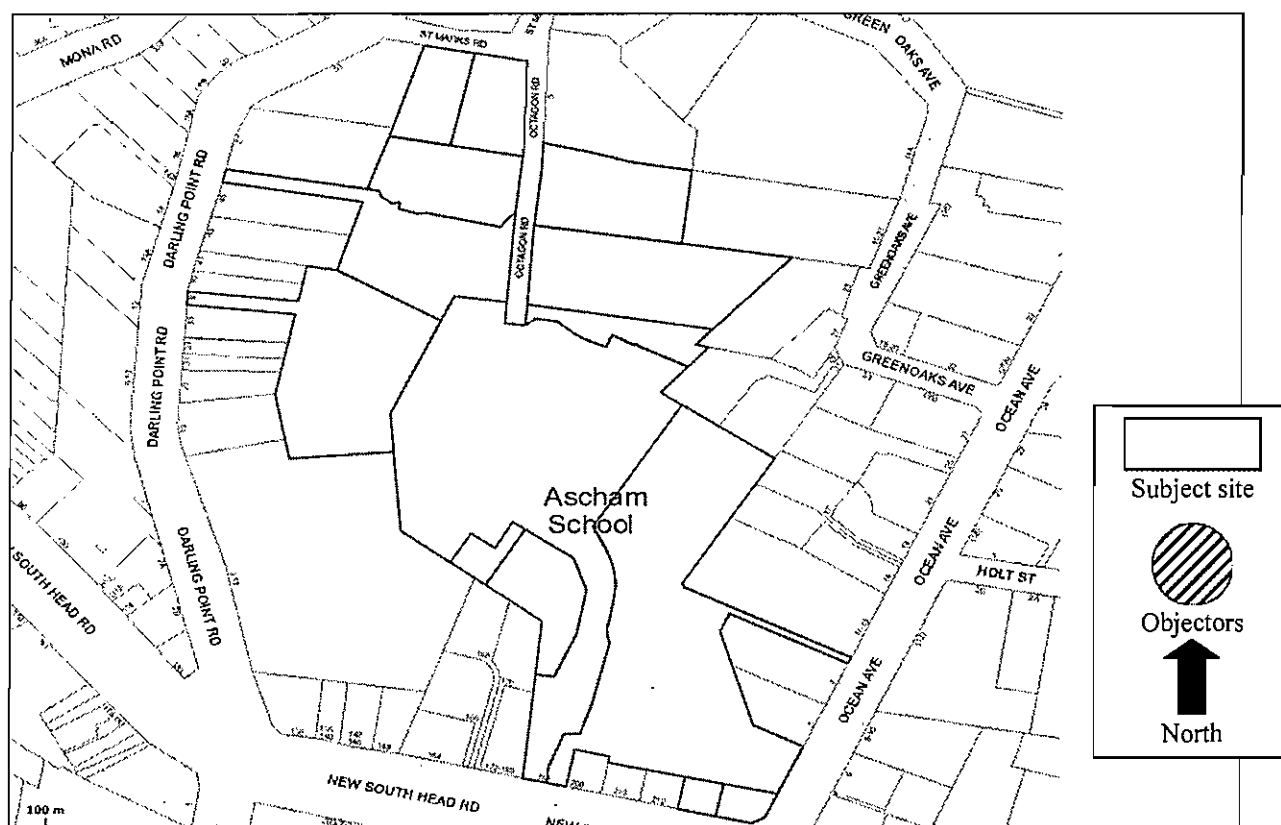


DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	R1
FILE No.	DA 550/2013/1
ADDRESS	188 New South Head Road EDGECLIFF 43 Darling Point Road DARLING POINT 37 Darling Point Road DARLING POINT Lot 1 Darling Point Road DARLING POINT
SITE AREA	39,363m ²
ZONING	Special Uses Existing (School)
PROPOSAL	Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders
TYPE OF CONSENT	Local development
COST OF WORKS	\$15,168,342.00
DATE LODGED	06/12/2013
APPLICANT	Ascham School Ltd
OWNER	Ascham School Ltd
AUTHOR	Mrs L Holbert
TEAM LEADER	Mr G Fotis
CONSENT AUTHORITY	Joint Regional Planning Panel

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 is for an educational establishment that has a cost of works greater than five million dollars.	Approval

3. PROPOSAL SUMMARY

The proposal involves the following works:

- Use of Duntrim and the Annex (existing buildings) for school boarding facilities, including internal alterations and additions (see **Figure 2**).
- Construction of a new 3 storey extension to the southern end of the Duntrim building;
- Construction of a new enclosed overhead walkway connecting Duntrim and the Annex building, allowing internal covered access to the boarding facilities in both buildings so that these buildings can be treated as one area for staffing and security purposes (see **Figure 2**).

The lower ground floor of the Duntrim building is to contain following:

- Existing building: common room, art room, accessible WC, bathroom
- New extension: three bedroom staff apartment and staircase.

The ground floor of the Duntrim building is to contain the following:

- Existing building: Common room, foyer/reception, existing verandah, reading room, 7 bedrooms and a bedsit staff accommodation room

- New extension: One bedroom staff apartment, two bedrooms, communal bathroom and staircase.

The first floor of the Duntrim building is to contain the following:

- Existing building: 9 bedrooms, study, bathroom, WC
- New extension: one bedroom staff apartment, two bedrooms, communal bathroom, staircase and enclosed overhead walkway connecting Duntrim and the Annex building.

A new roof terrace above the new Duntrim extension is also proposed. A total of 44 students are proposed to be accommodated within the 16 bedrooms in the existing Duntrim building and 7 students are to be accommodated within the new extension.

The ground floor of the Annex building is to contain the following:

- 4 bedrooms, common room, accessible WC and communal bathroom and staircases.

The first floor of the Annex building is to contain the following:

- 8 bedrooms, communal bathroom, laundry, plant room, and staircases. Two awnings to the northern and eastern elevation have also been proposed.

The Annex building is proposed to accommodate 13 students in 12 rooms. A total of 64 boarding students are proposed to be accommodated within the Duntrim site.

- Construction of a new classroom building to the east of Duntrim, connecting to the existing Whitehead building, containing science classrooms and associated prep rooms, and a lecture theatre including basement car parking for 37 vehicles. The proposed Science building will provide enhanced learning and teaching facilities, reflecting an increased demand for and focus on this subject area for females. The construction of the Science building will allow for the relocation and consolidation of science teaching facilities, which are currently scattered throughout the school, into a single dedicated high quality facility.

The basement of the new science block will accommodate the following:

- 37 car parking spaces including 1 disabled space, plant room, bicycle parking, 55,000 litre rainwater tank, lift and staircase. This car parking area is accessed from existing lower ground car park which accessed off Octagon Road.

The ground floor of the science block is to contain the following:

- 5 science labs, chemical store, preparation room, science equipment store, informal learning area, WC, lift and staircase.

The first floor of the science block is to contain the following:

- 4 science labs, 138 seat lecture theatre, meeting room, WC, communal student toilets, and informal teaching area.

The lecture theatre has been designed to accommodate an entire year group and would be used for presentations, public speaking, debating after hours lectures to parent groups and film screenings. A landscaped terrace to the north of the building will provide a venue for outdoor learning.

Further development includes the following:

- Solar panels and solar hot water systems location on the roof of the new science block;
- Demolition of the existing workshop building and ramp to the north of Duntrim. New platform lift providing access to the Duntrim verandah;
- Removal of trees to allow the proposed construction works and improve the overall quality of tree stock on the Duntrim site. A total of 53 trees are proposed to be removed from this site, which will be replaced with 62 trees as part of the proposed landscaping works;
- A new vehicular connection is proposed to the north of the site linking the Duntrim site to Octagon Road. This connection is intended for use by service and emergency vehicles only, and a new boom gate is to be installed to control access during school hours. A small demountable building is to be demolished to facilitate this access;
- 5 new visitor car parking spaces have been created at the front of the Duntrim site including 1 disabled space;
- Upgrade of existing hydrant booster assembly with new diesel pump near the New South Head Road entrance to the school;
- Upgrade to existing disabled car parking bay and walkway to this space to the car park accessed from New South Head Road;
- Upgrade to the existing footpath approaching the new science courtyard;
- New inground services connecting to New South Head road for the new science block and boarding facilities (fire, water and gas);
- Re-instatement of circular driveway to the front of the Duntrim building;
- New services connecting to Darling Point Road;
- New delivery office and screen to existing waste storage area;
- New entry ramps to access science building.

The applicant is also seeking to increase student numbers to 1240 inclusive of boarders.

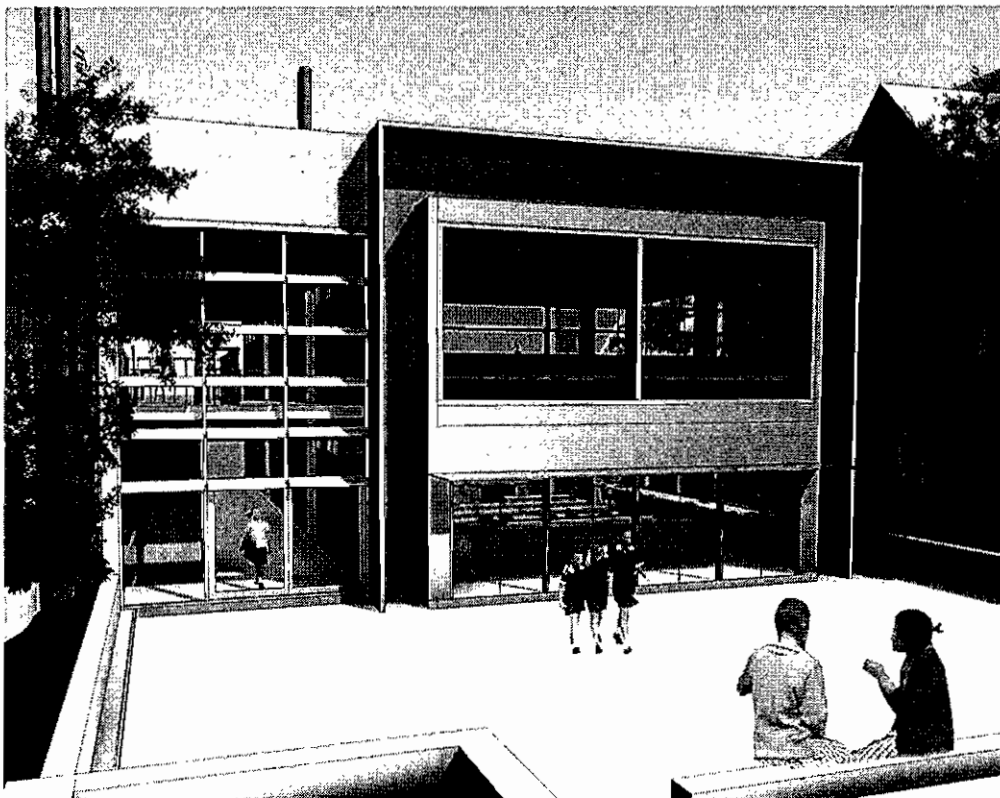


Figure 1: Photomontage of the northern elevation of the proposed science block



Figure 2: Photomontage of Duntrim house and proposed extension and pedestrian bridge between Duntrim and the Annexe building.

4. ISSUES SUMMARY

4.1 Primary Issues

Issue	Conclusion	Section
Heritage	The proposed development provides for an appropriate adaptive re-use of the existing heritage listed building (Duntrim building). The proposed new works will not detract from the significance of the Duntrim building, grounds or any other heritage listed item on the Ascham school site. This issue have been further discussed in Sections 15.8, 15.9, 15.10 and 21 of this report.	15.8, 15.9, 15.10 & 21
Trees/landscaping	The proposed development will result in the loss of trees on the site however the proposed development involves substantial landscape works including the planting of replacement trees to ensure the landscape character of the site is maintained. This issue has been further discussed in Sections 17.3 and 21 of this report.	17.3, 21
Visual Privacy	The proposed development has been designed to protect the visual privacy of surrounding residential properties and the visual privacy of occupants of the subject site. This issue has been further discussed in Section 17.7 of this report.	17.7
Acoustic Privacy	The proposed development has been designed to maintain the acoustic privacy of surrounding residential properties. A number of eonditions have also been recommended to ensure the acoustic privacy of surrounding properties is protected. This issue has been further discussed in Section 17.7 of this report.	17.7
Intensification of Use/ Student numbers	The proposal involves increasing the student numbers to a maximum of 1240 inclusive of boarders. Currently there is no cap on student numbers. The previously approved development application for a similar	2,18

Issue	Conclusion	Section
	<p>development (DA165/2011) restricted student numbers to 1085. This cap on student numbers was imposed using the student enrolment numbers at the time of the application (2012 enrolment numbers). The 2012 enrolment numbers were the only figures that were provided by the school that could have been used to apply a cap on student numbers. The school during the assessment of the original application did not supply Council with its overall student capacity figures, as the school did not anticipate that Council would apply a cap on student numbers. This oversight has meant that it did not allow for the future growth of the school, particularly as the school is in a rebuilding phase as student numbers declined to the lowest level in 30 years in 2006. As result of this decline the student numbers at Ascham school are still well below its maximum capacity and numbers would rise regardless of whether or not the approved development (DA165/2012) was constructed.</p> <p>To ensure that the proposed increase to student numbers would not have a detrimental impact on traffic in the surrounding area Council's Traffic Department has recommended that a detailed Operational Transport Management Plan be submitted to Council for approval by Council's Manager Engineering Services prior to the issue of the Occupation Certificate, refer to Condition C.3. A further condition has also been recommended that restricts the student numbers to 1240 inclusive of boarders, refer to Condition I.1.</p>	

4.2 SEPP 1 Objections

Clause in Woollahra LEP	Standard	Departure from Control	Satisfactory/Unsatisfactory
Clause 12	Height of Building	2.7m (28.4%)	Satisfactory

4.3 Submissions

None

PROPERTY DETAILS AND REFERRALS

5. SITE AND LOCALITY

<p>Physical features</p> <p>This application relates to the Ascham School and the 'Duntrim' site, these sites are legally described as:</p> <ul style="list-style-type: none"> 37 Darling Point Road, Darling Point Lot A DP 108600 (the Duntrim site). 188 New South Head Road, Edgecliff – Lot 1 DP 74398. 43 Darling Point Road, Darling Point - Lot 4 DP 5444. 188 New South Head Road Lot 81DP217078. Lot 1 DP 224844 Lot 1 and Lot 2 DP 183645 <p>This site is located has frontages to Darling Point Road, New South Head Road, St Marks Road, Ocean Ave and Octagon Road. The site has an irregular shape and has a total area of 39,363m².</p> <p>Topography</p> <p>The Duntrim site falls from the rear to the front of the site and has a cross fall from north to south.</p> <p>Existing buildings and structures</p> <p>The majority of the works are located on the Duntrim site, this site contains three buildings including:</p> <ul style="list-style-type: none"> The Duntrim building which was constructed as a dwelling in 1911, and was occupied by the Sydney Hospital since 1954 and as the Headquarters of the Sydney Dialysis Centre since 1981. The site was purchased in 2011 by Ascham school and is currently used by the school. It is a two-storey sandstone and render building in the Arts and Craft architectural style.

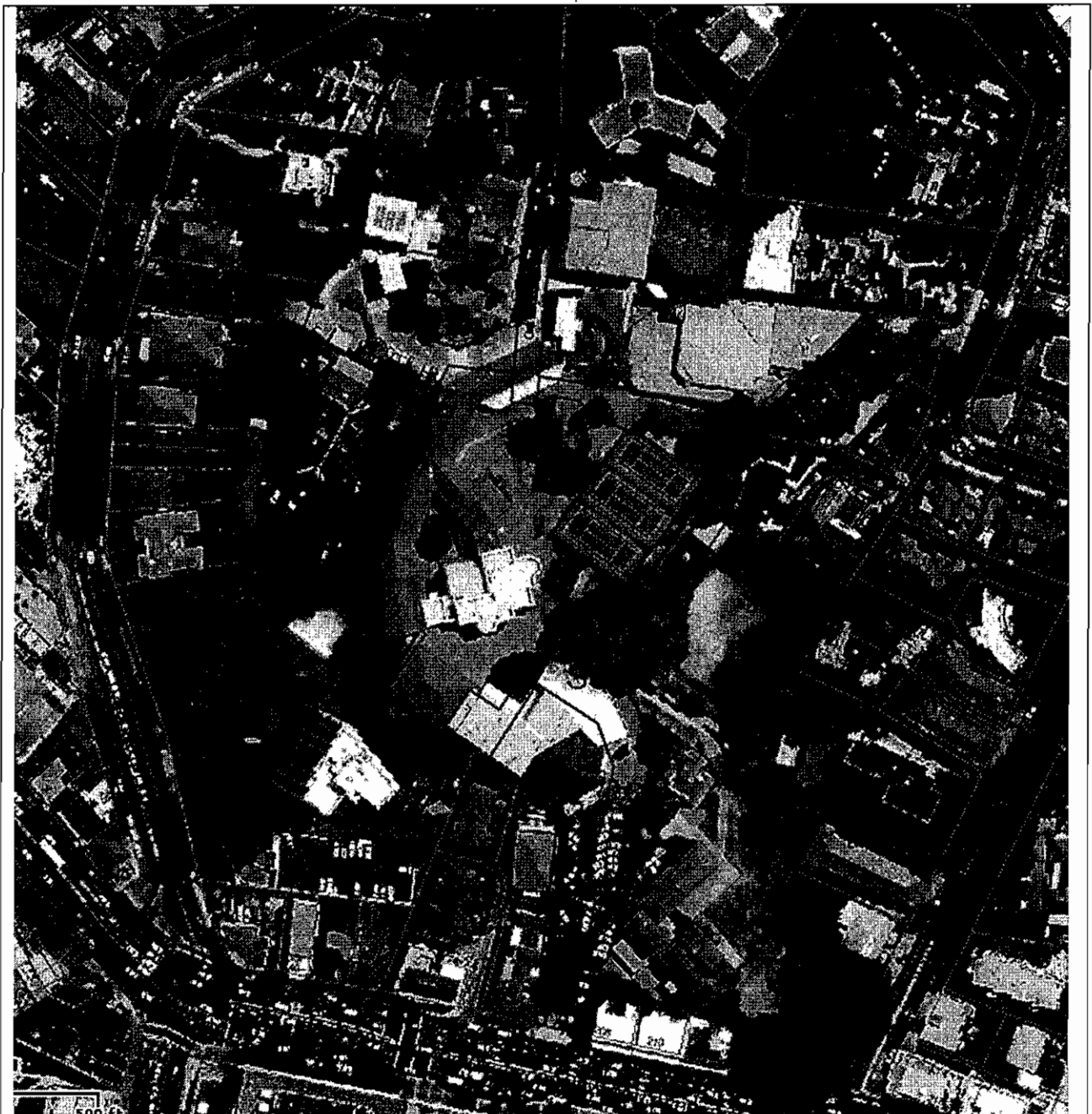
- The Annex building was constructed in 1957 and was used as accommodation for nurses and patients of the Hospital. It is a two storey face brick construction with tiled roof.
- The workshop building was constructed in the late 20th century and used for storage and offices. It is a painted masonry building with metal sheet roofing.

There are also a number of significant plantings, including the heritage listed Norfolk Island Pine located in the southern part of the site. A disused swimming pool, lawn area and tennis courts are located at the rear of the Duntrim building. The tennis court area is currently used as an informal car parking area by Ascham School staff.

The remainder of the Ascham school site contains a mixture of facilities including classrooms, playing fields, tennis courts, boarding facilities, car parking, libraries, theatre, staff rooms, administration rooms, swimming pool and other school related buildings.

Environment

The surrounding environment is characterised by a mixture of residential uses of various styles and densities including single detached dwelling and houses residential flat buildings.



