

Woollahra Local Planning Panel



Agenda

Thursday 21 May 2020

1.00pm

Items D1 to D3

Meeting to be held using conferencing technology (refer to details over page)

Compliance with social distancing requirements to limit the spread of COVID-19 virus at Woollahra Local Planning Panel Meetings:

Amendments have been made to the *Local Government Act 1993* to allow councils to meet remotely to reduce the risk of COVID-19 and ensure compliance with the Public Health Order.

Woollahra Council will be holding Woollahra Local Planning Panel (WLPP) meetings remotely using conferencing technology. The Chair of the panel, members of the Panel and staff will be participating in meetings by an audio-visual link instead of attending in person.

Members of the public are invited to listen to and/or address the WLPP meeting using conferencing technology. Instructions on how to join the meeting will be forwarded to persons who have registered to listen or make a submission to the panel. This information will be forwarded on the day of the meeting via email.

If you are experiencing any issues in joining the meeting please call (02) 9391 7001.

A recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

Outline of Meeting Protocol & Procedure (COVID-19):

- The Chair will call the Meeting to order and ask the Panel/Staff to present apologies and/or late correspondence.
- The Chair will commence the Order of Business as shown in the Index to the Agenda.
- To listen to the meeting, please register by sending your name, phone number, email address and item you are interested in to records@woollahra.nsw.gov.au
- If person(s) wish to address the Panel, you should register using the appropriate 'Register to address the Panel Application Form' as available on Council's website at: www.woollahra.nsw.gov.au
- Members of the Public who have pre-registered will be allowed three (3) minutes in which to address the Panel, one (1) warning bell will be rung at the conclusion of two (2) minutes and two (2) warning bells rung at the conclusion of three (3) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated three (3) minutes, the speaker takes no further part in the debate unless specifically called to do so by the Chair.
- If there is more than one (1) person wishing to address the Panel from the same side of the debate, the Chair will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Panel will debate the matter (if necessary), and arrive at a resolution.

Disclaimer:

By speaking at the Woollahra Local Planning Panel (WLPP) Meeting members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website. Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council meeting.

Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit www.woollahra.nsw.gov.au

Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

Quorum:

3 Panel members

Woollahra Municipal Council

Notice of Meeting

12 May 2020

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel – 21 May 2020

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel** meeting to be held remotely using conferencing technology, **on Thursday 21 May 2020 at 1.00pm.**

Members of the public are advised that we will be holding Woollahra Local Planning Panel meetings remotely using conferencing technology (until further notice). Information on how to register to listen and/or register to address the meeting is available on Council's website https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_register_to_speak.

A audio recording of the meeting will be uploaded to Council's website by 5pm on next business day.

The safety of our community, Panel members and our staff is Council's number one priority and we thank you for your patience and understanding at this time.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Gary James
General Manager

Meeting Agenda

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Item No: D1
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF GEORGE S. GRIMLEY PAVILION, ROSE BAY**
Author: Shona Lindsay, Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 20/76138
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a planning proposal to list the George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) at Woollahra Park, off O'Sullivan Road, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to:

- A. Proceed with the planning proposal to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. Forward the planning proposal to the Department of Planning, Industry and Environment to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*, requesting a gateway determination to allow public exhibition.
- C. Request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Reason for report to the Woollahra Local Planning Panel (Woollahra LPP)

This report seeks the advice of the Woollahra LPP on the planning proposal to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay as a heritage item in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). A copy of the planning proposal is attached as **Annexure 1**.

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:
 - (a) the correction of an obvious error in a local environmental plan,
 - (b) matters that are of a consequential, transitional, machinery or other minor nature, or
 - (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

- When a planning proposal is referred to the local planning panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.
- A proposal is to be referred to the local planning panel before it is forwarded to the Minister of the Greater Sydney Commission under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act).

Items (a) and (b) are not relevant to the planning proposal. Consideration under item (c) has been passed to the position of Director Planning and Development through the General Manager's delegations.

The Director Planning and Development formed a view that he cannot be completely satisfied that the matter being dealt with by the planning proposal will have no significant adverse impact on the environment or adjoining land. Therefore under the terms of the Direction, the planning proposal to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a local heritage item has been referred to the Woollahra Local Planning Panel (Woollahra LPP) for advice.

2. Background

On 23 April 2018 Woollahra Council resolved in part:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for each of:

1. *The Sydney Croquet Club building and greens (having its address in Woollahra Park, O'Sullivan Road, Rose Bay); and*
2. *The Woollahra Golf Club Clubhouse and George Grimley Pavilion (having its address in Woollahra Park at 50 O'Sullivan Road, Rose Bay)*

to the relevant Council Committee to facilitate the Sydney Croquet Club building and greens and the Woollahra Golf Club Clubhouse and George Grimley Pavilion (and their elements) being:

1. *Included in the Woollahra Local Environmental Plan as a heritage item; and*
2. *Listed as a heritage item of State significance on the NSW State Heritage Register.*

In response to Council's decision the heritage consultant firm Weir Phillips Heritage and Planning was engaged to prepare an assessment of heritage significance for the *George S. Grimley Pavilion*. A copy of the assessment is provided as **Annexure 2**.

On 20 April 2020 a report on the assessment of heritage significance for the *George S. Grimley Pavilion* was presented to a meeting of the Environmental Planning Committee (EPC) (**Annexure 3**). On 4 May 2020 Council resolved:

- A. *THAT a planning proposal be prepared to list the George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) as a heritage item in Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*

- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

3. The site

The George S. Grimley Pavilion (Figure 1) is located within Woollahra Park, off O'Sullivan Road, Rose Bay. Figure 2 shows the location of the pavilion within the park and Figure 3 shows an aerial photograph of the site.



Figure 1: George S. Grimley Pavilion, south-western elevation (WP Heritage and Planning)



Figure 2: Location of building within Woollahra Park. Key: (1) George S. Grimley Pavilion (Woollahra Council GIS)



Figure 3: Aerial photograph over the site. Key: (1) George S. Grimley Pavilion (Woollahra Council GIS).

4. Assessment of heritage significance

The assessment of heritage significance (**Annexure 2**) was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document.

The heritage assessment concludes that *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* satisfies the criteria for historical significance, historical association significance, aesthetic significance and representativeness at a local level. *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* does not satisfy any criteria at a State level.

Parts of the building which have been altered and added over time were not considered to be significant. This is reflected in the proposed description of the item which restricts the listing to the 1926 building, the eastern single storey 1930s extension and the interiors to those elements.

The assessment recommends the listing of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* does not meet the threshold for State heritage listing.

The heritage significance assessment provides the following statement of significance for the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)*:

The George S. Grimley Pavilion, Woollahra Park, Rose Bay, has historic and aesthetic significance at a local level. Designed by the architectural firm of E.A. Scott and Green and erected in 1926, it provides evidence of Council's interest in providing public recreational facilities in the 1920s, an interest that continues today. The pavilion commemorates George S. Grimley, a long serving alderman of Woollahra Council and Mayor in 1930-31, 1938-39 and 1945-46. The 1926 section of the building (south-western half) provides an example of an Inter-War period grandstand that was used not only for spectating, but also for varied community and private activities and functions. Significance resides only in the 1926 building and eastern single storey 1930s extension, including the interiors, which is substantially intact. The north-eastern side and the 1930s south-western extension (now used as the entrance to the pro shop) of the building demonstrates low integrity.

(May 2020: Weir Phillips Heritage and Planning:
Heritage Assessment, Rose Bay Scout Hall p. 59)

5. Planning proposal

A planning proposal has been prepared to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a heritage item in the Woollahra LEP 2014 (**Annexure 1**).

5.1 Planning proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

5.2. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay and provide it with a statutory heritage protection.

5.3. Explanation of provisions

The planning proposal outlines the following amendments to Woollahra LEP 2014:

- Insert a listing for the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_006) to identify a heritage item on the site at Woollahra Park, off O'Sullivan Road, Rose Bay.

6.4. Relationship to strategic planning framework

The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018), (refer to section 6.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces:

4.3 Protect local heritage and residential amenity, including significant architecture and the natural environment.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement* (approved by Council on 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

Planning Priority 5 Conserving our rich and diverse heritage

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to Schedule 1 of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to Schedule 2 of the planning proposal).

6. Conclusion




This report seeks the advice of the Woollahra LPP on a planning proposal to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay as a heritage item in the Woollahra LEP 2014.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

Advice from the WLPP will be provided to Council.

Annexures

1. Planning Proposal for George S. Grimley Pavilion [↓](#) 
2. Heritage Significance Assessment for George. S. Grimley Pavilion [↓](#) 
3. Environmental Planning Committee Agenda 20 April 2020 (Annexures removed) [↓](#) 

Planning Proposal



Local Heritage Listing

George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)

Woollahra Park, off O'Sullivan Road, Rose Bay

Prepared May 2020



HPE: 20/76669

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Part 1 – Introduction

1.1. Background

On 23 April 2018 Woollahra Council resolved in part:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for each of:

1. *The Sydney Croquet Club building and greens (having its address in Woollahra Park, O'Sullivan Road, Rose Bay); and*
2. *The Woollahra Golf Club Clubhouse and George Grimley Pavilion (having its address in Woollahra Park at 50 O'Sullivan Road, Rose Bay)*

to the relevant Council Committee to facilitate the Sydney Croquet Club building and greens and the Woollahra Golf Club Clubhouse and George Grimley Pavilion (and their elements) being:

1. *Included in the Woollahra Local Environmental Plan as a heritage item; and*
2. *Listed as a heritage item of State significance on the NSW State Heritage Register.*

In response to Council's decision the heritage consultant firm Weir Phillips Heritage and Planning was engaged to prepare an assessment of heritage significance for the *George S. Grimley Pavilion*

On 20 April 2020 a report on the assessment of heritage significance for the *George S. Grimley Pavilion* was presented to a meeting of the Environmental Planning Committee (EPC). On 4 May 2020 Council resolved:

- A. *THAT a planning proposal be prepared to list the George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) as a heritage item in Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

1.2. Description of this planning proposal

This planning proposal is made in relation to the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay. This planning proposal explains the intended effect of an amendment to Woollahra LEP 2014. The amendment to Woollahra LEP 2014 involves listing *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the building and interiors.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to*

Preparing Planning Proposals (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

This planning proposal includes:

1. Existing site and surrounding context
2. Existing planning controls applying to the site
3. The objective of the amendment to Woollahra LEP 2014
4. An explanation of provisions that are to be included in the amendment to Woollahra LEP 2014
5. Justification for the objective and provisions to be included in the amendment to Woollahra LEP 2014
6. Mapping for the heritage listing
7. Community consultation to be undertaken
8. Project timeline

1.3. Assessment of heritage significance

In response to Council's decision, an assessment of heritage significance of the *George S. Grimley Pavilion* was prepared by Weir Phillips Heritage and Planning. The assessment was completed in October 2019 and is attached separately.

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document.

There are seven criteria used in the process of assessing heritage significance.

Table 1 below provides a summary of the assessment of the heritage significance of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* against the seven criteria, at the local and State levels.

Table 1: NSW Heritage assessment criteria summary – George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	✗
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	✗	✗
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	✗	✗
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	✗	✗
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments. or a class of the local area's <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments. 	✓	✗

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

The heritage assessment concludes that *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* satisfies criteria (a), (b), (c), and (g) at a local level. *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* does not satisfy any criteria at a State level.

1.4. Statement of heritage significance

The following statement of heritage significance is extracted from the Heritage Assessment report by Weir Phillips Heritage and Planning:

The George S. Grimley Pavilion, Woollahra Park, Rose Bay, has historic and aesthetic significance at a local level. Designed by the architectural firm of E.A. Scott and Green and erected in 1926, it provides evidence of Council's interest in providing public recreational facilities in the 1920s, an interest that continues today. The pavilion commemorates George S. Grimley, a long serving alderman of Woollahra Council and

Mayor in 1930-31, 1938-39 and 1945-46. The 1926 section of the building (south-western half) provides an example of an Inter-War period grandstand that was used not only for spectating, but also for varied community and private activities and functions. Significance resides only in the 1926 building and eastern single storey 1930s extension, including the interiors, which is substantially intact. The north-eastern side and the 1930s south-western extension (now used as the entrance to the pro shop) of the building demonstrates low integrity.

(May 2020: Weir Phillips Heritage and Planning:
Heritage Assessment, Rose Bay Scout Hall p. 59)

The assessment recommends the listing of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* does not meet the threshold for State heritage listing.

1.5. Heritage significance assessment report

The heritage significance assessment report contains the following recommendations:

It is recommended that:

- *The Woollahra Golf Clubhouse should not be listed as a heritage item on Schedule 5 Part 1 of the Woollahra LEP 2014. It does not meet the threshold for listing under any of the Heritage NSW criteria.*
- *The George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) be listed as a heritage item on Schedule 5 Part 1 of the Woollahra LEP 2014. This part of the building has significance under criterion (a), (b), (c) and (g).*
- *Neither site be nominated for listing on the State Heritage Register.*
- *A conservation management document should be prepared for the George S. Grimley Pavilion in order to guide the management of the building and future conservation works. The document should include, but be not limited to, a maintenance schedule.*

Part 2 – Existing site and context

2.1. The site

The George S. Grimley Pavilion (Figure 1) is located within Woollahra Park, off O'Sullivan Road, Rose Bay. Figure 2 shows the location of the pavilion within the park and Figure 3 shows an aerial photograph of the site.

The subject site is not listed on the NSW State Heritage Register (SHR), nor is it identified as a local heritage item or located in a heritage conservation area in Schedule 5 of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).



Figure 1: George S. Grimley Pavilion, south-western elevation (WP Heritage and Planning)



Figure 2: Location of building within Woollahra Park. Key: (1) George S. Grimley Pavilion (Woollahra Council GIS)



Figure 3: Aerial photograph over the site. Key: (1) George S. Grimley Pavilion (Woollahra Council GIS).

Part 3 – Existing planning controls

The site is subject to existing planning controls within the Woollahra LEP 2014, relating to land zoning, height of building, minimum lot size and acid sulfate soils. These are as follows:

	Land Use Zone	Height of Building	Minimum Lot Size	Acid Sulfate Soils
George S. Grimley Pavilion	RE1 Public Recreation	Not applicable	Not applicable	Class 4

The Objectives for RE1 Public Recreation in Woollahra LEP 2014 are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) is not currently listed as a State or local heritage item and Clause 5.10 (Heritage Conservation) of the Woollahra LEP 2014 does not currently apply.

Part 4 – Objectives of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay and provide it with statutory heritage protection.

Part 5 – Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_006) to identify a heritage item on the site of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay.

Part 6 – Justification

The planning proposal has strategic merit. The heritage significance of *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* has been established. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

These matters are further discussed below in part 6.1 to 6.3.

6.1. Need for planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is the result of the recommendations of the heritage assessment/ inventory sheet, prepared by Weir Phillips Heritage and Planning. The report concluded that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* meets the criteria for listing as a local heritage item. The report recommended that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* be listed as a heritage item in Woollahra LEP 2014.

2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The objective is to recognise the heritage significance of *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* at Woollahra Park, off O'Sullivan Road, Rose Bay and provide it with statutory protection. The best and only means of achieving this objective is through the planning proposal process.

Other options, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a

development consent for the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* will not provide the same level of heritage protection and recognition.

6.2. Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Regional Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.

Heritage listing of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* will provide ongoing protection and recognition of the heritage significance of the item.

Eastern City District Plan

Yes. The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, more specifically with:

- 'A city of great places' direction
- Planning Priority E6 'Creating and renewing great places and local centres, and respecting the District's heritage'
- Objective 13 'environmental heritage is identified, conserved and enhanced'
- Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:
 - a. engaging with the community early to understand heritage values'
- Action 54 'Consider the following issues when preparing plans for tourism and visitation:
 - e. protecting heritage and biodiversity to enhance cultural and eco-tourism'
- Action 63 'Identify and protect scenic and cultural landscapes'.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2030 – our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces:

4.3 *Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.*

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement* (approved by Council on 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

Planning Proposal - Local heritage listing George S. Grimley Pavilion, Rose Bay - Version May 2020

8

HPE: 20/76669

Planning Priority 5 Conserving our rich and diverse heritage

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1** below).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** below).

6.3. Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item, will be required when development is proposed for the building or where development is proposed in the vicinity of the site. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The heritage assessment / inventory sheet measured the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The assessment found that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* is of heritage significance at the local level.

6.4. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)*. It does not involve amendments to the planning controls that will facilitate intensified development.

The *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site is in proximity to regular and frequent public transport services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal and appropriate for the requirements of a local centre.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

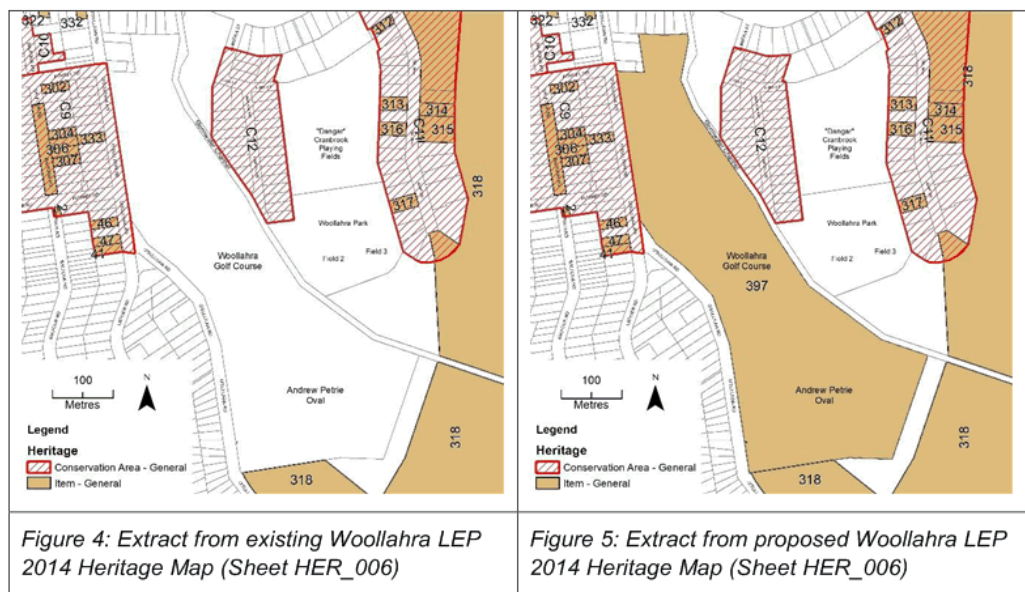
During the public exhibition, Heritage NSW, Department of Premier and Cabinet will be notified.

Further consultation will take place with any other authorities identified by the gateway determination.

Part 7 – Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Map (Sheet HER_006) by applying an “Item – General” classification to the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)*.

Extracts of the existing and proposed heritage maps are shown in Figure 4 and Figure 5.



Part 8 – Community consultation

8.1. Consultation with landowner

Woollahra Council is the landowner of the site. The leaseholders, Eastern Suburbs Rugby Club and Woollahra Golf Club, were consulted throughout the project. They were provided a copy of the draft heritage significant assessment and draft heritage inventory sheet on 1 November 2019 for the relevant properties. The land owner and lease holders were given until the 2 December 2019 to make a submission.

Guy Gibson (General Manager, Woollahra Golf Club) attended the site visit with Alice Fuller (Weir Philips Heritage and Planning) and Shona Lindsay (Heritage Officer, Woollahra Council) in June 2019. Mr Gibson has reviewed the draft heritage significance assessment report and draft heritage inventory sheet for *George S. Grimley Pavilion*. He is supportive of the listing and his submission is attached separately.

An updated draft heritage significance assessment report and draft heritage inventory sheet were provided to the land owner and lease holders on 24 February 2020. The land owner and lease holders were given until 16 March 2020 to make a submission. No other comments were provided from the relevant land owner and lease holders.

Further consultation with land owner and tenants will occur during public exhibition of the planning proposal.

8.2. Public exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions in the gateway determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- a notice on Council's website.
- a notice to the land owner of the site.
- a letter to the current lessees.
- a letter to land owners in the vicinity of the site
- a letter to local community groups such as the Rose Bay Residents' Association and the Woollahra History and Heritage Society.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as relevant Council reports and assessments).

Part 9 – Project timeline

If Council is authorised to exercise the functions of the Minister for Planning and Public Spaces under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion of the planning proposal is as follows:

Plan-making step	Estimated completion
Council Notice of Motion	23 April 2018
Environmental Planning Committee recommends proceeding	20 April 2020
Council resolution to proceed	4 May 2020
Woollahra Local Planning Panel provides advice	May 2020
Advice of WLPP to Environmental Planning Committee. Committee recommends proceeding	June 2020
Council resolution to proceed	June 2020
Gateway determination	August 2020
Completion of technical assessment	Usually none required
Government agency consultation	September 2020
Public exhibition period	September 2020
Submissions assessment	October 2020
Environmental Planning Committee considers assessment of planning proposal post exhibition	November 2020
Council decision to make the LEP amendment	November 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	December 2020
Forwarding of LEP amendment to Department of Planning, Industry and Environment for notification	January 2021
Notification of the approved LEP	February 2021

Schedules

Schedule 1 – Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP No 70 Affordable Housing (Revised Schemes)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable.
SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2019	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra Municipality which are identified in the SEPP.

State environmental planning policy	Comment on consistency
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1	Business and industrial zones	Not applicable. The land is not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of the <i>George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)</i> will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of contaminated land	Not applicable.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Not applicable. The land is not zoned for residential purposes.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in non-hosted short term rental accommodation period	Not applicable.
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Applicable. Consistent. Existing flood planning provisions will not be altered by the planning proposal.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced. Heritage listing of the <i>George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)</i> will provide ongoing protection and recognition of the heritage significance of the item. Refer to Section 6.2 of this report and direction 7.1 of this table.
6	Local plan making	
6.1	Approval and referral requirements	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not allow a particular development to be carried out.
7	Metropolitan Planning	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	Applicable. The planning proposal is consistent with the objectives of <i>A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced. Heritage listing of the <i>George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)</i> will provide ongoing protection and recognition of the heritage significance of the item. Refer to section 6.2 of this report and direction 5.10 of this table.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.9	Implementation of Bayside West Precincts 2036 Plan	Not applicable.
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.

Supplementary material (separately attached)

- **Heritage Significance Assessment for the George S. Grimley Pavilion – Weir**
Phillips Heritage and Planning – May 2020
- **Environmental Planning Committee Report 20 April 2020 (Annexures removed)**
- **Submission from lease holder for George S. Grimley Pavilion**

HERITAGE ASSESSMENT



Woollahra Golf Clubhouse and the George S. Grimley Pavilion

Woollahra Park, off O'Sullivan Road, Rose Bay

May 2020 | J3657

**Weir
Phillips**
Heritage
and Planning

Level 19, 100 William Street, Woolloomooloo, NSW 2011
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1.0 INTRODUCTION

1.1 Preamble

This Heritage Assessment for the Woollahra Golf Clubhouse and the George S. Grimley Pavilion, Woollahra Park, O'Sullivan Road, Rose Bay, New South Wales has been prepared at the request of Woollahra Council. On 23 April 2018 Woollahra Council made the following decision:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for each of:

- 1. The Sydney Croquet Club building and greens (having its address in Woollahra Park, O'Sullivan Road, Rose Bay); and*
- 2. The Woollahra Golf Club Clubhouse and George Grimley Pavilion (having its address in Woollahra Park at 50 O'Sullivan Road, Rose Bay)*

to the relevant Council Committee to facilitate the Sydney Croquet Club building and greens and the Woollahra Golf Club Clubhouse and George Grimley Pavilion (and their elements) being:

- 1. Included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. Listed as a heritage item of state significance on the NSW State Heritage Register.*

On 6 June 2018 Woollahra Council made the following decision:

THAT Council:

A. Request staff to undertake an assessment of heritage significance for the Rose Bay Scout Hall (former RAAF Officers' Canteen) located in Vickery Avenue, Rose Bay, and report to the Environmental Planning Committee on whether the property has sufficient heritage significance to be listed as:

- i) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP), and*
- ii) an item on the State Heritage under the Heritage Act 1977.*

1.2 The Brief

The brief is divided into two parts:

Stage One – Assessment of heritage significance

- 1. Using the process and heritage assessment criteria contained in the New South Wales Heritage Manual (2001) carry out an assessment of heritage significance of the three sites.*
- 2. Make a recommendation as to whether the three sites should be individually listed as a local heritage item in Schedule 5 of Woollahra LEP 2014.*
- 3. Make a recommendation as to whether the three sites should be individually listed as an item on the State Heritage Register under the Heritage Act 1977.*

Note: The assessment of significance at local and State levels must be done separately and independently.

Stage Two

- 1. If the recommendation is for listing in Woollahra LEP 2014, prepare an inventory sheet for the relevant site. The inventory sheet will include a statement of significance.*
- 2. If the recommendation is also for listing on the State Heritage Register, prepare an inventory sheet for the relevant site. The inventory sheet will include a statement of significance.*

3. If the recommendation is for listing on the State Heritage Register, prepare a nomination form for the relevant site using the OEH Heritage Division standard template.

Note: All inventory sheets must use the Office of Environment and Heritage (Heritage Division) standard template. A Microsoft Word version of this template will be provided by Council.

1.3 Authorship

This assessment was prepared by Alice Fuller, B.Appl.Sc.(CCM), M.Herit.Cons.(Hons), and James Phillips, B.Sc.(Arch), B.Arch, M.Herit.Cons.(Hons), of Weir Phillips Heritage and Planning.

1.4 Limitations

An Aboriginal and historical archaeological assessment was not provided for.

A survey of existing users of the site to ascertain how they value the site was not provided for.

1.5 Methodology

This statement has been prepared with reference to the NSW Heritage Office's (now Heritage NSW) publication *Assessing Heritage Significance* (2015).

A site visit was carried out in June 2019. Unless otherwise stated, the photographs in this assessment were taken on this occasion.

1.6 Documentary Evidence

1.6.1 General References

- Broomham, Rosemary, *The Coopers of Woollahra: Land Dealings on the Point Piper Estate 1820-1920*. Unpublished report prepared for Woollahra Municipal Council in June 2001.
- Hughes, Trueman and Ludlow, *Heritage Study for the Municipality of Woollahra, Volume One*, NSW, Woollahra Municipal Council, 1984.
- Russell, Eric, *Woollahra: A History in Pictures*, Sydney, John Ferguson in association with Woollahra Municipal Council, 1980.
- Willis, Julie Higham, Anne, 'Scott, Ernest A., in P. Goad and J. Willis (ed.), *The Encyclopedia of Australian Architecture*, New York, Cambridge University Press, 2012.
- *Woollahra Park Plan of Management*, January 2013.

1.6.2 Newspaper, Journal Articles

- 'Australia's Elder Architects,' *Building and Engineering*, 25 March, 1946, p.19.
- 'Golf Clubhouses: Recent Activities,' *Building*, 12 May, 1933, pp. 41-44.
- 'M.V.E. Woodforde, A.R.A.I.A.,' *Decoration and Glass*, Volume 5 No. 9, 1 February, 1940, pp.53-54.
- 'Park Makers. Woollahra Alderman. New Pavilion Opened,' *The Sun*, 26 October, 1927, p.19.
- 'Provision of Parks,' *Daily Mercury*, 4 November, 1927, p.10.
- 'Tenders,' *The Sydney Morning Herald*, 19 May, 1956.
- 'Tenders Called,' *Construction and Real Estate Journal*, 14 March, 1934, p.5.
- 'Unique Golf Club,' *The Daily Telegraph*, 19 March, 1931, p.3.
- 'Willoughby Golf Clubhouse,' *Building*, 12 December, 1935, p.15.
- 'Woollahra Golf Links,' *The Daily Telegraph*, 12 April, 1932, p.3.

- 'Woollahra Golf Links,' *The Sydney Morning Herald*, 14 June, 1929, p.15.
- 'Woollahra Municipal Golf Links,' *The Sydney Morning Herald*, 18 March, 1931, p.18.
- 'Woollahra Park,' *The Sydney Morning Herald*, 26 October, 1927, p.16;.
- 'Woollahra. New Golf House,' *The Sydney Morning Herald*, 26 June, 1934, p.3.

1.6.3 Historic Plans, Images and Photographs

- (*Aerial View over the future Woollahra Golf Course*), 1920s. National Library of Australia.
- *Aerial View of Rose Bay Golf Course*, ca. 1920s. Fairfax Archives, National Library of Australia.
- Davey, Brindley & Vickery, *Proposed Alterations to 'Grimley Hall', Woollahra Oval for the Eastern Suburbs District Rugby Union Football Club*, 1959. Woollahra Council Archives.
- G.S. Grimley. Woollahra Library.
- (*Grimley Pavilion before 1934*), Woollahra Local History Digital Archive.
- *The Grimley Pavilion in 1978*. Series of photographs. Woollahra Local Studies Collection.
- Kent, Milton, *Aerial Views of Rose Bay, Rosebery, Sydney, Waterloo*, 1941-. National Library of Australia.
- NSW Lands Department, (*Aerial Photograph over the site*), 1943. SIX Maps.
- *Panorama of Rose Bay*, c.1928. Woollahra Local History Digital Archive.
- *Rotary Club Dinner at the Woollahra Golf Club*, 1945. State Library of NSW.
- (*Undated photograph of the Grimley Pavilion and the Woollahra Golf Clubhouse*). Framed photograph in the Golf Clubhouse.
- *Woollahra Golf Club, Rose Bay*, c.1950. Woollahra Library.

1.6.4 Other

- Woollahra Council Building Cards. Woollahra Local Studies Collection.
- Woollahra Council Minutes, various years. Woollahra Local Studies Collection, Woollahra Library.

1.7 Site Location

The Woollahra Golf Clubhouse and George S. Grimley Pavilion are located within Woollahra Park, O'Sullivan Road, Rose Bay. Figure 1 shows the location of Woollahra Park within the surrounding area. Figure 2 shows the location of the clubhouse and pavilion within the park.



Figure 1: Location of Woollahra Park within Woollahra
Woollahra Park Plan of Management.



Figure 2: Location of buildings within Woollahra Park (SIX Maps; annotation in red by WP
Heritage and Planning) Key: (1) George S. Grimley Pavilion; (2) Woollahra Golf Clubhouse.

2.0 HISTORICAL DEVELOPMENT OF THE SITE

2.1 The Site Prior to 1923

While an Aboriginal history has not been provided for, it is acknowledged that the present-day Woollahra Municipality is located within the traditional lands of the Cadigal people, part of the Dharug language group.

The Colony of New South Wales was established at Sydney Cove in January 1788. All land was declared to be Crown Land. Present-day Woollahra is located well outside the first official boundaries of Sydney Township. The colonists exploited the natural resources of the area but did little to permanently settle it, beyond establishing a lookout on South Head and a pilot station at Watsons Bay. The word *Woo-la-ra* first appears in a 'List of Local Names, or of Places' prepared by David Southwell, the lieutenant later placed in charge of the lookout on South Head.¹

The first grants in present day Woollahra, made between 1793 and 1812, predominantly passed out of the hands of original grantees. During the early years of Macquarie's governorship (1810-1821), a number of grants were made to military men around Double and Rose Bays. The most notable of these was a grant made to the flamboyant Captain John Piper in 1815.

During the 1820s, the land north of Darling Point through Double Bay, Point Piper and Rose Bay and eastward to Old South Head Road, was consolidated into a single estate by the prominent business partnership of Daniel Cooper (1785-1853) and Solomon Levey (1794-1833). The partners had acquired several early land holdings, including John Piper's estate, which were re-issued as a single grant of 1,130 acres on 22 March, 1830. The subject property stands upon this grant. Old South Head Road (1811) and New South Head Road (1832) provided the principal means of access into the area at this time.

The Cooper-Levey estate was beset by legal complications from the 1830s. During the 1840s, Daniel Cooper became the sole owner of the estate, which generally became known as the Cooper Estate. In 1844, T.L. Mitchell prepared a subdivision plan for the Cooper Estate. Old and New South Head Roads, Point Piper (now Jersey Road), Ocean Street North, William and Cross Streets were already in existence, while Edgecliff, Bellevue, Victoria and Wolseley Road were passable bush tracks. While the Cooper Estate was not always developed along the lines envisaged by Mitchell in 1844, his subdivision did much to determine the basic street pattern seen today.²

The Cooper Estate was willed not to Daniel Cooper's next of kin, his nephew Sir Daniel Cooper (1821-1902), but to Sir Daniel's son, Daniel (later also Sir Daniel). As the new owner was a minor when he inherited the estate in 1853, Trustees managed the estate until November 1869. Even after Daniel Cooper (junior) obtained his majority, the Trustees continued to be an influencing force in managing the Estate and were thus a major force in the development of the area.³ When the Municipality of Woollahra was created in 1860, it was named for Sir Daniel Cooper's (senior) planned residence, *Woollahra*.

Between 1853 and the mid 1880s, the Trustees offered 99 year leaseholds on parts of the Cooper Estate; there were few freehold sales. Substantial villa estates were developed on some of these leaseholds. Smaller lots in West Woollahra and along Old South Head Road attracted more modest housing and commercial development.⁴ Lack

¹ Letter dated 12 July, 1788, cited Eric Russell, *Woollahra: A History in Pictures*, Sydney, John Ferguson in association with Woollahra Municipal Council, 1980, p. 9-10.

² See Figure 7, a tracing of Mitchell's plan, in Rosemary Broomham, *The Coopers of Woollahra: Land Dealings on the Point Piper Estate 1820-1920*. Unpublished report prepared for Woollahra Municipal Council in June 2001.

³ For further information see *ibid*.

⁴ Hughes, Trueman and Ludlow, *Heritage Study for the Municipality of Woollahra, Volume One*, NSW, Woollahra Municipal Council, 1984, p. 15.

of transport, however, limited widespread development in Woollahra before 1880. As transport was almost exclusively by private means, development away from the bays and wharves was particularly reliant on satisfactory road patterns.⁵

Sydney's population expanded sevenfold between 1850 and 1890. By the early 1880s, the areas closer to the City had been built out and the demand for land was pushing further outwards. The steady improvements made to the tramway system from the 1880s, together with the introduction of subsidised transport, did much to open up the Woollahra Municipality to small lot development.

Freehold subdivisions of land on the Cooper Estate began in the early 1880s and continued until the 1920s. Land was purchased by individuals and companies, many of whom carried out further subdivisions. One of those companies who purchased land was the Rose Bay Freehold Company. The subject site stands on land that they purchased from the Cooper Estate in 1904.⁶

The dense suburban development that characterises much of Woollahra today is largely a product of the first decades of the twentieth century. As subdivision continued, the population rose from 1,023 people in 1881 to 13,503 people in 1900; and 25,300 people in 1920 to 37,770 people in 1927.⁷ Woollahra thus became an intensively developed area within a comparatively short time span.

While development proceeded apace in some areas, much of the land that now forms part of Woollahra Park appears to have been under-utilised. Some of the area was leased to Chinese market gardeners. In 1901, it was recorded that the area now occupied by Woollahra Park was 'swampy and undrained'.⁸ Nearby Scots College developed a strong sporting association with the local area by the early 1900s foreshadowing future land uses.

2.2 The Establishment of Woollahra Park

Council minutes of the 1920s and 1930s reveal a keen awareness of the importance of public recreational spaces. In 1923, Woollahra Council received permission from the Governor to borrow £20,000 for the 'acquisition of park and recreation areas and the improvement thereof'.⁹ On 15 September 1923 the Rose Bay Freehold Company (in liquidation) transferred 24 acres and 25 perches of land to the Council of the Municipality of Woollahra for 11,954 pounds, 13 shillings and 9 pence.¹⁰ The subject site was among these lands. During late 1923 and 1924, Council gave the Chinese market gardeners occupying their new land purchase six months notice to quit.¹¹

In early 1924, Council launched a competition for the layout of the new park, later Woollahra Park. The Institute of Architects was invited to provide advice on the competition. The prominent architect Mr. Ernest A. Scott was appointed by the Institute to act in an honorary capacity.¹²

The results of the competition for the layout of the park were announced by Council on 12 May 1924. First prize, a premium of £100, was awarded to Mr. H.M. Robinson.¹³ The improvements to the park officially commenced when the first sod

⁵ Refer to J. Atkins, *History Waverley, Volume 8: Fletcher's Foundry, Woollahra*, n.p. The street was originally known as Australia Street.

⁶ Sale referred to in Conveyance, Book 1319 No. 958. NSW LPI.

⁷ Census figures cited in Hughes, Trueman and Ludlow, *op cit.*, 1984, p. 7.

⁸ Government Gazette 1901 cited in *Woollahra Park Plan of Management*, January 2013, p.8.

⁹ Woollahra Council Minutes, Ordinary Meeting, 2 July, 1923, p.526.

¹⁰ Conveyance, Book 1319 No. 958. NSW LPI.

¹¹ For example, see: Woollahra Council Minutes, 8 October, 1923, p.638; 25 August, 1924, p.265.

¹² *Ibid*, 28 April, 1924, p.134.

¹³ *Ibid*, pp.142 and 149.

of earth was turned by Alderman Grimley on 25 October, 1924.¹⁴ On 8 December, 1924 the 'O'Sullivan Road Park Lands' were officially named Woollahra Park.¹⁵

Four additional parcels of land have been added to the park since this time by purchase or resumption.

Figure 3 provides a photograph over the park prior to the construction of the golf course.



Figure 3: (Aerial View over the future Woollahra Golf Course), 1920s.
National Library of Australia.

2.3 The George S. Grimley Pavilion: 1924-50

The George S. Grimley Pavilion preceded the layout of the golf course and the construction of the golf clubhouse.

2.3.1 Planning and Naming of the Pavilion

The first reference in Council Minutes found to date for the construction of a pavilion in Woollahra Park is a reference made in relation to the design competition for the layout of the new Park in 25 February, 1924. The Minutes of that date record Council's proposal to spend £5,000 on improvements, 'exclusive of £1,500 for (a) pavilion.'¹⁶

Proposals to honour the long serving Alderman Grimley (Figure 4) within the new Woollahra Park were raised as early as October 1924, when it is recorded in Council Minutes that:

'It will be noted that I (the Mayor) have invited Alderman Grimley to turn the first sod of the new park area. In view of the great service rendered by Alderman Grimley, particular as the prime mover in the action which ended with the acquisition of this area,

¹⁴ Woollahra Council Minutes, 28 April, 1924, p.331.

¹⁵ *Ibid*, p.375.

¹⁶ Woollahra Council Minutes, 24 January, 1924, p.59.

I desire to suggest that some portion of the park should be named after him, such as the oval, entrance drive or pavilion.

I believe that the natural name for this large area is Rose Bay Park and for that reason I have suggested that one of the most important features rather than the whole are should be called after the alderman largely responsible for its acquisition.¹⁷

Alderman Grimley's contribution to Council was later surmised (1945) as follows:

'...extends his hearty congratulation to Alderman G. Grimley on the occasion of the completion of 45 years as an Alderman of Woollahra, during which time he occupied the Mayor chair for six terms, and places on record its high appreciation of his long and meritorious service and the outstanding ability and integrity which has characterized his association with Local Government in Woollahra.'¹⁸

On the same day that Woollahra Park was officially named, 8 December, 1924, the decision was taken to call the proposed pavilion 'The George Grimley Pavilion', with a 'tablet be provided suitably inscribed recording this decision.'¹⁹ It would, however, take some time for the pavilion to be constructed.

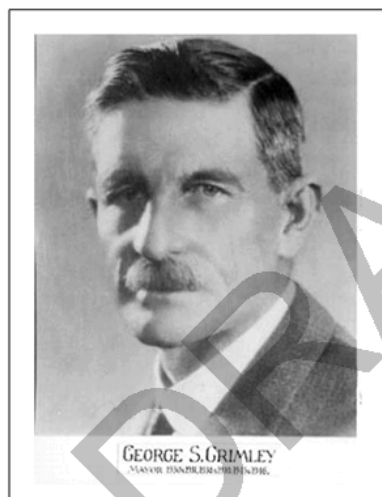


Figure 4:
G.S. Grimley.
Woollahra Library.

The first plans for a pavilion in the Park appear to have been prepared by Mr. G. Harmer in 1924.²⁰ Nothing came of this scheme. When another architect, H.V. Graham offered his services in 1925, he was informed that a conference would be held 'later on' with the NSW Cricket Association regarding the construction of a pavilion.²¹

Concrete steps towards the erection of a pavilion were made in March 1926 when the Parks Committee recommended that Messrs. E.A. Scott and Green, Architects be instructed to prepare sketch plans for a pavilion. The architects were instructed to prepare designs for a building capable of extension 'should same be necessary in the future.'²² The instructions to the architect were further elaborated in subsequent Council Minutes:

¹⁷ Woollahra Council Minutes, October 1924, p.312.

¹⁸ Woollahra Council Minutes, 13 December, 1945, p.515.

¹⁹ *Ibid*, 8 December, 1924, p.375.

²⁰ *Ibid*, 24 November, p.358.

²¹ *Ibid*, 12 October, 1925, p.309.

²² *Ibid*, 8 March 1926, p.84.

'(1) That Messrs. E.A. Scott and Green, Architects, be instructed to prepare sketch plans of a pavilion generally along the following lines:-

- a. The building to be double decker type with the top floor unroofed, the width of the structure to be about 66 feet.
- b. Provision to be made at the back of the main floor for dining room in the centre (for use of players) with dressing room on either side.
- c. The basement to provide for (1) public refreshment room, (2) a further set of two dressing rooms for players, (3) other necessary minor accommodation (lavatories, store room, cooking arrangements, etc).
- d. A special feature to be made to designing of the rear elevation which will face O'Sullivan Road.

(2) That the pavilion be kept back approximately 60 feet from the fence of the Oval.²³

2.3.2 The Architects

Ernest Alfred Scott (1863-1947) was born in South Australia, the son of a grazier. During the early 1880s, he was articled to Adelaide architects Bayer and Withall (c.1880-4), before commencing practice in 1886. Scott is said to have worked on the Jubilee Exhibition Building in Adelaide (c.1886). By 1887, he had moved to Sydney and opened a practice. Around 1911, he entered in a partnership with Edward Rodwell Green (1885-1974). The partnership practiced as Ernest A. Scott & Green. Scott's son, Thomas Maxwell, joined the partnership in 1923, which then became Scott, Green & Scott. Scott was president of the Institute of Architects in 1932. Refer to Figure 5.

After World War II, the partnership became known as E.A. and T.M Scott. The partnership's work was varied and included residential and commercial commissions.²⁴ Examples include:

- Rockdale Town Hall (c.1888), since demolished.
- *Meroo*, No. 30 Martin Road, Centennial Park (c.1913). An Arts and Crafts Style residence.
- Former ANZ Bank/Union Bank, No. 21 Oxford Street, Surry Hills (c.1911) and ANZ Bank, No. 102 Hunter Street, Newcastle (c.1914). The former is a four storey Federation Free Classical Style Building.
- *Manar*, No. 40A-42 Macleay Street, Potts Point (c.1920s). Residential flat buildings in the Inter-War Georgian Revival Style. The project involved the conversion of an earlier building into flats and the construction of two further residential flat buildings (c.1920 and 1926).
- *Blessed Sacrament Roman Catholic Church*, No. 62 Bradleys Head Road, Clifton Gardens (c.1927). A Romanesque Style church.
- *St. Joseph's Convent*, No. 3-11 Walz Street, Rockdale (c.1929-1930). A Romanesque Style convent.
- *Barbiston*, No. 14 Darling Point Road, Darling Point (c.1930). A three storey Inter-War Mediterranean Style residential flat building.
- *Dorchester*, No. 49-51 Robertson Road, Centennial Park (c.1933). An Inter-War Californian Bungalow.
- *The Knoll*, No. 19 Kent Road, Rose Bay (c.1935). An Inter-War Georgina Style dwelling.

²³ Woollahra Council Minutes 22 March, 1926, p.106.

²⁴ Julie Willis and Anne Higham, 'Scott, Ernest A.', in P. Goad and J. Willis (ed.), *The Encyclopedia of Australian Architecture*, New York, Cambridge University Press, 2012, p.620.

- *Belganny*, Bourke Street, Darlinghurst, No. 389-393 Bourke Street, Surry Hills (1938). A ten storey Art Deco Style residential flat building.
- *Kingsgate*, No. 397-405 Bourke Street, Surry Hills. A four storey Art Deco Style residential flat building.
- *Former Woollahra Council Chambers*, No. 90 and 90A Ocean Street, Woollahra. The practice carried out major alterations and additions to this building in c.1919 and c.1929 for Council, the latter in the Inter-War Mediterranean Style.
- *St. Martha's School*, No. 72 Homebush Road, Strathfield (c.1941).

Woollahra Council do not hold the original plans for the George S. Grimley Pavilion.²⁵ The archives of the practice have not survived.²⁶

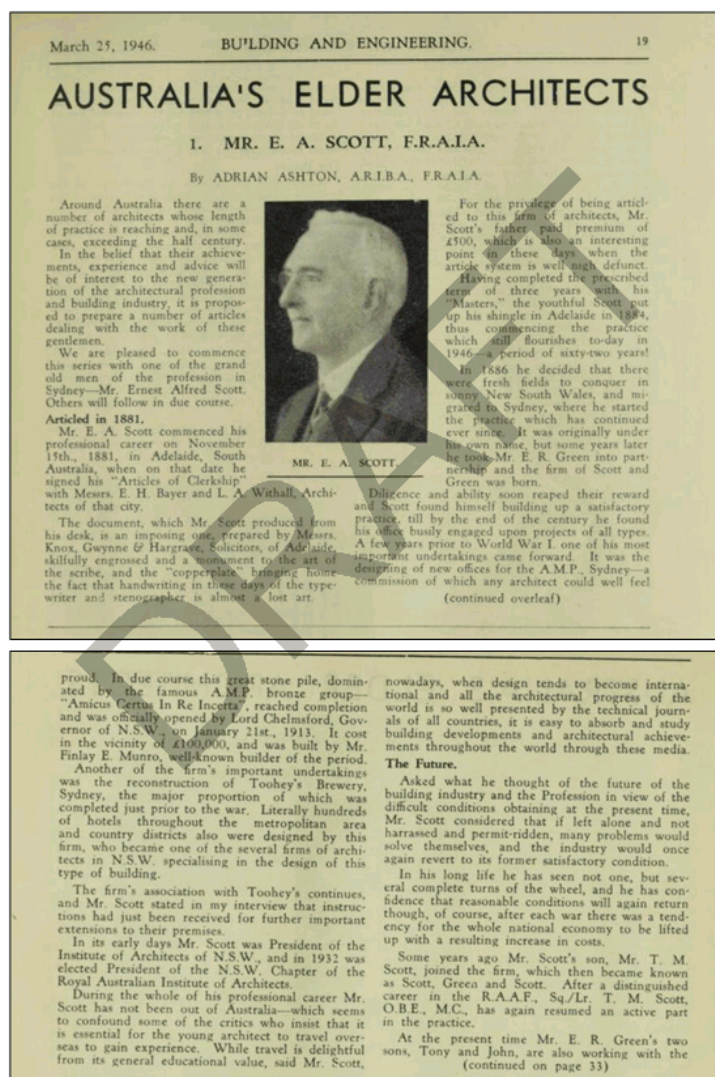


Figure 5: E.A. Scott.
Building and Engineering, 25 March, 1946.

²⁵ Search carried out by Council staff.

²⁶ Personal communication with the firm on another project.

2.3.3 Construction

Following advice from the NSW Cricket Association Executive, and after the inspection of various sites within Woollahra Park, a site south of the main park entrance was chosen in April, 1926.²⁷ Sketches for the pavilion were presented to Council on a number of occasions between April and October 1926, when Council approved Scott & Greens design and subsequent specification. In October 1926, the architects were instructed to call tenders 'at once.'²⁸ The successful tender was A.R. Hinwood (£3,920).²⁹

On 22 January, 1927 Alderman George S. Grimley, laid the foundation stone of pavilion, the inscription reading:

'This stone was laid by Alderman
George S. Grimley, J.P., on the
Twenty second day of January, 1927.
J.C. Lough L.W. Robinson
Town Clerk Mayor.'³⁰

Not everyone was impressed with the design of the pavilion. H.C.J. Lloyd, presumably a local resident, was of the opinion that:

'...the type of building being erected for the purposes of a pavilion at the Woollahra Park Oval is not in the nature of an improvement and that a low bungalow type of building would have been more in keeping with the locality, and adding that he is not writing in the character of a critic as he has the greatest appreciation of the excellent work that Council has done.'³¹

Work was evidently well underway by mid-March 1927, when the first progress payment (of £1,000) to the builder was approved.³² By July of that year, Council were obtaining quotations for the 'supply of forms, chairs and a piano.'³³

Amendments were made to the scheme after construction. In September 1927, for example, Council voted in favour of converting the storerooms underneath the pavilion into dressing rooms for men and women.³⁴ Even prior to completion, the community were applying for the use of rooms within the pavilion. In April 1928, a Miss O'Connor applied to rent the ladies' dressing room in the mornings for elocution and kindergarten classes.³⁵

The builders submitted a final statement for payment in July 1927.³⁶

2.3.4 Opening and Use

The George S. Grimley Pavilion was officially opened on 25 October, 1927 by the Mayor, Alderman Robinson, an event that was briefly reported in *The Sydney Morning Herald*, far more extensively by *The Sun* and even as far afield as Queensland. The *Daily Mercury*, published in Mackay, Queensland, described the George S. Grimley Pavilion as having

²⁷ Woollahra Council Minutes, 12 April, 1926, p.124.

²⁸ *Ibid*, 13 September, 1926, p.288; 25 October, 1926, p. 339.

²⁹ *Ibid*, 22 November, 1926, p.382.

³⁰ *Ibid*, 24 January, 1927, p.20.

³¹ *Ibid*, 14 March, 1927, p.89.

³² *Ibid*, 14 March, 1927, p.90.

³³ *Ibid*, 11 July, 1927, p. 223.

³⁴ *Ibid*, 12 September, 1927, p.284.

³⁵ *Ibid*, 10 April, 1928, p.145.

³⁶ *Ibid*, 23 July, 1928, p.272.

seating accommodation for 1,000 people, a social hall, four dressing rooms and a kitchen.

³⁷ Grimley was not present at the opening, due to illness in his family.

Figures 6 to 8 provides early photographs of the George S. Grimley Pavilion and its setting before 1934, when construction began on the Woollahra Golf Clubhouse. Note the tiered seating on the oval side of the George S. Grimley Pavilion, since replaced with the existing flat roofed changing rooms.



Figure 6: George S. Grimley Pavilion before 1934.
Woollahra Local History Digital Archive.



Figure 7: Detail of a panorama of Rose Bay, c.1928 showing the setting of the George S. Grimley Pavilion, which is just visible on the far right hand side.
Woollahra Local History Digital Archive.

³⁷ Woollahra Council Minutes 10 October, 1927, p.327; 'Woollahra Park,' *The Sydney Morning Herald*, 26 October, 1927, p.16; 'Park Makers. Woollahra Alderman. New Pavilion Opened,' *The Sun*, 26 October, 1927, p.19; 'Provision of Parks,' *Daily Mercury*, 4 November, 1927, p.10.



Figure 8: Aerial View of Rose Bay Golf Course, c.1920s. Detail only.
Fairfax Archives, National Library of Australia.

Figure 9 provides a later photograph which more clearly shows how the steps/seating originally extended down to ground level.



Figure 9:
Woollahra Golf Club, Rose Bay, c.1950 (detail).
Note the steps leading down to ground level.
Woollahra Library.

In addition to providing a grandstand for the oval, the completed George S. Grimley Pavilion played an important role in the social life of Woollahra, as revealed in the following excerpts from Council Minutes (Figures 10 and 11). Advertisements for social events at the pavilion can be found in newspapers from the time that it opened.

1. LETTER (4/2/1946) MESDAMES SPENCER & STANGER:
Stating that they feel that their recent request for improvements to the Geo. S. Grimley Pavilion has been construed by the Council as a desire to turn the Pavilion into a Cabaret and that they wish to correct this wrong impression and therefore asking the Council to reconsider the matter and submitting the following statements:-

1. They cater only for weddings and private parties and also other local requirements and under no circumstances will they depart from that type of business. In the event of the Council approving of up-to-date alterations in the premises they will give any undertaking required to so limit the business in accordance with a policy agreed upon.
2. That the Pavilion is playing an increasingly important part in the social life of the residents of Woollahra and the adjacent districts, and the pressing need for improvements to the premises if the Pavilion is to be allowed to develop along its natural lines in catering for the existing and future needs and demands of the residents.
3. They have reached the maximum capacity under the present lay-out of the premises and during the past 12 months have had to refuse day weddings, and applications for every type of function are now such that they could accept two a day if the facilities were available.
4. Their experience has convinced them that residents of Woollahra and adjoining areas are clamouring for an up-to-date establishment, and given modern facilities, they will effectively meet all and every request.
5. Over the past three years they have truly laid the foundation for a community centre and, given the support they seek, earnestly believe that the Pavilion will become the social rendezvous of the Eastern Suburbs, which is so lacking in such facilities.

THAT, in view of the impracticability of implementing any building operations in the immediate future, the Council has decided to adhere to its previous decision viz:- "that consideration be deferred pending determination of policy in regard to the proposed Rose Bay Swimming Pool and activities in connection therewith. (See Folio 119)

Figure 10: Social use of the George S. Grimley Pavilion
Woollahra Council Minutes, 11 March, 1946.

20. LETTER (5/5/1946) - MESDAMES SPENCER & STANGER:
Acknowledging receipt of communication of 24/4/1946 stating that they would be further advised when the question of improving the Geo. S. Grimley Pavilion has been fully considered by the Council, and also stating that in case any members of the Council are unaware of the important part played by the Pavilion in the community life of the Municipality, it is only right that an outline should be given of its activities. The Pavilion caters, at reasonable charges, only for weddings and private parties and enquiries for bookings are now so numerous that many are forced to be turned away. This type of business it is suggested, is in accordance with the Council's policy in its efforts to establish community centres and with improved facilities, it is hoped to further extend the service to cater for day weddings and also for that large number of passers-by in morning and afternoon teas who are at present unaware of the existence of the Pavilion. The premises are sadly lacking in facilities and there are no cloak rooms and the lavatories used do not appear to have been intended for the convenience of the patrons of the establishment, being those provided for the general public frequenting the ovals. The kitchen badly needs re-designing and, with the lack of a public refreshment room and dining room, they are unable to cater for weddings other than after the usual business hours. They would accordingly appreciate an early decision by the Council, and if the application be determined in their favour would ask that until the alterations are undertaken the Council provide, as a matter of urgency, the provision of ladies and gentlemen's cloak rooms and lavatories and a built-in reception lounge in place of the now exposed porch. In either event they propose spending a considerable sum of money in re-equipping the Pavilion with new furniture, cutlery, kitchen-ware and a third large refrigerator but before doing so asking the Council to seriously consider cancelling the present lease and substituting therefor one for at least five or seven years.

THAT it be left in the Mayor's hands to obtain plans and specifications for the work deemed necessary having regard to the use to which the building is being put and the type of entertainment being provided.

Figure 11: Social use of the George S. Grimley Pavilion
Council Minutes 27 May, 1946.

