



19 March 2019

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held on level 3, Waverley Council Chambers, Cnr Bondi Road and Paul Street, Bondi Junction at:

**12.00 PM WEDNESDAY, 27 MARCH 2019**

**QUORUM:** Three Panel members.

**APOLOGIES:** By e-mail to [WLPP@waverley.nsw.gov.au](mailto:WLPP@waverley.nsw.gov.au)

OR

Late notice by telephone to the WLPP Co-ordinator on 9083 8273.

## AGENDA

### **WLPP-1903.A** **Apologies**

### **WLPP-1903.DI** **Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-1903.1** **PAGE 4** **292-302 Oxford Street, Bondi Junction - Modifications to approved mixed use (shop top housing) building including 2 additional storeys, additional basement level of car parking, modifications to apartment layouts with total number of proposed apartments increased to 55 (DA-600/2015/B)**

Report dated 15 March 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

### **WLPP-1903.2** **PAGE 128** **Eastgate Shopping Centre, 55-91 Spring Street BONDI JUNCTION - Alterations and additions including replacement of awning, façade upgrades and signage zones (DA-365/2018)**

Report dated 15 March 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

### **WLPP-1903.3** **PAGE 165** **19 Ocean Street, BONDI - Demolition of outbuilding and construction of a single dwelling at the rear of existing flat building (DA-418/2018)**

Report dated 14 March 2019 from the Development and Building Unit.

**Recommendation:** That the application be refused in accordance with the reasons contained in the report.

**WLPP-1903.4**

**PAGE 193**

**102 Hastings Parade, NORTH BONDI - Construction of a carport, widened driveway crossing and associated works (DA-477/2017/A)**

Report dated 15 February 2019 from the Development and Building Unit.

**Recommendation:** That the application be refused in accordance with the reasons contained in the report.

**WLPP-1903.5**

**PAGE 221**

**142 Brighton Boulevard, North Bondi - Alterations and additions to dual occupancy including demolition, internal reconfiguration terrace and various external changes (DA-429/2018)**

Report dated 15 March 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

**WLPP-1903.6**

**PAGE 246**

**4 Victory Street, Rose Bay - Modification to remove deferred commencement conditions 1 and 2 relating to increased rear boundary setbacks (DA-305/2017/A)**

Report dated 15 March 2019 from the Development and Building Unit.

**Recommendation:** That the application be refused in accordance with the reasons contained in the report.

**WLPP-1903.7**

**PAGE 260**

**306 Military Road, Dover Heights - Alterations and additions to single dwelling (DA-419/2018)**

Report dated 15 March 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

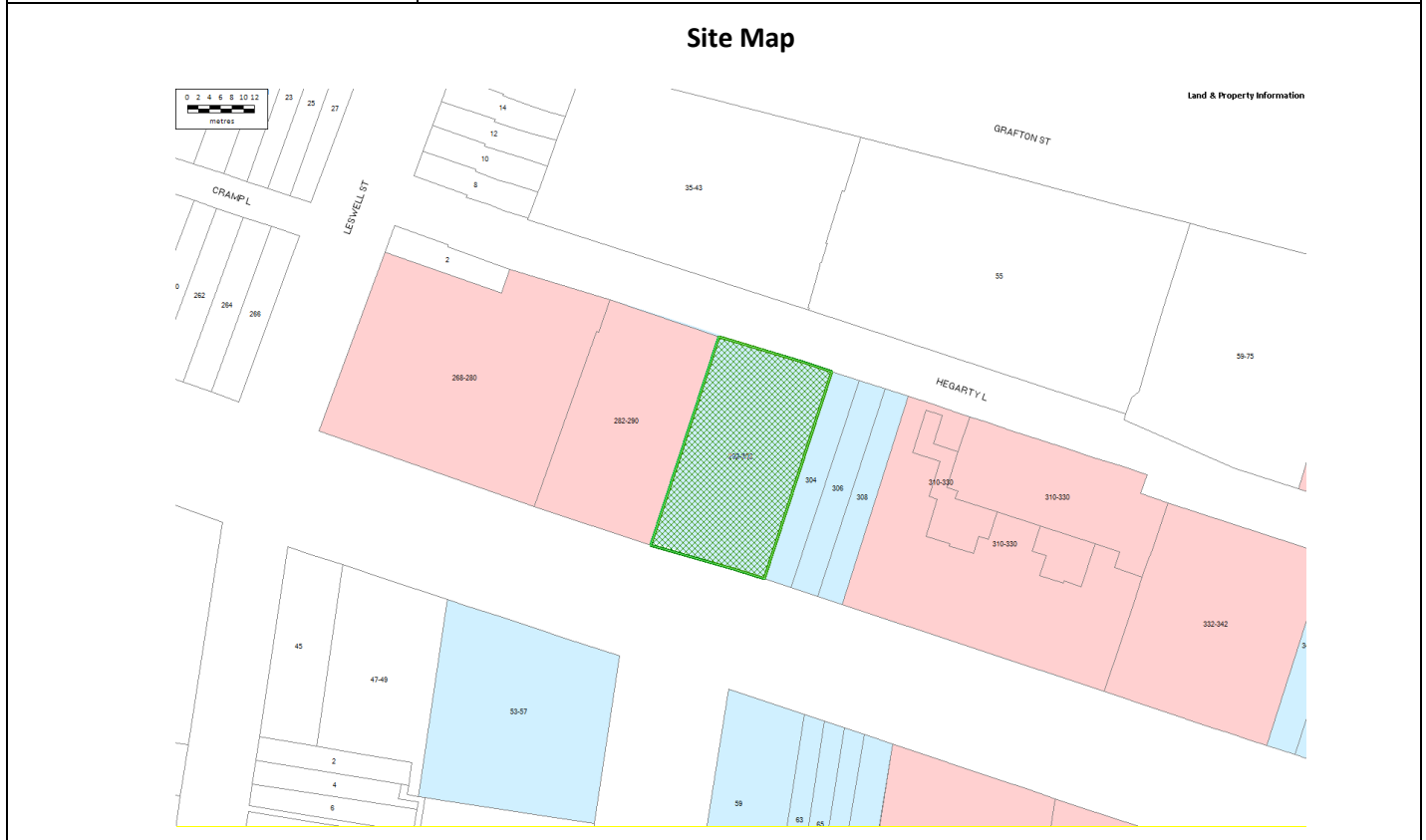


Section 4.55 Modification



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-600/2015/B
<b>Site address</b>	292-302 Oxford Street, Bondi Junction
<b>Proposal</b>	Modifications to approved mixed use (shop top housing) building including 2 additional storeys, additional basement level of car parking, modifications to apartment layouts with total number of proposed apartments increased to 55
<b>Approved Development</b>	Demolition and construction of 12 storey mixed use (shop top housing) development including retail on ground and first floor, 48 residential apartments above and basement parking
<b>Date of lodgement</b>	18 April 2018
<b>Owner</b>	Walter Carter Pty Ltd
<b>Applicant</b>	Howe Architects Pty Ltd
<b>Submissions</b>	Three (3)
<b>Issues</b>	Height, FSR, car parking, building separation and setbacks, views and view sharing, excavation at rail corridor
<b>Recommendation</b>	That the application be approved subject to conditions



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 14 November 2018.

The site is identified as Lot 1, in DP 546065, and is known as 292-302 Oxford Street, Bondi Junction. Located on the northern side of Oxford Street, the site is opposite the intersection of Denison Street and Oxford Street and is in the block between Leswell Street and Newland Street. Hegarty Lane adjoins the site to the rear.

The site is rectangular in shape with a north boundary to Hegarty Lane of 21.23m, side eastern and western boundaries of approximately 38-39m and front south facing boundary of 21.33m. The site has an overall area of 833.3m<sup>2</sup> and has a slope from Oxford Street at the front to Hegarty Lane at the rear, with an overall difference of 2.5m. The survey plan provided with the DA indicates that a Sydney Water sewer main runs diagonally through the site from Hegarty Lane to Oxford Street.

The site was previously occupied by Walter Carter Funeral Home with a florist shop facing Oxford Street. The building was 3 storeys in height. The site had been previously used as a petrol station and vehicle repair facility. The approved development is presently under construction and previous buildings on site have since been demolished.

The site is adjoined by an 8 storey commercial building to the west and a 14 storey mixed use building to the east at 304-308 Oxford Street. This part of Bondi Junction is undergoing change whereby existing two storey terrace style shops are being replaced with large mixed use buildings responding to the up-zone of the land under the Bondi Junction LEP 2010.



**Figure 1:** Subject site frontage

## 1.2 Relevant History

The original development application, known as DA-600/2015, sought development consent for the demolition of the existing building and construction of a 12 storey mixed use building containing basement parking, commercial space and 48 residential apartments, with through site link connecting Oxford Street and Hegarty Lane (it is noted that the determination notice stated approval for 48 residential apartments, however, only 47 were shown on the final approved architectural plans). Details of the proposal include as follows:

- 5 levels of basement parking including 59 car parking spaces
- Commercial tenancy at basement level 1 facing Hegarty Lane
- Commercial uses at ground floor and first floor fronting Oxford Street and residential apartments facing the rear lane
- Residential Apartments from Levels 3 to 12
- Roof terrace with communal open space

Approval was granted by the then Waverley Development Assessment Panel at its meeting of 24 May 2017 subject to deferred commencement consent. A Section 96 application (DA-600/2015/A) was also approved on 30 April 2018 to enable an extension of time to satisfy the deferred commencement matters. Confirmation of the satisfaction of the deferred commencement matters was provided in Council's letter dated 6 June 2018.

## 1.3 Proposal

The application has been lodged as a section 4.55(2) application and provides for the following modifications to the approved development:

- Addition of two floor levels above the uppermost floor level of the approved development to include six (6) residential apartments (known as Levels 13 and 14 on the plans) with the following apartment mix:
  - Two (2) x 1 bedroom apartments
  - Two (2) x 2 bedroom apartments
  - Two (2) x 3 bedroom apartments
- Addition of one basement car park level (known as Basement 6) to include:
  - 13 car parking spaces
  - 3 motor cycle parking spaces
  - 8 bicycle storage spaces
  - 12 storage cages
- Change of apartment mix of approved development by replacing eight (8) x studio apartments with seven (7) x studio apartment and one x 1 bedroom apartment on Level 3
- Change of apartment mix of approved development by replacing two (2) x three (3) bedroom apartments with two (2) x 1 bedroom and two (2) by two bedroom apartments on Level 12
- Amendments to the layout of the car parking bays of basement levels (i.e. between Basement Levels 1 and 5), including revision of accessible spaces, bicycle storage, motor cycle parking
- Increase in Basement 1 retail tenancy from 38m<sup>2</sup> to 43m<sup>2</sup>, increase in Ground level retail from 201m<sup>2</sup> to 218m<sup>2</sup>

This modification application is accompanied by a Planning Agreement submitted under the Waverley Council Planning Agreement Policy 2014.

The proposed modifications change the development statistics of the approved development as shown in **Table 1** below.

**Table 1: Development statistics between approved and proposed development schemes**

Element	Approved (DA-600/2015)	Proposed (DA-600/2015/B)
Number of apartments	47 in total	55 in total with unit mix of: <ul style="list-style-type: none"> <li>• 12 Studio units</li> <li>• 23 x 1 bedroom</li> <li>• 15 x 2 bedroom</li> <li>• 5 x 3 bedroom</li> </ul>
Overall building height	40.77m RL117.47 (uppermost plant/lift)	47.8m RL 124.53
Floor space ratio	4.99:1 4,158m <sup>2</sup> of GFA	5.7:1 4,754.5m <sup>2</sup> of GFA
Number of storeys (above ground level)	12	14
Basement levels	5	6
Car parking	59 <ul style="list-style-type: none"> <li>• 47 residential spaces</li> <li>• 9 visitor spaces</li> <li>• 3 commercial/retail spaces</li> </ul>	73 <ul style="list-style-type: none"> <li>• 59 residential spaces</li> <li>• 11 visitor spaces</li> <li>• 3 commercial/retail spaces</li> </ul>
Other parking		
Bicycle:	47	73
Motorcycle	11	11

The development, as proposed to be modified, is visualised in photomontages shown in **Figures 2 and 3** below.



Figures 2 and 3: Photomontage (Oxford Street frontage)

## 2 ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 2.1 Section 4.55 Considerations

The application is submitted under section 4.55(2) of the Act.

The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) for the following reasons:

- The land uses of the approved development remain unchanged as the proposed modifications involves adding eight (8) residential apartments to the approved development and does not substantially alter the apartment mix of the remaining apartments of the approved development
- The perceived building bulk and scale of the approved development, as proposed to be modified, will not significantly alter when the development is viewed from street level
- The additional environmental and amenity impacts arising from the approved development, as proposed to be modified, are deemed reasonable as explained in the body of this assessment report.

Neighbouring properties and each person who made a submission in respect of the original development application has also been notified of the proposed modification by sending a written notice and submissions received have been considered in the assessment of this application and addressed in the body of this report.

### 2.2 Planning Instruments and Development Control Plans



The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

### 2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate has been submitted with application, which reflects the proposed modifications to the approved development.

### 2.2.2 SEPP 55 Remediation of Land

The assessment of the original application considered all matters relevant to the SEPP 55 Remediation of Land and conditions of consent relating to remediation of the site were imposed accordingly. This modification application does not seek to delete or modify the conditions of consent imposed relating to matters under SEPP 55.

### 2.2.3 SEPP 65 Design Quality of Residential Flat Development

The application was not required to be referred to the Waverley Design Excellence Panel as the modifications are not considered to constitute significant changes to the approved built form. The approved development, as proposed to be modified, is assessed against the nine design quality principles of the SEPP, which is set out in **Table 2** below.

**Table 2: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Planning Comment
1. Context and Neighbourhood	The proposed additional floor levels to the approved development will not significantly accentuate the perceived building height, bulk and scale of the approved development when viewed in its streetscape context. The resultant building height, bulk and scale are similar to those of existing and future tower form development within the immediate vicinity of the site and the broader western precinct of the Bondi Junction Centre particularly the recently completed development on the adjoining site at 306 Oxford Street, Bondi Junction.
2. Built form and Scale	Despite the proposal exceeding the height of buildings and floor space ratio development standards, the proposal is consistent with the desired future character of the western precinct of the Bondi Junction Centre as its built form character is undergoing wholesale change, specifically in relation to recently built and approved tower form development. The proposal does not affect the overall building alignments, articulation and modulation of the approved development.

Principle	Planning Comment
3. Density	The proposed additional two floor levels contain six (6) residential apartments that are afforded with a high level of amenity given that they are on the uppermost floor levels that take advantage of views and direct sunlight. Existing infrastructure, public transport and access to jobs within the Bondi Junction Centre are expected to cater for the total net increase of eight (8) apartments in the approved development, as proposed to be modified.
4. Sustainability	The approved development, as proposed to be modified, remains consistent with the sustainability design quality principle in that the development affords adequate solar access and natural cross ventilation that minimises reliance on artificial heating and cooling. The application is accompanied by an amended BASIX certificate, which demonstrates the approved development, as proposed to be modified, meets the energy, water and thermal comfort targets set by SEPP BASIX.
5. Landscape	The proposal does not affect the landscaping scheme of the approved development.
6. Amenity	The proposed additional apartments are afforded reasonable amenity through room dimensions and layout; access to sunlight and natural ventilation, outlook and views; and visual and acoustic privacy.
7. Safety	The proposal does not affect the safety and security of the approved development.
8. Housing Diversity and Social Interaction	The proposal maintains an appropriate apartment mix and the additional apartments meet the minimum size and area for one, two and three bedroom apartments outlined in the Apartment Design Guide. The approved development, as proposed to be modified, therefore responds well to the living needs and household budgets of the immediate locality.
9. Aesthetics	The proposal maintains the overall aesthetics of the approved development in terms of materiality, building articulation and modulation. The additional floor levels respect and reflect the proportion of fenestration and rhythm of building articulation and modulation of the approved development.

### Apartment Design Guide

SEPP 65 requires the proposed development to consider Parts 3 and 4 of the Apartment Design Guide (ADG). The application is accompanied by a detailed assessment against the Parts 3 and 4 of the ADG. Further, clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the ADG in respect of the following:

- (a) visual privacy
- (b) solar and daylight access
- (c) common circulation and spaces
- (d) apartment size and layout
- (e) ceiling heights
- (f) private open space and balconies
- (g) natural ventilation
- (h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. Waverley DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

An assessment against the provisions within the ADG is provided in **Table 3**.

**Table 3: Assessment against the Apartment Design Guide**

Design Criteria	Consistency	Planning assessment
<b>Part 3 Siting the development</b>		
<p>3F Visual privacy</p> <ul style="list-style-type: none"> <li>Adequate distance separation between buildings *over 25m = 12m between habitable rooms 6m between non-habitable rooms</li> <li>privacy measures should not compromise outlook &amp; access to light &amp; air</li> </ul>	<p>No (acceptable on merit)</p>	<p>The additional floor levels to the approved development adopt the same separation distances of the floor levels below of the approved development. These separation distances were accepted in the assessment of the original application in terms of the distances affording reasonable levels of visual privacy for residential apartments of the development itself and those in existing and future surrounding development. The same assessment applies to the residential apartments in the proposed additional floor levels. Therefore, the additional floor levels will not manifest in discernible additional visual privacy impacts upon surrounding residential uses.</p>
<p>3J Bicycle and car parking</p> <p>The applicable minimum car parking rates are as follows:</p> <ul style="list-style-type: none"> <li>0.4 resident spaces per one bedroom unit</li> <li>0.7 resident spaces per two bedroom unit</li> <li>1.2 resident spaces per three bedroom unit</li> <li>1 visitor space per seven units.</li> </ul> <p>Total car spaces (max):</p>	<p>No, condition</p>	<p>The original approval provided for 46 residential car spaces, 9 visitor spaces and 3 commercial / retail spaces. The resident and visitor car parking requirements set out in the <i>Guide to Traffic Generating Development 2002</i> are applicable to the residential component of the development and are used to calculate the minimum requirement as they are less than the WDCP which are used to set the maximum. The applicant has satisfied the minimum requirements under the ADG. The proposed additional apartments generate a total additional demand of a maximum of 6 resident car spaces and 1 additional visitor car space in accordance with WDCP (that is, 52 residential car spaces and 10 visitor car spaces maximum).</p> <p>The proposal provides for a net addition of 13 resident car spaces and 2 visitor spaces to the overall amount of resident and visitor car parking spaces in the approved development (that is, total of 73 spaces, being 59 residential car spaces, 11 visitor car spaces and 3 commercial/retail spaces), as proposed to be modified (no change to commercial/retail parking provisions). Therefore, the proposal provides more parking</p>



Design Criteria	Consistency	Planning assessment
4D Apartment size and layout	Yes	All of the proposed additional apartments comply with the minimum internal area and incorporate high quality internal design that will afford good residential amenity for both future occupants without unreasonably impacting on the amenity of surrounding residential buildings and private open spaces. Existing apartments at lower levels have been amended in layout in some areas and generally comply with minimum standards for area.
4E Private open space and balconies	Yes	All of the additional apartments are provided with private open space in the form of a balcony. Each private open space area is accessed from a living area of individual apartments and includes appropriate privacy treatments and orientations, with many apartments having balconies off bedrooms. All balconies have been designed with regard to the sites exposure to the impacts of wind and noise, and to improve the aesthetic appeal of the building.
4F Common circulation and spaces <ul style="list-style-type: none"> <li>• max 8 apartments off a circulation core</li> <li>• max apartments sharing a lift is 40</li> <li>• safe &amp; promote social interaction</li> </ul>	Yes	Each of the additional floor levels comprise a total of two - four apartments accessed from the central lift core. The design of the common circulation spaces provides for a high quality residential environment.
4G Storage	Yes	The proposal provides for the provision of caged storage areas at Basement level and internal storage
<b>Configuration</b>		
4K Apartment mix	Yes	The approved development, as proposed to be modified, maintains a mix of one, two and three bedroom apartments that will support a wide variety of household types and sizes.
4M Facades	Yes	The proposed additional floor levels of the approved development adopt the same high quality architectural design and materials and finishes of the approved development.
4N Roof design	Yes	The proposal maintains a similar roof design and materials of the approved development, which provides a cohesive relationship with the overall building design, streetscape and Bondi Junction Centre. However, double stacked air conditioning units are proposed to the roof, in

Design Criteria	Consistency	Planning assessment
		the area that would affect views from neighbouring properties. As per a condition already on the original consent, the air conditioning units are to be located internal to plant rooms within the building and a condition shall be imposed requiring this area of the roof to be landscaped instead.
4O Landscape design and 4P Planting on structures	Yes	The proposal maintains the quantum and design of landscaping of the approved development, including the roof garden, which is considered to improve character of the building and provide amenity for the different land uses within the building. Additionally landscaping will be provided on the roof, upon the air conditioning being relocated (as per 4N above).

#### 2.2.4 SEPP (Infrastructure) 2007

The site is identified within the 'railway corridor' and is affected by SEPP (Infrastructure) 2007 and has been referred to Sydney Trains for concurrence in accordance with Clause 85 and 86 of the SEPP. Concurrence was provided on 6 March 2019 which included conditions of consent. Sydney Trains comments are provided in the 'Referrals' section of this report.

#### 2.2.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Bondi Junction Centre is captured by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the SREP) as it is part of land identified within the edged heavy black borders on the Sydney Harbour Catchment Map referred to in clause 3(1) of the SREP. The SREP is a deemed SEPP, and therefore, the matters for consideration under Division 2 of Part 3 of the SREP apply to the assessment of the application. The approved development, as proposed to be modified, is deemed acceptable against the relevant matters for consideration as it does not discernibly affect the perceived building envelope of the development when viewed from immediate foreshores and waterways of Sydney Harbour. Therefore, the approved development, as proposed to be modified, is not expected to overly affect the visual and scenic qualities of Sydney Harbour.

#### 2.2.6 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposal are outlined below:

**Table 4: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposed modifications to the development address the provisions of clause 1.2 of Waverley LEP 2012.
<b>Part 2 Permitted or prohibited development</b>		

Provision	Compliance	Comment
Land Use Table B4 Mixed Use Zone	Yes	The proposal adds residential dwellings to the approved development, which is defined as 'shop top housing'. The approved development, as proposed to be modified, remains permitted with development consent in the B4 Mixed Use Zone. The development remains consistent with the zone objectives.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>38m</li> </ul>	No	<ul style="list-style-type: none"> <li>The approved development has an overall building height of 40.77m.</li> <li>The approved development, as proposed to be modified, has an overall building height of <b>47.8m</b>. The proposal exceeds the height of buildings development standard by <b>9.8m</b> or <b>25.8%</b>.</li> </ul>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>5:1</li> <li>Site area 833.3m<sup>2</sup></li> <li>4,166.5m<sup>2</sup> of GFA</li> </ul>	No	<ul style="list-style-type: none"> <li>The approved development has a total gross floor area (GFA) of 4,158m<sup>2</sup>, which achieves a floor space ratio (FSR) of 4.99:1.</li> <li>The approved development, as proposed to be modified, has a total GFA of <b>4,754.5m<sup>2</sup></b>, which achieves a FSR of <b>5.7:1</b>. The proposal exceeds the FSR development standard by <b>588m<sup>2</sup></b> of GFA or <b>14.1%</b>.</li> </ul>
4.6 Exceptions to development standards	See discussion	The non-compliance of the approved development, as proposed to be modified, with the height of buildings and FSR development standards is not required to be considered under clause 4.6 of Waverley LEP 2012. Notwithstanding, the non-compliance is considered under section 4.55(2) of the Act with regard to whether the approved development, as proposed to be modified, is substantially the same as the development for which the consent was originally granted. This discussion along with an assessment against the objectives of clauses 4.3 and 4.4 of Waverley LEP 2012 in relation to building height and FSR is set out below the table.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	The application is accompanied by a geotechnical investigation report. At the time of finalising this report, the applicant has advised (in writing) that

Provision	Compliance	Comment
		excavation works are at basement level 4, as per current consent (DA-600/2015). The latest geotechnical report addresses the impacts of the proposed additional basement level (known as Basement Level 6). The latest report will form part of the approved documentation associated with the development consent, as proposed to be modified. Conditions currently exist in the development consent that are intended to properly manage excavation so to not detrimentally affect the stability of the site and its immediate surrounds. These conditions remain appropriate for the proposed additional excavation and no further conditions are deemed necessary.
6.5 Active street frontages in the Bondi Junction Centre	N/A	The approved development, as proposed to be modified, does not change the composition of shopfronts and building elevations on the street level of the development.
6.7 Solar access to public spaces in Bondi Junction	Yes	The approved development, as proposed to be modified, will not result in solar access impacts on the nominated areas under clause 6.7 of Waverley LEP 2012 at 12 noon on 21 June.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

#### Clause 4.3 - Height of Buildings

The approved development, as proposed to be modified, has an overall building height of 47.8m, which is measured to the top of the mechanical plant and lift overrun on the roof level of the development. The proposal varies the height of buildings development standard of 38m by 9.8m or 25.8%. The areas of the approved development, as proposed to be modified, that exceeds the height of buildings development are outlined in **Table 5** below.



**Table 5: Building Height Measurements of the approved development (as proposed to be modified)**

Element of development	Proposed/finished level	Ground level (existing) directly below	Building height
Lift overrun and plant	RL 124.53	RL76.7	<b>47.8m</b>
Top parapets to the north elevation at the site's Hegarty Lane frontage	RL 121.3	RL73.6	<b>47.7m</b>
Top parapets to the south elevation at the site's Oxford Street frontage	RL 121.3	RL76.7	<b>44.6m</b>

The provisions of clause 4.3 of Waverley LEP 2012 detail a number of objectives to be considered when determining the appropriate maximum height of a building. The variation of the height of buildings development standard is considered with regards to the objectives of the development standard outlined under clause 4.3(1) of Waverley LEP 2012, which are extracted as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The application is made under section 4.55(2) of the Act and therefore the variation cannot be considered under clause 4.6 of Waverley LEP 2012.

The additional environmental amenity impact on neighbouring properties includes solar access, overshadowing and view loss. The merits of the environmental impacts is detailed and assessment below.

The extent of the breach of the development standard is considered reasonable in that it will not result in adverse building bulk and scale impacts as well as amenity impacts on surrounding residential development. These impacts are considered in detail below with regard to the relevant objectives of the height of buildings development standard.

#### *Solar access and overshadowing*

The additional two storeys will cast additional shadow over to the southeast, south and southwest, due to the north-south site orientation, affecting the lower density residential area to the south-west and apartment buildings on the south side of Oxford Street. The additional shadows cast by the modified building form will not result in these buildings receiving less than 2-3 hours of sunlight in midwinter due to the fast moving shadow of the tower form.

The modifications will cast additional shadow over the public domain including Oxford and Denison Streets during the mid-winter and summer. The additional shadows are not considered excessive or unreasonable given the shadows cast are similar to that of surrounding building forms, including nearby towers that have similarly 2 additional levels above the building height development standard.

*View impacts*

The proposed additional 2 levels atop the approved building may impact on views (iconic views and water views) that are enjoyed from surrounding residential properties more than the view impact caused by the approved development.

While no submissions were received with regard to view loss, it is acknowledged that the properties most affected by potential view impacts would be 304-308 Oxford Street adjoining to the east and 59-69 Oxford Street located opposite. Both of these properties have recently gained development consent for the construction of a 12 storey mixed use developments respectively, with an additional 2 levels a top (thereby each will be 14 storeys overall) obtained through modification applications that were accompanied with Planning Agreements. Development consents DA-503/2014 and DA-503/2014/A relate to 304-308 Oxford Street and DA-585/2015 and DA-585/2015/A relate to 59-69 Oxford Street.

At the time of lodgement and subsequent notification of this subject application (DA-600/2015/B), each of these neighbouring developments were under construction. Accordingly, the notification of the application was sent to the owners of the land, as per Council records, being the developers of the land and not future owners/occupiers (which are yet to be registered).

The additional view loss from the additional 2 levels to the subject building, from these neighbouring properties under construction, are views yet to be enjoyed and in the instance of 304-308 Oxford Street, would be views obtained across the side boundaries which are inherently difficult to retain, particularly in high density zoning. Further, the view impacts are attributable to additional floor space that those nearby neighbouring developments utilised in their development consent process, specifically having sought 2 additional levels themselves above the 38m building height development standard.

On balance, the modifications to provide an additional two storeys to the mixed use building do not result in unreasonable environmental amenity impacts on neighbouring properties and the modifications are supported given the merits of the case.

*Streetscape and visual impact*

The subject site is within the western precinct of the Bondi Junction Centre that is currently undergoing extensive change to the built form and visual character of the area, having regard to either; recently built, currently under construction and/or recently approved tower form developments emerging in the area. **Table 7 below** outlines the overall building height of recently approved tower form developments in the immediate vicinity of the site are 14 storeys and demonstrate that these developments exceed the same height of buildings development standard of 38m that applies to the subject site.

**Table 6: Examples of developments that breach the height of buildings development standard of 38m in immediate vicinity to subject site**

Address	Approval Reference	Overall Building Height
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		*measured to the top of lift overrun
344-354 Oxford Street (on northern side of Oxford Street)	DA-101/2014/B	40.5m
304-308 Oxford Street (on northern side of Oxford Street)	DA-503/2014/A	48.65m
310-330 Oxford Street (on northern side of Oxford Street)	DA-598/2008/E	44.5m
362-374 Oxford Street (on northern side of Oxford Street)	DA-89/2016	52.05m
59-69 Oxford Street (on southern side of Oxford Street)	DA-585/2015/A	47.8m

As demonstrated in **Table 7**, the numerical building height of the approved development, as proposed to be modified, is not too dissimilar to that of comparable recently approved tower form developments within the immediate vicinity of the site. In this regard, the overall building height of the approved development, as proposed to be modified, is contextually appropriate. The modifications to the building height remain consistent with the existing character of the locality and will positively contribute to the streetscape and locality. Accordingly, the variation to the height development standards is supported with regards to all relevant provisions in the Waverley LEP 2012.

#### **Clause 4.4 - Floor Space Ratio**

The approved development, as proposed to be modified, increases the overall gross floor area to 4,754.5m<sup>2</sup>, which achieves a floor space ratio (FSR) of 5.7:1. The proposal varies the FSR development standard by 14.1% or 588m<sup>2</sup> of gross floor area (GFA).

The application is made under section 4.55(2) of the Act and therefore the variation cannot be considered under clause 4.6 of Waverley LEP 2012.

The variation of the FSR development standard is considered against the objectives of the FSR development standard expressed by clause 4.4(1) of Waverley LEP 2012 to guide the merit assessment, which are extracted as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The modifications provide for an additional 2 levels of residential apartments, within the mixed use building. The additional gross floor area will be utilised for residential purposes and will meet the foreseeable future needs of the Bondi Junction Centre and residential accommodation required more broadly within the Waverley Local Government Area. The modifications are considered to address objective (a) of clause 4.4.

The modifications provide for two additional storeys to the approved mixed use building, the variations to the height and density controls are consistent with the adjoining building to the east and with the pattern of development in Bondi Junction reliant on the Planning Agreements Policy variation of 15%. The modifications are considered to address objective (b) of clause 4.4.

The scale of the proposed building is considered to be consistent with the existing and emerging scale of buildings in the Bondi Junction Town Centre. The façade elements to the tower form have incorporated a high quality architectural design that will improve the streetscape and existing character of the locality. The modifications are considered to address objective (c) of clause 4.4.

As discussed previously in the report, the additional two storeys will cast additional shadow over to the southeast, south and southwest, due to the north-south site orientation of the site. The additional shadows cast by the modified building form will not result in these buildings receiving less than 2-3 hours of sunlight in midwinter the standard for development in a high density urban area, due largely to the fast moving shadow of the tower form.

The modifications will cast additional shadow over the public domain including Oxford and Denison Streets during the mid-winter and summer. The additional shadows are not considered excessive or unreasonable given the shadows cast are similar to that of surrounding building forms, including nearby towers that have similarly 2 additional levels above the building height development standard.

With regards to potential view loss from 304-308 Oxford Street and 59-69 Oxford Streets, the impacted residential apartments are similarly located on the levels of that building which breach both the height and FSR development standards in the Waverley LEP 2012, and therefore the views were only obtained via breach to development standards which is now in turn being considered for the adjacent site. As the proposed building satisfies the context criteria the view loss impacts are considered to be outweighed by contextual appropriateness of the building form in the Bondi Junction area.

The environmental impacts arising from the exceedance of the FSR development standard are similar to that arising from the breach of the height of buildings development standard. These impacts have been ascertained, analysed and assessed previously in this report. The assessment finds the associated impacts caused by the additional floor levels reasonable in relation to its effect on the amenity of surrounding residential properties, the streetscape and public domain of the immediate vicinity and the ability of the development standards to achieve the desired future character of the locality.

The proposal is considered consistent with the objectives of the FSR development standard with regard to urban design, visual impact, and environmental and amenity impact matters. Notwithstanding, the public interest needs to be considered to establish whether there is any public benefit for the approved development, as proposed to be modified, to depart from the FSR development standard.

#### *Considerations of Public Interest*

Bondi Junction has recently experienced a significant uplift in development potential following extensive studies, analysis and community consultation, culminating in Waverley LEP 2012. In some cases, sites have seen a maximum FSR increase that has more than doubled in the past 10 years. The impact from new developments that are compliant with these increased development standards is significantly greater than anticipated by the

previous controls, however if the development meets all other relevant standards and controls, these impacts are accepted as being generally anticipated by the controls. The purpose of development standards is to stipulate the maximum development potential of a site and provide certainty to the public and facilitate economic and orderly use of land.

To justify the proposal, the applicant has offered to enter into a planning agreement with Council for additional gross floor area in accordance with the Waverley Planning Agreement Policy 2014 (the Policy). The Policy aims to provide a public benefit that is in the public interest to offset impacts arising from a development contravening a development standard when those impacts are found to be reasonable and non-adverse. Although the subject application is made under section 4.55(2) of the Act and as such the public interest consideration under clause 4.6 of Waverley LEP 2012 does not strictly apply, the public interest test is still applicable to the application as it is a matter for consideration under section 4.15(1)(e) of the Act.

The Policy caps the additional gross floor area to enable a developer to enter into a planning agreement to a maximum of 15% in the Bondi Junction Precinct. The subject proposal seeks to vary the FSR development standard by 14.1%, which is consistent with the consistently applied cap of 15% experienced with recently approved tower form developments in the Bondi Junction Centre.

The fundamental principle of the Policy is that any benefit that arises from an agreement to vary these development standards is shared between developer and the community and must be acceptable on environmental impact grounds. Having regard to the Policy, the reasonableness of impacts associated with the additional floor space has been weighted against the likely public interest (i.e. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable. This relates to the merits of this case only - the reasonableness of these impacts (extra FSR) would have a lesser weight in the absence of a clear public benefit.

The additional two storeys will cast additional shadow over to the southeast, south and southwest, due to the north south site orientation. The additional shadows cast by the modified building form will not result in apartments within those adjacent buildings, private open spaces and other buildings receiving less than 2-3 hours of sunlight in midwinter, the standard for development in a high density urban area. The additional shadows cast over the public domain, including Oxford Street and Denison Streets during the mid winter and summer are not dissimilar to the impact of nearby towers that have similarly 2 additional levels above the building height development standard.

With regards to view loss, no submissions were received with regard to view loss. However, it is acknowledged, there will be an increase in view impacts potentially from nearby properties, specifically those under construction nearby (specifically 304-308 Oxford Street and 59-69 Oxford Street). Those impacts of views would be from apartments where the view is not yet enjoyed (due to construction) and in the instance of 304-308 Oxford Street, be across the side boundary. Furthermore, the view impacts are associated with residential apartments located on the levels of their building which breach both the height and FSR development standards in the Waverley LEP 2012 and exists only because they were approved subject to the same benefit and public interest test (with a Voluntary Planning Agreement) as is proposed here. It would be an inherently unbalanced and inequitable planning outcome to allow the exceedance to that neighbouring building, only to reject a proposal adjacent to it that seeks the same outcome and impact. As the proposed building satisfies the context criteria the view loss impacts are considered to be outweighed by contextual appropriateness of the building form in the Bondi Junction area.

It is considered that the proposal is not against the public interest as it complies with the limitations set in the Policy and offers a monetary contribution, the majority of which is expected to go towards funding public domain work within the Bondi Junction Centre, namely the Complete Streets Program. If approval is granted, it is recommended that the Draft Planning Agreement be accepted by the Waverley Local Planning Panel.

Despite the numerical non-compliances with the height of buildings and FSR development standards, the non-compliances are considered reasonable in this instance as the proposed development does not present as excessive in building bulk and scale, and is consistent with building bulk and scale envisaged for the site and existing surrounding buildings. A condition is recommended to require the applicant to enter into a planning agreement for the additional gross floor area of the proposed development as a development contribution that is anticipated to go towards the Bondi Junction Complete Streets Program and the Waverley Affordable Housing Program subject to the *Waverley Council Planning Agreement Policy 2014*.

### 2.2.7 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposal are outlined below:

**Table 7: Waverley DCP 2012 – Part B General Design Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	The applicant submitted a waste management plan as part of the original DA, which has been reviewed and considered satisfactory with all standard conditions of consent included in the original determination.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> <li>An amended BASIX certificate has been submitted with this application to address the changes to the overall environmental performance of the development caused by the additional floor level.</li> <li>No further environmental initiatives have been proposed.</li> </ul>
6. Stormwater	Yes	Conditions exist in the development consent that deal with stormwater management matters of the approved development.
7. Accessibility and adaptability	Yes	The proposal does not change the overall accessibility of the development. The additional floor levels have lift access, which ensures ample accessibility is provided to the additional apartments.



Development Control	Compliance	Comment
10. Safety	Yes	The approved development, as proposed to be modified, has been considered against the provisions of Part B10 of Waverley DCP 2012 and the proposal is considered to provide a safe environment for future residents, visitors, workers and the general public.

Part C2 of Waverley DCP 2012 primarily applies to residential flat buildings within areas zoned R3 and R4 in the Waverley local government area. The following sections of Part C2 of Waverley DCP 2012 are irrelevant to the subject application as the matters referred to in these sections are inconsistent with and are addressed by either the Apartment Design Guide and/or Part E1 (Bondi Junction Centre) of Waverley DCP 2012:

- section 2.2 Site, scale and frontage
- section 2.3 Height
- section 2.5 Setbacks
- section 2.6 Length and depth of buildings
- section 2.14 Communal open space
- section 2.16 Solar access and overshadowing
- section 2.18 Visual privacy and security.

Despite the above sections of Part C2 of Waverley DCP 2012 not applying to the approved development, as proposed to be modified, the proposal generally meets the intent of the objectives of the controls contained in those sections of Waverley DCP 2012. **Table 8** below contains an assessment of the proposal against relevant sections of Part C2 of Waverley DCP 2012.

**Table 8: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Site, scale and frontage</b>		
	Yes (on merit)	The modified mixed use building addresses the objectives and controls as an appropriate building form is proposed that provides a high quality streetscape outcome. It does not result in unreasonable amenity impacts on surrounding residential uses or the public domain and provides an appropriate lot size which improves design outcomes.
<b>2.3 Height</b>		
Maximum building height: 38 metres	Yes (on merit)	The proposed development has a non-compliant maximum height of 47.8m metres when measured to the top of the lift core. Despite the numerical noncompliance the modified mixed use building responds the existing and desired scale and character of the streetscape and local area (including the adjoining site to the east), provides good residential amenity for apartments and achieves a high quality design.
<b>2.4 Excavation</b>		



Development Control	Compliance	Comment
	Yes	The additional excavation associated with the proposed basement level has been addressed in a revised geotechnical report submitted with the application. Various conditions regarding excavation are included in the development consent and these conditions will be maintained.
<b>2.5 Setbacks – Refer to Part E1 of WDCP 2012</b>		
<b>2.6 Length and depth of buildings – Superseded by ADG controls</b>		
<b>2.7 Building separation</b>		
	Yes (on merit)	The approved development is consistent with the objectives of this section of Waverley DCP 2012 as it provides adequate visual and acoustic privacy for future occupants and incorporates appropriate massing and space between existing surrounding buildings. Achieving the numeric separation distances on this site is not possible given the dimensions of the site and proximity to surrounding buildings. In lieu of strict numerical compliance with the separation distances, the building has been sensitively designed to address the relevant design criteria in the Apartment Design Guide.
<b>2.8 Building design and streetscape</b>		
	Yes	The proposed additional floor levels do not overly accentuate the perceived building bulk and scale of the approved development that would result in the development being out of character with the existing and emerging streetscape. The overall materials and finishes of the approved development remain unchanged.
<b>2.11 Vehicular access and parking</b>		
	Yes	The proposed development maintains the location and size of the vehicular access point of the development from Hegarty Lane. The additional basement level and modifications to the remaining levels of the basement car parking are supported subject to a reduction in car parking.
<b>2.12 Pedestrian access and entry</b>		
	N/A	The pedestrian entries of the approved development, as proposed to be modified, remain unchanged.
<b>2.13 Landscaping</b>		
	Yes (as approved)	The modifications incorporate on-site landscaping that is consistent with the original DA. The roof terrace modifications generally maintain the approved landscaping and the proposal addresses clause 2.12.
<b>2.14 Communal open space – Superseded by ADG controls</b>		
<b>2.15 Private open space - Superseded by ADG controls</b>		
<b>2.16 Solar access and overshadowing</b>		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Solar access for apartments within the development specified by the ADG</li> <li>Shadow impacts upon surrounding residential uses</li> </ul>	Yes (on merit)	<p>See assessment comment in <b>Table 3</b> of this report. The modifications generally maintain solar access to individual units within the building as approved as part of the original DA consent. The modification application is considered to provide adequate solar access to individual units in the building, given the constraints of the site (orientation, size and location), surrounding buildings and high density zoning within the Bondi Junction centre.</p> <p>The modifications for two additional storeys results in further overshadowing impacts on surrounding building windows, private opens spaces and the public domain compared to the approved building envelope. Despite the additional overshadowing impacts the modified building envelope are considered reasonable given the site zoning, location within the Bondi Junction Centre and as overshadowing impacts are not concentrated on individual neighbouring sites from long periods of time, and do not reduce solar access to less than the minimum requirements specified in clause 2.16.</p>
<b>2.17 Views and view sharing</b>		
	Yes	See discussion above
<b>2.18 Visual privacy and security – superseded by ADG controls</b>		
<b>2.19 Apartment size and layout - Superseded by ADG controls</b>		
<b>2.20 Ceiling heights - Superseded by ADG controls</b>		
<b>2.21 Storage - Superseded by ADG controls</b>		
<b>2.22 Acoustic privacy – Superseded by ADG controls</b>		
<b>2.23 Natural ventilation - Superseded by ADG controls</b>		
<b>2.24 Building services</b>		
	Yes	Building services are adequately setback from the site’s side, front and rear boundaries. The proposed building services address the objectives and controls in clause 2.24 building services on merit.

**Table 8: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Urban form</b>		
	Yes	The proposed additional floor level maintains the setbacks of the tower form element of the approved development.
<b>1.3 Building use</b>		
	Yes	No change to the building uses of the approved development.
<b>1.4 Access and movement</b>		
	N/A	The proposal maintains the vehicular and pedestrian access points of the approved

Development Control	Compliance	Comment
		development. It also maintains the layout, orientation and size of the through-site link between Hegarty Lane and Oxford Street.
<b>1.5 Subdivision</b>		
	Yes	No change to the composition of the shopfront of the approved development.
<b>1.6 Heritage and buildings of historic character</b>		
	Yes	The building has been designed with a 2/3 storey street façade to match the height of the street façade of the development to the east (304 Oxford) with the tower form set behind.
<b>1.7 Active street frontages</b>		
	N/A	The proposal does not change the composition of the shopfront of the approved development and maintains the active street frontages of the development.
<b>1.8 Street alignment and front setbacks</b>		
	Yes (on merit)	The proposed additional floor levels to the approved development maintain the street alignment and front setbacks of the approved development. The street alignment and front setbacks remain appropriate given the site orientation, constraints and location of surrounding buildings.
<b>1.9 Separation - Superseded by ADG controls</b>		
<b>1.10 Side and rear boundary setbacks</b>		
	Yes (on merit)	The proposed additional floor levels maintain the side boundary setbacks of the approved development. These setbacks were considered reasonable in the assessment of the original development application and remain appropriate for the approved development, as proposed to be modified, given the site orientation, constraints and context. The nil eastern side setback of the additional floor levels has no effect on the quality of privacy, outlook and light afforded to the additional apartments given that openings are oriented to the street frontages of the site.
<b>1.11 Building footprint</b>		
	Yes	The proposal maintains the building footprint of the approved development, specifically the tower form footprint of the development.
<b>1.12 Building orientation</b>		
	Yes	The proposal maintains the building orientation of the approved development.
<b>1.13 Number of storeys</b>		
Max 8 storeys, seeking a 6 storey block edge form with 2 storeys above.	Yes (on merit)	The proposal changes the number of storeys of the approved development from 12 to 14. While the approved development, as proposed to be modified, is more than the numeric control, a 14 storey built form is considered acceptable in the

Development Control	Compliance	Comment
		immediate context given surrounding tower form developments are in excess of eight storeys. While the approved development, as proposed to be modified, exceeds the height of buildings development standard, the perceived number of storeys of the development is not expected to visually impact upon the streetscape and public domain of the immediate vicinity of the site.
<b>1.14 View, vista and tree preservation</b>		
	Yes	The proposed modifications are not envisaged to impact on existing public domain views, vistas and trees.
<b>1.15 Open spaces at the street front</b>		
	Yes	The proposed modifications do not change the street alignment of the approved development.
<b>1.16 Design excellence</b>		
	Yes	The proposal maintains the overall aesthetics and built form character of the approved development, which would have been considered as part of the assessment and determination of the original development application.
<b>1.17 Building elevations</b>		
	Yes	The proposed additional floor levels are sufficiently articulated and reflect the building modulation and rhythm of the floor levels below.
<b>1.18 Awnings and colonnades</b>		
	N/A	The proposal does not change the awnings of the approved development.
<b>1.19 Designing buildings for flexibility</b>		
	N/A	The proposal does not alter the position and orientation of essential services and utilities of the approved development, including fire stairs and service risers.
<b>1.20 Ceiling heights - Superseded by ADG controls</b>		
<b>1.21 External living areas - Superseded by ADG controls</b>		
<b>1.22 Wind mitigation</b>		
	Yes	The wind report submitted with the application notes that the proposed design will generate wind conditions that satisfy the safety and comfort criteria at ground floor test locations, at level 4 and the roof top terraces.
<b>1.23 Reflectivity</b>		
	Yes	A condition of consent exists in the consent to require the preparation and submission of a reflectivity report to Council, which would capture the full extent of the approved development, as proposed to be modified.

### 2.3 Other Impacts of the Development

The approved development, as proposed to be modified, is capable of complying with the Building Code of Australia. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### **2.4 Suitability of the Site for the Development**

The site remains suitable for the approved development, as proposed to be modified.

#### **2.5 Any Submissions**

The modification application was notified for 14 days in accordance with Part A3 of Waverley DCP 2012. Three submissions were received from the following properties in Bondi Junction:

**8 Spring Street, Bondi Junction**  
**Unit 1/16 Mill Hill Road, Bondi Junction**  
**Unit 2/16 Mill Hill Road, Bondi Junction**

It should be also noted that during the assessment of the application, it was noted that new development currently under construction at 304-308 Oxford Street (adjoining to the east) and 59 Oxford Street (directly opposite) have been granted recent approvals for mixed use tower developments. At the time of lodgement and subsequent notification of the subject application, the owners of these properties according to Council records (that is, the developers of these sites) were notified of the proposal. Having regard to these developments in particular, being under construction, the future occupants and new owners of the units had not yet been registered with Council and thereby unable to be notified of the proposal. While new owners have very recently begun to move into the adjoining building at 304-308 Oxford St (post notification of the application), consideration of impacts to these future owners and occupants, and in particular shadow impacts and view loss impacts have been considered as part of this assessment and discussed above in the report.

The following issues raised in the submissions have been previously addressed in the body of the report:

- Non-compliance with the height of buildings and floor space ratio development standards under Waverley LEP 2012 resulting in overdevelopment
- Overshadowing impact and solar access
- Streetscape and visual impact

The other issues raised in the submissions are summarised and discussed below.

**Issue:** *The proposal will increase traffic congestion*

**Response:** Noted. The proposal provides for sufficient off-street parking for vehicles and bicycles to cater for the additional residential apartments in the approved development, as proposed to be modified, and capitalises on its excellent access to public transport services available in the Bondi Junction Area. It is not expected to significantly impact on current traffic levels and on-street and public parking capacity within the surrounding road network.

**Issue:** *Concern over the method and process of applying for additional apartments, building height and gross floor area to an already approved development*

**Response:** Noted. An applicant has the right to modify the overall building envelope, density and design of an approved development by way of an application made under section 4.55 of the Act on the proviso that an approved development, as proposed to be modified, is deemed to be substantially the same as the approved development and that any additional impact arising from any proposed modification to an approved development satisfy relevant matters for consideration under section 4.55 of the Act. The subject application is deemed to be substantially the same as the approved application/development and its additional planning impacts are deemed acceptable and reasonable as explained in the body of this report. Similar applications for additional storeys to towers in the Bondi Junction Centre have been accepted as section 4.55(2) applications and have been approved by Council's previous Waverley Development Assessment Panel and the Sydney Eastern City Planning Panel.

## 2.6 Public Interest

The public interest outcome of the proposal has been considered in detail in section 2.2.6 of this report. The proposal is not considered to be contrary to the public interest.

## 3 REFERRALS

### 3.1 Sydney Trains

The following comments and concurrence was provided by Sydney Trains on 6 March 2019:

*Sydney Trains now advises that the proposed development is being assessed in accordance with the requirements of Clause 86(4) being:*

- a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
  - i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development modification proposed in modification application DA-600/2015/B subject to Council imposing the additional operational conditions listed in Attachment A that will need to be complied with.*

*Should Council choose not to impose the additional operational condition provided in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.*

*In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.*

*Council is also advised that the Sydney Trains concurrence is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without the further agreement from Sydney Trains.*

The conditions provided by Sydney Trains are recommended for imposition on the consent, contained in Appendix A and B of this report.

### **3.2 Creating Waverley – Traffic and Development**

The application was referred to Council's Professional Engineer- Traffic and Development, who did not object to the additional basement car park level from a vehicular access and manoeuvrability perspective. Standard conditions remain imposed on the consent.

### **3.3 Waverley Futures – Shaping Waverley**

The application has been accompanied by a Voluntary Planning Agreement (VPA), made in accordance with the Council's Planning Agreements Policy 2014. The assessment and negotiation process for the VPA is dealt with at arms-length to the Development Assessment processes to ensure probity.

The applicant and Council's Shaping Waverley sub-program negotiated terms of a draft planning agreement simultaneously during the course of the assessment of the subject application. The agreed-upon development contribution for the Draft Planning Agreement is in the sum of \$1,687,239.08.

The dedications of the contribution for the material public benefit of the Agreement are yet to be determined, however the current version of Council's *Planning Agreement Policy 2014* envisages that 10% of the contribution be dedicated to Waverley's Affordable Housing Program with the remaining amount being dedicated to public domain improvements including the Bondi Junction Complete Streets Program. This will be formalised prior to the Draft Planning Agreement being publicly exhibited and endorsed by the elected Council.

A condition of consent calls up the VPA and is recommended as part of this application.

## **4 SUMMARY**

The application seeks to modify development consent, known as DA-600/2015, for demolition of and construction of a 12 storey mixed use development including retail on ground floor and 48 residential apartments that was granted by the Waverley Development Assessment Panel on 24 May 2017. The proposed modifications seek two additional floor levels comprised of six (6) residential apartments, internal changes to commercial floor space, an additional basement level of car parking, modification to the internal layout of residential floor levels resulting in a further additional two residential apartments, providing a total of 55 apartments within the development.

The application has been assessed within the framework of the matters for consideration under sections 4.15 and 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The assessment finds that the approved development, as proposed to be modified, is substantially the same as the approved development and is acceptable with regard to its performance against environmental planning instruments, specifically SEPP 65 and Waverley LEP 2012, and the Waverley DCP 2012. The development remains consistent with the desired future character of the Bondi Junction Centre.

The application attracted three submissions and the issues raised in the submissions have been addressed in the body of the report.

Accordingly, the application is supported on merit and recommended for conditional approval.

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendices A and B of this report.

**Report prepared by:**

**Application reviewed and agreed on behalf of Waverley Council's Development and Building Unit by:**

Jo Zancanaro  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date:** 7 March 2019

**Date:** 14 March 2019

### **Reason for referral:**

2. Contentious Development
- c) is for Class 2-9 buildings that:
  - have a value greater than \$3m,
4. Sensitive Development:
  - b) Development to which SEPP 65 applies
  - e) Development applications for which the developer has offered to enter into a planning agreement.



## APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

### A. Amended/ Deleted Conditions

### A. APPROVED DEVELOPMENT

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with the following documents:

(a) Architectural Plans;

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	08.05.16
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	08.05.16
Basement B3 Plan DA 1.03-02	12.04.17 – Revision 2	Howe Architects	08.05.16
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	08.05.16
Basement B1 Plan DA 1.06-03	12.04.17- Revision 3	Howe Architects	08.05.16
Ground Floor Plan DA 1.07-04	12.04.17 – Revision 4	Howe Architects	08.05.16
Level 2 Plan DA 1.08-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 3 Plan DA 1.09-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Level 4 Plan DA 1.10-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 5 Plan DA 1.11-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 6 Plan DA 1.12-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 7 Plan DA 1.13-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 8 Plan DA 1.14-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 9 Plan DA 1.15-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 10 Plan DA 1.16-3	14.04.17- Revision 3	Howe Architects	08.05.16
Level 11 Plan DA 1.17-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 12 Plan DA 1.18-03	12.04.17- Revision 3	Howe Architects	08.05.16
Roof Terrace Plan DA 1.19-02	12.04.17- Revision 2	Howe Architects	08.05.16
Roof Plan DA 1.26-00	29.07.16- Revision 0	Howe Architects	08.05.16

Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed South Elevation DA 2.06-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed West Elevation DA 2.07-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed East Elevation DA-2.08-03	14.04.17 – Revision 3	Howe Architects	08.05.16
Section A-A DA 3.00-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Section B-B DA 3.01-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Section C-C DA 3.02-02	05.04.17 – Revision 2	Howe Architects	08.05.16
Typical Balustrade Cross sections DA-6.80-02	20.04.17 – Revision 2	Howe Architects	08.05.16

- (i) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 13 February 2018 and including:

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	13.02.18
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	13.02.18
Basement B3 Plan DA 1.03-02	13.04.17 – Revision 2	Howe Architects	13.02.18
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	13.02.18
Basement B1 Plan DA 1.06-06	20.12.17- Revision 6	Howe Architects	13.02.18
Ground Floor Plan DA 1.07-08	20.12.17 – Revision 8	Howe Architects	13.02.18
Level 2 Plan DA 1.08-07	20.12.17- Revision 8	Howe Architects	13.02.18
Level 3 Plan DA 1.09-08	13.02.18 – Revision 8	Howe Architects	13.02.18
Level 4 Plan DA 1.10-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 5 Plan DA 1.11-08	13.02.18– Revision 8	Howe Architects	13.02.18

Level 6 Plan DA 1.12-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 7 Plan DA 1.13-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 8 Plan DA 1.14-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 9 Plan DA 1.15-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 10 Plan DA 1.16-07	13.02.18- Revision 7	Howe Architects	13.02.18
Level 11 Plan DA 1.17-007	13.02.18 - Revision 7	Howe Architects	13.02.18
Level 12 Plan DA 1.18-07	14.12.17- Revision 7	Howe Architects	13.02.18
Roof Terrace Plan DA 1.19-06	14.12.17- Revision 6	Howe Architects	13.02.18
Roof Plan DA 1.26-04	14.12.17- Revision 4	Howe Architects	13.02.18
Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-06	28.11.17 – Revision 6	Howe Architects	13.02.18
Proposed South Elevation DA 2.06-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Proposed West Elevation DA 2.07-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Proposed East Elevation DA-2.08-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section A-A DA 3.00-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section B-B DA 3.01-07	14.12.17– Revision 7	Howe Architects	13.02.18
Section C-C DA 3.02-05	28.11.17 – Revision 5	Howe Architects	13.02.18
Typical Balustrade Cross sections DA-6.80-03	09.08.17 – Revision 3	Howe Architects	13.02.18
External Materials Schedule	6.10.17	Howe Architects	6.10.17

(ii) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 18 April 2018 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
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VPA & Section 4.55 Basement B6 General Layout Plan DA01 1.02-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B5 General Layout Plan DA01 1.03-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B4 General Layout Plan DA01 1.04A-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B3 General Layout Plan DA01 1.04-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B2 General Layout Plan DA01 1.05-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B1 General Layout Plan DA01 1.06-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Ground Floor General Layout Plan DA01 1.07-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 2 General Layout Plan DA01 1.08-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 3 General Layout Plan DA01 1.09-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 4 General Layout Plan DA01 1.10-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 5 General Layout Plan DA01 1.11-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 6 General Layout Plan DA01 1.12-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 7 General Layout Plan DA01 1.13-00	19.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Level 8 General Layout Plan DA01 1.14-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 9 General Layout Plan DA01 1.15-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 10 General Layout Plan DA01 1.16-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 11 General Layout Plan DA01 1.17-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 12 General Layout Plan DA01 1.18-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 13 General Layout Plan DA01 1.19-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 14 General Layout Plan DA01 1.20-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.21-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.22-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 1 DA01 1.27-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 2 DA01 1.28-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed North Elevation DA01 2.05-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed South Elevation DA01 2.06-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed West Elevation	19.01.18	Howe Architects	18.04.18

<b>DA01 2.07-00</b>			
<b>VPA &amp; Section 4.55 Proposed East Elevation DA01 2.08-00</b>	<b>30.01.18</b>	<b>Howe Architects</b>	<b>18.04.18</b>
<b>VPA &amp; Section 4.55 Proposed Section A-A DA01 3.00-00</b>	<b>30.01.18</b>	<b>Howe Architects</b>	<b>18.04.18</b>
<b>VPA &amp; Section 4.55 Proposed Section B-B DA01 3.01-00</b>	<b>30.01.18</b>	<b>Howe Architects</b>	<b>18.04.18</b>
<b>VPA &amp; Section 4.55 Proposed Section C-C DA01 3.02-00</b>	<b>30.01.18</b>	<b>Howe Architects</b>	<b>18.04.18</b>
<b>VPA &amp; Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00</b>	<b>30.01.18</b>	<b>Howe Architects</b>	<b>18.04.18</b>

- (b) BASIX Certificate to be updated with the Construction Certificate Plans
- (c) **Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 4 April 2017 and received by Council on 5 May 2017 as amended by Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 13 April 2018 and received by Council on 18 April 2018;**
- (d) **BCA Design Compliance Report, prepared by Matt Shuter and Associates, dated 9 August 2016 and received by Council on 30 August 2016 as amended by BCA Design Compliance Report, prepared by Matt Shuter and Associates dated 26 February 2018 and received by Council on 18 April 2018;**
- (e) Site Contamination Reports, Phase 1 Environmental Site Assessment Report, dated 16 November 2015 prepared by LG Consult and received by Council on 24 December 2015 and Interim Site Audit Advice 1, prepared by GHD, Site Auditor Andrew Kohlrusch, Report number 2125711 dated 3 August 2016 and received by Council on 30 August 2016;
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

***(AMENDED DA-600/2015/B)***

## **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The layout of apartment 3.08 is to be amended to provide access from a living area to the balcony which adjoins the lightwell.
- (b) Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and all reference to

car stackers are to be deleted from all plans, in particular on the Section B-B drawing DA 3.01-03.

- (c) A car wash bay is to be provided in the basement
- (d) 8 bicycle racks are to be provided at street level for visitors to both the residential and commercial parts of the building. In accordance with the DCP, the spaces are to be provided at a convenient location near a major entrance.
- (e) Awning details to Oxford Street are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath.
- (f) **Off street carparking shall be limited to a maximum of 52 residential car spaces, 10 visitor car spaces, 3 commercial/retail spaces and a loading dock. In this regard, the excess carparking spaces (8 car spaces) are not approved and shall be deleted from the plan. This area shall be redesigned as storage (for commercial/retail uses) or plant.**
- (g) **The air conditioning units on the roof are not approved and are to be relocated internal to plant rooms within the building. In this regard, the area of the roof plan proposed as 'screened A/C condensers on roof terrace level' shall be deleted from the plan and replaced with landscaping (ie non trafficable), as extensions to the perimeter planters. The landscape plan shall be updated to reflect this amendment.**

The amendments are to be approved by Council's Executive Manager, Building Waverley (or delegate) prior to the issue of the relevant Construction Certificate under the Environmental Planning and Assessment Act 1979.

***(AMENDED DA-600/2015/B)***

## **27. ON-SITE STORMWATER DETENTION DETAILS**

The drawings submitted with the DA **and the Section 4.55 modification** application do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual.

Water Management Plans including On-site Stormwater Detention (OSD) and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

Note: Since a sewer and water main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

***(AMENDED DA-600/2015/B)***

## **C. SYDNEY TRAINS CONDITIONS OF CONSENT**

### **43. REQUIREMENTS OF SYDNEY TRAINS**

- (a) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical and structural engineer experience with such excavation projects.

- (b) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (c) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
  - (i) Machinery to be used during excavation/construction.
  - (ii) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of the deferred commencement conditions, track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
  - (iii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (d) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (e) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (f) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (g) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (h) Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (i) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- (j) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development



from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (k) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (l) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (n) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (o) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
- (p) **Unless amendments are required in order to obtain approval/certification/compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:**
  - **Shoring System Details prepared by Northrop, Job Number SY151150, Drawing Number SK30, Revision 5 dated 14 November 2018**
  - **Shoring System Details Letter prepared by Northrop to Sydney Trains dated 14 November 2018**
  - **Asset Geotechnical Numerical Modelling of Impact on Rail Tunnels Report Reference 4429-2-R3-Rev 4 dated 26 November 2018**
  - **Douglas Partners Report Reference 86488.00 R003 Rev 1 Geotechnical Tunnel Monitoring Plan dated 4 September 2018**

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

(q) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Monitoring Plan for endorsement addressing the following items, but not limited to:

- An additional vibration monitor shall be installed along the tunnel traversing the excavation.
- The monitoring frequency for survey stations and crack gauges shall be specified including the frequency they will be monitored
- Vibration events shall be defined around what is occasional exceedance and sustained exceedance

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(r) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Excavation Methodology for endorsement addressing the following item, but not limited to:

- Inclusion of rock sawing of the perimeter of the excavation prior to rock hammering to limit vibration transfers

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(s) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Geotechnical Numerical Modelling for endorsement addressing the following item, but not limited to:

- Inclusion of justification on why temporary anchors were omitted from the FEM modelling

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

*(AMENDED DA-600/2015/B)*

**B. New Conditions**

**11A. PLANNING AGREEMENT**

a) The owner/ applicant to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-600/2015/B; and
- (ii) Pay a monetary contribution amount of \$1,687,239.08 prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:

- i. In a form acceptable to Council and from an institution acceptable to Council
- ii. Irrevocable
- iii. Unconditional
- iv. With no end date

c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

***(ADDED DA-600/2015/B)***

**42A. CAR PARKING ALLOCATIONS**

A total of **65** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) 52 residential parking spaces;
- (b) 10 visitor parking spaces ;
- (c) 3 retail/commercial parking spaces.
- (d) At least 5 of these spaces to be allocated as accessible parking spaces.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

***(ADDED DA-600/2015/B)***

**42B. BICYCLE PARKING**

A total of **63** bicycle parking spaces are to be provided, allocated in the following manner:

- (a) 55 residential bicycle spaces;
- (b) 6 visitor bicycle spaces ;
- (c) 2 retail bicycle spaces.
- (d) At least 4 of these spaces to be located at ground level, adjacent to lobby

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

***(ADDED DA-600/2015/B)***

**42C. MOTORCYCLE PARKING**

A total of **11** motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

***(ADDED DA-600/2015/B)***

**109A. PARKING**

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) A minimum of one car space per retail tenancy (for staff parking) shall be provided within the basement (ie, minimum 3 spaces based on 3 tenancies).
- (d) Car parking and storage spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

***(ADDED DA-600/2015/B)***

**109B. PARKING PERMITS**

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

***(ADDED DA-600/2015/B)***

## APPENDIX B – FULL SET OF CONDITIONS

~~Attachment A~~ ~~DA 600/2015/A~~

~~The consent is not to operate until the applicant satisfies the Council, within 24 months of the date of the consent (DA 600/2015 dated 24 May 2017), that:~~

- ~~1. The proposal is subject to further design refinement in order to achieve the following outcomes:
  - ~~a) Introduce more vertical elements into the tower thereby improving its vertical proportions in order to better reflect the design context provided by the existing and approved buildings to the east. Vertical elements should be extended from the top of the podium to the top of the building.~~
  - ~~b) A reduction in the apparent width and visual dominance of the building by limiting the extent and protrusion of the curved balconies.~~
  - ~~c) The creation of a strong roof form in order to provide an appropriate termination to the top of the building.~~
  - ~~d) A less complex materiality and form.~~~~

~~Amended plans, photomontages and schedules of external finishes, are to be referred to, and are subject to the satisfaction of, the Waverley/Randwick Design Excellence Panel.~~

~~Following this, Council's Executive Manager, Building Waverley is to approve the amendments.~~

- ~~2. Approval/certification is to be obtained from Sydney Trains as to the following matters and the approval/certification is to be forwarded to the Council:
  - ~~a) Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.~~
  - ~~b) Final Construction methodology with construction details pertaining to structural support during excavation.~~
  - ~~c) Final cross-sectional drawings showing ground surface, rail tracks, sub-soil profile, proposed basement excavation and structural design of sub-ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.~~
  - ~~d) Detailed Survey Plan showing the relationship of the proposed developed with respect to rail land/easement/stratum and infrastructure.~~
  - ~~e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.~~~~

~~The above documentation shall be prepared in compliance with the Asset Standards Authority (ASA) standard T HR CI 12051 ST "Development Near Rail Tunnels".~~

~~Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.~~

***(Attachment A - Deleted following Consent activation on 6 June 2018)***

Upon satisfying the consent authority as to the matters in Attachment A, the following conditions will apply.

**A. APPROVED DEVELOPMENT**

**1. APPROVED DEVELOPMENT**

The development must be in accordance with the following documents:

(a) Architectural Plans;

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	08.05.16
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	08.05.16
Basement B3 Plan DA 1.03-02	12.04.17 – Revision 2	Howe Architects	08.05.16
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	08.05.16
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Level 3 Plan DA 1.09-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Level 4 Plan DA 1.10-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 5 Plan DA 1.11-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 6 Plan DA 1.12-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 7 Plan DA 1.13-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 8 Plan DA 1.14-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 9 Plan DA 1.15-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 10 Plan DA 1.16-3	14.04.17- Revision 3	Howe Architects	08.05.16
Level 11 Plan DA 1.17-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 12 Plan DA 1.18-03	12.04.17- Revision 3	Howe Architects	08.05.16
Roof Terrace Plan DA 1.19-02	12.04.17- Revision 2	Howe Architects	08.05.16

Roof Plan DA 1.26-00	29.07.16- Revision 0	Howe Architects	08.05.16
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Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
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Proposed West Elevation DA 2.07-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed East Elevation DA-2.08-03	14.04.17 – Revision 3	Howe Architects	08.05.16
Section A-A DA 3.00-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Section B-B DA 3.01-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Section C-C DA 3.02-02	05.04.17 – Revision 2	Howe Architects	08.05.16
Typical Balustrade Cross sections DA-6.80-02	20.04.17 – Revision 2	Howe Architects	08.05.16

- (i) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 13 February 2018 and including:

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	13.02.18
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	13.02.18
Basement B3 Plan DA 1.03-02	13.04.17 – Revision 2	Howe Architects	13.02.18
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	13.02.18
Basement B1 Plan DA 1.06-06	20.12.17- Revision 6	Howe Architects	13.02.18
Ground Floor Plan DA 1.07-08	20.12.17 – Revision 8	Howe Architects	13.02.18
Level 2 Plan DA 1.08-07	20.12.17- Revision 8	Howe Architects	13.02.18
Level 3 Plan DA 1.09-08	13.02.18 – Revision 8	Howe Architects	13.02.18
Level 4 Plan DA 1.10-08	13.02.18– Revision 8	Howe Architects	13.02.18



Level 5 Plan DA 1.11-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 6 Plan DA 1.12-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 7 Plan DA 1.13-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 8 Plan DA 1.14-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 9 Plan DA 1.15-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 10 Plan DA 1.16-07	13.02.18- Revision 7	Howe Architects	13.02.18
Level 11 Plan DA 1.17-007	13.02.18 - Revision 7	Howe Architects	13.02.18
Level 12 Plan DA 1.18-07	14.12.17- Revision 7	Howe Architects	13.02.18
Roof Terrace Plan DA 1.19-06	14.12.17- Revision 6	Howe Architects	13.02.18
Roof Plan DA 1.26-04	14.12.17- Revision 4	Howe Architects	13.02.18
Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-06	28.11.17 – Revision 6	Howe Architects	13.02.18
Proposed South Elevation DA 2.06-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Proposed West Elevation DA 2.07-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Proposed East Elevation DA-2.08-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section A-A DA 3.00-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section B-B DA 3.01-07	14.12.17– Revision 7	Howe Architects	13.02.18
Section C-C DA 3.02-05	28.11.17 – Revision 5	Howe Architects	13.02.18
Typical Balustrade Cross sections DA-6.80-03	09.08.17 – Revision 3	Howe Architects	13.02.18
External Materials Schedule	6.10.17	Howe Architects	6.10.17

- (ii) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 18 April 2018 and including:

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
VPA & Section 4.55 Basement B6 General Layout Plan DA01 1.02-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B5 General Layout Plan DA01 1.03-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B4 General Layout Plan DA01 1.04A-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B3 General Layout Plan DA01 1.04-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B2 General Layout Plan DA01 1.05-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B1 General Layout Plan DA01 1.06-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Ground Floor General Layout Plan DA01 1.07-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 2 General Layout Plan DA01 1.08-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 3 General Layout Plan DA01 1.09-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 4 General Layout Plan DA01 1.10-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 5 General Layout Plan DA01 1.11-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 6 General Layout Plan DA01 1.12-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 7 General Layout Plan	19.01.18	Howe Architects	18.04.18

DA01 1.13-00			
VPA & Section 4.55 Level 8 General Layout Plan DA01 1.14-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 9 General Layout Plan DA01 1.15-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 10 General Layout Plan DA01 1.16-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 11 General Layout Plan DA01 1.17-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 12 General Layout Plan DA01 1.18-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 13 General Layout Plan DA01 1.19-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 14 General Layout Plan DA01 1.20-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.21-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.22-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 1 DA01 1.27-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 2 DA01 1.28-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed North Elevation DA01 2.05-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed South Elevation DA01 2.06-00	30.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Proposed West Elevation DA01 2.07-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed East Elevation DA01 2.08-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section A-A DA01 3.00-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section B-B DA01 3.01-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section C-C DA01 3.02-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00	30.01.18	Howe Architects	18.04.18

- (b) BASIX Certificate to be updated with the Construction Certificate Plans
- (c) Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 4 April 2017 and received by Council on 5 May 2017 as amended by Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 13 April 2018 and received by Council on 18 April 2018;
- (d) BCA Design Compliance Report, prepared by Matt Shuter and Associates, dated 9 August 2016 and received by Council on 30 August 2016 as amended by BCA Design Compliance Report, prepared by Matt Shuter and Associates dated 26 February 2018 and received by Council on 18 April 2018;
- (e) Site Contamination Reports, Phase 1 Environmental Site Assessment Report, dated 16 November 2015 prepared by LG Consult and received by Council on 24 December 2015 and Interim Site Audit Advice 1, prepared by GHD, Site Auditor Andrew Kohlrusch, Report number 2125711 dated 3 August 2016 and received by Council on 30 August 2016;
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

***(AMENDED DA-600/2015/B)***

## 2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The layout of apartment 3.08 is to be amended to provide access from a living area to the balcony which adjoins the lightwell.
- (b) Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and all reference to car stackers are to be deleted from all plans, in particular on the Section B-B drawing DA 3.01-03.
- (c) A car wash bay is to be provided in the basement
- (d) 8 bicycle racks are to be provided at street level for visitors to both the residential and commercial parts of the building. In accordance with the DCP, the spaces are to be provided at a convenient location near a major entrance.
- (e) Awning details to Oxford Street are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath.
- (f) Off street carparking shall be limited to a maximum of 52 residential car spaces, 10 visitor car spaces, 3 commercial/retail spaces and a loading dock. In this regard, the excess carparking spaces (8 car spaces) are not approved and shall be deleted from the plan. This area shall be redesigned as storage (for commercial/retail uses) or plant.
- (g) The air conditioning units on the roof are not approved and are to be relocated internal to plant rooms within the building. In this regard, the area of the roof plan proposed as 'screened A/C condensers on roof terrace level' shall be deleted from the plan and replaced with landscaping (ie non trafficable), as extensions to the perimeter planters. The landscape plan shall be updated to reflect this amendment.

The amendments are to be approved by Council's Executive Manager, Building Waverley prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

***(AMENDED DA-600/2015/B)***

## 3. DETAILED LANDSCAPE PLAN

Further details are required to ensure that the landscaping proposed is successful. A detailed landscaping plan prepared by a qualified landscape architect is to be submitted for the approval of Council's Executive Manager, Building Waverley prior to the issue of a Construction Certificate for any works above basement levels.

The plan is to include;

- (a) Appropriate species, which will withstand the harsh environment of Bondi Junction, taking into consideration wind conditions,

- (b) Species which can be accommodated within the depth of the planters proposed and have an appropriate mature height
- (c) Species which have easy maintenance and non-deciduous so that the aesthetic of the building is retained year round.
- (d) Details of irrigation are to be provided.
- (e) Maintenance Plan/Schedule required for the proposed planting scheme.

#### **4. ARCHITECTURAL DETAILING**

Prior to the issue of any Construction Certificate for works above existing ground level, further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

These details are to be submitted for the review of Council's Design Excellence Panel with a referral fee to be paid at the time of lodgement. Please contact Council's Duty Planner for a fee quote prior to submission. The amended Landscape Plan is also to be referred to the Panel for consolidated review.

Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of a Construction Certificate for works above existing ground level under the Environmental Planning and Assessment Act 1979.

#### **5. REFLECTIVITY REPORT**

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses the following controls;

- (a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level
- (b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%
- (c) Reflected solar glare on drivers should not exceed 500 candelas / m<sup>2</sup>. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate.

**6. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT**

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

**7. ARCHITECT TO SUPERVISE DESIGN**

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a **qualified designer** in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

**8. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT**

The use, fit-out, signage or proposed hours of operation for the pub, retail or commercial/office area has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008.

**9. EXCAVATION TO BE LIMITED**

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

**10. SIGNAGE**

The following shall apply to any future signage for the site;

- (a) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (b) No advertising signs or notices are to be affixed to the windows of the premises.
- (a) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.
- (b) Signage is to be erected/supported in a secure manner for safety purposes;
- (c) Signage, must not be installed in a manner which would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.



## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **11. SECTION 94A CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:
  - (1) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (2) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:  
[www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

#### Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

### **11A. PLANNING AGREEMENT**

- a) The owner/ applicant to:
  - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-600/2015/B; and
  - (ii) Pay a monetary contribution amount of \$1,687,239.08 prior to the issue of any Occupation certificate for the Development

- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
  - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
  - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
    - i. In a form acceptable to Council and from an institution acceptable to Council
    - ii. Irrevocable
    - iii. Unconditional
    - iv. With no end date
- c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

***(ADDED DA-600/2015/B)***

**12. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$250,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

**13. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

**14. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority.

## **15. ESSENTIAL SERVICES - NEW BUILDING**

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;
- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **16. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS**

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

**17. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities (water, gas, electricity) regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

**18. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

**19. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION**

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

**20. HOARDING REQUIRED**

A standard A-Class or B-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

**21. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

**22. GEOTECHNICAL ENGINEERS REPORT**

The geotechnical investigations required to be submitted to satisfy the Sydney Trains conditions of consent is also to assess the stability of the subject site and make recommendations (if required) to conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring work. The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

**23. UNDERGROUND ANCHORS**

Any underground anchors required for structural support into adjoining properties would require appropriate owners consent from all affected parties. Subsequently, evidence of the registration of easement is required for the anchors proposed to support the basement retaining wall prior to the issue of a Construction Certificate is required.

**24. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

**25. EROSION, SEDIMENT AND POLLUTION CONTROL**

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

**26. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

Prior to the issue of a Construction Certificate and the undertaking of any demolition, excavation, remediation or construction works on the site, the applicant shall submit to Council a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall provide, but not be limited to, details of the following:

- a. The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- b. There being no access for vehicles at any time from the Oxford Street frontage.
- c. The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
  - such vehicles cannot adequately and safely gain access to and from the site or
  - access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- d. The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- e. Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.

- f. The location and materials of construction of temporary driveways providing access into and out of the site.
- g. The location and length of any proposed Works/Construction Zones. Note:
  - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - It is illegal to:
    - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
    - ii. Barricade/reserve a section of roadway without the prior approval of Council
- h. The hours of operation of demolition/construction vehicles.
- i. The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- j. How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
  - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
  - The type(s) of material on which pedestrians will be required to walk
  - The width of the pathway on the route
  - The location and type of proposed hoardings
  - The location of existing street lighting
- k. Any bus zones, taxi zones etc., that may be affected/require temporary relocation as a result of development works.
- l. Any other requirements that arise out of the assessment of the application prior to it being approved.

**NOTE: PRIOR TO THE PREPATATION OF THE CVPPM**, the applicant or his or her representative shall make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (l) above and provide advice received in relation to the following dot points:

- Make contact with representatives from State Transit and the Taxi Council NSW whose zones may be affected/ require temporary relocation and whose services may be unduly impacted as a result of the development works.
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

## **27. ON-SITE STORMWATER DETENTION DETAILS**

The drawings submitted with the DA **and the Section 4.55 modification application** do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual.

Water Management Plans including On-site Stormwater Detention (OSD) and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

Note: Since a sewer and water main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

**(AMENDED DA-600/2015/B)**

## **28. STORMWATER CERTIFICATION**

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

## **29. BASIX**

A modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The undertakings provided in the updated/modified BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

## **30. ENERGY EFFICIENCY**

In accordance with Part B2 - Clause 5.2 of the Waverley Development Control Plan, any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. BCA, Section J compliant only).

The 'Energy Assessment Report' developed by Team Catalyst provided to Council does not satisfy this requirement and is to be reviewed in consultation with Council's Co-ordinator, Sustainable Energy, as the report currently does not include common areas.

An amended report which successfully demonstrates that the development reduces the emissions in accordance with the DCP is required to be submitted to Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate.





**31. PLANS TO REFLECT THE ENERGY ASSESSMENT REPORT**

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Section 96 Modification Application.

**32. USE OF RENEWABLE TIMBERS**

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

**33. LANDSCAPED SLABS**

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

**34. ACCESS**

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part D3 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.

**35. ACCESS TO MAIN ENTRY**

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**36. ADAPTABLE HOUSING**

8 Adaptable units are to be provided within the development, those being L1-1, L201, L3-1, L2-4, L3-4, L3-6, L3-7, L10-1 as nominated on drawing 1.27 and 1.27. One car space is to be allocated to each of these apartments. Details are to be submitted to the Principal Certifying Authority, demonstrating compliance with the relevant Australian Standards, prior to the issue of the Construction Certificate.

### 37. WASTE STORAGE AREAS

- (a) The development is to include a bin storage point with enough space to accommodate the following minimum number of bins for the residential and commercial components of the development;
- (a) Residential
- 16 x 240L Mobile Garbage Bins (MGBs) for general waste,
  - 12 x 240 MGBs for recycling materials:
    - 6 x 240L MGBs for recyclables, and
    - 6 x 240L MGBs for paper and cardboard.
  - Additional space is to be made available for an extra 240L MGB for general waste
- (b) Commercial
- 3 x 240L Mobile Garbage Bins (MGBs) for general waste,
  - 2 x 240 MGBs for comingled recycling materials.
  - Space will need to be available to accommodate the additional waste and recycling needs of commercial premises such as milk/bread crates.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (e) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (h) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (i) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (j) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

- (k) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (l) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Sustainable Waverley staff prior to the issue of a Construction Certificate.

