

## SYDNEY EASTERN CITY PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>ITEM No.</b>	0.0
<b>FILE No.</b>	DA200/2024/1
<b>ADDRESS</b>	19 Darling Point Road DARLING POINT 37 Darling Point Road DARLING POINT
<b>COUNCIL WARD</b>	Double Bay
<b>SITE AREA</b>	962m <sup>2</sup> (No.19 Darling Point Road) 4 467m <sup>2</sup> (No.37 Darling Point Road)
<b>ZONING</b>	R3 Medium Density Residential
<b>PROPOSAL</b>	Change of use and alterations and additions of the existing residential flat building for campus student accommodation
<b>TYPE OF CONSENT</b>	Local development
<b>COST OF WORKS</b>	\$6,578,702
<b>DATE LODGED</b>	14/06/2024
<b>APPLICANT</b>	Ascham School Ltd
<b>OWNER</b>	Ascham School Ltd
<b>AUTHOR</b>	Mrs L Holbert
<b>TEAM LEADER</b>	Mr G Fotis
<b>SUBMISSIONS</b>	1
<b>RECOMMENDATION</b>	Approval

### 1. REASON FOR REPORT TO SYDNEY EASTERN CITY PLANNING PANEL (SECPP)

This application is to be determined by the Sydney Eastern City Planning Panel (SECPP) as it relates to an educational establishment that has a capital investment value of more than \$5 million (\$6,578,702).

### 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:

- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory.
- The site is suitable for the proposed development

- The proposal is in the public interest

### 3. LOCALITY PLAN



### 4. PROPOSAL

The proposed development seeks to the change of use of the existing residential flat building to facilitate its use as student boarding accommodation, in association with Ascham School. The proposed student accommodation will have a capacity of 39 students and two onsite staff. The proposal will allow for the existing boarding capacity to be increased from 125 to 137. No change to the overall student capacity is proposed. The proposal also involves the following works:

#### Ground Floor:

- Demolition of internal walls, rear fire stair, concrete slab to the rear, external stairs and infilling of some existing window openings;
- New extension to the rear and the reconfiguration of the internal layout to provide a laundry, gym, art room, plant room, storage room, two-bed staff flat, shared bathroom, lift, janitors room, staircase, lift, study and student bedrooms (1 x 4 bed and 2 x 2 bed);
- New timber windows to replace existing aluminium windows;
- New shade awnings to windows on the northern and southern elevations;
- New external stairs to the southern and northern boundaries;
- New security gate within the existing opening to the front boundary;

- Demolition of the existing front boundary fencing and the associated posts above the garage to allow for a new compliant front fence;
- New fencing to the northern and southern boundaries and new retaining wall to southern boundary (to rear yard);
- New landscaping, bench seating and paving to the front, northern and southern setbacks.

Level 1:

- Demolition of internal walls, rear fire stair, rear balconies, external stairs, infilling of some existing window openings, part demolition of the rear wall;
- Demolition of the existing shed to the rear yard of No.19 Darling Point Rd;
- Removal of the existing Avocado tree and Bangalow Palm to the rear yard of No.19 Darling Point Rd;
- Demolition of part of the existing rear fence between No.19 and 37 Darling Point Rd;
- Demolition of the existing sheds, garden beds and paving to the south-eastern corner of No.37 Darling Point Rd;
- New extension to the rear and the reconfiguration of the internal layout to provide a dining/living room, office, staff flat, shared bathroom, lift, staircase, common room, 2 studies, single bathroom, student bedrooms (1 x 5 bed, 1 x 2 bed, 3 x 1 bed);
- New timber windows to replace existing aluminium windows;
- New adjustable awning blinds to the existing front windows;
- New shade awnings to windows on the northern and southern elevations;
- Construction of a ramp/pedestrian accessway to connect the rear of the subject site to the existing Ascham School campus (the Duntrim site, No.37 Darling Point Rd);
- New pathways, bench seating and planting to No.37 Darling Point Rd.

Level 2:

- Demolition of internal walls, rear fire stair, rear laundry and study;
- New rear terrace with adjustable louvers above;
- Reconfiguration of the internal layout to provide a shared bathroom, common room, 2 studies, bathroom, WC, stairs, lift and student bedrooms (1 x 5 beds, 3 x 2 bed, 2 x 1 bed);
- New timber windows to replace existing aluminium windows;
- New adjustable awning blinds to the existing front windows;
- New shade awnings to windows on the northern and southern elevations.

Level 3:

- Demolition of the existing front, rear and side dormer windows;
- Demolition of the existing roof form to the rear;
- New roof addition including triple gable addition to the front and new dormer windows to the northern and southern elevations to provide a common room, storage room, lift, stair, shared bathroom, kitchenette and student bedrooms (8 x 1 bed);
- New timber windows to replace existing aluminium windows;
- New skylight and solar panels to the side facing roof slopes;
- New terracotta roofing to match the existing roof.

Amended plans were received on 12/09/2024. These changes are detailed below.

- Changing the ground floor door (off the art room to the northern elevation at ground floor level) to a window;
- New door opening to the ground floor laundry (to the southern elevation);
- New tree to the rear yard of No.19 Darling Point Rd;

- Three existing windows to the northern elevation (Level 1) are to contain fixed and translucent glazing;
- Part of the northern boundary fence is to be increased in height to 2m;
- Additional screen planting to be provided to the northern side of the site;
- The POM was revised to include lighting operation details.



*Figure 1: 3D rendered drawing of the proposal (rear elevation).*

## 5. ISSUES

### 5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.4	Floor Space Ratio	333m <sup>2</sup> or 35% departure from the 1:1 (1,295m <sup>2</sup> ) control.	Satisfactory

### 5.2 Primary Issues

Issue	Conclusion	Section
FSR	The non-compliance with the maximum FSR control was supported, as the additional floorspace has been sympathetically designed to minimise visual impacts when viewed from Darling Point Road and surrounding properties. The proposed development is of a height and scale that is compatible with surrounding development and does not adversely impact the amenity of surrounding properties. This is further discussed below in Section 15.5 of this report.	15.4, 15.5
Visual Privacy	The proposed development is sufficiently separated, amended, treated and conditioned to protect the visual privacy of surrounding properties, refer to <b>Condition C.1(a)</b> .	16.2
Deep Soil Landscaping	The non-compliance with the minimum deep soil landscaping requirements was supported, as the proposal will significantly improve the quality and quantity of the landscaping available on the site. The proposal was supported by Council's Landscape Officer, subject to <b>Conditions C.1(c)</b> and <b>F.28</b> which require the planting of a replacement tree.	16.2
Rear Setback	The proposed non-compliance with the minimum rear setback control does not result in any adverse impacts on surrounding properties and was supported given that the subject site is to be integrated into the greater Ascham School campus.	16.2



### 5.3 Summary of Submissions

Issue	Conclusion	Section
Traffic Congestion	The proposed development does not result in any increase to the overall student or staff numbers and does not conflict with the daily drop-off and pick-up arrangements at the school for day students. Subsequently, the proposal was supported by Council's Traffic Department. This is further addressed in Section 16.3 of this report.	16.3

## PROPERTY DETAILS AND REFERRALS

### 6. SITE AND LOCALITY

Physical features
<p>The subject site forms part of Ascham School and is located on the eastern side of Darling Point Road, Darling Point. The site consists of two separate allotments known as No.19 Darling Point Road, Darling Point and No.37 Darling Point Road (the 'Duntrim' site).</p> <p><u>37 Darling Point Road (contains most of the proposed works):</u></p> <p>This allotment has a rectangular shape, a frontage of approximately 25m and a depth of approximately 43m. The total site area of this allotment is 962m<sup>2</sup>.</p> <p><u>37 Darling Point Road (The 'Duntrim' Site – accommodates some landscape works to the south-western corner of this site):</u></p> <p>This allotment is an irregularly shaped battle-axe lot, located on the eastern side of Darling Point Road, Darling Point. The total site area of this allotment is 4 467.93m<sup>2</sup>.</p>
Topography
<p>No.19 Darling Point Road falls from east to west, in the order of 9.5m. The Duntrim Site falls from the rear to the front and has cross fall from north to south.</p>
Existing buildings and structures
<p><u>No.19 Darling Point Road:</u></p> <p>This part of the site is occupied by a 3 storey residential flat building, containing 6 units. Detached garage parking for 3 vehicles is located adjacent to the street frontage. A detached brick shed is located at the rear. This part of the site contains 3 trees, including a Dragon Tree (located at the front of the site), an Avocado Tree and a Bangalow Palm tree, which are located at the rear of the site.</p> <p><u>Duntrim:</u></p> <p>This part of the site contains existing boarding facilities for Ascham School students, which are accommodated in a two storey annexe building and a three storey building, known as the 'Duntrim' building (which is Heritage listed). A two storey Science building with basement parking is located along the rear boundary of this part of the site.</p> <p>This part of the site also contains 4 significant trees including a Norfolk Island Palm (Heritage listed) and Brushbox tree, which are located in the south-western corner of the site, in the vicinity of the proposed works.</p>
Surrounding Environment
<p><u>No.19 Darling Point Road, Darling Point:</u></p> <p>Adjoining development includes the following:</p> <ul style="list-style-type: none"> <li>To the <b>North</b>: is a two-storey brick dwelling house, known as No.23 Darling Point Road;</li> <li>To the <b>East</b>: is the main Ascham School campus, including the existing boarding facilities at No.37 Darling Point Road, known as the 'Duntrim' Site (this property forms part of the site and is further described above and below);</li> </ul>

- To the **South**: is a high rise residential flat building, known as 'Ranelagh' at No.3-17 Darling Point Road;
- To the **West**: on the opposite site of Darling Point Road, includes a mix of residential flat buildings and detached dwelling houses.

Duntrim Site:

This site is accessed off Darling Point Road via a vehicular access handle. This access handle is adjoined on both sides by two storey dwelling houses, known as Nos.35 and 39 Darling Point Road. This part of the site is adjoined by the main Ascham school campus to the east and north. To the south is a high rise residential flat building at No.3-17 Darling Point Road and to the west is a mixture of detached dwelling houses and residential flat buildings located at Nos.33, 31, 23 and 19 Darling Point Road.



**Photo 1:** Front elevation of No.19 Darling Point Road.



**Photo 2:** Rear of No.19 Darling Point Road, facing No.37 Darling Point Road.



**Photo 3:** Rear of the existing building at No.19 Darling Point Road.

## 7. RELEVANT PROPERTY HISTORY

**Current use**

Residential Flat Building.

<b>Relevant Application History</b>
<p>A search of Council's database has identified the following planning history relating to No.19 Darling Point Road:</p> <ul style="list-style-type: none"> <li>DA2000/579 - Part use of the roof space for habitable purposes in conjunction with unit Nos. 5 &amp; 6. Strata subdivision of existing company title – Approved – 14/11/2000.</li> </ul> <p>A search of Council's database included the following relevant planning history relating to the Ascham School Site, including the 'Duntrim' Site:</p> <ul style="list-style-type: none"> <li>DA433/2021- Demolition of the existing uniform shop (located at No.208 New South Head Road) and Annexe buildings and the partial demolition of an existing school building; construction of new two storey building containing a school hall, bathrooms, offices and classrooms; alterations and additions to the Fiona building and external works including reconfiguration of pick-up/drop-off zone – Approved – 30/06/2022;</li> <li>DA2021/277- Removal of a Moreton Bay Fig Tree within Ascham School grounds- Approved - 07/10/2021;</li> <li>2019/2019- Change of use from residential dwelling to an educational establishment for the purposes of a classroom &amp; uniform shop – Approved – 26/06/2019;</li> <li>DA2016/507/2 - Modifications to the approved English Centre building including modifications to the approved landscaping- Approved – 08/11/2017;</li> <li>DA507/2016- Demolition of the existing Margaret Bailey building &amp; the construction of a new 4 storey, English Centre building – Approved – 04/05/2017;</li> <li>DA2013/550/4 - Removal of the Brushbox tree – (T45) – Approved – 17/02/2016;</li> <li>DA2015/366 – Refurbishment of the playground including new equipment soft fall landscaping and seating - Approved – 16/09/2015;</li> <li>DA2013/550/3 – Removal of two trees (T4) - located on the southern side of Darling Point Road access driveway and (T72) located on the western side of Duntrim House – Approved – 24/06/2016;</li> <li>DA2014/331/2 – Modification of Condition E.2 to allow for extended work hours and modification of Condition E.3 to allow for the use of the public footpath to undertake the works - Approved - 04/02/2015;</li> <li>DA2014/331 – Removal of two heritage listed Moreton Bay Fig trees – Approved – 30/09/2014;</li> <li>DA2013/550/2 - Internal and external changes to the approved scheme: changes to building facade and approved landscaping, addition of a new sub-station (Condition C.7) and modification to Construction Management Plan (Condition D.3) – Approved – 17/09/2014;</li> <li>DA2013/550 - Alterations, additions &amp; use of Duntrim House and annexe building for school boarding facilities; construction of new science classroom building connecting to the Ascham School Whitehead Building; associated landscaping works; student cap of 1,240 inclusive of boarders – Approved – 28/04/2014;</li> <li>DA2007/200 – Classroom and WC addition to existing kindergarten – Approved – 22/05/2007.</li> </ul>
<b>Relevant Compliance History</b>
N/A
<b>Pre-DA</b>
<p>A Pre-DA (PreDA085/2023) for a change of use from a residential flat building to student boarding accommodation for Ascham School was undertaken on 02/05/2023. It was concluded that the proposed design, scale, materiality, fenestration, dormer windows and deep soil landscaping should be amended.</p>
<b>Requests for Additional Information and Replacement Applications</b>
<p>A Stop the Clock letter was sent to the applicant on 26/06/2024 requesting the following additional information:</p> <ul style="list-style-type: none"> <li>An updated Heritage Impact Assessment. This was received on 09/08/2024;</li> <li>A revised Stormwater Management Plan and Drains Model. This was received on 09/08/2028;</li> <li>An amended Survey. This was provided on 09/08/2024;</li> <li>Owners Consent. This was provided on 26/09/2024 and 07/11/2024.</li> </ul>
<b>Land and Environment Court Appeal(s)</b>
N/A

## 8. REFERRALS

Referral	Summary of Referral Response	Annexure
Development Engineering	Satisfactory, subject to <b>Conditions A.3, A.5, A.7, B.2, B.3, B.5, B.9, D.4, D.5, D.7, D.10, D.11, D.12, D.13, D.14, D.15, D.16, E.2, F.6, F.9, F.10 F.11, F.12, F.13, F.14, F.15, F.19, G.4, G.8, G.9, H.4.</b>	2
Traffic	Satisfactory, subject to <b>Conditions A.3, B.4, F.2, H.9, H.10.</b>	3
Trees and Landscaping	Satisfactory, subject to <b>Conditions A.3, A.6, B.11, B.12, B.13, D.1, D.9, F.7, F.27, F.28, F.29, F.30, G.3, G.5, G.6, G.7, H.2.</b>	4
Heritage	Satisfactory, subject to <b>Conditions B.4, B.5, B.6, B.7.</b>	5
Fire Safety	Satisfactory, subject to <b>Conditions D.3, G.2, H.3.</b>	6
La Perouse Aboriginal Land Council (LALC)	The LALC has provided verbal support to the proposal. Council is currently awaiting a written response.	N/A

## ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

## 9. ADVERTISING AND NOTIFICATION

### 9.1 Submissions

The application was advertised and notified from 03/07/2024 to 18/07/2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. One submission was received from:

1. Michael Jarvin, 3 Darling Point Road Darling Point

The submissions raised the following issues:

- **Traffic Congestion.**

**Comment:** The proposed development does not result in any increase to the overall student or staff numbers and does not conflict with the daily drop-off and pick-up arrangements at the school for day students. Subsequently the proposal was supported by Council's Traffic Department and is further addressed in Section 16.3 of this report.

### 9.2 Statutory Declaration



The applicant has completed the statutory declaration dated 19/11/2024 declaring that the site notice for DA200/2024/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

## **10. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **Chapter 2 – Coastal Management**

Chapter 2 (Coastal Management) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the Coastal Zone.

The subject site is located wholly outside of the Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11). Furthermore, sub-clauses 2.10(3) and 2.11(2) state:

*This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

On the basis, no further consideration is required under Chapter 2 of the Resilience and Hazards SEPP 2021.

### **Chapter 4 – Remediation of Land**

The Object of this Chapter aims to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

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

Under Clause 4.6(a) of Chapter 4 – Remediation of Land, consideration has been given as to whether the subject site on which the development is occurring is contaminated.

As the site has a long history of residential use, it is considered that the land does not require further consideration under Section 4.6(3) and 4.6(4) of Chapter 4 – Remediation Of Land of the Resilience and Hazards SEPP 2021.

The proposal is acceptable with regard to the relevant matters for consideration in Section 4.6 of Chapter 4 – Remediation of Land of the Resilience and Hazards SEPP 2021.