Figure 12 shows one of these functions in progress in the down stairs function hall.

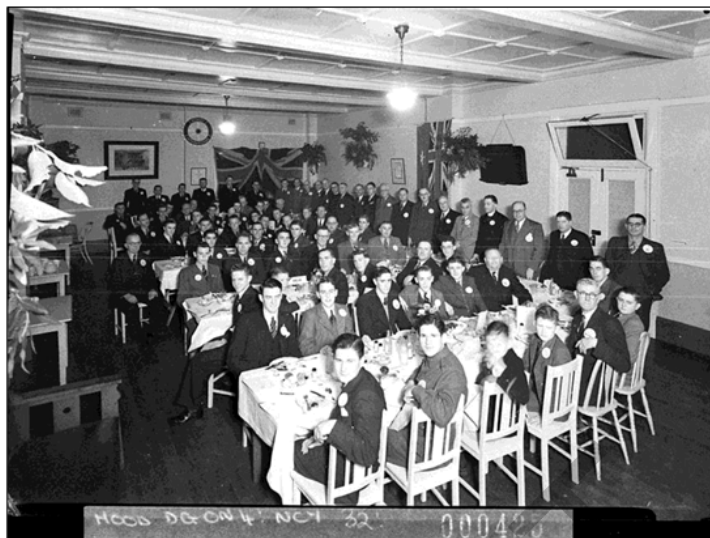


Figure 12: Rotary Club Dinner at the Woollahra Golf Club, 1945. This appear to be in the Grimley Pavilion.

State Library of NSW.

2.3.5 Use by the Rugby Club

In 1949, the Eastern Suburbs District Rugby Union Football Club (formed in 1900) was granted a new home oval in Woollahra Park, which was officially opened on 18 April, 1949. The Club initially occupied a small hut next to the George S. Grimley Pavilion. In 1965, they received permission to build their present-day clubhouse, which was opened in the same year. They now use the dressing rooms beneath the grandstand and the gym, which is also available for use by the public.³⁸ Their association with the George S. Grimley Pavilion dates from at least 1972 when they applied for alterations to the building (see below).

2.3.6 Alterations and Additions

The building has a long history of alteration and addition including:

- In 1937-8, Council's architect M.E.V. Woodforde was instructed to prepare plans for alterations and additions to the George S. Grimley Pavilion to provide for secretarial accommodation for the adjoining Woollahra Golf Clubhouse and the extension of the refreshment rooms. These plans have not been located.³⁹ This may relate to what is now the pro-shop on the north-western side of the principal building form. Equally, a reference to the extension of the George S. Grimley Pavilion to the north-west in 1933 (only by 12 ft) may relate, in part to this work.⁴⁰
- In 1972, the Rugby Club made an application for works to the George S. Grimley Pavilion. The plans associated with this work, however, are dated 1959 and were prepared by David Brindley and Vickery. These plans are not coloured, making it difficult to distinguish new and existing work. This work would appear to have included the removal of some seating in the grandstand and an extension on the north-eastern side (328/72). The work also included new internal openings between the George S. Grimley Pavilion and what is

³⁸ Woollahra Park Management Plan.

³⁹ Council Minutes, 22 November, 1937, p.627.

⁴⁰ Woollahra Council Ordinary Meeting, 11 December, 1933, pp.570-1.

now the pro-shop and the installation of a sauna room for the Eastern Suburbs Rugby Union Club within the dressing rooms beneath the seating. Refer to Figure 13.

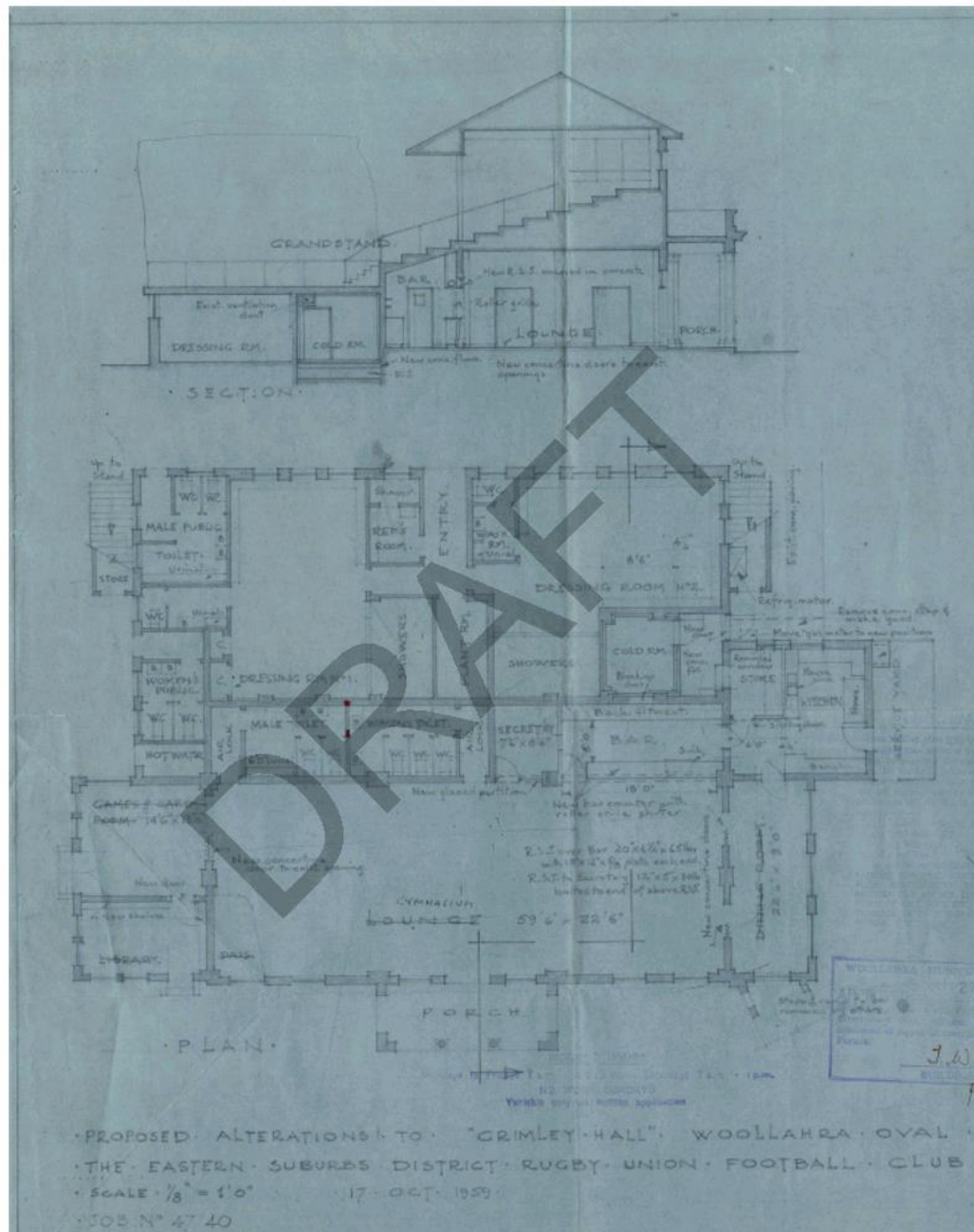


Figure 13: Davey, Brindley & Vickery, Proposed Alterations to 'Grimley Hall', Woollahra Oval for the Eastern Suburbs District Rugby Union Football Club, 1959 (Detail only).
Woollahra Local Studies Collection.

Figures 14 to 18 illustrate the George S. Grimley Pavilion in 1978, after these works were carried out.



Figure 14: The George S. Grimley Pavilion in 1978

Woollahra Local Studies Collection.

Note: the first floor windows are either partially screened or have been partially infilled. These windows are now highlight windows. This is the most significant alteration to this elevation.



Figure 15: The north-eastern elevation of the George S. Grimley Pavilion in 1978. Note seating, since replaced with a flat deck and a gymnasium.

Woollahra Local Studies Collection.



Figure 16: Detail of the spectator seating at the George S. Grimley Pavilion in 1978.
Woollahra Local Studies Collection.



Figure 17:
The south-eastern
end of the George S.
Grimley Pavilion in
1978.
Woollahra Local
Studies Collection.



Figure 18:
The north-
western end
of the George S.
Grimley Pavilion
in 1978, showing
the 1930s
extension. The
opening at the
top of the
Pavilion has been
infilled.
Woollahra Local
Studies Collection.

- Alterations to the pro-shop to the side of the building were approved in 1983 (22/83). The work involved the removal of 2 internal walls and the installation of a beam.
- Internal refurbishment works to the ground floor of the George S. Grimley Pavilion were approved in 1996. These works also involved the removal of a door in the south-western elevation of the pro-shop and the refurbishment or replacement of some doors and windows. The plans were prepared by Arclinea Consultant Designers (96/642).
- Alterations to the gym for the football club (08/111).

2.4 The Woollahra Golf Links

2.4.1 Planning the Golf Links

In late 1928, Council began to consider the construction of a nine hole golf course in Woollahra Park. In February 1929 they resolved to consult a golf professional to assist with the course layout. Two restrictions were placed on the course: that it not cross the established playing fields and that it not occupy more than two thirds of the Woollahra Park area.⁴¹ In July of that year, it was resolved:

‘THAT the Engineer be instructed to proceed with the construction of a golf course in Woollahra Park in accordance with the plans prepared by the Council’s Engineer...with the authority to confer with Mr. J.H. Scott, Golf Professional.’⁴²

The course would appear to have had widespread support. In June 1929, *The Sydney Morning Herald* reported that the Town Clerk had been ‘inundated’ with letters from residence anxious to be enrolled as members.⁴³

By December 1929, the Special Golf Course Committee were able to report that the tees and greens were sufficiently advanced to require a water supply.⁴⁴ By September of the following year, progress was at the point that the Council was recommending that the rules and regulations of the golf links be drawn up and that advertisements be placed for the services of a professional.⁴⁵ Advertisements for a professional were placed in local papers in January 1931. The first professional appointed by C.E. Barnes, who was given sole right to tuition on the course.⁴⁶ Under the management rules, only rate payers and residents in the municipality were eligible to play, although they could introduce up to four visitors a year.

2.4.2 Opening

The course- known as the Woollahra Golf Links- was officially opened in April 1931. The Council Minutes of 13 April 1931 record:

‘Official Opening-

Woollahra Municipal Golf Links.

I desire to report that the Official Openings of the Woollahra Municipal Golf Links took place on Saturday last the 11th instant, in the presence of one of the largest gathering of residents and ratepayers that have ever attended a municipal function in this Municipality.

⁴¹ Woollahra Council Minutes, 11 February, 1929, p.20.

⁴² *Ibid*, 22 July, 1929, p.286.

⁴³ ‘Woollahra Golf Links,’ *The Sydney Morning Herald*, 14 June, 1929, p.15.

⁴⁴ *Ibid*, 28 January, 1930, p.47.

⁴⁵ *Ibid*, 8 September, 1930, p.317.

⁴⁶ ‘Woollahra Municipal Golf Links,’ *The Sydney Morning Herald*, 18 March, 1931, p.18.

I (the Mayor) had the hour of driving the first ball....

Thereafter the links were open for play and 73 green fee tickets were issued at 1/- in the two hours available, and 50 tickets for the putting green at 3d, revenue £4.5.6.

Yesterday 273 tickets were issued at 1/- £13.13.0, and 9 at 3d, 2/3d- revenue £13.14.3....

I also wish to place on record that fact that the Town Clerk (Mr. J.C. Lough) is primarily responsible for the establishment of the Golf Links. His idea was conceived over four years ago, and in January 1929 the Town Clerk reported and submitted the scheme to council. In March, Mr. J.H. Scott, Golf Professional, was appointed by Council to report and lay out the course subject to the restrictions recommended by the Parks Committee. In July 1929 authority was given to commence the construction work, which has been carried out under the direct supervision of the Council's Engineer, Mr. C.E. Percival....⁴⁷

The opening was reported in a number of the daily newspapers. The *Daily Telegraph* noted several features of the course, describing the annual registration fee of 2 shillings as the lowest subscription to a course in Australia, 'and probably the world.'⁴⁸ In the absence of purpose-built facilities, the George S. Grimley Pavilion was to provide locker rooms, showers and refreshment rooms.

Early attempts to form a golf club at the links faced opposition.⁴⁹ Despite opposition that club members would get preferential treatment, a club was formed in May 1932, with a membership fee of 10 shillings a year.⁵⁰ By March 1935, membership of the Woollahra Golf Club had grown to 150 people.⁵¹

2.4.3 Planning and Construction of the Golf Woollahra Clubhouse

Council considered requests for a clubhouse for the golf links as early as September 1930, even before the course had been opened.⁵²

In October 1933, the Council resolved to engage architect M.V.E. Woodforde to prepare designs for accommodation for golfers. Following preliminary consultations, Woodforde prepared detailed sketches for

'a new building facing the drive and connected to the south-eastern end of the (Grimley) Pavilion by a screen arcade wall, and an extension of the social hall by about 12 feet on the north-western end.'⁵³

After considerable discussion within Council, Woodforde called for tenders for the 'erection of a building comprising supper-room and accommodation for golfers, at Woollahra Park' in March 1934.⁵⁴

The Sydney Morning Herald described the proposed building as follows:

'The new building....will link with the present George S. Grimley Pavilion by a covered way. It will provide a supper-room and other accommodation for golfers. The plan has been designed fan-shape, following the form of the drive way. This will ensure a good view of the

⁴⁷ Woollahra Council Minutes, 13 April, 1931, p. 90.

⁴⁸ 'Unique Golf Club,' *The Daily Telegraph*, 19 March, 1931, p.3.

⁴⁹ 'Woollahra Golf Links,' *The Daily Telegraph*, 12 April, 1932, p.3.

⁵⁰ *Ibid*, p.3.

⁵¹ Woollahra Council Minutes, 25 March 1935, p.192.

⁵² *Ibid*, September, 1930, p.330.

⁵³ *Woollahra Council Ordinary Meeting*, 11 December, 1933, pp.570-1.

⁵⁴ 'Tenders Called,' *Construction and Real Estate Journal*, 14 March, 1934, p.5.

playing area from any portion of the building. Wide verandah space will be provided at both front and rear.

The super-room will be available for functions in conjunction with the ballroom, or for letting for private functions. Accessory accommodation is of the most modern style. The building will be of Colonial style, with cream-coloured cement walls, red tiled roof and other outstanding features of this style. The contractors are E.A. Allman and Son, who are working to plans and under the supervision of M.V.E. Woodforde, architect, Sydney.⁵⁵

Council do not hold the original plans for the building. Figure 19, however, provides an artist's impression from 1934.

Thirteen tenders were received and tabled at Council ranging in price from £1,700 to £3,350, after which Council resolved to seek amendments to the plans to reduce costs.⁵⁶ None of the tenders were accepted and fresh tenders were called for in May 1934.⁵⁷ Thirteen new tenders were received and that of E.A. Allman & Son for £1,900 was accepted in June 1934.⁵⁸ Costs increased during construction due to site conditions etc.



Figure 19: Golf House at Woollahra Park, Rose Bay, as it will appear when completed.
'Woollahra. New Golf House,' *The Sydney Morning Herald*, 26 June, 1934.

2.4.4 The Architect

According to 'Who's Who' in *Decoration and Glass in February*, 1940, Marcus Victor Ernest Woodforde (Figure 20) served his articles with Herbert E. Ross of H.E. Ross and Rowe prior to enlisting with the Australian Imperial Services during World War I, where he served in France. He later returned to H.E. Ross and Rowe before working with Henry E. Budden and Greenwell, during which time he attended the Atelier at the University of Sydney studying design under Professor Leslie Wilkinson. After a third period with H.E. Ross and Rowe, during which time he worked on the Commonwealth Bank in Martin Place, he commenced private practice (1928), executing various commissions. In 1933, he was appointed as architect to the Municipality of Woollahra.⁵⁹ The examples of his work below indicate that he worked in a variety of styles.

⁵⁵ 'Woollahra. New Golf House,' *The Sydney Morning Herald*, 26 June, 1934, p.3.

⁵⁶ Woollahra Council Minutes, 26 March, 1934, pp.152-153; 9 April, 1934, p.170; 23 April, 1934, pp.197 onwards.

⁵⁷ Woollahra Council Minutes, 14 May, 1934, p.226.

⁵⁸ *Ibid*, 11 June, 1934, pp.274-5; 25 June, 1934, p.303.

⁵⁹ 'M.V.E. Woodforde, A.R.A.I.A,' *Decoration and Glass*, Volume 5 No. 9, 1 February, 1940, pp.53-54.



Figure 20:
M.E.V. Woodforde,
Decoration and Glass, Volume
5 No. 9, 1 February, 1940.

Woodforde worked in a variety of styles. Examples of this work include:

- Hotel Grande, Coolangatta, 1933.
- Willoughby Golf Clubhouse (winner of competition, 1935).
- Northbridge Golf Clubhouse, 1937.
- Cyclone Fence and Gate Co., Mentmore Avenue, Roseberry, 1937.
- House, No. 69 David Street, Launceston, 1938.
- Globe Worsted Mills, Sydenham.
- Lidcombe Textile Mills, Lidcombe.
- Administrative Offices for Lysaght Bros. and Co. Pty Ltd., 1939.
- Factory, Papyrus Pty Ltd, Burrows Road, Alexandria, 1940.⁶⁰

Figures 21 to 24 illustrate a number of these buildings.



Figure 21:
Hotel Grande,
Coolangatta,
1933.
Building,
Volume 52,
No. 307, 13
March, 1933.

⁶⁰ 'M.V.E. Woodforde, A.R.A.I.A., *'Decoration and Glass*, Volume 5 No. 9, 1 February, 1940, pp.53-54; *'Willoughby Golf Clubhouse,' Building*, 12 December, 1935, p.15. (Advertisement for Hardie's Fibrolite), *Decoration and Glass*, Volume 7 No. 12, 1 April, 1942, p.31.



Figure 22:
Northbridge Golf
Clubhouse, Sydney.
Building, 24 November, 1937.



Figure 23:
Papyrus Pty Ltd, Burrows
Road, Alexandria (c.1940).
Building, 24 February, 1942.



Figure 24:
New residence, No. 151
Dover Road, Dover Heights,
1942. Woodforde's own
residence.
Building, 24 March, 1942.

Other buildings he designed for Woollahra Council include:

- Woollahra Croquet Club (1934).
- New Baby Health Centre and Day Nursery, Double Bay (1951).

The Sydney Croquet Clubhouse is a split log building that is substantially intact. It is not directly comparable with the Woollahra Golf Clubhouse. Figure 25 below illustrates the New Baby Health Care Centre, which still stands on the corner of New South Head Road and Sherbrook Avenue. This is the largest of his known commissions for Council.



Figure 25:
New Baby Health Centre and
Day Nursery, Double Bay.
Building and Engineering, 24
October, 1951.

2.4.5 Opening of the Woollahra Golf Clubhouse

In December 1934, Council was informed that the work to the clubhouse was almost complete. The Mayor decided against a formal opening:

'In view of the near approach of the holidays and the fact that the golf season is over, I do not proposed to hold a function of the character which would have been appropriate at the beginning of, or during the golf season. I propose, however, to invite alderman and those particularly interested to attend the official handing over of the building.'⁶¹

As set out in a later section of this report, a number of fine Golf clubhouses were erected in New South Wales during the 1930s. *Building* magazine remarked in May 1933 that:

'Throughout the length and breadth of Australia, cities, and even small country towns, can boast of their grandstands and sporting pavilions in no mean numbers, and among them, particularly in our golf and bowls clubhouses, is to be seen much that is good in architecture....

Golf is now the game of the business man and his professional brother, and it is rapidly taking hold of the artisan and tradesman. The significance of this order of things is that the conception and standard of playing facilities during recent years have undergone a change as compared with that which existed when golf was solely the sport of the affluent....

The average member wants the best course that his club can afford, and a house with convenience and comfort that will contribute to his enjoyment..⁶²

The recent clubhouses reviewed by the article include the Australian Golf Club at Kensington, the Killara Golf Club and the Bayview Golf Club.

Without original plans, it is not possible to ascertain what the Woollahra Golf Clubhouse offered. *Building* suggests that a 1930s golf clubhouse was required to have four general units: (1) locker rooms, bathrooms etc; (2) public space, including the entrance hall; (3) the club proper, including lounges and dining rooms; and (4) the service portion.⁶³

⁶¹ Council Minutes, 10 December, 1934, p.607.

⁶² 'Golf Clubhouses: Recent Activities', *Building*, 12 May, 1933, pp. 41-44.

⁶³ *Ibid*, p. 42.

Figure 26 provides a photograph of the Woollahra Golf Clubhouse prior to any alterations and additions being carried out.



Figure 26: Undated photograph of the George S. Grimley Pavilion and the Golf Clubhouse.
Framed photograph in the Woollahra Golf Clubhouse.

Figures 27 and 28 provide two additional photographs showing the Woollahra Golf Clubhouse in its setting.



Figure 27(a):
Milton Kent, Aerial
Views of Rose Bay,
Rosebery, Sydney,
Waterloo, 1941-
National Library of
Australia.

Figure 27 (b):
Detail of the above
photograph.



Figure 28:
NSW Lands
Department, (*Aerial
Photograph over the
site*), 1943.
SIX Maps.

2.4.6 Alterations and Additions

The Woollahra Golf Clubhouse has a long history of alterations and additions. The first alterations to the clubhouse were not long in coming. In January 1935 the end of the verandah was enclosed with fixed circular fanlights and box frame sashes to protect users from the weather.⁶⁴ The golf course had rapidly grown in popularity; the number of rounds played steadily increased from 53,337 in 1931-2 to 70,872 in 1935-6.⁶⁵

In late 1945, the Woollahra Golf Club requested that Council consider the addition of a first floor to the existing clubhouse as part of their post-war plans to cater for an increase in membership.⁶⁶ It would be some time before these requests were successful. In the interim, the course was extended following the resumption of over 7 acres of land from the Royal Sydney Golf Club.

In 1955, architects D. Forsyth Evans & Associates prepared plans for alterations and additions to the existing clubhouse for the Woollahra Golf Club members (BA16/55). The plans held by Council are for a two storey building with concealed roof form. This must have been modified at a later date. Tenders for the work were called in May 1956. The notices stated that the plans and specifications were available from W.V.E. Woodforde.⁶⁷ It is not clear what the extent of Woodforde's involvement was. The foundation stone for the new works was laid on 6 October, 1956.⁶⁸ A plaque at the clubhouse commemorates that the building was opened in December of that year.⁶⁹

When architects Davey Brindley & Vickery made an application for the construction of a new coolroom, storeroom, kitchen, public locker rooms and toilets in 1958, the plans show that the addition ultimately built for the members in 1956 had a pitched roof; this corresponds to the existing building (283/58). Internal works within the existing building were also carried out at this time. Further alterations and additions were

⁶⁴ Woollahra Council Minutes, 29 January, 1935, p.43.

⁶⁵ *Ibid*, 25 May, 1936, pp.253-4.

⁶⁶ *Ibid*, 10 December, 1945, p.481.

⁶⁷ 'Tenders,' *The Sydney Morning Herald*, 19 May, 1956.

⁶⁸ Foundation stone on the building.

⁶⁹ Plaque in the clubhouse.

carried out in 1963 (323/6), 1965 (0241/65), 1978 (16/78 and 560/78 indoor BBQ), 1993 (65/1993), 1996 (96/642) and 2006 (06/185).

3.0 SITE ASSESSMENT

3.1 The George S. Grimley Pavilion

3.1.1 Exterior

The George S. Grimley Pavilion is one and two storeys in height. The walls are rendered and painted masonry. The principal roof is hipped and clad in terracotta tile. The roof of the single storey wing on the north-western side is similarly hipped and clad in terracotta tile. The eaves are wide and timber lined. The change rooms on the north-eastern side have a flat concrete deck roof.

The principal building form is two storeys in height. A projecting band delineates the ground and first floors. The principal elevation is the south-western elevation. A single storey portico projects outwards from this elevation. The portico is wide and flat roofed. The roof is supported by square profiled and Doric columns and bears the words 'George S. Grimley Pavilion.' Within the portico there is a pair of framed and glazed doors with toplight, to either side of which is a timber framed double hung window with a single pane to the lower sash and multiple panes to the upper sash. There are two similarly detailed windows at ground floor level to either side of the portico. At first floor level, there are a series of highlight metal framed awning sash windows.

Figures 29 to 32 illustrate this elevation.



Figure 29: South western elevation.

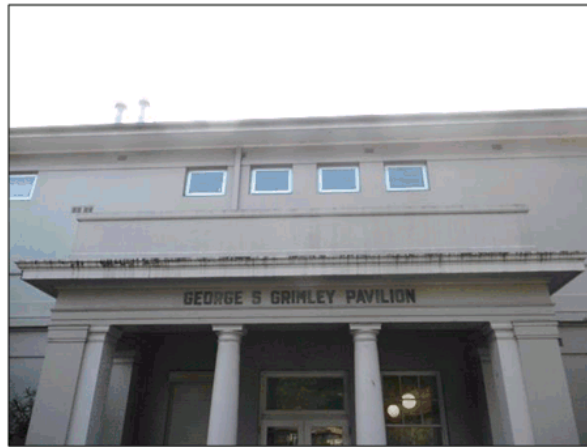


Figure 30:
Detail of the metal framed
highlight windows at first
floor level.



Figure 31:
Entrance porch with red
concrete floor.



Figure 32:
Foundation stone within the
porch.

The north-western elevation of the principal building form is concealed at ground floor level by a small single storey hipped roof wing. At first floor level, there is a large opening fitted with a metal framed window.

The wing at this end has wide, lined eaves. Openings in the south-western elevation and north-eastern elevation are timber framed double hung sash windows. In the

north-western elevation, stairs lead up to a pair of timber framed and glazed doors with toplight. To either side is a large opening with fixed pane window.

As discussed above, the original pavilion has been extended to the north-east to provide dressing rooms with a flat roofed deck, accessed via concrete stairs to either side. A metal balustrade runs around the deck. The north-eastern elevation of the dressing rooms has high level openings and two recessed openings fitted with metal gates. The once open area beneath the principal building form at first floor level has now been enclosed with metal framed doors and windows. A narrow roof extends outwards from beneath the gutter line of the principal roof form. This roof is tiled and supported by rounded cast iron posts to the rear and more slender metal post to the front. The underside of the roof is timber lined.

Figures 33 to 38 illustrate the wing on the south-western side and the north-eastern side of the Pavilion.



Figure 33:
North-western side of the pavilion.



Figure 34:
North-western side of the pavilion.



Figure 35:
Continuing along the above elevation.



Figure 36:
North-eastern elevation.



Figure 37:
Enclosed space under the originally open pavilion on the north-eastern side.



Figure 38:
Posts supporting the roof.

At ground floor level on the south-eastern side, the arcade that connects the building to the golf clubhouse continues across the face of the pavilion. The large arched openings are infilled with timber framed and multiple paned double hung windows with toplights. Refer to Figure 39.



Figure 39:
South-eastern elevation.

3.1.2 Interior

Ground Floor

Council minutes indicate that there have numerous alterations to the ground floor layout over time. No current floor plan has been provided. Figures 40 to 44 illustrate the interior.



Figure 40: Enclosed space at the south-eastern end, looking towards the arcade linking into the Golf Clubhouse.



Figure 41: The same space looking to the north-west.

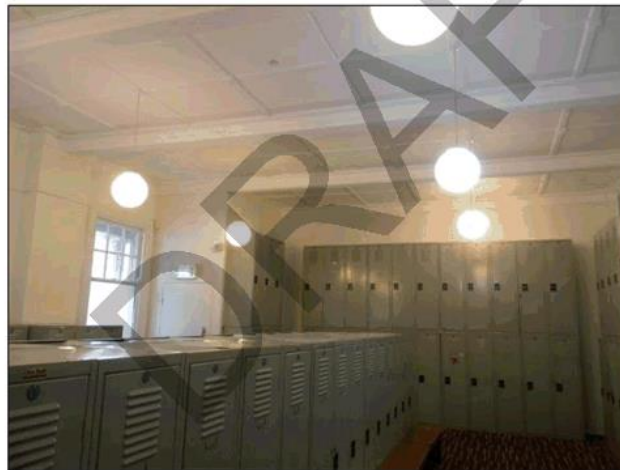


Figure 42:
The principal assembly room on the south-western side.



Figure 43: Detail of the typical joinery at ground floor level, showing profiled skirtings and architraves.

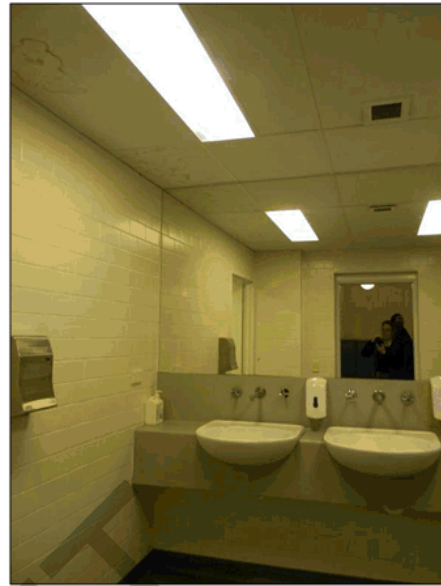


Figure 44: Refurbished bathrooms at ground floor level.

There is a single room at first floor level within the principal building form. Squared masonry pillars support a central metal girder. Refer to Figures 45 and 46.

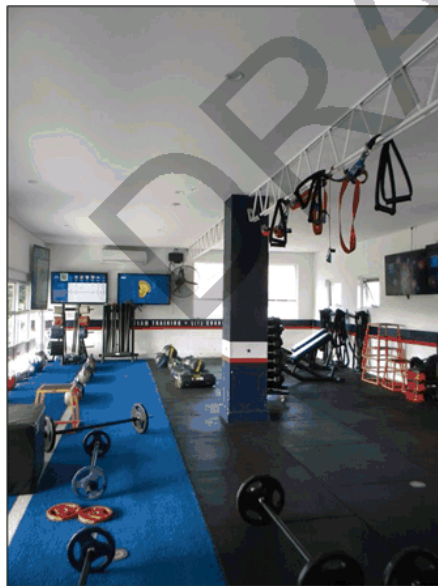


Figure 45: First floor level.

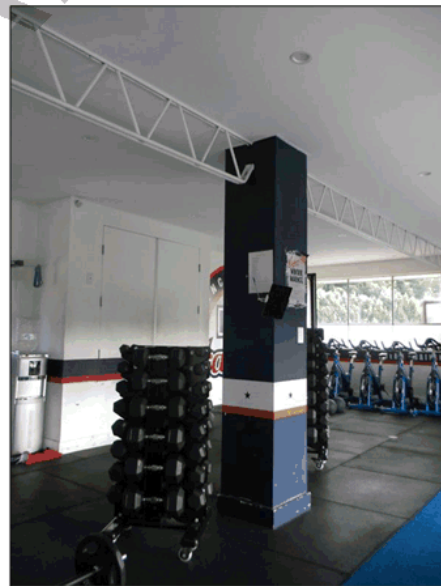


Figure 46: First floor level.

Single Storey Wing

The single storey wing on the south-western side of the pavilion retains what appear to be original architraves and some skirting. There is a small section of original ceiling, with battening. Refer to Figures 47 to 49.



Figure 47:
Side wing showing a later opening and ceilings with what appears to be original profiled timber joinery.

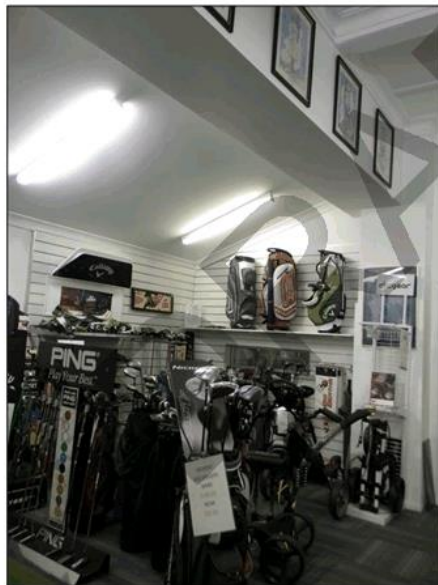


Figure 48: Side wing with later opening and ceiling.

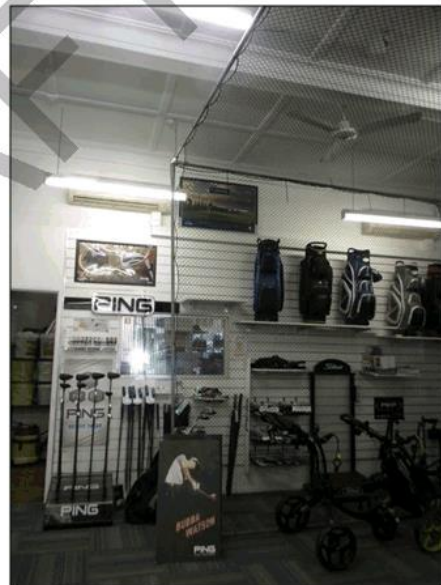


Figure 49: Side wing with original sections of ceiling.

Dressing Rooms

The dressing rooms on the north-eastern side have concrete floors and ceilings and basic amenity fit-outs. Refer to Figures 50 and 51.



Figure 50: Dressing rooms.

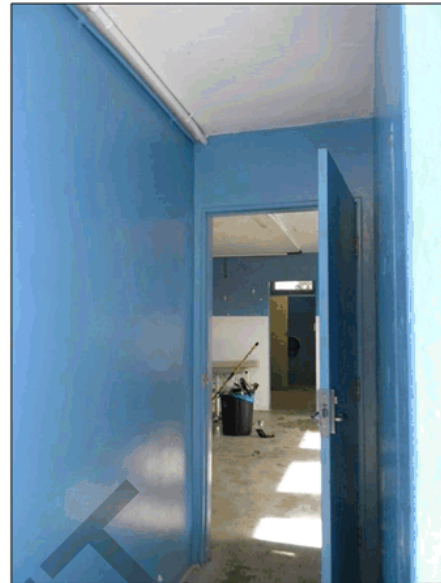


Figure 51: Dressing rooms.

3.2 The Woollahra Golf Clubhouse

3.2.1 Exterior

The clubhouse is a one and two storey building constructed in several stages. The principal building form and wings are one and two storey in height and are constructed of rendered masonry with hipped tiled roofs. There are single storey flat and skillion roofed sections, constructed of various materials, on the eastern and southern sides.

The western side of the building is single storey in height and forms part of Woodforde's 1934 clubhouse, with later alterations and additions. The walls are rendered and painted and the roof hipped and clad in tiles. The front elevation centres on a gabled roofed portico supported by a Doric column to either side. The gable has timber bargeboards and a semi-circular vent. Beneath the gable, automatic doors lead into the clubhouse. A ramp is under construction in front of the portico. There are two wings to either side of the portico, set at a slight angle to it. The shorter northern wing, has two large openings fitted with metal framed doors or timber framed windows. The southern wing has a series of openings fitted with timber framed windows of various types. Figures 52 to 54 illustrate this elevation.



Figure 52:
Front elevation of the 1934
Woollahra Golf Clubhouse.



Figure 53:
Entrance portico.



Figure 54:
Southern wing (extended) of the
original 1934 building.

At the northern end of this section of the clubhouse, a single storey open arcade links the clubhouse with the George S. Grimley Pavilion. The roof of the arcade, which is concealed, is supported by squared pillars. There is a balustrade of masonry balusters set between the pillars. An arched opening, with a later set of timber framed and glazed doors, leads into the clubhouse. Refer to Figures 55 and 56.



Figure 55: The arcade linking the golf clubhouse and George S. Grimley Pavilion.



Figure 56: Doors leading to the golf clubhouse.

In 1956, a substantial one and two storey addition was constructed on the eastern side of the original building. This addition has rendered walls and a hipped roof clad in tiles. The eaves are wide and lined. The principal entrance appears to have been on the north-eastern side through an entrance porch with squared columns. The original doors have been replaced with metal framed and glazed doors. Windows in this elevation are generally timber framed double hung windows with a single pane to the lower sash and multiple panes to the upper sash. Refer to Figures 57 and 58.



Figure 57:
North-eastern elevation of the 1956 addition, with part of the earlier building on the RHS and part of a later addition on the LHS.



Figure 58:
Foundation stone.

The 1956 addition has been extended outwards at ground floor level on the eastern side. This part of the building is flat roofed and has large openings fitted with metal framed doors and windows. Refer to Figures 59 to 61.



Figure 59:
Ground floor extension on the eastern side.



Figure 60:
Ground floor extension on the eastern side.



Figure 61:
Stairwell on the southern side.

There are single storey service wings on the southern side of the building of various heights and dates. These wings have rendered masonry walls and flat or skillion roofs clad in metal sheet. Refer to Figures 62 to 65.



Figure 62:
Service wings on the southern side.



Figure 63:
Service wings on the southern side.



Figure 64:
Service wings and detached car port on the southern side.

3.2.2 Interior

Ground Floor

The ground floor of the clubhouse has undergone extensive alterations and additions over time. Little original fabric is visible in the 1934 section of the building with the exception of some sections of profiled timber skirting and architraves and what are possibly remnant ceilings at the entrance.

The remainder of the ground floor area has a post c.1990s fit out. Walls have been removed and openings created; finishes have been updated. Figures 65 to 70 illustrate typical interiors in this part of the building.



Figure 65: Looking towards the main entrance into the 1934 building, showing possible remnant ceiling.



Figure 66: Room within the southern wing of the 1934 building.

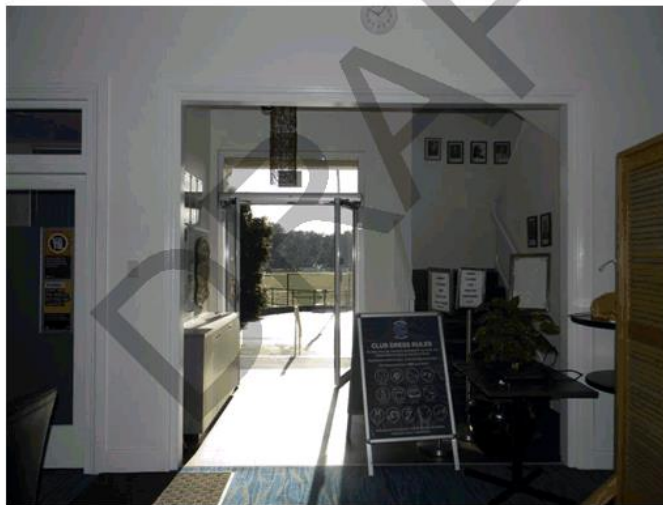


Figure 67: Looking towards the entrance to the 1956 addition from the original section of the building.



Figure 68:
Within the
refurbished 1934
section of the
building.



Figure 69:
The extension on
the eastern side of
the 1956 building.



Figure 70:
Kitchen on
southern side.

First Floor

The first floor was constructed as part of the 1950s addition. The staircase leading up to this level has a simple timber balustrade to the lower section; the upper section has an enclosed balustrade.

Walls at first floor level are rendered and painted. Ceilings are plasterboard (or equivalent) with quad cornices. Doors are single panel doors. Architraves and skirting boards, where present, are simple in profile. The bathrooms at this level are c.1950s in date. Refer to Figures 71 to 76.



Figure 71: Staircase to first floor level.



Figure 72: Showing simple finishes, typical at this level. Unprofiled skirting boards, simply detailed door and window architraves and single panel doors.

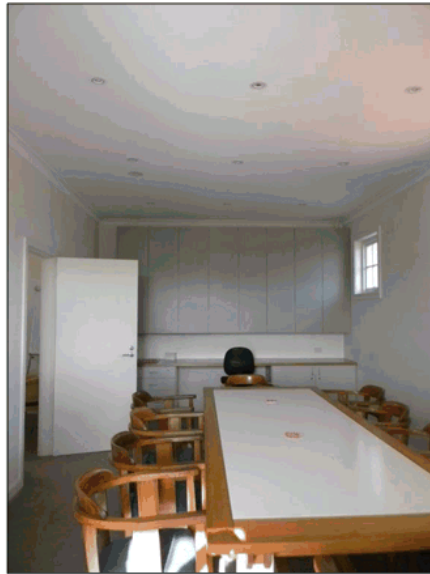


Figure 73: Board room at first floor level with modern cabinetry to one end.



Figure 74: Moveable heritage.

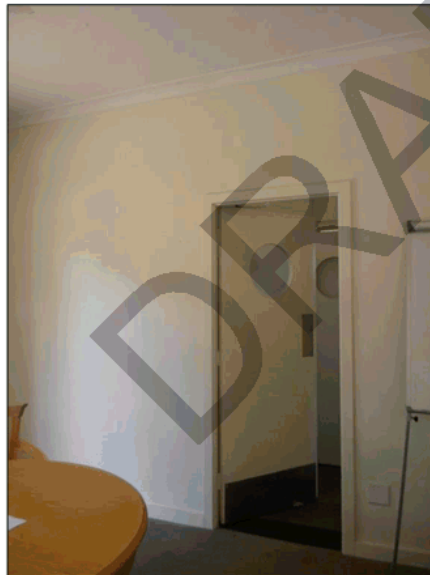


Figure 75: Door with porthole window leading into the first floor bathroom.



Figure 76: Typical finishes in the first floor bathroom.

3.3 The Setting

For the following, refer to Figure 77, an aerial photograph over the site and the surrounding area.

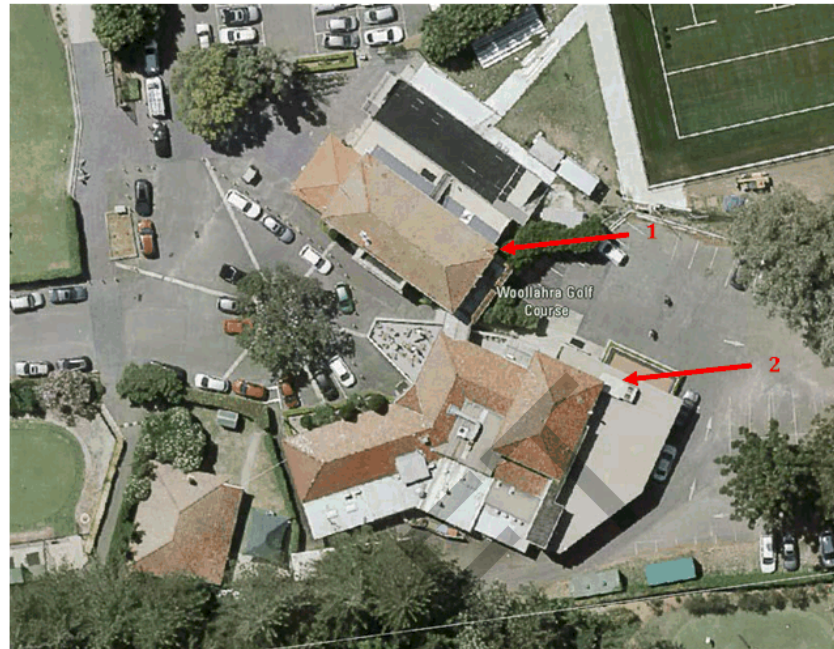


Figure 77: Aerial photograph over the site. Key: (1) George S. Grimley Pavilion; (2) Woollahra Golf Clubhouse
Woollahra Council GIS.

The George S. Grimley Pavilion and Woollahra Golf Clubhouse are located off O'Sullivan Road within the Woollahra Golf Course. They are located on the western side of the golf course; the fairways extend to the north, south and east. To the north-east of the George S. Grimley Pavilion there is a playing field surfaced in artificial turf.

The two buildings are approached off O'Sullivan Road via a driveway which ends in a carpark. The main driveway towards the George S. Grimley Pavilion is visible in the 1943 photograph, Figure 28 above.

There is a second driveway into the site from O'Sullivan Road which leads to the rear of the Woollahra Golf Clubhouse. This driveway is lined with regularly spaced mature pine trees and is similarly visible in Figure 28 above.

Refer to Figures 78 to 80 and to the photographs above.



Figure 78:
Main driveway off
O'Sullivan Road into
the site.



Figure 79:
Former main driveway into the
Woollahra Golf Clubhouse.



Figure 80:
Playing field to the
north-east of the
Pavilion.

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Existing Statutory Heritage Listings for the Site

4.1.1 Commonwealth Listings

The site is not listed on the Commonwealth or National Heritage Lists under the auspices of the *Environment Protection and Biodiversity Conservation Act 1999*.

4.1.2 State Listings

The site is not listed on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*.

4.1.3 Local Listings

The site is:

- Not listed as a heritage item by Schedule 5 Part 1 of the *Woollahra LEP 2014*.
- Not located within a Heritage Conservation Area listed by Schedule 5 Part 2 of the *Woollahra LEP 2014*.

4.2 View Corridors

4.2.1 The George S. Grimley Pavilion

The George S. Grimley Pavilion was once a highly visible element in the landscape. The most significant view corridors are those towards the south-western elevation. This is the most intact elevation. View corridors towards the north-eastern elevation were also once significant, but have been compromised by the later alterations carried out to this side of the building.

The George S. Grimley Pavilion is obscured on approach along O'Sullivan Road from the north-west by vegetation. There are glimpses towards the roof on approach along O'Sullivan Road from the south east when close to the site.

The principal views out of the George S. Grimley Pavilion are to the north-east, over the playing field. These views survive, despite the alterations to this side of the building.

4.2.2 The Woollahra Golf Clubhouse

The principal view corridors towards the clubhouse are all obtained from within the grounds of the golf course. The most significant surviving view corridors are of the south-western elevation. It is noted, however, that this is a view corridor of an altered elevation.

The clubhouse is obscured on approach along O'Sullivan Road from the north-west by vegetation. There are glimpses towards the roof of the two storey element on approach along O'Sullivan Road from the south-east when close to the site.

The principal view corridors out of the clubhouse are over the golf course to the east and north-east.

4.3 Integrity

4.3.1 The George S. Grimley Pavilion

The George S. Grimley Pavilion demonstrates mixed integrity. The following is noted:

- The south-western elevation is substantially intact. It is noted that one opening has been infilled at ground floor level and that the first floor windows have been infilled to become highlight windows. The interior of this part of the building, whilst known to have been altered over time continues to be identifiable as being of the Inter-War period.
- The north-eastern side of the building has been extended outwards and altered. The tiered seating has been completely removed and the section beneath the principal roof form enclosed. This side of the building demonstrates low integrity.

4.3.2 The Woollahra Golf Clubhouse

This building demonstrates low integrity. The external and internal alterations and additions over time have been extensive.





4.4 Comparative Analysis

4.4.1 George S. Grimley Pavilion

4.4.1.1 Grandstands

There are numerous pavilions/grandstands listed as heritage items on the State Heritage Register and State Heritage Inventory. The most outstanding examples, state wide are, arguably, John Kirkpatrick's c.1900 ladies and members' stands at the Sydney Cricket Ground.

The majority of locally listed examples are located within country areas. Five suburban examples have been identified, three of which are included in Table 1 below. The fourth example, at Rushcutters Bay, was erected in the late nineteenth century and is in a different style to the George S. Grimley Pavilion. The fifth example is provided by the main grandstand at North Sydney Oval, erected in 1928. This is a much larger example than the George S. Grimley Pavilion.

Item/Date	Address	Reasons For Listing	Photograph
Eastwood Grandstand c.1933	45 West Parade, Eastwood	Aesthetic; historical significance; highly intact; architect designed. Local significance.	 <p>Google Maps. Includes facilities below.</p>
The Grandstand c.1927	Cross Street, Rawson Park, Mosman	Demonstrates high community values; important place of recreation in the social history of the suburb	 <p>SHI Inventory. Upper part converted into a Clubhouse but some grandstand seating retained.</p>
Pratten Park Grandstand, Ashfield c.1920	Pratten Park, Ashfield	None given by listing sheet.	 <p>Google Images</p>
Nowra Showground Federation Brick Pavilion c.1905	West Street, Nowra	Historic, aesthetic, social.	 <p>SHI.</p>



Item/Date	Address	Reasons For Listing	Photograph
Harwood Mill Grandstand c.1927-8	Millstreet , Harwood	Association with local sports; rare and excellent example of a simple vernacular grandstand; historic significance.	
John Slade Memorial Pavilion Date unknown.	124 Mitchell Street, Stockton	Located in prominent park.	

Table 1: Heritage listed grandstands in NSW.

There are a number of other grandstands in the Woollahra area, none of which are heritage listed, including:

- Southern grand stand at White City, c.1921. Figure 81.
- The Leslie Wilkinson designed grandstand at White City, erected in 1931. This grandstand has had numerous alterations over time. Figure 82.
- Frank Dixon Grandstand, Trumper Oval, Paddington. In its present configuration the grandstand is a single, ground-level grandstand. Originally constructed in 1936, the grandstand was reduced in size in the mid-1980s.
- Christison Park, Vaucluse. Modern grandstand.

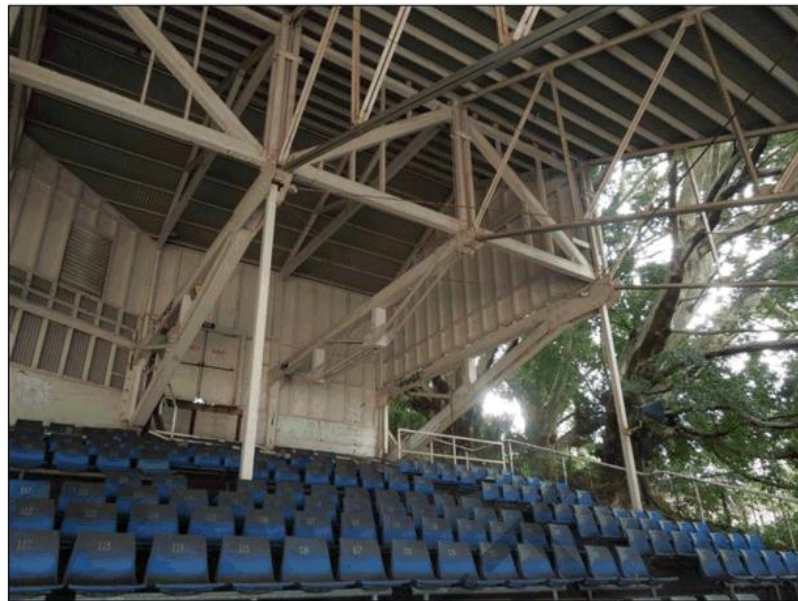


Figure 81: Southern grandstand, White City.

Woollahra Urban Planning Committee, Item: R2- White City-Proposed Heritage Item, Annexures-Item R2, November 2013.

Built in 1923, this grandstand is covered by a large sloping partially cantilevered roof supported by a complex timber and steel truss roof on timber and steel posts and beams. It originally sat 3,500 people; 500 additional seats were added in the late 1920s. The area under the stand contains a basement, a glazed press box and wrought iron balustrading to the members section. The stand is in a dilapidated condition.

This grandstand is far larger than the George S. Grimley Pavilion and of a different type of construction. Unlike the George S. Grimley Pavilion it retains seating, which is an important part of the ability to understand a grandstand.



Figure 82: Northern Grandstand, constructed in the 1930s (Stage 1).
Woollahra Urban Planning Committee, Item: R2- White City-Proposed Heritage Item, Annexures- Item R2, November 2013.

The grandstand contains an arched masonry wing below the seating. The outward face contains arches infilled with windows, doors, ticket booths and an accessway to the arena. The remainder of this stand was constructed in the 1970s. Leslie Wilkinson was associated with the design of the 1930s section of the grandstand. The grandstand is in a dilapidated condition.

4.4.1.2 E. A. Scott and Green

There are no other heritage listed grandstands designed by E. A. Scott & Green in NSW. Their heritage listed work during the Inter-War period is in a range of styles, including the Inter-War Georgian Style, Art Deco Style, Mediterranean Style and Romanesque Style. These examples include domestic and commercial commissions. Many of the listed examples demonstrate a higher level of integrity than the George S. Grimley Pavilion. A good example of their Inter-War period work within the Woollahra Council area is provided by The Knoll, Kent Road, Rose Bay, a two storey mansion in the Inter-War Georgian Revival Style. Refer to Figure 83.








Figure 83:
The Knoll, mid 1930s.
SHI listing sheet.

4.4.2 Woollahra Golf Clubhouse

4.4.2.1 As a Golf Clubhouse

The 1930s witnessed the creation of a number of golf courses and the construction of associated Golf Clubhouses. There is one item listed on the State Heritage Register and sixteen on local environmental plans associated with golf courses and golf clubs. The State listed item, 'Duntryleague with Lodge, Park, Gates, Stables' in Orange is listed primarily for its association with the Victorian villa on the site and the family who occupied it. Table 2 below identifies a number of locally listed Inter-War period examples. All these examples are in the Inter-War Georgian Revival Style, as was Woodforde's original clubhouse at Woollahra. These examples, however, are generally larger and demonstrate a greater degree of integrity than the Woollahra Golf Clubhouse. There is one golf club listed in Woollahra, being the Royal Sydney Golf Club. The course and clubhouse are listed. This course is older than Woollahra and is associated with numerous prominent people; the Clubhouse is substantial.

Item/Date	Address	Reasons For Listing	Photograph
Avondale Golf Club and Surrounds Clubhouse, c.1927.	40 Avon Road, Pymble	Cultural, social, architectural, natural, municipal	 <p>Google Images. Inter-War Georgian Revival; architect: E. Apperley</p>

Item/Date	Address	Reasons For Listing	Photograph
Bonnie Doon Golf Clubhouse c.1937	Banks Avenue, Pagewood	Local historic, aesthetic and social	 <p>SHI Inter-War Georgian Revival; architect: E. Apperley and Alfred Wright.</p>
Killara Golf Club c.1930s		Cultural, social, architectural, landmark value.	 <p>Google Images. Architect: C. Brewster.</p>
Manly Golf Clubhouse Inter-War		Representative example of its style; historically significant.	 <p>SHI Inter-War Georgian Revival; architect: E. Apperley and Alfred Wright (attr.)</p>
Northbridge Golf Course Clubhouse: 1938		Inter-War Georgian Revival Building with Spanish Mission Influences. Course has other values.	 <p>Google Images. Architect: A.M. Woodforde</p>


Item/Date	Address	Reasons For Listing	Photograph
Royal Sydney Golf Clubhouse c.1922	Kent Road, Rose Bay	Historic, aesthetic, social	 <p>Google Images Federation Bungalow Style. Architect: M.B. Halligan.</p>

Table 2: Heritage listed Golf Clubhouses.

4.4.2.2 As an Example of the Work of M.V.E. Woodforde

Two examples of Woodforde's work are listed on Council Local Environmental Plans in NSW:

- Former Cyclone Fence and Gate factory, No. 61 Mentmore Avenue, Rosebery.
- Northbridge Golf Club, Northbridge.

Woodforde may also have designed the State heritage listed Roxy Theatre and Peters Greek Café Complex in Bingara and the Gainsborough, in Woollahra, which are identified by its listing sheet, as being designed by 'Mark' Woodforde. No architect of this name has been identified.