### **38. INSTALLATION OF AIR CONDITIONING**

Air conditioning unit(s) installed within the building shall:

- (a) Be located inside approved plant rooms.
- (b) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
- (c) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

### **39. LOCATION OF GREASE TRAP**

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied. The location of the grease trap is to be considered and included in the construction certificate drawings for the development.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

### **40. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES**

A Noise Management Plan must be submitted to Council for approval prior to the issue of a construction certificate and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include, but not be limited to the following:-

- (a) Identification of nearby residents and other sensitive locations near to the site;
- (b) Description of hours of work and what work will be undertaken
- (c) Description of what work practices will be applied to minimise noise

- (d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (e) Selection criteria for plant and equipment;
- (f) Community consultation;
- (g) Details of work schedules for all construction phases;
- (h) Selection of traffic routes to minimise residential noise intrusion;
- (i) Schedule of plant and equipment use and maintenance programs;
- (j) Noise monitoring techniques and method of reporting results;
- (k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (m) Site induction details for employees and contractors, and;
- (n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

**41. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection

taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

#### **42. SWEEP WHEEL PATH DRAWINGS**

In order to confirm the impact the proposal will have on on-street parking, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The swept wheel path drawings shall:

1. Be drawn for the MRV, standard design vehicle as described in AS/NZS 2890.2:2002 Part 2 Off Street Commercial Vehicle Facilities.
2. Be drawn separately for the vehicle entering the loading dock from both an easterly and westerly direction of travel in Hegarty Lane and exiting the site in both an easterly and westerly direction.
3. Include and accurately show the kerb and gutter, driveways and vehicles parked kerbside on the northern side of Hegarty Lane in the vicinity of the proposed driveway.
4. Show the minimum length of the opening required at the loading dock entrance to cater for the design vehicle swept wheel paths.
5. Clearly and accurately show the part of Hegarty Lane on the northern side for which approval is being sought to the imposition of parking restrictions.

#### **42A. CAR PARKING ALLOCATIONS**

A total of **65** car vehicle parking spaces are to be provided, allocated in the following manner:

- (e) 52 residential parking spaces;
- (f) 10 visitor parking spaces ;
- (g) 3 retail/commercial parking spaces.
- (h) At least 5 of these spaces to be allocated as accessible parking spaces.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

***(ADDED DA-600/2015/B)***

#### **42B. BICYCLE PARKING**

A total of **63** bicycle parking spaces are to be provided, allocated in the following manner:

- (e) 55 residential bicycle spaces;
- (f) 6 visitor bicycle spaces ;
- (g) 2 retail bicycle spaces.
- (h) At least 4 of these spaces to be located at ground level, adjacent to lobby

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

*(ADDED DA-600/2015/B)*

**42C. MOTORCYCLE PARKING**

A total of **11** motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

*(ADDED DA-600/2015/B)*

## **C. SYDNEY TRAINS CONDITIONS OF CONSENT**

### **43. REQUIREMENTS OF SYDNEY TRAINS**

- (a) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical and structural engineer experience with such excavation projects.
- (b) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (c) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
  - (i) Machinery to be used during excavation/construction.
  - (ii) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of the deferred commencement conditions, track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
  - (iii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (d) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (e) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (f) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (g) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (h) Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (i) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the

Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.

- (j) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (k) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (l) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (n) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (o) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
- (p) Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:
  - (i) Shoring System Details prepared by Northrop, Job Number SY151150, Drawing Number SK30, Revision 5 dated 14 November 2018
  - (ii) Shoring System Details Letter prepared by Northrop to Sydney Trains dated 14 November 2018



- (iii) Asset Geotechnical Numerical Modelling of Impact on Rail Tunnels Report Reference 4429-2-R3-Rev 4 dated 26 November 2018
- (iv) Douglas Partners Report Reference 86488.00 R003 Rev 1 Geotechnical Tunnel Monitoring Plan dated 4 September 2018

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (q) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Monitoring Plan for endorsement addressing the following items, but not limited to:
  - (i) An additional vibration monitor shall be installed along the tunnel traversing the excavation.
  - (ii) The monitoring frequency for survey stations and crack gauges shall be specified including the frequency they will be monitored
  - (iii) Vibration events shall be defined around what is occasional exceedance and sustained exceedance

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (r) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Excavation Methodology for endorsement addressing the following item, but not limited to:
  - (i) Inclusion of rock sawing of the perimeter of the excavation prior to rock hammering to limit vibration transfers

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (s) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Geotechnical Numerical Modelling for endorsement addressing the following item, but not limited to:
  - (i) Inclusion of justification on why temporary anchors were omitted from the FEM modelling

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

***(AMENDED DA-600/2015/B)***

## **D. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **44. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **45. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **46. EXCAVATION AND BACKFILLING**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

### **47. EXCAVATION BELOW FOOTINGS**

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

### **48. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;

- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

**49. TOILET FACILITIES**

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

**50. NO USE OF ORGANOCHLORIN PESTICIDES**

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

**51. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that 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 builder, owner, developer, its contractors and the owners of neighbouring buildings.

**52. SITE REMEDIATION**

In accordance with the report prepared by GHD NSW EPA Accredited Site Auditor Andrew Kohlrusch, a Construction Environmental Plan (CEMP) outlining the steps required to be undertaken during demolition and removal of the existing structures, including the underground storage tank (UST), basement excavation works to manage the UST and presence of contaminated soil and/or groundwater (if encountered) associated with the UST is to be prepared. In this regard, the CEMP must also outline how the staging of

construction certificates will facilitate excavation/demolition works whilst protecting the integrity of the site suitability and validation process prior to obtaining subsequent construction certificates to build structures.

The UST should be removed and the tank pit validated in accordance with NSW EPA made or endorsed guidelines. Any contamination ground water and soil identified following removal of the UST shall also be removed and disposed of in accordance with the NSW EPA made or endorsed guidelines. As part of the audit, an inspection of the final excavated surface should be conducted and consultation held with the environmental consultant to assess whether further sampling is required.

Subject to the safe removal of the UST any associated contaminated soil or ground water, and completion of excavation, a validation report shall be prepared in accordance with the Consultant Guidelines declaring that the site is suitable for the proposed land use.

The above requirements are to be carried out in accordance with GHD Report number 2125711 dated 3 August 2016 prepared by NSW EPA Accredited Site Auditor Andrew Kohlrusch.

Following demolition works, the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas.

A Construction Certificate for works associated with the construction of the approved building, other than as required above to undertake the excavation/remediation requirements, cannot be issued until such time as the Site Audit Statement has been submitted to the satisfaction of Council that the site is suitable for the proposed use.

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

### **53. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

#### **54. REMEDIATION REQUIREMENTS**

The following requirements apply to the remediation works required on-site:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.

#### **55. SITE CONTAMINATION - VALIDATION REPORT**

- (a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. Subsequent Construction Certificates will not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
  - (b) Description and documentation of all works performed;
  - (c) Results of validation testing and monitoring;
  - (d) Validation results of any fill imported on to the site;
  - (e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
  - (f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

#### **56. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and

- (f) describe the disposal methods for hazardous materials.

## **57. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

## **58. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and/or,
  - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.

- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

**59. SITE HEALTH & SAFETY PLAN**

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting
- (f) environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

**60. SOIL AND WATER MANAGEMENT PLAN**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

**61. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

**62. POTENTIAL DEWATERING OF THE SITE**

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;

- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council, DPI Office of Water throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

**63. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

All site works complying with the occupational health and safety requirements of WorkCover NSW.

**64. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development 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 email address.
- (c) No asbestos products are to be reused on site.
- (d) 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 during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

**65. FOOTPATH PROTECTION**

The footpaths in front of the site must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

**66. STOCKPILES**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.



**67. LOCATION OF BUILDING OPERATIONS**

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

**68. SEDIMENT REMOVAL FROM VEHICLE WHEELS**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

**69. ALL BUILDING MATERIALS STORED ON SITE**

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

**70. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

**71. USE OF HEAVY EARTH MOVEMENT EQUIPMENT**

Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

**72. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES**

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

Council will take into account:

- Times identified by the community when they are less sensitive to noise
- If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

**73. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

#### 74. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 2 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

#### 75. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior

to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:

- (i) Inspection, testing and commissioning details;
- (ii) Date of inspection, testing and commissioning details;
- (iii) The name and address of the individual who carried out the test; and
- (iv) A statement that the service has been designed, installed and is capable of operating to the above standard.

(c) All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system within the food preparation area is to be capable of being operated in accordance with the requirements of The Protection of the Environment Operations Act 1997 (POEO Act) and The Protection of the Environment Operations (Noise Control) Regulation 2000 (Noise Control Regulation).

#### **76. CERTIFICATE OF SURVEY - LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

#### **77. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

#### **78. IN-SINK WASTE DISPOSAL SYSTEMS**

The installation of in-sink waste disposal systems is prohibited.

#### **79. WATER PROOFING**

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

#### **80. HOT TAP WATER SCALDING**

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

**81. BALCONIES NOT TO BE ENCLOSED**

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

**82. SERVICE PIPES**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

**83. FIRE SAFETY - EXITS**

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

**84. FIRE SAFETY MAINTENANCE**

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

**85. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS**

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

**86. EXISTING VEHICLE CROSSINGS**

The existing vehicle crossings on Oxford Street and in Hegarty Lane are to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with the requirements of Council.

**87. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed basement. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

**88. FINISHED LEVEL OF PAVING**

The finished level of paving at the property boundaries shall be as follows:

- (i) Oxford Street frontage: Level with Council's existing footpath
- (ii) Hegarty Lane: Level with the top of kerb

**89. HEGARTY LANE- PUBLIC DOMAIN WORKS**

The existing kerb and gutter and paving on the Hegarty Lane frontage shall be demolished and new kerb and gutter and paving installed in accordance with Council's standards and specifications. Details engineering drawings of the works required in Hegarty Lane shall prepared at the applicant's expense and submitted to Council for the approval of the Executive Manger Creating Waverley prior to the required works in the lane commencing.

## **E. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **90. FINAL OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **91. SYDNEY WATER**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

### **92. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION**

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

### **93. NOISE ATTENUATION CERTIFICATE**

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with Condition; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

### **94. NOISE – PLANT AND EQUIPMENT**

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

**95. CERTIFICATION OF MECHANICAL EXHAUST**

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**96. STORMWATER**

Prior to issue of an Occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been **constructed** in accordance with the approved stormwater management plans and to best engineering practice.

**97. STRATA SUBDIVISION**

Consent is required for strata subdivision of the development.

Note: In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

The disabled parking spaces are to be allocated to adaptable units as a first preference. If there are surplus disabled spaces, they are to be allocated to the lower level units as a preference.

**98. TELECOMMUNICATIONS**

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each lot is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Subdivision Certificate.

**99. PUBLIC DOMAIN WORKS COMPLETED**

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

**100. WAVERLEY DIGITAL MODEL**

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Planning and Environmental Services Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
  - (i) a building envelope which includes all elements affecting shadow analysis;
  - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;

(iii) a ground level terrain showing accurate RLs extending to site boundaries.

- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

#### **101. WASTE AND RECYCLING STORAGE AND COLLECTION - USE**

- (a) A waste management plan is to be submitted to Council for approval outlining the procedures/processes for the ongoing management of both the residential and commercial waste for the building and is to include the requirements contained in this consent. The document, once approved by Council is to form an approved document to be complied with during the operation of the building.
- (b) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (c) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (d) Should any of the commercial premises be utilised as a food premises a separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap.
- (e) Should any of the commercial premises be utilised as a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (f) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

The above matters are to be submitted to the satisfaction of the Council's Sustainable Waverley staff, prior to the issue of an Occupation Certificate.

#### **102. BONDI JUNCTION FSR AND MAPPING MODEL**

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction



of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m<sup>2</sup>)
- (iv) Gross Floor area (m<sup>2</sup>)
- (v) total residential floor space (m<sup>2</sup>)
- (vi) total office space (m<sup>2</sup>)
- (vii) total retail space (m<sup>2</sup>)
- (viii) total no. of levels (m<sup>2</sup>)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

This information is required for any development consent within Bondi Junction Centre (as defined in Part E1 of the Waverley DCP 2012) that results in a change in gross floor area.

### **103. LANDSCAPE PLAN**

The site is to be landscaped in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

### **104. LANDSCAPE CONSULTANT**

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

### **105. ALLOCATION OF STREET NUMBER**

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 300 Oxford Street for the building (primary premises);

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts Oxford Street.

- As the redevelopment has multi-level sub-addressing the following sub-addressing will apply;
  - All sub-premises numbers must be unique,
  - The floor/level number will represent the first number of the sub address and the last two digits in the sub-address shall be unique on each level,
  - For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,

- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
- Commercial premises will be identified with an address identifier ie Shop 101, Office 102 ,

The primary premises and sub premises numbers are to be positioned on the site and Council notified in writing of the corresponding sub premises numbers to lot number prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application to be lodged with Council.

**106. SLIP TESTS OF COMMON AREAS**

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

**107. TACTILE NUMBER IN LIFT**

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

**108. MARKING OF CAR SPACES**

The resident, resident visitor, retail, office and disabled parking spaces being clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate.

**109. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the basement garage to Hegarty Lane shall do so in a forward direction at all times.

**109A. PARKING**

- (e) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (f) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (g) A minimum of one car space per retail tenancy (for staff parking) shall be provided within the basement (ie, minimum 3 spaces based on 3 tenancies).
- (h) Car parking and storage spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

*(ADDED DA-600/2015/B)*

**109B. PARKING PERMITS**

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

**110. CONTROLS AT VEHICULAR EXIT**

A speed hump and "STOP" sign and line shall be installed inside the site adjacent to the Hegarty Lane exit driveway prior to the issue of an Occupation Certificate.

**111. PUBLIC ART**

The Public Art proposed in the development is to be in accordance with the guidance provided in the 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Cultural Development Officer.

Details to be provided to the satisfaction of Waverley Council prior to the issue of any Occupation Certificate issued for the ground, 1<sup>st</sup> and 2<sup>nd</sup> levels of the development.

**112. LIGHTING**

- (a) Lighting is to be provided to the pedestrian entrance at the rear of the site to Hegarty lane and the access point from the through site link and within the lobby area, to provide safe entrances for residents of the building.
- (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (g) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

**113. PEST CONTROL**

A Pest and Vermin Control Management Plan is to be implemented. Details of which are to be submitted to Council prior to initial implementation.

## **F. OPERATIONAL CONDITIONS DURING OCCUPATION**

### **114. DOMESTIC HEATERS**

The provision of solid fuel heating/cooking appliances is prohibited.

### **115. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The loading vehicles are to utilise the approved retail spaces in the basement. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

### **116. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

### **117. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT**

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

- |     |  |                 |
|-----|--|-----------------|
| (a) | Monday to Friday (excluding public holidays) | 7am to 9pm      |
| (b) | Weekends and public holidays                 | 8am to 9pm      |
| (c) | New Year's Eve                               | 9am to 12:30am. |

### **118. THROUGH-SITE LINK**

The following requirements apply to the through-site link:-

- (a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of 7.00am to 10.00pm, seven days a week.
- (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
- (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.
- (e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.

- (g) Dedicated areas for outdoor seating or the like within the through site link shall not be indicated on any future subdivision plan. Any proposal to utilise the through site link for outdoor seating shall be subject to development applications being submitted individually for the various commercial/retail tenancies.
- (h) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (i) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

**119. NOISE - MECHANICAL PLANT**

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

**120. NOISE EMISSIONS**

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.
- (c) No sound reproduction device nor any forms of entertainment (or general noise) within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises. The background noise level must be measured in absence of noise emitted from the use in accordance with AS 1055.
- (b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must

not be placed so as to direct the sound towards the outdoor areas associated with the premises.

- (c) Sound reproduction devices shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver (any place of different occupancy)

#### **121. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

#### **122. AIR-CONDITIONING**

At no time are air-conditioning units permitted to be installed on the balconies.

#### **123. CONTROL OF LEGIONNAIRES DISEASE**

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

#### **124. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/individual owner/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

#### **125. FIRE SAFETY MAINTENANCE**

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

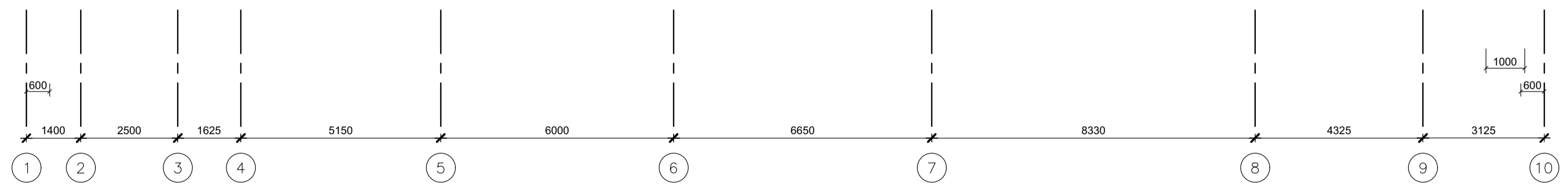
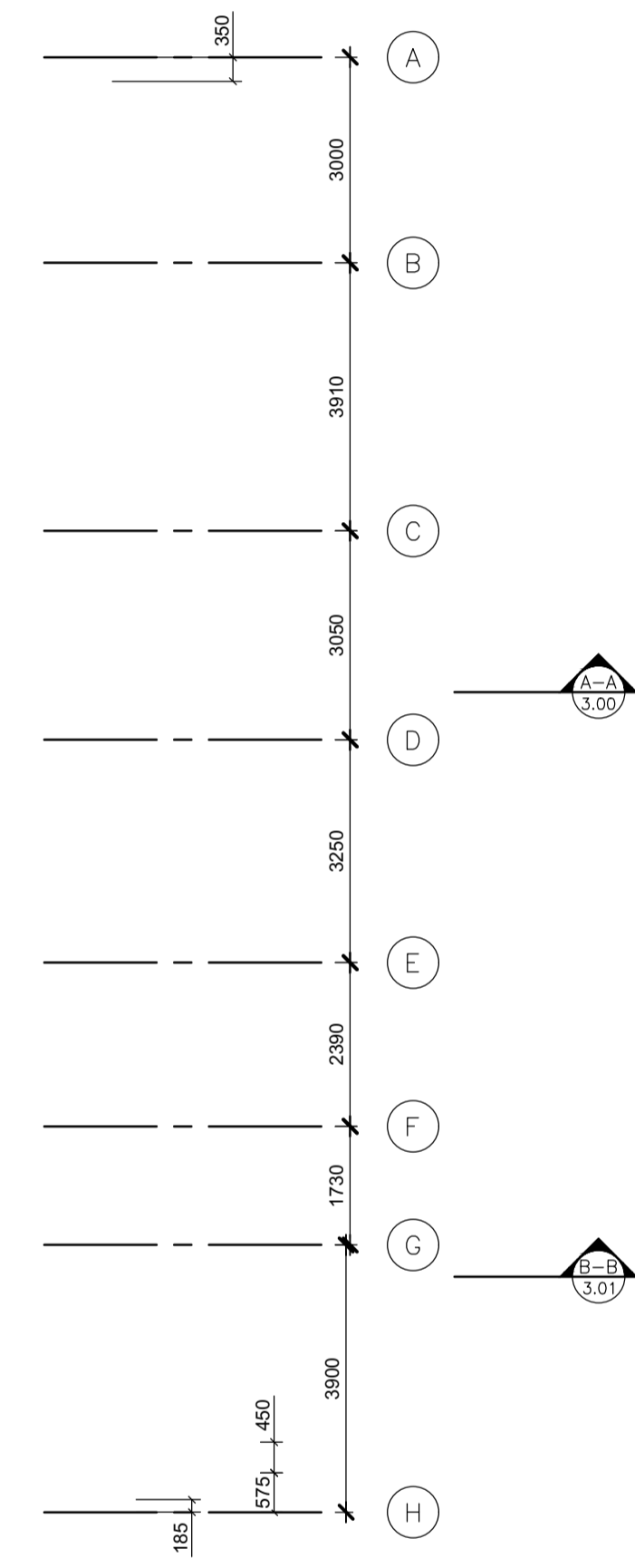
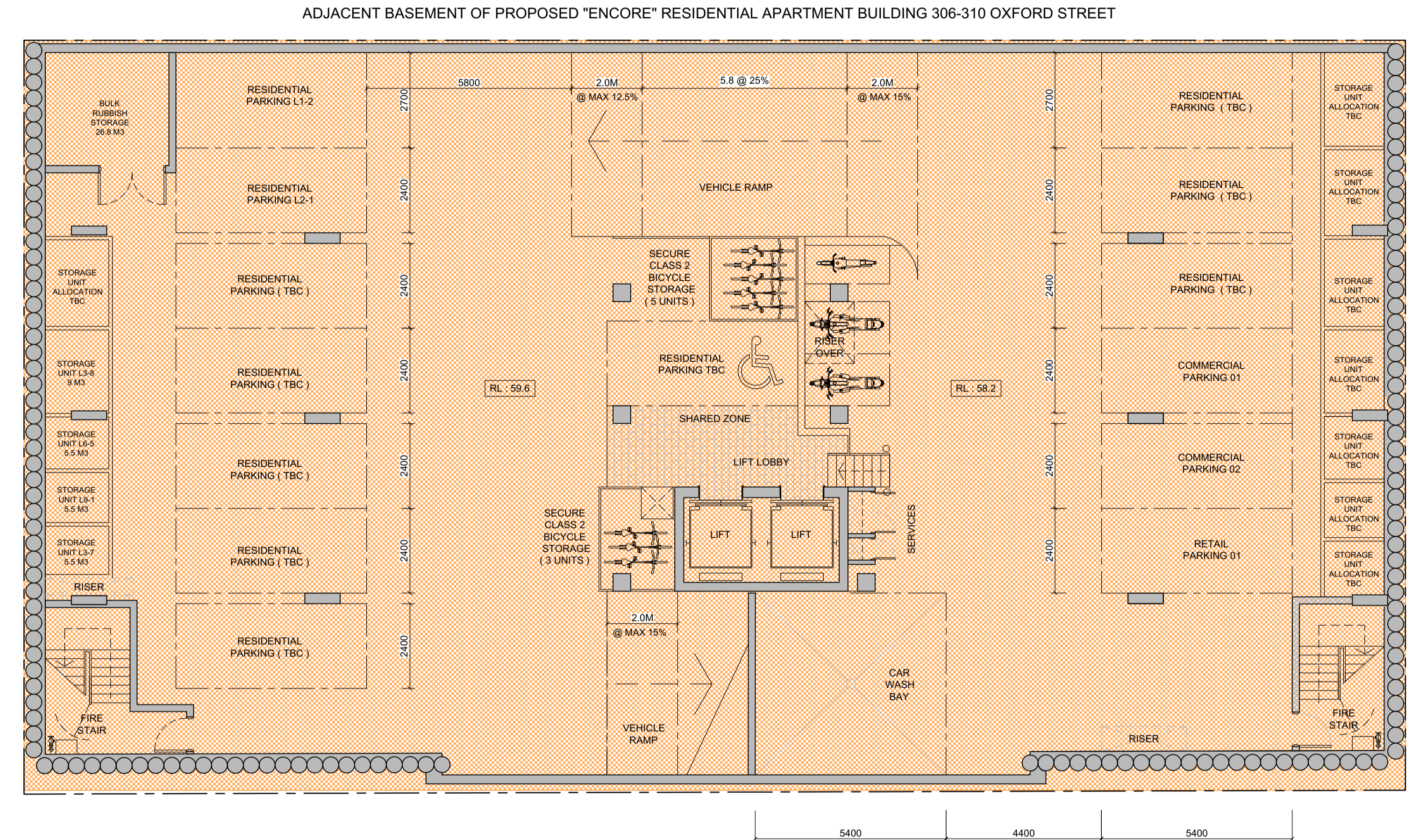
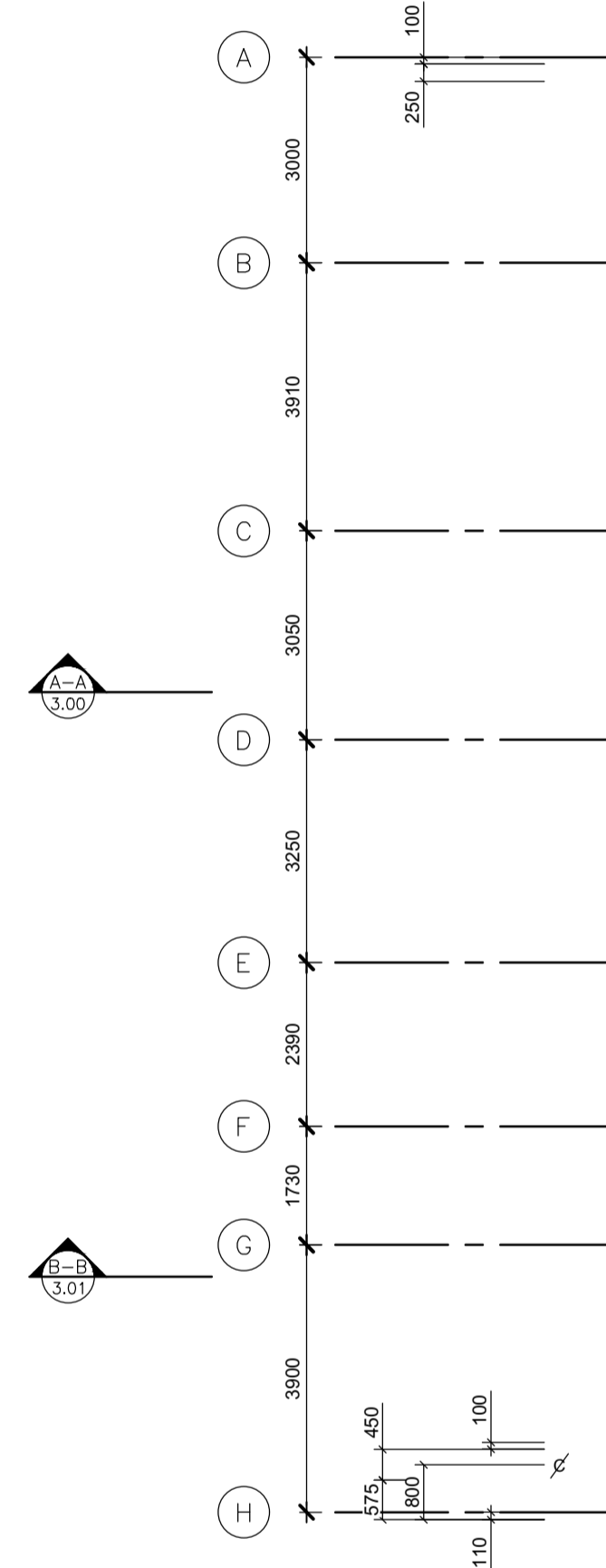
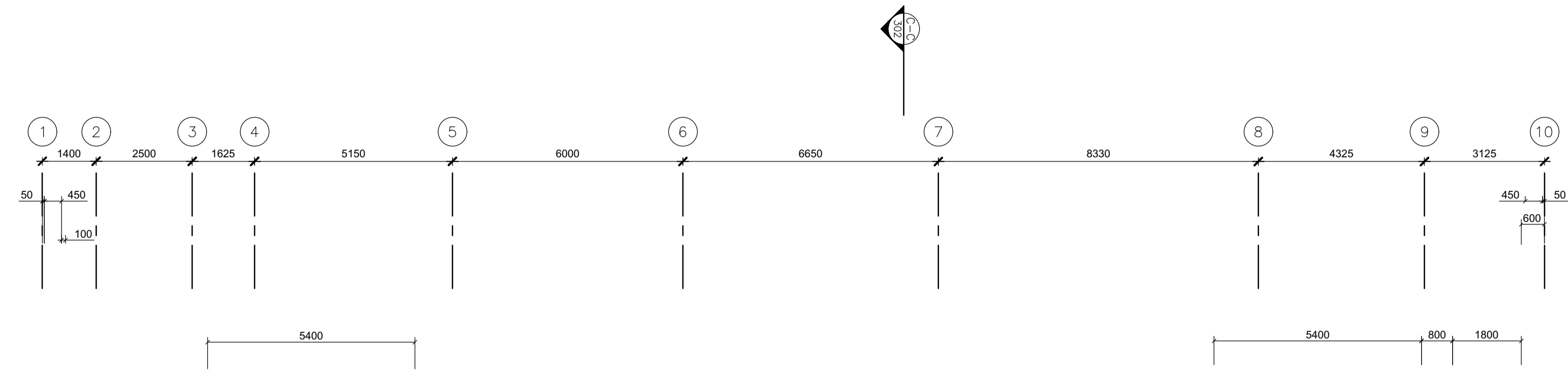
#### **126. NOISE COMPLAINTS**

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction

of Council's Safe Waverley sub-program within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

RECEIVED  
Waverley Council  
Application No: DA-600/2015/B  
Date Received: 18/04/2018



**LEGEND:**

PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS

PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS

GROSS BUILDING FOOTPRINT	810 M2
GROSS FLOOR AREA ( WLEP2012)	0 M2
CAR SPACES RETAIL	1
CAR SPACES COMMERCIAL	2
CAR SPACES RESIDENTIAL	11
M/CYCLE SPACES	3
BICYCLE STORAGE	8

NOTE:  
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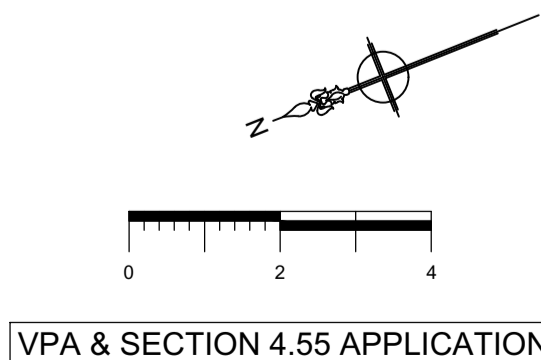
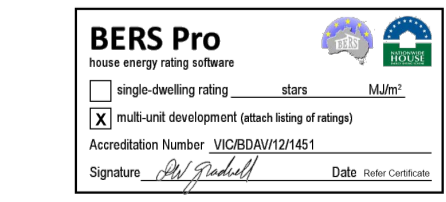
ISSUE:	DATE:	REVISION:
S4.55 & VPA APPLCTN	10.04.2018	CARPARKING, SERVICE AREAS, BICYCLE & APARTMENT STORAGE AMENDED FOLLOWING CONSULTANTS REVIEW

LEGEND:	LEGEND:	LEGEND:
AC ALUMINUM CLADDING	CS CELEST WINDOW	HD HINGED DOOR
AL ALUMINUM JOINERY	CH CHIMNEY	HS HANGING
AW ALUMINUM WINDOW	FC FACE BRICK	MS MEMBRANE
BR BRICK	GL GLASS	PC POLISHED CONCRETE
BD BRICK DOOR	GR GRANITE	TR TRAFFIC LIGHT
CC CONCRETE	GR GRATE	VC VERTICAL CLADDING
CD COPPER CLADDING	GR GRATE	VS VERTICAL CLADDING
CR CORNER BRICK	GR GRATE	WV WALL TIE
	GR GRATE	WB WEAVERBAR
	GR GRATE	ZC ZINC CLADDING

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P.O. Box 622, NSW 1360, Australia  
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NOMINATED ARCHITECT: CHRIS HOWE NSW NO 8758 NZ REG NO 2073

PROJECT: MIXED USE APARTMENT DEVELOPMENT  
292-302 OXFORD STREET BONDI JUNCTION NSW 2022  
CLIENT: JANCO DEVELOPMENTS



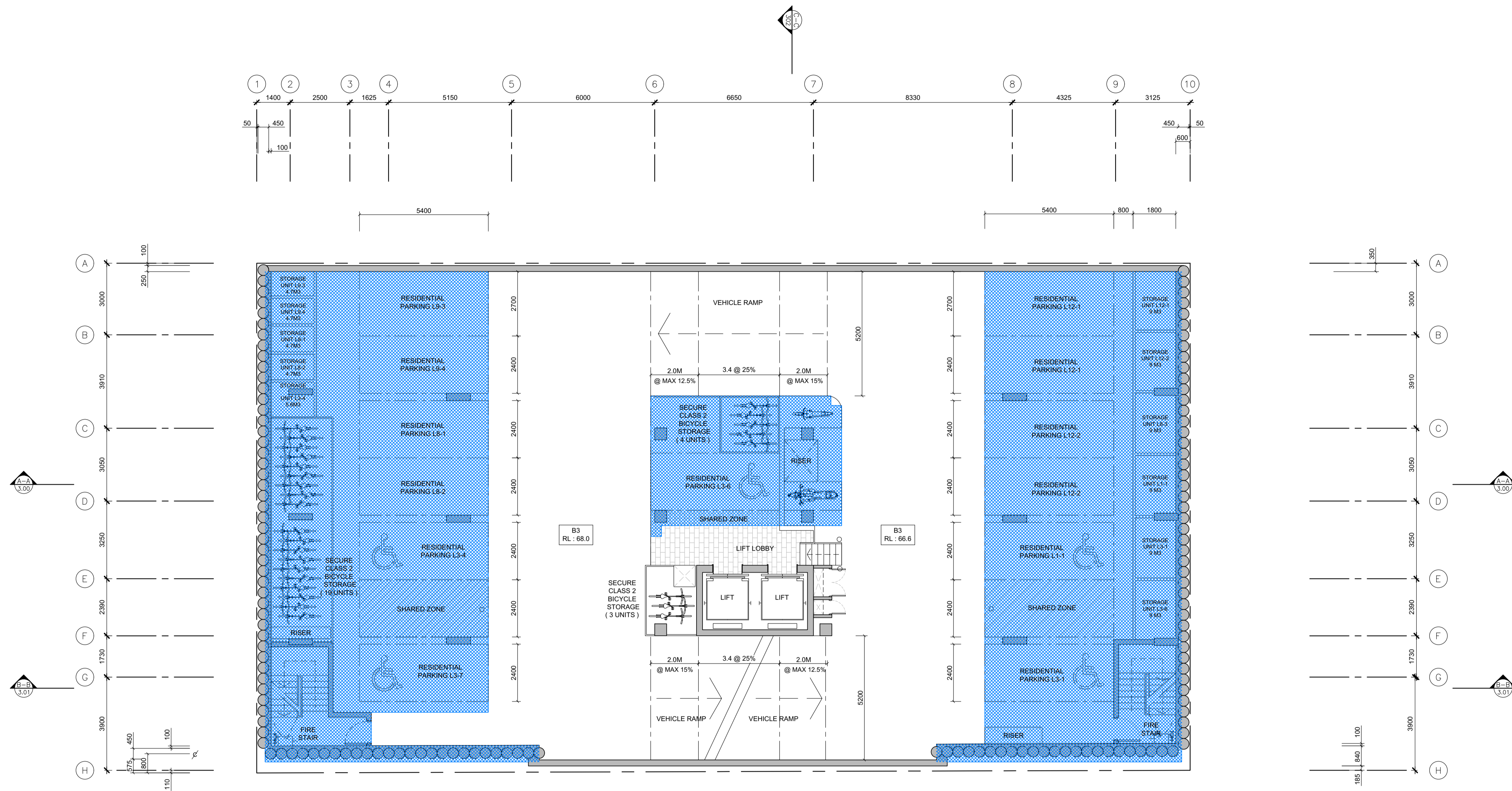
DRAWING: VPA & SECTION 4.55  
BASEMENT B6  
GENERAL LAYOUT PLAN

SCALE: 1 : 100 @ A1	DATE: 19.01.2018	DRAWN: CH
PROJECT NO: 5028	DRAWING NO: DA01 1.02 - 01	









**LEGEND:**

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS

GROSS BUILDING FOOTPRINT	810 M2
GROSS FLOOR AREA ( WLEP2012)	0 M2
CAR SPACES	13
M/CYCLE SPACES	2
BICYCLE STORAGE	27

NOTE:  
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ISSUE:	DATE:	REVISION:
S4.55 & VPA APPLCTN	10.04.2018	BICYCLE & APARTMENT STORAGE AMENDED FOLLOWING CONSULTANTS REVIEW

**LEGEND:**

AC ALUMINUM CLADDING	CS CELEST WINDOW	HD HINGED DOOR	ST S&T TRAP
AL ALUMINUM ALUSTRIP	CG CORNER	HS HINGED	STB STAINLESS STEEL
AP ALUMINUM COUNTERS	FB FACE BRICK	MS MESSING	TB TAMPON BATTERS
AW ALUMINUM WINDOW	FC FACE CONCRETE	PC POLISHED CONCRETE	TC TRAP COVER
BE BRICK	GL GLASS	RF ROOF FLEECE	TR TRAP
BD BRICK DOOR	GR GRANITE	RT ROOF TILES	TS TRAP STOP
BO BRICK OVEN	GU GULLY TRAP	ST STONE CLADDING	VC VERTICAL CLADDING
CC CONCRETE	GR GRATE	STC STRUCTURAL STEEL	VS WALL TIE
CD COPPER CLADDING	GR GRATE	ST SKUTTERDOOR	WB WEAVERBAR
CR CORRUGATED ROOF	GR GRATE	SD SLIDING DOOR	ZC ZINC CLADDING

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NOMINATED ARCHITECT: CHRIS HOWE NSW NO 6758 NZ REG NO 2073

PROJECT: MIXED USE APARTMENT DEVELOPMENT  
292-302 OXFORD STREET BONDI JUNCTION NSW 2022

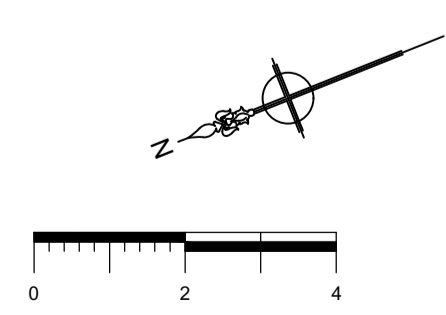
CLIENT: JANCO DEVELOPMENTS

**BERS Pro**  
Energy rating software  
Single-dwelling rating stars  
Multi-unit development (subject to rating of material)  
Accreditation Number: 1025020017001  
Signature: [Signature] Date: 19.01.2018

DRAWING: VPA & SECTION 4.55 BASEMENT B3 GENERAL LAYOUT PLAN

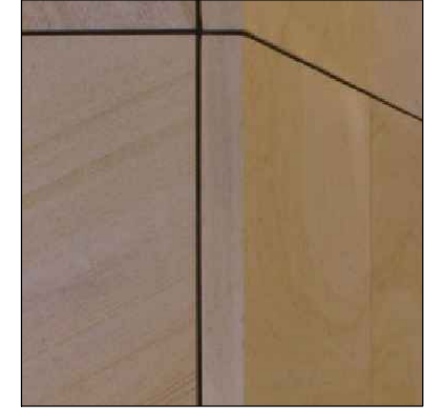
SCALE: 1 : 100 @ A1

DATE:	19.01.2018	DRAWN:	CH
PROJECT NO:	5028	DRAWING NO:	DA01 1.04 - 01





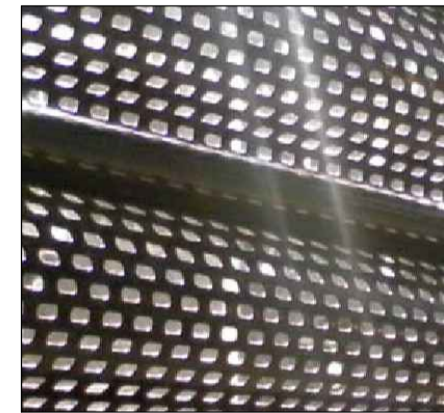
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Waverley Council  
Application No: DA-600/2015/B  
Date Received: 18/04/2018



SANDSTONE CLADDING



BALCONY PLANTING ABOVE



PERFORATED GARAGE DOOR



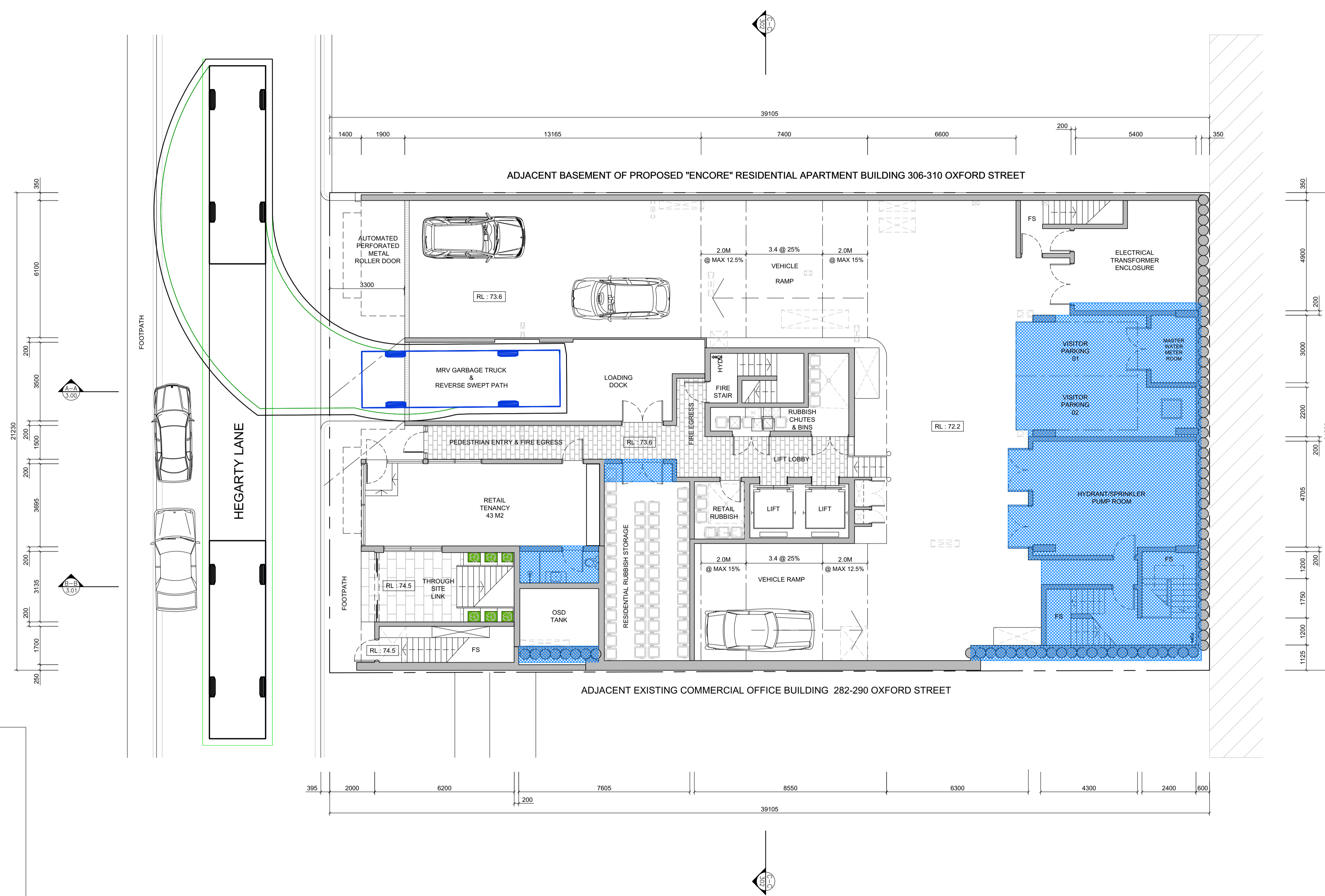
GRANITE LOBBY TILING



EXTERIOR JOINERY



PLANTING TO THROUGH SITE LINK STAIRS



**LEGEND:**

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- LANDSCAPED AREAS

GROSS BUILDING FOOTPRINT	759 M2
APPROVED GFA ( WLEP2012 )	53 M2
PROPOSED GFA ( WLEP2012 )	56 M2
PUBLIC THROUGH SITE LINK EXCLUDING STAIRS	10 M2
RETAIL TENANCY	43 M2
LANDSCAPING	3 M2
CAR SPACES	2

**BERS Pro**  
Building Engineering Services

Single dwelling (with stairs)  **MUR**  
 Multi-unit development (with stairs)  **MUR**

Accreditation Number: VPC0601121461  
 Signature: *[Signature]* Date: 19/01/2018

SCALE: 1 : 100 @ A1  
 DATE: 19.01.2018 DRAWN: CH  
 PROJECT NO: 5028 DRAWING NO: DA01 1.06 - 01

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ISSUE:	DATE:	REVISION:
S4.55 & VPA APPLCTN	10.04.2018	SERVICE AREAS AMENDED FOLLOWING CONSULTANTS REVIEW

**LEGEND:**

AC ALUMINUM CLADDING	CS CELEST WINDOW	HD HINGED DOOR	ST SALT TRAP
AL ALUMINUM JOINERY	CS CHIMNEY	HD HINGED DOOR	ST STAIRS
AP ALUMINUM PANELS	FS FACE BRICK	MS MESSING	ST STAIRS
AW ALUMINUM WINDOW	GS GRANITE CLADDING	PC PERFORATED CONCRETE	ST STAIRS
BE BRICK	GS GRANITE	PC PERFORATED CONCRETE	ST STAIRS
BD BRICK DOOR	GS GRANITE DOOR	PC PERFORATED CONCRETE	ST STAIRS
CD CONCRETE	GS GRANITE	PC PERFORATED CONCRETE	ST STAIRS
CC COPPER CLADDING	GS GRANITE	PC PERFORATED CONCRETE	ST STAIRS
CG CORNER BRICK	GS GRANITE	PC PERFORATED CONCRETE	ST STAIRS

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 NOMINATED ARCHITECT: CHRIS HOWE NSW NO 6758 NZ REG NO 2073

PROJECT: MIXED USE APARTMENT DEVELOPMENT  
 292-302 OXFORD STREET BONDI JUNCTION NSW 2022

CLIENT: JANCO DEVELOPMENTS

DRAWING: VPA & SECTION 4.55  
 BASEMENT B1  
 GENERAL LAYOUT PLAN

SCALE: 1 : 100 @ A1  
 DATE: 19.01.2018 DRAWN: CH  
 PROJECT NO: 5028 DRAWING NO: DA01 1.06 - 01



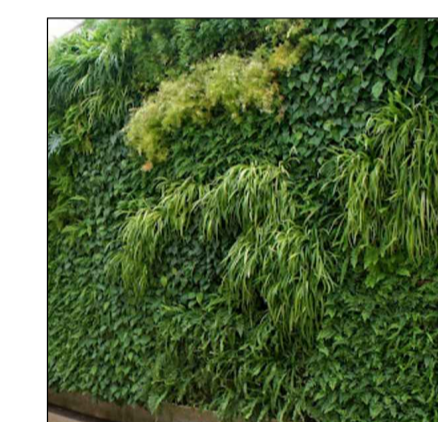
EXTERIOR JOINERY



BALCONY PAVING



SELECTED PLANTING IN THROUGH SITE LINK



GREEN WALL IN THROUGH SITE LINK



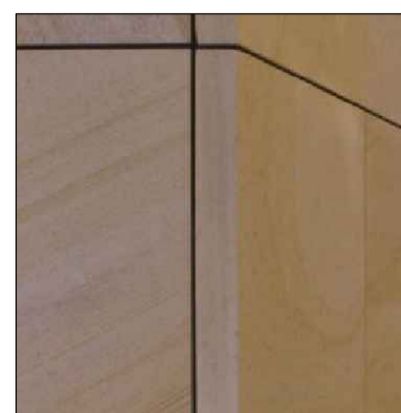
PLANTING TO THROUGH SITE LINK STAIRS



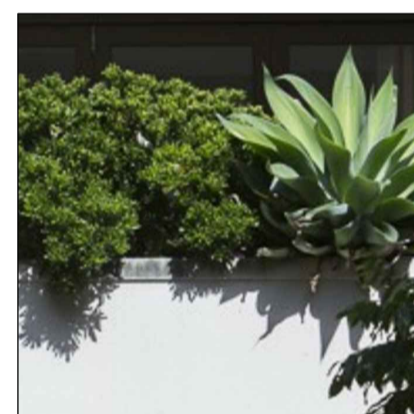
GLASS CANOPY OVER THROUGH SITE LINK



GRANITE LIFT LOBBY TILING



SANDSTONE CLADDING



BALCONY PLANTING



TIMBER PRIVACY LOUVERS

LEGEND:

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- LANDSCAPED AREAS

GROSS BUILDING FOOTPRINT	740 M2
APPROVED GROSS FLOOR AREA	455 M2
PROPOSED GROSS FLOOR AREA	467 M2
RETAIL TENANCY	218 M2
APARTMENT L1-1	NETT AREA 64 M2
BALCONY	9 M2
APARTMENT L1-2	NETT AREA 57 M2
BALCONY	9 M2
PUBLIC WALKWAY EXCLUDING OUTDOOR AREA	73 M2
LANDSCAPING	33 M2

BASIX CERTIFICATE NO 14510623 REQUIREMENTS:

FIXTURES & FITTINGS:	THE APPLICANT MUST INSTALL THE SYSTEMS & FIXTURES SPECIFIED IN THE CENTRAL ENERGY STEMS TABLE AT PAGES 15, 16 & 17 OF THE BASIX CERTIFICATE
HOT WATER:	THE APPLICANT MUST INSTALL A GAS INSTANTANEOUS CENTRAL HOT WATER SYSTEM WITH PIPING AS SPECIFIED IN THE CENTRAL ENERGY TABLE AT PAGE 17 OF THE BASIX CERTIFICATE
LANDSCAPING:	THE APPLICANT MUST PLANT 122m2 OF INDIGENOUS OR LOW WATER USE SPECIES IN THE 122m2 OF COMMON GARDEN
NATURAL LIGHTING:	THE APPLICANT MUST INSTALL A WINDOW AND/OR SKYLIGHT TO EACH ROOM SPECIFIED IN THE TABLE AT PAGES 9 & 10 OF THE BASIX CERTIFICATE TO PROVIDE NATURAL LIGHTING.
PHOTOVOLTAIC SYSTEM:	THE APPLICANT MUST INSTALL A PHOTOVOLTAIC SYSTEM WITH A RATED ELECTRICAL OUTPUT OF 6.0 PEAK KW ( MIN )
THERMAL COMFORT:	THE APPLICANT MUST CONSTRUCT FLOORS & WALLS OF THE DEVELOPMENT IN ACCORDANCE WITH SPECIFICATIONS LISTED IN THE TABLE AT PAGES 11, 12 & 13 OF THE BASIX CERTIFICATE.
WATER SUPPLY:	THE APPLICANT MUST INSTALL A CENTRAL RAINWATER OR STORMWATER TANK WITH A CAPACITY OF 20000 LITRES TO COLLECT 89m2 OF ROOF AREA & IRRIGATE 122m2 OF COMMON LANDSCAPED AREAS.

Ext. Walls:	Construction	Insulation	Colour	Details	
	Concrete Lined	R2.0 bulk	Medium	As per plans	
	Concrete Lined	R1.5 added	Medium	To all stairs/lift	
	Lightweight	R2.0 bulk	Medium	Party walls	
Int. Walls:	Construction	Insulation	Details		
	Cavity Panel	None	As per plans		
Floors:	Construction	Insulation	Details		
	Concrete	R1.4 added	Where open below		
Ceilings:	Construction	Insulation	Details		
	Plasterboard	R2.0 bulk	Level 14 only		
Roof:	Construction	Insulation	Colour	Details	
	Concrete	60mm Anticon (R1.3)	Medium	Refer Note 2 below	
Windows:	Product ID	Glass	Frame	Uw/SHGCw	Details
	GGG-05-001a	Single Clear	Aluminium	6.57/0.74	As per plans
Other:	Orientation	Terrain	Weatherseals	Exhaust Dampers	Recessed Downlights
	111	Suburban	Yes	Yes	No

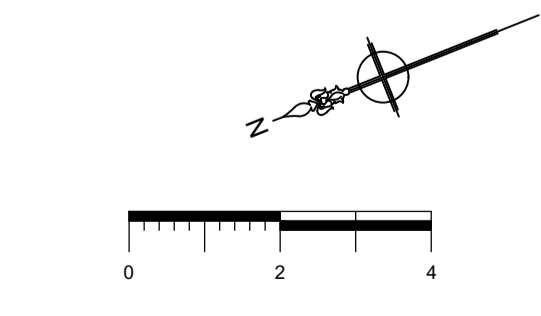
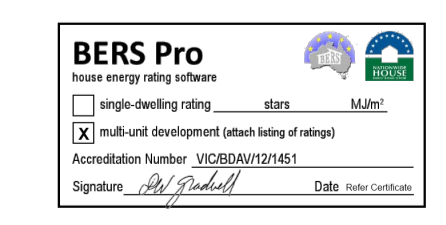
LEGEND:

AC ALUMINUM CLADDING	CE CELEST WINDOW	HD HINGED DOOR	ST S&T TRAP
AL ALUMINUM JOINERY	CH CHIMNEY	HD HINGED DOOR	ST STAIRS STEEL
AP ALUMINUM PANELS	FA FACE BRICK	MS MESSING	TB TAMBOR BATTERS
AW ALUMINUM WINDOW	GA GRANITE	RC REINFORCED CONCRETE	TC TAMBOR COVER
BE BRICK	GL GLASS CLADDING	RF ROOF FLEECE	TS TAMBOR STAIRS
BI BRICK DOOR	GR GRANITE DOOR	ET ETHER CLADDING	VE VERTICAL CLADDING
BO BRICK DOOR	GU GULLY TRAP	ST STRUCTURAL STEEL	WH WALL TIE
CC COPPER CLADDING	GR GRANITE	SK SKYLIGHT	WH WEATHERSTRIPS
CD CONCRETE DOOR	GU GULLY TRAP	SD SLIDING DOOR	ZC ZINC CLADDING

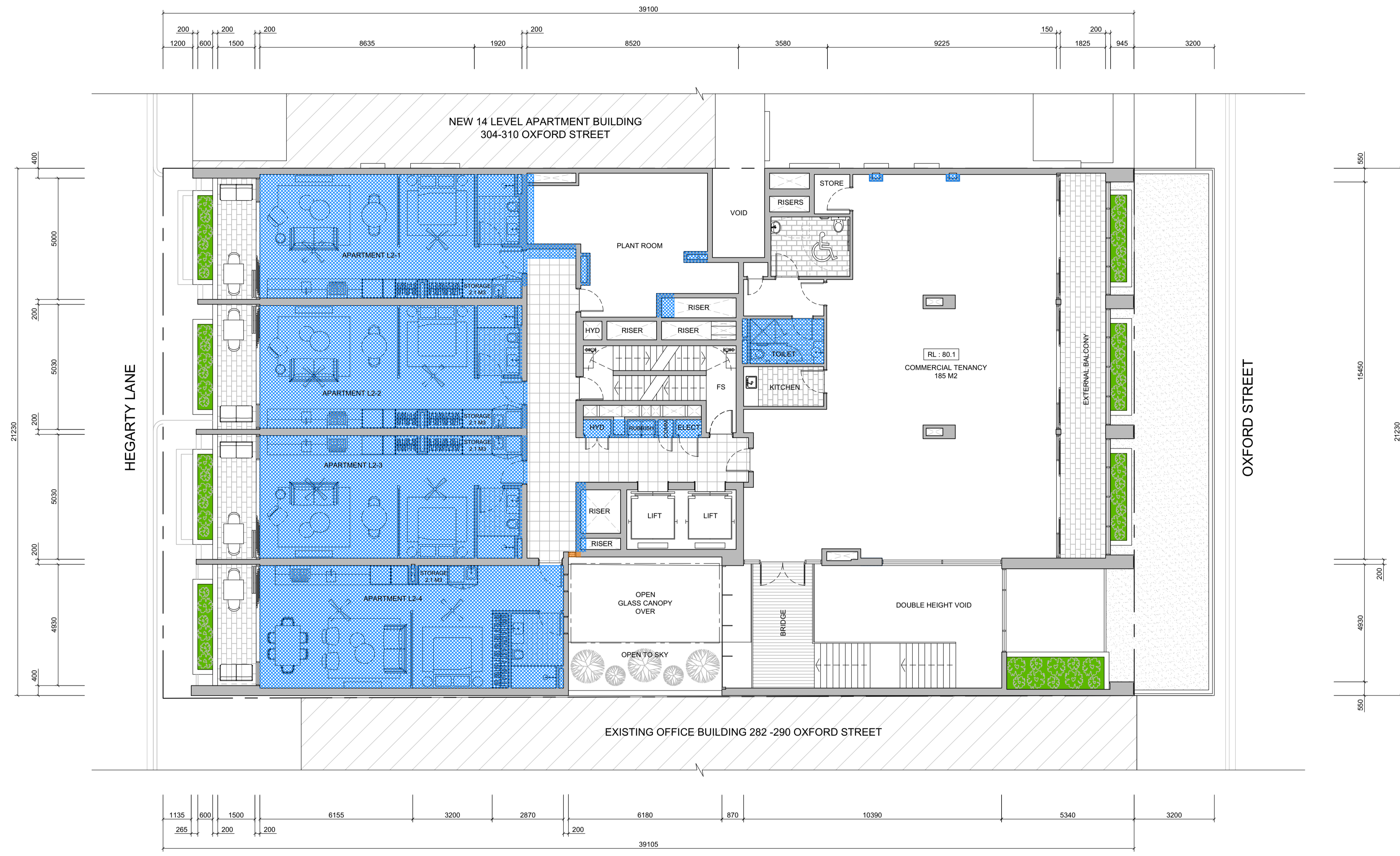


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PROJECT: MIXED USE APARTMENT DEVELOPMENT  
 292-302 OXFORD STREET BONDI JUNCTION NSW 2022  
 CLIENT: JANCO DEVELOPMENTS



PROJECT: VPA & SECTION 4.55 APPLICATION  
 DRAWING: GROUND FLOOR GENERAL LAYOUT PLAN  
 SCALE: 1 : 100 @ A1  
 DATE: 19.01.2018  
 DRAWN: GB  
 PROJECT NO: 5028  
 DRAWING NO: DA01 1.07 - 01



EXTERIOR JOINERY



TYPICAL PLANTING



ALUMINIUM PRIVACY LOUVERS WITH TIMBER FINISH



SANDSTONE CLADDING



THROUGH SITE LINK & LOBBY TILING



ROOF DECK PAVING

**LEGEND:**

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- LANDSCAPED AREAS

**BASIX CERTIFICATE NO 14510623 REQUIREMENTS:**

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<b>LANDSCAPING:</b>	THE APPLICANT MUST PLANT 122m <sup>2</sup> OF INDIGENOUS OR LOW WATER USE SPECIES IN THE 122m <sup>2</sup> OF COMMON GARDEN.
<b>NATURAL LIGHTING:</b>	THE APPLICANT MUST INSTALL A WINDOW AND/OR SKYLIGHT TO EACH ROOM SPECIFIED IN THE TABLE AT PAGES 9 & 10 OF THE BASIX CERTIFICATE TO PROVIDE NATURAL LIGHTING.
<b>PHOTOVOLTAIC SYSTEM:</b>	THE APPLICANT MUST INSTALL A PHOTOVOLTAIC SYSTEM WITH A RATED ELECTRICAL OUTPUT OF 6.0 PEAK KW (MIN).
<b>THERMAL COMFORT:</b>	THE APPLICANT MUST CONSTRUCT FLOORS & WALLS OF THE DEVELOPMENT IN ACCORDANCE WITH SPECIFICATIONS LISTED IN THE TABLE AT PAGES 11, 12 & 13 OF THE BASIX CERTIFICATE.
<b>WATER SUPPLY:</b>	THE APPLICANT MUST INSTALL A CENTRAL RAINWATER OR STORMWATER TANK WITH A CAPACITY OF 20000 LITRES TO COLLECT 89m <sup>2</sup> OF ROOF AREA & IRRIGATE 122m <sup>2</sup> OF COMMON LANDSCAPED AREAS.

GROSS BUILDING FOOTPRINT	761 M2
APPROVED GFA ( WLEP2012)	460 M2
PROPOSED GFA ( WLEP2012)	461 M2
APARTMENT L2-1	NETT AREA 51 M2 BALCONY 7 M2
APARTMENT L2-2	NETT AREA 51 M2 BALCONY 7 M2
APARTMENT L2-3	NETT AREA 51 M2 BALCONY 7 M2
APARTMENT L2-4	NETT AREA 59 M2 BALCONY 7 M2
COMMERCIAL TENANCY	NETT AREA 185 M2
LANDSCAPING	42.5 M2

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ISSUE:	DATE:	REVISION:

**LEGEND:**

AC ALUMINUM CLADDING	CS CELEST WINDOW	HD HINGED DOOR	ST S&T TRAP
AL ALUMINUM JOINERY	CS CEILING	HD HINGED DOOR	ST STAIRS STEEL
AP ALUMINUM PANELS	CS FACE BRICK	MS MESSING	TS TAMAR BATTERS
AW WINDOW WINDOW	CS FACE CLAREN	PC POLISHED CONCRETE	TS TAMPED CONCRETE
BD BRICK	CS GRANITE	RF ROOF FLEECE	TS TAPERED FINISH
BD BRICK DOOR	CS GRANITE DOOR	ST STONE CLADDING	VS VERTICAL CLADDING
CD CONCRETE	CS GRATE	ST STRUCTURAL STEEL	VS WALL TILES
CC COPPER CLADDING	CS GRATE	SK SKYLIGHT	WB WOOD/BAMBOO
CD CONCRETE	CS GRATE	SK SKYLIGHT	ZC ZINC CLADDING
CD CONCRETE	CS GRATE	SK SKYLIGHT	ZC ZINC CLADDING

**howe architects** PTY LTD

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P.O. Box 622, NSW 1360, Australia  
p +61 2 93281198 f +61 2 93282459 e admin@howearchitects.com.au  
NOMINATED ARCHITECT: CHRIS HOWE NSW NO 6758 NZ REG NO 2073

**PROJECT:** MIXED USE APARTMENT DEVELOPMENT  
292-302 OXFORD STREET BONDI JUNCTION NSW 2022

**CLIENT:** JANCO DEVELOPMENTS

**BERS Pro**  
Significant Works  
 single dwelling (residential)  multi-unit development (attach table of ratings)  
Accreditation Number: 1006640121181  
Signature: *[Signature]* Date: 19/01/2018

**VPA & SECTION 4.55 APPLICATION**

SCALE: 1 : 100 @ A1  
DATE: 19.01.2018 DRAWN: JC  
PROJECT NO: 5028 DRAWING NO: DA01 1.08 - 00







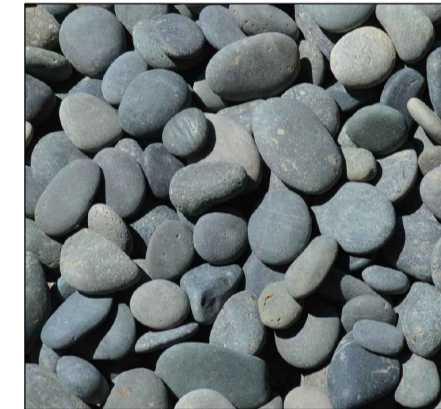




RECEIVED  
Waverley Council  
Application No: DA-600/2015/B  
Date Received: 18/04/2018



TYPICAL PLANTING



LIFT LOBBY PEBBLE GARDEN



GREY GLASS BALUSTRADES



EXTERIOR JOINERY



THROUGH SITE LINK & LOBBY TILING



PAVING

LEGEND:

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- LANDSCAPED AREAS

GROSS BUILDING FOOTPRINT	493 M2
APPROVED GFA ( WLEP2012)	298.5 M2
PROPOSED GFA ( WLEP2012)	292.5 M2
APARTMENT L7-1	NETT AREA 72 M2
BALCONIES	20 M2
APARTMENT L7-2	NETT AREA 82 M2
BALCONY	32 M2
APARTMENT L7-3	NETT AREA 56 M2
BALCONY	14 M2
APARTMENT L7-4	NETT AREA 52 M2
BALCONY	24 M2

**BASIS CERTIFICATE NO 14510623 REQUIREMENTS:**

**FIXTURES & FITTINGS:** THE APPLICANT MUST INSTALL THE SYSTEMS & FIXTURES SPECIFIED IN THE CENTRAL ENERGY SYSTEMS TABLE AT PAGES 15, 16 & 17 OF THE BASIS CERTIFICATE

**HOT WATER:** THE APPLICANT MUST INSTALL A GAS INSTANTANEOUS CENTRAL HOT WATER SYSTEM WITH PIPING AS SPECIFIED IN THE CENTRAL ENERGY TABLE AT PAGE 17 OF THE BASIS CERTIFICATE

**LANDSCAPING:** THE APPLICANT MUST PLANT 122m2 OF INDIGENOUS OR LOW WATER USE SPECIES IN THE 122m2 OF COMMON GARDEN

**NATURAL LIGHTING:** THE APPLICANT MUST INSTALL A WINDOW AND/OR SKYLIGHT TO EACH ROOM SPECIFIED IN THE TABLE AT PAGES 9 & 10 OF THE BASIS CERTIFICATE TO PROVIDE NATURAL LIGHTING.

**PHOTOVOLTAIC SYSTEM:** THE APPLICANT MUST INSTALL A PHOTOVOLTAIC SYSTEM WITH A RATED ELECTRICAL OUTPUT OF 6.0 PEAK KW ( MIN )

**THERMAL COMFORT:** THE APPLICANT MUST CONSTRUCT FLOORS & WALLS OF THE DEVELOPMENT IN ACCORDANCE WITH SPECIFICATIONS LISTED IN THE TABLE AT PAGES 11, 12 & 13 OF THE BASIS CERTIFICATE.

**WATER SUPPLY:** THE APPLICANT MUST INSTALL A CENTRAL RAINWATER OR STORMWATER TANK WITH A CAPACITY OF 20000 LITRES TO COLLECT 89m2 OF ROOF AREA & IRRIGATE 122m2 OF COMMON LANDSCAPED AREAS.

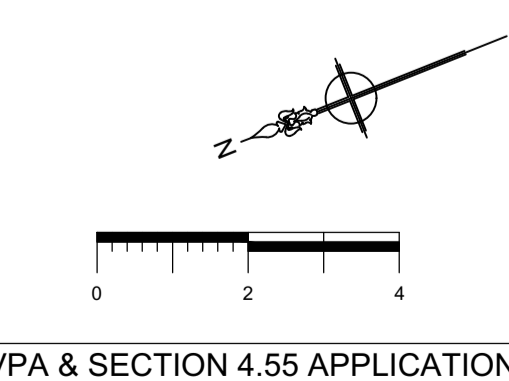
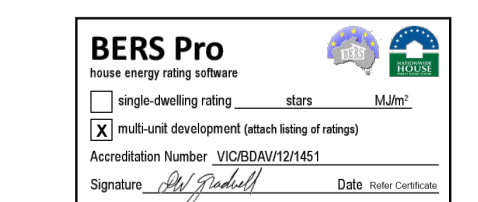
LEGEND:

AC ALUMINUM CLADDING	CS CELEST WINDOW	HD HINGED DOOR	ST S&T TRAP
AL ALUMINUM JOINERY	CR CURTAIN	HS HINGED	ST STAIRS STEEL
AP ALUMINUM PANELS	FC FACE BRICK	MS MESSING	TT TOWER BATTERS
AW ALUMINUM WINDOW	FR FRAMED CONCRETE	NS NON-SLIP	TT TOWER CORE
BE BRICK	GL GLASS GLAZING	PC POLYURETHANE	TT TOWER CORE
BD BRICK DOOR	GR GRANITE	PF PLYWOOD	TT TOWER CORE
BO BRICK OVEN	GU GULLY TRAP	RF ROOF FLEECE	TT TOWER CORE
CC COPPER CLADDING	HT HOT WATER	ST STAIRS STEEL	TT TOWER CORE
CD CONCRETE	IS INSULATION	ST STAIRS STEEL	TT TOWER CORE
CG COPPER GLAZING	IT INTERIOR TILING	ST STAIRS STEEL	TT TOWER CORE
CH CHIMNEY	KT KITCHEN	ST STAIRS STEEL	TT TOWER CORE
CI CONCRETE	LD LIFT	ST STAIRS STEEL	TT TOWER CORE
CL CONCRETE	LI LIFT	ST STAIRS STEEL	TT TOWER CORE
CM CONCRETE	LS LIFT	ST STAIRS STEEL	TT TOWER CORE
CO COB	LT LIFT	ST STAIRS STEEL	TT TOWER CORE
CP COPPER	LU LIFT	ST STAIRS STEEL	TT TOWER CORE
CQ CONCRETE	LV LIFT	ST STAIRS STEEL	TT TOWER CORE
CR CONCRETE	LY LIFT	ST STAIRS STEEL	TT TOWER CORE
CS CONCRETE	LZ LIFT	ST STAIRS STEEL	TT TOWER CORE
CT CONCRETE	MA MASONRY	ST STAIRS STEEL	TT TOWER CORE
CU CONCRETE	MB MASONRY	ST STAIRS STEEL	TT TOWER CORE
CV CONCRETE	MC MASONRY	ST STAIRS STEEL	TT TOWER CORE
CW CONCRETE	MD MASONRY	ST STAIRS STEEL	TT TOWER CORE
CX CONCRETE	ME MASONRY	ST STAIRS STEEL	TT TOWER CORE
CY CONCRETE	MF MASONRY	ST STAIRS STEEL	TT TOWER CORE
CZ CONCRETE	MG MASONRY	ST STAIRS STEEL	TT TOWER CORE

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NOMINATED ARCHITECT: CHRIS HOWE NSW NO 6758 NZ REG NO 2073

PROJECT: MIXED USE APARTMENT DEVELOPMENT  
292-302 OXFORD STREET BONDI JUNCTION NSW 2022  
CLIENT: JANCO DEVELOPMENTS



DRAWING: VPA & SECTION 4.55  
LEVEL 7  
GENERAL LAYOUT PLAN

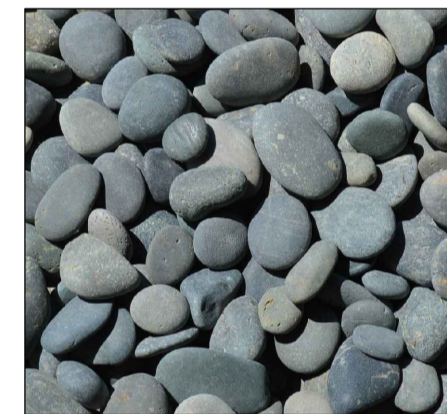
SCALE: 1 : 100 @ A1  
DATE: 19.01.2018  
PROJECT NO: 5028  
DRAWN: JC  
DRAWING NO: DA01.1.13 - 00

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ISSUE:	DATE:	REVISION:



TYPICAL PLANTING



LIFT LOBBY PEBBLE GARDEN



GREY GLASS BALUSTRADES



EXTERIOR JOINERY



THROUGH SITE LINK & LOBBY TILING



PAVING

**LEGEND:**

	PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
	PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
	LANDSCAPED AREAS

GROSS BUILDING FOOTPRINT	490 M2
APPROVED GFA ( WLEP2012)	301.5 M2
PROPOSED GFA ( WLEP2012)	294.5 M2
APARTMENT L8-1	NETT AREA 50 M2 BALCONIES 22 M2
APARTMENT L8-2	NETT AREA 82 M2 BALCONY 18 M2
APARTMENT L8-3	NETT AREA 79 M2 BALCONY 15 M2
APARTMENT L8-4	NETT AREA 52 M2 BALCONY 23 M2

**BASIX CERTIFICATE NO 14510623 REQUIREMENTS:**

<b>FIXTURES &amp; FITTINGS:</b>	THE APPLICANT MUST INSTALL THE SYSTEMS & FITTURES SPECIFIED IN THE CENTRAL ENERGY SYSTEMS TABLE AT PAGES 15, 16 & 17 OF THE BASIX CERTIFICATE.
<b>HOT WATER:</b>	THE APPLICANT MUST INSTALL A GAS INSTANTANEOUS CENTRAL HOT WATER SYSTEM WITH PIPING AS SPECIFIED IN THE CENTRAL ENERGY TABLE AT PAGE 17 OF THE BASIX CERTIFICATE.
<b>LANDSCAPING:</b>	THE APPLICANT MUST PLANT 122m2 OF INDIGENOUS OR LOW WATER USE SPECIES IN THE 122m2 OF COMMON GARDEN.
<b>NATURAL LIGHTING:</b>	THE APPLICANT MUST INSTALL A WINDOW AND/OR SKYLIGHT TO EACH ROOM SPECIFIED IN THE TABLE AT PAGES 9 & 10 OF THE BASIX CERTIFICATE TO PROVIDE NATURAL LIGHTING.
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ISSUE:	DATE:	REVISION:

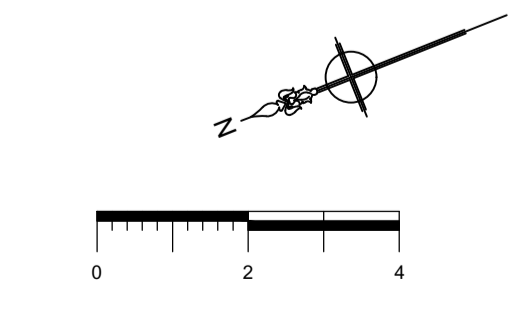
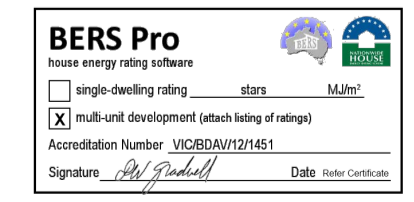
**LEGEND:**

AC ALUMINUM CLADDING	CE CELEST WINDOW	HD HINGED DOOR	ST SALT TRAP
AL ALUMINUM JOINERY	CH CHIMNEY	HW HINGED WINDOW	STB STAINLESS STEEL
AS ALUMINUM SCREEN	FC FACE BRICK	MS MESSING	TB TUBER BATTERED
AW ALUMINUM WINDOW	FR FRAMED CONCRETE	PC POLYURETHANE CONCRETE	TC TYPICAL CURVE
BC BRICK	GL GLASS GLAZING	RF ROOF FLEECE	TR TRIMMED FINISH
BD BRICK DOOR	GR GRANITE	RFV REINFORCED CONCRETE	VE VERTICAL CLADDING
CC COPPER CLADDING	GU GULLY TRAP	SI STRUCTURAL STEEL	VS WALL TIE
CD COPPER DOOR	GRV GRATE	SK SKYLIGHT	WB WEAVERBAR
CG GIBBER BOARD	GU QUATER	SD SLIDING DOOR	ZC ZINC CLADDING

**howe architects** PTY LTD

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P.O. Box 622, NSW 1360, Australia  
p +61 2 93281198 f +61 2 93282459 e admin@howearchitects.com.au  
NOMINATED ARCHITECT: CHRIS HOWE NSW NO 6758 NZ REG NO 2973

PROJECT: MIXED USE APARTMENT DEVELOPMENT  
292-302 OXFORD STREET BONDI JUNCTION NSW 2022  
CLIENT: JANCO DEVELOPMENTS

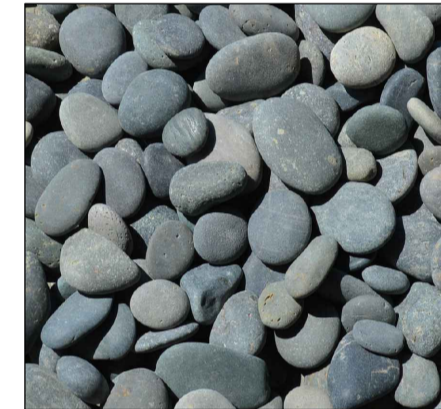


DRAWING: VPA & SECTION 4.55  
LEVEL 8  
GENERAL LAYOUT PLAN

SCALE: 1 : 100 @ A1  
DATE: 19.01.2018  
PROJECT NO: 5028  
DRAWN: JC  
DRAWING NO: DA01 1.14 - 00



TYPICAL PLANTING



LIFT LOBBY PEBBLE GARDEN



GREY GLASS BALUSTRADES



EXTERIOR JOINERY



THROUGH SITE LINK & LOBBY TILING



PAVING

**LEGEND:**

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- LANDSCAPED AREAS

GROSS BUILDING FOOTPRINT	488 M2
APPROVED GFA (WLEP2012)	302 M2
PROPOSED GFA (WLEP2012)	298.5 M2
APARTMENT L9-1	NETT AREA 53 M2 BALCONIES 16 M2
APARTMENT L9-2	NETT AREA 82 M2 BALCONY 31 M2
APARTMENT L9-3	NETT AREA 57 M2 BALCONIES 10 M2
APARTMENT L9-4	NETT AREA 75 M2 BALCONY 31 M2

**BASIX CERTIFICATE NO 14510623 REQUIREMENTS:**

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ISSUE:	DATE:	REVISION:

**LEGEND:**

AL	ALUMINUM CLADDING	CL	CELEST WINDOW	HD	HINGED DOOR	ST	SILT TRAP
AW	ALUMINUM WINDOW	CS	CONCRETE	HW	HORIZONTAL	ST	STAINLESS STEEL
BA	BALCONY	FA	FACE BRICK	MB	MISCELLANEOUS	TR	TERRAZZO
BB	BALCONY BALUSTRADE	FR	FRONT FACED	RC	REINFORCED CONCRETE	TR	TERRAZZO
BD	BALCONY DOOR	GL	GLASS GLAZING	RF	ROOF FLOOR	TR	TERRAZZO
BE	BALCONY ENTRANCE	GR	GRANITE	RF	ROOF FLOOR	TR	TERRAZZO
BF	BALCONY FINISH	GS	GRASS	RF	ROOF FLOOR	TR	TERRAZZO
CG	COPPER CLADDING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CH	CHIMNEY	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CI	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CL	CERAMIC TILING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CM	COMMON ROOM	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CO	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CP	COPPER CLADDING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CQ	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CR	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CS	CONCRETE	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CT	CERAMIC TILING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CU	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CV	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CW	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CX	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CY	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO
CZ	CORNER IRONING	GR	GRATE	RF	ROOF FLOOR	TR	TERRAZZO

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NOMINATED ARCHITECT: CHRIS HOWE NSW NO 6758 NZ REG NO 2073

**PROJECT:** MIXED USE APARTMENT DEVELOPMENT  
292-302 OXFORD STREET BONDI JUNCTION NSW 2022

**CLIENT:** JANCO DEVELOPMENTS

**BERS Pro**  
Multi-Stage Building Software  
 single-stage building software  
 multi-unit development (batch listing of ratings)  
 Accreditation Number: VCE00001131451  
 Signature: [Signature] Date: 19/01/2018

**VPA & SECTION 4.55 APPLICATION**

SCALE: 1 : 100 @ A1  
DATE: 19.01.2018 DRAWN: JC  
PROJECT NO: 5028 DRAWING NO: DA01 1.15 - 00











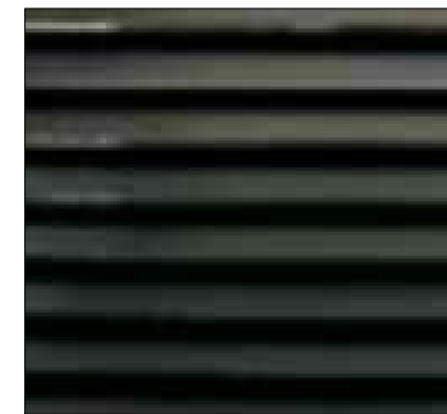




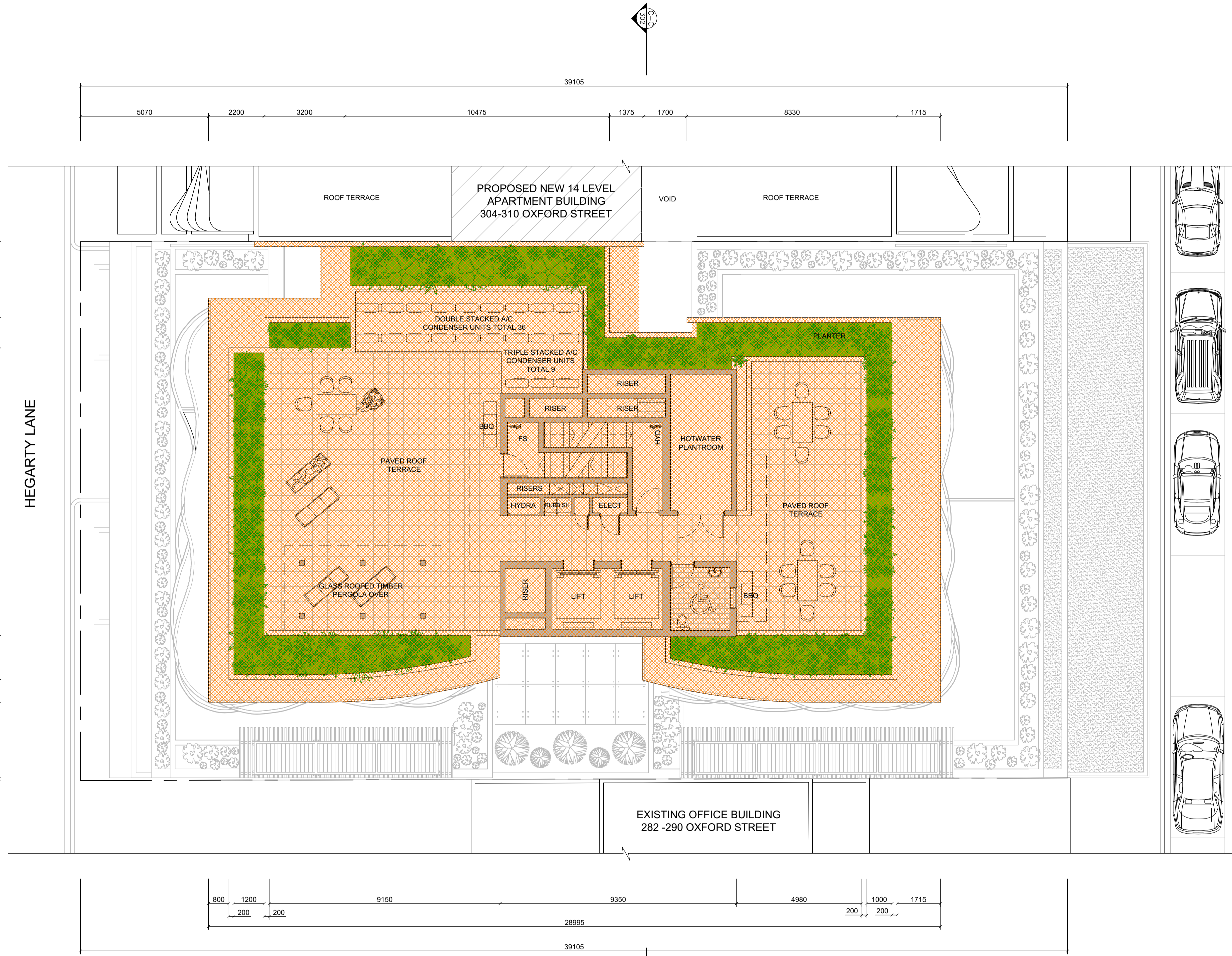
TYPICAL PLANTING



PERGOLA STRUCTURE



SLATTED LOUVRES SURROUNDING A/C CONDENSORS



SUSPENDED PAVING METHODOLOGY



ROOF PATIO PAVING



STEEL FRAMING AWNING & SOFFIT

**LEGEND:**

- PROPOSED EXTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- PROPOSED INTERNAL MODIFICATION TO APPROVED DEFERRED DEVELOPMENT CONSENT DRAWINGS
- LANDSCAPED AREAS