6. RELEVANT PROPERTY HISTORY

Current use
School
Previous Relevant Applications and site history of the Duntrim site
<p>The Duntrim site was part of two Crown land grants originally granted to Thomas Smith on 8 April 1835. The original dwelling erected on the site around 1852 was known as Glanworth. Duntrim house was constructed in 1911 following the 1908 subdivision of the Glanworth Estate, and may incorporate the foundations of Glanworth in its design. In 1923 Duntrim was extended to the south, however it retained the principal characteristics of the Arts and Crafts style. The property was further altered in 1923, 1925 and 1934 with approved development applications (works unknown).</p> <p>In July 1954 Sydney Hospital bought the property. During this year several development applications were lodged and approved with Council for alterations and additions to the property. An application for a new nurse home was approved in 1956 and the building was completed by February 1957. This is the two-storey brick accommodation building, west of Duntrim, known as the Annex.</p> <p>Duntrim was used as a Dialysis Centre since 1981. This facility was relocated to another location in early 2011. A development application to demolish all buildings on this site including Duntrim was subsequently lodged by the Department of Health on 17/06/2010 (DA283/2010). This application was withdrawn. A planning proposal to add Duntrim house and grounds as an item of local heritage significance under the Woollahra LEP 1995 was approved in February 2011. The Duntrim site was purchased by Ascham School in July 2011.</p> <p>On 24/04/2012 Ascham school lodged a development application (DA165/2012) for a very similar application for the use of the existing buildings, including the Duntrim building, as boarding accommodation and the construction of a new classroom building. This application was approved by Council's Development Control Committee on 19/12/2012. This approval included a condition (Condition I.1) which restricted the student numbers as follows:</p> <p style="text-align: center;"><i>The existing number of staff, pupils and boarders at Ascham School shall not exceed 240 staff, 1085 students inclusive of 132 boarders.</i></p> <p>Condition I.1 was imposed using the student enrolment numbers at the time of the application (2012 enrolment numbers). The 2012 enrolment numbers were the only figures that were provided by the school that could have been used to apply a cap on student numbers. The school during the assessment of the original application did not supply Council with its overall student capacity figures, as the school did not anticipate that Council would apply a cap on student numbers. This oversight has meant that Condition I.1 does not allow for the future growth of the school, particularly as the school is in a rebuilding phase as student numbers declined to the lowest level in 30 years in 2006. As result of this decline the student numbers at Ascham school are still well below its maximum capacity and numbers would rise regardless of whether or not the approved development (DA165/2012) is constructed. Therefore the school lodge a S96 application (DA165/2012/2) on 19/11/2012 which sought to increase the student numbers to 1240. This S96 application also sought to modify Condition I.2 to allow for the hours of operation of the science block to be changed from Monday to Friday 8am to 4:30pm to 7am to 10pm 7 days a week. This S96 application was withdrawn as it was not considered to constitute substantially the same development as the additional student numbers would create additional traffic generation.</p>
Background to Ascham School
<p>Ascham School is located at 188 New South Head Road, Edgecliff directly to the rear of the Duntrim site. The school's grounds also have frontages to Ocean Avenue, Darling Point Road, St Marks Road and Octagon Road. The school site comprises a number of buildings and playing fields, including five heritage listed buildings and other items under Woollahra LEP.</p> <p>Ascham has previously acquired and adaptively reused other adjacent heritage buildings, including the current boarding house Raine (originally known as Yeomerry), which shares the same architect as Duntrim. Ascham School currently has a student population of 1075 students from preschool to Year 12, including 95 boarders. 251 staff are employed (full and part time) by the school including teaching and support staff.</p> <p>Ascham boarders are currently accommodated in five boarding houses within the main school grounds. In charge of each house is a Boarding Co-ordinator who reports to the Director of Boarding. The existing boarding houses are clustered in the north-western part of school, making Duntrim a logical location for additional boarding facilities.</p> <p>The use of Duntrim for boarding represents a relocation and consolidation of existing boarding facilities within the school. Part of the existing facilities will be used for a new school Year 9 residential program, which boards up to</p>

thirty existing day pupils for a school term on rotation. Other existing boarding facilities will be reconfigured to provide improved facilities for year 12 students.

The proposed boarding facilities on the subject site will accommodate boarding students from Years 7-12. The younger students are proposed to be accommodated in small dorms and double rooms within Duntrim, and senior students in double and single rooms within the Annex building. A total of 134 boarding places are proposed to be provided within the school as a result of the proposal. This has been further discussed in Section 18 of this report.

Pre-DA

N/A

Requests for Additional Information

Additional traffic and parking information was requested on 14/01/2013 and received on 06/02/2014

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 Conditions Nos. A.3, A.4, C.4, C.6, C.7, C.8, C.9, C.10, C.11, C.12, C.13, D.2, D.3, D.4, E.2, E.8, E.9, E.11, E.12, F.3, G.1, H.3, H.4, I.6, K.14, K.15.	1
Traffic Engineer	Satisfactory, Subject to Conditions Nos. A.3, C.3, I.5.	2
Landscaping Officer	Satisfactory, subject to Conditions Nos. A.3, B.4, B.5, E.6, H.1.	3
Heritage Officer	Satisfactory, subject to Conditions Nos. A.3, B.2, B.3, C.2	4
Environmental Health Officer	Satisfactory, subject to Conditions Nos. B.6, C.14, C.15, E.3, E.5, E.12, E.13, E.14, E.16, E.17, E.20, E.21, E.22, E.23, E.24, I.8, I.9, I.10, I.11, I.12.	5
Fire Safety Officer	Satisfactory, subject to Conditions Nos. C.5, F.2, I.7.	6
Roads and Maritime Services	Satisfactory, subject to Conditions Nos. A.7, K.4.	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 08/01/2014 to 22/01/2014. No submissions were received.

8.2 Renotification

The application was re-notified and re-advertised to inform surrounding residents that the consent authority for this application was the JRPP. The notification period was from 18/03/2014 to 02/04/2014. No submissions were received.

8.3 Statutory Declaration

In accordance with Clause 4.5 of the Woollahra Advertising and Notification DCP, the applicant has completed statutory declarations dated 31/01/2014 and 04/04/2014 declaring that the site notice for DA 550/2013/1 was erected and maintained during the notification periods in accordance with the requirements of the DCP.

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 12 in relation to height. This is discussed in depth in Section 15.3.

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 SEPP 55 – Remediation of Land, consideration has been given as to whether the subject site on which the development is occurring is contaminated.

An assessment of the Initial Site Evaluation provided by the applicant indicates the land does not require further consideration under Clause 7 (1) (b) and (c) of SEPP 55. The proposal is therefore acceptable with regard to SEPP 55: Remediation of Land.

11. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

SEPP (Infrastructure) 2007 applies specific development controls to certain types of development. Division 3 of the SEPP specifically applies to educational establishments. Clause 28 of the Infrastructure SEPP allows development of schools with consent on land prescribed by the Infrastructure SEPP for this purpose.

Pursuant to Cl.28(2)(b) the expansion of existing educational establishments may be carried out by any person with consent on land adjacent to the existing educational establishment. The proposed educational establishment proposes to expand the existing Ascham school on the adjoining 2(b) Residential zoned land (Duntrim site). This has been further discussed below in Section 15.2 of this report.

The proposal is therefore acceptable with regard to SEPP (Infrastructure) 2007.

12. 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.

13. 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.

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995

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

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

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

Part of the subject site (the Duntrim site, which is where the majority of the proposed development is located) is zoned 2(b) Residential under the WLEP, 1995, the proposed school use of the subject site is not permissible within the 2(b) residential zone. However Cl.28(2)(b) of the SEPP (Infrastructure) 2007 allows for the expansion of an existing educational establishment to be carried out with development consent on land which is adjacent to an existing educational establishment. The proposed development proposes to expand the existing Ascham school which directly adjoins the northern and eastern boundaries of the Duntrim site.

SEPP (Infrastructure) 2007 defines an educational facility as follows:

'a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.'

The existing Ascham School site is zoned Special Uses under the Woollahra LEP.

The use of the Duntrim site is also considered to be consistent with the relevant objective of the 2(b) Residential Zone.

(c) to allow non-residential development of low intensity which is compatible with the residential character and amenity of the locality,

The use of the site as part of Ascham School is considered to be a low intensity non-residential use which is compatible with the character of the locality and will not adversely impact on the amenity of surrounding residential uses.

14.3 Clause 11: Floor Space Ratio

Clause 11 limits development to a maximum floor space ratio of 0.625:1 on the Duntrim site.

	Existing	Proposed	Control	Complies
Floor Space Ratio	<0.625:1	0.516:1 (2309m ²)	0.625:1 (2792.5m ²)	YES

The proposal complies with the maximum floor space ratio prescribed by Clause 11 of Woollahra LEP 1995.

There is no FSR control applying to the remainder of the Ascham School site. The Duntrim building was excluded from the above gross floor area calculation as Cl.32(2) of the WLEP, 1995 allows for the exclusion of GFA of heritage listed buildings where Council is satisfied that the conservation of the heritage item is achieved. This has been further discussed in Section 13.10 of this report.

14.4 Clause 12: Height of Buildings

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

	Existing	Proposed	Control	Complies
Overall Height	13m	12.2m	9.5m	NO*

* SEPP 1 objection submitted

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:

Clause 12A of the Woollahra LEP sets out the objectives of the maximum building height development standards. The underlying purpose of building height control is to minimise amenity impacts on residential properties and public domain areas. The proposed height variations compliance with the objectives of the standard are as follows:

a) 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,

There are no existing views of Sydney Harbour or the city skyline that the proposal will impact upon. The location and height of the proposed buildings have been chosen to minimise impacts on views of the Duntrim heritage building and the significant Norfolk Pine in the southern part of the site.

- The proposal does not detract from exiting views of surrounding occupiers and ensures that views to surrounding ridgelines and public and private open spaces are not impacted upon.

- The accompanying Heritage Impact Statement does not raise any issue with the height of the proposed buildings in relation to their impact on views of the heritage items on the site and surrounds.

b) to provide compatibility with the adjoining residential neighbourhood,

- *The proposed height and overall scale of the new development on the Duntrim site and Ascham School site is compatible with surrounding development. The proposed maximum building height is 12.2m, and would be lower than the existing building height of Duntrim House of 13m.*
- *The elevations in Figure 1 and 2 above demonstrate that the height of the proposed buildings have been designed to 'step down' from the height of Duntrim to the height of the existing Whitehead building within Ascham School to the east.*
- *A maximum height of 12m applies to residential development immediately to the west of the site fronting Darling Point Road. A residential flat building of approximately 30 storeys is located immediately to the south of the site. The proposed height is therefore compatible with the existing scale of development in the immediate residential context.*
- *The proposed variation to height standards is of such a minor increase in overall scale and bulk that the proposal would not look out of character with the surrounding residential development and would not detract from the visual appearance and character of the site.*

c) to safeguard visual privacy of interior and exterior living areas of neighbouring dwellings,

- *The proposed height non-compliance on the proposed boarding building will not result in overlooking impacts to the residential dwellings to the west as the existing Annexe building is located between and acts as a screen.*
- *Limited capacity exists for overlooking from the roof terrace of the proposed boarding building, having regard to the distance (approximately 20m) to the neighbouring residential lots, as well as the existence of intervening trees and buildings.*
- *The proposed additional height also means there will be no overlooking of the boarding roof terrace from the Science classrooms as it is located at a higher level above the classroom windows.*
- *The parts of the proposed building that exceed the height control include an enclosed staircase and flues to the building Science Building and existing Whitehead Building, both of which would not present increased opportunity for overlooking and loss of privacy to adjoining occupiers.*

d) to minimise detrimental impacts on existing sunlight access to interior living rooms and exterior open space areas and minimise overshadowing,

- *Shadow diagrams have been prepared to demonstrate the impact of the proposed development on sunlight access (Attached at Appendix A of the accompanying SEE).*
- *Due to the size and orientation of the site, the majority of shadowing impacts are contained within the site, and the living rooms of adjoining residential properties will not be affected by shadowing.*

- The areas of non-compliance with the height control do not have a significant shadowing impact in the context of the proposed development as a whole.

e) to maintain the amenity of the public domain by preserving public views of the harbour and surrounding areas and the special qualities of streetscapes.

- The site is set back from Darling Point Road behind residential dwellings, and as such the proposal will have no impact on the quality of the streetscape.

- There are no existing views of Sydney Harbour or the city skyline that the proposal will impact upon.

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:

- a) *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*
- b) *To provide compatibility with the adjoining residential neighbourhood*
- c) *To safeguard visual privacy of interior and exterior living areas of neighbouring dwellings*
- d) *To minimise detrimental impacts on existing sunlight access to interior living rooms and exterior open space areas and minimise overshadowing*
- e) *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 will not result in any loss of views from the public or private domain;
- The proposed development does not exceed the height of the existing building (Duntrim building) and is considered to be compatible with the height of surrounding development;
- The visual privacy of surrounding properties will be protected by existing buildings, vegetation and large separation distances provided;
- The solar access of surrounding properties will not be adversely affected;
- The proposed development will not be visible from the street or Harbour.

C 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*
- C 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 orderly and economic use of land is hindered by relying upon a blanket height standard that does not take into account the particular attributes of the site and proposed educational use;
- The proposed development provides for the adaptive re-use of a heritage listed building and another more contemporary building;
- The proposed development involves the provision of solar panels and solar hot water heating;
- The proposed development does not exceed the height of the existing building.

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.

14.5 Clause 18: Excavation of Land

- C 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 basement car parking, the new Duntrim addition and for new underground services to the new science block and the Duntrim building. The excavation works are to a depth of between 1m to 4m. The proposed excavation works are located within a close proximity to the northern and eastern boundaries of the site, however these deepest excavation works (to the basement car parking) is considered to be sufficiently separated from surrounding properties. In terms of ESD principles, the extent of soil being removed from the site is considered acceptable.

The proposed development is not considered to create an adverse impact on the amenity of the adjoining properties as suitable conditions of consent have been recommended to ensure that the works are carried out in a manner that minimises the impact on adjoining surrounding properties.

- C The proposed works are of a scale and nature that are not considered to be detrimental to public safety or to generate significant additional vehicle movements. The proposed development is not considered to adversely affect the natural landform, ground water flows or vegetation.

Whilst, these excavation works are to be carried out adjoining the heritage listed Duntrim house Council's Development Engineer has found the submitted Geotechnical report to be acceptable, subject to a number of conditions of consent to minimise the impact of these works on the existing and surrounding structures and the heritage significance of these structures.

In this regard, the proposed excavation is considered acceptable in terms of the Cl. 18 of the WLEP, 1995.

14.6 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.

14.7 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.

14.8 Clause 26: Heritage Items

Clause 26 requires Council to consider the impact of a proposed development upon the significance of a heritage item. The following heritage items under Schedule 3 of the Woollahra LEP 1995 are located at the subject site:

- No. 37 Darling Point Road: Duntrim building, grounds and Norfolk Island Pine;
- No. 188 New South Head Road: Fiona and former entrance gates, Glenrock and inner and outer gates, the Dower House, sand-stone works, remaining open space and oval adjacent to Fiona, Moreton Bay Figs, The Octagon, Yeomerry'.

The proposed development involves substantial works to the Duntrim building, however no works have been proposed to any other heritage items located on the site.

The following Statement of Significance of the Duntrim building is taken from Council's Inventory Sheet.

"The building known as Duntrim has significance for it represents and exhibits the aspirations of wealthy land owners of Darling Point in the early twentieth century. It has significance for its ability to reflect the early subdivision pattern and land tenure and use through its association with the former mansion Glanworth.

Duntrim was built in approximately 1911, on the site of the early Victorian mansion Glanworth, which had been built in 1852. The foundations of Glanworth are thought to remain at the basement level of the existing building. Glanworth was built for the merchant and philanthropist Robert Coveny (1809-1878), and was later owned by The Honourable James Watson (1837-1907), merchant and politician.

Duntrim was built for William Taylor Macpherson, by the well-known architect Maurice B Halligan (1863-1926), who was an important Australian architect of the late 19th and early 20th century. The building is one of a group of substantial and sophisticated works by Halligan, and forms part of the architect's body of work in the local area, most of which is locally listed. Many of Halligan's other buildings located in the Sydney CBD, the North Shore and regional towns are local- or state-listed items. The building was used by Sydney Hospital as a nurses' home from 1954 until 1981, after which it became the State Government's Sydney Dialysis Centre until the present time. It has been a community health facility for over 50 years.

Exhibiting substantial scale, landmark location, mature historic garden setting, representative Arts and Crafts features, and substantially intact interiors, Duntrim is a substantial representative example of the Arts and Crafts style of Maurice B. Halligan. The 1920s additions and the more recent alterations are generally either sympathetic or reversible.

The building is part of a group of extant substantial landmark mansions and historic buildings which sit atop the crest of the Darling Point peninsula. As a historic group, they contribute to a historic precinct which reflects the early subdivisions, grand mansions and historic character of the area."

The proposed alterations to Duntrim are located in various parts of the building that span the range of significance, from exceptional significance to high, moderate and low significance. The area of exceptional significance is confined to the southern end of the basement floor of the original building. The significance is derived from the likelihood that the basement walls were part of the walls or footings of Glanworth, the first building to stand on the subject site, which was constructed in 1852 and demolished in the first decade of the twentieth century. The proposed demolition of some of these basement walls and floors may have a potential impact on archaeological relics. Therefore a condition of consent has been recommended that requires investigations to be carried out by a suitably qualified archaeologist or heritage architect, refer to **Condition C.2(a)**. A further condition has been recommended that requires the locations of the demolished walls to be interpreted when making good the disturbed floor, wall and ceiling surfaces, refer to **Condition C.2(c)**.

The areas of high significance are located on the ground and first floors of Duntrim and generally comprise the central corridor and most of the rooms on the north-western side of the building, as well as the two principal rooms on the south-eastern side of the building. The balance of the building is of moderate significance. The majority of internal walls that are to be removed are located within the 1922 addition to the southern end of Duntrim; their removal will have no effect on the heritage significance of the item. Internal features in the areas of high and moderate significance that contribute to the heritage significance will be generally maintained by the proposed development.

The proposed new extension to Duntrim and the circulation link structure have been positioned on the southern and least significant side of the building and have a sympathetic design that does not detract from the significance of Duntrim. Along the eastern boundary of the site, the existing disused tennis court and swimming pool will be demolished to make way for the Science block. The view to the new building from the heritage-listed building will be broken up by a screen of new trees in addition this building has been sufficiently separated from Duntrim and will not affect the heritage significance of Duntrim.

The proposed development involves the demolition of the Workshop building located at the northern end of the site. This building was constructed in the late-twentieth century to store and maintain equipment related to Duntrim's former use as a health facility. The demolition of this building will not affect heritage significance of Duntrim and it will have a positive effect on its setting by restoring views to the heritage item from the north.

The proposed development proposes to protect and enhance the historically significant trees located on the site including the heritage listed Norfolk Island Pine and the trees located in the garden beds to the front of Duntrim. Other landscape works including the removal of the bitumen paving between Duntrim and the Annex building to allow for the reinstatement of the circular driveway at the eastern end of the vehicular accessway and the careful removal, retention and reuse of stone garden bed edging throughout the site. These works will improve the presentation of the heritage-listed building and grounds.

A Conservation Management Plan has also been prepared for Ascham School to manage the heritage significance of the Duntrim site on an ongoing basis. This includes conservation policies

and a schedule of conservation and maintenance works, as well as outlining heritage statutory obligations. This document will help ensure that Duntrim is satisfactorily maintained and managed by Ascham School. Council's Heritage Officer has concluded that the proposed development will have a minor and acceptable effect on the heritage significance of the heritage item and its setting.

Council's Heritage Officer has considered that the proposed development is acceptable, as it complies with all the relevant statutory and policy documents and would have a satisfactory heritage impact subject to imposition of **Conditions Nos. A.3, B.2, B.3, C.1 and E.4.**

14.9 Clause 27: Development in the Vicinity of a Heritage Item

Clause 27 requires Council to consider the likely impact of a proposed development upon surrounding heritage items in the vicinity of the subject site. The subject site is located in the vicinity of the following heritage items under Schedule 3 of the Woollahra LEP 1995:

- 12 Darling Point Road, Wavenal – Building
- 53 Darling Point Road, Rectory of St. Marks Church, out- buildings, grounds, gardens, stone fence, gateposts, gate'

Council's Heritage Officer has concluded that due to the topography of the site, the proposed development will have no effect on the heritage significance of the surrounding heritage items or their settings.