As set out in Section 2.3.4, the architect M.V.W. Woodforde worked in a variety of styles. It is difficult to identify distinct characteristics. His most noteworthy buildings are arguably the two listed examples. Two other examples of his work in Woollahra have been identified, being the Sydney Croquet Club and the Baby Health Care Centre on the corner of New South Head Road and Sherbrook Avenue. Neither are listed; both appear to be substantially intact. The Golf Clubhouse is not a good example of his work because of the extent of alterations and additions.

No information has been located on the other architects known to have worked on the building.

4.5 Significance

The George S. Grimley Pavilion and Woollahra Golf Clubhouse are assessed for heritage significance under the following criterion of the New South Wales Heritage Office, now Heritage NSW. The Guidelines for Inclusion/Exclusion are as provided by *Assessing Heritage Significance, NSW Heritage Manual Update*.

In order to be listed at a local level, a site must fulfil at least one of the following criteria. To be assessed for listing on the State Heritage Register an item will, in the opinion of the Heritage Council of NSW, meet more than one of the following criteria or if an item satisfies only one of the criteria, the item is of such particular significance that it should be listed.

It is noted that the assessment is for the George S. Grimley Pavilion and Woollahra Golf Clubhouse only, not for the entire Woollahra Golf Course.

4.5.1 Criterion (a)

An item is important in the course, or pattern, of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows evidence of a significant human activity 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes
<ul style="list-style-type: none"> is associated with a significant activity or historical phase 	<ul style="list-style-type: none"> provides evidence of activities or processes that are of dubious historical importance
<ul style="list-style-type: none"> maintains or shows continuity of a historical process or activity 	<ul style="list-style-type: none"> has been altered so that it can no longer provide evidence of a particular association

The George S. Grimley Pavilion has local significance under this criterion for the following reasons:

- The pavilion was built in the mid-1920s at time when Council were beginning to demonstrate a strong interest in the provision of public recreational facilities. This interest continues today. Although the north-eastern elevation has been altered, the building, particularly when viewed from the south-west, is readily recognisable as the building erected by Council in the mid 1920s.
- The pavilion has been continually used for community purposes since this time.

The Woollahra Golf Clubhouse similarly forms part of the long term pattern of Council provided facilities. It has, however, undergone a far greater degree of alteration and addition over time such that the building is not readily identifiable as belonging to any particular period. There are better preserved examples of buildings erected by Council within the local area. It does not meet the threshold for listing under this criterion.

4.5.2 Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows evidence of a significant human occupation 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events
<ul style="list-style-type: none"> is associated with a significant event, person, or group of persons 	<ul style="list-style-type: none"> provides evidence of people or events that are of dubious historical importance
<ul style="list-style-type: none"> maintains or shows continuity of a historical process or activity 	<ul style="list-style-type: none"> has been altered so that it can no longer provide evidence of a particular association

The George S. Grimley Pavilion has local significance under this criterion for the following reasons:

- It is named for George S. Grimley, long time alderman and Mayor in 1930-31, 1938-29 and 1945-46. Grimley's name is displayed above the entrance.
- The south-western half of the building is identifiable as the building designed by architects E.A. Scott and Green. It is a modest example of their work and one that, unlike private residences, is publicly accessible.

The Woollahra Golf Clubhouse does not meet the threshold for listing under this criterion on the basis of its association with M.V.E. Woodforde because the building has been extensively altered. Later architects who have worked on the building are not significant architects in a local or wider context.

The clubhouse has a long association with the Woollahra Golf Club, who have been associated with the building since their inception in the 1930s. This does not meet the threshold for listing on its own. The Club are one of many local sporting associations.

4.5.3 Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of technical achievement in New South Wales (or the local area).

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement 	<ul style="list-style-type: none"> is not a major work by an important designer or artist
<ul style="list-style-type: none"> is the inspiration for creative or technical innovation or achievement 	<ul style="list-style-type: none"> has lost its design or technical integrity
<ul style="list-style-type: none"> is aesthetically distinctive or has landmark qualities 	<ul style="list-style-type: none"> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
<ul style="list-style-type: none"> exemplifies a particular taste, style or technology 	<ul style="list-style-type: none"> has only a loose association with a creative or technical achievement

The George S. Grimley Pavilion has significance under this criterion for the following reasons:

- It is an example of an Inter-War period grandstand. This applies to the south-western part of the building only. The north-eastern side of the building, which originally provided seating, has been substantially altered. The primary function significance of a grandstand is to accommodate people for a sporting event. Whilst the loss of the integrity of the north-eastern side of the building has impacted upon significance under this criterion, this grandstand was designed with a dual purpose, as is reflected in the care with which the south western elevation was designed, and was equally used by the community for social functions. These functions occurred within the south-western part of the building, which is substantially intact.

The Woollahra Golf Clubhouse does not meet the threshold for listing under this criterion because of the extent of alteration and addition. The existing building has no architectural merit.

4.5.4 Criterion (d)

An item has strong or special association with a particular community or cultural group in New South Wales (or the local area) for social, cultural or spiritual reasons.

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> is important for its association with an identifiable group 	<ul style="list-style-type: none"> is only important to the community for amenity reasons
<ul style="list-style-type: none"> is important to a community's sense of place 	<ul style="list-style-type: none"> is retained only in preference to a proposed alternative

A survey of the local community has not been carried out to ascertain if the buildings have local significance or are valued only because of the amenity they provide.

4.5.5 Criterion (e)

An item has potential to yield information that will contribute to an understanding of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information 	<ul style="list-style-type: none"> has little archaeological or research potential
<ul style="list-style-type: none"> is an important benchmark or reference site or type 	<ul style="list-style-type: none"> only contains information that is readily available from other resources of archaeological sites
<ul style="list-style-type: none"> provides evidence of past human cultures that is unavailable elsewhere 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history of culture

An archaeological investigation has not been carried out. The two buildings are not rare buildings with regard to construction technique.

4.5.6 Criterion (f)

An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process 	<ul style="list-style-type: none"> is not rare
<ul style="list-style-type: none"> demonstrate a process, custom or other human activity that is in danger of being lost 	<ul style="list-style-type: none"> is numerous but under threat
<ul style="list-style-type: none"> shown unusually accurate evidence of a significant human activity 	
<ul style="list-style-type: none"> is the only example of its type 	
<ul style="list-style-type: none"> demonstrate designs or techniques of exceptional interest 	
<ul style="list-style-type: none"> shown rare evidence of a significant human activity important to a community 	

Neither the George S. Grimley Pavilion nor Woollahra Golf Clubhouse are significant under this criterion. There are other buildings in the local area with long associations with sporting associations.

4.5.7 Criterion (g)

An item is important in demonstrating the principal characteristics of a class of New South Wales (or a class of the local areas):

- Cultural or natural places; or
- Cultural or natural environments

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> is a fine example of its type 	<ul style="list-style-type: none"> is a poor example of its type
<ul style="list-style-type: none"> has the potential characteristics of an important class or group of items 	<ul style="list-style-type: none"> does not include or has lost the range of characteristics of a type
<ul style="list-style-type: none"> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique of activity 	<ul style="list-style-type: none"> does not represent well the characteristics that make up a significant variation of type
<ul style="list-style-type: none"> is a significant variation to a class of items 	
<ul style="list-style-type: none"> is part of a group which collectively illustrates a representative type 	
<ul style="list-style-type: none"> is outstanding because of its setting, condition or size 	
<ul style="list-style-type: none"> is outstanding because of its integrity or the esteem in which it is held 	

The George S. Grimley Pavilion has significance under this criterion for similar reasons to that given under criterion (c):

- It is a good example of an Inter-War period grandstand. This applies to the south-western part of the building only. The north-eastern side of the building, which originally provided seating, has been substantially altered. The primary function significance of a grandstand is to accommodate people for a sporting event. Whilst the loss of the integrity of the north-eastern side of the building has impacted upon significance under this criterion, this grandstand was designed with a dual purpose and was equally used by the community for social functions. These functions occurred within the south-western part of the building, which is substantially intact.

The Woollahra Golf Clubhouse is **not** significant under this criterion. While serving a long standing club and community, it is not a good example of an Inter-War period Golf Clubhouse.

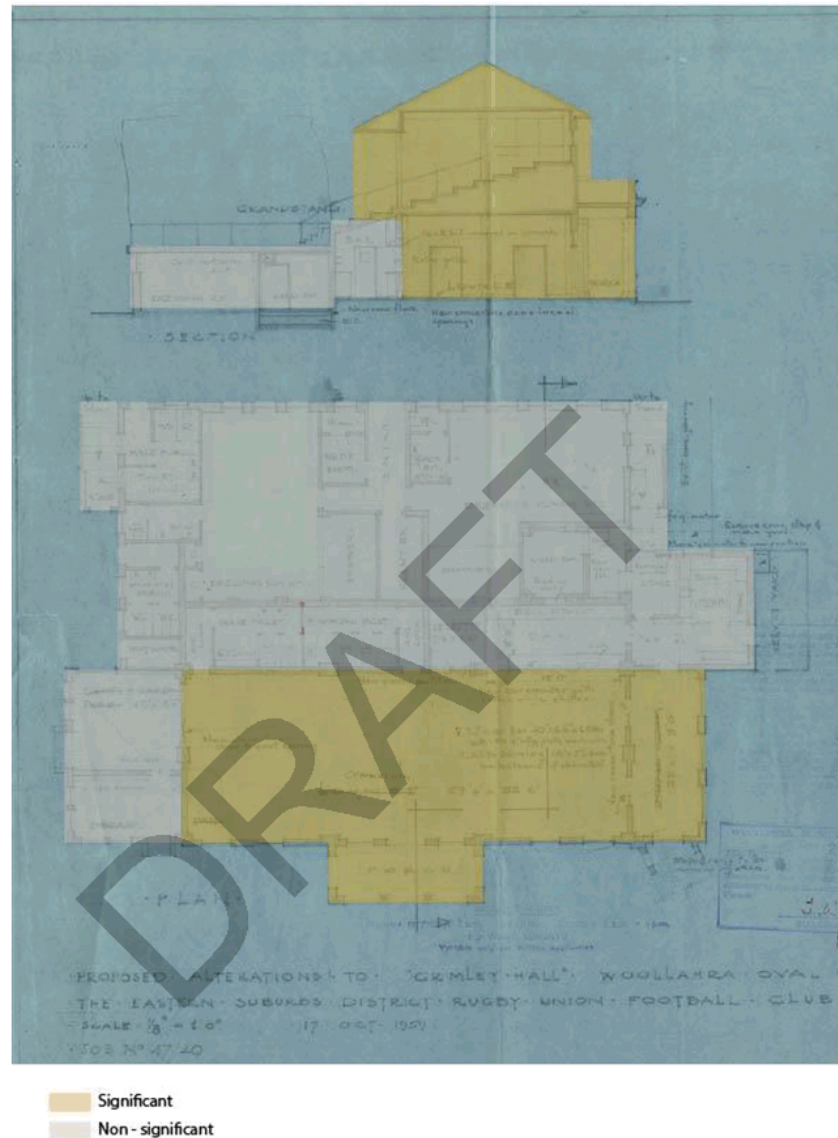
4.6 Statement of Significance for the George S. Grimley Pavilion

The George S. Grimley Pavilion, Woollahra Park, Rose Bay, has historic and aesthetic significance at a local level. Designed by the architectural firm of E.A. Scott and Green and erected in 1926, it provides evidence of Council's interest in providing public recreational facilities in the 1920s, an interest that continues today. The pavilion commemorates George S. Grimley, a long serving alderman of Woollahra Council and Mayor in 1930-31, 1938-29 and 1945-46. The 1926 section of the building (south-western half) provides an example of an Inter-War period grandstand that was used not only for spectating, but also for varied community and private activities and functions. Significance resides only in the 1926 building and eastern single storey 1930s extension, including the interiors, which is substantially intact. The north-eastern side and the 1930s south-western extension (now used as the entrance to the pro shop) of the building demonstrates low integrity.

4.6 Significant elements of the George S. Grimley Pavilion

To assist in the future management of the George S. Grimley Pavilion the following diagram (Figure 84) based on the 1959 plan of the building is provided which demonstrates the significant elements of the building. These elements contribute to the overall significance of the George S. Grimley Pavilion. The other elements are non-significant and alterations and additions are permissible when supported with

appropriate heritage management documentation such as a Statement of Heritage Impact and archival recording.



5.0 CONCLUSIONS

The George S. Grimley Pavilion was designed by E.A. Scott and Green in 1926 and has local historic and aesthetic significance. The south western half of the building provides a good example of an Inter-War period Georgian Revival Style community building; the north eastern side of the building has been significantly altered.

The Woollahra Golf Clubhouse opened in 1934. It provides another example of a recreational facility erected by Council during the Inter-War period. It has, however, undergone significant alteration and addition over time, such that it is no longer a good example of its type.

6.0 RECOMMENDATIONS

It is recommended that:

- The Woollahra Golf Clubhouse should not be listed as a heritage item on Schedule 5 Part 1 of the *Woollahra LEP 2014*. It does not meet the threshold for listing under any of the Heritage NSW criteria.
- The George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) be listed as a heritage item on Schedule 5 Part 1 of the *Woollahra LEP 2014*. This part of the building has significance under criterion (a), (b), (c) and (g).
- Neither site be nominated for listing on the State Heritage Register.
- A conservation management document should be prepared for the George S. Grimley Pavilion in order to guide the management of the building and future conservation works. The document should include, but be not limited to, a maintenance schedule.

DRAFT

Heritage Data Form

ITEM DETAILS					
Name of Item	George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)				
Other Name/s Former Name/s					
Item type (if known)					
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	-				
Street name	Woollahra Park, off O'Sullivan Road				
Suburb/town	Rose Bay	Postcode	2029		
Local Government Area/s	Woollahra				
Property description	Part of Lot 1319 D.P.1222163				
Location - Lat/long	Latitude		Longitude		
Location - AMG (if no street address)	Zone		Easting	Northing	
Owner	Woollahra Municipal Council				
Current use	Pro shop for the golf course; locker room facilities; gym				
Former Use	Grandstand; community function centre etc.				
Statement of significance	<p>The George S. Grimley Pavilion, Woollahra Park, Rose Bay, has historic and aesthetic significance at a local level. Designed by the architectural firm of E.A. Scott and Green and erected in 1926, it provides evidence of Council's interest in providing public recreational facilities in the 1920s, an interest that continues today. The pavilion commemorates George S. Grimley, a long serving alderman of Woollahra Council and Mayor in 1930-31, 1938-29 and 1945-46. The 1926 section of the building (south-western half) provides an example of an Inter-War period grandstand that was used not only for spectating, but also for varied community and private activities and functions. Significance resides only in the 1926 building and eastern single storey 1930s extension, including the interiors, which is substantially intact. The north-eastern side and the 1930s south-western extension (now used as the entrance to the pro shop) of the building demonstrates low integrity.</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		

Heritage Data Form

DESCRIPTION						
Designer	E.A. Scott and Green (original building)					
Builder/ maker	A.R. Hinwood (original building)					
Physical Description	<p>The George S. Grimley Pavilion is one and two storeys in height. The walls are rendered and painted masonry. The principal roof is hipped and clad in terracotta tile. The roof of the single storey wing on the north-western side is similarly hipped and clad in terracotta tile. The eaves are wide and timber lined. The change rooms on the north-eastern side have a flat concrete deck roof.</p> <p>The principal building form is two storeys in height. A projecting band delineates the ground and first floors. The principal elevation is the south-western elevation. A single storey portico projects outwards from this elevation. The portico is wide and flat roofed. The roof is supported by square profiled and Doric columns and bears the words 'George S. Grimley Pavilion.' Within the portico there is a pair of framed and glazed doors with toplight, to either side of which is a timber framed double hung window with a single pane to the lower sash and multiple panes to the upper sash. There are two similarly detailed windows at ground floor level to either side of the portico. At first floor level, there are a series of highlight metal framed awning sash windows.</p> <p>There is a single storey wing on the north-western side of the principal building form. It has a hipped roof and multiple paned doors and windows.</p> <p>The original pavilion has been extended on the north-eastern side to provide dressing rooms with a flat roofed deck accessed via concrete stairs on either side. The original seating has been removed and the top section, beneath the principal roof, infilled to house a gym.</p> <p>The pavilion is connected to the golf club via a single storey arcade on the south-eastern side.</p>					
Physical condition and Archaeological potential	<p>Appears to be well-maintained.</p> <p>Archaeological potential: unknown. Note: no structures are known to have stood on this site prior to the construction of the clubhouse.</p>					
Construction years	Start year	1927	Finish year	1927	Circa	<input type="checkbox"/>
Modifications and dates	<p>1937-8: Alterations and additions (M.E.V Woodforde, architect).</p> <p>1972: Removal of seating in the grandstand and extension on the north-eastern side of the dressing rooms (David Brindley and Vickery, architect).</p> <p>1983: Alterations to the pro-shop.</p> <p>1996: Internal refurbishment.</p> <p>2008: Alterations to the gym.</p>					
Further comments						

Heritage Data Form

HISTORY	
Historical notes	<p>The Building:</p> <p>Woollahra Council Minutes of the 1920s and 1930s reveal a keen awareness of the importance of open space and publicly accessible recreational facilities. In 1923, Woollahra Council received permission from the Governor of NSW to borrow £20,000 for the 'acquisition of park and recreation areas and the improvement thereof.' Accordingly, Woollahra Park was created and the first sod of earth turned by Alderman Grimley on 25 October 1924.</p> <p>In 1926, architects E.A. Scott and Green were commissioned to prepare sketch plans of a pavilion it was proposed to call the George S. Grimley Pavilion in honour of the long serving alderman of Woollahra Council and Mayor in 1930-31, 1938-29 and 1945-46. In late 1926, the tender of A.R. Hinwood for the construction of the pavilion was accepted and, on 22 January 1927, Alderman Grimley laid the foundation stone.</p> <p>The pavilion was officially opened on 25 October 1927 by the Mayor. At the time, it was described as providing seating accommodation for 1,000 people, a social hall, four dressing rooms and a kitchen. The original plans have not been located. In addition to providing a grandstand for the oval, the completed pavilion played an important role in the social life of Woollahra. Local organisations used the pavilion for meetings and events; private functions were also regularly held.</p> <p>The building has a long history of alterations and additions, dating from the early-to mid 1930s. The most significant alterations were carried out in 1972 when the Eastern Suburbs District Rugby Union Club, who were now using the pavilion, removed seating on the north-eastern side and extended the building outwards to accommodate dressing rooms. At a later date, the remaining seating was removed and a gym constructed at the first floor level beneath the original roof form.</p> <p>The Architects:</p> <p>Ernest Alfred Scott (1863-1947) was born in South Australia, the son of a grazier. During the early 1880s, he was articled to Adelaide architects Bayer and Withall (c.1880-4), before commencing practice in 1886. Scott is said to have worked on the Jubilee Exhibition Building in Adelaide (c.1886). By 1887, he had moved to Sydney and opened a practice. Around 1911, he entered in a partnership with Edward Rodwell Green (1885-1974). The partnership practiced as Ernest A. Scott & Green. Scott's son, Thomas Maxwell, joined the partnership in 1923, which then became Scott, Green & Scott. Scott was president of the Institute of Architects in 1932. After World War II, the partnership became known as E.A. and T.M. Scott. The partnership's work was varied and included residential and commercial commissions.</p>

THEMES	
National historical theme	8 Developing Australia's cultural life
State historical theme	Creative Endeavour. Leisure Social institutions. Sport

Heritage Data Form

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>The George S. Grimley Pavilion has local significance under this criterion for the following reasons:</p> <ul style="list-style-type: none"> The pavilion was built in the mid-1920s at time when Council were beginning to demonstrate a strong interest in the provision of public recreational facilities. This interest continues today. Although the north-eastern elevation has been altered, the building, particularly when viewed from the south-west, is readily recognisable as the building erected by Council in the mid 1920s. The pavilion has been continually used for community purposes since this time.
Historical association significance SHR criteria (b)	<p>The George S. Grimley Pavilion has local significance under this criterion for the following reasons:</p> <ul style="list-style-type: none"> It is named for George S. Grimley, long time alderman and Mayor in 1930-31, 1938-29 and 1945-46. Grimley's name is displayed above the entrance. The south-western half of the building is identifiable as the building designed by architects E.A. Scott and Green. It is a modest example of their work and one that, unlike private residences, is publicly accessible.
Aesthetic significance SHR criteria (c)	<p>The George S. Grimley Pavilion has local significance under this criterion for the following reasons:</p> <ul style="list-style-type: none"> It is an example of an Inter-War period grandstand. This applies to the south-western part of the building only. The north-eastern side of the building, which originally provided seating, has been substantially altered. The primary function significance of a grandstand is to accommodate people for a sporting event. Whilst the loss of the integrity of the north-eastern side of the building has impacted upon significance under this criterion, this grandstand was designed with a dual purpose, as is reflected in the care with which the south-western elevation was designed, and was equally used by the community for social functions. These functions occurred within the south-western part of the building, which is substantially intact.
Social significance SHR criteria (d)	<p>A survey of the local community has not been carried out to ascertain if the buildings have local significance or are valued only because of the amenity they provide.</p>
Technical/Research significance SHR criteria (e)	<p>An archaeological investigation has not been carried out. It is not known if the site has archaeological potential.</p> <p>The building does not provide information about rare construction techniques.</p>
Rarity SHR criteria (f)	<p>The George S. Grimley Pavilion is not significant under this criterion. There are other more intact examples of Inter-War period grandstands within the Woollahra Municipality and within New South Wales.</p>
Representativeness SHR criteria (g)	<p>The George S. Grimley Pavilion has significance under this criterion for similar reasons to that given under criterion (c):</p> <ul style="list-style-type: none"> It is a good example of an Inter-War period grandstand. This applies to the south-western part of the building only. The north-eastern side of the building, which originally provided seating, has been substantially altered. The primary function significance of a grandstand is to accommodate people for a sporting event. Whilst the loss of the integrity of the north-eastern side of the building

Heritage Data Form

	has impacted upon significance under this criterion, this grandstand was designed with a dual purpose and was equally used by the community for social functions. These functions occurred within the south-western part of the building, which is substantially intact.
Integrity	The integrity of the building is mixed. The north-eastern side has low integrity. The south-eastern side, while known to have been altered over time, remains readily identifiable as the building designed by E.A. Scott and Green and as an Inter-War period building.

DRAFT

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HERITAGE LISTINGS	
Heritage listing/s	

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Written	Weir Phillips Heritage and Planning	<i>Woollahra Golf Clubhouse and the George S. Grimley Pavilion, Woollahra Park, off O'Sullivan Road, Rose Bay: Heritage Assessment</i>	2020	Woollahra Council.
Written	-	'Park Markers. Woollahra Alderman. New Pavilion Opened,' The Sun, 26 October, 1927.	1927	TROVE
Photographic		(Grimley Pavilion)	c.1920s/1930a	Woollahra Library
Plans	Davey, Brindley & Vickery	<i>Proposed Alterations to 'Grimley Hall', Woollahra Oval for the Eastern Suburbs District Rugby Union Football Club</i>	1959	Woollahra Council Archives
Photographic	-	<i>The Grimley Pavilion- series of photographs</i>	1978	Woollahra Library.

RECOMMENDATIONS	
Recommendations	<p>It is recommended that the Grimley Pavilion, and interiors, be listed as a heritage item on Schedule 5 Part 1 of the <i>Woollahra LEP 2014</i>, with the notation that the listing applies to the south-western half of the building only.</p> <p>A conservation management document should be prepared for the George S. Grimley Pavilion in order to guide the management of the building and future conservation works. The document should include, but be not limited to, a maintenance schedule.</p>

SOURCE OF THIS INFORMATION			
report	<i>Woollahra Golf Clubhouse and the Grimley Pavilion, Woollahra Park, off O'Sullivan Road, Rose Bay: Heritage Assessment</i>	Year of study or report	2020
Item number in study or report			
Author of study or report	Weir Phillips Heritage and Planning		
Inspected by	Alice Fuller		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Alice Fuller and Shona Lindsay	Date	May 2020

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IMAGES - 1 per page

Image caption	South-western elevation				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	North-western elevation.				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	North- western elevation.				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	North-eastern elevation.				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	North-eastern elevation.				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



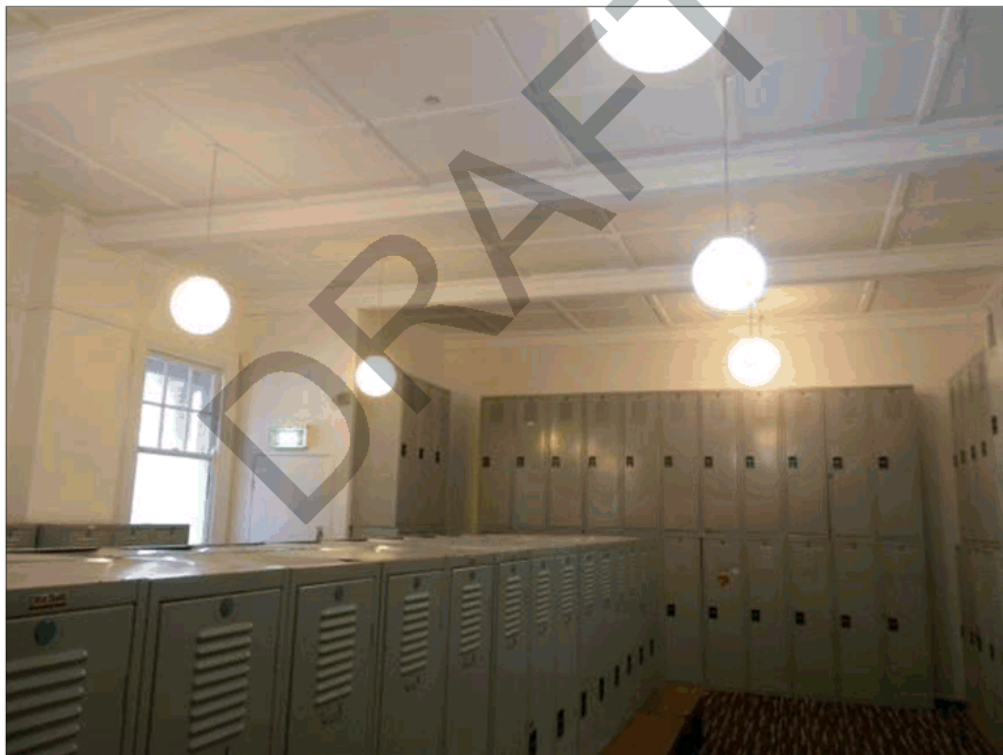
Heritage Data Form

Image caption	South-eastern elevation.				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



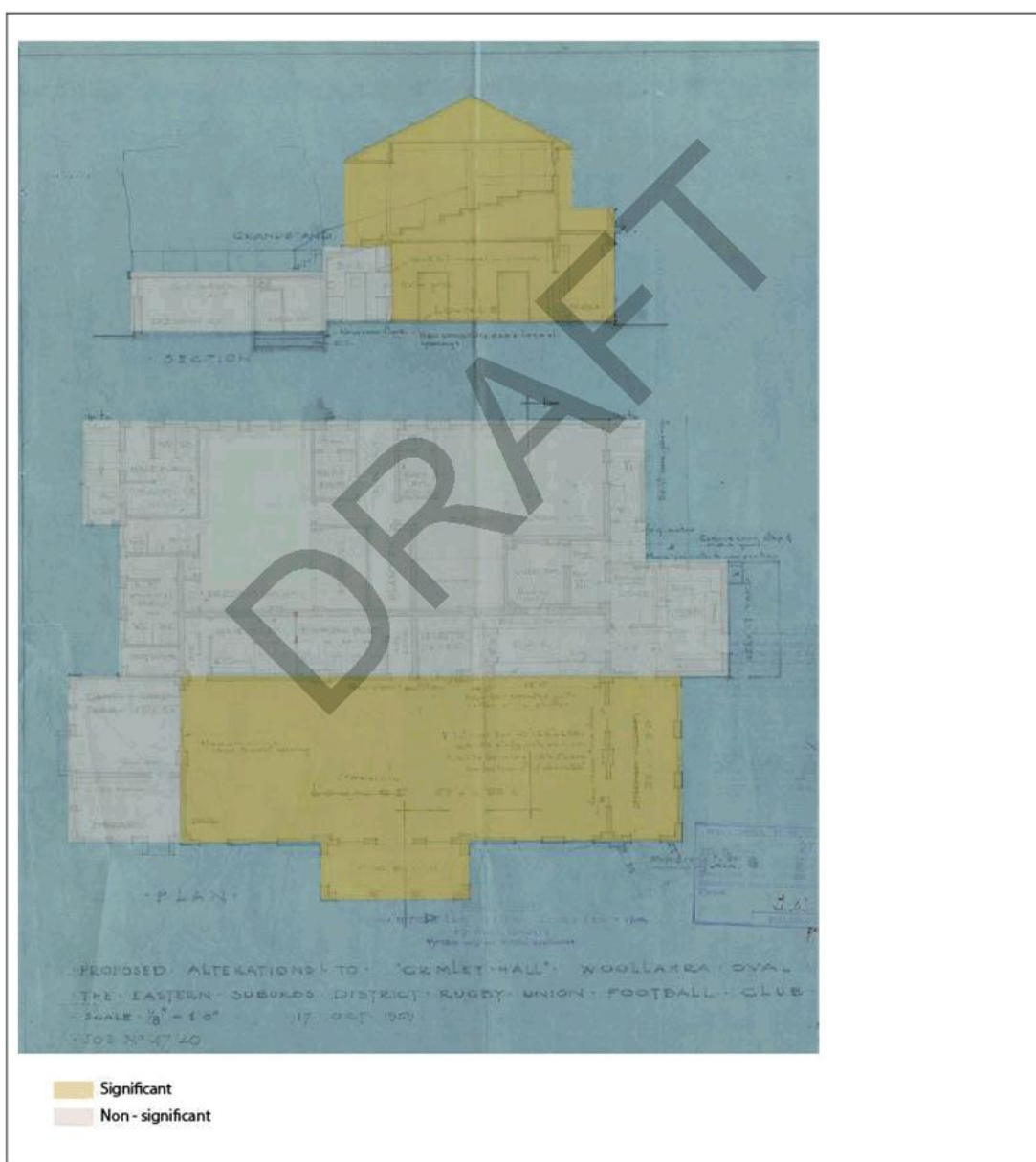
Heritage Data Form

Image caption	Main assembly room (ground floor)				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



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Image caption	Significant elements of the George S. Grimley Pavilion				
Image year	2020	Image by	Shona Lindsay	Image copyright holder	Woollahra Council



Woollahra Municipal Council
Environmental Planning Committee Agenda

20 April 2020

Item No:	R1 Recommendation to Council
Subject:	PLANNING PROPOSAL - HERITAGE LISTING OF GEORGE S. GRIMLEY PAVILION (1926 BUILDING AND EASTERN SINGLE STOREY 1930S EXTENSION, INCLUDING INTERIORS), ROSE BAY
Author:	Shona Lindsay, Heritage Officer
Approvers:	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
File No:	20/23325
Reason for Report:	To respond to Council's resolution of 23 April 2018 to investigate the heritage listing of the Woollahra Golf Clubhouse and the George S. Grimley Pavilion. To obtain Council's approval to prepare a planning proposal to list the George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) as a heritage item in Woollahra Local Environmental Plan 2014. To obtain Council's approval for the planning proposal to be referred to the Woollahra Local Planning Panel for advice.

Recommendation:

- A. THAT a planning proposal be prepared to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a heritage item in *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

1. Background

On 23 April 2018 Woollahra Council resolved in part:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for each of:

1. *The Sydney Croquet Club building and greens (having its address in Woollahra Park, O'Sullivan Road, Rose Bay); and*
2. *The Woollahra Golf Club Clubhouse and George Grimley Pavilion (having its address in Woollahra Park at 50 O'Sullivan Road, Rose Bay)*

to the relevant Council Committee to facilitate the Sydney Croquet Club building and greens and the Woollahra Golf Club Clubhouse and George Grimley Pavilion (and their elements) being:

1. *Included in the Woollahra Local Environmental Plan as a heritage item; and*
2. *Listed as a heritage item of State significance on the NSW State Heritage Register.*

In response to Council's decision heritage significance assessments of the *George S. Grimley Pavilion* and *Woollahra Golf Clubhouse* were prepared by Weir Phillips Heritage and Planning.

2. The sites

George S. Grimley Pavilion and Woollahra Golf Clubhouse

The George S. Grimley Pavilion (Figure 1) and Woollahra Golf Clubhouse (Figure 2) are located within Woollahra Park, O'Sullivan Road, Rose Bay. Figure 3 shows the location of the clubhouse and pavilion within the park and Figure 4 shows an aerial photograph of the site.

The subject site is not listed on the NSW State Heritage Register (SHR), nor is it identified as a local heritage item or located in a heritage conservation area in Schedule 5 of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).



Figure 1: George S. Grimley Pavilion, south-western elevation (WP Heritage and Planning)



Figure 2: Woollahra Golf Clubhouse, north-eastern elevation (WP Heritage and Planning)



Figure 3: Location of buildings within Woollahra Park (SIX Maps; annotation in red by WP Heritage and Planning) Key: (1) George S. Grimley Pavilion; (2) Woollahra Golf Clubhouse.

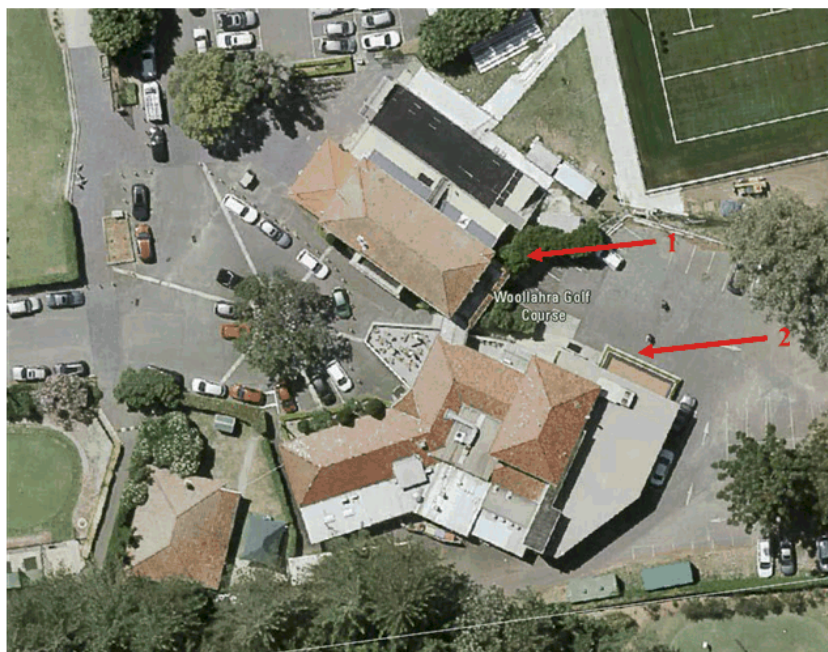


Figure 4: Aerial photograph over the site. Key: (1) George S. Grimley Pavilion; (2) Woollahra Golf Clubhouse (Woollahra Council GIS).

3. Assessment of heritage significance

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance:

Criterion (a)

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Criterion (d)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Criterion (e)

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

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Criterion (f)

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places, or
- cultural or natural environments,

(or a class of the local area's

- cultural or natural places, or
- cultural or natural environments.)

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

A copy of the assessment prepared by Weir Phillips Heritage and Planning, which includes the assessment against all criteria, is attached as **Annexure 1**.

George S. Grimley Pavilion

Table 1 below provides a summary of the assessment of the heritage significance of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* against the seven criteria, at the local and State levels.

Table 1: NSW Heritage assessment criteria summary – George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	✗
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	✗	✗
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	✗	✗
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	✗	✗

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(g)	An item is important in demonstrating the principal characteristics of a class of NSW's • cultural or natural places; or • cultural or natural environments. or a class of the local area's • cultural or natural places; or • cultural or natural environments.	✓	✗
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The heritage significance assessment provides the following statement of significance for the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)*:

The George S. Grimley Pavilion, Woollahra Park, Rose Bay, has historic and aesthetic significance at a local level. Designed by the architectural firm of E.A. Scott and Green and erected in 1926, it provides evidence of Council's interest in providing public recreational facilities in the 1920s, an interest that continues today. The pavilion commemorates George S. Grimley, a long serving alderman of Woollahra Council and Mayor in 1930-31, 1938-39 and 1945-46. The 1926 section of the building (south-western half) provides an example of an Inter-War period grandstand that was used not only for spectating, but also for varied community and private activities and functions. Significance resides only in the 1926 building and eastern single storey 1930s extension, including the interiors, which is substantially intact. The north-eastern side and the 1930s south-western extension (now used as the entrance to the pro shop) of the building demonstrates low integrity.

(February 2020: Weir Phillips Heritage and Planning:
Heritage Assessment, Rose Bay Scout Hall p. 59)

Woollahra Golf Clubhouse

Table 2 below provides a summary of the assessment of the heritage significance of the *Woollahra Golf Clubhouse* against the seven criteria, at the local and State levels.

Table 2: NSW Heritage assessment criteria summary – Woollahra Golf Clubhouse

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✗	✗
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✗	✗
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✗	✗
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	✗	✗

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(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	x	x
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	x	x
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's • cultural or natural places; or • cultural or natural environments. or a class of the local area's • cultural or natural places; or • cultural or natural environments.	x	x

The assessment recommends the listing of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* does not meet the threshold for State heritage listing. The assessment concludes that the *Woollahra Golf Clubhouse* does not reach the threshold for local or State heritage listing.

4. Consultation with the land owner

All land owners and lease holders were consulted during the heritage assessment process.

All land owners and lease holders, including Eastern Suburbs Rugby Club and Woollahra Golf Club, were provided a copy of the draft heritage significant assessment and draft heritage inventory sheet on 1 November 2019 for the relevant properties. The land owners and lease holders were given until the 2 December 2019 to make a submission.

Guy Gibson (General Manager, Woollahra Golf Club) attended the site visit with Alice Fuller (Weir Philips Heritage and Planning) and Shona Lindsay (Heritage Officer, Woollahra Council) in June 2019. Mr Gibson has reviewed the draft heritage significance assessment report and draft heritage inventory sheet for *George S. Grimley Pavilion*. He is supportive of the listing and his submission is included in **Annexure 2**.

An updated draft heritage significance assessment report and draft heritage inventory sheet were provided to the land owners and lease holders on 24 February 2020. The land owners and lease holders were given until 16 March 2020 to make a submission. No other comments were provided from the relevant land owners and lease holders.

Should a planning proposal proceed to public exhibition, consultation with land owners and tenants will continue.

5. Woollahra Local Planning Panel advice

Section 2.19 of the *Environmental Planning and Assessment Act 1979* sets out the functions of local planning panels. One of those functions is "to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council".

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Additionally, the Local Planning Panel Direction – Planning Proposals which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the Department of Planning, Industry and Environment for a gateway determination.

The Direction states in part:

A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:

- a) The correction of an obvious error in a local environmental plan,
- b) Matters that are of a consequential, transitional, machinery or other minor nature, or
- c) Matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

Items (a) and (b) are not relevant to a planning proposal which would be prepared for the matter currently before the Committee. Consideration under item (c) has been passed to the position of Director Planning and Development through the General Manager's delegations.

The Director Planning and Development has formed a view that he cannot be completely satisfied that the matter being dealt with by the planning proposal will have no significant adverse impact on the environment or adjoining land. Therefore under the terms of the Direction, the planning proposal to list the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a local heritage item must be referred to the Woollahra Local Planning Panel (Woollahra LPP) for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to prepare a planning proposal.

6. Next steps

If Council supports the recommendation of this report, the next steps in the process are:

- Prepare a planning proposal under section 3.33 of the Act to list the property as a heritage item in the Woollahra LEP 2014.
- Report a draft planning proposal to the Woollahra LPP for advice.
- Report the advice received from the Woollahra LPP to the Environmental Planning Committee.
- Further steps will depend on advice from the Woollahra LPP and the decision of the Council following the Environmental Planning Committee meeting.

7. Conclusion

The heritage significance of the *George S. Grimley Pavilion* and *Woollahra Golf Clubhouse* have been assessed in accordance with the NSW heritage best practice guidelines. The assessments of heritage significance prepared by Weir Phillips Heritage and Planning identify that the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* is of local heritage significance for historical, associative, aesthetic, representative significance. *Woollahra Golf Clubhouse* does not have significance at a local or State level.



We recommend the listing of the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* as a local heritage item in Schedule 5 of Woollahra LEP 2014. *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* does not meet the threshold for State heritage listing.

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To facilitate a listing at the local level, a planning proposal should be prepared with the aim of amending Schedule 5 of Woollahra LEP 2014 by adding the *George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors)* to the list of heritage items. The planning proposal should be referred to the Woollahra LPP for advice.

Annexures

1. Heritage Significance Assessment for Woollahra Golf Clubhouse and George S. Grimley Pavilion [↓](#) 
2. Submission from lease holder for Woollahra Golf Clubhouse and George S. Grimley Pavilion [↓](#) 

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA509/2019/1
ADDRESS	115 Hargrave Street PADDINGTON
COUNCIL WARD	Paddington
SITE AREA	200.4m ²
ZONING	R2 Low Density Residential
PROPOSAL	Alterations & additions to the existing dwelling including new basement cellar, new double garage & new dormer to attic
TYPE OF CONSENT	Local development
COST OF WORKS	\$450,000.00
DATE LODGED	20/12/2019
APPLICANT	Hancock Architects
OWNER	J A Kemp & J A Kemp
AUTHOR	Mr M D'Alessio
TEAM LEADER	Mr G Fotis
SUBMISSIONS	0
RECOMMENDATION	Conditional approval

1. REASON FOR REPORT TO LOCAL PLANNING PANEL (LPP)

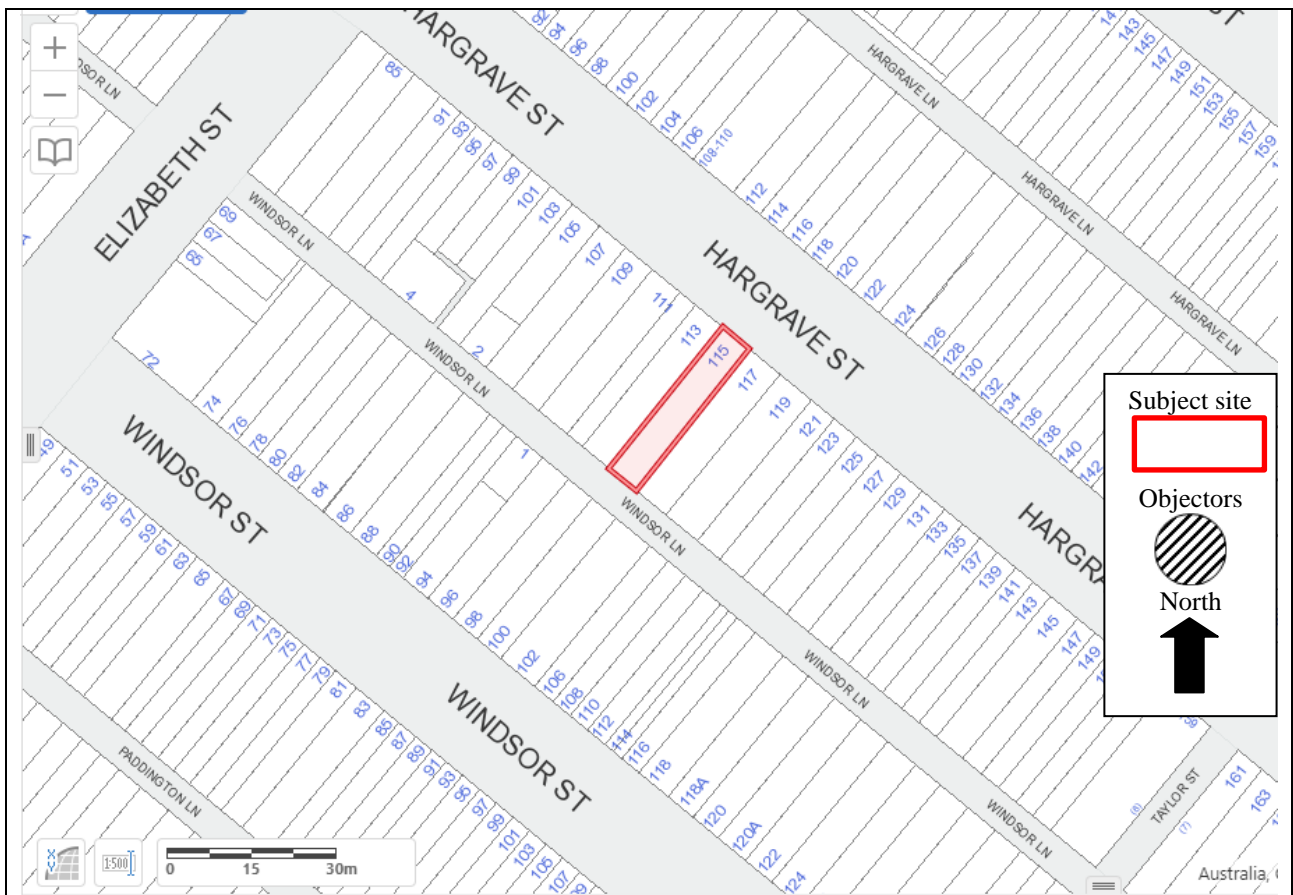
The application is referred to the Woollahra Local Planning Panel as it contravenes the statutory height of buildings development standard by more than 10%.

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
- The written request to vary Clause 4.3 of the WLEP 2014 is well founded and the proposed development is in the public interest because it is consistent with the relevant objectives of Clause 4.3, and the objectives for development within the R2 Low Density Residential zone.
- 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 have been addressed in the report and 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 proposal, involves alterations & additions to an existing dwelling including new basement cellar, new double garage & new dormer to attic, including the following works:

Basement level

- Excavation of subfloor and construction for a basement level cellar including A/C unit

Ground floor level

- Demolition of the existing rear wing form laundry additions
- Alterations and additions to principal building form and rear wing form
- Addition of covered entry portico located to the existing southeastern passageway
- Adaptation of the existing rear single uncovered vehicle onsite parking space to double uncovered onsite parking spaces
- External landscape works

First floor level

- Partial demolition of the existing rear wing form
- Alterations and additions to principal building form and rear wing form including a lightweight side addition to the southeastern elevation of the rear wing form

- Recladding rear roof forms in corrugated profiled sheet roofing

Attic level

- Construction of a new rear dormer window and skylight
- Recladding principal roof form in corrugated profiled sheet roofing

5. ISSUES

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

Clause	Development Standard	Departure from Control	Conclusion
Part 4.3	Height of Buildings	1.6m or 16.8% departure from the 9.5m control	Satisfactory

5.2. Primary Issues

Issue	Conclusion	Section
Departure from Height of Buildings Standard	Satisfactory	

5.3. Summary of Submissions

No submissions were received.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
<p>The subject site is identified as Lot 2 of DP 444427. The site is located to the south-eastern side of Hargrave Street Paddington, situated between the road intersections of Taylor Street and Elizabeth Street, Paddington.</p> <p>The site has a primary street frontage width of 6.14m to Hargrave Street, Paddington (north-eastern boundary). The rear boundary is located to Windsor Lane, Paddington and has a width of 6.18m (south-western-eastern boundary).</p> <p>The north-western side boundary has a length of 31.985m, including a 22.4m length section of party walling with the adjoining the property No. 113 Hargrave Street, Paddington. The south-eastern side boundary has a length of 31.975m adjoining the property No. 113 Hargrave Street, Paddington.</p> <p>The site allotment is irregularly rectangular in shape, typical of the Victorian period subdivision pattern of the Paddington Heritage Conservation Area.</p> <p>The site area is 200.4m²</p>
Topography
<p>The site's topography slopes 2.21m from the rear Windsor Lane boundary (RL 51.6 AHD - rear south western corner) toward the front Hargrave Street boundary (RL 49.39AHD - front north eastern corner).</p>
Existing buildings and structures
<p>The subject site contains a Victorian period semi-detached dwelling that forms part of a pair with No. 113 Hargrave Street, Paddington.</p>
Surrounding Environment
<p>The subject site is located in the Paddington Heritage Conservation Area (PHCA) development in the conservation area is predominantly Victorian/Federation period terrace housing.</p> <p>The statement of significance for the Heritage Conservation Area specifies that:</p>

Paddington is a unique urban area which possesses historical, aesthetic, technical and social significance at a National and State level. An important factor in the significance of Paddington is its exceptional unity, encompassing scale, character, history, architecture and urban form.

The built environment of Paddington is an excellent example of the process of 19th century inner city urbanisation of Sydney which was largely completed by 1890. The predominant Victorian built form is an excellent representative example of the phenomena of land speculation and a 'boom' building period between 1870 and 1895.

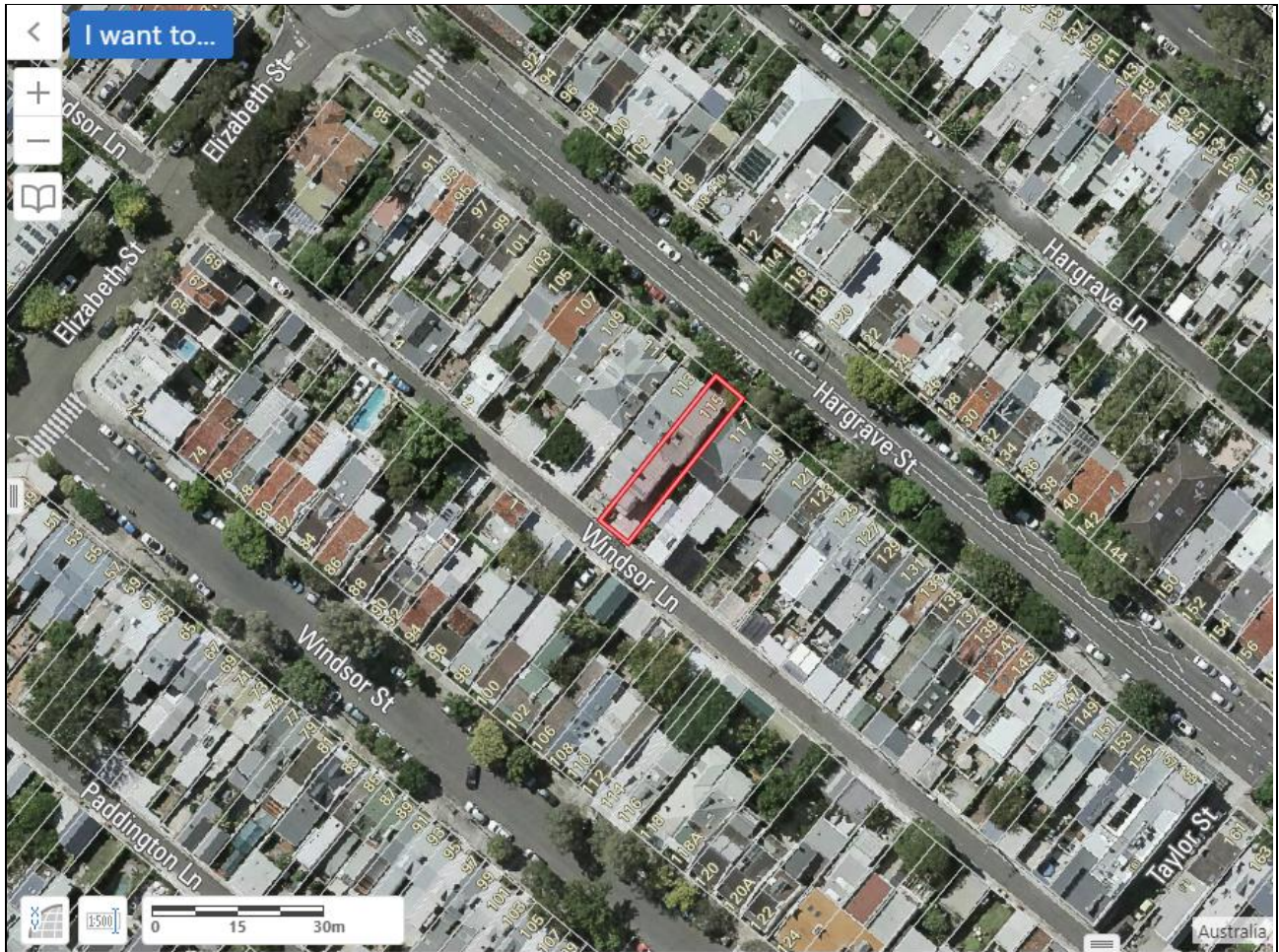


Figure 1. View of the subject site from Hargrave Street



Figure 2. View of the rear of site from Windsor Lane



Figure 3. View of the rear of the existing dwelling showing the uncovered on-site vehicle parking, rear principal unbuilt upon area, breezeway and passageway



Figure 4. View of the rear breezeway and passageway towards rear uncovered on-site vehicle parking



Figure 5. Streetscape view Windsor Lane

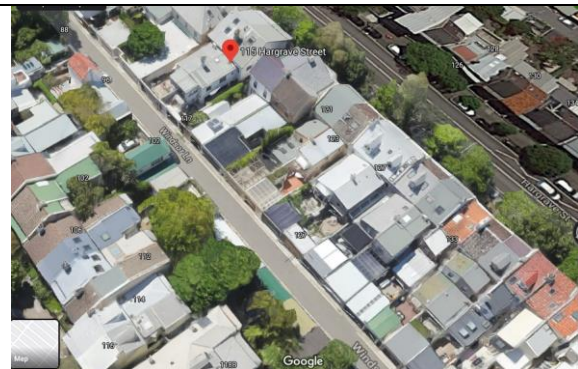


Figure 6. Aerial oblique view of the rear of the properties containing rear access to Windsor Lane, Paddington.

7. RELEVANT PROPERTY HISTORY

Current use
Residential
Relevant previous Application History
<u>115 Hargrave Street, Paddington</u>
<ul style="list-style-type: none"> BC 149A/264/2003 Building Certificate issued on 17 December 2003, Council used the following written information in deciding to issue this certificate: <ol style="list-style-type: none"> Building and Development Application/s DA: 1161/00, CC: 1161/01 Survey report prepared by Hill & Blume Consulting Surveyors, dated 16 October 2003. DA1161/2000/2 titled: <i>Retain existing R.C. stair at rear. Demolition of some internal walls & minor internal alterations. Reinstatement of original window to 1st fl rear bedroom. Relocation of proposed new bath to attic. New WC at rear</i>, approved 25 February 2002. DA1161/2000 titled: <i>Alterations & additions to terrace house including demolition of existing balcony & stairs to rear, replacement with new stairs & balcony, modification to openings at ground level, new window at 1ST floor level & new rollerdoor to rear boundary</i>, approved 21 June 2001.
<u>113 Hargrave Street, Paddington</u>
<ul style="list-style-type: none"> DA180/2017/3 titled: <i>Deletion of Condition C.8 requiring a geotechnical monitoring program and Condition D.4 requiring a works zone</i>, 10/05/2018 DA180/2017/2 titled: <i>Modifications including the widening of the garage door and internal changes</i>, approved 31/01/2018 DA180/2017/1 titled: <i>Alterations and additions to the existing terrace dwelling and carparking</i>, approved 21/09/2017
Pre-DA
Nil.

