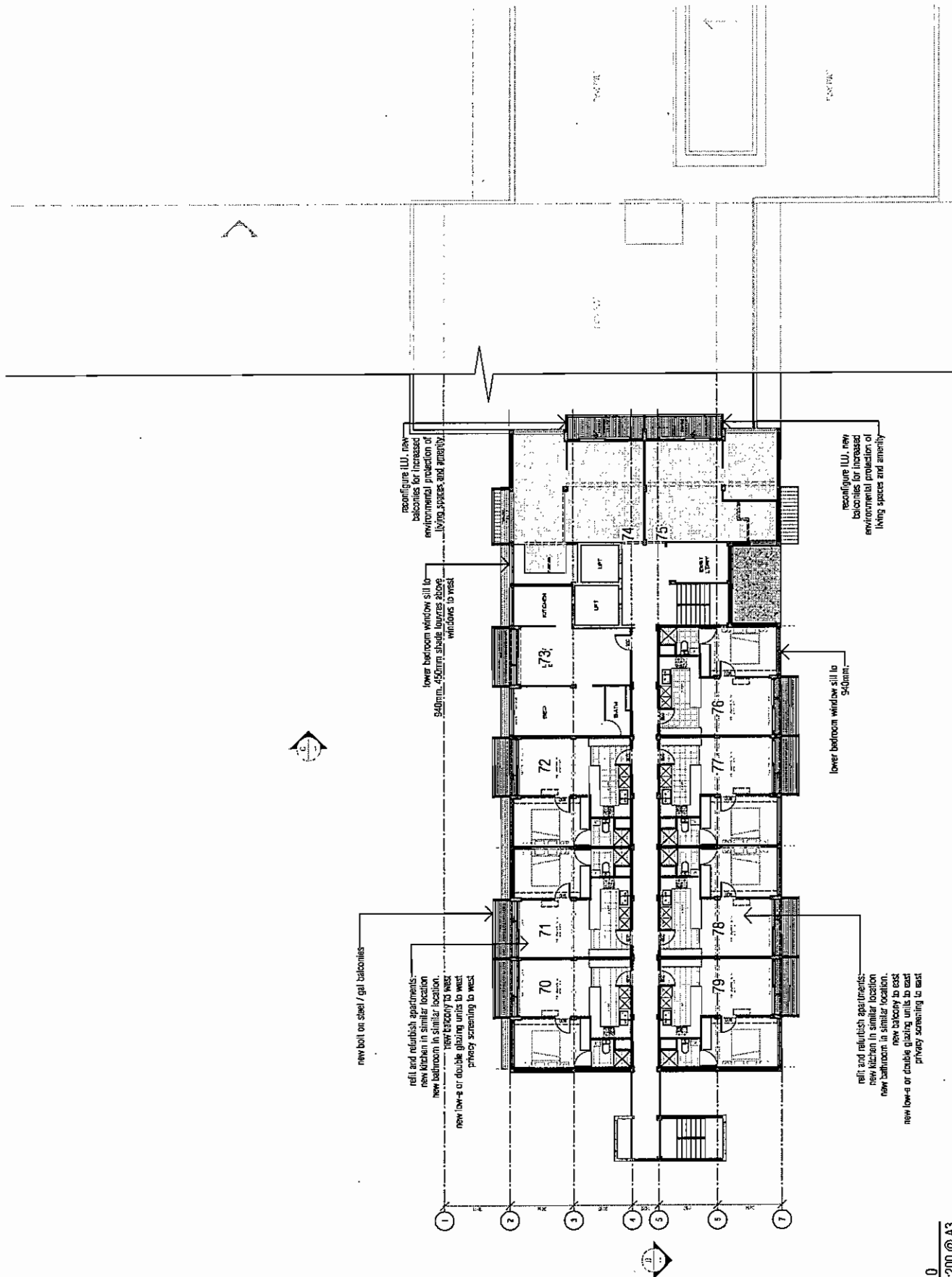


01 LEVEL 7
SCALE 1:200 @ A3


 	<p>notes</p> <p>all work to be carried out in accordance with the relevant standards and specifications of Council, State and Federal Government.</p> <p>Work to be carried out in accordance with the relevant standards and specifications of Council, State and Federal Government.</p> <p>Work to be carried out in accordance with the relevant standards and specifications of Council, State and Federal Government.