



19 November 2018

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, 28 NOVEMBER 2018

QUORUM: Three Panel members.

APOLOGIES: By e-mail to WLPP@waverely.nsw.gov.au

OR

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

AGENDA

WLPP-1811.A **Apologies**

WLPP-1811.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-1811.1 **PAGE 4** **20-24 Hall Street, Bondi Beach – Partial demolition of heritage listed building (Australia Post Office) and construction of a four storey mixed use development containing 2 basement levels of car parking, ground level retail with 10 residential units above. (DA-475/2017)**

Report dated 14 November 2018 from the Development and Building Unit.

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

WLPP-1811.2 **PAGE 112** **80-82 Hall Street, Bondi Beach – Demolition of existing building and construction of four storey shop top housing containing two levels of basement parking, ground level retail and 10 apartments above. (DA-12/2018)**

Report dated 14 November 2018 from the Development and Building Unit.

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

WLPP-1811.3 **PAGE 182** **96 Warners Avenue, Bondi Beach – Alterations and additions to existing residential flat building including a third storey addition to provide a fifth unit and refurbishment of the existing four garages (DA-14/2018)**

Report dated 13 November 2018 from the Development and Building Unit.

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

WLPP-1811.4

PAGE 246

17 Wilga Street, Bondi – Alterations and additions to residential flat building (DA-125/2018)

Report dated 15 November 2018 from the Development and Building Unit.

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

WLPP-1811.5

PAGE 284

9 Portland Avenue, Dover Heights – S4.55 Modification to delete condition 2 relating to the carport structure (DA-525/2017/A)

Report dated 12 November 2018 from the Development and Building Unit.

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

WLPP-1811.6

PAGE 317

113 Macpherson Street, Bronte (formerly known as Bronte RSL) – Stratum subdivision into 2 Lots – ‘Residential’ and ‘Retail’ (DA-218/2018)

Report dated 15 November 2018 from the Development and Building Unit.

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

WLPP-1811.7

PAGE 335

10 Tipper Avenue, Bronte– Modification of the previously refused roof terrace (DA-247/2016/B)

Report dated 13 November 2018 from the Development and Building Unit.

Recommendation: That the application be refused for the reasons contained in the report.

WLPP-1811.8

PAGE 362

27 Evans Street, Bronte– Modifications to height of front fence, stairs and access hood for roof-top access, additional balustrading and various other modifications (DA-365/2015/C)

Report dated 14 November 2018 from the Development and Building Unit.

Recommendation: That the application be refused for the reasons contained in the report.



Report to Waverley Local Planning Panel

Application number	DA-475/2017
Site address	20-24 Hall Street, BONDI BEACH
Proposal	Partial demolition of heritage listed building (Australia Post Office) and construction of a four storey mixed use development containing 2 basement levels of car parking, ground level retail with 10 residential units above.
Date of lodgement	7 November 2017 Amended plans and documentation: 24 April 2018, 5 May 2018 and 11 July 2018 Amended plans to WLPP deferral: 5 September 2018 and 19 October 2018
Owner	Australian Postal Corporation (at lodgement) Post Office Bondi Pty Ltd (following lodgement)
Applicant	Taylor Developments Group Pty Ltd c/o Urbis
Submissions	Original application: 35 unique submissions and approximately 1,323 pro-forma submissions Amended application (following WLPP deferral): 20 submissions overall (11 unique, 9 pro-forma submissions and 12 of these did not include an address)
Cost of works	\$5,830,000
Issues	Heritage, height, FSR, SEPP 65, setbacks
Recommendation	That the application be APPROVED, subject to conditions.

Site Map



This report should be read having regard to the following components:

- Part 1: The applicant and Council Officer's response to the matters raised in the deferral of the WLPP meeting of the 25 July 2018.
- Part 2: Council's assessment report (based on the assessment and plans presented to the 25 July 2018 WLPP meeting).
- Part 3: Conditions to be modified (from those presented at the 25 July 2018 WLPP meeting) as amended by the plans and documents received by Council since that meeting of 25 July 2018.
- Part 4: Full set of conditions (ie clean copy) for the proposal.

PART 1: RESPONSE TO THE DEFERRAL MATTERS DATED 25 JULY 2018 OF THE WAVERLEY LOCAL PLANNING PANEL

1. BACKGROUND

The application was referred to the Waverley Local Planning Panel (WLPP) on 25 July 2018. The Development and Building Unit recommended approval of the application, subject to conditions. The WLPP resolved to defer the application for the following reasons:

1. *The Panel is not satisfied with the proposed heritage outcomes for the site and in particular:*
 - a. *The Panel is of the opinion that the development application proposes an inadequate response to the cultural and aesthetic significance of the place (including historical and social values) and notes that only a portion of the two street facades is to be retained.*
 - b. *Aspects considered deficient include the absence of an archaeological assessment, and an interpretation plan which should be undertaken in accordance with the guidelines of the NSW Heritage Branch of the NSW Office of Environment and Heritage.*
 - c. *The architectural treatment, including not:*
 - *Retaining the entirety of the street facade*
 - *Retaining the entry entablature complete*
 - *Reconstructing the corner front door*
 - *Retaining the majority of the window openings and timber windows.*
2. *Revised designs should be provided which include a new cornice/parapet element as a transition between retained facades and new facades.*
3. *Submission of an amended schedule of conservation works for the retained fabric.*
4. *Consideration may be given to the deletion of the basement carpark to maximise the retention of the existing fabric of the Post Office. If the applicant wishes to retain the basement it should provide a report from a suitably qualified engineer as to the viability of the retained fabric of the Post Office and the support of the basement.*
5. *The applicant should endeavour to secure Australian Post as a long term lessee of the ground floor of the site and provide evidence to Council in this respect.*

The applicant provided amended plans on 5 September 2018 in response to the WLPP deferral. The amended proposal was re-notified for 14 days between 25 September and 8 October 2018. The submissions received are discussed below. Council's Heritage Advisor provided comments about the proposal relating to the modification and treatment of the door to the 1934 entry off Hall Street to the

original telephone booths. Council’s Planning Assessment Staff and Heritage Advisor met with the applicant on 11 October 2018 to discuss the amended plans. A physical materials and sample board was provided, and a final set of amended plans was provided on 19 October 2018 (which did not require renotification as they were of similar or lesser impact than amendments previously received and notified).

2. RESPONSE TO DEFERRAL LETTER

Deferral matter	Applicant’s response	Planning comment
<p><i>The Panel is of the opinion that the development application proposes an inadequate response to the cultural and aesthetic significance of the place (including historical and social values) and notes that only a portion of the two street facades is to be retained.</i></p>	<p>Prior to lodgement, there was significant exploration of design options for the site by the project architect and heritage consultant. In the applicant’s opinion, the original and early heritage façade fabric fronting Hall Street and Jacques Avenue make a defining contribution to the significance of the place. The proposed design responds appropriately to the cultural and aesthetic significance of the place by retaining the original and early heritage façade fabric and providing a new, high quality contemporary addition which respects the architectural language and significance of the historic street facades. The positive design response was acknowledged and supported by Waverley’s Design Excellence Panel. However, in response to the Local Planning Panel’s concerns, a number of further heritage and design initiatives have been implemented to strengthen the response of the proposal to the cultural and heritage significance of the Post Office.</p>	<p>The amended proposal is considered to provide an appropriate solution to the Panels concerns. The retention of the entry entablature and corner front door ensure that the cultural and aesthetic significance of the building is retained. Furthermore, the amended proposal reinstates that 1934 western Hall Street entrance with new doors and associated landscaping setback from the entry within an open lobby. This is paired with interpretive screen images of the historic phone booths that would have been in this location. The application has provided a physical sample board with examples of the brick colouring that is proposed, along with the materials for the upper level addition. The materials are considered to be sympathetic to and complement the original Post Office façade, and the Hall Street village locality.</p>
<p><i>Aspects considered deficient include the absence of an archaeological assessment, and an interpretation plan which should be undertaken in</i></p>	<p>The applicant has sought expert archaeological (both European and Aboriginal) and heritage advice in response to this item. In summary:</p> <p><u>European Archaeological Assessment:</u> A Historic Archaeological Assessment prepared in accordance with the guidelines</p>	<p>The additional reports provided by the applicant are in accordance with the guidelines of the NSW Heritage Branch of the NSW Office of Environment and Heritage. A condition of consent has been included to</p>

Deferral matter	Applicant's response	Planning comment
<p><i>accordance with the guidelines of the NSW Heritage Branch of the NSW Office of Environment and Heritage.</i></p>	<p>from the NSW Heritage Branch of the OEH, by Casey & Lower (dated August 2018) states that "there is no potential for archaeological relics of Local significance on the site" and makes recommendations with regard to 'unexpected finds protocol'.</p> <p><u>Aboriginal Archaeological Assessment</u> While not directly requested by the Panel, the applicant has provided an Archaeological Assessment in response to representations made by community members (including the Deputy Mayor). The Assessment, prepared in accordance with the guidelines from the NSW Heritage Branch of the OEH, by Uneathed Archaeology & Heritage (dated August 2018) is provided in support of the application. The Assessment states that "there is no objection to the proposed development on archaeological grounds" with "no Aboriginal objects recorded during the site inspection and it is not expected that any sites or subsurface archaeological deposits will be harmed during the proposed development". The report also makes recommendations with regard to unexpected finds during construction.</p> <p><u>Heritage Interpretation Strategy</u> has been prepared by Urbis (Heritage) dated 19 October 2018 to inform and guide the appropriate interpretation of the place. Some of the proposed interpretation initiatives include:</p> <ul style="list-style-type: none"> - Conservation of fabric - Reinstatement of the western Hall St entrance - Naming and name signage - Historic markers - Display panels <p>The applicant recommends that the assessment and recommendations in the three above reports form part of a condition of consent.</p>	<p>ensure that the development is in accordance with the assessment and recommendations made in both the expert archaeological reports and the heritage interpretation strategy.</p>

Deferral matter	Applicant's response	Planning comment
<p><i>The Panel is not satisfied with the proposed heritage outcomes for the site and in particular the architectural treatment, including not:</i></p> <ul style="list-style-type: none"> - Retaining the entirety of the street façade - Retaining the entry entablature complete - Reconstructing the corner front door - Retaining the majority of the windows openings and timber windows - Reconstructing the corner front door 	<p>In response to the Panel's concerns with the architectural treatment, a range of amendments to the plans are proposed, including:</p> <ul style="list-style-type: none"> - <u>Street façade</u> the existing original (1922) and early (1934 extension) have been retained and conserved. The street facades which were later and are heavily modified (post 1949) additions are proposed to be demolished and replaced with a high-quality addition that is consistent with the architectural language of the heritage fabric retained. - <u>Reinstatement of the western Hall Street entrance</u> the treatment of the 1934 entry off Hall Street has been reinstated with new doors and associated glazing set back from the entry within an open lobby. With interpretive screen images of the historic images. - <u>Western elevation</u> the western elevation will have a brick return for the ground floor along the laneway - <u>Entry entablature</u> the entry entablatures are now retained - <u>Corner front door</u> the corner front door is now retained, and the internal porch has been reinterpreted as requested by the Panel. - <u>Window openings and timber windows</u> all window openings and timber windows are now retained in their original form. 	<p>The amended proposal retains more of the heritage significant features that the original proposal. This includes retention of the window openings and timber windows. The amendments also reinstates significant entrances including the side entrance on Hall Street with interpretive telephone booth features, and the corner front entry entablature and corner front door.</p>
<p><i>Revised designs should be provided which include a new cornice/parapet element as a transition between retained facades and new facades</i></p>	<p>The amended DA drawings provide revised designs which include changes to the cornice / parapet to provide a better transition between the retained facades and new facades.</p>	<p>The additional drawings are considered to show adequate detail regarding the retention of the cornice parapet.</p>

Deferral matter	Applicant's response	Planning comment
<i>Submission of an amended schedule of conservation works for the retained fabric</i>	An amended Schedule of Conservation Works prepared by Urbis dated 24 August 2018, has been provided. It refers to the additional retained fabric as requested by the Panel.	A condition of consent has been included to ensure that the development is in accordance with the updated Schedule of Conservation Works.
<i>Consideration may be given to the deletion of the basement carpark to maximise the retention of the existing fabric of the Post Office. If the applicant wishes to retain the basement it should provide a report from a suitably qualified engineer as to the viability of the retained fabric of the Post Office and the support of the basement.</i>	The applicant seeks to retain the basement car park. In accordance with the Panel's advice, a letter has been provided by a suitably qualified engineer (Northrop Consulting Engineers) which comments on the viability of the retained fabric of the Post Office and the support of the basement, including advice on their strategy for supporting the heritage façade.	The letter and drawing provided by the applicant describe the proposed retention system and strategy for supporting the heritage façade during construction and excavation. Conditions imposed will reiterate these measures.
<i>The applicant should endeavour to secure Australian Post as a long term lessee of the ground floor of the site and provide evidence to Council in this respect.</i>	Australia Post sold the subject site earlier in 2018. There is a sale and leaseback arrangement with Australia Post, which includes provisions to facilitate the continuation of postal services in the area. The applicant has confirmed that Australia Post has a 5 year + 5 year lease on the property. It may relocate temporarily while redevelopment takes place or relocate somewhere else altogether.	As advised in the original report to the Panel on 25 July 2018, the post office use is not a planning matter for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979. Under SEPP (Exempt and Complying Development Codes) 2008, the change of use from a business premises or shop to another business premises or shop is exempt development. The applicant has advised that there is a sale and leaseback arrangement which ensures that Australia Post can continue to serve the local community.

3. HERITAGE MANAGEMENT PLAN

The package of additional and amended documentation provided by the applicant included advice about the implementation of the Heritage Management Plan. Condition 3(h) (as recommended for imposition) requires *any recommendation contained in the Heritage Management Plan reviewed by the Heritage Council shall be incorporated into the Schedule of Works. In this regard, evidence is required that the Heritage Council have been informed of the works, as stipulated in the Department of the Environment and Energy correspondence (via email to Council) dated 8 March 2018 and any subsequent recommendations are to be included from the Heritage Council in the Schedule of Works.*

Legal advice has been provided from the applicant's lawyer (Gilbert and Tobin) clarifying that the referral to the Department of Environment and Energy was not necessary for the following reasons:

- *The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) does not impose obligations on future owner/occupiers to comply with the Heritage Management Plan because:*
 - *The Heritage Management Plan was prepared for the specific purpose of enabling Australia Post to comply with its statutory obligation under Section 341S of the EPBC Act which requires a Commonwealth agency (i.e. Australia Post) to make a written plan to protect and manage a Commonwealth Heritage place it owns or controls (which includes the Bondi Post Office while Australia Post is the tenant);*
 - *The statutory obligation to comply with the Heritage Management Plan rests solely with Australia Post pursuant to section 341V of the EPBC Act which provides that a commonwealth agency must not contravene a heritage management plan made under section 341S of the EPBC Act; and*
 - *There is no provisions in the EPBC Act which extends the statutory obligation to comply with the Heritage Management Plan to future owners/occupiers of the Property, or has the effect of making the Heritage Management Plan run with the land to bind such persons.*

The Heritage Management Plan was prepared for the specific purpose of Australia Post's compliance with the statutory regime under the EPBC Act while Australia Post remains the occupier of the property. As such, the applicant has requested that Condition 3(h) be modified to encompass the above advice. As amended, the condition still requires the applicant to adhere to the recommendations contained in the Heritage Management Plan to the extent of any inconsistency with the approved plans.

The proposed modification to Condition 3(h) is considered acceptable. The amended Schedule of Conservation Works (dated August 2018) will form part of the conditions of consent. Furthermore, recommended Condition 4 relating to a Heritage Deed of Agreement and Public Positive Covenant is recommended to remain as a condition of consent. This condition requires the owners of the property to enter into and execute a Deed of Agreement and Public Positive Covenant with Council to ensure that the approved Schedule of Heritage Conservation Works (i.e. dated August 2018) are completed before or concurrently with any other approved work on the site.

4. NOTIFICATION

The amended application (in response to WLPP deferral) was re-notified for 14 days between 25 September and 8 October 2018, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development.*

The re-notification of the application received a total of 20 submissions (11 unique submissions and 9 pro-forma submissions). 12 of these submissions did not include an address. The issues raised in the submissions are summarised and discussed below.

Table: Summary of property addresses that lodged a submission

Property
15 Consett Avenue, Bondi Beach
Bondi Beach Precinct Committee
88 Lamrock Avenue, Bondi Beach
1/25 Sir Thomas Mitchell Road, Bondi Beach
3/84-88 Campbell Parade, Bondi Beach
507/10 Jaques Avenue, Bondi Beach
215/10 Jaques Avenue, Bondi Beach
1/28 Simpson Street, Bondi
Additional written submissions with no postal address given: 12 submissions

Issue: The overpopulation in the area and proposed development increases foot traffic and vehicle traffic on Hall Street.

Response: The proposal for 10 residential units is not considered to result in an overpopulation of the locality, nor will it result in notable additional foot traffic. Adequate off-street car and bicycle parking is provided to minimise the strain on existing on-street parking.

Issue: The demolition of the post office will have an impact on the local community

Response: The building is not being demolished in its entirety. The post office use is discussed above, and a response to this objection is provided in the planner’s original assessment report.

Issue: It is wrong to remove a historic building as is clearly carries a significance within the local community

Response: The proposal does not seek to remove the heritage significant fabric of the original building. The amended proposal removes unsympathetic later additions while maintaining the original and early features. The additions are considered to be of a high quality and sympathetic to the original building. The building form complies with the Hall Street Village Centre controls under Waverley DCP 2012.

Issue: Privacy and noise impacts on the rear yards of the dwellings on Consett Avenue

Response: This objection has been responded to in the planner’s original assessment report.

Issue: The development has an impact on the only place left where local residents can pause for a chat without obstructing the flow of pedestrians. It is an important community corner and needs to be retained

Response: The ‘corner’ will be retained. The building is setback 3.3m – 3.6m from the boundary to ensure the corner space remains. The proposal includes the removal of one street tree, which is supported by Council’s Tree Management Officer. The other two trees for removal are located within

the subject site. This is discussed in further detail in the planner's original assessment report. It is noted that the subject site is located approximately 100m from Bondi Park and Bondi Beach, which provides an abundance of community open space.

Issue: Impacts during construction, particularly traffic impacts

Response: Conditions have been included relating to the hours of work and noise and traffic management during construction.

5. REFERRALS

Heritage Advisor – Shaping Waverley

The amended application was referred to and discussed with Council's Heritage Advisor who made the following recommendation comments in response to documents submitted 5 September 2018:

Recommendations.

To maintain the heritage significance of the existing listed building; the contribution of the building to the established streetscape setting and cohesion with other heritage listed buildings in close proximity; it is recommended that the following are incorporated in any consent to development:

Modification of the western Hall Street entry.

- This entry was originally open with doors located to the eastern side of the resulting lobby and phone booths to the southern and western sides. This aspect of the entry should be reinstated with new doors and associated glazing set back from the entry within an open lobby preferably with interpretative screen images of phone booths or history of the building to the western side of the recessed entry and entry doors to the main ground floor area on the eastern side. This lobby would serve to reduce the apparent limited depth to the retained fabric. The original 'TELEPHONES' signage should be reinstated above this entry as seen on the 1934 architectural drawings.*

External finishes to new works

- The material finishes to the vertical blade walls of the new works are recommended to have similar colour, texture and ideally face brick finish to the existing external brickwork of the 1924 Post Office.*

Subsequent to these comments being made, the applicant met with Council Officers including Council's Heritage Advisor to discuss the application. The applicant subsequently submitted additional documents (19 October 2018) specifically detailing the eastern entry indentation and the incorporation of heritage detailing and imaging to reflect the former use of this area for phone booths that is now sought on the ground floor area. A Materials board was also presented for the proposal. As a result, Council's Heritage Advisor supports the application, having regard to the amended form presented.

6. SUMMARY

The application was referred to the Waverley Local Planning Panel on 25 July 2018. The Development and Building Unit recommended approval of the application, subject to conditions. The WLPP resolved to defer the application as it was not satisfied with the proposed heritage outcomes for the site. The

applicant has provided amended architectural drawings and documentation to address the deferral matters. The amendments are discussed in Part 1 of this report.

In Part 2 of this report, the assessment of the application having regard to the proposal presented at the July meeting is provided. In Part 3, a full set of conditions is provided (taking into account the conditions recommended to the WLPP meeting of 25 July 2018 and subsequently amended by documents received by Council since this time).

The amended application (in response to the WLPP deferral dated 25 July 2018) was re-notified for 14 days, and 11 unique submissions and 9 pro-forma submissions were received.

The amended application is recommended for approval, subject to conditions.

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:

Emma Finnegan
Senior Development Assessment Planner

Date: 14 November 2018

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

Angela Rossi
Manager, Development Assessment (Central)

Date: 14 November 2018

Reason for referral:

- 2 Contentious development (10 or more objections)
- 3 Departure from any development standard in an EPI by more than 10%
- 4 Sensitive development:
 - (b) SEPP 65 development

PART 2: COUNCIL ASSESSMENT REPORT (BASED ON PROPOSAL SUBMITTED TO THE WLPP ON 25 JULY 2018)

1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 1 March 2018.

The site is identified as Lot 2 in DP 329116 known as 20-24 Hall Street, BONDI BEACH. It is located on the corner of Hall Street and Jaques Avenue.

The site is rectangular in shape with a frontage measuring 24.38m to Hall Street and 34.13m to Jaques Avenue. The site has an area of 770sqm and is generally flat. The existing building is actually setback from its boundaries to both Hall Street and Jaques Avenue, and subsequently, there are various public domain paths and structures (such as planters) that are located on the subject land.

The site is occupied by Bondi Beach Post Office, which is a single storey building. Vehicle access is provided on Jaques Avenue. There are number of ancillary structures including a phone box, post boxes and garden beds located on the footpath around building.

The subject site is in close proximity to Bondi Beach and Campbell Parade, and is surrounded by mixed use building with retail uses on the ground floor along Hall Street and residential buildings on Jaques Avenue. The site is listed as Heritage Item 113 “Inter-war Stripped Classical style public building” in Schedule 5 of the Waverley Local Environmental Plan 2012, as well as being listed on the Commonwealth Heritage List (Place ID: 106174).



Figure 1: Subject site frontage from corner of Hall Street and Jaques Avenue



Figure 2: Looking west along Hall Street from the corner of Jaques Avenue



Figure 3: Looking south along Jaques Avenue from the corner of Hall Street



Figure 4: Site viewed from Hall Street



Figure 5: Site viewed from Jaques Avenue from vehicle crossover

1.2 Relevant History

A search of Council records indicate the following relevant property history:

- DA-153/2009: Approved 25 May 2010 granted consent for alterations and additions to provide two tenancies, post office fit out and access ramp/walkway.
- DA-153/2009/A: approved 8 March 2011 was a modification to amend conditions relating to accessibility, internal changes and external changes including door openings.

Background to subject application

During the assessment period, the application was deferred and amended plans were requested to provide improved internal circulation spaces. A summary of the amendments is provided below:

- Internal reconfiguration at Basement 1 level with regards to the goods lift, retail waste and pedestrian exits;
- Internal reconfiguration at Ground level with regards to the residential entry and ramp, the retail back of house area and accessible entry from the splay corner, and footpath paving and grading levels;
- Amendments to the heritage façade to retain more of the parapet and eave detailing of the original building;
- Additional information regarding to the winter gardens and operable glazing;
- Alterations to the proposed full height openings in the location of the existing windows on Hall Street. The original application included doors in their location, and the amended application proposed full height windows;
- Internal reconfiguration to apartment numbers 1.02, 1.03 and 2.02 on levels 1 and 2 to provide an improved layout; and,
- A lower profile lift overrun was able to be achieved, which reduced the overall height of the lift mechanism by 1 metre.

Amended plans and documentation were submitted on 24 April 2018, 5 May 2018 and 11 July 2018. These amendments were considered to have same or lesser impact and subsequently were not renotified. The application is assessed having regard to these plans and documents.

1.3 Proposal

The amended application seeks consent for partial demolition of the existing heritage listed Post Office and construction of a four storey mixed use development including:

- Two levels of basement car parking accessible via car lifts and a turn table consisting 24 car parking spaces, 4 motorcycle spaces, 13 bicycle spaces, storage areas, plant equipment and retail waste room;
- Retention and restoration of the Post Office component fronting Hall Street and Jaques Avenue.
- Ground floor retail space (251sqm) with direct access from the splay corner and Hall Street. The existing windows along the Hall Street and Jaques Avenue are proposed to be enlarged to be full height;
- Associated public domain work including the removal of two on-site trees and one street tree and the retention of five street trees;

- Residential entrance lobby and vehicle access is provided from Jaques Avenue; and
- Construction of three additional levels consisting 10 residential apartments (5 x 2 bedroom and 5 x 3 bedroom).

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 Environmental Protection and Biodiversity Conservation Act (1999) (EPBC Act)

The application was referred to the Department of Environment and Energy who made the following comments:

*The EPBC Act also protects **Commonwealth Heritage places** (which are places owned or leased by the Commonwealth or a Commonwealth agency and included on the Commonwealth Heritage List) and the environment from actions by Commonwealth agencies or on Commonwealth land.*

The Bondi Beach Post Office is included on the Commonwealth Heritage List ([Place ID: 106174](#)). It is listed under Criterion A – Processes for its association with a period of local growth and development; Criterion D – Characteristic values as it is an example of a post office with quarters, an interwar period building in the Colonial/Georgian Revival Style and a building by E H Henderson, Commonwealth Department of Works and Railways, under direction of George Oakeshott; and Criterion E – Aesthetic characteristics for its landmark qualities. Any assessment of impacts to the place as a result of the proposed action should be undertaken against these listed criteria.

If the person proposing to take the action believes, after a self-assessment, that the action may, or is likely to have, significant impacts upon one or more MNES, or on Commonwealth land or heritage, they are required to refer the project to the Department. They may also make a referral if they are unsure if the project will impact MNES. The purpose of the referral process is to determine whether or not a proposed action will need formal assessment and approval under the EPBC Act. Going through the referral process is the only way to ensure legal coverage under the EPBC Act.

Accordingly, the above matters were forwarded to the applicant as part of deferral of the application. The applicant responded with additional information, which was referred back to the Department (Heritage Officer from the Historic Heritage Section) who provided the following response:

The EPBC Act primarily operates through a self-referral process and, while the Minister may request a referral of a proposal (section 70), in this case, provided the project progresses in the manner set out in the Gilbert + Tobin letter (that is, that no Commonwealth Agency will be

involved in the action, and the property ceases to be Commonwealth land prior to the action being undertaken), it is unlikely that this will occur.

The Department has previously received a letter informing us of the sale of the property as per section 341ZE of the EPBC Act. We are also currently working with Australia Post to finalise a Heritage Management Plan for the property which will be reviewed by the Australian Heritage Council...

If no referral is received then The Department of the Environment and Energy is unlikely to have any further involvement in the property following the finalisation of the HMP and the property ceasing to be Commonwealth Land. I don't anticipate there being any further actions from us which may prevent the continued assessment of the application on your end.

Accordingly, at this stage, the Department has advised there are no further action required. Notwithstanding this, the application is recommended to have a condition imposed requiring a Heritage Deed of Agreement to be entered into, to ensure the heritage item is retained and restored. It is recommended an additional clause be included to account for the Heritage Management Plan outcomes reviewed by the Heritage Council.

2.1.2 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.

2.1.3 SEPP 55 Remediation of Land

Clause 7(1) of SEPP 55 requires Council to assess whether the land considered in determining a development application is contaminated. A Preliminary Site Investigation report has been prepared by Edwards Blasche Group Pty Ltd which indicates that the site has been used as the Bondi Beach Post Office since around 1916. A title search and site investigation show no evidence that the property has been used for any significant industrial activity that may have had an impact on the soil with respect to chemical contamination. As such, the report advises that a Detailed Stage 2 Environmental Site Assessment is not considered necessary, providing the following recommendations are undertaken:

1. Acid Sulfate Soil Management Plan
2. Hazardous Materials Report of Existing Building (i.e. asbestos materials, synthetic mineral fibre and lead content)
3. Classification of Imported, Exported and Excavation Soils

The Preliminary Site Investigation report by Edwards Blasche Group Pty Ltd is considered to address the relevant provisions of SEPP 55 Remediation of Land, subject to compliance with the recommendations in the report and all standard land remediation conditions of consent.

2.1.4 SEPP 65 Design Quality of Residential Flat Development

The application was referred to the Waverley Design Excellence Panel on 3 December 2017. The Panel's comment of the proposed development with regard to 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	Panel's Comment	Planning Comment
1. Context & Neighbourhood	<p><i>The Panel acknowledged a diverse mix of the highly urbanised Hall Street environment which is generally characterised by ground level retail and commercial activity with residential at the upper levels. The surrounding built form is generally 3-4 storeys, including some single storey detached dwellings. Both pitched and flat roof buildings prevail in the area.</i></p>	<p>The proposal is generally supported with regards to the context and neighbourhood character.</p>
2. Built form & Scale	<p><i>The Panel acknowledged that the built form of the proposed development has been influenced by a detailed study of the existing post office façade and an assessment of alternative methods in which the heritage fabric could be retained and integrated into the proposed development. The proposed development slightly breaches the 13m height plane on both the Hall Street and Jacques Avenue frontages. The proposed development reflects the setbacks associated with the retained heritage brick facades but generally occupies the balance of the site. The Hall Street and Jacques Avenue facades are highly articulated and subtly reflect the irregular pattern of window openings and piers associated with the retained built fabric of the post office.</i></p>	<p>This commentary is generally agreed with. A discussion of the minor design and heritage issues raised by Council's Heritage Advisor is discussed below this table. The merits of the proposed variation to the height development standard is also addressed below.</p>
3. Density	<p><i>The Panel was advised that the density of the approved development exceeded the permissible FSR of 2:1. The subject DA submitted to the Panel had an FSR of 2.12:1, which represented a 6% excess of the permissible GFA. The Panel noted that the proposed winter gardens had been included in the FSR assessment and that they represented an area such that if excluded from the GFA assessment, the proposed development would have an FSR of</i></p>	<p>This commentary is agreed with. The breach of the FSR development standard is discussed in further detail below. While the winter gardens are included in the GFA calculation, the proposed operable glazing to the wintergardens enable the space to function as an open balcony when desired. The wintergardens are an important aspect of the design and will contribute to the amenity and acoustic privacy of residents.</p>

Principle	Panel's Comment	Planning Comment
	<i>1.92:1. The Panel formed the view that the winter gardens represented an important design element.</i>	
4. Sustainability	<i>The drawings indicate potential placement of PV panels on the roof. The proposed development does not incorporate any measures to capture rainwater for irrigation purposes although the Panel noted that there appears to be a limited extent of landscaping associated with the project.</i>	There is limited opportunity for landscaping on the site given the existing footprint of the building. This is considered acceptable and is consistent with surrounding development on Hall Street. In this regard, the inability to capture rainwater for irrigation purposes is acceptable. It is noted that the proposal exceeds minimum compliance with natural cross ventilation and solar access in accordance with the ADG.
5. Landscape	<i>There are limited landscape measures associated with the proposed development.</i>	It is noted that there is limited scope for landscaping on the site. Given the surrounding context on Hall Street, and the footprint of the existing building, this is considered acceptable. It is noted that Section 7.12 contributions will be required via the imposition of a condition, which will contribute to landscaping projects in the local area.
6. Amenity	<i>The Panel questioned the form and scale of the ground floor lobby entrance which provides access to the apartments at the upper floors. The entry appears somewhat compressed and inconsistent with the otherwise high design quality of the building. The Panel supported the winter garden approach which would help ensure that quasi external spaces are fully utilised and can also be used to provide buffers against external noise sources for residents. The Panel questioned the layout of the apartment located in the north-eastern sector of the building given the somewhat convoluted and extended entry sequence to reach the living areas.</i>	This commentary is agreed with. The application was amended during the assessment process to provide an improved services for the retail use. The amendments include a goods lift within the retail tenancy to the basement level with the retail waste area. The residential waste remains at the ground floor for ease of Council access and residents use. Concern was raised about the pump room being located adjacent to the lobby, however given the flood levels on the site, it is unable to be relocated to the basement. The amendments are considered acceptable and to address the concerns of the Panel.
7. Safety	<i>The Panel noted that the fire escape measures from both the carpark and</i>	There is a car park exit directly from the two basement levels to Hall

Principle	Panel's Comment	Planning Comment
	<i>the apartments were combined and accessed Jacques Avenue via the residential lobby. It is anticipated that these issues will be further addressed.</i>	Street. The secondary fire escape from the car park referred to by the Panel provides stair access from the basement to the residential lobby and mailboxes. This is considered appropriate and provides additional access from the basement to the lobby without reliance on the lift. Furthermore, the application was referred to Council's Fire Safety Officer who advised that the BCA report by Blackett Maguire + Goldsmith submitted with the application indicates that the subject building is capable of complying with the requirements of the BCA.
8. Housing Diversity and Social Interaction	<i>The proposed development provides for diversity of residential product with a mix of 2 and 3 bedroom apartments. As noted above the entrance lobby is adequate but not generous.</i>	This commentary is agreed with. The residential apartments exceed the minimum requirements in terms of size.
9. Aesthetics	<i>The Panel strongly supported the design rationale that had been developed for the proposed building. The subtle rhythms associated with the retained brick facade of the existing post office have been sensitively reflected in the developed built form. The Panel noted that the floor-to-floor dimension of 3000 was less than the 3100 recommended in the ADG. It was suggested that the finished apartments would adopt an "industrial" ethic which would enable the relevant floor to ceiling heights to be met within the proposed apartments. The Panel questioned the intersection detail between the top of the retained brick facade and the proposed building above, and recommends a careful and detailed investigation be made to retain the heritage fabric in the top part of the wall and provide a sound and durable junction between old and new. The Panel appreciated the level of enquiry</i>	This commentary is agreed with. The design includes high architectural detailing and the overall proposal is considered well resolved. It is agreed that the minor non-compliance with the minimum floor-to-floor heights is considered acceptable. Should the proposal comply with the floor-to-floor heights it would result in a further non-compliance with the height development standard. Minor amendments were made to the proposal during the assessment period which included greater retention of the parapet detailing. The minor design and heritage issues are discussed in further detail below.

Principle	Panel's Comment	Planning Comment
	<i>to date that has resulted in this design approach in relation to the heritage item.</i>	

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 and these controls have been deleted from Table 5 relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable • Increased separation of 3m where adjoins a lower density zone 	No	<p>The proposed setback from the side boundary to the south (1 Jaques Ave) is 1.5m, and the proposed setback from the west (26-28 Hall St) is 4m.</p> <p>See discussion below.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter 	Yes	<p>90% of units (9 units) receive at least 2 hours of sunlight between 9am and 3pm on 21 June. Only 1 unit (10%) is a single aspect apartment, receiving no sunlight in midwinter. However, this apartment is double storey, which enhances the amenity and promotes natural air circulation.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 		<p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<p>All habitable rooms are provided with at least one window for natural ventilation. The applicant claims that 100% of apartments receive natural cross ventilation. It is acknowledged that 9 units have dual aspects. The remaining single aspect unit is double storey, which enhances the amenity and promotes natural air circulation. In this regard, 100% of apartments are naturally cross ventilated.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 	Yes	<p>The proposal has a floor to ceiling height of 3.2m on the ground floor. The residential levels above (levels 1-3) have floor to ceiling heights of 2.7m. The site is located within the mixed use zone which requires a floor to ceiling height of 3.3m on the ground and first floors. The proposal does not comply with this requirements having 3.2m on the ground floor and 2.7m on the first floor. This non-compliance is considered acceptable as it is unlikely that Level 1 would be converted to commercial uses following strata titling of the building. Given the adaptive reuse of the ground floor, a floor to ceiling height of 3.2m is considered acceptable at ground floor level for the retail uses.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <i>Studio = 35 m²</i> <i>1 Bed = 50 m²</i> <i>2 Bed = 70 m²</i> <i>3 Bed = 90 m²</i> 	Yes	<p>The proposal includes five 2 bedroom apartments and five 3 bedroom apartments. The two bedroom apartments are a minimum of 90sqm, and the three bedroom apartments are a minimum of 115sqm, which significantly exceeds the minimum requirements of 70sqm and 90sqm respectively.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • Add 5m² for each additional bathroom (above 1) • Add 12m² for each additional bedroom <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>		<p>Each habitable room has an external wall with a glazed window meeting the requirements. All bedrooms and living areas meet the minimum size and dimension requirements.</p> <p>The proposal is consistent with the objectives of this part of the ADG as the proposed apartments are generous in size and provide adequate amenity to future occupants.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	<p>100% of the units are provided with a wintergarden accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p> <p>During the assessment period, the applicant provided details of the winter gardens and whether the glazed openings would be operable to provide adequate amenity for future occupants. Details were provided indicating that the portion of the glazing that is operable sits above the balustrade and is able to slide down over the bottom panel to provide a balcony-like space. While the wintergardens will be included in the GFA calculations, they are considered to be a practical solution given the location of the site in a mixed use zone, and the number of food and drink premises along Hall Street.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall.</p> <p>The ADG requires apartments at ground or podium level to provide private open space instead of a balcony with a minimum area of 15sqm. The private open space for Unit 1.01 (which has a podium-like structure above the garage in the western corner of the site) is 15sqm with a minimum depth of 3m. This is in addition to the 10sqm wintergarden.</p>
4F Common circulation and spaces		

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	The proposal includes three apartments off the circulation core on levels 1 and 3, and four apartments off the circulation core on level 2.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each parking space in the basement. The storage provided meets the requirements and objectives of the ADG.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the SEPP 65 ADG.

Separation Distances

The proposal does not comply with the ADG Design Criteria 3F minimum separation distances. However, the proposal is considered to meet the objectives of the design criteria in that visual privacy is achieved. Part 3F requires buildings up to four storeys to have minimum separation distances to the side and rear boundary of 6 metres from habitable rooms and balconies and 3 metres from non-habitable rooms. The proposal includes a 1.5m setback from the southern boundary with 1 Jaques Avenue. The existing building at 1 Jacques Avenue was approved in 2013, and has a 1.5m setback from its northern boundary. As such, the resultant separation distance between the two buildings is 3 metres. This is considered acceptable as it does not result in visual privacy impacts. The proposal includes only obscured bathroom windows on the southern elevation.

During the assessment period, concern was raised by Council's Development and Building Unit about the impact of the proposed building on solar access to the apartments at 1 Jaques Avenue. Given the non-compliance with the minimum separation distances, it was noted that this additional overshadowing impact could not be supported. The applicant provided additional shadow diagrams which indicate that currently, 6 out of the 9 apartments at 1 Jaques Avenue receive solar access in midwinter (i.e 66%), which does not comply with the minimum ADG requirement of 70%. The proposed development will reduce solar access to one north-east facing unit on the first floor of 1 Jaques Avenue, which currently receive solar access to the living area on the winter solstice via a small north facing window facing the subject site. This would reduce the rate of solar access from 66% to 55% (i.e. a 10% reduction). Objective 3B-2 of the ADG states that where an adjoining development does not currently receive the required hours of solar access, the proposed building should ensure that solar access to neighbouring properties is not reduce by more than 20%. In this regard, the 10% impact is considered reasonable. The proposed setbacks are acceptable within the context, particularly as the proposed development shares the same setback from the boundary as the building at 1 Jaques Avenue.

Notwithstanding this, during the assessment period the applicant amended the proposal to include a chamfered upper level on the southern elevation. While this does not alter the solar access on the winter solstice (and therefore carries no weight in terms of compliance with the controls), it does provide additional solar access at the Equinox from previously enabling cumulatively 1.45 hours to 2.3 hours into the north facing window of the affected apartment on the first floor of 1 Jaques Avenue. While this amendment does not result in a 'technically' compliant control as the improvement is not noted on the winter solstice, it is still considered to result in a better outcome which is 'neighbourly' and responds to Council's concerns.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the Waverley LEP 2012
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as a mixed use building comprising ground floor retail use and shop top housing above, which is permitted with consent in the B4 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	No	The clerestory windows have a maximum height of 14.44m.
4.4 Floor space ratio <ul style="list-style-type: none"> 2:1 	No	The proposed GFA (including the winter gardens) is 1,632sqm which results in FSR of 2.12:1.
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 and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is identified as a local heritage item (I113) "Inter-war Stripped Classical style public building" under Waverley LEP 2012 Schedule 5. The Bondi Beach Post Office is also listed on the Commonwealth Heritage List (Place ID: 106174). See discussion with regards to heritage conservation below.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as containing Class 5 Acid Sulfate Soils. The proposal includes excavation which may encounter potential Acid Sulfate Soils. A Preliminary Site Investigation Report has been submitted with the development application which

Provision	Compliance	Comment
		<p>recommends that an Acid Sulfate Soil Management Plan (ASSMP) be undertaken prior to the commencement of the excavation phase of the development. A condition has been included.</p>
6.2 Earthworks	Yes	<p>The proposal satisfies the provisions of Clause 6.2 as the earthworks are not considered to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The application is accompanied by a geotechnical investigation report which advises that the existing ground floor façade is able to accommodate the proposed extent of excavation. All standard conditions of consent regarding earthworks and dilapidation reports for neighbouring buildings are included. Accordingly, the proposed earthworks on the site are considered to address the relevant provisions of Clause 6.2 Earthworks.</p>
6.3 Flood planning	Yes	<p>Clause 6.3 Flood Planning applies to all land identified as “flood planning area” on the associated LEP maps. The subject site is identified as being within a flood planning area, and accordingly the provisions of Clause 6.3 are applicable. The application is accompanied by a Flood Assessment Report prepared by Northrop which outlines the flood planning requirements and notes that the levels proposed are in compliance. The application was also internally referred to Council’s Stormwater Engineers for consideration and comment who advised that the minimum habitable floor level should be RL15.82. The proposed drawings indicate that the minimum habitable floor levels have been achieved through the use of ramping and stairs. The car park entry and residential lift lobby have been raised to RL15.82, which complies. The proposal is considered to satisfy the relevant provisions of Clause 6.3 Flood Planning.</p>

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 4.3 Height of buildings

The proposal has an overall building height of 13.3m, and the clerestory windows have a height of 14.44m, which exceeds the height of buildings development standard of 13m prescribed under clause 4.3 of Waverley LEP 2012 by 1.44m or 11%.

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 proposal results in a high quality designed building that demonstrates design excellence. The rooftop plant equipment that exceeds the height plane is screened within an acoustic enclosure, ensuring that where it is visible (from private properties), it will not be prominent.
- The proposed scale and visual impact fits within the context. The minor variation to the control enables the proposal to complete the corner and act as a bookend to the block between Consett Avenue and Jaques Avenue.
- The proposal satisfies the relevant objectives associated with the Hall Street Town Centre Local Village Centre of the Waverley DCP 2012. Waverley DCP 2012 Annexure E3-3 establishes the building envelope controls for sites, which indicates a building form of four storeys for the subject site. The proposal complies with the permissible number of storeys.
- The departure from the height development standard is required to provide lift access and provide services and additional amenity to the top floor apartment with clerestory windows. The additional height does not contribute towards the variation to FSR, nor does it relate to a trafficable roof terrace.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the height development standard. In particular:

- The portion of the proposed development that exceeds the height development standard includes the lift overrun, roof plant and clerestory windows. This equipment is setback towards the centre of the roof and will not be highly visible from the streetscape or have amenity impacts on neighbouring properties.
- The height of the parapet on Hall Street ensures the design integrity of the Hall Street façade is not compromised, and provides an appropriate response to the streetscape.
- Recent development applications within the immediate context include consent for minor height exceedance to accommodate lift overrun/plant services, and the subject proposal is consistent with this approach.
- Despite the numerical non-compliance with the height development standard, the proposed development is not excessive in bulk and scale, and is consistent with the streetscape.

The proposal will be in the public interest because it is consistent with the objectives of the height development standard and the B4 zone, and therefore in accordance with Clause 4.6(3) and (4) the non-compliance may be supported.

Clause 4.4 Floor space ratio

The proposal has an overall GFA of 1,632sqm, which equates to a FSR of 2.12:1, which exceeds the floor space ratio development standard of 2:1 prescribed under clause 4.4 of Waverley LEP 2012 by 92sqm or 5.9%.

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 winter gardens to each unit comprise a total GFA of 151sqm. When these are excluded from the calculation of GFA, the proposed development has a FSR of 1.92:1, which complies.
- It is widely accepted that it may be necessary to protect balconies against high levels of wind and noise through the provision of a winter garden or other forms of enclosure such as louvres, screens or awnings. The proposal addresses the impact of noise from Hall Street through the provision of winter gardens to all facades.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the height development standard. In particular:

- The proposed development enables the retention and upgrade of heritage significant fabric of the heritage listed Bondi Beach Post Office. The minor non-compliance with the floor space ratio is negligible when balanced with the public interest as a result of the heritage upgrade works. The Heritage Deed of Agreement to be imposed as a condition (as discussed in other areas of this report) will ensure that the heritage upgrade works are carried out.
- The proposal seeks to upgrade the public domain at the frontage of the site to declutter services and planting to provide improved activation and presentation to the corner, considered to be a positive contribution and in the public interest.
- The technicality of the balconies being defined as winter gardens (because they are able to be fully enclosed) results in the area being included in the GFA calculations, which results in the non-compliance.
- During the assessment process, the applicant was asked to provide further information about the winter gardens and how they were to be enclosed and which portion of the glazing was operable. The applicant provided sketches and sections to indicate that the portion of glazing that is operable sits above the balustrade and is able to slide down over the bottom panel to provide a balcony-like space when desired. While the wintergardens will be included in the GFA calculations, they are less enclosed than other designs and able to operate as a balcony when required.
- The wintergardens are a practical solution given the location of the site in a mixed use zone and the number of food and drink premises along Hall Street. The wintergardens are an important aspect of the design and will contribute to the amenity and acoustic privacy of future residents.

The proposal will be in the public interest because it results in the retention and upgrade of heritage significant fabric and is consistent with the objectives of the floor space ratio development standard and the B4 zone, and therefore in accordance with Clause 4.6(3) and (4) the non-compliance may be supported.

Heritage

The site is identified as a local heritage item (I113) “Inter-war Stripped Classical style public building” under Waverley LEP 2012 Schedule 5. The Bondi Beach Post Office is also listed on the Commonwealth Heritage List (Place ID: 106174). The application proposes demolition of a portion of the existing post office building and retention of the façade on Hall Street and a portion of Jaques Avenue.

The Commonwealth Heritage Listing makes note that the Bondi Beach Post Office displays some landmark qualities in this context. The building has an assured corner presentation, and makes a contribution to the local and immediate streetscape heritage character. The condition has been noted as fair, stating “relatively intact externally, but internally the building has a relatively low level of intactness”. The proposed development responds to this, retaining the significant heritage fabric of the Hall Street and Jaques Avenue facades, eaves and parapets, while providing an addition that complements the proportions and materials.

The original and amended proposal were reviewed by Council’s Heritage Advisor who recommended that further detail be provided about the treatment of the eaves and parapets. Concern is raised about how much of the existing parapet is to be removed and whether this will have an overall effect on the façade. The applicant has provided amended plans which retain more of the eave detailing, and indicate section details of the eaves. However, a condition has been included requesting further information with regards to architectural resolution of the junction between existing post office and new fabric. In particular, the materials and finishes (as a physical sample board) have been requested by way of condition to ensure that the significance of the retained façade and the cohesive interface of new and existing fabric is maintained.

The original proposal included the conversion of the existing timber framed windows on the Hall Street and Jaques Avenue into doors, and the amended proposal included conversion to full height fixed glazing. Council’s Heritage Advisor raised concern over the full height openings proposed to the existing façade on Hall Street and has recommended that a sill height of 720mm above the existing ground floor be imposed. Given that the retail tenancy is subject to a separate development application for the fit out, which will include signage, lighting and solar shading detailing (depending on the eventual use of the tenancy), it is recommended that the existing window opening size be maintained. Any alteration to the size of the opening may be supported in the future, subject to adequate heritage justification and the corresponding retail use.

Given the design excellence of the development and justification for the variation to the floor space ratio development standard that relies on the retention and upgrade of the heritage significant fabric, a condition has been imposed requiring the applicant to enter into a Deed of Agreement for the conservation works, as well as a Public Positive Covenant. These legalise documents will provide Council with the certainty that the restoration works to the Post Office will be completed concurrently with the redevelopment of the site. The applicant has submitted a Schedule of Conservation works which will form the basis for the Deed of Agreement.

2.1.6 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 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	The proposed waste storage rooms and waste management process for the development are appropriately located within the proposed building and the application is accompanied by a detailed Waste Management Plan prepared by Elephant's Foot Recycling Solutions. The application and Waste Management Plan were internally referred to Council's Waste Management Officer who advised that the proposal is satisfactory subject to conditions of consent. See discussion in the referrals section of this report.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate and is generally considered acceptable with regards to the relevant objectives and controls in Part B2.
6. Stormwater	Yes	The application is accompanied by a Stormwater Management Plan and the application was internally referred to Council's Creating Waverley team. The referral comments provided indicate that the proposal is deficient with respect to a number of stormwater details, however the issues raised by the officer are included as conditions of consent. Subject to satisfying the conditions of consent, the proposal is considered to satisfy the relevant provisions of Part B6 Stormwater.
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	Under the provisions of Part B7, a development with three or more habitable storeys containing ten or more units require a percentage of units be provided as Class A adaptable units in accordance with the Australian Standards. The development is required to provide 1 adaptable unit (Apartment 1.04) with one accessible car parking space. During the assessment period, the access to the retail shop was updated to provide an improved ramp from the splay corner. A ramp is also provided within the residential lobby. Furthermore, the application is accompanied by an Access report. The proposal is acceptable with regards to objectives and control in Part B7.

Development Control	Compliance	Comment
<p>8. Transport</p> <p>Zone 2</p> <p><u>Car parking</u> Residential: 17.5 (18) spaces Visitor: 2 spaces Retail: 8.2 (8) spaces</p> <p><u>Motorcycle</u> 3 spaces required</p> <p><u>Bicycle storage</u> Residential: 10 spaces Visitor: 1 space Retail: 2 spaces</p> <p><u>Loading facilities</u> No required</p>	Yes	<p>The proposal provides 24 residential parking spaces (including 2 small spaces and 1 accessible space), 4 motorcycle spaces and 13 bicycle storage spaces. No provision has been made for retail parking.</p> <p>The proposed development exceeds the requirements for residential car parking and does not provide any provisions for retail car parking. Given that access to the car park is via a car lifts and turn table, providing car parking for retail customers is not appropriate. It is recommended that the allocations be slightly adjusted to provide some retail parking (for staff), provision for a loading van, and ensure that two spaces are allocated for visitors and each residential lot is not allocated more than 2 car parking spaces.</p> <p>The proposed onsite parking and vehicular access requirements has been considered with regards to the objectives and controls in Part B8 and is supported, subject to appropriate conditions being imposed.</p>
9. Heritage	Yes	<p>The site is identified as a local heritage item (I113) "Inter-war Stripped Classical style public building" under Waverley LEP 2012 Schedule 5. The Bondi Beach Post Office is also listed on the Commonwealth Heritage List (Place ID: 106174). See discussion with regards to heritage conservation below.</p>
10. Safety	Yes	<p>The proposal has been considered against the provisions of Part B10 Safety and the proposed building is considered to provide a safe environment for future residents, visitors, workers and the general public. The proposal is supported with regards to Part B10.</p>

Table 5: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
	Yes	The proposed development has a slightly non-compliant FSR of 2.12:1 as a result of the proposed winter gardens being included in the

Development Control	Compliance	Comment
		GFA calculations. The proposed development will restore the heritage item and subsequently, will be in the public interest. Accordingly, the proposal is generally supported with regards to the objectives and controls in Clause 2.2 resulting in an appropriate building form when viewed from the streetscape and is not likely to result in unreasonable amenity impacts on surrounding properties and the public domain.
2.3 Height		
<ul style="list-style-type: none"> Maximum height: 13m 	No (but considered acceptable)	The proposed development slightly exceeds the height development standard. As discussed in other sections of this report, the height variation is supported as it satisfies the requirements of WLEP 2012 Clause 4.6. The proposed height satisfies the objectives and controls in Clause 2.3.
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels Minimum setback of 1.5m from side boundaries Under building footprint except main access ramp Basements no more than 1.2m out of the ground Geotechnical report required when > 3m in depth or 25% slope 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	The proposed excavation follows the footprint of the existing building. This allows for structural support directly underneath the external walls. As such, the excavated levels have nil setback to the western boundary and approximately 500mm setback from the southern and eastern boundaries. While this does not comply with the requirements of Clause 2.4, it is considered acceptable given the retention of the existing building façade and the requirement to provide structural support to the additional levels above. The excavation does not increase the bulk and scale of the development when viewed from Hall Street or Jaques Avenue. Furthermore, the application is accompanied by a Geotechnical Engineers report and all relevant conditions of consent regarding excavation and dilapidation are recommended for inclusion.
2.5 Setbacks		
<p>2.5.1 Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	The building retains the existing Hall Street and a portion of the Jaques Avenue façade. The building is generally in alignment with surrounding buildings on both street frontages.
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 4.5 Minimum rear setback: 6m or predominant rear 	Yes (on merit)	The proposed building has a partial nil setback to the western boundary, while the setback is increased to 1.5m from the southern boundary. While this does not comply with the controls, the siting of the development is considered

Development Control	Compliance	Comment
building line, whichever is the greater setback		acceptable and has been discussed against the controls of the Apartment Design Guide in other sections of this report.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> • Maximum building length: 24m • Maximum unit depth: 18m • Maximum depth of single aspect unit: 8m 	Yes (on merit)	<p>The proposed building has a frontage to Hall Street measuring 18m, and a frontage to Jaques Avenue measuring 28m. The non-compliance of the Hall Street building depth is considered acceptable given the dimensions of the site and the surrounding pattern of development.</p> <p>The single aspect apartment measures 11m in depth, which is considered acceptable because it is a double storey apartment which offers satisfactory amenity to future occupants.</p>
2.7 Building separation		
<ul style="list-style-type: none"> • Minimum 6m btw non-habitable 	Yes (on merit)	The proposed development is considered to satisfy the objectives of Clause 2.7 as the building form provides for adequate visual and acoustic privacy for residents. The proposed building separation is supported with regards to the provisions of SEPP 65 and the Apartment Design Guide.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> • Respond to streetscape • Sympathetic external finishes 	Yes	The proposed building addresses the provisions of Clause 2.8 as the building design incorporates a scale and appearance which complements and contributes to the streetscape, while the materials and finishes of the building demonstrate a high degree of architectural merit and quality.
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> • Integrated into the design • Secondary to pedestrian entrance • Maximum of 1 x 2-way driveway • From rear of side where possible • Pedestrian safety 	Yes	The proposal has provided adequate vehicular access and located on-site parking within basement levels. The vehicular access point at Jaques Avenue is a continuation of the existing vehicular access arrangements to the site and is most appropriate location for pedestrian safety and site functionality. The proposed vehicular access and parking addresses the objectives and controls in clause 2.11.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> • Entry at street level • Accessible entry • Legible, safe, well-lit 	Yes	The proposal includes a residential entry on Jaques Avenue. The residential entry is legible, safe and accessible. It provides a strong

Development Control	Compliance	Comment
		residential entry that enables a positive connection with the street and public domain, while providing privacy from the ground floor retail tenancy.
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (B4 zone) 	No (but considered acceptable)	The proposed development has failed to provide private on-site communal open space or landscaped area. The reasons for not providing communal open space have been discussed above and generally relate to the site constraints, amenity of the site (proximity to public open spaces, shops, etc), excellent unit design and exceeding the minimum unit size requirements. The justification for the lack of communal open space is genuine given the constraints of the site and considerable amenity afforded by the proposal.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	Refer to Table 2 (ADG)	The ADG overrides the DCP in this regard.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	The proposal does not result in view loss impacts.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	<p>Yes</p> <p>Refer to Table 2 (ADG)</p>	The design of residential units including the location of windows, opening and landscaping are considered to achieve reasonable levels of external and internal visual privacy for future occupants of the building and surrounding buildings. A condition will be imposed required a privacy screen to side (south eastern elevation) of apartment 1.01 to reduce overlooking to the adjoining property at 1 Jaques Avenue. Overall, the proposal is considered to address the objectives and controls of the ADG and WDCP 2012 CI 2.18
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposed operable glazing to the winter gardens provides increased acoustic privacy for future occupants of the building, particularly

Development Control	Compliance	Comment
		given the ground floor food and drink premises on Hall Street.
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	Yes	The building services are setback significantly from the Hall Street and Jaques Avenue frontage to minimise visual impact when viewed from the streetscape. Building services will be largely located on the roof, in a sound proof enclosure or in the basement, considered acceptable subject to conditions. The proposed building services address the objectives of Clause 2.24.

Table 5: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Design		
1.1.1 Frontages	Yes	While the proposed ground floor retail use is unknown, the proposed building has been designed to enhance the scenic quality and amenity of the streetscape and public domain. As discussed in other areas of this report, there are concerns relating to the loss of heritage fabric as a result of full height window openings on the Hall Street frontage. As such, it is recommended that these window openings be limited. This will ensure that the openings are sympathetic and proportionate to the heritage listed building. The splay corner has been designed to promote an active street frontage. A condition shall be imposed that future retail use shall seek separate development consent for their use and operation.
1.1.2 Lighting	Yes	The proposal does not include an awning or lighting associated with the ground floor retail use. Any future development application for the retail fit out will include any awnings, lighting or signage.
1.1.3 Amenity	Yes	The associated facilities required for the future retail use have been included in the plans, including mechanical ducting, vents, waste rooms, goods lift etc. The proposal is considered to address the controls of clause 1.1.3.
1.2 Noise		
	Yes	The proposal does not include the fit out and use of the retail premises. A condition is recommended requiring a separate development consent be issued for the use and operation of the future retail use, which will

Development Control	Compliance	Comment
		address the objectives and controls of Part 1.2 and Part 1.3 (Hours of operation).

Table 6: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
Hall Street Town Centre	Yes	The proposal is not inconsistent with the desired future character objectives of this part of the DCP.
3.2 Generic controls		
3.2.1 Land uses	Yes	The proposal is consistent with the objectives in that it will provide a ground floor shop. The development meets objective (d) in that it promotes mixed-use development and incorporates high quality residential use above ground level.
3.2.2 Public Domain interface	Yes	<p>The proposal will ensure ground level retail frontage to the street edge on Hall Street. The proposal retains the original post office splay corner shop front. In addition, the amended proposal retains the entrance on Hall Street which originally housed phone boxes.</p> <p>The proposal does not comply with Control (f) and (h) which requires shop fronts be made up predominantly of clear glazing, and there be no solid facades along the primary street frontage at ground level. As the proposal retains the façade of the heritage building (including the window openings), this is considered to be a higher order of importance and subsequently this non compliance is supported in this instance.</p> <p>The proposed pedestrian and vehicle entrance for the residential apartments above are not located along the primary Hall Street façade, which complies with Control (i).</p>
3.2.3 Built form (a) Annexure E3-3, Four storeys	Yes	WDCP 2012 Clause 3.2.3 (a) requires development to be consistent with the planning controls relating to height, floor to ceiling heights and setback, outlined for the Hall Street Village Centre in Annexure E3-3. The proposal provides floor to ceiling heights of 3.2m on the

Development Control	Compliance	Comment
	<p data-bbox="715 365 756 389">Yes</p> <p data-bbox="663 651 807 748">No, but appropriate on merit</p>	<p data-bbox="847 259 1369 322">ground floor and 2.7m for the floors above, which complies.</p> <p data-bbox="847 367 1430 607">Annexure E3-3 permits four storey development for the Hall Street Town Centre. The proposal provides a three storey addition to the existing single storey building, which results in a four storey built form. A four storey built form is permissible under the Hall Street Town Centre controls.</p> <p data-bbox="847 651 1410 1037">The typical diagrams for sites without a rear laneway indicate three storeys built to the boundary (with inset balconies), with a fourth floor setback 3m from the boundary. The proposal includes a setback between 3.3m and 3.6m from the Hall Street and Jaques Avenue property boundary at all levels. This is acceptable, as it enables the retention of the existing heritage building. A cantilevered addition built to the property boundary would not be supported.</p> <p data-bbox="847 1081 1437 1608">WDCP 2012 Clause 3.2.3 Control (d) requires sites in local village centres that adjoin residential development at the rear are to provide deep soil zone within the rear setback area. The control diagrams also provide guidance for rear setbacks for development without a rear laneway. The subject site is distinct in that the proposal relates to the retention of the heritage significant features and retains the existing setbacks. The adjoining property is a residential flat building rather than a single dwelling, as shown in the control diagrams in Annexure E3-3. The separation distances have been discussed in the SEPP 65 and Apartment Design Guide tables above and are considered acceptable on merit.</p>
3.2.4 Building façade articulation	Yes	<p data-bbox="847 1653 1430 1823">The proposed development is well designed and detailed, it will provide a strong street presence and enhance the streetscape and achieve the desired future character of Hall Street, which satisfies Objective (a)</p> <p data-bbox="847 1868 1430 1960">The amended proposal retains the heritage significant features including window openings, and reinstates significant entrances including the</p>

Development Control	Compliance	Comment
		side entrance on Hall Street with interpretive features. Objective (d) requires development to actively support excellence in contemporary design, respecting buildings of historic character with contemporary infill development which does not mimic built builds on the principles of the structure of the streetscape pattern. The proposal satisfies this objective.
3.2.5 Buildings of historic character	Yes	<p>Controls (a) and (b) encourages buildings of historic character to be retained. Further, where buildings of historic character have been inappropriately altered and changed, any application to upgrade or re-use the buildings must clearly demonstrate that the architectural and streetscape value of the building will be enhanced by the proposal.</p> <p>The proposed development will result in the removal of unsympathetic, late alterations and additions to improve the building's presentation to the street, particularly the Jaques Avenue frontage. The applicant provided amended plans and details relating to the historic character of the building. The proposed retention of the eave detailing, window and door openings and the interpretive strategies particularly of the original phone booths off the Hall Street entrance, will ensure that the historic significance of the building is preserved. The heritage detailing and amendments have been discussed further in the annexure to this report.</p>
3.2.6 Building services and site facilities	Yes	<p>The development satisfies the requirements of this Clause as it provides garbage and recycling collection and storage areas, basement storage areas, mail boxes and laundry facilities.</p> <p>Mechanical ventilation and exhaust flying for the ground floor retail tenancy are included in the drawings.</p>

Public Domain works

The site, occupied by Bondi Beach Post Office is setback from its boundaries to Hall Street and Jaques Avenue. Within the front setback, as well as along the public pathway, there are a number of ancillary structures including a phone box, post boxes and garden beds. There are also 6 trees on Council land

(2 on Hall Street and 4 on Jaques Avenue) as well as 2 additional trees on the Hall Street footpath within the site's boundary.

As part of the redevelopment of the site, the proposal seeks to renew elements of the public domain in an attempt to de-clutter the frontage and improve the activation to the street corner. For example, the trees within the site fronting Hall Street provide large planters that do not allow sufficient access for persons, prams or wheelchairs to occur between the gap of planters and the building.

Overall, the public domain treatment requires a delicate balance of a range of heritage, architectural, landscape and public domain objectives. The proposal seeks to retain 5 of the 8 trees on the footpath. The applicant has provided amended plans to ensure that the paving treatment and grading is consistent with the Waverley Public Domain Technical Manual. The proposal seeks to create an activated corner treatment with the heritage building being the focal point, which was supported by the Design Excellence Panel. The existing public domain surrounding the site is cluttered and does not allow for safe accessibility. It is considered that the proposed removal of the two trees on Hall Street that are contained within the subject site is appropriate when paired with the proposed upgrade works and future retail activation from the ground floor tenancy.

Accordingly, the proposal seeks to make a positive contribution to this important street corner and an upgrade is supported, subject to detailing. Conditions are recommended for imposition that ensure the public domain works are consistent with Council's Technical Manual and guidelines.

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 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

The application received 35 unique submissions and approximately 1,323 pro-forma submissions. The pro-forma letters received appear to have been generated from a website known as the 'Do Gooder' website, where letters include a suburb and email address only, but do not include a postal address of persons. Of these 1323 pro forma submissions, approximately 700 were from suburbs in the Waverley LGA. Those located in the Waverley LGA are considered most affected by the proposal and subsequently Council will notify only those persons of the impending WDAP meeting and determination.

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

Table 6: Summary of property addresses that lodged a submission

Property
15 Consett Avenue, Bondi Beach
1 Jaques Avenue, Bondi Beach (additional submission received from Tony Moody Planning and Development on behalf of 1 Jaques Avenue, Bondi Beach)
1/80 Beach Road, Bondi Beach
4/16 Consett Avenue, Bondi Beach
Bondi and Bondi Beach Precinct Committees
North Bondi Precinct Committee
45 Hall Street, Bondi Beach
3/81 Warners Avenue Bondi Beach
16/34 Campbell Parade Bondi Beach
Suite 6/70 Campbell Parade, Bondi Beach
70 Campbell Parade, Bondi Beach
8/67 Curlewis Street, Bondi Beach
1/72-82 Beach Road, Bondi Beach
62A Lamrock Avenue, Bondi Beach
1/25 Sir Thomas Mitchell Road, Bondi Beach
105 Francis Street, Bondi Beach
408/80 Ebley Street, Bondi Junction
4/22 Hastings Parade, North Bondi
33 Nancy Street, North Bondi
65 Hastings Parade, North Bondi
28 Oceanview Avenue, Vacluse
3/17 Ocean Street, Bondi
26/30-34 Penkivil Street, Bondi
30 Henrietta Street, Waverley
16 Stewart Street, North Bondi
16 Holland Road, Bellevue Hill
Additional written submissions with no postal address given: 9 submissions
Proforma letters: approximately 1323

Issue: Loss of the Post Office will have a detrimental impact on the community

Response: While the post office use is not a planning consideration under EP&A Act 1979 Section 4.15, the loss of the Post Office service is a community concern and therefore falls under the jurisdiction of Council. The Mayor has contacted the Member for Wentworth (The Hon Malcolm Turnbull MP) to advise that the Bondi Beach Post Office has been a significant community service focal point for many years and the closure of this services is of great concern to Council and the community.

Australia Post have responded advising there is a sale and leaseback arrangement on the site, which includes provisions to facilitate the continuation of postal services in the area. That lease arrangement ensures Australia Post can continue to serve the local community in the coming years. Australia Post have confirmed that if in the event that any refurbishment or redevelopment of the property cannot be carried out practically without vacant possession, suitable alternative premises within a one kilometre radio will be sourced for accommodation of a Post Office.

Issue: Heritage impact

Response: As discussed in other areas of this report, the proposal is considered acceptable subject to the recommended conditions with regards to heritage conservation. These include, though not limited to further details with regards to materials and finishes and the junction between the old and new works, structural certification and general restoration schedule of works.

In essence, the proposal seeks to retain and restore the façade of the ground level of the post office building section that fronts Hall Street and Jaques Avenue. The rear section (closer to 1 Jaques Ave) and roof of the existing building will be removed to allow for the development to occur around it. Subsequently, it is recommended that a Deed of Agreement, as well as a public positive covenant be required to ensure that the conservation works are carried out in accordance with the Schedule of Conservation Works to the satisfaction of Council.

Issue: Over development of the site and oversized for the immediate area

Response: The proposed building envelope is considered to fit within the context of the site. Buildings at 10-14 Hall Street and 16-18 Hall Street are four storeys. The proposal slightly exceeds (by 5.9%) the floor space ratio development standard. This variation has been supported under Waverley LEP 2012 Clause 4.6.

Issue: Loss of street trees

Response: The proposal includes the removal of a tree on Council's land (*Glochidion ferdinandi* (Cheese tree)). The removal of this tree is supported by Council's Tree Management Officer. The other two trees recommended for removal are located on the subject site (on the Hall Street frontage). As discussed in the referrals section of this report, the proposal is supported with regards to tree removal and retention.

Issue: Geotechnical concerns

Response: Concerns were raised in submissions with regard to details contained in the submitted Geotechnical Report that referenced the demolition of the building. This was in error and the report has since been updated to reference the retention of the heritage significant façade.

Issue: Privacy and noise impacts on the rear yards of the dwellings on Consett Avenue.

Response: Apartment 1.01 is the only apartment with a balcony within the south western portion of the site. Given it is at first floor level (not higher) this is not considered to have adverse privacy and noise impacts, subject to a privacy screen being installed on the south-east side (condition recommended for imposition). The windows to apartments 2.01 and 3.01 are setback a minimum of 5m from the south western corner of the subject site. Viewing to the rear of 15 Consett Avenue is across 26 Hall Street and at a very oblique angle that not considered unreasonable.

Issue: Overshadowing of the apartments at 1 Jaques Avenue

Response: The proposed setbacks and overshadowing impacts are considered acceptable and discussed in detail in other areas of this report.

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 Heritage Advisor – Shaping Waverley

The application was internally referred to Council's Heritage Advisor who provided comments and recommendations as included above in this report. The application is generally supported by Council's Heritage Advisor, subject to conditions.

3.2 Urban Design – Shaping Waverley

The application was internally referred to Council's Urban Designer who highlighted concerns regarding the public domain works and levels including the inconsistent paving. These matters were included in a deferral letter and addressed in the amended plans submitted by the applicant. Conditions will be imposed ensuring the public domain works occur in accordance with Council's Technical Manual.

3.3 Fire Safety – Building Waverley

The application was internally referred to Council's Fire Safety Officer who made the following comments:

Pursuant to Clauses 94 of the Environmental Planning and Assessment Regulations 2000, it is necessary for Council to determine whether the measures contained in the existing building are inadequate:

- a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*
- b) to restrict the spread of fire from the building to other buildings nearby.*

To assist in determining whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia, the applicant has submitted a BCA Assessment Report prepared by Bradley Holmes of Blackett Maguire + Goldsmith and dated 06.11.2017 Revision 1 with ref no. 170348. The report indicates that the subject building is capable of complying with the requirements of the BCA.

In light of the above, it is considered reasonable that in addition to all new works fully complying with the BCA, that the existing portions of the building that are the subject of this application, be brought into totally conformity of Part C, D, E and F of the BCA.

Given that the proposal involves demolition and rebuild, it is the responsibility of the Certifying Authority and PCA to ensure that all works comply with the BCA. In this regard, should the application be approved, standard conditions shall apply.

3.4 Tree Management – Clean and Attractive Waverley

The application was internally referred to Council's Tree Management Officer. The footpath contains 6 trees on Council owned land (2 on Hall Street and 4 on Jaques Avenue), and 2 trees on the Hall Street footpath contained within the subject site. The proposal includes removal of the two trees within the subject site on Hall Street and one *Glochidion ferdinandi* (Cheese tree). Council's Tree Management Officer has advised that all trees with the exception of the Cheese tree are in good to excellent condition, and the removal of the Cheese tree would be supported. However, the Tree Management Officer advises that the two trees on the Hall Street footpath within the subject site should be retained.

It is acknowledged that the proposal seeks to balance a range of heritage, architectural, landscape and public domain objectives. The proposal is retaining 5 of the 8 trees on the footpath. The applicant has provided amended plans to ensure that the paving treatment and grading is consistent with the Waverley Public Domain Technical Manual. The proposal seeks to create an activated corner treatment with the heritage building being the focal point, which was supported by the Design Excellence Panel. The existing public domain surrounding the site is cluttered and does not allow for safe accessibility. It is considered that the proposed removal of the two trees on Hall Street that are contained within the subject site is appropriate when paired with the proposed upgrade works and future retail activation from the ground floor tenancy.

Conditions have been imposed relating to the protection of the trees on Council land on Jaques Avenue and Hall Street.

3.5 Waste Minimisation and Management – Sustainable Waverley

The application was internally referred to Council's Waste Officer for comments regarding the waste management and minimisation for the site. The referral comments provided indicate that a number of conditions of consent are required to ensure the proposed waste storage rooms and waste management process adequately addressed the relevant objectives and controls in Part B1 Waste of the WDCP 2012. The recommended conditions of consent are included in Appendix B of this report.

3.6 Stormwater Management and Flood Planning – Creating Waverley

The application was internally referred to Council's Senior Design Team Leader who advised that the submitted stormwater drawings, management plan and architectural plan do not meet the requirements of Council and are not supported. The site is located within a flood affected zone, and the floor levels meet the requirements. The stormwater issues are included as a condition of consent.

3.7 Traffic and Development – Creating Waverley

The application was internally referred to Council's Traffic and Development Manager and the application was discussed. Comment was provided about increasing the setback to the roller door to ensure that a car is wholly contained within the site while waiting for the roller doors to open. The applicant argues, and it is agreed by the assessment officer, that providing an increased setback for the roller door will result in a poor urban design and safety outcome. Technology allows remote controls to work from a further distance, and given Jaques Avenue is not a busy street for cars, and the proposal relates to only 10 residential apartments, cars are able to wait for the roller doors to open and give way to pedestrians before turning into the site.

As discussed in other areas of this report, conditions relating to the distribution of car parking spaces have been included.

3.8 Land Information and GIS Officer – Digital Waverley

The application was internally referred to Council’s Land Information and GIS Officer who provided conditions of consent should the application be granted development consent. The recommended conditions are included in Appendix B of this report.

4. SUMMARY

The application presented to the WLPP meeting of the 25 July 2018 seeks consent for partial demolition of the heritage listed Bondi Beach Post Office and construction of a four storey mixed use development. The proposal retains the contributory ground floor façade and includes excavation for two levels of basement car parking, a ground floor retail tenancy, associated public domain works and three additional levels comprising ten residential apartments (5 x 2 bedroom and 5 x 3 bedroom).

The proposal exceeds the height development standard by 1.44m or 11% and exceeds the floor space ratio development standard by 92sqm or 5.9%. The variation has been supported under Waverley LEP 2012 Clause 4.6 and given the heritage conservation works proposed will result in a development that is in the public interest.

The application presents some heritage issues with regards to the interface between the new and existing fabric. These issues have been addressed by way of condition requesting additional information and physical material samples. The proposal includes the retention and restoration of the façade and the applicant has submitted a Schedule of Conservation Works. This Schedule will form the basis of a condition imposed requiring the applicant to enter into a Deed of Agreement for the conservation works, which will provide Council with the certainty that these restoration works will be completed.

Following notification of the proposal, 35 unique submissions and approximately 1,323 pro-forma submissions were received, some of which were addressed to the Mayor and Councillors. The application is recommended for approval, subject to conditions.

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:

Emma Finnegan
Senior Development Assessment Planner

Date: 13 July 2018

Reason for referral:

- 2 Contentious development (10 or more objections)
- 3 Departure from any development standard in an EPI by more than 10%
- 4 Sensitive development:
 - (c) SEPP 65 development

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

Angela Rossi
Manager, Development Assessment (Central)

Date: 16 July 2018

PART 3: CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) *Architectural Plan Nos DA000 rev A dated 03.11.17, DA100 rev A dated 03.11.17, DA101 rev B dated 24.04.18, DA102 rev B dated 24.04.18, DA103 rev B dated 24.04.18, DA104 rev B dated 24.04.18, DA105 rev B dated 24.04.18, DA106 rev A dated 03.11.17, DA300 rev B dated 24.04.18, DA400 rev B dated 24.04.18, prepared by Smart Design Studio, and received by Council 24 April 2018, and Plan Nos DA107 rev C and DA301 rev B dated 30.04.18, prepared by Smart Design Studio and received by Council on 11 July 2018.*

Architectural Plan Nos DA000 rev B dated 19.10.18, DA100 rev C dated 19.10.18, DA101 rev C dated 19.10.18, DA102 rev C dated 19.10.18, DA103 rev E dated 19.10.18, DA104 rev D dated 19.10.18, DA105 rev C dated 19.10.18, DA106 rev B dated 19.10.18, DA107 rev D dated 19.10.18, DA300 rev D dated 19.10.18, DA301 rev C dated 19.10.18, DA400 rev C dated 19.10.18, DA401 rev C dated 19.10.18 prepared by Smart Design Studio, and received by Council 19 October 2018.

(b) Landscape Plan Nos. LDA-01, LDA-02 and LDA-03, all Revision A, prepared by Christopher Owen Landscape Design, dated 01.11.17 and received by Council on 7 November 2017;

(c) Arboricultural Impact Assessment Appraisal and Method Statement dated 6 November 2017 prepared by Naturally Trees and received by Council on 7 November 2017;

(d) Schedule of Conservation Works, SH1146 Issue 02 by Urbis Pty Ltd, dated ~~30.04.2018~~ **30 August 2018** and received by Council on ~~10 May 2018~~ **19 October 2018**;

(e) BASIX Certificate;

(f) BCA Assessment Report, Ref No 170348, dated November 2017, prepared by Blackett Magurie + Goldsmith, and received by Council on 7 November 2017;

(g) Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 2/11/2017, and received by Council on 7 November 2017;

(h) Preliminary Site Investigation, Report ID: EBG-02643.Stage1.PSI.10.17, dated October 2017, prepared by Environmental Science Edwards Blasche Group Pty Ltd and received by Council on 7 November 2017 and the recommendations contained therewith in;

(i) Flood Assessment Report, Revision A, dated 26/10/2017 prepared by Northrop and received by Council on 7 November 2017;

(j) Geotechnical Investigation Report, Ref: 30768Zrpt Revision 2, dated 24 April 2018 prepared by JK Geotechnics and received by Council on 24 April 2018;

(k) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

(l) Aboriginal Archaeological Assessment, Version A.2018.1012, dated August 2018 prepared by Unearthed Archaeology & Heritage and received by Council on 19 October 2018;

(m) Historic Archaeological Assessment, dated 30 August 2018 prepared by Casey & Lowe Archaeology & Heritage and received by Council on 19 October 2018;

(n) Heritage Interpretation Strategy, Ref: SH1478 Issue 03, dated 19 October 2018 prepared by Urbis and received by Council on 19 October 2018.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS – ARCHITECTURAL DESIGN RESOLUTION

The plans are to be amended as follows ~~and additional information submitted:~~

~~(a) The building materials and finishes are to be clearly detailed on all building elevations.~~

~~(b) A physical sample board of all external materials and paint finishes is to be provided.~~

~~(c) 1:50 scale drawings (sections and part elevations) are to be provided that describe the construction of the façade and eaves including all materials and finishes. Particular detail is to be provided with regards to the ground level Jaques Avenue and Hall Street junction between the existing post office building and new works. In this regard, greater emphasis of a shadow line shall be explored to clearly distinguish old from new on both the horizontal line above existing post office building, and also the vertical line on Jaques Avenue where the junction occurs.~~

(d) Privacy screening to a height of 1.8m measured above finished floor level shall be provided to the south eastern elevation of the balcony of apartment 1.01.

~~(e) Details of the lift overrun servicing the retail and basement levels shall be detailed on the plan.~~

The amendments are to be approved by the **Principal Certifying Authority Council** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. SCHEDULE OF HERITAGE RESTORATION WORKS

To maintain the significance of the heritage listed building at 20-24 Hall Street, Bondi Beach and associated building fabric, a full schedule of heritage restoration works prepared by an appropriately qualified professional, is to be provided to Council including, though not limited to;

(a) Room by room schedules listing existing original fabric and conservation works proposed to maintain all such details and finishes;

(b) These are to include all original joinery, plaster mouldings, fireplace surrounds and inserts, floor tiling, stair balustrades, doors and leadlight glazing;

(c) External details including verandah joinery, windows, doors, balustrades, eaves, gable infills, palisade fencing and gates are to be reinstated based upon available evidence on site and in Waverley Library and other repositories of historic detailing and imagery;

(d) External paint colours are to be based upon original colours following investigation of historic paint finishes to the building;

(e) External lighting and any signage is to be discreet and appropriate to the style of the building.

(f) Restoring of original brick work including re-pointing where necessary.

(g) Re-painting existing rendered sections of the building in heritage style colours.

- (h) Any recommendations contained in the Heritage Management Plan reviewed by the Heritage Council shall be incorporated into the Schedule of Works ***except to the extent of any inconsistency with the approved plans***. In this regard, evidence is required that the Heritage Council have been informed of the works, as stipulated in the Department of the Environment and Energy correspondence (via email to Council) dated 8 March 2018 and any subsequent recommendations are to be included from the Heritage Council in the Schedule of Works ***except to the extent of any inconsistency with the approved plans***.

The schedule of heritage restoration works is to be submitted for the approval of Council's Heritage Architect prior to the issue of any Construction Certificate.

PART 4: FULL SET OF CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA000 rev B dated 19.10.18, DA100 rev C dated 19.10.18, DA101 rev C dated 19.10.18, DA102 rev C dated 19.10.18, DA103 rev E dated 19.10.18, DA104 rev D dated 19.10.18, DA105 rev C dated 19.10.18, DA106 rev B dated 19.10.18, DA107 rev D dated 19.10.18, DA300 rev D dated 19.10.18, DA301 rev C dated 19.10.18, DA400 rev C dated 19.10.18, DA401 rev C dated 19.10.18 prepared by Smart Design Studio, and received by Council 19 October 2018.
- (b) Landscape Plan Nos. LDA-01, LDA-02 and LDA-03, all Revision A, prepared by Christopher Owen Landscape Design, dated 01.11.17 and received by Council on 7 November 2017;
- (c) Arboricultural Impact Assessment Appraisal and Method Statement dated 6 November 2017 prepared by Naturally Trees and received by Council on 7 November 2017;
- (d) Schedule of Conservation Works, SH1146 Issue 02 by Urbis Pty Ltd, dated 30 August 2018 and received by Council on 19 October 2018;
- (e) BASIX Certificate;
- (f) BCA Assessment Report, Ref No 170348, dated November 2017, prepared by Blakett Magurie + Goldsmith, and received by Council on 7 November 2017;
- (g) Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 2/11/2017, and received by Council on 7 November 2017;
- (h) Preliminary Site Investigation, Report ID: EBG-02643.Stage1.PSI.10.17, dated October 2017, prepared by Environmental Science Edwards Blasche Group Pty Ltd and received by Council on 7 November 2017 and the recommendations contained therewith in;
- (i) Flood Assessment Report, Revision A, dated 26/10/2017 prepared by Northrop and received by Council on 7 November 2017;
- (j) Geotechnical Investigation Report, Ref: 30768Zrpt Revision 2, dated 24 April 2018 prepared by JK Geotechnics and received by Council on 24 April 2018;
- (k) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (l) Aboriginal Archaeological Assessment, Version A.2018.1012, dated August 2018 prepared by Unearthed Archaeology & Heritage and received by Council on 19 October 2018;
- (m) Historic Archaeological Assessment, dated 30 August 2018 prepared by Casey & Lowe Archaeology & Heritage and received by Council on 19 October 2018;

(n) Heritage Interpretation Strategy, Ref: SH1478 Issue 03, dated 19 October 2018 prepared by Urbis and received by Council on 19 October 2018.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS – ARCHITECTURAL DESIGN RESOLUTION

The plans are to be amended as follows:

- (a) Privacy screening to a height of 1.8m measured above finished floor level shall be provided to the south eastern elevation of the balcony of apartment 1.01.

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. SCHEDULE OF HERITAGE RESTORATION WORKS

To maintain the significance of the heritage listed building at 20-24 Hall Street, Bondi Beach and associated building fabric, a full schedule of heritage restoration works prepared by an appropriately qualified professional, is to be provided to Council including, though not limited to;

- (a) Room by room schedules listing existing original fabric and conservation works proposed to maintain all such details and finishes;
- (b) These are to include all original joinery, plaster mouldings, fireplace surrounds and inserts, floor tiling, stair balustrades, doors and leadlight glazing;
- (c) External details including verandah joinery, windows, doors, balustrades, eaves, gable infills, palisade fencing and gates are to be reinstated based upon available evidence on site and in Waverley Library and other repositories of historic detailing and imagery;
- (d) External paint colours are to be based upon original colours following investigation of historic paint finishes to the building;
- (e) External lighting and any signage is to be discreet and appropriate to the style of the building.
- (f) Restoring of original brick work including re-pointing where necessary.
- (g) Re-painting existing rendered sections of the building in heritage style colours.
- (h) Any recommendations contained in the Heritage Management Plan reviewed by the Heritage Council shall be incorporated into the Schedule of Works except to the extent of any inconsistency with the approved plans. In this regard, evidence is required that the Heritage Council have been informed of the works, as stipulated in the Department of the Environment and Energy correspondence (via email to Council) dated 8 March 2018 and any subsequent recommendations are to be included from the Heritage Council in the Schedule of Works except to the extent of any inconsistency with the approved plans.

The schedule of heritage restoration works is to be submitted for the approval of Council's Heritage Architect prior to the issue of any Construction Certificate.

4. HERITAGE DEED OF AGREEMENT & PUBLIC POSITIVE COVENANT

The owner(s) of the premises shall enter into and execute a Deed of Agreement and Public Positive Covenant with Council to ensure that the 'approved Schedule of Heritage Conservation Works' required in this consent for restoration works to the Heritage Listed building at 20-24 Hall Street, Bondi Beach

are completed before or concurrently with any other approved work on the site. The Deed of Agreement and Public Positive Covenant shall ensure that:

- (a) Any Occupancy Certificate (or Strata or Subdivision Plan if applicable) for the site is not released prior to the completion of the '*approved heritage works*';
- (b) Future owner(s) of the site will be bound by the terms Agreement and Covenant;
- (c) The owner(s) of the land must prepare and execute the Deed of Agreement to the satisfaction of Council's solicitors prior to the issue of a Construction Certificate for any part of the development.
- (d) The owner(s) of the land must prepare and execute a Public Positive Covenant to the satisfaction of Council's solicitors, ensuring the obligations of the Schedule of Works are completed and to be maintained, to the satisfaction of Council, prior to the issue of a Construction Certificate for any part of the development.
- (e) The costs (including for Council) of the preparation and registration of all legal and associated expenses associated with this deed and any future amendments to the deed is to be met by the owner(s) or applicant.
- (f) Other than as contemplated by this condition the terms of the Heritage Deed of Agreement are not further amended unless agreed in writing by Council and the Owners of the Development Site.

5. 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.

6. 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.

7. SEPARATE APPLICATIONS FOR NON-RESIDENTIAL USE

Specific development consent is required for each individual tenancy in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises.

In this regard, compliance with the BCA in respect to the provision of sanitary facilities shall be provided for each retail tenancy. It is recommended that sufficient services for future sanitary facilities be provided to each tenancy to meet future requirements.

8. PUBLIC DOMAIN WORKS

The following public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense:

- (a) Upgrade of pavement and where required also the kerb and guttering along the entire site frontage of Hall Street and Jaques Avenue.
- (b) Provision of 1 tree pit and 1 street tree planted to Council specifications to the Hall Street frontage.

Details of the works set out above are to be submitted and approved by Waverley Council's Director, Waverley Futures regarding the proposed works to Council's footpath prior to the commencement of works. In this regard, the following additional requirements shall apply:

- (i) All works to the footpath/roadway surrounding the site are to be upgraded in accordance with Council's 'Public Domain Improvements Plan'. The detailed design and configuration of all works shall be to the satisfaction of Council's Director, Waverley Futures.
- (ii) All pavement treatments and location of tree pits and tree species to be approved by Council.

9. 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.

10. 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.

11. 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.

Notes: If this is imposed, Council will take into account:

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

12. DOMESTIC HEATERS AND AIR CONDITIONING

(a) The provision of solid fuel heating/cooking appliances is not permitted.

(b) Any air conditioning unit(s) installed on the site shall:

- (i) Air conditioning plant is not permitted to be installed on any balcony or the roof of either building within this development. Air conditioning is to be installed within the basement car park.
- (ii) 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.
- (iii) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (d).

(c) No plant or services are permitted to be installed on the roof without the separate consent of Council.

13. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

14. DOMESTIC HEATERS

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

15. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

16. 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.

17. NO FLASHING SIGNS

The use of flashing lights, flashing illuminated signs and the like is prohibited.

18. LOCATION OF SIGNS

No advertising signs or notices are to be affixed to the windows of the premises.

19. ERECTION OF SIGNS

The erection of the sign is to satisfy the following requirements:

- (a) Be subject to development consent of Council (if required);
- (b) Be erected/supported in a secure manner for safety purposes;
- (c) Does not cause measures that 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.

20. SEPARATE APPLICATION FOR SIGNAGE

Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council (if required).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

21. 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/

- (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.

22. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$100,000** 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.

23. 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.

24. TREE PRESERVATION BOND

A bond of \$50,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the public domain trees on the Hall Street and Jaques Avenue frontage. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition the trees are maintained in good condition as determined by Council's Tree Officer.

25. ARCHIVAL RECORDING OF EXISTING BUILDINGS

A brief archival record (at a minimum the front and rear elevations, details of notable elements of each building eg the awning and foyers) shall be prepared of the existing building for deposit in Waverley Council's Archive (1 x digital copy and 2 x printed copies to be submitted). This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work and the issue of a Construction Certificate. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

- (a) adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (b) a summary report of the photographic documentation; and
- (c) photographic catalogue sheets, which are referenced to a site plan and floor plan, no larger than A3 paper size, and indicating the location and direction of all photos (black & white prints and slides) taken.

26. 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.

27. ROCK ANCHORS

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

28. 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.

29. FIRE SAFETY UPGRADING WORKS

(a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

- (i) Fire resistance and stability – Part C1;
- (ii) Compartmentation and separation – Part C2;
- (iii) Protection of openings – Part C3
- (iv) Provision for escape – Part D1;
- (v) Construction of exits – Part D2;
- (vi) Access for people with a disability – Part D3;
- (vii) Fire fighting equipment – Part E1;
- (viii) Smoke hazard management – Part E2;
- (ix) Lift installations – Part E3;
- (x) Emergency lighting, exit signs and warning systems – Part E4;
- (xi) Sanitary and other facilities – Part F2;
- (xii) Room heights – Part F3;
- (xiii) Room sizes – Part F3
- (xiv) Light and ventilation – Part F4; and
- (xv) Sound transmission and insulation - Part F5.

(b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.
- (d) 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 and Strata Subdivision Certificate.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

30. FIRE SAFETY WORKS TO BE REVIEWED BY A REGISTERED HERITAGE ARCHITECT

The required fire safety works recommended in the BCA report are to be reviewed by a registered Heritage Architect to ensure that these works are generally consistent with the heritage significance of the building. In this respect, the project's Heritage Architect and Building Surveyor must jointly confer and agree on these works. These works may be modified to address a balance between retention of the heritage significance of the building and contemporary building standards.

The Heritage Architect's report is to be provided as an addendum to the approved and suitably modified Building Code of Australia Compliance Report prior to release of the Construction Certificate for the building at 27 Paul Street.

31. 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.

32. PUBLIC ART

Public Art is encouraged to 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 Cultural Development Officer.

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

33. EXTERNAL FINISHES

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the

schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile. In this regard, it is recommended consideration be given to the colour samples contained in Part E2 – Bondi Beachfront Area of the DCP 2012 prior to the preparation of the samples.

34. SERVICE AUTHORITIES

The applicant is to seek approval from Sydney Water regarding any possible modification to the service authorities infrastructure prior to the issue of a Construction Certificate.

35. HOARDING REQUIRED

If required a standard A/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.

36. GEOTECHNICAL ENGINEERS REPORT

The Geotechnical Assessment must be adhered to at all times.

The geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, 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.

37. 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.

38. 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 to the existing Heritage Building is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

39. 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 4.55 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.

40. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

41. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) 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 at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and 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.

42. 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.

43. 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.

44. STORMWATER MANAGEMENT

- (a) The Stormwater Management Site Plan prepared by Northrop, Job No. 171518, Drawing No. DAC01.01 to DAC06.01 (Rev 2) and Dated 06.11.17 is required to be amended to comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual with respect to:
 - i. The proposed development location is in Flood Prone Area (Catchment 8 under the Waverley Council Drainage System Map). According to the Waverley Council Water Management Technical Manual and Stormwater Drainage System Planning, water management concept plan should be designed considering the following guidelines:
 - (i) 1 in 100 years Water Level is RL 15.52m AHD
 - (ii) Minimum Free Board should be 300mm.

- ii. Habitable floor level should be RL +15.82m AHD or above OR Automatic flood gate to be provided to protect the ground floor which is lower than 1 in 100 years Water Level 15.82m (15.52+0.3).

(b) 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 for approval by Council's Creating Waverley Division in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

45. 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. Details to be provided on the plans prior to the issue of a Construction Certificate.

46. 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.

47. 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.

48. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

49. 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 Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

50. 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.

51. ENERGY AUSTRALIA

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate.

52. TRADE WASTE

The applicant is to confer with Sydney Water and enter into, where applicable, a 'Trade Service Agreement' with the Authority pursuant to the Trade Waste Policy. Details of the Authority's requirements are to be submitted to and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate. Trade wastewater is defined as "trade waste and any liquid, and any substance contained in it, which may be produced at the premises".

53. 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.

54. ACCESS TO MAIN ENTRY

Access in accordance with AS1428.2 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.

55. ACCESSIBLE SIGNAGE

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.2.

56. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

57. ACCESSIBLE CAR SPACE

A minimum of 1 car space within the residential allocated parking shall be dedicated for the vehicles of people with disabilities.

The car spaces shall be identified and reserved at all times and be in the vicinity of a lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions of 3.2m x 5.5m and minimum headroom clearance of 2.5m for vehicles fitted with a roof mounted wheelchair rack.

A notice shall be displayed at the entrance to the car park and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles.

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

58. CAR PARKING ALLOCATIONS

A total of **24** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) 18 residential parking spaces;
- (b) 2 visitor parking spaces ;
- (c) 4 retail parking spaces.
- (d) At least 1 of the retail spaces shall be sufficient in size to accommodate a loading van;
- (e) At least 1 of these spaces to be allocated as accessible parking spaces.
- (f) No more than 2 car parking spaces shall be allocated to each residential lot

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

59. BICYCLE PARKING

A total of **13** bicycle parking spaces are to be provided, allocated in the following manner:

- (a) 10 residential bicycle spaces;
- (b) 1 visitor bicycle spaces ;
- (c) 2 retail bicycle spaces.

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.

60. MOTORCYCLE PARKING

A total of **4** 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.

61. 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.

62. ACCESSIBLE SIGNAGE

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.2.

63. ADAPTABLE AND UNIVERSAL HOUSING

One of the units within the new development are to be adaptable and 20% of the units within the whole development are to have a universal design in accordance with Part B of the Waverley Development Control Plans 2012.

The adaptable unit shall be provided / allocated one accessible car parking space.

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

64. BASEMENT STORAGE

The basement level is to provide storage areas, allocated to each unit in the development. Storage is to be allocated to individual units in accordance with the following minimum requirements:

- a) Studio / 1 bedroom unit: 6m³ of storage,
- b) 2 bedroom unit: 8m³ of storage.
- c) 3+ bedroom unit: 10m³ of storage.

The amendments are to be shown on the plans and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

65. WASTE AND RECYCLING STORAGE AND COLLECTION

(a) The proposal must have a bin storage point for a minimum;

- **Residential**

- 4 x 240L Mobile Garbage Bins (MGBs) for general waste
- 2 x 240L MGBs for container recycling
- 2 x 240L MGBs for paper recycling
- 1 x 240L MGB for excess waste, and 1 x 240L MGB for garden organic waste should this be generated on the property.

- **Commercial**

- 1 x 1100L MGB for general waste (collected weekly)
- 1 x 1100L MGB for comingled recycling (collected twice weekly)
*collection frequency may need to be adjusted to account for heightened waste/recycling generation, for example during summer

(b) All waste from the retail and residential components of the building shall be transported to the waste storage areas internally through the building. In this regard, there should be no reliance on persons exiting the building and re-entering in order to gain access to the waste storage areas.

(c) 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. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.

- (d) 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).
- (e) 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.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (h) 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.
- (i) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (j) 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.
- (k) 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.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.
- (n) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

66. 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.

67. 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 Council prior to the issue of a Construction Certificate.

68. ROOF SERVICES

- (a) Any future solar panels / photovoltaic panels on the amended roof plan, are to be flush with the roof, so as not to project above the parapet height of the building.
- (b) Any future roof services/plant (excluding solar panels) shall be limited to 20% of the roof plane.

69. SERVICE AUTHORITIES

Prior to the issue of a Construction Certificate;

- (a) The applicant is to seek approval from the relevant service authorities regarding any possible modification to the service authorities infrastructure
- (b) Consent shall be sought from the relevant authorities prior to the removal of services in the public domain, including though not limited to phone boxes and mail boxes.
- (c) Should a substation be required, it shall be located in a discreet location of the site, and suitably screened so as to avoid being highly visible from the public domain. Should it be contained within the building envelope, it shall be finished in a high quality material that matches the predominant building form finish.

70. BOUNDARY FENCING

Any new boundary fencing to the western or southern property boundaries shall be limited to 1.8m in height, as measured from the existing ground level.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

71. 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.

72. 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.

73. 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 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;

- (a) 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
- (b) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

74. 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.

75. BUILDING TO BE WRAPPED

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time.

Any advertising on the hoarding requires Council's written approval.

76. TOILET FACILITIES

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

77. 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.

78. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

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

- 26 Hall Street, Bondi Beach
- 1 Jaques Avenue, Bondi Beach

And any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

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 condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

79. 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 and 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.

80. 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
- 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.

81. 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.

82. 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.

83. 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 400m 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.

84. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

85. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

86. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the

Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

87. 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. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

93. FOOTPATH PROTECTION

The footpath and driveway 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. 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.

99. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

100. 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.

101. 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.

102. BUILDING CODE OF AUSTRALIA

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

103. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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 2, 3 and 4 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.

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).

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.

104. 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 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 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).

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.

105. 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.

106. 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.

107. 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.

108. 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.

109. HERITAGE ARCHITECT

The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

110. CARE TO BE TAKEN DURING CONSTRUCTION

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building at 27 Paul Street, which is listed as a Heritage Item.

111. 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.

112. IN-SINK WASTE DISPOSAL SYSTEMS

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

113. 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.

114. 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.

115. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

116. TREATMENT OF BOUNDARY WALLS

The walls on the boundary (with exception of front elevation) are to be finished to a minimum standard, that being face brickwork and all mortar joints ironed(no dags) as viewed from adjoining sites.

117. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed building including the footings and roof eaves and fencing are to encroach beyond the boundaries of the subject property.

118. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **basement car park**. 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.

119. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete footpath.

120. SPEED HUMP ON ACCESS RAMP

A speed hump shall be installed at the applicant's expense inside the site in the vicinity of the Jaques Avenue property boundary on the access ramp.

121. BASEMENT MANOUVREING SPACES

The manoeuvring spaces opposite the car lifts shall be signposted and marked to Council's satisfaction in order for the space not to be used for parking at any time.

122. CONVEX MIRRORS

Convex mirrors being placed inside the site at the vehicular access ramp for drivers when exiting the site to view pedestrians and vehicles approaching from either direction along Jaques Avenue.

123. PARKING SPACES

The resident, visitor, staff and disabled car parking spaces in the basement being clearly line marked and signposted.

124. RELOCATION OF PARKING SIGNS

Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.

125. FOOTPATH UPGRADE

The footpaths surrounding the site being upgraded at the applicant's expense in accordance with Council's "Local Village Centres Public Domain Technical Manual". In this regard, the applicant is to confer with Council's Executive Manager, Creating Waverley prior to commencement of works on the footpath area. A detailed plan of the works required on Council's road reserve/footpath area being submitted to Council for the approval of the Executive Manager, Creating Waverley prior to those works commencing.

126. FINISHED LEVEL OF PAVING

Paving at the property boundaries shall be finished as follows:

- Hall Street – level with Council's footpath
- Jaques Avenue - level with Council's footpath.

127. 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.

128. TREE REMOVAL

In accordance with the approved Arboricultural Impact Assessment Report, the following trees are permitted for removal on the development site.

Species	Location	Action
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1 x Glochidion ferdinandi (Cheese tree) including raised garden bed	Jaques Avenue footpath	Remove
2 x Melaleuca quinquenervia (Broad leaf paperbark) trees including raised garden beds	Hall Street footpath (within site boundary)	Remove

129. TREE RETENTION

The following trees are to be retained in accordance with the Arborist Report.

Species	Location	Action
2 x Melaleuca quinquenervia (Broad leaf paperbark) trees	on Hall Street kerb (public domain)	Protect & retain as per N4 Tree Protection
3 x Melaleuca quinquenervia (Broad leaf paperbark) trees	on Jaques Avenue in raised garden beds (public domain)	Protect & retain as per N4 Tree Protection

A development tree management plan is required to be approved by Council's Tree Management Officer, detailing tree protection measures for all trees in Hall Street and Jaques Avenue, prior to the issue of a Construction Certificate.

130. 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.
- (h) Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
- (i) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
- (j) The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

131. STREET TREES

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. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

132. 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.

133. HERITAGE RESTORATION WORKS

The Heritage Restoration works (the "approved heritage works" as set out in the Heritage Deed of Agreement and Public Positive Covenant) shall be completed to the satisfaction of Council's Heritage Advisor prior to the release of any Occupancy Certificate (or Strata or Subdivision Plan if applicable) for the site.

134. 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 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.

135. 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.

136. STORMWATER

Prior to issuance 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

91. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the building shall be in accordance with the Council approved Flood Protection Plan of Management at all times.

- (b) The approved Flood Protection Plan of Management shall be adopted by the Strata, Management, and filed with Council prior to the commencement of operations
- (a) The Plan shall be reviewed at any time there is a change of occupation of the ground floor retail tenancies, change of ownership of the ground floor retail tenancies, prior to any works to the ground floor retail tenancies and at any time there is a change in strata management, to ensure the basement, retail tenancies and residential foyer are protected from flood waters.
- (b) Any changes to the Plan of Management require the approval of Council.

137. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises and the Flood Protection Plan of Management must be kept within each retail premises of the building and made available for inspection immediately upon request by Council Officers.

138. POSITIVE COVENANT

A covenant to the approval of Council is to be placed on the title of the property acknowledging that a Plan of Management applies to the site for the implementation and management of flood protection at the responsibility of the building owners. Council is neither responsible nor liable to any damages caused as a result of any flooding of the property. Evidence of the creation of the covenant is to be submitted prior to issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979. The covenant shall not be revoked or modified without the prior approval of Council. Any costs associated with the covenant are to be borne by the applicant.

139. 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.

140. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (b) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (c) 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, banded and drained to a grease trap.
- (d) 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.

- (e) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (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.
- (i) All waste and recycling receptacles must be removed from the kerbside as soon as possible on the same day as the collection service.
- (j) Should a collection vehicle be required to drive onto the property to collect waste and recycling bins, the site must be designed to allow collection vehicles to enter and exit the property in a forward direction and have adequate vehicle clearance. In addition, all access roads and driveways must comply with BCA, AS and Annexure B1-3 in the Waverley Development Control Plan 2012.

The above matters are to be detailed and submitted to the satisfaction of the Principal Certifying Authority prior to the occupation of the development.

141. 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 Waverley Futures 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, Shaping Waverley.

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.

142. FIRE SAFETY UPGRADE AND LINEN PLAN

Fire safety upgrading works being undertaken in accordance with recommendations identified in the Fire Safety Upgrade Assessment Report.

In this regard, the Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety upgrading works are completed and a Final Fire Safety Certificate has been submitted to Council, 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) 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.

143. PUBLIC DOMAIN WORKS COMPLETED

All works set out in Condition 8 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.

144. RESIDENTIAL FLAT BUILDINGS - 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.

145. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

146. 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.

- (a) 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.
- (b) 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.

147. ALLOCATION OF STREET NUMBER

The redevelopment of the property has lead to the following allocation of street numbers:

- No. 20 Hall Street for the building (primary premises);

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.

- As the proposed development has multi level sub addressing the following shall apply when the premises are numbered:
 - i. 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.
 - ii. For clarity, a zero will be interposed in the number of the first nine sub address levels ie level 3 unit 7 =307,
 - iii. Levels 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
 - iv. Commercial premises will be identified with an address identifier ie Shop G01, Shop G02 ,
 - v. Unit numbers must be unique for all sub premises.

The street and unit numbers are to be positioned on the site prior to the issue of the Occupation Certificate

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

148. VEHICLE ACCESS

All vehicles entering and exiting the site from Jaques Avenue shall do so in a forward direction at all times.

149. 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.

150. PARKING PERMITS

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

151. 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 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.

152. 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.

153. 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.

154. 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, 1998 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 Principle Certifying Authority prior to the issue of the Occupation Certificate.

155. SLIP TESTS OF COMMON AREAS

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

156. 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.

157. USE OF ROOF

The roof shall be non-trafficable and accessed for maintenance purposes only.