Requests for Additional Information and Replacement Applications
09/01/2020 – Request for Quantity Surveyor's Report or Detailed Cost Estimate. A detailed cost estimate was provided revising the estimated cost of works from \$220,000.00 to \$450,000.00.
02/03/2020 – Request for a Landscape plan and a Clause 4.6 Variation to the 9.5m Height of buildings development standard. A deep soil landscape plan a Clause 4.6 Variation to the 9.5m Height of buildings development standard have been provided. The landscape plans forms part of the recommended determination documents.
07/04/2020 – Request for a revised stormwater plans. The revised stormwater plans have been submitted and form part of the recommended determination documents.
Land and Environment Court Appeal(s)
Nil.

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Technical Services	The proposal is satisfactory subject to conditions of Consent	3
Heritage	The proposal is acceptable	4

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 or has been the subject of public consultation under this Act and that has been notified to the consent authority
3. The provisions of any development control plan
4. The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4
5. The provisions of the regulations
6. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
7. The suitability of the site for the development
8. Any submissions made in accordance with this Act or the regulations
9. The public interest

9. ADVERTISING AND NOTIFICATION

9.1. Submissions

The application was advertised and notified from 22 January 2020 to 5 February 2020 in accordance with Chapters A2.2.1, A2.3.1 and A2.8 of the Woollahra DCP 2015. No submissions were received.

9.2. Statutory Declaration

The applicant has completed the statutory declaration dated 11 February 2020 declaring that the site notice for DA509/2019/1 was erected and maintained during the notification period in accordance with Chapter A2.3.5 of the Woollahra DCP 2015.

10. STATE ENVIRONMENTAL PLANNING POLICY 55: REMEDIATION OF LAND

Under Clause 7(1)(a) of SEPP 55 – Remediation of Land, consideration has been given as to whether the subject site on which the development is occurring is contaminated. There is no evidence before Council to suggest that the land has been used in a manner that would cause contamination.

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

11. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificate A365015_02 demonstrating compliance with the SEPP. These requirements are imposed in the conditions of consent.

12. SEPP (COASTAL MANAGEMENT) 2018

The provisions of this planning instrument that are relevant to the subject application involve managing development in the coastal zone and protecting the environmental assets of the coast.

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

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

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

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1. Part 1.2: Aims of Plan

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

14.2. Land Use Table

The proposal is defined as alterations and additions to a semi-detached dwelling and is permissible and consistent with the objectives of the R2 Low Density Residential zone.

14.3. Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	11.1m – Principal form roof ridge 16.8% departure from control	11.1m – Re-cladding principal roof form 16.8% departure from control 10.75m – Rear facing dormer window 13.1% departure from control	9.5m	No*

*A written request pursuant to Cl 4.6 of WLEP 2014 has been submitted

The proposal does not comply with Part 4.3 of Woollahra LEP 2014 as detailed and assessed in Part 7.4 of this report.



Figure 7. Proposed works located above the maximum height of building standard is limited to reconstruction works to reinstate traditional roofing material and construction of a traditional rear facing dormer.

14.4. Part 4.6: Exceptions to Development Standards

14.4.1. Departure

The proposal involves a non-compliance with the height of buildings statutory control under Part 4.3 of the Woollahra LEP 2014, as detailed in Section 14.3 of this report.

14.4.2. Purpose

Part 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

14.4.3. Written Request

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

As annexure to this report (Annexure 2), the applicant has provided a written request in relation to the departure, which includes:

...The maximum permissible height for the site is 9.5m.

The existing maximum height to the ridge line varies through the site due to the existing topography and the ground level (existing), including the variation between the internal floor levels, subfloor area, side paths and front and rear private open space areas.

The existing maximum height varies between 9.9m up to a maximum of 11.1m.

The proposed dormer is located centrally within the roof, at the highest point. Accordingly, the maximum height of the proposed new dormer window is 10.75m and exceeds the maximum permissible height by 1.25m, representing a variation of 13%.

The minor non-compliance is a result of the design and height of the existing building and roof.

There is no increase to the existing maximum height of the building...

...Compliance with the height standard is unreasonable or unnecessary in the circumstances of this case because the objectives of the height standard are achieved, notwithstanding the numerical non-compliance, as explained below.

The minor non-compliance is a consequence of the existing building height and roof form.

The proposed development seeks to incorporate a new compliant rear dormer window into the existing rear roof form.

Considering that the proposal is consistent with the building envelope requirements, setback controls, landscape requirements and streetscape presentation, there would be no utility in strictly enforcement of the height control, as this would simply result in a rear roof dormer window that would not be consistent with the applicable heritage controls and requirements as well as the other rear dormer windows in the locality...

14.4.4. Assessment

Clause 4.6(4) prescribes the following:

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

(b) the concurrence of the Planning Secretary has been obtained.

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

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

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

Assessment: The applicant's written request has demonstrated that the objectives of the height of buildings standard are achieved, notwithstanding the non-compliance. In doing so, the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by subclause 4.6(3)(a). The objectives of the development standard are discussed further in the assessment of subclause 4.6(4)(a)(ii).

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

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

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

S1.3 of the EPA Act reads as follows:

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*

- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Assessment: The Applicant's written submission has adequately demonstrated sufficient environmental planning grounds, with regard to the relevant objectives of the Act, to justify contravention of the development standard.

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

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

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

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standards, and the objectives of the R2 Low Density Residential Zone. An assessment against these objectives is provided below:

Clause 4.3 - Height of Buildings

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

Assessment: The proposal does not alter the existing height of the sites contributory adapted semi-detached dwelling house. The works located above the 9.5m development standard is limited to reconstruction works to reinstate traditional roofing material and construction of a traditional rear facing dormer window which is fully consistent with the desired future character the Paddington Heritage Conservation Area in accordance with objective (a).

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

Assessment: The proposed works do not alter the existing 11.1m height of the sites contributory adapted semi-detached dwelling house, maintaining the transition in scale between the zones that protects local amenity. Satisfactory, the proposal does not hinder achievement of the objective (b).

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

Assessment: Satisfactory, the proposal is acceptable in terms of maintaining existing levels of solar access to existing buildings and open space. The proposal achieves objective (c).

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

Assessment: The proposal does not include any alterations or additional that would adversely impact adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion. The proposal achieves objective (d).

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

Assessment: The proposal does not include any alterations or additional that would impact on existing amenity of the public domain by providing public views of the harbour and surrounding areas. The proposal achieves objective (e).

R2 Low Density Residential Zone

- ***To provide for the housing needs of the community within a low density residential environment***

Assessment: The proposal maintains the sites existing contributory adapted semi-detached dwelling house. The proposal is consistent with providing for the housing needs of the Paddington community within a low density residential environment. The proposal achieves the objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents***

Assessment: The proposal maintains the sites existing adapted semi-detached dwelling house. The proposal is consistent with enabling other land uses that provide facilities or services to meet the day to day needs of residents of the Paddington Heritage Conservation Area.

- ***To provide for development that is compatible with the character and amenity of the surrounding neighbourhood***

Assessment: The works located above the 9.5m development standard is limited to reconstruction works to reinstate traditional roofing material and construction of a traditional rear facing dormer window which are fully compatible with the maintaining the character and amenity of the Paddington Heritage Conservation Area in accordance with the objective.

- ***To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood***

Assessment: The proposal does not alter the existing height and scale of the sites contributory adapted semi-detached dwelling house. The works located above the 9.5m development standard are limited to reconstruction works to reinstate traditional roofing material and construction of a traditional rear facing dormer window which are fully compatible with the maintaining the character and amenity of the Paddington Heritage Conservation Area in accordance with the objective.

Concurrence with the Director General is outlined as follows:

- (6) In deciding whether to grant concurrence, the Director-General must consider:***

- a) *Whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- a) *The public benefit of maintaining the development standard*
- b) *Any other matters required to be taken into consideration by the Director-General before granting concurrence*

Clause 4.6(4)(a)(b)

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

14.4.5. Conclusion

The proposal is in the public interest and consistent with the objectives of the Clause 4.3 Height of Buildings development standard. Departure from the control is supported.

14.5. Part 5.10: Heritage Conservation

The subject site is located in the Paddington Heritage Conservation Area and contains a Late - Victorian period semi-detached dwelling house that forms part of a group with its related paired building located to No. 113 Hargraves Street Paddington.

In order to protect the heritage significance of the Paddington Heritage Conservation Area in accordance with Clause 5.10 Heritage Conservation of the Woollahra Local Environment Plan 2014, the guidelines and controls contained in Chapter C1: Paddington Heritage Conservation Area of the Woollahra Development Control Plan 2015 place emphasis on the conservation of terrace groups and their distinctive shared character elements.

The character elements of the PHCA represent the distinguishing features of the area that are to be retained.

Council's Heritage Officer has advised that the proposal is satisfactory and is generally compliant and would have a satisfactory impact in terms of not adversely impact on the contribution the subject site, its Late-Victorian Period semi-detached dwelling house and its related paired building make to the heritage significance of the Paddington Heritage Conservation Area.

Accordingly, the proposed development is acceptable in terms of Part 5.10 of Woollahra LEP 2014.

14.6. Part 6.1: Acid Sulfate Soils

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.

14.7. 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 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 of the Woollahra LEP 2014.

14.8. Part 6.3: Flood Planning

Part 6.3 seeks to minimise the flood risk to life and property development, allow development on land that is compatible, consider projected changes as a result of climate change and avoid significant adverse impacts on flood behaviour and the environment in flood prone areas.

The proposal is acceptable with regard to Part 6.3 of Woollahra LEP 2014.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1. Chapter C1: Paddington Heritage Conservation Area - Approved on 27 April 2015 and commenced on 23 May 2015 and repealed 22 January 2020.

The subject application lodged on 20 December 2020 predates the adoption of the current Woollahra Development Control Plan 2015 (Amendment No. 7) which commenced on 22 January 2020.

Woollahra Development Control Plan 2015 (Amendment No. 7) – Part A and Chapter C1 – Changes relating to the Paddington Heritage Conservation Area contains the following amendments that are relevant to assessment of the subject application in terms of:

- Amendments to C1.3.4 *Multi-storey terrace style housing*
- Amendments to C1.4.3 *Rear elevations, rear additions, significant outbuildings and yards*
- Amendments to C1.4.8 *Private open space, swimming pools, lightwell courtyards and landscaping*
- Amendment to C1.5.8 *Materials, finishes and details*

This assessment has also made consideration of the Part A and Chapter C1 – Changes relating to the Paddington Heritage Conservation Area of the Woollahra Development Control Plan 2015 (Amendment No. 7) as part of this assessment.

15.1.1. Section C1.3.4 Multi-storey terrace style housing

The subject site contains a Late -Victorian period semi-detached dwelling house that forms part of a group with its related paired building located to No. 113 Hargraves Street Paddington.

As provided in Chapter A3 Definitions of the Woollahra DCP 2015: Semi-detached Dwellings within the Paddington and Woollahra HCA context commonly take the form of a building known as a terrace, where the terrace is attached to only one other dwelling.

The proposal is suitably designed in terms of the conservation of the shared distinctive characteristics of the subject pair of buildings including the principal building form, rear and side forms.

The proposal is compliant with the relevant objectives and controls O1, O2, O4, O5 and C1 of Section C1.3.4 of the Woollahra DCP 2015.

15.1.2. Section C1.4.1 Principal building form and street front zone of contributory buildings

The desired objective outcomes of C1.4.1 includes the retention and conservation of the principal building forms and street front zones in the PHCA.

As set out in Annexure 3, Council's Heritage Officer supports the proposal in terms of C1.4.1 as follows:

- *The proposed works retain and conserve the principal building form of the terrace which is supported.*
- *The proposed works on the ground floor of the principal building are for a new stair case and removal of a small portion of a nib wall which is supported as it will not remove significant fabric and the original layout of the building will be retained.*
- *The proposed works on the first floor of the principal building are for a new ensuite, stairs case, laundry and walk in robe, which is supported as it will not remove significant fabric or alter the layout.*
- *The proposed new basement storage/cellar is supported from a heritage perspective.*

The installation air-conditioning located beneath the existing street front elevation verandah is detailed to be suitably screened including by maintenance of the traditional landscaped character of the street front courtyard garden.

The proposed works sited to the principal building form and the area defined as the street front zone including the addition of a covered entry portico located to the existing south eastern passageway are suitably designed in terms of the explanation of C1.4.1.

The proposal is compliant with the relevant objectives and controls O1, O4, O6, O7, O8, O9, O10, O11, O12, O13, C1, C2, C3, C6, C7, C8, C9, C10, C11, C14 and C15 of Section C1.4.1 of the Woollahra DCP 2015.

15.1.3. Section C1.4.3 Rear elevations, rear additions, significant outbuildings and yards

The rear elevations of the subject pair has been previously altered. The proposed design of the new work including timber clad side additions to the exiting first floor level rear wing form is suitably accordant with the conservation of the key distinctive shared character elements specified in the explanation of C1.4.3:

- *the highly decorative front contrasts with the restrained and utilitarian finish at the rear*
- *rear additions are smaller in scale than the main house*
- *distinct visual contrast between the front and the rear of houses.*
- *skillion roof which maintains a side breezeway*

As set out in Annexure 3, Council's Heritage Officer supports the proposal in terms of C1.4.3 as follows:

- *The proposed alterations to the rear of the terrace are to the later rear addition. The proposal uses traditional materials, solid to void ratios, windows and doors, and is sympathetic to the terrace and is therefore supported.*
- *The use of sympathetic contemporary design on the rear ground floor is supported in this instance.*
- *The proposed timber-cladded extension into a portion of the breezeway is supported as this will match the approved DA at No. 113 and will not disrupt the cohesiveness of the group.*

The new rear elevation works are well considered and sympathetic in terms of compatible detailing and finishes maintaining the form and character of the subject sites Late -Victorian period semi-detached dwelling house and the existing development works to its adjoining paired building.

The proposal is compliant with the relevant objectives and controls O1, O2, O3, O4, C2, C3, C4, C5, C6, C7, and C11 of Section C1.4.3 of the Woollahra DCP 2015.

15.1.4. Section C1.4.4 Roofs and Roof Forms

	Existing	Proposed	Control	Complies
C10 Transparent material to rear roof planes	<25%	<25%	Not more than 25% transparent material, including skylights and dormer windows	Yes

The proposal is acceptable in terms of achieving the objective outcomes of C1.4.4 in terms of conservation of the historic roofscape character of the Paddington HCA.

The proposal is compliant with the relevant objectives and controls O1, O3, C1, C3, C6, C8 and C10 of Section C1.4.4 of the Woollahra DCP 2015.

15.1.5. Section C1.4.5 Building height, bulk, form and scale

	Existing	Proposed	Control	Complies
C3 The height, bulk, form and scale of infill and new development	Consistent with the predominant height, bulk, form and scale of adjoining buildings	Consistent with the predominant height, bulk, form and scale of adjoining buildings	Consistent with the predominant height, bulk, form and scale of adjoining buildings	Yes
C4 Sunlight provided to the main ground level private open space of adjoining properties: 113 Hargrave Street, Paddington 115 Hargrave Street, Paddington 117 Hargrave Street, Paddington	<50% and < 35m ²	No additional overshadowing	Min 50% (or 35m ²) for two hours between 9am and 3pm on 21 June Where existing overshadowing is greater than this, sunlight is not to be further reduced.	Yes

The explanation for C1.4.5 specifies that the bulk, form and scale of buildings in Paddington are important contributing elements to the character of the area generally and to the character and significance of groups of buildings.

The subject sites semi-detached dwelling house and its pair to No. 113 Hargrave Street do not retain their original presentation of an unaltered group.

The proposed rear additions are of an appropriate height, bulk, form and scale. The introduction of a traditional side sloping skillion roof form to the first floor level rear wing addition to match the development pattern of the paired No.113 Hargrave Street is supported by Council's Heritage Officer as follows:

- The proposed height, bulk and form of the rear additions are consistent with the terrace and are supported*

The proposal is compliant with the relevant objectives and controls O1, O3, O4, O5, O6, C1, C3, C4, C5 and C7 of Section C1.4.5 of the Woollahra DCP 2015.

15.1.6. Section C1.4.6 Site coverage, setbacks and levels

	Existing	Proposed	Control	Complies
C1 Proportion of building footprint	Consistent with similar properties	Consistent with similar properties	Consistent with similar properties	Yes

The proposal is compliant with the relevant objectives and controls O1, O2, O3, O4, O5, O6, C1, C2, C3 and C7 of Section C1.4.6 of the Woollahra DCP 2015.

15.1.7. Section C1.4.7 Excavation

The proposal includes excavation of subfloor and construction for a basement level cellar.

The excavation works are supported by a detailed Construction Methodology Report prepared by H&M Consultancy and a Geotechnical Report prepared by JK Geotechnics that form part of the approval documents listed in **Condition A.3** of the recommendations of this report.

The Geotechnical Report prepared by JK Geotechnics specifies the follow:

- Excavation of a store and cellar below the north-eastern end of the ground floor of the terrace. The store and cellar will extend to within about 0.8m of the party wall present along the north-western side of the site separating 113 from 115 Hargrave Street, will have a finished floor level of RL48.0m and is anticipated to require excavation to maximum depths of about 1.5m.*

The proposed excavation works are supported by both Council's Heritage Officer and Development Engineer as set out in **Annexure 3** and **Annexure 4** of this report.

Council's Development Engineer has advised that

- Due to the close proximity of the proposed excavation to the site boundary, the applicant has submitted a Construction Methodology Report in support of the application. It is noted from the report that the existing common party wall between 113&115 Hargrave Street is laid directly on the rock strata and the proposed excavation will mostly in the rock strata. The structural engineer has provided construction methodology to carry out the excavation work and certified that the structural integrity of the surrounding structures, including the boundary walls will not be adversely affected by the proposed excavation*

- *Council's Technical Services has no objection to the proposed excavation on technical grounds. Notwithstanding this, conditions will be imposed to emphasize that the DA consent does not give approval for any underpinning works to any structures on adjoining properties including the boundary walls.*

The following conditions were provided and form part of the recommendations of this report in support of the proposed excavation works:

- **A.5 No Underpinning works**
- **C.6 Structural Adequacy of Existing Supporting Structures**
- **C.7 Professional Engineering Details**
- **C.8 Engineer Certification** - 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
- **C.9 Geotechnical and Hydrogeological Design, Certification & Monitoring**
- **C.10 Ground Anchors**
- **D.2 Dilapidation Reports for Existing Buildings** - These properties must include (but is not limited to):
 - No. 113 Hargrave Street, Paddington
 - No. 117 Hargrave Street, Paddington
- **D.3 Adjoining buildings founded on loose foundation materials**
- **D.8 Erosion and Sediment Controls – Installation**
- **E.7 Maintenance of Environmental Controls**
- **E.8 Compliance with Geotechnical/Hydrogeological Monitoring Program**
- **E.9 Support of Adjoining Land Owners**
- **E.10 Vibration Monitoring**
- **E.11 Erosion and Sediment Controls – Maintenance**
- **E.12 Disposal of Site Water during Construction**
- **E.13 Check Surveys**
- **F.2 Commissioning and Certification of Systems and Works**
- **K.15 Dilapidation Report**

The proposal is compliant with the relevant objectives and controls O1, O2, O3, O4, O5, O6, O7, O8, O9, O10, C1, C2, C3, C4 (general excavation controls) and C7 (Excavation for other structures beyond the principal building form or secondary wing) of Section C1.4.6 of the Woollahra DCP 2015.

15.1.8. Section C1.4.8: Private open space, swimming pools, lightwell courtyards and landscaping

Site Area: 200m ²	Existing	Proposed	Control	Complies
C4 Minimum unbuilt upon area for each dwelling	27% 55.3m ²	28.6% 57.24m ²	18% 36m ²	Yes
C4 Principal rear area of unbuilt upon area on allotments greater than 180m ² and above – Principal Area Minimum Area	<35m ² <3m 0m ² >3m Principal area (<3m) – 24.7m ²	<35m ² <3m 0m ² >3m Principal area (<3m) – 26.5m ²	 35m ² 3m	No

Site Area: 200m ²	Existing	Proposed	Control	Complies
C4 Minimum deep soil landscape area for dwelling-house	7.9% 15.94m ²	12.1% 24.12m ²	12% 24m ²	Yes

The proposal is compliant with the relevant objectives and controls O1, O2, O3, O4, O5, O6, O7, O8, O9, C1, C2, C3, C4 (*other than principal rear area*), C7, C8, C9 and C10.

The submitted numerical calculations drawing DA-04-01 Rev A dated 19/12/2020 (extract below) and the statement of environmental effects prepared by Myriad Consulting Town Planning and Development Consultants dated December 2019 in support of the proposal erroneously have included the proposed uncovered on-site car parking and covered entry portico as part of the un-built upon area of the site:

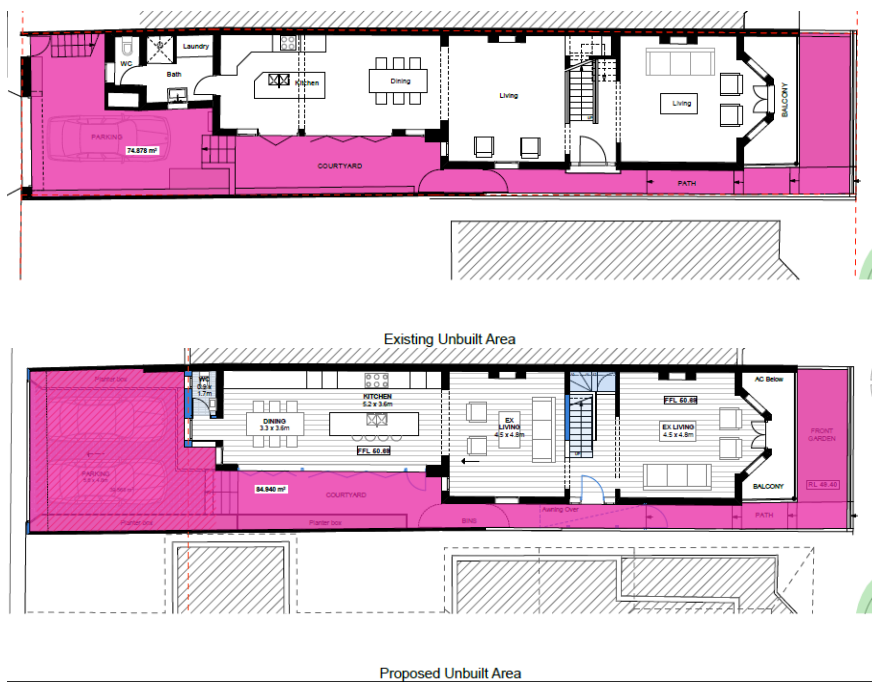


Figure 8. Extract from calculations drawing DA-04-01 Rev A dated 19/12/2020

Statement of environmental effects prepared by Myriad Consulting Town Planning and Development Consultants:

The proposal comprises of a non-built area of 84.94m² or 42.5% of the site.

The proposed principal area of private open space satisfies the DCP objectives as follows:

- There is currently limited landscaping or usable private open space at the rear of the site. The proposal is for more substantial plantings and more pervious area.*
- The proposed deep soil landscaped area will result in an increase to the existing situation and provides more usable private open space and soft landscaping along the side and rear of the site.*
- The proposal provides increased permeable areas of open space at the rear of the site.*
- The proposed deep soil landscaped areas will have adequate soil profile depth to allow for established plants.*

As specified in the C1.4.8 notes of Table 2 of control C4: *Uncovered parking areas and driveways are not to be calculated as un-built upon area.*

The existing and proposed development on the subject site does not accord with that part of numerical control C4 which specifies provision of a 35m² principal rear area of unbuilt upon area having a minimum dimension of 3m.

The existing and proposed development on the subject site does not accord with that part of numerical control C4 which specifies provision of a 35m² principal rear area of unbuilt upon area having a minimum dimension of 3m.

Numerical non-compliance with that part of C4 which requires a 35m² principal rear area of unbuilt upon area control is supported as:

- The proposal achieves the underlying objectives of the numerical control.
- Non-compliance is existing and the level of non-compliance will be reduced as part of the proposal resulting from the reconfigured ground floor level building foot print consistent with the subject pair and similar properties in the immediate vicinity.
- Council's Heritage Officer and Development Engineer support the proposal including that on-site parking is feasible.
- The proposal results in an enlarged and compliant deep soil landscaping including a rear area which enables planting at natural ground level and assists on-site drainage.
- The proposal results in an enlarged and generous total unbuilt area of 57.24m² (28.6%) which significantly exceeding the numerical control of 36m² (18%).
- The proposal results in an enlarged useable principal rear area such that adequate provision of unbuilt upon area and deep soil landscaped areas have been included.

Accordingly the proposal is compliant with the relevant objectives and acceptable against the controls of Section C1.4.8 of the Woollahra DCP 2015.

15.1.9. Section C1.4.9: Views

The proposal is compliant with the relevant objectives and controls of Section C1.4.9 of the Woollahra DCP 2015.

15.1.10. Section C1.4.10: Acoustic and visual privacy

The proposal is acceptable in terms of the minimisation of acoustic and visual privacy impacts to adjoining properties in accordance with the relevant objectives and controls O1, O2, C3, C4 and C5 of Section C1.4.10 of the Woollahra DCP 2015.

15.1.11. Section C1.5.1: Dormers and skylights

	Existing	Proposed	Control	Complies
C10 – C17 Dormer Windows (Victorian Buildings)				
Maximum Width (Buildings ≥4m wide)		1.2m	1.2m	
Maximum Height – Pitched Roof		1.4 x width	1.4 x width	Yes
Roof Pitch		32° - 45°	32° - 45°	Yes
Height Below Ridgeline		0.3m Below Ridge	0.3m Below Ridge	Yes
Minimum Sill Height		0.4m Above FFL	0.4m Above FFL	
Maximum Eaves Overhang		0.15m	0.15m	
C29 Maximum Area of Skylight on the Principle Roof	0.722m ²	1.444m ²	1.5m ²	Yes

The design of the proposed rear facing dormer window and arrangement of skylights accords with traditional design models and minimises the impact of the dormer and skylights on the form, appearance and fabric of the principal roof form in accordance with the explanation of C1.5.1.

As set out in **Annexure 3**, Council's Heritage Officer supports the proposal in terms of C1.5.1 as follows:

- *The proposed skylights are to be located on the rear roof slope of the principal building form, which is supported.*
- *The skylights are of a low profile and have a matching frame colour to the surrounding roof, which is supported.*
- *The proposed dormer has appropriate proportions and materials and is supported.*

The proposal is compliant relevant objectives and controls O1, O2, O3, C2, C3, C5, C6, C7, C8, C9, C10, C12, C14, C15, C16, C28, C29 and C30.

The proposed addition of an additional skylight resulting in 2 skylights and a dormer window to the rear roof plane of the principal building form is non-compliant with C24 and C25 which permit only a single skylight where a dormer window is proposed, as follows:

C24 A single skylight may be placed in the rear facing slope of the principal roof form by itself, or with a single dormer.

C25 A maximum of two skylights may be placed in the rear facing slope of the principal roof form provided:

- a) they are arranged symmetrically; and*
- b) there is no dormer.*

The statement of environmental effects and the heritage impact assessment prepared by prepared by Myriad Consulting Town Planning and Development Consultants dated December 2019 and Zoltan Kovacs Architect dated December 2019 are silent in terms of C24 and C25, but provide the following considerations of Section C1.5.1 in support of the proposal:

Myriad Consulting Town Planning and Development Consultants

- *The design and proportions of the proposed rear dormer have been proposed in accordance with the applicable DCP requirements and are consistent with the location, size and shape of the rear dormers of the neighbouring properties. The dormer will have no impact on the integrity and style of the main roof form, the significance of the building, the group, or the Paddington Heritage Conservation Area in general.*

Heritage Impact Assessment Zoltan Kovacs Architect

- *The proposed dormer window is consistent with the DCP controls in terms of form, details and dimensions. The proposed small skylight is also consistent with controls.*
- *The proposal satisfies policy controls.*

Numerical non-compliance with C24 and C25 in terms of the proposed 2 skylights (1 existing and 1 additionally proposed) to the rear principal roof plane in connection with the proposed dormer window is supported as follows:

- Notwithstanding numerical non-compliance in terms of the number of skylights, the total glazed area <1.5m and the symmetrical arrangement of the skylights achieves the underlying objectives of the controls.
- The number of skylights is essential to internal amenity and would otherwise reduce the need for mechanical light and ventilation sited to the roof for the below sited wet areas.
- The proposed dormer and skylights are supported by a HIS prepared by the applicant and Council's Heritage Officer.

Accordingly the proposal is compliant with the relevant objectives and acceptable against the controls of Section C1.5.1 of the Woollahra DCP 2015.

15.1.12. Section C1.5.2 Chimneys

The proposal is compliant with the relevant objectives and controls O1, O2 and C1 of Section C1.5.2 of the Woollahra DCP 2015.

15.1.13. Section C1.5.3 Windows, doors, shutters and security

The proposal is compliant with the relevant objectives and controls O1, O2, O3, C1 and C4 of Section C1.5.3 of the Woollahra DCP 2015.

15.1.14. Section C1.5.4 Verandahs and balconies

The proposal is compliant with the relevant objectives and controls O1, O2, C1, C3 and C4 of Section C1.5.4 of the Woollahra DCP 2015.

15.1.15. Section C1.5.5 Fences, walls and gates

The street front elevation contains a traditional Late-Victorian period cast iron palisade fence (fleur de le pickets) mounted on a sandstone base. The existing rear masonry dividing fencing located to the south-western and south eastern side boundaries is shared fencing and is greater than 1.8m in height.

The proposal does not seek to alter the existing front boundary and side boundary fencing.

The proposal is compliant with the relevant objectives and controls O1, O2, O3, O4, O6, O7, C5 and C9 of Section C1.5.5 of the Woollahra DCP 2015.

15.1.16. Section C1.5.8 Materials, finishes and details

The proposal is compliant with the relevant objectives and controls O1, O2, O3, C1, C4, C5 and C6 of Section C1.5.8 of the Woollahra DCP 2015.

15.1.17. Section C1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing facilities

	Existing	Proposed	Control	Complies
C9 Rear Vehicular Access – Minimum Distance to Building	1.6m	6.1m	10.0m	No
C11 Double Garages, Carports or Spaces - Minimum Site Width	6.18m	No change	7.1m	No

The proposal includes the adaptation of an existing single uncovered vehicle onsite parking space into to a double uncovered onsite vehicle parking spaces.

The statement of environmental effects in support of the proposal prepared by Myriad Consulting Town Planning and Development Consultants dated December 2019 specifies that proposal complies with the Section C1.5.6 as follows:

- It is proposed to widen the garage door along Windsor Lane to accommodate a double car space at the rear of the site. The proposed garage door and overall rear wall and door arrangement is consistent with the overall rear character.*

The proposal is compliant with the relevant objectives and controls O2, O3, O4, O5, O6, O7, O8, O9, O10, O11, O12, O13, O14, C1 a), b), c), d), e) g), h), i) C2, C3, C4, C5, C6, C9 b), c), d), C12, C13, C14, C15, C16 and C17.

Uncovered onsite vehicle parking spaces are a variant not covered in Table 5 *Dimensions for garages and carports* and Table 6 *Setting, form and materials for garages and carports* as specified by C6. The proposed vehicle entry door accords with Tables 5 and 6 in terms of dimensions Setting, form and materials for double space garages and carports with the exception of not providing a 1.2m side gate/fence as required by C11.

The proposal does not accord with C1 f), C9 a), C10 and C11 as follows:

- C1 Onsite parking areas, parking structures and servicing areas such as loading facilities are not a mandatory requirement. In addition, and subject to circumstances listed in the following controls, on-site parking will only be permitted or may only be required where:
f) private open space and deep soil landscaped area controls are met;*
- C9 Rear lane or rear street vehicle access and associated on-site parking are permitted if:
a) the distance from the rear of the building, whether existing or proposed, to the rear boundary is 10m or more;*
- C10 Where rear lane or street parking is permitted under C9, and the property is 4.7m or more in width, proposals must provide an acceptable interface between the private and public domain by incorporating elements such as pedestrian gates or fencing a minimum of 1200mm wide along rear boundaries. Where possible, gateways on adjoining properties should be grouped*
- C11 Where rear lane or street parking is permitted under C9, double garages, double carports, double car spaces are permitted only where the property is a least 7.1m wide and a 1.2m wide gateway is provided. Structures must not exceed a width of 6m.*

Non-compliance with C1 f), C9 a) and C11 is supported as follows:

- The proposal achieves the underlying objectives of the controls.
- Council's Heritage Officer and Development Engineer support the proposal including that on-site parking is feasible.
- The proposed double vehicle entry door will not detract from the existing Windsor Lane streetscape.
- The reasons for support of numerical non-compliance with the principal un-built upon rear area is set out under Section C1.4.4 including that the proposal includes an enlarged and improved useable principal rear area such that adequate provision of unbuilt upon area and deep soil landscaped areas have been included.
- Notwithstanding the non-compliance with C1 f) and C9 the resultant proportion of building footprint remains consistent with the subject pair and surrounding row of buildings and similar properties in the immediate vicinity.
- On-site vehicle parking is common to the subject group and the Windsor Lane Streetscape.
- The proposal maintains a compliant deep soil landscaping including a rear area which enables planting at natural ground level and assists on-site drainage.
- The proposal is adequate in terms of provision for accessible and useable principal rear area of private open space at the rear of the property increasing the existing principal area from 20m² to 21.5m².
- The proposal in terms of the provision of 55m² (27%) of unbuilt upon area of the site significantly exceeds the numerical control of 36.52m² (18%).

Accordingly the proposal is compliant with the relevant objectives and acceptable against the controls of Section C1.5.6 of the Woollahra DCP 2015.

15.1.18. Section C1.5.9 Exterior colours

The proposal is compliant with the relevant objectives and controls of Section C1.5.9 of the Woollahra DCP 2015.

15.1.19. Section C1.5.10 Gardens and trees

The proposal will maintain the existing front courted gardens and introduces opportunities for rear plantings as part of the external landscape works.

The proposal is compliant with the relevant objectives and controls O1, O2, O3, O4, O5, C1, C3 and C5 of the Woollahra DCP 2015.

15.1.20. Section C1.5.11 Satellite dishes, aerials, air conditioning units and other site facilities

The proposal details an internal air conditioning systems located beneath the existing street front elevation verandah.

Objectives and control: O1, O2, O3 and C1 specify:

O1 To retain the character of the original roofscape of Paddington.

O2 To protect the original fabric and details of roofs and chimneys.

O3 To ensure that satellite dishes, air handling systems, external hot water heaters, air conditioning units, aerials and other site facilities do not detrimentally impact on the character and significance of individual buildings and the streetscape.

C7 Any associated wall opening must be:

- a) behind the front setback and not be visible from the public domain; and*
- b) no higher than 600mm above the ground level abutting the wall containing the new opening.*

Subject to **Condition C.1b)** the proposal is compliant relevant objectives and controls O1, O2, O3 and C7 b). Noncompliance with C.1 b) is acceptable as follows:

- The plan set details a new ventilation opening that is framed by masonry walling and would be substantially screened by the retained front courtyard garden in accordance with the underlying objective O3.
- **Condition C.1b)** limits the height of the wall opening to 600mm above ground level to preserve more of the masonry veranda walling and requires the screening to match the external wall colour to further limit the visibility of the opening from the public domain.

Accordingly the proposal is compliant with the relevant objectives and acceptable against the controls of Section C1.5.11 of the Woollahra DCP 2015.

15.2. Chapter E1: Parking and Access

As set out in **Annexure 3** Council's Development Engineer supports the proposed adaptation of the existing rear single uncovered vehicle onsite parking space to a double uncovered onsite parking area. Subject to **Condition C.1 a)** the proposal is acceptable with regard to the objectives and controls in Chapter E1 of the Woollahra DCP 2015.

15.3. Chapter E5: Waste Management

The applicant provided a SWMMP with the development application and it was found to be satisfactory. The proposal is acceptable with regard to Chapter E5.3 of the Woollahra DCP 2015.

The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

16. SECTION 94 CONTRIBUTION PLANS

16.1. Section 94A Contributions Plan 2011

In accordance with Schedule 1, a 0.5%/1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 94A Contributions Plan 2011. Refer to **Condition C.2.**

Cost of Works	Rate	Contribution Payable
\$450,000.00	1%	\$4,500.00

17. APPLICABLE ACTS/REGULATIONS

17.1. Environmental Planning and Assessment Regulation 2000

Clause 92: What Additional Matters Must a Consent Authority Take Into Consideration in Determining a Development Application?

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires Council to consider Australian Standard AS 2601-2004: The demolition of structures. Subject to conditions of approval, the proposal is considered to be acceptable.

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

This assessment has considered the application in terms of the relevant matters under Section 4.15 of the Environmental Planning and Assessment Act and other relevant considerations and the proposal is considered to be satisfactory in this regard, subject to conditions.

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 written request from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the maximum building height development standard under Clause 4.3 of Woollahra LEP 2014 has adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard and the zone. The Panel assumes the concurrence of the Secretary, Department of Planning, Industry and Environment.

AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, grant development consent to Development Application No. 509/2019/1 for alterations & additions to the existing dwelling including new basement cellar, new double garage & new dormer to attic on land at 115 Hargrave Street Paddington, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (“the *Act*”) and the provisions of the *Environmental Planning and Assessment Regulation 2000* (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

Standard Condition: A1 (Autotext AA1)

A.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney’s eastern suburbs (see the brochure titled “Local Native Plants for Sydney’s Eastern Suburbs” published by the Southern Sydney Regional Organisation of Councils).

Stormwater drainage system means all works, facilities and documentation relating to:

- the collection of stormwater,
- the retention of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and
- connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner-builder has the same meaning as in the *Home Building Act 1989*.

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Professional engineer has the same meaning as in the BCA.

Public place has the same meaning as in the *Local Government Act 1993*.

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

SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.

Site means the land being developed subject to this consent.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an occupation certificate.

Note: Interpretation of conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

Standard Condition: A2 (Autotext AA2)

A.3 Approved Plans and Supporting Documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

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

Reference	Description	Author/Drawn	Date(s)
DA-00-01 A	Locality/legend/BASIX		19/12/2019
DA-02-02 A	Basement and ground floor plans		19/12/2019
DA-02-03 A	First floor and attic plans		19/12/2019
DA-02-04 B	Roof plan + landscape plan		06/03/2020
DA-03-01 A	North Hargrave Street elevation		19/12/2019
DA-03-02 A	East side elevation		19/12/2019
DA-03-03 A	Rear elevations		19/12/2019
DA-03-04 A	Section A		19/12/2019
DA-03-05 A	Section B		19/12/2019
DA-05-01 A	Schedule of Materials & Finishes		19/12/2019
A365015_02	BASIX Certificate	NSW Department of Planning and Environment	17/12/2019
1819-230 Rev 04, Sheet 1-5	Stormwater Plans	H&M Consultancy	18/03/2020
1819/230	Construction Methodology Report	H&M Consultancy	06/12/2019
32790YTrpt	Geotechnical Report	JK Geotechnics	21/11/2019
-	Site Waste Minimisation and Management Plan	Hancock Architects	17/12/2019

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5 (Autotext AA5)

A.4 Ancillary Aspects of Development (section 4.17(2) of the *Act*)

The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Owner's expense.

Note: This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.

Standard Condition: A8 (Autotext AA8)

A.5 No Underpinning works

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

B.1 Construction Certificate Required Prior to Any Demolition

Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" pursuant to section 6.6 of the *Act*.

In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the *Act*.

Note: See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
Standard Condition: B1 (Autotext BB1)

B.2 Identification of Hazardous Material

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

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

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

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

B.3 Public Road Assets Prior to Any Work/Demolition

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

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

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

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

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

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

C. Conditions which must be satisfied prior to the issue of any Construction Certificate

C.1 Modification of Details of the Development (section 4.17(1)(g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

a) Double on-site uncovered car parking

The proposed double car space shall have minimum dimensions of 5.4m x 5.4m, clear of any obstructions such as planter box to comply with AS2890.1. Alternatively, the maximum height of the proposed planter box on either side of the double car space must be limited to 150mm to ensure the door opening is not restricted.

b) New ventilation opening for air conditioning condenser located beneath ground floor level street front elevation verandah

The new ventilation opening for the air conditioning condenser located beneath the ground floor level street front elevation verandah shall be reduced in height so as to not exceed 600mm above the external ground level. The opening shall contain screening painted to match the external wall of the verandah in colour.

This condition is imposed to ensure the ventilation opening does not detrimentally impact on the character and significance of individual building and the streetscape in accordance with objective and control O3 and C1 of Section C1.5.11 of the Woollahra Development Control Plan 2015.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

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

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

Standard Condition: C4 (Autotext CC4)

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

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$12,992	No	T115
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$4,500 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee (\$138 Fee)	\$471	No	T45
Security Administration Fee	\$190	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$18,153 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986*, must be paid and proof of payment provided to the Certifying Authority prior to the issue of any Construction Certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?

Payments must be made by:

- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,

- the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

How will the section 7.12 levy (formerly known as 94A levy) be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

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

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2011

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

C.3 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No. A365015_02 with any application for a Construction Certificate.

Note: Where there is any proposed change in the BASIX commitments the Applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 145 and 146 of the *Regulation*) the Applicant will be required to submit an amended development application to Council pursuant to section 4.55 of the *Act*.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans and specifications prior to the issue of any Construction Certificate.

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".
Standard Condition: C7

C.4 Road and Public Domain Works – Council Approval Required

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 prior to the issuing of any Construction Certificate. The infrastructure works must be carried out at the applicant's expense:

- a) The removal of the existing vehicular crossing and layback and the construction of a new 4.5 metres wide vehicular crossing in accordance with Council's standard driveway drawing RF2_D. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the vehicular crossing shall be aligned with the centreline of the proposed garage door. A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- b) Reinstatement of all damaged footpath, kerb and gutter to match existing.

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

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

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

Note: See condition K24 in *Section K. Advise of this Consent titled Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

C.5 Soil and Water Management Plan – Submission and Approval

The Principal Contractor or Owner-builder must submit to the Certifying Authority a soil and water management plan complying with:

- a) "*Do it Right On Site, Soil and Water Management for the Construction Industry*" published by the Southern Sydney Regional Organisation of Councils, 2001; and
- b) "*Managing Urban Stormwater - Soils and Construction*" 2004 published by the NSW Government (*The Blue Book*).

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

The Certifying Authority must be satisfied that the soil and water management plan complies with the publications above prior to issuing any Construction Certificate.

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

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

Note: The "*Do it Right On Site, Soil and Water Management for the Construction Industry*" publication can be downloaded from www.woollahra.nsw.gov.au, and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm.

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

C.6 Structural Adequacy of Existing Supporting Structures

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

Note: This condition is imposed to ensure that the existing structure is able to support the additional loads proposed.
Standard Condition: C35 (Autotext CC35)

C.7 Professional Engineering Details

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate.

Note: This does not affect the right of the developer to seek staged Construction Certificates.
Standard Condition: C36

C.8 Engineer Certification

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.

C.9 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.

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

Standard Condition: C40 (Autotext: CC40)

C.10 Ground Anchors

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

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

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

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under section 138 of the *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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

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

Standard Condition: C41 (Autotext: CC41)

C.11 Stormwater Discharge to Existing Stormwater Drainage System

The Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must detail:

- a) General design in accordance with stormwater plans prepared by H&M Consultancy, referenced 1819-230 Rev 04, dated 18/03/2020, other than amended by this and other conditions,
- b) the location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,
- c) the state of repair of the existing Stormwater Drainage System,
- d) any remedial works required to upgrade the existing Stormwater Drainage System to comply with the BCA,
- e) any remedial works required to upgrade the existing Stormwater Drainage System crossing the footpath and any new kerb outlets,
- f) any new Stormwater Drainage System complying with the BCA,
- g) interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- h) any rainwater tank (see Note below) required by BASIX commitments including their overflow connection to the Stormwater Drainage System, and
- i) general compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Where any new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council for those works prior to 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).

Note: Clause F1.1 of Volume 1 and Part 3.1.2 of Volume 2 of the BCA provide that stormwater drainage complying with AS/NZS 3500.3 Plumbing and drainage - Part 3: Stormwater drainage is deemed-to-satisfy the BCA. Council's specifications apply in relation to any works with any road or public place.

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

Note: Stormwater Drainage Systems must not discharge to any Sewer System. It is illegal to connect stormwater pipes and drains to the sewerage system as this can overload the system and cause sewage overflows. For more information go to the Sydney Water website www.sydneywater.com.au/SW/plumbing-building-developing/index.htm or call 1300 082 746.

Note: Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003 and the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management can be downloaded from Council's website www.woollahra.nsw.gov.au
Standard Condition: C49

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

D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

For the purposes of section 4.17(11) of the *Act*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

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

This condition does not apply:

- a) to the extent to which an exemption is in force under the *Home Building Regulation 2004*, or
- b) to the erection of a temporary building.

In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1 (Autotext DD1)

D.2 Dilapidation Reports for Existing Buildings

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

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

- No. 113 Hargrave Street, Paddington
- No. 117 Hargrave Street, Paddington

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. An approved copy of the reports shall be submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

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

Note: Also refer to the Dilapidation Report Advising for more information regarding this condition
Standard Condition: D4 (Autotext DD4)

D.3 Adjoining Buildings Founded on Loose Foundation Materials

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

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.
Standard Condition: D6 (Autotext DD6)

D.4 Works (Construction) Zone – Approval and Implementation

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

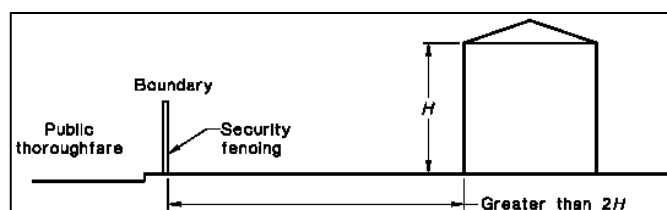
The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are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

Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000* to exercise those functions delegated by the Roads and Maritime Services under section 50 of the *Transport Administration Act 1988*.

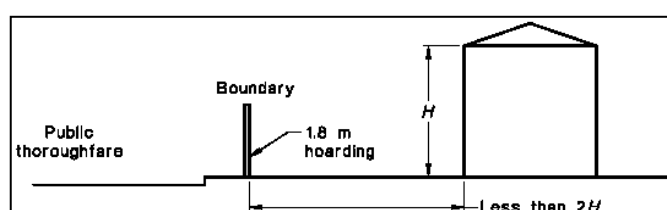
Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10 (Autotext DD10)

D.5 Security Fencing, Hoarding and Overhead Protection

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



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

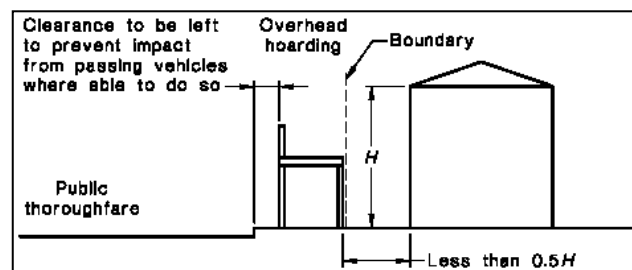


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- have a clear height above the footpath of not less than 2.1m,
- terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



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

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

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

Note: The Principal Contractor or Owner must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.
Standard Condition: D11 (Autotext DD11)

D.6 Site Signs

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

Clause 98A of the *Regulation* provides:

Erection of signs

- For the purposes of section 4.17(11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifier for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.

Clause 227A of the *Regulation* provides:

Signs on development sites

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

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

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

Note: If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 98A and clause 227A of the *Regulation*.

Standard Condition: D12 (Autotext DD12)

D.7 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

Note: This condition does not set aside the requirement to comply with SafeWork NSW requirements.
Standard Condition: D13 (Autotext DD13)

D.8 Erosion and Sediment Controls – Installation

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan if required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

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

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

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

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

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14 (Autotext DD14)

D.9 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

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

- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - appointed a Principal Certifier for the building work, and
 - notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and

- c) The Principal Certifier has, no later than 2 days before the building work commences:
 - notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
 - appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the Principal Certifier of any such appointment, and
 - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: *building* has the same meaning as in section 1.4 of the *Act* and includes part of a building and any structure or part of a structure.

Note: *new building* has the same meaning as in section 6.1 of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 6.6(2) of the *Act*.

Standard Condition: D15 (Autotext DD15)

D.10 Notification of Home Building Act 1989 requirements

- a) 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.
- b) 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:
 - In the case of work for which a Principal Contractor is required to be appointed:
 - the name and licence number of the Principal Contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an Owner-builder:
 - the name of the Owner-builder, and
 - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.
Standard Condition: D17 (Autotext DD17)

E. Conditions which must be satisfied during any development work

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

For the purposes of section 4.17(11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

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

This condition does not apply:

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

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

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: E1 (Autotext EE1)

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.

Standard Condition: E2 (Autotext EE2)

E.3 Requirement to Notify about New Evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.

Standard Condition: E4 (Autotext EE4)

E.4 Critical Stage Inspections

Critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*.

Critical stage inspections means the inspections prescribed by the *Regulations* for the purposes of section 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.

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

Note: The PC may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

Standard Condition: E5 (Autotext EE5)

E.5 Hours of Work –Amenity of the Neighbourhood

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

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

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

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

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

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

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

Standard Condition: E6 (Autotext EE6)

E.6 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must:

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

This condition does not apply to the extent that a permit or approval exists under the section 148B of the *Road Transport Act 2013*, section 138 of the *Roads Act 1993* or section 68 of the *Local Government Act 1993* except that at all time compliance is required with:

- a) Australian Standard AS 1742 (Set): *Manual of uniform traffic control devices* and all relevant parts of this set of standards.
- b) Australian Road Rules.

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

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

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

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

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Standard Condition: E7 (Autotext EE7)

E.7 Maintenance of Environmental Controls

The Principal Contractor or Owner-builder must ensure that the following monitoring, measures and controls are maintained:

- a) erosion and sediment controls,
- b) dust controls,

- c) dewatering discharges,
- d) noise controls,
- e) vibration monitoring and controls,
- f) ablutions.

Standard Condition: E11

E.8 Compliance with Geotechnical / Hydrogeological Monitoring Program

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

The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:

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

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

Standard Condition: E12 (Autotext EE12)

E.9 Support of Adjoining Land and Buildings

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

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

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

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

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

Note: Clause 20 of the *Roads Regulation 2008* prohibits excavation in the vicinity of roads as follows: “**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.” Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*.
Standard Condition: E13 (Autotext EE13)

E.10 Vibration Monitoring

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

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

Where any such alarm triggers all excavation works must cease immediately.
Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

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

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

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

Note: *building* has the same meaning as in section 1.4 of the *Act* i.e. "*building* includes part of a building and any structure or part of a structure...."

Note: *supported land* has the same meaning as in the *Conveyancing Act 1919*.
Standard Condition: E14 (Autotext EE14)

E.11 Erosion and Sediment Controls – Maintenance

The Principal Contractor or Owner-builder must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) the Soil and Water Management Plan required under this consent,
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001, and
- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

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



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

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

Standard Condition: E15 (Autotext EE15)

E.12 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

Standard Condition: E17 (Autotext EE17)

E.13 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

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

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

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

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

Standard Condition: E20 (Autotext EE20)

E.14 Placement and Use of Skip Bins

The Principal Contractor or Owner-builder must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 68 of the *Local Government Act 1993* to place the waste storage container in a public place; and
- b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

Standard Condition: E21 (Autotext EE21)

E.15 Prohibition of Burning

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.

Note: Pursuant to the *Protection of the Environment Operations (Clean Air) Regulation 2010* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
Standard Condition: E22 (Autotext EE22)

E.16 Dust Mitigation

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

This generally requires:

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

Note: “*Dust Control - Do it right on site*” can be downloaded from Council’s website www.woollahra.nsw.gov.au or obtained from Council’s office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23 (Autotext EE23)

E.17 Site Waste Minimisation and Management – Demolition

In order to maximise resource recovery and minimise residual waste from demolition activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),
- c) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly ‘signpost’ the purpose and content of the bins and/or storage areas,
- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the Applicant must ensure:

- a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,
- b) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*,
- c) waste is only transported to a place that can lawfully be used as a waste facility,

- d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and
- e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

Note: Materials that have an existing reuse or recycling market should not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
Standard Condition: E31 (Autotext EE31)

E.18 Site Waste Minimisation and Management – Construction

In order to maximise resource recovery and minimise residual waste from construction activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) arrange for the delivery of materials so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage,
- c) consider organising to return excess materials to the supplier or manufacturer,
- d) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) clearly ‘signpost’ the purpose and content of the storage areas,
- f) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste,
- g) promote separate collection bins or areas for the storage of residual waste,
- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter,
- i) minimise site disturbance and limit unnecessary excavation,
- j) ensure that all waste is transported to a place that can lawfully be used as a waste facility, and
- k) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

Standard Condition: E32 (Autotext EE32)

E.19 Asbestos Removal

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

Where hazardous material, including bonded or friable asbestos has been identified such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.
- b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.
- c) No asbestos products may be reused on the site.
- d) No asbestos laden skip or bins shall be left in any public place.

Note: This condition is imposed to protect the health and safety of persons working on the site and the public
Standard Condition: E39

E.20 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

Note: This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
Standard Condition: E40

E.21 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

Note: This condition is imposed to ensure that asbestos and other hazardous waste is disposed of lawfully under the *Protection of the Environment Operations Act 1997* and relevant NSW EPA requirements.
Standard Condition: E41

E.22 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

Note: This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.
Standard Condition: E42

E.23 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.

The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

Note: This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.
Standard Condition: E43

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 6 of the Act and Part 8 Division 3 of the Regulation)

F.1 Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the *Act*) unless an Occupation Certificate has been issued in relation to the building or part.

Note: New building includes an altered portion of, or an extension to, an existing building.
Standard Condition: F1 (Autotext FF1)

F.2 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

Note: This condition has been imposed to ensure that systems and works as completed meet development standards as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as execute is maintained.

Note: The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

Note: The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.

Standard Condition: F7 (Autotext FF7)

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

Nil.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (section 6.4 (c))

H.1 Fulfillment of BASIX Commitments – clause 154B of the *Regulation*

All BASIX commitments must be effected in accordance with the BASIX Certificate No. A365015_02.

Note: Clause 154B(2) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a final Occupation Certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Standard Condition: H7 (Autotext HH7)

H.2 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

- a) the site sign,
- b) ablutions,
- c) hoarding,
- d) scaffolding, and
- e) waste materials, matter, article or thing.

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

Standard Condition: H12 (Autotext HH12)

H.3 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Principal Contractor's or Owner's expense:

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

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

Standard Condition: H13 (Autotext HH13)

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

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. A365015_02.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.

Standard Condition: I24

I.2 Outdoor Lighting – Residential

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

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

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting.
Standard Condition: I49

J. Miscellaneous Conditions

Nil

K. Advisings

K.1 Criminal Offences – Breach of Development Consent and Environmental Laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

- a) Issue Penalty Infringement Notices (On-the-spot fines);
- b) Issue notices and orders;
- c) Prosecute any person breaching this consent; and/or
- d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the *Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

Standard Advising: K1 (Autotext KK1)

K.2 Dial Before You Dig



The Principal Contractor, Owner-builder or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

Standard Advising: K2 (Autotext KK2)

K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work. The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia.

Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "NSW Guide to Standards and Tolerances 2017" are achieved.

The quality of any development is a function of the quality of the Principal Contractor's or Owner-builder's supervision of individual contractors and trades on a daily basis during the development. The Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances or call 133 220.

Standard Condition: K6 (Autotext KK6)

K.5 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050.

Standard Condition: K7 (Autotext KK7)

K.6 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from SafeWork NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- a) *Work Health and Safety Act 2011*,
- b) *Work Health and Safety Regulation 2017*,
- c) SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and
- d) SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).

Note: For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050.

Standard Advising: K8 (Autotext KK8)

K.7 Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995: *Guide to Lead Paint Management—Industrial Applications*, or AS 4361.2–1998: *Guide to Lead Paint Management—Residential and Commercial Buildings*.

Industrial paints may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

Standard Advising: K9 (Autotext KK9)

K.8 Dividing Fences

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

Note: Further information can be obtained from the NSW Civil and Administrative Tribunal

www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777.

Standard Advising: K10 (Autotext KK10)

K.9 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr M D'Alessio, Assessment Officer, on (02) 9391 7000.

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

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

Standard Condition: K14 (Autotext KK14)

K.10 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the *Act*.

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

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

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

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

Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au
Standard Condition: K15 (Autotext KK15)

K.11 Public Art

That an appropriate amount be spent on commissioning a public art project to be included and displayed within the development.
Standard Condition: K16 (Autotext KK16)

K.12 Recycling of Demolition and Building Material

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.
Standard Condition: K17 (Autotext KK17)

K.13 Owner-builders

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.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au or call 133 220.
Standard Condition: K18 (Autotext KK18)

K.14 Pruning or Removing a Tree Growing on Private Property

The Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.
Standard Condition: K19 (Autotext KK19)

K.15 Dilapidation Report

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

- a) The dilapidation report will be made available to affected property owners on requested and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.

- d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the Applicant is to demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Standard Advising: K23 (Autotext KK23)

K.16 Roads Act 1993 Application

Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the *Roads Act 1993* and specifically:

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the *Roads Act 1993*, before the issue of any Construction Certificate.

Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – *Off-street car parking*. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Note: Any adjustments required from the garage slab and the street levels are to be carried out internally on private property

Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Temporary ground anchors may be permitted, in accordance with Council’s “Rock Anchor Policy”.

Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.

All public domain works must comply with the latest version of Council’s “*Specification for Roadworks, Drainage and Miscellaneous Works*” unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

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





Note: When an application under the *Roads Act* is required, then four (4) weeks is to be allowed for assessment.

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

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

Standard Advising: K24 (Autotext KK24)

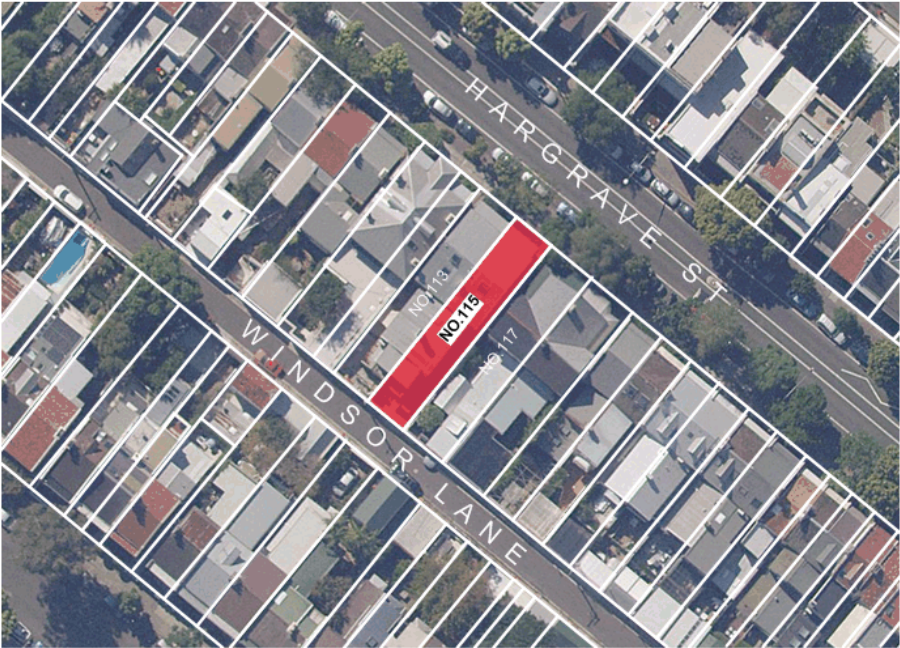
Annexures

1. Plans and elevations [↓](#) 
2. Clause 4.6 written request [↓](#) 
3. Technical Services Referral Response [↓](#) 
4. Heritage Referral Response [↓](#) 

115 Hargrave Street Paddington

DEVELOPMENT APPLICATION

Drawing List	
Drawing No.	Drawing Name
DA-00-01	Register, Location Map, Legend and BASIX
DA-01-01	Existing Ground / First Floor
DA-01-02	Existing Attic / Roof
DA-01-03	Existing Hargrave Street Elevation
DA-01-04	Existing Side Elevation - South
DA-01-05	Existing Rear Elevation
DA-02-01	Proposed Site Plan
DA-02-02	Proposed Basement and Ground Floor Plans
DA-02-03	Proposed First Floor and Attic Plans
DA-02-04	Proposed Roof Plan + Landscape Plan
DA-03-01	Proposed Hargrave Street Elevation
DA-03-02	Proposed Side Elevations
DA-03-03	Proposed Rear Elevation
DA-03-04	Proposed Section A
DA-03-05	Proposed Section B
DA-04-01	Calculations
DA-05-01	Schedule of Materials & Finishes
DA-06-01	Notification Plans



Location Plan

BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A365015_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability. It is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 17, December 2019
To be valid, the certificate must be lodged within 3 months of the date of issue.

Fixtures and systems	Show on DA Plans	Show on CO/CD/DC Plans & specs	Certifier Check
Hot water The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

Construction	Show on DA Plans	Show on CO/CD/DC Plans & specs	Certifier Check
Insulation requirements The applicant must construct the new or altered construction (floor(s), walls, and ceiling(s)) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
concrete slab on ground floor	ni		
suspended floor with enclosed subfloor: concrete (R6.0)	R0.70 (down) (or R1.30 including construction)		
floor above existing dwelling or building	ni		
external wall: cavity brick	ni		
external wall: framed (weatherboard, fibre, metal clad)	R1.30 (or R1.70 including construction)		
flat ceiling, pitched roof	ceiling: R3.00 (up), roof: foil/sarking	medium (solar absorbance 0.475 - 0.70)	

LEGEND

- Existing house to be retained
- New proposed structure
- New proposed area
- Existing house to be demolished
- Boundary
- Height limit

Project address	115 Hargrave Street, 02
Project name	115 Hargrave Street Paddington 2021
Local Government Area	Woollahra Municipal Council
Plan type and number	Deposited Plan 444427
Lot number	2
Section number	
Project type	Attached dwelling house
Dwelling type	
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Description of project

Glazing requirements	Show on DA Plans	Show on CO/CD/DC Plans & Specs	Certifier Check			
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices. In accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:						
Each window or glazed door with standard aluminium or timber frames and single clear or tinted glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.	✓	✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.	✓	✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 90 mm.	✓	✓	✓			
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓			
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type	
W01	SE	11.55	2.6	2.2	eave/verandah/pergola/balcony ≥600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02	SE	6.08	2.6	2.2	eave/verandah/pergola/balcony ≥600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W03	SW	0.96	2.7	7.18	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W04	SE	1.36	3.9	3.28	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Glazing requirements						Show on DA Plans	Show on CO/CD/DC Plans & specs	Certifier Check
Window / door no	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type		
W05	SW	1.27	2.7	6	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W06	SE	0.804	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.68)		
W07	SE	0.804	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.68)		
W08	SE	1.08	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.68)		
W09	SW	1.34	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.68)		
W10	SW	1.595	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.68)		
W11	SW	0.157	2.7	6	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.68)		
Skylights								
The applicant must install the skylights in accordance with the specifications listed in the table below.						✓	✓	✓
The following requirements must also be satisfied in relation to each skylight:							✓	✓
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.							✓	✓
Skylights glazing requirements								
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type					
S01	0.722	no shading	timber, double cleat/air fill, (or U-value: 4.3, SHGC: 0.5)					

Glazing requirements	Show on DA Plans	Show on CO/CD/DC Plans & specs	Certifier Check
Skylights The applicant must install the skylights in accordance with the specifications listed in the table below. The following requirements must also be satisfied in relation to each skylight: Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.	✓	✓	✓
Skylights glazing requirements			
Skylight number	Area of glazing (inc. frame (m ²))	Shading device	Frame and glass type
S02	0.722	no shading	timber, low-E internal/largon filliclear external, (or U-value: 2.5, SHGC: 0.456)
S03	0.722	no shading	timber, low-E internal/largon filliclear external, (or U-value: 2.5, SHGC: 0.456)
Legend In these commitments, "applicant" means the person carrying out the development. Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development). Commitments identified with a "✓" in the "Show on CO/CD/DC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development. Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.			

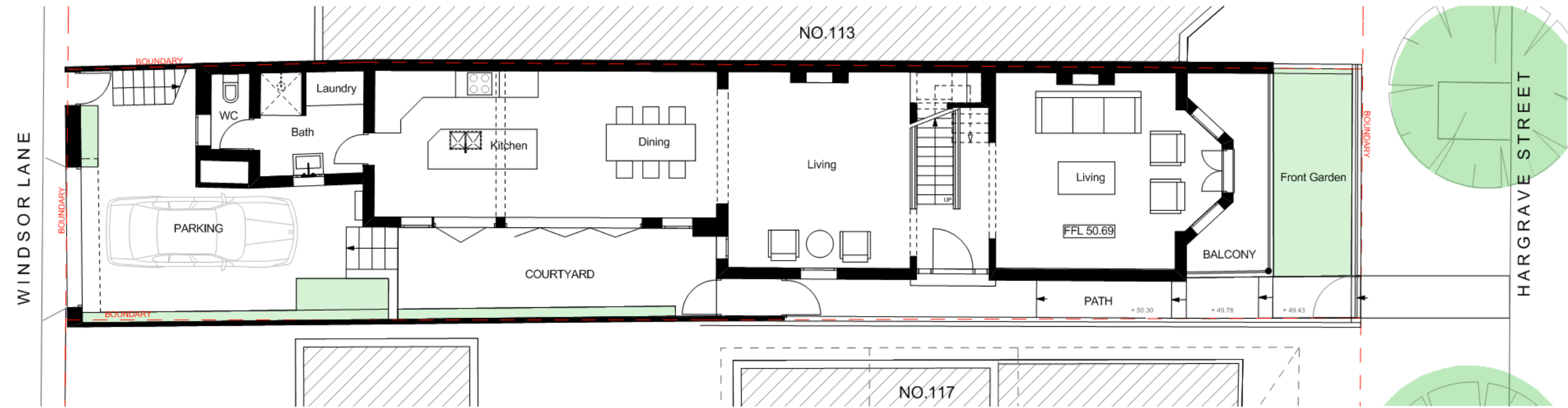
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174 Jersey Road, Woollahra NSW 2025 t +61 2 9698 0411 mail@hancockarchitects.com.au
www.hancockarchitects.com.au Nominated Architect -Tanya Hancock / Registration number 6929

REVA	19.12.19	For DA
Issue	Date	Description

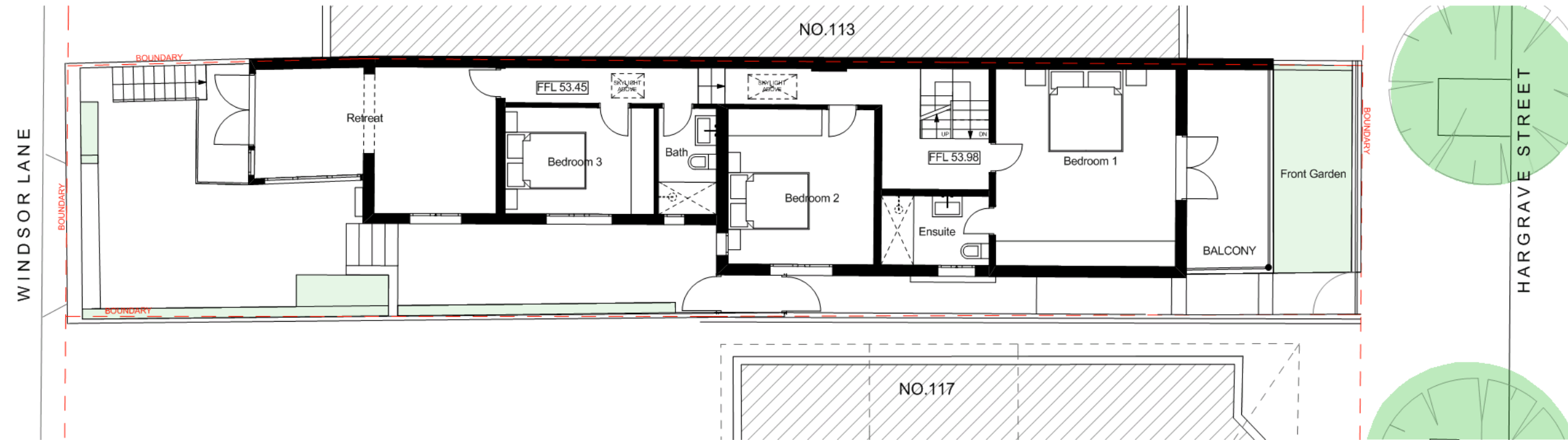
Project	115 Hargrave Street
Drawing Name	Register, Location Map, Legend and BASIX
Project Number	18.08.237
Drawing No	DA-00-01

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Existing Ground Floor

1:100



Existing First Floor

1:100

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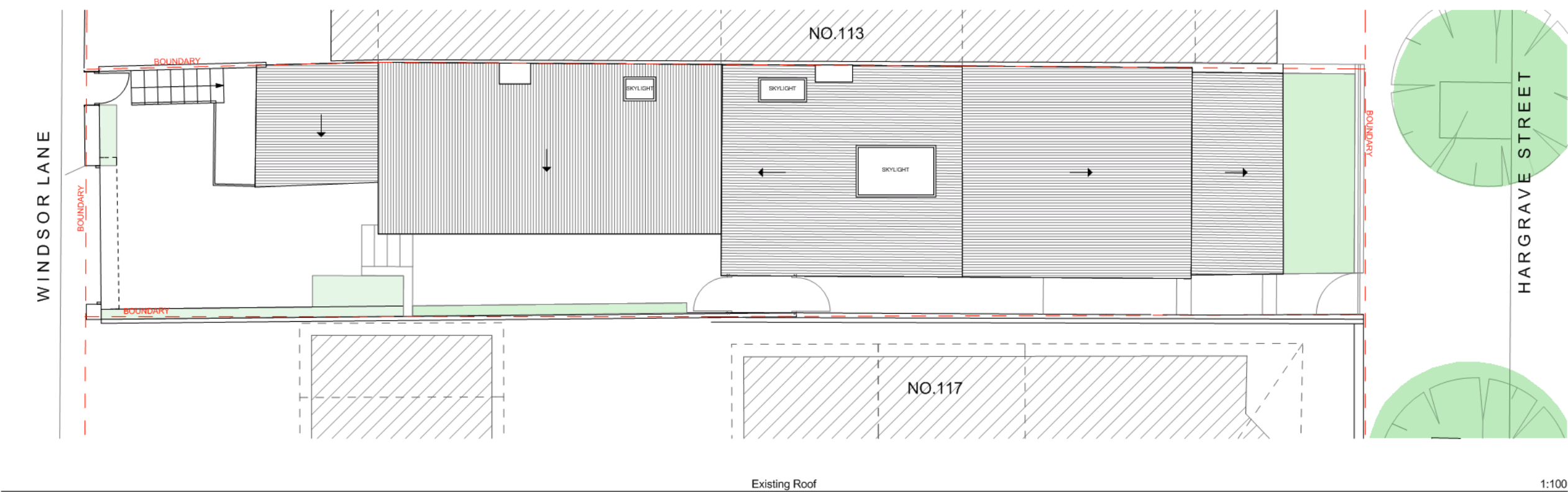
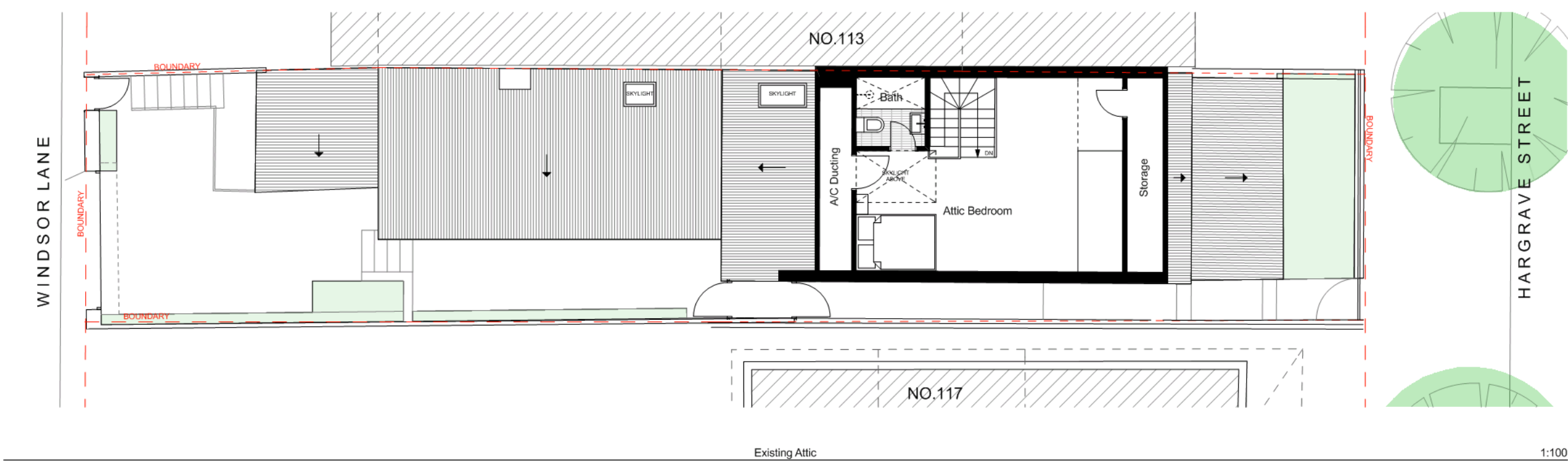
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REVA	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Existing Ground / First Floor
Project Number	18.08.237
Drawing No	DA-01-01



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0 1 2 3 5

North arrow pointing towards the top right.

Issue	Date	Description
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Project	115 Hargrave Street
Drawing Name	Existing Attic / Roof
Project Number	18.08.237
Drawing No	DA-01-02



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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Existing Hargrave Street Elevation
Project Number	18.08.237
Drawing No	DA-01-03



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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Existing Side Elevation - South
Project Number	18.08.237
Drawing No	DA-01-04



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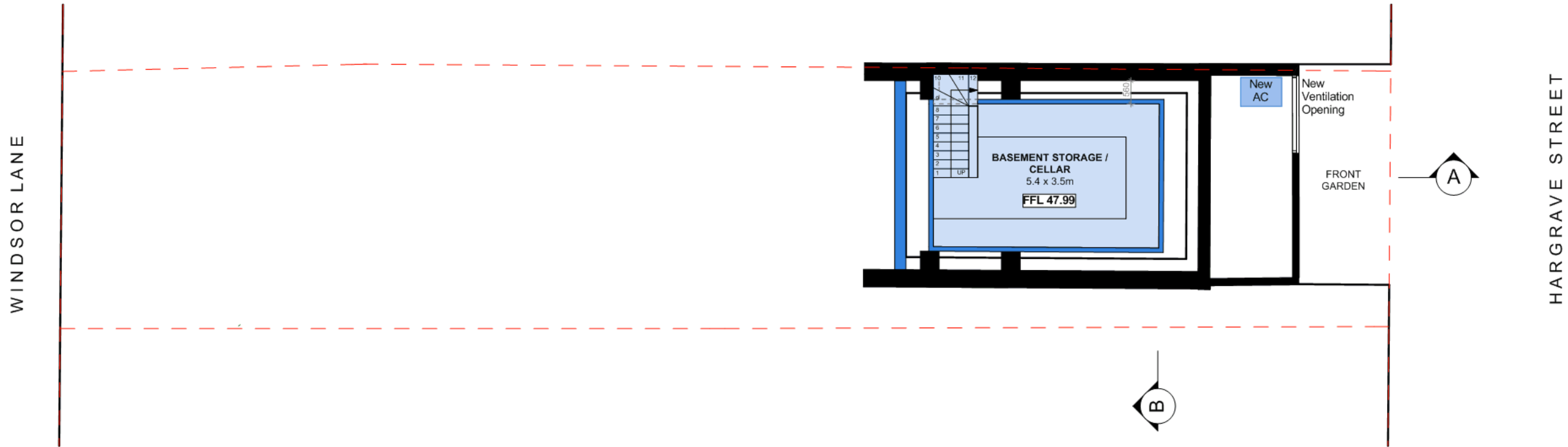
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REV A	19.12.19	For DA
Issue	Date	Description

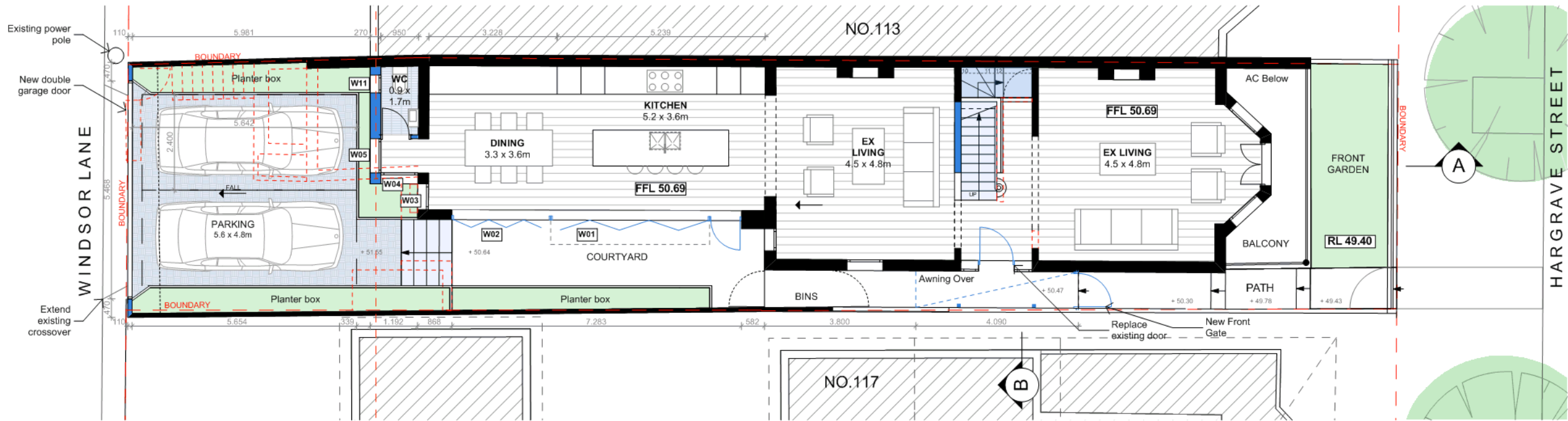
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Project	115 Hargrave Street
Drawing Name	Existing Rear Elevation
Project Number	18.08.237
Drawing No	DA-01-05



Proposed Basement Plan

1:100



Proposed Ground Floor Plan

1:100

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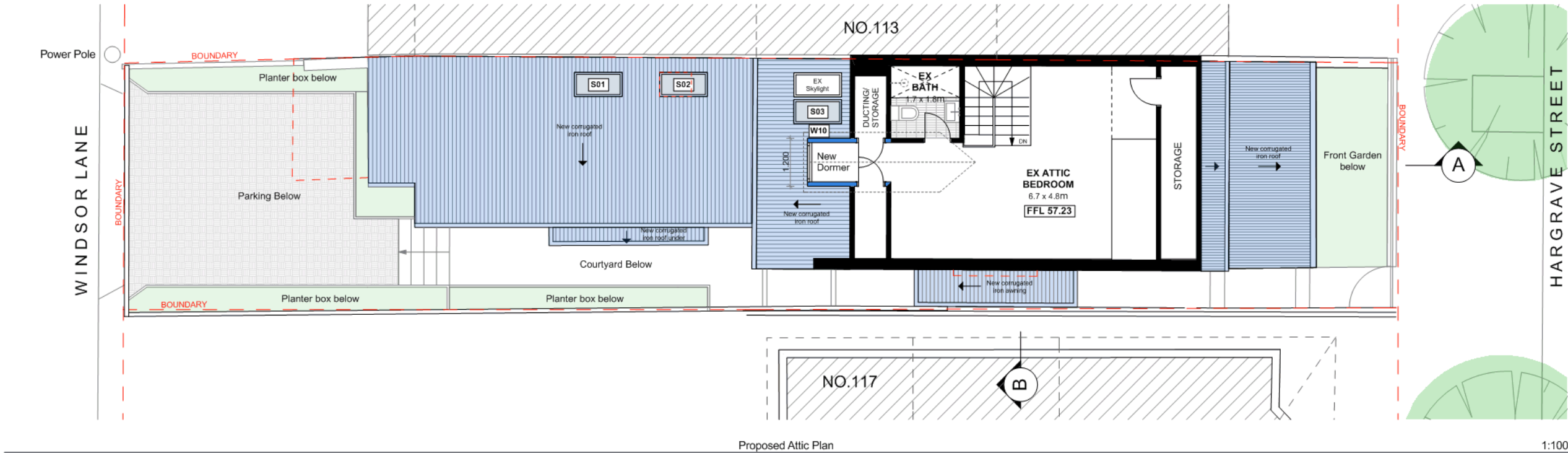
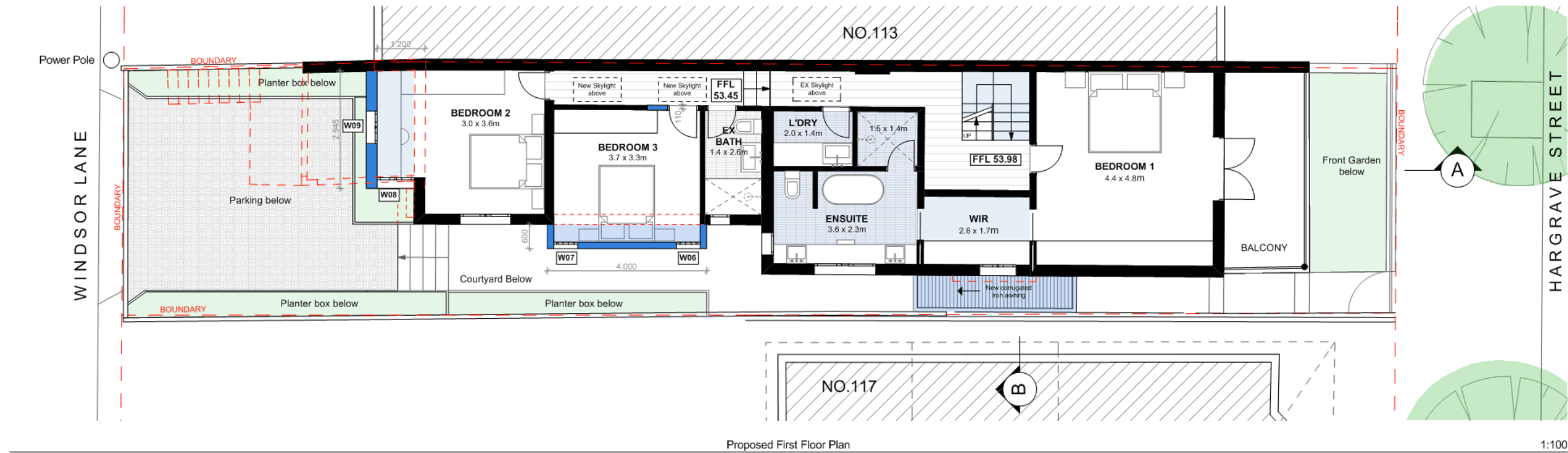
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Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Basement and Ground Floor Plans
Project Number	18.08.237
Drawing No	DA-02-02



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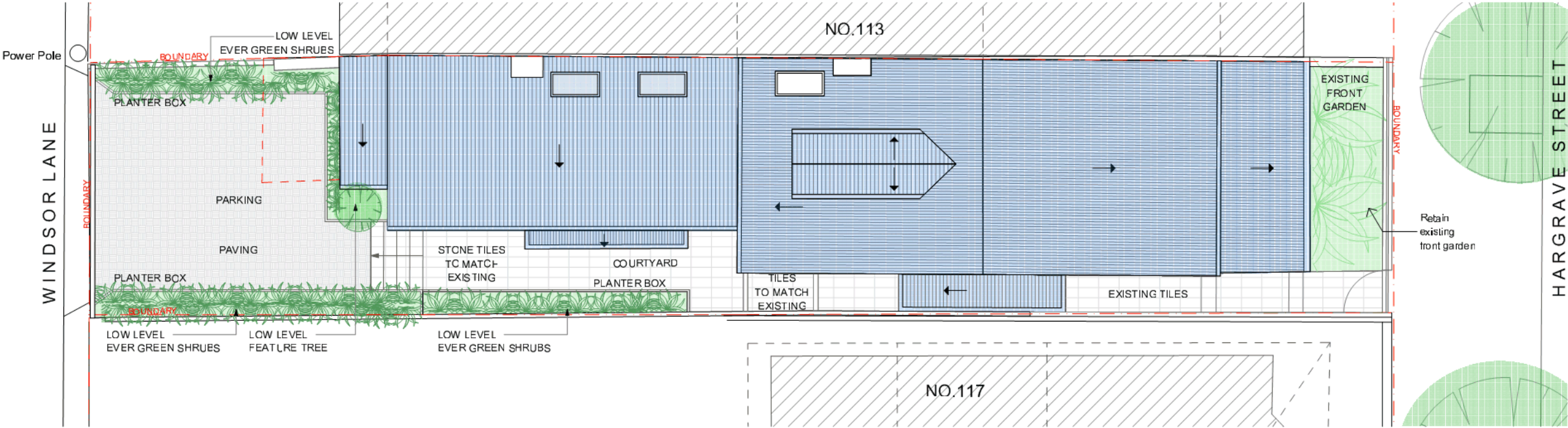
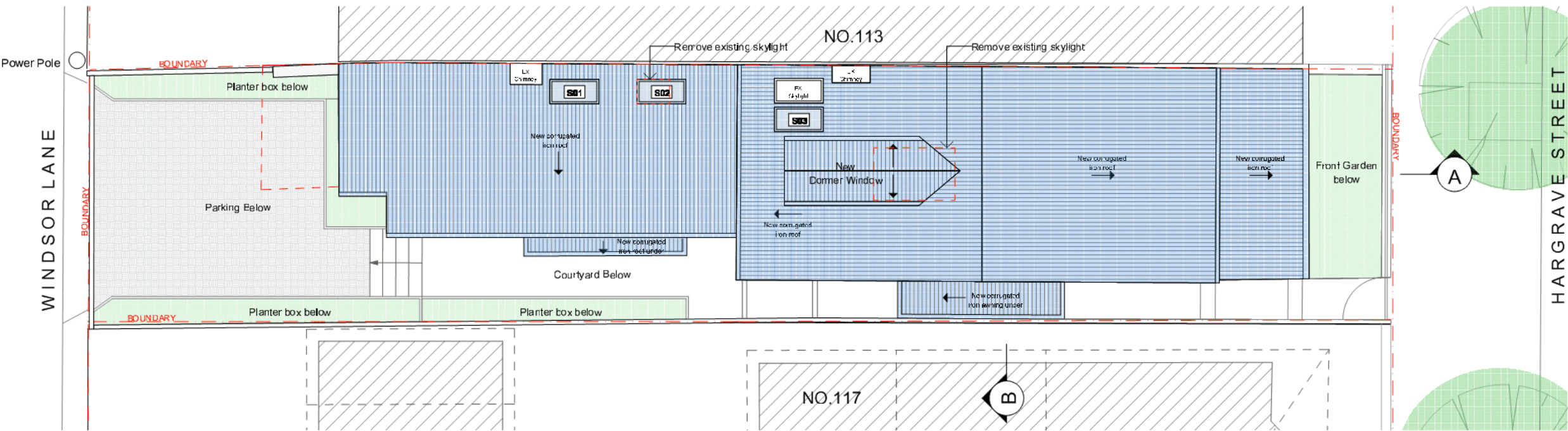
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REVA	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed First Floor and Attic Plans
Project Number	18.08.237
Drawing No	DA-02-03



HANCOCK ARCHITECTS

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www.hancockarchitects.com.au Nominated Architect - Tanya Hancock / Registration number 0628



REV A	19.12.19	For DA
REV B	06.03.20	Revised for DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Roof Plan + Landscape Plan
Project Number	18.08.237
Drawing No	DA-02-04



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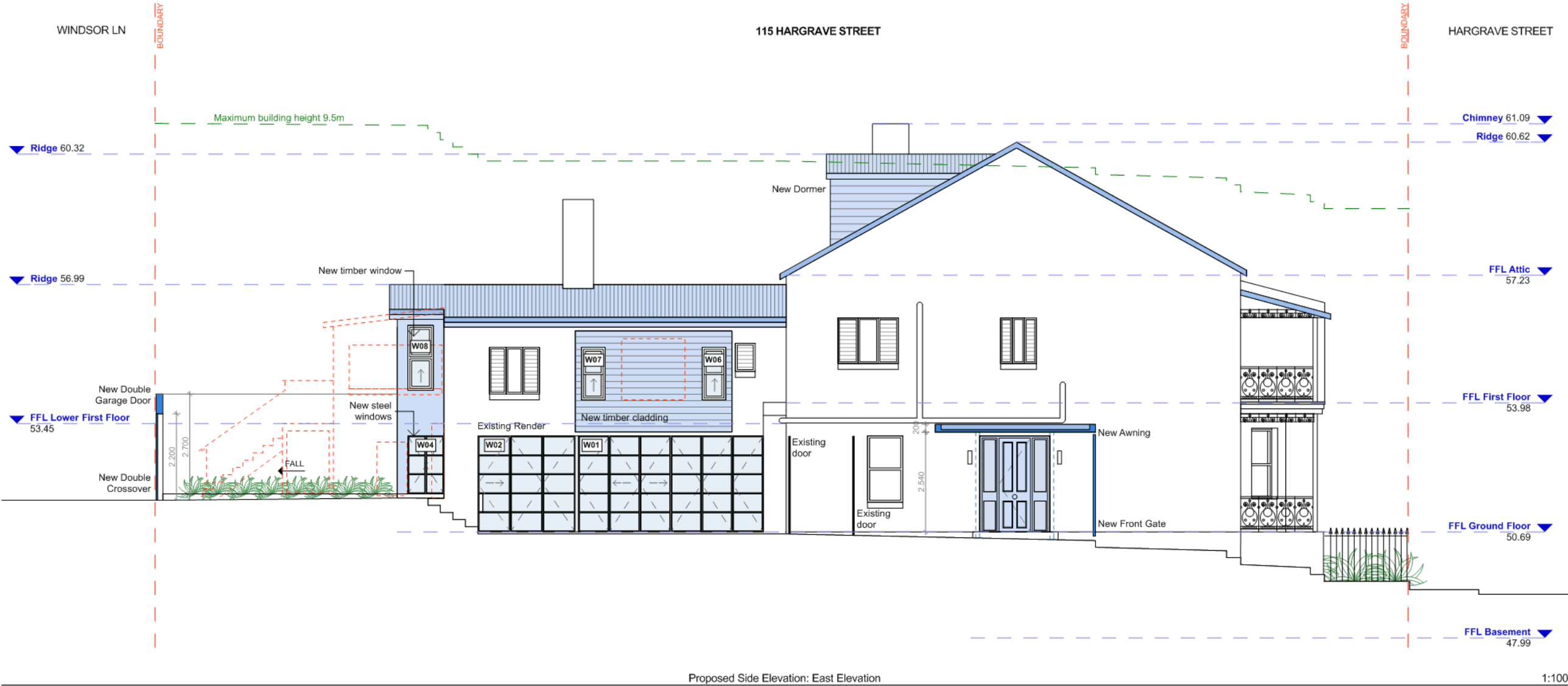
174 Jersey Road, Woollahra NSW 2025 t +61 2 9698 0411 mail@hancockarchitects.com.au
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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Hargrave Street Elevation
Project Number	18.08.237
Drawing No	DA-03-01



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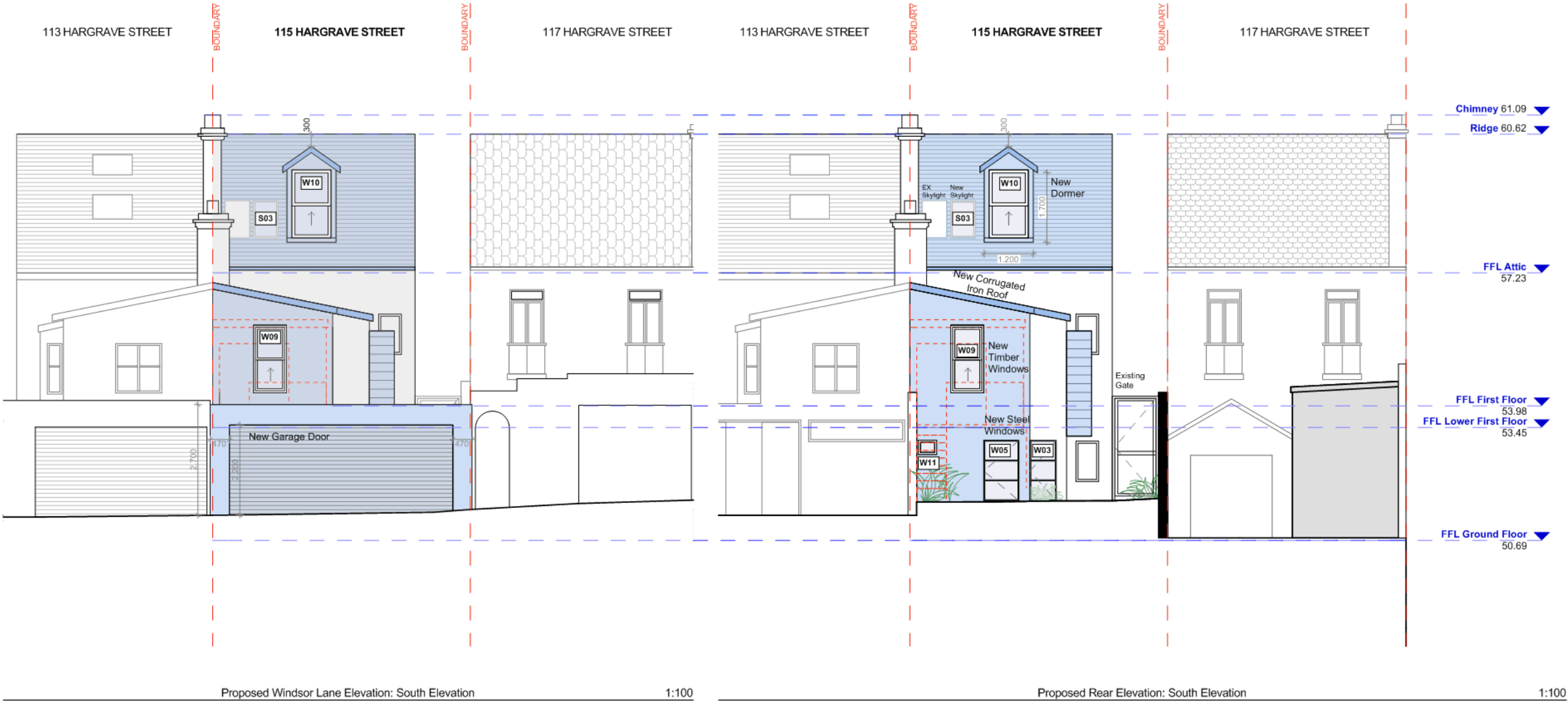
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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Side Elevations
Project Number	18.08.237
Drawing No	DA-03-02



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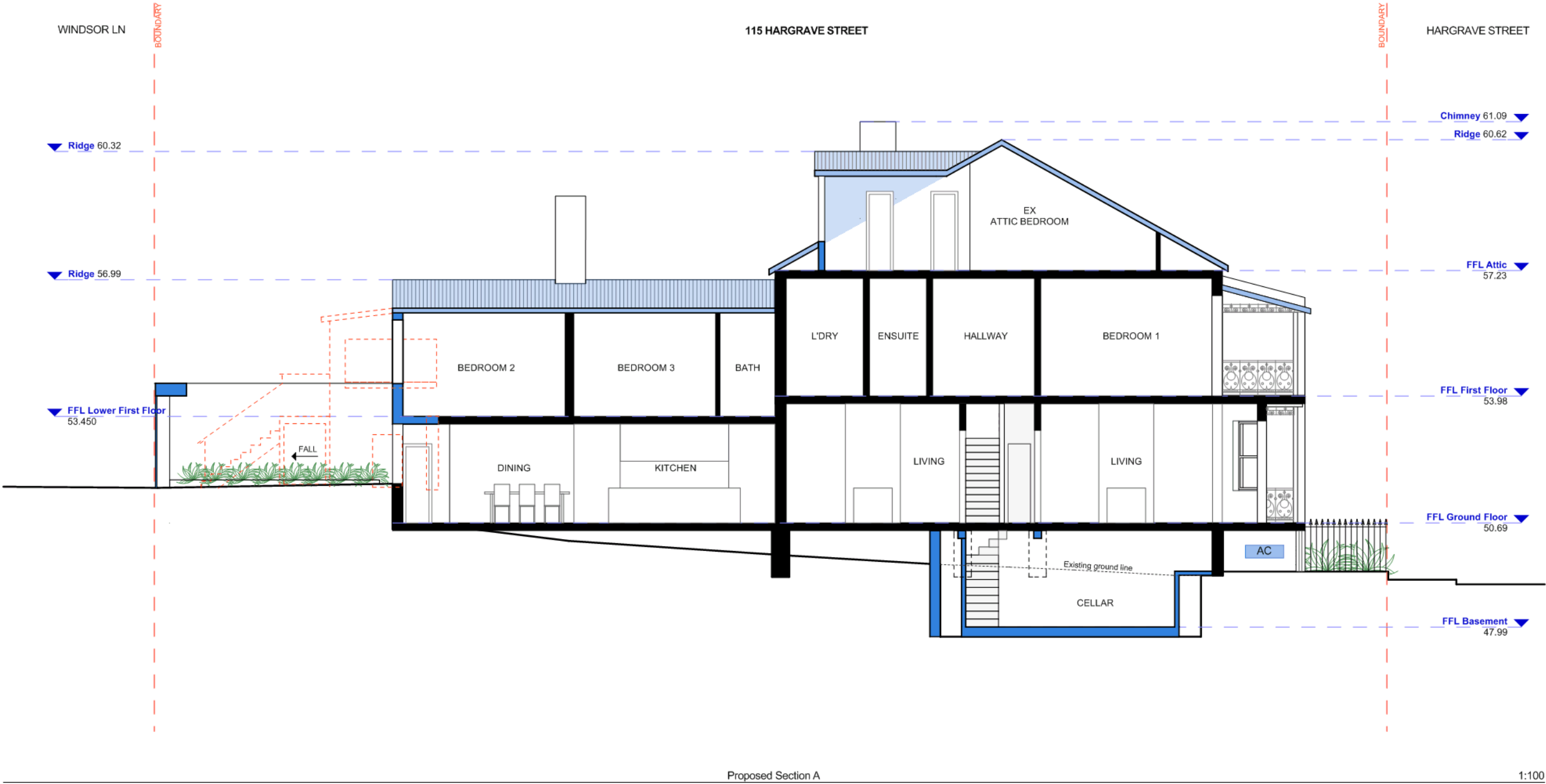
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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Rear Elevation
Project Number	18.08.237
Drawing No	DA-03-03



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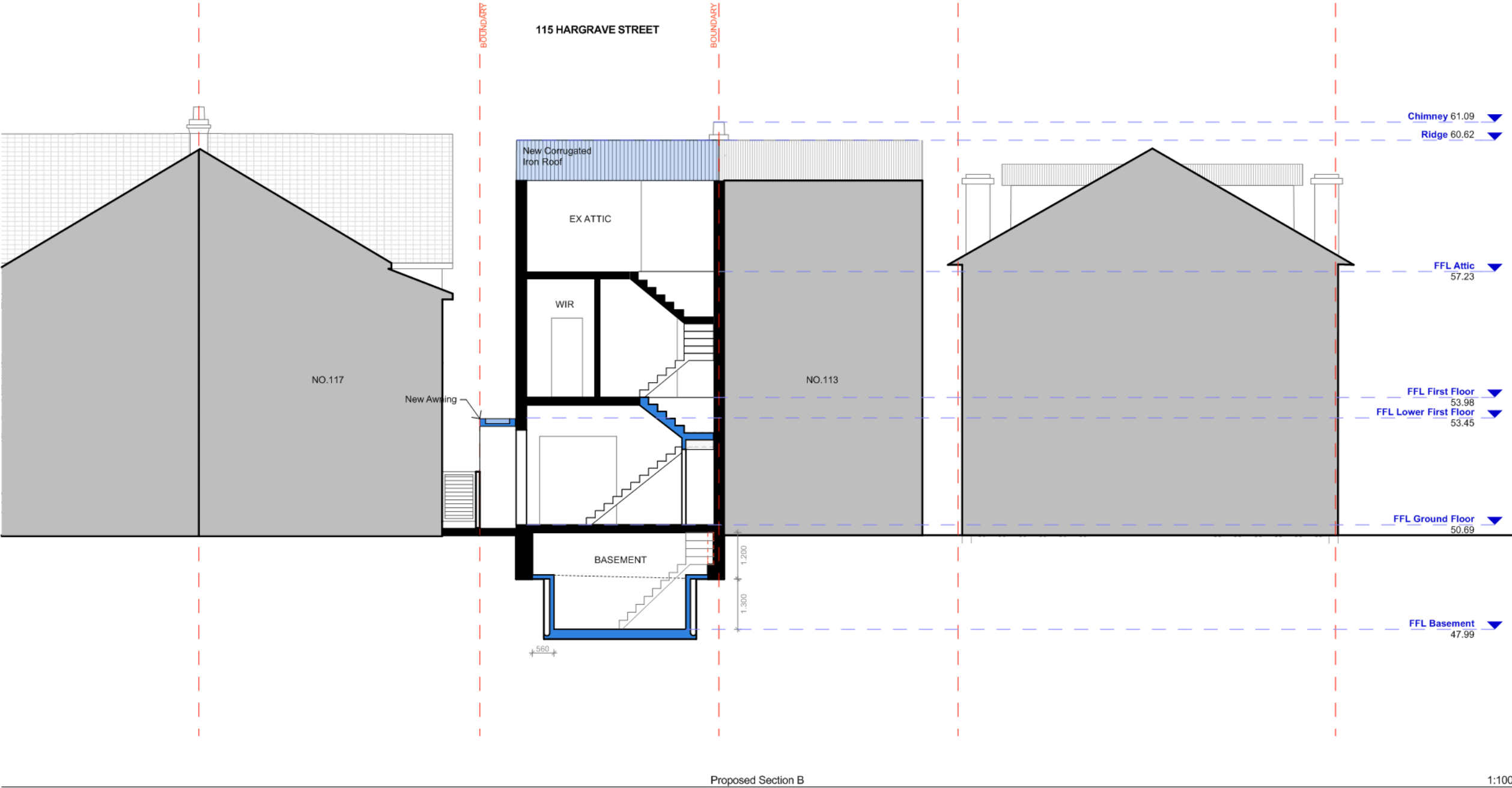
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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Section A
Project Number	18.08.237
Drawing No	DA-03-04



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REV A	19.12.19	For DA
Issue	Date	Description

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Project	115 Hargrave Street
Drawing Name	Proposed Section B
Project Number	18.08.237
Drawing No	DA-03-05



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3 February 2020

Ref: 2019125 (Version 2.0)

General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

CLAUSE 4.6 VARIATION (HEIGHT) IN RELATION TO THE PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING TERRACE AT 115 HARGRAVE STREET, PADDINGTON

1. INTRODUCTION

The following Clause 4.6 Variation request has been prepared on behalf of Hancock Architects in support of the proposed variation to the maximum height development standard in relation to the proposed alterations and additions to the existing terrace at 115 Hargrave Street, Paddington.

The maximum permissible height for the site is 9.5m.

The existing maximum height to the ridge line varies through the site due to the existing topography and the ground level (existing), including the variation between the internal floor levels, subfloor area, side paths and front and rear private open space areas.

The existing maximum height varies between 9.9m up to a maximum of 11.1m.

The proposed dormer is located centrally within the roof, at the highest point. Accordingly, the maximum height of the proposed new dormer window is 10.75m and exceeds the maximum permissible height by 1.25m, representing a variation of 13%.

The minor non-compliance is a result of the design and height of the existing building and roof. There is no increase to the existing maximum height of the building.

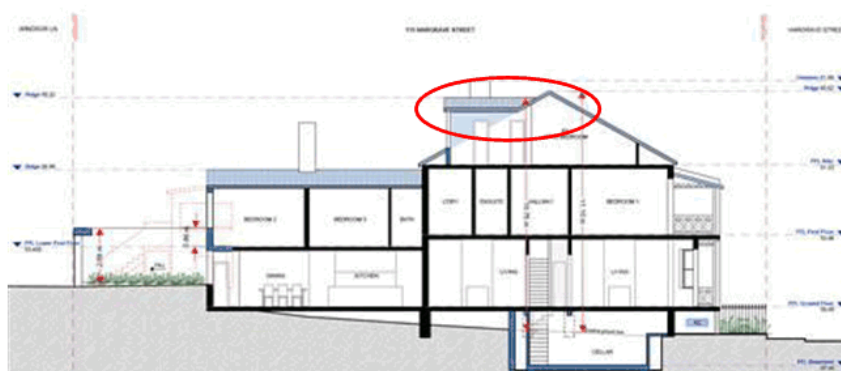


Figure 1

Extract of the proposed side elevation with the 9.5m height plane shown in green (area of non-compliance circled in red)



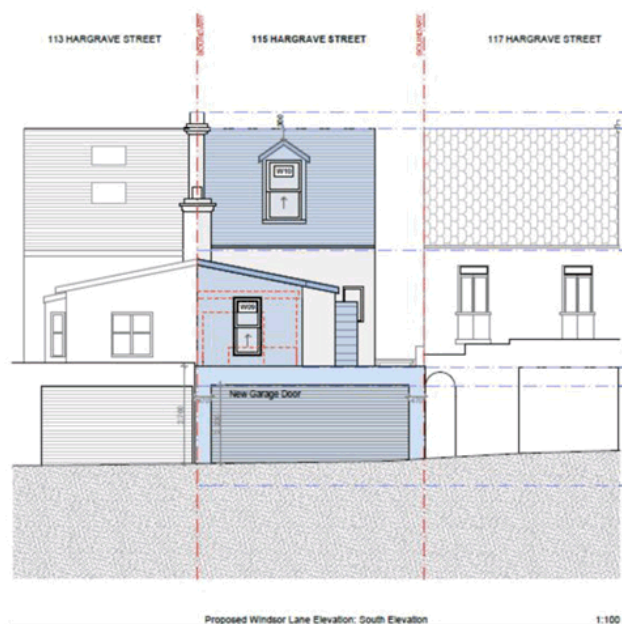


Figure 2

Extract of the proposed rear elevation showing the new rear dormer centrally located within the existing roof

2. CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Clause 4.6 Exceptions to Development Standards of the *Woollahra Local Environmental Plan (WLEP) 2014* provides a mechanism by which a development standard can be varied.

The objectives of this clause as outlined in Clause 4.6(1) are:

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

Clause 4.6(2) provides consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

The NSW Land and Environment Court decisions of *Wehbe v Pittwater Council* (2007) LGERA 446; and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 provide assistance on the approach to justifying a contravention to a development standard.

3. CLAUSE 4.6(3)(A): UNREASONABLE OR UNNECESSARY

The case of *Wehbe* provides examples of how a variation to a development standard can be shown to be unreasonable or unnecessary (as required by clause 4.6(3)(a)).

Although this case related to a variation of development standards under SEPP 1, it has been adopted as being of continuing relevance to variations under clause 4.6.

The examples provided in *Wehbe* are:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*
3. *The underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*
4. *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*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The applicant seeks a variation to the height development standard, which is considered unreasonable and unnecessary in the circumstances of the case on the basis of *Wehbe* reasons 1 and 3, as explained in detail below.

The other heads of consideration under Clause 4.6 are also addressed below.

4. HEIGHT

4.1 The Standard to be Varied and the Extent of Variation

The standard the applicant seeks to vary is *Clause 4.3 Height of Dwellings* in the WLEP 2014.

A maximum permissible height of 9.5m applies to the site.

As previously outlined, the existing maximum height to the ridge line varies through the site due to the existing topography and the ground level (existing), including the variation between the internal floor levels, side paths and front and rear private open space areas.

The height varies between 9.9m up to a maximum of 11.1m.

Building height is defined in the Woollahra Local Environmental Plan (WLEP) 2014 as:

building height (or ***height of building***) means—

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

The maximum height of the proposed new dormer window is 10.75m and exceeds the maximum permissible height by 1.25m, representing a variation of 13%.

4.2 Clause 4.3 Height of Buildings

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Clause 4.3 of the WLEP 2014 states:

4.3 Height of buildings

(2) *The objectives of this clause are as follows—*

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

(3) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2) and clause 4.3A, the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.*

(2B) *Despite subclause (2) and clause 4.3A, the maximum height of a building on a battle-axe lot on land in Zone R3 Medium Density Residential is 9.5 metres.*

Subclauses 2A and 2B are not applicable to the subject site.

4.3 4.6(3)(a): Unreasonable or unnecessary in the circumstances of the case

Compliance with the height standard is unreasonable or unnecessary in the circumstances of this case because the objectives of the height standard are achieved, notwithstanding the numerical non-compliance, as explained below.

The minor non-compliance is a consequence of the existing building height and roof form.

The proposed development seeks to incorporate a new compliant rear dormer window into the existing rear roof form.

Considering that the proposal is consistent with the building envelope requirements, setback controls, landscape requirements and streetscape presentation, there would be no utility in strictly enforcement of the height control, as this would simply result in a rear roof dormer window that would not be consistent with the applicable heritage controls and requirements as well as the other rear dormer windows in the locality.

Consistency with Clause 4.3 Height of Building Objectives

The underlying object or purpose of the standard, in terms of ensuring that the bulk and scale of development is consistent with the existing and desired future character of the area, would be defeated or thwarted if compliance was required and compliance with the standard is also unreasonable for this reason.