</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>enviro studio</p> <p>10/151 for sale at 2010</p> <p>10/151 for sale at 2010</p> <p>10/151 for sale at 2010</p> <p>10/151 for sale at 2010</p>	<p>project</p> <p>ARV GOODMAN VILLAGE</p> <p>location</p> <p>250 280 JERSEY ROAD</p> <p>site</p> <p>WOOLLAHRA</p>	<p>sheet no.</p> <p>LEVEL 7 PLAN</p> <p>page</p> <p>DA</p>	<p>project no.</p> <p>728</p> <p>date</p> <p>3/14</p>	<p>sheet no.</p> <p>3/106</p> <p>revision</p> <p>A</p>
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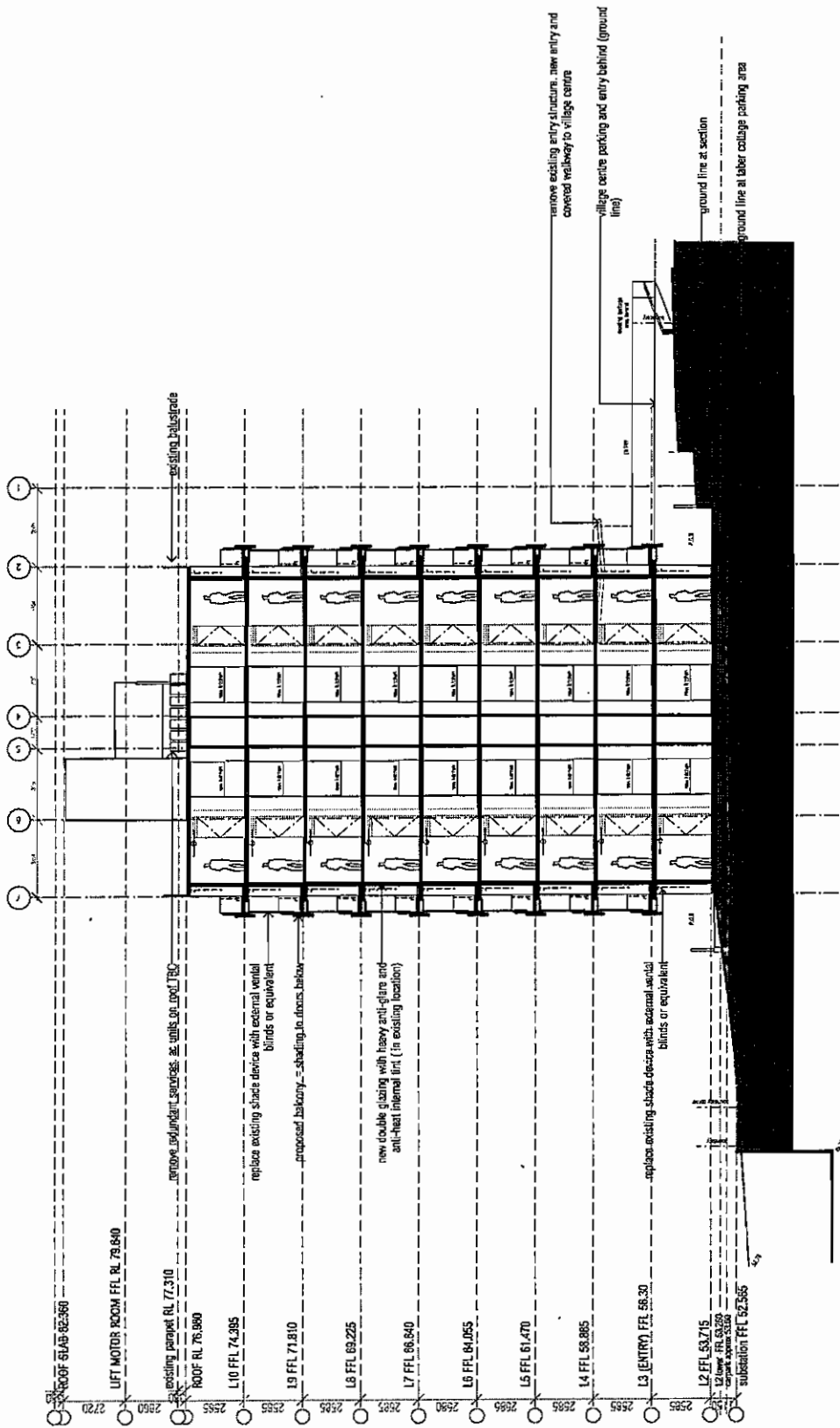