ABBREVIATIONS

AC	Air Conditioning	ICM	Intercom	W	Window
ACC	Accessible	INS	Insulation - Thermal / Acoustic	WC	Water Closet
ACU	Air Condensor Unit	J	Joinery Item	WH	Weep Hole
ADJ	Adjustable	LDP	Level Datum Point	WG	Winter Garden
AFFL	Above Finished Floor Level	LDRY	Laundry	WM	Washing Machine
AL	Aluminium	LV	Louvre	WP	Waste Pipe
AP	Access Panel	LOR	Lift Overrun	WPM	Water Proof Membrane
AS	Australian Standard	MB	Mailbox	WT	Water Tank
BAL	Balustrade	MC	Metal Cladding		
BALC	Balcony	MDB	Main Distribution Board		
BCA	Building Code of Australia	ME	Metal		
BG	Box Gutter	MFL	Metal Flashing		
BHD	Bulkhead	MG	Metal Grille		
BIT	Bitumen	MIJ	Mitred Joint		
BK	Brick	MJ	Movement Joint		
BL	Building Line	MR	Metal Roof		
BLDG	Building	MS	Mild Steel		
BN	Bin	MSB	Main Switch Board		
BR	Brass	MW	Matwell (with mat)		
BST	Ballast	N	New Item		
BT	Bench Top	N/A	Not Applicable		
CB	Concrete Block	NTS	Not To Scale		
CFC	Compressed Fibre Cement	OD	Outside Diameter		
CJ	Construction Joint / Control Joint	OF	Overflow Spitter		
COL	Column	O/H	Overhead		
CONC	Concrete	OV	Oven		
CP	Chrome Plated	PB	Plasterboard		
CPT	Carpet	PBFR	Plasterboard - Fire Resistant		
CR	Cement Render	PBMR	Plasterboard - Moisture Resistant		
CRS	Cement Render and Set	PC	Powdercoat		
CT	Ceramic Tile	PF	Paint Finish refer Finishes Schedule		
D	Door	PFC	Parallel Flanged Channel		
DCV	Ducted Cross Ventilation	PU	Paving Unit		
DD	Dish Drain	PVC	Polyvinylchloride		
DIA	Diameter	R	Refrigerator		
DP	Downpipe	RA	Return Air		
DSB	Distribution Switchboard	RC	Reinforced Concrete		
DWG	Drawing	REF	Reference		
EA	Exposed Aggregate	RF	Roofing		
EC	Exhaust Cow/EG/Exhaust Grille	RL	Relative Level		
EGL	Existing Ground Level	RP	Removable Panel		
ELEC	Electrical	RS	Roller Shutter		
ENG	Engineer	RWH	Rain Water Head		
EQ	Equal	RWO	Rain Water Outlet		
EX	Existing Structure or Finish	SIM	Similar		
EXH	Exhaust	SL	Skylight		
EXST	Existing	SOP	Setout Point		
F	Fixed	SPP	Spandrel		
FC	Fibre Cement	SS	Stainless Steel		
FCL	Finished Ceiling Level	ST	Stone		
FG	Floor Grate	STR#	Stair (number)		
FGL	Finished Ground Level	STRG	Storage		
FM	Flexible Mastic	STRUCT	Structural		
FR	Fire Resistant	SWD	Stormwater Drain		
FRL	Fire Resistance Level	SWG	Stormwater Grate		
FW	Floor Waste	SWP	Stormwater Pit		
G	Glass/ Glazing	TBA	To Be Advised		
GALV	Galvanised - hot dipped	TBC	To Be Confirmed		
GBAL	Glass Balustrade	TEL	Telephone		
GCB	Glass - Colour Backed	TER	Terracotta		
GDR	Grated Drain	THD	Threshold		
GF	Glazing - Fixed	TM	Timber		
GFC	Glass - Float Clear	TMF	Timber Floor		
GFRT	Glass - Fire Rated and Tinted	TOC	Top of Column		
GFT	Glass - Float Tinted	TOK	Top of Kerb		
GLC	Glass - Laminated Clear	TOP	Top of Parapet		
GLT	Glass - laminated Tinted	TOW	Top of Wall		
GND	Ground	TPH	Toilet Paper Holder		
GO	Glass - Obscure	TV	Television		
GT	Glass - Translucent	UB	Universal Beam		
GTC	Glass - Toughened Clear	UC	Universal Column		
GTT	Glass - Toughened Tinted	U/G	Underground		
HHW	High Horizontal Window	U/S	Underside		
HRL	Handrail	UNO	Unless Noted Otherwise		
HWH	Hot Water Heater	UOS	Unless Otherwise Specified		
HWS	Hot Water Service	VP	Vent Pipe		
HWU	Hot Water unit				
HYD	Hydraulic				

NOTES

- All dimensions to be verified on site.
- Report any discrepancies or omissions to SDS prior to construction.
- Refer to architect for ambiguous details or when clarification is required.
- All drawings to be read in conjunction with specification.
- All drawings to be read in conjunction with consultants' drawings.
- All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

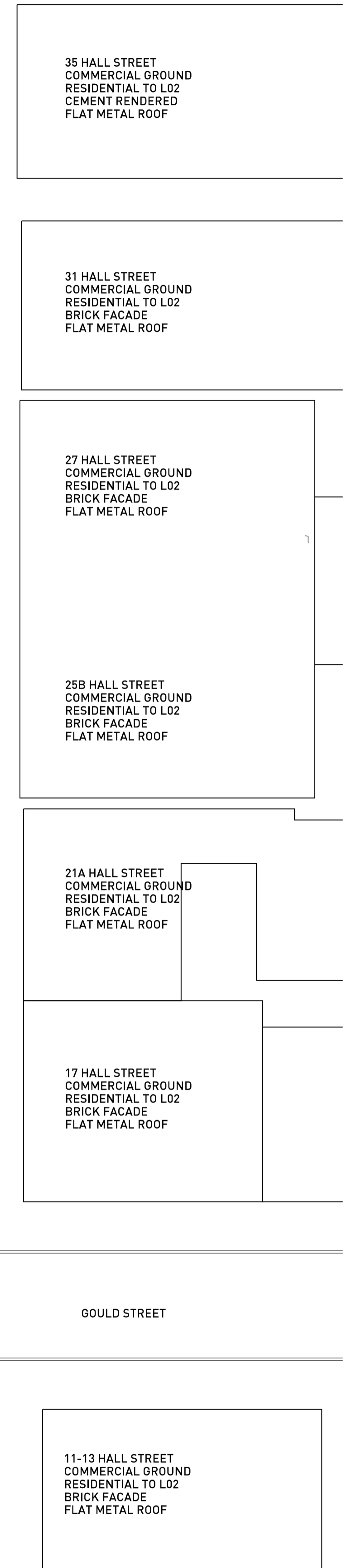
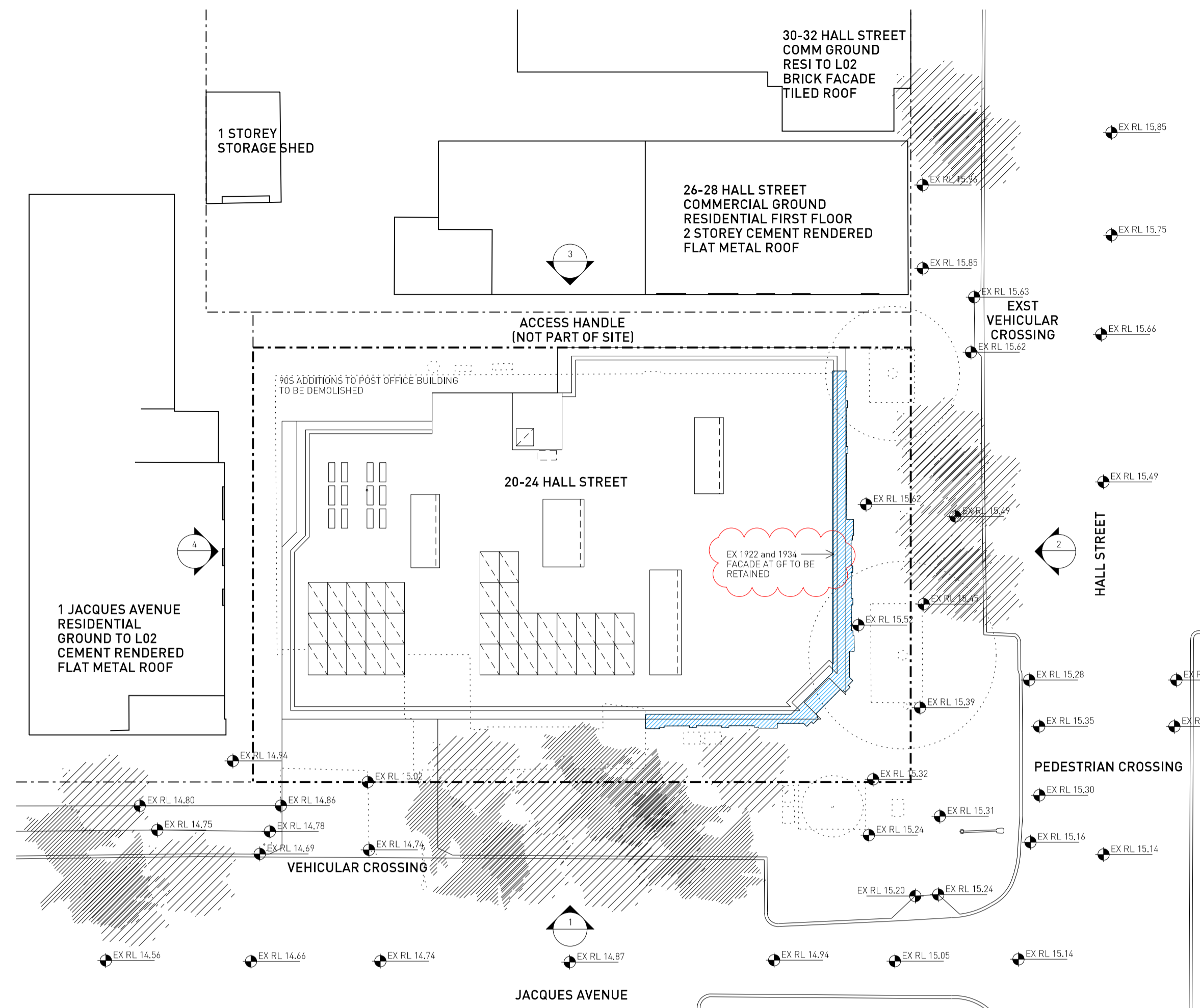
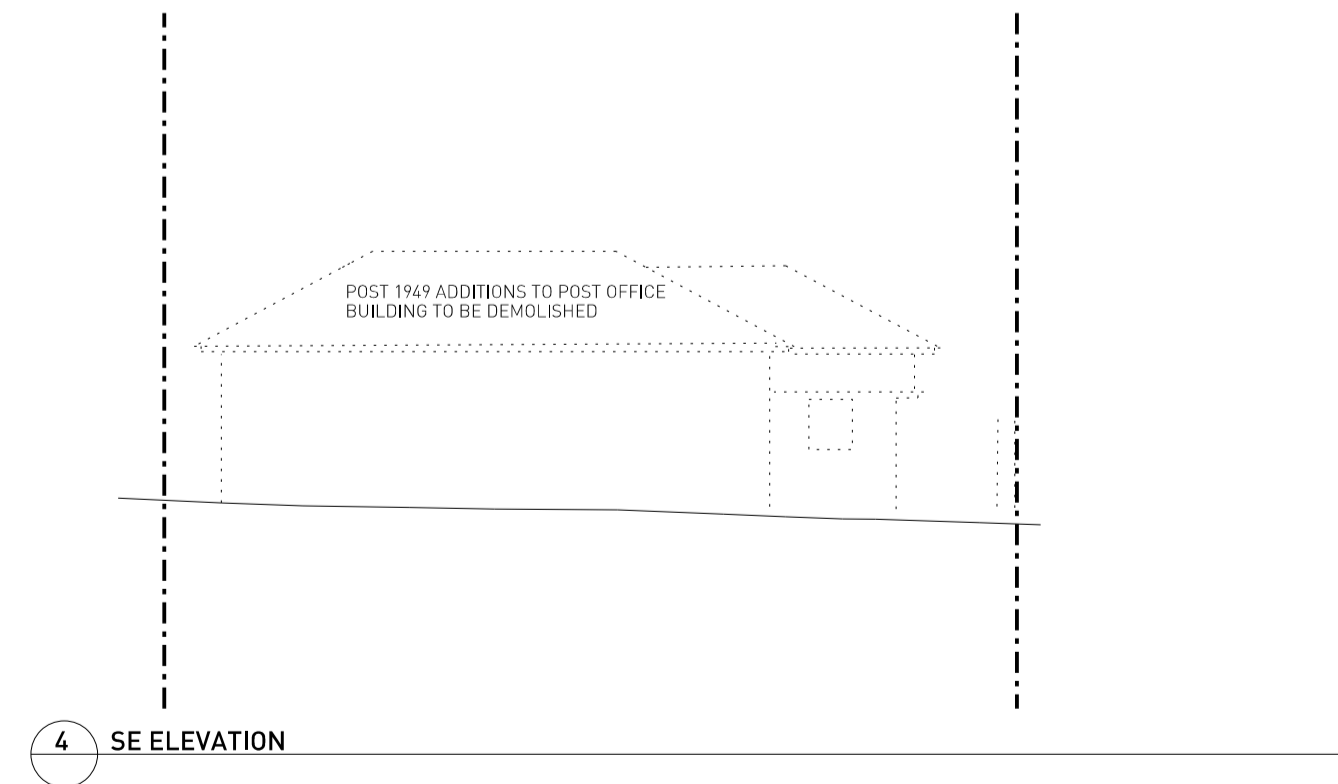
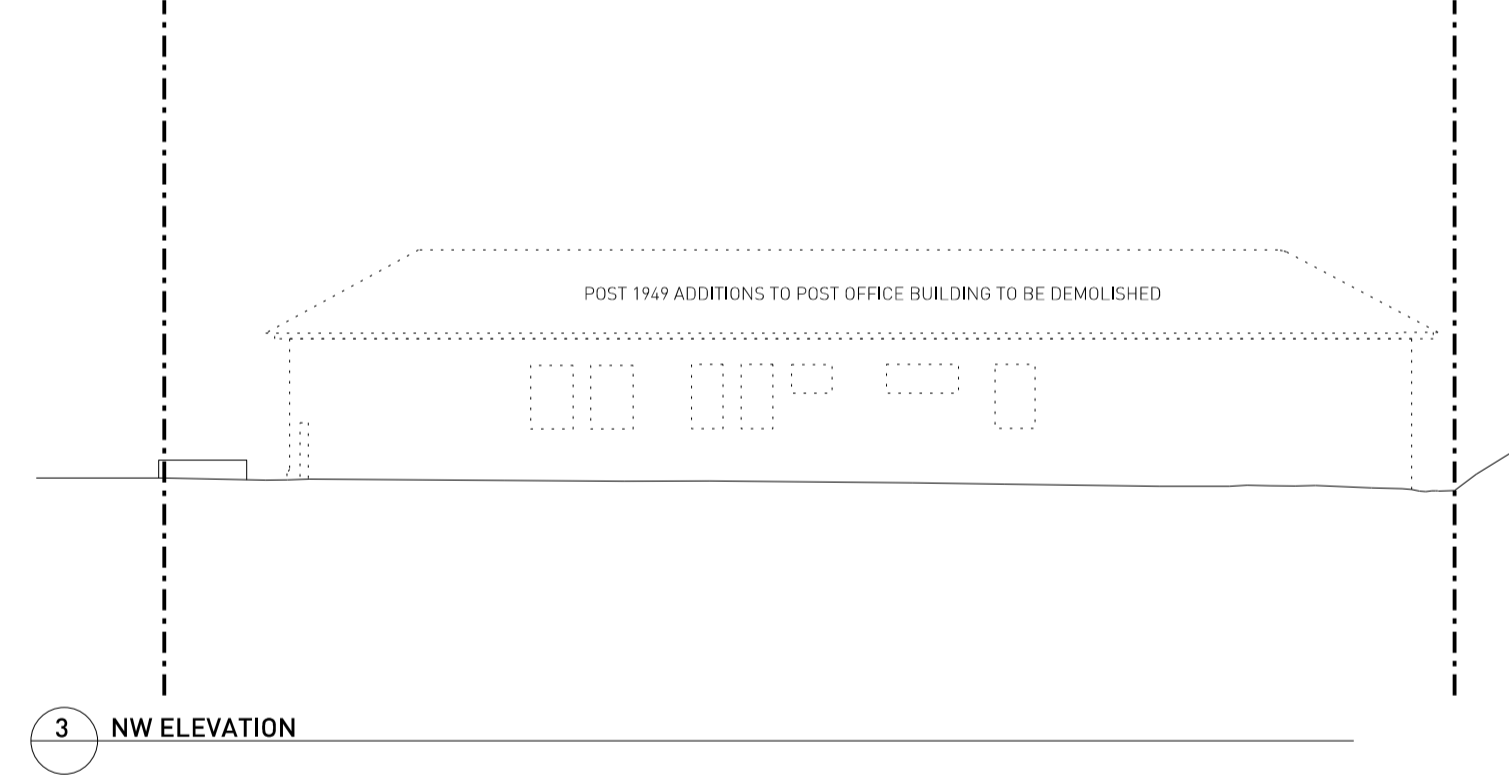
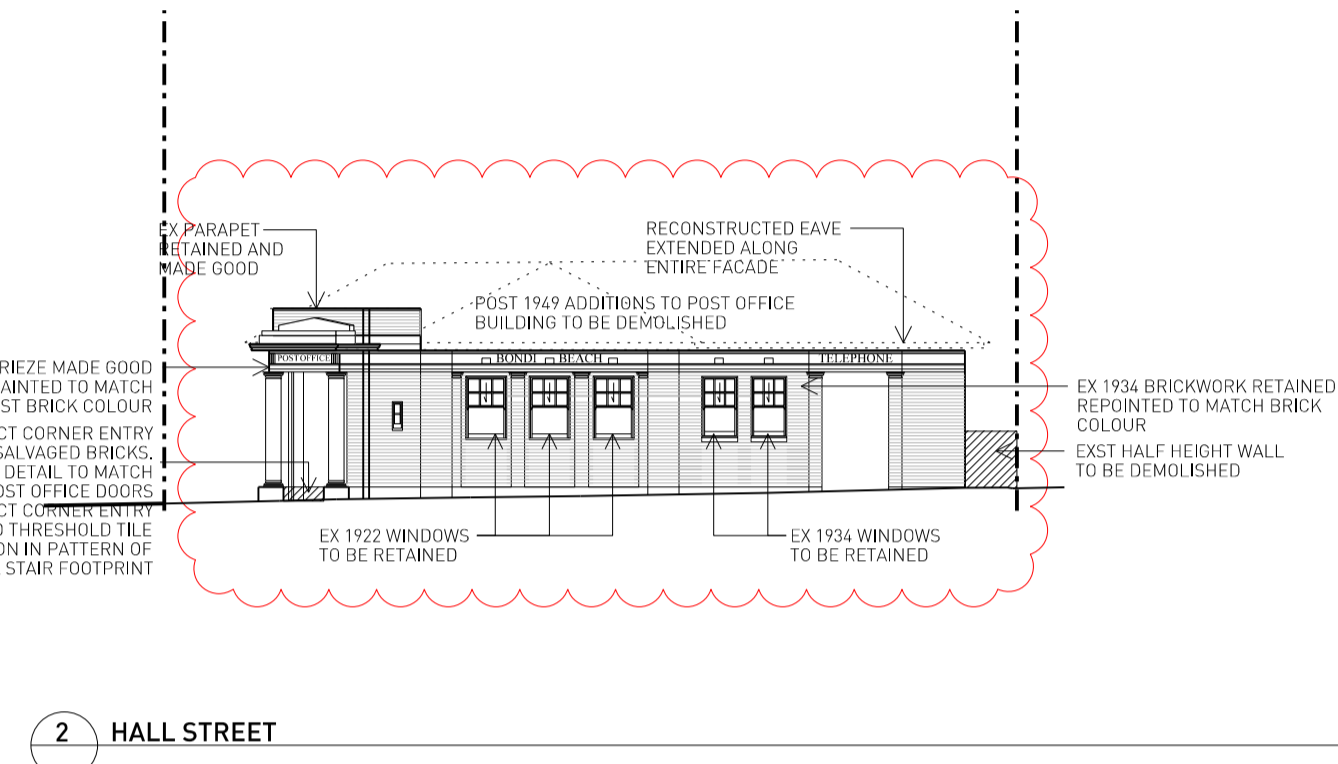
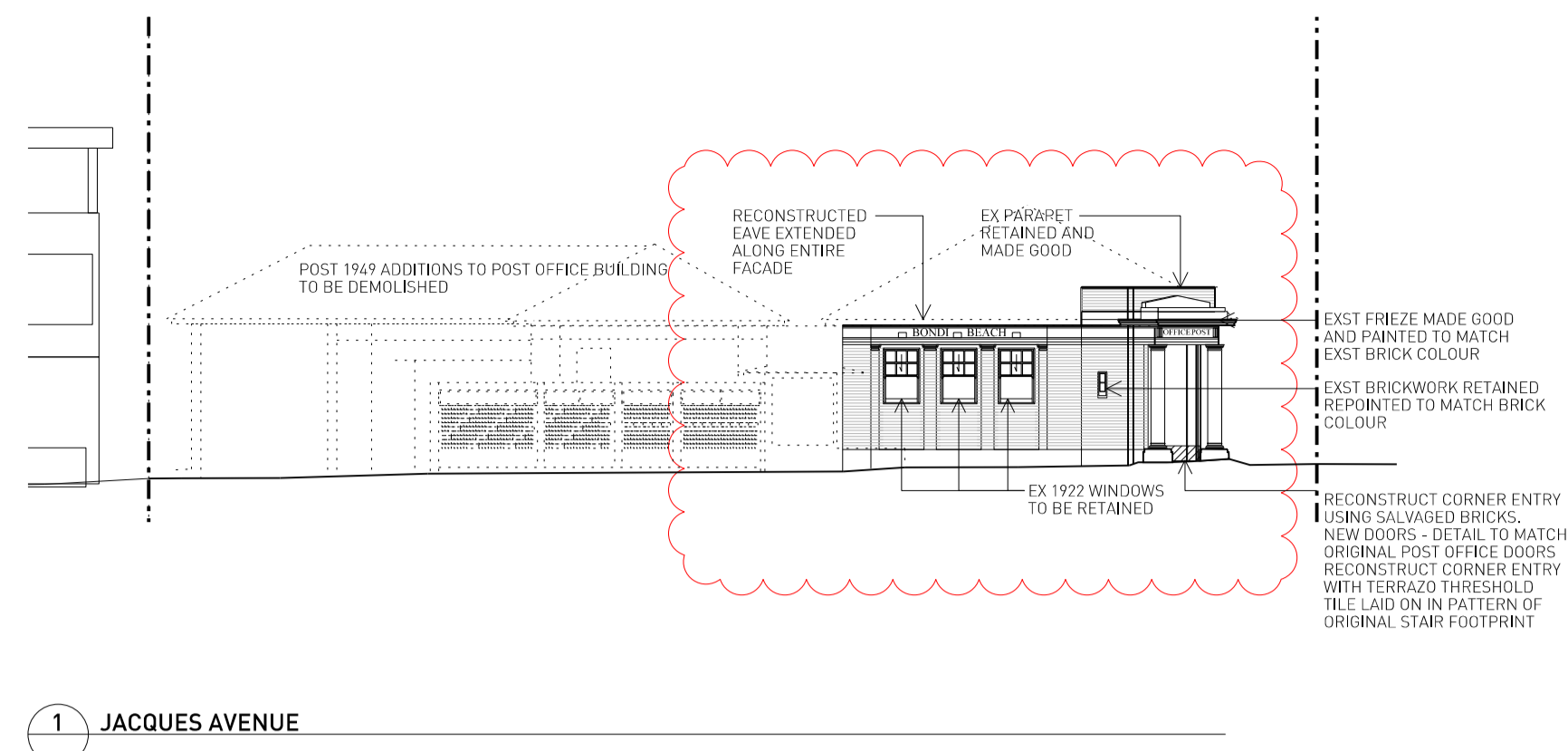
ISSUE	REASON	DATE
P1	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	19.10.18

DRAWING SCHEDULE

DA000	Legend
DA001	Site Plan
DA100	Basement Plan Level -2
DA101	Basement Plan Level -1
DA102	Ground Plan
DA103	L01 Plan
DA104	L02 Plan
DA105	L03 Plan
DA106	Roof Plan
DA300	Elevations Hall Street and Jacques Avenue
DA301	Elevations North West and South East
DA400	Section AA and BB
DA500	GFA Diagram
DA600	Adaptable Layout

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ISSUE	REASON	DATE
P1	FOR INFORMATION	20.10.17
P2	DRIFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	22.08.18
C	REVISED DA	19.10.18

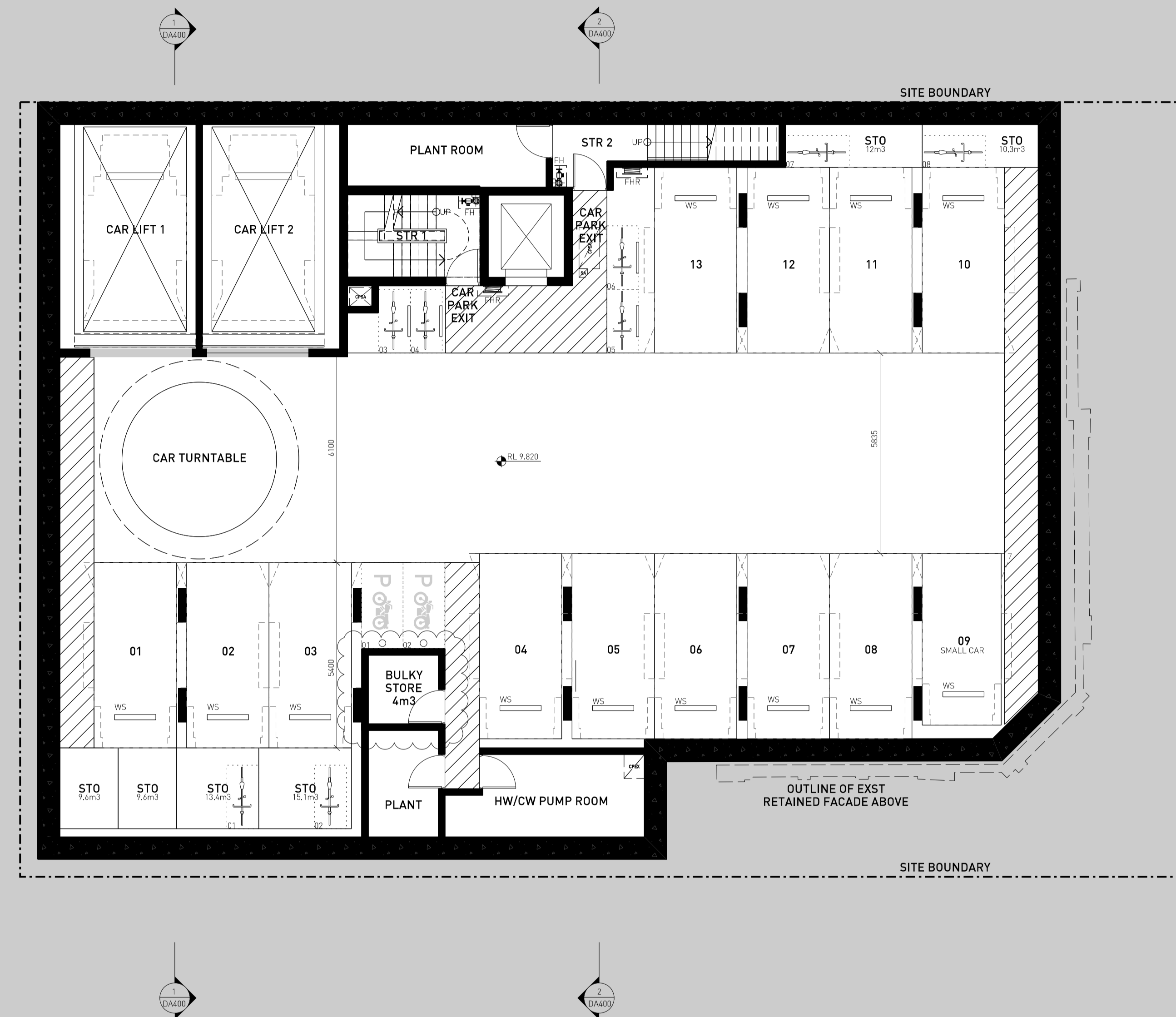
5 SITE PLAN

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ISSUE	REASON	DATE
P1	FOR COMMENT	24.08.17
P2	FOR COMMENT	04.09.17
P3	FOR COMMENT	05.10.17
P4	CLIENT SIGN OFF	18.10.17
P5	FOR INFORMATION	20.10.17
P6	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18
C	REVISED DA	19.10.18



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 NOM ARCH WILLIAM SMART 6381

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SCALE 1:100 @ A1

PROJECT 1607 HALL 20
 DRAWN MC SENIOR QA APP'D SL WS

DWG TITLE BASEMENT 2
 DWG NO DA101 REV C

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P1	FOR COMMENT	24.08.17
P2	FOR COMMENT	04.09.17
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P5	FOR INFORMATION	20.10.17
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A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18
C	REVISED DA	19.10.18

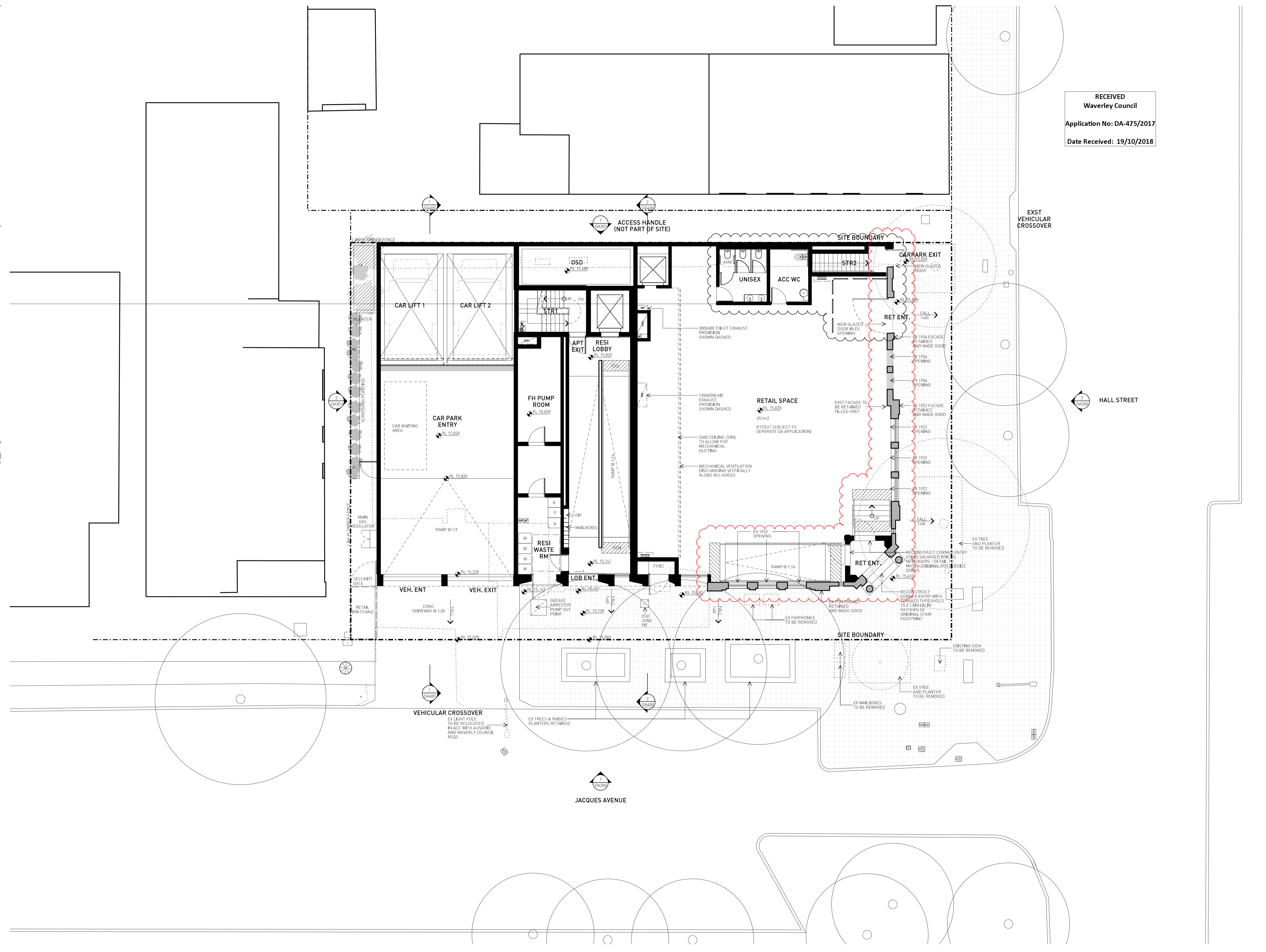


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NOT FOR CONSTRUCTION**

ISSUE	REASON	DATE
P1	FOR COMMENT	05.10.17
P2	FOR COMMENT	11.10.17
P3	CLIENT SIGN OFF	18.10.17
P4	FOR INFORMATION	20.10.17
P5	DRAFT ISSUE	22.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	04.06.18
C	REVISED DA	27.08.18
D	REVISED DA	11.10.18
E	REVISED DA	19.10.18



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PROJECT 1607 HALL 20
DRAWN MC SENIOR QA SL APP'D WS

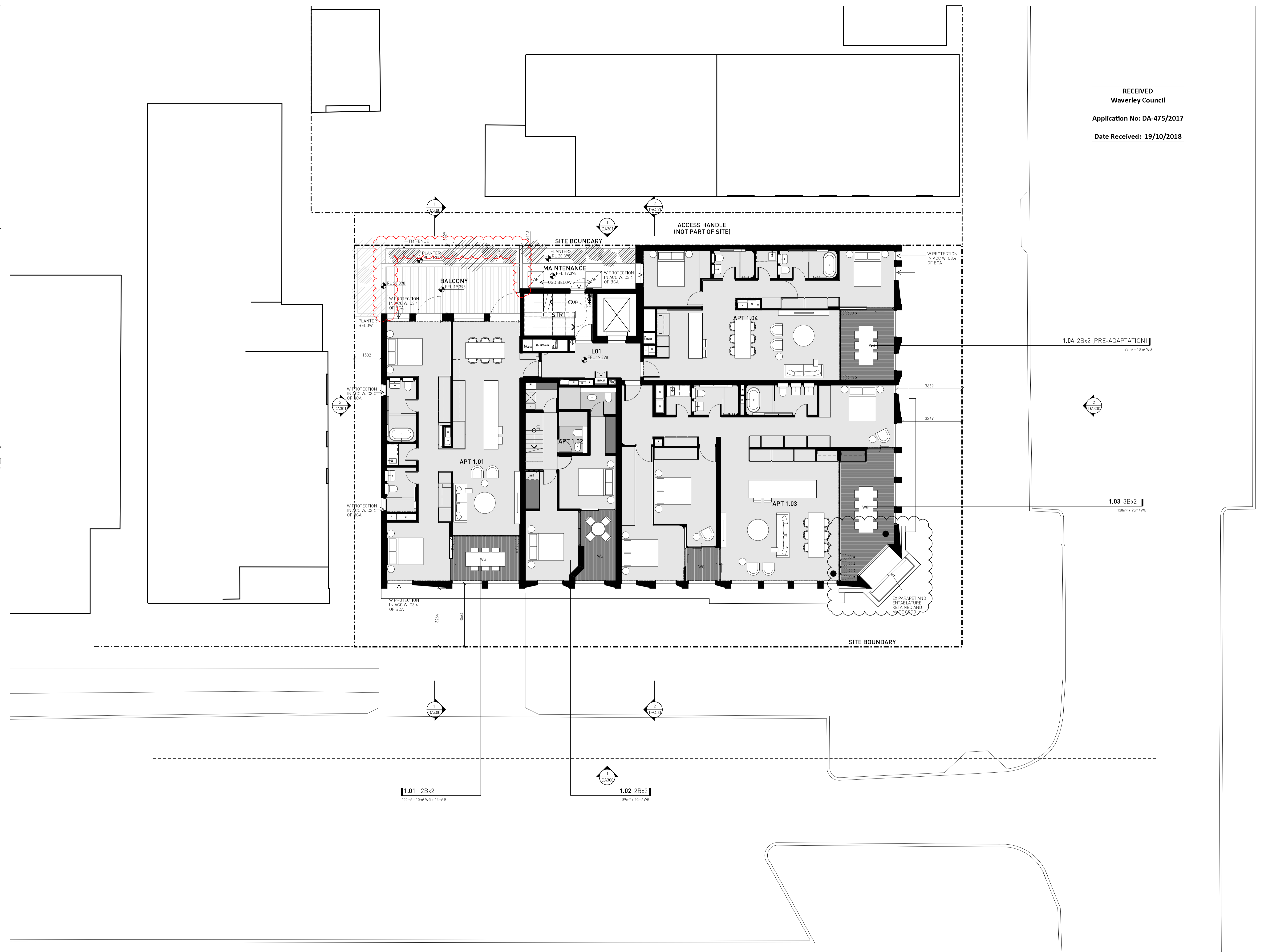
DWG TITLE GROUND PLAN
DWG NO DA103
REV E

RECEIVED
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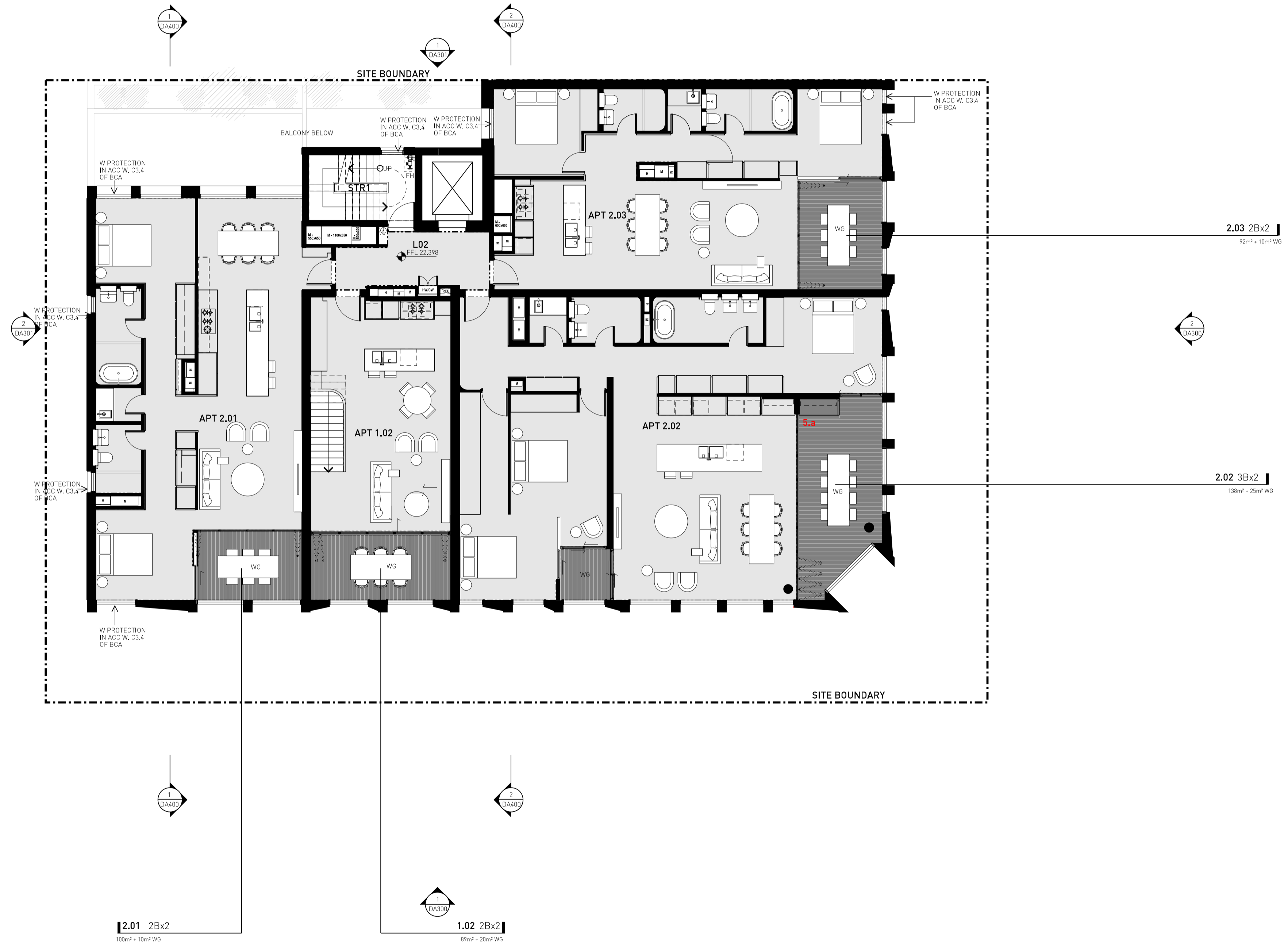
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P1	FOR COMMENT	24.08.17
P2	FOR COMMENT	04.09.17
P3	FOR COMMENT	22.09.17
P4	FOR COMMENT	28.09.17
P5	CLIENT SIGN OFF	18.10.17
P6	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
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ISSUE	REASON	DATE
P1	FOR COMMENT	22.09.17
P2	FOR COMMENT	26.09.17
P3	CLIENT SIGN OFF	18.10.17
P4	FOR INFORMATION	20.10.17
P5	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18
C	REVISED DA	19.10.18



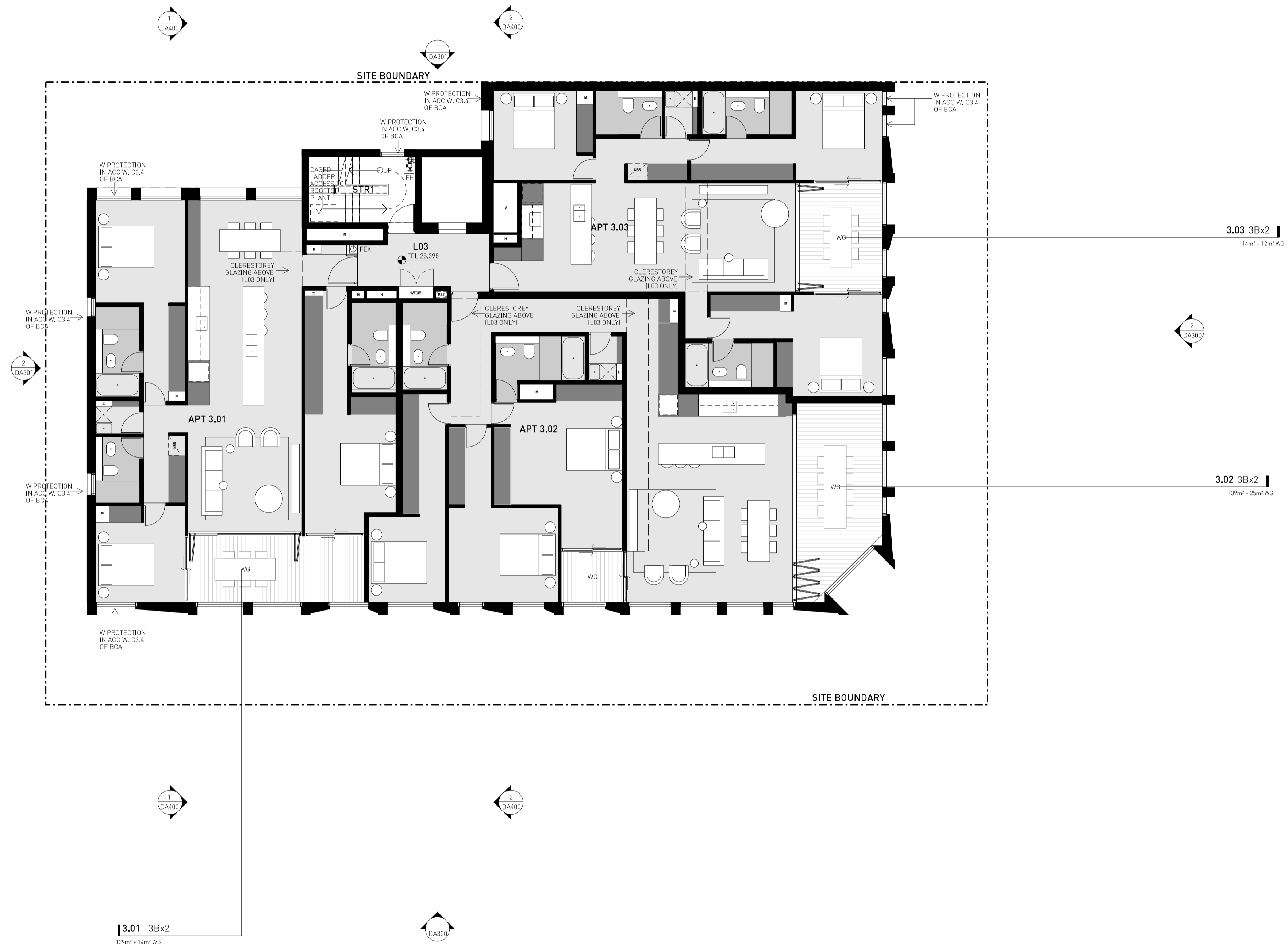
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ISSUE	REASON	DATE
P1	FOR COMMENT	28.09.17
P2	CLIENT SIGN OFF	18.10.17
P3	FOR INFORMATION	28.10.17
P4	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	19.10.18



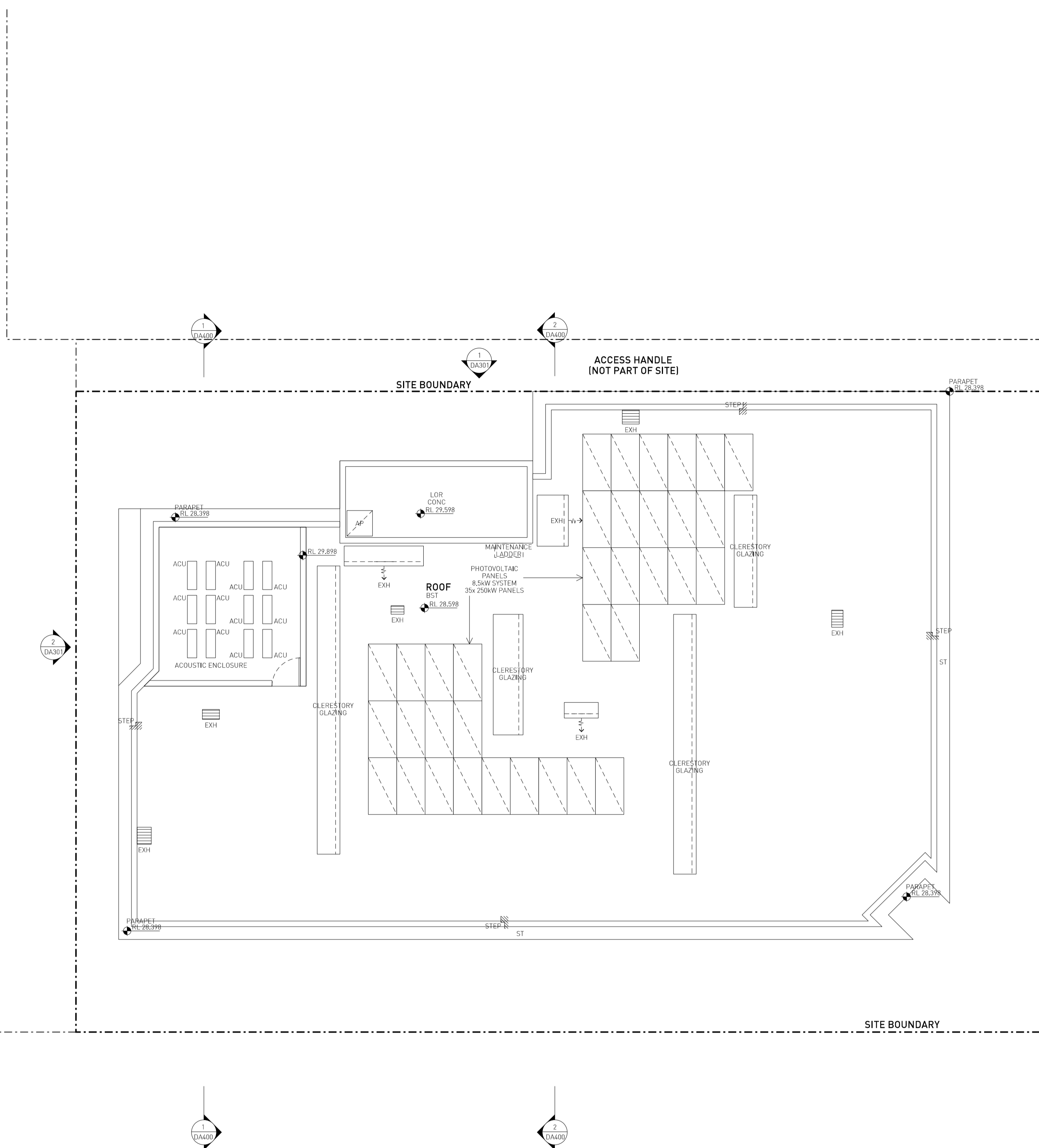
RECEIVED
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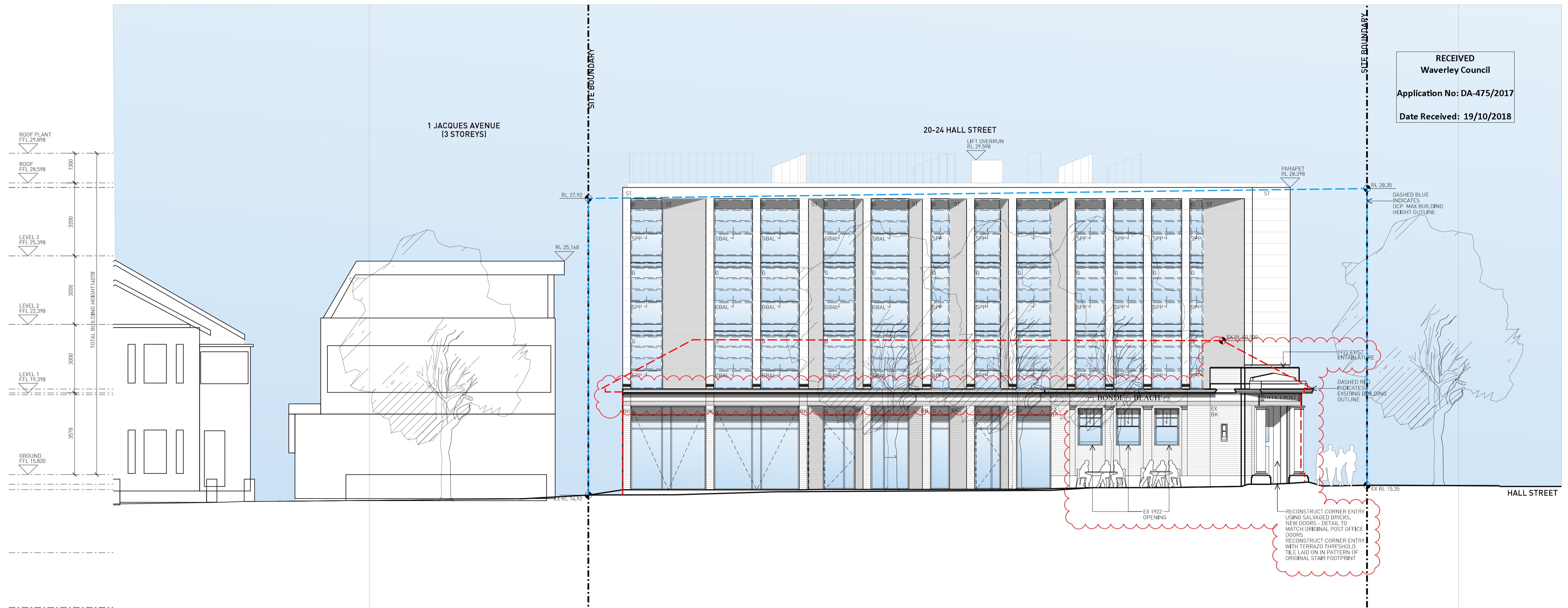
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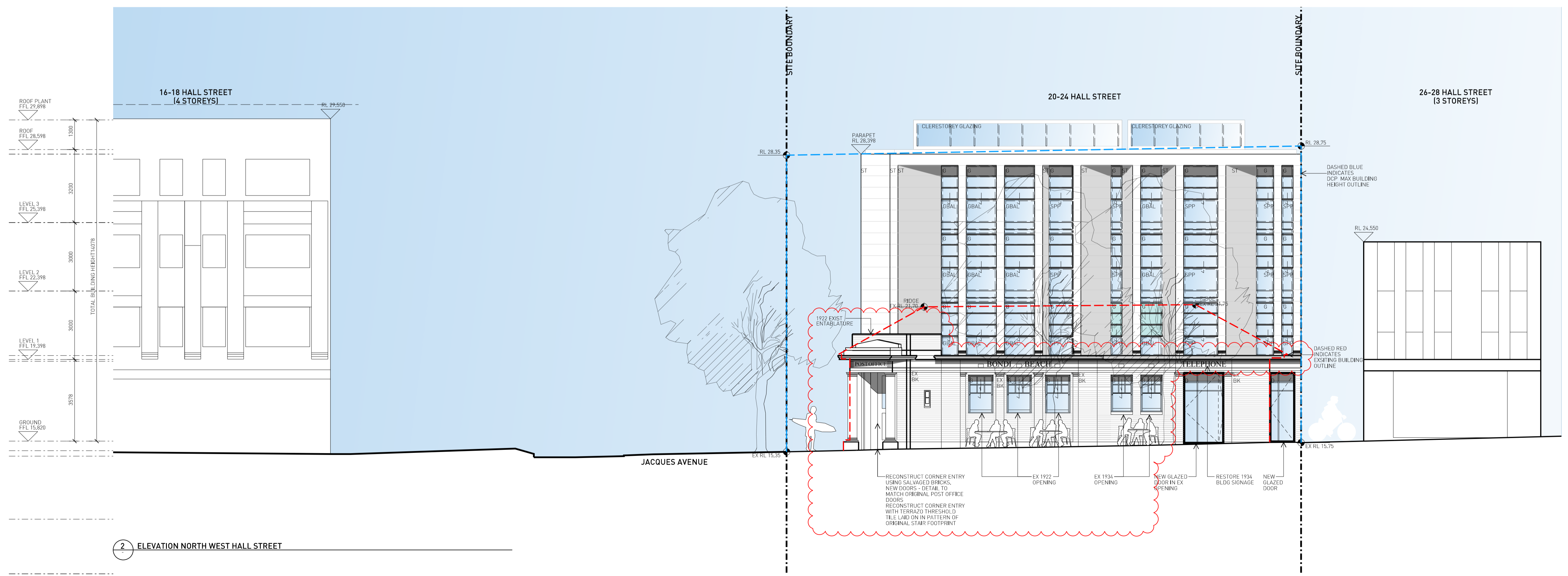
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ISSUE	REASON	DATE
P1	FOR COMMENT	24.08.17
P2	FOR COMMENT	04.09.17
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P4	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18
C	REVISED DA	30.04.18
D	REVISED DA	19.10.18





1 ELEVATION SOUTH EAST JACQUES AVENUE



2 ELEVATION NORTH WEST HALL STREET

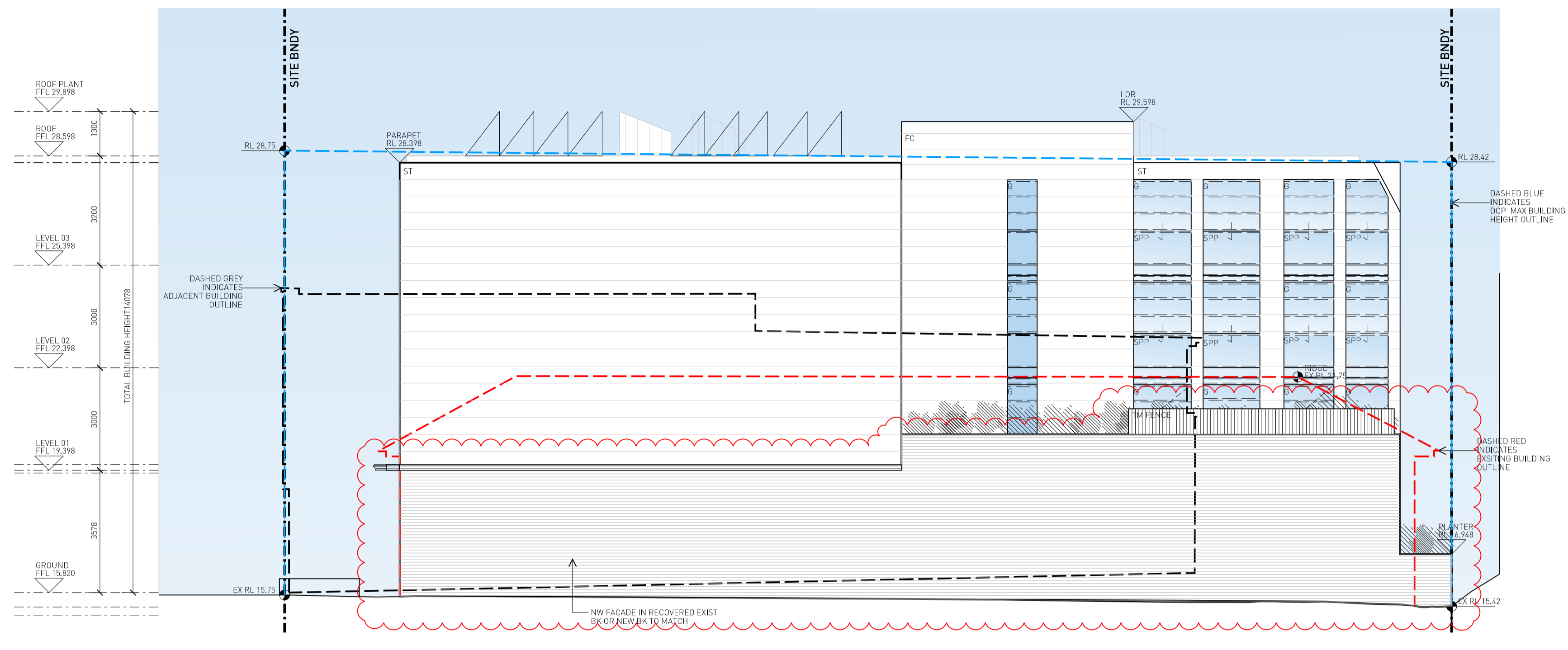
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ISSUE	REASON	DATE
P1	FOR COMMENT	06.10.17
P2	FOR INFORMATION	20.10.17
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A	ISSUED FOR DA	03.11.17
B	REVISED DA	04.06.18
C	REVISED DA	27.08.18
D	REVISED DA	19.10.18

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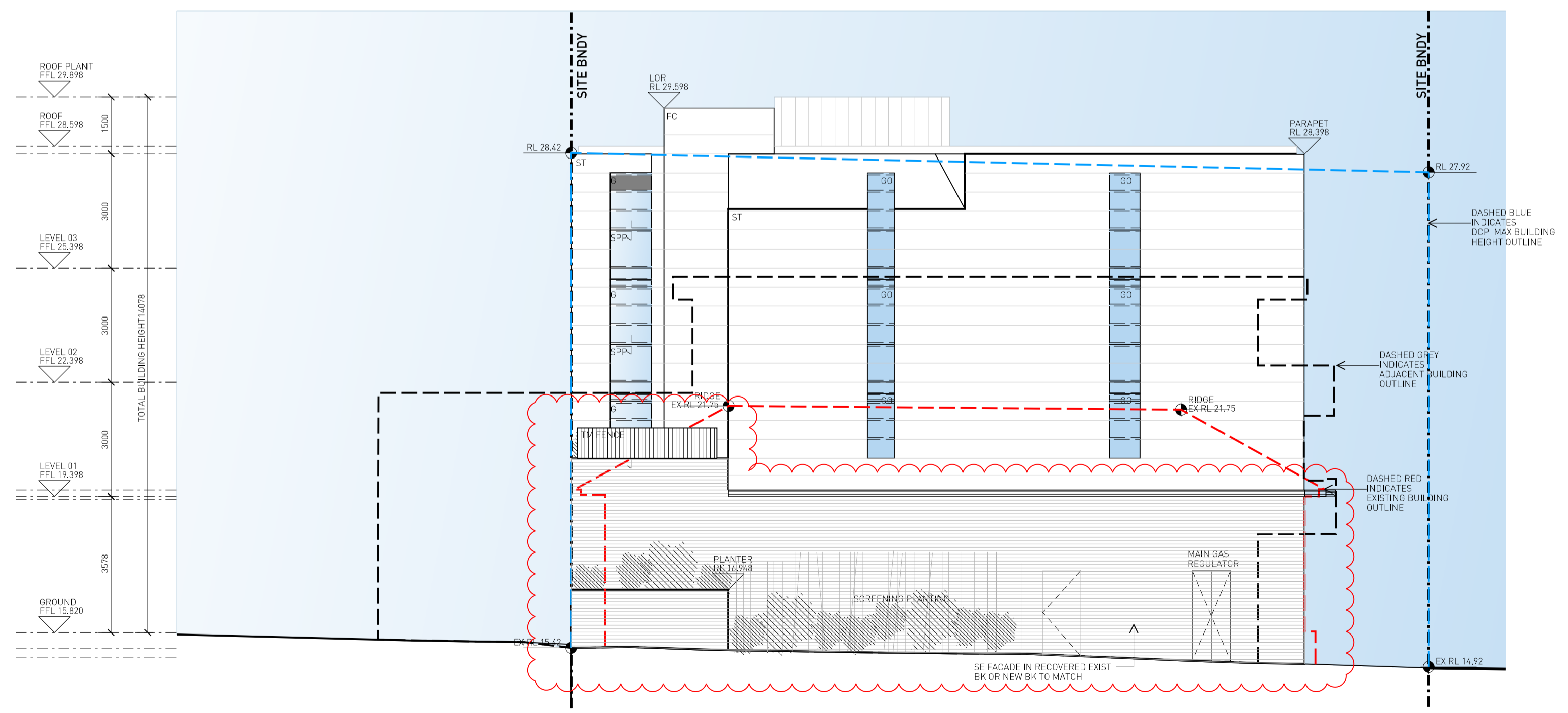
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1 ELEVATION NORTH WEST

PRELIMINARY
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ISSUE	REASON	DATE
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A	ISSUED FOR DA	02.11.17
B	REVISED DA	30.04.18
C	REVISED DA	19.10.18



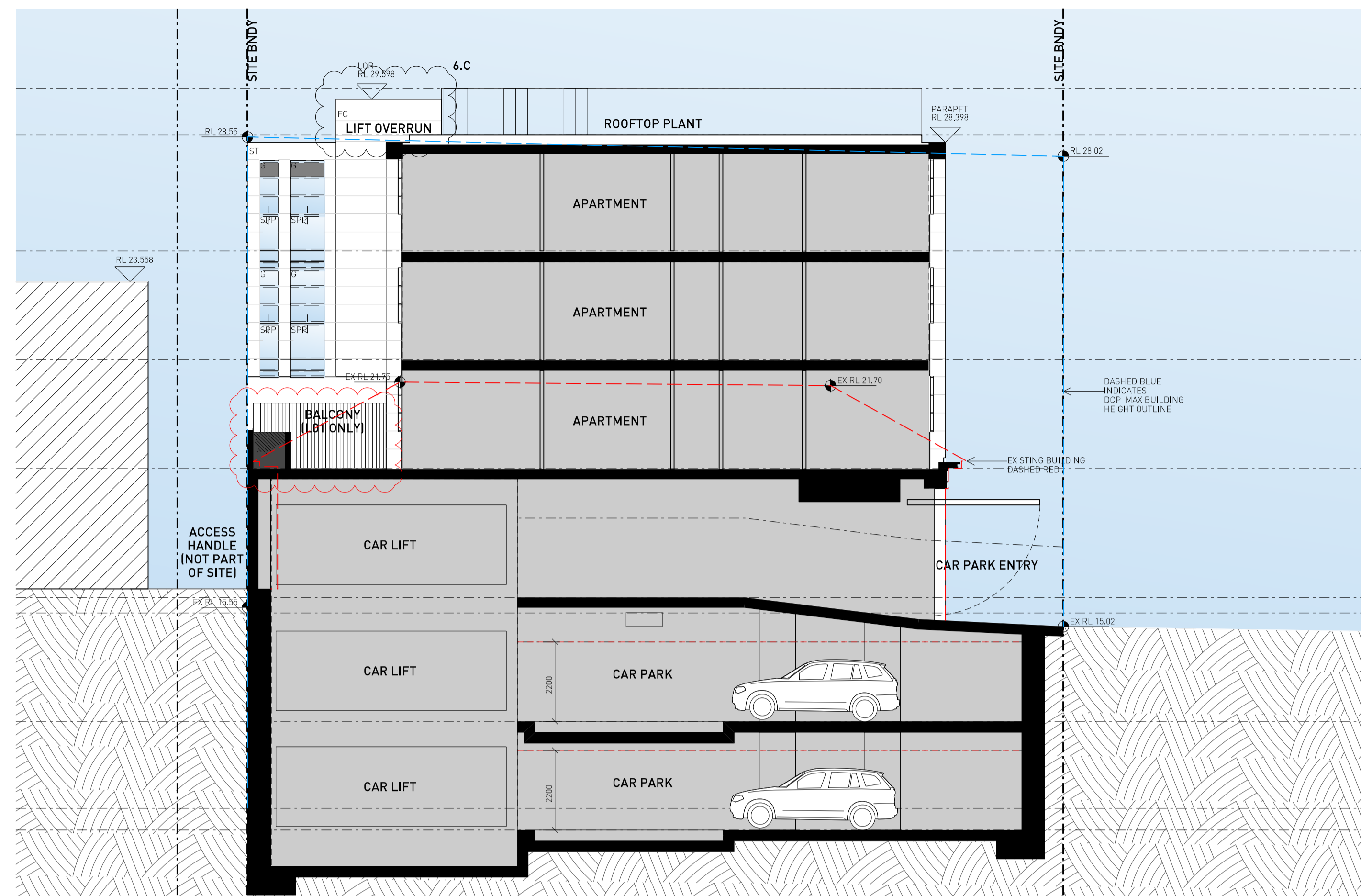
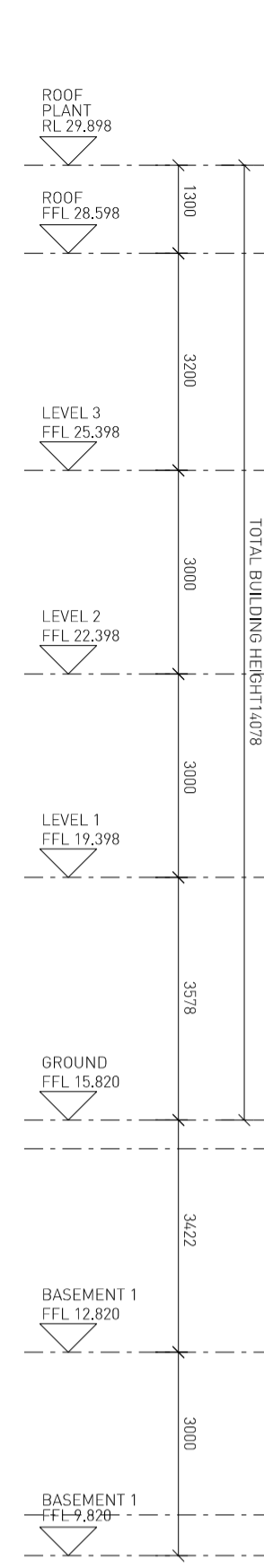
2 ELEVATION SOUTH EAST

NOTES

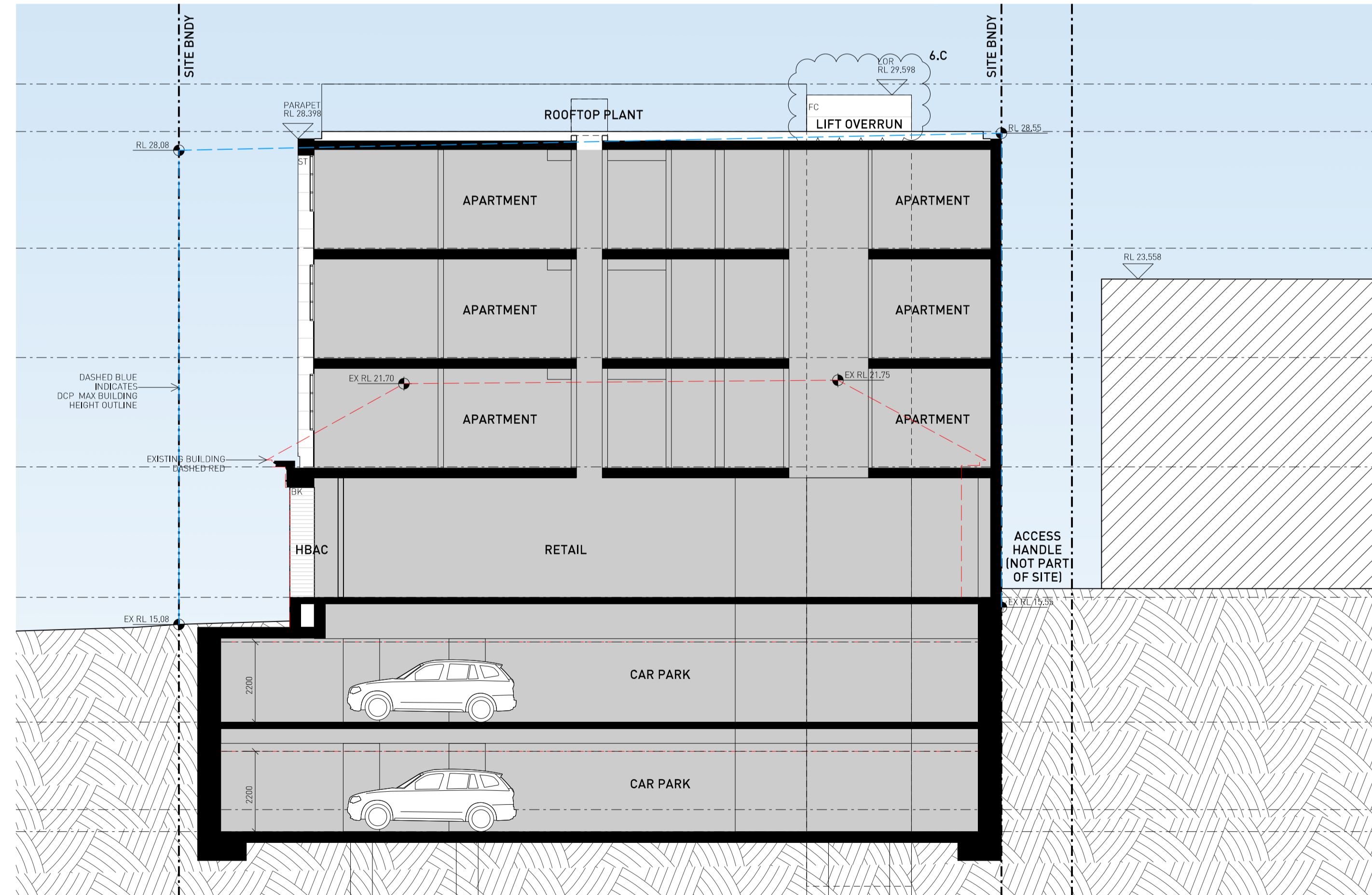
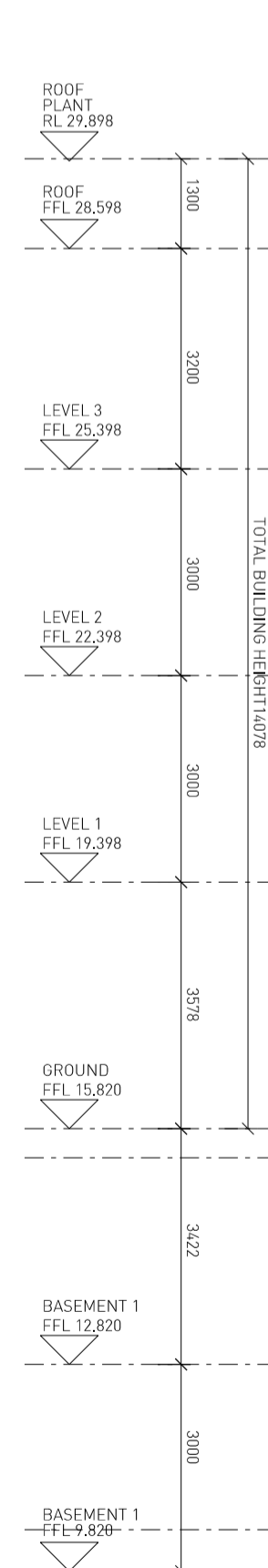
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P2	FOR INFORMATION	20.10.17
P3	DRAFT DA ISSUE	27.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18
C	REVISED DA	19.10.18



1 SECTION AA

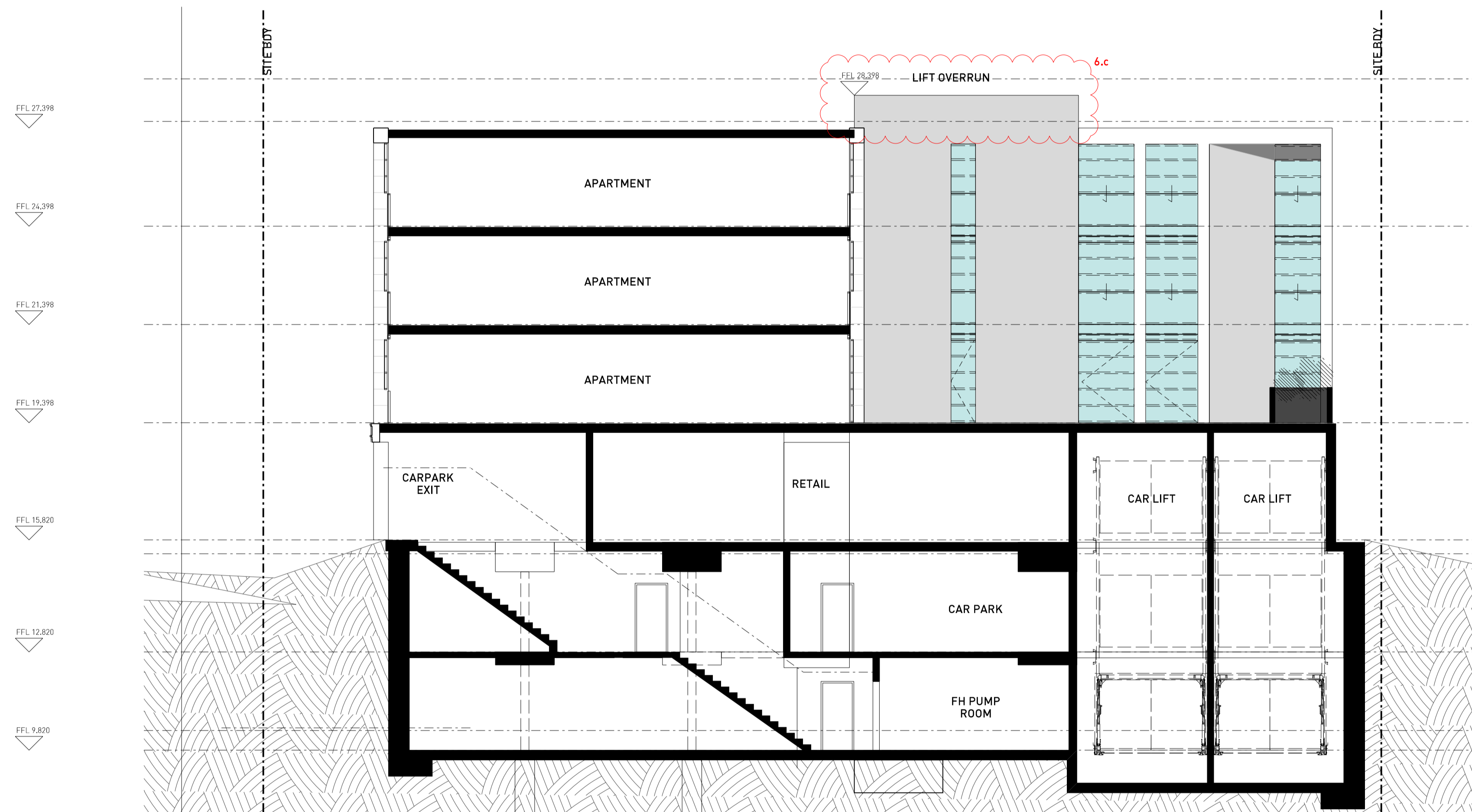


2 SECTION BB

- NOTES**
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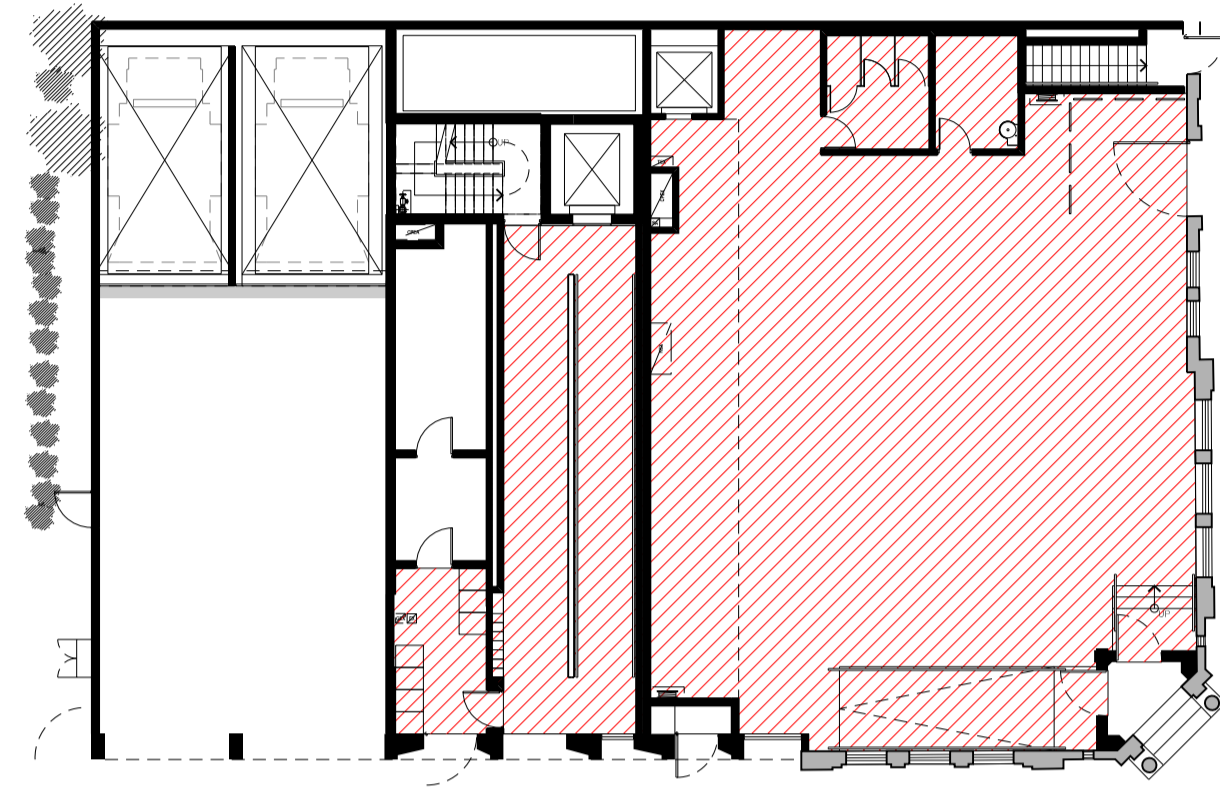
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NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1	FOR COMMENT	20.10.17
P2	FOR COMMENT	24.04.18
A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18
C	REVISED DA	19.10.18



1 SECTION CC
1/5000

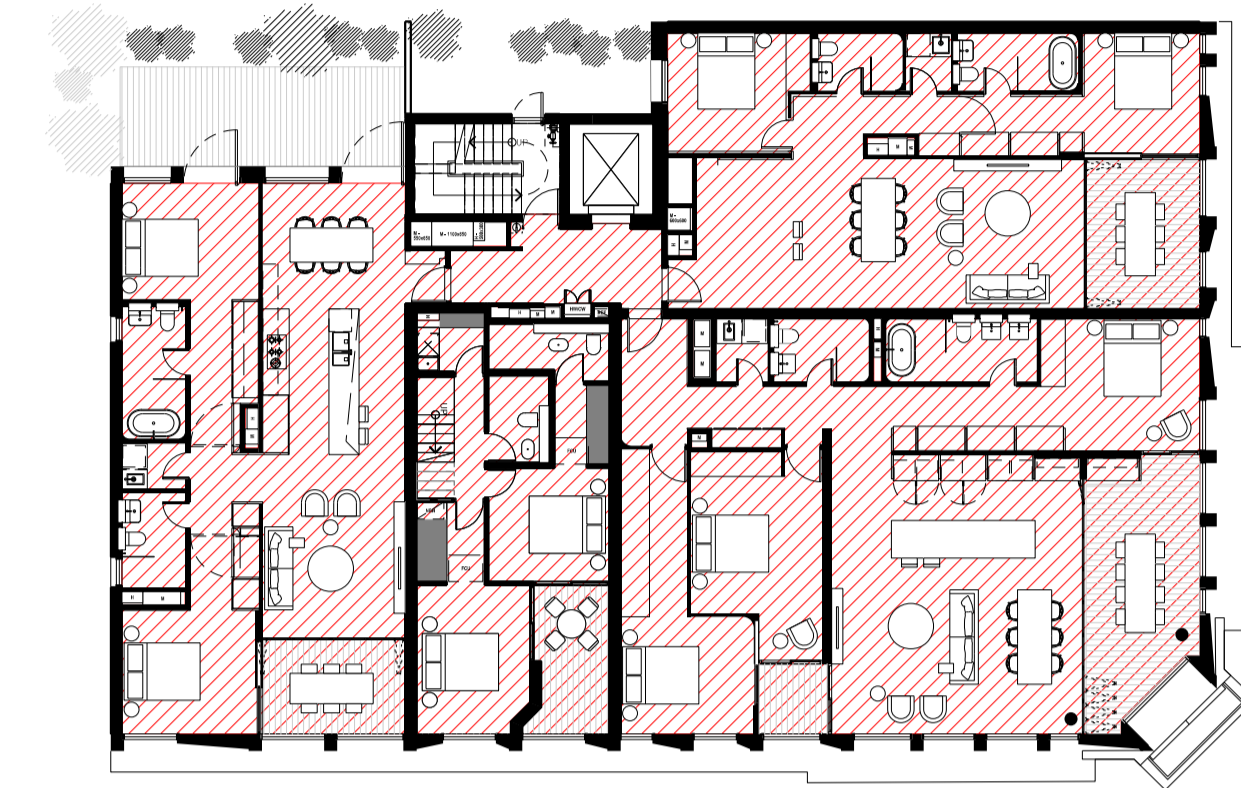
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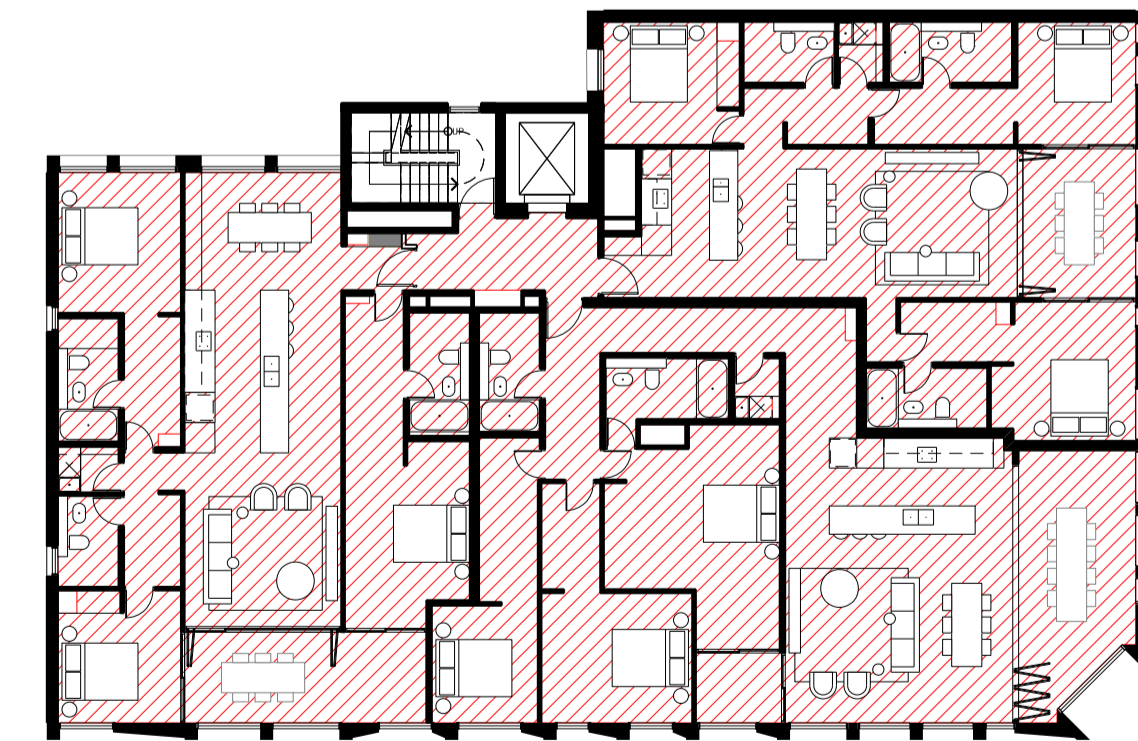
1 GROUND FLOOR GFA = 315 m²



2 LEVEL 01 GFA = 454 m²



3 LEVEL 02 GFA = 454 m²



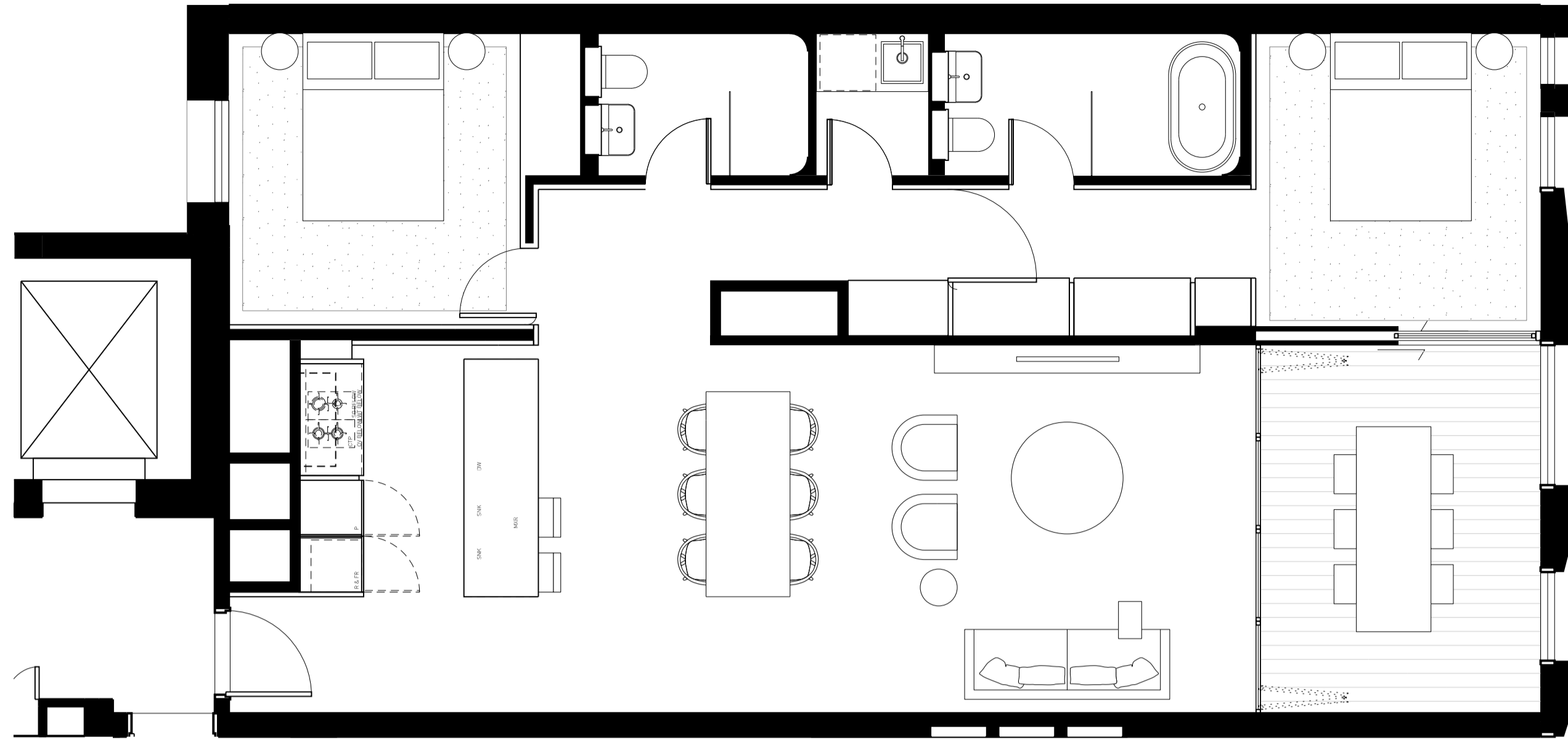
4 LEVEL 03 GFA = 454 m²



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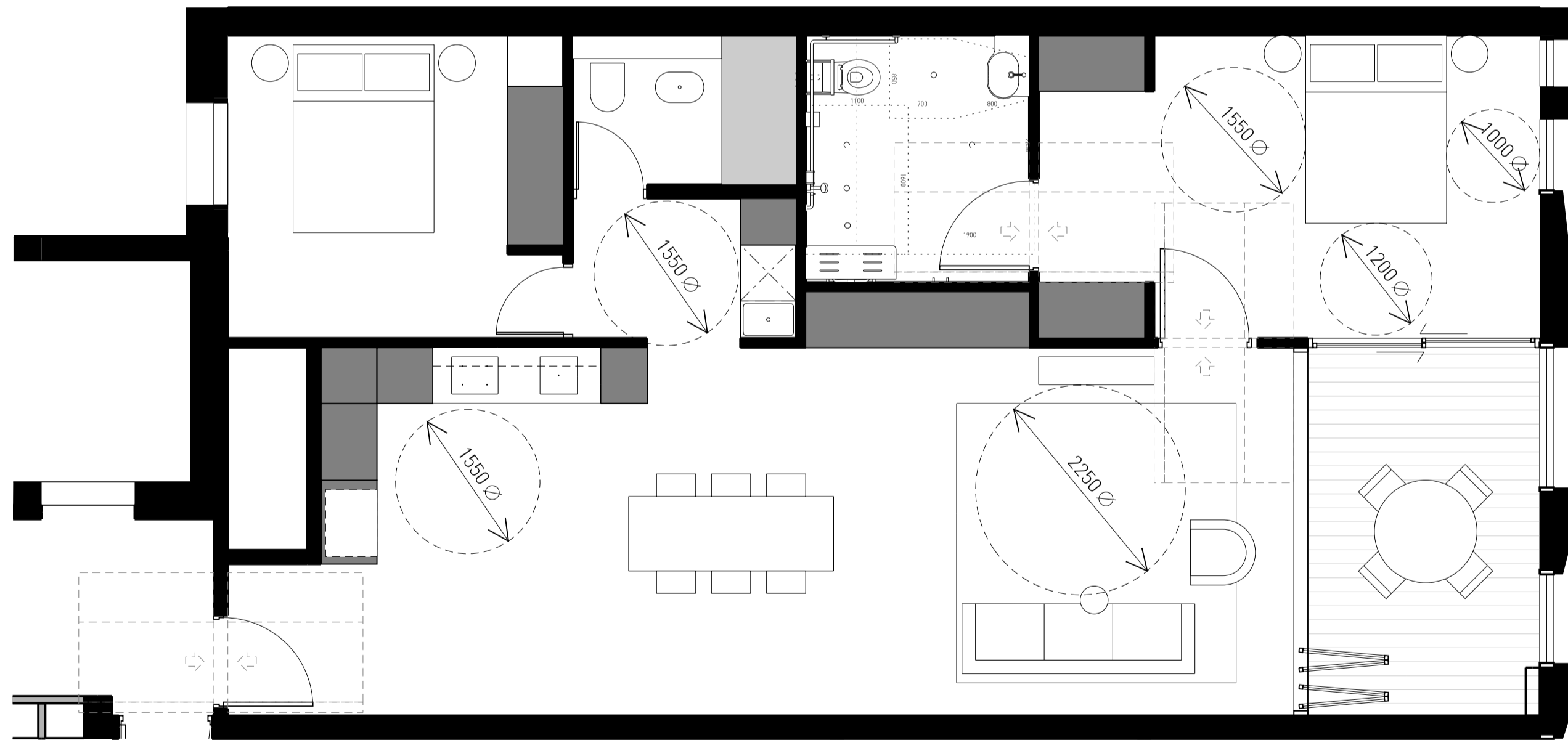
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1 2 BED PRE-ADAPTATION
L01.04

PRELIMINARY
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ISSUE	REASON	DATE
P1	FOR COMMENT	16.10.17
P2	DRAFT DA ISSUE	23.10.17
A	ISSUED FOR DA	03.11.17
B	REVISED DA	19.10.18



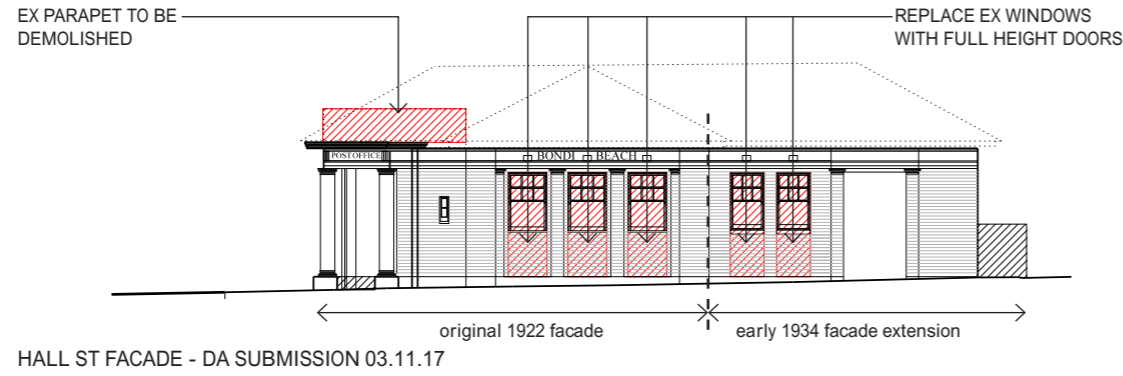
2 2 BED POST-ADAPTATION
L01.04

WDAP ISSUE RAISED:
STREET FACADE

WDAP COMMENT:
THE PANEL IS NOT SATISFIED
WITH THE ARCHITECTURAL
TREATMENT INCLUDING NOT
RETAINING THE ENTIRETY OF
THE STREET FACADE

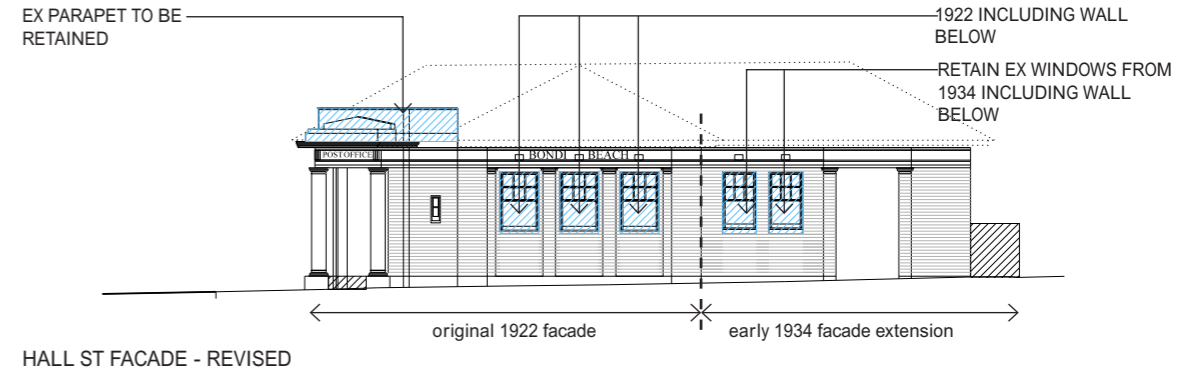
REVISED PROPOSAL RESPONSE:
ENTIRETY OF ORIGINAL 1922
AND EARLY 1934 EXTENSION
STREET FACADE TO BE
RETAINED

DA SUBMISSION

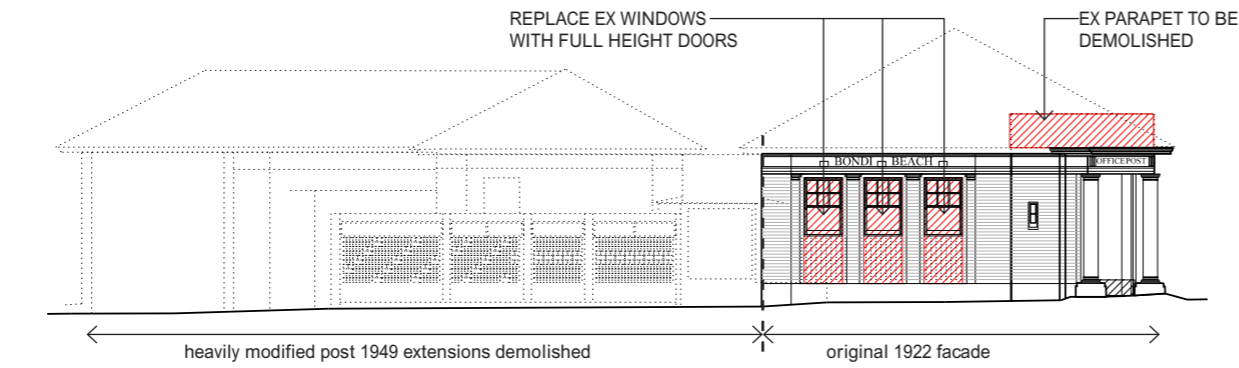


HALL ST FACADE - DA SUBMISSION 03.11.17

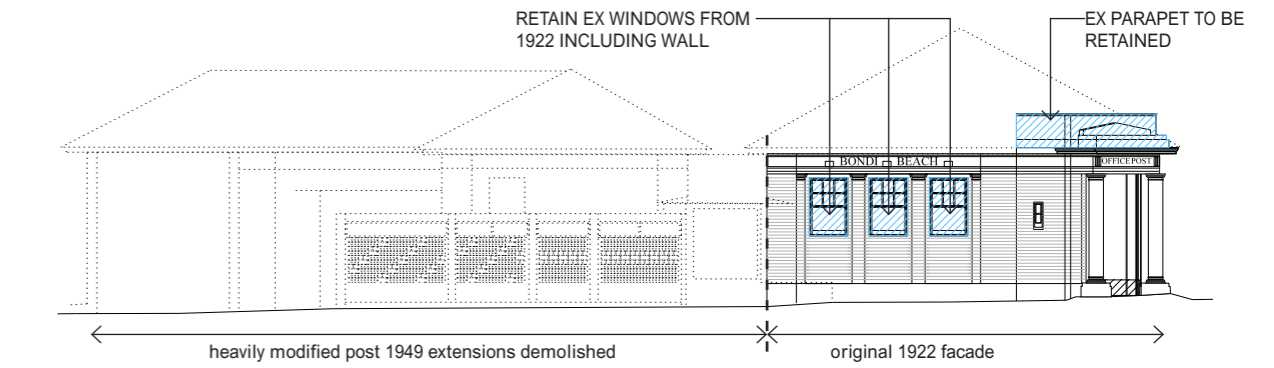
REVISED PROPOSAL



HALL ST FACADE - REVISED



JAQUES AVE FACADE - DA SUBMISSION 03.11.17



JAQUES AVE FACADE - REVISED

SUPPORTING IMAGES



PHOTOGRAPH FROM 2018 OF POST 1949 FACADE. INCONSISTENT BRICK FINISH WITH 1934 FACADE



PHOTOGRAPH FROM 2018 OF POST 1949 FACADE. DAMAGED BY ADDITIONS



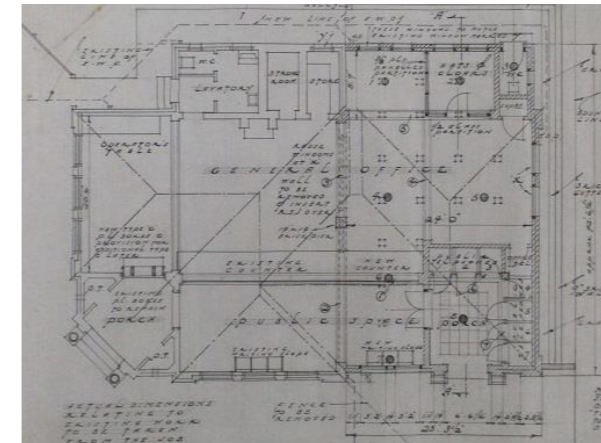
PHOTOGRAPH FROM 2018 OF POST 1949 FACADE. ONLY SMALL PORTION OF WINDOWS RETAINED



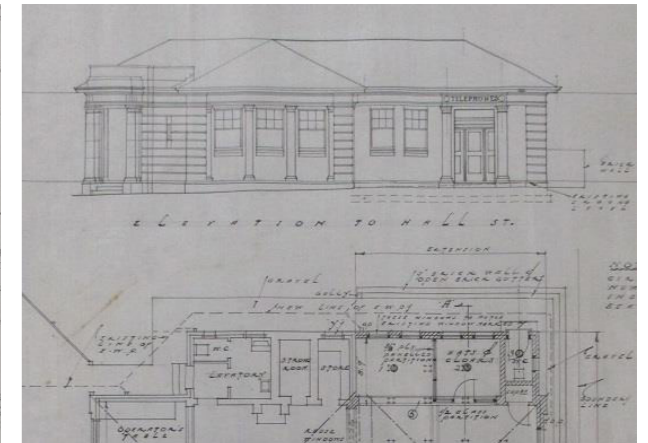
PHOTOGRAPH FROM 1949 OF N-E CORNER



PHOTOGRAPH FROM 1949 OF JAQUES AVE



FLOOR PLAN FROM 1934



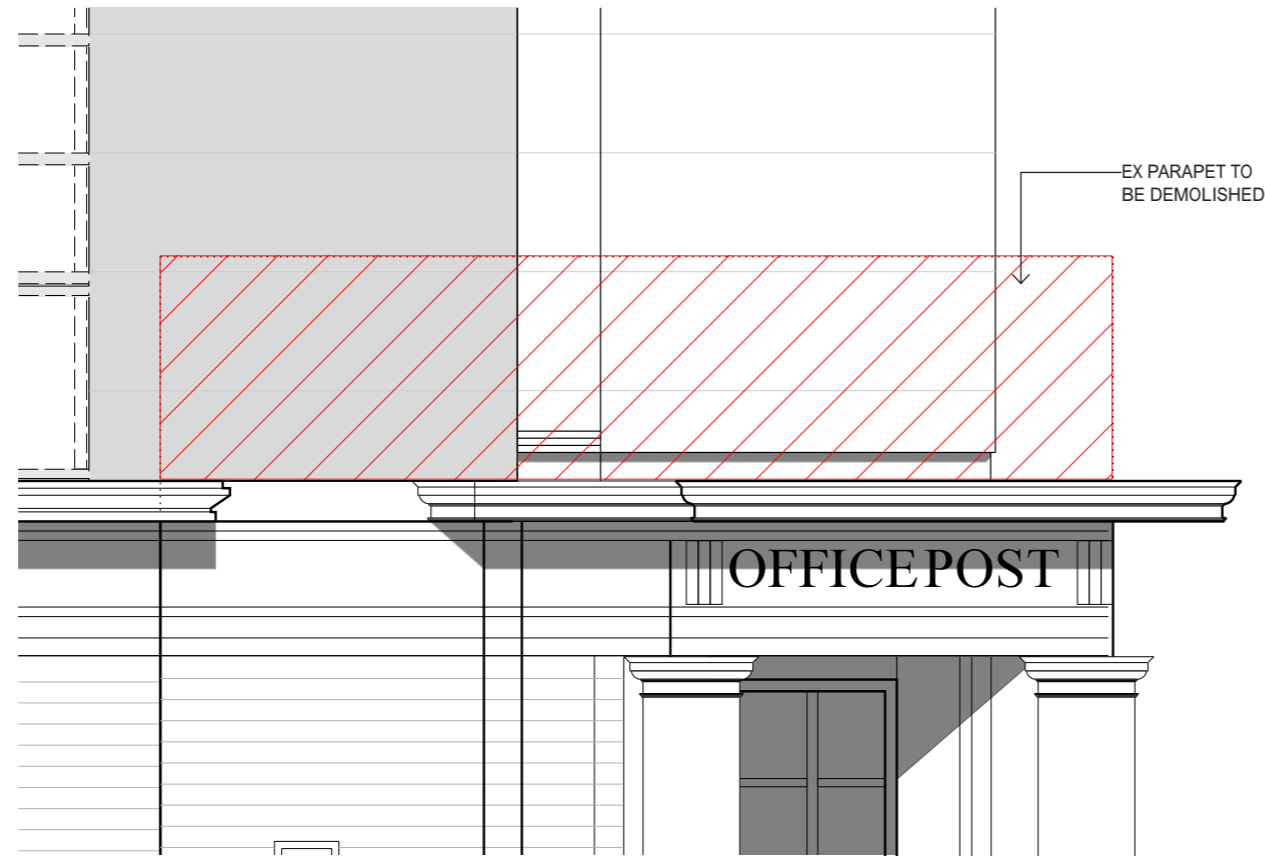
HALL ST ELEVATION FROM 1934

WDAP ISSUE RAISED:
ENTABLATURE

WDAP COMMENT:
THE PANEL IS NOT SATISFIED
WITH THE ARCHITECTURAL
TREATMENT INCLUDING
NOT RETAINING THE ENTRY
ENTABLATURE COMPLETE

REVISED PROPOSAL RESPONSE:
COMPLETE ENTRY
ENTABLATURE TO BE RETAINED

DA SUBMISSION



ENTABLATURE - DA SUBMISSION 24.04.18

REVISED PROPOSAL



ENTABLATURE - REVISED

SUPPORTING IMAGES



PHOTOGRAPH FROM 2018 OF ENTABLATURE



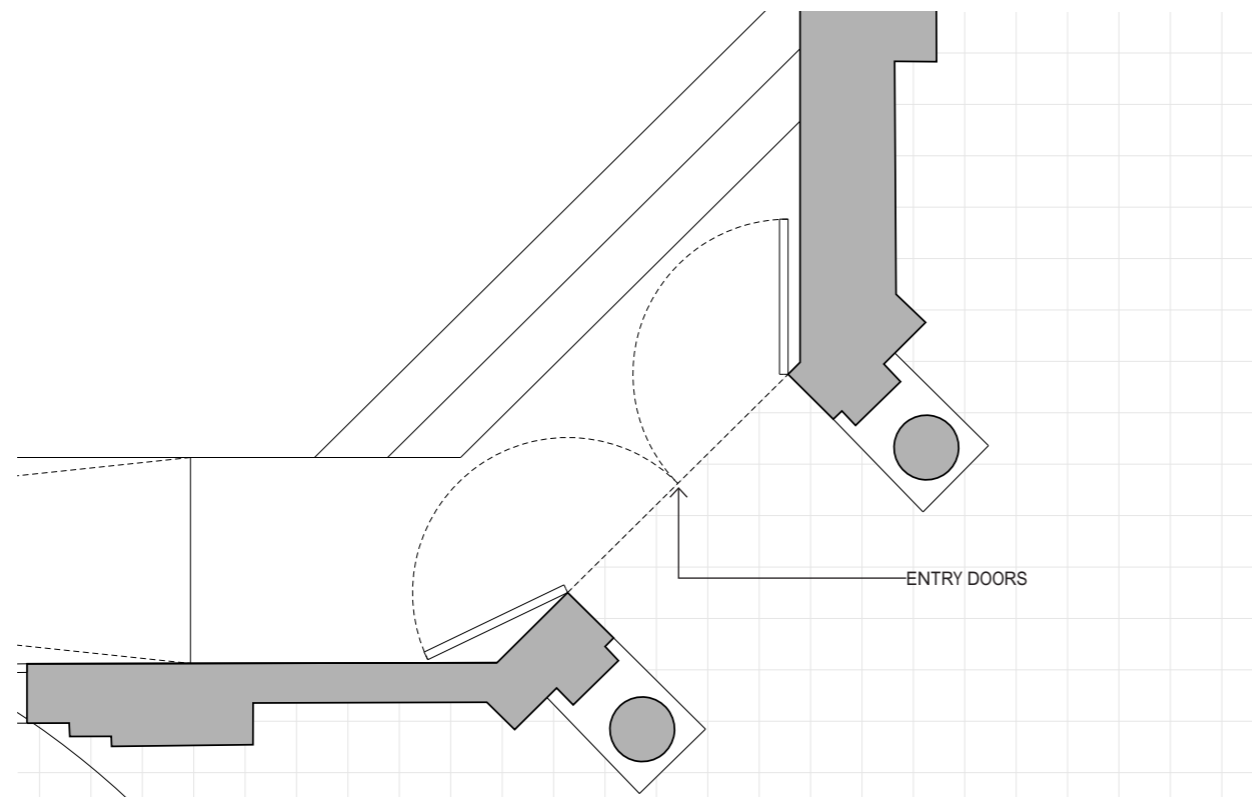
PHOTOGRAPH FROM 1949 OF ENTABLATURE

WDAP ISSUE RAISED: —
CORNER FRONT DOOR

WDAP COMMENT:
THE PANEL IS NOT SATISFIED
WITH THE ARCHITECTURAL
TREATMENT INCLUDING NOT
RECONSTRUCTING THE
CORNER FRONT DOOR

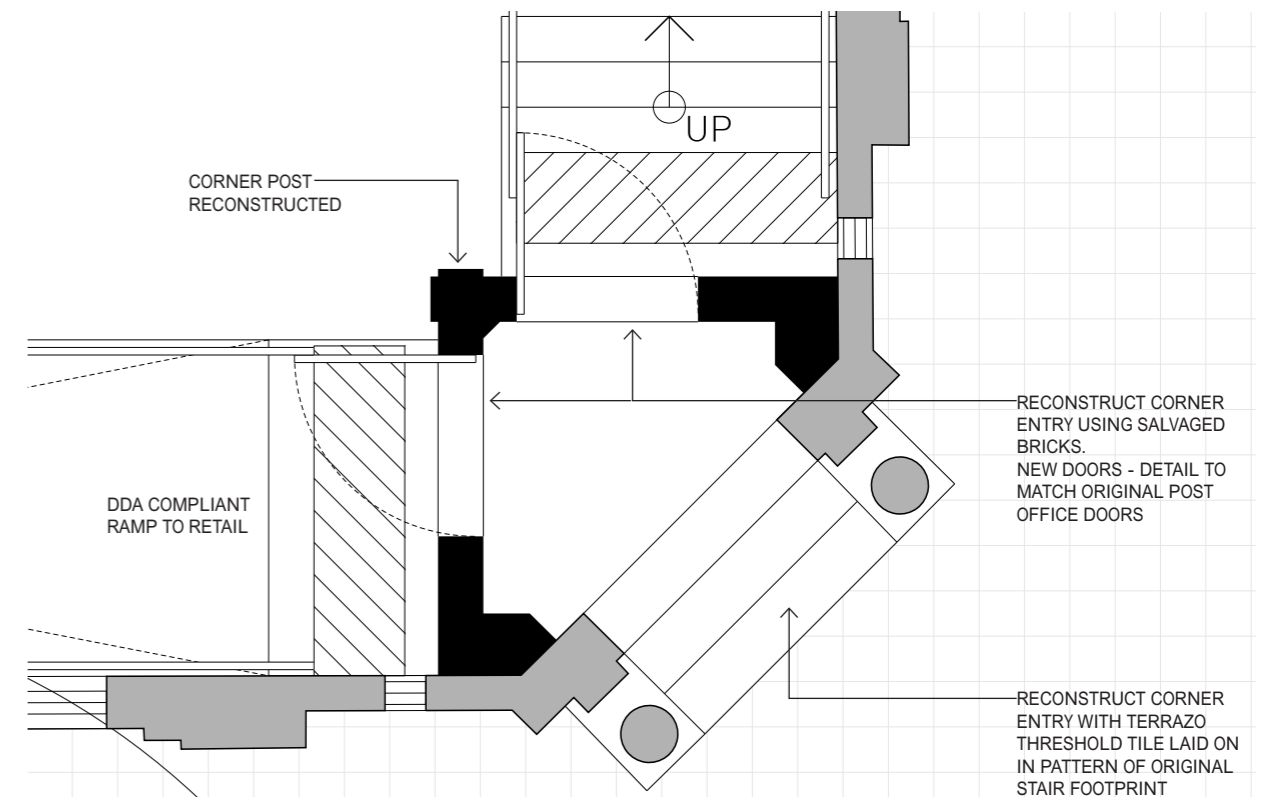
REVISED PROPOSAL RESPONSE:
INSET CORNER ENTRY PORCH
TO BE RECONSTRUCTED TO
FORM NEW RETAIL ENTRY.
NEW DOOR DETAILS TO MATCH
ORIGINAL POST OFFICE DOORS

DA SUBMISSION



ENTRY CORNER - DA SUBMISSION 24.04.18

REVISED PROPOSAL

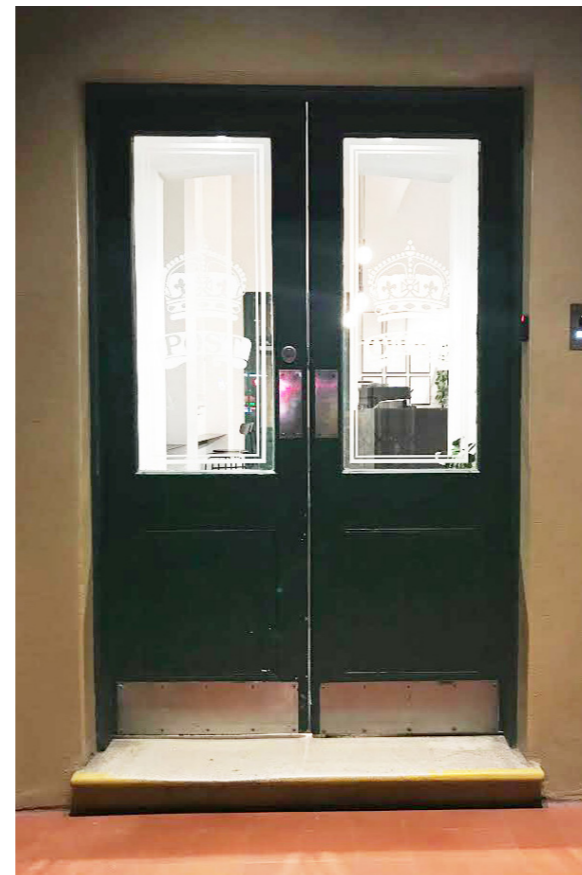


CORNER PORCH - REVISED

SUPPORTING IMAGES



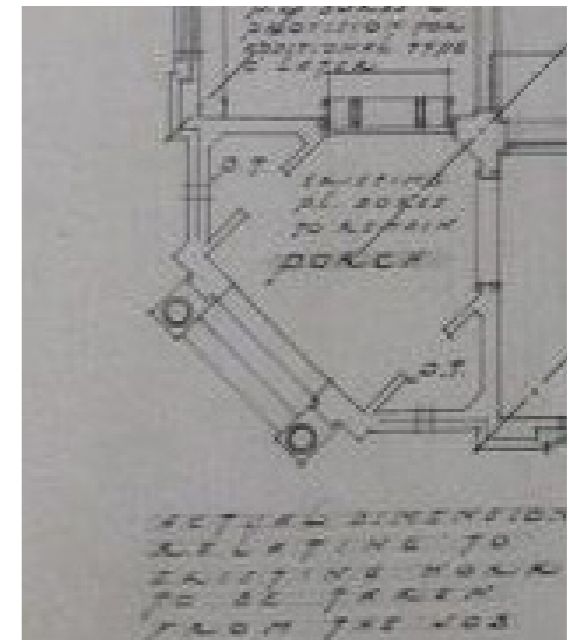
PHOTOGRAPH FROM 1940 OF CORNER PORCH



PHOTOGRAPH FROM 2018 OF REDFERN POST OFFICE
DOORS AND TERRAZO THRESHOLD - REFERENCE



PHOTOGRAPH FROM 2018 OF ROSE BAY POST OFFICE
DOORS - REFERENCE



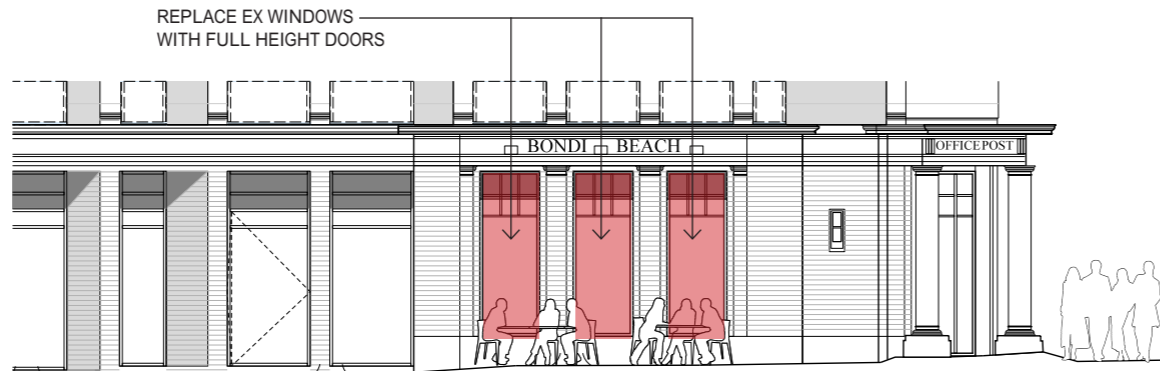
FLOOR PLAN FROM 1934 CORNER ENTRY PORCH

WDAP ISSUE RAISED:
EXISTING WINDOWS

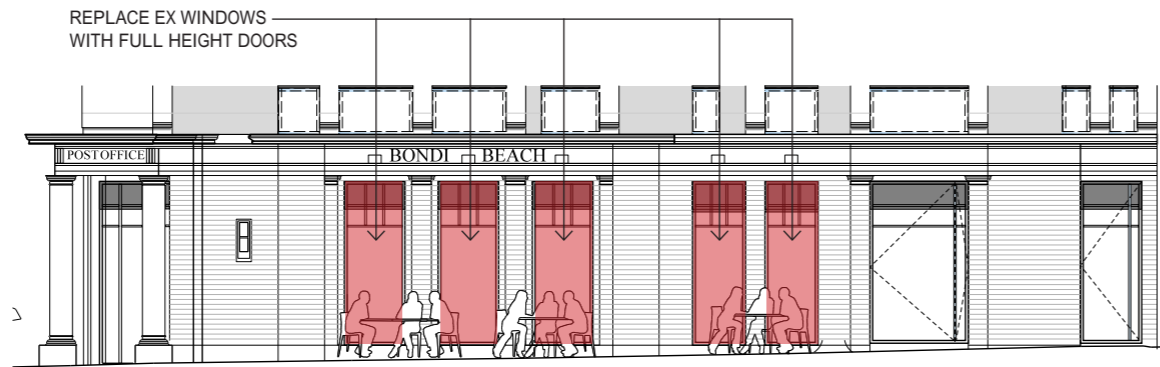
WDAP COMMENT:
THE PANEL IS NOT SATISFIED
WITH THE ARCHITECTURAL
TREATMENT INCLUDING NOT
RETAINING THE MAJORITY OF
THE WINDOW OPENINGS AND
TIMBER WINDOWS

REVISED PROPOSAL RESPONSE:
ALL EXISTING WINDOW
OPENINGS IN ORIGINAL 1922
AND EARLY 1934 EXTENSION
FACADE TO BE RETAINED AND
MADE GOOD.

