

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	
FILE No.	DA 517/2014/1
ADDRESS	6-8 Cranbrook Road, Bellevue Hill (Drayton House) and Cranbrook Road reserve
SITE AREA	Total site area is 2,381.6m ² including Cranbrook Road reserve (449m ²) which is currently owned by Council.
ZONING	Residential 2(a) and unzoned land (road reserve)
PROPOSAL	Demolition of the existing buildings, removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks
TYPE OF CONSENT	Integrated development
COST OF INVESTMENT VALUE	\$21,471,650.00
DATE LODGED	28/11/2014 – Original proposal 21/01/2015 – Amended proposal 05/03/2015 – Amended proposal 02/04/2015 – Amended proposal
APPLICANT	Cranbrook Properties Pty Ltd
OWNER	Cranbrook Properties Pty Ltd and Woollahra Municipal Council
AUTHOR	Ms S Richards
TEAM LEADER	Mr D Waghorn
CONSENT AUTHORITY	Joint Regional Planning Panel (JRPP)

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

1. PREAMBLE

The Joint Regional Planning Panel is the consent authority for this development application as the application is for development that has a capital investment value of more than \$20 million (\$21,471,650).

As Council is the owner of the road reserve which forms part of this proposal, the assessment report has been reviewed by an independent consultant planner in order to ensure that there is no perceived conflict of interest (refer to **Annexure 12**).

2. RECOMMENDATION

Conditional approval.

3. DESCRIPTION OF PROPOSAL

The proposal involves demolition of the existing buildings, the removal of trees and landscaping and the construction of a part three, part four storey aged care facility with basement car parking including 59 rooms (63 beds) as follows:

Basement level:

- Parking for 16 cars including 7 visitor spaces (including 1 disabled parking space), 8 staff parking spaces and 1 ambulance bay
- Kitchen
- Two laundries (dirty and clean) and linen store
- Two storage areas
- Loading bay
- Main switch room
- Comms room
- Waste and recycling
- Fire sprinkler valve set and fire hydrant booster pump room
- Two fire stairs
- Car park lobby and two lifts
- Driveway access

Ground floor level:

- 21 rooms with ensuites
- Lounge/dining with kitchenette
- Sitting room
- Staff station
- Admin room
- Photocopy room
- Reception/lobby/entry and 2 lifts
- 2 stores
- 2 toilets (1 is accessible)
- 2 fire stairs

First floor level:

- 21 rooms with ensuites and balconies or juliet balconies
- Lounge/dining with kitchenette
- Staff station
- 2 lifts
- 2 stores
- Accessible toilet
- 2 fire stairs

Second floor level:

- 17 rooms with ensuites and balconies
- 2 roof terraces (communal)
- Lounge/dining with kitchenette

- Staff station
- 2 lifts
- 2 stores
- Accessible toilet
- 2 fire stairs

Roof level:

- Green roof garden with landscaping
- Lift access and fire stair access to the roof
- Plant and equipment area
- Kitchen and laundry exhaust

Site works:

New side, rear and front fences, site works, two water features and landscaping including removal of 9 trees.

The plans were amended on 21/01/2015 to alter 8 balconies to juliet balconies on the western elevation at first floor level to improve solar access to the rooms below. In addition, the western embankment has been excavated to be set back an additional 0.5m from the ground floor level rooms to provide separation distances of 2.9m-4.2m between the western ground level bedrooms and the western embankment to improve solar access.

Amended plans were submitted on 5/03/2015 clarifying FSR, showing lift openings, identifying ambulance parking space dimensions and relocating the disabled parking closer to the lift.

The Basement Floor plan was amended on 2/04/2015 to provide adequate space and location for the loading bay by relocating the comms and main switch rooms in order to address concerns raised by Technical Services.

Note: The applicant is in discussions with Council regarding purchasing 449m² of Cranbrook Road reserve. The matter was referred from the Corporate and Works Committee meeting on 18 May 2015 to a meeting of Full Council on 25 May 2015. Full Council resolved as follows:

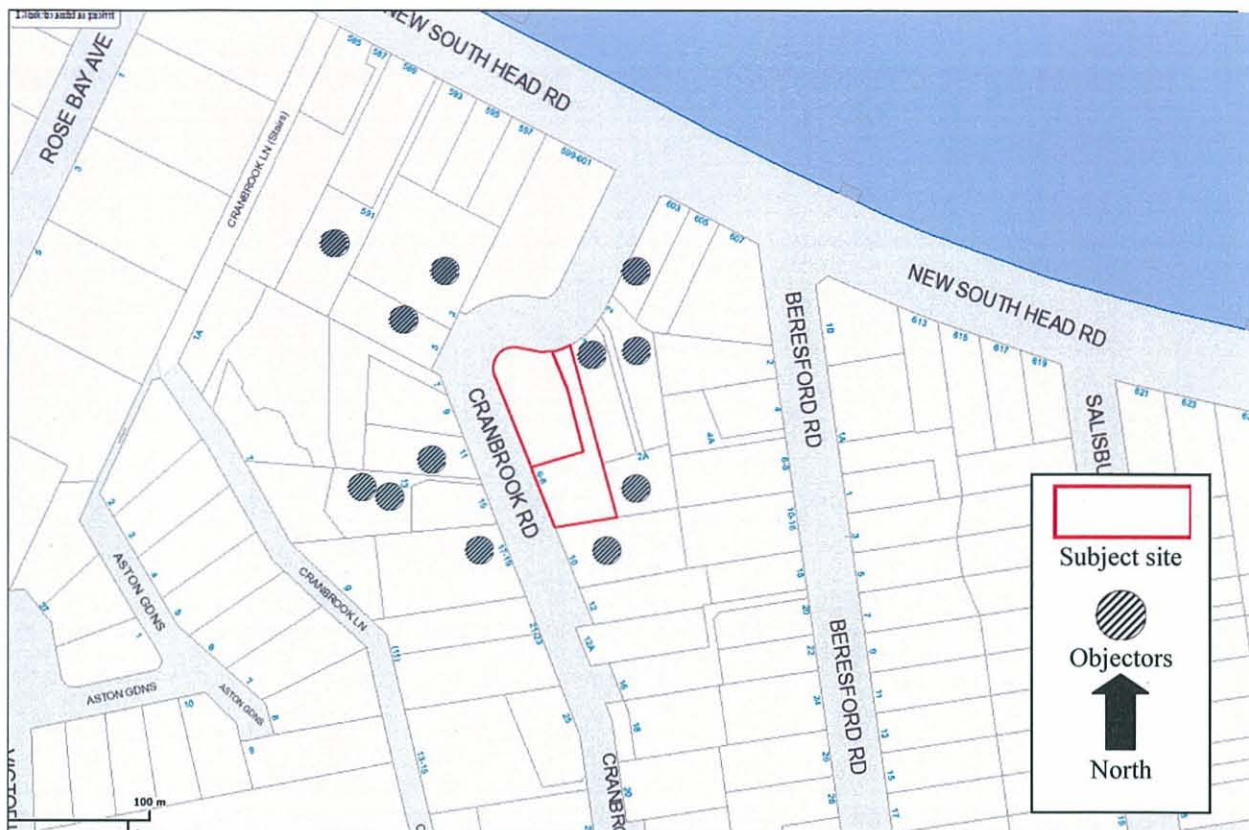
- A. That the subject portion of road reserve adjoining 6 Cranbrook Road, Bellevue Hill be assessed for its current market sale price to the adjoining owner*
- B. That a further report be submitted, following Part A.*

For the purpose of this planning assessment, the site area includes 6 and 8 Cranbrook Road and Cranbrook Road Reserve on the grounds that all three form part of the subject proposal. All calculations have been undertaken on this basis.

4. ESTIMATED CAPITAL INVESTMENT VALUE

The capital investment value of the development (as provided by the applicant) is \$21,471,650.00. This is considered to be accurate.

5. LOCALITY PLAN



Photomontages of the proposed development as viewed from the north and west (Cranbrook Road):





6. ISSUES SUMMARY

6.1 Primary Issues

Issue	Conclusion	Section
Objectors' concerns	Objectors' concerns are considered below and do not warrant refusal or further modification of the proposal.	6.2
Urban Design Officer's concerns	Council's Urban Design Officer is unsupportive of the proposal for reasons relating to design, solar access, accessibility and on site detention. These concerns have been considered in Sections 9, 13.1 and 13.11. On balance, the proposal is considered to be acceptable.	9, 13.1 and 13.11
SEPP 1 Objection	The applicant has submitted a SEPP 1 Objection to Clauses 40(4)(a), (b) and (c) in relation to the building height, number of storeys and building height at the rear of the site. The SEPP 1 Objection is considered to be well founded.	13.16

6.2 Submissions

Issue	Conclusion	Section
Sale of the road reserve: <ul style="list-style-type: none"> The road reserve should be retained for the benefit of the public. The road reserve could be used in the future for parking bays 	Council's Senior Property Officer has raised no concern with the sale of the land, subject to conditions. Any approval would be the subject of a deferred commencement condition (Condition 1) requiring formalisation of encroaching structures.	9
The development is presumptuous in including land that is not owned by them. Council must not assess the application until the determination of the sale of the road reserve.	Council has given consent for the lodgement of the application. Further, Council is required under the EP&A Act 1979 to assess a development application before it.	9
Overdevelopment of the site: <ul style="list-style-type: none"> The size of the building and deep soil landscaping relies on the purchase of Council 	The proposal includes 449m ² of Council land which is included in the site area and assessment calculations. It is recommended that any consent issued is not to operate until	9 and 13

Issue	Conclusion	Section
<p>land</p> <ul style="list-style-type: none"> Number of units Footprint FSR calculation excludes the rooftop garden, plant room and parking area 	<p>the encroachment on Council land is formalised, refer to Condition 1. Further, Condition H.1 requires the consolidation of allotments.</p> <p>The size of the development, including number of bedrooms (no self-contained units are proposed) is considered to be reasonable.</p> <p>There are no footprint controls applicable to the site. Notwithstanding this, the proposal provides adequate landscaping and stormwater drainage. The proposal will not result in significant impacts to neighbouring properties and the scale of the development sits comfortably within the streetscape and surrounding development.</p> <p>In terms of FSR calculations, the SEPP (Housing for Seniors or People with a Disability) 2004 excludes plant rooms, parking and open space areas in the gross floor area definition.</p>	
<p>Risks associated with water table movement and dewatering - could lead to settlement and subsidence of the adjoining properties and road.</p>	<p>Council's Development Engineer requested additional geotechnical and hydrogeological reports from the applicant. The additional information provided (Hydrogeotechnical Assessment by JK Geotechnics dated 5 March 2015) states that "it is our opinion that the shoring and dewatering system can be designed in such a way that there is no adverse impact on adjoining properties as a result of lowering the ground water table".</p> <p>Council's Development Engineer is satisfied with the proposal, subject to conditions.</p> <p>Further, the NSW Office of Water has issued General Terms of Approval in relation to ground water and excavation, refer to Condition A.7.</p>	<p>9 and 15.5</p>
<p>The site is on flood prone land</p>	<p>Council's Drainage Engineer states that the proposal is satisfactory with regard to flooding and overland flow, subject to Condition C.15.</p>	<p>13.2 and 16</p>
<p>Council should take into consideration a large storm water main and water main in the middle of Cranbrook Road.</p>	<p>Council's Development Engineer is satisfied with the proposal in terms of stormwater, subject to conditions.</p>	<p>9 and 15.5</p>
<p>Traffic, parking and safety issues</p>	<p>A traffic report (Traffic Impact Assessment by Traffix Ref. 14.311r01v02 dated November 2014) has been submitted with the application. The report concludes that the traffic impacts of the proposed development are of low intensity and can be readily accommodated. Council's Traffic Engineer has raised no concern with the proposal in this regard or in regard to safety impacts as a result of the proposal.</p> <p>The proposal includes 16 car spaces including 7 visitor spaces, 8 staff parking spaces and 1 ambulance bay.</p>	<p>9 and 13.17</p>

Issue	Conclusion	Section
	<p>Council's Traffic Engineer has determined that the proposal is satisfactory in terms of meeting the parking requirements in SEPP (Housing for Seniors or People with a Disability) 2004.</p> <p>Further, Council's Traffic Engineer has recommended that owners and occupiers of the development will not be permitted to participate in Council's Resident Parking Schemes thereby minimising impacts on street parking in the vicinity of the site, refer to Conditions H.6, I.9, I.10 and I.11.</p>	
<p>Cost of works/CIV:</p> <ul style="list-style-type: none"> The application relates to construction cost not capital investment value (CIV). The CIV should be clarified and if it falls under \$20million Council should be the consent authority. Council should seek independent advice from a suitably qualified quantity surveyor to confirm the accuracy of the applicant's submission. The CIV would not exceed \$20million if the road reserve was not incorporated 	<p>The capital investment value has been clarified in a Capital Investment Report by Altus Page Kirkland dated 24 February 2015 as being over \$20 million (\$21,471,650) and the matter is therefore required to be determined by JRPP.</p> <p>The road reserve forms part of the proposal and Council has given land owner's consent for the road reserve to form part of the application therefore it must be considered as part of the proposal.</p>	8 and 9
Non-compliances with SEPP (Housing for Seniors or People with a Disability) 2004 controls and objectives.	An assessment against SEPP (Housing for Seniors or People with a Disability) 2004 has been provided and the proposal is deemed to be acceptable in meeting the controls or the underlying intent and objectives of the controls.	13
The proposed use would be prohibited under the SEPP if it were to be considered under the 2014 LEP as it is located in flood affected land as well as being in the HFSPA.	<p>Council's Development Engineer has confirmed that the proposal is acceptable in terms of flooding as there is no major flood risk at this particular site.</p> <p>Further, due to the savings and transitional provisions in WLEP 2014, the application is required to be considered under WLEP 1995 which does not include the land as flood prone land.</p>	13.2 and 16
Council should seek independent advice as to whether a site compatibility certificate is required under Clause 24.	Council obtained its own legal advice on this issue, which in summary concludes that a site compatibility certificate is not required.	13.4
The area is characterised by domestic scale detached housing. The proposal ignores the existing scale.	<p>This issue is considered in Sections 13.7, 13.9 and 13.16. In summary, the following points are made:</p> <ul style="list-style-type: none"> The immediate locality comprises of buildings of 2-4 storeys in height including dwelling houses, residential flat buildings and an aged care facility across the road (Cranbrook Road) from the site The proposal is lower than the existing dwelling on the site and provides a transition between the multi storey development to the west of the subject site on the high side of Cranbrook Road and the lower scale dwellings to the east The scale of the development is mitigated 	13.7, 13.9 and 13.16

Issue	Conclusion	Section
	<p>by its location behind the Cranbrook Road embankment to the west of the site and by its modulated design</p> <ul style="list-style-type: none"> The bulk of the building is set back from the adjoining properties to the east and south which mitigates potential bulk and scale impacts The site is heavily landscaped which will obscure the development as viewed from surrounding properties <p>Accordingly, the bulk and scale is not considered to be out of character with the site and its surrounds.</p>	
Inadequate site analysis	The site analysis provided is considered to be adequate.	13.8
<p>Loss of vegetation:</p> <ul style="list-style-type: none"> Removal of significant vegetation Inadequate area for suitable replacement planting due to the basement parking extending close to the eastern boundary Removal of the Camphor Laurel on the bend of Cranbrook Road decimates the tree canopy around the site The building will shade planting preventing it growing to a height sufficient to provide suitable screening Inadequate advanced species 	<p>The proposal involves removal of eight trees on the site (subject to conditions requiring the retention of one tree). Council's Trees and Landscaping Officer has recommended the retention of tree T12 (American Cotton Palm) to the south-west of the site. All other trees to be removed (eight in total) are in poor condition or nearing the end of their life with the exception of the Pecan and Brushbox trees (Trees 4 and 5) located in the north-eastern area of the site.</p> <p>Council's Trees and Landscaping Officer is not concerned about the removal of the Pecan and Brushbox trees subject to Condition C.7 which requires the replacement of these two trees with three new trees to be chosen from a list of four options (all to be 200 litre pot size).</p> <p>Council's Trees and Landscaping Officer is satisfied with the proposal in terms of landscape coverage, subject to conditions, refer to Conditions A.6 and C.7. Council's Trees and Landscape Officer raises no concern with regard to lack of space or solar access for species to thrive.</p> <p>The Camphor Laurel located to the north of the site is nearing the end of its life and Council's Trees and Landscaping Officer has raised no concern with its removal. Three Magnolia trees are proposed close to the area where the Camphor Laurel will be removed.</p> <p>The proposal involves a variety of species of varying levels of advancement which will provide a good level of landscape coverage of the site.</p> <p>Further, Condition C.1 requires the eastern side of the basement level to be set back 1.5m from the eastern side boundary. This will provide additional area for landscaping adjacent to the eastern side boundary.</p>	9, 13.9 and 17.1
Excavation impacts.	Excavation has been considered under Clause	15.3

Issue	Conclusion	Section
	18 and is considered to be acceptable, subject to conditions aimed at minimising potential impacts to neighbouring properties.	
The proposal exceeds the requirements for the Woollahra LGA in terms of nursing home beds	Council's Manager Community Development is supportive of increased provision of aged care facilities to meet the high percentage of older and frail adults in the Woollahra Municipality. Accordingly, the proposal does not exceed the need for aged care development in the area. Further, the proposal is in accordance with Clause 2(a) of SEPP (Housing for Seniors or People with a Disability) 2004 which aims to increase the supply and diversity of residences that meet the needs of seniors or people with a disability.	9 and 13.1
Geotechnical and construction impacts -- independent dilapidation surveys should be undertaken on the road, infrastructure and surrounding properties	Council's Development Engineer is satisfied with the proposal in terms of geotechnical and construction impacts, subject to conditions. Dilapidation reports are required to be provided for all properties immediately adjoining the site, refer to Condition D.10 . Conditions D.14 and H.7 require dilapidation reports for public infrastructure within and near the development site.	15.3
The zoning in both WLEP 1995 and the new WLEP 2014 is for low density residential development. The proposal is not consistent with the zoning and is of greater density than should be permitted.	The proposal is permissible under SEPP (Housing for Seniors or People with a Disability) 2004. The facility can accommodate 63 occupants and is not of such a scale that would be detrimental to the character of the area. Further, the proposal will provide a needed service in the area.	13.2
Amenity impacts: Loss of visual and acoustic privacy: <ul style="list-style-type: none"> Visual and acoustic privacy including non-compliance with WRDCP 2003 objectives Limitations should be placed on the size and access times of service trucks using the site to minimise noise impacts to neighbouring properties Setbacks should be increased, evergreen trees should be planted and privacy screens with louvers should be provided to protect privacy of neighbours' properties A 3m high acoustic masonry fence should be provided along the eastern side boundary to minimise noise impacts The roof terrace should be restricted to passive use Mature plants and larger pot sizes should be used to improve privacy for neighbours Loading of waste should occur in the basement to minimise noise to neighbouring properties Noise from plant Noise from use of the rooftop terrace and outdoor areas Limitation should be placed on conversation, 	Visual and acoustic privacy is addressed in Section 13.10 and is considered to be acceptable, subject to conditions. In relation to the concerns raised the following points are made: <ul style="list-style-type: none"> The number of vehicle movements (approximately 2 deliveries per day plus refuse collection and staff and visitor movements) is not considered such that there would be an unreasonable impact on the amenity of adjoining properties Loading and deliveries can occur within the basement loading bay which will minimise amenity impacts to neighbours Condition I.1 requires garbage to be collected within the basement level Setbacks of the development are considered to be adequate Ample landscaping of sufficient maturity is proposed throughout the site which will mitigate privacy impacts Side boundary fences to 1.8m in height are considered to be sufficient to mitigate visual and acoustic privacy impacts 	13.10

Issue	Conclusion	Section
music, plant and vehicles outside of the period 8am to 9pm 7 days per week	<ul style="list-style-type: none"> Noise from plant is addressed by Condition I.6 Noise from the use of the premises is addressed by Condition I.5 An acoustic report was submitted with the proposal by Acoustic Logic dated 4/11/2014 making recommendations with regard to materials to minimise acoustic impacts, Condition A.3 requires compliance with this Condition I.2 addresses use of the roof terrace and requires it to be for passive use only and no speakers or amplified music are permitted 	
Impact on outlook: <ul style="list-style-type: none"> Impact on outlook of the sky (2 Cranbrook Road) and loss of outlook towards vegetation (4 and 11 Cranbrook Road) 	The impact on outlook of the proposal is considered to be acceptable. No significant public or private views will be affected as a result of the proposal, subject to conditions.	17.1
Overshadowing and loss of light	Overshadowing and loss of light to neighbours is considered in Section 13.11 and is considered to be acceptable.	13.11
Cigarette smoking should be banned in areas adjacent to the neighbouring properties	Areas adjacent to neighbouring properties to the east and to the south are screened by 1.8m high boundary fences and landscaping which may reduce smoke passing through to neighbouring sites. Further, landscaping and proposed built structures located adjacent to the site boundaries (including retaining walls) would prevent people standing and smoking immediately adjacent to the site boundaries.	
Odours from the toilets	Condition C.16 requires ventilation details to be provided prior to Construction Certificate.	
WRDCP 2003 non-compliances.	Relevant controls under WRDCP 2003 have been considered within this report under Section 17.1. It should be noted that under Clause 5(3) of SEPP (Housing for Seniors or People with a Disability) 2004 that this policy prevails in the event of any inconsistency.	17.1
Inadequate side setback to the driveway as it does not allow adequate space for significant landscaping	Council's Trees and Landscaping Officer has raised no concern with regard to the adequacy of the eastern side setback in terms of trees and landscaping. Notwithstanding this, Condition C.1 requires the driveway and basement level to be set back 1.5m from the eastern side boundary. This will provide greater separation between the site and the neighbours to the east and will provide additional area for planting.	17.1
Pollution from the driveway	The car park accommodates 16 cars and a loading bay. The extent of vehicles using the site is not considered to be such that would result in excessive pollution in the driveway. Further, to minimise amenity impacts to neighbours, Condition I.1 requires that garbage collection vehicles are to load within the basement level.	Condition I.1

Issue	Conclusion	Section
Lack of deep soil landscaping will result in overland flow to neighbours' properties	<p>Whilst there is a shortfall of landscaped area (refer to Section 13.17) the proposal is deemed to be acceptable in terms of landscaped character and screening.</p> <p>In terms of stormwater and run off, Council's Technical Services Engineer and the Office of Water are satisfied that the proposal is acceptable, subject to conditions.</p>	13.6, 13.12, 13.17 and 15.5
The proposal is not in the public interest	<p>With regard to the wider public interest, the proposal will improve the provision of housing for the elderly and disabled in an area where the population is ageing.</p> <p>The provision of aged care will also prevent the need for local residents to move away from the local area.</p> <p>In terms of the sectionalised public interest, the proposal will not have any significant detrimental impacts to surrounding residences, subject to conditions.</p> <p>Accordingly, the proposal is deemed to be in the public interest.</p>	26
The development will change the character of the area	The proposal is permissible under SEPP (Housing for Seniors or People with a Disability) 2004 and will provide a service required in the area. The proposal is compatible with the surrounding residential area and aged care facility located across the road (Cranbrook Road) from the site.	13.9
The development does not appropriately address the street and interfaces with adjoining properties	The proposal addresses the street (Cranbrook Road) by providing a clear visible entry from the street and open balconies overlooking the street. The development integrates well with surrounding development in the streetscape and adjoining properties.	13.9
Local infrastructure is not designed for high density living	There is adequate infrastructure in place to accommodate the proposed development including public transport and services nearby.	13.5
Conflict of interest between Council's selling the land and Council assessing the proposal	The proposal has been peer reviewed by an independent Town Planner, refer to Annexure 12.	1
No owners consent from Council	Owner's consent has been provided from Council.	9
The proposal is located too close to another large aged- care facility	<p>Each application is to be assessed on its own merits. Council's Manager Community Development is supportive of increased provision of aged care facilities to meet the high percentage of older and frail adults in the Woollahra Municipality.</p> <p>Further, as discussed above, the proposal is in accordance with Clause 2(a) of SEPP (Housing for Seniors or People with a Disability) 2004 which aims to increase the supply and diversity of residences that meet the needs of seniors or people with a disability.</p>	9 and 13.1

PROPERTY DETAILS AND REFERRALS

7. RELEVANT PROPERTY HISTORY

Current use
Residential dwelling and road reserve
Previous Relevant Applications
None relevant
Pre-DA
<p>A Pre-DA was undertaken on 14 August 2014. The proposal was not supported in its submitted form without detailed justification and appropriate technical information given that it proposed the following:</p> <ul style="list-style-type: none"> An aged care facility on land that might be classified as being environmentally sensitive in accordance with Schedule 1 of the SEPP HSPD 2004 under the DWLEP 2013; Demolition of an existing dwelling-house which may have merit for listing as a heritage item in the WLEP 1995; (note: Council's Heritage Officer determined that the dwelling did not fulfill the criteria for local heritage listing as the building is not a fine or intact example of architectural style and therefore raised no concern with the demolition) That no site compatibility certificate is required for the development in accordance with Clause 24 of the SEPP HSPD 2004; Reliance on the variation of building height and storey height development standards in the SEPP HSPD 2004 in the absence of any supporting SEPP 1 objections; and Inconsistencies with the design principles in the SEPP HSPD 2004, particularly as they relate to the location of high-intensity use areas, private open space and bulk and scale in proximity to adjoining residential properties. <p>Additional supporting and technical information has been submitted with the DA proposal along with amendments to the design which satisfied the above concerns.</p>
Requests for Additional Information
<p>On 4 December 2014, the following information was requested:</p> <ul style="list-style-type: none"> Site Compatibility Certificate under Clause 24 of SEPP (Housing for Seniors or People with a Disability) 2004 Elevational shadow diagrams to north facing windows of 10 Cranbrook Road <p>Information addressing the above was provided on 15 December 2014.</p> <p>On 7 January 2015, the following information was requested:</p> <ul style="list-style-type: none"> Urban Design issues including solar access, crime and security, lack of connection between the first floor and other levels <p>The plans were amended on 21/01/2015 to alter 8 balconies to juliet balconies at first floor level on the western elevation to improve solar access to the rooms below. In addition, the western embankment has been excavated to be set back an additional 0.5m from the ground floor level rooms to improve solar access.</p> <p>On 12 February 2015, the following issues were requested to be addressed:</p> <ul style="list-style-type: none"> Urban Design – cross sections and stair access to the upper levels to be provided Technical Services – stormwater drainage issues, geotechnical and hydrogeotechnical issues, flood levels, parking and access issues to be addressed Planning – amended plans showing front/street elevation and front wall detail required, solar access issues to be addressed (as above), clarification of excavation (m³) and truck loads, clarification of deep soil landscaping within the front setback, minimum landscaped area to be met and excavation setbacks to be addressed <p>Additional information and amended plans were provided on 5, 6 and 10 March 2015 addressing these concerns.</p> <p>On 18 February 2015, the following additional information was requested:</p> <ul style="list-style-type: none"> Clarification of Capital Investment Value Concerns raised by Council's Trees and Landscaping Officer regarding potential impacts on Tree 1 as a result of widening of the driveway in accordance with Technical Services requirements <p>Additional information addressing the above was provided on 26 February 2015.</p>

<p>On 25 February 2015, the following information was requested:</p> <ul style="list-style-type: none"> • Clarification of FSR calculation. <p>This information was provided on the amended plans submitted on 05/03/2015.</p> <p>On 30 March 2015, the following issues were requested to be addressed:</p> <ul style="list-style-type: none"> • Technical Services concerns regarding the loading area. <p>An amended Basement plan was provided on 2/04/2015 addressing this concern.</p>
<p>Amended Plans/Replacement Application</p> <p>The following amended plans were submitted:</p> <ul style="list-style-type: none"> • 21/01/2015 – amended plans were submitted altering 8 balconies to juliet balconies at first floor level to improve solar access to the rooms below and the western embankment was excavated to be set back an additional 0.5m from the ground floor level rooms to improve solar access and outlook from rooms at ground floor level in the south-western corner. • 05/03/2015 – Amended plans were submitted on 5/03/2015 clarifying FSR, showing lifts opening at all levels, identifying ambulance parking space dimensions and relocating the disabled parking closer to the lift. • 2/04/2015 – In order to address concerns raised by Technical Services, an amended Basement Floor plan was submitted to provide adequate space and location for the loading bay by relocating the comms and main switch rooms.
<p>Land and Environment Court Appeal</p> <p>N/A</p>

8. SITE AND LOCALITY

<p>Physical features</p> <p>The subject site is irregular in shape and has a dual frontage to Cranbrook Road to the north and to the west. The primary frontage of the site is to the north. The northern frontage has a length of approximately 36m, the southern (rear) boundary has a length of approximately 24m, the western side boundary has a length of approximately 63m and the eastern side boundary has a length of approximately 67m. The site achieves a total area of 2,381.6m² including the Cranbrook Road reserve (449m²) which is currently owned by Council.</p> <p>The applicant is currently in the process of negotiating the purchase of the road reserve and Council's Property staff are considering the sale of the land. For the purposes of this assessment the road reserve has been included in the area calculation and any approval would be subject of a deferred commencement condition relating to the purchase of this land or formalisation of encroachments. (Refer to Condition 1.)</p>
<p>Topography</p> <p>The western side of the site has a steep cross fall from the west towards the east by approximately 6m. The eastern side of the site is relatively level. Cranbrook Road bounds the site to the west and north and is elevated above the site by up to 2.5m.</p>
<p>Existing buildings and structures</p> <p>A part two, part three storey cement rendered dwelling on sandstone foundations with a tiled roof exists on the site. A detached garage is positioned on the street frontage adjacent to the common boundary with No 4 Cranbrook Road. The rear of the site comprises a tennis court which has fallen into disrepair.</p>
<p>Environment</p> <p>The site is located within a residential precinct comprising of housing of varying density, age and styles. Opposite the site on the corner of New South Head Road and Cranbrook Road is an 81 place aged care facility (Beresford Hall).</p>



9. REFERRALS

Referral	Summary of Comment	Annexure
Technical Services	Council's Technical Services Engineer is satisfied with the amended proposal, subject to conditions.	2
Technical Services – Landowner's consent	Council, as the landowner of the road reserve, has provided owner's consent, subject to conditions.	3
Trees and Landscaping	Council's Trees and Landscaping Officer is satisfied with the proposal, subject to conditions.	4
Heritage	Council's Heritage Officer has raised no concern with the proposal to demolish the existing building as it is not considered to be a fine or intact example of architectural style and does not fulfill the criteria for local heritage listing.	5
Fire Safety	Council's Fire Safety Officer has raised no concern with the proposal, subject to conditions.	6
Environmental Health	Council's Environmental Health Officer raised no concern with the proposal, subject to conditions.	7
Urban Design	<p>Council's Urban Design Officer raised concern with the proposal regarding the following:</p> <ol style="list-style-type: none"> 1. Lack of solar access to ground floor level rooms adjacent to the retaining wall on the western side boundary 2. Not all rooms have at least one wall above ground level 3. Lack of on-site detention 4. Lack of connection as the lifts are not shown as opening at ground floor level on the plans, the first and second floors have no entry from the street via the reception and lack of stairs between levels <p>Refer to Section 9.1 below.</p>	8
Community Services	Council's Manager Community Development is supportive of the proposal, stating that <i>"the increased provision of services for seniors to assist with meeting the needs of the Woollahra community now and into the future is supported"</i> .	9
Property	Council's Senior Property Officer states that the road reserve has	10

Referral	Summary of Comment	Annexure
	<p>been inspected and identified as surplus to requirements and able to be sold.</p> <p>Council's Corporate and Works Committee resolved at a meeting of 18 August 2014 to advertise the sale proposal. Objections were received to the public advertising of the proposed sale mainly relating to congestion.</p> <p>A further report was prepared for the Corporate and Works Committee on 18 May 2015 in relation to whether to proceed to the next step in the sale process. Resident concerns have been addressed by a resolution to implement staff recommendations in relation to traffic and safety including warning signs about the S curve.</p> <p>The matter was referred from the Corporate and Works Committee meeting on 18 May 2015 to a meeting of Full Council on 25 May 2015. Full Council resolved as follows:</p> <p><i>A. That the subject portion of road reserve adjoining 6 Cranbrook Road, Bellevue Hill be assessed for its current market sale price to the adjoining owner</i></p> <p><i>B. That a further report be submitted, following Part A.</i></p> <p>Council's Senior Property Officer raises no concern with the proposal, subject to conditions requiring formalisation of encroaching structures via an easement agreement, sale of the land or by removing encroaching structures. A deferred commencement condition has been recommended. Refer to Condition 1.</p>	
Office of Water	The NSW Office of Water has raised no concern with the proposal, subject to General Terms of Approval for Construction Dewatering which have been incorporated in to the recommended conditions of consent, refer to Condition A.7 .	11
CPTED	NSW Police were given the opportunity to comment on the proposal in terms of crime prevention through design however no referral comments were provided.	-

9.1 Planning comment

Council's Urban Design Officer has raised a number of issues with the proposal as discussed above and attached in Annexure 8. These issues are considered below.

