

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 20 February 2017 Submitted to the Council for Determination

ITEM No.	R1 Recommendation to Council
FILE No.	DA307/2015/5
ADDRESS	7-9 Ocean Street, Woollahra
PROPOSAL	Internal and external modifications to the Emanuel Synagogue including changes to the design of the child care centre and sanctuary, relocation of the plant room, retention of the crossover to Woods Avenue, changes to fenestration and gates and new glazed roof over the lift and 'Kiddush Court'
REASONS FOR REPORT	In accordance with Council's meeting procedures and policy this matter is referred to full Council to allow Council to make a submission to the Sydney Central Planning Panel (SCPP).

Note: Councillor Elsing declared a Significant, Non-Pecuniary Interest in this Item, as she is a member of the Sydney Central Planning Panel (SCPP) and will be dealing with the matter at the SCPP. Councillor Elsing vacated the meeting and did not participate in the debate or vote on this matter.

Note: Late correspondence was tabled by Council's Manager Development Control, Nick Economou & Ed Lippmann.

Motion moved by Councillor Keulemans
Seconded by Councillor Wynne

ADOPTED
27/2/17 *SC*

That Council advises the Sydney Central Planning Panel (SCPP), that it endorses the staff recommendation to modify the development consent to Development Application No 307/2015/1 for the demolition of the Neuweg Chapel, administration building and child care centre to the south of Emanuel Synagogue and the construction of a new basement carpark for 14 vehicles; a new two storey building to the north of the Emanuel Synagogue, a new two storey building to the south of the Emanuel Synagogue containing a 60 space childcare centre and a sanctuary for approximately 300 people with art gallery on land at 7-9 Ocean Street, Woollahra, subject to the modification of conditions A4, B6, C1, D11, E25, E26 and E27 (these conditions endorse the removal of Tree 33) in the recommended officer's report and the inclusion of the following two conditions:

- (i) C.1 (bb) The two trees removed, being Trees 33 and 35, are replaced with seven new mature native trees in 100 litre pots (Brown Pine's, Lilli Pilli's and Banksia's) similarly along the southern boundary in accordance with the submitted landscape plan).
- (ii) C.1(cc) In addition to these seven new native trees above, that five new trees are to be planted along the western boundary to the Ocean Street residential flat buildings and another nine trees within the pre-School outdoor play area in accordance with the landscape plan.

**Amendment moved by Councillor Robertson
Seconded by Councillor O'Regan**

- A. That Council advises the Sydney Central Planning Panel (SCPP), that it endorses the staff recommendation to modify the development consent to Development Application No 307/2015/1 for the demolition of the Neuweg Chapel, administration building and child care centre to the south of Emanuel Synagogue and the construction of a new basement carpark for 14 vehicles; a new two storey building to the north of the Emanuel Synagogue, a new two storey building to the south of the Emanuel Synagogue containing a 60 space childcare centre and a sanctuary for approximately 300 people with art gallery on land at 7-9 Ocean Street, Woollahra, subject to the conditions recommended in the officer's report (**Annexure 1**), and the inclusion of an additional condition requiring the planting of one (1), advanced Brown Pine tree (minimum pot size of 300 litres at planting) adjacent to the rear southern boundary.
- B. That Council advises the Sydney Central Planning Panel to explore the option of the relocation / reconfiguration of the plant room to partially within the approved built form to enable the retention of Tree 35 (Brown Pine).