DA SUBMISSION

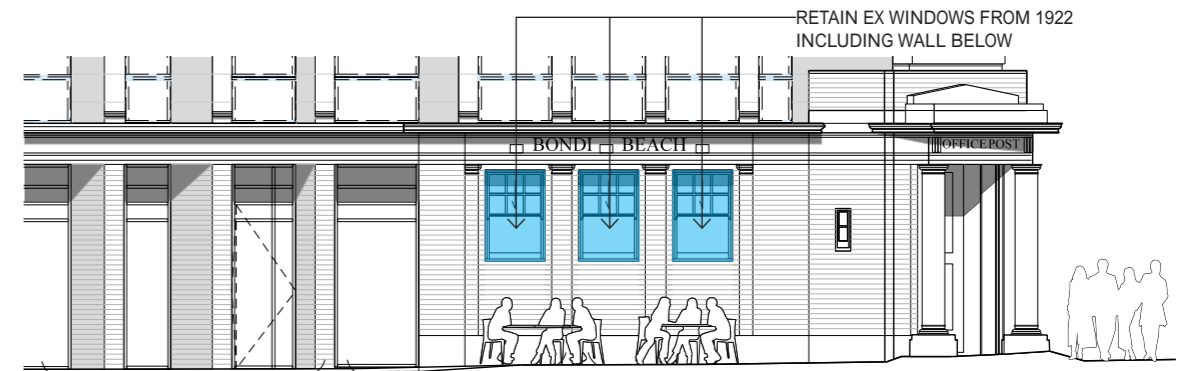


JAQUES AVE WINDOWS - DA SUBMISSION 24.04.18

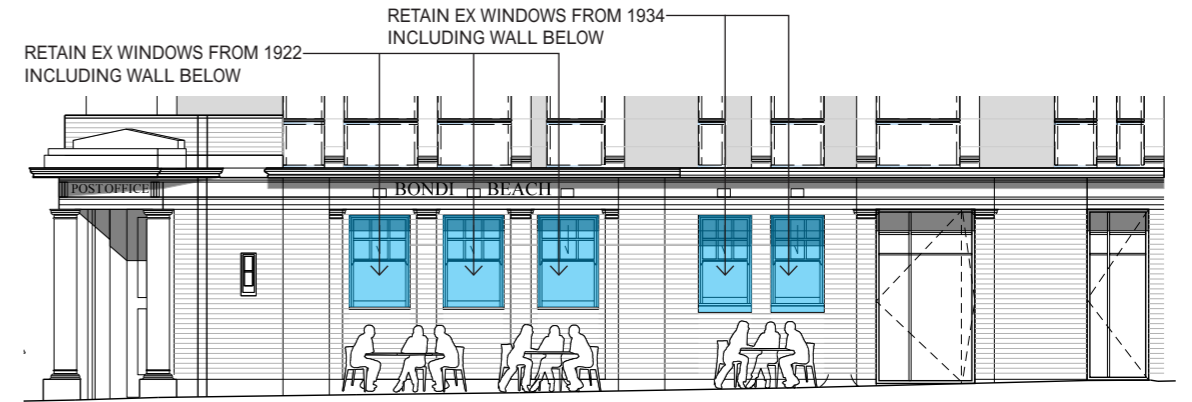


HALL ST WINDOWS - DA SUBMISSION 24.04.18

REVISED PROPOSAL



JAQUES AVE WINDOWS - REVISED



HALL ST WINDOWS - REVISED

SUPPORTING IMAGES



PHOTOGRAPH FROM 2018 OF HALL ST WINDOWS



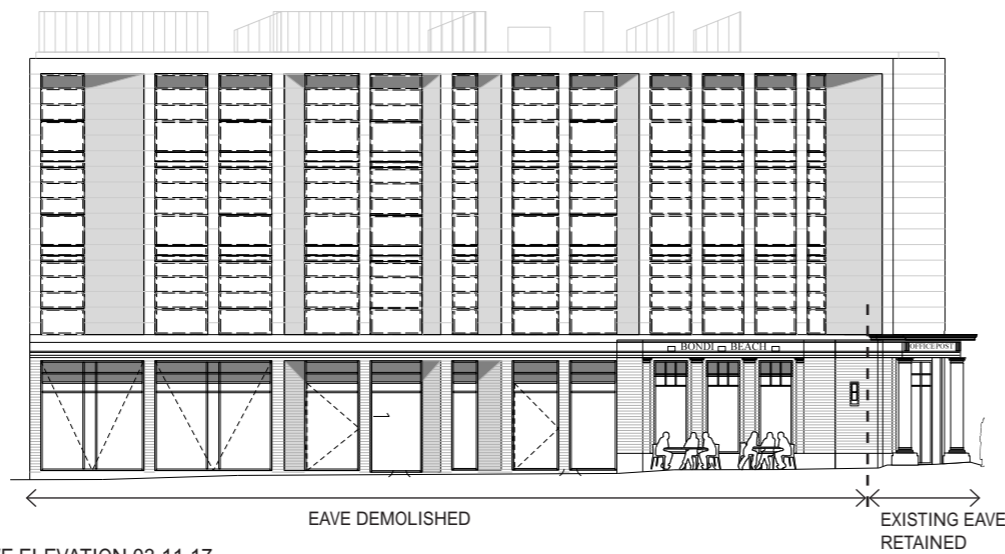
PHOTOGRAPH FROM 2018 OF JAQUES AVE WINDOWS

WDAP ISSUE RAISED:
CORNICE

WDAP COMMENT:
REVISED DESIGN REQUIRED
FOR A NEW CORNICE ELEMENT
AS TRANSITION BETWEEN
RETAINED FACADES AND NEW
FACADES

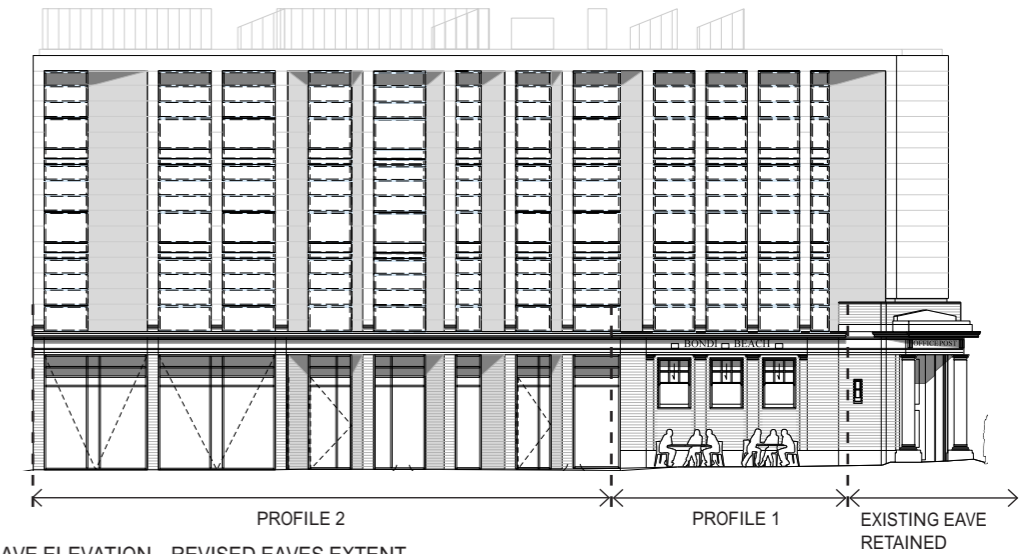
REVISED PROPOSAL RESPONSE:
PRECAST CONCRETE EAVE/
CORNICE PROFILES TO MATCH
EXTENT OF EXISTING

DA SUBMISSION

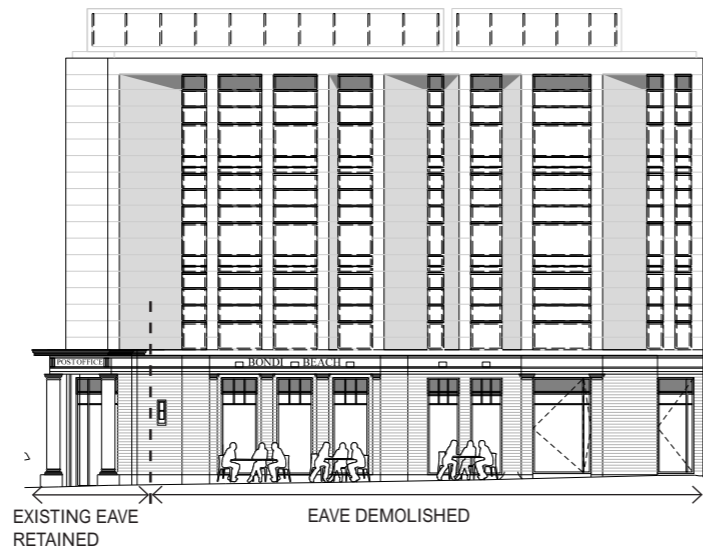


JAQUES AVE ELEVATION 03.11.17

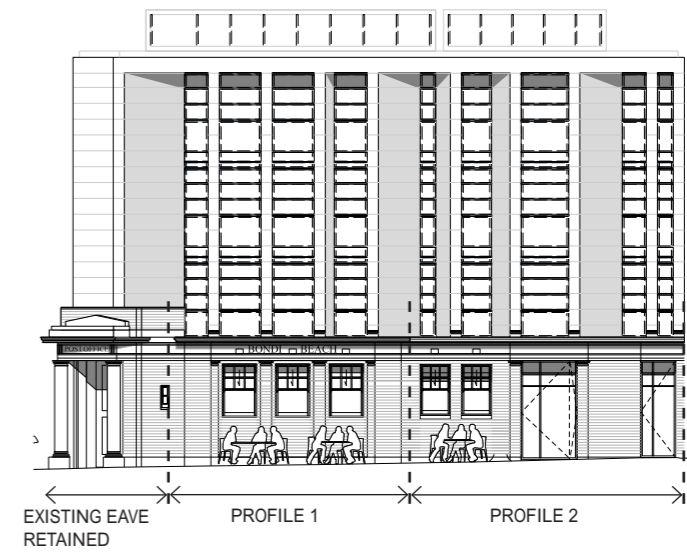
REVISED PROPOSAL



JAQUES AVE ELEVATION - REVISED EAVES EXTENT



HALL ST ELEVATION 03.11.17



HALL ST ELEVATION - REVISED EAVE EXTENT

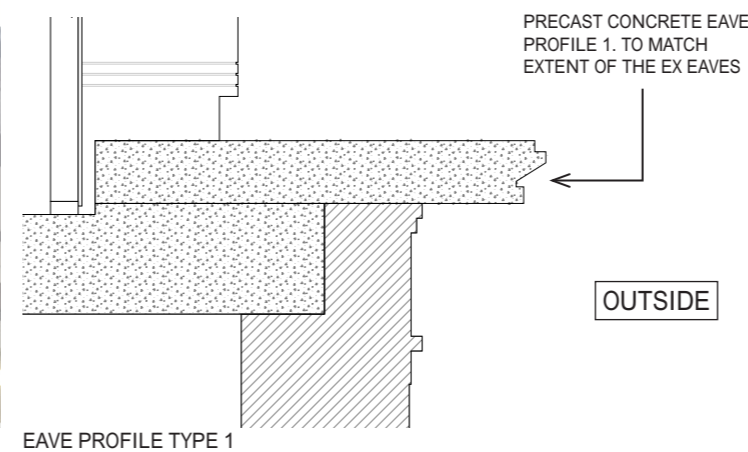
SUPPORTING IMAGES



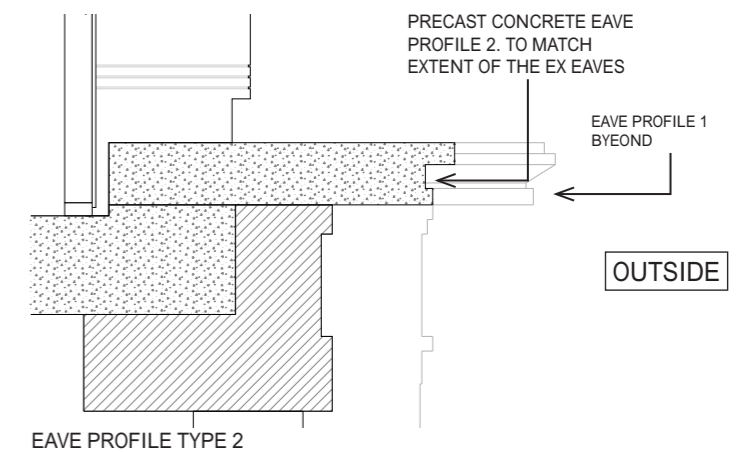
PHOTOGRAPH FROM 2018 OF THE EAVE



PHOTOGRAPH FROM 2018 OF THE EAVE



EAVE PROFILE TYPE 1



EAVE PROFILE TYPE 2

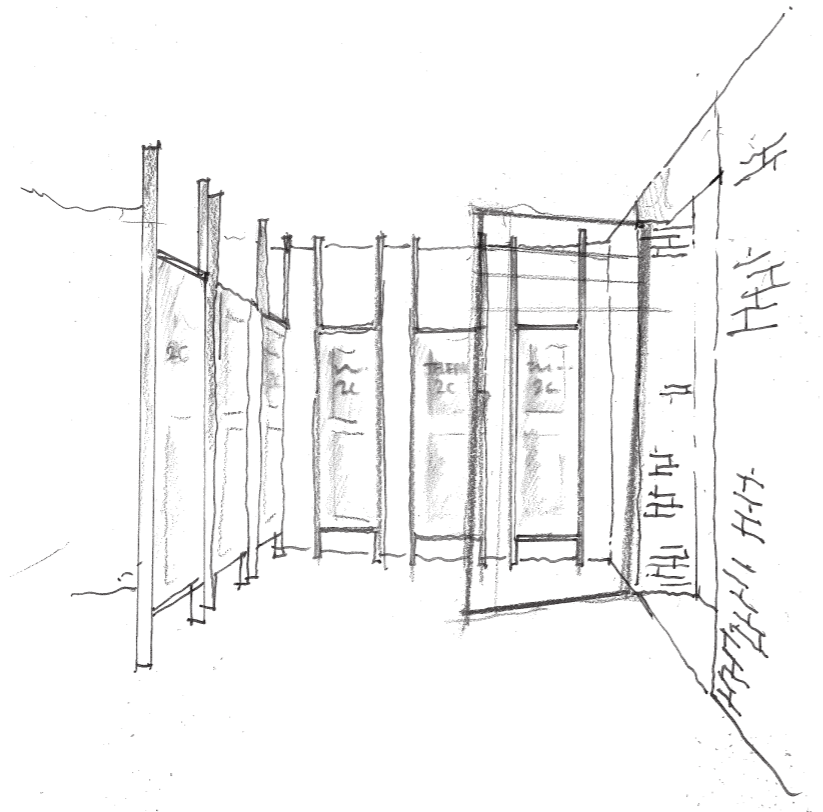
COUNCIL MEETING 12 OCT 2018:
**MODIFICATION OF
 WESTERN HALL
 STREET ENTRY**

COUNCIL HERITAGE COMMENT:
 THE TREATMENT OF THE NEW
 DOOR TO THE 1934 ENTRY OFF
 HALL STREET PROVIDES LITTLE
 RESPONSE TO THE NATURE
 OF THE RETAINED FAÇADE.
 THIS ENTRY WAS ORIGINALLY
 OPEN WITH DOORS LOCATED
 TO THE EASTERN SIDE OF THE
 RESULTING LOBBY AND PHONE
 BOOTHS TO THE SOUTHERN
 AND WESTERN SIDES. THIS
 ASPECT OF THE ENTRY
 SHOULD BE REINSTATED WITH
 NEW DOORS AND ASSOCIATED
 GLAZING SET BACK FROM
 THE ENTRY WITHIN AN OPEN
 LOBBY PREFERABLY WITH
 INTERPRETATIVE SCREEN
 IMAGES OF PHONE BOOTHS
 OR HISTORY OF THE BUILDING
 TO THE WESTERN SIDE OF
 THE RECESSED ENTRY AND
 ENTRY DOORS TO THE MAIN
 GROUND FLOOR AREA ON THE
 EASTERN SIDE. THIS LOBBY
 WOULD SERVE TO REDUCE THE
 APPARENT LIMITED DEPTH
 TO THE RETAINED FABRIC.
 THE ORIGINAL 'TELEPHONES'
 SIGNAGE SHOULD BE
 REINSTATED ABOVE THIS
 ENTRY AS SEEN ON THE 1934
 ARCHITECTURAL DRAWINGS.

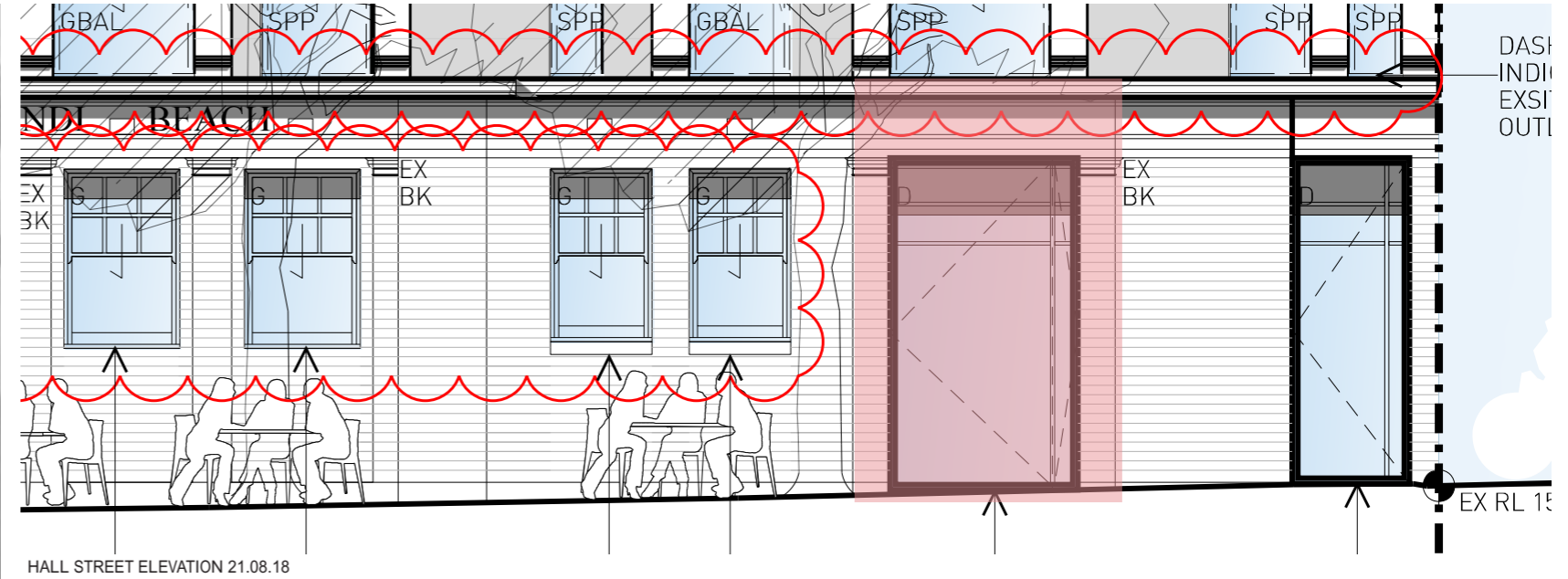
REVISED PROPOSAL RESPONSE:
 "TELEPHONES" SIGNAGE
 ABOVE 1934 ENTRANCE TO BE
 REINSTATED.,
 INTERPRETATIVE SCREEN
 IMAGES OF TELEPHONE BOOTH
 DOORS TO BE INTRODUCED AT
 1934 ENTRANCES (POSITION
 PENDING INTEGRATION WITH
 FUTURE RETAIL FITOUT)



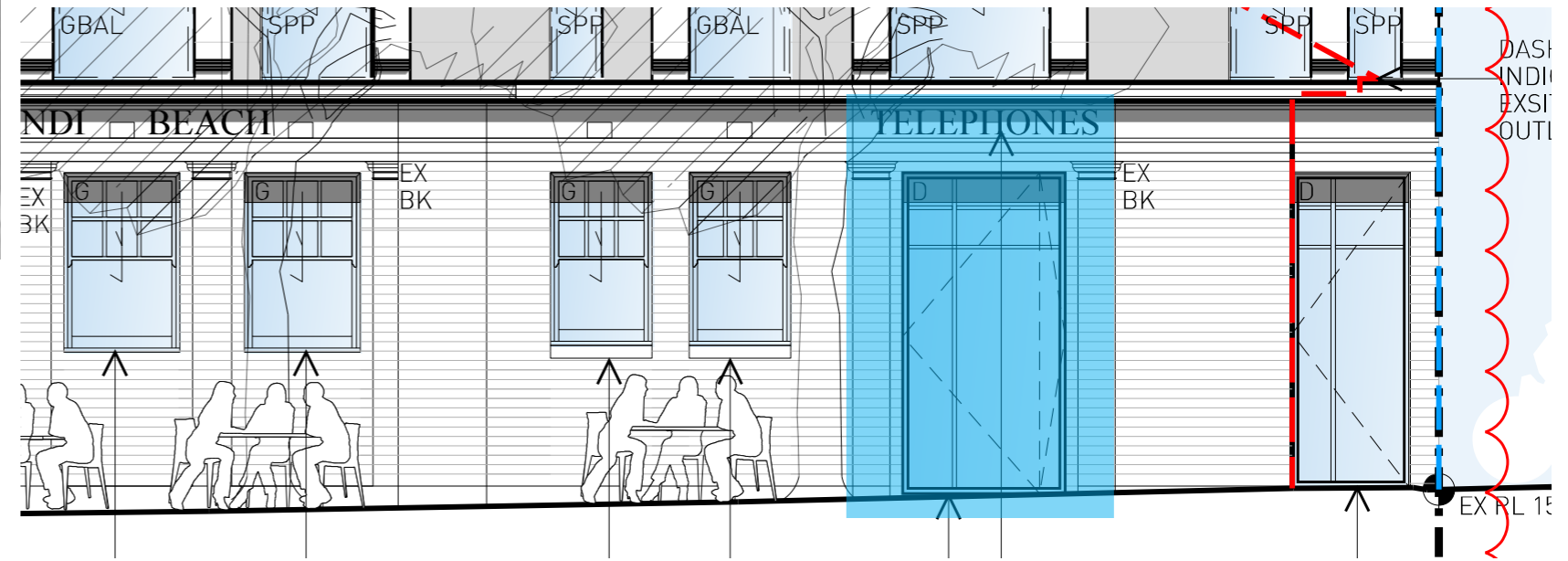
TELEPHONE BOOTHS INSIDE PORCH (1940)



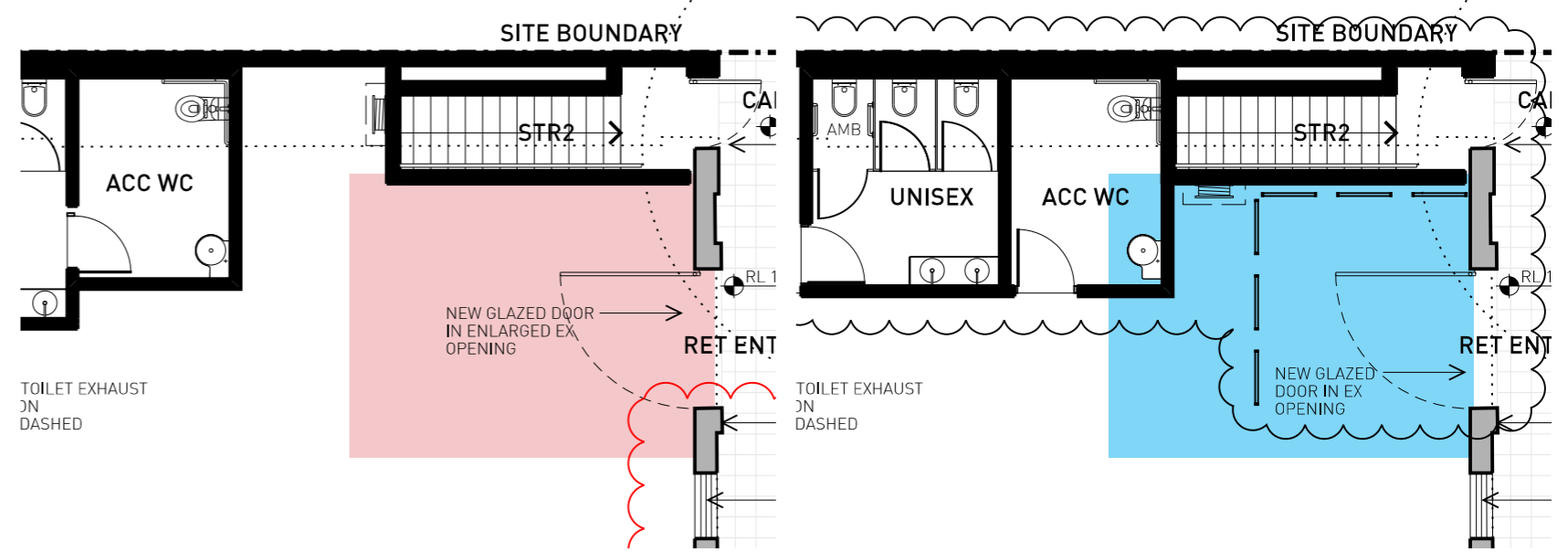
SKETCH OF INTERPRETATIVE TELEPHONE BOOTH DOOR SCREENS



HALL STREET ELEVATION 21.08.18



HALL STREET ELEVATION 19.10.18



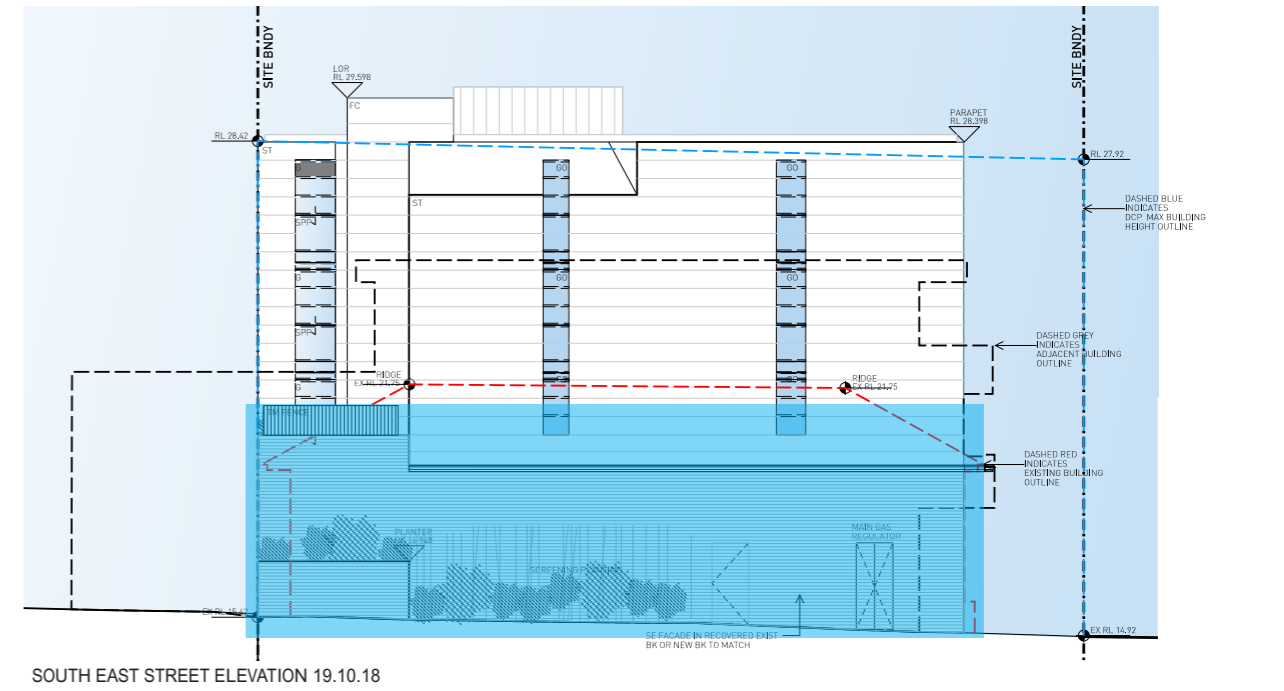
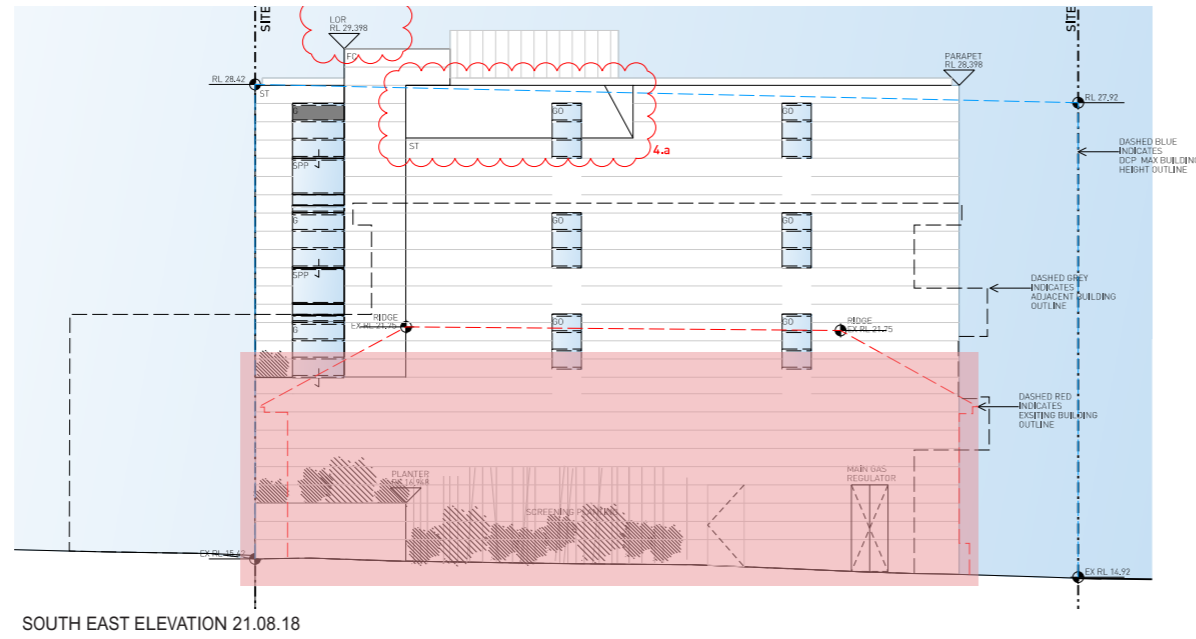
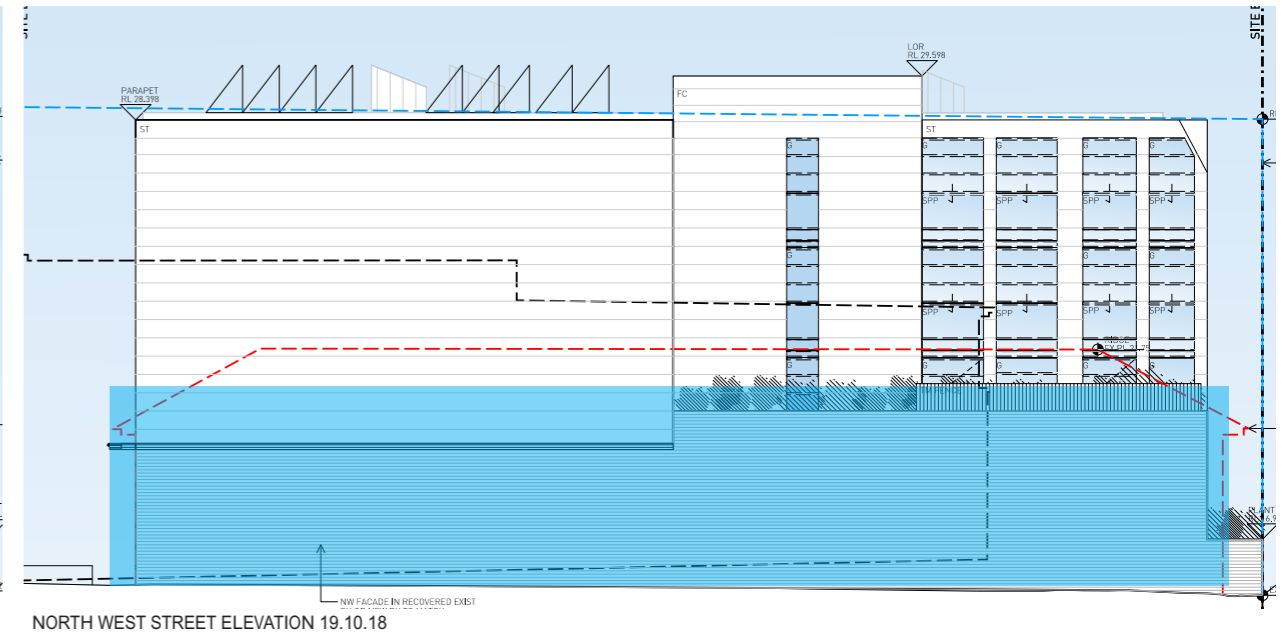
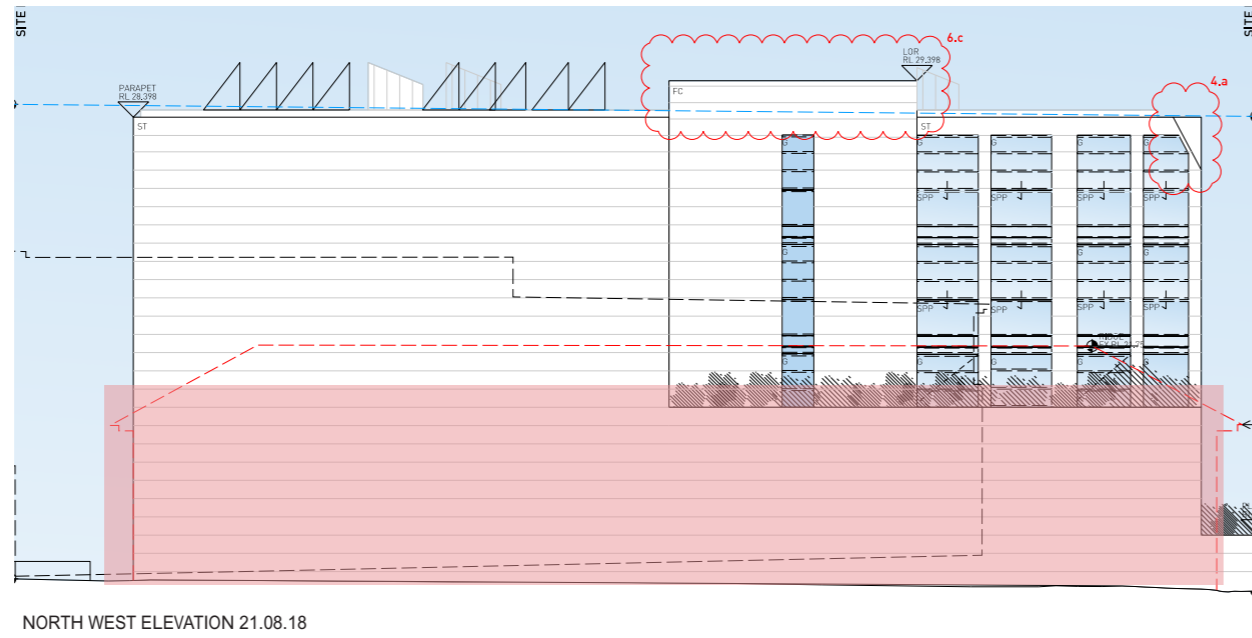
HALL STREET PLAN 21.08.18

HALL STREET PLAN 19.10.18

COUNCIL MEETING 12 OCT 2018:
EXTERNAL FINISHES
TO NEW WORKS

COUNCIL HERITAGE COMMENT:
THE MATERIAL FINISHES TO
THE VERTICAL BLADE WALLS
OF THE NEW WORKS ARE
RECOMMENDED TO HAVE
SIMILAR COLOUR, TEXTURE
AND IDEALLY FACE BRICK
FINISH TO THE EXISTING
EXTERNAL BRICKWORK OF THE
1924 POST OFFICE.

REVISED PROPOSAL RESPONSE:
GROUND FLOOR ELEVATIONS ON
NORTH WEST AND SOUTH EAST
TO BE RECOVERED BRICKS OR
MATCHED FACE BRICK





Report to the Waverley Local Planning Panel

Application number	DA-12/2018
Site address	80-82 Hall Street, Bondi Beach
Proposal	Demolition of existing building and construction of four storey shop top housing containing two levels of basement parking, ground level retail and 10 apartments above.
Date of lodgement	25 January 2018
Owner	Mr D Aron and Mr T and Ms M Orden
Applicant	Robinson Urban Planning P/L
Submissions	15 properties
Cost of works	\$7 841 638
Issues	Parking; Landscaping.
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 20 February 2018.

The site is identified as Lot 78 in DP 5953, known as 80-82 Hall Street, Bondi Beach. It is located on the south-western side of Hall Street near the intersection of O'Brien Street, Hall Street and Glenayr Avenue. The site is located on the corner of Hall Street and Cox Avenue along the (generally) northern boundary of the site. Cox Avenue is a no-through road with a small park where it intersects with Hall Street.

The site is rectangular in shape with northern side (Cox Avenue frontage) and southern side (adjoining 76 Hall Street) boundaries measuring 36.575m, and eastern front (Hall Street frontage) and western rear (adjoining 2 Cox Avenue) measuring 12.19m. The site has an area of 445.8m² and is generally flat.

The site is occupied by a two-storey building containing two shops at ground level fronting Hall Street and five units located at ground and first floor level. Vehicular access is provided from Cox Avenue at the rear of the site to two hardstand car spaces within the rear setback.

The rear boundary of the site adjoins the side boundary of 2 Cox Street which contains a semi-detached dwelling. The southern side boundary adjoins a two-storey mixed use building at 76 Hall Street. The locality is characterised by mixed commercial/residential buildings along Hall Street with residential development to the west.



Figure 1: Subject site frontage (Hall Street)



Figure 2: Cox Avenue frontage of the site



Figure 3: Rear of the site as viewed from Cox Avenue

1.2 Relevant History

There have been numerous consents issued for the subject property relating to the existing retail shop at the ground floor level. These applications relate to shop fitout, change of use and outdoor seating applications and renewals. It is considered unnecessary to list these applications as part of this application as they are not relevant to the proposal.

Pre-DA advice (PD-27/2017) was obtained by the applicant in June 2017 in relation to the proposal. The advice provided related to floor space ratio (FSR), setbacks, landscaping, design of the commercial space, internal amenity of units, traffic and the street tree.

The subject application was deferred on 28 June 2018 to generally address front and rear setbacks, FSR, external finishes, the separation of the commercial 'back of house' and the residential entry, integrating ducting and ventilation into the design and issues raised by the Design Excellence Panel as follows:

- *Reconsider the light-well configuration, size and location to improve amenity and openness to the sky.*
- *A more open common stair arrangement should be investigated.*
- *It needs to be demonstrated that 3m floor to floor can be achieved. The ADG requires 3.1m.*
- *Photovoltaic solar panels could also be integrated on the roof layout.*
- *Window operation needs to be considered and clearly marked on the elevations.*
- *Ceiling fans should be provided in bedroom and living areas, and clearly marked on the plans.*
- *Potential for some internal bathrooms to benefit from natural light via the light-well should be considered.*

Amended plans were received which address the above issues on 6 November 2018 and form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of the existing building on the site and the construction of a four-storey shop-top housing development specifically involving the following:

- Construction of two levels of basement car park providing 13 car spaces (1 retail space and 12 residential spaces), 3 motorbike spaces, storage for each unit, plant and retail and residential waste storage. The basement will be accessed via a car lift with driveway access from Cox Avenue at the rear of the site.
- The ground floor level will provide 170m² of retail space with access from Hall Street, a car lift to the basement accessed from Cox Avenue at the rear, bike parking for 12 bikes, toilets for the commercial use, a foyer and lift for the residential uses. Access to the foyer for the residential uses is provided from the Cox Avenue frontage.
- The upper three levels will provide 10 residential apartments comprised of 8 x 1-bedroom and 2 x 2-bedroom apartments. Balconies are provided on the Hall Street frontage, the Cox Avenue frontage and the rear elevation of the building.

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 Integrated Development

The application was referred to WaterNSW under Section 91A of the Act as the proposed development will encounter ground water during the excavation process and as such is subject to a Water Supply Work Approval under the *Water Management Act 2000* for dewatering during the construction phase.

WaterNSW provided 'General Terms of Approval' dated 31 August 2018 which is referenced and attached to the recommended conditions of consent in Appendix A.

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

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.

2.2.2 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.

2.2.3 SEPP 65 Design Quality of Residential Flat Development

The application was referred to the Design Excellence Panel on 19 February 2018. The Panel's comment in relation to the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment (where relevant) are set out in **Table 1** below:

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
<i>This site is on a prominent corner at the intersection of Hall Street and O'Brien Street, and is adjacent to a pocket park that creates a cul-de-sac for Cox Ave on which it relies for vehicle access and servicing. It was apparent to the Panel that reliance on Cox Ave for vehicular movements may be at odds with local resident expectations and street character although the number of car movements will be small.</i>
<i>The front of the site is the western gateway to the Hall Street Town Centre, and at the rear adjacent to lower density residential with semi-detached and freestanding housing.</i>

Principle 2: Built Form and Scale

The proposal seeks to create a transition in scale, bulk and height to its immediate neighbours to the south-west at 2-4 Cox Ave, while maintaining an appropriate built form in relation to the existing and likely future development along Hall Street heading east.

As proposed, the transition in building envelope at the rear takes a literal approach to the DCP rear setback plane, providing a 45 degree splay from the 13m height limit down to the lower density residential. This results in a non-compliant ground level setback at the rear that the Panel noted did not meet ADG recommendation of 6m. While section analysis has been done to ensure adequate solar access and provision for privacy using landscape elements, the Panel was not convinced that such a severe approach achieved the most appropriate form of transition. With regard for the character of the surrounding built form it was recommended that options for alternative stepped and/or layered modeling be considered with a view to better resolution of the façade transition around the south-west corner of the building.

Further matters for consideration should include:

- *Investigation of the swept paths and queuing space for vehicular movement via Cox Ave.*
- *Scope for less building footprint to allow more scope for deep soil landscaping at the rear.*
- *Possibility of getting a more direct passage to the lift through ground level foyer.*
- *Elimination of recess to front door creating CPTED issues, or introduction of a gate.*
- *Review of the light-well configuration, size and location to improve its amenity and openness to the sky.*
- *The more open common stair arrangement could be investigated.*
- *The upper level setback to Hall street should be met.*
- *Exhaust (basement, commercial kitchens etc) and plumbing risers should be included on the plans.*

It needs to be demonstrated that 3m floor to floor can be achieved. The ADG requires 3.1m.

Planning comment: The amended proposal has reconfigured the rear of the development to provide a more stepped design that generally complies with the Local Village Centre controls contained within Part E3 of the DCP (discussed in detail in Section 2.26 of this report). The amended proposal is considered to provide an appropriate transition in scale between the subject proposal and the adjoining residential dwelling at 2 Cox Avenue.

In response to the other matters raised by the DEP:

- Council's Traffic Engineers are satisfied with the access to the rear car lift from Cox Avenue.
- The amended proposal has reduced the footprint of the building at the rear with a 6m setback dedicated to deep soil planting.
- The residential entry from Hall Street has been better resolved in the amended proposal and provides only entry for the residential units rather than as 'back of house' for the retail shop as in the original proposal.
- The recess to the residential foyer remains as part of the amended proposal for access to the mailboxes for delivery. Rather than the erection of barriers (ie, a gate), more passive and less intrusive surveillance can be provided by way of CCTV cameras in this area. A condition to this effect is included in Appendix A.
- The amended proposal has increased the size of the lightwell adjoining the common stairs and removed the roof over so that it is open to the sky. The lightwell will be planted with vegetation and open to the common stairs.

- The amended proposal has increased the upper level setback at the third floor level on the Hall Street frontage to comply with the Local Village Centre controls contained within Part E3 of the DCP (discussed in detail in Section 2.26 of this report).
- Ducting and exhausts have been shown on the amended plans and are placed adjacent to the retail shop for potential future use as a food premises.
- The amended proposal provides at least 3.1m per residential floor.

In regard to the above analysis, it is considered that the amended proposal adequately addresses the above issues raised by the DEP.

Principle 3: Density

While predominantly 1 bedroom units are intended (70%), the yield and mix do not appear at odds with the density and accommodation needs of this (sp). The floor area and FSR will be dependent upon the resolution of the rear set back, built form, deep soil and the like as recommended.

The rear setback can be considered as a contextual issue as well as addressing privacy requirements.

Planning comment: As detailed above, the amended proposal has increased the rear setback.

Principle 4: Sustainability

Provision for solar access to at least 70% of units, and cross ventilation for 60% of units appears to satisfy the ADG. The Panel was impressed by the proposal for a green roof design, but questioned whether scope for p/v solar panels could also be integrated on the roof layout.

Window operation needs to be considered and clearly marked on the elevations.

Ceiling fans should be provided in bedroom and living areas, and clearly marked on the plans.

Planning comment: The plans contain a schedule of BASIX commitments which form part of the consent which includes a photovoltaic system as an alternative energy supply for common areas. The roof plan indicates that these will be located on the roof.

Window operation has been clearly marked on the amended plans, as has ceiling fans.

Principle 5: Landscape

The landscaping proposal was considered to be well conceived with provision for perimeter planters, internal green wall and a landscaped roof. Potential for reinforcement of a strong vegetation canopy as buffer to the properties at the rear, and enhancement of the public domain interface with the public park were areas that the Panel felt should be further developed.

Planning comment: The amended proposal has increased the planting area at the rear with a 6m deep soil zone to provide a landscape barrier between the subject development and the semi-detached dwelling at the rear. The amended landscaping plan shows perimeter planting in this location with trees, shrubs and ground cover plants. This is considered acceptable to screen the development from the adjoining property.

Principle 6: Amenity

Layouts of the units were agreed by the Panel to be well resolved, and designed to benefit from the visual outlook to the park. Potential for some internal bathrooms to benefit from natural light via the light-well could be considered.

Planning comment: The amended proposal incorporates windows to bathrooms within the lightwell for natural light.

Principle 7: Safety

With units overlooking the park and public domain, the proposal will provide for good surveillance, but reconfiguration of the entry layout was recommended.

Movement of traffic and vehicle queuing to access the car lift, although minimal, needs further assessment of impacts and potential conflict.

Planning comment: As previously discussed, the entry lobby is considered acceptable subject to a condition requiring CCTV cameras in this area. Council's Traffic Engineers have assessed the car lift and vehicular movements and are satisfied with the proposal.

Principle 8: Housing Diversity and Social Interaction

The mix of units was considered appropriate for this context, albeit with predominantly 1 bedroom units. Scope for inclusion of a small bench as casual 'bump space' within the ground level foyer could be beneficial to resident social interaction, and might be included in the redesign referred to above.

Planning comment: The amended plans provide a bench adjoining the internal lightwell at Level 1 of the building for social interaction.

Principle 9: Aesthetics

The Panel did not consider the character of the building as suitable for this location, and recommended a lighter façade palette that would be more complementary to this visually important corner gateway to the Hall Street Town Centre.

As mentioned above, further options for the envelope modeling around the south-west corner should be assessed to improve the transition in scale and character.

Planning comment: The amended proposal has introduced a lighter palette of colours and materials to the external design reflective of the surrounding urban character on Hall Street. The amended proposal is considered acceptable in this regard.

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 and these controls have been deleted from Table 5 relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> • Up to 12m (4 storey) – 6m habitable & 3m non-habitable • Increased separation of 3m where adjoins a lower density zone 	Yes	<p>At the rear the site adjoins a single storey semi-detached dwelling with windows on the side elevation facing the subject site. Given that there are no residential windows on the subject proposal at the ground floor level, the separation distance of the ADG does not apply. The adjoining dwelling is single storey and as such, has no windows at the first floor level opposite the first residential level of the proposal. In this regard, the separation distances of the ADG do not apply to the residential levels of the proposal at the rear (the setback controls of DCP 2012 will apply).</p> <p>The proposal provides nil side boundary setbacks however on the northern side the property adjoins Cox Avenue reserve and there is 20m separating the subject property from the adjoining property to the north. The reduced setback on this boundary is therefore considered acceptable.</p> <p>The building will be built up to the southern boundary of the site with no windows and as</p>

Design Criteria	Compliance	Comment
		such, the separation distances of the ADG do not apply.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	<ul style="list-style-type: none"> 100% of living room windows and private open space will receive at least 2 hours mid-winter. All units are dual aspect and as such all receive some direct sunlight mid-winter. <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects. In this regard, 100% of the units can be naturally cross ventilated. <p>The proposal uses a combination of full height openable doors, windows, an open internal lightwell and skylights to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m Mixed use area – 3.3m for ground and first floor to promote future flexibility of use 	No	<p>The ceiling heights of the residential levels comply with the minimum requirement.</p> <p>The ground floor level retail provides 3.3m however the first floor level provides 2.7m. Given that the first floor level is residential this is considered appropriate. To require a greater floor to ceiling height at the first floor level would force an increased height non-compliance with the height development standard of LEP 2012. In this regard, the ceiling height at the first floor level is considered acceptable.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 	Yes	<p>All units have internal areas in excess of the minimum ADG requirements.</p> <p>The proposal achieves compliance with the minimum glazed area to each habitable room.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • Add 5m² for each additional bathroom (above 1) <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p>		<p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>All robes are a minimum of 1.5m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth 	Yes	<p>100% of the units are provided with a balcony accessed from the main living areas that meets the minimum requirements of the ADG in terms of area.</p> <p>The balconies are accessed from the main living area and face north, north-west and south-west.</p> <p>The design of the balconies is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Screens, landscaping or solid side walls are provided to enhance privacy, where necessary.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	<p>The proposal provides a circulation core with 2 - 4 units accessed off the lobby at each level.</p>
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ 	Yes	<p>The proposal provides separate storage within the basement for each unit and additional storage within each unit. The storage provided meets the requirements and objectives of the ADG.</p>

2.2.4 SEPP (Affordable Rental Housing) 2009 (SEPP ARH)

The provisions of Part 3 - *Retention of existing affordable rental housing* of the SEPP ARH apply to the subject proposal given that four of the five units within the existing building have been previously leased at rates below the median rate for their bedroom sizes.

The application was referred to Council's Housing Officer who advised that the proposed development will contribute to the loss of affordable housing within the LGA as the development proposes to remove existing units being rented at a rate identified as being affordable rental housing. This loss is intended to be offset by the contribution fees the developer is required to pay in the amount of \$320,491. This amount has been calculated in accordance with the guidelines of the SEPP ARH and is considered to adequately mitigate the reduction of affordable housing resulting from the development. A condition to this effect is included in Appendix A.

2.2.5 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as 'shop top housing', which is permitted with consent in the B4 zone. The proposal is consistent with the objectives of the zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	No	The maximum height to the lift overrun is 13.8m exceeding the development standard by 800mm or 6%.
4.4 Floor space ratio <ul style="list-style-type: none"> 2:1 	Yes	The FSR is 2:1 complying with the development standard.
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.

Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes (subject to condition)	The site is located as Class 5 on the Acid Sulfate Soils Map. The Geotechnical Report provided with the application indicates that the watertable is likely to be lowered by the proposed excavation and given that the site is within 500m of adjacent Class 4 land, an appropriate condition of consent is included in Appendix A in the event that acid sulfate soils are encountered.
6.2 Earthworks	Yes	The proposal includes excavation to provide basement parking. All standard conditions in regards to the excavation are included in Appendix 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 4.3 Height of buildings

The proposal has an overall building height of 13.8m, which exceeds the height of buildings development standard of 13m prescribed under clause 4.3 of Waverley LEP 2012 by 800mm or 6%.

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 site slopes gently from the south (rear) to the north (Hall Street) and the height non-compliance relates to the small low northern portion of the site. The more sensitive portion of the site which has the potential to increase overshadowing to the south complies with the 13m height standard (being the southern elevation facing 2 Cox Avenue).
- The functional requirements of the development necessitate a built form that has a height greater than 13m, with the non-complying elements generally limited to a very small portion of the roof, the lift overrun and photovoltaic panels. These protrusions are minor and will not be readily visible from surrounding vantage points or Hall Street.
- Residential amenity would be diminished if compliance was mandated as it would necessitate the removal of the photovoltaic panels, removal of lift access to Level 3 and a reduction in the floor to ceiling height (now 3.1m to comply with the Apartment Design Guide).
- The proposal will not give rise to any unreasonable or unexpected adverse amenity impacts upon surrounding properties in terms of overshadowing, views and privacy impacts.
- The proposed building is compatible with the height, bulk and scale of existing buildings in the locality and would positively complement and contribute to the physical definition of the street network and public space.
- The height non-compliance will not yield additional floor space on the site.
- The proposal is consistent with the emerging built form or newer mixed use buildings within the Hall Street Town Centre.
- The proposal is consistent with the zone objectives and the objectives of the height development standard.

The objectives of the height development standard within the LEP are:

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,
- (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.

Objectives (b) and (c) are not relevant to the subject site.

Figure 4 below was provided within the 'Objection to a Development Standard' and shows the area of the building which exceeds the height development standard.

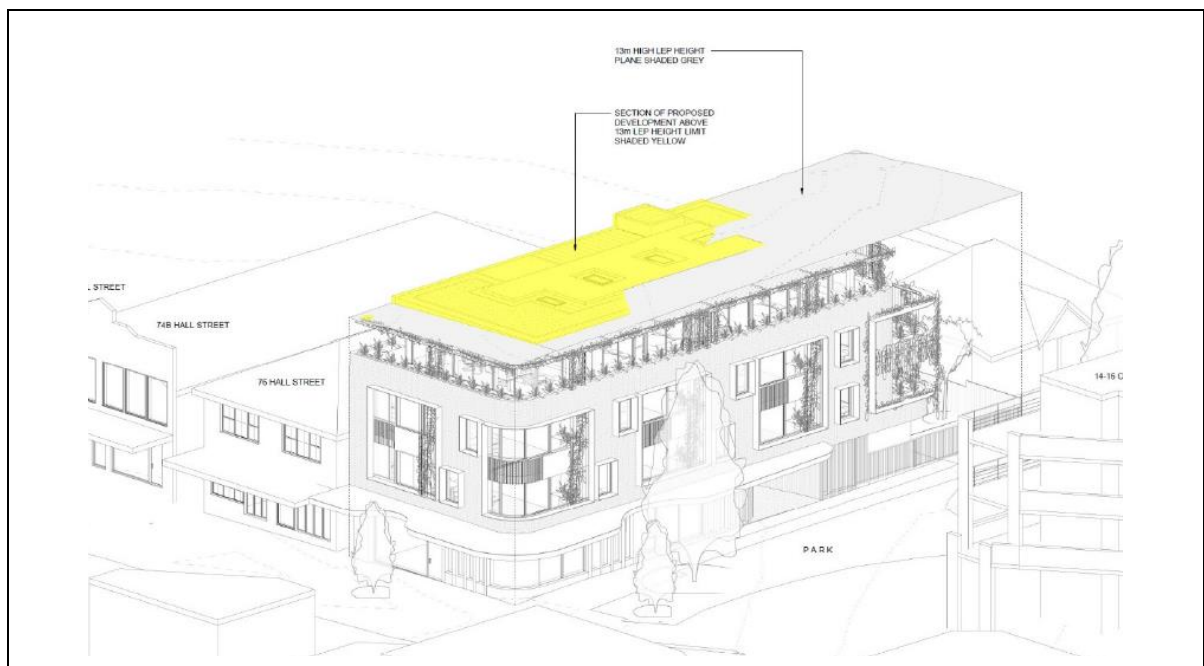


Figure 4: Proposed departure from the 13m height development standard shown in yellow

As demonstrated within the image, the majority of the building will comply with the height development standard including the area of most impact upon the low density residential area to the rear.

Overshadowing diagrams, in plan and elevation were provided for the winter solstice. These diagrams show the overshadowing from a compliant building and clearly delineate the additional overshadowing from the area of non-compliance with the height development standard. These diagrams indicate that the additional overshadowing will predominantly fall onto the roofs of adjoining properties. At 12pm additional shadows from the non-compliant height will be cast onto part of the windows on the side elevation of 2 Cox Avenue however these windows will remain in sun

for the afternoon hours. In this regard, the overshadowing impacts of the non-compliant height are not considered unreasonable.

The height non-compliance will not give rise to unreasonable impacts upon surrounding properties, will not impact upon the streetscape and is necessary in order to comply with the requirements of the ADG and Council’s DCP in regards to floor-to-ceiling heights and the provision of energy efficiency measures on the roof. The proposal is consistent with objectives (a) and (d).

In terms of the remaining arguments within the ‘Objection to a Development Standard’ received with the application, the arguments in the written request are considered valid and reasonable.

Accordingly, in accordance with subclauses (3) and (4), it is considered that compliance with the height development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

2.2.6 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 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	<p>The proposal provides separate commercial and residential waste rooms within the basement car park which are accessed via the car lift.</p> <p>The DCP requires nine bins for the residential component and six bins for the commercial component. The proposal provides two separate waste rooms for the commercial and residential uses with sufficient area to store the required number of bins. The residential waste room also provides area for green waste and bulky goods storage for disposal.</p> <p>Conditions are included within the Appendix A regarding waste generation, storage and collection.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>

Development Control	Compliance	Comment
2. Energy and water conservation	Yes	<p>A BASIX Certificate was provided with the application.</p> <p>Appropriate openings are provided on all elevations for adequate cross ventilation and solar access.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
5. Tree preservation	Yes	<p>Conditions were provided by Council's Tree Preservation Officer (TPO) in regards to the removal of two trees from the site and a street tree. The TPO supports the tree removal subject to replacement. Conditions are included in Appendix A.</p>
6. Stormwater	Yes	<p>The stormwater plans submitted with the application were referred to Council's Stormwater Engineer who advised that they are satisfactory. Appropriate conditions are provided in Appendix A.</p>
7. Accessibility and adaptability	Yes	<p>The proposal provides a lift to all levels of the building, level entry to the commercial space, accessible commercial sanitary facilities and parking space and an adaptable unit.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
<p>8. Transport</p> <p>Parking (Zone 2):</p> <ul style="list-style-type: none"> • 1-bed = 1 space • 2-bed = 1.5 spaces • Visitor = 1/5 units • Retail = 1/400m² GFA <p>Motorcycle = 3 spaces/15 spaces</p> <p>Bike = 1 space per unit</p>	No	<p>The DCP requires 11 spaces for the residential component, 1 space for the retail shop, 2 visitor spaces (total of 14 vehicular spaces) and 2 motorcycle spaces.</p> <p>The proposal provides 13 car spaces (1 retail space and 12 residential spaces), 3 motorcycle spaces and bike parking for 12 bikes. In this regard, the proposal provides a shortfall of one visitor parking space.</p> <p>Refer to detailed discussion following the tables within this report.</p>

Development Control	Compliance	Comment
10. Safety	Yes	<p>The proposal maximises casual surveillance of both Cox Avenue and Hall Street orientating living room windows and balconies toward the street.</p> <p>The residential entry to the building on the Cox Avenue elevation is overlooked by balconies above and is clear and legible. The treatment of this recessed entry has been previously discussed.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>

Table 5: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels Minimum setback of 1.5m from side boundaries Under building footprint except main access ramp Basements no more than 1.2m out of the ground Geotechnical report required when > 3m in depth or 25% slope 	Yes (subject to conditions)	<p>There is no fill proposed.</p> <p>The basement car park will have no boundary setbacks on the southern, northern and eastern side boundaries. The excavation will be contained within the footprint of the building and will not extend above ground level.</p> <p>A Geotechnical Report was provided with the application which makes recommendations in regards to dewatering of the site, shoring, anchoring, footings etc. The recommendations of the Geotechnical Report form a condition of consent in Appendix A. Additionally, all standard conditions in regards to excavation are included. In this regard, the excavation proposed is considered acceptable.</p>
2.5 Setbacks		
<p>2.5.1 Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal is built up to the street boundary consistent with the existing and desired character of Hall Street.
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: No min side setback for B4 zone 	N/A	The side setback controls are not relevant to the Hall Street precinct nor is the deep soil zone along one side boundary. Hall Street requires nil side boundary setbacks to provide a strong street wall and deep soil zones being located to the rear. This is consistent with the pattern of development and the “strip shopping” character of the street.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	<p>Yes</p> <p>Yes</p>	<p>The rear setback of the amended proposal has been increased to a minimum of 6m.</p> <p>The proposal provides a deep soil zone 6m wide at the rear of the site.</p>
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length along street: 24m Maximum unit depth: 18m 	<p>Yes</p> <p>Yes</p>	<p>The proposal has a maximum length of 10.19m along Hall Street and 30.57m along the Cox Avenue frontage. The primary frontage is Hall Street and as such the proposal is considered to comply with this control.</p> <p>No unit will exceed 18m in depth.</p>
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	<p>Yes</p> <p>Yes</p>	<p>The proposal has been designed to respond appropriately to the streetscape consistent with recent development within Hall Street and the desired future character envisioned by the Hall Street Village controls (discussed in Table 7).</p> <p>The amended plans have lightened the external colours in response to the comments from the DEP and Council's Urban Designer. The amended materials and finishes are sympathetic to the character of the area.</p>
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance Maximum of 1 x 2-way driveway From rear of side where possible Pedestrian safety 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The basement car park is accessed via a car lift from Cox Avenue at the rear of the site. The car lift access is on the rear elevation and integrated into the design of the building.</p> <p>The proposal provides a separate pedestrian entry from the Cox Avenue elevation accessed via the park.</p> <p>The driveway and car lift are single width. Conditions have been provided from Technical Services which are included in Appendix A.</p>
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Entry is provided from Cox Avenue to the residential foyer. The entry is accessible, legible and safe. The commercial entry is provided from Hall Street.</p>

Development Control	Compliance	Comment
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 134m² 50% of the above is to be deep soil: 67m² 	<p>Yes</p> <p>No</p>	<p>The proposal provides 43% of the site area as landscaped (includes planters and roof gardens).</p> <p>The proposal provides 54m² as deep soil which equates to 80% of the deep soil required on site (ie, 20% deficit). Refer to discussion following this table.</p>
2.14 Communal open space		
	N/A	Communal open space is only required in R3 and R4 zones.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	<p>Refer to Table 2 (ADG)</p> <p>Yes</p>	<p>The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies.</p> <p>Shadow diagrams, in plan and elevation, on the winter solstice were provided with the application.</p> <p>The shadow diagrams indicate that the proposal will cast shadows over the side elevation of the dwelling at the rear and northern side elevation of the adjoining mixed-use building to the side.</p> <p>Overshadowing of the adjoining sites is not unexpected given orientation, lack of setbacks and the density of the area given the mixed-use zoning. Any development within the height and FSR envisioned for the site would result in overshadowing of the adjoining southern property so therefore the test becomes whether the development is a reasonable expectation for the site.</p> <p>The proposal complies with the FSR development standard and marginally exceeds the height development standard of the LEP. The height non-compliance has been previously discussed in terms of overshadowing and does not result in unreasonable additional shadowing.</p> <p>The proposal complies with the built form controls of the DCP and is consistent with the desired future character of the Hall Street Village Centre. A medium density four-storey</p>

Development Control	Compliance	Comment
		development within the controls is not unreasonable and accordingly the overshadowing impacts of the development are considered acceptable.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	N/A	Significant views are unlikely to be impacted as part of the proposal.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	Privacy measures such as pergolas, planters and screening are included on the rear balconies to prevent overlooking of the level below. The remaining balconies are located over each other preventing any overlooking.
2.19 Apartment size and layout		
<ul style="list-style-type: none"> Single aspect units no deeper than 8m from a window Should provide mix of 1, 2 and 3 bedroom units 	Yes Yes	<ul style="list-style-type: none"> The single aspect units are under 8m. As detailed under the Design Excellence Panel comments, the mix of apartments is considered acceptable.
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Each level has a similar layout to the level below ensuring that acoustic privacy impacts between floors is minimised.
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	Yes	The building services are located on the southern side of the building obscuring them from both street frontages.

Table 6: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Design		
1.1.1 Frontages	Yes	<p>The street frontage of the commercial shop has been appropriately designed to be sympathetic to the overall proportion of the building and provide an active street level frontage.</p> <p>The proposal provides an awning wrapping around from Hall Street to the Cox Avenue frontage that is consistent with the character of the proposed development.</p>
1.1.2 Lighting	Yes	A condition regarding lighting is included in Appendix A.
1.1.3 Amenity	Yes	<p>The specific use of the commercial premises is not known at this stage and would be subject to separate consent at a later date.</p> <p>Notwithstanding, the proposal has been designed to include ducting and ventilation within the building envelope for the potential future use of the shop as a food premises.</p>
1.2 Noise		
	Yes	<p>Sound insulation between floors is a standard condition of consent included in Appendix A.</p> <p>All other standard conditions in regards to noise are included in Appendix A.</p> <p>The use of the shop is unknown at this stage and subject to separate consent as required by condition.</p>
1.3 Hours of operation		
	N/A	The use of the shop is unknown at this stage and a condition in Appendix A will require that the use be subject to separate consent.

Table 7: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
Hall Street Town Centre	Yes	The proposal provides a local retail shop with residential above and is consistent with the desired future character envisioned for the Hall Street Town Centre.
3.2 Generic controls		
3.2.1 Land uses	Yes	<p>The proposal provides a ground floor shop addressing, and providing activation to, Hall Street with a clear, separate residential entrance to the units above.</p> <p>The basement car park is accessed from Cox Avenue at the rear, consistent with the controls.</p> <p>The amended proposal separates the commercial and residential uses.</p>
3.2.2 Public domain interface	Yes	<p>The subject proposal will be built up to the street alignment with a set back upper level consistent with recent development along Hall Street. The proposal has strong masonry elements with articulation provided through the provision of balconies on the street facades. The masonry element presents as a strong and solid street wall consistent with the pattern of surrounding recent development.</p> <p>The shopfront is predominantly clear glazing with a clearly defined separate pedestrian entry from the Cox Avenue elevation.</p> <p>The vehicular entry is from the rear from Cox Avenue and not the principle frontage on Hall Street as required by the DCP controls.</p>
3.2.3 Built form	Yes	<p>The retail component provides adequate depth varying from 12-17m to ensure sufficient area for back of house functions.</p> <p>The proposal was amended to address the rear setback controls within Annexure E3-3 of the DCP. The ground floor and first floor levels are set back 6m being double the required 3m setback control. The setback of the second and third floor level is then staggered to generally comply with the 45° line specified in Annexure E3-3 of the DCP. Given that the proposal</p>

Development Control	Compliance	Comment
		<p>complies with the FSR development standard, the ADG in terms of unit and balcony sizes further increases in setbacks on the rear elevation is considered onerous and unreasonable. In this regard, the amended rear setbacks are supported on this site.</p> <p>A 6m wide deep soil zone is provided at the rear well in excess of the DCP control for deep soil of 2m.</p>
3.2.4 Building facade articulation	Yes	<p>The proposal provides an open and glazed shopfront at the street level with a more enclosed masonry building form above. The top floor level is set back from both street edges allowing a more recessed appearance and reducing the bulk of the building at the topmost level. The proposed balconies are recessed behind the front facade with a mix of solid and open balustrading to reinforce the strong street wall on Hall Street.</p> <p>The proposal has been designed to reflect the proportions and horizontal alignment of neighbouring recent development.</p>
3.2.6 Building services and site facilities	Yes	<p>The waste storage areas and plant areas are located within the building proper. Ducting and ventilation to the roof has been integrated into the design of the building for the potential future use of the shop as a food premises.</p> <p>Each of the units will have an integrated laundry however no communal outdoor clothes drying facilities have been provided given that the only ground floor outdoor space is a landscaped buffer at the rear of the site. Due to the limited capacity to provide outdoor communal space due to the small size of the site and that each of the units has a private balcony, the provision of a communal area for clothes drying is not considered necessary. Each unit will have sufficient private area for the outdoor drying of clothes.</p>

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

Parking

The DCP requires 11 spaces for the residential component, 1 space for the retail shop, 2 visitor spaces (total of 14 vehicular spaces) and 2 motorcycle spaces.

The proposal provides 13 car spaces (1 retail space and 12 residential spaces), 3 motorcycle spaces and bike parking for 12 bikes. In this regard, the proposal provides a shortfall of one visitor parking space.

The site is ideally positioned for reduced on-site parking being located close to shops and services and within walking distance of main public transport (bus) routes.

Recent development along Hall Street typically provides limited to nil parking due to accessibility issues and the desire to provide continuous retail streetscapes uninterrupted by driveway crossings. The subject site, being a corner site, has the luxury of being able to provide parking however to provide the one additional space, the amount of excavation would need to be increased. Increased excavation would reduce the deep soil at the rear which is an undesirable outcome for the site.

In this regard, the deficit of one car space is considered acceptable and can be supported.

Landscaping

Although not compliant with the landscaping controls of Part C3 of the DCP in terms of deep soil, the controls specifically relate to multi-unit developments whereas the subject development is for a mixed use building with a retail shop at the ground floor level. Given the nature of the application and the surrounding area and built form on Hall Street, some variation to the multi-unit housing controls can be accepted.

The proposal provides sufficient landscaped area at the rear to provide a buffer between the subject site and the adjoining rear residential dwelling. The landscaped area will provide a transition between the low scale nature of the residential dwellings at the rear and the higher density of the mixed use developments on Hall Street.

The nature of Hall Street and the desired future character of the Hall Street Town Centre requires strong street walls built up to the street alignment with limited opportunities to provide extensive landscaping. The deep soil zone at the rear of the site is sufficient to meet the intent of the controls. The provision of the landscaping at the rear, the landscaped planters on all balconies and the green roof is considered acceptable and is supported.

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

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

2.5 Any Submissions

The original application was notified for 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Submissions from 15 properties were received.

The amended plans were not renotified as the amendments reduced the scope of works and did not introduce additional impacts. The submissions are considered to continue to apply to the amended design and are summarised and discussed below in regards to the amended proposal.

Table 8: Summary of property addresses that lodged a submission

Property
2 Cox Avenue, Bondi Beach
6 Cox Avenue, Bondi Beach
10 Cox Avenue, Bondi Beach
15 Cox Avenue, Bondi Beach
27 Cox Avenue, Bondi Beach
1/76 Hall Street, Bondi Beach
2/76 Hall Street, Bondi Beach
3/76 Hall Street, Bondi Beach
4/76 Hall Street, Bondi Beach
3/82 Hall Street, Bondi Beach (subject site)
1/80 Hall Street, Bondi Beach (shop premises at subject site)
19 Macleay Street, North Bondi
42 Simpson Street, Bondi
30-34 Penkivil Street, Bondi
Unknown address in Cox Avenue (1)

Issue:

- *Overshadowing*
- *Visitor parking*
- *Lack of communal open space*
- *FSR (density) and height*
- *Waste generation*
- *Out of character with the street and surroundings*
- *Overshadowing*
- *Visual and acoustic privacy*
- *Setbacks*
- *Traffic and parking*

Response: These issues have been discussed in detail previously in this report.

Issue: Excessive site coverage and little permeable surface; Implications for stormwater discharge.

Response: The stormwater plans were referred to Council's Stormwater Engineers and the plans were considered satisfactory. Notwithstanding, the amended plans have doubled the rear setback and the deep soil provided at the rear incorporating a 6m setback to the basement level.

Issue: Rear setback is insufficient.

Response: The amended plans have increased the rear setback at all levels. This issue has been discussed in detail previously in this report.

Issue: Request conditions during construction relating to hazardous materials, construction traffic management plan and the grease arrestor being accessed from Hall Street rather than Cox Avenue.

Response: These conditions are included in Appendix A. In terms of the grease arrestor, the use of the retail space is unknown at this stage however, there is the potential for the first use of the retail shop to be classified as complying development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 over which Council has no control. It is considered reasonable to have all retail functions, including loading/unloading and emptying of potential grease traps from the retail frontage of the building rather than from the residential street, Cox Avenue. In this regard, a condition of consent to this effect is included in Appendix A.

Issue: The introduction of windows and signage to the retail shop on Cox Avenue frontage is an intrusion of the commercial use into Cox Avenue.

Response: This is not agreed. The proposal is consistent with the DCP controls for Hall Street and the windows addressing the Cox Avenue frontage, which are located toward the front of the site toward the corner, are not considered to introduce commercial uses to this street.

Signage is subject to the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and/or further development consent.

Issue: Entry to car park and pick up of rubbish should not be via Cox Avenue due to increased traffic in a residential street; Parking issues in Cox Avenue and lack of enforcement – traffic calming and reduced parking times should be implemented.

Response: Council's Traffic Engineers are satisfied with the rear driveway, vehicular access via Cox Avenue and the car lift to access the car park. It is also noted that the DCP encourages the use of rear laneways and roads to provide vehicular access to properties fronting Hall Street to avoid driveway crossings on the retail strip. The proposal is consistent with the DCP in this regard and it is considered a poor design outcome for the vehicular access to be provided from Hall Street where there is high pedestrian activity and an intersection opposite the site.

In terms of parking, the proposal provides adequate parking for the residential units. At present there are only two spaces on the site for the 5 residential units and the 2 retail shops. The proposal will therefore improve upon the parking provided for the site and effectively reduce on-street parking demand. Furthermore, a condition will advise that no on-street parking permits will be issued for the development in line with Council policy in relation to new residential buildings.

The enforcement of parking spaces is a matter for Council Rangers and is not relevant to the assessment of the application. Similarly, the proposal provides only 10 residential units and is unlikely to generate significant traffic impacts upon surrounding streets. Traffic calming measures and restricted parking is a matter for Council's Traffic Committee.

Issue: Inaccuracies in the documentation provided.

Response: Noting that the Council's Assessment Planner carried out their own assessment, the documentation is considered sufficient for the purposes of assessment.

Issue: The planning agreement contribution should be used for street beautification, park, traffic calming.

Response: The amended proposal has reduced the FSR to comply with the development standard and as such, no planning agreement was entered into.

Issue: Demolition of building will result in the loss of the existing shops and tenants do not wish to leave.

Response: This is a matter for the owner of the building. Notwithstanding, a replacement retail shop is being provided at ground floor level.

Issue: All of Cox Avenue should have been notified of the proposed development.

Response: Notification letters were sent in accordance with the provisions of DCP 2012. A site notice was also erected on site. No further notification is considered necessary.

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 Strategic Planner (Affordable Housing) – Shaping Waverley

Conditions were provided which are contained in Appendix A. Refer to previous discussion in this report (full referral comments available on file).

3.2 Urban Design – Futures Waverley Council

The following comments were provided by Council's Urban Designer in regards to the original proposal:

Context

The development is located in the Bondi Beach Town Centre and more specifically on the main village street of Hall Street. Due to its proximity to Campbell Parade and Bondi Beach, Hall Street is subject to large pedestrian movement and vehicular traffic. Despite this, Hall Street maintains a local and intimate scale with a distinct bohemian character. The centre has a variety of local shops, services and residential accommodation. The centre is zoned B4 – Mixed Use and is characterised by a varied subdivision pattern with the predominate building being 2-4 storey shop-top apartments. Due to these factors, Hall Street features lively street frontages and a high quality public domain. The development is located on the periphery of the centre and borders on the edge of Cox Avenue, a residential street characterised by 1-2 storey detached

and semi-detached buildings, and a pocket park at the intersection of Cox Avenue and Hall Street.

Built Form

The typology of the proposed development is shop-top apartments. Given the prevalence of this typology along Hall Street it is considered an appropriate contextual fit. The height and profile of the proposed development do not strictly adhere to the DCP controls (refer to Part E Annexure E3-3) with minor discrepancies due to the slope of the site. However, it is regarded that the proposed development achieves the objectives of the controls by achieving the desired built form of Hall Street and integrating into the surrounding context. In addition, the slight increase in height does little to increase the overshadowing and does not adversely impact upon the neighbouring properties or public domain.

The separation between the neighbouring residential building is consistent with the DCP controls (refer to Part E Annexure E3-3) and sufficient investigation and analysis has been undertaken to demonstrate that the ways in which the proposed development seeks to actively reduce the visual privacy issues.

Façade and Interface

The proposed awning is supported as it continues the prevailing character of the street and provides a continuous protective element along Hall Street that wraps around the corner to provide protection to the residential entrance along Cox Avenue is supported.

The façade of the proposed development features a dark brick with dark mortar. In general this is in sitting with the buildings along Hall Street and Cox Avenue featuring face and exposed brick facades. However, the large amount of dark colours and tones creates a façade with a strong obsidian appearance that is at odds with the surrounding buildings.

The proposed disabled access for the ground floor retail tenancies is convoluted and inequitable. It is recommended that a flush transition from Hall Street is achieved to provide equitable disabled access. This flush transition would be in keeping with other stores along Hall Street as well.

Landscape

The proposed deep soil provisions to the rear of the property and the roof garden are supported.

Recommendations

In summary, the development is an appropriate type, size and scale of development for the site. The first recommendation is the use of a lighter brick colour for the facades. The dark/black brick façade has an obsidian appearance that is not in keeping with the general character of the street. The second recommendation relates to the interface with Hall Street. It is suggested that the ground floor and two doors are flush with Hall Street to form a seamless transition between the public and private domain. This would remove the need for the convoluted disability access route through the side of the building.

Planning comment: The amended proposal addresses the matters raised by Council's Urban Designer, with the materials and finishes being of a lighter palette and the retail level being lowered to respond to the footpath level in front of the site.

3.3 Driveways – Creating Waverley

Conditions were provided which are included in Appendix A.

3.4 Stormwater – Creating Waverley

The stormwater plans were referred to Council's Stormwater Engineers who advised that the plans were satisfactory. Appropriate conditions are included in Appendix A.

3.5 Waste – Sustainable Waverley

Conditions were provided which are included in Appendix A.

3.6 Tree Management – Clean and Attractive Waverley

The following comments were provided by Council's Tree Management Officer (recommended conditions are included in Appendix A):

- *Situated on the above property were two species of trees, it was noted that the trees possess no outstanding attributes worthy of retention (due to poor health, and being a weed species) **and their removal is supported.***
- *Situated on the naturestrip are three (3) *Melaleuca quinquenervia* (Broad-leaved Paperbark) and one (1) *Lagunaria patersonia* (Norfolk Island Hibiscus)... The applicant **may remove the *Lagunaria patersonia* tree in the reserve. To ensure maximum street tree canopy and continuity of the streetscape the applicant may remove the tree but must plant a replacement tree.***

4. SUMMARY

The proposal seeks consent for the demolition of the existing building and construction of four-storey shop top housing containing two levels of basement parking, ground level retail and 10 apartments above.

The proposal has been amended since it was first submitted to generally address front and rear setbacks, FSR, external finishes, the separation of the commercial 'back of house' and the residential entry, integrating ducting and ventilation into the design and issues raised by the Design Excellence Panel.

The amended proposal complies with the FSR development standard and exceeds the height development standard by 800mm (6%). The proposal largely complies with the remaining controls contained within DCP 2012 with only minor exceptions. The proposal has been designed to respond appropriately to the streetscape consistent with recent development within Hall Street and the desired future character envisioned by the Hall Street Village controls. The proposal will not result in unreasonable amenity impacts upon surrounding sites and is considered suitable for the site and the area.

The application was notified and submissions from 15 properties were received. The issues raised are either satisfied by the amended proposal, or by condition or are considered unjustified.

The application is recommended for approval.

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:**

Kylie Lucas
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 12 November 2018

Date: 14 November 2018

Reason for referral:

- 2 Contentious development (10 or more objections)
- 4 Sensitive development:
 - (b) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos AR-DA- 000, 2001, 2002, 3001, 3002, 3101, 8002, all Revision B, tables and documentation prepared by TKD Architects, dated 26/10/18, and received by Council on date 6 November 2018,
- (b) Landscape Plan No. DA-L101 and L102 Revision B and documentation prepared by Canvas Landscape Architects, dated 22/10/18, and received by Council on 31 October 2018;
- (c) BASIX and NatHERS Certificate;
- (d) Stormwater drainage plans prepared by ITM Design Pty Ltd, Job No. 17/66, Drawing No. H-DA-00, H-DA-01 and H-DA-02 (all Revision A), dated 10 October 2017 and received by Council on 7 February 2018;
- (e) Arboricultural Impact Assessment Report prepared by Luke Davis Arboreport Vegetation Management Consultants dated 26/09/17 and received by Council on 6 February 2018;
- (f) Traffic and Parking Assessment Report prepared by Varga Traffic Planning dated 1 November 2017, and received by Council on 7 February 2018;
- (g) Schedule of external finishes and colours received by Council on 31 October 2018; and
- (h) 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. WATER MANAGEMENT ACT 2000 – GENERAL TERMS OF APPROVAL

The development must be in accordance with the 'General Terms of Approval for Water Supply Work under the Water Management Act 2000' issued by WaterNSW on 31 August 2018.

3. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The encroachments for window articulation shall be limited to 200mm in depth (over boundary) and not be enclosed nor constitute as gross floor area.

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

4. 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.

5. 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.

6. PUBLIC DOMAIN WORKS

The following public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense (excluded from any contribution / Planning Agreement):

- (a) Provision of 1 street tree planted to Council specifications to the Cox Avenue frontage (to replace existing tree to be removed).
- (b) Upgrade of footpath along entire Cox Avenue frontage, extending to the kerbing at the pedestrian crossing of Hall Street.

Details of the works set out above are to be submitted and approved by Waverley Council's Director, Waverley Futures regarding the proposed works to Council's footpath prior to the commencement of works. In this regard, the following additional requirements shall apply:

- (i) All works to the footpath/roadway surrounding the site are to be upgraded in accordance with Council's 'Public Domain Improvements Plan'. The detailed design and configuration of all works shall be to the satisfaction of Council's Director, Waverley Futures.
- (ii) All pavement treatments and location of tree pits and tree species to be approved by Council.
- (iii) The tree pit size, planting species and location are to be approved by Council.

7. DRAWINGS AND SPECIFICATIONF FOR PUBLIC DOMAIN WORKS

Detailed engineering drawings, including specifications and materials of construction for all works approved to be carried out on the public domain shall be submitted to Council for the Executive Manager Creating Waverley prior to the commencement of works.

All costs associated with the preparation and submission of the Public Domain drawings shall be at the applicant's expense.

8. SEPERATE APPLICATIONS FOR NON-RESIDENTIAL USE

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises.

In this regard, compliance with the BCA in respect to the provision of sanitary facilities shall be provided for each retail tenancy.

9. DOMESTIC HEATERS

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

10. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. 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/

(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.

12. 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.

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. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of **\$320,491** payable for the provision of affordable housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of a Construction Certificate.

Sufficient notice of displacement

The owner must provide tenants with a notice to displace so that they have sufficient time to source alternative comparable accommodation options.

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

The building work, including demolition, 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.

16. ROCK ANCHORS

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

17. 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.

18. 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.

19. PUBLIC ART

Public Art is encouraged to 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 Cultural Development Officer.

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

20. 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.

21. ACOUSTIC SEPARATION

Appropriate acoustic separation of the retail level from the residential level shall be incorporated into the design to ensure that any future use of the retail shops does not unreasonably impact upon the acoustic amenity of the residential units. Details are to be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate.

22. 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.

23. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authority regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

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 Part B1, 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. HOARDING

If required, a standard A/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.

27. 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.

28. GEOTECHNICAL ENGINEERS REPORT

The Preliminary Geotechnical report shall be updated post consent, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, 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.

29. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

30. 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.

Note: Under the current design, the orifice diameter should be 70mm.

31. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, 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 in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

32. STORAGE

The storage area within the car park is to provide ten secure storage areas, allocated to, and for the exclusive use of, each residential unit in the development.

46. 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.

49. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

33. CAR PARKING ALLOCATIONS

A total of **13** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) 10 residential parking spaces;
- (b) 2 visitor parking spaces ;
- (c) 1 retail parking spaces.
- (d) At least 1 of these car spaces to be allocated as an accessible parking space.

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

34. MOTORCYCLE PARKING

A total of **2** 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.

35. BICYCLE PARKING

A total of **12** bicycle parking spaces are to be provided, allocated in the following manner:

- (a) 10 residential bicycle spaces;
- (b) 2 retail bicycle spaces.

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.

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

36. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

37. **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 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*.

38. **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.

39. **STREET TREES**

The applicant **may remove the** *Lagunaria patersonia* street tree in the reserve. To ensure maximum street tree canopy and continuity of the streetscape the applicant may remove the tree but must plant a replacement tree. The following conditions will apply:

- (a) A replacement street tree is to be planted in the reserve midway between the Paperbark tree and the flowering Eucalypt.
- (b) The tree is to be planted prior to the issue of the Occupation Certificate.
- (c) The tree is to be an advanced **Tristaniopsis 'Luscious'**, to have a minimum pot size of 75 litres with a minimum height of 1500mm from the top of the container to the apical tip and shall be certified as grown to Natspec specifications.
- (d) The tree must be planted by a qualified horticulturist experienced in planting trees.
- (e) Tree protection is required for the two Paperbark trees in the reserve (T1 & T2). Prior to demolition a 1.8m chain link wire fence or the like shall be erected around the two Paperbark trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. All tree protection fencing shall comply with AS 4970 – 2009 Protection of trees on development sites.
- (f) Council's Tree Supervisor must be contacted to arrange inspection a minimum of 48 hours prior to the pruning of the trees in the reserve.
- (g) A **tree bond of \$5000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the **newly planted Tristaniopsis** tree in the reserve and the protection of the two paperbark trees in the reserve. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition that the trees are maintained in good condition as determined by Council's Tree

Officer. If any tree requires replacing within the bond period the tree must be replaced within one month of notification from Council and not at the end of the bond period.

40. GREEN ROOF

The green roof shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012. The plants shall have a maximum maturity height of 200mm above the roof level.

The green roof is a non-trafficable area and must be irrigated and generally maintainable without requiring frequent access. The irrigation system/process is to be nominated on a landscape plan as part of the Construction Certificate documentation. A balustrade at the perimeter is not, and will not be, permitted to address any safety or other implications from accessing the area for infrequent maintenance purposes.

Direct access to the area (eg a gate or door from the same level, or a fixed stair from the level below) must not be incorporated into the design in order to discourage frequent use.

41. 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.

42. TREE PRUNING ON ADJOINING PROPERTIES

Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building will require consent under a separate Tree Preservation Order (TPO) application for works to the trees. No works can occur to these trees without a valid TPO.

The TPO application shall be supported by an Arborist report prepared by an Arborist with AQF level 5 qualification or above, certifying that the affected trees will be maintained in a healthy manner after the pruning works, to the satisfaction of Council's Tree Management Officer.

Those trees affected are identified as being located within the rear yard of 54 Campbell Parade, Bondi Beach.

A valid TPO for the works to the above listed trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.

43. ENERGY AUSTRALIA

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate.

44. TRADE WASTE

The applicant is to confer with Sydney Water and enter into, where applicable, a 'Trade Service Agreement' with the Authority pursuant to the Trade Waste Policy. Details of the Authority's requirements are to be submitted to and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate. Trade wastewater is defined as "trade waste and any liquid, and any substance contained in it, which may be produced at the premises".

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

45. 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.

46. 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.

47. 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.

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. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

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 condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.

In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

51. 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.

52. 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.

53. 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.

54. 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 and 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.

55. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

56. MANAGEMENT OF ACIDIC SULFATE SOIL

Following the demolition stage, but prior to the construction stage, further investigations for Acid Sulfate soils shall be undertaken by a suitably qualified expert. Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

57. 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. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. FOOTPATH PROTECTION

The footpath and driveway 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.

64. 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;
- (b) Sundays and public holidays; and

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

65. 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.

66. BUILDING CODE OF AUSTRALIA

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

67. 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.

68. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

69. 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.

70. 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

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.

71. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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 2, 3 and 4 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.

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).

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.

72. 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.

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).

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.

73. 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.

106. STREET TREE PLANTING - RESIDENTIAL ZONES

The proposed street planting to Ramsgate Avenue (species, size and spacing) is to be undertaken in accordance with Council's requirements and the following:

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;
- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Tree Management Policy;
- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;
- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.

74. 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.

Notes: If this is imposed, Council will take into account:

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

75. 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.

76. 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.

77. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed works including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

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. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

98. 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.

82. TREATMENT OF BOUNDARY WALLS

The walls on the southern boundary/elevation are to be finished to a minimum standard, that being face brickwork and all mortar joints ironed (no dags) as viewed from adjoining sites.

83. AWNINGS

The awning shall:

- (a) Extend along the entire Hall Street frontage and continue to wrap around and along the Cox Avenue frontage extending to the rear of the car lift.
- (b) Be minimum 3m in width (extending out from building façade);
- (c) Have a height between 3.1 – 4.2m measured above footpath level, that steps/tapers with the topography of the site;
- (d) Be offset a minimum of 600mm behind the kerb.

84. FOOTPATH UPGRADE

The footpaths surrounding the site being upgraded at the applicant's expense in accordance with Council's "Local Village Centres Public Domain Technical Manual". In this regard, the applicant is to confer with Council's Executive Manager, Creating Waverley prior to commencement of works on the footpath area. A detailed plan of the works required on Council's road reserve/footpath area being submitted to Council for the approval of the Executive Manager, Creating Waverley prior to those works commencing.