	<p>notes</p> <p>all work to be carried out in accordance with the relevant standards and specifications. All measurements to given points must be taken from the same point of reference. All measurements to given points must be taken from the same point of reference. All measurements to given points must be taken from the same point of reference.</p>	rev	date	approved by	rev	date	approved by	<p>enviro studio</p> <p>19-151 leafield st. surrey hills. 2016</p> <p>t: 02 9332 1211 f: 02 9332 1252</p> <p>www.envirostudio.com.au</p> <p>architect registration number 62269</p>	project	location	drawing	scale	project no.	sheet no.
		A	10/11/14	DAVID L. L. L.							ARV GOODWIN VILLAGE	250-290 JERSEY ROAD	LEVEL 9 PLAN	DA
										location	drawing	scale	project no.	sheet no.
										WOLLATRA	SET 3: MACQUARIE TOWER	1/10	3/3/14	A



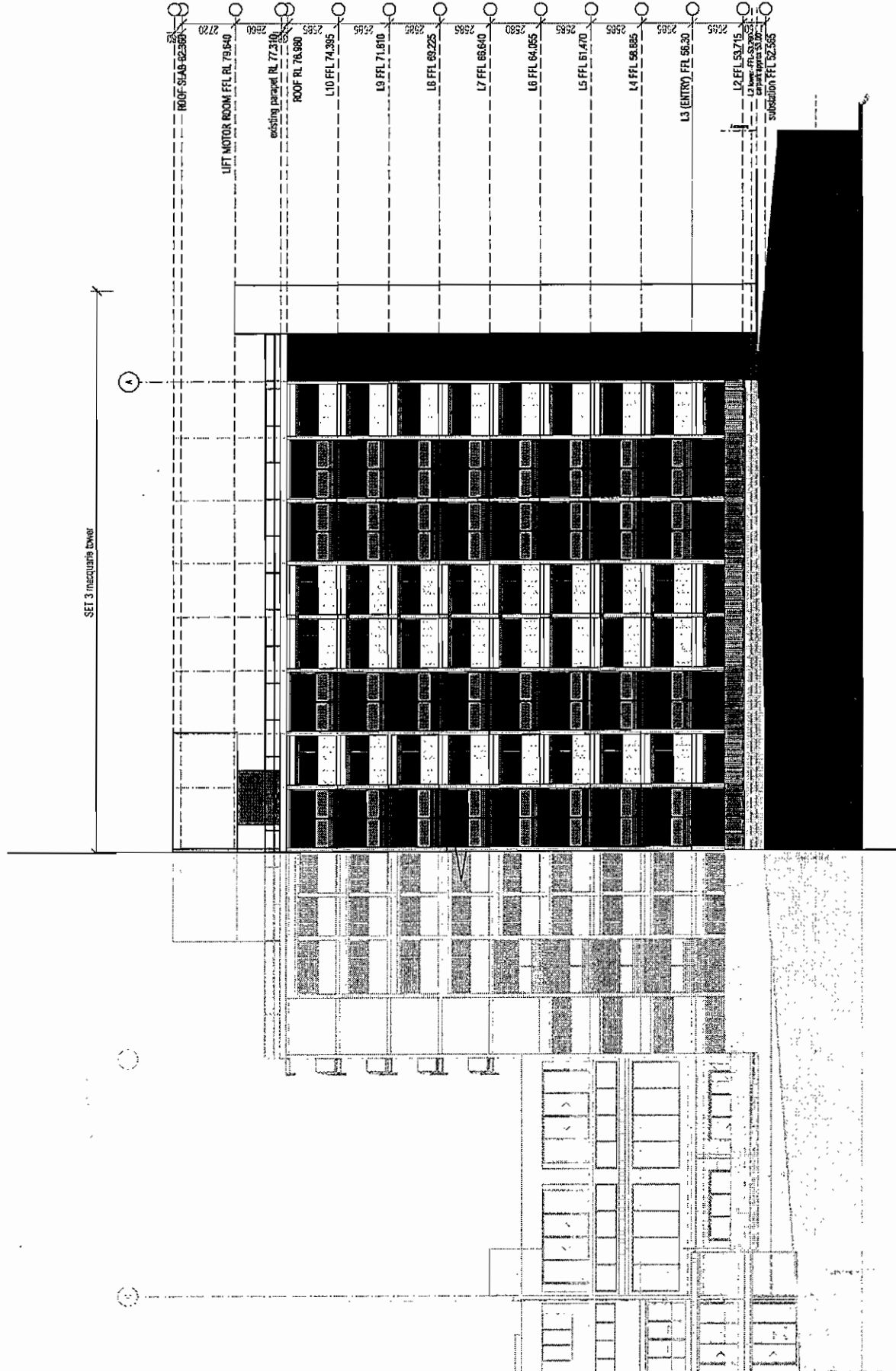
01 LEVEL 10
SCALE 1:200 @ A3