14.10 Clause 32: Heritage Conservation Incentives

Where an application involves the construction of a building where a heritage item is located, Clause 32(2) allows for the exclusion of the floor space ratio and parking spaces associated with the heritage item, but only where the conservation of the heritage item is achieved.

The floor space of the existing heritage building 'Duntrim' (903m²) has been excluded from the gross floor area calculation as the proposed development will achieve the conservation of this heritage listed building. The conservation of this building has been achieved for the following reasons:

- The Duntrim building was proposed to be demolished and redeveloped by the Health Commission of NSW the previous owners of the site. Ascham School advocated the retention of the building and purchased the site;
- The proposed adaptive reuse of Duntrim retains this significant building and the proposed works are guided by a conservation management plan (CMP);
- The CMP that was prepared for the site specifies areas and fabric of heritage significance and it provides a schedule of maintenance and conservation works. The CMP will assist the school to manage the heritage significance of the Duntrim site on an ongoing basis. This includes conservation policies and as well as outlining heritage statutory obligations. This document will help ensure that Duntrim is satisfactorily maintained and managed by Ascham School. It has been recommended that this CMP form part of the approved documentation, refer to **Condition A.3;**
- The proposed landscape works at the site also conserve and restore the significant gardens that have been neglected by the previous owners of the Duntrim site.

The proposed development will ensure the long term conservation of Duntrim through the heritage conservation measures proposed and the sites incorporation into Ascham School. Therefore there is

considered to be sufficient justification for the heritage conservation incentives allowed under Clause 32 to be applied.

15. DRAFT AMENDMENTS TO STATUTORY CONTROLS

15.1 Draft Woollahra Local Environmental Plan 2013

The Draft Woollahra Local Environmental Plan 2013 (Draft WLEP 2013) was exhibited between 21 August 2013 and 13 November 2013. The Draft WLEP 2013 has been considered in the assessment of this application.

16. WOOLLAHRA RESIDENTIAL DEVELOPMENT CONTROL PLAN 2003

16.1 Section 4.1: Desired Future Precinct Character

Roof Form

C 4.1.18.4 stipulates that the roof form is to be designed having consideration for neighbouring amenity in terms of overlooking, streetscape suitability and to maintain views across the precinct.

Significant vegetation

C4.1.18.9 seeks to maintain and preserve significant trees and vegetation.

Conclusion

The proposed roof form of the development will not compromise the amenity of surrounding properties and will not obstruct any views from the private or public domain. The proposed roof forms will not be visible from the public domain.

The proposed development will generally retain significant trees on the site. This issue has been further discussed below in Section 17.3 of this report.

The proposal is therefore acceptable with regard to Section 4.1 of the Woollahra RDCP, 2003.

16.2 Section 5.2: Building Size and Location

	Existing	Proposed	Control	Complies
Rear Setback	-	21.6m	25% of site length	YES
Side Boundary Setbacks (Northern)		26.4m	3m	YES
Basement	-	12m	3.5m	YES
Ground Floor		12m	5m	YES
First Floor				
Side Boundary Setbacks (Southern)		20m	3m	YES
Basement	-	20m	4.5m	YES
Ground Floor		20m	5.1m	YES
First Floor				
Solar Access to Open Space of Adjacent Properties	>50% for 2 hours on 21 June	>50% for 2 hours on 21 June	50% for 2 hours on 21 June	YES
Solar Access to Nth Facing Living Areas of Adjacent Properties	>2 hours on 21 June	>2 hours on 21 June	2 hours on 21 June	YES
Excavation, Piling and Subsurface Wall Setback	-	15m	1.5m	YES

Rear Setback

C 5.2.3 stipulates that buildings have a minimum rear setback of 25% (12.25m) of the average site length.

Side Setbacks

C 5.2.5 requires development to be setback from the side boundaries by 1.5m, increased on a pro rata basis by 0.5m for each metre or part thereof that the building height adjacent to the boundary exceeds 3.0m.

Solar Access

C5.2.12 requires that building bulk is distributed to minimise over-shadowing on neighbours, streets and public open space. C 5.2.13 stipulates that sunlight is provided to at least 50% of the main ground level private open space to adjoining properties for a minimum of two hours between 9am and 3pm on June 21. C 5.2.14 also states that north facing windows to habitable rooms of neighbouring dwellings do not have sunlight reduced to less than 3 hours during the same period.

Site Excavation

C5.2.15 seeks to minimise cut and fill associated with the building footprint. C 5.2.16 stipulates that the setback for excavation, piling and sub-surface walls shall not be less than 1.5m from a front, side or rear boundary.

Conclusion

The new works to the Duntrim building complies with the minimum side and rear setback requirements. It should be noted that the RDCP does not apply to the educational building located to the rear of the Duntrim site as the DCP only applies to residential development including school dormitories. However this building and the proposed excavation works to this building have been sufficiently separated from surrounding residential properties.

The proposed development complies with the minimum solar access requirements to adjoining private open space and north facing habitable room windows during the winter solstice. Whilst, the proposed development will result in additional overshadowing to the swimming pool at No. 3-17 Darling Point Road during the winter solstice, this impact is considered acceptable as the proposed development will not overshadow the pool during the Autumn/spring equinox or during the summer solstice when the pool is likely to be in use. The proposed development is therefore considered acceptable in terms of solar access to adjoining properties.

The proposal is therefore acceptable with regard to Section 5.2 of the Woollahra RDCP, 2003.

16.3 Section 5.3: Open space and landscaping

Landscape Design

C5.3.11 seeks to maximise unpaved landscaped areas to improve on-site stormwater infiltration.

C5.3.12 seeks to incorporate existing vegetation into the landscape treatment. This is consistent with objective O5.3.2, which is to retain important existing mature trees, vegetation and other landscape features.

Conclusion

The submitted Arboricultural Assessment Report includes an assessment of each tree on the Duntrim site and specifies that a total of 53 trees are to be removed to accommodate the proposed development. 46 of these trees are considered to be of low retention value, 5 of these trees are considered to be of moderate retention value and the remaining two trees are considered to be of high retention value (two Cheese Trees, Tree Nos. 62 & 64). These Cheese Trees are considered significant as these trees are in good health and provide good amenity to the site and surrounding properties (no heritage significance). The retention of these significant trees has been considered but is not feasible in this instance as they are located within the proposed building footprint. Council's Landscape Officer has not raised any objection to the proposed development as extensive landscaping has been proposed including the planting of at least 62 replacement trees and subject to **Conditions A.3, B.4, B.5, E.6, H.1**. These landscape works have been shown on the submitted Landscape Plan, which is recommended to form part of the approved documentation, refer to **Condition A.3** and is shown in **Annexure 9**. This issue has been further discussed in Section 21 of this report.

C The proposal is therefore acceptable with regard to Section 5.3 of the Woollahra RDCP, 2003.

16.4 Section 5.5: Views

Public views

C5.5.2-C5.5.5 requires Council to consider building form and location, setbacks, roof form and landscaping when assessing public views.

Private views

C5.5.6 requires building forms to enable a sharing of views, particularly from the main habitable rooms.

Conclusion

C The proposed development will not result in any loss of views from the private or public domain. The proposal is therefore acceptable with regard to the concept of view sharing and Section 5.5 of the Woollahra RDCP, 2003.

16.5 Section 5.6: Energy Efficiency

Solar Access

C5.6.2 requires buildings to be sited and designed to maximise midwinter solar access to north-facing windows of habitable rooms and principal areas of open space. C5.6.3 requires at least one north-facing habitable room.

C5.6.4 requires a minimum of three hours of sunlight to north facing windows of the proposed development between 9am and 3pm on June 21.

Conclusion

The proposed development will comply with the minimum solar access requirements for north facing windows to the proposed development as the existing workshop building located on the

northern side of Duntrim house is to be demolished. Further the proposed development has included the provision of photovoltaic panels and solar hot water heating to the roof of the proposed science block.

The proposal is therefore acceptable with regard to Section 5.6 of the Woollahra RDCP, 2003.

16.6 Section 5.7: Stormwater management

	Existing	Proposed	Control	Complies
Rainwater Tank	-	55,000l	Encouraged	YES
Dual Flush Toilets	-	Not specified	Encouraged	Conditioned to comply

Conclusion

Council's Technical Services has considered the submitted Stormwater Concept Plan to be acceptable subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate, refer to **Condition C.12**.

A 55,000 litre rainwater tank has also been provided to assist with the onsite detention of stormwater.

Extensive landscaping is proposed, these works have been detailed on the submitted Landscape Plan, which proposes substantial soft landscaped areas, refer to **Annexure 9**. The proposal is therefore acceptable with regard to Section 5.7 of the Woollahra RDCP, 2003.

16.7 Section 5.8: Acoustic and Visual Privacy

	Existing	Proposed	Control	Complies
Setback of Roof Terraces from Open Space/Habitable Room Windows of Adjoining Properties	-	24m	12.0m	YES

Acoustic Privacy

C5.8.2 requires bedroom windows to be setback at least 3.0m from streets and driveways and parking areas of adjoining properties.

C5.8.3 recommends noise shielding techniques where dwellings are located next to high noise areas.

C5.8.4 recommends locating bedroom areas away from noise sources.

Visual Privacy

C5.8.5 states that windows in habitable rooms with a direct sightline to habitable room windows in an adjacent dwelling within 9.0m are to be screened by (a) being offset, (b) incorporating planter boxes, louvres or other devices, (c) translucent glazing to 1.5m above floor level, (d) using fixed translucent glazing or (e) sill heights above 1.5m in height.

C 5.8.5A continues by requiring that architectural design solutions and devices referred to be integrated with the overall design and contribute to the building's architectural merit, with consideration for aesthetics of the building, boundary setbacks and appearance from adjoining properties.

C 5.8.6 requires balconies, terraces, decks, roof terraces and other like areas within a development are suitably screened to prevent direct views into habitable rooms or private open space of adjoining and adjacent dwellings.

C5.8.6A requires privacy screening to be integrated so as to not impact upon bulk and scale or views from adjoining properties.

C 5.8.9 requires the trafficable area of the roof terrace to be setback so that there is no direct line of sight to neighbouring open space or windows of the habitable rooms of adjoining dwellings within a distance of 12m.

C 5.8.10 requires lighting on roof terraces to be at a low level, appropriately shaded and fixed in a non-adjustable manner so that light is projected downwards onto the floor surface of the terrace.

Comment:

C Acoustic Privacy

The proposed development is not considered to create adverse acoustic privacy impacts for the following reasons:

- The proposed use of the Duntrim and Annex buildings for the accommodation of students and staff is considered to have similar acoustic impacts as the previous medical use of the Duntrim and Annex buildings, which included nurse and patient accommodation;
- The proposed new buildings have been centrally located on the Duntrim site and toward the existing school campus. The proposed new buildings will also be screened from surrounding residential properties by existing buildings and new and existing landscaping;
- No playground areas are proposed. A rooftop terrace area is proposed for the new boarding building (Duntrim), which is proposed to be used for passive recreation by boarding students. Noise levels would be managed through staff supervision. A condition of consent has been recommended that restricts the usage of this roof terrace to the hours of 9am-10pm and that students using the terrace be supervised by staff at all times, refer to **Condition I.4**;
- The new science building includes a lecture theatre with a capacity of 138 people. This space is intended to accommodate an entire year group for public speaking, presentations, debating lectures and after hours lectures to parent groups and film screenings. The proposed acoustic impacts of the science block is considered acceptable for the following reasons:
 - The proposed science building is located toward the existing school campus and will be shielded from surrounding residential properties by existing and approved buildings and new and existing landscaping, refer to **Annexure 8**;
 - The proposed science building is sufficiently separated from surrounding residential buildings (at least 57m) which provides a buffer for noise generated by the building;
 - The proposed science building has 37 underground car spaces, which have direct internal lift or stair access to the remainder of this building. This car parking area is accessed via the existing Octagon Road/ Darling Point Road driveway (entry via Octagon Road and exit via Darling Point Road). All other parking for this building is located on the Ascham school site and not on the Duntrim site;
 - The entry and exit of the proposed new lecture theatre is via an internal foyer;
 - The entry and exit of the proposed science building is located on the northern and eastern sides of the site. These parts of the site are oriented toward the remainder of the school campus and away from residential properties;

- A condition restricting the hours of use of this facility has been recommended (Monday to Sunday: 7am to 10pm), refer to **Condition I.2.**
- The plant equipment has been proposed to be contained within the basement and screened area to the roof to the new science building. No air conditioning has been proposed to new boarding facilities;
- Council's Environmental Health Officer has considered the proposed development to be acceptable in terms of acoustic privacy subject to **Conditions C.15, I.8, I.12.**

Visual privacy

The proposed development is not considered to create adverse visual privacy impacts for the following reasons:

- No changes to the fenestration of the Annex building have been proposed (this building is the closest building to residential properties). The Annex building has previously been used for nurse/patient accommodation when the site was used as a medical facility;
- The proposed new boarding building (Duntrim extension) has been sufficiently separated from surrounding residential properties (minimum 15m) and will be mostly screened from these residential properties by existing buildings. New and existing landscaping will further assist to protect the visual privacy of surrounding properties;
- The proposed new balconies to the staff accommodation to the southern elevation of the Duntrim extension are sufficiently separated from surrounding residential properties (25m) and a number of established trees exist along this boundary, which is proposed to be supplemented by the new screening planting to be installed along this boundary;
- The proposed new Science building has been setback 5m from the southern boundary of the Duntrim site. A number of established trees exist along this boundary, which is proposed to be supplemented by the new screening planting to be installed along this boundary. Further this building will be at least 10m from the adjoining swimming pool and 48m from the residential flat building at No. 3-17 Darling Point Road;
- The proposed roof terrace to the Duntrim addition is not considered to affect the visual privacy of surrounding residential properties as the roof terrace is sufficiently separated and screened (by the existing Annex building) from the residential properties towards the west in order to prevent sight lines into the these residential properties. Further the roof terrace is 25m from the swimming pool and 60m from the residential flat building at No. 3-17 Darling Point Road. This boundary also contains substantial screen planting which will further assist to protect the visual privacy of surrounding residential properties;
- A two bedroom apartment and area of private open space has been proposed to be located on the ground floor of the Duntrim extension, providing accommodation for the boarding co-ordinator and family. The visual privacy of this apartment and private courtyard will be screened by a fence surrounding the courtyard to prevent overlooking from the ground floor science labs. The only first floor window on the western elevation of the science block directly overlooking this area of the site is window with a low sill height (less than 500mm);
- The new science building is not considered to create adverse visual privacy impacts on the boarding facilities to Duntrim as the boarders will be in class during school hours when overlooking would occur. In addition substantial landscaping has been proposed between the Science block and the boarding buildings, which will assist to minimise impacts;
- The separation between Duntrim and the Science buildings ranges from 4m at the northern end to 9m at the southern end where the staff accommodation is located. The area between these buildings is to be extensively landscaped to provide visual screening between the residential areas and educational facilities which will assist to minimise visual privacy impacts.

The proposal is therefore acceptable with regard to Section 5.10 of the Woollahra RDCP, 2003.

16.8 Section 5.10: Site facilities performance criteria

Garbage and Recycling Facilities

C5.10.3 requires adequate garbage and recycling collection areas which are integrated physically and visually with other built elements such as fences, walls, buildings and garages.

C5.10.5 states that garbage and recycling areas are to be located away from windows and doors.

Air Conditioning Units

C5.10.11 states that the location of air conditioning units should maintain the privacy of surrounding properties. Noise emissions must not exceed the background noise levels when measured at the boundary of the site.

C5.10.12 notes that air conditioning units should not be visible from the public domain nor should they have a greater visual or amenity impact on the streetscape or neighbours than they have on the occupants of the site.

Conclusion

The applicant has stated that the only proposed air conditioning is for the proposed new science labs. The plant for this air conditioning is proposed to be on the roof of the science building up against the side wall and roof to the auditorium. No air conditioning has been shown on the proposed plans to the new boarding facilities, thus a condition of consent has been recommended that states that no approval has been granted to any air conditioning to these boarding facilities, refer to **Condition A.5**.

The proposed development will use the existing Ascham waste management facility, located to the north of the site, accessed from Octagon Road. Food scraps and other general waste are collected daily, and recyclables are collected fortnightly by Council or by private contractors as required. All waste collections take place out of school hours, usually in the early morning. A new vehicular connection is proposed between the Duntrim site and the school to the north, to allow the movement of service and maintenance vehicles between the waste management area and the Duntrim site if required. The proposal is therefore acceptable with regard to Section 5.10 of the Woollahra RDCP, 2003.

16.9 Section 5.13: Access and Mobility

Refer to comments in relation to the Woollahra Access DCP in Section 17 below.

17. PARKING DEVELOPMENT CONTROL PLAN 2011

The aims and objectives, as outlined in Section 1.4 of the DCP, are:

- a) *To ensure that development generating vehicular traffic makes adequate provision off the public street for the car parking and servicing needs of its occupants and users, including visitors, employees and deliveries.*
- b) *To ensure the safe and efficient movement of vehicles within, entering and leaving properties*

- c) *To minimise the environment effects, particularly visual impact, of parked vehicles on the amenity of the Municipality*
- d) *To ensure that access points to car parking areas are situated to minimise disruption of vehicle movement on the public road system*

Parking

The existing gross floor area of the existing development at Ascham school is 25,000m². The Parking DCP requires 1 space per 100m² for educational establishments, equating to a car parking requirement of 250 parking spaces. The school complex currently has 143 onsite parking spaces, refer to Table 1 below.

Table 1: Existing car parking at Ashcam School

Car Park	Number of Spaces
Front Driveway	52
Underground Wallis	9
Fiona	4
Dower Garage and Hardstand	2
Rear Driveway	26
Undercover off Rear Driveway	21
St Marks Garage	2
43 Darling Point Road Garage	1
Duntrim Driveway	8
Duntrim Tennis Court	18
Total	143

The proposed new science building and boarding facilities have a parking generation rate of 1 spaces/100m². This equates to a total of 29 spaces. The 2 bedroom unit and the two one bedroom units and bedsit for staff accommodation generate an additional 4.5 spaces, refer to Table 2.

Table 2: Proposed car parking demand

Use	Area	Rate	Multiplier	Number of Spaces
New Boarding Building	226m ²	1 per 100m ²	0	2.26 spaces
Duntrim	903m ²	1 per 100m ²	0	9.03 spaces
Annex	402m ²	1 per 100m ²	0	4.02 spaces
New Science Building	1365m ²	1 per 100m ²	0	13.65 spaces
2 Bedroom Unit	-	1.5 per unit	-	1.5 spaces
One Bedroom Unit	-	1 per unit	-	1 spaces
One Bedroom Unit	-	1 per unit	-	1 space
Bed Sit	-	1 per unit	-	1 spaces
Total				34 spaces

The proposed development provides 37 parking spaces and 5 at grade (ground level) car parking spaces located at the front of the Duntrim building. However the development will result in the loss of existing parking on site on the Duntrim site (8 spaces to the driveway and 18 spaces to the tennis court). This results in a net increase of 16 parking spaces and a shortfall of 18 parking spaces associated with this development. Council's Traffic Department has supported this non-compliance on the basis that the existing parking on the Duntrim site operates as an informal 'scramble parking' arrangement, whereas the new development will increase formal onsite parking. Council's Traffic Department has also accepted the proposed parking shortfall on the basis of the enrolled student numbers be capped to 1,240, refer to **Condition I.1**. The proposed parking shortfall is also considered acceptable for the following reasons:

- The subject site is located within close proximity to Edgecliff train station and bus interchange;
- Ascham school uses chartered buses and shared bus services with Scots and Cranbrook schools;
- The parents association encourages car pooling.

Traffic & enrolment numbers.