GROSS BUILDING FOOTPRINT	466 M2
GROSS FLOOR AREA (VLEP2012)	6 M2
LANDSCAPING	86.3 M2

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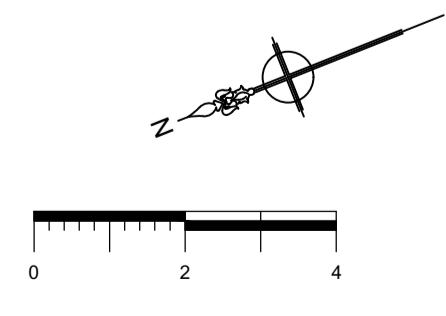
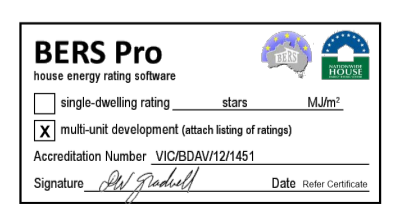
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ISSUE:	DATE:	REVISION:

**LEGEND:**

AC ALUMINUM CLADDING	CS CEILING WINDOW	HD HINGED DOOR	ST S&T TRAP
AL ALUMINUM ALUMINUM	CH CHIMNEY	HS HORIZONTAL WINDOW	STB STEEL BALUSTRADE
AP ALUMINUM PANEL	FC FACE BRICK	MS MESSING	TR TRIMMER
AW WINDOW WINDOW	FR FACE BRICK	RC REINFORCED CONCRETE	TRM TRIMMER
BE BRICK	GL GLASS GLASS	RF ROOF RISE	TRF TRIMMER
BD BRICK DOOR	GR GRANITE	ST STONE CLADDING	TRV TRIMMER
BO BRICK OVER	GU GULLY TRAP	STC STRUCTURAL STEEL	TRV TRIMMER
CC COPPER CLADDING	GRV GRATE	SK SKYLIGHT	TRV TRIMMER
CD CONCRETE DOOR	GU GULLY TRAP	SD SLATED DOOR	TRV TRIMMER

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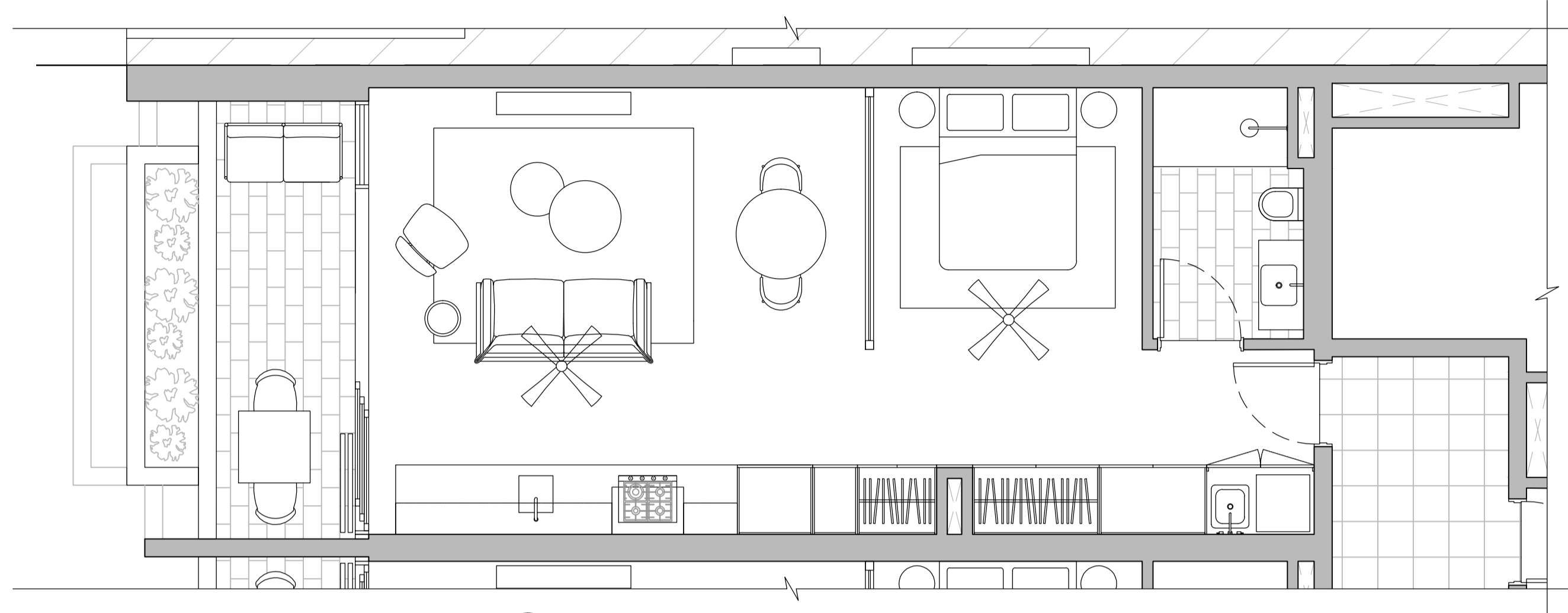
**DRAWING:** VPA & SECTION 4.55  
ROOF TERRACE  
GENERAL LAYOUT PLAN

**SCALE:** 1 : 100 @ A1

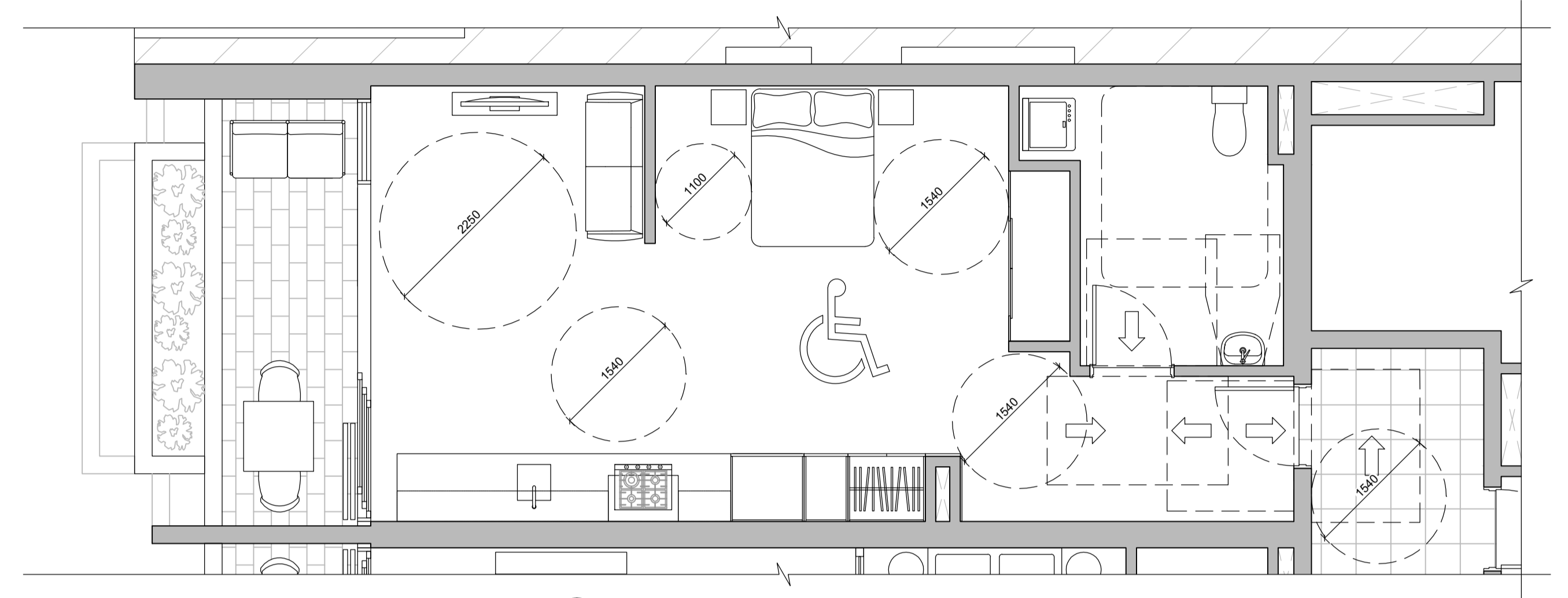
**DATE:** 19.01.2018 **DRAWN:** JC

**PROJECT NO:** 5028 **DRAWING NO:** DA01 1.21 - 00

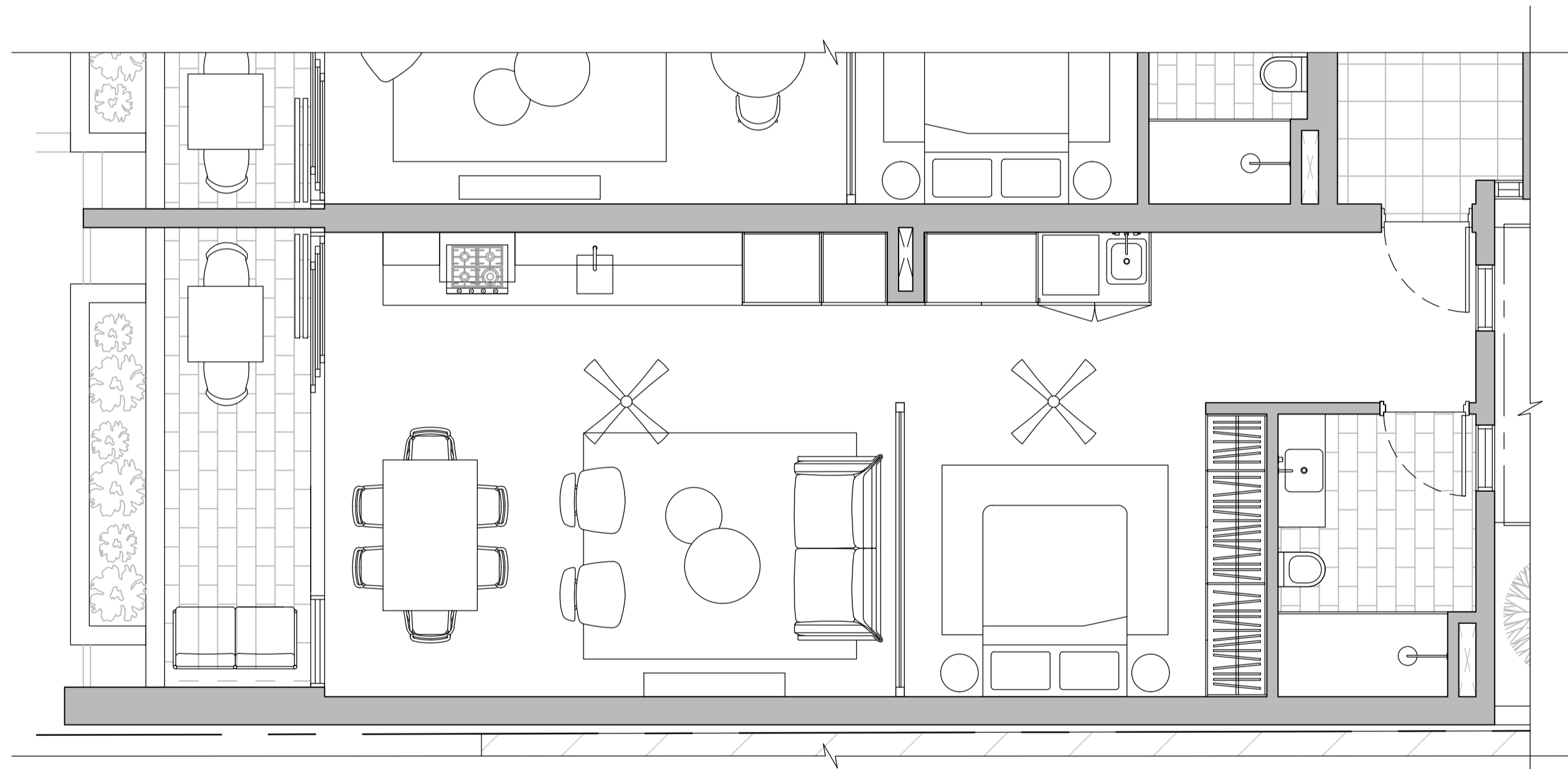




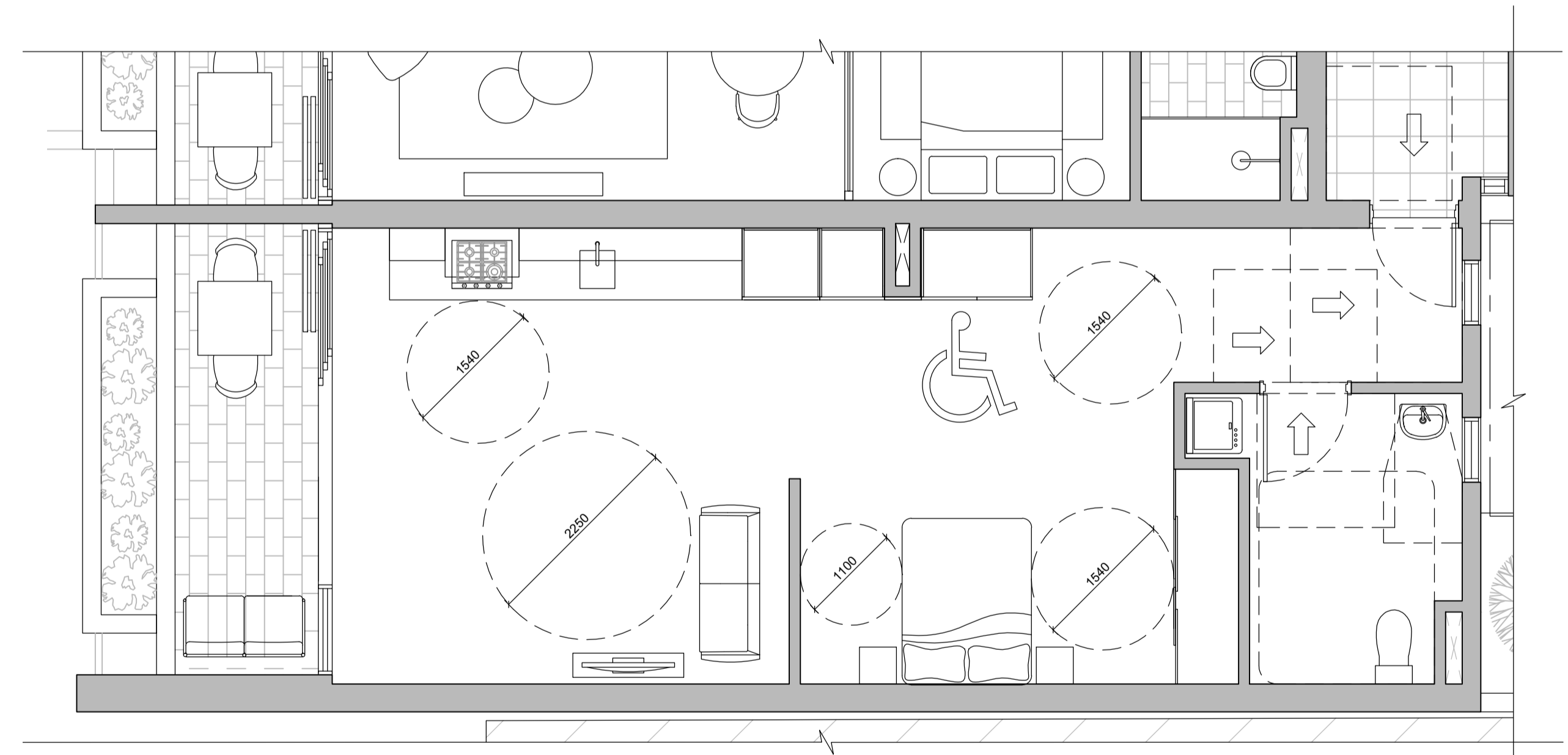
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4 UNITS L2-4, L3-4 PRE-ADAPTION



5 UNITS L2-4, L3-4 ADAPTED TO AS1428.1 2009

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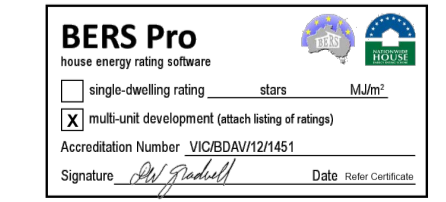
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AW ALUMINUM WINDOW	FG FACE GLASS	MC MASONRY CONCRETE	TS TRIMMED CONCRETE
BR BRICK	GA GLAZED GLASS	RF ROOF FLOOR	TT TRIMMED TIMBER
BU BUFILE DOOR	GD GLAZED DOOR	RT ROOF TRUSS	TF TRIMMED FINISH
CO CONCRETE	GR GRATE	SE STRUCTURAL STEEL	VF VERTICAL CLADDING
CC COPPER CLADDING	GT GULLY TRAP	SK SKUOTTER	VM WALL TILES
CR CONCRETE RENDER	GU GUTTER	SD SLIDING DOOR	WR WOODWORKING
			ZC ZINC CLADDING

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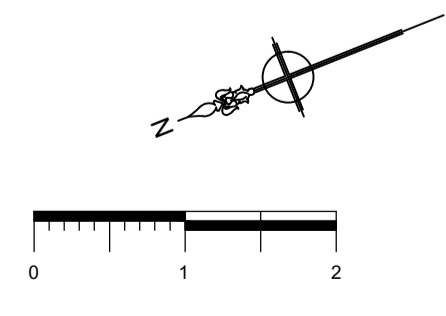
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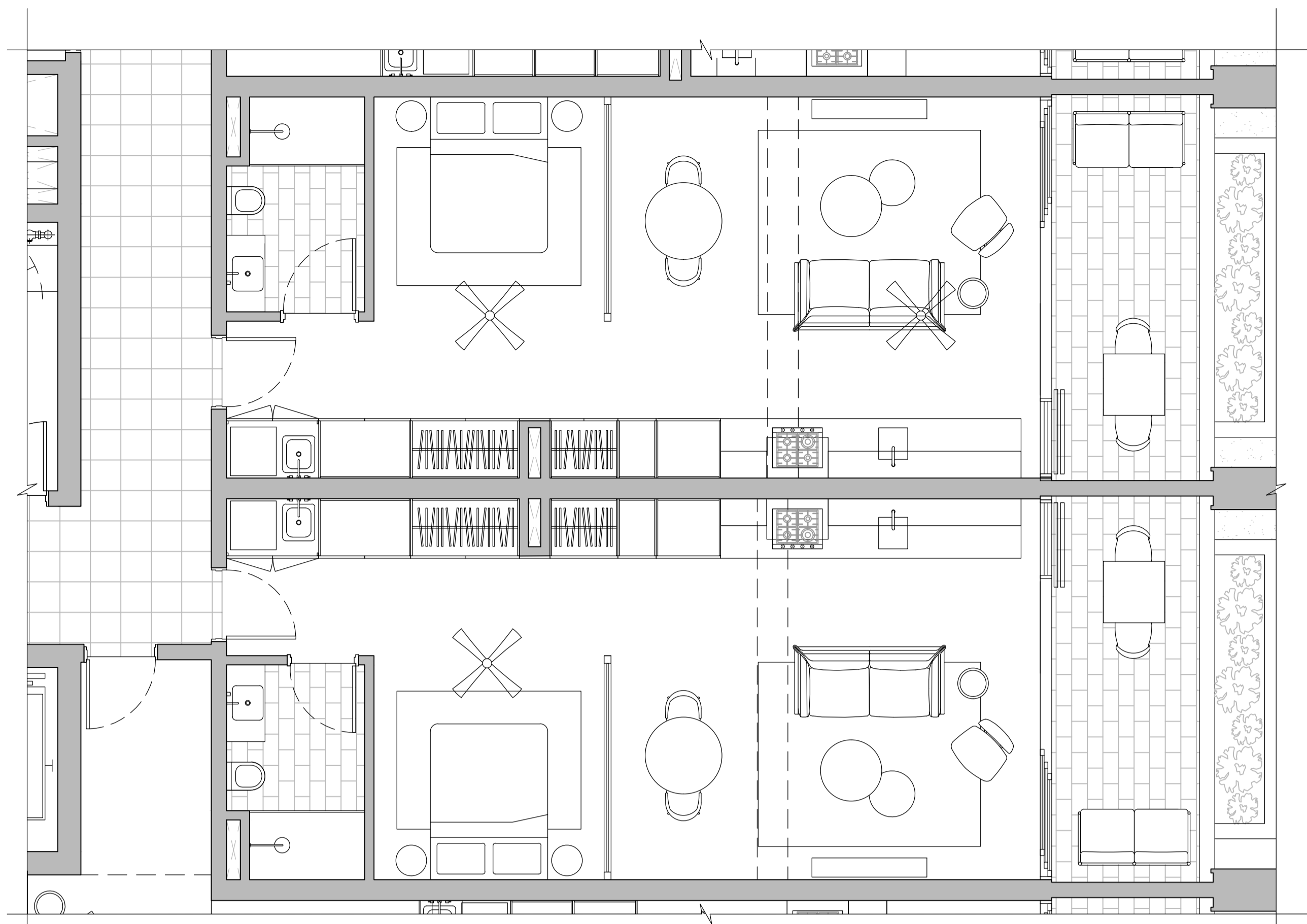
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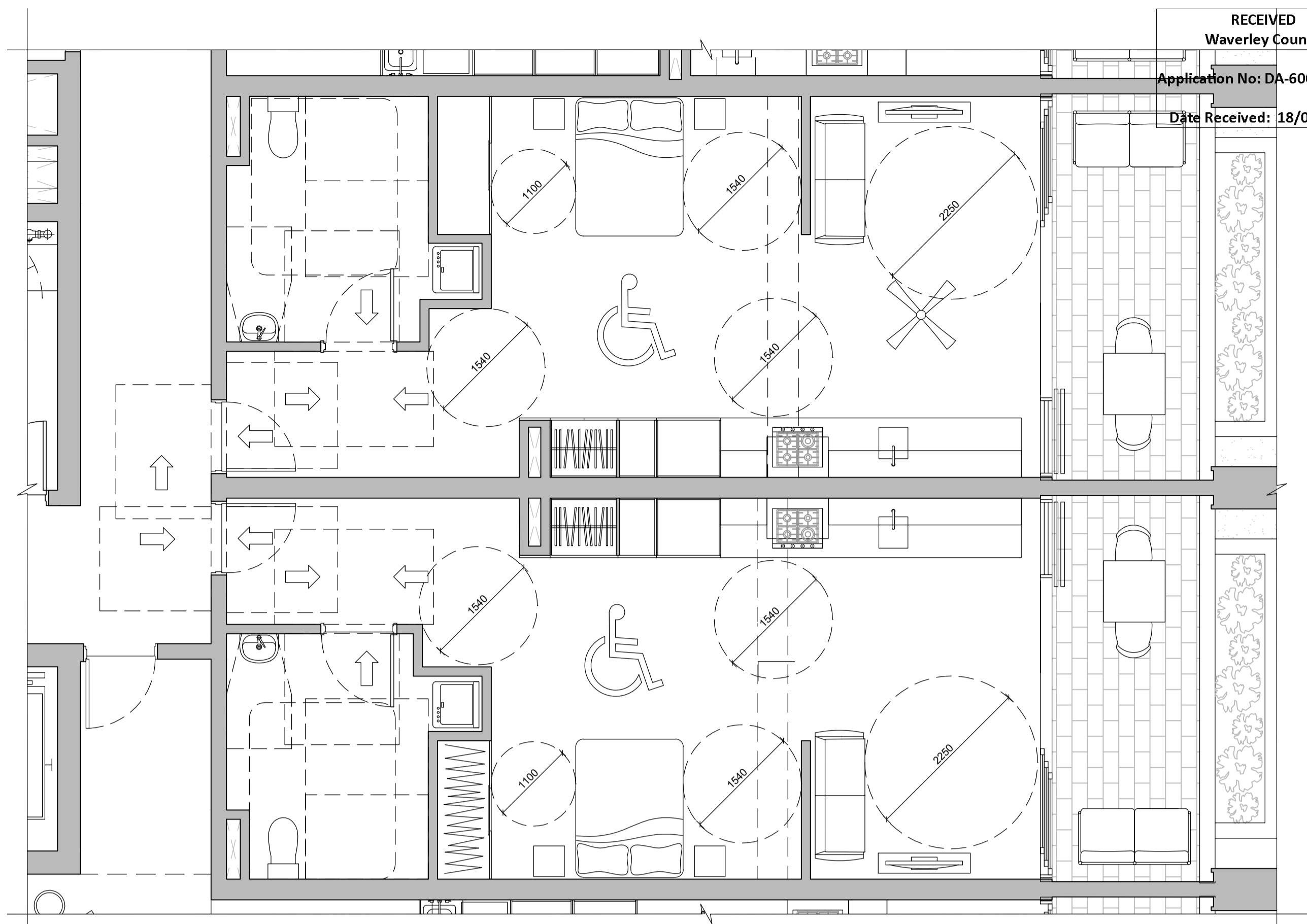


VPA & SECTION 4.55 APPLICATION

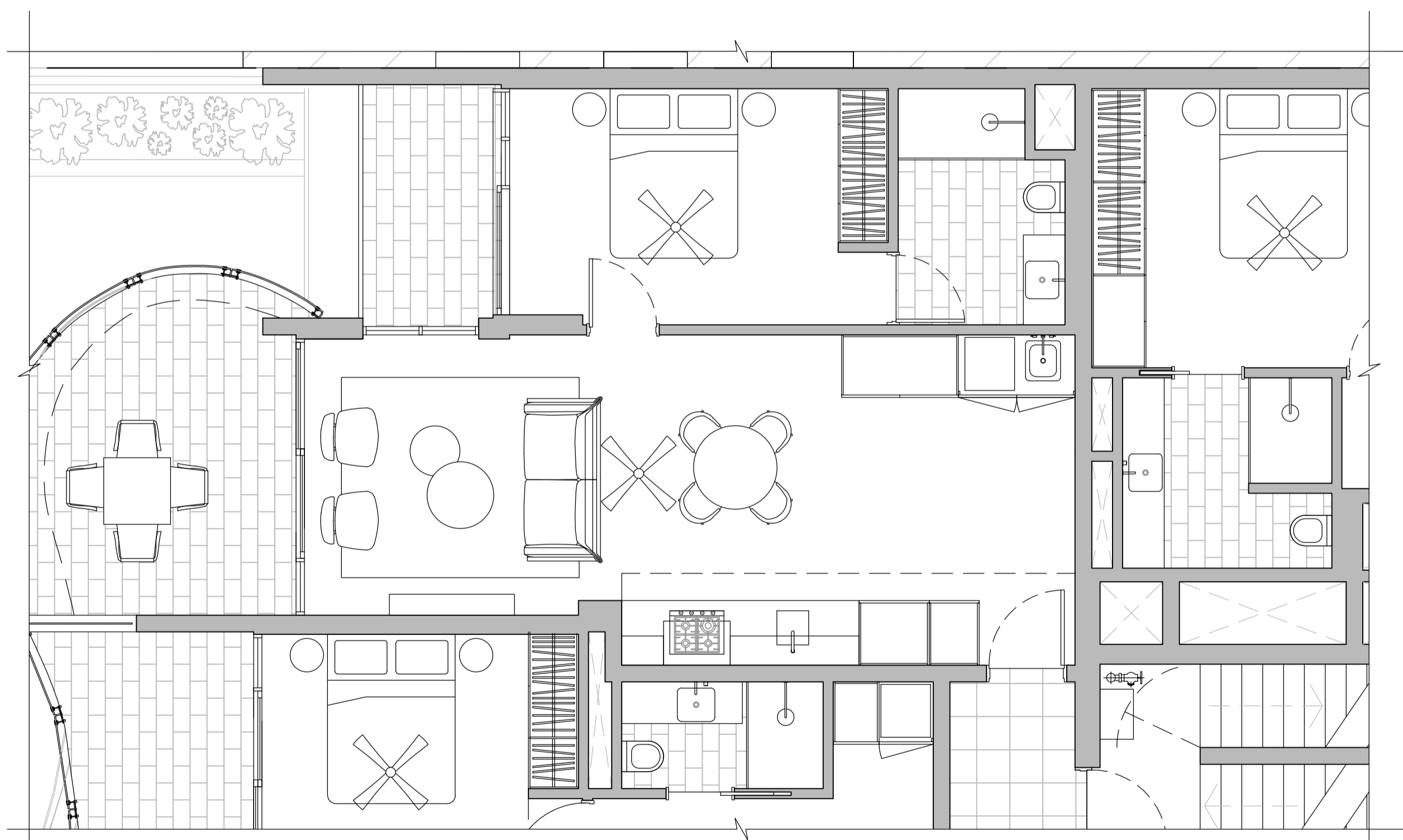
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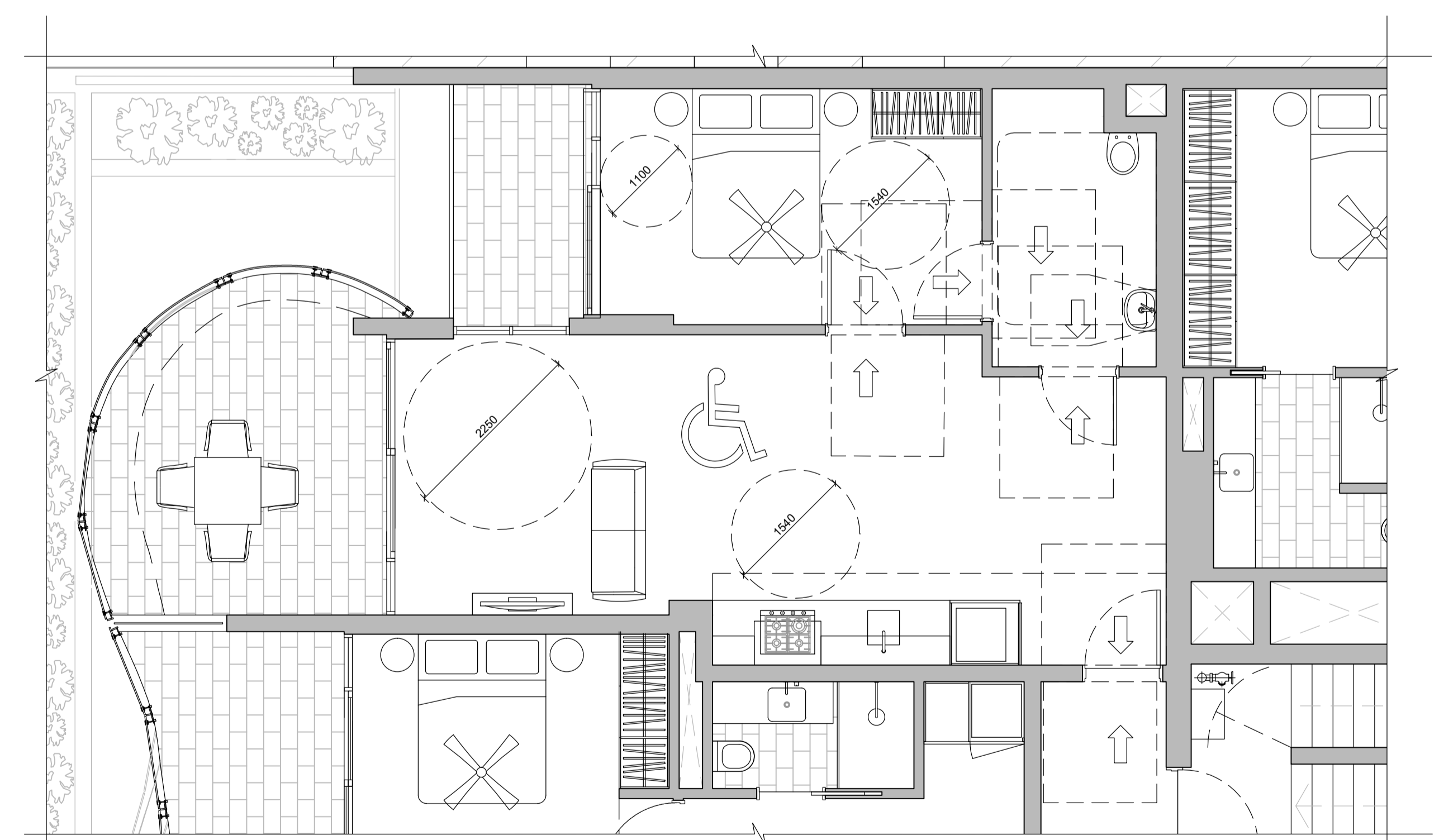
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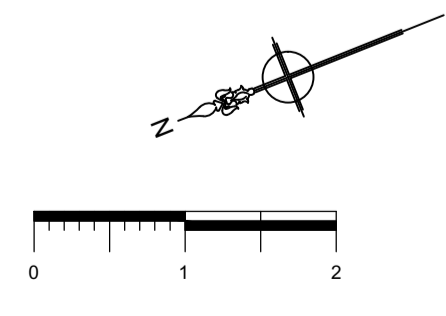
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3 UNIT L10-1 PRE-ADAPTION



4 UNIT L10-1 ADAPTED TO AS1428.1 2009



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AL ALUMINUM COLUMN	CS CEILING	HW HINGED WINDOW	ST STAIRCASE STEEL
AW ALUMINUM WINDOW	FB FACE BRICK	MB MESSAGING	TR TRAMER NAT FINISH
BR BRICK	GC GRANITE CLASH	PC PORTLAND CONCRETE	TR TRIMMED CONCRETE
BD BIFOLD DOOR	GR GRANITE	PF PLY FINISH	TR TRIMMED FINISH
BO BOARDS	GD GALLY DOOR	ES EXPOSED CONCRETE	VI VERTICAL CLADDING
CC COPPER CLADDING	GR GRATE	ET EXTERIOR STEEL	VS WALL TILES
CB COBERT FINISH	GU GUTTER	SI SKYLIGHT	VR REINFORCED CONCRETE
		SD SLIDING DOOR	ZC ZINC CLADDING

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DRAWING: ADAPTABLE UNITS SHEET 2

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PROJECT NO: 5028 DRAWING NO: DA01.1.28 - 00

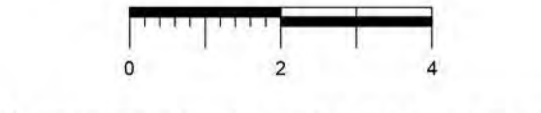
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 LEVEL 10 RL 105.1  
 LEVEL 9 RL 102.0  
 LEVEL 8 RL 98.9  
 LEVEL 7 RL 95.8  
 LEVEL 6 RL 92.7  
 LEVEL 5 RL 89.6  
 LEVEL 4 RL 86.5  
 LEVEL 3 RL 83.2  
 LEVEL 2 RL 80.1  
 GROUND RL 76.7  
 BASEMENT 1 RL 73.6

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 LEVEL 5 RL 89.6  
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 LEVEL 3 RL 83.2  
 LEVEL 2 RL 80.1  
 GROUND RL 76.7  
 BASEMENT 1 RL 73.6

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AP ALUMINIUM PANEL	FB FACE BRICK	MC MASONRY	TR TRIMMER FINISH
AW ALUMINIUM WINDOW	GL GROUND GLASS	PC PRECAST CONCRETE	TRC TRIMMER CONCRETE
BR BRICK	GR GRANITE	RF REINFORCED CONCRETE	TRC TRIMMER CONCRETE
BD BRICK DOOR	GD GIBBY TRAP	STB STAIR BALUSTRADE	TRC TRIMMER CONCRETE
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CG CORNER FINISH	GT GIBBY TRAP	STB STAIR BALUSTRADE	TRC TRIMMER CONCRETE

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**CLIENT:** JANCO DEVELOPMENTS

**DRAWING:** VPA & SECTION 4.55  
**PROPOSED NORTH ELEVATION**

**SCALE:** 1 : 100 @ A1  
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**DRAWING NO:** DA01 2.05 - 00





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AC ALUMINUM CLADDING	CE CELEST WINDOW	HD WINDOW DOOR	SI SILI TRAP
AL ALUMINUM ANODISED	CH CHIMNEY	MB MESH BALCONY	SH SHOWER FLOOR
AP ALUMINUM PANEL	FC FACE BRICK	ME MESS ROOM	TF TERRAZZO FLOOR
AW ALUMINUM WINDOW	CS CONCRETE	MC MESS ROOM CONCRETE	TR TRIMMED CONCRETE
BK BRICK	CL CLADDING	RF ROOF	TR TRIMMED FLOOR
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CC CONCRETE	CT CURTAIN	ST STONE CLADDING	WT WALL TILES
CC COPPER CLADDING	GR GRATE	ST STONE CLADDING	WT WALL TILES
CD CLADDING FINISH	HD HATCH	ST STONE CLADDING	WT WALL TILES

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DRAWING: VPA & SECTION 4.55 PROPOSED WEST ELEVATION

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**CLIENT:** JAMCO DEVELOPMENTS

**DRAWING:** VPA & SECTION 4.55  
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**DATE:** 30.01.2018  
**PROJECT NO:** 5028  
**DRAWN BY:** JC  
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**DATE:** 30.01.2018

**PROJECT NO:** 5028

**DRAWN BY:** JC

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## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 7 March 2019

The site is a stratum subdivided mixed use development, identified as 55-91 Spring Street BONDJ JUNCTION. The primary frontage is located on the southern side of Spring Street and has secondary frontages to Newland Street and Ebley Street.

The site is occupied by a mixed use development comprising commercial uses (Eastgate Shopping Centre), residential towers above, as well as basement and above-ground car parking.

The subject site is surrounded by commercial development, as well as mixed use developments comprising commercial and residential components.



Figure 1: Subject site frontage – Spring Street



Figure 2: Site viewed from Newland Street



Figure 3: Site viewed from Ebley Street

## 1.2 Relevant History

The site has an extensive history of various commercial development applications for the Eastgate Shopping Centre, including tenancy fitouts, extension of trading hours, and signage.

A Pre-DA (PD-2/2018) for the subject was lodged on 9 February 2018, which was subsequently withdrawn on 23 February 2018.

## 1.3 Proposal

Alterations and additions to the Eastgate Shopping Centre, including replacement of awning, façade upgrades and signage zones.

## 2.0 ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

#### 2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

#### 2.1.3 SEPP 64 Advertising and Signage

In accordance with clause 8 of SEPP 64, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment criteria set out under Schedule 1 of the SEPP.

**Table 1:**

<b>Schedule 1 Assessment Criteria</b>	
1. Character of the area	The signage zones are compatible with the character of the area and will be adequately integrated into the subject building.
2. Special areas	The proposed signage zones will not within the vicinity of any of the identified special areas.

3. Views and vistas	The proposed signage zones will not obscure or compromise important views or dominate the skyline.
4. Streetscape, setting or landscape	The proposed signage zones are proportionate with the associated building and is consistent with the established streetscape setting.
5. Site and building	The dimensions of the signage zones are of an acceptable scale and proportion which is compatible with the building.
6. Associated devices and logos with advertisements and advertising structures	This application is for signage zones only. Details of signage will be addressed in a future application. A condition of consent will be imposed to this effect.
7. Illumination	This application is for signage zones only. Details of signage will be addressed in a future application. A condition of consent will be imposed to this effect.
8. Safety	The location of the signage is not considered to impact the safety or the road, pedestrians or bicyclists or obscuring sightlines from public areas.

#### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as alterations and additions to an existing mixed use development comprising commercial premises, which is permitted with consent or prohibited in the B4 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>60m</li> </ul>	N/A	The overall height of the building remains unchanged.
4.4 Floor space ratio <ul style="list-style-type: none"> <li>5:1</li> </ul>	N/A	As the proposed development involves external alterations only, there is no increase in GFA.
<b>Part 6 Additional local provisions</b>		
6.5 Active street frontages in the Bondi Junction Centre	N/A	This clause is applicable to the subject site; however does not apply to the proposed development as it does not involve the erection of a building or a change of use.

Provision	Compliance	Comment
6.9 Design Excellence	Yes	This clause is applicable to the proposed development. The proposed alterations will improve the quality and amenity of the public domain. Façade upgrades will improve the overall appearance of the building.

### 2.1.5 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Condition of consent recommended	A waste management plan has not been submitted with the development application. Accordingly a condition of consent is recommended that a Site Waste and Recycling Management Plan be submitted prior to the issue of the Construction Certificate.
7. Accessibility and adaptability	Unchanged	Pedestrian access to the building remains unchanged.

**Table 4: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.1 Design</b>		
1.1.1 Frontages	Yes	Replacement awnings will provide continuous weather protection for pedestrians to Spring Street.
1.1.2 Lighting	Condition of consent recommended	The architectural plans have not indicated that lighting will be provided. A condition of consent will be imposed provide details of lighting prior to the issue of the Construction Certificate.

**Table 5: Waverley DCP 2012 - Part D2 Advertising and Signage Compliance Table**

Development Control	Compliance	Comment
<b>2.1 Design and location</b>		
2.1.1 Siting	Yes	The signage zones will be appropriately sited on the building.
2.1.2 Size and proportion	Yes	The proposed signage zones are proportionate to the size of the building. It is acknowledged that the combination of replacement and new signage will exceed 20m <sup>2</sup> on the Spring Street and Ebley Street façade; however is considered appropriate

Development Control	Compliance	Comment
		<p>in this instance having regard to the overall size of the site presenting to 3 street frontages.</p> <p>Given the overall width of the Spring Street, Newland Street and Ebley Street frontages (between approximately 95m and 120m), the extent of signage will not be over-bearing on the respective facades of the building.</p>
<p>2.1.3 Advertising</p> <p>Where multiple occupancies exist within a single building or shop front, a coordinated scheme for all advertising and signage is required.</p>	Yes	A co-ordinated scheme for advertising is proposed. Signage identifying the various tenancies within the shopping centre will be located in a dedicated signage zone so as to reduce visual clutter.
2.1.4 Number of signs	Yes	Signage identifying the various tenancies within the shopping centre will be located in a dedicated signage zone so as to reduce visual clutter.

**Table 6: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table**

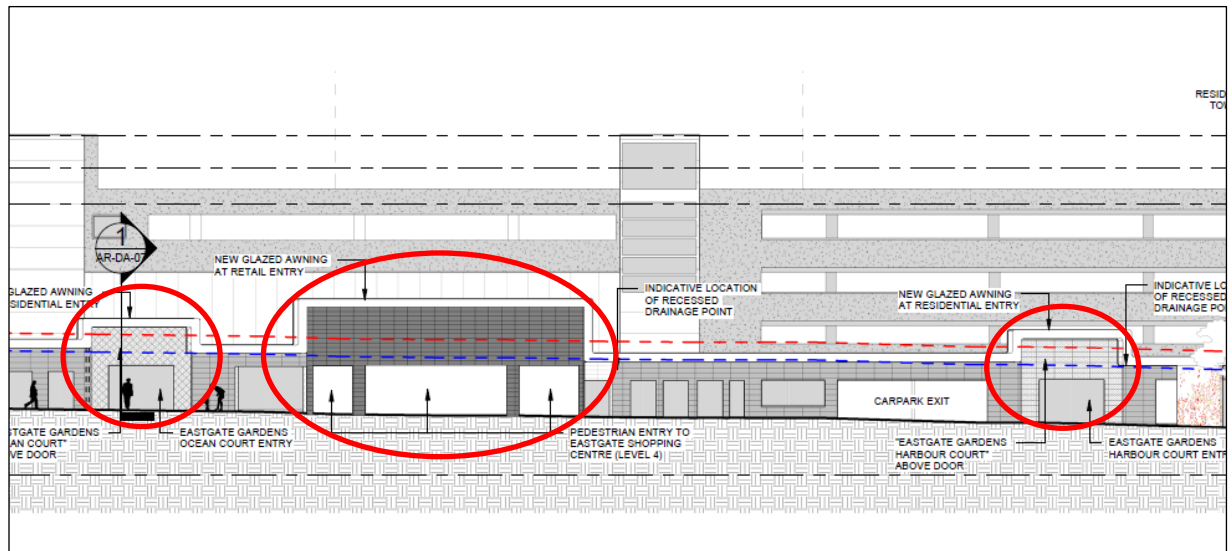
Development Control	Compliance	Comment
<b>1.16 Design excellence</b>		
To improve the design quality of buildings within the Bondi Junction Centre.	Yes	The proposed external alterations will improve the design quality of the existing building.
<b>1.18 Awnings and colonnades</b>		
<ul style="list-style-type: none"> <li>Awnings to be provided around corners as per Figure 30.</li> </ul>	Acceptable on merit	The application seeks to replace the existing awning to the Spring Street frontage. The Newland Street and Ebley Street frontages comprise vehicular access and egress points to the existing carpark. An awning is currently provided above the existing entry to the shopping centre on Ebley Street, which will be replaced. Given the existing arrangement, it is not considered necessary to provide additional awnings to the Newland Street and Ebley Street frontages as part of this development application.
<ul style="list-style-type: none"> <li>Awnings should have consistent heights above the footpath.</li> </ul>	Acceptable on merit	The proposed awning has varying heights across the Spring Street frontage. Refer to discussion below compliance table.
<ul style="list-style-type: none"> <li>Height range of 3.2m - 4.2m</li> </ul>	Acceptable on merit	The proposed awnings largely comply with the prescribed height range, as detailed on the architectural plans. The exceptions are the height of the awning above the main entry to the shopping centre on Spring Street and Ebley

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Extend across the width of the footpath to within 0.6m of the kerb line.</li> <li>To step with topography</li> <li>Provide lighting</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Condition of consent recommended</p>	<p>Street. Refer to discussion below compliance table</p> <p>The awning will be located 1.2m from the kerb on Spring Street and 0.9m from the kerb on Ebley Street.</p> <p>The proposed awning will step with the topography of Spring Street.</p> <p>The architectural plans have not indicated that lighting will be provided. A condition of consent will be imposed provide details of lighting prior to the issue of the Construction Certificate.</p>
<b>1.25 Outdoor advertising, signage and structures</b>		
<p>Signage should relate to the use of the building on which it appears.</p> <p>Features of the architecture of the building shall be considered in the design of the advertising sign or structure.</p> <p>Signs should be of a size and proportion which complement the scale of the existing façade, as well as surrounding buildings and signs.</p> <p>Flush wall signs:-</p> <p>The total area of signage is no greater than 4.5m<sup>2</sup>.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable on merit</p>	<p>Proposed signage will relate to the building on which it appears as it identifies the shopping centre and tenants. It is noted that this application is for signage zones only. Details of signage will be addressed in a future application. A condition of consent will be imposed to this effect.</p> <p>The proposed signage zones will complement the architectural style of the building.</p> <p>As discussed throughout this table, the proposed signage zones are proportionate to the size of the building when considering the overall width of the Spring Street, Newland Street and Ebley Street frontages.</p> <p>The proposed signage zones are proportionate to the size of the building. It is acknowledged that the combination of replacement and new signage will exceed 4.5m<sup>2</sup> on the Spring Street and Ebley Street façade; however is considered appropriate in this instance.</p> <p>Given the overall width of the Spring Street, Newland Street and Ebley Street frontages (between approximately 95m and 120m), the extent of signage will not be over-bearing on the respective facades of the building.</p>

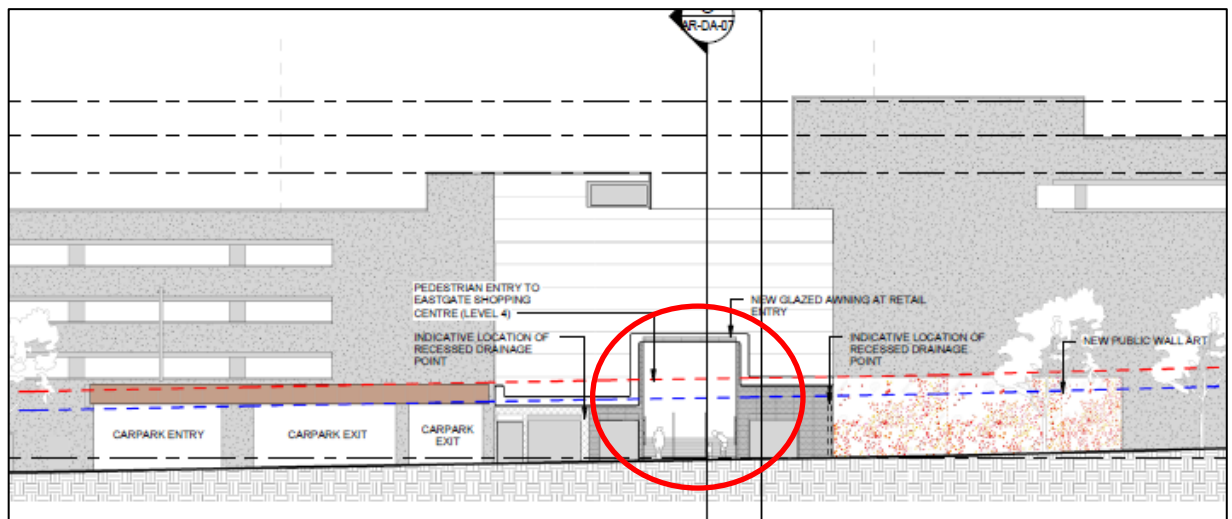
The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

### Awning Height

Section 1.18 in Part E1 of the DCP prescribes that awnings are to have consistent heights above the footpath of between 3.2m and 4.2m. The application largely complies with this requirement, with the exception of the height of the awning above the main retail and residential entrances on Spring Street and Ebley Street (as circled in red on *Figure 4* & *Figure 5* below)



**Figure 4:** Extract of submitted architectural plans – Spring Street elevation



**Figure 5:** Extract of submitted architectural plans – Ebley Street elevation

Despite this non-compliance, the new awning is consistent with the objectives of Section 1.18 as it will provide adequate weather protection for the public thus minimising the adverse effects of rain, strong winds, and summer sunlight.

The differentiation in awning height gives emphasis to the main retail entry to the Spring Street frontage as well as the residential entries on Spring Street. Given the extent of building frontage and



the various vehicular and pedestrian entry and exit points (particularly to Spring Street), a change in the height of the awning is considered acceptable in this instance.

It is noted that the existing awning currently incorporates height variations along the Spring Street frontage. Furthermore, the height of the replacement awning to the Ebley Street retail entry is consistent with the existing. This is considered acceptable, given the elevated entrance to the shopping centre.

Notwithstanding the above, Council's Urban Design team has also reviewed the application has no raised no objection to the proposal.

**Cost of works:**

The applicant has indicated the estimated costs of works on the development application fee to be \$5,170,000. Further clarification was sought from the applicant with regard to the capital investment value (CIV) for the proposal. Having regard to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the CIV as indicated by the applicant for the proposal is \$4,700,000, therefore not requiring referral to the Sydney Eastern City Planning Panel. Accordingly, the application shall be referred to the Waverley Local Planning Panel for determination.

**3.0 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

**3.1 Suitability of the Site for the Development**

The site is considered to be suitable for the proposed development.

**3.2 Any Submissions**

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Two submissions were received. The issues raised in the submissions are summarised and discussed below.

**Table 3: Summary of property addresses that lodged a submission**

Property
17/23 Newland Street BONDI JUNCTION
Address not provided

***Issue: No building works to be carried out during the night***

**Response:** Building works are to be undertaken in accordance with the *Protection of the Environmental Operations (Noise Control) Regulation 2008*. Further, standard conditions shall be imposed relating to construction hours that are consistent with industry practices.

***Issue: Light pollution due to illumination of signage***

**Response:** This application is for the dedicated signage zones only. A separate development application will be required for new signage. A condition of consent will be imposed to this effect.

**3.3 Public Interest**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

**4.0 REFERRALS**

**4.1 Fire Safety – Building Waverley**

The application was referred to Council’s Fire Safety Officer who raised no objection to the proposal, subject to the imposition of conditions.

**4.2 Urban Design – Shaping Waverley**

The application was referred to Council’s Urban Designer who raised no objection to the proposal.

**4.3 Roads, Footpaths & Encroachments – Creating Waverley**

The application was referred to Council’s Creating Waverley Division, overseeing the roads, footpaths & encroachments and no response was received within the standard service timeframe. Nonetheless, a condition of consent will be imposed to ensure the awnings are a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

**5 SUMMARY**

Alterations and additions to the Eastgate Shopping Centre, including replacement of awning, façade upgrades and signage zones. The proposal will improve the quality and amenity of the public domain and façade upgrades will improve the overall appearance of the building.

Despite the non-compliance to the size of the signage zones, they are proportionate to the size of the building when considering the overall width of the Spring Street, Newland Street and Ebley Street frontages and are considered acceptable on merit. The differentiation in awning height gives emphasis to the main retail entry to the Spring Street frontage as well as the residential entries on Spring Street. Given the extent of building frontage and the various vehicular and pedestrian entry and exit points (particularly to Spring Street), a change in the height of the awning is considered acceptable in this instance.

Overall the proposal is considered to be in accordance with the relevant objectives of the LEP and DCP and is therefore recommended for approval.

Two submissions were received and have been addressed in Section 2.4 of this report.

The application is recommended for approval subject to conditions. As Waverley Council is a part owner of this site (Eastgate Carpark), the application shall be referred to the Waverley Local Planning Panel for determination.

**6. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit by:**

Lauren Saunders  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date: 7/3/2019**

**Date: 15/3/2019**

**Reason for referral:**

- 1 Conflict of interest  
Development for which the applicant or land owner is:
  - a) the council,

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. Approved Development**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

(a) The following Architectural Plans, prepared by 'Cox Architecture'

<b>Plan description</b>	<b>Revision No / Date</b>	<b>Date received by Council</b>
AR-DA-02	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-03	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-04	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-05	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-06	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-07	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-08	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-09	Revision 3 Dated 17/9/2018	12/10/2018
AR-DA-010	Revision 3 Dated 17/9/2018	12/10/2018
AR-SK-11	Revision 1 Dated 10/10/2018	12/10/2018

(b) BASIX Certificate

Except where amended by the following conditions of consent.

#### **2. SEPARATE APPLICATION FOR SIGNAGE**

This application approves signage zones for the subject site only. Any signage and/or advertising does not form part of this approval. Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application.

#### **3. UNDER AWNING LIGHTING DETAILS**

Under-awning lighting is to be provided within each awning. Details are to be submitted and approved by Council prior to the issue of the Construction Certificate.

## B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 4. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

(1) Where the total development cost is less than \$500,000:

"**Waverley Council Cost Summary Report**"; or,

(2) Where the total development cost is \$500,000 or more:

"**Waverley Council Registered Quantity Surveyor's Detailed Cost Report**".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: [www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

(b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

#### Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

### 5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$80,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

**6. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

**7. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

**8. HOARDING REQUIRED**

If required, a standard A-Class or B-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

**9. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

**10. ESSENTIAL SERVICES - EXISTING BUILDING**

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

**11. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

**12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

**13. EROSION, SEDIMENT AND POLLUTION CONTROL**

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

**14. ACCESS TO MAIN ENTRY**

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**15. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) is to be approved by Council prior to the issue of a Construction Certificate and the undertaking of any demolition, excavation, remediation or construction on the site.

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.

- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - (i) the route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
  - (ii) any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
  - (iii) the type(s) of material on which pedestrians will be required to walk;
  - (iv) the width of the pathway on the route;
  - (v) the location and type of proposed hoardings;
  - (vi) the location of existing street lighting.

## **16. PUBLIC ART**

Public Art shall be incorporated into the new development. Specific details and design of the proposed public art feature shall comply with 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Curator and Visual Arts Co-ordinator.

Details to be provided to the satisfaction of Waverley Council prior to the issue of the relevant Construction Certificate for the development.



## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **17. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **18. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday ( except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

### **19. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **20. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

**21. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

All site works complying with the occupational health and safety requirements of WorkCover NSW.

**22. LOCATION OF BUILDING OPERATIONS**

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

**23. ALL BUILDING MATERIALS STORED ON SITE**

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

**24. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

**25. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION ACT) - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

**26. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

**27. FIRE SAFETY – EXITS**

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

**28. FIRE SAFETY MAINTENANCE**

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

**29. AWNINGS**

Awnings shall be a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

**30. SERVICE PIPES**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

**31. WORK OUTSIDE PROPERTY BOUNDARY**

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

**32. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES**

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) It must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) It must record in digital format and at a minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
  - i. all entry and exit points of the premises,
  - ii. the footpath immediately adjacent to the premises, and
  - iii. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.

- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (g) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (h) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **33. OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **34. LIGHTING**

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

### **35. SIGNAGE ILLUMINATION**

The illumination of signage above all awning's shall be turned off (ie be non-illuminated) between 12 midnight and 6am daily.

### **36. NO FLASHING SIGNS**

The use of flashing lights, flashing illuminated signs and the like is prohibited.

### **37. LOCATION OF SIGNS**

No advertising signs or notices are to be affixed to the windows of the premises.

### **38. ERECTION OF SIGNS**

The erection of any sign is to satisfy the following requirements:

- (a) Be subject to development consent;
- (b) Be erected/supported in a secure manner for safety purposes;
- (c) Does not cause measures that would cause irreversible damage to the building.

### **39. NO SIGNS OR GOODS ON PUBLIC AREA**

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

RECEIVED  
Waverley Council  
Application No: DA-365/2018  
Date Received: 12/10/2018





eastgate  
bondi junction

eastgate  
bondi junction

eastgate

NO ENTRY

NO ENTRY

ONE WAY

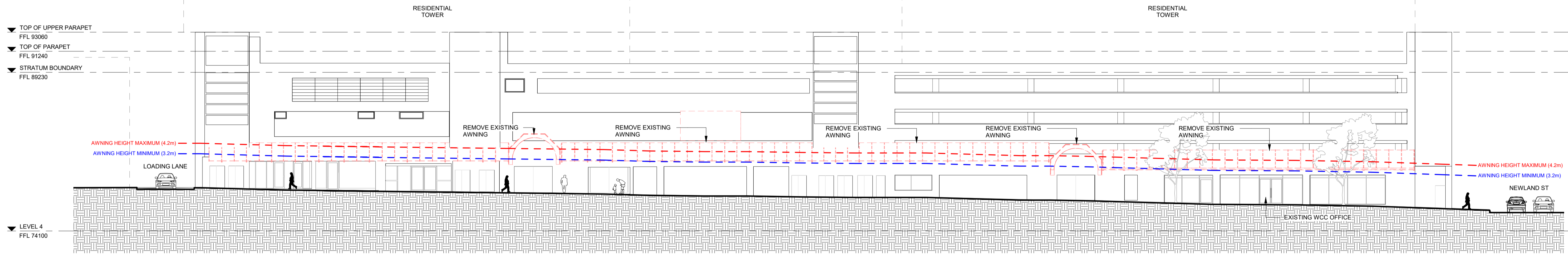
NO RIGHT TURN

PARKING

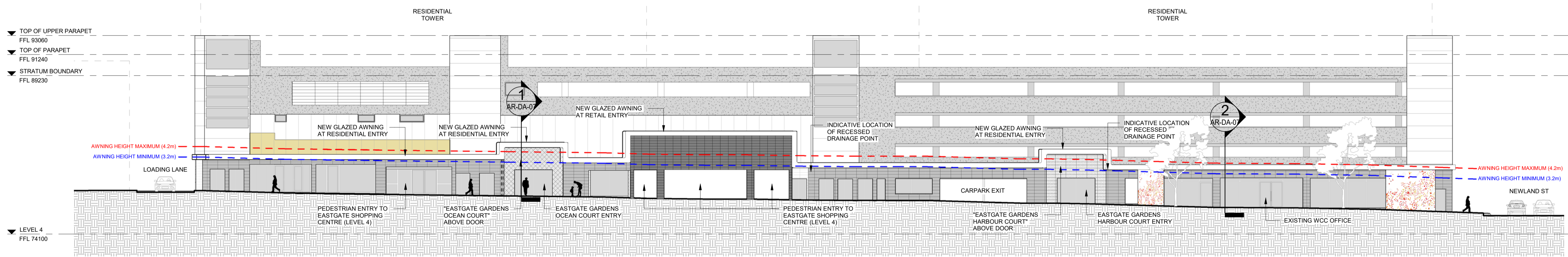
KEEP LEFT

PLZ PEGP

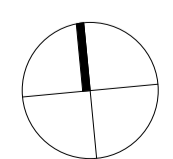




**1 Existing Awning Elevation**  
SCALE 1 : 200



**2 Proposed Awning Elevation**  
SCALE 1 : 200



Project:  
**EASTGATE FACADE + AWNING UPGRADE**

Drawing Title:  
**Comparative Awning Height Compliance (Spring St.)**

Drawing Number:  
**A-SK-00**

Revision:  
**1**

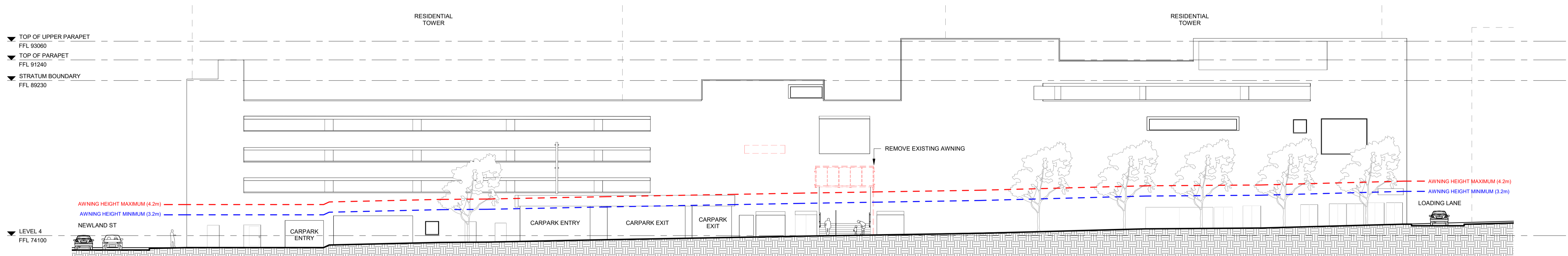
Date:  
**15/8/18**

Scale:  
**1 : 200 @ A1**

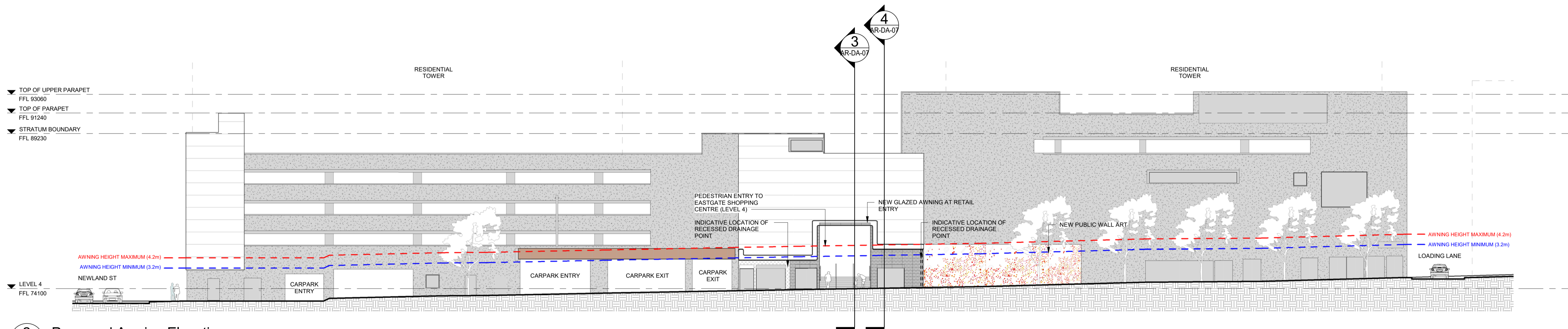
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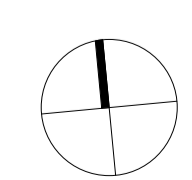




**1 Existing Awning Elevation**  
SCALE 1 : 200



**2 Proposed Awning Elevation**  
SCALE 1 : 200



Project:  
**EASTGATE FACADE + AWNING UPGRADE**

Drawing Title:  
**Comparative Awning Height Compliance (Ebley St.)**

Drawing Number:  
**A-SK-01**

Revision:  
**1**


Date:  
**15/8/18**

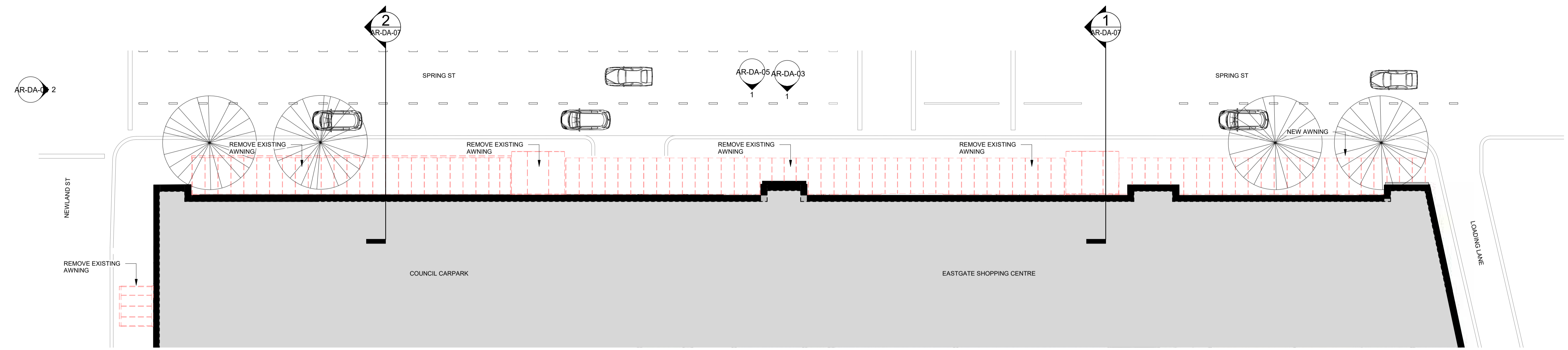
Scale:  
**1 : 200 @ A1**

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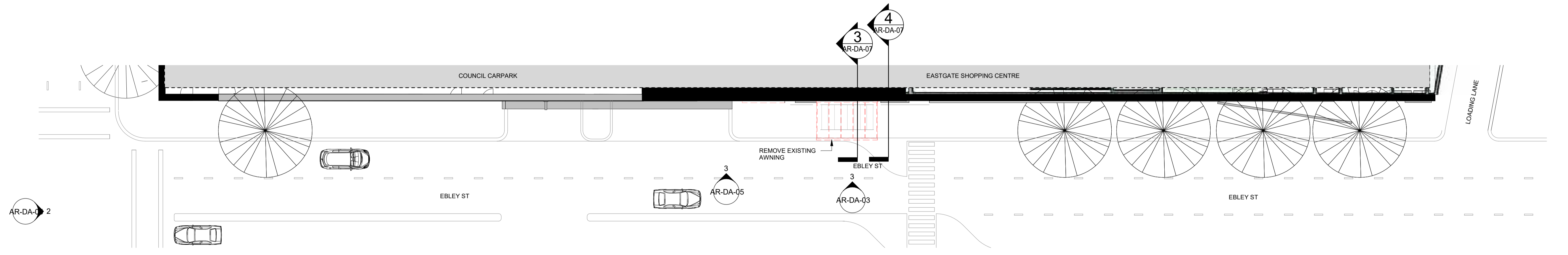


**DEMOLITION LEGEND:**

FFL 4.500	FINISHED FLOOR LEVEL (METRES) ABOVE DATUM.		ALL EXISTING AWNINGS, WALLS, PARTITIONS, DOORS, CEILINGS, JOINERY, FIXTURES AND FITTINGS TO BE DEMOLISHED OR REMOVED SURROUNDING SURFACE TO BE MADE GOOD.
+ RL 4.500	SPOT LEVEL - REDUCED LEVEL (METERS) ABOVE DATUM.		