	<p>notes</p> <p>all work to be carried out in accordance with the relevant codes and standards of practice. Licensed draughtsmen, do not scale drawings. All measurements taken using a laser level. All dimensions to the structure.</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>enviro studio</p> <p>10/101, Leura, Sydney, NSW 2109</p> <p>T: 02 9332 1211 F: 02 9332 1337</p> <p>W: www.envirostudio.com.au</p> <p>enviro's registration number 6333</p>	<p>PROJECT</p> <p>ARV GOODWIN VILLAGE</p>	<p>LOCATION</p> <p>250-280 JERSEY ROAD</p> <p>WOLLAHRA</p>	<p>DRAWING</p> <p>LEVEL 10 PLAN</p> <p>SET 3: MACQUARIE TOWER</p>	<p>STAGE</p> <p>DA</p> <p>CHK</p> <p>CK</p>	<p>PROJECT NO.</p> <p>728</p> <p>DATE</p> <p>3/0/14</p>	<p>DRAWN BY</p> <p>3/109</p> <p>REVISION</p> <p>A</p>
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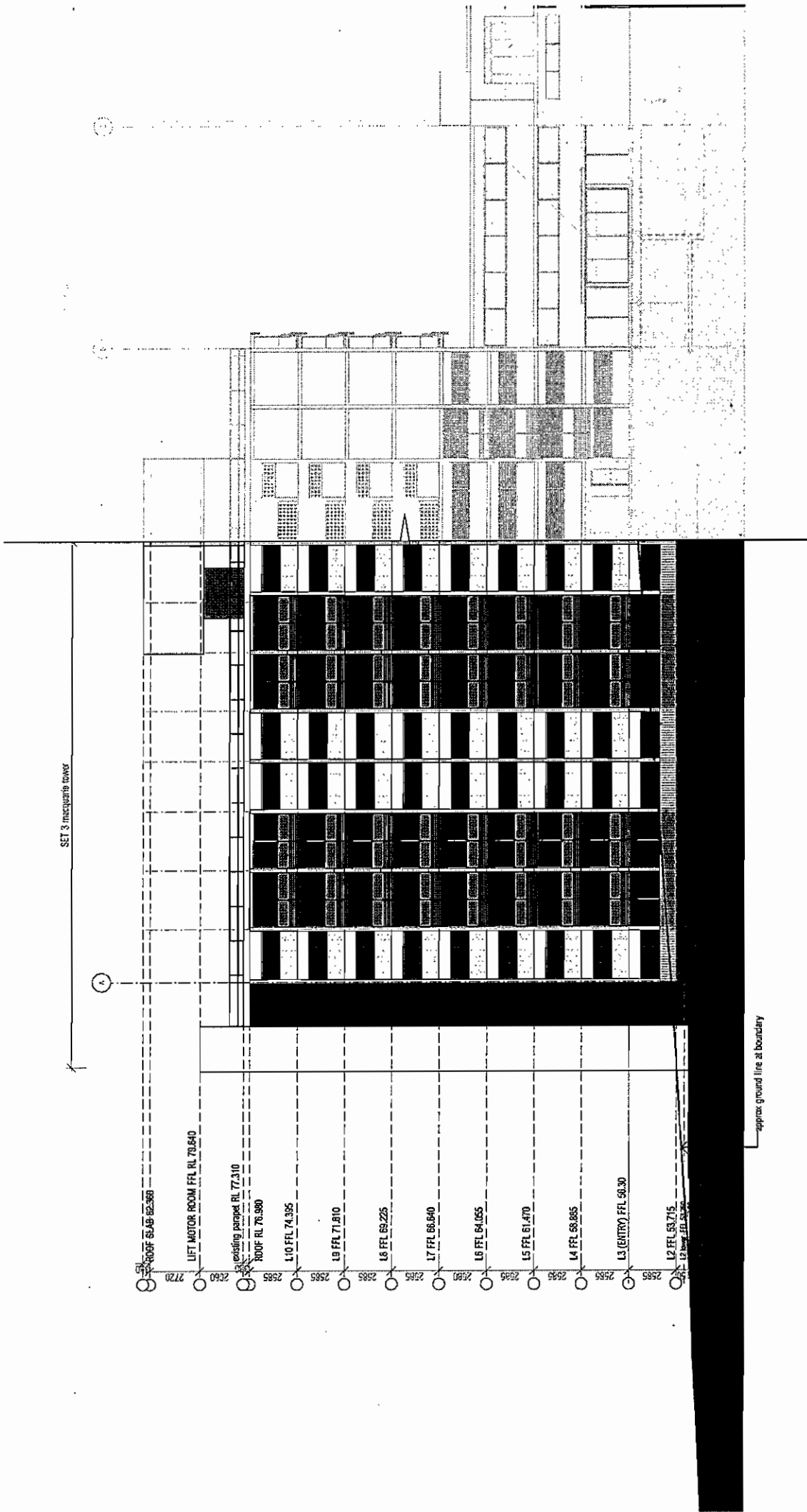
01 SECTION C: MACQUARIE TOWER
SCALE 1:200 @ A3

