

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-30
DA Number	477/2019/1
LGA	Woollahra Municipal Council
Proposed Development	First stage of the development of White City including multi-purpose sporting facilities and registered club facilities and site remediation
Street Address	30 Alma Street Paddington
Applicant/Owner	Hakoah Club Limited & Sydney Maccabi Tennis Club Ltd
Date of DA lodgement	6 December 2019
Number of Submissions	289
Recommendation	Conditional Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development with a capital investment value exceeding \$30million.
List of all relevant s4.15(1)(a) matters	<ol style="list-style-type: none"> 1. State Environmental Planning Policy (State and Regional Development) 2011 2. State Environmental Policy No. 55 Remediation of Land 3. Sydney Regional Environmental Plan (Sydney Harbour Catchment (2005) 4. State Environmental Planning Policy (Infrastructure) 2007 5. Woollahra Local Environmental Plan 2014 6. Woollahra Development Control Plan 2015
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Consolidated Set of Architectural Plans 2. Consolidated Set of Landscape Plans 3. Consolidated Traffic Documentation 4. Amended Acoustic Report (Dated 17 June 2020) 5. Plan of Management 6. Clause 4.6 Request for Height 7. Section 4.55 Consent for Concept DA 8. Heritage Referral Response 9. Development Engineering Referral Response 10. Trees & Landscaping Referral Response 11. Environmental Health Referral Response 12. Parks & Open Space Referral Response 13. Sustainability Referral Response 14. Fire Safety Referral Response 15. Urban Design Referral Response 16. Traffic Engineering Referral Response 17. Transport for NSW Comments 18. Sydney Trains Comments 19. Sydney Water Comments 20. NSW Police Submission 21. Applicant's response to submissions received
Clause 4.6 requests	Please list: <ul style="list-style-type: none"> · Woollahra LEP 2014 · Clause 4.3 – Height of Buildings & Clause 4.3B – Exceptions to building heights (White City Tennis Club) · Zone RE2 – Private Recreation
Summary of key submissions	<ul style="list-style-type: none"> · Construction and operational traffic · Tree removal · Construction impacts · Operational impacts · Acoustic impacts · Support for the Paddington Greenway
Report prepared by	Max Moratelli
Report date	20 August 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? No – Addressed in the body of the report
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not Applicable
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SYDNEY EASTERN CITY PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

FILE No.	DA 477/2019/1
ADDRESS	30 Alma Street PADDINGTON (White City)
COUNCIL WARD	Paddington
SITE AREA	2.9ha (i.e. 29,000m ²)
ZONING	RE2 Private Recreation
PROPOSAL	First stage of the development of White City including multi-purpose sporting facilities and registered club facilities and site remediation
TYPE OF CONSENT	Development Application
COST OF WORKS	\$47,356,662.00
DATE LODGED	6 December 2019
APPLICANT	Hakoah Club Limited
OWNER	Hakoah Club Limited & Sydney Maccabi Tennis Club Ltd
AUTHOR	Mr M Moratelli
TEAM LEADER	Mr G Fotis
SUBMISSIONS	289
RECOMMENDATION	Conditional Approval
CONSENT AUTHORITY	Sydney Eastern City Planning Panel
MEETNG DATE	3 September 2020

EXECUTIVE SUMMARY

This is an assessment report for a detailed development application pursuant to Section 4.22 of the *Environmental Planning and Assessment Act 1979* for the first stage of development for the White City site including multi-purpose sporting facilities and registered club facilities, and site remediation.

This detailed development proposal comprises the following:

- Demolition of all buildings on the site with the exception of the Southern Grandstand and the Northern Grandstand arches;
- Excavation;
- Construction of the following:
 - new internal road and pedestrian network including landscaping and at-grade parking;
 - football field including lighting poles;

- 9 tennis courts including lighting poles;
- adaptive re-use of the retained southern grandstand to create the "sports" building adjacent to Glenmore Road which contains:
 - § ground level car parking including new connection to Glenmore Road and gym facilities;
 - § level 1 gym facilities, community facilities, café, outdoor multi-purpose courts with shade structure, and outdoor pool facilities with shade structures including 1 x 25m pool, 1 x learn to swim pool and pool deck area, and plant;
 - § level 2 gym facilities;
 - § level 3 community spaces, and primary pedestrian entry from Glenmore Road.
- 2 storey "tennis pro-shop" building to the north-east of the sports building
- 3 storey triangular "Club" building which contains:
 - § ground floor porte cochere, entry lobby, foyer, change rooms and toilet facilities, loading dock, external 260 seat grandstand and tuckshop, referee/medical rooms, waste rooms, Hakoah and community offices;
 - § level 2 double height club community space, foyer, kitchen/catering areas, restaurant/bar, lounge and adjacent viewing terrace, and club board room;
 - § level 2 mezzanine level containing toilet facilities, plant, staff room and bridge to the south which connects with a lift to access the car parking level at the ground level of the "sports" building;
 - § level 3 community rooms and office; and
 - § roof level which contains a plant room.

The subject site, White City, is located in the Paddington Heritage Conservation Area. White City possesses cultural and heritage significance. The proposed development detailed a Capital Investment Value (CIV) of \$47,356,662.

The Sydney Eastern City Planning Panel is the consent authority for this application due to the capital investment value of the project exceeding \$30 million.

The application was advertised and notified from 22 January 2020 to 20 February 2020 (30 days). An extended notification and advertising period was undertaken from 11 March 2020 to 7 April 2020, which included properties that were not originally notified. Over the course of the advertising and notification of the application **289 submissions** were received. Issues raised by the submissions are detailed under Section 7.3

The primary issues identified in the planning assessment are outlined in Table 1 below.

Table 1: Summary of Key Issues

<i>Issue</i>	<i>Comment</i>
Acoustic impacts and operational issues	The proposal raises the potential for adverse acoustic impacts to nearby properties. Furthermore, the applicant has not provided adequate information that demonstrates the satisfactory operation of the proposed licensed Club. Conditions of consent are recommended requiring the limiting of operating hours and the submission of a revised Plan of Management to Council.
Traffic and parking	Council's Traffic Engineer has reviewed the proposal and advised that it is satisfactory with regards to traffic and parking. Extensive conditions of consent

	are recommended requiring safety upgrades to local road infrastructure and addressing construction vehicle impacts.
Heritage conservation and interpretation strategies	Council's Heritage Officer has reviewed the proposal and advised that it is satisfactory with regards to the heritage value of the site and the conservation area, subject to the submission of a more detailed heritage interpretation plan.
Trees and landscaping	Council's Trees and Landscape Officer reviewed the proposal and advised that the proposal would be satisfactory with regards to tree protection and incorporates adequate replacement plantings for the loss of trees and landscaping on the site.
Construction impacts	The construction impacts would be temporary, and subject to conditions of consent they would not result in an unacceptable amenity or safety impact to local residents or school students. Conditions of consent require the submission of a construction management plan to Council's Traffic Engineer prior to the commencement of the construction process.
Circulation and pedestrian/ cycle network	The proposal demonstrates poor connectivity with the locality and wider urban context. The recommended Condition C.1 requires the submission of an amended pedestrian and cycle network plan to address this.

1. LEVEL OF DELEGATION

The Sydney Eastern City Planning Panel is the consent authority for this development application as the capital investment value of the project exceeds \$30 million.

2. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval because:

- Subject to the recommended conditions of consent, the proposal satisfies the provisions of all applicable environmental planning instruments including the Woollahra LEP 2014, the Woollahra DCP 2015 and the relevant SEPPs.
- The proposal is consistent with the building envelopes, land use and site layout approved under the concept development and satisfies S4.24 of the Act.
- Subject to the recommended conditions of consent, the proposal will not result in an unreasonable amenity impact to adjoining and nearby properties such that refusal would be warranted.
- The proposal would not result in an unsatisfactory environmental impact on the natural or built environments.
- The proposal would have positive social impacts within the locality due to the provision of sporting and recreational facilities.
- The proposal would generate positive economic impacts due to the provision of employment during the construction phase and ongoing operation of the site.

- The site is suitable for the proposed development, as the proposed land uses would comply with the RE2 zoning, and subject to conditions of consent, any land uses that are not permissible within the zone, would operate as ancillary to nominate permissible land uses.
- The submissions have been considered and subject to conditions of consent, do not warrant the refusal or further modification of the proposal.
- The proposal is in the public interest as it will address the dilapidation and under-utilisation of the site; will provide sporting and community facilities; and will generate economic benefits.

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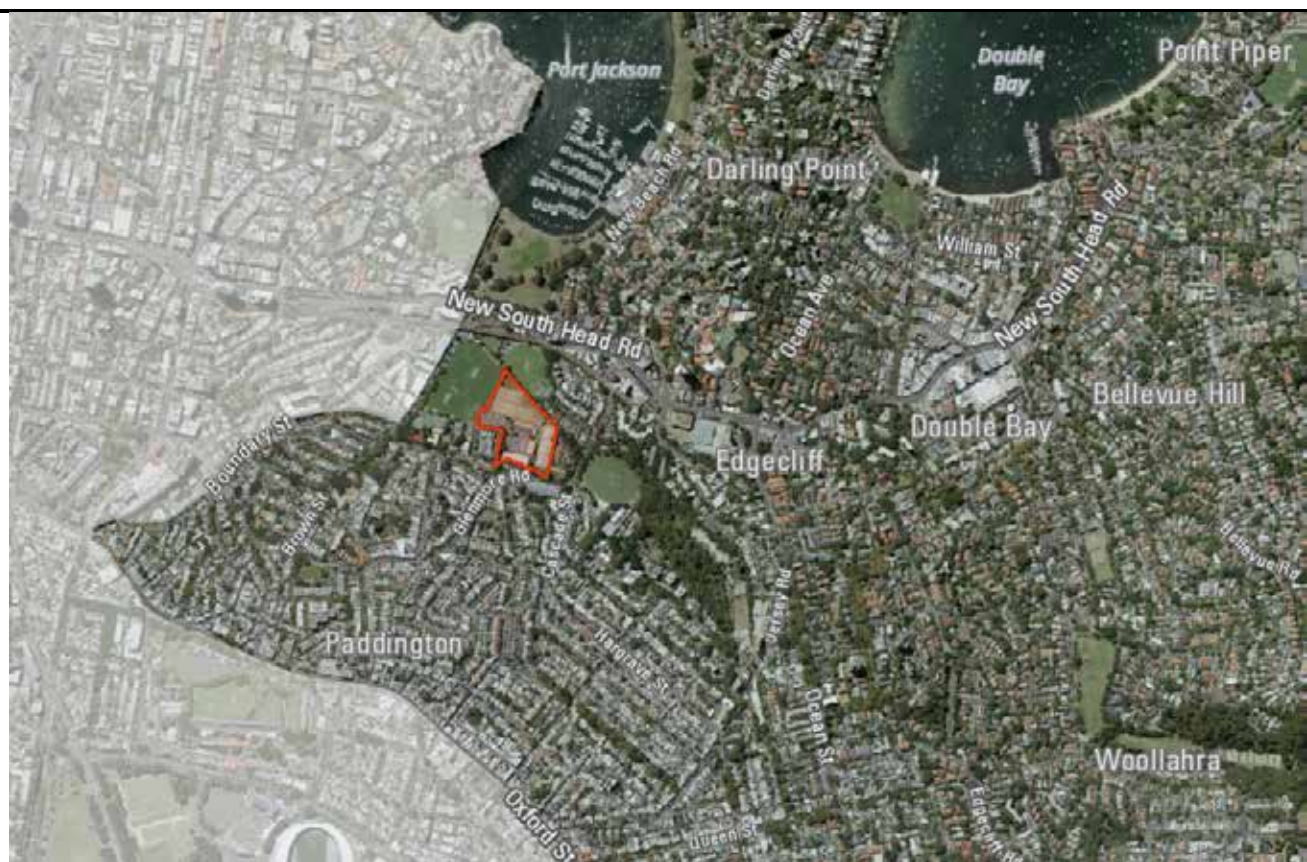
3. BACKGROUND

3.1 Site and Locality

Physical features
The subject site at 30 Alma Street Paddington is commonly known as ‘White City’ and is legally described as Lot 2 in DP 1114604. The subject site is located within the northern end of the Paddington Precinct. The site is an irregular shaped parcel of land with an area of 2.9 hectares. The site has a frontage of 142m to Glenmore Road, 6.6m to Alma Street and extends through to the Sydney Water stormwater channel which forms the north-eastern boundary of the site. A right-of-way runs along the western boundary of the site providing access to the Sydney Grammar Sports Grounds.
Topography
The subject site slopes down gently towards the existing stormwater channel along the north-eastern boundary, ranging from RL 2.2 to RL 3.6. There is a 6m-7m embankment at the southern edge of the site rising from the subject site up to Glenmore Road (RL 8.3 to RL 14). There is also a 5m-6m embankment at the south-western edge of the site rising from the subject site up to the Sydney Grammar School site.
Existing buildings and structures
<p>The subject site consists of the following:</p> <ul style="list-style-type: none">• Landscaping, concentrated around the perimeter of the site, including approximately 116 trees, as assessed by the arborist’s report.• Vehicle access from Alma Street and external car parking for 90 vehicles.• Open grass sporting facilities (utilised for football and tennis).• Tennis courts (six hard surface courts which are owned and operated by Maccabi tennis).• Centre Court and grandstands.• Clubhouse and other outbuildings (including ticket office). <p>Some of the existing buildings, structures and grandstands are in a dilapidated state.</p>
Surrounding Environment
<p>The site is located at the northwestern edge of Paddington. It is approximately 500m to the west of Edgecliff train station and commercial centre, 1km to the south-east of Kings Cross train station and 2km to the south-east of Sydney CBD. To the north of the site, there is the Eastern Suburbs railway corridor and Rushcutters Bay Park, whilst to the south, east and west, the land uses are primarily residential.</p> <p>The site is not listed as a local or state heritage item. The site is located within the Paddington Heritage Conservation Area. The site is also identified as a ‘Registered’ site on the non-statutory Register of the National Estate (Place ID 101983, Place File No. 1/12/041/0129).</p> <p>The development immediately adjoining the site comprises of:</p> <ul style="list-style-type: none">• North, north-west and west - the Sydney Grammar School site. To the north and west are the Sydney Grammar playing fields (Weigall Sportsground) whilst three storey school buildings are adjacent to the west.• North-east - the Sydney Water stormwater channel, beyond which there are residential dwellings fronting onto Walker Avenue.• East - a three and four storey residential flat building known as 400 Glenmore Road (comprising of 48 units).• South-east – Residential dwellings fronting onto Lawson Street• South (across Glenmore Road) - two and three storey residential dwellings as well as a four and five storey mixed use development.



Locality Plan indicating the land uses within the immediate vicinity of the site



Site context plan indicating the site's location within the broader context of the Woollahra Local Government Area

4. PROPOSAL

4.1 Overview

The proposed development encompasses the entire site and comprises the works outlined in the executive summary to this report and shown in the site plan below:



The proposed development comprises a sports building, club building and tennis shop building, as well external sporting facilities and site works. Further details are provided on these elements in the tables below.

Table 2: Schedule of Different Land Uses – Sports Building

Sports Building	
Ground Floor:	Car parking (4775m ²), spa (54m ²), change rooms and WC (282m ²); circulation and foyers (162m ²); pool plant and rainwater tank (504m ²); storage (47m ²) and loading dock (50m ²).
Level 01:	Gym and storage (406m ²); reception and circulation (168m ²); amenities (37m ²); café (380m ²); community space (123m ²); sporting courts (1281m ²); 2 x swimming pools and surrounds (880m ²); plant (100m ²).
Level 02:	Pilates/yoga (380m ²); gym (212m ²); amenities (39m ²); plant (44m ²).



Architectural impression of the proposed sports building from Glenmore Road to the south



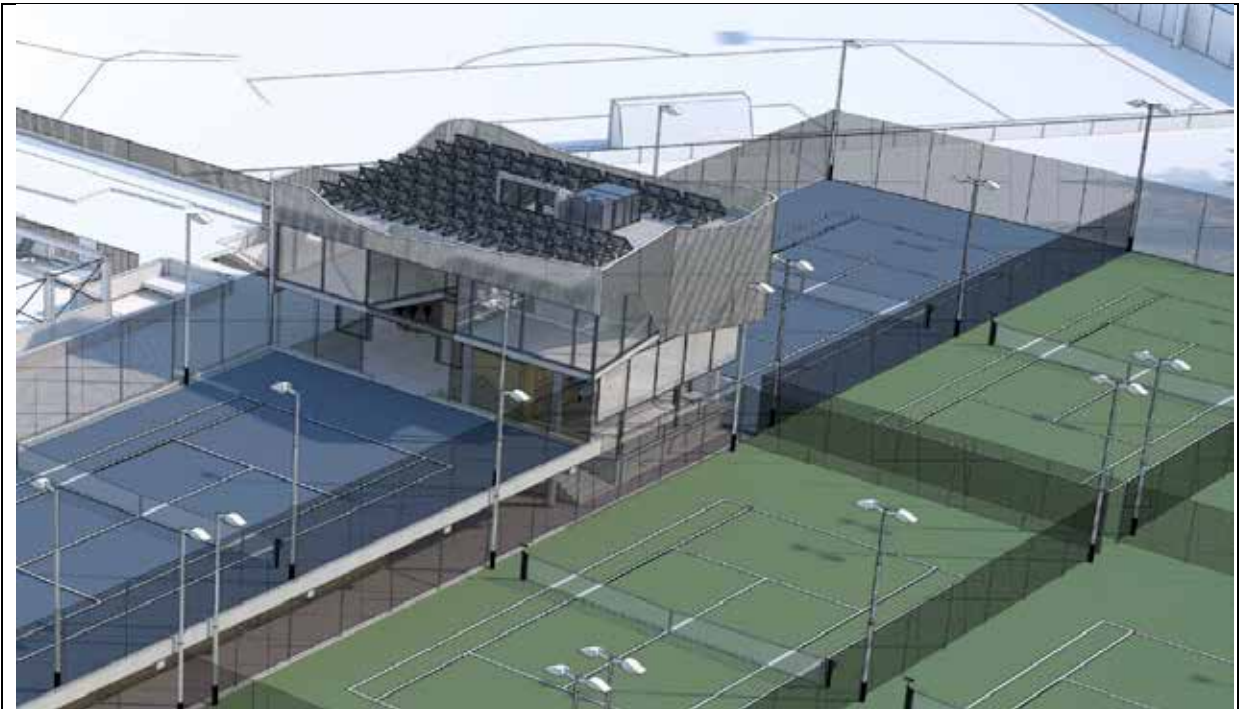
Architectural impression of the proposed sports building from Glenmore Road to the east

Table 3: Schedule of Different Land Uses – Club Building

Club Building	
Ground Floor:	Change rooms (120m ²); ice bath (22m ²); waste storage (23m ²); plant (33m ²); fire escape (16m ²); tuckshop (12m ²); referees change room (21m ²); medical room (13m ²); amenities (47m ²); foyers and club reception (179m ²); Hakoah offices (77m ²); community offices (34m ²)
Level 02:	Club pre-function space (166m ²); lounge (168m ²); club/community space (348m ²); boardroom (44m ²); viewing terrace (88m ²); restaurant and bar (153m ²); kitchen (86m ²); caterer's area (52m ²); storage (31m ²); circulation (65m ²); fire escape (16m ²); viewing terrace (88m ²).
Level 02 (Mezzanine):	Amenities (46m ²); circulation (64m ²); plant (133m ²); media room (14m ²); fire escape (16m ²); staff area, circulation and amenities (115m ²).
Level 03:	Community space (545m ²); circulation and assembly space (239m ²); office (82m ²); amenities (48m ²); fire escape (16m ²).

*Architectural impression of the western elevation of the proposed club building.***Table 4: Schedule of Different Land Uses – Tennis Pro-Shop**

Tennis Pro-Shop	
Ground Floor	Toilets and amenities (71m ²); Open areas, storage and BBQs (151m ²)
Level 01	Tennis shop and circulation space (107m ²)
Level 02	Office, storage, toilets and circulation space (155m ²)



Architectural impression of the proposed tennis pro-shop and surrounding tennis courts.

4.2 Vehicle Access, Transport and Parking

In relation to parking, vehicle access and transport the proposal details the following:

- 152 car spaces on the ground floor of the sports building;
- 117 external car spaces at grade;
- 15 x staff bicycle parking spaces and 86 x visitor bicycle parking spaces;
- 28 x motorcycle parking spaces.
- Vehicle access to the site from Alma Street in accordance with the existing situation, with an egress only driveway crossing to Glenmore Road to be used by Maccabi Tennis Club.

4.3 Heritage Interpretation Strategy

The proposed development comprises a heritage interpretation strategy which includes the following:

- **Centre Court Interpretation (Playing Surfaces):** The outline of the centre courts will be superimposed on the pool deck or bottom of the pool; images of the court will be featured on the walls of the sports hall.
- **Centre Court Interpretation (Southern Stand):** The southern stand structure and its external appearance to Glenmore Road will be largely retained.
- **Green and Open Valley Floor:** The sense of the open valley is generally maintained by setting buildings back from the stormwater canal along the northern site boundary and retaining open space in the form of tennis courts and the football field, in the same location as the existing tennis courts.
- **Northern Stand Arches:** Retention of the masonry arches along the northern edge of the new sports building; the space beneath the arches will be used as storage and plant area.

- **NSW Tennis Association Gate:** Retained and relocated to the space between the proposed sports building, and clubhouse.
- **White City Club Memorabilia:** To be displayed in the lift lobby space in the proposed gym.

5. PROPERTY HISTORY

<i>Current use</i>
Recreation area; Recreational facility (indoor); and Recreational facility (outdoor).
<i>Relevant Application History</i>
<ul style="list-style-type: none"> • DA2015/438/2 – Modification of the Stage 1 concept approval for the redevelopment of the site involving changes to the built form, and indicative land uses. Approved by the Sydney Eastern City Planning Panel on • DA2015/438/1 – Stage 1 concept proposal for redevelopment of the site including new club, sporting facilities, community space, childcare centre, café and shop. Approved by the Joint Regional Planning Panel on 15/12/2015. • DA 2015/437 – Subdivision of the parent lot into two allotments. Approved 14/12/2015. • DA 2008/590 – Replace existing boundary tennis court fences and construct new boundary fences. Approved 12/09/2008. • DA 2008/212 - Demolition of existing structures, remediation of site and construction of a multi-purpose tennis & recreation facility. Withdrawn 17/04/2008. • DA 2007/854 – Scoreboard for playing field. Approved 15/02/2008. • DA 2007/590 – Subdivision of site into two allotments. Approved 03/03/2008. • DA 2006/302 - New playing field for Sydney Grammar School with associated car parking and landscaping and land remediation. Approved 28/05/2007. • DA 2006/20 – Subdivision of White City into two allotments divided by stormwater channel. Approved 23/10/2006. • DA 2001/806 – Mixed use redevelopment of tennis club comprising 80 dwellings, 418m² of retail space, playing fields and ancillary car parking & landscaping. Refused 10/05/2004. • DA 1992/630 – Alterations and additions to tennis club pro shop. Approved 17/08/1992. • DA 1990/434 – Recladding of southern stand. Approved 30/05/1990. • DA 1980/21 – Installation of night lighting to centre tennis courts & change of use to gift shop. Approved 28/10/1980. • DA 1979/ 278 – Installation of night lighting for six tennis courts. Approved 11/02/1980. • BA 1979/1367 – Provide all weather courts and night lighting to existing courts and new fencing. Approved 21/02/1980. • BA 1979/934 – Replace fencing. Approved 27/09/1979. • BA 1979/799 – Additional toilet facilities for northern stand. Approved 09/08/1979. • BA 1979/668 – Alterations and additions to clubhouse. Approved 25/07/1979. • BA 1977/423 – Central concrete addition to marsh stand. Approved 23/05/1977. • BA 1977/345 – Construct 6 concrete tennis courts east of Centre Court. Approved 29/06/1977. • DA 1977/81 – Construct 10 concrete tennis courts with night lighting. Approved 14/11/1977. • BA 1975/1010 – New bar and brick doorway to games room. Approved 02/01/1975. • BA 1970/436 – Air conditioning to clubhouse and offices. Approved 27/04/1970. • BA 1969/1260 – Structural repairs to northern grandstand. Approved 07/11/1969. • DA 1969/173 – New two-storey clubhouse. Approved 09/12/1969.

- BA 1969/1033 – Clubhouse including change rooms, storerooms and licenced club. Approved 12/10/1970.

Note: Woollahra Council's records for the subject site date back to 1968. Prior to this date the site was located within the local government area of City of Sydney between 1948 and 1968. Prior to this the area was administered by Paddington Council 1860 to 1948.

Additional Information and Replacement Applications

1. On 17 December 2019 Council requested the following:

- Root mapping report for trees located within the vicinity of the driveway crossing to Glenmore Road
- Water NSW integrated development referral fee.

On **16 January 2020** the applicant advised Council that they would not be nominating the development as integrated development. The root mapping report was provided on 3 March 2020.

2. On 23 March 2020, correspondence was sent to the applicant detailing the following unsatisfactory issues with the application:

- The acoustic assessment report is not reflective of the current proposal and has not realistically considered worst case scenarios with regards to acoustic impacts;
- A remediation action plan has not been submitted as required by SEPP 55;
- An acid sulfate soils management plans has not been submitted as required by Clause 6.1(3) of the Woollahra LEP 2014.

3. On 22 April 2020, correspondence was sent to the applicant detailing the following unsatisfactory issues with the application:

- - Unsatisfactory replacement tree plantings and landscaping
- - A test of significance is required under the Biodiversity Conservation Act 2016 in relation to threatened species

4. On 26 May 2020, the applicant was notified of a number of issues in relating to traffic, vehicle access and parking, by way of the Statement of Facts and Contentions filed with the Land & Environment Court.

On **16 June 2020** the applicant responded to the issues and requests for additional information detailed under points 2 – 4 above, by submitting the following amended or additional documentation:

- Amended Acoustic Report
- Remediation Action Plan and Acid Sulfate Soils Management Plan
- Amended landscape plans and landscape report
- Arborist's report addendum
- Amended architectural drawings.

5.1 Strategic Planning

5.1.1 Heritage Status of the Site

Whilst there have been a number of historical proposals to list White City as a local and state heritage item, the site is not currently listed on any local or state heritage register.

On 28 September 2015, Council resolved to defer any further consideration of the heritage listing of any Planning Proposal for White City in order to allow consideration of a Development Application for the site which will include assessment of the significance of any potential heritage elements of the site via a Conservation Management Plan, a Heritage Impact Statement and a Heritage Interpretation Strategy.

However, the site is within the Paddington Heritage Conservation Area under Woollahra LEP 2014. Therefore, consideration must be given to the heritage conservation provisions contained in Part 5.10 Heritage Conservation of the Woollahra LEP 2014.

5.1.2 Site Specific Development Control Plans

The site specific objectives and controls contained in the White City DCP 2007 were raised in a number of the objections to the proposal.

The White City DCP 2007 is no longer in force. The Woollahra DCP 2015 came into force on 23 May 2015. The new DCP applies to the whole LGA and replaced all existing DCPs. The Woollahra DCP 2015 does not contain any site specific controls for the White City site.

Therefore, the former White City DCP 2007 is not a relevant consideration in the assessment of this development application.

However, the Woollahra DCP 2015 contains provisions that can be applied to the proposed development. The relevant provisions of the Woollahra DCP 2015 have been considered under **Section 8.2.**

6. STATUTORY CONTEXT

6.1 The Environmental Planning and Assessment Act 1979

6.1.1 Section 1.3 - Objects of the Act

The objects listed under 1.3 of the Environmental Planning and Assessment Act 1979 are as follows:

- a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) to promote the orderly and economic use and development of land,*
- d) to promote the delivery and maintenance of affordable housing,*
- e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g) to promote good design and amenity of the built environment,*
- h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development achieves the objects of the Act, in that it *promotes the orderly and economic use and development of land (c) and promotes the sustainable management of built and*

cultural heritage (f). The proposal is consistent with the other objects of the Act to the extent that they are applicable to this development.

6.1.2 Section 4.15 – Matters for consideration in determination of a development application

The relevant matters for consideration under Section 4.15 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

The matters above have been considered in the assessment report, and the proposal is considered to be satisfactory in this regard.

6.1.3 Section 4.24 – Status of Concept Development Applications and Consents

Section 4.24(2) of the Act provides that “*While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site*”.

The concept development approval related to indicative land uses, building envelopes and the heritage interpretation strategy only. The current detailed development proposal comprises detailed land uses, architectural design and finishes, internal floor plans, landscaping, operational details and construction details. These elements were not covered by the scope of the concept approval and therefore cannot be said to be inconsistent with that concept approval.

On the other hand, the detailed development proposal comprises minor changes to building envelopes, indicative land uses and vehicle access as follows:

- Minor relocation of the Club building to the south, resulting in a reduction in the setback of that building from the Sydney Grammar School boundary of approximately 3m;
- Minor increase in the setback of the basement carpark of the sports building from the western boundary with the Sydney Grammar School from the approved setbacks of 1.65m – 2.4m to 2.74m – 3.1;
- Omission of the approved sports hall roof and swimming pool roof, resulting in a localised reduction in the height of the sports building;
- Omission of the approved childcare centre (The applicant has advised that this will be included in a future development application);
- Driveway egress to Glenmore Road relocated by approximately 11.4m to the east.

Case law has established that the meaning of inconsistent includes “lacking in harmony between different parts of elements”, “self-contradictory” “discrepancy” or “incongruity” and that a difference does not necessarily constitute an inconsistency (*Burwood Council v Ralan Burwood Pty Ltd (No 3) [2014] NSWCA 404*).

In this respect, the differences listed above relating to setbacks and vehicle access are individually and cumulatively minor in the context of a major development. Whilst the omission of the approved childcare centre and the sports hall and swimming pool roof are more significant changes, the applicant has indicated that approval for these elements of the concept proposal will be sought in future development applications.

6.2 Environmental Planning Instruments

6.2.1 State Environmental Planning Policy (State and Regional Development) 2011

Schedule 1 of SEPP (State and Regional Development) 2011 stipulates that ‘recreation facilities (major)’ with a capital investment value (CIV) of more than \$30 million are State Significant Development.

Clause 4(3) in SEPP (State and Regional Development) 2011 states that any word or expression used in the Policy has the same meaning as it would have in the standard local environmental planning instrument.

Woollahra LEP 2014 states that ‘recreation facility (major)’ means:

“...a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks”.

The proposal does not comprise a recreation facility (major). The football field and associated grandstand are likely to be utilised for sporting matches associated with Hakoah Club, rather than for sporting matches of state or national significance, as would be the case with a purpose built sports stadium.

Therefore the proposal does not constitute State Significant Development. However it is regionally significant development under Schedule 1 of the SEPP, as it comprises development with a CIV exceeding \$30 million.

6.2.2 State Environmental Planning Policy (Infrastructure) 2007

The aim of SEPP (Infrastructure) 2007 is to facilitate the effective delivery of infrastructure across NSW by:

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*

- (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 104 states that for traffic generating developments the consent authority must give written notice of the application to the RMS and take into consideration any submission that the RMS provides in response.

The proposed development involves a registered club and recreation facility with car parking for 269 vehicles. Therefore, under Schedule 3 of the SEPP (Infrastructure), the proposal is considered to be a traffic generating development.

The relevant public authorities have been consulted about the proposed development (refer to Section 7.2

6.2.3 State Environmental Planning Policy 55: Remediation of Land

Clause 7(1) (b) and (c) of the SEPP requires that where the land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed. If the land requires remediation Council must be satisfied that the land will be remediated before the land is used for that purpose.

The applicant submitted a detailed site investigation in relation to site contamination which found exceedances of the ecological and human health site assessment criteria for certain contaminants and recommended site remediation.

The proposed development comprises Category 1 remediation work under Clause 9 of the SEPP, being remediation work within a heritage conservation area. In accordance with Clause 17 of the SEPP and the contaminated land planning guidelines, the applicant has submitted a remediation action plan (RAP) which has been reviewed by Council's Environmental Health Officer and found to be acceptable.

Conditions E.28 and **F.7** are recommended, requiring the implementation of the RAP during development and the submission of a notice of completion of remediation to the Council and the consent authority in accordance with Clauses 17 and 18 of the SEPP. Subject to these conditions, the land is suitable for the purpose of the development, and will be remediated prior to use.