85. 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.

86. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed basement car park. 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.

87. CONVEX MIRROR

A convex mirror shall be installed inside the site at the applicant's expense on the southern boundary at the exit of the car park to improve driver sightlines of approaching pedestrians in Cox Avenue.

88. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **30mm above** the existing concrete footpath.

89. RELOCATION OF PARKING / STREET SIGNS

- (a) Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.
- (b) Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

90. PARKING SPACES

The resident, visitor, commercial and disabled car parking spaces in the basement being clearly line marked and signposted.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

91. 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.

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. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering for a strata subdivision with multiple street frontages:

- No. 80 - primary address number
- Hall Street - primary address location
- Alternate street entry point via Cox Avenue
- Vehicle entry point Cox Avenue.

Premises with multiple street frontages and access points shall display the 'primary address number' on the site boundary of the primary address location and display both the primary address number and primary address location at alternative street address entry points to the building.

The primary premises numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary and clearly visible from Campbell Parade And Ramsgate Avenue.

As the redevelopment has multi-level sub-addressing the following sub-addressing will apply;

- Nos. Shop 1 for the sub-addresses within the building correlating with Nos. Retail 1 on the floor plans for the building,
- Nos. 101-104 for the sub-addresses within the building correlating with Nos. 1-4 on the floor plans for the building,
- Nos. 201-204 for the sub-addresses within the building correlating with Nos. 5-8 on the floor plans for the building.
- Nos. 301-302 for the sub-addresses within the building correlating with Nos. 9-10 on the floor plans for the building.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

94. 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 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.

95. PUBLIC DOMAIN WORKS COMPLETED

All works set out in 'Public Works' conditions 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.

96. 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.

97. 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.

98. 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.

99. 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 relevant Noise Conditions; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

100. 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.

101. 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, 1998 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 Principle Certifying Authority prior to the issue of the Occupation Certificate.

102. SLIP TESTS OF COMMON AREAS

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

103. 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.

120. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, 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) 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.

104. 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.

105. 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.

106. 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.
- (f) 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.

107. STORMWATER MANAGEMENT

Prior to the 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.

108. ENTRY AND EXIT OF VEHICLES

Vehicles entering and exiting the basement car park shall do so in a forward direction at all times.

109. LOAD AND UNLOADING OF GOODS

All loading and unloading of goods into the future retail premises shall occur from Hall Street at all times.

110. PARKING PERMITS

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

125. 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) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

111. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) The proposal must have a bin storage point for a minimum;

- **Residential**

- 4 x 240L Mobile Garbage Bins (MGBs) for general waste
- 2 x 240L MGBs for container recycling
- 2 x 240L MGBs for paper recycling

- 1 x 240L MGB for excess waste or garden organic waste should this be generated on the property.
- **Commercial**
 - 3 x 240L MGB for general waste (collected weekly)
 - 3 x 240L MGB for comingled recycling (collected weekly)
*collection frequency may need to be adjusted to account for heightened waste/recycling generation, for example during summer
- (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. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (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) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (e) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (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) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (h) 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.
- (i) 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.
- (j) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (k) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.
- (l) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

132. USE OF ROOF

The roof shall be non trafficable and accessed for maintenance purposes only.

112. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

113. RESIDENTIAL FLAT BUILDINGS - 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.

114. COMMERCIAL PREMISES

The following conditions relate the commercial premises and any future use of such these tenancy/ies shall comply with the following:

- a) All services relating to the commercial premises, including but not limited to, the loading and unloading of goods, grease trap services, garbage collection etc, shall take place from Hall Street. Under no circumstances shall servicing of the retail/commercial premises occur from Cox Avenue.

115. 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.

116. NO FLASHING SIGNS

The use of flashing lights, flashing illuminated signs and the like is prohibited.

117. LOCATION OF SIGNS

No advertising signs or notices are to be affixed to the windows of the premises.

118. ERECTION OF SIGNS

The erection of the sign is to satisfy the following requirements:

- (a) Be subject to development consent of Council (if required);
- (b) Be erected/supported in a secure manner for safety purposes;
- (c) Does not cause measures that 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.

119. SEPARATE APPLICATION FOR SIGNAGE

Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council (if required).

120. MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

121. 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 internal of the building. 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.

122. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Be located within the basement carpark in a suitably ventilated plant area. Should this not be possible, then condenser units shall be located on the roof, in the centre adjacent to lift overrun.
- (b) Not be located on balconies, visible from the public domain.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) 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.
- (f) 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).
- (g) Not be located on the roof of the development without the separate consent of Council.

123. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES (COMMERCIAL 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

NEW MIXED-USE DEVELOPMENT

80-82 HALL STREET, BONDI

160361

DEVELOPMENT APPLICATION

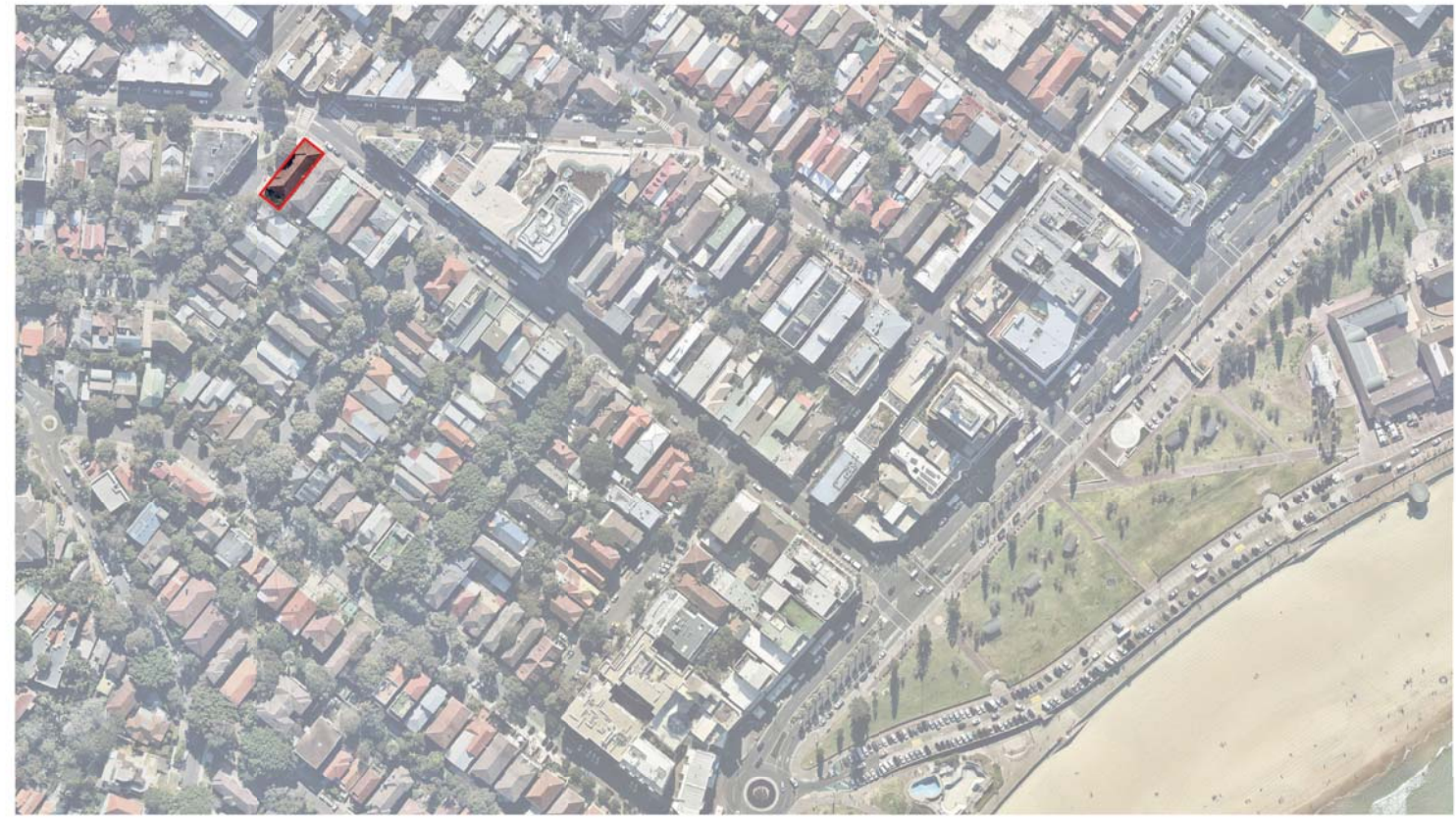


Certificate no.: 0003287930
 Assessor Name: Robert Mallindine
 Accreditation no.: VIC/BD/AV/12/1475
 Certificate date: 26 October 2018
 Dwelling Address: 80-82 Hall Street
 Bondi, NSW
 2026
 www.nathers.gov.au

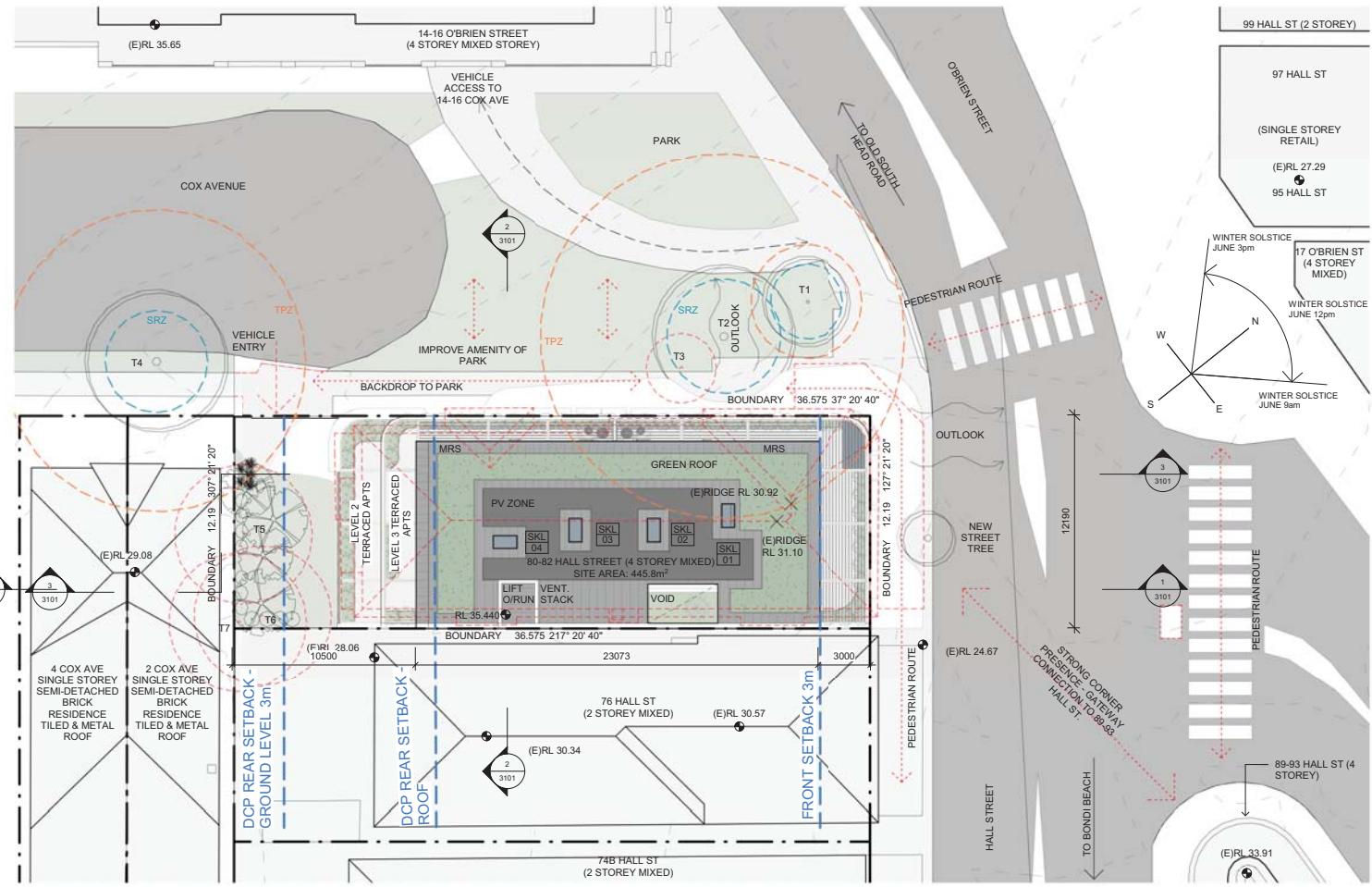


ARCHITECTURAL DRAWINGS

DRAWING No.	DRAWING NAME	SCALE	REVISION
AR.DA. 0000	COVER SHEET & SITE ANALYSIS	NTS&1:200@A1	B
AR.DA. 2001	BASEMENT AND GROUND LEVEL FLOOR PLANS	1:100@A1	B
AR.DA. 2002	LEVELS 1-3 FLOOR PLANS	1:100@A1	B
AR.DA. 3001	ELEVATIONS 01	1:100@A1	B
AR.DA. 3002	ELEVATIONS 02	1:100@A1	B
AR.DA. 3101	SECTIONS	1:100@A1	B
AR.DA. 6001	SHADOW DIAGRAMS 01	1:200@A1	B
AR.DA. 6002	SHADOW DIAGRAMS 02	1:100@A1	B
AR.DA. 8001	ROOF PLAN STUDY	NTS@A1	B
AR.DA. 8002	BASIX COMMITMENTS	NTS@A1	B
AR.DA. 8003	GFA AND LANDSCAPE CALCULATIONS		B
AR.DA. A401	SITE PLAN NOTIFICATION	1:200@A4	A
AR.DA. A402	EAST ELEVATION A4 NOTIFICATION	1:200@A4	A
AR.DA. A403	NORTH ELEVATION A4 NOTIFICATION	1:200@A4	A
AR.DA. A404	WEST ELEVATION A4 NOTIFICATION	1:200@A4	A
AR.DA. A405	SOUTH ELEVATION A4 NOTIFICATION	1:200@A4	A



1 LOCATION PLAN
NTS



2 SITE ANALYSIS PLAN
1:200



STREETSCAPE PLAN ANALYSIS - 1:1000



STREETSCAPE ELEVATION ANALYSIS - PROPOSED DEVELOPMENT - NTS



STREETSCAPE ELEVATION ANALYSIS - EXISTING DEVELOPMENT - NTS

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ABBREVIATIONS
AF ALUMINUM FRAMED
APT APARTMENT
BAL BALCONY
BALC BALCONY
BK BRICK
CF CEILING FAN
DCP DEVELOPMENT CONTROL PLAN
(E) EXISTING
PFL FINISHED FLOOR LEVEL
(F) WINDOW - FIXED
GD GLAZED DOOR

LEP METAL ROOF SHEETING
MRS METAL WALL SHEETING
MWS NEW
(N) NEW
(O) WINDOW - OPERABLE
OHV OPERABLE HIGHLIGHT WINDOW
RC REINFORCED CONCRETE
REL RELATIVE LEVEL TO AHD
SKL SKYLIGHT
STO STORE
TL TILE
WC WATER CLOSET

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A	08.11.17	DA Submission	EL	JR
B	26.10.18	For DA Submission	EL	JR

Proj. Dir
JR

Proj. Arch
EL

Drawn
JKS/NC

Job No.
160361

Date
OCT 18

Scale
As indicated @ A1

NSW Notified Architects
Robert Denton Reg. No. 5782
Alex Kibble Reg. No. 6015

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Project
80-82 HALL STREET, BONDI BEACH

Drawing Title
COVER SHEET & SITE ANALYSIS

Drawing No.
AR-DA-0000

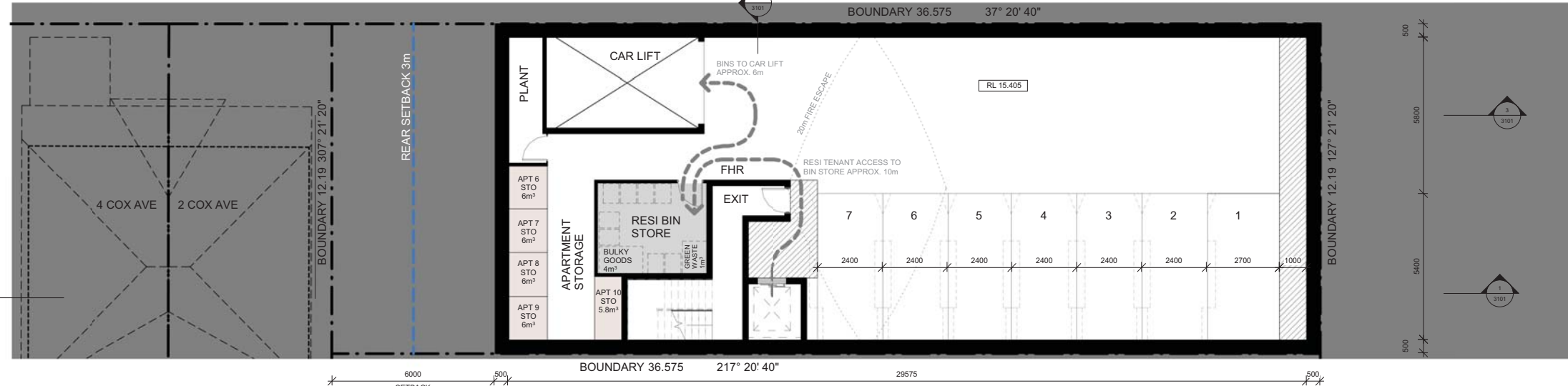
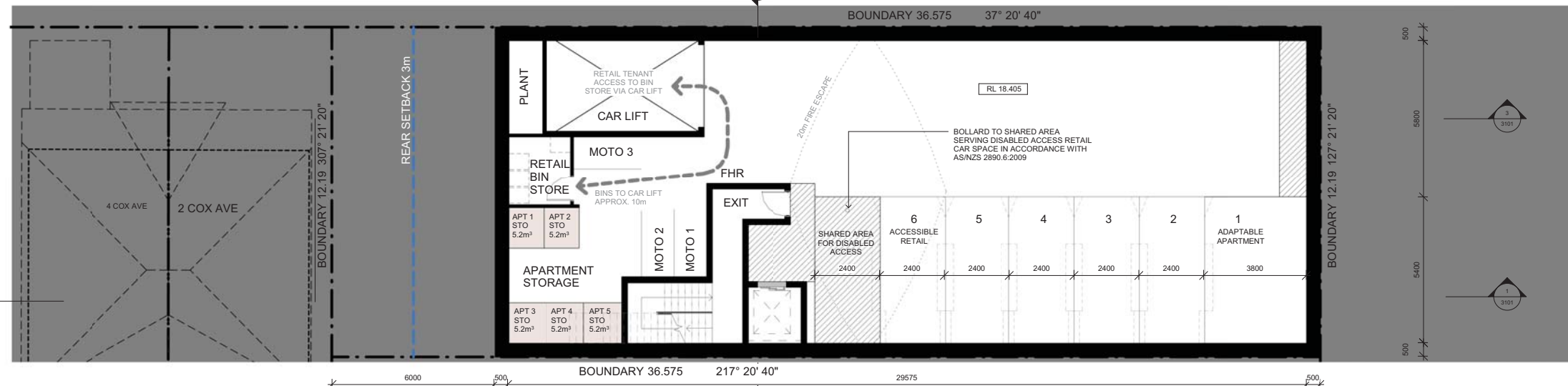
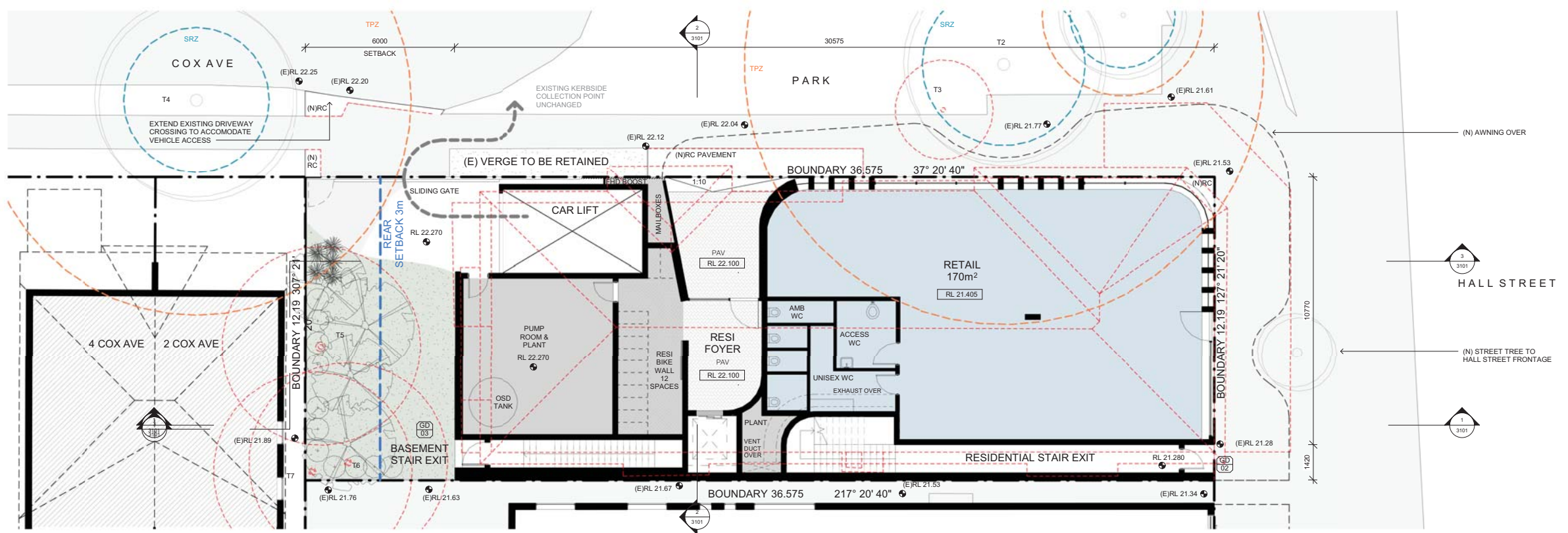
Revision
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ABBREVIATIONS

AF	ALUMINIUM FRAMED	LEP	LOCAL ENVIRONMENTAL PLAN
APT	APARTMENT	MRS	METAL ROOF SHEETING
AW	ALUMINIUM FRAMED WINDOW	MWS	METAL WALL SHEETING
BAL	BALUSTRADE	(N)	NEW
BALC.	BALCONY	(O)	OPERABLE
BR	BRICK	OHV	OPERABLE HIGHLIGHT WINDOW
CF	CEILING FAN	RC	REINFORCED CONCRETE
DCP	DEVELOPMENT CONTROL PLAN	RL	RELATIVE LEVEL TO AHD
(E)	EXISTING	SKL	SKYLIGHT
FFL	FINISHED FLOOR LEVEL	STO	STORE
(F)	WINDOW - FIXED	TL	TILE
GD	GLAZED DOOR	WC	WATER CLOSET

Rev	Date	Description	Checked	Auth.
P 9	23.10.17	For Traffic Engineer		
P 10	24.10.17	For Town Planner		
P 11	03.10.18	For Consultants	EL	JR
P 12	05.10.18	For Consultants	EL	JR
A	08.11.17	DA Submission	EL	JR
B	26.10.18	For DA Submission	EL	JR

Proj. Dir
JR

Proj. Arch
EL

Drawn
JKS/NC

Job No.
160361

Date
OCT 18

Scale
1:100 @ A1

NSW Notified Architects
Robert Denton Reg. No. 5782
Alex Kibble Reg. No. 6015

Do not scale drawings. Verify all dimensions on site. Notify architect of all discrepancies

Project
80-82 HALL STREET, BONDI BEACH

Drawing Title
BASEMENT AND GROUND LEVEL FLOOR PLANS

Drawing No.
AR-DA-2001

Revision
B

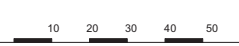
Certificate no.: 0003287930
Assessor Name: Robert Mallindine
Accreditation no.: VIC/BDV/12/1475
Certificate date: 26 October 2018
Dwelling Address: 80-82 Hall Street, Bondi, NSW 2026

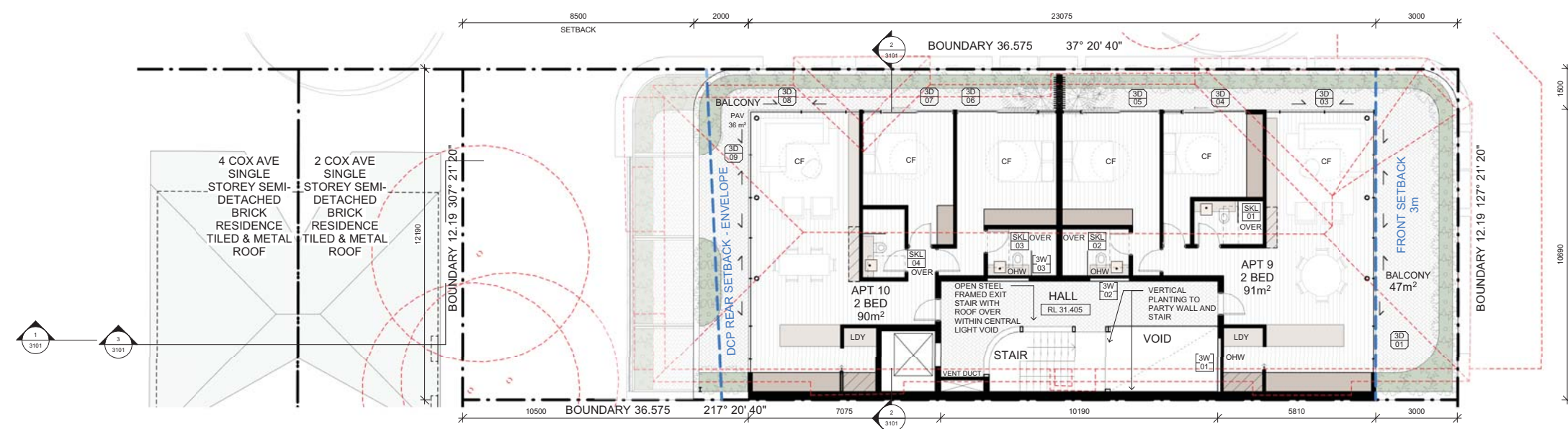
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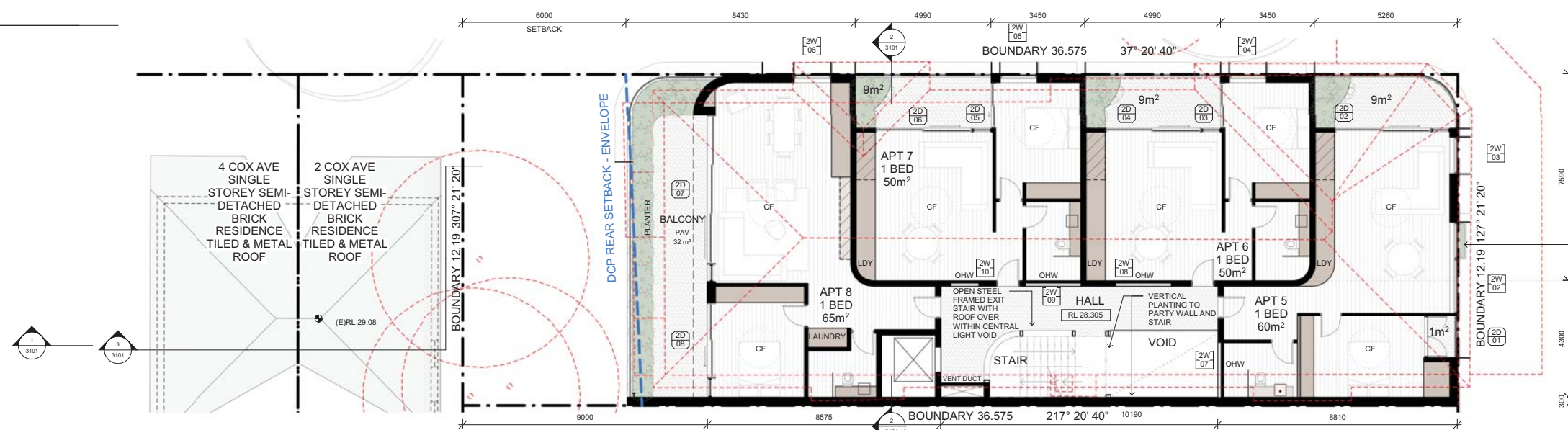
TKDA Architects
Tanner Kibble Denton

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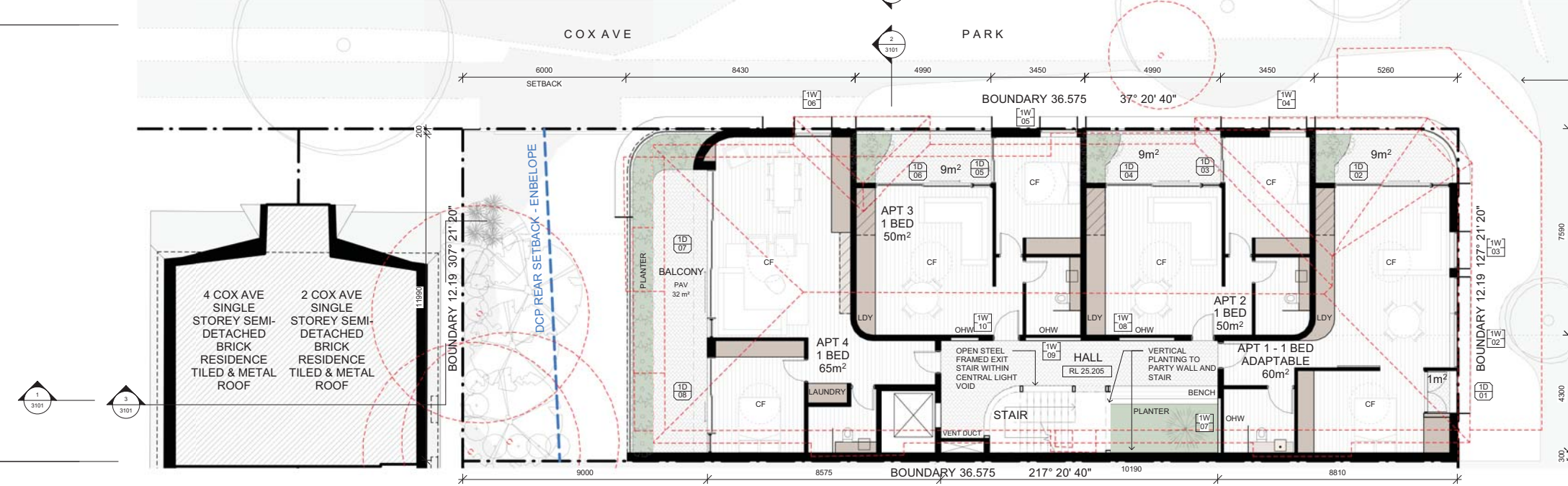




LEVEL 03
1:100



LEVEL 02
1:100



LEVEL 01
1:100

GENERAL NOTES:
 CEILING FANS (CF) PROPOSED TO ALL APARTMENT BEDROOM AND LIVING ROOM AREAS
 REFER TO ELEVATIONS FOR WINDOW OPERATION
 OPERABLE HIGHLIGHT WINDOWS (OHW) PROPOSED TO APARTMENT ROOMS FACING INTERIOR LIGHT VOID

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HYDRAULIC ENGINEER ITM Design T + 61 2 9997 1566	TRAFFIC CONSULTANT Varga Traffic Planning T + 61 2 9904 3224		

ABBREVIATIONS

AF	ALUMINUM FRAMED APARTMENT	LEP	LOCAL ENVIRONMENTAL PLAN
AW	ALUMINUM FRAMED WINDOW	MRS	METAL ROOF SHEETING
BAL	BALUSTRADE	(N)	NEW
BALC.	BALCONY	(O)	OPERABLE - OPERABLE WINDOW - OPERABLE HIGHLIGHT WINDOW
BK	BRICK	OHW	OPERABLE HIGHLIGHT WINDOW
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P 11	05.10.18	For Consultants	EL	JR
P 12	12.10.18	For Consultants	EI	JR
P 13	17.10.18	For Consultants	EL	JR
P 14	18.10.18	For Consultants	EL	JR
A	08.11.17	DA Submission	EL	JR
B	26.10.18	For DA Submission	EL	JR

Proj. Dir	Proj. Arch	Drawn	Scale
JR	EL	JKS/NC	1:100 @ A1
Job No.	Date		
160361	OCT 18		

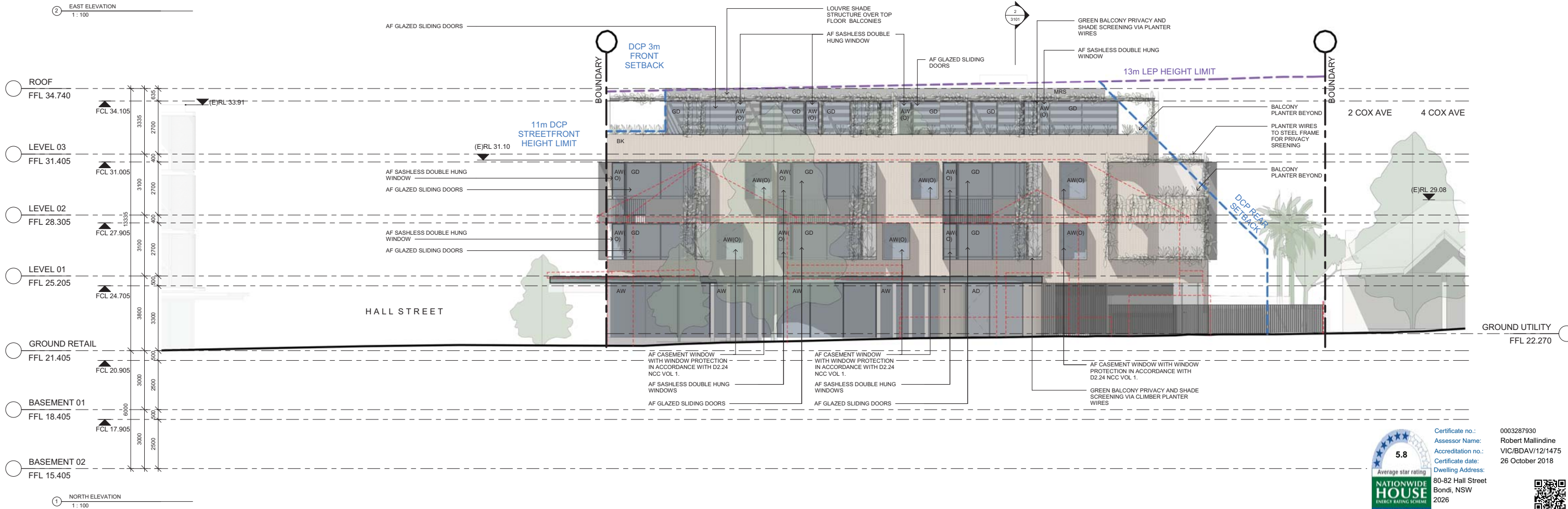
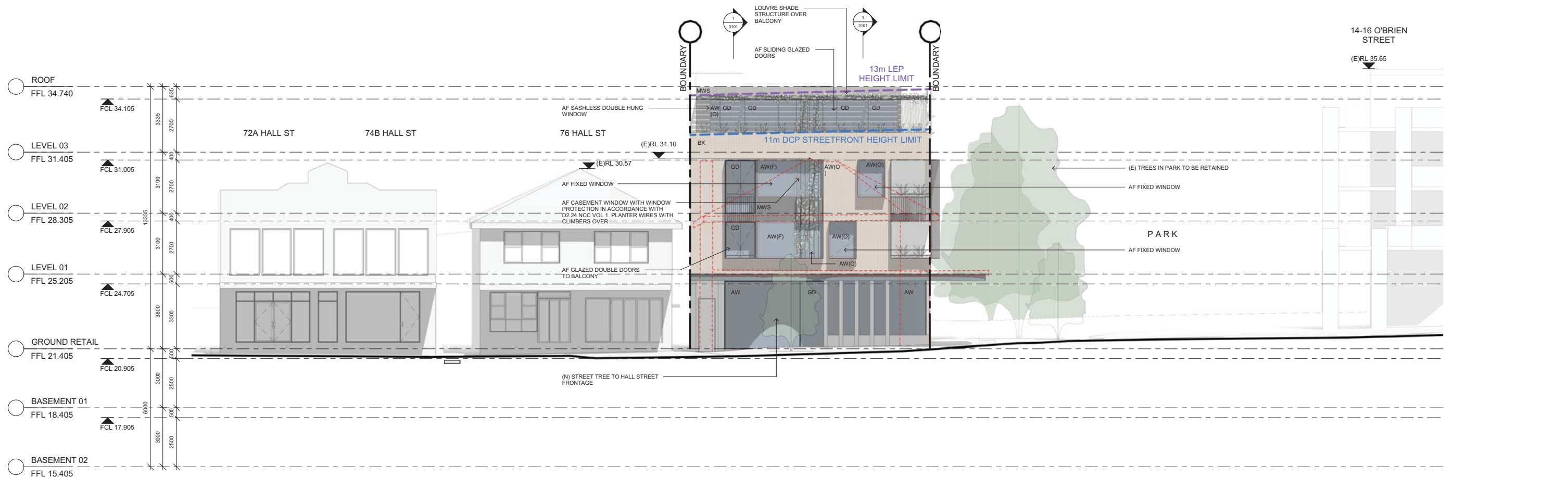
Project
80-82 HALL STREET, BONDI BEACH
 Drawing Title
LEVELS 1-3 FLOOR PLANS
 Drawing No.
AR-DA-2002
 Revision
B

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14-16 O'BRIEN STREET
(E)RL 35.65

2 COX AVE 4 COX AVE
(E)RL 29.08

Certificate no.: 0003287930
 Assessor Name: Robert Mallindine
 Accreditation no.: VIC/BDV/12/1475
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P 6	22.09.17	For Consultant Information	EL	JR
P 7	27.09.17	For Consultant Coordination	EL	JR
P 8	03.10.18	For Consultants	EL	JR
P 9	05.10.18	For Consultants	EL	JR
A	08.11.17	DA Submission	EL	JR
B	26.10.18	For DA Submission	EL	JR

Proj. Dir	Proj. Arch	Drawn
JR	EL	JKS/NC
Job No.	Date	Scale
160361	OCT 18	1:100 @ A1

NSW Nominated Architects:
 Robert Davison Reg. No. 5782
 Alex Kibble Reg. No. 6015

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Project
80-82 HALL STREET, BONDI BEACH

Drawing Title
ELEVATIONS 01

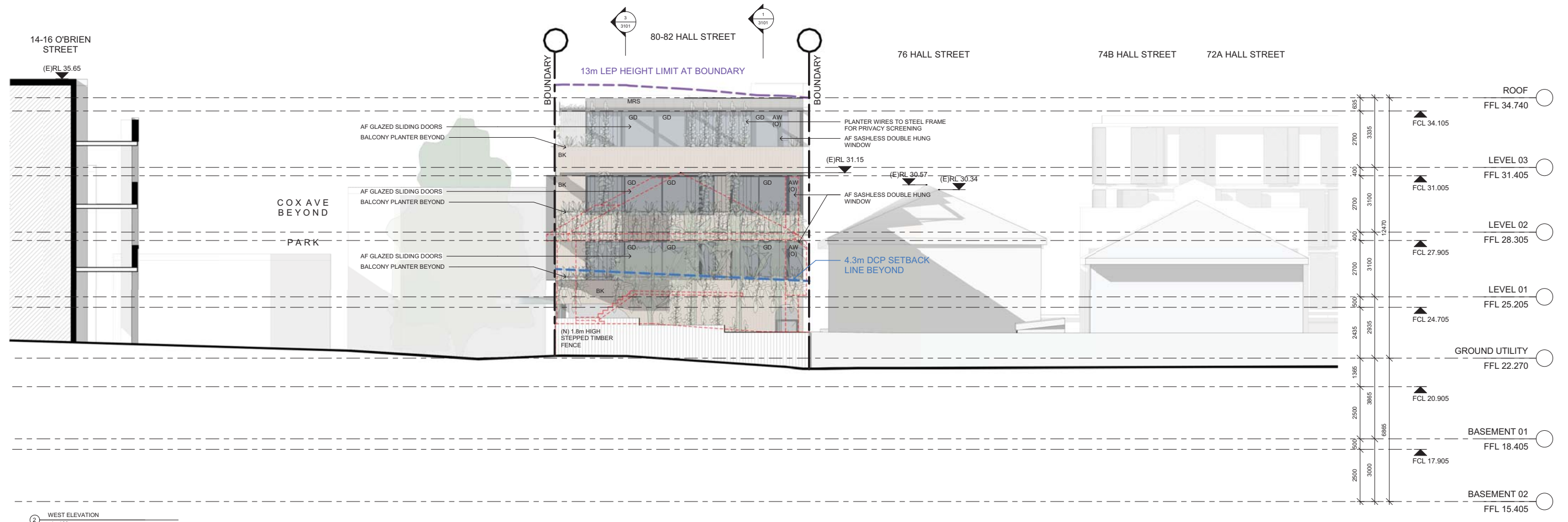
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AR-DA-3001

Revision
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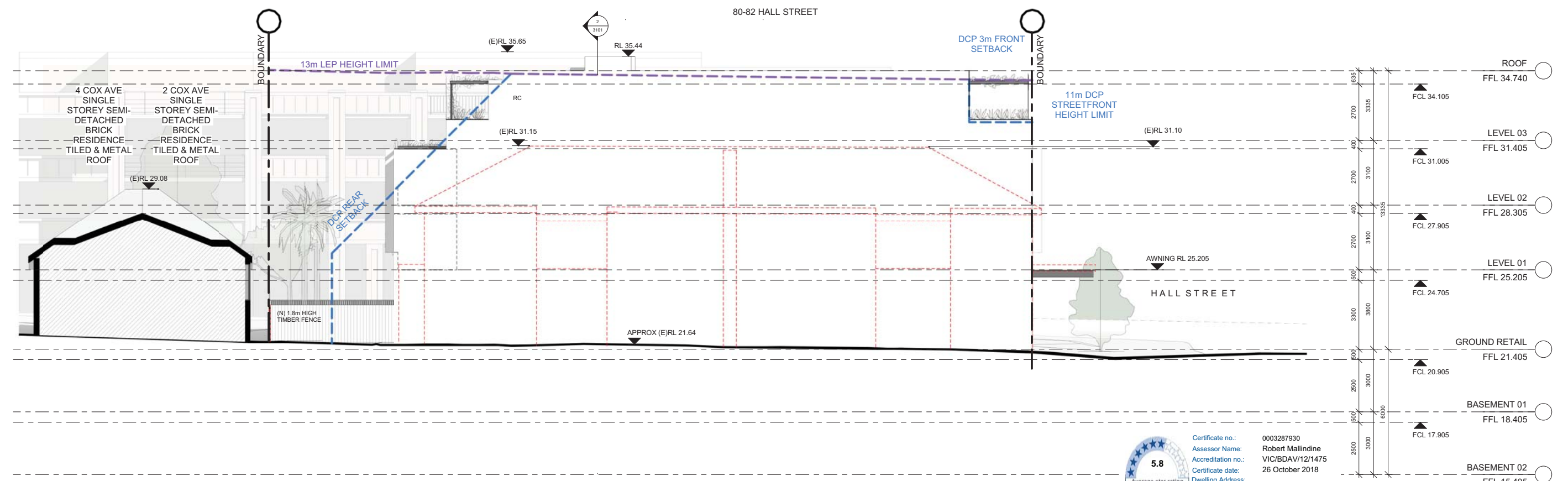
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2 WEST ELEVATION
1:100



1 SOUTH ELEVATION
1:100



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Proj. Dir	Proj. Arch	Drawn
JR	EL	JKS/NC
Job No.	Date	Scale
160361	OCT 18	1:100 @ A1
NSW Nominated Architects: Robert Denton Reg. No. 5782 Alex Kibble Reg. No. 6015		

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Project
80-82 HALL STREET, BONDI BEACH
Drawing Title
ELEVATIONS 02
Drawing No.
AR-DA-3002
Revision
B

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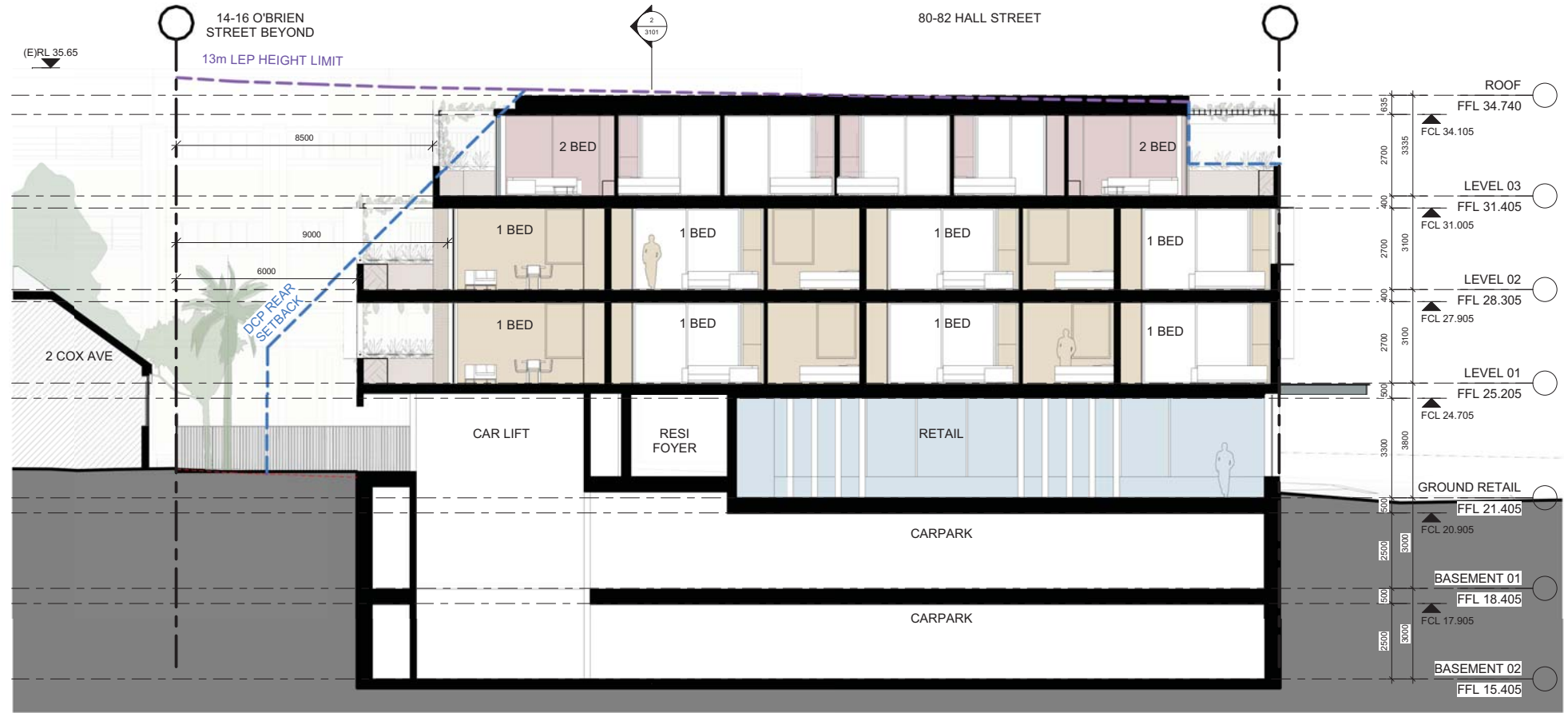


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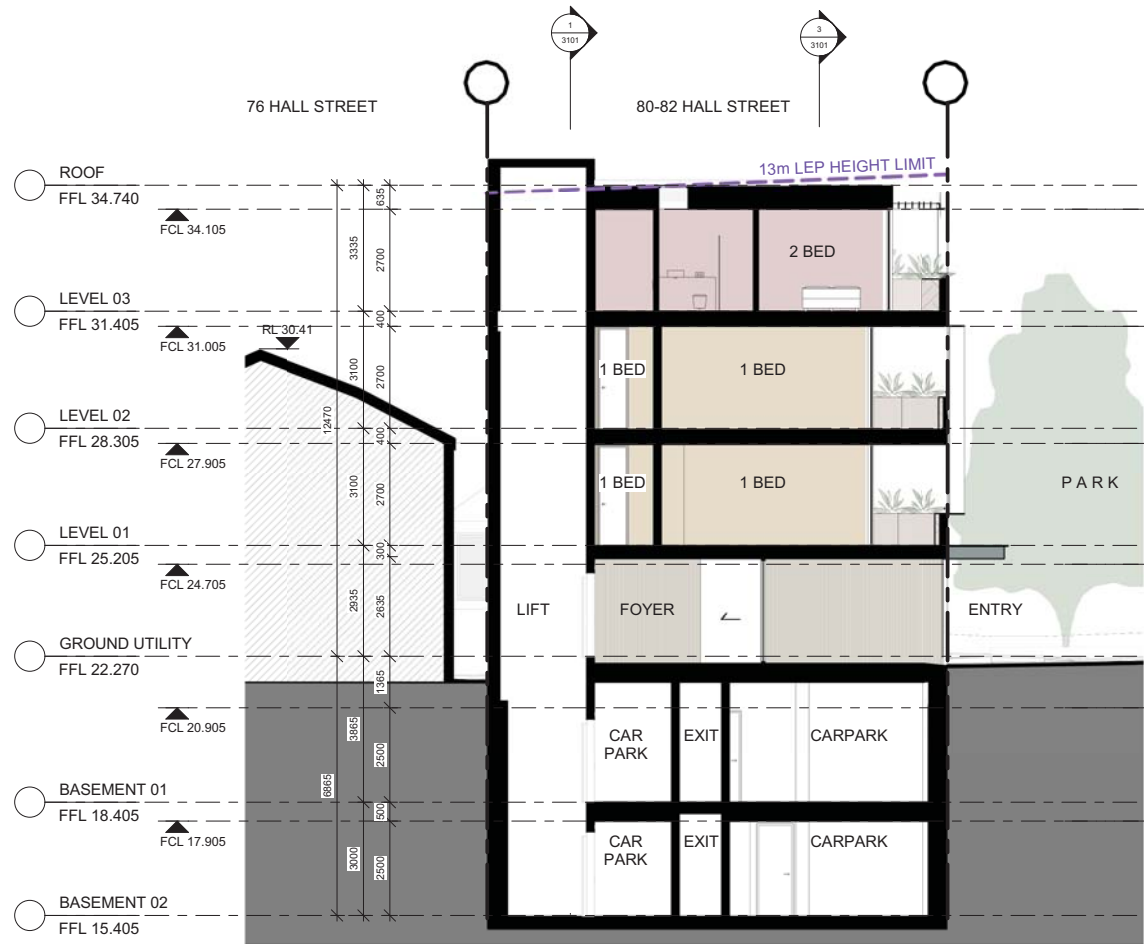




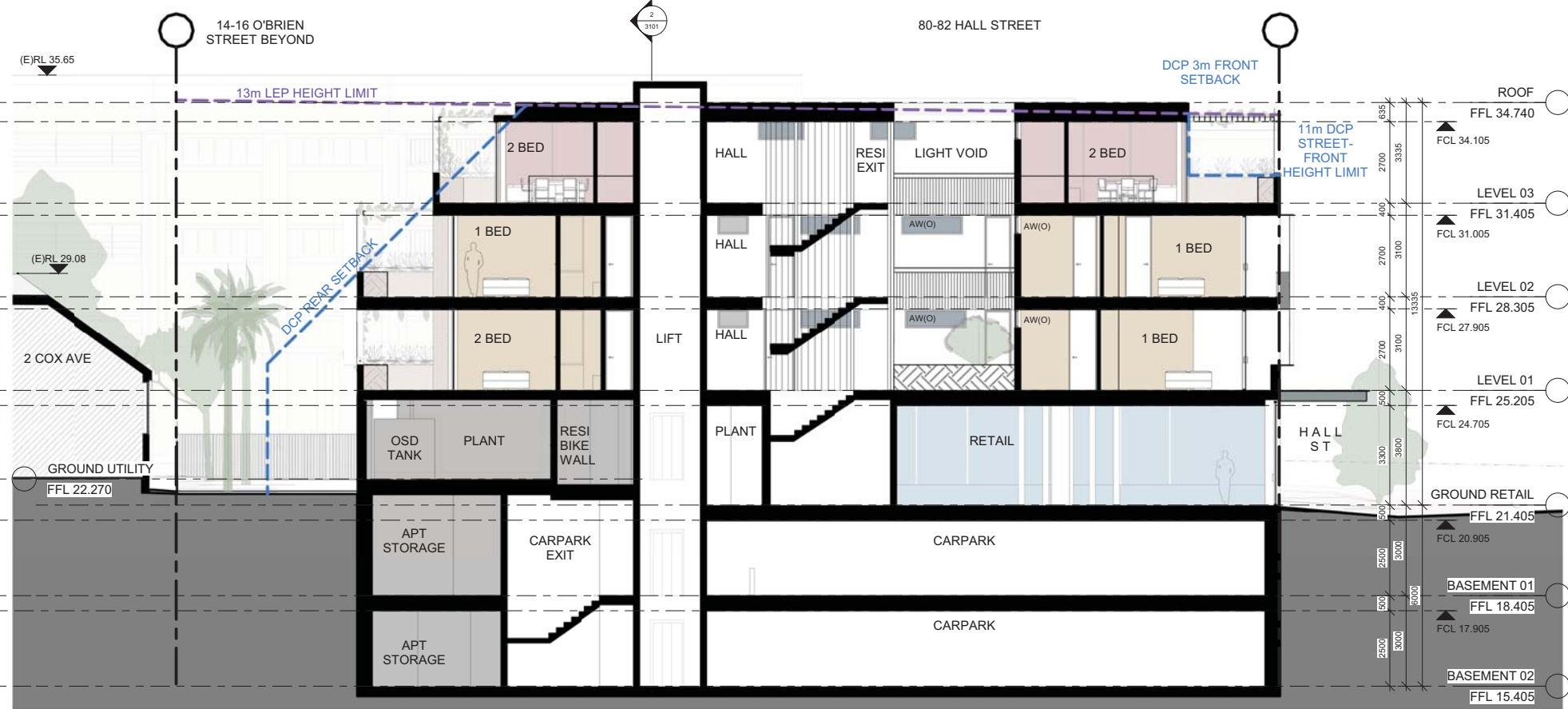
Certificate no.: 0003287930
 Assessor Name: Robert Mallindine
 Accreditation no.: VIC/BD/AV/12/1475
 Certificate date: 26 October 2018
 Dwelling Address: 80-82 Hall Street, Bondi, NSW 2026
 www.nathers.gov.au



Section 3
1:100



Section 2
1:100



Section 1
1:100

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ABBREVIATIONS
 AF ALUMINUM FRAMED
 APT APARTMENT
 AW ALUMINUM FRAMED WINDOW
 BAL BALCONY
 BALK BALCONY
 BK BRICK
 CF CEILING FAN
 DCP DEVELOPMENT CONTROL PLAN
 (E) EXISTING
 FFL FINISHED FLOOR LEVEL
 (F) WINDOW - FIXED
 GD GLAZED DOOR

LEP LOCAL ENVIRONMENTAL PLAN
 MRS METAL ROOF SHEETING
 MWS METAL WALL SHEETING
 (N) NEW
 (O) OPERABLE
 OHW OPERABLE HIGHLIGHT WINDOW
 RC REINFORCED CONCRETE
 RL RELATIVE LEVEL TO AHJ
 SKL SKYLIGHT
 STO STORE
 TL TILE
 WC WATER CLOSET

Rev	Date	Description	Checked	Auth.
P 7	27.09.17	For Consultant Coordination	EL	JR
P 8	24.10.17	For Town Planner	EL	JR
P 9	03.10.18	For Consultants	EI	JR
P 10	05.10.18	For Consultants	EL	JR
A	08.11.17	DA Submission	EL	JR
B	26.10.18	For DA Submission	EL	JR

Proj. Dir	Proj. Arch	Drawn
JR	EL	JKS/NC
Job No.	Date	Scale
160361	OCT 18	1:100 @ A1

Do not scale drawings. Verify all dimensions on site. Notify architect of all discrepancies

Project
80-82 HALL STREET, BONDI BEACH

Drawing Title
SECTIONS

Drawing No.
AR-DA-3101

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10 20 30 40 50

Multi Dwelling

Certificate number: 85695M_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability...

Secretary Date of issue: Friday, 20 October 2018 To be valid, this certificate must be lodged within 2 months of the date of issue.



Project summary table with columns: Project name, Street address, Local Government Area, Plan type and plan number, Lot no., Section no., No. of residential flat buildings, No. of units in residential flat buildings, No. of multi-dwelling houses, No. of private dwelling houses, Project score, Water, Thermal Comfort, Energy.

Certificate Prepared by table with columns: Name, Company Name, ABN.

Description of project

Project address and Common area landscape tables. Project address includes Project name, Street address, Local Government Area, Plan type and plan number, Lot no., Subdivision. Common area landscape includes Common area lawn, Common area garden, Area of indigenous or low water use vegetation, etc.

Description of project

The tables below describe the dwellings and common areas within the project.

Residential flat buildings - Building 1, 10 dwellings, 4storeys above ground

Table with 4 columns: Dwelling no., No. of bedrooms, No. of bathrooms, No. of living areas, No. of dining areas, No. of kitchen areas, No. of laundry areas, No. of storage areas, No. of balconies, No. of terraces, No. of pergolas, No. of car parks, No. of other internal common areas.

Description of project

The tables below describe the dwelling and common areas within the project.

Common areas of unit building - Building 1

Table with 4 columns: Common area, Floor area (m²), Common area, Floor area (m²). Rows include Car park area, basement 2, LRT car (No.2), Other internal common, bike store, Car park area, basement 1, Garage room, Ground floor lobby types.

Schedule of BASIX commitments

1. Commitments for Residential flat building - Building 1

- (a) Dwellings (i) Water (ii) Energy (iii) Thermal Comfort (b) Common areas and central systems/facilities (i) Water (ii) Energy

2. Commitments for multi-dwelling houses

3. Commitments for single dwelling houses

4. Commitments for common areas and central systems/facilities for the development (non-building specific)

- (i) Water (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out...

1. Commitments for Residential flat buildings - Building 1

(a) Dwellings

Table with 4 columns: Dwelling no., Alternative water supply system, Size, Configuration, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (a) The applicant must comply with the commitments listed below...

(b) Thermal Comfort

Table with 4 columns: Dwelling no., Area adjusted heating load, Area adjusted cooling load, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (i) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in the BASIX Certificate...

4. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

Table with 4 columns: Common area, Showerheads rating, Toilet rating, Taps rating, Clothes washers rating, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (i) Water, (ii) Energy.

Table with 4 columns: Dwelling no., Alternative water supply system, Size, Configuration, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (i) Energy.

Table with 2 columns: Dwelling no., Area adjusted heating load, Area adjusted cooling load. Rows include All other dwellings.

Table with 3 columns: Central energy systems, Type, Specification. Rows include Alternative energy supply, Photovoltaic system.

Table with 4 columns: Dwelling no., Hot water system, Bathroom ventilation system, Kitchen ventilation system, Laundry ventilation system, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (i) Energy.

Table with 4 columns: Dwelling no., Alternative water supply system, Size, Configuration, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (i) Water.

Table with 4 columns: Dwelling no., Alternative water supply system, Size, Configuration, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (i) Energy.

Table with 4 columns: Dwelling no., Cooling, Heating, Artificial lighting, Natural lighting. Rows include 1, 8, 4, 8, 9, 10, All other dwellings.

Table with 4 columns: Dwelling no., Individual pool, Individual spa, Appliances & other efficiency measures. Rows include All dwellings.

Table with 4 columns: Dwelling no., Alternative water supply system, Size, Configuration, Show on DA plans, Show on CC/CDD plans & specs, Certifier check. Rows include (a) The applicant must attach the certificate referred to under 'Assessor details'...

Table with 4 columns: Common area, Ventilation system type, Ventilation efficiency measure, Primary type of artificial lighting, Lighting efficiency measure, Lighting control system. Rows include Car park area, basement 2, LRT car (No.1), LRT car (No.2), Change room, Plant or service room, Other internal common, bike store, Ground floor lobby types, Hallway/lobby types.

Table with 3 columns: Central energy systems, Type, Specification. Rows include Central hot water system (No. 1), LRT (No. 1), LRT (No. 2).

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ABBREVIATIONS table with columns: Abbreviation, Full name, Full name.

Table with 4 columns: Rev, Date, Description, Checked, Auth. Rows include 08.11.17 DA Submission, 26.10.18 For DA Submission.

Table with 3 columns: Proj. Dir, Proj. Arch, Draw. Rows include JR, EL, JKS/NC.

Table with 3 columns: Job No., Date, Scale. Rows include 160361, 18 OCT 18, 1:1 @ A1.

Table with 3 columns: Drawing Title, Drawing No., Revision. Rows include BASIX COMMITMENTS, AR-DA-8002, B.

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Do not scale drawings. Verify all dimensions on site. Notify architect of all discrepancies

Project 80-82 HALL STREET, BONDI BEACH

Drawing Title BASIX COMMITMENTS Drawing No. AR-DA-8002 Revision B

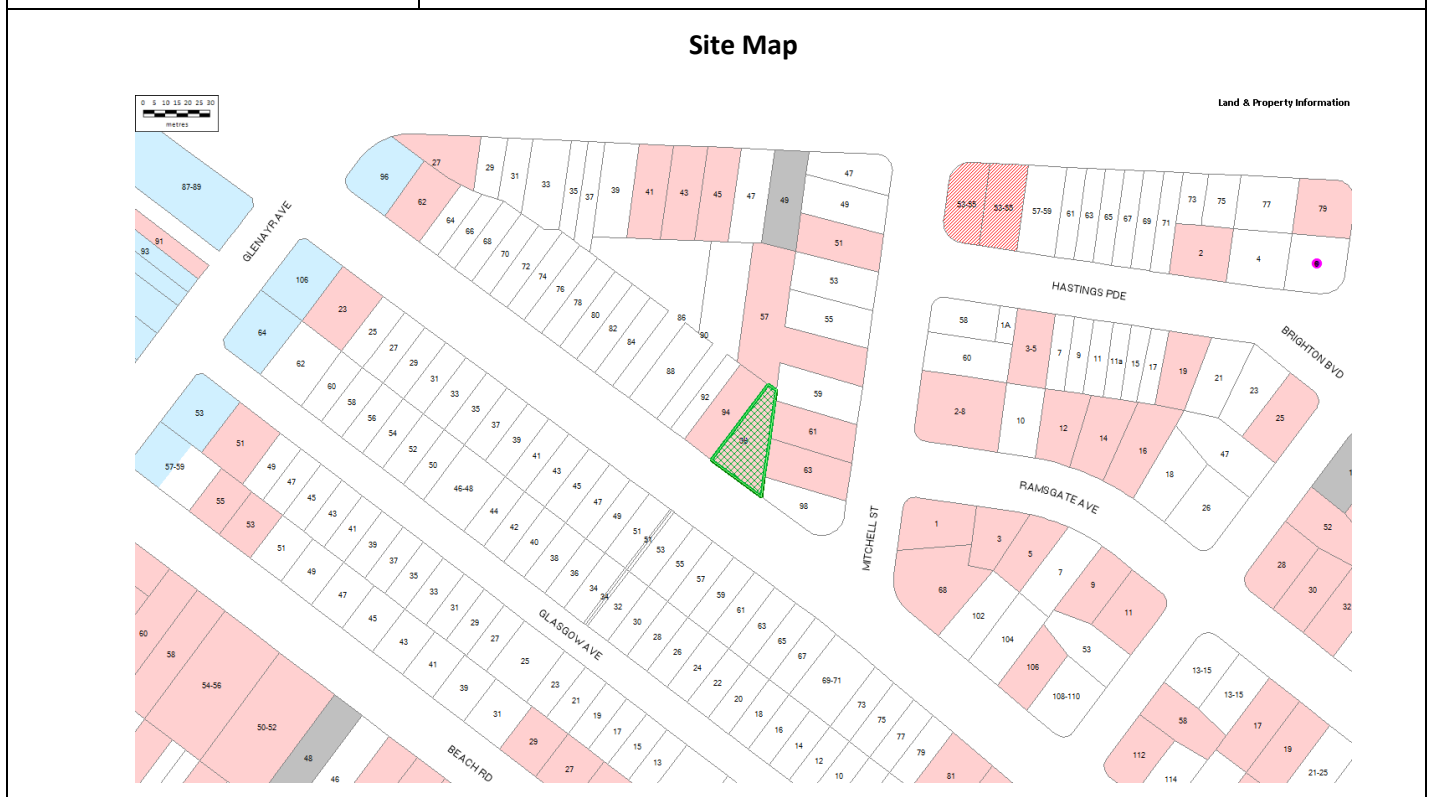
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Report to the Waverley Local Planning Panel

Application number	DA-14/2018
Site address	96 Warners Avenue, Bondi Beach
Proposal	Alterations and additions to existing residential flat building including a third storey addition to provide a fifth unit and refurbishment of the existing four garages
Date of lodgement	25 January 2018
Owner / Applicant	NSS Nominees Pty Ltd
Submissions	Two submissions
Cost of works	\$1 583 205
Issues	Setbacks; Transport and parking.
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out by the Assessing Officer on 17 July 2018 and again with the Development and Building Unit (DBU) on 22 August 2018.

The site is identified as SP 30942, known as 96 Warners Avenue, Bondi Beach. It is located on the north-eastern side of Warners Avenue, one property to the east of the intersection with Mitchell Street.

The site is generally triangular in shape with a northern (rear) boundary measuring 4.165m, eastern and western (side) boundaries measuring 38.145m and 33.53m, respectively and a southern (front) boundary measuring 22.365m. The site has an area of 444.7m² and falls 2m from the rear of the site to the footpath level on Warners Avenue at the front of the site.

The site is occupied by a two-storey Interwar residential flat building containing four units. A row of garages has been previously excavated into the front of the site to provide vehicular access from Warners Avenue. The building then sits above these garages with stairs accessing the building from Warners Avenue in the centre of the site to the two upper floor units and on both side boundaries to access both ground floor units. The ground floor units have access to large terraces at the front of the site over the garages. The upper floor units have access to small inset balconies at the rear with a single stair to the rear garden which is used as communal open space.

The subject site is adjoined by another Interwar residential flat building to the west similarly arranged to the subject site with two-storeys above street level garages with terraces over. To the east is a three-storey residential flat building addressing the corner of Warners Avenue and Mitchell Street. The rear elevation of this building adjoins the eastern side boundary of the subject site. The eastern boundary of the subject site is also adjoined by the rear boundaries of 59, 61 and 63 Mitchell Street, all containing three-storey residential flat buildings.



Figure 1: Subject site frontage



Figure 2: Site viewed from the rear



Figure 3: Streetscape – the subject site is the central building

1.2 Relevant History

The subject application was deferred on 12 September 2018 for the following reasons:

Bulk and scale

The 'Objection to a Development Standard under Clause 4.6' document is considered inadequate. Notwithstanding, under the current design, the additional floor space ratio (FSR) is not supported due to impacts upon surrounding properties and the streetscape. The proposal must incorporate a setback from the western side boundary to meet the requirements of DCP 2012 and the FSR reduced accordingly to comply with the maximum FSR permissible under Waverley LEP 2012.

The balconies at the front of the site shall be reduced in size to not extend beyond the proposed new common stairs/lift (approx. 2m from the existing front wall). Additionally, the current proposal does not make provisions for the protection of the privacy of the adjoining properties at the front and the rear given that the new balconies will overlook the existing private open space of adjoining properties. This is required to be addressed in the amended design.

Design Excellence Panel

- *The awning over the entry shall not extend beyond the boundaries of the site.*
- *Plumbing risers for the additional apartment should be shown as they will impact the existing apartments.*
- *Ceiling fans be provided in all habitable rooms and shown on the plans.*
- *A light tube could be considered to deliver light to the internalised stair landing at the entry of Units 3 and 4.*
- *Retention of the existing layouts of Units 1 and 2, and to some extent Unit 3, results in limited solar access to principal living areas.*
- *The location of the bin storage area effectively means that residents would need to exit the building into Warners Avenue to deposit refuse / access the bin storage area.*

Further information and inaccuracies:

- *The shadow diagrams don't appear to be correct, particularly the 9am overshadowing. The shadow diagrams should indicate more clearly the full impact of additional overshadowing on adjoining properties through an hour by hour analysis between 9am and 3pm on the winter solstice.*
- *The plans should demonstrate the solar access to the units to clarify compliance with the Apartment Design Guide (ADG).*
- *If additional FSR is continued to be pursued a detailed 'Objection to a Development Standard under Clause 4.6' document is required.*

Amended plans were received on 23 October 2018 to address the above matters and these plans form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for alterations and additions to the existing residential flat building specifically involving the following works:

- Construction of a third storey to provide an additional three-bedroom unit (Unit 5) with balconies at the front and rear.

- Extension to the front of the building to provide new common stairs and lift access to the above ground levels (ie Units 3, 4 and 5).
- New balconies on the front elevation of the building at first floor level (existing Units 3 and 4) and reinstatement of the previously infilled recessed balconies at this level.
- Infilling of the existing rear balconies at the first floor level (existing Units 3 and 4) and the addition of new balconies extending from the rear elevation of the building.
- Infilling of the existing recessed deck/balcony at the rear at the ground floor level (existing Units 1 and 2) and provision of a new terrace extending beyond at ground level.
- New timber fencing at the rear to provide exclusive use of the rear yard for the ground floor units (existing Units 1 and 2).
- Provision of a new central entry from the street level (lower ground) and refurbishment of the existing four garages at this level through the provision of new finishes and garage doors.
- Refurbishment of the existing bin storage area and new stormwater tank in the south-eastern corner (front) of the site.
- Internal and external alterations (ie, new ramps, gates and windows).
- New external finishes to modernise the existing building at the front and rear with the existing side elevations (including windows) remaining largely intact.

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 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 65 Design Quality of Residential Flat Development

The original proposal was referred to the Design Excellence Panel (DEP) on 19 February 2018. The Panel’s comment of the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment, where relevant, are set out in **Table 1** below:

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
<p>Principle 1: Context and Neighbourhood</p>
<p><i>The triangular 447.7m² site is presently occupied by a three-storey rendered brick building. Access to the four garages is direct from Warners Avenue with the four apartments, located over two levels, accessed via stairs from Warners Avenue. The ground-level apartments are accessed via stairs and path from either side of the existing building while the upper-level apartments are accessed via a central stair from Warners Avenue located between the existing garages.</i></p> <p><i>The landform is broadly level for the majority of the site but drops in the southern sector by some 3 metres to the Warners Avenue frontage.</i></p> <p><i>The neighbourhood character reflects similarly scaled apartment buildings with direct garage access from Warners Avenue, while to the west there are a number of three-storey brick residential flat buildings with tiled roofs.</i></p> <p><i>The separation distances between adjacent buildings and the existing apartments on the subject site are non-compliant with ADG setbacks but reflect the prevailing pattern of tight relationships between existing buildings that help define the character and identity of the area. The site has six direct neighbouring properties consisting of flat buildings in very close proximity. The proposed alterations and additions are focused on a series of design changes to an otherwise bland building, including the addition of a substantial mansard roofed apartment at Level 3, a modified secure entry from the lower level at Warners Avenue together with a central stair and lift that only provides access to Levels 2 and 3.</i></p> <p><i>The completion of the project, as proposed, will introduce a new design language within an otherwise bland, garage dominated streetscape which is somewhat enhanced by the landscape of the established Warner Avenue median. Due to the quality of the design the Panel considers that the proposal has merit, and although an exception to the streetscape character further along, this should not be a basis for outright rejection subject to resolution of the issues raised below.</i></p> <p>Planning comment: The comments of the DEP are agreed. The proposal is considered to introduce a well-considered contemporary element to an otherwise non-descript building and streetscape. The amended proposal decreases the bulk and scale of the proposed development and provides greater articulation. The amended proposal is consistent with the comments of the DEP above.</p>
<p>Principle 2: Built Form and Scale</p>
<p><i>While the proposed built form generally reflects the scale of the three adjacent buildings to the west, the neighbour to the east is a more dominant red brick flat building built up to the front boundary. The introduction of significant horizontal elements in the form of balconies and roofs to balconies as well as the mansard roof form of the proposed additional apartments represents significant change to the existing built form context however it will be more in line with its eastern neighbours.</i></p>

The impact of the proposed additional storey is highlighted by the substantial balconies associated with Levels 2 and 3 as well as a horizontal roof line over the upper balcony and the mansard roof form associated with the Level 3 addition. It could be argued that these changes have no negative impact on 98 Warners Ave however there will be overlooking of the 94 Warners Ave private outdoor space.

The proposed development will modify the prevailing pattern of scale and built form however, as the Applicant has noted, there is a strong influence of Art Deco buildings in the area and the additional storey is within the height control and is generally what happens in principle at the western end of Warners Avenue. Given the width on Warners Avenue the extra floor has little impact.

The Panel recommends that further study be undertaken to justify the impact of the extra height within the surrounding context, as well as a review of privacy and relationships with neighbouring buildings.

The awning over the entry and the addition of a street tree will add character and amenity however the amount of protrusion of the awning needs to be discussed with Council. Plumbing risers for the additional apartment should be shown as they will impact the existing apartments.

The proposed new balconies to the rear gardens will have privacy impacts on neighbours. It is unreasonable to rely on a small planter box to provide visual separation between neighbours. A full height screen on each balcony would be more effective. The balconies could be reduced in size, or at least the eastern one, or they could be indented, or the studies could be used as inverted balcony spaces that serve the kitchen and the living room.

Planning comment: The amended proposal has been reduced in bulk and scale to comply with the maximum FSR for the site, reduce the extent of the balconies toward the front and incorporate previously infilled balconies into the design to provide greater articulation and improve privacy. The amended proposal complies with the FSR and height development standards of the LEP and is considered acceptable in regards to bulk and scale.

The amended plans introduce privacy screening and reduce the extent of balconies at the front which is considered to satisfactorily address privacy issues to surrounding properties. This issue is discussed in detail in Table 2 of this report.

The awning over the front entry is contained within the subject site in the amended plans.

The plumbing riser is concealed behind the new communal stairs at the front of the building and is now shown on the plans.

The plans indicate a street tree along the Warners Avenue frontage, adjacent to the stairs which will be reiterated via a condition of consent.

Principle 3: Density

The proposed development reflects an FSR of 0.98:1 compared with the permissible FSR of 0.9:1. Given the significant scale of Unit 5 and potential impacts on adjacent property, the Panel considered that the scale of development should be modified to be more consistent with the maximum permissible FSR unless it can be demonstrated that there are no negative impacts. The

proposal would create a precedent for other flat buildings in the street and this should be a considered as an impact.

The Panel noted that the proposal involved limited modifications to the ground floor and first floor units.

Planning comment: The amended plans reduce the FSR to 0.9:1 to comply with the development standard of the LEP.

Principle 4: Sustainability

The proposal to upgrade, enhance and modify the existing structure is commended. The proposal provides for a limited number of sustainability measures including an open “green” central stair, solar hot water panels and provision for OSD.

The Panel recommends that ceiling fans be provided in all habitable rooms to reduce the need for airconditioning.

A light tube could be considered to deliver light to the internalised stair landing at the entry of Units 3 and 4.

Planning comment: Ceiling fans have been shown on the amended plans. In terms of the delivery of light to the common stairs, the stairs are open design on the southern elevation providing sufficient light to the common stairs below. A further light tube through the topmost stairs, which are not common stairs at this level being for the sole use of Unit 5, is considered unnecessary.

Principle 5: Landscape

Limited landscaping measures are proposed which include:

- *the planting of a Banksia tree within the Warners Avenue reserve*
- *planting adjacent to the ground level entry area to Unit 2*
- *planting and landscape works within the triangular area located in the northern sector of the site.*

The Panel noted the proposal to “privatise” the northern landscaped area by assigning sectors of the landscaped area to the ground-level apartments, Unit 1 and 2. The Panel debated the alternative option of assigning the northern sector of the subject site for communal open space. In part the debate focused on the degree to which the landscape area would be sustained if retained in communal use compared with the alternative of being under “private control”. It was noted that large terraces are proposed for upper-level units to ensure a measure of access to external sunlit spaces for residents. It was also noted that it would be necessary for all residents above the ground floor to exit the building via Warners Avenue and then climb stairs and travel along a narrow passageway past Unit 1 to access any such communal space. On balance the Panel concluded that the proposed allocation of the ground level northern sector of the site to private open space (Units 1 and 2) was an appropriate response.

It is not clear if the proposed new trees will replace any privacy offered by the trees to be removed. This should be given careful consideration.

Planning comment: The comments of the DEP in regards to the allocation of the existing rear communal space to private space for the ground floor units is agreed. The upper floor units are to be provided with balconies on the front and rear, which together, exceed the requirements of

the Apartment Design Guide (ADG). The allocation of the rear yard to the ground floor units which have direct access is considered appropriate and is supported.

The application was referred to Council's Tree Preservation Officer with full comments in Section 3 of this report. The landscape plan indicates the retention of a number of trees within the rear yard and replacement of those to be removed. It is noted that three of the four trees to be removed are exempt species. There are two large trees along the eastern boundary of the site which provide significant privacy between the existing balconies and the rear of the residential flat buildings to the east. The tree closest to the rear of the building is to be removed however, the amended plans introduce planted landscaping screens to side boundaries of the rear balconies to mitigate privacy impacts due to the removal of this tree. The other large tree on this boundary is to be retained and will continue to provide screen planting to the new balconies proposed, in addition to the landscaped screening including in the amended plans.

Principle 6: Amenity

The Panel noted that despite the introduction of a new at grade entrance from Warners Avenue, new central stair and lift that only three of the five apartments readily provided for disabled access. Access to Units 1 and 2 were effectively via narrow 900mm paths each with stairs rising some 3 metres from the Warners Avenue frontage. In the case of Unit 2, distances between the existing structure and property boundary were reduced to 604mm. The applicant noted there may be potential for minor alterations to the wall on that corner, and such an approach to improve the access potential would be supported by the Panel subject to structural adequacy.

The Panel considered that given the scale of the proposed changes and introduction of enhanced amenity, advantage should be taken of the proposed lift and central stair to provide equity of access to all units within the complex – if not now at least there should be the capability in the future. The stair configuration would need to be modified.

The Panel also noted that retention of the existing layouts of Units 1 and 2, and to some extent Unit 3, resulted in limited solar access to principal living areas.

The location of the bin storage area effectively means that residents would need to exit the building into Warners Avenue to deposit refuse / access the bin storage area.

Planning comment: The ground floor unit entries are accessed from the side boundaries to separate recessed entries to each unit on the side elevations. The proposed works to the ground floor units are minimal essentially retaining as existing with minor extensions at the rear and the provision of rear decks. Given these units are existing, the existing entries are considered acceptable. Similarly, the existing units are being retained and as such, the solar access to these units is as existing. Units 2 and 4 on the eastern side will be provided with new north facing windows for improved solar access to living areas. However, in terms of the other units, solar access is a result of the retained layout and without demolition and rearrangement of the layout of each unit, solar access will remain as existing. This is considered acceptable in this regard.

Likewise, the waste storage area within the south-eastern corner of the site and the access to this area is existing and is being retained. There is limited scope to provide this in another area of the site which would not require traversing to the street to access. Given this is an existing situation, it is considered acceptable.

Principle 7: Safety

The proposal would provide added surveillance to Warners Ave.

The number of driveways are an existing condition.

Principle 8: Housing Diversity and Social Interaction

The addition of a three-bedroom apartment at Level 3 will provide a limited addition to housing diversity however it provides more accommodation in an area of high amenity and is therefore supported by the Panel. Access to the central stair and lift for all units could provide an enhanced focus for social interaction.

Planning comment: This issue has been previously discussed above under ‘Principle 7’.

Principle 9: Aesthetics

The Panel generally supported the design approach that had been adopted. The positive juxtaposition with the existing stepped built form profile to the north-west along Warners Avenue and the vertical built form profile of the residential flat buildings to the south-east of the subject site were noted.

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 and these controls have been deleted from Table 5 relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	<p>No</p> <p>N/A</p>	<p>This issue is discussed in detail following this table.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Increased separation of 3m where adjoins a lower density zone 		<p>The proposal adjoins the RE2 Private Recreation zone at the rear which is not a lower density zone given that the same FSR is applicable to this site as the subject site.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	No	<p>100% of units receive at least 2 hours mid-winter to private open spaces. In terms of living areas, the new upper floor unit receives 3 hours and the two units below this on the eastern side of the building have windows on the eastern and northern elevation and would receive a similar amount. In this regard, 3 of the 5 units will receive adequate solar access to living areas. The remaining 2 units are existing and due to orientation and the retention of the existing configuration, solar access to living areas is limited. However, the proposal includes the extension of the kitchen and provision of a larger northern window for improved solar access. This is considered reasonable.</p> <p>All units are dual aspect and as such all receive some direct sunlight mid-winter.</p> <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects therefore, 100% of the units can be naturally cross ventilated. <p>The proposal uses a combination of full height openable doors, windows and skylights to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	<p>The ceiling heights within all units comply with the minimum requirement.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 	Yes	<p>The existing four 3-bedroom units are being retained predominantly as existing with the exception of small extensions toward the rear, effectively making each unit slightly larger in</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • 2 Bed = 70 m² • 3 Bed = 90 m² • Add 5m² for each additional bathroom (above 1) • Add 12m² for each additional bedroom <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Master beds min area of 10m² and all other bedrooms 9m²</p>		<p>area. Any non-compliance with the ADG is an existing situation which the subject proposal improves upon. This is therefore considered acceptable.</p> <p>The proposed new Unit 5 has a gross floor area (GFA) of 114.51m² which is in excess of the ADG control.</p> <p>The proposed new unit at the topmost floor (Unit 5) complies with the requirements of the ADG in terms of dimensions and area for bedrooms, living rooms, robes and storage.</p> <p>All kitchens in all units are separate to the circulation spaces.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	<p>The proposal includes new balconies on the front and rear for all units, including the existing four units within the building. In this regard, 100% of the units are provided with a balcony or courtyard accessed from the main living areas with a combined area that meets the minimum requirements of the ADG.</p> <p>The balconies have been designed to integrated into, and contribute to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Landscaped screens or solid side walls are provided to balconies to enhance privacy.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	<p>A maximum of two units is accessed off each circulation core.</p>
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	No	<p>Overhead storage is provided to each garage space. Once again, the four existing units are being retained with the existing configuration. Additionally, storage is provided by way of the overhead storage within each garage however this is unlikely to meet the minimum requirements. Notwithstanding, given the units</p>

Design Criteria	Compliance	Comment
		<p>are existing, the non-compliance is considered acceptable. It is noted that each of these units have a study which is likely to meet the requirements for storage under the ADG and can be used for storage if so desired by the occupants.</p> <p>The new upper floor unit (Unit 5) provides storage to meet the requirements of the ADG.</p>

The following is a detailed discussion of the issues identified in the compliance table above in relation to the SEPP 65 ADG.

Visual privacy

The existing building has nil side boundary setbacks from the eastern boundary and 905mm from the western boundary. However, given that this is the existing building, compliance with separation distance controls cannot be retrospectively applied.

The separation distances to the boundary for the proposed upper level varies from 2.9m to 3.6m (from windows) on the eastern side where the ADG requires 6m, and 2m on the western side where the ADG requires 3m. The windows on the western side elevation are to be obscure glazed and are to bathrooms only, which is a non-habitable room. Privacy impacts from these windows, particularly given the obscure glazing will not be unreasonable.

The ADG requires 6m separation distances from the boundary for balconies. The proposed rear balconies provide 828mm on the eastern side and 3.4m on the western side and approximately 11m from the rear boundary. Although the balconies have sufficient separation from the rear boundary, the irregular triangular shape of the site, means that the rear of properties fronting Mitchell Street are very close to the proposed balconies. The amended plans have provided planter boxes on the side boundaries of the balconies with further screening by way of 1600mm high landscaped trellis privacy screens. A condition will require that the trellis to which the climbing plants are attached is sufficiently enclosed to ensure privacy if the climbing planting does not flourish.

The proposed front balconies have adequate separation from the properties opposite the site on Warners Avenue. However, the separation from side boundaries is 5.9m (angled) from the eastern side boundary which generally complies with the ADG requirement of 6m, and 4m from the western side boundary which is non-compliant with the ADG. As detailed previously, the amended plans include landscaped trellis privacy screening to the western side of the new balconies to ensure that overlooking of the outdoor terraces on the adjoining western property is ameliorated. The ground level terraces over the garages are existing however the proposal incorporates new planter boxes on the side boundaries to provide increased privacy for adjoining properties.

The proposal includes new windows on the rear elevation at all levels with a separation distance of 5.5m to the eastern side boundary (angled) and 14m to the rear boundary. Although these windows will have views towards the rear of properties fronting Mitchell Street, the separation is considered acceptable given that the views will be oblique in most cases.

Given the above detailed analysis, the separation distance and privacy measures proposed are considered acceptable. The proposal is unlikely to result in unreasonable privacy impacts upon adjoining properties given the design changes in the amended plans to address this issue.

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 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The land use of the proposal is defined as a residential flat building, which is permitted with consent in the R3 zone. The proposal is consistent with the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	Yes	The proposal has a maximum height of 12.359m complying with the development standard.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 	Yes	The proposal has an FSR of 0.9:1 complying with the development standard.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not heritage-listed or located within a conservation area however it adjoins the Warners Avenue Landscaped Conservation Area (C65 on the Heritage Map of LEP 2012) at the front of the site. At present, the site provides no landscaping at the front of the site. The significance of the conservation area relates to the street trees contained within the traffic island running through the centre of Warners Avenue. The proposal will not impact upon the street trees and as such, will not harm the significance of the conservation area. The introduction of landscaped planters to the front elevation of the building will contribute to the landscape nature of the street and is considered acceptable.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located in an area designated as Class 5 on the Acid Sulfate Soils Map. The proposal involves little excavation and will likely be unaffected by acid sulfate soils. No further recommendations are made in this regard.
6.2 Earthworks	Yes	The proposal includes only a minor amount of excavation. All standard conditions are recommended in Appendix A. In this regard, no objection is raised to the excavation in relation to the proposal.

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 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Bin storage is provided in the southeast corner of the site concealed behind front fencing. Level access is provided to the street via a new ramp along this side of the building. A Site Waste and Recycling Management Plan was provided with the application which is considered adequate. The proposal is consistent with the objectives and relevant controls of this part of the DCP.
2. Energy and water conservation	Yes	A BASIX Certificate was provided with the application. Appropriate openings are provided on all elevations for adequate cross ventilation and solar access. The proposal is consistent with the objectives and controls within this part of the DCP.
5. Tree preservation	Yes	Full comments from Council's Tree Preservation Officer are included in Section 3 of this report.

Development Control	Compliance	Comment
6. Stormwater	Yes	The stormwater plans were referred to Council's Stormwater Engineers and found satisfactory. Appropriate conditions are included in Appendix A.
7. Accessibility, adaptable dwellings	Yes (on merit)	<p>The ground floor unit entries are accessed via stairs from the side boundaries to separate recessed entries to each unit on the side elevations. The proposed works to the ground floor units are minimal essentially retaining as existing with minor extensions at the rear and the provision of rear decks. Given these units are existing, the existing entries are considered acceptable.</p> <p>The proposal includes a new communal stair and lift at the front of the building to access those units above ground level.</p>
8. Transport	No	Refer to detailed discussion following the tables in this report.
9. Heritage	Yes	Refer to comments in Table 1.
10. Safety	Yes	<p>The proposal provides balconies on the front elevation overlooking the street for increased passive surveillance of the street. Larger windows and doors on the front and rear elevations further increase passive surveillance.</p> <p>The new entry lobby ensures a clear and identifiable entry to the building. New fencing and gates clearly delineates private and public space.</p> <p>The proposal is consistent with the objectives and controls of this part of the DCP.</p>

Table 5: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.1 Special Character Areas		
<p>North Bondi Special Character Area</p> <ul style="list-style-type: none"> Communal landscaped gardens for front setbacks 	Yes (on merit)	The existing building has no landscaping on the front elevation or at the streetscape given the presence of the existing garages at the street level. The introduction of landscaped planters to the front elevation of the building will contribute to the landscape setting of the street and

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • POS allowed to encroach 2.5m into communal front setback when front setback min 6m • Pitched roofs with red tiles • Roof terraces discouraged 		<p>improve the streetscape appearance of the building. A street tree will be imposed via a condition of consent at the frontage of the site.</p> <p>The proposed additional storey has a zinc mansard roof which is inconsistent with the requirement for pitched red tiled roofs. However the proposal seeks to modernise the existing non-descript residential flat building with contemporary, high quality materials. This is considered acceptable as it will provide an improved streetscape appearance that is not out of context with the few recent additions to similar buildings within the vicinity.</p> <p>The proposal does not include a roof terrace.</p> <p>Although inconsistent with the character controls of the DCP, the proposal is considered to contribute to the area and can be supported. Further comments from the Design Excellence Panel are provided in Table 1 in regards to the context and character of the proposal.</p>
2.3 Height		
<ul style="list-style-type: none"> • Maximum external wall height: 9.5m 	No	<p>The proposal has a maximum wall height of 10.5m, only on the rear elevation to the top of the mansard roof. On all other elevations the mansard roof is set in from the levels below and therefore the wall height is a maximum of 8.825m.</p> <p>The proposed additional storey has been designed to provide appropriate setbacks from the level below to present with a well-articulated upper level. The amended plans increase the setback from the western side to limit impacts upon 94 Warners Avenue and generous setbacks are provided from the eastern side to limit overshadowing and privacy impacts. The wall height at the rear is due to the upper level continuing the wall from the level below with balconies then extending beyond. The wall height non-compliance has limited impact upon surrounding properties and the streetscape and is supported.</p>
2.4 Excavation		
<ul style="list-style-type: none"> • No fill to raise levels 	Yes	Fill will not be used to raise levels.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum setback of 1.5m from side boundaries Under building footprint except main access ramp Basements no more than 1.2m out of the ground 	<p>No</p> <p>No</p> <p>No</p>	<p>The proposal includes minimal excavation limited to the front entry from Warners Avenue and the provision of communal stairs and lift access to the upper levels. Further minimal excavation will occur to provide the bin storage area and onsite detention system. All excavation is considered acceptable and standard conditions are recommended in Appendix A.</p> <p>The parking level is existing and has been excavated under the building in the past. The extension to provide a central stair/lift and associated excavation is considered acceptable.</p>
2.5 Setbacks		
<p>2.5.1 Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	No	Refer to discussion following this table.
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 4.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	<p>No</p> <p>Yes</p> <p>N/A</p>	<p>The side setbacks of the existing building remain as existing. The new upper floor level is set back from the eastern boundary by 1082mm - 5.895m and the western boundary by 1.991m – 2.6m. Refer to discussion following this table in relation to side setbacks.</p> <p>The adjoining properties to the west of the site have a clear rear setback which the subject site cannot achieve due to the triangular shape of the site. In this regard, these properties extend well beyond the rear alignment of the existing building. The balcony projections are set back substantially from the rear boundary which is considered acceptable.</p> <p>The existing ground floor footprint is being retained.</p>
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	Refer to Table 1 for comments from the Design Excellence Panel in regards to building design.
2.10 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid <p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>N/A</p> <p>Yes</p>	<p>There is limited change to the front boundary treatment with very little fencing due to the garages. The existing fencing is to be replaced with more modern boundary treatment to a similar height. This is considered acceptable.</p> <p>Side and rear boundary fencing is shown as 1800mm.</p>

Development Control	Compliance	Comment
<i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance Maximum of 1 x 2-way driveway From rear of side where possible Pedestrian safety 	N/A (existing)	The proposal includes the retention of the existing four garages accessed directly from Warners Avenue.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes No Yes	The proposal includes a new pedestrian entry from street level at the front of the site. A communal stair and lift are provided to Levels 1 and 2 however ground level units will continue to be accessed via stairs from Warners Avenue with separate entries on each side elevation of the building. As this is the existing arrangement on site, and the existing units are not being extensively renovated, this is considered acceptable.
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 133m² 50% of the above is to be deep soil: 66.5m² 	Yes Yes	Landscaped area is 32% (140.48m ²) of the site. Deep soil is 156% (104m ²) of the required landscaped area.
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 67m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	No	The proposal includes the loss of the communal rear yard to private use by the ground floor units (Units 1 and 2). However, as detailed previously under the comments of the Design Review Panel, this is considered acceptable.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Min of three hours of sunlight to a min of 70% of units during winter solstice Adjoining properties to retain minimum of three 	Refer to Table 2 (ADG) No	The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies. Shadow diagrams submitted with the application indicate that the proposal will result in additional overshadowing of windows on the

Development Control	Compliance	Comment
hours of sunlight during winter solstice		<p>rear elevation of Nos. 63 Mitchell Street and 98 Warners Avenue to the east of the site. No. 94 Warners Avenue will be unaffected on the winter solstice.</p> <p>Overshadowing of the adjoining sites to the east is not unexpected given that these properties have rear elevations oriented toward the subject site. Any development to a height of 12.5m would result in overshadowing of these properties so therefore the test becomes whether the development is a reasonable expectation for the site.</p> <p>The proposal complies with the development standards of the LEP and generally with the built form controls of the DCP. The proposal incorporates generous setbacks from the eastern side and as such the majority of additional overshadowing falls onto the street. The affected windows appear to be to bedrooms rather than living areas. Notwithstanding, given the density of the area and the tight formation of buildings surrounding the site, overshadowing of adjoining sites is not uncommon. The surrounding properties are predominantly three-storey and as such, a three-storey building on the subject site is not unexpected or unreasonable. A development that complies with the height and FSR development standards is not unreasonable and accordingly the overshadowing impacts of the development are considered acceptable.</p>
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	<p>Yes</p> <p>Refer to Table 2 (ADG)</p>	<p>The proposal will not overlook the lower level units. The upper level units will overlook the rear private open space of the ground floor units however there is private space under the balconies to offset this.</p>
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	<p>Yes</p>	<p>The ground and first floor units retain the existing configuration. The new upper floor unit has been designed to have similar uses over the lower units where possible.</p>

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

Transport and parking

The DCP requires 10 residential spaces and 1 visitor space for the five units within the building. The existing four units provide four parking spaces being one space per unit. Given this is existing, further parking for the existing units is considered unnecessary.

The new top floor unit requires 2 parking spaces under the DCP. There is no scope for additional car spaces to be provided on site without the demolition of the building. The site is within walking distance of both Glenayr Avenue and Blair Street which contain shops and local service, bus routes and multiple bus stops. Additionally, there are several car share parking spaces within vicinity of the site. Given the accessible location of the site, the site constraints in terms of providing parking and the retention of the existing footprint of the building, the variation to the parking control is supported.

Setbacks

The existing building provides street level garages with set back ground and first floor levels. The proposal includes no alteration to the setback of the garages. At the ground and first floor levels there is a clear pattern of front setbacks within the street which does not extend beyond the existing front alignment of the building. The proposal seeks to extend forward of this alignment by providing projecting balconies at the first and the new second floor level.

As foreshadowed by the Design Excellence Panel, the proposal will introduce a new design language within an otherwise bland, garage dominated streetscape. Due to the quality of the design the Panel considers that the proposal has merit, and although an exception to the streetscape character further along, the Panel has advised that this should not be a basis for outright rejection. The projecting balconies form part of this new design language and provide valuable private open space which is currently limited in this building. The amended proposal has reduced the extent of the balconies forward of the original building to limit impact upon adjoining properties and the streetscape. The resultant building is considered to introduce a new design language, setting the precedent for future contemporary based additions to this otherwise non-descript street. In this regard, the proposed street setbacks are supported.

The proposal fails to comply with the side setback controls of the DCP largely as a result of adding another storey to an existing non-compliant building. The objectives of the side setback controls generally relate to visual relief and perceived bulk between buildings, building separation, retention of existing mature vegetation, screen planting and to provide sufficient space for new landscaping to contribute to the streetscape.

Building separation has been previously discussed in this report, as has the fact that the proposal will introduce landscaping to the front elevation and setback where currently there is none, contributing to the streetscape and the Warners Avenue Landscaped Conservation Area.

In terms of visual relief and perceived bulk, the Design Excellence Panel stated that the proposal *'reflects the prevailing pattern of tight relationships between existing buildings that help define the character and identity of the area. The site has six direct neighbouring properties consisting of flat buildings in very close proximity.'*

The amended proposal has increased the side setbacks and now provides a well-articulated building with a set back upper level that contributes to the streetscape. The reduced setbacks are consistent with the prevailing character of the area and are supported.

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 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 amended plans were not renotified as the amendments reduced the scope of works and did not introduce additional impacts. The submissions are considered to continue to apply to the amended design and are summarised and discussed below.

Table 6: Summary of property addresses that lodged a submission

Property
53 Warners Avenue, Bondi Beach
94 Warners Avenue, Bondi Beach

Issue: *The building already has 4 garages, which are not actually used as garages, with lessees parking across footpath, causing difficulty to people and schoolkids passing by.*

Response: This is not relevant to the subject assessment and is a compliance matter.

Issue: *Out of alignment with the street.*

Response: Setbacks have been previously discussed in this report.

Issue: *The building is already three-storeys.*

Response: The building is two storeys set back behind garages at the street level. Council controls do not stipulate number of storeys. The relevant controls is the height development standard, with which the subject proposal complies.

Issue: *Balconies extending forward will mean additional noise of a ground floor balcony adjacent to our front courtyard/entrance and overlooking. Request that these balconies do not extend so far forward and are limited in size so that we can maintain our privacy.*

Response: The amended plans reduce the forward projection of the balconies and introduce privacy screening on the side boundaries of the balconies to inhibit overlooking of adjoining properties. In terms of acoustic privacy, the size of the balconies has been reduced however, the generation of noise through the use of a balcony is simply household noise common to back yards and private open space and is frequently associated with a residential use.

Noise from the use of a residential property as a dwelling within a residential zone is not unrealistic or unreasonable. Normal use of a residential property will generate residential noise (i.e. neighbours will be able to hear other neighbours in a residential area) which is considered acceptable.

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 Driveways – Creating Waverley

Conditions were provided which are included in Appendix A.

3.2 Stormwater – Creating Waverley

Conditions were provided which are included in Appendix A.

3.3 Trees and Landscaping - Clean and Attractive Waverley

The following comments were provided by Council's Tree Management Officer and conditions were provided which are included in Appendix A:

Impacts on Existing Trees and Vegetation

- 1. Tree 1 Ficus benjamina shows good vitality and form. This tree is considered to be an undesirable species in a domestic / residential flat private open space as its roots are well known to create trip hazards, enter service pipes and cause damage to building footings. Therefore, removal is recommended. There is ample space to replant another tree to compensate for the loss of this tree. Note for removal in the Tree Management Plan (TMP);*
- 2. Tree 2 Morus nigra is a fruit tree in good form but having poor form (suppressed canopy). Due to its poor form and suppression, and being an undesirable tree (fruit staining), it is recommended for removal. However, it is proposed for retention as a mature tree. Note for retention in the Tree Management Plan (TMP);*
- 3. Tree 3 & 11 Draecena marginata, tree 5 Pittosporum crassifolium, tree 6 Duranta erecta are classified as Exempt trees in Council's TPO. It is proposed to retain Tree 3 & remove all of the other Exempt trees. Note trees 5, 6 & 11 removal and tree 3 for retention in the Tree Management Plan (TMP);*
- 4. Tree 4 Persea americana shows good vitality with a dome shaped canopy. The development works have less than 10% encroachment within this tree's TPZ – refer Annexure C. Retention of this tree is supported. Note for retention and protection in the TMP;*

5. *Tree 7 Camellia sasanqua, tree 8 Plumaria rubra var. acutifolia, tree 9 Yucca elephantipes and tree 10 Yucca elephantipes & Ficus benjamina shows good vitality and form. These trees are located in the adjoining property to the north. The development works have less than 10% encroachment within these trees TPZ – refer Annexure C. Note for retention and protection in the TMP.*

RECOMMENDATION:

- *Landscape plan prepared by Luigi rosselli, Dwg No.DA16: issue: A. dated; 27/11/17 is satisfactory and **should be used** as the approved landscape plan.*
- *Arborist Report prepared by Ross Jackson Jacksons Nature Works; Dated: 27 November 2017 is satisfactory and **should be used** as the approved Arborist Report.*

3.4 Fire Safety – Building Waverley

Conditions were provided which are included in Appendix A.

3.5 GIS – Digital Waverley

Conditions were provided which are included in Appendix A.

3.6 Heritage – Shaping Waverley

Discussions were held with Council’s Heritage Architect in regards to the works to the Interwar flat building. The advice received was that the property was not a good example of an Interwar flat building, having been altered in the past and very little character remained. In this regard, no formal referral for comments in relation to the loss of the Interwar flat building was required.

4. SUMMARY

The proposal seeks consent for alterations and additions to existing residential flat building including a third storey addition to provide a fifth unit, balconies on the front and rear, new communal stairs/lift and the refurbishment of the existing four garages.

The proposal complies with the height and FSR development standard of the LEP and generally complies with the controls of the DCP. The proposal will not have unreasonable impacts upon surrounding properties as discussed in detail in this report.

The application was notified and two submissions were received raising issues relating to privacy, setbacks and the number of storeys. Amended plans were received during assessment which reduced the bulk and scale of the proposal, the extent of balconies and addressed privacy issues. The amended plans are considered acceptable and are supported.

The application is recommended for approval.

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:**

Kylie Lucas
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 7 November 2018

Date: 13 November 2018

Reason for referral:

- 4 Sensitive development:
 - (b) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA00 – DA12 (inclusive) and DA 21, Revision C, tables and documentation prepared by Luigi Rosselli, dated 12 October 2018, and received by Council on 23 October 2018;
- (b) BASIX and NatHERS Certificate;
- (c) The water management plans prepared by Rooney & Bye, Drawing No. 6189-H01 to 6289-H07 (all Revision A), dated 16 November 2017 and received by Council on 30 January 2018;
- (d) Landscape plan prepared by Luigi Rosselli, Dwg No.DA16 and DA17 Issue C dated 18/10/18 and received by Council on 23 October 2018;
- (e) Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 27 November 2017 and received by Council on 30 January 2018;
- (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.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The privacy screening shown on the plans as 'landscaped trellis privacy screens' shall be designed to mitigate overlooking to adjoining properties in the event that the climbing plants are not successful or die. In this regard, the climbing plants shall not be solely relied upon for privacy and the trellis screening shall be no less than 50% open to ensure the privacy of adjoining properties is protected.

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. 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.

4. 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.

5. 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.

6. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

7. DOMESTIC HEATERS

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

8. BONDI - ROSE BAY SAND BODY

As local historic records support the likelihood of aboriginal artefacts in the substrata, an archaeological assessment report and provision for a watching brief shall be submitted to Council prior to the issue of a Construction Certificate.

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

9. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) The compressor units shall not be roof mounted or on balconies visible to the streetscape.
- (b) Not be adjacent to neighbouring bedroom windows.
- (c) Not reduce the structural integrity of the building.
- (d) 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.
- (e) 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).
- (f) Not be located on the roof of the development without the separate consent of Council.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. 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/

(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.

11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** 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.

12. 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.

13. 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.

14. 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.

15. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;

- (vi) Access for people with a disability – Part D3;
- (vii) Fire fighting equipment – Part E1;
- (viii) Smoke hazard management – Part E2;
- (ix) Lift installations – Part E3;
- (x) Emergency lighting, exit signs and warning systems – Part E4;
- (xi) Sanitary and other facilities – Part F2;
- (xii) Room heights – Part F3;
- (xiii) Light and ventilation – Part F4; and
- (xiv) Sound transmission and insulation - Part F5.

- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

16. 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.

17. SERVICE AUTHORITIES

The applicant is to seek approval from Sydney Water regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

18. HOARDING REQUIRED

If required, a standard A/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.

19. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, 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.

20. 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.

21. 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.

22. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

23. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) 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 at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and 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.

24. 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.

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, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, 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 in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

27. BICYCLE PARKING

A minimum of 5 residential bicycle parking spaces are to be provided. 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.

28. 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.

29. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Noise attenuation is to be achieved in all new components of the 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.

30. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

31. 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 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*.

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. ENERGY AUSTRALIA

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate.

34. WASTE AND RECYCLING STORAGE AND COLLECTION

(a) The proposal must have a bin storage point for a minimum;

- **Residential**
 - 2 Mobile Garbage Bins (MGBs) for general waste
 - 1 MGBs for container recycling
 - 1 MGBs for paper and cardboard recycling
 - Extra MGBs – 1 MGB for excess waste and 1 MGB for garden organics should this type of waste be generated at the property.