## **11. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

The proposed development is obscured from the waterway and the foreshores by existing development and landscaping. The subject site is not a land/water interface development, notwithstanding, Division 2 of Part 10.3 the Biodiversity and Conservation SEPP prescribed matters for consideration for interrelationship of waterway and foreshore uses as well as maintenance, protection and enhancement of views.

The proposal does not result in any detrimental impact on the wetlands or cause pollution or siltation of the waterway. It does not detrimentally impact on existing vegetation or drainage patterns and does not obstruct vistas of the waterway from the public domain.

It is considered that the proposal, as conditioned, will not have any significant adverse environmental impact upon the harbour coastal locality and is therefore satisfactory with regard to the relevant provisions of the planning instrument.

## **12. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**

### **Part 3: Retention of Existing Affordable Rental Housing**

The existing residential flat building is strata subdivided, therefore pursuant to Section 46(2)(a), Part 3 of the SEPP (Housing) 2021 does not apply to the subject building.

## **13. STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

### **Chapter 2: State and Regional Development**

Section 2.19(1) declares the proposal constitutes regionally significant development, pursuant to Clause 5(b) of Schedule 6, as the proposed development relates to an educational facility that has an estimated development cost of \$5 million or greater.

## **14. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT & INFRASTRUCTURE) 2021**

### **Chapter 3: Educational Establishments and Child Care Facilities.**

Chapter 3 of this SEPP provides the legislative planning framework for the effective delivery of educational establishments and early education and care facilities across the State. Part 3.36 of this SEPP seeks to simplify planning approval pathways for schools by enabling development for education to be carried out by any person with development consent on land within a prescribed zone.

The permissibility of the proposal therefore relies upon Clause 3.36 of SEPP (Transport & Infrastructure) 2021, which permits educational establishments within prescribed zones, including within the R3 Medium Density Residential Zone.

The subject site is zoned R3 Medium Density Residential, which is a prescribed zone for the purposes of this SEPP (Part 3.34). Development for the purpose of an education establishment is therefore permissible with consent on the site. The proposed development is considered to be acceptable in terms of the relevant provisions of Chapter 3 and the Design Quality Principles, outlined in Schedule 8 of the SEPP, as detailed below.

### **Principle 1 - Context, Built form and Landscape**

The proposed development is considered acceptable in term of Principle 1, for the following reasons:

- The proposed development generally retains the building envelope of the existing residential flat building and remains compliant with the maximum building height control. The proposed additions have been sympathetically designed and sited to minimise visual impacts when viewed from Darling Point Road and surrounding development;
- The proposed materiality and colour palette is considered to be sympathetic to the original building, in a contemporary manner;
- The proposed development has been well integrated and connected with the wider Ascham School campus located at the rear of the site and is considered to be compatible with the

height, bulk and scale of development within the school grounds and residential development in immediate vicinity of the site;

- The proposed development will improve the landscape character of the site, as the proposal includes a substantial amount of new planting and trees. This landscaping has been well considered and will enhance the amenity of the student accommodation and provides an appropriate relationship with the existing Ascham School campus and the adjoining residential properties.

### **Principle 2 - Sustainable, Efficient and Durable**

The proposed development is considered acceptable in term of Principle 2, for the following reasons:

- New solar panels have been proposed;
- The proposed development will substantially improve the landscaping and planting at the site. The majority of the proposed new paving to be installed at the site consists of porous paving;
- The proposed materiality is considered to be durable and low maintenance, which will minimise waste created by frequent maintenance/repairs;
- The proposal involves the adaptive re-uses of the existing building to meet the schools needs for student boarding accommodation, rather than demolishing and rebuilding.

### **Principle 3 - Accessible and Inclusive**

The proposed development is considered acceptable in term of Principle 3, for the following reasons:

- The new facilities will connect to the wider campus via a new pedestrian link from this property. The levels and landscaping have been carefully adapted to allow for equitable access and servicing to connect the new building with existing facilities within Ascham School;
- The proposed boarding facility will include lift access to all levels of the building;
- The building is to be used for the purposes of boarding student accommodation and therefore sharing of facilities with the broader community would not be appropriate. Other opportunities for community use are available on the wider Ascham School campus.

### **Principle 4 - Health and Safety**

The proposed development is considered acceptable in term of Principle 4, for the following reasons:

- The proposal involves a safe and secure living environment for the boarders through internal building design and appropriate external design, including appropriate lighting of the external pathway linking the main campus to the proposed development;
- A Plan of Management has been submitted as part of this application that includes security measures, staff supervision arrangements, pick-up/drop-off arrangements and when and where students can access different parts of the site;
- The proposed development will maintain casual surveillance of Darling Point Road;
- Standard conditions of consent have been recommended to protect the health and safety of staff and students, during the construction phase.

### **Principle 5 - Amenity**

The proposed development is considered acceptable in term of Principle 5, for the following reasons:

- The landscape amenity of the site will be substantially improved by the proposal and provides opportunities for passive outdoor recreation for boarding students and staff. More active spaces and facilities are available on the main school campus;
- The proposed building works provide for a variety of high quality learning environments, including high quality art facilities/spaces/equipment for use by students and staff;
- The proposal provides student accommodation with a high level of amenity to enhance the student learning and living experience, including common rooms, study areas, and opportunities for interaction (such as the art room, gym, outdoor terrace, and garden areas);
- The proposal is sufficiently separated from high noise sources and is considered acceptable in this regard.

### **Principle 6 - Whole of life, Flexible and Adaptive**

The proposed development is considered acceptable in term of Principle 6, for the following reason:

- The proposal adaptively re-uses an existing residential building and responds to demand for good quality on-campus student boarding accommodation, which is suitably positioned directly adjacent to the existing boarding facilities of the school;
- The proposed boarding facility has been designed to reflect the changing needs of students, including the provision of flexible and varied facilities/spaces within the building.

### **Principle 7 - Aesthetics**

The proposed development is considered acceptable in term of Principle 7, for the following reason:

- The proposed development will generally maintain the existing height, form and its inter-war flat building architectural character;
- The proposed design, materiality, colour scheme and landscaping sympathetically responds to the architectural character of the existing and surrounding buildings in a contemporary manner;
- The proposed materiality and landscaping are considered to be of a high quality and complement the heritage character of Ascham School site.

### **Conclusion**

The proposal is therefore acceptable with regard to SEPP (Transport & Infrastructure) 2021.

## **15. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014**

### **15.1 Part 1.2: Aims of Plan**

The proposal is consistent with the aims in Part 1.2(2) of the Woollahra LEP 2014.

### **15.2 Land Use Table**

The site is located within the R3 Medium Density Residential Zone, pursuant to Clause 2.3 of the WLEP, 2014. Educational establishments are prohibited in the R3 Medium Density Residential zone. The permissibility of the proposal therefore relies upon Clause 3.36 of SEPP (Transport & Infrastructure) 2021, which permits educational establishments within prescribed zones, including within the R3 Medium Density Residential Zone. The proposal is consistent with the relevant zone objectives.



### 15.3 Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 13.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	13.02m	13.02m	13.5m	YES

The proposal complies with the maximum building height prescribed by Part 4.3 of Woollahra LEP 2014.

### 15.4 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 1:1.

Site Area: 962m <sup>2</sup>	Existing	Proposed	Control	Complies
Floor Space Ratio	>1:1	1.35:1 (1 295m <sup>2</sup> )	1:1 (962m <sup>2</sup> )	NO*

\*Cl.4.6 Variation provided.

The proposal does not comply with Part 4.4(2) of Woollahra LEP 2014 as detailed and assessed in Part 15.5.

### 15.5 Part 4.6: Exceptions to Development Standards

#### Departure

The proposal involves a non-compliance with the FSR statutory control under Part 4.4 of the Woollahra LEP 2014.

The proposal exceeds the 1:1 maximum FSR development standard under Cl.4.4 of the Woollahra LEP 2014. The proposed FSR is 1.35:1(1,295m<sup>2</sup>), representing a 333m<sup>2</sup> (35%) non-compliance with the FSR control.

#### Purpose

Section 4.6 allows for the contravention of a development standard (provided that the standard is not expressly excluded from the section), with the objectives of the section being:

- to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

#### Justification Requirements

Section 4.6(3) states that:

Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

Section 4.6(3) does not require the applicant to demonstrate those matters solely in the written request.

### **Applicant's Written Request**

Section 35B of the *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document [the written request] setting out the grounds on which the applicant seeks to demonstrate the matters in section 4.6(3) paragraphs (a) and (b).

The applicant has provided a written request in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, refer to **Annexure 9**.

### **Council's Assessment**

Section 4.6(3) requires Council to be satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

Council is required to undertake a critical review of the written request, and any other material that the Applicant has provided seeking to demonstrate the matters in section 4.6(3). This is set out below.

#### **Step 1: Are the planning instrument, development standard and proposed variation identified in the written request accurate?**

In determining whether the information contained within the written request is accurate, the following questions have been considered:

Is the provision proposed to be varied a development standard?

Comment: The FSR control, is a development standard.

Is the development standard proposed to be varied one that can be varied, and not excluded from the operation of section 4.6 by section 4.6(8)?

Comment: The FSR development standard can be varied and is not excluded by Section 4.6(8).

Is the correct LEP or SEPP section (and objectives if relevant) referenced?

Comment: The submitted CI.4.6 Variation has correctly reference the relevant LEP section and objectives.

Is the extent of the variation correctly identified?

Comment: The extent of the variation has been correctly identified.

#### **Step 2: Section 4.6(3)(a): Is compliance unreasonable or unnecessary?**

In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (**Wehbe**), Preston CJ established five potential tests (the Wehbe test) for determining whether a development standard could be considered unreasonable or unnecessary:

- The first is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

- The second is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
- The third is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
- The fourth is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- The fifth is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary."

However, the five tests set out in *Wehbe* above are not the only ways that an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary. In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (**Initial Action**), Preston CJ stated at paragraph 22:

*These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

Assessment:

To determine whether the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, the following questions have been considered:

Has the applicant adopted one or more of the *Wehbe* tests to demonstrate that compliance is unreasonable or unnecessary in the circumstances?

Comment: The applicant has adopted the *Wehbe* test 1 within the submitted Cl.4.6 Variation, to demonstrate that compliance with the FSR controls is unreasonable and unnecessary.

Has the applicant used another method to justify that the variation is unreasonable or unnecessary?

Comment: The applicant has not used another method to justify compliance is unreasonable or unnecessary.

Comment: The arguments put forward by the applicant were supported for the following reasons:

- The proposal is consistent with the objectives of Part 4.4 and the objectives of the R3 Medium Density Residential Zone;
- The additional floor space has been sympathetically designed to minimise visual impacts when viewed from Darling Point Road;
- The additional floor space will not be readily discernible from adjoining residential properties, given the separation distance between the subject site and No.3-17 Darling Point Road and as there is limited sightlines of the development from No.23 Darling Point Road, **Figure 2** below;

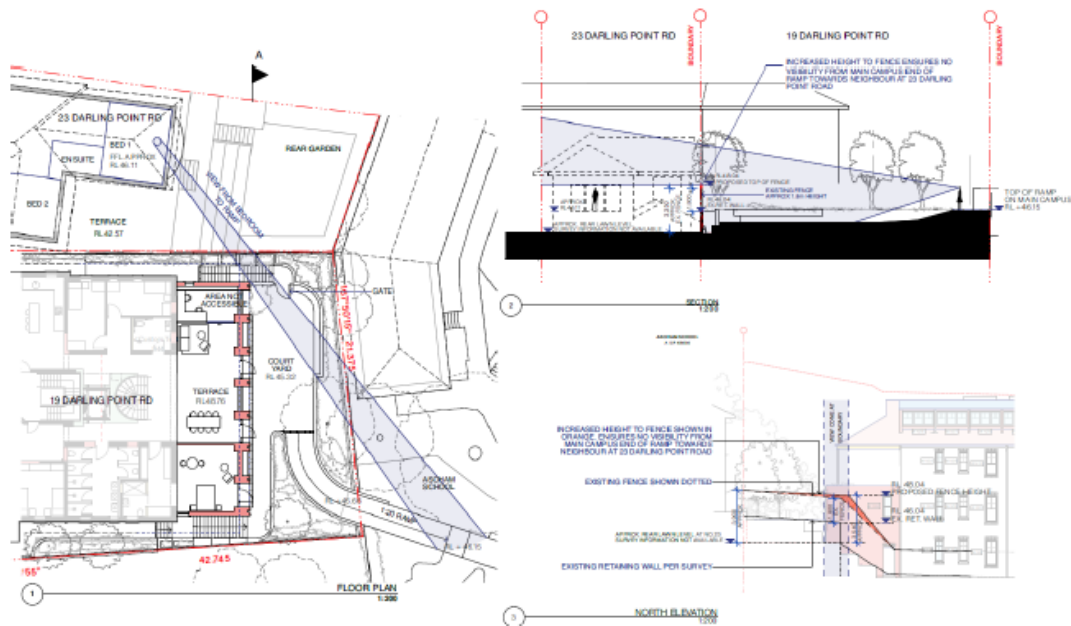


Figure 14 Sightlines from 23 Darling Point Road to 19 Darling Point Road

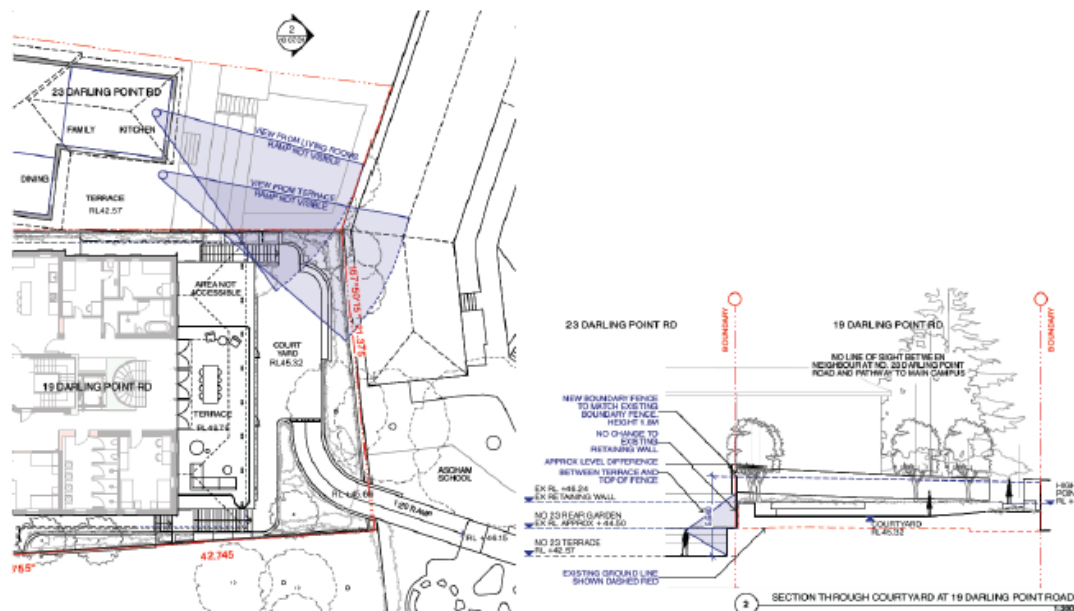


Figure 2: Sightlines between the adjoining property (No.23 Darling Rd) and No.19 Darling Point Road.

- The development will be integrated within the wider Ascham School campus and is considered to be compatible with the height, bulk and scale of both development within the school grounds and residential development in immediate vicinity of the site;
- The proposed development does not result in any adverse solar access, privacy or view impacts;
- The proposed development will improve the landscape character of the site, as the proposal involves the planting of a substantial amount of new plants and trees.

### Step 3: Section 4.6(3)(b) Are there sufficient environmental planning grounds to justify the contravention?

In *Initial Action* Preston CJ provided the following guidance (at paragraphs 23 and 24) concerning whether there will be sufficient environmental planning grounds to justify a contravention of the development standard:



- 23 *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.*
- 24 *The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". ... the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15].*

Section 1.3 of the EPA Act reads as follows:

### *1.3 Objects of Act*

*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.*

### Assessment:

To determine whether the applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard, the following questions have been considered:

What environmental planning grounds have been put forward to justify the variation?

Comment: The environmental planning ground that have been forward by the Applicant are as follows:

- Solar access to neighbouring properties complies with the relevant requirements;

- The proposed development has been designed to minimise visual privacy impacts to surrounding properties;
- The proposal results in a built form that responds well to the constraints of the site and in particular, the steep topography between Darling Point Road and the eastern (rear) boundary of the site;
- The proposal provides specific space and functions within the building to improve the internal amenities of the boarding house (i.e art room, gym and laundry) as well as staff and surveillance areas that will assist in providing a safe and regulated environment (including the reception area, office and staff accommodation);
- Allows for the adaptation of the site levels and landscaping to the rear of the site to introduce a proper connection to the main Ascham School campus;
- Allows for the provision of a vertical lift and access system that provides equitable access from the main school campus throughout all levels of the building, whilst minimising intervention to the building;
- The scale and built form is consistent with the future desired character of the area.

Are the environmental planning grounds specific to the proposed variation?