6.2.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within Sydney Harbour Catchment but is outside the Foreshores and Waterways Area.

The proposal has been considered with respect to the relevant planning principles for development within the Sydney Harbour Catchment, as set out under Clause 13 of the SREP, as follows:

- b) *The natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,*

The proposal comprises a significant increase to the number of endemic tree species on the site and is consistent with the restoration of scenic value and the maintenance of biodiversity.

- c) *Decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,*

The proposal would not result in an unacceptable cumulative environmental impact to the Sydney Harbour Catchment.

- d) *Development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),*

The proposal does not obstruct or impede the natural flow of floodwaters over the site, as it retains the lower portions of the site as open space in the form of the football field and tennis courts.

- h) *development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*

The Stormwater Management Report prepared by M&G Consulting lodged with the application indicates that the proposed development would achieve reductions in suspended solids, phosphorus, nitrogen and gross pollutants in excess of the water quality targets outlined in Section E2.2.3 of the Woollahra DCP 2015, due to the use of gross pollutant traps and litter baskets to treat stormwater runoff.

- j) *development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,*

The subject site does not contain watercourses, wetlands, riparian corridors or significant areas of remnant native vegetation, although it does adjoin the stormwater channel of Rushcutters Creek. The proposal comprises the addition of a landscaped buffer zone along the edge of Rushcutters Creek, which will assist in the possible future rehabilitation of the creek and promotes ecological connectivity in the catchment.

- l) *development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.*

In accordance with the requirements under Clause 6.1 of the Woollahra LEP 2014, the applicant submitted an acid sulfate soils management plan. This would adequately mitigate the risk of disturbing acid sulfate soils on the site.

The matters for consideration in Clause 26 relate to the maintenance, protection and enhancement of views, and are as follows:

- a) *Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour*
- b) *Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items*
- c) *The cumulative impact of development on views should be minimised*

The subject site is set back 360m from the harbour and is not readily discernible from Rushcutters Bay Park. The proposal will maintain views to and from Sydney Harbour. The proposal will not adversely impact on views and vistas to and from public places, landmarks and heritage items. The

proposal will not contribute to unacceptable cumulative impacts on views. Therefore, the proposal is considered satisfactory with regard to Clause 26.

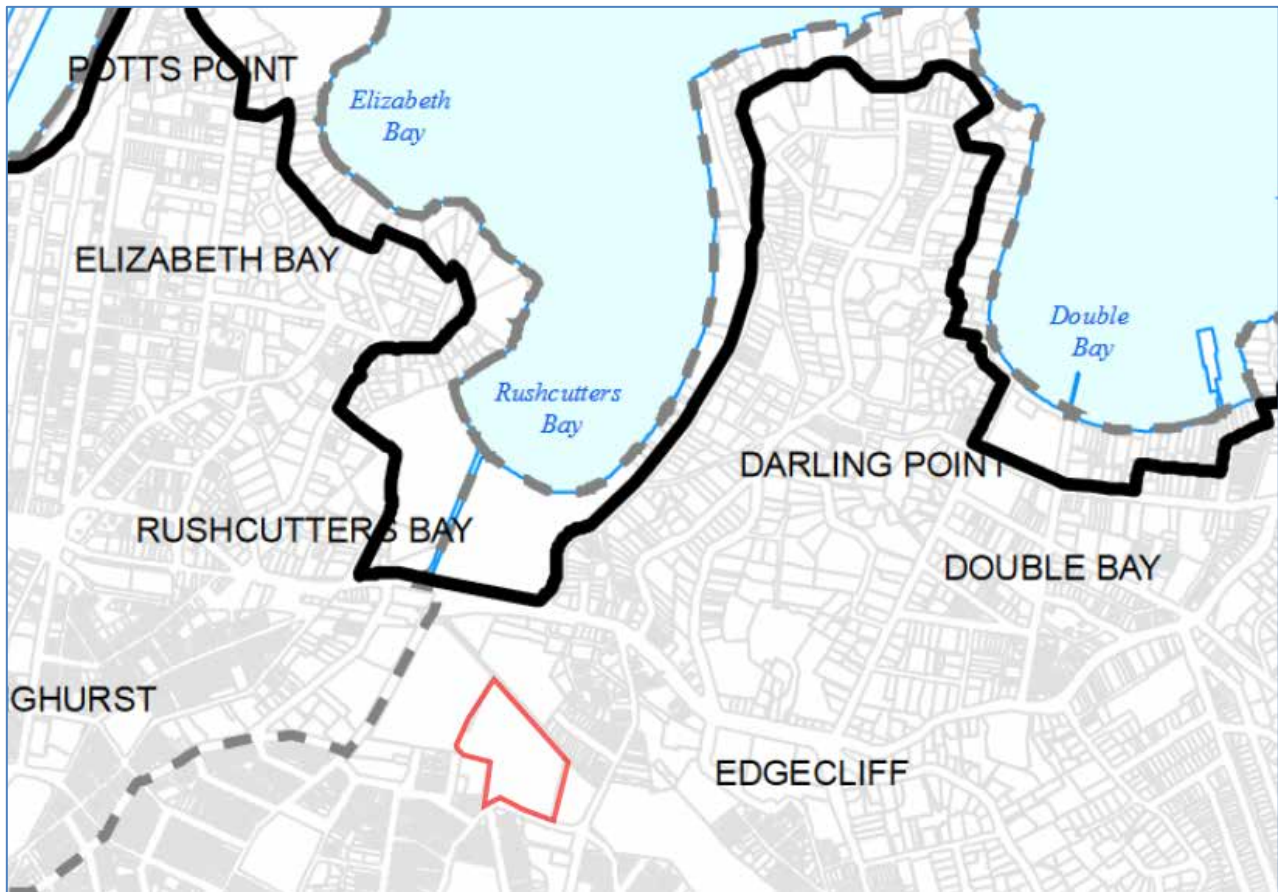


Figure 1 - The map above shows the location of the subject site relative to the foreshore area specified in the SREP (Sydney Harbour Catchment) 2005.

The concept proposal as modified, is therefore considered to be acceptable with regard to the relevant provisions of the SREP (Sydney Harbour Catchment) 2005.

6.3 Woollahra Local Environmental Plan 2015

6.3.1 Part 1.2: Aims of Plan

The proposal is consistent with the relevant aims in Part 1.2(2) of the Woollahra LEP 2014 as follows:

b) To promote the management, development, conservation and economic use of property.

The proposal achieves Aim (b), as the subject site is currently underutilised, due to its dilapidated nature, and the proposal would allow for its ongoing management, conservation and economic vitality.

(c) to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,

The proposal provides for a mix of ancillary commercial, recreational, entertainment, and community uses.

e) To conserve built and natural heritage

The proposal incorporates a heritage interpretation strategy, and involves the adaptive re-use of existing structures on the site.

g) To protect amenity and the built environment

Subject to the recommended conditions of consent, the proposal would not result in a significant ongoing impact on the amenity of the area, such that refusal is warranted.

(h) to minimise and manage stormwater and flooding impacts,

The proposal incorporates a detailed stormwater and flooding strategy, which has been reviewed by Council's Stormwater and Drainage Engineer, and is deemed to be satisfactory.

k) To minimise and manage traffic and parking impacts

Council's Traffic Engineer has reviewed the proposal and advises that it is satisfactory in relation to traffic and parking impacts, subject to the recommended conditions of consent.

l) To ensure the development achieves the desired future character of the area

The proposal achieves the desired future character of the Paddington Heritage Conservation Area, as it enables interpretation of the historical development of the White City site, improves the streetscape presentation to Glenmore Road, and preserves views and vistas across the site.

m) To minimise excavation and manage impacts

The proposal involves minimal excavation for a development of this scale, due to the fact that the majority of proposed buildings do not incorporate significant subterranean elements. The impact of excavation works is considered acceptable subject to recommended conditions of consent.

6.3.2 Land Use Table

The proposal contains the following uses as defined within the Woollahra LEP 2014:

- Recreation Facility (indoor)
- Recreation Facility (outdoor)
- Registered Club
- Community facilities
- Café; and
- Shop

Of the above uses, all are nominate permissible uses within the RE2 Zone, with the exception of the shop and café. Schedule 1 (4) of the Woollahra LEP 2014, allows for the following:

“(2) Development for the purpose of a restaurant or cafe is permitted with development consent, but only if the consent authority is satisfied that the activities proposed are ancillary to and associated with recreation facilities (indoor) or recreation facilities (outdoor).”

Condition B.27 was imposed on the approved concept development, requiring that future development application(s) demonstrate via the submission of operational details that the café and shop would operate as ancillary to the permissible uses within the site.

The proposal comprised a plan of management, which detailed hours of operation for the southern grandstand building, including café, in the following table:

Location	Use/Space/Facility	Monday-Saturday	Sunday
Soccer Field	Sports and community events	7am – 10pm	7am-9.30pm
Multi-purpose hard courts	Sports and community events	6am – 10pm	7am-10pm
Gardens and outdoor spaces	Community gardening & other uses	6am – 10pm	7am-10pm
Tennis Courts		6am – 10pm	10am-10pm
Tennis Pro Shop		6am – 10pm	10am-10pm
Club Building			
Restaurant (inc. bar)	Public, Club, community and events	9am – 12am	10am-10pm
GF, L1 Club		9am – 12am	10am-10pm
L2 and L3 community space		9am – 12am	10am-10pm
Southern Grandstand Building			
Gym and Spa	Public, Club, community and events	5am-10pm	6am-8pm
Pool deck Café		6.30am-12am	6.30am -10pm
Community Space		8am-10pm	9am-1pm

It is not considered that the proposed café would operate as an ancillary use to the permissible use of an indoor recreational facility as its hours of operation extend beyond the hours of operation for the gym and spa.

Condition I.2 is therefore recommended in order to limit the hours of operation so as to coincide with the operation of the gym. Furthermore, the condition specifies that the café must not operate independently from the gym.

The proposal detailed that the tennis pro-shop would be used for the following:

- Administration and monitoring of the tennis courts;
- On site contact for people coming to the courts between hours of 8am - 8pm;
- Providing booking and payment facility for patrons;
- Provision of services such as stringing of racquets and other necessary accessories as required by a tennis facility;
- Coordination point for staff and coaches.

It is evident from this information that the pro-shop would be intrinsic to the operation of the tennis courts, and it is accepted that the pro-shop serves the dominant (permissible) land use of outdoor recreation.

6.3.3 Clause 4.3: Height of Buildings

Clause 4.3 limits development to a maximum height of 9.5m over the entire site.

Clause 4.3B applies to 'Area I – White City' (Figure 2) and provides additional provisions for the subject site allowing for an increased height of 11.5m for development on part of the land to the west of the centre courts (refer to Figure 3).



Figure 2 - The above image shows the subject site on the 'height of buildings' map

<i>Element</i>	<i>Concept DA height</i>	<i>Proposed height</i>	<i>Development standard</i>	<i>Variation to 9.5m standard</i>	<i>Variation to 11.5m standard</i>	<i>Complies</i>
Club Building	19.25m	19.25m	9.5m & 11.5m	9.75m	7.75m	NO*
Sports building	15.8m	15.5m	9.5m & 11.5m	6m	4m	NO*
Tennis Pro-Shop	11.2m	11.2m	9.5m	1.7m	N/A	NO*

*Non-compliance consistent with approved concept DA



Figure 3 - The image above shows the line across the site that divides the area which is subject to a 9.5m height limit from that which is subject to an 11.5m height limit in accordance with Clause 4.3B of the Woollahra LEP 2014

The maximum height of the clubhouse and sports buildings exceed the height of buildings development standard for the site, yet are consistent with the concept approval. A Clause 4.6 request was considered and supported in the concept development application and an updated Clause 4.6 request has been submitted with the subject detailed development, which is considered under Section 6.3.4 of the report.

6.3.4 Clause 4.6 Exceptions to Development Standards

Departure

The proposal involves the following non-compliances with the Woollahra LEP 2014:

- Clause 4.3 Height of building; and
- Clause 4.3B Exceptions to building heights (Area I – White City Tennis Club).

Purpose

Clause 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular

development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Written Request

Clause 4.6(3) stipulates that a written request is required from the applicant that justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.

The applicant has provided a written request in relation to the departure from the maximum building height limit (Clause 4.3).

Clause 4.6(4) Assessment

Clause 4.6 (4) Consent must not be granted for development that contravenes a development standard unless:

- a) The consent authority is satisfied that:
 - i. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**
- b) The concurrence of the Secretary has been obtained.*

Clause 4.6(4)(a)(i) - Assessment

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written requests seeking to justify the contravention of the development standard, have adequately addressed the matters required to be addressed by Cl 4.6(3). There are two separate matters for consideration contained within Cl 4.6(3) and these are addressed as follows:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Comment: In arguing that compliance with the development standards is unreasonable or unnecessary, the applicant has argued that the proposed development satisfies two of the five potential tests established in *Wehbe v Pittwater Council* [2007] NSWLEC 827. These tests are as follows:

- The objectives of the standard are achieved notwithstanding non-compliance;
- The underlying objective of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The Clause 4.6 request adequately demonstrates that the proposal satisfies the above tests, and the consent authority therefore can be satisfied that compliance is unreasonable or unnecessary.

- b) That there are sufficient environmental planning grounds to justify contravening the development standard.*

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that

the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See Four2Five Pty Ltd. v Ashfield Council. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act. '

S1.3 of the EPA Act reads as follows:

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicant's written requests support the proposed non-compliance with the maximum building height control on the following environmental planning grounds:

- The proposed heights are all contained within the previously approved building envelopes for the site and the variations were supported by the Joint Regional Planning Panel.*
- The proposed variation in height does not occur along the Glenmore Road frontage and the proposed buildings do not exceed the permissible height when viewed from Glenmore Road.*
- The proposed arrangement of heights are commensurate with the heights of the surrounding and adjacent buildings and therefore are compatible the existing scale of development within the visual catchment of the site.*
- The proposed development maintains view lines over the site and the proposed variation in height does not compromise the ability to achieve increased view sharing.*
- The proposed variation to height does not result in any adverse impacts to nearby residential properties in relation to overshadowing, visual or acoustic privacy.*
- The proposed variation to the height development standard allows a reduction in building footprints on the site which facilitates a greater amount of open space on the site for*

outdoor recreation, increased flood storage capacity on the site, and reduced impacts to nearby residential properties due to increased separation distances.

- *Due to the topography of the site and steep embankment on the southern boundary down into the site, the majority of the proposed scale is located below the Glenmore Street level.*
- *Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.*
- *The proposed variation allows for the most efficient and economic use of the land*

In this regard, it is considered that the proposal is consistent with Objects (c) and (g) of the Act, as it allows for orderly and economic use of the land, and promotes good design and amenity, notwithstanding the non-compliance with the height of buildings development standard.

Clause 4.6(4)(a)(ii) - Assessment

Clause 4.6(a)(a)(ii) requires the consent authority to be satisfied that:

- ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the height of buildings and the objectives of the RE2 Zone. An assessment against these objectives is provided below:

Clause 4.3 – Height of Buildings

The proposal is assessed against the *Objective of the Development Standard* prescribed by Clause 4.3 which states:

(a) To establish building heights that are consistent with the desired future character of the neighbourhood,

Applicant's submission: *“Due to the topography of the site and surrounds and the fact that the subject site is significantly lower than the adjacent Sydney Grammar site, the height control does not result in a consistency of scale within the neighbourhood. The proposed heights of the building envelopes are commensurate with the heights of the adjacent Sydney Grammar building to the west and the residential flat building to the east and therefore satisfy the objective of the height control to achieve building heights which are consistent with the character of the neighbourhood”.*

Planning assessment: The proposed building envelopes are compatible with existing surrounding development and consistent with the desired future character for the Paddington Heritage Conservation as outlined in the Woollahra DCP 2015 (refer to Section 8.2). The proposed building envelopes will preserve and enhance key views from the public domain (refer to Section 8.9). The proposed building envelopes are a contextual fit for the site. The proposal respects the significant physical elements of White City that contribute to the character area. The proposal achieves consistency with objective (a).

(b) To establish a transition in scale between zones to protect local amenity,

Applicant's submission: *“The subject site has the same height control as the adjacent residential zones to the north and the west as well as the SP2 Special Use zone to the west for Sydney*

Grammar. The eastern adjoining site has a higher height of 13.5 metres to reflect the higher density residential zone. The proposed development provides a transition in scale in that whilst the height control applies across the entire site, the building envelopes are setback a significant distance from the northern boundary in particular and the lower scale of the residential dwellings in Walker Street. Accordingly, the distribution of buildings on the site ensures that an appropriate transition is achieved to the lower scale Walker Street dwellings notwithstanding the proposed height variation”.

Planning assessment: The proposed building heights are compatible with and provide a transition to the existing surrounding development in adjacent zones. The proposed building heights (Clubhouse RL 22.0, sports building RL 20.10 and café RL 13.35 AHD) relate to the surrounding building heights (Figure 4) The building footprints are sited away from the residential developments on adjacent lands with large open areas (tennis courts and football field) which provide separation and offset the height of the buildings. The proposed building heights will not significantly impact the residential amenity of nearby properties. The proposal therefore maintains an appropriate transition in scale between zones and achieves consistency with objective (b).

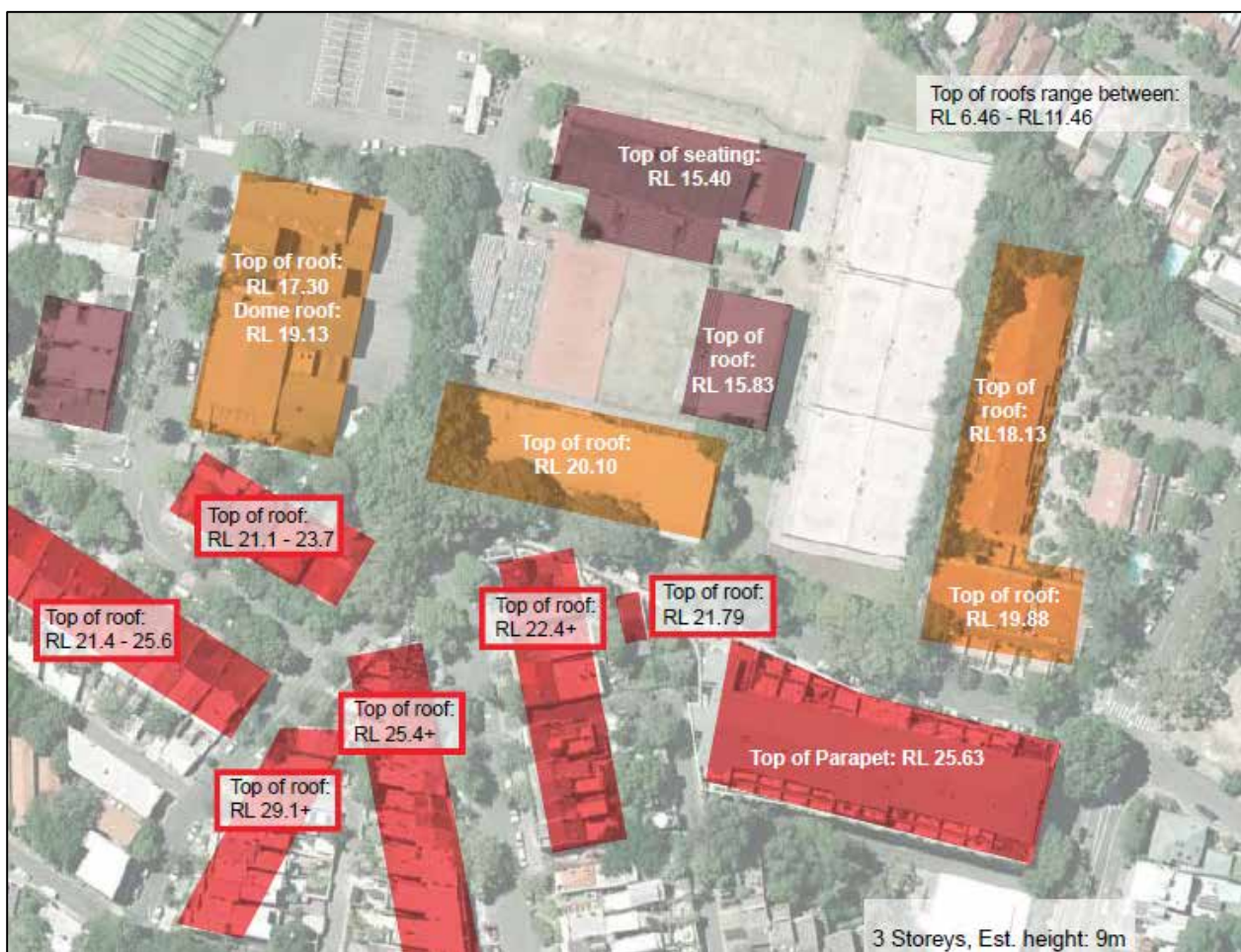


Figure 4 - Existing heights on the subject site relative to existing nearby development (provided by Applicant for the original concept approval)

(c) To minimise the loss of solar access to existing buildings and open space,

Applicant’s submission: “The proposed buildings are located on the southern side of the site such that the proposed variation to the height control does not result in any significant overshadowing impacts. The proposal results in some minor shadow to a corner of the playground of Sydney

Grammar early in the morning on 21 June, however, this shadow is removed by mid-morning. There is no shadow impact from the proposal to any residential properties”.

Planning assessment: The proposal results in minor overshadowing impacts to the northern end of the playground area on the Sydney Grammar School site at 9am on June 21, and along the western boundary of 400 Glenmore Road at 3pm. The extent of overshadowing is relatively minor and on balance it is considered acceptable (refer to Section 8.11.1). The proposal will achieve consistency with objective (c).

(d) To minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

Applicant’s submission: *“The proposed development will maintain views across the site from Glenmore Road. Due to the distance of the proposed buildings from adjacent residential properties, the proposal does not result in any adverse privacy impacts. The proposal does not result in any unreasonable shadow impacts as discussed above”.*

Planning assessment: The proposed height of the buildings does not give rise to an unacceptable level of overshadowing, privacy impacts or view loss to adjoining or nearby residential properties. Whilst the proposal does give rise to potential privacy impacts, these arise from the sporting uses, which are at ground level and are not a result of the non-compliance with the height limit. The proposed buildings have an acceptable impact on important views and vistas across the site (Refer to Section 8.10). The proposal therefore appropriately minimises amenity impacts and achieves consistency with objective (d).

(e) To protect the amenity of the public domain by providing public views of the harbour and surrounding areas.

Applicant’s submission: *“The amenity of the public domain is significantly enhanced as a result of the proposal which will update the existing presentation to Glenmore Road to achieve an activated streetscape and presence to the street. The proposal will maintain views across the site from Glenmore Road”.*

Planning assessment: Significant public views across the site are obtained from Glenmore Road and the Alma Street entry. These key views will be retained. Less significant views are obtained from New South Head Road and Neild Avenue. These views will not be adversely impacted. The proposed building envelopes have an acceptable outcome in terms of public views (refer to Section 8.10). The proposal therefore achieves consistency with objective (e).

Clause 4.3B Exceptions to building heights (Area I – White City Tennis Club) (11.5m height standard allowing for a height of 11.5m for development on part of the land to the west of the centre courts)

Clause 4.3B states as follows:

4.3B Exceptions to building heights (Area I—White City Tennis Club)

(1) The objectives of this clause are as follows—

(a) to retain views from Glenmore Road over certain land surrounding White City Tennis Club,

(b) to permit a greater maximum building height on part of that land, subject to certain criteria,

(c) to protect the visual privacy and amenity of nearby residences,

- (d) to conserve and recognise the heritage significance of the existing centre courts.
- (2) Despite clause 4.3, the maximum height of a building on the land identified as “Area I” on the [Height of Buildings Map](#) is 11.5 metres if—
 - (a) the building is located on the western side of the centre courts, and
 - (b) the consent authority is satisfied that the development does not affect view lines from Glenmore Road, and
 - (c) the building maintains the heritage significance of White City Tennis Club.

The proposal comprises buildings to the western side of the tennis courts that exceed the 11.5m height limit stipulated by Clause 4.3B (2).

For the purposes of the Clause 4.6 assessment, an assessment of the proposal has therefore been undertaken against the objectives of Clause 4.3B(1) :

(a) to retain views from Glenmore Road over certain land surrounding White City Tennis Club

Applicant’s submission: “The proposal will adaptively reuse the existing southern grandstand and will maintain existing views from Glenmore Road over the site.”

Planning assessment: Significant public views from Glenmore Road will be generally maintained (refer to Section 8.10). By concentrating sporting uses within the eastern half of the site, the sense of an open valley floor is maintained. The proposal therefore achieves consistency with objective (a).

(b) to permit a greater maximum building height on part of that land, subject to certain criteria

Applicant’s submission: “The proposal meets the criteria under Clause 4.3B(2) in that the development does not adversely affect view lines from Glenmore Road and the proposed development will preserve and respect the heritage significance of White City Tennis Club. Accordingly, the 11.5 metre height control applies to the area of the site which is located to the west of the existing centre court

Planning assessment: The proposal achieves consistency with objective (b), as it meets the relevant criteria under Clause 4.3B(2).

(c) to protect the visual privacy and amenity of nearby residences

Applicant’s submission: “Due to the distance of the proposed building envelopes from adjacent residential properties, the proposal does not result in any adverse privacy impacts”.

Planning assessment: The proposal will maintain an acceptable level of visual privacy to nearby residences (refer to Section 8.11.2). The proposal does not result in any unacceptable overshadowing to nearby residential properties (refer to Section 8.11.1). The proposal therefore achieves consistency with objective (c).

(d) to conserve and recognise the heritage significance of the existing Centre Courts

Applicant’s submission: “The development maintains and celebrates the heritage significance of White City Tennis Club and implements the measures outlined in the approved Heritage Interpretation Strategy.”

Planning assessment: The proposal retains and reutilises the southern grandstand building, which forms part of the Centre Courts. The proposed Heritage Interpretation Strategy recognises the heritage significance of the site and incorporates interpretation strategies that retain and interpret elements of the former use and form of the site. The proposal will achieve consistency with objective (d).

Objectives of the RE2 Zone

The development is furthermore considered against the objectives of the RE2 zone as follows:

- *To enable land to be used for private open space or recreational purposes.*

Planning Assessment: The proposal is consistent with the first objective of the zone, as the development allows the use of White City for private open space and recreational uses including tennis courts, the football field, the swimming pool and gym.

- *To provide a range of recreational settings and activities and compatible land uses.*

Planning Assessment: The proposal is consistent with the second objective of the zone as it provides a range of recreational land uses, including both sporting and non-sporting uses, as well as compatible other land uses such as the proposed licensed club.

- *To protect and enhance the natural environment for recreational purposes*

Planning Assessment: The existing recreational purposes on the site are not characterised as the natural environment, as they contain grass tennis courts and other man-made structures. The proposed development also comprises artificial elements including synthetic playing surfaces and built structures. Notwithstanding this, the proposal involves the removal of a large number of trees on the site which are considered to be weed species, and their replacement with native trees and vegetation. This would enhance the natural environment on the site, and the proposal therefore achieves consistency with the third objective of the zone.

Clause 4.6(4)(a)(b) - Assessment

The Department issued Planning Circular No.PS18-003 (dated 21st February 2018) which notified Councils of arrangements “...where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...” Clause 64 of the EPA Regulations provides that Council may assume the Director-General’s [Secretary’s] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

Conclusion

The Clause 4.6 variation request is considered to be well founded as the proposal demonstrates the following:

- The objectives of the Clause 4.3 Height of buildings development standard have been satisfied, notwithstanding the variation;
- The objectives of the Clause 4.3B Exceptions to building heights (Area I – White City Tennis Club) have been satisfied, notwithstanding the variation;
- The objectives of the RE2 Private Recreation zone have been satisfied;

- Strict compliance with the height of building development standards would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the proposed variation;
- It is considered reasonable and appropriate to vary the height of buildings development standard to the extent proposed;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard in this instance;
- The proposed variation will not hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the *Environmental Planning & Assessment Act 1979*; and
- The contravention does not raise any matter of State or Regional Significance.

The proposal is in the public interest and consistent with the objectives of the building height development standard (Clause 4.3) and the site specific building height objectives (Clause 4.3B) of the Woollahra LEP 2014. The departures from these controls are supported.

6.3.5 Part 5.10: Heritage Conservation

The subject site is not listed as a state or local heritage item, but it is located in the Paddington Heritage Conservation Area. Within the vicinity of the site, Alma Street contains 7 Canary Island Date Palms, which are listed as having local heritage significance. Council's Tree Officer has reviewed the proposal and advised as follows:

"It is anticipated that there will be a high number of heavy construction vehicle movements in this section of narrow roadway over an extended period of time. Additionally, this roadway is frequently congested by vehicle movements associated with the Sydney Grammar School. Consequently, I have recommended the imposition of a monetary bond and the installation of trunk protection on these palm trees to ensure that adequate care is taken with the movement of demolition and construction vehicle adjacent to the trees. "

In accordance with the conditions recommended by Council's Tree Officer, the proposal does not pose a significant risk to the Canary Island Date Palms in Alma Street.

White City possesses cultural and historical significance and is identified as a 'Registered' site on the non-statutory Register of the National Estate: (Place ID 101983, Place File No.1/12/041/0129).

Council's Heritage Officer reviewed the proposal and identified six elements of the site which are contributory, within the context of the heritage conservation area. The comments of Council's Heritage Officer are included below:

1. "The Southern Grandstand

The Urbis report does not contain any fabric analysis of the southern grandstand. I was not given internal access to this building due to health and safety concerns. I have however inspected some parts of the basement level below the seating area which were accessible. My assessment is largely based on the review of White City CMP prepared by Conybeare Morrison International dated 2004 (updated in 2008).

I understand that this building is the result of an amalgamation of different structures from varying periods. There is an original 1922-23 section which is the central concrete base, stepped timber seating, posts and trusses with gabled corrugated steel roof on timber purlins with timber trusses. In the late 1920s two bays were added to the east and west of the stand,

with corrugated steel gabled roofs supported by steel trusses and posts. Then post 1958, a two bay extension was added with a reinforced concrete slab on reinforced concrete columns. The Conybeare Morrison report also identifies this building as having ‘lost any design integrity due to constant alteration’, with ‘any positive visual appeal the original c. 1922/23 Southern Stand may have had, has not been more than temporarily degraded’. The report also reports the stand to be in ‘poor condition’ due to termite infestation and non BCA compliance for fire and balustrading. The report then concludes that:

Without a viable use for a stand of this size, the restoration of the original or extant stand would result in an ongoing encumbrance for the White City. Demolition is therefore recommended.

Given this analysis, the proposed adaptive re-use is considered to align with the heritage policies of the Burra Charter.

The removal of an impermeable fence from Glenmore Road and re-activation of the street interface on Glenmore Road is considered among the best outcomes of the proposal. The visual presentation from the public domain will be the activated through the adaptive re-use of the Southern Grandstand.

Proposed materials and colours are discussed below under the DCP assessment.

The Heritage Interpretation Strategy plans detailed by CotteeParker defines the proposed adaptive re-use of this stand as conservation works, with the majority of the existing structure to remain where possible to retain the historical presences of the original southern stand and retain the external appearances along Glenmore Road.

The submitted documentation is silent on the type of conservation works to be undertaken on this building. While supporting adaptive re-use of this structure, a condition of consent will be imposed.

2. Northern Grandstand (‘Heritage Arches’ or ‘Wilkinson’s Arches’)

The Urbis report does not contain any fabric analysis of the Northern Grandstand. The original drawings of this grandstand are by Professor Leslie Wilkinson and are held by the City of Sydney Archives (BA1830/1932). There is no mention of Wilkinson work in the Urbis report.

Information on the Northern Grandstand is largely taken from the Conybeare Morrison International Conservation Management Plan and what is held at the City of Sydney Archives. This was originally constructed in 1932 to replace an earlier (1927) temporary stand whose drawings and specifications can be viewed at City of Sydney Archives (BA1263/1927). Only parts of the original Northern Grandstand remains today, and it appears to be vacant. With the rebuilding of the current Clubhouse, the Northern Grandstand has been partly demolished, however Wilkinson’s distinctive row of arches remain in a modified form.

Some of the arches have been infilled over time, and if the proposal aims to retain them, conservation works would be needed to reinstate most of the original arched openings. Infill of arched openings are reversible works that would enhance the contribution of this early structure of White City. Any conservation works would need to be based on the drawings held by the City of Sydney Archives and subsequent modification plans.