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

As previously outlined, the minor non-compliance is a consequence of the existing building height and roof form.

The proposed dormer window has been designed to comply with the applicable controls and building code requirements. It is a typical style dormer and is consistent with other rear dormer windows along Hargrave Street.

Accordingly, the minor non-compliance is a result of the existing built form of the building and seeks to provide improved amenity to existing floor area, rather than a reach for additional floor area or increased density.

There is no increase to the existing building envelope or the maximum height of the building.

The proposed rear dormer window will maintain the established building heights and is consistent with the existing and desired future heritage character of the neighbourhood.



Figure 3

Aerial oblique view of the rear of the properties fronting Hargrave Street and backing onto Windsor Lane highlighting the existing rear dormer windows and variety of styles and design of rear extensions and laneway developments and garage doors

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

The site and surrounding area is zoned R2 Low Density Residential and generally characterised by two-storey terrace houses.

The existing non-compliant height is consistent with the row of terraces on the southern side of Hargrave Street and the proposed rear dormer is consistent with other rear dormer additions in the row.

The bulk and scale of the proposal is entirely consistent with the existing streetscape, and the desired future streetscape character having regard to the relevant planning controls for the R2 zone.



Figure 3

Extract of the zoning map showing the R2 Low Density Residential zoning of the site and surrounding area

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

The proposal will result in both minor additional as well as minor reductions to the existing shadowing of the neighbouring properties, specifically over the rear lane and 117 Hargrave Street.

The removal of the existing rear extension will reduce the amount of overshadowing over the rear lane in the morning and over the rear of 117 Hargrave Street in the afternoon.

The proposed new dormer will result in some minor additional overshadowing over the subject site in the during the day with some minor additional overshadowing over 117 Hargrave Street between midday and the evening.

The additional overshadowing predominantly falls over the side elevation of 117 Hargrave Street.

The overshadowing will not impact on any of the private open space areas or windows to the living rooms of 117 Hargrave Street.

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

The proposal will not impact on any public or private views.

The proposed alterations additions have been designed so that there are no acoustic or visual privacy impacts on the neighbouring and surrounding properties.

Overshadowing and visual intrusion have been addressed above.

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

This objective is not applicable to this proposal.

Consistency with the Zone Objectives

The proposed building form is consistent with the objectives of the *R2 Low Density Residential* zone, as follows:

To provide for the housing needs of the community within a low density residential environment.

The provision of alterations and additions to an existing terrace in an area characterised by a mix of residential uses is considered to be in line with other recent developments in the locality.

The works will provide contemporary improvements at the rear of the site creating a more usable internal living area and improved car parking arrangements and will improve the amenity of the occupants of the existing terrace house and also provides a more suitable type of housing stock to meet the changing housing needs of the community.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

This objective is not relevant as the proposed use is a dwelling house.

To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.

The proposed development provides a positive response to the site's locational characteristics and will be a positive addition to and complements the existing character, height, bulk and scale of existing dwellings in the immediate vicinity.

The proposed additions will not be highly visible from the public domain, and as such will have a minimal impact to the character of the surrounding streetscape and heritage conservation area.

To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

The proposal will result in a proposal which is consistent with the existing form of rear development in this part of the Paddington Heritage Conservation Area where the significance of the terrace and its ability to contribute to the streetscape and the conservation area will be retained.

It results in a building bulk and scale that is consistent with the desired outcome and objectives for the low to medium density residential area and is similar to other recent developments in Hargrave Street.

Overall, the works will have minimal impacts on the amenity of the surrounding residents in terms of privacy and overshadowing and is consistent with the relevant locality and streetscape requirements.

4.4 4.6(3)(b): sufficient environmental planning grounds to justify the contravention

The proposed built form is a well-considered response to the particular constraints of the site, in particular the existing and roof form as well as the predominant height of the dwellings along the southern side of Hargrave Street. It provides a dwelling which is a high-quality design, compliant with the building envelope requirements and applicable DCP controls and is consistent with the overall streetscape.

It is reasonable to allow some variation to accommodate for environmental constraints and to maximise the internal amenity in order to best provide for the housing needs of the community, particularly having regard to the increasing trend for adult children to remain living at home with their parents well into their twenties.

The proposed development will provide improved housing options for a growing population and demand for suburban Sydney residential accommodation.

The proposed building envelope is an appropriate correlation with the size of the site and the extent of the development as it is generally consistent with the overall building envelope and setbacks in the locality.

The minor height non-compliance, on its own, has no impacts on any surrounding land or the public domain.

Allowing a variation to the height standard, in the context of this particular site, the existing height and building form and this particular design, would promote:

- the proper and orderly development of land; and
- good design and amenity of the built environment,

which are express objectives of the *Environmental Planning and Assessment Act 1979* (Section 1.3(c) and (g)).

4.5 4.6(4)(a)(ii): the public interest

Clause 4.6(4)(a)(ii) requires that consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development *“will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”*.

The proposed development is consistent with the objectives of the height development standard, and the objectives of the zone, for the reasons discussed above.

4.6 4.6(1): objectives of clause 4.6

The proposed variation to the height standard, for the reasons explained above, is clearly consistent with the objectives of clause 4.6, which are:

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

4.7 Secretary’s Concurrence

Under clause 4.6(5), in deciding whether to grant concurrence, the Secretary must consider the following matters:

- a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) the public benefit of maintaining the development standard, and*
- c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Clause 4.6 Variation (Height) – 115 Hargrave Street Paddington

Page 9 of 9

Contravention of the development standard will not result in any consequences for State or regional environmental planning.

There would be no public benefit in maintaining the development standard in this instance for the following reasons:

- The variation to the height development standard does not give rise to any adverse environmental impacts. As such, the maintenance of the development standard in this specific instance would not provide any public benefit and would hinder the orderly and economic development of the site.
- Maintaining the development standard, in the context of this site, would be inconsistent with the objectives of the zone, and the Act, as it would provide the attic room with relatively poor amenity for its occupants, which would be inconsistent with the surrounding developments and topography.

There are no other relevant matters required to be taken into account by the Secretary.

Should you have any queries or require clarification on any matters please do not hesitate to contact me on 0414402203.

Yours sincerely,



Craig Schulman

Director

Master of Urban and Regional Planning
Bachelor of Science (Resource and Environmental Management)

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Completion Date: 7 April 2020

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Development Applications/ 509/2019/1
ADDRESS: 115 Hargrave Street PADDINGTON 2021
PROPOSAL: Alterations & additions to existing dwelling including new basement cellar, new double garage & new dormer to attic
FROM: Ms S Lin
TO: Mr M D'Alessio

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 2019125, prepared by Myriad Consulting, dated December 2019.
- Architectural Plans, referenced 18.08.237, prepared by Hancock Architects, dated 19/12/2019.
- Survey, referenced 51924, prepared by S.J. Dixon Surveyors P/L, dated 17/08/2018.
- Stormwater Disposal Concept Plan, referenced 1819-230 Rev 04, prepared by H&M Consultancy, dated 18/03/2020.
- Geotechnical Report, referenced 32790YTrpt, prepared by JK Geotechnics, dated 21/11/2019.
- Construction Methodology Report, referenced 1819/230, prepared by H&M Consultancy, dated 06/12/2019.

3. ASSESSMENT

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

a. Site Drainage comments

The total site area is less than 500m², in which case, the installation of OSD system is not required as per Clause E2.2.4 of Council's DCP. Stormwater runoff from the site will be discharged to the street kerb and gutter via existing kerb connection, whilst the subsoil drainage from the proposed basement will be connected to Council's underground drainage system.

Council's Technical Services Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with the objectives of Chapter E2 "Stormwater and Flood Risk Management" DCP subject to the imposition of suitable conditions.

b. Flooding & Overland Flow comments

The proposed development is not subject to flood related development control.

c. Impacts on Council Infrastructure comments

The applicant proposes to widen the existing hardstand area to accommodate two cars. In this regard, the applicant shall remove the existing vehicular crossing including layback and construct a new 4.5m wide crossing as part of this application. It is considered that the 4.5m vehicular crossing is necessary to enable vehicular access given that there is no setback from the car space to the rear boundary. Conditions applied accordingly.

d. Traffic comments

Not relevant.

e. Vehicle Access & Accommodation comments

The proposed double car space shall have minimum dimensions of 5.4m x 5.4m, clear of any obstructions such as the planter box to comply with AS2890.1. Alternatively, the maximum height of the proposed planter box on either side of the car space must be limited to 150mm to ensure the door opening is not restricted. Condition applied accordingly.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by JK Geotechnics, Ref: 32790YTrpt, dated 21/11/2019, has been submitted in support of the application. It is noted from the report that the proposal involves excavation with a maximum depth of about 1.5 metres below the existing ground levels for the proposed store and cellar.

The report identified that the subsurface conditions as:

- a) Fill comprising silty sand to a depth of 0.54m.*
- b) Sandstone bedrock was inferred below the natural sand.*
- c) Groundwater was not encountered during investigation.*

The report made comments and recommendations on the following:

- Shoring and support,*
- Vibration Monitoring,*
- Excavation method,*
- Further Geotechnical input.*

Due to the close proximity of the proposed excavation to the site boundary, the applicant has submitted a Construction Methodology Report in support of the application. It is noted from the report that the existing common party wall between 113&115 Hargrave Street is laid directly on the rock strata and the proposed excavation will mostly in the rock strata. The structural engineer has provided construction methodology to carry out the excavation work and certified that the structural integrity of the surrounding structures, including the boundary walls will not be adversely affected by the proposed excavation.

Council's Technical Services has no objection to the proposed excavation on technical grounds. Notwithstanding this, conditions will be imposed to emphasize that the DA consent does not give approval for any underpinning works to any structures on adjoining properties including the boundary walls. Council's Planning Officer is also to undertake an assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the LEP and DCP.

4. RECOMMENDATION

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

A. General Conditions

A.5 Approved Plans & Supporting documents

Reference	Description	Author/Drawn	Date(s)
1819-230 Rev04	Stormwater Plans	H&M Consultancy	18/03/2020
1819/230	Construction Methodology Report	H&M Consultancy	06/12/2019
32790YTrpt	Geotechnical Report	JK Geotechnics	21/11/2019

A.8 Ancillary Aspect of the Development (Repair Damaged Infrastructure)

A.30 No Underpinning works (Special Condition)

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

B.7 Public Road Assets Prior to Any Work/Demolition

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

C.4 Modification of Details of the Development (section 4.17(1)(g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) The proposed double car space shall have minimum dimensions of 5.4m x 5.4m, clear of any obstructions such as planter box to comply with AS2890.1. Alternatively, the maximum height of the proposed planter box on either side of the double car space must be limited to 150mm to ensure the door opening is not restricted.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

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

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

Standard Condition: C4 (Autotext CC4)

C.5 Payment of Security, Levies and Fees

Property Damage Security Deposit (S138)	\$7,610	No	T115
Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$471	No	T45

C.13 Road and Public Domain Works – Council Approval Required

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 prior to the issuing of any Construction Certificate. The infrastructure works must be carried out at the applicant's expense:

- The removal of the existing vehicular crossing and layback and the construction of a new 4.5 metres wide vehicular crossing in accordance with Council's standard driveway drawing RF2_D. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the vehicular crossing shall be aligned with the centreline of the proposed garage door. A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- Reinstatement of all damaged footpath, kerb and gutter to match existing.

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

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

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

Note: See condition K24 in *Section K. Advisings* of this Consent titled *Roads Act Application*.

Standard Condition: C13 (Autotext CC13)

C.25 Soil and Water Management Plan – Submissions & Approval

C.35 Structural Adequacy of Existing Supporting Structures

C.36 Professional Engineering Details

C.37 Engineer Certification (Special Condition)

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.

Any structural design is not to incorporate any underpinning works which encroaches outside the boundaries of the subject property

C.40 Geotechnical and Hydrogeological Design, Certification & Monitoring

C.41 Ground Anchors

C.49 Stormwater discharge to Existing Stormwater Drainage System

The Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must detail:

- a) General design in accordance with stormwater plans prepared by H&M Consultancy, referenced 1819-230 Rev 04, dated 18/03/2020, other than amended by this and other conditions,
- b) the location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,
- c) the state of repair of the existing Stormwater Drainage System,
- d) any remedial works required to upgrade the existing Stormwater Drainage System to comply with the BCA,
- e) any remedial works required to upgrade the existing Stormwater Drainage System crossing the footpath and any new kerb outlets,
- f) any new Stormwater Drainage System complying with the BCA,
- g) interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- h) any rainwater tank (see Note below) required by BASIX commitments including their overflow connection to the Stormwater Drainage System, and
- i) general compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Where any new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council for those works prior to 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).

Note: Clause F1.1 of Volume 1 and Part 3.1.2 of Volume 2 of the BCA provide that stormwater drainage complying with AS/NZS 3500.3 Plumbing and drainage - Part 3: Stormwater drainage is deemed-to-satisfy the BCA. Council's specifications apply in relation to any works with any road or public place.

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

Note: Stormwater Drainage Systems must not discharge to any Sewer System. It is illegal to connect stormwater pipes and drains to the sewerage system as this can overload the system and cause sewage overflows. For more information go to the Sydney Water website www.sydneywater.com.au/SW/plumbing-building-developing/index.htm or call 1300 082 746.

Note: Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003 and the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management can be downloaded from Council's website www.woollahra.nsw.gov.au
Standard Condition: C49

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

D.4 Dilapidation Reports for Existing Buildings

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

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

No. 113 Hargrave Street
No. 117 Hargrave Street

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. An approved copy of the reports shall be submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

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

Note: Also refer to the Dilapidation Report Advising for more information regarding this condition
Standard Condition: D4 (Autotext DD4)

D.6 Adjoining buildings founded on loose foundation materials

D.10 Work (Construction) Zone – Approval & Implementation

D.14 Erosion and Sediment Controls – Installation

E. Conditions which must be satisfied during any development work

E.7 Maintenance of Vehicular and Pedestrian Safety and Access

E.11 Maintenance of Environmental Controls

E.12 Compliance with Geotechnical/Hydrogeological Monitoring Program

E.13 Support of Adjoining Land Owners

E.14 Vibration Monitoring

E.15 Erosion and Sediment Controls – Maintenance

E.17 Disposal of Site Water during Construction

E.20 Check Surveys

**F. Conditions which must be satisfied prior to any occupation or use of the building
(Part 6 of the *Act* and Part 8 Division 3 of the *Regulation*)**

F.7 Commissioning and Certification of Systems and Works

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

Nil

**H. Conditions which must be satisfied prior to the issue of a Final Occupation
Certificate (section 6.4 (c))**

H.13 Road Works (including footpaths)

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

Nil

J. Miscellaneous Conditions

Nil

K. Advisings

K.23 Dilapidation Report

K.24 Roads Act Application

George Fotis

From: Shona Lindsay
Sent: Tuesday, 14 January 2020 10:57 AM
To: George Lloyd
Subject: Referral response - Heritage - DA 2019/509/1 – 115 Hargrave Street PADDINGTON

Hi George,

I have reviewed the following documents for DA 2019/509/1 – 115 Hargrave Street PADDINGTON

- Drawing set by Hancock Architects, dated 19 December 2019
- Heritage Impact Statement by Zoltan Kovacs, dated December 2019
- Statement of Environmental Effects by Myriad, dated November 2019
- Survey plan by S.J. Dixon Surveyors, dated 21 August 2018

Based on these documents I provide the following comments in regards to heritage:

Subject property

The subject property is within the Paddington Heritage Conservation Area, and is considered a contributory item and a significant item. The subject building is a Victorian terrace with two storeys and is a pair with No. 113.

The subject property is not located in the vicinity of any individually listed heritage items.

The proposed works include alterations and additions to the terrace. The following assessment against the Woollahra DCP 2015 Paddington HCA is provided:

Woollahra DCP 2015 Paddington HCA*Chapter C1, Clause 1.2.4*

- The proposal is consistent with Paddington's low scale development and residential character.

Chapter C1, Clause 1.3.4, Objectives O1, Controls C1

- The proposal retains the principal building form, which is supported.

Chapter C1, Clause 1.4.1, Objectives O1, O4, O6, O7, O8, O9, O10, O11, O12, Controls C1, C3, C7, C8

- The proposed works retain and conserve the principal building form of the terrace which is supported.
- The proposed works on the ground floor of the principal building are for a new stair case and removal of a small portion of a nib wall which is supported as it will not remove significant fabric and the original layout of the building will be retained.
- The proposed works on the first floor of the principal building are for a new ensuite, stairs case, laundry and walk in robe, which is supported as it will not remove significant fabric or alter the layout.
- The proposed new basement storage/cellar is supported from a heritage perspective.

Chapter C1, Clause 1.4.3, Objectives O1, O2, O3, O4, Controls C1, C2, C4, C5, C6, C7, C11

- The proposed alterations to the rear of the terrace are to the later rear addition. The proposal uses traditional materials, solid to void ratios, windows and doors, and is sympathetic to the terrace and is therefore supported.
- The use of sympathetic contemporary design on the rear ground floor is supported in this instance.
- The proposed timber-cladded extension into a portion of the breezeway is supported as this will match the approved DA at No. 113 and will not disrupt the cohesiveness of the group.

Chapter C1, Clause 1.4.4, O1, O3, Controls C3, C6, C8, C10

- The proposed roof form of the rear addition is supported.

- The new metal roofing material is to be a traditional corrugated iron which is supported.
- The proposed skylights are to be located on the rear roof slope of the principal building form, which is supported.
- The proposed rear dormer is supported under this clause.

Chapter C1, Clause 1.4.5, Objectives O1, O3, O4, Controls C3

- The proposed height, bulk and form of the rear additions are consistent with the terrace and are supported.

Chapter C1, Clause 1.4.6, Objectives O2, O3, O4, Controls C1, C3

- The proposed extension to the rear wing on the first floor is consistent with the rear alignments on this level of the buildings in the streetscape and is supported.

Chapter C1, Clause 1.5.1, Objectives O1, Controls C3, C5, C10, C12, C14, C15, C16, C23, C25, C26, C28, C29, C30

- The proposed skylights are to be located on the rear roof slope of the principal building form, which is supported.
- The skylights are of a low profile and have a matching frame colour to the surrounding roof, which is supported.
- The proposed dormer has appropriate proportions and materials and is supported.

Chapter C1, Clause 1.5.3, Objectives O3, Controls C4, C5, C6

- The proposed windows and doors are of traditional proportions and materials and are therefore supported.
- The use of contemporary detailing for the windows on the rear ground floor are supported in this instance.

Chapter C1, Clause 1.5.6

Objective O2, O3, O4, O5

Control C1, C6, C9, C10

- The proposed garage is supported from a heritage perspective.

Chapter C1, Clause 1.5.8, Objectives O2, Controls C4, C5

- The proposed materiality, finishes, and details are traditional and sympathetic to the terrace and are supported.

Chapter C1, Clause 1.5.9, Objective O1, Control C1

- The proposed colour scheme complies

Overall, the application is acceptable on heritage grounds as it generally complies with the relevant statutory and policy documents and would have a satisfactory impact.

Accordingly, no objection is raised on heritage grounds to the proposed plans being approved and no heritage conservation conditions are required.

Kind regards,



Shona Lindsay
Heritage Officer

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028

t: 02 9391 7069

f: 02 9391 7044

e: shona.lindsay@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

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LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D3
FILE No.	DA10/2020/1
ADDRESS	37 Edward Street WOOLLAHRA
COUNCIL WARD	Cooper Ward
SITE AREA	928.1m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Demolition of the existing building and structures, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works
TYPE OF CONSENT	Local development
COST OF WORKS	\$3,411,242.00
DATE LODGED	17/01/2020
APPLICANT	Nicholas Tang Architects
OWNER	S J Taylor & D H Legge & K L Binks & N D Tang
AUTHOR	Mr A Kumar
TEAM LEADER	Mr T Wong
SUBMISSIONS	27 (and petitions)
RECOMMENDATION	Refusal

1. REASON FOR REPORT TO LOCAL PLANNING PANEL (LPP)

The application is to be determined by the Woollahra Local Planning Panel as it falls under the category of:

- Contentious development
Development that:
 - (a) is the subject of 10 or more unique submissions by way of objection
- Departure from development standards
 - (a) Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%

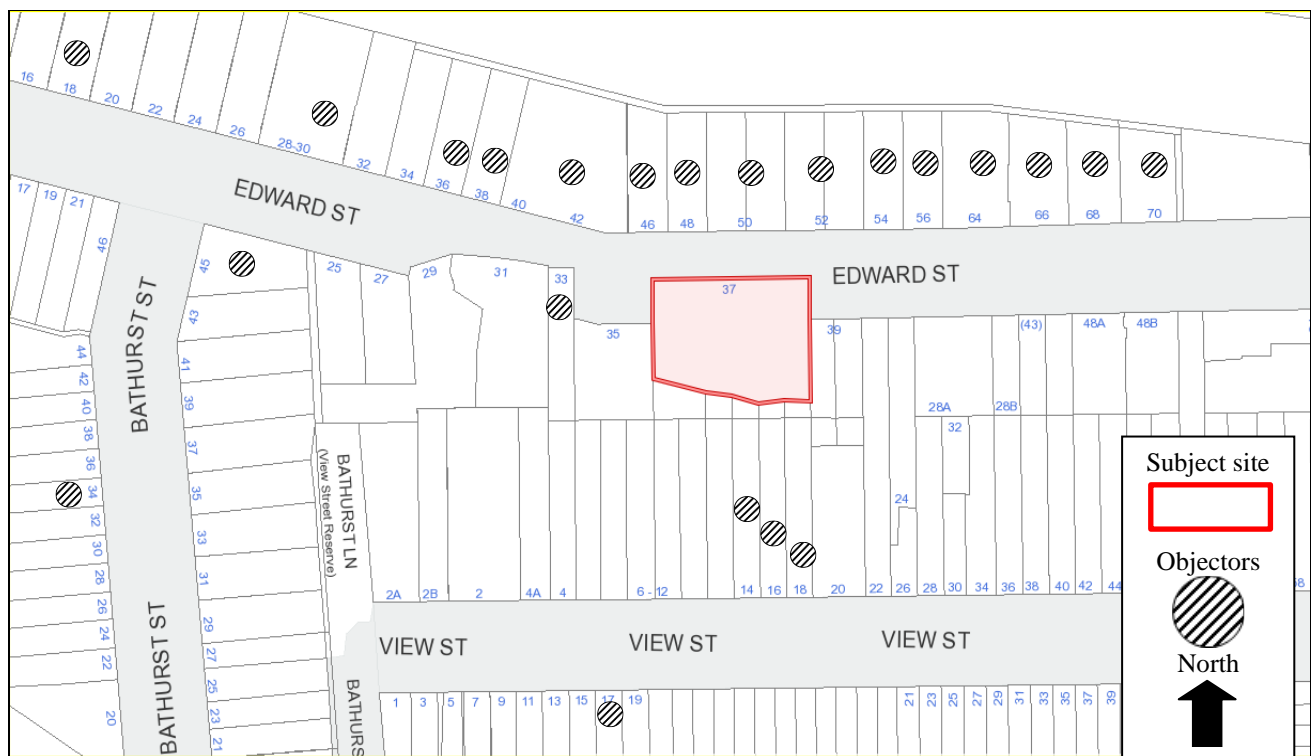
Note: A Class 1 deemed refusal appeal was lodged with the Land and Environment Court on 12th March 2020 and the matter is set down for a s34 conciliation conference on 24th July 2020.

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 refusal because:

- The proposal does not comply with the minimum lot size development standard of the Woollahra LEP 2014 and no Clause 4.6 Written Request has been submitted to adequately demonstrate sufficient environmental planning grounds to justify the contravention of the development standard.
- The proposal is non-compliant with open space and landscaping, and tree management controls and objectives of the Woollahra DCP 2015.
- It will have adverse effects on the local built and natural environment such that refusal is justified.
- The site is not suitable for the proposed development, in its current form.
- The proposal is not in the public interest.

3. LOCALITY PLAN



Note: Some submissions are either located outside of the above map catchment or without address provided

4. PROPOSAL

The proposal is for demolition of the existing building and structure, removal of trees, excavation of the rock-shelf, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each new allotment including landscaping works.

The layout of each dwelling involves following:

Ground floor

- Internal garage with 2 car parking spaces;
- Street level entry;
- Internal stairs and lift (for 37B and 37D Edward Street only);
- Laundry room; and
- Store/plant room.

First floor

- Open plan dining living and kitchen area with access to an external deck area overlooking Edward Street;
- Store room;
- Internal stairs and lift (for 37B and 37D Edward Street only);
- Bathroom; and
- 2 x Bedrooms with access to a rear deck area and rear yard.

Second floor

- Master Bedroom with walk-in robe and ensuite and balcony;
- 1 x Bedroom with ensuite; and
- Internal stairs and lift (for 37B and 37D Edward Street only).

External works

- Balconies on the first and second floor levels facing Edward Street;
- Skylight and solar panels on roof surface;
- Excavation to create a level open space area; and
- Landscaping and siteworks.

5. ISSUES

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

Clause	Development Standard	Departure from Control	Conclusion
Part 4.1 Minimum Lot Size		Lot 1 (230m ²): 470m ² or 67.0% departure from the 700m ² control	Unsatisfactory*
		Lot 2 (233m ²): 467m ² or 66.7% departure from the 700m ² control	Unsatisfactory*
		Lot 3 (232m ²): 468m ² or 66.8% departure from the 700m ² control	Unsatisfactory*
		Lot 4 (232m ²): 468m ² or 66.8% departure from the 700m ² control	Unsatisfactory*

* Council requested the applicant to provide a Clause 4.6 written request which has not been submitted as of the date of this report

5.2. Primary Issues

Issue	Conclusion	Section
Minimum Lot Size	Unsatisfactory. No Clause 4.6 Written Request has been submitted to adequately demonstrate sufficient environmental planning grounds to justify the contravention of the development standard.	14.4 and 14.5
Permissibility of use – ‘semi-detached dwelling’	Although a ‘semi-detached dwelling’ is permissible with consent on land zoned R3 Medium Density Residential, unless the site is subdivided into four lots, the proposed ‘semi-detached dwelling’ is not permissible by definition and the proposal would constitute a Residential Flat Building. This is not what the Application seeks consent for.	14.3
Privacy Issue	Acceptable, subject to imposition of conditions if the DA were to be approved.	15.1.13
Impact on Trees	Unsatisfactory. The applicant failed to demonstrate and provide the relevant information to enable an assessment of the potential impacts of the development proposal on existing significant trees.	15.1.8
Excavation or removal of rock shelf	Acceptable, subject to the imposition of conditions if the DA were to be approved.	14.11

5.3. Summary of Submissions

Issue	Conclusion	Section
Excavation of Rock Face will result in instability of properties at View Street and will pose risk to the properties located on the northern end of Edward Street	The proposed bulk excavation is supported on technical grounds. Council's Development Engineer is satisfied that the proposed excavation is acceptable subject to imposition of standard conditions requiring mitigation measures to ensure the maintenance of amenity on the surrounding neighbourhood and structural integrity of any existing and supporting structures during the excavation and construction phase of the development. These measures include, but are not limited to, requirement for compilation of dilapidation reports, vibration monitoring, Geotechnical Certification & Monitoring, and dust mitigation controls.	Section 14.11
Excessive removal of trees and green space and impact on the health of significant fig tree	The proposal involves the removal of several trees on the subject site. Council's Tree Officer reviewed the submitted information and determined that the proposal cannot be supported in its current form due to a lack of information. It has not been satisfactorily demonstrated that trees to be retained can be done so with an acceptable impact. An unsatisfactory letter was sent out to the applicant requesting additional information on 20/03/2020. As of the date of this report, Council had not received a response from the applicant.	Section 15.4
Increasing traffic will pose a huge risk to both pedestrians and the children	It is acknowledged that there may be some disruption to the surrounding residential area during construction in terms of parking. Minor disruption is however inevitable. If approval was to be granted, prior to commencement of any development work the proponent would be required to submit and have a Construction Management Plan (CMP) approved by Council's Traffic Engineer.	Annexure 2
Loss of on-street parking due to the proposed number of driveways	The applicant seeks to provide four (4) separate vehicular crossings, one (1) for each dwelling and a total of eight (8) off street car parking spaces which represents compliance with the maximum required residential parking component. It is noted that the width of the existing carriageway, particularly directly in front of the subject site is narrow in such a way that on-street parking on both sides of the street is not feasible. Since there are no vehicles parked on the other side of the road carriageway, it is considered that there will be no physical loss of on-street parking. This is consistent with the intent of Part E1.10.6: Driveways and access points of the Woollahra DCP 2015. Council's Development Engineer has reviewed the proposal and deemed it is satisfactory with regard to driveways and access points.	Section 15.2
Height, bulk and scale: The proposed development is 3 stories, no other house in the street presents 3 levels from the street	The proposal complies with the maximum building height prescribed by Part 4.3 of Woollahra LEP 2014 and other relevant controls outlined in Woollahra DCP 2015 in terms of height, bulk and scale. Therefore, the proposed development is considered acceptable.	Section 14.6 & 15.1.4
The proposal exceeds maximum height limit	The proposed development has a maximum height of 9.36m which complies with the maximum building height prescribed by Part 4.3 of Woollahra LEP 2014	Section 14.6
Acoustic and Visual Privacy: Impacts associated with the street facing balconies	Acceptable. Appropriate conditions can be imposed with regard to privacy impact associated with the street facing balconies. These conditions may specify reduction in the size of the balconies and privacy screens.	Section 15.1.13

Issue	Conclusion	Section
	Regarding acoustic privacy, the proposal is compliant to the relevant controls of WDCP 2015. If the DA were to be approved, standard conditions will form part of the consent, which require compliance with the provisions of the Protection of the Environment Operations Act 1997 (i.e. prohibiting rise of offensive noise during on-going residential use of the premises)	
Front Setback: The development is proposed significantly closer to the street than the existing building	The front setback of the proposed development is considered acceptable for the reasons outlined in the report and subject to condition.	Section 15.1.4
Impact on the heritage value of the rock shelf and sandstone wall, a contributory item to Fletcher Precinct of Woollahra HCA	The proposal is supported on heritage grounds. Council's Heritage Officer is satisfied that the impacts on the heritage value of the rock-shelf and sandstone walls are acceptable.	Section 15.1.5
Loss of all public views of heritage rock shelf and sandstone wall	The proposed works involve removal/excavation of the contributory 'Rock-shelf and sandstone walls' located in the rear portion of the site. The sections to be removed are not currently viewable from the public domain. Therefore, the removal of the section of the rock-shelf and sandstone will not impact on the public view of the contributory item. Additionally, Council's Heritage officer is supportive of the proposal.	Section 15.1.8
The proposal is unsympathetic to the streetscape and surrounding locality	The proposal is acceptable with respect to maintaining the significant characteristics of the Fletcher Precinct as it provides a positive response to the streetscape which is predominantly contemporary in this section of Edward Street. It offers a contemporary and a well-articulated and designed building which respects the scale and setting of the area.	Section 15.1.2. & 15.1.3.
Impacts of Construction	It is acknowledged that there may be some disruption to the surrounding residential area during construction in terms of parking, noise and dust. Council's Development Engineer reviewed the proposal and is satisfied that it would be acceptable subject to imposition of standard Conditions requiring mitigating measures to ensure the maintenance of amenity on the surrounding neighbourhood and structural integrity of any existing and supporting structures during the excavation and construction phase of the development. These measures may include, but are not limited to, requirement and approval of Construction Management Plan (CMP), compilation of dilapidation reports, vibration monitoring, hours of construction, Geotechnical Certification & Monitoring, and dust mitigation controls.	Annexure 2
Smaller and less impactful development have previously been rejected	Every application is assessed on its merit and in accordance with the relevant Environmental Planning Instruments. The subject application has been considered and assessed within the framework of the matters for consideration under accordance with the section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> and is recommended for refusal for the reasons outline in Section 24 of this report.	N/A
Document ambiguities: wrong scale	Acceptable. The scale of the plans provided is considered appropriate.	N/A
Inconsistency of building material with the characteristics of the precinct	The proposal achieves compliance against the relevant controls and consistency with Objectives of <i>Part C2.5.4: Materials, finishes and colours</i> of the Woollahra DCP 2015 Council's Heritage Officer is also satisfied with the proposed contemporary materiality of the development	Section 15.1.6

Issue	Conclusion	Section
Lack of Street infrastructure; such as drainage and gutter	It is acknowledged that the existing kerb and gutter is non-standard and not in a good condition. Council's Development Engineer has reviewed the proposal and recommended conditions of consent with regard street infrastructure if the DA were to be approved. These conditions will require reconstruction of the existing kerb and gutter for the full frontage of the site to Council's specifications.	Section 15.3
Noise impact from the proposed air conditioning units	No air-conditioning units have been proposed as part of the subject development application.	N/A

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The site is located on the southern side of Edward Street approximately 105m east of the Bathurst Street, Woollahra. The site is irregular in shape, has a frontage width of approximately 36.565m, a depth ranging from 21.86m along the western boundary to 27.19m along the eastern boundary and a total area of 928.1m ² .
Topography
The front portion of the site is relatively flat and has steady slope to the Edward Street, however, a rock shelf of approximately 15m in height exists at the rear of the site and includes a platform approximately halfway up from natural ground level. The existing rock shelf is a contributory item to Fletcher Precinct of Woollahra Heritage Conservation Area.
Existing buildings and structures
On the site is a two storey freestanding dwelling house with a pitched roof, a garage accessed from Edward Street and a swimming pool located in the rear yard.
Surrounding Environment
The site sits within the Woollahra Heritage Conservation Area. This locality is predominantly characterised by a mixture of two and three storey attached dwellings with varying architectural periods as well as contemporary dwellings of various style and scale.



7. RELEVANT PROPERTY HISTORY

Current use
Residential
Relevant Application History
<ul style="list-style-type: none"> DA 321/2012/1 – for ancillary structure/landscaping new fences, gates and paving - approved on 30/10/2012 DA 250/2012/1 – Alterations and additions to the existing two-storey building including an internal reconfiguration, additional storey containing living area, sundeck, lift, new front fence and landscaping – withdrawn – 07/08/2012 DA 572/2004/1 - Demolish existing dwelling, excavate the site for a basement to accommodate car parking and construct a new three storey building incorporating three (3) residential units – Refused DCC on 06/12/2004
Relevant Compliance History
None.
Pre-DA
None.
Requests for Additional Information and Replacement Applications
21/1/2020 – Stop the Clock Letter sent to the Applicant requesting amended Stormwater Management Plan, amended Geotech report to include borehole location map, Clarification on encroachment of door swing onto the car parking spaces and a draft deposit plan for the proposed 4 lot subdivision (A response was received on 28/1/2020)
23/03/2020 – Requested the applicant to provide clause 4.6 written request (minimum lot size) and amended arborists report. (The requested information has not been provided)
Land and Environment Court Appeal(s)
12/03/2020 – A Class 1 deemed refusal appeal was lodged with the Land and Environment Court, A s34 conciliation conference has been scheduled for 24/7/2020.

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Fire Safety	<i>The proposal is satisfactory, no conditions are required</i>	2
Environmental Health	<i>The proposal is satisfactory subject to conditions</i>	3
Heritage	<i>The proposal is satisfactory subject to conditions</i>	4
Technical Services	<i>The proposal is satisfactory subject to conditions</i>	5
Trees and Landscaping	Requested additional information	6

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:

- The provisions of any environmental planning instrument
- The provisions of any proposed instrument that is/has been the subject of public consultation
- The provisions of any development control plan
- Any planning agreement that has been entered into
- Any draft planning agreement that a developer has offered to enter into
- The regulations
- Any coastal zone management plan
- The likely impacts of that development:
 - Environmental impacts on the natural and built environments
 - Social and economic impacts
- The suitability of the site
- Any submissions
- The public interest

9. ADVERTISING AND NOTIFICATION

9.1. Submissions

The application was advertised and notified from 29/01/2020 to 12/02/2020 in accordance with Chapters A2.2.1, A2.3.1 and A2.8 of the Woollahra DCP 2015. Submissions were received from:

1. Irvine Salter, owner of 70 Edward Street, Woollahra
2. Richard Oddie, owner of 18 View Street, Woollahra
3. Angus and Sarah Aitken, owners of 64 Edward Street, Woollahra
4. Jeff Sofair, owner of 54 Edward Street, Woollahra
5. Kellie Yule, Owner of 68 Edward Street, Woollahra
6. Prudence A Herda, owner of 56 Edward Street, Woollahra
7. Andrew Sharpe, owner of 36 Edward Street, Woollahra
8. Ilias and Amira Kotronakis, owners of 52 Edward Street, Woollahra
9. Ernesta & Alberto Dias, owners of 191 Edgecliff Road, Woollahra
10. Sue Walsh, Co-owner of 23 Edward Street, Woollahra
11. Louise & Garry Dobson, owners of 42 Edward Street, Woollahra
12. Don White on behalf of Harbour View Residents Group, 34 Bathurst Street, Woollahra
13. Gail & David Earle, Owners of 16 View Street, Woollahra
14. Cynthia & Alex Rouse, owners of 48 Edward Street, Woollahra
15. David Collier, owners of 14 View Street, Woollahra
16. Sibella McConochie, unknown address
17. Juliet Hawthorne, owner of 66 Edward Street, Woollahra
18. Andrea Blackshaw, owner of 50 Edward Street, Woollahra
19. Christopher Cullen, owner of 18 Edward Street, Woollahra
20. Ian Learmonth, resident of 30 Edward Street, Woollahra
21. Sandra Hall, owner of 17 View Street, Woollahra
22. Stephen Crowe, owner of 33 Edward Street, Woollahra
23. Kim Grey, resident of 167 Sutherland Street, Paddington
24. Katina Scarf – unknown address
25. Anne Knott, owner of 38 Edward Street, Woollahra
26. Michael Bishop – unknown address
27. Michael Ferguson, resident of 48 Cascade Street, Paddington
28. Petition - Hard Copies signed by 41 individuals
29. Petition - Online, signed by 81 individuals

The submissions raised have been considered and summarised in Section 5.3.

9.2. Statutory Declaration

The applicant has completed the statutory declaration dated 19/02/2020 declaring that the site notice for DA10/2020/1 was erected and maintained during the notification period in accordance with Chapter A2.3.5 of the Woollahra DCP 2015.

10. STATE ENVIRONMENTAL PLANNING POLICY 55: REMEDIATION OF LAND

Under Clause 7(1)(a) of SEPP 55 – Remediation of Land, consideration has been given as to whether the subject site on which the development is occurring is contaminated.

As the site has a long history of residential use and is not identified as a contaminated site on Council's GIS mapping register, it is unlikely to be contaminated. It is therefore considered that the land does not require further consideration under Clause 7 (1) (b) and (c) of SEPP 55. The proposal is therefore acceptable with regard to SEPP 55: Remediation of Land.

11. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificate No. **1058448M** demonstrating compliance with the SEPP. These requirements can be imposed in standard conditions.

12. SEPP (COASTAL MANAGEMENT) 2018

The provisions of this planning instrument that are relevant to the subject application involve managing development in the coastal zone and protecting the environmental assets of the coast.

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

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

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

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1. Part 1.2: Aims of Plan

Due to inadequate information being submitted with the Application (i.e. No Arborist report has been provided), the proposal fails to demonstrate that the following relevant aim of the Woollahra LEP 2014 will be achieved:

(g) to protect amenity and the natural environment,

14.2. Part 2.6: Subdivision – Consent Requirements

Part 2.6(1) states that land within the Woollahra LEP 2014 may be subdivided with development consent.

14.3. Land Use Table

The proposed development has been described in the submitted Statement of Environmental Effects as follows:

The proposal development will consist of demolition of the existing building and structures, Torrens Title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works.

‘Semi-detached dwelling’ is defined in the WLEP 2015 as follows:

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

The subject site, known as 37 Edward Street, has a legal description of Lot 37 DA 1033494, which is one lot of land. Although a ‘semi-detached dwelling’ is permissible with consent on land zoned R3 Medium Density Residential, unless the site is subdivided into four lots, the proposed ‘semi-detached dwelling’ form of development is not permissible by definition. As such, if the DA were to be approved, a deferred commencement condition must be imposed requiring that a Subdivision Certificate must be issued for the subdivision before the consent operates.

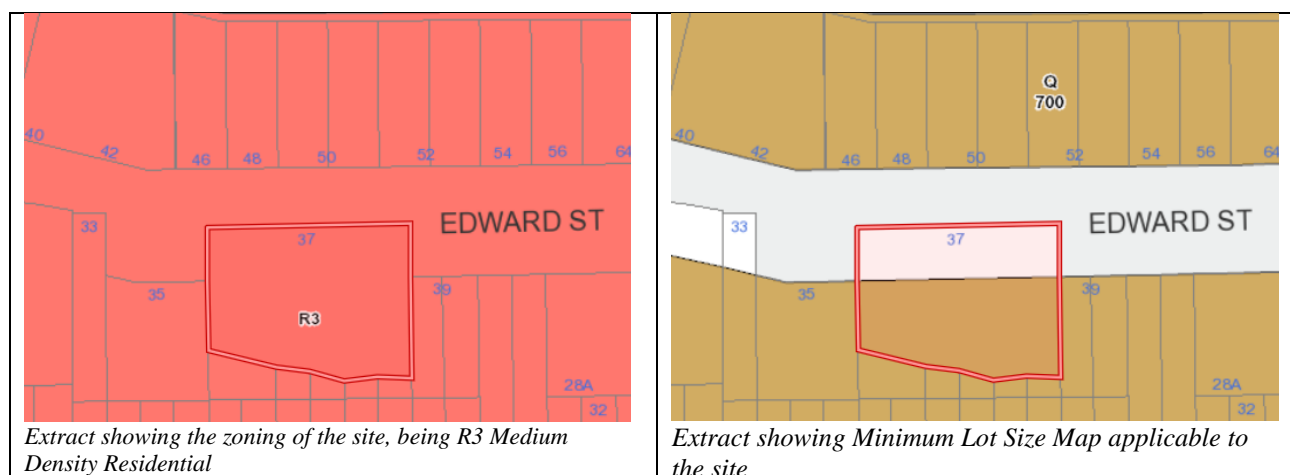
In addition, no Clause 4.6 written request to Council’s– Minimum Lot Size development standard has been submitted and as such, development consent cannot be granted to the proposed development which in turn renders the proposed development, being the construction of a semi-detached dwelling on its own allotment not permissible by way of definition.

14.4. Part 4.1: Minimum Subdivision Lot Size

Part 4.1(3) specifies a minimum lot size of 700m².

Site Area: 928.1m ²	Proposed	Control	Complies
Minimum Lot Size – Subdivision	Lot 1 – 230m ²	700m ²	No
	Lot 2 – 233m ²	700m ²	No
	Lot 3 – 232m ²	700m ²	No
	Lot 4 – 232m ²	700m ²	No

The subject site is partly (approximately 3/4 of the site) covered in the Minimum Lot Size Map of WLEP 2014 with a minimum lot size of 700m² (see the extract below). The development proposes the subdivision of the site into 4 lots with the created lot areas ranging from 230m² to 233m², which is a breach of the Minimum Lot Size development standard.



The proposal does not comply with Part 4.1(3) of Woollahra LEP 2014.

14.5. Part 4.1B: Exceptions to Minimum Subdivision Lot Sizes for Certain Residential Development

Pursuant to Clause 4.1B(3), which applies to development on land in Zone R3 Medium Density Residential, development consent may be granted to a single development for the subdivision of land into 3 or more lots and for the erection of semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to greater than 230m².

Notwithstanding the above, Council sought, and has received, legal advice, which states - *there is nothing in the terms of Cl 4.1B that provides that it is an exception to the standard in cl 4.1 of the LEP. As there is a breach of Cl 4.1 of the WLEP a written request under Cl 4.6 is required.*

Therefore, the proposal does not comply with Part 4.1B of Woollahra LEP 2014. Refer to section 14.8 for details.

14.6. Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	8.401m	9.360m	9.5m	Yes

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

14.7. Part 4.4: Floor Space Ratio

The proposed buildings on the subject site are identified as semi-detached dwellings and in accordance with Clause 4.4(2A) of WLEP 2014, a Floor Space Ratio does not apply to a building that is a semi-detached dwelling. Refer to Section 14.3 Land Use for details.

14.8. Part 4.6: Exceptions to Development Standards

As mentioned above, the proposal breaches Council's development standard for minimum lot size. The applicant was requested to provide a Clause 4.6 written request to vary the development standard. As of the date of finalising this report, the applicant has failed to submit a written request and therefore the matters required to be demonstrated under Clause 4.6(3) cannot be addressed.

As such, development consent to the DA cannot be granted because the applicant has not provided a written request to satisfactorily demonstrate that compliance with the development standard is unreasonable or unnecessary (cl4.6(3)(a) of the WLEP) and that there are sufficient environmental planning grounds to justify contravening the development standard (cl4.6(3)(b) of the WLEP).

Without a written request neither council nor the panel can be satisfied that the Development will be in the public interest and is consistent with the objectives of the development standard and of the R3 Medium Density Residential Zone (cl4.6(4)(a)(ii) of the WLEP).

In view of the above, the development application is recommended for refusal.

14.9. 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 listed as a heritage item under Woollahra LEP 2014 and is not within vicinity of any heritage items. However, it is listed as a contributory item to the Fletcher Precinct of the Woollahra Heritage Conservation Area. The item on the site relates to the 'Rock Shelf and Sandstone walls' located in the rear portion of the site.

The proposal is acceptable with regard to Objectives (a), (b) in Part 5.10(1) and Part 5.10(4) of the Woollahra LEP 2014 for the following reasons:

- The proposal conserves the environmental heritage of Woollahra, sub-clause 1(a);
- The proposal conserves the heritage significance of the Woollahra Heritage Conservation Area, inclusive of its historic fabric and setting, sub-clause 1(b);
- The proposed development has appropriately considered the impacts upon the heritage significance of the contributory item and area in which it is located, sub-clause 4.

In addition, Council's Heritage Officer has no objection to the proposal and considered it to be satisfactory in terms of Clause 5.10 of the WLEP 2014 subject to a Condition which requires notification to the NSW Heritage Division of new evidence of any aboriginal archaeological remains and/or deposits identified during any development work.

Conclusion

The proposal is considered to be acceptable with regards to objective (a), (b) in Part 5.10(1) and Part 5.10(4) of the Woollahra LEP 2014.

14.10. 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.

14.11. 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 to accommodate the construction of proposed garages, private open spaces and site levelling.

In determining whether to grant consent for the proposed earthworks Clause 6.2(3) requires Council to be satisfied that the extent and siting of excavation has had regard to the following relevant matters:

- (a) *The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development*
- (b) *The effect of the development on the likely future use or redevelopment of the land*
- (c) *The quality of the fill or the soil to be excavated, or both*
- (d) *The effect of the development on the existing and likely amenity of adjoining properties*
- (e) *The source of any fill material and the destination of any excavated material*
- (f) *The likelihood of disturbing relics*
- (g) *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*
- (h) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

The proposal is acceptable with regard to the relevant matters for consideration in Part 6.2(3) of the Woollahra LEP 2014 for the following reasons:

- The extent of soil being removed from the site is considered to be acceptable and not unreasonable for the purposes of a semi-detached dwelling development, as the excavated area is primarily to accommodate a compliant amount of car parking and an accessible private open space in the rear of the proposed lots;
- It is considered the proposal will cause short-term disruption to local amenity during the construction phase. However, these disruptions are off-set by the long term benefits to the wider community given the proposed excavation is to ensure the provision of appropriate off-street car parking reducing demands for on-street parking;
- The proposal is supported by a Geotechnical Report (Ref: 32868SGrpt), prepared by JK Geotechnics and dated 13 December 2019. Council's Development Engineer is satisfied that the proposed excavation would be acceptable subject to imposition of standard conditions requiring mitigating measures to ensure the maintenance of amenity on the surrounding neighbourhood and structural integrity of any existing and supporting structures during the excavation and construction phase of the development. These measures may include, but are not limited to, requirement for compilation of dilapidation reports, vibration monitoring, Geotechnical Certification & Monitoring, and dust mitigation controls.

Conclusion

The proposal is considered to be acceptable with regards Part 6.2 of the Woollahra LEP 2014.

14.12. Part 6.3: Flood Planning

The subject site is not identified as being mapped *Flood Planning Area*.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1. Chapter C2: Woollahra Heritage Conservation Area

Schedule of Contributory Items

Description	Heritage or Contributory Item	Group Element	Precinct
Rockshelf and Sandstone walls	Contributory Item	Nil	Fletcher

15.1.1. Part C2.2.7: Contemporary Design in Woollahra

The proposal satisfies the relevant criteria prescribed by this Part. Council's Heritage Officer reviewed the proposal and provided the following comments:

- This section of Edward Street is predominately modern, contemporary architecture.*
- The proposal is in keeping with this section of Edward Street and offers a contemporary, well-articulated building.*

The above comments are concurred with. The proposal is acceptable with regard to Part C2.2.7 of the Woollahra DCP 2015.

15.1.2. Part C2.3.6: Fletcher Precinct Controls

The proposal is acceptable with respect to maintaining the significant characteristics and conforming to the objectives as outlined in Part C2.3.6 of the Woollahra DCP 2015. Council's Heritage Officer reviewed the proposal and provided the following comments:

- The proposed development provides a positive response to the streetscape which is predominately contemporary in this section of Edward Street.*
- The proposal retains the section of the "Rockshelf and sandstone walls" viewable from the public domain above the current roofline and it retains the significance of the HCA.*
- A portion of the sandstone located behind the existing building and underneath will be excavated. These sections are not currently viewable from the public domain. Therefore the removal of this section of the sandstone will not impact on views from the public domain towards "Rockshelf and sandstone walls".*
- The proposal will remove the existing deck and pool from the sandstone wall, which will remove intrusive elements and open up views towards the contributory item, which is a positive heritage outcome.*

The above comments are concurred with. The proposal is acceptable with regard to Part C2.3.6 of the Woollahra DCP 2015.

15.1.3. Part C2.4.12: Infill Development

The proposed construction of new semi-detached dwellings is defined as 'infill development', as per the definition in Part A3 of the Woollahra DCP 2015.

In accordance with C3, infill development must maintain the significant features and qualities that combine to represent the character of the neighbourhood and area and make a positive contribution to the character of the neighbourhood and area.

The proposal is acceptable with regard to the relevant Objectives in Part C2.4.12 of the Woollahra DCP 2015 for the following reasons:

- The proposed development provides a positive response to the streetscape which is predominately contemporary in this section of Edward Street. It offers a contemporary and a well-articulated building.
- The proposal respects the scale and setting of the area, which is predominately contemporary in this section of Edward Street. This has been demonstrated by the following images.



Photomontage of the proposed development (Source: NICHOLAS TANG ARCHITECTS)



Existing contemporary development located directly across the development site at 50 Edward Street



Existing contemporary development at 48 Edward Street



Existing contemporary development at 64 Edward Street (Source: Google Map)

The proposal is therefore acceptable with regard to Part C2.4.12 of the Woollahra DCP 2015.

15.1.4. Part C2.5.1: Building Height, Form and Character

Site Area: 928.1m ²	Existing	Proposed	Control	Complies
Front Setback	9m	3.441m	Align with the existing adjoining development	No
Setback of Development From Mature Significant Tree	9.9m	>3m	3.0m	Yes
Rear Setback	5.27m to 10.923m	3.86m to 8.71m	Not Extending Beyond	Yes
Maximum Number of Storeys	2	3	2 Storeys	No

Building Location

The proposed development will have a front setback of 3.441m measured perpendicular from the outer face of the first floor balcony to the property boundary. Given the irregular subdivision pattern and topography of the area along southern side of this section of Edward Street, there are varying front setbacks on the adjoining and nearby lots.

C2 states that where front building setbacks vary:

- *If there is no predominant pattern, new development is to align with the most compatible or is to achieve a transitional setback*

The closest and most compatible building in scale is at No. 33 Edward Street, which has a front setback of approximate 5m. However, the proposed front setback does not align with this property. The proposed first floor balcony of each dwelling encroaches the front setback by 1.66m.

Notwithstanding, the proposal is considered acceptable for the reasons outlined below:

- The proposed development will not result in adverse overshadowing of private open spaces of adjoining properties (consistent with objective O7;
- If the DA were to be approved, special conditions can be imposed requiring reduction in the size and privacy treatments to all first floor balconies, ensuring consistency with objective O4 (refer to privacy assessment in section 15.1.13);
- The main building façade is set back 6m from the front boundary, it is only the first floor balconies which encroach the front setback. The proposed north-facing balconies will provide good aspect and outdoor living space for the future occupants. The proposal will also provide the direct access between indoor and outdoor living area, achieving consistency with Objective O2;

C3 and C4 require development to adopt the appropriate orientation, whether to the street or to a view.

The proposed development is to face Edward Street, which is considered to be acceptable.

C6 requires that the rear setback must not extend beyond the established pattern with sufficient provision for useable private open space and landscaped area.

Due to the irregular subdivision pattern and shape of the subject site, there is no established rear setback line. The proposed development provides for a rear setback which varies from 3.86m to 8.71m and allows for sufficient space for private open space and landscaped areas.

In addition, Council's Heritage Officer reviewed the proposal and provided the following specific comments in support of the development proposal:

- *The proposed setbacks are supported from a heritage perspective.*
- *The proposed building is orientated to face the street, which is supported.*
- *The proposed height, bulk, scale, building envelope and character are supported from a heritage perspective. The neighbouring contributory item is the "Rockshelf and sandstone walls" therefore there are no contributory buildings to be consistent with in the immediate vicinity of the subject site. The proposal is consistent with the contemporary development along this section of Edward Street, which is supported.*

Building Height and Form

C7 states that the height, bulk, scale, dominant roof forms, ridge line and building envelope of new development must be consistent. The bulk of new buildings should be distributed to minimise overshadowing of adjoining properties.

The proposed three storey semi-detached dwellings are considered to be consistent with the existing developments in terms of height, bulk and scale, particularly with the developments at the eastern end of Edward Street. Additionally, due to the orientation of the site and sitting of the proposed building, the proposal will not result in adverse overshadowing impacts on the adjoining properties.

C8 states that the character of new development is to be consistent with the character of nearby significant items and the streetscape. Solid to void ratios are to be similar to other significant buildings.

The proposed development is considered to be sympathetic to the streetscape and provides a positive response to the predominately contemporary developments in this section of Edward Street. It offers a contemporary and well-articulated building. Therefore, the proposal has been designed to respect the scale and setting of the area.

C9 limits development to two storeys unless the predominant significant buildings are three storeys or more. Storey heights are to conform to those of adjacent significant buildings.

There are no contributory or significant buildings located in the immediate vicinity of the subject site to be consistent with in terms of number of storeys. The neighbouring contributory item is 'Rockshelf and sandstone walls' which stretches from Nos.37 to 43 Edward Street. The proposed development will be three storeys in height and be compatible with the contemporary developments located along the southern section of Edward Street.

C10 ensures that development does not obstruct public views along streets, towards the harbour, city or local landscape and across the conservation area to landmark buildings, trees or skylines.

Due to the topography of the area and skilful design of the proposed development, there will be no loss of significant views or vistas from the public domain.