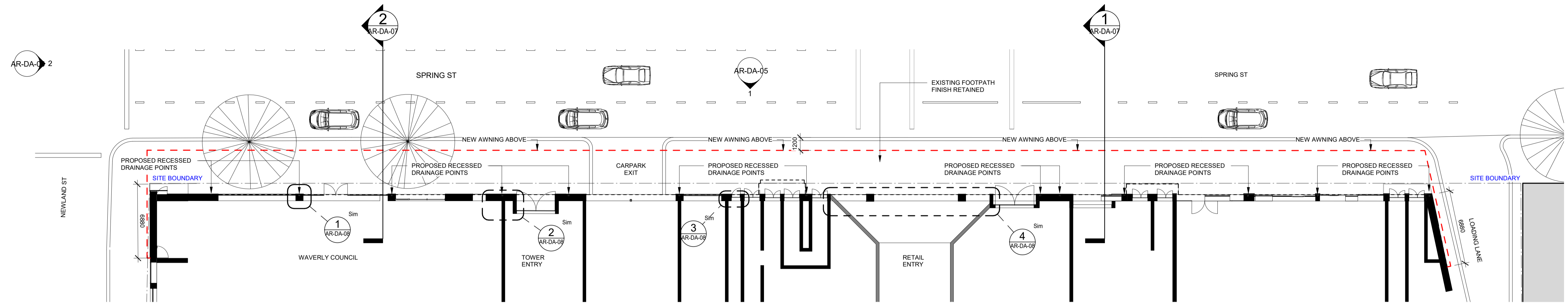


**1 Spring Street Demolition Plan**  
A-SK-00 SCALE 1:200

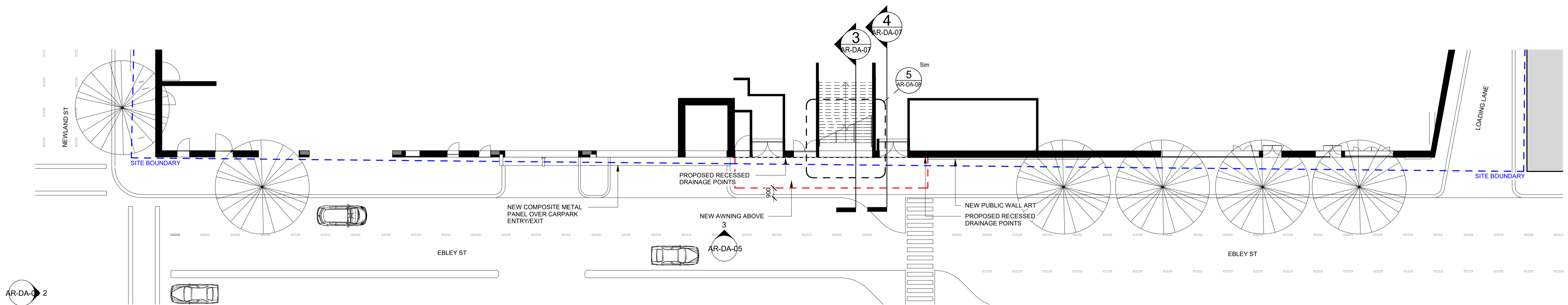


**3 Ebley Street Demolition Plan**  
A-SK-00 SCALE 1:200

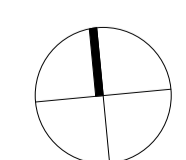




**1 Spring Street Floor Plan**  
A-SK-00 SCALE 1:200



**2 Ebley Street Floor Plan**  
A-SK-00 SCALE 1:200



Project: **EASTGATE FACADE + AWNING UPGRADE**

Drawing Title: **GROUND FLOOR PLANS**

Drawing Number: **AR-DA-04**

Revision: **3**

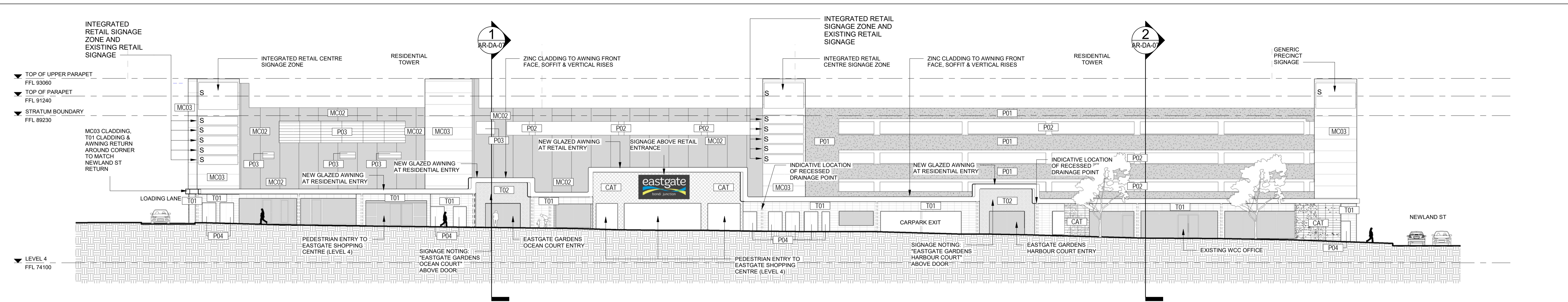
Date: **17/9/18**

Scale: **1:200 @ A1**

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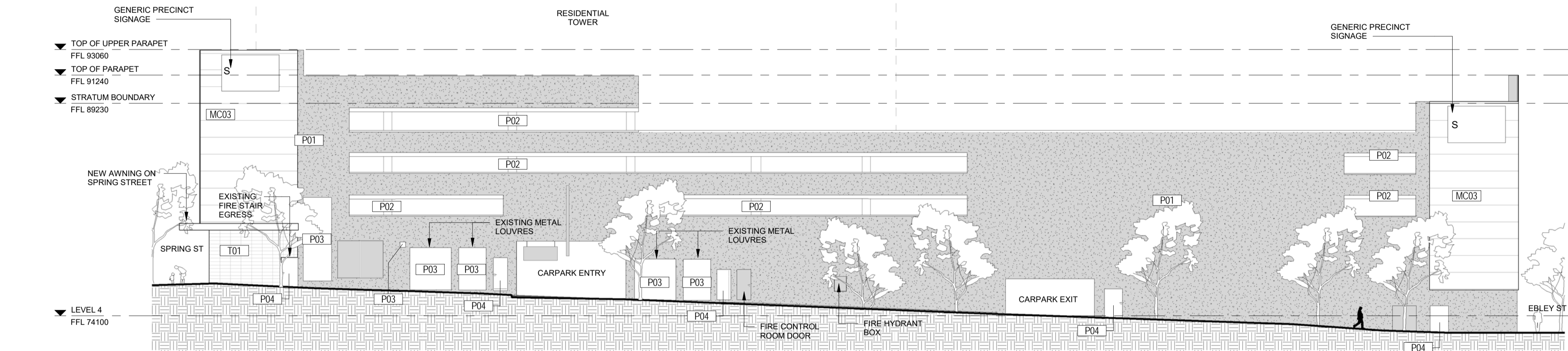
Nominated Architects  
John Agius no. 6491  
Russell Lee no. 6367





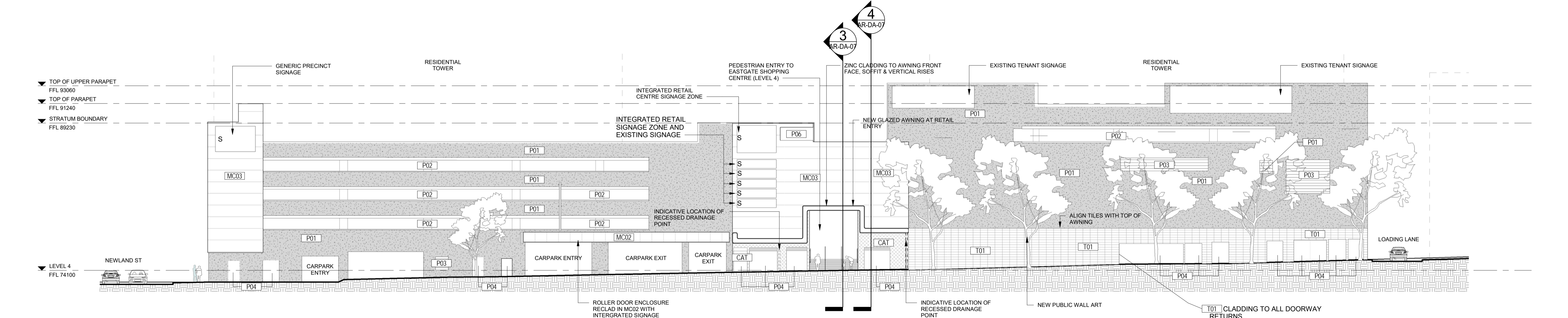
1 Spring Street New Works Option

AR-DA-02 SCALE 1 : 200



2 Newland Street New Works Option

AR-DA-02 SCALE 1 : 200

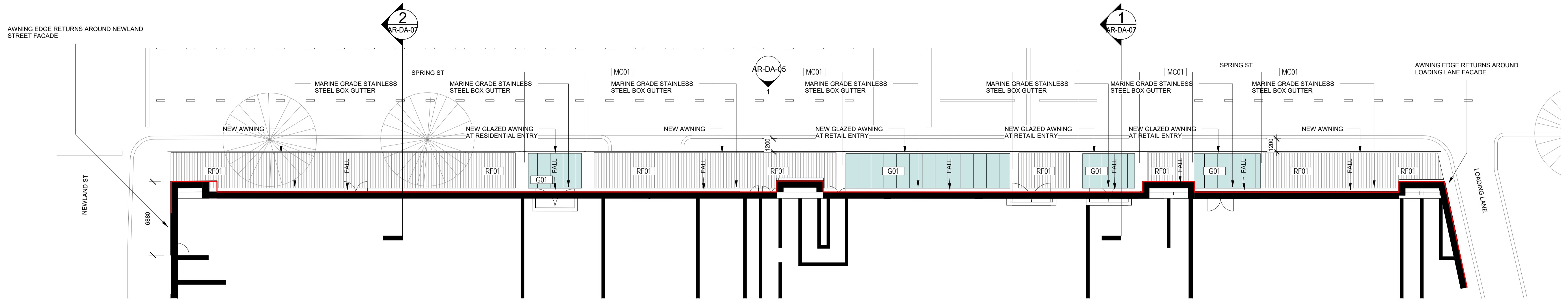


3 Ebley Street New Works Option

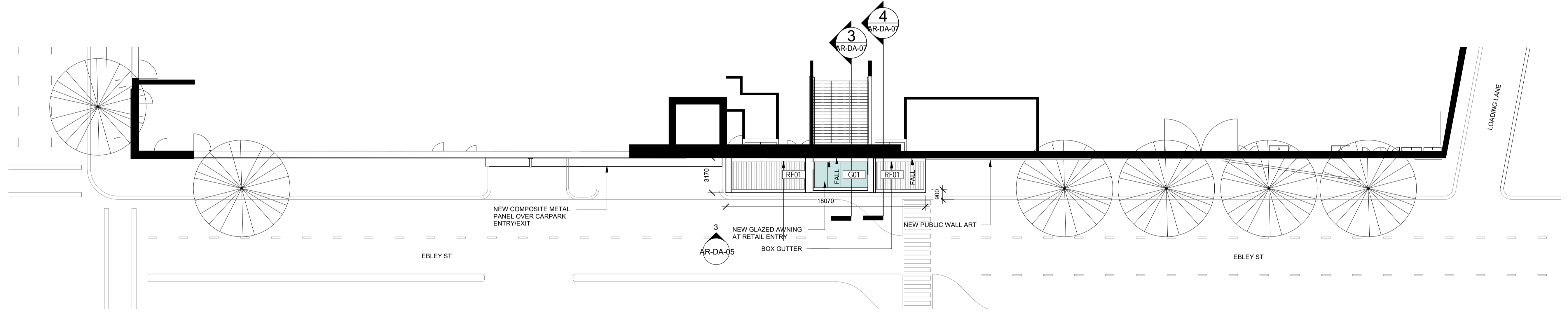
AR-DA-02 SCALE 1 : 200

**FINISHES LEGEND:**

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- T02. CERAMIC TILE CLADDING
- CAT. CONCRETE ART TILE
- P01. EXTERNAL PAINT
- MC02. FIBRE CEMENT PANEL
- MC03. FIBRE CEMENT PANEL
- RF01. ROOFING
- CAT. CONCRETE ART TILE
- P02. EXTERNAL PAINT
- P03. EXTERNAL PAINT
- P04. EXTERNAL PAINT
- P05. EXTERNAL PAINT
- P06. EXTERNAL PAINT
- G01. CLEAR FRITTED GLASS
- S. INTEGRATED SIGNAGE



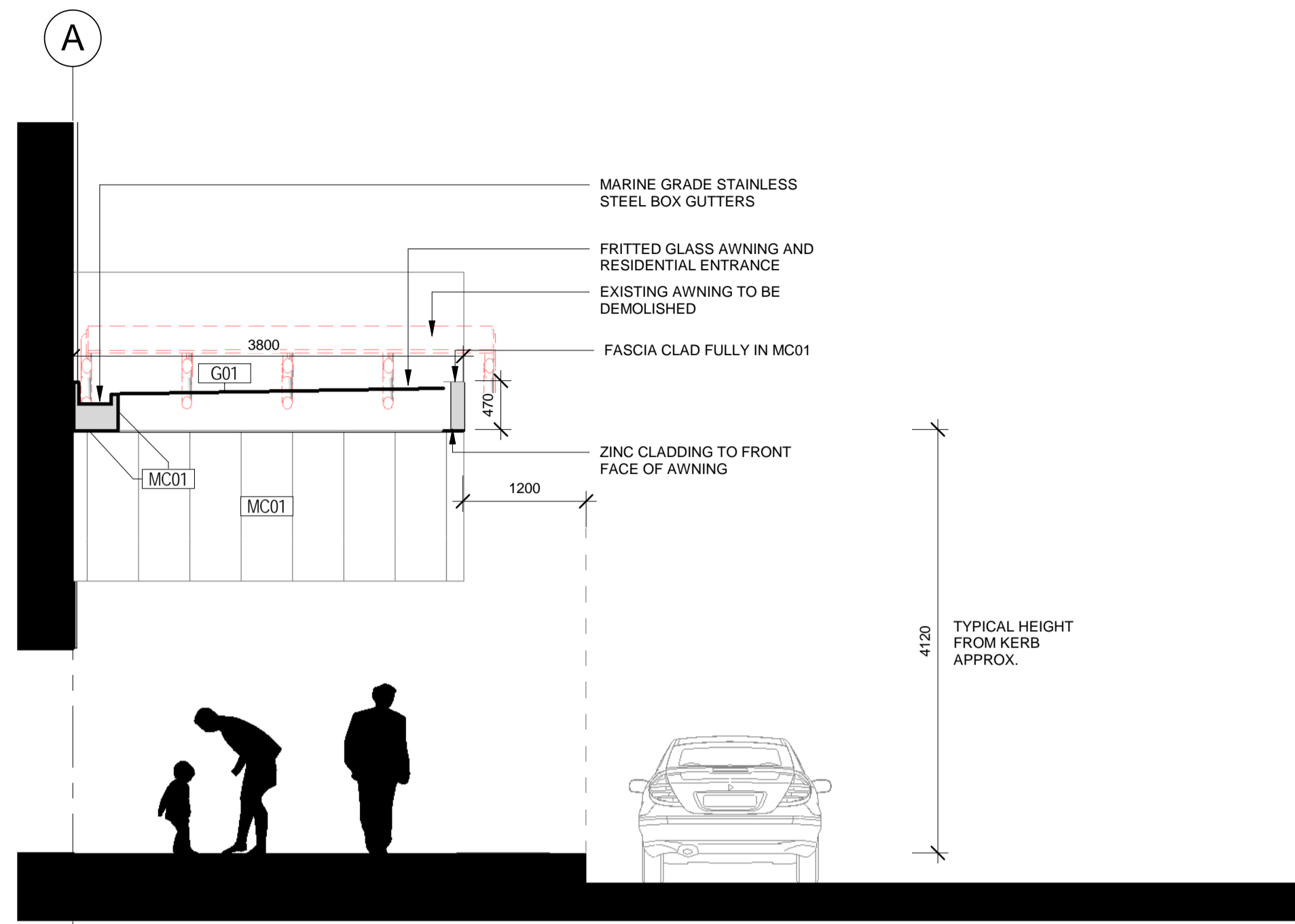
**1** Spring Street Awning Plan  
A-SK-00 SCALE 1 : 200



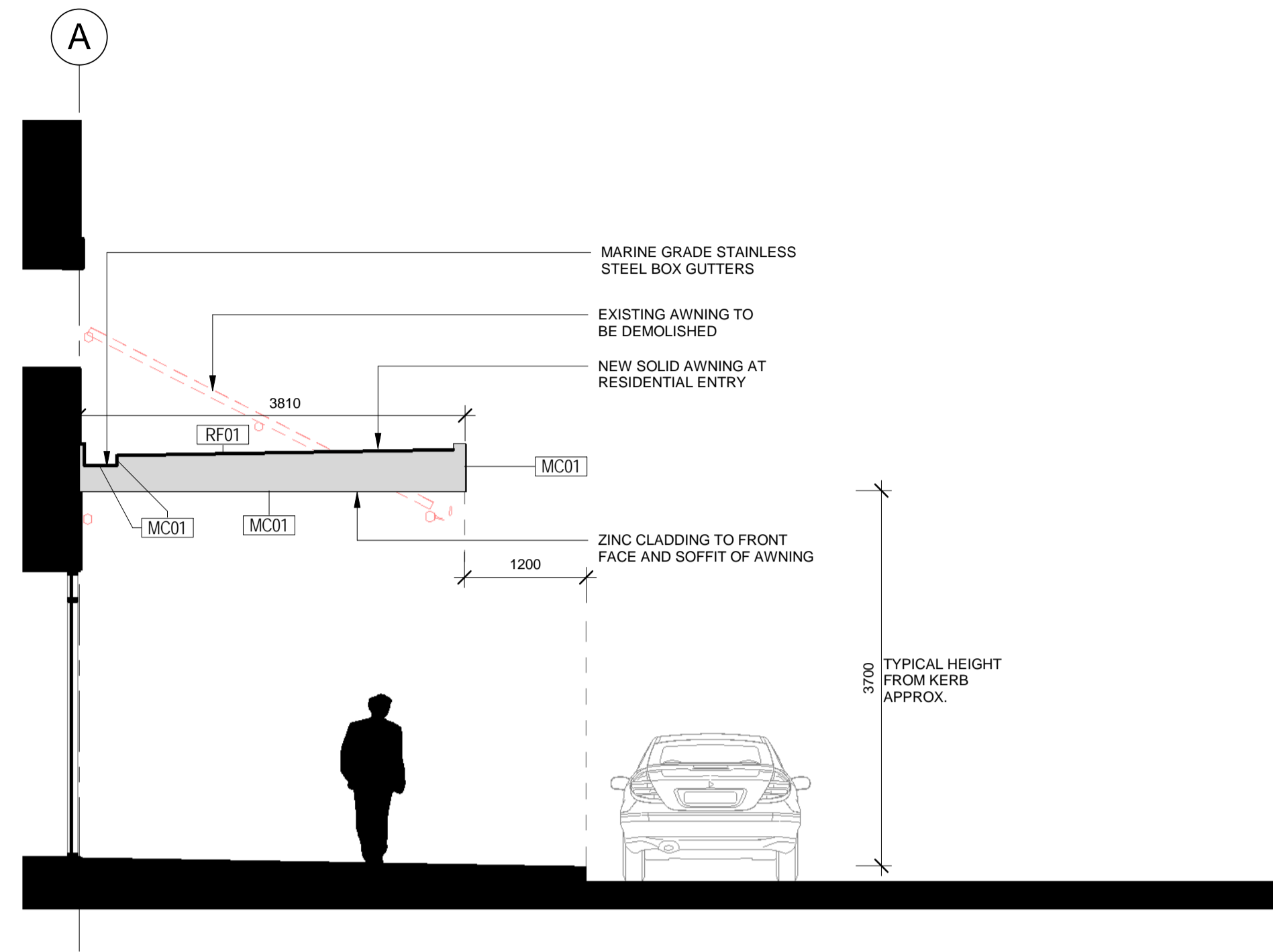
**3** Ebley Street Awning Plan  
A-SK-00 SCALE 1 : 200

**FINISHES LEGEND:**

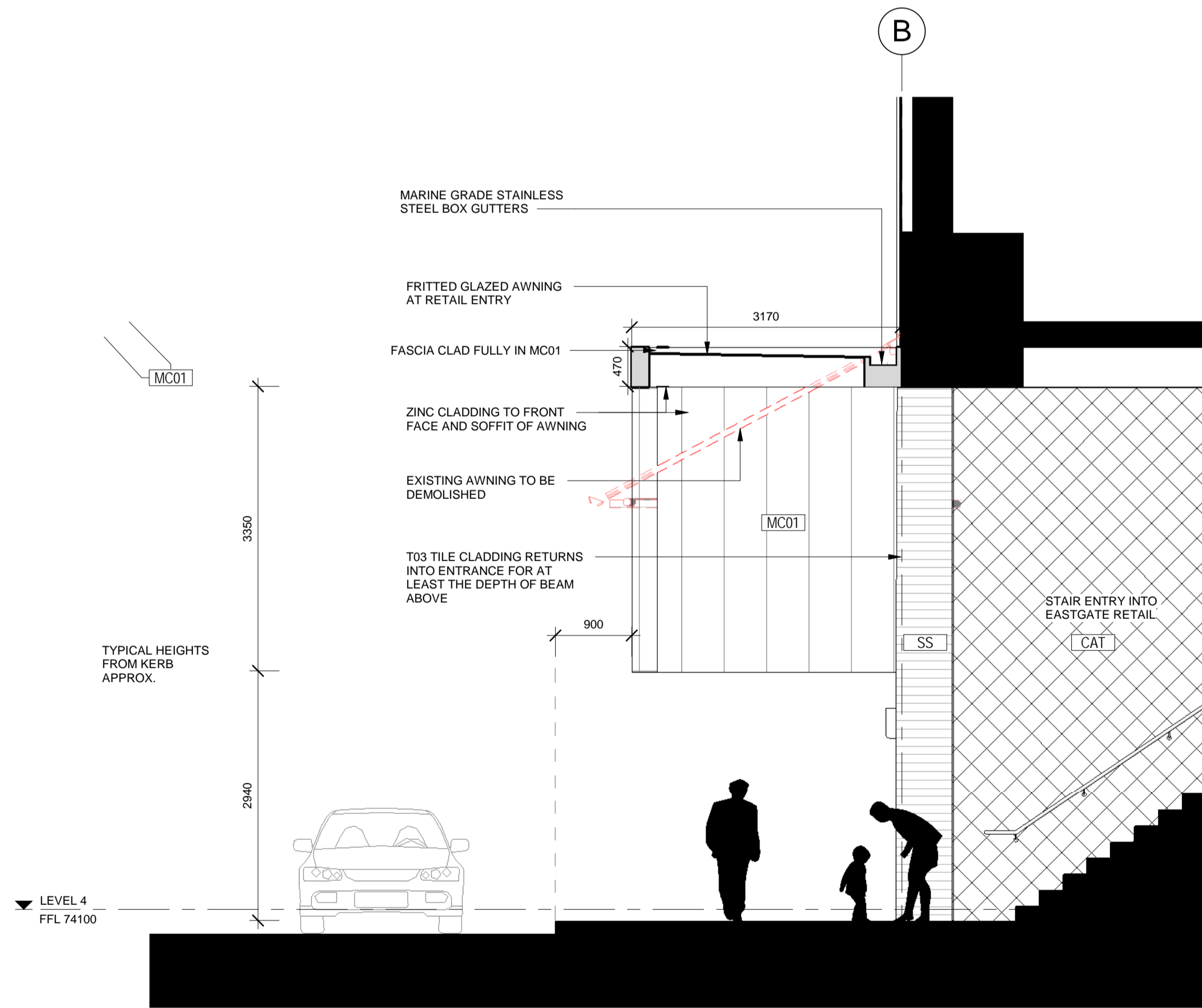
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T02.	CERAMIC TILE CLADDING
CAT.	CONCRETE ART TILE
P01.	EXTERNAL PAINT
MC02.	FIBRE CEMENT PANEL
MC03.	FIBRE CEMENT PANEL
RF01.	ROOFING
CAT.	CONCRETE ART TILE
P02.	EXTERNAL PAINT
P03.	EXTERNAL PAINT
P04.	EXTERNAL PAINT
P05.	EXTERNAL PAINT
P06.	EXTERNAL PAINT
G01.	CLEAR FRITTED GLASS
S.	INTEGRATED SIGNAGE



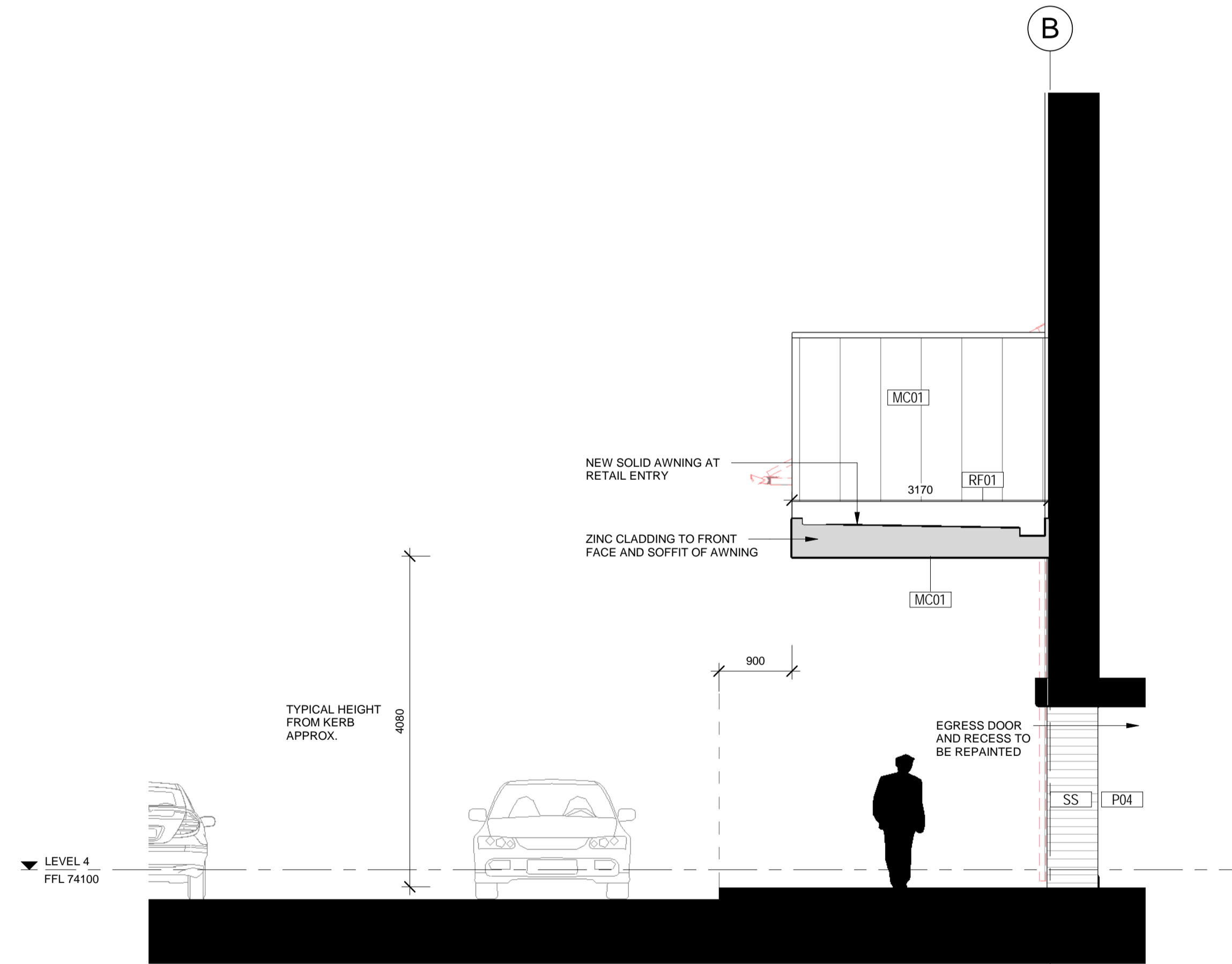
1 Spring Street Glass Awning Section  
A-SK-00 SCALE 1:50



2 Spring Street Solid Awning Section  
A-SK-00 SCALE 1:50



3 Ebley Street Glass Awning Section  
A-SK-01 SCALE 1:50

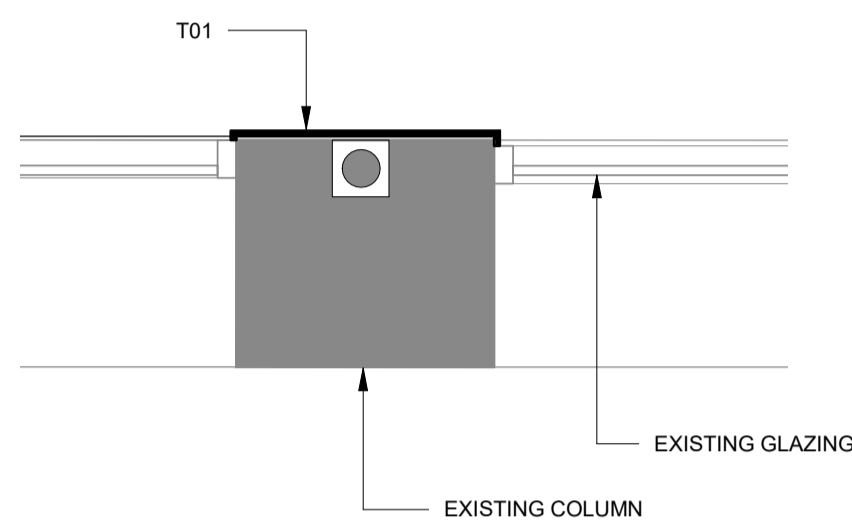


4 Ebley Street Solid Awning Section  
A-SK-01 SCALE 1:50

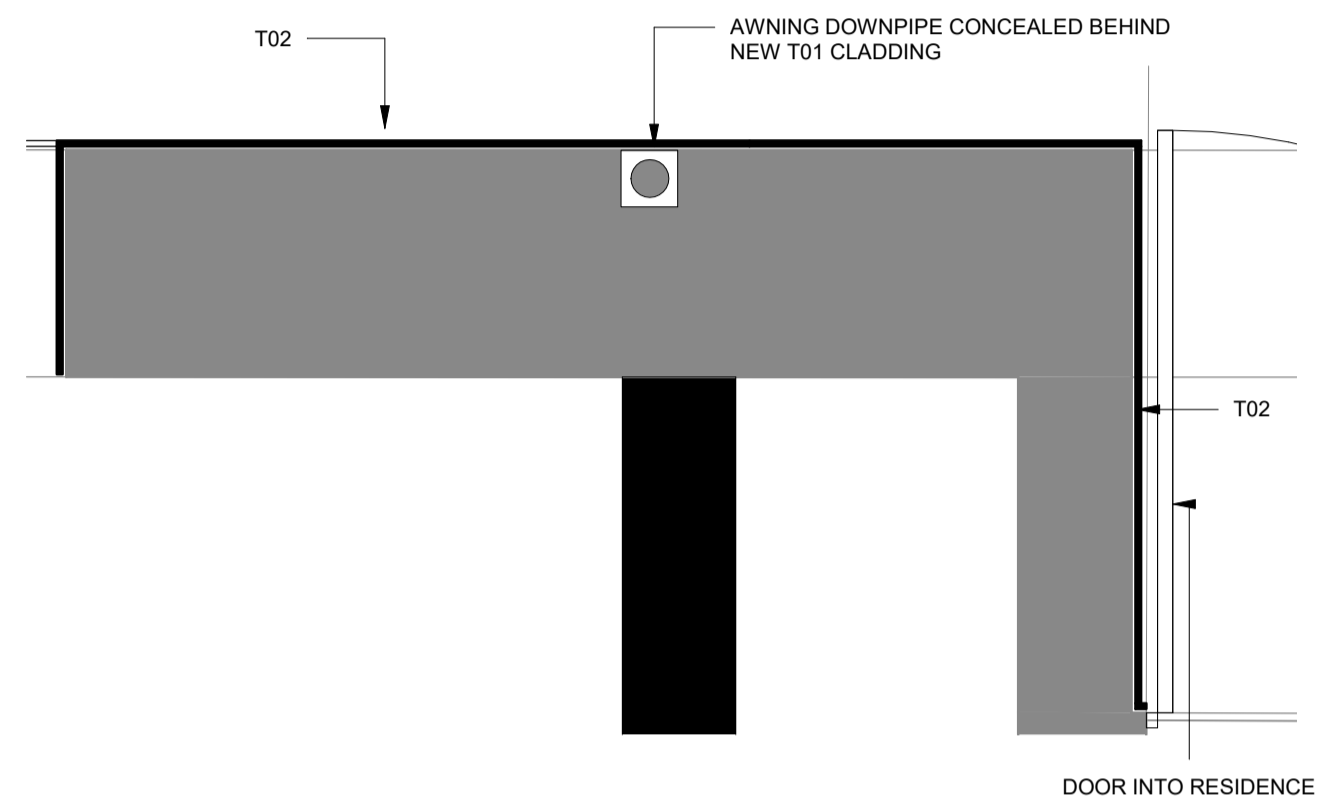
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- T01. STONE TILE CLADDING
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- P05. EXTERNAL PAINT
- P06. EXTERNAL PAINT
- G01. CLEAR FRITTED GLASS
- S. INTEGRATED SIGNAGE

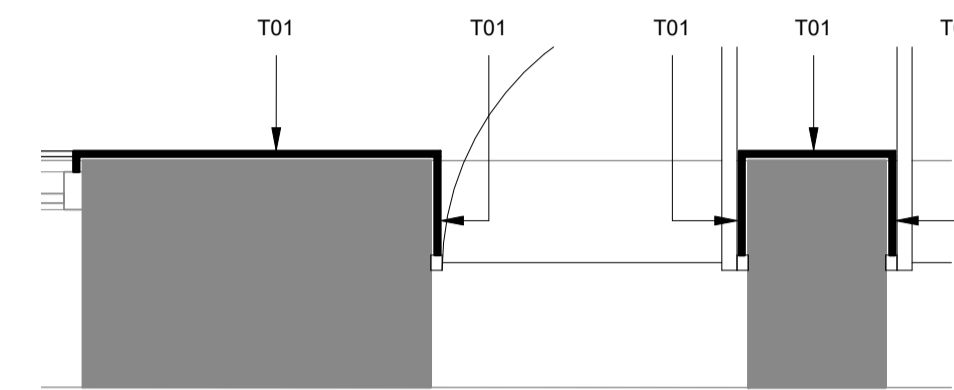




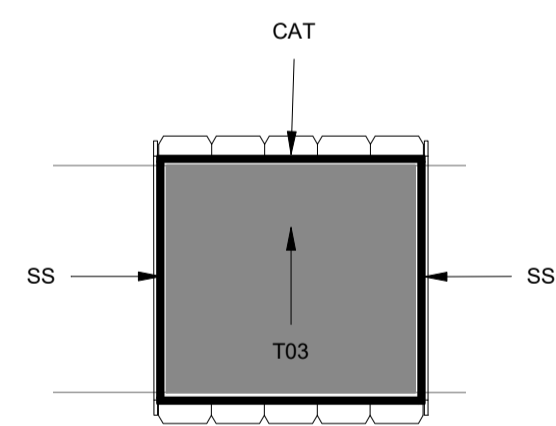
1 Typical Column Glazing Each Side  
A-SK-00 SCALE 1 : 20



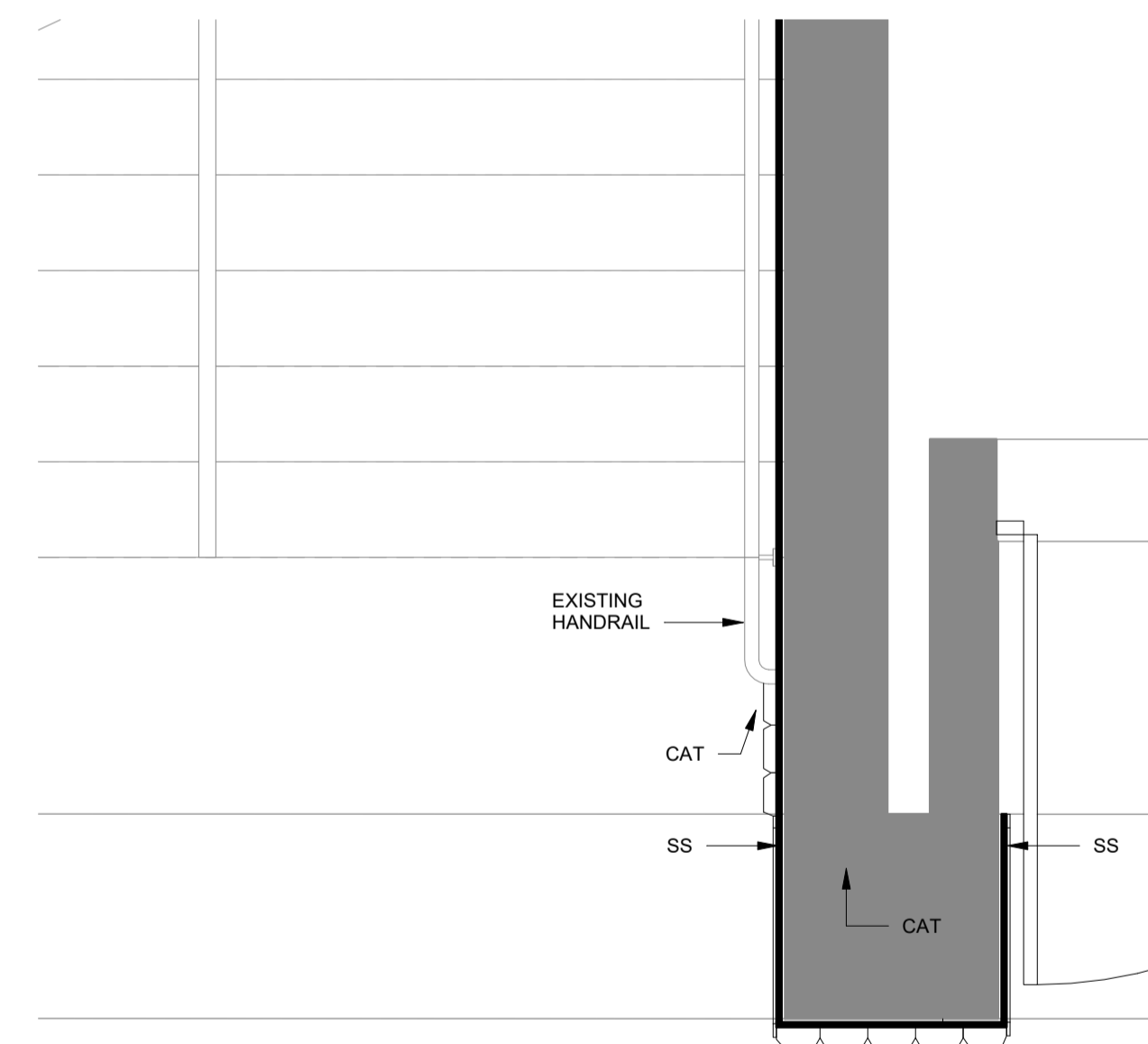
2 Typical Residential Entrance  
A-SK-00 SCALE 1 : 20



3 Typical Fire Egress  
A-SK-00 SCALE 1 : 20



4 Spring St Retail Entrance Cladding  
A-SK-00 SCALE 1 : 20



5 Ebley St Retail Entrance  
A-SK-00 SCALE 1 : 20

FINISHES LEGEND:	
T01.	STONE TILE CLADDING
T02.	CERAMIC TILE CLADDING
CAT.	CONCRETE ART TILE
P01.	EXTERNAL PAINT
MC02.	FIBRE CEMENT PANEL
MC03.	FIBRE CEMENT PANEL
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CAT.	CONCRETE ART TILE
P02.	EXTERNAL PAINT
P03.	EXTERNAL PAINT
P04.	EXTERNAL PAINT
P05.	EXTERNAL PAINT
P06.	EXTERNAL PAINT
G01.	CLEAR FRITTED GLASS
S.	INTEGRATED SIGNAGE



SPRING STREET DETAILED ELEVATION



EBLEY STREET DETAILED ELEVATION

P04 PAINT FINISH TO ALL FIRE DOORS

CODE	ITEM	LOCATION	DESCRIPTION	COLOUR	SAMPLE IMAGE
CAT	Concrete Art Tiles	Retail Entries	Custom pattern of profiled and flat coloured concrete tiles similar to Kaza 'edgy' tile	Various Colours	
G01	Glass Awning	Glazing Above Retail And Residential Entrances	Fritted Glass With Custom Frit Pattern	Clear Glass With White Frit Pattern	
MC01	Zinc Cladding	Awning Front Face, Soffit And Visible Vertical Returns	Non-Combustible Weathered Quartz Zinc Cladding	Light Matte Grey	
MC02	Fibre Cement Cladding Type 2	Various Facade Locations	Fibre Cement Panel	Dark Grey    Gloss Finish Note : Similar to Dulux GR11	
MC03	Fibre Cement Cladding Type 3	Stair Towers	Fibre Cement Panel	Off White Gloss	
P01	External paint Colour 01 Over pebblecrete	Sections of facades above awning	Where removal of existing awning and fixing results in holes in pebblecrete and is not covered by new awning, these areas will be patched in pebblecrete prior to painting	Dark Grey    Matt Finish Note : Similar to Dulux GR11	
P02	External Paint Colour 02 Over Concrete	Exposed Columns and Sills along upper facade	Where Concrete Columns and Sills are left exposed these areas will be painted	Light Grey	
P03	External Paint Colour 01 Over Louvres	Painted onto Exposed Louvres on Various Facade Locations	Steel Louvres will be painted to match colour of surrounding P01	Dark Grey	
P04	External Paint Colour 03 Over Doors	Painted on to Fire Doors along Street Level of Building	Firedoors with exception of fire hydrant and fire control room will be repainted	Mid-Grey	
T01	Stone Tile Cladding	Typical Frontage	Basalt Stone Cladding Bracket Fixed	Satin Finish Mid Grey	
T02	Ceramic Tile Cladding	Residential Entrances	Trencadis Tile Mosaic cladding in 6-8cm tiles	White and off-white gloss and matte	
RF01	Roofing	Awning Roof	Areas Of Roof Not Visible From Street To Be Similar To Lysaght Kliplock	Similar To Colourbond "Wallaby"	
SS	Stainless steel	Retail Entrances Portals	40 x 10mm Corner bars + Sheeting laid between marine grade stainless steel	Silver with brushed finish	

Project:

**EASTGATE FACADE + AWNING UPGRADE**

Drawing Title:

**EXTERNAL FINISHES BOARD**

Drawing Number:

**AR-DA-10**

Revision:

**3**

Date:

**17/9/18**

Scale:

**@ A1**

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Nominated Architects  
Joni Agius no. 6491  
Russell Lee no. 6367

**COX**

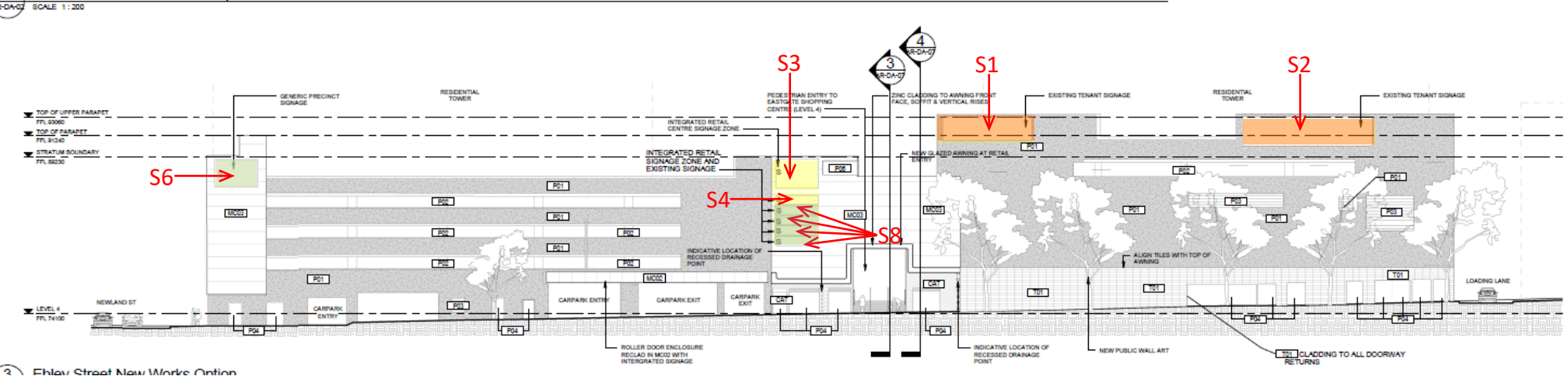
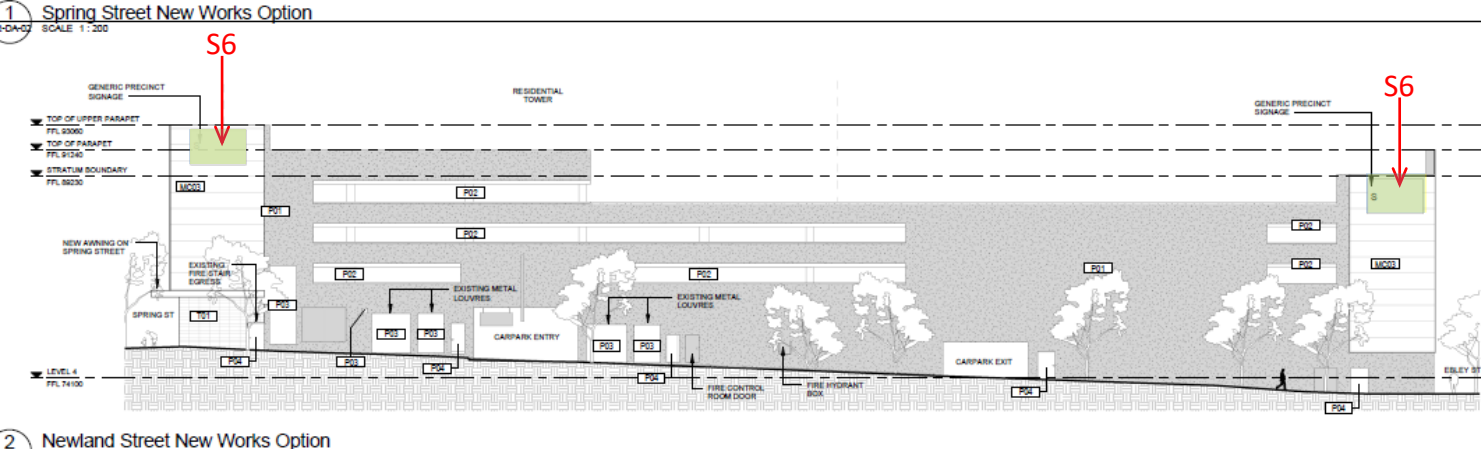
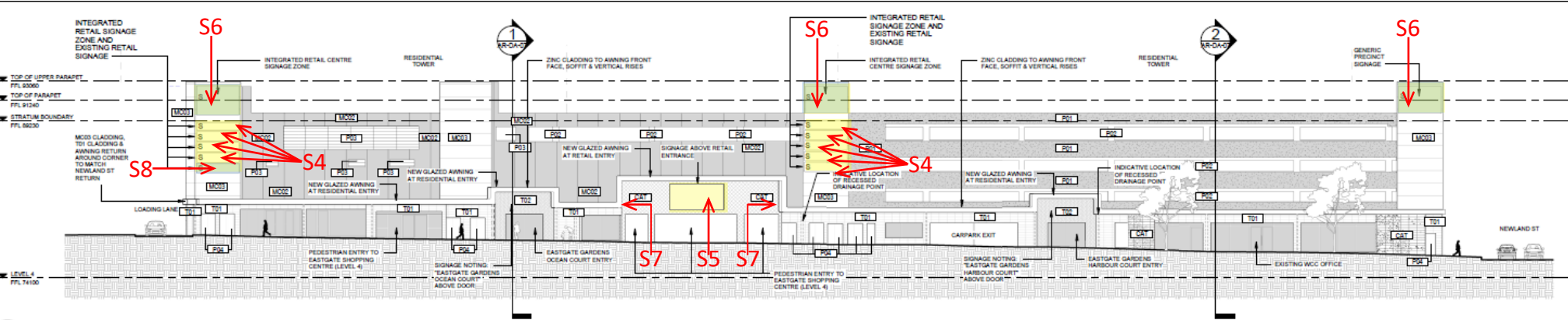
# EXTERNAL SIGNAGE DIAGRAM – REFER TO ELEVATIONS FOR DETAIL

Waverley Council

Application No: DA-365/2018

Date Received: 12/10/2018

Sign type	Approximate Height	Approximate Width	Existing or New/Replacement
S1	2300 mm	8500 mm	EXISTING SIGN UNCHANGED
S2	2800 mm	12500 mm	EXISTING SIGN UNCHANGED
S3	2600 mm	4050 mm	REPLACEMENT SIGN
S4	900 mm	4050 mm	REPLACEMENT SIGN
S5	2600 mm	5200 mm	REPLACEMENT SIGN
S6	2600 mm	4050 mm	NEW SIGN
S7	900 mm	3000 mm	NEW SIGN
S8	900 mm	4050 mm	NEW SIGN



<b>Application number</b>	DA-418/2018
<b>Site address</b>	19 Ocean Street, BONDI
<b>Proposal</b>	Demolition of outbuilding and construction of a single dwelling at the rear of existing flat building
<b>Date of lodgement</b>	16 November 2018
<b>Owner</b>	Rejko Pty Limited
<b>Applicant</b>	CSA Architects Pty Ltd
<b>Submissions</b>	None
<b>Cost of works</b>	\$200,000
<b>Issues</b>	Amenity, cost of works, lack of open space, rear building alignment
<b>Recommendation</b>	That the application be REFUSED

### Site Map



## 1. PREAMBLE

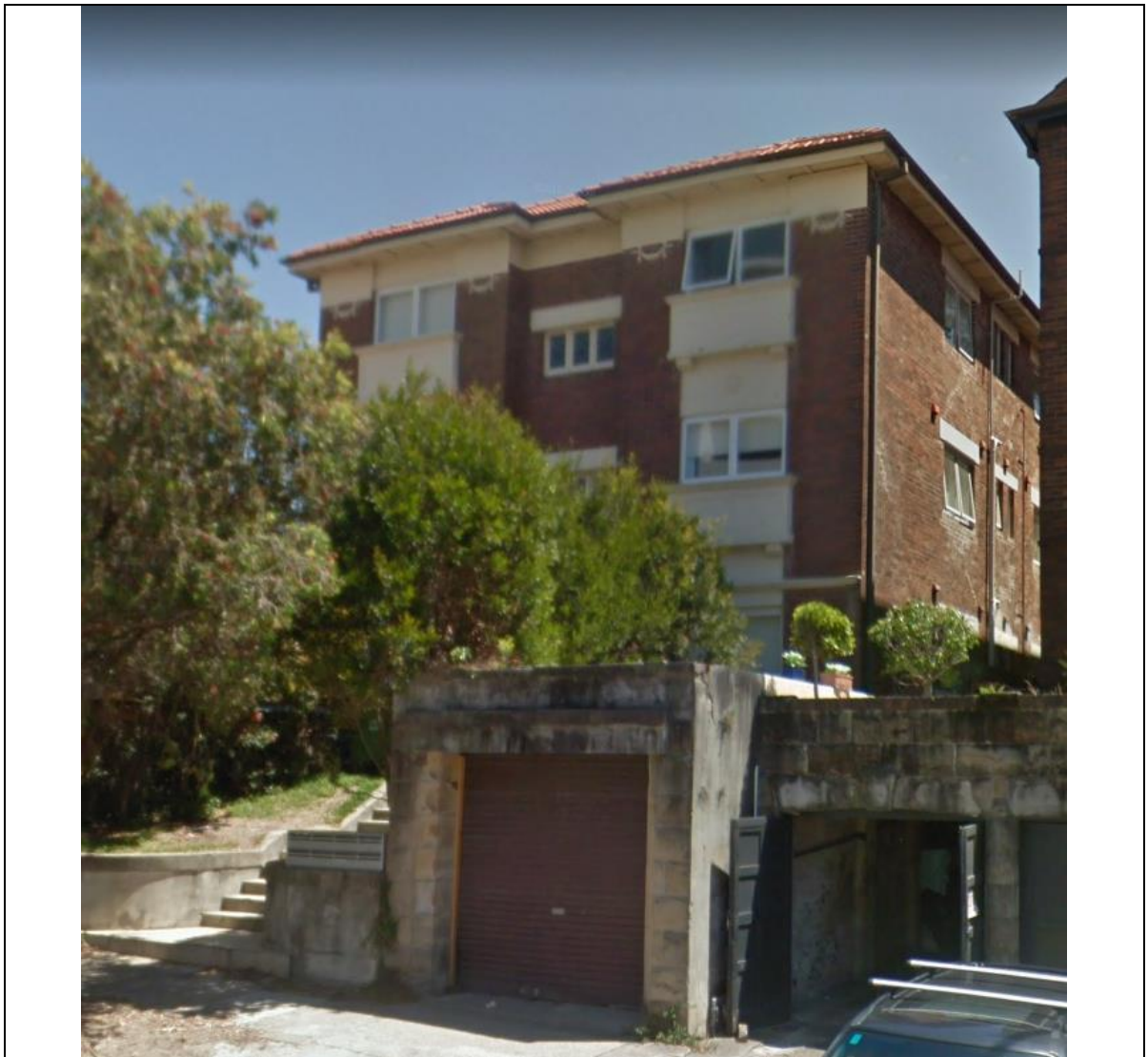
### 1.1 Site and Surrounding Locality

A site visit was carried out on 6 March 2019.

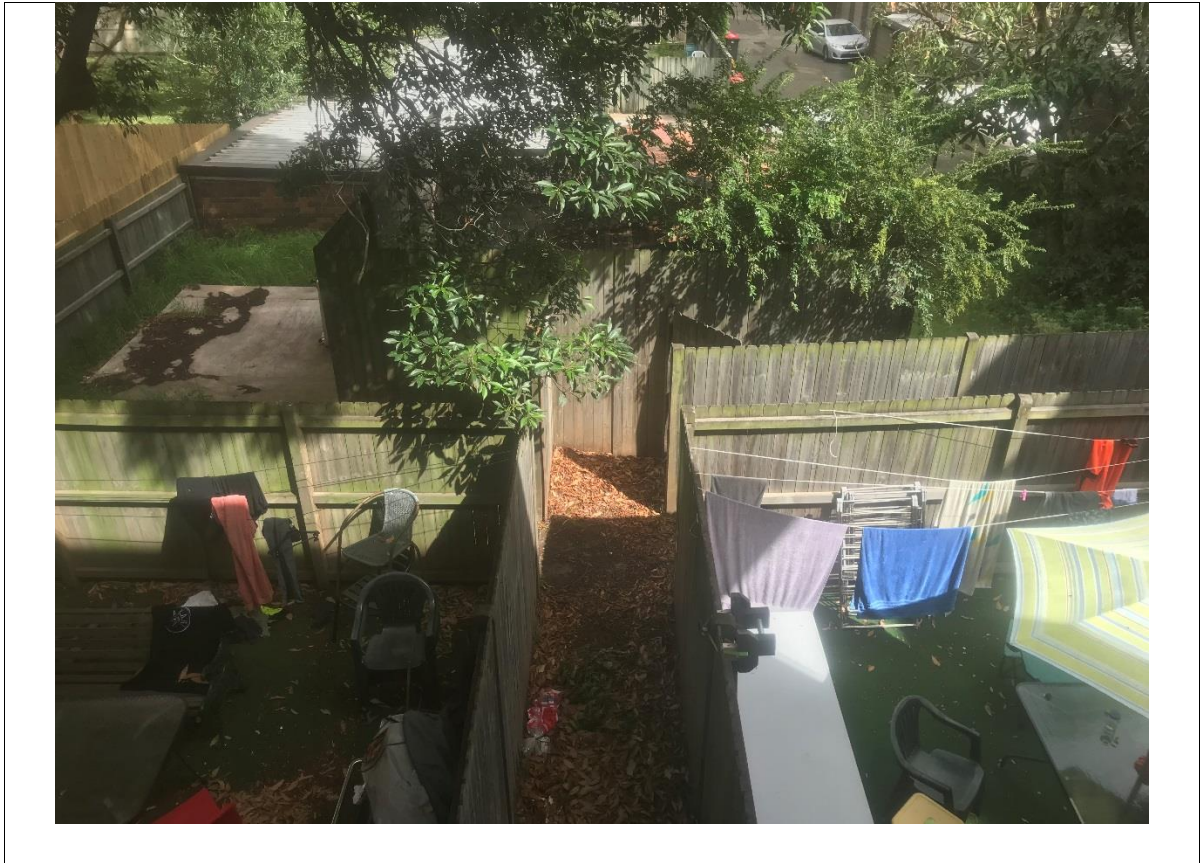
The subject site is located on the western side of Ocean Street North, between Bondi Road and Martins Avenue and is known as No. 19 Ocean Street North, Bondi described as Lot A in DP102687.

The site is a rectangular parcel of land, with northern and southern boundaries of 45.72m and rear boundary and eastern frontage to Ocean St North of 13.92m. This provides a total site area of 635.22m<sup>2</sup>. Overall, the site falls approximately 1.8m from the rear boundary to the street. The works are located at the rear of the existing building and in this location, the subject site is fairly flat.

The site is occupied by a three storey residential flat building elevated above garages and stairs at the street frontage. At the rear of the site is the common open space which appears to have been divided into sections for the ground floor units within the building. The rear yard can be accessed via the side passages of the building.



**Figure 1:** Subject site frontage on Ocean Street



**Figure 2:** View of the existing rear open space of the site

## 1.2 Relevant History

### Complying Development Certificates:

- Private- 167/2017- Unit 1 - Internal alterations to existing residential flat building - Approved
- Private- 116/2017- Unit 3 - Internal alterations to existing residential flat building- Approved
- Private- 67/2017 - Alterations including new fire rated ceiling beam and column protection on unit 5 - Approved
- Private- 250/2016- Amended - Internal alterations to RFB (including rear sliding doors) - Approved
- Private 250/2016- Internal alterations to unit- Approved
- Private- 241/2016- Internal alterations to existing residential flat building - Approved
- Private- 229/2016- Unit 6 - Internal alterations to existing residential flat building - Approved

### Development Applications:

- DA-356/2017- Demolition of existing out building and construction of a single storey one bedroom dwelling at rear of existing residential flat building- Refused

- DA- 58/2017- Demolition of outbuilding and construction of a separate residential dwelling within the rear yard – Withdrawn

### 1.3 Proposal

Demolition of outbuilding and construction of a single dwelling/apartment at the rear of the existing flat building. The detached single dwelling would be setback 1.295 – 1.32m from side boundaries, 1.09m from rear boundary and 6.383m from the rear of the existing residential flat building on the site. It would be comprise of 1 bedroom with walk in robe, open plan living and dining and 72sq.m in area.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 2.1 Section 79C (1)(a) Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

#### 2.1.2 SEPP 55 Remediation of Land

The subject site has historically been used for residential purposes, therefore land contamination is considered unlikely and no further investigation is necessary.

#### 2.1.3 SEPP 65 Design Quality of Residential Apartment Development

Given the scope of works proposed, the application was not referred to the Waverley Design Excellence Panel for review. However, an assessment of the proposal against the nine design quality principles under SEPP 65 and a planning response to each comment are set out in **Table 1** below.

**Table 1: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Planning Comment
1. Context & Neighbourhood	The proposal is out of keeping with the character of the area.
2. Built form & Scale	The proposal is not a desired future character of the area.
3. Density	The location of the additional density is considered inappropriate.



Principle	Planning Comment
4. Sustainability	Good design combines positive environmental, social and economic outcomes and this is not achieved in this proposal.
5. Landscape	The existing site contains minimal landscaping and no usable communal open space. The replacement of the outbuilding with a single storey apartment does not seek to improve the landscaping to the detriment of the existing building.
6. Amenity	The rear of the subject site includes an existing outbuilding, paved area and courtyards associated with the lower level units. There is no existing common open space for the building. No private open space is provided for the new dwelling.
7. Safety	Access to the new apartment is via the side passage of the building, and does not provide a sense of place and is unsatisfactory in terms of safety.
8. Housing Diversity and Social Interaction	There is currently no common open space for the existing building, offering limited opportunities for social interaction on the site.
9. Aesthetics	The proposed finishes are unclear however the 3D view of the building appears unsatisfactory.

**Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide**

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

An assessment against the provisions within the ADG is provided in the table below:

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
3F Visual privacy		

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>Minimum separation distances from buildings to side and rear boundaries:               <ul style="list-style-type: none"> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> <li>Increased separation of 3m where adjoins a lower density zone</li> </ul> </li> </ul>	Yes	The proposed unit is set back approximately 6.383m from the main building.
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter</li> </ul>	No	The new dwelling house appears to receive afternoon sun, however the diagrams are not clear as this level of detail has not been provided. The location of the dwelling house results in unacceptable shadow impacts to the common open space required for the existing residential flat building.
<b>4C Ceiling heights</b>		
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	Yes	The ceiling heights within the unit complies with the minimum requirement.
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>1 Bed = 50 m<sup>2</sup></li> </ul>	Yes	The new dwelling has an internal area of 65.54m <sup>2</sup> . In this regard, the proposed units size and layout are acceptable.
<b>4E Private open space and balconies</b>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> </ul>	No	The new dwelling does not benefit from any private open space or balcony. The outlook from the new unit is orientated to the rear of the existing residential flat building whereby associated acoustic and visual impacts are heightened. This is considered to severely compromise the amenity of the proposed unit as well as the amenity for existing tenants of the site.

#### 2.1.4 SEPP (Affordable Rental Housing) 2009

The existing building provides rental housing, however no works are proposed that building to prompt an assessment of whether there will be a loss of affordable housing in the area.

#### 2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

**Table 3: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	Satisfactory
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R4 High Density Zone	Yes	The proposal is defined as a dwelling house which is permitted with consent in this zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 28m	Yes	Complies.
4.4 Floor space ratio • 1.5:1	Yes	Complies
<b>Part 5 Miscellaneous provisions</b>		
5.9 Preservation of trees or vegetation	Yes	An arboriculture impact assessment is included as part of the submission. This has been reviewed by Council's Tree Management Officer who has no objection subject to compliance with relevant conditions.
<b>Part 6 Additional local provisions</b>		
N/A		

**2.1.6 Waverley Development Control Plan 2012- Amendment No 6 (Waverley DCP 2012)**

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

**Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Unclear	The new dwelling will have access to the existing waste storage facilities on site. Should the application be supported, then conditions would be imposed to ensure compliance in this respect.
2. Ecologically Sustainable Development	Yes	A BASIX certificate has been submitted.
5. Tree preservation	Yes	The application includes an arboriculture impact assessment which sets out recommendations to preserve the tree at the rear of the subject site. The report has been reviewed by Council's Tree Management Officer who has no objection.
6. Stormwater	No	OSD is required and none has been proposed, considered unsatisfactory.
8. Transport	No	No parking is provided.
10. Safety	No	The side access to the proposed rear dwelling is considered unsafe.

**Table 5: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>4.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>• Provide an accessible path of travel from the street to the front door of ground floor units</li> <li>• Locate entries in relation to the existing street and subdivision pattern</li> <li>• Provide a desirable residential identity to orientate visitors</li> </ul>	No	<p>The entrance to the new dwelling is via the side passage of the existing residential flat building and is not a quality and safe access, nor is it legible from the street. This fails to create a sense of place for the occupants of the new dwelling, while impacting privacy of existing tenants of the building who have openings to the side passage, considered unacceptable.</p>
<b>4.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>• Comply with the provisions of Part B3 Landscaping and Biodiversity</li> <li>• 30% of the site as landscaped area; 50% of which to be deep soil zone</li> <li>• Designed to eliminate impact on significant trees</li> </ul>	No	<p>No calculations have been provided with the application, however the SEE notes that the proposal doesn't comply with the controls. Insufficient justification has been provided in this regard.</p> <p>The applicant also argues that the existing common open space is unusable, which is not accepted. The existing common open space has been neglected and could be improved to provide these facilities on site, particularly, given that the existing building provides no private open space in the form of balconies or the like.</p>
<b>4.11 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>• Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> <li>• Minimise overlooking of adjoining properties</li> </ul>	No	<p>The rear apartments of the existing residential flat building will overlook the proposed new dwelling. Further, the new dwelling will be overlooked by surrounding sites and limited privacy mitigation has been considered to address this.</p>

In summary, the proposed development does not satisfactorily address the following issues:

- Pedestrian Entrance down the side of the existing building to the proposed dwelling has poor amenity and legibility;
- Lack of landscaping; and
- Poor amenity of the dwelling house, being overlooked by surrounding high density development.
- Insufficient information to demonstrate solar access compliance.

The proposal seeks to rely on the rear yard which is presently in poor state as the basis to create a new dwelling to achieve closer compliance to the floor space control. Unfortunately, this is to the detriment of the existing tenants and future occupants of the proposed dwelling. Minimal detail or

justification of the proposal has been provided that demonstrates this development is suitable in this location. On balance, the proposal is unsatisfactory.

## **2.2 Other Impacts of the Development**

It is considered that the proposal results in poor amenity to both the existing building and proposed dwelling and should be refused.

## **2.3 Suitability of the Site for the Development**

The proposed dwelling to the rear of the existing residential flat building is considered unsuitable for the site.

## **2.4 Any Submissions**

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

One submission was received from a resident at 17A Ocean Street:

***Issue: A new residential dwelling at this site will create additional noise and disturbance.***

***Response:*** Residential amenity has been assessed in this report previously. The objection has been noted and the application is recommended for refusal.

## **2.5 Public Interest**

It is considered that the proposal will be against the public interest.

## **3. REFERRALS**

### **3.1 Stormwater – Creating Waverley**

The submitted plans are not satisfactory in respect to stormwater details.

### **3.2 Tree Management- Clean and Attractive Waverley**

No objection to the proposal, the tree on site would be retained and protected as per the arborist report, subject to conditions being imposed.

### **3.3 Fire Safety- Building Waverley**

No objection subject to the inclusion of recommended conditions.

## **4. SUMMARY**

The proposal seeks consent to construct a single storey detached dwelling at the rear of an existing residential flat building. The proposal complies with the development standards, however, is located within the rear yard (presently communal open space) which does not maintain the amenity of existing or future occupants.

One submission was received raising issues mainly relating to privacy (visual and acoustic), which were addressed in the assessment. Given the issues identified, the proposal is recommended for refusal.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

That the Development Application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit by:**

Ellen Nicholson  
**Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date: 8 March 2019**

**Date: 14 March 2019**

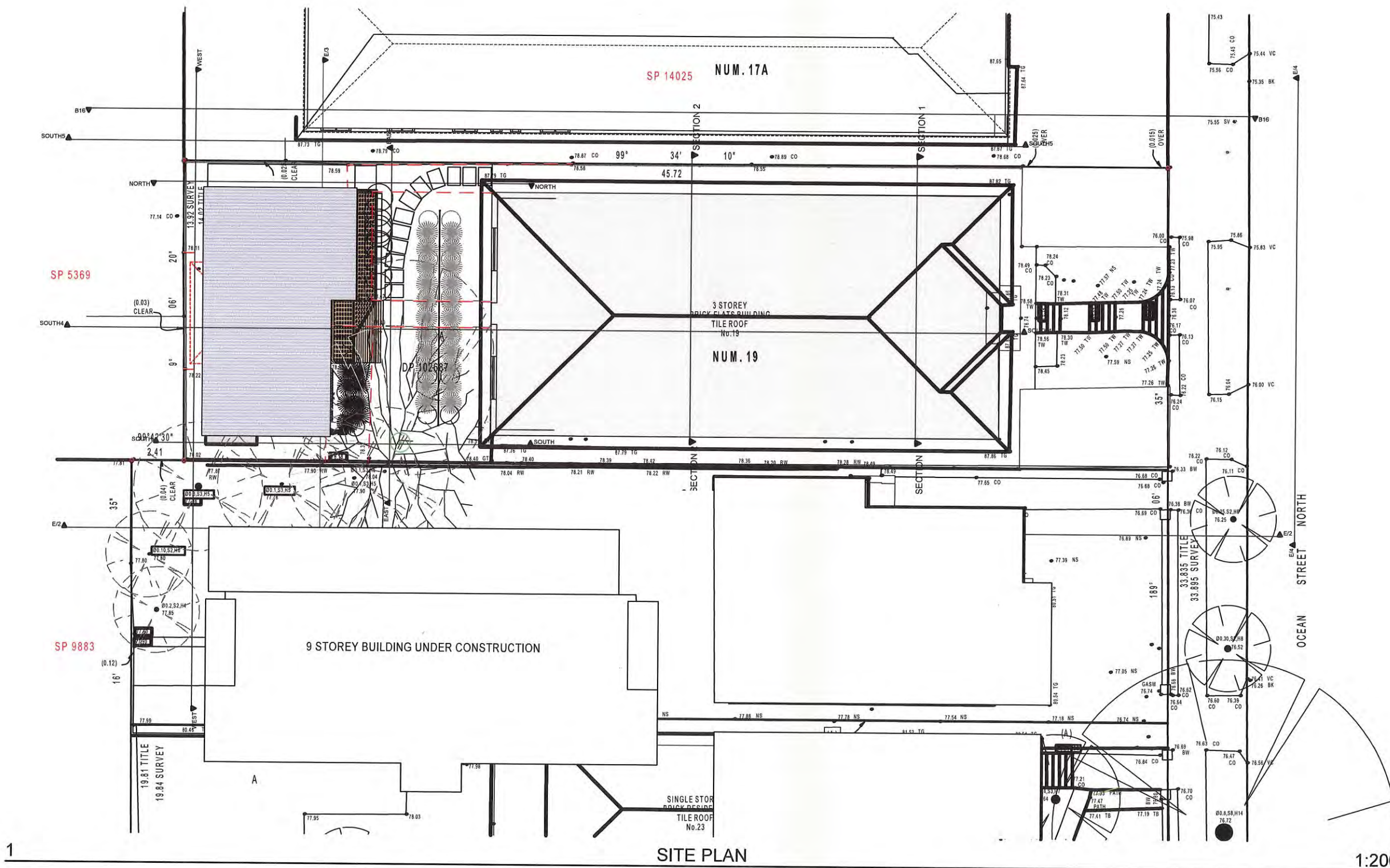
**Reason for referral:**

- 5 Reviews, Modifications and other Applications
  - c) Applications for review of a decision to refuse an application made by the Development and Building Unit (DBU).

## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not comply with State Environmental Planning Policy (SEPP):
  - (a) SEPP 65 Design Quality of Residential Flat Development as the proposal has impacts on the existing residential flat building on site, failing to achieve compliance with the Design Quality Principles, specifically Principle 5 relating to landscaping, Principle 6, relating to Amenity and Principle 8 relating to Social Interaction.
2. The proposal does not satisfy section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposal does not demonstrate compliance with the requirements of the Apartment Design Guide, specifically that each of the existing units within the residential flat building have usable common open space.
3. The proposal does not satisfy section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - (a) Part C2 – High Density Residential Development, specifically, the following Clauses;
    - i. 4.8 Pedestrian access and entry
    - ii. 4.9 Landscaping
    - iii. 4.11 Visual privacy and security
4. The proposed development does not satisfy section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality and result in poor amenity for the residents of the residential flat building on site.
5. The proposal is contrary to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal results in an overdevelopment of the site and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979.
7. The proposal does not satisfy section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
  - (a) Shadow diagrams that properly demonstrate the solar access impacts of the proposal.



SITE PLAN

1:200

Revision	Date	Description
A	24/08/17	Development application
B	23/04/18	Section B2a Review
C	15/08/18	New Development Application



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Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au  
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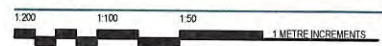
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Client:  
**REJKO PTY LTD**

Project:  
**New addition at the backyard  
19 OCEAN STREET ( NORTH )  
BONDI**

Status:  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**SITE PLAN**



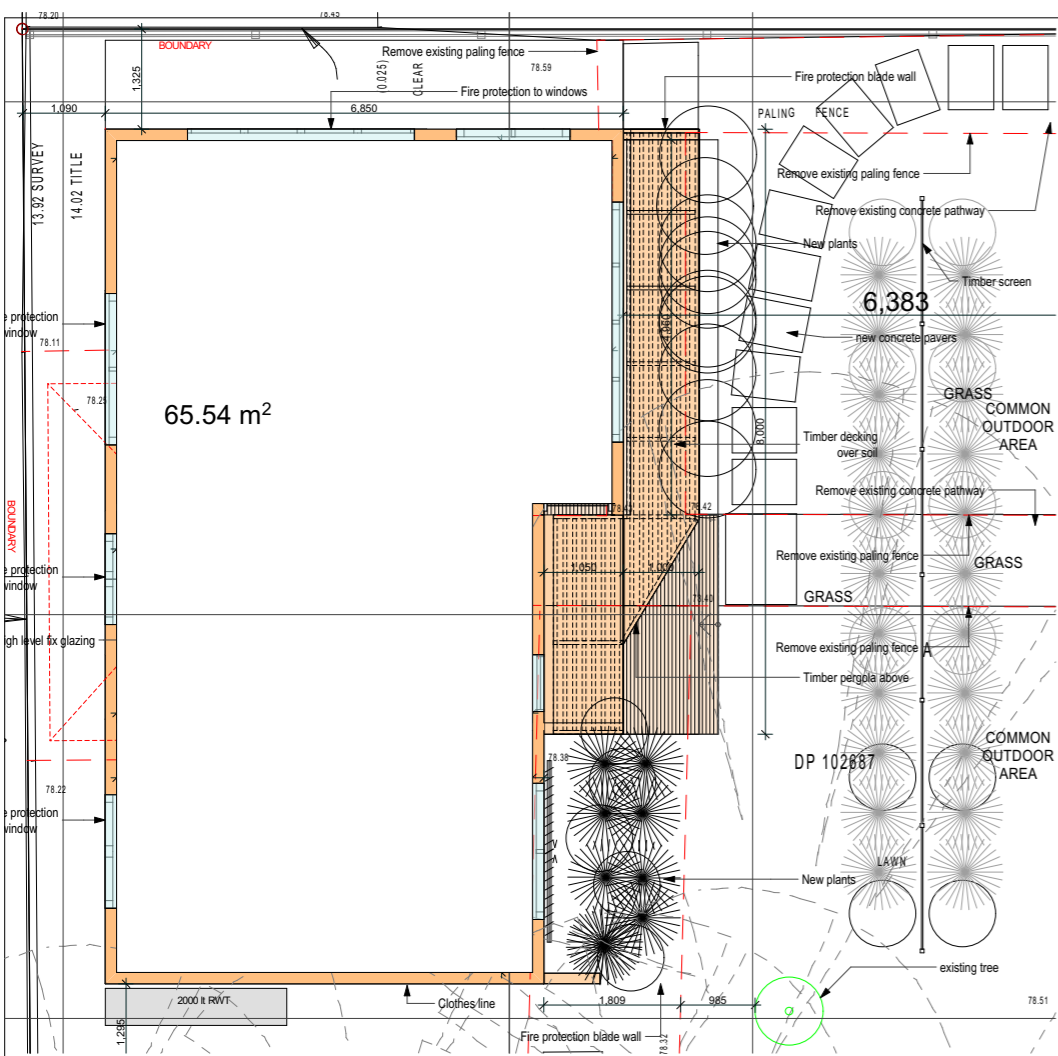
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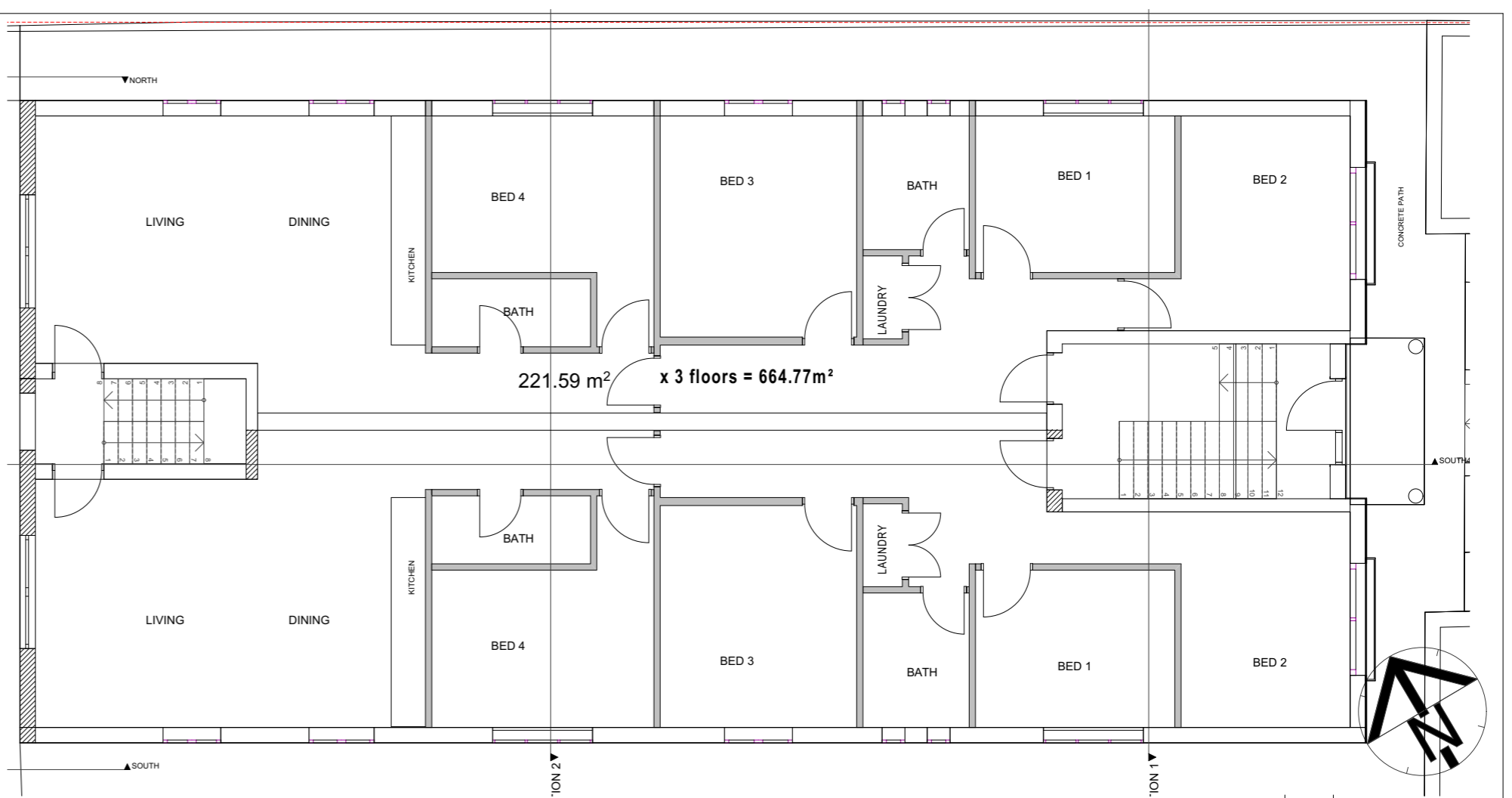
Checked: AS, DRB

Plot Date: Wednesday, 2 August 2018





1 Proposed FSR 1:100



2 TYPICAL FLOOR PLAN 1:100

Revision	Date	Description
A	24/08/17	Development application
B	23/04/18	Section 82a Review
C	15/08/18	New Development Application

**RECEIVED**  
**Waverley Council**  
**Application No: DA-418/2018**  
**Date Received: 16/11/2018**

**Site area = 636.98m<sup>2</sup>**  
**Existing = 664.77m<sup>2</sup>**  
**Proposed = 65.54m<sup>2</sup>**  
**Total = 730.31m<sup>2</sup>**  
**Total FSR = 1.14:1**



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**19 OCEAN STREET ( NORTH )**  
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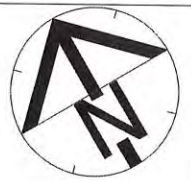
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Drawing Title:  
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Drawn:	AY	Sheet No.:	KOG-09
Checked:	AS, DRB	Rev.:	C
Plot Date:	Tuesday, November 13, 2018		

NOTES (Waverley LEP 2012)  
**Application No: DA-418/2018**  
 Site area 636.98sqm Existing=644.77sqm  
 FSR permitted 1.5:1 New addition=68.91sqm  
 636.98 x 1.15:1  
**Date Received: 16/11/2018**

- MINIMUM REQUIREMENTS**
- Low water use species of vegetation to be planted throughout 5.7 sqm of the site.
  - Hot water, solar(electric boosted)
  - Rainwater tank of 2000litres installed
  - External walls: Fibre-cement externally, Mgo board, reflective foil, air gap, R3.5 Glass fibre batt insulation, 13mm plasterboard
  - Windows: Aluminium framed, double glazed, Air fill High Solar Gain low-E Clear, U=4.30 SHGC=0.53
  - External door: Solid core
  - Floor: 150mm concrete slab
  - Ceiling: Plasterboard 13mm +R4.0 bulk insulation
  - Metal deck(medium colored) + Cellular insulation (min. R0.14) shiny side down.