This stand has associative significance for its association with Henry Marsh and Professor Leslie Wilkinson. It also has social significance as a gathering place for the club members of both White City and Tennis NSW Club and as a vantage point. It contributes to the enclosure around the Centre Courts, which is held in high community esteem.

3. Centre Courts

The grass courts in this area were laid in 1922. The Associations' Honorary Consulting Engineer, G A Julius provided advice to the construction work on the courts supervised by Jennings.

The centre courts originally consisted of five grass courts. In 1985, with the building of the Eastern Stand, they were reduced to four courts. The scoreboard was added in 1952 and in 1957 the NSW tennis was televised live for the first time in Australia.

The Conybeare Morrison report defines the courts of “historic and social significance as the core precinct associated with the development of tennis in Australia. [...] It is held in high community esteem as the contained space evokes a sense of occasions and is associated with memories of victory and defeat.”

The report goes on saying that the Centre Courts should be retained and maintained as active tennis courts:

The sense of arena provided by the grandstands with a central focus on the significant Centre Courts should be interpreted to maintain the excitement of the place. Development around Centre Courts should enable the continued use of the Centre Courts for the recreational use of tennis. [...] The Centre Court arena and the containment of the space should be enclosed to interpret and reflect the raked forms of the former grandstands.

The proposal aims to interpret the centre court playing surfaces in a number of ways detailed in the Heritage Interpretation Strategy plans detailed by CotteeParker (A7001 to A7003). Its continued use as a sporting venue and additional sense of enclosure remain bounded by the Southern Grandstand and the Northern arches is considered to be consistent with the above policies.

4. Ticket Building and NSWTA Gates

The Conybeare Morrison report informs that this building was constructed in 1970s as a long low utilitarian building with a flat roof. It may be removed according to the need.

The vehicular steel gates have centred letters “NSWTA” surmounted by a wrought steel tennis ball. The gates provides evidence of association with the NSWTA which has owned the site since 1922. The report recommends interpreting these gates if relocated.

The proposal aims to keep the gates and move them to the main Alma Street entrance, as detailed in the Heritage Interpretation Strategy plans detailed by CotteeParker (A7002). This is consistent with heritage policies.

5. Moveable Heritage and Tennis NSW Memorabilia

There are a number of moveable heritage items and memorabilia scattered throughout the site that would need to be catalogued, researched and carefully stored or exhibited, as detailed in the Heritage Interpretation Strategy plans detailed by CotteeParker. The proposal is to retain them in the lift lobby space of the White City Club, but also in the repurposed Southern Grandstand. This is consistent with heritage policies.

6. Green and open valley character

The proposal is essentially retaining the existing playing fields and open space character of White City, especially the northern section of the precinct. With the relocation of the Clubhouse, views across the site will be enhanced and the remnants of Wilkinson's grandstand will be retained and enhanced."

Council's Heritage Officer also reviewed the proposed Heritage Interpretation Strategy, which forms part of the subject application, and provided the following comments:

"The previous approval required an Interpretation plan illustrating the history and significance of the White City site. The Applicant has submitted a Heritage Interpretation Plan by Urbis dated December 2019 and a Heritage Interpretation Strategy plans by CotteeParker ref. A7001, A7002 and A7003. Condition B.9 of DA 2015/438/2 is:

The relevant Stage 2 development application shall incorporate a detailed Interpretation Plan that illustrates how information on the history and significance of the White City site will be provided. Interpretation by design should form an integral aspect of the plan, in addition to other devices such as display, web based interpretive media and public art. The Interpretation Plan shall provide details as to the type, location and spatial requirements of the interpretation, including for archaeological display (where required). The Interpretation Plan should be prepared by a Heritage Consultant and should be guided by a detailed Interpretation Strategy incorporating the interpretation strategy included in the Stage 1 development application.

- History of early Aboriginal occupation needs to be clearly acknowledged during the interpretative process.*
- The audience of heritage interpretation, as required under the NSW Heritage Council's Heritage Interpretation Policy, needs to be clearly identified as to tailor the heritage interpretative initiatives and locations.*
- Historical themes relevant to the site need to be clearly identified and addressed in the report.*
- A selection of historical images of the site with detailed sources and references made available for interpretative purposes.*
- It is important that Heritage Interpretation responds to 'Why and for whom is the White City important?' and covers all aspect of heritage significance.*
- The Interpretation section of the CMP in particular Policy 23 and guidelines in section 9.11 and 9.13 should be included such as retention of the concrete stormwater channel as a visible expression of the Glenmore Creek, undertaken oral history and retention of NSTWA gates.*
- A comprehensive historic research and heritage reports should be left accessible for visitors and researchers, either onsite or through accession into a publicly accessible library/local studies unit.*

- *Existing record of the current precinct layout should be recorded and made publicly accessible to researchers. This includes the undertaking of a photographic archival recording prior to the site redevelopment.*
- *Retention of a minimum of 15 of the 19 Southern Stand trusses in situ and the retention of all Northern Stand Stage 1 arches in situ and the retention of the NSW Tennis Association Gate.*

The report indicates design strategies aiming to interpret the history of the site, as described in 1.4.3. Interpretation themes and audiences have been identified. An ongoing display of memorabilia and moveable heritage has been identified but it references the work of a collections manager and oral history to be undertaken at a later stage.

The submitted report lacks details on:

- *The display and exhibition of memorabilia and indicative signage (layout, text and media used for heritage interpretation).*
- *Selection of images and references.*
- *There is no mention of the design of the Northern Grandstand by Leslie Wilkinson and original plans.*
- *How to convey the history of the precinct and its development pattern and change of uses (including Aboriginal occupation).*

A condition of consent to prepare a more detailed Interpretation Plan is required.

Among the aims of the Interpretation Plan is conservation for the northern grandstand arches and the southern grandstands (5 and 8 on the Cottee Parker plans). A full set of conservation works are required, based on a detailed fabric analysis and survey of existing fabric and comparison with original approvals and modification plans. A qualified heritage architect needs to prepare a Schedule of Conservation works to inform and superintend the construction and conservation works. Heritage induction will be required for builders and contractors working in the site.

The plans refer to a ‘future stage’ of the proposal for the Centre Court Playing Surface (9). This needs to be more detailed and will be covered by a more detailed Heritage Interpretation Plan.”

As noted above, Council’s Heritage Officer has identified a number of deficiencies with regards to the submitted Heritage Interpretation Plan. **Condition C.13** is recommended, which requires the preparation of a more detailed heritage interpretation strategy and its submission to Council.

Subject to that condition, the proposal satisfies the relevant provisions of Part 5.10.

6.3.6 Part 6.1: Acid Sulfate Soils

Part 6.1 requires Council to consider any potential acid sulphate soil affectation where excavation is proposed within the site. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils (ASS) and cause environmental damage.

The southern part of the subject site is within a Class 5 Acid Sulphate Soils Area whilst the northern part of the site is within a Class 3 Acid Sulphate Soils Area as identified in the Planning NSW Acid Sulphate Soils Risk Map.

A Geotechnical Report including ASS assessment, prepared by Douglas Partners, dated October 2019, was submitted with the subject application. That report identified that some disturbance to ASS is expected due to excavation and piling works.

The subject application was also accompanied by an acid sulfate soils management plan (ASSMP) as required by **Condition B.22** which was imposed on the approved concept proposal and Clause 6.1 (3) of the Woollahra LEP 2014.

Council's Environmental Health Officer reviewed the ASSMP and has advised that it is satisfactory, and the proposal is thereby acceptable with regards to Clause 6.1.

6.3.7 Part 6.2: Earthworks

Part 6.2 requires Council to consider the likely impact of any proposed excavation upon the subject site and surrounding properties. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The Geotechnical Report submitted with the application advised that the proposed development would generally require minor excavation only, to a depth of approximately 1m, although due to the existing batter slopes along the southern and western boundaries, the excavation in those areas would extend to a depth of up to 10m below the existing ground level on adjacent properties.

In deciding to grant consent for development involving earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Planning Assessment: On the basis of the recommendations made in the geotechnical report and subject to the recommended conditions of consent, it is not considered that the proposal would result in significant adverse impacts to soil stability or drainage patterns within the locality. It is noted that further approvals are required from Water NSW in relation to de-watering.

- (b) the effect of the development on the likely future use or redevelopment of the land,*

Planning Assessment: The proposal does not involve significant changes to the topography across the site and would not impede the future use or redevelopment of the land.

- (c) the quality of the fill or the soil to be excavated, or both,*

Planning Assessment: The site is affected by Acid Sulfate Soils and site contamination (Refer to Sections 6.2.3 and 6.3.6). The applicant has submitted an Acid Sulfate Soils Management Plan and Remediation Action Plan, which adequately address the management of these matters during the construction phase.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,*

Planning Assessment: As noted above, the proposed earthworks are relatively minor in the context of this large-scale development. Whilst contributing to residential amenity impacts due to truck movements and noise, the impact of excavation forms a small part of the overall

construction impact and would not warrant the refusal of the development, subject to conditions of consent.

(e) the source of any fill material and the destination of any excavated material,

Planning Assessment: **Condition E.29** is recommended which requires that fill material imported to reinstate excavations must be either Virgin Excavated Material (VENM) or Excavated Natural Material (ENM), or comply with a relevant NSW EPA approved Resource Recovery Exemption. The condition also requires that waste disposal be undertaken in accordance with Waste Classification Guidelines (NSW EPA, 2014a), the Waste Avoidance and Resource Recovery Act 2001 (NSW), the Protection of the Environment Operations Act 1997 (NSW) and other relevant legislation.

(f) the likelihood of disturbing relics,

Planning Assessment: **Condition E.26** is recommended, which require works to cease if any relics are discovered during the course of the works.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Planning Assessment: The proposed development is within the vicinity of the Rushcutters Creek stormwater canal. It is not considered that the proposed excavation poses a risk for potential adverse impacts to this waterway, subject to appropriate sedimentation controls as required by conditions of consent.

(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

Planning Assessment: Subject to the recommended conditions of consent, it is considered that the impacts of the proposed development would be appropriately mitigated.

The proposed earthworks are therefore acceptable, as considered against the relevant matters for consideration and subject to the recommended conditions of consent. The proposal therefore satisfies Part 6.2 of the Woollahra LEP 2014.

6.3.8 Part 6.3: Flood Planning

Part 6.3 requires Council to consider flood impacts. The objectives of this clause are to minimise the flood risk to life and property associated with the use of land; to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change; and to avoid significant adverse impacts on flood behaviour and the environment.

The site is located within a flood planning area. A Flood Assessment prepared by BG&E, dated 21 November 2019, was submitted with the subject development application. The report included recommendations, including minimum floor levels, to minimise flood risk and responds to **Condition B.16** which was imposed on the approved concept development and related to flood mitigation measures.

Council's Stormwater and Drainage Engineer reviewed the proposal and advised that it is satisfactory subject to the recommended **Condition C.12**.

As such, the proposal is acceptable with regard to Part 6.3 of the Woollahra LEP 2014.

7. CONSULTATION AND SUBMISSIONS

7.1. Advertising and Notification

The application was advertised and notified from 22/01/2020 to 20/02/2020 (30 days) in accordance with the Woollahra Community Participation Plan. An extended notification and advertising was undertaken from 11 March 2020 to 7 April 2020 in accordance with a Council resolution of 24 February 2020 to notify additional properties within the vicinity of the (then) proposed routes of construction vehicles.

The applicant has completed the statutory declaration dated 15/04/2020 declaring that the site notice was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan.

7.2. Public Authority Submissions

A total of 4 submissions were received from public authorities. The issues raised by public authorities are summarised in Table 5 below, which also outlines the response to the matters raised therein.

Table 5: Submissions from Public Authorities

<i>Transport for NSW</i>	
The layout of the proposed car parking areas associated with the subject development should be in accordance with AS 2890.1- 2004, AS2890.6- 2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.	The condition recommended by TfNSW has been incorporated into the recommended Condition C.9 . Pedestrian safety has been considered in the assessment of this application and is considered to be acceptable subject to the Local Area Traffic Management Scheme.
The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.	
<i>Sydney Trains</i>	
A condition is recommended requiring the applicant to undertake a service search to establish the existence and location of any rail services prior to the issue of a Construction Certificate.	The matters raised by Sydney Trains are incorporated into the recommended Condition A.7 .
A condition of consent is recommended prohibiting any works within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time.	
A condition of consent is recommended requiring a Risk Management Plan and detailed Safe Work Method Statement to be submitted to Sydney	

Trains prior to the issue of a Construction Certificate.

A condition of consent is recommended requiring the easement to be unobstructed to maintain 24/7 access to the rail corridor for rail vehicles, plant and equipment.

A condition of consent is recommended requiring the Applicant to appoint a representative to oversee the carrying out of their obligations in accordance with correspondence issued by Sydney Trains, and is available to liaise with the representative of Sydney Trains.

A condition of consent is recommended requiring that the Applicant consult with Sydney Trains during the demolition, excavation and construction works.

A condition of consent is recommended requiring that in cases where consultation with Sydney Trains is required the Applicant forward all requests and documentation to the relevant Sydney Trains external party interface team.

A condition of consent is recommended requiring that copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

A condition of consent is recommended requiring that any conditions issued as part of Sydney Trains approval/certification will also form part of the consent conditions that the Applicant is required to comply with.

Sydney Water

Potable water servicing should be available via a 100mm CICL watermain (laid in 1932) on Alma Street.

Condition A.8 is recommended, which details Sydney Water's requirements.

Amplifications or extensions to the drinking water and waste water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

No new connections to the 500mm CICL trunk in Glenmore Road would be permitted.

Wastewater servicing should be available via a 225mm CI wastewater main (laid in 1970) in the northern part of the property.

No buildings or permanent structures are to be proposed over the stormwater channel / pipe (Rushcutters Creek) or within 1m from the outside wall of the stormwater asset.

The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel. According to the submitted details, the following elements may be located within the 1m clearance zone and the proponent is required to revise these details to ensure that these elements are located minimum 1m away from the Sydney Water's stormwater channel:

- Design elements associated with the soccer field
- Car park
- Design elements associated with the Tennis court
- Stormwater pits and Gross Pollutant Traps
- Light poles
- Fence

Please note that any fence other than 1.2m high pool fencing, 1.8m high colorbond fencing or equivalent should be located at least 1m away from the outside face of the stormwater channel/ asset and supported on piers and piers are to be extended at least 1m below the invert level of the stormwater channel or 1m below the zone of influence of the stormwater channel.

NSW Police - Licensing

The sale/supply of liquor is to be restricted to Level 2 of the club as depicted on the Club Floor Plans of Drawing No A2051 Issue 02.

The requirements of NSW Police have been incorporated into the recommended conditions of consent.

Alcohol is not to be removed from Level 2 of the club as depicted on the Club Floor Plans of Drawing No A2051 Issue 02.

The Club must operate in accordance with a Plan of Management approved by council pertaining to the sale/supply of liquor utilising the current Club Liquor Licence prior to operation.

An independent Limited liquor licence will be required for the sale/supply of liquor to all other areas of the premise for functions and events.

For each function or event utilising a liquor licence outside of the current Club licence, a detailed Plan of Management pertaining to the sale/supply of liquor is required to be approved by Council and the Local Licensing Police.

The operation of each event or function utilising a liquor licence outside of the current Club licence must adhere to the approved Plan of Management.

NSW Police – Crime Prevention Through Environmental Design (CPTED)

Consideration should be given to measures that may prevent or reduce the damage caused by graffiti.

The CPTED measures outlined by NSW Police are detailed in **Condition A.11**.

1.1 Non porous surfaces, anti-graffiti coatings and silicone based paints can be used to reduce the damage and expense caused from graffiti. Green screens comprised of wall hugging plants or vines can be used to protect walls and other structures from graffiti and vandalism.

2.1 Access control measures restrict, channel and encourage people in, out or around specific sites. Access control is used to increase the time and effort to commit a crime and increase the risk to criminals. By clarifying where people are permitted to go or not to go becomes more difficult for potential offenders to reach and victimise people and their property. Confusing definition of space can make it easy for criminals to loiter and make excuses for being in unauthorised areas.

2.2 This can be controlled through formal supervision by way of staff, effective signage to provide guidance, effective signage to indicate that it is not open to the public. Physical barriers such as landscaping and fencing should be used to define areas which are non-public.

2.3 Any electronic access control should be able to be logged. In the event of an incident, investigators can quickly see whose swipe card or PIN was used, with timings being able to be cross-checked with CCTV.

3.1 Internal car park structures such as concrete columns and solid internal walls can create visual obstructions in car parks. Obstructions can provide opportunities for cover for criminals. The configuration of car parking spaces can affect vision. Grid rows are an option which increases natural surveillance of the area by decreasing the amount of blind spots around the vehicles.

3.2 It is suggested that the car park area includes surveillance by way of CCTV and be well lit at night in parts which have natural surveillance of passers-by and neighbours at night time.

4.1 It is suggested that there be installation of an adequate CCTV system be installed and monitored within the common areas, entry/exit doors and driveways, and external car parks to monitor staff and members safely. Cameras at the entrance should be placed at head height with appropriate lenses to increase the opportunity to capture facial images.

5.1 Good lighting can assist in the usage of an area and security. Crime risk and potential fear should be considered

5.2 Lighting should be designed to Australian and New Zealand Lighting Standards. All external lighting fixtures should be vandal resistant. Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing. Lighting should be free of obstructions, such as columns, pipes, etc. Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places. The choice of light fixtures should enable accurate colour renditions such as white LED, to increase accuracy of witness descriptions of potential offenders.

6.1 Consideration needs to be given as to the method of entry into the car park and controls such as electric opening gates with controllable access. Locking mechanisms used for storage areas need to be substantial and unique to minimise risk of master keys being obtained and used by offenders.

6.2 Developments may be targeted by offenders, both during the construction phase and while the facility is operational. The use of security sensor lights and a security company to monitor the site while construction is in progress is recommended

7.3. Submissions

Council received 289 submissions to the proposed development.

With regards to the submissions received, the following is noted:

- 69 of the objections listed above were submissions of support for the proposed ‘Paddington Greenway’ project.
- 4 of the submissions were received were in support of the proposed development.
- In addition to submissions received from individual residents, submissions were received from the following groups/organisations:
 - Sydney Grammar School and Parents Association
 - Glenmore Road Public School and Parents Association
 - Queen Street and West Woollahra Association
 - The Paddington Society
 - BIKEast

The amended plans received on 16 June 2020 were not formally re-advertised or re-notified, as it was not considered that the amendments would result in a greater environmental or amenity impact to residents and land owners within the vicinity.

Table 6: Issues raised in objections

Traffic and Transport	Consideration in Assessment Report
<ul style="list-style-type: none">· Vehicle access should be via Neild Avenue or New South Head Road	Section 8.7.
<ul style="list-style-type: none">· Glenmore Road driveway crossing is not supported<ul style="list-style-type: none">- Increased traffic on Glenmore Road- Pedestrian and vehicle hazards- Air pollution due to traffic- Impact of headlights- Noise impacts	
<ul style="list-style-type: none">· Increased traffic in the local road network, and specifically in Glenmore Road, Alma Street and Lawson Street<ul style="list-style-type: none">- Pedestrian hazard for school children- Pollution, traffic congestion and noise impacts to residents- Proposal has not addressed vehicle queuing in Alma Street	
<ul style="list-style-type: none">· Traffic report and peer review is flawed<ul style="list-style-type: none">- Traffic report relies on questionable data- Council should undertake an independent traffic assessment	
<ul style="list-style-type: none">· The proposal has not detailed pedestrian upgrade facilities at Glenmore Road and Cambridge Street intersections	
<ul style="list-style-type: none">· The proposal should implement pedestrian safety and traffic calming measures in Alma Street	Section 8.6
<ul style="list-style-type: none">· Proposal has not made adequate provision for pedestrian or bicycle access	

<ul style="list-style-type: none"> The proposal should explore alternative access points to the site 		
Parking Impacts		
<ul style="list-style-type: none"> Loss of on-street parking during the construction phase <ul style="list-style-type: none"> Construction workers parking on-site is unrealistic and difficult to enforce 	Sections 8.7 and 8.14.2	
<ul style="list-style-type: none"> Proposal comprises insufficient parking <ul style="list-style-type: none"> Reduction in available parking for residents in nearby streets The proposal has not made provision for staff parking Local streets should be designated as residents only parking Resident parking should be provided within the subject site 		
Environmental Impacts		
<ul style="list-style-type: none"> Tree removal within the site <ul style="list-style-type: none"> Loss of fauna habitat Loss of visual amenity The proposal reduces canopy coverage 	Section 8.9	
<ul style="list-style-type: none"> Street tree removal on Glenmore Road 		
<ul style="list-style-type: none"> Loss of green character of the valley floor 		
<ul style="list-style-type: none"> Insufficient landscaping within the proposed development <ul style="list-style-type: none"> Insufficient deep soil landscaped area within the site Inadequate deep soil landscaping across the site generally and specifically in the vicinity of the site boundaries 		
<ul style="list-style-type: none"> Synthetic turf <ul style="list-style-type: none"> Heat impacts Stormwater runoff Pollution impacts and potential poor drainage 	Section 8.15.6	
<ul style="list-style-type: none"> The proposal has not provided for a riparian corridor along Rushcutters Creek 	Section 8.15.5	
Construction Impacts		
<ul style="list-style-type: none"> Noise and vibration from construction works <ul style="list-style-type: none"> Hours of work should be limited to mitigate acoustic impacts to the Sydney Grammar School Health impacts to school students due to construction noise The submitted acoustic assessment report has not adequately considered construction noise and vibrations 	Section 8.14	
<ul style="list-style-type: none"> Truck and vehicle movements during construction <ul style="list-style-type: none"> Opposition to routing of construction vehicles through local roads in Paddington and Woollahra Trucks exiting onto Glenmore Road must not turn right Applicant has not provided swept path diagrams along the proposed truck routes Glenmore Road has a 3 tonne load limit between Brown Street and Oxford Street Potential for property damage due to truck vibrations 		

<ul style="list-style-type: none"> - Dilapidation surveys should be undertaken for all homes along the construction vehicle route - Air pollution from construction vehicles - Noise pollution study should be undertaken for construction vehicles - Safety hazards for pedestrians and vehicles along the construction routes - Pedestrian crossing supervisor should be provided outside Glenmore Road public school during pick up and drop off hours - Access to the site should be from New South Head Road - Adverse impacts to local businesses due to construction vehicle traffic 	
<ul style="list-style-type: none"> • Asbestos, dust pollution and contamination 	Section 8.14; Section 11
<ul style="list-style-type: none"> • Risk of crane accidents 	Section 11
<ul style="list-style-type: none"> • Compliance with conditions of consent should be independently audited on an ongoing basis 	Section 11
<ul style="list-style-type: none"> • A construction liaison committee should be required via conditions of consent 	Section 11
<ul style="list-style-type: none"> • The submitted construction management plan has not complied with the Woollahra Council checklist for construction management plans 	Section 8.15.1
Amenity Impacts	
<ul style="list-style-type: none"> • Acoustic impacts from the proposed development <ul style="list-style-type: none"> - Acoustic impacts from sporting activities - Acoustic impact from registered club - Acoustic report is not site-specific and should be independently reviewed by Council and a resident's committee 	Section 8.11
<ul style="list-style-type: none"> • Adverse impacts to the lifestyle of local residents 	
<ul style="list-style-type: none"> • Overshadowing impacts to adjoining properties 	
<ul style="list-style-type: none"> • Loss of outlook to houses along Lawson Street 	
<ul style="list-style-type: none"> • Light pollution 	
<ul style="list-style-type: none"> • Exhaust fumes from the proposed car park 	Section 8.15.7
<ul style="list-style-type: none"> • Impact of the proposed services building <ul style="list-style-type: none"> - Acoustic impact of the services building - Emissions from the services building 	Section 8.11; Section 8.15.7
<ul style="list-style-type: none"> • Health risks from the proposed substations in the south-western corner of the site 	Section 8.15.3
Planning and Heritage	
<ul style="list-style-type: none"> • Misleading, inaccurate and contradictory information 	Section 8.15.1
<ul style="list-style-type: none"> • The proposal has not included a detailed usage profile and assessment against Chapter F3 of the Woollahra DCP 2015 	
<ul style="list-style-type: none"> • The proposal is contrary to the NSW Green Grid and Greenweb strategies 	Section 8.15.4
<ul style="list-style-type: none"> • Paddington Greenway and Rushcutters Creek stormwater canal <ul style="list-style-type: none"> - General expressions of support for the Paddington Greenway project 	Section 8.15.5

<ul style="list-style-type: none"> - Any conditions of consent must make provision for the Paddington Greenway project - Fencing between the subject site and the Paddington Greenway should not be opaque - Land along the Rushcutters Creek stormwater canal should be dedicated as public open space - The proposal is contrary to Sydney Water's submission to DA 438/2015/2 as it has not provided a 1m setback from the canal. 	
<ul style="list-style-type: none"> • Public access should be provided through the site - The proposal does not provide public access from Walker Avenue - The proposal should provide pedestrian access to New South Head Road 	Section 8.6
<ul style="list-style-type: none"> • Flooding - The freeboard must be above the 1/100 year flood level rather than the 1/20 year flood level - A formal flood study should be undertaken for the proposed development. 	Section 8.12
<ul style="list-style-type: none"> • Heritage - The proposal does not recognise the Aboriginal heritage of the site - The proposal does not recognise the early Paddington heritage significance - The proposal does not recognise the heritage significance of Rushcutters Creek 	Section 6.3.5; Section 8.8
<ul style="list-style-type: none"> • Licensed Club - The proposed clubhouse is excessive and is an overdevelopment when compared to other clubs within the municipality - The site is not a suitable location for a licensed club 	Section 8.4
<ul style="list-style-type: none"> • The proposal does not comply with the conditions of consent that were imposed on the approved concept proposal 	Section 6.1.3
<ul style="list-style-type: none"> • The proposal lacks public benefit 	Section 7.15
<ul style="list-style-type: none"> • Non-compliance with the height limit - Submitted Clause 4.6 variation requests are not warranted 	Section 5.1.3
<ul style="list-style-type: none"> • Loss of views and vistas of the valley from New South Head Road and Glenmore Road 	Section 5.2.3
<ul style="list-style-type: none"> • The proposal is contrary to the provisions of Chapter C1 of the Woollahra DCP 2015 	Section 8.2
<ul style="list-style-type: none"> • The proposal is an overdevelopment of the site 	Section 8.5
<ul style="list-style-type: none"> • Opposition to the removal of grass tennis courts and the centre courts 	Section 8.8
<ul style="list-style-type: none"> • Community spaces are likely to operate as commercial spaces 	Section 8.4
<ul style="list-style-type: none"> • The proposed development generates a security risk 	Section 8.13.2
<ul style="list-style-type: none"> • The development application should have been more widely notified 	Section 7
<ul style="list-style-type: none"> • The lodgement of the application as a phased development should be rejected as it is inconsistent with the previous approvals on the site, and does not provide certainty that publicly beneficial facilities will be incorporated 	Section 6.2.3
<ul style="list-style-type: none"> • The football field should be removed from the proposed development 	Section 8.4

• The proposal is not integrated or connected into the surrounding locality	Section 8.6
• Excavation along the boundary of Sydney Grammar	Section 6.3.7
Urban Design	
• Fencing should be retained along the boundary of the site and 302 Glenmore Road	Section 11
• The proposal comprises a poor entry experience from Alma Street	Section 8.5
• Inappropriate materials and colours including green tinted glass and 'Monument' colour standing seam cladding	
• The proposal lacks architectural merit	
Operational	
• Anti-social and drunken behavior from the licensed premises	Section 8.3; Section 8.13.3
• Access to facilities	Section 8.13.1
<ul style="list-style-type: none"> - It is not clear whether the facilities will be publicly accessible - There is a lack of information on the cost of membership - The wider community may be excluded from membership of the Club 	
• Hours of operation of the registered club and sporting facilities	Section 8.3; Section 8.11; Section 8.13.3
<ul style="list-style-type: none"> - Hours of operation should be restricted in accordance with residential character of the area – no later than 9pm - Hours of operation should reflect the 'base trading hours' within the City of Sydney (7am – 10pm indoor and 7am – 8pm outdoor) - Hours of operation must be fixed and unable to be varied 	
• Enforcement of the ongoing operation of the Club	Section 11
• The existing liquor licence may not be appropriate for the significant change and intensification of use	Section 8.3
• Waste collection has not been detailed	Section 11
Other/Miscellaneous	
• Applicant funding for road safety upgrades creates a conflict of interest	Section 8.7
• Council should establish a dispute resolution procedure for the construction period and ongoing operation of the site	Section 11
• The applicant has not undertaken genuine consultation with the community	Section 8.15.2
• The proposal will bring non-residents to the area	Section 8.13

7.4. Applicant's Response to Submissions

Following the advertising and notification process, the Applicant provided a response to submissions received. The response addressed all matters raised in the submissions, and provided detailed comments which responded to the major areas of concern, including the following:

- Construction traffic
- Pedestrian safety
- Paddington Greenway
- Operating phase, liquor license and noise

- Landscaping and trees
- Exit ramp onto Glenmore Road

The applicant's response to the submissions has been included in the annexures.

8. ASSESSMENT

8.1. Referral Responses

Table 7: Referral responses from internal Council departments

<i>Referral</i>	<i>Summary of Referral Response</i>
Heritage	<p>The heritage referral response concludes that the proposal is acceptable and recommends approval subject to conditions of consent including the following:</p> <ol style="list-style-type: none"> 1. Modification of the colour of the proposed metal cladding to the Southern Grandstand. 2. Works are to cease in the case that unexpected archaeological features or Aboriginal objects are discovered during the course of the works. 3. A full archival record of the Southern Grandstand and the Northern Grandstand (Heritage Arches) is to be prepared and submitted to Council prior to the commencement of any work. 4. A Schedule of Conservation Works with detailed documentation of the conservation works to the Southern Grandstand and the Northern Grandstand (Heritage Arches) is to be prepared prior to the issue of a construction certificate. 5. Further details to be incorporated into the heritage interpretation plan prior to the issue of a construction certificate. 6. A heritage architect is to supervise the works and certify them upon completion. 7. All staff and contractors are to undergo a heritage induction prior to the commencement of works on the site. <p>The conditions above have been incorporated into the recommended conditions of consent.</p>
Technical Services	<p>Council's Development Engineer considers the proposal acceptable subject to standard conditions of consent, which have been incorporated into the recommendation.</p>
Trees and Landscaping	<p>Council's Trees and Landscape Officer advised as follows:</p> <ol style="list-style-type: none"> 1. Removal of the majority of existing trees from the site <p>Rationalisation of this element of the proposal has been provided by the landscape designer Mr Guy Sturt in his Landscape Design Response of 26 May 2020.</p>

Attempts to retain existing trees on development sites frequently fails or results in compromised trees due to excavation and construction impacts, particularly where the development is over long periods of time. In my experience, a more assured successful landscape outcome with development proposals of this scale and duration is to generally allow for higher numbers of removals of existing trees. However, this latitude must be compensated by substantial replacement tree plantings.

This high level of replacement planting is now the case as is proposed in the recently supplied modified Landscape Plans. Ninety (90) advanced native trees of large and very large (750 litre) pot sizes are proposed for planting. Emphasis has been placed on screening of Sydney Grammar School and the native environment riparian zone of Rushcutters Creek.

Deep soil volumes on the eastern boundary of Sydney Grammar School have been greatly increased to permit expanded tree planting.

I recommend Mr Sturt's position.

2. Retention of Council Tree 101

The proposed construction of a vehicle exist crossing to the eastern end of Glenmore Road has the potential to impact on two large Council Lemon-scented Gum trees (Tree 100 & Tree 101).

The reporting arborist has undertaken a root mapping excavation along the margins of the proposed crossing. Subsequently, the removal of Tree 101 has been recommended by the reporting arborist. Tree & Landscape section of Council places a high landscape value on this tree and strongly prefers that this tree is retained. The reporting arborist has cited the necessity to sever an 80mm root of the tree and relocation of the adjacent kerbside stormwater pit as necessitating the removal of the tree.

This matter has been discussed within the Trees & Landscape section and it has been concluded that there is a fair likelihood that these works can be undertaken whilst retaining Tree 101. Conditions have been recommended calling for protective measures and site supervision and assessment by a qualified arborist whilst works are undertaken adjacent to Tree 100 and Tree 101. Because of the potential for the tree to decline or ultimately require removal, it is recommended that no monetary bond is placed on Tree 101.