This application seeks to increase the current student numbers to a maximum of 1240. Currently there is no restriction on the overall student numbers. This number was imposed using the student enrolment numbers at the time of the application (2012 enrolment numbers). The school during the assessment of the original application did not supply Council with its overall student capacity figures, as the school did not anticipate that Council would apply a cap on student numbers. This oversight has meant that the restriction to the student numbers did not allow for the future growth of the school, particularly as the school is in a rebuilding phase as student numbers declined to the lowest level in 30 years in 2006. As result of this decline the student numbers at Ascham school are still well below its maximum capacity and numbers would rise regardless of whether or not the approved development (DA165/2012) is constructed, refer to Table 3.

Table 3: Overall Student Numbers

YEAR	Overall Student Numbers*
2006	919
2007	930
2008	1002
2009	1017
2010	1026
2011	1052
2012	1079
2013	1075
2014	1100

* overall student numbers are inclusive of boarders

To minimise parking and traffic impacts Ascham School currently staggers the start and finish times for the different year groups (refer to Table 4) and an onsite pick-up and drop-off is provided for kinder up to year 6. There is no on-site provision made for the drop-off and pick-up of the senior levels. The senior level student pick-up and drop-off takes place on street, which is considered to have significant impact on local roads.

Table 4: Pick and drop-off arrangements and start and finish times

	Total No. of students in each cohort	School start	School finishes	Drop-off / Pick-up location
Kinder	60	8.30am	2.40pm	Octagon Rd
Year 1	60	8.30am	2.50pm	Octagon Rd
Year 2	60	8.30am	3pm	Octagon Rd
Year 3 and 4	132	8.20am	3.05pm	New South Head Rd
Year 5 and 6	132	8.20am	3.15pm	New South Head Rd
Year 7 to 12	600	8.20am	3.30pm	Not applicable

The Ascham School Student and Facility Master plan has stated that it proposes to have an additional 125 senior school day pupils and total of 134 boarders, refer to **Table 5**. This represents at a minimum of 125 additional students that do not have on-site pick-up and drop-off facilities available, creating additional problems on neighbouring streets during the pick-up and drop-off periods. This represents a large number of additional pupils arriving on streets, already heavily congested and heavily parked. Ascham school has an internal driveway that is currently only made available to junior years to pick-up and drop-off. The internal driveway will need to be made available for pick-up and drop-off of senior level day students in order to minimise the impact on this additional traffic on adjacent streets. Therefore Council's Traffic Department has recommended that a detailed Operational Transport Management Plan be submitted to Council for approval by Council's Manager Engineering Services prior to the issue of the Construction Certificate. A condition has therefore been recommended, this condition states the following:

An Operational 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:

- *Minimisation of traffic impacts, associated with the development in particular the additional numbers of senior school day students*
- *Provision of on-site pick-up /drop-off zones for all levels (Kinder, Junior and Senior). This must include details of how this will operate and be managed and the vehicle and student capacity for each student level (Kinder, Junior, Senior)*
- *Safe management of the pick-up / drop-off zones for the school and operational times for different levels*
- *Strategies for the increase in sustainable transport options for students and staff*
- *Safe management of pedestrians.*

Table 5: Junior, senior student and boarding numbers between 2013 and 2018

	2013	2014	2015	2016	2017	2018
Total number of students	2,075	2,110	2,140	2,170	2,200	2,240
student population junior school	519	515	511	506	504	500
student population senior school	556	591	626	661	696	740
Inclusive of:						
number of boarding students	95	85	97	110	122	134

It should be noted that whilst, this proposal will increase the total number of boarding places to 134, representing a net increase of 42 boarding places. Increasing the boarding capacity at the school is considered to be of low impact on traffic and parking as the boarding students are not dropped off and picked up on a daily basis. Full time boarders are dropped off and picked up at the start and end of term and casual boarders are dropped off on Sunday nights and picked up on Friday evenings or Saturday mornings. Thus the boarding students do not contribute to the peak traffic and parking generation created during the schools drop off and pick up times. Further a condition of consent has been recommended that limits the overall number of boarding students, refer to **Condition I.1**.

Construction Management Plan

A Construction Management Plan (CMP) has not been submitted with the application, however the Traffic Department has recommended that a CMP be submitted, approved and complied with to ensure there are no adverse impacts to the surrounding community and minimise impacts the construction process may have on the operation of the schools established pick-up-drop-off procedure, refer to **Conditions D.3, E.2**.

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. A condition of consent has been recommended to ensure that the development is consistent with Waste Not DCP, 2010, refer to **Condition E.18, E.19**.

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.

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

The proposed development is for alterations and additions to the Annex and Duntrim building to provide new boarding facilities. A new class 3 educational building to the rear of the site has also been proposed. The Access DCP requires 1 in 10 boarding rooms and all common rooms to be accessible. All rooms on the ground floor of the Annex building including the common room, toilet and bathroom are accessible. Further all rooms on the ground floor of the Duntrim are also accessible. The new science block is fully accessible including the provision of a disabled car space in accordance with the Access DCP. Further the applicant has submitted an Access Report to ensure that ingress and egress, paths of travel, circulation areas, toilets, accommodation and car parking can comply with relevant statutory guidelines.

The report concludes that the proposed development has demonstrated an appropriate degree of accessibility. These recommendations are as follows:

- *An alternative solution report for use of an accessible car bay within on-site car-park with accessible linkage to the main entry of Duntrim/Annexe and Science buildings in lieu of external access from the site boundary is required to satisfy the performance requirements of the BCA at CC stage;*
- *Provide a designated accessible car bay (2.4m wide with 2.4m wide shared bay) within the new Duntrim car park, compliant with AS2890.6 and connecting accessible path of travel to accessible building entry points, compliant with AS1428.1;*
- *An alternative solution report for use of an alternative accessible entry instead of the Duntrim heritage main entry is required to satisfy the performance requirements of the BCA at CC stage.*
- *Ensure 1:17 Duntrim entry ramp (Octagon Road) has suitable intermediate landings to ensure 12m max. ramp lengths compliant with AS1428.1;*
- *Ensure Duntrim low-rise passenger lift type is suitable for people with disabilities in compliance with DDA Premises Standards and BCA Part E3.6 requirements;*
- *Ensure the 'Affected Part' of Duntrim building (ie. accessible entrance and path of travel to new work at level 2) is compliant with AS1428.1 as required by the DDA Premises Standards.*
- *Ensure the external pathways through the landscaped areas linking the accessible entrances of Duntrim, Duntrim addition, Annexe and Science buildings are suitable for people using wheelchairs and compliant with AS1428.1;*
- *Provide 3 designated wheelchair seating spaces in Lecture Theatre compliant with the DDA Premises Standards Table D3.9 and AS1428.1;*
- *Ensure all accessible toilets are compliant with AS1428.1. Overall approx. dimensions of 2350mm x 2350mm or 2000mm W x 2750mm L min. recommended;*
- *Provide at least 1 ambulant cubicle, compliant with AS1428.1 in each toilet bank adjacent to accessible toilet ie. in student toilets in Duntrim level 1, Annexe level 2.*

This Access Report has been recommended to be included in the approved documentation, refer to **Condition A.3**. The proposed development is therefore considered acceptable in terms of Access DCP, 2004.

20. EDUCATIONAL ESTABLISHMENTS DEVELOPMENT CONTROL PLAN 2012

The Educational Establishments DCP 2012 relates to development (or extensions) involving private and public schools and colleges.

The aims and objectives of the Establishments DCP 2012 are:

- a) *establish Council's policy for development relating to educational establishments;*

- b) encourage well designed educational establishments that balance the requirements of students and staff, with the amenity of the adjacent properties;*
- c) protect views and vistas;*
- d) protect and conserve heritage conservation areas, and heritage items located on or adjacent to an educational establishment;*
- e) encourage all schools to provide sufficient open spaces on site, and protect existing open spaces;*
- f) encourage a safe, efficient and co-ordinated traffic network, which considers all users;*
- g) ensure sufficient on-site car parking is provided;*
- h) ensure high quality landscaping;*
- i) encourage community uses of educational establishments that do not unreasonably impact on surrounding residents;*
- j) ensure appropriate overland flow, on site detention and reuse of stormwater;*
- k) minimise the generation of waste;*
- l) encourage innovation and efficient use of resources in the design and function of educational establishments*

C The heads of consideration, as outlined in Part 2 of the DCP, are as follows:

Section 2.2: Siting of Development

Controls:

C2 Non street fronting rear and side setbacks of the building must be setback:

- *to maintain the amenity of the adjoining development taking into account privacy and noise generation;*
- *so that sunlight is provided:*
 - *to 50% or 35sqm (with minimum dimension 2.5m), whichever is smaller of the main ground level private open space of adjacent properties; and*
 - *for a minimum of two hours between 9am and 3pm on June 21;*

C4 Site new development so that significant views and vistas are maintained.

C The proposed development complies with the minimum setback requirements, this has been further discussed above in Section 17.2 of this report. The proposed development has been suitably sited being generally in the centre of the Duntrim site and toward the existing Ascham campus. Extensive landscape screening has also been proposed along the site boundaries to minimise the impacts of the development on surrounding properties.

The proposed development has been designed to improve the amenity of the school and to minimise amenity impacts on the surrounding residential area. The proposed development complies with the minimum solar access requirements to adjoining private open space and north facing habitable room windows during the winter solstice. The proposed development will result in additional overshadowing to the swimming pool at No. 3-17 Darling Point Road during the winter solstice. This impact is considered to be acceptable as the proposed development will not overshadow the pool during the Autumn/spring equinox or during the summer solstice when the pool is likely to be in use. The proposed development is therefore considered acceptable in terms of solar access to adjoining properties.

There are no views that will be affected by the proposed development. The development has been designed to protect existing views within the Duntrim site towards the heritage listed Duntrim house and Norfolk Island Pine.

Section 2.3: Building and Urban Design

Controls:

- C1 Development is to be consistent with nearby and adjoining residential development in terms of scale, bulk, site coverage, character and materials;*
- C2 Development must provide visual privacy to adjoining properties by appropriate design, vegetative screening, window and door offset, location of external areas such as roof top terraces, screening devices, separation distances and other mechanisms;*
- C3 Development of educational establishments should be flexibly designed to facilitate future use by the wider community.*

The form of the development is considered to be compatible with the surrounding residential development. The proposed new windows and roof terrace has been sited and screened to ensure that the visual privacy of surrounding residential properties and the privacy of the occupants within the site are not adversely affected. This has been further discussed above in Section 17.7 of this report.

The Duntrim building has been adaptively re-used as a boarding facility for the school from its previous hospital use. The design of this building could facilitate future use by the wider community.

Section 2.4: Heritage conservation

Controls:

- C1 New development should respond sympathetically to the heritage significance of items and heritage conservation areas in terms of architectural style and design, colours, materials, proportions and scale;*
- C2 Siting of new development should not detract from the heritage item;*
- C3 Siting of new development should preserve existing views to and from the item from the public domain, and enable a sharing of views to and from the item from surrounding residences.*

A Heritage Impact Statement and Conservation Management Plan have been prepared in relation to the proposed development. The proposed development has been designed to respect and enhance the sites heritage significance.

The proposed circulation link between Duntrim and the Annex has been designed using lightweight materials to minimise impacts on views of Duntrim and the heritage listed Norfolk Island Pine tree located at the southern end of the Duntrim site. This link structure has been situated alongside the southern wall of the 1922 addition to Duntrim, which is the least significant end of the building, thus minimising its effect on the heritage significance of Duntrim.

The proposed three-storey addition to the south of Duntrim has been designed in a contemporary style with a flat roof. The proposed design, bulk, scale, materials, finishes and colours will ensure that the proposed structure reads as a building with a distinct and independent existence that will not detract from the significance of the heritage item.

The proposed development involves the demolition of the Workshop building located at the northern end of the site. This building was constructed in the late-twentieth century to store and maintain equipment related to Duntrim's former use as a health facility. The demolition of this building will not affect heritage significance of Duntrim and it will have a positive effect on its setting by restoring views to the heritage item from the north.

The remaining heritage items on the Ascham school site will be unaffected by the proposed development.

Section 2.5: Open spaces

Controls:

- C1 Existing open spaces are to be retained;*
- C2 Vehicle access and parking is not permitted on any part of the site considered as open space;*
- C3 New educational establishments and major development of existing establishments must provide open spaces and maximise the use of existing open spaces having regard to an overall plan for the siting, amenity impacts, usability and accessibility of such spaces;*
- C4 Playgrounds must be provided on site. Playgrounds must contain suitably designed meeting, seating, shade and play equipment to meet the relevant requirements of the Australian Standards;*
- C5 Sports fields are, where possible, to be provided on site.*

The applicant has provided a very well considered landscape plan that has divided the site into four distinct areas: Historic Precinct, Science Precinct, Boarders Domestic Garden Precinct, Buffer & Screen Planting Precinct (refer to **Annexure 9**). The proposal has provided the maximum useable recreation areas which is considered to be suitable for the intended use of the Duntrim site and has provided an appropriate balance between the provision of useable recreational areas and maintaining the landscape and historic character of the Duntrim site. An additional passive recreation area has been provided in the form of a roof terrace to the new Duntrim addition as well as indoor recreation spaces for boarding students located at the basement level of Duntrim.

The proposed development provides approximately 1760m² of landscaped area (on the Duntrim site) suitable for open air recreation, including the rooftop terrace to the Duntrim addition (it should be noted that none of this recreation space is proposed to be used as playground areas). Based on the 64 boarding students proposed to be accommodated on the site, this represents a rate of 27.5m² per student, which complies with the DCP requirements. Further when viewed in conjunction with the existing recreation areas available within the remainder of the Ascham School campus, the proposed provision of recreational areas is considered acceptable.

Section 2.6: Arrival and departure

Controls:

- C1 Pedestrian access is to be provided to all frontages that adjoin the public domain. All pedestrian access must be segregated from vehicular access with clearly defined paths;*
- C2 Pedestrian areas are to be provided at key entry points to accommodate concentrations of pedestrians e.g. parents pick up time;*
- C3 Equitable access is to be provided in accordance with the requirements of Council's Access DCP;*
- C4 New educational establishments must provide an internal driveway for vehicles that are picking-up and dropping-off students;*
- C5 Major development of existing establishments should wherever feasible provide an internal driveway for vehicles that are picking-up and dropping-off students.*

A segregated pedestrian access path is to be provided, which will provide a further access point from Darling Point Road.

The proposed development will utilise the existing school drop-off/pick-up arrangements via Octagon Road. The existing driveway will be retained and enhanced to provide access to the 5 visitor parking spaces located to the front of the Duntrim building.

A new vehicular connection is proposed between the Duntrim site and the Ascham School site to the north. This access point will be controlled via a boom gate for service and emergency vehicles only. The proposed basement car parking area includes one disabled car parking space located in the proposed new basement car park. This car space is accessed via a lift from the proposed Science building.

A Traffic Impact Statement has been prepared and submitted this document has been recommended to form part of the approved documentation, refer to **Condition A.3**. Council's Traffic Department has not raised any objections to the proposed development in relation to vehicular and pedestrian traffic.

Section 2.7: Parking and servicing

Controls:

- C1 All car parking and servicing arrangements (including proposals for a community use) are to be provided in accordance with the Woollahra Parking Development Control Plan including Parking Rates (as well as rates for Off-street loading and servicing facilities);*
- C2 The design of parking on-site and servicing must comply with all the relevant Australian Standards;*
- C3 Provisions are to be made on-site for service and emergency vehicles;*
- C4 In addition to parking for staff and visitors, on site car parking for students is to be provided at tertiary institutions and is to be provided at a rate of one car space per 10 students;*
- C5 Parking for disabled persons should be provided at a minimum rate of one car space per 50 car spaces or part thereof. The design and location of this parking is to comply with the relevant Australian Standard;*

C6 Secondary Schools and Tertiary education establishments should provide dedicated secure bicycle parking at the following rates:

- 5% of staff numbers;*
- 10% of full time student numbers;*
- at a central location with associated changing rooms and showers;*

C7 Any excess or shortfall from the above requirements in C1-C6 will be considered with regard to the alternatives proposed by a qualified traffic consultant. To justify any variation from the Council's requirements, traffic reports should assess the requirement for parking generated by staff and students based on; the educational establishments location; catchment and proximity to public transport and use rates.

The proposed development is considered to be acceptable in terms of parking for reasons stated above in the Section 18 of this report. The proposed new spaces and access to these spaces have been designed in accordance with relevant Australian Standards. The proposed school buildings are not intended for commercial or community uses. One disabled car space to the basement car parking area and one disabled space has been provided to the front of the Duntrim building in accordance with the requirements. Multiple bicycle spaces have also been provided in the basement car park.

A vehicular connection for emergency service vehicles between Octagon Road and the Duntrim site has been provided.

Section 2.8 Planting and hard surfaces

Controls:

C1 All significant trees on the site are to be retained;

C2 Development must not damage significant trees located on land adjoining the site;

C3 Existing green or vegetated areas which contributes to the public realm must be retained. These areas include, but are not limited to Kincoppal (foreshore bush land), Vacluse Public School (open space adjacent to Cambridge Avenue) and Glenmore Public School (vegetated strip adjacent to Glenmore Road);

C4 Landscaping shall respond to adjoining developments and local streetscape character;

C5 Plant species shall be chosen that support indigenous fauna;

C6 Planting or fencing should not be used to block significant views or open spaces from adjacent public domain or private property;

C7 50% transparent fencing should be used to facilitate views and vistas of open spaces from the public domain;

C8 Existing fences identified as having heritage significance are to be preserved. New development in the vicinity of these fences should respond to the heritage significance with a sympathetic design and finish.

The applicants Arboricultural Assessment Report includes an assessment of each tree on the site and specifies that a total of 53 trees are to be removed to accommodate the proposed development.

46 of these trees are considered to be of low retention value, 5 of these trees are considered to be of moderate retention value and the remaining two trees are considered to be of high retention value (two Cheese Trees, Tree Nos. 62 & 64). These Cheese Trees are considered significant as these trees are in good health and provide good amenity to the site and surrounding properties (no heritage significance). The retention of these significant trees has been considered, however their retention is not feasible as these trees are located within the proposed building footprint. Council's Landscape Officer has not raised any objection to the proposed development as extensive landscaping has been proposed including the planting of at least 62 replacement trees and subject to Conditions. These landscape works have been shown on the submitted Landscape Plan, which is recommended to form part of the approved documentation, refer to **Condition A.3**.

No changes are proposed to the existing fences between the site and adjoining residential properties. The removal of fences between the Duntrim site and the Ascham School campus is proposed to improve the integration and connectivity within the school. The sites fences do not form part of Duntrim's heritage listing, thus will not affect the heritage significance of the site.

Section 2.9: Community use

The proposed development does not involve any community use of the facilities.

Section 2.10: Stormwater and waste disposal

Controls:

C1 Proposal's must ensure that the Stormwater Disposal mechanisms are in accordance with Council's Stormwater Drainage and Flood Risk Management DCP;

C2 Provide garbage and recycling facilities in accordance with Council's Waste Not DCP;

C3 Provide facilities in kitchens and canteens to encourage the composting of materials;

C4 Minimise water usage and encourage rain water collection, use and storage and encourage water recycling.

Council's Technical Services has considered the submitted Stormwater Concept Plan to be acceptable subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate, refer to **Condition C.12**. A 55,000 litre rainwater tank has been provided to assist with the onsite detention of stormwater and extensive landscaping is proposed, providing substantial soft landscaped areas.

The proposed development will use the existing onsite waste management facility, located to the north of the site, accessed from Octagon Road. Food scraps and other general waste are collected daily, and recyclables are collected fortnightly by Council or by private contractors as required. All waste collections take place out of school hours, usually in the early morning. A new vehicular connection is proposed between the Duntrim site and the school to the north, to allow the movement of service and maintenance vehicles between the waste management area and the Duntrim site if required.

Section 2.11: Sustainability

Controls:

C1 Development must be designed to provide for best practice environmentally sustainable design outcomes as may be established through the Green Star Certificate Rating system or NABERS or a similar tool.