The applicant provided amended plans to alter 8 balconies to juliet balconies at first floor level on the western elevation to improve solar access to the rooms below. In addition, the western embankment has been excavated to be set back an additional 0.5m from the ground floor level rooms in the north western corner of the site to provide a separation distance of 2.9m-4.2m between the western ground level bedrooms (bedrooms 9-11) and the western embankment to improve solar access.

Additional cross sections were provided through the ground floor level rooms in the south-western corner as requested by Council's Urban Design Officer to demonstrate that solar access will be achieved to these rooms (refer to drawing no A302 Rev 03 dated 5/3/2015).

The plans have also been amended to show the lifts opening on all levels and fire stair access is provided to all levels.

The information was referred back to Council's Urban Design Officer who remains unsupportive of the proposal for the following reasons:

1. Compromised daylight and sunlight to rooms on the ground floor level in the south-western corner of the site
2. Single aspect rooms face retaining walls
3. Lack of stairs is undesirable as it provides reduced spacial connection between the first floor and other levels which will impact on staff, visitors and residents
4. The proposal fails to be of good design in accordance with Clause 2(1)(c) of SEPP (Housing for Seniors or People with a Disability) 2004
5. Lack of on-site detention

These concerns have been considered within this report. In summary, the following comments are provided:

1. Solar access is considered under Sections 13.1 and 13.11 and is considered to be acceptable
2. Single aspect rooms are considered to be unavoidable in a development of this nature. The site is heavily landscaped which softens the outlook from all rooms and provides a reasonable level of amenity
3. Lift access is available to all levels and fire stairs are provided at all levels. Given the nature of the development it is likely that most occupants will utilise lift access
4. In terms of the proposal achieving good design, this is considered under Section 13.1 and the design of the proposal is considered to be acceptable
5. In terms of on-site detention, Council's Development Engineer is satisfied with the proposal, subject to conditions

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

10. ADVERTISING AND NOTIFICATION

10.1 Submissions

In accordance with Parts 3 and 4 of the Woollahra Advertising and Notification DCP, the application was notified and advertised from 14/01/2015 to 12/02/2015.

A total of 12 submissions were received:

1. Mrs J Barlow of 5 Cranbrook Road, Rose Bay

2. Mr B Brown of Ingham Planning Pty Ltd, Suite 19, 303 Pacific Highway, Lindfield NSW 2070 (on behalf of Mr A Bullock and Ms J Isemonger owners of 4 Cranbrook Road)
3. Mr A Boskovitz of Boskovitz & Associates, 41 Grosvenor Street, Woollahra NSW 2025 on behalf of Mr and Mrs Perkins of 2 Cranbrook Road, Bellevue Hill
4. Ms C Johnson of 3/13 Cranbrook Road, Rose Bay
5. Mr J Reynolds and Ms E Rennie of 10 Cranbrook Road, Bellevue Hill
6. Ms E and Mr W Smales of 11 Cranbrook Road, Bellevue Hill
7. Mr C Di Veroli of 68 Oxford Street, Woollahra (on behalf of Mr BG and Mrs J Khoo of 17-19 Cranbrook Road, Bellevue Hill)
8. Mr R Weinberg of 2A Cranbrook Road, Bellevue Hill
9. Miss B and Dr J Duncan of 2/603 New South Head Road, Rose Bay
10. Ms S Donato of 1/13 Cranbrook Road, Bellevue Hill
11. Mrs E and Mr A Gray of 3 Cranbrook Road, Bellevue Hill
12. Mr C Read of 4/591 New South Head Road, Rose Bay

The issues raised in the submissions are considered above under Section 6.2.

10.2 Renotification

A replacement application (as defined by Clause 90 of the Environmental Planning and Assessment Regulation 2000) was lodged on 21/01/2015 amending 8 balconies to juliet balconies on the western elevation at first floor level and including additional excavation to set the western embankment back an additional 0.5m.

A further replacement application (as defined by Clause 90 of the Environmental Planning and Assessment Regulation 2000) was lodged on 5/03/2015 clarifying FSR, showing lift openings, identifying ambulance parking space dimensions and relocating the disabled parking closer to the lift.

The above amendments were renotified to surrounding residents and previous objectors under Clause 5.1 of the Advertising and Notification DCP from 10/03/2015 to 08/04/2015 as the proposed changes potentially brought about additional impacts upon neighbours.

A further replacement application (as defined by Clause 90 of the Environmental Planning and Assessment Regulation 2000) was lodged on 02/04/2015 amending the basement floor plan to provide adequate space and location for the loading bay by relocating the comms and main switch rooms in order to address concerns raised by Technical Services.

The application was renotified and readvertised to surrounding residents and previous objectors under Clause 5.1 of the Advertising and Notification DCP from 29/04/2015 to 28/5/2015 to include Council Road reserve in the property address. Additional submissions have been addressed in Section 6.2 above.

10.3 Statutory Declaration

In accordance with Clause 4.5 of the Woollahra Advertising and Notification DCP, the applicant has completed the statutory declarations dated 13/02/2015 and 29/05/2015 declaring that the site notice for DA 517/2014/1 was erected and maintained during the advertising notification period in accordance with the requirements of the DCP.

11. 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 to Clause 40(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in relation to height and storeys. This is discussed in detail in Section 13.17.

12. 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.

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

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

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

Chapter 1 - Preliminary

13.1 Clause 2: Aims of Policy

Clause 2(1) states that the aims of the policy seek to encourage the provision of housing that will:

- a) *Increase the supply and diversity of residences that meet the needs of seniors or people with a disability*

The proposal comprises 59 bedrooms including 56 single rooms and 3 rooms with two beds, a total of 63 beds. The rooms are all accessible, all have access to a garden, terrace or a juliet balcony. All rooms have ensuite bathrooms and some of the larger rooms are provided with kitchenette facilities

but are not self-contained. It is considered that the proposal provides a range of rooms that would meet the needs of seniors or people with a disability.

b) Make efficient use of existing infrastructure and services

Access to public transport is provided in immediate proximity of the site to nearby centres where services are provided in Rose Bay, Double Bay and Bondi Junction, as discussed further in Section 13.5. Accordingly, the proposal is considered to be acceptable in terms of making efficient use of existing infrastructure and services.

c) Be of good design

Council's Urban Design Officer has raised concerns regarding the following:

- Solar access to ground floor level rooms in the south-western corner
- Single aspect rooms facing retaining walls
- Lack of stair connection between levels and lack of on-site detention

For these reasons, Council's Urban Design Officer concludes that the proposal fails to be of good design in accordance with Clause 2(1)(c).

These issues are considered as follows:

Solar access to ground level rooms and single aspect rooms facing retaining walls in the south-western corner:

Council's Urban Design Planner has provided the following comments in regard to the amended proposal:

The proposed development fails to provide reasonable daylight and sunlight to rooms on the "ground level" in the south-west corner of the site. These rooms are between 4.5m and 8.5m below the level of Cranbrook Road, which is 8m away. These rooms will receive very limited sun and poor daylight.

There are no specific quantifiable standards in terms of solar access requirements for aged care facility bedrooms within the SEPP. Notwithstanding this, the following assessment is provided:

- The proposal was amended to alter 8 balconies to juliet balconies on the western elevation at first floor level to improve solar access to the rooms below at ground floor level. In addition, the western embankment has been excavated to be set back an additional 0.5m from the ground floor level rooms to improve solar access. Despite the position of the rooms, solar and shadow diagrams demonstrate that some solar access will be received to these rooms
- The worst affected rooms are rooms 9-11 where the western embankment is at its highest (approximately 8.5m) and the setback is at its narrowest (approximately 3.3m). The number of units of particular concern represents only 5% of the overall development
- The majority of the rooms will enjoy a high quality outlook in a garden setting with views towards Rose Bay and surrounds from the roof garden
- Some rooms do have a single aspect and look out towards the western retaining walls adjacent to Cranbrook Road. It is important to note that the western retaining wall is stepped back from the ground floor level by between 7.2 and 9.5m from the western side boundary. The area adjacent to these rooms is landscaped providing an amenable outlook to occupants

- The applicant submits that residents will be encouraged to participate in specialised daily lifestyle amenities programs co-ordinated by diversional therapists and specially trained care staff. Consequently, residents are expected to spend little time in their rooms other than to sleep or rest as they will be participating in the programs
- The north/south orientation of the development generally allows for good solar access to most rooms throughout the day and the majority of the bedrooms within the proposed development will receive ample sunlight and good outlook to ensure good amenity for residents
- The substantial communal landscaped open space areas throughout the site and on the roof terrace will receive abundant solar access
- **Condition C.1** requires the lounge/dining areas at ground, first and second floor levels to be relocated from the western side of the building to the north of the development

Lack of stair connection between levels:

Whilst stair connection is considered to be desirable, it is not essential given the nature of the use of the development and that most occupants may not be able to use stairs. Further, fire stair access is available for emergencies. Accordingly, the proposal is considered to be acceptable in terms of access and connectivity.

Lack of on-site detention:

Council's Development Engineer is satisfied with the proposal in terms of drainage and stormwater, subject to conditions.

In terms of overall design, the proposal integrates well with the streetscape and surrounding development, it provides an acceptable level of amenity to residents including bedrooms, common living areas, gardens and a roof garden. The proposal exhibits a good level of solar access and amenity and caters for an ageing population in the Woollahra area. The proposed development is considered to be of good design.

13.2 Clause 4: Land to which Policy applies

Clause 4(1) states that this policy applies to land zoned primarily for urban purposes, or land that adjoins land zoned primarily for urban purposes, but only if:

(a) Development for the purpose of any of the following is permitted on the land:

- (i) Dwelling houses,*
- (ii) Residential flat buildings,*
- (iii) Hospitals*
- (iv) Development of a kind identified in respect of land zoned as special uses, including (but not limited to churches, convents, educational establishments, schools and seminaries or*

(b) The land is being used for the purposes of an existing registered club

Under Woollahra Local Environment Plan 1995, the site includes land in the Residential 2(a) zone and unzoned land (Council's road reserve). Dwelling houses and hospitals are permitted with consent in the Residential 2(a) zone and the road reserve is located adjacent to land zoned for residential purposes. Accordingly, the Policy applies to the subject site.

Clause 4(6)(a) states that this Policy does not apply to land described in Schedule 1 (environmentally sensitive land) which includes Schedule 1(h) for high flooding hazard. Under Council's Local Environment Plan 2014 the land is included as flood prone land. The Woollahra

LEP 2014 commenced operation on 23 May 2015. The savings provisions in Part 1.8A of the Woollahra LEP 2014 state that if a development application has been made before the commencement of this Plan and has not been determined, the application must be determined as if this Plan had been exhibited but had not commenced.

This application was made prior to the commencement of this Plan therefore the application is required to be considered under Woollahra Local Environment Plan 1995, which does not include the land as flood prone land. Notwithstanding this, Councils' Development Engineer has confirmed that there is no major flooding risk at this particular site.

Schedule 1(k) includes scenic land (but not if the land is within a residential zone in which development of two storeys or more in height is permitted). Whilst the subject site is located within Council's Harbour Foreshore Scenic Protection Area, it is not captured by Schedule 1 as the site is within a Residential 2(a) zone where development of two storeys is permitted to a height of 9.5m.

Accordingly, it is considered that the proposal falls within SEPP (Housing for Seniors or the Disabled) 2004.

Chapter 2 Key Concepts

13.3 Clause 11: Residential care facilities

Clause 11 describes a residential care facility as:

Residential accommodation for seniors or people with a disability that includes:

- (a) Meals and cleaning services*
 - (b) Personal care or nursing care or both*
 - (c) Appropriate staffing, furniture, furnishings and equipment for the provision of accommodation and care*
- Not being a dwelling, hostel, hospital or psychiatric facility.*

It is considered that the proposal falls within this definition.

Chapter 3 Development for Seniors Housing

Part 1A Site compatibility certificates

13.4 Clause 24: Site compatibility certificates required for certain types of development

Clause 24(1)(a)(i) identifies land that requires a site compatibility statement and includes land that adjoins land zoned primarily for urban purposes.

The applicant provided legal advice from S Moran and Co dated 12 December 2014 stating Clause 24 does not apply to land primarily zoned for urban purposes and therefore a site compatibility certificate is not required.

Council obtained its own legal advice from Wilshire Webb Staunton Beattie Lawyers dated 15 January 2015 which, in summary, concurs that the proposed development is within land zoned primarily for urban purposes and is not within a zone that is identified as special uses or on land that is used for the purposes of an existing registered club. The advice concludes that a site compatibility certificate is not required.

Part 2 Site related requirements

13.5 Clause 26: Location and Access to Facilities

The consent authority must not consent to the development application unless it complies with the following under Clause 26(1):

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

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

Clause (2)(b) states:

Access complies with this clause if:

- (2)(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:*
 - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
 - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3)*
- (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14*

The proposal satisfies this requirement as the site is located within 80m of a bus stop at the intersection of New South Head Road and Cranbrook Road with Sydney Bus routes 323 (Dover Heights – Double Bay – City) and 324 and 325 (Watsons Bay – Double Bay – City) using this bus stop and a footpath exists along the eastern side of Cranbrook Road which connects the site to that bus stop. The gradient of the path satisfies Clause 26(3) achieving a gradient of less than 1:14.

13.6 Clause 28: Water and Sewer

The consent authority must not consent to the development application unless it complies with the following:

Housing is to be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

Connection to the existing water mains and wastewater can occur, subject to a Sydney Water issued Section 73 Certificate. Refer to **Conditions C.26 and F.2.**

13.7 Clause 29: Consent authority to consider certain site compatibility criteria for development applications to which Clause 24 does not apply

Clause 29(1) states that:

This clause applies to a development application made pursuant to this chapter in respect of development for the purposes of seniors housing to which Clause 24 does not apply.

Clause 29(2) states that:

A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in Clause 25(5)(b)(i), (iii) and (v), which states as follows:

The consent authority must take into consideration the following criteria to which Clause 24 does not apply:

- (i) *The natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development*

The natural environment of the site is considered to be appropriate for the proposed development. There are no significant issues or hazards applicable to the site that would significantly impede the development. The existing use on the site is residential and surrounding development consists of dwelling houses, residential flat buildings, schools and an aged care facility across the road (Cranbrook Road) from the subject site. The proposal is considered to be compatible with the existing uses in the vicinity of the site.

- (iii) *The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.*

There are ample retail, community, medical and transport services located a short bus ride away in Double Bay, Edgecliff, Bondi Junction and Rose Bay. Transport to these facilities is available within 800m of the subject site, as discussed above in Section 13.5.

- (v) *The impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development*

Surrounding development consists of a range of two, three and four storey development. The height of the development is lower than the existing dwelling on the site and is set into the site as viewed from Cranbrook Road and surrounding properties to the west and south.

The development presents three storeys to the primary frontage to the north which is commensurate with other surrounding development. To the east, the development provides articulation through varied setbacks and balconies to minimise any significant impacts of bulk, scale or sense of

enclosure. Further, landscaping is proposed along the eastern side boundary which will soften the impact of the development as viewed from dwellings to the east.

Overall, the scale, form and character of the development are considered to be acceptable in the context of the site, topography and surrounding development.

Part 3 Design requirements

Division 1 General

13.8 Clause 30: Site Analysis

The consent authority must not consent to the development application unless it complies with the following:

A site analysis is to be prepared by the applicant.

A site analysis plan has been prepared by the applicant and satisfies the requirements of Clause 30.

Division 2 Design Principles

13.9 Clause 33: Neighbourhood amenity and streetscape

The proposed development should:

- a) *Recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area*

The subject site is located in the Bellevue Hill North precinct. The Bellevue Hill North Desired Future Character Precinct objectives are as follows:

- *O 4.7.1 aims to maintain a transition of development scale from the residential flat buildings that address New South Head Road, to the residential houses and flat buildings that dominate the majority of the precinct;*
- *O 4.7.2 aims to ensure that development responds in form and siting to the street and subdivision pattern;*
- *O 4.7.3 aims to reinforce the precinct's landscape setting by minimising alterations to the landform and preserving the existing tree canopy;*
- *O 4.7.4 aims to maintain mature street trees, grassed verges and garden plantings;*
- *O 4.7.5 aims to protect important views from the public spaces of the precinct to the harbour, the city skyline and to the surrounding districts;*
- *O 4.7.6 aims to maintain the evolution of residential building styles through the introduction of good contemporary buildings;*
- *O 4.7.7 aims to ensure that residential development addresses the street;*
- *O 4.7.8 aims to ensure the precinct's tree canopy continues to form a green backdrop when viewed from Sydney Harbour and the surrounding districts.*

The following assessment is provided in terms of the proposal achieving the precinct objectives:

- The height of the development is lower than the existing dwelling on the site and is set into the site as viewed from Cranbrook Road and surrounding properties to the west and south
- As viewed from Cranbrook Road to the north (the primary frontage), the development presents as three storeys which is commensurate with other development in the street
- As viewed from the east, the development presents as three storeys which is consistent with other properties to the west of the subject site and is an acceptable transition to the adjacent property to the east which consist of a two storey dwelling with a pitched roof
- Structures located on the roof including the lift access, canopy and stairs are minor structures and are adequately set back from the front of the building and integrated into the development so as not to present adverse bulk and scale or adversely impact on the streetscape presentation of the of the proposal
- The proposal is considered to be appropriately designed and articulated through inclusion of balconies and sufficient setbacks which aid in minimising bulk and scale as viewed from the streetscape and surrounding properties
- The development addresses the street by providing a clearly visible entrance from the street (Cranbrook Road to the north of the site)
- The proposed excavation is considered to be acceptable
- The proposal will not have a detrimental impact on public or private views
- The proposal involves removal of eight trees on the site (subject to conditions which require the retention of tree T12 (American Cotton Palm) located to the south-west of the site, refer to **Condition A.6**). All other trees to be removed (eight in total) are in poor condition or nearing the end of their life with the exception of the Pecan and Brushbox trees (Trees 4 and 5) located in the north-eastern area of the site. Council's Trees and Landscaping Officer is not concerned about the removal of the Pecan and Brushbox trees subject to **Condition C.7** which requires the replacement of these two trees with three new trees to be chosen from a list of four options (all to be 200 litre pot size).
- In terms of loss of tree canopy, the main tree canopy visible from the street and surrounding properties is the large Camphor Laurel located towards the north of the site. Council's Trees and Landscaping Officer has confirmed that this tree is not in good condition and is nearing the end of its life
- Council's Trees and Landscaping Officer is satisfied, subject to conditions, that the proposed planting will provide adequate landscape amenity and setting within the site and as viewed from surrounding properties and the street
- Street trees on Council land to the front (north) of the site are required to be retained with the exception of Tree 2 which is dead and will be removed by Council's Street Tree division

Accordingly, for the above reasons the proposal is considered to recognise and accord with the desirable elements of the location and the Desired Future Character objectives of the Bellevue North Precinct.

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

The subject site is not in a heritage conservation area and does not adjoin any heritage items. Heritage items in the vicinity of the site are located adequate distance from the site so as not to be impacted upon. Council's Heritage Officer has not raised any concern with the proposal. Accordingly, the proposal is acceptable in this regard.

- c) *Maintain reasonable neighbourhood amenity and appropriate residential character by:*
- i) *Providing building setbacks to reduce bulk and overshadowing*
 - ii) *Using building form and siting that relates to the site's land form*
 - iii) *Adopting building heights at the street frontage that are compatible in scale with adjacent development*
 - iv) *Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours*

The proposal is acceptable for the following reasons:

- The proposal provides adequate setbacks to minimise bulk and does not present excessive overshadowing
- As discussed above, the building form and siting respond well to the site's land form. Council's Urban Design Officer states the following: *"The proposed development sits into the site due to considerable excavation in the south west corner of the site. This means there is relatively little impact of building bulk on the surrounding heavily treed streetscape"*
- The building height when viewed from Cranbrook Road to the west and to the north is appropriate and comparable in scale and height with surrounding development
- In relation to point iv), all walls of the development (except for new front fences to Cranbrook Road) are set back from the site boundaries

- d) *Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line*

The front setback (north) is commensurate with the front setback of the adjoining site to the east and other development in the immediate vicinity of the subject site and is considered to be acceptable.

- e) *Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape*

As discussed above, Council's Trees and Landscaping Officer is satisfied with the proposal in terms of trees and landscaping, subject to conditions. Further, the proposed planting includes matures species which will provide a suitable landscaped canopy and will assist with providing a green backdrop as viewed from the streetscape and surrounding properties.

- f) *Retain, wherever reasonable, major existing trees*

As discussed above, the proposal involves removal of eight trees on the site (subject to conditions). Council's Trees and Landscaping Officer has recommended the retention of tree T12 (American Cotton Palm) to the south-west of the site. All other trees to be removed (eight in total) are in poor condition or nearing the end of their life with the exception of the Pecan and Brushbox trees (Trees 4 and 5) located in the north-eastern area of the site.

Council's Trees and Landscaping Officer has not raised any issue with the removal of the Pecan and Brushbox trees subject to **Condition C.7** which requires the replacement of these two trees with three new trees to be chosen from a list of four options (all to be 200 litre pot size – approximately 2m-2.5m on planting).

The proposal includes significant planting throughout the site and Council's Trees and Landscaping Officer is satisfied, subject to conditions, that the proposed planting will provide adequate landscape amenity. This position is concurred with.

g) *Be designed so that no building is constructed in a riparian zone*

Not applicable.

13.10 Clause 34: Visual and Acoustic Privacy

The proposed development should consider:

The visual and acoustic privacy of neighbours in the vicinity and residents by appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Concern has been raised by neighbouring residents with regard to visual and acoustic privacy. The main concerns raised relate to the following:

- Adequate screening and planting should be provided to protect neighbours' privacy
- A 3m high acoustic fence should be provided along the eastern side boundary to minimise noise impacts
- Noise from garbage trucks, noise from the roof terrace (the roof terrace should be restricted to passive use) and noise from plant and equipment. Further, objectors have requested that limitations be placed on conversation, music, plant and vehicles outside of the hours 8am and 9pm 7 days per week

Acoustic and visual privacy is considered as follows:

Acoustic privacy:

- An acoustic report by Acoustic Logic dated 4/11/2014 ref 20141197.1/0411A/R1/MF has been provided with the application which concludes that subject to recommendations made in Section 6 of the report, including requirements regarding materials, mechanical ventilation and loading and unloading, the proposal is deemed to meet the specified noise criteria. **Condition A.3** requires compliance with the acoustic report
- Council's Environmental Health Officer has raised no concern with the proposal in terms of acoustic impacts, subject to conditions
- The acoustic report states that loading and unloading activities will be confined to the basement
- **Condition I.1** requires garbage collection to occur in the basement. The applicant has confirmed that a private contractor will be used and adequate space is provided within the basement for this to occur
- Conditions have been recommended in relation to noise from plant and machinery, refer to **Condition C.17, C.19** and **I.6**
- **Condition C.18** addresses design sound levels for building interiors
- 1.8m high side and rear boundary fences are proposed along the eastern and southern side boundaries and an embankment exists along the southern site boundary which will assist in minimising noise impacts to neighbours to the south and east
- The proposed balconies are small in size and are located off bedrooms and are not likely to accommodate large gatherings or cause significant loss of acoustic privacy to neighbouring residents
- The roof terraces to the south and south-east at second floor level are required to be non-trafficable except for maintenance to minimise amenity impacts to adjoining properties at 2A, 4

and 10 Cranbrook Road which adjoin the subject site to the east and south, refer to **Condition C.1**

- An acoustic screen is provided to all elevations of the plant area at roof level which will minimise noise transmission from plant on the roof to the occupants of the building and neighbours
- The roof garden is unlikely to give rise to inappropriate noise levels given that it is a passive recreation area, the area is bounded by an internal fence located 9.6m-11.7m from the eastern side boundary (amended to a minimum of 12m from the eastern side boundary by **Condition C.1**) and 20.5m-25m from the southern (rear) boundary with substantial landscaped areas around a pathway
- **Condition I.1** requires that there is to be no music or speakers within the roof garden to maintain acoustic privacy to neighbours

Visual privacy:

In considering visual privacy, the following planning principle established in the Meriton Properties Management P/L v Sydney City Council (2004) NSWLEC 313), has been referred to:

When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. Most planning instruments and development control plans acknowledge the need for privacy, but leave it to be assessed qualitatively. Numerical guidelines for the separation of dwellings exist in the Australia-wide guideline, AMCORD; as well as in the New South Wales-specific Residential Flat Design Code attached to SEPP 65. AMCORD recommends a separation of 9m between habitable rooms. The Residential Flat Design Code recommends increasing separation between buildings as they get taller. For buildings up to three storeys, it suggests 12 m between habitable rooms and balconies, 9 m between a habitable and non-habitable room and 6 m between non-habitable rooms. For tall buildings (such as the proposal) it suggests 24m between habitable rooms, 18m between habitable rooms and non-habitable rooms, and 12m between non-habitable rooms.

Generalised numerical guidelines such as above, need to be applied with a great deal of judgment, taking into consideration density, separation, use and design. The following principles may assist:

- *The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities, there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities, it is more difficult to protect privacy.*
- *Privacy can be achieved by separation. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development, it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)*
- *The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.*

- *Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.*
- *Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.*
- *Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.*
- *Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.*
- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

The following assessment is provided in terms of visual privacy:

To the east:

- A 1.8m high side boundary fence is proposed along the eastern side boundary which will prevent overlooking at ground floor level
- All balconies on the eastern elevation are provided with obscure glazing to a height of 1.5m from finished floor level except for the balconies to the north-eastern corner of the building. These balconies at first and second floor levels are oriented towards the street to the north, the balconies nearest to the eastern side boundary are small in size measuring 2m in length and 1.4m in width, they would not accommodate large gatherings and are considered to be acceptable in terms of potential overlooking
- Windows on the eastern elevation are located 1.5m above finished floor level or are located a minimum of 9m from habitable rooms and private open space of adjoining properties
- **Condition C.1** requires that the fence on the green garden roof is to be set back 12m from the eastern side boundary in order to maintain visual privacy to neighbouring residents to the east
- The second floor level eastern roof terrace is required to be non-trafficable except for maintenance to minimise privacy impacts, refer to **Condition C.1**. Further, the privacy screen to the eastern roof terrace is deleted by **Condition C.1** as it is not required given that the area is non-trafficable
- **Condition C.1** requires privacy screens to a height of 1.5m from finished floor level to be added to the private terrace of room 58 at second floor level to minimise loss of privacy to neighbours to the east

To the south:

- A retaining wall exists to the rear (south of the site) to a height of approximately 3.5m above proposed ground level with a 1.8m high boundary fence above which will prevent overlooking at ground and first floor levels
- Screening is provided to the roof terrace to prevent overlooking
- The second floor level rear roof terrace is required to be non-trafficable except for maintenance to minimise privacy impacts, refer to **Condition C.1**. Further, the privacy screen to the eastern

roof terrace is deleted by **Condition C.1** as it is not required given that the area is non-trafficable

- Privacy screens to a height of 1.5m from finished floor level are to be added to the private terrace of room 58 to minimise loss of privacy to neighbours to the east (**Condition C.1**)
- **Condition C.1** requires privacy screens to a height of 1.5m from finished floor level to be added to the private terrace of room 54 at second floor level to minimise loss of privacy to the neighbours to the south

To the west:

- Windows and balconies on the western elevation will overlook the retaining wall and Cranbrook Road and there is a distance in excess of 20m between the western side boundary of the site and properties to the west across Cranbrook Road which is considered adequate separation to mitigate privacy impacts

Subject to the abovementioned conditions, the proposal is considered to be acceptable with regard to visual and acoustic privacy.

13.11 Clause 35: Solar Access and Design for Climate

The proposed development should:

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

The following assessment is provided regarding Part (a):

- The north-south alignment of the allotment is such that there will be little unreasonable impact upon overshadowing of adjoining properties
- Shadow diagrams have been submitted for 21 June demonstrating the extent of overshadowing to neighbouring residents as follows:
 - At 9am overshadowing occurs over Cranbrook Road to the west and does not affect adjoining properties
 - By 12 noon overshadowing is contained within the subject site
 - By 3pm a small proportion of private open space of the adjoining properties to the east will be overshadowed adjacent to the eastern boundary (less than 20% of the total private open space area at both 2A and 4 Cranbrook Road) therefore a large proportion of private open space will be unaffected
- The extent of overshadowing is not considered to be unreasonable given that between 9am and approximately 1pm (4 hours) there will be no overshadowing from the proposed development to neighbouring properties
- Solar access will be maintained to these properties in accordance with Council's requirements (a minimum of two hours to substantial portions of main ground level private open space areas)
- Solar access is maintained to north facing windows of the adjoining property to the south (10 Cranbrook Road) in accordance with Council's requirements (a minimum of 3 hours between 9am and 3pm on 21 June)

The following assessment is provided regarding Part (b):

- In terms of site planning, the location and north/south orientation of the development allow for good solar access to most rooms throughout the day
- The substantial communal landscaped open space areas within the site and on the roof terrace will receive abundant solar access
- In terms of amenity, all rooms are of reasonable size with ensuite bathrooms and all are provided with terraces, juliet balconies or have direct access to garden areas and a communal lounge/dining area is provided at each level
- **Condition C.1** requires that the lounge/dining rooms at ground, first and second floor levels are to be relocated to the north of the development in accordance with Section 35(b) of SEPP (Housing for Seniors or People with a disability) 2004. This will ensure all residents have access to communal areas with a high level of solar access and amenity
- Whilst cross ventilation is provided to some rooms (11 of the 59 rooms (19%)), it will not be provided to all rooms. It is not considered possible to provide cross ventilation to every room in a development such as this
- The demand for seniors housing in an area with an ageing population is considered to be of such public interest as to justify the proposal which does not provide optimal direct solar access and cross ventilation to every room

Accordingly, for the reasons discussed above and subject to **Condition C.1**, the proposal is considered to be acceptable in terms of Clause 35 of SEPP (Housing for Seniors or People with a Disability) 2004.