3. Electricity Substation

The supplied architectural drawing A2057 indicates the installation of an electricity substation at the extreme south west corner of the site on the Glenmore Road frontage, adjacent to Tree 114 and Tree 115. The substation appears to be constructed on piers. Tree 114 is a high landscape value Lacebark Kurrajong whilst Tree 115 is a small and recently planted Port Jackson Fig. I have recommended a condition that would permit the removal of Tree 115 which would allow for the relocation of the substation to the north east, at as great a distance as is practical from Tree 114.

4. Heritage Listed Canary Island Date Palms Alma Street

Referral	Summary of Referral Response
	<p>Seven mature specimens of Canary Island Date Palm stand within the central road reserve of Alma Street, at the approach to the 30 Alma Street complex, All seven palms are listed as Heritage Items in the Woollahra Local Environment Plan 2014.</p> <p>It is anticipated that there will be a high number of heavy construction vehicle movements in this section of narrow roadway over an extended period of time. Additionally, this roadway is frequently congested by vehicle movements associated with the Sydney Grammar School. Consequently, I have recommended the imposition of a monetary bond and the installation of trunk protection on these palm trees to ensure that adequate care is taken with the movement of demolition and construction vehicle adjacent to the trees.</p>
Environmental Health	<p>Council's Environmental Health Officer reviewed the proposal and advised as follows:</p> <ol style="list-style-type: none"> Environmental Health Services cannot support the application based upon the revised acoustic report '<i>Acoustic Report: White City Development Stage 2 prepared by Wood & Grieve Engineers (Stantec Group). Reference No. 41700. Revision 5. 27 May 2020</i>' for reasons of anticipated adverse acoustic impacts upon nearby residential receivers. <p>Environmental Health Services also recommends, given the magnitude of the proposed development, that Woollahra Council consider engaging the services of an accredited acoustic consultant to independently review the <i>Acoustic Report: White City Development Stage 2 prepared by Wood & Grieve Engineers (Stantec Group). Reference No. 41700. Revision 5. 27 May 2020</i>.</p> <ol style="list-style-type: none"> All site materials considered to possibly be ASS require management in accordance with the ASSMP, provided in Appendix F of the report (Remediation Action Plan & Acid Sulfate Soils Management Plan: prepared by Douglas Partners. Project No. 45079.07. June 2020.). Site materials considered to possibly comprise ASS include all fill and alluvial / estuarine soils below the water table. Conditions recommended requiring that notice of completion is provided to the Council within 30 days of completion of the remediation work; and that the remediation goals and management procedures documented in the Remediation Action Plan & Acid Sulfate Soils Management Plan Report: prepared by Douglas Partners. Document No. 45079.07 June 2020 be fully implemented. <p>As detailed above, Council's Environmental Health Officer has advised that the proposal is unsatisfactory on the grounds of acoustic impact and that further information is required. Council's Development Control Section has recommended conditions of consent which restrict the hours of operation of the development, in order to mitigate potential acoustic impacts and address the concerns of Council's Environmental Health Officer.</p>
Open Space and Recreation	<p>Council's Team Leader of Open Space and Recreational Planning considers the proposal acceptable subject to the following conditions:</p>

Referral	Summary of Referral Response
	<ol style="list-style-type: none"> 1. A Pedestrian and Cycle Network Plan within the site is to be provided with reference to the occasional access noted on drawing A1003 from Lot 2 DP: 740255 (Connection from Glenmore Road). 2. Council owned land be noted on all applicable documents that are submitted. 3. Erosion and sediment control plan to be implemented during construction; construction access to the site from public open space not permitted without prior consent; and storage of building materials not permitted without prior consent. <p>The conditions above have been incorporated into the recommended conditions of consent.</p>
Fire Safety	<p>Council's Fire Safety Officer advised that the proposal is acceptable subject to conditions of consent, relating to fire safety, the upgrade of the buildings to comply with the BCA and the submission of annual fire safety statements.</p> <p>These matters have been incorporated into the recommended conditions of consent.</p>
Urban Design	<p>Council's Urban Designer reviewed the proposal and advised as follows:</p> <p><u>Bulk, Scale and Context</u></p> <ol style="list-style-type: none"> 1. The proposed height for a number of buildings including the proposed clubhouse exceeds the maximum applicable height in the WLEP 2014. However, due to the location of the buildings on the lower topographical level at the centre of the site and their minimal visibility from the existing public domain, this variation is unlikely to result in a detrimental impact on the surrounding context from an urban design point of view. The proposed clubhouse is located close to the Sydney Grammar School which has a similar bulk and scale to the proposed clubhouse. There are also a number of larger buildings (in height and footprint), mainly RFBs and mixed-use buildings, within the site's surrounding context. This largely prevents the proposal from appearing to be out of context with the surrounding area. 2. The proposed overshadowing does not impact on surrounding residences and the overshadowing within the site does not appear to be excessive. At the centre of the site, it is a result of a fast-turning shadow that allows for solar access to its surrounding. Along Glenmore Road, due to the minimum change in the existing bulk and scale, the proposed overshadowing impact is almost similar to the existing situation. 3. The subject site fronts the Rushcutters Creek Corridor on the northern boundary. The proposed alterations to the site arrangement do not provide a design response to this important contextual element. Enhancing green grid connections is an important priority for both state and local strategic planning in the Eastern City District Plan and the Draft Woollahra Local Strategic Planning Statement. It is expected that

<i>Referral</i>	<i>Summary of Referral Response</i>
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the applicant considers how they can provide a better connection to the corridor.

Woollahra LEP Height Provisions

1. The proposed built form on the western side of the central courts exceeds the maximum allowable height of 11.5m. However, views from Glenmore Road are retained and there are no privacy or residential amenity impacts on the nearby residences. However, with regards to the potential impacts on the heritage significance of the White City Tennis Club, Council's Heritage Officer's assessment is required.
2. The proposed alterations and additions to the existing buildings along Glenmore Road are minimal and the proposed buildings at the centre of the site are located at lower topographical levels than the street. No view impact analysis has been provided to compare the existing and the proposed views on specific locations. It is not considered that there is a detrimental change in the existing view lines from Glenmore Road. However, for further detailed assessment, view impact analysis with 'before and after' images from different vantage points is required. In addition, due to the location of the proposed building at the centre of the site, it is unlikely that there would be privacy impacts to the surrounding residents.

Streetscape Character

1. The subject site is bounded by Glenmore Road to the south and east and Alma Street (partially) to the west. The main buildings proposed are located at the centre of the site with minimal visibility from the street. The existing development along Glenmore Road is retained with updated/ redesigned façade. The proposed façade provides a more articulated/transparent frontage which is considered to be a positive outcome.
2. The proposed clubhouse is only visible from the end of Alma Street. It has a similar bulk and scale to the school opposite.
3. Along Glenmore Road, the proposed works maintain the existing trees which is a positive point in preserving the quality of the existing views.
4. Section C1.6.2 of the Woollahra DCP 2015 identifies a number of significant views in the area including Views 23 (from New South Head Road) and 24 (from Alma Street) looking towards the subject site. Since Council has not received any view impact assessment report (VIA), it is not possible to undertake a detailed assessment. However, due to the location of the buildings and the level of vegetation in the site, it is unlikely that the proposed bulk and scale detrimentally impacts the existing streetscape character of New South Head Road and Alma Street at this point. VIA report is required for further assessment.
5. Looking at the existing streetscape/visual character of Cambridge Street, at the end of the corridor at the intersection with Glenmore Road, a mix of tree canopies and the roof form of the school is visible. Depending on

Referral	Summary of Referral Response
	the proposed landscape density at this location, the existing view might be affected by the proposed bulk and scale of the clubhouse. View Assessment is required to analyse the level of impacts further.
Traffic Engineering	Council's Traffic Engineer reviewed the proposal and advised that it is satisfactory subject to conditions of consent. The comments of Council's Traffic Engineer are summarized in Section 8.7.

8.2. Woollahra Development Control Plan 2015 – Chapter C1: Paddington Heritage Conservation Area

The subject site is located within the Paddington Heritage Conservation Area. Section C1.2.4 of the Woollahra DCP 2015 sets out the desired future character for the area, which is considered in Table 8 below.

Table 8: Consideration of desired future character objectives

Principle	Comment
<i>Retains the unique national heritage significance of Paddington and recognises it as a rare and distinctive urban area</i>	The cultural and heritage significance of White City including its uniqueness and its contribution to Paddington will be recognised and maintained by implementation of the heritage interpretation strategy.
<i>Retains and promotes evidence of the historical development of the area and enables interpretation of that historical development</i>	The cultural and heritage significance of White City is adequately addressed in the heritage interpretation strategy. Subject to Conditions C.13 , the proposal will enable interpretation of the historical development of the site.
<i>Retains the cohesive character evident in low scale, high density built form</i>	The proposed buildings, whilst not 'low scale' and 'high density' achieve a development that retains the important southern grandstand, as well as sporting uses on the site. A high density and low scale development would have the undesirable outcome of increasing the building footprint of the development and would reduce open space and landscaped areas.
<i>Retains distinctive features such as...complex of roads, laneways and alleyways...subdivision patterns and buildings which follow the landform and the distinctive patterns of terrace house groups</i>	The proposal retains roads and laneways within the site and does not alter the subdivision pattern of the site. The proposal involves low volumes of excavation for a development of this scale, and the proposed buildings generally follow the topography of the site.
<i>Continues to cater for varied uses and building types within the residential area</i>	The proposal provides a range of land uses and building types within a predominantly residential area.
<i>Enables people to walk or cycle to shops, public transport, schools, parks and entertainment facilities in a safe, pleasant and healthy environment</i>	The proposal comprises 101 bicycle parking spaces and will facilitate cycling to the site. The pedestrian connectivity between the site and the wider context is poor, and Condition C.1 is recommended so as to improve pedestrian connectivity into the site.
<i>Provides for sharing of views and vistas</i>	The proposal preserves the open valley floor in the eastern part of the site, which is to contain the proposed tennis courts and football field, and would not unreasonably impact important views and vistas.

<i>Exhibits contemporary design excellence</i>	<p>The site currently contains buildings which are aged and dilapidated. The proposal either removes these buildings, or in the case of the southern grandstand and heritage arches, retains and renews them.</p> <p>The architectural presentation to Glenmore Road would be considerably improved by the proposal, as it introduces articulation and would contribute to streetscape activation.</p>
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Section C1.3 of the Woollahra DCP 2015 relates to specific building types, however none of the listed building types accurately describe the proposed development. It is noted that the proposal is not defined as ‘infill development’ under the Woollahra DCP 2015 as it is not constructed on an existing vacant registered allotment of land.

Section C1.4.9 Views

A merit based assessment has been undertaken with regards to significant views and vistas across, and around the site (refer to Section 8.10). It is considered that the proposal satisfies the relevant provisions of Section C1.4.9.

Section C1.4.10 Acoustic and Visual Privacy

A merit based assessment of acoustic and visual privacy impacts has been undertaken (refer to Section 8.11.2). The controls of Section C1.4.10 are not directly applicable to the proposal, however the objectives are considered as follows:

O1 To ensure an adequate degree of acoustic and visual privacy in building design.

O2 To minimise the impact of new development on the acoustic and visual privacy of existing development on neighbouring lands.

The proposed visual and acoustic privacy impact of the proposal on adjoining properties has been considered, and the proposal satisfies the objectives above, subject to the restriction of operating times in accordance with the recommended **Conditions I.1 and I.2**.

It is acknowledged that there may be an increase in privacy impacts compared to the existing situation, however this is considered to be reasonable, given the underdeveloped character of the site, and the medium density urban context.

8.3. Woollahra Development Control Plan 2015 – Chapter F3: Licensed Premises

8.3.1 Rating

The premises currently holds a Club liquor licence (Licence No. LIQC330019627) and the submitted Plan of Management (PoM) indicates that the proposed Club will continue to operate under the existing licence. One of the conditions of the existing licence is that it cannot be exercised until the Independent Liquor and Gaming Authority has been provided with evidence that the premises are complete and ready to trade. The BCA Compliance report submitted with the application indicates that the Club building could have a total number of patrons in excess of 1500. As such, the proposed licenced Club constitutes a ‘high risk’ premise in accordance with Section F3.2 of the Woollahra DCP 2015.

8.3.2 Assessment

In accordance with control C1, assessment of the licenced premise must consider the following:

a) The location of the premises and the proximity of residential and other sensitive uses

The proposal is located in the RE2 Private Recreation Zone, and directly adjoins a number of other land use zones including the R2 Low Density Residential Zone, the R3 Medium Density Residential Zone, and the SP2 Infrastructure (Educational Establishment) Zone.

The adjoining land uses include residential uses and a primary school, which are sensitive to impacts from a licensed premise.

b) The type of licensed premises

The proposed licensed premise is for a registered Club.

c) The size and capacity of the premises

The submitted PoM has estimated that the daily number of patrons to White City on a normal day, excluding match days, would range from 150 to 400 people. It is unclear what percentage of these would utilise the Club.

The Statement of Environmental Effects has stated under Section 5.3.9 that the Club will accommodate approximately 350 patrons, and under Section 4.4 it is stated that it will accommodate 60-80 persons in the Club restaurant and bar, 5-15 patrons in the boardroom and 1000 for community and special events.

The BCA Compliance report indicates that the Club building has been designed to accommodate a maximum of 1568 patrons, with 84 employees. As this is the maximum capacity that the building could accommodate, this figure has been assumed for the purposes of assessment.

d) Trading hours

The trading hours for the proposed Club specified within the PoM are 9am – 12am (midnight) on Monday to Saturday and 10am – 10pm on Sunday.

e) Existing and likely cumulative impacts, including social impacts, of licensed premises on the amenity of surrounding areas

The potential acoustic impacts of the proposal have been considered under Section 8.11 of the report.

Given the potentially large numbers of patrons, the proposal raises the potential for adverse social impacts within the vicinity. These could include intoxicated patrons leaving the premises late at night, resulting in adverse social and amenity impacts to nearby residential properties. Given these risks, the base trading hours listed under Chapter F3 for high-risk premises are recommended (8am – 10pm).

f) Existing and proposed management practices relating to the operation of the premises and of the areas in the vicinity of the premises

The PoM has specified the following controls for the management of liquor and alcohol:

- *All bar service staff and security staff positioned within the licensed areas must have appropriate RSA qualifications*
- *In-house service of alcohol policy monitored by Duty Managers and frontline employees,*
- *Liquor & Gaming NSW incident register kept electronically with notifications being*
- *actioned by the Duty Manager and the Group Security Manager,*
- *Third-party compliance inspections carried out quarterly,*
- *Compliance with the Registered Clubs Act requirements for entry into the Club,*
- *Trained security personnel assist with monitoring responsible service of alcohol and report to the Duty Manager,*
- *Security personnel will also be required to patrol public areas to enforce RSA guidelines and*
- *- No alcohol is permitted in White City without a valid liquor licence and/ or approval and it is the responsibility of the various tenants to obtain appropriate licences to support their operations*
- *A Temporary Event Liquor Licence and/or extension of an existing Liquor Licence are required for all events serving alcohol*
- *If any patron is identified by staff as approaching an irresponsible level of intoxication, staff will firstly refuse service of alcohol and refer the person to the Bar Manager and or Security. Persons deemed to be unduly intoxicated or affected by other substances will, subject to Duty of Care responsibilities, be removed from the Premises.*

The measures outlined above, are standard procedures for the operation of licensed premises, many of which are required by law. As such, it is considered that the management practices relating to the operation of the premises are insubstantial.

g) The density of licensed premises in the vicinity of the proposed development

The proposal is not located within the vicinity of other licensed premises. The nearest licensed premises within the vicinity of the site are the Royal Hotel at Glenmore Road and restaurants on New South Head Road and Neild Avenue. As such, the proposal does not contribute to a high density of licensed premises within the vicinity.

h) Availability of car parking and proximity and access to public transport

The proposal details 269 parking spaces on site. This is considered to be adequate to support the proposed use, as discussed under Section 8.7 of the report.

The subject site is located approximately 700m away from Edgecliff Station, by walking, and is therefore accessible by public transport.

i) Any recommendations/comments provided by NSW Police

The proposal was referred to NSW Police who provided the following comments:

- *Under 4.4.1 of the Statement of Environmental Effects it is stated the Club Liquor Licence (LIQC330019627) will pertain to the Club restaurant / bar and Club community room on Level 2. It is further stated under 4.4.2 the development of the community facilities on level 3 will not be licensed areas. 4.8 of the Plan of Management states that “No alcohol is permitted*

in White City without a valid liquor licence” and a “Temporary Event Liquor Licence and/or extension of an existing Liquor Licence are required for all events serving alcohol”. Police note there is a lack of information contained within the Plan of Management and Statement of Environmental Effects to the planned operation of the liquor component of the Club (inclusive of the restaurant and bar) on Level 2.

- *Police note the large scope of the development involved within the application includes a sports field, tennis courts, a gym, pool, café, restaurant/bar and a number of community rooms. Under 7.1 of the Plan of Management, the following points are stated:*

“Prior to any event and game, the coordinator will work with security to establish and implement an appropriate security plan. Additional security personnel and technical solutions will be employed to ensure a smooth handling of larger groups during the event. Additional signage and instructions may also be employed to guide visitors to the event and amenities locations.”

“White City will establish a maximum number of patrons to be permitted on site at any particular time given the capacity of the relevant area or facilities, nature of event, and assessment of operational or security risk. Each circumstance will be separately assessed having regard to conditions at that time.”

- *As the proposed development is assessed on these merits, to mitigate potential alcohol related harms, police propose the aforementioned conditions to ensure the premise does not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what has been stated in the application documents.*

The conditions requested by NSW Police are detailed under Section 7.3 of the report. They have been incorporated into the recommended conditions of consent.

8.3.3 Conclusion

The proposed licensed Club constitutes a significant intensification in the use of the site, and raises the potential for adverse social and acoustic impacts, given its high-risk status, the high number of patrons, and the lack of a detailed strategy to manage impacts.

The controls of Section F3.3 stipulate that ‘high risk’ premises be limited to trading hours 8.00am – 10.00pm. The subject development is classified as a high risk premise, under Section F3.2 of the DCP, as it comprises a licensed Club with a capacity significantly in excess of 100 patrons.

Given the potential risks for adverse social and amenity impacts to nearby residents, **Condition I.2** is recommended which restricts the trading hours to the base trading hours identified in Section F3.3; **Condition C.1** is recommended which requires the preparation of a more detailed and specific plan of management that details specific measures that would mitigate adverse social and amenity impacts that could arise from the operation of the Club; and **Condition C.1** is recommended which specifies that other premises within the site are not permitted to serve alcohol.

8.4. Land Use

The proposed development details a mix of land uses including indoor and outdoor recreational uses (including outdoor tennis and football, and indoor swimming pool, sports hall, gym and yoga studio), ancillary café, registered club and associated facilities and community facilities.

The modified proposal does not involve significant change to the mix of land uses on the site. As discussed in Section 6.3.2 of the report, all the proposed land uses are permissible within the RE2 Zone, provided that the café and shop operate as ancillary to the sporting facilities.

Issues raised by the objectors in relation to the land uses included the following:

1. The site is not a suitable location for the proposed football field;
2. The site is not a suitable location for the proposed licensed club;
3. The community uses may function as commercial spaces;

With regards to issues 1 and 2 as detailed above, the following comment is provided:

- The RE2 zoning for the site allows for 'Registered Clubs' and 'Recreation facilities (outdoor)'. These land uses encompass the proposed football field and licensed club, as detailed in Section 6.3.2 of the report. As such, the proposed land uses are appropriate for the site.

With regards to issue 3, the following comment is provided:

- A community facility, is defined under the Woollahra LEP 2014 as follows:

A building or place—

*(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The submitted Plan of Management has not clearly defined the proposed use of the community spaces, however it has noted that the community space within the Club building may be used for “*meetings, gatherings, workshops, conferences, education, bridge club etc.*”

If predominantly used for conferences and the like, the proposed community spaces would be incompatible with the definition of a ‘community facility’ under the Woollahra LEP 2014, and would be better defined as a function centre. **Condition I.19** is recommended to emphasise that all community spaces as shown on the plans operate in accordance with the definition of a ‘community facility’ under the Woollahra LEP 2014.

8.5. Built Form, Layout and Urban Design

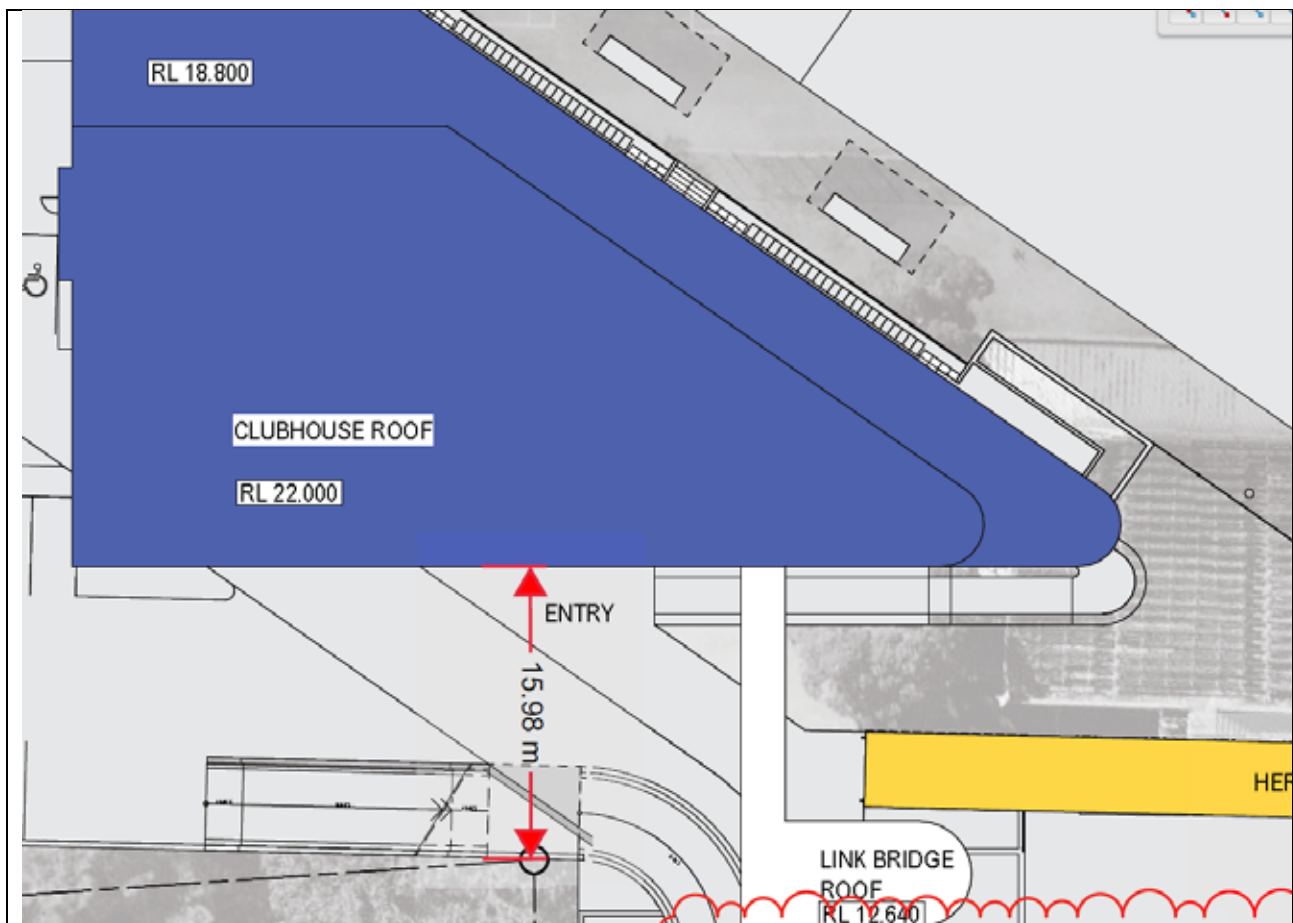
The building form, layout and design of the proposal has been assessed and is considered to be satisfactory for the following reasons:

- **Building heights** – The proposed building heights exceed the Woollahra LEP 2014 height of buildings development standard, however they have been supported by a variation request under Clause 4.6 of the Woollahra LEP 2014. For the reasons outlined under Section 6.3.4 of this report, the variation is considered to be well-founded and the proposed building heights are justified.

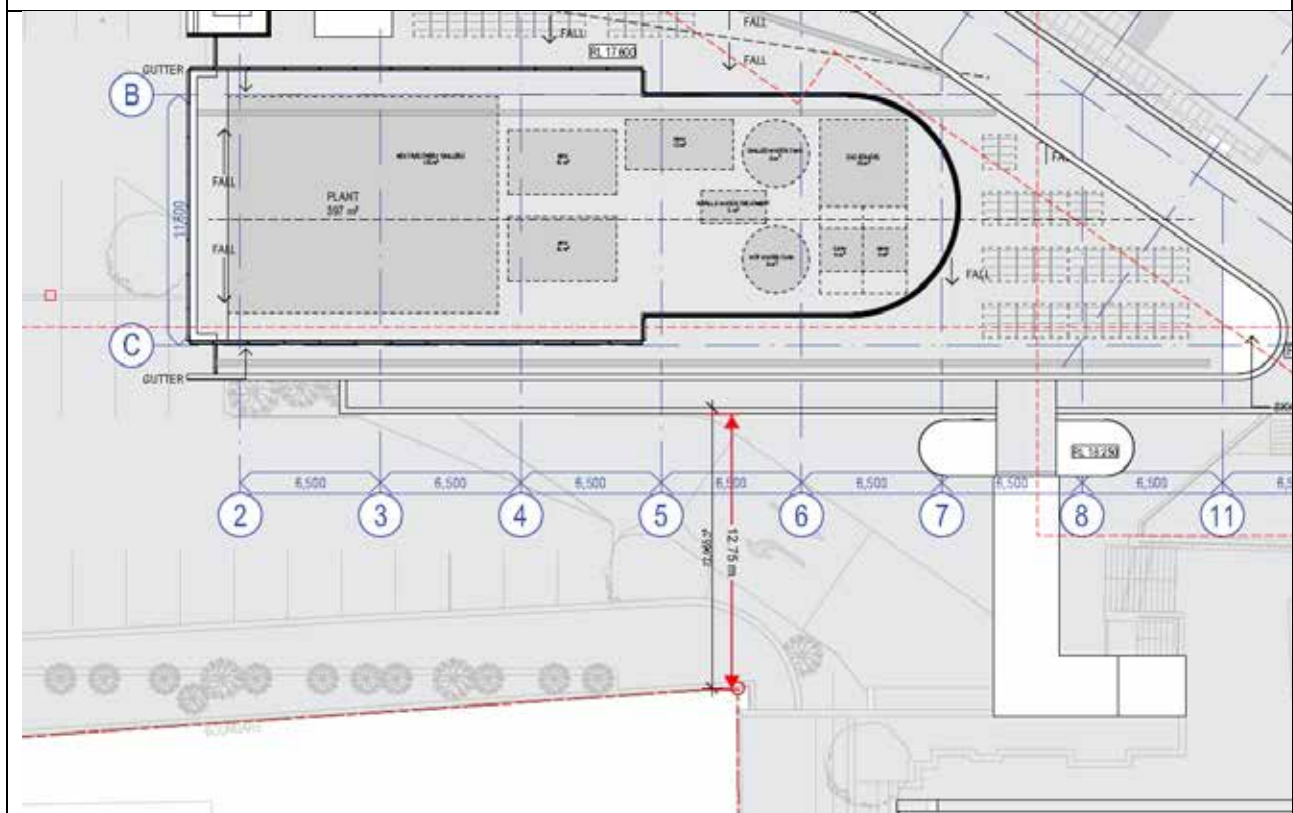
- **Density** –The site is not subject to a floor space ratio control under the Woollahra LEP 2014, however for comparative purposes it is noted that the development would attain a floor space ratio of 0.2:1, with a proposed gross floor area of 5,888m². Based on the overall site area (2.9 hectares) the level of density can be easily accommodated on the site, and is appropriate, given the medium density context of the Paddington Heritage Conservation Area and the site’s proximity to public transport networks.
- **Site Layout** – The existing site layout is disconnected with respect to the various uses on the site and the connection to the surrounding urban context. The proposal details good connectivity between the proposed sports building, Club building and outdoor sporting uses. The proposal furthermore improves integration between Glenmore Road and the site, by adding access points to the Southern Grandstand. The site layout is generally consistent with the approved concept development.
- **Architectural Finishes** – In accordance with the advice of Council’s Heritage Officer, **Condition C.1** is recommended which requires the replacement of the proposed ‘Monument’ coloured cladding with an alternative colour.
- **Building envelopes, siting and setbacks** – The proposed development comprises building envelopes and setbacks that are consistent with the approved concept development. In accordance with the **Condition B.24**, which was imposed on the approved concept development, the proposed services building in the south-western corner of the site has a minimum setback of 5.5m from the western site boundary and does not exceed a total height of RL 14.00 to AHD.

The proposed basement carpark of the sports building has a minimum setback of 2.74m – 3.46m from the western boundary with the Sydney Grammar School. This is adequate to allow for deep soil planting and substantial trees along that boundary and is supported.

The proposed Club building has a setback of approximately 12.75m from the site’s southern boundary with Sydney Grammar School. This constitutes a reduction of approximately 3.25m, when compared to the approved concept development, as shown in the image below:



The image above shows the Club building's setback from the southern boundary to Sydney Grammar in the approved concept development – equating to 15.98m.



The image above shows the Club building's setback from the southern boundary to Sydney Grammar in the proposed development – equating to 12.75m.

It is not considered that the minor reduction in building setbacks would render the proposal inconsistent with the approved concept development (Refer to Section 6.1.3).

- **Open Space** – The building envelopes are sited in the south-western corner of the site and generally retain open space across the valley floor. The siting and area of open space would be consistent with that of the approved concept development.

8.6. Access, Linkages and Circulation

A number of objections raised the issue of access through the site. The concerns of the objectors relate to how the development connects to the wider urban context and provides pedestrian access within, or through the site.

The concept development was approved subject to **Condition B.4**, which required a ‘*Road, pedestrian and cycleways network plan for the whole site showing the proposed internal road, pedestrian and cycleway network and connectivity into the wider urban context*’ to be submitted with any future detailed development application. This has been submitted as Appendix A of the Transport Assessment Report prepared by Ason Group.

The proposal details 3 x pedestrian access points along Glenmore Road, in the vicinity of the sports building, a ‘vehicle and bicycle access only’ point at the site’s boundary to Alma Street, and an ‘occasional pedestrian access’ at the eastern site boundary, adjoining the Rushcutter’s Creek stormwater canal. Whilst the pedestrian connectivity and integration to Glenmore Road is good, the proposal is otherwise poorly connected with the surrounding urban locality, with respect to pedestrian access. **Condition C.1** requires amendments to the submitted pedestrian and cycleways plan including the inclusion of a shared zone on the driveway crossing from Alma Street into the site, and a new gate to be installed adjoining Council owned land comprising Lot 12 of DP 740255.

The issues of public access through the site and the creation of pedestrian access traversing the site was considered in the assessment of the originally approved concept development and Section 4.55 (DAs 238/2015/1 and DA 238/2015/2). Council’s Assessment Officer provided the following comment in relation to this issue:

“It is considered unreasonable to impose a condition requiring public access to the recreational facilities as the land is privately owned and the proposed uses are permissible in the RE2 Private Recreation zone. The proposed uses would provide additional/ improved facilities to the community and have a positive impact regardless of whether access is public (i.e. casual usage for fee) or members only. The public access to the recreational facilities would be considered in future development application(s).”

It is agreed that public through-site links across the White City site to Rushcutters Bay Park (towards the north) and a linkage to Trumper Park (towards the east) would be of great benefit to the community. However, there is no current site specific DCP identifying opportunities for through-site-links. Opportunities for a through-site links are further constrained by existing surrounding developments and land ownership.

*The pedestrian/ cycle layout within the site and connectivity into the wider urban context has not been adequately addressed. The general site layout of the building envelopes and road network establishes broad parameters for a legible pedestrian and cycle network between the various elements on the site and multiple frontages to the public domain. **Condition A.5** is*

recommended to require a Pedestrian and Cycle Network Plan be submitted as part of any future development application(s)."