Comment: The environmental planning grounds that have been specified by the applicant are specific to the subject site and the use of the site for student boarding.

Are there sufficient environmental planning grounds to justify the proposed variation to the development standard?

Comment: The Applicant has demonstrated that there are sufficient environmental grounds to justify the variation, the proposal is acceptable in this regard.

## Conclusion

Council is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

### 15.6 Part 5.10: Heritage Conservation

Parts 5.10(2) and 5.10(4) require Council to consider the effect of works proposed to a heritage item, building, work, relic or tree, within a heritage conservation area or new buildings or subdivision in a conservation area or where a heritage item is located.

The subject site is not a listed heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014 'Woollahra LEP 2014' and is not located within a heritage conservation area.

The site is in an area of Potential Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was required to ascertain whether potential Aboriginal cultural heritage will be impacted by the proposal.

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 1 October 2024 from the Office of Environment & Heritage NSW (OEH) website has revealed that there are no recorded Aboriginal sites recorded within a 200m buffer in or near the above location and no Aboriginal sites within a 200m buffer in or near the above location.

An Aboriginal Heritage Impact Assessment (AHIA) was prepared by Unearthed Archaeology, dated 10 July 2024. A site inspection to inform the AHIA was attended by a qualified archaeologist. An attempt was made to engage with the La Perouse LALC (LALC), as the knowledge holders for Aboriginal cultural heritage in the area, to attend the site inspection. However no response was

obtained from the LALC. The site inspection was completed without the attendance of the LALC on 22 August 2023.

The AHIA makes the conclusion that *'it is highly unlikely that subsurface archaeological deposits remain within the study area.'* The AHIA has recommended mitigations, which are specified on Page 26, refer to **Annexure 17**.

While the assessment has been prepared by a qualified archaeologist, the lack of meaningful consultation with the LALC, as the knowledge holders of their own cultural heritage, had not initially been provided. Consultation is a requirement of the Woollahra DA Guide, Attachment 10 for the preparation of Aboriginal Heritage Impact Assessments. As per the *Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010)*, it states that *'community consultation must be an open and honest two-way communication process between the proponent and Aboriginal people who have cultural heritage knowledge relevant to a proposed project area.'*

Subsequent to this first draft of the report and Council's feedback regarding consultation, the archaeologist returned to site accompanied by representatives of the La Perouse LALC in November 2024. Onsite, the LALC site officers indicated that they would like to provide a heritage induction for staff at the commencement of works, and that an unexpected finds procedure should be in place for the project. Otherwise, they had no objections to the proposal. The AHIA was re-submitted to the LALC for comment, and a report from the LALC demonstrating concurrence with the AHIA recommendations is currently being prepared.

In the meantime, as the LALC have provide verbal support of a heritage induction and an unexpected finds procedure, conditions of consent that align with these requirements have been recommended, refer to **Conditions B.5** and **B.7**.

The following listed heritage items are located within close proximity of the subject site:

- *'Duntrim'* - building and interiors (former house) and grounds including the Norfolk Island Pine' at No.37 Darling Point Road (No. 187). This heritage item adjoins the rear of the subject site. **Note:** It is noted that the *'Duntrim'* site does form part of the subject site, however the works on this site are for landscape works to the south-western corner of the site only;
- *'Concrete balustrade'*, Darling Point Road from the intersection of New South Head Road (No. 1114).

Council's Heritage Officer has stated that there will be no impact on these heritage items in the vicinity of the site.

The proposed development would be considered acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014.

### **15.7 Part 6.1: Acid Sulfate Soils**

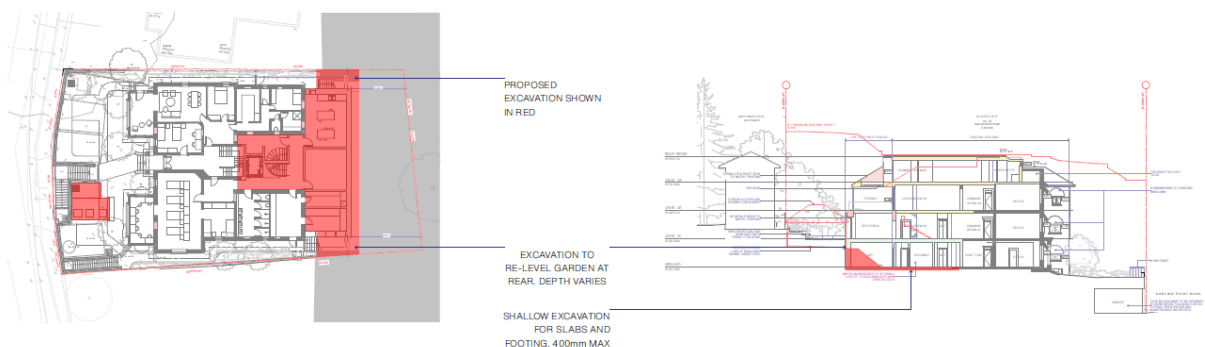
Part 6.1 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map. However, the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Accordingly, preliminary assessment is not required and there is unlikely to be any acid sulfate affectation. It is therefore acceptable with regard to Part 6.1.

### **15.8 Part 6.2: Earthworks**

Part 6.2(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves excavation works to accommodate the rear addition and onsite site drainage. The supporting documentation identifies that the proposed development involves a total excavation volume of 235m<sup>3</sup> to a depth of approximately 2.5m, refer to **Figure 3**.



**Figure 3:** Location and extent of the proposed excavation works.

The Applicant has submitted a Geotechnical Report to support the proposal. The Geotechnical Report indicates the subsurface conditions consists of:

- Fill comprising sand to a maximum depth of 0.15m, 0.75m, 0.15m, 0.5m and 0.4m in BH1, BH2, BH3, BH4 and BH5 respectively;
- The depth of natural sand was encountered beneath the fill to a refusal depth of 3.1m, 2.5m, 3m, 2m and 3m in BH1, BH2, BH3, BH4 and BH5 respectively;
- Sandstone bedrock was not encountered beneath the sand layer in all boreholes;
- Groundwater seepage was not observed during field investigation.

The report made comments and recommendations on the following:

- Shoring and support;
- Vibration Monitoring;
- Excavation method;
- Dewatering;
- Further Geotechnical input.

Council's Development Engineer has stated that the proposal is satisfactory on technical grounds, subject to conditions.

The proposal is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

### **15.9 Part 6.9: Tree canopy cover in Zones R2 and R3**

Part 6.9 aims to conserve and enhance tree canopy cover in the R2 Low Density Residential zone and R3 Medium Density Residential zone.

Part 6.9(3) requires Council to consider whether the development incorporates planning and design measures to enable the retention and planting of trees to minimise the urban heat island effect, and will avoid, minimise or mitigate adverse impacts on the existing tree canopy.

The proposal is acceptable with regard to Part 6.9 of Woollahra LEP 2014, subject to **Conditions C.1(c)** and **F.28**.



## 16. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

### 16.1 Chapter B1: Darling Residential Precinct

The proposal satisfies the precinct objectives outlined in Part B1.1.3 of the Woollahra DCP 2015.

The proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Darling Point precinct, as noted in Part B1.1.2 of the Woollahra DCP 2015 as follows:

*O4 To maintain the heritage significance of heritage items and buildings in adjacent heritage conservation areas.*

Comment: The proposed works align with this objective, as the proposal retains the building, and only discreet modifications to the rear have been proposed. The proposed development is therefore will protect the heritage significance of surrounding heritage items.

*O3 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials.*

**Comment:** The proposed alterations are distinctly contemporary, however the selected colour palette and materiality are considered to be sympathetic with the original built form of the building.

*O4 To maintain the heritage significance of heritage items and buildings in adjacent heritage conservation areas.*

Comment: The proposal has discreet connections to the heritage item to the rear. These connections will not have any visual impact to the character of the Darling Point precinct.

*O6 To ensure that alterations and additions to period buildings, such as semi-detached dwellings and attached dwellings, do not detract from the character of these buildings and their presentation to the street.*

Comment: The proposed works are of a scale, siting, materiality and colour that is considered to harmoniously complement the existing building and has a minimal impact on the character of the Darling Point streetscape. The visual impact of the proposed works has been demonstrated in the submitted Visual Impact Assessment, refer to **Annexure 10**.

*O7 To ensure roof forms are articulated to provide attractive roofscapes and designed to minimise view loss.*

Comment: Whilst, the proposed eyelid dormer to the southern elevation will be visible from Darling Point Road, this element has been appropriately scaled and is sufficiently setback, to minimise visual impacts. Additionally the consistent materiality, colour scheme and discrete design is considered to be sympathetic with the existing building and its roof form, refer to **Figures 4 and 5** below.

*O12 To retain and reinforce the stone and brick retaining walls that characterise the sloping streets of the precinct.*

Comment: The sandstone retaining walls along Darling Point Road will be retained.

### Conclusion

For reasons discussed above, the proposal is acceptable with regard to Part B1 of the WDCP 2015.

## 16.2 Chapter B3: General Development Controls

### Part B3.2: Building Envelope

Site Area: 962m <sup>2</sup>	Existing	Proposed	Control	Complies
Front Setback	7.78m	7.78m	7.06m	YES
Rear Setback	11.73m -13.73m	6.1m-8.1m	10.42m	NO
Side Boundary Setbacks (Northern)				
Ground Floor	1.28m-1.6m	1.28m-2.29m	2.5m	NO
Level 1	1.28m-1.6m	1.28m-2.08m		NO
Level 2	1.28m-1.9m	1.28m-2.16m		NO
Level 3	3.8m	2.68m		YES
Side Boundary Setbacks (Southern)				
Ground Floor	1.5m-2m	1.5m-2.16m	2.5m	NO
Level 1	1.5m-2m	1.5m-2.16m		NO
Level 2	1.5m-2m	1.5m-3m		Partial
Level 3	3.5m	3.5m-2.8m		NO*

\*Existing non-compliance

#### Part 3.2.2: Front Setback

*C1 states that the front setback is the average of the three most typical setbacks of the four closest residential properties.*

No change to existing front setback has been proposed.

#### Part 3.2.3: Side Setbacks

*With a lot width of 23.4m, C2 requires a minimum side setback of 2.5m.*

The proposed development does not comply with the minimum side setbacks at all levels with the exception of Level 3 (the attic level). These non-compliances are considered acceptable for the following reasons:

- The majority of the non-compliance relates to the existing building;
- The new rear addition does not extend beyond the side alignment of the existing building;
- The subject site tapers inward toward the rear, which creates some of this non-compliance with the minimum setback controls;
- This non-compliance does not result in adverse visual privacy or solar access impacts on surrounding properties;
- Sufficient side access on both sides of the building have been provided.

#### Part 3.2.4: Rear Setback

*C1 requires a minimum rear setback of 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary. The building must not encroach on the minimum rear setback.*

The proposed development does not comply with the minimum 10.42m rear setback requirement, as the development has a rear setback of between 6.1m-8.1m. This non-compliance is generally considered acceptable for the following reasons:

- The subject site has been integrated with the greater Ascham School campus at the rear;
- Sufficient open space and landscaping has been provided at the rear, particularly as the site will function, as part of the wider Ascham School site;
- This non-compliance does not result in any adverse visual impacts or overshadowing impacts to surrounding residential properties.

### Conclusion

The proposal is acceptable with regard to the building envelope controls in Part B3.2 of the Woollahra DCP 2015.

### **Part B3.4: Excavation**

Site Area: 962m <sup>2</sup>	Existing	Proposed	Control	Complies
Maximum Volume of Excavation	-	235m <sup>3</sup>	962m <sup>3</sup>	YES
Excavation, Piling and Subsurface Wall Setback	-	>0.9m	0.9m	YES
Geotechnical Report	N/A	Submitted	Required Where > 2.0m	YES

The proposed development involves excavation works to accommodate the new rear addition and onsite site drainage. The supporting documentation identifies that the proposal involves a total excavation volume of 235m<sup>3</sup> to a depth of approximately 2.5m. The proposed development complies with the maximum excavation volume and minimum excavation setback requirements. Council's Development Engineer has supported the proposed excavation works, subject to conditions, which will mitigate potential adverse impacts that may be created by these works.

### Conclusion

The proposal is therefore acceptable with regard to the excavation controls in Part B3.4 of the Woollahra DCP 2015.

### **Part B3.5: Built Form and Context**

#### Part B3.5.1: Streetscape and Local Character

The proposed development is considered acceptable in terms of the relevant streetscape/local character objectives and controls, for the following reasons:

- The proposed development will generally maintain the existing height, form and its inter-war flat building architectural character;
- The proposed additions have been sympathetically designed to minimise visual impacts, when viewed from Darling Point Road, refer to **Figures 4 and 5** and the submitted Visual Impact Assessment Report (**Annexure 10**);
- The proposed design, materiality, colour scheme and landscaping has sympathetically responded to the architectural character of the existing building, the streetscape and the Darling Point Precinct, in a contemporary manner;
- The proposed materiality and landscaping are considered to be of a high quality and complement the heritage character of the surrounding locality;
- The proposed roof additions have been well integrated into the architecture of the building and will not be readily discernible from the public domain, in accordance with Control C6.



**Figure 4:** Existing view and proposed view of the proposal, as viewed directly in front of No.19 Darling Point Road Darling Point.



**Figure 5:** Existing view and proposed view of the proposal, as viewed from Darling Point Road (to the south of the site).

#### Part B3.5.2: Overshadowing

C1 The development is designed so that:

- a) sunlight is provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June.
- b) Where existing overshadowing is greater than this, sunlight is not further reduced;

The proposed development complies with the minimum solar access to private open space at adjoining properties. No adjoining north facing habitable room windows will be impacted by the proposal.

#### Part B3.5.3: Public and Private Views

No views from the public or private domain will be obstructed by the proposal and is acceptable in this regard.

#### Part B3.5.4: Acoustic and Visual Privacy

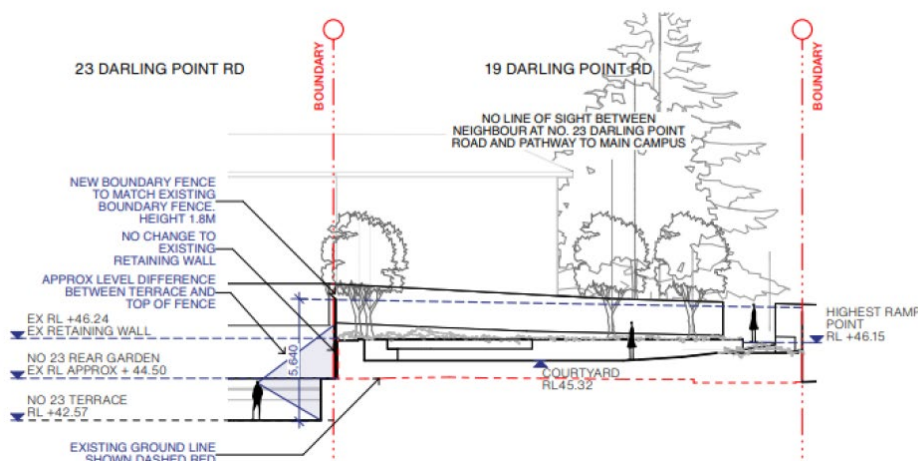


The proposed development is considered acceptable in terms of visual and acoustic privacy for the following reasons:

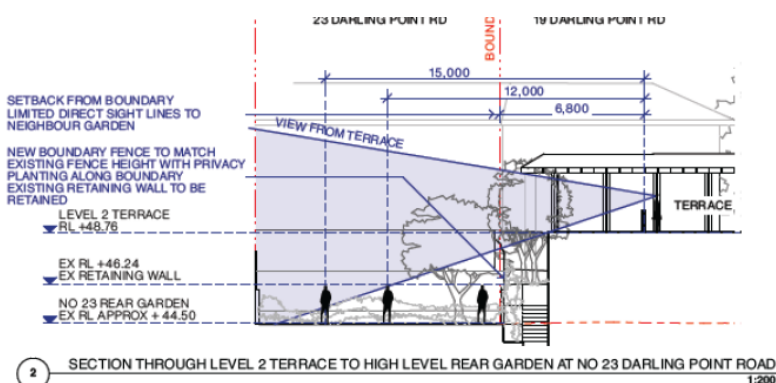
### Visual Privacy:

The proposed development will not result in any adverse visual privacy impacts on the adjoining residential property to the south (No.3-17 Darling Point Road), as this site contains a high rise residential flat building that is located approximately 60m from this boundary. In addition no private open space will be overlooked by the proposed development (it is also noted that this building is surrounded by vast grounds).