13.12 Clause 36: Stormwater

The proposed development should:

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

Subject to conditions, Council's Development Engineer is satisfied with the proposal in terms of stormwater.

13.13 Clause 37: Crime Prevention

The proposed development should:

Provide personal property security for residents and visitors and encourage crime prevention by site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

Subject to **Condition C.1**, adequate casual surveillance exists and the bedrooms and living areas appropriately address the street. Accordingly, the proposal is acceptable with regard to Clause 37.

13.14 Clause 38: Accessibility

The proposed development should provide:

Obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

Safe and level footpaths are provided to the front of the site providing access to public transport with links to nearby services and facilities.

Level access is provided within the development between each level of the building via a lift. This allows for access from the basement car park to each level of the building. Further, a Statement of Compliance for access for people with a disability dated 19/11/2014 by Accessible Building Solutions has been provided which concludes that the proposal can achieve compliance with the access provisions of the BCA.

In terms of parking, the proposal complies with the parking requirements in the SEPP (Housing for Seniors or People with a Disability) 2004 (refer to Section 13.7).

13.15 Clause 39: Waste Management

The proposed development should provide:

Waste facilities that maximise recycling by the provision of appropriate facilities.

The proposal provides a waste and recycling store at basement floor level.

13.16 Clause 40: Development Standards – Minimum Sizes and Building Height

Section 40(1) states that a consent authority must not consent to a development application made pursuant to this clause unless it complies with the following controls.

Site Area: 2,381.6m ²	Proposed	Control	Complies
Site Area	2,381.6m ²	1,000m ²	YES
Site Frontage (primary frontage to the north)	>20m (approximately 36m to the end of the curve in the north-western corner)	20m	YES
Height – All Buildings	9.35m	8m	NO
Height – Number of Storeys	Part 2, Part 3, Part 4 Storeys	2 Storeys	NO
Height – Rear 25% of the Site	Part 2/part 3 Storeys	1 Storey	NO

Building height - Clause 40(4)(a)

Clause 40(4)(a) of the SEPP states that:

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

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

Note: Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height- Refer to Clauses 48-50.

Height is defined in the SEPP (Housing for Seniors or People with a Disability) 2004 as the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. Ground level means the level of the site before development is carried out.

The proposal involves works to a height of 9.35m resulting in a non-compliance with the SEPP of 1.35m at second floor level. The non-compliance requires the provision of a SEPP 1 Objection which is discussed below.

Number of Storeys – Clause 40(4)(b)

Clause 40(4)(b) states:

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

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

Storeys, as defined in the SEPP (Housing for Seniors or People with a Disability) 2004 does not include a car park that does not extend above ground level by more than 1 metre.

Accordingly, the proposed development is part two, part three and part four storeys resulting in a non-compliance with this control by a maximum of two stories. The non-compliance requires the provision of a SEPP 1 Objection which is discussed below.

Building height at the rear of the site – Clause 40(4)(c)

Clause 40(4)(c) states:

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

According to the SEPP definition, the proposed development achieves part two and part three storeys in the rear 25% of the site resulting in a non-compliance by two stories. The non-compliance requires the provision of a SEPP 1 Objection which is discussed below.

SEPP 1 Objection Assessment:

A SEPP 1 objection is required and has been prepared by the applicant in relation to the height and storeys non-compliances under Clauses 40(4)(a), (b) and (c), which is summarised as follows:

- *The application seeks to increase the supply of aged care accommodation in a locality that has increasing numbers of older people*

- *The site is within an urban precinct*
- *The built form of the locality is not homogenous in terms of density or scale*
- *The topography allows for the proposed building to be set low into the streetscape*
- *The proposal is consistent with the desired future character of the locality*
- *The arrangement of the volume of the building has been specifically informed by an acknowledgement of the need to maintain adequate solar access to adjacent dwellings to the east and south*
- *Setbacks from the eastern boundary range from 5.5m-10m and 4.8m-14.7m from the southern boundary*
- *Site planning responds to the local topography which allows for the building to be set into the embankment along the western boundary*
- *A three storey built form at the northern edge of the site sits comfortably in the established mix of immediately surrounding development which range from two to four storeys*
- *A three storey built form along the western site boundary will read as only one to two storeys due to the change in level between the site and Cranbrook Road*
- *The front of the building has a setback comparable with that at 4 Cranbrook Road*
- *At the closest point to the eastern side boundary the development achieves two storeys*

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as confirmed in the case of *Wehbe v Pittwater Council* (2009).

The SEPP 1 Objection submitted is assessed as follows:-

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

The maximum height and storeys controls are development standards under Clause 40(4)(a), (b) and (c) of SEPP (Housing for Seniors or People with a Disability) 2004.

2. What is the underlying purpose of the standard?

The applicant states that the SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and (c) and only limited instruction relative to Clause 40(4)(b) as follows:

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

In the absence of any other nominated objectives to underpin the various height controls, the applicant states that it is therefore appropriate to consider the objectives or the purpose of the height standards relative to the following elements of the Policy including:

- Clause 2(1)(a) – Aims of the Policy
- Part 3, Division 2 – Design Principles
- Clauses 40(4)(a), (b) and (c)

This approach is not opposed.

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

Under the EPA Act, 1979, Section 5(a)(i) & (ii) the following is required:

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) The promotion and co-ordination of the orderly and economic use and development of land,*

It is contended that the proposed development of the subject land is consistent with the intent of the objects of the Act under S.5(a)(i) & (ii) above.

The proposal is a permissible and reasonable use of the land. The development will provide a benefit to the local community by providing additional aged care services which will not adversely impact on the community or the environment. Accordingly, the proposal will provide for the reasonable development of the site, and also provide for reasonable economic use of the land.

Having considered the arguments presented by the applicant in the SEPP 1 submission against the relevant objectives and purpose of the development standard discussed above, it is considered that:

- Clause 2(1)(a) – Aims of the Policy

This has been addressed under Section 13.1. The proposal is considered to be acceptable in this regard.

- Part 3, Division 2 – Design Principles

This has been addressed under Section 13.9. The proposal is considered to be acceptable in this regard.

- Clause 40(4)(a), (b) and (c)

Clause 40(4)(a) – maximum building height:

The SEPP does not include any objectives to support this standard. Notwithstanding this, the applicant asserts the following points:

- *The proposal will not adversely impact on any public or private views*
- *Solar access to adjacent sites will be maintained*
- *Visual and acoustic privacy will be maintained*
- *The proposal presents appropriate form and massing and is consistent with the Desired Future Character objectives of the precinct*

These issues have been considered in detail in Sections 13.1 – 13.11 and the proposal is considered to be satisfactory in this regard.

Clause 40(4)(b) – 2 storey height adjacent to the boundary:

The purpose of this control is noted in the Policy as being to avoid an abrupt change in the scale of development in the streetscape.

The applicant asserts the following points:

- *The immediate locality comprises buildings of 2-4 storeys*
- *The roof level (slab) of the building (RL13.8) is 870mm lower than the roof ridge of 4 Cranbrook Road to the east (RL14.67) and 4.01m lower than the roof ridge of 10 Cranbrook Road to the south (RL17.81)*
- *Setbacks from the eastern boundary provide significant separation from 4 Cranbrook Road*
- *The development (two storeys adjacent to the boundary) will not be readily discernible from 10 Cranbrook Road given that the subject site is significantly lower than the neighbour*
- *Key street trees adjacent to the site will be retained and offer significant screening (except for Tree 2 which is dead and will be removed by Council)*
- *The level of Cranbrook Road along the western site boundary is such that the majority of the building will read as only one to two storeys*
- *Given the above it is apparent that the building will not result in any abrupt change in scale within the streetscape*

The above assertions are concurred with and it is considered that the proposed development fits comfortably within the site without having any significant detrimental impacts on the streetscape (streetscape is considered above in detail under Section 13.9).

Clause 40(4)(c) – single storey for rear 25% of the site:

- *The proposal is considered to be satisfactory in terms of bulk and scale*
- *The proposal is considered to be acceptable in terms of amenity impacts*
- *The quantity and treatment of the landscaped open spaces across the site will ensure that the building sits within a generous garden setting. The distribution of landscaping generally aligns with open spaces on adjacent sites*

Height, bulk, scale, streetscape, amenity impacts and landscaping issues have been considered in detail in Sections 13.1-13.11. The proposal is considered to be acceptable in regard to these issues.

On this basis it is argued that strict compliance with the standard is unnecessary as there are minimal adverse impacts associated with the non-compliance. Strict compliance with the standard would unreasonably restrict the development of the site.

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

The proposed development will provide a use which would benefit the local community without resulting in any significant adverse amenity impacts upon the streetscape or adjoining properties.

Due to the particular circumstances of the case it is considered that the proposal satisfies the underlying intent of the height and storeys development standards under SEPP (Housing for Seniors or People with a Disability) 2004 and the Objects of the Act. Therefore, strict compliance with the standard is unreasonable and unnecessary in the circumstances of the case.

5. Is the objection well founded?

The objection advanced by the applicant that compliance with the development standards are unreasonable and unnecessary is considered to be well founded and it is considered that granting of

development consent would be consistent with the aims and objectives set out in Clause 3 of SEPP 1.

On the basis of the above comments it is considered that the SEPP 1 Objection is well founded and that compliance with the height and storeys development standards are unreasonable and unnecessary in the particular circumstances of this case.

Part 7 Development standards that cannot be used as grounds to refuse consent

Division 2 Residential care facilities

13.17 Clause 48: Standards that cannot be used to refuse development consent for residential care facilities

A consent authority must not refuse consent to a development application on any of the following grounds:

Site Area: 2,381.6m²	Proposed	Control
Building Height – All Buildings	9.35m	8m or less
Floor Space Ratio	1.08:1 (2,570.9m ²)	1:1 or less (2,381.6m ²)
Landscaped Area	1,243.7m ² of landscaped area =19.7m ² per bed	Min 25m ² of landscaped area per residential care facility bed (63 beds) =1,575m ²
Parking for residents and visitors	15 spaces plus 1 ambulance bay	1 parking space for each 10 beds 1 parking space per 2 employees 1 ambulance space =16 spaces total

Building Height:

Height in relation to a building means the distance measured vertically from a point on the ceiling of the topmost floor of the building to the ground level immediately below that point (ground level being the level of the site before development is carried out).

In accordance with this definition the proposal achieves a maximum height of 9.35m. As discussed in Section 13.16, the height of the proposed building is considered to be satisfactory with regard to the local context and in terms of residential amenity impacts.

Density and Scale:

The total floor space ratio for the proposed development is 1.08:1 (2,570.9m²). The proposal cannot be refused if the floor space ratio is 1:1 (2,381.6m² or less). There is no maximum floor space ratio applicable to the site. The difference between the proposed floor area and the extent of floor area that cannot form a ground for refusal is 189.3m².

The applicant submits that the scale and density of the proposal is managed as follows:

- *The building footprint location is logical relative to site orientation at the street frontage and to achieve maximum separation from adjacent sites to the south and east to reduce building volume at these boundaries, to manage overshadowing and to allow key trees to be retained*
- *Building setbacks generally relate to site topography and are sympathetic with street setbacks having regard to the unique configuration of the site relative to the road reserve*
- *The proposal is acceptable in terms of overlooking, overshadowing, view loss and noise*
- *Views of the building from Rose Bay will be limited and impacts will be neutral*

The above considerations are concurred with and the scale and density of the proposal is considered to be satisfactory within the local context and in terms of residential amenity impacts.

Landscaped Area:

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

The total landscaping provided at ground floor level in accordance with the above definition is 1,243.7m². The development cannot be refused if 25m² of landscaped area per residential care facility bed (63 beds) is provided, which equates to 1,575m². The difference between the proposed landscaping at ground floor level and the extent of landscaping that cannot form a ground for refusal is 331.3m².

If the 582.7m² of communal landscaped area on top of the roof (including extensive garden planters with pathways, as reduced to the east by **Condition C.1**), a total of approximately 1,826.4m² of communal landscaped open space area is provided. This is considered to be an adequate level of communal landscaped area and open space provision for the development.

The proposed landscaping includes replacement and replenishment of the embankment along the western side of the site adjacent to Cranbrook Road and substantial landscaping throughout the site.

Council's Trees and Landscaping Officer has confirmed that the proposed landscaping will provide an appropriate level of amenity to the occupants, streetscape and as viewed from surrounding residences, subject to conditions.

The landscaped area is considered to be satisfactory in terms of providing sufficient vegetated areas that will provide an attractive external environment, adequate screening, gardening opportunities and sufficient open-air recreation facilities to meet the passive recreational needs of occupants.

Accordingly, the proposal is acceptable with regard to Clause 48 of SEPP (Housing for Seniors or People with a Disability) 2004.

Parking for residents and visitors:

Council's Traffic Engineer states that "*The provision of 16 spaces is in accordance with the requirements of SEPP 2004*".

<i>Type</i>	<i>Number</i>	<i>SEPP Parking Rates</i>	<i>Spaces Provided</i>	<i>Spaces Required</i>
<i>Beds</i>	63	<i>1 parking space for each 10 beds</i>	<i>7 (noted as visitor spaces on the basement plan)</i>	<i>7 (6.3)</i>
<i>Staff</i>	15	<i>1 parking space for each 2 persons to be employed</i>	8	8 (7.5)
<i>Ambulance</i>		<i>1 parking space suitable for an ambulance</i>	1	1
			16	16

Condition C.13 states that owners and occupiers of the completed development will not be able to participate in any Council operated on street parking permit scheme. Further, **Conditions I.9, I.10 and I.11** require the applicant/developer to ensure that future owners and occupiers are made aware of this condition, signage is to be displayed advising of this condition and a home travel plan is to be provided to all occupants. These conditions are aimed to minimise traffic and parking impacts on surrounding streets.

Accordingly, the proposal is acceptable with regard to the parking requirements.

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

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

15. WOOLLAHRA LOCAL ENVIRONMENT PLAN 2014

WLEP 2014 has been approved by the Minister for Planning and was published on the NSW legislation website on Friday 23 January 2015. However, the New LEP had a deferred commencement and did not commence until 23 May 2015.

The savings provisions in Part 1.8A of the Woollahra LEP 2014 state that if a development application has been made before the commencement of this Plan and has not been determined, the application must be determined as if this Plan had been exhibited but had not commenced. This application was made prior to the commencement of this Plan. Notwithstanding this, the following assessment is provided:

Flood prone land

The site is considered to be flood prone land under WLEP 2014. Consideration has been given to this under Section 13.2 and the proposal is considered to be acceptable in this regard as Councils' Technical Services Engineer has confirmed that there is no major flooding risk at this particular site.

Further, the savings provisions require that the application is to be considered under Woollahra Local Environment Plan 1995, which does not include the land as flood prone land.

Earthworks

Part 6.1(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Excavation has been considered under Clause 18 of WLEP 1995 below and is considered to be acceptable.

There are no other implications as a result of WLEP 2014 for this application.

16. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995

Consideration of the provisions of Woollahra LEP 1995 is limited to those matters not addressed above under **SEPP (Housing for Seniors or People with a Disability) 2004** on the basis that Clause 5(3) of the SEPP states that if this Policy is inconsistent with any other environmental planning instrument made before or after this Policy, this SEPP prevails to the extent of any inconsistency.

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

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

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

The proposal is not permissible in the Residential 2(a) zone, however it is permissible under SEPP (Housing for Seniors or People with a Disability) 2004, as discussed above.

Relevant objectives stipulated under Part 1-(2) (2 c) of Woollahra LEP 1995, in relation to community services and facilities, are quoted as follows:

- (i) *to facilitate the provision and equitable distribution of community services necessary to meet the needs of the population*
- (ii) *to provide opportunities for the development of community services and facilities in appropriate areas*

As reflected in the Woollahra Social & Cultural Plan, it is important to residents of Woollahra that they are able to remain living independently in their community as they age. This is especially relevant to Woollahra as it is an area with an increasing number of older persons. The establishment of housing designed specifically to meet the needs of older persons is one way of addressing this challenge. Without this type of housing many Woollahra residents could be forced to move away from their community as they age.

The proposal for an aged care facility is considered to meet the above objectives.

Objectives under the Residential 2(a) zone are:

- (a) *To maintain amenity and existing characteristics of areas predominantly characterised by dwelling houses*
- (b) *To allow certain non-residential development of low intensity which is compatible with the residential character and amenity of the locality*

- (c) To improve access to and along the Sydney Harbour foreshore where opportunities arise and*
- (d) To protect the environmental attributes of the coastal and foreshore lands*

The proposal is consistent in height and storeys with other development in the vicinity of the site and will maintain the character of the area and streetscape, as discussed above. The development is considered to be of relatively low intensity and is compatible with the residential character of the area. The proposal will not impede access to the foreshore and will protect the environmental attributes of the coastal and foreshore lands.

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

Development of land uncoloured on the land use map (Council's road reserve):

Clause 16(2) states that the development of any uncoloured land may be carried out, but only with the consent of the Council and only if the Council is of the opinion that the development:

- (a) Is compatible with the nature of development permissible on neighbouring land and the development standards applicable to development on neighbouring land, and*
- (b) Is consistent with the objectives of this plan and the objectives of the zoning applying to neighbouring land.*

As discussed above, the proposed development is considered to be consistent with the relevant objectives of WLEP 1995 and the objectives of the zoning applying to the Residential 2(a) zone.

16.3 Clause 18: Excavation of Land

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

The proposal involves bulk excavation to accommodate the basement level, residential levels, retaining walls and site works. In addition, the proposal involves footings for front and side boundary fences, landscape retaining walls and landscape features.

Overall, the proposal involves a total of 8,897m³ of excavation. This equates to 445 truck loads of unbulked soil from the site using typical dog and trailer trucks which can carry up to 20m³ (or 534 bulked trucks with a bulking factor of 20% for clayey sand).

The applicant has submitted a geotechnical report by JK Geotechnics dated 27 October 2014 ref 27770Lrpt and a supplementary report dated 5 March 2015 Ref 27770L Let in relation to excavation.

The reports states in summary:

- A shoring system should be installed around the perimeter of the site prior to commencement of bulk excavation*
- Prior to commencement of any site works detailed dilapidation reports should be carried out*
- Dewatering will need to occur to allow excavation and construction below the groundwater table*
- It is considered that the basement will need to be designed as a tanked basement*

- *Recommendations are made in relation to shoring wall design, anchor design, footings and basement floor slab*
- *The reports conclude that the shoring and dewatering system can be designed such that there is no adverse impact on adjoining properties as a result of lowering of the groundwater table.*

NSW Office of Water has provided General Terms of Approval in relation to groundwater and excavation, refer to **Condition A.7**.

In terms of ESD principles, the extent of soil being removed from the site is considered to be extensive but acceptable given the nature of the development and site topography. Council's Development Engineer and Landscape Officer have raised no concerns with the proposal, subject to conditions.

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

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

The maintenance of the amenity of the neighbourhood in terms of minimising noise, vibration and dust is addressed by:

- **Conditions E.6 and E.19** limiting hours of work and requiring dust mitigation measures
- **Conditions E.8 and E.12** require maintenance of environmental controls and maintenance of erosion and sediment controls
- **Condition D.2** requires that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected prior to the commencement of any development work
- **Condition E.10** requires support of adjoining land and buildings
- **Condition D.10** requires dilapidation reports for the adjoining buildings at 2A, 4 and 10 Cranbrook Road
- **Condition E.11** requires vibration monitoring

Subject to the above-mentioned conditions, the amenity of the adjoining residential properties will be maintained.

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

Issues relating to public safety and pedestrian movements during the excavation phase are inter-related and are addressed by **Conditions D.3, D.4 and E.7** requiring security fencing, site signs and maintenance of vehicular and pedestrian safety. In addition, **Condition D.13** requires that a Construction Management Plan be submitted to the satisfaction of Council's Traffic Engineer. Further, the truck movements are considered to be acceptable given the short distance to New South Head Road which is a state road and therefore there will be minimal impact to surrounding residents.

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

The subject site is located in the vicinity of heritage items under Schedule 3 of the Woollahra LEP 1995 at 3 Cranbrook Road (Rothesay – house and front garden) located across Cranbrook Road

21m from the subject site and 21-23 Cranbrook Road (Norfolk Island Pine) located in excess of 30m across Cranbrook Road from the site.

The subject works are adequate distance from the heritage items so as not to adversely impact on the items. No concern is raised and the proposal is considered to be acceptable.

e) *Natural landforms and vegetation*

Whilst the proposal does involve substantial excavation, it is considered to be acceptable given the context of the proposal and the site. Council's Development Engineer and Trees and Landscaping Officer have raised no concern with the proposal.

f) *Natural water run-off patterns*

Council's Development Engineer has recommended **Conditions C.14** and **F.3** in relation to stormwater.

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

16.4 Clause 19: Harbour Foreshore Scenic Protection Area

Clause 19 requires Council to consider the likely impact of any proposed development upon the Harbour Foreshore Scenic Protection Area (HFSPA).

Given the existing street trees and existing development between the subject site and the foreshore it is unlikely that the proposal will be highly visible or have a negative impact as viewed from foreshore areas. As such, the proposal is considered to be satisfactory under Clause 19.

16.5 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.

As discussed above and subject to conditions, the proposal is satisfactory.

16.6 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 Woollahra Council LEP shows that the site is located within a Class 5 acid sulphate zone and within 500m of a Class 3 zone. For a Class 5 zone, consent for works are required if the water table is to be lowered below 1m AHD on adjacent Class 1, 2, 3 and 4 land. The site is adjacent to land zoned Class 3.

Council's Environmental Health Officer has provided the following comments:

Reference is made to the Geotechnical Investigation Report prepared by JK Geotechnics Reference No. 27770Lrpt dated 27 October 2014. The investigations have indicated the groundwater level is at RL2.0m to RL2.5m; however the proposed development has a basement level at RL0.17m and will require dewatering within the site to below this basement level. The groundwater level will be

monitored to check for any fluctuations as a result of dewatering. The report considers that there is a low likelihood that groundwater levels on the outside of the basement excavation will drop below 1mAHD.

No acid sulphate soil testing of the site soils has been carried out; after demolition works and prior to commencement of any construction works it is recommended that acid sulphate soils testing be completed. If acid sulphate soils are encountered, the applicant shall prepare and implement an Acid Sulphate Soils Management Plan for the development site. The ASSMP shall detail appropriate methods for handling, treatment and disposal of any acid sulphate soils in accordance with the ASSMAC Guidelines.

This is addressed by **Condition D.9** which requires the ASSMP to be submitted to Council for approval prior to any construction works. Further, **Condition E.4** requires Council and the Principal Certifying Authority to be notified of any new evidence. Subject to the aforementioned conditions, the proposal is acceptable with regard to Clause 25D.

16.7 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. As discussed above, the subject site is located in the vicinity of heritage items under Schedule 3 of the Woollahra LEP 1995 at 3 Cranbrook Road (Rothsay – house and front garden) located across Cranbrook Road 21m from the subject site and 21-23 Cranbrook Road (Norfolk Island pine) located in excess of 30m across Cranbrook Road from the site.

The subject works are adequately separated from the heritage items so as not to adversely impact on the items. No concern is raised and the proposal is considered to be acceptable with regard to Clause 27.

17. DEVELOPMENT CONTROL PLANS

Woollahra DCP 2015 commenced on 23 May 2015. Section A1.1.9 states that all other DCPs will continue to apply to development applications that were made prior to but not determined on the date of commencement of this DCP. This application was made prior to the commencement of this Plan, therefore Woollahra RDCP 2003 is applicable.

Consideration of the provisions of Woollahra RDCP 2003 is limited to those matters not addressed above under **SEPP (Housing for Seniors or People with a Disability) 2004** on the basis that Clause 5(3) of the SEPP states that *in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

17.1 Numeric Compliance table - Woollahra Residential Development Control Plan 2003

Site Area (2,381.6m ²)	Proposed	Control	Complies
Building Boundary Setbacks			
Side (East):			
Basement	0.9m-1.5m (subject to Condition C.1)	2.5m	No
Ground Floor	1.5m (Condition C.1)-10.5m	2.5m	No
First Floor	5.7m-10.5m	2.5-2.65m	Yes

Site Area (2,381.6m ²)	Proposed	Control	Complies
Second Floor	5.7m-10.5m	2.65m-4.15m	Yes
Side (West):			
Basement	7m-9.5m	2.5m	Yes
Ground Floor	7m-8.5m	2.5m	Yes
First Floor	7m-8.5m	2.5m-2.75m	Yes
Second Floor	7m-8.5m	2.75m-4.75m	Yes
Ancillary development (Pergola in the south-eastern corner)			
Height	<3.6m subject to Condition C.1	3.6m	Yes, subject to Condition C.1
Rear (south)	1m	1.5m	No
East (side)	1m	1.5m	No
West (side)	>1.5m	1.5m	Yes
Setback from Significant Mature Trees	>3m	3.0m	Yes
Floor to Ceiling Height – Habitable Rooms	2.5m	2.7m	No
Maximum Unarticulated Length to Street	<6m	6.0m	Yes
Solar Access to Open Space of Adjacent Properties (Hrs on 21 June)	>50% (or 35m ²) for 2 hours	50% (or 35m ²) for 2 hours	Yes
Solar Access to Nth Facing Living Areas of Adjacent Properties (Hrs on 21 June)	>3.0 hours	3.0 hours	Yes
Excavation Piling and Subsurface Wall Setback	0.9m (driveway)	1.5m	No
Deep Soil Landscaping – Front Setback	48.8% (119m ²)	40% of 244m ² (97.6m ²)	Yes
Front Fence Height	0.9m-2.6m	1.2m/1.5m where 50% transparent	No
Car Parking Excavation	Outside building footprint	Within Building Footprint	No
Location of Garages and Car Parking Structures	Behind front setback	Behind Front Setback	Yes

Desired future precinct character objectives and performance criteria (Part 4)

The subject site is located in the Bellevue Hill North precinct (Part 4.7).

The proposal accords with the Desired Future Character Objectives, as discussed above under Section 13.9.

The proposal results in the following non-compliances:

Side setbacks:

C 4.7.4 states that where the site lot width is equal to or exceeds 18m at the front alignment, development is to achieve a minimum side boundary setback of 2.5m. The side setback is to be increased by 0.5m for each metre or part thereof that the height adjacent to the boundary exceeds 5.5m.

The eastern side of the basement level achieves a setback of 0.9m-1.3m resulting in a non-compliance of 1.6m. **Condition C.1** requires the eastern side of the basement level to be set back

1.5m to achieve compliance with the excavation setback control (C 5.2.16 discussed below). The driveway will remain at a setback of 0.9m to minimise impacts on Tree 1 adjacent to the entrance.

The timber arbour over the driveway at ground floor level achieves an eastern side setback of 1.3m. This is to be amended to 1.5m by **Condition C.1** in line with the adjustments to the basement level (discussed above).

Subject to **Condition C.1**, the basement level and pergola structure above the driveway entrance result in a non-compliance with the side setback control of 1m. The driveway results in a non-compliance of 1.6m.

The non-compliances are acceptable for the following reasons:

- The basement level is below ground and will not present excess bulk and scale or an unreasonable sense of enclosure to the adjoining properties to the east or prevent side access to the rear
- The proposal allows for adequate deep soil landscaping along the eastern side boundary and Council's Trees and Landscaping Officer has confirmed that the eastern side setback is adequate for the proposed landscaping (Lilly Pillies) to grow to a mature height of between 2 and 4m
- The basement and timber arbour above will not adversely impact on privacy, views or solar access
- The extent of excavation proposed is considered to be acceptable given the circumstances of the site

Accordingly, subject to **Condition C.1**, the non-compliances are considered to be acceptable.

Front fence height:

C 4.7.9.4 states that front fences are to be no greater in height than 1.2m if solid or 1.5m if 50% transparent.

The front fence height generally complies with this control achieving a height of 1m-1.4m and 50% transparent. A wall around the proposed substation within the front setback achieves a height of 1.8m-2.5m (solid) for a length of 5.7m. This element results in a non-compliance with the front fence height control by 1.3m. Given that the wall is a structural blast wall to meet substation requirements and it will mostly be obscured by the substation which achieves a height of 2.3m, the area of non-compliance is considered to be acceptable.

Streetscape performance criteria (Part 5.1)

Streetscape is considered above under Section 13.9. Accordingly, the proposal is considered to present satisfactory form and scale within the streetscape and achieves compliance with the controls and objectives under Part 5.1.

Building size and location performance criteria (Part 5.2)

The proposal results in the following non-compliances:

Ancillary development (pergola located in the south-eastern corner of the site):

C 5.2.4 states that ancillary development is to achieve a maximum height of 3.6m and minimum rear setback of 1.5m. The height of the pergola is addressed by **Condition C.1** as no details of the height are provided. Subject to **Condition C.1** which requires the pergola to achieve a maximum height of no greater than 3.6m, the height would comply with this requirement.

The pergola has non-compliances with the southern (rear) setback and eastern side setback of 0.5m. Given that the structure is small in size and is an open structure that would not present excess bulk and scale or present an unreasonable sense of enclosure, the non-compliance is considered to be acceptable.

Floor to ceiling height:

C 5.2.10 states that habitable rooms must achieve a minimum floor to ceiling height of 2.7m. The proposed rooms achieve floor to ceiling heights of 2.5m, resulting in a non-compliance of 0.2m.

The non-compliance is acceptable for the following reasons:

- The rooms are provided with adequate light and ventilation such that the non-compliance would not adversely impact on the internal amenity or impair the use of the bedrooms
- The floor to ceiling height would achieve BCA compliance

Excavation, piling and sub-surface wall setbacks:

C 5.2.16 states that the outer edge of excavation is required to be setback 1.5m from all boundaries.

The proposal involves the following non-compliances:

- Bulk excavation for the basement level and driveway located 0.9m-1.3m from the eastern side boundary
- Front and side boundary fences located on the front (northern) and western side boundaries
- Ancillary structures and retaining walls located 1m from the eastern side and southern (rear) site boundaries

Condition C.1 requires the eastern elevation of the basement level (excluding the driveway) to be set back 1.5m from the eastern side boundary in order to achieve compliance with this requirement. The driveway non-compliance is considered to be acceptable as it will not involve extensive excavation. Further, the retention of the driveway in its proposed location will retain the street tree (Tree 1) and will retain two on-street parking spaces to the east of the driveway.