The above assessment is concurred with and maintained. The site does not adjoin Walker Avenue, Neild Avenue or New South Head Road, and any access from those locations would need to traverse properties that are not owned by the applicant. It is unclear whether this would be achievable, and it is beyond the scope of this development application.

8.7. Transport, Traffic and Parking

Council's Traffic Engineers have undertaken a detailed assessment of the proposal. The assessment below summarises their referral comments.

Parking

Previous assessment has been undertaken of the car parking demand with consideration of the dual functions of the soccer field/grandstand, including use for training purposes during the week and major weekend matches. It was found that parking demand would reach its peak level of 234 spaces between 16:00 and 18:00 during weekday operations, and 289 spaces between 12:00 and 17:00 during weekend operations should there be a major sports event. The proposed provision of 269 car parking spaces would therefore satisfy the parking requirement for standard daily operation, yet result in a shortfall of 20 spaces than the minimum requirement during major sporting events on weekends.

It is however acknowledged that visitation to facilities would vary during operation hours, leading to variation in occupancy rates and parking demand. It is thus reasonable to adopt a demand-based assessment approach for the subject site.

It is also understood that most weekend matches on the soccer field, except for a few occasions each season, will be for children and juniors, which would not attract large crowd of spectators other than friends and family.

As such, the on-site provision of 269 car parking spaces is deemed acceptable, however in order to keep consistency with Council's strategy to provide a convenient, sustainable and low cost alternative to car ownership, and to further address the potential shortfall of parking spaces during major events, the applicant should liaise with Council-authorized car share provider to provide four (4) car share dedicated parking spaces. This matter is required to be referred to Woollahra Traffic Committee for approval and the process can take up to 8 weeks.

It is noted that the provision of 28 motorcycle parking spaces would result in a shortfall of one (1) parking space, as per Council's DCP (minimum requirement of 29 spaces), however such calculation is based on the peak level of car parking demand during major events, which is rare, the marginal shortfall is *thus* considered to be acceptable.

Service Vehicle Parking

A minimum of one (1) loading bay to accommodate Medium Rigid Vehicle (MRV) and a minimum of one (1) bus bay are required as a condition of consent for the previous Section 4.55 application for the subject site.

In response, the proposal includes an at-grade loading bay for main deliveries, and a loading dock in the basement for light vehicles, and four parking spaces are proposed to be utilised for shuttle-buses during major matches.

The loading dock in the basement car park adopts a tandem parking configuration, which would require staff to vacate two spaces while in operation. It is however understood that major deliveries will not occur in this loading dock, and that only passenger vehicles and light delivery vehicles can access this loading dock. With a relatively low frequency and turnover rate, the arrangement for staff to move their vehicles when needed is deemed acceptable.

The parking spaces adjacent to the at-grade parking bay are designated for staff use only, which would not affect the overall parking operation along the aisle, and the arrangement to coordinate traffic movements among service and staff vehicles is considered acceptable.

It is understood that, in light of ridership, mode split and car occupancy rate, the proposed Toyota Coaster and Coach during major events would contribute to a reduction of car parking demand by 33 spaces. It is also understood that, given the parking demand at peak levels is 263 spaces, which is 6 spaces under the provision. As such, the arrangement to use four (4) parking spaces for shuttle buses is considered acceptable.

Traffic Generation

It is acknowledged that traffic generation rates for most of the land use components under this development are not included in the RMS Guide to Traffic Generating Developments 2002, therefore it is considered reasonable to assess the potential traffic generation based on first principles, as proposed by the traffic report, which is to calculate future trips based on the capacity of each facility, its intended operating hours, the estimated profile of patrons into and out of each facility, and the anticipated typical vehicle occupancy profile for each activity during each period of the day.

The traffic report calculates the estimated trips for the soccer field/grandstand to be 45 trips during peak hours, with 35 in and 10 out, however it should be noted that during weekend major sports matches, the estimated trips generated should be $260 \text{ seats} \times 85\% \text{ Design Capacity} \times 34.1\% \text{ Modal Split for Cars as drivers} = 75$ trips entering the site before game, and 75 trips exiting after the game, which is 67% higher than the trip generation calculated in the traffic report. Notwithstanding, it is acknowledged that with the additional trips, the estimated trips generated would still be less than the estimated traffic under previously approved concept proposal for the subject site. It is thus reasonable to anticipate a commensurable level of service would remain for the key intersections around the development further to the previously approved proposal.

Driveway to Glenmore Road

The proposed location of an egress driveway on Glenmore Road has been previously assessed and is deemed satisfactory. The recommended **Condition C.3** requires that the Glenmore Road exit shall be restricted to left-out only to reduce the potential interruptions to through traffic on Glenmore Road opposite to the proposed development; the modification of the existing concrete median; additional signposting and pavement markings to avoid right-turn movements, as proposed in the LATM schemes.

Local Area Traffic Management Scheme

The submitted Local Area Traffic Management Scheme (LATM) includes the following traffic treatment measures, in order to minimise risks to pedestrian and vehicle safety:

- **Glenmore Road Exit Improvement**, including: 1) reconstruction of a centre median island, realignment of line markings and installation of speed cushions on Glenmore Road; 2) the existing painted median along Glenmore Road past Cambridge Street to Lawson Street to be built up as a raised median;
- **Glenmore Road and Cambridge Street intersection work**, including: kerb extension treatment and new kerb ramps with associated signs and line markings at the intersection of Glenmore Road and Cambridge Street, as per Council's upgrade plans;
- **Amended drop-off/ pick-up arrangement (Interim & Ultimate)**, including: a two-way easement throughout White City development for the interim period, until the new drop-off/pick-up arrangement proposed by the Sydney Grammar School is in place;
- **Alma Street Pedestrian Management**, including: the installation of proper access signage and crossing management by volunteer/staff member from the School;
- **Lawson Street and Alma Street:** intersection pedestrian crossing upgrade, the existing at-grade zebra crossing is to be upgraded to a raised pedestrian crossing.

Condition C.3 is recommended which requires that the applicant submit detailed design for the works detailed above and carries those works out.

Operational Traffic Management

It is understood that the OTMP proposes to organise shuttle bus services with a 22-seated Toyota Coaster and a 33-seated coach to transport players and supporters from key transport interchanges during large sporting events, however inconsistent information has been provided regarding the origin/destination of shuttle services - Centennial Park is added to the previously proposed Edgecliff and Bondi Junction. The recommended **Condition C.1** requires that further details be submitted regarding the new destination, such as the proposed routes and service rate.

It is also noted that the swept paths provided indicates a quite restricted parking manoeuvre to allow the pick-up and drop-off at the proposed porte-cochere due to physical constraints.

As such, a revised OTMP should be provided regarding the new route to and from Centennial Park, and the restricted driving manoeuvre accessing and exiting the proposed porte-cochere.

Green Travel Plan

The targets outlined in the Green Travel Plan (GTP) are reasonable and consistent with Council's overarching strategies to pursue alternative transport modes, and facilitate public transport and active transport. The proposed actions, implementation and enforcement are practical and compatible with the target. As such, the proposed GTP is deemed satisfactory. **Condition I.20** requires annual monitoring reports to be provided on the number of people trips, travel modes by time of day, journey purpose and origin/destination of trips for a minimum of 5 years post occupation, as per Council's DCP.

8.8. Heritage

The submissions raised several concerns in relation to heritage including:

- Aboriginal and early Paddington heritage have not been adequately recognised;
- Rushcutters Creek heritage significance have not been adequately recognised.

The submitted heritage interpretation plan (HIP) has discussed Aboriginal and early Paddington Heritage, as well as that of Rushcutters Creek and Glenmore Creek. Council's Heritage Officer has advised that further detail is required from the HIP that details how the history of the precinct, its development and change of uses will be conveyed to the public in an accessible way.

In accordance with the comments of Council's Heritage Officer, **Condition C.13** is recommended requiring the submission of a more detailed HIP.

Subject to this condition, the proposal is satisfactory with regards to heritage concerns.

8.9. Trees and Landscaping

The arboricultural comments provided by the applicant and dated 22 June 2020, include the following summary table in relation to tree removal, retention and replacement:

Trees proposed for removal:	74 Trees
Trees proposed for retention:	32 Trees
Trees proposed for transplanting:	1 Tree
New trees proposed:	90 Trees
Net increase in number of trees:	90 – 74 = Net increase of 16

Council's Trees and Landscaping Officer has reviewed the proposal and advised that it is satisfactory with regards to tree removal and replacement planting, subject to conditions of consent.

It is furthermore noted that a large number of the existing trees on the site comprise exotic and weed species, and the replacement planting scheme incorporates trees which are native to the area.

As such, the proposal is acceptable with regards to trees and landscaping.

8.10. Views and Vistas

Significant views and vistas identified in Section C1.6.2 of the Woollahra DCP 2015 are shown in Figure 5 below, and include the vista down Alma Street towards the entrance to the site and from New South Head Road in the vicinity of the Crystal Carwash site.

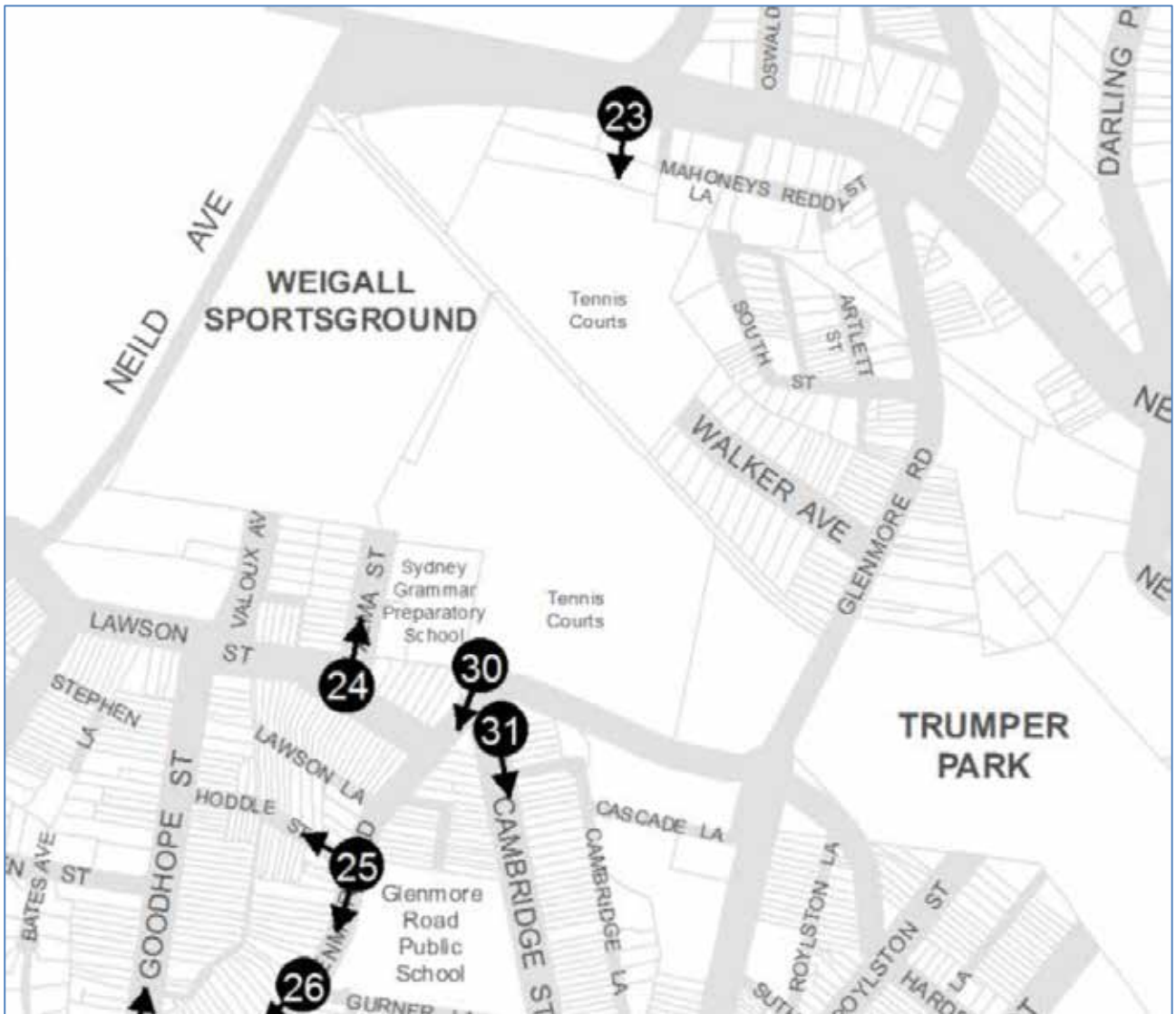


Figure 5 - Significant views and vistas in the vicinity of the site as identified in Section C1.6.2 of the Woollahra DCP 2015

The significant views and vistas identified in the Woollahra DCP 2015, as well as a significant view from Glenmore Road towards the site, have been discussed in Table 9 below.

Table 9 – Views towards the site



View 23. The vista towards the site from New South Head Road, as seen above, is unlikely to be detrimentally affected. This vista is obscured by visual clutter including the car wash site, and the rail viaduct.



View 24. The vista towards the site along Alma Street is unlikely to be detrimentally affected. The new Club building would be obscured by existing buildings of the Sydney Grammar School and views of the site entrance would not be significantly altered.



The vista towards the site from Glenmore Road would not be detrimentally affected, as the eastern portion of the site will be retained as open space (tennis courts and football field), and the open vista from this location would be maintained.

It is considered that the impact of the proposal on public views and vistas towards the site would be neutral, and in some cases beneficial, as a result of the renewal of existing dilapidated buildings on the site.

8.11. Residential Amenity

8.11.1 Solar Access

The proposal adequately maintains solar access to the open space of adjoining properties. In particular it is noted that the playground of the Sydney Grammar School, to the west of the site, retains solar access to the majority of its area, between 9.00am and 12.00pm on June 21.

It is noted that the solar access controls contained within Section C1.4.5 of the Woollahra DCP 2015 do not apply to the proposal, as they apply only to 'alterations and additions' and 'infill development' as defined in Woollahra DCP 2015.

8.11.2 Visual and Acoustic Privacy

Visual Privacy

The provisions of the Woollahra DCP 2015 that relate to visual privacy are not directly applicable to this development, as they relate generally to residential properties. Nonetheless, a merit-based consideration of visual privacy impacts has been undertaken as follows:

- The proposed Club building is separated by approximately 30m from the closest boundary to the Sydney Grammar School, and by approximately 180m from the residential properties at Walker Avenue. This separation distance would mitigate any serious overlooking impacts;

- The proposed sports building is generally oriented towards the north, away from nearby residential properties. At level 03 of the sports building the south-facing windows are separated by approximately 18m from the nearest residential property boundary at 302 Glenmore Road, and by approximately 16m from the properties to the south on Glenmore Road. Overlooking towards these properties is further mitigated by the existing landscaping along Glenmore Road and in the south-western corner of the property;
- The proposed tennis courts and football field would not generate any unreasonable visual privacy impact to nearby residential properties. The overlooking impact would be similar to that of the existing tennis courts, and would be mitigated by landscaping along the site boundaries.

For the reasons outlined above, the impact of the proposal on visual privacy would be acceptable and generally commensurate with the visual impact of the existing development on the site.

Acoustic Privacy

The proposal is accompanied by an acoustics report prepared by Stantec, which discusses the acoustic impact of the facilities included within the proposed development and recommends mitigation and management strategies. Council's Environmental Health Officer reviewed the proposal and provided the following comment:

*"In the Environmental Health Response of 13 January 2020 it was recommended that a revised Acoustic Report be developed on a **worst case scenario** for the proposed development site. By way of Noise Modelling and referencing of existing noise studies of similar developments, predictions of both spectator noise and participant (player) noise from all outdoor sporting activities shall be assessed to predict the **individual and cumulative** noise affect upon nearby sensitive receptors.*

The maximum capacity of all venues predicted to contribute to the noise impact on the surrounding receivers is presented in Table 5-1 of the revised acoustic report. Table 5-2 presents the proposed operating hours of all venues:

- Soccer field: 25 player capacity. Monday-Saturday 7am-10pm; Sunday 7am-9.30pm.
- Multi-purpose hard-courts (basketball, netball, futsal): 50 player/spectator capacity. Monday-Saturday 6am-10pm; Sunday 7am-10pm.
- Tennis Courts: 36 player capacity. Monday-Saturday 6am-10pm; Sunday 10am-10pm.
- Grandstand: seating capacity 260.

It should be noted that the revised acoustic report states that the use of the soccer field for large matches or matches with spectators will not occur outside the hours of 11am-7pm.

Environmental Health Services notes that the revised acoustic report does not discount that the soccer fields will be used during all other hours for other matches; in addition the previous acoustic report also stated that the soccer field would be used from Monday to Thursday for training sessions between 4pm to 9:30pm.

Sports Noise

The cumulative impact of sports activities on the surrounding community has been assessed using the LAeq descriptor. Table 5-4 of the acoustic report presents the 'average' sound

pressure levels for all sports activity sources, considering a weekly worst case 15 minute period. It should be noted that the less common events like annual grand finals are not assessed. The acoustic report states that mitigation of these infrequent events will be achieved by appropriate management of community expectations around these events.

The proposed development converts several existing grass tennis courts, located to the north of the site, into a soccer field. The soccer field would replace 12 full size grass tennis courts, and 3 mini courts. The nearest receivers are the residences at 20-24 Walker Street. The noise impact of the soccer field is a combination of the noise from players on the field and spectators in the grandstand. The noise effect of players on the field is anticipated to be predominately that of random calls and shouts from players, distributed evenly across the area of the field. For matches attended by significant numbers of spectators, the spectators will contribute noise from the 'babble' of general conversation and infrequent short periods of raised voices or shouting. Referee whistles and any speech amplification systems to be installed could also contribute to short term high impact noise events. A landscape border is proposed along the stormwater channel adjacent to the soccer field.

In the acoustic report the average noise level at all boundaries has been assessed using the LAeq descriptor with the sound power levels presented in Table 5-4, and the peak noise scenario for each boundary has been assessed using the LMax descriptor as outlined in Table 5-6. The effect of a **three metre tall barrier** to reduce noise to the most affected receivers along Walker Avenue has also been presented (refer to section 5.3.5 of the report).

Table 5-8 of the report presents the 'average' LAeq noise level at each boundary and the contribution each source makes to that overall level. The acoustic report states that **in all cases the presented values are those at the worst affected point along the receiver boundary in a worst case scenario**. The overall level is compared to the existing LAeq and LA90 levels in Table 5-9. A noise impact has been considered **mild** where the predicted noise contribution of the site is approximately equal to the existing LAeq, and **moderate** where the predicted contribution exceeds the existing LAeq by 3 dB or more. Contributions that are at or below the existing LA90 background noise level are not likely to be perceptible.

Environmental Health Services has referred to Table 5-9 of the acoustic report. In particular the cumulative noise impact of sporting events at the Northern boundary (Walker Ave with no barrier) has an overall predicted sound pressure level of 59 dBA based on the noise modelling. This has been compared to the Day time (7am-6pm) existing LA90 of 46 dBA. **The report describes the exceedance of 8 dBA as moderate**. The Project Noise Trigger Level (PNTL) in this instance would be LA90 (background) 46 dBA + 5 dBA of **51 dBA for the Day time period**. Environmental Health Services does not accept that the Day time period (7am-6pm) represents the **worst case scenario**. For the Northern boundary (Walker Ave with no barrier), the Evening period (6pm-10pm) would represent the worst case scenario as the cumulative noise of all sporting events does extend into this Evening period. The Project Noise Trigger Level (PNTL) in this instance would be LA90 (background) 42 dBA + 5 dBA of **47 dBA for the Evening period**. **The exceedance in this worst case scenario is 12 dBA**.

The revised acoustic report has referenced the NSW EPA Noise Policy for Industry (NPI). Table 4.1 of the NPI states that if the Predicted Noise Level minus the Project Noise Trigger Level is greater than 5 dBA, the significance of the residual noise level is considered **significant**. Environmental Health Services refers to the exceedances of 8 dBA and 12 dBA (Day & Evening periods) for the Intrusive Criteria. The 9 dBA exceedance of the **Amenity Criteria (50 dBA)** (LAeq Evening Period) at the Northern boundary are **not considered moderate** as stated in the acoustic report but are considered **significant** in the NSW EPA Noise Policy for Industry.

Note: A 5 dBA reduction has been applied should a 3m high acoustic barrier be erected. To reduce the noise impact of soccer training and matches to the worst affected receivers along Walker street, a three metre-high, solid, high-density, barrier can be considered for part of the North-eastern boundary. However, it is understood that this conflicts with other council requirements for visibility to the proposed Paddington Greenway, and avoiding obstruction to, or interference with flood drainage from the site.

For other affected boundaries, the Eastern boundary cumulative sporting noise of 52 dBA exceeds the Intrusive Criteria by 6 dBA (Evening period) and 3 dBA (Day period); the Southern boundary cumulative sporting noise of 45 dBA is below the Intrusive Criteria for both the Evening and Day periods; the Western boundary cumulative sporting noise of 46 dBA is below the Intrusive Criteria for both the Evening and Day periods.

Environmental Health Services does not accept that the less common events like annual grand finals have been excluded in the revised acoustic report. Environmental Health Services questions what are the 'less common events' and the frequency of 'less common events', excluding soccer grand finals. It should also be noted that for Soccer Grand Final events there is a 'shoulder period' of an hour from the Day time assessment period into the Evening assessment period; in addition the revised acoustic report does recognise that semi-finals may be played and finals may include 'extra-time' in the event that scores are level. Environmental Health Services does not accept the statement in the revised acoustic report that "mitigation of these infrequent events will be achieved by appropriate management of community expectations around these events". The revised acoustic report does not detail what appropriate management mitigation strategies would entail.

In addition, the likelihood of annoyance from noise levels which exceed LA90 background + 5dBA criteria will ultimately depend on the utilisation of the soccer fields. If the soccer field was utilised at weekends only during daytime hours the overall impact may be relatively low. However as the soccer field is proposed to be used for training during the week and for matches over the weekend the likelihood for annoyance is much higher; this is because most of the surrounding resident's time at home could be affected by noise which would be audible due to the low background noise levels during early morning or late evening.

*Environmental Health Services considers these typical noise events associated with sporting activities are instantaneous short term events and are transient in nature. Health Services is of the opinion that where 'impulsive' type noise is concerned (soccer game & crowd involvement), that the **L_{Amax}** noise levels due to the activities under examination should be compared with those prevailing in the absence of the activities. If the two are comparable, the impact is likely to be negligible. The peak noise scenario for each boundary has been assessed using the **L_{Amax}** descriptor as outlined in Table 5-6 of the revised acoustic report. The acoustic report has compared the worst case scenario **L_{Amax}** within the existing environment when compared to the Day time period. Again, Environmental Health Services does not consider the Day time period to represent the worst case scenario. At the Northern boundary there is an exceedance of 9 dBA (**L_{Amax}**) during Evening period (**L_{A90}**); at the Eastern boundary there is an exceedance of 10 dBA (**L_{Amax}**) during Evening period (**L_{A90}**); for all other boundaries the **L_{Amax}** is below the Evening period (**L_{A90}**).*

Environmental Health Services notes that the revised acoustic report acknowledges that the proposed soccer field will produce a noise issue. The report states, "The most significant noise source of the development is the soccer field, and the most affected boundary is along Walker Avenue. Walker Avenue may currently experience a low level of soccer noise from the field to

the north-west of 24 Walker Avenue and will be accustomed to the use of the White City tennis courts in the existing development. **The intensity of the noise impact is likely to be somewhat greater through the use of the soccer field as compared to the tennis courts**, however management of the scheduled use of the field can be employed to maintain acceptable levels of acoustic amenity.

Use of the grandstand for regular games with fewer than 50 attendees is not anticipated to be audible at receivers except where events such as goals occur. These events are not expected to occur with sufficient regularity to cause significant annoyance at the receivers as a result of spectators in the grandstand”.

There is also the likelihood that a public address system would be installed and used for the grandstand area (soccer field). Taking into consideration the proposed times of use of the soccer field, it is highly likely that the sound spillage from a public address system(s) would travel into surrounding residential premises. Health Services would not be supportive of any public address system(s) being used during the evening periods as concerns are raised with the control of the sound spillage. The revised acoustic report states, “If a speech or music amplification system is installed it must not exceed an LAmax of 60dB(A) at the nearest boundary, as per the Sydney Cricket Ground Noise Management Plan. The system must be designed considering the directivity of the speakers, to reduce unnecessary noise spill. Amplification systems should not be used outside the hours of 11am-7pm, and should be avoided where it is not necessary”. In addition, Environmental Health Services considers that the siting and operation of any sound amplification for the grandstand area, due consideration should be given to:

- selecting equipment that reduces ‘throw’ external to the venue and directs amplified sound inside the venue;
- siting sound amplification equipment in an optimum location that minimise noise levels at surrounding sensitive receivers

Restaurant & Function Spaces

The report states that “typical use of the club facilities is not anticipated to be audible at the sensitive receivers. Noise management protocols can be established for large events using the restaurant/bar and the community space in the Club. In the event that amplified music is being played in the evening, one such protocol can be to ensure external doors and windows are shut by 10pm. This includes the sliding doors to the terrace from the Club community space, which can be closed if there is music above a specified level”. Environmental Health Services notes that the above statement has been extracted from The Plan of Management (December 2019). The Plan of Management also states, “Noise measurement may be used to actively monitor noise within the Premises, **particularly during peak activity periods for the Premises, such as when whole-of-Premises events are programmed**. This monitoring will also inform and support the annual review of noise management policy and procedures for the Premises”.

Environmental Health Services considers that the above statement is not sufficient in addressing potential ‘break-out’ noise impacts from the restaurant and function spaces upon affected residential receivers, considering that closing hours for Monday to Saturday are till midnight and 10pm for Sundays. There is no noise analysis for the Restaurant & Function Spaces (internal/external spaces) and compared to Liquor & Gaming NSW Noise Criterion for Licensed Premises for compliance, or otherwise. Reference is made to The Plan of Management (December 2019) which also states, “The outdoor space is also suitable as a venue for periodic

outdoor events. The pool deck café, pool and pool deck, should become a social focal point for the local community”. It should be noted that Pool Deck has a patron capacity of 100 and is 351m² in size. Environmental Health Services cannot be satisfied that the Restaurant & Function Spaces will not have any adverse noise impact on potentially affected residential receivers and especially if amplified music is intended for outdoor functions.

Recommendation – Environmental Health Services

Environmental Health Services cannot support the application based upon the revised acoustic report ‘Acoustic Report: White City Development Stage 2 prepared by Wood & Grieve Engineers (Stantec Group). Reference No. 41700. Revision 5. 27 May 2020’ for reasons of anticipated adverse acoustic impacts upon nearby residential receivers.

Environmental Health Services also recommends, given the magnitude of the proposed development, that Woollahra Council consider engaging the services of an accredited acoustic consultant to independently review the Acoustic Report: White City Development Stage 2 prepared by Wood & Grieve Engineers (Stantec Group). Reference No. 41700. Revision 5. 27 May 2020.

Planning Assessment: Council’s Environmental Health Officer has correctly identified that the most severe acoustic impact to nearby residential receivers would occur at the northern boundary in the vicinity of the rear of 24 Walker Avenue Edgecliff, during the evening period (6pm – 10pm). The submitted acoustic impact assessment (Table 5-9 of the report), indicates that the weekly worst case LAeq 15 minute acoustic impact would be 59 dB at this receiver, as a result of the use of the football field. This impact constitutes an increase of 17 dB when compared to the average LA90 background noise levels during the evening period, and an exceedance of 12 dB relative to the intrusiveness criteria, as identified in Table 4-1, which is shown below.

Table 4-1: NSW NPI Intrusiveness criteria LAeq(15 minutes) dB(A)

Boundary	Intrusiveness Criteria LAeq(15 minutes) (dB(A))		
	Day	Evening	Night
Northern (Walker Ave)	51	47	43
Eastern (Glenmore Rd)	49	46	41
Southern (Glenmore Rd and Lawson St)	50	47	40
Western (Alma St)	57	51	47

Figure 6 - Table 4-1 of the Acoustic Report, showing the intrusiveness criteria at various points

Similarly, Table 5-9 indicates that the weekly worst case LAeq 15 minute acoustic impact would be 54 dB at the eastern boundary (adjacent to 400 Glenmore Road), which constitutes an increase of 12dB when compared to the average LA90 background noise levels during the evening period, and an exceedance of 8 dB relative to the intrusiveness criteria.

Whilst it is acknowledged that the NSW EPA Noise Policy for Industry specifically excludes sporting events, the level of exceedance of the intrusiveness criteria during the evening period is considered to be unacceptable.

The map below shows the acoustic LAeq impact on the site as a result of the proposed development. It is evident that the most significant generator of noise is the football field, which would most severely affect properties at 24 – 12 Walker Avenue.

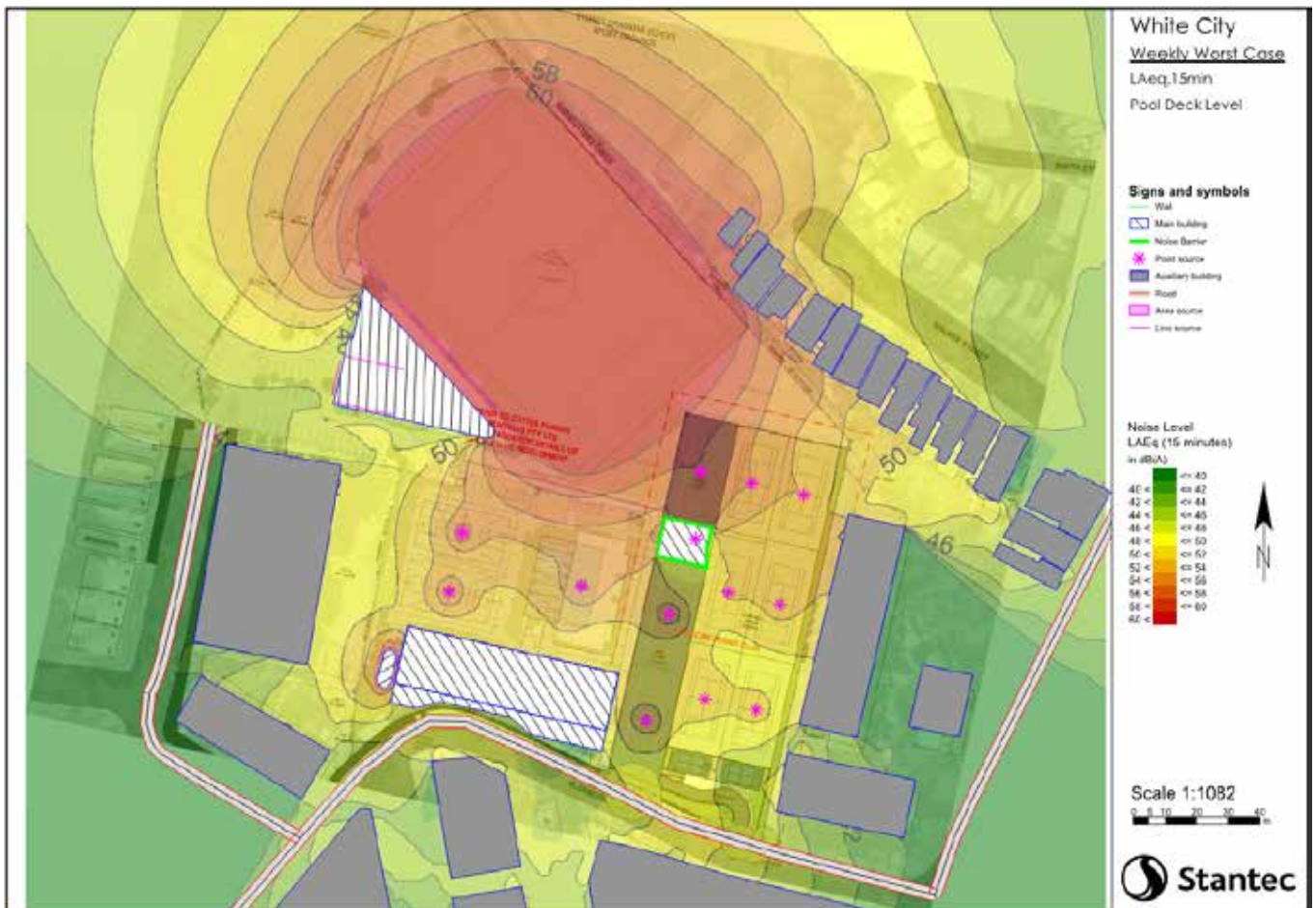


Figure 7 - Sports noise assessment grid noise map showing the weekly worst case noise scenario shown as LAeq over 15 minutes from Page 38 of the Acoustic Assessment Report

It is reasonable to expect an increased level of noise to surrounding properties, due to the intensification of use on the site, and the replacement of tennis courts with a football field, which is a sport that generates a greater acoustic impact due to the nature of the game, the number of players on the field, and the potential for spectators to generate noise.