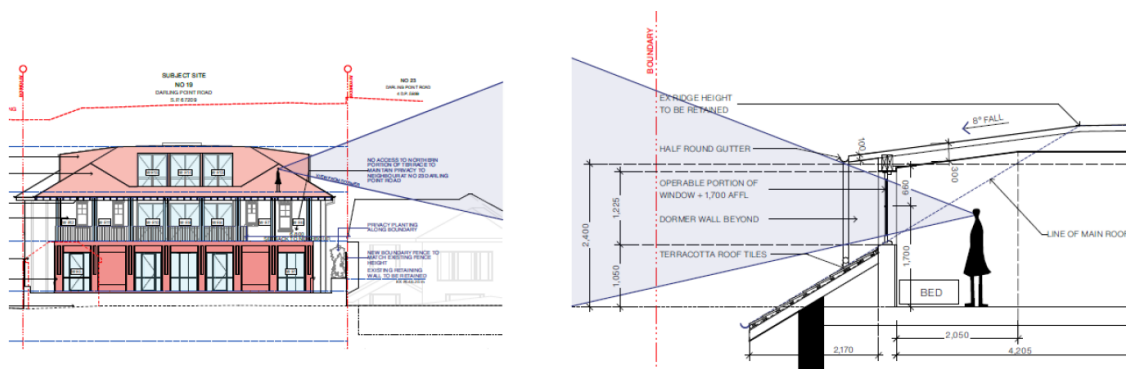
In general, the proposed fenestration on the northern elevation has been suitably positioned and treated to prevent overlooking into No.23 Darling Point Road, with the exception of Windows W-N15 and W-N11 (these windows consist of an office window and common room kitchen window and are located on the northern elevation to Level 1). A condition of consent has been recommended that requires these windows to contain fixed translucent glazing to a height of 1.5m address this issue, refer to **Condition D.1(a)**. It is noted that the applicant has provided sightline diagrams to demonstrate that the proposed development would not adversely impact the visual privacy of No.23 Darling Point Road (refer to **Figures 6 to 8**).



**Figure 6:** Sight line between the rear yard of No.23 Darling Point Road and the highest point of the proposed ramp at No.19 Darling Point Road.



**Figure 7:** Sight line from the second floor rear balcony and the rear of No.23 Darling Point Rd.



**Figure 8:** Sightline from attic level windows toward No.23 Darling Point Road.

### Acoustic Privacy:

- The applicant has submitted a Plan of Management (refer to **Annexure 12**), which has included operational measures to ensure the acoustic privacy is maintained to neighbouring properties, including restricting student access to the northern side passage;
- The Plan of Management does not allow the use of the rear garden area and outdoor terrace area on Level 2 beyond 10pm;
- The Plan of Management includes a strict '*quiet-time and lights out*' policy, which is staggered by age. The '*lights out*' policy is generally 10.00pm on weekdays and 10.30pm on weekends. Only the senior girls (Year 11 and 12) will be permitted to study within their rooms, the common room lights as well as the bedroom lights for all bedrooms associated with Years 7-10 will be turned off at 10.00pm on weekdays and by 10.30pm on weekends. This is to be regulated by the '*staff on duty*';
- There is no intensification of use, given that the overall students number will remain unchanged, refer to **Condition I.1**. It is noted that **Condition I.1** of DA433/2021 and DA550/2013 imposes a student cap of 1240 inclusive of boarders. This condition also limits the number of boarders at the school to 135. The development proposes to increase the number of boarders to 137. An amending DA condition has been recommended to accommodate the minor increase to the number of boarders at the school, refer to **Conditions A.4 and I.1**;
- A plant room has been proposed to the ground floor of the building, which will house air conditioning equipment.

### Part B3.5.5: Internal Amenity

The proposed development will maintain natural ventilation and natural light to habitable rooms. Sufficient floor to ceiling height has been proposed.

The proposal is acceptable with regard to the controls in Part B3.5 of the Woollahra DCP 2015.

### Part B3.7: External Areas

Site Area: 962m <sup>2</sup>	Existing	Proposed	Control	Complies
Tree Canopy Area	13.7% (134m <sup>2</sup> )	30% (236m <sup>2</sup> )	30% 288.6m <sup>2</sup>	YES
Tree Canopy Area Comprising of Canopy Trees	<50%	<50%	50%	NO*
Deep Soil Landscaping –	<35%	17.08% (164.4m <sup>2</sup> )	35% of Site Area (336.7m <sup>2</sup> )	NO*
Deep Soil Landscaping – Front Setback	36.2% (69.45m <sup>2</sup> )	35% (67.28m <sup>2</sup> )	40% (76.744m <sup>2</sup> )	NO*
Sandstone Fencing and Retaining Walls	-	Retained	Retained	YES

\*Existing non-compliance.

### Part 3.7.1: Landscaped Areas and Private Open Space

*C1 requires that 30% of the site area is to comprise tree canopy area, and at least half of the total tree canopy area on the site is contributed by canopy tree/s.*

The proposed development complies with the minimum tree canopy area requirements. However less than 50% of the tree canopy area comprises of canopy trees. This non-compliance was supported by Council's Landscape Officer, subject to the provision of an additional replacement tree (A Port Jackson Fig Tree, refer to **Conditions C.1(c)** and **F.28**) and as the tree canopy area at the site will be substantially improved by the proposed development. Porous paving will also be provided.

*C2 requires that 35% of the site area is deep soil landscaping.*

The proposed development does not comply with the minimum 35% (336.7m<sup>2</sup>) deep soil landscaping requirement. 143.2m<sup>2</sup> (15%) of deep soil landscaping has been provided, which represents a non-compliance of 193.5m<sup>2</sup>. This non-compliance is considered to be generally acceptable for the following reasons:

- The proposed development will improve the landscape character of the site, as the proposal involves the planting of a substantial amount of new plants and trees;
- Compliance with the minimum deep soil landscaping requirement is difficult in this instance, due to the existing garages and the proposed onsite stormwater tanks located at the front of the site. Most of the land above these elements contain soft landscaping, which contributes to the landscape character of the site;
- The majority of the proposed paving is to consist of porous paving;
- Council's Landscape Officer has supported the proposed development, subject to conditions including a replacement tree condition, refer to **Conditions C.1(c)** and **F.28**.

*C3 requires at least 40% of the front setback area is to comprise deep soil landscaping.*

The proposed development will result in a minor additional non-compliance (2.17m<sup>2</sup>) with the deep soil landscaping to the front setback to allow for the new onsite stormwater detention system. This additional non-compliance is considered acceptable, as the submitted Landscape Plans includes a substantial improvement to the quality and quantity of planting within the front setback area, which will enhance the landscape character of the streetscape and is considered acceptable in this regard.

*C14 requires existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment.*

A total of 9 trees have been identified within the subject site, at the adjoining property (No.23 Darling Point Road) and the adjoining footpath. Two trees located within the rear yard of No.19 Darling Point Road have been proposed to be removed, including a Bangalow Plan and an Avocado tree. Council's Landscape Officer has supported the removal of these trees, subject to a replacement tree being provided. The Landscape Officer has stated that the proposed development would not adversely impact the health and stability of the remaining trees that have been identified, subject to relevant tree protection conditions.

### Part 3.7.2: Fences

*C1 requires fencing that protects occupants but with surveillance of the street.*

Complies.

*C2 requires delineation of the public, common and private spaces and C3 requires fences to define the front entrance.*

Complies.

*C4 limits fencing to 1.2m if solid, or 1.5m if 50% transparent or open. On the high side of the street, C6 allows fences to a height of 1.2m above the high side.*

The proposed development involves the removal of the existing non-compliant balustrade/fencing to the front boundary above the existing garaging. This fencing/balustrade is proposed to be replaced with a new metal pipe fence/balustrade. This fencing is considered to be intrusive and will detract from the streetscape. **Condition C.1(b)** therefore requires this fencing to be vertically proportioned metal fencing/balustrade.

*C7 requires gates to open inwards.*

The new security gate within the existing opening to the front elevation will open inward.

*C9 and C10 stipulate that side and rear boundary fences are no higher than 1.8m, as measured from the low side (if applicable). Where there is an increase in ground level in excess of 1.2m, the height may increase by 1.2m.*

The proposed northern side boundary fence is to be replaced with a new timber paling fence. This fence is to be 1.8m in height other than an 8m long section at the rear, where this fence will match the height of the existing fence. The southern boundary fence will also be replaced with a new 1.8m timber paling fence.

*C12-C14 require the retention and maintenance of sandstone fencing and retaining walls.*

The existing sandstone retaining wall located along the front boundary will be retained.

### Part 3.7.3: Site Facilities

The proposed development includes a new plant room at ground floor level. This plant room will accommodate air conditioning.

### Conclusion

The proposal is acceptable with regard to the external controls in Part B3.7 of the Woollahra DCP 2015.

## **16.3 Chapter E1: Parking and Access**

The proposed development involves a change of use from a residential flat building to an educational establishment (boarding house for 39 Students and 2 self-contained staff units). The existing residential flat building generates a parking demand of 14 spaces and 3 onsite parking space are provided. The proposed student boarding accommodation generates a parking demand of 13 spaces and the existing 3 car parking spaces are to be retained (for staff parking only), see **Table 1** below. Whilst, the proposed development does not comply with the minimum car parking requirements, the proposal is considered acceptable for the following reasons:

- The proposed student boarding accommodation will result in an overall reduced car parking demand, as the existing residential flat building use generates a higher parking demand than the proposal;
- Council's Traffic Department has supported the proposed development;

- The proposed student boarding accommodation does not result in any increase to the student or staff numbers at the school and only results in two additional boarding students;
- The wider school campus provides a total of 136 car parking spaces (not including the subject site);
- Students are not permitted to drive to the school, park within school grounds or park in the streets surrounding school grounds.

**Table 1: Existing and Proposed Parking Generation:**

Exiting Development	Existing Parking	Required Parking	Complies
Residential Flat Building – Studio 3+ Bedroom Visitor Total	3 Spaces	6 x 2 spaces = 12 6 x 0.25 spaces = 1.5 (2) 14 Spaces	NO NO NO
Proposed Development	Proposed Parking	Required Parking	Complies
Educational Establishment (Student Boarding accommodation) Proposed GFA (1295m <sup>2</sup> )	3 Spaces	1 space per 100m <sup>2</sup> = 12.95 Spaces (13) Spaces	NO

Traffic (Pick-up/Drop-off):

Boarders are permitted to go home on the weekends, however primarily boarding students are picked-up and dropped-off at the start and end of each school term. Many students take advantage of the schools proximity to good public transport links and boarding students commonly are picked up after Saturday sport at an off-campus sporting venue. If students are picked-up and dropped-off from the school, this is generally undertaken the day before term starts and the day after the term ends (when the school is closed). This occurs over the course of the day from the car park within the 'Duntrim' Site or the main school carpark off New South Head Road. Council's Traffic Department has stated that given the boarding students do not require daily pick-ups/drop-offs, these activities are considered acceptable and manageable without creating significant changes to the existing traffic conditions on the nearby road network. In addition, the Operational Traffic Management Plan has been updated to incorporate the School's Traffic Management Policy, Green Travel Plan, the Traffic Management Plan for the Fiona redevelopment and the latest operational requirements associated with this development application.

## Conclusion

The proposal is acceptable with regard to the objectives and controls in Chapter E1 of the Woollahra DCP 2015.

## 16.4 Chapter E5: Waste Management

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

The applicant provided a SWMMP with the development application and it was found to be satisfactory.

## Part E5.2: Demolition and Construction Phase

*C2 and C3 promote reuse of salvaged and excess construction materials. C4 promotes prefabricated or recycled materials where possible. C5 seeks to minimise site excavation and disturbance.*

The proposal is acceptable with regard to Part E5.2 of the Woollahra DCP 2015.

### **Part E5.3: On-Site Waste and Recycling Controls for all Development**

*C2 requires waste storage areas to facilitate the separation of garbage and recycling.*

Complies.

*C3 and C4 require waste storage areas to be behind the building line or in non-habitable spaces and integrated within the building design.*

Complies.

The proposal is acceptable with regard to Part E5.3 of the Woollahra DCP 2015.

### **Part E5.6: Commercial and Non-Residential Developments**

The new development will utilise the existing waste storage and collection arrangements, which are considered to be sufficient and acceptable with regard to Part E5.6.

### **Conclusion**

The proposal is acceptable with regard to the objectives and controls in Chapter E5 of the Woollahra DCP 2015.

## **16.5 Chapter E6: Sustainability**

	Existing	Proposed	Control	Complies
Maximum Projection Above Roof Surface	<300mm	<300mm	300mm	YES
Location of Solar Energy System	Behind the front Setback	Behind the front Setback	Behind the Front Setback	YES

The proposed solar panels are to be positioned on the side facing roof slopes of the existing building and are to be flush with the roof surface. The solar panels therefore will not be readily discernible from Darling Point Road and are acceptable with regard to Controls C1 and C3.

### **Conclusion**

The proposal is acceptable with regard to the objectives and controls in Chapter E6 of the Woollahra DCP 2015.

## **16.6 Chapter F2: Educational Establishments**

*C1 requires high architectural design, materials and detailing.*

The proposed development is considered to constitute high quality design and contains materiality and detailing that is sympathetic to the existing building and minimises visual impacts on the streetscape and surrounding properties. The proposed boarding accommodation has been well integrated and connected into the wider Ascham School campus.

*C2 requires a distinguishable entry point from the street.*



The existing front entry will be maintained and the new rear addition has been specifically sited and designed to enhance the connection between the subject site and the wider school campus. The rear addition will function as the primary entrance for the boarding students.

*C3 states that development on the boundary provide sympathetic transition in terms of height, scale, bulk and materials.*

The bulk, height, scale and visual impact of the development has been minimised from the rear as the addition has been partly cut into the existing slope of the land.

*C2 and C3 state that side and rear setbacks are to be such that sunlight is provided to adjoining properties to 50% or 35m<sup>2</sup> (with minimum dimension 2.5m), whichever is smaller of the main ground level private open space of adjacent properties for a minimum of two hours between 9am and 3pm on June 21. Where it is already greater than this, it is not to be further reduced.*

The submitted shadow diagrams have demonstrated that the proposed development does not result in the loss of any solar access to adjoining habitable room windows or private open space.

*C4 and C5 require side and rear setbacks to ensure acoustic and visual privacy to adjoining residents.*

The proposed works are sufficiently setback from the side and rear boundaries to protect the visual and acoustic privacy of surrounding residential properties.

*C6 requires the retention of public domain views and C7 requires the provision of view sharing.*

The proposed development will not obstruct any views obtained from the public domain.

### **Part F2.3: Siting of Development**

*C1 Development complies with the street setback controls that apply to the precinct or centre where the centre is proposed. (Refer to the relevant residential or business centre controls in Part B, C or D of this DCP.)*

No changes to the existing front setback has been proposed.

*C4 Rear and side setbacks of the building are setback to maintain the amenity of the adjoining development, taking into account privacy and noise generation.*

The existing side boundary setbacks will be generally maintained. The proposed rear setback will not result in any adverse impacts on surrounding properties and have been further discussed above in Section 16.2.

*C5 Development provides visual privacy to adjoining properties by appropriate design, vegetative screening, window and door offset, location of external areas such as roof top terraces, screening devices, separation distances and the like.*

The proposed development has been appropriately designed to minimise visual privacy impacts, subject to **Condition D.1(a)**. This has been further discussed above in Section 16.2.

*C7 Development provides for view sharing from surrounding properties.*

The proposed development does not result in the loss of any views from surrounding residential properties.

## Part F2.4: Heritage Conservation

*C1 requires the location of development to not detract from the significance of a heritage item.*

The subject building is not heritage listed. It is noted that Council's Heritage Officer has stated that the proposed development will not impact the heritage significance of heritage items located within close proximity of the subject site. It is also noted that the proposal will not obstruct any views to or from any nearby heritage listed buildings.

## Chapter F2.5: Open Spaces

*C1 requires the retention of open spaces with C2 prohibiting vehicular access on open space.*

Open space has been retained and enhanced at the site. No vehicular access will be available to this open space.

*C3 requires the maximisation of open space areas.*

The overall amount of open space has been generally retained. Substantial landscape works has been proposed, which will improve the quality of the open space available on the site. The connection of the site to the wider Ascham School campus allows for further recreational opportunities for students and staff.

*C4 requires a playground and C5 requires a sports field.*

The boarding students will have access to the existing playground and sport fields located within Ascham School.

## Part F2.6: Traffic, Parking and Access

	Existing	Proposed	Control	Complies
Pedestrian Entrance	Separate	Separate	Separated from Vehicle Entrance	YES
Pedestrian Access	All frontages	All frontages	Via All Frontages	YES

*C1 states that development must not unreasonably impact on the surrounding road network, pedestrian safety and vehicle traffic.*

The proposed development will not result in any adverse traffic or safety impacts. The traffic impacts have been discussed above in Section 16.3.

*C2 requires pedestrian access via all frontages and C3 requires that it be separated from vehicular access. C4 notes that access must be equitable in accordance with Chapter E1.*

Separated pedestrian access is provided via all street frontages.

*C5 requires a pedestrian area to accommodate key concentrated times such as pick up time. C6 requires an internal driveway for drop off and pick up.*

The boarding students do not require daily drop-offs and pick-ups, as boarding students can be dropped-off and picked-up on weekends or mostly at the start and end of term. The boarding accommodation will therefore not create any significant changes or impacts on traffic conditions to the surrounding road network. This is further discussed below above in Section 16.3.