The front, rear and side boundary fences and the ancillary landscape structures involve minor excavation for footings which would not adversely impact on adjoining structures or the amenity of adjoining residents. Accordingly, these structures are considered to be acceptable in terms of C 5.2.16.

Open space and landscaping performance criteria (Part 5.3)

Landscaping is considered under SEPP (Housing for Seniors and People with a Disability) 2004 and is considered to be acceptable.

Fences and walls performance criteria (*Part 5.4*)

The proposal achieves compliance with Part 5.4.

Views performance criteria (*Part 5.5*)

Inspections have been undertaken from surrounding streets and properties which revealed that there would be no significant detrimental impact on public or private views as a result of the proposal.

Energy efficiency performance criteria (*Part 5.6*)

The controls relate specifically to dwelling houses and residential flat buildings and therefore do not apply to this particular development. Notwithstanding this, it is considered that adequate light and ventilation is provided to the rooms within the development so as to accord with the objectives of Part 5.6.

Stormwater management performance criteria (*Part 5.7*)

Council's Development Engineer is satisfied with the proposal, subject to conditions.

Acoustic and visual privacy performance criteria (*Part 5.8*)

Acoustic and visual privacy has been considered above under Section 13.10 and is considered to be acceptable, subject to conditions.

Car parking and driveways performance criteria (*Part 5.9*)

The proposal results in the following non-compliance:

Car parking excavation:

C 5.9.1 states that the area of site excavated for the purposes of underground car parking is limited to the building footprint of the development.

The proposal results in a non-compliance with this control as the basement car parking extends beyond the proposed building footprint. The area of non-compliance relates to the access driveway adjacent to the eastern side boundary, parking spaces 5 to 9, the ambulance bay, fire stairs, hydrant booster room and the waste and recycling room.

The non-compliance is acceptable for the following reasons:

- The excavation for the basement parking areas has been considered by Council's Development Engineer and, subject to conditions discussed above under Clause 18 of WLEP 1995 above, no concern is raised
- **Condition C.1** requires the bulk excavation for the basement level to be set 1.5m back from the eastern side boundary and requires the main switch and comms rooms to be relocated within the storage area. Subject to this condition, the proposal is considered to be acceptable in terms of the proposed excavation
- The proposal provides safe and convenient car parking and access
- The driveway is located to the eastern side of the development with landscaping located to the sides of the access minimising any adverse impacts of the driveway on the streetscape

- The site is provided with substantial landscaping that would mitigate adverse temperature impacts as a result of impervious surfaces
- Council's Development Engineer is satisfied with the proposal in terms of stormwater run off

Subject to conditions, the proposal is acceptable with regard to C 5.9.1.

Site facilities performance criteria (*Part 5.10*)

Adequate site facilities are provided within the site in accordance with Part 5.10.

Harbour foreshore development performance criteria (*Part 5.11*)

As discussed under Section 15.4 above, the proposal would have an acceptable impact as viewed from Sydney Harbour and surrounding foreshore areas.

Access and mobility performance criteria (*Part 5.13*)

As discussed above, the proposal is acceptable in terms of accessibility.

18. PARKING DEVELOPMENT CONTROL PLAN 2011

SEPP (Housing for Seniors or People with a Disability) 2004 prevails over the Parking DCP 2011. The proposal is considered to meet the requirements of the SEPP, refer to Section 13.17 above.

19. 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 waste and recycling room is provided at basement level. The applicant has indicated that a private company will be employed to collect waste from the basement.

Condition I.1 addresses waste collection and requires it to be undertaken within the basement to minimise amenity impacts to neighbouring residents.

19.1 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.

19.2 Controls for All Development

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

20. ACCESS DEVELOPMENT CONTROL PLAN 2004

As discussed above, the proposal provides access to all levels via two lifts and accessible parking. An accessibility report has been submitted with the subject application demonstrating that the

building is fully accessible to persons with disabilities. Accordingly, the proposal satisfies the Woollahra Access DCP.

21. LANDSCAPING CODE

The Landscaping Code remains applicable. The proposed landscaping will assist in providing landscape amenity to the site and will maintain privacy to occupants and neighbours.

Condition C.1 requires all roof top planting to be of species that will attain a mature height of not more than 3m. This is to ensure that there will be no adverse impact on public and private views. Subject to the aforementioned condition, the proposal is acceptable with regard to the Landscape Code.

22. SECTION 94 CONTRIBUTION PLANS

22.1 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
\$21,471,650.00	1%	\$214,716.50

Refer to **Condition C.2**.

23. APPLICABLE ACTS/REGULATIONS

23.1 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**.

23.2 Fire Safety

An annual fire safety schedule is required to be submitted. This is detailed in **Conditions F.4** and **I.8**.

24. THE LIKELY IMPACTS OF THE PROPOSAL

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

25. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

26. THE PUBLIC INTEREST

In determining whether or not the proposal is in the public interest, both the wider public interest (in this instance, the provision of housing for the elderly and disabled) and the sectionalised public

interest (protecting residential amenity of surrounding residential properties) must be taken into consideration in a balanced manner. In the event that the wider public interest outweighs the sectionalised public interest, the proposal can be determined to be in the public interest.

With regard to the wider public interest, the proposal will improve the provision of housing for the elderly and disabled in an area where the population is ageing thereby preventing the need for local residents to move away from the local area.

In terms of the sectionalised public interest, the proposal will not have any significant adverse impact upon residential amenity subject to conditions. Accordingly, it is considered that the proposal is in the public interest.

27. CONCLUSION

Whilst the proposal is substantial in size, the visual impact is adequately mitigated by substantial setbacks from the eastern (side) and southern (rear) boundaries and significant building articulation on all facades. The development provides appropriate landscaped amenity.

The proposal, as conditioned, will not have any significant adverse impact upon the amenity of surrounding residential properties or the public domain. The proposed development will provide rooms with generally good internal amenity and access to a wide range of services, shops and facilities, to the elderly and the disabled. The proposal, as conditioned, is considered to be acceptable against the relevant considerations under s79C.

28. 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.

29. 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 Height and Storeys – development standards under Clause 40(4) are well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

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 the granting of consent to DA 517/2014/1 is consistent with the aims of the Policy, grant development consent to DA 517/2014/1 for demolition of the existing buildings, removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and site works on land at 6-8 Cranbrook Road, Bellevue Hill, subject to the following conditions:

Part A:

1. Deferred Commencement - (s80(3) of the Act, cl.95 of the Regulation)

To ensure the structures on Council land accord with Council's "Policy for Managing Encroachments on Council Road Reserves", development consent is granted subject that this consent is not to operate until the person with the benefit of this consent satisfies the Council in relation to the following:

1. Complete and lodge Council form "Application to formalise an existing encroachment on Council Land". An Application fee is payable and;
2. The encroaching structures must be formalised by:
 - i. The Subdivision of the road reserve to excise the area encroached upon, closure of the road parcel and Sale of the land to the owner of 6-8 Cranbrook Road **OR**;
 - ii. Enter into an easement agreement with Woollahra Council under Section 181(a) Conveyancing Act 1919 permitting the permanent structures within the road reserve to remain for the life of the building or the redevelopment of the structure or the site, whichever occurs first, **OR**;

Notes:

1. The Applicant is to contact Council's Senior Property Officer to further discuss the encroachment formalising process.
2. Sale of Road reserve is subject to Council's Sale of Land policy and resolution to sell the land.
3. If formalising the encroachment by easement, the Applicant must enter into a registrable easement agreement with Council (using Council's Template) for the encroaching structures.
4. The area occupied for an easement will be independently valued and payment is to be made to Council in compensation for the alienation of public land for private use.
5. Granting of the easement is subject to Council resolution, payment of compensation and all Council's costs in the matter; including but not limited to valuation, survey, and legal fees.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the *Regulation*:

*“The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence **must be produced within that period.**”*

If the evidence is not produced within 365 days (1 year) of the date of determination this deferred commencement consent is of no effect, the consent does not operate and no construction certificate can be issued. No development can lawfully occur under this consent unless it operates.

Note: Nothing in the *Act* prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the *Act*)

This consent does not operate until Council has acknowledged compliance with this condition in writing.

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No *Construction Certificate* can be issued until all conditions including this condition required to be satisfied prior to the issue of any *Construction Certificate* have been satisfied.

Standard Condition: A3

Part B:

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)
A010 Rev 01 A301 Rev 01 A303 Rev 01 A304 Rev 01 A305 Rev 01 A306 Rev 01 A402 Rev 01	Plans	Morrison Design Partnership	28/11/2014
A113 Rev 02 A114 Rev 02	Plans	Morrison Design Partnership	05/03/2015 21/01/2015
A401 Rev 03 A011 Rev 03 A111 Rev 03 A112 Rev 03 A302 Rev 03	Plans	Morrison Design Partnership	02/03/2015 05/03/2015 05/03/2015 05/03/2015 05/03/2015
A110 Rev 05	Plan	Morrison Design Partnership	02/04/2015
1/2 Rev G and 2/2 Rev E	Landscape plans	Outhouse Design	15/04/2015
-	SWMMP	Morrison Design Partnership	11/11/2014
27770Lrpt	Geotechnical Investigation	JK Geotechnics	27/10/2014
27770L Let	Hydrogeotechnical Assessment	JK Geotechnics	05/03/2015
Dwg 170.00.00 B	Stormwater Management Plan	DHC Consultants	25/02/2015
Dwg 110.00.01 Dwg 110.10.01 Dwg 110.00.02 Dwg 110.10.02 Dwg 110.10.03 Rev A	Bulk earthworks	Morrison Design Partnership	28/05/2014
14.311I04v01	Traffic Report	Traffix	02/04/2015
20141197.1/0411 A/R1/MF Rev 0 & 1	Acoustic Report	Acoustic Logic	4 Nov 2014
27770Lrpt	Contaminated Land - Initial Site Investigation Report (Stage 1)	JK Geotechnics	27 Oct 2014
Issue B	Arboricultural Impact Assessment Report	Landscape Matrix Pty Ltd	21 November 2014

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 Works on Council Land

1. No works on Council roads may commence until an application has been made and approval granted under S.138 of the Roads Act 1993
2. No occupation of Council property may occur until an appropriate legal arrangement has been entered into with Council

A.6 Tree Preservation & Approved Landscaping Works

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

a) The following trees shall be retained

- Trees on Private Land

Council Ref No	Species	Location	Dimension (metres)
12	<i>Washingtonia filifera</i> (American Cotton palm)	Western boundary , adjacent to Cranbrook Road	12 x 2 metres

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
1	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	9 x 8 metres	\$ 9000
13	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 x 1 metres	
14	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 x 1 metres	

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

- b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
3	<i>Cinnamomum camphora</i> (Camphor Laurel)	North Western corner of property, near Cranbrook Road.	28 x 28 metres
4	<i>Carya illinoensis</i> (Pecan)	North Eastern area of property	23 x 15 metres
5	<i>Lophostemon confertus</i> (Brushbox)	North Eastern area of property	24 x 12 metres
6	<i>Celtis sinensis</i> (Chinese Nettle)	North Eastern area of property	10 x 7 metres
7	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	Rear Southern area of property	15 x 14 metres
8	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	Rear Southern boundary	12 x 14 metres
10	<i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)	Towards Western boundary	8 x 8 metres
11	<i>Celtis sinensis</i> (Chinese Nettle)	Towards Western boundary	11 x 12 metres

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

A.7 General Terms of Approval – NSW Office of Water

General Terms of Approval appropriate to the proposed aquifer interference activity are provided as required by s.91A (2) of the *Environmental Planning and Assessment Act 1979*.

General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water

level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval

and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

17. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

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 general terms of approval and other conditions of this consent the more onerous requirement prevails.
Standard Condition: A16

A.8 Restrictions upon the occupation of the development

In accordance with the provisions of *Clause 18 Restrictions on occupation* under SEPP (Housing for Seniors or People with a Disability) 2004, the occupation of the development is limited to the following:

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

A positive covenant, pursuant to Section 88E of the *Conveyancing Act 1919*, shall be created on the title of the subject property, restricting the occupation of the development in accordance with the above.

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 Noise Control Objectives during Demolition Works

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

B.3 Demolition and Construction Noise Activity – Noise Assessment

Prior to the commencement of demolition works, further documentation is required providing an acoustic assessment of the duration and intensity of construction noise activity. The acoustic study should identify construction noise goals, the nature and duration of construction, the impact on residential receivers and noise mitigation strategies where required having regard to the NSW Construction Noise Guidelines.

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 areas

Council Ref No	Species	Location	Radius from Centre of Trunk (Metres)*
1	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	3 metres
13	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 metres
14	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 metres

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

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- 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 bought 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) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No	Species
1	<i>Lophostemon confertus</i> (Brushbox)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

- d) 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.
- e) 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.
- f) 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.
- g) All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- h) The project arborist shall provide written certification of compliance with the above condition.

Standard Condition: B5

B.5 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No:	Species	Approved works
1	<i>Lophostemon confertus</i> (Brushbox)	<ul style="list-style-type: none"> Construction of the proposed driveway under supervision of the site arborist. Construction of the proposed front fence under supervision of the site arborist.

The project arborist shall provide written certification of compliance with the above condition.

B.6 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	<ul style="list-style-type: none"> • Compliance with tree protection measures
Demolition of existing carport, driveways and fences within the TPZ of Trees 1 specified within the submitted Landscape Matrix Construction impact statement.	<ul style="list-style-type: none"> • Removal of existing concrete is carried out utilising non-destructive techniques with the use of small hand held machinery and hand tools. • Any exposed tree roots greater than 30 mm in diameter are retained and protected in accordance with the recommendations by the site arborist.
Excavation to accommodate the proposed driveway, front fence within the specified TPZ of Tree 1 as outlined in the submitted Landscape Matrix Construction Tree impact report.	<ul style="list-style-type: none"> • Carried out using small hand tools only. • Pier holes are positioned to avoid the severance of and damage to roots greater than 30mm. • Any exposed tree roots within the proposed driveway area greater than 30 mm in diameter are adequately assessed by the site arborist with recommendations regarding their retention / protection or severance fully documented and implemented prior to construction.
Construction of proposed driveway within the specified SRZ of Tree 1 as outlined within the submitted Landscape Matrix Construction Impact Tree report.	<ul style="list-style-type: none"> • Constructed above grade in accordance with the recommendations within the Landscape Matrix arboricultural report if required.
Construction of proposed front fence within the specified TPZ of Tree 1 as outlined within the submitted Landscape Matrix Construction impact report.	<ul style="list-style-type: none"> • Pier and beam construction method utilised to bridge over tree roots greater than 30 mm in diameter.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> • 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.7 Public Road Assets prior to any work/demolition

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

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

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

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

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

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

B.8 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 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) The eastern balustrade on the roof garden is to be set back a minimum of 12m from the eastern side boundary in order to minimise privacy impacts to neighbouring properties to the east
- b) The second level southern and eastern roof terraces/landscaped courtyard areas (Areas 6 on the landscape plan 1 of 2 Issue G and 2 of 2 Issue E dated 15/04/2015 by Outhouse Design) are to be non-trafficable except for maintenance in order to minimise amenity impacts to neighbouring properties to the east and south. Privacy screening to these areas is deleted given that the areas are to be non-trafficable
- c) Privacy screens to a height of 1.5m above finished floor level are required to be added to all elevations of the second floor level private terraces of bedrooms 53 and 54 in order to maintain privacy of adjoining neighbours to the east and south
- d) Internal reconfiguration is required to relocate the lounge/dining rooms at ground, first and second floor levels from the western side of the building to the north of the development at each level in accordance with Section 35(b) of SEPP (Housing for Seniors or People with a disability) 2004
- e) The basement parking area (excluding the driveway access but including the fire stair and fire sprinkler valve set and fire hydrant booster pump room) and timber arbour above the driveway access are to be set back 1.5m from the eastern side boundary in accordance with C 5.2.16 of WRDCP 2003
- f) The main switch and comms room are to be relocated within the storage areas of the basement to minimise impacts on neighbouring residences
- g) The pergola located in the south-eastern corner of the site is to achieve a maximum height of no greater than 3.6m in accordance with C 5.2.4 of WRDCP 2003
- h) The water features to the front (north) of the site and to the rear in the south-eastern corner are to achieve a maximum depth of not greater than 300mm
- i) All roof top planting is to be of species that will attain a mature height of not more than 3m in order to preserve public and private views

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

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

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

Standard Condition: C4

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

The certifying authority must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a *construction certificate, subdivision certificate or occupation certificate*, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	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	\$459,837.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$9,000.00	No	T114
Infrastructure Works Bond –S.138	\$33,140.00	No	T113
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au .			
Development Levy (Section 94A)	\$214,716.50 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$180.00	No	T95
Public Road/Footpath Infrastructure Inspection Fee	\$418.00	No	
Security Administration Fee	\$185.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$717,476.50 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.longservice.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.3 Road and Public Domain Works – Council approval required

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to ***Council's Development Engineer*** and approved by *Council* under the *Roads Act 1993*, before the issue of any *Construction Certificate*. To accommodate this requirement, the following infrastructure works must be carried out on Council property at the Applicants expense:

Road & Footpath

- Full width vehicular crossings having a width of 4.2m including new layback and gutter in accordance with Council's standard drawing RF2.
- Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3.

- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Reinstatement of footpath, kerb and gutter to match existing.
- Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

Drainage

- Construction of a standard gully pit in the kerb adjacent to the driveway and on the northern side of Cranbrook Road to connect into the existing drainage system in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of approximately 20m of 375mm RCP in-ground drainage line under Cranbrook Road. The line must connect the new gully pit to the existing Council pit located on the northern side of Cranbrook Road
- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Bond

- A bond of \$33,140 (as required in **Condition C.2**) will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

An "Application to carry out works in a Public Road" form (available from Council's web-site <http://www.woollahra.nsw.gov.au>) must be completed and lodged, with the Application fee, at Council's Customer Services counter. 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.

The design of the works must be in accordance with Council's Draft Stormwater DCP available from Council's website www.woollahra.nsw.gov.au. Four weeks should be allowed for assessment.

Access levels and grades to and within the development must match access levels and grades within the road approved under the *Roads Act 1993*.

All public domain design and construction works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly

provided otherwise by these conditions. This specification 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: Four (4) weeks is to be allowed for the *Roads Act* 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 Condition: C13

C.4 Utility Services Generally

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

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

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

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

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

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

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

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main, such that clause 25(1) of

WLEP 1995 be satisfied. Further, leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest
Standard Condition: C20

C.5 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.6 Tree Management Plan

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

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

This plan shall be kept on site until the issue of the final occupation certificate.
Standard Condition: C30

C.7 Amended Landscape Plan

An amended Landscape Plan shall be prepared in accordance with Council's DA Guide and conforming to the conditions of this Development Consent. This plan is to be submitted to Council for assessment prior to issue of the Construction Certificate. The amended landscape plan must include the following:

- 1) The retention of tree 12- *Washingtonia filifera* (American Cotton palm).
- 2) The planting of one of the following tree species in each of the Areas 1, 2, & 4 on the submitted Outhouse Design Landscape plan in a 200 litre container size at the time of planting:
 - 1 x *Jacaranda mimosifolia* (Jacaranda);
 - 1 x *Koelreuteria paniculata* (Golden Rain Tree);
 - 1 x *Angophora costata* (Sydney Red Gum);
 - 1 x *Tristaniopsis laurina* (Water Gum),
- 3) A notation stating that all landscaping is to be purchased from a certified nursery to ensure that advanced species (where relevant) are provided.

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 Ground Anchors

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

The use of permanent ground anchors under Council land is not permitted.

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act* 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's web-site <http://www.woollahra.nsw.gov.au>. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act* 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Standard Condition: C41

C.12 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.13 Resident Parking Scheme

Owners and occupiers of the completed development will not be permitted to participate in any Council operated on street parking permit scheme. This condition is imposed to preserve

the level of on street parking availability in the vicinity of the premises and minimise impacts of traffic generation upon the surrounding road network as a result of the development.

C.14 Stormwater management plan 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 Dwg 170.00.00 B by DHC consultants other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to new stormwater drainage infrastructure on Cranbrook 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 Stormwater Development Control Plan.

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

Layout plan

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

It must include:

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

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.15 Flood protection

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include a Flood Risk Management Plan on the basis of a 1:100 year flood as identified in the Rose Bay Floodplain Risk Management Study and Plan, by WMA dated January 2014, detailing:

- a) The western edge of the driveway crest is to be set at a minimum of RL 5.08m AHD and the eastern edge of the crest is to be set at R.L. 4.90m AHD.
- b) The crest of the pedestrian access is to be a minimum of R.L. 5.25m AHD.

Note: The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1 – 2004, Part 1 (Off-street car parking). The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.
Standard Condition: C54

C.16 Light & Ventilation

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

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

Standard Condition C59

C.17 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that 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](http://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

C.18 Design sound levels for building interiors

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must provide details showing how the recommendations of the Environmental Noise Impact Assessment, prepared by Acoustic Logic will be implemented.

Design sound levels for building interiors should not exceed those recommended maximum design sound levels, LAeq, dB(A) specified by AS 2107-2000, *Acoustics - Recommended design sound levels and reverberation times for building interiors*.

Note: The design sound levels given in AS 2107-2000 are not necessarily appropriate in all circumstances. In particular, lower noise levels may be appropriate in quiet environments or where expectations of quality are high. For example, lower design sound levels than those given as satisfactory in AS 2107-2000 may be preferred for luxury hotels and apartments. However, additional costs will be incurred in achieving sufficient sound attenuation between spaces for acoustic privacy requirements. For each 5 dB reduction in the ambient sound level, 5 dB must be added to the overall sound isolation performance of the dividing elements to maintain the same level of acoustic privacy. There could also be additional costs associated with the provision of quieter building services. As a minimum compliance with the *BCA* is mandatory. Standard Condition: C63

C.19 Noise Control - Hydraulic Noise Control-Sound Insulation Rating of Services

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

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

C.20 Noise Control - Acoustic Protection of adjoining residential units-Operation of Air Conditioning Plant

The applicant must ensure that the operation of the proposed Air Conditioning System(s) and associated plant does not create interior noise intrusion and vibration to occur within any adjoining residential unit.

C.21 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)

The basement carparking area in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with Section 4 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.

The basement carparking area 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 carparking area and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the basement carparking area shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.

C.22 Ventilation - Internal Sanitary Rooms

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

C.23 Soil and Water Management Plan – Submission & Approval

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

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

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

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

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

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

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation an Accredited Certifier* may satisfied as to this matter.
Standard Condition: C25

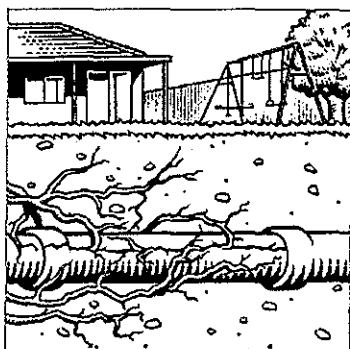
C.24 Water and waste water - Section 73 Developers Certificate and Upgrading of existing system (Clause 25(1) WLEP 1995)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. The effect of this certificate is that adequate provision has been made or is available for the provision of potable water to and the removal of waste water from the development.

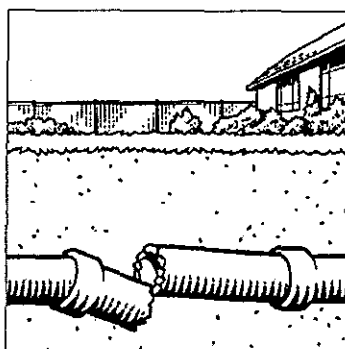
Note: Following application to Sydney Water, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with Sydney Water’s authorised Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Note: Applications must be made through an authorised Water Servicing Coordinator. For help either visit <http://www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand/WaterServicingCoordinators.cfm> or telephone 13 20 92.

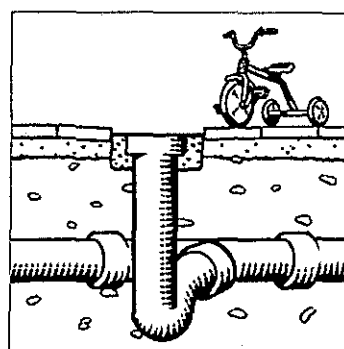
The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Waters sewer main where they are not found by inspection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



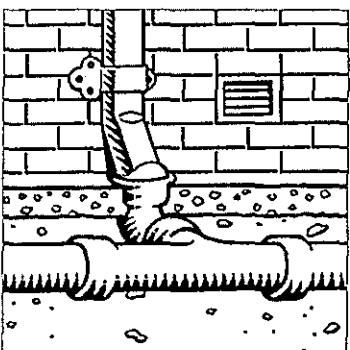
Cracked pipes



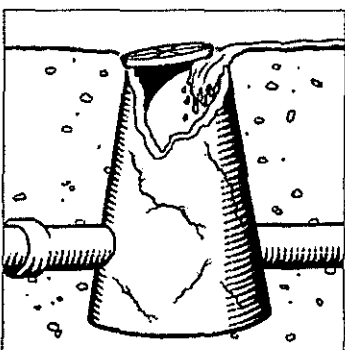
Broken pipes



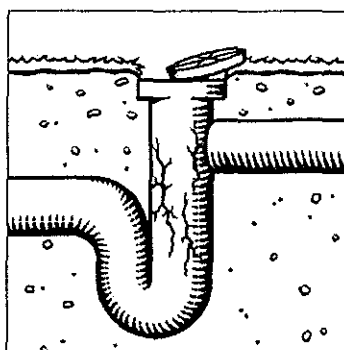
Damaged or low-lying gullies



Direct stormwater connections



Hidden or damaged maintenance holes



Hidden or damaged inspection points

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

<http://www.sydneywater.com.au/Publications/Factsheets/SewerfixLookingAfterYourSewerPipes.pdf>

Standard Condition: C22

C.25 Waste Storage - Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)

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

Waste Storage Areas must meet the following requirements:

- a. Bins must be stored with lids down to prevent vermin from entering the waste containers.
- b. The area must be constructed with a smooth impervious floor graded to a floor waste. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.

- c. Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.
- d. The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.
- e. Odour problems must be minimised by good exhaust ventilation.
- f. Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.
- g. Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.

Standard Condition: C19

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

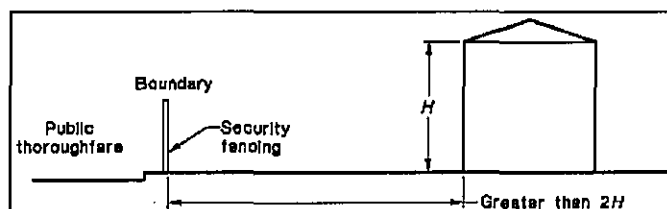
D.2 Adjoining buildings founded on loose foundation materials

The *principal contractor* must ensure that a *professional engineer* determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The *professional engineer* (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the *principal contractor* must comply with any reasonable direction of the *professional engineer*.

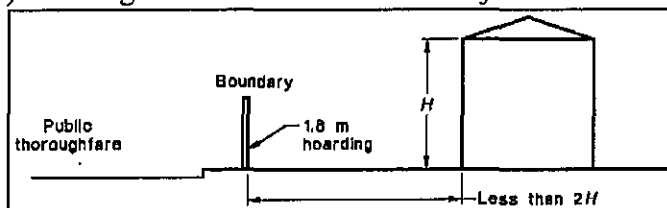
Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.
Standard Condition: D6

D.3 Security Fencing, Hoarding and Overhead Protection

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



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



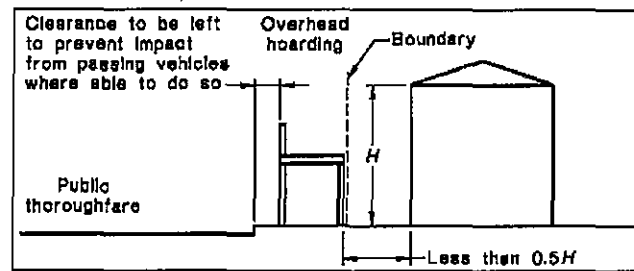
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

- 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

- d) Together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/oheadprotstructs.htm>.

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

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

Standard Condition: D11

D.4 Site Signs

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

Clause 98A of the *Regulation* provides:

Erection of signs

- For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws."

Clause 227A of the *Regulation* provides:

Signs on development sites

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

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

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

Note: If *Council* is appointed as the *PCA* it will provide the sign to the *principal contractor* or *owner builder* who must ensure that the sign is erected and maintained as required by Clause 98A and Clause 227A of the *Regulation*.

Standard Condition: D12

D.5 Toilet Facilities

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

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

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

In this condition:

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

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

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

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

Note: This condition does not set aside the requirement to comply with Workcover NSW requirements.

Standard Condition: D13

D.6 Erosion and Sediment Controls – Installation

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

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

Where there is any conflict The Blue Book takes precedence.

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

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publications can be 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.7 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

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

- a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - Appointed a principal certifying authority for the building work, and
 - Notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the principal certifying authority has, no later than 2 days before the building work commences:
 - Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - Notified the principal certifying authority of any such appointment, and
 - Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - Given at least 2 days’ notice to the council of the person’s intention to commence the erection of the building.

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

- Note:** *new building* has the same meaning as in section 109H of the Act and includes an altered portion of, or an extension to, an existing building.
- Note:** The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 82A(2) of the Act (including the need for a *Construction Certificate*) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
- Note:** *Construction Certificate* Application, *PCA Service Agreement* and *Notice of Commencement* forms can be downloaded from Council's website www.woollahra.nsw.gov.au.
- Note:** It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 81A(2) of the Act.
- Standard Condition: D15

D.8 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - In the case of work for which a *principal contractor* is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

Standard Condition: D17

D.9 Acid Sulfate Soils Management Plan

No acid sulfate soil testing of the site soils has been carried out; after demolition works and prior to commencement of any construction works acid sulfate soil testing is to be completed. If acid sulfate soils are encountered, the applicant shall prepare and implement an Acid Sulfate Soils Management Plan for the development site. The ASSMP shall detail appropriate methods for handling, treatment and disposal of any acid sulfate soils in accordance with the ASSMAC Guidelines. The ASSMP is to be submitted to Council for approval prior to any construction work being carried out.

D.10 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) 2A Cranbrook Road
- b) 4 Cranbrook Road
- c) 10 Cranbrook 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.11 Piezometers for the monitoring of Ground Water Levels (GWL)

The *principal contractor* must provide piezometers standpipes within the excavation area and outside the shoring system. The piezometers are to be installed to monitor groundwater levels before and during all dewatering works for the construction phase.

The Ground Water Levels monitoring wells and monitoring program must be maintained until the issue of the *Final Occupation Certificate*.

Ground Water Levels are to be regularly monitored during the course of the works as required by the Work Method Statement for the control of Ground Water Levels. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the Ground Water Levels outside a safe range set by the Work Method Statement for the control of Ground Water Levels corrective action must be undertaken under the direction of the *professional engineer* (hydrological/geotechnical engineer).