However given the proximity of nearby residential properties, the level of acoustic impact during the evening period is unacceptable, especially on Mondays to Fridays. As such, **Conditions I.1 and I.19** are recommended, which restrict the use of the football field as follows:

- Competitive matches with spectators are not to be held outside of the hours of 11am – 7pm Monday to Friday, and 8am – 9.00pm on Saturdays and Sundays;
- Use of the football field for training and the like, is limited to the hours of 8am – 8pm, Monday to Friday and 8am – 9.00pm on Saturdays and Sundays;
- Any amplification system, must not exceed an LAmax of 60dB(A) at the nearest boundary, and must not be used outside of the hours of 11am – 7pm on any day.

It is noted that the acoustic report has not assessed the potential impact of the outdoor deck area, or the pool deck café. According to Table 5-2, these areas would be used for ‘public, Club, community and events, from 6am – 12am on Monday to Saturday and from 6am – 10pm on Sundays. No information has been provided about what these events would entail and Table 5-1 indicates that this area would have a capacity of 100 people. This presents an unacceptable impact, especially given the lack of information about the use of the area, and the absence of any acoustic impact assessment for this area. As such, **Conditions C.1 and I.1** are recommended, which restricts the use of these facilities as follows:

- The pool deck area is to be used only in conjunction with the swimming pool. As such, hours of use are limited to 6am – 10pm on Monday to Saturday and 6am – 8pm on Sunday. Any functions, events or the like in this area are limited to those which are related to the swimming pools;
- The pool deck café is to operate only during the hours of 6.30am – 9.30pm Monday to Saturday and 6.30pm – 8pm on Sunday. The café must operate as an ancillary use to the gym, in order to be a lawful land use on the site, and as such, it is not to be used for functions, events or the like.

Similarly, the acoustic report has not undertaken modelling of the potential acoustic impact from the Club building. Table 5-2 of the acoustic report states that the Club would operate from 9am – 12am on Mondays – Saturday and 10am – 10pm on Sunday. It is stated that the Club Restaurant and Bar has a maximum capacity of 60-80 people and the community room has a capacity of 1000 for club and community special events. The Club building would have the capacity for severe amenity impacts to nearby residential properties and **Condition I.2** is recommended, which restricts the use of the Club facilities as follows:

- The Club trading hours are limited to 8am – 10pm Monday – Sunday.
- Any functions, events or the like are not to be held outside of these hours.

This is consistent with the trading hours for licensed premises that are rated as “High risk” in accordance with Chapter F3 of the Woollahra DCP 2015. A consideration of the provisions of Chapter F3 is detailed in Section 8.3 of this assessment.

8.11.3 Light Spill Impacts

Condition B.21 which was imposed on the original consent, required the submission of a light spill assessment with the detailed development application. The proposal included two separate light assessment reports, for the tennis court and football field.

Tennis Courts

The proposed light spill assessment provided the following comments:

“On analysis, height of the existing poles is very high and are using old technology with no light spill mitigation. What our proposal offers is a lighting system with poles that are lower than the height of the trees. We are planning on improving the environmental impact of spill light and using latest lighting technology that will only benefit the residents and address any issue they or council may have.”

The grid plans provided with the report indicate that the light spill from the tennis courts to residential properties at 14 – 18 Walker Avenue would have a lux value of 10 lx adjacent to the rear boundaries of those properties, whilst the light spill to the residential flat building at 400 Glenmore Road would have a lux value of 25 lx – 10 lx. For comparison, it is noted that the outdoor lux value of twilight is approximately 10 lx. Subject to **Conditions I.1 and I.14**, which limits the operating times of the tennis courts and sports lighting, the light spill impact to neighbouring properties would not be significant, and would likely be negligible during the summer months.

Football Fields

The plans provided with the light assessment report for the football field indicate that the light spill to residential properties at Walker Avenue would be approximately 10 lx adjacent to the site boundary. It is noted that the light assessment report has not accounted for the mitigating effect of landscaping along the boundary of the subject site. Figure 8 below shows the proposed lighting design for the football field, overlaid onto aerial photos, indicating that the proposed football field lighting would not result in significant light spill to nearby residential properties.

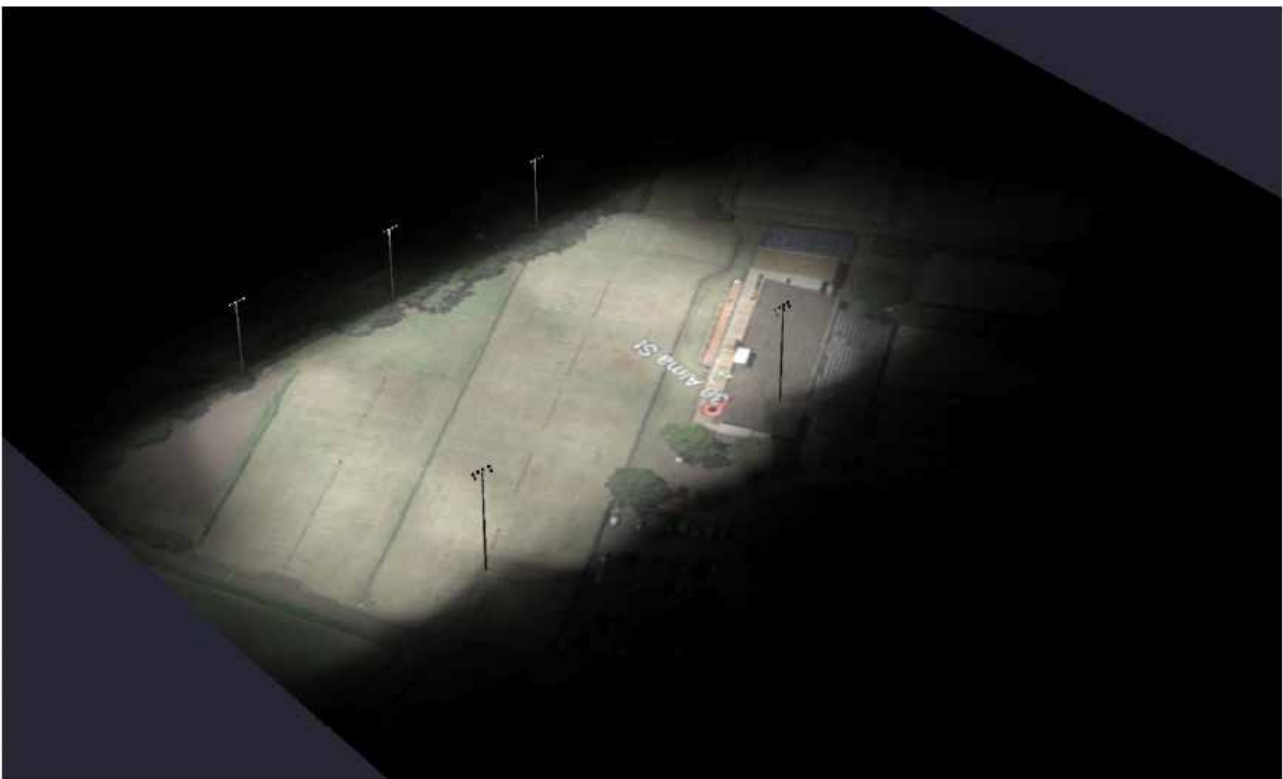


Figure 8 - The image above, taken from the light spill assessment report, shows that the proposal would result in minimal light spill to adjoining properties.

8.12. Stormwater and Flooding

The site is located within the flood planning area, and is subject to flooding impacts. The site is inundated by flood depths of 0.3m – 0.5m in a 5 year ARI flood, 1m – 1.5m during a 100 year flood and flood depths in excess of 1.5m for the probably maximum flood. The proposed development was accompanied by an updated flood risk assessment report, which identifies potential flooding risks to property, persons and vehicles and outlines strategies to mitigate these risks. Council's Drainage Engineer reviewed the flood risk assessment report and advised that it is satisfactory subject to the recommended **Condition C.12**.

8.13. Social and Economic

In assessing the original concept approval, (DAs 438/2015/1 and 438/2015/2), Council's assessment officer provided the following comments in relation to the social and economic impacts of the proposal:

'The existing structures lack functionality and flexibility and are in a dilapidated state. The Applicant has undertaken detailed investigations to determine whether the existing facilities could be retained and adapted to meet current requirements. There are significant structural limitations in retaining the existing grandstand structures. A Structural Assessment of the Grandstands Report (2013) and an Estimated Costs for Structural Repairs Report (2013) were submitted with the development application. The costs of repairs to the northern and southern grandstands is approximately \$4 million. Due to the lack of demand for the use of the grandstand space (and relocation of Tennis NSW to Homebush Bay), the Applicant states that the commercial return on investment is not economically viable.

The proposal involves demolition of the existing structures and includes a CMP and detailed Heritage Interpretation Strategy which are considered acceptable by the independent heritage consultant. On this basis, and the proposed demolition of the majority of the existing structures and fabric is considered acceptable.

A Social Impact Assessment, prepared by Urban Advisers dated August 2015, was submitted with the development application outlining the need and justification for the proposal.

The need and demand for additional recreational facilities and childcare facilities within the Woollahra LGA, and within Paddington is acknowledged. This is documented in the referral responses from Council's Open Space and Recreation Officer and Council's Community Services Officer (Annexures 6 & 7).

The Woollahra Child Care Study 2014 found a gap in places across the LGA with Paddington listed as the suburb with the second highest gap in places. The Woollahra Recreation Needs Assessment 2006 recognised soccer, swimming, tennis, going to the gym and yoga as having high attendance rates in the community.

The proposed childcare centre, indoor swimming pool, indoor multi-purpose sports facility and full-size football field provide facilities that will provide social benefits to the community.

The proposal will have positive social and economic impacts to the local and broader community.'

The position articulated above is maintained, however it is noted that the current iteration of the proposal does not include the previously approved childcare centre. The applicant has indicated that the childcare centre will be constructed in the future, as part of 'Phase 2' of the project, as stated in the submitted statement of environmental effects:

"The second phase (Phase 2) will be proposed once sufficient additional capital is available for this purpose. Phase 2 scope includes completing the swimming pool enclosure building (Pool Hall) including the childcare facility, and the Sports Hall around the multi-use courts. The design will accommodate future construction of the Sports Hall and the Pool Hall and its childcare centre during Phase 2 of the Project."

The applicant has not provided any guarantee or certainty that the childcare centre would ever be constructed, however it is accepted that original concept development consent did allow for the structuring of works over multiple applications, as **Condition A.2** stated:

Condition A.2 - Determination of Future Stage 2 Applications

In accordance with Section 4.22(1) of the Environmental Planning and Assessment Act 1979, all physical works shall be subject of future development application(s).

The determination of the future development application(s) shall be consistent with the terms of development consent as described in Part B.

As such, it is not considered that the omission of the childcare centre at this stage would warrant the refusal of the proposal, notwithstanding the reduction in the social benefit of the development as a result of this omission.

8.13.1 Public Access to Facilities

Submissions have raised concerns that access to the proposed facilities will not be open to the general public. The submitted plan of management has stated that membership will be open to all, and will be generally available by way of annual memberships. Given the zoning of the land for private recreation, and the fact that it is privately owned, the level of access proposed is considered to be appropriate.

8.13.2 Site Security

The submitted plan of management has detailed a security strategy which includes the employment of a minimum of two security guards to monitor the site, with additional security employed as needed for events and sporting matches. This is satisfactory for the purposes of providing security on the site.

NSW Police have also reviewed the proposal having consideration to CPTED principles. Their comments have been included in the recommended **Condition A.11**.

8.13.3 Social impacts of the licensed premise

A ‘registered club’ is a permitted use within the RE2 Zone, and it is a suitable use for the location given the large site area and setback of the proposed Club building from nearby residential development.

The social impacts of the proposed Club have been considered against the provisions of Chapter F3 of the Woollahra DCP 2015, which relate to licensed premises. Subject to the operating hours stipulated by **Condition I.2** and amendments to the plan of management required by **Condition C.1**, it is considered that the licensed Club would not have an unacceptable social impact on the locality.

8.14. Construction Matters

8.14.1 Vehicle Movements

The high level of community concern about health and safety risks during the construction process is acknowledged. Following the submission of amended traffic report documentation, the proposal

no longer seeks to route construction vehicles through the local residential streets of Paddington. Instead, construction vehicles will approach the site from New South Head Road via Neild Avenue, and exit the site using MacLachlan Avenue and New South Head Road. The amended construction vehicle route is supported, as it comprises the most direct route to and from New South Head Road to the site, which will minimise the impact of construction traffic on local residential streets. The amended construction vehicle route is shown in Figure 9 below:

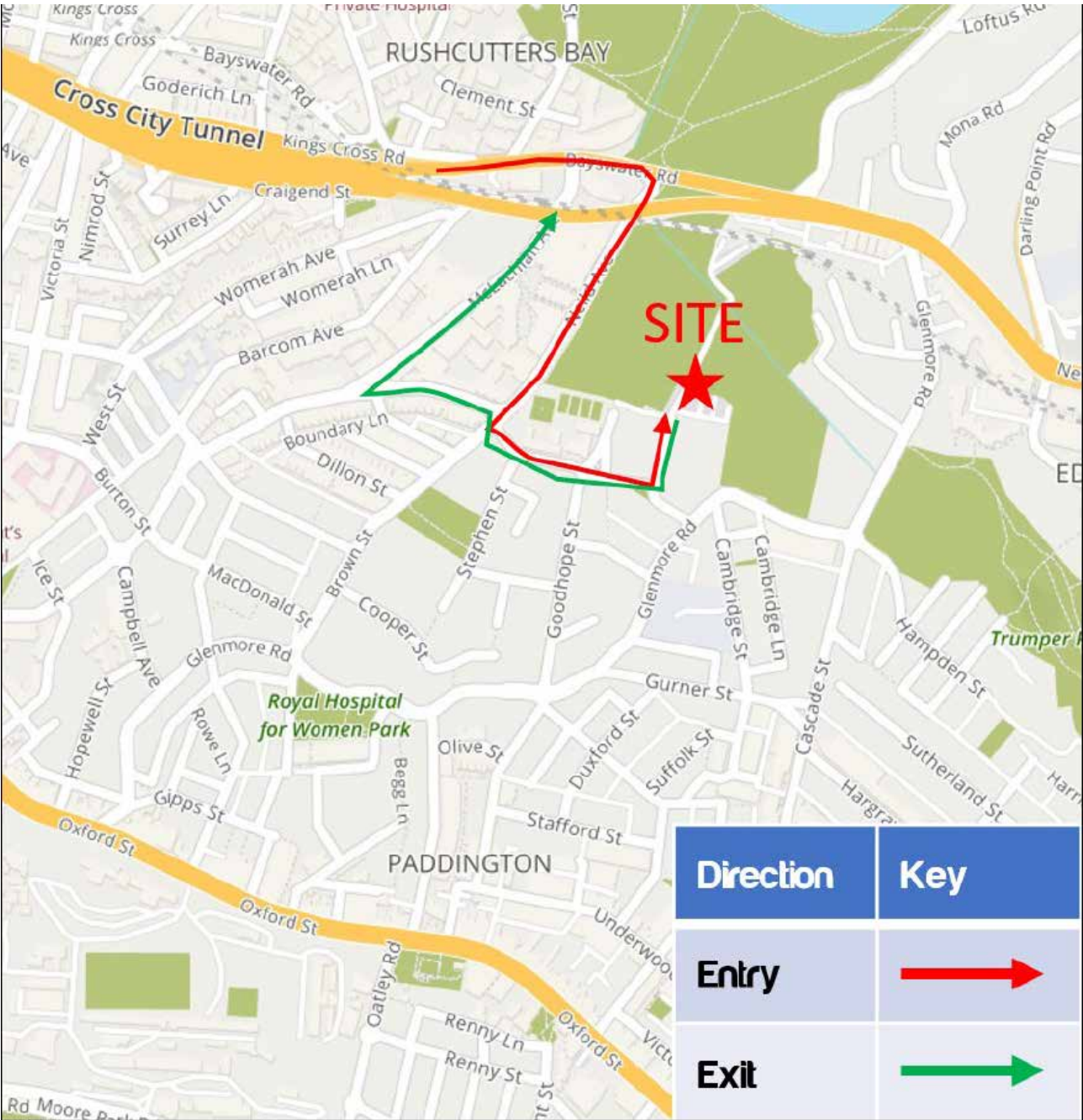


Figure 9 - Proposed route of construction vehicles as included in the Response to SOFAC Traffic Report prepared by Ason Group dated 4 August 2020

Condition D.6 is recommended which would limit medium rigid vehicle and heavy rigid vehicle movements to the site during the school drop-off and pick up period (7.30am – 9.30am and 2.30pm – 4.30pm). In conjunction with traffic controllers, it is considered that this condition will greatly mitigate the risk to pedestrians within Alma Street.

8.14.2 Construction Vehicle Parking

It is noted that the majority of on-street parking within the vicinity of the site is time limited (2P), which will reduce the volume of construction vehicles that will park on the street. As such, and given that impacts on parking due to construction vehicles would be temporary, the proposed construction process would not result in an unacceptable reduction in on-street parking within the locality.

8.14.3 Contamination, Dust and Asbestos

Conditions B.2, E.21, E.22, E.23, E.24 and E.28 have been recommended, which require the implementation of measures to address the potential hazard from contamination, asbestos and dust. Subject to conditions, these issues would not warrant the refusal of the proposal.

Despite the requests made by some objectors, it would not be reasonable to stage construction works so that they only occur during school holidays and/or weekends. This would be an onerous restriction that would have the effect of extending the construction period.

8.15. Other Matters

8.15.1 Adequacy of Information

The proposal comprises a detailed set of documentation, in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* which is sufficient to allow an assessment of the proposal against the relevant matters for consideration.

8.15.2 Insufficient Community Consultation

The application was advertised and notified from 22/01/2020 to 20/02/2020 (30 days) in accordance with the Woollahra Community Participation Plan. An extended notification and advertising was undertaken from 11 March 2020 to 7 April 2020 in accordance with a Council resolution of 24 February to notify additional properties within the vicinity of the (then) proposed routes of construction vehicles.

Although it is desirable, it is not mandatory for the applicant to undertake independent community consultation. Notwithstanding this, it is understood that the applicant held a community information session in January 2020.

8.15.3 Health Risks from Substations

Submissions have raised concerns that the proposed substations within the south-western corner of the site could pose a potential health risk. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provides the following information on their website (<https://www.arpansa.gov.au/understanding-radiation/radiation-sources/more-radiation-sources/electricity>) in relation to health impacts from extremely low frequency (ELF) electric and magnetic fields (EMF):

“There is no established evidence that the exposure to magnetic fields from powerlines, substations, transformers or other electrical sources, regardless of the proximity, causes any health effects. In view of the epidemiological studies, however, the possibility remains that prolonged exposure to higher than typical magnetic fields may increase the risk of leukaemia in children.

For homes near high voltage (HV) powerlines the magnetic field exposure will vary according to the amount of current carried by the powerline and the distance of the home from the powerline. Generally, homes that are more than 50 m from a high voltage powerline are not expected to have higher than typical magnetic fields. For substations and transformers the magnetic fields at distances of 5-10m away are generally indistinguishable from typical background levels in the home. The figure below shows a range of magnetic field levels measured by ARPANSA around powerlines and in Australian homes. These are well below the exposure limit in the international guidelines of 200 μ T (2000 mG)."

Based on the information provided above, and given that the nearest dwelling is approximately 14m from the substation, it is not considered that there is a significant health or safety risk from the proposed substation, to nearby residents.

8.15.4 NSW Green Grid Plan

Section 1.3 of the 'NSW Green Grid Plan' provides the following comment with regards to White City:

"There is also a key opportunity to make a significant contribution to public open space, pedestrian links and sports facilities as part of the proposed White City redevelopment. Improved connections between White City and the Rushcutters Bay would greatly benefit surrounding communities."

It is not considered that the provision of public open space is within the scope of the proposal as the site is zoned RE2 for Private Recreation and is privately owned. It is agreed that the proposal will contribute to sporting facilities within the local area. The issue of public access through the site has been considered under Section 8.6 of the assessment.

8.15.5 Paddington Greenway and Riparian Guidelines

The Paddington Greenway is a project that has arisen from notices of motion issued by Woollahra Council on 10 February 2020 and 8 July 2019, and is also listed within the Minister's discussion paper 'A 50 Year Vision for Sydney's Open Space and Parklands'. The reference within the discussion paper is as follows:

- *Transforming a forgotten stormwater drain into a leafy pathway to link Rushcutters Park to Trumper Park in Paddington and naturalising Rushcutters Creek*
- *Providing walking and cycle connections to help reduce car use for the daily commute*
- *Making better use of public land, including land owned by Sydney Water and Transport for NSW, to provide much needed inner-city green space and connections in highly populated urban areas*

Council's Design Contractors for the Paddington Greenway project are at an early stage in the feasibility assessment process. At the time of assessment a detailed design for the Greenway had not been formulated, including its exact location and method of construction. No conditions have been recommended requiring the dedication of land within the site for the Paddington Greenway, for the following reasons:

- It is not known at this stage whether the Greenway would be fully situated above the stormwater canal of Rushcutters Creek, or whether it would be situated adjacent to the canal;
- No provision was made for the Greenway in the concept proposal, which was approved in 2015 and modified in 2019. To require modifications to the detailed design to accommodate the Greenway *within* the subject site could render the development inconsistent with the approved concept design;
- The proposal includes a landscaped buffer along the north-eastern boundary of the site, and **Condition C.1** requires all structures to be set back 1m from the edge of the stormwater canal, and **Condition F.11** requires the creation of an easement for access for future construction of the Greenway. These factors would assist in enabling future construction of the Greenway above the canal.

Submissions raised concern that the works along the stormwater canal constitute riparian works, and would require an activity approval under the *Water Management Act 2000*. In accordance with Part 2, Section 28 of the *Water Management (General) Regulations 2018*, activities in waterfront land do not require a controlled activity approval in cases where the channel of the river is concrete lined. As such, the proposal is not subject to the ‘Guidelines for Riparian Corridors on Waterfront Land’ issued by the NSW Office of Water.

8.15.6 Football Field Surface Turf Performance

Condition B.25, which was imposed on the approved concept development, required the applicant to demonstrate in future development applications that if the proposal seeks to utilise artificial turf for the football field, it must demonstrate that it will perform equally or superior to a natural grass surface with regards to heat absorption, stormwater absorption and runoff.

In order to address this condition, the applicant submitted a response from the manufacturer of the proposed artificial turf. This document claimed that the use of a ‘Hydrochill’ infill in conjunction with light watering would allow the field temperature to achieve temperatures of 16° – 28° Celsius lower than a standard synthetic turf system.

The Department of Local Government, Sport and Cultural Industries of Western Australia’s report *Natural Grass vs Synthetic Turf Study Report* provides the following information in relation to heat and synthetic turf:

“Heat has become a factor of growing interest and concern. The lack of a natural cooling effect in synthetic turf compared to natural grass seems to have formed the basis for the unease. We know that the surface temperature increases with solar radiation load and is poorly related to air temperature[23] but to date the issue of the surface temperature of synthetic surfaces for outdoor sports has been poorly researched.[24] Not only has the research been limited, but in some cases this potential problem has been ignored. Despite the increased use of synthetic turf, little thought has been given to the inherent qualities of the surface and the amount of heat radiated or reflected in Australian climatic conditions. Nonetheless, there is evidence to suggest that there is a difference between the effect of a synthetic surface versus natural grass on the heat load experienced by those exercising on outdoor grounds e.g., football, soccer, cricket.

Some early work on surface temperature on first /second generation synthetic turf identified increases in temperature on the synthetic compared to the natural grass, particularly when exposed to sunlight.[25] For example, a study by Buskirk et al. (1971)[26] reported differences in maximum temperature ranging from 35-60°C between the natural grass and synthetic turf. Similarly, Kandelin (1976)[27] found that over a 21 day period the maximum temperature reached by the natural grass was 45 degrees and 59 degrees by the synthetic turf. In general, heat-related research on the earlier generations of synthetic turf concluded that the physiological stress from the increased heat could be problematic.

Although there have been relatively few studies to date on 3G synthetic turf, the results have elicited the same findings. A study of heat on synthetic turf at Brigham Young University in the USA in 2009[28] reported temperatures as high as 93°C on the synthetic turf. They watered the synthetic turf in an attempt to reduce the temperature and found that the immediate effect was remarkable, a reduction from approximately 73.9°C to 29.4°C in the first few minutes. However, this effect was not sustained with the temperature rose to 73.3°C within twenty minutes. Watering has regularly been suggested to reduce the surface temperatures of the synthetic turf fields, but despite the fact that it is not always possible in drought-stricken regions, it is very temporary, unless large volumes of water are administered.”

In order to address the above, **Advising K.13** is recommended which notifies the applicant of the potential health and safety risks of the proposed synthetic turf during hot weather.

8.15.7 Emissions and Air Pollution from the Car Park and Plant

The proposed car park is at-grade and contains numerous openings that will assist in natural ventilation, including a courtyard in its south-western corner, a garden in the north-eastern corner and a central void. As such, the level of air pollution and emissions build up within the car park is unlikely to be significant.

Emissions or air pollution from plant are regulated by the Protection of the Environment Operations Act 1997 and would not warrant the refusal or modification of the proposal.

8.16. Site Suitability

The proposal is considered to be appropriate for the site having regard to its characteristics and location as follows:

- The proposed uses are permissible, or would be ancillary to nominate permissible uses (subject to conditions of consent) and are consistent with the objectives of the RE2 Private Recreation Zone;
- The site area and dimensions can accommodate the proposed buildings, whilst still retaining large areas of open space;
- The proposed development is compatible with surrounding development, and maintain a suitable relationship to adjoining properties, subject to the recommended conditions of consent;
- The proposal would enhance the streetscape presentation to Glenmore Road in comparison to the existing situation;

- The proposal would re-activate the site, which is currently underutilised and address the dilapidated state of the buildings on the site;
- The proposal retains vistas across the eastern side of the site, thereby preserving the open character of the valley floor;
- The proposal will retain the heritage value of the site;
- The proposal will contribute to wider social and economic benefits to the community via the provision of sporting and community facilities;
- The site is well-serviced by transport, including public transport in the form of rail.

8.17. Public Interest

In determining whether or not the proposal is in the public interest, both the wider public interest and the sectionalised public interest must be taken into consideration. In the event that the wider public interest outweighs the sectionalised public interest, the proposal can be determined to be in the public interest.

In the assessment of the approved concept proposal and subsequent modification (DAs 438/2015/1 and 438/2015/2) the public interest was considered and the proposal was deemed to be consistent with the public interest.

For completeness, this assessment has reconsidered the matter of public interest with respect to the detailed development proposal.

White City is valued as a community resource for its recreational and community aspects, being an important historic sporting facility in the Paddington area. The site has been used for recreation and sporting purposes since 1922.

The use of White City has declined since 1999 when Tennis NSW vacated the site and moved to Homebush Bay. The facilities have since become dilapidated and some of the facilities are unsafe and unusable. The applicant advised in 2015 that the cost of repairs to the grandstands alone are approximately \$4 million and there is a lack of demand for tennis (grandstand) facilities which makes the repair of the site economically unviable.

The proposed redevelopment of White City for a sporting and cultural facility includes a mix of land uses that respond to a demand for recreational and sporting facilities in Paddington.

Whilst not free to use, the sporting facilities would be open to use by the general public. The sporting facilities include tennis courts, gym, swimming pool, and hard courts for basketball or futsal. The use of these facilities offers health, social and recreational benefits to the community.

The proposed development will provide economic benefits by stimulating employment during the construction process and according to the figures used by the Transport Assessment Report, it will provide approximately 70 ongoing jobs, once operational.

The most common issue raised in the submissions received was the construction traffic impacts on residents, and in particular the routing of construction vehicles through the local streets of

Paddington. Following amendments made to the Local Area Traffic Management Scheme, the applicant has adopted a more direct route to New South Head Road for construction vehicle traffic.

It is acknowledged that the proposal would adversely impact some local residents, as a result of increased traffic, acoustic impacts and the intensification of the use of the site. Amenity impacts would be most severe to properties in the immediate vicinity of the site including those on the southern side of Walker Avenue and residential properties along Alma Street, Lawson Street and Glenmore Road. In *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117* Commissioner Bly C provides inter alia:

25. *As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.*

The subject site is located in the RE2 Private Recreation zone which is at the zone interface of land and residential properties located in the R2 Low Density Residential zone, R3 Medium Density Zone and SP2 Educational Establishment Zone.

The proposal is permissible within the zone, and as such the proposal accords with the zone interface principle with respect to the fact that residents can expect some non-residential impacts from the site operation.

These impacts should be viewed in the context of the site, which is currently underutilized when compared to its historic status which was that of a sporting facility coexisting with nearby residential uses. The impacts of the proposal on residential amenity are considered to be acceptable, as the proposed land uses are consistent with the zoning of the site, and impacts are commensurate with what could be reasonably expected for a large scale development. In conclusion, the wider public interest outweighs the sectionalised public interest in the circumstances of this proposed development.

9. CONCLUSION

The proposal for multi-purpose sporting facilities, registered club facilities and site remediation is considered to be acceptable with regards to the relevant considerations under Section 4.15 for the following reasons:

- The proposal satisfies the provisions of the Woollahra LEP 2014, the Woollahra DCP 2015 and the applicable SEPPs.
- The proposal is consistent with the building envelopes, land use and site layout approved under the concept development.

- Subject to the recommended conditions of consent, the proposal will not result in an unreasonable amenity impact to adjoining and nearby properties such that refusal would be warranted.
- The proposal would not result in an unsatisfactory environmental impact on the natural or built environments.
- The proposal would have positive social impacts within the locality due to the provision of sporting and recreational facilities.
- The proposal would generate positive economic impacts due to the provision of employment during the construction phase and ongoing operation of the site.
- The site is suitable for the proposed development, as the proposed land uses would comply with the RE2 zoning, and subject to conditions of consent, any land uses that are not permissible within the zone, would operate as ancillary to nominate permissible land uses.
- The submissions have been considered and subject to conditions of consent, do not warrant the refusal or further modification of the proposal.
- The proposal is in the public interest as it will address the dilapidation and under-utilisation of the site; will provide sporting and community facilities; and will generate economic benefits.

10. DISCLOSURE STATEMENTS

No disclosure statement was received regarding political donations or gifts made to any Councillor or to a council employee.

11. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the Sydney Eastern City Planning Panel, as the consent authority, grant development consent to DA 477/2019/1 for the first stage of the development of White City including multi-purpose sporting facilities and registered club facilities and site remediation at 30 Alma Street PADDINGTON, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and 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 4.15 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*.