*C7 requires compliance with the parking generation rates in Chapter E1. C8 requires provision for emergency access.*

The proposed development does not comply with the minimum car parking requirements. However the proposed development results in a reduced parking demand than the existing residential flat building use. This is discussed above in Section 16.3 of this report.

## **Part F2.7: Planting, Fencing and Hard Surfaces**

*C1 requires the retention of significant trees with C2 noting that there is to be no damage to trees on adjoining properties.*

The proposed development involves the removal of 2 trees from the site. Council's Landscape Officer has considered the removal of these trees to be acceptable, as conditions of consent and the submitted Landscape Plan includes substantial replacement planting. Conditions of consent have been recommended to ensure the proposal does not adversely impact the health and stability of the trees to be retained.

*C3 provides for shade for play, screening, microclimate, soil stabilisation and visual quality. C4 notes that the landscape design is to be coordinated with the streetscape, site conditions, building design and type, scale and location of adjoining development.*

The tree canopy at the site will be substantially improved by the development. This additional tree canopy will improve the amenity and landscape character of the streetscape and the subject site.

*C6 requires that planting and fencing does not disrupt public and private views and C7 requires fences to be at least 50% open for this purpose.*

The proposed planting will not disrupt views from the public or private domain.

## **Part F2.8: Community Use**

*C3 states that lighting, noise, hours and intensity of use should not impact upon surrounding residents.*

The submitted Plan of Management and conditions of consent will ensure the boarding accommodation use of the site does not adversely impact surrounding residential properties, particularly with regard to acoustic privacy and light spill.

## **Conclusion**

The proposal is acceptable with regard to the objectives and controls in Chapter F2 of the Woollahra DCP 2015.

## **16.7 Section 7.12 Contributions Plan**

A 1% levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan.

Cost of Works	Rate based on cost of works	Contribution Payable
\$6,578,702	>\$200,000 = 1%	\$65 787.02

Refer to **Condition D.8**.

## **17. APPLICABLE ACTS/REGULATIONS**

## **17.1 Environmental Planning and Assessment Regulation 2021**

### **Clause 61(1) Additional matters that consent authority must consider**

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-2001: The demolition of structures. This requirement is addressed by Council's standard condition.

### **Clause 64: Consent authority may require upgrade of buildings**

Clause 64 of the Environmental Planning and Assessment Regulation 2021 requires an assessment of the development application against the Building Code of Australia (BCA), with particular respect to the fire provisions within the development.

Council's Fire Safety Officer has undertaken an assessment of the application, as detailed in **Annexure 5**. Building upgrade is required in **Condition D.3** and an annual fire safety schedule is required to be submitted as detailed in **Condition G.3**.

## **18. THE LIKELY IMPACTS OF THE PROPOSAL**

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

## **19. THE SUITABILITY OF THE SITE**

The site is suitable for the proposed development.

## **20. THE PUBLIC INTEREST**

The proposal is considered to be in the public interest.

## **21. CONCLUSION**

The proposal is acceptable against the relevant considerations.

## **22. DISCLOSURE STATEMENTS**

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

## **23. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, is satisfied that the applicant has demonstrated under Part 4.6 of the Woollahra Local Environmental Plan 2014 that compliance with the FSR development standard under Clause 4.3 of Woollahra LEP 2014 is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

### **AND**

THAT the Sydney Eastern City Planning Panel, as the consent authority, grant development consent to Development Application No. 200/2024/1 for change of use and alterations and additions of the existing residential flat building for campus student accommodation on land at 19 Darling Point Road DARLING POINT, subject to the following conditions:

## ALL DEVELOPMENT TYPES

### A. GENERAL CONDITIONS

A. 1.	<p><b>Conditions</b></p> <p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 (“the Act”), and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the Regulations”) and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Development Certification and Fire Safety Regulations”), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Where there is any breach Council may without any further warning: <ul style="list-style-type: none"> <li>a) Issue Penalty Infringement Notices (On-the-spot fines);</li> <li>b) Issue notices and orders;</li> <li>c) Prosecute any person breaching this consent; and/or</li> <li>d) Seek injunctions/orders before the courts to restrain and remedy any breach.</li> </ul> </li> <li>• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the relevant legislation that applies to the development.</p>
A. 2.	<p><b>Definitions</b></p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p><b>Applicant</b> means the applicant for this consent.</p> <p><b>Approved Plans</b> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p><b>Local native plants</b> means species of native plant endemic to Sydney’s eastern suburbs.</p>

	<p><b>Owner-builder</b> has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p><b>PC</b> means the Principal Certifier under the <i>Act</i>.</p> <p><b>Principal Contractor</b> has the same meaning as in the <i>Act</i>, 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.</p> <p><b>Professional engineer</b> has the same meaning as in the BCA.</p> <p><b>Public place</b> has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p><b>Road</b> has the same meaning as in the <i>Roads Act 1993</i>.</p> <p><b>SEE</b> means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p><b>Site</b> means the land being developed subject to this consent.</p> <p><b>Site work</b> means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p><b>Woollahra LEP</b> means <i>Woollahra Local Environmental Plan 2014</i></p> <p><b>Woollahra DCP</b> means <i>Woollahra Development Control Plan 2015</i></p> <p><b>Work</b> for the purposes of this consent means:</p> <ul style="list-style-type: none"> <li>• the use of land in connection with development,</li> <li>• the subdivision of land,</li> <li>• the erection of a building,</li> <li>• the carrying out of any work,</li> <li>• the use of any site crane, machine, article, material, or thing,</li> <li>• the storage of waste, materials, site crane, machine, article, material, or thing,</li> <li>• the demolition of a building,</li> <li>• the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,</li> <li>• the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, or</li> <li>• the occupation of the <i>site</i> by any person unless authorised by an occupation certificate.</li> </ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the relevant definitions.</p>
<p><b>A. 3.</b></p>	<p><b>Approved Plans and Supporting Documents</b></p> <p>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 unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p>



Reference	Description	Author	Date
A-02-001, Rev S1 A-06-008, Rev DA2 A-06-011, Rev DA2 A-06-012, Rev S1 A-06-013, Rev S1 A-06-013, Rev S1 A-10-002, Rev DA2 A-11-008, Rev DA2 A-11-011, Rev DA2 A-11-012, Rev S2 A-11-013, Rev S2 A-21-010, Rev DA2 A-21-012, Rev DA2 A-31-001, Rev DA2 A-31-002, Rev S2 A-31-003, Rev S2	Architectural Plans	Tribe Studio Architects	15/11/2023 05/09/2024 05/09/2024 15/11/2023 15/11/2023 15/11/2023 05/09/2024 05/09/2024 05/09/2024 05/03/2024 05/03/2024 05/09/2024 05/09/2024 05/09/2024 05/03/2024 05/03/2024
A-95-001, Rev S1	Finishes Exterior Schedule	Tribe Studio Architects	15/11/2023
2022-273-1	Geotechnical Report	Crozier Geotechnical Consultants	12/12/2023
7224 SW-00-A SW-01-B SW-02-B SW-03-A	Stormwater Management Plan	Harris Page & Associates P/L	29/09/2023 17/11/2023 23/11/2023 29/09/2023
L-DA-00, L-DA-01, L-DA-02, L-DA-03, L-DA-04, L-DA-10, L-DA-11, L-DA-12, L-DA-13, L-DA-20, Rev I	Landscape Plan	360	10/09/2024
	Arboricultural Impact Assessment Report	Andrew Morton – Earthscape Horticultural Services	24/11/2023
22.652r06v03	Traffic Impact Assessment	Traffix	07/12/2023
22.652r04v01	Operational Transport Management Plan	Traffix	08/09/2023
Not specified	Plan of Management	Ascham School	September 2024
<b>Notes:</b> <ul style="list-style-type: none"> <li>Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must 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 plans.</li> <li>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.</li> </ul>			
<b>Condition Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
<b>A. 4.</b>	<b>Relationship with Development Consent (DA433/2021/1 &amp; DA550/2013/1)</b>		
	Development consent <b>No.433/2021/1</b> and <b>550/2013/1</b> shall be modified by this consent, pursuant to Section 4.17(1)(b) of the <i>Environmental Planning and Assessment Act 1979</i> .		

	<b>Condition Reason:</b> This condition has been imposed to ensure the development, will be consistent the previous consents DA433/2021 and DA2013/550.																								
A. 5.	<b>Ancillary Aspects of Development (section 4.17(2) of the Act)</b>  The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.  <b>Notes:</b> <ul style="list-style-type: none"><li>This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.</li></ul> <b>Condition Reason:</b> To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.																								
A. 6.	<b>Tree Preservation and Landscaping Works</b>  While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.  a) The following trees must be retained: <ul style="list-style-type: none"><li>Trees on private land:<table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>1</td><td><i>Araucaria heterophylla</i> (Norfolk Island pine)</td><td>Ascham School Grounds at 37 Darling Point Rd</td><td>27 x 12</td></tr><tr><td>2</td><td><i>Lophostemon confertus</i> (Brushbox)</td><td>Ascham School Grounds at 37 Darling Point Rd</td><td>11 x 8</td></tr><tr><td>7</td><td><i>Dracaena draco</i> (Dragon Tree)</td><td>Front</td><td>3.5 x 1.5</td></tr></table></li><li>Trees on Council land:<table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>5</td><td><i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)</td><td>Public footpath</td><td>22 x 30</td></tr></table></li></ul> The tree/s required to be retained must appear coloured green on the Construction Certificate plans.  b) The following trees may be removed:	Council Ref No	Species	Location	Dimension (metres)	1	<i>Araucaria heterophylla</i> (Norfolk Island pine)	Ascham School Grounds at 37 Darling Point Rd	27 x 12	2	<i>Lophostemon confertus</i> (Brushbox)	Ascham School Grounds at 37 Darling Point Rd	11 x 8	7	<i>Dracaena draco</i> (Dragon Tree)	Front	3.5 x 1.5	Council Ref No	Species	Location	Dimension (metres)	5	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Public footpath	22 x 30
Council Ref No	Species	Location	Dimension (metres)																						
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2	<i>Lophostemon confertus</i> (Brushbox)	Ascham School Grounds at 37 Darling Point Rd	11 x 8																						
7	<i>Dracaena draco</i> (Dragon Tree)	Front	3.5 x 1.5																						
Council Ref No	Species	Location	Dimension (metres)																						
5	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Public footpath	22 x 30																						

Council Ref No		Species	Location	Dimension (metres)
3		<i>Archontophoenix cunninghamii</i> (Bangalow Palm)	Rear	12 x 7
4		<i>Persea americana</i> (Avocado tree)	Rear	10 x 8
<p>The tree/s that may be removed must appear coloured red on the Construction Certificate plans.</p> <p>This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.</p> <p>Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works.</p> <p>To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.</p> <p><b>Condition Reason:</b> To ensure all landscape works are undertaken in accordance with the approved plans and documents.</p>				
<b>A. 7.</b>		<b>No Underpinning works</b>		
		This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.		
		<b>Condition Reason:</b> To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.		

## DEMOLITION WORK

### B. BEFORE DEMOLITION WORK COMMENCES

<b>B. 1.</b>		<b>Construction Certificate Required Prior to Any Demolition</b>
		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" under section 6.6 of the Act.

	<p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> <li>• Before issue of a construction certificate</li> <li>• Before building work commences</li> </ul> <p>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.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.</li> </ul>
	<p><b>Condition Reason:</b> To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
<b>B. 2.</b>	<p><b>Erosion and Sediment Controls – Installation</b></p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ul style="list-style-type: none"> <li>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</li> <li>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ul> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• 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.</li> <li>• 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”.</li> <li>• 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.</li> </ul>
	<p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<b>B. 3.</b>	<p><b>Public Road Assets Prior to Any Work/Demolition</b></p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p>

	<p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> <li>• road pavement,</li> <li>• street signage including street lights,</li> <li>• kerb and gutter,</li> <li>• footway including pedestrian crossings, footpath, and driveways,</li> <li>• retaining walls, or other significant structures,</li> <li>• Heritage Items, including street name inlays,</li> <li>• utility service items including historical utility covers, and</li> <li>• drainage structures/pits/pipes (CCTV footage).</li> </ul> <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>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 site works under this consent.</p> <p><b>Condition Reason:</b> To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
<b>B. 4.</b>	<p><b>Skeletal Remains</b></p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ol style="list-style-type: none"> <li>a) NSW Police, and</li> <li>b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> </ol> <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p><b>Condition Reason:</b> To ensure the appropriate management of skeletal remains.</p>
<b>B. 5.</b>	<p><b>Aboriginal Objects – Unexpected Findings</b></p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ol style="list-style-type: none"> <li>a) Not further disturb or move these objects or bones.</li> <li>b) Immediately cease all work at the particular location.</li> <li>c) In the case of suspected human remains, notify NSW Police.</li> <li>d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.</li> <li>e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> </ol>

	<p>f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under 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.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Definition of Aboriginal object, as per the National Parks &amp; Wildlife Act 1974, is 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.</li> </ul> <p><b>Condition Reason:</b> To protect Aboriginal objects</p>
<b>B. 6.</b>	<p><b>Aboriginal Heritage Due Diligence Responsibilities</b></p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks &amp; Wildlife Act 1974. Under the National Parks &amp; Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p><b>Condition Reason:</b> To protect Aboriginal heritage.</p>
<b>B. 7.</b>	<p><b>Aboriginal Heritage Induction</b></p> <p>Prior to any site works:</p> <ol style="list-style-type: none"> <li>All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974;</li> <li>An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and</li> <li>Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.</li> </ol> <p><b>Condition Reason:</b> To protect Aboriginal heritage.</p>
<b>B. 8.</b>	<p><b>Payment of Security and Fees</b></p> <p>Prior to any site works, the following security and fees must be paid in full:</p>

Description	Amount	Indexed	Council Fee Code
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	\$166 197	No	T115
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$10 000	No	T114
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$242	No	T95
Street Tree Planting and Maintenance Fee	\$2 156	No	T95
Security Deposit Administration Fee	\$242	No	T16
<b>TOTAL SECURITY AND FEES</b>	\$178 837		
<p><b>How must the payments be made?</b> Payments must be made by:</p> <ul style="list-style-type: none"> <li>• cash deposit with Council,</li> <li>• credit card payment with Council, or</li> <li>• bank cheque made payable to Woollahra Municipal Council.</li> </ul> <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> <li>• the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li> <li>• 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],</li> <li>• 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,</li> <li>• the bank guarantee is lodged with the Council prior to any site works being undertaken, and</li> <li>• 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.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The securities will not be released until the 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.</li> </ul>			



	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• The Refund of Security Bond Application form can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul>
	<p><b>Condition Reason:</b> To ensure any relevant security and fees are paid.</p>
<p><b>B. 9.</b></p>	<p><b>Dilapidation Reports for Existing Buildings</b></p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer 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.</p> <p>These properties must include (but is not limited to):</p> <ol style="list-style-type: none"> <li>a) No. 3-17 Darling Point Road</li> <li>b) No. 23 Darling Point Road</li> </ol> <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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 caused by the carrying out of the development.</li> <li>• This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.</li> <li>• 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.</li> <li>• Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.</li> </ul> <p><b>Condition Reason:</b> To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>

B. 10.

Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

A Construction Site Management Plan, which clearly details the tree protection measures, must be prepared before the issue of a construction certificate. The tree protection measures must comply with the following requirements;

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
1	<i>Araucaria heterophylla</i> (Norfolk Island pine)	Ascham School Grounds at 37 Darling Point Rd	As per Appendix 6 Tree Protection Plan prepared by Andrew Morton – Earthscape Horticultural Services, dated 24/11/2023
2	<i>Lophostemon confertus</i> (Brushbox)	Ascham School Grounds at 37 Darling Point Rd	
7	<i>Dracaena draco</i> (Dragon Tree)	Front	1.0

Where this condition relates to trees on private property, the radial distance of fencing must be positioned only within the subject property relating to the development consent.

b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.

c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.

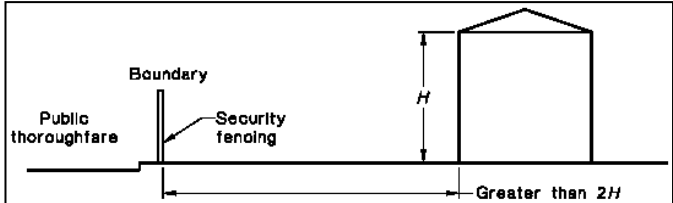
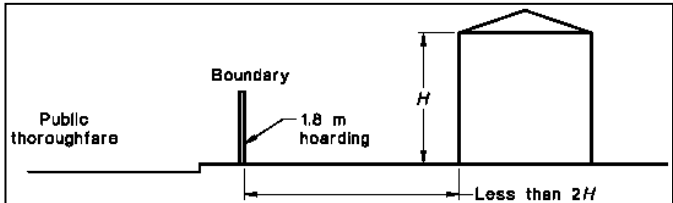
d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.

e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.