Standard Condition: D7

D.12 Construction Management Plan

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

A CMP must be submitted to and approved by Council’s Traffic and Transport Engineer. The plan must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:-

- a) Detail the scope of the works to be completed including details of the various stages, e.g. Demolition, Excavation, Construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles.
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- e) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
- f) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- g) Provide for the standing of vehicles during construction.
- h) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- i) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- k) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- l) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- m) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion? (Note: Oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.
- n) Show the location of any proposed excavation and estimated volumes.
- o) When excavation works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- p) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

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.13 Works (Construction) Zone – Approval & Implementation

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

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

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

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The principal contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10

D.14 Dilapidation Reports for Public Infrastructure

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demolition), the *Principal Contractor* must submit a dilapidation report, prepared by a *professional engineer*, on Council's infrastructure within and near the development site.

The dilapidation report must be submitted to Council prior to the commencement of any work and include:

- a) Photographs showing any existing damage to the road pavement fronting the site,
- b) Photographs showing any existing damage to the kerb and gutter fronting the site,
- c) Photographs showing any existing damage to the footway including footpath pavement fronting the site,
- d) Photographs showing any existing damage to retaining walls within the footway or road, and
- e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site and
- f) The full name and signature of the professional engineer.

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

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work. If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose
Standard Condition: D5

E. Conditions which must be satisfied during any development work

E.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 condition is prescribed in relation to a development consent for development that involves any building work:

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

This condition does not apply:

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

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

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

E.2 Compliance with Australian Standard for Demolition

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

Standard Condition: E2

E.3 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.4 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.5 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.6 Hours of Work –Amenity of the neighbourhood

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

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

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

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

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

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

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

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

E.7 Public Footpaths – Safety, Access and Maintenance

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

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

This condition does not apply to the extent that a permit or approval exists under the section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 of the *Local Government Act 1993* except that at all time compliance is required with:

- a) Australian Standard AS 1742 (Set) Manual of uniform traffic control devices and all relevant parts of this set of standards.
- b) Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

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

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

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

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

- b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road."
- c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
Standard Condition: E7

E.8 Maintenance of Environmental Controls

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

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

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

E.9 Compliance with Geotechnical/Hydrogeological Monitoring Program

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

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

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

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the Development Application to be appointed as the *professional engineer* supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
Standard Condition: E12

E.10 Support of adjoining land and buildings

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

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

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

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the Access to Neighbouring Land Act 2000, or
- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land & Environment Court Act 1979* as appropriate.

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

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

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

Standard Condition: E13

E.11 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 damage 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.12 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.13 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.14 Filling of site

To the extent that this consent permits filling of the site such fill must be *virgin excavated natural material* ("VENM").

VENM means "Virgin excavated natural material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils."

Note: This definition is the same as in Schedule 1 of the *Protection of the Environment Operations Act 1997*, Appendix IX: Types of waste.

Note: Sulphidic ores and soils are commonly known as Acid Sulphate Soils.

Note: If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the *Protection of the Environment Operations Act 1997*.

Note: A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the *Protection of the Environment Operations Act 1997*.

Note: Additional information is available from the following websites:

Illegal waste dumping - <http://www.epa.nsw.gov.au/waste/dumping.htm>

Is that fill legal?

<http://www.epa.nsw.gov.au/resources/012648web.epa%20fill.dl%20bro.pdf>

Standard Condition: E18

E.15 Site Cranes

Site Crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.

Cranes must not swing or hoist over any public place unless the *principal contractor* or *owner builder* have the relevant approval under the *Local Government Act 1993*, *Crown Lands Act 1989* or *Roads Act 1993*.

The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the *Civil Aviation Act 1988* (Cth).

No illuminated sign(s) must be erected upon or displayed upon any site crane.

Note: Where it is proposed to swing a crane over a public place the *principal contractor* or *owner builder* must make a separate application to Council under section 68 of the *Local Government Act 1993* and obtain activity approval from Council prior to swinging or hoisting over the public place.

Note: Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the *principal contractor* or *owner builder* must obtain an access order under the *Access to Neighbouring Land Act 2000* or easement under section 88K of the *Conveyancing Act 1919* or section 40 of the *Land & Environment Court Act 1979* as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.

Standard Condition: E19

E.16 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the *site* and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

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

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

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

E.17 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.18 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.19 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.20 Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council’s *Specification for Roadworks, Drainage and Miscellaneous Works* dated February 2012.

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

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

Note: A copy of Council’s “*Specification for Roadworks, Drainage and Miscellaneous Works*” can be down loaded free of charge from Council’s website www.woollahra.nsw.gov.au
Standard Condition: E24

E.21 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.22 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.23 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.24 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.25 Disposal of Asbestos and Hazardous Waste

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

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

Standard Condition: E41

E.26 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.27 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

E.28 Compliance with Acid Sulfate Soils Management Plan

The Principal Contract / Owner Builder and any subcontractor must comply with the Acid Sulfate Soil Management Plan and the NSW Government Acid Sulfate Soils Management Advisory Committee guidelines.

Note: The Acid Sulfate Soils Management plan submitted with the Development Application sets out all the above requirements in detail.

Note: A failure to implement and maintain the Acid Sulfate Soils Management plan can result in the following environmental harm:

- damage to the soil structure so plant roots and soil organisms can't easily move about
- plant roots being burnt by acid, reducing plant health and productivity
- acid intolerant soil fauna and flora are killed, so the soil biodiversity and health are reduced
- plants and soil life can be poisoned by the available toxic metals
- loss of aquatic plants that can not survive acidic conditions
- loss of fish, crustaceans, birds and other animals
- damage to metal and concrete structures (such as bridge pylons and pipes)

Standard Condition: E28

E.29 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.

Species/Type	Planting Location	Container Size/Size of Tree (when planting)	Minimum Dimensions at Maturity
1 x <i>Angophora costata</i> (Sydney Pink Gum) Or 1 x <i>Jacaranda mimosifolia</i> (Jacaranda) or 1 x <i>Koelreuteria paniculata</i> (Golden Rain tree) or 1 x <i>Tristanopsis laurina</i> (Water gum)	Area 1	200 litre	8 x 5 metres
1 x <i>Angophora costata</i> (Sydney Pink Gum) Or 1 x <i>Jacaranda mimosifolia</i> (Jacaranda) or 1 x <i>Koelreuteria paniculata</i> (Golden Rain tree) or 1 x <i>Tristanopsis laurina</i> (Water gum)	Area 2	200 litre	8 x 5 metres
1 x <i>Angophora costata</i> (Sydney Pink Gum) Or 1 x <i>Jacaranda mimosifolia</i> (Jacaranda) or 1 x <i>Koelreuteria paniculata</i> (Golden Rain tree) or 1 x <i>Tristanopsis laurina</i> (Water gum)	Area 4	200 litre	8 x 5 metres

The project arborist shall document compliance with the above condition.

e) Level changes in the vicinity of trees

No level changes shall occur within the specified radius from the trunks of the following trees.

Council Ref No:	Species	Radius from Trunk (metres)
12	<i>Washingtonia filifera</i> (American Cotton palm)	2.5 metres

The project arborist shall document compliance with the above condition.

f) Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No:	Species	Radius from Trunk (metres)
1	<i>Lophostemon confertus</i> (Brushbox)	8.3 metres

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 30mm shall not be severed or damaged unless approved in writing by the project arborist.

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

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

The project arborist shall document compliance with the above condition.

g) Footings in the vicinity of trees

Footings for any structure within the specified radius from the trunks of the following trees shall be supported using an isolated pier and beam system.

Council Ref No:	Species	Radius from centre of trunk (metres)
1	<i>Lophostemon confertus</i> (Brushbox)	8.3 metres

Excavations for installation of piers shall be located so that no tree root with a diameter equal to or in excess of 30mm is severed or damaged. The smallest possible area shall be excavated which allows construction of the pier. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 30mm.

The project arborist shall document compliance with the above condition.

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

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 Compliance Certificate from Sydney Water

All work must be completed in accordance with the Compliance Certificate under the Sydney Water Act 1994 and the "Notice of Requirements".

Note: Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.
Standard Condition: F5

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 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.5 Amenity Landscaping

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

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

Standard Condition: F6

F.6 Commissioning and Certification of Public Infrastructure Works

The *principal contractor* or *owner builder* must submit, to the satisfaction of Woollahra Municipal Council, certification from a *professional engineer* that all public infrastructure works have been executed in compliance with this consent and with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated February 2012.

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

Standard Condition: F9

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 Consolidation of Allotments

Prior to the Occupation Certificate, a final Plan of Survey prepared and certified by a Registered Surveyor must be submitted and approved by the Accredited Certifier showing the consolidation of the 2 lots (LOTS: A and B DP: 386709). Should the applicant go ahead with the purchase of the road reserve, the road reserve is to also be consolidated into the one allotment with the two abovementioned lots.

A new deposited plan of the consolidated lot must be registered at the Land Titles Office and a copy provided to Council with copies of certificates of title, prior to the issue of the Occupation Certificate.

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 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.4 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.5 Positive Covenant & Works-As-Executed certification of stormwater systems

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

- a. Compliance with conditions of development consent relating to stormwater;
- b. That the works have been constructed in accordance with the approved design;
- c. Pipe invert levels and surface levels to Australian Height Datum;
- d. 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.
- e. 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, 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

H.6 Positive Covenant on Resident Parking

Owners and/or occupiers of the completed development will not be permitted to participate in Council's Resident Parking Schemes (that is, obtain a Resident Parking Permit for a vehicle) as all parking is provided on site.

A positive covenant, pursuant to Section 88E of the *Conveyancing Act*, must be created on the property title advising future and present owners of the non-participation in the Resident Parking Scheme prior to purchasing the property.

This condition is imposed to limit the demand for kerbside parking in the vicinity of the premises and to control the generation of traffic in the surrounding street network.

The Instrument must be in accordance with Council's standard format and include the above wording in the Term of the Restriction in Annexure "A". The Instrument must be registered at the Land Property Information Office prior to the issuance of any Occupation Certificate.

Note: A sample Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. No *Occupation Certificate* must be issued until this condition has been satisfied.

Standard Condition: H23

H.7 Dilapidation Report for public infrastructure works

The *Principal Contractor* must submit a follow up dilapidation report, prepared by a *professional engineer*, on Council's infrastructure within and near the development site to Council upon completion of the work.

The Final Occupation Certificate must not be issued until Council's Civil Works Engineer is satisfied that the works have been satisfactorily completed and the PCA has been provided with correspondence from Council to this effect.

The dilapidation report must include:

- a) Photographs showing any existing damage to the road pavement fronting the site,
- b) Photographs showing any existing damage to the kerb and gutter fronting the site,
- c) Photographs showing any existing damage to the footway including footpath pavement fronting the site,
- d) Photographs showing any existing damage to retaining walls within the footway or road, and
- e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- f) The full name and signature of the professional engineer.

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

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure. If the required report is not submitted then Council will assume any damage to any infrastructure in the immediate vicinity of the site was caused by the principle contractor and owner carrying out work under this consent.

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

Standard Condition: H14

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

I.1 Garbage Collection

The garbage area must be maintained at all times to ensure that a breeding ground is not created for pests and must be capable of being easily and effectively cleaned.

All garbage containers must have tight fitting lids and be large enough or in sufficient numbers to contain all the waste produced by the business while awaiting the next removal from the premises.

Garbage collection is to occur within the basement level, not in the street.

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

Standard Condition: I16

I.2 Occupation and use of roof terraces

The roof terrace is to be used for passive use only and there is to be no speakers or amplified music.

This condition has been imposed to protect the amenity of neighbours and to maintain views across and over the roof terrace.

Note: Temporary structures that may adversely affect views across over the roof terrace must not be erected without Council approval
Standard Condition: I146

I.3 Outdoor lighting – Residential

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

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting
Standard Condition: I48

I.4 Outdoor lighting – Roof Terraces

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

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600 mm above the finished floor level of the roof terrace.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

Note: Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.
Standard Condition: I51

I.5 Noise Control

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

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

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of

Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government

(www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page

(www.environment.nsw.gov.au/noise).

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

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

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

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

Standard Condition: I56

I.6 Noise from mechanical plant and equipment

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

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 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: I59

I.7 Operation of Regulated Systems

The occupier must operate 'regulated systems' in compliance with *Public Health Act, 2010* and the *Public Health Regulation, 2012*.

Where there is any change in the regulated system the occupier must register the changes in the 'regulated systems' with Council pursuant to Clause 11 of the *Public Health Regulation, 2012*.

Water cooling system must be certified by an *appropriately qualified* 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 2010*. 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.8 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.9 Permit Parking Schemes

Owners and/or occupiers of the completed development will not be permitted to participate in Council's Resident Permit Parking Schemes. The applicant/ developer is to ensure that future owners and occupiers are made aware of this condition during marketing and sale of any room within the development.

This condition is imposed to limit the demand for kerbside parking in the vicinity of the premises and to control the generation of traffic in the surrounding street network.

I.10 Signage to indicate non participation in resident parking permit scheme

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be located in prominent places such as all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times.

I.11 Home Travel Plan

A Home Travel Plan is to be prepared for all occupants and issued prior to their occupation. The plan is to provide up to date information of bus and train services and pedestrian access.

J. Miscellaneous Conditions

No conditions.

K. Advisings

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

Woollahra Municipal Council's *Tree Preservation Order 2006* (TPO) may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

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

Standard Condition: K19

K.2 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.3 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.4 Builders Licences and Owner Builders Permits

Section 81A of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appointed a *principal contractor* for residential building work who must be the holder of a contractor licence.

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

The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is in place before the commencement of building work. The Principal Contractor (Builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the Home Building Act 1989 for the residential building work.

Standard Condition: K5

K.5 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.6 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.7 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.8 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.9 Dividing Fences

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

Note: Further information can be obtained from the NSW Department of Lands - <http://www.lands.nsw.gov.au/LandManagement/Dividing+Fences.htm>. Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Over 85% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. Contact the Community Justice Centre either by phone on 1800 671 964 or at <http://www.cjc.nsw.gov.au/>.
Standard Advising: K10

K.10 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Ms S Richards, Senior Assessment Officer, on (02) 9391 7064.

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

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

Standard Condition: K14

K.11 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 80A of the *Act*.

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

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

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

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

Note: The Application for Refund of Security form can be downloaded from
<http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>

Standard Condition: K15

K.12 Recycling of Demolition and Building Material

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

Standard Condition: K17

K.13 Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Standard Condition: K21

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 PCA 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.

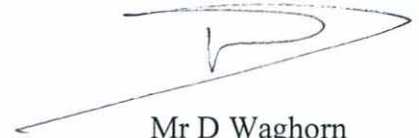
Note: *Road* has the same meaning as in the *Roads Act* 1993.

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



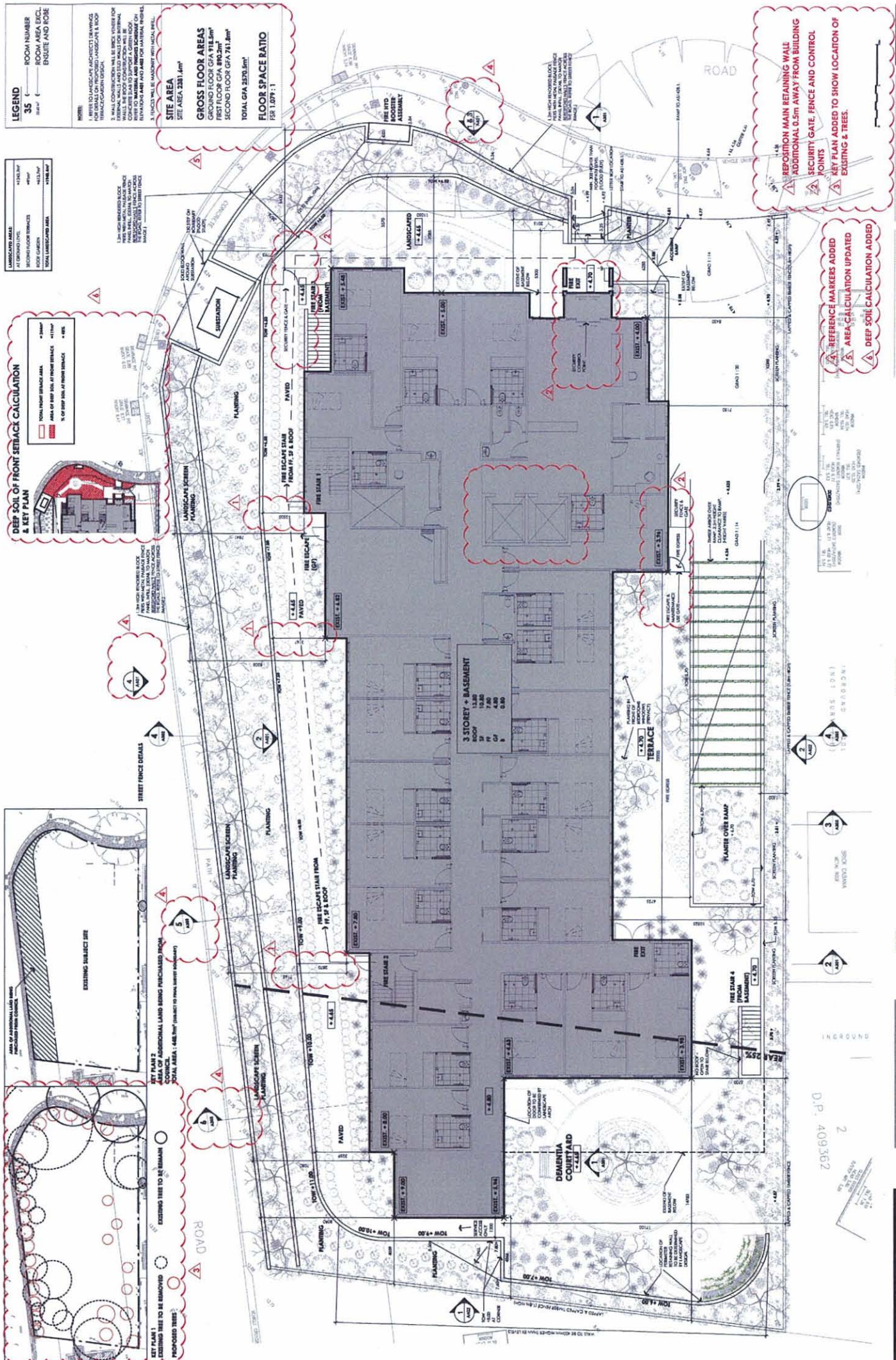
Ms S Richards
SENIOR ASSESSMENT OFFICER



Mr D Waghorn
TEAM LEADER

ANNEXURES

1. Plans and elevations
2. Technical Services referral
3. Landowners consent (Council/Technical Services)
4. Trees and Landscaping referral
5. Heritage referral
6. Fire Safety referral
7. Environmental Health referral
8. Urban Design referral
9. Community Services referral
10. Property referral
11. Office of Water referral
12. Consultant Planner's peer review report.



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

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1.402 metres above each floor level):

- excluding columns, fire walls, built-in partitions and any elements, projections or walls outside the general line of the outer face of the external wall, and
- excluding cooking towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and
- excluding car parking needed to meet any requirements of the Public or the Council of the local government area concerned and any internal access to such parking, and
- including, in the case of built self-care housing (not self-care housing for elderly) or assisted care housing, the area of any ground level, and
- excluding space for the loading and unloading of goods, and
- in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.

**AREA INCLUDED IN
GFA CALCULATION**



LEGEND

- 35** ← ROOM NUMBER
← ROOM AREA EXCL.
ENSUITE AND ROBE

NOTES:

1. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS ON PROPOSED LANDSCAPE & ROOF TERRACE/GARDEN DESIGN.
2. WALL CONSTRUCTION WILL BE BRICK VENEER FOR EXTERNAL WALLS AND STUD WALLS FOR INTERNAL WALLS. THE ROOF CONSTRUCTION WILL BE CONCRETE SLAB TO SUPPORT A GREEN ROOF. REFER TO 'MATERIAL AND FINISHES SCHEDULE' ON ELEVATIONS AND AMBS FOR MATERIAL FINISHES.
3. FENCES WILL BE MASONRY WITH METAL INFILL.

SITE AREA

SITE AREA 2381.6m²

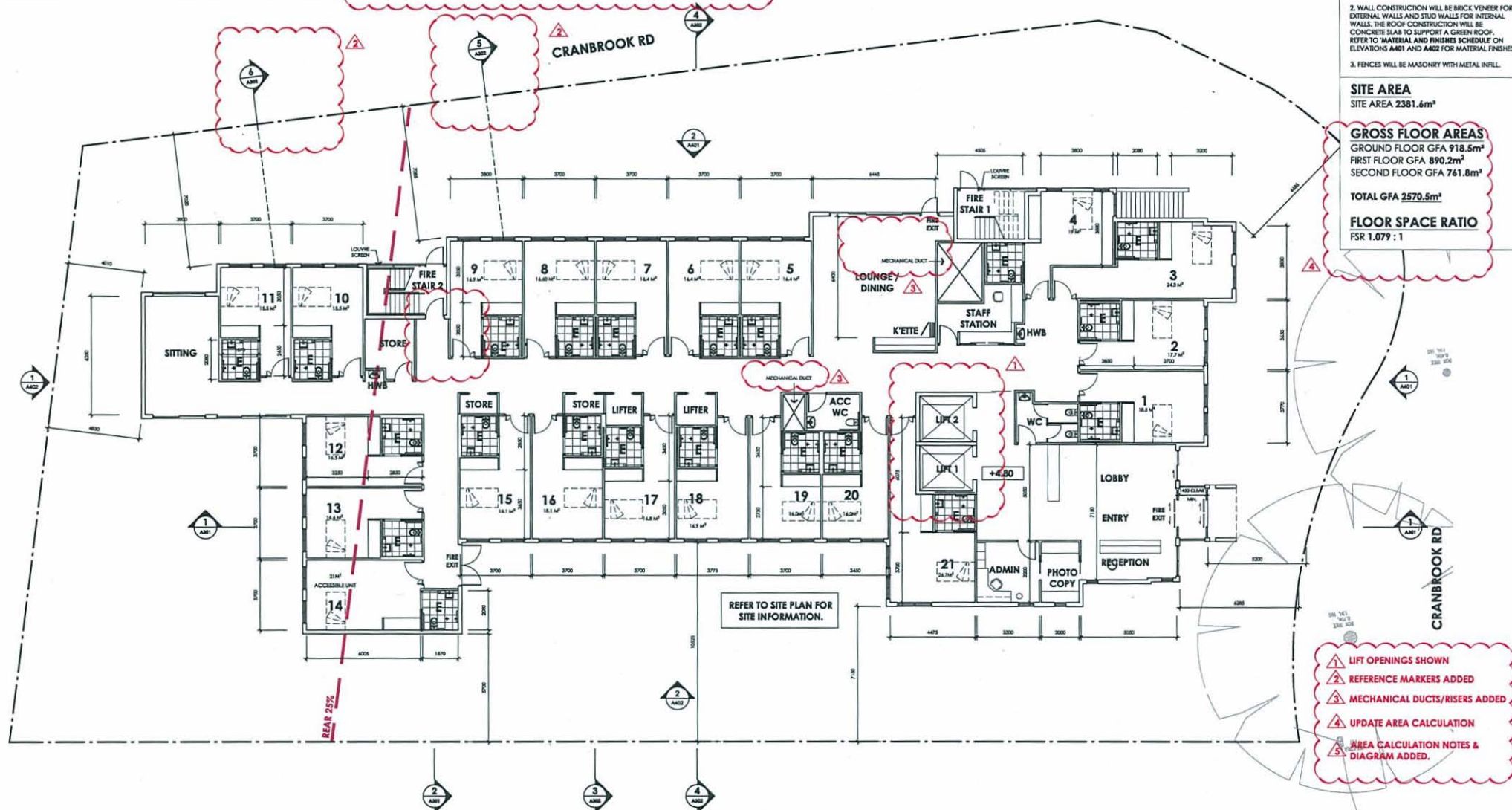
GROSS FLOOR AREAS

GROUND FLOOR GFA 918.5m²
FIRST FLOOR GFA 890.2m²
SECOND FLOOR GFA 761.8m²

TOTAL GFA 2570.5m²

FLOOR SPACE RATIO

FSR 1.079 : 1



- ▲ LIFT OPENINGS SHOWN
- ▲ REFERENCE MARKERS ADDED
- ▲ MECHANICAL DUCTS/RISERS ADDED
- ▲ UPDATE AREA CALCULATION
- ▲ AREA CALCULATION NOTES & DIAGRAM ADDED.



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

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1.400 metres above each floor level):

- excluding columns, fit walls, sun control devices and any elements, projections or walls outside the general line of the outer face of the external wall; and
- excluding ceiling, doors, shutters and plant rooms, ductwork, storage above and below or protruding ducts, and
- excluding car parking needed to meet any requirements of the Policy or the Council of the local government area concerned and any internal access to such parking; and
- including in the case of in-fill wall cores housing only car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level; and
- excluding space for the loading and unloading of goods; and
- in the case of a residential care facility—excluding any floor space below ground level that is used for service facilities provided by the facility.

**AREA INCLUDED IN
GFA CALCULATION**



LEGEND

35 ← ROOM NUMBER
21.41 m² ← ROOM AREA EXCL.
ENSUITE AND ROBE

NOTES:

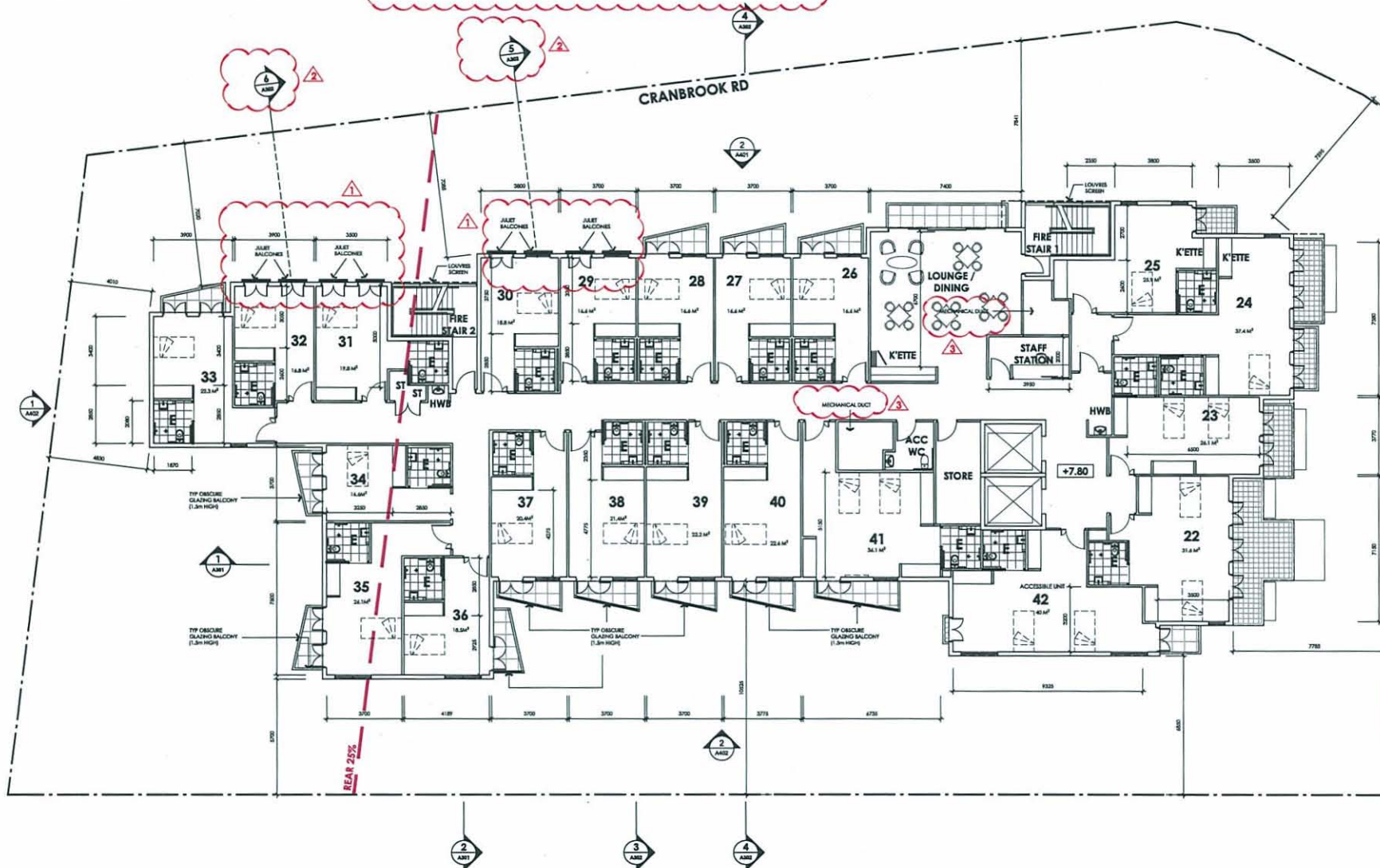
1. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS ON PROPOSED LANDSCAPE & ROOF TERRACE/GARDEN DESIGN.
2. WALL CONSTRUCTION WILL BE BRICK VENEER FOR EXTERNAL WALLS AND STUD WALLS FOR INTERNAL WALLS. THE ROOF CONSTRUCTION WILL BE CONCRETE SLAB TO SUPPORT A GREEN ROOF. REFER TO MATERIAL AND FINISHES SCHEDULE ON ELEVATIONS A401 AND A402 FOR MATERIAL FINISHES.
3. FENCES WILL BE MASONRY WITH METAL INFILL.

SITE AREA
SITE AREA 2381.6m²

GROSS FLOOR AREAS
GROUND FLOOR GFA 918.5m²
FIRST FLOOR GFA 890.2m²
SECOND FLOOR GFA 761.8m²

TOTAL GFA 2570.5m²

FLOOR SPACE RATIO
FSR 1.079 : 1



- △ REDUCE PRIVATE BALCONY SIZE TO IMPROVE SOLAR ACCESS TO GROUND LEVEL. JULIET BALCONIES TO BEDROOM CLOSEST TO RETAINING WALL.
- △ REFERENCE MARKERS ADDED
- △ MECHANICAL DUCTS/RISERS ADDED
- △ UPDATE AREA CALCULATION
- △ AREA CALCULATION NOTES & DIAGRAM ADDED.

**FSR CALCULATION
REFERENCE DRAWING**



gloss floor area means the area of the space at each level of a building, where the area of each floor is taken to be the area which the whole floor or the external enclosing wall measures at a height of 2.0 m above the ground.

35 ← — ROOM NUMBER
22.43 M² ← — ROOM AREA EXCL.
ENSUITE AND ROBE

1. REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR DETAILS ON PROPOSED LANDSCAPE & ROOF TERRACE/GARDEN DESIGN.
2. WALL CONSTRUCTION WILL BE BRICK VENEER FOR EXTERNAL WALLS AND STUO WALLS FOR INTERNAL WALLS. THE ROOF CONSTRUCTION WILL BE CONCRETE SLAB TO SUPPORT A GREEN ROOF. REFER TO "MATERIAL AND FINISHES SCHEDULE" ON ELEVATIONS A401 AND A402 FOR MATERIAL FINISHES.
3. FENCES WILL BE MASONRY WITH METAL INFILL.