Examples of environmentally sustainable design include:

- *Wherever possible, incorporate passive solar design principles in building design to avoid the need for additional heating and cooling;*
- *All buildings should be designed to achieve natural ventilation;*
- *Alternative low emission and renewable energy sources;*
- *Wherever possible (and where there is no negative impact on the significance of a heritage item or heritage conservation area) roof-top solar energy panels are to be installed;*
- *Where appropriate green roofs are encouraged;*
- *Windows are to be suitably shaded to restrict summer sun whilst permitting winter sun;*
- *Utilise recycled and/or low embodied energy building materials;*
- *Minimise excavation.*

C The proposed development will provided a minimum of 3 hours of direct solar access to north facing habitable room windows as the existing workshop building located on the northern side of Duntrim house is to be demolished. Further the proposed development has included the provision of photovoltaic panels and solar hot water heating to the roof of the proposed science block.

The proposal is therefore acceptable with regard to the objectives and controls of the DCP for School and College Development.

21. SECTION 94 CONTRIBUTION PLANS

21.1 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
\$15,168,342	1%	\$151,683.42

C Refer to **Condition C.4.**

21.2 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.

22. APPLICABLE ACTS/REGULATIONS

22.1 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.2.**

22.2 Fire Safety

An annual fire safety schedule is required to be submitted. This is detailed in **Condition F.2.**

23. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been considered above in the body of this report.

24. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development for the following.

25. THE PUBLIC INTEREST

The proposal is in the public interest.

26. CONCLUSION

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

27. 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.

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

THAT the Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to the height development standard under Clause 12 of Woollahra LEP 1995 is well founded. The JRPP is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the development will not result in any adverse impacts of the amenity of surrounding properties or obstruct any views.

AND

THAT the Joint Regional Planning Panel, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that it is consistent with the aims of the Policy, grant development consent to DA 550/2013/1 on land at 188 New South Head Road EDGECLIFF, 43 Darling Point Road, DARLING POINT, 37 Darling Point Road, DARLING POINT, Lot 1 Darling Point Road, DARLING POINT, 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)
AR-DA-A-XX-001-006 Issue A AR-DA-C-XX-001 Issue A AR-DA-D-XX-001 Issue A	Architectural Plans	Donovan Hill	04/12/2013
Not specified	Student and Facility Master Plan	Ascham School	Date received 06/12/2013
Not specified	Accessibility Report	Morris Goding Accessibility Report	5/12/2013
Ref:25418Zrpt Rev1	Geotechnical Report	Jeffery & Katauskas P/L	26 August 2013
02	Heritage Conservation Management Plan	Urbis	March 2012
Not specified	Landscape Masterplan, Planting Plan, Planting Schedule, Tree Strategy Plan, Hard Landscape Material Schedule, Indicative Sections & Typical Details,	Living Edge Design	April 2012
SK-01	Landscape Addendum	360 Degrees	04/12/2013
Not specified	Arboricultural Impact Assessment Report	Earthscape Horticultural Services	August 2013
Not specified	Sample board	Donovan Hill	Date received 06/12/2013
HDA01/P1 and 02/P1	Stormwater Management Plan	Whipps – Wood Consulting	25/11/13
Rev A	Traffic Impact Statement	ARUP P/L	4/12/2013

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 to the new boarding facilities on the Duntrim site. 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 Roads & Maritime Service Conditions

The following conditions have been imposed by the NSW Roads & Maritime Service:

- The developer should provide and maintain noise attenuation measures in accordance with EPA's Environmental Criteria for Road Traffic Noise. RMS will not provide noise mitigation for future residences on the subject land. RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
- The proposed basement car park shall be designed and constructed in accordance with AS2890.1-2004.

Note: These conditions have not been imposed by Council but are required to be incorporate as conditions of development consent. Where there is any inconsistency between these conditions of approval and other conditions of this consent the more onerous requirement prevails.

Standard Condition: A11

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 Recording of Heritage Items prior to any demolition

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

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

The archival record is to include:

- a) The submitted heritage report including the heritage assessment undertaken in accordance with the current guidelines of the NSW heritage office, the statement of significance, the dilapidation report and the reasons for demolition.

- b) A site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.
- c) Annotated measured drawings: floor plans, roof plans, elevations and at least one cross section, each at a scale of 1:100.
- d) Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the NSW Department of Planning Heritage Branch.

The archival record must include:

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

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

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

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

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

Note: The NSW Heritage Office Guidelines can be downloaded free of charge from http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf
Standard Condition: B2

B.3 Recording of buildings with little or no heritage significance that are to be demolished:

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

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

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

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

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

Standard Condition: B4

B.4 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

Tree Protection Zones are to be established in accordance with the recommendations of the approved Arboricultural Impact Assessment as described in paragraph 12.2.1.

- 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.5 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
Basement and ramp excavations.	Compliance with approved arborists recommendations
Inspection of pier holes	Piers positioned to avoid the severance of and damage to roots greater than 50mm
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.6 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

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

C.1 Surrender of consent (s80A(1)(b) & s80A(5) of the Act)

A notice of surrender of DA 165/22012 dated 22 November 2012 must be provided to Council in writing by the owner of the land in compliance with Clause 97 of the *Regulation*. No *Construction Certificate* must be issued until *Council* has acknowledged in writing that this condition has been satisfied.

Standard Condition: C1

C.2 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:

- a) To protect the heritage significance of the subject site the person operating this consent shall engage an archaeologist and a heritage architect to oversee the works directly affecting the basement area to Duntrim House.
- b) To protect the heritage significance of the subject site the person operating this consent shall engage a heritage architect to oversee all other works directly affecting the heritage item - Duntrim, the grounds and the Norfolk Island Pine.
- c) To protect the heritage significance of the subject site the locations of the walls that are to be demolished in the basement of Duntrim House shall be interpreted.
- d) All new toilets to be installed in the development shall be dual flush.

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.3 Transport Management Plan

An Operational 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:

- Minimisation of traffic impacts, associated with the development in particular the additional numbers of senior school day students
- Provision of on-site pick-up /drop-off zones for all levels (Kinder, Junior and Senior). This must include details of how this will operate and be managed and the vehicle and student capacity for each student level (Kinder, Junior, Senior)
- Safe management of the pick-up / drop-off zones for the school and operational times for different levels
- Strategies for the increase in sustainable transport options for students and staff
- Safe management of pedestrians.

Note: This condition is imposed with regard to traffic related impacts of the proposed development.

C.4 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	\$329,740	No	T115
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)	\$151,683.42 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Public Road/Footpath Infrastructure Inspection Fee	\$448	No	
Security Administration Fee	\$185	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$482,056.42 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: C5

C.5 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 the existing fire measures within the building shall be maintained and extended where necessary;
- b) That where a ceiling is to be replaced in "Duntrim" house it shall be replaced with a fire rated material achieving a fire resistance level of 90/90/90 or -/90/90 in accordance with the requirements of Specification C1.1 of the *BCA*;
- c) That the new portion of "Dutrim" house of the building shall be separated from the old portion in fire resisting construction in accordance with the requirements of Specification C1.1 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 conditions 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.6 Road and Public Domain Works

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

- a) Full width vehicular crossings for the width of the driveway in Darling Point Road in accordance with Council's standard driveway drawing RF2(Latest amendment).
- b) A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- c) Reinstatement of footpath, kerb and gutter to match existing.

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. Adviseings* of this Consent titled *Roads Act Application*.
Standard Condition: C13

C.7 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.8 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35

C.9 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include detailed *professional engineering* plans and/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.10 Geotechnical and Hydrogeological Design, Certification & Monitoring

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

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of

natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.

- d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - Will detect any settlement associated with temporary and permanent works and structures;
 - Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);
 - Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity);
 - Will detect groundwater changes calibrated against natural groundwater variations;
 - Details the location and type of monitoring systems to be utilised;
 - Details the preset acceptable limits for peak particle velocity and ground water fluctuations;
 - Details recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - Details a contingency plan.

Standard Condition: C40

C.11 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.12 Stormwater management plan (Site greater than 500m²)(Clause 25(2) WLEP 1995)

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

The *Stormwater Management Plan* must detail:

- a. general design in accordance with Stormwater disposal concept plan prepared by Whipps – Wood Consulting Dwg No's HDA01/P1 and 02/P1 dated 25.11.13 other than amended by this and other conditions;
- b. the discharge of stormwater, after routing through an OSD system, to Darling Point Road;
- 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, public exhibition copy dated 23 August 2004), and
- f. on-site stormwater detention ("OSD").

OSD Requirements

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

Average Reoccurrence Interval	PSD L/s	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House 27m ³ – Residential Flat Building 29m ³ – Other Development
All values based on per 1000m ² site area (interpolate to site area).		

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

Rainwater Tank Offset

Council encourages the re-use of stormwater through the use of rainwater tanks. The rainwater tank can be constructed to form part of the OSD. Where a rainwater tank is proposed, the SSR may be reduced on a one for one basis for up to 75% of the OSD tank volume. The OSD tank can be replaced entirely if a rainwater tank 150% greater than the normally required SSR is provided.

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

Layout plan

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

It must include:

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

On-site Detention (OSD) and Rainwater Storage Tank (RST) details:

- RST is to be used for all external use such as irrigation for landscaping, gardening, washdown of areas, swimming pool top up etc and internal uses for toilet flushing etc.

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

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

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

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

Standard Condition: C51

C.13 Car park Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following;

- a) The car park in which vehicles powered by internal combustion engines are parked is required to comply with Section 4 'Ventilation of Enclosures Used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.
- b) The car park must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the basement car park and provide details to the *Certifying Authority* accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the basement car park shall be mechanically ventilated by a combination of general exhaust with flow rates in accordance with Clause 4.4.2, and supply with flow rates specified in Clause 4.8 of Australian Standard 1668.2-1991.
- c) The Air Discharge for the car park ventilation system is to comply with Section 3 (Exhaust Air Dilution Procedure) of Australian Standard 1668.2-1991 and in particular Clause 3.7 (1-4) pertaining to air discharges.

C.14 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.15 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the Regulation must be accompanied by a detailed 'Mechanical Noise Assessment' report of all mechanical ventilation (carpark), air conditioning and lift services plant prepared by a *professional engineer* (acoustic engineer) and certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

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

Where sound attenuation is required this must be detailed.

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

1. Australian Acoustical Society—professional society of noise-related professionals

(www.acoustics.asn.au/index.php).

2. Association of Australian Acoustical Consultants—professional society of noise related professionals

(www.aaac.org.au).

Standard Condition: C62

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 Dilapidation Reports for existing buildings

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

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

- a) 19 Darling Point Road
- b) 23 Darling Point Road
- c) 31 Darling Point Road
- d) 33 Darling Point Road
- e) 35 Darling Point Road

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

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

Standard Condition: D4

D.3 Construction Management Plan

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

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

- a) Describe the anticipated impact of the demolition, excavation and construction works on:
 - Local traffic routes
 - Pedestrian circulation adjacent to the building site

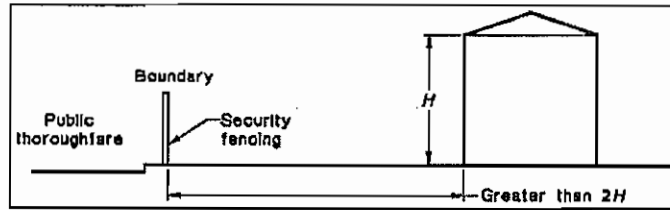
- On-street parking in the local area
- b) Describe the means proposed to:
 - Manage construction works to minimise such impacts,
 - Provide for the standing of vehicles during construction,
 - Provide for the movement of trucks to and from the site, and deliveries to the site
- c) Show the location of:
 - Any site sheds and any anticipated use of cranes and concrete pumps,
 - Any areas of Council property on which it is proposed to install a Works Zone (Construction Zone)
 - Structures to be erected such as hoardings, scaffolding or shoring
 - Any excavation
- d) Describe the excavation impact on the area including
 - Number and types of trucks to be used
 - Time frame
 - Streets to be used
 - Routes to be taken
 - Directions of travel
 - Truck storage areas
 - It is recommended that vehicle routes be shared
 - Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days
- e) Protect Trees, Bushland and Public Open Space:
 - Show the location of all Tree Protection (Exclusion) Zones as required within the conditions of this development consent.
 - The storage of building materials in or access through the Reserve will not be permitted without prior approval by Council.

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

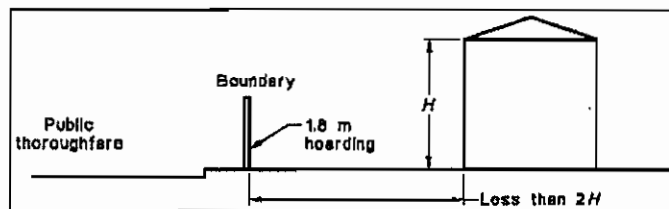
Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.
Standard Condition: D9

D.4 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.

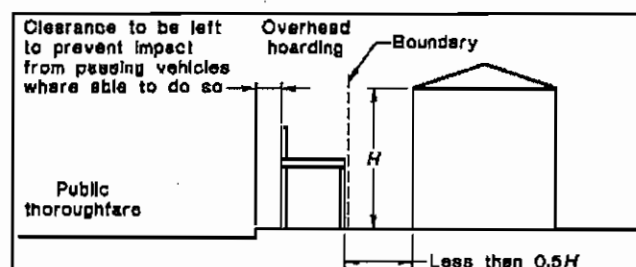


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

- Extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- Have a clear height above the footpath of not less than 2.1 m;
- Terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- 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/oheadprotstr ucts.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.5 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.6 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.7 Erosion and Sediment Controls – Installation

The *principal contractor* or *owner builder* must install and maintain water pollution, erosion and sedimentation controls in accordance with:

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

Where there is any conflict The Blue Book takes precedence.

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

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

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

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

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

Standard Condition: D14

D.8 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

Noise 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.

- 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 outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

Note: EPA Guidelines can be 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 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.
 - 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.
- All trees to be planted as per Planting Schedule Page 11 of Living Edge Design Landscape Statement April 2012.

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

Standard Condition: E8

E.7 Maintenance of Environmental Controls

The *principal contractor* or *owner builder* must ensure that the following monitoring, measures and controls are maintained:

- a) Erosion and sediment controls,
- b) Dust controls,
- c) Dewatering discharges,
- d) Noise controls;
- e) Vibration monitoring and controls;
- f) Ablutions;

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

Standard Condition: E11

E.8 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

C E.9 Vibration Monitoring

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

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

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

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

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

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

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

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

action under the direction of the *professional engineer* to prevent any further damage and restore support to the *supported land*.

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

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

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

Standard Condition: E14

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 Contaminated Fill Material

The excavation and removal of any contaminated fill material to an appropriate DECC – licensed landfill facility.

E.13 Protection of the Environment Operations Act 1997

During demolishing works, no equipment, building materials or other articles are to be used or placed in a manner on or off the site that will cause or likely to cause a ‘pollution incident’ as defined under the Protection of the Environment Operations Act 1997.

E.14 Soil Removal

Prior to the disposal of any soil from the site, such soil shall be classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

E.15 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.16 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.17 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.18 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.19 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.20 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.21 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.22 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with condition E.21 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.23 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.24 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 Occupation Certificate (section 109M of the Act)

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

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

F.2 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.3 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.4 Inspection, Certification and Registration of Regulated Systems

Prior to the issue of any *Occupation Certificate* or occupation or use of part of the building serviced by a *regulated system* the *principal contractor* or *owner builder* must submit to the satisfaction of *PCA* certification by a 'competent person' that the regulated system as installed can operate as required by Clause 9 of the *Public Health (Microbial Control) Regulation*, 2000.

The owner must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 15 of the *Public Health (Microbial Control) Regulation, 2000*.

Note: *Regulated System* has the same mean as in the Public Health Act 1991.

Note: *Competent person* has the same meaning as in Clause 9(3) of the *Public Health (Microbial Control) Regulation, 2000*.

Note: The NSW Code of Practice for the Control of Legionnaires' Disease can be down loaded free from: http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf
Standard Condition: F8

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 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

H.2 Removal of Ancillary Works and Structures

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

- a) The site sign;

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

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

H.3 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in accordance with the *Roads Act 1993* approvals and comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated February 2012 unless expressly provided otherwise by these conditions at the *principal contractor's* or *owner's* expense:

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

Note: Security held by Council pursuant to section 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
Standard Condition: H13

H.4 Positive Covenant & Works-As-Executed certification of stormwater systems

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

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

development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land Titles Office.

Note: The required wording of the Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. The PCA must supply a copy of the WAE Plans to Council together with the *Final Occupation Certificate*. The *Final Occupation Certificate* must not be issued until this condition has been satisfied.
Standard Condition: H20

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

I.1 Staff, pupil and boarder numbers

- a) The existing number of staff, pupils and boarders at Ascham School shall not exceed 255 staff, 1240 students inclusive of 135 boarders (enrolled students).
- b) An annual statement is required to be submitted to Council showing the total number of staff and students enrolled and verifying compliance with the cap imposed.

Note: This condition has been imposed to mitigate amenity impacts upon the neighbourhood with regard to on and off-street car parking and traffic movements.

I.2 Hours of use

The hours of use of the proposed new science building is limited to the following:

- a) Monday to Sunday: 7am to 10pm

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

Note: Deliveries to or dispatches from the site must not be made outside these hours. Trading Hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling then such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.
Standard Condition: I1

I.3 Vehicular access between Ascham School and the Duntrim site

The proposed boom gate to the new vehicular access between the Ascham School and subject site shall remain closed during at all times within the exception of emergency vehicles. Maintenance and service vehicles may use this access outside of school hours (school hours are between 8:30am and 4:30pm).

I.4 Occupation and use of roof terraces

The proposed roof terrace to the new addition to Duntrim House shall only be used between the hours of 9am and 10pm Mondays to Sundays. Students using this roof terrace shall be monitored by Ascham staff and CCTV at all times.

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

Note: Temporary structures that may adversely affect views across over the roof terrace must not be erected without Council approval.
Standard Condition: I39

I.5 Operational Transport Management Plan

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

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

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

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

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

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
Standard Condition: I12

I.7 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

I.8 Acoustic certification of completed works

Prior to the issue of the final occupation certificate a report is to be submitted to the certifying authority from by a *professional engineer* (acoustic engineer), certifying that the noise level measured at any boundary of the site at any time while all or part of the installed mechanical plant and equipment is operating does not exceed the *background noise level* and all sound attenuation work has been completed in accordance with the noise assessment reports.

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.

I.9 Ongoing operation of mechanical plant and equipment

The noise level measured at any boundary of the site at any time while any or all of 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/nlg.htm>)

ISBN 1741370671, dated December 2004.

Standard Condition: I53

I.10 Rainwater Tank – Operation and Maintenance

All rainwater tank systems shall be operated and maintained in accordance with the technical provisions of the NSW Code of Practice for Plumbing and Drainage 3rd Edition 2006, AS/NZS 3500 as adopted by the Building Code of Australia, and the NSW Health Guideline "Use of Rainwater Tanks Where a Public Water Supply is Available".

Note: The NSW Health Guideline can be downloaded from http://www.health.nsw.gov.au/policies/gl/2007/pdf/GL2007_009.pdf. The guideline's introduction states: "In urban areas the public water supply remains the most reliable source of good quality drinking water for the community. In these areas NSW Health supports the use of rainwater tanks for non-drinking uses, such as toilet flushing, washing clothes or in water heating systems, and outdoors for uses such as garden watering, car washing, filling swimming pools, spas and ornamental ponds, and fire fighting. Use of rainwater conserves the public water supply and helps to reduce stormwater impacts. In urban areas NSW Health recommends that people use the public water supply for drinking and cooking because it is filtered, disinfected and generally fluoridated."

Standard Condition: I35

I.11 Operation of Regulated Systems

The occupier must operate *regulated systems* in compliance with Clause 9 of the Public Health (Microbial Control) Regulation, 2000.

Where there is any change in the regulated system the occupier must register the changes in the *regulated systems* with Council pursuant to Clause 15 of the *Public Health (Microbial Control) Regulation*, 2000.