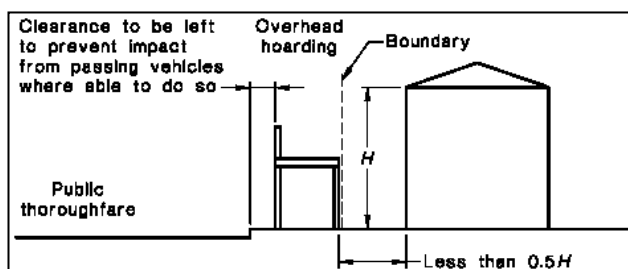
f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any

	<p>subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p> <p><b>Condition Reason:</b> To ensure the protection of existing trees</p>
<b>B. 11.</b>	<p><b>Construction Traffic Management Plan</b></p> <p>Before any site work commences, and as a result of the site constraints, limited space and access, a Construction Management Plan (CMP) is to be submitted to Council for approval. Also, due to lack of on-street parking a Work Zone may be required during construction.</p> <p>An application for the CMP must be submitted for approval, and all associated application fees must be paid.</p> <p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Identify local traffic routes to be used by construction vehicles.</li> <li>Identify ways to manage construction works to address impacts on local traffic routes, particularly during school pick-up and drop-off hours.</li> <li>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.</li> <li>Detail how construction workers will travel to and from the site and parking arrangements for those that drive.</li> <li>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.</li> <li>Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.</li> <li>Provide for the standing of vehicles during construction.</li> <li>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.).</li> <li>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.).</li> <li>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.</li> </ol>

	<p>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.</p> <p>m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.</p> <p>n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to StandPlant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)</p> <p>o) Show the location of any proposed excavation and estimated volumes.</p> <p>p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work must only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.</p> <p>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).</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>A minimum of eight weeks will be required for assessment. Site work must not commence until the Construction Management Plan is approved.</li> <li>Failure to comply with this condition may result in fines and proceedings to stop work.</li> <li>Council and NSW Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Eastern Suburbs Police Area Command.</li> <li>If you partial or full close a road without compliance with Council and NSW Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.</li> <li>Traffic Supervisors at the Eastern Suburbs Police Area Command can be contacted on <a href="mailto:eastsubtraffic@police.nsw.gov">eastsubtraffic@police.nsw.gov</a></li> </ul> <p><b>Condition Reason:</b> To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
<p><b>B. 12.</b></p>	<p><b>Works (Construction) Zone – Approval and Implementation</b></p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>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 site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988.</li> </ul>

	<ul style="list-style-type: none"> <li>The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.</li> </ul> <p><b>Condition Reason:</b> To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
<p><b>B. 13.</b></p>	<p><b>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</b></p> <p>Before any site work commences, 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.</p>  <p><b>Type A Hoarding</b></p> <p>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.</p>  <p><b>Type B Hoarding</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>the vertical height above footpath level of the structure being demolished is less than 4.0m; or</li> <li>the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.</li> </ol> <p>The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:</p> <ol style="list-style-type: none"> <li>extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,</li> <li>have a clear height above the footpath of not less than 2.1m,</li> </ol>

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



The overhead protective structures must be 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](http://www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf)

### All Hoardings

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.

### Hoardings on Public Land including 'Creative Hoardings'

All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

### Notes:

- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
  - A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
  - OR
  - B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
  - OR
  - C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
    - 1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or
    - 2. the land is zoned R2 Low Density Residential, or

	<p>3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road).</p> <ul style="list-style-type: none"> <li>Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure public safety.</p>
<p><b>B. 14.</b></p>	<p><b>Site Signs</b></p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p><b>Erection of signs</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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: <ul style="list-style-type: none"> <li>a) showing the name, address and telephone number of the principal certifier for the work, and</li> <li>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</li> <li>c) stating that unauthorised entry to the work site is prohibited.</li> </ul> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p><b>Signs on development sites</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>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.</li> </ul>



	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with.</li> <li>• 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 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.</li> </ul> <p><b>Condition Reason:</b> To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
<b>B. 15.</b>	<p><b>Toilet Facilities</b></p> <p>Before any site work commences, 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.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> <li>a) must be a standard flushing toilet, and</li> <li>b) must be connected to a public sewer, or</li> <li>c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or</li> <li>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.</li> </ol> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999.</li> <li>• This condition does not set aside the requirement to comply with SafeWork NSW requirements.</li> </ul> <p><b>Condition Reason:</b> To ensure toilet facilities are provided for workers at the work site.</p>
<b>B. 16.</b>	<p><b>Compliance with Australian Standard for Demolition</b></p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p><b>Condition Reason</b> To control the risks of demolition work.</p>
<b>B. 17.</b>	<p><b>Construction Management Plan Arborist Review</b></p> <p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p>

	<p>The plan must address:</p> <ol style="list-style-type: none"> <li>Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;</li> <li>The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.;</li> <li>Site construction access, temporary crossings and movement corridors on the site defined;</li> <li>Contractors car parking;</li> <li>Phasing of construction works;</li> <li>The space needed for all foundation excavations and construction works;</li> <li>All changes in ground level;</li> <li>Space for site sheds and other temporary structures such as toilets;</li> <li>Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and</li> <li>The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.</li> </ol> <p><b>Condition Reason</b> To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p>				
<p><b>B. 18.</b></p>	<p><b>Arborists Documentation and Compliance Checklist</b></p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>A record of the condition of trees to be retained prior to and throughout development.</li> <li>Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 1507 1313 1951"> <thead> <tr> <th data-bbox="341 1507 552 1619">Stage of arboricultural inspection and supervision</th><th data-bbox="552 1507 1313 1619">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="341 1619 552 1951">Prior to any site works</td><td data-bbox="552 1619 1313 1951"> <ul style="list-style-type: none"> <li>Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul> </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none"> <li>Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul>
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		Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.																						
		<b>Condition Reason</b> To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.																						
B.	19.	<b>Permissible work within Tree Protection Zones</b>																						
	Prior to any site works, the following works are permissible within the Tree Protection Zone:																							
	<table><tr><th>Council Ref No</th><th>Species</th><th>Radius from Centre of Trunk (Metres)</th><th>Approved works</th></tr><tr><td>1</td><td><i>Araucaria heterophylla</i> (Norfolk Island pine)</td><td>5.5</td><td rowspan="2">New driveway, retaining wall, paving and landscaping works</td></tr><tr><td>2</td><td><i>Lophostemon confertus</i> (Brushbox)</td><td>4.0</td></tr><tr><td>5</td><td><i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)</td><td>10.0</td><td rowspan="3">Stormwater services, paving &amp; landscaping works</td></tr><tr><td>6</td><td><i>Plumeria acutifolia</i> (Frangipani),</td><td>0.3</td></tr><tr><td>7</td><td><i>Dracaena draco</i> (Dragon Tree)</td><td>1.0</td></tr></table>			Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works	1	<i>Araucaria heterophylla</i> (Norfolk Island pine)	5.5	New driveway, retaining wall, paving and landscaping works	2	<i>Lophostemon confertus</i> (Brushbox)	4.0	5	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	10.0	Stormwater services, paving & landscaping works	6	<i>Plumeria acutifolia</i> (Frangipani),	0.3	7	<i>Dracaena draco</i> (Dragon Tree)	1.0
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The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.																								
		<b>Condition Reason</b> To establish the works which are permissible within the Tree Protection Zones.																						

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

NIL	Condition
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BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	1.	<b>Modification of Details of the Development (section 4.17(1)(g) of the Act</b>
		Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the

	<p>Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p><b>a) Visual Privacy:</b></p> <p>To protect the visual privacy of No.23 Darling Point Road, in accordance with Objective O2 of Part B3.5.4 of the WDCP, 2015 fixed translucent glazing to a height of 1.5m from the finished floor level shall be installed to the Office window (W-N15) and the common Kitchen window (W-N11) located on the northern elevation to Level 1.</p> <p><b>b) Front Fence/Balustrade:</b></p> <p>To protect the character and appearance of the Darling Point Road streetscape, in accordance with Objectives O1 and O8 of Part B3.7.2 of the WDCP, 2015 the proposed replacement metal pipe fence/balustrade to be installed across the front boundary must be deleted and replaced with vertically proportioned metal fencing/balustrading.</p> <p><b><u>Details in accordance with this condition are to be submitted and approved by Council prior to the issue of a Construction Certificate.</u></b></p> <p><b>c) Amended Landscape Plan:</b></p> <p>An amended Landscape Plan shall be prepared before Construction Certificate to show the following:</p> <ul style="list-style-type: none"><li>i. The entire paving of the courtyard at rear shall be semi-porous or porous material to allow for water infiltration and gaseous exchange for root growth;</li><li>ii. One (1) <i>Ficus rubiginosa</i> (Port Jackson Fig) x 300L shall be planted within the rear setback between the new accessway and building extension and adjacent to the boundary to the south instead of the Camellia shown on the Landscape Plan. This tree must be planted at least 1.5m from proposed/existing structures and services.</li></ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>• Clause 20 of the Development Certification and Fire Safety Regulations prohibits <b>the</b> issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.</li><li>• Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.</li></ul> <p><b>Condition Reason:</b> To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p>								
D 2.	<p><b>Payment of Long Service Levy</b></p> <p>Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:</p> <table><tr><td>Description</td><td>Amount</td><td>Indexed</td><td>Council Fee Code</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Description	Amount	Indexed	Council Fee Code				
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<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	

**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 Principal Certifier 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](http://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.

**Condition Reason:** To ensure any relevant levy is paid.

<b>D 3.</b>	<p><b>Building Upgrade (clause 64 of the Regulation)</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specification required to be submitted to the Principal Certifier, under clause 7 of the Development Certification and Fire Safety Regulation, must ensure the existing building is brought into total or partial conformity with the BCA, by detailing all building upgrade works required by this condition.</p> <p>The Principal Certifier 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:</p> <ul style="list-style-type: none"><li>a) Section C</li><li>b) Parts D2 and D3, or the relevant Performance Requirements</li><li>c) Section E</li></ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>• The measures contained in the building are inadequate:<ul style="list-style-type: none"><li>a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and/or</li><li>b) to restrict the spread of fire from the building to other buildings nearby.</li></ul></li><li>• The Principal Certifier issuing the construction certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this conditions specifies compliance with performance requirements of the BCA the Principal Certifier, 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.</li></ul>
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	<ul style="list-style-type: none"><li>This condition does not set aside the Principal Certifier's responsibility to ensure compliance with clause 14 of the Development Certification and Fire Safety Regulation in relation to Fire Protection and Structural Adequacy.</li></ul>																												
	<b>Condition Reason:</b> To ensure that, in accordance with clause 64 of the Regulation, that the existing building be upgraded to total or partial conformity with the BCA.																												
D	<b>4. Road and Public Domain Works</b>																												
	<p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <p>a) The installation of stormwater outlet pipe(s) across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers,</p> <p>Note: All below ground structures are to be fully tanked such that subsoil drainage / seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP.</p> <p>b) The reinstatement of all damaged footpath, kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers, and</p> <p>c) 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.</p> <p>Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:</p> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4"><b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td></tr><tr><td><b>Infrastructure Works Bond</b> - completing any public work required in connection with the consent.</td><td>\$ Nil</td><td>No</td><td>T113</td></tr><tr><td><b>Infrastructure Works Bond</b> – remedying any defects in any public work that arise within 6 months after the work is completed</td><td>\$ Nil</td><td>No</td><td>T113</td></tr><tr><td colspan="4"><b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i></td></tr><tr><td>Public Road and Footpath Infrastructure Inspection Fee</td><td>\$ 674</td><td>No</td><td>T45</td></tr><tr><td><b>TOTAL SECURITY AND FEES</b></td><td>\$ 674</td><td></td><td></td></tr></table> <p><b>How must the payments be made?</b></p>	Description	Amount	Indexed	Council Fee Code	<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				<b>Infrastructure Works Bond</b> - completing any public work required in connection with the consent.	\$ Nil	No	T113	<b>Infrastructure Works Bond</b> – remedying any defects in any public work that arise within 6 months after the work is completed	\$ Nil	No	T113	<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>				Public Road and Footpath Infrastructure Inspection Fee	\$ 674	No	T45	<b>TOTAL SECURITY AND FEES</b>	\$ 674		
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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 any site works being undertaken, 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.

**Notes:**

- **Road** has the same meaning as in the Roads Act 1993.
- 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.
- 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). 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

	<p>(1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Any adjustments required from the garage slab and the street levels are to be carried out internally on private property</li> <li>• Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</li> <li>• Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".</li> <li>• 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 must 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.</li> <li>• 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 <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</li> <li>• When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.</li> </ul> <p><b>Condition Reason:</b> To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.</p>
<p><b>D 5.</b></p>	<p><b>Erosion and Sediment Control Plan – Submission and Approval</b></p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ol style="list-style-type: none"> <li>a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and</li> <li>b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</li> </ol> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The International Erosion Control Association – Australasia <a href="http://www.austieca.com.au">www.austieca.com.au</a> 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.</li> <li>• The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>, and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> </ul>



	<ul style="list-style-type: none"> <li>Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.</li> </ul>
	<p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<b>D 6.</b>	<p><b>Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water</b></p> <p>Before the issue of any construction certificate, the approved plans must be submitted to Sydney Water Tap In TM online service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met.</p> <p>The Tap In™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> <li>building plan approvals</li> <li>connection and disconnection approvals</li> <li>diagrams</li> <li>trade waste approvals</li> <li>pressure information</li> <li>water meter installations</li> <li>pressure boosting and pump approvals</li> <li>changes to an existing service or asset, e.g. relocating or moving an asset.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>For more information go to Sydney Water <a href="http://www.sydneywater.com.au/tapin/index.htm">www.sydneywater.com.au/tapin/index.htm</a> and <a href="http://www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm">www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm</a> or call 1300 082 746.</li> </ul> <p><b>Condition Reason:</b> To ensure the development meets the requirements of Sydney Water, and protects existing assets owned by Sydney Water.</p>
<b>D 7.</b>	<p><b>Erosion and Sediment Control Plan – Submission and Approval</b></p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ul style="list-style-type: none"> <li>c) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and</li> <li>d) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ul> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The International Erosion Control Association – Australasia <a href="http://www.austieca.com.au">www.austieca.com.au</a> lists consultant experts who can assist in ensuring compliance with this condition.</li> </ul>

	<p>Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.</p> <ul style="list-style-type: none"> <li>The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>, and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.</li> </ul>										
	<p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>										
<b>D 8.</b>	<p><b>Payment of S7.12 Contributions Levy</b></p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The cost estimate report must be in the form of:</p> <ul style="list-style-type: none"> <li>A cost summary report, prepared by the applicant or a person acting on the behalf of the applicant for a development up to \$150,000;</li> <li>A cost summary report, prepared by a suitably qualified person, at the applicant's cost, where the cost of development is between \$150,000 and \$749,999; or</li> <li>A quantity surveyor's report, at the applicant's cost, for development over \$750,000.</li> </ul> <p>Note: A 'suitably qualified person' is defined in the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>The applicable levy rate is to be calculated using the summary schedule below.</p> <table border="1"> <thead> <tr> <th colspan="2">Summary Schedule</th></tr> <tr> <th>Development Cost</th><th>Levy Rate</th></tr> </thead> <tbody> <tr> <td>• Up to and including \$100,000</td><td>Nil</td></tr> <tr> <td>• More than \$100,000 and up to and including \$200,000</td><td>0.5% of the cost</td></tr> <tr> <td>• More than \$200,000</td><td>1% of the cost</td></tr> </tbody> </table> <p><b>How must the payments be made?</b> Payments must be made by:</p> <ul style="list-style-type: none"> <li>Cash deposit with Council,</li> <li>Credit card payment with Council, or</li> <li>Bank cheque made payable to Woollahra Municipal Council.</li> </ul> <p><b>Deferred or periodic payment of section 7.12 levy</b> Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the</p>	Summary Schedule		Development Cost	Levy Rate	• Up to and including \$100,000	Nil	• More than \$100,000 and up to and including \$200,000	0.5% of the cost	• More than \$200,000	1% of the cost
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• More than \$200,000	1% of the cost										

	<p>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:</p> <ul style="list-style-type: none"> <li>the reasons given,</li> <li>whether any prejudice will be caused to the community deriving benefit from the public facilities,</li> <li>whether any prejudice will be caused to the efficacy and operation of the Plan, and</li> <li>whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.</li> </ul> <p>Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:</p> <ul style="list-style-type: none"> <li>the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li> <li>the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,</li> <li>a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,</li> <li>the bank agrees to pay the guaranteed sum without recourse 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, and</li> <li>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.</li> </ul> <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 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.</p> <p><b>Do you need HELP indexing the levy?</b> Please contact Council's Customer Service Team on 02 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 (e.g. construction certificate, subdivision certificate, or occupation certificate).</p> <p><b>Condition Reason:</b> To ensure any relevant contributions are paid.</p>
<b>D 9.</b>	<p><b>Tree Protection Plan and Specification</b></p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> <li>shaded green where required to be retained and protected</li> <li>shaded red where authorised to be removed</li> </ul>