**The Amendment was put and lost.
The Motion was put and carried.**

(Keulemans/Wynne)

20/17 Resolved:

That Council advises the Sydney Central Planning Panel (SCPP), that it endorses the staff recommendation to modify the development consent to Development Application No 307/2015/1 for the demolition of the Neuweg Chapel, administration building and child care centre to the south of Emanuel Synagogue and the construction of a new basement carpark for 14 vehicles; a new two storey building to the north of the Emanuel Synagogue, a new two storey building to the south of the Emanuel Synagogue containing a 60 space childcare centre and a sanctuary for approximately 300 people with art gallery on land at 7-9 Ocean Street, Woollahra, subject to the modification of conditions A4, B6, C1, D11, E25, E26 and E27 (these conditions endorse the removal of tree 33) in the recommended officer's report and the inclusion of the following two conditions:

- C.1 (bb) The two trees removed, being Trees 33 and 35, are replaced with seven new mature native trees in 100 litre pots (Brown Pine's, Lilli Pilli's and Banksia's) similarly along the southern boundary in accordance with the submitted landscape plan).
- C.1(cc) In addition to these seven new native trees above, that five new trees are to be planted along the western boundary to the Ocean Street residential flat buildings and another nine trees within the pre-School outdoor play area in accordance with the landscape plan.

Note: The Officer's Report contains the following Recommendations.

Pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*

THAT the Sydney Central Planning Panel, as the consent authority, modify the development consent to Development Application No. 307/2015/1 for the demolition of the Neuweg Chapel, administration building and child care centre to the south of Emanuel Synagogue and the construction of a new basement carpark for 14 vehicles; a new two storey building to the north of the Emanuel Synagogue, a new two storey building to the south of the Emanuel Synagogue containing a 60 space childcare centre and a sanctuary for approximately 300 people with art gallery on land at 7-9 Ocean Street, Woollahra, subject to the conditions recommended in the officer's report.

Additional Conditions**A.2(a) Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "Approved Section 96 Plans" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
A101, Rev D A102, Rev D A103, Rev D A104, Rev D A150, Rev D A151, Rev D A160, Rev D	Architectural Plans	Lippmann Partnership	28/09/2016
A860	Typical Fence and Gate Detail	Lippmann Partnership	A860, Rev E
215 169, v6.0	Acoustic Planning Report	PKA Acoustic Consulting	10/11/2016
L-02, Rev C	Planting Plan	SPACE Landscape Designs	30/11/2016

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A6 (Autotext AA6)

F.9 Acoustic Treatment to the Gallery & Sanctuary (Internal & External)

The Internal and External acoustic treatment controls for the Gallery & Sanctuary, as detailed in the Acoustic Planning Report prepared by PKA Acoustic Consulting titled '*Acoustic Planning Report No 5: Emanuel Synagogue, Project/File No. 216 157 R01 v6-0 dated 10 November 2016*' must be fully incorporated in the building design.

Amended Conditions**A.4 Tree Preservation and 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) Trees are to be retained in accordance with approved Tree Removal and Retention Plan T12-11284 and the following:

Ref No	Species	Location	Dimension	Tree Value
2	<i>Flindersia australis</i> Crow's Ash	Front – Ocean Street frontage	12 x 6 metres	\$2000
21	<i>Cedrus atlantica</i> Atlantic Cedar	Front of Temple Emanuel adjacent to ramp	14 x 15 metres	N/A
24	<i>Robinia pseudoacacia</i> Robinia	Rear – north eastern corner	12 x 9 metres	
25			10 x 10 metres	
26			12 x 13 metres	
28			10 x 9 metres	
32	<i>Ficus macrophylla</i> Moreton Bay Fig	Rear – Adjacent to Woods Avenue entry	20 x 28 metres	
	DELETE			
	DELETE			

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

- b) Trees are to be removed in accordance with approved Tree Removal and Retention Plan T12-11284.
Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.
- c) With the exception of the Moreton Bay fig (tree 32) and the row of Robinas (Trees 24-28), trees are to be pruned in accordance with the approved Tree Protection Plan, prepared by Earthscape Horticultural Services, dated November 2012 and *Australian Standard Pruning of Amenity Trees* (AS 4373) and *Workcover NSW Code of Practice Amenity Tree Industry*, to the minimum extent necessary to provide clearance to the new development.
- d) No pruning of the Moreton Bay fig tree is permitted as part of this development consent.