Water cooling system must be certified by a *competent person* annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

This condition has been imposed to ensure public health.

Note: *Regulated System* has the same mean as in the *Public Health Act* 1991. Competent person has the same meaning as in Clause 9(3) of the Public Health (Microbial Control) Regulation, 2000. The *NSW Code of Practice for the Control of Legionnaires' Disease* can be down loaded free from:
http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf.
Standard Condition: I11

I.12 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/nlg.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

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 and email to HEROC at disabdis@humanrights.gov.au.

Standard Advising: K3

K.4 Roads & Maritime Services

All works associated with the proposed development shall be at no cost to the RMS.

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 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.

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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.8 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.9 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.10 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.11 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.12 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.13 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.14 Dilapidation Report Condition

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

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

Standard Advising: K23

K.15 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 Fotis
TEAM LEADER

ANNEXURES

1. Technical Services Referral
2. Traffic Referral
3. Landscape Referral
4. Heritage Referral
5. Fire Officer Referral
6. Environmental Health Referral
7. Roads and Maritime Referral
8. Plans and elevations
9. Landscape Plans

Completion Date: 2 April 2014

REFERRAL RESPONSE – TECHNICAL SERVICES

FILE NO: DA 550/2013/1
ADDRESS: 188 New South Head Road EDGECLIFF 2027
PROPOSAL: Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders
FROM: N Tomkins
TO: Mrs L Holbert

1. ISSUES

- None specific – see attached comments and conditions

2. DOCUMENTATION

I refer to the following documents received for this report:

1. Architectural Drawing No. AR-DA-A-XX-001 to AR-DA-A-XX-006, AR-DA-C-XX-001, AR-DA-D-XX-001, prepared by Donovan Hill, dated 4 December 2013
2. Statement of Environmental Effects, prepared by Urbis, dated December 2013
3. Survey Plan No.74948 (3 sheets) by Rygate Surveyors, dated 23 August 2011
4. Stormwater disposal concept plan prepared by Whipps – Wood Consulting Dwg No.s HDA01/P1 and 02/P1 dated 25.11.13
5. Geotechnical Report prepared by Jeffery and Katauskas P/L Ref:25418Zrpt Rev1 dated 26 August 2013
6. Traffic & Transport Assessment by Arup P/L Rev A dated 4 December 2013
7. Additional information confirmed by Planners acting for Ascham School stating GFA of existing school complex is 25,000m².
8. Additional information provided by Mr Andrew Powell, Head of School, Ascham School (dated 17 March 2014)
9. Additional information provided by Mr Andrew Powell, Head of School, Ascham School (dated 4 February 2014)
10. Report by Council's Traffic Engineer dated 28 March 2014.

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

There are no objections to the Stormwater disposal concept plan prepared by Whipps – Wood Dwg No.s HDA01/P1 and 02/P1 dated 25.11.13 subject to the following:

- a) As there is no Council underground drainage system within reasonable distance the proposal to discharge the water onto Darling Point Road is acceptable provided OSD/Water Storage is provided to Council's requirements*
- b) Council encourages the re-use of stormwater through the use of rainwater tanks. The rainwater tank can be constructed to form part of the OSD. Where a rainwater tank is proposed, the SSR may be reduced on a one for one basis for up to 75% of the OSD tank volume. The OSD tank can be replaced entirely if a rainwater tank 150% greater than the normally required SSR is provided.*
- c) Pumping out of seepage/subsoil drainage water from behind the basement walls is not acceptable. The structure is to be tanked to prevent the ingress of water*

The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's 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 and is conditioned accordingly.

c. Impacts on Council Infrastructure comments

The existing driveway to the development between property No.s 35 and 39 requires full reconstruction as a result of its poor condition and non-compliance with Council's standards.

e. Traffic comments

See attached report by Council's Traffic Engineer dated 28 March 2014 for comments on carparking numbers, Pick up and drop off, Transport Management Plan and recommendations.

f. Vehicle Access & Accommodation comments

There are no objections to the carpark layout, dimensions and arrangements. – No specific conditions.

g. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Jeffery and Katauskas P/L Ref:25418Zrpt Rev1 dated 26 August 2013 has been submitted in support of the application. The proposal involves excavation down to a maximum depth of 4m below existing surface level for the construction of carpark and up to 1m for extension to main building.

The report identified that the property had a layer of fill between 1m – 3m and then natural sands down to bedrock. Sandstone bedrock was encountered at a range of depths 6.08 and 8.55m. No groundwater was recorded.

The report made comments and recommendations on the following:

- *Sub surface conditions*
- *Excavation/ Support*
- *Vibrations and monitoring*
- *Retaining wall, footings, pavement and slab design*
- *Hydrogeology*
- *Further investigations*

In general the site is remote from many properties and the problems that occur in the higher density areas are not as concentrated and subsequently lessened. Conditions covering these matters as well as others identified by Council have been added to the Referral.

h. 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. RECOMMEDATIONS

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

Conditions of Consents

Please note that the standard conditions of consent are generally modified by the Technical Services Division to suit a particular development application

A. General Conditions

A5 Approved Plans & Supporting documents

Reference	Description	Author/Drawn	Date(s)
Ref:25418Zr pt Rev1	Geotechnical Report	Jeffery & Katauskas P/L	26 August 2013
Dwg No's HDA01/P1 and 02/P1	Stormwater Management Plan	Whipps – Wood Consulting	25.11.13
Rev A	Traffic Impact Statement	ARUP P/L	4 December 2013

A8 Ancillary Aspect of the Development (Repair Damaged Infrastructure)

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

Nil

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

C.5 Security Deposits/Fees

a) Property Damage Security Deposit (S138)	\$329,740	No	T113
g) Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$448	No	T45

C13 Road and Public Domain Works

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

- a) Full width vehicular crossings for the width of the driveway in Darling Point Road in accordance with Council's standard driveway drawing RF2(Latest amendment).
- b) A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- c) Reinstatement of footpath, kerb and gutter to match existing.

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

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

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

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

C21 Provision for Energy Supplies

C36 Professional Engineering Details

C40 Geotechnical and Hydrogeological Design, Certification & Monitoring

C45 Parking Facilities

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 concept plan prepared by Whipps – Wood Consulting Dwg No's HDA01/P1 and 02/P1 dated 25.11.13 other than amended by this and other conditions;
- b. the discharge of stormwater, after routing through an OSD system, to Darling Point Road;
- 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, public exhibition copy dated 23 August 2004), and
- f. on-site stormwater detention ("OSD").

OSD Requirements

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

Average Reoccurrence Interval	PSD L/s	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House 27m ³ – Residential Flat Building 29m ³ – Other Development
All values based on per 1000m ² site area (interpolate to site area).		

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

Rainwater Tank Offset

Council encourages the re-use of stormwater through the use of rainwater tanks. The rainwater tank can be constructed to form part of the OSD. Where a rainwater tank is proposed, the SSR may be reduced on a one for one basis for up to 75% of the OSD tank volume. The OSD tank can be replaced entirely if a rainwater tank 150% greater than the normally required SSR is provided.

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

Layout plan

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

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,

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

On-site Detention (OSD) and Rainwater Storage Tank (RST) details:

- RST is to be used for all external use such as irrigation for landscaping, gardening, washdown of areas, swimming pool top up etc. and internal uses for toilet flushing etc.
- Any potential conflict between existing and proposed trees and vegetation,
- Internal dimensions and volume of the proposed storage,
- Diameter of the outlet to the proposed detention storage basin,
- Plans, elevations and sections showing the storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
- Details of access and maintenance facilities,
- Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,
- Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage/failure,
- Non-removable fixing details for orifice plates where used for OSD

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

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

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.
Standard Condition: C51

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

D.4 Dilapidation Reports for existing buildings

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

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

- 19 Darling Point Road
- 23 Darling Point Road
- 31 Darling Point Road
- 33 Darling Point Road
- 35 Darling Point Road

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

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

Standard Condition: D4

D9 Construction Management Plan

D11 SECURITY FENCING

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

E11 Maintenance of Environmental Controls

E12 Compliance with Geotechnical/Hydrogeological Monitoring Program

E14 Vibration Monitoring

E15 Erosion and Sediment Controls – Maintenance

E17 Disposal of Site Water during Construction

F. Conditions which must be satisfied prior to any occupation or use of the building

F7 Commissioning and Certification of Systems and Works

F.20 Transport Management Plan

An Operational Transport Management Plan must be submitted to Council and approved by Council's Manager Engineering Services prior to the issue of the Occupation Certificate. The Plan is to address the following:

- Minimisation of traffic impacts, associated with the development in particular the additional numbers of senior school day students
- Provision of on-site pick-up /drop-off zones for all levels (Kinder, Junior and Senior). This must include details of how this will operate and be managed and the vehicle and student capacity for each student level (Kinder, Junior, Senior)
- Safe management of the pick-up / drop-off zones for the school and operational times for different levels

- Strategies for the increase in sustainable transport options for students and staff
- Safe management of pedestrians.

Note: This condition is imposed with regard to traffic related impacts of the proposed development.

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

G4 Electricity Substations – Dedication as road and/or easements for access

Conditions which must be satisfied prior to the issue of a Final Occupation Certificate

H13 Road Works (including footpaths)

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

Conditions which must be satisfied during the ongoing use of development

I.3 Operational Transport Management Plan

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

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

Miscellaneous Conditions

Nil

Advisings

K.23 Dilapidation Report Condition

K.24 Roads Act Application

See above

#Insert Name

#Insert Position

#Enter Completion Date

Date

Memorandum

Date 28 March 2014

File No. DA550/2013/1

To Nick Tomkins

CC

From Deirdre Farrell

Subject 188 NEW SOUTH HEAD ROAD, EDGECLIFF PLUS 37 & 43
DARLING POINT ROAD, DARLING POINT
ALTERATIONS AND ADDITIONS & CHANGE OF USE OF
DUNTRIM HOUSE AND ANNEXE BUILDING FOR SCHOOL
BOARDING FACILITIES. CONSTRUCTION OF A NEW SCIENCE
CLASSROOM BUILDING AND STUDENT CAP OF 1,240
STUDENTS INCLUDING BOARDERS

Woollahra
Municipal
Council



ABN 32 218 483 245

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DX 3607 Double Bay
records@woollahra.nsw.gov.au
www.woollahra.nsw.gov.au
Telephone (02) 9391 7
Facsimile (02) 9391 7

I refer to the memo from the Planning Department dated 20 March 2014 requesting comments in relation to the above.

Traffic Engineering has reviewed:

1. Additional information confirmed by Planners acting for Ascham School stating GFA of existing school complex is 25,000m².
2. Additional information provided by Mr Andrew Powell, Head of School, Ascham School (dated 17 March 2014)
3. Additional information provided by Mr Andrew Powell, Head of School, Ascham School (dated 4 February 2014)
4. Statement of Environmental Effects (SEE), dated December 2013
5. Architectural Plans by Donovan Hill
6. Survey Plans by Rygate Surveyors
7. Planning Compliance Table
8. SEPP 1 Objection
9. Preliminary Budget Estimate by QS1 Pty Ltd
10. Traffic Impact Statement (TIS) by Arup Pty Ltd
11. Ascham School Student and Facility Masterplan 2013-2018
12. Access Report by Morris Goding Accessibility Consulting

Background

The subject site is a residential property located in Residential Zone 'B' under the Woollahra Local Environmental Plan (LEP). The property has previously been

occupied by Sydney Hospital and operated as the Sydney Dialysis Centre between 1981 and 2011.

The proposal is to carry out alterations and additions to the existing Duntrim House and Annexe, including a new three storey building as an extension at the southern end of Duntrim House to be used for school boarding facilities. It also includes the provision of a new science classroom building that connects to the existing school.

A previous planning application for the proposed works at 37 Darling Point Road was considered by Council and approved subject to a cap of 1,085 students, inclusive of 132 boarders and 240 staff. This new application has been submitted in order to assess the proposed development in terms of the entire school and for consideration of a student cap of 1,240 students including boarders.

Comments

Parking

The GFA of the existing school complex has been provided as 25,000m². The parking requirement for an educational establishment in the Woollahra Municipal Council DCP is 1 space per 100m². For a new educational development of this size the parking requirement would be 250 parking spaces. The school complex currently has 143 parking spaces on site as detailed in the extract from the Traffic Impact Statement.

Table 3: Existing car parking

Car Park	Number of Spaces
Front Driveway	52
Underground Wallis	9
Fiona	4
Dower Garage and Hardstand	2
Rear Driveway	26
Undercover off Rear Driveway	21
St Marks Garage	2
43 Darling Point Road Garage	1
Duntrim Driveway	8
Duntrim Tennis Court	18
Total	143

Traffic and Transport Assessment part 2.6.3

Year	2013	2014	2015	2016	2017	2018
------	------	------	------	------	------	------

Available car park spaces	143	143	143	155	155	155
Front driveway	52	52	52	52	52	52
Undercover Wallis	9	9	9	9	9	9
Flona	4	4	4	4	4	4
Dower garage & hardstand	2	2	2	2	2	2
Rear driveway	26	26	26	26	26	26
Undercover off rear driveway	21	21	21	21	21	21
St Marks garage	2	2	2	2	2	2
43 Darling Point Road garage	1	1	1	1	1	1
Duntrim driveway and tennis court	26	26	26	5	5	5
Science basement				37	37	37
Parking availability:	143	143	143	159	159	159

Additional Information supplied by Ascham School 17 March 2014

The existing school site currently provides 143 parking spaces on site. The proposal will result in provision new residential facilities and a Science Building with underground parking. The new underground parking facility will provide 37 parking spaces, however due to the loss of existing parking on site on the Duntrim driveway and tennis court (21 spaces), there will be a net increase of 16 parking spaces. This figure is taken from the table of supplementary information provided in by Ascham School (dated 17 March 2014).

Table 5: Parking Requirements for Proposed Development

Building Type	Floor Area	Parking Rate	Spaces Required
New Boarding Building	226 m ²	1 space / 100m ²	2.3
Duntrim (Heritage)	903 m ²	1 space / 100m ²	9.0
The Annex	402 m ²	1 space / 100m ²	4.0
New Science Building	1,365 m ²	1 space / 100m ²	13.7
Sub-Total	2,896m ²		29.0
2 bedroom unit	1 unit	1.5 space / unit	1.5
One bed sit	1 unit	1 space / unit	1.0
One bedroom unit	2 units	1 space / unit	2.0
Total	4 units		33.5

**Area of residential units excluded*

***Parking area has been excluded*

Traffic and Transport Assessment part 3.4.1

The number of parking spaces has been calculated in the Traffic Impact Statement as 34 spaces. The document has applied a multiplier of 0.5 to this calculation for the non-residential component of the development to state that a figure of 19 parking spaces is required. This multiplier is not applicable to this development as it is not zoned as 'Business'. Therefore, the required parking provision for this addition to the school complex is 34 parking spaces.

As the net additional parking provided on the site is 16 spaces, there is a shortfall of 18 parking spaces associated with this development. However, on the basis that the existing parking on the tennis court operates as an informal 'scramble parking' arrangement and there will be an increase in formal parking as a result of the development, this is acceptable. The acceptance of this deficit in the parking

provision is on the basis of the cap on enrolled student numbers (not full time equivalent students) of 1,240.

Pick-up and Drop-off

The additional information provided by Ascham School indicates that the school staggers the start and finish times of school for the different year groups. An onsite pick-up and drop-off is provided for kinder level up to year 6. However, there is no on-site provision made for the drop-off and pick-up of the senior levels. The senior level student pick-up and drop-off takes place on street and this has a significant impact on local roads.

	Total No. of students in each cohort	School start	School finishes	Drop-off / Pick-up location
Kinder	60	8.30am	2.40pm	Octagon Rd
Year 1	60	8.30am	2.50pm	Octagon Rd
Year 2	60	8.30am	3am	Octagon Rd
Year 3 and 4	132	8.20am	3.05pm	New South Head Rd
Year 5 and 6	132	8.20am	3.15pm	New South Head Rd
Year 7 to 12	600	8.20am	3.30pm	Not applicable

	2013	2014	2015	2016	2017	2018
total number of students	1,075	1,110	1,140	1,170	1,200	1,240
student population junior school	519	515	511	506	504	500
student population senior school	556	591	626	661	696	740
inclusive of:						
number of boarding students	95	85	97	110	122	134

The proposed changes to the school over the coming years, as documented in the Ascham School Student and Facility Masterplan states that it proposes to have an additional 125 Senior School day pupils when the boarding facilities have been developed fully over the coming years and have reached the maximum proposed levels of 134 boarders.

This represents at a minimum an additional 125 students that have no on-site pick-up and drop-off available to them and will cause additional problems on neighbouring streets during the pick-up and drop-off periods. This is a large number of additional pupils arriving on streets which are already heavily congested and heavily parked.

The Educational Establishment DCP has an objective of '*minimising the impact of students arriving and departing on the surrounding community*' (O4). To achieve this one of the controls states that '*major development of existing establishments should wherever feasible provide an internal driveway for vehicles that area picking-up and dropping-off students*' (C5).

This establishment has an internal driveway that is currently only made available to junior years to pick-up and drop-off. However, this proposal will reduce the number of junior level students and increase the number of senior level day students. The internal driveway will need to be made available for pick-up and drop-off of senior level day students in order to minimise the impact on this additional traffic on adjacent streets.

If approved, a condition must be placed on the development to ensure that pick-up and drop off is facilitated on site for senior students as well as junior levels. This must be detailed in an Operational Transport Management Plan which must be submitted to Council for approval by Council's Manager Engineering Services prior to the issue of the Occupation Certificate

Operational Transport Management Plan

The existing on-site pick-up and drop-off will need to be made available for senior students as well as junior students. This may be accommodated by additional staggering of start and finish times for different years. The proposal will increase the number of senior day students by a minimum of 125 students increasing the number of associated pick up and drop off and associated traffic movements.

The details of how this additional senior school pick-up and drop-off will be accommodated on-site will need to be included in an Operational Transport Management plan and this will need to be conditioned in any approval to this application.

Recommendation

Council's Traffic section has reviewed the submitted Development Application and does not have any objection to the proposed development in terms of traffic or parking matters subject to the following conditions being included in any approval.

The applicant has imposed a cap of 1,240 students on this development. The Planning Department are advised that any development consent include a condition to ensure that this cap relates to the number of enrolled students (not full time equivalent students). This will have an impact on the volume of traffic generated at pick-up and drop-off time.

The following conditions of consent are required;

D.9 Construction Management Plan

E.3 Compliance with Construction Management Plan

"F" Condition:

An Operational Transport Management Plan must be submitted to Council for approval by Council's Manager Engineering Services prior to the issue of the Occupation Certificate. The Plan is to address the following:

- Minimisation of traffic impacts, associated with the development in particular the additional numbers of senior school day students
- Provision of on-site pick-up /drop-off zones for all levels (Kinder, Junior and Senior). This must include details of how this will operate and be managed and the vehicle and student capacity for each student level (Kinder, Junior, Senior)
- Safe management of the pick-up / drop-off zones for the school and operational times for different levels
- Strategies for the increase in sustainable transport options for students and staff
- Safe management of pedestrians

C This condition is imposed with regard to traffic related impacts of the proposed development.

"I" Condition:

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

This condition is imposed with regard to traffic related impacts of the proposed development.

3 March 2014

REFERRAL RESPONSE – TECH. SERVICES

FILE NO: DA 550/2013/1

ADDRESS: 188 New South Head Road EDGECLIFF 2027

PROPOSAL: Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders

FROM: Yoram Wise - Development Engineer

TO: Mrs L Holbert

I refer to the following documents received for this report:

1. Memorandum from Council's Traffic Engineer, dated 28/02/2014

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

Traffic comments

Council's Traffic Engineer has requested additional information. See attached Memorandum for details.

RECOMMENDATION

Council's Development Engineer has determined that the proposal is not satisfactory in its current state is due to inadequate documentation provided in support of the DA.