Solar Access and Ventilation

C13 stipulates that sunlight is provided to at least 50% of the main ground level private open space to adjoining properties for a minimum of two hours between 9am and 3pm on June 21. Where existing overshadowing is greater than this, sunlight is not further reduced.

C14 stipulates that sunlight is provided to a portion of the surface of a north facing window to an adjoining property for a minimum of three hours between 9am and 3pm on June 21.

C15 states that residential flat buildings (with four or more units) must have

- a) *A maximum of 25% of units with a single aspect*
- b) *Single aspect dwellings are to be limited to a depth of 8.0m from a window*
- c) *The back of a kitchen should be no more than 8.0m from a window*
- d) *The minimum width of a cross-through dwelling over 15m deep is 4.0m*

The subject site is orientated north-south and sits in the bottom of a rock-shelf. The neighbouring properties to the south, east and west are all located considerably higher than the subject site and developments on the northern side of Edward Street will not be affected as they are located to the north of the subject site. The proposal will not have any adverse overshadowing impacts to any adjoining properties.

Conclusion

The proposal, subject to special condition, is acceptable with regard to Part C2.5.1 of the Woollahra DCP 2015.

15.1.5. Part C2.5.2: Conservation of Contributory Items

C1 requires the retention and conservation of significant items, including fabric, roof pitch, eaves height, chimneys and original room layouts. No alterations or additions are to be made to original elevations, details, materials or finishes of the principal building form and verandahs and balconies are not to be enclosed.

C3 states that works to the principal building form must restore missing or damaged original forms, details, materials and finishes, inappropriate details are to be removed and original outbuildings are to be retained.

C3 allows partial demolition of internal cross walls to the principal building form where layouts can still be interpreted, the rear wall remains, the structural integrity is not compromised and there is no increase in light levels at the front windows when viewed from the public domain.

C4 notes that decorative ceilings within the principal building form are not to be removed.

The majority of controls are applicable to existing built form of the contributory items rather than the contributory 'Rockshelf and Sandstone walls', however, given the proposal is to partially excavate or demolish the contributory 'Rockshelf and Sandstone Walls' an assessment against this part has been conducted.

The proposed works involve partial remove of the contributory 'Rockshelf and sandstone walls' to create an accessible and usable open space and car parking. These sections to be removed are not currently visible from the public domain. The removal of this section of the sandstone within the subject site will not impact on views from the public domain towards the 'Rockshelf and sandstone walls' outside and beyond the subject site.

In addition, Council's Heritage Officer reviewed the proposal and provided the following specific comments in support of the development proposal:

- The proposal retains the section of the "Rockshelf and sandstone walls" viewable from the public domain above the current roofline and it retains the significance of the HCA.*
- A portion of the sandstone located behind the existing building and underneath will be excavated. These sections are not currently viewable from the public domain. Therefore the removal of this section of the sandstone will not impact on views from the public domain towards "Rockshelf and sandstone walls".*
- The proposal will remove the existing deck and pool from the sandstone wall, which will remove intrusive elements and open up views towards the contributory item, which is a positive heritage outcome.*

The proposal is therefore acceptable with regard to Part C2.5.2 of the Woollahra DCP 2015.

15.1.6. Part 2.5.4: Materials, Finishes and Colours

C1 requires development to comprise appropriate materials, finishes, textures and colours that are similar to but not identical to other buildings. Contemporary materials may be used.

C2 requires materials and finishes that do not contribute to an increase in building bulk.

Council's Heritage Officer is satisfied with the contemporary materiality of the building:

"The proposed materials, finishes and colours provide a contemporary approach which is supported as it reflects the existing development along this section of Edward Street. The materials assist in articulating the building, therefore minimising the apparent bulk of the new development"

This stance is concurred with. The proposal is therefore considered to be acceptable with regard to Part C2.5.4 of the Woollahra DCP 2015, as:

- The proposed rendered masonry and timber cladding and screening, metal roofing, a roller shutter garage door and timber framed window openings finished in dark and/or neutral tones are appropriate for infill buildings (as per Control C1, *Table 1 Design Controls External Finishes* of the DCP). The proposed new semi-detached dwellings development will clearly read as a contemporary infill building, and will not have any adverse impact on the character of the streetscape or heritage conservation area (C1, C2);

In light of the above, the proposal achieves consistency with Objective O1 and is therefore acceptable with regard to Part C2.5.4 of the Woollahra DCP 2015.

Conclusion

The proposal is acceptable with regard to Section 2.5.4 of the Woollahra DCP 2015.

15.1.7. Part C2.5.5: Roofs and Skylights

	Existing	Proposed	Control	Complies
Maximum Area of Transparent Material (C2)	N/A	Less than 25%	25%	Yes
Skylights (C3)	N/A	Not readily visible	Not-visible from Public Domain	Yes
Skylights (C4)	N/A	Low profile	Low profile / flush	Yes

Controls: C1, C2, C3, C4

Objective: O1

The proposal is acceptable with the relevant Objective and Controls in Part C2.5.5 of the Woollahra DCP 2015, for the following reasons:

- The proposed flat roof form, is considered to be appropriate in this instance as the proposed building is a contemporary infill development, satisfying the intent of Part C2.2.7 of the Woollahra DCP 2015 which encourages contemporary design. The proposed roof form is substantially less bulky when compared to traditional roof forms and it would lessen amenity impacts upon the surrounding sites in terms of solar access, visual privacy and sense of enclosure. The proposal is therefore consistent with Objective O1;
- The proposed roof contains a single skylight above each dwellings stairwell which are flush with the roof surface and less than 25% of the roofs surface and therefore would not be readily visible from the public domain, representing compliance with Control C2, C3 and C4.

Conclusion

The proposal is acceptable with regard to Part C2.5.5 of the Woollahra DCP 2015.

15.1.8. Part C2.5.6: Open Space and Landscaping

Site Area: 928.1m ² Lot 1 – 230m ² Lot 2 – 233m ² Lot 3 – 232m ² Lot 4 – 232m ²	Existing	Proposed	Control	Complies
Deep Soil Landscaped Area (C3) • Lots 225m ² to 350m ² – 15% of site area	> 200m ²	Lot-1 = 48m ² Lot-2 = 69.6m ² Lot-3 = 65.6m ² Lot 4 = 47.8m ²	Lot-1 = 34.5m ² Lot-2 = 34.95m ² Lot-3 & 4 = 34.8m ²	Yes
Private Open Space (C4) – Total Area	> 35m ²	Lot-1 = >36.82m ² Lot-2 = >44.2m ² Lot-3 = >48.62m ² Lot 4 = >38.02m ²	35m ²	Yes
Principal (Rear) Area	>16m ²	Lot-1 = 11.7m² Lot-2 = 19m ² Lot-3 = 23.5m ² Lot 4 = 12.9m²	16m ²	No* Yes Yes No*
Minimum Dimension 3m	>3m	Lot-1 = 3m Lot-2 = 3m Lot-3 = 3m Lot 4 = 3m	3m	Yes

* Acceptable on merit, Lots 1 & 4 do not comply as the main areas of private open space are located to the front of the subject site in the form of a 1st floor balcony/deck

Notwithstanding the numerical non-compliance with the principle private open space as prescribed in Control C4, the proposed Lots 1 and 4 are acceptable with the relevant open space and landscaping objectives and controls in Part C2.5.6 of the Woollahra DCP 2015, for the following reasons:

- The proposed semi-detached dwellings comply with the minimum deep-soil landscaping requirements of Control C3;
- Due to the topography of the area and being located in the bottom of Rockshelf, it is not practically possible for all the proposed dwellings to provide for a principal private open space located in the rear;
- Each of the proposed dwellings will have useable areas of private open space in the form of first floor level decks which are directly accessible from the main living areas of the dwelling (Controls C4, C8 & Objective O1);

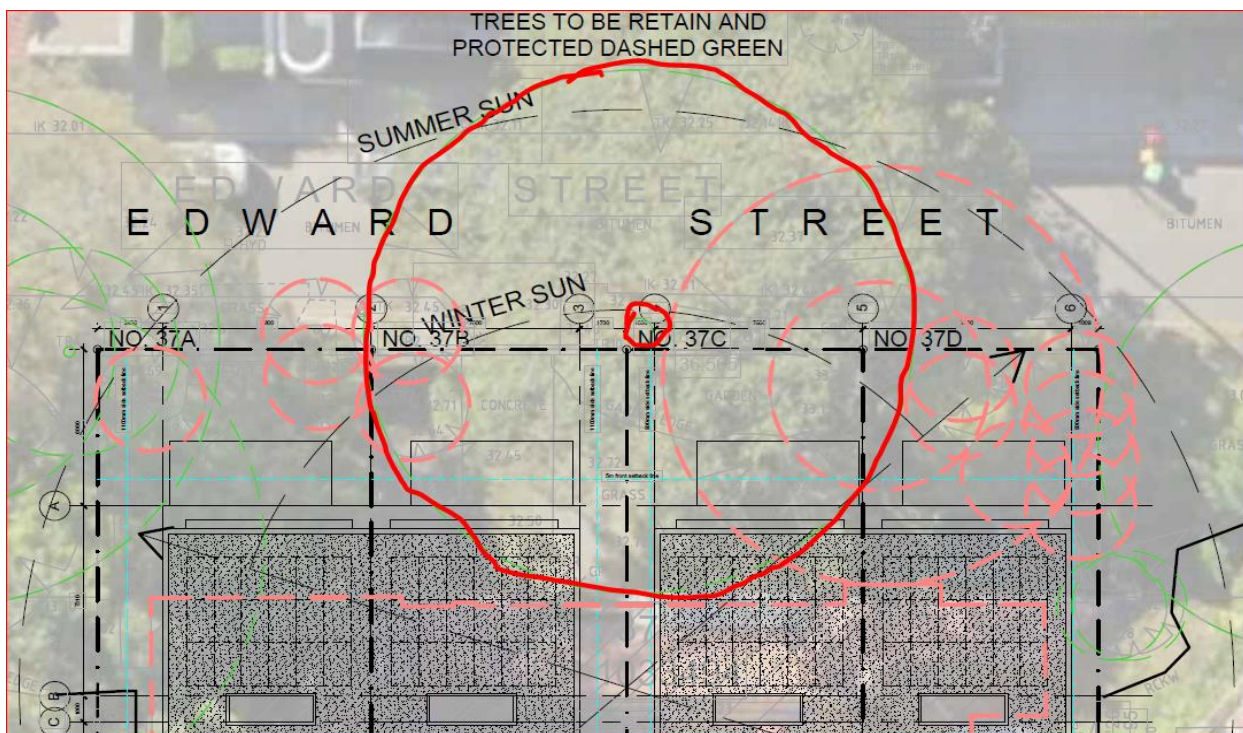
- The proposal will result in decrease of pervious area on site. Council's Technical Services Division is satisfied that adequate provision has been made for the disposal of stormwater from the subject site land, achieving consistency with Objective O3;
- The proposed areas of open space in the form of front facing balconies are supported by Council's Heritage Officer. The proposed areas of private open space, subject to special conditions will be acceptable in terms of privacy, achieving consistency with Objective O5. Refer to *Part C2.5.12: Acoustic and Visual Privacy* assessment below.

C11 requires that mature trees on private land are to be retained and incorporated into the landscape treatment.

O2 To retain important existing mature trees, vegetation and other landscape features.

The proposal involves the removal of thirteen (13) trees from the site and all other trees will be retained and supplemented by the proposed landscaping. The application was accompanied with an arborist report and landscape plans. However, Council's Tree Officer reviewed the submitted information and determined that the proposal cannot be supported in its current form due to a lack of information. It has not been satisfactorily demonstrated that trees to be retained can be done so with an acceptable impact.

Council's Tree officer also raised concern regarding the potential impact on a significant street tree (Fig tree) located in front of the subject site, as the proposal will require pruning of some of its roots. Refer to the extract below for the location of the significant Fig tree:



Extract showing approximate location of significant street tree



Existing Fig tree in front of the subject site

An unsatisfactory letter was sent out to the applicant requesting additional information on 20/03/2020. As of the date of finalising this report, Council has not received a response from the applicant. As such the proposal is not considered to be satisfactory as it failed to demonstrate compliance with Control C11 and consistency with objective O2 of this part of the Wollahra DCP 2015. The application is therefore recommended for refusal.

Contributory Items – Landscape Elements

C16 requires the retention of remnant elements.

C17 requires the retention of heritage listed trees and significant cultural plantings and incorporation into any landscape treatment.

C18 notes that original and early built landscape elements (terraces, steps, pathways, front and side fences and outbuildings) are to be retained.

C22 requires the retention of contributory and characteristic streetfront gardens.

The proposed works involve removal/excavation of contributory ‘Rockshelf and sandstone walls’ located in the rear portion of the site. The sections to be removed are not currently viewable from the public domain. Therefore, the removal of the section of the rockshelf and sandstone will not impact on landscape element of the contributory item.

Each of the proposed lots will be provided with front garden alongside the driveway in response to the streetfront garden characteristic of the area.

In addition, Council’s Heritage Officer reviewed the proposal and provided the following specific comments in support of the development proposal:

- *The proposal retains the section of the “Rockshelf and sandstone walls” viewable from the public domain above the current roofline and it retains the significance of the HCA.*

- *A portion of the sandstone located behind the existing building and underneath will be excavated. These sections are not currently viewable from the public domain. Therefore the removal of this section of the sandstone will not impact on views from the public domain towards “Rockshelf and sandstone walls”.*
- *The proposal will remove the existing deck and pool from the sandstone wall, which will remove intrusive elements and open up views towards the contributory item, which is a positive heritage outcome.*

Conclusion

The proposal is not considered to be acceptable with regard to Part 2.5.6 of the Woollahra DCP 2015 and is therefore recommended for refusal.

15.1.9. Part C2.5.7: Fences, Gates and Retaining Walls

The proposal does not involve construction of any front fencing and gates. The proposed 1.8m high masonry fencing to side and rear are acceptable with regard to Part C2.5.7 of the Woollahra DCP 2015, given the contemporary nature of the fencing.

Additionally, Council’s Heritage officer reviewed the proposal and recommended approval, subject to conditions of consent.

15.1.10. Part C2.5.8: Parking and Garages

	Existing	Proposed	Control	Complies
Location of Car Parking Structures	Behind the front building line	Behind the front building line	Behind Front Building Line	Yes
Car Parking Spaces – Dwelling	2	2 for each semi-detached dwelling	1-2 spaces	Yes
Door Materials	Roller Shutter	Roller shutter with masonry surrounding	Roller shutter only with masonry surrounding	Yes
Setback of Habitable Room Windows from Adjoining Windows	>9m	>15m	9.0m	Yes

C3 does not permit any additional vehicle crossovers off street frontages.

The proposal is for subdivision of the site into 4 Torrens title lots and construction of 4 semi-detached dwellings, one on each lot. Therefore, 3 additional vehicular crossovers are required for the proposed development. It is considered that the each crossover will provide for the adequate on-site on each lot minimising the impact on on-street parking.

C6 states that double and multiple garages will not be permitted in streetfront situations.

The immediate streetscape of Edward Street, particularly eastern end, is characterised by single and double garage structures located ahead of front building line. The proposed double garage for each dwelling will not detract from the character of the surrounding properties (see the extract below). Therefore, the double garages are considered acceptable in this instance.



Example of existing double garage at 64 Edward Street (Source: Google Map)

The proposal is acceptable with regard to Part C2.5.8 of the Woollahra DCP 2015.

15.1.11. Part C2.5.10: Excavation

	Existing	Proposed	Control	Complies
Location of Excavation (C2)	N/A	Behind proposed front building alignment	Behind the Front Alignment	Yes
Excavation for <u>Subsurface Wall Setback</u> (C4)	N/A	Located within building footprint	Within Building Footprint	Yes
Excavation below 2m and/or within 1.5m of a Boundary (C6)	-	Excavation within 1.5m of boundary (Geotechnical Report Provided)	Geotechnical report Required	Yes

Subject to standard conditions recommended by Council's Development Engineer the proposed excavation is acceptable with the relevant Objectives and Controls in Part C2.5.10 of the Woollahra DCP 2015.

15.1.12. Part C2.5.11: Subdivision and Site Amalgamation

Control C1 requires the retention of the predominant historical pattern of subdivision and lot sizes. Subdivision or amalgamation will not be permitted where the setting or curtilage of buildings on or adjoining the site, would be compromised.

The existing lot is not of historical importance and has been amalgamated previously to incorporate the road reserve to the front of the property. The proposed Torrens Title subdivision of the subject site into four lots and construction of two new semi-detached development reflects the historical subdivision pattern consistent with the northern side of Edward Street. Additionally, the proposed subdivision will result in lots with an average width of 10m, which is considered as an average lot width in this section of Edward Street. Notwithstanding, the proposed subdivision is not acceptable as it does not comply with the development standard for minimum lot size outlined in Woollahra LEP 2014. Refer to sections 14.4, 14.5 and 14.8.

15.1.13. Part C2.5.12: Acoustic and Visual Privacy

Acoustic Privacy

Concern is raised from surrounding properties with regards to noise from the proposed mechanical plants and the use of first floor balcony.

The proposed development is compliant with Control C2, C5 and achieves consistency with regards to Objectives O1 and O2, as:

- The proposed bedrooms within the development are all located a minimum of 6m from a street/road or shared driveway, achieving compliance with Control C2
- Regarding acoustic issues associated with the proposed mechanical plant/unit and the use of the dwellings, where approval is recommended standard conditions can form part of the consent, which require compliance with the provisions of the *Protection of the Environment Operations Act 1997* (i.e. prohibiting rise of offensive noise during on-going residential use of the premises), (Control C5 & Objective O1);

Visual Privacy

As mentioned above, the subject site is orientated north-south and sits in the bottom of Rockshelf. The neighbouring properties to the south, east and west are all located considerably higher than the subject site, therefore there are no privacy impacts upon to the neighbouring properties except for the properties located on the northern side of Edward Street.

Concerns are raised from the properties located on the northern side of Edward Street with regard to the visual privacy impacts or overlooking into private open space through the proposed first floor balconies, particularly from properties at Nos. 48 and 50 Edward Street. During a site inspection it's revealed that both of these properties have privacy screen installed to the front façade windows facing the street to avoid any overlooking into and from the adjoining properties. Therefore, it is considered that the proposed balconies will not have adverse privacy impacts upon the adjoining properties. Additionally, an assessment of the visual privacy impact has been conducted against relevant controls.



Looking at the subject site from the bedroom window of the property at 48 Edward Street



Street view of the property at 48 Edward Street showing the existing privacy screening to the first floor windows

Specifically, relevant Controls C6, C10 and C13 state:

- C6 Windows, balconies, screening devices and landscaping must be located to minimise direct overlooking of the main living areas and private open spaces of neighbouring properties.*
- C10 Direct overlooking of the main living areas or private open space of an existing dwelling from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development is to be obscured or screened. ...*
- C13 Balconies should be designed to provide privacy for occupants of the building when viewed from the street or nearby public space without the balcony detailing conflicting with period detailing.*

The proposed development involves first floor balcony fronting the street to each semi-detached dwelling. Each balcony has an approximate area of 17.5m² and being nominated as the principal private open space for the proposed dwellings (as mentioned in section 15.1.8). Therefore, there is a potential of privacy impacts upon the adjoining properties located north of the development and within the development.

Notwithstanding this, subject to special conditions, the proposed balconies are considered to be acceptable for the following reasons:

- The proposed balconies are north-facing and will take advantage of northern aspect, therefore will provide for greater amenity of the occupants;
- The proposed 2nd floor balconies to the front of site are accessed off bedrooms and oriented to the Edward Street and are significantly setback from street, therefore, no privacy impacts are foreseen associated with these balconies;
- The proposed first floor balconies are setback a minimum of 14m from the adjoining properties located north of the subject site. Notwithstanding this, to further minimise any potential privacy impact upon the adjoining properties, special conditions can be imposed, requiring installation of planter box along the northern (front) edge of all the 1st floor balconies to provide screening and to reduce size of the balconies to achieve compliance with front setback control;
- There is also a potential of privacy impact within the development associated with the 1st floor balconies. Special condition can be imposed requiring installation privacy screening between each balcony to minimise the privacy impact of the 1st floor balconies within the development and assist the future occupants of the development.

Conclusion

The proposal is acceptable, subject to special conditions, with regard to Part C2.5.12 of the Woollahra DCP 2015.

15.2. Chapter E1: Parking and Access

15.2.1. Part E1.4: Residential parking

	Existing	Proposed	Control	Complies
Max Number of Car Parking Spaces – Semi Detached Dwelling	2	Lot 1 = 2 spaces Lot 2 = 2 spaces Lot 3 = 2 spaces Lot 4 = 2 spaces	Max 2 Spaces per Dwelling	Yes

Parking for residential uses is calculated using the generation rates specified in E1.4.2.

The proposed semi-detached development (four dwellings) is to have a maximum of 8 on-site parking spaces based on the parking for residential uses is calculated using the generation rates specified in E1.4.2.

The proposal makes provision of eight (8) spaces, representing compliance with the maximum required residential parking component.

The proposal is acceptable with regard to the objectives and controls in Part E1.4 of the Woollahra DCP 2015.

15.2.2. Part E1.10: Parking and Access Design Standards

Car parking dimensions, layout and access

Part E1.10.1-E1.8.5 requires compliance with the respective Australian Standard in AS2890 in terms of width, length, ramps and aisles, scraping and turning paths. Council's Development Engineer has reviewed the proposal and deemed it is satisfactory with regard to car parking dimensions, layouts and access requirements.

Driveways and access points

Part E1.10.6 states:

- *The width of vehicle crossings is minimised so as to retain on-street parking. Footpath crossings will not be permitted where:*
 - *One off-street parking space will result in the loss of two on-street parking spaces. For example, where the street is narrow with parking on both sides.*
 - *The provision of off-street parking will result in the loss of a significant tree.*
- *Vehicle crossings are located to minimise the loss of useable on-street parking. That is, they are located immediately adjacent to the adjoining property's vehicle crossing (0m) or a minimum distance of one on-street car parking space (5.4m) from any existing driveway crossing.*
- *Driveway splays shall be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1. Exceptions to this may be accepted in the following circumstances:*
 - *for dwelling house, dual occupancies and attached dwellings in residential zones in low pedestrian activity locations a fence to a maximum height of 0.9m is permitted in the splay area.*
 - *where an object in the adjoining property creates an obstruction to visibility within the splay area.*

The applicant seeks to provide four separate vehicular crossing for each free standing dwelling. As mentioned above, the proposed car parking layout and vehicular access as indicated in the architectural plans are considered satisfactory. However, it is noted from the architectural plans that the layout of the proposed vehicular crossings do not comply with the objectives of the Council's DCP where crossings are to be located to minimise the loss of on-street parking. Notwithstanding this, the proposed vehicular crossings are acceptable for the following reasons:

- The width of the existing carriageway, particularly directly in front of the subject site is narrow in such a way that on-street parking on both sides is not feasible. Since there are vehicles parked on the other side of the road carriageway, it is considered that there will be no physical loss of on-street parking. This is consistent with the intent of Part E1.10.6: Driveways and access points of the Woollahra DCP 2015.
- Council's Development Engineer has reviewed the proposal and deemed it is satisfactory with regard to driveways and access points.

The proposal is acceptable with regard to the objectives and controls in Part E1.10 of the Woollahra DCP 2015.

15.2.3. Part E1.11: Electric Vehicle Charging Points

The objective of this chapter is to encourage and support increased usage of electric vehicles.

In accordance with Control C3 *‘the installation of a ‘Level 2’ electric vehicle charging point is encouraged for new dwelling houses, semi-detached dwellings or dual occupancies’*.

Where approval is recommended, standard Conditions C57 and C 58 will form part of the consent, which require installation of Level 2 electric vehicle charging point for each dwelling.

Therefore, subject to standard conditions, the proposal is acceptable with regard to the objectives and controls in Part E1.11 of the Woollahra DCP 2015.

15.3. Chapter E2: Stormwater and Flood Risk Management

Stormwater runoff from the site will be collected and directed to the proposed rainwater tank prior to discharging to the street kerb via the installation of raingarden and boundary junction pit.

Council’s Development Engineer reviewed the proposal and provided the following specific comments in support of the development proposal:

“The submitted concept stormwater plans are considered satisfactory in principle subject to refinements at the CC stage. It is noted that the applicant has submitted revised stormwater plans addressing concerns which were raised by Council’s Engineers. Stormwater runoff from the site will be collected and directed to the proposed rainwater tank prior to discharging to the street kerb via the installation of raingarden and boundary junction pit. Council’s Engineers will permit separate stormwater connection to street kerb on the basis this application is Torrens title for separate dwelling.

Council’s Technical Services Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with the objectives of Chapter E2 “Stormwater and Flood Risk Management” DCP subject to the imposition of suitable conditions.”

In addition to the above, Council’s development engineer provided following comments in relation to reconstruction of existing kerb and gutter fronting the site:

“....it is noted that the existing kerb and gutter is non-standard and not in good condition. Given that there are multiple crossings and stormwater outlet connections for this application, the applicant shall reconstruct the existing kerb and gutter for the full frontage of the site for amenity reason. The above requirements will be conditioned accordingly.”

In view of the above, the proposal is acceptable in regards to Chapter E2, subject to conditions.

15.4. Chapter E3: Tree Management

The proposal involves the removal of thirteen (13) trees from the site and will retain the existing Fig tree on the street which will be supplemented by the proposed landscaping in the front gardens. The application was accompanied with an arborist report and landscape plans. Council’s Tree Officer reviewed the submitted information and determined that the proposal cannot be supported in its current form due to a lack of information. It has not been satisfactorily demonstrated that the Fig

tree, which is proposed to be retained, can be achieved. An unsatisfactory letter was sent to the applicant requesting additional information on 20/03/2020. As of the date of finalising this report, Council has not received a response from the applicant.

Due to the lack of information the proposal is not considered acceptable with regard to Objectives O3, O4 and O5 prescribed in Part E3.1.3 – Objectives in Chapter E3 of Woollahra Development Control Plan 2015

For the reason above, the proposal is recommended for refusal.

15.5. 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 SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

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

15.5.1. 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.

Subject to standard **Conditions**, the proposal is acceptable with regard to Part E5.2 of the Woollahra DCP 2015.

15.5.2. Part E5.4: Dwelling Houses, Semi-Detached Dwellings and Dual Occupancies

C1 requires indoor waste and recycling facilities for each dwelling and C2 requires an onsite storage area behind the building line or in a non-habitable area of the dwelling. The proposal provides a dedicated waste storage area for each dwelling within the basement garage.

Subject to Standard **Conditions**, the proposal is acceptable with regard to Part E5.4 of the Woollahra DCP 2015.

16. DRAFT AMENDMENTS TO POLICIES AND PLANS

None relevant.

17. SECTION 7.11 CONTRIBUTION PLANS

17.1. Section 7.12 Contributions Plan 2011

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 7.12 Contributions Plan 2011.

Cost of Works	Rate	Contribution Payable
\$3,411,242.00	1%	\$34,112.42

18. APPLICABLE ACTS/REGULATIONS

18.1. Environmental Planning and Assessment Regulation 2000

Clause 92: What Additional Matters Must a Consent Authority Take Into Consideration in Determining a Development Application?

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires Council to consider Australian Standard AS 2601-2004: The demolition of structures. The proposal is considered to be acceptable.

19. 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.

20. THE SUITABILITY OF THE SITE

The site is unsuitable for the proposed development for the reasons outlined in this report.

21. THE PUBLIC INTEREST

The proposal is not considered to be in the public interest.

22. CONCLUSION

The proposal is unacceptable against the relevant considerations under Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

23. 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.

24. 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, refuse development consent to Development Application No. 10/2020/1 for the demolition of the existing building and structures, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works on land at 37 Edward Street Woollahra, for the following reasons:

1. Non-compliance with Clause 4.1 of the WLEP 2014

The proposal does not comply with the minimum lot size development standard prescribed in Clause 4.1(3) of Woollahra Local Environmental Plan 2014. The applicant has not submitted a written request under Clause 4.6 of the Woollahra Local Environmental Plan 2014 to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

2. Permissibility

The subject site is a single allotment at present and development consent cannot be granted for its subdivision into four allotments (see 1 above). As such, the classification of the development as comprising four (4) proposed 'semi-detached dwellings' on their own allotment cannot be facilitated by definition (WLEP 2014).

3. Trees and landscaping – inadequate information







Adequate information has not been provided to demonstrate that the existing Fig tree and other trees proposed to be retained can be accommodated. The proposal, therefore, fails to achieve consistency with the following:

- (i) Aim (g) of the Woollahra Local Environmental Plan 2014 prescribed in Clause 1.2 – Aims of Plan, which is to protect amenity and the natural environment.
- (ii) Objectives O3, O4 and O5 prescribed in prescribed in Part E3.1.3 – Objectives in Chapter E3 of Woollahra Development Control Plan 2015, which state:
 - O3 To promote, maintain and conserve the leafy character of the Woollahra Municipality.*
 - O4 To conserve significant trees of historic, cultural, commemorative, scientific, visual or aesthetic importance.*
 - O5 To find a balance between maintaining Woollahra's canopy cover and providing for development on private land.*
- (iii) Objective O2 and Control C11 prescribed in prescribed in Part C2.5.6 – Open Space and Landscaping in Chapter C2 of Woollahra Development Control Plan 2015, which state:
 - O2 To retain important existing mature trees, vegetation and other landscape features.*
 - C11 Mature trees on private land are to be retained in place and incorporated into any proposed landscape treatment.*

4. Public Interest

The proposal is not considered to be in the public interest.

Annexures

1. Plans, Sections and Elevations [↓](#) 
2. Referral Response - Fire Safety [↓](#) 
3. Referral Response - Environmental Health [↓](#) 
4. Referral Response - Heritage [↓](#) 
5. Referral Response - Technical Services [↓](#) 
6. Internal Email from Team Leader - Tree Management [↓](#) 

4 NEW RESIDENCES
37 Edward Street Woollahra NSW 2025

DA SET JAN 2020

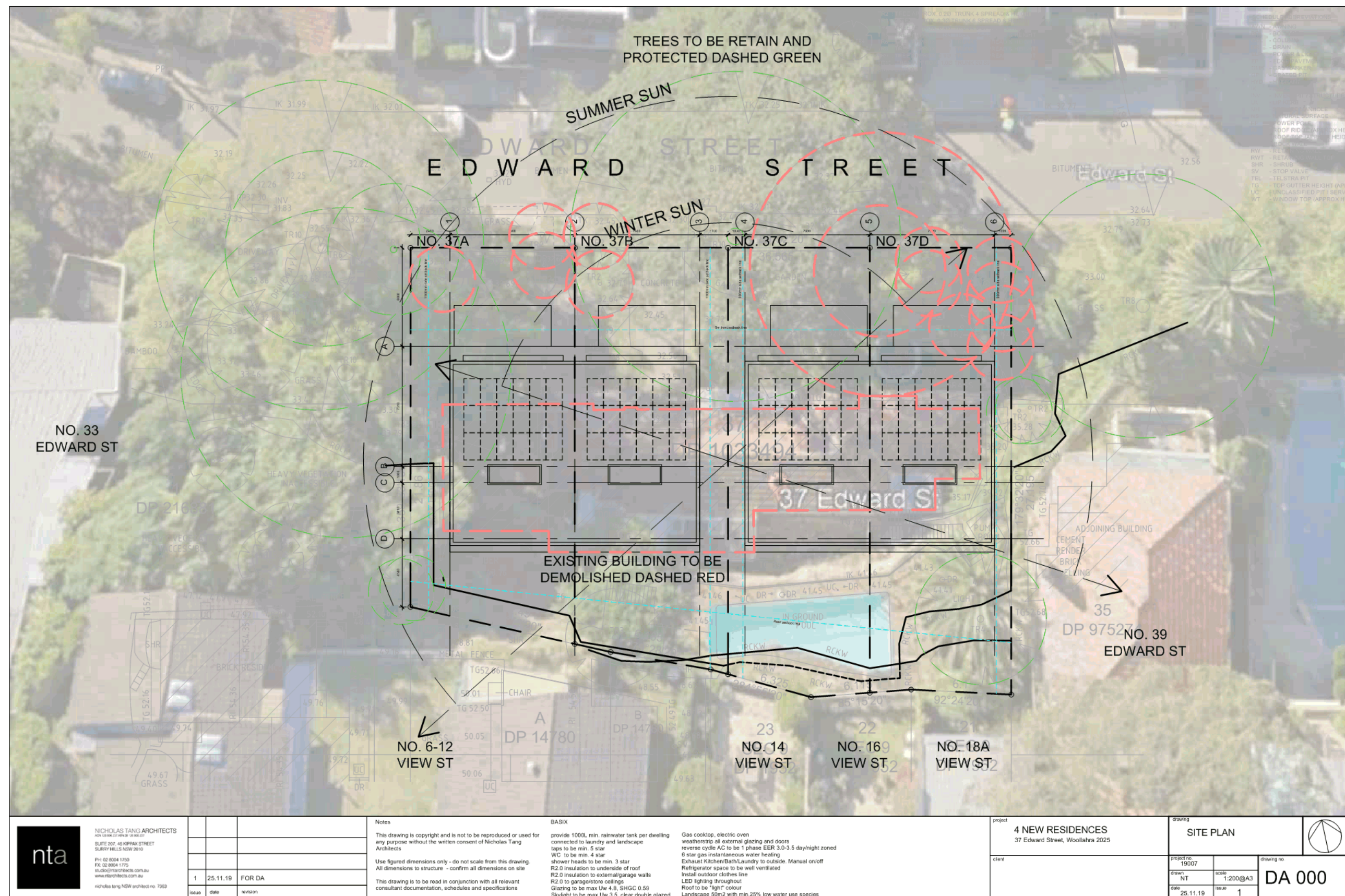
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101	FIRST FLOOR PLAN	1:100	1
101	SECOND FLOOR PLAN	1:100	1
102	ROOF PLAN	1:100	1
	ELEVATIONS		
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201	ELEVATIONS 2/ FINISHES SCHEDULE	1:100	1
202	ELEVATIONS 3	1:100	1
203	ELEVATIONS 4	1:100	1
204	ELEVATIONS 5	1:100	1
205	ELEVATIONS 6	1:100	1
	SECTIONS		
300	SECTIONS 1	1:100	1
301	SECTIONS 2	1:100	1
	MISC		
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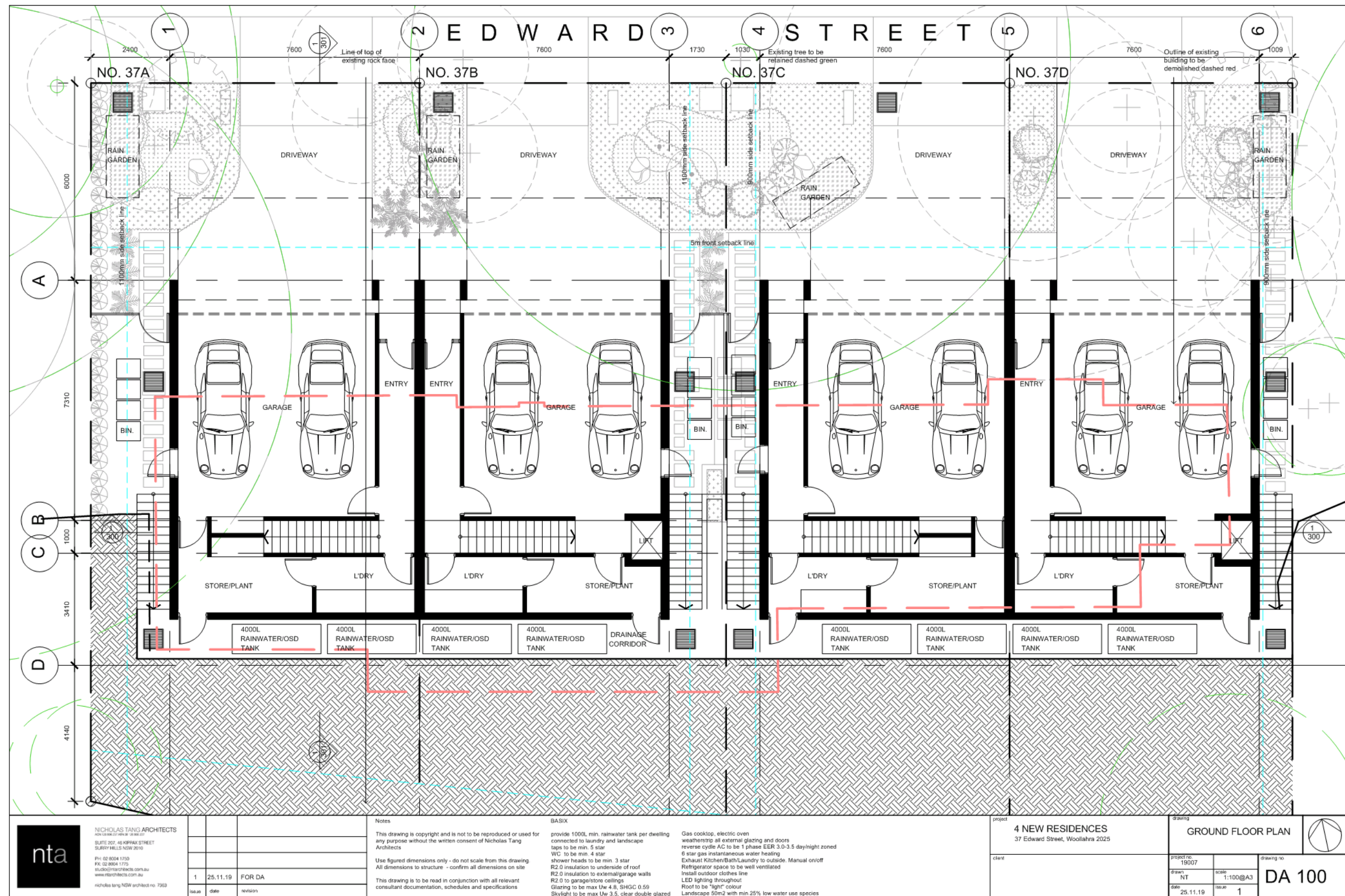


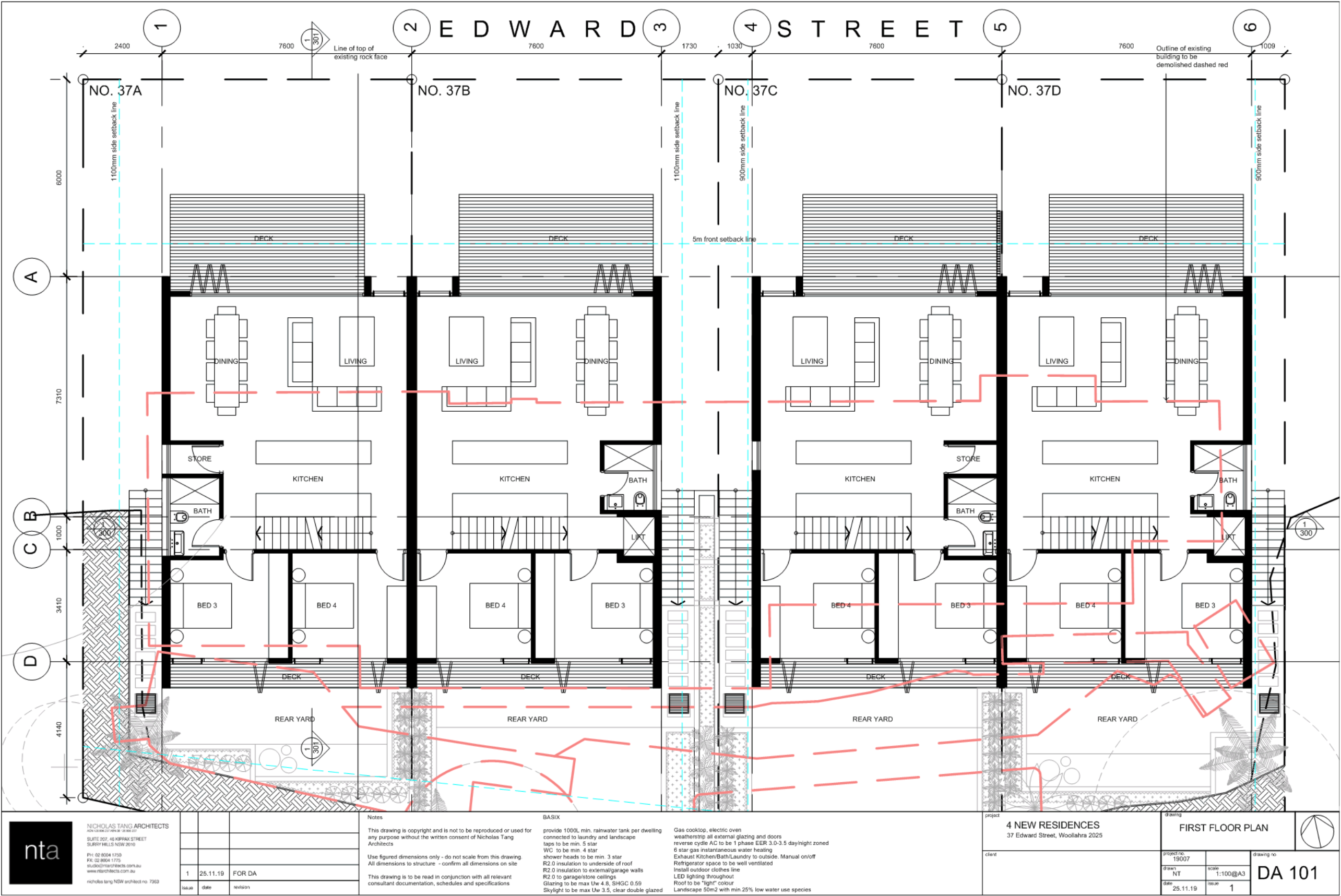


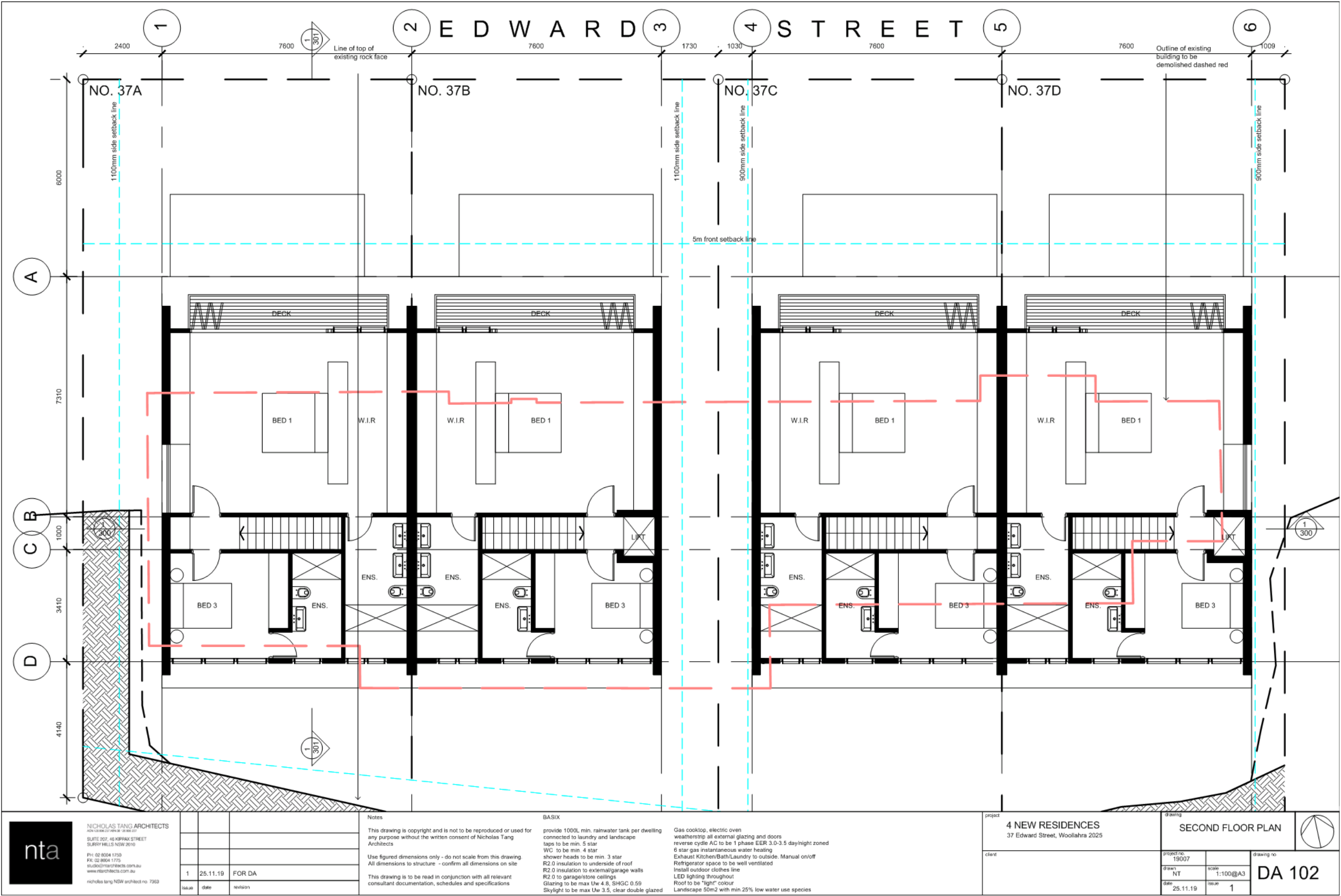
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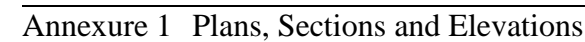