GROSS FLOOR AREAS
GROUND FLOOR GFA 918.5m²
FIRST FLOOR GFA 890.2m²
SECOND FLOOR GFA 761.8m²

TOTAL GFA 2570.5m²

FLOOR SPACE RATIO
FSP 1.070 + 1

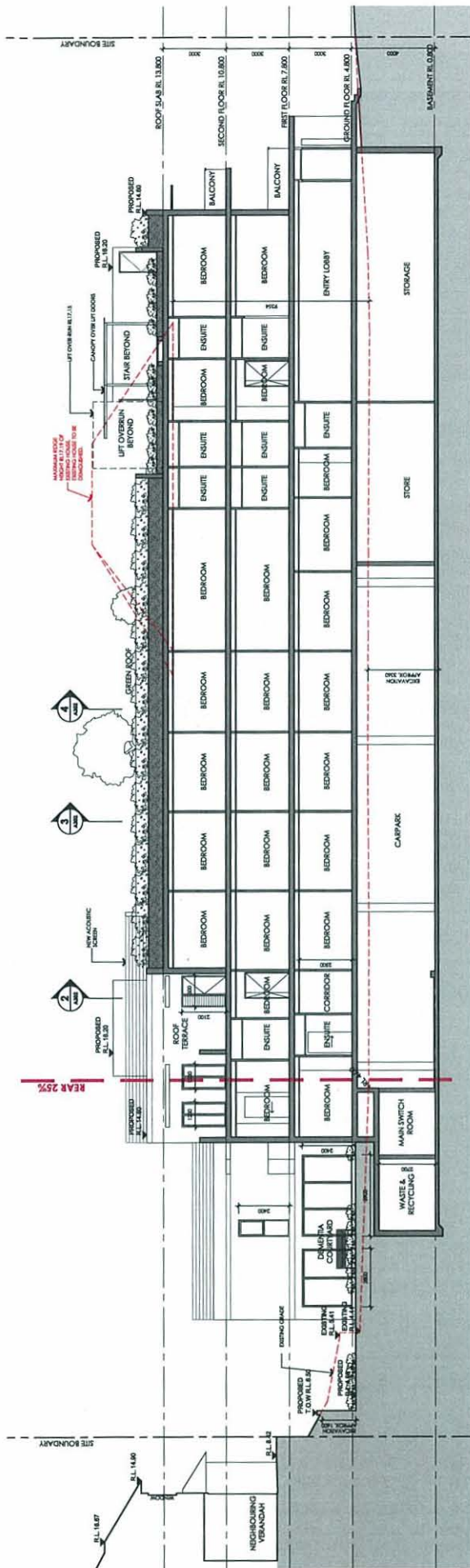
- 1 AREA CALCULATION NOTES & DIAGRAM ADDED.
- 2 REFERENCE MARKERS ADDED
- 3 MECHANICAL DUCTS/ RISERS ADDED
- 4 UPDATE AREA CALCULATION



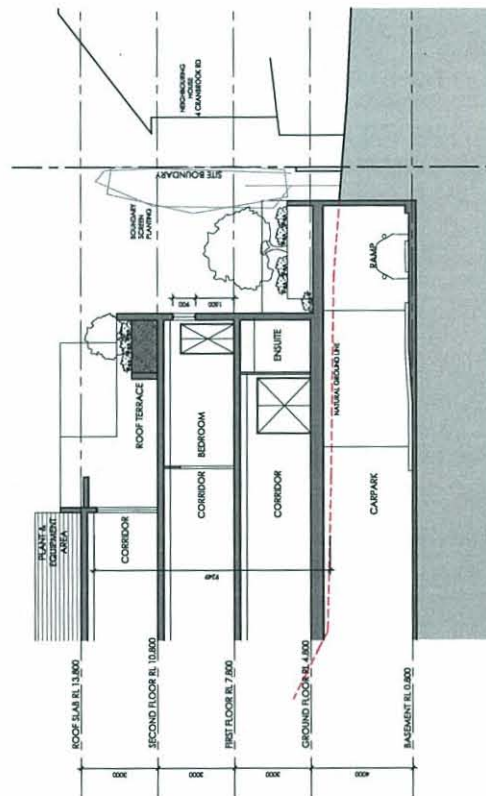
architectural
interior design
project management

BARBARA ARCHITECT & DESIGN #721
2001 985 268 AIA #4301 953 248
10000 Highway 100, Channahon, IL 61310
info@barbararchitect.com www.barbararchitect.com

NEW DATE	ANNULMENT	INITIALS	CHECK	POLYMER NO.	EXAMINE NO.	SERVICES
02 2011-08-06	USE FOR DA-14000000	VC	VC	2838	A113	02
02 2011-08-06	USE FOR DA-14000000			SCALE	1	1,000 @ A1
				EXAMINE	1	PAS
				POLYMER PRINCIPAL	1	M RAUPH
				SERIES	2	



SECTION 1



SECTION 2- PARTIAL SECTION



1 RETAINING WALL MOVED 0.5m AWAY FROM BUILDING.

2 ADDITIONAL SECTIONS ADDED

DEVELOPMENT APPLICATION

DRAYTON HOUSE
6-8 CRANBROOK RD.
BELLEVUE HILL

PROJECT TITLE:
**ELEVATIONS &
 EXTERNAL MATERIALS BOARD**
SHEET 1 OF 2

PROJECT:

REV DATE **ASSIGNMENT**

(1) 20-11-20 ISSUED FOR C.A. APPROVAL

(2) 20-11-20 ISSUED FOR C.A. APPROVAL

(3) 20-11-20 ISSUED FOR C.A. APPROVAL

PROJECT NO. **REVISION**

2838 **A.401** **03**

SCALE **1:1100 @ A1**

DRAWN **1** **VC**

PROJECT PRINCIPAL **1** **M. KALPHI**

DATE **1** **NOV 2014**

INTIALS **CHECK**

VC

VC

DATE **ASSIGNMENT**

(1) 20-11-20 ISSUED FOR C.A. APPROVAL

(2) 20-11-20 ISSUED FOR C.A. APPROVAL

(3) 20-11-20 ISSUED FOR C.A. APPROVAL

ORIGINAL DA SUBMISSION



1
PERSPECTIVE VIEW OF WESTERN GARDEN AREA
LOOKING FROM NORTH TOWARDS SOUTH OF SITE
SOLAR & SHADOW AT 2PM - 22 JUNE

REVISED DESIGN



2
PERSPECTIVE VIEW OF WESTERN GARDEN AREA
LOOKING FROM NORTH TOWARDS SOUTH OF SITE
SOLAR & SHADOW AT 2PM - 22 JUNE

ORIGINAL DA SUBMISSION



3
PERSPECTIVE VIEW OF WESTERN GARDEN AREA
LOOKING FROM SOUTH TOWARDS NORTH OF SITE
SOLAR & SHADOW AT 2PM - 22 JUNE

REVISED DESIGN

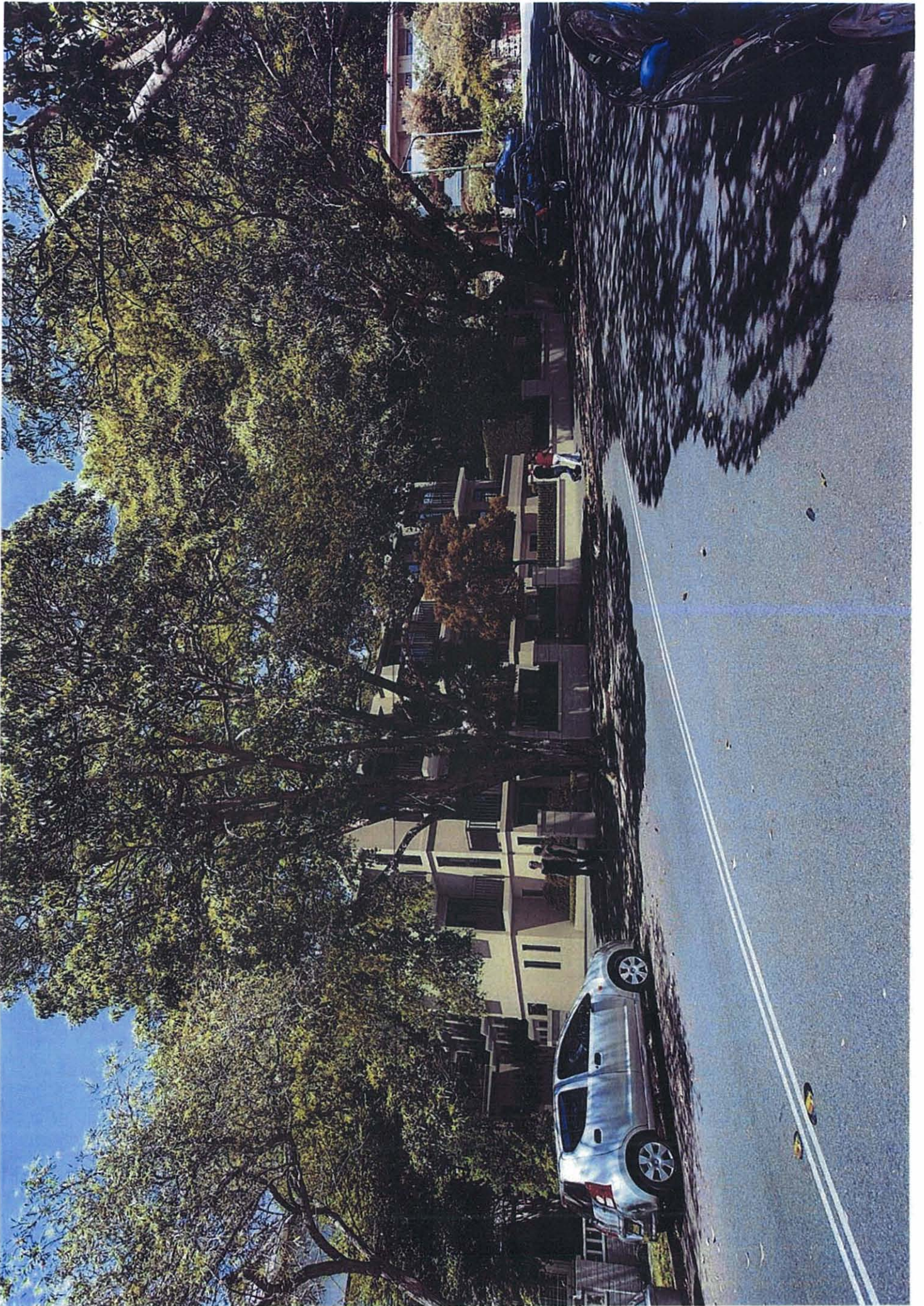


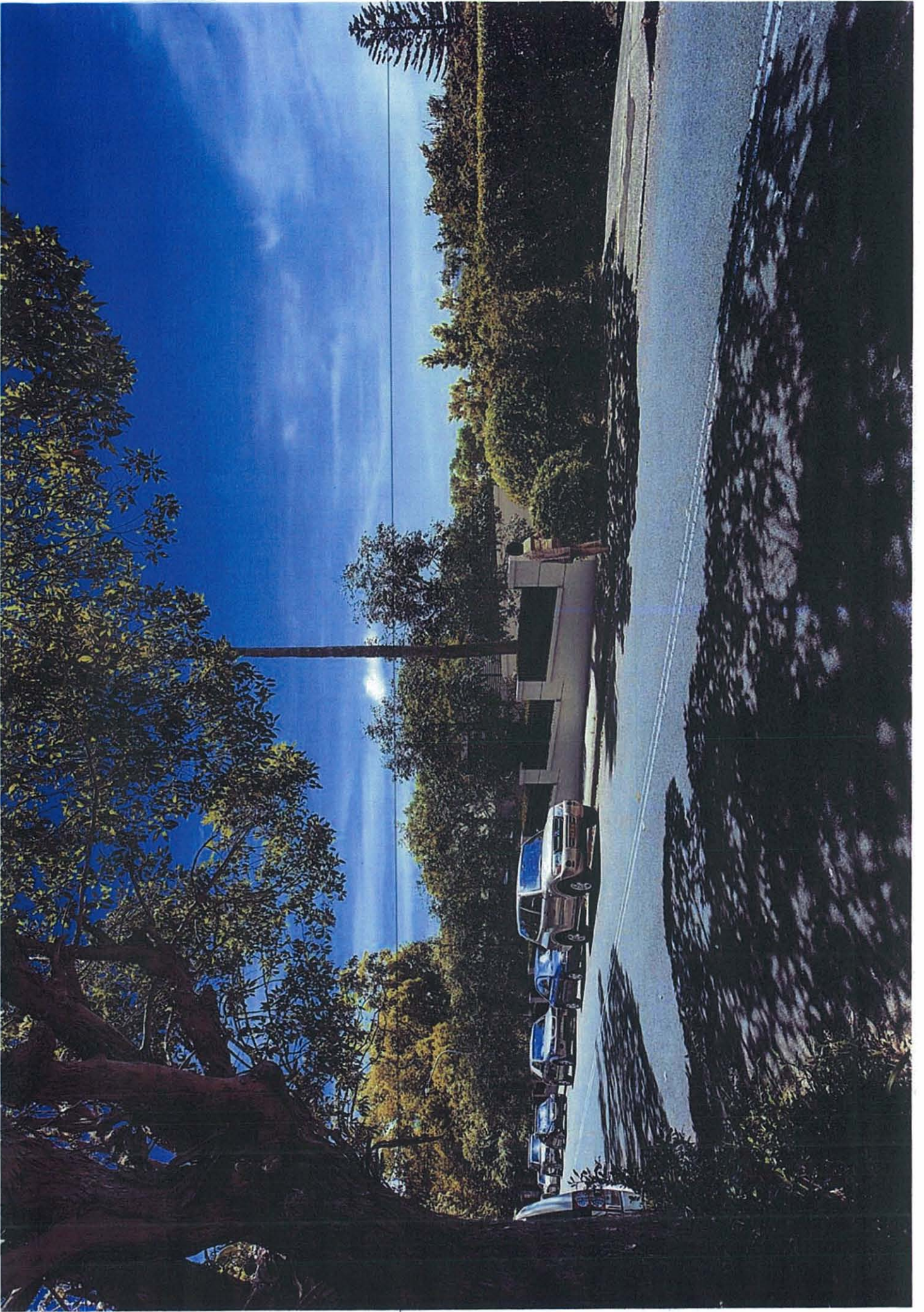
4
PERSPECTIVE VIEW OF WESTERN GARDEN AREA
LOOKING FROM SOUTH TOWARDS NORTH OF SITE
SOLAR & SHADOW AT 2PM - 22 JUNE

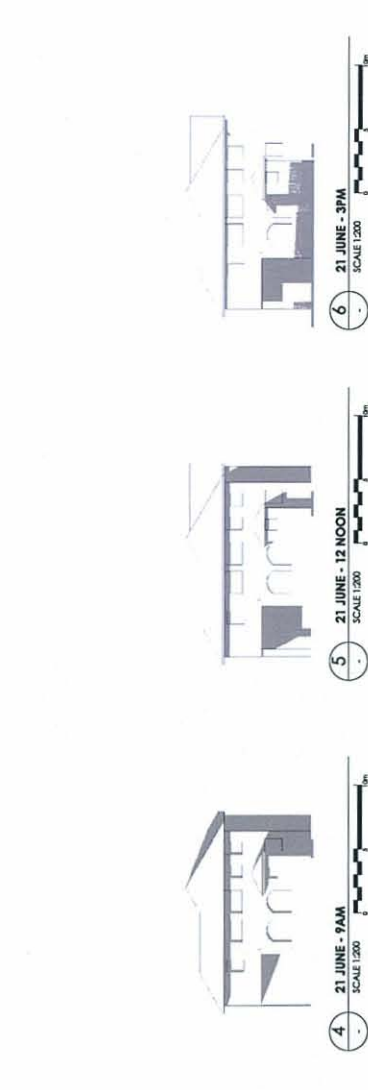
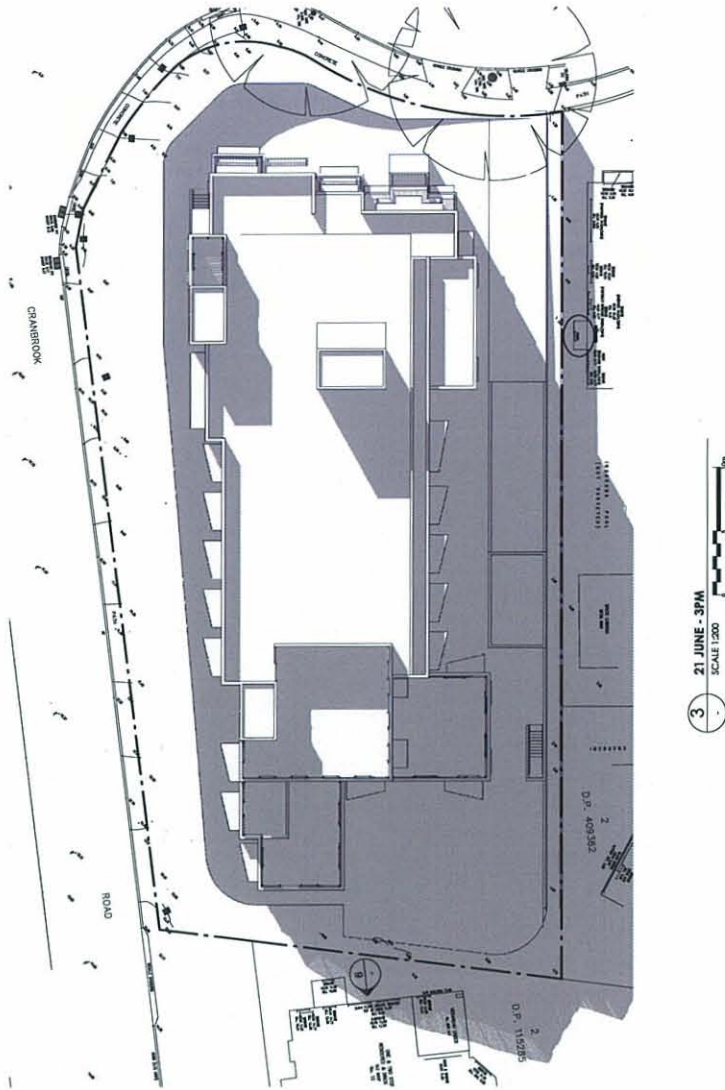
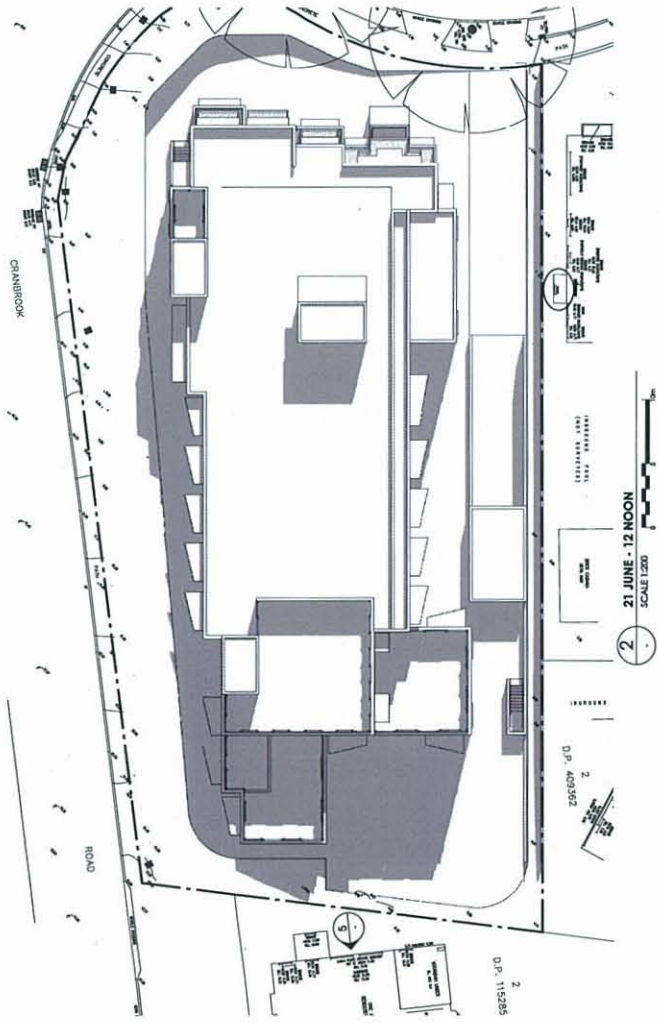
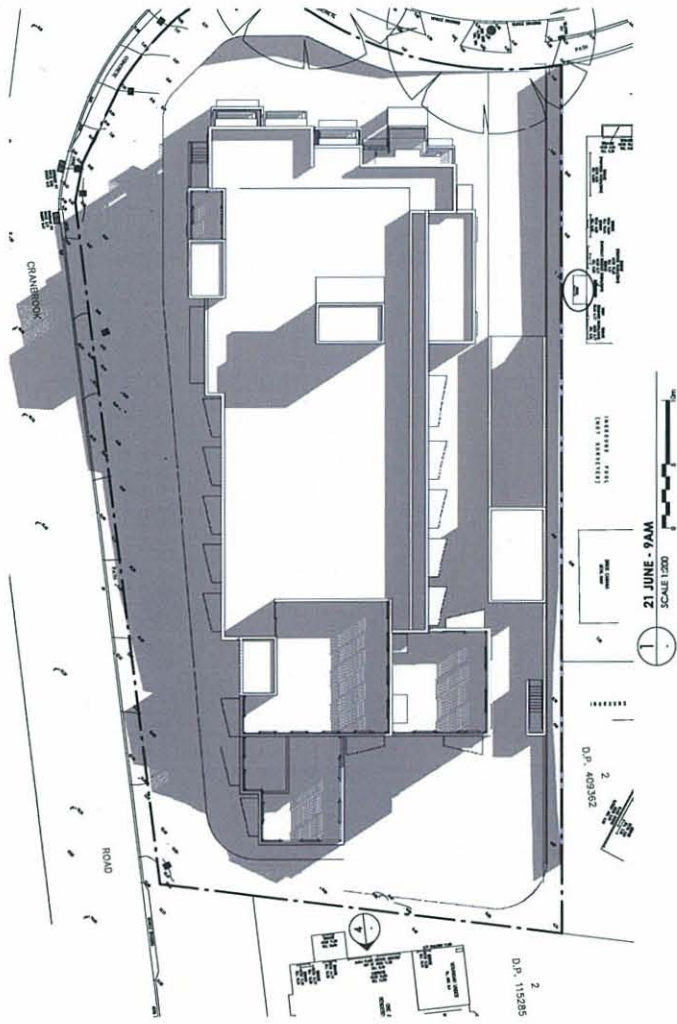
REVISED DESIGN



5
PERSPECTIVE VIEW FROM GROUND FLOOR BEDROOM
LOOKING OUT TO RETAINING WALL
SOLAR & SHADOW AT 2PM - 22 JUNE







Completion Date: 8 April, 2015

REFERRAL RESPONSE – TECHNICAL SERVICES

FILE NO: DA 517/2014/1
ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023
PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks
FROM: David Collaguazo - Development Engineer
TO: Ms S Richards

1. ISSUES

- None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects (dated November 2014) by CityPlan Services
- Traffic Impact Assessment (dated March 2015) by Traffix
- Architectural Drawings (dated March 2014) by Morrison Design Partnership Architects
- Survey by Bee & Lethbridge surveyors 08/07/2014.
- Stormwater Disposal Concept Plan by DHC Dwg No 170.00.00 Rev B dated 25/2/15.
- Report on overland flow investigations associated with the proposed Bellevue Hill residential aged care centre 6-8 Cranbrook Rd Bellevue Hill by Ian Young & Assoc P/L Engineers dated 9 September 2014
- Geotechnical Investigation by JK Geotechnics Ref: 27770Lrpt dated 27 October 2014
- Hydrogeotechnical Assessment by JK Geotechnics Ref: 27770L Let dated 5 March, 2015
- Letter by Traffix in response to Council's concerns about loading bay, dated 2 April, 2015.

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 generally no objections to the Stormwater disposal concept plan Dwg 170.00.00 B by DHC Consulting. However the following amendments are required:

- *Direct connection to Council's underground pipeline on the northern side of Cranbrook Road via a new kerb inlet pit on the southern side of Cranbrook Road*

adjacent to the proposed driveway and second kerb inlet pit on the northern side of Cranbrook Road.

- *Approximately 20m of 375mm dia RCP to a new junction pit over Council's existing pipeline. All works are to be to Council's specification.*

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

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

b. Flooding & Overland Flow comments

The site is subject to overland flow of stormwater from Cranbrook Rd, as identified in the Rose Bay Floodplain Risk Management Study and Plan, by WMA dated January 2014.

Council's Drainage Engineer has reviewed the report on overland flow by Ian Young & Associates Engineers P/L dated 9 September 2014. The proposal is satisfactory subject to the following conditions:

- *The western edge of the driveway crest is to be set at a minimum of RL 5.08m AHD and the eastern edge of the crest is to be set at R.L. 4.90m AHD.*
- *The crest of the pedestrian access is to be a minimum of R.L. 5.25m AHD.*

Relevant Conditions have been applied below.

c. Construction Management comments

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

d. Impacts on Council Infrastructure comments

New driveway 4.2m wide is to be constructed on the eastern side of the property. Any redundant vehicle crossings must be removed and the footpath reconstructed to Council's standard specifications. Conditions applied.

The referral by Council's tree management officer states that it does not support the new driveway to be widened to 5m as this will require the removal of the existing street tree.

The remainder of assets on Council's Road Reserve are in serviceable condition - conditions applied.

e. Traffic comments

As noted in the memo by Council's Traffic Engineer dated 30 January 2015, the application has been submitted under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The arguments raised in Section 4.3.3 of the submitted SEE regarding the validity of utilising the SEPP 2014 appear to be reasonable.

As such, parking requirements for residents and visitors associated with the proposed development have been assessed under the assumption that the Planning Department accepts the application of SEPP 2004 to this development.

Type	Number	SEPP Parking Rates	Spaces Provided	Spaces Required
Beds	63	1 parking space for each 10 beds	7	7 (6.3)
Staff	15	1 parking space for each 2 persons to be employed	8	8 (7.5)
Ambulance		1 parking space suitable for an ambulance	1	1
			16	16

The provision of 16 spaces is in accordance with the requirements of SEPP 2004. However one of the spaces (space 9) is to be a designated 'small space'.

Resident Parking Comment

Owners and/or occupiers of the completed development will not be permitted to participate in Council's Resident Parking Schemes as all parking is provided on site. The applicant/developer is to ensure that future owners and occupiers are made aware of this condition during the marketing and sale of any unit. This condition is imposed to limit the demand for kerbside parking in the vicinity of the premises and to control the generation of traffic in the surrounding street network.

f. Vehicle Access & Accommodation comments

Council's Traffic Engineer had previously recommended that off-street loading and servicing facilities be considered in accordance with Part 6 of Council's Parking DCP.

The applicant has submitted a revised basement floor plan Dwg A110 05 by Morrison Design Partnership, dated 2 April 2015 which addresses Council's requirements for off-street loading and servicing facilities.

The access and parking layout is satisfactory complies with AS 2890.1 – No specific conditions required

g. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by JK Geotechnics Ref: 27770Lrpt dated 27 October 2014 has been submitted in support of the application. The proposal involves excavation about 4 to 4.5m on the eastern side of the site and increasing to about 7 along the western side for the underground carpark.

The report made comments and recommendations on the following:

- *Subsurface conditions*
- *Geotechnical issues*
- *Excavation, footings and retention systems*
- *Groundwater dewatering management*
- *Acid sulphate soils*
- *Further works and monitoring*

The report confirms that the basement excavation is within the existing watertable and dewatering will be required. The groundwater depth has been found at between RL's 2.0m to RL 2.5m with the basement level of 0.8m AHD

Dewatering will be required in the short term during construction as the basement carpark is to be "tanked" for the long term.

In the report there are general and qualified comments/recommendations made in the treatment of the dewatering of the watertable.

The Technical Services referral dated 5th February, 2015 requested additional information with respect to the proposed dewatering of the site, in particular to demonstrate that there will be no adverse impact on surrounding properties.

JK Geotechnics provided further information by undertaking a Hydrogeotechnical Assessment dated 5th March. The Assessment considers the permeability of the existing soils and provides preliminary calculations for steady state seepage volumes. The report goes on to state that proposed seepage volumes would not be sufficient to significantly lower the groundwater level outside the shoring system and adjoining sites, such that it would drop below the historical range of natural groundwater fluctuations.

The assessment concludes that the shoring and dewatering system can be designed such that there is no adverse impact on adjoining properties as a result of lowering the groundwater table.

It should be noted that any dewatering of the site into Council's drainage system will require approval under Section 138 of the Roads Act.

On this basis of the additional information provided above, Technical Services has no objection to the proposed excavation on technical grounds. Notwithstanding this, Council's Planning Officer is also to undertake an assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the LEP and RDCP.

h. Other comments

Due to the likelihood of additional power usage as a result of the new development, the applicant is required to contact Ausgrid with regards to the possible provision of a new Electricity Substation on site.

4. RECOMMENDATION

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

Conditions of 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)
27770Lrpt	Geotechnical Investigation	JK Geotechnics	27/10/14
27770L Let	Hydrogeotechnical Assessment	JK Geotechnics	05/03/15
Dwg 170.00.00 B	Stormwater Management Plan	DHC Consultants	25/02/15
14.311104v0 1	Traffic Report	TRaffix	02.04.15

A8 Ancillary Aspect of the Development (Repair Damaged Infrastructure)

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

B.7 Public Road Assets prior to any work/demolition

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

C.5 Security Deposits/Fees

Property Damage Security Deposit (S138)	\$459,837	No	T115
c) Infrastructure Works Bond (S138)	\$33,140	No	T115
g) Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$418	No	T45

C.13 Road and Public Domain Works – Council approval required

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to Council's Development Engineer and approved by Council under the *Roads Act 1993*, before the issue of any *Construction Certificate*. To accommodate this requirement, the following infrastructure works must be carried out on Council property at the Applicants expense:

Road & Footpath

- Full width vehicular crossings having a width of 4.2m including new layback and gutter in accordance with Council's standard drawing RF2.
- Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Reinstatement of footpath, kerb and gutter to match existing.
- Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

Drainage

- Construction of a standard gully pit in the kerb adjacent to the driveway and on the northern side of Cranbrook Road to connect into the existing drainage system in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of approximately 20m of 375mm RCP in-ground drainage line under Cranbrook Road. The line must connect the new gully pit to the existing Council pit located on the northern side of Cranbrook Road
- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Bond

- A bond of \$33,140 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

An "Application to carry out works in a Public Road" form (available from Councils web-site <http://www.woollahra.nsw.gov.au>) must be completed and lodged, with the Application fee, at Councils Customer Services counter. 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.

The design of the works must be in accordance with Council's Draft Stormwater DCP available from Council's website www.woollahra.nsw.gov.au. Four weeks should be allowed for assessment.

Access levels and grades to and within the development must match access levels and grades within the road approved under the *Roads Act* 1993.