(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 4m³ 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) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (h) 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.
- (i) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (j) 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.
- (k) 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.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) 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.
- (n) Should a collection vehicle be required to drive onto the property to collect waste and recycling bins, the site must be designed to allow collection vehicles to enter and exit the property in a forward direction and have adequate vehicle clearance. In addition, all access roads and driveways must comply with BCA, AS and Annexure B1-3 in the Waverley Development Control Plan 2012.

35. STREET PLANTINGS – WARNERS AVENUE

All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense. Such works shall comply with the following:

- a) Provision of 1 tree pits and 1 advanced Coastal Banksia (*Banksia integrifolia*) street tree planted to Council specifications to the Warners Avenue frontage (adjacent to front entry).

- b) The trees must be a minimum pot size of 100 litres and be planted by a qualified horticulturist (minimum qualification AQF Level 3).
- c) A bill of sale for the trees must be submitted to the Certifier prior to the issue of the Construction Certificate.
- d) A bond of \$5000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted public domain trees on the Ramsgate Avenue frontage. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition the trees are maintained in good condition as determined by Council's Tree Officer.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

36. 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.

37. 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.

38. 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 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;

- (a) 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
- (b) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

39. 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.

40. TOILET FACILITIES

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

41. 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.

42. 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.

43. 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.

44. 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 400m 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.

45. 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.

46. 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 and 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.

47. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

48. 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.

49. FOOTPATH PROTECTION

The footpath and driveway 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. BUILDING CODE OF AUSTRALIA

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

56. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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 2, 3 and 4 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.

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).

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.

57. 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 4.55 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.

58. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

59. 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.

60. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

61. RESIDENTIAL FLAT BUILDINGS - 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.

62. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete vehicle crossing.

63. RELOCATION OF PARKING / STREET SIGNS

- (a) Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.
- (b) Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

64. 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.

65. TREE REMOVAL

Trees to be removed as per Arborist by Ross Jackson Jacksons Nature Works; dated 27 November 2017:

Tree No	Species	Location	Action
1	Ficus benjamina	On site	Remove & replace
5	Pittosporum crassifolium	On site	Remove under 5m
6	Duranta erecta	On site	Remove under 5m
11	Draecena marginata	On site	Remove under 5m

The replacement trees must be replaced with a local native tree species of a minimum container size of 45 litres and shall be maintained until they attain a mature height of at least four (5) metres, whereby they will be protected by Council's Tree Preservation Order.

Trees shall not be tied to stakes unless support is essential. All advanced trees are to be planted in holes at least 450mm square and 450mm deep, containing good quality soil and humus. In lawn areas, grass is to be kept back for a radius of at least 450mm from stems and trunks, a depression should be formed for the collection of water and the area mulched.

If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Council's Tree Preservation Order the tree/s shall be replaced with the same species at no cost to Council.

Trees to be retained as per Arborist by Ross Jackson Jacksons Nature Works; Dated: 27 November 2017

Tree No	Species	Location	Action
2	Morus nigra	On site	Retain & protect
3	Draecena marginata	On site	Retain & protect
4	Persea americana	On site	Retain & protect
7	Camellia sasanqua	Adjoining	Retain & protect

		property	
8	Plumaria rubra var. acutifolia	Adjoining property	Retain & protect
9	Yucca elephantipes	Adjoining property	Retain & protect
10	Yucca elephantipes Ficus benjamina	Adjoining property	Retain & protect

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.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighbouring properties require pruning then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

66. 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.

67. 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 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.

68. 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.

69. STORMWATER

Prior to issuance 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.

120. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, 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) 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.

70. 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.

71. 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.

72. 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 Waverley Futures 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, Shaping Waverley.

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.

73. 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.
- (a) 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.

- (b) 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.

74. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following sub-address numbering provisions for a strata subdivision of a Strata:

- No. 96 - primary address site number
- Warners Avenue- primary address location.

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 at the pedestrian entry point that fronts Warner Avenue.

The following sub-addressing will apply:

- Nos. 1-5 for the sub-addresses within the building correlating with Nos. 1-5 on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own. Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address. The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

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

125. 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 one car space shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

75. PARKING PERMITS

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

76. 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.

77. CERTIFICATION OF MECHANICAL EXHAUST

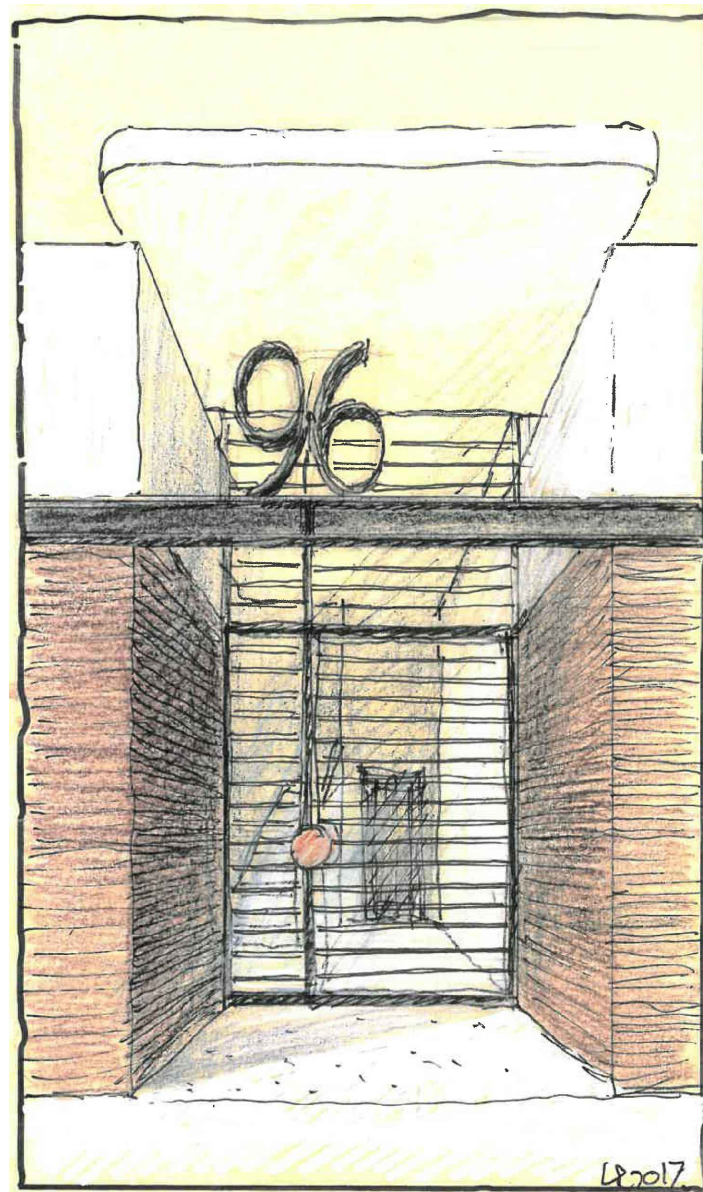
The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1, 1998 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

78. SLIP TESTS OF COMMON AREAS

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

79. 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.



note: image is for illustrative purposes only

DRAWING LIST	REV.
DA 00 - cover	C
DA 01 - site plan	C
DA 02 - lower level	C
DA 03 - ground level	C
DA 04 - first level	C
DA 05 - penthouse level	C
DA 06 - roof plan	C
DA 07 - south elevation	C
DA 08 - west elevation	C
DA 09 - north elevation	C
DA 10 - east elevation	C
DA 11 - section aa	C
DA 12 - section bb	C
DA 13 - shadow diagram 9am, 21th june	C
DA 14 - shadow diagram 12pm, 21th june	C
DA 15 - shadow diagram 3pm, 21th june	C
DA 16 - landscaped plan 01	C
DA 17 - landscaped plan 02	C
DA 18 - floor area calculations	C
DA 19 - site analysis plan	C
DA 20 - Photomontage	C
DA 21 - External finishes	C
DA 22 - Solar access study	C

SITE DETAILS	
address :	96 Warners Avenue Bondi Beach NSW 2026
property :	Lot 22 SP 30942, DP 12606
site Area :	444,7 m ²
existing GFA :	288,92 m ²
proposed GFA :	400,22 m ²
proposed FSR :	0,90:1

MATERIALS LEGEND	
	glass
	timber
	concrete
	brick
	fiber cement / render
	metal
	paving tiles
	carpet
	existing

FINISHES & NOTATIONS LEGEND	
dp	- down pipe
j	- joinery
CR/P	- painted cement render
B/P	- brick painted
LV-AL	- aluminium louvres
MC	- metal cladding
M	- metal
plb	- prefabricated planter box
OG	- opal laminated glass
GL	- glass
tmb	- timber
NGL	- natural ground level
e	- existing

BASIX CERTIFICATE

Insulation requirements
 U.1/2/3/4 - The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.

U.5 - The applicant must construct the new or altered construction (floor(s), walls and ceilings/roofs) in accordance with the specifications listed in the table described in the BASIX certificate.

Lighting
 U.1/2/3/4 - The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

U.5 - The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

Windows, glazed doors and skylights
 The applicant must install the windows, glazed doors, skylights and shading devices, in accordance with the specifications listed in the table described in the BASIX Certificate.

Fixtures
 U.1/2/3/4 - The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

U.5 - The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development. The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development. The applicant must install taps with a minimum rating of 6 star in the kitchen in the development. The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.

issue	date	description
A	17.11.27	first_issue
C	18.10.12	amended_da_issue

remember
 The Contractor shall verify all dimensions & levels on the site. Written dimensions to take preference over scaled dimensions. Documents & design remain the copyright of the Architect & cannot be reproduced without written consent.

about
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NOM REG NO. 4895

drawing
 cover
 alterations & additions
 96 warners avenue,
 bondi beach

drawing.no
 DA 00 issue C
 scale ----
 plotdate 10/15/2018 10:16 AM
 cadfile cover.dwg
 job.no
 1726



Application No: DA-18/2018
Date Received: 23/10/2018



aerial location plan
NTS

site calculations

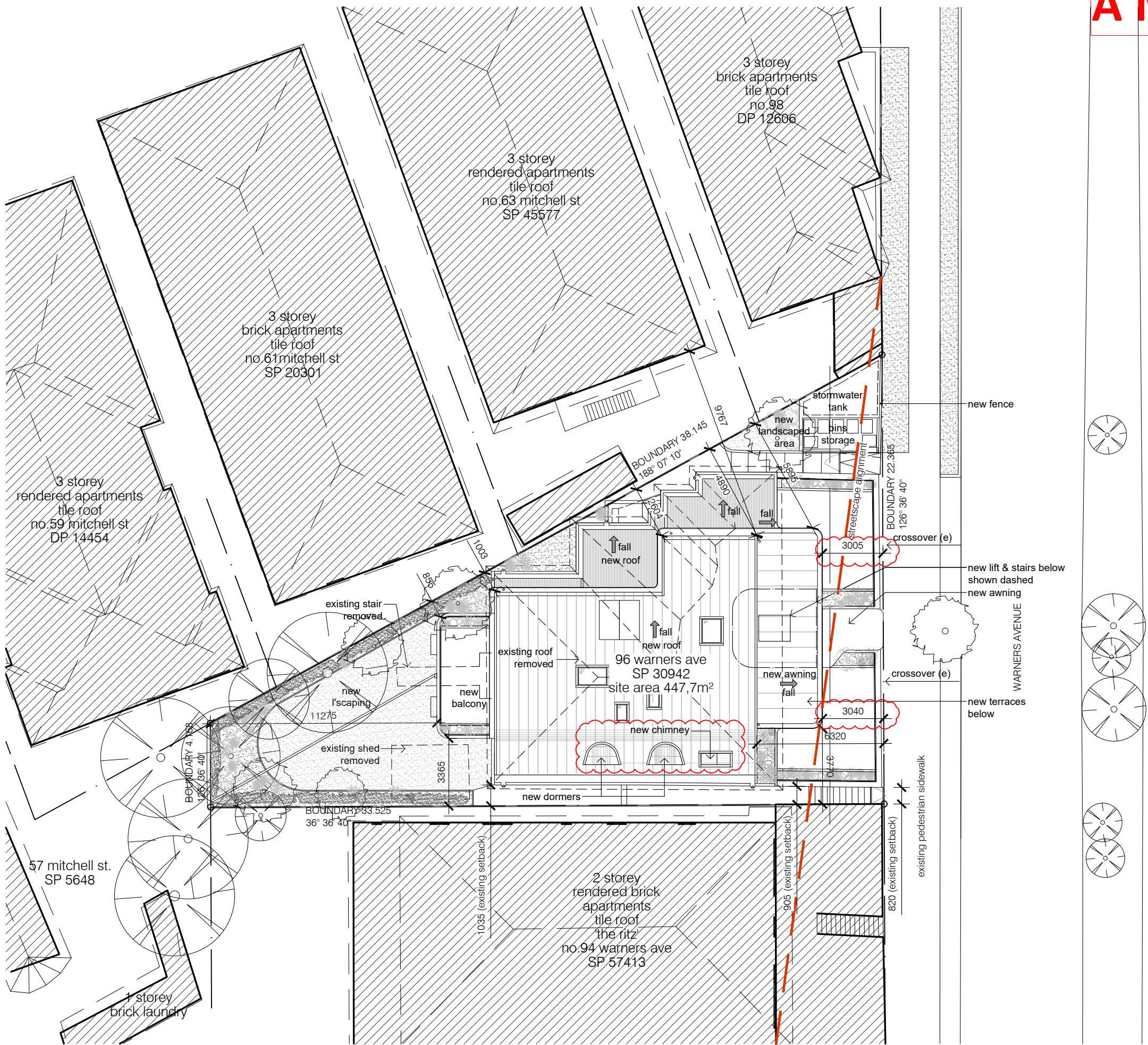
site area	444,7 m ²
F.S.R. requirement (0.9:1 = 400,19m ²)	400,23 m ²
lower level	0 m ²
ground level	140,93 m ²
first level	144,78 m ²
penthouse level	114,51 m ²
total floor area	400,22 m²
total existing floor area	288,92 m ²
proposed F.S.R.	0,90 : 1
proposed overall landscaping area	138,36 m ²

Notes

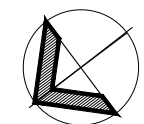
Overall proposed dwelling setbacks shown on this site plan. For more overall dimensions or specific setbacks, refer to the following plans.

Legend

	new tree
	existing tree



site plan
scale 1:200



issue	date	description
A	17.11.27	first issue
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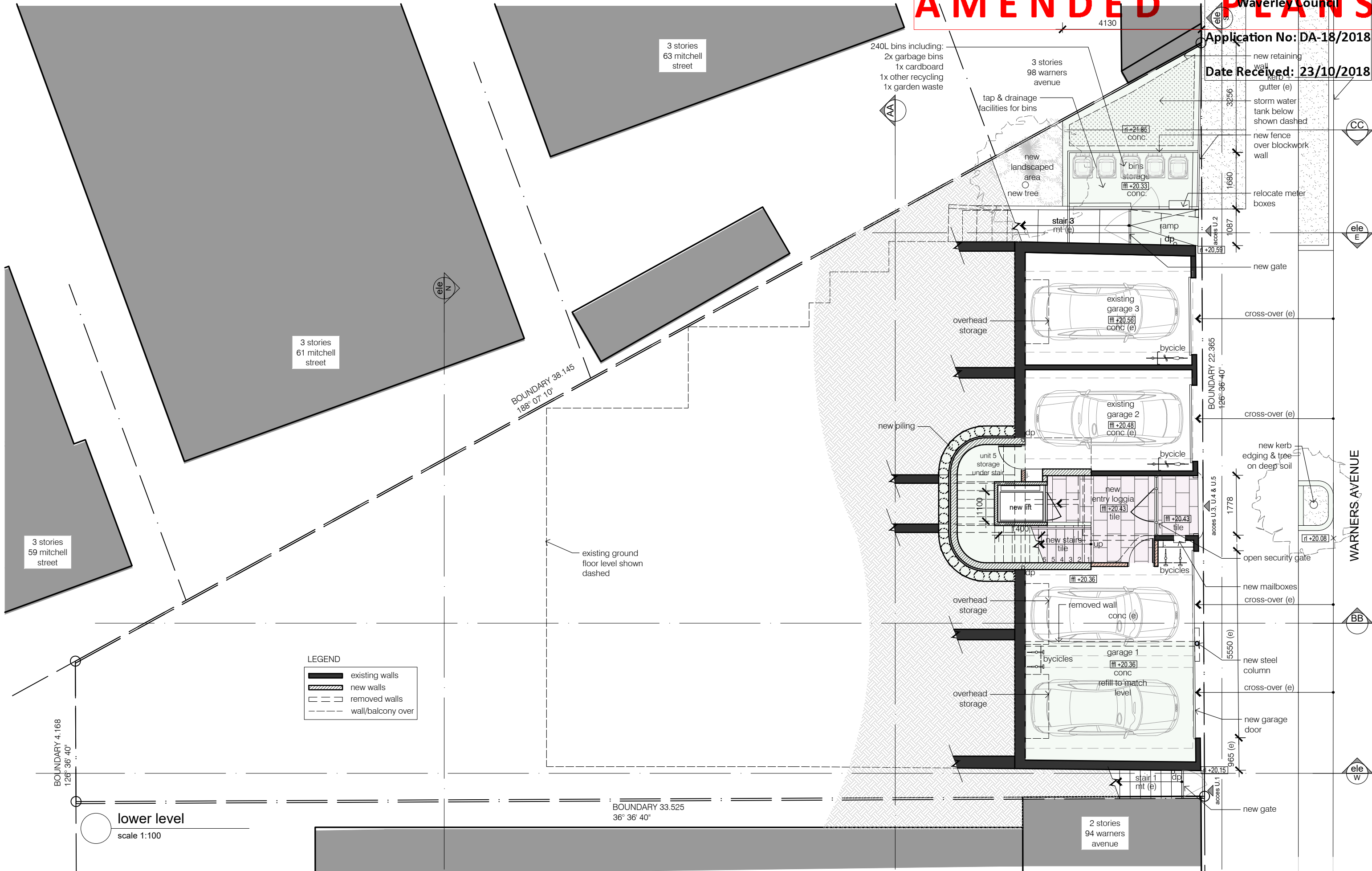
project drawing site plan
alterations & additions
96 warners avenue,
bondi beach

job no. drawing no. DA 01 issue C
scale ----
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1726



Application No: DA-18/2018

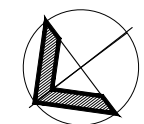
Date Received: 23/10/2018



LEGEND

- existing walls
- new walls
- removed walls
- wall/balcony over

lower level
scale 1:100



issue	date	description
A	17.11.27	first_issue
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lower level
 alterations & additions
 96 warners avenue,
 bondi beach

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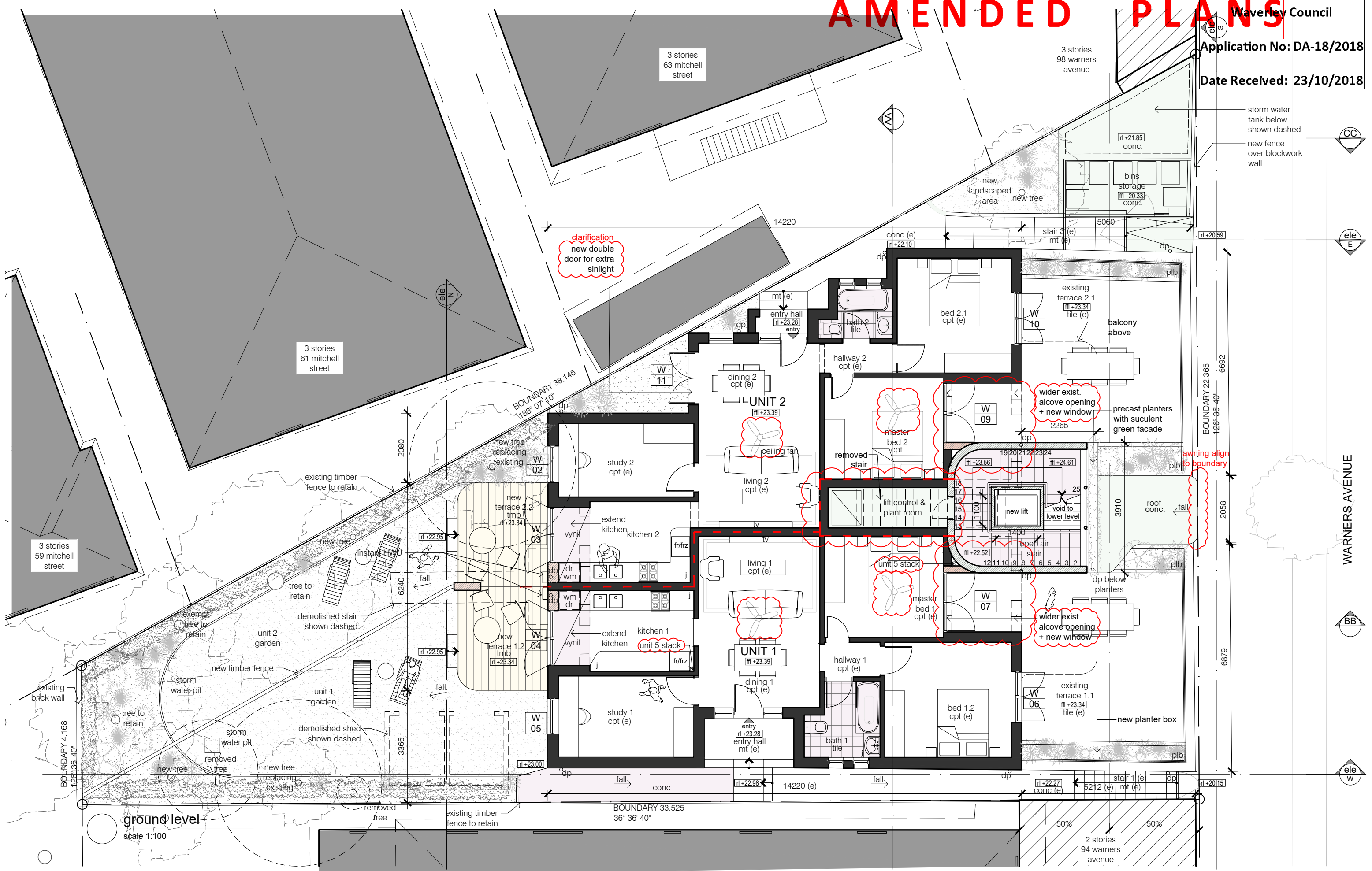


AMENDED PLANS

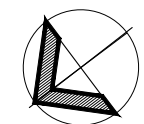
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Application No: DA-18/2018

Date Received: 23/10/2018



ground level
scale 1:100



issue	date	description
A	17.11.27	first issue
C	18.10.12	amended_da_issue

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ground level
alterations & additions
96 warners avenue,
bondi beach

DA 03 issue C
scale ---
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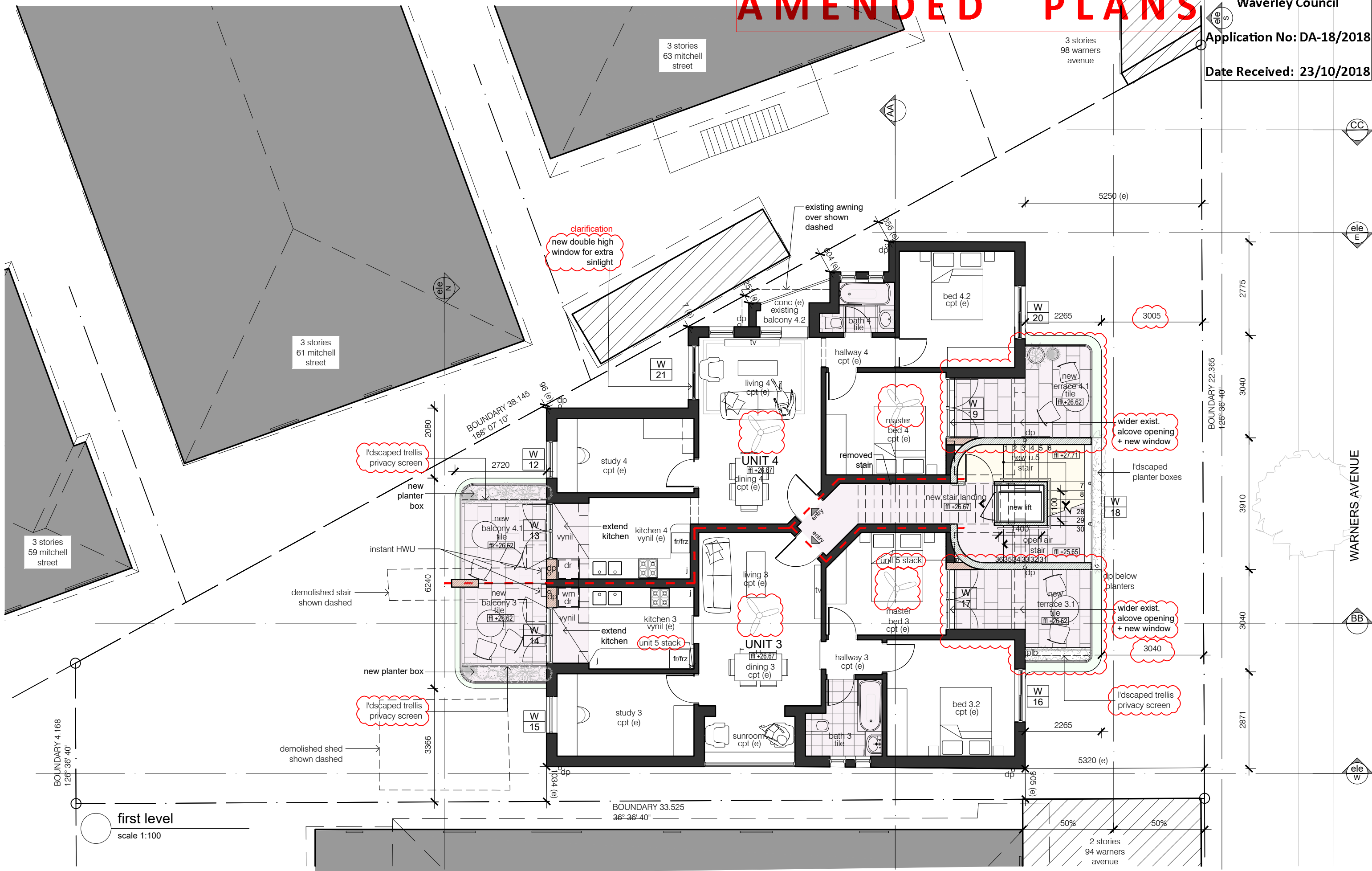


AMENDED PLANS

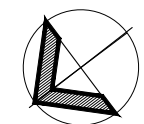
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first level
scale 1:100



issue	date	description
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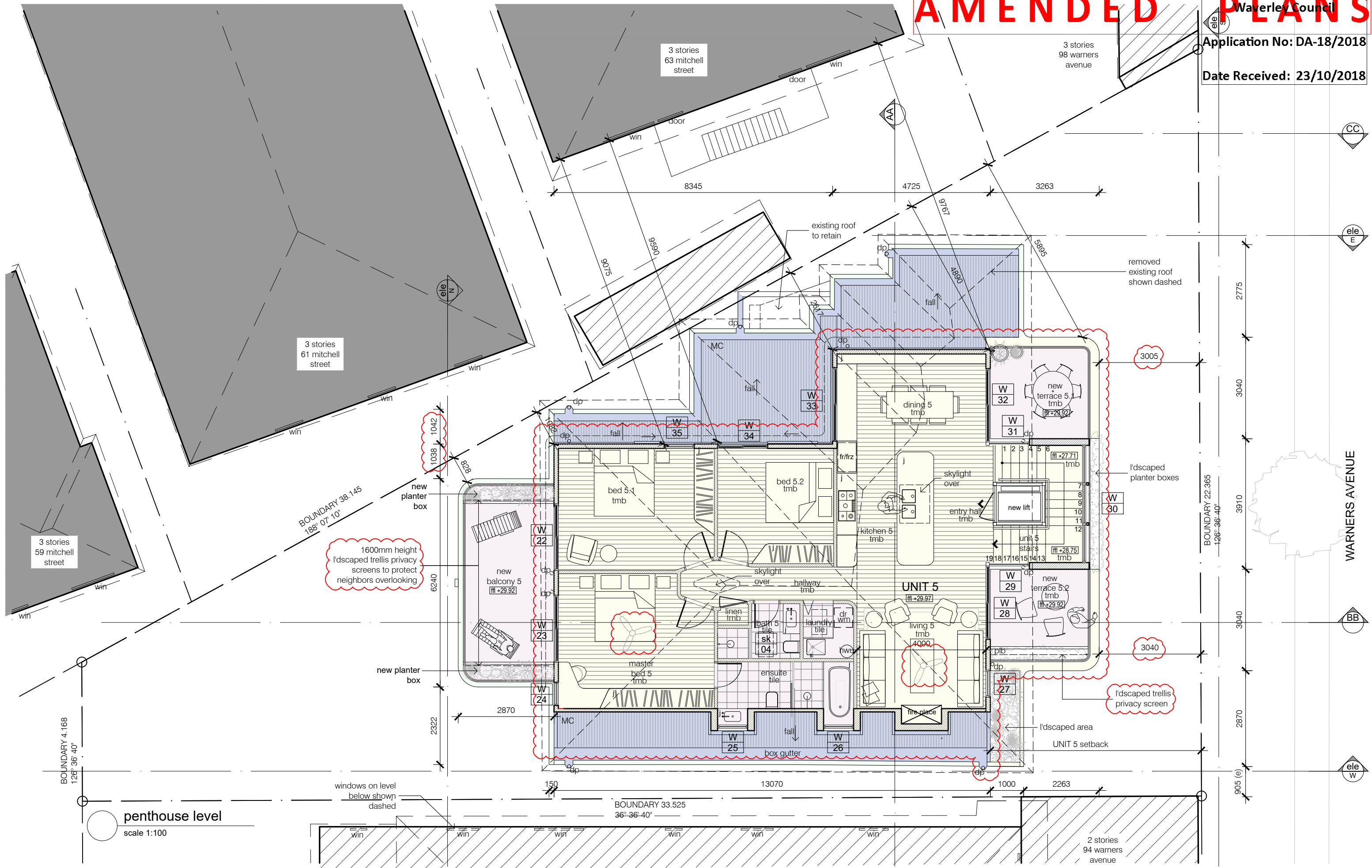
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first level
alterations & additions
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DA 04 issue C
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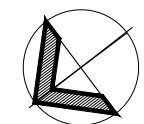


LUIGI ROSSELLI



penthouse level

scale 1:100



issue	date	description
A	17.11.27	first issue
C	18.10.12	amended_da_issue

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 NOM REG NO. 4895

penthouse level
 alterations & additions
 96 warners avenue,
 bondi beach

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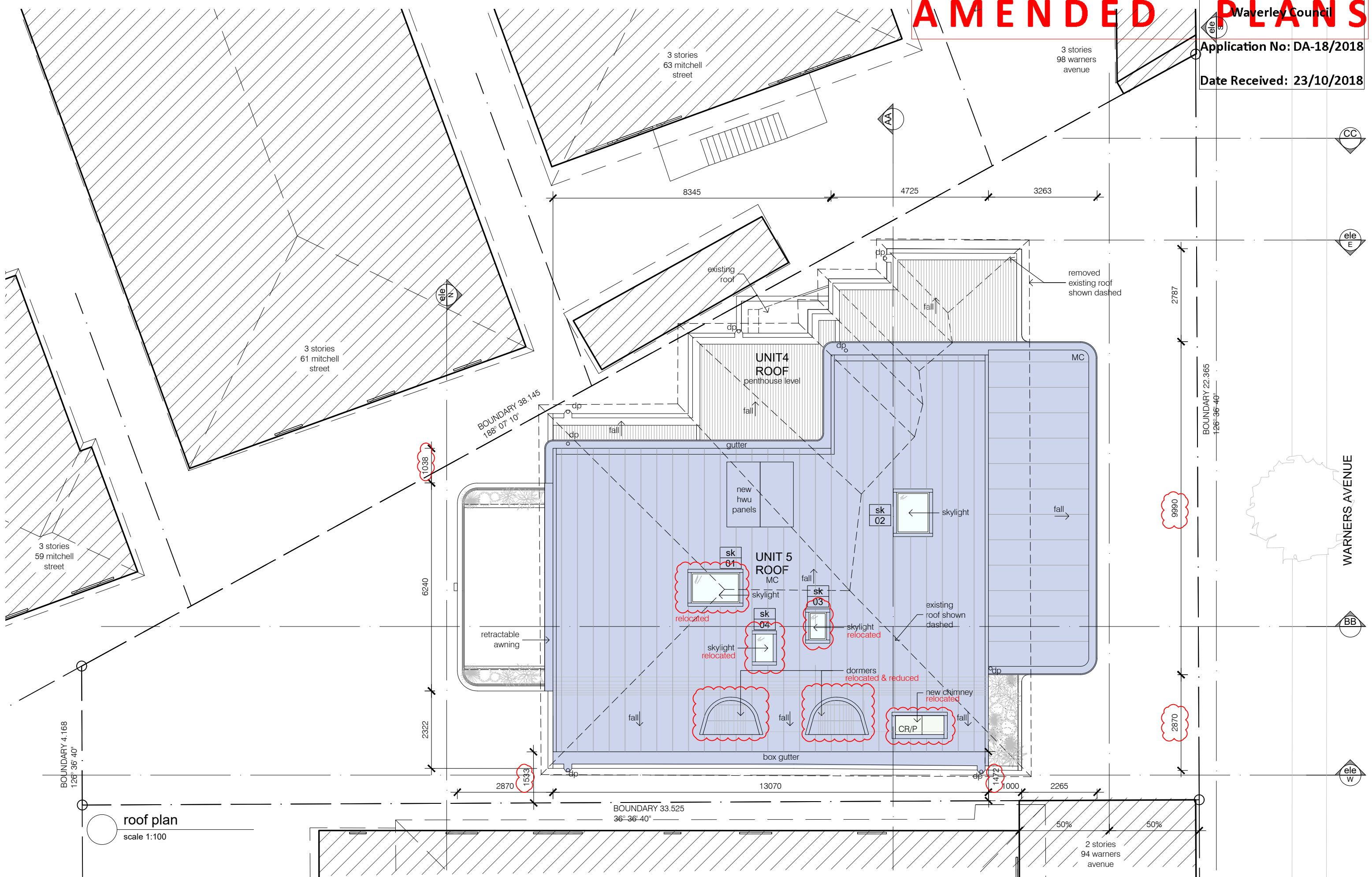
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AMENDED

RECEIVED
Waverley Council
PLANS

Application No: DA-18/2018

Date Received: 23/10/2018



roof plan
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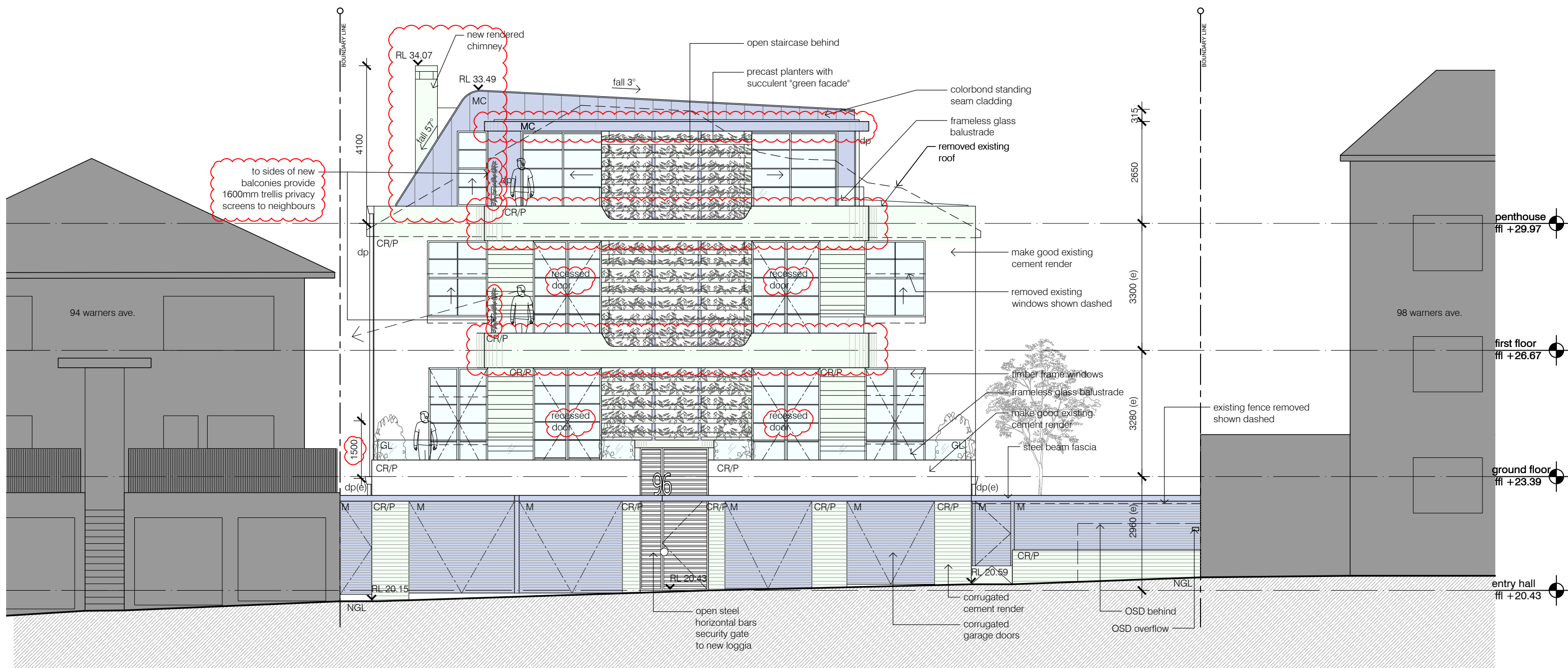


AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-18/2018

Date Received: 23/10/2018



○ south elevation
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issue	date	description
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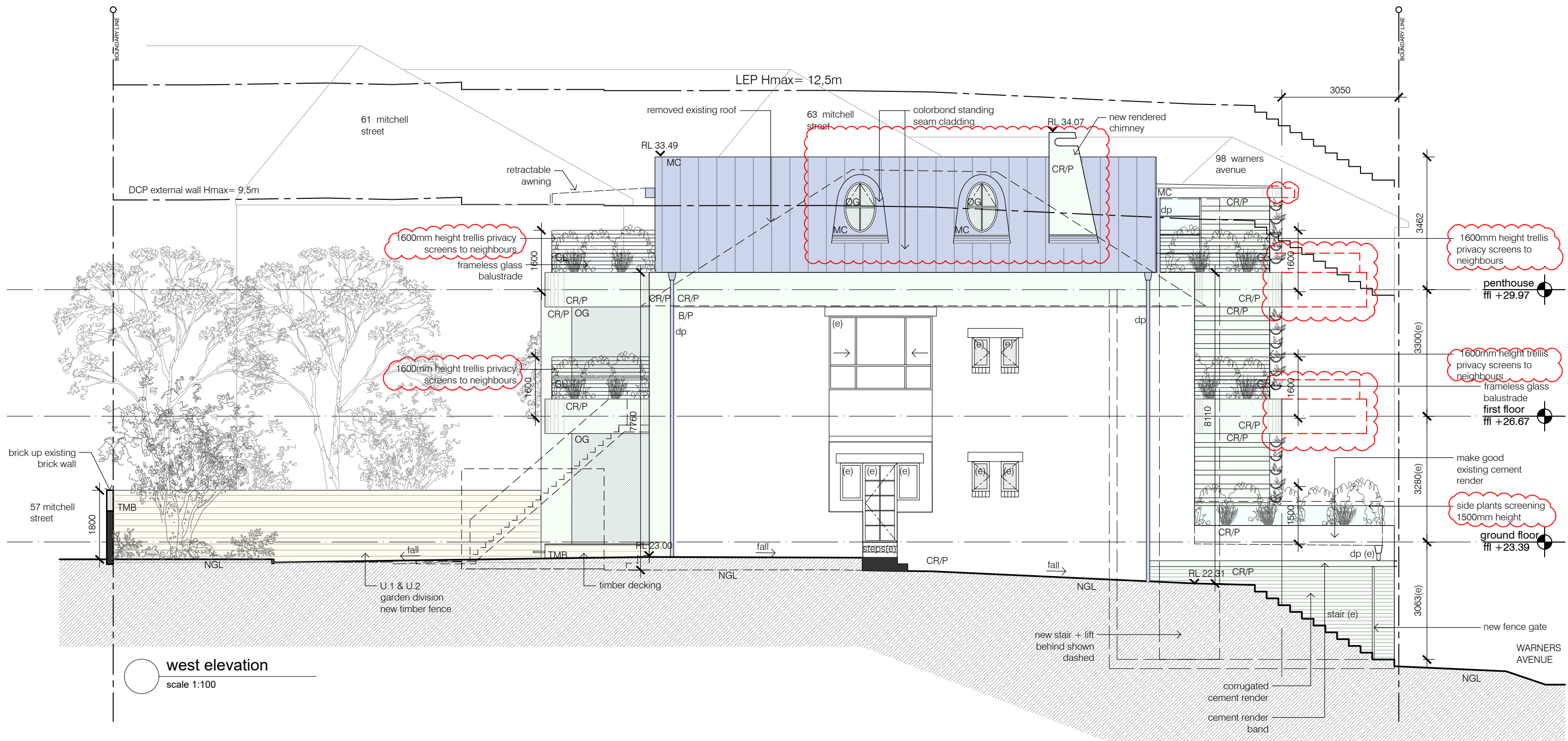
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project drawing south elevation
alterations & additions
96 warners avenue,
bondi beach

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○ west elevation
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C	18.10.12	amended_da_issue

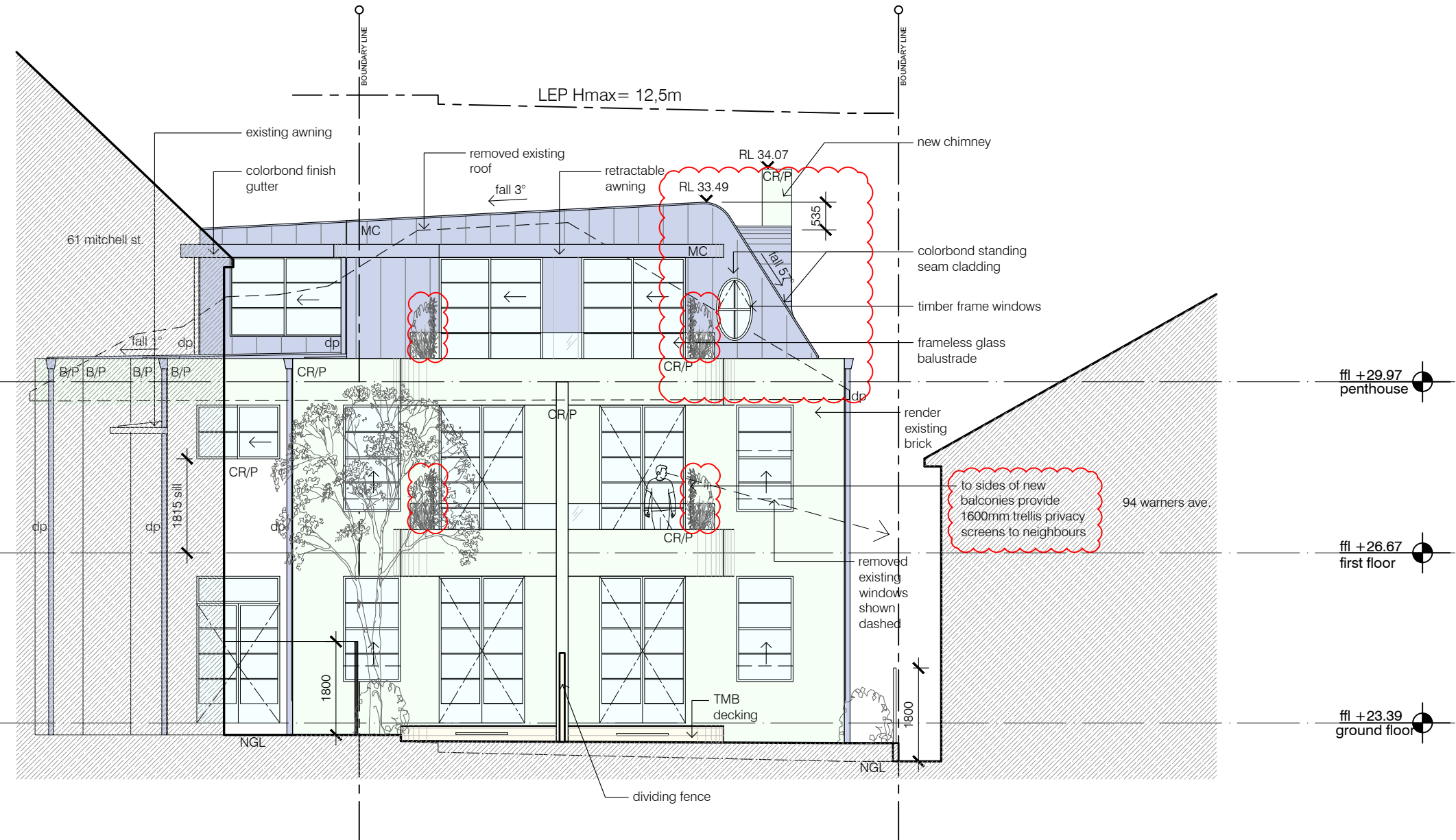
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project drawing west elevation
alterations & additions
96 warners avenue,
bondi beach

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scale 1:100

issue	date	description
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C	18.10.12	amended_da_issue

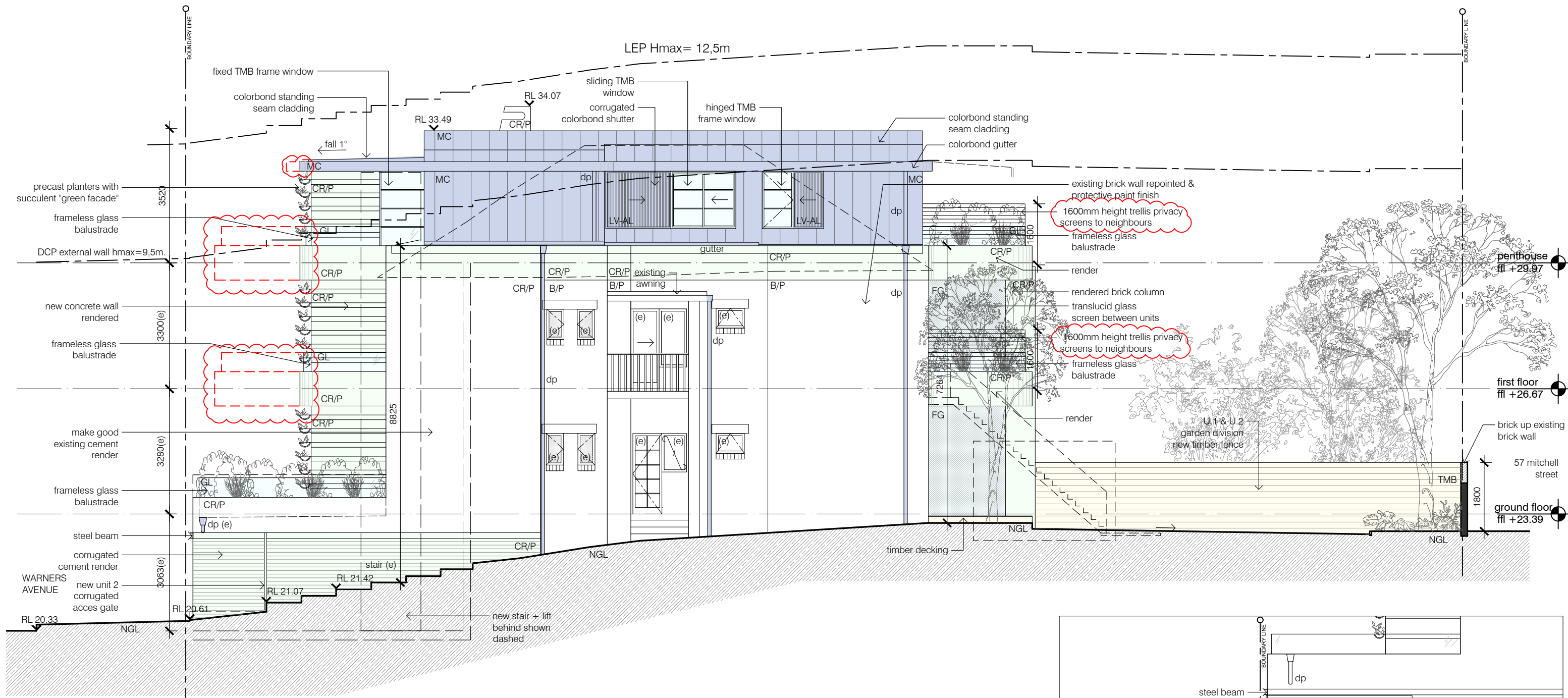
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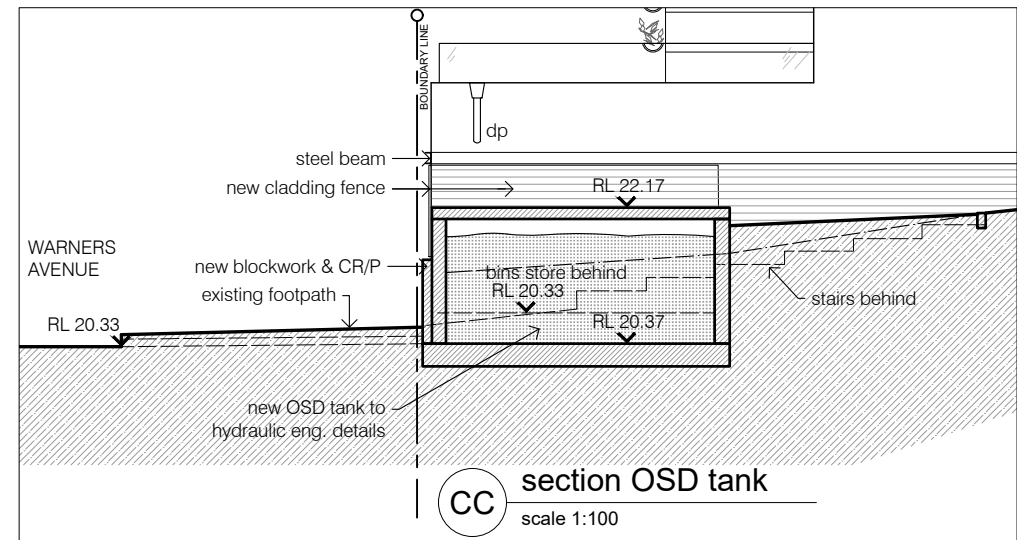
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north elevation
alterations & additions
96 warners avenue,
bondi beach

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cadfile north_elevation.dwg
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east elevation
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issue	date	description
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C	18.10.12	amended_da_issue

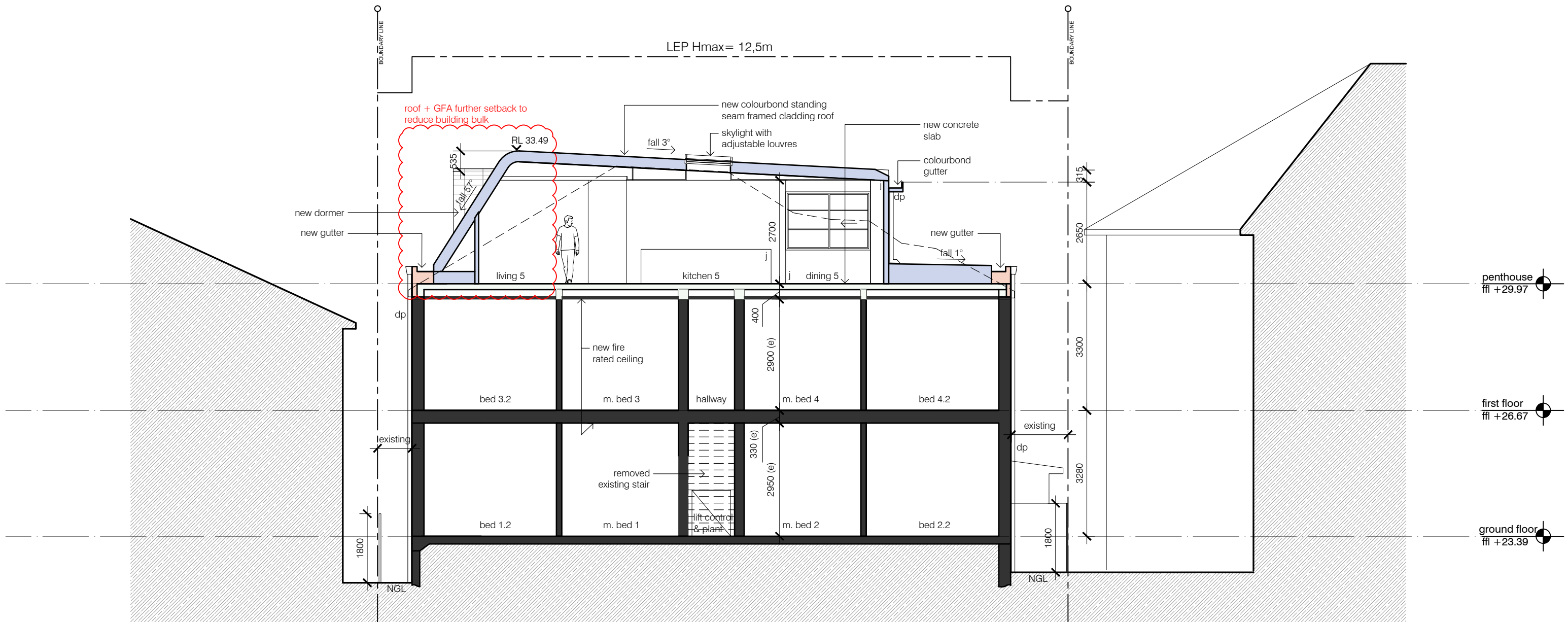
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east elevation
 alterations & additions
 96 warners avenue,
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section aa
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issue	date	description
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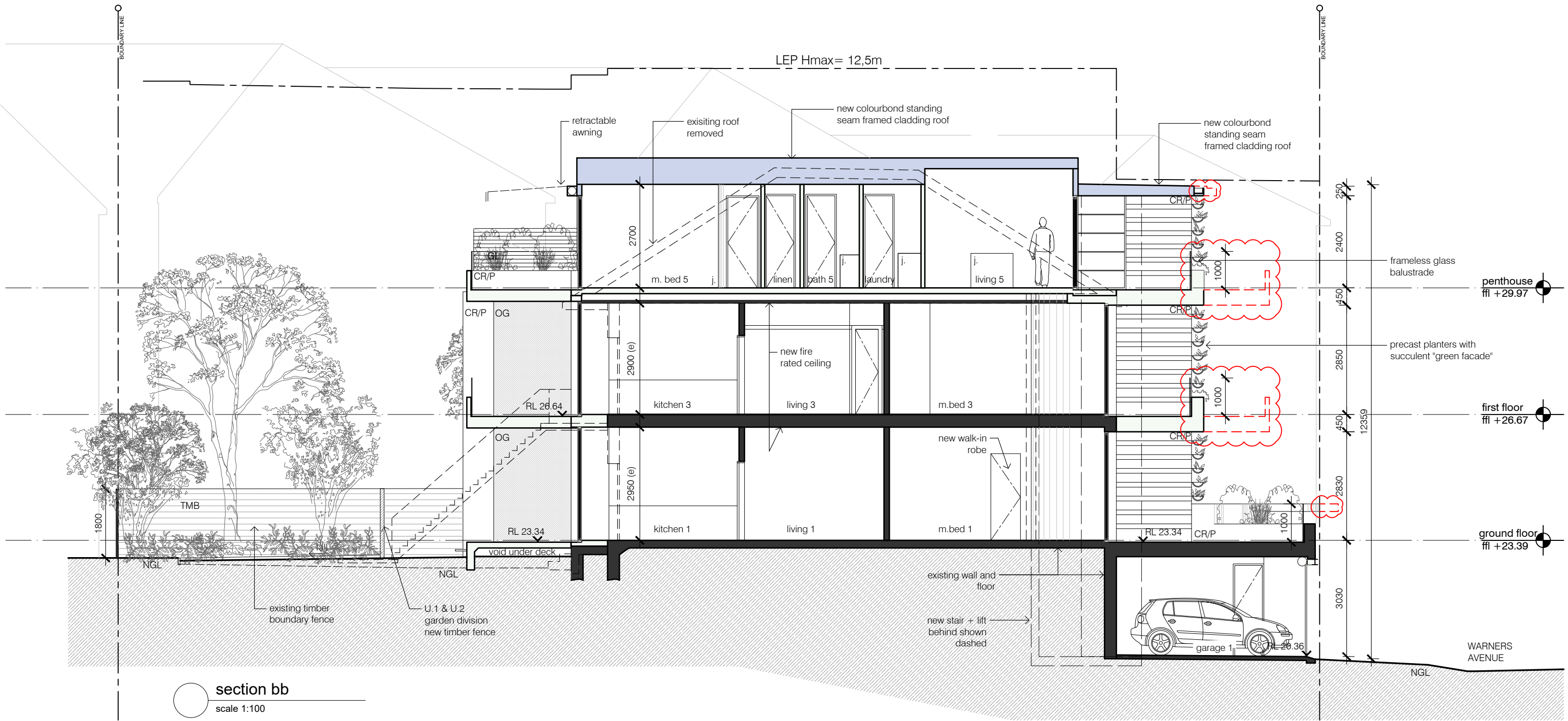
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section aa
alterations & additions
96 warners avenue,
bondi beach

DA 11 issue C
scale ----
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cadfile section aa.dwg
1726





section bb
scale 1:100

issue	date	description
A	17.11.27	first issue
C	18.10.12	amended_da_issue

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section bb
alterations & additions
96 warners avenue,
bondi beach

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scale ----
plotdate 10/15/2018 10:18 AM
cadfile section bb.dwg
1726





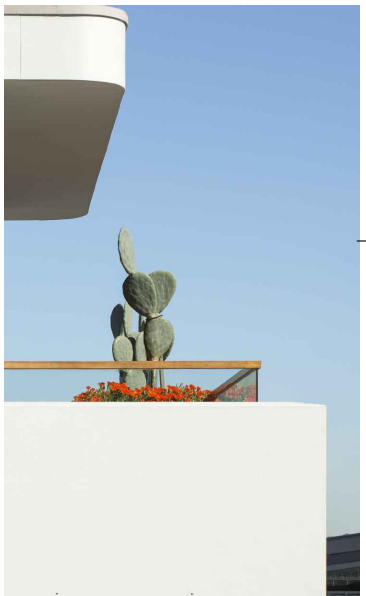
PAINTED TIMBER & STEEL WINDOWS,
PORTER'S 'ANISEED' DARK GREY



STANDING SEAM "ZINC" ROOF -
GRAPHITE GREY



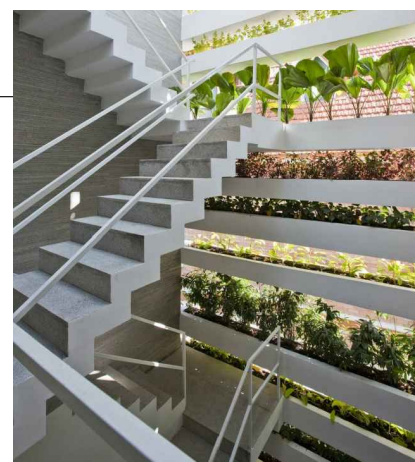
RAISED RENDER BANDS PAINTED
CEMENT RENDER "CHINTZ GREY"



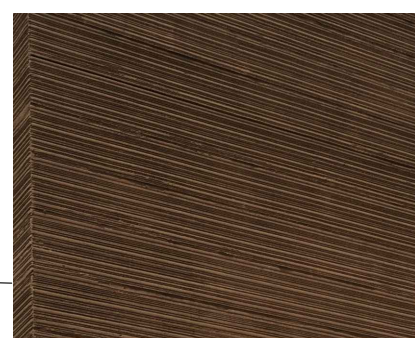
PAINTED CEMENT RENDER PORTER'S
"CHINTZ GREY"



STAINED TIMBER HANDRAIL ON GLASS
CEMENT RENDERED BALUSTRADE



OPEN ENTRY STAIR WITH GREEN WALL
SCREEN



TROWELLED HORIZONTAL PAINTED
RENDER FINISH GARAGE WALLS ONLY



FENCE AND GARAGE - HORIZONTAL SLAT
PAINTED DARK METALLIC BRONZE

external proposed materials and finishes
N.T.S.

issue	date	description
A	18.01.15	first_issue
C	18.10.12	amended_da_issue

remember
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about
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project
external finishes
alterations & additions
96 warners avenue,
bondi beach

job no DA 21 **issue** C
scale ----
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1726





Report to the Waverley Local Planning Panel

Application number	DA-125/2018
Site address	17 Wilga Street, BONDI
Proposal	Alterations and additions to residential flat building
Date of lodgement	13 April 2018
Owner	Proprietors of Strata Plan 6478
Applicant	Cave Urban
Submissions	Two
Cost of works	\$420,000
Issues	FSR non-compliance
Recommendation	That the application be APPROVED subject to conditions of consent.

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 12 November 2018.

The site is identified as SP 6478, known as 17 Wilga Street, BONDI. It is located on the southern side of Wilga Street, between Sandridge Street and the coastline.

The site is rectangular in shape with an area of 436.3sqm. The north boundary to Wilga Street measures 17m, the west boundary with 15 Wilga Street measures 24.5m, and the east boundary with 19 Wilga Street measures 24.3m. There is a steep fall across the site from the west to east by approximately 4m.

The site is occupied by a 3 storey residential flat building containing 4 x 2 bedroom apartments and a combined penthouse unit above an at grade car park. The subject site is surrounded by flat buildings and dwelling houses.



Figure 1: Subject site frontage



Figure 2: Site viewed from frontage of 15 Wilga Street

1.2 Relevant History

PD-20/2017 sought pre-DA advice for the construction of extended balconies and stairs within the front and rear setback areas of the building that were to be enclosed with solid vertical screens. The scheme also included enclosure of the existing terraces and a lift to all levels. The Pre-DA letter to the applicant dated 29 August 2017 advises that given the existing building exceeds the maximum floor space ratio for the site, any additional bulk and scale to the building would not be considered appropriate. As such, the fire stairs and balcony extension as “add-on elements” within the front and rear setbacks protrude beyond the building envelope and create additional bulk and scale which may have view loss and streetscape impacts. The proposed enclosure of the remaining terraces could be supported provided that the extended balconies do not manifest in unreasonable impacts on the amenity of adjoining properties and the streetscape.

DA-291/2013 approved on 9 August 2013 granted consent to the partial enclosure of the balcony at Unit 2. A site visit revealed these works have been completed.

DA-630/2002 approved on 3 October 2002 granted consent to the partial enclosure of the balcony at Unit 3. A site visit revealed these works have been completed.

1.3 Proposal

The proposal seeks consent for alterations and additions to the existing residential flat building. The proposal has been amended taking into account the Pre-DA advice discussed above, including deletion of the additional balconies, fire stairs and lift. The current proposal includes:

- Replace the existing masonry balustrades with transparent glass balustrades
- Extend the balconies
- Enclose the remaining terrace areas (2 units already have the terrace areas enclosed)
- New bin unit to the ground floor level
- Replace the existing aluminium windows and doors
- General repairs to the existing concrete structure and rendering the facades

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 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 (Coastal Management) 2018

The SEPP applies to the subject site as it is partly located within the Coastal environment area (Clause 13) and wholly located in a Coastal use area (Clause 14) according to the SEPP.

Clause 13 states that development within the coastal environment area, must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- coastal environmental values and natural coastal processes,*
- the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards. Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal includes alterations to an existing building. No excavation is proposed. The development will not impact existing access to the foreshore, beach or headland, nor will it overshadow or result in the loss of views from public places to foreshores. The proposal will not impact the visual amenity and scenic qualities of the coast, including coastal headlands. The proposal is considered acceptable against the relevant clauses of SEPP (Coastal Management) 2018.

2.1.4 SEPP 65 Design Quality of Residential Flat Development

The proposal relates to an existing residential flat building, however there is no alteration to the internal floor plans (albeit a minor increase in the footprint of some units), and the RL of each level remains as existing. The development includes only façade repairs, replacement of windows and balustrading and a minor increase in balcony size. As such, the development is not considered to include a substantial redevelopment or refurbishment and SEPP 65 does not apply.

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 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal relates to an existing residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The overall height of the building remains as existing. However the proposed works have to the upper level have a maximum height of 12m which exceeds the maximum height by 2.5m or 20.8%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 	No	The proposal results in a maximum FSR of 0.96:1 which exceeds the maximum FSR by 160.9sqm or 61%.
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 and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as having Class 5 Acid Sulfate Soils. No excavation works are proposed and as such, no further investigation or assessment is required with regards to acid sulfate soils.

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposed works to the enclosure has an overall height of 12m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 2.5m or 20.8%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the height development standard. The justification presented in the written request is summarised as follows:

- The building is in need of renovation to rectify waterproofing issues and the dilapidated balconies.
- The proposal does not increase the height of the building or the existing balcony structure (albeit for new glazed balcony balustrades). Only a section of the top balcony on the north eastern corner of the building is above the allowable height control. The bulk and scale of the development remains unaffected.
- A view assessment has been undertaken to determine the extent of impact on views enjoyed across the site from the neighbouring development. The assessment of the view impact has been considered under the planning principle of view shading arising from the NSW Land and Environment Court case of *Tenacity Consulting v Warringah* [2004] NSWLEC 140. The view loss impact is seen to be minor as primary views are unaffected by the proposed balcony extensions. All primary views are kept intact and actually improved with the addition of transparent balustrade to replace the existing obscure ones.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard in this particular case. In particular:

- The non-compliance with the height control relates only to the eastern portion of the site, where there is a significant drop in levels.
- The maximum height of the building remains unchanged. The proposed balcony extensions and terrace enclosures are at the same height as existing.
- The proposed development does not result in adverse amenity impacts on neighbouring properties. The balconies do not result in view loss from surrounding development or the public domain.
- The proposed balconies will consist of clear balustrading and be a maximum of 2.3m in depth from the building line. The extensions are adequately setback from the boundary (as discussed in the DCP table below). The balcony additions will not appear bulky or over scaled and sit comfortably with the existing built form.

The proposal will be in the public interest because it is consistent with the objectives of the height development standard and the R3 zone, and therefore in accordance with Clause 4.6 (3) and (4) the non-compliance may be supported.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.96:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 of Waverley LEP 2012 by 160.9m² in gross floor area or 61%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the height development standard. The justification presented in the written request is summarised as follows:

- The existing FSR for the site is 0.91:1 (which exceeds the maximum FSR control by 136.22sqm in gross floor area or 52%). The proposal results in an additional 24.7sqm only, which is a minor increase.

- There is no increase to floor space outside the existing building envelope. The proposal maintains the height, bulk and scale of the existing building. The increased floor area will not impact views or have overshadowing impacts to neighbouring properties.
- The additional floor area is proposed to rectify poor waterproofing and upgrade the dilapidated balcony balustrades. The proposal will extend the life of this residential flat building beyond the current state of disrepair without increasing density or adding excessive bulk or scale to the building. The proposal is a modest and effective solution that will improve the amenity for the occupants without a major redevelopment of the building.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard in this particular case. In particular:

- The additional floor area is wholly within the exiting envelope and does not result in additional bulk or does it change the scale of the building when viewed from the street. Enclosing the terraces does not have amenity impacts on neighbouring properties, nor does it result in view loss.
- The minor increase in gross floor area does not increase the number of apartments on site (or the number of bedrooms), but will result in an increase to the living area and in turn enhance the amenity for occupants of the apartments within the subject site.
- The minor increase in gross floor area to the apartments allows for the upgrade of the building façade, which will have a positive impact on the building's presentation to the street.

The proposal will proposal will be in the public interest because it is consistent with the objectives of the floor space ratio development standard and the R3 zone, and therefore in accordance with Clause 4.6 (3) and (4) the non-compliance may be supported.

2.1.6 Waverley Development Control Plan 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	Yes	The proposal does not change the number of apartments or occupants of the building and therefore existing waste provisions are acceptable. The proposal does include a new enclosure for bin storage on the ground floor at the rear of the driveway.
2. Energy and water conservation	Yes	BASIX Certificates have been submitted for each dwelling.

Development Control	Compliance	Comment
4. Coastal risk management	Yes	The site is located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP. No excavation is proposed and the development will not impact existing access to the foreshore or result in overshadowing or view loss.

Table 3: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposed extensions to the balconies will consist of glazed balustrades and appear as a light-weight addition to the building. The balcony extension to the north (Wilga Street frontage) is behind the front building alignment of the neighbouring property at 15 Wilga Street. The proposed street setback is consistent and is considered acceptable.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 4.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	No, but as existing No, but acceptable Yes	The proposal does not alter the side setbacks. The existing setback from western boundary is 2.7m, and the existing setback from the eastern boundary is 3m. The existing rear setback is 4.5m to the building line. The proposed balcony extension will reduce the setback to 2m for a portion of the building. This non-compliance is acceptable as the balcony is lightweight addition and there is no building to the rear of the subject site. The sites to the rear (21 Wilga Street and 20 Sandridge Street) are heavily landscaped and on a sloping site. The proposed balcony extension towards the rear is not considered to have an impact on the surrounding properties. Deep soil planting is proposed along the eastern boundary. While it is not a minimum of 2m wide, it is as wide a practical considering this is the driveway access for the off street car parking.
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 12m btw habitable and habitable 	As existing	The proposal does not alter the existing building separation to the east and west.

Development Control	Compliance	Comment
		There is no building opposite the proposed balcony extension at the rear of the subject property.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The existing building is in a dilapidated state, which detracts from the streetscape. The proposed alterations result in a building of a scale and appearance in keeping with the street. The original scale of the existing residential flat building will remain, but the glazed balustrade and new windows will contribute to the overall appearance of the building and better respond to the streetscape.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	Yes	The principal envelope of the building including the external walls and roof, and the orientation of units remains unchanged. The lightweight balcony extension and glazed balustrades are to the front of the building (north) and to the rear (south) and will not result in additional overshadowing to neighbouring properties.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	<p>The proposed balcony extension will not result in view loss impacts. A submission was received from a neighbour in one of the Units at 15 Wilga Street (to the west of the subject site) raising concern about view loss. The council officer contacted the objector to arrange a site inspection. The objector stated that it was an objection about the view loss from the grounds of the neighbouring property (15 Wilga Street), rather than a concern from any individual unit within the building. A site inspection revealed that the proposal will not result in view loss from the grounds of the neighbouring property (15 Wilga Street). See Figure 2 above.</p> <p>Notwithstanding this, the applicant has provided a view assessment supporting the development application which indicates views across the site from the ground, first and second floor units at 15 Wilga Street. The balcony extensions will remove a small portion of the water view, however the primary view of the foreshore, breaking waves on the rocks and across to Ben</p>

Development Control	Compliance	Comment
		Buckler Point will remain unchanged as a result of the proposal.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	Yes	The proposed balconies are not new, rather an extension of the existing balcony space. The existing number and layout of apartments will remain, so there will be no increase in the density of the building. The proposal is not considered to result in additional privacy impacts.

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 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 4: Summary of property addresses that lodged a submission

Property
No address – phone call revealed the submission was from a unit within 15 Wilga Street
473 Great North Road, Abbotsford (owner of a unit within 15 Wilga Street)

Issue: *The proposal may be obstructing views*

Response: As discussed in the WDCP 2012 table above, 2.17 Views and View Sharing. The assessing planner contacted the objector to arrange a site inspection to assess the view loss impacts. The objector clarified that their objection did not relate to a particular unit and was a concern from the grounds of the neighbouring building (15 Wilga Street). A site inspection revealed that the proposal would not result in view loss impacts from the grounds of the neighbouring property.

Issue: The proposal will encourage more people to be outdoors, disturbing the peace and quiet

Response: The proposal does not increase the number of units or density of the building. The use of a balcony is ancillary to the residential flat building and is therefore considered appropriate within the R3 medium density residential zone.

Issue: Concern about the engineering details and structural integrity

Response: This is not a matter for objection to the development application. Conditions have been included requiring structural certification be provided to the certifier and for the works to comply with the Building Code of Australia.

Issue: The building should be upgraded as it has maintenance issues

Response: This development application has been lodged to address the maintenance issues at the building.

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 Waste and Recycling – Sustainable Waverley

The application was referred to Council's Waste and Recycling team who provided standard conditions, which have been included.

3.2 Fire Safety – Building Waverley

The application was referred to Council's Fire Safety Officer who advised that the proposal may result in a number of non-compliances with the BCA including, but not limited to, possible fire separation issues between sole-occupancy units, access and egress issues pertaining to escape and construction of exists, and inadequate fire services and equipment. An 'Indicative Compliance Report' prepared by Orlando Da Silva dated 3 April 2018 was submitted with the development application.

Council's Fire Safety officer has provided standard conditions, which have been included.

4. SUMMARY

The application seeks consent for alterations and additions to the existing residential flat building. The proposal includes extending the balconies to the front and rear of the building, providing bay windows to the kitchens, replacing the aluminium framed windows and doors and a small increase in floor area by enclosing the remaining terraces (2 terraces within the building have already been enclosed).

The proposal results in an FSR non-compliance given the terraces are proposed to be enclosed. This non-compliance is acceptable as the new floor space is within the existing building envelope and does not add to the bulk and scale of the building. The works to the top floor unit exceeds the maximum height control, although they are below the height of the existing building. The proposal will not result in overshadowing, privacy or view loss impacts. The works to upgrade the building will improve the overall appearance to the street.

Two submissions were received. The proposal is recommended for approval, subject to conditions.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Emma Finnegan
Senior Development Assessment Planner

Ben Magistrale
**A/Manager, Development Assessment
(Central)**

Date: 14/11/2018

Date: 15 November 2018

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 DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos 5 to 12, tables and documentation prepared by Cave Urban, dated 4 April 2018, and received by Council on 13 April 2018;
- (b) BASIX Certificates submitted with the development application;
- (c) BCA Report and documentation prepared by Building Certificates Australia Pty Ltd dated 3 April 2018, and received by Council on 13 April 2018;

Except where amended by the following conditions of consent.

2. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

To ensure the integrity of the approved design of the building is maintained over time, the private open balconies attached are not to be enclosed at any time in the future without prior development consent.

3. 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.

4. DOMESTIC HEATERS

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

5. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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/

(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.

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. 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.

10. BCA & FIRE SAFETY UPGRADE WORKS

- (a) In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the BCA 2016 Indicative Compliance Report by Building Certificates Australia Pty Ltd dated 3 April 2018 and the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3;
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Fire fighting equipment – Part E1;
 - (vii) Smoke hazard management – Part E2;
 - (viii) Emergency lighting, exit signs and warning systems – Part E4.
- (b) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.
- (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 fire safety upgrading works detailed in this condition and BCA 2016 Indicative Compliance Report by Building Certificates Australia Pty Ltd dated 3 April 2018 must be completed and certified including

a Final Fire Safety Certificate prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

- (d) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

11. 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.

12. 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 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.

13. 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 and 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.

14. 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.

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. 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.

17. 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.

18. HOARDING REQUIRED

If required, a standard A 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.

19. 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 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*.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

20. 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.

21. 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.

22. 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.

23. 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.

24. TOILET FACILITIES

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

25. 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.

26. 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.

27. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

28. 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.

29. BUILDING CODE OF AUSTRALIA

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

30. ENCROACH BEYOND THE BOUNDARIES

No portion of the development including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

31. 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.

32. 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.

33. 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.

34. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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 2, 3 and 4 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.

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.

35. 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.

36. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

37. 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.

38. FIRE SAFETY UPGRADE

The Occupation Certificate shall not be released by the appointed Principal Certifying Authority until all fire safety upgrading works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule has been installed and:

- (a) has been assessed by a properly qualified person; and
- (b) 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.

39. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The development must have a bin storage point for a minimum:
 - 2 x 240L Mobile Garbage Bins (MGBs) for general waste
 - 1 x 240L MGBs for container recycling
 - 1 x 240L MGBs for paper recycling
 - 1 x 240L MGBs for excess waste & recycling or garden organic waste should this be generated on the property.
- (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. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) A room or caged area with a minimum volume of 4 m³ must be allocated for the storage of discarded bulky items, such as old furniture, awaiting Council pick up.
- (d) 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.
- (e) 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.
- (f) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

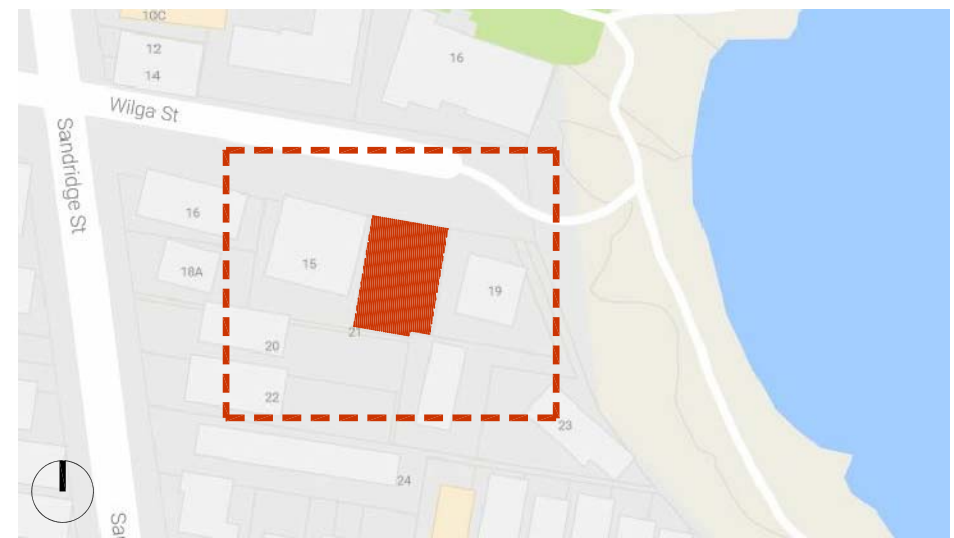
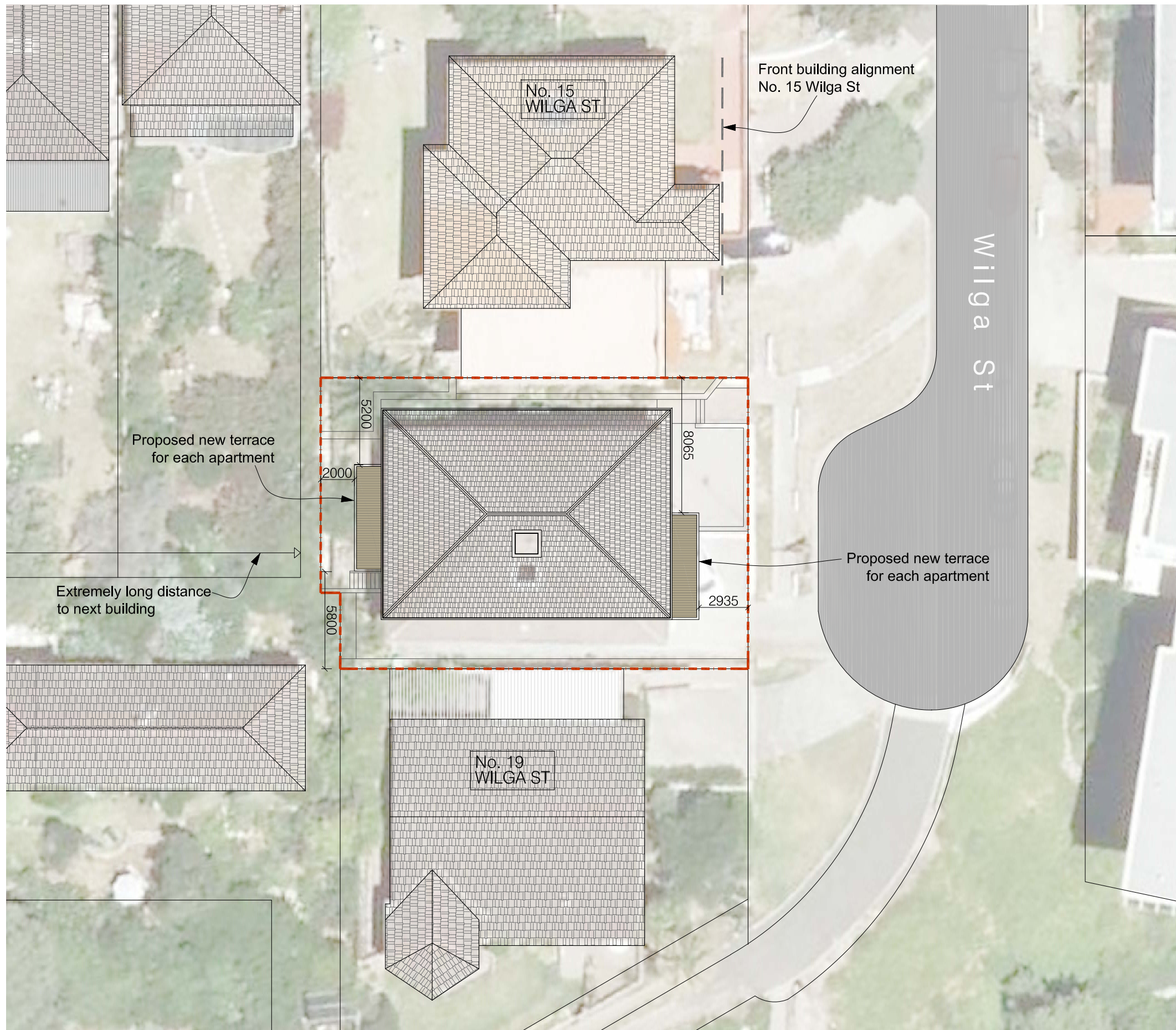
- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains.
- (h) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

40. 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.
- (f) 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.

41. 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.



LOCATION PLAN (n.t.s)



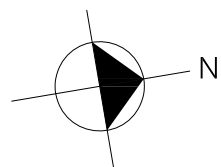
VIEW OF SUBJECT SITE FROM WILGA ST

SITE AREA: 436.3m²

BUILDING IS COMING UP TO ITS 50TH ANNIVERSARY AND IS IN NEED OF REMEDIAL WORKS PARTICULARLY THE EXISTING BALCONIES WHICH HAVE BEEN EVEN MORE EXPOSED TO THE WEATHER AND CORROSIVE CONDITIONS

NO TREES OR SUBSTANTIAL PLANTING TO BE REMOVED

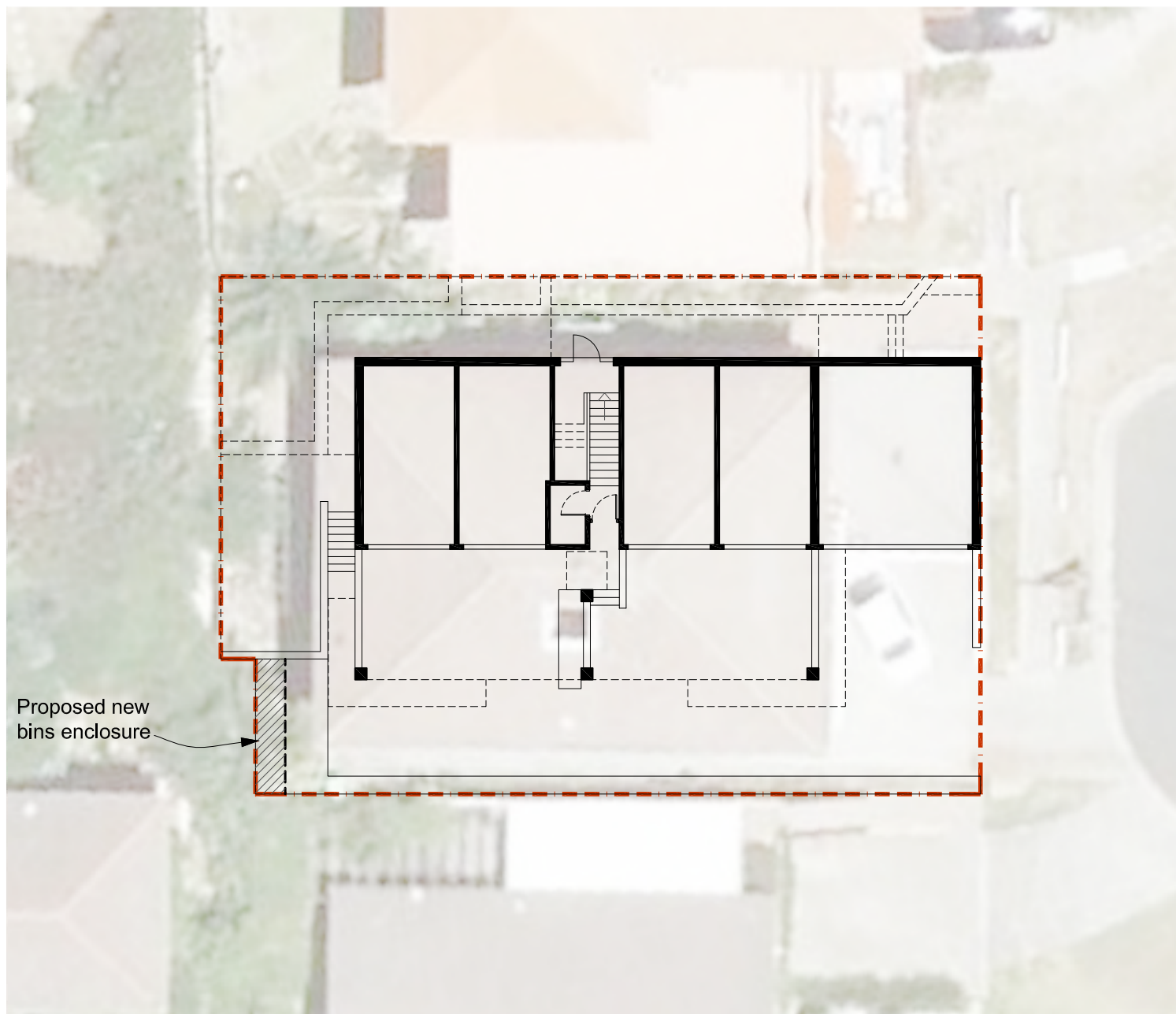
- TREE PROTECTION**
1. PROTECTIVE FENCE TO BE INSTALLED AROUND ALL EXISTING VEGETATION AREAS
 2. SEDIMENT CONTROL MEASURES TO BE INSTALLED
 3. TREES ARE TO BE RETAINED AND MAINTAINED DURING CONSTRUCTION



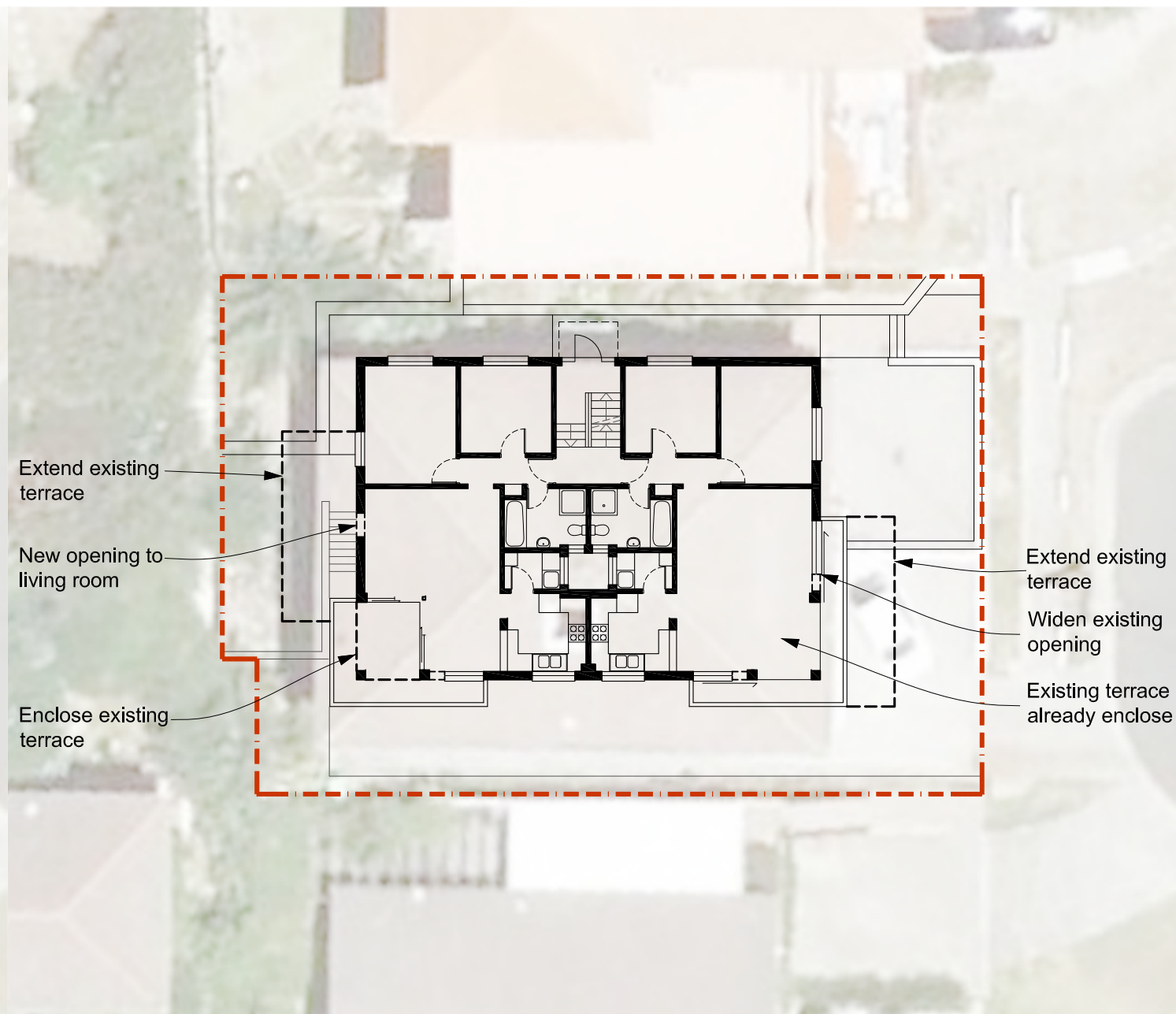
SITE PLAN+LANDSCAPE PLAN

SCALE : 1:200 @ A3
DATE : 4 APRIL 2018
DWG NO. : 1
DRAWN BY : Angel

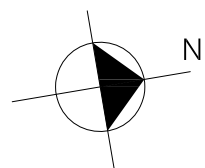




GROUND FLOOR



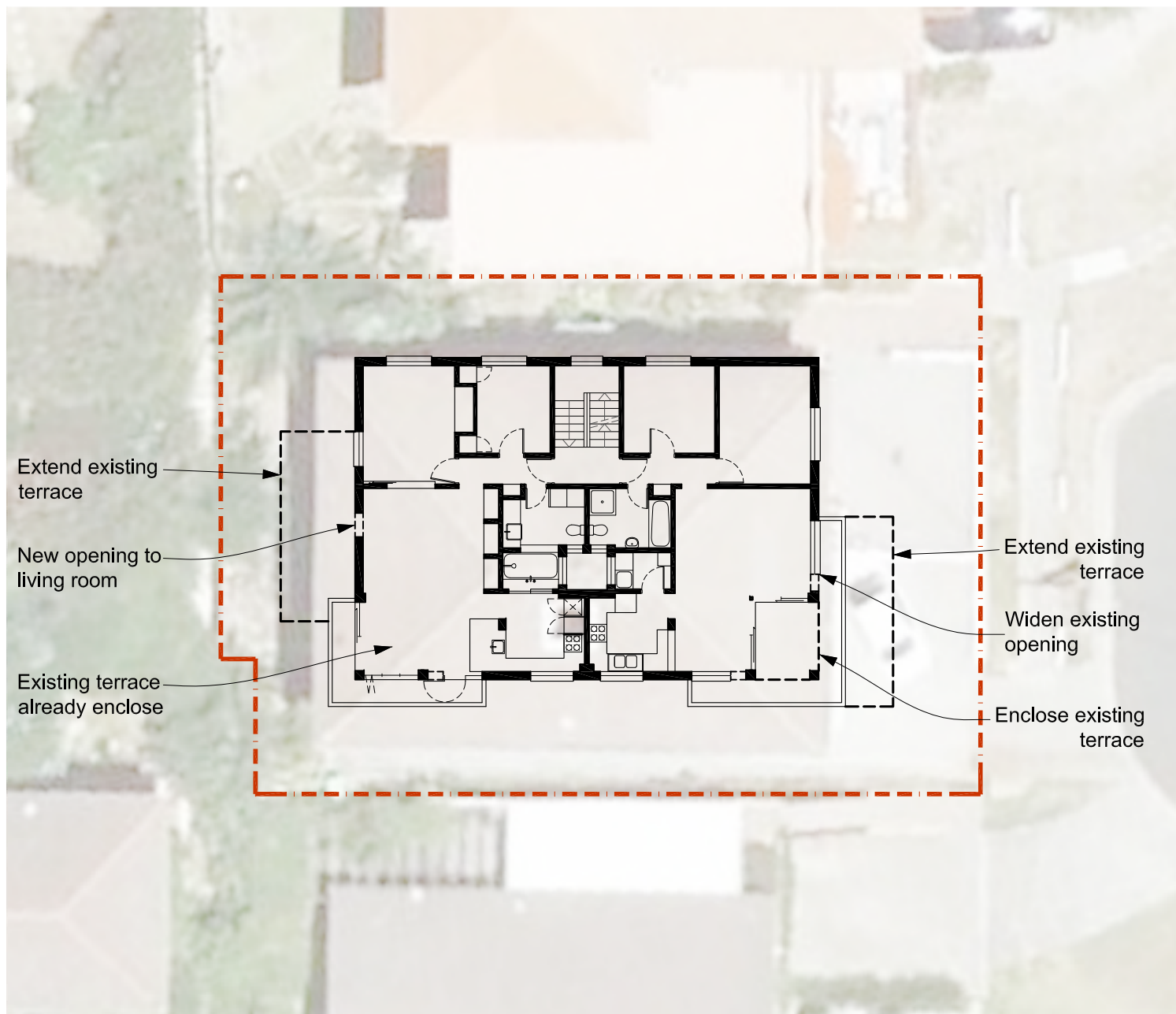
FIRST FLOOR (2 units)



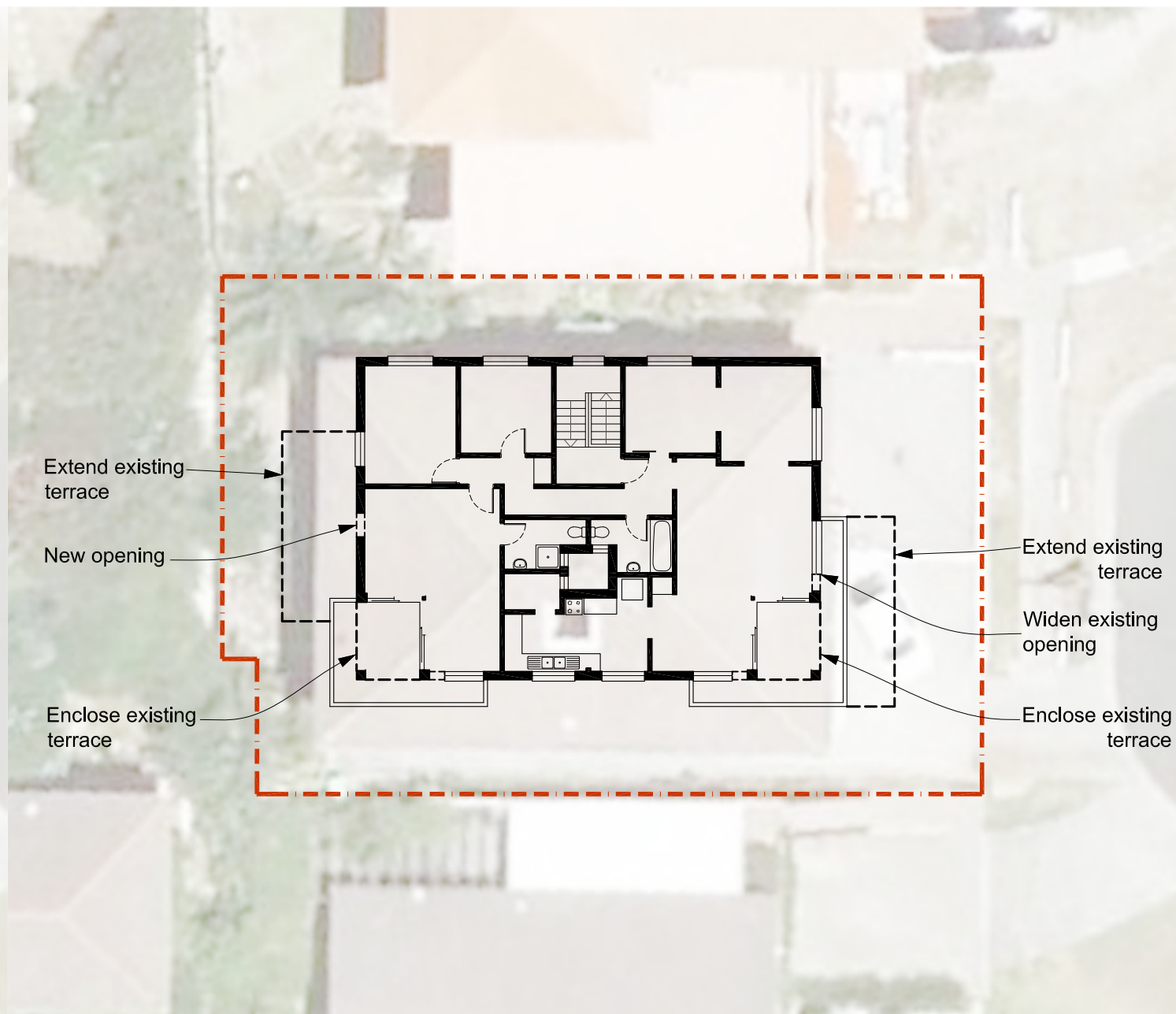
EXISTING PLANS

SCALE : 1:200 @ A3
DATE : 4 APRIL 2018
DWG NO. : 2
DRAWN BY : Angel

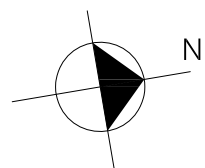




SECOND FLOOR (2 units)



ATTIC PLAN PENTHOUSE (1 unit)



EXISTING PLANS

SCALE : 1:200 @ A3
DATE : 4 APRIL 2018
DWG NO. : 3
DRAWN BY : Angel

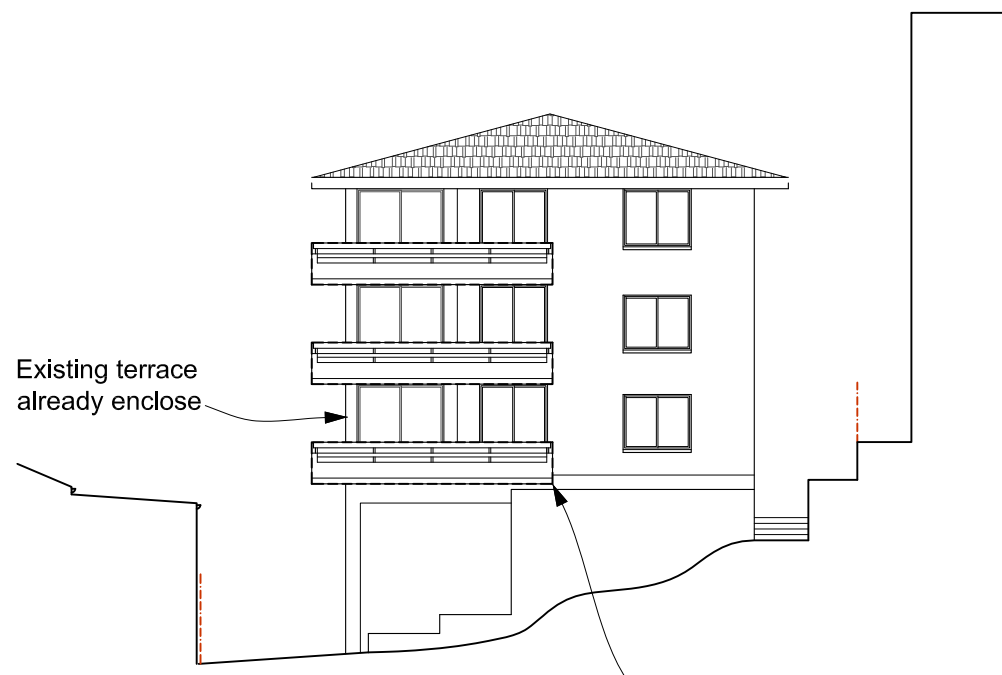




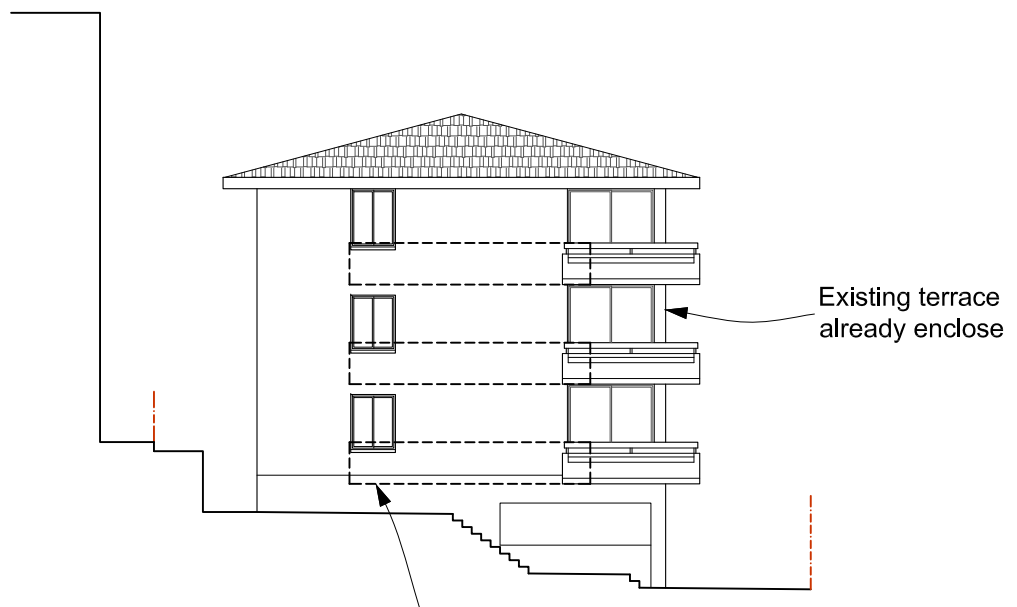
EASTERN ELEVATION



WESTERN ELEVATION



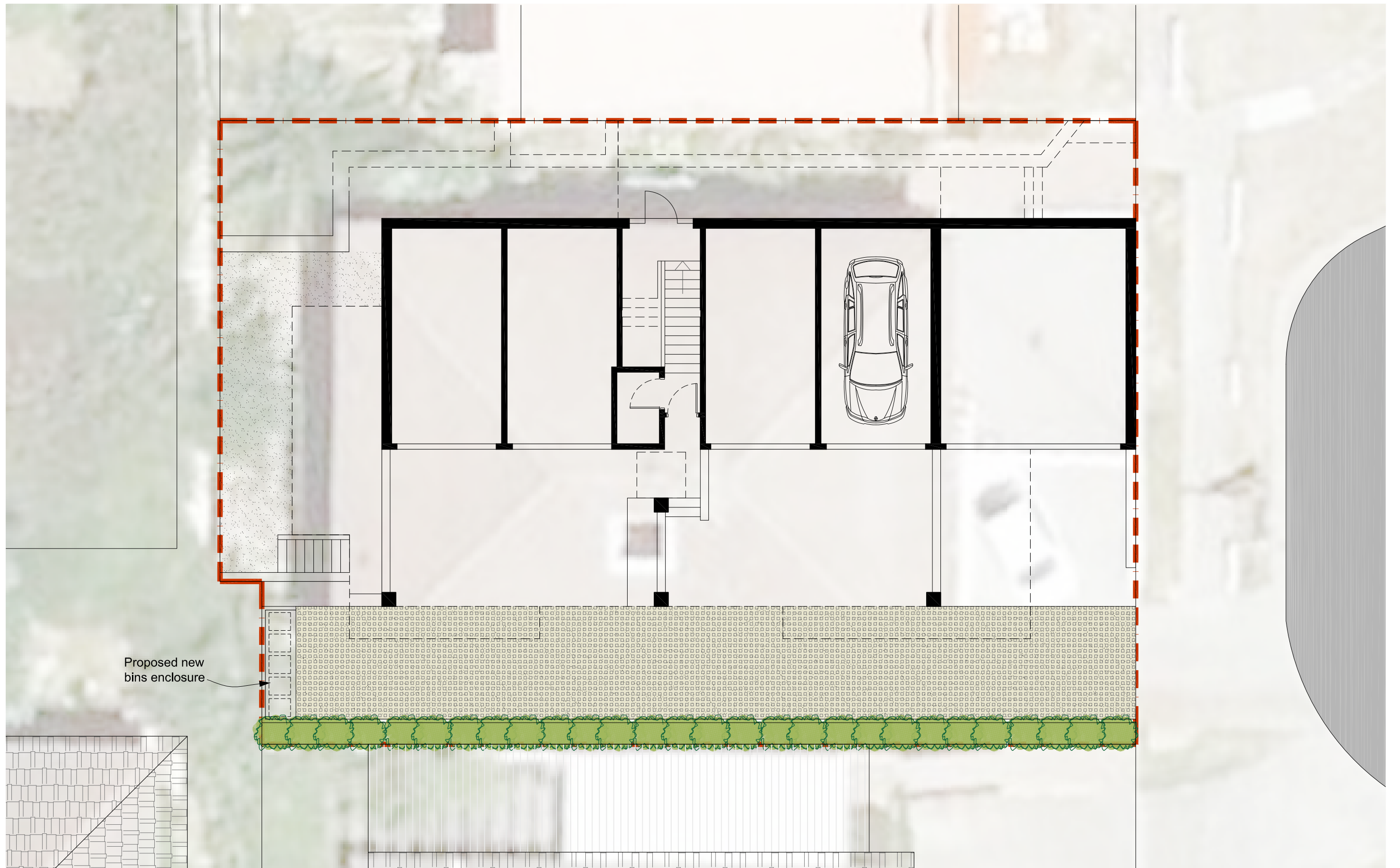
NORTHERN ELEVATION



SOUTHERN ELEVATION

EXISTING ELEVATIONS

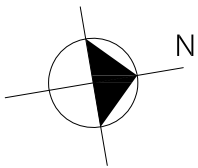
SCALE : 1:200 @ A3
 DATE : 4 APRIL 2018
 DWG NO. : 4
 DRAWN BY : Angel