Memorandum

Date 28 February 2014

File No. DA550/2013/1

To Nick Tomkins

CC

From Deirdre Farrell

Subject 188 NEW SOUTH HEAD ROAD, EDGECLIFF PLUS 37 & 43
DARLING POINT ROAD, DARLING POINT
ALTERATIONS AND ADDITIONS & CHANGE OF USE OF
DUNTRIM HOUSE AND ANNEXE BUILDING FOR SCHOOL
BOARDING FACILITIES. CONSTRUCTION OF A NEW SCIENCE
CLASSROOM BUILDING AND STUDENT CAP OF 1,240
STUDENTS INCLUDING BOARDERS

Woollahra
Municipal
Council



ABN 32 218 483 245

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Telephone (02) 9391 7000
Facsimile (02) 9391 7044

I refer to the memo from the Planning Department dated 4 February 2014 requesting comments in relation to the above.

Traffic Engineering has reviewed:

1. Additional information provided by Mr Andrew Powell, Head of School, Ascham School (dated 4 February 2014)
2. Statement of Environmental Effects (SEE), dated December 2013
3. Architectural Plans by Donovan Hill
4. Survey Plans by Rygate Surveyors
5. Planning Compliance Table
6. SEPP 1 Objection
7. Preliminary Budget Estimate by QS1 Pty Ltd
8. Traffic Impact Statement (TIS) by Arup Pty Ltd
9. Access Report by Morris Goding Accessibility Consulting

Background

The subject site is a residential property located in Residential Zone 'B' under the Woollahra Local Environmental Plan (LEP). The property has previously been occupied by Sydney Hospital and operated as the Sydney Dialysis Centre between 1981 and 2011.

The proposal is to carry out alterations and additions to the existing Duntrim House and Annexe, including a new three storey building as an extension at the southern

end of Duntrim House to be used for school boarding facilities. It also includes the provision of a new science classroom building that connects to the existing school.

A previous planning application for the proposed works at 37 Darling Point Road was considered by Council and approved subject to a cap of 1,085 students, inclusive of 132 boarders and 240 staff. This new application has been submitted in order to assess the proposed development in terms of the entire school and for consideration of a student cap of 1,240 students including boarders.

Comments

The previous referral response from Technical Services requested further information regarding this development (copy attached). The majority of this information was provided in the letter from Ascham School dated 4 February 2014.

However, the information provided for Gross Floor Area of the existing school complex appears to be incorrect. The figure supplied in the letter of 4 February 2014 is 39,363m². This is the figure that is provided in the Statement of Environmental Effects as the total land area of the existing school site.

Gross Floor Area relates to buildings and is defined in the Woollahra Municipal Council LEP as;

Gross Floor Area

in relation to a building, means the sum of the areas of each level of the building, including:

- (a) the thickness of all external walls, and*
- (b) the area of voids, staircases and lift shafts, counted at each level, and*
- (c) that part of the area of balconies and verandahs which is in excess of 20m² per dwelling in the case of a building used or intended for use for residential purposes, or in excess of 10% of the site area in the case of a building used or intended for use for non-residential purposes, and*
- (d) any other areas of the building where the height of those areas exceeds 1.5 metres above ground level,*
and excluding:
 - (e) car parking to meet the requirements of the Council and any access to the car park, and*
 - (f) any area used or intended for use as a car parking station, and*
 - (g) uncovered roof terraces, and*
 - (h) any area used or intended for use as an arcade.*

Council would request that the following information is provided:

Information on the existing school

- The Gross Floor Area (GFA) of the existing school complex including all buildings.

14 January 2014

REFERRAL RESPONSE – TECH. SERVICES

FILE NO: DA 550/2013/1

ADDRESS: 188 New South Head Road EDGECLIFF 2027

PROPOSAL: Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders

FROM: N Tomkins

TO: Mrs L Holbert

I refer to the following documents received for this report:

1. Memo by Council's Traffic Engineer dated 6 January 2014

Comments have been prepared on the following.

Traffic, Vehicle Access & Accommodation comments

See attached memo by Council's Traffic Engineer dated 6 January 2014 requiring additional information

RECOMMENDATION

Council's Development Engineer has determined that the proposal is not satisfactory in its current state is due to inadequate documentation provided in support of the DA.

Memorandum

Date 6 January 2014

File No. DA550/2013/1

To Nick Tomkins

CC

From Deirdre Farrell

Subject 188 NEW SOUTH HEAD ROAD, EDGECLIFF PLUS 37 & 43
DARLING POINT ROAD, DARLING POINT
ALTERATIONS AND ADDITIONS & CHANGE OF USE OF
DUNTRIM HOUSE AND ANNEXE BUILDING FOR SCHOOL
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I refer to the memo from the Planning Department dated 11 December 2013 requesting comments in relation to the above.

Traffic Engineering has reviewed:

1. Statement of Environmental Effects (SEE), dated December 2013
2. Architectural Plans by Donovan Hill
3. Survey Plans by Rygate Surveyors
4. Planning Compliance Table
5. SEPP 1 Objection
6. Preliminary Budget Estimate by QS1 Pty Ltd
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Background

The subject site is a residential property located in Residential Zone 'B' under the Woollahra Local Environmental Plan (LEP). The property has previously been occupied by Sydney Hospital and operated as the Sydney Dialysis Centre between 1981 and 2011.

The proposal is to carry out alterations and additions to the existing Duntrim House and Annexe, including a new three storey building as an extension at the southern end of Duntrim House to be used for school boarding facilities. It also includes the provision of a new science classroom building that connects to the existing school.

A previous planning application for the proposed works at 37 Darling Point Road was considered by Council and approved subject to a cap of 1,085 students, inclusive of 132 boarders and 240 staff. This new application has been submitted in order to assess the proposed development in terms of the entire school and for consideration of a student cap of 1,240 students including boarders.

Comments

The previous development application considered the proposed development on the basis that there would be no increase in traffic generation as a result of the development. It was approved on that basis and in accordance with that the cap was placed on the total number of students and staff.

C This application relates to the school complex in its entirety and provides further information regarding the traffic generation, pick up and drop off arrangements and parking for the entire school complex. It provides for an increase in current student numbers up to a maximum of 1,240 students, inclusive of boarders.

The Statement of Environmental Effects (SEE) and Traffic Impact Statement (TIS) provide details of the proposed development and include details of the numbers of staff and parking spaces provided on the site. However, in order to fully assess the application in terms of traffic, there are a number of additional items of information that need to be provided or clarified.

Council would request that the following information is provided:

Information on the existing school

- The Gross Floor Area (GFA) of the existing school complex including all buildings.

Information on current operational matters

- The normal start and finish times for all students attending the senior school.
- The total number of staff who work at the school indicating whether they are permanent / temporary and full time / part time / casual.
The SEE states that there are 205 permanent staff plus part time, casual and residential staff.
The TIS states that there are 158 full time staff plus 93 part time staff
A table that outlined these and indicated the type of staff would be helpful to see when the parking demand peaks for the current on-site parking spaces.
- The number of staff and students surveyed in the travel mode surveys contained in the TIR. Please clarify the details of the numbers of staff involved and the arrival and working patterns that allow this as the site would

not have sufficient parking space for this 66% of all staff to park on site at any given time.

- The number of off-street parking spaces provided on the existing School grounds and the utilisation of these spaces (number that are staff parking, student parking, visitor parking, accessible parking spaces, pick up / drop off spaces and any other usage).
The SEE states that there are 120 parking spaces available for use by staff, parents and visitors to the school.
The TIS states that there are 143 marked parking spaces around the school. Again, a table would be helpful particularly in the case of staff parking to ascertain what parking is available for different staff (eg. teaching staff that arrive and leave daily and residential staff for boarders or any other categories)
- Details of what provision exists for servicing and loading within the school grounds and what is the current usage of this.

Information on future staff numbers

- Provide details on future staff numbers to facilitate increases in student numbers up to 1,240 students. As requested with the current staff numbers, this should provide details of the numbers that are permanent / temporary and full time / part time / casual.
Information should be provided in relation to the situation of maximum boarders or lower numbers of boarders and maximum day attendance.
- Provide details on the modes of transport for future staff numbers, providing any information relevant to working hours and usage of the on-site parking facilities.
- Provide details of the maximum staff numbers required for the school to run at maximum student capacity and details of whether they are permanent / temporary and full time / part time / casual.

Senior School pick up and drop off

- Provide further details on how the pick-up and drop-off is managed for the Senior School at present and how it will be managed in the future.
There are no designated on-street or off-street drop off spaces for this group of students and the areas marked on the TIS plan are general 2P parking areas for all drivers and residents.

17 January 2014

REFERRAL RESPONSE – TREES & LANDSCAPING**FILE NO:** DA 550/2013/1**ADDRESS:** 188 New South Head Road EDGECLIFF 2027**PROPOSAL:** Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders**FROM:** David Grey - Tree & Landscape Officer**TO:** Mrs L Holbert

C I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by Urbis, dated December 2013
- Survey Plan No. 74948, drafted by Rygate Surveyors, dated 23 August 2011
- Architectural Drawing No. AR-DA-A-XX-001 to AR-DA-A-XX-006, AR-DA-C-XX-001, AR-DA-D-XX-001, prepared by Donovan Hill, dated 4 December 2013
- Arboricultural Impact Assessment Report, written by Earthscape Horticultural Services, dated August 2013
- Landscape Statement (23 sheets), prepared by Living Edge Design, dated April 2012

Relevant Control:

- C
- Woollahra Local Environment Plan 1995
 - Woollahra Residential Development Control Plan 2003

A site inspection was carried out on: 14 January 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

- High quality reference materials have been supplied. No objection to the proposal.

COMMENTS

The outdoor areas of this site have previously been poorly maintained over a long period of time. As a consequence many pest trees have been allowed to develop to maturity. All of

these low value trees will be removed as part of this proposal. Existing highest value trees will be protected and retained.

The supplied Landscape Statement includes a Planting Schedule (Page 11) that proposes new plantings of 41 significant trees on the site. This is good quality compensation to the precinct for the trees being removed.

In landscape terms the proposal appears to be little changed from the previously approved DA 165/2012/1. The currently supplied reference materials are of a high standard with the proposal being acceptable to Tree & Landscape section. I have recommended that both the Arborists report and the Landscape Statement form part of any approved Development Application. All landscape works should be conducted fully compliant with the recommendations within these reports.

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.

Reference	Description	Author/Drawn	Date(s)
	Landscape Statement	Living Edge Design	April 2012
	Arboricultural Impact Assessment Report	Earthscape Horticultural Services	August 2013

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

Tree Protection Zones are to be established in accordance with the

recommendations of the approved Arboricultural Impact Assessment as described in paragraph 12.2.1.

- 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
Basement and ramp excavations.	Compliance with approved arborists

	recommendations
Inspection of pier holes	Piers positioned to avoid the severance of and damage to roots greater than 50mm
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

NIL

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

- 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.

- All trees to be planted as per Planting Schedule Page 11 of Living Edge Design Landscape Statement April 2012.

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

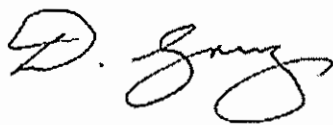
H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

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

21 January 2014

REFERRAL RESPONSE - HERITAGE

FILE NO: DA 550/2013/1

ADDRESS: 188 New South Head Road EDGECLIFF 2027

PROPOSAL: Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders.

FROM: Paul Fletcher - Heritage Officer

TO: Mrs L Holbert

ISSUES

- *There are no areas of heritage concern.*
-

HERITAGE FRAMEWORK

- The subject building (Duntrim House), grounds and a Norfolk Island Pine are a heritage item in the LEP, but the item is not listed on the State Heritage Register.
- The subject item is in the vicinity of one other heritage item, being the Ascham School precinct, 188 New South Head Road, Edgecliff.
- The subject item is not within a Heritage Conservation Area.

DESCRIPTION OF PROPOSAL

This Development Application, DA 550/2013/1, is substantially the same development proposal as a previous Development Application, DA 165/2012/1, which was approved by Council on 22 November 2012. A copy of the previous Referral Response – Heritage is attached. The minor points of difference between the two Applications are:

- revisions to the east entry to the Science block;
- revisions to the north façade of the Science block where glazed doors are desirable;
- an additional external stair with balconies serving each floor of the Duntrim House addition;
- revisions to external materials on both the auditorium block and the Duntrim House addition; and
- details of air-conditioning plant located on the Science block roof, but screened from view by a high parapet.

The points of difference will not adversely affect the heritage items on the school site.

RECOMMENDATION

Consent, subject to the following condition:

1. Engage an archaeologist and a heritage architect to oversee the works directly affecting *Duntrim's* Basement.
2. Engage a heritage architect to oversee all other works directly affecting the heritage item - *Duntrim*, the grounds and the Norfolk Island Pine.
3. Interpret the locations of the walls that are to be demolished in the Basement.

Standard Conditions

BB2 Recording Heritage Items – *Duntrim* and landscape elements to be demolished.

BB4 Recording Insignificant items – other buildings to be demolished.

EE4 Requirement to notify about new evidence.

Paul Fletcher
Heritage Officer

6 January 2014

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 550/2013/1

ADDRESS: 188 New South Head Road EDGECLIFF 2027

PROPOSAL: Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders

FROM: Richard Smith - Fire Safety Officer

TO: Mrs L Holbert

Application documents

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

Drawing set by Donovan Hill, numbered AR-DA-X-XX-001, 002, 003, 004, 005, 006, AR-DA-C-XX-001 & AR-DA-D-XX-001, dated 4 December 2012
Statement of Environmental Effects by urbis, dated December 2013

Statutory provisions

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’

- “(1) This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:
- (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
 - (b) the measures contained in the building are inadequate:
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.
- (2) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*.
- (3) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.”

BCA Classification

9b & 3 - Basement (games room), bedrooms

9B – First floor (classes)

3 – Boarding rooms

Rise in storeys

3

Effective height

<25 metres

Type of construction required

“A”

Clauses of BCA referenced

- Replacement of ceilings Type “A” construction Specification C1.1 Clause 3.1 & Table 3 of the BCA;
- Separation of new building from heritage listed “Duntrim” house. Type “A” construction Specification C1.1 Clause 3.1 & Table 3 of the BCA;

Recommendation

Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000* the following is recommended;

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 the existing fire measures within the building shall be maintained and extended where necessary;

- b) That where a ceiling is to be replaced in "Duntrim" house it shall be replaced with a fire rated material achieving a fire resistance level of 90/90/90 or -/90/90 in accordance with the requirements of Specification C1.1 of the BCA;
- c) That the new portion of "Dutrim" house of the building shall be separated from the old portion in fire resisting construction in accordance with the requirements of Specification C1.1 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 conditions 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.

A.1 Standard Condition: C10

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

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

Richard Smith
Fire Safety Officer

16 December 2013

REFERRAL RESPONSE - HEALTH

FILE NO: DA 550/2013/1

ADDRESS: 188 New South Head Road EDGECLIFF 2027

PROPOSAL: Alterations, additions & use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders

FROM: Graeme Reilly Environmental Health Officer

TO: Mrs L Holbert

Executive Summary

Ascham School is located at 188 NSH Rd Edgecliff. The School recently purchased an adjacent property known as 'Duntrim', located at 37 Darling Point Road and is seeking approval for the following:

- Alterations and additions and use of Duntrim House and the adjacent Annexe building on the Duntrim site for school boarding facilities;
- Construction of a new 3 storey building as an extension to the southern end of the Duntrim building, containing bathrooms for the school boarding facilities and staff accommodation apartments;
- Construction of a new enclosed overhead walkway connecting Duntrim House and the Annexe, allowing internal covered access to the boarding facilities in both buildings to be treated as one area for staffing and security purposes;
- Construction of a new science classroom building containing science classrooms and associated prep rooms, and a lecture theatre to the east of Duntrim House connecting to the existing school Whitehead building and landscaping works. Construction of basement parking for 37 cars below the new science classroom building accessed from an existing lower ground car parking area. The car park is located on the Duntrim site and encroaches upon the existing School site beneath the Whitehead Building;
- Provision of 5 at grade parking spaces adjacent Duntrim House;
- Demolition of existing workshop to the north of Duntrim;
- The provision of a new delivery office on the northern boundary of Duntrim site where it adjoins the existing school grounds.

Recommendation:

Generally the proposal is considered satisfactory subject to compliance with the following conditions.

General ventilation:

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.

Carpark Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following;

- a) The car park in which vehicles powered by internal combustion engines are parked is required to comply with Section 4 'Ventilation of Enclosures Used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.
- b) The car park must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the basement car park and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the basement car park shall be mechanically ventilated by a combination of general exhaust with flow rates in accordance with Clause 4.4.2, and supply with flow rates specified in Clause 4.8 of Australian Standard 1668.2-1991.
- c) The Air Discharge for the car park ventilation system is to comply with Section 3 (Exhaust Air Dilution Procedure) of Australian Standard 1668.2-1991 and in particular Clause 3.7 (1-4) pertaining to air discharges.

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

Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the Regulation must be accompanied by a detailed 'Mechanical Noise Assessment' report of all mechanical ventilation (carpark), air conditioning and lift services plant prepared by a *professional engineer* (acoustic engineer) and certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

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

Where sound attenuation is required this must be detailed.

Note: Further information including lists of Acoustic Engineers can be obtained from:
1. **Australian Acoustical Society**—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals (www.aaac.org.au).
Standard Condition: C62

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

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

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

Soil Removal

Prior to the disposal of any soil from the site, such soil shall be classified in accordance with the provisions of both the *Protection of the Environment Operations Act 1997* and the NSW EPA *Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (1999).

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 (Autotext KK2)

Contaminated Fill Material

The excavation and removal of any contaminated fill material to an appropriate DECC – licensed landfill facility.

Protection of the Environment Operations Act 1997

During demolishing works, no equipment, building materials or other articles are to be used or placed in a manner on or off the site that will cause or likely to cause a 'pollution incident' as defined under the Protection of the Environment Operations Act 1997.

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/nlg.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](http://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: 150

Noise 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.

Erosion and Sediment Controls – Installation

The *principal contractor* or *owner builder* must install and maintain water pollution, erosion and sedimentation controls in accordance with:

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

Where there is any conflict The Blue Book takes precedence.

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

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

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

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where

pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14

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

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

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 outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

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

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

Standard Condition: E6

Inspection, Certification and Registration of Regulated Systems

Prior to the issue of any *Occupation Certificate* or occupation or use of part of the building serviced by a *regulated system* the *principal contractor* or *owner builder* must submit to the satisfaction of PCA certification by a '*competent person*' that the regulated system as installed can operate as required by Clause 9 of the *Public Health (Microbial Control) Regulation, 2000*.

The owner must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 15 of the *Public Health (Microbial Control) Regulation, 2000*.

Note: *Regulated System* has the same meaning as in the Public Health Act 1991.

Note: *Competent person* has the same meaning as in Clause 9(3) of the *Public Health (Microbial Control) Regulation, 2000*.

Note: The NSW Code of Practice for the Control of Legionnaires' Disease can be downloaded free from: http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf

Standard Condition: F8

Acoustic certification of completed works

Prior to the issue of the final occupation certificate a report is to be submitted to the certifying authority from by a *professional engineer* (acoustic engineer), certifying that the noise level measured at any boundary of the site at any time while all or part of the installed mechanical plant and equipment is operating does not exceed the *background noise level* and all sound attenuation work has been completed in accordance with the noise assessment reports.

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.

Ongoing operation of mechanical plant and equipment

The noise level measured at any boundary of the site at any time while any or all of 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

Rainwater Tank – Operation and Maintenance

All rainwater tank systems shall be operated and maintained in accordance with the technical provisions of the NSW Code of Practice for Plumbing and Drainage 3rd Edition 2006, AS/NZS 3500 as adopted by the Building Code of Australia, and the NSW Health Guideline "Use of Rainwater Tanks Where a Public Water Supply is Available".