B.6 Establishment of Tree Protection Zones

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

- a) Tree Protection Zone areas are to be established in accordance with the recommended Tree Protection Plan and Specifications, prepared by Earthscape Horticultural Services, dated November 2012 and as follows:

Council Ref No	Species	Location	Radius from Trunk (Metres)
2	<i>Flindersia australis</i> Crow's Ash	Ocean Street frontage – Council verge south	2m
21	<i>Cedrus atlantica</i> Atlantic Cedar	Front of Temple Emanuel adjacent to ramp	4m
24	<i>Robinia pseudoacacia</i> Robinia	Rear – north eastern corner	2m
25			
26			
28			
32	<i>Ficus macrophylla</i> Moreton Bay Fig	Rear – Adjacent to Woods Avenue entry	6m

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

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

Ref No	Species	Location
2	<i>Flindersia australis</i> Crow's Ash	Ocean Street frontage – Council verge south
21	<i>Cedrus atlantica</i> Atlantic Cedar	Front of Temple Emanuel adjacent to ramp
24	<i>Robinia pseudoacacia</i>	Rear – north eastern corner
25	Robinia	
26		
28		
32	<i>Ficus macrophylla</i> Moreton Bay Fig	Rear – Adjacent to Woods Avenue entry

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

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

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

Standard Condition: B5

B.7 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 and photos shall be included
Installation of all tree protection fencing	Compliance with tree protection measures - Ensure that all recommended protections of Tree 32 and 33 are in place
Inspection of irrigation set out	Appropriate distribution of irrigation water
Prior to pouring of slab	Condition of roots and soil
Prior to the issue of a Final Occupation Certificate	Supervise the dismantling of tree protection measures

Inspections and compliance documentation shall be made by an arborist with AQF Level 5 qualifications. Additional site visits shall be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.

C.1 Modification of details of the development (Section 80A(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) **DELETED**
- b) The setback of both levels the Sanctuary building at the north of the Temple Emanuel from the eastern boundary with 14 Waimea Avenue is to be set so that only minor pruning of the adjoining tree canopy is required. Such pruning is to be determined on the advice of an appropriately qualified arborist
- c) (deleted)
- d) As part of Stage 2 works the stain glass windows from all elevations of the Neuweg Synagogue must be preserved prior to demolition of the building and installed in the Small Sanctuary and Library to the north of the Temple Emanuel.
- e) Notwithstanding (d) above, any remaining windows to the western elevation of the first floor of the Sanctuary building to the south of the Temple Emanuel are to be fixed and obscure
- f) The height of the fence to the Ocean Street frontage is to be reduced to a maximum of 1.8m. The fencing along the northern and southern side boundaries, as measured 10m from the front boundary, is to adopt the form, style, materials and height of the front fence, as conditioned
- g) A 1.8m high noise/acoustic barrier is to be affixed to the inside of the eastern, southern and western sides of the child care centre outdoor play area boundary fencing
- h) Notwithstanding (f) and (g) above and with the exception of fencing adjoining properties in Woods Avenue and Wallis Street, side fencing is to be limited to a maximum height of 2.1m or is not to exceed the height of existing boundary fencing on the adjoining properties, whichever is higher. Fencing to common boundaries with properties in Woods Avenue and Wallis Street is limited to a maximum height of 1.8m
- i) The play equipment at the base of the Moreton Bay fig tree (Tree 32) to the Woods Avenue entrance is to be relocated to be outside the Tree Protection Zone of the tree (ie 15m from the base of the tree)
- j) Reference to pruning of Trees 24-28 and 32 is to be removed from all documentation. Pruning of these trees is prohibited
- k) The driveway to the basement is to be widened to 6.0m to allow two way car flow
- l) The redundant crossover to Ocean Street are to be removed
- m) (deleted)