PC means the Principal Certifier 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 meaning 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.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

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 both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
A2010 (Issue 02)	Floor Plan – Ground Floor	Cottee Parker Architects	08/05/2020
A2011 (Issue 02)	Floor Plan – Level 01		
A2012 (Issue 02)	Floor Plan – Level 02		
A2013 (Issue 02)	Floor Plan – Level 03		
A2050 (Issue 02)	Detailed Floor Plan – Ground Floor (Club)		
A2051 (Issue 02)	Detailed Floor Plan – Level 02 (Club)		
A2052 (Issue 02)	Detailed Floor Plan – Level 02 Mezzanine (Club)		
A2053 (Issue 02)	Detailed Floor Plan – Level 03 (Club)		
A2054 (Issue 02)	Detailed Floor Plan – Roof Plan (Club)		
A2055 (Issue 02)	Detailed Floor Plan – Ground Floor (Gym)		
A2056 (Issue 02)	Detailed Floor Plan – Level 01 (Gym)		
A2057 (Issue 02)	Detailed Floor Plan – Level 02 (Gym)		
A2058 (Issue 02)	Detailed Floor Plan – Level 03 (Gym)		

A2059 (Issue 02)	Detailed Floor Plan – Roof Plan (Gym)		
A3101 (Issue 02)	Sections		
A3104 (Issue 02)			
A10006 (Issue 03)	Northern Boundary / Creek Diagrams		
A10007 (Issue 03)			
A10008 (Issue 03)			
A10016 (Issue 02)	Detailed Section – Amended Retaining Wall		
A10017 (Issue 01)	Detailed Plan – Glenmore Road Exit		
A3001 (Issue 01)	Club Elevations		3/12/2019
A3002 (Issue 01)			
A3003 (Issue 01)			
A3004 (Issue 01)	Gym Elevations		
A3005 (Issue 01)			
A3102 (Issue 01)	Sections		
A3103 (Issue 01)			
A7001 (Issue 01)	Heritage Interpretation Strategy Plans		
A7002 (Issue 01)			
A7003 (Issue 01)			
A6001 (Issue 01)	Materials Schedule		
A0.01 (Rev.J)	Site Plan	MASQ Architects	12/12/2019
A1.01 (Rev.J)	Ground Level Plan (Carpark Level)		
A1.02 (Rev.J)	Level 01 Floor Plan		
A1.03 (Rev.J)	Level 02 Floor Plan		
A1.04 (Rev.J)	Roof Plan		
A2.01 (Rev.I)	Sections		
A3.01 (Rev.I)	Elevations 1, 2, 3: Northern/Southern		
A3.02 (Rev.I)	Elevations 4 & 5: Eastern/Western		
19047 – R1.1	Access Report	Code Performance	August 2019
41700	Acoustic Report	Wood and Grieve (Stantec)	27/05/2020
2601ReferralResponseRevD	Arboricultural Addendum	Tree Wise Men	22/06/2020
2601AIA	Arboricultural Impact Assessment		April 2019
2601RMT100-T101	Root Mapping Report		March 2020
S18403	Flood Risk Assessment	BG&E	21 November 2019
45079.06	Geotechnical Report	Douglas Partners	October 2019
45079.07	Remediation Action Plan & Acid Sulfate Soils Management Plan		July 2020
P00001765	Heritage Interpretation Plan	Urbis	3/12/2019
DA-1846-02 E DA-1846-03 E DA-1846-04 D DA-1846-05 C DA-1846-06 C DA-1846-07 C DA-1846-08 D DA-1846-09 D DA-1846-10 C DA-1846-11 C DA-1846-12 D	Landscape Plans	Sturt Noble	4/12/2019

DA-1846-13 C DA-1846-14 C DA-1846-15 C			
DA-1846-17 B, DA-1846-18 B, DA-1846-19 A, DA-1846-20 A			26/05/2020
SNA 1846- 200526	Landscape Design Response		
N/A	White City Soccer – Obtrusive Light Assessment Summary	Apex Lighting	N/A
0000003	Maccabi Sydney Spill Light	Lighting Reality	24/07/2019
2019/04148	Site Waste Management Plan	Senica Consultancy Group	27/11/2019
4576-Issue 1	Stormwater Report	M+G Consulting Engineers P/L	05/12/2019
4576 C01-Issue 2 C04-Issue 2 C05-Issue 2 C06-Issue 2 C07-Issue 2 C08-Issue 2	Stormwater Plan		
0410r02v4	Transport Assessment Report	ASON Group	05/12/2019
0410I02v1	Response to SOFAC (Traffic Issues) Final		3/08/2020
0410r06v2	Local Area Traffic Management Scheme		
0410I01v1	Response to SOFAC: Parking Statement		
0410r07v2	Green Travel Plan		31/07/2020
19363-v02	Road Safety Review	TTPP	5/12/2019
N/A	Plan of Management	Projects & Infrastructure	December 2019
S.HCL-0101	Utility Investigations at Schematic Design Stage	Umow Lai Consulting Engineers	05/07/2019

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 4.17(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 No Underpinning works

This development consent does **NOT** give approval to any underpinning works outside the boundaries of the subject property including to any structures on adjoining properties.

A.5 Biodiversity Conservation Act 2016

A Test of Significance is required as per Section 7.3 of the Biodiversity Conservation Act 2016 in relation to the Large Bent-winged Bat (*Miniopterus orianae oceanensis*) to determine whether the proposed removal of mature trees is likely to significantly affect threatened species or their habitats. The outcome of the Test of Significance will determine if any future action is

required under the Biodiversity Conservation Act 2016 met. The test of significance is to be submitted to Woollahra Council prior to the issue of a construction certificate.

A.6 Green Star Certification

The development must achieve a 5 star rating under the *Green Star – Design & As Built* certification. Design Review Certification must be submitted to Council and the Principal Certifier once obtained. The As Built Certification must be submitted to Council and the Principal Certifier prior to the occupation of any completed building on the site, or the use of the overall development.

A.7 Sydney Trains Conditions

- 1) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search/Dial before you Dig to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- 2) No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 3) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 4) The applicant shall not at any stage block access to the Easement, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- 5) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- 6) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- 7) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.
- 8) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- 9) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

A.8 Sydney Water Requirements

Rushcutters Creek Setback

No buildings or permanent structures are to be proposed over the stormwater channel / pipe or within 1m from the outside wall of the stormwater asset, marked as Rushcutters Creek in the submitted plans. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height.

The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel.

The following elements may be located within the 1m clearance zone and the proponent is required to revise these details to ensure that these elements are located minimum 1m away from Sydney Water's stormwater channel:

- Design elements associated with the soccer field
- Car park
- Design elements associated with the Tennis court
- Stormwater pits and Gross Pollutant Traps
- Light poles
- Fence

Any fence other than 1.2m high pool fencing, 1.8m high colour bond fencing or equivalent should be located at least 1m away from the outside face of the stormwater channel/ asset and supported on piers and piers are to be extended at least 1m below the invert level of the stormwater channel or 1m below the zone of influence of the stormwater channel.

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

A.9 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)
4	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	9 x 6
17	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street entrance – West boundary	7x 6
18	<i>Jacaranda mimosifolia</i> (Jacaranda)	Carpark – West boundary	9 x 9
37	<i>Citharexylum spinosum</i> (Fiddlewood tree)	Rushcutters Creek - East	12 x 10
94	<i>Hibiscus rosa-sinensis</i> (Rose of China)	NE corner - Rushcutters Creek	5 x 3
95	<i>Tibouchina sp.</i> (Lasiandra)		4 x 3

96	<i>Tibouchina sp.</i> (Lasiandra)		4 x 3
108	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	5 x 4
109	<i>Jacaranda mimosifolia</i> (Jacaranda)		9 x 12
112	<i>Lophostemon confertus</i> (Brush Box)	South west corner – Glenmore Road frontage	17 x 12
113	<i>Cinnamomum camphora</i> (Camphor Laurel)		20 x 15
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)		18 x 12

• Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
81	<i>Eucalyptus botryoides</i> (Bangalay)	Glenmore Road verge - Centre	25 x 18	\$5000
82	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
83	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
84	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - Centre	7 x 5	\$2000
85	<i>Eucalyptus botryoides</i> (Bangalay)		24 x 16	\$5000
86	<i>Corymbia citriodora</i> (Lemon-scented Gum)		24 x 20	\$5000
87	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	8 x 6	\$2000
88	<i>Eucalyptus botryoides</i> (Bangalay)		25 x 20	\$5000
89	<i>Corymbia citriodora</i> (Lemon-scented Gum)		20 x 18	\$5000
91	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - West	6 x 5	\$2000
92	<i>Corymbia citriodora</i> (Lemon-scented Gum)		20 x 20	\$5000
98	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	12 x 10	\$2000
99	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 20	\$5000
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 16	NIL
102	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 16	\$5000
110	<i>Tristaniopsis laurina</i> (Water gum)	Glenmore Road verge - West	2 x 2	\$500
111	<i>Tristaniopsis laurina</i> (Water gum)		2 x 2	\$500
117	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - North	12 x 6	\$5000
118	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - North	12 x 6	\$5000
119	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000

120	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
121	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
122	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - South	10 x 6	\$5000
123	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - South	14 x 6	\$5000

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

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

Council Ref No.	Species	Current Location	Dimension (metres)
4	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	9 x 6

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

- c) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	7 x 6
2	<i>Lophostemon confertus</i> (Brush Box)		11 x 10
3	<i>Lophostemon confertus</i> (Brush Box)		12 x 10
5*	<i>Olea europea var. africana</i> (African Olive)		5 x 5
6	<i>Casuarina glauca</i> (Swamp She-oak)		16 x 10
7*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 10
8	<i>Cinnamomum camphora</i> (Camphor Laurel)		14 x 10
9	<i>Cinnamomum camphora</i> (Camphor Laurel)		14 x 12
10*	<i>Cinnamomum camphora</i> (Camphor Laurel)		7 x 8
11	<i>Pittosporum undulatum</i> (Native Daphne)		6 x 6
12*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 8
13	<i>Casuarina glauca</i> (Swamp She-oak)		16 x 10
14	<i>Morus nigra</i> (Mulberry tree)		6 x 5
15	<i>Morus nigra</i> (Mulberry tree)		10 x 6
16*	<i>Olea europea var. africana</i> (African Olive)		8 x 6
19	<i>Liquidamber styraciflua</i> (Liquidambar)	Centre – New Soccer Field grandstand	8 x 8
20	<i>Sapium sebiferum</i> (Chinese Tallow tree)		10 x 8

21	<i>Sapium sebiferum</i> (Chinese Tallow tree)		11 x 8
25	<i>Celtis sinensis</i> (Chinese Nettle)	South east corner – Glenmore Road frontage	14 x 10
26	<i>Jacaranda mimosifolia</i> (Jacaranda)		14 x 10
27	<i>Chamaecyparis lawsoniana</i> (Lawson Cypress)		9 x 8
28*	<i>Olea europea var. africana</i> (African Olive)		14 x 8
29*	<i>Olea europea var. africana</i> (African Olive)		11 x 10
30	<i>Olea europea var. africana</i> (African Olive)		9 x 6
35	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Centre – North east corner of existing office building	5 x 5
36	<i>Murraya paniculata</i> (Mock Orange)	North boundary of Maccabia tennis courts	3 x 2
38*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek - East	8 x 5
39	<i>Syzygium sp.</i> (Lillypilly)	Rushcutters Creek - Centre	7 x 6
40	<i>Casuarina cunninghamiana</i> (River She-oak)		20 x 15
41*	<i>Celtis sinensis</i> (Chinese Nettle)		6 x 6
42	<i>Casuarina cunninghamiana</i> (River She-oak)		18 x 8
43	<i>Casuarina cunninghamiana</i> (River She-oak)		11 x 6
44*	<i>Celtis sinensis</i> (Chinese Nettle)		5 x 4
45	<i>Liquidambar formosana</i> (Chinese Liquidambar)		13 x 12
46*	<i>Celtis sinensis</i> (Chinese Nettle)		7 x 5
47	<i>Phoenix canariensis</i> (Canary Island Date palm)		5 x 6
48*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek – West	9 x 7
49*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 7
50*	<i>Celtis sinensis</i> (Chinese Nettle)		7 x 5
51	<i>Melaleuca bracteata</i> (Black Tea tree)		6 x 5
53	<i>Phoenix canariensis</i> (Canary Island Date palm)		5 x 6
54	<i>Syzygium sp.</i> (Lillypilly)		9 x 7
55*	<i>Celtis sinensis</i> (Chinese Nettle)		5 x 3
56	<i>Cinnamomum camphora</i> (Camphor Laurel)	South west corner – Adj to Sydney Grammar East boundary	10 x 8
57	<i>Trachycarpus fortunei</i> (Chinese Windmill palm)		5 x 4
58*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
59*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
60*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4

61	<i>Celtis sinensis</i> (Chinese Nettle)		13 x 8
62	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10
63	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10
64	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
65	<i>Cotoneaster sp.</i> (Cotoneaster)		6 x 5
66	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 5
67	<i>Murraya paniculata</i> (Mock Orange)		6 x 5
68	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
69	<i>Celtis sinensis</i> (Chinese Nettle)		13 x 10
70	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
71	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
72*	<i>Syagrus romanzoffiana</i> (Cocos palm)		9 x 6
73	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
74	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 11
75	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 11
76*	<i>Syagrus romanzoffiana</i> (Cocos palm)		7 x 6
77	<i>Celtis sinensis</i> (Chinese Nettle)		10 x 9
78	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Heritage Arches	9 x 6
79	<i>Cupressus spp</i> (Cypress pine)		9 x 6
93	<i>Murraya paniculata</i> (Mock Orange)	North west corner	5 x 5
97*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek - East	8 x 6
104	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	11 x 10
105	<i>Jacaranda mimosifolia</i> (Jacaranda)		7 x 7
106	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
107	<i>Jacaranda mimosifolia</i> (Jacaranda)		10 x 8
115	<i>Ficus rubiginosa</i> (Port Jackson Fig)	South west corner – Glenmore Road frontage	4 x 3

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

*This species is exempt from the WMC DCP Chapter E.3 - Tree Management and can be removed without consent.

- d) The following trees shall be pruned in accordance with *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:

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Root pruning
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Root pruning

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

A.10 Development Consent is Not Granted in Relation to these Matters

This approval does not give consent to any de-watering. De-watering must not be carried out without the necessary activity approvals under Section 91 of the *Water Management Act 2000*. If groundwater is encountered during the construction of the development, no consent is granted to vary the maximum height of the development.

Standard Condition: A9

A.11 Crime Prevention through Environmental Design

The following measures are recommended by NSW Police in order to reduce the incidences of crime in and around the site:

Prevention of Graffiti

- Non porous surfaces, anti-graffiti coatings and silicone based paints can be used to reduce the damage and expense caused from graffiti. Green screens comprised of wall hugging plants or vines can be used to protect walls and other structures from graffiti and vandalism.

Definition of Private Areas

- Access control measures restrict, channel and encourage people in, out or and around specific sites. Access control is used to increase the time and effort to commit a crime and increase the risk to criminals. By clarifying where people are permitted to go or not to go becomes more difficult for potential offenders to reach and victimise people and their property. Confusing definition of space can make it easy for criminals to loiter and make excuses for being in unauthorised areas.
- This can be controlled through formal supervision by way of staff, effective signage to provide guidance, effective signage to indicate that it is not open to the public. Physical barriers such as landscaping and fencing should be used to define areas which are non-public.
- Any electronic access control should be able to be logged. In the event of an incident, investigators can quickly see whose swipe card or PIN was used, with timings being able to be cross-checked with CCTV.

Configuration and Surveillance of Car Parking

- Internal car park structures such as concrete columns and solid internal walls can create visual obstructions in car parks. Obstructions can provide opportunities for cover for criminals. The configuration of car parking spaces can affect vision. Grid rows are an

option which increases natural surveillance of the area by decreasing the amount of blind spots around the vehicles.

- It is suggested that the car park area includes surveillance by way of CCTV and be well lit at night in parts which have natural surveillance of passers-by and neighbours at night time.

Installation of Adequate CCTV

- It is suggested that there be installation of an adequate CCTV system be installed and monitored within the common areas, entry/exit doors and driveways, and external car parks to monitor staff and members safely. Cameras at the entrance should be placed at head height with appropriate lenses to increase the opportunity to capture facial images.

Installation of Adequate Lighting

- Good lighting can assist in the usage of an area and security. Crime risk and potential fear should be considered
- Lighting should be designed to Australian and New Zealand Lighting Standards. All external lighting fixtures should be vandal resistant. Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing. Lighting should be free of obstructions, such as columns, pipes, etc. Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places. The choice of light fixtures should enable accurate colour renditions such as white LED, to increase accuracy of witness descriptions of potential offenders.

Security/Access Control to Carpark

- Consideration needs to be given as to the method of entry into the car park and controls such as electric opening gates with controllable access. Locking mechanisms used for storage areas need to be substantial and unique to minimise risk of master keys being obtained and used by offenders.
- Developments may be targeted by offenders, both during the construction phase and while the facility is operational. The use of security sensor lights and a security company to monitor the site while construction is in progress is recommended

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 6.6 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 Principal Certifier, and Notice of Commencement under the *Act*.

Note: See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
Standard Condition: B1

B.2 Identification of Hazardous Material

In accordance with Australian Standard AS2601: *The Demolition of Structures*, the Owner shall identify all hazardous substances located on the site including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per clause 1.6.1 of the Standard.

In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing:

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

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.
Standard Condition: B6

B.3 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.4 Recording of Significant or Contributory Buildings Prior to any Demolition or Alteration

A full archival record of the **Southern Grandstand** and the **Northern Grandstand** (Heritage Arches) is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of any work and prior to the issue of a Construction Certificate.

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

Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series: Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch.

There should be one digital set of the photographic report. The following table summarises the lodgement details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	1 copy of photographic report including images	<u>Woollahra Council</u> Report and images (digital version)

The photographic archival recording is to be submitted in a digital format and is to include the following:

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Floorplans of the internal layout and directional details of photographs taken.
- a) Coloured photographs of:
 - each elevation,
 - each structure and landscape feature,
 - internal images of each room and significant architectural detailing, and
 - views to the subject property from each street and laneway or public space.

Note: Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf
Standard Condition: B2

B.5 Noise Control Objectives during Demolition Works

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

Environment & Climate Change: Construction Noise Guideline which sets out management levels for noise at residences and other sensitive land uses.

B.6 Establishment of Tree Protection Zone (TPZ) Fence

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	Tree Location	Fence Radius from Centre of Trunk (Metres)
17	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street entrance – West boundary	2m
18	<i>Jacaranda mimosifolia</i> (Jacaranda)	Carpark – West boundary	2m
37	<i>Citharexylum spinosum</i> (Fiddlewood tree)	Rushcutters Creek	Fence in common with Tree 94
81	<i>Eucalyptus botryoides</i> (Bangalay)	Glenmore Road verge - Centre	Fence in common
82	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		
83	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		
84	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - Centre	Fence in common
85	<i>Eucalyptus botryoides</i> (Bangalay)		
86	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
87	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	
88	<i>Eucalyptus botryoides</i> (Bangalay)		
89	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
91	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - West	Fence in common
92	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
94	<i>Hibiscus rosa-sinensis</i> (Rose of China)	NE corner - Rushcutters Creek	Fence in common with Tree 37

95	<i>Tibouchina sp.</i> (Lasiandra)	NE corner - Rushcutters Creek	2m
96	<i>Tibouchina sp.</i> (Lasiandra)	NE corner - Rushcutters Creek	2m
98	<i>Corymbia citriodora</i> (Lemon- scented Gum)	Glenmore Road verge - East	Fence in common with Tree 81
99	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - East	Fence in common
100	<i>Corymbia citriodora</i> (Lemon- scented Gum)		
101	<i>Corymbia citriodora</i> (Lemon- scented Gum)		
102	<i>Corymbia citriodora</i> (Lemon- scented Gum)		
108	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	Fence in common
109	<i>Jacaranda mimosifolia</i> (Jacaranda)		
110	<i>Tristanopsis laurina</i> (Water gum)	Glenmore Road verge - West	1m
111	<i>Tristanopsis laurina</i> (Water gum)	Glenmore Road verge - West	Fence in common with Tree 91
112	<i>Lophostemon confertus</i> (Brush Box)	South west corner – Glenmore Road frontage	Fence in common
113	<i>Cinnamomum camphora</i> (Camphor Laurel)		
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)		

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
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117	<i>Phoenix canariensis</i> (Canary Island Date palm)
118	<i>Phoenix canariensis</i> (Canary Island Date palm)
119	<i>Phoenix canariensis</i> (Canary Island Date palm)
120	<i>Phoenix canariensis</i> (Canary Island Date palm)
121	<i>Phoenix canariensis</i> (Canary Island Date palm)
122	<i>Phoenix canariensis</i> (Canary Island Date palm)
123	<i>Phoenix canariensis</i> (Canary Island Date palm)

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 5 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) 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 this consent.
- g) The site foreman must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- h) The project arborist shall provide written certification of compliance with the above condition.

B.7 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	3m	Excavation and construction of driveway crossing
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	3m	Excavation and construction of driveway crossing. Removal of stormwater pit
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)	3m	Construction of electricity substation

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

B.8 Demolition and Construction Management Plan

A Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for.

This Demolition and Construction Management Plan is to provide detail of all demolition and construction works that may impact Council Tree 85, 86, 88 & 89 standing on Glenmore Road verge adjacent to existing southern grandstand.

B.9 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; and
- 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 tree protection fencing	Compliance with tree protection measures
Basement excavations and construction adjacent to Tree 85, 86, 88 and 89	Condition of any exposed roots.
Demolition of stormwater pit adjacent to Tree 101	Condition of any exposed roots
Driveway crossing excavations adjacent to Tree 100 & Tree 101	Assess any impacts to root systems by excavations and removal of stormwater pit. Assess ongoing viability of Tree 101 and advise property owners
Inspection of pier holes adjacent to Tree 114	Piers positioned to avoid the severance of and damage to roots greater than 50mm
Removal of Tree Protection Fencing	Trees remain in good condition or remedial action required.

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 Modification of Details of the Development (section 4.17(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 and/or additional information:

- a) Amended and/or additional architectural plans are to be provided of the area within the south-western corner of the site, between the property boundaries of 302 Glenmore Road and the Glenmore Road boundary of the site. These plans must show the proposed fencing along the site's boundary to Glenmore Road with a design submitted to Council for approval, as well as a detailed landscape scheme showing screening planting along the property boundaries.
- b) Amended and/or additional architectural plans are to be provided of the site's eastern boundary, between Glenmore Road and the stormwater channel. These plans must show the proposed design of the area adjacent to the driveway egress, including clarification as to whether any pedestrian access is proposed, as well as a detailed landscape scheme which shows screening planting along the eastern site boundary.
- c) The submitted Plan of Management must be amended and submitted to Woollahra Council for approval. It must detail the following information:
 - i. Numbers of patrons that would be accommodated within the proposed Club building, with specification of the maximum number of patrons that would be accommodated in the various areas within the building (i.e. the bar, restaurant, lounge and community spaces).
 - ii. Details on the frequency and nature of the events that may be held within the proposed Club building, that demonstrate that any functions would be ancillary to the permissible use of a registered Club, and that the premise would not operate as a function centre.
 - iii. Incorporation of the 'Management plan guidelines for licensed premises' detailed within Attachment 7 of the Woollahra Council DA Guide (https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0018/152415/DA_Guide_-_Attachment_7_-_Social_Impact_Reports_and_Management_Plans.pdf) Management practices should be specific to the site and proposed development rather than generic measures required by existing legislation.
 - iv. Plans that specify that the sale/supply of liquor is to be restricted to Level 2 of the Registered Club.
 - v. The pool terrace and surrounds of the lap pool and learn to swim pool are not to be used for events and/or functions unless they relate specifically to swimming.
 - vi. The café within the sports building is not to be used for functions or events.
 - vii. If liquor is to be sold/supplied in other areas of the building an independent limited liquor license will be required. For each event or function outside of the current Club license, a detailed Plan of Management pertaining to the sale/supply of liquor is required to be approved by Council and the Local Licensing Police.
- d) In order to comply with Sydney Water setback requirements and enable future access for the construction of the 'Paddington Greenway' all structures including but not limited to fencing, light poles, car parking and stormwater pits must be set back a minimum of 1m from the site's boundary to the Rushcutters Creek stormwater channel.

- e) The Road, Pedestrian and Cycleways Network Plan, which is included as Appendix A of the Transport Assessment Report dated 5/12/2019 prepared by ASON Group must be amended as followed:
- i. Access from the eastern boundary of the site adjoining the Rushcutters Creek stormwater channel must be provided between the hours of 8am and 8pm. Architectural details are to be provided showing the design of the proposed gate and fence at this location, and access routes from this entry point to other facilities within the site.
 - ii. Access from Alma Street must incorporate a differing paving material within the site as shown in Figure 9 of the Local Area Transport Management Scheme dated 3/08/2020 prepared by Ason Group (Ref. 0410r06v2), and is to be designated as a shared zone for vehicles, pedestrians and cyclists.
- f) The *Operational Traffic Management Plan* prepared by Ason Group (Ref.0410r03v3) must be amended as follows:
- i. Details are to be provided in relation to the shuttle bus services from Centennial Park, as referenced in the Response to SOFAC Report prepared by Ason Group.
 - ii. Details are to be provided to demonstrate that the proposed port cochere can be access to and exit from the proposed port cochere.
- g) The plans and materials schedule must be amended to replace ‘Monument’ coloured metal cladding with Colorbond “Jasper or Windspray”.

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 4.15 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 certificates under section 6.4 of the *Act* 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 <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			

Property Damage Security Deposit -making good any damage caused to any property of the Council	\$1,128,845.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$90,000.00	No	T114
Infrastructure Works Bond -completing any public work required in connection with the consent.	\$57,250.00	No	T113
<p align="center">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</p>			
Development Levy (section 7.12)	\$473,566.00 + Index Amount	Yes, quarterly	T96
<p align="center">INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i></p>			
Public Tree Management Inspection Fee	\$200.00	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$942.00	No	
Security Administration Fee	\$190.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$1,750,993.00 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 Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

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 7.12 levy (formerly known as 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 levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the *Act* and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 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 7.12 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 7.12 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

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the issuing of any Construction Certificate. Detailed engineering drawings prepared by a suitably qualified and experienced civil engineer for the following infrastructure works which must be carried out at the applicant's expense:

1. Road & Footpath Works

- a) The removal of the existing vehicular crossing including layback and gutter and the construction of a new 3.5 metres wide vehicular crossing in Alma Street in accordance with Council's standard driveway drawing RF2_D and Council's specification. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each edge of each proposed vehicular crossing must be submitted for assessment.
- b) The applicant is to liaise with Council's Traffic Section for the adjustment of the existing 'No Stopping' signs, along with other associated parking restrictions surrounding the site and car park entry signage. This matter is required to be referred to Woollahra Traffic

Committee for seeking approval and the process can take up to 8 weeks. All works associated with the signage changes shall be carried out at the full cost to the applicant.

- c) The removal of the existing kerb and gutter and the construction of a new 3.5 metres wide vehicular crossing in Glenmore Road in accordance with Council's standard driveway drawing RF2_D and Council's specification. The new crossing shall be constructed at right angle to the street kerb in plain concrete and be located at a minimum distance of one (1) metre from any existing street tree and/or traffic signs. Design longitudinal surface profiles along each edge of each proposed vehicular crossing must be submitted for assessment.
- d) The reconstruction of the existing 1.8m wide concrete footpath for the full frontage of the site in Glenmore Road in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works. Detailed long section and cross section at every 5m interval shall be prepared by a suitably qualified and experienced civil engineer.
- e) 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.

2. Drainage Works

- a) Due to location of proposed vehicular crossing in Glenmore Road which will be constructed over the existing kerb inlet pit, the applicant must construct a new kerb inlet pit with 1.8m precast lintel located upstream of the proposed crossing. The new lintel must be at a minimum distance of 0.5m from the new layback wings to comply with Council's Crossing Specification. All grates are to be Class D bicycle friendly type grates. The existing kerb inlet pit is to be modified with Class D bicycle friendly butterfly grates to Council's Specification. All works must be carried out in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works.
- b) The developer shall be responsible for carrying out all service investigations to allow a gravity connection.

3. Private Works over Council's Property

- a) The construction of new awning louvre over Council's property in Glenmore Road as per architectural drawing "Detailed Floor Plan – Roof Plan (Gym)" dwg no. 5669-A2059-Issue 01, dated 03 December 2019.
- b) Structural design details and certification for the proposed awning louvre.
- c) Observe condition for the creation of positive covenant requirements.

4. Bonds

- a) A bond of \$57,250 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date.
- b) 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.
- c) 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.

5. Local Area Traffic Management Scheme Works

- a) **Glenmore Road Exit Improvements:** Construction of a centre median strip, realignment of line markings and installation of tactile speed cushions on Glenmore Road as shown in Appendix B of the submitted LATM (Ref. 0410r06v2) ; and the existing painted median along Glenmore Road between Cambridge Street and Lawson Street be built up as a raised median;
- b) **Glenmore Road and Cambridge Street intersection works:** Kerb extension treatment and new kerb ramps with associated signs and line markings at the intersection of Glenmore Road and Cambridge Street, as shown in Appendix C of the submitted LATM (Ref.0410r06v2);
- c) **Lawson Street and Alma Street intersection pedestrian upgrades:** The at-grade zebra crossing at the intersection of Lawson Street and Alma Street is to be upgraded to a raised pedestrian crossing.

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

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

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

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

C.4 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 an application under section 4.55 of the *Act* 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 setback 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 setback 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 setback 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 must not 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 4.55 of the *Act* to allow assessment under section 4.15 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.5 Soil and Water Management Plan – Submission and 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*” 2004 published by the NSW Government (*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 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*” publication can be downloaded from www.woollahra.nsw.gov.au, and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm.

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

C.6 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, hydrogeological, 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.7 Geotechnical and Hydrogeological Design, Certification and 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 pre-set acceptable limits for peak particle velocity and ground water fluctuations,
 - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and

- details a contingency plan.

Standard Condition: C40

C.8 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 website. 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.9 Parking Facilities

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

The plans must satisfy the following requirements:

- A 2m x2.5m sight triangle, clear of any obstructions to visibility, must be provided on both sides of the driveway exit to comply with Clause 3.2.4 and Figure 3.3 of AS2890.1.
- All parking spaces are to be designed in accordance with a User Class 2 and are to be provided with a minimum space length of 5.4m, width of 2.5m and a minimum aisle width of 5.8m.
- The first 6m of the driveway into the property must be designed with a maximum grade of 5% to comply Clause 3.3 of AS2890.1. Finished levels of the proposed driveway must be clearly depicted on the architectural plans.

- d) To address the potential shortfall of parking spaces during major events, the applicant should liaise with a Council-authorised car share provider to provide four (4) car share dedicated parking spaces.
- e) All parking spaces should comply with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 as applicable to the development.

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

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, a certificate from a *professional engineer* (Civil/Traffic Engineer), certifying the following:

- 1) That all aspects of the carpark comply with AS2890.1. In particular, the proposed driveway for the first 6m from the property boundary is at a maximum grade of 5%;
- 2) That all aspects of the bicycle parking and storage facilities comply with AS2890.3 and Chapter E1 of Woollahra Council's DCP;
- 3) The driveway to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.

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.10 Stormwater Management Plan

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

- a) General design in accordance with stormwater management plans, referenced 4576- Issue 02, prepared by M+G Consulting Engineers P/L, dated 05/12/2019 other than amended by this and other conditions;
- b) The discharge of stormwater, by direct connection, to Sydney Water Stormwater Channel. Approval from Sydney Water must be obtained prior to any stormwater connection works;
- c) The installation of stormwater quality treatment system to satisfy the water quality targets that are stipulated in Chapter E2.2.3 of Council's DCP. This includes but not limited to the installation of Ecosol GPT4450 units (2 of) together with Ecosol Litter Baskets in stormwater pits;
- d) Compliance the objectives and performance requirements of the BCA; and
- e) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

The *Stormwater Management Plan* must also 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:

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

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

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

Standard Condition: C.51

C.11 Non-Gravity Drainage Systems

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 the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with section 6.2.4 – “Non-gravity drainage systems” of Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Note: The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au.