Revision	Date	Description
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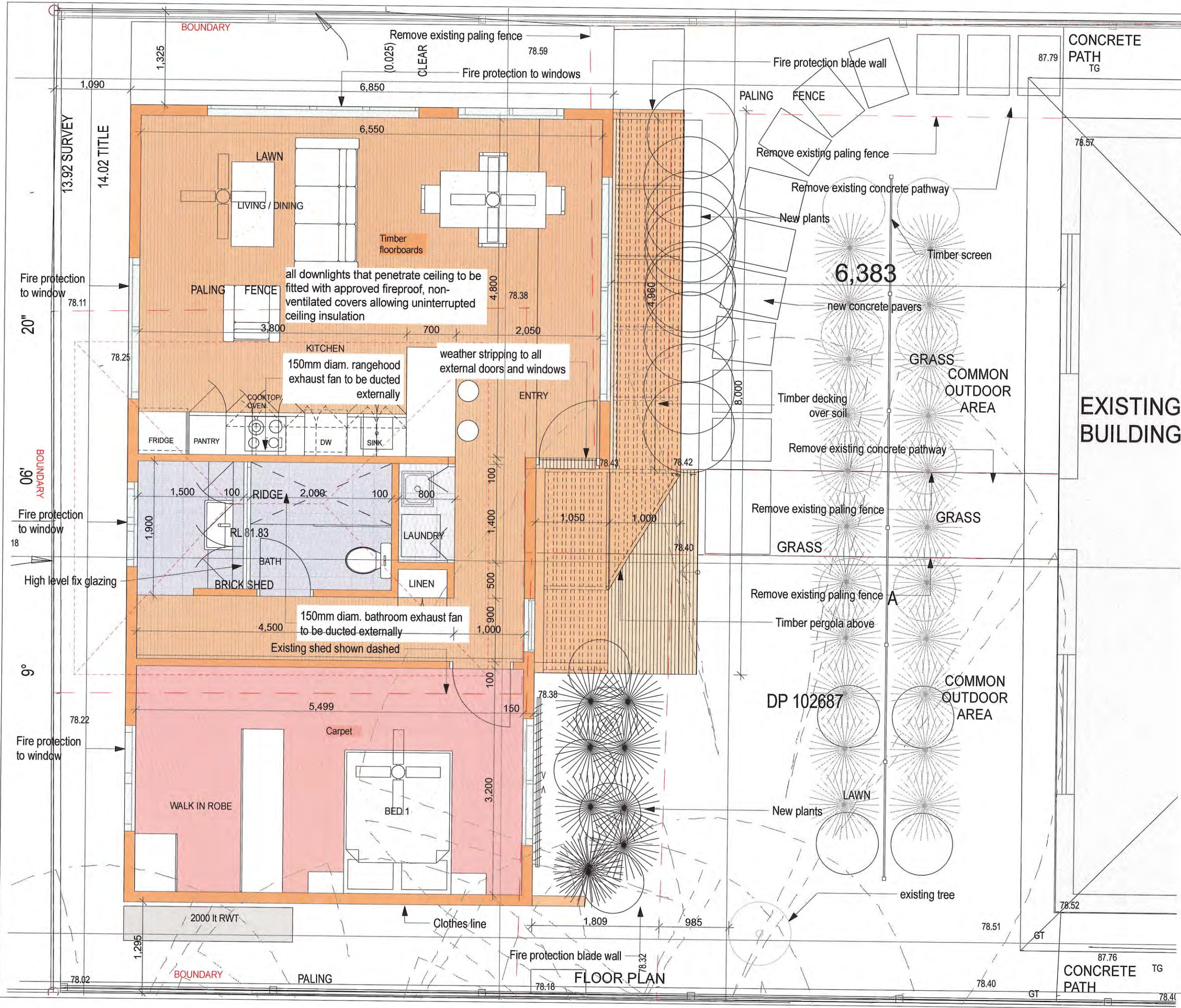
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**REJKO PTY LTD**  
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**New addition at the backyard**  
**19 OCEAN STREET ( NORTH )**  
**BONDI**

Status:  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**PLAN**

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Plot Date:	Monday, 12 November 2018

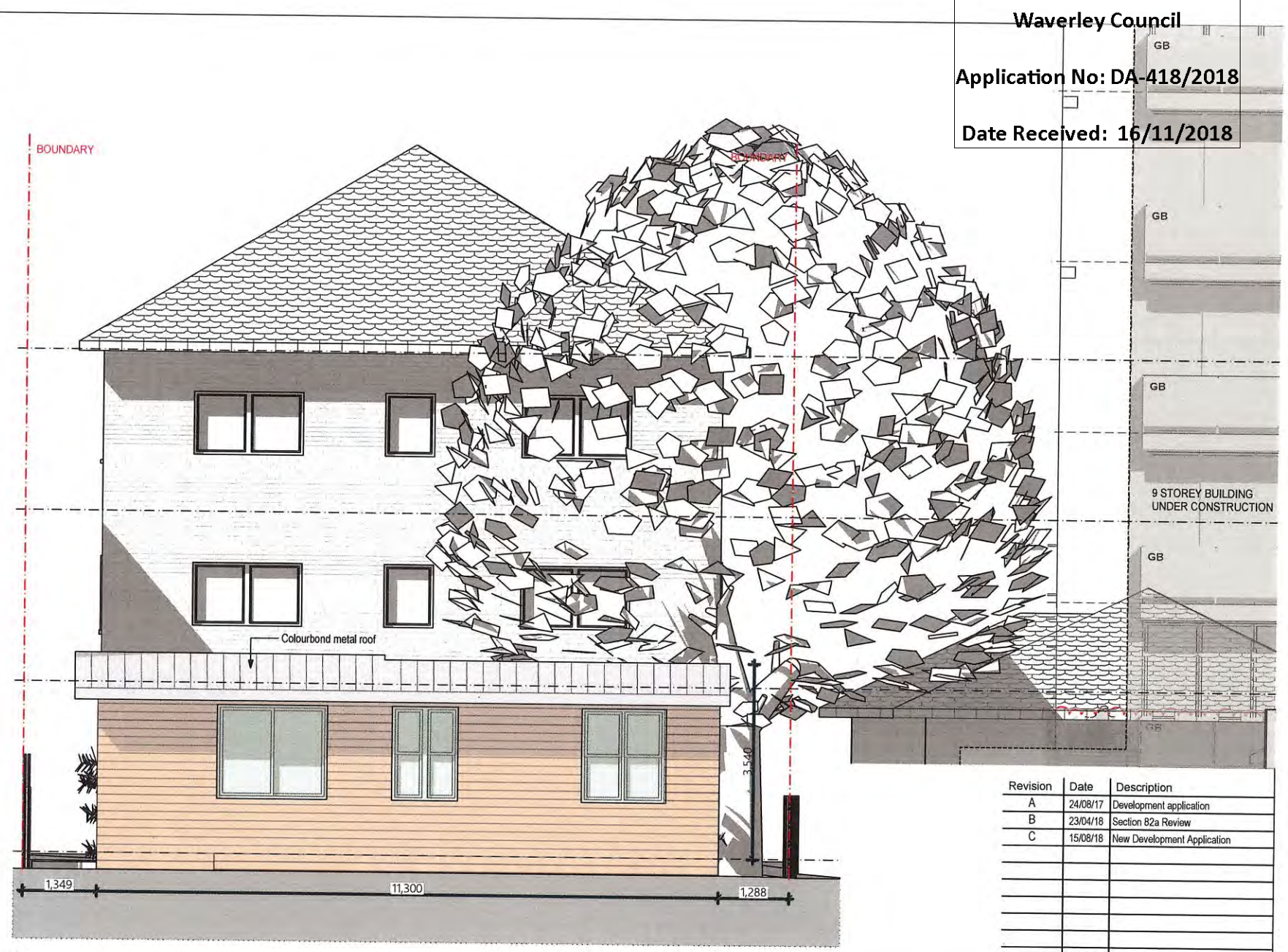


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9 STOREY BUILDING UNDER CONSTRUCTION  
GB



SOUTH ELEVATION

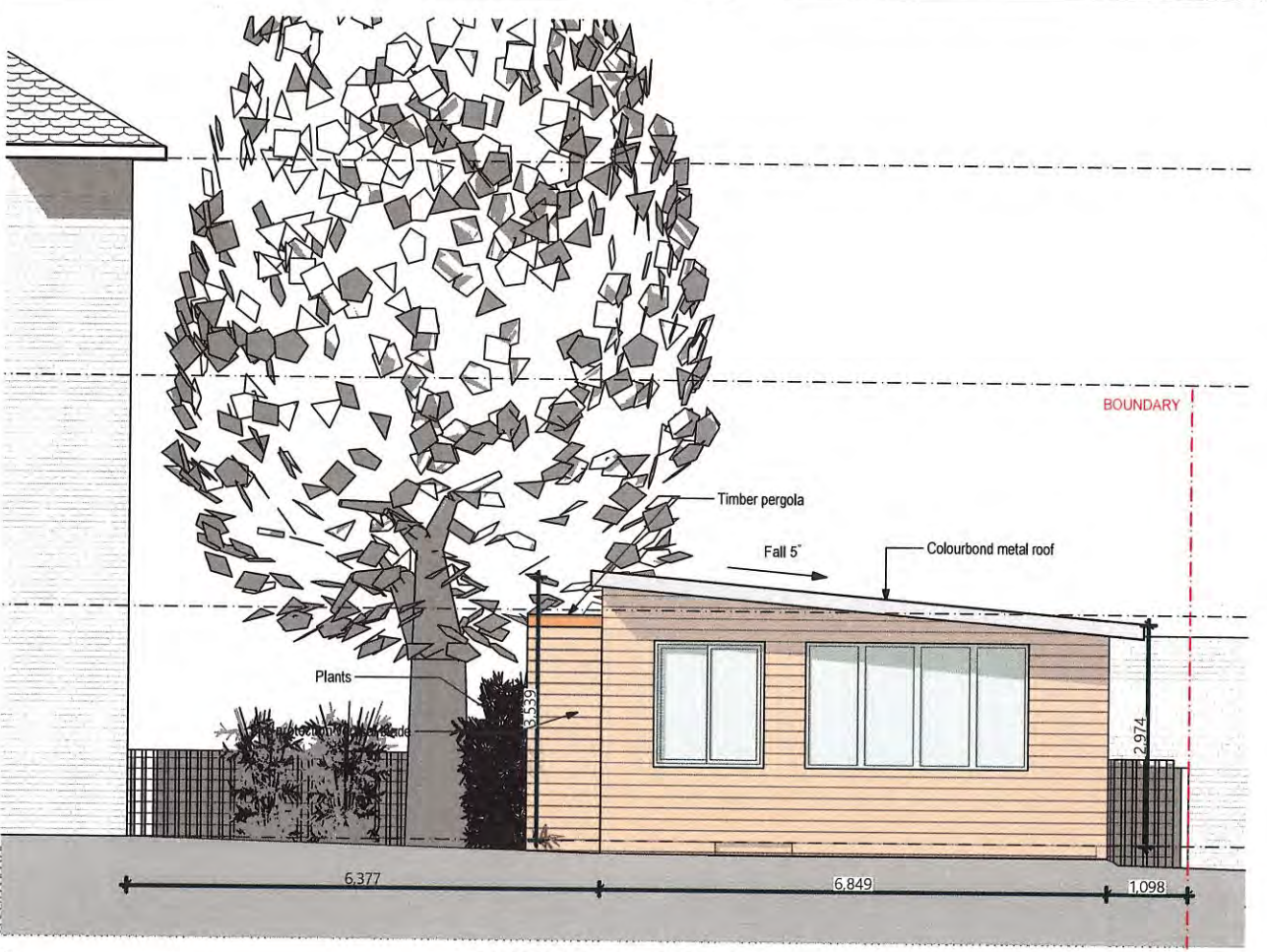
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WEST ELEVATION

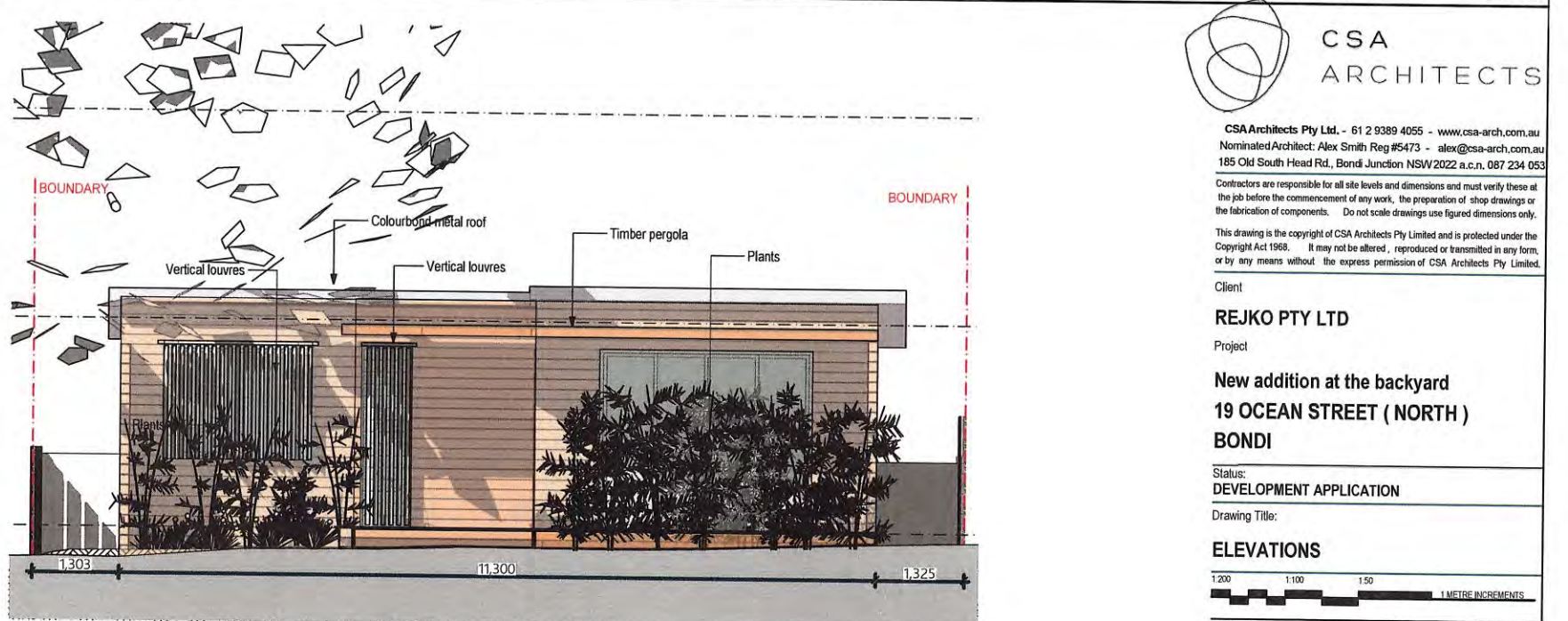
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Revision	Date	Description
A	24/08/17	Development application
B	23/04/18	Section 82a Review
C	15/08/18	New Development Application



NORTH ELEVATION

1:100



EAST ELEVATION

1:100

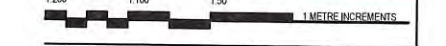


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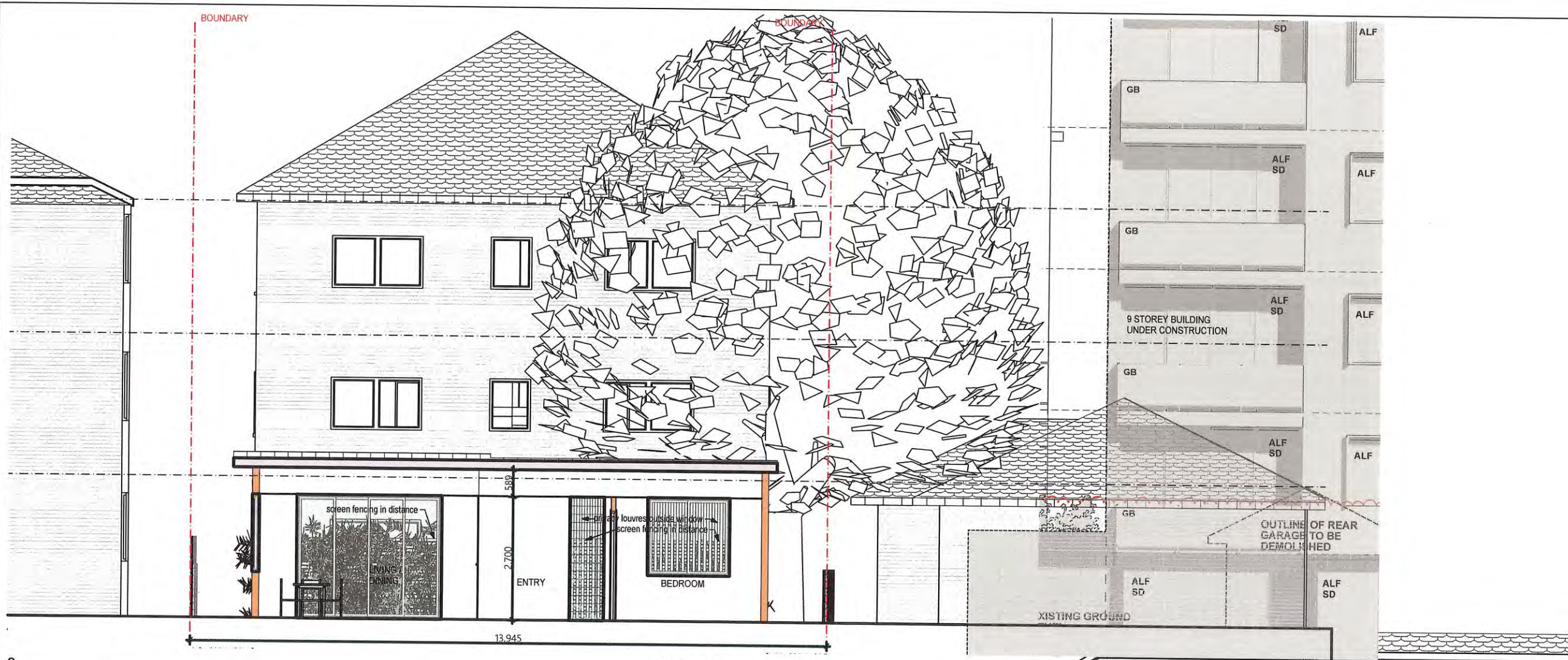
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Project  
**New addition at the backyard  
19 OCEAN STREET ( NORTH )  
BONDI**

Status:  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**ELEVATIONS**



Scale:	1:100 U.N.O	Date:	19 JULY 2013
Drawn:	AY	Sheet No.	KOG-03
Checked:	AS, DRB	Rev.	C
Plot Date:	Wednesday, 2 August 2018		



SECTION 1

1:100

Revision	Date	Description
A	24/08/17	Development application
B	23/04/18	Section 82a Review
C	15/08/18	New Development Application



SECTION

1:100



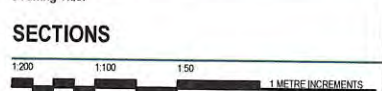
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Client  
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Project

**New addition at the backyard  
19 OCEAN STREET ( NORTH )  
BONDI**

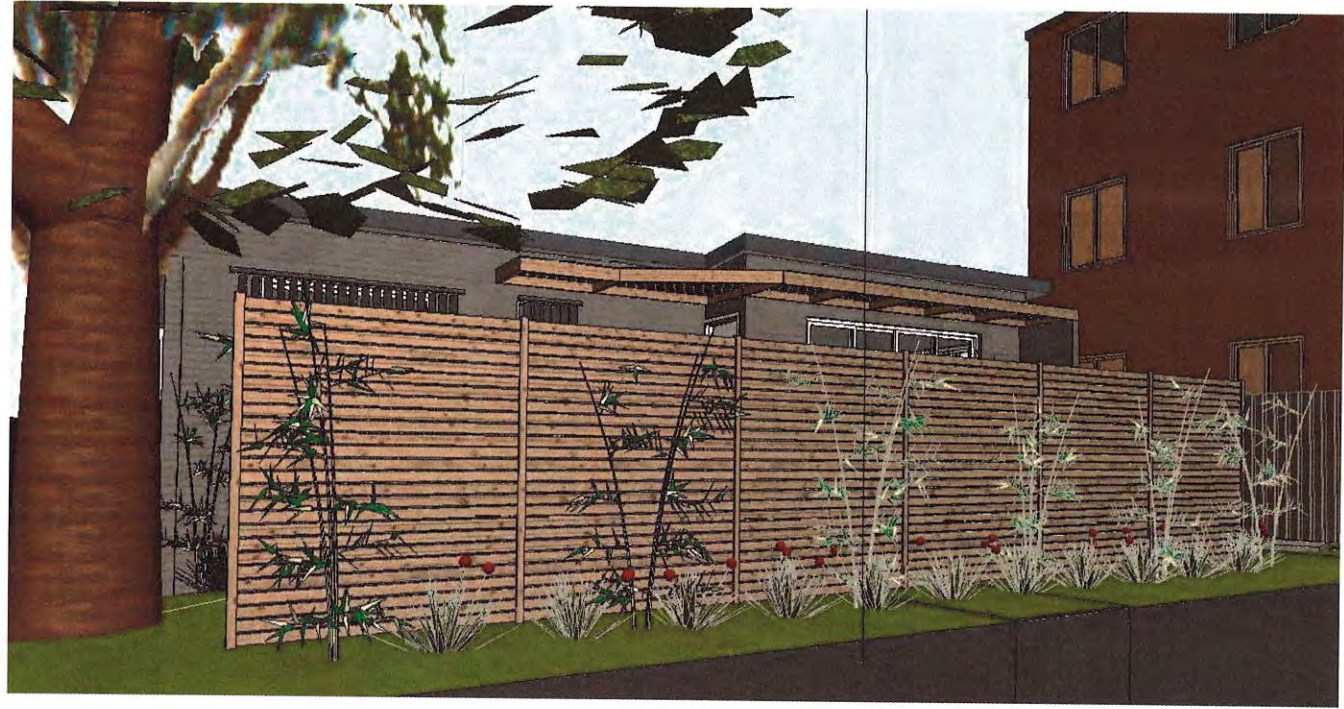
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Scale: 1:100 U.N.O Date: 19 JULY 2013

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Plot Date: Wednesday, 22 August 2018



VIEW 1



VIEW 2



3

VIEW 3



4

VIEW 4

1:2.20



Revision	Date	Description
A	24/08/17	Development application
B	23/04/18	Section 82a Review
C	15/08/18	New Development Application



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Project  
**New addition at the backyard  
19 OCEAN STREET ( NORTH )  
BONDI**

Status:  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**3D VIEWS**



Scale: 1:100 U.N.O Date: 19 JULY 2013

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Application No: DA-477/2017/A

Date Received: 27/9/2018

MR ADAM RICHARDS

102 HASTINGS PARADE, NORTH BONDI, N.S.W.  
S96 APPLICATION

## CONTENTS

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PL03	PROPOSED SITE PLAN
PL04	EXISTING FLOOR PLAN
PL05	DEMOLITION PLAN
PL06	GROUND FLOOR PLAN
PL07	FIRST FLOOR PLAN
PL08	ELEVATIONS
PL09	ELEVATIONS
PL10	SECTION A-A
PL12	LANDSCAPE PLAN

FOR APPROVAL



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SCALE :

DATE :  
SEP 2017

PROJECT :  
RICHARDS

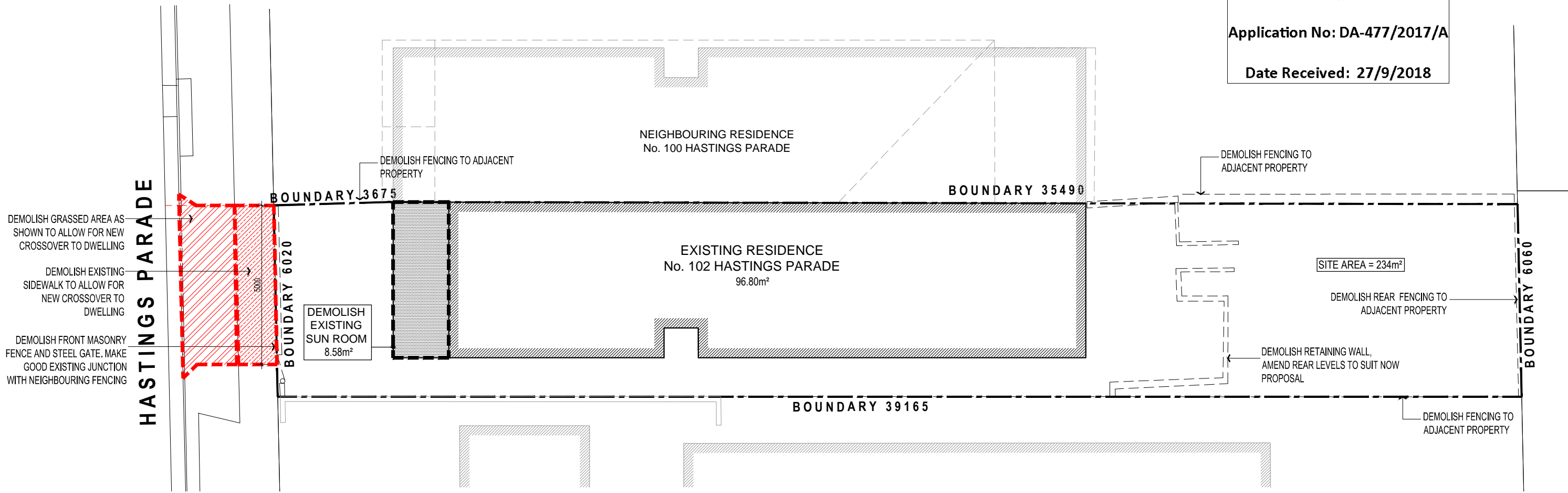
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1783

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PL01

REV :  
182

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**EXISTING SITE PLAN**  
SCALE 1:125

**GENERAL NOTES**

1. THE BUILDER IS TO PROVIDE PERIMETER FENCING TO RESTRICT PUBLIC ACCESS TO THE CONSTRUCTION SITE.
2. ALL BUILDING SETBACK DIMENSIONS TO BE CONFIRMED BY PEG OUT SURVEY.
3. INTERNAL SITE DRIVEWAYS SHALL HAVE A MAXIMUM CHANGE IN GRADE OF 20% WITH A MAXIMUM CHANGE IN GRADE AT ANY POINT OF 12.5% AND TRANSITION LENGTHS OF 2M TO MEET AUSTRALIAN STANDARD AS2890.1 1993 PARKING FACILITIES - PART 1 - OFF STREET CAR PARKING.  
PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE, THE DRIVEWAY AND ASSOCIATED FOOTPATH LEVELS FOR ANY NEW, RECONSTRUCTED OR EXTENDED SECTIONS OR DRIVEWAY CROSSINGS BETWEEN THE PROPERTY BOUNDARY AND ROAD ALIGNMENT MUST BE OBTAINED FROM THE LOCAL AUTHORITY. SUCH LEVELS ARE ONLY ABLE TO BE ISSUED BY COUNCIL UNDER THE ROADS ACT 1993. ALL FOOTPATH CROSSINGS, LAYBACKS AND DRIVEWAYS ARE TO BE CONSTRUCTED ACCORDING TO THE COUNCIL'S SPECIFICATIONS 'CONSTRUCTION OF GUTTER CROSSINGS AND FOOTPATH CROSSINGS'.

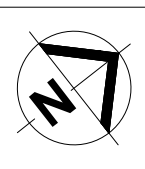
**AREAS**

WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m²
EXISTING FLOOR AREA	105.40m²

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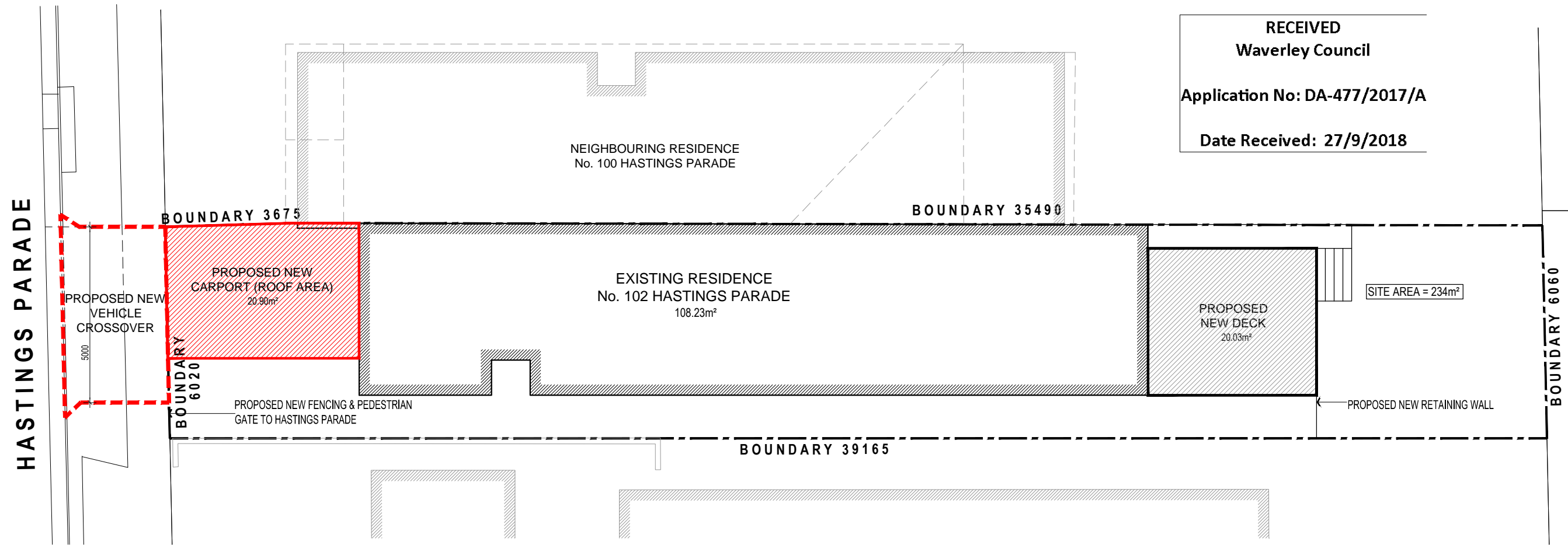


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**EXISTING SITE PLAN**

ADDRESS:  
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SCALE: 1:125	DATE: SEP 2017	PROJECT: RICHARDS
JOB NO : 1783	DRAWING NO : PL02	REV : 183

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 Application No: DA-477/2017/A  
 Date Received: 27/9/2018



**PROPOSED SITE PLAN**  
 SCALE 1:125

**LANDSCAPED AREAS**

WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m²
MINIMUM REQUIREMENT (15%)	35.1m²
PROPOSED LANDSCAPED AREA	48.3m²

**PRIVATE OPEN SPACE**

WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m²
MINIMUM REQUIREMENT (40%)	93.6m²
PROPOSED PRIVATE OPEN SPACE	108.1m²
MINIMUM POS FOR RECREATION	25m²
PROPOSED POS FOR RECREATION	25.4m²

**TOTAL AREAS**

WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m²
EXISTING FLOOR AREA	105.40m²
PROPOSED GROUND FLOOR AREA	109.35m²
PROPOSED FIRST FLOOR AREA	104.41m²
<b>TOTAL AREA</b>	<b>213.76m²</b>
GROUND FLOOR DECKING	25.16m²
UPPER FLOOR DECKS TOTAL	7.02m²
CARPORT	20.90m²

**FSR CALCULATION (GFA)**

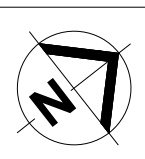
PROPOSED GROUND FLOOR AREA <i>(EXCLUDING VERTICAL CIRCULATION)</i>	94.60m²
PROPOSED FIRST FLOOR AREA <i>(EXCLUDING VERTICAL CIRCULATION &amp; VOID)</i>	91.97m²
<b>TOTAL SITE AREA</b>	<b>186.57m²</b>
ACCEPTED FSR	0.848:1
PROPOSED FSR	0.797:1

**GENERAL NOTES**

1. THE BUILDER IS TO PROVIDE PERIMETER FENCING TO RESTRICT PUBLIC ACCESS TO THE CONSTRUCTION SITE.
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 PROPOSED SITE PLAN

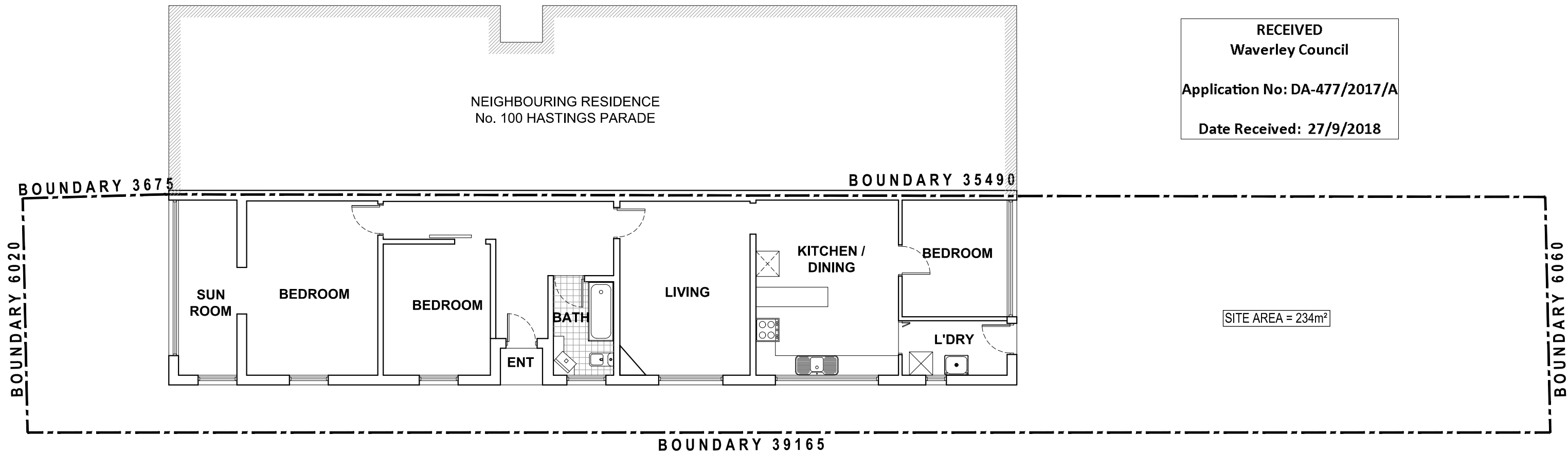
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<b>JOB NO :</b> 1783	<b>DRAWING NO :</b> PL03	<b>REV :</b> 184

**FOR APPROVAL**



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Application No: DA-477/2017/A  
Date Received: 27/9/2018



**EXISTING FLOOR PLAN**  
SCALE 1:100

**FOR APPROVAL**



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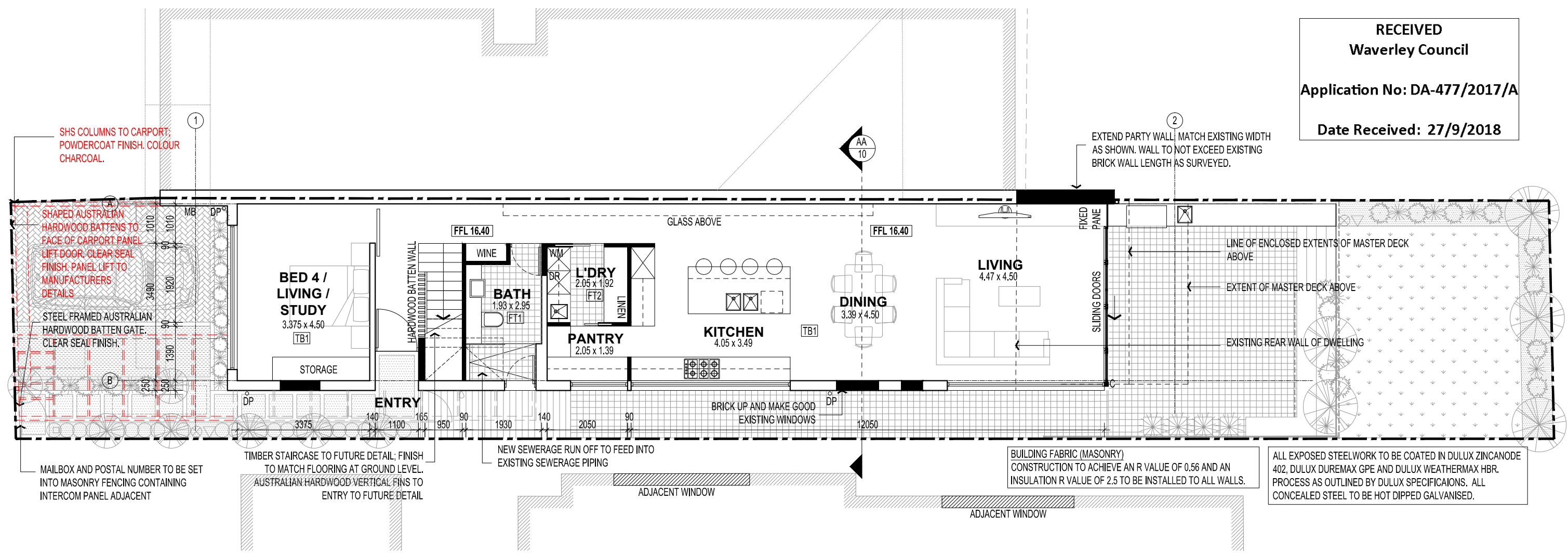
DRAWING TITLE :  
**EXISTING FLOOR PLAN**

ADDRESS:  
**102 HASTINGS PDE, NORTH BONDI NSW**

SCALE: 1:100	DATE: SEP 2017	PROJECT: RICHARDS
JOB NO : 1783	DRAWING NO: PL04	REV: <b>185</b>



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**Waverley Council**  
 Application No: DA-477/2017/A  
 Date Received: 27/9/2018



## GROUND FLOOR PLAN

SCALE 1:100

### GENERAL NOTES

ALL NEW RWP AND RWO TO DISCHARGE DIRECTLY INTO EXISTING STORMWATER RUN OFF TO HYDRAULIC ENGINEERS SPECIFICATION.

ALL NEW EXTERNAL WALLS CONSTRUCTED AND FIRE RATED IN ACCORDANCE WITH THE RELEVANT SECTIONS OF THE BCA AND THE AUSTRALIAN STANDARDS.

ALL STUDWORK SET OUT TO SUIT CLADDING PANELS. ALL INSTALLED TO MANUFACTURERS INSTALLATION SPECIFICATIONS.

GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED. LOCATION AS SHOWN ON PLAN.

- ALL GLAZING TO COMPLY WITH AS 1288-1994.
- ALL TIMBER FRAMING AND ANY MISCELLANEOUS TIMBER SIZES TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL TIMBER FRAMING CODE AS 1684-1999.
- REFER TO ENGINEERING DRAWINGS FOR ALL LINTEL, BEAM AND COLUMN SPECIFICATIONS.
- ALL STRUCTURAL STEELWORK TO BE HOT DIPPED GALVANISED. REFER TO THE SPECIFICATION FOR ANY ADDITIONAL FINISH REQUIREMENTS.
- FINAL SERVICES CO-ORDINATION TO BE COMPLETED PRIOR TO ANY WORKS TAKING PLACE.
- ANY CONFLICTS BETWEEN STRUCTURAL MEMBERS AND GLAZING UNITS TO BE BOXED OUT UNDER INSTRUCTION FROM THE ARCHITECT ON SITE.

### LEGEND

- MB METER BOARD - INSTALLED IN ACCORDANCE WITH RELEVANT STANDARDS. CUPBOARD DOOR WHITE.
- oDP DOWNPIPE; - REFER TO SPECIFICATION AND CIVIL ENGINEER DRAWINGS FOR DETAILS. INSPECTION POINT TO ALL DP'S AT BASE.
- C STEEL COLUMN, REFER TO STRUCTURAL ENGINEER DRAWINGS AND SPECIFICATION

### FLOOR FINISHES

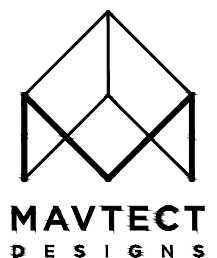
- FT1 FLOOR TILES 1 TO FUTURE OWNER SPECIFICATION
  - FT2 FLOOR TILES 2 TO FUTURE OWNER SPECIFICATION
  - FT3 FLOOR TILES 3 TO FUTURE OWNER SPECIFICATION
  - FT4 FLOOR TILES 4 TO FUTURE OWNER SPECIFICATION
  - DB1 HARDWOOD DECKING OVER JOIST AND BEARER SYSTEM; FRAMING TO ENGINEERS DRAWINGS. 135X35MM NOMINAL SPOTTED GUM, CLASS 1 OR 2 EXTERIOR GRADE, SEASONED AND DRESSED ALL ROUND SEAL: PF40 (CLEAR PENETRATING SEAL)
  - CP1 CARPET 1 ON UNDERLAY TO FUTURE CLIENT SELECTION
  - TB1 HARDWOOD TIMBER FLOORING 1 TO FUTURE CLIENT SELECTION. FRAMING TO ENGINEERS DRAWINGS WHERE APPLICABLE.
  - TF2 HARDWOOD TIMBER FLOORING 2 TO FUTURE CLIENT SELECTION. FRAMING TO ENGINEERS DRAWINGS WHERE APPLICABLE.
- CONTINUE LOCAL FLOOR FINISH UNDER ALL FIXED JOINERY UNITS

### AREAS

WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m <sup>2</sup>
EXISTING FLOOR AREA	105.40m <sup>2</sup>
PROPOSED GROUND FLOOR AREA	109.35m <sup>2</sup>
PROPOSED FIRST FLOOR AREA	104.41m <sup>2</sup>
<b>TOTAL AREA</b>	<b>213.76m<sup>2</sup></b>
GROUND FLOOR DECKING	25.16m <sup>2</sup>
UPPER FLOOR DECKS TOTAL	7.02m <sup>2</sup>
CARPENT	20.90m <sup>2</sup>

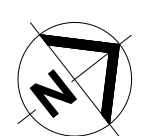
### FSR CALCULATION (GFA)

PROPOSED GROUND FLOOR AREA (EXCLUDING VERTICAL CIRCULATION)	94.60m <sup>2</sup>
PROPOSED FIRST FLOOR AREA (EXCLUDING VERTICAL CIRCULATION & VOID)	91.97m <sup>2</sup>
<b>TOTAL SITE AREA</b>	<b>186.57m<sup>2</sup></b>
ACCEPTED FSR	0.848:1
PROPOSED FSR	0.797:1



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	C	26.05.18	REVISED FOR APPROVAL
	B	10.10.17	REVISED FOR APPROVAL



DRAWING TITLE :  
**GROUND FLOOR PLAN**  
 ADDRESS :  
**102 HASTINGS PDE, NORTH BONDI NSW**

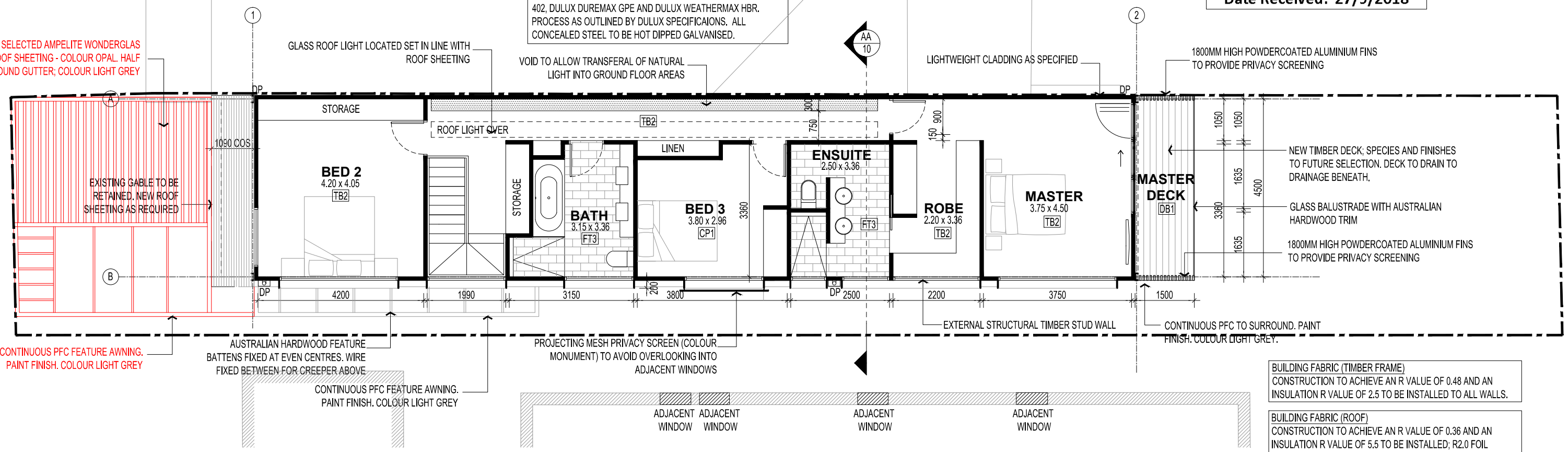
SCALE : 1:100	DATE : SEP 2017	PROJECT : RICHARDS
JOB NO : 1783	DRAWING NO : PL06	REV : 187

**FOR APPROVAL**

**RECEIVED**  
**Waverley Council**  
**Application No: DA-477/2017/A**  
**Date Received: 27/9/2018**

NEW SELECTED AMPELITE WONDERGLAS GC ROOF SHEETING - COLOUR OPAL. HALF ROUND GUTTER; COLOUR LIGHT GREY

ALL EXPOSED STEELWORK TO BE COATED IN DULUX ZINCANODE 402, DULUX DUREMAX GPE AND DULUX WEATHERMAX HBR. PROCESS AS OUTLINED BY DULUX SPECIFICATIONS. ALL CONCEALED STEEL TO BE HOT DIPPED GALVANISED.



**FIRST FLOOR PLAN**  
 SCALE 1:100

**GENERAL NOTES**

ALL NEW RWP AND RWO TO DISCHARGE DIRECTLY INTO EXISTING STORMWATER RUN OFF TO HYDRAULIC ENGINEERS SPECIFICATION.

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**LEGEND**

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- C STEEL COLUMN, REFER TO STRUCTURAL ENGINEER DRAWINGS AND SPECIFICATION

**FLOOR FINISHES**

- FT1 FLOOR TILES 1 TO FUTURE OWNER SPECIFICATION
  - FT2 FLOOR TILES 2 TO FUTURE OWNER SPECIFICATION
  - FT3 FLOOR TILES 3 TO FUTURE OWNER SPECIFICATION
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- CONTINUE LOCAL FLOOR FINISH UNDER ALL FIXED JOINERY UNITS

**AREAS**

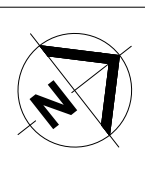
WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m <sup>2</sup>
EXISTING FLOOR AREA	105.40m <sup>2</sup>
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**FSR CALCULATION (GFA)**

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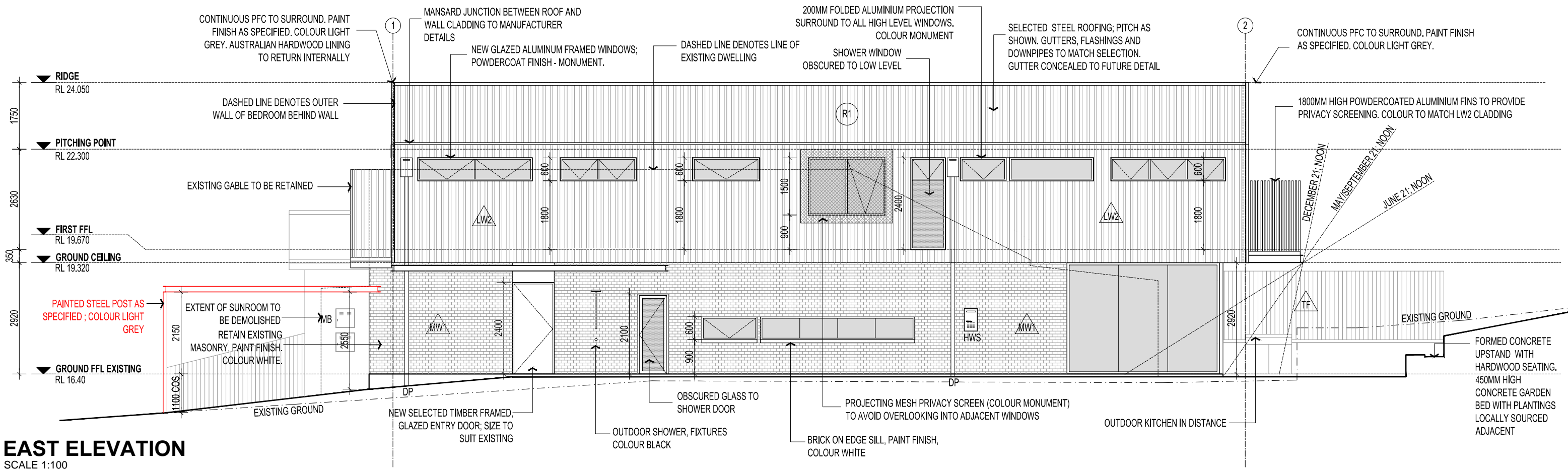


**DRAWING TITLE :**  
**FIRST FLOOR PLAN & ROOF PLAN**

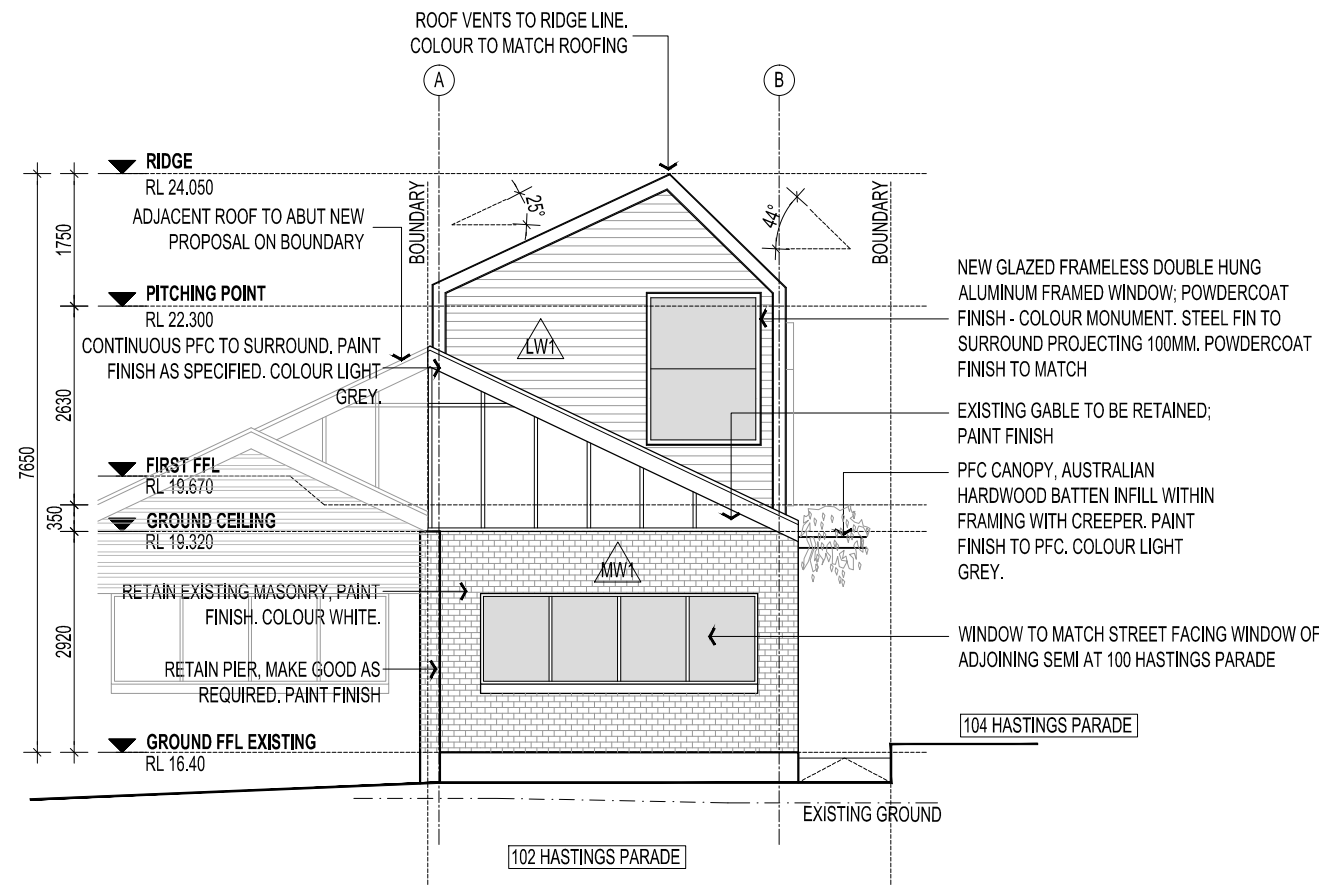
**ADDRESS :**  
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<b>SCALE :</b> 1:100	<b>DATE :</b> SEP 2017	<b>PROJECT :</b> RICHARDS
<b>JOB NO :</b> 1783	<b>DRAWING NO :</b> PL07	<b>REV :</b> 188

**FOR APPROVAL**



**EAST ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100

**ENERGY EFFICIENCY PRINCIPLES**

**ORIENTATION | SITING | LAYOUT | ZONING**  
THE HOUSE EMPLOYS PASSIVE SOLAR DESIGN TECHNIQUES BY SITING THE MAIN LIVING AREA AND MASTER BEDROOM TO THE NORTH, ALLOWING SOLAR GAIN IN COOLER WINTER MONTHS.

**CROSS VENTILATION | NATURAL COOLING EFFECTS**  
THE BUILDING ENVELOPE IS DESIGNED TO CREATE A NATURAL MICRO-CLIMATE TO AID WITH NATURAL COOLING IN THE WARMER SUMMER MONTHS. THE SHADED CARPORT AND EXTENDED WALL LINING TO THE SOUTH (SHADE) SIDE CREATES COOLING HUMIDIFICATION, WHICH IS THEN DRAWN THROUGH OPENINGS TO THE OPEN PLAN LIVING ZONE & MASTER BEDROOM BY THERMAL CONVECTION ON THE NORTH (SUN) SIDE; VENTING THROUGH HIGH LEVEL OPERABLE WINDOWS.

**SHADING | THERMAL MASS**  
GENEROUS OVERHANGS TO THE NORTH OF THE LIVING AND MASTER BEDROOM PROVIDE ADEQUATE SHADING TO THE NORTH FACING GLAZING IN SUMMER. THE SAME OVERHANGS ALLOW FOR MAXIMUM SOLAR PENETRATION TO THE OPEN PLAN LIVING AREA IN THE WINTER MONTHS. THE HEAT ABSORBED WITHIN THE CONCRETE FLOORS WILL RE-RADIATE AT NIGHT TO NATURALLY HEAT THE SPACE. IN SUMMER, AMBIENT HEAT WITHIN THE SPACE WILL BE ABSORBED BY THE FLOORS, THEN WILL BE COOLED AT NIGHT VIA PREVAILING NIGHT BREEZES. ALL LIVING AND BEDROOM WINDOWS WILL HAVE INTERNAL BLINDS TO MINIMISE HEAT LOSS AT NIGHT DURING WINTER MONTHS.

**RAINWATER HARVESTING**  
ALL RAIN WATER HARVESTING TO HYDRAULIC ENGINEERS SPECIFICATIONS.

**ENERGY EFFICIENCY**  
NATURAL LIGHT WILL BE PROVIDED DURING DAYLIGHT HOURS TO ALL ROOMS, MINIMISING THE NEED FOR POWERED LIGHTING. ALL TIMBER FRAMED ROOFS, WILL HAVE BLANKET AND BATT INSULATION PROVIDED, WITH REFLECTIVE FOIL BACK BATTS DIRECTLY BENEATH THE ROOF SHEETING. APPLIANCES, TAPWARE AND SANITARYWARE WILL BE SELECTED BASED ON THEIR EFFICIENCY RATINGS.

**EXTERNAL MATERIALS**

- R1** REVOLUTION ROOFING MAXLINE STANDING SEAM CLADDING (OR SIMILAR APPROVED) ON PLYWOOD BACKING AS REQUIRED TO AVOID OIL CANNING. COLOUR MONUMENT. INSTALLED TO ACCORDANCE WITH MANUFACTURERS DETAILS.
- LW1** JAMES HARDIE SCYON LINEA WEATHERBOARD; COLOUR WHITE. FIXED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION.
- LW2** REVOLUTION ROOFING MAXLINE STANDING SEAM CLADDING (OR SIMILAR APPROVED) ON PLYWOOD BACKING AS REQUIRED TO AVOID OIL CANNING. COLOUR MONUMENT. INSTALLED TO ACCORDANCE WITH MANUFACTURERS DETAILS.
- LW3** RECESSED WHERE DECKING PROJECTS. AUSTRALIAN HARDWOOD, SPOTTED GUM OR SIMILAR. CLEAR SEAL FINISH.
- MW1** EXISTING BRICKWORK; PAINT FINISH COLOUR WHITE. BRICK UP TO MATCH WHERE REQUIRED.
- TF** TIMBER FENCING TO FUTURE SELECTION, CLEAR SEAL FINISH
- TF2** TIMBER FENCING TO FUTURE SELECTION, PAINT FINISH - MONUMENT

**NOTE:**  
TYPICAL WALL AND ROOF EDGE FLASHINGS AND TRIMS TO MATCH ADJACENT SHEETING SELECTION.

COLORBOND GUTTERS, FASCIA'S AND FLASHINGS; COLOUR TO MATCH ROOF SHEETING. GUTTERS TYPICALLY CONCEALED.

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**Application No: DA-477/2017/A**

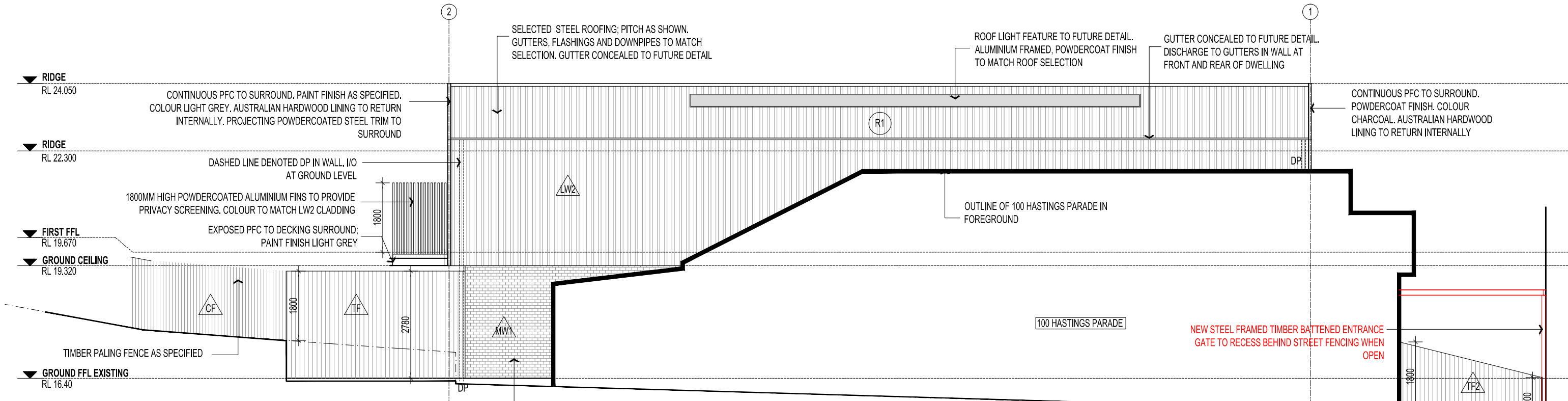
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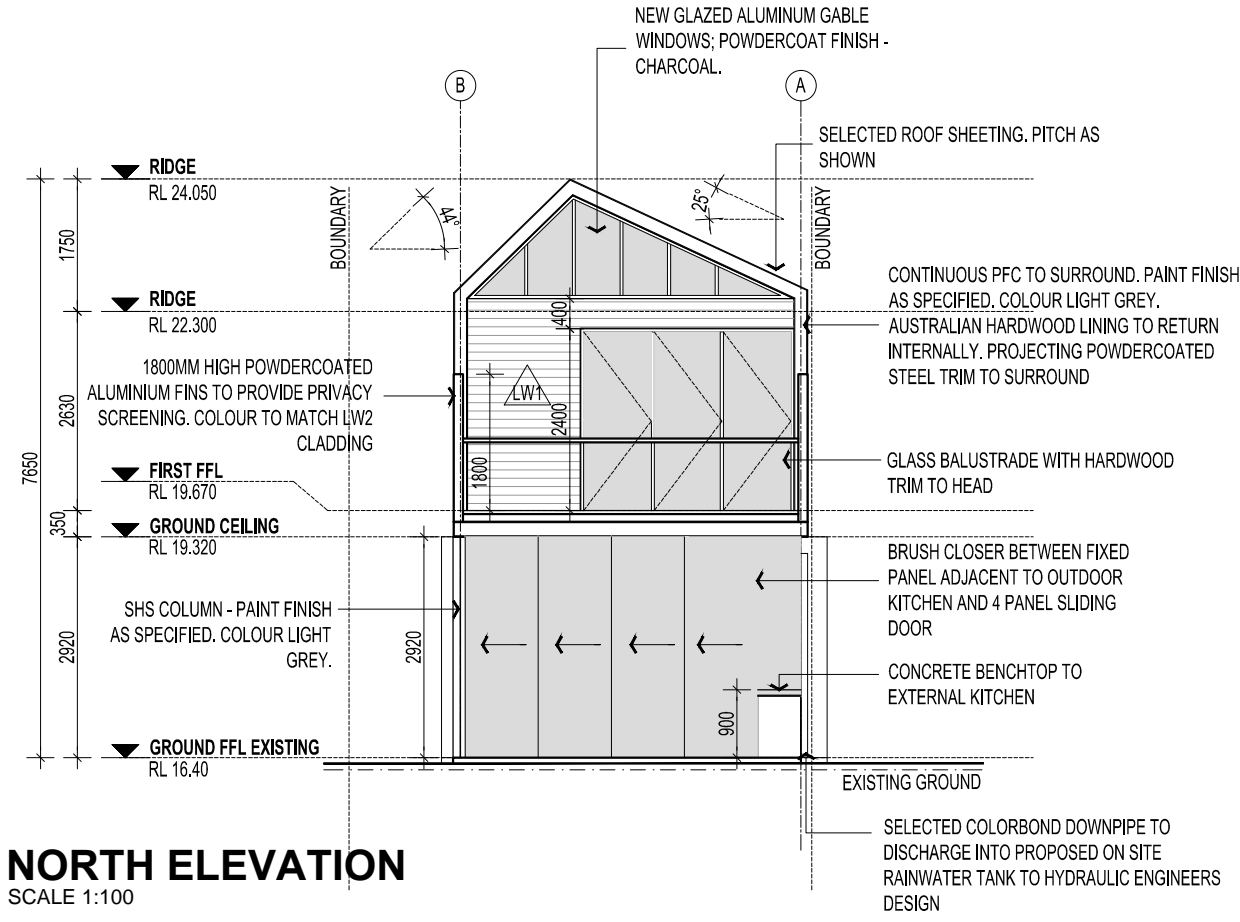
<b>DRAWING TITLE :</b> ELEVATIONS	<b>SCALE :</b> 1:100	<b>DATE :</b> SEP 2017	<b>PROJECT :</b> RICHARDS
<b>ADDRESS :</b> 102 HASTINGS PDE, NORTH BONDI NSW	<b>JOB NO :</b> 1783	<b>DRAWING NO :</b> PL08	<b>REV :</b> 189

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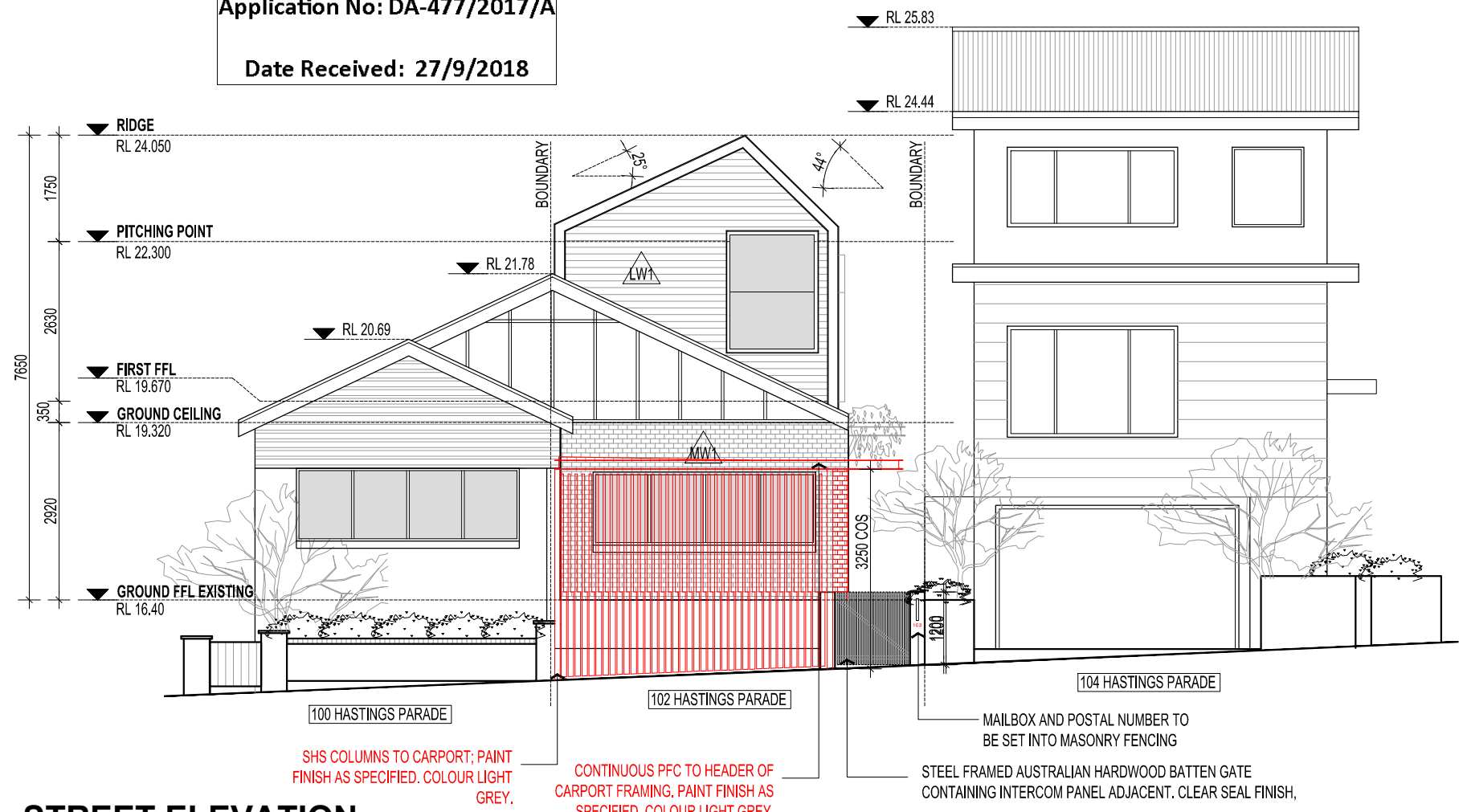


**WEST ELEVATION**  
SCALE 1:100

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**Date Received: 27/9/2018**



**NORTH ELEVATION**  
SCALE 1:100



**STREET ELEVATION**  
SCALE 1:100

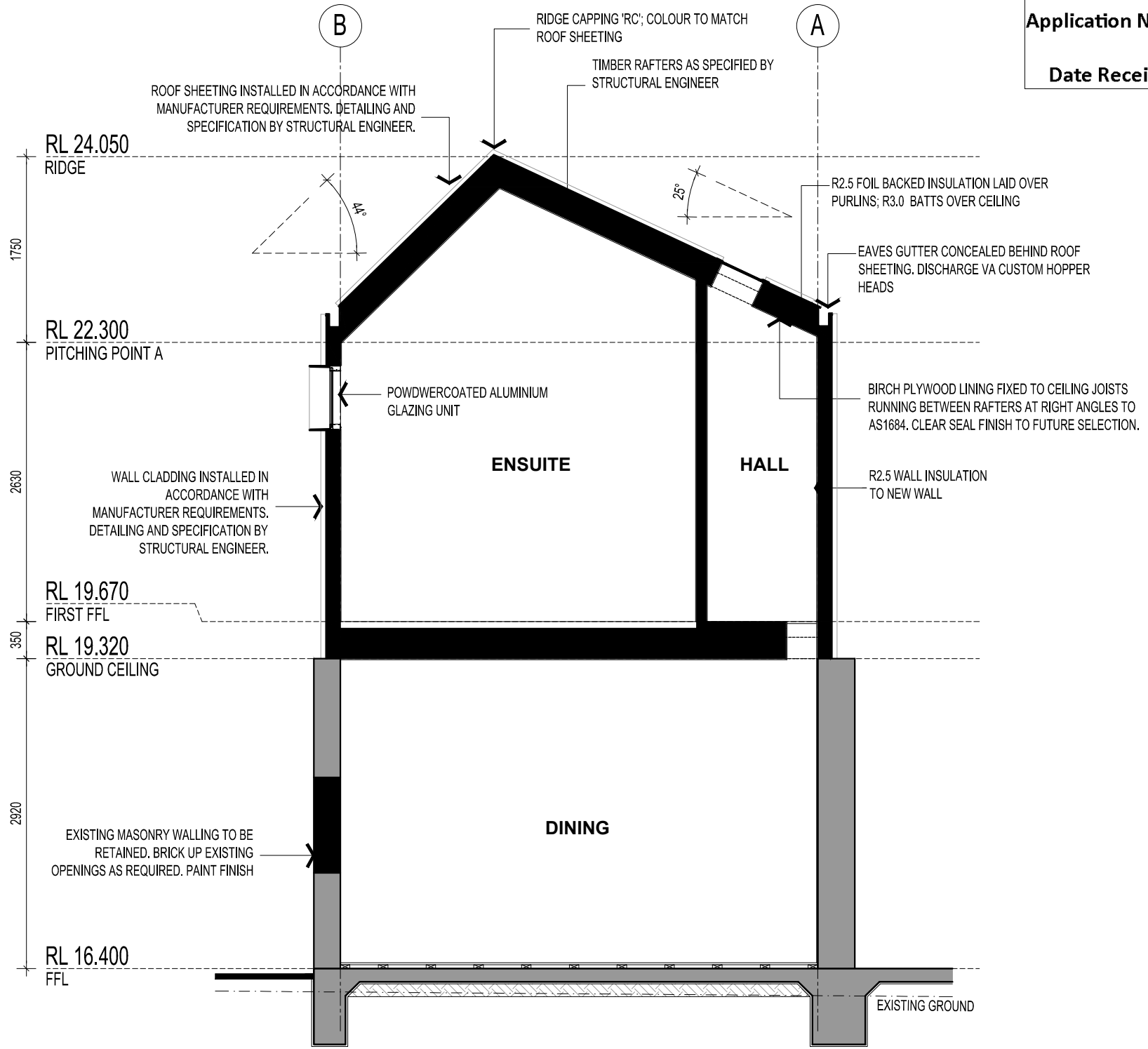
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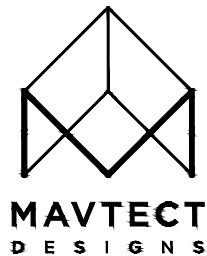
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<b>ADDRESS :</b> 102 HASTINGS PDE, NORTH BONDI NSW	<b>JOB NO :</b> 1783	<b>DRAWING NO :</b> PL09	<b>REV :</b> 190

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**Waverley Council**  
**Application No: DA-477/2017/A**  
**Date Received: 27/9/2018**



**SECTION A-A**  
SCALE 1:50

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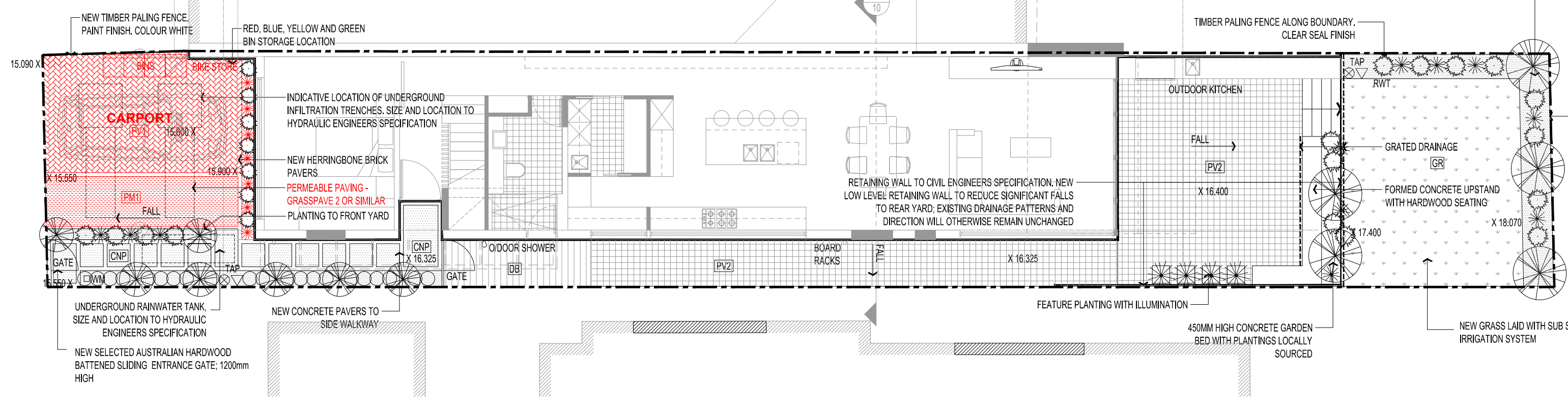
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**DRAWING TITLE :**  
**SECTION A-A**  
**ADDRESS :**  
 102 HASTINGS PDE, NORTH BONDI NSW

<b>SCALE :</b> 1:50	<b>DATE :</b> SEP 2017	<b>PROJECT :</b> RICHARDS
<b>JOB NO :</b> 1783	<b>DRAWING NO :</b> PL10	<b>REV :</b> <b>191</b>

**RECEIVED**  
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**Application No: DA-477/2017/A**  
**Date Received: 27/9/2018**



**LANDSCAPE PLAN**  
 SCALE 1:100

**LANDSCAPED AREAS**

WAVERLEY COUNCIL ZONE	R2
SITE AREA	234m <sup>2</sup>
MINIMUM REQUIREMENT (15%)	35.1m <sup>2</sup>
PROPOSED LANDSCAPED AREA	48.3m <sup>2</sup>

**LANDSCAPE PLANT LIST**

- COURTYARD TREES / SCREENING TREES**
- PL1 ACACIA DECURRENS
  - PL2 ACACIA FALCATA
  - PL3 ACACIA IMPLEXA
  - PL4 ACACIA PARRAMATTENSIS
  - PL5 INDIGOFERA AUSTRALIS
  - PL5 MELALEUCA DECORA
  - PL6 HIBISCUS TILLIACEUS (MEDIUM HEIGHT)
- GROUND COVERS**
- GC1 ARTHROPODIUM MILLEFLORUM
  - GC2 CYPERUS GRACILIS
  - GC3 DIANELLA LONGIFOLIA
  - GC4 DIANELLA REVOLUTA
  - GC5 DICHONDRA VEPENS
  - GC6 HARDENBERGIA VIOLACEA
  - GC7 LEPIDOSPERMA LATERALE
  - GC8 LOMANDRA FILIFORMIS

**LEGEND**

- PROPOSED COURTYARD / SCREENING NATIVE SHADE TREE TO BE SOURCED FROM LOCAL NURSERY. INSTALL MATURE PLANTS 1.2M TO 1.6M HIGH IN DEEP SOIL ZONE.
- PROPOSED SMALL TREE / SCREENING SHRUB PLANTING REFER TO PLANTING SCHEDULE. PLANT MUST BE INDIGENOUS OR LOW WATER USE SPECIES WITH CANOPY 1-3M HEIGHT 1-3M
- TURF GRASS, REFER TO SPECIFICATION FOR DETAILS
- AUSTRALIAN HARDWOOD DECKING BOARDS ON STRUCTURE AS SPECIFIED BY THE STRUCTURAL ENGINEER. CLEAR SEAL FINISH.
- PERMEABLE PAVING - GRASSPAVE 2 OR SIMILAR
- HERRINGBONE BRICK PAVERS
- SMALL CONCRETE PAVERS, NATURAL FINISH. SEAL AS REQUIRED
- LARGE CONCRETE PAVERS, OXIDE TINT TO FUTURE SELECTION

**GENERAL NOTES**

THE BUILDER IS TO PROVIDE PERIMETER FENCING TO RESTRICT PUBLIC ACCESS TO THE CONSTRUCTION SITE. ALL BUILDING SETBACK DIMENSIONS TO BE CONFIRMED BY PEG OUT SURVEY.

INTERNAL SITE DRIVEWAYS SHALL HAVE A MAXIMUM CHANGE IN GRADE OF 20% WITH A MAXIMUM CHANGE IN GRADE AT ANY POINT OF 12.5% AND TRANSITION LENGTHS OF 2M TO MEET AUSTRALIAN STANDARD AS2890.1 1993 PARKING FACILITIES - PART 1 - OFF STREET CAR PARKING.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE, THE DRIVEWAY AND ASSOCIATED FOOTPATH LEVELS FOR ANY NEW, RECONSTRUCTED OR EXTENDED SECTIONS OR DRIVEWAY CROSSINGS BETWEEN THE PROPERTY BOUNDARY AND ROAD ALIGNMENT MUST BE OBTAINED FROM THE LOCAL AUTHORITY. SUCH LEVELS ARE ONLY ABLE TO BE ISSUED BY COUNCIL UNDER THE ROADS ACT 1993. ALL FOOTPATH CROSSINGS, LAYBACKS AND DRIVEWAYS ARE TO BE CONSTRUCTED ACCORDING TO THE COUNCIL'S SPECIFICATIONS 'CONSTRUCTION OF GUTTER CROSSINGS AND FOOTPATH CROSSINGS'.

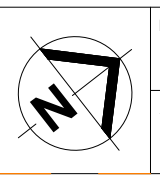
REFER TO FUTURE LANDSCAPING DETAILS AND SPECIFICATION FOR MORE INFORMATION

MULCH TO ALL PLANTING LOCATIONS (EXCLUDING GRASS EXTENTS).

**FOR APPROVAL**

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**DRAWING TITLE :**  
**LANDSCAPE PLAN**

**ADDRESS :**  
**102 HASTINGS PDE, NORTH BONDI NSW**

<b>SCALE :</b> 1:100	<b>DATE :</b> SEP 2017	<b>PROJECT :</b> RICHARDS
<b>JOB NO :</b> 1783	<b>DRAWING NO :</b> PL12	<b>REV :</b> 192



<b>Application number</b>	DA-477/2017/A
<b>Site address</b>	102 Hastings Parade, NORTH BONDI
<b>Proposal</b>	Construction of a carport, widened driveway crossing and associated works.
<b>Approved development description</b>	Alterations and additions including first floor addition to semi-detached dwelling including new carport
<b>Date of lodgement</b>	27 September 2018
<b>Owner</b>	Ms V L Lenthall
<b>Applicant</b>	Mr A D B Richards
<b>Submissions</b>	One (1) (in support)
<b>Cost of Works</b>	Nil
<b>Issues</b>	Car Parking, Streetscape, Landscaping, Open Space
<b>Recommendation</b>	That the application be <b>REFUSED</b>

**Site Map**



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 8 January 2019.

The site is identified as Lot B in DP 393503, known as 102 Hastings Parade, North Bondi. The site is rectangular in shape with a frontage to Hastings Parade measuring 6.02m. The site has an area of 234m<sup>2</sup> and falls from the north-east towards the south-west by approximately 2.5m.

The site is occupied by a single storey semi-detached dwelling with no vehicular access.

The subject site is adjoined by a single semi-detached dwelling to the north-west at 100 Hastings Parade (which forms a pair with the semi at the subject site), a two storey dwelling house to the south-east at 104 Hastings Parade, and a two storey dwelling house to the north-east at 10 Wallis Parade. The locality is characterised by a variety of low and medium density residential developments including semi-detached dwellings and residential flat buildings.



**Figure 1:** Subject site frontage

## 1.2 Details of Approved Development

The original development application (**DA-477/2017**) granted **deferred commencement consent** for alterations and additions to the existing semi-detached dwelling that included the following works:

- construction of a first floor addition comprising three (3) bedrooms, bathroom and ensuite bathroom, and front and rear balconies;
- addition to the rear of the ground floor level to incorporate an open plan kitchen, living and dining room;
- internal alterations;
- demolition of front sun room and construction of a carport within the front yard area to accommodate one off-street car parking space;
- erection of timber paling fence along part of the north-western side boundary of the site; and
- erection of front fence along the street boundary of the site.

The assessment of the proposal found that the proposed carport would have significant impacts upon the streetscape and as a result, deferred commencement condition 3 was placed on the consent that read as follows:

3. *In order to minimise streetscape and visual impacts, the carport structure (including roof, supporting posts and street-facing screen) shall be deleted. The carport may be replaced by an open hardstand area to accommodate only one off-street car parking space. The maximum width of the driveway associated with the off-street car parking space shall be 3m. The area denoted as 'PM1' on the landscaped plan shall comprise genuine landscaped area and not hard paved surfaces.*

The applicant submitted amended plans and documentation on 20 June 2018 for Council approval that addressed the deferred commencement conditions. As relevant to Condition 3 above, the carport structure was deleted from the plans and hence, Council confirmed that the deferral matters had been satisfied on 12 July 2018.

The subject application to modify the proposal (**DA-477/2017/A**) was lodged on 27 September 2018 that now seeks to reinstate the carport and modify the front setback area in a similar style to the development as originally proposed. This is demonstrated in **Figures 3-5** below:

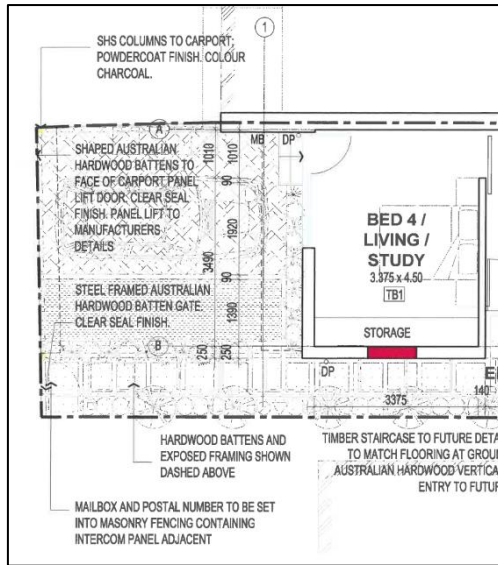


Figure 3: Original proposal granted deferred commencement consent to delete carport.

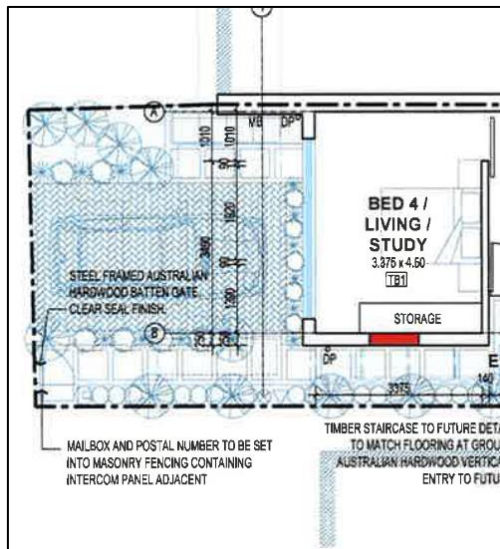


Figure 4: Plans submitted for the satisfaction of deferred commencement conditions.

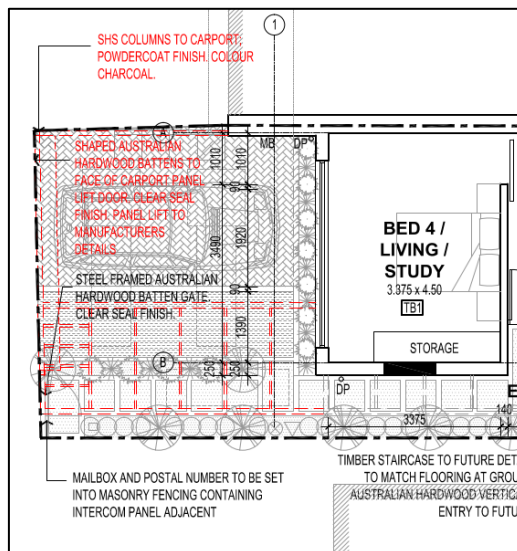


Figure 5: Current proposal submitted to modify development.

### 1.3 Proposal

The application has been lodged as a section 4.55 (1A) application and provides for the following modifications to the approved development:

- Widen the approved vehicular crossing to 5m;
- Construction of a carport with a nil setback to the north-western side boundary (adjoining No. 100 Hastings Parade) that is to be partially enclosed;
- Extension of the carport roof to provide an awning above the pedestrian pathway to the dwelling entry; and
- Placement of permeable paving as groundcover to the south-east of the proposed carport.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 2.1 Section 4.55 Considerations

**Section 4.55 (1A) applications** - the modification is considered to have minimal environmental impact. The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*. The application has been notified and submissions considered as discussed further in the report.

### 2.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

#### 2.2.1 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

#### 2.2.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposal are outlined below:

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal meets the relevant aims of Waverley LEP 2012.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal seeks to construct a carport and undertake associated site works in association with the semi-detached dwelling on site,

Provision	Compliance	Comment
		which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	Yes	The proposed carport would have a maximum height of approximately 3.68m and is therefore compliant.

### 2.2.3 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposal are outlined below:

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
5. Tree preservation	Yes	The proposal does not remove vegetation that would be protected under Council's Tree Preservation Order.
8. Transport	No	The proposed double width car space and carport structure results in an unsatisfactory urban design outcome as the space will dominate the existing streetscape presentation of semi-detached dwelling. This is non-compliant with <i>Section 8.4 Urban Design</i> , with particular reference to <i>objective (a)</i> and <i>controls (e), (f), (g)</i> and <i>(i)</i> of <i>Part B8</i> of Waverley DCP 2012. The proposal results in an inappropriate design outcome and, as such, the application is not supported and is recommended for refusal.
10. Safety	No	The proposal significantly reduces passive surveillance to and from the dwelling to the streetscape due to the proposed car port structure. Furthermore, the proposed widened driveway crossing of 5m is considered to raise safety concerns for pedestrians and the like.

**Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	The proposed works do not alter the front or rear building setbacks of the existing dwelling on site.

Development Control	Compliance	Comment
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	No	The proposed carport would be constructed with a nil side setback to the adjoining property at No. 100 Hastings Parade that is considered to visually detract from the streetscape presentation of the semi-detached pair. <i>Refer to comments below for further detail.</i>
<b>1.4 Streetscape and visual impact</b>		
	No	<i>See discussion below</i>
<b>1.7 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	The steel framed pedestrian gate is to be retained as satisfied by the deferred commencement plans.
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to minimum of 50% of living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	Shadow diagrams submitted with the application demonstrate that any overshadowing cast by the carport structure would be contained within the overshadowing cast by the approved development on the site and is satisfactory in this regard.
<b>1.10 Views</b>		
	Yes	The modification would not result in any loss of views from surrounding properties or the public domain.
<b>1.11 Car parking</b>		
1.11.1 Parking rates 1.11.2 Location 1.11.3 Design 1.11.4 Dimensions 1.11.5 Driveways	No	<i>See discussion below.</i>
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	No	<i>See discussion below.</i>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

## **Streetscape, Visual Impact & Urban Design Outcomes**

The proposal is non-compliant with objectives (a) and (b) and controls (c) and (d) of Section 1.4 in Part C1 in Waverley DCP 2012, whereby the proposed carport fails to maintain the design integrity and visual presentation of the semi-detached dwelling to Hastings Parade.

The proposed carport would be partially enclosed with slats that would further obscure views to and from the landscaped setting of the semi-detached dwelling, as well as views to the dwelling itself. Furthermore, it is noted that the original application approved the demolition of the existing sunroom to accommodate a single hard-stand car space within the front setback of the site within a landscaped setting. It is regarded that a compromise to accommodate on-site car parking was already reached with the approval of the original DA that involved alterations to the façade of the semi-detached dwelling. Given this, the proposed modification is considered to be visually dominating within the streetscape as it does not respond to the architectural style and character of the existing semi-detached dwelling that was to be retained with the original approval.

It is noted that there are a number of garages and carports located along Hastings Parade however, in the immediate context of the subject site, the adjoining semi-detached dwelling at No. 100 Hastings Parade currently provides no off-street car parking and retains a landscaped front setback. The adjoining property at No. 104 Hastings Parade accommodates a double garage and driveway crossing however, this garage is integrated with the design of the new dwelling on site and is contained within the built form of the dwelling therefore, it is not located forward of the building line. It is also noted that off-street car parking provided within the front setback of other semi-detached dwellings on Hastings Parade is evidently retained as single open hard-stand spaces that is considered to be within the limitations of the site and surrounds.

Therefore, the proposal is not supported and is recommended for refusal.

## **Retention of Semi-Detached Built Form**

The proposal is non-compliant with objectives (a) and (b) of Section 1.6, objective (a) of Section 1.6.1 and controls (a) and (d) of Section 1.6.1 in Part C1 in Waverley DCP 2012.

The original style and detail of the semi-detached dwelling is eliminated with the modified proposal to construct a carport. The front sunroom is to be demolished with the original proposal and the proposed carport would not enable cohesion to be maintained with the adjoining semi-detached dwelling. The proposed carport does not visually read as an inclusive part of the existing dwelling from the streetscape and contributes towards excessive visual bulk within the front setback landscaped area.

## **Car Parking**

The proposal is non-compliant with objectives (a), (b), (c), (d) and (f) of Section 1.11 of Part C1 in Waverley DCP 2012 with regards to car parking as described below:

- **Section 1.11.1** – The proposal is non-compliant with control (b) of this section. The approved development contains four (4) bedrooms and one (1) open-hard stand car parking space was approved under the original DA.



However, as previously discussed, the original proposal also approved alterations to the front façade of the dwelling for the demolition of the sunroom in order to accommodate the car parking space. It was determined in the original assessment of the application that a carport structure and double-width driveway crossing would have a detrimental impact on the character of the streetscape due to the additional visual bulk created with the proposal within the front setback area. While only one (1) car parking space is demonstrated on the submitted plans, it is considered that the widened driveway crossing and permeable paving proposed within the front setback area can enable the accommodation of an additional car parking space.

Therefore, the proposed carport structure, widened driveway crossing and additional paving within the front setback results in an unacceptable urban design, built form and landscaped outcome for the site and surrounds and it is considered that the site is unsuitable to accommodate a carport structure at the proposed location as well as an additional car parking space.

- **Section 1.11.2** – The proposal is non-compliant with controls (b) and (d) of this section as the car parking space would be located forward of the existing front building line and originally required the demolition of the existing sunroom to accommodate an open hard-stand car parking space at the proposed location of the carport structure.