- n) Modifications to the Site Waste Minimisation and Management Plan are to be made in the following manner:
 - i) The establishment of a waste storage space, including provision for recycling and compost, in the vicinity of 6 Woods Avenue for the use of the child care centre and collection in Woods Avenue
 - ii) The establishment of a separate waste storage area, including provision for recycling, for use for the remainder of the development with access to Ocean Street
 - iii) The provision of a compost bin for use within the child care centre
 - iv) The deletion of any reference to a bin store to the west of the Sanctuary building to the south of the Temple Emanuel as noted on landscape plan number 110
- o) (deleted)
- p) The deck area between the driveway and the Temple Emanuel is to be setback 1.5m from the northern side boundary and comprise a privacy screen to its northern edge to a height of 1.5m
- q) The elevated first floor walkway projecting east of the eastern elevation of the Sanctuary building to the north of the Temple Emanuel is to be deleted in its entirety and a privacy screen is to be established to the eastern edge of the balcony
- r) (deleted)
- s) The plant rooms are to be fully enclosed with block work and the ventilation path air intake and discharge requires to be attenuated with silencers in accordance with Table 17 of the approved acoustic report
- t) All doors to the Sanctuary building to the south of the Temple Emanuel are to comprise self-closing doors
- u) The glazing to the Sanctuary building to the south of the Temple Emanuel is to comprise 12.38mm laminated glass. With respect to (d) above, the stain glass windows are to be appropriately treated to ensure compliance with the relevant levels in the approved acoustic report
- v) The undercroft to the child care centre play area to the east of the classrooms is to be acoustically treated with the same material as specified in (g) above
- w) The 49kL and 10kL rainwater tanks are to be nominated on the architectural and landscape plans
- x) The wire and cyclone fencing to the Kilminster Lane frontage is to be removed
- y) Reference to R1 in the acoustic report is to correctly nominate 1 Ocean Street as the applicable property
- z) The staff break out area detailed on the landscape plan is to be specified on the architectural plans
- aa) An outdoor storage shed for storing play equipment associated with the child care centre is to be established outside of the defined outdoor play area.
- bb) The two trees removed, being Trees 33 and 35, are replaced with seven new mature native trees in 100 litre pots (Brown Pine's, Lilli Pilli's and Banksia's) similarly along the southern boundary in accordance with the submitted landscape plan).
- cc) In addition to these seven new native trees above, that five new trees are to be planted along the western boundary to the Ocean Street residential flat buildings and another nine trees within the pre-School outdoor play area in accordance with the landscape plan.
- dd) The driveway crossover to Woods Avenue must be deleted from all approved plans.

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

D.11 Permissible work within Tree Protection Zones

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

a) Permissible Work within Tree Protection Zones

Council Ref No	Species	Location	Tree Protection Zone (radius)	Approved works within incursion
24	<i>Robinia pseudoacacia</i> Robinia	Rear – north eastern corner	5.8m	Excavation for retaining wall to west of tree
25			6.0m	
26			7.2m	
28			5.3m	

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

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

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

E.25 Level changes in the vicinity of trees

No level changes shall occur within the specified radius from the trunks of the following tree. The project arborist shall document compliance with the above condition.

Ref No.	Species	Radius from Trunk
32	<i>Ficus macrophylla</i> (Moreton Bay Fig)	5 metres

E.26 Hand excavation within tree root zones

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

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

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

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

Ref No	Species	Location	Radius from Trunk
21	<i>Cedrus atlantica</i> Atlantic Cedar	Front of Temple Emanuel adjacent to ramp	8.3 metres
24	<i>Robinia pseudoacacia</i>	Rear – north eastern corner	5.8 metres
25	Robinia		6.0 metres
26			7.2 metres
28			5.3 metres

E.27 Footings in the vicinity of trees

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 50mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

Ref No	Species	Location	Radius from Trunk
21	<i>Cedrus atlantica</i> Atlantic Cedar	Front of Temple Emanuel adjacent to ramp	8.3 metres
24	<i>Robinia pseudoacacia</i>	Rear – north eastern corner	5.8 metres
25	Robinia		6.0 metres
26			7.2 metres
28			5.3 metres

DELETED CONDITIONS

Nil

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Keulemans
Councillor Levenston
Councillor Petrie
Councillor Wynne

Against the Motion

Councillor O'Regan
Councillor Robertson

5/2