	<p>notes</p> <p>all work to be carried out in accordance with the relevant codes and standards of work, and measurements to be taken in accordance with the relevant codes and standards of work.</p>	<p>rev</p> <p>date</p> <p>description</p> <p>A</p> <p>11/11/14</p> <p>DA ISSUE</p>	<p>enviro studio</p> <p>18/151 Macquarie Street, Suite 2010</p> <p>SYDNEY NSW 2000</p> <p>TEL: 02 9332 1111</p> <p>WWW.ENVIROSTUDIO.COM.AU</p> <p>architect registration number 6239</p>	<p>Project</p> <p>ARV GOODWIN VILLAGE</p> <p>Location</p> <p>250-290 JERSEY ROAD</p> <p>WOLLAHRA</p>	<p>Sheeting</p> <p>SECTION C</p> <p>SET 3: MACQUARIE TOWER</p>	<p>scale</p> <p>DA</p> <p>date</p> <p>3/1/14</p>	<p>project no.</p> <p>728</p> <p>sheet no.</p> <p>3/120</p>
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01 WEST ELEVATION
SCALE 1:200 @ A3

	<p>NOTES</p> <p>1. All work to be carried out in accordance with the Australian Standard AS/NZS 1170:2009 for wind loading on buildings and structures.</p> <p>2. All work to be carried out in accordance with the Australian Standard AS/NZS 1170:2009 for wind loading on buildings and structures.</p> <p>3. All work to be carried out in accordance with the Australian Standard AS/NZS 1170:2009 for wind loading on buildings and structures.</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p> <p>DATE</p> <p>BY</p>
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01 EAST ELEVATION
SCALE 1:200 @ A3

	<p>notes</p> <p>all work to be carried out in accordance with the relevant codes and standards of the relevant authorities. The drawings are for information only and are not to be used for construction purposes without the written approval of the architect.</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>
<p>0 3 4 5 6 M</p>	<p>all work to be carried out in accordance with the relevant codes and standards of the relevant authorities. The drawings are for information only and are not to be used for construction purposes without the written approval of the architect.</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>	<p>rev</p> <p>date</p> <p>description</p>

enviro studio
 18/151 Broadway & Surf Avenue, 2010
 Tel: 02 9332 1211 Fax: 02 9332 1555
 www.envirostudio.com.au
 Architects registration number 6289