Proposed new bins enclosure

**PROPOSED
GROUND FLOOR**

SCALE : 1:100 @ A3
 DATE : 4 APRIL 2018
 DWG NO. : 5
 DRAWN BY : Angel



2000 SETBACK | 2500 TERRACE | 15570 EXISTING BUILDING | 2500 TERRACE | 2935 SETBACK

5170 SETBACK

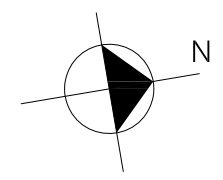
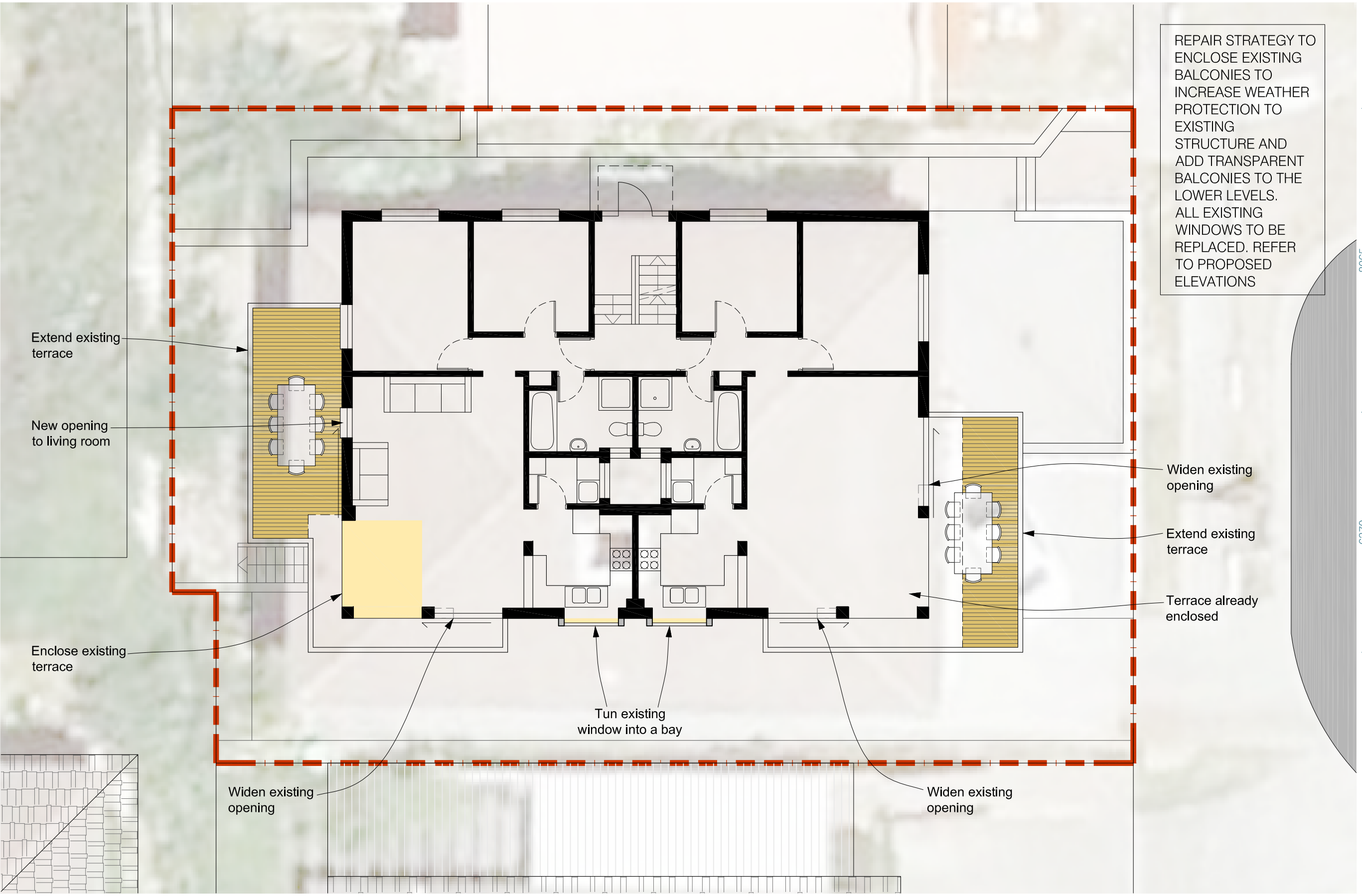
6370 TERRACE

3650 EXISTING BALCONY
5835 SETBACK

8065 SETBACK

6370 TERRACE

REPAIR STRATEGY TO ENCLOSE EXISTING BALCONIES TO INCREASE WEATHER PROTECTION TO EXISTING STRUCTURE AND ADD TRANSPARENT BALCONIES TO THE LOWER LEVELS. ALL EXISTING WINDOWS TO BE REPLACED. REFER TO PROPOSED ELEVATIONS



**PROPOSED
FIRST FLOOR**

SCALE : 1:100 @ A3
DATE : 4 APRIL 2018
DWG NO. : 6
DRAWN BY : Angel

	NEW WALLS
	EXISTING WALLS

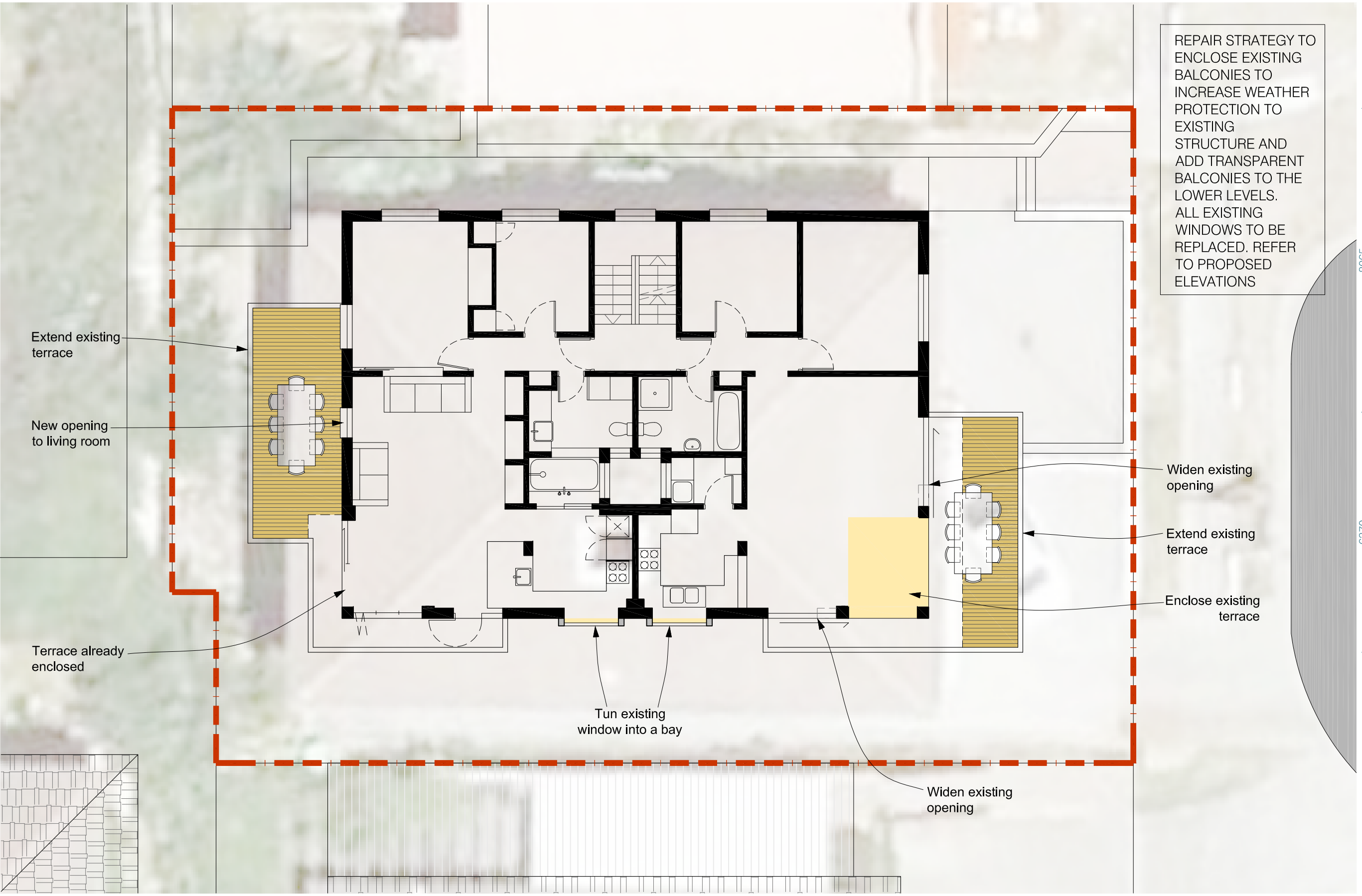


2000 SETBACK | 2500 TERRACE | 15570 EXISTING BUILDING | 2500 TERRACE | 2935 SETBACK

5170 SETBACK | 6370 TERRACE | 3650 EXISTING BALCONY | 5835 SETBACK

8065 SETBACK | 6370 TERRACE

REPAIR STRATEGY TO ENCLOSE EXISTING BALCONIES TO INCREASE WEATHER PROTECTION TO EXISTING STRUCTURE AND ADD TRANSPARENT BALCONIES TO THE LOWER LEVELS. ALL EXISTING WINDOWS TO BE REPLACED. REFER TO PROPOSED ELEVATIONS



PROPOSED SECOND FLOOR

SCALE : 1:100 @ A3
 DATE : 4 APRIL 2018
 DWG NO. : 7
 DRAWN BY : Angel

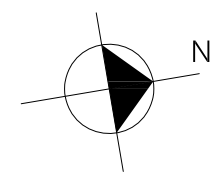
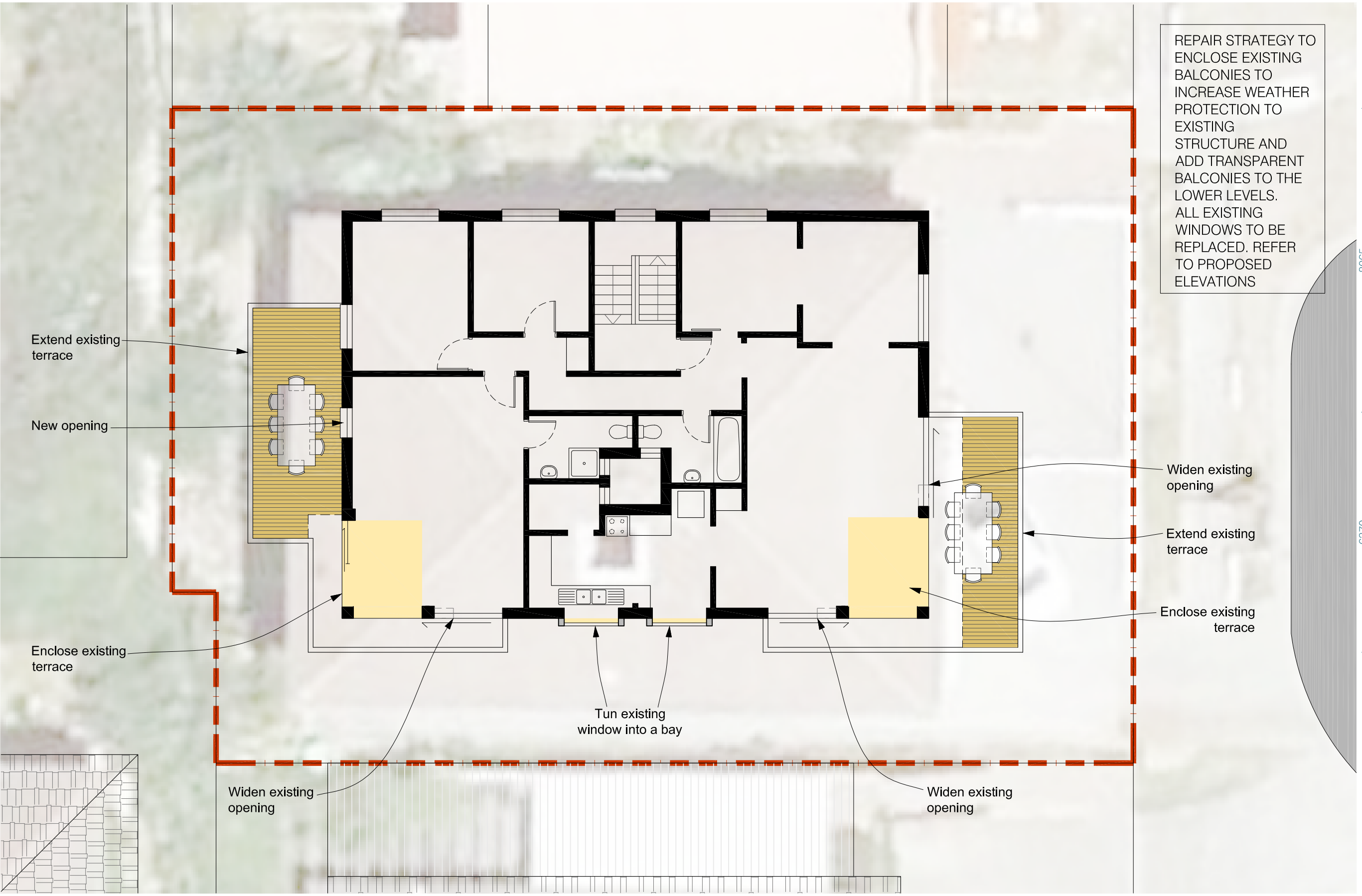
	NEW WALLS
	EXISTING WALLS

2000 SETBACK | 2500 TERRACE | 15570 EXISTING BUILDING | 2500 TERRACE | 2935 SETBACK

5170 SETBACK | 6370 TERRACE | 3650 EXISTING BALCONY | 5835 SETBACK



8065 SETBACK | 6370 TERRACE

REPAIR STRATEGY TO ENCLOSE EXISTING BALCONIES TO INCREASE WEATHER PROTECTION TO EXISTING STRUCTURE AND ADD TRANSPARENT BALCONIES TO THE LOWER LEVELS. ALL EXISTING WINDOWS TO BE REPLACED. REFER TO PROPOSED ELEVATIONS

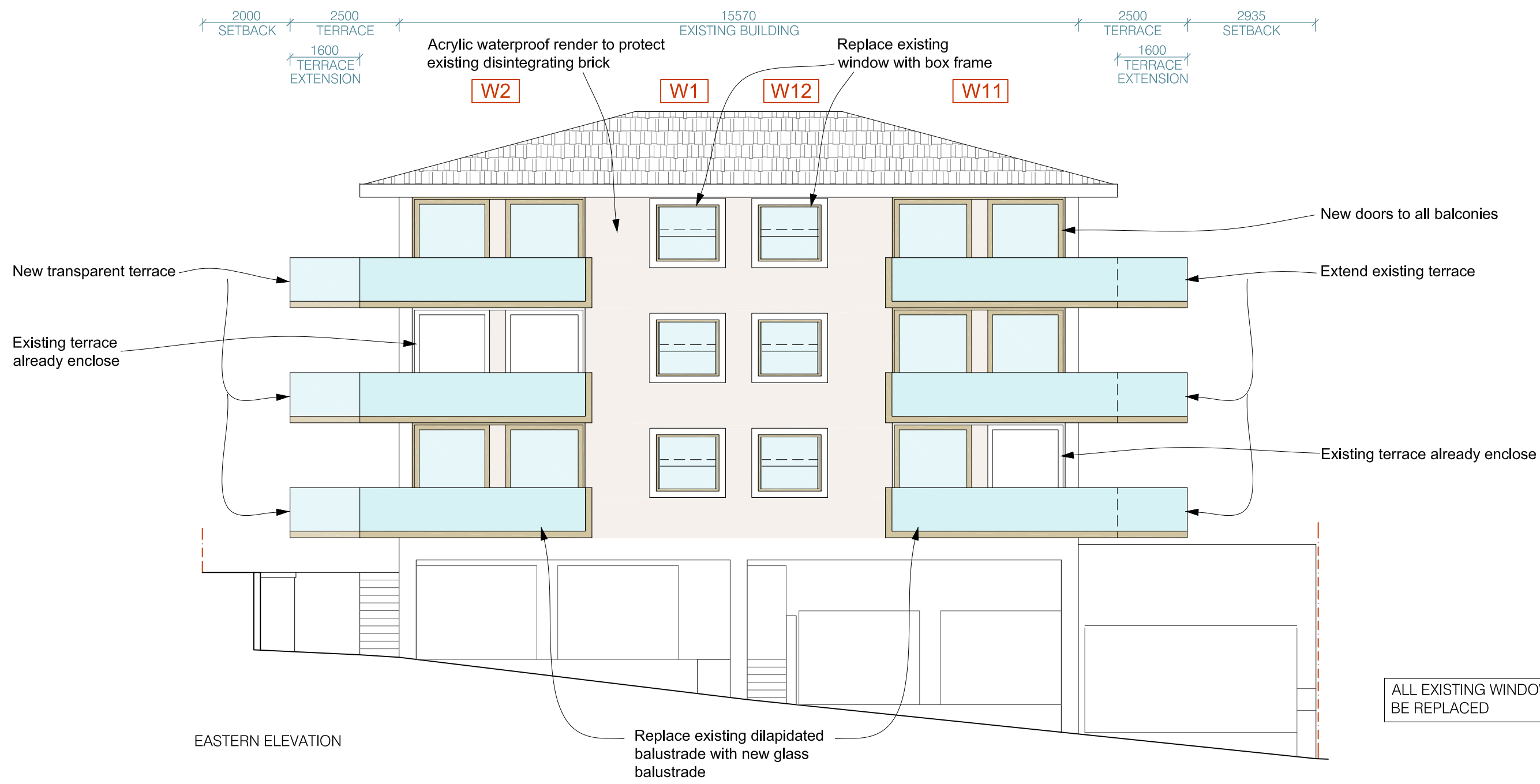


PROPOSED THIRD FLOOR (PENTHOUSE)

SCALE : 1:100 @ A3
DATE : 4 APRIL 2018
DWG NO. : 8
DRAWN BY : Angel

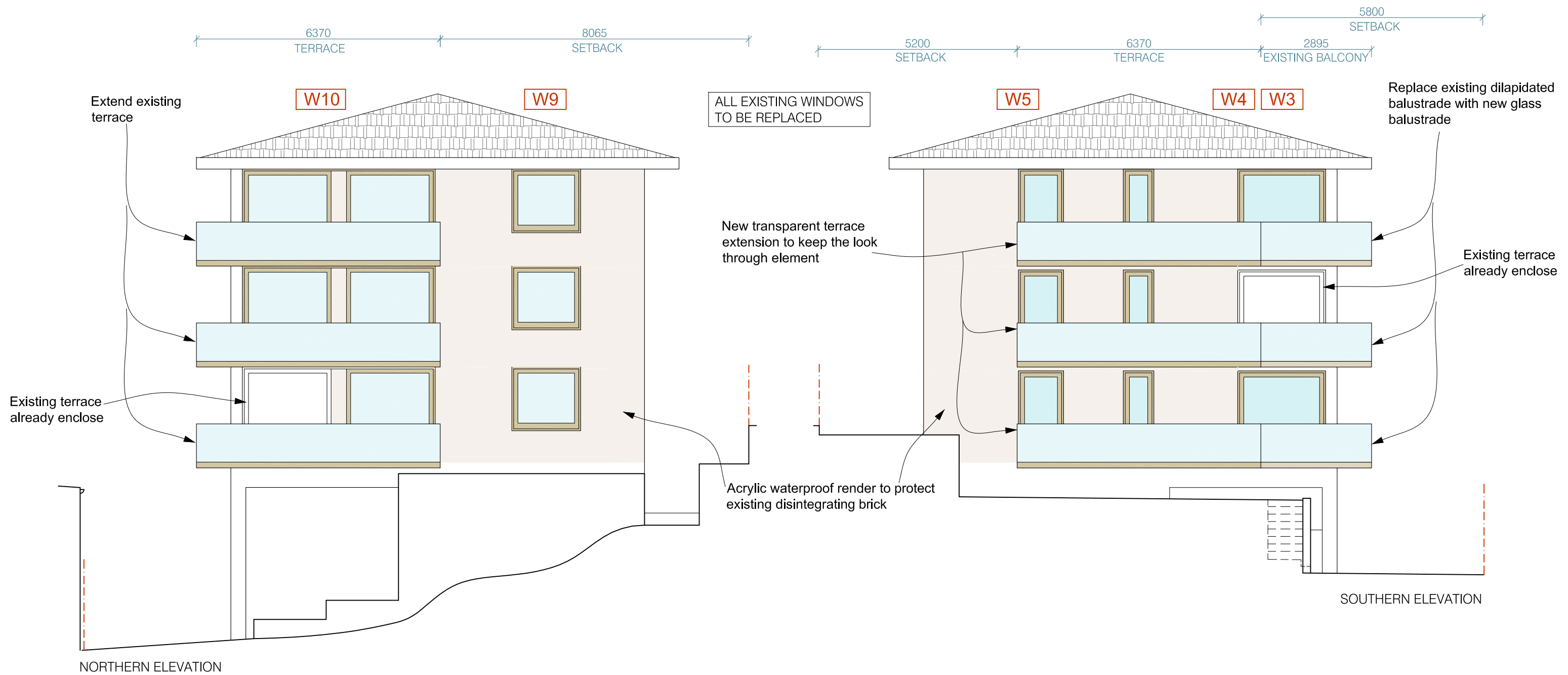
	NEW WALLS
	EXISTING WALLS





PROPOSED
ELEVATIONS

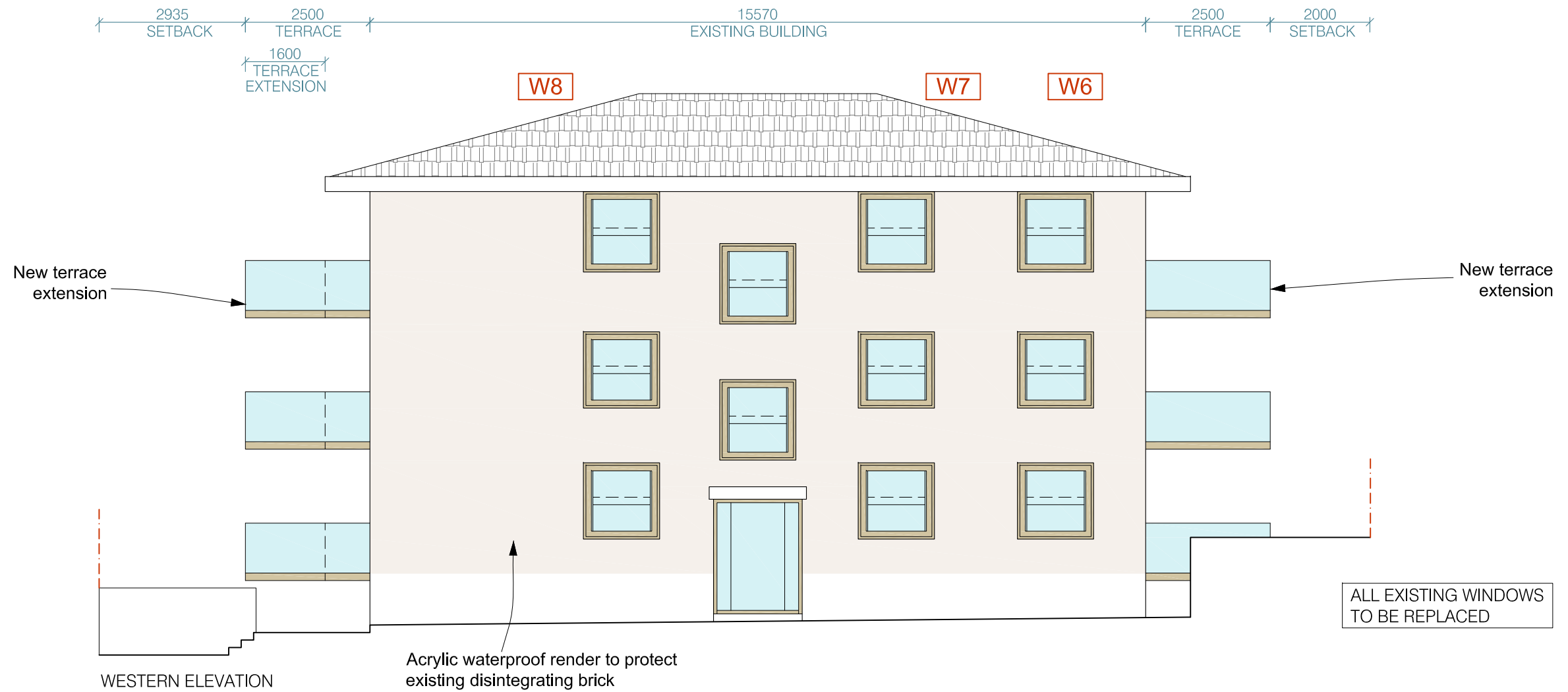
SCALE : 1:100 @ A3
DATE : 4 APRIL 2018
DWG NO. : 9
DRAWN BY : Angel



PROPOSED
ELEVATIONS

SCALE : 1:100 @ A3
DATE : 4 APRIL 2018
DWG NO. : 10
DRAWN BY : Angel

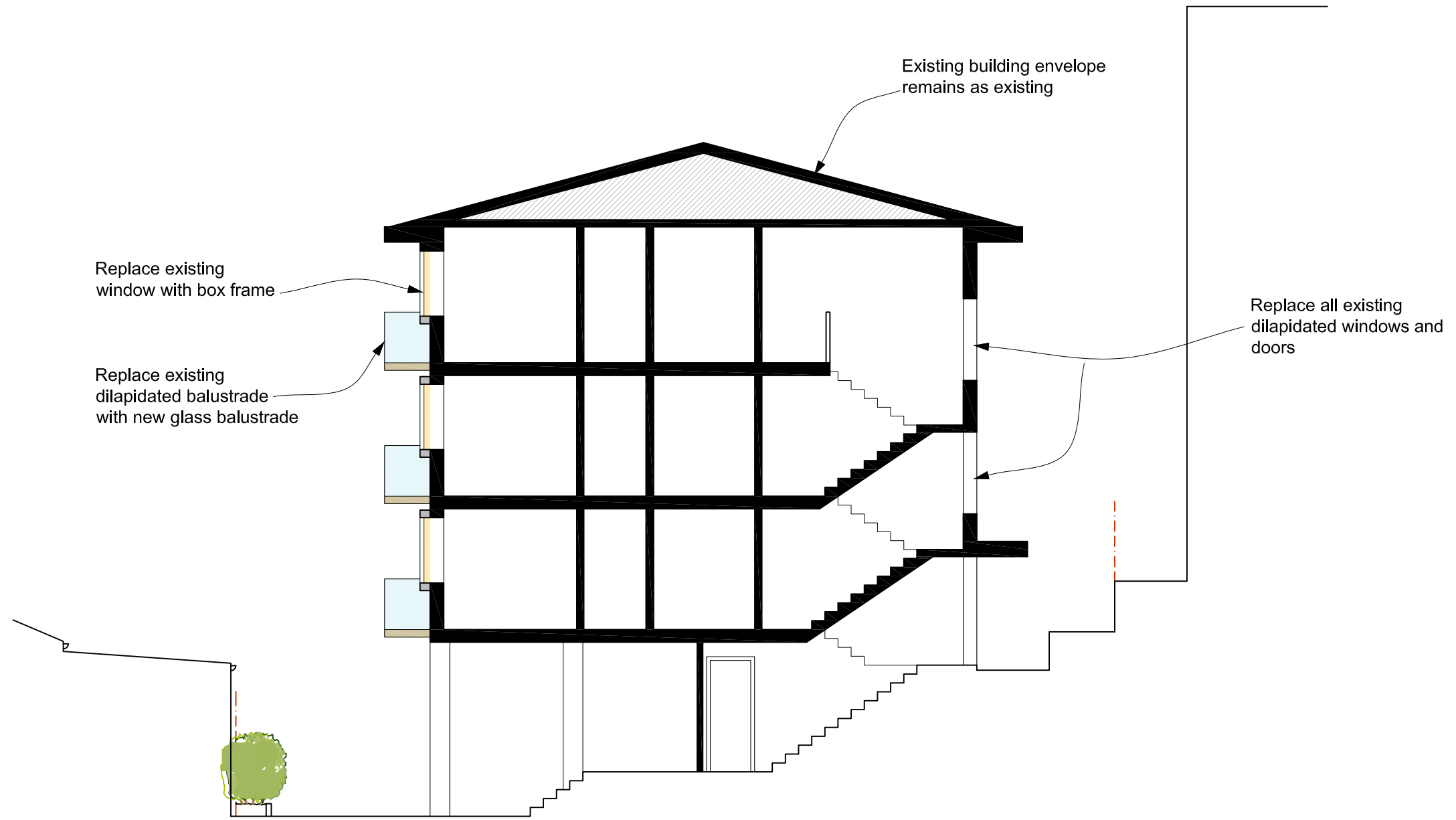




PROPOSED
ELEVATIONS

SCALE : 1:100 @ A3
DATE : 4 APRIL 2018
DWG NO. : 11
DRAWN BY : Angel





Replace existing window with box frame

Replace existing dilapidated balustrade with new glass balustrade

Existing building envelope remains as existing

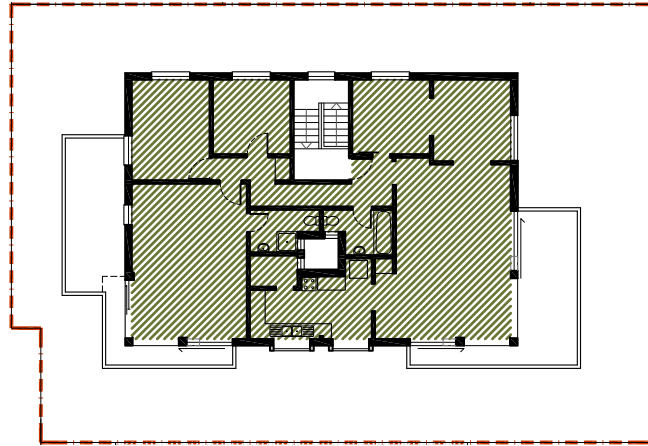
Replace all existing dilapidated windows and doors

SECTION

SCALE : 1:100 @ A3
 DATE : 4 APRIL 2018
 DWG NO. : 12
 DRAWN BY : Angel

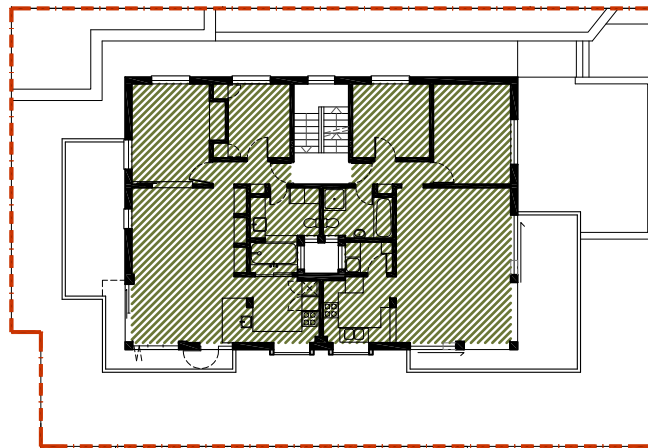


unit 5



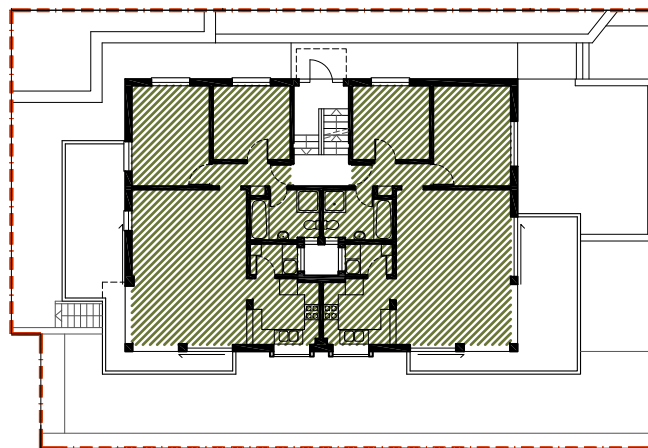
THIRD FLOOR

unit 3 unit 4



SECOND FLOOR

unit 1 unit 2



FIRST FLOOR

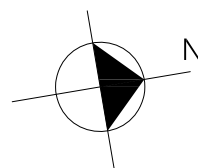
Site area: 436.3m²

	EXISTING	PROPOSED
First Floor	134.3m ²	140.9m ²
Second Floor	134.3m ²	140.9m ²
Third Floor	129.4m ²	140.9m ²
TOTAL	398.0m²	422.7m²
FSR	0.91	0.96

UNIT BREAK DOWN	EXISTING	PROPOSED
Unit 1	64.2m ²	70.1m ²
Unit 2	70.1m ²	70.1m ²
Unit 3	70.1m ²	70.1m ²
Unit 4	64.2m ²	70.1m ²
Unit 5	129.4m ²	140.9m ²

Terrace already enclosed

Terrace already enclosed



**GROSS FLOOR AREA
+ AREAS BREAKDOWN**

SCALE : 1:300 @ A3
DATE : 4 APRIL 2018
DWG NO. : 14
DRAWN BY : Angel





Report to the Waverley Local Planning Panel

Application number	DA-525/2017/A
Site address	9 Portland Avenue, DOVER HEIGHTS
Proposal	S4.55 Modification to delete condition 2 relating to the car port structure
Approved development description	Alterations and additions to existing dwelling including additional storey
Date of lodgement	18 June 2018
Owner	Mr N A Golfin and Ms P Polly
Applicant	Christopher Polly Architect
Submissions	Nil
Issues	Nil
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 29 in DP 6242, known as 9 Portland Avenue, DOVER HEIGHTS. The site is rectangular in shape with a north boundary measuring 51.51m, east boundary (street frontage) measuring 15.24m, south boundary measuring 51.26m and west boundary measuring 15.24m. The site has an area of 785.07sqm and the site falls from the front to the rear by approximately 4.23m.

The site is occupied by a single storey detached dwelling, with a partial lower ground floor at the rear. The house sits lower than the adjoining street level. Vehicular access is provided to a car port located at the front of the site.

The subject site is adjoined by a three storey dwelling to the south. The site to the north contains a two storey dwelling, and a development application currently under assessment proposes demolition and construction of a three storey dual occupancy (DA-243/2017). The locality is characterised by a variety of residential developments including semi-detached and detached dwellings. Opposite the site to the east is Dudley Page Reserve.



Figure 1: Subject site frontage



Figure 2: Existing car port on Portland Street

1.2 Details of Approved Development

DA-525/2017 proposed alterations and additions to the existing dwelling including conversion of the carport to a garage. The proposed additional storey to the dwelling resulted in a departure from the height development standard by more than 10% and as such the application was referred to the Waverley Local Planning Panel for determination (known as the Waverley Development Assessment Panel at the time). The application was approved by the Panel on 23 May 2018.

The Planner's Assessment Report recommended that the upgrade works to the car port be approved however the garage door be deleted as an enclosed garage is not appropriate in this streetscape. The following condition was recommended:

(2)(a) The panel lift door proposed for the new garage is not supported and is to be deleted from the plans.

The Panel resolved to approve the application, however amend Condition 2(a) to read as follows:

(2)(a) The conversion of the existing car port to an enclosed garage is not approved and is to be deleted from the plans.

The reason for the amendment to the condition is as follows: *The Panel is of the opinion that the conversion of the existing carport to an enclosed garage is not appropriate in this streetscape, and therefore does not approve this aspect of the development. The Panel otherwise concurs with the planner's report.*

It is noted that **DA-525/2017/B** to vary the material and colour to the inside of the rear upper floor level from timber boards to metal cladding was approved on 2 October 2018 under delegation.

1.3 Proposal

The Section 4.55 (2) application seeks to delete Condition (2) relating to the conversions of the car port to a garage. The applicant submits that the car port is in need of replacement. The following modifications have been made to enable the replacement of the car port while minimising the impact on the streetscape:

- *Remove the existing car port roof and posts*
- *Deletion of the garage door from the plans*
- *Construction of a new metal clad side walls and roof over the existing car port footprint.*
- *On Portland Street, the new car port roof is 450mm higher than the existing car port roof with a fall from the street towards the rear of the site. The design of the car port includes a metal clad fascia to provide a connection between the approved dwelling façade and the car port structure*

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 modification if approved is 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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate was submitted with the original 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.

2.2.2 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.

2.2.3 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal relates to a single dwelling, 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"> 8.5m 	Yes	The car port has a maximum height of 3.5m at the rear (as a result of the drop in levels). On Portland Avenue the maximum height is 2.9m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	N/A	The proposal does not seek to alter the approved gross floor area, and as such there is no change to the FSR.

2.2.4 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
1. Waste	Yes	A SWRMP was submitted with the original development application. On-going waste management of the dwelling will remain unchanged by the proposal.
2. Energy and water conservation	Yes	A BASIX certificate was submitted with the original application.

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
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line 	Yes	The existing car port is built to the front boundary. The proposal does not exceed the footprint of the existing carport and therefore does not impact the existing front building lines.
1.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m 	No	The car port has nil setback to Portland Street and the southern boundary (with 11 Portland Street). This is considered acceptable as the modifications do not exceed the existing car port foot print.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development should be visually compatible with its streetscape context. • Development must not dominate the streetscape. 	Yes	The original assessment determined that the proposed garage door was not compatible with the streetscape and dominates the front façade. The garage door has been deleted and the modified car port is considered to be visually compatible with the approved alterations and additions to the dwelling.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms 	Yes	The car port provides off street car parking for two cars.
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	No, but considered acceptable	<p>The existing car port is forward of the front building line. There is no rear access, and the topography of the site does not allow for a garage to be located at the side of the dwelling or behind the building alignment.</p> <p>It is not clear whether consent has been sought for the existing car port, however, Council have not previously taken any compliance action.</p> <p>The hierarchy in Clause 1.11.2 allows for hardstand car spaces to be forward of the front building line, there is no provision for garages forward of the building line. There is not a predominance of garage doors on the boundary within the immediate vicinity of the site, as such the modification to delete the garage door is supported.</p>
1.11.3 Design	Yes	The existing car port is not sympathetic with the dwelling and detracts from the streetscape. The amended design to include metal clad walls and

Development Control	Compliance	Comment
		roof (and delete the garage door) results in a car port that is sympathetically integrated into the design of the approved alterations and additions to the dwelling.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The original proposal, which included the garage door provided only 5.3m in length, which did not comply. With the garage door deleted, the car port measures 5.4m by 4.9m, which complies.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	Yes	There is an existing single driveway, which is proposed to be retained. However, the original application and this subject S4.55 application were referred to Council's Traffic and Development Unit who recommended that the existing vehicle crossing be modified to provide access to the proposed double garage. A condition was included in the original consent.

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

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

2.5 Any Submissions

The modification 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*. No submissions were received.

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 & Development – Creating Waverley

The original application and the subject S4.55 modification were referred to Council's traffic & development team who advised that the proposal is acceptable subject to conditions relating to the modifications to the existing vehicle crossing to provide access to the double carport. The conditions were included in the original consent.

4. SUMMARY

The original application sought consent for alterations and additions to the existing dwelling and conversion of the car port into a garage. The additional storey to the dwelling proposed under the original development application resulted in a departure from the height development standard by more than 10% and as such the application was referred to the Waverley Local Planning Panel for determination (known as the Waverley Development Assessment Panel at the time). The application was approved by the Panel on 23 May 2018.

The Planner's Assessment Report recommended that a condition be included for the garage door to be deleted. The other works to replace the existing car port with side walls and roof were supported. The Waverley Local Planning Panel determined to approve the application, however modify Condition (2) to read:

(2)(a) The conversion of the existing car port to an enclosed garage is not approved and is to be deleted from the plans.

This subject S4.55 modification seeks to delete Condition (2). The applicant submits that the car port is in need of replacement. The proposal has been modified to delete the garage door, remove the existing car port roof and posts, construct new metal clad side walls and roof and provide a car port that is better integrated into the design of the approved alterations and additions to the dwelling.

No submissions were received. The application is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

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

Emma Finnegan
Senior Development Assessment Planner

Arif Faruqi
**Manager, Development Assessment
(North/South)**

Date: 2 November 2018

Date: 12 November 2018

Reason for referral:

Modification of a Condition imposed by the Waverley Local Planning Panel

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA.100 Issue P3, DA.101 Issue P5, DA.102 Issue P5, DA.103 Issue P5, DA.104 Issue P3, DA.105 Issue P2, DA.201 Issue P5, DA.202 Issue P5, DA.203 Issue P5, DA.204 Issue P5, DA.205 Issue P5, tables and documentation prepared by Christopher Polly Architect, dated 7/12/2017, and received by Council on 7 December 2017,
 - (i) As amended by Architectural Plan Nos DA.202 Issue P7, DA.205 Issue P7 and DA.300b Issue P4, tables and documentation prepared by Christopher Polly Architect, dated 14/09/2018 and received by Council on 25 September 2018. (MODIFIED DA-525/2017/B)
 - (ii) **As amended by Architectural Plan Nos DA.100 Issue P4, DA.101 Issue P6, DA.102 Issue P6, DA.104 Issue P4, DA.201 Issue P6, DA.202 Issue P6, DA.203 Issue P6, DA.204 Issue P6, DA.300a Issue P3, DA.300b Issue P3, tables and documentation prepared by Christopher Polly Architect, dated 18/06/2018 and received by Council on 18/06/2018. (MODIFIED DA-525/2017/A)**
- (b) BASIX Certificate;
- (c) Schedule of external material finishes Plan No. DA.300a and DA.300b, all Issue P2, prepared by Christopher Polly Architect, dated 7/12/2017, and received by Council on 7 December 2017
- (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.

B. Deleted Conditions

~~2. GENERAL MODIFICATIONS~~

~~The proposal shall be amended as follows:~~

- ~~(a) The conversion of the existing car port to an enclosed garage is not approved and is to be deleted from the plans.~~

~~The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
(DELETED BY DA-525/2017/A)~~

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA.100 Issue P3, DA.101 Issue P5, DA.102 Issue P5, DA.103 Issue P5, DA.104 Issue P3, DA.105 Issue P2, DA.201 Issue P5, DA.202 Issue P5, DA.203 Issue P5, DA.204 Issue P5, DA.205 Issue P5, tables and documentation prepared by Christopher Polly Architect, dated 7/12/2017, and received by Council on 7 December 2017,
 - (i) As amended by Architectural Plan Nos DA.202 Issue P7, DA.205 Issue P7 and DA.300b Issue P4, tables and documentation prepared by Christopher Polly Architect, dated 14/09/2018 and received by Council on 25 September 2018. (MODIFIED DA-525/2017/B)
 - (ii) **As amended by Architectural Plan Nos DA.100 Issue P4, DA.101 Issue P6, DA.102 Issue P6, DA.104 Issue P4, DA.201 Issue P6, DA.202 Issue P6, DA.203 Issue P6, DA.204 Issue P6, DA.300a Issue P3, DA.300b Issue P3, tables and documentation prepared by Christopher Polly Architect, dated 18/06/2018 and received by Council on 18/06/2018. (MODIFIED DA-525/2017/A)**
- (b) BASIX Certificate;
- (c) Schedule of external material finishes Plan No. DA.300a and DA.300b, all Issue P2, prepared by Christopher Polly Architect, dated 7/12/2017, and received by Council on 7 December 2017
- (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. GENERAL MODIFICATIONS~~

~~The proposal shall be amended as follows:~~

- ~~a) The conversion of the existing car port to an enclosed garage is not approved and is to be deleted from the plans.~~

~~The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. (DELETED DA-525/2017/A)~~

3. USE OF DWELLING

The premises are to be used only as a single dwelling house.

4. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

6. NEW DEVELOPMENT APPLICATION REQUIRED

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 removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 7.11 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.11 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/

- (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 7.11 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.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$10,000** 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.

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. 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 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.

11. HOARDING REQUIRED

If required, standard A / 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.

12. 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.

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. STORMWATER MANAGEMENT

- (a) The plans prepared by Christopher Polly Architect, DWG No. 1702.DA.105 (Issue P2), Dated September 2007 have been checked and considered ***not satisfactory*** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual.

- An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details e.g. dimensions, cross & long sections, top water level, details of orifice plate along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.
- (b) Amended details addressing clause (a) are to be submitted and approved by Council's Executive Manager, Creating Waverley demonstrating compliance, prior to the issue of a Construction Certificate.
- (c) 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.

15. 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.

16. 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.

17. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

18. 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 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*.

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) 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.

23. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete footpath.

24. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

The existing vehicle crossing is to be modified to provide access to the proposed double garage. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

25. 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.

26. 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.

27. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

28. 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.

29. ASBESTOS REMOVAL

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.

No asbestos products are to be reused on site.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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.

30. 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.

31. 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.

32. 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.

33. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

34. TOILET FACILITIES

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

35. 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.

36. BUILDING CODE OF AUSTRALIA

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

37. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)

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 1 and 10 building:

- (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.

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; and
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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.

38. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

39. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed works including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

40. 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.

41. 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.

42. IN-SINK WASTE DISPOSAL SYSTEMS

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

43. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

44. SERVICE PIPES

All new 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.

45. STREET TREES

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. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

46. 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.

47. 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.

48. 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.

The **retention** the tree located within the front nature strip of 9 Portland Street, Dover Heights, shall be in accordance to – Australian Standards, *Protection of trees on development sites, AS 4970 – 2009*. The following measures shall also be implemented in regards to this tree:

- The hand digging of the proposed driveway initially, to proposed depths required.
- The erection of temporary fencing, 75 - 100mm thick mulch laid within and geo fabric laid up against temporary fencing (northern sides only) to prevent soil and mulch erosion during heavy rainfall with signs “Tree Protection Zone – do not enter” to be erected on all four sides of the fencing.
- Plywood sheeting to be laid over 100mm of mulch, within proposed driveway, so as builder can use for storage of **dry product only**, and then locked off at night. No vehicles within this zone.
- The use of the existing driveway during the demolition and building phase and temporary fencing of the nature strip, until the new driveway is ready for concreting. Then the temporary fencing shall be placed back to the northern side of the proposed driveway.
- The installation of a new tree in the location of the existing driveway after the removal of the old driveway. Tree protection measures and a maintenance regime shall be implemented, in accordance with Australian Standards and Waverley Councils preferred plant list.

No existing street trees shall be removed without Council approval. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

49. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue an 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.

50. STORMWATER MANAGEMENT

Prior to issuance of 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 submitted to satisfy conditions and to best engineering practice.

51. 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.

52. 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.

53. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) 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.
- (f) 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).

GFA CALCULATIONS

Site Area:	785.07 sq.m
Maximum FSR permissible:	0.5 : 1
Maximum GFA allowed:	392.535 sq.m
Existing GFA (LGF: 84.92 + GF: 112.76):	197.68 sq.m
Existing FSR:	0.252 : 1

PROPOSED DA
 Proposed GFA (LGF+GF: 197.68 + FF: 72.75): 270.43 sq.m
 Proposed FSR: 0.344 : 1

BASIX COMMITMENTS

- THERMAL COMFORT COMMITMENTS
 Construction & Insulation:
1. Floor above existing dwelling - nil.
 2. External framed walls - R1.70 insulation.
 3. Framed pitched roof, raked ceiling - Roof: 75mm foil backed blanket insulation, Ceiling: R1.24 insulation (up), Metal roofing: dark solar absorbance.

Windows & Glazed Doors:

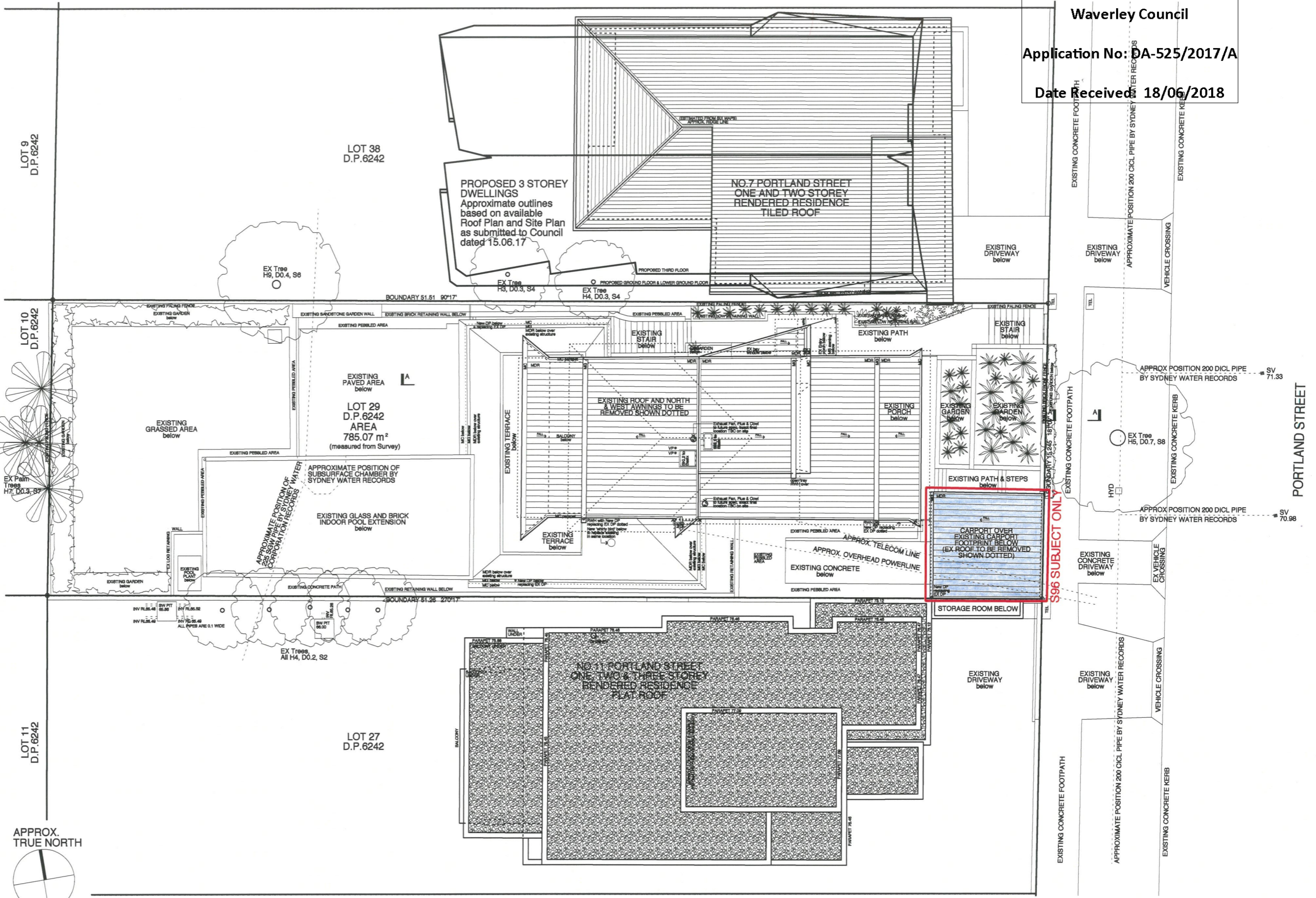
1. W1 - E standard aluminium framed, single clear glass, overshadowing 1.523m (h), 0.75m (w), eave/verandah/ pergola/balcony >=750mm.
2. W2 - E standard aluminium framed, single clear glass, overshadowing 1.523m (h), 0.75m (w), eave/verandah/ pergola/balcony >=750mm.
3. W3 - E standard aluminium framed, single clear glass, overshadowing 1.496m (h), 0.75m (w) eave/verandah/ pergola/balcony >=750mm.
4. W4 - N standard aluminium framed, single clear glass, external fixed louvre.
5. W5 - W standard aluminium framed, single clear glass, overshadowing 2.87m (h), 3.1m (w), projection/height above sill ratio >=0.43.
6. W6 - W standard aluminium framed, single clear glass, external adjustable louvre/blind.
7. W7 - S standard aluminium framed, single clear glass, no shading.
8. W8 - S standard aluminium framed, single clear glass, no shading.
9. W9 - W timber or uPVC framed, single clear glass, overshadowing 2.85m (h), 3.1m (w), projection/height above sill ratio >=0.43.

Skylights:

1. S1 - timber, low-e internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456), no shading.
2. S2 - timber, low-e internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456), no shading.

KEY:

- Existing walls & structures
- Existing elements to be demolished
- New framed walls & elements
- New brickwork
- New blockwork to Struct Eng details



Notes:
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 Comply with relevant authorities requirements. Comply with Building Code of Australia requirements. Comply with relevant Australian Standards for materials and construction practice.

Rev	Amendment	Date
P1	Prelim DA Issue to Planner & Client	19.09.17
P2	Prelim DA Issue to Planner & Client	16.11.17
P3	Development Application	07.12.17
P4	S96 Application for re-proposed carport structure with deleted doors & windows	18.06.18

LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PB	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
DP	DOWNPIPE (METAL)	RL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SHR	SHOWER
FFL	FINISHED FLOOR LEVEL	SKL	SKYLIGHT
FG	FIXED GLASS	TFD	TIMBER FRAMED DOOR
FRL	FINISHED RELATIVE LEVEL	TFW	TIMBER FRAMED WINDOW
FW	FLOOR WASTE (STRIP DRAIN)	TL	TILE FINISH
HWU	HOT WATER UNIT	TM	TIMBER (DRESSED)
JU	JOINERY UNIT STORAGE	TMB	TIMBER BOARDS
MC	METAL CAPPING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MCL	METAL CLADDING	TOG	TOP OF GUTTER
MDR	METAL DECK ROOF	TW	TOP OF WALL
MG	METAL GUTTER	WIR	WALK-IN ROBE
MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

SECTION 96 APPLICATION
 NOT FOR CONSTRUCTION
 NOT FOR TENDER

Architect
christopher polly architect
 (Nominated Architect: Christopher Polly, ARB No.7150)
 17 Harold Street, Newtown NSW 2042
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Town Planner
 DAMIAN O'TOOLE TOWN PLANNING PTY LTD
 Studio 9, L5, 35 Buckingham St, Surry Hills NSW 2010
 t. 02 9690 0464 f. 9690 0463

Project
GOLFIN POLLY HOUSE
 9 Portland St Dover Heights (Lot 29, DP.6242)

Client
 NICHOLAS GOLFIN and PATSIE POLLY
 9 Portland Street, Dover Heights NSW 2030
 m. 0402 096 075 m. 0402 096 074

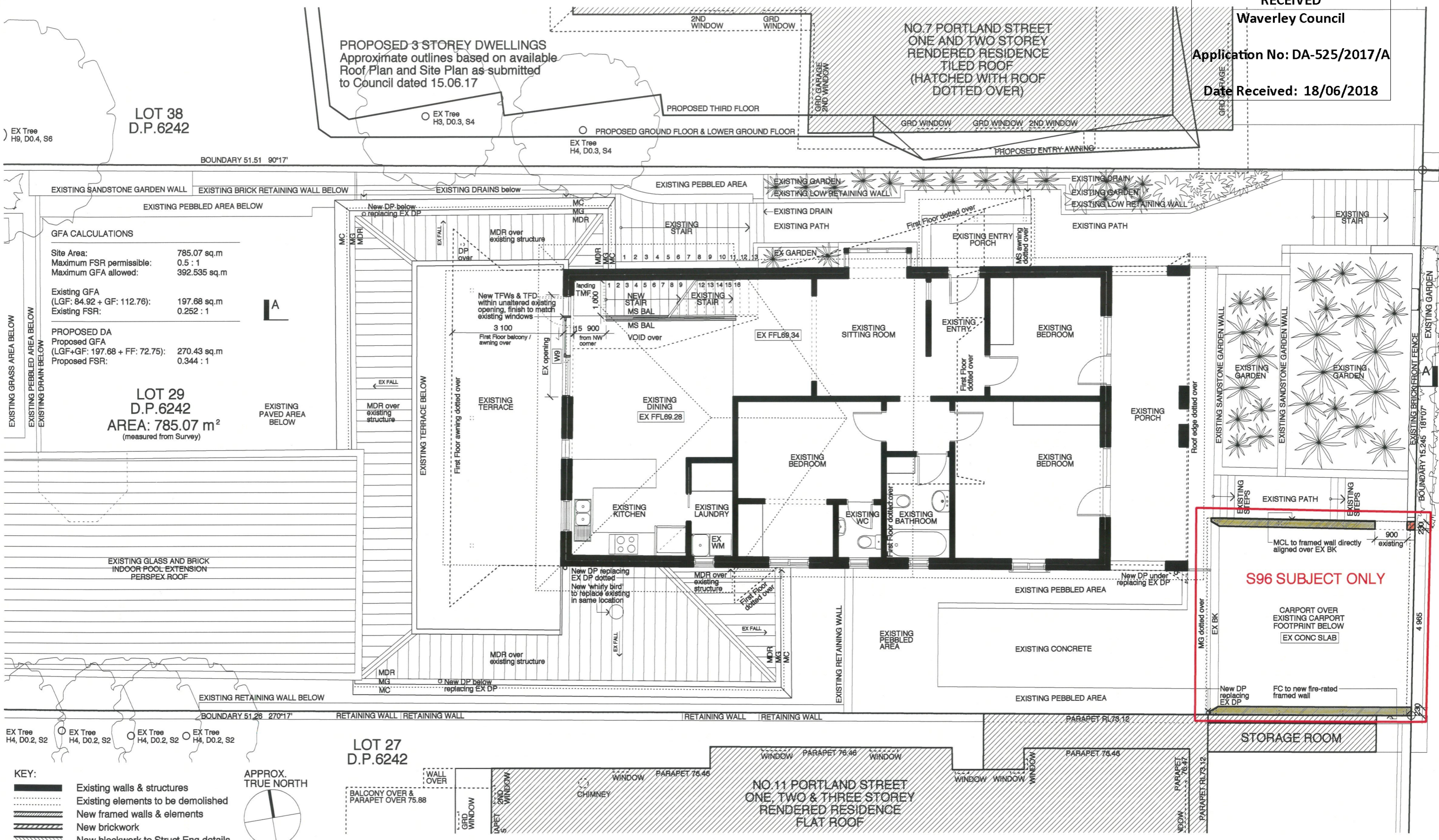
Surveyor
 PROJECT SURVEYORS PTY LTD
 PO Box 4004, Macquarie Centre NSW 2113
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Drawing
SITE PLAN

Scale	Drawn	Signed	Origin Date
1:200 @A3	CP	CP	Sept 2017

Drawing No. 1702.DA.100
 Issue 307





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LOT 29
 D.P.6242
 AREA: 785.07 m²
 (measured from Survey)

- KEY:**
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details



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Rev	Amendment	Date
P1	Design Concepts Client Issue	21.06.17
P2	Revised Sketch Design B Issue to Client & Struct Eng	11.08.17
P3	Prelim DA Issue to Planner & Client	19.09.17
P4	Prelim DA Issue to Planner & Client	16.11.17
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SECTION 96 APPLICATION
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 NOT FOR TENDER

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Project
GOLFIN POLLY HOUSE
 9 Portland St Dover Heights (Lot 29, DP.6242)

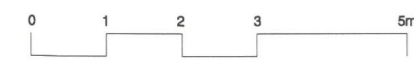
Client
 NICHOLAS GOLFIN and PATSIE POLLY
 9 Portland Street, Dover Heights NSW 2030
 m. 0402 096 075 m. 0402 096 074

Surveyor
 PROJECT SURVEYORS PTY LTD
 PO Box 4004, Macquarie Centre NSW 2113
 t. 02 9888 3848 f. 02 9888 3875

Drawing
GROUND FLOOR PLAN (EXISTING)

Scale 1:100 @A3
 Drawn CP
 Signed CP
 Origin Date May 2017

Drawing No. 1702.DA.101
 Issue 308



PROPOSED 3 STOREY DWELLINGS
 Approximate outlines based on available
 Roof Plan and Site Plan as submitted
 to Council dated 15.06.17

NO.7 PORTLAND STREET
 ONE AND TWO STOREY
 RENDERED RESIDENCE
 TILED ROOF
 (HATCHED WITH ROOF
 DOTTED OVER)

NO.11 PORTLAND STREET
 ONE, TWO & THREE STOREY
 RENDERED RESIDENCE
 FLAT ROOF

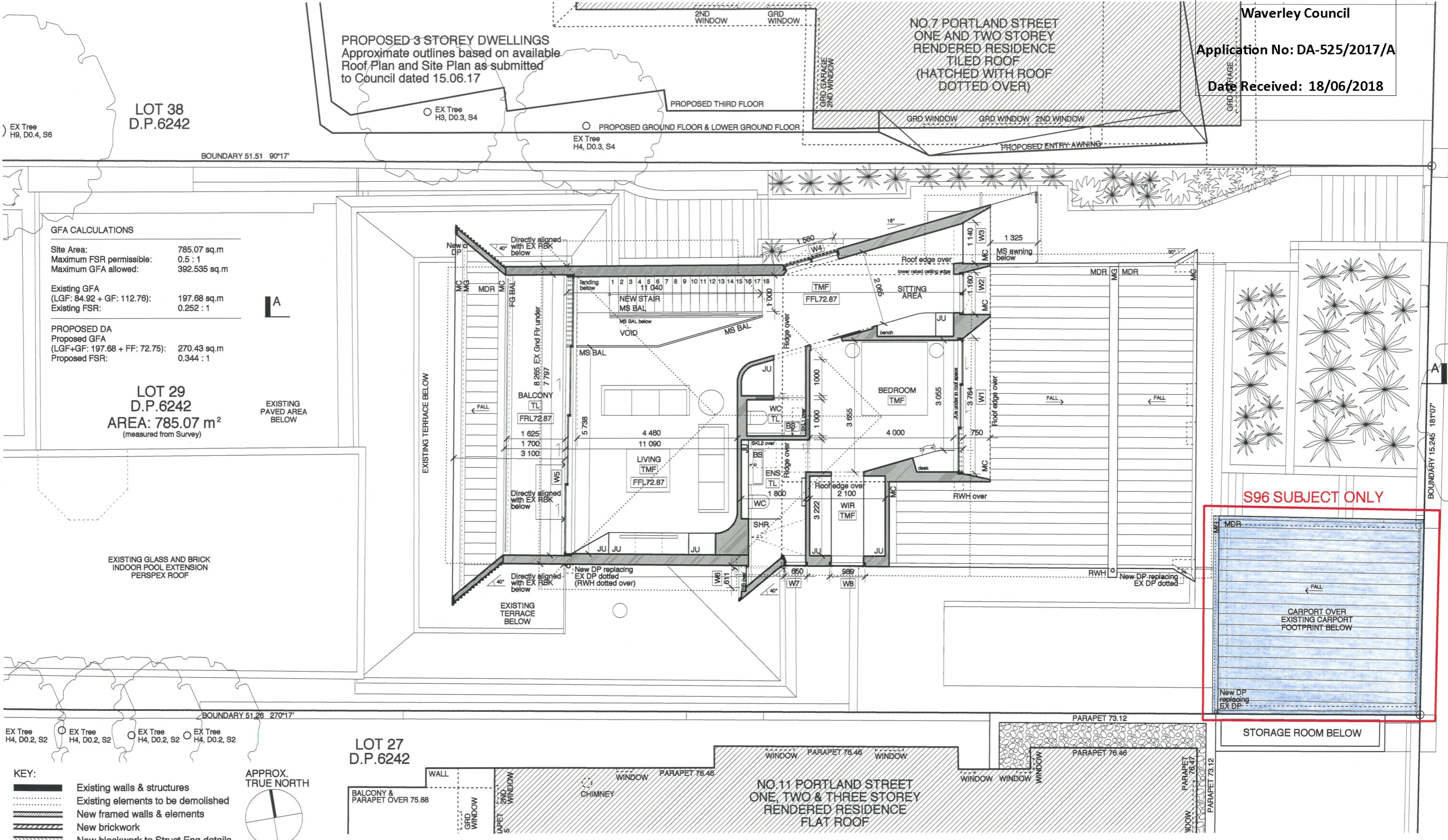
LOT 38
 D.P.6242

LOT 29
 D.P.6242
 AREA: 785.07 m²
 (measured from Survey)

LOT 27
 D.P.6242

GFA CALCULATIONS

Site Area:	785.07 sq.m
Maximum FSR permissible:	0.5 : 1
Maximum GFA allowed:	392.535 sq.m
Existing GFA (LGF: 84.92 + GF: 112.76):	197.68 sq.m
Existing FSR:	0.252 : 1
PROPOSED DA Proposed GFA (LGF+GF: 197.68 + FF: 72.75):	270.43 sq.m
Proposed FSR:	0.344 : 1



- KEY:
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details



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Rev	Amendment	Date
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P5	Development Application	07.12.17
P6	S96 Application for re-proposed carport structure with deleted doors & windows	18.06.18

LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PB	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
DP	DOWNPIPE (METAL)	RL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SHR	SHOWER
FFL	FINISHED FLOOR LEVEL	SKL	SKYLIGHT
FG	FIXED GLASS	TFD	TIMBER FRAMED DOOR
FRL	FINISHED RELATIVE LEVEL	TFW	TIMBER FRAMED WINDOW
FW	FLOOR WASTE (STRIP DRAIN)	TL	TILE FINISH
HWU	HOT WATER UNIT	TM	TIMBER (DRESSED)
JU	JOINERY UNIT STORAGE	TMB	TIMBER BOARDS
MC	METAL CAPPING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MCL	METAL CLADDING	TOG	TOP OF GUTTER
MDR	METAL DECK ROOF	TW	TOP OF WALL
MG	METAL GUTTER	WIR	WALK-IN ROBE
MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

SECTION 96 APPLICATION
 NOT FOR CONSTRUCTION
 NOT FOR TENDER

Architect
christopher polly architect
 (Nominated Architect: Christopher Polly, ARB No.7150)
 17 Harold Street, Newtown NSW 2042
 t. 02 9516 5994 m. 0413 722 554

Town Planner
 DAMIAN O'TOOLE TOWN PLANNING PTY LTD
 Studio 9, L5, 35 Buckingham St, Surry Hills NSW 2010
 t. 02 9690 0464 f. 9690 0463

Project
GOLFIN POLLY HOUSE
 9 Portland St Dover Heights (Lot 29, DP.6242)

Client
 NICHOLAS GOLFIN and PATSIE POLLY
 9 Portland Street, Dover Heights NSW 2030
 m. 0402 096 075 m. 0402 096 074

Surveyor
 PROJECT SURVEYORS PTY LTD
 PO Box 4004, Macquarie Centre NSW 2113
 t. 02 9888 3848 f. 02 9888 3875

Drawing
FIRST FLOOR PLAN

Scale	Drawn	Signed	Origin Date
1:100 @A3	CP	CP	May 2017

Drawing No.
1702.DA.102

Issue
309



PROPOSED 3 STOREY DWELLINGS
Approximate outlines based on available
Roof Plan and Site Plan as submitted
to Council dated 15.06.17

NO.7 PORTLAND STREET
ONE AND TWO STOREY
RENDERED RESIDENCE
TILED ROOF

LOT 38
D.P.6242

EX Tree
H9, D0.4, S6

PROPOSED THIRD FLOOR

PROPOSED GROUND FLOOR & LOWER GROUND FLOOR

EX Tree
H4, D0.3, S4

BOUNDARY 51.51 90°17'

EXISTING
PAVED AREA
BELOW

LOT 29
D.P.6242
AREA
785.07 m²
(measured from Survey)

EXISTING GLASS AND BRICK
INDOOR POOL EXTENSION BELOW

S96 SUBJECT ONLY

CARPORT OVER
EXISTING CARPORT
FOOTPRINT BELOW

STORAGE ROOM BELOW

LOT 27
D.P.6242

NO.11 PORTLAND STREET
ONE, TWO & THREE STOREY
RENDERED RESIDENCE
FLAT ROOF

- KEY:
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details



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LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PB	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
DP	DOWNPIPE (METAL)	RL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SHR	SHOWER
FFL	FINISHED FLOOR LEVEL	SKL	SKYLIGHT
FG	FIXED GLASS	TFD	TIMBER FRAMED DOOR
FRL	FINISHED RELATIVE LEVEL	TFW	TIMBER FRAMED WINDOW
FW	FLOOR WASTE (STRIP DRAIN)	TL	TILE FINISH
HWU	HOT WATER UNIT	TM	TIMBER (DRESSED)
JU	JOINERY UNIT STORAGE	TMB	TIMBER BOARDS
MC	METAL CAPPING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MCL	METAL CLADDING	TOG	TOP OF GUTTER
MDR	METAL DECK ROOF	TW	TOP OF WALL
MG	METAL GUTTER	WIR	WALK-IN ROBE
MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

SECTION 96 APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER

Architect
christopher polly architect
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Town Planner
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Project
GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client
NICHOLAS GOLFIN and PATSIE POLLY
9 Portland Street, Dover Heights NSW 2030
m. 0402 096 075 m. 0402 096 074

Surveyor
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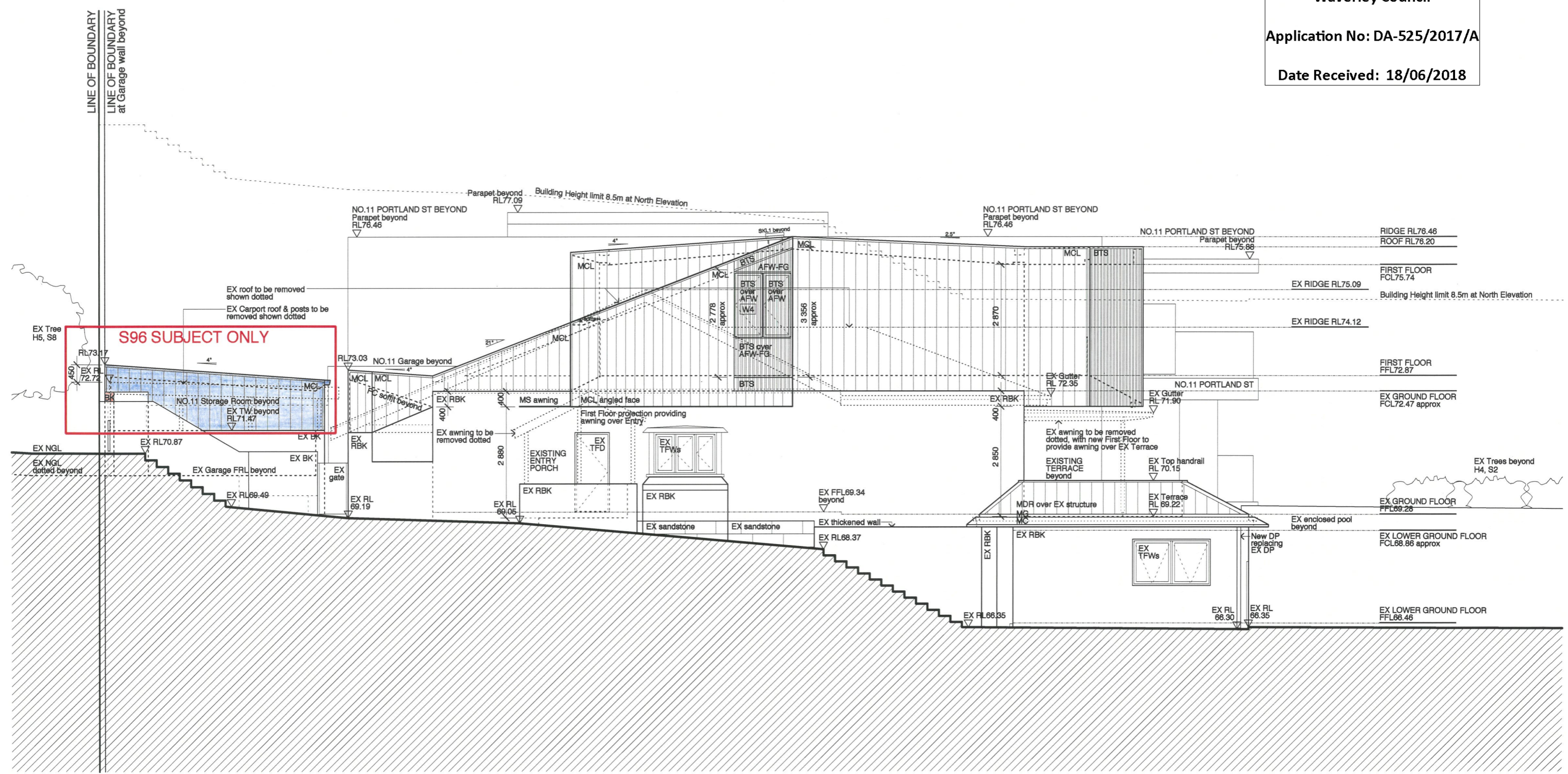
Drawing
ROOF PLAN

Scale 1:100 @A3
Drawn CP
Signed CP
Origin Date Sept 2017

Drawing No.
1702.DA.104

Issue
310





- KEY:
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details

01 NORTH ELEVATION

Notes:
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LEGEND	
AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTS	BATTENS
CONC	CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FRL	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PB	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RB	RETRACTABLE BLIND
RBK	RENDERED BRICKWORK
RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
TW	TOP OF WALL
WIR	WALK-IN ROBE
WM	WASHING MACHINE

SECTION 96 APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER

Architect
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Project
GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client
NICHOLAS GOLFIN and PATSIE POLLY
9 Portland Street, Dover Heights NSW 2030
m. 0402 096 075 m. 0402 096 074

Surveyor
PROJECT SURVEYORS PTY LTD
PO Box 4004, Macquarie Centre NSW 2113
t. 02 9888 3848 f. 02 9888 3875

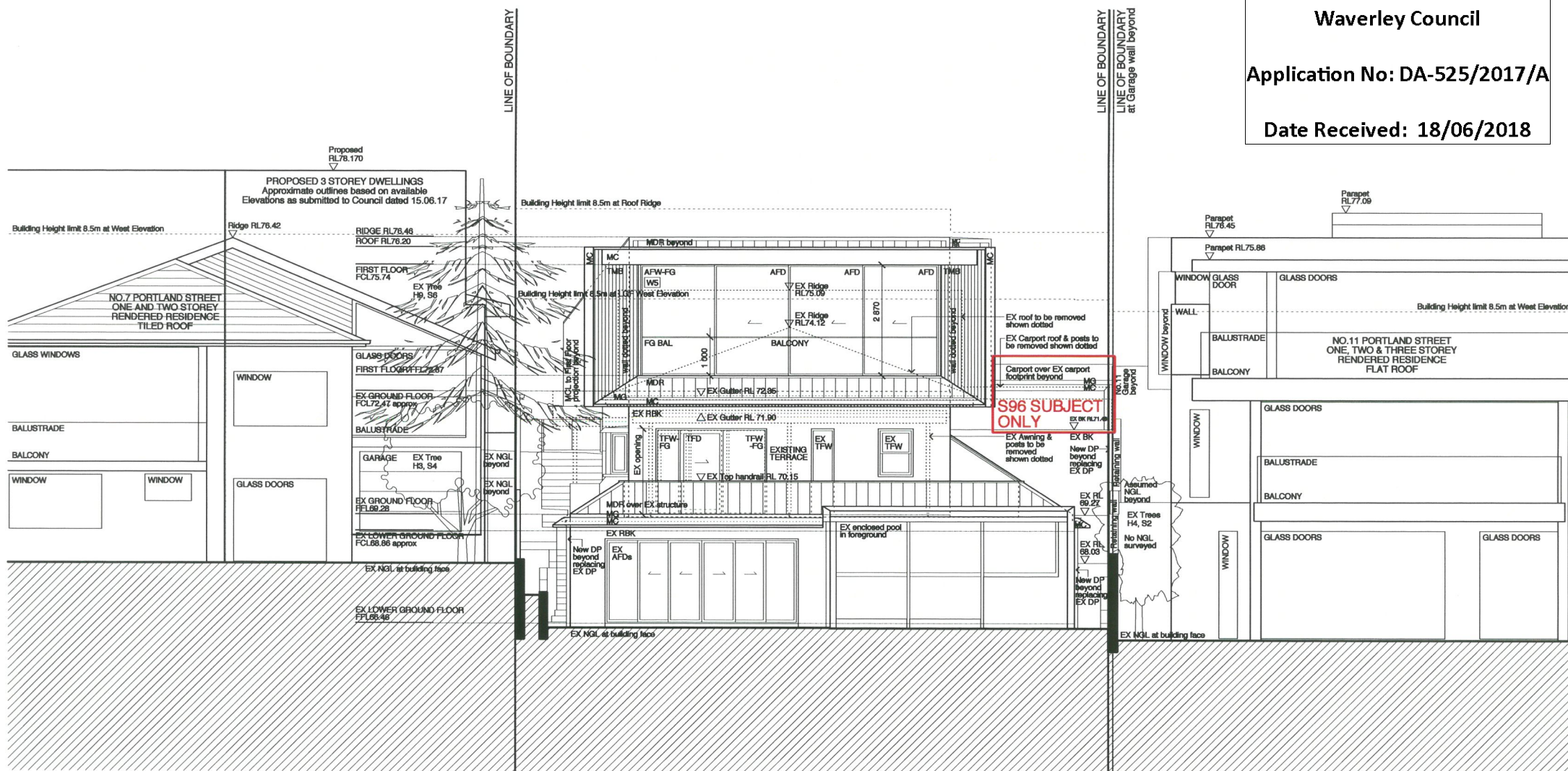
Drawing
NORTH ELEVATION

Scale	Drawn	Signed	Origin Date
1:100 @A3	CP	CP	May 2017

Drawing No.
1702.DA.201

Issue
311





- KEY:
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details

01 WEST ELEVATION

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LEGEND	
AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTS	BATTENS
CCNC	CONC CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
EXL	FINISHED CEILING LEVEL
FCL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FR	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PB	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RB	RETRACTABLE BLIND
REB	RENDERED BRICKWORK
REL	RENDERED BLOCKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
TW	TOP OF WALL
WR	WALK-IN ROBE
WM	WASHING MACHINE

SECTION 96 APPLICATION
 NOT FOR CONSTRUCTION
 NOT FOR TENDER

Architect
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Project
GOLFIN POLLY HOUSE
 9 Portland St Dover Heights (Lot 29, DP.6242)

Client
 NICHOLAS GOLFIN and PATSIE POLLY
 9 Portland Street, Dover Heights NSW 2030
 m. 0402 086 075 m. 0402 086 074

Surveyor
 PROJECT SURVEYORS PTY LTD
 PO Box 4004, Macquarie Centre NSW 2113
 t. 02 9888 3848 f. 02 9888 3875

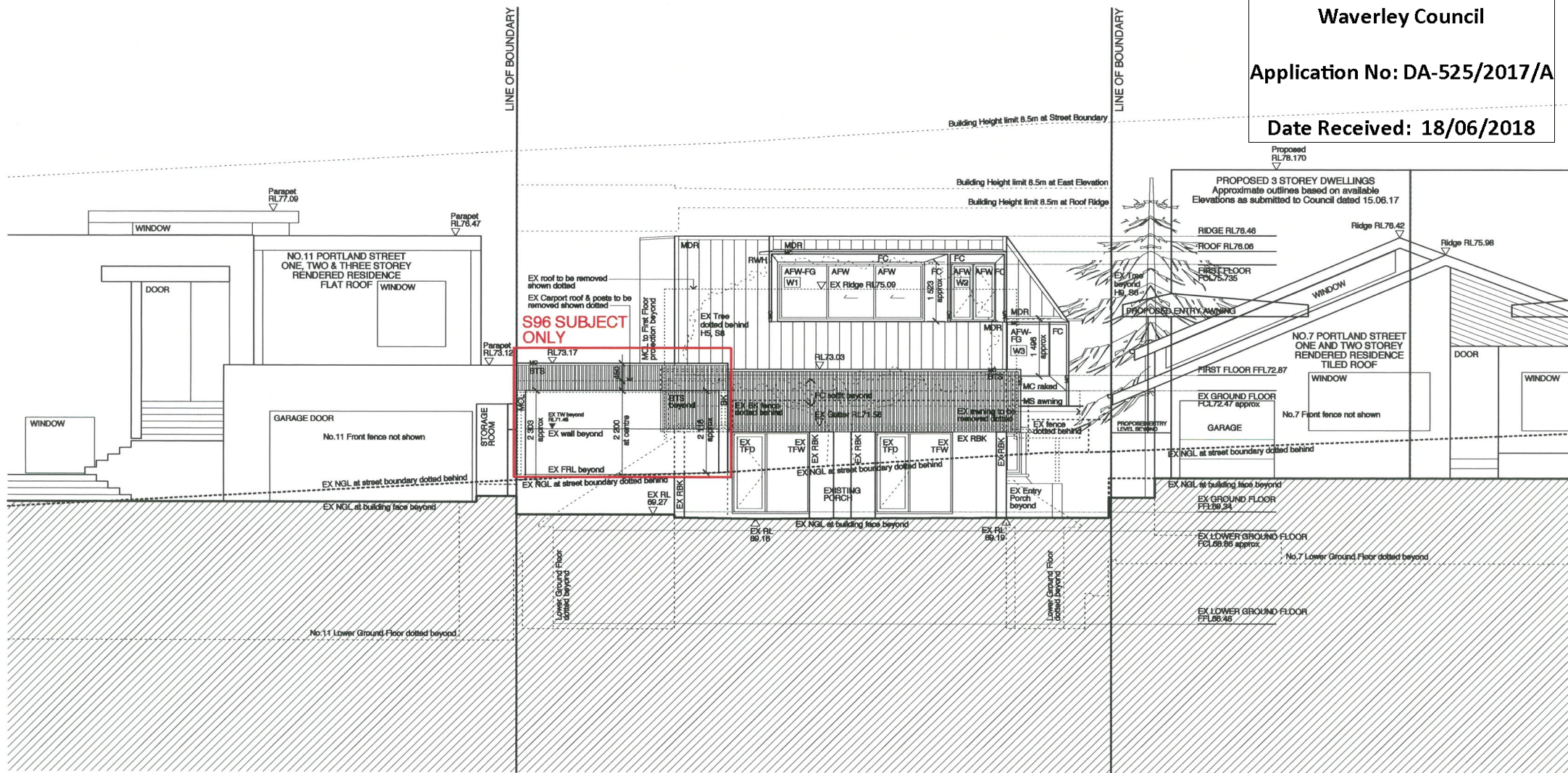
Drawing
WEST ELEVATION

Scale 1:100 @A3
 Drawn CP
 Signed CP
 Origin Date May 2017

Drawing No.
 1702.DA.202

Issue
312
 P6





- KEY:**
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details

01 EAST ELEVATION
Composite Elevation with Garage Elevation
at street boundary

Notes:

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LEGEND	
AFD	ALUMINIUM FRAMED DOOR
ALF	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTT	BATTENS
CCNC	CONC CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FR	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PE	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RE	RETRACTABLE BLIND
REB	RENDERED BRICKWORK
RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR
REL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TMB	TIMBER (DRESSED) TIMBER BOARDS
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
TW	TOP OF WALL
WR	WALK-IN ROBE
WM	WASHING MACHINE

SECTION 96 APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER

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Newland Architect Christopher Polly ANS No.7193
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Project
GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client
NICHOLAS GOLFIN and PATSIE POLLY
9 Portland Street, Dover Heights NSW 2030
m. 0402 086 075 m. 0402 086 074

Surveyor
PROJECT SURVEYORS PTY LTD
PO Box 4004, Macquarie Centre NSW 2113
t. 02 9888 3848 f. 02 9888 3875

Drawing
EAST ELEVATION

Scale
1:100 @A3

Drawn
CP

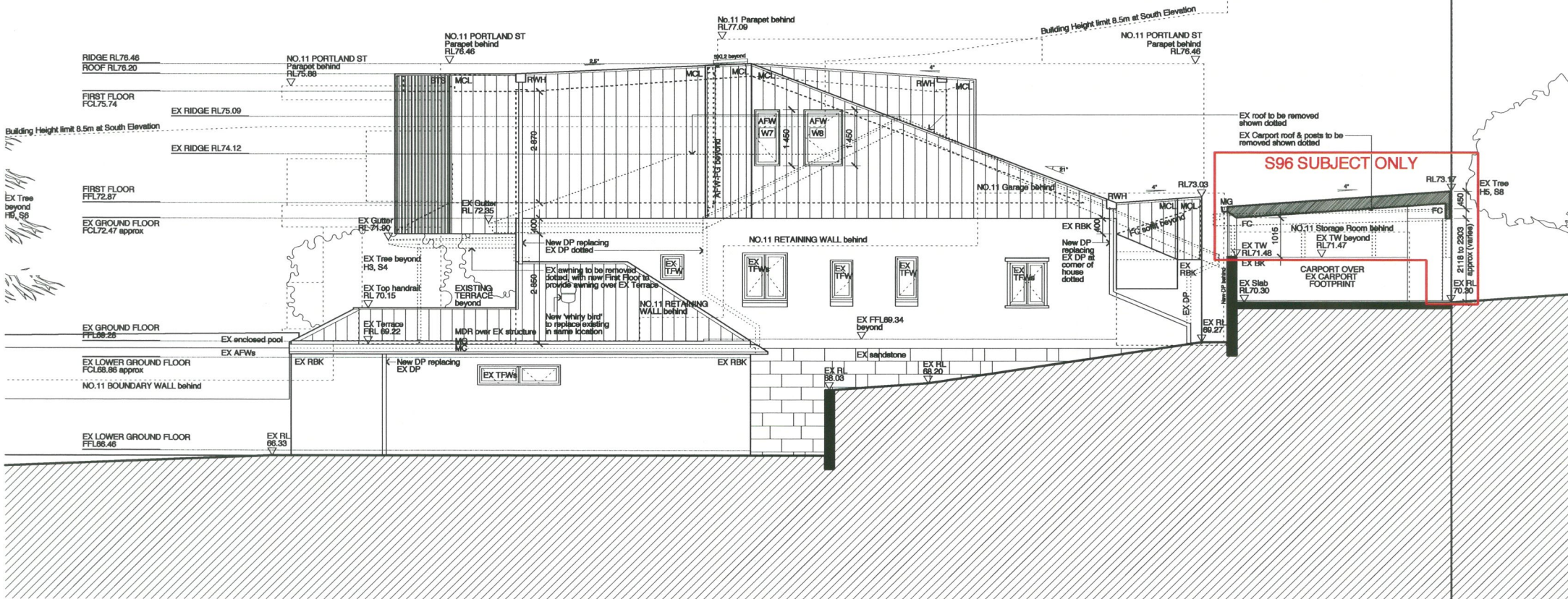
Signed
CP

Origin Date
May 2017

Drawing No.
1702.DA.203

313

P6



- KEY:**
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 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
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01 SOUTH ELEVATION

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LEGEND	
AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTS	BATTENS
CCNC	CONC CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FRL	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HMU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PB	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RBK	RENDERED BRICKWORK
RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOC	TOP OF GUTTER
TW	TOP OF WALL
WR	WALK-IN ROBE
WM	WASHING MACHINE

SECTION 96 APPLICATION
 NOT FOR CONSTRUCTION
 NOT FOR TENDER

Architect
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Project
GOLFIN POLLY HOUSE
 9 Portland St Dover Heights (Lot 29, DP.6242)

Client
 NICHOLAS GOLFIN and PATSIE POLLY
 9 Portland Street, Dover Heights NSW 2030
 m. 0402 086 075 f. 0402 086 074

Surveyor
 PROJECT SURVEYORS PTY LTD
 PO Box 4004, Macquarie Centre NSW 2113
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Drawing
SOUTH ELEVATION

Scale 1:100 @A3
 Drawn CP
 Signed CP
 Origin Date May 2017

Drawing No.
 1702.DA.204

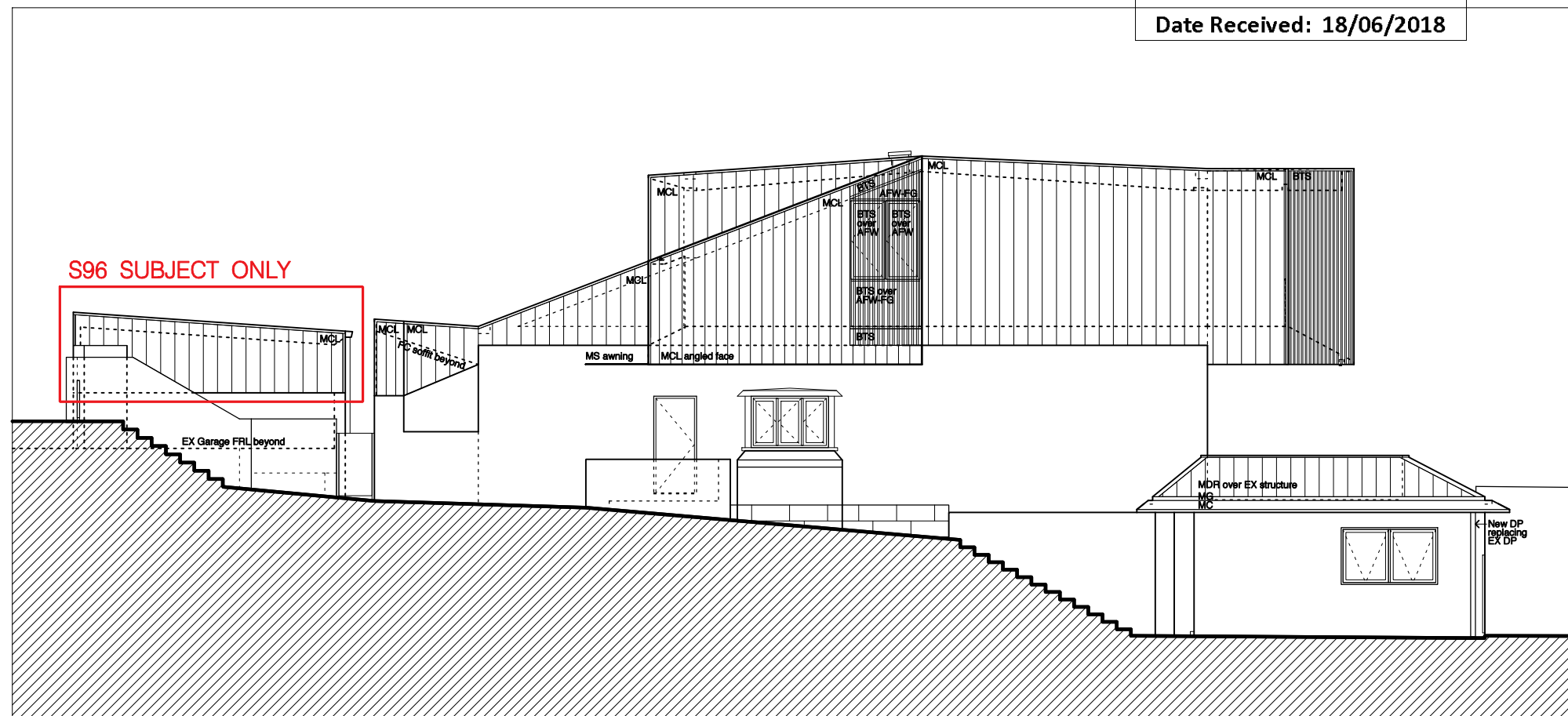
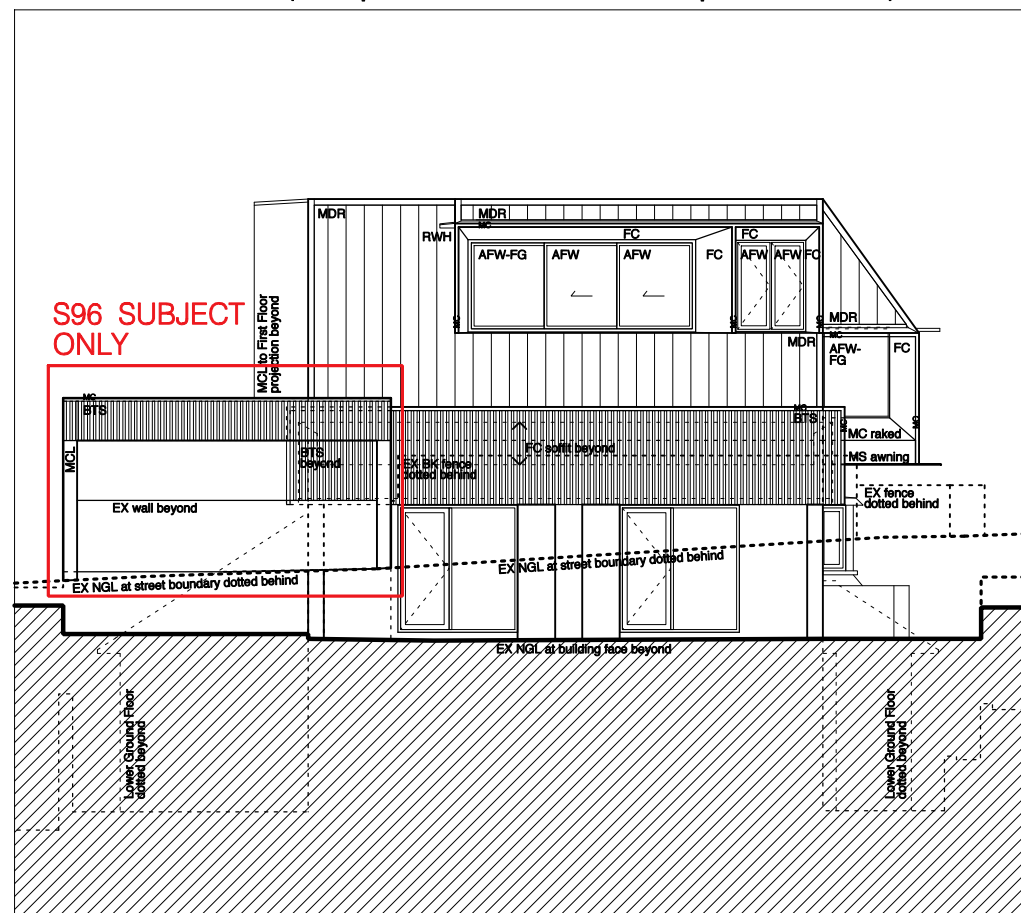
314

P6



EAST ELEVATION (Composite Elevation with Carport Elevation)

NORTH ELEVATION



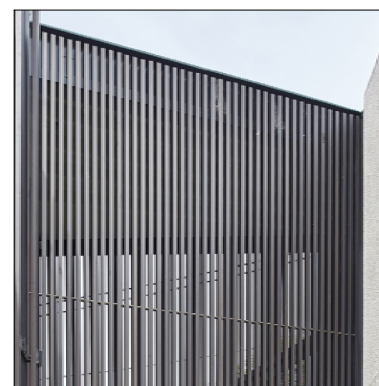
AFD & AFW
Aluminium Framed Doors &
Aluminium Framed Windows:
Powdercoated Black finish



MCL & MC
Metal Cladding:
Colorbond Wide Pan Profile,
Colorbond Night Sky colour
+
Metal Cappings:
Colorbond Night Sky colour



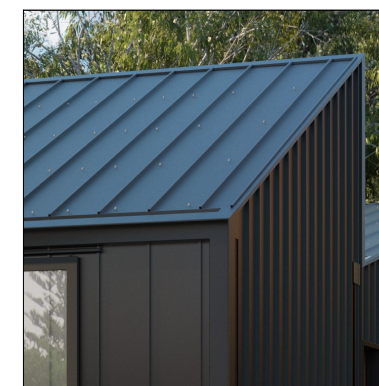
FC
Fibre-Cement Sheeting:
Painted White finish



BTS
Batts:
Painted Black finish, or
Powdercoated Black finish



MS
Mild Steel:
Painted Black finish



MDR & MG, RWH, DP
Metal Deck Roofing:
Colorbond Wide Pan Profile,
Colorbond Night Sky colour
+
Metal Gutters, Rainwater Heads & Downpipes:
Colorbond Night Sky colour

Notes:
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This drawing shall only be used for the purpose for which
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To be read in conjunction with all other Consultant's drawings.

Do not scale off drawings. Verify dimensions on site prior to
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check on site. Advise Architect of any discrepancies before
commencement. Allow for adjustments to suit discrepancies.

Comply with relevant authorities requirements. Comply with
Building Code of Australia requirements. Comply with relevant
Australian Standards for materials and construction practice.

Rev Amendment	Date
P1 Prelim DA Issue to Client & Planner	16.11.17
P2 Development Application	07.12.17
P3 S96 Application for re-proposed carport structure with deleted doors & windows	18.06.18

LEGEND	
AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTS	BATTENS
CONC	CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FRL	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PR	PLASTER OVER RENDER FINISH
REB	RETRACTABLE BLIND
RBL	RENDERED BRICKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
TW	TOP OF WALL
WIR	WALK-IN ROBE
WM	WASHING MACHINE

**SECTION 96 APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER**

Architect
christopher polly architect
(Nominated Architect: Christopher Polly, ARB No.7150)
17 Harold Street, Newtown NSW 2042
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Town Planner
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t. 02 9690 0464 f. 9690 0463

Project
GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client
NICHOLAS GOLFIN and PATSIE POLLY
9 Portland Street, Dover Heights NSW 2030
m. 0402 096 075 m. 0402 096 074

Surveyor
PROJECT SURVEYORS PTY LTD
PO Box 4004, Macquarie Centre NSW 2113
t. 02 9888 3848 f. 02 9888 3875

Drawing
**EXTERNAL MATERIAL FINISHES –
PANEL A**

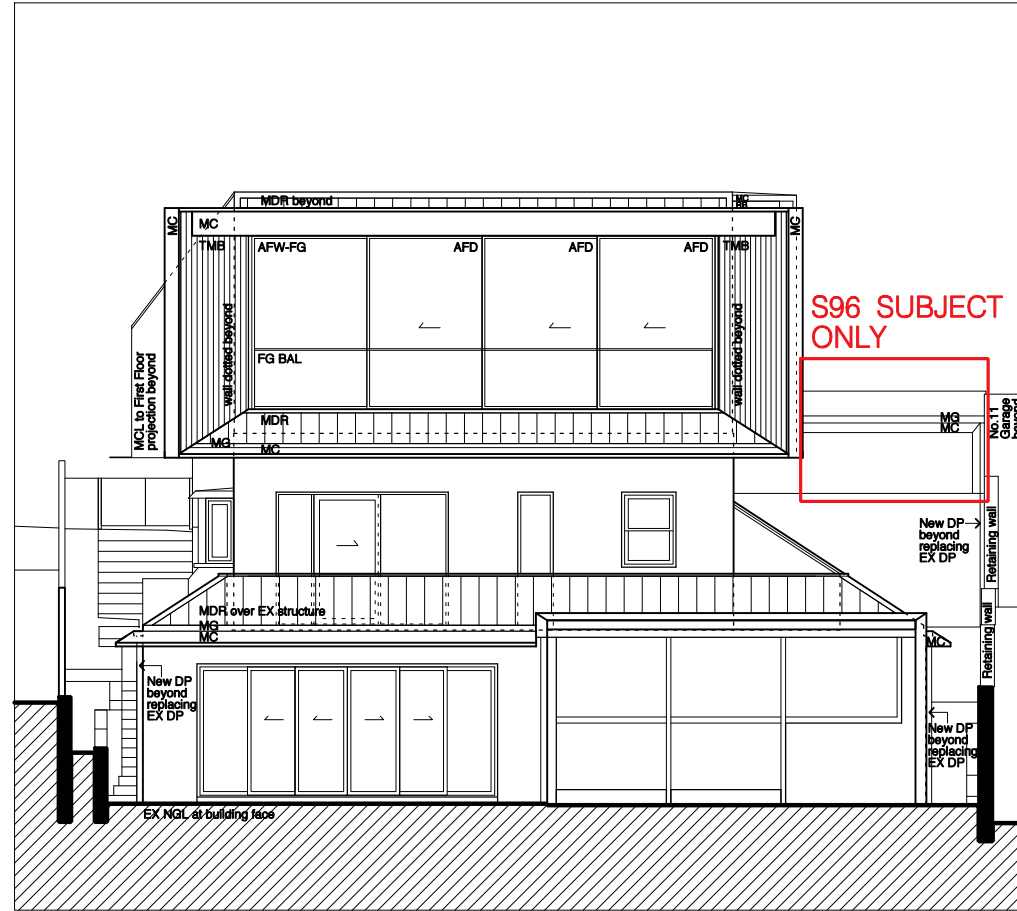
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Drawing No.
1702.DA.300a

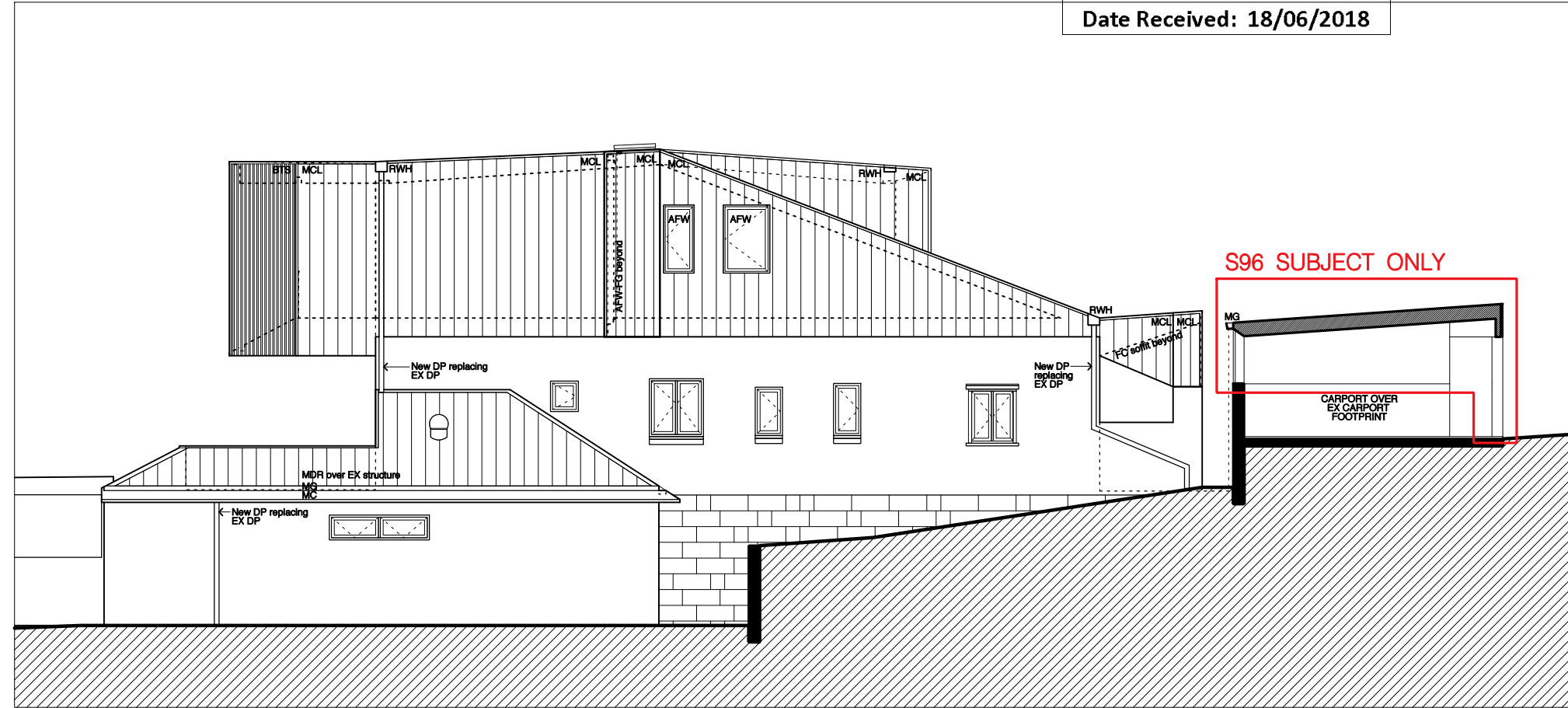
315



WEST ELEVATION



SOUTH ELEVATION



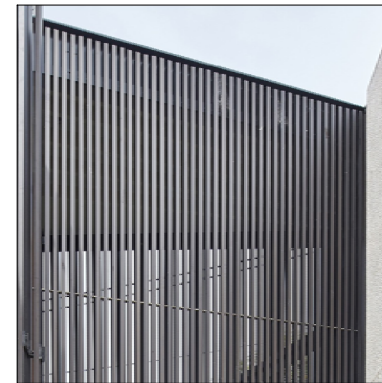
AFD & AFW
Aluminium Framed Doors &
Aluminium Framed Windows:
Powdercoated Black finish



MCL & MC
Metal Cladding:
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Colorbond Night Sky colour
+
Metal Capping:
Colorbond Night Sky colour



TMB
Timber Boards:
Painted White finish



BTS
Batts:
Painted Black finish, or
Powdercoated Black finish



MS
Mild Steel:
Painted Black finish



MDR & MG, RWH, DP
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**SECTION 96 APPLICATION
NOT FOR CONSTRUCTION
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(Nominated Architect: Christopher Polly, ARB No.7150)
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Client
NICHOLAS GOLFIN and PATSIE POLLY
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Drawing
**EXTERNAL MATERIAL FINISHES –
PANEL B**

Scale	Drawn	Signed	Origin Date
1:125 @A3	CP	CP	Nov 2017

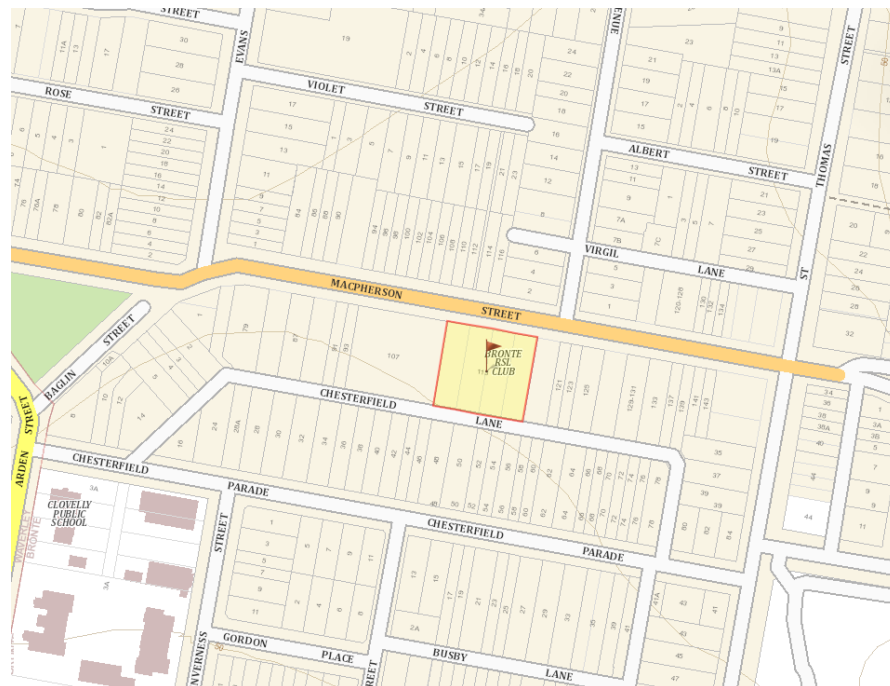
Drawing No.
1702.DA.300b **316**



Report to the Waverley Local Planning Panel

Application number	DA-218/2018
Site address	113 Macpherson Street Bronte (formerly known as the Bronte RSL site)
Proposal	Stratum subdivision into 2 Lots – ‘Residential’ and ‘Retail’
Date of lodgement	19 June 2018 Amended plans 25 October 2018
Owner	Veris Australia Pty Ltd (New Street No.1 Pty Ltd and New Street No.2 Pty Ltd)
Applicant	Veris Australia
Submissions	97 objections
Cost of works	N/A
Issues	Ensuring appropriate allocation of retail areas - Plans were amended during the assessment to remove incorrect retail allocation.
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 25 October 2018.