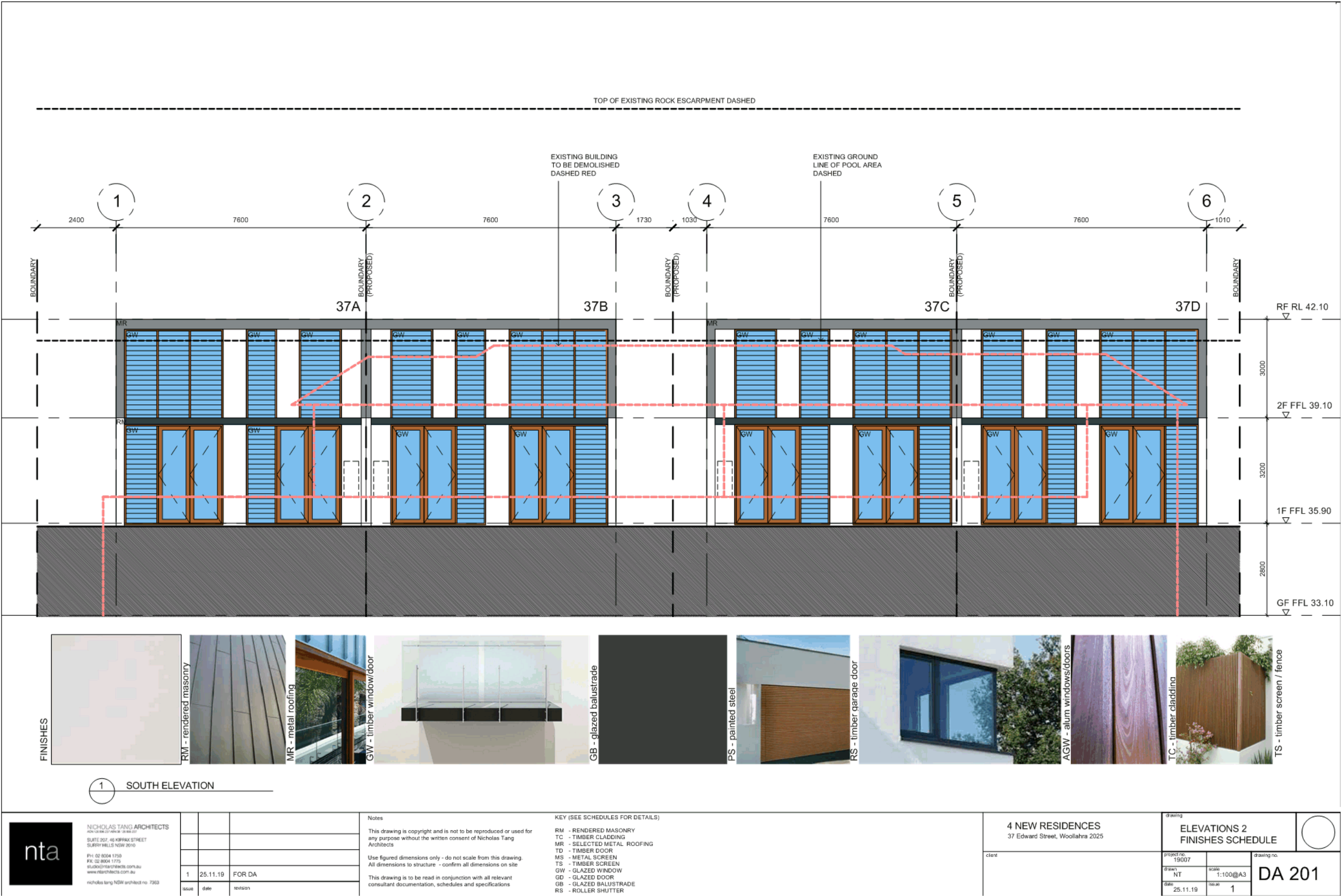


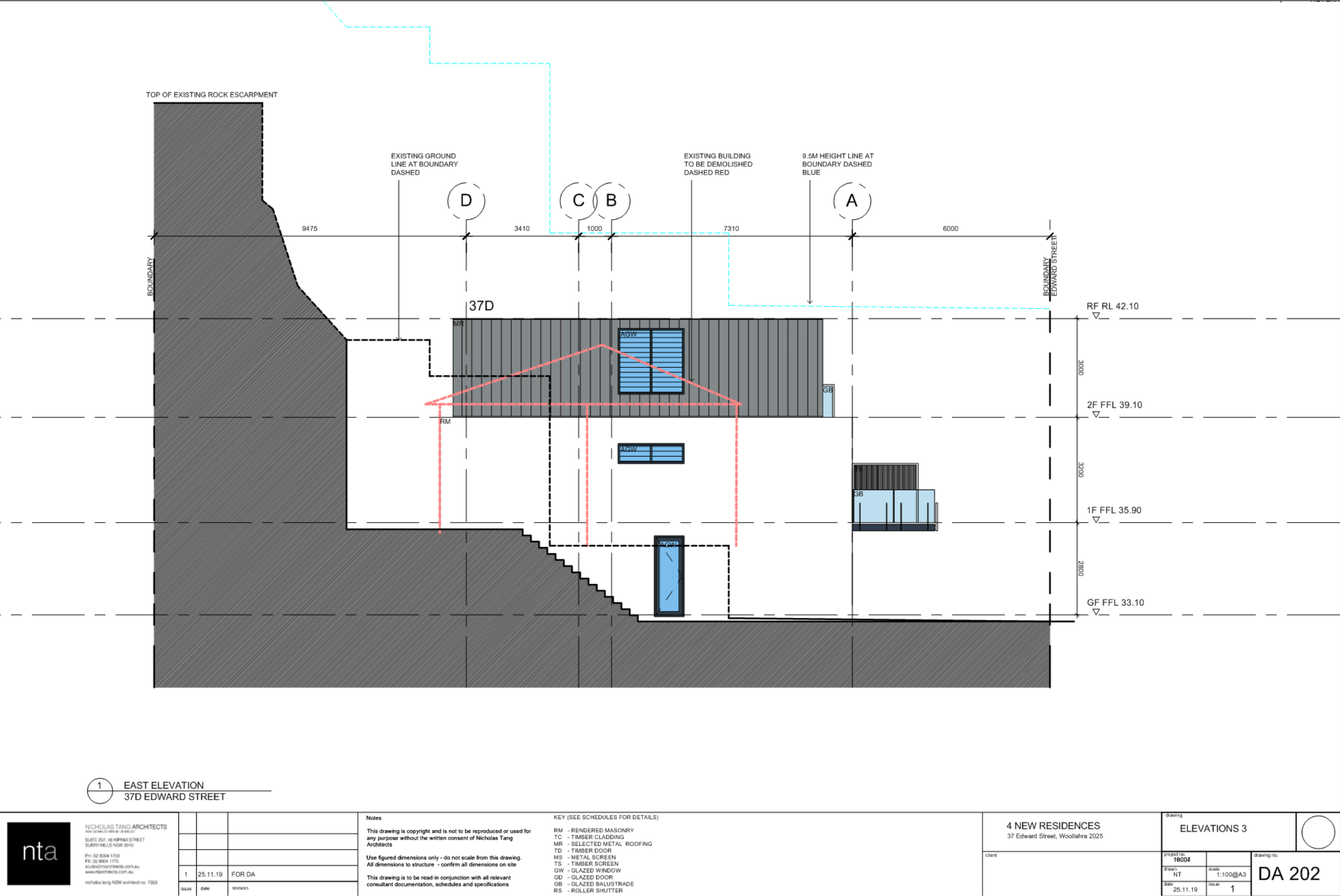


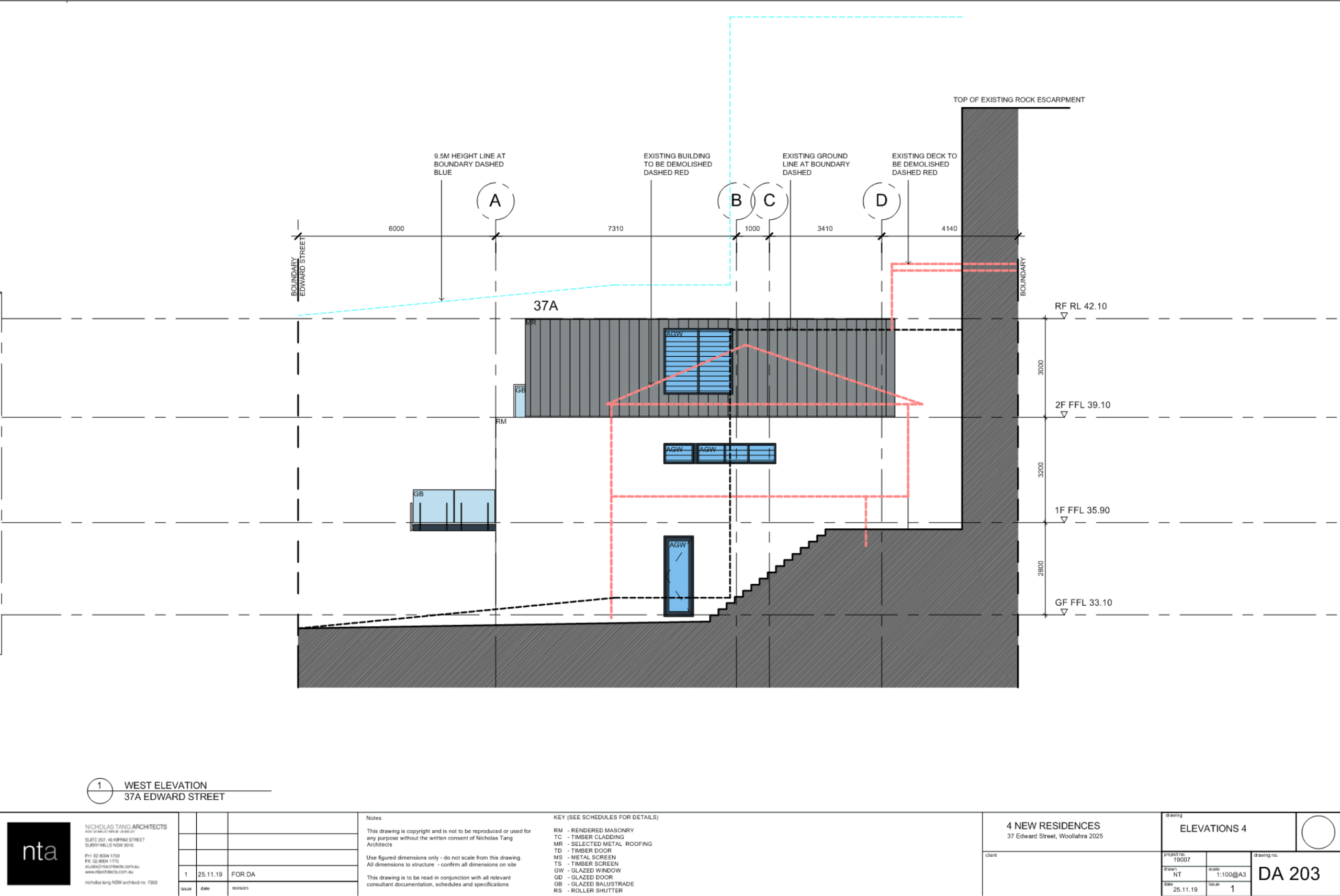


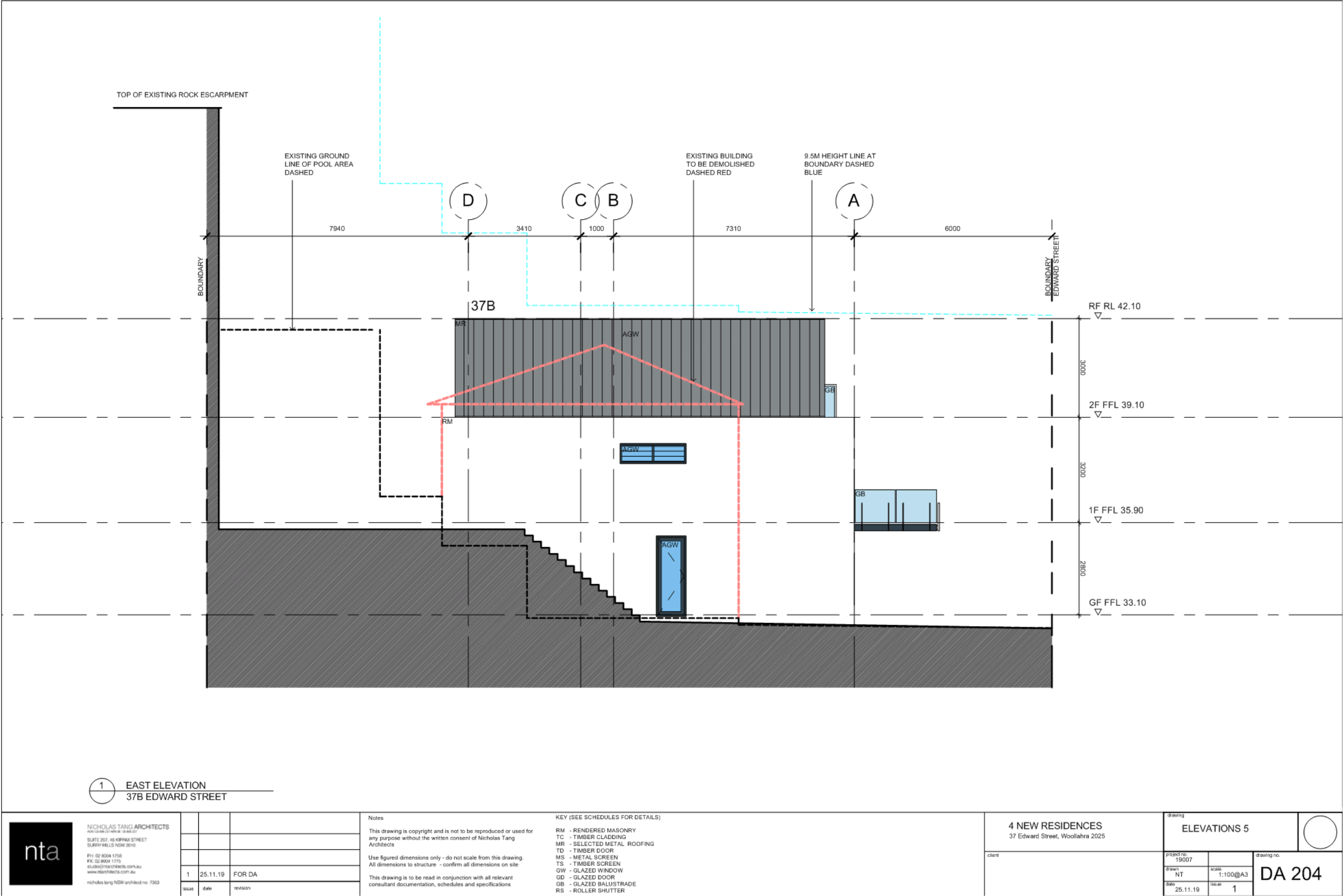


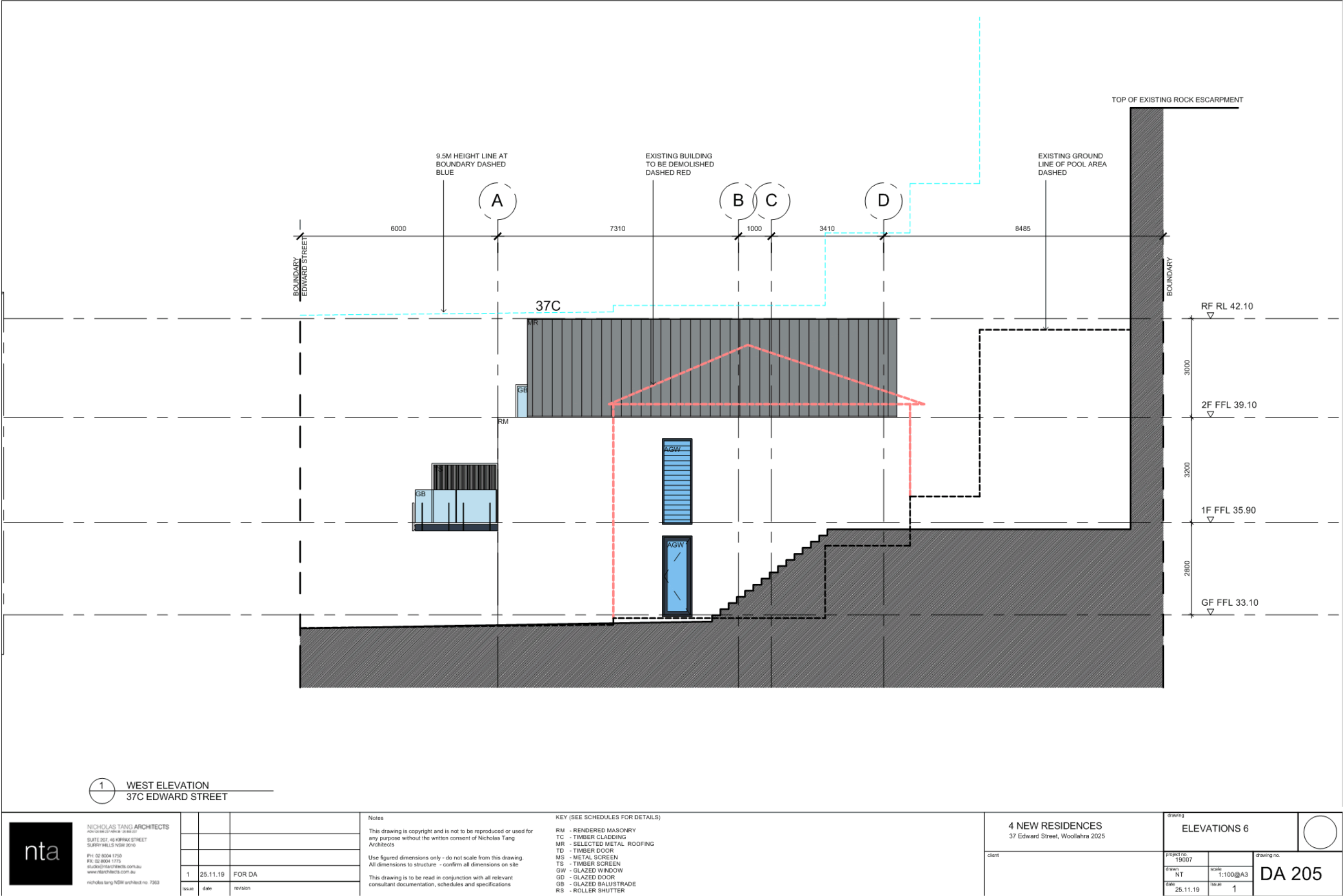


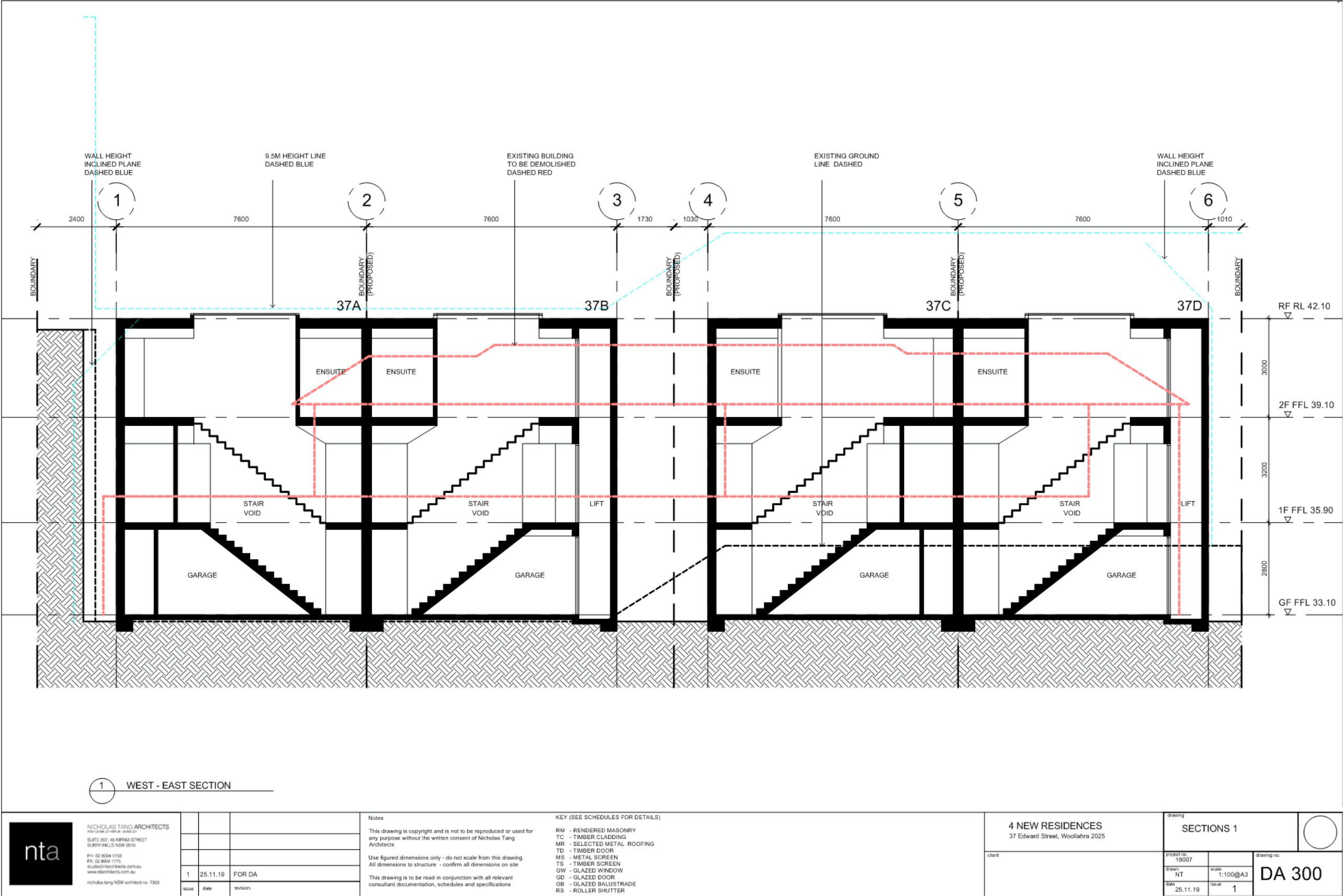


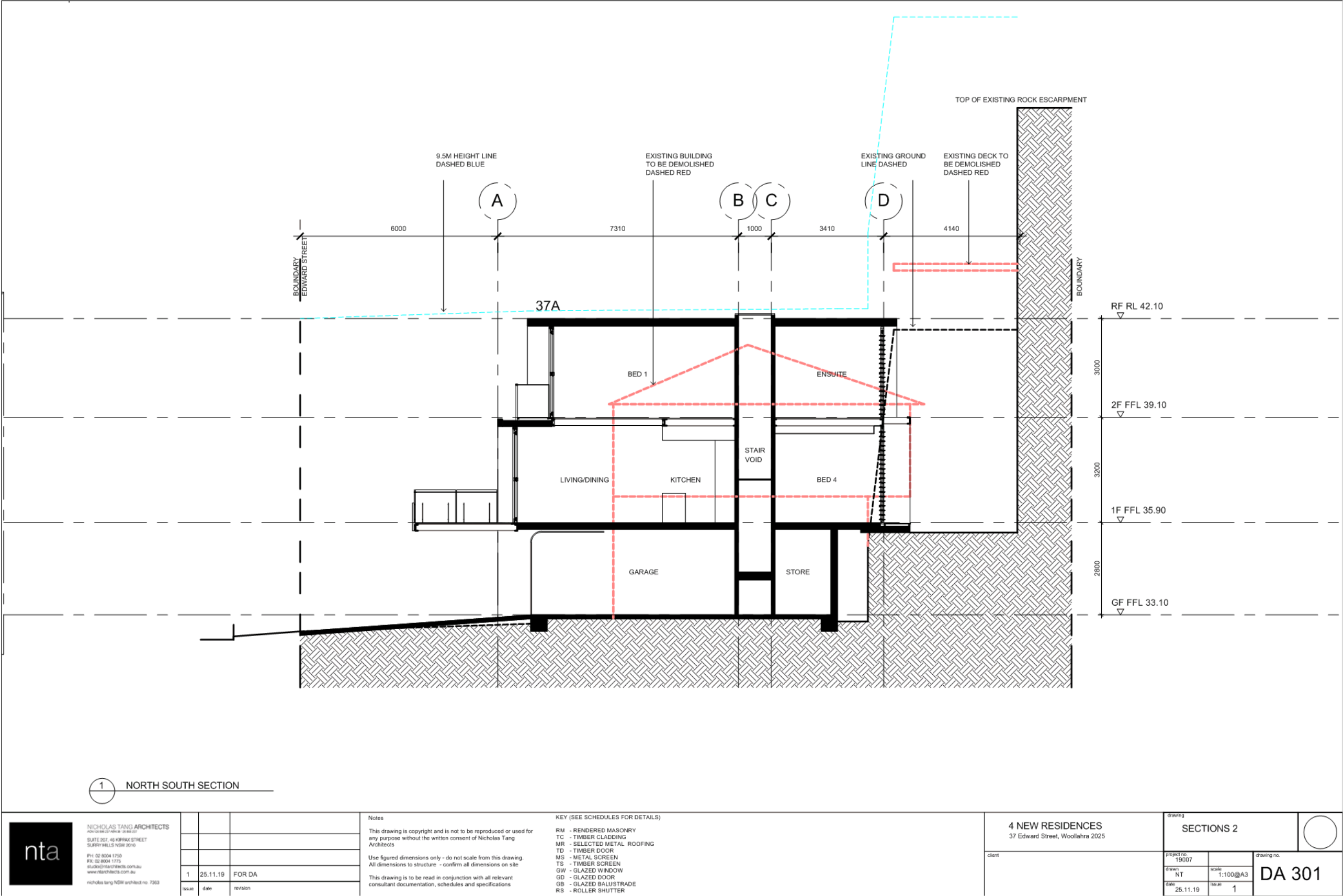


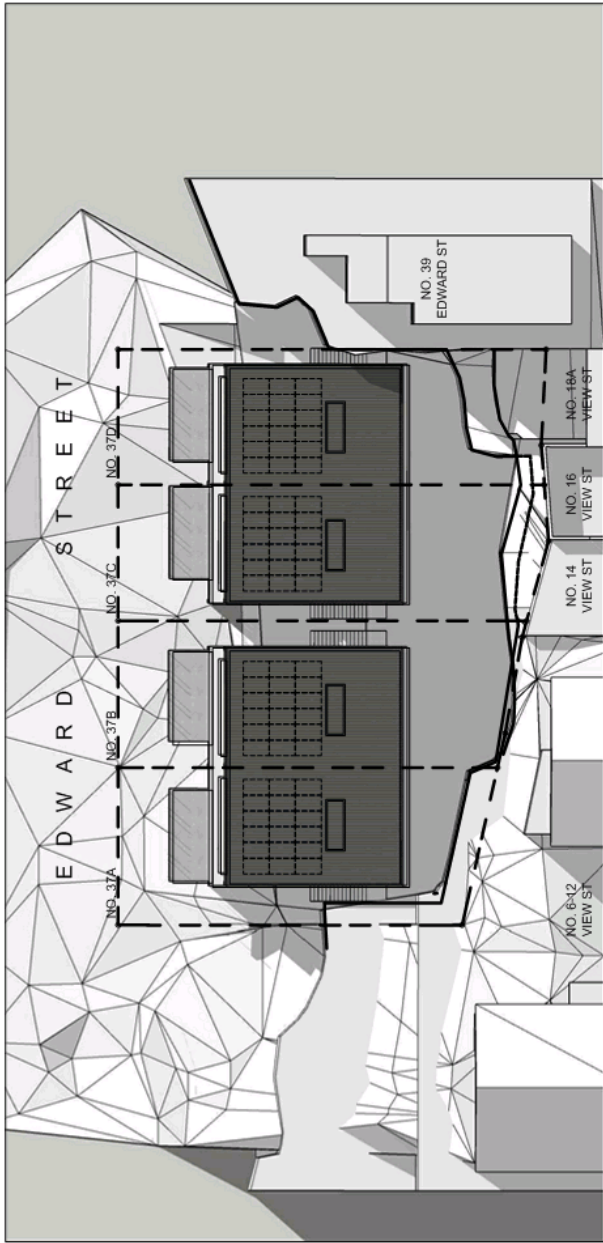




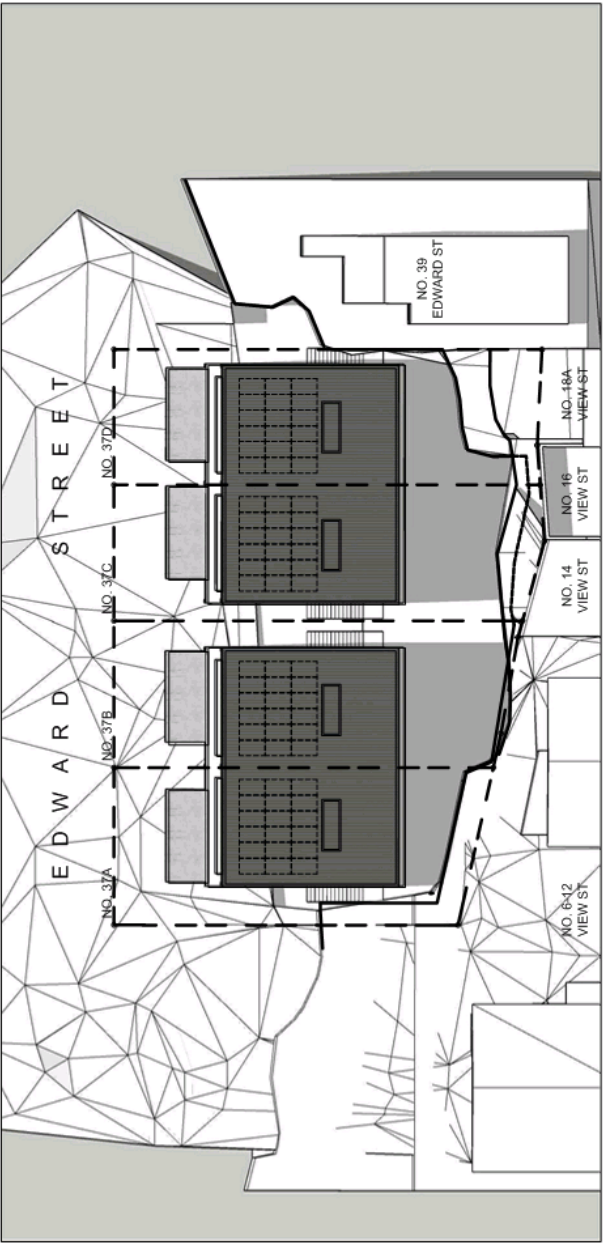




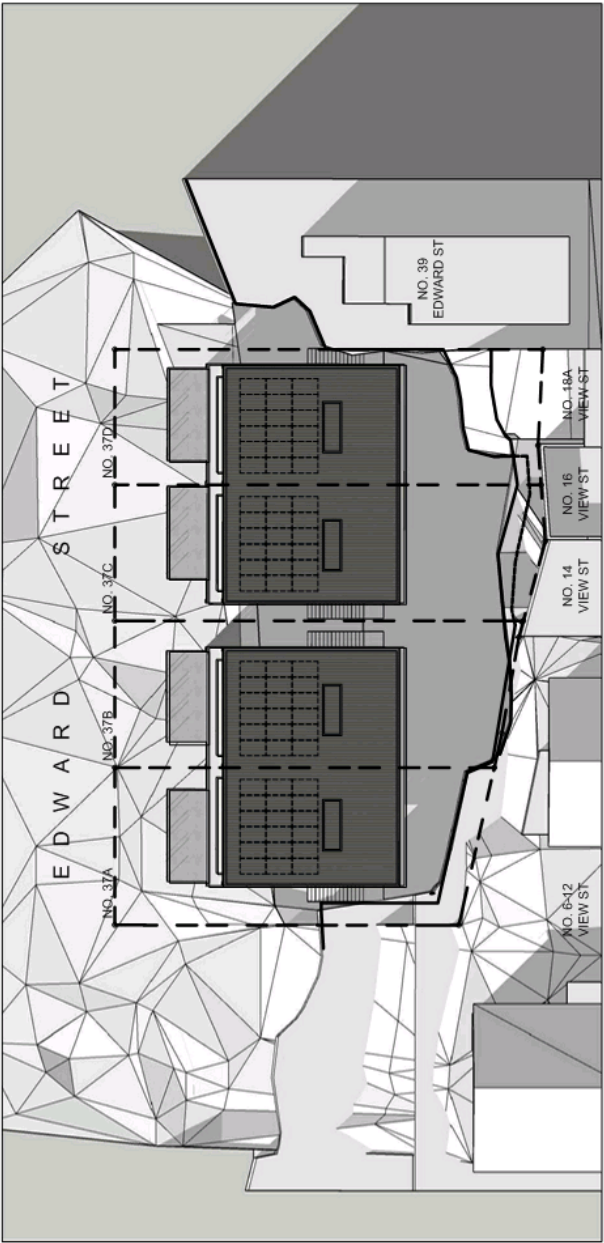




1 PLAN SHADOWS 9AM
June 21

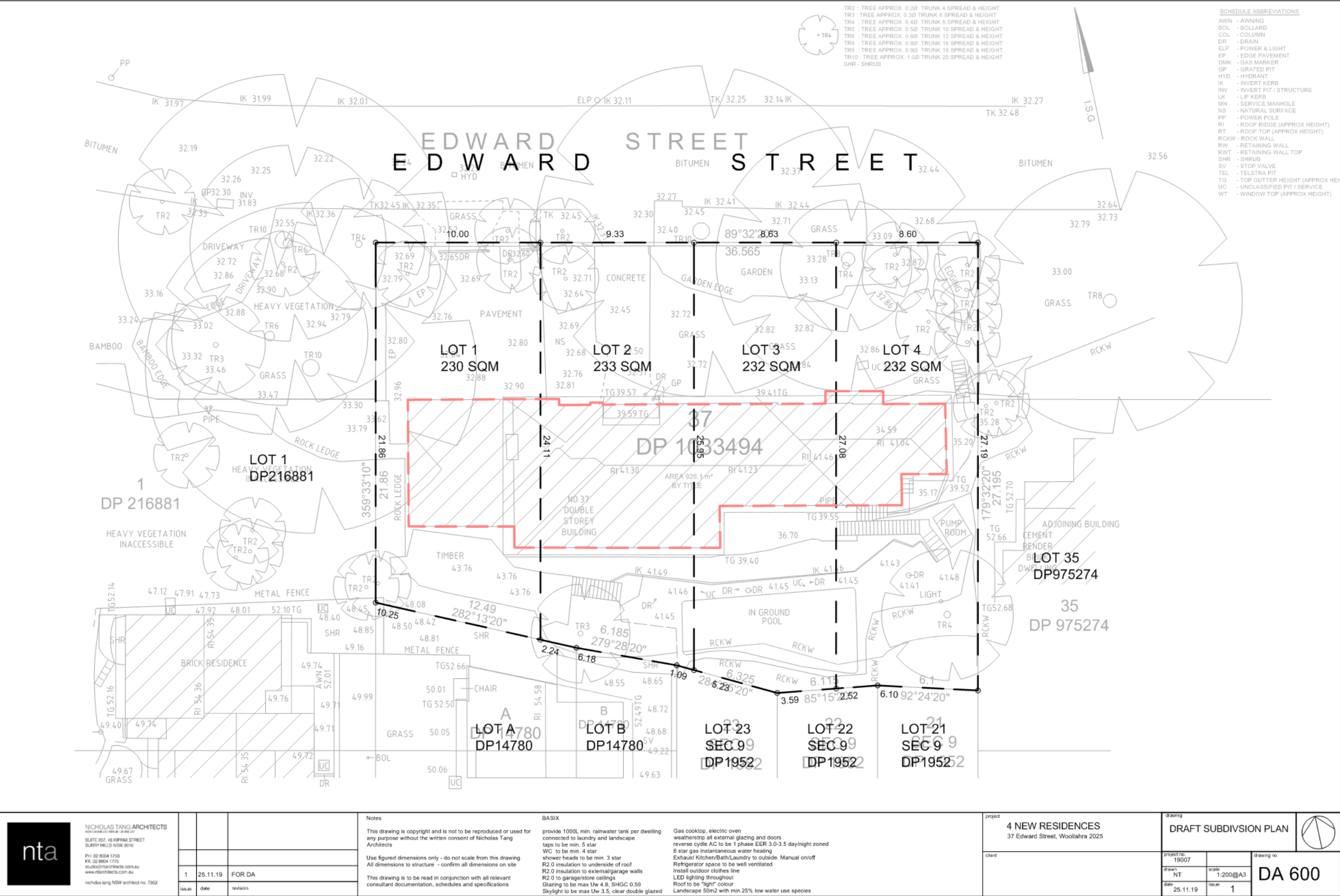


2 PLAN SHADOWS 12NOON
June 21



3 PLAN SHADOWS 3PM
June 21

<div>nta</div> <div>NICHOLAS TANG ARCHITECTS 40/41 GOSWAMI STREET, NEWPORT SUITE 207, 46 KIPRAX STREET SURREY HILLS NSW 2010 PH: 02 8004 1750 PK: 02 8004 1775 studio@nicholastang.com.au www.nicholastang.com.au nicholas tang NSW architect no. 7363</div>				<div>Notes</div> <div>This drawing is copyright and is not to be reproduced or used for any purpose without the written consent of Nicholas Tang Architects</div> <div>Use figured dimensions only - do not scale from this drawing.</div> <div>All dimensions to structure - confirm all dimensions on site</div> <div>This drawing is to be read in conjunction with all relevant consultant documentation, schedules and specifications</div>	<div>BASIX</div> <div>provide 1000L min. rainwater tank per dwelling connected to laundry and landscape</div> <div>taps to be min. 5 star</div> <div>WC to be min. 4 star</div> <div>shower heads to be min. 3 star</div> <div>R2.0 insulation to underside of roof</div> <div>R2.0 insulation to external/garage walls</div> <div>R2.0 to garage/store ceilings</div> <div>Glazing to be max Uw 4.8, SHGC 0.59</div> <div>Skylight to be max Uw 3.5, clear double glazed</div>	<div>Gas cooktop, electric oven</div> <div>weatherstrip all external glazing and doors</div> <div>reverse cycle AC to be 1 phase EER 3.0-3.5 day/night zoned</div> <div>6 star gas instantaneous water heating</div> <div>Exhaust Kitchen/Bath/Laundry to outside. Manual on/off</div> <div>Refrigerator space to be well ventilated</div> <div>Install outdoor clothes line</div> <div>LED lighting throughout</div> <div>Roof to be "light" colour</div> <div>Landscape 50m2 with min.25% low water use species</div>	<div>project</div> <div>4 NEW RESIDENCES 37 Edward Street, Woollahra 2025</div> <div>client</div>	<div>drawing</div> <div>SHADOW DIAGRAMS</div>	<div></div>
	1	25.11.19	FOR DA	project no. 19007					
	issue	date	revision	drawn NT	scale 1:400@A3	drawing no. DA 400			
					date 25.11.19	1			





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	1	25.11.19	FOR DA			
	issue	date	revision			

Completion Date: 21 February 2020

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 10/2020/1
ADDRESS: 37 Edward Street WOOLLAHRA 2025
PROPOSAL: Demolition of the existing building and structures, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works
FROM: Richard Smith - Fire Safety Officer
TO: Mr A Kumar

1. ISSUES

- *The proposal is for the erection of new buildings and as such the building will have to comply with the BCA at the construction stage.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced demolition of the existing building and the erection of 4 semi-detached dwellings prepared by PLANNING INGENUITY, dated 15 January 2020.
- Architectural Plans, referenced 000, 100-102, 200-205, 300 & 301, prepared by nta, dated 25/11/2020,

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date: 20 February 2020

4. BUILDING DESCRIPTION

Class: 1a

5. ASSESSMENT

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

6. RECOMMENDATION

Conditioning this consent is not required as it is for new buildings which will comply with the BCA through the Construction Certificate stage. A review of the plans revealed that the buildings have a dividing wall between them and seem to be terraces which are classed as 1a in accordance with the BCA and are not required to submit annual fire safety statements to Council.

Richard Smith
Fire Safety Officer

Date: 21 February 2020

Completion Date: 22/01/2020

REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

FILE NO: Development Applications/ 10/2020/1
ADDRESS: 37 Edward Street WOOLLAHRA 2025
PROPOSAL: Demolition of the existing building and structures, torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works
FROM: Louie Salvatore
TO: Mr A Kumar

1. ISSUES

- *Acid Sulfate Soils – WLEP 2014 Class 5 land.*
- *Soil Contamination – SEPP No.55 Remediation of Land.*
- *Acoustics – Operational and mechanical plant.*
- *Environmental Controls.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects: prepared by Planning Ingenuity. Document Reference No. 0377/19. Dated 15 January 2020.
- Architectural Plans: prepared by Nicholas Tang Architects. Project No. 19007. Dated 25 November 2019.
- Geotechnical & Hydrogeological Investigation: prepared by JK Geotechnics. Document Reference No. 32868SGrpt. Dated 13 December 2019.

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

4. SUMMARY OF PROPOSAL

The proposed development will consist of demolition of the existing building and structures. Torrens Title subdivision of the site into 4 x allotments and the construction of a semi-detached dwelling on each allotment.

Ground Floor

Internal garage with 2 spaces (x 4); internal stairs & lift; laundry room and store/plant room.

First Floor

Open plan dining living & kitchen area with access to external deck; storeroom; internal stairs & lift; bathroom and 2 x bedrooms with access to rear deck.

Second Floor

Master bedroom with walk-in robe and ensuite; 1 x bedroom with ensuite; internal stairs & lift.

External

New balconies on the first & second floors; skylight and solar panels on roof surface; excavation to create level open space and landscaping works.

5. ASSESSMENT

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

6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to the following conditions:

A. General Conditions

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

B.1 Noise Control Objectives during Demolition Works

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

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

C.1 Light & Ventilation

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

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

Standard Condition C59

C.2 Sound Attenuation of Mechanical Ventilation & Exhaust System Services

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail all sound attenuation works required to any mechanical ventilation & exhaust system services to ensure that the noise level measured at any boundary of the site at any time while any proposed mechanical ventilation & exhaust system services is operating will not exceed the *background noise level*.

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

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

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

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

Standard Condition: C61

C.3 Acoustic Certification of Mechanical Plant & Equipment

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

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

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

Where sound attenuation is required this must be detailed.

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

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

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

Standard Condition: C62

C.4 Noise Control - Acoustic Protection of adjoining residential units- Operation of Air Conditioning Plant

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

C.5 Ventilation - Internal Sanitary Rooms

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

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

E. Conditions which must be satisfied during any development work

E.1 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - (i) Piling;

- (ii) Piering;
 - (iii) Rock or concrete cutting, boring or drilling;
 - (iv) Rock breaking;
 - (v) Rock sawing;
 - (vi) Jack hammering; or
 - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

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

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

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

E.2 Dust Mitigation

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

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.

- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: “Dust Control - Do it right on site” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au . Other specific condition and advice may apply.

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

Standard Condition: E23

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

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

Nil.

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

Nil.

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

I.1 Outdoor lighting – Residential

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

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

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting.
Standard Condition: I49

I.2 Noise Control

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

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

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

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

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

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

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

Standard Condition: 156

I.3 Noise from mechanical plant and equipment

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

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

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

Note: Words in this condition have the same meaning as in the:

NSW Industrial Noise Policy

(http://www.environment.nsw.gov.au/resources/ind_noise.pdf)

ISBN 0 7313 2715 2, dated January 2000, and

Noise Guide for Local Government

(<http://www.environment.nsw.gov.au/noise/nglg.htm>)

ISBN 1741370671 , dated December 2004.

Standard Condition: 159

J. Miscellaneous Conditions

Nil.

K. Advising

Nil

Louie Salvatore
Environmental Health Officer

Date: 22/01/2020



Woollahra
Municipal
Council

10 February 2020

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications/ 10/2020/1

ADDRESS: 37 Edward Street WOOLLAHRA 2025

PROPOSAL: Demolition of the existing building and structures, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works

FROM: Shona Lindsay - Heritage Officer

TO: Mr A Kumar

DOCUMENTATION

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

- Drawing set by Nicholas Tang, dated January 2020, and numbered DA 100-700
- Heritage Impact Statement by Weir Phillips Heritage and Planning, dated November 2019
- Statement of Environmental Effects by Planning Ingenuity, dated 15 January 2020
- Survey plan by RealServe, ref 72632JP, dated 29 May 2017
- Due diligence report by Nicholas Tang dated November 2019

SITE INSPECTION / RESEARCH

The following research was undertaken in the preparation of this assessment:

- The site was inspected on the 5 February 2020, including the interior and the general locality.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

STATUTORY AND POLICY DOCUMENTS

The following statutory and policy documents are relevant to the application:

- National Parks & Wildlife Act 1974
- Woollahra LEP 2014
- Woollahra DCP 2015

ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

20 20542 Referral Response - Heritage - DA2020 10 1 - 37 Edward Street WOOLLAHRA



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SIGNIFICANCE OF SUBJECT PROPERTY TO THE CONSERVATION AREA

The building is not a listed heritage item and is located within the Woollahra Heritage Conservation Area although the building not a listed contributory item. The item on the property that is a listed contributory item is "Rockshelf and sandstone walls" which is situated at the rear of the property. There are no heritage items in the vicinity of the subject property.

The existing building was constructed in 1953 by Stanley A. Morris and later modified by alterations and additions. The building does not have architectural merit.

The demolition/heritage significance report submitted with the development application includes historical research on the development of the property over time. The construction of the dwelling is not associated with any known prominent architect and has no distinctive landmark qualities or other features that would make it potentially significant or rare. The report has assessed the potential heritage significance of the existing dwelling and has concluded that the property does not meet the criteria for identification as a place of local significance. The findings of the report are considered to be accurate.

National Parks and Wildlife Act 1974

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 10 February 2020 from the Office of Environment & Heritage NSW (OEH) website revealed that there are no recorded Aboriginal sites recorded within a 200m buffer in or near the above location.

The site contains landscape features (located within 200m below a cliff face) that indicate the likely existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010.

Therefore a Due Diligence report was prepared by the applicant to ascertain whether potential Aboriginal cultural heritage would be impacted from the proposal.

The Due Diligence report prepared by Nicholas Tang concludes that although the site has significant landscape features that could indicate the presence of Aboriginal cultural heritage (located within 200m below a cliff face), the site has been disturbed through previous excavations for the construction of the existing structures, landscaping and pool. The site visit also confirmed that the cliff face has been disturbed through prior stabilisation works, including infilling the sandstone crevices with concrete and piles.

As the site has been previously disturbed when the existing building, landscaping and pool were constructed, it is unlikely that any archaeological evidence will remain and no further actions under the Due Diligence Code of Practice are required. The construction/demolition team are to be made aware of potential unexpected archaeological finds on the site during excavation works and the appropriate procedures for dealing with unexpected archaeological finds. Therefore, appropriate conditions of consent in relation to unexpected finds are recommended.

Woollahra LEP 2014 Part 5.10 Heritage Conservation

The subject site is not a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is within a heritage conservation area.



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Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal.

The dwelling has no heritage significance and does not make any contribution to the heritage significance of Woollahra. The building is not a listed heritage item and is located within the Woollahra Heritage Conservation Area although the building not a listed contributory item. The item on the property that is a listed contributory item is "Rockshelf and sandstone walls" which is situated at the rear of the property.

A demolition/heritage significance report has been submitted with the development application and includes historical research on the development of the property over time. The construction of the dwelling is not associated with any known prominent architect and has no distinctive landmark qualities or other features that would make it potentially significant or rare. The report has assessed the potential heritage significance of the existing dwelling and has concluded that it does not meet the criteria for identification as a place of local significance. The findings of the report are considered to be accurate. Accordingly, the property is not of heritage value and therefore no objection is raised to the proposed demolition of the existing building.

There are no heritage items located within the vicinity of the site that will be adversely impacted.

Given that the house that is proposed to be demolished is an insignificant item, it is considered that the photographic record of the property submitted in the Demolition Report prepared by Weir Phillips Heritage and Planning that formed part of the Development Application satisfies the standard condition for recording insignificant items.

Woollahra DCP 2015

The subject site is within the Woollahra Heritage Conservation Area. The building is not a listed contributory item. The item on the property that is a listed contributory item is "Rockshelf and sandstone walls" which is situated at the rear of the property. The subject site is within the Fletcher precinct of the Woollahra Chapter of the DCP.

Part C – Heritage Conservation Areas – C2 Woollahra HCA DCP

Clause 2.2.5 Desired future character of the Woollahra HCA

Objective O1, O2, O3, O4, O7

- The proposal retains the section of the "Rockshelf and sandstone walls" viewable from the public domain above the current roofline and it retains the significance of the HCA.
- The proposal maintains the residential character of the precinct. The proposal complies under this clause.

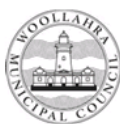
Clause 2.2.7 Contemporary design in Woollahra

- This section of Edward Street is predominately modern, contemporary architecture.
- The proposal is in keeping with this section of Edward Street and offers a contemporary, well-articulated building.

Clause 2.3.6 Fletcher Precinct

Objective O3, O4, O5

- The proposed development provides a positive response to the streetscape which is predominately contemporary in this section of Edward Street.
- The proposal retains the section of the "Rockshelf and sandstone walls" viewable from the



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public domain above the current roofline and it retains the significance of the HCA.

- A portion of the sandstone located behind the existing building and underneath will be excavated. These sections are not currently viewable from the public domain. Therefore the removal of this section of the sandstone will not impact on views from the public domain towards “Rockshelf and sandstone walls”.
- The proposal will remove the existing deck and pool from the sandstone wall, which will remove intrusive elements and open up views towards the contributory item, which is a positive heritage outcome.

Clause 2.4.12 Infill development

Objective O1, O2, O3

Controls C1, C3

- The proposed development provides a positive response to the streetscape which is predominately contemporary in this section of Edward Street. It offers a contemporary, well-articulated building.
- The proposal respects the scale and setting of the area, which is predominately contemporary in this section of Edward Street.

Clause 2.5.1 Building height, form and character

Objective O1, O2, O3, O4

Controls C2, C6, C7, C8, C9

- The proposed setbacks are supported from a heritage perspective.
- The proposed building is orientated to face the street, which is supported.
- The proposed height, bulk, scale, building envelope and character are supported from a heritage perspective. The neighbouring contributory item is the “Rockshelf and sandstone walls” therefore there are no contributory buildings to be consistent with in the immediate vicinity of the subject site. The proposal is consistent with the contemporary development along this section of Edward Street, which is supported.

Clause 2.5.2 Conservation of contributory items

Objective O2

Controls C1

- The proposal retains the section of the “Rockshelf and sandstone walls” viewable from the public domain above the current roofline and it retains the significance of the HCA.
- A portion of the sandstone located behind the existing building and underneath will be excavated. These sections are not currently viewable from the public domain. Therefore the removal of this section of the sandstone will not impact on views from the public domain towards “Rockshelf and sandstone walls”.
- The proposal will remove the existing deck and pool from the sandstone wall, which will remove intrusive elements and open up views towards the contributory item, which is a positive heritage outcome.

Clause 2.5.4 Materials, finishes and colours

Objective O1

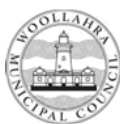
Controls C1, C2

- The proposed materials, finishes and colours provide a contemporary approach which is supported as it reflects the existing development along this section of Edward Street. The materials assist in articulating the building, therefore minimising the apparent bulk of the new development.

Clause 2.5.5 Roofs, skylights and chimneys

Objective O1

Controls C2, C4



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- The proposed roof form fits within the character of this section of Edward Street and is supported.

Clause 2.5.6 Open space and landscaping

Objective O2, O6,

Control C16

- The proposal retains the section of the “Rockshelf and sandstone walls” viewable from the public domain above the current roofline and it retains the significance of the HCA.
- A portion of the sandstone located behind the existing building and underneath will be excavated. These sections are not currently viewable from the public domain. Therefore the removal of this section of the sandstone will not impact on views from the public domain towards “Rockshelf and sandstone walls”.
- The proposal will remove the existing deck and pool from the sandstone wall, which will remove intrusive elements and open up views towards the contributory item, which is a positive heritage outcome.

Clause 2.5.7 Fences, gates and retaining walls

Objective O2

Controls C1, C4

- The proposed side boundary fences are an appropriate height and material and are supported from a heritage perspective.

Clause 2.5.8 Parking and garages

Objective O2

Control C2, C13, C16

- The proposed garages and garage doors are supported from a heritage perspective.

Clause 2.5.11 Subdivision and site amalgamation

Objective O1, O2, O3

Control C1

- The existing lot is not of historical importance and has been amalgamated previously to incorporate the road reserve to the front of the property. The proposed subdivision is in keeping with the historical development of the area, which is supported.

CONCLUSION

Woollahra LEP, 2014 Part 5.10 Clauses 1(a), 1(b), 4

- Clause 1(a) The development does conserve the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the conservation area will be positive.
- Clause 4 This referral constitutes an assessment under this clause.

RECOMMENDATION

The proposal is generally acceptable, subject to conditions, as it complies with the relevant statutory and policy documents and would have a satisfactory impact.

Consent, subject to conditions.



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1. Aboriginal Objects – Unexpected Findings

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

Note: The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Standard Condition: B10

Shona Lindsay - Heritage Officer

Completion Date: 8 April 2020

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Development Applications/ 10/2020/1
ADDRESS: 37 Edward Street WOOLLAHRA 2025
PROPOSAL: Demolition of the existing building and structures, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site works
FROM: Mr R Lam
TO: Mr A Kumar

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 0377/19, prepared by Planning Ingenuity, dated 15 January 2020.
- Architectural Plans, referenced 19007-Rev 1, prepared by Nicholas Tang Architects, dated 25/11/2019.
- Survey, referenced 72632JP, prepared by Real Serve, dated 29 May 2017.
- Revised Stormwater Disposal Concept Plan, referenced ADC1906, prepared by ADCAR Consulting, dated 18 January 2020.
- Geotechnical Report, referenced 32868SGrpt, prepared by JK Geotechnics, dated 13 December 2019.

3. ASSESSMENT

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

a. Site Drainage comments

The submitted concept stormwater plans are considered satisfactory in principle subject to refinements at the CC stage. It is noted that the applicant has submitted revised stormwater plans addressing concerns which were raised by Council's Engineers. Stormwater runoff from the site will be collected and directed to the proposed rainwater tank prior to discharging to the street kerb via the installation of raingarden and boundary junction pit. Council's Engineers will permit separate stormwater connection to street kerb on the basis this application is Torrens title for separate dwelling.

Council's Technical Services Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with the objectives of Chapter E2 "Stormwater and Flood Risk Management" DCP subject to the imposition of suitable conditions.

b. Flooding & Overland Flow comments

Not relevant

c. Impacts on Council Infrastructure comments

The applicant seeks to provide four separate vehicular crossing for each free standing dwelling. As such, the applicant shall construct a new 3.5m wide crossing for each dwelling as part of this application. The new crossing shall be constructed at right angle to the street kerb which will be conditioned accordingly.

Besides, it is noted that the existing kerb and gutter is non-standard and not in good condition. Given that there are multiple crossings and stormwater outlet connections for this application, the applicant shall reconstruct the existing kerb and gutter for the full frontage of the site for amenity reason. The above requirements will be conditioned accordingly.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

The proposed car parking layout and vehicular access as indicated in the architectural plans are considered satisfactory. It is however noted from the architectural plans that the layout of the proposed vehicular crossings do not comply with the objectives of the Council's DCP where crossings are to be located to minimise the loss of on-street parking. A perusal of the survey plan and a site inspection revealed that the width of the existing carriageway is narrow in such a way that on-street parking on both sides is not feasible. Since there are vehicles parked on the other side of the road carriageway, it is considered that there will be no physical loss of on-street parking.

Besides, based on the submitted architectural plans, it appears that there are no front boundary fences proposed as part of this application. Hence, sight lines to pedestrians and traffic in the frontage road is not an issue.

In summary, Council's Engineers raised no further objections to this proposal from a vehicular access and parking accommodation perspectives.

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by JK Geotechnics, Ref: 32868SGrpt, dated 13 December 2019, has been submitted in support of the application. It is noted from the geotechnical report that the proposed excavation involves much of the 'lower' sandstone step extending up to 6m deep and a maximum horizontal distance of 7m into the sandstone cliff face.

With regard to the boreholes, it is noted from the report that no borehole investigation have been undertaken on the basis that underlying strata was readily observable to be solid rock from a site inspection. In this instance, it is considered acceptable. It is further noted from the report that the applicant will be conducting boreholes testing after the demolition of the building. Hence, condition will be imposed to ensure that this investigation will be carried out as advised in the report.

Council's Technical Services has no objections to the proposed excavation on technical grounds. Notwithstanding this, Council's Planning Officer is also to undertake an assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the LEP and DCP.

4. RECOMMENDATION

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

A. General Conditions

A.5 Approved Plans & Supporting documents

Reference	Description	Author/Drawn	Date(s)
32868SGrpt	Geotechnical Report	JK Geotechnics	13 December 19
ADC190916	Stormwater Management Plans	ADCAR Consulting	
SW-000-Rev D			23/01/2020
SW-001-Rev A			23/01/2020
SW-100-Rev D			23/01/2020
SW-101-Rev C			17/12/2019
SW-102-Rev C			17/12/2019
SW-103-Rev C			17/12/2019
SW-104-Rev D			28/01/2020

A.8 Ancillary Aspect of the Development (S80A(2) of the Act)

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

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

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

C.5 Security Deposits

Property Damage Security Deposit (S138)	\$82,285	No	T115
Infrastructure Works bond (S138)	\$26,150	No	T113
Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$471	No	T45

C.13 Road and Public Domain Works

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

- a) The removal of the existing vehicular crossing including layback and gutter and the construction of a new 3.5 metres wide vehicular for each dwelling in accordance with Council's standard driveway drawing RF2_D. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned with the centreline of the proposed driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway must be submitted for assessment.
- b) The reconstruction of the existing kerb and gutter with associated 1m wide road restoration for the full frontage of the site to Council's Specification. Detailed long section shall be prepared by a suitably qualified and experienced civil engineer.
- c) Where a grass verge exists, this grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- d) The developer shall be responsible for carrying out all service investigations to allow a gravity connection.
- e) A bond of \$26,150 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date.
- f) Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- g) The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements.

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

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

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

Note: See condition K24 in *Section K. Advisings* of this Consent titled *Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

C.21 Provision for Energy Supplies

C.25 Soil and Water Management Plan – Submissions & Approval

C.36 Professional Engineering Details

C.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

These details must be certified by the professional engineer to:

- a) Carry out additional geotechnical investigation that includes at a minimum four cored boreholes located near the southern face of the 'lower step' (i.e drilled from the pool area and observation deck). The cored boreholes should be evenly spaced along the length of the boundary and extend below proposed bulk excavation depth.
- b) Test pit shall be carried out at the base of sandstone block wall at No. 37 Edward Street to assess the existing footing details and foundation materials as underpinning works may be required if the wall is not founded on competent bedrock. The excavation shall be stepped back at least 1m horizontally from the sandstone block retaining wall supporting 39 Edward Street, to reduce the risk of potentially undermining the wall.
- c) 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.
- d) 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).
- e) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- f) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- g) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - will detect any settlement associated with temporary and permanent works and structures,
 - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - will detect groundwater changes calibrated against natural groundwater variations,

- details the location and type of monitoring systems to be utilised,
- details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
- details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
- details a contingency plan.

Standard Condition: C40 (Autotext: CC40)

C.41 Ground Anchors

C.51 Stormwater Management Plan

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

- a) General design in accordance with stormwater plans prepared by ADCAR Consulting, dated 28/01/20, other than amended by this and/or other conditions;
- b) The installation of minimum 8m³ rainwater tank for each dwelling in accordance with Chapter E2.2.4 of Council's DCP. Runoff from all roof area shall be directed to the proposed 8m³ rainwater tank for non-potable uses such as toilet flushings, laundry devices and garden irrigations etc;
- c) The installation of raingarden for each dwelling in accordance with Chapter E2.2.3 of Council's DCP;
- d) Stormwater overflow from the 8m³ rainwater tank for each dwelling shall be directed to the proposed raingarden with the provision of a min. 450x450 boundary junction pit prior to discharging to the street kerb by gravity. Stormwater outlet pipe shall be made using 125mmx75mm galvanised RHS;
- e) Compliance the objectives and performance requirements of the BCA; and
- f) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout plan

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

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

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,

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

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

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

D.4 Dilapidation Reports for existing buildings

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

These properties to be assessed by the Structural Engineer must include (but is not limited to):

No. 6-12, 14, 16, 18 View Street
No. 35 & 39 Edward Street

All required dilapidation reports must be completed and submitted for approval by the *Certifying Authority* with a copy submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by S81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

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

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

Standard Condition: D4 (Autotext DD4)

- D.6 Adjoining buildings founded on loose foundation materials**
- D.9 Construction Management Plan**
- D.10 Works (Construction) Zone – Approval & Implementation**
- D.14 Erosion and Sediment Controls – Installation**

E. Conditions which must be satisfied during any development work

- E.3 Compliance with Construction Management Plan**
- E.7 Maintenance of Vehicular and Pedestrian Safety and Access**
- E.11 Maintenance of Environmental Controls**
- E.12 Compliance with Geotechnical/Hydrogeological Monitoring Program**
- E.13 Support of Adjoining Land Owners**
- E.14 Vibration Monitoring**
- E.15 Erosion and Sediment Controls – Maintenance**
- E.17 Disposal of Site Water during Construction**
- E.19 Site Cranes**
- E.20 Check Surveys – boundary location, building location, building height, stormwater drainage system and flood protection measures relative to AHD**
- E.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**

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

- F.7 Commissioning and Certification of Systems and Works**
- F.9 Commissioning and Certification of Public Infrastructure Works**

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

- G.4 Electricity Substations – Dedication as road and/or easements for access**

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (S109C (1) (c))

- H.13 Road Works (including footpaths)**

H.20 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

On completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) compliance with conditions of development consent relating to stormwater,

- b) the structural adequacy of the on-site retention and reuse system,
- c) that the works have been constructed in accordance with the approved design and will provide the retention storage volume in accordance with the approved plans,
- d) pipe invert levels and surface levels to Australian Height Datum, and
- e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the stormwater management system, stormwater filtration system, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the WAE plans to Council together with the Final Occupation Certificate.

Note: The Final Occupation Certificate must not be issued until this condition has been satisfied.
Standard Condition: H20 (Autotext HH20)

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

I.29 Ongoing Maintenance of the On-Site Retention and Reuse System

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

- a) Permit stormwater runoff from all roof areas to be retained and reused by the system.
- b) Keep the system clean and free of silt rubbish and debris.
- c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by Council.
- d) Carry out the matters referred to in paragraphs (b) and (c) at the owner's expense.
- e) 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.
- f) Permit Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant.

- g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice.
- h) Where the owner fails to comply with the owner's obligations under this covenant, permit Council or its agents at all times and on reasonable notice at the owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.
- i) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the owners in respect of the owner's obligations under this condition.

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

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
Standard Condition: I29

J. Miscellaneous Conditions

Nil

K. Advisings

K.23 Dilapidation report

K.24 Roads Act Application

From: [Andrew Simpson](#)
To: [Akshay Kumar](#)
Subject: Tree comments - 37 Edward Street Woollahra
Date: Thursday, 5 March 2020 2:32:17 PM
Attachments: [Image001.jpg](#)

Hi Akshay,

The proposal cannot be supported in its current form due to a lack of information. It has not been satisfactorily demonstrated that trees to be retained can be done so with an acceptable impact.

The arborist report lacks fundamental information required as part of an Arboricultural Impact Assessment. It would be prudent that a new report be prepared which addresses the assessment requirements of the AS 4970. A revised report will not be accepted. The new report will need to address:

1. The TPZ and SRZ calculations appear to have been underestimated.
2. The TPZ and SRZ encroachments have not been detailed or quantified.
3. The impact of the encroachments on the trees have not been discussed.
4. Tree/soil sensitive construction methods have not been provided.
5. Root mapping where proposed works encroach into TPZs has not been undertaken.

A detailed review of the above may require elements of the proposal to be setback from trees.

Regards,



Andrew Simpson
Tree Management Team Leader

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Our Values: Respect for People | Integrity and Excellent Performance | Professional Quality Service | Open Accountable Communication