All public domain design and construction works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly provided otherwise by these conditions. This specification 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: Four (4) weeks is to be allowed for the *Roads Act* 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 Condition: C13

C20 Utility Services Generally

C.21 Provision for Energy Supplies

C35 Structural Adequacy of Existing Supporting Structures

C36 Professional Engineering Details

C40 Geotechnical and Hydrogeological Design, Certification & Monitoring

C41 Ground Anchors

C.45 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.46 Resident Parking Scheme

Owners and occupiers of the completed development will not be permitted to participate in any Council operated on street parking permit scheme. This condition is imposed to preserve the level of on street parking availability in the vicinity of the premises and minimise impacts of traffic generation upon the surrounding road network as a result of the development.

C51 Stormwater management plan 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 Dwg 170.00.00 B by DHC consultants other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to new stormwater drainage infrastructure on Cranbrook 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 Stormwater Development Control Plan.

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

Layout plan

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

It must include:

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

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.54 Flood protection

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include a Flood Risk Management Plan on the basis of a 1:100 year flood as identified in the Rose Bay Floodplain Risk Management Study and Plan, by WMA dated January 2014, detailing:

- a) The western edge of the driveway crest is to be set at a minimum of RL 5.08m AHD and the eastern edge of the crest is to be set at R.L. 4.90m AHD.
- b) The crest of the pedestrian access is to be a minimum of R.L. 5.25m AHD.

Note: The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1 – 2004, Part 1 (Off-street car parking). The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.
Standard Condition: C54

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

D.4 Dilapidation Reports for existing buildings

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

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

- a) 2A Cranbrook Road
- b) 4 Cranbrook Road
- c) 10 Cranbrook 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

D6 Adjoining buildings founded on loose foundation materials

D7 Piezometers for the monitoring of Ground water Levels

D9 Construction Management Plan – Approval & Implementation

D10 Work (Construction) Zone – Approval & Implementation

D11 SECURITY FENCING

D.14 Erosion and Sediment Controls – Installation

E. Conditions which must be satisfied during any development work

E3 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

E13 Support of Adjoining Land Owners

E14 Vibration Monitoring

E15 Erosion and Sediment Controls – Maintenance

E17 Disposal of Site Water during Construction

E19 Site Cranes

E20 Check Surveys

E24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Road Works

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

F7 Commissioning and Certification of Systems and Works

F9 Commissioning and Certification of Public Infrastructure Works

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

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

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

H13 Road Works (including footpaths)

H.20 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. That the works have been constructed in accordance with the approved design;
- c. Pipe invert levels and surface levels to Australian Height Datum;
- d. 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.
- e. 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, 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

H.23 Positive Covenant on Resident Parking

Owners and/or occupiers of the completed development will not be permitted to participate in Council's Resident Parking Schemes (that is, obtain a Resident Parking Permit for a vehicle) as all parking is provided on site.

A positive covenant, pursuant to Section 88E of the *Conveyancing Act*, must be created on the property title advising future and present owners of the non-participation in the Resident Parking Scheme prior to purchasing the property.

This condition is imposed to limit the demand for kerbside parking in the vicinity of the premises and to control the generation of traffic in the surrounding street network.

The Instrument must be in accordance with Council's standard format and include the above wording in the Term of the Restriction in Annexure "A". The Instrument must be registered at the Land Property Information Office prior to the issuance of any Occupation Certificate.

Note: A sample Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au .
No *Occupation Certificate* must be issued until this condition has been satisfied.
Standard Condition: H23

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

Nil

J. Miscellaneous Conditions

Nil

K. Advisings

K.23 Dilapidation Report Condition

K.24 Roads Act Application

Memorandum

Date 7 April, 2015

File No. DA 517/2014/1

To Zubin Marolia

CC

From Ms S Richards

Address **6-8 CRANBROOK ROAD BELLEVUE HILL 2023**

Proposal: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks



ABN 32 218 483 245

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 536 New South Head Road
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 DX 3607 Double Bay
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 www.woollahra.nsw.gov.au
 Telephone (02) 9391 7000
 Facsimile (02) 9391 7044

Please find attached a request for owner's consent to lodge a DA for:

- Development at 6-8 Cranbrook Road BELLEVUE HILL

Written owner's consent is required with the lodgement of any development application in order to comply with Clause 49 (1) of the Environmental Planning Regulations 2000.

Council's owner's consent is requested to lodge an application for the above works on Council Land.

I, Zubin Marolia of Woollahra Municipal Council give consent to the lodgement of the development application for the above works on Council Land.

Please note that development consent for these works must include conditions to the effect that:

1. No works on Council roads may commence until an application has been made and approval granted under s.138 of the *Roads Act* 1993.
2. No occupation of Council property may occur until an appropriate legal agreement has been entered into with Council.

Signed

Date: 7 April 2015

15 43043 Owner s Consent for Works on Council Land - DA2014 517 1 - 6-8 Cranbrook Road
 BELLEVUE HILL

12 February 2015

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: DA 517/2014/1

ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks

FROM: Nick Williams- Tree & Landscape Officer

TO: Ms S Richards

I refer to the following documents received for this report:

- Survey Plan No. 19083, drafted by Bee & Lethbridge, dated 8/7/2014.
- Architectural Drawing No., drawn by Morrison Design Partnership, dated November 2014.
- Basement Floor Plan, Reference No. A111 drawn by Morrison Design Partnership, dated November 2014.
- Stormwater drainage Plan No. 170.00.00, drawn by DHC, dated 13/11/2014.
- Arboricultural Impact Assessment Report, written by Landscape Matrix Pty Ltd, dated 21 November 2014.
- Landscape Plan No's 2014-258-01, designed by Outhouse Design, dated 20/11/2014

Relevant Control:

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

A site inspection was carried out on: 6 January 2015.

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

SUMMARY

- Proposed widening of driveway as requested by Technical Services would require the removal of Tree 1 and is not supported.
- Removal of Tree 12 is not supported. Amendments to the submitted landscape plan showing the retention of this tree is required.

- The proposed removal of Trees 3, 4 & 5 is only supported if adequate compensatory tree planting forms part of any development approval. Amendments to the submitted landscape plan required.
- Ensure the submitted Landscape Matrix arboricultural impact report forms part of any referral response.
- Tree protection required for Council Street trees located at the front of the property including a tree damage security deposit bond.

COMMENTS

Proposed Tree removal

To compensate for the proposed removal of existing trees within the property the supplied Landscape plan needs to be amended in accordance with Condition C.3 of this referral response. The proposed tree species illustrated on the submitted landscape plan are small in size and do not sufficiently compensate for the proposed removal of the existing tree canopy- specifically trees referenced 3, 4 & 5.

Trees 3, 4 & 5 have all been identified as having moderate to high landscape significance. All of these trees, particularly Tree 3, are highly prominent from Cranbrook Road and surrounding properties.

Despite its prominence I would agree with the submitted report that Tree 3 has a Short Safe Useful Life Expectancy. Considerable dieback is visible in the tree's upper crown and the structural integrity of some of its major limbs is questionable. The removal of trees 3, 4 & 5 however is only supported if adequate compensatory tree planting forms part of the submitted landscape plan.

The removal of Tree 12 -*Washingtonia robusta*- is not supported. The tree has been assessed as having moderate landscape significance and is located outside of the existing building footprint and could be easily retained. The supplied Landscape plan also needs to be amended to illustrate the retention of this tree – Condition C.3.

Many of the trees located towards the Western boundary of the property, such as Tree 11, are considered undesirable tree species and have been identified as having low landscape significance. There are no issues with the removal of these trees. Tree 7, located towards the Southern area of the property has been identified as having a short Safe Useful Life expectancy and according to the supplied Tree report: *"it is considered probable that the tree is at or approaching the identified threshold of failure"*. There are no issues with the removal of this tree.

Protection of Council street trees

A number of Conditions within this referral response relate to the protection of 1 x mature Council *Lophostemon* street tree located at the front of the property. A second tree referenced in the supplied tree report has since declined and is scheduled for removal by Council. Ensure all of Conditions B, C & E form part of any development approval.

The submitted Construction impact statement has identified the proposed driveway crossing as encroaching within 16.72 % of the calculated tree protection zone of Tree 1 and being within an acceptable threshold. A tree damage security deposit bond should form part of any

conditions of consent for Tree 1 in accordance with Condition C.2 of this referral response. Tree 1 has been valued at \$ 9000.

*In reference to the request for additional information to the applicant from Council dated 12 February 2015 I note that the proposed driveway is recommended to be widened to accommodate 2 cars entering and exiting the property at the same time. This would appear to require the removal of Tree 1 and is not supported.

RECOMMENDATIONS

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

CONDITIONS OF CONSENT

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

A. General Conditions

A.1 Tree Preservation & Approved Landscaping Works

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

a) The following trees shall be retained

- Trees on Private Land

Council Ref No	Species	Location	Dimension (metres)
12	<i>Washingtonia filifera</i> (American Cotton palm)	Western boundary , adjacent to Cranbrook Road	12 x 2 metres

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
1	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	9 x 8 metres	\$ 9000
13	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 x 1 metres	
14	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 x 1 metres	

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
3	<i>Cinnamomum camphora</i>	North Western corner of	28 x 28

	(Camphor Laurel)	property, near Cranbrook Road.	metres
4	<i>Carya illinoensis</i> (Pecan)	North Eastern area of property	23 x 15 metres
5	<i>Lophostemon confertus</i> (Brushbox)	North Eastern area of property	24 x 12 metres
6	<i>Celtis sinensis</i> (Chinese Nettle)	North Eastern area of property	10 x 7 metres
7	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	Rear Southern area of property	15 x 14 metres
8	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	Rear Southern boundary	12 x 14 metres
10	<i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)	Towards Western boundary	8 x 8 metres
11	<i>Celtis sinensis</i> (Chinese Nettle)	Towards Western boundary	11 x 12 metres

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

A.2 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
	Arboricultural Impact Assessment Report	Landscape Matrix Pty Ltd	21 November 2014

Standard Condition: A5

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

B.1 Establishment of Tree Protection Zones (TPZ)

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

a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Centre of Trunk (Metres)*
1	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	3 metres
13	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 metres
14	<i>Lophostemon confertus</i> (Brushbox)	Front of property Council nature strip	2 metres

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

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

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) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No	Species
1	<i>Lophostemon confertus</i> (Brushbox)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

- d) 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.
- e) 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.
- f) 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.
- g) All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- h) The project arborist shall provide written certification of compliance with the above condition.

Standard Condition: B5

B.2 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No:	Species	Approved works
1	<i>Lophostemon confertus</i> (Brushbox)	<ul style="list-style-type: none"> Construction of the proposed driveway under supervision of the site arborist. Construction of the proposed front fence under supervision of the site arborist.

The project arborist shall provide written certification of compliance with the above condition.

B.3 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	<ul style="list-style-type: none">• Compliance with tree protection measures
Demolition of existing carport, driveways and fences within the TPZ of Trees 1 specified within the submitted Landscape Matrix Construction impact statement.	<ul style="list-style-type: none">• Removal of existing concrete is carried out utilising non-destructive techniques with the use of small hand held machinery and hand tools.• Any exposed tree roots greater than 30 mm in diameter are retained and protected in accordance with the recommendations by the site arborist.
Excavation to accommodate the proposed driveway, front fence within the specified TPZ of Tree 1 as outlined in the submitted Landscape Matrix Construction Tree impact report.	<ul style="list-style-type: none">• Carried out using small hand tools only.• Pier holes are positioned to avoid the severance of and damage to roots greater than 30mm• Any exposed tree roots within the proposed driveway area greater than 30 mm in diameter are adequately assessed by the site arborist with recommendations regarding their retention / protection or severance fully documented and implemented prior to construction.
Construction of proposed driveway within the specified SRZ of Tree 1 as outlined within the submitted Landscape Matrix Construction Impact Tree report.	<ul style="list-style-type: none">• Constructed above grade in accordance with the recommendations within the Landscape Matrix arboricultural report if required.
Construction of proposed front fence within the specified TPZ of Tree 1 as outlined within the submitted Landscape	<ul style="list-style-type: none">• Pier and beam construction method utilised to bridge over tree roots greater than 30 mm in

Matrix Construction impact report.	diameter.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> Supervise the dismantling of tree protection measures

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

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

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

C.1 Tree Management Plan

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

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

This plan shall be kept on site until the issue of the final occupation certificate.
Standard Condition: C30

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Tree Damage Security Deposit – Making good any damage caused to any public tree as a consequence of the doing of anything to which the consent relates.	\$ 9, 000	No	T600
INSPECTION FEES under section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$180.00	No	T95

Standard Condition: C5

C.3 Amended Landscape Plan

An amended Landscape Plan shall be prepared in accordance with Council's DA Guide and conforming to the conditions of this Development Consent. This plan be submitted to Council for assessment prior to issue of the Construction Certificate. The amended landscape plan must include the following:

- The retention of tree 12- *Washingtonia filifera* (American Cotton palm).
- The planting of one of the following tree species in each of the Areas 1, 2, &

4 on the submitted Outhouse Design Landscape plan in a 200 litre container size at the time of planting:

- 1 x *Jacaranda mimosifolia* (Jacaranda);
- 1 x *Koelreuteria paniculata* (Golden Rain Tree);
- 1 x *Angophora costata* (Sydney Red Gum);
- 1 x *Tristaniaopsis laurina* (Water Gum),

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.

Species/Type	Planting Location	Container Size/Size of Tree (when planting)	Minimum Dimensions at Maturity
1 x <i>Angophora costata</i> (Sydney Pink Gum)	Area 1	200 litre	8 x 5 metres

Or 1 x <i>Jacaranda mimosifolia</i> (Jacaranda) or 1 x <i>Koelreuteria paniculata</i> (Golden Rain tree) or 1 x <i>Tristaniaopsis laurina</i> (Water gum)			
1 x <i>Angophora costata</i> (Sydney Pink Gum) Or 1 x <i>Jacaranda mimosifolia</i> (Jacaranda) or 1 x <i>Koelreuteria paniculata</i> (Golden Rain tree) or 1 x <i>Tristaniaopsis laurina</i> (Water gum)	Area 2	200 litre	8 x 5 metres
1 x <i>Angophora costata</i> (Sydney Pink Gum) Or 1 x <i>Jacaranda mimosifolia</i> (Jacaranda) or 1 x <i>Koelreuteria paniculata</i> (Golden Rain tree) or 1 x <i>Tristaniaopsis laurina</i> (Water gum)	Area 4	200 litre	8 x 5 metres

The project arborist shall document compliance with the above condition.

f) Level changes in the vicinity of trees

No level changes shall occur within the specified radius from the trunks of the following trees.

Council Ref No:	Species	Radius from Trunk (metres)
12	<i>Washingtonia filifera</i> (American Cotton palm)	2.5 metres

The project arborist shall document compliance with the above condition.

g) Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No:	Species	Radius from Trunk (metres)
1	<i>Lophostemon confertus</i> (Brushbox)	8.3 metres

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 30mm shall not be severed or damaged unless approved in writing by the project arborist.

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

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

The project arborist shall document compliance with the above condition.

h) Footings in the vicinity of trees

Footings for any structure within the specified radius from the trunks of the following trees shall be supported using an isolated pier and beam system.

Council Ref No:	Species	Radius from centre of trunk (metres)
1	<i>Lophostemon confertus</i> (Brushbox)	8.3 metres

Excavations for installation of piers shall be located so that no tree root with a diameter equal to or in excess of 30mm is severed or damaged. The smallest possible area shall be excavated which allows construction of the pier. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 30mm.

The project arborist shall document compliance with the above condition.

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

F.1 Amenity Landscaping

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

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

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

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

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

Nil

J. Miscellaneous Conditions

Nil

K. Advisings

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

Woollahra Municipal Council's *Tree Preservation Order* 2006 (TPO) may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

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

Standard Condition: K19



Nick Williams
Tree Management Officer

22 January 2015

REFERRAL RESPONSE - HERITAGE

FILE NO: DA 517/2014/1

ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks

FROM: Kate Harrison – Heritage Officer

TO: Ms S Richards

Sarah,

The subject property was identified as a potential heritage item in a study of Arts and Crafts buildings in the municipality that is currently being undertaken by Council staff. An assessment of significance for the subject building had not previously been undertaken.

A detailed analysis of the building's history, historical associations, and aesthetic value and a comparative analysis of Arts and Crafts buildings in the local area have been provided by the applicant. These documents have reviewed and the significance of the building assessed as follows:

ASSESSMENT OF SIGNIFICANCE

Built in 1914, the existing building provides some evidence of the second subdivision of the Beresford Estate. However, the form and detailing of the building have been modified, with original balconies enclosed, a rear addition constructed and the exterior of the building painted in a manner that conceals and has damaged the original fabric. The Federation period is a key period of development of Bellevue Hill. Although the building was constructed during this phase of development, modifications to its form and detailing mean that the physical fabric of the building no longer demonstrates strong association with the cultural practices (architectural aesthetics) of that period. The applicant has provided a comparative analysis that there are substantially better examples of Arts and Crafts architecture from this period of development. The subject building is not considered to be important in the course, or pattern of the local area's cultural history.

The existing building displays characteristics typical to the Federation Arts and Crafts architectural style. However, the building is not considered to be a fine or intact example of the architectural style. Due to the modifications to the form and detailing of the building it is not considered to be a representative example of the architectural style. The applicant has provided a comparative analysis demonstrating that the existing building is non-descript in comparison to other examples of Arts and Crafts architecture in the local area. The building was not designed by a well-known or notable architect. The subject building is not considered to be important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.

The subject building does not fulfil the criteria for local heritage listing.
There are no heritage concerns regarding the proposed development.

Kate Harrison, Heritage Officer

Completion Date: 18 December 2014

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 517/2014/1
ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023
PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks
FROM: Richard Smith - Fire Safety Officer
TO: Mr D Reynolds

1. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced residential care facility prepared by CITY PLAN SERVICES, dated November 2014.
- Architectural Plans, referenced A010, A110, A111, A112, A113, A114, A301 & A302, prepared by Morrison Design Partnership, dated November 2014,

2. RESEARCH

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

- A site inspection was carried out on the following date: 18 December 2014

3. BUILDING DESCRIPTION

Type of Construction: A

Class: 3

Number of Storeys: 4

Rise in Storeys: 3

4. ASSESSMENT

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

5. RECOMMENDATION

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

- A. General Conditions
- B. Conditions which must be satisfied prior to the demolition of any building or construction
- C. Conditions which must be satisfied prior to the issue of any construction certificate
- D. Conditions which must be satisfied prior to the commencement of any development work
- E. Conditions which must be satisfied during any development work
- F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Fire Safety Certificates

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

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

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

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

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

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

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

Note: In this condition:

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

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

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

Standard Condition: F4

- G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate
- H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))
- I. Conditions which must be satisfied during the ongoing use of the development

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

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

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

J. Miscellaneous Conditions

K. Advisings

Nil

Richard Smith
Fire Safety Officer

Date: 18 December 2014

Completion Date: 11 February 2015

REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

FILE NO: DA 517/2014/1
ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023
PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks
FROM: Louie Salvatore, Environmental Health Officer
TO: Ms S Richards

1. ISSUES

- Ventilation of internal rooms and basement parking area.
- Noise from use of premises & mechanical services and associated equipment.
- Potential for Soil Contamination (SEPP 55)
- Potential for Acid Sulfate Soils.
- Environmental Control Measures.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects: Prepared by City Plan Services 'Residential Care Facility 6-8 Cranbrook Road, Bellevue Hill' November 2014/P/4094.
- Architectural Plans: Landscape Plans 2014-258-01-Rev C 1&2; Survey Plans 28112014; 19083-Rev01 dated 8/7/2014; Soil & Water Management Plan 1100500-Rev A dated 25/11/14; Stormwater Plan-13112014; Site Analysis Plan 28112014 A010-Rev01; Site Plan 28112014 A011 Rev01; Basement Plan A110-Rev01; Grd Floor Plan A111-Rev01; First Floor Plan A112-Rev01; Second Floor Plan A113-Rev01; Roof Plan A114-Rev01; Section 1&2 A301 & A302; Elevations 1&2 A401 & A402; Shadow Diagrams 1&2 A501 & A502.
- Arboricultural Impact Report: Prepared by Landscape Matrix P/L dated 21 November 2014.
- Acoustic Report: Prepared by Acoustic Logic – titled Acoustic DA Assessment Project No. 20141197.1, Reference No. 20141197.1/0411A/R1/MF Rev 0 & 1 dated 4/11/2014.
- Demolition Report: Prepared by Morrison Design Partnership Architects Project No. 2838 Rev 1 dated 28 November 2014.
- Geotechnical Report: Prepared by JK Geotechnics Reference 27770Lrpt dated 27 October 2014.
- Site Works Minimisation & Management Plan Template-Attach. A.
- Quantity Survey Report: Prepared by Altus Page Kirkland Reference No.71130.100592.000 dated 19 November 2014.

- Heritage Assessment: Prepared by John Oultram Heritage & Design dated September 2014.
- Traffic Impact Assessment: Prepared by Traffix Reference 14.311vol1vol2 dated November 2014.

3. RESEARCH

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

- A site inspection was carried out on the following date: 9 February 2015

4. SUMMARY OF PROPOSAL

The proposal is for the demolition of all existing structures on the site and the construction of a residential care facility.

The scope of works comprises the demolition of all existing structures, the removal of 9 trees and the construction of a 59 room (63 bed) residential aged care facility comprising:

- Site works to allow for a basement level and modification of the site in proximity to the western and southern site boundaries to create a building platform;
- A basement level with 15 parking spaces accessed by a driveway adjacent to the eastern site boundary, plus facilities comprising storage, kitchen, laundry and service areas;
- Ground, first and second floors each comprising resident rooms and associated facilities, plus necessary staff/administration facilities;
- Roof level accommodating mechanical plant and resident rooftop garden;
- Extensive site landscaping including required retaining in proximity to the western and southern boundaries;
- New fencing to all site boundaries; and
- Necessary drainage works for the collection and discharge of stormwater to Council's infrastructure in Cranbrook Road.

5. ASSESSMENT

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

a) Acoustics

Reference is made to the acoustic report prepared by Acoustic Logic titled *Acoustic DA Assessment Project No. 20141197.1, Reference No. 20141197.1/0411A/R1/MF Rev 0 & 1 dated 4 November 2014.*

TRAFFIC NOISE INTRUSION ASSESSMENT

The report details the acoustic assessment of traffic noise intrusion to the proposed development.

Acoustic Criteria

Potential noise impacts from intrusive noise and external noise emissions associated with the proposed aged care facility have been assessed and referenced against the following noise criterion and documentation:

- AS3671 – 1989 “Acoustics Road Traffic Noise Intrusion – Building Siting & Construction”. AS3671 documents the process of calculating internal noise levels based on external traffic noise. AS3671 refers to AS2107 – Recommended design levels and reverberation times for building interiors, for actual allowable internal levels.
- AS2107 - 2000 “Acoustics – Recommended Design Sound Levels & Reverberation Times for Building Interiors” Australian Standard 2107 – 2000 “Recommended Design Sound Levels and Reverberation Times for Building Interiors” outlines recommended design internal noise levels for various occupancy types and distinguishes criteria for residential development based on their proximity to types of road corridors. Criteria relevant to the subject lot are detailed in the table below.
- NSW EPA Industrial Noise Policy (Amenity and Intrusive Noise Criterion).
- Protection of the Environment Operations (Noise Control) Regulation 2008- (report incorrectly refers to Regulation 2000).
- *Note: The report has not referred to the Sleep Arousal Noise Criterion.*

Traffic Noise Measurements

External noise levels were measured using long term unattended noise monitoring equipment and attended short-term attended measurements. Attended measurements of peak hour traffic noise were conducted around the site between 4:30pm to 5:30pm on 28th October 2014. The traffic noise levels were determined based on attended measurements. In determination of acoustic treatments, the measured level is adjusted for distance and orientation. (Refer to Tables 4 & 5 of the report for measured noise levels).

Evaluation of Noise Intrusion

Internal noise levels will primarily be as a result of noise transfer through the windows and doors and roof, as these are relatively light building elements that offer less resistance to the transmission of sound. External walls are proposed to be of heavy masonry element systems. The predicted noise levels have been based on the

measured level and spectral characteristics of the external noise, the area of building elements exposed to traffic noise, the absorption characteristics of the rooms and the noise reduction performance of the building elements.

Calculations were performed taking into account the orientation of windows, barrier effects (where applicable), the total area of glazing, facade transmission loss and the likely room sound absorption characteristics; in this way the likely interior noise levels can be predicted.

In all cases, the selected glazing type (table 12 of the report) reduces internal noise levels to within the nominated criteria for the various space types.

External Noise Emission Criteria & Objectives

Long term **background noise** monitoring was undertaken to establish noise emission criteria in accordance with guidelines within the NSW EPA Industrial Noise Policy. Unattended measurements were conducted from the 20th of October 2014 until the 28th of October 2014. The measured background noise levels (RBL) are shown in Table 6 of the report.

Table 8 of the report provides a summary of the assessment criteria applicable to the future residential developments at the neighbouring potentially affected residential properties, based on noise monitoring conducted for the subject site; Table 9 & 10 provides predicted loading dock noise; and Table 11 provides predicted car park noise levels.

Predicted noise levels indicate compliance with the noise emission objectives for the proposed aged care facility.

MECHANICAL PLANT

The report states that a detailed review of mechanical plant items should be undertaken at CC stage following final selections and location of plant. The report states that compliance with the guidelines will be achievable using standard acoustic treatments (duct lining, plant enclosures/screen etc). A detailed acoustic assessment is to be undertaken at CC stage, following final design of plant selection and location.

RECOMMENDATIONS

Table 12 recommends glazing assemblies for the proposed aged care facility in order to achieve the internal traffic noise requirements. All external windows and doors listed are required to be fitted with Q-lon type acoustic seals. (Mohair Seals are unacceptable). Also all rooms have been assessed with the assumption all bedrooms have a carpet finish and habitable spaces have a hard floor finish.

The glazing thicknesses recommended are those needed to satisfy acoustic requirements and do not take into account other requirements such as structural, safety or other considerations. These additional considerations may require the glazing thickness to be increased beyond the acoustic requirement. In addition to meeting the minimum glazing thickness requirements given, the design of the window mullions, perimeter seals and the installation of the windows/doors in the building openings shall not reduce the STC rating of the glazing assembly below the values nominated

in the Table 13 of the report. Note that mohair type seals will not be acceptable for the windows requiring acoustic seals.

The window/door suppliers should provide evidence that the systems proposed have been tested in a registered laboratory with the recommended glass thicknesses and comply with the minimum listed STC requirements. Also, the glazing installer should certify that the window/doors have been constructed and installed in a manner equivalent to the tested samples.

Any glass door should be constructed using glazing thickness set out in I.1 Full perimeter acoustic seals around the doors are required. Any timber external doors shall be a minimum 40mm solid core timber with Raven RP10 to the top and sides and Raven RP38 to the underside of the door.

The proposed concrete slab roof is acoustically acceptable. Penetrations in all sleeping area ceilings (such as for light fittings etc.) must be acoustically treated and sealed gap free with a flexible sealant. External walls composed of concrete or masonry elements will not require acoustic upgrading; all penetrations in the internal skin of external walls should be acoustically sealed.

Regarding mechanical ventilation systems the report states that rooms which are located along the northern boundary of project building cannot achieve the noise criteria with windows /doors open. The mechanical ventilation system that is installed should be acoustically designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof. Noise emitted to the property boundaries by any ventilation system shall comply with Council requirements for installation of mechanical plant and associated equipment.

For the loading dock a maximum of one rigid truck is allowed in or out of the loading dock areas during one hour time period during day time only.

The acoustic report concludes that provided that the treatments set out in Section 6 of the report are employed, internal noise levels shall comply with the requirements of the AS3671-1989, AS 2107-2000 and NSW EPA Industrial Noise Policy.

COMMENTS – HEALTH SERVICES

- Potential noise impacts from intrusive noise and external noise emissions associated with the proposed aged care facility have not been assessed and referenced against the Sleep Arousal Criteria (traffic noise sources) where the L1 (1 minute) noise level of the specific noise source does not exceed the background noise level by more than 15 dBA outside a residents bedroom window between the hours of 10pm to 7am.

Assessment of the Sleep Arousal Criteria from traffic noise may potentially affect recommended acoustic treatments as detailed in the acoustic report.

- The acoustic report does not reflect Woollahra Council's acoustic standard (noise criterion) for mechanical plant and equipment which requires that *the noise level measured at any boundary of the site at any time while the*

mechanical plant and equipment is operating must not exceed the background noise level.

Therefore acoustic treatments should be selected in order to control plant noise emissions to the level prescribed by Woollahra Council's Noise Criterion for mechanical plant and equipment.

- Given the magnitude of the proposed development, consideration should have been given in the acoustic report to Construction Noise Activity and its potential impact upon residential premises.

e) Acid Sulphate Soils

Reference is made to the Geotechnical Investigation Report prepared by JK Geotechnics Reference No. 27770Lrpt dated 27 October 2014.

The Woollahra Council LEP shows that the site is located within a Class 5 acid sulfate zone and within 500m of a Class 3 zone. For a Class 5 zone, consent for works are required if the water table is to be lowered below 1m AHD on adjacent Class 1, 2,3 and 4 land.

The investigations have indicated the groundwater level at RL2.0m to RL2.5m; however the proposed development has a basement level at RL0.17m and will require dewatering within the site to below this basement level. The groundwater level will be monitored to check for any fluctuations as a result of dewatering. The report considers that there is a low likelihood that groundwater levels on the outside of the basement excavation will drop below 1mAHD.

COMMENTS – HEALTH SERVICES

No acid sulfate soil testing of the site soils has been carried out; after demolition works and prior to commencement of any construction works it is recommended that acid sulfate soils testing be completed. If acid sulfate soils are encountered, the applicant shall prepare and implement an Acid Sulfate Soils Management Plan for the development site. The ASSMP shall detail appropriate methods for handling, treatment and disposal of any acid sulfate soils in accordance with the ASSMAC Guidelines.

f) Land Contamination (SEPP 55)

*Contaminated Land Management Act 1997
SEPP 55-Remediation of Land*

Clause 7 of SEPP No.55 requires the consent authority to consider whether the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use. In response the applicant has provided the following information.

Table 1 of the Department of Planning's Planning Guidelines for Contaminated Lands identifies land activities which may cause contamination. The Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, issued in 1992 by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, also contains a table listing examples of land uses that might result in land contamination. Neither of these documents identifies residential development of any form as being a possible cause of land contamination. The accompanying Heritage Assessment by John Oultram Heritage and Design confirms that the land was subdivided for residential purposes in 1903, and that the present dwelling was constructed around 1914. The Heritage Assessment then documents the chain of ownership of the property to the present date. That information suggests the site has only ever been used for residential purposes. This is supported by Council's preDA minutes which note there is no record of any prior development applications for the site. The 149 Planning Certificates issued by Council the site is not affected by Section 59(2) of the Contaminated Land Management Act 1997. That is, it is not land which is:

- Within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997; or
- Subject to an investigation order or a remediation order within the meaning of that Act; or
- The subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of that Act; or
- The subject of a site audit statement within the meaning of Part 4 of that Act.
- We are not aware that the EPA has issued any regulatory notice in respect of this site under the Contaminated Land Management Act 1997, or has taken any interest or action under the Protection of the Environment Operations Act 1997.
- We further note that soil removed from excavation of the basement will need to be tested and classified prior to its disposal at an authorised land fill.