The site is identified as Lots 19, 20 and 21 in DP 192094 and Lot 22 in DP 72912, known as 113 MacPherson Street Bronte.

Construction on the site in accordance with DA-264/2015 is almost complete. The approval allows for a shop top housing development with 3 shops fronting Macpherson Street, residential apartments above on levels 1, 2 and 3, all above 2 levels of 'basement' parking that is accessed from Chesterfield Lane.



Figure 1: Subject site frontage

1.2 Relevant History

DA-264/2015 was granted deferred commencement consent on 16 December 2015, allowing redevelopment of the Bronte RSL site for a new mixed-use building. A notice was issued to the application on 3 May 2016 that the deferred commencement matters were satisfied, and the consent became operative on that day.

Various amendments were requested post-consent in the form of Section 96 applications (now Section 4.55) and amending Development Applications. These were determined by Council and/or the Land and Environment Court. The current consent is DA-264/2015/C [LEC Appeal No. 17/273413].

The site has a long history of applications, however for the purpose of this Stratum Subdivision Application, only the current approval is the most relevant, and in particular the conditions relating to the use of the property as follows:

2(f) – An amended strata plan is to be provided to reflect the amended plans and is to ensure that car parking is allocated in accordance with the DCP required rates.

9 – The gymnasium at the rear of the site is only for the private use of residents within the development and is not permitted as a commercial gymnasium.

110(a) – The points of entry and exist to the car parking areas off Chesterfield Land are to be signposted both inside and outside the site to Council’s satisfaction. Signs must include, as a minimum, directions that there is no customer parking or retail loading, and that removalist vehicles must not use the car park.

110(d) Garbage vehicles shall enter and exit the site in a forward direction at all times. Garbage/waste collection shall be undertaken by an approved private waste contractor utilising a Small Rigid Vehicle (SRV) truck ONLY and only between the hours of 7:00am and 8:00pm daily. Details of the contract and truck specifications noting these conditions are to be submitted to Council prior to issue of an Occupation Certificate. Access (entry) is to be via the western door only and egress is to be via the eastern door ONLY with all movements external to the site being in a forward direction only.

110(e) – A Restriction as to User is to be registered on title reflecting the requirements of condition 110(d) above. The instrument is to be drafted by the development and reviewed and approved by Council’s solicitors. Council is to be the authority allowing any release or modification. The instrument is to be registered prior to issue of any Occupation Certificate or registration of the Strata Plan of Subdivision. All costs are to be borne by the developer/applicant.

110(h) – The 11 retail parking spaces within the site be for the sole use of business operators and their staff only and access to the spaces be via secure access from Chesterfield Lane. There is to be no provision for retail visitor parking within the site.

130 – The communal open space on the ‘ground level’ of the development behind the retail commercial tenancies is designed for the sue of residents of the building only, and not in association with the commercia/retail tenancies. The use of the common space for residents only is limited to the following hours:

- a) Monday to Friday (excluding public holidays) – 7am to 9pm*
- b) Weekends and public holidays – 8am to 9pm*

1.3 Proposal

The proposal is for Stratum Subdivision into two lots. One for Residential (Lot 101) and one for Retail (Lot 102).

As originally proposed in June 2018, a component of the ground floor terrace at the rear of the tenancies was allocated to the Retail Lot. This is contrary to the parent consent (condition 130) and the applicant was advised to correct this on 24 October 2018.

Further, there were three areas allocated to the Retail Lot within 'basement level 1'. The areas were part of a vast unused space within the basement that had no allocation in the parent consent. Given the absence of any approved retail use of these spaces (or uses ancillary for retail, eg plant, equipment, storage), the applicant was advised to correct this, also on 24 October 2018.

It is noted that 97 submissions were received during the notification process and the dominant issue raised was the inappropriate allocation of areas to the Retail Lot as identified above.

Amended plans were received on 25 October 2018 removing the incorrect Retail Lot allocation, satisfying these concerns and Council's request.

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 subject application relates solely to the subdivision of land. There are no controls in the LEP/DCP that are specifically relevant to the application other than the Aims of Plan in the LEP and Zone Objectives, to which this proposal complies.

2.2 Other Impacts of the Development

Subject to ongoing compliance with the conditions of consent in DA-264/2015/C there are no material impacts associated with the Stratum Subdivision of the site. The conditions of DA-264/2015/C continue to apply regardless of this application, however, for completeness an overarching condition of this consent acknowledges and reinforces this requirement.

The applicant's Statement of Environmental Effects includes additional information about the proposed easements (88B Instruments) and Building Management Statement (BMS). These are extracted below in italics. A planning comment is provided below each statement. The 88Bs and BMS will form part of the Subdivision Certificate Application which follows this Development Application process. Being a *Stratum* Subdivision, the Certificate can only be issued by Council and not a Private Certifier, allowing Council an opportunity to review all 88Bs and BMSs prior to the release of the subdivision certificate.

1. Easement for Support and Shelter

This easement burdens and benefits each lot for every other lot for rights over shared supports such as columns, footings, slabs, beams, walls etc

The easement does not raise any planning concerns and can be dealt with at the Subdivision Certificate stage.

2. Easement for Services

This easement burdens and benefits each lot for every other lot for rights over all existing and future services that are shared or cross each other lot.

The easement does not raise any planning concerns and can be dealt with at the Subdivision Certificate stage.

3. Easement for Fire Egress

This easement burdens and benefits each lot for every other lot to provide rights over all fire stairs and egress and Fire Escape routes.

The easement does not raise any planning concerns and can be dealt with at the Subdivision Certificate stage.

4. Easement to Access Shared Facilities

This easement burdens and benefits each lot for every other lot to access shared facilities as defined under the Management Statement such as Loading Docks, Plantrooms etc.

The term 'Loading Dock' in the Statement of Environmental Effects in describing the purpose of this easement raises concern as there has been a protracted dialogue as part of the parent consent about the language used for the Garbage Loading Area. There is no Loading Dock in the building and various conditions ensure there is no loading undertaking on the site except or the garbage truck. This has been a major contention for the surrounding properties throughout the lifecycle of the project. In relation to this proposed easement a specific condition of consent requires the removal of the term 'Loading Dock' and review of the access burdens and benefits to the satisfaction of Council's solicitors prior to the release of a Subdivision Certificate.

5. Right of Access (A)

This easement burdens Lots 101 for the benefit of Lot 102 to provide vehicle and pedestrian access from Chesterfield Lane on Basement 2 Level to Retail carparking and storage on Basement Level 1.

The easement will need to be reviewed to the satisfaction of Council's solicitors to ensure the retail carparking access is in accordance with the parent consent, namely the requirement as per condition 110(h) that there is retail visitor parking on the site. A condition is recommended requiring this to occur.

6. Right of Footway (B)

This easement burdens Lot 101 for the benefit of Lot 102 to provide pedestrian access from part of Lot 102 on Basement 1 to Level 1 areas and connect all parts by way of easement travel paths.

The easement does not raise any planning concerns and can be dealt with at the Subdivision Certificate stage.

7. Building Management Statement

A Building Management Statement will be lodged with the Residential strata plan to address shared insurance, areas, services and facilities. While these various shared elements will be scattered throughout the buildings, the Management Statement will collate their location, usage and shared percentage each lot will be required to contribute towards maintenance and replacement costs. The Management Statement will address the following shared areas, facilities and services.

- Insurance;
- Fire Systems
- Shared Car Spaces
- Car park Ventilation
- Emergency Fire Systems and Egress
- Common Driveways
- Shared Services such as common water and electrical
- Security Systems

- *Pump out and Systems and Detention/Drainage*
- *Common Loading and Garbage Rooms*
- *Shared Plant Rooms*
- *Shared Equipment*
- *Loading Dock*
- *Garbage Collection*
- *etc*

As above, the term 'Loading Dock' is to be removed from the Building Management Statement. The BMS is subject to the satisfaction of Council's solicitors prior to the release of the Subdivision Certificate and their role will be to ensure the BMS is consistent with all requirements of the parent consent for the building as per DA-264/2015/C. A condition is recommended requiring this to occur.

2.3 Suitability of the Site for the Development

The site is suitable for the stratum subdivision.

2.4 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*.

A total of 97 submissions were received (noting this number may be inflated as some are duplicates from multiple members of a family relating to a single property).

The submissions are for the most part identical, with limited examples of additional/personal text added. They are otherwise typical pro-forma letters that express two concerns. Firstly that condition 130 of DA-264/2015/C specifically prohibits the ground floor terrace from being a retail space and this is at odds with the proposal. Secondly, that the subdivision should not cause contradiction of any conditions of consent, particularly those relating to parking, garbage collection and management as specified in DA-264/2015/C.

The plans were amended on 25 October 2018 at Council's request to remove the retail allocation on the ground floor terrace, resolving the dominant issue raised in the submissions. Conditions of consent are recommended to deal with the other concerns in relation ensuring consistency of the subdivision with the conditions of DA-264/2015/C. This includes a final review by Council's solicitors of all conditions prior to the release of the Subdivision Certificate. In effect, these measures address and resolve all submissions received.

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 GIS Officer – Digital Waverley

The application was referred to the GIS officer for advice in relation to street numbering for the 2 Lots. The officer has recommended a condition of consent requiring Lot 101 (Residential) to be known as 109 MacPherson Street Bronte, and Lot 102 (Retail) to be known as 113 MacPherson Street Bronte.

4. SUMMARY

The proposal seeks stratum subdivision of a new development at 113 MacPherson Street Bronte that is nearing completion. The subdivision is into two Lots, one for 'Residential' and one for 'Retail'.

The original application contained some areas of the site apportioned to the Retail Lot contrary to the parent consent for the new building. The applicant was made aware of this on 24 October 2018 and amended plans were received the following day rectifying the issue.

The amended plans have been reviewed against the parent consent for the building and are consistent with the plans and relevant conditions of consent.

This DA of Stratum Subdivision is approved subject to conditions of consent and requires a Subdivision Certificate to be issued by Waverley Council (ie, it cannot be issued by a private certifier). This allows Council a final opportunity to ensure the subdivision plans appropriately address the parent consent plans and conditions of consent. As part of this process Council's solicitors will be engaged to review and be satisfied of any Easements proposed (88Bs) and particularly the Building Management Statement (BMS). All of these documents will be reviewed to ensure consistency with the parent consent. A particular note is included in the condition that the solicitors need to pay attention to the use of the term 'Loading Dock' and to require its removal from the documentation, as this was a particular issue during the parent DA process.

The applicant/developer is responsible for all costs associated with this review, including Council's legal costs, being payable prior to the release of the Subdivision Certificate.

There were 97 submissions received during the notification process. All submissions raised concerns about the inconsistency of the plans in relation to areas apportioned to the Retail Lot, and to the compliance with conditions of consent for the building (the parent consent).

Amended plans were received by Council on 25 October resolving the Retail Lot discrepancy, resolving all submissions. The 88Bs and BMS will be subject to a legal review by Council's solicitors as part of the Subdivision Certificate process, resolving any further concerns about the imposition of the conditions of the parent consent.

No Councillor submissions were received.

The recommendation is for conditional approval.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:



Lee Kosnetter | LK Planning
Consultant Town Planner

Date: 26 October 2018

Reason for referral:

- 2 Contentious development (10 or more objections)

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

Arif Faruqi
Manager, Development Assessment

Date: 15 November 2018

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

Compliance in all respects with:

- a) Plan Administration Sheet, Sheets 1, 2 and 3 of 3, 'Draft Printed 25 Oct 2018, Issue 5-LG', 'Surveyor's Reference 200553 DSUB'; and
- b) Subdivision Plans, Sheets 1, 2, 3 and 4 of 4, 'Draft Printed 25 Oct 2018, Issue 5-LG', prepared by Mark Andrew, Reference '200553 DSUB' and

subject to the following conditions.

2. STRATA PLANS TO ALIGN WITH STRATUM PLANS

Any discrepancies between the Stratum Subdivision Plan and the Strata Subdivision Plans approved under DA-264/2015/C are to be rectified prior to the release of the Subdivision Certificates for Strata Subdivision.

3. 88B INSTRUMENTS AND BUILDING MANAGEMENT STATEMENT

The 88B instruments and the Building Management Statement are to be reviewed by, and are subject to the satisfaction of, Council's solicitors. The review will require these documents to be wholly consistent with the conditions of the parent consent for the development (DA-264/2015/C). As part of that review, Council's solicitors are instructed to ensure no documents make reference to a 'Loading Dock', as there are no loading facilities within the site.

All costs associated with the review are to be borne by the applicant/development and the Subdivision Certificate will not be released prior to receipt of final and complete payment.

4. LINEN PLANS

A linen plan and six copies are to be submitted to Council or Accredited Certifier in accordance with Section 6.4(d) of the Environmental Planning and Assessment Act, 1979.

5. PRIOR TO REGISTRATION

Prior to the registration of the linen plans a Sub-division Certificate must be obtained from Council or an Accredited Certifier in accordance with Section 6.4(d) of the Environmental Planning and Assessment Act, 1979.

6. 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 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 Certificate.

7. ANNUAL FIRE SAFETY STATEMENT

The building as a whole is to issue a single fire safety statement annually and this is to be co-ordinated by the respective 2 stratum owners and/or their representatives to ensure that that a single overarching document is provided to the Council and the NSW Fire Brigade. Individual fire safety statements from individual stratum within the building will not be accepted.

8. ALLOCATION OF STREET NUMBER

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

- a) No. 109 Macpherson Street correlating with Lot 1 on the proposed floor plans: in addition, as Lot 1 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
- b) No. 113 Macpherson Street correlating with Lot 2 on the proposed floor plans;
 - Commercial premises will be identified with an address identifier ie Shop 101, Office 102.
 - 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

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 Macpherson Street.

The premises and sub premises numbers are to be positioned on the site prior to the issue of the Final Occupation Certificate.

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 3 sheet(s)
<p style="text-align: right;">Office Use Only</p> Registered: Title System:	<p style="text-align: right;">Office Use Only</p> <h1 style="text-align: center;">DRAFT</h1> <p style="text-align: center;"> PRINTED 25 OCT 2018 ISSUE 5_{-LG} </p>	
PLAN OF PROPOSED SUBDIVISION OF LOT 19,20,21 IN DP 192094 AND 22 IN DP 72912	LGA: WAVERLEY Locality: BRONTE Parish: ALEXANDRIA County: CUMBERLAND	
<p style="text-align: center;">Survey Certificate</p> I, MARK ANDREW of Veris Australia Pty Ltd Suite 301 Level 3 55 Holt St Surry Hills NSW 2010 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , is accurate and the survey was completed on:or *(b) The part of the land shown in the plan (*being/*excluding** was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> . Datum Line: Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous. Signature: Dated: Surveyor Identification No: Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> I..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:	
Plans used in the preparation of survey/compilation	<p style="text-align: center;">Subdivision Certificate</p> I..... *Authorised Person/*General Manager/*accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent/Authority: Date of Endorsement: Subdivision Certificate no: File number: *Strike through if inapplicable	
Surveyor's Reference: 200553 DSUB	STATEMENTS of intention to dedicate public roads, public reserves and drainage easements, acquire/resume land. <p style="text-align: center;">If space is insufficient continue on PLAN FORM 6A</p> Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

<p style="text-align: right; font-size: small;">Office Use Only</p> <p>Registered:</p> <p>PLAN OF PROPOSED SUBDIVISION OF LOT 19,20,21 IN DP 192094 AND 22 IN DP 72912</p> <p>Subdivision Certificate No:</p> <p>Date of Endorsement:</p>	<p style="text-align: right; font-size: small;">Office Use Only</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">DRAFT</p> <p style="text-align: center; font-weight: bold;">PRINTED 25 OCT 2018 ISSUE 5-LG</p> <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) SSI Regulation 2017 • Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 • Signatures and seals - see 195D Conveyancing Act 1919 • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
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PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT 1919
IT IS INTENDED TO CREATE:

1. EASEMENT FOR SUPPORT AND SHELTER (WHOLE OF LOT)
2. EASEMENT FOR SERVICES (WHOLE OF LOT)
3. EASEMENT FOR FIRE STAIRS AND PASSAGES (WHOLE OF LOT)
4. EASEMENT TO ACCESS SHARED FACILITIES (WHOLE OF LOT)
5. RIGHT OF ACCESS (A)
6. RIGHT OF FOOTWAY (B)

If space is insufficient use additional annexure sheet

<p style="text-align: right; font-size: small;">Office Use Only</p> <p>Registered:</p> <p>PLAN OF PROPOSED SUBDIVISION OF LOT 19,20,21 IN DP 192094 AND 22 IN DP 72912</p> <p>Subdivision Certificate No:</p> <p>Date of Endorsement:</p>	<p style="text-align: right; font-size: small;">Office Use Only</p> <p style="text-align: center; font-size: 2em; font-weight: bold; margin: 0;">DRAFT</p> <p style="text-align: center; font-weight: bold; margin: 0;">PRINTED 25 OCT 2018</p> <p style="text-align: center; font-weight: bold; margin: 0;">ISSUE 5_{-LG}</p> <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) SSI Regulation 2017 • Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 • Signatures and seals - see 195D Conveyancing Act 1919 • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
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If space is insufficient use additional annexure sheet

BASEMENT LEVEL 2

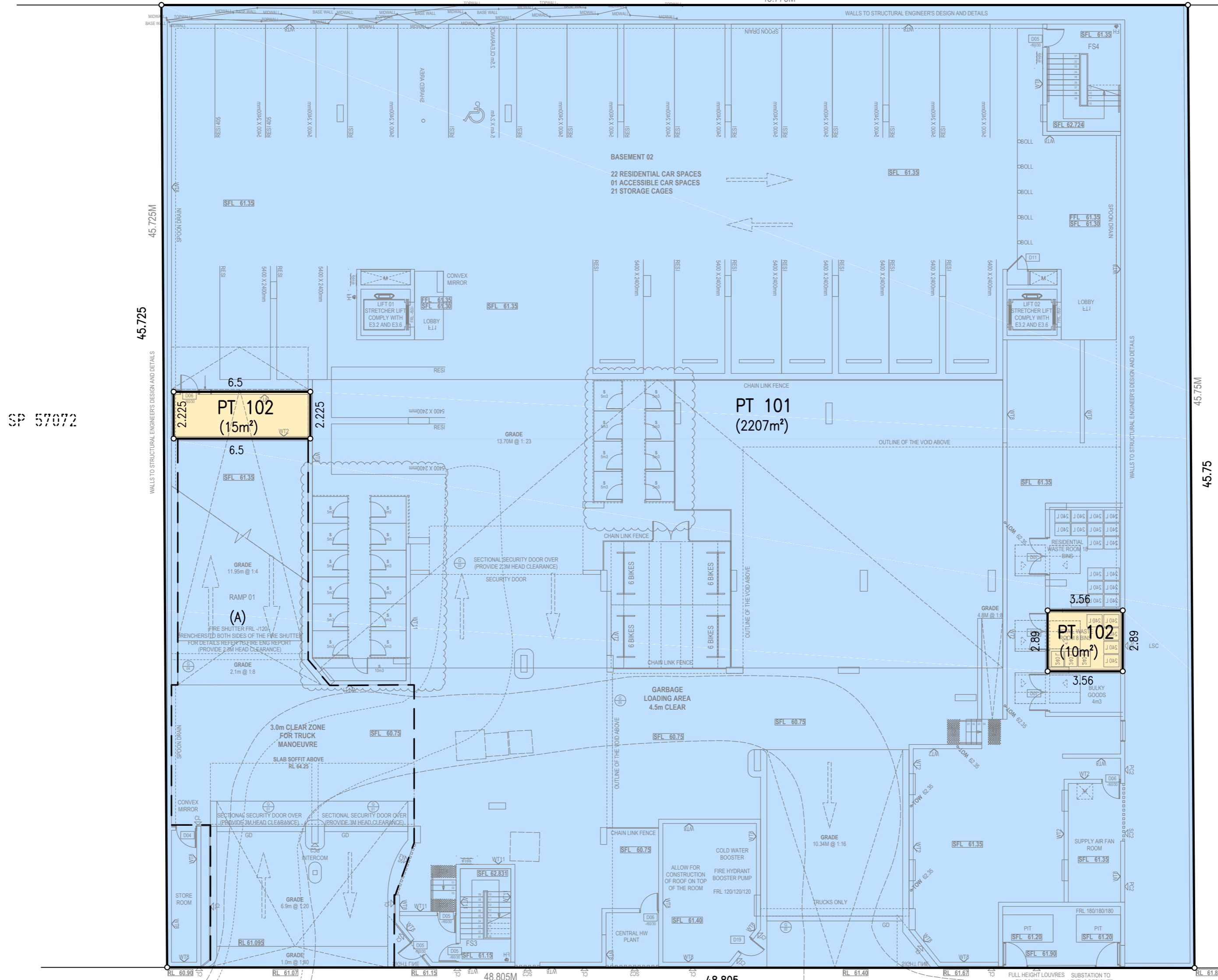
MACPHERSON

STREET

48.775 48.775M

THIS PLAN IS BASED ON PLANS BY ARCHITECT
DWG No.: CC2.101 B02
RECEIVED: 5 JUNE 2018

SCHEDULE OF STRATUM LOTS
LOT 101 RESIDENTIAL
LOT 102 RETAIL



SP 57072

23
DP 1087208

(A) RIGHT OF ACCESS

SCHEDULE OF WHOLE OF LOT EASEMENTS WHICH AFFECT THE WHOLE OF LOTS 101,102
EASEMENT FOR SUPPORT & SHELTER
EASEMENT FOR SERVICES
EASEMENT FOR FIRE STAIRS AND PASSAGES
EASEMENT TO ACCESS SHARED FACILITIES

SURVEYOR
Name: MARK ANDREW
Date:
Reference: 200553 DSUB

PLAN OF PROPOSED SUBDIVISION OF
LOT 19,20,21 IN DP 192094 AND 22 IN
DP 72912

LGA: WAVERLEY
Locality: BRONTE
Reduction Ratio: 1:150
Lengths are in metres.

REGISTERED
CONTRACT PLAN
Plan compiled from
architectural CAD data.
Plan is subject to final
survey after completion
of construction.

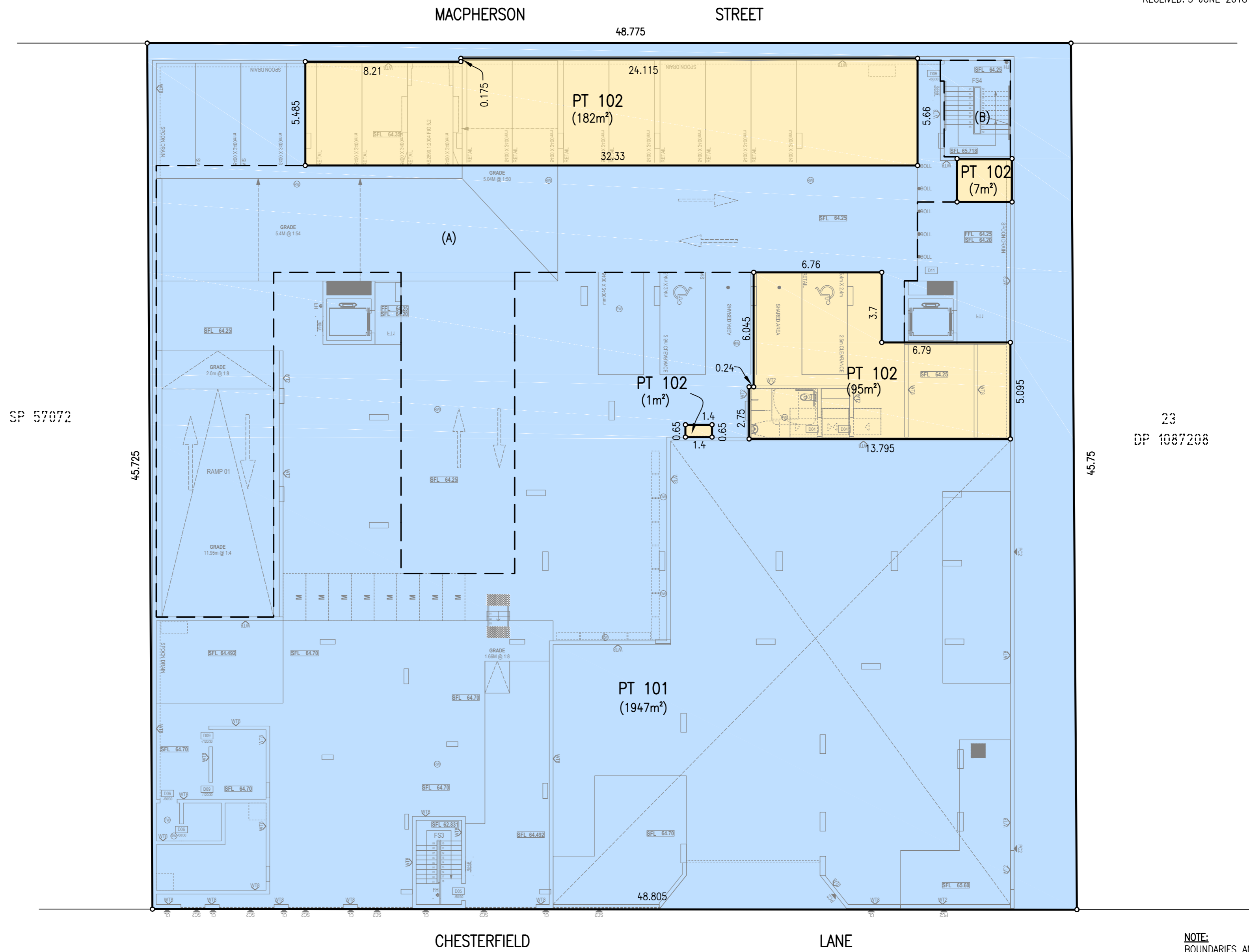
NOTE:
BOUNDARIES AND EASEMENTS SUBJECT TO
MINOR AMENDMENTS AND DESIGN CHANGES.

DRAFT
PRINTED 25 OCT 2018
ISSUE 5-LG

SCHEDULE OF STRATUM LOTS
 LOT 101 RESIDENTIAL
 LOT 102 RETAIL

BASEMENT LEVEL 1

THIS PLAN IS BASED ON PLANS BY
 ARCHITECT
 DWG No.: CC2.102 B01
 RECEIVED: 5 JUNE 2018



SP 57072

23
DP 1087208

(A) RIGHT OF ACCESS
 (B) RIGHT OF FOOTWAY
SCHEDULE OF WHOLE OF LOT EASEMENTS WHICH AFFECT THE WHOLE OF LOTS 101,102
 EASEMENT FOR SUPPORT & SHELTER
 EASEMENT FOR SERVICES
 EASEMENT FOR FIRE STAIRS AND PASSAGES
 EASEMENT TO ACCESS SHARED FACILITIES

NOTE:
 BOUNDARIES AND EASEMENTS SUBJECT TO
 MINOR AMENDMENTS AND DESIGN CHANGES.

SURVEYOR
 Name: MARK ANDREW
 Date:
 Reference: 200553 DSUB

PLAN OF PROPOSED SUBDIVISION OF
 LOT 19,20,21 IN DP 192094 AND 22 IN
 DP 72912

LGA: WAVERLEY
 Locality: BRONTE
 Reduction Ratio: 1:150
 Lengths are in metres.

REGISTERED
CONTRACT PLAN
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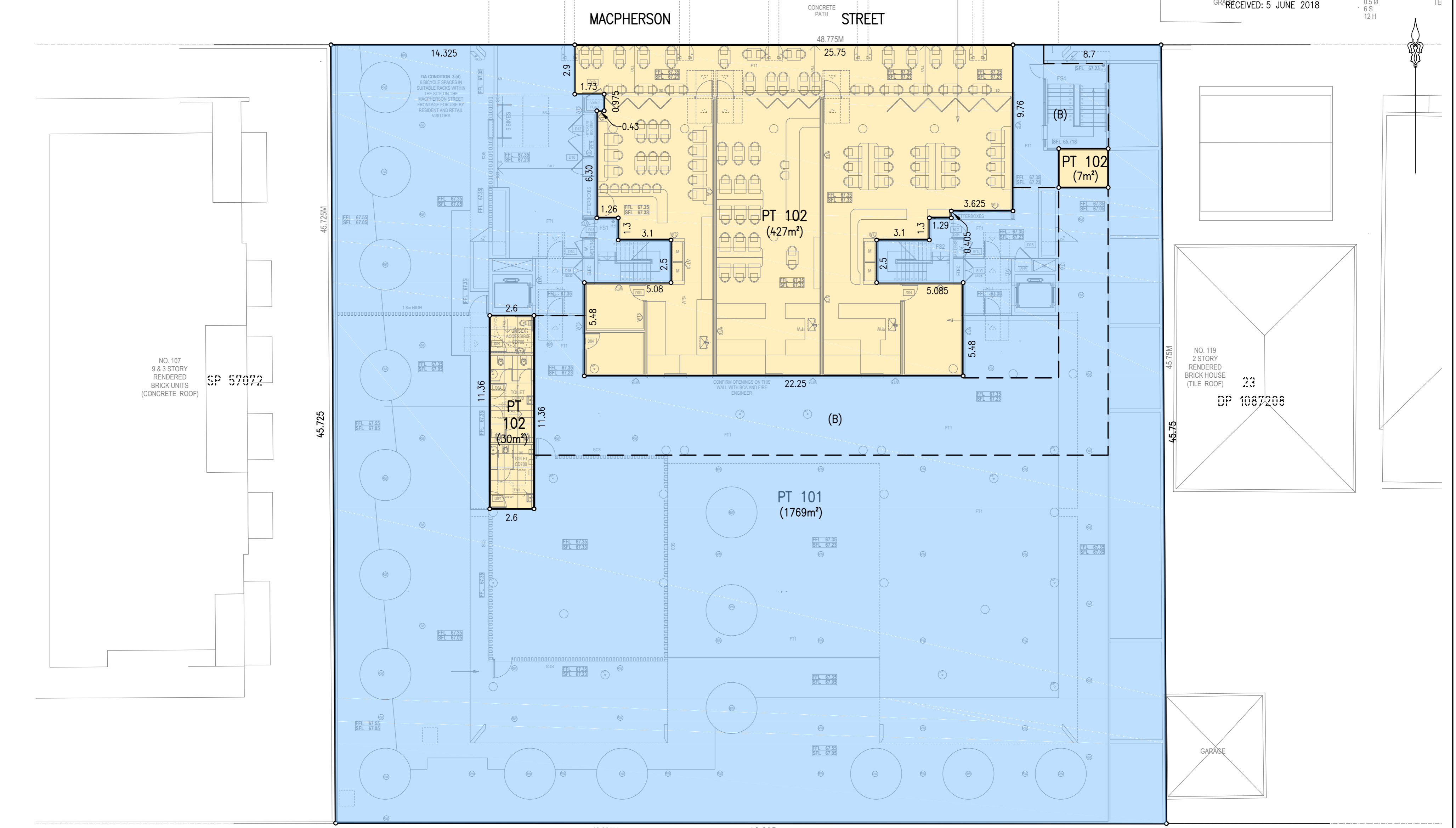
SCHEDULE OF STRATUM LOTS
 LOT 101 RESIDENTIAL
 LOT 102 RETAIL

LEVEL 1

THIS PLAN IS BASED ON PLANS BY ARCHITECT
 DWG No.: CC2.103 L1
 RECEIVED: 5 JUNE 2018

0.5 Ø
 6 S
 12 H

TEI



NO. 107
 9 & 3 STORY
 RENDERED
 BRICK UNITS
 (CONCRETE ROOF)
 SP 57072

NO. 119
 2 STORY
 RENDERED
 BRICK HOUSE
 (TILE ROOF)
 23
 DP 1087208

GARAGE

(B) RIGHT OF FOOTWAY

SCHEDULE OF WHOLE OF LOT EASEMENTS WHICH AFFECT THE WHOLE OF LOTS 101,102
 EASEMENT FOR SUPPORT & SHELTER
 EASEMENT FOR SERVICES
 EASEMENT FOR FIRE STAIRS AND PASSAGES
 EASEMENT TO ACCESS SHARED FACILITIES

SURVEYOR
 Name: MARK ANDREW
 Date:
 Reference: 200553 DSUB

PLAN OF PROPOSED SUBDIVISION OF
 LOT 19,20,21 IN DP 192094 AND 22 IN
 DP 72912

LGA: WAVERLEY
 Locality: BRONTE
 Reduction Ratio: 1:150
 Lengths are in metres.

REGISTERED
 CONTRACT PLAN
 Plan compiled from
 architectural CAD data.
 Plan is subject to final
 survey after completion
 of construction.

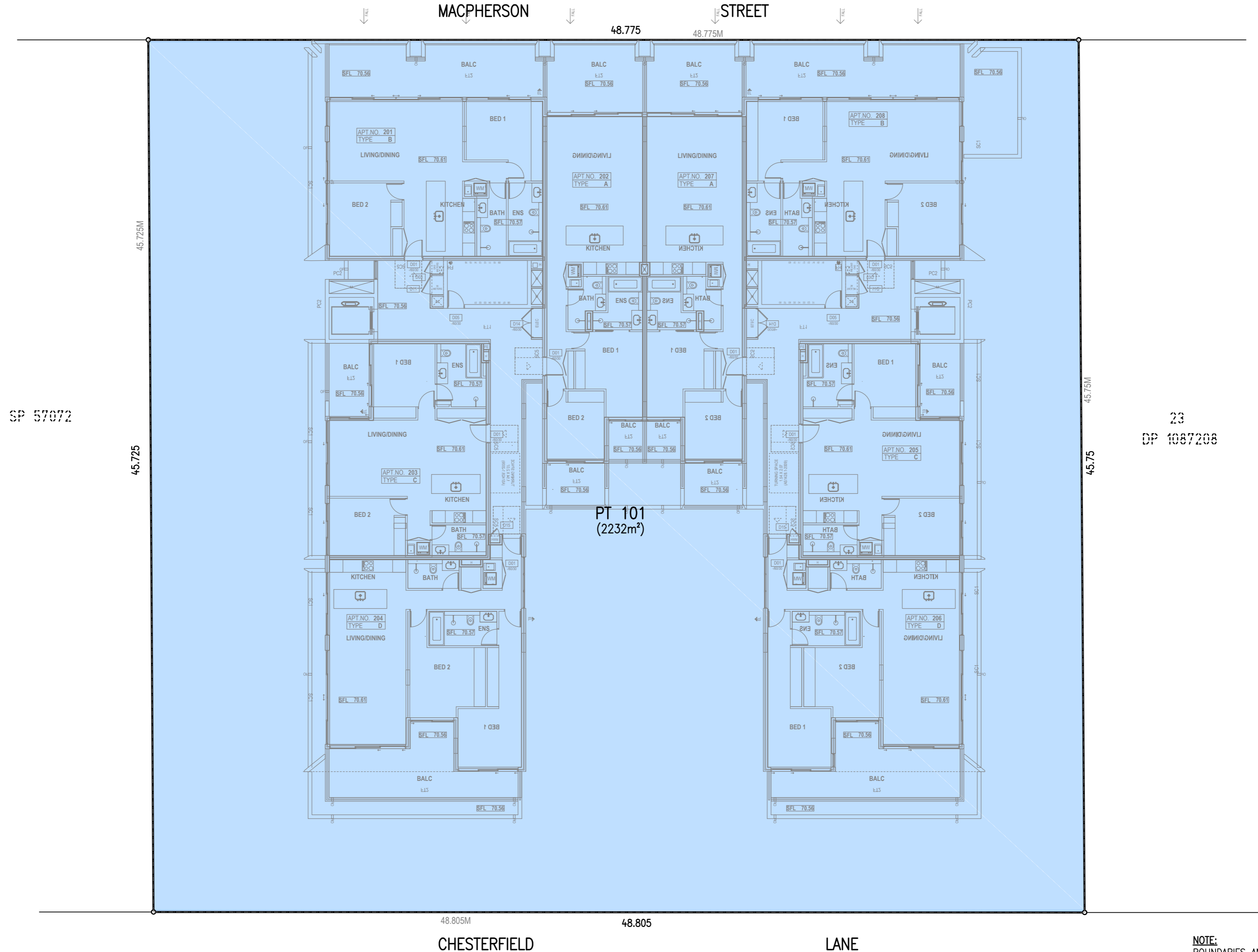
NOTE:
 BOUNDARIES AND EASEMENTS SUBJECT TO
 MINOR AMENDMENTS AND DESIGN CHANGES.

DRAFT
 PRINTED 25 OCT 2018
 ISSUE 5-LG

SCHEDULE OF STRATUM LOTS
 LOT 101 RESIDENTIAL
 LOT 102 RETAIL

LEVEL 2 AND ABOVE

THIS PLAN IS BASED ON PLANS BY ARCHITECT
 DWG No.: CC2.104 L2
 RECEIVED: 5 JUNE 2018



SCHEDULE OF WHOLE OF LOT EASEMENTS WHICH AFFECT THE WHOLE OF LOTS 101,102
 EASEMENT FOR SUPPORT & SHELTER
 EASEMENT FOR SERVICES
 EASEMENT FOR FIRE STAIRS AND PASSAGES
 EASEMENT TO ACCESS SHARED FACILITIES

<p>SURVEYOR Name: MARK ANDREW Date: Reference: 200553 DSUB</p>	<p>PLAN OF PROPOSED SUBDIVISION OF LOT 19,20,21 IN DP 192094 AND 22 IN DP 72912</p>	<p>LGA: WAVERLEY Locality: BRONTE Reduction Ratio: 1:150 Lengths are in metres.</p>	<p>REGISTERED CONTRACT PLAN Plan compiled from architectural CAD data. Plan is subject to final survey after completion of construction.</p>	<p>DRAFT PRINTED 25 OCT 2018 ISSUE 5-LG</p>
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NOTE:
 BOUNDARIES AND EASEMENTS SUBJECT TO
 MINOR AMENDMENTS AND DESIGN CHANGES.



Report to the Waverley Local Planning Panel

Application number	DA-247/2016/B
Site address	10 Tipper Avenue, Bronte
Proposal	Modification of the previously refused roof terrace
Approved development description	First floor addition, new garage and attic to dwelling
Date of lodgement	19 June 2018
Owner	Ms R J Head
Applicant	Cape Cod Australia Pty Ltd
Submissions	Five
Issues	Amenity impacts
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 1 in DP 1205925, known as 10 Tipper Avenue, BRONTE. The site located on the corner of Tipper Avenue and Macpherson Street. It is rectangular in shape with a northern side boundary with 8 Tipper Avenue measuring 50m, eastern rear boundary with 168 Macpherson Street measuring 12m. The street frontage to Tipper Avenue measures 12.2m and the secondary street frontage to Macpherson Street measures 50m. The site has an area of 612.6sqm and falls from the south to north by approximately 1m and falls from the west to east by approximately 3m.

The site is occupied by a two (2) storey detached single dwelling. It is listed as Heritage Item No.348 *'Late Federation Queen Anne/Inter-war Californian bungalow'* under Schedule 5 of Waverley LEP 2012. Vehicle access is provided from Macpherson Street with a garage and studio at the south east corner of the site.

The subject site is surrounded by residential development including low density detached and semi-detached single dwellings and medium density (2-4 storey) residential flat buildings.



Figure 1: Subject site frontage to Tipper Avenue



Figure 2: Site viewed from Macpherson Street

1.2 Details of Approved Development

A search of Council's building and development records found the following applications relating to the site:

DA-347/2010 – Approved on 16 September 2010 for alterations and additions to dwelling including first floor addition and studio above existing garage and extension of fencing.

DA-247/2016 – Approved on 15 December 2016 for first floor addition, new garage and attic to dwelling.

DA-247/2016/A – Proposed modifications to the approved development to provide access to the roof and construction of a roof terrace measuring 35sqm with associated frameless glass balustrading. The modification was refused on 22 September 2017 for the following reasons:

1. *The proposal does not satisfy section 79C(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 1.2 Aims of plan, specifically clause (2)(g) as the proposal adversely affects the significance of the existing heritage listed building which will be incompatible with the character of the locality.*

- b. *Clause 4.3 Height of buildings, as the proposed height is inconsistent with the maximum height shown for the land on the Height of Buildings Map and may result in undesirable impacts.*
 - c. *Clause 5.10 Heritage conservation, as the works adversely affect the heritage significance of the building.*
2. *The proposal does not satisfy section 79C(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 Dwellings, Semi-detached Dwelling and Terrace Development*
 - i. *Clause 1.8 Visual and Acoustic Privacy, specifically control (e) as the proposal exceeds the maximum area allowable for roof terraces, the site is not contiguous to other sites with roof terraces, and the proposal will result in unacceptable impacts.*
3. *The proposed development does not satisfy section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse impact upon the amenity of the locality and surrounding built environment.*
4. *The proposal is contrary to 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.*
5. *The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979.*

1.3 Proposal

The Section 4.55 (2) application seeks to modify the approved development DA-247/2016 and provide a roof terrace. The following modifications are proposed:

- Demolish a portion of the upper level roof
- Provide stairs to the roof from the first floor lobby area
- Construction of a roof terrace area measuring 15sqm with associated glass balustrading.

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 modification) 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 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
Part 1 Preliminary		
1.2 Aims of plan <ul style="list-style-type: none"> To identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley 	No	The proposed roof terrace is inconsistent with the aims of this plan, as the proposal adversely affects the significance of the existing heritage listed building.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal relates to a dwelling, 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"> 8.5m 	No	The proposed glass balustrade to the roof terrace increases the overall height to 8.76m, which does not comply. Any additional height above the existing building is not supported given the potential view loss impacts from ongoing use of the rooftop terrace. The proposal also has heritage impacts, and therefore the non-compliance is not supported.
4.4 Floor space ratio and <ul style="list-style-type: none"> 0.5:1 	N/A	Whilst the overall FSR for the site does not comply with the development standard, the proposal does not seek to add or change the gross floor area. Therefore this standard is not applicable to the proposed works.
4.6 Exceptions to development standards	N/A	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. Given the application is a Section

Provision	Compliance	Comment
		4.55 Modification, a written request under Clause 4.55 is not required.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No	The site is listed as Heritage Item No.348, identified as ' <i>Late Federation Queen Anne/Inter-war Californian bungalow</i> '. The proposed roof terrace adversely impacts the significance of the heritage listed building. Comments received from Council's Heritage Advisor are discussed below.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is within a Class 5 acid sulphate area. The proposal does not relate to the ground floor level and therefore is not considered to have any impact on the acid sulfate soils. In this regard, the existing conditions of consent are considered satisfactory.

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
1. Waste	Yes	The approved Site Waste and Recycling Management Plan continues to apply to the development, and no further conditions are required.
2. Energy and water conservation	Yes	The approved BASIX Certificate continues to apply, and no further conditions are required.
9. Heritage	No	The objectives of WDCP 2012 B9 Part 9.6 include the retention and maintenance of the characteristic roof forms and chimneys of heritage items. The proposal does not achieve this objective as it introduces a glass balustrade to the roof which is not sympathetic to the heritage listed dwelling.

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
1.1 Height		
1.1.2 External wall height <ul style="list-style-type: none"> • Maximum external wall height of 7m 	N/A	Whilst the existing dwelling exceeds the maximum external wall height, the proposal does not seek any change to the external wall height, and therefore this control does not apply to the proposed works.
1.4 Streetscape and visual impact		
(a) New development should be visually compatible with its streetscape context	Yes	<p>The roof terrace results in the partial demolition of the recently constructed roof of the first floor addition. While the proposed roof terrace and glass balustrading are predominantly sunken down within the existing roof, it will result in additional visual impact from the street. The combination of roof tiling, glass balustrades and flashing will be prominent on the roof line and detract from the existing construction which was previously approved on the basis of cohesion with the aesthetic qualities of the original heritage listed dwelling.</p> <p>Further, the Statement of Environmental Effects submitted with the application notes that “permanent installations within the reduced roof top terrace area do not form part of this application”. However, it is inevitable that structures such as shade umbrellas or furniture will be placed on the rooftop which will have a greater impact on the visual appearance from the street and the heritage significance of the building.</p>
1.8 Visual and acoustic privacy		
1.8 (e) Roof tops are to be non-trafficable and not capable of being used as roof terraces or entertainment areas except where: <ul style="list-style-type: none"> (i) Developments contiguous to the subject site include a roof terrace 	No	<p>The applicant has provided a list of “Existing rooftop terrace locations within the surrounding context and wider Waverley LGA”. This compilation of aerial images carries little weight in the assessment because most of the sites identified are kilometres away from the subject site, it is not clear if they have consent (or whether they were approved under the current controls), or they may be non-trafficable green roofs.</p> <p>WDCP 2012 C1 Clause 1.8 (e)(i) states that rooftops are to be non-trafficable except where developments contiguous to the subject site</p>

Development Control	Compliance	Comment
<p>(ii) They will not result in unreasonable amenity impacts</p> <p>(iii) They are not to exceed 15m² in area</p> <p>(iv) They are provided for casual and infrequent activity</p> <p>(v) Any access must be provided within the envelope of the main building</p>	<p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>include a roof terrace. The developments contiguous the subject site do not have roof terraces, and therefore the proposed roof terrace is not supported. WDCP 2012 C1 Clause 1.8 (e)(i) is considered a threshold issue, which warrants refusal of the application.</p> <p>Furthermore, if approved, the roof terrace will set a precedence within the immediate vicinity for both single dwellings and apartment buildings as Control 1.8(e)(i) permits new roof terraces where there are existing roof terraces on buildings continuous to the subject site.</p> <p>The roof terrace does not maintain the established character of Tipper Avenue or Macpherson Street as there are no existing roof terraces visible from a pedestrian or aerial view in the immediate vicinity. The proposal will allow a trafficable area of 15sqm which results in noise and privacy impacts to the surrounding properties.</p> <p>The modification application reduces the roof top terrace area to 15m².</p> <p>The rooftop has permanent stairs with a glass roof hatch from the first floor lobby area. If approved, there is no practical way of ensuring the rooftop will be used for casual and infrequent activity, unless it results from future complaints from neighbours and compliance action taking place.</p> <p>The roof terrace is accessed from a permanent staircase with a glass roof hatch from the first floor lobby area.</p>
1.10 Views		
Encourage view sharing as a means of ensuring equitable access to views from private dwellings	Not clear	A view analysis was not provided as part of this application and therefore it is difficult to determine if view loss occurs. While the applicant maintains that the proposed glass balustrading will not have an impact on views, concern is raised about furniture and structures that will ultimately be placed on the roof terrace. No assessment of structures on the rooftop has been provided. Therefore it is not

Development Control	Compliance	Comment
		clear if the proposal will result in view loss impacts.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space 	Yes	The proposal increases the overall open space available on the site. However, the approved development already meets the requirements for landscaping, open space and private open space at ground floor level.

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 a significant detrimental effect relating to environmental, social or economic impacts on the locality, as such the modification is recommended for refusal.

2.4 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development, as such, it is recommended for refusal.

2.5 Any Submissions

The modification 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*.

5 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
Bronte Beach Precinct
6 Tipper Avenue and 6/5-7 Tipper Avenue
181 Macpherson Street, Bronte
183 Macpherson Street, Bronte
1 Calga Avenue, Bronte

Issue: *The roof terrace will have noise impacts and result in a lack of privacy, the subject site is significantly higher than the other single dwellings on Tipper Avenue. The recently approved addition already has privacy impacts*

Response: Agreed. The application is recommended for refusal.

Issue: *The rooftop terrace is not sympathetic with the streetscape or the heritage listed dwelling*

Response: Agreed. The roof top terrace is inconsistent with the streetscape and the heritage listed dwelling.

Issue: *While the overall size has been reduced, the impacts remain*

Response: Agreed. The application is recommended for refusal.

Issue: *If approved, the rooftop will create a precedent in the area which will have significant impacts*

Response: Agreed. The application is recommended for refusal.

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 Heritage Advisor – Shaping Waverley

The application was referred to Council's Heritage Advisor, who provided the following comments:

- It was previously noted that: *The approved works already introduce a marginally acceptable addition to the heritage listed residence. The proposed roof deck adds a significant additional visual impact upon the existing building. Such decks are consistently accompanied by subsequent application for shade structures without which they are basically uninhabitable.*
- The amended deck in the same southwestern corner location is of reduced floor area accessed by the previously proposed access stair.
- The proposed deck includes a raised glass balustrade set above a fibre cement upturn, then later enabling flashing over the existing roof tiling. The visual combination of elements will be prominent on the roof line and detract from existing construction previously approved on the basis of cohesion with the aesthetic qualities of the residence.
- It is not clear how a deck enclosed on four sides to 1200 mm height will be tenable without wind and sun protection. Any additional screening umbrellas, pergolas etc, will visually impact upon the building.
- As with the previous application for a larger roof deck, the application is not supported on the basis of assessed impact upon the heritage significance of the existing building.

Recommendation: That the application is not supported.

4. SUMMARY

The application seeks consent for modifications to the approved dwelling alterations including a new roof terrace measuring 15sqm in area and associated glass balustrading. DA-278/2016/A sought consent for a 35sqm roof terrace, which was refused on 22 September 2017. While the subject application seeks to reduce the size of the proposed roof terrace, the amenity impacts remain. There are no other developments contiguous to the subject site that have roof terraces.

Five submissions were received. The modification application is recommended for REFUSAL.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT 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:**

Emma Finnegan
Senior Development Assessment Planner

Arif Faruqi
**Manager, Development Assessment
(North/South)**

Date: 12 November 2018

Date: 13 November 2018

Reason for referral:

Previously refused application

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 satisfy the Waverley Local Environmental Plan (WLEP) 2012, in respect to the following provisions:
 - a. *Clause 1.2 Aims of plan, specifically clause (2)(g) as the proposal adversely affects the significance of the existing heritage listed building which will be incompatible with the character of the locality.*
 - b. *Clause 4.3 Height of buildings, as the proposed height is inconsistent with the maximum height shown for the land on the Height of Buildings Map and may result in undesirable impacts.*
 - c. *Clause 5.10 Heritage conservation, as the works adversely affect the heritage significance of the building.*
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 5th Amendment, in respect to the following provisions:
 - a. *Part C1 – Dwelling House, Dual Occupancy, Secondary Dwellings, Semi-detached Dwelling and Terrace Development.*
 - i. *Clause 1.4 Streetscape and Visual Impact, specifically controls (a) as the proposal is not visually compatible with its streetscape or the heritage listed dwelling.*
 - ii. *Clause 1.8 Visual and Acoustic Privacy, specifically control (e) as the site is not contiguous to other sites with roof terraces, and the proposal will result in unacceptable impacts.*
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 impact upon the amenity of the locality and surrounding built environment.
4. The proposal is contrary to 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.
5. The proposal is contrary to 4.15(1)(d) as the roof terrace results in undesirable privacy and acoustic impacts to adjoining properties as outlined in public submissions.

BASIX COMMITMENTS	
CERTIFICATE NO. A251579	
FIXTURES AND SYSTEMS	
LIGHTING	MIN 40% OF NEW OR ALTERED LIGHT FIXTURES TO BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMPS
WET AREAS: NEW OR ALTERED	SHOWER HEADS 3 STAR RATED TOILETS 3 STAR RATED TAPS 3 STAR RATED
INSULATION REQUIREMENTS	
CONCRETE SLAB ON GROUND FLOOR	NIL
SUSPENDED FLOOR WITH ENCLOSED SUBFLOOR FRAMED (R0.7)	R0.60 (DOWN)(or R1.30 INCLUDING CONSTRUCTION)
SUSPENDED FLOOR ABOVE GARAGE: FRAMED (R0.7)	NIL
FLOOR ABOVE EXISTING DWELLING OR BUILDING	NIL
EXTERNAL WALL: BRICK VENEER	R1.16 (or R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CAVITY BRICK	NIL
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD)	R1.30 (or R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: EXTERNAL INSULATED FACADE SYSTEM (EIFS)(FACADE PANEL: 75mm)	NIL
INTERNAL WALL SHARED WITH GARAGE: PLASTERBOARD (R.36)	NIL
FLAT CEILING, PITCHED ROOF	CEILING: R 3.00 (UP) ROOF: FOIL/SARKING DARK (SOLAR ABSORPTANCE >0.70)
RAKED CEILING, PITCHED / SKILLION ROOF: FRAMED	CEILING: R 3.00 (UP) ROOF: FOIL BUCKET BLANKET (55mm) DARK (SOLAR ABSORPTANCE >0.70)
FLAT CEILING, FLAT ROOF: FRAMED	CEILING: R 2.08 (UP) ROOF: FOIL BACKED BLANKET (55mm) DARK (SOLAR ABSORPTANCE >0.70)

EXTERNAL PAINT SCHEDULE			
ITEM	BRAND eg. WATYTL	CODE	COLOUR
Window Hardware	Stegbar		Satin Chrome
Roof Sheeting	Colorbond		Woodland Grey
Balcony Beam			White on White
Balcony Post			White on White
Balusters			White on White
Cover Battens			White on White
Wall Cladding			Deep Ocean
Garage Door			White on White
Painted Brick			
Barge Board			White on White
Fascia Board			White on White
Rafter Tails			White on White
Gable Cladding			White on White
Gable Shingles			White on White

GLAZING REQUIREMENTS	
WINDOWS	W25, W26, W27, W28, W44, W52, W52, W55, W56, # W57,
	TIMBER or uPVC, SINGLE CLEAR, (U-VALUE: 5.71, SHGC: 0.66)
W18,	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 5.7, SHGC: 0.47)
W19, W20, W21, W22, W23, W24, W38, W39, W40, W41, W42, W43, W45, W46, W47, W48, W49, W50, W51, W52, W54, W58, # W59,	TIMBER or uPVC, SINGLE PYROLYTIC LOW-E, (U-VALUE: 3.99, SHGC: 0.4)
SHADING DEVICES	
WINDOWS	W38, W39, W40, W41, W42, W43, # W57,
	PROJECTION /HEIGHT ABOVE SILL RATIO >= 0.23
W18, # W44,	PROJECTION /HEIGHT ABOVE SILL RATIO >= 0.36
W19, W20, W21, W25, W26, W27, W28, W55, W56, W58, # W59,	EAVE / VERANDAH / PERGOLA / BALCONY >= 450MM
W45, W46, W47, W48, W49, W50, W52, W53, # W54	EAVE / VERANDAH / PERGOLA / BALCONY >= 600MM
W22, W23, W24, # W51	EAVE / VERANDAH / PERGOLA / BALCONY >= 900MM
WORKS BY OWNER	
<ul style="list-style-type: none"> REMOVAL & INSTALLATION OF T.V ANTENNA IF REQUIRED & CONNECTION TO NEW AND EXISTING TV POINTS. CONNECTION OF NEW COAXIAL CABLE "T.V.POINT" TO EXISTING AND/OR NEW T.V. AERIAL PHONE AND/OR DATA CABLING. SUPPLY & INSTALLATION OF INSECT SCREENS IF REQUIRED. ALL WORK ASSOCIATED WITH THE FIREPLACE TO SITTING ROOM. SUPPLY & FIXING OF WALK-IN-ROBE SHELIVING & HANGING RAILS. SUPPLY & INSTALLATION OF DOOR JAMBS, DOORS, DOOR ARCHITRAVES, DOOR FURNITURE, SHELIVING & HANGING RAILS TO THE BUILT IN ROBES. SUPPLY OF LAUNDRY TUB, LOW DOWN SUITES, VANITY UNITS, BATHS, TAPS & OUTLETS, SHAVING CABINETS, TOWEL RAILS, SOAP DISHES & TOILET ROLL HOLDERS TO THE FIRST FLOOR ADDITION BATHROOM & ENSUITE, GROUND FLOOR LAUNDRY & SHOWER ROOM & GARAGE SHOWER ROOM. SUPPLY & INSTALLATION OF SHOWER SCREENS TO FIRST FLOOR BATHROOM & ENSUITE & GROUND FLOOR & GARAGE SHOWER ROOM. SUPPLY OF CERAMIC WALL TILES, STONE FLOOR TILES TO FIRST FLOOR BATHROOM, ENSUITE & BALCONY, GROUND FLOOR LAUNDRY, AND SHOWER ROOM, GARAGE/STUDIO SHOWER ROOM, HALL, WINE CELLAR, ENTRY & STORE. ALL WORK ASSOCIATED WITH REPLACING GUTTERS & DOWNPIPES TO VERANDAH ROOF, PORTICO ROOF & BAY WINDOW HOODS. ALL WORK ASSOCIATED WITH THE REMOVAL/RELOCATION/ALTERATION OF THE EXISTING DUCTED AIR CONDITIONING SYSTEM. ALL WORK ASSOCIATED WITH THE SUPPLY AND INSTALLATION OF THE NEW LAUNDRY STUDIO BAR, PANTRY & KITCHEN CUPBOARDS AND APPLIANCES AND INSTALLATION OF ANY SPLASHBACKS. KITCHEN CUPBOARDS AND APPLIANCES AND INSTALLATION OF ANY SPLASHBACKS. SUPPLY OF FAN/LIGHT/HEATER UNITS, LIGHT FITTINGS & CEILING SWEEP FANS. RE-POSITION GAS METER. ALL WORKS ASSOCIATED WITH THE CONSTRUCTION OF THE ON SITE DETENTION (OSD) SYSTEM AS REQUIRED BY COUNCIL. ALL WORKS ASSOCIATED WITH THE REMOVAL OR PRUNING OF TREES AS REQUIRED. SUPPLY & INSTALL SHELIVING TO GROUND FLOOR CHUTE, LINEN, PANTRY & STORE & TO GARAGE LEVEL WINE CELLAR & STORE. REMOVE #/OR REPOSITION SYDNEY WATER EVS IF REQUIRED. SUPPLY & INSTALL MIRROR TO GROUND FLOOR GARAGE LEVEL SHOWER ROOMS. EXTERNAL PAINTING TO EXISTING GATES & BOUNDARY FENCES. 	
FINISHED GROUND LEVELS SHOWN ON PLAN ARE SUBJECT TO SITE CONDITIONS. DO NOT SCALE OFF DRAWINGS. ALL DIMENSIONS SHOWN ARE THEORETICAL ONLY AND ARE SUBJECT TO SITE MEASURE DURING CONSTRUCTION. NO ALLOWANCE HAS BEEN MADE FOR SHRINKAGE OR MILLING.	
COPYRIGHT THIS DESIGN AND PRINT IS THE PROPERTY OF CAPE COD AND IS ISSUED FOR THE SOLE PURPOSE OF ENTERING INTO A BUILDING CONTRACT WITH THE COMPANY. IT MUST NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.	
HOT WATER UNIT	REPLACE EXISTING WITH NEW "RINNAI INFINITY 32" EXTERNAL GAS HOT WATER UNIT TO HOUSE & PROVIDE NEW "RINNAI INFINITY 26" TO GARAGE

SPECIFICATION SUMMARY	
STRUCTURAL TIMBER - All to ASA 1684.2	
WALLS: F5 SOFTWOOD 90 X 35 EXT. STUDS @ .600 CT5 70 X 35 INT. STUDS @ .600 CT5 FLOOR: 140x45mm MIN. FLOOR JOISTS	ROOF: ROOF TRUSSES TO MANUFACTURERS DETAILS @ .600 CT5 WIND LOAD 41 M/S
FINISHES	
BRICKWORK	COMMON BRICKWORK FOR RENDER AND PAINT FINISH
FLOORING	19MM STRUCTURAL PARTICLEBOARD EX. 150x25 T&G BLACKBUTT FLOORING TO G/FLOOR & STUDIO INCLUDING THE FIRST FLOOR WITH EXCEPTION OF TO WET AREAS. SAND & SEAL NEW FLOOR. STUDIO CONCRETE FLOORS TO GARAGE LEVEL.
CLADDING	WEATHERTEX SHINGLE # 4.5MM F.C SHEETING WITH TIMBER BATTENS TO REAR GABLE. 170mm WEATHERTEX "SMOOTH" CLADDING TO FIRST FLOOR & GARAGE/STUDIO AS SHOWN 75mm POLYSTYRENE WALL SHEETING WITH APPLIED TEXTURE PAINT FINISH
WINDOWS - STEGBAR KEYS LOCKS	FRAME: WESTERN RED CEDAR
INSECT SCREENS	BY OWNER
ROOF COVERING	PROVIDE ALL NEW 'CAMBRIDGE' CONCRETE ROOF TILES AMERICAN TILES T.B.A (TO BE CONFIRMED ON SITE.) TO DWELLING ADDITIONS & GARAGE STUDIO. PRE-FINISHED ZINCALUME METAL DECK TO FIRST FLOOR & STUDIO
ROOF SARKING	FLAME RETARDANT DOUBLE SIDED ALUMINIUM FOIL TO TILED ROOF AREAS R1.3 ALUMINIUM FOIL BACKED "ANTICON" INSULATION BLANKET TO METAL ROOF AREAS
INSULATION (FIBREGLASS)	R2.4 12mm POLASTIC INSULATION BLANKET TO ALL NEW CLADDED EXTERNAL WALLS. R3.0 BATTs TO FIRST FLOOR CEILING EXCLUDING BALCONY, GROUND FLOOR CEILING OUTSIDE OUTLINE OF SECOND STOREY STUDIO METAL ROOF SECTION & GARAGE LEVEL SHOWER ROOM, HALL & WINE CELLAR. INSTALL R2.0 ACCOUSTIC BATTs TO FIRST FLOOR AREA. R2.0 BATTs TO ALL NEW EXTERNAL WALLS EXCLUDING GARAGE NORTH WALL OF GARAGE WALLS. R2.0 GOLD BATTs TO PITCHED ROOF SECTIONS OF STUDIO & NORTH EXTERNAL WALL AT GARAGE LEVEL. R2.0 SOUNDSCREEN BATTs TO FIRST FLOOR ADDITION FLOOR AREA & INTERNAL WALLS AS INDICATED ON PLAN. PROVIDE TWO (2) LAYERS OF 10mm PLASTERBOARD TO WALLS OF WINE CELLAR & R2.0 INSULATION BATTs TO INTERNAL & EXTERNAL WALLS OF WINE CELLAR & CEILING.
INTERNAL FIXINGS	DAR: FINGER JOINTED PINE SKIRTING: Ex. 200x25 "QUARTER SPLAYED" SKIRTING: Ex. 150x25 "QUARTER SPLAYED"(GARAGE) ARCHITRAVE: Ex. 100x25 "SQUARE DRESSED"
INTERNAL DOORS	2340 HIGH MODA - PMOD6 TO DWELLING UNLESS NOTED OTHERWISE 2040 HIGH TO GARAGE LEVEL.
STAIRCASE (HOUSE) BLACKBUTT TREADS & PINE RISERS CUT PINE STRINGER	TYPE: CLOSED TIMBER WIDTH: 1100mm RISE: 20 @ 187mm GOING: 240mm (260mm TREAD)
STAIRCASE (GARAGE) MAPLE TREADS & RISERS MAPLE STRINGER	TYPE: CLOSED TIMBER WIDTH: 950mm RISE: 15 @ 181mm GOING: 240mm (260mm TREAD) STAIRWELL FINISH AND DETAIL TO BE AS PER PREVIOUS PROJECT OF MRS HEAD AT 2 BELGRAVE STREET BRONTE. (SITE CHECK)
FASCIA/BARGE BOARDS	MATERIAL: DAR TIMBER
GUTTERS & DOWNPIPES	TYPE: HALF ROUND 100mm Ø DP MATERIAL: PREFINISHED ZINCALUME GUTTER COLOUR: WHITE DOWNPIPE COLOUR: DEEP OCEAN
PAINTING - REFER TO SPECIFICATION FOR THE EXTENT OF WORK	DWELLING & GARAGE/STUDIO EXTERNAL: BY CAPE COD DWELLING & GARAGE/STUDIO EXTERNAL: BY OWNER EXISTING GROUND FLOOR EXTERNAL: BY CAPE COD PAINTING TO ALTERATION AND RENOVATION WORK TO BE BY THE OWNER

Application No: DA247/2016/B
Date Received: 19/06/2018

PROVIDE FOUR (4) SMOOKY GLASS. AS PER THE NCC - ALL WET AREA WINDOWS TO HAVE TOUGHENED GLASS. PROVIDE MARINE GRADE BRICKS, MORTAR AND TIES IN ACCORDANCE WITH AS3700 AS SITE IS WITHIN 1KM OF OCEAN. PROVIDE CONTROL COCK FOR SINGLE ACTION MIXER TAPS. SUPPLY, INSTALLATION & CONNECTION OF COMFORT HEAT ELECTRIC UNDER FLOOR HEATING TO THE FIRST FLOOR ADDITION SHOWER ROOM & ENSUITE. PROVIDE PARTICLEBOARD FRAMED AIR CONDITIONING DUCT TO EACH OF THE BUILT IN ROBES & WALK IN ROBES. SANDING & MODIFIED TUNG OIL APPLICATION TO NEW T&G BLACKBUTT STRIP FLOORING. SEALING OF ALL STONE FLOOR TILES. PAINTING OF EXISTING EXTERNAL WALLS, EAVES, GABLE OVERHANGS, CLADDING & BATTENS, ENTRY RECESS CEILING LINING, CEILING LINING, EXPOSED ENTRY BEAMS, POSTS & TRIMS TO SIDE ENTRY PORCH ROOF. PROVIDE UNDERGROUND POWER SUPPLY FROM HOUSE TO NEW SUB-SWITCHBOARD TO GARAGE/OFFICE. PROVIDE HOT & COLD WATER SUPPLY & GAS SERVICE LINE TO GARAGE. REPLACE EXISTING GUTTERS & DOWNPIPES TO EXISTING GROUND FLOOR. INSTALL LIGHT FITTINGS, SWEEP FANS & 3-IN-1 FAN UNITS (AS SUPPLIED BY THE OWNER). PROVIDE FEDERATION EAVES TO DWELLING ADDITIONS. ALL PANNELLING TO BE PURCHASED FROM "EASY CRAFT" & TO BE CONFIRMED WITH THE OWNER. EXISTING AIR CONDITIONING UNIT TO BE SAVED FOR REUSE BY OWNER TO BE CONFIRMED ON SITE. RAISE THE SILL HEIGHT OF THE KITCHEN WINDOW TO SUIT KITCHEN CUPBOARDS TO BE CONFIRMED ON SITE WITH SUPERVISOR.

M	DRAFTING AMENDMENTS	S.M.	14-05-18
L	AMENDED ROOF TERRACE	B.P/S.C	08-03-18
K	ROOF TERRACE	B.J.P	14-07-17
J	AMENDED FINAL CONSTRUCTION	S.M.	16-03-17
I	FINAL CONSTRUCTION	N.E	17-02-17
H	CONSTRUCTION CERTIFICATE	S.M.	14-02-17
G	TO CONTRACTS	S.C.	15-12-16
F	RE-DESIGN FOR COUNCIL	B.P.	07-10-16
E	BASIX ADDED & TO COUNCIL	N.E.	10-06-16
D	CONSULTANT CHECK PLAN	N.E.	01-06-16
C	REDESIGN	S.M.	26-05-16
B	TO CLIENT	S.C.	15-03-16
A	TECHNICAL	S.M.	19-02-16
No.	ISSUE	DRAWN	DATE

DESIGN CONSULTANT: DAREK SZYMANSKI

PROPOSED ADDITIONS & ALTERATIONS FOR MR A & MRS R HEAD

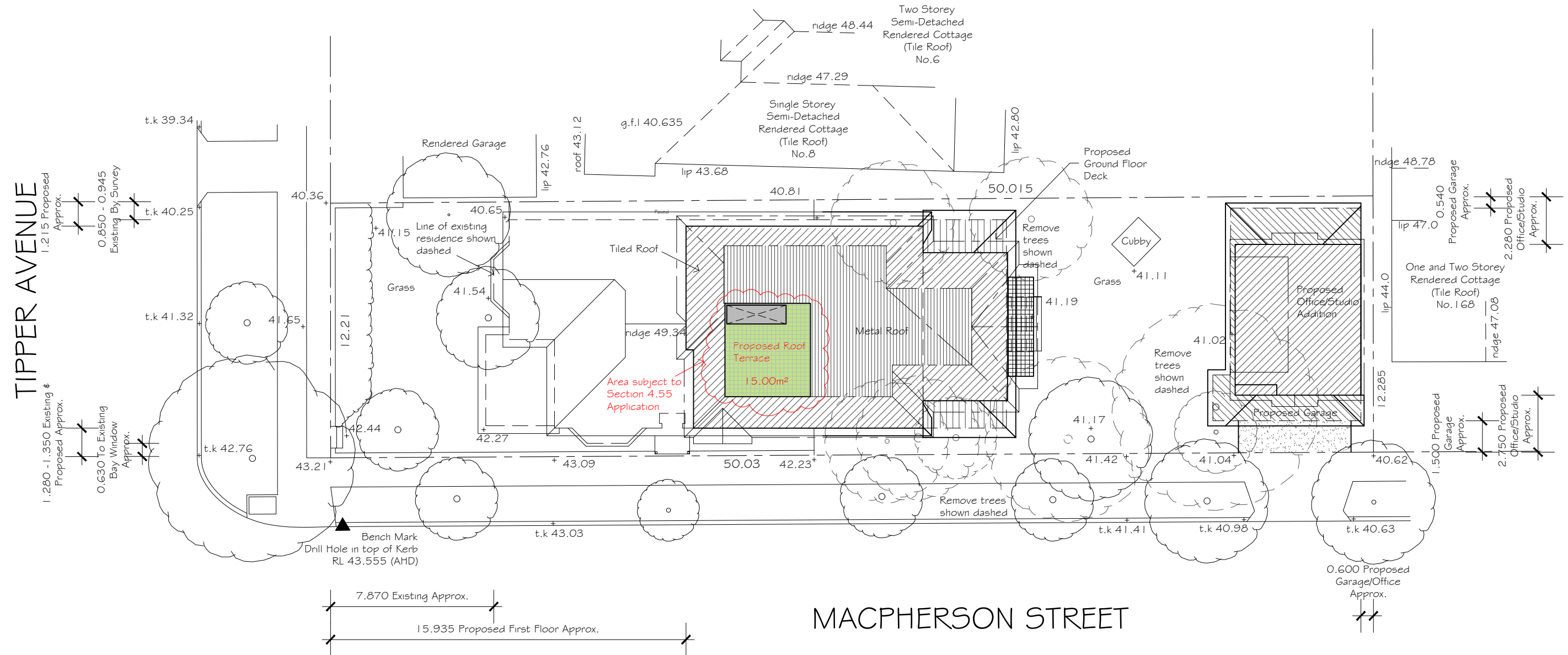
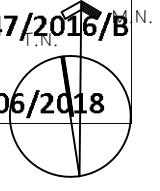
**AT 10 TIPPER AVENUE
BRONTE NSW 2024**

COUNCIL: WAVERLEY

A.B.N. 54 000 605 407
SUITE 41, 410 CHURCH STREET,
NORTH PARRAMATTA 2151
PHONE: (02) 9849 4444
BUILDERS LICENCE NO. 5519

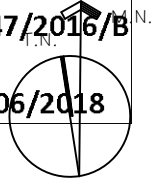
Cape Cod AUSTRALIA

SHEET: 1 OF 15 JOB NO: 7746/16 **347**



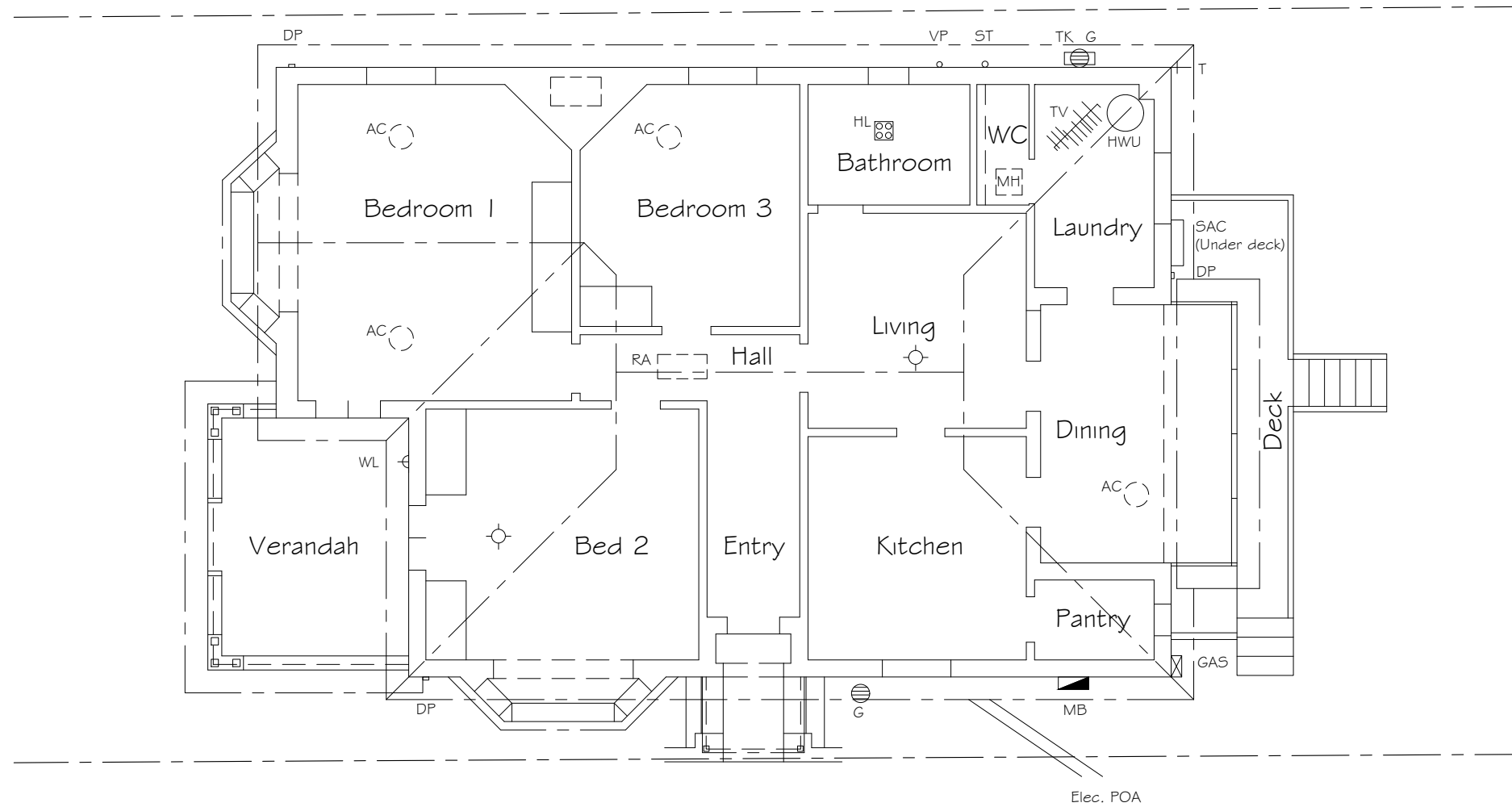
Site Plan

No. : 10
 Lot. : 1
 DP : 1205925
 AREA : 612.60m² (By Title)
 612.20m² (By Survey)



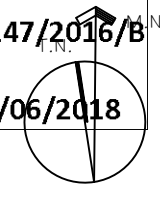
Legend

- TK Tank
- SAC Air Conditioning Compressor
- DP Downpipe
- G Gully
- HL Heater/Light
- HWU Hot Water Unit
- MH Manhole
- MB Meter Box - Electrical
- GAS Meter - Gas
- RA Return Air Grill
- Smoke Detector - Existing
- AC AC Duct
- T.V. TV Antenna - Owner to relocate as required
- ST Stack
- T Tap - Garden
- VP Sewer Vent Pipe
- WL Wall Light



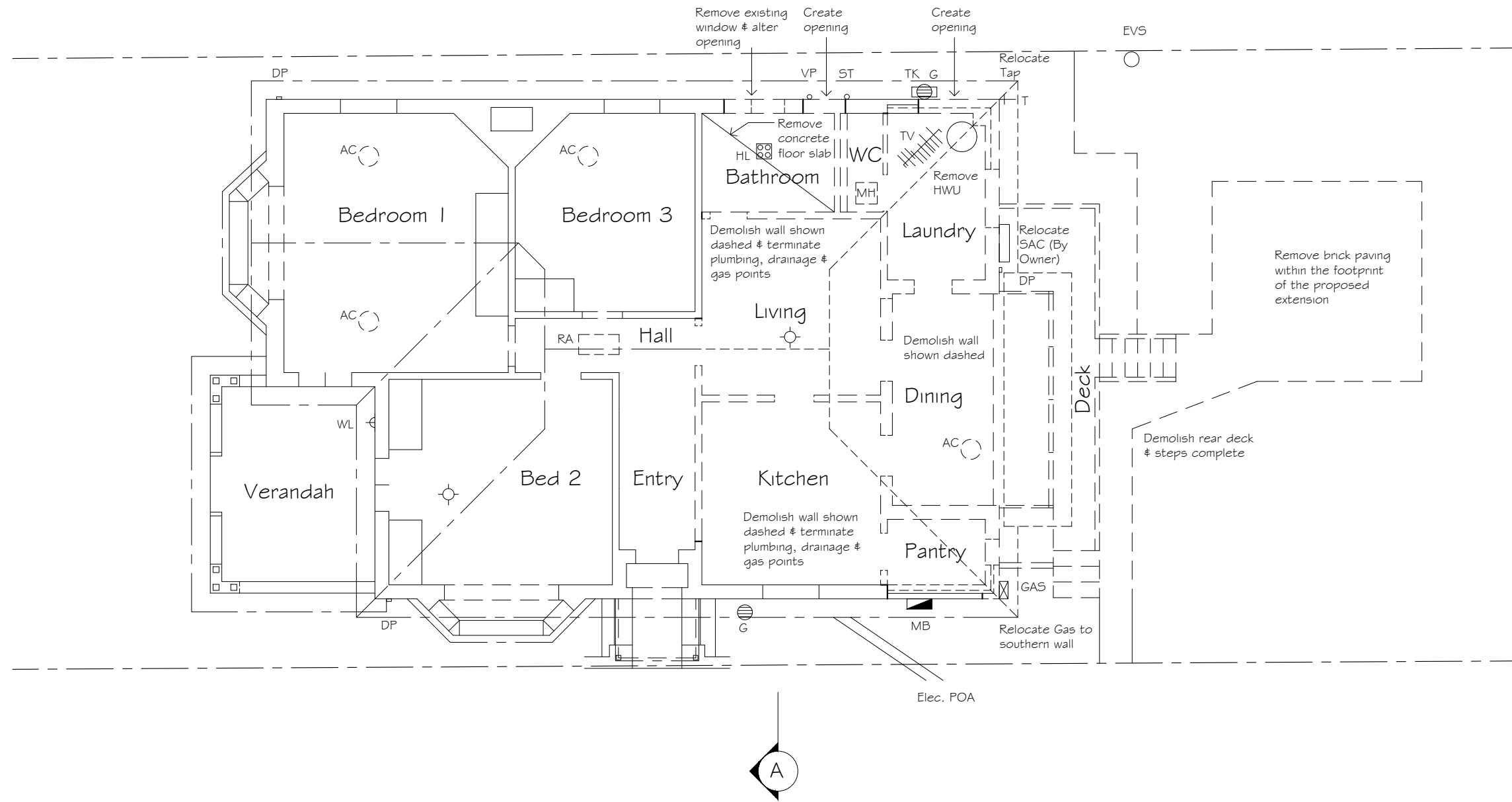
Existing Ground Floor Plan

Unchanged to that already approved under DA-247/2016



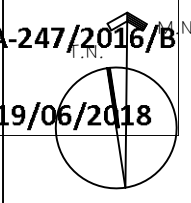
Legend

- TK Tank
- SAC Relocate Air Conditioning Compressor (By owner)
- DP Downpipe
- G Gully
- HL Heater/Light
- HWU Hot Water Unit
- MH Manhole
- MB Meter Box - Electrical
- GAS Meter - Gas
- RA Return Air Grill
- Smoke Detector - Existing
- AC AC Duct
- T.V. TV Antenna - Owner to relocate as required
- ST Stack
- T Tap - Garden
- VP Sewer Vent Pipe
- WL Wall Light



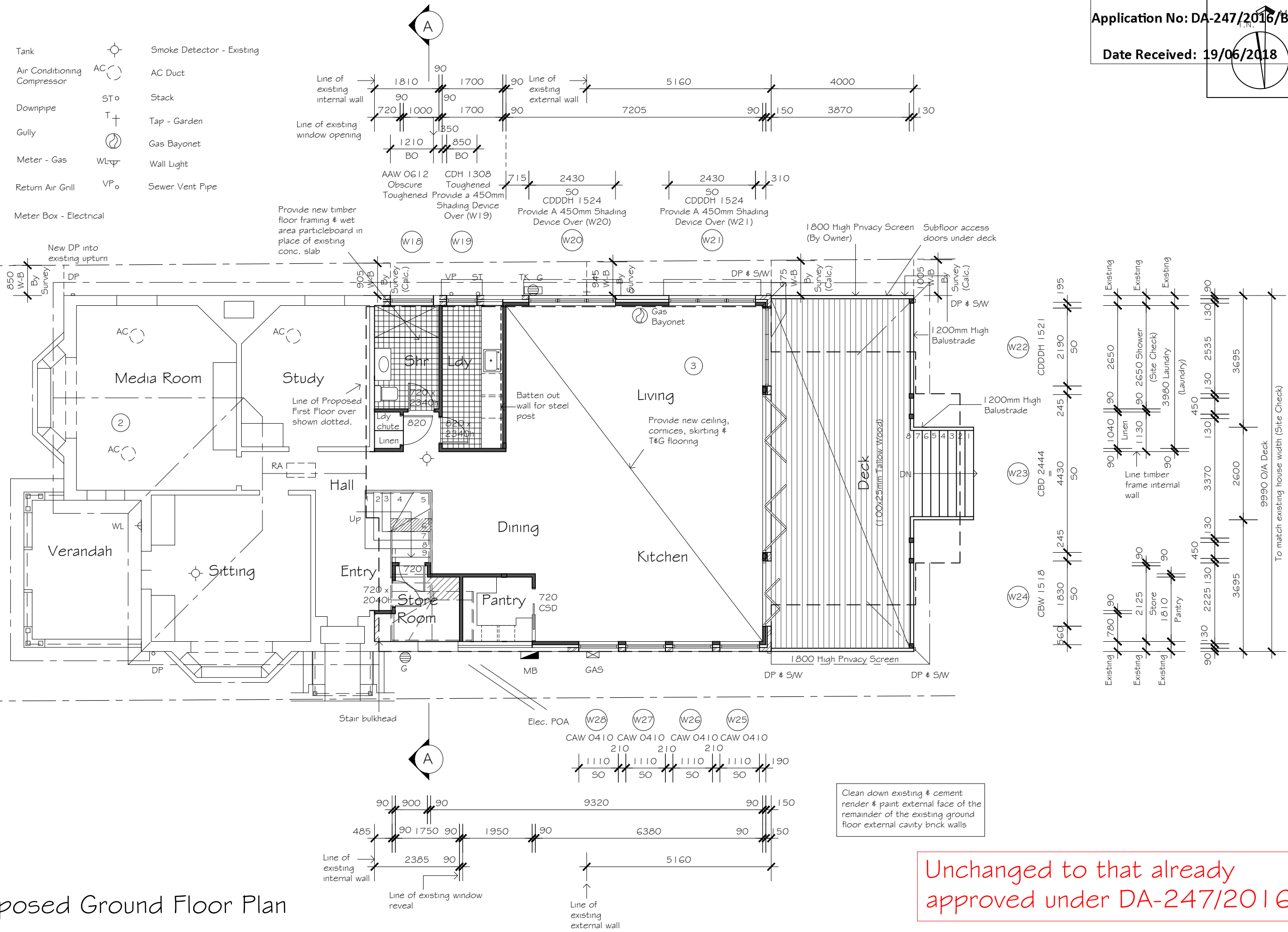
Ground Floor Demolition Plan

Unchanged to that already approved under DA-247/2016

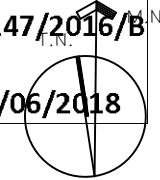


Legend

- TK Tank
- SAC Air Conditioning Compressor
- DP Downpipe
- G Gully
- GAS Meter - Gas
- RA Return Air Grill
- MB Meter Box - Electrical
- Smoke Detector - Existing
- AC AC Duct
- ST Stack
- T Tap - Garden
- Gas Bayonet
- WL Wall Light
- VP Sewer Vent Pipe



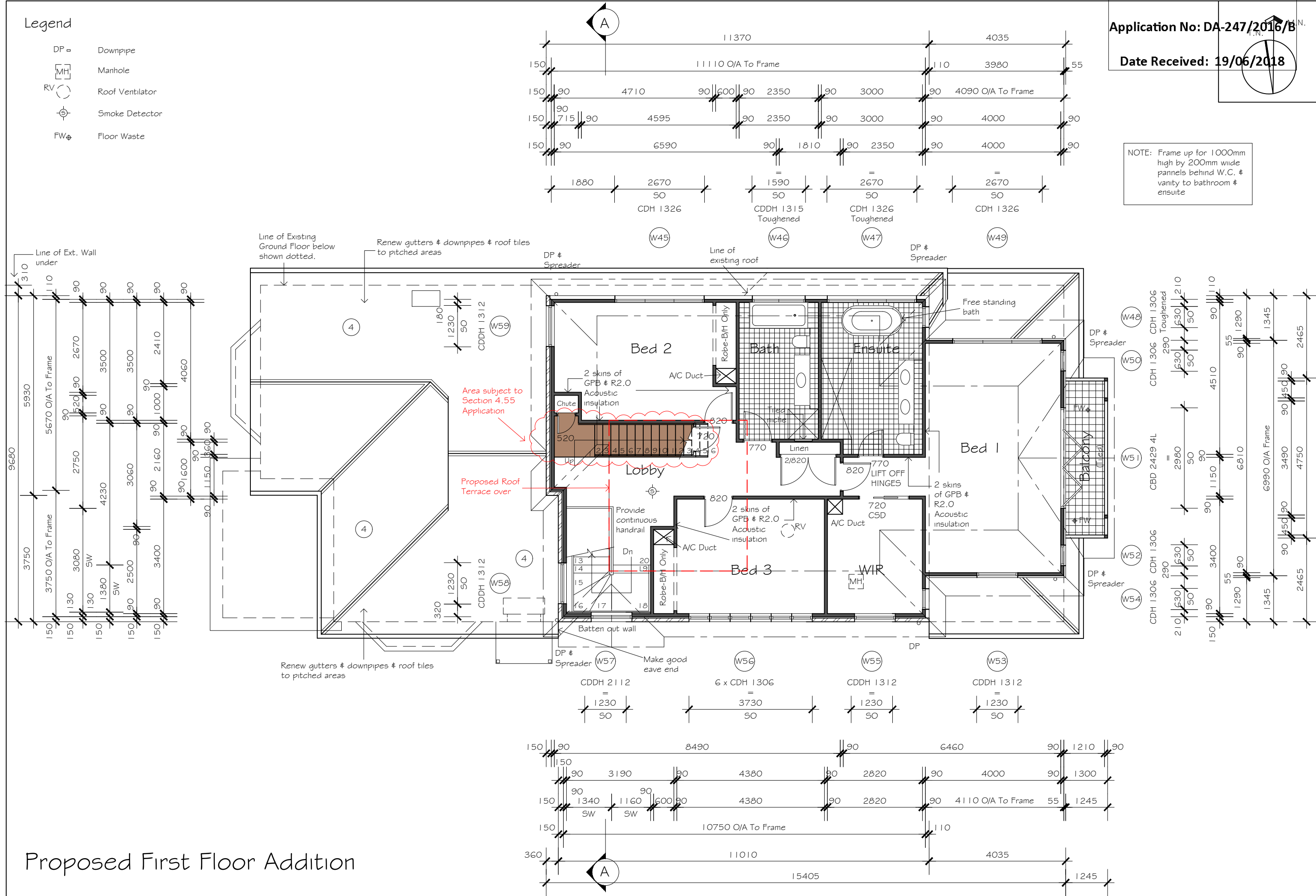
Unchanged to that already approved under DA-247/2016



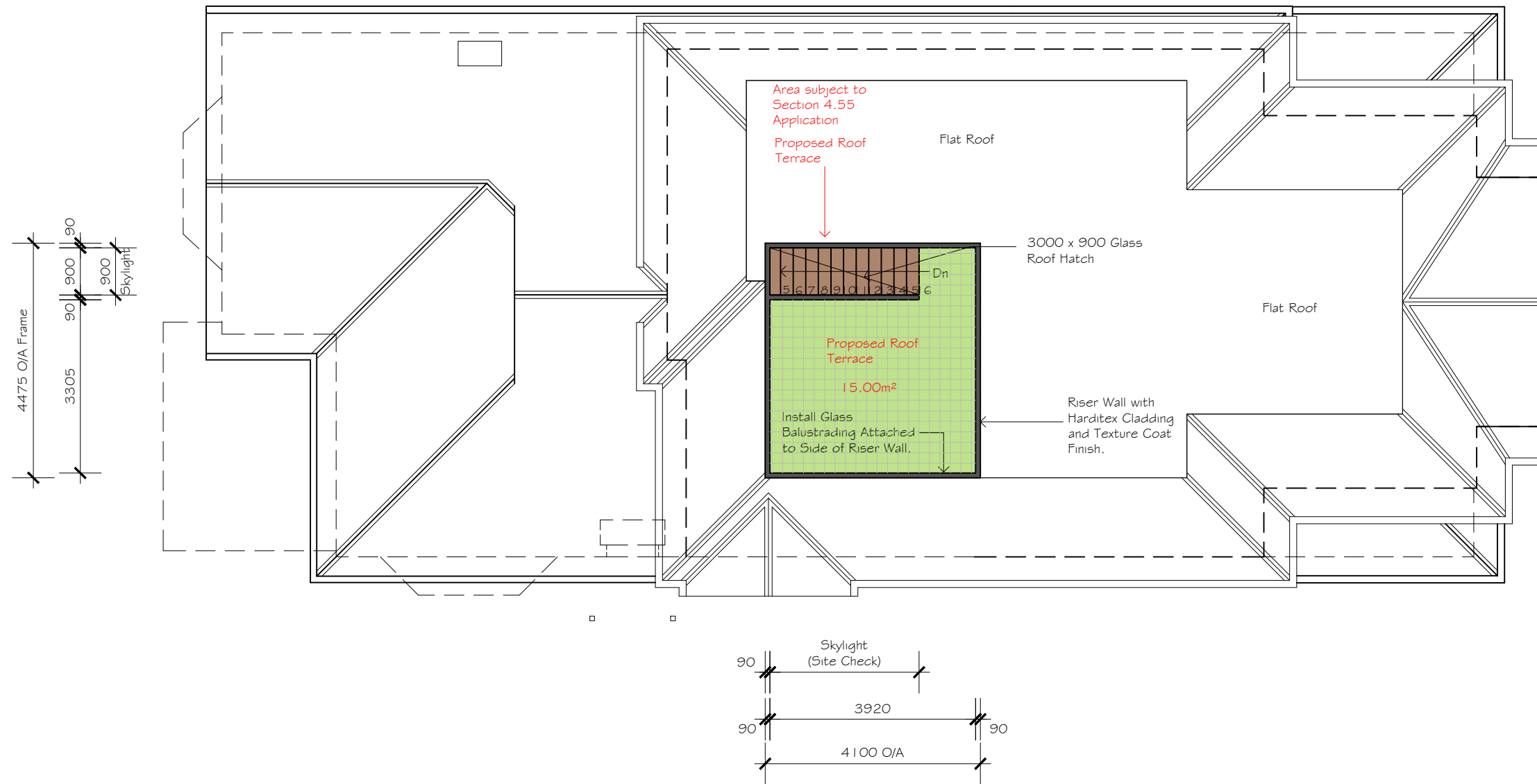
Legend

- DP = Downpipe
- MH Manhole
- RV Roof Ventilator
- Smoke Detector
- FW Floor Waste

NOTE: Frame up for 1000mm high by 200mm wide panels behind W.C. & vanity to bathroom & ensuite

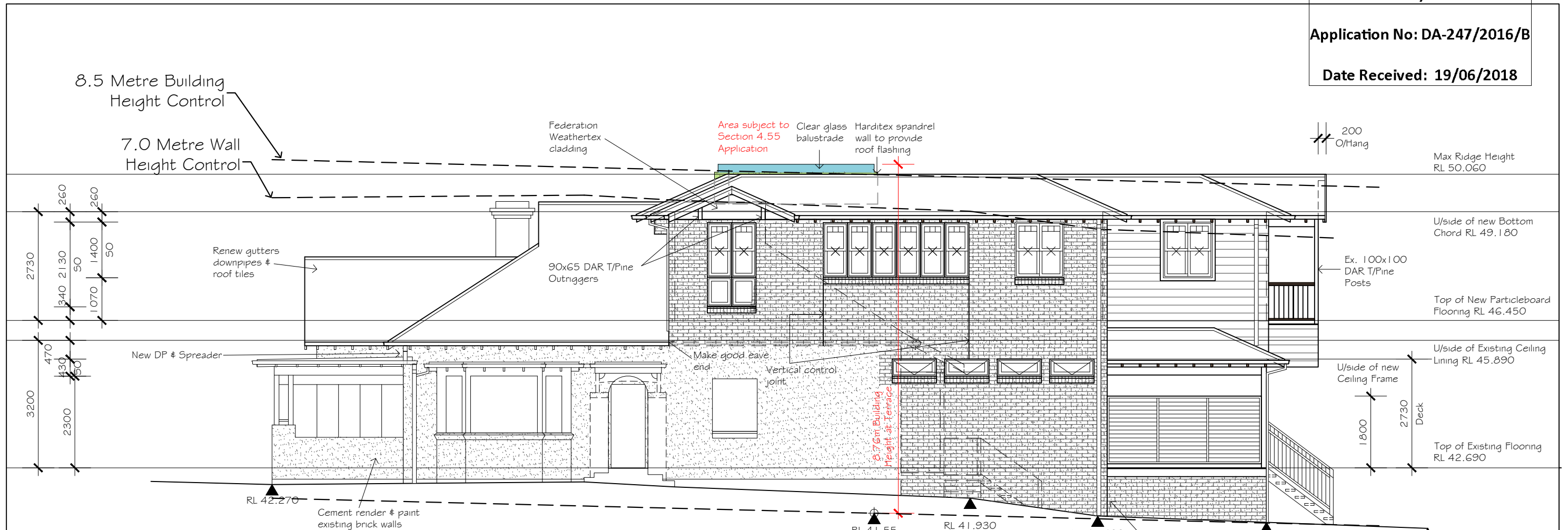


Proposed First Floor Addition

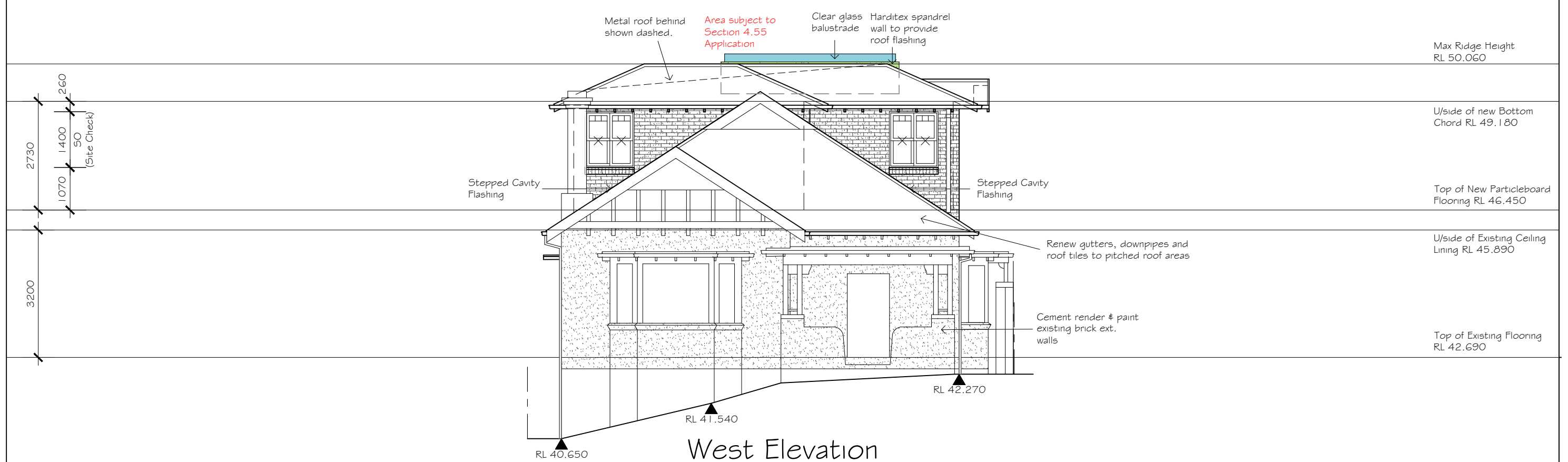


Proposed Roof Terrace Addition

TERRACE AREA : 15.00m² (Excluding Stairs)