	<ul style="list-style-type: none"> <li>shaded yellow where required to be transplanted</li> <li>shaded blue where required to be pruned</li> </ul> <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> <li>Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected.</li> <li>The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices.</li> <li>Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 &amp; 5 of AS4970, providing guidance for the implementation of tree protection methods.</li> <li>To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist.</li> </ul> <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p>
	<p><b>Condition Reason:</b> To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
<b>D 10.</b>	<p><b>Structural Adequacy of Existing Supporting Structures</b></p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p>
	<p><b>Condition Reason:</b> To ensure that the existing structure is able to support the additional loads proposed.</p>
<b>D 11.</b>	<p><b>Professional Engineering Details</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety 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, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This does not affect the right of the developer to seek staged construction certificates.</li> </ul>

		<p><b>Condition Reason:</b> To ensure professional engineering details and technical specifications are provided.</p>
<b>D</b>	<b>12.</b>	<p><b>Engineer Certification</b></p> <p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.</p> <p><b>Condition Reason:</b> To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>
<b>D</b>	<b>13.</b>	<p><b>Geotechnical and Hydrogeological Design, Certification and Monitoring</b></p> <p>Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include 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.</p> <p>These details must be certified by the professional engineer to:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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).</li> <li>Provide details of cut-off walls or similar controls 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.</li> <li>Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter.</li> <li>Provide a Geotechnical and Hydrogeological Monitoring Program that: <ul style="list-style-type: none"> <li>will detect any settlement associated with temporary and permanent works and structures,</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),</li> <li>• will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity),</li> <li>• will detect groundwater changes calibrated against natural groundwater variations,</li> <li>• details the location and type of monitoring systems to be utilised,</li> <li>• details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,</li> <li>• details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>• details a contingency plan.</li> </ul>
	<p><b>Condition Reason:</b> To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p>
<b>D 14.</b>	<p><b>Ground Anchors</b></p> <p>This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.</p> <p>Before the issue of any construction certificate, if ground anchors are proposed:</p> <ol style="list-style-type: none"> <li>a) Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any ground anchors extending beyond the boundaries of the subject property.</li> <li>b) The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land 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.</li> <li>c) 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. A minimum of four weeks should be allowed for assessment.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.</li> <li>• Road has the same meaning as in the Roads Act 1993.</li> <li>• Clause 17 of the Roads (General) Regulation 2018 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.</li> </ul>

		<p><b>Condition Reason:</b> To ensure the relevant approval is gained for any temporary ground anchors.</p>
<b>D</b>	<b>15.</b>	<p><b>Stormwater Management Plan</b></p> <p>Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a Chartered Professional Civil Engineer, which detail the following:</p> <ul style="list-style-type: none"> <li>a) General design in accordance with stormwater management plans, referenced 7224-B, prepared by Harris Page &amp; Associates P/L, dated 23/11/2023, other than amended by this and other conditions,</li> <li>b) Subsoil drainage/seepage water must NOT be discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings,</li> <li>c) The discharge of stormwater from the site, by direct connection, to the kerb and gutter. Only one stormwater outlet point will be permitted. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3,</li> <li>d) The installation of On-site Stormwater Detention system (OSD) with a minimum storage volume of 24.5m<sup>3</sup> to comply with Chapter E2.2.4 of Council's DCP,</li> <li>e) The installation of rainwater tank (RWT) with a minimum storage volume of 5m<sup>3</sup>. Overflow from the RWT must be directed to the proposed OSD system by gravity.</li> <li>f) The OSD system must be designed with a safe emergency surcharge/overflow route to Council's street drainage system in Darling Point Road,</li> <li>g) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the OSD system by gravity,</li> <li>h) The provision of stormwater treatment system including but not limited to 2 x 690PSorb StormFilter by Ocean Protect to meet the water quality targets stipulated in Chapter E2.2.3 of Council's DCP. Result of the MUSIC modelling must be included in the drawings,</li> <li>i) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans,</li> <li>j) The dimensions of all drainage pits and access grates must comply with AS3500.3,</li> <li>k) Compliance with the objectives and performance requirements of the BCA,</li> <li>l) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</li> </ul> <p><b>On-site Stormwater Detention (OSD) Requirements</b> The minimum Site Storage Requirements ("SSR") for the required On-site Stormwater Detention (OSD) system must be 24.5m<sup>3</sup> and the Total Site Discharge for the proposed development must not exceed 20l/s.</p> <p><b>Rainwater Tank (RWT) Requirements</b></p>

The minimum storage volume for the required rainwater tank (RWT) must be 5m<sup>3</sup>.

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 Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification.
- b) Location of proposed rainwater tanks.
- 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.
- f) Overland flow paths over impervious areas.

**On-site Stormwater Detention (OSD) System Details:**

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

**Rainwater Reuse System Details:**

- a) Any potential conflict between existing and proposed trees and vegetation.
- b) Internal dimensions and volume of the proposed rainwater storage.
- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures.
- d) Details of access and maintenance facilities.
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
- f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks

For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.

All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).

**Notes:**

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



	<b>Condition Reason:</b> To ensure that site stormwater is disposed of in a controlled and sustainable manner.
<b>D 16.</b>	<p><b>Non-Gravity Drainage Systems</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site.</p> <p>The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Woollahra DCP is available from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>

## E. BEFORE BUILDING WORK COMMENCES

<b>E 1.</b>	<p><b>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</b></p> <p>Before any building work commences, and under 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:</p> <ol style="list-style-type: none"> <li>that the work must be carried out in accordance with the requirements of the Building Code of Australia,</li> <li>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.</li> </ol> <p>This condition does not apply:</p> <ol style="list-style-type: none"> <li>to the extent to which an exemption is in force under the Home Building Regulation 2014, or</li> <li>to the erection of a temporary building.</li> </ol> <p>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.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>All new guttering is to comply with the provisions of AS3500.</li> </ul>
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	<p><b>Condition Reason:</b> To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<b>E 2.</b>	<p><b>Erosion and Sediment Controls – Installation</b></p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> <li>The Soil and Water Management Plan if required under this consent;</li> <li>“Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</li> <li>“Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ol> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The International Erosion Control Association – Australasia (<a href="http://www.austieca.com.au/">www.austieca.com.au/</a>) lists consultant experts who can assist in ensuring compliance with this condition.</li> <li>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.</li> <li>The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>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.</li> <li>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”.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<b>E 3.</b>	<p><b>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</b></p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> <li>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</li> <li>The person having the benefit of the development consent has: <ul style="list-style-type: none"> <li>appointed a Principal Certifier for the building work, and</li> <li>notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and</li> </ul> </li> <li>The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> <li>notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>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</li> </ul> <p>d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:</p> <ul style="list-style-type: none"> <li>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</li> <li>notified the Principal Certifier of any such appointment, and</li> <li>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</li> <li>given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li><b>Building</b> 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.</li> <li><b>New building</b> 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.</li> <li>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: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125.</li> <li>Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>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.</li> <li>Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.</li> </ul> <p><b>Condition Reason:</b> To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
<p><b>E 4.</b></p>	<p><b>Notification of Home Building Act 1989 requirements</b></p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none"> <li>the name and licence number of the Principal Contractor, and</li> <li>the name of the insurer by which the work is insured under Part 6 of that Act,</li> </ul> <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none"> <li>the name of the Owner-builder, and</li> <li>if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.</li> </ul>

	<p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>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.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p> <p><b>Condition Reason:</b> To ensure Council is notified of the Home Building Acts 1989 requirements.</p>
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## F. DURING BUILDING WORK

F 1.	<b>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</b>
	<p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</li> <li>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.</li> </ul> <p>This condition does not apply:</p> <ul style="list-style-type: none"> <li>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</li> <li>b) to the erection of a temporary building.</li> </ul> <p>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.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• All new guttering is to comply with the provisions of AS 3500.</li> </ul> <p><b>Condition Reason:</b> To ensure compliance with the BCA and Home building Act 1989.</p>
F 2.	<b>Compliance with Construction Traffic Management Plan</b>

	<p>While site work is being carried out, all development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP). 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 on request.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.</li> </ul> <p><b>Condition Reason:</b> To ensure compliance with the Construction Management Plan.</p>
<b>F 3.</b>	<p><b>Requirement to Notify about New Evidence</b></p> <p>While site work is being carried out, any new information that comes to light, 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.</p> <p><b>Condition Reason:</b> To ensure Council and the Principal Certifier are made aware of new information.</p>
<b>F 4.</b>	<p><b>Critical Stage Inspections</b></p> <p>While site work is being carried out, 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, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>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.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent.</li> <li>The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.</li> </ul> <p><b>Condition Reason:</b> To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<b>F 5.</b>	<p><b>Hours of Work –Amenity of the Neighbourhood</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>No work must take place on any Sunday or public holiday.</li> <li>No work must take place before 7am or after 5pm any weekday.</li> </ol>

- 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 interval break within every hour.

**Notes:**

- 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.
- Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.
- The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.
- 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.
- NSW EPA Noise Guide is available at [www.epa.nsw.gov.au/noise/nglg.htm](http://www.epa.nsw.gov.au/noise/nglg.htm)

**Condition Reason:** To mitigate the impact of work upon the amenity of the neighbourhood.

<b>F 6.</b>	<b>Public Footpaths – Safety, Access and Maintenance</b>
	<p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ul style="list-style-type: none"> <li>a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.</li> <li>b) Not use the road or footway for the storage of any article, material, matter, waste or thing.</li> </ul>

	<p>c) Not use the road or footway for any work.</p> <p>d) Keep the road and footway in good repair free of any trip hazard or obstruction.</p> <p>e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.</p> <p>f) Not stand any plant and equipment upon the road or footway.</p> <p>g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.</p> <p>h) Provide a clear safe pedestrian route a minimum of 1.5m wide.</p> <p>i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.</p> <p>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:</p> <p>a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards.</p> <p>b) Australian Road Rules.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Section 148B of the Road Transport Act 2013 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.</li> <li>Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> <li>- erect a structure or carry out a work in, on or over a public road, or</li> <li>- dig up or disturb the surface of a public road, or</li> <li>- remove or interfere with a structure, work or tree on a public road, or</li> <li>- pump water into a public road from any land adjoining the road, or</li> <li>- connect a road (whether public or private) to a classified road,</li> <li>- otherwise than with the consent of the appropriate roads authority.</li> </ul> </li> <li>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: <ul style="list-style-type: none"> <li>- Part C Management of waste: <ul style="list-style-type: none"> <li>a) For fee or reward, transport waste over or under a public place</li> <li>b) Place waste in a public place</li> <li>c) Place a waste storage container in a public place.</li> </ul> </li> <li>- Part E Public roads: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> </ul> </li> </ul> <p><b>Condition Reason:</b> To ensure safe access is maintained to footpaths and roads during building works.</p>
<p><b>F 7.</b></p>	<p><b>Tree Preservation</b></p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other</p>

	<p>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.</p> <p>General Protection Requirements:</p> <ul style="list-style-type: none"> <li>a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent.</li> <li>b) 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.</li> <li>c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.</li> </ul> <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p>
	<p><b>Condition Reason:</b> To protect trees during the carrying out of sitework.</p>
<b>F 8.</b>	<p><b>Maintenance of Environmental Controls</b></p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> <li>a) erosion and sediment controls,</li> <li>b) dust controls,</li> <li>c) dewatering discharges,</li> <li>d) noise controls,</li> <li>e) vibration monitoring and controls, and</li> <li>f) ablutions.</li> </ul>
	<p><b>Condition Reason:</b> To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<b>F 9.</b>	<p><b>Compliance with Geotechnical / Hydrogeological Monitoring Program</b></p> <p>While site work is being carried out, 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.</p> <p>The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) the location and type of monitoring systems to be utilised,</li> <li>b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>c) the contingency plan.</li> </ul> <p><b>Notes:</b></p>



	<ul style="list-style-type: none"> <li>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.</li> </ul>
	<p><b>Condition Reason:</b> To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.</p>
<b>F 10.</b>	<p><b>Support of Adjoining Land and Buildings</b></p>
	<p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>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.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>the consent of the owners of such adjoining or supported land to trespass or encroach, or</li> <li>an access order under the Access to Neighbouring Land Act 2000, or</li> <li>an easement under section 88K of the Conveyancing Act 1919, or</li> <li>an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.</li> </ul> </li> <li>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).</li> <li>Clause 17 of the Roads Regulation 2018 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.</li> <li>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.</li> </ul>
	<p><b>Condition Reason:</b> To ensure that the support of adjoining land is not removed.</p>
<b>F 11.</b>	<p><b>Vibration Monitoring</b></p>
	<p>While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p> <p>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.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>Professional engineer</b> has the same mean as in Schedule 1 of the BCA.</li> <li>• <b>Building</b> 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...."</li> <li>• <b>Supported land</b> has the same meaning as in the Conveyancing Act 1919.</li> </ul> <p><b>Condition Reason:</b> To monitor and manage vibration impacts from development.</p>
<b>F 12.</b>	<p><b>Erosion and Sediment Controls – Maintenance</b></p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> <li>a) the Soil and Water Management Plan required under this consent,</li> <li>b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</li> </ol>

	<p>c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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".</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>
<b>F 13.</b>	<p><b>Disposal of Site Water During Construction</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993.</li> <li>Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water.</li> <li>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.</li> </ol> <p><b>Condition Reason:</b> To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
<b>F 14.</b>	<p><b>Site Cranes</b></p> <p>While site work is being carried out, 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.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p> <p>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).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p><b>Notes:</b></p>

		<ul style="list-style-type: none"> <li>Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place.</li> <li>Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, 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 must be obtained. 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.</li> </ul>
		<b>Condition Reason:</b> To ensure site cranes are used safely with the relevant approvals.
<b>F</b>	<b>15.</b>	<p><b>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</b></p> <p>While site work is being carried out, a registered surveyor must carry out check surveys and provide 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.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</li> <li>Flood protection measures are in place confirming location, height and capacity.</li> </ol>
		<b>Condition Reason:</b> To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.
<b>F</b>	<b>16.</b>	<p><b>Placement and Use of Skip Bins</b></p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p>

	<p>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</p> <p>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.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure waste storage containers are appropriately located.</p>
<b>F 17.</b>	<p><b>Prohibition of Burning</b></p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.</li> </ul> <p><b>Condition Reason:</b> To ensure no burning of waste occurs.</p>
<b>F 18.</b>	<p><b>Dust Mitigation</b></p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> <li>Dust screens to all hoardings and site fences.</li> <li>All stockpiles or loose materials to be covered when not being used.</li> <li>All equipment, where capable, being fitted with dust catchers.</li> <li>All loose materials being placed bags before placing into waste or skip bins.</li> <li>All waste and skip bins being kept covered when not being filled or emptied.</li> <li>The surface of excavation work being kept wet to minimise dust.</li> <li>Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>“Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from <a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a> and <a href="http://www.epa.nsw.gov.au">www.epa.nsw.gov.au</a>. Other specific conditions and advice may apply.</li> <li>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.</li> </ul>

	<b>Condition Reason:</b> To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.
<b>F 19.</b>	<p><b>Shoring and Adequacy of Adjoining Property</b></p> <p>While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense:</p> <p>a) protect and support the adjoining premises from possible damage from the excavation.</p> <p>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 an excavation that extends below the level of the base of the footings of a building on adjoining land.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</li> </ul> <p><b>Condition Reason:</b> To protect and support the adjoining premises from possible damage from the excavation.</p>
<b>F 20.</b>	<p><b>Site Waste Minimisation and Management – Demolition</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <p>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,</p> <p>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),</p> <p>c) separate collection bins and/or areas for the storage of residual waste are to be provided,</p> <p>d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted',</p> <p>e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and</p> <p>f) site disturbance must be minimised, and unnecessary excavation limited.</p> <p>When implementing the SWMMP the Applicant must ensure:</p> <p>a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,</p> <p>b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,</p> <p>c) waste is only transported to a place that can lawfully be used as a waste facility,</p> <p>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</p> <p>e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.</p>

	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Materials that have an existing reuse or recycling market must 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.</li> </ul> <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from demolition activities.</p>
<b>F 21.</b>	<p><b>Site Waste Minimisation and Management – Construction</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> <li>the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</li> <li>deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage,</li> <li>consideration must be given to returning excess materials to the supplier or manufacturer,</li> <li>an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),</li> <li>the purpose and content of the storage areas must be clearly ‘signposted’,</li> <li>contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</li> <li>separate collection bins or areas for the storage of residual waste must be promoted,</li> <li>measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</li> <li>site disturbance must be minimised and unnecessary excavation limited,</li> <li>all waste must be transported to a place that can lawfully be used as a waste facility, and</li> <li>records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</li> </ol> <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from construction activities.</p>
<b>F 22.</b>	<p><b>Asbestos Removal</b></p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ol style="list-style-type: none"> <li>Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</li> <li>Be carried out in accordance with the relevant SafeWork NSW codes of practice.</li> <li>No asbestos products may be reused on the site.</li> </ol>