COMMENTS – HEALTH SERVICES

Health Services is satisfied that the above information is sufficient for Council to address Clause 7(1) of State Environmental Planning Policy 55 without the need for a Stage 1 Preliminary Site Investigation report.

6. RECOMMENDATION

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

Important Notes regarding conditions:

- The consent conditions are structured into various stages between the granting of consent and the eventual occupation and use of the completed development. Please ensure that the conditions are placed under the appropriate heading. For example, if a condition needs to be fulfilled prior to the issue of any construction certificate it should be placed under heading C.*
- All conditions should have a consistent format in line with the standard condition format. For example, each condition should have a number (A.1 etc.) and a heading in bold (as depicted below).*
- If a non-standard condition is being used format painter should be applied to copy the format of the standard conditions.*

A. General Conditions

A.1 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
27770Lrpt	Acid Sulphate Soil Management Plan	JK Geotechncics	27 Oct 2014
20141197.1/0411 A/R1/MF Rev 0 & 1	Acoustic Report	Acoustic Logic	4 Nov 2014
27770Lrpt	Contaminated Land - Initial Site Investigation Report (Stage 1)	JK Geotechnics	27 Oct 2014

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

Note: These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5

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

B.1 Noise Control Objectives during Demolition Works

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

B.2 Demolition and Construction Noise Activity – Noise Assessment

Prior to the commencement of demolition works, further documentation is required providing an acoustic assessment of the duration and intensity of construction noise activity. The acoustic study should identify construction noise goals, the nature and duration of construction, the impact on residential receivers and noise mitigation strategies where required having regard to the NSW Construction Noise Guidelines.

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

C.1 Light & Ventilation

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

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

exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of AS 1668.2.

Standard Condition C59

C.2 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that 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 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

C.3 Design sound levels for building interiors

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must provide details showing how the recommendations of the Environmental Noise Impact Assessment, prepared by Acoustic Logic will be implemented.

Design sound levels for building interiors should not exceed those recommended maximum design sound levels, L_{Aeq} , dB(A) specified by AS 2107-2000, *Acoustics - Recommended design sound levels and reverberation times for building interiors*.

Note: The design sound levels given in AS 2107-2000 are not necessarily appropriate in all circumstances. In particular, lower noise levels may be appropriate in quiet environments or where expectations of quality are high. For example, lower design sound levels than those given as satisfactory in AS 2107-2000 may be preferred for luxury hotels and apartments. However, additional costs will be incurred in achieving sufficient sound attenuation between spaces for acoustic privacy requirements. For each 5 dB reduction in the ambient sound level, 5 dB must be added to the overall sound isolation performance of the dividing elements to maintain the same level of acoustic privacy. There could also be additional costs associated with the provision of quieter building services. As a minimum compliance with the *BCA* is mandatory.

Standard Condition: C63

C.4 Noise Control - Hydraulic Noise Control-Sound Insulation Rating of Services

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

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

C.5 Noise Control - Acoustic Protection of adjoining residential units- Operation of Air Conditioning Plant

The applicant must ensure that the operation of the proposed Air Conditioning System(s) and associated plant does not create interior noise intrusion and vibration to occur within any adjoining residential unit.

C.6 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)

The basement carparking area in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with Section 4 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.

The basement carparking area 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 carparking area and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the basement carparking area shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.

C.7 Ventilation - Internal Sanitary Rooms

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

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

D.1 Acid Sulfate Soils Management Plan

No acid sulfate soil testing of the site soils has been carried out; after demolition works and prior to commencement of any construction works acid sulfate soil testing is to be completed. If acid sulfate soils are encountered, the applicant shall prepare and implement an Acid Sulfate Soils Management Plan for the development site. The ASSMP shall detail appropriate methods for handling, treatment and disposal of any acid sulfate soils in accordance with the ASSMAC Guidelines.

E. Conditions which must be satisfied during any development work

E.1 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work must not* take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - (i) Piling;
 - (ii) Piering;
 - (iii) Rock or concrete cutting, boring or drilling;
 - (iv) Rock breaking;
 - (v) Rock sawing;
 - (vi) Jack hammering; or
 - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock 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.2 Dust Mitigation

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

This generally requires:

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

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

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

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

Standard Condition: E23

E.3 Compliance with Acid Sulfate Soils Management Plan

The Principal Contract / Owner Builder and any subcontractor must comply with the Acid Sulfate Soil Management Plan and the NSW Government Acid Sulfate Soils Management Advisory Committee guidelines.

Note: The Acid Sulfate Soils Management plan submitted with the Development Application sets out all the above requirements in detail.

Note: A failure to implement and maintain the Acid Sulfate Soils Management plan can result in the following environmental harm:

- damage to the soil structure so plant roots and soil organisms can't easily move about
- plant roots being burnt by acid, reducing plant health and productivity
- acid intolerant soil fauna and flora are killed, so the soil biodiversity and health are reduced
- plants and soil life can be poisoned by the available toxic metals
- loss of aquatic plants that can not survive acidic conditions
- loss of fish, crustaceans, birds and other animals
- damage to metal and concrete structures (such as bridge pylons and pipes)

Standard Condition: E28

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)

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

Nil.

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

Nil.

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

I.1 Operation of Regulated Systems

The occupier must operate 'regulated systems' in compliance with *Public Health Act, 2010* and the *Public Health Regulation, 2012*.

Where there is any change in the regulated system the occupier must register the changes in the 'regulated systems' with Council pursuant to Clause 11 of the *Public Health Regulation, 2012*.

Water cooling system must be certified by an *appropriately qualified* 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 2010*. 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.2 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

I.3 Noise from mechanical plant and equipment

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

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

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

Note: Words in this condition have the same meaning as in the:

NSW Industrial Noise Policy

(http://www.environment.nsw.gov.au/resources/ind_noise.pdf)

ISBN 0 7313 2715 2, dated January 2000, and

Noise Guide for Local Government

(<http://www.environment.nsw.gov.au/noise/nlg.htm>)

ISBN 1741370671, dated December 2004.

Standard Condition: I53

J. Miscellaneous Conditions

Nil.

K. Advisings

Nil

Louie Salvatore
Environmental Health Officer

Date: 11 February 2015

7 April 2015

Re - REFERRAL RESPONSE – URBAN DESIGN

FILE NO: DA 517/2014/1

ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks

FROM: Tom Jones Urban Design

TO: Ms S Richards

Information

Statement of Environmental Effects: City Plan Services P14094 November 2014

Architectural drawings: A001, A010, A011, A110-4, A301-6, A401, A402, A501, A502, as received on the 29/1/2015

Survey: Bee and Lethbridge 19083 08/07/2014

Background

This application has been the subject of a pre DA. The DA proposal has been amended to respond to the comments made by referral responses including the urban design response.

Context

The site is positioned at the bottom of Cranbrook Road where it doglegs before running into New South Head Road, Rose Bay. The site accommodates a large house and a number of mature trees. The context is characterised by large suburban houses. To the immediate north there are a number of multi-unit developments and an aged care facility.

Proposal

The proposal is to demolish the existing house and garage and develop a three storey aged care facility comprising 59 rooms over a basement garage accommodating 15 cars.

Controls

State Environmental Planning Policy: Housing for seniors or people with a disability (SEPP Seniors)

Woollahra Local Environment Plan 1995 (WLEP)

Woollahra Residential Development Control Plan 2003 (WRDCP)

Access Development Control Plan (ADCP)

Parking Development Control Plan 2011 (PDCP)

Waste Not Development Control Plan (WNDP)

Compliance

SEPP seniors

Division 2 Design principles

33 Neighbourhood amenity and streetscape

The proposed development should:

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site's land form, and*
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.*

The proposed development fulfils this principle.

34 Visual and acoustic privacy

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

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

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

The proposed development fulfils this principle.

35 Solar access and design for climate

The proposed development should:

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

Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

The proposed development fails to provide reasonable daylight and sunlight to rooms on the “ground level” in the south- west corner of the site. These rooms are between 4.5m and 8.5m below the level of Cranbrook Road, which is 8m away. These rooms will receive very limited sun and poor daylight.

36 Stormwater

The proposed development should:

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

As per Council’s advice, the proposal does not provide any on site detention. No on site reuse of water is proposed.

37 Crime prevention

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

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

The proposed development accommodates this principle.

38 Accessibility

The proposed development should:

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

The proposed development fulfils this principle. Refer to Urban Design Review for concerns regarding the connections between levels.

39 Waste management

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

The proposed development fulfils this principle.

Woollahra Local Environment Plan 1995 (WLEP)

The site's zoning does not permit an aged care facility. The application is being made under the SEPP Seniors.

Woollahra Residential Development Control Plan 2003 (WRDCP)

If the controls in the WRDCP were applied the building contravenes the front and rear setbacks but complies with the side setbacks. It is the side setback which provides separation from the adjacent properties to the east. The privacy objectives of the controls appear to be met with 1.5m high balcony screens blocking direct sightlines into the neighbouring property to the east.

The proposed development will not impact on neighbouring properties to the south and west due to the considerable excavation in the south west corner of the site and the lack of windows to the southern boundary.

The excavation (approx. 5,000 cubic metres) proposed far exceeds the volume permitted in the WRDCP of approx. 2,000 cubic metres for a residential flat building.

The WRDCP also requires habitable rooms to have at least one wall above ground level. A considerable number of the rooms do not meet this requirement.

Access Development Control Plan (ADCP)

This proposed development provides equitable access to all areas

Parking Development Control Plan 2011 (PDCP)

The proposed development satisfies the car parking requirements.

Waste Not DCP (WNDCP)

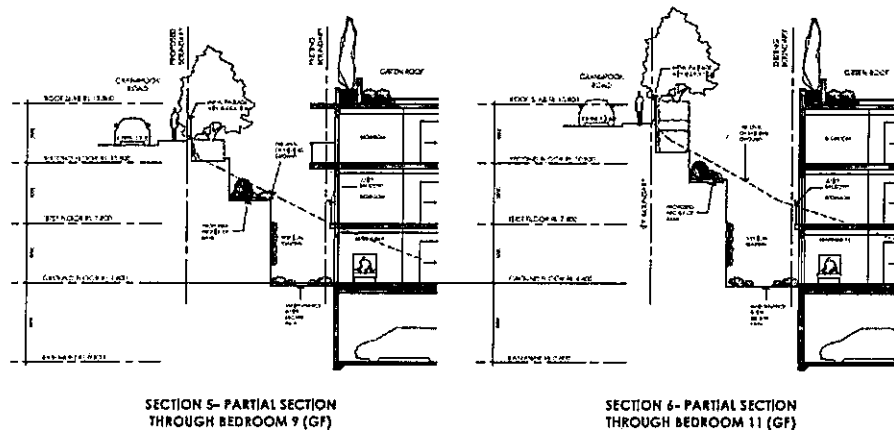
The proposed development satisfies the waste management requirements

Urban Design Review

The proposed development sits into the site due to considerable excavation in the south west corner of the site. This means there is relatively little impact of building bulk on the surrounding heavily treed streetscape.

That same excavation means that proposed rooms are considerably below ground level. These rooms have very limited solar and daylight access. I assume that the size of the floorplates and hence the number of rooms that that level accommodates is a

result of operational requirements. However, I have a concern that the proposal provides rooms with unsatisfactory amenity. Given the other unavoidable restrictions the residents will endure, due to age and dementia, they will highly value their room having reasonable amenity. A number of the rooms on the western elevation have limited aspect and very limited solar access.



Excerpt from the applicant's submission showing sections through the western elevation. The single aspect rooms have limited aspect.

The lack of a continuous spatial connection between the first floor and any other level is noted.

I assume limiting access to lifts is a response to the requirements of caring for dementia sufferers, but it will have personal spatial orientation impacts on patients (and visitors and staff) which I consider undesirable.

Recommendation

This development is unacceptable from an urban design perspective. It provides a percentage of rooms (which are the only space residents can call theirs) with compromised solar access and limited aspect. These rooms do not meet reasonable amenity standards, despite the conclusion in the SEE that the design maximises internal amenity (see below) and the applicants assurance that the rooms are only for sleeping in.

The design of the development has been informed by various factors, notably:

- Site characteristics such as topography, particularly adjacent to the western site boundary, and the need to retain and protect identified trees of significance;
- The local road pattern and limitations on options for the location of the main pedestrian and vehicle entry, internal accessways, parking and service areas;
- The need to achieve appropriate separation from adjoining residential development to preserve the amenity of those neighbouring sites in terms of outlook, privacy, noise and solar access; and
- The need to maximise internal site amenity of the nursing home for individual rooms as well as communal indoor and outdoor spaces.

This proposal responds to all of these factors in a manner which respects the key elements that characterise the prevailing neighbourhood amenity and streetscape of the locality, and maintains a proper degree of visual and acoustic privacy for adjoining residential sites.

In my opinion the building fails to provide reasonable amenity standards.
It is necessary to return to the aims of the SEPP Seniors under which this site is being assessed.

Clause 2(1)(a) - Aims of the Policy

(1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

(a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*

(b) *make efficient use of existing infrastructure and services, and*

(c) *be of good design*

As supported by the objectives of the EPA Act:

5 Objects

The objects of this Act are:

(a) *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,

79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The proposal fails to meet aim (1)(c) of SEPP Seniors, to be of good design.
The applicant needs to investigate design (or operational structure) alternatives to the current proposal that address the site's topographic constraints and provide reasonable amenity to all rooms.

Tom Jones
Urban Design

19 December 2014

REFERRAL RESPONSE – Community Services

FILE NO: DA 517/2014/1

ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks

FROM: Sharon Campisi - Manager Community Development

TO: Mr D Reynolds

Proposal

Residential Aged Care Facility comprising:

- Basement level with parking for 15 vehicles, ambulance bay and service activities comprising storage, kitchen, laundry and service areas.
- 59 resident rooms (63bed) rooms with associated facilities located on ground, first and second floors (21 dementia beds + 42 non-dementia beds)
- Roof level accommodating mechanical plant and resident rooftop garden

Demographic Fit of the Proposal

Council has recently undertaken research to inform the Woollahra Social and Cultural Plan 2013 – 2023 to assist us to plan for the future needs of our residents. The research found there are increasing numbers of older people living in the Woollahra LGA, across the spectrum of healthy and active new retirees, to those who are frail aged.

According to the 2011 ABS Census, 11,722 (22.5%) of Woollahra residents are in the 60+ age group. Of these, 5,770 (11%) are 60-69 years old, 4,403 (8.5%) are 70-84 and 1,549 (3.0%) are frail aged 85+. Woollahra has a higher percentage of both older adults (22.5% vs. 18%) and frail aged adults (3.0% vs. 1.8%) compared to the greater Sydney area.

Council has not undertaken specific research on the number of or demand for Residential Aged Care facilities in Woollahra however, the increased provision of programs and services for seniors to assist in meeting the needs of the Woollahra community now and into the future is supported.

12 February 2015

REFERRAL RESPONSE – Tech Services - Property

FILE NO: DA 517/2014/1

ADDRESS: 6-8 Cranbrook Road BELLEVUE HILL 2023

PROPOSAL: Demolition of the existing buildings and removal of trees and the construction of a part three part four storey aged care facility comprising 59 rooms (63 beds) including a roof garden and basement level car parking and storage; new landscaping, fences and siteworks

FROM: Anthony Sheedy – Senior Property Officer

TO: Sarah Richards – Senior Assessment Officer

I refer to the following documents received for this report:

1. Architectural plans by Morris Design Partnership, Dwgs No. DA-011 and DA-032 dated Nov 2014
2. Statement of Environmental Effects by City Plan Services, November 2014
3. Survey Plan by Bee and Lethbridge Pty Ltd
4. Traffic and Parking Assessment report by Traffix
5. Landscape plans by Outhouse Design

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

I note that the owner of 6-8 Cranbrook Road has existing encroaching structures on Council road reserve, being low rise sandstone boundary wall, stairs, retaining walls, timber fencing and landscape vegetation. The owner has lodged DA 517/2014/1 which proposes to alienate the road reserve through the construction of a new masonry perimeter fence, retaining walls, substation, and planting on the road reserve. Under Council's encroachment policy the owner of 6-8 Cranbrook Road, Bellevue Hill is required to formalise these encroachments.

In June 2014 the Owner of No 6-8 lodged an "Application to Formalise an existing encroachment on Council Land" and proposes to formalise the existing and new encroaching structures by purchase of an estimated 449 square metres of the adjoining Cranbrook Road reserve from Woollahra Council.

The subject road reserve was inspected by the Technical Services, Team Leader Infrastructure Asset Management who considered the land up to the Council footpath as surplus to requirements and able to be sold. On that basis a report was prepared on 18 August 2014 for the Council's Corporate and Works Committee. In this instance the Committee waived doing a site inspection and resolved to advertise the sale proposal.

The public advertisement went ahead on 27 August 2014 for a period of 28 days. I have received 7 objections to the proposed sale which mainly concern increased traffic congestion caused by the intended Nursing Home redevelopment, and the perceived need of these residents to retain the subject road reserve for dealing with the increased congestion. A further report is currently being prepared for the Corporate and Works Committee in regards to the advertisement process and whether to proceed to the next step in the sale process, valuation of the road reserve portion.

Pre the above DA, I note that on 10 June 2014 the Council's Community and Environment Committee considered in Item Y3 the requests of concerned Cranbrook Road residents to reconfigure the road marking centreline and associated parking restrictions to improve vehicle sightlines and road safety. Council resolved to go ahead with all staff recommendations including the installation of warning signs about the S- Curve in the road adjoining 6-8 Cranbrook Road. These actions by Council will improve road safety and addresses the traffic concerns of nearby residents.

I note that Council traffic Engineers are currently waiting for the Owner to provide a separate assessment of the further impact of the DA 517/2014 development proposal upon the traffic congestion in this part of Cranbrook Road. I am aiming to include in my report to Council some extracts from this assessment and our traffic engineers response to it. At this point I am anticipating that the impact of the report will not require any (or significant) reduction in the road reserve parcel available for purchase.

The plans submitted in the DA show that the Applicant intends to construct a Substation, perimeter masonry wall, and planting upon the road reserve, but no building structures as such. The impact of this on the road reserve will be similar to what already exists.

Recommendation:

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

Conditions of Consent

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

In accordance with Council's Encroachment Policy, the owner of 6-8 Cranbrook Road, Bellevue Hill is required to:

1. Complete and lodge Council form "Application to formalise an existing encroachment on Council Land". An Application fee is payable.
2. The encroaching structures must be formalised by:

- (a) The Subdivision of the road reserve to excise the area encroached upon, closure of the road parcel and Sale of the land to the owner 6-8 Cranbrook Road **OR**;
- (b) Enter into an easement agreement with Woollahra Council under Section 181(a) Conveyancing Act 1919 permitting the permanent structures within the road reserve to remain for the life of the building or the redevelopment of the structure or the site, whichever occurs first, **OR**;
- (c) The removal of the existing encroachment from the Council road reserve and ensure all new construction is behind the road reserve boundary line.

Notes:

- 1. The Applicant is to contact Council's Senior Property Officer to further discuss the encroachment formalising process.
- 2. Sale of Road reserve is subject to Council's Sale of Land policy and resolution to sell the land.
- 3. If formalising the encroachment by easement, the Applicant must enter into a registrable easement agreement with Council (using Council's Template) for the encroaching structures.
- 4. The area occupied for an easement will be independently valued and payment is to be made to Council in compensation for the alienation of public land for private use.
- 5. Granting of the easement is subject to Council resolution, payment of compensation and all Council's costs in the matter; including but not limited to valuation, survey, and legal fees.

Anthony Sheedy
Senior Property Officer



Department of
Primary Industries
Office of Water

David Reynolds
Assessment Officer
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Contact Anthony Bowling
Phone (02) 8838 7806
Fax (02) 8838 7852
Email anthony.bowling@dpi.nsw.gov.au

Our ref 10ERM2014/1170
Your ref DA517/2014/1

Via Email

Dear David,

Integrated Development referral under s.91A of the *Environmental Planning and Assessment Act 1979* for 6 - 8 Cranbrook Road, Bellevue Hill

Thank you for your referral concerning DA517/2014/1, requesting the requirements of NSW Office of Water with respect to the dewatering of the site for the purposes of construction.

Based on the information provided, NOW understands that the project proposal includes dewatering of a yet-to-be quantified volume of water during construction of a two (2) to three (3) storey residential aged care facility complete with a single level of basement car parking. Construction of the development will involve excavations to depths up to 7m below existing ground levels. Preliminary assessment indicates the groundwater table will be intercepted as a result of the excavation works.

The construction dewatering proposed for the project is deemed to be an aquifer interference activity in accordance with the definition in the *Water Management Act 2000*. It is expected that the excavation and construction at the property will be conducted in accordance with the principles of the *Aquifer Interference Policy* (available on-line at <http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>).

An authorisation for the take of groundwater as part of the proposed dewatering and remediation of the site is required. As such, General Terms of Approval appropriate to the proposed aquifer interference activity are provided as required by s.91A (2) of the *Environmental Planning and Assessment Act 1979*.

Please direct all related correspondence to the following address.

**Water Regulation Group - South
NSW Office of Water
PO Box 3720
Parramatta NSW 2124**

Yours sincerely

Anthony Bowling
Project Hydrogeologist
21 April 2015

GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

**These terms do not represent any form of authorisation
for the extraction of groundwater**

General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA

certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the *Protection of the Environment Operations Act 1997* [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

17. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

END OF GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

gsa planning

OUR REF: 15107 Peer Review

1 June 2015

The General Manager
 Woollahra Council
 PO Box 61
DOUBLE BAY NSW 1355

95 paddington street, paddington nsw 2021
 ph: 02 9362 3364 fax: 02 9362 3073
 email: info@gsaplanning.com.au
 www.gsaplanning.com.au
 ABN 18 003 667 963

ATTENTION: Mr. Nick Economou

Dear Mr Economou,

**RE: INDEPENDENT PEER REVIEW OF DEVELOPMENT APPLICATION (DA) NO. 517/2014 FOR
 THE DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A PART THREE
 PART FOUR STOREY RESIDENTIAL CARE FACILITY AT NOS. 6-8 CRANBROOK ROAD,
 BELLEVUE HILL**

Thank you for your instructions to undertake, on behalf of Woollahra Municipal Council, an Independent Peer Review of the Council Officer's Report, in respect of a Development Application (DA) No. 517/2014 for the demolition of the existing dwelling house and construction of a part three and part four residential care facility and associated works at Nos. 6-8 Cranbrook Road, Bellevue Hill. Woollahra Council sought this peer review of the assessment report as it is a stakeholder, being landowner of a portion of the subject site.

This peer review is divided into five parts and includes the scope of this report, the site and the proposal, procedural matters, merit assessment and a conclusion.

1.0 The Scope of this Report

To undertake this peer review, we have met and discussed this matter with Council's Officers, inspected the subject site and reviewed the following primary documents associated submitted with the Development Application:

- Amended DA form;
- Architectural and associated drawings;
- Landscape Plan;
- Stormwater Plan;
- Statement of Environmental Effects;
- SEPP 1 Objection – Height;
- Arboricultural Impact Report;
- Acoustic Assessment;
- Traffic Impact Assessment;
- Site Waste Management Plan;
- Demolition Report;
- Access Report;
- Geotechnical Report.
- Survey Plan;
- Demolition Report;
- Access Report;
- Heritage Assessment;
- Bulk Excavation Details;
- Hydrogeotechnical Report and
- Construction Cost Estimate.



We have also reviewed the Council Officer's assessment report, the recommended conditions of consent and the associated referrals.

In addition, we have reviewed the application in light of the relevant provisions of the following Local and State Government provisions:

- Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- State Environmental Planning Policy No.1 – Development Standards;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Woollahra Local Environmental Plan 1995;
- Woollahra Local Environmental Plan 2014;
- Woollahra Residential DCP 2003;
- Woollahra Advertising and Notification DCP;
- Woollahra Parking Development Control Plan 2011;
- Woollahra Waste Not Development Control Plan 2010; and
- Access Development Control Plan 2004.

We have been asked to review the above material and, in particular, advise whether we consider the assessment process and report to Council are appropriate from a Town Planning perspective. In undertaking our review, we have referred to the statutory requirements of the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000 to assess whether all the necessary matters have been considered.

2.0 THE SITE AND THE PROPOSAL

2.1 The Site

The site is located on a bend at Cranbrook Road and is described as Nos. 6-8 Cranbrook Road, Bellevue Hill. The site falls steeply from the south western corner with Cranbrook Road towards the eastern boundary. The site has an area of 2,383.6m² including a road reserve of approximately 449m² which is owned by Woollahra Council.

2.2 The Proposal

The proposal involves the demolition of the existing buildings and the construction of a part three, part four residential care facility with 59 rooms (63 beds) and basement parking with 15 spaces for staff and visitors with one disabled space. There will also be a loading zone and ambulance space.

3.0 PROCEDURAL MATTERS

3.1 Notifications & Submissions

The original DA was submitted on 28 November 2014 and since this time, it has been amended. The most recent replacement application was advertised from 10 March 2015 to 4 May 2015. During that time a number of objections were received to the proposals which are considered in the assessment report. We have sighted the notification map and the properties notified by council appear consistent with Council's notification policy and relevant legislation. We have also sighted the submissions and Council's responses to the issues raised as contained in the assessment report.

The application was subsequently re-notified from 29 April 2015 to 28 May 2015 to include the Council owned land in the property description for the development application. A number of additional submissions were received during this period and these have been considered by Council in the assessment report.

3.2 Zoning & Permissibility

The subject site is predominately zoned residential 'Residential 2(a)' under the Woollahra Local Environmental Plan 1995. The proposal is a permissible use pursuant to State Environmental Planning Policy (SEPP) - Housing for Seniors and Persons with a Disability (2004).

Council have indicated that the land within the road reserve is un-zoned. Pursuant to Clause 16 of the LEP, development of un-zoned land can occur subject to criteria contained in that clause. Council have addressed these criteria in their assessment report and we agree with Council's conclusion that the proposal is permissible.

3.3 Land Owners Consent

The land to which the DA relates includes a portion of Council's road reserve. Council have provided their consent, as landowner, to the DA being lodged and this is indicated in the assessment report.

3.4 Referrals

The proposal has been referred to the various departments within Council. We have sighted and reviewed the following referrals:

- Technical Services
- Technical Services – Landowners Consent
- Trees and Landscaping
- Heritage
- Fire Safety
- Environmental Health
- Urban Design
- Community Services
- Property

We have also reviewed an external referral from the NSW Office of Water. The application was referred to the NSW Police however no referral comments were provided to Council.

The referral from Council's Urban Design Officer was unsupportive of the proposal for the following reasons, as stated in the Council Officer's assessment report:

- *Lack of solar access to ground floor level rooms adjacent to the retaining wall on the western side boundary;*
- *Not all rooms have at least one wall above ground level;*
- *Lack of onsite detention; and*
- *Lack of connection as the lifts are not shown as opening at ground floor level on the plans, the first and second floors have no entry from the street via the reception and lack of stairs between levels.*

The applicant provided amended plans, however, Council's Urban Design Officer remained unsupportive of the proposal.

The Assessment Report has considered the Urban Design matters raised and has found the proposal to be acceptable. We have reviewed the consideration given to these matters in the assessment report and concur with Council that the proposal, as amended, is appropriate in this instance.

4.0 MERIT ASSESMENT

4.1 Privacy

Privacy is an issue raised in a number of the submissions. We note that the council report considers privacy and imposes conditions removing roof terrace areas that have the potential to impact on the privacy of residents to the east.

4.2 Solar Access

Solar access is an issue that is identified by Council's Urban Design officer. The excavation of the western boundary creates limitations to the west facing single aspect rooms and this concern is noted in the Urban Designer Officer's report. Council should satisfy itself that the proposal achieves an adequate level of solar access from this aspect.

4.3 Setbacks

The report notes that the proposal fails to satisfy a number of the setback requirements of council. These setbacks become less critical where the proposal is in the excavated part the site, except for the issues previously raised about solar access.

4.4 Bulk & Scale

The Urban Design Officer's report notes that bulk and scale is not a concern as the proposal will be located in a excavated part of the site. The architectural design statement accompanying the application states inter alia:

"the overall height is considerably less than that of the existing three storey house on site which was used as a bench mark. A generous setback on the southern boundary ensures visual and acoustic privacy for No. 10 Cranbrook Road. The resultant building form permits no loss of views for Cranbrook Road properties in the vicinity"

4.5 Floor Space Ratio

In general terms, the floor space ratio is an expression of gross floor area of the building to the site area of the land. Site area is specifically defined in the Woollahra LEP 1995 and is stated, inter alia:

site area means the area of land to which an application for consent under the Act relates, including any land on which the development to which the application relates is permitted by or under this plan, other than any long narrow corridor or accessway in the case of hatchet shaped or irregular allotments or land which was below the line of maximum tidal reach as at 15 December 1972 or at a date determined by the Council.

Council's assessment report has considered the inclusion of the road reserve as part of the site area for the calculation of floor space ratio and determined it can be included. We agree with this position.

4.6 Height

A SEPP 1 objection has been submitted for a non-compliance with the controls for height contained in State Environmental Planning Policy (SEPP) - Housing for Seniors and Persons with a Disability (2004). This has been considered as part of the Council Officer's assessment.

Council have considered the SEPP 1 objection as part of their assessment report and consider it to be well founded. Having reviewed the SEPP 1, and Council's considerations, we concur with Council's conclusion.

5.0 CONCLUSION

This peer review has considered the Council's process in the assessment of the proposed residential aged care facility, the subject site. In particular, the review has assessed the Council Officer's report, the Statement of Environmental Effects and the replacement development application that is the subject of the present proposal. It is noted there are a number of objections to the proposal. Without undertaking a detailed assessment of the merits of those objections it is noted that the Council Officers report has considered the relevant matters.

The referral from Council's Urban Design Officer was not supportive of the proposal. As indicated, the assessment report and Council's other internal referral bodies have considered the matters raised and have determined that the application, as amended, is appropriate. Where necessary, as in the case of stormwater management, conditions of consent have been recommended.

It is noted that the report proposes conditions of consent that would modify the application to respond to privacy matters. These are considered to be appropriate measures.

The replacement development application appears to be accompanied by the appropriate and relevant level of documentation that properly addresses the statutory and policy matters requiring consideration. In addition, the information submitted appears to be consistent with the requirements of Council's DA guide.

It is our opinion that due process has been followed by Council in the assessment of this application. The Council Assessment Report is well-reasoned and the conclusions, recommendation and conditions are justified. Furthermore, this documentation is also consistent with relevant State and Local Government provisions.

We trust this information is of assistance to you. Should you require any further information, please do not hesitate to contact our office.

Yours faithfully,



George Karavanas
DIRECTOR