The proposed carport would be constructed forward of the front building line, with a nil setback to the north-west side boundary. Council's DCP control's only permit an open hard-stand space to be constructed forward of the front building line therefore, the proposal is non-compliant.

A carport forward of the building line is not considered to be suitable for the site for the following reasons:

- The driveway is proposed to be widened to 5m that is 83% the width of the site frontage to Hastings Parade and will therefore visually dominate the streetscape presentation of the existing semi-detached building.
- The proposed driveway crossing and additional permeable paving would be able to accommodate a second car parking space within the front setback that would be covered by an awning extension of the proposed carport.
- The distance from the front building line to the front boundary of the site is approximately 5.46m however, this incorporates a proposed landscaped bed along the north-east elevation of the dwelling as well as the door of the proposed carport. The distance measured from the proposed landscape bed to the proposed carport door is only 5.01m that does not meet the minimum distance required to permit a carport structure. Furthermore, it is also noted that this distance is only achievable, given that the original proposal approved the demolition of the sunroom.
- The proposed widened driveway crossing and partially enclosed carport structure is considered to pose a significant safety risk for pedestrians.
- The proposed bin storage is indicated to be accommodated on the hardstand area itself contained within the proposed carport structure.

Therefore, as demonstrated above, the site is not considered appropriate for the construction of a carport or widened driveway crossing and is to be refused.

- **Section 1.11.3** – The proposal is non-compliant with controls (a), (b), (c), (d) and (i) of this section as described below:
  - The proposed carport structure detracts from the style and detail of the original semi-detached dwelling that has already been compromised with the original proposal to accommodate a hardstand space within the front setback;
  - The proposed carport is not considered to be well-integrated with the design of the residence and dominates the front setback;
  - The proposed modifications reduce the landscaped area and planting approved with the original consent granted on the site and no screen planting is capable of softening the visual mass created by this structure forward of the building line; and
  - The proposed slats to the carport structure is not considered to maintain an open appearance and would hinder passive surveillance of the streetscape from the dwelling.

Therefore, the proposed modifications are not supported and the application is to be refused.

- **Section 1.11.4** – The proposal is non-compliant with control (a) of this section, requiring a minimum dimension of 5.4m x 2.4m of hard-stand space to be provided per vehicle. The drawings submitted indicate that adequate carparking has been provided however, some of this space includes the vegetation planting demonstrated on the plans along the north-eastern elevation of the dwelling as well as the proposed door of the carport structure. Furthermore, the additional porous paving proposed beside the car-space is capable of accommodating a second vehicle on site, given that the total width of the car parking area would be 4.5m. Therefore, the proposal would be unable to accommodate a standard (B-85) vehicle in accordance with *AS-2890* and is unacceptable in the site context.
- **Section 1.11.5** – The proposal is non-compliant with controls (c) and (e) of this section as follows:
  - The application proposes to widen the approved 3m driveway crossing to 5m that is non-compliant with Council’s controls; and
  - The documentation submitted with this modification application states that only one (1) on-street car parking space would be lost with the proposal however, no street analysis has been provided with the application to illustrate the loss of carparking.

It is also noted that Council’s Traffic & Design Department have recommended that the driveway crossing be limited to 3m only to minimise the loss of on-street parking. Nevertheless, the proposal is not supported and is recommended to be refused.

Therefore, for the reasons provided above, the subject site is not considered to be suitable to accommodate the proposed modifications and the application is not supported and recommended for refusal.

### **Landscaping & Open Space**

The proposed development seeks to reduce landscaping and open space area within the front setback approved on the site in order to accommodate the proposed carport and additional hard-stand car parking space. The proposal is non-compliant with objective (a) and controls (e) and (f) of Section 1.12 of Part C1 in Waverley DCP 2012 and is not supported for the reasons discussed below.

The approved and modified development retains an area of 32.8m<sup>2</sup> within the front setback of the site. The reduction of the landscaped and open space areas forward of the building line is demonstrated in the table below:

Approved & Proposed Landscaped & Open Space Areas within the Front Setback		
	Approved	Proposed
Front Setback Open Space	32.8m <sup>2</sup> (100%)	8.4m <sup>2</sup> (25.6%)
Front Setback Landscaped Area within Open Space Area	8.6m <sup>2</sup> (26.2%)	3m <sup>2</sup> (35.7%)

As demonstrated in the table above, the proposed modification drastically reduces open space within the front setback of the property due to the carport structure that is non-compliant with Council's controls. This limits the landscaped area provided within the open space of the front setback of the site that is also non-compliant with Council's controls.

Therefore, it is evident that the proposal results in an unacceptable outcome with regards to landscaping and open space within the front setback has a detrimental impact upon the visual setting and streetscape presentation of the semi-detached dwelling to Hastings Parade. Therefore, this application is not supported and is recommended for refusal.

### 2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### 2.4 Suitability of the Site for the Development

For the reasons stated throughout this report, the modified development is not considered to be suitable in the site context.

### 2.5 Any Submissions

The modification application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

One (1) submission was received by the property listed below in support of the application.

**Table 4: Summary of property addresses that lodged a submission**

Property
98 Hastings Parade, NORTH BONDI

### 2.6 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

### 3. REFERRALS

#### 3.1 Traffic – Creating Waverley

The application was referred to Council’s Traffic Department who recommended conditions be imposed to reduce the width of the layback/gutter crossing in order to minimise the loss of on street parking. The recommendations made by Council’s Traffic & Development Engineer are noted however, for the reasons stated throughout this report, the application is not supported and is recommended to be refused.

### 4. SUMMARY

The proposal seeks approval to modify a development application for alterations and additions to an existing semi-detached dwelling to include the construction of a carport, widened driveway crossing and associated works within the front setback of the subject site. The main non-compliances are associated with streetscape and visual impact, the car parking dimensions, location and design and landscaping and open space within the front setback. As discussed throughout this report, it is considered that these non-compliances result in an inappropriate design outcome and has a detrimental impact upon the streetscape presentation of the dwelling to Hastings Parade. One (1) submission was received in support of the application however, given the issues discussed throughout this report, the modification application is not considered to be appropriate and is recommended for refusal.

### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Local Planning Panel for the following reasons:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit by:**

Judith Elijah  
**Development Assessment Planner**

Paul Yachmennikov  
**A/Manager, Development Assessment  
(North/South)**

**Date:** 6/02/2019

**Date:** 15/02/2019

**Reason for referral:**

*Review of original consent.*

## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act), the development application is refused for the following reasons:

1. The proposed development is contrary to Waverley Development Control Plan 2012, having regard to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* and in respect to the following provisions:
  - a. Part B8 – Transport;
    - i. Objective (a) in relation to streetscape under section 8.4 Urban Design.
    - ii. Section 8.4 Urban Design, controls (e), (f), (g) and (i) as the proposal would result in an inappropriate design outcome for the site.
  - b. Part C1 – Dwelling House and Semi-Detached Dwelling Development;
    - i. Section 1.4 Streetscape and Visual Impact, objective (a) as the design does not acknowledge and respond to the architectural style and character of the existing built form.
    - ii. Section 1.4 Streetscape and Visual Impact, objective (b) as the proposal obscures views to and from the front setback of the property and therefore does not enable casual surveillance of the street.
    - iii. Section 1.4 Streetscape and Visual Impact, controls (c) and (d) as the proposal does not maintain the existing built form and landscape character and as a result, the development dominates the streetscape presentation of the semi-detached dwelling.
    - iv. Section 1.6 Semi-Detached Dwellings, objective (a) as the proposed carport is not visually inclusive of the existing built form when viewed from the streetscape.
    - v. Section 1.6 Semi-Detached Dwellings, objective (b) as the detailing of the proposed carport does not reference existing architectural features of the semi-detached dwelling.
    - vi. Section 1.6.1 Built Form, objective (a) as the proposal does not maintain the original style of the semi-detached dwelling and adversely impacts upon the cohesion between the paired buildings.
    - vii. Section 1.6.1 Built Form, controls (a) and (d), as the proposal does not maintain original style of the semi-detached dwellings.
    - viii. Section 1.11 Car Parking, objectives (a), (b), (c), (d) and (f) as the design and location of the proposed car parking space adversely impacts upon the visual quality of the streetscape.
      - ix. Section 1.11.1 Parking Rates, control (b), as the site is not suitable for accommodating two (2) car parking spaces.
      - x. Section 1.11.2 Location, controls (a), (b) and (d), as the proposed location of the carport located forward of the front building line results in excessive visual bulk and the site is not suitable for accommodating two (2) car parking spaces.
      - xi. Section 1.11.3 Design, controls (a), (b), (c), (d) and (i) as the design of proposed carport is not considered to be complementary to the style of the semi-detached dwelling to which it relates. The proposed development is not sympathetically integrated into the design of the existing residence dominates the front setback.
      - xii. Section 1.11.4 Dimensions, control (a) as the proposal does not allow for the minimum car parking dimensions to be met.
      - xiii. Section 1.11.5 Driveways, controls (c) and (e) as the proposed driveway crossing is 5m and the application has not been accompanied by a visual street analysis of

- the number of on-street car parking spaces provided before and after the proposed widened vehicle crossing.
- xiv. Section 1.12 Landscaping and Open Space, objective (a) as the proposal does not maintain the landscaped visual setting of the site and streetscape.
  - xv. Section 1.12 Landscaping and Open Space, control (e) as the proposal does not provide adequate open space area within the front setback.
  - xvi. Section 1.12 Landscaping and Open Space, control (f) as the proposal is non-compliant with the required minimum landscaped area within the open space area of the front setback.
2. The proposed development will have an adverse impact on the built environment due to the unacceptable impact on the streetscape and undesirable impact on the surrounding built environment, pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
  3. The site is considered to be unsuitable for the proposed development, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*. The subject site does not provide a suitable building setback due to the location of the existing building and is therefore not considered to be suitable development for the subject site.

# 142 BRIGHTON BOULEVARD, NORTH BONDI

RECEIVED  
Waverley Council  
Application No: DA-429/2018  
Date Received: 21/11/2018

## ARCHITECTURAL DRAWINGS:

DA-00	DRAWING SCHEDULE & MATERIALS LEGEND	NTS
DA-01	SITE PLAN, AREA CALCULATIONS & BASIX COMMITMENTS	1:200@A3
DA-02	BASEMENT FLOOR PLAN	1:100@A3
DA-03	LOWER GROUND FLOOR PLAN	1:100@A3
DA-04	FIRST FLOOR PLAN	1:100@A3
DA-05	ELEVATIONS SHEET 1 - EAST & WEST	1:100@A3
DA-06	ELEVATIONS SHEET 2 - SOUTH	1:100@A3
DA-07	ELEVATIONS SHEET 3 - NORTH	1:100@A3
DA-08	SECTIONS	1:100@A3
DA-09	LANDSCAPE PLAN	1:100@A3
DA-10	SHADOW DIAGRAM - 9am 21 JUNE	1:200@A3
DA-11	SHADOW DIAGRAM - 12pm 21 JUNE	1:200@A3
DA-12	SHADOW DIAGRAM - 3pm 21 JUNE	1:200@A3
DA-13	NOTIFICATION PLAN	AS NOTED

## CONSULTANTS' DRAWINGS:

**SURVEY:**  
BY 3D SURVEYING, REF 1893, DATED 25/10/18 1:100 @ A2

**CIVIL ENGINEERING**  
BY C.K. ENGINEERING SERVICES

**STORMWATER MANAGEMENT PLAN ( 5 PAGES)**  
DATED 20/11/18 (REVISION 0) AS NOTED

## CONSULTANTS' REPORTS:

**BASIX:**  
BY SIX B DESIGN, CERTIFICATE No. A330575, DATED 7/11/18

**BCA ASSESSMENT**  
BY BCA LOGIC, DATED 14 NOVEMBER 2018

## LEGEND:

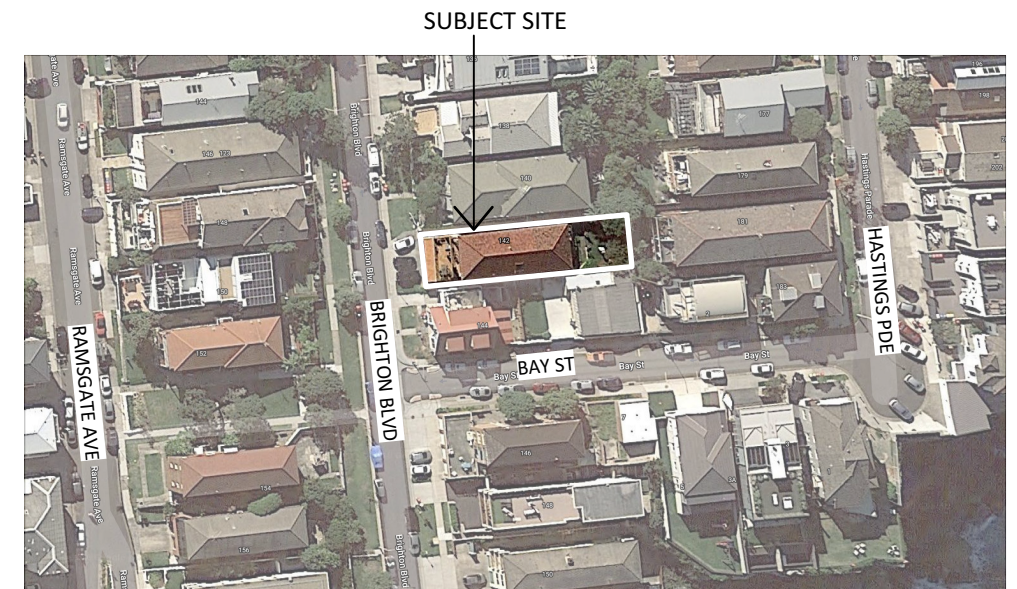
A/C	AIR-CONDITIONING CONDENSER
BAL	BALUSTRADE - GLASS & STEEL
CR/P	CEMENT RENDER/PAINT FINISH
DP/E	DOWNPIPE (EXISTING)
DP/N	DOWNPIPE (NEW)
EGL	EXISTING GROUND LEVEL
FC	FC CLADDING
G	GUTTER
GL/TIM	GLAZING - TIMBER FRAMED
GL/M	GLAZING - METAL FRAMED (TYPICAL UNLESS NOTED OTHERWISE)
HWS	HOT WATER SERVICE
MR	METAL ROOF
PB	PLANTER BED (REFER LANDSCAPE PLAN)
SWP	STORMWATER PIT
T	TRANSLUCENT GLAZING
WB	WEATHERBOARD
WXX	WINDOW/EXTERNAL DOOR
WXX(h)	HIGH-LEVEL WINDOW



EXISTING



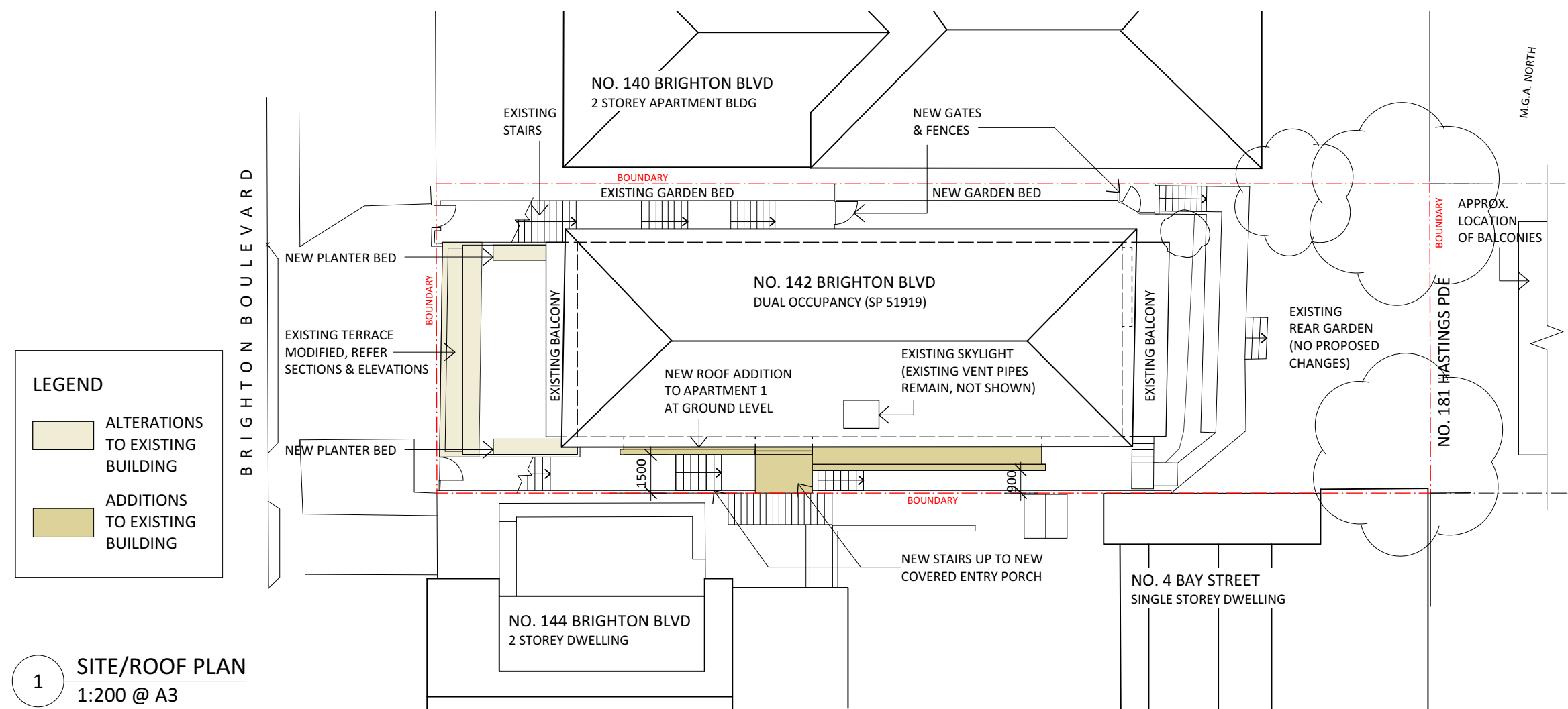
PROPOSED



CONTEXT PLAN

A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION	PROJECT ALTERATIONS & ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI	TITLE DRAWING SCHEDULE & MATERIALS LEGEND	SCALE NOT TO SCALE	DATE REFER REVISION	DRAWN JJ	DWG NO DA-00	REV A
	CLIENT MS. L. GODDARD	STATUS DEVELOPMENT APPLICATION	Jane Johnson Architects A. Shop 1, 118 Macpherson St, Bronte. NSW 2024 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519				
ISSUE DATE REVISION							

<b>RECEIVED</b>	
<b>Waverley Council</b>	
<b>BASIX Commitments to comply with BASIX certificate no. A330575</b>	
<b>Fixtures and systems</b>	
Lighting	Minimum of 40% of new and altered fixtures are fitted with Fluorescent, compact fluorescent or LEDs
Fixtures	Showerheads flow rate no greater 9L/min or 3-star
Taps	flow rate no greater 4L/flush or 3-star
	Taps flow rate no greater than 9L/min or 3-star
<b>Insulation requirements</b>	
Nil	Concrete slab on ground
Nil	Floor above existing dwelling
Nil	External wall: cavity brick
R1.3	External wall: framed (weatherboard, fibro, metal clad)
R2.5 (up), + foil/sarking	Flat ceiling: flat roof: framed, medium colour roofing
<b>Windows and glazed doors</b>	
Install windows/doors and shading devices in accordance with BASIX certificate	
Windows/doors must have a U-value and a SHGC no greater than that listed in the BASIX certificate	
All shading and overshadowing in accordance with BASIX certificate	



<b>AREA CALCULATIONS</b>	
SITE AREA	= 477.4sq.m
ALLOWABLE FSR	= 0.6:1
EXISTING GFA	= 280sq.m
EXISTING FSR	= 0.59:1
<b>PROPOSED GFA:</b>	
LOWER GROUND FLOOR	= 38sq.m
GROUND FLOOR	= 150sq.m
FIRST FLOOR	= 140sq.m
TOTAL	= 328sq.m
<b>PROPOSED FSR</b>	
(328/477.4)	= 0.69:1
GROSS FLOOR AREA CALCULATED IN ACCORDANCE WITH WAVERLEY COUNCIL LEP 2012	

**SITE WASTE & RECYCLING PLAN**  
WASTE & RECYCLING FROM SITE TO BE IN ACCORDANCE WITH PART B1 OF WAVERLEY DCP 2012

**1 SITE/ROOF PLAN**  
1:200 @ A3






A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION	PROJECT	ALTERATIONS & ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI	TITLE	SITE/ROOF PLAN, AREA CALCULATIONS & BASIX COMMITMENTS	SCALE	1:200 @ A3	DATE	REFER REVISION	DRAWN	JJ	DWG NO	DA-01	REV	A
	CLIENT	MS. L. GODDARD	STATUS	DEVELOPMENT APPLICATION	Jane Johnson Architects		A. Shop 1, 118 Macpherson St, Bronte. NSW 2024		M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519					

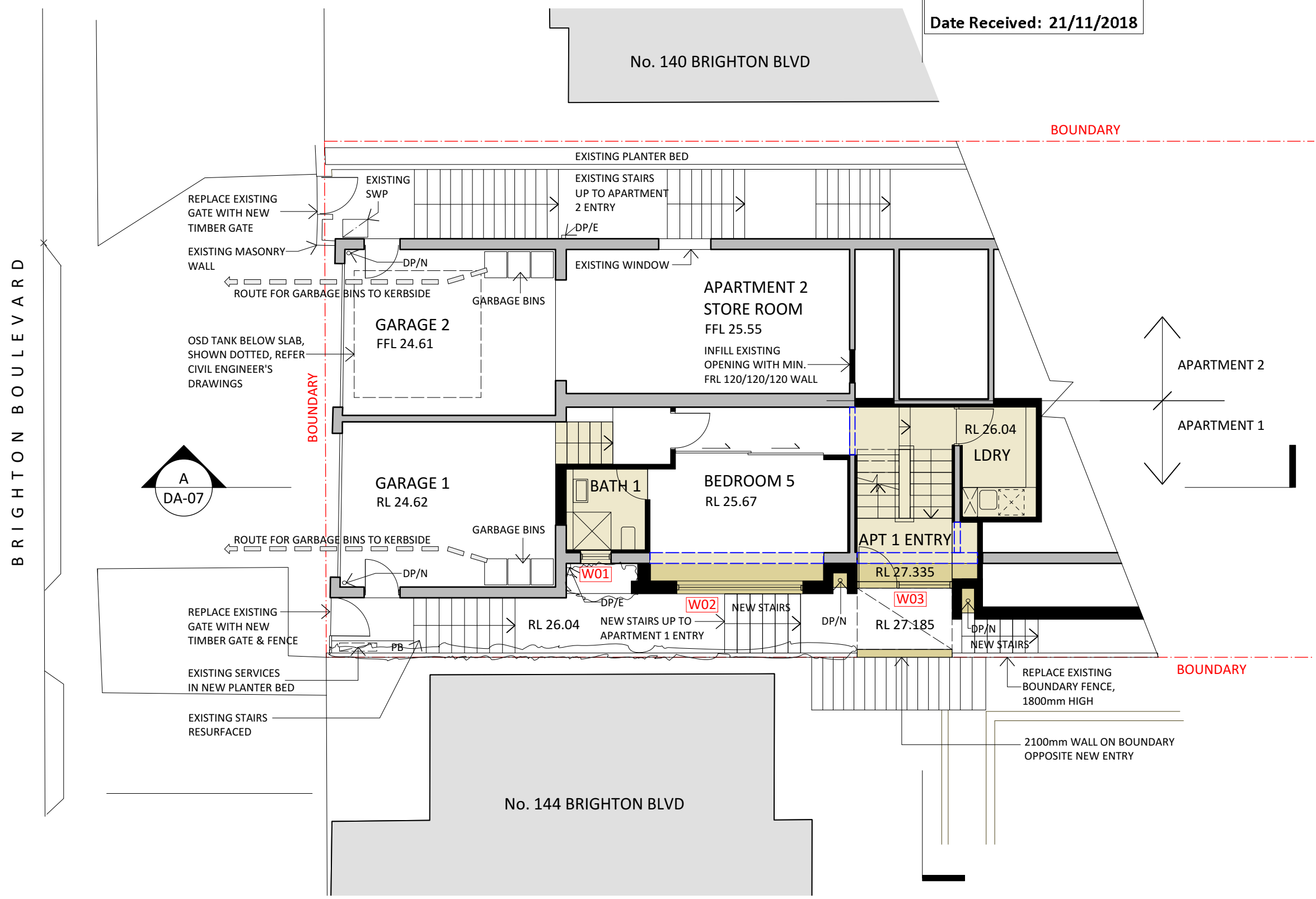





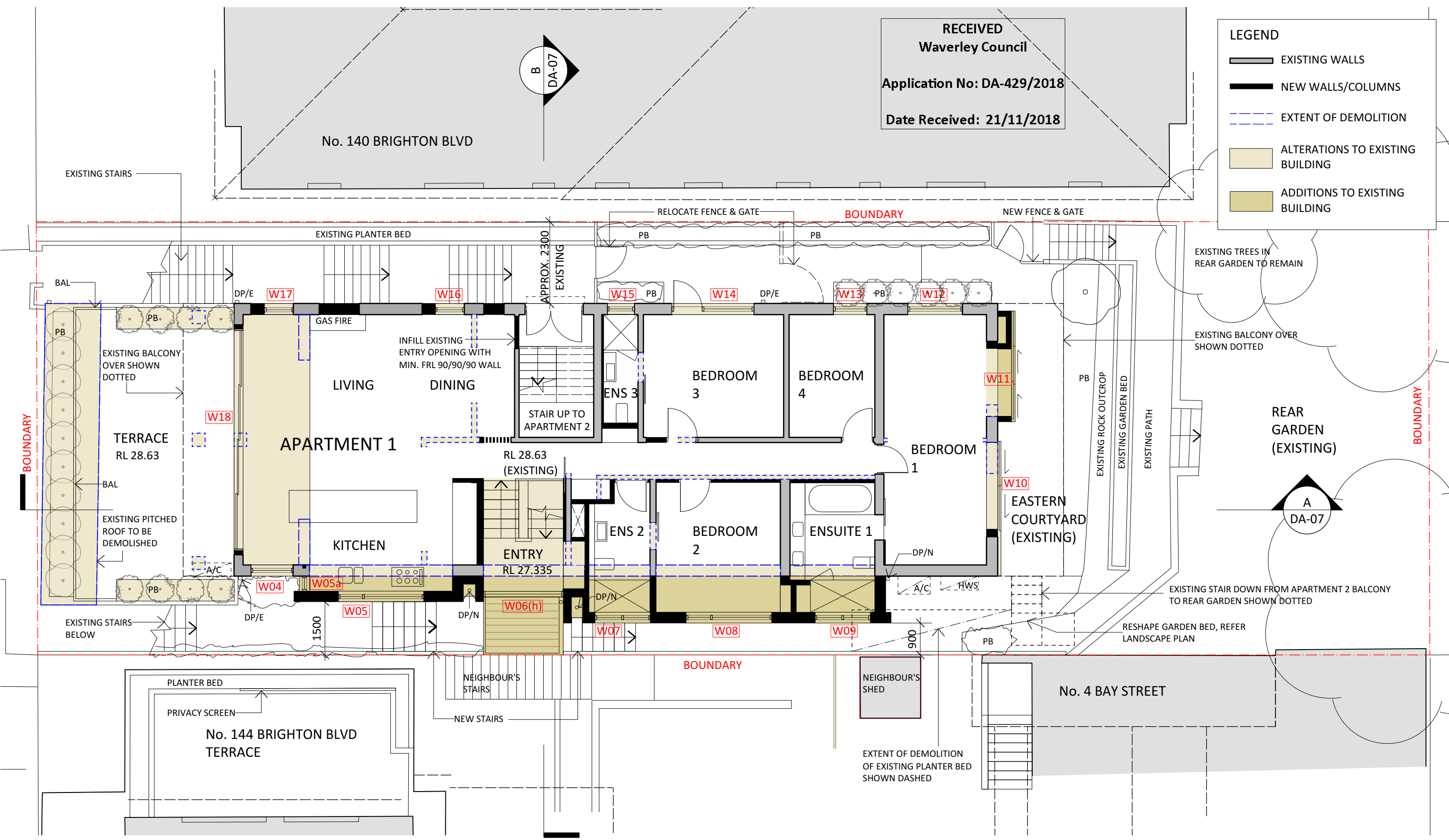
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Date Received: 21/11/2018

**LEGEND**

-  EXISTING WALLS
-  NEW WALLS/COLUMNS
-  EXTENT OF DEMOLITION
-  ALTERATIONS TO EXISTING BUILDING
-  ADDITIONS TO EXISTING BUILDING



<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT ALTERATIONS &amp; ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI</p>	<p>TITLE LOWER GROUND FLOOR PLAN</p>	<p>SCALE 1:100 @ A3</p>	<p>DATE REFER REVISION</p>	<p>DRAWN JJ</p>	<p>DWG NO DA-02</p> <p>REV A</p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT MS. L. GODDARD</p>	<p>STATUS DEVELOPMENT APPLICATION</p>	<p>Jane Johnson Architects A. Shop 1, 118 Macpherson St, Bronte. NSW 2024 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>			



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PROJECT  
ALTERATIONS & ADDITIONS TO  
142 BRIGHTON BLVD, NORTH BONDI

TITLE  
GROUND FLOOR PLAN

SCALE 1:100 @ A3 DATE REFER REVISION DRAWN JJ DWG NO DA-03 REV A

Jane Johnson Architects

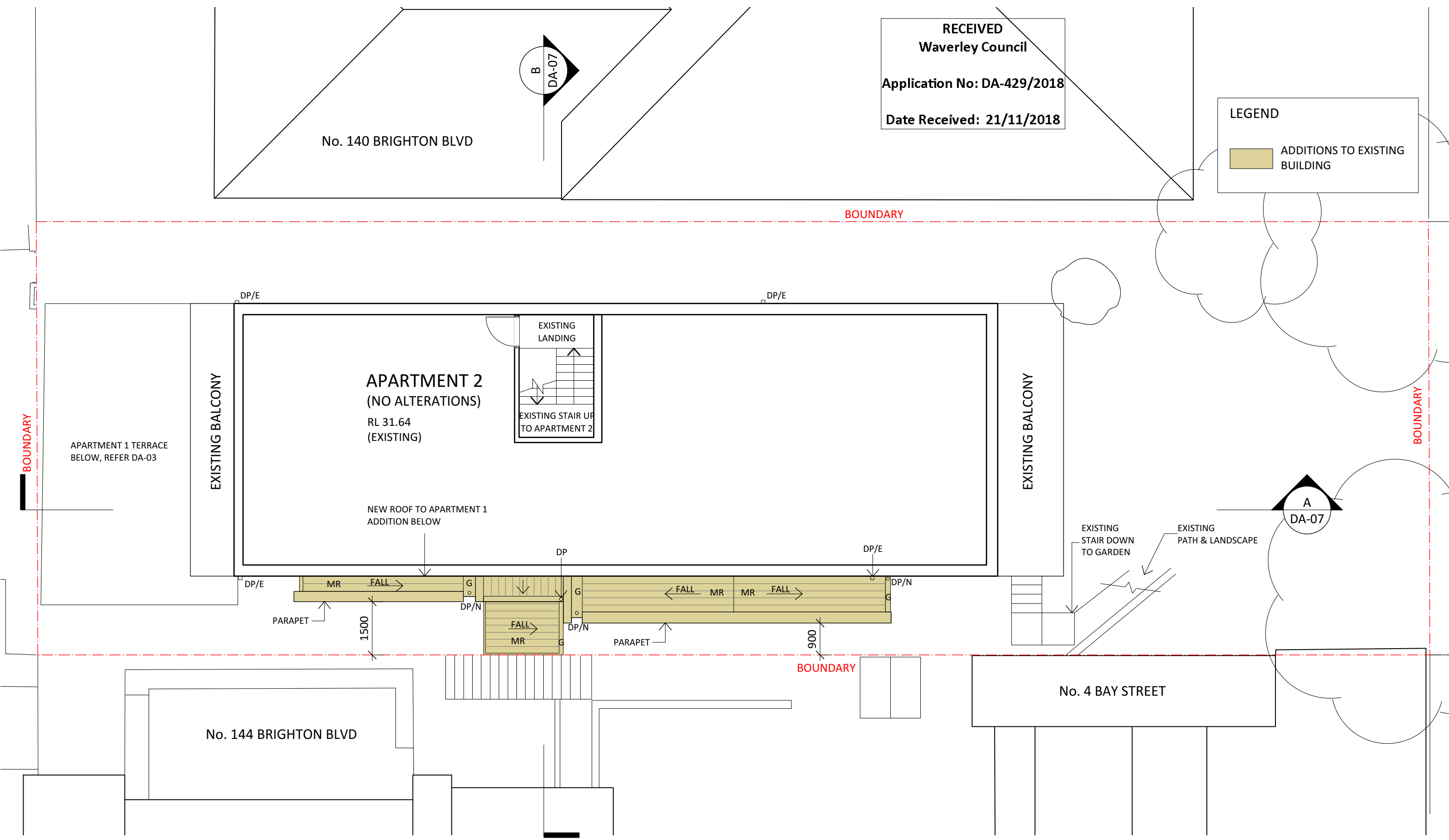
ISSUE DATE REVISION

CLIENT  
MS. L. GODDARD

STATUS  
DEVELOPMENT APPLICATION


A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  
M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519

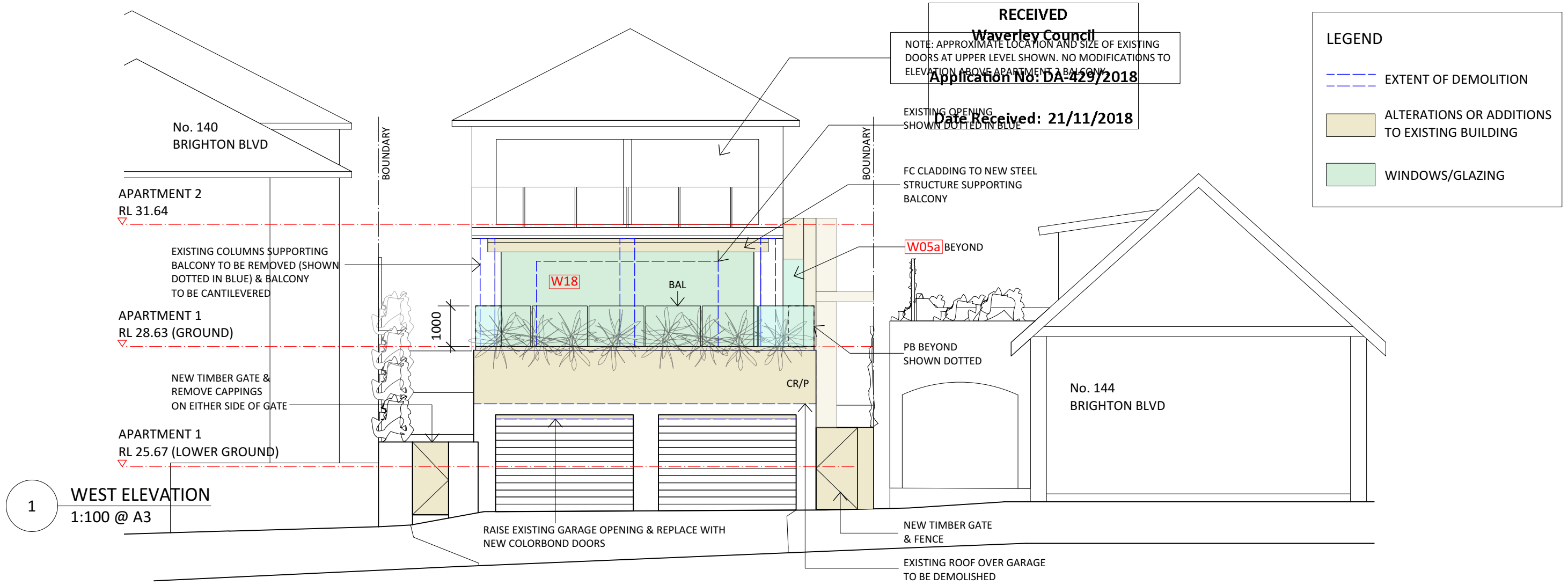




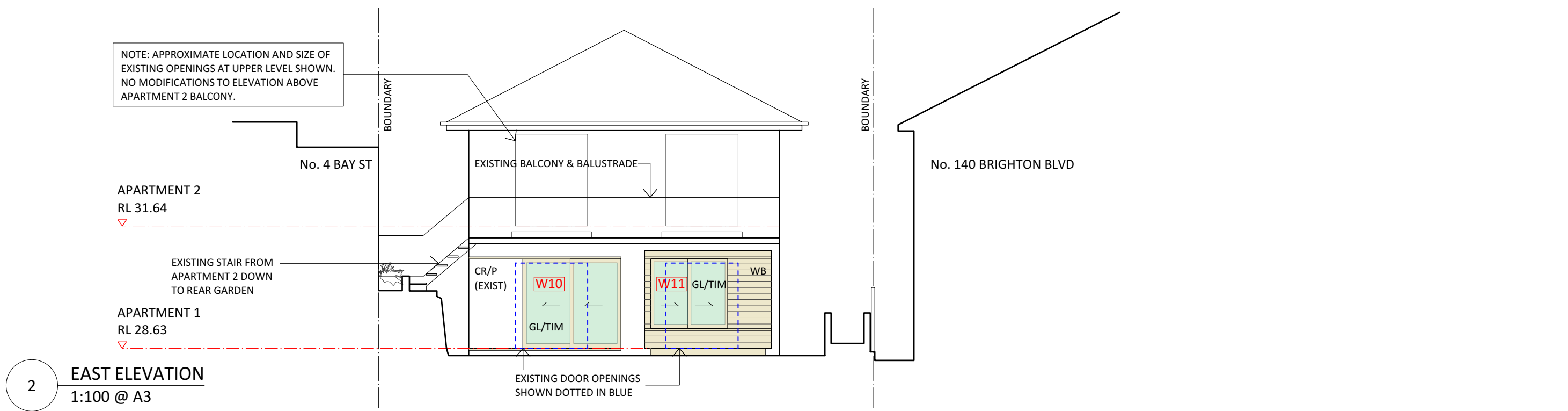
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Application No: DA-429/2018  
Date Received: 21/11/2018

LEGEND  
 ADDITIONS TO EXISTING BUILDING

<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT ALTERATIONS &amp; ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI</p>	<p>TITLE FIRST FLOOR PLAN</p>	<p>SCALE 1:100 @ A3</p>	<p>DATE REFER REVISION</p>	<p>DRAWN JJ</p>	<p>DWG NO DA-04</p> <p>REV A</p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT MS. L. GODDARD</p>	<p>STATUS DEVELOPMENT APPLICATION</p>	<p>Jane Johnson Architects  A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>			



1 WEST ELEVATION  
1:100 @ A3



2 EAST ELEVATION  
1:100 @ A3

A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION	PROJECT ALTERATIONS & ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI	TITLE ELEVATIONS SHEET 1 EAST & WEST	SCALE 1:100 @ A3	DATE REFER REVISION	DRAWN JJ	DWG NO DA-05	REV A
	CLIENT MS. L. GODDARD	STATUS DEVELOPMENT APPLICATION	Jane Johnson Architects A. Shop 1, 118 Macpherson St, Bronte. NSW 2024 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519				

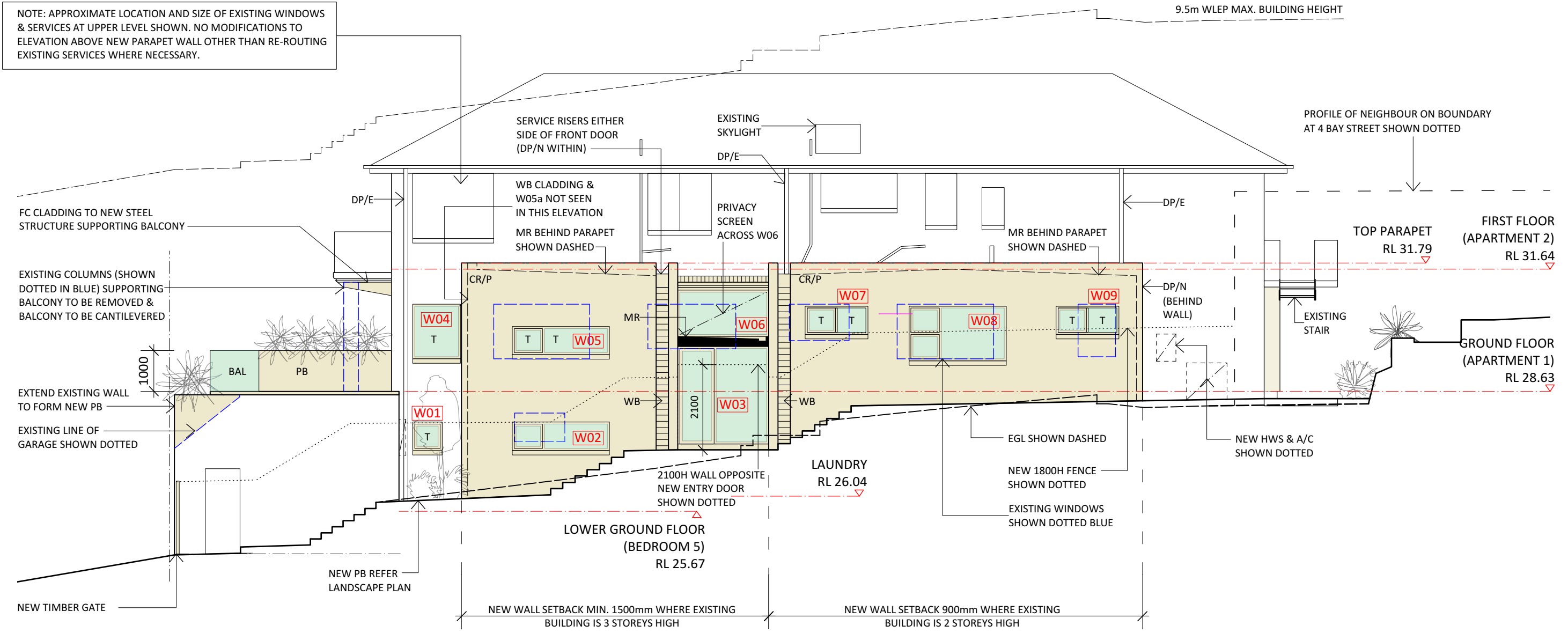


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**LEGEND**

- NEW ROOF (IN SECTION)
- EXTENT OF DEMOLITION
- ALTERATIONS OR ADDITIONS TO EXISTING BUILDING
- WINDOWS/GLAZING

NOTE: APPROXIMATE LOCATION AND SIZE OF EXISTING WINDOWS & SERVICES AT UPPER LEVEL SHOWN. NO MODIFICATIONS TO ELEVATION ABOVE NEW PARAPET WALL OTHER THAN RE-ROUTING EXISTING SERVICES WHERE NECESSARY.



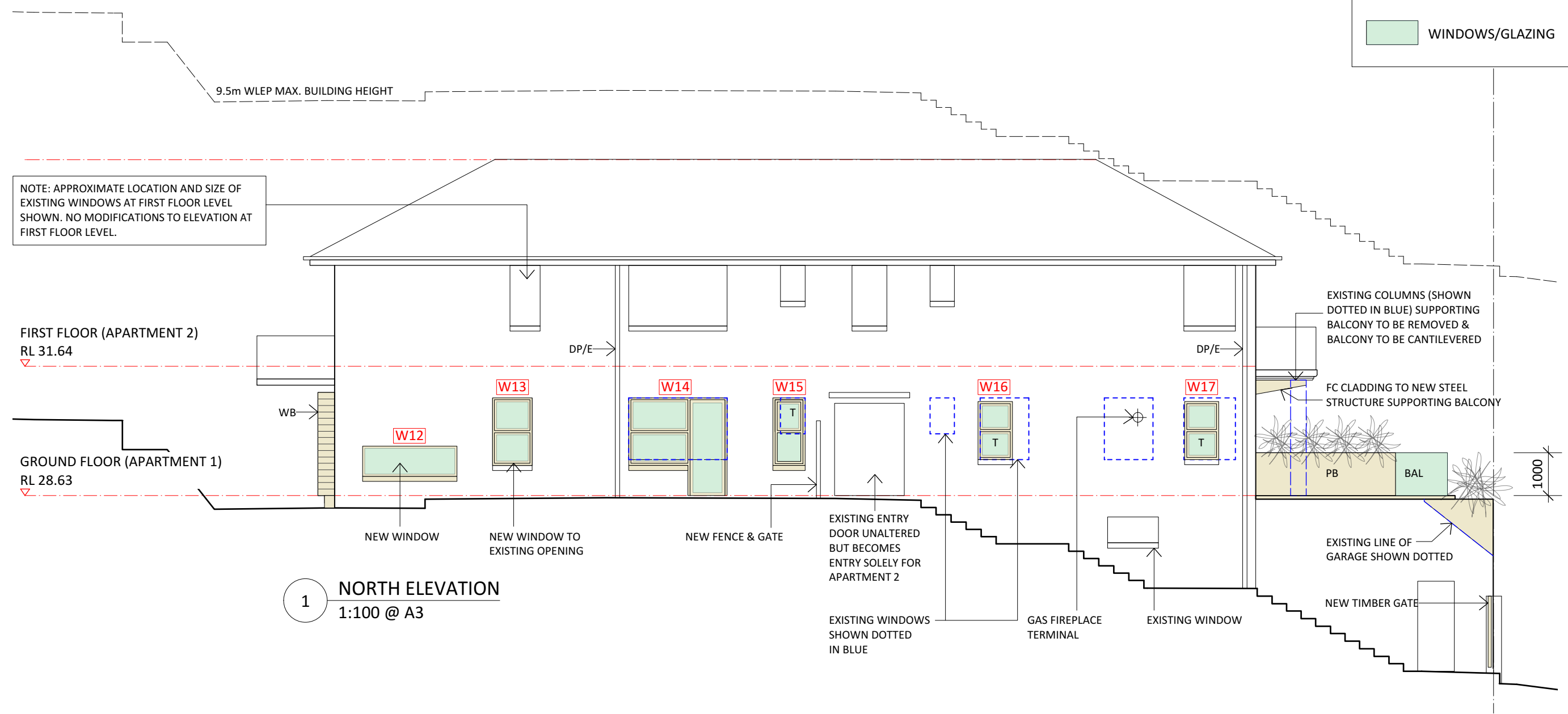
1 SOUTH ELEVATION  
1:100 @ A3

A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION	PROJECT ALTERATIONS & ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI	TITLE ELEVATIONS SHEET 2 SOUTH	SCALE 1:100 @ A3	DATE REFER REVISION	DRAWN JJ	DWG NO DA-06	REV A
	CLIENT MS. L. GODDARD	STATUS DEVELOPMENT APPLICATION	Jane Johnson Architects A. Shop 1, 118 Macpherson St, Bronte. NSW 2024 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519				
ISSUE DATE REVISION							


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Date Received: 21/11/2018

**LEGEND**

- EXTENT OF DEMOLITION
- ALTERATIONS OR ADDITIONS TO EXISTING BUILDING
- WINDOWS/GLAZING

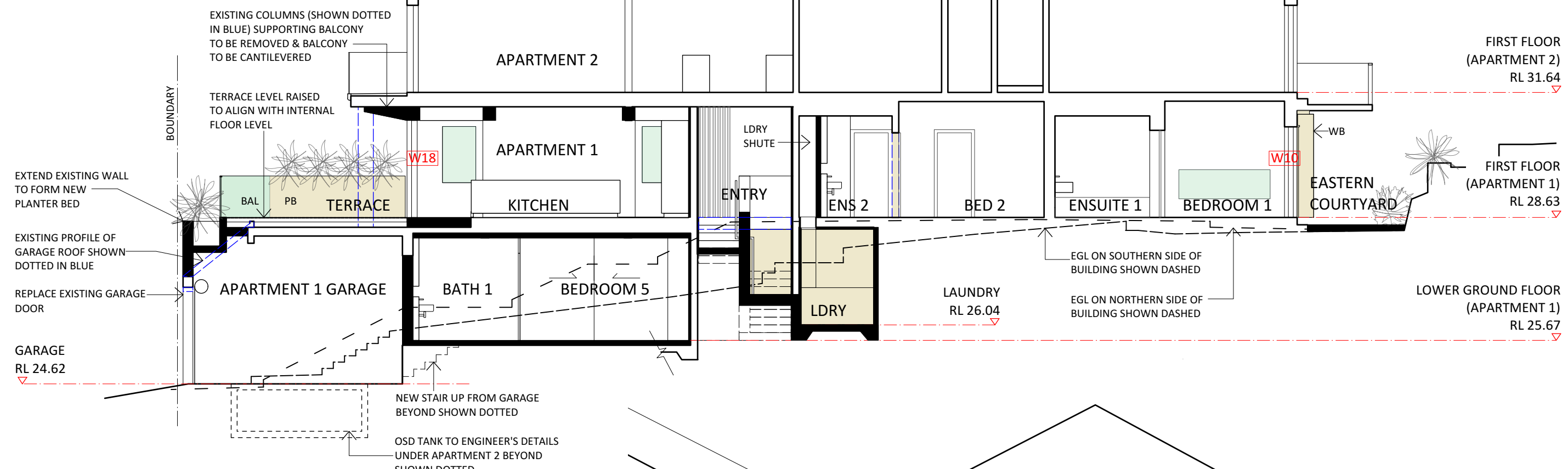


1 NORTH ELEVATION  
1:100 @ A3

A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION	PROJECT ALTERATIONS & ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI	TITLE ELEVATIONS SHEET 3 NORTH	SCALE 1:100 @ A3	DATE REFER REVISION	DRAWN JJ	DWG NO DA-07 REV A
ISSUE DATE REVISION	CLIENT MS. L. GODDARD	STATUS DEVELOPMENT APPLICATION	<p>Jane Johnson Architects</p> <p>A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p> 			

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Application No: DA-429/2018  
Date Received: 21/11/2018

NOTE: APPROXIMATE LOCATION OF INTERNAL WALLS AT FIRST FLOOR LEVEL SHOWN. NO MODIFICATIONS TO APARTMENT 2 AT FIRST FLOOR LEVEL.

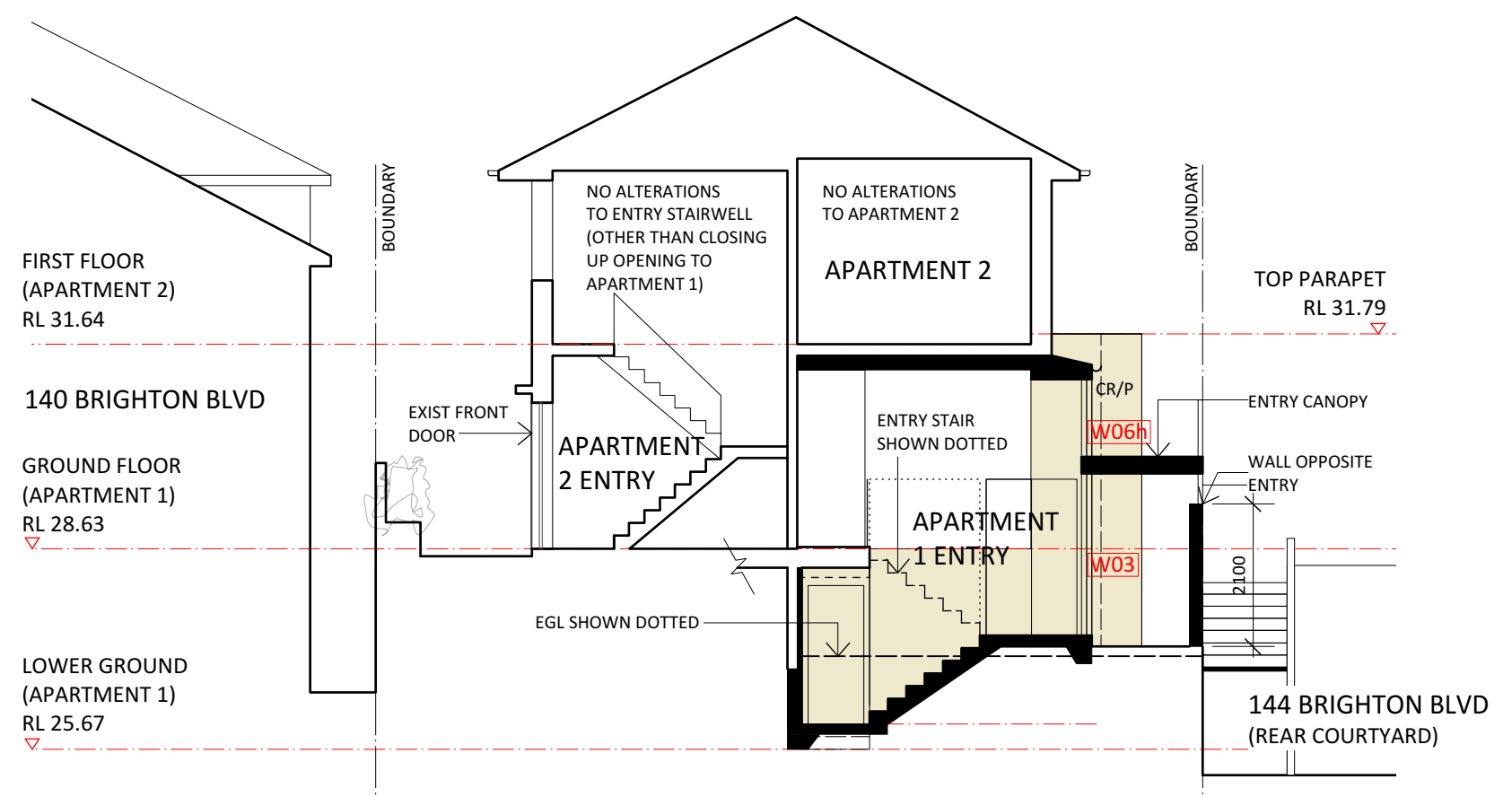


SECTION AA  
1:100 @ A3

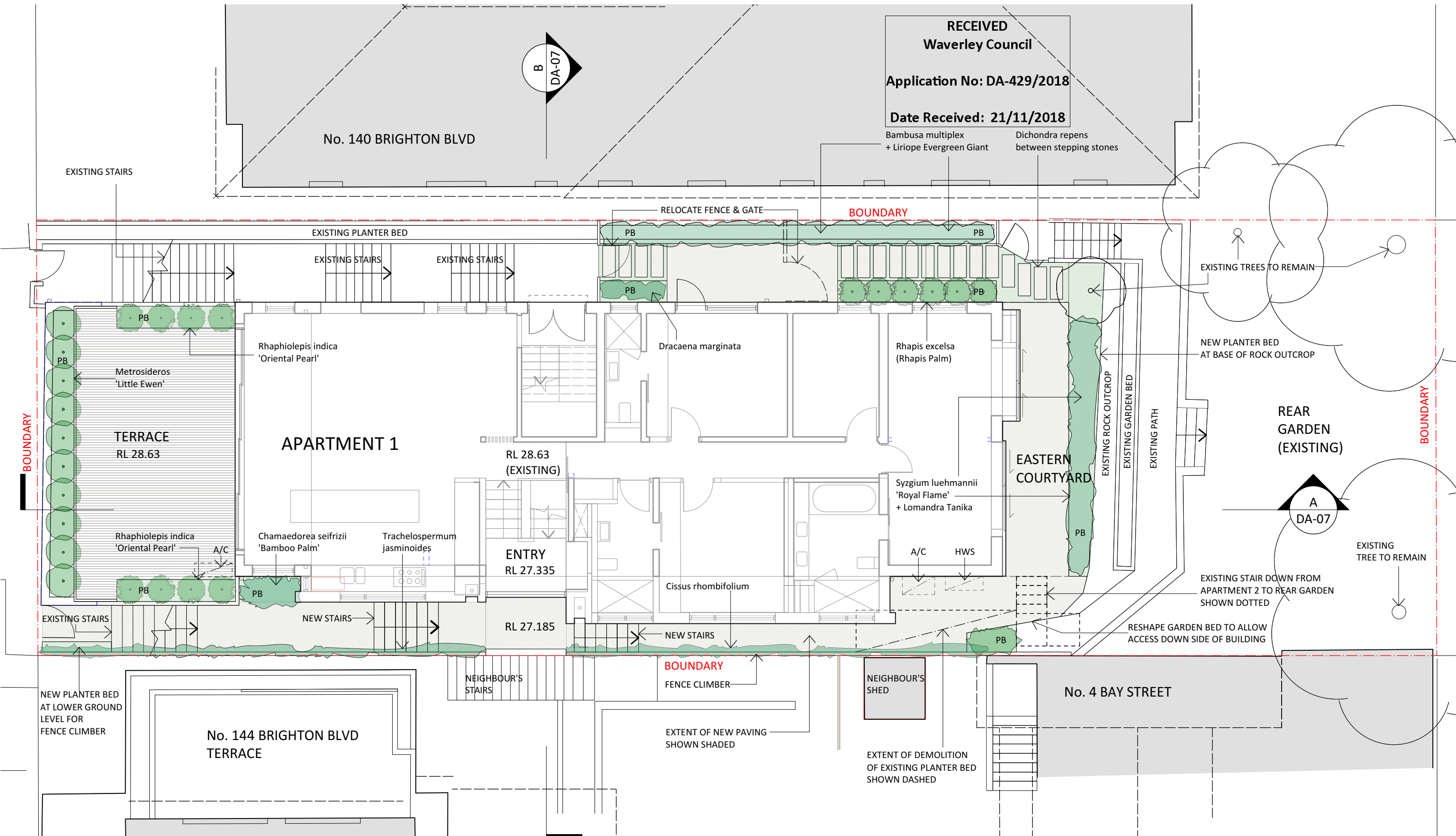
**LEGEND**

- EXISTING BUILDING FABRIC (IN SECTION)
- NEW BUILDING FABRIC (IN SECTION)
- EXTENT OF DEMOLITION
- ALTERATIONS OR ADDITIONS TO EXISTING BUILDING (IN ELEVATION)
- WINDOWS/GLAZING

SECTION BB  
1:100 @ A3



<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT ALTERATIONS &amp; ADDITIONS TO 142 BRIGHTON BLVD, NORTH BONDI</p>	<p>TITLE SECTIONS</p>	<p>SCALE 1:100 @ A3</p> <p>DATE REFER REVISION</p> <p>DRAWN JJ</p> <p>DWG NO DA-08</p> <p>REV A</p>	<p>Jane Johnson Architects</p> <p>A. Shop 1, 118 Macpherson St, Bronte. NSW 2024 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT MS. L. GODDARD</p>	<p>STATUS DEVELOPMENT APPLICATION</p>	<p>JJ 215</p>	



A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION

PROJECT  
**ALTERATIONS & ADDITIONS TO  
 142 BRIGHTON BLVD, NORTH BONDI**

TITLE  
**LANDSCAPE PLAN**

SCALE: 1:100 @ A3  
 DATE: REFER REVISION  
 DRAWN: JJ  
 DWG NO: DA-09  
 REV: A

ISSUE DATE REVISION

CLIENT  
**MS. L. GODDARD**

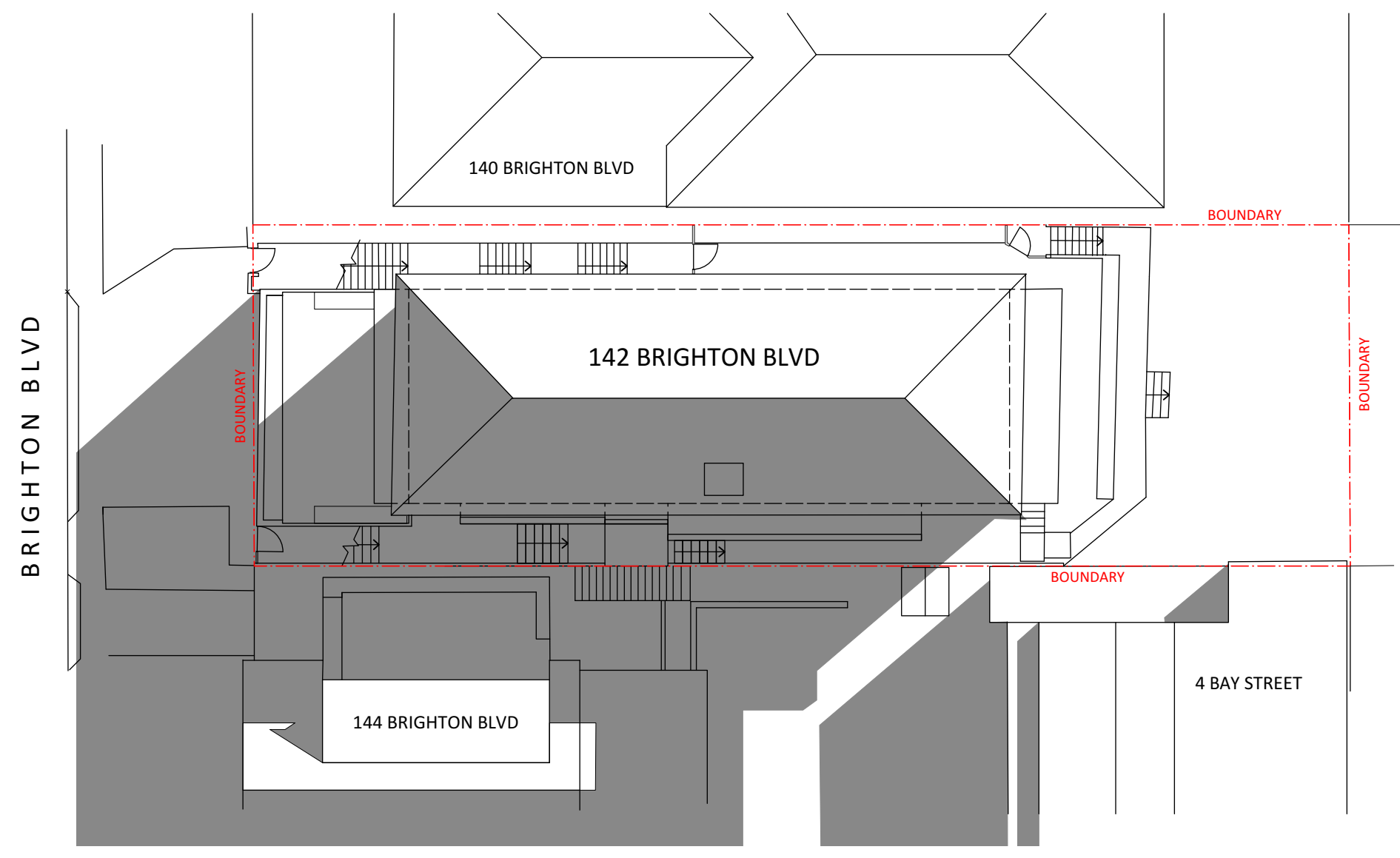
STATUS  
**DEVELOPMENT APPLICATION**

Jane Johnson Architects  
 A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  
 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519



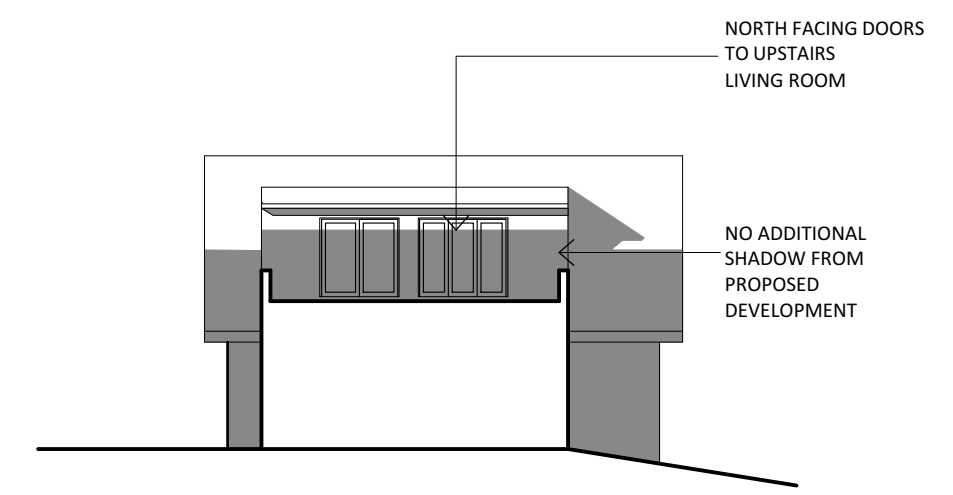


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Application No: DA-429/2018  
Date Received: 21/11/2018




**LEGEND:**

- SHADOW FROM EXISTING DEVELOPMENT
- ADDITIONAL SHADOW FROM PROPOSED DEVELOPMENT

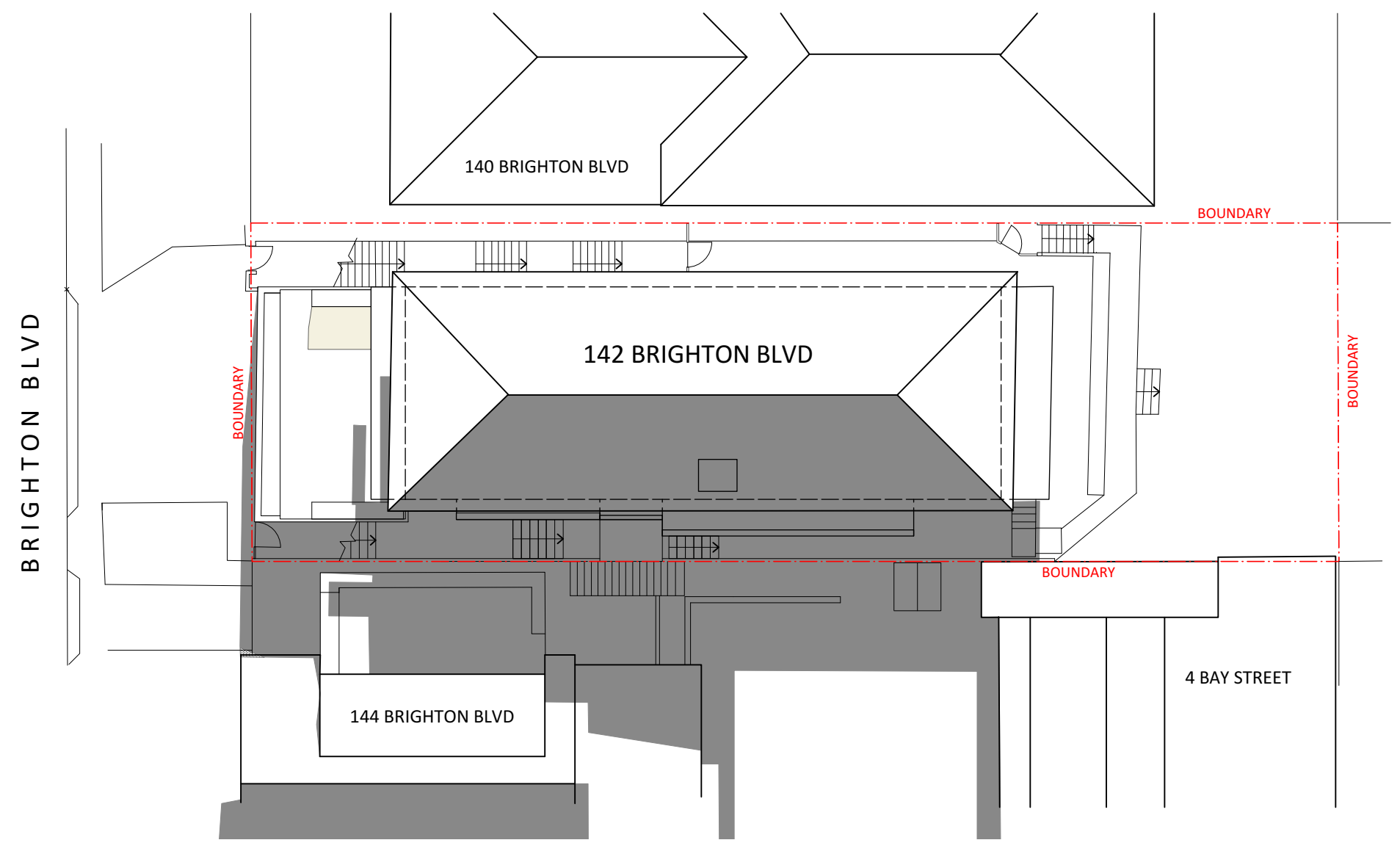


○ PLAN DIAGRAM

○ NEIGHBOURING PROPERTY NORTH ELEVATION  
144 BRIGHTON BLVD

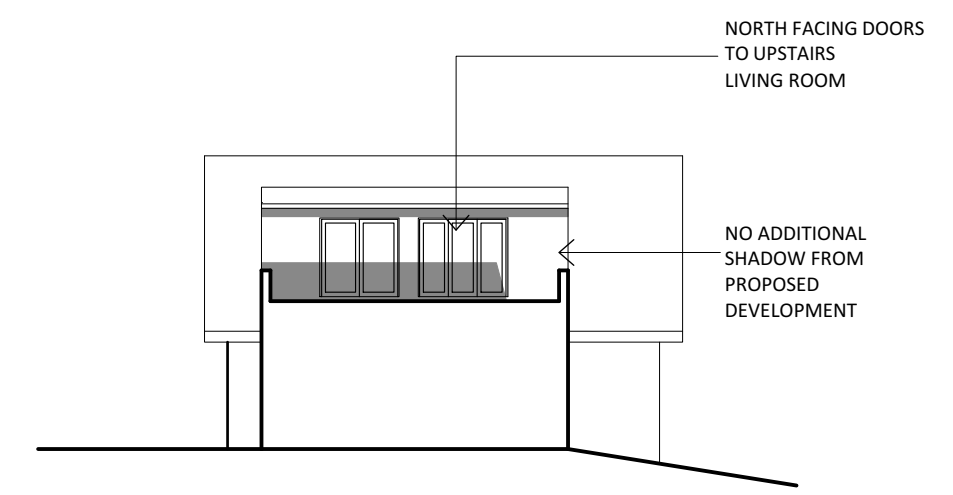
<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT  <b>ALTERATIONS &amp; ADDITIONS TO  142 BRIGHTON BLVD, NORTH BONDI</b></p>	<p>TITLE  <b>SHADOW DIAGRAMS  9am JUNE 21st</b></p>	<p>SCALE  <b>1:200 @ A3</b></p>	<p>DATE  <b>REFER REVISION</b></p>	<p>DRAWN  <b>JJ</b></p>	<p>DWG NO  <b>DA-10</b></p> <p>REV  <b>A</b></p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT  <b>MS. L. GODDARD</b></p>	<p>STATUS  <b>DEVELOPMENT APPLICATION</b></p>	<p><b>Jane Johnson Architects</b>  A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>			

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Date Received: 21/11/2018



**LEGEND:**

- SHADOW FROM EXISTING DEVELOPMENT
- ADDITIONAL SHADOW FROM PROPOSED DEVELOPMENT

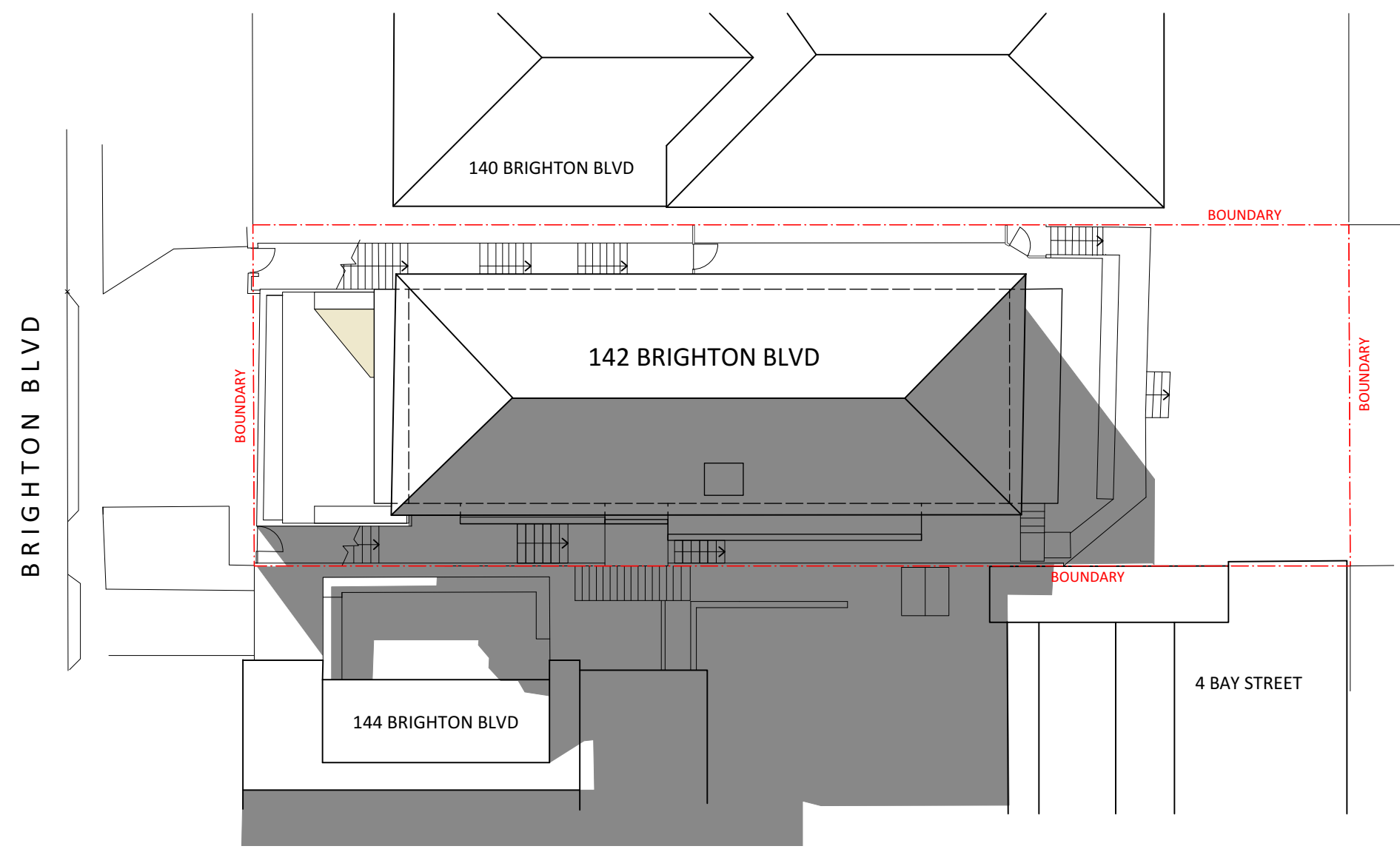


○ PLAN DIAGRAM

○ NEIGHBOURING PROPERTY NORTH ELEVATION  
144 BRIGHTON BLVD

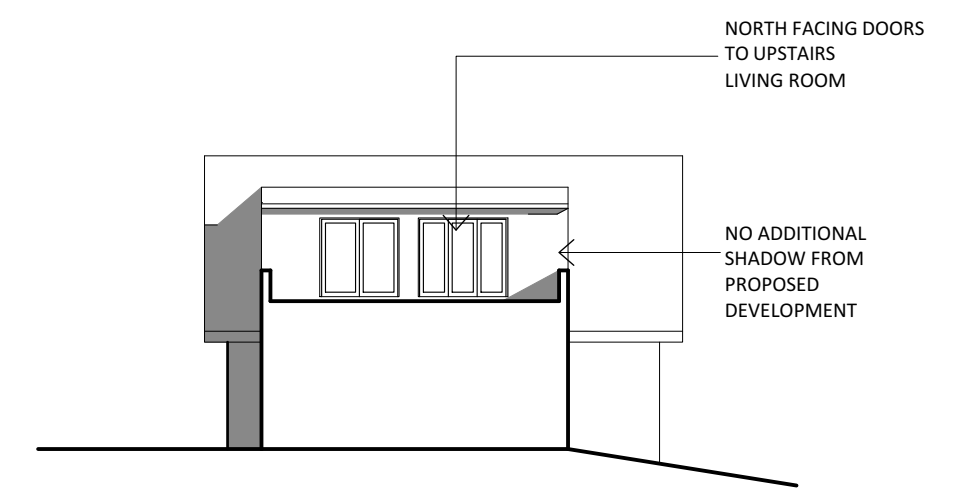
<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT  <b>ALTERATIONS &amp; ADDITIONS TO  142 BRIGHTON BLVD, NORTH BONDI</b></p>	<p>TITLE  <b>SHADOW DIAGRAMS  12pm JUNE 21st</b></p>		<p>SCALE  <b>1:200 @ A3</b></p>	<p>DATE  <b>REFER REVISION</b></p>	<p>DRAWN  <b>JJ</b></p>	<p>DWG NO  <b>DA-11</b></p> <p>REV  <b>A</b></p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT  <b>MS. L. GODDARD</b></p>	<p>STATUS  <b>DEVELOPMENT APPLICATION</b></p>	<p><b>Jane Johnson Architects</b>  A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>				

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Application No: DA-429/2018  
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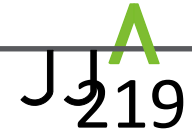
**LEGEND:**

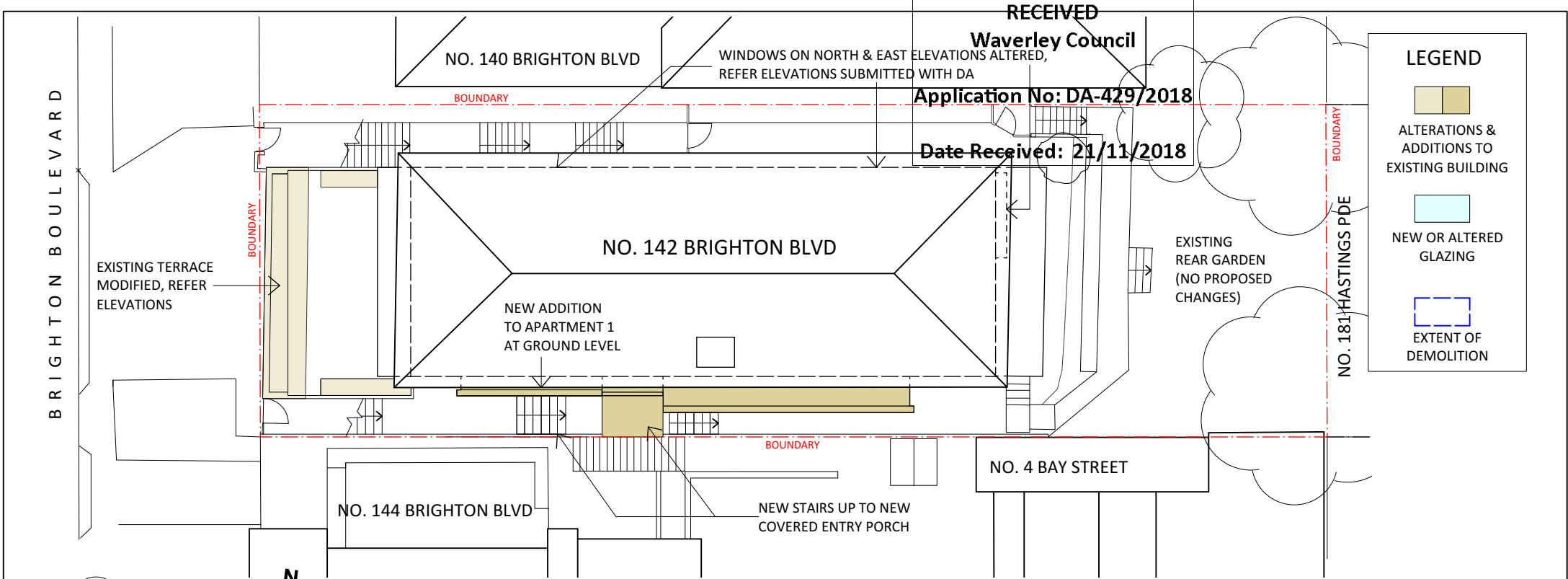
- SHADOW FROM EXISTING DEVELOPMENT
- ADDITIONAL SHADOW FROM PROPOSED DEVELOPMENT



○ PLAN DIAGRAM

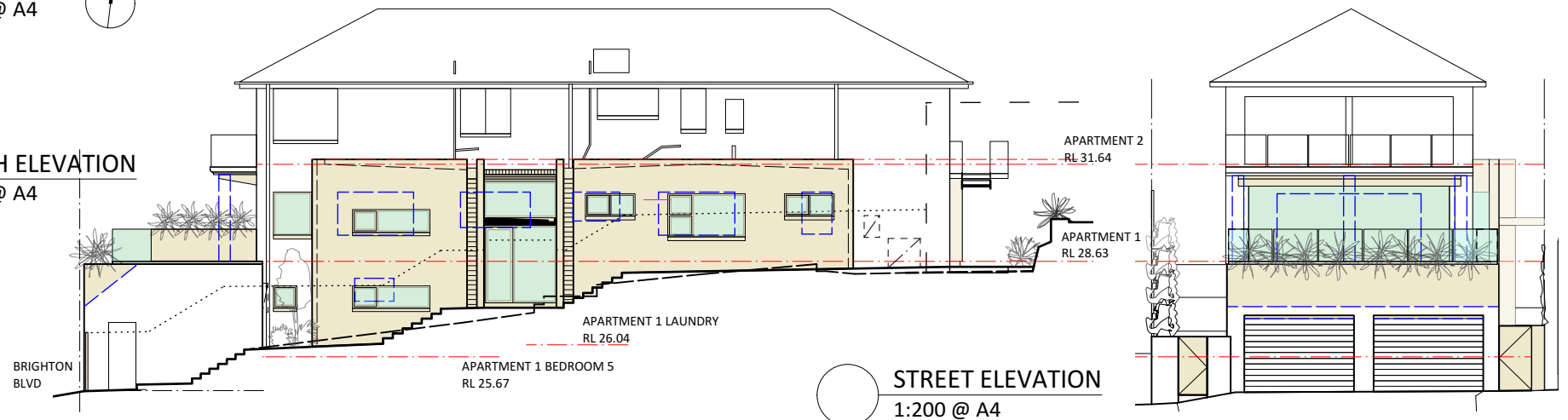
○ NEIGHBOURING PROPERTY NORTH ELEVATION  
144 BRIGHTON BLVD

<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT  <b>ALTERATIONS &amp; ADDITIONS TO  142 BRIGHTON BLVD, NORTH BONDI</b></p>	<p>TITLE  <b>SHADOW DIAGRAMS  3pm JUNE 21st</b></p>	<p>SCALE  <b>1:200 @ A3</b></p>	<p>DATE  <b>REFER REVISION</b></p>	<p>DRAWN  <b>JJ</b></p>	<p>DWG NO  <b>DA-12</b></p> <p>REV  <b>A</b></p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT  <b>MS. L. GODDARD</b></p>	<p>STATUS  <b>DEVELOPMENT APPLICATION</b></p>	<p><b>Jane Johnson Architects</b>  A. Shop 1, 118 Macpherson St, Bronte. NSW 2024  M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>			



○ SITE PLAN  
1:200 @ A4

○ SOUTH ELEVATION  
1:200 @ A4



○ STREET ELEVATION  
1:200 @ A4

<p>A 20/11/18 ISSUED FOR DEVELOPMENT APPLICATION</p>	<p>PROJECT ALTERATIONS &amp; ADDITIONS 142 BRIGHTON BLVD, NORTH BONDI</p>	<p>TITLE NOTIFICATION PLAN</p>	<p>SCALE 1:200 @ A4</p>	<p>DATE REFER REVISION</p>	<p>DRAWN JJ</p>	<p>DWG NO DA-13</p> <p>REV A</p>
<p>ISSUE DATE REVISION</p>	<p>CLIENT MS. L. GODDARD</p>	<p>STATUS DEVELOPMENT APPLICATION</p>	<p>Jane Johnson Architects A. Shop 1, 118 Macpherson St, Bronte. NSW 2024 M. 0402 940 198 E. jane@jjarchitects.com.au ABN. 90 869 807 519</p>			



<b>Application number</b>	DA-429/2018
<b>Site address</b>	142 Brighton Boulevard, North Bondi
<b>Proposal</b>	Alterations and additions to dual occupancy including demolition, internal reconfiguration terrace and various external changes.
<b>Date of lodgement</b>	21 November 2018
<b>Owner/Applicant</b>	Ms Linda Goddard
<b>Submissions</b>	One submission
<b>Cost of works</b>	\$490,919
<b>Issues</b>	FSR exceeds LEP development standard
<b>Recommendation</b>	That the application be APPROVED

### Site Map



## 1. PREAMBLE

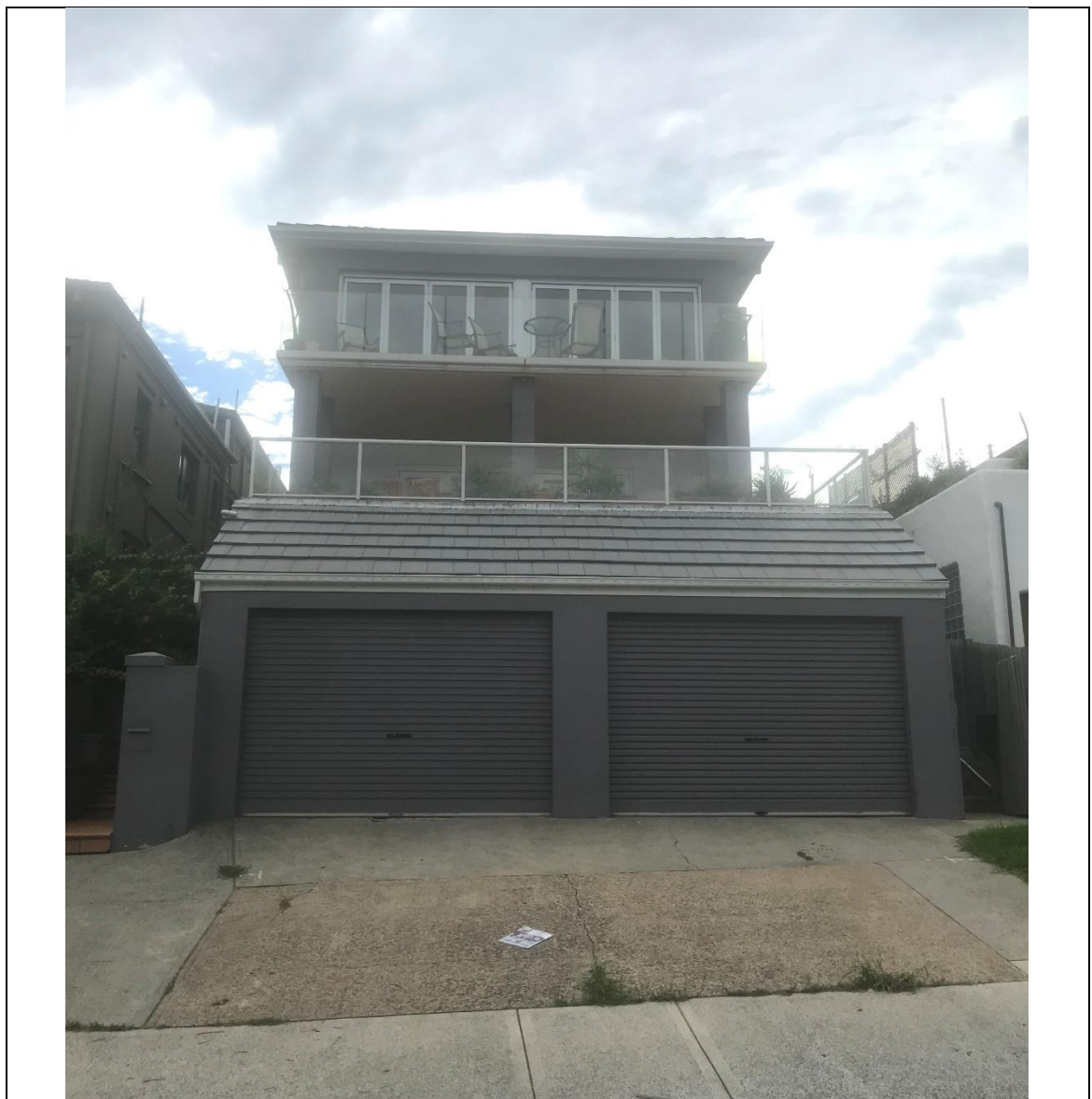
### 1.1 Site And Surrounding Locality

A site visit was carried out on 8 February 2019.