Standard Condition: C.52

C.12 Flood Protection

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Flood Risk Management Plan detailing:

- a. Permanent flood warning signage shall be installed in all flood prone areas, as directed by an engineer experienced in flood mitigation. The signage is to include flood depth indicators placed at minimum 20m intervals in all parking areas below 4.5m AHD;
- b. A permanent flood risk management plan shall be installed in a prominent area of the gymnasium;
- c. Permanent flood risk management plans shall be installed in the office areas frequented by the facility staff;
- d. Permanent signage shall be installed in the gymnasium indicating both the 1% flood level 4m AHD and the PMF level 6.5m AHD;
- e. All mechanical lifts shall be protected by mechanical flood barriers with the threshold set to the flood planning level of 4.5m AHD;
- f. The pool plant room entry shall be protected by a mechanical flood door with the threshold set to the flood planning level of 4.5m AHD;
- g. Permanent signage shall be fixed in prominent locations in the outdoor area, indicating the 1% AEP flood level 4m AHD and the PMF level 6.5m AHD;
- h. A flood warning system shall be installed to monitor water levels in the adjacent stormwater channel. The system is to be designed to warn occupants when water in the channel is rising quickly so flood affected areas can be evacuated. The warning system is to be developed in consultation with Council, BOM, Sydney water and the SES;

- i. A flood evacuation plan shall be developed in consultation with Council and the SES;
- j. The driveway entry to the covered section of the car parking area shall be protected by a mechanical flood barrier with the threshold set to the flood planning level of 4.5m AHD;
- k. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation;
- l. All fences traversing the over land flow path shall be designed to be flow through.
- m. All fences and walls shall be designed to be structurally stable during all flood events up to the probable maximum flood (PMF);
- n. The car park boundary fence adjacent to the Sydney water channel shall be designed to prevent floating vehicles being washed into the channel to a design level of 4.5m AHD;
- o. All below ground construction shall be fully tanked;
- p. Flood compatible materials shall be used for all flood exposed construction below the flood planning level of 4.5m AHD;
- q. All electrical wiring and fixed electrical equipment shall be located above or waterproofed to the flood planning level of 4.5 m AHD;
- r. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation;
- s. All flood protection measures are to be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation;
- t. The buildings shall be designed by a suitable qualified structural engineer to withstand the forces generated by floodwaters.

Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.

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 C.54

C.13 Heritage Interpretation Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Detailed Heritage Interpretation Plan. The plan is to be prepared by a suitably qualified and experienced heritage practitioner, interpretation specialist or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the NSW Heritage Office in August 2005.

The interpretation plan must provide clear details on how archival, graphic, oral history and other specific historical information regarding the historical development of White City will be provided to the public and make recommendations regarding public accessibility, signage, lighting, public art, interpretive panels and the display of memorabilia. The plan must specify the location, type, details, materials and content of the interpretation device/s being proposed.

The Detailed Heritage Interpretation Plan is to research and illustrate all historical themes listed in 5.4 of the Heritage Interpretation Plan by Urbis dated December 2019, and also include:

- The role of Professor Leslie Wilkinson in the early design of White City

- The display and exhibition of memorabilia and indicative signage (layout, text and media used for heritage interpretation).
- Selection of images and references.
- How the history of the precinct and its development pattern and change of uses (including Aboriginal occupation) will be conveyed to the public in an accessible way.
- Details of the Centre Courts heritage interpretative measures.

C.14 Heritage Architect Supervision

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the details of an experienced suitably qualified & Heritage Architect who will be commissioned to assist and to provide advice to the consultant team throughout the design development, contract documentation and construction stages of the project.

The heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces of the Southern Grandstand and remnants of the original Northern Grandstand (Heritage Arches) are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage architect is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

C.15 Schedule of Conservation Works

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works with detailed documentation of the conservation works to the **Southern Grandstand** and the **Northern Grandstand** (Heritage Arches).

The Schedule is to be prepared by a qualified Heritage Architect in accordance with the *Australia ICOMOS Burra Charter 2013*. The schedule is to be based on a detailed fabric analysis and survey of existing fabric and comparison with original approvals and modification plans. The schedule is to detail the conservation of all significant fabric, including but not limited to the following: arches, old signage, paint, glazing, joineries, tiling, seatings, hardware, roof and roof plumbing. The schedule is also to detail the reinstatement of the presentation of the arches and other conservation works required.

The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the Northern and Southern Grandstands.

C.16 Building upgrade (Clause 94 of the Regulation)

Council considers, pursuant to clause 94 of the *Regulation*, that it is appropriate to require the existing building to be brought into total conformity with the BCA because the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls and the measures contained in the building are inadequate:

- (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or

- (ii) to restrict the spread of fire from the building to other buildings nearby.

Accordingly, it is considered appropriate to require the existing building to be brought into total or partial conformity with the BCA and the Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

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

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the BCA these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed Part 8 Division 8.2 or amended under section 4.55 of the *Act*.

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

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

Standard Condition: C10

C.17 Electric vehicle circuitry and electric vehicle charging point requirements

An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;

- a) That all off-street car parking spaces within the internal garage of the sports building as shown on Drawing Nos. A2055 and A1.01, will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:
 - Identify the power capacity to each car parking space.
 - identify the load management system on each level of parking such as a distribution board.
 - identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).
- b) Level 2 chargers must be provided to not less than 10% of all car parking spaces within the undercover car park shown on Drawing Nos. A2055 and A1.01. The location of all electric vehicle chargers must be shown on the construction certificate plans.
- c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

- a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and
- b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power

Standard Condition: C57

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 4.17(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*, or
- 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 Notice of Completion of Category 1 Remediation Work

Pursuant to clause 17 of *State Environmental Planning Policy No 55 - Remediation of Land* (SEPP 55) notice of completion of a category 1 remediation work must be given to the Council within 30 days after the completion of the work. This notice must be in accordance with clause 18 of SEPP 55.

Note: Category 1 remediation work is defined in clause 9 of SEPP 55.
Standard Condition: D3

D.3 Dilapidation Reports for Existing Buildings

Dilapidation surveys and dilapidation reports shall be conducted and prepared by a *professional engineer* (structural) for all buildings and/or structures that are located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration as determined applicable by the Structural Engineer.

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

- a) No. 400 Glenmore Road
- b) No. 1-7 Alma Street

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. An approved copy of the reports shall be 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 Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

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

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

Standard Condition: D4

D.4 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.5 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must provide two (2) piezometers within the excavation area and a further two (2) piezometers around the perimeter of the wall. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.

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

The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).

Standard Condition: D7

D.6 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.

The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

The CMP 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 in accordance with the routes specified in the Response to SOFAC Traffic Report prepared by Ason Group and dated 3/08/2020 (Ref: 0410I02v1).
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) 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.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) 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.).
- j) 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.).
- k) 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.
- l) 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.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) 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.)
- o) Show the location of any proposed excavation and estimated volumes.
- p) When demolition, excavation and construction works are to be undertaken on school days, all medium rigid vehicle and heavy rigid vehicle movements to and from the site

are not to occur during the school drop-off and pick up period (7.30am – 9.30am and 2.30pm – 4.30pm)

- q) 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.7 Works (Construction) Zone – Approval and Implementation

A Works Zone may be required for this development. The Principal Contractor or Owner can apply for a works zone. If the works zone is approved the Principal Contractor or Owner must pay all fees for this Works Zone before it can be installed.

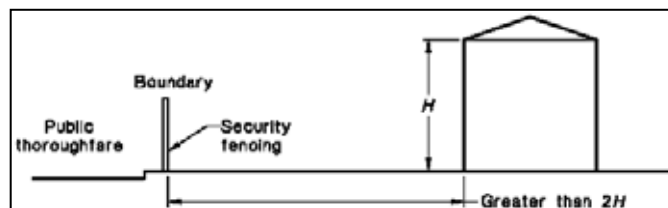
The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are 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 Maritime Services under section 50 of the *Transport Administration Act 1988*.

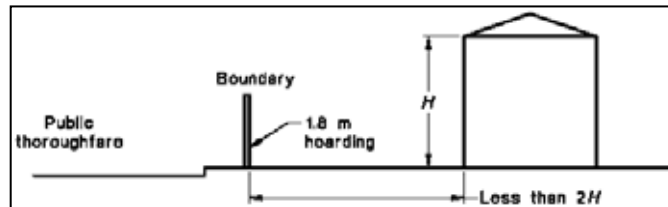
Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10

D.8 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 1.8m adjacent to the thoroughfare.

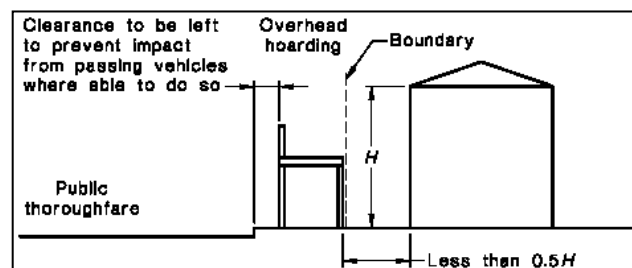


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- the vertical height above footpath level of the structure being demolished is less than 4.0m; 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 2.1m,
- 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 0.5m above the platform surface, and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The Principal Contractor or Owner-builder must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW “*Code of Practice - Overhead Protective Structures 1995*”. This is code available at www.safework.nsw.gov.au/data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

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

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

D.9 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 4.17(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 Certifier 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 6.28 of the *Act*, to comply with the Building Code of Australia.

Clause 227A of the *Regulation* provides:

Signs on development sites

If there is a person who is the Principal Certifier 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 Principal Certifier 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.10 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 SafeWork NSW requirements.
Standard Condition: D13

D.11 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*” 2004 published by the NSW Government (*The Blue Book*).

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

Note: The International Erosion Control Association – Australasia (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” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

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.12 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 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 Certifier for the building work, and
 - notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and

- c) The Principal Certifier 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 Certifier 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 1.4 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 6.1 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 6.6(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, PC 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 6.6(2) of the *Act*.

Standard Condition: D15

D.13 Heritage Induction

Prior to any ground disturbance works commencing on site, all staff and contractors must be made aware of the significance of the site, including its moveable heritage and buildings contribution to heritage significance. They must also be made aware of their statutory obligations for Aboriginal and Historic heritage under the *National Parks and Wildlife Act 1974* and under the *Heritage Act 1977*, which may be implemented as a heritage induction.

D.14 Access through Public Open Space

Access to 30 Alma Street, Paddington from the adjoining Lot 12. DP 740 255 for construction purposes will not be permitted unless prior written approval has been obtained by Council's Open Space & Tree Department. An application must be submitted for assessment with a minimum of four weeks prior notice to the commencement of works. It must be approved by Council before any construction access is granted.

E. Conditions which must be satisfied during any development work

E.1 Compliance with BCA and Insurance Requirements under the Home Building Act 1989

For the purposes of section 4.17(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 (BCA),
- 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*.

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 (CMP) referenced in **Condition D.6**. All controls in the CMP must be maintained at all times. A copy of the CMP must be kept on-site at all times and made available to the Principal Certifier 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 Certifier.

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 Principal Certifier, any PC service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the Principal Certifier 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 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.

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

Note: The PC 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) piercing,
 - (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 a separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RMS and NSW 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 2017*.

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm

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 heritage listed 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 148B of the *Road Transport Act 2013*, section 138 of the *Roads Act 1993* or section 68 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.

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

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.

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.
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 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 and 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 Regulation 2008* 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 Certifier within 24 hours of any event.

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

Note: *professional engineer* has the same mean as in clause A1.1 of the BCA.

Note: *building* has the same meaning as in section 1.4 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 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*” 2004 published by the NSW Government (*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 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 and 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.15 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 registered surveyor 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 Principal Certifier'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.16 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 68 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.

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.17 Dust Mitigation

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

This generally requires:

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

Note: “*Dust Control - Do it right on site*” can be downloaded from Council’s website 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.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

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

Standard Condition: E23

E.18 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* (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 downloaded from Council’s website www.woollahra.nsw.gov.au

Standard Condition: E24

E.19 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, and
- 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 NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and
- 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 land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Standard Condition: E31

E.20 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 and 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, and
- k) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

Standard Condition: E32

E.21 Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with **Condition B.2** above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.
- b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.
- c) No asbestos products may be reused on the site.
- d) 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.22 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 EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

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.23 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with **Condition E.22** 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 NSW EPA requirements.

Standard Condition: E41

E.24 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.25 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW 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.26 Archaeological Features – Unexpected Findings

If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).

E.27 Aboriginal Objects – Unexpected Findings

If unexpected Aboriginal objects are found during the works covered by this approval, all work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

E.28 Remediation Action Plan – State Environmental Planning Policy No. 55

The remediation goals and management procedures documented in the *Remediation Action Plan & Acid Sulfate Soils Management Plan Report: prepared by Douglas Partners. Document No. 45079.07 June 2020* shall be fully implemented.

E.29 Waste Classification & Management – State Environmental Planning Policy No. 55

All waste disposal activities will be undertaken in accordance with the *Waste Classification Guidelines (NSW EPA, 2014a)*, the *Waste Avoidance and Resource Recovery Act 2001 (NSW)*, the *Protection of the Environment Operations Act 1997 (NSW)* and other relevant legislation.

Fill material imported to reinstate excavations must be either Virgin Excavated Material (VENM) or Excavated Natural Material (ENM), or comply with a relevant NSW EPA approved Resource Recovery Exemption.

VENM must be accompanied by a validation certificate from the supplier which adequately certifies that the material is VENM, or otherwise be subject to validation sampling prior to importation to the site.

E.30 Storage of building material in Public Open Space

Building, excavation or demolition material and plant must not be stored on Council's public open space (Lot 12. DP 740 255) unless prior written approval has been obtained by Council's Open Space & Trees Department.

E.31 Construction Liaison

- a) Prior to the commencement of any work, a Construction Liaison Person is to be nominated by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- b) The contact details of the Construction Liaison are to be provided to Woollahra Council and Sydney Grammar Preparatory School and will be made available to the public upon request.
- c) The Construction Liaison shall provide an update to the stakeholders listed above, as well as any resident who requests to be updated, prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address any initial areas of concern, and then at monthly intervals or at key stages throughout the construction process. The information should include the construction program, progress reports and impending work.
- d) Prior to the commencement of work, the Site Manager is to provide the Council with 24 hour contact details (including the location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.

- e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.

E.32 Tree Preservation

All persons must comply with Council's Development Control Plan (DCP) 2015, Chapter E.3 Tree Management other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

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

E.33 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall be planted in a *deep soil landscaped area* and 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 (at planting)	Minimum Dimensions at Maturity (metres)
7 x <i>Alphitonia excelsa</i> (Red Ash)	As indicated on Sturt Noble Landscape Plan DA-1846-17B & DA-1846-18B	100 litre	20m
15 x <i>Backhousia myrtifolia</i> (Grey Myrtle)		100 litre	7m
12 x <i>Brachychiton acerifolius</i> (Illawarra Flame tree)		750 litre	12m
4 x <i>Cupaniopsis anacardioides</i> (Tuckeroo)		750 litre	12m
10 x <i>Callicoma serratifolia</i> (Black Wattle)		100 litre	10m
13 x <i>Elaeocarpus reticulatus</i> (Blueberry Ash)		400 litre	12m

6 x <i>Glochidion ferdinandii</i> (Cheese tree)		400 litre	12m
3 x <i>Livistona australis</i> (NSW Cabbage Tree palm)		75 litre	20m
20 x <i>Syzygium paniculatum</i> (Magenta Cherry)		400 litre	12m

The project arborist shall document compliance with the above condition.

E.34 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	Location	Radius from centre of trunk (metres)
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	3m
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	3m
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)	South west corner – Glenmore Road frontage	3m

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 50mm 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 5 or recognised equivalent).

The project arborist shall document compliance with the above condition.

E.35 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	Location	Radius from centre of trunk (metres)
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)	South west corner – Glenmore Road frontage	3m

Excavations for installation of piers shall be located so that no tree root with a diameter equal to or in excess of 50mm 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 50mm.

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 6 of the Act and Part 8 Division 3 of the Regulation)

F.1 Occupation Certificate (section 6.9 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 6.10 of the *Act*) unless an Occupation Certificate has been issued in relation to the building or part.

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

Standard Condition: F1

F.2 Fire Safety Certificates

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

- a) to commence occupation or use of a *new building*, or
 - b) to commence a change of building use for an existing building,
- a certifying authority must be satisfied that a *final fire safety* certificate has been issued for the building.

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 6.1 of the *Act*.

Standard Condition: F4

F.3 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with 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 plans, Compliance Certificates and evidence of suitability in accordance with 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 basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*. In particular, the following requirement must be certified by a traffic engineer:
 - 1) The internal driveway for the first 6m from the property boundary has been constructed at a maximum grade of 5% to comply with AS2890.1;
 - 2) Minimum headroom of 2.2m has been provided for the proposed basement to comply with AS2890.1.
 - 3) 2m x 2.5m sight triangles, clear of obstructions to visibility, have been provided on both sides of the driveway exit to comply with AS2890.1.
 - 4) All parking spaces have minimum dimensions of 2.5m x 5.4m, clear of any obstructions, to comply with AS2890.1.
 - 5) Minimum aisle width of 5.8m have been provided for all parking spaces to comply with AS2890.1.
- 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 Certifier 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 PC 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 PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.

Standard Condition: F7

F.4 Commissioning and Certification of Public Infrastructure Works

The Principal Contractor or Owner-builder must submit, to the satisfaction of 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* (2012).

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

Standard Condition F9

F.5 Food Premises - Inspection and Registration

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

- a) the Principal Contractor or Owner must arrange an inspection of the fit out of the food premises by Council's Environmental Health Officer,
- b) a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer, and
- c) the Owner or *occupier* must have registered the food premises (notification of conduct) under section 100 of the *Food Act 2003*.

Note: Notification of conduct can be done online at Service NSW

<https://www.service.nsw.gov.au/transaction/notify-food-business-details>

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

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

“100 Notification of conduct of food businesses

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

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

Standard Condition: F15

F.6 3D Digital Model

Prior to the issue of an Occupation Certificate an accurate “as built” 3D digital model of the building must be submitted to Council for use in the Woollahra 3D digital model.

A 3D digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:

- a) a building envelope which includes all elements affecting shadow analysis,
- b) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external features, and
- c) a ground level terrain showing accurate RLs extending to site boundaries.

All models must be generated in accordance with Council’s guidelines for submitting 3D digital models outlined in “Attachment 9 - 3D Digital Model Requirements” of the DA guide.

Note: This model will update previous version(s) submitted at Development Application stage.

Any future modifications under section 4.55 of the *Act* that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

Standard Condition: F21

F.7 Validation Reporting – State Environmental Planning Policy No. 55

At the completion of the remediation activities, a validation assessment report shall be prepared for the site by an Environmental Consultant in accordance with EPA *Contaminated Land Guidelines Consultants Reporting on Contaminated Land* (2020) (EPA, 2020) and other appropriate guidance documentation. The validation report shall detail the methodology, results and conclusion of the assessment and make a statement regarding the suitability of the site for the proposed land use.

F.8 Implementation of the Local Area Traffic Management Scheme

- a) The applicant is to implement the interim drop-off and pick-up arrangement detailed in the LATM in order to allow traffic from the Sydney Grammar Prep School to queue within the White City site. A two-way easement throughout White City is to be created in order to achieve this, until the ultimate drop-off/pick-up arrangement proposed by the School is in place;
- b) The applicant is to develop an ongoing pedestrian management plan for Alma Street in

conjunction with the Sydney Grammar School, which may include the allocation of a volunteer or school staff member at the driveway into White City in order to control traffic and ensure the safety of pedestrians.

F.9 Amenity Landscaping

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

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

F.10 Certification of Electric Vehicle Charging System

Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by **Condition C.17**.

Standard Condition: F22

F.11 Easement for the Paddington Greenway

Prior to the issue of any Occupation Certificate or use of the site, a 1m wide easement must be created along the site's north-eastern boundary adjoining the Rushcutters Creek stormwater canal. The purpose of the easement is to allow access for future construction of the Paddington Greenway and it is to benefit Woollahra Municipal Council and burden the subject site. Council's Division of Technical Services should be contacted with any questions in relation to this matter.

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 (section 6.4 (c))

H.1 Landscaping

All landscape work including all planting must be completed by the Principal Contractor or Owner in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan.

The Principal Contractor or Owner must provide to the Principal Certifier and to Council a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

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

Standard Condition: H9

H.2 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

- a) the site sign,
- b) ablutions,
- c) hoarding,
- d) scaffolding, and
- e) waste materials, matter, article or thing.

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

H.3 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (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 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
Standard Condition: H13

H.4 Covenant for Private Works on Council Property

Prior to issue of any Occupation Certificate, to ensure the encroaching structures on Council public road reserve accord with Council's "Policy for Managing Encroachments on Council Road Reserves", the person with the benefit of this consent, being the owner(s) of No 30 Alma Street, Paddington, must do the following:

- a) lodge an "Application to Formalise an Existing Encroachment on Council land" with the Council in consultation with Council's Property & Projects Department **AND;**

- b) enter into a legal agreement with the Council for the as-built Awning Louvre, over Council's property in Glenmore Road as per architectural drawing "Detailed Floor Plan – Roof Plan (Gym)" dwg no. 5669-A2059-Issue 01, dated 03 December 2019.

The owner must enter into a legal agreement as follows:

- The registration on the title to the subject property to which this consent relates of a Public Positive Covenant pursuant to S88E of the Conveyancing Act 1919 burdening the subject property and benefiting the Council providing for the indemnification of Council from any claims or actions, and the ongoing maintenance of any private structures encroaching on the public road reserve for which consent has been given, such as steps, retaining walls, access ways, overhang, balconies, awnings, signs and the like. This process has an estimated timeframe of 2 months.
- The wording of the Public Positive Covenant must be in accordance with Council's standard format and the Instrument must be registered at the Land Property Information Office prior to issue of any Occupation Certificate.
- The property owner must pay Council monetary compensation for the Public Positive Covenant, as determined by the Council, and must also pay all of Council's associated costs.

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the WAE plans to Council together with the Occupation Certificate.

Note: No Occupation Certificate must be issued until this condition has been satisfied.
Standard Condition: H19

H.5 Positive Covenant and 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 Principal Certifying Authority detailing:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the stormwater system,
- c) that the works have been constructed in accordance with the approved design in accordance with the approved construction drawings,
- d) pipe invert levels and surface levels to Australian Height Datum, and
- e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-retention and reuse system, including any first flush device(s), 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 with the NSW Land Registry Services.

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the WAE plans to Council together with the Final Occupation Certificate.

Note: The Final Occupation Certificate must not be issued until this condition has been satisfied.
Standard Condition: H20

H.6 Positive Covenant for Encapsulated Contamination

A positive covenant must be registered on the title of the land to Council's satisfaction, prior to the issue of a Final Occupation Certificate:

- a) Giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.
- b) Binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by the NSW Environment Protection Authority.

Note: This condition has been imposed to ensure future owners (or perspective owners) are aware that the site contains under or within it encapsulated contaminated material and to ensure that they understand that they are liable for ongoing maintenance and any future remediation as may be or become necessary.
Standard Condition: H21

H.7 Heritage Architect Certification

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification from the Heritage Architect that the works have been carried out in accordance with the Heritage Architect Supervision.

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

I.1 Hours of Use

The hours of use of the site are limited to the following:

1. Football Field with Grandstand (Matches with Spectators)

- a) Monday to Friday: **11am – 7pm**
- b) Saturday, Sunday and Public Holidays: **8am – 9pm**

2. Football Field without Grandstand (Training and Matches without Spectators)

- a) Monday to Friday: **8am – 8pm**
- b) Saturday, Sunday and Public Holidays: **8am – 9pm**

3. Tennis Courts

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **7am – 10pm**

4. Multi-purpose Sporting Courts

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **7am – 10pm**

5. Gym and Spa

- a) Monday to Saturday: **5am – 10pm**
- b) Sunday and Public Holidays: **6am – 8pm**

6. Pool and Pool Deck Area

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **6.30am – 8pm**

No events/functions are to be held in or around the pool unless are directly related to the function of this area as a swimming pool.

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

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

Standard Condition: I1

I.2 Trading Hours

Trading hours are limited as follows:

1. Pool Deck/Gym Cafe

- a) Monday to Saturday: **6.30am – 9.30pm**
- b) Sunday and Public Holiday: **6.30am – 8pm**

In addition to the hours stipulated above, the café must not operate unless the gym and/or swimming pools are operating.

2. Club Building: Restaurant, bar, lounge and community spaces (Indoor and outdoor)

- a) Monday to Sunday and Public Holidays: **8am – 10pm**

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

Note: This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.

Standard Condition: I2

I.3 Neighbourhood Amenity – Licensed Premises

The Management of the premises:

- a) Shall ensure persons entering and leaving the premises do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the Management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council or by NSW Police, the Management is to employ private security staff to ensure that this condition is complied with.
- c) Shall record in a Register full details of any disturbance complaint/s made by a person to Management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by Management / staff to resolve such complaint/s shall be recorded in the Register.

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

Note: The lead agency for the enforcement of this condition is NSW Police.
Standard Condition: I10

I.4 Copies of Consents, Registers and Management Plans – Licensed Premises

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council, NSW Police and/or Liquor and Gaming NSW authorised officers.

Standard Condition: I12

I.5 Operation in Accordance with Plan of Management (POM)

- a) The operation and management of the premises shall be in accordance with the POM prepared by Projects and Infrastructure as amended by **Condition C.1**.
- b) The POM shall be filed with the Licensing Police of the Eastern Suburbs Police Area Command prior to the commencement of operations.
- c) The POM cannot be altered without the written consent of Council.

Standard Condition: I15

I.6 Glass Sorting and Collection

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.

No bottle or glass sorting, recycling or collection shall take place between 8.00pm and 8.00am Sunday to Friday and between 9.00pm Saturday and 10am Sundays and Public Holidays.

This condition has been imposed to protect the amenity of neighbouring residents.
Standard Condition: I17

I.7 Surveillance Cameras (CCTV)

Licensed Premises

The Management must maintain a closed-circuit television (CCTV) system on the premises.

The CCTV system must comply with the following requirements:

- a) It must operate continuously from opening time until one hour after closing.
- b) It must record in digital format at a minimum of six frames per second.
- c) Any recorded image must specify the time and date of the image.
- d) The system's cameras must be located within the property and cover:
 - i) all entry and exit points of the premises,
 - ii) the footpath immediately adjacent to the premises, and
 - iii) all publicly accessible areas (other than toilets) on the premises, from floor level to a minimum height of two metres.
- e) CCTV recordings must be retained for at least 30 days.
- f) Management shall ensure the system is accessible by at least one member of staff at all times it is in operations, and
- g) Provide any recordings made by the system to Council or NSW Police within 24 hours of any request by an authorised officer to provide such recordings.

Note: The lead agency for enforcement is NSW Police.
Standard Condition: I18

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 Maintenance of Landscaping

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

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

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

Note: This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the

locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

Standard Condition: I25

I.10 Ongoing Maintenance of the Pump-out System and Stormwater Treatment System

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

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

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

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

Standard Condition: I29

I.11 Waste Management - Commercial

The owner and/or occupier must comply with the approved site waste minimisation and management plan (SWMMP) and with Woollahra DCP 2015, Chapter E5–Waste Management.

All waste must be presented for collection in a receptacle. Waste receptacles must be presented no earlier than the close of business on the day before collection. Waste and recycling bins/crates must be removed from the road or footpath within 1 hour of collection or otherwise is accordance with the approved SWMMP.

Receptacles are not to be stored in any public place at any time. Waste and recycling receptacles must be stored at all times within the boundaries of the site.

This condition does not apply to the extent that Activity Approval exists under the *Local Government Act 1993* or the *Roads Act 1993* and subject that all conditions of such approval(s) are complied with.

Note: This condition has been imposed to ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.

Note: No waste will be collected by Council that isn't presented properly. The waste must be presented with lid closed to reduce littering.

Standard Condition: I32

I.12 Food Premises - Maintenance of Food Premises

The food premises must be maintained in accordance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

Note: This condition has been imposed to protect public health.

Standard Condition: I41

I.13 Outdoor Lighting – Sports Lighting

Outdoor sports lighting must generally comply with AS/NZS 4284:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under Table 2.2 of AS 4284.

The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4284.

No sports lighting must operate after 10pm and must, by automatic timer, switch off at the 10.00pm curfew.

The intensity of light provided to the sporting area must comply with AS2560 and relevant parts to this Australian Standard.

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for sporting activities.

Note: The height of the poles as proposed may be too low to comply with both AS4284 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards.

Note: Council may consider, subject to an appropriate Section 4.55 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: I47

I.14 Operational Noise: Sporting Activities

Operational noise from sporting activities that have the potential to affect residential receivers shall adhere to the Intrusive Noise Criteria detailed in the NSW Noise Policy for Industry 2017 (NPfI). The objectives for the site specific Project Noise Trigger Levels (PNTL) are to protect the community from excessive intrusive noise and preserve amenity for the proposed land use.

The intrusive noise trigger levels require that LAeq, 15 minute noise levels from the site during the relevant operational periods, that is Day (7AM-6PM), Evening (6PM-10PM) and Night (10PM-7AM) does not exceed the Rating Background Level (RBL) by more than 5 dB. The NPfI recommends that the intrusive noise trigger level for evening be set at no greater than the intrusive noise level for daytime and that the intrusive noise level for night-time should be no greater than the intrusive noise level for day or evening.

The intrusiveness from sporting activities, including grandstand noise source may generally be considered acceptable if the level of noise from the source (represented by the LA eq descriptor), measured over a 15-minute period, does not exceed the background noise level by more than 5dB when beyond a minimum threshold.

The intrusiveness noise level is determined as follows:

LAeq, 15min = rating background noise level + 5dB where LAeq, 15min represents the equivalent continuous (energy average) A-weighted sound pressure level of the source over 15 minutes.

Rating Background Noise level represents the background level to be used for assessment purposes, as determined by the method outlined in Fact Sheets A and B of the NPfI.

I.15 Restaurant & Function Spaces

The level of noise emanating from the restaurant & function spaces shall adhere to the Liquor & Gaming NSW Noise Criterion for licensed premises.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.”

I.16 Sleep disturbance

The Noise Policy for Industry (NPfI) recommends that a detailed maximum noise level event shall adhere to the following noise criterion (night-time noise levels) at all residential locations:

- LAeq, 15 minute 40 dB or the prevailing RBL plus 5 dB (whichever is the greater); and/or
- L_{Amax} 52 dB or the prevailing RBL plus 15 dB (whichever is the greater).

The principle guidance to assess the impact of the road traffic noise on assessment locations is in the NSW EPA's Road Noise Policy (RNP). Additionally, the RNP states that where existing road traffic noise criteria are already exceeded, any additional increase in total traffic noise level should be limited to +2 dB

I.17 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.

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

Note: Words in this condition have the same meaning as in the *Noise Policy for Industry* (2017)

[www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

and *Noise Guide for Local Government* (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government

Standard Condition: I59

I.18 Operation of the Community Facilities

The proposed community spaces within the development must function as 'community facilities' within the meaning of the Woollahra LEP 2014, which states that a community facility is a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community

But does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

I.19 Operation of the Registered Club

The proposed registered Club must not operate as a 'function centre' within the meaning of the Woollahra LEP 2014, which states that a function centre is:

A building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

I.20 Restrictions on the Use of Amplified Noise Systems

Any amplification system, must not exceed an L_{Amax} of 60dB(A) at the nearest boundary, and must not be used outside of the hours of 11am – 7pm on any day.

I.21 Green Travel Plan Reporting

For a period of 5 years from the completion of the development, annual reports must be submitted to Council to review and monitor the effectiveness of the Green Travel Plan. These reports must provide information on the number of individual trips, travel modes by times of day, journey purpose and origin/destination of trips.

J. Miscellaneous Conditions

Nil.

K. Advisings

K.1 Criminal Offences – Breach of Development Consent and 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.

Standard Advising: K1

K.2 Dial Before You Dig



The Principal Contractor, Owner-builder or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

Standard Advising: K2

K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are 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.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating
Standard Condition: K5

K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier 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 "NSW Guide to Standards and Tolerances 2017" 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 Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances or call 133 220.
Standard Condition: K6

K.5 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050.

Standard Condition: K7

K.6 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from SafeWork NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- a) *Work Health and Safety Act 2011*,
- b) *Work Health and Safety Regulation 2017*,
- c) SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and
- d) SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).

Note: For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050.

Standard Advising: K8

K.7 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 Civil and Administrative Tribunal www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: 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. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777.

Standard Advising: K10

K.8 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr M Moratelli, Senior Assessment Officer, on (02) 9391 7165.

However, if you wish to pursue your rights of appeal in the Land and 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.9 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 4.17 of the *Act*.

The securities will not be released until a Final Occupation Certificate has been 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 Refund of Security Bond Application form can be downloaded from

www.woollahra.nsw.gov.au

Standard Condition: K15

K.10 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.11 Dilapidation Report

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

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.

- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the Applicant is to demonstrate in writing to the satisfaction of the Principal Certifier 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 (Autotext KK23)

K.12 Roads Act 1993 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 below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

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. 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 and 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 Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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 an application under the *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

K.13 Use of Synthetic Turf

On hot and sunny days synthetic turf surfaces may reach temperatures significantly higher (20° – 30°) than natural grass and the ambient air temperature. The management of the sporting facilities should be made aware of this, and plan accordingly to minimise health and safety risks for users of the soccer field during the summer months.