	<p>d) No asbestos laden skip or bins must be left in any public place.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> <li>- Work Health and Safety Act 2011,</li> <li>- Work Health and Safety Regulation 2017,</li> <li>- SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and</li> <li>- SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016).</li> </ul> </li> <li>• For more information go to the SafeWork NSW website on asbestos <a href="http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos">www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos</a>, and <a href="http://www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice">www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice</a> or call 131 050</li> </ul> <p><b>Condition Reason:</b> To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
<b>F 23.</b>	<p><b>Classification of Hazardous Waste</b></p> <p>While site work is being carried out, and 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.</p> <p><b>Condition Reason:</b> 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.</p>
<b>F 24.</b>	<p><b>Disposal of Asbestos and Hazardous Waste</b></p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p> <p><b>Condition Reason:</b> 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.</p>
<b>F 25.</b>	<p><b>Asbestos Removal Signage</b></p> <p>While site work is being carried out and when asbestos is being removed, 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.</p> <p><b>Condition Reason:</b> To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>
<b>F 26.</b>	<p><b>Notification of Asbestos Removal</b></p>



		<p>While site work is being carried out, 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.</p> <p>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.</p> <p><b>Condition Reason:</b> To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.</p>				
F	27.	<p><b>Arborists Documentation and Compliance Checklist</b></p> <p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"><li>a) a record of the condition of trees to be retained prior to and throughout development,</li><li>b) recommended actions to improve site conditions and rectification of non-compliance, and</li><li>c) recommendations for future works which may impact the trees.</li></ul> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>While site work is carried out</td><td><ul style="list-style-type: none"><li>• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.</li><li>• The project arborist must supervise the demolition of the existing ### within ## metres from Tree No.##. The condition of exposed roots must be managed and documented.</li><li>• The project arborist must supervise the installation of the ### within ## metres of Tree No.#, documenting the condition of roots and soil.</li><li>• The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter.</li><li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li><li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li></ul></td></tr></table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	While site work is carried out	<ul style="list-style-type: none"><li>• The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.</li><li>• The project arborist must supervise the demolition of the existing ### within ## metres from Tree No.##. The condition of exposed roots must be managed and documented.</li><li>• The project arborist must supervise the installation of the ### within ## metres of Tree No.#, documenting the condition of roots and soil.</li><li>• The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter.</li><li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li><li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li></ul>
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	<ul style="list-style-type: none"><li>Regular inspections as indicated in the Tree Management Plan.</li></ul>															
<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>																
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F 28.	<p><b>Replacement/Supplementary trees which must be planted</b></p> <p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area &lt;delete this if planted in a planter box on a structure&gt; 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 becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.</p> <table><tr><th>Species/Type</th><th>Planting Location</th><th>Container Size/Size of Tree (at planting)</th><th>Minimum Dimensions at Maturity (metres)</th></tr><tr><td>1 x <i>Ficus rubiginosa</i> (Port Jackson Fig)</td><td>Rear, adjacent to south boundary</td><td>300L</td><td>10 x 8</td></tr><tr><td>1 x <i>Backhousia citriodora</i> (Lemon Myrtle)</td><td colspan="3" rowspan="4">As per L-DA-13 Landscape Planting Zones Plan Rev G, designed by 360, dated 27/11/2023</td></tr><tr><td>2 x <i>Cyathea cooperi</i> (Australian Tree Fern)</td></tr><tr><td>3 x <i>Lagerstroemia indica</i> (Crepe Myrtle)</td></tr><tr><td>1 x <i>Melaleuca styphelioides</i> (Prickly-Leaved Paperbark)</td></tr></table>	Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)	1 x <i>Ficus rubiginosa</i> (Port Jackson Fig)	Rear, adjacent to south boundary	300L	10 x 8	1 x <i>Backhousia citriodora</i> (Lemon Myrtle)	As per L-DA-13 Landscape Planting Zones Plan Rev G, designed by 360, dated 27/11/2023			2 x <i>Cyathea cooperi</i> (Australian Tree Fern)	3 x <i>Lagerstroemia indica</i> (Crepe Myrtle)	1 x <i>Melaleuca styphelioides</i> (Prickly-Leaved Paperbark)
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	<p>The project arborist must document compliance with the above condition.</p>											
	<p><b>Condition Reason:</b> To ensure the provision of appropriate replacement planting.</p>											
F	<p><b>29. Level changes in the vicinity of trees</b></p> <p>While site work is being carried out, no level changes must occur within the specified radius from the trunks of the following trees.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>1</td><td><i>Araucaria heterophylla</i> (Norfolk Island pine)</td><td rowspan="2">Ascham School Grounds at 37 Darling Point Rd</td><td>9.0 (excluding the driveway)</td></tr><tr><td>2</td><td><i>Lophostemon confertus</i> (Brushbox)</td><td>4.0</td></tr></table> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure level changes would not adversely impact upon the health of existing trees.</p>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	1	<i>Araucaria heterophylla</i> (Norfolk Island pine)	Ascham School Grounds at 37 Darling Point Rd	9.0 (excluding the driveway)	2	<i>Lophostemon confertus</i> (Brushbox)	4.0
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F	<p><b>30. Hand excavation within tree root zones</b></p> <p>While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>1</td><td><i>Araucaria heterophylla</i> (Norfolk Island pine)</td><td rowspan="2">Ascham School Grounds at 37 Darling Point Rd</td><td>9.0</td></tr><tr><td>2</td><td><i>Lophostemon confertus</i> (Brushbox)</td><td>4.0</td></tr></table> <p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p>	Council Ref No	Species	Location	Radius from centre of trunk (metres)	1	<i>Araucaria heterophylla</i> (Norfolk Island pine)	Ascham School Grounds at 37 Darling Point Rd	9.0	2	<i>Lophostemon confertus</i> (Brushbox)	4.0
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	<p>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).</p> <p>The project arborist must document compliance with the above condition.</p>
	<p><b>Condition Reason:</b> To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p>

## G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G	1.	<b>Occupation Certificate (section 6.9 of the Act)</b>
		<p>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.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>New building includes an altered portion of, or an extension to, an existing building.</li> </ul>
		<p><b>Condition Reason:</b> To ensure the building is suitable to occupy.</p>
G	2.	<b>Fire Safety Certificates</b>
		<p>Before the issue of any occupation certificate to authorise a person:</p> <p>a) to commence occupation or use of a new building, or</p> <p>b) to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>In this condition: <ul style="list-style-type: none"> <li><b>interim fire safety certificate</b> has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation.</li> <li><b>final fire safety certificate</b> has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation.</li> <li><b>new building</b> has the same meaning as it has in section 6.1 of the Act.</li> </ul> </li> </ul>
		<p><b>Condition Reason:</b> To ensure that a final fire safety certificate is issued prior to occupation.</p>
G	3.	<b>Amenity Landscaping</b>
		<p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p>
		<p><b>Condition Reason:</b> To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p>

<b>G</b>	<b>4.</b>	<b>Commissioning and Certification of Systems and Works</b>
		<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> <li>Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.</li> <li>All flood protection measures.</li> <li>All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking.</li> <li>All stormwater drainage and storage systems.</li> <li>All mechanical ventilation systems.</li> <li>All hydraulic systems.</li> <li>All structural work.</li> <li>All acoustic attenuation work.</li> <li>All waterproofing.</li> <li>Such further matters as the Principal Certifier may require.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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).</li> <li>The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.</li> </ul>
		<p><b>Condition Reason:</b> To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
<b>G</b>	<b>5.</b>	<b>Landscaping</b>
		<p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with 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 landscaping and replacement/supplementary tree planting works comply with this consent.</p>
		<p><b>Condition Reason:</b> To ensure that all landscaping work is completed prior to occupation.</p>
<b>G</b>	<b>6.</b>	<b>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</b>

	<p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>a) A record of the condition of trees to be retained prior to and throughout development.</li> <li>b) Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>c) Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 714 1313 882"> <tr> <th data-bbox="341 714 628 797">Stage of arboricultural inspection and supervision</th><th data-bbox="628 714 1313 797">Compliance documentation and photos must include</th></tr> <tr> <td data-bbox="341 797 628 882">Prior to the issue of any occupation certificate</td><td data-bbox="628 797 1313 882">Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
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<p><b>G 7.</b></p>	<p><b>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</b></p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> <li>a) A record of the condition of trees to be retained prior to and throughout development.</li> <li>b) Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>c) Recommendations for future works which may impact the trees.</li> </ul> <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 1805 1362 1861"> <tr> <th data-bbox="341 1805 684 1861">Stage of arboricultural inspection and supervision</th><th data-bbox="684 1805 1362 1861">Compliance documentation and photos must include</th></tr> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include		
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<b>G 8.</b>	<p><b>Works within Public Land (including Council, State or Federal owned land or property)</b></p> <p>Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed 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 person with the benefit of this consents expense:</p> <ol style="list-style-type: none"> <li>stormwater pipes, pits, structures and connections to public stormwater systems within the road,</li> <li>driveways and vehicular crossings,</li> <li>renew/new retaining structures,</li> <li>overhang structures,</li> <li>encroachments or occupation or alienation of public land or property,</li> <li>removal of redundant driveways and any other structure,</li> <li>new footpaths, pathways, walkways, or dunny lanes,</li> <li>relocation of existing power/light pole, if applicable,</li> <li>relocation/provision of street signs, if applicable,</li> <li>new or replacement street trees, if applicable,</li> <li>verge landscape items, 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,</li> <li>new or reinstated kerb and guttering within the road, and</li> <li>new or reinstated road surface pavement within the road.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.</li> <li>Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> or obtained from Council's customer service centre.</li> </ul>		

		<p><b>Condition Reason:</b> To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.</p>
<b>G</b>	<b>9.</b>	<p><b>Positive Covenant and Works-As-Executed Certification of Stormwater Systems</b></p> <p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a chartered professional civil engineer with works-as-executed drawings prepared by a registered surveyor supplied to the Principal Certifier detailing:</p> <ul style="list-style-type: none"> <li>a) compliance with conditions of development consent relating to stormwater,</li> <li>b) the structural adequacy of the On-site Stormwater Detention (OSD) system and Rainwater Tank (RWT),</li> <li>c) that subsoil drainage/seepage water is NOT discharged to the kerb and gutter,</li> <li>d) that an OSD system with minimum storage of 24.5m<sup>3</sup> and RWT with minimum storage capacity of 5m<sup>3</sup> have been constructed in accordance with the approved stormwater plans,</li> <li>e) that any required stormwater treatment systems have been constructed in accordance with the approved construction stormwater plans and that the system meets the water quality targets stipulated in the Council's DCP,</li> <li>f) that only one stormwater outlet has been constructed in accordance with the approved stormwater plans,</li> <li>g) that the OSD system has been provided with a safe emergency surcharge/overflow route to Council's street drainage system,</li> <li>h) that the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations,</li> <li>i) pipe invert levels and surface levels to Australian Height Datum, and</li> <li>j) 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.</li> </ul> <p>A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the OSD system, rainwater retention and reuse system, stormwater treatment system and pump out system, 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. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The required wording of the Instrument can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate.</li> <li>• The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.</li> </ul> <p><b>Condition Reason:</b> To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>



## H. OCCUPATION AND ONGOING USE

H	1.	<b>Staff, pupil and boarder numbers</b>
		<p>a) The existing number of staff, pupils and boarders at Ascham School shall not exceed 255 staff, 1240 students inclusive of <b>137</b> boarders (enrolled students).</p> <p>b) An annual statement is required to be submitted to Council showing the total number of staff and students enrolled and verifying compliance with the cap imposed.</p> <p><b>Note:</b> This condition amends <b>Condition I.1</b> of DA550/2013 and DA433/2021 (including all s4.55 approval(s)).</p>
		<b>Condition Reason:</b> This condition has been imposed to ensure the development, will be consistent the previous consent DA 550/2013 and DA433/2021 (including all s4.55 approval(s)).
H	2.	<b>Maintenance of Landscaping</b>
		<p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>Owners must 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.</li> </ul>
		<b>Condition Reason:</b> To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
H	3.	<b>Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)</b>
		<p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li><b>essential fire safety measure</b> has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation.</li> <li><b>annual fire safety statement</b> has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation.</li> <li>Visit Council's website for additional information in relation to fire safety <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</li> </ul>
		<b>Condition Reason:</b> To ensure public safety.

<b>H 4.</b>	<b>Ongoing Maintenance of the On-Site Stormwater Detention System</b>
	<p>During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must:</p> <ol style="list-style-type: none"> <li>Permit stormwater to be temporarily detained, treated, retained and reused by the System;</li> <li>Keep the system clean and free of silt rubbish and debris,</li> <li>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.</li> <li>Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense.</li> <li>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.</li> <li>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.</li> <li>Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice.</li> <li>Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.</li> </ol> <p>The owner:</p> <ol style="list-style-type: none"> <li>Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and</li> <li>releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.</li> </ul>
	<b>Condition Reason:</b> To ensure that owners are aware of maintenance requirements for their stormwater systems.
<b>H 5.</b>	<p><b>Outdoor Lighting – Residential</b></p> <p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p> <p><b>Condition Reason:</b> To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.</p>

<b>H 6.</b>	<b>Outdoor Lighting – Roof Terraces</b>
	<p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p> <p>All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600mm above the finished floor level of the roof terrace.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
	<b>Condition Reason:</b> To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.
<b>H 7.</b>	<p><b>Noise Control</b></p> <p>During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Council will generally enforce this condition in accordance with the Noise Guide for Local Government (<a href="http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government">www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government</a>) and the NSW Industrial Noise Policy (<a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise">www.epa.nsw.gov.au/your-environment/noise/industrial-noise</a>) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997.</li> <li>Useful links: <ul style="list-style-type: none"> <li>Community Justice Centres—free mediation service provided by the NSW Government <a href="http://www.cjc.nsw.gov.au">www.cjc.nsw.gov.au</a>.</li> <li>NSW Environment Protection Authority— see “noise” section <a href="http://www.environment.nsw.gov.au/noise">www.environment.nsw.gov.au/noise</a>.</li> <li>NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>.</li> <li>Australian Acoustical Society—professional society of noise related professionals <a href="http://www.acoustics.asn.au">www.acoustics.asn.au</a>.</li> <li>Association of Australian Acoustical Consultants—professional society of noise related professionals <a href="http://www.aaac.org.au">www.aaac.org.au</a>.</li> <li>Liquor and Gaming NSW—<a href="http://www.liquorandgaming.nsw.gov.au">www.liquorandgaming.nsw.gov.au</a>.</li> </ul> </li> </ul> <p><b>Condition Reason:</b> To protect the amenity of the neighbourhood.</p>
<b>H 8.</b>	<p><b>Noise from Mechanical Plant and Equipment</b></p> <p>During the occupation and ongoing use, 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</p>

	<p>nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Words in this condition have the same meaning as in the Noise Policy for Industry (2017) <a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)">www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)</a> and Noise Guide for Local Government (2013) <a href="http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government">www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government</a></li> </ul>
	<b>Condition Reason:</b> To protect the amenity of the neighbourhood.
<b>H 9.</b>	<b>Parking Permits</b>
	During the occupation and ongoing use, future tenants and residents of the proposed development will not be eligible for resident or visitor parking permits.
	<b>Condition Reason:</b> To minimise the impact of the development upon on street car parking.
<b>H 10.</b>	<b>Operation in Accordance with Green Travel Plan (GTP)/Traffic Management Plan (TMP)/Operational Traffic Management Plan (OTMP)</b>
	<p>During the occupation and ongoing use:</p> <ol style="list-style-type: none"> <li>The operation and management of the premises shall be in accordance with the OTMP prepared by Traffix, referenced 22.652r04v01, prepared by Traffix, dated 8 September 2023;</li> <li>Boarding students must not utilise nearby streets for parking;</li> <li>Onsite Parking must be used by staff only (no student use of parking);</li> <li>Darling Point Road, Darling Point and other surrounding roads must not be used to facilitate picking-up/dropping-off of boarding students, in order to minimise conflicts with nearby traffic;</li> <li>The OTMP cannot be altered without the written consent of Council;</li> <li>Monitoring annual reports must be submitted for a minimum of 5 years post occupation.</li> </ol>
	<b>Condition Reason:</b> To maximise road safety and performance.

## SUBDIVISION WORK

### I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

<b>NIL</b>	Condition
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### J. BEFORE SUBDIVISION WORK COMMENCES

<b>NIL</b>	Condition
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**K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

<b>NIL</b>	Condition
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**LAND SUBDIVISION**

**L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

<b>NIL</b>	Condition
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**STRATA SUBDIVISION**

**M. BEFORE ISSUE OF A STRATA CERTIFICATE**

<b>NIL</b>	Condition
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**ATTACHMENTS**

1. Plans and elevations
2. Engineering referral
3. Traffic referral
4. Heritage referral
5. Fire Safety referral
6. Plans and elevations
7. Arborist Report
8. Survey
9. Cl.4.6 Variation
10. Visual Impact Assessment Report
11. Geotechnical Report
12. Plan of Management
13. Traffic Impact Assessment
14. Traffic Management Plan
15. Landscape Plan
16. Stormwater Management Plan
17. Aboriginal Heritage Impact Report