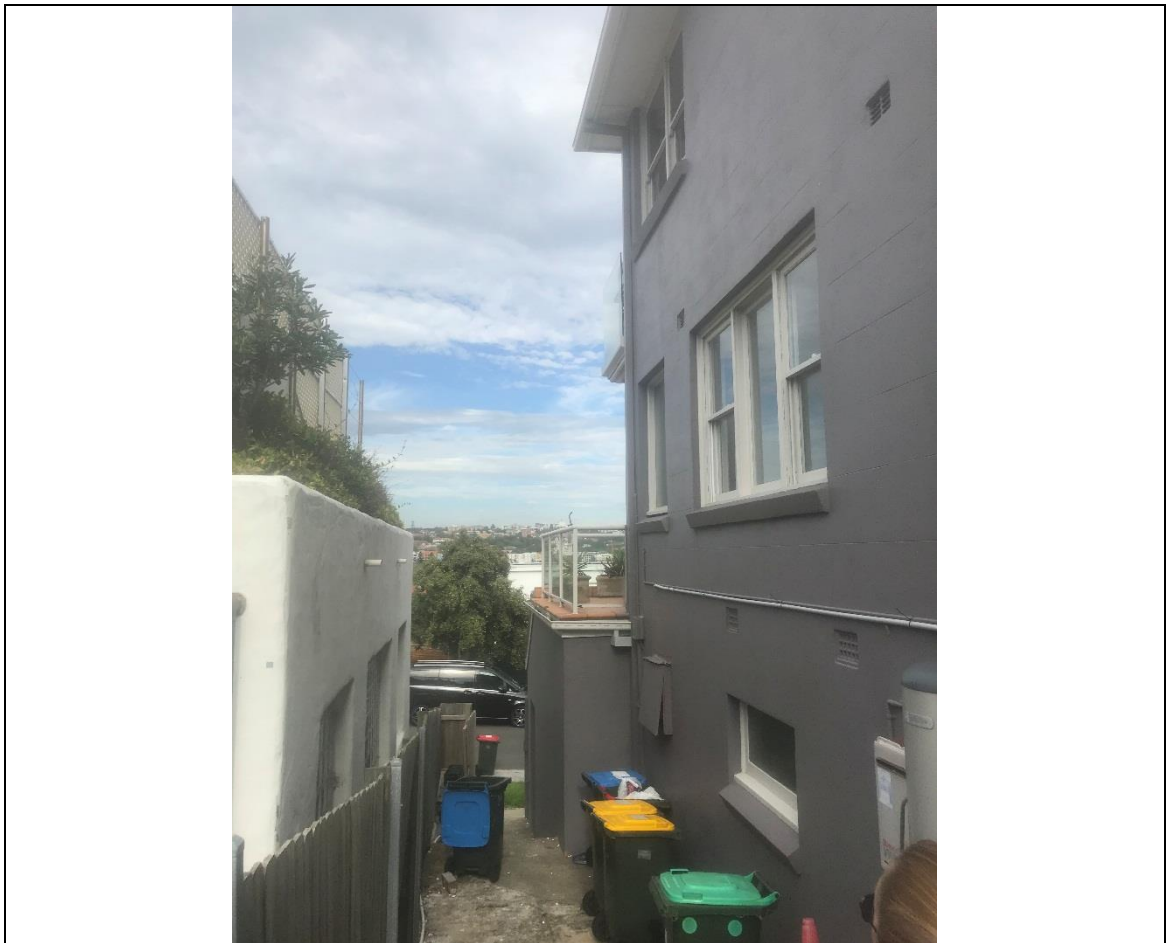
The site is identified as CP SP 51919, known as 142 Brighton Boulevard, North Bondi. The site is rectangular in shape with a street frontage measuring 12.5m. The site has an area of 477.4m<sup>2</sup> and slopes downwards from the rear of the property towards the street.

The site is occupied by a two storey detached dual occupancy with vehicular access provided from Brighton Boulevard and a garage located at the front of the site. The site is located within the Ben Buckler Special Character Area.

The subject site is adjoined by a detached single dwelling to the south and a residential flat building to the north. The Locality is characterised by a variety of residential developments including detached dwellings, dual occupancies and residential flat buildings.



**Figure 1:** Site viewed from Brighton Boulevard



**Figure 2:** Site viewed from the southern elevation

## 1.2 Relevant History

- DA-672/2009- Remove column on balcony to dual occupancy. Approved 05.1.210
- DA-908/2002- Erect brick fence. Approved 08.01.2003

## 1.3 Proposal

The application seeks approval for alterations and additions to a dual occupancy building including:

- Internal refurbishment of apartment 1, at the lower ground and ground floor levels.
- Alterations to the terrace for apartment 1.
- Construction of a single storey addition on the southern elevation to create a new entrance for apartment 1 and enlarge the floor space of the unit.
- New gate, fence and alterations to the existing fenestration.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

## 2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

### 2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

### 2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012) – Amendment 6.

(In force 1 November 2018)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is considered to be consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations to a dual occupancy, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>9.5m</li> </ul>	Yes	The proposal will not change the existing height of the building.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.6:1</li> </ul>	No	The proposed FSR is 0.69:1. See detailed discussion below.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 6 Additional local provisions</b>		
N/A		



The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

### **Exceptions to Development Standards**

#### Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.69:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 41.56m<sup>2</sup> in gross floor area or 14.51%.

The objectives of the FSR development standard within the LEP are:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

Objective (a) is not applicable to the subject site.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- *The proposed additional GFA is primarily made up of floor area within the existing building envelope which is currently not calculated as GFA as it storage or under floor area. If it was only the additional floor area outside the existing building envelope used to calculate the new FSR, the resultant FSR would be 0.63:1, a very minor variation on the standard.*
- *The minor variation does not compromise the bulk, scale, streetscape and desired future character of the locality, nor does it adversely impact on the environmental amenity of neighbouring properties or the amenity of the locality.*
- *The proposed additional GFA does **not** result in:*
  - *Additional overshadowing to neighbours;*
  - *An adverse impact on the streetscape, in fact it improves the southern elevation as seen from Bay Street;*
  - *Loss of privacy to neighbours;*
  - *Loss of beach or ocean views.*

The justification in the applicant's request has addressed subclause (3) of Clause 4.6. Not only must the consent authority be satisfied those matters have been addressed, but whether 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. Those matters are explored below.

### Correlation between Maximum Building Height and Density

The proposal does not result in an increase to the overall height of the building. The proposed building envelope and additional GFA is consistent with the existing building envelopes of similar developments in the locality. The proposal delivers a building of an appropriate height, bulk and scale to the site.

### Future Character of the Locality

The proposal is in keeping with the bulk and scale of the locality and maintains the rhythm of building frontages to the street. The design improves the appearance of the building from the streetscape and is compatible with the height, bulk and scale of the existing and future character of the locality.

### Amenity

The applicant has adequately demonstrated that the non-compliance with the height of buildings development standard will not result in discernible negative environmental impacts upon the amenity of adjoining properties in terms of overshadowing, solar access, view loss and visual impacts. The proposal will actually improve privacy for neighbouring residents.

The objectives of the R3 Medium Density Residential Zone must also be considered. They are:

#### *Objectives of zone:*

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal will improve the existing housing on site to meet the needs of the residents. The proposal is compatible with the surrounding residential land uses and provides for the continued use of the site as quality residential accommodation. The scale of the development and its typology is considered to be appropriate for the site and the surrounding area.

Therefore, the applicant has demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- there are sufficient environmental planning grounds to justify contravening the development standard.

It is concluded that the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone. The non-compliance is therefore supported having specific regard to the provisions under clause 4.6(3) and (4) of Waverley LEP 2012. The Clause 4.6 statement is available for the Panel's consideration as the consent authority.

#### 2.1.4 Waverley Development Control Plan 2012 (Amendment 6)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site.  The waste and recycling storage area is located in an area convenient for users of the site.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate which satisfies this section of the DCP.
6. Stormwater	Yes	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.

**Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas**

Development Control	Compliance	Comment
<b>1.3 Ben Buckler</b>		
Desired Future Character Objectives <ul style="list-style-type: none"> <li>• Maintain Landscape Character</li> <li>• Maintain rhythm of buildings to the street</li> <li>• Allow ocean glimpses through side setbacks</li> <li>• Respect character and architectural elements</li> <li>• View Sharing</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposal is considered to be in keeping with the character objectives for the Ben Buckler Special Character Area.</li> <li>• The rhythm and character of the existing buildings on the street will be maintained. The proposal will improve the appearance of the property and allow for the introduction of some planting around the balcony.</li> <li>• The proposals follows the design and materiality of the surrounding properties, many of which have balconies and terraces facing the street.</li> <li>• The proposal will have no impact on the existing beach and ocean views</li> </ul>

**Table 4: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table**

The proposal is defined as a Dual Occupancy in the LEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Pitched Roof dwelling house <ul style="list-style-type: none"> <li>• Maximum external wall height of 7m</li> </ul>	Yes	No change is proposed to the existing roof. The new parapet wall on the southern side of the building is 5.6m at the highest point.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• There is no existing front setback as the garage is right on the property boundary. The proposed extension to the terrace above the garage is consistent with several other properties along Brighton Boulevard and the surrounding locality.</li> <li>• The existing rear building line remains unchanged with the exception of a new bay window. This bay window is located below and existing first floor balcony which is set back significantly from the rear building line than the neighbouring building to the north.</li> </ul>
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>• Minimum of 0.9m for buildings up to 8.5m in height; 1.5m for buildings up to 12.5m in height</li> </ul>	Yes	Due to the steep site the building varies in height. No change is proposed to the existing northern setback. The setback on the southern elevation varies as a result of the additions to the existing building. The new setback varies between 900mm and 1500mm, following the steep profile of the site the setback decreases with the fall in the height of the building.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• New development to be compatible with streetscape context</li> <li>• Replacement windows to complement the style &amp;</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposal is compatible with the existing streetscape.</li> <li>• The new windows have been sympathetic designed and placed to align with the location and style of the existing windows in the building.</li> </ul>

Development Control	Compliance	Comment
proportions of existing dwelling <ul style="list-style-type: none"> <li>• Significant landscaping to be maintained.</li> <li>• Porticos only permitted where a character of the streetscape</li> </ul>		<ul style="list-style-type: none"> <li>• The proposal introduces additional landscaping to the first floor terrace, softening the appearance of the building.</li> <li>• No porticos are proposed.</li> </ul>
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>• Maximum height of 1.2m</li> <li>• Solid section no more than 0.6m high</li> </ul> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>• Maximum height of 1.8m</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The existing boundary fence will be replaced, measuring 1800mm.</li> <li>• 2100mm wall on boundary opposite the new entry to ensure privacy for the adjoining neighbouring property is considered acceptable.</li> </ul>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> <li>• External stairs are not acceptable.</li> <li>• Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>• Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposal includes a number of new windows.</li> <li>• The windows facing directly towards the windows of the neighbouring property will be obscured glazed to ensure privacy is not impacted.</li> <li>• No external access stairs are proposed.</li> <li>• The balcony will be reduced in size by 11sqm as a result of the proposal.</li> </ul>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>• Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>• Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	There will be no reduction in solar access to the living areas at the subject property or the neighbouring dwellings.
<b>2.7 Views</b>		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	Existing sea and beach views are unchanged by the development.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	The open space on site comprises 62% of the overall site area. 25% of the site area is landscaped. The proposed planter beds on the terrace will add a further 9sqm of landscaping to the front of the site.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

## 2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

## 2.4 Any Submissions

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

One submission was received. The issues raised in the submissions are summarised and discussed below.

**Table 5: Summary of property addresses that lodged a submission**

Property
144 Brighton Boulevard, North Bondi

*Issue: Impact on adjacent heritage item- The Hawkesbury Stone Grocery Store*

**Response:** The alterations are minor in scale and appropriately designed in the context of a heritage item and wider conservation area. The side addition has been set back from the street and is not considered to have a detrimental impact on the character and appearance of the heritage item. The alterations to the first floor terrace would mirror the design and appearance of a number of other street facing terraces along the street and improve the appearance of the building.

*Issue: The side addition would set a negative precedent and allow properties to similarly extend towards the side boundary. It would also open the opportunity for the upstairs neighbours to mirror the addition on the second floor which would have very adverse impacts in view loss and unreasonable bulk and scale next to a listed heritage item.*

**Response:** Any alterations to other properties would be subject to a DA and a detailed assessment on their own merit.

*Issue: Reduction to the side setback does not comply with the DCP.*

**Response:** The setback is considered satisfactory and would not result in adverse visual or privacy impacts.

*Issue: The extension of the balcony will have unacceptable privacy impacts and acoustic disturbance*

**Response:** The size of the balcony will actually be reduced as part of the proposal. The additional landscaping will also increase privacy between the two properties.

## **2.5 Public Interest**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

## **3. REFERRALS**

### **3.1 Stormwater – Creating Waverley**

The information submitted is not satisfactory however this can be resolved by way of condition.

### **3.2 Fire Safety – Building Waverley**

The proposal is acceptable subject to compliance with the recommended condition.

#### 4. SUMMARY

The application proposes alterations and additions to a dual occupancy building.

The proposal exceeds the FSR allowance of the LEP. A Clause 4.6 submission accompanies the application and the exceedance is considered to be justified.

The alterations to the terrace will improve the appearance of the building and will be in keeping with the design of several other properties in the locality. The internal alterations and replacement of windows on the side and rear elevations are not visible from the streetscape. The side addition is setback from the street and is not considered to have a detrimental impact on the Ben Buckler Special Character Area.

One letter of objection was received relating to privacy concerns and the reduction to the side setback on the southern elevation. The side addition has been sympathetically designed to include adequate setback and translucent glazing treatments to many of the windows. The proposed alterations will result in a reduction to the size of the terrace and the introduction of new planting which will serve to increase privacy for the neighbouring property. The objection is not considered to justify a refusal of the application.

The application is recommended for approval, subject to the conditions below.

#### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit by:**

Ellen Nicholson  
**Development Assessment Planner**

Paul Yachmennikov  
**Manager, Development Assessment**  
**(North/South)**

**Date:** 11/03/2019

**Date:** 15/03/2019

**Reason for referral:**

3 Departure from any development standard in an EPI by more than 10%



## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) The following architectural plans:

<b>Plan description</b>	<b>Revision No / Date</b>	<b>Date received by Council</b>
Site plan	Rev. A / 20.11.2018	21.11.2018
Basement plan	Rev. A / 20.11.2018	21.11.2018
Lower ground floor plan	Rev. A / 20.11.2018	21.11.2018
First floor plan	Rev. A / 20.11.2018	21.11.2018
Elevations sheet 1- east & west	Rev. A / 20.11.2018	21.11.2018
Elevations sheet 2- south	Rev. A / 20.11.2018	21.11.2018
Elevations sheet 3- north	Rev. A / 20.11.2018	21.11.2018
Sections	Rev. A / 20.11.2018	21.11.2018
Landscape plan	Rev. A / 20.11.2018	21.11.2018

(b) BASIX Certificate;

(c) Schedule of external finishes and colours received by Council on 21.11.18; and

(d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

#### **3. TREE PRESERVATION**

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

#### **4. DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in

NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

#### **5. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **6. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority.

### **7. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$10,300 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit

### **8. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

### **9. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste docket that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **10. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **11. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **12. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

## **13. STORMWATER MANAGEMENT**

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

## **14. ON-SITE STORMWATER DETENTION DETAILS**

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

## **15. BASIX**

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **16. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **17. HOME BUILDING ACT**

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

### **18. FIRE SAFETY UPGRADING WORKS**

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations identified in the Building Code of Australia Assessment Report prepared by Cameron Clark and Warwick Hunter of BCA Logic Pty Ltd and dated 14/11/2018 with Reference 109589-BCA-r1 and the following additional fire safety upgrading works;
  - (i) The ceiling heights to the lower ground floor bathroom and bedroom must comply with the requirements of Section F of the Building Code of Australia.
  - (ii) Where service installations or the like penetrates a building element (other than an external wall or roof) that is required to have an FRL in respect to integrity or insulation or resistance to the incipient spread of fire, it must be protected in accordance with Part C3 of BCA2015.
  - (iii) The proposed new openings in the external walls located within 3m of a fire source feature must be protected in accordance with Section C of the Building Code of Australia.
  - (iv) An automatic smoke detection and alarm system must be provided throughout the building in accordance with the requirements of Part E2 of the Building Code of Australia.
  - (v) Prior to the issue of an Occupation Certificate, all fire safety upgrading works are to be completed and certified in accordance with recommendations contained within the Building Code of Australia Assessment Report prepared by Cameron Clark and Warwick Hunter of BCA Logic Pty Ltd and dated 14/11/2018 with Reference 109589-BCA-r1 and the additional fire safety upgrading works required by conditions of development consent. Furthermore, upon completion of all fire safety upgrading works, a Final Fire

Safety Certificate must be submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:-

1. has been assessed by a properly qualified person; and
  2. has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.
- b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

#### **19. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

#### **20. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

#### **21. STREET TREES TO BE RETAINED**

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

#### **22. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

#### **23. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on

Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environment Operations (Noise Control) Regulation 2000.

#### **24. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

All building materials and any other items associated with the development are to be stored within the the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

#### **25. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

#### **26. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the National Construction Code is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

#### **27. CERTIFICATE OF SURVEY – LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

#### **28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

#### **29. SERVICE PIPES**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

#### **30. WORK OUTSIDE PROPERTY BOUNDARY**

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

#### **31. NO WORKS BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.



## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **32. FINAL OCCUPATION CERTIFICATE**

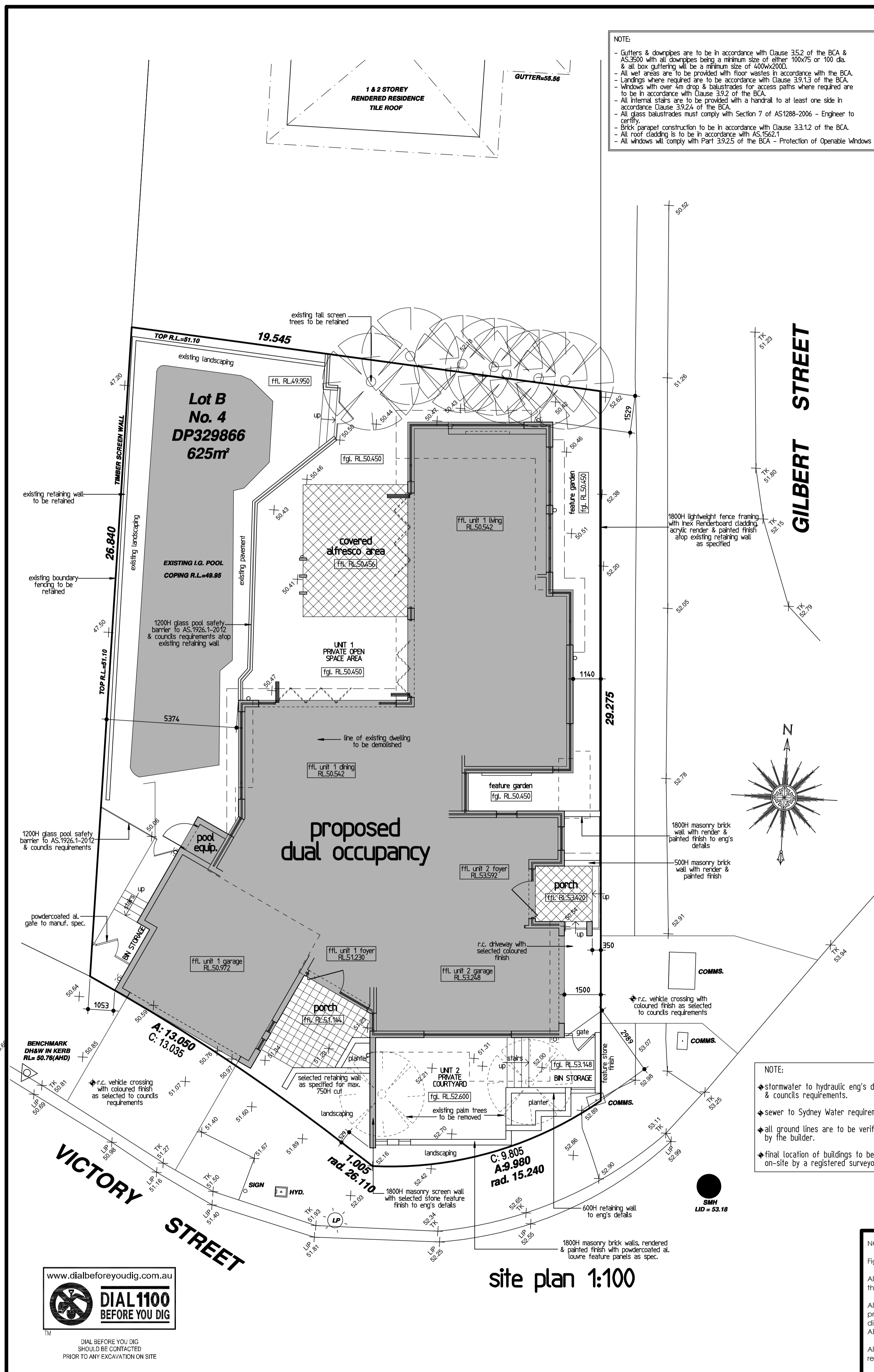
Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **33. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

### **34. LIGHTING**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.



**NOTE:**

- Gutters & downpipes are to be in accordance with Clause 3.5.2 of the BCA & AS3500 with all downpipes being a minimum size of either 100x75 or 100 dia. & all box gutters will be a minimum size of 400x200.
- All wall areas are to be provided with floor wastes in accordance with the BCA Landings where required are to be in accordance with Clause 3.9.1.3 of the BCA. Windows with over 4m drop & balustrades for access paths where required are to be in accordance with Clause 3.9.2 of the BCA.
- All internal stairs are to be provided with a handrail to at least one side in accordance Clause 3.9.2.4 of the BCA.
- All glass balustrades must comply with Section 7 of AS1288-2006 - Engineer to certify.
- Brick parapet construction to be in accordance with Clause 3.3.1.2 of the BCA.
- All roof cladding is to be in accordance with AS1562.1
- All windows will comply with Part 3.9.2.5 of the BCA - Protection of Operable Windows

BASIX ITEM	PROJECT REQUIREMENTS
<b>LANDSCAPING:</b>	<ul style="list-style-type: none"> <li>INDIVIDUAL LANDSCAPING (PERVIOUS) AREA FOR DWELLINGS AS FOLLOWS:               <ul style="list-style-type: none"> <li>Unit 1 - 123.0m²</li> <li>Unit 2 - 71.5m²</li> </ul> </li> <li>NO COMMON AREA GARDENS OR LAWNS.</li> </ul>
<b>WATER COMMITMENTS:</b>	<p>EACH UNIT IS TO BE PROVIDED WITH:</p> <ul style="list-style-type: none"> <li>3 STAR RATED SHOWER HEADS (7.5 TO 9.0L/MINUTE).</li> <li>4 STAR RATED TOILETS.</li> <li>4 STAR RATED KITCHEN TAPS.</li> <li>4 STAR RATED BATHROOM TAPS.</li> <li>2 STAR DISHWASHER.</li> <li>A MINIMUM 3,000L RAINWATER TANK, SUPPLIED BY AT LEAST 13.5m² FOR UNIT 1 AND AT LEAST 313.5m² FOR UNIT 2.</li> <li>RAINWATER TANK TO BE CONNECTED TO THE TOILETS AND LAUNDRIES OF EACH UNIT AND TO BE USED FOR GARDEN WATERING.</li> </ul>
<b>THERMAL COMFORT - SIMULATION METHOD:</b>	<p>EACH UNIT IS TO BE PROVIDED WITH:</p> <ul style="list-style-type: none"> <li>FLOOR INSULATION - <u>NIL</u>.</li> <li>INTERNAL WALL BETWEEN GARAGE AND UNIT ADDED INSULATION - <u>R1.0</u> OR HIGHER.</li> <li>SEPARATING WALL BETWEEN UNITS TOTAL ADDED INSULATION - <u>R1.0</u> PER UNIT, OR HIGHER.</li> <li>CAVITY BRICK EXTERNAL WALL ADDED INSULATION - <u>R1.0</u> OR HIGHER.</li> <li>CEILING ADDED INSULATION - <u>R3.0</u> (TO ROOF SPACE), OR HIGHER.</li> <li>COLORBOND ROOF (LIGHT COLOUR) ADDED <u>25m²</u> (MIN) GLASS UP.</li> <li>GLAZING - ALUMINIUM/TIMBER FRAMED STANDBY GLASS ALL WINDOWS / SKYLIGHTS / GLAZED DOORS.</li> <li>REFER TO THE INDIVIDUAL NATHER'S CERTIFICATES FOR ADDITIONAL DETAILS ON THE U-VALUES, SHGC VALUES AND INSULATION.</li> </ul>
<b>ENERGY COMMITMENTS:</b>	<p>EACH DWELLING SHALL BE PROVIDED WITH:</p> <ul style="list-style-type: none"> <li>MINIMUM 5 STAR GAS INSTANTANEOUS HOT WATER SYSTEM, OR HIGHER.</li> <li>ALL BATHROOMS AND THE KITCHEN TO HAVE MECHANICAL VENTILATION - DUCTED EXTERNALLY / MANUAL SWITCH ON/OFF. THE LAUNDRY SHALL BE PROVIDED WITH NATURAL VENTILATION.</li> <li>NATURAL LIGHTING AVAILABILITY TO BATHROOMS AND KITCHENS AS SCHEDULED IN THE BASIX CERTIFICATE.</li> <li>GAS COOKTOP AND ELECTRIC OVEN.</li> <li>PRIMARY ACTIVE COOLING TO BE PROVIDED BY THREE PHASE DUCTED AIR CONDITIONING TO THE LIVING ROOM (EER 3.0-3.5 FOR COOLING; OR HIGHER).</li> <li>PRIMARY ACTIVE HEATING TO BE PROVIDED BY MINIMUM 4 STAR GAS EXHAUSTED HEATED TO THE LIVING ROOM.</li> <li>PRIMARY ACTIVE COOLING AND HEATING TO BE PROVIDED BY THREE PHASE DUCTED AIR CONDITIONING TO ALL BEDROOMS (EER 3.0-3.5 FOR COOLING AND HEATING; OR HIGHER).</li> <li>AIR CONDITIONING TO BE ZONED BETWEEN BEDROOM AND LIVING AREAS.</li> <li>WELL VENTILATED REFRIGERATOR SPACE.</li> <li>OUTDOOR CLOTHES DRYING LINE.</li> <li>INDOOR CLOTHES DRYING LINE.</li> <li>THE FOLLOWING ROOMS ARE TO BE DEDICATED TO FLUORESCENT OR LED LIGHTING:           <ul style="list-style-type: none"> <li>ALL BEDROOMS</li> <li>THREE LIVING/DINING AREAS;</li> <li>THE KITCHEN;</li> <li>ALL BATHROOMS / TOILETS / LAUNDRY;</li> <li>ALL HALLWAYS.</li> </ul> </li> </ul>

**site data:**

**floor area (Unit 1):**

- lower floor = 240.85 sqm.
- middle floor inc. r.o.c. void = 157.14 sqm.
- sub-total = 397.99 sqm. or 42.8 squares
- porch = 6.57 sqm.
- alfresco = 23.54 sqm.
- terrace = 20.93 sqm.
- total = 449.03 sqm. or 48.3 squares

**floor area (Unit 2):**

- lower floor = 40.01 sqm.
- middle floor = 70.73 sqm.
- upper floor inc. r.o.c. void = 225.13 sqm.
- sub-total = 335.87 sqm. or 36.2 squares
- porch = 6.71 sqm.
- terrace = 36.75 sqm.
- balconies = 11.20 sqm.
- total = 390.53 sqm. or 42.0 squares

**site area:**

- site = 625.00 sqm.
- gross floor area indicated shaded on floor plans = 473.79 sqm.
- floor space ratio = 0.758:1
- paved external areas = 53.81 sqm.
- existing swimming pool = 65.30 sqm.
- open space inc. alfresco areas & paved areas, existing pool & driveway = 344.14 sqm. or 55.1% of site
- landscaped area as per landscaping plan = 165.7 sqm. or 26.4% of site

**NOTE:**

- stormwater to hydraulic eng's details & councils requirements.
- sewer to Sydney Water requirements.
- all ground lines are to be verified on-site by the builder.
- final location of buildings to be verified on-site by a registered surveyor.



photomontage - front view



photomontage - side view



photomontage - rear view



**NOTE:**

Figured dimensions are to take preference over scaling.

All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.

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All plans are to be read in conjunction with supporting report documentation & other consultants details.

issue	date	description
a	04-07-17	FOR DA SUBMISSION
b	02-03-18	COUNCIL REQUESTED REVISIONS

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 phone: (02) 47 026 020  
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 email: daniel@adandesigns.com  
 web: www.adandesigns.com

adan creative designs is a member of: building designers association of australia, membership number: 1119-10

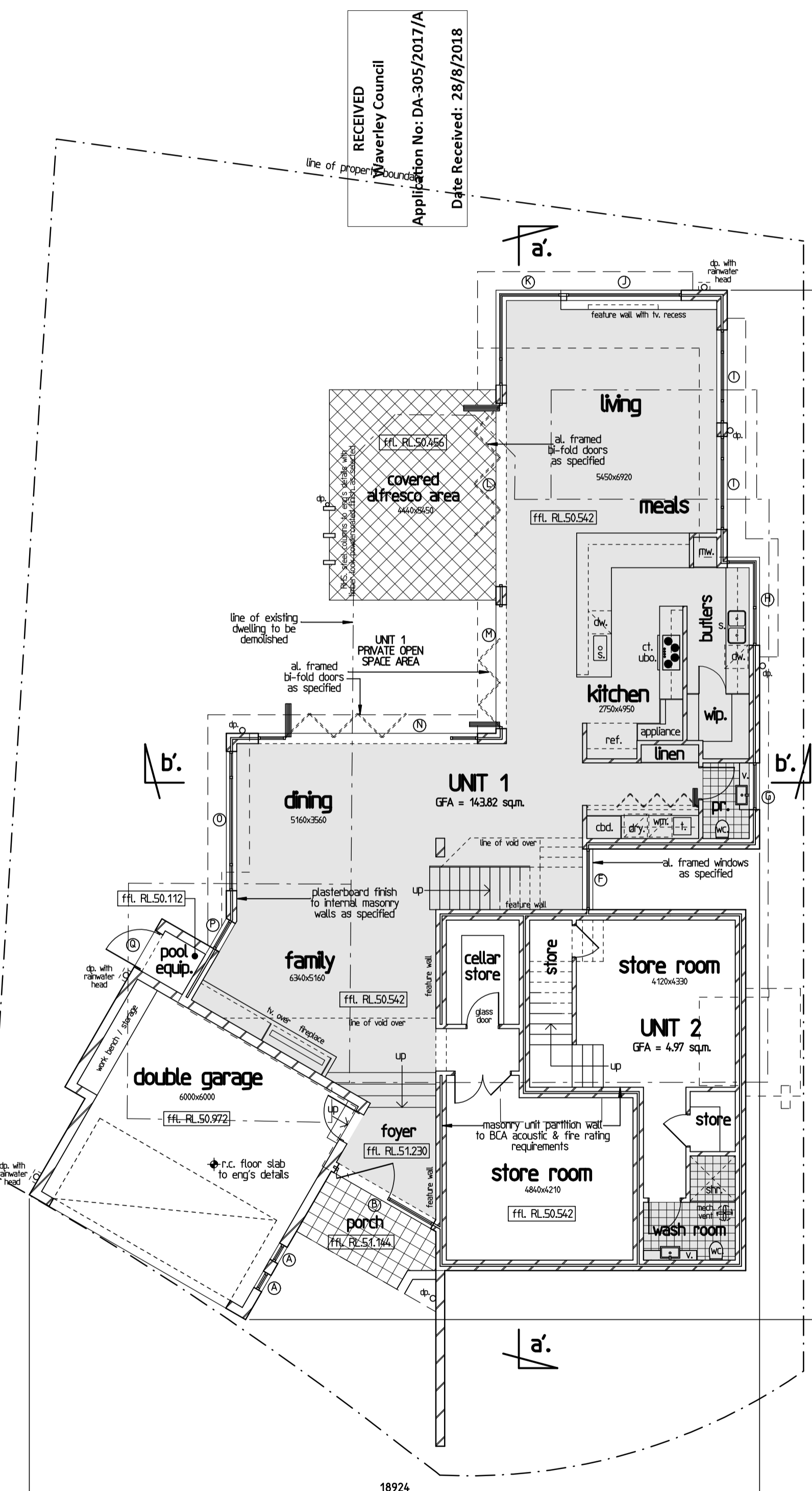
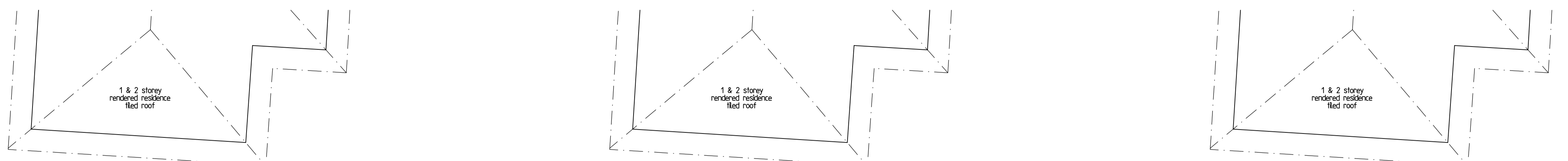
client: **Mr. & Mrs. Weiner**  
 job address: **Lot B in dp.329866, No.4 Victory Street, Rose Bay**  
 builder:

project description: **Proposed Dual Occupancy Development**  
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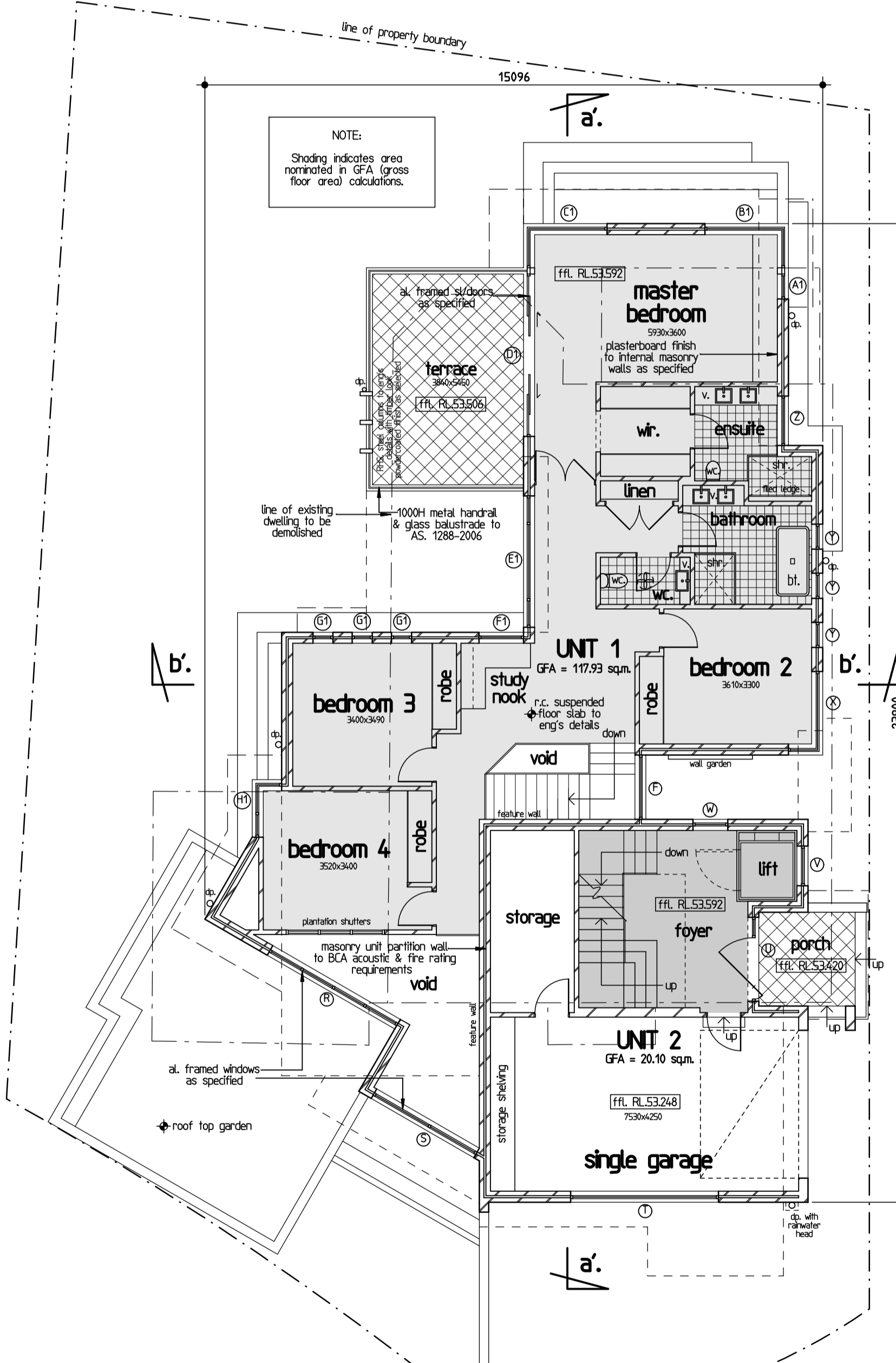
sheet 1 of 4, drawing n. 1946-16DAb, date: 02/03/2018

window / door schedule						
label	qty.	description	specifications	glazing	wall	window frame height width
(A)	2	al. fr. fixed glass window			230	2000 490
(B)	1	al. fr. timber pivot door & skieight			270	2600 2890
(C)						
(D)	1	al. fr. awning/fixed window			270	5450 1570
(E)	1	al. fr. awning window			270	500 1210
(F)	1	al. fr. awning/fixed pillarless glass window	site measure		270	1370 2190/750
(G)	2	al. fr. louvre/fixed/louvre glass window	brassway louvre system, site measure		270	2400 2410
(H)	1	al. fr. fixed glass window			270	500 2970
(I)	1	al. fr. fixed pillarless/louvre glass window	brassway louvre system, site measure		270	2400 1990/2370
(J)	1	al. fr. bi-fold patio doors - 5 leaf			270	2400 4750
(K)	1	al. fr. bi-fold patio doors - 4 leaf			270	2400 3210
(L)	1	al. fr. 5 leaf bi-fold doors & louvre skieights	brassway louvre system		270	2400 5680
(M)	1	al. fr. louvre/fixed/louvre glass window	brassway louvre Stronghold system		270	2400 3610
(N)	1	al. fr. fixed glass window			270	2400 840
(O)	1	powdercoated al. fr. louvre door			230	2400 1090
(P)	1	al. fr. fixed glass window			270	1600 3600
(Q)	1	al. fr. fixed glass window			270	1800 2890
(R)	1	al. fr. fixed glass window			270	600 3610
(S)	1	al. fr. timber pivot door & skieight			270	2700 2050
(T)	1	al. fr. fixed glass window			270	5450 970
(U)	1	al. fr. louvre glass window			270	2400 850
(V)	1	al. fr. fixed pillarless glass window	site measure		270	1500 750/950
(W)	3	al. fr. awning window			270	1500 610
(X)	1	al. fr. awning window			270	500 1210
(Y)	1	al. fr. louvre glass window	brassway louvre system		270	1500 610
(Z)	1	al. fr. fixed pillarless glass window	site measure		270	1500 990/950
(AA)	1	al. fr. fixed pillarless glass window	site measure		270	1500 950/990
(AB)	1	al. fr. sliding doors - 4 panel			270	2400 3970
(AC)	1	al. fr. louvre/fixed/louvre glass window			270	2400 3210
(AD)	1	al. fr. awning window			270	1500 1090
(AE)	3	al. fr. awning window	restricted opening		270	1500 490
(AF)	1	al. fr. fixed pillarless/awning window	restricted opening site measure		270	1500 630/1910
(AG)	1	al. fr. fixed pillarless glass window	site measure		270	2400 870/870
(AH)	1	al. fr. sliding door - 2 panel			270	2400 2170
(AI)	1	al. fr. stacker sl/doors - 3 panel			270	2400 2890
(AJ)	2	al. fr. louvre glass window	brassway louvre Stronghold system		270	2400 610
(AK)	1	al. fr. fixed glass window			270	2400 610
(AL)	1	al. fr. awning/fixed pillarless window	site measure		270	600 2070/1700
(AM)	1	al. fr. awning window			270	600 850
(AN)	2	al. fr. fixed glass window			270	600 610
(AO)	1	al. fr. glass french doors			270	2400 1730
(AP)	1	al. fr. awning window	restricted opening		270	500 1570
(AQ)	1	al. fr. fixed pillarless/awning window	restricted opening site measure		270	1370 1110/1470
(AR)	2	al. fr. louvre glass window	brassway louvre Stronghold system		270	1800 850
(AS)	1	al. fr. fixed glass window			270	1800 850
(AT)	1	al. fr. fixed glass window			270	500 3210
(AU)	1	al. fr. fixed pillarless glass window	site measure		270	2400 950/990
(AV)	1	al. fr. bi-fold patio doors - 5 leaf			270	2400 4190
(AW)	1	al. fr. bi-fold corner patio doors - 5 leaf	site measure		270	2400 4330/3330
(AX)	1	al. fr. fixed pillarless glass window	site measure		270	2100 1980/1940
(AY)	2	al. fr. louvre glass window	brassway louvre Stronghold system		270	2100 610
(AZ)	3	al. fr. awning window	restricted opening		270	1500 490
Total: 66						

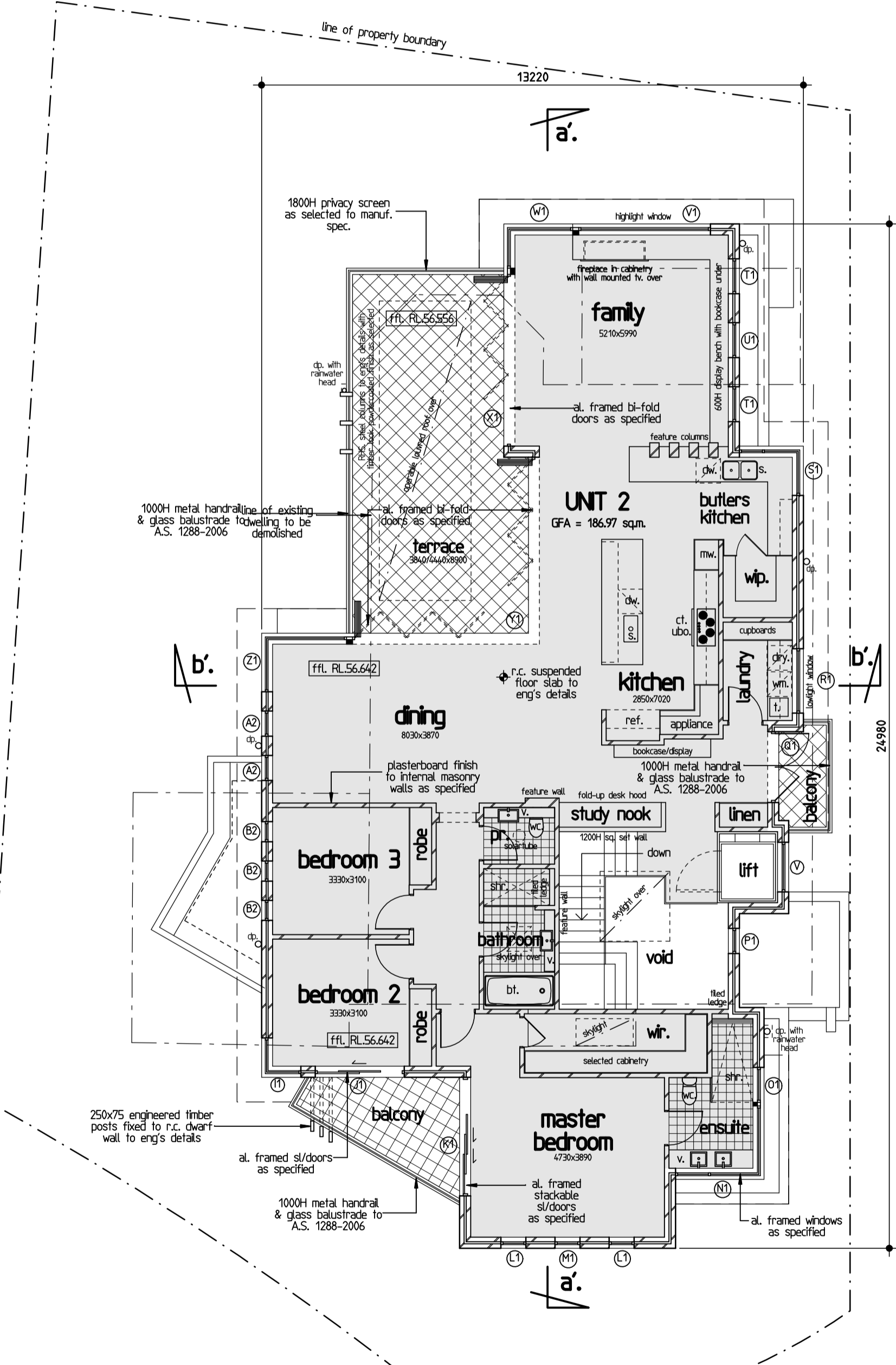
NOTE:  
 All window sizes are nominal and are to be verified on-site by the selected window manufacturer.  
 Selected manufacturer schedule of size for frame and glazing is to override shown nominal sizes.  
 See appended basis certificate for aluminium frame and glazing requirements.  
 Shading to window schedule indicates operable windows that require either approved fixed glazing or restricted opening devices being fitted in order to meet the requirements of Clause 39.2 of the BCA (Clause 39.2 Selecting Fixed Glazing) and BCA Clause 39.2.5 Protection of Operable Windows.



lower floor plan 1:100



middle floor plan 1:100



upper floor plan 1:100

NOTE:  
 Figured dimensions are to take preference over scaling.

issue	date	description
a	04-07-17	FOR DA SUBMISSION
b	02-03-18	COUNCIL REQUESTED REVISIONS

All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.

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client:  
**Mr. & Mrs. Weiner**

job address:  
**Lot B in dp.329866, No.4  
 Victory Street, Rose Bay**

builder:

project description:  
**Proposed Dual Occupancy  
 Development**

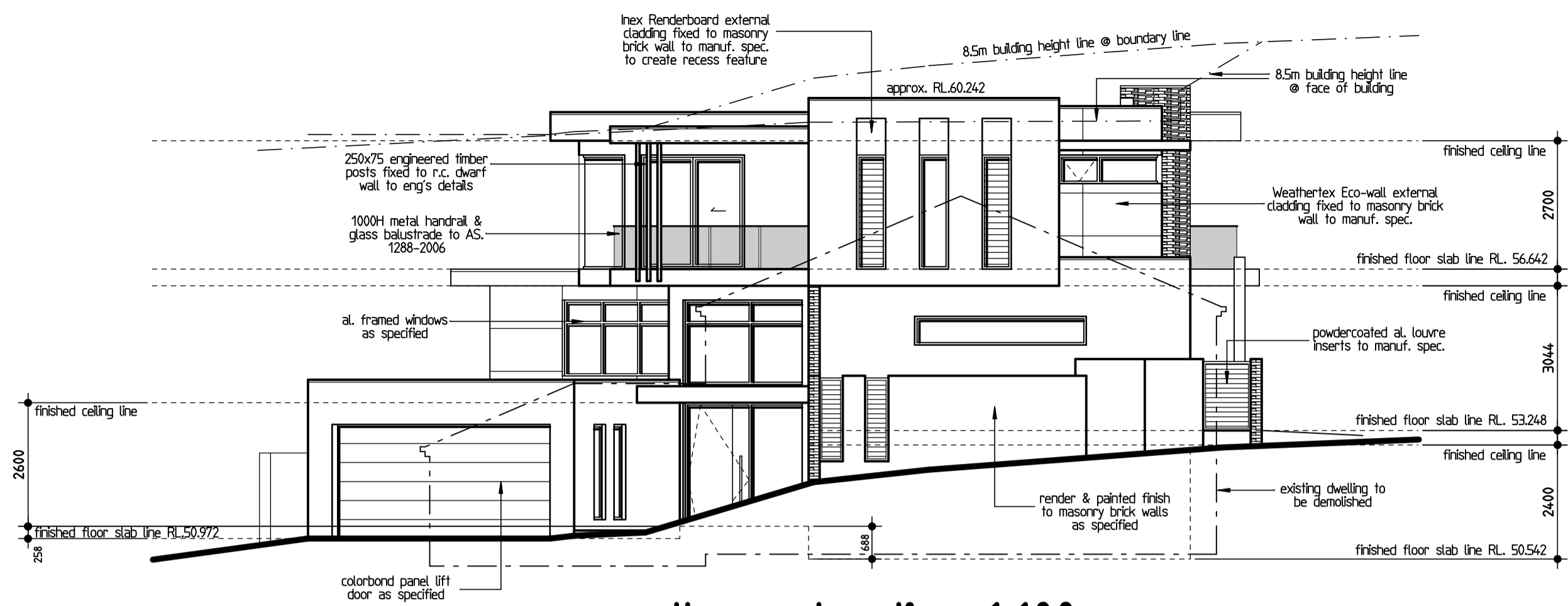
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sheet  
**2 of 4**

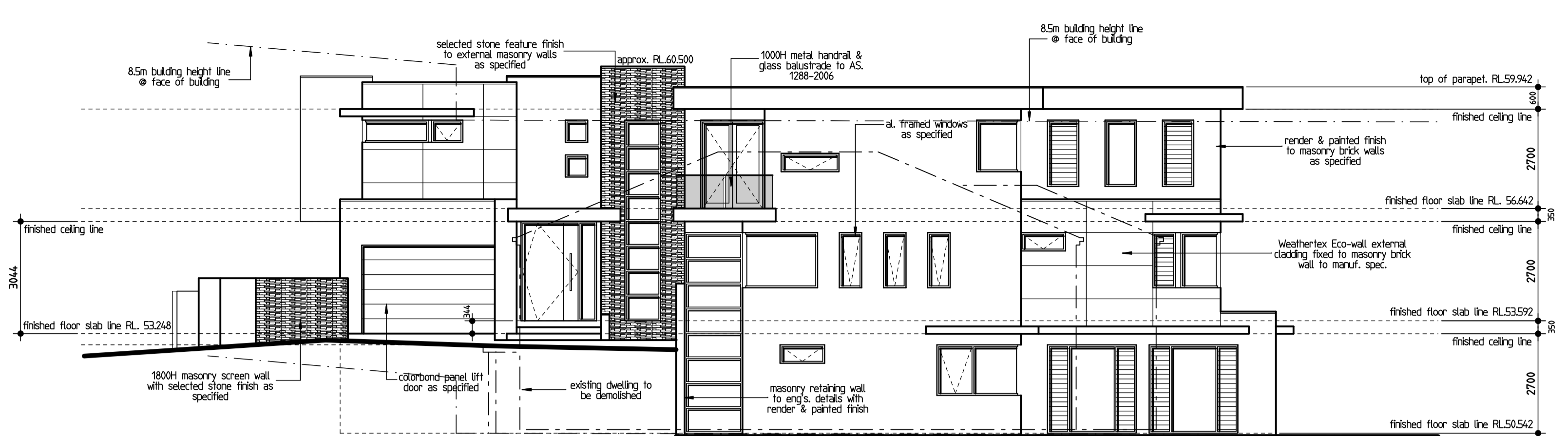
drawing n.  
**1946-16DAb**

date:  
**02/03/2018**

NOTE:  
 - Gutters & downpipes are to be in accordance with Clause 35.2 of the BCA & AS 3500 with all downpipes being a minimum size of either 100mm or 150 dia. & all box gutters will be a minimum size of 400mm x 200mm.  
 - All wet areas are to be provided with floor wastes in accordance with the BCA.  
 - Landings where required are to be in accordance with Clause 39.1.3 of the BCA.  
 - Windows with over 4m drop & balustrades for access paths where required are to be in accordance with Clause 39.2 of the BCA.  
 - All internal stairs are to be provided with a handrail to at least one side in accordance Clause 39.2.4 of the BCA.  
 - All glass balustrades must comply with Section 7 of AS1288-2006 - Engineer to certify.  
 - Brick parapet construction to be in accordance with Clause 3.3.12 of the BCA.  
 - All roof cladding is to be in accordance with AS 1562.1  
 - All windows will comply with Part 3.9.2.5 of the BCA - Protection of Operable Windows

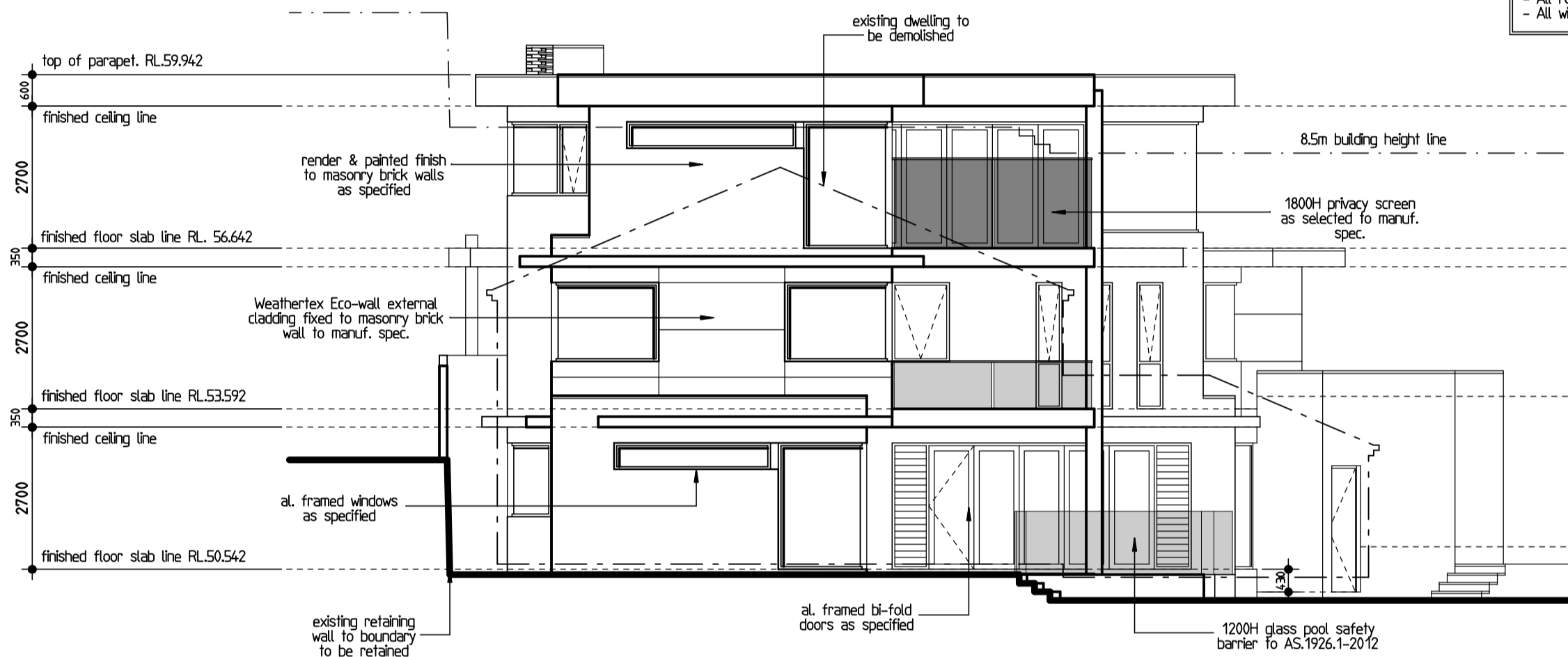


southern elevation 1:100

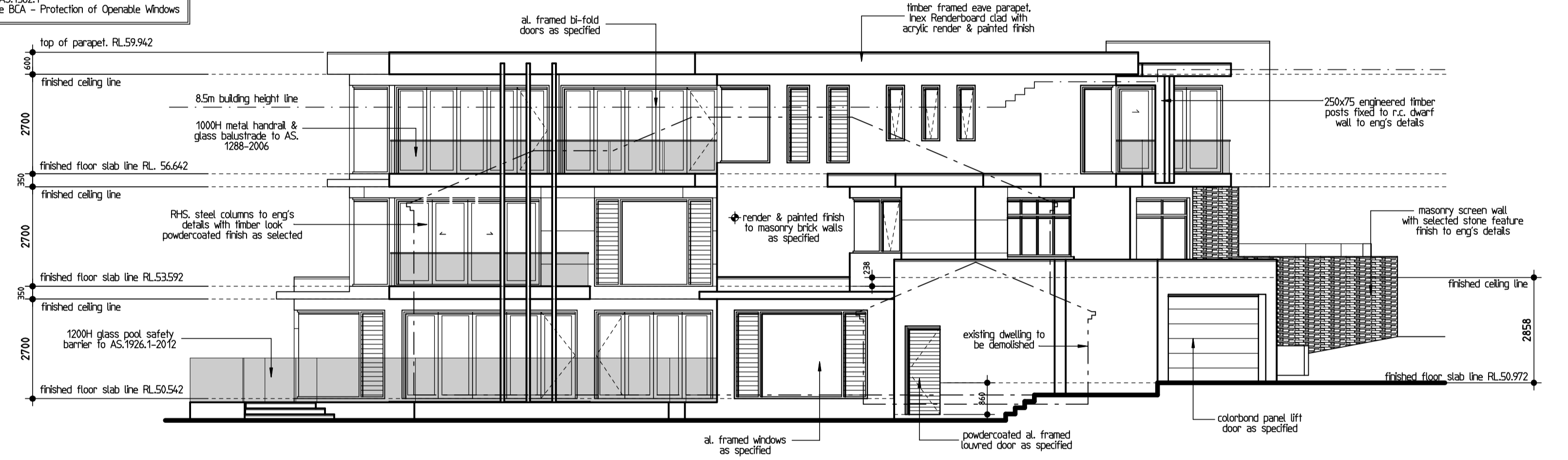


eastern elevation 1:100

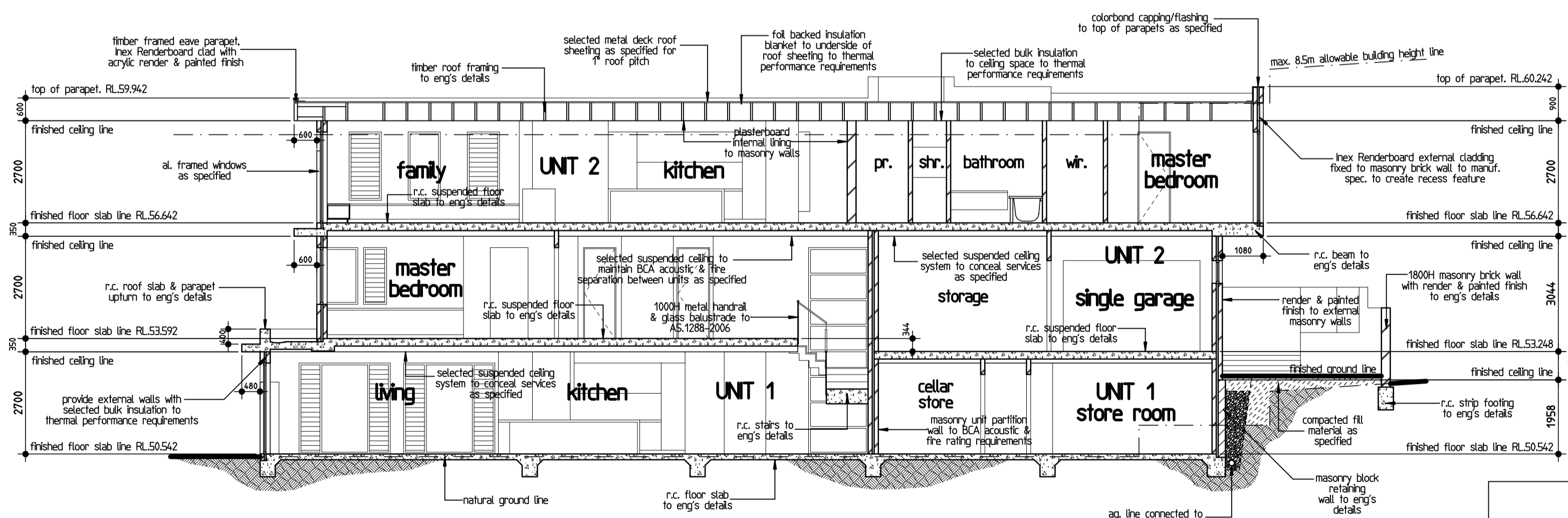
NOTE:  
 - Gutters & downpipes are to be in accordance with Clause 3.5.2 of the BCA & AS:2500 with all downpipes being a minimum size of either 100x75 or 100 dia. & all box gutters will be a minimum size of 400x2000.  
 - All wet areas are to be provided with floor wastes in accordance with the BCA.  
 - Landings where required are to be in accordance with Clause 3.9.13 of the BCA.  
 - Windows with over 4m drop & balustrades for access paths where required are to be in accordance with Clause 3.9.2 of the BCA.  
 - All internal stairs are to be provided with a handrail to at least one side in accordance Clause 3.9.2.4 of the BCA.  
 - All glass balustrades must comply with Section 7 of AS1288-2006 - Engineer to certify.  
 - Brick parapet construction to be in accordance with Clause 3.3.12 of the BCA.  
 - All roof cladding is to be in accordance with AS:1562.1  
 - All windows will comply with Part 3.9.2.5 of the BCA - Protection of Openable Windows



northern elevation 1:100

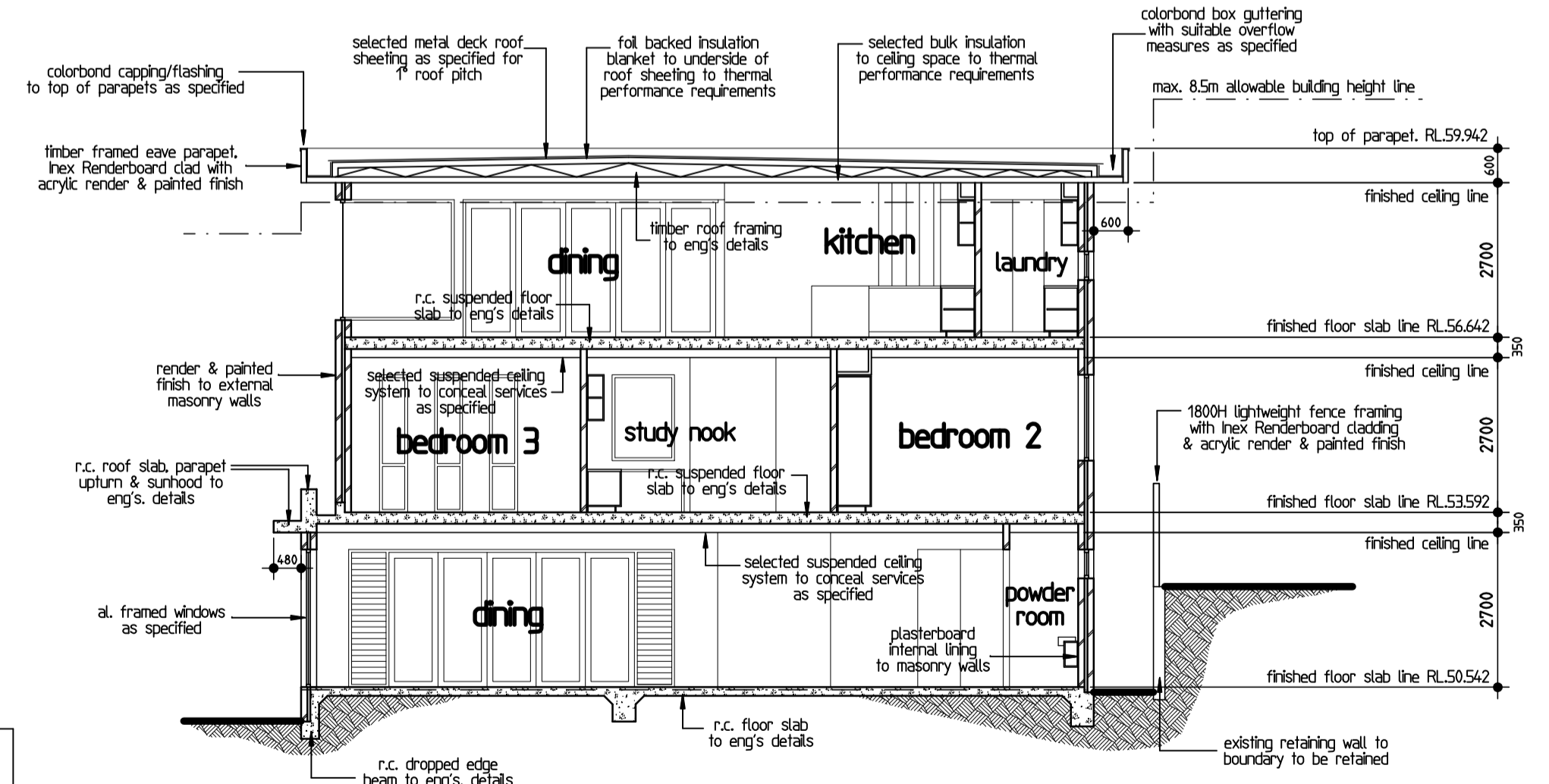


western elevation 1:100



section a' a' 1:100

NOTE:  
 selected insulation is to be provided to external wall cavity in accordance with thermal performance requirements



section b' b' 1:100

NOTE:  
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**bda**  
 BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

client: **Mr. & Mrs. Weiner**

job address: **Lot B in dp.329866, No.4 Victory Street, Rose Bay**

builder:

project description: **Proposed Dual Occupancy Development**

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sheet **3 of 4**, drawing n. **1946-16DAb**, date: **02/03/2018**

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**DEMOLITION, DUAL OCCUPANCY DEVELOPMENT & STRATA SUBDIVISION**  
**4 VICTORY STREET, ROSE BAY**



**JULY 2017**

**RECEIVED**  
**Waverley Council**

**Application No: DA-305/2017/A**

**PREPARED BY**

**Date Received: 28/8/2018**

**KIM SAMUEL BA MURP MIEL CPP MPA**

**ON BEHALF OF**

**SUE & ELI WIENER**

**SUBMITTED TO WAVERLEY MUNICIPAL COUNCIL**



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-305/2017/A
<b>Site address</b>	4 Victory Street, Rose Bay
<b>Proposal</b>	Modification to remove deferred commencement conditions 1 and 2 relating to increased rear boundary setbacks
<b>Approved development description</b>	Demolition of existing dwelling and construction of the three-storey attached dual occupancy and strata subdivision
<b>Date of lodgement</b>	28 August 2018
<b>Owner / Applicant</b>	Dr E Weiner and Mrs S J Weiner
<b>Submissions</b>	No submissions
<b>Issues</b>	FSR; Setbacks; Streetscape and Visual Impact; Dual Occupancy Development; Visual and Acoustic Privacy
<b>Recommendation</b>	That the application be REFUSED



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

Numerous site visits were carried out during the assessment of the original application including a site visit from the Waverley Local Planning Panel (WLPP) on 13 June 2018.

The site is identified as Lot B in DP 329866, known as 4 Victory Street, Rose Bay. The site is irregular in shape with a north (rear) boundary measuring 19.545m, eastern side boundary measuring 29.275m, western side boundary measuring 26.84m and a curved front boundary to Victory Street measuring 24.035m. The site has an area of 625m<sup>2</sup> and falls from the front towards the rear by approximately 1.79m.

The site is occupied by a two-storey detached dwelling with a swimming pool in the rear yard and vehicular access provided from Victory Street to a double garage.

The subject site is adjoined by the rear yard of 45A Blake Street to the west and the rear of 47 Blake Street to the north. Victory Street adjoins the southern boundary of the site and Gilbert Street on the eastern boundary. The locality contains a variety of residential developments predominantly characterised by large detached or semi-detached dwellings on large lots of land.



Figure 1: Site viewed from Victory Street



**Figure 2:** Site viewed from the east (side elevation with Gilbert Street)



**Figure 3:** Western side of site



## 1.2 Details of Approved Development

**DA-305/2017** for the demolition of the existing dwelling and construction of a three-storey attached dual occupancy and strata subdivision was granted deferred commencement consent by the Waverley Development Assessment Panel (now known as the Waverley Local Planning Panel) at the meeting of 13 June 2018.

During the assessment of this application, it was deferred to address a number of issues including the following which are relevant to the current modification application:

- Floor Space Ratio (FSR)

*The FSR as quoted within the Statement of Environmental Effects (SEE) is 65% greater than the FSR development standard of Waverley Local Environmental Plan 2012 (the LEP). The bulk of the building at the rear of the site (adjoining 47 Blake St) and along the Gilbert Street frontage is excessive. The building will form a continuous wall wrapping around from the Victory Street frontage for almost the entire length of Gilbert Street. The bulk of the building at the rear should be reduced by increasing the setbacks of the structure to extend no further to the north than the existing dwelling on the site. The topmost floor should also incorporate a greater setback stepped from the level below to provide articulation and reduce visual bulk.*

*Please note that when calculating gross floor area, the definition contained within the LEP should be strictly adhered to. Officer calculations indicate that the FSR may be higher than stipulated in the LEP. In this regard, please confirm that lifts and stairs in dwellings have been included on all levels except the topmost floor (as this is considered a void). Lifts and stairs in dwellings are not 'common' circulation spaces (common spaces are only within residential flat buildings). Please adjust any calculations and documentation accordingly.*

- Privacy

*Unit 2 provides the main private open space within a large high level deck which has the potential to overlook the adjoining property to the north (47 Blake Street). Ensure the privacy of this property is addressed in any redesign.*

Throughout the assessment of this application, draft plans were commented on by Council Officers. The applicant was advised to amend the proposal in the following manner:

1. *The lower ground floor rear setback is acceptable.*
2. *The ground floor rear setback shall extend no further than the existing building on the site.*
3. *The upper floor shall be set back from the rear wall of the level below to incorporate a noticeable step.*
4. *The draft plans....will result in visual and acoustic privacy impacts to the adjoining properties.*

Amended plans were provided which reduced the building only marginally in the front south-eastern corner and at the rear first floor level.

At the WDAP meeting deferred commencement consent was granted subject to satisfying the following deferred commencement conditions recommended by the DBU within 1 year:

1. *The middle floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 5 metres.*

2. The upper floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 7 metres.
3. The draft strata plans shall be amended to reflect the above requirements.

The deferred commencement conditions have not yet been satisfied and as such, the consent has not been activated.

### 1.3 Proposal

The application has been lodged as a section 4.55 (2) application and provides for the following modifications to the approved development:

- Deletion of deferred commencement conditions 1 and 2 (as listed above) to retain the originally proposed rear (northern) setbacks at the first (middle) and second (upper) floor levels as a minimum of 3m.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 2.1 Section 4.55 Considerations

**Section 4.55 (2) applications** - the modifications, if approved, are substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report.

### 2.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

#### 2.2.1 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposal are outlined below:

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The modified proposal is not inconsistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.

Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> <li>• 8.5m</li> </ul>	N/A	The modifications do not increase the approved height of 9.96m (exceeding the development standard by 1.46m or 17%).
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>• 0.5:1</li> </ul>	No	The modifications will result in an FSR of 0.87:1 exceeding the development standard by 233m <sup>2</sup> in gross floor area or 75%.
4.6 Exceptions to development standards	See discussion	The application is NOT accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard as this is not required for a S4.55 application. Notwithstanding a detailed discussion of the variation to the development standard is presented below this table.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

### Floor Space Ratio

An assessment under clause 4.6 is not required for section 4.55 applications.

The proposal has an overall floor space ratio of 0.87:1, which exceeds the floor space ratio (FSR) development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 233m<sup>2</sup> in gross floor area (GFA) or 75%.

The design changes required by the conditions of deferred commencement are as follows:

1. *The middle floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 5 metres.*
2. *The upper floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 7 metres.*

At the first floor level (nominated as 'middle level' on the plans and condition), the proposed setback of approximately 3m (minimum) would be required to be increased by another 2 metres reducing the GFA at this level by approximately 12m<sup>2</sup>. At the second floor level (nominated at 'upper level' on the plans and condition) the proposed setback of 3m (minimum) would be required to be increased by 4m reducing the GFA at this level by approximately 20m<sup>2</sup>. Overall this will result in a reduction of GFA by approximately 32m<sup>2</sup>. This will result in an FSR of 0.82:1 which exceeds the development standard by 201m<sup>2</sup> or 64%.

The approved dual occupancy on the site already exceeds the FSR development standard by 64%. The proposal seeks to increase this to 75% through the deletion of the deferred commencement conditions.

The objectives of the FSR development standard within the LEP are:

#### Clause 4.4 Floor Space Ratio

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

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,
- (b) to provide an appropriate correlation between maximum building heights and density controls,
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Objective (a) is not applicable to the subject site.