Project
 ARV GOODMAN VILLAGE

Location
 250-290 JERSEY ROAD
 WOODLARA

Drawing
 EAST ELEVATION
 SET 3: MACQUARIE TOWER

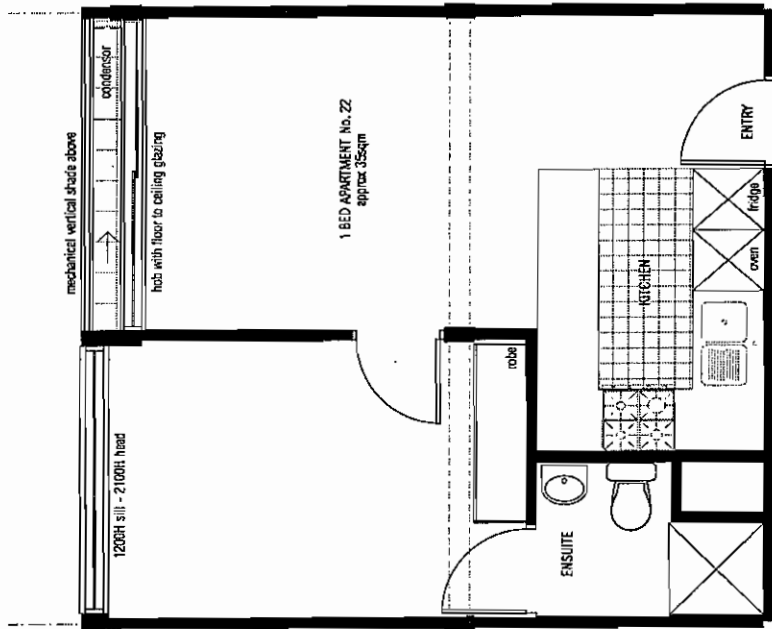
Scale
 DA CK

Project no.
 728

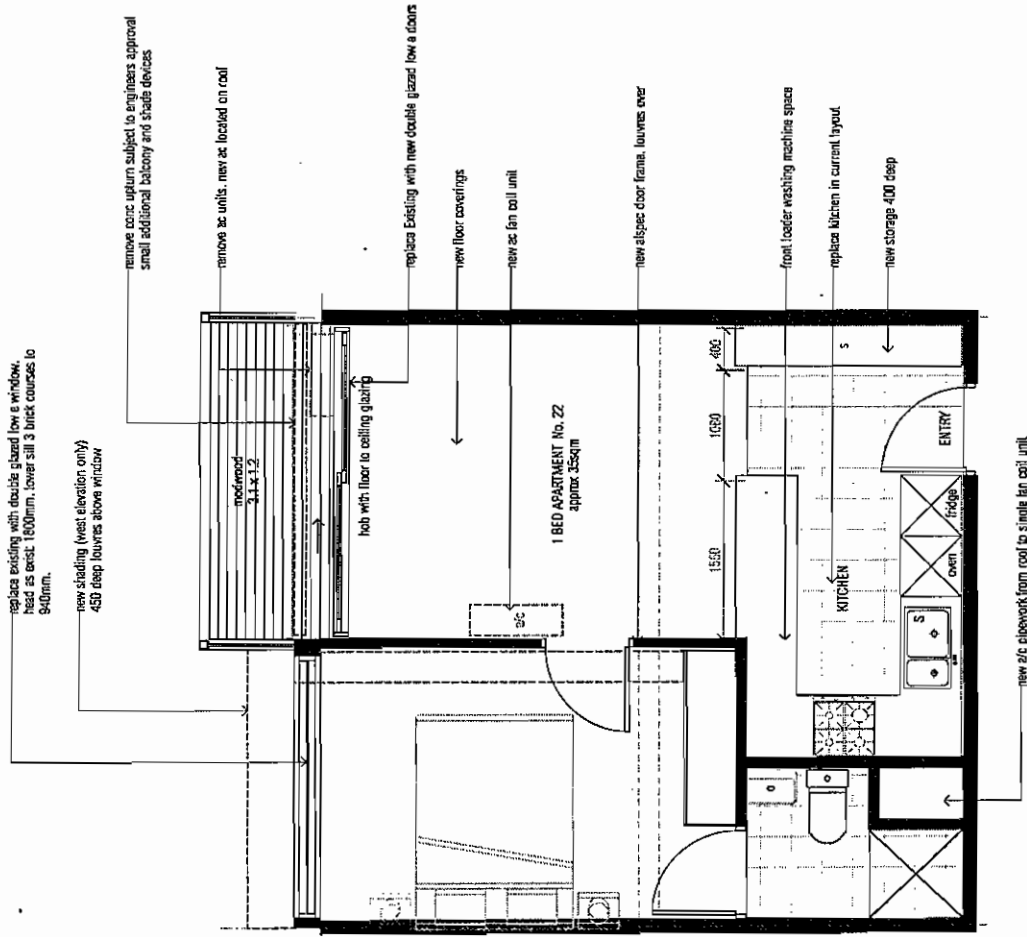
Rev.
 3/131

Rev.
 3/131

Rev.
 3/131



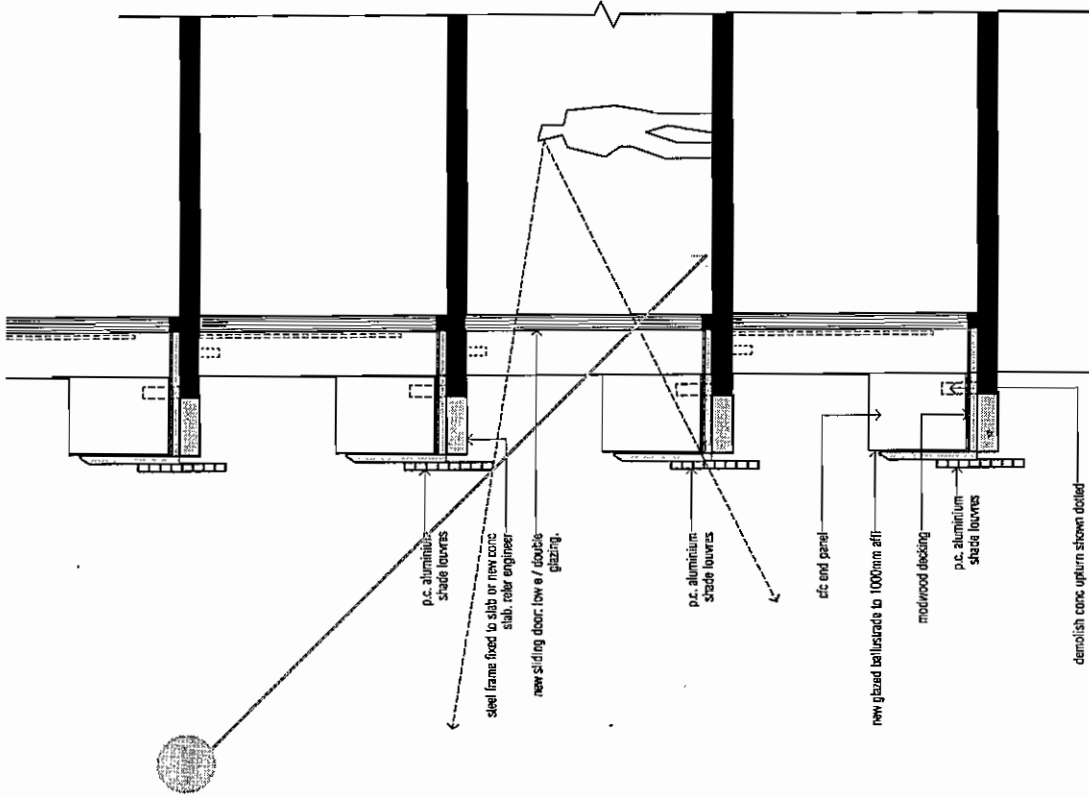
EXISTING



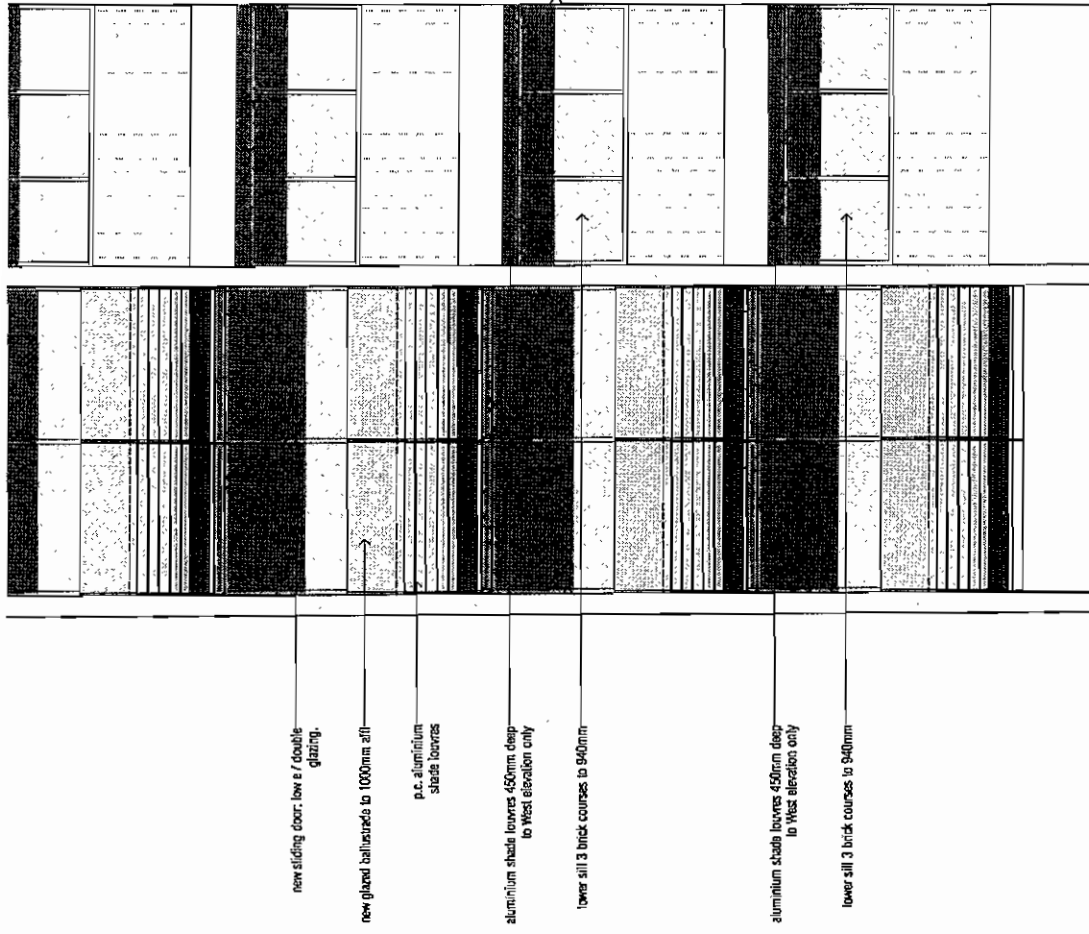
PROPOSED

	<p>notes</p> <p>All work to be carried out in accordance with the relevant codes and standards of Council. All work to be carried out in accordance with the relevant codes and standards of Council. All work to be carried out in accordance with the relevant codes and standards of Council.</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>	<p>REV</p> <p>DATE</p> <p>BY</p> <p>DATE</p>