Note: The NSW Health Guideline can be downloaded from

http://www.health.nsw.gov.au/policies/gl/2007/pdf/GL2007_009.pdf. The guideline's introduction states: "In urban areas the public water supply remains the most reliable source of good quality drinking water for the community. In these areas NSW Health supports the use of rainwater tanks for non-drinking uses, such as toilet flushing, washing clothes or in water heating systems, and outdoors for uses such as garden watering, car washing, filling swimming pools, spas and ornamental ponds, and fire fighting. Use of rainwater conserves the public water supply and helps to reduce stormwater impacts. In urban areas NSW Health recommends that people use the public water supply for drinking and cooking because it is filtered, disinfected and generally fluoridated."

Standard Condition: I35

Operation of Regulated Systems

The occupier must operate *regulated systems* in compliance with Clause 9 of the Public Health (Microbial Control) Regulation, 2000.

Where there is any change in the regulated system the occupier must register the changes in the *regulated systems* with Council pursuant to Clause 15 of the *Public Health (Microbial Control) Regulation, 2000*.

Water cooling system must be certified by a *competent person* annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

This condition has been imposed to ensure public health.

Note: *Regulated System* has the same mean as in the *Public Health Act 1991*. *Competent person* has the same meaning as in Clause 9(3) of the Public Health (Microbial Control) Regulation, 2000. The *NSW Code of Practice for the Control of Legionnaires' Disease* can be down loaded free from:

http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf.

Standard Condition: I11

14 January 2014

Our Ref: SYD13/01449
Your Ref: DA550/2013
Contact: Ravi Raveendra

General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Attention: Mr.G.Fotis

**ALTERATIONS AND ADDITIONS TO THE EXISTING SCHOOL AND USE OF DUNTRIM
HOUSE AND ANNEXE FOR SCHOOL BUILDING FACILITIES
188 NEW SOUTH HEAD ROAD, EDGECLIFF**

Dear Sir/Madam,

Reference is made to Council's correspondence dated 11 December 2013 regarding the subject development application forwarded to the Roads and Maritime Services (RMS) for comments.

RMS has reviewed the development application and provides the following comments to Council for its consideration in the determination of the development application;

1. The developers should be aware of the potential for the existing and future road traffic noise impact from New South Head Road on residential development on the subject site.

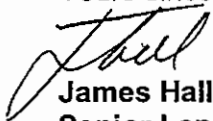
The developer should provide and maintain noise attenuation measures in accordance with EPA's Environmental Criteria for Road Traffic Noise. RMS will not provide noise mitigation for future residences on the subject land. RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

2. The proposed basement car park shall be designed and constructed in accordance with AS2890.1-2004.
3. All works associated with the proposed development shall be at no cost to the RMS.

Any inquiries in relation to this matter can be directed to the nominated Transport Planner Ravi Ravendra on telephone (02) 8849 2540.

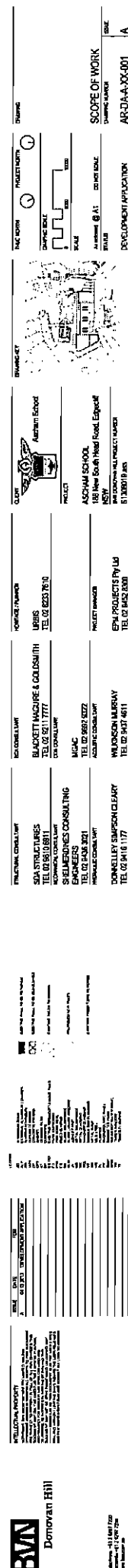
**WOOLLAHRA COUNCIL
RECORDS DEPT.**

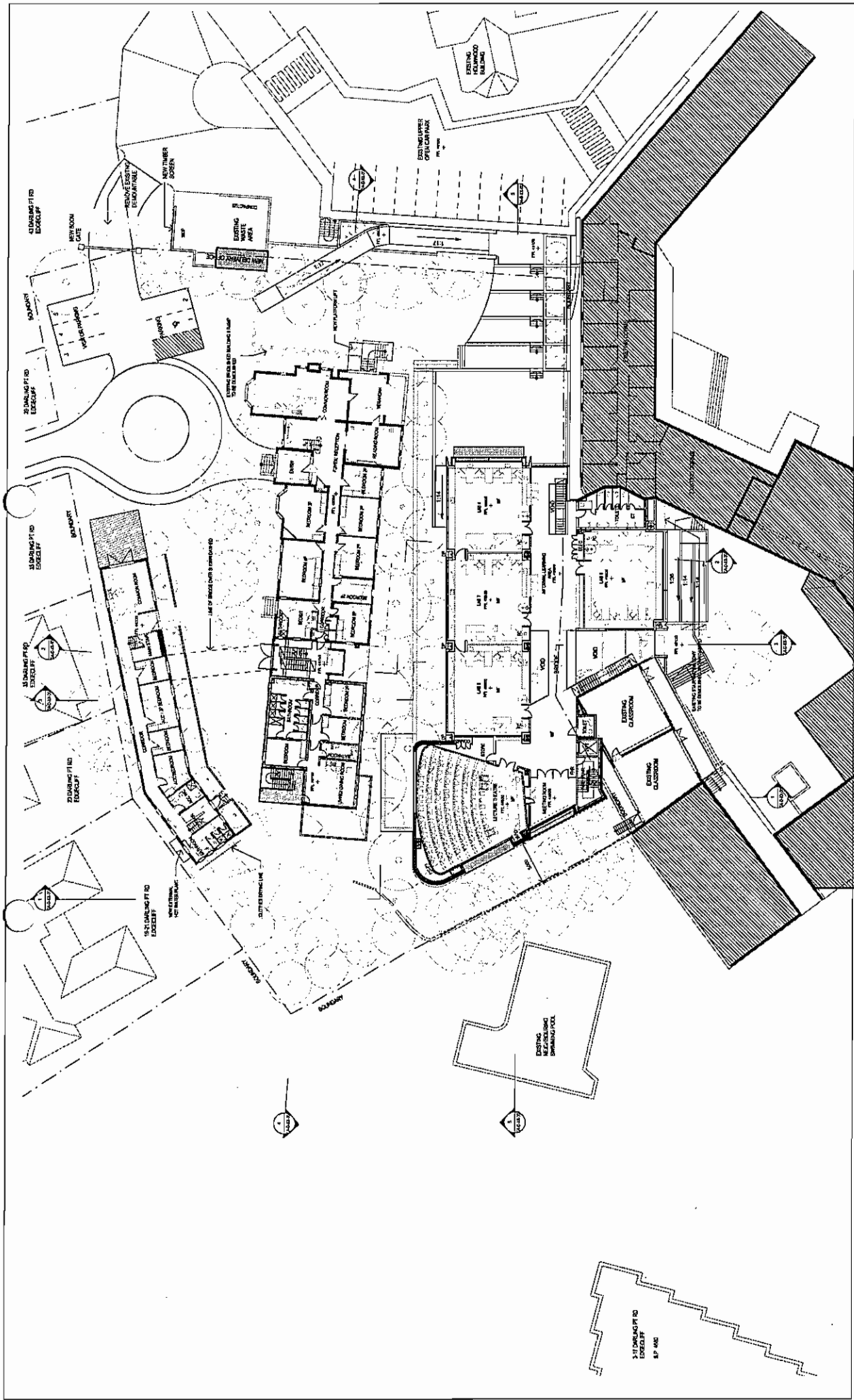
Yours sincerely,


James Hall
Senior Land Use Planner
Network Management
Network and Safety Section

17 JAN 2014
Doc No 00276-14
File DA13/0550
Action G. Fotis

Roads & Maritime Services





PROJECT INFORMATION

PROJECT NAME: **ASCHAM SCHOOL**
 100 New South Wales Road, Edgely
 51300119 and 51300119 and

CLIENT
ASCHAM SCHOOL

DESIGNER
 BLACKETT MAURE & CO. SMITH
 TEL: 02 921 1777
 100-102 Pitt Street, Sydney

ENGINEERS
 SKEWERSON CONSULTING
 TEL: 02 921 1777
 100-102 Pitt Street, Sydney

STRUCTURAL ENGINEER
 SKEWERSON CONSULTING
 TEL: 02 921 1777
 100-102 Pitt Street, Sydney

MECHANICAL ENGINEER
 SKEWERSON CONSULTING
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ELECTRICAL ENGINEER
 SKEWERSON CONSULTING
 TEL: 02 921 1777
 100-102 Pitt Street, Sydney

LANDSCAPE ARCHITECT
 SKEWERSON CONSULTING
 TEL: 02 921 1777
 100-102 Pitt Street, Sydney

DATE
 10/10/2011

SCALE
 1:100

LEVEL 2 PLAN
 DRAWING NUMBER: **AR-01A-XX-005**
 SHEET: **A**

LEGEND

EXISTING BUILDING
 PROPOSED BUILDING
 EXISTING LANDSCAPE
 PROPOSED LANDSCAPE

NOTES

1. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

2. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

3. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

4. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

5. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

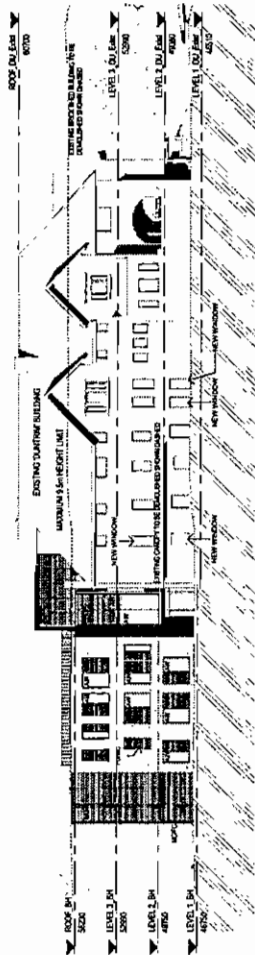
6. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

7. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

8. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

9. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.

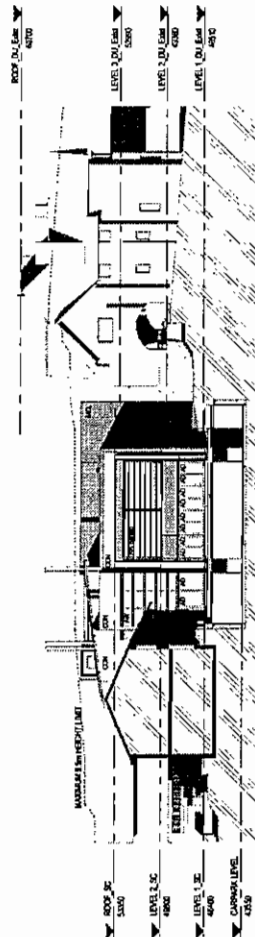
10. ALL PROPOSED WORK IS TO BE COMPLETED BY 31/12/2011.



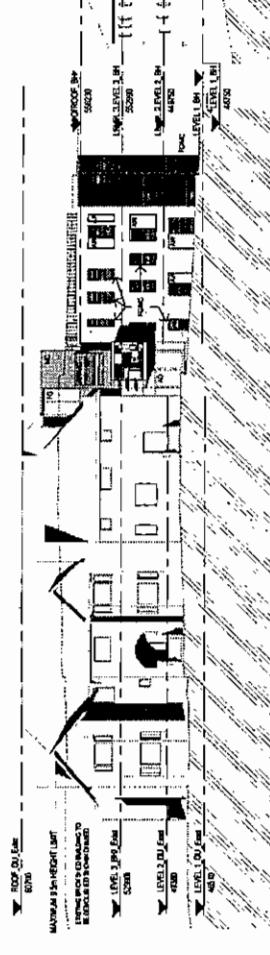
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EAST ELEVATION - BOARDING

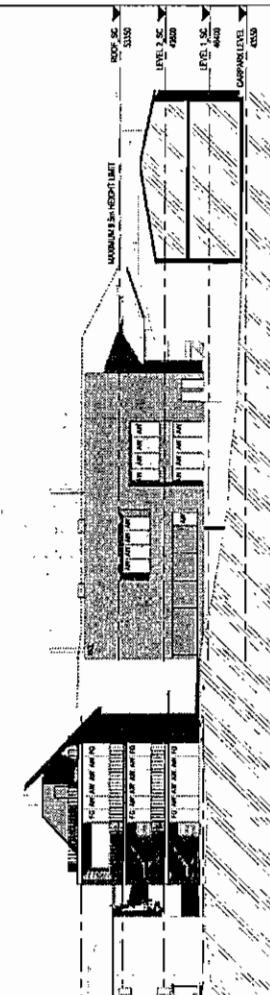
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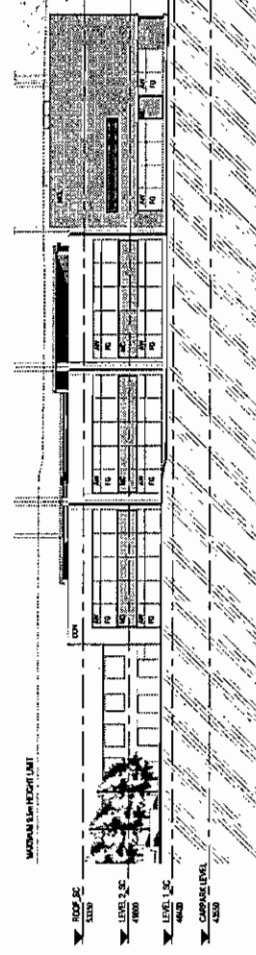
 NORTH ELEVATION - SCIENCE AND DUNTRIM
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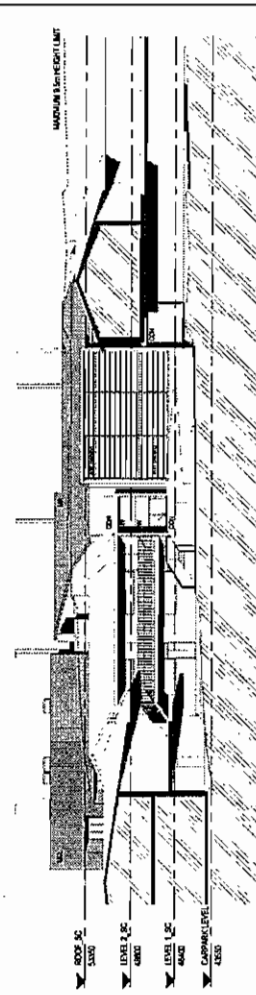
2 WEST ELEVATION - BOARDING
1:200



 SOUTH ELEVATION - BOARDING AND SCIENCE
1:200



3
•



6 EAST ELEVATION - WHITEHEAD
1:200

[illegible]

ANNEXURE 9

© The information on this page is for informational purposes only and is not intended to be used for any other purpose.

LEGEND:

- | | | | |
|---|---|---|--|
| ● | Historic entrance gates | ● | Edible & sensory planting |
| ● | Pedestrian footpath | ● | Overhead walkway |
| ● | Hedge planting | ● | Fruit tree planting |
| ● | Farm & lily garden | ● | Footpath or stepping stones |
| ● | Circular driveway | ● | Wildflower & meadowgrass |
| ● | Controlled vehicular access | ● | Boundary tree planting |
| ● | Carparking | ● | Ornamental tree planting |
| ● | Feature planting (including transplanted Agave) | ● | Private garden |
| ● | Sundial memory garden (Mr & Mrs Lewis Cohen) | ● | Existing trees retained & protected |
| ● | Historic mature trees & garden beds | ● | Green corridor trees & underplanting |
| ● | Decking | ● | Courtyard |
| | | ● | Lawn seating terraces |
| | | ● | Historic garden setting to front of Dunthorn house |
| | | ● | Integrated planter & stairway/ ramp |
| | | ● | Interactive education wall (greenwall/ geology wall) |
| | | ● | Ramp |
| | | ● | Lawn |
| | | ● | Existing level |
| | | ● | Proposed level |



0 2m 4m 6m 8m 10m

Journal of Clinical Pharmacy and Therapeutics

Ascham School


Duntrín House

Drawing Plan

For Planning

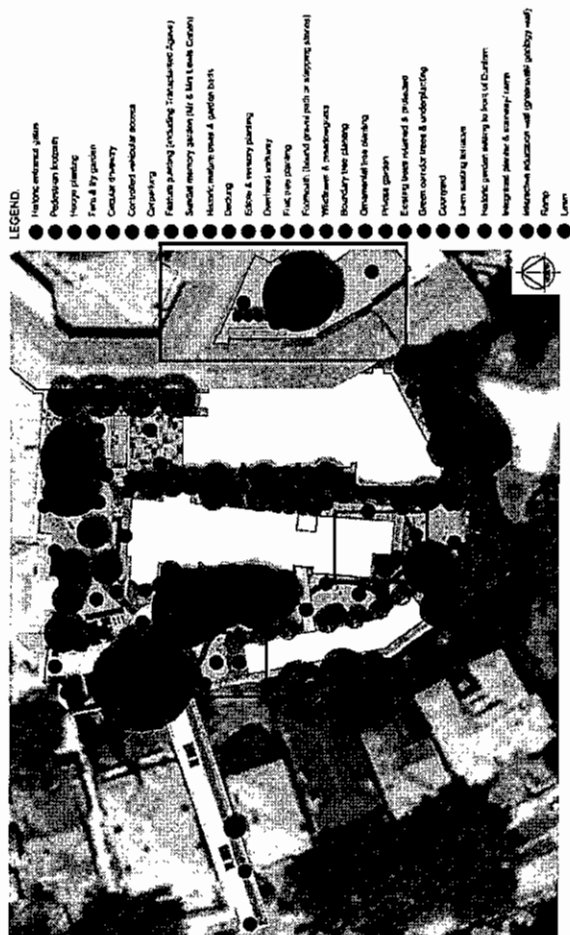
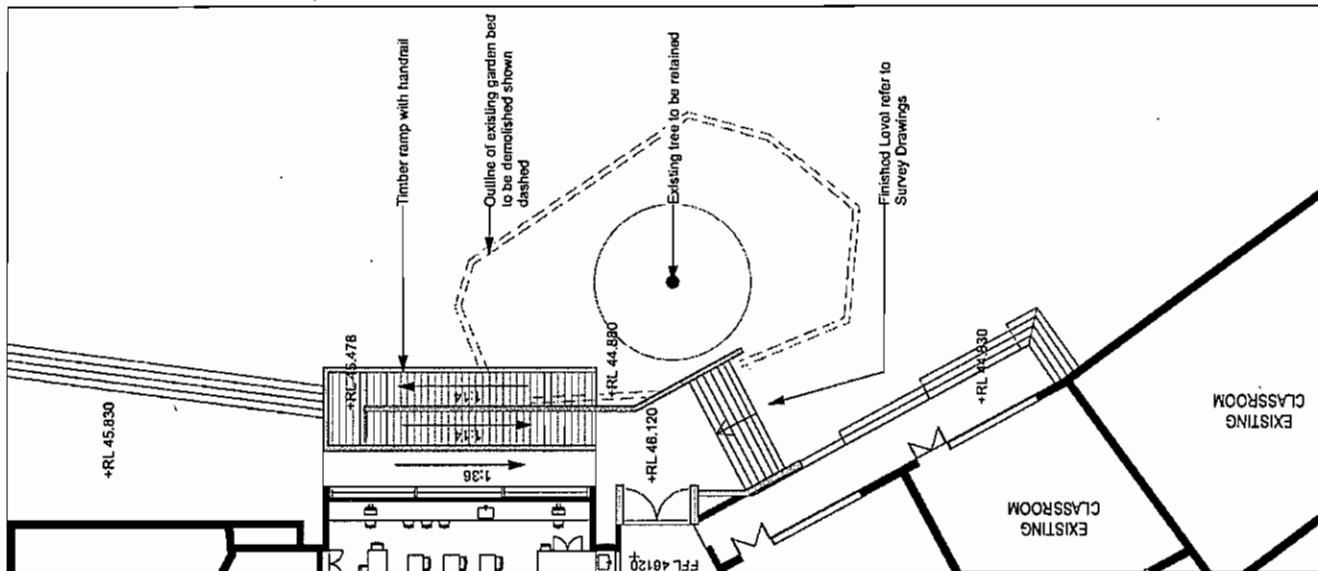
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KEY PLAN IDENTIFYING CHANGES TO DA LANDSCAPE DRAWINGS