The original report of the Development and Building Unit (DBU) to the WLPP stated the following (in part) when recommending the imposition of the deferred commencement conditions:

*The subject proposal incorporates a lower ground floor level set below the level of the street effectively 'hidden' from view from Gilbert Street. This lower ground level was excavated in the past with the original dwelling sitting below the street both on Gilbert and Victory Streets. On Victory Street the proposal will appear as a part two and three-storey dwelling consistent with the scale of surrounding properties. The three-storey bulk of the proposal will be most apparent from inside the subject site itself and from the adjoining property to the rear (north).*

*The property that is most likely to be impacted by the proposal is 47 Blake Street to the north (rear) as the proposal seeks to continue the three-storey scale to within 3m of the rear boundary. This property is a two-storey dwelling with a rear setback of approximately 9m. This property will have a building with three-storey height and scale built close to the boundary and adjacent to their private open space. The associated balconies will likely result in visual and acoustic privacy impacts also (discussed later).*

*The only other comparable property to the subject site in terms of rear setback is 47 Blake Street and this property has a minimum 9m rear setback. Both properties are highly visible within Gilbert Street and from the surrounding public domain. A 3m rear setback is considered inappropriate particularly as the building has secondary frontage to Gilbert Street. The design does not acknowledge or contribute to the streetscape on Gilbert Street presenting as overly bulky by wrapping around the entire frontage of the site both on Victory Street and Gilbert Street. In order to reduce impact upon the adjoining northern property and to reduce the bulk of the building within the Gilbert Street streetscape, the rear setback of the building should be increased.*

*Given that the lower ground floor level is not visible within the streetscape, the rear setback of 1.5m is accepted. At the ground floor level, the rear of the building should not extend any further to the rear than the existing building on the site (minimum of 5m) and the first floor level should incorporate a further 2m step in the built form (minimum of 7m). A deferred commencement condition to this effect is included in Appendix A. It should be noted that if the lower ground floor level were excluded from the GFA calculations, these amendments will reduce the FSR of the ground and first floor level to within the FSR development standard. The lower ground floor level would effectively become bonus floor space being located below the street level and formed by way of excavation of the subject site in the past.*

*Subject to the amendments outlined, it is considered that the proposal will be consistent with objectives (b), (c) and (d) of the FSR development standard.*

The Applicant and the Statement of Environmental Effects (SEE) provide the following reasons (summarised) for the removal of the conditions and the retention of the rear setbacks as originally proposed:

- The proposal will not result in privacy impacts upon the adjoining property to the north, 47 Blake Street. This dwelling only provides a frosted bathroom window at the upper level of its southern façade which would afford no overlooking opportunities between dwellings.
- The combined setback on the subject site and the site to the north provides a sufficient privacy setback which exceeds that which would ordinarily be required for high density development under the Apartment Design Guide (ADG).
- The proposal has been designed to orientate the main living areas and private open space to the west to mirror the orientation of the dwelling to the north and avoid any privacy issues.
- The northern boundary should be considered as a side boundary and not a rear boundary. The rear boundary should be the western boundary where the building is set back 7-10 metres.
- The site has a unique nature by being square-shaped which essentially provides two primary street frontages of approximately equal length. The design of the development acknowledged this attribute by orientating each dwelling to separate street frontages and locating the pedestrian and vehicle accesses for each dwelling off separate street frontages.
- The length of the eastern façade of the proposal is consistent with a number of similar designs in the local area and is well articulated.
- The imposition of an increased setback from the north would not result in a reduction on the floor space proposed on the site as it would be necessary to extend the proposed development to the west which would result in adverse amenity impact for the neighbour to the west.
- The upper floor unit was specifically designed to allow the owners to 'age-in-place' and meet religious practice requirements including that they have a large living and dining area for regular Sabbath and Holy Day meals where they generally have a large number of guests and once yearly a festival celebration which would require them to eat all meals in a temporary structure erected outdoors on their terrace.

### Streetscape

In terms of the streetscape impact, this has been previously discussed in the original report (the relevant extract provided previously in this section). The Applicant and SEE state that the northern boundary is not the rear boundary and should be treated as a side boundary with the western boundary considered the rear. The orientation of the existing dwelling is toward Victory Street and the proposal retains this front setback. The secondary street frontage on Gilbert Street provides minimal setbacks consistent with a side setback which has been accepted in the approval. This is consistent with the orientation of the existing site and the adjoining property to the north, to which this site is compared. It is a reasonable expectation that an existing rear setback will be retained as a rear setback in the redevelopment of the site and appropriate setbacks provided in response to the rear setback of the adjoining site.

The SEE provides examples of recent development approved for corner sites with greater building lengths on the secondary street than that which is proposed by the subject development. The DCP does not include controls relating to building length for low density development. The issue is with providing separation at the rear to break up the bulk within the streetscape. All of the examples provided in the SEE, with the exception of one in Bondi Beach, provide a setback from the adjoining property on the

secondary frontage, ie, this boundary is treated as the rear boundary. Regardless of whether the opposing elevation of the adjoining property is a side boundary or a rear boundary, the shared boundary is treated as a rear boundary. The deferred commencement conditions are consistent with this pattern of development.

The deferred commencement conditions were imposed to reduce the FSR of the development, the impact upon the streetscape and the impact upon surrounding properties. The deferred commencement conditions do not permit changes to other part of the development to redistribute floor space elsewhere on the site, so the argument that greater impacts would be experienced is not accepted. Similarly, the increased setbacks will not result in undersized dwellings. The GFA of Dwelling 1 will be reduced by 12m<sup>2</sup> to approximately 280m<sup>2</sup> and of Dwelling 2 by 20m<sup>2</sup> to approximately 225m<sup>2</sup>. It is noted that the FSR is exceeded by 230m<sup>2</sup> which is the entire GFA of Dwelling 2 (the upper level dwelling). In this regard, the original approval with the deferred commencement conditions imposed, provide two generously sized dwellings on the site. Any further increase in FSR is not considered appropriate.

Given the above analysis, the proposed modification is considered inconsistent with objective (c).

#### Visual and acoustic privacy impacts

The subject proposal seeks northern boundary setbacks at the first floor level and the second floor level of 3-4m due to the angled northern boundary. The adjoining property to the north is orientated toward Blake Street with the rear boundary of this property being the shared northern boundary of the subject site. No 47 Blake Street provides private open space within the eastern side setback and to the south of this dwelling adjacent to the rear boundary. The proposal includes two terraces, one at the first floor level with an area of 18.6m<sup>2</sup> accessed from the main bedroom of Unit 1 and one at the upper floor level with an area of 34m<sup>2</sup> accessed from the living areas of Unit 2. The upper level terrace will function as the principle area of private open space for Unit 2.

The imposition of the deferred commencement conditions would result in the terrace to Unit 1 being reduced to approximately 16m<sup>2</sup> and the terrace to Unit 2 being reduced to 25m<sup>2</sup>. Both terraces will continue to significantly exceed the DCP control for elevated balconies/terraces that requires a maximum depth of 1.5m and area of 10m<sup>2</sup>. The fact that large gatherings will be held utilising the balcony at the second floor level reinforces Council's assessment that the proposal will result in visual and acoustic privacy impacts upon the neighbouring property and greater separation (ie, setbacks) is required. The greater setback from the rear boundary provided by the deferred commencement conditions provides greater separation between the elevated terraces and the private open space of the adjoining property reducing visual and acoustic privacy impacts upon this property. Privacy impacts are not just window to window, the proposal would provide two dwellings overlooking the rear yard and swimming pool of the adjoining property. To maintain the privacy to the adjoining dwelling the proposal relies on existing planting and setbacks on the adjoining property. This is not considered acceptable.

In response to the justification provided within the SEE, the separation distances within the ADG are not relevant to low density development however it is incorrect that the proposal would comply with the ADG as the separation distances required by the ADG are from the boundary, not from the window (ie, a minimum setback of 6m from the boundary would be required).

As detailed in the above analysis, the proposal is not considered consistent with objective (d).

## 2.2.2 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposal are outlined below:

**Table 2: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines	No	As detailed previously in this report, the rear setbacks proposed are considered insufficient and deferred commencement conditions were recommended to address this. This issue is discussed in detail in the section following this table.
<b>1.4 Streetscape and visual impact</b>		
<p>New development should be visually compatible with its streetscape context.</p> <p>Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean.</p>	No	<p>The proposal will present as two-storeys along Gilbert Street. As discussed previously in this report, the bulk of the structure along Gilbert Street is considered excessive and a greater rear setback to the two upper levels is recommended.</p> <p>The proposal will dominate the Gilbert Street streetscape and the site is clearly visible from surrounding public places including parklands and reserves opposite the site.</p> <p>The reduction of bulk at the rear as required by the deferred commencement conditions will ensure an appropriate streetscape appearance consistent with surrounding properties. The proposed modification is recommended for refusal.</p>
<b>1.5 Dual occupancy development</b>		
<p>(a) To ensure that the size and bulk of dual occupancy development is in character with surrounding development and streetscape.</p> <p>(b) To ensure that the size and bulk of new buildings do not result in unreasonable impacts on neighbouring properties.</p>	No	As detailed elsewhere in this report, the size and bulk of the dual occupancy development is not in character with surrounding development and the streetscape and will have amenity impacts upon surrounding properties. As such, the proposal is inconsistent with the objectives of the dual occupancy controls and cannot be supported.

1.8 Visual and acoustic privacy		
Maximum size of balconies:	No	This issue has been previously discussed in this report.
<ul style="list-style-type: none"> <li>• 10m<sup>2</sup> in area</li> <li>• 1.5m deep</li> </ul>		

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

### Rear setback

The relevant objectives of the setback controls of the DCP are as follows:

- (a) To ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.
- (b) To ensure that the amenity of rear yards, their function as private open space and their visual and landscape contribution to the surrounding area is protected and enhanced.
- (c) To accommodate flexibility in the siting of buildings, where appropriate.
- (d) To ensure the front and rear setbacks of buildings are consistent with surrounding buildings and does not visually detract from the streetscape.
- (e) To ensure significant views and view corridors available from the public domain and existing properties are considered as part of the local context of any development. Refer to Section 1.10 – Views.
- (f) To ensure buildings on corner lots are consistent with the predominant building lines of adjoining sites.

Control 1.2.1 (c) requires that the siting of dwellings on corner lots should take reference from the setbacks of dwellings on adjacent lots.

The northern boundary is the rear setback of the site as the existing dwelling is orientated toward Victory Street. All surrounding dwellings have a north-south or south-north orientation with frontage toward either Blake Street or Victory Street (refer to Figure 4 below).

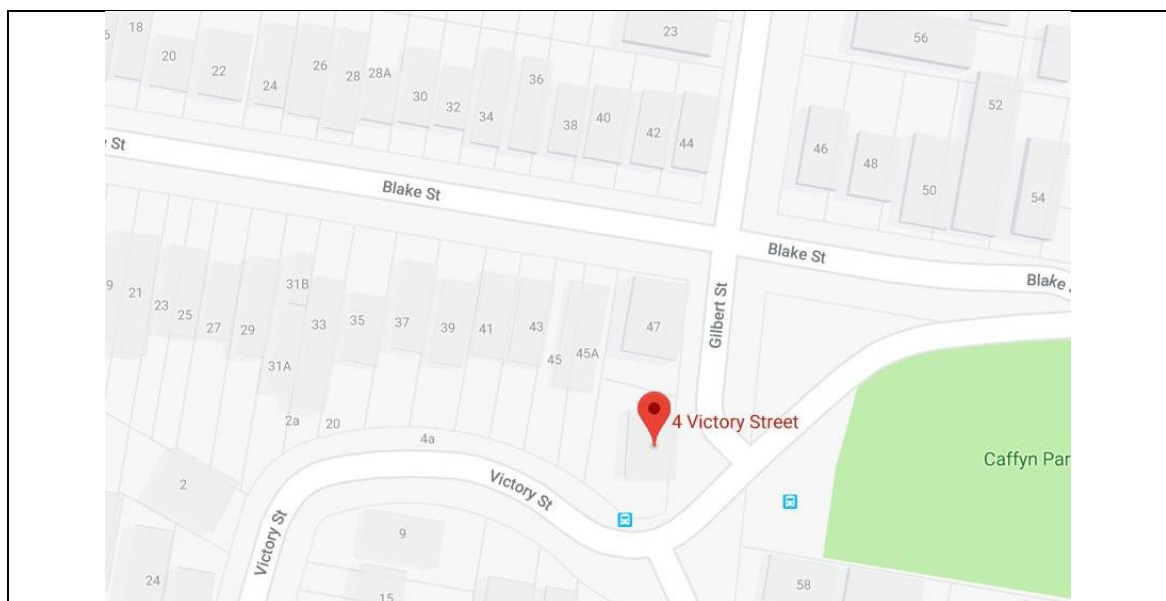


Figure 4: Orientation of surrounding sites



The northern setback is clearly the rear boundary of this site, consistent with surrounding sites. Objectives (d) and (f) seek to ensure that any proposal, including those on corner lots, are consistent with the pattern of surrounding development. The northern boundary setback is not consistent with 47 Blake Street, to which this site is immediately compared. The proposal is seeking to rely on the setbacks and landscaping of an adjoining site in order to reduce privacy and bulk and scale impacts upon this property. The proposal is considered to be inconsistent with the objectives and rear setback controls of the DCP and is not supported and the conditions are recommended reimposed.

### **2.3 Other Impacts of the Development**

The proposed development does not satisfy Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient rear boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.

### **2.4 Suitability of the Site for the Development**

The site is considered to be unsuitable for the proposed development.

### **2.5 Any Submissions**

The modification application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions were received.

### **2.6 Public Interest**

The proposal is not in the public interest.

## **3. REFERRALS**

No internal or external referral comments were sought.

## **4. SUMMARY**

The modification application seeks consent to remove deferred commencement conditions 1 and 2 which require increased setbacks at the first and second floor levels from the northern boundary and associated reduction in floor space. The rear setbacks sought for the approved dual occupancy are 3m with the deferred commencement conditions increasing these to 5m at first floor level and 7m at second floor level.

The modifications will result in an FSR of 0.87:1 exceeding the development standard by 233m<sup>2</sup> in gross floor area or 75%. The approved dual occupancy for the site already exceeds the FSR development standard of 0.5:1 by approximately 64% with the deferred commencement conditions imposed. The proposal seeks to increase this to 75% through the deletion of the deferred commencement conditions.

The proposal is considered to be inconsistent with the objectives of the FSR development standard and the setback, streetscape and privacy controls of the DCP and is not supported.

The modification was notified and no submissions were received.

The proposal is recommended for refusal.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Local Planning Panel for the following reasons:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit by:**

Kylie Lucas  
**Senior Development Assessment Planner**

Paul Yachmennikov  
**A/Manager, Development Assessment (North)**

**Date: 6 March 2019**

**Date: 15 March 2019**

**Reason for referral:**

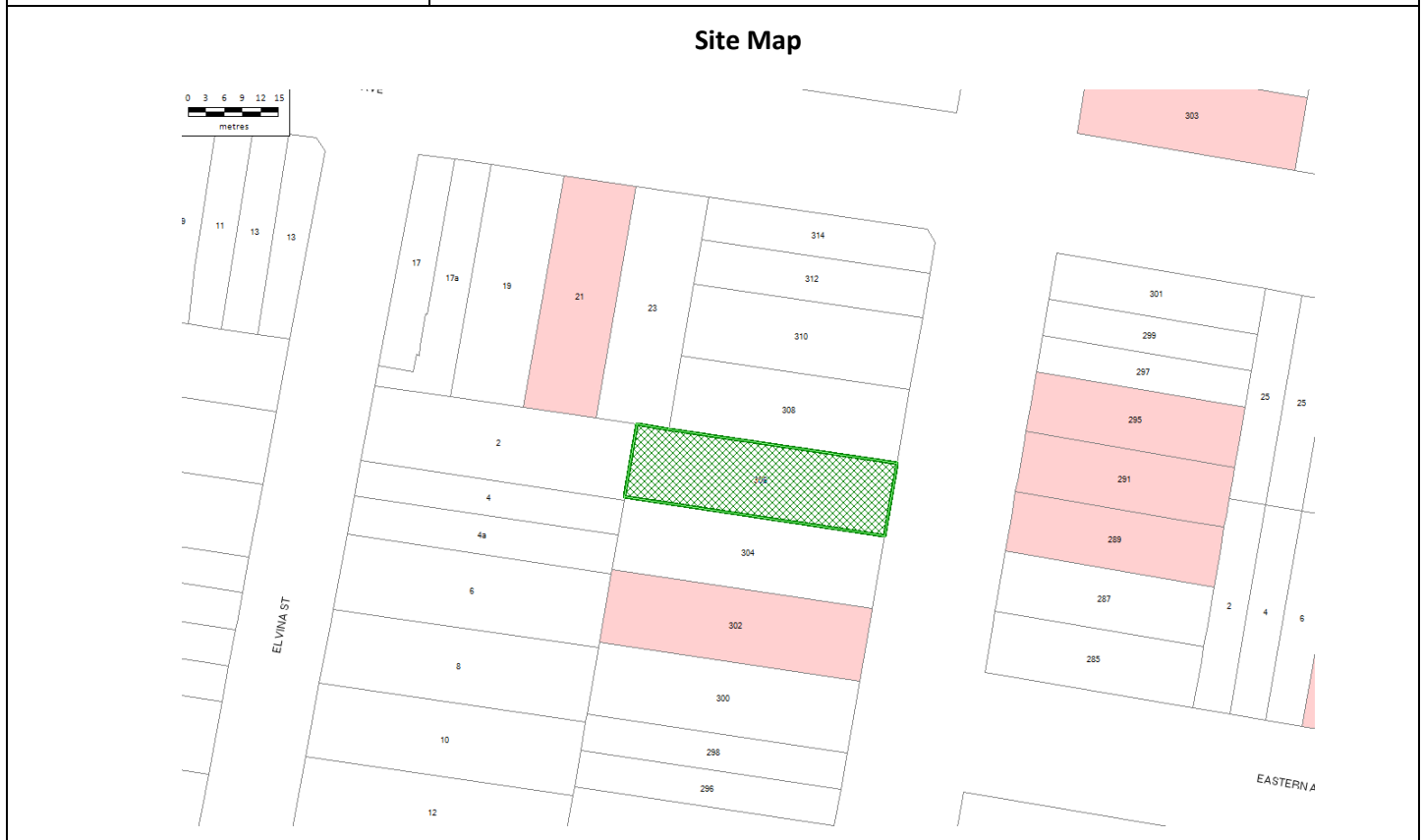
- 4 Applications for review of a decision or modification of a condition made by the Panel where:
  - (b) in the case of Section 4.55 modifications of conditions of a determination made by the Panel where the conditions required a design or other change relating to a development standard or unresolved objection.

## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
  - (a) Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.
2. The proposal does not satisfy Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - (a) Part C1 – *Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-detached Dwelling and Terrace Development*;
    - i. Clause 1.2 *Setbacks*, specifically objectives (a), (b), (d) and (f) and control (c) as the proposal does not provide sufficient rear setbacks and is not consistent with the setbacks of surrounding buildings, does not ensure the distance between building on adjacent properties allows adequate privacy, and being a corner site, does not take reference from the setbacks of dwellings on adjacent sites resulting in amenity impact upon the adjoining property.
    - ii. Clause 1.4 *Streetscape and Visual Impact*, specifically objective (a) and control (a) and (c) in that the proposal is not compatible with the streetscape context and will dominate the streetscape.
    - iii. Clause 1.5 *Dual Occupancy Development*, specifically objectives (a) and (b) as the size and bulk of the proposal is not in character with surrounding development and the streetscape and will have amenity impacts upon surrounding properties.
    - iv. Clause 1.8 *Visual and Acoustic Privacy*, specifically objective (a) and control (a) and (d) as the proposal will result in visual and acoustic privacy impacts upon surrounding properties, particularly the private open space of the property to the north.
3. The proposed development does not satisfy Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient rear boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.
4. The proposal is contrary to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

<b>Application number</b>	DA-419/2018
<b>Site address</b>	306 Military Road, Dover Heights
<b>Proposal</b>	Alterations and additions to single dwelling
<b>Date of lodgement</b>	16 November 2018
<b>Owner</b>	Lara and Bruce Solomon
<b>Applicant</b>	CSA Architects
<b>Submissions</b>	Two
<b>Cost of works</b>	\$300,000
<b>Issues</b>	Height
<b>Recommendation</b>	That the application be APPROVED



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 7 February 2019.

The site is identified as Lot 30 in DP 9036, known as 306 Military Road, Dover Heights. The site is rectangular in shape with a northern boundary measuring 43.44m, eastern boundary to Military Road measuring 12.19m, southern measuring 43.44m and western boundary to the rear measuring 12.19m. The site has an area of 529.3m<sup>2</sup> and slopes to the street from west to east by approximately 4.1m.

The site is occupied by a single-storey detached dwelling house. A separate garage located at the front of the site provides car parking, accessed via a concrete driveway off Military Road.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a variety of residential developments including single dwellings and residential flat buildings.



**Figure 1:** Site viewed from Military Road



**Figure 2:** Existing rear elevation of the site



**Figure 1:** Site viewed from terrace at 4A Elvina Street

## 1.2 Relevant History

- BC-17/2007- Cottage with cement rendered brick walls and tiled roof- *approved*.

## 1.3 Proposal

The proposal seeks to undertake alterations and additions to an existing dwelling house, comprising the construction of a second storey to the rear. The proposal includes the following:

- Existing ground floor:
  - New timber stair
  - Alterations to windows
  - New skylight
  - New gutter
  - New entry door
  - External blinds to windows.
  -
- New first floor:
  - 1 x bedroom with ensuite and walk in robe
  - 1 x bedroom with ensuite
  - Living room
  - Balconies on east and west elevations
  - External blinds to windows.
- New metal roof
- New photovoltaic panels

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

### 2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

#### 2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

### 2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012) – Amendment 6.

(In force 1 November 2018)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is associated with alterations and additions to an existing dwelling, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	No	The maximum height of the proposal is 9.88m. This exception to the development standard is discussed in detail below.
4.4 Floor space ratio and 4.4A (b) Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.52:1</li> </ul>	Yes	The proposed FSR is 0.52:1
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

#### Exceptions to Development Standards

##### Height of buildings

The proposal has an overall building height of 9.88m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.38m or 16.3%.

The objectives of the height development standard within the LEP are:

##### *Clause 4.3 Height of Buildings*

*(1) The objectives of this clause are as follows:*

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*



- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Objectives (b) and (c) are not applicable to the subject site as they relate to Bondi Junction centre..

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request by ABC Planning is summarised as follows:

- The 20m setback to the new first floor addition ensures that it will not be prominent or overbearing in the streetscape, and follows the front first-floor setback of the adjoining property.*
- The proposed hipped roof with a pitched roof element provides variation to the mass of the development. The non-compliant element is a 5404mm section of the pitched roof above the proposed front balcony and living room.*
- The height variation will not have a significant overshadowing impact to adjoining neighbours, maintaining the required 3 hours of sunlight mid-winter.*
- Privacy impacts to neighbouring properties will be mitigated with high windows at first floor along the northern elevation, and non-habitable rooms to the rear. Proposed balconies face the street and to the rear with privacy screen louvres to mitigate overlooking.*
- The topography of the site, sloping to the street frontage and significant separation from the proposed dwelling to the rear, ensures that the height variation will not be visible or detrimental to the visual outlook for the proposed dwelling at 2 Elvina Street, and any significant impact on coastal views are mitigated.*

The applicant's written request has adequately addressed subclause (3) of Clause 4.6. Not only must the consent authority be satisfied those matters have been addressed, but whether 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. Those matters are explored below.

#### Amenity

Objective (a) of the Height development standard relates to the environmental amenity of neighbouring properties. The applicant has adequately demonstrated that the non-compliance with the height of buildings development standard will not result in discernible negative environmental impacts upon adjoining properties in terms of overshadowing, solar access, view loss and visual impacts. The proposal has been sensitively designed to preserve amenity neighbouring properties and allows for sharing of ocean views. The proposal is considered to meet the requirements of objective (a) of the development standard.

#### Desired Future Character of the Area

The proposed additions are compatible with the FSR, bulk and scale of the existing and desired future character of the locality. It is acknowledged that exceedances in the height control can be observed at a number of surrounding properties due to the topography of the land. The subject site is located in an area with a mix of one and two-storey detached dwelling houses, with some three-storey RFB development present and the proposed additions are not out of keeping with that predominant character. The minor height exceedance is not considered to be against the future desired character of the area.

The objectives of the R2 Low Density Residential Zone must also be considered. They are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development achieves the primary objectives of the zone by providing for the housing needs of the community within a low residential environment. The proposal involves alterations and additions to an existing dwelling house to create two additional bedrooms plus a living area and does not go beyond that specified in the objectives. The proposal has been sympathetically designed to protect the amenity of surrounding properties including solar access, privacy, and views.

Therefore, the applicant has demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- there are sufficient environmental planning grounds to justify contravening the development standard; and

It is concluded that the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone. The non-compliance is therefore supported having specific regard to the provisions under clause 4.6(3) and (4) of Waverley LEP 2012. The Clause 4.6 statement is available for the Panel's consideration as the consent authority.

#### **2.1.4 Waverley Development Control Plan 2012 (Amendment 6)**

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate which satisfies this section of the DCP.
6. Stormwater	Yes	The stormwater plans submitted with the application have been reviewed by Council's Stormwater Design, Flooding and Coastal Risk Management team and are considered satisfactory subject to the conditions of consent.

**Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table**

The proposal is defined as a Dwelling House in the LEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Pitched Roof dwelling house <ul style="list-style-type: none"> <li>• Maximum external wall height of 7m</li> </ul>	No (acceptable on merit)	The proposed first floor addition includes a pitched roof element over the front balcony and living area which exceeds this height control. The height non-compliance encountered by the proposal has been assessed against clause 4.6 of Waverley LEP 2012 in terms of the merit of varying the height of buildings development standard, which is a higher-order control than the DCP height control. This assessment found the non-compliance acceptable. The first floor addition is considered to be consistent with the relevant objectives of the DCP height control in that it respects the street character, will not result in total view loss, and does not result in unreasonable overshadowing impacts upon adjoining properties.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposal is consistent with the first floor setback of the adjoining property at 304 Military Road.</li> <li>• The rear setback is consistent with the average rear setback of the adjoining dwellings.</li> </ul>
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>• Height up to 8.5m- minimum side setback 0.9m</li> </ul>	Yes	No change is proposed to the existing side set back. The minimum side setback is 985mm. As the majority of the roof is below 8.5m it is considered acceptable in this instance.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• New development to be compatible with streetscape context</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposal is generally in keeping with the existing character of the streetscape. The front building line, compliant FSR, built form,</li> </ul>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Replacement windows to complement the style &amp; proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>		<p>roof style and materials of the proposal seek to complement the existing dwelling and the surrounding area.</p> <ul style="list-style-type: none"> <li>The new windows and glass doors on the street frontage are consistent with the contemporary window style of the surrounding area.</li> <li>No changes to the landscaping, ground levels or existing balconies are proposed.</li> </ul>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The proposed first floor windows on the northern elevation do not have any direct line of sight to the habitable rooms of the adjoining dwellings.</li> <li>No external stairs are proposed.</li> <li>The proposed balconies orientated to the street or rear yard include louvre privacy screens to mitigate any overlooking impacts. They have a maximum area of 6sqm and width of 1385mm.</li> <li>The proposed pitched and hipped roof elements are not cable of being used as roof terraces.</li> </ul>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The shadow diagrams submitted with the application confirm that the habitable rooms of the first floor addition will receive this minimum of 3 hours of sunlight in mid-winter.</li> <li>The living areas of adjoining dwellings maintain at least 3 hours of direct sunlight in mid-winter. The first floor addition does cause overshadowing of the ground floor bathroom window of the adjoining property however as this is a non-habitable room it is considered acceptable.</li> </ul>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> </ul>	Yes	The proposal is not expected to significantly impact existing ocean views from surrounding properties due to the topography of the site and the separation between adjoining dwellings to

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>		<p>the rear. It is noted that submissions have been made by neighbouring properties in regards to view loss however the development has been designed to allow for view sharing with surrounding dwellings.</p>

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

## 2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

## 2.4 Any Submissions

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Two submissions were received. The issues raised in the submissions are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
4A Elvina Street, Dover Heights, 2030
304 Military Road, Dover Heights, 2030

### ***Issue: Loss of ocean views***

**Response:** The property to the rear- 4A Elvina Street objected to the proposal on the basis of view loss. A site visit was carried out to observe the existing view from the rear terrace. Whilst it is noted that the view will be changed as a result of the proposal, the immediate view from the rear of the property is already compromised by the first floor extension at 304 Military Road. View sharing is a considered an acceptable compromise in this instance. The topography of the site lends itself to this type of development and is considered acceptable.

304 Military Road have also objected on this basis, that the first floor addition will compromise the existing view from the first floor bedroom. A site visit was carried out to view the existing view. This is a secondary window on the side elevation of the property, the view from the front window will be unchanged. The proposed extension has been sufficiently set back from the side boundary and is height compliant through this section. Whilst the existing view will be changed by the extension this is not considered to justify a refusal of the development.

***Issue: Privacy Impacts***

**Response:** The proposed balconies have a small floor area and included screening at each end to reduce overlooking into neighbouring properties.

Only one window is proposed on the southern elevation and it will not have a direct line of sight into the existing window at 304 Military Road.

***Issue: Sunlight***

**Response:** The sunlight diagrams submitted as part of the application confirm that the living areas of adjoining dwellings maintain at least 3 hours of direct sunlight in mid-winter.

**2.5 Public Interest**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

**3. REFERRALS**

**3.1 Stormwater – Creating Waverley**

Following Council feedback the stormwater plans were amended and are now considered satisfactory subject to relevant conditions of consent.

**4. SUMMARY**

The application proposes alterations and additions to a detached single dwelling, including the construction of a first floor addition.

The proposal exceeds the maximum height control of the LEP. A Clause 4.6 submission accompanies the application and the exceedance is considered to be justified. The excess height involves a very small portion of the roof over the balcony on the eastern elevation.

Two letters of objection were received relating to privacy concerns, view loss and sunlight impact.

The alterations and additions to the dwelling are considered to be appropriate in the context of the surrounding properties and will not result in adverse privacy, overlooking or sunlight impacts. The first floor addition has been set back significantly from the street and falls in line with the setback of adjoining properties. The proposed balconies are well within the minimum size controls and include privacy screening. The proposed first floor windows on the northern elevation do not have any direct line of sight to the habitable rooms of the adjoining dwellings. The proposal has been designed to minimise the impact on existing views and enables the sharing of views from the surrounding dwellings. The objections are not considered to justify a refusal of the application.

The application is recommended for approval, subject to the conditions below.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit by:**

Ellen Nicholson  
**Development Assessment Planner**

Paul Yachmennikov  
**A/Manager, Development Assessment  
(North/South)**

**Date: 14/03/2019**

**Date: 15/03/2019**

**Reason for referral:**

- 3 Departure from any development standard in an EPI by more than 10%

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) The following architectural plans:

<b>Plan description</b>	<b>Revision No / Date</b>	<b>Date received by Council</b>
Site Plan	Rev. 01 / 14.11.2018	16.11.2018
Floor Plans (pg1 of 2)	Rev. 01 / 14.11.2018	16.11.2018
Floor Plans (pg2 of 2)	Rev. 01 / 14.11.2018	16.11.2018
New Level Addition	Rev. 01 / 14.11.2018	16.11.2018
Elevations	Rev. 01 / 14.11.2018	16.11.2018
Sections	Rev. 01 / 14.11.2018	16.11.2018

(b) BASIX Certificate;

(c) Stormwater Details and documentation prepared by itm design dated 06.02.2019, and received by Council on 07.02.2019;

(d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

#### **3. APPROVED USE -DWELLING HOUSE**

This application approves the use of the building on the site for single dwelling house.

#### **4. TREE PRESERVATION**

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.



## **5. DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

## **6. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **7. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority.

### **8. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$8200 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit

### **9. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

### **10. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **11. GEOTECHNICAL ENGINEERS REPORT**

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (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 report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

## **12. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **14. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

## **15. STORMWATER MANAGEMENT**

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

## **16. ON-SITE STORMWATER DETENTION DETAILS**

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

## **17. BASIX**

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **18. SOLID FUEL HEATING**

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **19. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **20. HOME BUILDING ACT**

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

### **21. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **22. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **23. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **24. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;

- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

## **25. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development 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 email address.
- (c) No asbestos products are to be reused on site.
- (d) 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 during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

## **26. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

## **27. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

All building materials and any other items associated with the development are to be stored within the

the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

## **28. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

## **29. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the National Construction Code is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

## **30. CERTIFICATE OF SURVEY – LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

## **31. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

## **32. SERVICE PIPES**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

### **33. STREET TREES TO BE RETAINED**

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

### **34. TREE PROTECTION**

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

### **35. WORK OUTSIDE PROPERTY BOUNDARY**

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

### **36. NO WORKS BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.



## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **37. FINAL OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **38. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

### **39. LIGHTING**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

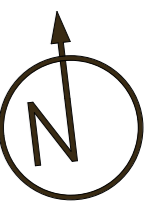
### **40. STREET NUMBER/S**

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.



Nominated Architect: Alex Smith Reg #5473  
alex@csa-arch.com.au

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RevID	ChID	Description	Date
01	Ch-00	DEVELOPMENT APPLICATION ISSUE	14/11/2018

Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work, the preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only.

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Client  
**LARA SOLOMON**

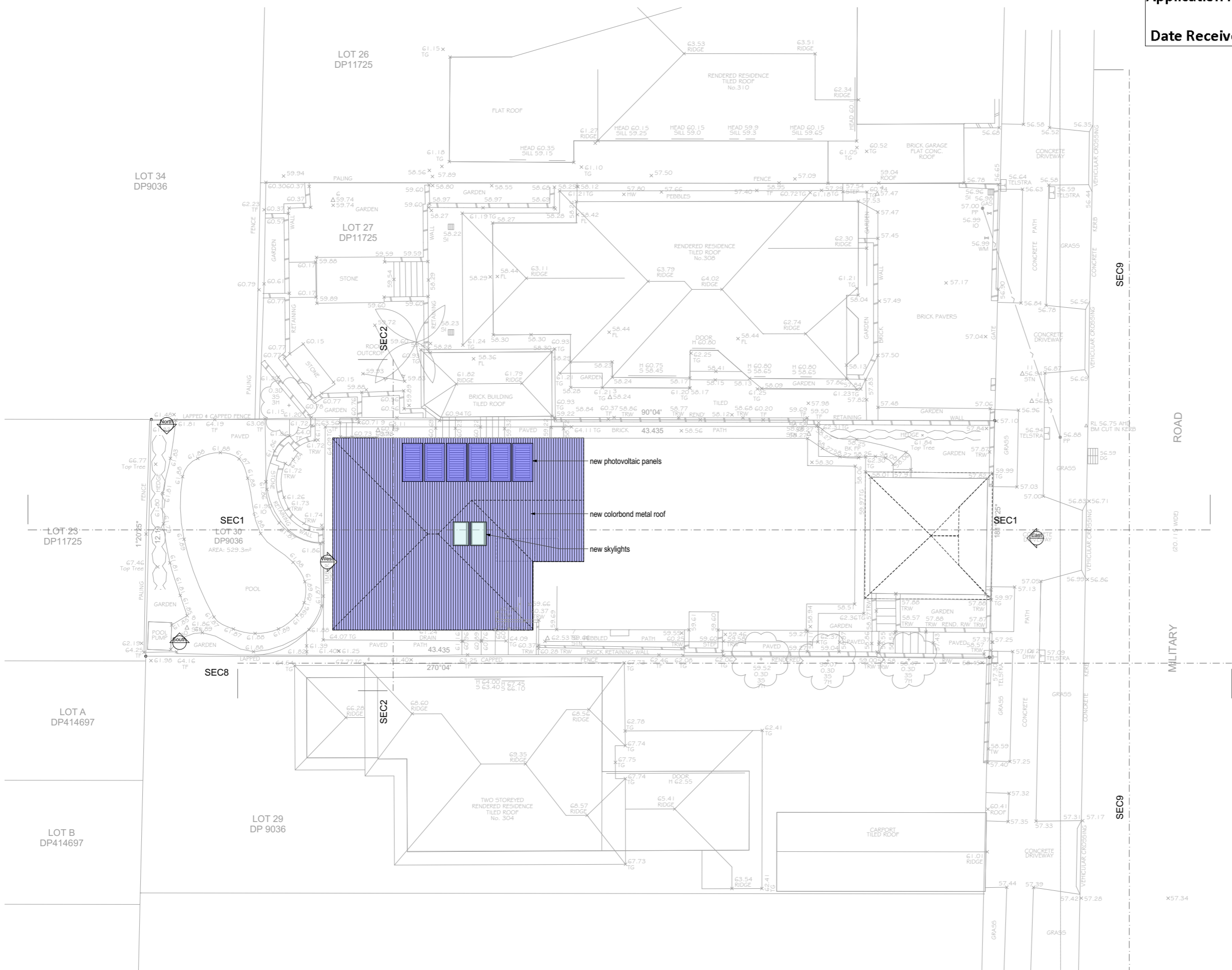
Project  
**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**

Status  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**Site Plan**

Sheet No.  
**SOLO-01**

Drawn: AY	Checked: AS/DRB	Scale: 1:100 U.N.O.	Rev. <b>01</b>
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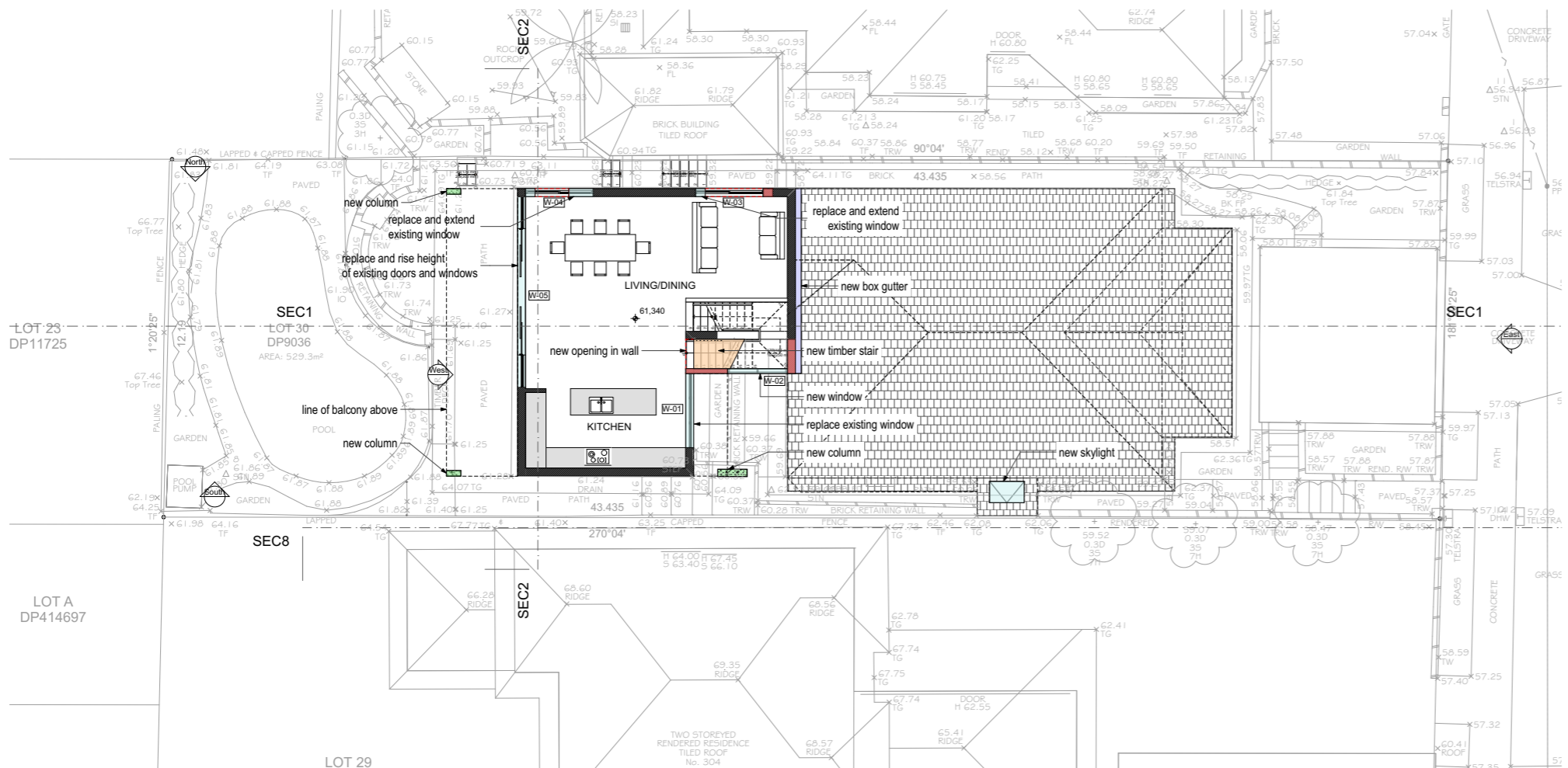
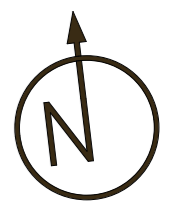
**SITE PLAN**

**1:200**



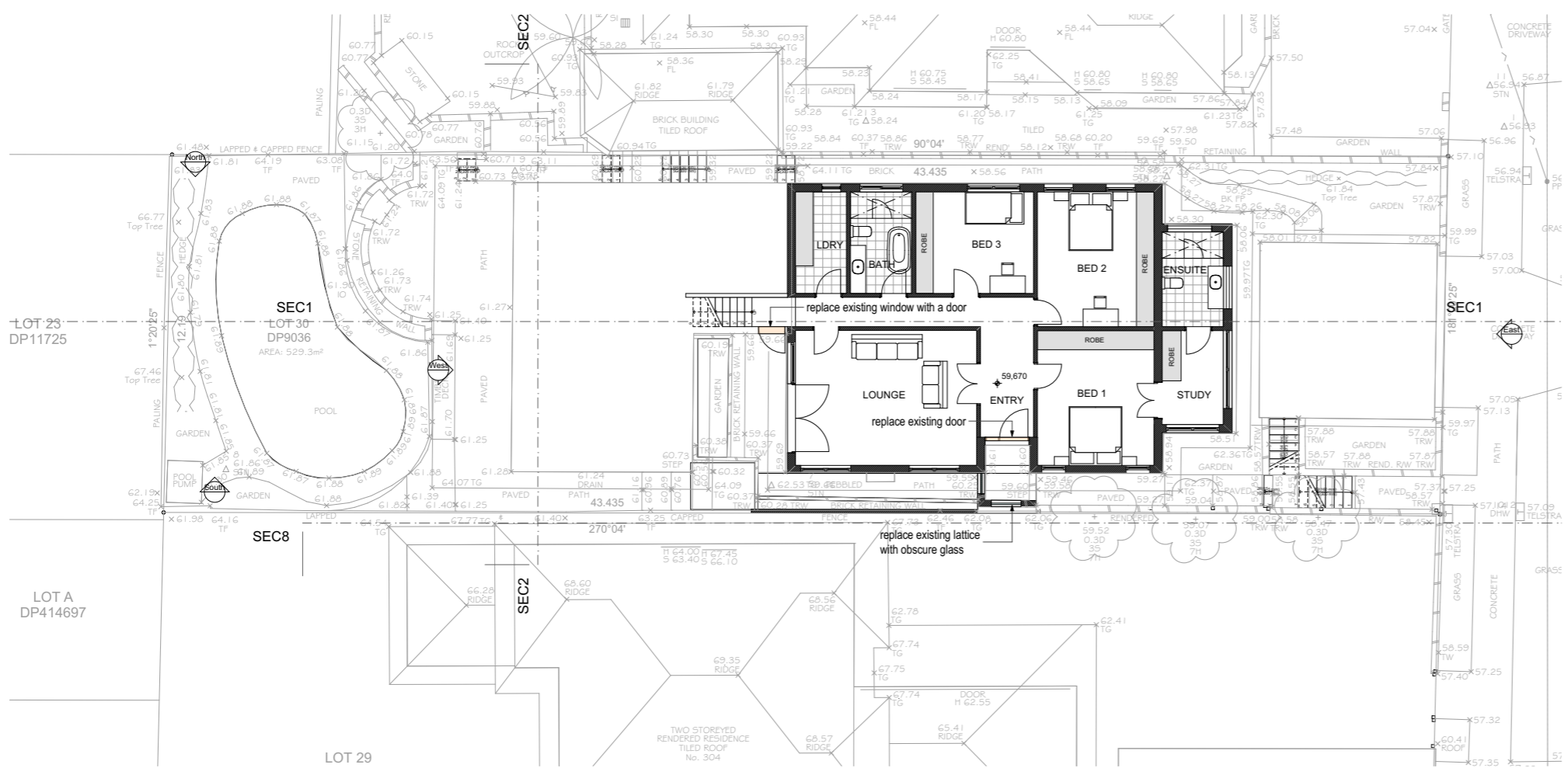
Nominated Architect: Alex Smith Reg #5473  
alex@csa-arch.com.au

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LEVEL 1

1:200



GROUND LEVEL

1:200

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**LARA SOLOMON**

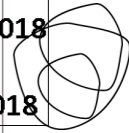
Project  
**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**

Status  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**Floor Plans (pg1 of 2)**

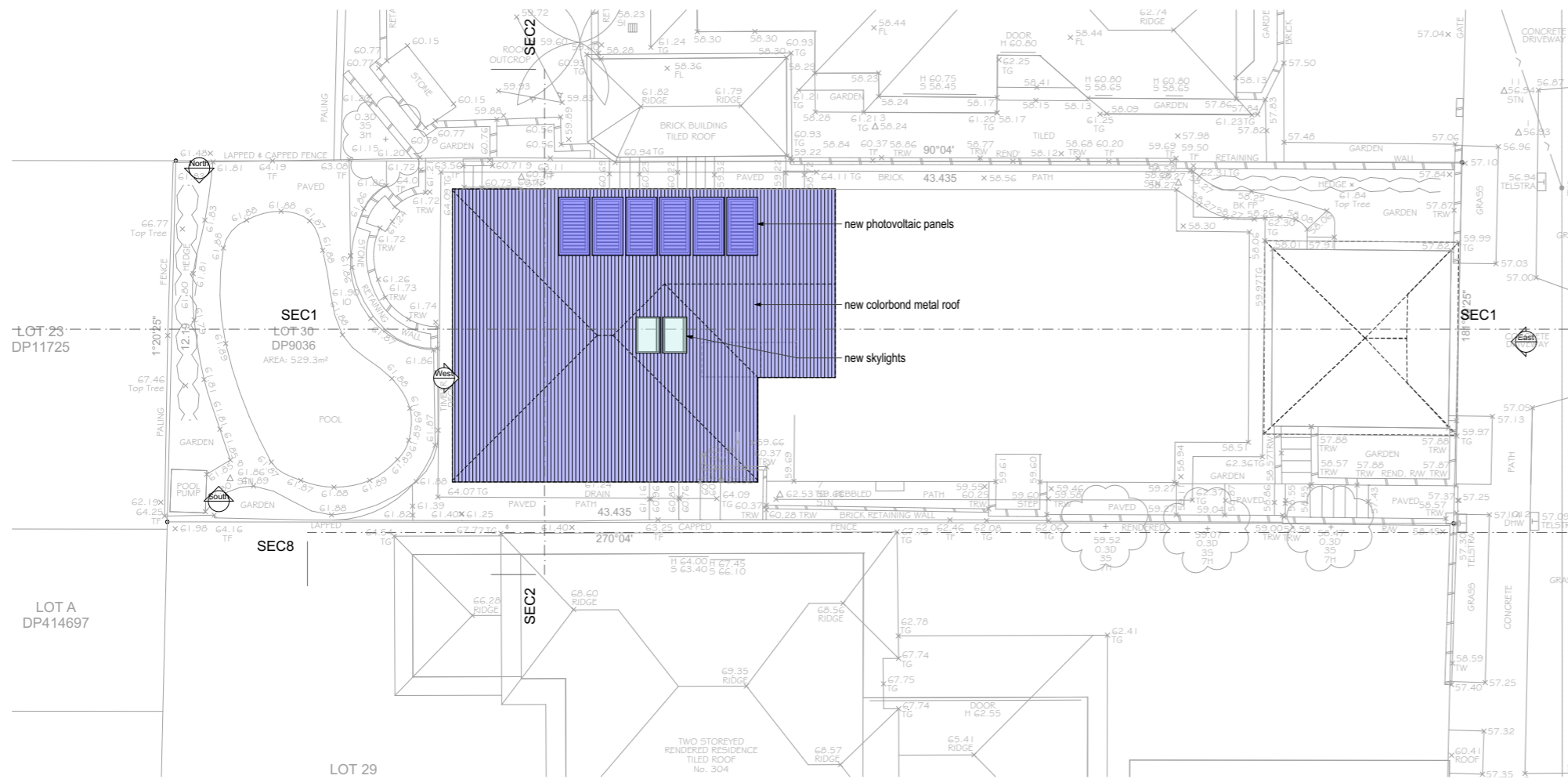
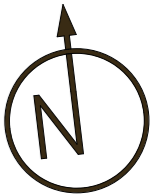
Sheet No.  
**SOLO-02**

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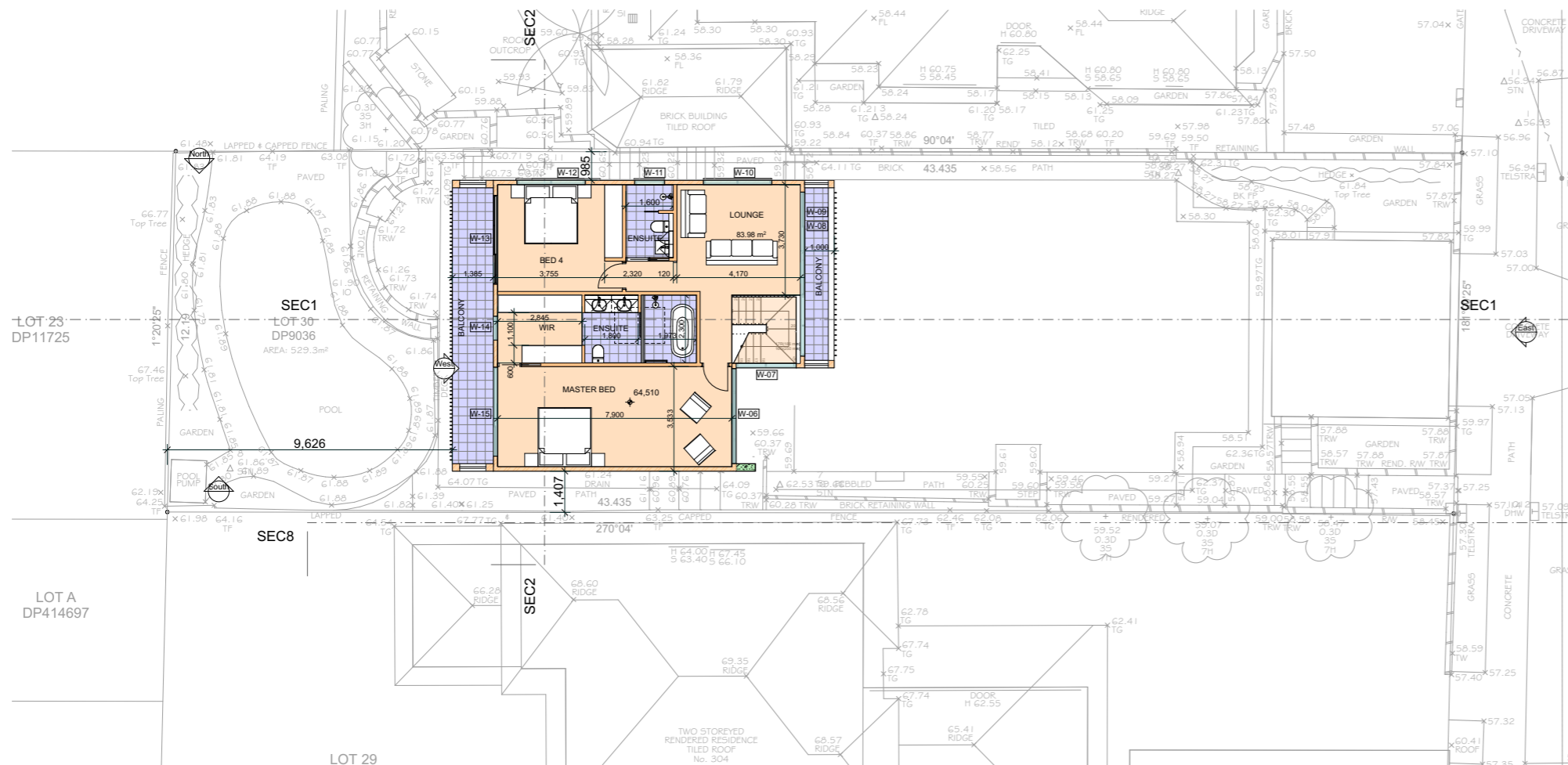
Nominated Architect: Alex Smith Reg #5473  
alex@csa-arch.com.au

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ROOF LEVEL

1:200



NEW LEVEL ADDITION

1:200

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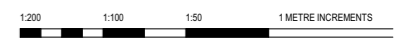
Client  
**LARA SOLOMON**

Project  
**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**  
Status  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**Floor Plans (pg2 of 2)**

Sheet No.  
**SOLO-03**

Drawn: AY	Checked: AS/DRB	Scale: 1:100 U.N.O.	Rev. <b>01</b>
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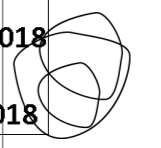


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Waverley Council

Application No: DA-419/2018

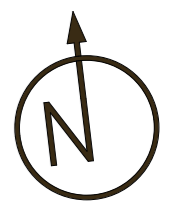
Date Received: 16/11/2018



CSA ARCHITECTS

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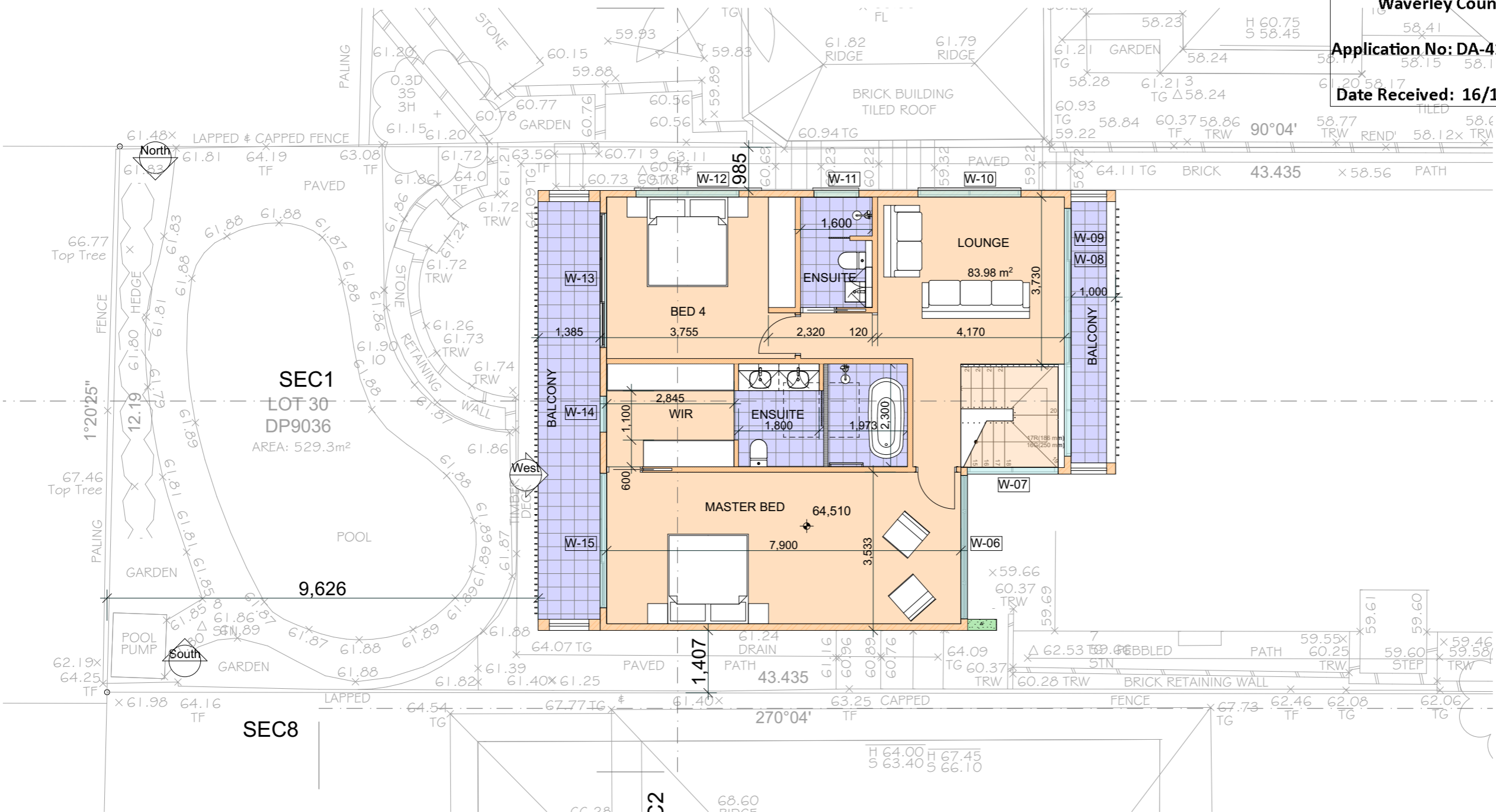
Project  
**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**

Status  
**DEVELOPMENT APPLICATION**

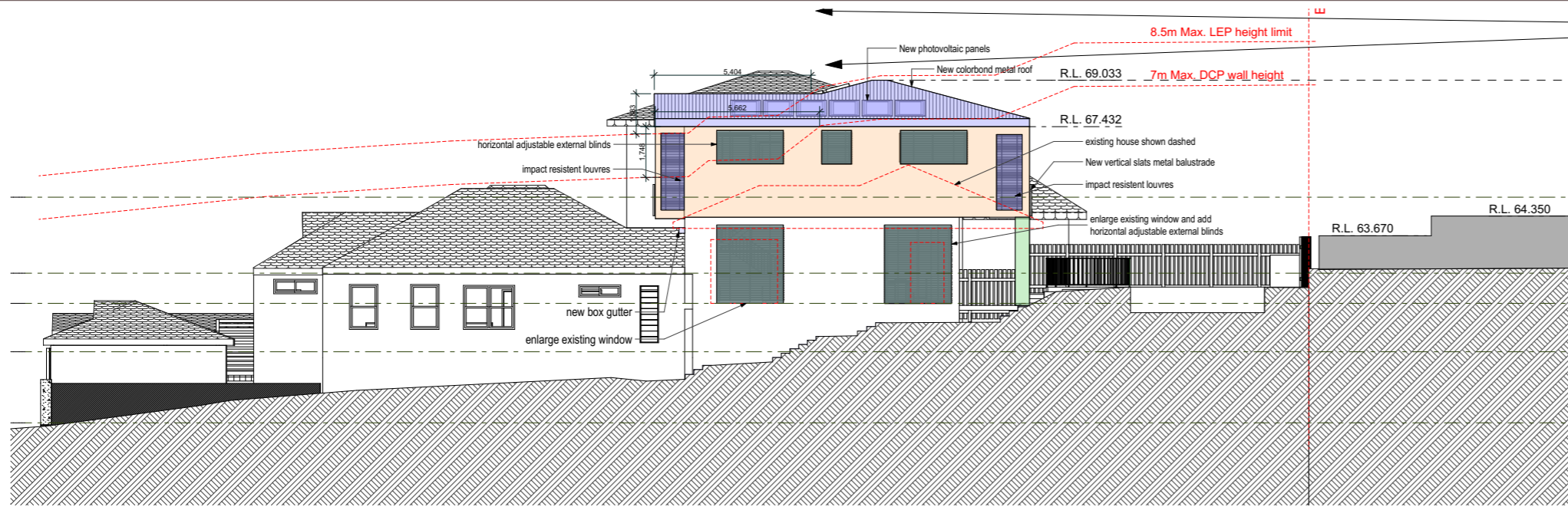
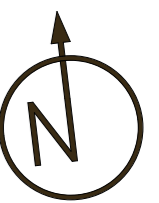
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**New Level Addition**

Sheet No.  
**SOLO-04**

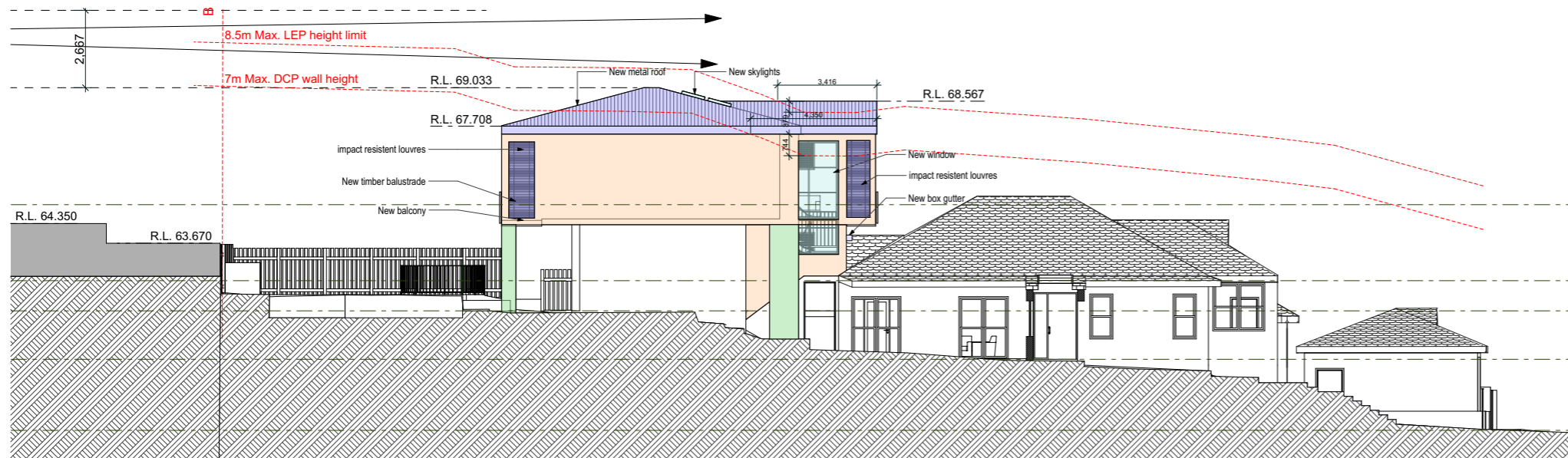
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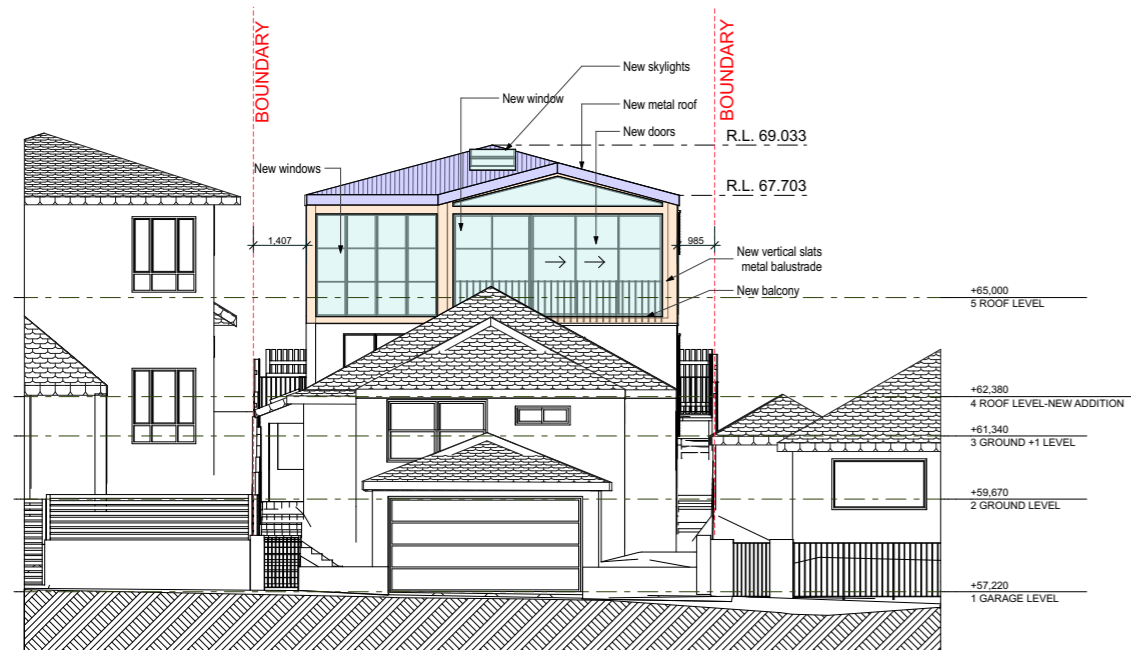
1 NEW LEVEL ADDITION



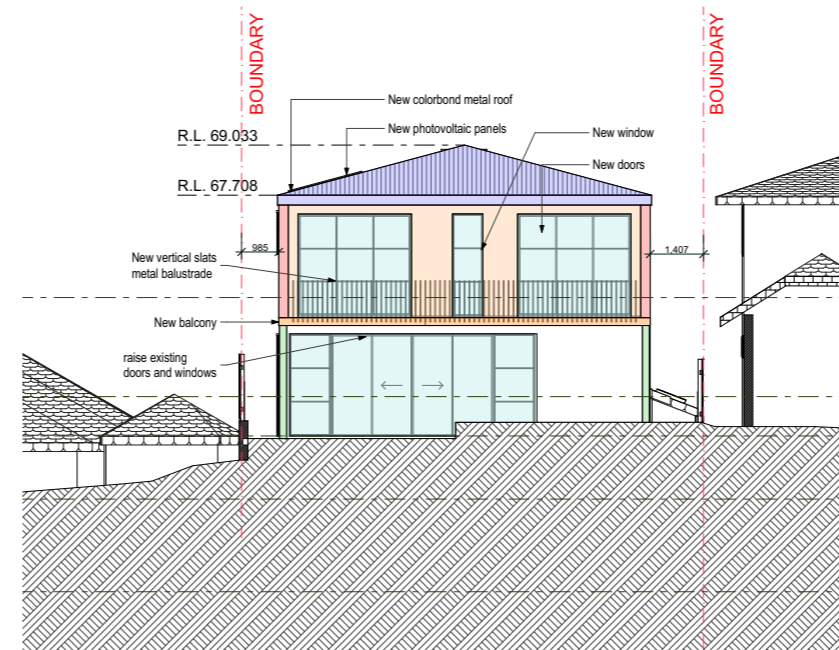
1 NORTH ELEVATION 1:200



2 SOUTH ELEVATION 1:200



3 EAST ELEVATION 1:200



4 WEST ELEVATION 1:200

RevID	ChID	Description	Date
01	Ch-00	DEVELOPMENT APPLICATION ISSUE	14/11/2018

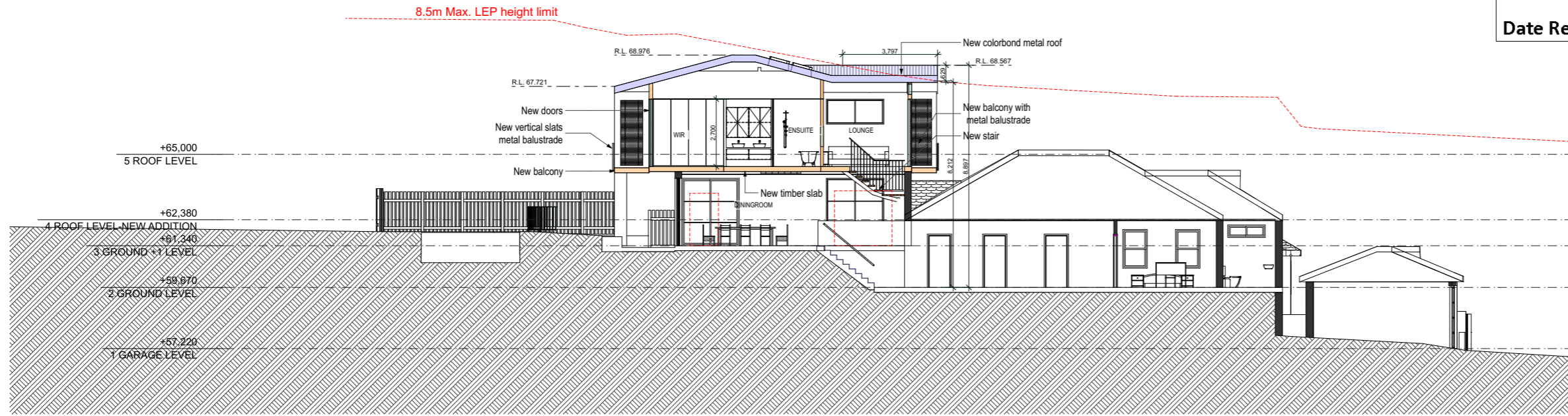
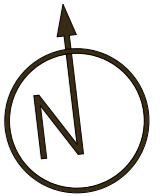
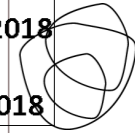
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**LARA SOLOMON**  
Project  
**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**  
Status  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**Elevations**  
Sheet No.  
**SOLO-05**  
Drawn: AY    Checked: AS/DRB    Scale: 1:100 U.N.O.    Rev. 01

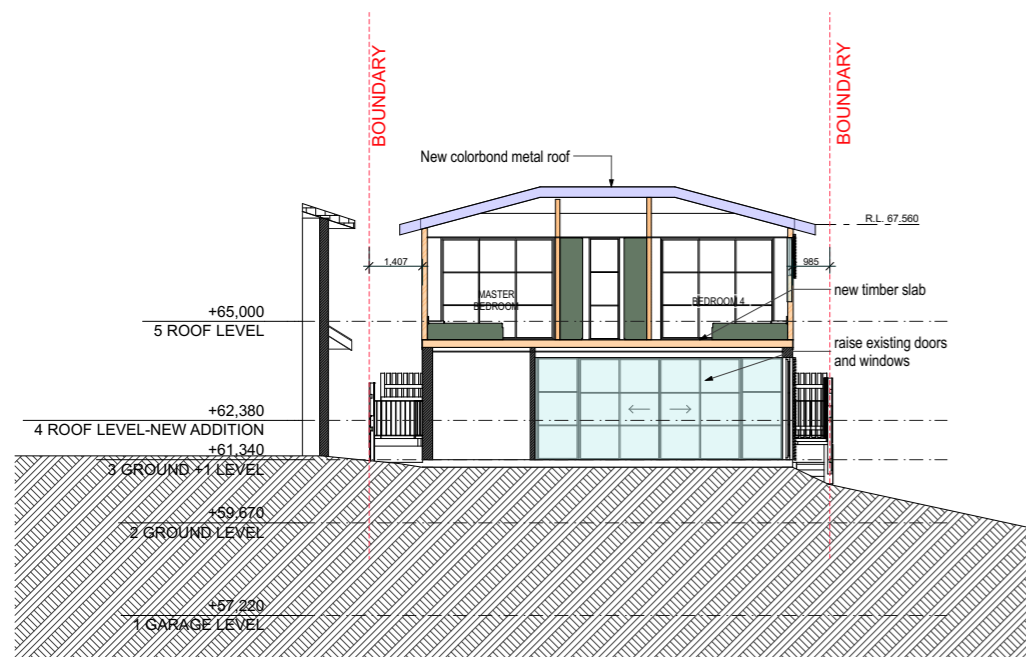




SECTION 1

1:200

1



SECTION 2

1:200

2

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**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**

Status

**DEVELOPMENT APPLICATION**

Drawing Title:

**Sections**

Sheet No.

**SOLO-06**

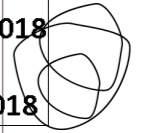
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AY	AS/DRB	1:100 U.N.O	01

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date:

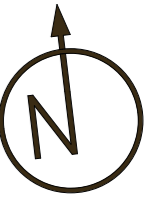
Thursday, 15 November 2018

287



Nominated Architect: Alex Smith Reg #5473  
alex@csa-arch.com.au

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1

Height plane North

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**ALTERATIONS AND ADDITIONS  
306 MILITARY ROAD DOVER HEIGHTS**

Status

**DEVELOPMENT APPLICATION**

Drawing Title:

**Max. height plane**

Sheet No.

**SOLO-07**

Drawn:	Checked:	Scale:	Rev.
AY	AS/DRB	1:100 U.N.O	01

1:200 1:100 1:50 1 METRE INCREMENTS

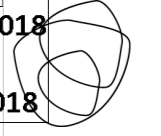
Plot Date: Thursday, 15 November 2018



2

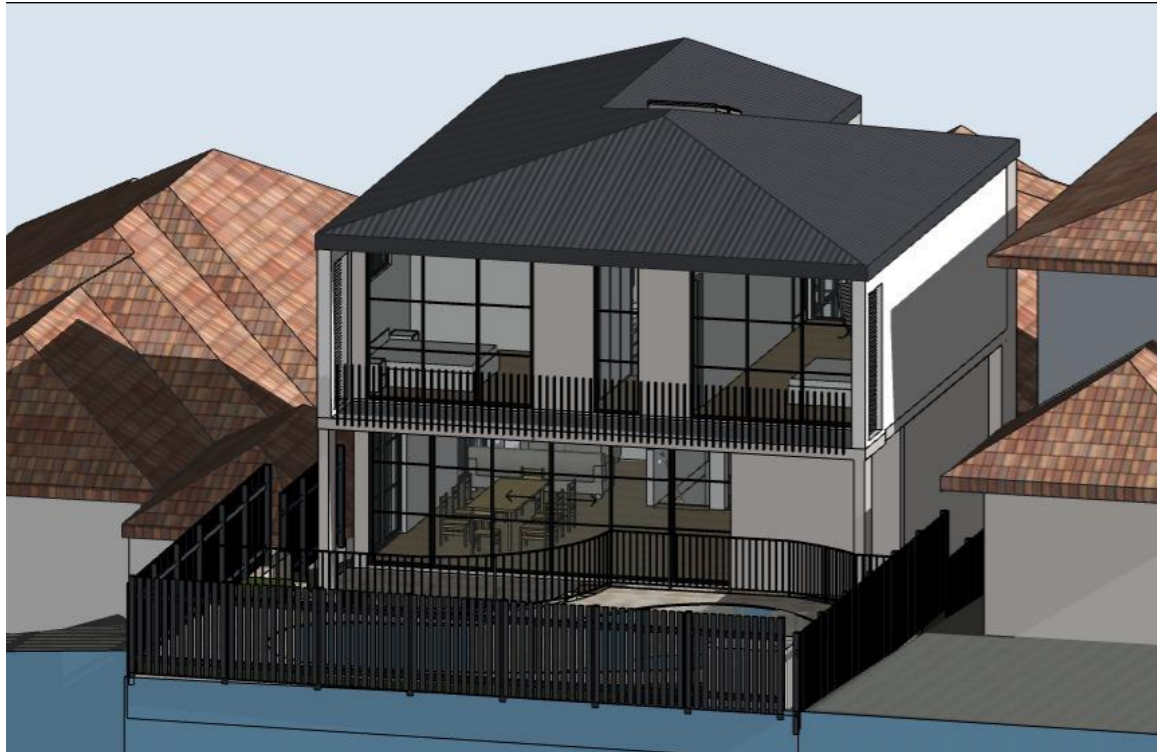
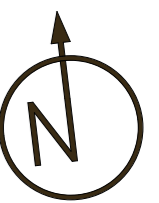
Height plane South





Nominated Architect: Alex Smith Reg #5473  
alex@csa-arch.com.au

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1

View 1



2

View 2



3

View 3



4

View 4

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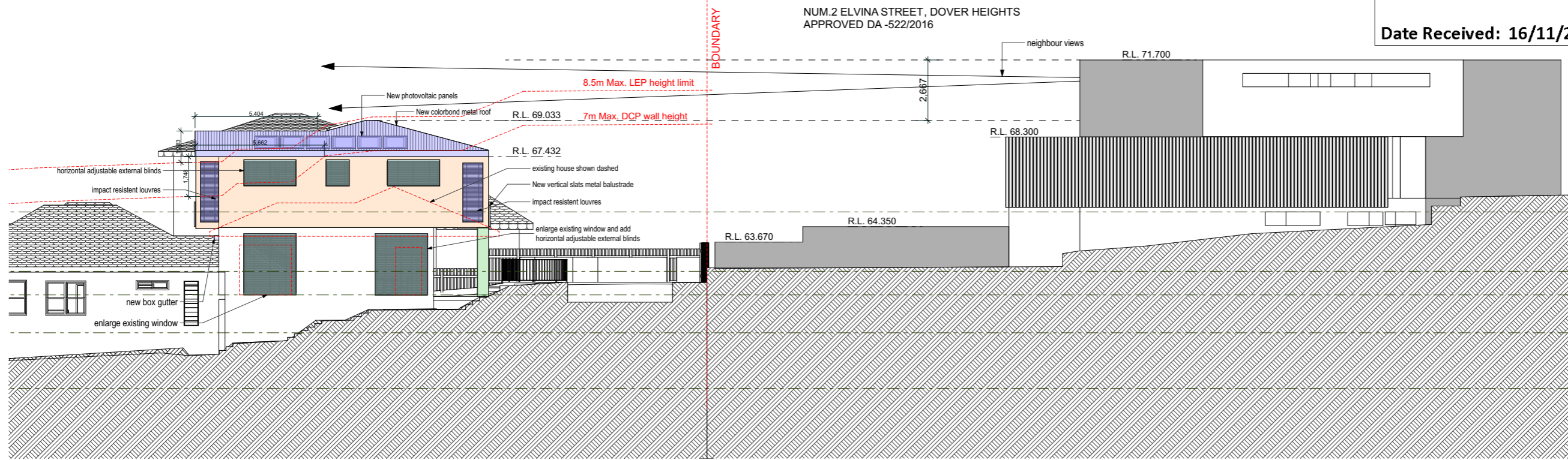
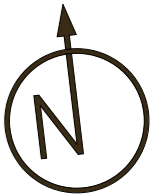
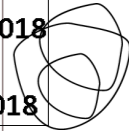
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306 MILITARY ROAD DOVER HEIGHTS**  
Status  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**3D views**  
Sheet No.  
**SOLO-11**

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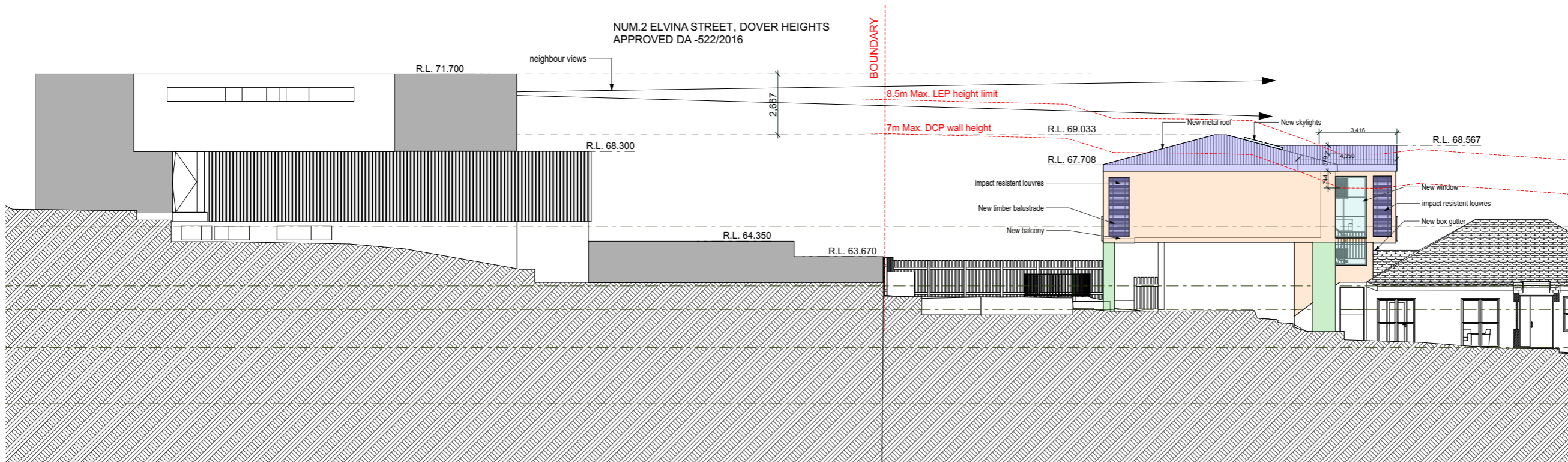




1

NORTH ELEVATION

1:200



2

SOUTH ELEVATION

1:200

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306 MILITARY ROAD DOVER HEIGHTS**

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Drawing Title:  
**Elevations 1/200**

Sheet No.  
**SOLO-12**

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