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<p>enviro studio</p> <p>10/151 Broadway, Suite 110, 2010 Tel: 02 9552 1211 Fax: 02 9552 1212 www.envirostudio.com.au</p>	<p>Project</p> <p>ARV GOODWIN VILLAGE</p>	<p>Location</p> <p>250-280 JERSEY ROAD</p>	<p>Drawn by</p> <p>ILL PLANS</p>	<p>Scale</p> <p>3/140</p>
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ss frame fixed to slab (or conc slab addition: refer engineer), extend balcony, modwood deck.



01 MACQUARIE TWR: FACADE SECTION
SCALE 1:50 @ A3

02 MACQUARIE TWR: FACADE ELEVATION
SCALE 1:50 @ A3

<div> </div>	<div> <div> <div>REV</div> <div>DATE</div> <div>2-architect</div> </div> <div> <div>A</div> <div>13/02/14</div> <div>DA US&LC</div> </div> </div>	<div> <div>REV</div> <div>DATE</div> <div>PREPARED</div> </div>	<div> <div>PROJECT</div> <div>ARV GOODMAN VILLAGE</div> </div>	<div> <div>LOCATION</div> <div>250-280 JERSEY ROAD</div> </div>	<div> <div>STUDY</div> <div>DETAIL SECTIONS</div> </div>	<div> <div>DATE</div> <div>DA</div> </div>	<div> <div>PROJECT NO.</div> <div>728</div> </div>	<div> <div>SHEET NO.</div> <div>3/141</div> </div>
<div> <div>NOTES</div> <div> <p>1. All work to be carried out in accordance with the relevant Australian Standards and Codes of Practice. The client is responsible for ensuring that all work is carried out in accordance with the relevant Australian Standards and Codes of Practice. The client is responsible for ensuring that all work is carried out in accordance with the relevant Australian Standards and Codes of Practice.</p> </div> </div>			<div> <div>CLIENT</div> <div>ARV Goodman Village</div> </div>	<div> <div>ADDRESS</div> <div>250-280 JERSEY ROAD</div> </div>	<div> <div>STUDY</div> <div>DETAIL SECTIONS</div> </div>	<div> <div>DATE</div> <div>DA</div> </div>	<div> <div>PROJECT NO.</div> <div>728</div> </div>	<div> <div>SHEET NO.</div> <div>3/141</div> </div>