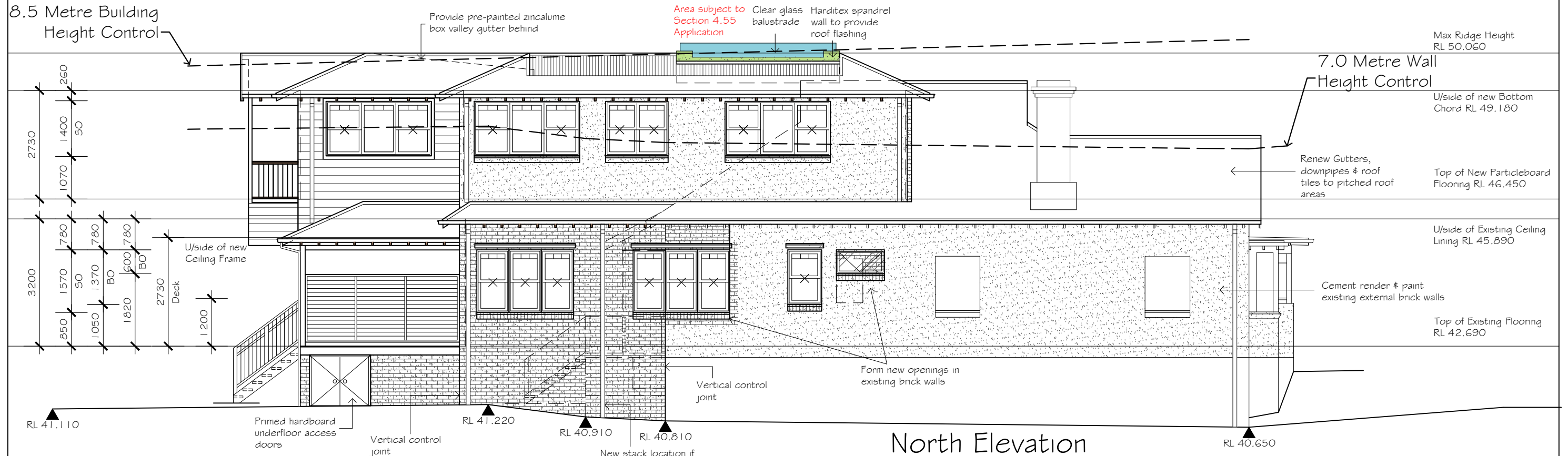


South Elevation

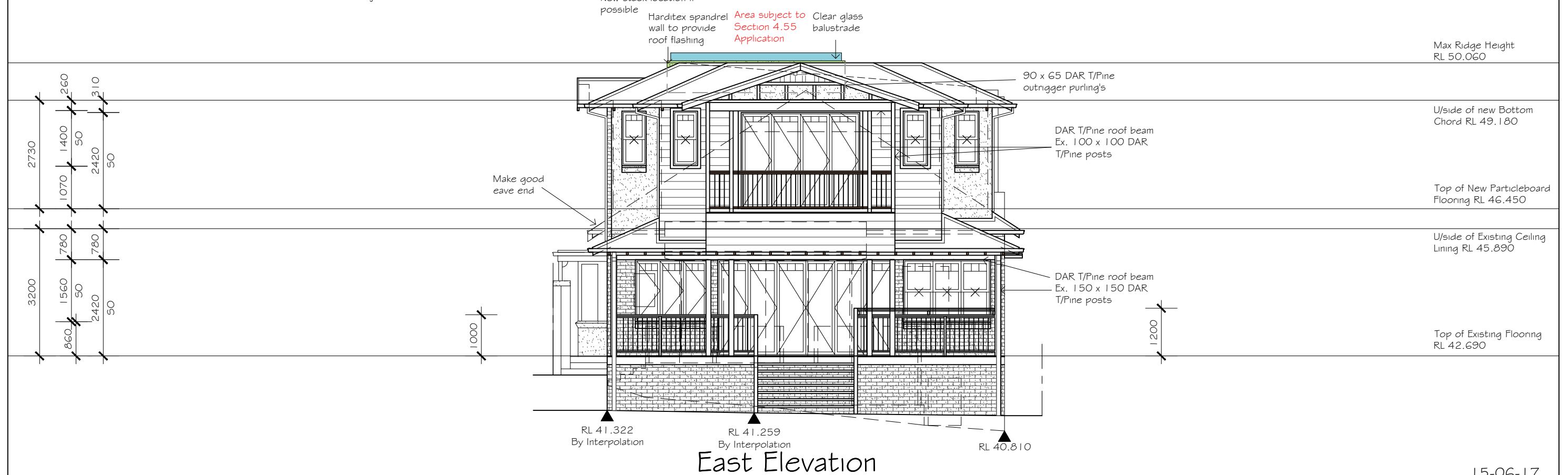


West Elevation

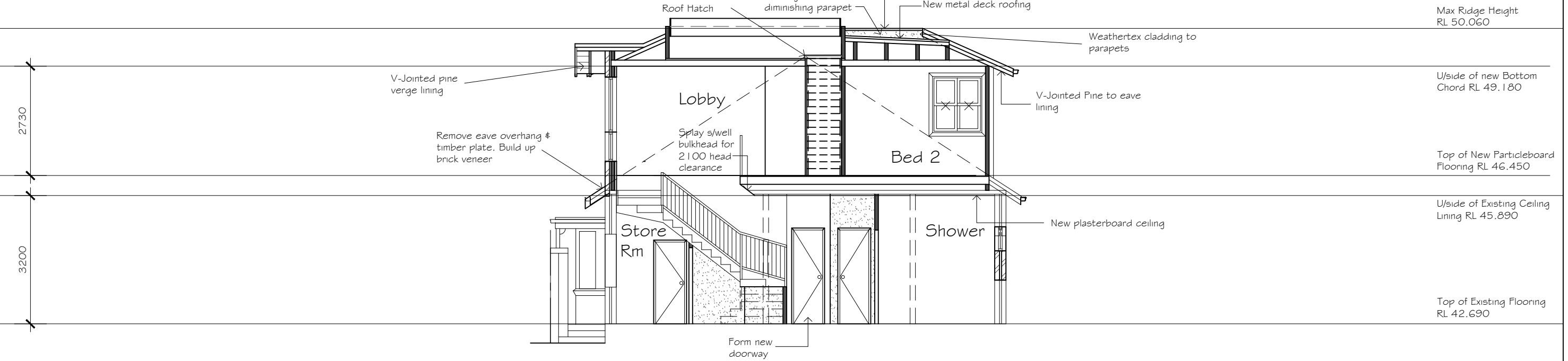
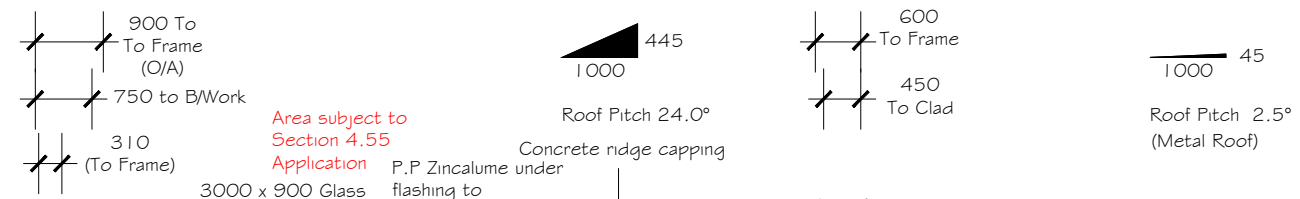
8.5 Metre Building Height Control



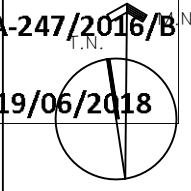
North Elevation



East Elevation

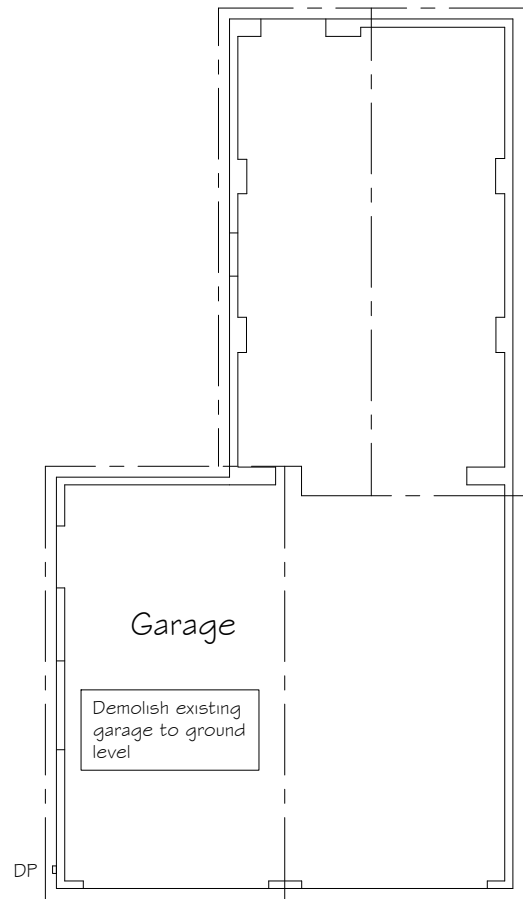


Section A-A



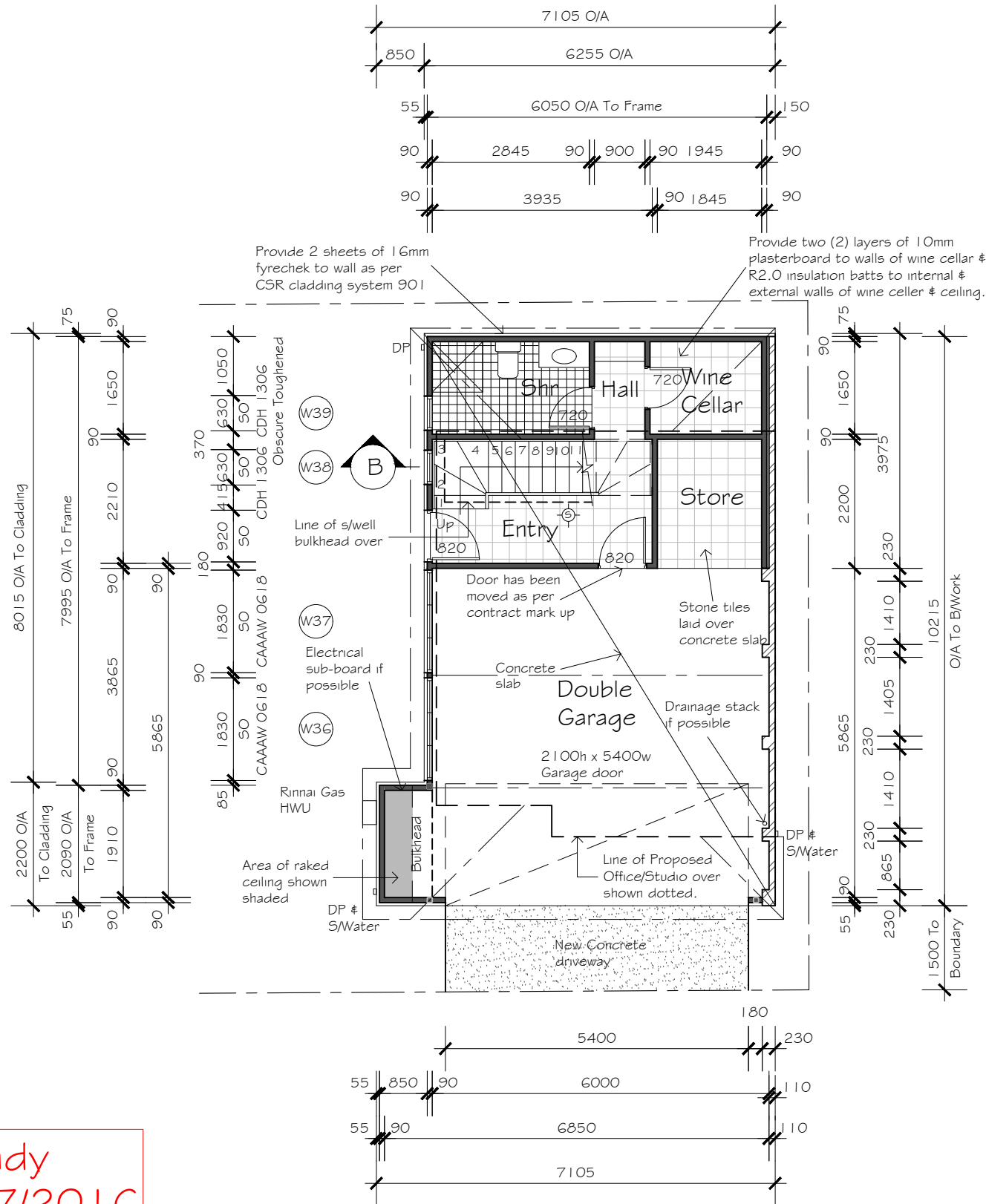
Legend

- DP = Downpipe
- ☉ Smoke Detector

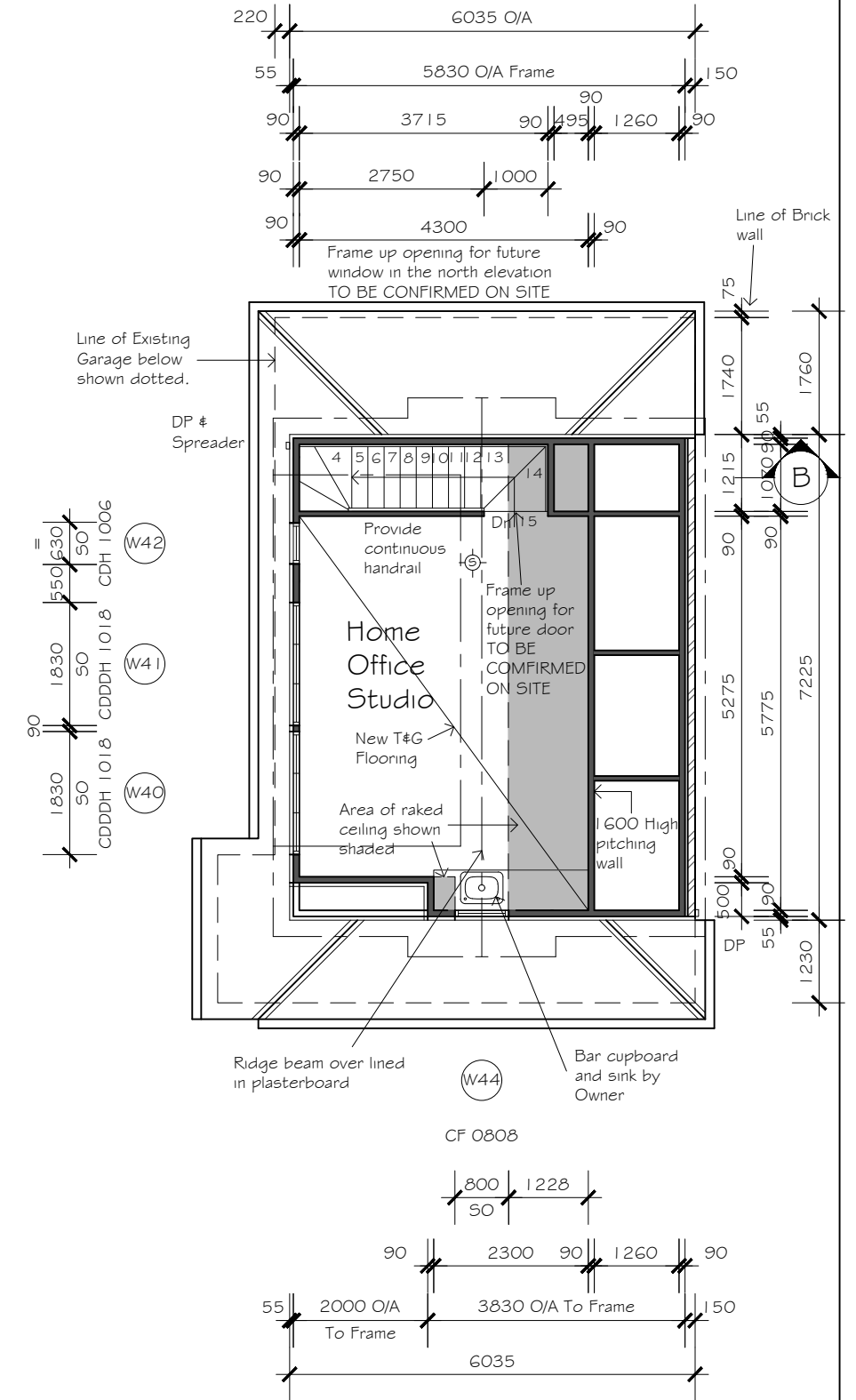


Unchanged to that already approved under DA-247/2016

Existing Garage Floor Plan

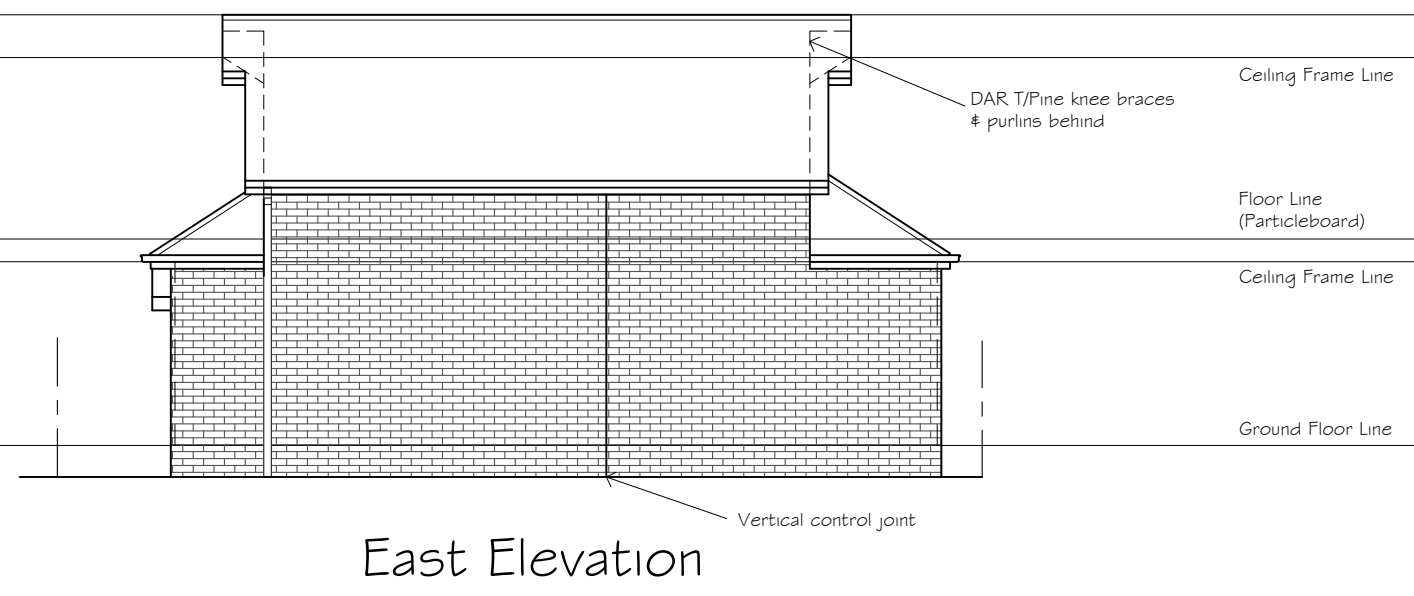
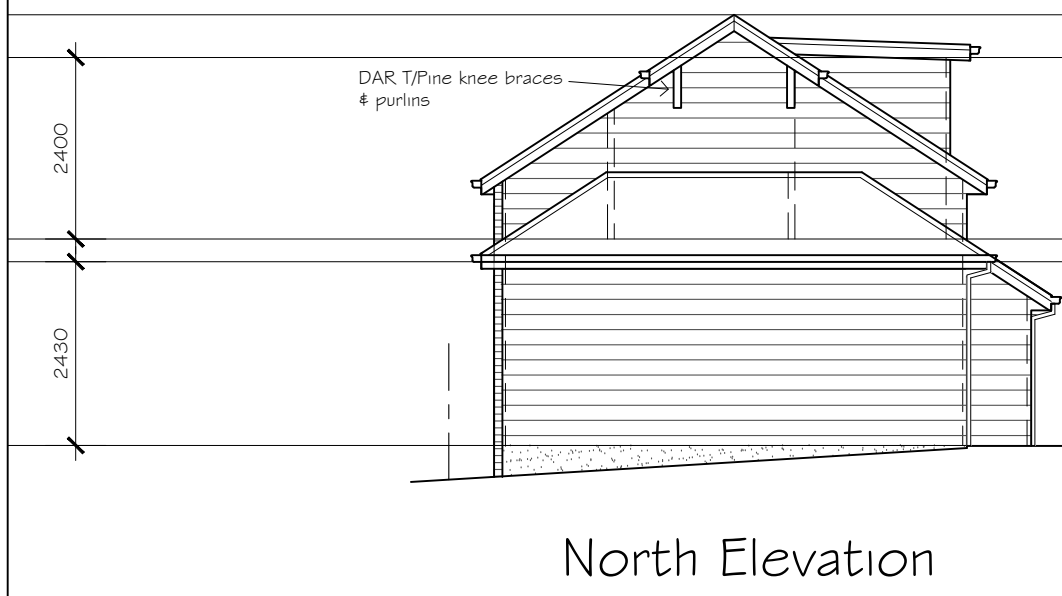
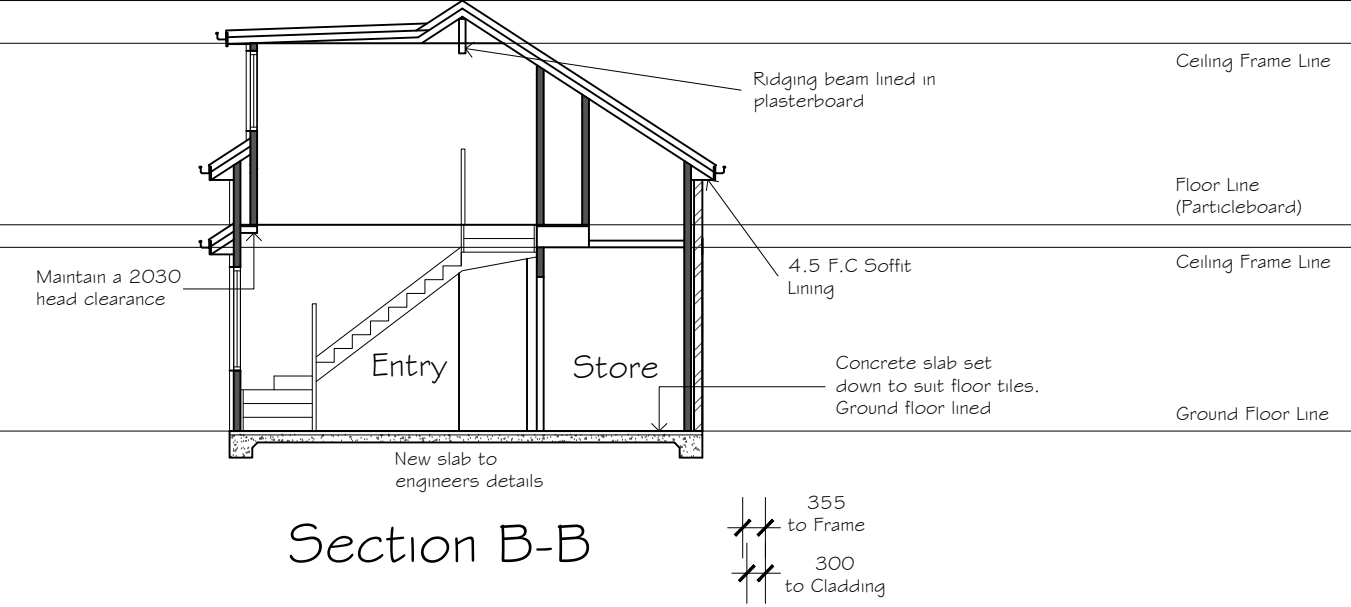
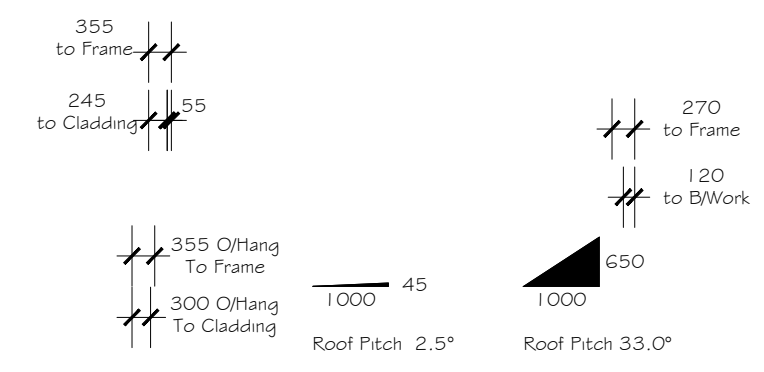
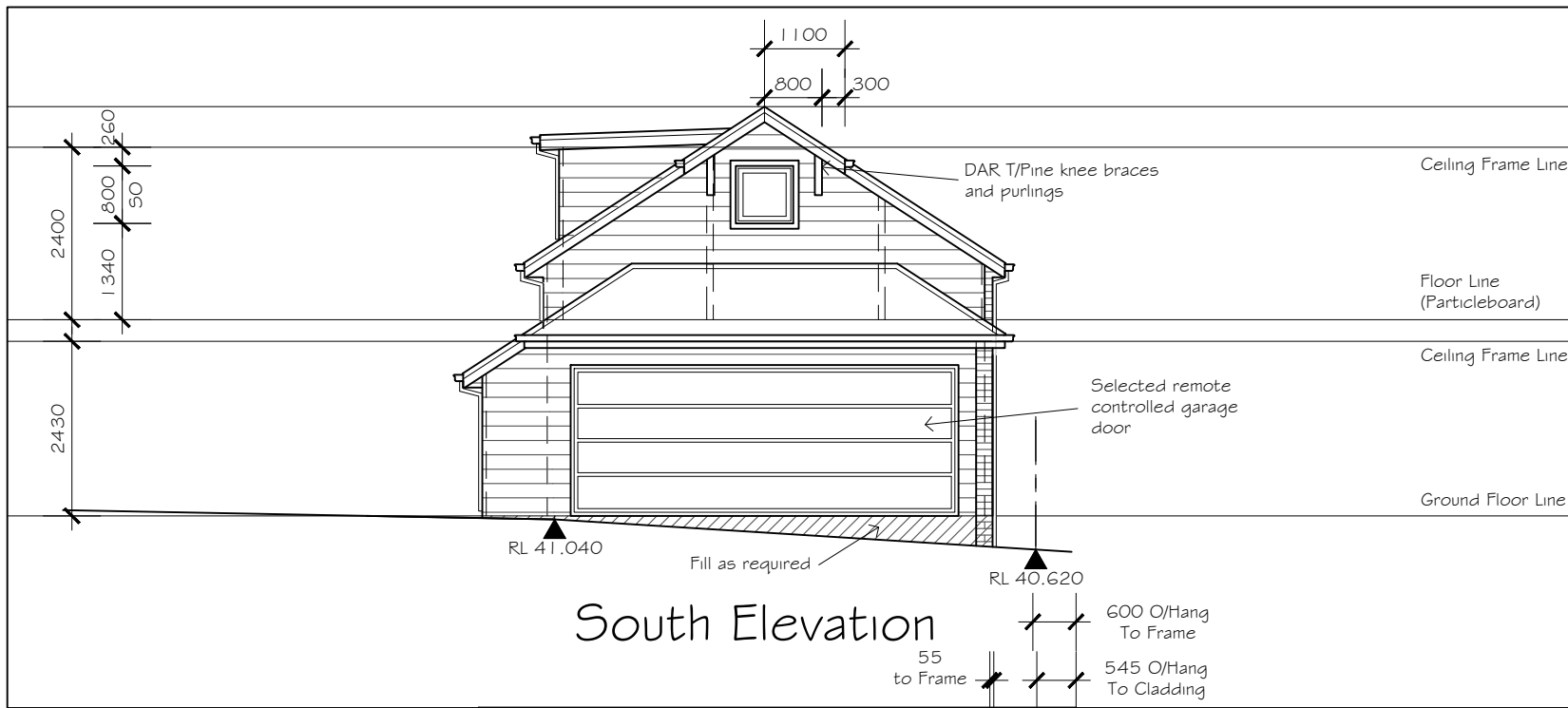


Proposed Garage Floor Plan



Proposed Office/Studio Floor Plan

Unchanged to that already approved under DA 247/2016/B
Application No: DA-247/2016/B
Date Received: 19/06/2018



FIRST FLOOR WINDOW SCHEDULE (BASIX A25 | 579)

STANDARD NOTES:
 • WINDOWS AND DOORS ARE DRAWN AS VIEWED FROM OUTSIDE
 • ALL WINDOWS COME WITH "KEYED ALIKE" LOCKS
 • WINDOW OPENINGS NOTED "R" HAVE RESTRICTED OPENINGS TO COMPLY WITH THE NCC 3.9.2.5

CLIENT:
 CLIENT:
 BUILDER: DATE:

ALUMINIUM (STEGBAR) WINDOWS:
 STANDARD ALUMINIUM COLOURS: ANODISED CLEAR, APO GREY, CUSTOM BLACK, PEARL WHITE, PRIMROSE, STONE BEIGE, SURFMIST, WHITE BIRCH, WOODLAND GREY.
 CUSTOM COLOURS AVAILABLE: DEEP OCEAN, HAMERSLEY BROWN, NOTRE DAME, POTTERY.

TIMBER WINDOWS:
 TIMBER WINDOWS, DOORS AND SCREENS TO BE PAINTED OR STAINED TO MATCH EXISTING CLEAR PRIMED INSIDE AND OUT FOR A PAINT/STAINED FINISH.
 STANDARD HARDWARE COLOURS: SATIN CHROME, GOLD, ANTIQUE BRONZE & WHITE.
 TERRAIN: 3 WIND LOAD: 41 M/5

Application No: DA-247/2016/B
 Date Received: 19/06/2018

Window ID	Window Description	COLOUR	GLAZING	SPECIAL NOTES	Window Diagram	Window ID	Window Description	COLOUR	GLAZING	SPECIAL NOTES
(W1) TO (W17)	DELETED					(W53)	CDDH 1312	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS
							S ELEVATION / BED 1	INSECT SCREEN		
							WESTERN RED CEDAR	BY OWNER		
							DOUBLE HUNG OPEN / OPEN		REVEAL	
(W45)	CDH 1326	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS		(W54)	CDH 1306	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS
	N ELEVATION / BEDROOM 2	INSECT SCREEN					E ELEVATION / WIR	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER					WESTERN RED CEDAR	BY OWNER		
	DOUBLE HUNG OPEN / FIXED / OPEN						DOUBLE HUNG OPEN / OPEN		REVEAL	
(W46)	CDDH 1315	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		(W55)	CDDH 1312	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	MOUNT LAWLY BARS
	N ELEVATION / BATH	INSECT SCREEN					S ELEVATION / WIR	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER					WESTERN RED CEDAR	BY OWNER		
	DOUBLE HUNG OPEN / FIXED / OPEN						DOUBLE HUNG OPEN / OPEN		REVEAL	
(W47)	CDH 1326	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		(W56)	6 x CDH 1306	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS
	N ELEVATION / ENSUITE	INSECT SCREEN					S ELEVATION / BEDROOM 3	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER					WESTERN RED CEDAR	BY OWNER		
	DOUBLE HUNG OPEN / FIXED / OPEN						DOUBLE HUNG OPEN / OPEN x 6		REVEAL	
(W48)	CDH 1306	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		(W57)	CDDH 2112	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	MOUNT LAWLY BARS
	E ELEVATION / ENSUITE	INSECT SCREEN					S ELEVATION / STAIRS	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER					WESTERN RED CEDAR	BY OWNER		
	DOUBLE HUNG OPEN / OPEN						DOUBLE HUNG OPEN / OPEN		REVEAL	
(W49)	CDH 1326	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS		(W58)	CDDH 1312	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS
	N ELEVATION / BEDROOM 1	INSECT SCREEN					W ELEVATION / STAIRS	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER					WESTERN RED CEDAR	BY OWNER		
	DOUBLE HUNG OPEN / FIXED / OPEN						DOUBLE HUNG OPEN / OPEN		REVEAL	
(W50)	CDH 1306	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS		(W59)	CDDH 1312	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS
	E ELEVATION / BED 1	INSECT SCREEN					W ELEVATION / BED 2	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER					WESTERN RED CEDAR	BY OWNER		
	DOUBLE HUNG OPEN / OPEN						DOUBLE HUNG OPEN / OPEN		REVEAL	
(W51)	CBD 2429 4L	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS						
	E ELEVATION / BED 1	INSECT SCREEN								
	WESTERN RED CEDAR	BY OWNER								
	BI-FOLD OPEN / OPEN / OPEN / OPEN									
(W52)	CDH 1306	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC. MOUNT LAWLY BARS						
	E ELEVATION / BED 1	INSECT SCREEN								
	WESTERN RED CEDAR	NOT APPLICABLE								
	DOUBLE HUNG OPEN / OPEN									

Unchanged to that already approved under DA-247/2016

GROUND FLOOR WINDOW SCHEDULE (A251579)

STANDARD NOTES:

- WINDOWS AND DOORS ARE DRAWN AS VIEWED FROM OUTSIDE
- ALL WINDOWS COME WITH "KEYED ALIKE" LOCKS
- WINDOW OPENINGS NOTED "R" HAVE RESTRICTED OPENINGS TO COMPLY WITH THE NCC 3.9.2.5

CLIENT:
CLIENT:
BUILDER: DATE:

ALUMINIUM (STEGBAR) WINDOWS:

STANDARD ALUMINIUM COLOURS: ANODISED CLEAR, APO GREY, CUSTOM BLACK, PEARL WHITE, PRIMROSE, STONE BEIGE, SURFMIST, WHITE BIRCH, WOODLAND GREY.

CUSTOM COLOURS AVAILABLE: DEEP OCEAN, HAMERSLEY BROWN, NOTRE DAME, POTTERY.

TIMBER WINDOWS:

TIMBER WINDOWS, DOORS AND SCREENS TO BE CLEAR PRIMED INSIDE AND OUT FOR A PAINT/STAINED FINISH.

STANDARD HARDWARE COLOURS: SATIN CHROME, GOLD, NHOCCANY BRONZE & WHITE.

TERRAIN: 3 WIND LOAD: 41 M/5

Application No: DA-247/2016/B

Date Received: 19/06/2018

Diagram	Window ID	COLOUR	GLAZING	SPECIAL NOTES	Diagram	Window ID	COLOUR	GLAZING	SPECIAL NOTES
	W18 AAW 0612 N ELEVATION / SHOWER ALUMINIUM AWNING OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)	TRANSLUCENT FILM BY BUILDER.		W27 CAW 0412 S ELEVATION / KITCHEN WESTERN RED CEDAR AWNING OPEN	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	
	W19 CDH 1308 N ELEVATION / LAUNDRY WESTERN RED CEDAR DOUBLE HUNG OPEN / OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		W28 CAW 0412 S ELEVATION / KITCHEN WESTERN RED CEDAR AWNING OPEN	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	
	W20 CDDH 1524 N ELEVATION / LIVING WESTERN RED CEDAR DOUBLE HUNG OPEN / OPEN / OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		W29 DELETED			
	W21 CDDH 1524 N ELEVATION / LIVING WESTERN RED CEDAR DOUBLE HUNG OPEN / OPEN / OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		W30 DELETED			
	W22 CDDH 1521 E ELEVATION / LIVING WESTERN RED CEDAR DOUBLE HUNG OPEN / OPEN / OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		W31 DELETED			
	W23 CBD 2444 E ELEVATION / LIVING WESTERN RED CEDAR BI FOLD 3L OPEN / 3R OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS		W32 DELETED			
	W24 CBW 1518 E ELEVATION / KITCHEN WESTERN RED CEDAR BI FOLD OPEN / OPEN / OPEN	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS					
	W25 CAW 0412 S ELEVATION / KITCHEN WESTERN RED CEDAR AWNING OPEN	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)						
	W26 CAW 0412 S ELEVATION / KITCHEN WESTERN RED CEDAR AWNING OPEN	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)						

Unchanged to that already approved under DA-247/2016

STUDIO/GARAGE WINDOW SCHEDULE (A251579)

STANDARD NOTES:

- WINDOWS AND DOORS ARE DRAWN AS VIEWED FROM OUTSIDE
- ALL WINDOWS COME WITH "KEYED ALIKE" LOCKS
- WINDOW OPENINGS NOTED "R" HAVE RESTRICTED OPENINGS TO COMPLY WITH THE NCC 3.9.2.5

CLIENT:
 CLIENT:
 BUILDER: DATE:

ALUMINIUM (STEGBAR) WINDOWS:
 STANDARD ALUMINIUM COLOURS: ANODISED CLEAR, APO GREY, CUSTOM BLACK, PEARL WHITE, PRIMROSE, STONE BEIGE, SURFMIST, WHITE BIRCH, WOODLAND GREY.
 CUSTOM COLOURS AVAILABLE: DEEP OCEAN, HAMERSLEY BROWN, NOTRE DAME, POTTERY.

TIMBER WINDOWS:
 TIMBER WINDOWS, DOOR AND SCREEN COLOURS:
 CLEAR PRIMED INSIDE AND OUT FOR A PAINT/STAINED FINISH.
 STANDARD HARDWARE COLOURS: SATIN CHROME, GOLD MAHOGANY BRONZE & WHITE.
 TERRAIN: 3 WIND LOAD: 41 M/S

Application No: DA-247/2016/B
 Date Received: 19/06/2018

Window Type	Reference	COLOUR	GLAZING	SPECIAL NOTES
	W36 CAAAW 0618	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	
	W ELEVATION / GARAGE	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER	REVEAL	
AWNING OPEN / OPEN / OPEN				
	W37 CAAAW 0618	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	
	W ELEVATION / GARAGE	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER	REVEAL	
AWNING OPEN / OPEN / OPEN				
	W38 CDH 1306	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS
	W ELEVATION / ENTRY	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER	REVEAL	
DOUBLE HUNG OPEN / OPEN				
	W39 CDH 1306	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	TRANSLUCENT FILM BY BUILDER. MOUNT LAWLY BARS
	W ELEVATION / SHOWER	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER	REVEAL	
DOUBLE HUNG OPEN / OPEN				
	W40 CDDDH 1018	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS
	W ELEVATION/OFFICE-STUDIO	INSECT SCREEN		
	ALUMINIUM	BY OWNER	REVEAL	
DOUBLE HUNG OPEN / OPEN / OPEN				
	W41 CDDDH 1018	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS
	W ELEVATION/OFFICE-STUDIO	INSECT SCREEN		
	ALUMINIUM	BY OWNER	REVEAL	
DOUBLE HUNG OPEN / OPEN / OPEN				
	W42 CDH 1006	SATIN CHROME	SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 3.99, SHGC: 0.4)	MOUNT LAWLY BARS
	W ELEVATION/OFFICE-STUDIO	INSECT SCREEN		
	WESTERN RED CEDAR	BY OWNER	REVEAL	
DOUBLE HUNG OPEN / OPEN				
	W43 DELETED			
	W44 CF 0808	SATIN CHROME	SINGLE CLEAR, (OR U-VALUE: 5.71, SHGC: 0.66)	
	S ELEVATION/OFFICE-STUDIO	INSECT SCREEN		
	WESTERN RED CEDAR	N/A	REVEAL	
FIXED FIXED				

Unchanged to that already approved under DA-247/2016



Report to the Waverley Local Planning Panel

Application number	DA-365/2015/C
Site address	27 Evans Street, Bronte
Proposal	Modifications to height of front fence, stairs and access hood for roof-top access, additional balustrading and various other modifications
Date of lodgement	29/05/2018
Owner	The owners of Strata Plan No 91517; S J Auld; CA Peterswald; P R Dwyer; and A Dwyer
Applicant	S Auld
Submissions	Ten (10)
Cost of works	\$60,000
Issues	Height, visual impacts, fencing
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 5 October 2018 and 14 November 2018.

The site is identified as SP 91517, known as 27 Evans Street, BRONTE. The site is located on the south-eastern corner of the intersection of Evans Street and Yanko Avenue and is rectangular in shape with frontages to Evans Street and Yanko Avenue measuring 12.45m and 45.9m respectively. The site has an area of 571.51m² and falls from the south-east towards the north-east (corner of Evans Street and Yanko Avenue).

The site is Strata titled and is occupied by two detached dual occupancy dwellings. The dwelling which is the subject of this application is sited on the western portion of the site with frontages to both Evans Street and Yanko Avenue, the other dwelling is located above a three vehicle garage fronting Yanko Avenue and occupies the eastern portion of the site.

The overall site is adjoined by a two storey dwelling house to the south (i.e. 25 Evans Street) and a two storey dwelling house to the east (i.e. 44 Yanko Avenue). The Locality is characterised by predominantly low density residential developments in the form of dwelling houses and semi-detached dwellings.



Figure 1: Site viewed from corner of Evans Street and Yanko Avenue



Figure 2: Pedestrian entry from Evans Street

1.2 Details of Approved Development

The original application, known as DA-365/2015 for demolition of existing dwelling and construction of a new detached dual occupancy dwelling with basement garage and swimming pool within the western portion of the site, was granted deferred commencement consent on 6 April 2016.

Deferred commencement consent matters were satisfied on 12 May 2016.

Deferred commencement consent condition 2 is of relevance to the subject application and reads as follows:

2. *In order to minimise the impacts of the development on the heritage significance of the 'Evans Street Conservation Area – General', the height of the roof parapet of the western pavilion or*

wing of the development shall be reduced to match the ridgeline of the front roof gable of the adjoining dwelling house to the south of the site at 25 Evans Street, which is shown as RL78.140 on the survey prepared by Mitchell Land Surveyors Pty Ltd and dated 4 May 2015.

Amended plans shall be submitted to reflect the required design change.

DA-365/2015/A increased the height of the roof parapet from RL78.15 to RL78.38 and was approved by Council on 4 November 2016.

The application under assessment does not seek to increase the height of the roof parapet, rather it introduces elements to the roof level which measure up to RL80.4.

1.3 Proposal

The application has been lodged pursuant to sections 4.55(2) of the Environmental Planning and Assessment Act 1979, and provides for the following modifications to the approved development:

- New balustrading to roof parapet (RL79.12);
- New spiral staircase provided access from level 2 study to the roof;
- New glass access hood (RL80.4);
- Roof-mounted solar photovoltaic and hot water systems;
- Increase height of glass pool fencing and gate;
- Increase height of solid portion of fencing to the Yanko Avenue frontage from RL70.85 to RL71.35 (column to RL72.98);
- Increase height of fencing to the eastern boundary to RL74.76;
- Increase height of fencing to the southern boundary by between 1 – 3.4m;
- Increase height of fencing to the Evans Street frontage from RL71.8 to RL72.4;
- New timber pergola over swimming pool;
- Additional planter boxes adjacent southern boundary;
- Fixed planter boxes on level 2 amended to be movable; and
- Other minor internal amendments.

Whilst the application proposes a new spiral stair with glass canopy and frame to upper roof, it does not propose to introduce a trafficable rooftop terrace.

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 4.55 Consideration

The development as modified is substantially the same development as the development for which the consent was originally granted and modified.

The proposal maintains the essential nature of the development and does not result in an increase in overall floor space ratio.

The application has been notified in accordance with the requirements of Waverley Development Control Plan 2012 with the submissions that have been received by Council discussed under Heading 2.5 of this report.

The application is subject to an assessment against the matters for consideration under section 4.15 of the Act and that assessment is set out below.

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

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.

2.2.2 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.

2.2.3 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the WLEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposal does not exceed the height development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1	Yes	Unchanged from DA-365/2015/B.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No	The subject site is located within Evans Street Conservation Area – General (C9) and is located within proximity to numerous

Provision	Compliance	Comment
		<p>Heritage Items fronting Evans Street and Yanko Avenue. As such, Council is required to take into consideration the associated impacts of any development upon the heritage significance of a conservation area prior to the granting of development consent.</p> <p>The proposal is inconsistent with the heritage values of the conservation areas as discussed below.</p>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	<p>The subject site is identified as containing Class 5 acid sulfate soils, however it is not located within 500m of a different class.</p> <p>The proposal does not involve excavation greater than 5m below AHD and is not expected to disturb or expose acid sulfate soils.</p>

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

Heritage Conservation

The application was referred to Council's Heritage Architect who provided the following comment:

The previous building was highly contributory to the Evans Street Heritage Conservation Area detailed in Schedule 5 of the Waverley Local Environmental Plan 2012. Consent was granted demolition on the basis of structure issues with the previous building and cohesion of new works with the Conservation Area and Streetscape.

The current application proposing increases to the height of boundary walls and fences together with extensive new works at roof level including a glass enclosed access stair, continuous metal and cable balustrading and installation of solar panels.

The current application substantially increases the height of the building and is not supported.

All services relating to the solar system including solar panels should be located to the southern [rear] areas of the roof and not at the centre of the roof.

The balustrade is not supported as this has a substantial impact on bulk and apparent height of the building. The proposed balustrade also appears non-compliant with the BCA.

Any use of the roof as a recreation deck is not supported as this will require substantial increase in visual impact of the building on the Conservation Area.

To mitigate the impacts of scale, form and building height on the Conservation Area and Streetscape, it is recommended that: any access to the roof is strictly of a service nature; and the balustrade is deleted.

The proposal is not considered to contribute to the streetscape or the significance of the conservation area. The proposal is out of context with its surrounds with regards to building height, bulk and scale, and is therefore not supported.

2.2.4 Waverley Development Control Plan 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	Yes	Addressed within the original application
2. Energy and water conservation	Yes	Addressed within the original application
6. Stormwater	Yes	Unchanged from DA-365/2015/B.
9. Heritage	No	The proposal is inconsistent with the heritage values of the conservation areas as discussed below Table 1.
10. Safety	Yes	The proposed modifications do not affect the safety and/or security of the approved development. The proposal addresses both street frontages and maintains passive surveillance opportunities.

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
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	Refer discussion below.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	NA	The external wall height control does not apply to flat roof dwelling houses.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	On merit	Unchanged from DA-365/2015/B.

Development Control	Compliance	Comment
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. 	No	Refer discussion below.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	No	Refer discussion below.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> 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. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>Unchanged from DA-365/2015/B.</p> <p>Whilst the proposal includes a staircase providing access to the roof, the roof remains non-trafficable; a rooftop terrace is not proposed as part of the current application.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposal is not expected to impact upon views.
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 	No	Unchanged from DA-365/2015/B.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 		
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	Unchanged from DA-365/2015/B.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	Unchanged from DA-365/2015/B.

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

Height

Whilst the proposed modification has an overall building height which exceeds the flat roof dwelling height control of 7.5m, it does not exceed the height of buildings development standard of 8.5m as given under Waverley LEP 2012. Given that the development standard under the Waverley LEP 2012 is a higher order planning control, the application of an 8.5m height control is considered reasonable.

Notwithstanding this, the proposal should ensure that the height and scale of the development relate to the topography of the land and street character, and do not unreasonably impact upon neighbouring and nearby properties. During the assessment of the original application and its subsequent applications to modify, building height remained an issue of concern due to amenity impacts.

Included in the current application are elements at roof level which extend beyond the approved building envelope (excluding skylights), thereby increasing the relative height of the building by between 0.74m to 2.02m and exacerbating visual impacts upon adjoining properties, both streetscapes and the Conservation Area in general.

Accordingly, in this regard, the proposal is not supported.

Streetscape and visual impact

The proposal does not significantly alter the overall architecture of the building, however additional heights at grade and roof level are not visually compatible with the style, scale and character of development displayed within the locality.

As discussed under Heading 2.2.3 of this report, the proposal is not considered to contribute to the streetscape or the significance of the Conservation Area.

Accordingly, in this regard, the proposal is not supported.

Fencing

The proposal seeks to modify fencing to all boundaries.

Fencing to the southern side boundary is proposed to be raised between 1m – 3.4m. Due to the topography of the land, the fence as viewed from the adjoining property is for its majority 2.1m above ground level. Whilst exceeding the maximum 1.8m fence height, the additional height provides a greater level of visual and acoustic privacy to the occupants of the neighbouring property. The original approval did not include fencing to the southern boundary.

Fencing to the eastern rear boundary is to be raised to create a 2.78m - 3m high fence above ground level. As with fencing to the southern side boundary, the additional height provides greater visual and acoustic privacy to the occupants of the neighbouring property. The original approval did not include fencing to the eastern boundary.

On balance, proposed modifications to side and rear fencing are supported.

Fencing to the Evans Street frontage (western boundary) is to remain as approved except for a 0.9m length adjacent the south-western corner of the site, which is proposed to be raised by 0.6m from RL71.8 to RL72.4. The proposed increase is supported as the overall height remains at less than 1.8m above ground level and will not impede views to the buildings façade.

Fencing to the Yanko Avenue frontage (northern boundary) is proposed to be raised by 0.5m to RL71.35 (plus column raised to RL72.98). The proposed increase is at odds with the height of existing fencing within Yanko Avenue, will dominate the streetscape and result in an appearance of a high wall, at odds with objectives (a), (c) and (d) of fencing controls given under Section 1.7 of Waverley DCP 2012. It is noted that DA-365/2015/A sought consent for fencing to the Yanko Avenue frontage set at RL72.2 or 2.61m above the lowest point of ground level (existing RL69.59), which via condition was reduced to RL70.85.

Proposed modifications to both street frontages are at odds with fencing objectives (a), (b) and (c), and controls (a) and (b) given under Section 1.7 of WDCP 2012. Accordingly, proposed modifications to said fencing are not supported.

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

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

2.5 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*.

Ten (10) 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
34 Evans Street, Bronte
44 Evans Street, Bronte
42 Yanko Avenue, Bronte
53 Yanko Avenue, Bronte
55 Yanko Avenue, Bronte
1 Gibson Street, Bronte
38 Boundary Street, Bronte
Bronte Beach Precinct
Group of residents from Evans Street and Yanko Avenue (names and addresses not provided)
Anonymous

Issue: Potential rooftop terrace

Response: The proposal does not include a rooftop terrace and remains non-trafficable, as approved.

Issue: Height

Response: Refer discussion under Heading 2.2.4.

Issue: Front boundary fence height

Response: The proposal seeks to increase the height of fencing to both Evans Street and Yanko Avenue frontages. Refer discussion under Heading 2.2.4.

Issue: Visual and acoustic privacy

Response: Refer discussion under Heading 2.2.4.

Issue: Character and amenity impacts

Response: Refer discussion under Heading 2.2.4.

Note:

Whilst not submitted during the notification process, the application was accompanied by a letter signed by the owner(s)/occupiers(s) of 25 and 27A Evans Street indicating their support of the modifications detailed in plans dated 1 May 2018.

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 Heritage – Shaping Waverley**

The proposal is not supported. Comments from Council's Heritage Architect have been discussed in this report under Heading 2.2.3.

4. SUMMARY

The proposal seeks consent to modify development applicaiton DA-365/2015 pursuant to sections 4.55(2) of the Environmental Planning and Assessment Act 1979, and includes the following modifications to the approved development:

- New balustrading to roof parapet (RL79.12);
- New spiral staircase provided access from level 2 study to the roof;
- New glass access hood (RL80.4);
- Roof-mounted solar photovoltaic and hot water systems;
- Increase height of glass pool fencing and gate;
- Increase height of solid potion of fencing to the Yanko Avenue frontage from RL70.85 to RL71.35 (column to RL72.98);
- Increase height of fencing to the eastern boundary to RL74.76;
- Increase height of fencing to the southern boundary by between 1 – 3.4m;
- Increase height of fencing to the Evans Street frontage from RL71.8 to RL72.4;
- New timber pergola over swimming pool;
- Additional planter boxes adjacent southern boundary;
- Fixed planter boxes on level 2 amended to be movable; and
- Other minor internal amendments.

The proposal is at odds with the WLEP 2012 and WDCP 2012 in regard to built form and visual impacts. Further, the modifications are out of scale with displayed development patterns and do not contribute positively to the Evans Street and/or Yanko Avenue streetscapes or the conservation area in general.

Public notification resulted in the receipt of ten (10) submissions. No Councillor submission was received.

The application to modify DA-365/2015/C is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT 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:**

Fiona Koutsikas
Senior Development Assessment Planner

Arif Faruqi
**Manager, Development Assessment (North /
South)**

Date: 12 November 2018

Date: 14 November 2018

Reason for referral:

- 2 Contentious development (10 or more objections)

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15 of the Environmental Planning Assessment Act 1979 (the Act), the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15(1)(a)(i) of the Act, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in respect to the following provisions:
 - (a) Clause 5.10(1) *Heritage Conservation*, Objectives (a) and (b) as the proposal does not conserve or contribute to the heritage significance of the conservation area of which the site is part.
2. The proposal does not satisfy section 4.15(1)(a)(iii) of the Act, as the proposed development is contrary to the Waverley Development Control Plan (WCDP) 2012, in respect to the following provisions:
 - (a) Part B – General Provisions:
 - i. Part B9 *Heritage*, specifically Objectives 9.2(b), 9.4(a), 9.5(b) and 9.11(c) in that the proposed development outcome does not respects the existing character of the conservation area or respond sympathetically to the predominant bulk and scale of the streetscape.
 - ii. Part B9 *Heritage*, specifically Objectives 9.3(b) and Controls (a), (b) and (c) in that the proposed development outcome does not response sympathetically to the predominant scale and proportion of development and does not enhance the skyline profile of the setting.
 - (b) Part C1 - Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development:
 - i. Clause 1.1 *Height*, specifically Objective (a) and Control (a), as the proposed development outcome has the potential to impact adversely upon the character and amenity of both streetscapes.
 - ii. Clause 1.4 *Streetscape and Visual Impact*, specifically Objective (a) and Controls (a) and (c) in that the proposed development outcome is not visually compatible with its streetscape context.
 - iii. Clause 1.7 *Fences*, specifically Objectives (a), (c) and (d) and Controls (a), (b), (c), (d) in that the proposed fencing creates adverse impacts from the creation of high blank walls.
3. The proposed development does not satisfy section 4.15(1)(b) of the Act, as the proposal will have an adverse environmental impact on the locality due to height, bulk and scale, and the general amenity of the surrounding environment.
4. The proposal is contrary to the section 4.15(1)(c) of the Act, as the proposal is excessive in bulk and scale and therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in received submissions, contrary to section 4.15(1)(e) of the Act.

colour ledgend











COLOUR CODE FOR PLANS

When plans are submitted for a development application, Council requires the **changes** to be clearly shown on the plans.

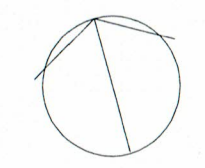
Council uses a standard set of colours so that no matter who deals with an application, they have an understanding of the works without referring to a legend.

Council requires four (4) copies of plans plus a CD to be submitted with any application, **coloured** according to the following list:

MATERIAL	COLOUR ON PLANS
Timber	Yellow 
Demolition	Orange 
Roof tiles	Light red 
Paving (tiles, terracotta)	Light red 
Internal tiles	Purple 
Brick	Red 
Steel, galvanised iron	Dark blue 
Aluminium	Dark blue 
Glass and glass bricks	Light blue 
Concrete	Dark green 
Fibre cement sheets / cement render	Light green 
Sandstone and other natural stone	Light brown 
Earth	Light brown 
Marble	Mauve
Bituminous products	Grey

- 01a SITE PLAN
- 05 FLOOR PLAN BASEMENT
- 06 FLOOR PLAN GROUND
- 07 FLOOR PLAN UPPER
- 08 ROOF PLAN
- 34a NORTH ELEVATION
- 35 EAST ELEVATION
- 36a WEST ELEVATION - fence
- 36 WEST ELEVATION
- 37 SOUTH ELEVATION
- 43 SECTION E

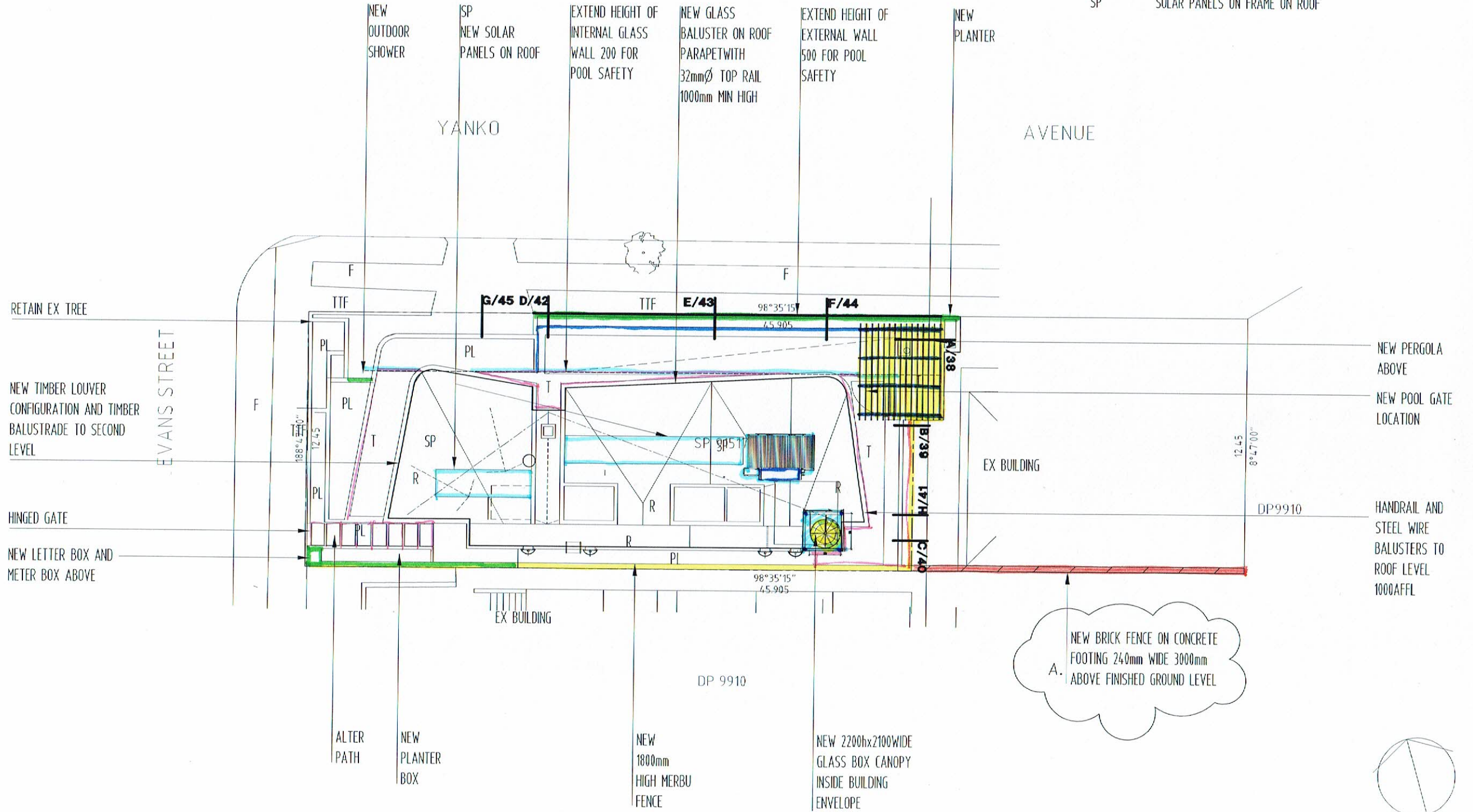
J:\HOME\PEPES\DA forms (WDCP 2012)\Colour code for plans Oct_2012.docx



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KEY:

- EX EXISTING
- PP PREPARE, PRIME THEN PAINT
- PL PLANTER
- R ROOF
- F EXISTING FOOTPATH
- TTF NEW CONCRETE WALL WITH TIMBER TEXTURED FINISH.
- T TERRACE BELOW
- SP SOLAR PANELS ON FRAME ON ROOF



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SITE PLAN

1:200

revisions

A. 24/5/2018 New brick fence 3000 AFGLevel to neighbours request

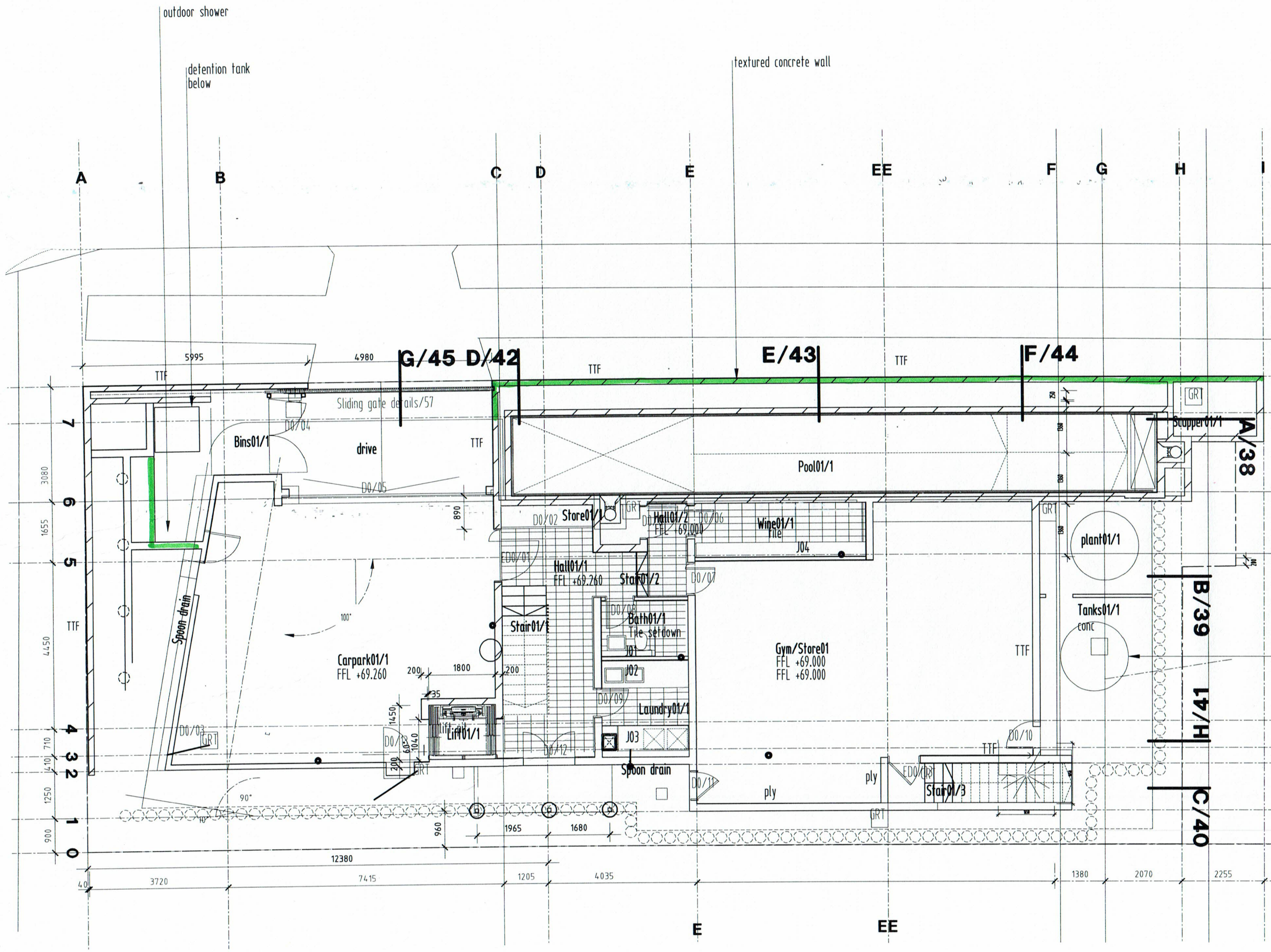
27 Evans Street, Bronte NSW 2024
for Stephen Auld & Charlotte Peterswald



1/5/2018

KEY:

- CONC FINISHES:
- TTF TIMBER TEXTURED FINISH, EXPRESSED GRAIN HORIZONTAL
 - STF SMOOTH FINISH, GROUTED HOLES, EVEN SPACE HORIZONTAL & VERTICAL
 - RF ROUGH OFF FORM FINISH
 - SP 300 SPOON DRAIN FALL 1:100 TO GRATE
 - P 300 Ø PILES



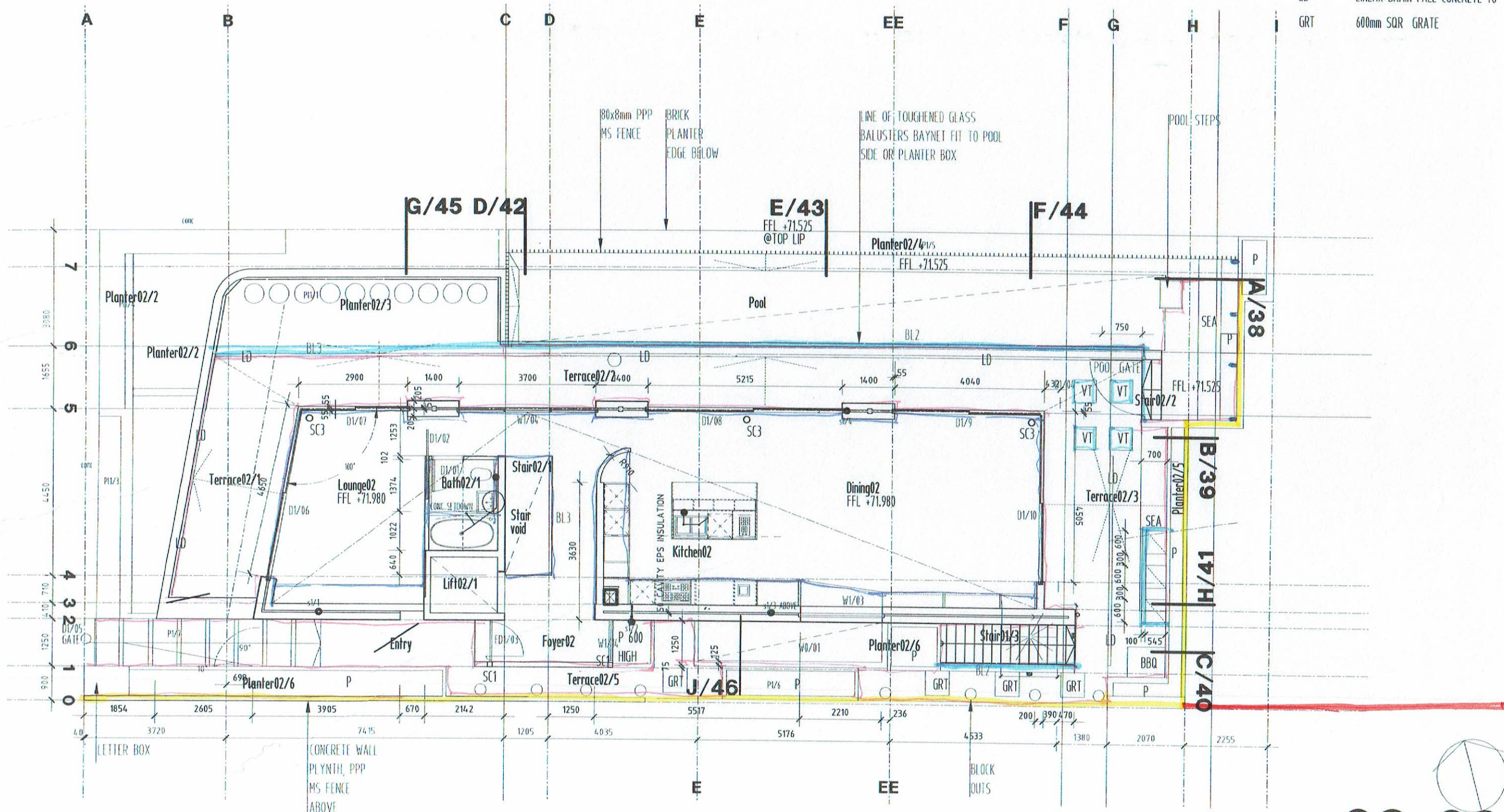
FLOOR PLAN - BASEMENT

27 Evans Street, Bronte NSW 2024
for Stephen Auld & Charlotte Peterswald

05-01p
1/5/2018

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- P 350 WIDE PLANTER
- SEA CAST IN SEAT, GLASS BLOCKS BELOW
- BBQ 800x1000 BBQ
- VT STAINLESS STEEL VENTS 600x600 MATCH LINEAR DRAINS
- LD LINEAR DRAIN FALL CONCRETE TO
- GRT 600mm SQR GRATE



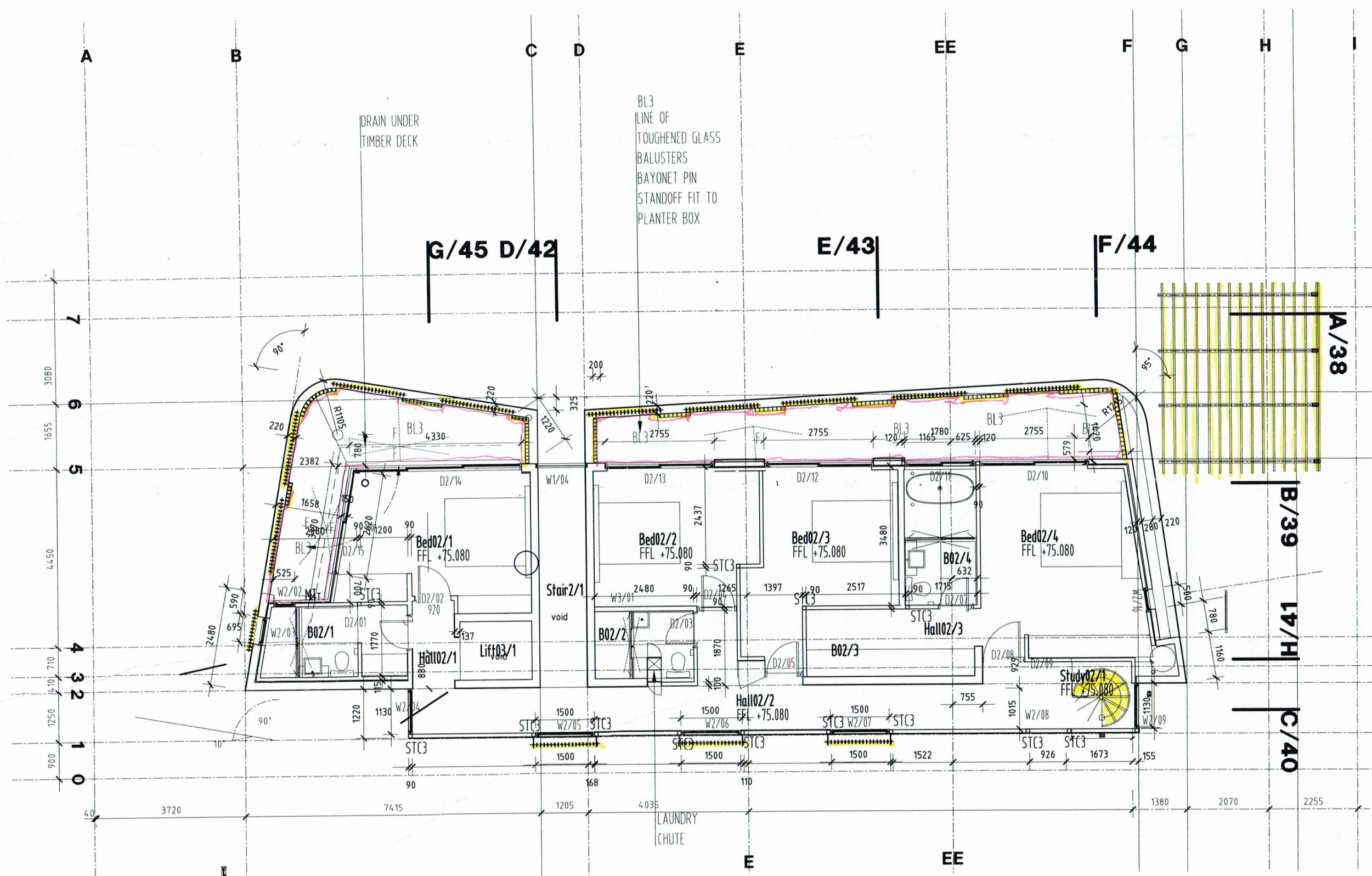
FLOOR PLAN - GROUND

01.100

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 for Stephen Auld & Charlotte Peterswald

06-02379
 1/5/2018

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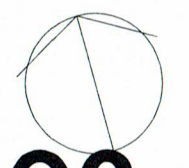


FLOOR PLAN - UPPER

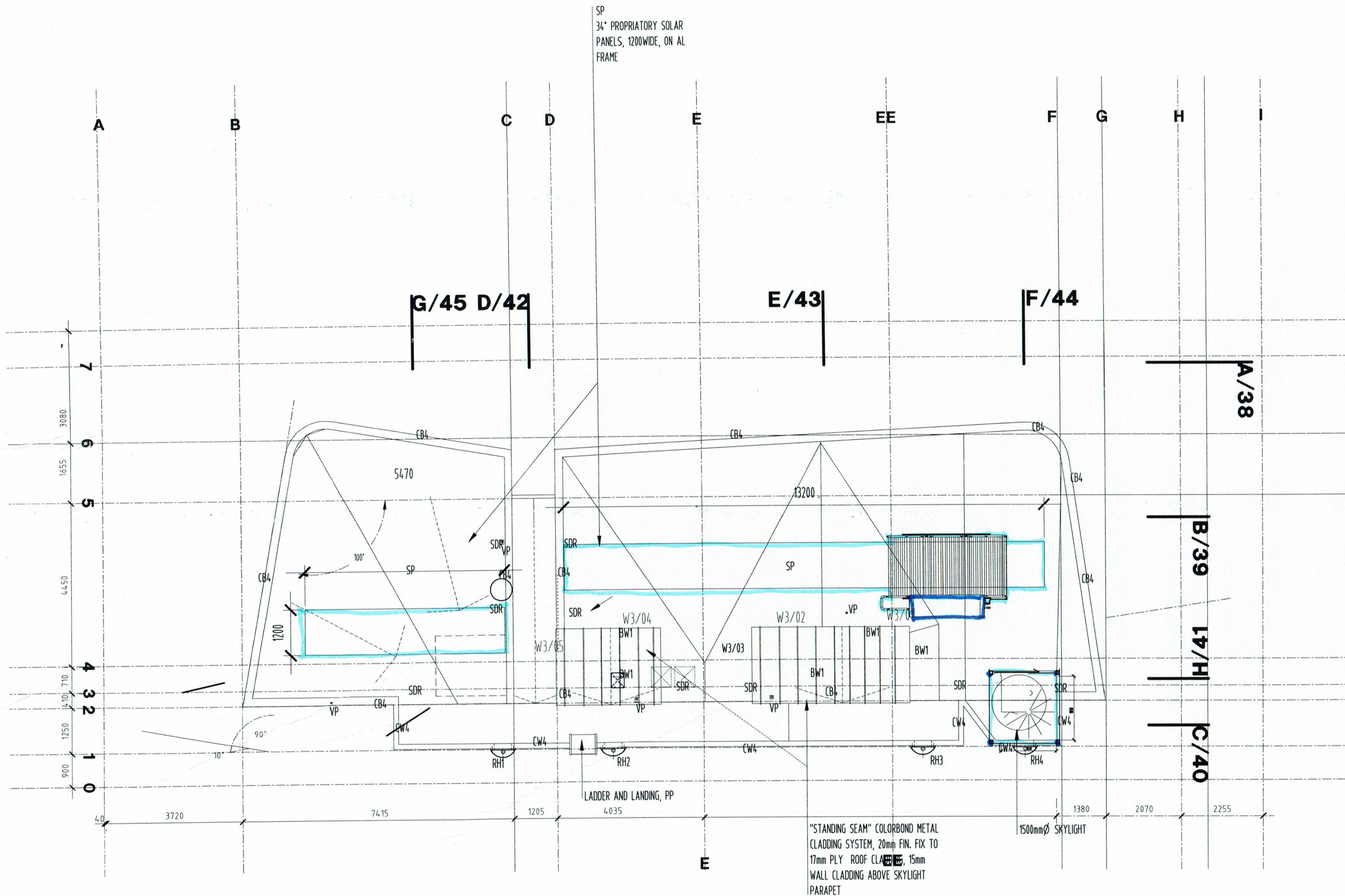
01 of 10

27 Evans Street, Bronte NSW 2024
for Stephen Auld & Charlotte Peterswald

07-03p
1/5/2018



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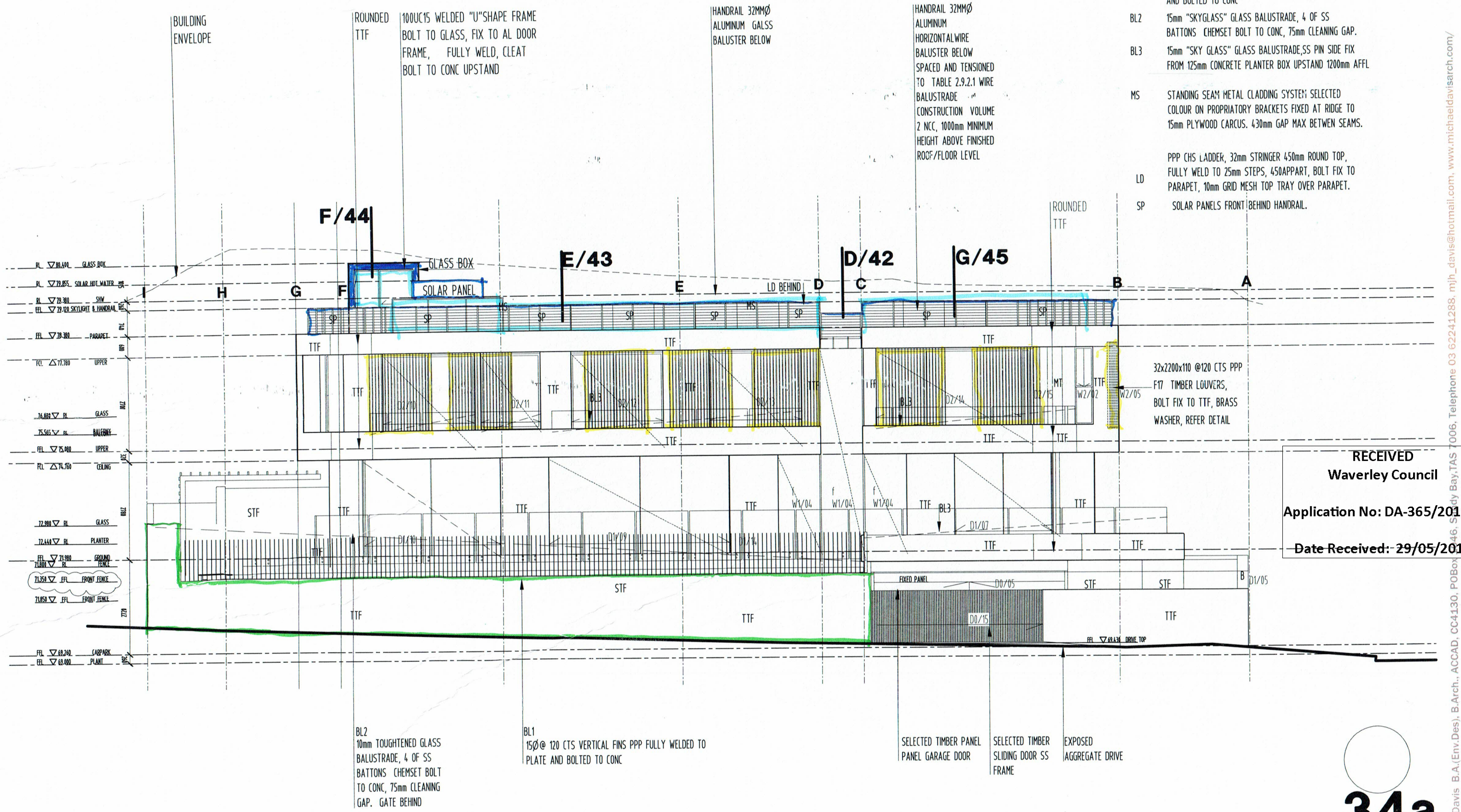
ROOF PLAN
01/10/18

27 Evans Street, Bronte NSW 2024
for Stephen Auld & Charlotte Peterswald

08-04p
1/5/2018

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- FINISHES:**
- TTF TIMBER TEXTURED FINISH, EXPRESSED GRAIN HORIZONTAL
 - STF SMOOTH FINISH, GROUTED HOLES, EVEN SPACE HORIZONTAL & VERTICAL
 - RF ROUGH OFF FORM FINISH
 - PC POLISHED CONCRETE WITH SELECTED ADGREGATE
 - BL1 20mmØ VERTICAL FINS PPP FULLY WELDED TO PLATE AND BOLTED TO CONC
 - BL2 15mm "SKYGLASS" GLASS BALUSTRADE, 4 OF SS BATTONS CHEMSET BOLT TO CONC, 75mm CLEANING GAP.
 - BL3 15mm "SKY GLASS" GLASS BALUSTRADE, SS PIN SIDE FIX FROM 125mm CONCRETE PLANTER BOX UPSTAND 1200mm AFFL
 - MS STANDING SEAM METAL CLADDING SYSTEM; SELECTED COLOUR ON PROPRIATARY BRACKETS FIXED AT RIDGE TO 15mm PLYWOOD CARCUS. 430mm GAP MAX BETWEEN SEAMS.
 - LD PPP CHS LADDEK, 32mm STRINGER 450mm ROUND TOP, FULLY WELD TO 25mm STEPS, 450APPART, BOLT FIX TO PARAPET, 10mm GRID MESH TOP TRAY OVER PARAPET.
 - SP SOLAR PANELS FRONT BEHIND HANDRAIL.



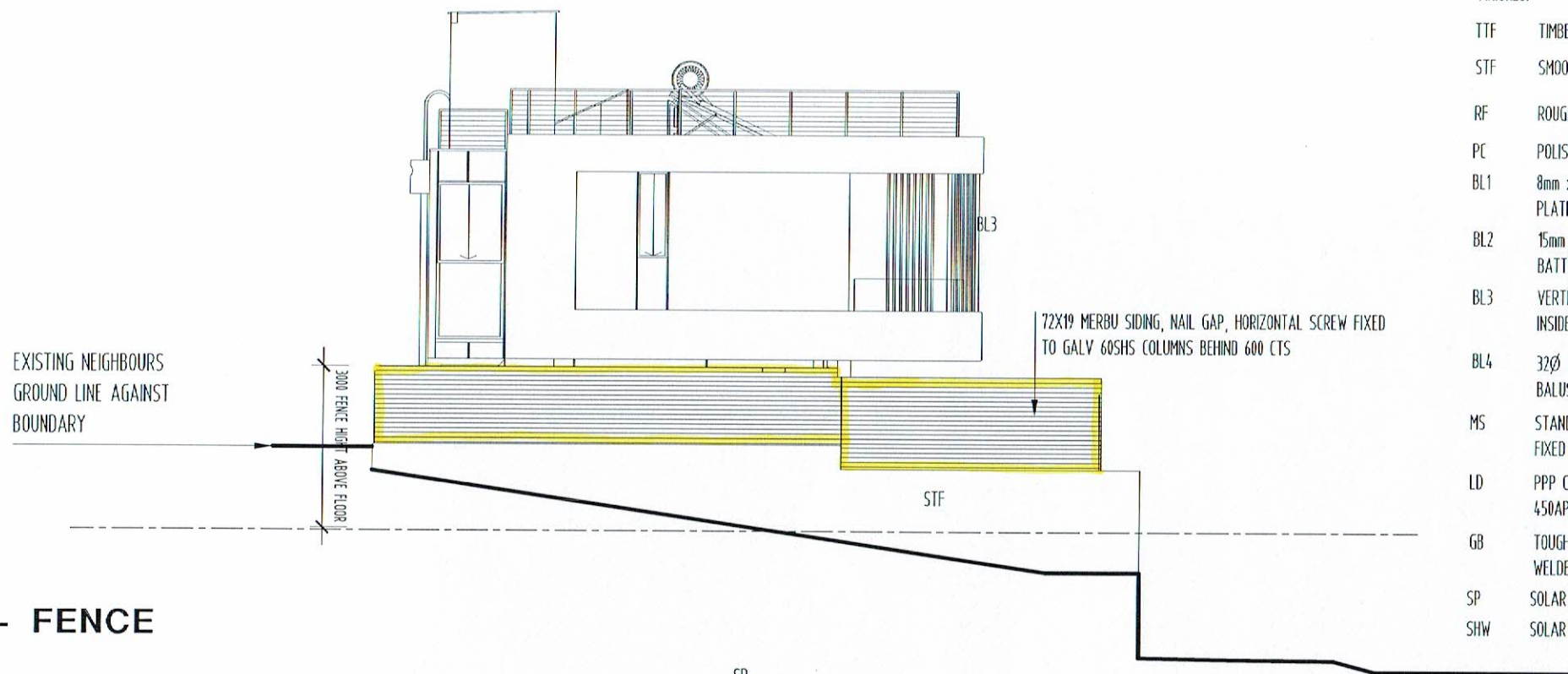
NORTH ELEVATION
01/10/20

27 Evans Street, Bronte NSW 2024
for Stephen Auld & Charlotte Peterswald

34a
1/5/2018

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- STF SMOOTH FINISH, GROUTED HOLES, EVEN SPACE HORIZONTAL & VERTICAL
- RF ROUGH OFF FORM FINISH
- PC POLISHED CONCRETE WITH SELECTED ADGREGATE
- BL1 8mm x 100mm VERTICAL FINS PPP FULLY WELDED TO PLATE AND BOLTED TO CONC
- BL2 15mm "SKYGLASS" GLASS BALUSTRADE, 4 OF SS BATTONS CHEMSET BOLT TO CONC, 75mm CLEANING GAP.
- BL3 VERTICAL TIMBER BALUSTRADE TO MATCH LOUVER FIX TO INSIDE OF CONCRETE UPSTAND 1000mm AFFL MIN
- BL4 32Ø mm SS BALUSTRADE 1000mm ABOVE FRL, SWAGED AND TRUNBUCKLED WIRE HORIZONTAL BALUSTERS TIGHTENED TO NCC BALUSTRADES
- MS STANDING SEAM METAL CLADDING SYSTEM SELECTED COLOUR ON PROPRIETARY BRACKETS FIXED AT RIDGE TO 15mm PLYWOOD CARCUS. 430mm GAP MAX BETWEEN SEAMS.
- LD PPP CHS LADDER, 32mm STRINGER 450mm ROUND TOP, FULLY WELD TO 25mm STEPS, 450APPART, BOLT FIX TO PARAPET, 10mm GRID MESH TOP TRAY OVER PARAPET.
- GB TOUGHTENED GLASS BOX WITH PROPRIETARY SS CLEATES HELD WITH INTERNAL FULLY WELDED & GALVANISED SHS FRAME ON EA BOLTED TO CONC.
- SP SOLAR PANELS SIDE
- SHW SOLAR HOT WATER WITH ATTACHED HWC

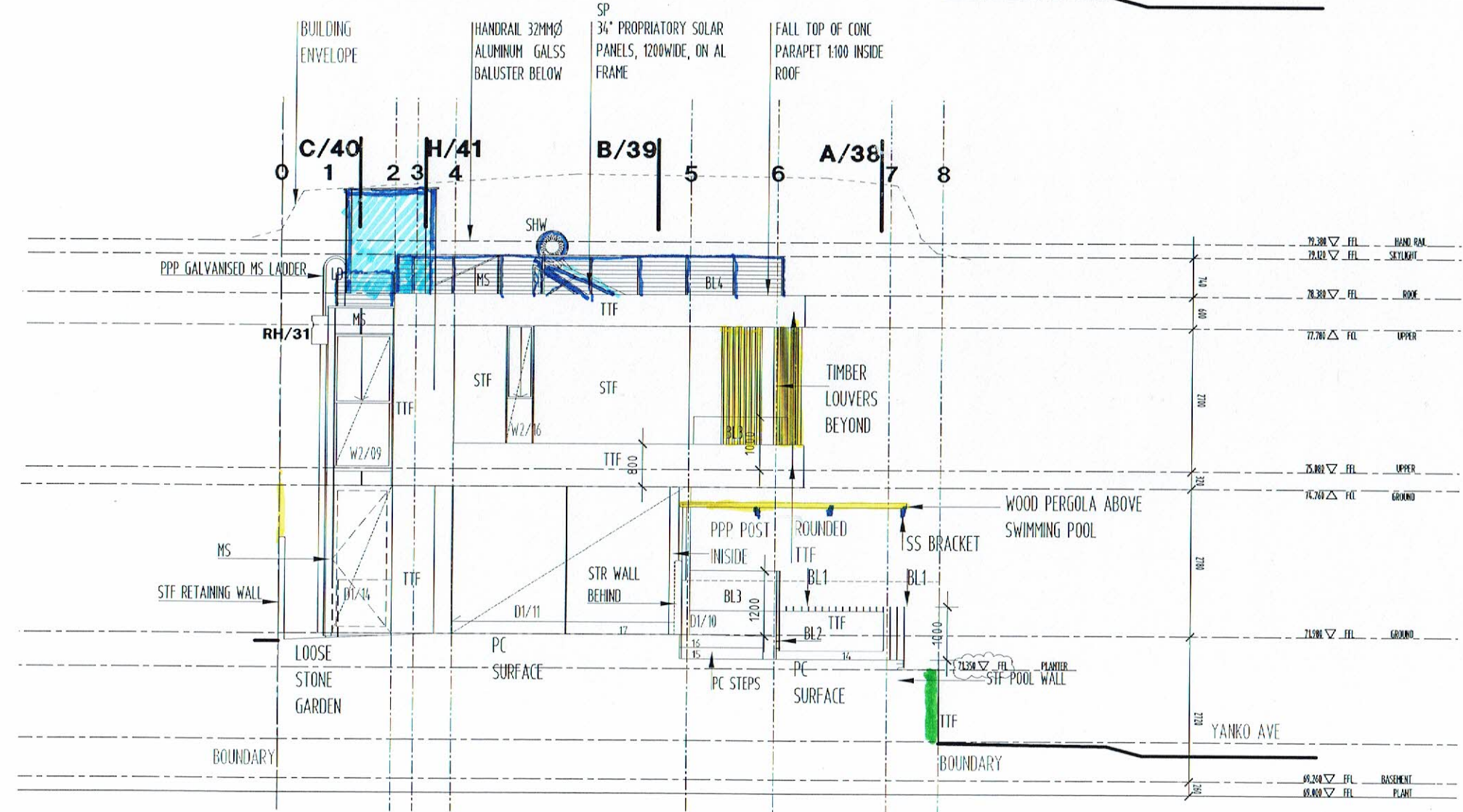
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EAST ELEVATION - FENCE
1:100



EAST ELEVATION
1:100

27 Evans Street, Bronte NSW 2024
for Stephen Auld & Charlotte Peterswald

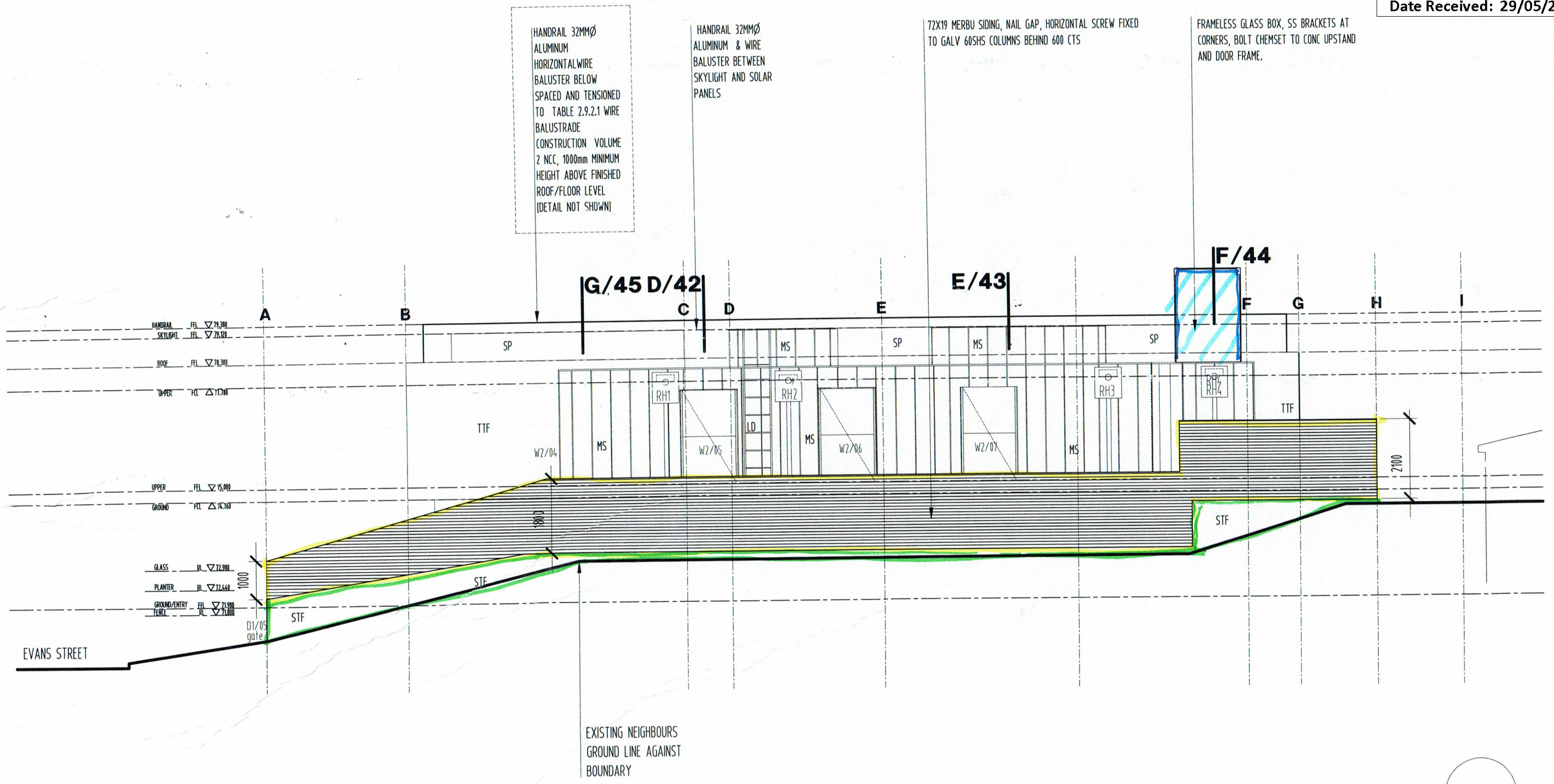
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FINISHES:

- STF SMOOTH FINISH, GROUTED HOLES, EVEN SPACE HORIZONTAL & VERTICAL
- SP SOLAR PANELS REAR

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SOUTH ELEVATION - FENCE DETAILS

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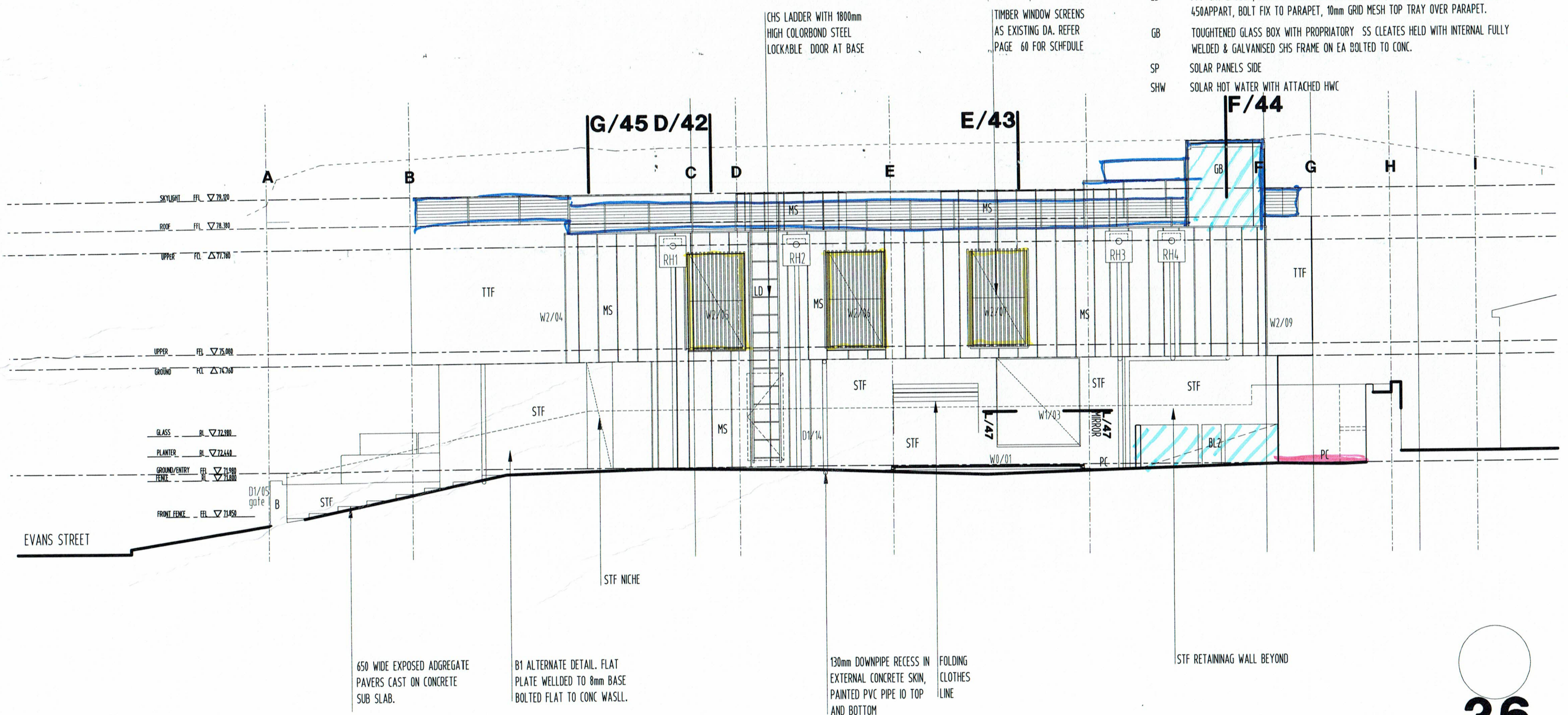
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- BL4 32% mm SS BALUSTRADE 1000mm ABOVE FRL, SWAGED AND TRUNBUCKLED WIRE TIGHTENED TO NCC BALUSTRADES
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- LD PPP CHS LADDER, 32mm STRINGER 450mm ROUND TOP, FULLY WELD TO 25mm STEPS, 450APPART, BOLT FIX TO PARAPET, 10mm GRID MESH TOP TRAY OVER PARAPET.
- GB TOUGHTENED GLASS BOX WITH PROPRIATARY SS CLEATES HELD WITH INTERNAL FULLY WELDED & GALVANISED SHS FRAME ON EA BOLTED TO CONC.
- SP SOLAR PANELS SIDE
- SHW SOLAR HOT WATER WITH ATTACHED HWC

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SOUTH ELEVATION

01/10/1

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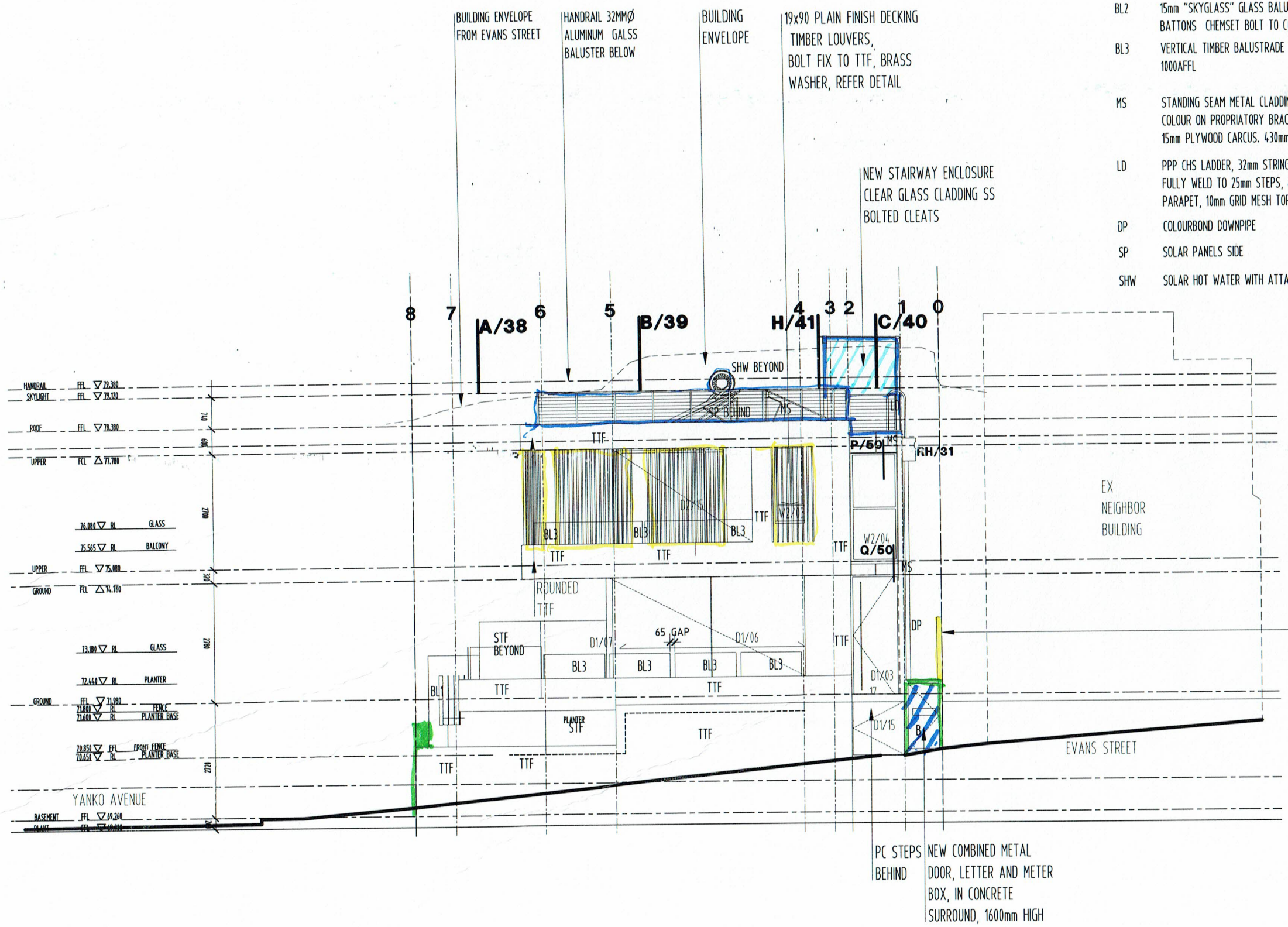
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 1/5/2018

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- BL3 VERTICAL TIMBER BALUSTRADE TO MATCH LOUVERS MIN 1000AFFL
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- DP COLOURBOND DOWNPIPE
- SP SOLAR PANELS SIDE
- SHW SOLAR HOT WATER WITH ATTACHED HWC

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WEST ELEVATION

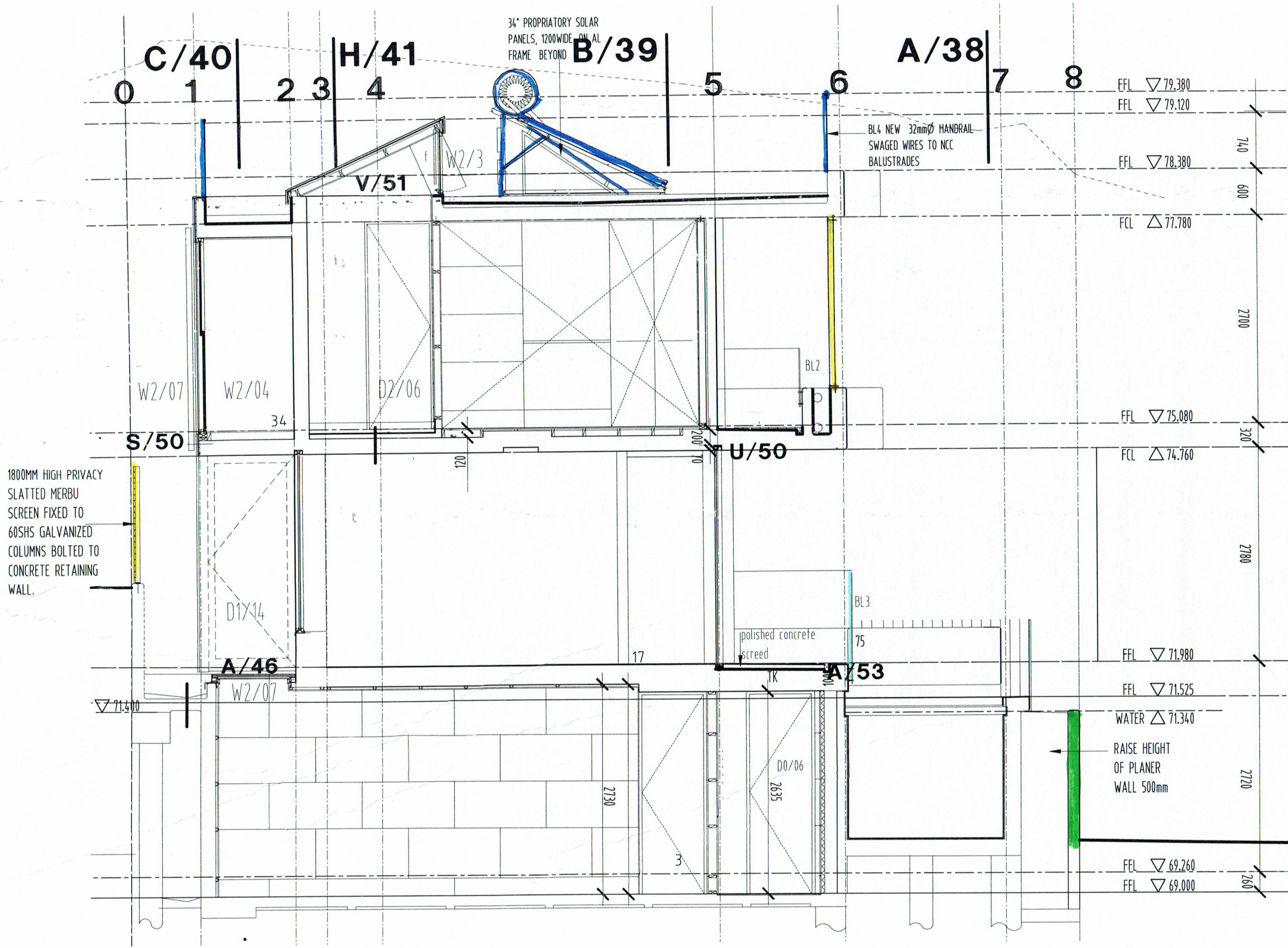
01.10.01

27 Evans Street, Bronte NSW 2024
 for Stephen Auld & Charlotte Peterswald

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 386
 1/5/2018

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SECTION E
 05021

27 Evans Street, Bronte NSW 2024
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4387
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